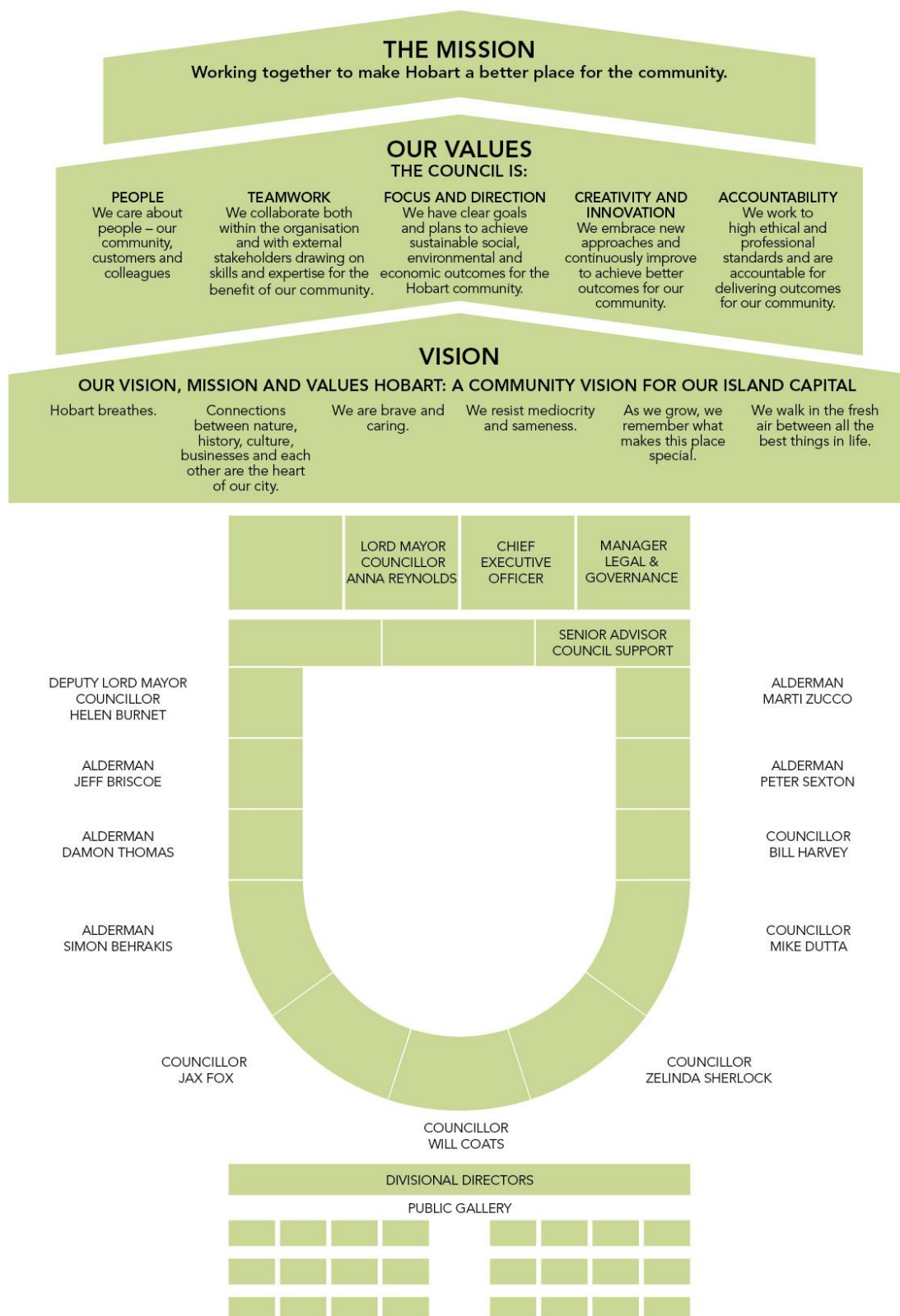




# CITY OF HOBART

AGENDA  
OPEN PORTION OF THE COUNCIL MEETING  
MONDAY, 2 MAY 2022  
AT 5:00 PM





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## ORDER OF BUSINESS

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### 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 .....	16
7. CONSIDERATION OF SUPPLEMENTARY ITEMS .....	16
8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST .....	16
REPORTS OF COMMITTEES .....	17

### CITY PLANNING COMMITTEE

9. COUNCIL ACTING AS PLANNING AUTHORITY.....	17
9.1 83 Melville Street, 80 Melville Street, Hobart and Adjacent Road Reserve - Partial Demolition, Alterations, Extension, Change of Use to Educational and Occasional Care, and Associated Works in Road Reserve .....	17
9.2 23 Marievale Esplanade, Sandy Bay - Replacement of Existing Pontoon and Jetty, and Installation of New Floating Pontoon and Jetty .....	38
10. Monthly Building Statistics - 1 March - 31 March 2022.....	41
11. Monthly Planning Statistics - 1 March - 31 March 2022 .....	42

### FINANCE AND GOVERNANCE COMMITTEE

12. Rate Remissions - Pensioner Discounts.....	43
--	----

### PARKS AND RECREATION COMMITTEE

13. Tasmanian Bridge Association - 10 Selfs Point Road, New Town - New Lease Request.....	44
---	----

### SPECIAL REPORT – ACTING LORD MAYOR

14. Elected Member Professional Development Plan - Alderman Damon Thomas .....	45
--	----

**SPECIAL REPORT – CHIEF EXECUTIVE OFFICER**

**15. Code of Conduct Determination Report Louise Elliot v Lord  
Mayor Councillor Anna Reynolds ..... 49**

**16. CLOSED PORTION OF THE MEETING..... 57**



**A MEETING OF THE OPEN PORTION OF THE COUNCIL WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL ON MONDAY, 2 MAY 2022 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 Fox  
Councillor Dr Z E Sherlock  
Councillor W N S Coats

**APOLOGIES:**

**LEAVE OF ABSENCE:**

Alderman D C Thomas

**1. CONFIRMATION OF MINUTES**

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The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 11 April 2022](#) and [Item 10 of 28 March 2022](#) and 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**

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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**

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#### **4. NOTIFICATION OF COUNCIL WORKSHOPS**

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In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the General Manager reports that no Council workshops have been conducted since the last ordinary meeting of the Council.

#### **5. PUBLIC QUESTION TIME**

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Regulation 31 *Local Government (Meeting Procedures) Regulations 2015*.  
File Ref: 16/119-001

##### **5.1 Public Questions**

##### **5.2 Responses to Public Questions Taken On Notice**

"In accordance with the procedures approved in respect to Public Questions Time, the following responses to questions taken on notice are provided to the Council for information.

The Council is reminded that in accordance with Regulation 31(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chairperson is not to allow discussion or debate on either the question or the response."

#### **RECOMMENDATION**

***That the following responses to public questions taken on notice, be received and noted.***

**5.2.1 Concession Discounts for E-Scooters and YNOT Safety Recommendation / Behaviour of Elected Members During Meetings**

**5.2.2 Elected Member Fuel Expenses**

**5.2.3 Flags on the Portico**

**5.2.4 Criteria for Council trials / Short stay visitor accommodation - Amenity / Public Questions response time / Housing Asylum Seekers / Statistics re: Injuries and infringements - e-scooters**

**Meeting date:** 15 February and  
15 March 2022  
**Raised by:** Mr Trenton Hoare  
**Response Author:** Kelly Grigsby (CEO)  
**Topic:** **CONCESSION DISCOUNTS FOR E-SCOOTERS AND  
YNOT SAFETY RECOMMENDATION / BEHAVIOUR OF  
ELECTED MEMBERS DURING MEETINGS**

**Question 1 of 15 February 2022:**

Does the council have intentions to implement concession discounts for the e-scooters, as well as state school students? Making them more accessible to those who require the use of these transports.

**Response**

The two current operators participating in the City's trial of e-scooters, Beam and Neuron, both have various concession programs in place that can be accessed by students and other low-income groups. This was a critical part of the procurement process when securing operators for the e-scooter trial. I have included below links to this information on each of their websites.

<https://www.ridebeam.com/beam-access>

<https://www.rideneuron.com/neuron-introduces-discounted-concession-pass-with-the-launch-of-global-equity-and-accessibility-programme-neuron-access/>

**Question 2 of 15 February 2022:**

Are the Tasmanian and Commonwealth governments liaising with the City of Hobart Council in regards to implementing safety recommendations that were made by YNOT at the City Infrastructure Committee meeting which was held on 2 February 2022? Ideas such as the use of an on-time bus tracker app, better street lighting, and my personal view of adding security cameras at bus stops and malls.

**Response**

The City recently conducted the Smarter Hobart Challenge, which was a competition to design digital bus shelters and associated technology for Hobart. Your suggestion of a bus tracker app is a great idea and one that would certainly be incorporated into this project if Metro and other stakeholders were able to provide the data. Cameras are also intended to be provided as part of future shelter design.

The City is undertaking a range of projects to address lighting and security across the City with the intention of providing better outcomes for safety, efficiency, and biodiversity. In 2021 the City invited GovHack teams to develop analysis tools for the City's lighting. Officers would also a welcome representative from YNOT to contribute ideas to the City's lighting policies and to speak directly to officers involved in these projects.

**Question of 15 March 2022:**

As an avid watcher of Council's activities and a Hobart City constituent, I have been quite disgusted by the behaviour from some elected members in recent times, particularly from the male Alderman and Councillors. Behaviour such as shouting over the top of the Chair within the Chamber when they have made a ruling, and condescending comments towards the Chair and/or other elected members are just a few I would like to highlight.

Appallingly, the victims of this horrific behaviour are the female elected members. As a constituent, I find this incredibly disrespectful, especially when the Lord Mayor, Deputy Lord Mayor, and the CEO of the Hobart City Council are women, powerful women. So my question is, how is Council retaining and enforcing respectful workplace culture within the Council Chamber?

Is it necessary for the male elected members of council to re-read Council's respectful workplace policy and/or attend some personal development training regarding this issue?

**Response to Question of 15 March 2022:**

We recognise that the culture, safety and wellbeing of elected representatives is important and the City of Hobart is committed to working as part of a sector-wide improvement strategy with the Local Government Association of Tasmania.

The City of Hobart has a number of policies which govern Elected Member behaviour, including:

- Code of Conduct
- Elected Member Behaviour Policy
- Elected Member Fitness to Undertake Duties
- Elected Member Issues Resolution Policy
- Meeting Procedures and Guidelines

Every 12 months, Elected Members are requested to attest that they have received these policies and that they will abide by them.

In accordance with the Elected Member Development and Support Policy, all Elected Members have available to them an allocation for professional development and training. The Council administration refer opportunities for training to Elected Members when they become aware of them.

Workplace behaviour training was offered to the current group of Elected Members as part of an induction program. Topics covered included:

- Workplace Behaviour
- Conflict of Interest
- Code of Conduct
- Cultural Awareness Training
- Inclusive Leadership



**Meeting date:** 28 February 2022

**Raised by:** Mr Brian Corr

**Response Author:** Kelly Grigsby (CEO)

**Topic:** **ELECTED MEMBER FUEL EXPENSES**

**Question:**

When an elected member takes “leave of absence”, as Alderman Behrakis and Councillor Coats did, during May 2021, so they could be involved as candidates in the state government election, they were not paid the “Elected Member Allowances” as it would be unreasonable to do so.

Why were “Fuel Expenses” paid (deemed reasonable) for the same period that “Elected Member Allowances” were not paid (deemed not reasonable)?

May I please have a copy of the fuel-card statement for the period in question?

**Response:**

An elected member’s entitlement to an allowance, reimbursement of expenses and a leave of absence are not interdependent. Having been granted a leave of absence from Council does not preclude an elected member from carrying out the functions of their office. It simply serves to ensure they retain their position in the event they are unable to attend three consecutive Council meetings.

Allowances are paid to elected members in accordance with the *Local Government Act 1993* under section 340A:

**340A. Allowances**

- (1) A councillor is entitled to prescribed allowances.
- (2) A mayor and deputy mayor are entitled to prescribed allowances in addition to any allowances referred to in [subsection \(1\)](#).
- (2A) Allowances are to be paid in arrears.
- (3) A councillor, mayor or deputy mayor may decide not to receive part or all of an allowance.
- (4) A decision under [subsection \(3\)](#) is to be by written notice to the general manager of the relevant council.
- (5) Councillors who are suspended under [section 28Z1\(2\)\(e\)](#) or [section 215\(5\)](#) or [section 214O](#) are not entitled to any allowances during the period of suspension.
- (6) A person who must not perform any function or exercise any power of a councillor under [section 339C](#) is not entitled to any allowances.

Alderman Behrakis and Councillor Coats did not receive payment of their allowance in May 2021 as they individually made written notice to the General Manager to suspend payment of their allowance in accordance with section 340A (3) and (4), as stated above.

As previously advised, regulation 43 of the *Local Government (General) Regulations 2015* provides that a councillor is entitled to be reimbursed for reasonable expenses incurred whilst they are carrying out the functions of office, pursuant to section 28 of the *Local Government Act 1993*, and that expenses claimed are in accordance with the policy adopted by Council. The adopted policy is the [Elected Member Development and Support Policy](#).

Section K2 of the policy provides two options for the reimbursement of travel expenses. Both Alderman Behrakis and Councillor Coats have nominated option (ii):

- (ii) As an alternative to kilometre claims, elected members may nominate to be issued with a fuel card which enables a maximum allocation of 1,500 litres of fuel to be drawn from the Council's provider in each calendar year. Under this option there is no requirement for elected members to submit travel details. Elected members who nominate to draw from this fuel allocation must only do so by utilising the Council issued fuel card.

As you will note, there is no requirement under the policy for elected members to submit travel details and, as the maximum allocation had not been reached, there was no reason for Council officers to question the usage. It is the responsibility of each elected member to ensure that any claim for expense made is just and reasonable.

In respect of your request for a copy of the fuel card statement for Alderman Behrakis and Alderman Coats. The expenses reimbursed for all elected members, including fuel usage costs, has been fully disclosed in the elected member expenses reports which are made publically available on the City's website. I see no reason to provide any further documentation in regard to this at this time. Should you wish to pursue this, I suggest a [Right to Information Request](#) be submitted.

**Meeting date:** 15 March 2022  
**Raised by:** Mr Doug Cooper  
**Response Author:** Kelly Grigsby (CEO)  
**Topic:** **FLAGS ON THE PORTICO**

**Question:**

Did you on the morning of the Saturday 26 February direct any staff to raise certain flags on the façade of the Town Hall on that day? And if so, why and with what authority? And if so, who else did you consult? And why did you not notify the Chief Executive Officer of your action?

**Response:**

The Lord Mayor advises that she did not provide advice to any staff member or instruction to put a flag on the Town Hall on the morning of Saturday 26 February 2022 as it would not be appropriate for that to occur in accordance with the *Local Government Act 1993*.

**Meeting date:** 15 February 2022  
28 February 2022  
**Raised by:** Ms Louise Elliot  
**Response Author:** Kelly Grigsby (CEO)  
**Topic:** **CRITERIA FOR COUNCIL TRIALS / SHORT STAY VISITOR  
ACCOMMODATION - AMENITY / PUBLIC QUESTIONS  
RESPONSE TIME / HOUSING ASYLUM SEEKERS /  
STATISTICS RE: INJURIES AND INFRINGEMENTS -  
E-SCOOTERS**

### Questions of 15 February 2022:

#### 1. Trial Criteria

Several Council actions have been recently launched under the guise of being a 'trial', such as the parklets street in Elizabeth that have replace on-street parking, Speakers Corner and the release of 600 e-scooters onto our streets and footpaths. Without the basis upon which the success of these trials being publicly available, it can be easy to assume that these actions are introductions rather than genuine trials.

Can the Council please commit to making the criteria upon which the success or continuation of any 'trial' will be based and who will be making this assessment decision publicly available before or upon launch of the trial?

#### Response

The Council is committed to listening to the views, needs and addressing any concerns expressed by the community and is the purpose for conducting trials on new initiatives or projects throughout the City.

The method of engagement and assessing the success or otherwise of a trial is dependent on the nature of the project. Assessments are made during and at the end of the trial period with adjustments or changes made as a result of those assessments. By way of example, the current e-scooter trial has undergone continual assessment and amendment during the trial period as a direct result of community feedback.

At the completion of a trial, a report is prepared for the Council to make the final determination on successes or otherwise of a trial including the ongoing status of the project.

It is difficult to apply the same assessment criteria to each project however this is an area Officers are intending to review and further develop in the future.

#### 2. Short Stay Visitor Accommodation - Amenity

From observation it appears that some Councillors hold the view that properties operating as short-stay visitor accommodation are more detrimental to residential amenity from a noise, parking and traffic perspective.

Can the Council please advise if it views the impact on residential amenity from short-stay properties from a noise, traffic and parking perspective to be better, the same or worse than residential owner-occupied or long-term rental properties and what, if any, evidence it relies on as the basis for this view?

Can the Council also please confirm that while its records state that 481 short stay visitor accommodation permits have been issued, that this does not automatically mean that these 481 properties are currently, or have been previously, or will be operating in the future as a short-stay properties?

**Response:**

In relation to applications for a change of use to visitor accommodation, Elected Members assess each application carefully on its merits and take into account the information provided to them, particularly via representations. It is not possible to make a blanket statement about whether residential or visitor accommodation poses a greater impact on issues such as noise, parking and traffic. At times, officers will recommend approval based on a visitor management plan being required to address the risk that visitor accommodation will have impacts on amenity. It is a matter for Elected Members to consider whether they agree that this is appropriate in the circumstances of the particular property.

When a planning permit is issued to allow visitor accommodation use, the Council does not systematically check to ascertain whether people rely on their permit and commence the new use. It is correct to say that the number of permits issued does not necessarily mean that each of the properties are being used for visitor accommodation.

**3. Public question responses**

The response timeframes to public questions appears to be random, with questions that the Council or councillors may find awkward or sensitive to respond to delayed for an extended period, such as a question I am waiting on a response to from 60 days ago.

Can the Council please consider implementing a response time for responding to questions from the public asked through this forum, such as committing to a response within 30 calendar days?

**Response:**

I acknowledge there has been delays more recently in responding to some public questions and I apologise for this. As you are aware, the council is undergoing a significant transformation project and there have been a number of staff movements and changes in responsibility areas across the organisation. This coupled with COVID-19 impacting on staffing levels has resulted in some additional delay. Additionally, not all questions are equal. Some questions require research and consultation across various council divisions. The time, resourcing and conflict of priorities all impact on the response time.

A 30 day turnaround from the Council meeting at which the question is asked until the response is provided to the questioner, is reasonable and I am happy to commit to this noting however, that as I said above, not every question is equal and some more complex questions may take longer to respond to. In these cases, we will communicate the delay and estimated response time.

### **Questions of 28 February 2022:**

#### **1. Re-Homing Asylum Seekers**

Can the Council please confirm it is correct that the Lord Mayor stated in a recent letter to the Federal Government that Hobart is QUOTE "well placed to provide approximately asylum seekers with a new home"?

Can the Council also advise if it views this statement as false or misleading given Hobart's rental vacancy rate is only 0.3%, the median rent for a 3 bed property in Hobart being \$600 a week, there being over 4500 on the housing waiting list, migrant support services being strained and locals already sleeping in cars and tents and that informal offers of homestay accommodation are not stable or reliable housing solutions for new refugee arrivals?

### **Response**

The Council can confirm that, as per the Council Resolution of Monday 31 January, the Lord Mayor sent a letter to the Honourable Alex Hawke MP stating that we are well placed to find compassionate homes in and around Hobart for the 30 asylum seekers currently being detained in the Park Hotel.

As a Refugee Welcome Zone, the City of Hobart has made a commitment in spirit to welcoming refugees into the community and upholding the human rights of refugees. The City is seeking to work with community stakeholders alongside Government and specialist services to support the settlement of these asylum seekers in Hobart.

To date, community partners have received over 25 pledges to provide homestay for these asylum seekers, along with a large number of pledges of further support such as housing and social support. Homestay programs like this have successfully housed a large number of refugees across many countries around the world, including in cities where there is a shortage of other forms of housing. The City of Hobart will continue to work with our partners to develop suitable and sustainable housing solutions, should these men be allowed to settle here.

#### **2. E-Scooter Statistics**

Can the Council please advise what statistics State Government bodies have provided the Council with to date in relation to injuries and infringements associated with hire e-scooters?



And, in the interests of transparency given injuries and infringements are a drain on public resources, can the Council commit to ensuring that any injury and infringement statistics the council receives from any source will be made publicly available in a timely manner?

**Response:**

Neither the State Government nor hospitals keep statistics or report on the cause of injuries presenting at Accident and Emergency, so data available to the City is through the e-scooter operators or other sources if available.

Responses to enquiries made by the City to Hobart's hospitals indicate that no significant drain on resources to cater for e-scooter injuries has been noted. Furthermore, police are required to be called to serious road accidents and have reported to the City that no e-scooter accidents have been reported requiring police presence.

On the basis of the trial so far, reporting shows that the hired e-scooter trial has been relatively incident free. Using the standard road accident reporting methodology of Tasmania Police, the statistics reported to the City to March 2022 are as follows:

- 8 Minor injuries requiring hospital visit but not admission
- 2 Serious injuries requiring a hospital stay of 24 hours
- 0 Fatalities

From over 200,000 trips, two serious injuries and eight minor injuries involving trial devices have been reported to the City. Details of any patient's injury and costs are confidential, however it is known that the injuries reported have been processed as insurance claims through the operators' insurance policies, so it is likely that costs to the public were low in all cases.

No statistics have been provided to the City on infringements issued by police, however police have reported to the City that significant police time is **not** being taken up by hire e-scooter incidents or complaints.

Infringements issued by operators in the form of suspensions or bans are reported to the City on request.

- Approximately 1000 warnings have been given to riders to date. Furthermore around 450 riders have been suspended and around 15 banned.

Council's elected members are kept informed of updates to ridership and injuries through monthly reporting. This information will be reported on the public record as part of Council's consideration of the program during the trial and in reporting at the end of the trial period.

## **6. PETITIONS**

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## **7. CONSIDERATION OF SUPPLEMENTARY ITEMS**

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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**

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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.

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## REPORTS OF COMMITTEES

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CITY PLANNING COMMITTEE
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### 9. COUNCIL ACTING AS PLANNING AUTHORITY

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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 **83 Melville Street, 80 Melville Street, Hobart and Adjacent Road Reserve - Partial Demolition, Alterations, Extension, Change of Use to Educational and Occasional Care, and Associated Works in Road Reserve** **PLN-21-869 - File Ref: F22/35906**

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Ref: Open [CPC 7.1.1](#), 26/04/2022  
Application Expiry Date: 3 May 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition alterations, extension, change of use to educational and occasional care, and associated works in road reserve at 83 Melville Street, 80 Melville Street, Hobart TAS 7000 and adjacent road reserve for the reasons outlined in the officer's report attached to item 7.1.1 of the Open City Planning Committee agenda of 26 April 2022 and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-869 - 83 MELVILLE STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition  
To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2022/00056-HCC dated 10/03/2022 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

THC

The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 6812 dated 20 March 2022, as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s4

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved as a Condition Endorsement showing:

1. Detailed landscaping plan of Brisbane Street laneway, including species and maximum heights of vegetation, to ensure passive surveillance between Brisbane Street and the entrance at the end of the laneway.

All work required by this condition must be undertaken in accordance with the approved revised plans.

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

Reason for condition

To ensure that building design provides for the safety of the public.

ENG 12

A demolition and construction waste management plan must be submitted and approved as a Condition Endorsement, prior to issue of any building approval, or commencement of work, including demolition (whichever occurs first).

The demolition and construction waste management plan submitted for approval must include:

- Provisions for the handling, storage, transport, and disposal, of demolition material including any contaminated waste and recyclables,
- Provisions for the handling, storage, transport, and disposal, of post-construction solid waste and recycle bins from the development, and
- Any other details the Council deem necessary.

The approved demolition and construction waste management plan must be implemented throughout demolition and construction works approved by this permit.

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

*It is recommended that the developer liaise with the Council's City Resilience Unit regarding reducing, reusing, and recycling materials associated with demolition on the site to minimize solid waste being directed to landfill. Further information can also be found on the Council's [website](#).*

Reason for condition

To ensure that solid waste management from the site meets the Council's requirements and standards.

ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, ag drains, and impervious surfaces such as driveways and paved areas) must be drained to the Council's stormwater infrastructure prior to first occupation or commencement of use (whichever occurs first).

*Advice:*

*Under section 23 of the Urban Drainage Act 2013 it is an offence for a property owner to direct stormwater onto a neighbouring property.*

Reason for condition

To ensure that stormwater from the site will be discharged to a suitable Council approved outlet.

SW 1

Prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first), a pre- construction structural condition assessment and visual record (eg video and photos) of the Hobart City Council's stormwater infrastructure within and adjacent to the proposed development must be submitted to the City of Hobart as a Condition Endorsement.

The condition assessment must include at least:

1. a site plan clearly showing the location of the investigation, with access points and all segments and nodes shown and labelled, with assets found to have a different alignment from that shown on the City of Hobart's plans to be marked on the ground and on the plan;
2. a digital recording of a CCTV inspection and written condition assessment report in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia, in a 'WinCan' compatible format; and

3. photos of any existing drainage structures connected to or modified as part of the development.

The pre-construction condition assessment will be relied upon to establish the extent of any damage caused to Hobart City Council's stormwater infrastructure during construction. If the owner/developer fails to provide the City of Hobart with an adequate pre-construction condition assessment then any damage to the City of Hobart's infrastructure identified in the post-construction condition assessment will be the responsibility of the owner/developer.

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

SW 2

Prior to occupancy or the commencement of the approved use (whichever occurs first), a post-construction structural condition assessment and visual record (eg video and photos) of the existing and new Hobart City Council's stormwater infrastructure within and adjacent to the proposed development, must be submitted to the City of Hobart.

The condition assessment must include at least:

1. a site plan clearly showing the location of the investigation, with access points and all segments and nodes shown and labelled, with assets found to have a different alignment from that shown on the City of Hobart's plans shall be marked on the ground and on the plan;
2. a digital recording of a CCTV inspection and written condition assessment report in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia, in a 'Wincan' compatible format; and
3. photos of any existing drainage structures connected to or modified as part of the development.

The pre-construction condition assessment will be relied upon to establish the extent of any damage caused to the Hobart City Council's stormwater infrastructure during construction. If the owner/developer fails to provide the City of Hobart with an adequate pre-construction condition assessment then any damage to the Hobart City Council's infrastructure identified in the post-construction CCTV will be deemed to be the responsibility of the owner/developer.

*Advice:*

*This may be able to be combined with the condition assessments of the new public assets required under the Permit to Construct Public Infrastructure, depending on timing of works.*



SW 3

The proposed works including foundations and overhangs must be designed to ensure the long term protection of and access to the Council's stormwater infrastructure.

A detailed design certified by a suitably qualified engineer must be submitted and approved prior to issue of any consent under *Building Act 2016* / commencement of works (whichever occurs first).

The detailed design must:

- a. Demonstrate how the design will maintain the overland flow path, provide adequate access to the main, impose no additional loads onto the main and that the structure will be fully independent of the main and its trenching.
- b. Include cross-sections clearly showing the relationship both vertically and horizontally between Council's stormwater infrastructure and the proposed works (including footings), and stating the minimum setbacks from the works to the nearest external surface of the main.
- c. Include a long-section of Council's stormwater main clearly showing proposed cover. If the cover is less than 600mm, engineering details and full calculations to relevant Australian standards (including construction traffic loading) must be submitted to demonstrate the mains can withstand the likely forces and will be adequately protected. All assumptions must be stated.
- d. Be certified by a suitably qualified engineer

Prior to issue of any Certificate of Completion a suitably qualified engineer must confirm the installation of the works within two metres of Council's stormwater main / construction of the retaining wall is in accordance with the approved drawings and complies with this condition. Should any remediation works be required, these must be carried out at the developer's cost.

All work required by this condition must be undertaken in accordance with the approved design.

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

*You will need specific permission from Council's Stormwater Unit under s73 of the Building Act 2016 and s13 of the Urban Drainage Act for the final certified detailed design plans.*

SW 5

Construction of the development must not adversely impact the Council's stormwater infrastructure.

A construction management plan (CMP) must be submitted and approved as a Condition Endorsement prior to commencement of works. The CMP must be prepared by a suitably qualified and experienced engineer and must:

1. detail the proposed construction methodology and identify all potential risks to the public assets during construction including but not limited to construction loading, traffic loading, excavation works, footing construction, vibrations, undermining, flood, and environmental harm;
2. provide treatment measures to eliminate or otherwise mitigate to as low as reasonably practicable all identified risks;
3. include a monitoring regime;
4. incorporate the tree protection measures referred to in conditions OPS4 and OPS5; and
5. demonstrates how service to the upstream catchment will be maintained

All work required by this condition must be undertaken in accordance with the approved CMP.

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

SW 6

The new stormwater infrastructure must be designed and constructed prior to occupancy or the commencement of the approved use (whichever occurs first).

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), detailed engineering drawings must be submitted and approved as a Condition Endorsement. The detailed engineering drawings must be certified by a suitably qualified and experienced civil engineer and must:

1. be substantially in accordance with the Local Government Association of Tasmania: Tasmanian Municipal Standard Drawings (May 2020), as varied by the City of Hobart's published departures from those Drawings (available from [here](#)), and the Local Government Association of Tasmania, Tasmanian Subdivision Guidelines (October 2013);
2. clearly distinguish between public and private infrastructure;
3. show in both plan and long-section the final design of the proposed stormwater mains, including but not limited to, connections, flows, velocities, hydraulic grade lines, clearances, cover, gradients, sizing, material, pipe class, adequate working platforms around manholes, easements and inspection openings;
4. The stormwater system (including defined overland flow paths) must cater for all 1% AEP event flows as at 2100 (i.e including climate change loading) from a fully developed catchment. The main itself must be sized to accommodate at least the 5% AEP event flows from a fully-developed catchment;

5. any backflow prevention required must be privately owned and maintained

All work required by this condition must be undertaken in accordance with the approved detailed engineering drawings.

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

*A Permit to Construct Public Infrastructure will be required. This will include requirements for a maintenance period, bond, and condition assessments.*

#### SW 9

Prior to occupancy or the commencement of the approved use (whichever occurs first), stormwater pre-treatment for stormwater discharges from the development must be installed.

A stormwater management report and design must be submitted and approved as a Condition Endorsement, prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). The stormwater management report and design must be prepared by a suitably qualified person and must:

1. include detailed design of the proposed treatment train, including estimations of contaminant removal sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, unless it is not feasible to do so;
2. include a supporting maintenance plan, which specifies the required maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

All work required by this condition must be undertaken and maintained in accordance with the approved stormwater management report and design.

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit. Council notes and supports the proposed capture and reuse of roofwater.*

#### SW 11

Measures to adequately convey the overland flow path through the site and mitigate flood risk from the critical 1% AEP at 2100 event must be installed prior to occupancy or issue of any completion (whichever occurs first).

Detailed engineering drawings accompanied with a report must be submitted as a Condition Endorsement prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). These must include (but are not limited to):

1. certification from an accredited and qualified structural engineer that all proposed structures within the flood zone are designed to resist inundation, erosion, undermining and likely forces from a flood event (including debris loading);
2. The final building plans must be in general accordance with the submitted details of the JMG "Flood Analysis and Stormwater Report" dated December 2021, and detail the flood mitigation/overland flow path measures.
3. details of management of the flood zone including signage and measures to prevent blockage of the overland flow path (such as bollards, gratings, surface treatment, and restrictions on use of the area including furniture, minor works); This must also clearly address when the building is not occupied.
4. a flood management summary plan from a suitably qualified and experienced expert that outlines the obligations for future property owners to flood and overland flow management, including:
  - a) the flood risk to the site, including depth, extent and hazard ratings for the 1% AEP at 2100 event;
  - b) key assumptions included in the flood modelling and resultant uncertainty in the model results.
  - c) identification of all measures to maintain and maximise the overland flow path through the site and their maintenance;
  - d) identification of all flood management measures and their required maintenance

All work required by this permit must be undertaken and maintained in accordance with the approved detailed drawings and report.

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit. The Flood Management Summary Plan is not a Flood Study, but rather a plain English document summarising risk and actions required by a future site manager.*

ENG 13

A waste management plan must be submitted and approved as a Condition Endorsement, prior to issue of any building approval, or commencement of work, including demolition (whichever occurs first).

The waste management plan submitted for approval must include;

- Provisions for commercial waste services and facilities for the handling, storage, transport, and disposal of waste generated by the development, and
- Any other details the Council deem necessary.

All works required to satisfy this condition must be undertaken in accordance with the approved waste management plan.

The approved waste management plan must be also be implemented on an ongoing basis post construction, prior to first occupation or commencement of use (whichever occurs first).

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

Reason for condition

To ensure that solid waste management from the site meets the Council's requirements and standards.

ENG 2a

Prior to first occupation or commencement of use (whichever occurs first), physical controls (i.e. barriers, wheel stops, kerbs, and other protective devices) must be designed by a suitably qualified person and installed in accordance with the Australian Standard AS/NZS 2890.1:2004. Physical controls designed and installed must contain and limit vehicle travel appropriately, and shall not introduce conflicts with the plans approved by this permit.

*Advice:*

*Any drop heights off trafficable areas as a result of the development, be it for existing or proposed parking areas both within neighbouring/adjacent sites or the subject site, form part of the scope of this condition and as such must be addressed.*

*Designers are advised to consult the [National Construction Code 2016](#) to determine if pedestrian handrails or safety barriers compliant with the Code are also required in the parking module this area may be considered as a path of access to a building.*

Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the standard.

ENG 3b

Drawings must be submitted and approved as a Condition Endorsement, prior to the issue of any building approval, or commencement of work (whichever occurs first).

The following aspects of the proposed parking area require further attention:

1. Detailed design of parking bays, including dimensioned commercial vehicle service bay(s), and bays for people with disabilities.

The drawings submitted for approval must:

1. Be prepared and certified by a suitably qualified person,
2. Be in accordance with AS/NZS 2890.1:2004, AS/NZS 2890.2-2002, AS/NZS 2890.6:2009, and related Australian Standards,
3. Where the design deviates from the relevant Australian Standards, the designer must demonstrate the provision of a safe and efficient access, and enable safe, easy and efficient use, and
4. Show dimensions, levels, gradients and transitions, and any other details as Council deem necessary for granting approval.

Prior to first occupation or commencement of use (whichever occurs first), the parking area must be constructed in accordance with the drawings approved by this condition.

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

#### ENG 4

Prior to first occupation or commencement of use (whichever occurs first), the parking area approved by this permit must be constructed to a sealed standard (e.g. spray seal, asphalt, concrete, pavers, or other Council approved equivalent) and surface drained to the City's stormwater infrastructure.

Reason for condition

To ensure the safety of users of the access driveway and parking module, and that it does not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

#### ENG 5

Prior to first occupation or commencement of use (whichever occurs first), all parking spaces must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standard AS/NZS 2890.1:2004.

Reason for condition

To ensure the provision of parking for the use is safe and efficient.

#### ENG 9

Prior to first occupation or commencement of use (whichever occurs first), all parking spaces for people with disabilities must be identified and delineated in accordance with Australian Standard AS/NZS 2890.6:2009.



Reason for condition

In the interests of vehicle user safety and the amenity of the development.

ENG 11

Prior to first occupation or commencement of use (whichever occurs first), all crossovers deemed redundant must be reinstated in accordance with the design details approved under GMC-21-84.

*Advice:*

*Local Government Association (LGAT) Tasmanian Standard Drawings (TSD) can be viewed electronically via the [LGAT Website](#).*

*You are likely to require a Permit to Open Up and Temporarily Occupy a Highway (for work within the highway reservation). Click [here](#) for more information.*

Reason for condition

In the interests of vehicle user safety and the amenity of the development.

ENG 1

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

1. Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or
2. Be repaired and reinstated by the owner to the satisfaction of the Council.

A photographic record of the Council's infrastructure adjacent to the subject site must be provided to the Council prior to any commencement of works.

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre-existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

Reason for condition

To ensure that any of the Council's infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

## ENV 2

Sediment and erosion control measures, sufficient to prevent sediment leaving the site and in accordance with an approved soil and water management plan (SWMP), must be installed prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the Council's satisfaction.

A SWMP must be submitted as a Condition Endorsement prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available [here](#).

All work required by this condition must be undertaken in accordance with the approved SWMP.

### *Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

### Reason for condition

To avoid the pollution and sedimentation of roads, drains and natural watercourses that could be caused by erosion and runoff from the development.

## HER 9

Revised plans for 83 Melville Street (Building 1 - Crisp and Gunn workshop/store) and 79 Melville Street (Building 2 - Crisp and Gunn Offices) must be submitted.

The revised plans must:

- show the retention and conservation of the flag pole on the front facade, the door identified as element 10 (p.140) and safe door.
- show additional detailed design that results in a reduction in the demolition on the ground floor between the main chamber, the stair hall and the service area in order to retain the spatial qualities of the main chamber. Where there is a conflict between the recommendations of the Heritage Impact Statement and the significance identified in the Praxis report (section 6, pp. 96-102), the features with high significance in the Praxis report will prevail.
- show additional detailed design that results in a reduction in the demolition on the first floor and roof structures of Building 2. Where there is a conflict between the recommendations of the Heritage Impact Statement and the significance identified in the Praxis report (section 6, pp. 96-102), the features with high significance in the Praxis report will prevail.
- show additional detailed design that reduces the demolition on the first floor/ceiling of Building 1.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved as a Condition Endorsement showing the detailed design in accordance with the above requirement.

All work required by this condition must be undertaken in accordance with the approved revised plans.

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

*It is recommended that in the resolution of the use and spatial requirements to the space shown in Building 1 - 83 Melville Street the original floor between the basement and first floor be retained to a greater extent to reduce the impact on the structural integrity and an ability to discern the spatial layout of the building as per the advice of the Praxis report (p.131)*

Reason for condition

To ensure that demolition in whole or part of a heritage place does not result in the loss of historic cultural heritage values.

HER 10

Drawings must be submitted showing how any secondary glazing to the original windows is detailed. The design of the secondary glazing must be sympathetic in detail, materials and colour to ensure the original windows and window furniture is retained, protected, conserved and maintained.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved as a Condition Endorsement showing the detailed design in accordance with the above requirement.

All work required by this condition must be undertaken in accordance with the approved revised plans.

*Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

Reason for condition

To ensure that demolition in whole or part of a heritage place does not result in the loss of historic cultural heritage values.

HER 6

All on-site excavation and disturbance with the area designate as being of high and low/no archaeological sensitivity in the Praxis report "Statement of Historical Archaeological Potential" (see section 7.6 of the Praxis report) must be undertaken in accordance with the above report by a suitably qualified archaeologist.

1. A qualified archaeologist must be engaged to undertake archaeological excavations and provide advice and assessment of the features and/or deposits discovered and make recommendations on all and further excavation and/or disturbance; and
2. All and any recommendations made by the archaeologist engaged in accordance with 1.above must be complied with in full; and
3. All features and/or deposits discovered must be reported to the Council with 1 day of the discovery; and
4. A qualified archaeologist must undertake an audit of bulk archaeological material, should any be uncovered. The bulk archaeological material may include worked sandstone blocks, 19th century bricks or cobblestones and be suitable for reuse. These bulk archaeological materials must be retained on site unless approval for removal to a secure site is given by Council.
5. A copy of the archaeologist's advice, assessment and recommendations obtained in accordance with 1, 2 and 4 above must be provided to Council within 60 days of receipt of the advice, assessment and recommendations.

Excavation and/or disturbance must not recommence unless and until approval is granted from the Council.

#### Reason for condition

To ensure that work is planned and implemented in a manner that seeks to understand, retain, protect, preserve and manage significant archaeological evidence.

#### HER 7

All artefacts of high interpretative value and/or rare or otherwise significant as determined by the qualified archaeologist engaged in accordance with Condition HER 6 must be incorporated into an on-site interpretation and history

An interpretation plan must be prepared and submitted and approved by Council prior to commencement of construction.

The on-site interpretation must be:

- in accordance with the approved interpretation plan,
- incorporate the artefacts described above,
- located in a publicly accessible space,
- and installed prior to the issue of a certificate of completion.

#### Reason for condition

To ensure that there is public benefit from archaeological investigations.

## HER 8

The audit report prepared in accordance with condition HER 6 must be submitted and approved as a Condition Endorsement prior to the commencement of building work.

The audit report must also demonstrate how the finds described in HER 6 sub-clause 4 are to be incorporated into the development in landscaping, vertical or horizontal surfaces or other designed or decorative features. Revised plans must be submitted and approved as part of the Condition Endorsement process showing the recommendations of the audit report in accordance with a above requirement.

All work required by this condition must be undertaken in accordance with the approved revised plans.

### *Advice:*

*This conditions requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

### Reason for condition

To ensure that archaeological evidence is retained, protected and preserved or otherwise appropriately managed.

## ENVHE 1

Prior to the issue of any approval under the *Building Act 2016*, the following must be submitted and approved as Condition Endorsement:

### PCL1 ENVIRONMENTAL SITE ASSESSMENT

A full contamination Environmental Site Assessment report prepared by a suitably qualified and experienced person in accordance with the procedures and practices detailed in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM) as amended 2013 must be provided. The report must conclude:

- Whether any site contamination presents a risk to workers involved in redevelopment of the site, or future users of the site, as a result of proposed excavation of the site.
- Whether any site contamination presents an environmental risk from excavation conducted during redevelopment of the site.
- Whether any specific remediation and/or protection measures are required to ensure proposed excavation does not adversely impact human health or the environment before excavation commences.

### REMEDIATION AND PROTECTION MEASURES

If the Environmental Site Assessment report concludes that remediation and/or protection measures are necessary to avoid risks to human health or the environment, a proposed remediation and/or management plan must be submitted. Any remediation or management plan involving soil disturbance must include a detailed soil and water management plan to prevent off-site transfer of potentially contaminated soil or stormwater.

#### STATEMENT OF SUITABILITY

A statement based on the results of the Environmental Site Assessment that the excavation as part of the planned works will not adversely impact on human health or the environment is to be provided (subject to implementation of any identified remediation and/or protection measures as required).

The Environmental Site Assessment submitted must address the four target aspects representing potential site contamination that require further assessment, listed in the cover letter by GHD dated 15 February 2022 and titled 'Application No. PLN-21-869 83 Melville Street - Assessment against the Potentially Contaminated Land Code.'

All work required by this condition must be undertaken in accordance with the approved documentation specified in this condition.

*Advice:*

*This conditions requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

Reason for condition

To ensure the risk to human health and the environment remains low.

#### OPS 3

All works within the tree protection zone (TPZ) as defined in the Australian Standard AS 4970 – 2009 *Protection of trees on developments sites*, including works on the footpath as well as works to install underground services, of trees 1-3 in the Development Impact Assessment 79-83 Melville Street, Hobart dated 16/2/2022, by Element Tree Services, must be overseen by a suitably qualified and experienced arborist. Site workers are to follow all directions from the Project Arborist regarding measures required to protect the tree. The Project Arborist must document all works within the TPZ and provide a written report that includes photos of the works, including any roots that were encountered, and certification that the works did not impact on the tree's long-term health and stability.

Reason for condition

To maintain the amenity value of street trees as per the City of Hobart Street Tree Strategy.

#### OPS 4

Two *Platanus x acerifolia* (London plane) trees in Brisbane Street must be protected from damage during the works, as per chapter 4 Tree protection of Element Tree Services' DEVELOPMENT IMPACT ASSESSMENT 79-83 Melville Street, Hobart 16/02/2022. Therefore, prior to works commencing, all of the tree protection zones of both trees are to be fenced off and signs erected stating that the fencing is for tree protection. Where works encroach into the tree protection zones, the fencing should be erected as close to the edge of the zone as possible, to the satisfaction of the Project Arborist. No works are to occur within the fenced areas.



Reason for condition

To maintain the amenity value of street trees as per the City of Hobart Street Tree Strategy.

#### OPS 5

Details of the street tree protection measures specified in permit condition OPS 4 must be clearly notated on any plans submitted to the Council under the *Building Act 2016*.

*Advice:*

*Once the plans showing tree protection measures have been approved, the City will issue a condition endorsement (see general advice on how to obtain condition endorsement). It is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To maintain the amenity value of street trees as per the City of Hobart Street Tree Strategy.

#### Part 5 1

The owner(s) of the property must enter into an agreement with the planning authority pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* prior to the issue of occupancy or any completions under the Building Act 2016 (whichever occurs first). The Agreement must:

- prohibit any development, works or use of the land which alters the level of the land or interferes with the free flow of water within the identified overland flow path beyond that approved under this planning permit without the written permission of Council;
- agree to comply with the approved Flood Management Summary Plan;
- indemnify Council against any costs or claims arising from the works within the identified 1% AEP flood extent;
- indemnify Council against any costs or claims arising from building over or within two metres of the Council's stormwater mains or for damages incurred in the act of performing operation, maintenance, or replacement tasks on the stormwater mains;
- not perform any future works to the structure within two metres of the main, including replacement of footings without written permission from Council

The Council will have its solicitors prepare the Agreement for signing by property owner(s). The Council will then lodge the Agreement with the Lands Titles Office. The cost of preparing the Agreement and registration with the Land Titles Office is to be met by the applicant.

*Advice:*

*Please contact the Development Appraisal Planner to initiate preparation of the Agreement.*

*Please note the Flood Management Summary plan is that referred to in condition SW11. This will need to be submitted and approved prior to the Part 5.*

Reason for condition

To ensure that the risks associated with building in a flood zone and near Council's stormwater infrastructure are managed.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's [website](#) for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

CONDITION ENDORSEMENT

If any condition requires that further documents are submitted and approved, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning portal](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. Click [here](#) for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

#### PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click [here](#) for more information.

#### OCCUPATION OF THE PUBLIC HIGHWAY

You may require a permit for the occupation of the public highway for construction or special event (e.g. placement of skip bin, crane, scissor lift etc). Click [here](#) for more information.

You may require a road closure permit for construction or special event. Click [here](#) for more information.

You may require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). Click [here](#) for more information.

#### GENERAL EXEMPTION (TEMPORARY) PARKING PERMITS

You may qualify for a General Exemption permit for construction vehicles i.e. residential or meter parking/loading zones. Click [here](#) for more information.

#### BUILDING OVER AN EASEMENT

In order to build over the service easement, you will require the written consent of the person on whose behalf the easement was created, in accordance with section 74 of the *Building Act 2016*.

#### PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

You may require a permit to construct public infrastructure, with a 12 month maintenance period and bond (please contact the Hobart City Council's City Life Division to initiate the permit process).

#### NEW SERVICE CONNECTION

Please contact the Hobart City Council's City Life Division to initiate the application process for your [new stormwater connection](#).

#### STORMWATER

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

#### STRUCTURES CLOSE TO COUNCILS' STORMWATER MAIN

The design of structures (including footings) must provide protection for the Council's infrastructure. For information regarding appropriate designs please contact the Council's City Life Division. You may need the General Manager's consent under section 13 of the *Urban Drainage Act 2013* and consent under section 73 or 74 of the *Building Act 2016*.

#### WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Infrastructure by law. Click [here](#) for more information.

## CBD AND HIGH VOLUME FOOTPATH CLOSURES

Please note that the City of Hobart does not support the extended closure of public footpaths or roads to facilitate construction on adjacent land.

It is the developer's responsibility to ensure that the proposal as designed can be constructed without reliance on such extended closures.

In special cases, where it can be demonstrated that closure of footpaths in the CBD and/or other high volume footpaths can occur for extended periods without unreasonable impact on other businesses or the general public, such closures may only be approved by the full Council.

For more information about this requirement please contact the Council's Mobility Unit on 6238 2711.

## DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

If a coloured or textured surface is used for the driveway access within the Highway Reservation, the Council or other service provider will not match this on any reinstatement of the driveway access within the Highway Reservation required in the future.

## REDUNDANT CROSSOVERS

Redundant crossovers are required to be reinstated under the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

## STORMWATER / ROADS / ACCESS

Services to be designed and constructed in accordance with the (IPWEA) LGAT – standard drawings. Click [here](#) for more information.

## WORK PLACE HEALTH AND SAFETY

Appropriate occupational health and safety measures must be employed during the works to minimise direct human exposure to potentially-contaminated soil, water, dust and vapours. Click [here](#) for more information.

## PROTECTING THE ENVIRONMENT

In accordance with the *Environmental Management and Pollution Control Act 1994*, local government has an obligation to "use its best endeavours to prevent or control acts or omissions which cause or are capable of causing pollution." Click [here](#) for more information.

## LEVEL 1 ACTIVITIES

The activity conducted at the property is an environmentally relevant activity and a Level 1 Activity as defined under s.3 of the *Environmental Management and Pollution Control Act 1994*. For further information on what your responsibilities are, click [here](#).

## NOISE REGULATIONS

Click [here](#) for information with respect to noise nuisances in residential areas.

## WASTE DISPOSAL

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

Further information regarding waste disposal can also be found on the Council's [website](#).

## FEES AND CHARGES

Click [here](#) for information on the Council's fees and charges.

## DIAL BEFORE YOU DIG

Click [here](#) for dial before you dig information.

## HERITAGE

It is recommended that a Construction Management Plan address impacts on adjacent heritage listed buildings/foundations and structures to ensure that these structures are not negatively impacted on by vehicular movements, excavation, construction and vibration.

Further investigation and exploratory work within the interior of building 2 may be necessary to inform the additional design work. Works to investigate can be undertaken on the basis that no heritage fabric is damage.

Further investigations to ascertain if the original signage for Crisp and Gunn are behind the blue banner signs on Building 1 and 2 can be undertaken. If present the signage should be retained, conserved and revealed.

## FURTHER ADVICE

The Applicant is encouraged to prepare a campus access travel plan to minimise the need for access to the site during peak traffic periods, including by planning lectures and tutorials outside those times and staggering classes times.

It is noted that the Applicant has committed to work with the City of Hobart to provide additional parking on future development sites.

It is recommended that each of the car parking spaces are compliant with the Australian Standards for disabled spaces, if possible.

**9.2 23 Marievile Esplanade, Sandy Bay - Replacement of Existing Pontoon and Jetty, and Installation of New Floating Pontoon and Jetty  
PLN-22-78 - File Ref: F22/35073**

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Ref: Open [CPC 7.1.4](#), 26/04/2022  
Application Expiry Date: 3 May 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a replacement of existing pontoon and jetty, and installation of new floating pontoon and jetty at 23 Marievile Esplanade Sandy Bay TAS 7005 for the reasons outlined in the officer's report attached to item 7.1.4 of the Open City Planning Committee agenda of 26 April 2022 and a permit containing the following conditions be issued:

**GEN**

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-22-78 - 23 MARIEVILLE ESPLANADE SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

**Reason for condition**

To clarify the scope of the permit.

**ENG 1**

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

1. Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or
2. Be repaired and reinstated by the owner to the satisfaction of the Council.

A photographic record of the Council's infrastructure adjacent to the subject site must be provided to the Council prior to any commencement of works.

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre-existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

**Reason for condition**

To ensure that any of the Council's infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

## ENV 2

An approved demolition and construction environmental management plan must be implemented.

Prior to the commencement of works, a demolition and construction environmental management plan must be submitted and approved as a Condition Endorsement. The demolition and construction environmental management plan must:

- detail the proposed demolition and construction methodology (particularly where works may have environmental impacts);
- identify all potential environmental impacts associated with the works including (as relevant) noise, odours, air pollution, water pollution, land contamination, erosion, land instability, changes to hydrology, habitat degradation and impacts upon flora and fauna; and
- include measures to adequately avoid or mitigate all identified environmental risks.

### *Advice:*

*This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

### Reason for condition

To minimise the potential for environmental impacts from the demolition and construction works

### ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's [website](#) for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

### CONDITION ENDORSEMENT

If any condition requires that further documents are submitted and approved, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning portal](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

#### BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. Click [here](#) for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

#### WORK PLACE HEALTH AND SAFETY

Appropriate occupational health and safety measures must be employed during the works to minimise direct human exposure to potentially-contaminated soil, water, dust and vapours. Click [here](#) for more information.

#### PROTECTING THE ENVIRONMENT

In accordance with the *Environmental Management and Pollution Control Act 1994*, local government has an obligation to "use its best endeavours to prevent or control acts or omissions which cause or are capable of causing pollution." Click [here](#) for more information.

#### NOISE REGULATIONS

Click [here](#) for information with respect to noise nuisances in residential areas.

#### WASTE DISPOSAL

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

Further information regarding waste disposal can also be found on the Council's [website](#).

#### FEES AND CHARGES

Click [here](#) for information on the Council's fees and charges.

#### DIAL BEFORE YOU DIG

Click [here](#) for dial before you dig information.



**10. Monthly Building Statistics - 1 March - 31 March 2022**

**File Ref: F22/34644**

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Ref: Open [CPC 8.1](#), 26/04/2022

That the building statistical report of the Director City Life be received and noted:

During the period 1 March 2022 to 31 March 2022, 44 permits were issued to the value of \$20,640,708 which included:

- (i) 24 for extensions/alterations to dwellings to the value of \$2,473,190;
- (ii) 4 new dwellings to the value of \$2,549,600
- (iii) 13 new multiple dwellings to the value of \$4,850,000; and
- (iv) 2 major projects:
  - (a) 48 Liverpool Street, Hobart - Commercial Internal Alterations - \$6,500,000;
  - (b) 14 Kooyong Glen, South Hobart - 11 Multiple Dwellings - \$4,200,000;

During the period 1 March 2021 to 31 March 2021, 68 permits were issued to the value of \$26,243,586 which included:

- (i) 42 for extensions/alterations to dwellings to the value of \$5,359,380;
- (ii) 8 new dwellings to the value of \$5,359,380; and
- (iii) 0 new multiple dwellings; and
- (iv) 3 major projects:
  - (a) 40 Melville Street, Hobart - Commercial Internal Alterations - \$5,614,500;
  - (b) 23 Commercial Road, North Hobart - New Commercial Building - \$3,500,000;
  - (c) 284A-284B Argyle Street, North Hobart - Commercial Internal Alterations - \$2,000,000;

In the twelve months ending March 2022, 583 permits were issued to the value of \$255,830,101; and

In the twelve months ending March 2021, 630 permits were issued to the value of \$182,055,284

**11. Monthly Planning Statistics - 1 March - 31 March 2022**

**File Ref: F22/34662**

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Ref: Open [CPC 8.2](#), 26/04/2022

That the planning statistical report of the Director City Life be received and noted:

During the period 1 March 2022 to 31 March 2022, 58 permits were issued to the value of \$30,149,300 which included:

- (i) 9 new single dwellings to the value of \$5,690,100
- (ii) 17 multiple dwellings to the value of \$10,750,000;
- (iii) 25 extensions/alterations to dwellings to the value of \$4,736,580
- (iv) 6 extensions/alterations to commercial properties to the value of \$8,668,000;
- (v) 2 major projects;
  - (a) 2 Sayer Crescent, Sandy Bay - Demolition, New Building for 14 Multiple Dwellings, and Associated Works - \$10,000,000;
  - (b) 111-115 Macquarie Street, Hobart - Partial Demolition, Alterations and Extension and Signage - \$4,000,000

During the period 1 March 2021 to 31 March 2021, 82 permits were issued to the value of \$80,184,807 which included:

- (i) 8 new single dwellings to the value of \$3,969,482;
- (ii) 9 multiple dwellings to the value of \$2,470,000;
- (iii) 36 extensions/alterations to dwellings to the value of \$5,555,250;
- (iv) 15 extensions/alterations to commercial properties to the value of \$8,863,075;
- (v) 2 major projects;
  - (a) 46 New Town Road, New Town - Demolition, New Building for Hospital Services, Business and Professional Services, and General Retail and Hire, Signage, and Associated Works - \$60,000,000;
  - (b) 10 Edward Street (Also known as 2 Edward Street), Glebe - Partial Demolition, Alterations and Change of Use to Educational and Occasional Care - \$5,500,000

In the twelve months ending March 2022, 709 permits were issued to the value of \$255,778,083; and

In the twelve months ending March 2021, 785 permits were issued to the value of \$333,402,852.

*# This report includes permits issued, exempt and no permit required decisions.*

<b>FINANCE AND GOVERNANCE COMMITTEE</b>
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**12. Rate Remissions - Pensioner Discounts**

**File Ref: F22/31090**

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Ref: Open [FGC 6.1](#), 27/04/2022

- That:
1. The City review the rates support provided to pensioners who own property in the municipal area in consultation with the community and business sectors as part of the review of the City's rating and valuation strategy.
  2. The Council Rates Remission Policy remains unchanged for the 2022-23 rating year, while the review of the City's rating and valuation strategy is undertaken.

**PARKS AND RECREATION COMMITTEE**

**13. Tasmanian Bridge Association - 10 Selfs Point Road, New Town - New Lease Request**  
**File Ref: F22/30573**

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Ref: Open [PRC 6.1](#), 13/04/2022

- That:
1. A new lease to the Tasmanian Bridge Association for the Tasmanian Bridge Club located at 10 Selfs Point Road, New Town be approved for a period of ten (10) years, subject to no objections being received during the statutory community engagement process required under Sections 178 and 179 of the *Local Government Act 1993*.
  2. Should any objections be received during the community engagement period, a further report will be provided to the Council.
  3. The Chief Executive Officer be authorised to finalise the terms and conditions of the lease.
  4. In accordance with the Council Policy 'Grants and Benefits Disclosure' the benefit recognised to the Tasmanian Bridge Association by way of reduced rental as part of the amended lease be disclosed in the City's Annual Report.

**SPECIAL REPORT – ACTING LORD MAYOR**

**14. Elected Member Professional Development Plan - Alderman Damon Thomas**  
**File Ref: F22/37263**

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Memorandum of the Deputy Lord Mayor of 27 April 2022 and attachment.

Delegation: Council



City of **HOBART**

**MEMORANDUM: COUNCIL**

**Elected Member Professional Development Plan -  
Alderman Damon Thomas**

In accordance with the Elected Member Development and Support Policy, the attached professional development plan for Alderman Damon Thomas is provided for information.

The estimated costs associated with the professional development plan is \$295 which will be deducted from Alderman Thomas' individual allocation and attributed to the elected member professional development allocation within the Elected Member Allowances and Expenses Function of the Annual Plan 2021-22.

**RECOMMENDATION**

***That the professional development plan for Alderman Damon Thomas, as attached to the Open Council Agenda of 2 May 2022, 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 H Burnet  
**ACTING LORD MAYOR**

Date: 27 April 2022  
File Reference: F22/37263

Attachment A: Professional Development Plan - Alderman Thomas ↴

**Professional Development Plan for Elected Member Alderman Damon Thomas for the 12 month period commencing Nov 2021**

<b>Development need:</b>	<b>Targeted Outcome:</b>	<b>Identified activity / training and location:</b> (if known)	<b>Date of activity</b> (if known):	<b>Cost</b> (if known):	<b>Supporting documentation attached</b> ✓	<b>Date report provided:</b> (office use)
A better understanding of the economic direction of the State government particularly as it will influence and inform the council in terms of its own city and regional planning activities	An increased ability to align the economic development activity of the Council with the state's economic recovery and future success – education/skills/jobs	<p>When Premier Guttwein stood up the Economic and Social Recovery Advisory Council (PESRAC), he signalled a proactive approach to protecting Tasmania from the worst of the Covid impacts, and to driving economic recovery beyond the pandemic.</p> <p>In this first event in CEDA's Tasmania Economic Development Forum, the group will build on the work of PESRAC to explore three areas vital to the State's economic recovery and future success – education   skills   jobs.</p> <p>I would join state leaders from business, government and the community, and national spokespeople to explore:</p>	13 May 2022	\$295	As Per memorandum issued to elected officials	

		<ul style="list-style-type: none"><li>• <b>Education:</b> building capability to match future needs.</li><li>• Aligning <b>skills</b> with job requirements and retaining Tasmania's talent</li><li>• Creating <b>jobs</b> through growing economic opportunities</li></ul>				
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DAMON Thomas  
Elected Member



Date: 26 April 2022

Date plan provided to Council for noting: 2 May 2022



Approved by Deputy Lord Mayor Councillor Helen Burnet

Date: 26 April 2022



<b>SPECIAL REPORT – CHIEF EXECUTIVE OFFICER</b>
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**15. Code Of Conduct Determination Report Louise Elliot V Lord Mayor  
Councillor Anna Reynolds  
File Ref: F22/37367**

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Memorandum of the Chief Executive Officer of 27 April 2022 and attachment.

Delegation: Council

City of **HOBART****MEMORANDUM: COUNCIL****Code of Conduct Determination Report  
Louise Elliot v Lord Mayor Councillor Anna Reynolds**

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 Elliot against Lord Mayor Reynolds.

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 Elliot against Lord Mayor Reynolds, 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: 27 April 2022  
File Reference: F22/37367

Attachment A: Code of Conduct Determination\_Elliot vs Reynolds ↴

**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 7013 Email: [lgconduct@dpac.tas.gov.au](mailto:lgconduct@dpac.tas.gov.au)

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**PRIVATE AND CONFIDENTIAL**

Ms Kelly Grigsby  
Chief Executive Officer  
Hobart City Council  
[ceo@hobartcity.com.au](mailto:ceo@hobartcity.com.au)

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 Elliot against Councillor Anna Reynolds. A copy of the Determination Report is enclosed.

As per section 28ZK (2) of the Act, copies have also been provided today to Ms Elliot, Councillor Reynolds, 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 7013 or by email at [lgconduct@dpac.tas.gov.au](mailto:lgconduct@dpac.tas.gov.au) if you have any queries.

Yours sincerely



**Helen Medhurst**  
Executive Officer  
Code of Conduct Panel

26 April 2022

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  
CITY OF HOBART ELECTED MEMBER CODE OF CONDUCT**

**Complaint brought by Ms Louise Elliott against the Lord Mayor, Cr Anna Reynolds**

**Code of Conduct Panel**

- Lynn Mason (Chairperson)
- David Sales (Local Government Member)
- Sam Thompson (Legal Member)

Date of Determination: 22 April 2022

Content Manager Reference: CM 23316

**Summary of the complaint**

The complaint dated 6 December 2021 was submitted on 23 December 2021, and was referred to the Chairperson for assessment on 5 January 2022.

The complaint alleged that in December 2021 and on other occasions Cr Reynolds charged her private electric motor vehicle from a power supply provided by the Council on the Hobart Town Hall parking deck. It was alleged that this was 'system and planned behaviour' (sic). The complaint stated that the Council's Elected Member Development and Support Policy in force at the time allowed only two options for recouping financial costs associated with private car travel, and these did not include use of Council electricity to recharge an electric vehicle, and that therefore, a breach of this policy would bring the office of the elected member, and the Council, into disrepute.

It was also alleged that Cr Reynolds used her position of authority improperly to influence installation of the charging infrastructure. Further it was alleged that Cr Reynolds failed to declare a conflict of interest when directing that the charging infrastructure be installed. The complaint alleged that these actions constituted breaches of Part 2.6(b), Part 3.1, Part 3.2 and Part 4.2 of the *City of Hobart Elected Member Code of Conduct* (the Code).

The complaint alleged that Cr Reynolds breached the following sections of the Code:

***Part 2 - Conflict of interests that are not pecuniary***

6. *An elected member who has an actual, potential or perceived conflict of interest in a matter before the Council must: –*
  - a) –
  - b) *act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the elected member to remove himself or herself physically from any Council discussion and remain out of the room until the matter is decided by the Council.*

***Part 3 – Use of Office***

1. *The actions of an elected member must not bring the Council or the office of elected member into disrepute.*

2. *An elected member must not take advantage, or seek to take advantage, of their office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for themselves or any other person or body.*

#### **Part 4 – Use of Resources**

2. *An elected member must not use Council resources for private purposes except as provided by Council policies and procedures.*

#### **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 *Local Government Act 1993* (the Act). Having assessed the complaint against the provisions of sections 28ZB and 28ZC of the Act, the Chairperson determined that:

1. Under section 28ZB(1)(a) the alleged breach of Part 3.2 was dismissed, on the grounds that it was vexatious, meaning, that it was brought without sufficient grounds. No evidence was provided to substantiate the allegation that Cr Reynolds influenced the installation of the charging infrastructure in any way.
2. Under section 28ZB(1)(b), the alleged breach of Part 2.6(b) was dismissed as this part of the complaint did not substantially relate to a contravention of the Code. Part 2.6(b) of the Code refers to declarations which occur when elected members are making decisions in council meetings. There was no suggestion in the complaint that Cr Reynolds participated in council decision making in a meeting where a declaration of conflict of interest should have been made. As noted above, no evidence was provided that Cr Reynolds influenced the installation of the charging infrastructure in any way.
3. Under section 28ZA(1)(f), having assessed the complaint against the provisions of sections 28ZB and 28ZC of the Act, the Chairperson determined that the alleged breaches of Part 3.1 and Part 4.2 of the Code were to be investigated and determined by the Code of Conduct Panel on the following grounds:
  - the complainant had made a reasonable effort to resolve the complaint. The Chairperson arrived at this conclusion because the complainant had recently asked a question of the Council regarding the Elected Member Development and Support Policy and its application and the transparent recording of elected member benefits, and this had not been answered when the complaint was submitted;
  - the complaint substantially related to a contravention of the City of Hobart Elected Member Code of Conduct, namely Part 3(1) and Part 4(2);
  - these parts of the complaint should not be dismissed on the grounds that they were frivolous, vexatious or trivial. The reasons for this conclusion were that if upheld on investigation, the Mayor's use the Council electricity supply to charge her electric vehicle could have brought the Council or the office of Elected Member into disrepute, and could have revealed that Cr Reynolds had used Council resources for private purposes; and
  - 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.<sup>1</sup>

On this basis, the Chairperson determined to investigate the complaint.

The complainant, respondent councillor and the General Manager were notified of the outcome of the initial assessment by letter dated 1 February 2022.

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<sup>1</sup> 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.

### The Complaint

Ms Elliot alleged that Cr Reynolds had systematically used the Council electricity supply to recharge her electric vehicle. The *Elected Member Development and Support Policy* in force at the time stated:

*For the purposes of this policy, travel is defined as modes of transport utilised by elected members for local travel which attract costs, such as, fuel, taxi and bus services etc.;*

and

*Where elected members utilise private vehicles powered by fuel, they will be requested to nominate one (only) of the following options in any financial year: (i) Seek the reimbursement of costs through the submission of kilometre claims, which will be paid at the relevant rate per km, as set by the State Public Service, (as also applying to City of Hobart employees), subject to the provision of supporting information including travel date, destination, and details of the Council activity undertaken.*

*(ii) As an alternative to kilometre claims, elected members may nominate to be issued with a fuel card which enables a maximum allocation of 1,500 litres of fuel to be drawn from the Council's provider in each year. Under this option there is no requirement for elected members to submit travel details. Elected members who nominate to draw from this fuel allocation must only do so by utilising the Council issued fuel card.*

The complaint also alleged that a charger specifically for electric vehicles was installed on the Council's parking deck; and that this charger was subsequently removed because it was found to be incompatible with some electric vehicles. Ms Elliot believed that the introduction of specific charging infrastructure demonstrated that the 'Lord Mayor's decision to charge her vehicle has been planned, intentional and highly likely, ongoing.'

### Investigation

In accordance with section 28ZE of the Act, the Code of Conduct Panel investigated the complaint.

The Panel met on 15 February 2022 to consider the complaint. Cr Reynold requested a brief extension of time to respond to the complaint and this was granted. Her response was received on 18 February 2022, and this was sent to Ms Elliot. Ms Elliot's response to Cr Reynold's statement was received on 23 February 2022, and in this response, Ms Elliot stated that she would welcome a hearing into the matter.

The Panel met again on 2 March 2022 and determined that a hearing would be conducted. The parties were advised that the Panel did not intend to call witnesses, but both Ms Elliot and Cr Reynolds could advise the Executive Officer should they wish to call witnesses. Neither party elected to do so. Cr Reynolds provided a further statement prior to the hearing, and this was sent to Ms Elliot.

The hearing was conducted by Zoom on 1 April 2022. The complainant and the respondent were each sworn/affirmed, gave evidence and were permitted to cross-examine the other. The Panel asked questions of the parties. The parties then made closing submissions, following which the Panel met to determine the complaint.

### Material considered by the Panel

- The City of Hobart Elected Member Code of Conduct adopted February 2019;
- The Complaint, dated 6 December 2021, submitted on 23 December 2021, 3 pp, and accompanied by a Statutory Declaration;
- Statutory Declaration from Cr Reynolds, dated 18 February 2022, 4pp, with Annexure A, 1 p;
- Response from Ms Elliot, 23 February 2022, 4 pp;
- Statutory Declaration from Cr Reynolds, dated 25 March 2022, 3 pp, with Annexures A, B, C, and D, 111 pp; and
- Statutory Declaration from Ald Briscoe, dated 1 April 2022, 1 p.

### Determination

Pursuant to section 28Z(1)(b) of the Act, the Panel dismisses the complaint against Cr Reynolds.

#### Reasons for determination

- I. Included in Cr Reynolds' submission of 18 February 2022 was an email dated 3 December 2021 from Mr Paul Jackson, Manager Legal & Governance / City Governance (City of Hobart) to all elected members of Council. It states, in part:

*Under the Elected Member Development and Support Policy (Section K2) elected members are entitled to be reimbursed the costs associated with local travel whilst undertaking the functions of office. This is the travel that 'attracts cost, such as, fuel, taxi and bus services etc.' Whilst electricity usage associated with charging a private vehicle is not specifically referenced it is clear that the intention of the policy is to capture those costs given that the examples noted in the policy are not exhaustive.*

Cr Reynolds also tendered a copy of an email from Mr Nick Heath, who was General Manager of the Council until April 2021, written to Cr Reynolds on 9 March 2022. In it he stated that he recalled being told by Cr Reynolds prior to his retirement that she intended to purchase an electric vehicle. He then stated:

*I further recall advising you that it was appropriate for you to charge the new vehicle on the various electric chargers located in the Town Hall basement car park and the Elected member car parking space on the Town Hall Top Deck. My advice was based on the fact that as Lord Mayor you were using the vehicle for elected member duties and as such the use was reasonable and was within the Local Government Act and Regulations.....I also recall that the cost of using the service was minimal, less than \$8.00 per day for all day charging.*

Support for this statement from Mr Heath was provided in an email from Mr Peter Carr, formerly one of Mr Heath's direct reports; this was sent to Cr Reynolds on 17 March 2022, and stated that Mr Carr recalled being told by Mr Heath that he (Mr Heath) had advised Cr Reynolds that she could use the Council power supply to charge her vehicle occasionally.

Cr Reynolds also tendered a copy of a letter from the Council's current Chief Executive Officer (CEO) Ms Kelly Grigsby, dated 24 March 2022. The letter noted in part that no elected members had been refused the right to charge their electric vehicles on the Council's electricity supply, and that the power point used by the Lord Mayor is also used by a number of community groups or homeless people who require power. Additionally, the CEO noted that 'Council is not physically able to capture the costs of charging a vehicle as an individual power point used for this purpose is not individually metered. It is considered that the cost of doing this would far outweigh the value in doing so given the relatively small cost associated with charging an electric vehicle from a standard power point.

The crux of the complaint was that Cr Reynolds breached Council's policy by using the charger and that the advice provided by Mr Heath, Mr Carr and Ms Grigsby did not derogate from or excuse that. In effect, the complainant invited the Panel to determine whether Cr Reynolds did, in fact, breach the policy. This would require the Panel to interpret the policy and determine whether Cr Reynolds breached it. This is a misinterpretation of the Panel's role. The Panel's task is to assess whether Cr Reynolds breached the Code in the ways alleged by Ms Elliot. A breach of the policy does not, by the fact itself, constitute a breach of the Code. Rather, Cr Reynolds' conduct must be assessed against the provisions of the Code. The advice provided by Mr Heath and Mr Jackson (supported, after the fact, by Ms Grigsby) is relevant in making that assessment. The Panel cannot and does not find whether Mr Heath and Ms Grigsby's advice was correct or not, nor whether they were able to give that advice, nor whether Cr Reynolds breached the policy. It is the Code, not the policy, with which the Panel is concerned. The Panel finds that Council's administrative officers allowed Cr Reynolds to charge her car. Cr Reynolds acted reasonably in doing so.

While the complainant strongly averred that the email from Mr Heath to Cr Reynolds did not give her permission to charge her car at the Council, the Panel does not agree with this view. It is usual for an elected member to seek advice from the appropriate council officer on the reasonable interpretation of council policy. Mr Heath provided that interpretation, and Cr Reynolds did not act unreasonably in accepting and acting on that advice. As has been noted above, and contrary to the complainant's submission, whether Mr Heath's interpretation was correct or not is beside the point.

Given the statement from the current CEO of the Council, it is not possible to accurately record the value of the electricity used by an elected member in recharging an electric vehicle. The use of Council's power source to charge elected members' modes of transport, phones, and computers used in carrying out their council duties is taken to be a reasonable benefit to the elected members, incurring relatively negligible cost to the Council. The Panel accepts that this is reasonable practice.

The complainant stated at hearing that the role of Lord Mayor is 'full time'. The Panel agrees with this view and therefore deems it reasonable for the Lord Mayor to recharge her vehicle at the council premises when necessary and when fulfilling her council duties. The Lord Mayor confirmed that she had access to a domestic power supply at her place of residence, and that the car was frequently recharged there. This domestic expense is not claimed by Cr Reynolds for reimbursement.

Ms Elliot stated that Cr Reynolds breached Part 4(2) of the Code, on the grounds that the Elected Member Development and Support Policy permitted only two means of reimbursement for fuel for official use of a private vehicle, and that as Cr Reynolds had not used either of these two methods, her use of Council supplied electricity breached this Policy. The section on which Ms Elliot relied related only to the provision of fuel which read in context of the balance of the section meant liquid fuel, i.e., petrol or distillate. The Panel disagrees with this narrow interpretation of the policy, and accepts that the intention of the policy was to ensure that the travel costs of elected members (in carrying out council duties) were not costs to be borne by the individual elected member. The advice given to Cr Reynolds by Council officers supports that intention.

The complainant stated that she considered that Cr Reynolds as Lord Mayor had a duty to inform other elected members that electricity for charging private vehicles was available for all elected members, as advised by Mr Heath in April 2021. The Panel disagrees with this view. It is the role of the CEO or another senior council officer to disseminate such information to elected members. Elected members aware of Cr Reynolds' use of council's power supply had the same right and ability as Cr Reynolds, viz., to enquire of the CEO whether such practice was acceptable. It appears from the evidence provided that no other elected member raised the issue until December 2021.

Pursuant to section 28ZI (1)(b) of the Act, the Code of Conduct Panel therefore dismisses the complaint that Cr Reynolds breached Part 4(2) of the Code.

2. No evidence was provided that the actions of Cr Reynolds had brought the Council or the office of Elected Member into disrepute. The Panel accepts that Ms Elliot and possibly one or two other elected members considered that charging the electric vehicle brought the Council into disrepute, but no further evidence was provided. The Panel has found above that Cr Reynolds acted reasonably (in the sense of not breaching other provisions of the Code).

Pursuant to section 28ZI (1)(b) of the Act, the Panel therefore dismisses the complaint that Cr Reynolds breached Part 3(1) of the Code.

#### 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.



Lynn Mason  
Chairperson



Sam Thompson  
Legal Member



David Sales  
Member



## 16. CLOSED PORTION OF THE MEETING

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### 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:

- Confirm the minutes of the closed portion of the meeting
- Leave of absence

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                       |