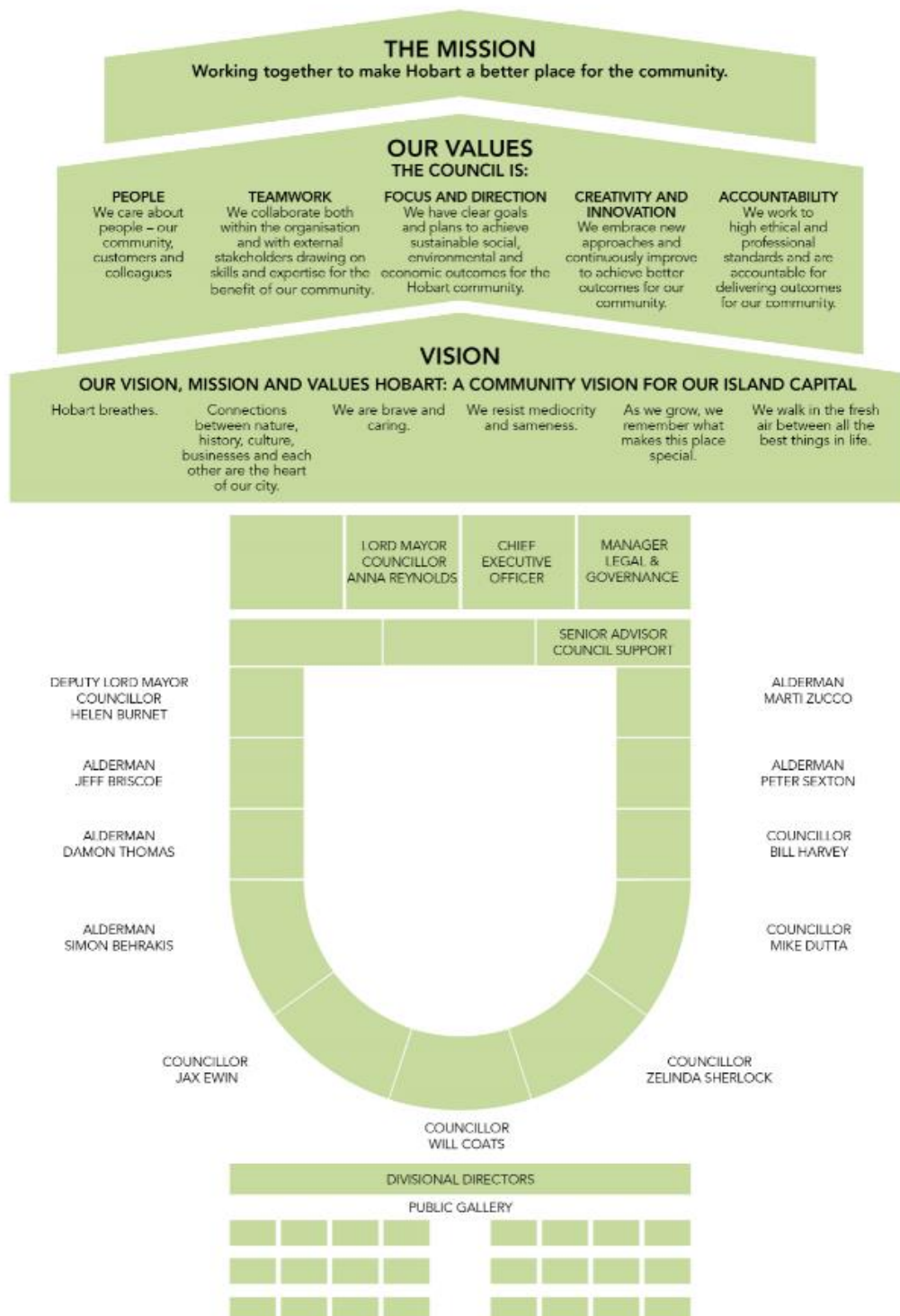




CITY OF HOBART

AGENDA
OPEN PORTION OF THE COUNCIL MEETING
MONDAY, 5 JULY 2021
AT 5:00 PM





ORDER OF BUSINESS

APOLOGIES AND LEAVE OF ABSENCE

1. CONFIRMATION OF MINUTES.....	5
2. TRANSFER OF AGENDA ITEMS.....	5
3. COMMUNICATION FROM THE CHAIRMAN.....	5
4. NOTIFICATION OF COUNCIL WORKSHOPS.....	6
5. PUBLIC QUESTION TIME.....	6
6. PETITIONS.....	6
7. CONSIDERATION OF SUPPLEMENTARY ITEMS.....	6
8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST.....	6
REPORTS OF COMMITTEES.....	7

CITY PLANNING COMMITTEE

9. COUNCIL ACTING AS PLANNING AUTHORITY.....	7
9.1 79 Collins Street, Hobart and Adjacent Road Reserve - Partial Demolition and New Building for Visitor Accommodation, Hotel Industry, Food Services, and Community Meeting and Entertainment, and Associated Works.....	7
9.2 35 Lipscombe Avenue, 37 Lipscombe Avenue and 16 Lauramont Avenue, Sandy Bay - Two Multiple Dwellings (One Existing, One New)	7

CITY INFRASTRUCTURE COMMITTEE

10. Draft Container Refund Scheme Bill 2021 - Release for Public Comment	8
11. Council Delegations - Local Government (Highways) Act 1982 - Officer Delegations.....	8
12. Stage 3 New Town Retail Precinct Upgrade - LRCI Round 3 Grant Funding Opportunity	8

COMMUNITY, CULTURE AND EVENTS COMMITTEE

13. Draft Affordable Housing & Homelessness Commitment.....	9
------------------------------------------------------------------------	----------

ECONOMIC DEVELOPMENT & COMMUNICATIONS COMMITTEE

14. COVID-19 Economic Recovery Plan - July 2021 Update 10
15. Grants Program - Business Grants Stream 2021-22 10

SPECIAL REPORT - LORD MAYOR

16. Elected Member Professional Development Plan - Councillor Dr
Zelinda Sherlock 11

SPECIAL REPORT – CHIEF EXECUTIVE OFFICER

17. Code of Conduct Determination Report Ms Louise Bloomfield v
Councillor Bill Harvey 15
18. CLOSED PORTION OF THE MEETING..... 22

A MEETING OF THE OPEN PORTION OF THE COUNCIL WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL ON MONDAY, 5 JULY 2021 AT 5:00 PM.

Kelly Grigsby
Chief Executive Officer

The title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant s.61 of the *Local Government Act 1993* (Tas).

This meeting of the Council is held in accordance with a Notice issued by the Premier on 3 April 2020 under section 18 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

ELECTED MEMBERS:

Lord Mayor A M Reynolds
Deputy Lord Mayor H Burnet
Alderman M Zucco
Alderman J R Briscoe
Alderman Dr P T Sexton
Alderman D C Thomas
Councillor W F Harvey
Alderman S Behrakis
Councillor M S C Dutta
Councillor J Ewin
Councillor Dr Z E Sherlock
Councillor W N S Coats

APOLOGIES:

LEAVE OF ABSENCE: Nil.

1. CONFIRMATION OF MINUTES

The Chairman reports that she has perused the minutes of the meeting of the Special Meeting of All Council Committees held on [Wednesday, 16 June 2021](#), and the Open Portion of the Council meeting held on [Monday, 21 June 2021](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

2. TRANSFER OF AGENDA ITEMS

Are there any items, which the meeting believes, should be transferred from this agenda to the closed agenda or from the closed agenda to the open agenda, in accordance with the procedures allowed under Section 15 of the *Local Government (Meeting Procedures) Regulations 2015*?

3. COMMUNICATION FROM THE CHAIRMAN

4. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the Chief Executive Officer reports that the following workshop has been conducted since the last ordinary meeting of the Council.

Date: 29 June 2021
Purpose: Capital City Strategic Workshop Update

5. PUBLIC QUESTION TIME

6. PETITIONS

7. CONSIDERATION OF SUPPLEMENTARY ITEMS

Ref: Part 2, Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*.

RECOMMENDATION

That the Council resolve to deal with any supplementary items not appearing on the agenda, as reported by the Chief Executive Officer in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2015*.

8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

Ref: Part 2, Regulation 8(7) of the *Local Government (Meeting Procedures) Regulations 2015*.

Elected Members are requested to indicate where they may have any pecuniary or conflict of interest in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with.

REPORTS OF COMMITTEES

CITY PLANNING COMMITTEE

9. COUNCIL ACTING AS PLANNING AUTHORITY

In accordance with the provisions of Part 2 Regulation 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the intention of the Council to act as a planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted.

In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under this heading on the agenda, inclusive of any supplementary items.

The Council is reminded that in order to comply with Regulation 25(2), the Chief Executive Officer is to ensure that the reasons for a decision by a Council or Council Committee acting as a planning authority are recorded in the minutes.

9.1 79 Collins Street, Hobart and Adjacent Road Reserve - Partial Demolition and New Building for Visitor Accommodation, Hotel Industry, Food Services, and Community Meeting and Entertainment, and Associated Works
PLN-20-911 - File Ref: F21/60432

Ref: Open [CPC 7.2.1](#), 28/06/2021
Application Expiry Date: 6 July 2021

That the item be referred to the Council without recommendation.

Attachment A - City Planning Committee Agenda - 28 June 2021 - Item
7.2.1 - 79 Collins Street, Hobart & Adjacent Road
Reserve - Partial Demolition and New Building for Visitor
Accommodation, Hotel Industry Food Services &
Community Meeting & Entertainment & Associated
Works (Supporting Information)

9.2 35 Lipscombe Avenue, 37 Lipscombe Avenue and 16 Lauramont Avenue, Sandy Bay - Two Multiple Dwellings (One Existing, One New)
PLN-21-272 - File Ref: F21/63011

Ref: Special Open [CPC 3.1.1](#), 5/07/2021
Application Expiry Date: 22 July 2021

A recommendation will be submitted to the meeting.

CITY INFRASTRUCTURE COMMITTEE

**10. Draft Container Refund Scheme Bill 2021 - Release for Public Comment
File Ref: F21/54971; 2016-0192**

Ref: Open [CIC 6.2](#), 23/06/2021

- That:
1. The report on the State Government Container Refund Scheme, be noted.
 2. The Chief Executive Officer be authorised to contribute to the review of the *Draft Container Refund Scheme Bill 2021*, and provide a supportive submission to the Local Government Association of Tasmania.
 3. The Chief Executive Officer be authorised to provide feedback on the Regulation (when developed) to underpin the administration of the *Draft Container Refund Scheme Bill 2021*.

**11. Council Delegations - Local Government (Highways) Act 1982 - Officer Delegations
File Ref: F21/56056**

Ref: Open [CIC 6.3](#), 23/06/2021

That the Council delegate powers under the *Local Government (Highways) Act 1982* to the roles of Manager Parks and Recreation and Program Leader Arboriculture and Nursery, as marked in Attachment A to item 6.3 of the Open City Infrastructure Committee agenda of 23 June 2021.

- (i) As prescribed in the Act, a two-thirds simple majority vote of the Council is required to grant the delegated powers.

**12. Stage 3 New Town Retail Precinct Upgrade - LRCI Round 3 Grant Funding Opportunity
File Ref: F21/57435; 2017-0082-02**

Ref: Supplementary Open [CIC 10](#), 23/06/2021

- That:
1. The Council authorise the Chief Executive Officer to nominate the works associated with the Stage 3 New Town retail precinct upgrade for funding under phase 3 of the Australian Governments LRTI Program.
 2. The Council allocate for its consideration an amount of \$500,000 from the Capital works budget allocation in the 2022-23 year for Stage 3 New Town retail precinct upgrade project.

COMMUNITY, CULTURE AND EVENTS COMMITTEE

13. Draft Affordable Housing & Homelessness Commitment

File Ref: F21/55443; 17/237

Ref: Open [CCEC 6.1](#), 24/06/2021

- That:
1. The Council endorse the draft Affordable Housing & Homelessness Commitment 2021-23, marked as Attachment A to item 6.1 of the Open Community Culture and Events Committee agenda of 24 June 2021 for broad community engagement.
 2. A further report be provided to the Council detailing the outcome of the community engagement and presenting the final document for Council approval.

ECONOMIC DEVELOPMENT & COMMUNICATIONS COMMITTEE

14. COVID-19 Economic Recovery Plan - July 2021 Update

File Ref: F21/54446; 17/298

Ref: Open [EDCC 6.2](#), 24/06/2021

- That:
1. The COVID-19 Economic Response and Recovery Framework and Action Plan 2020-22 – July update, marked as Attachment A to item 6.2 of the Open Economic Development and Communications Committee of 24 June 2021, be endorsed as the second and final update to COVID-19 economic recovery planning.
 2. The Council note the shift in focus from economic recovery to economic development as of this update.
 3. The updated framework and action plan marked as Attachment A to item 6.2 of the Open Economic Development and Communications Committee of 24 June 2021, be provided to the Economic Recovery Business Consultative Group for information and discussion.
 4. Officers continue to engage with the Economic Recovery Business Consultative Group on the future of Hobart's economy, seeking their input on the new economic development strategy as it is progressed.

15. Grants Program - Business Grants Stream 2021-22

File Ref: F21/48772; 20/73

Ref: Open [EDCC 6.3](#), 24/06/2021

- That:
1. The Council endorse the strategic framework of the Business Grant stream 2021-22, marked as Attachment A to item 6.3 of the Open Economic Development and Communications Committee agenda of 24 June 2021 to assist businesses:
 - in running projects or programs beyond their business as usual, to create a community benefit,
 - to be audience and/or consumer-focused,
 - to build a new loyal customer base.
 2. The Council endorse the first iteration of the new Business Grant stream as the Local Business for a Better Community Grant.
 3. The Chief Executive Officer be delegated the authority to develop the Terms and Conditions including guidelines of the Business Grant stream 2021-22 in accordance with the City of Hobart Grants Policy.

SPECIAL REPORT - LORD MAYOR

16. Elected Member Professional Development Plan - Councillor Dr Zelinda Sherlock
File Ref: F21/60663

Memorandum of the Lord Mayor of 30 June 2021 and attachment.

Delegation: Council



City of **HOBART**

MEMORANDUM: COUNCIL

**Elected Member Professional Development Plan -
Councillor Dr Zelinda Sherlock**

In accordance with the Elected Member Development and Support Policy, the attached Professional Development Plan for Councillor Dr Zelinda Sherlock is provided for information.

The estimated costs associated with the professional development plan is \$450.00 which will be deducted from Councillor Dr Zelinda Sherlock's individual allocation and attributed to the Elected Member professional development allocation within the Elected Member Allowances and Expenses Function of the Annual Plan 2020-21.

RECOMMENDATION

That the Professional Development Plan for Councillor Dr Zelinda Sherlock, marked as Attachment A, be received and noted.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Councillor A M Reynolds
LORD MAYOR

Date: 30 June 2021
File Reference: F21/60663

Attachment A: Elected Member Development Plan - Cr Sherlock - June 2021
 

Professional Development Plan for Elected Member Zelinda Sherlock for the 12 month period commencing Nov 2020

Development need:	Targeted Outcome:	Identified activity / training and location: (if known)	Date of activity (if known):	Cost (if known):	Supporting documentation attached ✓	Date report provided: (office use)
Local Government Issues	<p>To be better informed of the changes and development in local government in my area.</p> <p>"This year's Conference theme is "local solutions for local communities" recognising the importance of place and harnessing local opportunities to support resilient communities."</p>	LGAT Annual Conference 2021.	"Day One - LGAT Access to the program on Day One – including General Meeting, plenary speaker, Local Solutions Session, refreshment breaks and the Commonwealth Bank Conference Dinner)." (5 th August 2021)	\$450	https://www.lgat.tas.gov.au/events/lgat-conference	



Zelinda Sherlock

Elected Member

Date: 11/06/2021

Date plan provided to Council for noting



Approved by Lord Mayor Councillor Anna Reynolds

Date:

18/6/21

SPECIAL REPORT – CHIEF EXECUTIVE OFFICER

**17. Code of Conduct Determination Report Ms Louise Bloomfield v
Councillor Bill Harvey
File Ref: F21/63258**

Memorandum of the Chief Executive Officer of 30 June 2021 and attachment.

Delegation: Council

City of **HOBART****MEMORANDUM: COUNCIL****Code of Conduct Determination Report Ms Louise Bloomfield v Councillor Bill Harvey**

Pursuant to section 28ZK(2) of the *Local Government Act 1993* I have been provided with a copy of a determination report from the Code of Conduct Panel in respect to a complaint lodged by Ms Louise Bloomfield against Councillor Bill Harvey.

The Act requires that I table this at the first meeting of the Council which is practicable to do so and which is open to the public. As such, a copy of the determination report is included as **Attachment A** to this report

RECOMMENDATION

That the Council receive and note the Code of Conduct Determination Report in respect to a complaint lodged by Ms Louise Bloomfield against Councillor Bill Harvey, shown as Attachment A to this report.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Kelly Grigsby
CHIEF EXECUTIVE OFFICER

Date: 30 June 2021
File Reference: F21/63258

Attachment A: Code of Conduct Determination Report - 22 June 2021 ↓

Local Government Code of Conduct Panel

Executive Building, 15 Murray Street, HOBART TAS 7000 Australia
GPO Box 123, HOBART TAS 7001 Australia
Ph: (03) 6232 7220 Email: lgconduct@dpac.tas.gov.au

PRIVATE AND CONFIDENTIAL

Ms Kelly Grigsby
Chief Executive Officer
HOBART CITY COUNCIL

Dear Ms Grigsby

**Code of Conduct Panel Determination Report –
*Local Government Act 1993 (Section 28ZJ)***

In accordance with section 28ZK of the *Local Government Act 1993* (the Act) the Code of Conduct Panel has made its determination in relation to the complaint lodged by Ms Louise Bloomfield against Councillor Bill Harvey. A copy of the Determination Report is enclosed.

As per section 28ZK (2) of the Act, copies have also been provided today to Ms Bloomfield, Councillor Harvey and to the Director of Local Government.

Section 28ZK (7) of the *Local Government Act 1993* requires that any person who receives a determination report must keep the determination report confidential until the report is included within an item on the agenda for a meeting of the relevant council. Failure to do so may result in a fine of up to fifty penalty units.

In accordance with section 28ZK (4) of the Act, you are to ensure that the Report is tabled at the first meeting of the Council at which it is practicable to do so and which is open to the public.

I may be contacted on (03) 6232 7220 or by email at lgconduct@dpac.tas.gov.au if you have any queries.

Yours sincerely



Helen Medhurst
Executive Officer
Code of Conduct Panel

22 June 2021

Encl. Determination Report

Section 28ZK (7) of the *Local Government Act 1993* requires that any person who receives a determination report must keep the determination report confidential until the report is included within an item on the agenda for a meeting of the relevant council. Failure to do so may result in a fine of up to 50 penalty units.

Local Government Act 1993

**CODE OF CONDUCT PANEL DETERMINATION REPORT
HOBART CITY COUNCIL CODE OF CONDUCT**

Complaint brought by Ms Louise Bloomfield against Councillor (Cr) Bill Harvey

Code of Conduct Panel

- Jill Taylor (Chairperson),
- David Sales (Local Government Member)
- Phillip Zeeman (Legal Member)

Date of Determination: 21 June 2021

Content Manager Reference: C21938

Summary of the complaint

A code of conduct complaint was submitted by Ms Louise Bloomfield to the General Manager, Hobart City Council under cover of a Statutory Declaration dated 10 February 2021.

Ms Bloomfield alleged that Cr Bill Harvey breached the Hobart City Council's Elected Member Code of Conduct, which was adopted by the Council on 18 February 2019, in his role as Chairman of the Council Infrastructure Committee (CIC) at its meeting held on 25 November 2020 in relation to Item 6.2 "the Midtown Project".

Ms Bloomfield made a submission for consideration by the CIC in relation to the Midtown Project in which she presented the results of a survey she had undertaken with 142 contributors.

The complainant alleges that Cr Harvey, in his capacity as Chair of the CIC, did not consider the findings of her survey and that he was biased and not impartial in consideration of the information presented by Ms Bloomfield. Furthermore, Ms Bloomfield alleges that Cr Harvey did not treat her fairly.

The following are the Parts of the Code which Ms Bloomfield alleges Cr Harvey has breached:

Part 1.1 *An elected member must bring an open and unprejudiced mind to all matters being decided upon in the course of their duties, including when making planning decisions as part of the Council's role as a Planning Authority.*

Part 1.2 *An elected member must make decisions free from personal bias or prejudgement.*

Part 1.3 *In making decisions, an elected member must give genuine and impartial consideration to all relevant information known to them, or of which they should have reasonably been aware.*

Part 7.1(a) *An elected member— (a) must treat all persons fairly.*

Part 8.2. *An elected member must not knowingly misrepresent information that they have obtained in the course of their duties.*

Initial assessment

Following receipt of the complaint, the Chairperson conducted an initial assessment of the complaint in accordance with the requirements of section 28ZA of the Act. Having assessed the complaint against the provisions of sections 28ZB and 28ZC of the Act, the Chairperson determined that:

- the complainant had made a reasonable effort to resolve the complaint. The complainant alleges that Cr Harvey "rebuffed" her approaches and publicly misrepresented her in his emails and social media posts.
- the complaint substantially related to a contravention of Hobart City Council's Code of Conduct, namely Parts 1.1, 1.2, 1.3, 7.1 (a) and 8.2.
- the complaint should not be dismissed on the grounds that it was frivolous, vexatious or trivial. The reasons for this conclusion were that evidence submitted to the Panel may, if taken at its highest, demonstrate that Cr Harvey breached the Code of Conduct.
- having made enquiries of the Code of Conduct Executive Officer, there was no relevant direction under section 28ZB (2) or 28ZI of the Act that would apply to the complainant and the complaint.¹

On this basis, the Chairperson determined on 12 March 2021 to investigate the complaint.

The complainant, respondent councillor and the General Manager were notified of the outcome of the outcome of the initial assessment by letter dated 22 March 2021.

Investigation

The Panel met on 6 May 2021 to consider this complaint. The following documents had been presented to the Panel to consider as evidence in this matter:

- Ms Bloomfield's complaint lodged under cover of a statutory declaration dated 10 February 2021;
- Ald Harvey's response sent under cover of a statutory declaration dated 19 April 2021, and
- City of Hobart Elected Member Code of Conduct adopted on 18 February 2019.

On 14 May 2021, the complainant and respondent councillor were notified of the Panel's intention to proceed to determine the complaint without a hearing. Both parties were invited to provide any objection to this course of action. The reasons for such objections were to be in writing and submitted to the Panel within 10 business days. No objection was received. On 24 May 2021, Cr Harvey provided a final submission to the Panel. On 1 June 2021, Ms Bloomfield advised that she did not wish to make a further submission.

Cr Harvey's submission dated 24 May 2021 was included in the evidence considered by the Panel when it met on 9 June 2021 to determine the complaint. Pursuant to section 28ZG (3), the Panel considered all the written documentation listed above, and investigated the complaint without a hearing.

In his submission, Cr Harvey confirmed that he was Chairman of the CIC, and that at the meeting on 25 November 2020 it considered the Council's Elizabeth Street (Midtown) Retail Precinct – Proposed Streetscape Concept, known as the Midtown Project. In their submissions both Ms Bloomfield and Cr Harvey included details of the subject matter discussed at this meeting. It is not the role of the Panel to consider the merits of the project, nor to assess the Council's administrative or decision-making processes. The Panel, therefore, disregarded information submitted specific to the Midtown Project and only considered evidence before it in relation to the alleged breaches by Cr Harvey against each of the Parts of the Code nominated by Ms Bloomfield.

¹ Section 28ZB(2) and 28ZI of the Act enable the Chairperson or the Panel (as applicable) to issue a direction to a complainant in prescribed circumstances not to make a further complaint in relation to the same matter unless the complainant provides substantive new information in the further complaint.

Determination

Pursuant to section 28ZI(1)(c), the Panel dismisses the whole complaint alleging breaches against Parts 1.1, 1.2, 1.3, 7.1 (a) and 8.2.

Reasons for determination

The Code of Conduct Panel considered relevant information provided by Ms Bloomfield dated 10 February 2021 and Cr Harvey's submissions dated 19 April 2021 and 24 May 2021 along with supporting statutory declarations. The Panel assessed this material against the parts of the Code that, according to the complaint, Cr Harvey breached. The Panel's findings are as follows:

Part 1.1 – An elected member must bring an open and unprejudiced mind to all matters being decided upon in the course of their duties, including when making planning decisions as part of the Council's role as a Planning Authority.

Ms Bloomfield alleges that Cr Harvey was prejudiced against her and that as a result he was not open minded in his treatment of her survey results when considering the Midtown Project as CIC chairperson. In response to this allegation, Cr Harvey claims that his decision was not biased and that as Chair, he felt it appropriate to refer the subject matter to full Council for consideration and decision. He further claims that he had regard to expert advice from Council staff and the matter, when put to Council, was adopted by a majority. There was no evidence to support the allegation that Cr Harvey breached this part of the Code. The Panel therefore dismisses the complaint in relation to Part 1.1 of the Code.

Part 1.2 - An elected member must make decisions free from personal bias or prejudgement.

Ms Bloomfield submits that Cr Harvey did not have an open mind and was prejudiced in his treatment of a deferral motion put by Alderman Behrakis at the CIC meeting. Ms Bloomfield further claims that Cr Harvey's treatment of this matter was "consistent with the prejudice consistently shown in handling this issue." In response Cr Harvey, re-iterated that he has made no prejudgment on this matter before it went to the CIC. The evidence submitted by Ms Bloomfield in relation to this Part of the Code relates to administrative procedures of Council. It is not within the Panel's purview to consider such matters, unless there is evidence that a breach has occurred. In this instance, no such evidence was submitted, and the Panel therefore dismisses the complaint in relation to Part 1.2 of the Code.

Part 1.3 - In making decisions, an elected member must give genuine and impartial consideration to all relevant information known to them, or of which they should have reasonably been aware.

Ms Bloomfield alleges that Cr Harvey has "shown a distinct lack of impartiality" and that he responded to her in a "dismissive way" in relation to the results of the survey she undertook. In his response Cr Harvey questioned exactly which decision Ms Bloomfield was referring to in her complaint, and identified a number of possibilities. The Panel agreed that Ms Bloomfield had not been specific regarding this issue and had not provided any evidence to support her general assertion. The Panel dismisses the complaint in relation to Part 1.3 of the Code.

Part 7.1 - An elected member— (a) must treat all persons fairly.

Ms Bloomfield asserts that Cr Harvey has treated her unfairly in relation to the survey results she submitted to Council to be considered by the CIC. Cr Harvey responded that he did consider the results of her survey material, but he and his committee had other overriding information, including a broader, more comprehensive survey undertaken by Council. "Fairness" is a subjective term and leads to one asking, "in relation to what?" The Panel concluded that no evidence had been presented to it which indicated that Ms Bloomfield had been treated differently to other interested parties in this matter. The Panel dismisses the complaint in relation to Part 7.1 (a) of the Code.

Part 8.2. *An elected member must not knowingly misrepresent information that they have obtained in the course of their duties.*

Ms Bloomfield's assertion that Cr Harvey breached this part of the Code, goes to an email Cr Harvey inadvertently send to Ms Bloomfield instead of two councillors he was having an email conversation with. Cr Harvey responded by saying he regretted this error and apologised if he offended Ms Bloomfield. Whilst Ms Bloomfield may have taken offence to the email, there is no evidence that Cr Harvey had misrepresented information. The Panel dismisses the complaint in relation to Part 8.2 of the Code.

Direction regarding further complaints

Under Section 28ZL (3) of the Act the Code of Conduct Panel instructs Ms Bloomfield not to make a further complaint in relation to the same matter for a period of 12 months unless substantive new information is provided in the further complaint.

Timing of the Determination

In accordance with section 28ZD (1) of the Act, a Code of Conduct Panel is to make every endeavour to investigate and determine a code of conduct complaint within 90 days of the chairperson's determination that the complaint is to be investigated. This timeframe has been exceeded by several days owing to the extended timeframes for eliciting responses from the parties, and issues of availability for the Panel.

Right to review

A person aggrieved by the determination of the Code of Conduct Panel, on the ground that the Panel failed to comply with the rules of natural justice, is entitled under section 28ZP of the Act to apply to the Magistrates Court (Administrative Appeals Division) for a review of that determination



Jill Taylor
Chairperson

21 June 2021



Phillip Zeeman
Legal Member



David Sales
Member

18. CLOSED PORTION OF THE MEETING

RECOMMENDATION

That the Council resolve by absolute majority that the meeting be closed to the public pursuant to regulation 15(1) of the *Local Government (Meeting Procedures) Regulations 2015* because the items included on the closed agenda contain the following matters:

- Leave of Absence
- Tenders and their terms and conditions
- Information of a personal and confidential nature.

The following items are listed for discussion:-

Item No. 1	Minutes of the last meeting of the Closed Portion of the Council Meeting
Item No. 2	Communication from the Chairman
Item No. 3	Leave of Absence
Item No. 4	Consideration of supplementary Items to the agenda
Item No. 5	Indications of pecuniary and conflicts of interest
Item No. 6	Processing of Recyclable Materials - Tender and Establishment of a Joint Authority LG(MP)R 15(2)(d)
Item No. 7	Risk and Audit Panel - Appointment of Chairperson LG(MP)R 15(2)(g)