



MINUTES

Ordinary Meeting

TUESDAY, 23 MARCH 2021

7.00PM

CITY OFFICES, 80 WILSON STREET, BURNIE

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OPEN SESSION

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**MINUTES OF THE OPEN SESSION ORDINARY MEETING
OF THE BURNIE CITY COUNCIL
HELD AT THE CITY OFFICES ON TUESDAY, 23 MARCH 2021**

HOUR: 6.00pm – 6.01pm
7.10pm – 7.50pm

TIME OCCUPIED: 41 minutes

PRESENT: Mayor S Kons, Deputy Mayor G Simpson, Cr A Boyd, Cr T Brumby, Cr T Bulle, Cr K Dorsey, Cr A Keygan, Cr C Lynch, Cr D Pease.

Officers in Attendance:

General Manager (S Overland), Director Land and Environmental Services (P Earle), Director Works and Services (G Neil), Director Corporate (B Lynch), Chief Financial Officer (B Pilgrim), Executive Manager Corporate Governance (M Neasey), and Media and Communications Officer (D Bellamy).

APOLOGIES: There were no apologies tendered.

‘CLOSED SESSION’: COUNCIL

The General Manager advised that in his opinion, the agenda items listed below are prescribed items in accordance with Clause 15 of the *Local Government (Meeting Procedures) Regulations 2015* (i.e. confidential matters), and therefore Council may by absolute majority determine to close the meeting to the general public.

	Meeting Regulations Reference
AC023-21 COUNCILLOR DECLARATIONS OF INTEREST	15(2)(g)
AC024-21 CONFIRMATION OF MINUTES OF THE 'CLOSED SESSION' MEETING OF COUNCIL HELD ON 23 FEBRUARY 2021	15(2)(g)
AC025-21 APPLICATIONS FOR LEAVE OF ABSENCE	15(2)(h)
AC026-21 BURNIE AIRPORT CORPORATION PTY LTD - QUARTERLY REPORT	15(2)(g)
AC027-21 TAS COMMUNICATIONS PTY LTD - QUARTERLY REPORT	15(2)(g)
AC028-21 GENERAL MANAGER'S REPORT - CLOSED SESSION	15(2)(i)
AC033-21 BUDGET STRATEGIES 2021-22	15(2)(a)
AC029-21 NON AGENDA ITEMS	15(2)(f)
AC030-21 MATTERS CONSIDERED IN CLOSED SESSION	15(2)(f)
AC031-21 AUTHORISATION TO DISCLOSE CONFIDENTIAL INFORMATION	15(2)(f)
AC032-21 COMPLETION OF CLOSED SESSION / MEETING ADJOURNMENT	15(2)(f)

RECOMMENDATION

“THAT the meeting be closed to the public to enable Council to consider agenda items AC023-21 to AC032-21 which are confidential matters as prescribed in Clause 15 of the Local Government (Meeting Procedures) Regulations 2015”

COUNCIL RESOLUTION**Resolution number: MO043-21****MOVED:** Cr A Keygan**SECONDED:** Cr G Simpson

“THAT the meeting be closed to the public to enable Council to consider agenda items AC023-21 to AC032-21 which are confidential matters as prescribed in Clause 15 of the Local Government (Meeting Procedures) Regulations 2015”

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr K Dorsey, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

Reg Confidential Reason

- 15(2)(a) Personnel matters, including complaints against an employee of the council and industrial relations matters
- 15(2)(b) Information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the council is conducting, or proposes to conduct, business
- 15(2)(c) Commercial information of a confidential nature that, if disclosed, is likely to (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret
- 15(2)(d) Contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal
- 15(2)(e) The security of (i) the council, councillors and council staff; or (ii) the property of the council
- 15(2)(f) Proposals for the council to acquire land or an interest in land or for the disposal of land
- 15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
- 15(2)(h) Applications by councillors for a leave of absence
- 15(2)(i) Matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council
- 15(2)(j) The personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area

In accordance with Regulation 34(1)(b) of the *Local Government (Meeting Procedures) Regulations 2015*, it is reported that the following matters were considered in Closed Session:

Agenda Item	Title	Brief Description
AC023-21	Councillor Declarations of Interest	A report to consider any declarations of interest by Councillors in any matter in the Agenda
AC024-21	Confirmation of Minutes of the Closed Session Meeting of Council held on 23 February 2021	A motion to confirm the Minutes of the previous meeting
AC025-21	Applications for Leave of Absence	A report to consider any requests for leave of absence by a Councillor
AC026-21	Burnie Airport Corporation Pty Ltd – Quarterly Report	A report to receive the quarterly report from Burnie Airport Corporation, of which Council is a shareholder
AC027-21	Tas Communications Pty Ltd – Quarterly Report	A report to receive the quarterly report from Tas Communications, which is a wholly owned entity of Council
AC028-21	General Manager's Report – Closed Session	A report that considers various operational updates of a confidential nature
AC033-21	Budget Strategies 2021-22	A report to consider budget strategies for 2021-22
AC029-21	Non Agenda Items	A report to consider dealing with any matter that is not on the Council Agenda
AC030-21	Matters Considered in Closed Session	A report containing a brief description of all reports considered by Council in the Closed Session
AC031-21	Authorisation to Disclose Confidential Information	A report that authorises the Mayor and General Manager to disclose information if required during the course of implementing the decisions of Council
AC032-21	Completion of Closed Session/Meeting Adjournment	This report confirms the completion of Closed Session

RESUMPTION

ACKNOWLEDGEMENT OF COUNTRY

The Mayor commenced the Open Session with the Acknowledgement of Country.

The Burnie City Council acknowledges Tasmanian Aborigines as the traditional owners of the land on which we are meeting and on which this building stands.

AUDIO RECORDING

It is noted that the Open Session of the Meeting will be audio recorded. The audio recording will be made available to the public in accordance with Regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015*.

PRAYER

The meeting was opened with prayer by Captain Belinda Cassie from the Salvation Army Church.

AO041-21 COUNCILLOR DECLARATIONS OF INTEREST

The Mayor requested Councillors to declare any interest that they or a close associate may have in respect of any matter appearing on the agenda.

There were no declarations of interest.

**AO042-21 CONFIRMATION OF MINUTES OF THE 'OPEN SESSION' MEETING
OF COUNCIL HELD ON 23 FEBRUARY 2021****RECOMMENDATION:**

“THAT the minutes of the ‘Open Session’ of the Burnie City Council, held at the City Offices on 23 February 2021, be confirmed as true and correct.”

COUNCIL RESOLUTION

Resolution number: MO044-21

MOVED: Cr K Dorsey

SECONDED: Cr D Pease

“THAT the minutes of the ‘Open Session’ of the Burnie City Council, held at the City Offices on 23 February 2021, be confirmed as true and correct.”

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr K Dorsey, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

MOTIONS ON NOTICE**AO043-21 MOTION ON NOTICE - CAM RIVER BRIDGE****FILE NO:** 15/5/2, 21/25068**PREVIOUS MIN:**

Councillor Ken Dorsey has given notice that he would move the following motion at this meeting:-

“THAT Council request the Department of State Growth to hold a public meeting/s re the Cam River Bridge Replacement and Murchison Highway Signalisation.”

COUNCILLOR’S COMMENTS

The calls for a new bridge and improvement to traffic flow between Wynyard and Burnie has been an on-going discussion for probably 30 years. The infamous “Cooee Crawl” and lack of an alternative route should the bridge experience a calamity or alternatively the inability of police to clear traffic lanes when mishaps occur, has dominated discussions for years.

It seems appropriate that the department address any community concerns directly. The Transport Services interactive page request feedback from the public and provides an interactive map that is more explanatory than “interactive”; however, you have the ability to “like” or “dislike” and an ability to “join the discussion” (with whom?).

The NW Coastal Pathway advises ***“For more information about the North West Coastal Pathway visit www.centralcoast.tas.gov.au/nw-coastal-pathway.”***

The plan calls for more traffic lights that will signal that there are 3 traffic lights within one kilometer or less?

The information page advises the following:

- ***The project is out for tender and is expected to be awarded in the coming months with construction to start in early 2022.***
- ***The concept design is indicative only and subject to change with the successful tender.***

Does this mean that the decision has been made and public consultation is mere window dressing?

Public concerns include:

1. The new bridge does not address the Cooee Crawl except by adding a set of lights and reducing speed to 50ks per hour (irrelevant when only able to travel at less than 10ks per hour?).

2. The new bridge does not allow for an alternative route should anything happen re the new bridge. Demolishing the old bridge seems questionable as it would provide an alternative if required.
3. The new bridge is being built over the 2nd or 3rd most visited water recreation area between Burnie and Boat Harbour. The Cam River beach has been used for the past 100 or so years without interruption. This area will not have vehicular access as in the past? Has this been addressed?
4. The diagram shows the new road precariously close to the caryard (actually passing through it)?
5. How does the new bridge affect the movement of sand and address future issues with erosion? ANZAC Park in Somerset has seen an increase in water levels that has wiped out the boobiallas along the beach?
6. Has the Department considered what effect this will have on the course of the river? The river has changed course many times in the past, are there preventive measures being considered?

Whilst the concept design and “interactive” map are impressive and professional, the idea that that the concept design is open for public consultation does not fit within their narrative: “the concept design is indicative only and subject to change with the successful tender.”?

GENERAL MANAGER’S COMMENTS

The Department of State Growth is responsible for conducting the public consultation process on the proposed Cam River Bridge reconstruction, and they have provided a number of ways in which people can provide feedback by the due date of 26 March 2021. These include both online and written methods, with information currently available in the atrium at the City Offices.

It is recommended that this motion not be supported.

COUNCIL RESOLUTION

Resolution number: MO045-21

MOVED: Cr K Dorsey

SECONDED: Cr D Pease

“THAT Council request the Department of State Growth to hold a public meeting/s re the Cam River Bridge Replacement and Murchison Highway Signalisation.”

For: Cr K Dorsey, Cr C Lynch, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr A Keygan.

CARRIED

MOTIONS ON NOTICE**AO044-21 MOTION ON NOTICE - VICTORIA LEAGUE****FILE NO:** 15/5/2, 21/25038**PREVIOUS MIN:**

Councillor Ken Dorsey has given notice that he would move the following motion at this meeting:-

“THAT Council place the plaque, representing 100 years of service to the community by the Victoria League, on a ground floor wall of the Council Chambers.”

COUNCILLOR’S COMMENTS

Initially the plaque was to be placed in Oakleigh Park accompanying the new works to be completed. As the works are not to progress, it seems more fitting to recognize their accomplishments and honor their contribution to Burnie by placing the plaque in the Council Chambers where it will be seen.

In addition, the chances of this memorabilia being vandalised, and the work of the Victoria League besmirched by vandals would be considerable in Oakleigh Park. Whilst not ascribing to the belief that the city cannot place items in the public domain without the threat of vandalism, in this instance and the location chosen would give rise to that belief.

Some of the accomplishments include:

1. In 1922 members furnished a room for the Bush Nurse with surplus from their own homes. This was the forerunner of the Child Health Clinic in the area and included ongoing support.
2. 1923 Donations were made to the Girl Guides and Boy Scouts for purchase of equipment.
3. Providing assistance to service men and women through 2 world wars, the Korean War and Vietnam.
4. 1951 Representatives were elected to the Good Neighbour Council where members welcomed new Australians as well as giving financial support.
5. 1975 One of the most important achievements of the Victoria League was the imitation of Australia Day in Burnie.
6. In 1978 - 79 Assistance was given to Umina Park for a 4 Bed extension. This support continued on for a number of years.
7. Since 1955 Burnie Victoria League has participated in Burnie Council Tree Planting Scheme.
8. They continued to provide assistance to the Emu Valley Rhododendron Garden where in 2001 the group donated \$1000 towards a Water Feature on Lake Grebe in the Garden.

9. Their generosity includes donations to:
 - a. Burnie Police and Citizens Youth Club,
 - b. Burnie concert Band
 - c. Eisteddfod Society
 - d. Make-a-Wish Foundation,
 - e. Senior Citizens Clubrooms
 - f. Girl Guides and Boy Scouts
 - g. Acton Primary School providing clothing and shoes for the children. Several schools have also been the recipients of donations for their Breakfast clubs over a number of years.
 - h. Multicap
 - i. the Retarded Children's Welfare Association
 - j. Hear-a-Book
 - k. Hospice Care and Lifeline
 - l. Burnie Surf Life Saving Club are among many other recipients of donations.

Victoria League has also run numerous Art and Essay Competitions for school children over the years and has made donations of Books to all local Primary and Secondary schools

They have been instrumental in forming the Burnie we live in today. The recognition of 100 years of service is a testament to the organization and the members who continue to give, placing the plaque in the Council Chambers is a fitting memorial to a group that worked out of their lounge rooms for a better Burnie.

GENERAL MANAGER'S COMMENTS

Council has already made a decision to install the 100 years recognition of service plaque in Oakleigh Park, at its January meeting, Item AO019-21.

In the request to Council, the Victoria League identified three possible sites for the plaque, Oakleigh Park being one. There are several other recognition plaques in this park. The installation of the plaque is not dependent on or related to the deferred Oakleigh park works.

The Council Chambers does not hold other recognition plaques for community service clubs or groups, and with public access and exposure for public recognition limited, it is not a suitable location to commence this practice into the future.

It is recommended that this motion not be supported.

COUNCIL RESOLUTION**Resolution number: MO046-21****MOVED:** *Cr K Dorsey***SECONDED:** *Cr A Boyd****“THAT Council place the plaque, representing 100 years of service to the community by the Victoria League, on a ground floor wall of the Council Chambers.”****The motion was not put due to the following procedural motion***MOVED:** *Cr D Pease***SECONDED:** *Cr G Simpson****“THAT the matter be deferred.”***

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr K Dorsey, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME**AO045-21 PUBLIC QUESTION TIME****FILE NO: 15/5/5**

In accordance with Clause 31 of the Local Government (Meeting Procedures) Regulations 2015 Council conduct a Public Question Time.

Our Process for Public Questions

A public question must be provided to Council in writing prior to the start of the meeting. You can submit your question at any time online at www.burnie.net or complete a form at the entry to the Meeting Room.

You can submit your question at any time prior to this online at www.burnie.net. There is a limit of two questions per person.

Your question will be read out by the Mayor during the meeting.

Council Meetings are recorded.

Please note:

- Parliamentary Privilege does not apply at Council Meetings
- If it is not possible to answer the question at the meeting, the General Manager will provide a written answer within 10 days
- The question and answer cannot be debated
- The Mayor may refuse to accept a question

Brian Armstrong of Burnie, asked the following questions:

1. *Overgrown houses in the area. Can this be addressed as most are a fire hazard and danger to other rate payers? Should fire abatement notices be issued for these properties? Should Council utilize provisions under the Local Government Act 1993 to ease public concern?*

The Mayor replied that Council may require a landowner to clear dry vegetation if it is, or is likely to become, a fire hazard. Each property must be considered individually. Inspection and assessment of likely fire risk sites is carried out during the summer by a council officer trained in fire abatement. Typically, a suburban residential lot does not contain sufficient vegetation to be a fire hazard. An abatement notice may be issued under the Local Government Act if a landowner has failed to take adequate action to manage vegetation and fire risk on larger lots. The question does not identify any specific property. Please provide Council officers by email with an address if you have concern about a particular property.

2. *Recovery of cost to repair damage to footpaths etc caused by aurora eg Surrey Road. This cost of repair should not be borne by ratepayers. Reported, was it followed up. And I am sure there is others, resealing around power poles that have been replaced. Footpaths were [sentence unfinished]?*

The Mayor replied that where Council is aware of planned works by other authorities, inspection of the site before and after the work is carried out. Where damage to Council infrastructure occurs due to third party works, Council would require the third party to repair. An instance of lack of reinstatement next to a new transmission pole is noted and Officers have previously sought for the damage to be repaired. Further contact has been made to seek reinstatement. It is noted that the section of footpath is planned for renewal this year.

Adam Leadbetter, of Burnie, asked the following question:

1. *After two recent incidents of large trucks not making it up View Road and having to reverse back down, there needs to be a No Heavy Vehicles Sign at the bottom of View Road. There also needs to be a blind spot mirror on View Road on the corner just past Pleasant Street.*

The Mayor advised that Council has not been made aware of the two incidents in question. Due to the steepness of the street, there can be short term issues with traction in some weather conditions. An asphalt surface with improved skid resistance was installed a number of years ago to aid in mitigating this issue. Prohibiting larger vehicles would impact on community activity (for example waste and recycling trucks servicing properties, delivery trucks and the like). Advisory signage will be reviewed in terms of advising of slippery conditions that motorists may need to be aware of. Officers will review the suggestion made in regard to the mirror and engage with Mr Leadbetter.

Ian Jones, of Burnie, asked the following questions:

1. *The Planning Act defines local as in Tasmania. Can we redefine local as Burnie?*

The Mayor responded that the policy does contain a small weighting for local suppliers, and that an Officer would provide a written response to the question.

2. *Can Council consider live streaming the citizenship and awards ceremony?*

The Mayor responded that the comments would be taken on board.

Justin McErlain, of Wynyard, asked the following question:

1. *What is the Street Art Working Group? Can Business Northwest have a seat on this this group.*

The Mayor responded that the street art working group was not currently operational.

WORKS AND SERVICES**AO046-21 PUBLIC LAND REGISTER - REVIEW**

FILE NO: 5/14/1
PREVIOUS MIN: AO078-20

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.5	A sustainable long term future is planned through the management of Council's infrastructure and assets.
Strategy	7.5.2	Ensure assets are adequately developed, maintained and renewed.

1.0 RECOMMENDATION:

“THAT Council endorse the revision to the Public Land Register, being removal of the former Tioxide site from the map set cover page.”

2.0 SUMMARY

This report discusses a review of the Public Land Register maintained by Council.

There are no proposed changes to the register in respect to lands designated as public land.

The public land maps also identify other land owned by Council, which do not meet the definition of public land. With the sale of the Tioxide site having been completed, this parcel has been removed from the map.

3.0 BACKGROUND

Council owns a large portfolio of land and this land is used for a variety of purposes.

The *Local Government Act 1993* provides guidance as to Council's obligations and responsibilities in relation to the purchase and sale of land.

For a particular class of land, “public land”, Council is required to maintain a register of such land and must follow a formal process where it intends to dispose of public land.

To maintain currency, the register is periodically reviewed and amended, should new land be acquired, the status of land changes or land is disposed of by Council.

However, the absence of a parcel land from the Public Land Register does not mean that the land may not be considered as public land for the purposes of the *Act*.

The reasons land may not be listed could include:

- The use of the land has changed since the last review of the register.
- Council has acquired the land in the period since the register was reviewed.

When the disposal of land by Council is considered, an assessment of the land against the tests within the *Local Government Act 1993* is carried out to confirm whether or not the land is in fact “public land”.

4.0 LEGISLATIVE REQUIREMENTS

In accordance with the provisions of the *Local Government Act 1993*, Council is required to keep a list or maps of all public land within the municipal area.

Section 177A of the *Local Government Act 1993* provides guidance as to what land would be considered public land. This section is reproduced below:

177A. Public land

- (1) *The following land owned by a council is public land:*
- (a) *a public pier or public jetty;*
 - (b) *any land that provides health, recreation, amusement or sporting facilities for public use;*
 - (c) *any public park or garden;*
 - (d) *any land acquired under section 176 for the purpose of establishing or extending public land;*
 - (e) *any land shown on a subdivision plan as public open space that is acquired by a council under the Local Government (Building and Miscellaneous Provisions) Act 1993;*
 - (f) *any other land that the council determines is public land;*
 - (g) *any other prescribed land or class of land.*
- (2) *The general manager is to –*
- (a) *keep lists or maps of all public land within the municipal area; and*
 - (b) *make the lists and maps available for public inspection at any time during normal business hours.*

A list of public land and an electronic map containing same is available on the Council website for viewing.

The absence of a parcel land from the Public Land Register does not mean that the land may not be considered as public land for the purposes of the *Act*.

5.0 POLICY CONSIDERATIONS

This report presents no policy implications for Council.

Council has a legislative requirement to maintain a Public Land Register and the considerations for determining whether land is “public land” are contained in the relevant section of the *Act*.

6.0 FINANCIAL IMPACT

This report does not present any financial implications to Council.

7.0 DISCUSSION

As noted in the background section of this report, Council owns a large portfolio of land and this land is used for a variety of purposes.

In respect to land classed as public land, Council is required to maintain a register of such land.

Council’s register is available on Council’s website as a list of land as well as a map. The register was last updated on 17 March 2020 to version 8.0 (REG-CBS-SG-014).

A review of the register and associated maps has occurred. No additions or deletions in respect to lands designated as public land have been identified.

In the intervening period, a number of public land disposal processes associated with long term leases of Council land have been considered and determined by Council, however these process do not change the designation of the subject land as public land.

The maps identify all lands owned by Council, with the designation of the land either public land or other. The transfer process associated with the sale of the Tioxide site has been completed and this parcel has been removed from the maps. The only page of the maps impacted is the cover page of the map set, revised copy ***attached***.

8.0 RISK

The preparation of a Public Land Register enables Council to comply with the requirements of Section 177A of the *Local Government Act 1993*.

A potential risk in respect to public land may relate to maintaining a current register of relevant land. This report notes that an annual review of the register occurs, and the action is included in the Compliance Register.

9.0 CONSULTATION

The review of the Public Land Register required the input of various Officers in Council.

ATTACHMENTS

1 [↓](#). Updated Public Land Register - Maps Overview

COUNCIL RESOLUTION

Resolution number: MO047-21

MOVED: *Cr G Simpson*

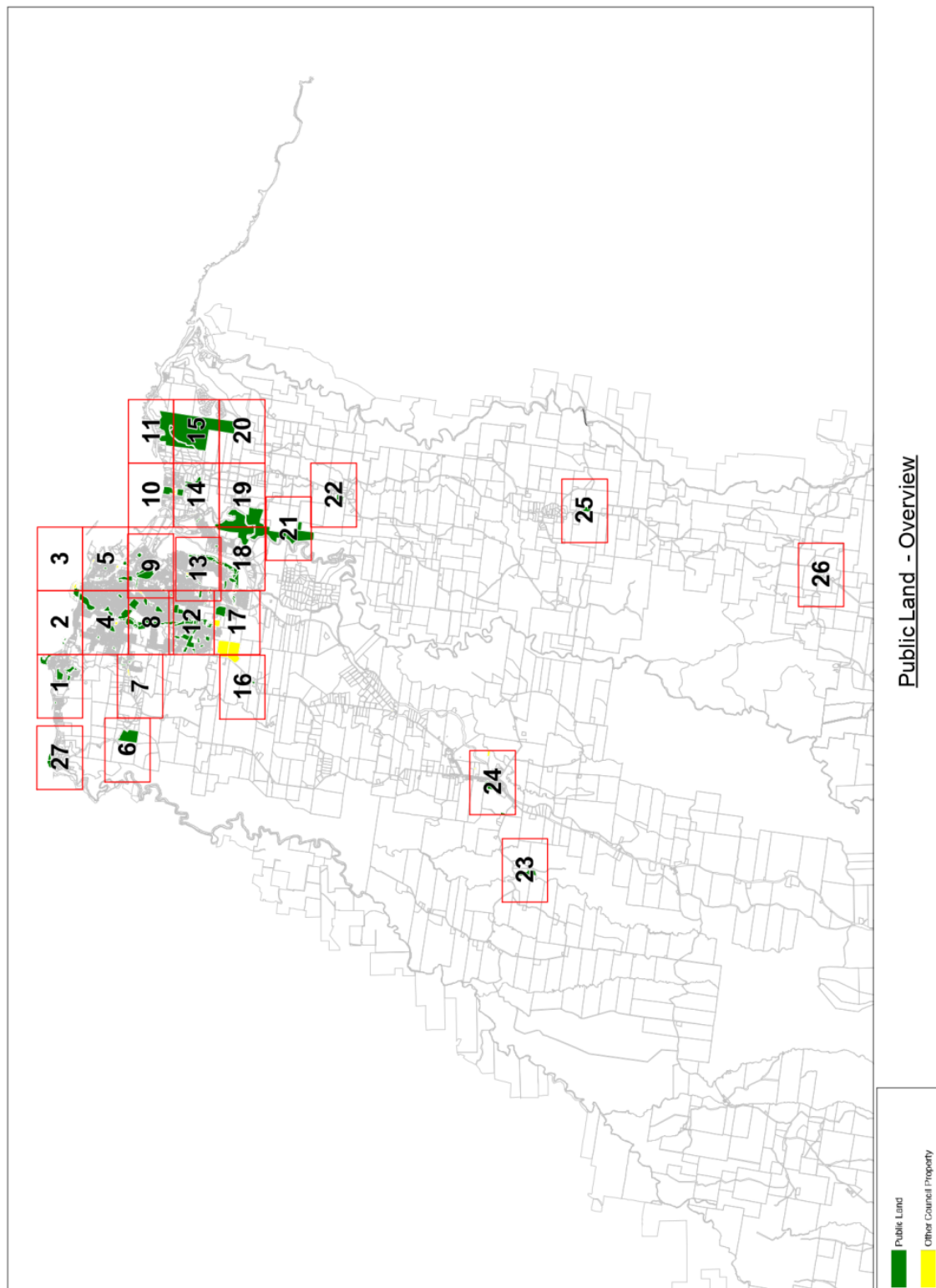
SECONDED: *Cr D Pease*

“THAT Council endorse the revision to the Public Land Register, being removal of the former Tioxide site from the map set cover page.”

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr K Dorsey, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY



Public Land - Overview

WORKS AND SERVICES**AO047-21 LAND DISPOSAL (VIA LEASE) - PROPOSAL TO TRANSFER A
PORTION OF PUBLIC LAND TO YEOMAN FOOTBALL CLUB AND
NATONE CRICKET CLUB
WIVENHOE RECREATION GROUND
1-7 PEARL STREET, WIVENHOE
CT VOLUME 152607, FOLIO 1 AND CT VOLUME 231921, FOLIO 1**

FILE NO: 5/2/5; 7721484
PREVIOUS MIN: AO009-21

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.5	A sustainable long term future is planned through the management of Council's infrastructure and assets.
Strategy	7.5.2	Ensure assets are adequately developed, maintained and renewed.

1.0 RECOMMENDATION:

“THAT Council:

- 1) Determines to dispose (via a lease) of a portion of public land, located on the Wivenhoe Recreation Ground, 1-7 Pearl Street, Wivenhoe (being part of CT Volume 152607, Folio 1 and CT Volume 231921, Folio 1, the area identified on the plan attached), to the Yeoman Football Club and the Natone Cricket Club; and***
- 2) Authorises the General Manager to execute a lease agreement with the two Clubs consistent with the Community Leases Policy.”***

2.0 SUMMARY

There being no representations made in regard to this public land disposal process, it is recommended to Council that the disposal (via a lease) of the respective portion of public land be supported and that authorisation be given to the General Manager to execute a lease agreement with the two Clubs.

3.0 BACKGROUND

At the Council Meeting held on 27 January 2021, Council considered a report recommending that a public land disposal process be commenced in regard to the disposal (via a lease) of a portion of land located at located on the Wivenhoe Recreation Ground, 1-7 Pearl Street, Wivenhoe (being part of CT Volume 152607, Folio 1 and CT Volume 231921, Folio 1).

In that matter, Council determined (AO009-21):

“THAT Council determines its intention to dispose (via a lease) of a portion of public land, located on the Wivenhoe Recreation Ground, 1-7 Pearl Street, Wivenhoe (being part of CT Volume 152607, Folio 1 and CT Volume 231921, Folio 1, the area identified on the plan attached), to the Yeoman Football Club and the Natone Cricket Club, and that a further report be presented to Council as to the outcome of the submission process.

In implementing this determination, a public notice was published twice in The Advocate newspaper on Saturday, 30 January 2021 and on Wednesday, 3 February 2021 (copies **attached**) and a notice placed on the property boundary contained the same information as the public notice.

Submissions in respect to the public land disposal process were required to be received by Council, no later than 21 days from the publication of the initial public notice.

At the completion of that period, no submissions were received.

4.0 LEGISLATIVE REQUIREMENTS

The *Local Government Act 1993* intends that a Council may own and deal with land in the same manner as any private corporation or individual.

A Council may purchase, lease or compulsorily acquire land for any reason which it considers of benefit to the Council or the community.

A Council may also sell, lease, donate, exchange or otherwise dispose of land owned by it in any manner it considers appropriate subject only to first obtaining a valuation.

However, the *Act* recognises a Council may own land for purposes specifically intended to allow public access and use, including for development of health, recreation, amusement or sporting facilities, to gain access to water, to create a public park or garden, or to provide public open space for a residential estate.

The *Act* in *Section 178* instructs that if a Council has acquired or declared land to be available for public access and use, it must not make a decision to dispose of the land unless first providing an opportunity for the community to consider and make comment on the proposal.

A determination on whether to dispose of the land must take into account any submission received from the community.

Section 178A provides that any person who made an objection and is dissatisfied with the decision of the Council may appeal to the Resource Management and Planning Appeals Tribunal, on grounds that disposal of the land is not in the public interest in that –

- a) The community may suffer undue hardship due to the loss of access to, and the use of, the public land; or
- b) There is no similar facility available to the users of the facility.

There have been no representations received in respect to this public land disposal process.

5.0 POLICY CONSIDERATIONS

The public land disposal process is a statutory process and in itself has no policy implications for Council.

Both Clubs have occupied the land and premises as noted in this report under a previous lease with Council.

The draft lease with the Clubs will be in accordance with Council's policy *Community Leases CP-CBS-SG-036*.

6.0 FINANCIAL IMPACT

Section 177 of the *Local Government Act 1993* requires that a valuation for land be obtained before Council disposes of the land through a lease.

Council has previously engaged a Company to provide valuations for Council's buildings for building assets revaluation and insurance purposes.

As part of this valuation process, lease values for various premises were sought.

The Valuers have indicated an annual rental figure for the building occupied by the two Clubs as \$14,628 per annum (as at 30 June 2019).

However, it is noted that the proposed lease arrangement with the two Clubs would be in accordance with Council's policy *Community Leases CP-CBS-SG-036*.

The lease fee payable by an eligible community organisation is specified in the policy. For 2020-2021, the applicable annual lease fee is \$387.80, including GST. This cost is shared on a 50% basis between the two Clubs as they occupy the premises for half a year each.

In addition, the Clubs must reimburse Council the cost of the building insurance premium associated with the facility occupied.

7.0 DISCUSSION

A public land disposal process has been progressed in relation to the disposal (via a lease) of a portion of land located at located on the Wivenhoe Recreation Ground, 1-7 Pearl Street, Wivenhoe (being part of CT Volume 152607, Folio 1 and CT Volume 231921, Folio 1).

The plan ***attached*** shows the footprint of the land occupied, including building and common area.

Council has followed the prescribed processes under the *Local Government Act 1993* associated with the disposal of public land, including the lease of land, where the period of the lease term is greater than five years.

No representations were made in respect to this public land disposal process.

8.0 RISK

The primary risk in the public land disposal process is not following the procedural requirements as detailed within *Section 178* of the *Local Government Act 1993*.

The actions taken by Officers to progress the public land disposal process have been compliant with the *Act*.

9.0 CONSULTATION

The *Act* does not require that a specific consultation process occur in regard to the disposal of public land.

It does require that Council advise the community of its intention to dispose of public land, seek submissions in regard to the disposal, and consider any objections lodged in its further deliberation of the disposal.

This notification process was implemented in accordance with the requirements of the *Act*.

The two Clubs were advised of Council's intention to commence a public land disposal process.

ATTACHMENTS

- 1 [!\[\]\(e615ca91639aee4263e67e1cc9ac86eb_img.jpg\)](#). Yeoman Football Club and Natone Cricket Club - Leased Map Area.
- 2 [!\[\]\(ff4f02ee9868b6fc73231e11f2af1336_img.jpg\)](#). Yeoman Football Club and Natone Cricket Club - Public Notices - Advocate 30/1/2021 and 3/2/2021

COUNCIL RESOLUTION**Resolution number: MO048-21****MOVED:** *Cr T Brumby***SECONDED:** *Cr D Pease****“THAT Council:***

- 1) Determines to dispose (via a lease) of a portion of public land, located on the Wivenhoe Recreation Ground, 1-7 Pearl Street, Wivenhoe (being part of CT Volume 152607, Folio 1 and CT Volume 231921, Folio 1, the area identified on the plan attached), to the Yeoman Football Club and the Natone Cricket Club; and***
- 2) Authorises the General Manager to execute a lease agreement with the two Clubs consistent with the Community Leases Policy.”***

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr K Dorsey, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY



BURNIE CITY COUNCIL**NOTICE OF DISPOSAL (VIA A LEASE)
OF PUBLIC LAND**

Burnie City Council determined at its meeting on 27 January 2021 its intention to dispose by a lease a portion of land contained within part of CT Volume 152607, Folio 1 and CT 231921, Folio 1, located at 1-7 Pearl Street, Wivenhoe to the Yeoman Football Club and Natone Cricket Club. This process supports the renewal of an existing lease. The land is "public land" for the purposes of Section 178 *Local Government Act 1993*.

A plan detailing the land can be viewed at Customer Services at the City Offices, 80 Wilson Street, Burnie or online at www.burnie.net

Submissions regarding the disposal of the land by a lease are to be made in writing to the General Manager, Burnie City Council, PO Box 973, Burnie 7320 or burnie@burnie.net to be received no later than 4pm on **Monday, 22 February 2021**. Council will consider submissions before making a final decision on disposing of the land.

Dated: 30 January 2021

Simon Overland
GENERAL MANAGER

TA568880

www.burnie.net

BURNIE CITY COUNCIL**NOTICE OF DISPOSAL (VIA A LEASE)
OF PUBLIC LAND**

Burnie City Council determined at its meeting on 27 January 2021 its intention to dispose by a lease a portion of land contained within part of CT Volume 152607, Folio 1 and CT Volume 231921, Folio 1, located at 1-7 Pearl Street, Wivenhoe to the Yeoman Football Club and Natone Cricket Club. This process supports the renewal of an existing lease. The land is "public land" for the purposes of Section 178 *Local Government Act 1993*.

A plan detailing the land can be viewed at Customer Services at the City Offices, 80 Wilson Street, Burnie or online at www.burnie.net

Submissions regarding the disposal of the land by a lease are to be made in writing to the General Manager, Burnie City Council, PO Box 973, Burnie 7320 or burnie@burnie.net to be received no later than 4pm on Monday, 22 February 2021. Council will consider submissions before making a final decision on disposing of the land.

Dated: 3 February 2021

Simon Overland

GENERAL MANAGER

T456995-42

www.burnie.net



WORKS AND SERVICES**AO048-21 POLICY REVIEW****CODE FOR TENDERS AND CONTRACTS CP-CBS-SG-012****FILE NO: 4/14/2****PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.1	A Council that provides engaging and effective leadership to Burnie.
Strategy	7.1.1	Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable.

1.0 RECOMMENDATION:

“THAT Council adopt the revised policy Code for Tenders and Contracts CP-CBS-SG-012, as presented, and notes that the administrative process as detailed in Clause 11.4 Evaluating Offers will be applied from 1 July 2021.”

2.0 SUMMARY

This report informs Council of a review of its policy Code for Tenders and Contracts CP-CBS-SG-012.

The review has proposed changes to the following clauses:

- 11.2 Inviting Tenders
- 11.6 Notification of Successful and Unsuccessful Bidders
- 15.2 Contract Extension

The details of the changes are noted in the body of this report and attachments. Generally, the changes reflect current practices.

In respect to Clause 11.4 of the Code, from 1 July 2021, Officers propose to apply the administrative process noted in that clause to the assessment and award of tenders. The clause provides the General Manager with authority to award a tender, noting that the General Manager retains the discretion to refer a tender process to Council for determination. Some guidance as to how this discretion may be applied is noted in this report and the supporting paper.

The level of reporting to the General Manager, in respect to a tender process, would be consistent with the current reporting practice to Council.

Decisions made by the General Manager in regard to a contract extension or award of contract would be reported in the next open agenda as part of the General Manager's information report.

The revised policy is presented to Council for adoption.

3.0 BACKGROUND

Council's Code for Tenders and Contracts is due for review later this year as part of the cyclical policy review process.

Officers have undertaken an early review of the policy, so as to be able to apply the revised policy from 1 July 2021, the commencement of the new financial year.

Revisions to the policy are discussed in this report.

4.0 LEGISLATIVE REQUIREMENTS

The revised policy presented to Council for consideration is consistent with the *Local Government (General) Regulations 2015*.

5.0 POLICY CONSIDERATIONS

Revisions to Council policies are made on an ongoing basis in order to meet Strategy 7.1.1 of the Corporate Plan:

"Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable."

There is a continuing need for this policy.

6.0 FINANCIAL IMPACT

The policy has limited direct financial implications for Council, its main aim being to establish appropriate guidelines for the consistent and transparent purchasing of goods and services.

Funding is provided within operational and capital programs to meet the cost associated with Officers applying the requirements of the policy.

7.0 DISCUSSION

Officers have undertaken a review of relevant legislation and have not identified any inconsistencies between the relevant legislation and the current policy.

Based on contemporary practice, a number of changes to the policy are proposed and are discussed in the **attached** memorandum.

In summary, the changes are:

- 11.2 Inviting Tenders

Include a minimum timeline between the issue of the final tender addendum and the close of tenders, being three days.

Remove the requirement to place a public notice in the newspaper to advise of an extension to the closing date of a tender process.

- 11.6 Notification of Successful and Unsuccessful Bidders

Remove the requirement to place a notice on the Council's noticeboard as to the outcome of a tender process.

- 15.2 Contract Extension

Modify the clause to require the approval of the General Manager to authorise an extension to an existing contract, rather than a decision of Council.

In respect to Clause 11.4 Evaluating Offers, the recommendation of Officers is to apply the process as detailed in the existing policy, in that the decision to award a tender is a matter for the General Manager to determine, and cease the current practice of seeking a decision of Council for all tenders.

A supporting paper discussing the rationale for this approach has been provided to Council previously and is summarised in the **attached** memorandum.

In endorsing this approach, key points to note are:

- The General Manager retains the discretion to refer a tender to Council for a decision on award and may consider the following circumstances in exercising this discretion:
 - Long term operational contracts that have significant cost implications for Council, examples could include the Waste Centre Transfer Station operation, Recycling Contract, management of the Burnie Aquatic Centre.
 - The recommended tender sum is greater than the budget allocation.
 - Strategic/major projects with a capital cost greater than \$500,000 (excluding annual contracts such as bitumen surfacing).
- Decisions made by the General Manager in regard to a contract extension or award of contract would be reported in the next open agenda as part of the General Manager's information report.

Council was provided with a briefing of the review process undertaken for the Code for Tenders and Contracts at the 2 March 2021 workshop.

A revised copy of the Code for Tenders and Contracts, with suggested modifications highlighted, is **attached** for consideration.

8.0 RISK

The current policy of Council has been in place for an extended period of time and has been shown to be in conformance with the applicable legislation.

Developing and using the policy demonstrates that Council has robust purchasing practices, which are aimed at achieving the best value for the community.

The proposed changes to the Code as noted in this report reflect current practice and are generally administrative in nature.

The more significant change from a decision making perspective is the proposed shift from the current practice of seeking a decision of Council on all tender processes and reverting to the policy provisions as previously endorsed by Council.

It is noted there will be no change in the nature of the technical assessment of tender submissions nor the level of reporting by Officers, with this information provided to the General Manager to inform their decision making.

Appropriate reporting in the open agenda will occur for in respect to decisions made by the General Manager on the award of or extension of contracts.

9.0 CONSULTATION

The review of the policy required the input of various Council officers.

The revised policy was workshopped with Councillors on 2 March 2021.

ATTACHMENTS

1 [!\[\]\(aab88c0d099e5d18d6533a97b13ec28d_img.jpg\)](#) Memo - Policy Review - Code for Tenders and Contracts CP-CBS-SG-012

2 [!\[\]\(b538fe54c1f3a7343e37e85cc2d00497_img.jpg\)](#) Draft Code for Tenders and Contracts CP-CBS-SG-012 v7.0

COUNCIL RESOLUTION**Resolution number: MO049-21****MOVED:** *Cr A Keygan***SECONDED:** *Cr T Bulle*

“THAT Council adopt the revised policy Code for Tenders and Contracts CP-CBS-SG-012, as presented, and notes that the administrative process as detailed in Clause 11.4 Evaluating Offers will be applied from 1 July 2021.”

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr K Dorsey, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

Memo



To: Mayor and Councillors – Council Workshop 2 March 2021
From: Director Works and Services
Subject: **POLICY REVIEW**
CODE FOR TENDERS AND CONTRACTS CP-CBS-SG-012
Date: 25 February 2021 File No: 4/14/2; 21/22793

The Code for Tenders and Contracts is due for review in August 2021.

Officers have been working on some proposed modifications to the Code, to reflect current practices in regard to tendering processes which, if supported by Council, would be appropriate to commence in the new financial year, hence the early review of the policy.

This memo explains the proposed changes and seeks Councillors' views. It is intended that a report on the policy review be presented to the March 2021 meeting.

A copy of the current Code for Tenders and Contracts is **attached**.

Clause 11.2 - Inviting Tenders

Two changes to this clause are proposed to provide clarity in the application of the clause.

- Specify a minimum period between the issue of a tender addendum and the close of the tender process.

At present, there is no minimum time specified between the issue of the final addendum and the close of tenders. Tenders need a sufficient amount of time to consider and respond to an addendum so it is appropriate to specify a time frame.

The suggested time frame is three days.

Refer to the modified clause below:

- Extending the closing date.

If there is a need to extend the closing date for a tender, one of the current notification requirements is to place an advertisement in the newspaper and on Council's website to that effect.

Current practice is to provide notification of addendum and changes in closing dates only to those who are eligible to submit a tender.

Eligibility being having registered to receive the tender documents and attended a mandatory tenderer's briefing.

With this practice in place, the need to place an advertisement is redundant as all interested parties to the tender process can be communicated with directly.

It is proposed to remove this requirement, refer to the modified clause below:

Memo

11.2 Inviting Tenders

- Council, when inviting tenders, will undertake the following procedures and processes:

Advertise each tender at a minimum in the Saturday edition of The Advocate newspaper, on our website at <http://www.burnie.net> and Tenderlink <https://www.tenderlink.com>
Tenders may also be advertised on <http://www.tenders.tas.gov.au>

The following information will be specified:

- The nature of the goods or services the Council requires;
 - Any identification details allocated to the contract;
 - Where the tender is to be lodged;
 - Particulars identifying a person from whom more detailed information relating to the tender may be obtained, and
 - The period within which the tender is to be lodged.
- Make tender documentation available via mail, email, or electronically available on Council's own website at <http://www.burnie.net> and Tenderlink <https://www.tenderlink.com>
Hard copies can be made available upon request. (Any electronic or online tendering process undertaken by Council will be in accordance with the requirements of the Electronic Transactions Act 2000);
 - Council may send tender documentation directly to identified businesses, however, it will not provide any documentation to any potential tenderer until the tender has been advertised (so as not to give one tenderer an advantage over another);
 - Council will endeavour to get a minimum of three bids of which it will seek at least one from a local business, if available;
 - Council will ensure that all potential suppliers are provided with identical information upon which to base tenders and are given equal opportunity to meet the requirements;
 - When inviting tenders, Council will ensure that sufficient time has been provided to allow bidders to prepare an adequate response. At a minimum, tenders will be open for 14 days. However, this may increase dependant on whether the requirements are complex, or if it is likely that interested businesses may need to form partnerships/consortiums with other businesses in order to fulfil the requirements of the tender;
 - When issuing a Request for Quotation (RFQ) to a business, the details of that business will be recorded. The details recorded will include name of business, address, contact person, email, telephone, and facsimile;
 - If for any reason, there is a need to alter the tender documentation once it has been issued, an addendum will be sent to all businesses that have been issued with the documentation;
 - A minimum of three days, between the issue of the final addendum and the close of tenders, is to be provided to allow tenderers sufficient time to assess and respond, and
 - If it is necessary to extend the closing date of the tender, the following will be done:
 - All businesses that have been issued with tender documentation and meet the requirements of tendering will be advised in writing of the change of closing date.
 - The new closing date will be advertised in all newspapers and websites where the original advertisement was placed.

Memo**Clause 11.4 Evaluating Offers**

The process for evaluating tender offers is detailed in Clause 11.4 of the Code.

The current practice of seeking a decision of Council on the award of tenders is not consistent with the process specified in the Code.

A Discussion Paper discussing this matter is **attached**.

In summary, the recommendation to Council is to operationalise the tender award process, with the General Manager considering a detailed report on the outcome of a tender process and making the determination as to the award of the tender.

This approach is consistent with the Code provisions.

In specific instances, the General Manager may wish to seek a decision from Council on the award of tender, and may take into consideration the following circumstances:

- Long term operational contracts that have significant cost implications for Council, examples could include the Waste Centre Transfer Station operation, Recycling Contract, management of the Burnie Aquatic Centre.
- The recommended tender sum is greater than the budget allocation.
- Strategic/major projects with a capital cost greater than \$500,000 (excluding annual contracts such as bitumen surfacing).

Clause 11.6 Notification of Successful and Unsuccessful Bidders

Clause 11.6 details the process for notifying successful and unsuccessful tenderers as to the outcome of a tender process.

One action specified is to display details of tenders awarded on Council's public noticeboard for a period of not less than 14 days. This practice has not occurred for sometime.

At present, the outcomes of a tender process is reported in the next available open agenda as part of the GM report Corporate and Business Services.

It is proposed that the requirement to place a notice on the noticeboard be removed and the current practice of Council inserted. Refer to the modified clause below:

11.6 Notification of Successful and Unsuccessful Bidders

Once the preferred bidder is selected and all relevant Council approvals to proceed with the purchase have been granted, Council shall write and, in most circumstances, telephone the preferred provider to notify them that they have been successful. After the preferred bidder has been notified, Council will notify all unsuccessful bidders in writing of their non-selection.

The unsuccessful bidders shall be advised of:

- *The tender outcome, including the contract number and title;*
- *The successful contractor; and*
- *The term of the contract.*

Memo

Details of tenders awarded will be displayed on Council's public notice board for a period of not less than 14 days.

Details of tenders awarded will be reported in the open agenda in conjunction with quarterly departmental reports.

All unsuccessful bidders may request a debriefing session.

Clause 15.2 Contract Extension

Generally, contract extension clauses are included within service contracts, e.g. security services, cleaning services and the like. The benefit to Council is that the extension opportunity is an added encouragement to a contractor to perform during the contract term and may result in lower longer term pricing, as the costs associated with contract establishment can be spread out over a longer timeframe.

The period of extension may be up to two years, in addition to the original contract term.

The extension clauses in contracts are generally framed that an extension will be provided subject to satisfactory performance during the initial term, in accordance with the terms and conditions and at the prices or rates as amended over the life of the contract.

Review processes are in place to assess the merits of each contract extension.

Officers have considered this to be an administrative process as a contract is in place and the decision as to whether to extend a contract is based on a technical assessment, applying the agreed terms and performance measures in the contract.

However, Clause 15.2 of the Code states that a contract extension will only be granted subject to a decision by Council, refer to the extract below:

Contracts will only be extended:

- ***By an absolute majority of Council;***
- ***Following a full evaluation of the performance of the current contractor, and***
- ***Where the principles of open and effective competition are protected***

As noted above, Officers are of the view that a contract extension process should be an administrative process, however acknowledge that there should be oversight of the process.

It is proposed to change the current clause to require the approval of the General Manager to be sought for a contract extension.

Refer to modified clause below:

15.2 Contract Extension

In some circumstances, it may be desirable for Council to extend an existing contract, rather than seek new tenders or quotations for the delivery of the goods or services.

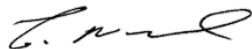
Memo

Contracts will only be extended:

- ~~By an absolute majority of Council~~ By approval of the General Manager;
- Following a full evaluation of the performance of the current contractor, and
- Where the principles of open and effective competition are protected.

As a general rule, contracts will not extend contracts if:

- The original contract does not allow an extension, and/or;
- Since the previous tender, the market has changed substantially; or the nature of the goods/services required has substantially changed.



Gary Neil
DIRECTOR WORKS AND SERVICES

Attachments

Code of Tenders and Contracts – Current Policy
Tender Award Process – Discussion Paper – Mayor and Councillors



COUNCIL POLICY

Code for Tenders and Contracts DRAFT

Approved By: **Council**
Doc Controller: **General Manager**
File: 4/14/2

Document Code: **CP-CBS-SG-012**
Version: **7.0**
Approved Date: **TBC**
Next Review Date: **+ 2 years**

1.0 Purpose

The purpose of this Code for Tenders and Contracts (Code), is to provide a policy framework on best practice tendering and procurement methods in line with the legislative requirements of the *Local Government Act 1993 (the Act)* and the *Local Government (General) Regulations 2005 (the Regulations)*. The Act requires Councils to adopt a Code relating to tenders and contracts.

2.0 Objective

With this Code the Burnie City Council (Council) aims to achieve the purchasing principles of:

- i) Open and effective competition;
- ii) Value for money;
- iii) Enhancement of the capabilities of local business and industry;
- iv) Ethical behaviour and fair dealing;
- v) Environmental and sustainability considerations; and
- vi) Risk management considerations.

This Code:

- a) Is consistent with the Act and Regulations;
- b) Includes procedures and guidelines for any prescribed matter;
- c) Promotes any prescribed principles; and
- d) Has been reviewed in the last four years.

As a measure of accountability and transparency, this code (and any amendments) is:

- a) Available for public inspection at the public office during ordinary office hours; and
- b) Available for purchase at a reasonable charge; and
- c) Published on Council's website <http://www.burnie.net>

3.0 Scope

This Policy applies to all Burnie City Council activities involved with tendering and procurement (excluding Controlled Entities).

4.0 Policy

The Act and Regulations require Council to invite tenders for any contract it intends to enter into for the supply or provision of goods or services valued at or above \$250,000 (excluding GST). Council has set its tender threshold at \$100,000.

In accordance with the Regulations, Council will invite tenders by one of the following means:

- a) An open tender process; (refer Sections 11.1 through 11.9);
- b) A multiple use register; (refer Section 11.10); or
- c) A multiple stage tender; (refer Sections 11.11, 11.12).



COUNCIL POLICY

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There are circumstances in which Council is exempt from undertaking the above processes. These circumstances are described in Section 13.

For purchases under the \$100,000 threshold, the Council, in accordance with the Regulations, has decided that a quotation process will be undertaken. Council may choose to grant an exemption from undertaking a quotation process where the same circumstances exist for that of a tender described in Section 13.

Council will not split a contract into two or more contracts for the primary purpose of avoiding compliance with the requirement to publicly invite tenders.

5.0 Definitions

Building Construction – The Construction and refurbishment of buildings and residential properties, and associated maintenance (services and residential) and professional services (e.g. Architects).

Code – refers to this Code for Tenders and Contracts, which has been developed in accordance with the requirements of the *Local Government Act 1993* and the *Local Government (General) Regulations 2005* and subsequent amendments.

Consultant – a person or organization, external to a Council, engaged under a contract on a temporary basis to provide recommendations or high-level specialist or professional advice to assist decision-making by Council. The consultant will be expected to exercise his or her own skills and judgement independently of the Council. It is the advisory nature of the work that distinguishes a consultant from a contractor.

Contractor – a person or organisation, external to a Council, engaged under contract for service (other than an employee) to provide specified services to a Council.

Contract – a contract is an obligation, such as an accepted offer, between competent parties upon a legal consideration, to do, or abstain from doing, some act.

Evaluation Panel – a panel establishes to evaluate submitted quotations and tenders often consisting of at least the Superintendent's Representative and Designated Contract Officer (DCO).

Expression of Interest (EOI) – an Expression of Interest may be used as a means of exploring the market or to pre-qualify businesses to reduce the cost of tendering by restricting the issue of formal tenders.



COUNCIL POLICY

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Industry Capability Network Tasmania (ICNTAS) – promotes Tasmanian industry through import replacement and opportunities for participation in major projects, government procurement and commercial developments. For more information go to www.icntas.org.au

Local Business – all businesses operating in the State, which have a permanent office or presence in Tasmania and employ Tasmanian workers.

Multiple-Stage Purchasing – a process, which allows for a preliminary assessment of the market to be made in terms of the capabilities of potential suppliers and the goods and services that are available to satisfy the requirement, before a final purchasing stage is undertaken.

Open and Effective Competition - ensuring that the purchasing process is impartial, open and encourages competitive offers.

Procurement – the entire process by which all resources are obtained by an entity, including, planning, design, standards determination, specification writing, selection of suppliers, financing, contract administration, disposals and other related functions.

Probity – probity is a risk management approach to ensuring procedural integrity.

Probity Advisor – a Probity Adviser provides advice on probity issues before and during the process of tendering and contracting to ensure the process is fair and in accordance with the Council's guidelines.

Public Tender – a tender where any business that can meet the requirements of the Request for Tender has the opportunity to bid.

Purchasing – the acquisition of goods or services.

Quotation – the bid submitted in response to a Request for Quotation from the Council.

Request for Quotation (RFQ) – either verbal or written request for offers from businesses capable of providing specified work, good or service. Request for Quotations are usually advertised.

Request for Tender (RFT) – a document soliciting offers from businesses capable of providing a specified work, good or service. Requests for Tender are usually advertised.



COUNCIL POLICY

Code for Tenders and Contracts DRAFT

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Standing Tender – a tender from which a single tenderer or multiple tenderers may be contracted for a specified period to provide specified goods or services during that period without the need for a further tender process.

Tender – a proposal, bid or offer that is submitted in response to a Request for Tender from the Council.

Tenderer – Contractor, Supplier or other bidder who is submitting a Tender.

Tender Box – the point of lodgement for tenders to ensure that the documentation is kept secure until the tender period closes. The tender box has an opening which allows large envelopes to be lodged, but does not permit access to the contents; should be secured in a fixed position; and should be locked with two locks with different keys, maintained by two different Officers.

Tender Review Committee – a committee established to review the process used for all building and construction and goods and services tenders over \$100,000.

The Act - *Local Government Act 1993.*

The Regulations - *Local Government (General) Regulations 2005.*

Value For Money – achieving the desired outcomes at the best possible price.

Verbal Quotation – a verbal request for quotation. A verbal response may be adequate for low value purchases. All verbal responses are to be documented.

Written Quotation – a written request for quotation to undertake specific works or supply goods and services.

6.0 Purchasing Principles

This Code has been developed in order to have a transparent set of strategies that Council will follow in order to comply with the four purchasing principles as required in The Regulations. Below is a brief definition of each principle and what it means in practice to Council.

6.1 Open and Effective Competition

This principle means ensuring that the purchasing process is impartial, open and encourages competitive offers.

In practice this means that Council will:

- Use transparent and open purchasing processes so that potential contractors, suppliers and the public can have confidence in the outcomes;



COUNCIL POLICY

Code for Tenders and Contracts DRAFT

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Doc Controller: **General Manager**
File: 4/14/2

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- Adequately test the market by applicable processes. For example, by open tender or by seeking quotations;
- Avoid biased specifications; and
- Treat all suppliers consistently and equitably.

6.2 Value for Money

This principle means achieving the desired outcome at the best possible price.

In practice this means that Council will weigh up the benefits of each purchase against the costs of that purchase. In doing this Council may take the following factors into consideration:

- Fitness for purpose;
- Maintenance and running costs over the lifetime of the product;
- The advantages of buying locally, e.g. shorter delivery times, local backup and servicing, and the availability of spare parts;
- The contribution to the achievement of other Council objectives such as industry development and employment creation;
- Quality assurance and perceived level of risk; and
- The capacity of the supplier (e.g. managerial and technical abilities); disposal value.

6.3 Enhancement of the Capabilities of Local Business and Industry

This principle means ensuring that local businesses that wish to do business with Council are given the opportunity to do so.

In practice this means that Council will, where possible:

- Actively seek bids from local business, particularly from those which have previously requested the opportunity to quote;
- For purchases less than \$10,000 excluding GST seeks at least one verbal quote from a local business. Exemptions may apply to items below \$1,000 excluding GST (see table 8.2.1).
- For purchases between \$10,000 and \$100,000, where practicable seek at least three written quotes, of which at least one will be sought (if available) from local businesses;
- For purchases greater than \$100,000, seek to get at least one tender from a local business; and



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- Where the market is unfamiliar and capacity is unknown, Council may contact ICNTAS and use BIZTAS, to check local capability.

6.4 Ethical Behaviour and Fair Dealing

This principle means that all purchasing is undertaken in a fair and unbiased way and in the best interests of Council.

In practice this means that Council will:


- Be fully accountable for the purchasing practices that it uses and the decisions it makes;
- Ensure that decisions are not influenced by self-interest or personal gain;
- Identify and deal with conflicts of interest;
- Maintain confidentiality;
- Ensure that all procurement is undertaken in accordance with Council's policies;
- All procurement activity will be undertaken without favour or prejudice and will aim to maximise value in all transactions;
- Confidentiality will be maintained in all dealings; and
- Acceptance of gifts, gratuities or any other benefits, which may influence, or might be deemed to influence, equity or impartiality will not be permitted.

6.5 Environmental and Sustainability Considerations

This principle means that Council when making a purchase will consider the potential environmental impact of the product or services to be purchased and take into consideration the longer term sustainability impacts of the purchase.

In practice this means that Council will:

- Undertake an assessment of the life cycle costs of the purchase with a view to minimising the use of energy, fuel and like inputs;
- Consider the source of the materials incorporated in the purchase and favour products that are produced using sustainable resources;
- The scoping of potential purchases considers relevant Council policies;

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- Contract documentation requires that contractors prepare an environmental management plan to mitigate environmental impacts of construction work; and
- Council will comply with relevant environmental legislation in tenders and contracts.

6.6 Risk Management Considerations

This principle means that the risks associated in a tender or contract process and in the actual implementation of the work or use of a product or material are assessed.

In practice this will mean:

- A risk assessment will be carried out in the preparation of contract documentation (projects over \$100,000) and for purchases that present a work, health and safety, economic or environmental risk to Council; and
- Purchasing and contract documentation will include risk management considerations in the selection criteria and Council's expectations in relation to risk management will be included in contract specifications.

A risk assessment will be required to be prepared for all contracts by the successful tenderer and implemented.

7.0 Ethics and Probity

7.1 Ethics

Council will observe the following ethical standards when making purchasing transactions:

- All business will be conducted in the best interests of Council avoiding any situation which may impinge, or might be deemed to impinge, on impartiality;
- All expenditure will be in accordance with the requirements of The Regulations;
- All procurement activity will be undertaken without favour or prejudice and will aim to maximise value in all transactions;
- Confidentiality will be maintained in all dealings; and



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- Acceptance of gifts, gratuities or any other benefits, which may influence, or might be deemed to influence, equity or impartiality will not be permitted.

7.2 Probity

In order to achieve probity, Council will consider the following five probity principles throughout all stages of procurement and contracting processes to ensure success in achieving the best value for public money:

- Open competitive processes;
- Transparency of process;
- Identification and resolution of conflicts of interest;
- Accountability; and
- Monitoring and evaluating performance.

7.3 Purchasing Code of Conduct

The following points make up Council's Purchasing Code of Conduct. The Council aims to:

- Ensure that all potential suppliers are provided with identical information upon which to base tenders and quotations and are given equal opportunity to meet the requirements;
- Establish and maintain procedures to ensure that fair and equal consideration is given to all tenders and quotations received;
- Promote honesty and equity in the treatment of all suppliers of goods and services;
- Provide a prompt and courteous response to all reasonable requests for advice and information from potential or existing suppliers;
- Promote fair and open competition and seek value for money for the Council and its local community;
- Where practicable seek to ensure that cost is not a barrier to suppliers for participation in the procurement process;
- Protect commercial-in-confidence information;
- Satisfy accountability standards;



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- Establish processes that avoid situations where private interests of Council's employees may conflict with public/Council duty and provide for the declaration of any conflicts of interest that do arise;
- Provide a clear statement that soliciting or accepting remuneration or other benefit from a supplier for the discharge of official duties is not permitted and may be illegal; and
- Inform tenderers that during the tender process automatic disqualification will result if the tenderer canvasses counsellor/s, or interferes in the process in any way.

8.0 Making a Purchase**8.1 Procurement Overview – Processes**

The following procurement overview is provided to give a brief outline on the way in which Council procures routine goods and services:

- Plan the purchase (which includes the selection of the most appropriate purchasing method);
- Prepare the relevant documents (e.g. quotation, tender or expression of interest);
- Invite and receive offers;
- Evaluate those offers;
- Advise the successful bidder and offer to debrief any unsuccessful bidders; and
- Manage any contract that has been implemented as a result of the procurement.

8.2 Planning the Purchase

During the planning phase of a purchase the following steps may be taken by Council's staff:

- Any relevant approval to undertake a purchase is obtained;
- An estimate of the cost of good or service is undertaken and available Council funding of such a purchase is confirmed and an appropriate method of purchasing is chosen;
- Market research and consultation is undertaken (e.g. what products are available on the market and how many suppliers);
- Specifications shall, where applicable, comply with the relevant sections of the *Work Health and Safety Act 2012 and Work Health and Safety Regulations 2012*;



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- Specifications shall, where applicable, comply with *Work Health and Safety Act 2012 Section 22-26*;
- The establishment of an evaluation committee; where the purchase cost exceeds \$100,000 ex. GST;
- The establishment of evaluation criteria and evaluation methodology (undertaken by evaluation committee);
- The development of a risk assessment and management plan;
- The commencement of a contract management plan; and
- If necessary, the engagement of a probity advisor.

There are three tendering and procurement thresholds that require different levels of involvement in planning and executing the purchase. The following table refers to the thresholds and summarises what purchasing method Council utilises based on the total dollar value of the purchase.

Table 8.2.1 Tendering and Procurement Thresholds

Procurement Value ex GST	Minimum Requirement
\$10,000 and below	Verbal Quotations

No formal quotations are required; however, the General Manager or delegated officer may at his discretion obtain verbal quotations (which are to be documented), of which at least one will be sought from a local business (if suitable options exist).

Exemption from obtaining verbal quotations:


Quotations are not required for one-off purchases using a Council purchase card valued at \$1000 or less that fall outside the Preferred Supplier Listing where it would not be cost effective to obtain verbal quotations.

Between \$10,000 and \$100,000 Written Quotations

Where practicable, at least three written quotations will be obtained, of which at least one will be sought from a local business (if available).

\$100,000 and greater Public Tender

- Tenders will be advertised in the Saturday edition of The Advocate newspaper.
- Each of Council's tenders will be advertised on its own website <http://www.burnie.net> and may also be advertised on <http://www.tenders.tas.gov.au>

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- Council will seek at least one tender from a local business (if available).

Council will apply the above requirements to the purchase of all goods and services with the exception of certain circumstances. The circumstances in which the above requirements may not be used are described under Section 13 – *Exemptions*.

9.0 Verbal Quotations (for purchases \$10,000 and below excluding GST)

9.1 Purchasing Documentation

Council will undertake most purchases below \$10,000 ex. GST on a verbal basis and as such there will not be any formal quotation documentation. However, Council may choose to provide suppliers with a written specification and request a written quotation for all but very low-value/low-risk purchases.

9.2 Inviting Offers

Council will follow the following procedures when inviting verbal quotations:

- Provide each supplier with the same information and will give each supplier the same amount of time to prepare a quote;
- Seek at least one verbal quotation from a local business (if available); and
- Document all verbal quotations.

9.3 Receiving Offers


In receiving quotations, Council will hold any written or documented verbal quotation received prior to the closing time in a secure location to maintain confidentiality, to ensure probity and to protect the individuals involved from claims of unfair practices.

Depending upon the nature and value of the purchase, Council may from time to time, choose to use a tender box as a point of lodgement for written quotations, to ensure that the documentation is kept secure until the tender period closes.

All quotations that the Council receives will be clearly marked with the time and date of receipt, and recorded in an appropriate schedule or register.

The Council treats information provided by suppliers as confidential and will not provide this information to unauthorised persons.

For written quotations Council will follow the procedures set out in the conditions of quotations for any late quotations, and by accepting a late

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quotation, will ensure that it is not providing an advantage to that bidder over other bidders.

9.4 Evaluating Offers

Council when evaluating verbal and written quotations do so with the objective of identifying the offer that best meets requirements and provides the best value for money. When evaluating quotations Council will take into consideration the following aspects of a bid:

- Value for money, taking into account estimated life, disposal value and maintenance requirements and costs;
- Price;
- Compliance with quotation specifications;
- Quality, delivery and service;
- The full benefits of sourcing locally, including consideration of employment and economic benefits for businesses in the immediate geographic area of the municipality is assessed;
- The consequences, including possible risks, of entering into a contract where there is one supplier, or a limited number of suppliers, that can provide and maintain the particular product over its lifetime; and
- Any relevant Council policies.

10.0 Written Quotations (for purchases between \$10,000 and \$100,000 excluding GST)

10.1 Purchasing Documentation

The Request for Quotation (RFQ), which may be in letter, facsimile or email form, is a document inviting offers from businesses to provide a specified good or service. Council's quotation documents will include all terms and conditions of quotation, together with a clear description of the goods or services required, and the details of any applicable Council policies.

The complexity of the documentation will depend upon the nature and value of the purchase. Generally the RFQ documentation will consist of:

- **Conditions of Quotation** – The conditions set out the terms under which Council will receive and evaluate tenders. The conditions will usually include:
 - Evaluation criteria and a brief outline of the evaluation methodology to be used;
 - Closing date, time and place of lodgement;
 - Council contact details;



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- Pricing requirements (eg the price should exclude GST);
- Relevant Council policies and principles;
- Entitlement of unsuccessful bidders to be debriefed; and
- Information on the Council's complaints process.
- Specification – The specification clearly, accurately and completely describes the essential requirements of the goods or services being purchased. It is the basis of all offers and is the foundation for the contract. The specifications will usually include the:
 - Functional requirements;
 - Performance requirements; and
 - Technical requirements.

10.2 Inviting Offers

When inviting written quotations Council will follow these procedures:

- Where practicable, Council will seek at least three written quotations of which one quotation will be sought from a local business if available;
- In some cases, Council may choose to advertise a quotation if advantageous to do so;
- Council will directly send the invitation to quote to identified businesses (such as businesses that already provide the service and businesses identified during the market research phase);
- Exemption from seeking quotations will only be granted by the General Manager in circumstances as described under Section 13 – *Exemptions*;
- Council will issue the request for quotation documentation either by mail, facsimile or by e-mail;
- When issuing a RFQ to a business, the details of that business will be recorded. The details recorded will include: name of business, address, contact person, e-mail, telephone, and facsimile; and
- The time the Council provides to bidders to respond to the request for quotation will depend largely upon the nature and the complexity of the purchase, but equal time will be given to all businesses requested to quote.

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10.3 Receiving Offers

In receiving quotations Council will hold any written quotation received prior to the closing time in a secure location to maintain confidentiality, to ensure probity and to protect the individuals involved from claims of unfair practices.

Depending upon the nature and value of the purchase, Council may from time to time, choose to use a tender box as a point of lodgement for written quotations, to ensure that the documentation is kept secure until the tender period closes.

All quotations that the Council receives will be clearly marked with the time and date of receipt, and recorded in an appropriate schedule or register.


The Council treats information provided by suppliers as confidential and will not provide this information to unauthorised persons.

For written quotations, Council will follow the procedures set out in the conditions of quotations for any late quotations and by accepting a late quotation, Council will ensure that it is not providing an advantage to that bidder over other bidders.

10.4 Evaluating Offers

The Council evaluation panel when evaluating written quotations do so with the objective of identifying the offer that best meets requirements and provides the best value for money. When evaluating quotations the evaluation panel will take into consideration the following aspects of a bid:

- Value for money, taking into account estimated life, disposal value and maintenance requirements and costs;
- Price;
- Compliance with quotation specifications;
- Quality, delivery and service;
- The full benefits of sourcing locally, including consideration of employment and economic benefits for businesses in the immediate geographic area of the municipality is assessed;
- The consequences, including possible risks, of entering into a contract where there is one supplier, or a limited number of suppliers, that can provide and maintain the particular product over its lifetime; and
- Any relevant Council policies.


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**11.0 Tenders
(for purchases
greater than
\$100,000
ex. GST)**

11.1 Purchasing documentation


The Request for Tender (RFT) is a document inviting offers from businesses to provide a specified good or service. Council's Request for Tender documentation usually consists of four main parts. These four parts are:

- **Conditions of Tender** – The conditions of Tender set out the terms under which Council will receive and evaluate tenders. The conditions will usually include:
 - Evaluation criteria and a brief outline of the evaluation methodology to be used;
 - Closing date, time and place of lodgement;
 - Council contact details;
 - Pricing requirements (e.g. the price should exclude GST);
 - Relevant Council policies and principles;
 - Entitlement of unsuccessful bidders to be debriefed; and
 - Information on the Council's complaints process.
- **Specification** – The specification clearly, accurately and completely describes the essential requirements of the goods or services being purchased. It is the basis of all offers and is the foundation for the contract. The specifications will usually include the:
 - Functional requirements;
 - Performance requirements; and
 - Technical requirements.
- **Conditions of Contract** – The conditions of contract contain the contractual terms defining the obligations and rights of the parties concerned. Generally, contracts are used for all purchases over \$100,000ex.GST or where there are material risks involved.
- **Tender Form** – The Tender Form must be completed, signed and returned by the tenderer. It includes a declaration by the tenderer that: the tenderer agrees to the Conditions of Tender; the information provided in the tender is accurate and correct; and the person signing the form is duly authorised to do so.

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Council when preparing tender documentation will undertake the following procedures and processes:

- Prepare clear and concise tender documentation that include all the terms and conditions of the planned purchase with a clear description of the goods or services required and details of any applicable Council policies;
- Prepare tenders that include details of the intended duration of the contract, including any extensions that are applicable to the contract;
- Prepare tenders that include details of the evaluation criteria (which are based on the specifications), any weightings to be used in the assessment of bids and the evaluation methodology;
- Under no circumstances will Council modify the evaluation criteria or methodology after the request for tender has been released without advising all potential tenderers;
- Prepare specifications that do not restrict competition, reflect bias to any brand, or act as a barrier to the consideration of any alternatives;
- Provide advice and details of any briefing sessions to be held in relation to the purchase;
- Provide details on the availability of de-briefing sessions for unsuccessful bidders;
- Provide details on Council's complaints process and include the contact details of complaints officer
- Prepare documentation that clearly specifies the Council's contact details (including Contact Officer), closing time, date and place of lodgement;
- Prepare documentation that clearly states how and in what circumstances the purchasing documentation can be altered including the length of time given to bidders to prepare their submissions (which is to be at least 14 days from the date on which the tender notice is published);
- Provide advice on the treatment of late submissions;
- Provide an indication if alternative bids will be considered; and
- Where applicable, documentation such as the Conditions of Tender will be cleared by Council's legal advisors and the General Manager before being issued.

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11.2 Inviting Tenders

- Council when Inviting Tenders will undertake the following procedures and processes:

Advertise each tender at a minimum in the Saturday edition of The Advocate newspaper, on our website at <http://www.burnie.net> and Tenderlink <https://www.tenderlink.com>. Tenders may also be advertised on <http://www.tenders.tas.gov.au>. The following information will be specified:

- The nature of the goods or services the Council requires;
 - Any identification details allocated to the contract;
 - Where the tender is to be lodged;
 - Particulars identifying a person from whom more detailed information relating to the tender may be obtained; and
 - The period within which the tender is to be lodged.
- Make Tender documentation available via mail, email, or electronically available on Council's own website at <http://www.burnie.net> and Tenderlink <https://www.tenderlink.com>. Hard copies can be made available upon request. (Any electronic or online tendering process undertaken by Council will be in accordance with the requirements of the Electronic Transactions Act 2000);
 - Council may send tender documentation directly to identified businesses, however, it will not provide any documentation to any potential tenderer until the tender has been advertised (so as not to give one tenderer an advantage over another);
 - Council will endeavour to get a minimum of three bids of which it will seek at least one from a local business if available;
 - Council will ensure that all potential suppliers are provided with identical information upon which to base tenders and are given equal opportunity to meet the requirements;
 - When inviting tenders Council will ensure that sufficient time has been provided to allow bidders to prepare an adequate response. At a minimum tenders will be open for 14 days. However, this may increase dependant on whether the requirements are complex, or if it is likely that interested businesses may need to form partnerships/consortiums with other businesses in order to fulfil the requirements of the tender;



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- When issuing a RFQ to a business, the details of that business will be recorded. The details recorded will include: name of business, address, contact person, e-mail, telephone, and facsimile;
- If for any reason, there is a need to alter the tender documentation once it has been issued, an addendum will be sent to all businesses that have been issued with the documentation; ~~and~~
 - A minimum of three days, between the issue of the final addendum and the close of tenders, is to be provided to allow tenderers sufficient time to assess and respond, and
- If it is necessary to extend the closing date of the tender the following will be done:
 - All businesses that have been issued with tender documentation and meet the requirements of tendering will be advised in writing of the change of closing date.
 - ~~All businesses that have been issued with tender documentation will be advised in writing of the change of closing date; and~~
 - ~~The new closing date will be advertised in all newspapers and websites where the original advertisement was placed.~~

11.3 Receiving Tenders

Council will accept lodged tenders in the tender box, via mail, to Council tender email address tender@burnie.net or via Tenderlink. Faxed tenders will not be considered.

Council will provide a locked tender box at the designated tender lodgement location. The tender box will not be opened until the time set for the closing of tenders has elapsed.

It will be the Tenderers responsibility to ensure that before the designated closing time for tenders, their tender is either:

- Delivered in person and placed in the tender box; or
- Posted or delivered by courier in sufficient time to allow delivery, receipt and placement in the tender box.



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Council will follow the procedures set out in the conditions of tender for any late tender submissions and by accepting a late tender, Council will ensure that it is not providing an advantage to that bidder over any other bidders.

When opening tenders Council will ensure that tenders are:

- Opened in the presence of a minimum of two officers; and
- Clearly identified and recorded.

Council treats information provided by tenderers as confidential and will not provide this information to unauthorised persons, except as provided in this policy.

In receiving tenders, Council may reject non-compliant offers (in accordance with the terms of tender documents) which:

- Are lodged after the closing time without a valid reason;
- Are not signed where required;
- Are incomplete – for example, questions have not been answered, pages are missing, or required documentation has not been attached (for example, insurance certificates);
- Do not comply with mandatory conditions of tender; or
- Fail to meet mandatory specifications.

11.4 Evaluating Offers

The Council evaluation panel will evaluate tenders in accordance with the evaluation criteria and methodology specified in the evaluation plan, which was developed prior to offers being invited. Under no circumstances will Council modify the evaluation criteria or methodology after the Request for Tender has been released unless all potential tenderers are advised of the change in writing (addendum).

In evaluating tenders the evaluation panel will undertake the following steps:

- **Evaluate compliance** – Screen all offers to ensure that they are complete and comply with all mandatory evaluation criteria. Offers, which do not meet all mandatory criteria, may be excluded from further evaluation.
- **Clarify offers** – It may be necessary to seek clarification from a tenderer if an offer is unclear. Clarification does not mean that tenderers can revise their original offer. Any clarification sought should be documented.




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- **Evaluate qualitative/non-cost criteria** – this stage involves a detailed analysis of each offer against the non-cost or qualitative evaluation criteria and weightings specified in the evaluation plan (the supplier must demonstrate that they meet the evaluation criteria, not just assert it).
- **Shortlist offers** – This step is only used for complex purchases in order to eliminate offers that are clearly not competitive. However, during this process, eliminated offers are not yet totally rejected, and may be re-visited later in the evaluation process.
- **Requests for Tenderers to make a formal presentation** – If appropriate, and providing that tenderers have been forewarned in the Conditions of Tender, tenderers may be requested to make a formal presentation to the evaluation committee, clarifying their tender and providing the opportunity for the committee to ask questions. Under these circumstances, the tenderer will be directed to not introduce new or revised information. All information, questions and answers will be formally recorded by the Council.
- **Calculate value for money and compare offers** – The aim of Council's comparative evaluation process is to determine which offer best meets all the requirements of the specification and offers the best value for money. The major factors which Council take into consideration when evaluating value for money are:
 - The quality of the proposed good or service, that is, how well it meets the specified requirements; verses.
 - Whole of life costs; verses.
 - Risk, that is, the capacity of the tenderer to deliver the goods or services, as specified, on-time and on-budget.
- **Select preferred tenderer** – when selecting the offer that represents the best value for money for Council and where two or more firms are ranked equally following the value for money assessment, Council will give preference to a Tasmanian business over an inter-state or overseas business. In selecting a preferred tenderer for a high risk/high value or complex process, Council will often undertake a due diligence investigation to ensure that the tenderer has the capacity and stability to fulfil all of the requirements of the contract.
- **Write the evaluation report** – On completion of the evaluation process Council will document the selection of a successful tenderer in an Evaluation Report to be submitted to the relevant

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approval authority (e.g. Tender Review Committee and/or General Manager). Council's evaluation reports include:

- A comprehensive record of the evaluation method, the rationale used to select the preferred supplier, and whether it is recommended that negotiations should be undertaken, and on what basis; and
- Reasons for overlooking lower priced tenders.

11.5 Tender Review Committee

A Tender Review Committee may be established by the General Manager to review the purchase/lease of all goods and services over \$100,000 excluding GST prior to the awarding of contracts, to ensure that Council's procurement policies are adhered to.

The Tender Review Committee will usually consist of not less than three members, which includes a Chairperson, Secretary and one person who is knowledgeable of Council's procurement policies.

Where the General Manager decides that the establishment of a Tender Review Committee is necessary to review tender policy compliance, the managing officer of that Evaluation Panel may be required to present a submission to the Tender Review Committee which may include the evaluation Report and Probity Advisors Report (if relevant), for its endorsement of the tender and evaluation process.

The Tender Review Committee will usually review and consider the following aspects of a tender:

- The tender evaluation process adopted;
- The final tender evaluation report, signed by the Evaluation Panel;
- Critical dates (e.g. when the contract is to start, when the current contract is due to expire, critical project milestones, expenditure constraints [e.g. funds only available this financial year] etc.);
- Any other relevant issues or information, such as a Probity Adviser's report; and
- A certification by the officer responsible for managing the tender evaluation process, verifying conformity with relevant Council policies and guidelines.

On completion of its evaluation, the Tender Review Committee will report to the managing officer of the Evaluation Panel and convey their findings.



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The Tender Review Committee may refer a tender to Council for determination. In making the determination Council will take regard of the tender evaluation report, supporting documentation and recommendation of the Tender Review Committee. Where Council determines not to follow the recommendation of the Tender Review Committee, a rationale for the decision will be provided to the Tender Review Committee.

11.6 Notification of Successful and Unsuccessful Bidders

Once the preferred bidder is selected and all relevant Council approvals to proceed with the purchase have been granted, Council shall write and in most circumstances telephone the preferred provider to notify them that they have been successful. After the preferred bidder has been notified, Council will notify all unsuccessful bidders in writing of their non-selection.

The unsuccessful bidders shall be advised of:

- The tender outcome, including the contract number and title;
- The successful contractor; and
- The term of the contract.

~~Details of tenders awarded will be displayed on Council's public notice board for a period of not less than 14 days.~~

Details of tenders awarded will be reported in the next available open agenda in conjunction with the General Manager's information report.

All unsuccessful bidders may request a debriefing session.

11.7 Debriefing Unsuccessful Bidders

The purpose of the debriefing session is to help unsuccessful tenderers submit more competitive bids in future by identifying ways in which the tenderer's offer could be improved. Council will provide a debriefing interview to any unsuccessful bidder who requests one. The Councils debriefing team will include at least one member from the evaluation panel.

At this interview the unsuccessful bidder will be briefed as follows:

- How their offer performed with respect to the evaluation criteria; and
- Strengths as well as weaknesses of their offer.

During this interview, the following will not happen:



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- Comparisons between the unsuccessful tenderer's offer and the winning, or any other offer; or
- The debriefing interview being used to justify the selection of the successful tenderer.

The Council will document the proceedings at each debriefing interview, including:

- Who attended (from the Council and from the tenderer);
- The information provided to the unsuccessful tenderer;
- Any issues arising;
- The details of any information that was requested, but not disclosed due to commercial-in-confidence considerations; and
- Any likely future complaints and recommendations for further action to submit more competitive bids in the future.

Where a multiple-stage purchasing process is used (for example, where Expressions of Interest are used to short-list tenderers), suppliers not short-listed may be offered a debriefing interview, in a similar way to unsuccessful tenderers.

11.8 Contract Management


A contract defines the rights and obligations of both parties once a tender is awarded. A contract is established when an offer is made and accepted. A contract comprises all relevant information provided to and by the business, which has made the successful offer. This includes:

- The conditions of tender;
- The specifications, including any plans and other attachments;
- The successful offer; and
- The conditions of contract.

A draft copy of the conditions of contract will usually be included in Council's original request for tender package.

For complex or high value purchases it may be necessary for Council to enter into negotiations prior to finalising the contract in consultation with Council's legal advisors. The purpose of these negotiations is to:

- Test the understandings and assumptions made by tenderers in determining their costs;
- Clarify and rectify any false assumptions; and

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- Achieve operational refinements and enhancements that may result in cost reductions.

The outcomes of these negotiations will be reflected in the final contract and once completed and agreed, the formal contract is then signed by both parties.

A formal contract management plan is not required for all contracts, but Council may develop contract management plans for contracts that involve large dollar amounts, complex technical requirements, or when the contract manager is responsible for managing a large number of contracts simultaneously.

11.9 Standing Tenders

From time to time Council may utilise a standing tender in which one or more tenderers are contracted through an open tender process to provide specified goods or services over a period of time without the need for a further tender process.

The way in which a standing tender is established is the same as for an open tender process where the specification and description of the tender describe the intent of the standing contract and the conditions of its use.

11.10 Multiple-Use Register

From time to time Council may utilise a multiple-use process to establish a register of suppliers that Council has determined satisfy the conditions for participation in that register, and that Council intends to use more than once.

If it is determined that Council will establish such a register, the General Manager (GM) will invite expressions of interest from prospective applicants for inclusion on a register by publishing at least once in a daily newspaper circulating in the municipal area a notice specifying:

- A description of the goods and services, or categories thereof, for which the register may be used;
- The name and address of the Council and other information necessary to contract the entity and obtain all relevant documents relating to the register; and
- Any deadlines for submission of application for inclusion of the register.

The GM or a Delegated Officer (DO) will ensure that applicants are provided with the following in order to make an application:



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- Details of the categories of goods or services required;
- The criteria for evaluating applications;
- The method of evaluating applications against the criteria; and
- A reference to the Council's Code for Tenders and Contracts.

The GM/DO will advise all prospective tenderers of the results of their application including all categories for which they are registered and the reasons for rejection of inclusion on the register as soon as practicable.

When Council wishes to use the register, the GM/DO will invite all successful applicants that are registered for the relevant category to tender for the provision of the required good or service.

Council will review any established register at least once every 2 years.

Council will allow a prospective applicant to apply for inclusion on a register of tenderers at any time, unless the prospective tenderer:

- Has applied within the previous 12 months; and
- Has not been accepted.

The following table outlines the differences between a standing tender and a multiple-use register:

Standing Tender	Multiple-use Register
Outcome of a procurement process.	
Can purchase directly from a panellist.	
Panellists selected following evaluation.	
Size is set at conclusion of process.	
Indicative or set price.	
Operates for a finite period.	
Re-opens at conclusion of period.	Part of a procurement process.
Basis for select tendering.	
Conditions for participation stated.	
Cannot limit size.	
No pricing.	



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Can operate indefinitely.

Open continuously or annually.

11.11 Multiple-Stage Tenders

From time to time Council may utilise a multiple-stage tendering process to:

- Gain market knowledge and clarify the capability of suppliers;
- Shortlist qualified tenderers; and
- Obtain industry input.

A multiple-stage purchasing process may be more costly and time-consuming for both suppliers and for Council, and as such will usually only use them where:

- The best way to meet the requirement is unclear;
- It is considered appropriate to pre-qualify businesses and restrict the issue of formal tenders (to reduce the cost of tendering);
- There are benefits which cannot be obtained by researching the market through conventional means; and
- Maximum flexibility is required throughout the procurement process.

The multiple-stage processes that Council may use are as follows:

- **Expression of Interest** – an expression of interest (sometimes called a registration of interest) is generally used to shortlist potential suppliers before seeking detailed offers. Suppliers are short listed on their technical, managerial and financial capacity, reducing the cost of tendering by restricting the issue of formal tenders to those suppliers with demonstrated capacity;
- **Request for Proposal** – may be used by Council when a project or requirement has been defined, but where an innovative or flexible solution is sought;
- **Request for Tender** – may be used by Council when a project requirement has been defined to solicit offers from businesses capable of providing a specified work, good or service;
- **Request for Information** – may be used at the planning stage of a project to assist with defining the project. Council will not issue a request for information to identify or select suppliers; and



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- **Closed Tender Process** – may be used if the initial specification is well defined and an expression of interest or request for proposal has already been used to shortlist suppliers. Suppliers will be informed in advance that only those short-listed will be requested to tender.

Council is mindful of the following aspects when conducting a multiple-stage tender process:

- The same mandatory requirements regarding advertising and seeking at least one bid from a local business, that apply to a public tender process;
- That a short-listed party cannot be engaged without going through a more detailed second (tender) stage process, unless they are the only supplier who meets the determined criteria or approved by an absolute majority of Council; and
- When using a Request for Information, issues relating to intellectual property and copyright must be clarified prior to using the information provided to prepare the Request for Tender.

11.12 Multiple-Stage Tender Process


The General Manager (GM) will invite expressions of interest, and use the list of suppliers who lodge an application as the basis for inviting potential suppliers to submit tenders.

The GM is to publish at least once in a daily newspaper circulating in the municipal area a notice requesting any interested supplier to submit an expression of its interest to supply the good or service required. The notice is to specify:

- The nature of the goods or services the Council requires;
- Any identification details allocated to the contract;
- Where the expression of interest is to be lodged;
- Particulars identifying a person from whom more detailed information relating to the tender may be obtained; and
- The period within which the expression of interest is to be lodged.

The GM or Delegated Officer (DO) will ensure that prospective tenderers are provided with the following in order to lodge an expression of interest:

- Details of the goods or services required;

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- The criteria for evaluating expressions of interest;
- The method of evaluating expressions of interest against the criteria;
- Details of any further stages in the tender process; and
- A reference to Council's Code for Tenders and Contracts.

The GM/DO will then send an invitation to tender to all of the suppliers that expressed an interest in providing the good or service required unless it has stated specifically in the notice that the Council may limit the suppliers that it will invite to participate.

Provided the notice requesting expressions of interest states that Council may limit the suppliers it will invite to participate and the relevant requirements and evaluation criteria have been specified in the notice or associated documentation, the GM/DO in determining the suppliers that will be invited to tender may:

- In assessing the technical ability, assess the extent to which an application meets the technical performance specifications of the procurement; and
- Limit the number of businesses that it invites to tender, based on its rating of applications, provided that the largest number of potential suppliers selected, is consistent with an efficient tender process.

The GM/DO will:

- Ensure that the evaluation criteria used to make a decision at the first stage of the process (expression of interest), is consistent with the criteria to be used for the second (tender) stage; and
- Not directly engage a short-listed party without going through a more detailed second (tender) stage process, unless they are the only supplier who meets the determined criteria or approved by an absolute majority of Council.

12.0 Communication 12.1 Communication with all Potential Suppliers and Bidders – Contact Officer

Council will do the following in respect of communication with all potential suppliers and bidders:

- Nominate one contact person for each purchasing activity and clearly specify their name, contact details (including phone



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number and mailing address) so that tenderers know who to contact for more information (only one for probity reasons);

- The Contact Officer will be the sole point of official communication with potential suppliers and bidders and will document any questions asked of them by a potential supplier or bidder and any response given. In relation to plant purchases, additional nominated persons may have correspondence with suppliers to establish details of plant relative to their potential involvement with the machinery in the context of Operator or Mechanical evaluation;
- Where possible, the Contact Officer will request that questions from potential suppliers and bidders be put in writing (email or facsimile will suffice). Any response from the Contact Officer will also be provided in writing;
- Where possible the Contact Officer will limit the provision of information to the clarification of procedural issues; and
- Any additional information provided to one prospective tenderer is also provided to everyone else who has requested or received tender documentation.

13.0 Exemptions

The *Local Government (General) Regulations 2005* provide that Councils must publicly invite tenders for the purchase of goods and services with a value in excess of \$250,000 excluding GST. Council has set its tender limit at \$100,000. Burnie City Council are committed to:

- Encouraging open and effective competition between suppliers with the objective of obtaining value for money; and
- Enhancing opportunities for local business.

As per the Regulations, Council may not issue a tender or use a quotation process where the goods and services sought relate to:

- a) An emergency if, in the opinion of the general manager, there is insufficient time to invite tenders for the goods or services required in that emergency;
- b) A contract for goods or services supplied or provided by, or obtained through, an agency of a State or of the Commonwealth; and
- c) A contract for goods or services supplied or provided by another Council, a single authority, a joint authority or the Local Government Association of Tasmania;




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- d) A contract for goods or services obtained as a result of a tender process conducted by:
 - i) another Council; or
 - ii) a single authority or a joint authority; or
 - iii) the Local Government Association of Tasmania; or
 - iv) any other local government association in this State or in another State or a Territory; or
 - v) any organisation, or entity, established by any other local government association in this State or in another State or a Territory;
 - e) A contract for goods or services in respect of which a Council is exempted under another Act from the requirement to invite a tender;
 - f) A contract for goods or services that is entered into at public auction;
 - g) A contract for insurance entered into through a broker;
 - h) A contract arising when a Council is directed to acquire goods or services due to a claim made under a contract of insurance;
 - i) A contract for goods or services if the Council resolves by absolute majority and states the reasons of the decision, that a satisfactory result would not be achieved by inviting tenders because of:
 - i) Extenuating circumstances; or
 - ii) Remoteness of the locality; or
 - iii) The unavailability of competitive or reliable tenderers;
 - j) A contract of employment with a person as an employee of the Council.
- Point i) of this clause may be applied for one or more of the following reasons:
- Where it can be established that there is only one supplier of a particular product or service and there is no appropriate substitute available, or where alternative options are not viable or do not provide value for money;
 - Where the original product or service has been selected through an open tender process and the request for exemption relates

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to the proposed purchase of an upgrade or addition to the existing system, and there are limited supply options;

- The product is being trialled to assist in the evaluation of its performance prior to a large scale purchase for which open tenders will be called;
- To assist in the development of a new product in conjunction with a private sector business;
- Where the cost to Council and to suppliers would outweigh the value for money benefits of calling public tenders;
- Projects of genuine urgency (e.g. in the case of a natural disaster or similar emergency circumstances); or
- Other exceptional circumstances, where conclusive justification of the request is provided.

Where an exemption has been granted on the basis of point a) and i) of this clause, Council will report in its Annual Report the following details:

- A brief description of the reason for not inviting public tenders;
- A description of the goods or services acquired;
- The value of the goods or services acquired; and
- The name of the supplier.

14.0 Complaints Process

Tasmanian Councils are provided with broad competency powers under The Act to carry out the role of providing services to their communities.

The Act also includes accountability measures under which Councils can be held responsible to their communities for their actions and decisions.

The resolution of complaints against Council is a responsibility of Council. Information regarding formal complaint resolution process is available in *Council's Customer Service Charter (C-22)*.

In the first instance, complainants are encouraged to seek resolution through the Director or officer in charge of Council's purchasing/tender process. If relevant, complainants are encouraged to seek a debriefing, if they have not already done so.

If a complainant is not satisfied with the response of Council's Director in charge of the purchasing/tender process, the complainant is able to write to the General Manager providing copies of all correspondence and other relevant material. Council's General Manager will take whatever action is considered



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necessary to resolve the complaint. In certain circumstances, Council may employ a Probity Auditor to investigate the complaint.

Council will maintain the following for any complaint made against Council in relation to a procurement activity:

- The date the complaint was made;
- The complainant's details (e.g. business name, contact details);
- A brief description of the complaint;
- Action in progress (including dates actions are taken);
- The outcome (including whether the complaint was resolved or whether it was referred to another body for further review); and
- The response time.

15.0 Contract Renewal and Extension

15.1 Contract Renewals

In most cases, where the goods or services being delivered under the contract are required on an ongoing basis, Council will undertake a new procurement process (tender/quotation) prior to the completion of the existing contract.

15.2 Contract Extension


In some circumstances, it may be desirable for Council to extend an existing contract, rather than seek new tenders or quotations for the delivery of the goods or services.

Contracts will only be extended:

- ~~By an absolute majority of Council;~~ By approval of the General Manager.
- Following a full evaluation of the performance of the current contractor; and
- Where the principles of open and effective competition are protected.

As a general rule, Council will not extend contracts if:

- The original contract does not allow an extension; and/or
- Since the previous tender, the market has changed substantially; or the nature of the goods/services required has substantially changed.

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16.0 Disposals

Disposals are to be conducted so that the best return to Council is achieved. Disposal of land will be made in accordance with Division 1 of Part 12 of the Local Government Act 1993.

16.1 Disposals Less Than \$10,000

Council will dispose of items with a disposal value of less than \$10,000 at the discretion of the General Manager.

Council will only dispose of items that cannot be reused or recycled and with no commercial use or appreciable market value by dumping them at approved refuse sites or by destruction.

In the case of vehicles, Council may under special circumstances, and at the discretion of the General Manager, advertise for disposal of the vehicle for sale or trade-in. The decision to offer the sale vehicles will be taken where it is considered the financial benefit/return represents best value to Council.

16.2 Disposals Greater Than \$10,000

Council shall dispose of items with an estimated disposal value in excess of \$10,000 by way of tender, public auction, or trade-in to the extent practicable.

When disposing items by tender, Council may choose to advertise the item for disposal in specialist newspapers or journals, or in the appropriate classified section of the local newspaper (e.g. boats and marine if disposing of a boat), if these are more likely to attract appropriate interest.

17.0 Reporting

17.1 Annual Report

Council will publish in its Annual Report in relation to all contracts for the supply or provision of goods and services valued at or above \$100,000 excluding GST and separately note those valued at or above \$250,000 excluding GST, awarded or entered in the financial year, including extensions granted:

- A description of the contract;
- The period of the contract;
- The periods of any options for extending the contract;
- The value of any tender awarded or, if a tender was not required, the value of the contract excluding GST;
- The business name of the successful contractor; and



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- The business address of the successful contractor.

Where an exemption has been granted from a tender process [refer Section 13 point a) and i)], Council will report in its Annual Report the following details:

- A brief description of the reason for not inviting public tenders;
- A description of the goods or services acquired;
- The value of the goods or services acquired; and
- The name of the supplier.

17.2 Reporting to Council

The General Manager will report at each Council meeting any instance, since the previous meeting, where a purchase of a good or service is made where a public tender or quotation process is not used.

18.0 Common Use Contracts

Where the Department of Treasury and Finance has established whole-of-Government contracts for the supply of goods or services to agencies and other authorised organisations, Council may choose to utilise these contracts:

- [A001](#) Advertising - Television (Master Ordering Arrangement)
- [A002](#) Advertising - Print Media (Master Ordering Arrangement)
- [A003](#) Advertising - Print Media Services for Vacancy Notices, Tenders and Public Notices
- [A004](#) Advertising - Radio (Master Ordering Arrangement)
- [BK03](#) Government Banking Services
- [C106](#) Cartage, Interstate Air Freight
- [C141](#) Computer Software - Microsoft
- [C150](#) Information and Communications Technology Hardware Contract
- [F200](#) Fleet Management Agreement
- [L300](#) Leasing Finance Facility
- [P450](#) Petroleum Products
- [V672](#) Vehicles
- [V675](#) Vehicles Hire and Drive

Further information is available from the Department of Treasury and Finance's website at www.purchasing.tas.gov.au



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18.1 Local Buy

Local Buy is the Local Government Association Queensland procurement service, established in 2001 to aggregate the buying power of local government authorities, shorten procurement timeframes and streamline interactions between business and Local Government without the time consuming and administrative burden of following the Local Government Act and Regulations requirement for seeking tenders or quotations. The system is available through the Local Government Association of Tasmania for purchases across a diverse range of good and services from Local Buy contracted suppliers.

18.2 Procurement Australia

Procurement Australia are an organisation similar to Local Buy with a range of providers and services being available to Local Government.

Exactly the same principals apply as Local Buy, however, Procurement Australia only seek RFQ's four times per year, unlike Local Buy which enables RFQ's any time.

19.0 Legislation

Local Government Act 1993 (No. 95 of 1993)

Local Government (General) Regulations 2005 (S.R. 2005, No. 64)

Local Government (General) Amendment Regulations 2006 (S.R. 2006, No. 42)

20.0 Related Documents


Australian Code of Tendering (AS4120)

Customer Service Charter (C22)

Work Health and Safety Act 2012 and Regulations 2012;

Electronic Transactions Act 2000

Purchasing Policy

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Policy Endorsement	
Responsibility:	It is the responsibility of the Director Works and Services to facilitate the implementation of this policy and review its content from time to time. It is the responsibility of the Governance Unit to maintain this policy in the Policy Register.
Minute Reference:	
Council Meeting Date:	
Strategic Plan Reference:	Strategy 7.1.1 Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable.
Previous Policies Replaced:	This policy replaces the previous Code for Tenders and Contracts Policy version 6.1 dated 20 August 2019, Item Number AO224-19.
Date of Commencement:	TBC
Review Requirements:	This policy must be reviewed by Council every four years, in accordance with Section 333B(2) of the Local Government Act 1993. Council has resolved to review this policy every two years as per Item Number AC009-20.
Publication of Policy:	Members of the public may inspect this policy at the City Offices, or access it on Council's website (www.burnie.net)

WORKS AND SERVICES**AO049-21 TRAFFIC IN SWANSTON STREET, BROOKLYN****FILE NO: 15/5/3; 2/17/3; RD203300****PREVIOUS MIN: AO018-21**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	1	AN ATTRACTIVE PLACE TO LIVE, WORK AND PLAY
Objective	1.5	A vibrant and progressive central business district.
Strategy	1.5.2	Achieve a visitor-friendly CBD through improved connectivity, navigational aids and infrastructure supports.

RECOMMENDATION:***“THAT:***

- 1) Council notes the content of this report in respect to the Swanston Street traffic study and that Officers will continue to liaise with Tasmania Police in respect to monitoring poor driver behaviour; and***
- 2) Jutta Franz be advised of the content of the report.”***

2.0 SUMMARY

This report follows a petition to Council, tabled at the 27 January 2021 meeting, by Swanston Street and surrounding area residents regarding traffic speeds and associated safety concerns within Swanston Street.

Council resolved to undertake a speed study, assess if further action is required, report back to Council and engage with the petition author regarding the outcome.

The traffic/speed study determined that there are no systemic speeding issues nor obvious intrusion of a significant volume of non-resident traffic in Swanston Street.

Officers have formed a view that based on the information collected and data analysis, there is no demonstrable evidence to warrant the installation of traffic management measures in Swanston Street.

It is recommended that the information in this report be noted and that correspondence be forwarded to Jutta Franz in respect to the outcome of the traffic study.

3.0 BACKGROUND

At the Council Meeting held on 27 January 2021, Council considered a communications item in relation to a petition noting resident concerns with the behaviour of some motorists.

In this matter, Council determined the following (AO018-21):

“THAT Council:

- 1) Receive the informal petition containing 23 signatures lodged by Jutta Franz requesting a solution to improve the safety of Swanston Street, Burnie; and***
- 2) Write to Jutta Franz to advise Council’s response in accordance with this report.”***

Officers have progressed the traffic study and this report considers the findings.

4.0 LEGISLATIVE REQUIREMENTS

Council has responsibility for the management of local highways in the Municipality by virtue of powers conferred by the *Local Government Highways Act 1982*.

In discharging these duties, Council must have regard to a range of other legislation, standards and guidelines and apply them consistently across the road network, so that there is a consistent management approach.

Officers have applied contemporary traffic management principles in the conduct and assessment of the traffic study data.

Motorists have a legal requirement to comply with the road rules, which include obeying posted speed limits and driving with due care and attention.

5.0 POLICY CONSIDERATIONS

This report presents no policy considerations for Council.

6.0 FINANCIAL IMPACT

In the conduct of the traffic study/Officers’ time has been expended and costed to relevant operational budgets.

This report does not recommend implementation of traffic management measures in Swanston Street, and as such, no cost implications are noted.

7.0 DISCUSSION

Swanston Street is a residential street that services the access needs of some 42 properties.

The southern end of the street is a “no through road”, where pedestrian access to the Romaine Reserve is provided. There is no dedicated parking at the southern end of the street to encourage visitors to Romaine Reserve via Swanston Street.

The general urban speed limit of 50km/hr applies to this street and the nature of Swanston Street is generally consistent with the majority of the urban road network in the residential sections of the city.

While a 50km/hr speed limit applies, it is the responsibility of motorists to drive according to the road conditions and consider abutting use and development.

A traffic study was carried out in Swanston Street from Friday, 22 January to Tuesday, 23 February 2021 using automated traffic data collection devices located where speeding would be likely.

The **attached** plan shows the location where the devices were placed. At the completion of the survey, the data was analysed and the following data noted:

Traffic Count Location	85 th Percentile Speed (km/hr)	95 th Percentile Speed (km/hr)	Average Daily Volume (vpd)	Peak Volume (vph)
North (30 Swanston)	40.0	44.6	139	14
South (47 Swanston)	38.9	43.9	55	6

Traffic management measures are considered generally where:

- There is a high level of non-compliance with a posted speed limit.
- Traffic volumes are not consistent with the nature of abutting development and street width and are impacting on abutting uses.

Generally, actions would be taken to address an identified systemic traffic safety issue.

Assessment of traffic management options would generally involve some form of consultation with abutting residents.

In respect to the matter at hand and taking into consideration the data collected, the following observations are made:

- Swanston Street is a residential street of kerb to kerb width which varies between 6.0 and 6.50 m. The alignment is curved to an extent with roadside parking permitted. The street width and features is conducive to a low speed environment.
- The vast majority of motorists are travelling well below the 50km/hr speed limit.
- The traffic volumes are low, indicative of a residential setting and do not suggest the street is being used by a significant number of through motorists.

From a technical assessment, there is no indication that there is a systemic traffic safety issue to address, however that is not to say that there are no instances of poor driver behaviour in Swanston Street. For example, at the northern data collection point, five (5)

vehicles of the 4,333 recorded over the four (4) week period (0.1%), exceeded the 50km/hr speed limit with speeds of up to 65km/hr.

Given the low speed of the overwhelming majority of motorists, such behaviours would be cause for noting by observers and may give the perception of patterns of poor driver behaviour.

It is also most probable that the motorists of concern may be residents in the street or are visitors to residents.

Officers have engaged with Tasmania Police on this matter and they do not have record of responding to or addressing speeding matters in Swanston Street in recent years, however Tasmania Police have committed to responding to requests to investigate poor driver behaviour in the area.

Conclusion

Installation of traffic management measures to address aberrant individual speeding behaviour is generally not warranted, given the cost of installation and broader impacts on the adjacent resident community.

As such, Officers recommend that traffic management measures are not justified, and that enforcement should be the primary measure to address such behaviour.

Officers will firstly discuss the outcomes of this report with the petition author and advise reporting incidents of speeding to the police, followed by confirmation in writing.

Officers will continue to engage with Tasmania Police to monitor the situation.

8.0 RISK

Residents of Swanston Street have raised concerns with the behaviour of some motorists who use the street.

A traffic study was undertaken to capture traffic speed and volume to provide objective data to enable these concerns to be assessed.

As noted in the body of the report, there does not appear to be any systemic issues in the current traffic speed and use patterns to warrant intervention.


This outcome may not meet with the expectation of some residents, however Council can demonstrate an evidence based approach to its decision making.

It is probable that some motorists will continue to not drive according to the speed limit and road environment. Officers will advise the petition author continue to liaise with Tasmania Police in that regard.

9.0 CONSULTATION

Officers will convey the outcome of this report to the petition author and provide any relevant feedback to Tasmania Police.

ATTACHMENTS

1  Aerial Photo - Swanston Street Traffic Counter Locations

COUNCIL RESOLUTION

Resolution number: MO050-21

MOVED: *Cr C Lynch*

SECONDED: *Cr G Simpson*

“THAT:

- 1) Council notes the content of this report in respect to the Swanston Street traffic study and that Officers will continue to liaise with Tasmania Police in respect to monitoring poor driver behaviour; and***
- 2) Jutta Franz be advised of the content of the report.”***

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr K Dorsey, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY



WORKS AND SERVICES**AO050-21 COASTAL PATHWAY - COOEE TO WYNYARD - COASTAL EROSION WORKS****FILE NO: 31/3/343****PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	1	AN ATTRACTIVE PLACE TO LIVE, WORK AND PLAY
Objective	1.1	A range of vibrant, safe and attractive community spaces.
Strategy	1.1.1	Create and maintain a range of welcoming and attractive spaces across the municipality that foster a sense of community, belonging and pride.

1.0 RECOMMENDATION:

“THAT Council write to the Minister for State Growth advising that Council will not accept responsibility for the care and management of planned erosion control structures built to enable the Coastal Pathway project (Cooee to Wynyard) and that the project cannot proceed until such time as this issue is resolved to Council’s satisfaction.”

2.0 SUMMARY

The report advises Council of the status of current discussions in regard to the Coastal Pathway project (Cooee to Wynyard).

Funding has been allocated by the State Government to address coastal erosion along the length of the pathway alignment, however an impasse has been reached at officer level in respect to who should have care and management responsibilities for planned erosion control structures.

It is the view of Council Officers that such care and management should rest with the State Government for the reasons outlined in this report.

To progress the pathway project, it is believed that intervention by the Minister for State Growth is necessary and this report recommends that Council advise the Minister that the Coastal Pathway project is unable to be progressed until such time as the management of planned erosion control structures is resolved to Council’s satisfaction.

3.0 BACKGROUND

The State Government has allocated \$12M to address coastal erosion which has occurred along the alignment of the Coastal Pathway, Cooee to Wynyard.

The State Government has proposed that this funding be directed to Burnie City Council, in conjunction with the funding allocated for the Coastal Pathway project, and incorporated in one (1) grant deed. The works are being project managed by Council.

The content of the grant deed has been reviewed by Officers.

While not specifically discussed in the grant deed, a contested point in respect to the funding for the coastal erosion works is the matter of care and management of the planned structures to manage and mitigate the erosion.

The Department of State Growth has proposed that Burnie City Council, as the Manager of the Strategic Infrastructure Corridor, between Burnie Port and Wynyard, have ongoing responsibility for the structures. This responsibility would revert to the State Government, should Council cease being the Corridor Manager.

The position presents a range of financial implications for Council and ongoing risk. Officers have put forward a strong view to the State that care and management of the structures should rest with the State.

It is our strong recommendation to Council that it advocates directly with the Minister for State Growth to resolve this impasse.

4.0 LEGISLATIVE REQUIREMENTS

Burnie City Council has been designated as the Corridor Manager for the strategic infrastructure corridor between Burnie Port and Wynyard.

As the Corridor Manager, Council has a specific role managing Council assets and third party infrastructure within the strategic infrastructure corridor.

However, for a range of existing assets considered substantial fixed infrastructure, responsibility is retained by the State, examples would include bridges and major culvert structures.

It has been proposed to the State Government that erosion control structures, where constructed within the strategic rail corridor, be considered substantial fixed infrastructure.

5.0 POLICY CONSIDERATIONS

The strategic rail corridor, Wynyard to Burnie Port, and coastal foreshore area, and Bass Highway corridor adjacent to the Coastal Pathway, are all lands owned by the State.

The stability of the coastal environment and protection of adjacent State Government assets should be a matter for the State Government. While capital funding for the erosion control structures will be provided via a grant, there will be ongoing resourcing and funding implications for Council, which should not be placed on the Burnie Community.

6.0 FINANCIAL IMPACT

Were Council required to have care and management responsibility for the erosion control structures, there would be a range of financial implications. These may include:

- Depreciation: allowing \$12M to be depreciated over 50 years = \$240,000 per annum.
- Annual and periodic maintenance – to be determined.
- Future erosion management works or repair of major damage to existing structures (not quantifiable).

7.0 DISCUSSION

The position proposed by the Department of State Growth is that the structures are being provided to support the use of the strategic rail corridor for the purposes of developing and operating the Coastal Pathway and as such, responsibilities for the structures should rest with the Corridor Manager, being Burnie City Council at this point in time.

This outcome would impose additional financial burden on our community in the form of asset depreciation and ongoing maintenance and management costs associated with the structures, the quantum of which is uncertain.

It is the strong view of Officers that the purpose of the proposed structures is to protect and preserve the strategic rail corridor (State Government Asset) for future generations, regardless of the use of the corridor at a particular point in time and further the structures will ensure the longer term integrity of the adjacent Bass Highway and strategic linear infrastructure in the Bass Highway corridor, which will be imperilled in the near future, if no mitigation works are carried out.

In many instances, the majority of the structure footprints will be located on the adjacent Crown land, which will not be under the care or control of the Corridor Manager, further reinforcing that position that the State Government must own, care and manage the proposed structures.

Council can support the State Government in the ongoing monitoring and minor maintenance of the structures, as part of its care and maintenance activities associated with the Coastal Pathway.

The Coastal Pathway project is at a critical juncture, with Council in a position to progress with the detailed design and documentation of the associated works.

The current impasse cannot be resolved at Officer level.

8.0 RISK

The proposition that Council be responsible for the care and management of planned erosion control structures presents a number of risks to Council. These include:

- **Financial**

Additional cost will be incurred by Council in the form of asset depreciation and ongoing maintenance and minor repair works. The quantum is yet to be calculated, but depreciation could be in the order of \$240,000 per annum.

- **Responsibility for Future Erosion Control Works**

It is apparent that coastal erosion will continue to occur along the alignment of the Coastal Pathway. Damage to erosion management structures will occur in the future as will erosion at other locations.

High level principles are being discussed with the Department of State Growth as to how such matters will be managed in the future, however it is clear that if Council had care and management for the planned structures, it is probable that the State will be an expectation that Council will contribute to the costs of future costs.

Clearly establishing now who has responsibility for the care and management of the planned erosion control structure provides certainty as to how and by who future issues will be addressed.

From Council's perspective, the risk should be borne by the State Government as it has ownership of all the lands affected.

9.0 CONSULTATION

Discussions have been ongoing with Officers from the Department of State Growth in regard to the establishment of the Strategic Rail Corridor, funding deeds and the like.

The matter of ownership of the coastal erosion structures is a policy matter that cannot be resolved at Officer level and requires the Minister to intervene.

COUNCIL RESOLUTION**Resolution number: MO051-21****MOVED:** *Cr A Keygan***SECONDED:** *Cr T Bulle*

“THAT Council write to the Minister for State Growth advising that Council will not accept responsibility for the care and management of planned erosion control structures built to enable the Coastal Pathway project (Cooee to Wynyard) and that the project cannot proceed until such time as this issue is resolved to Council’s satisfaction.”

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr K Dorsey, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

WORKS AND SERVICES**AO051-21 SAFER RURAL ROADS PROGRAM - PROJECT DELIVERY -
EXEMPTION FROM TENDER PROCESS****FILE NO: 17/9/4****PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.2	Council and the community are informed and engaged on issues of local importance.
Strategy	7.2.1	Enhance the level of community and organisational engagement across a range of Council operations.

1.0 RECOMMENDATION:

“THAT Council determines to apply the exemption provisions in its Code for Tenders and Contracts and increase the scope of works associated with Contract 2650 - Bitumen Surfacing Services 2020-2021 to include the works on Natone Road, funded under the Safer Rural Roads Program, as detailed in this report.”

2.0 SUMMARY

This report seeks a decision from Council to apply the exemption provisions in its Code for Tenders and Contracts and increase the scope of works associated with Contract 2650 - Bitumen Surfacing Services 2020-2021 to include the works on Natone Road, funded under the Safer Rural Roads Program.

The reason for seeking this exemption is the very short delivery timeline under the funding deed for the project, being completion by 30 June 2021 and noting the funding deed was only signed in early March 2021.

The body of the report explains in detail the rationale for seeking the exemption from tendering.

3.0 BACKGROUND

Council has secured funding under the State Governments “Safer Rural Roads Program” to undertake curve widening, seal edge improvements and pavement repairs on Natone Road, from Iron Mine Road to Camena Road.

The deed for this funding was signed early March 2021. The grant funding totals \$623,915.

This deed requires that the funds be expended by 30 June 2021.

Delivery of the project requires both internal and contract resource. Given the value of the works, a tender process would normally be progressed to secure the contractor resource.

Predominately the contractor resources required relates to supply and placement of asphalt, asphalt milling and replacement and spray sealing works.

Council has a current contract with Roadways Pty Ltd (Contract 2650 - Bitumen Surfacing Services 2020-2021) to deliver such services.

Roadways Pty Ltd have the capacity to deliver the required works in the timeframe required, with an aim to progress works in April/May 2021.

The proposed works would be a significant variation in scope to the existing contract.

This report seeks Council to determine to apply the exemption provisions in clause 13 of its Code for Tenders and Contracts in respect to this project.

4.0 LEGISLATIVE REQUIREMENTS

The *Local Government Act 1993* prescribes the manner in which Council must undertake a range of procurement practices, with the associated Regulations providing more specific instruction.

Council's Code for tenders and contracts provides guidance in the application of the legislation and regulations.

5.0 POLICY CONSIDERATIONS

Clause 13 of the Code for tender and contract provides for Council not to progress a tender process in a number of specific circumstances.

The clause is reproduced below:

13.0 Exemptions

The Local Government (General) Regulations 2005 provide that Councils must publicly invite tenders for the purchase of goods and services with a value in excess of \$250,000 excluding GST. Council has set its tender limit at \$100,000.

Burnie City Council are committed to:

- *Encouraging open and effective competition between suppliers with the objective of obtaining value for money; and*
- *Enhancing opportunities for local business.*

As per the Regulations, Council may not issue a tender or use a quotation process where the goods and services sought relate to:

-
- a) *An emergency if, in the opinion of the general manager, there is insufficient time to invite tenders for the goods or services required in that emergency;*
- b) *A contract for goods or services supplied or provided by, or obtained through, an agency of a State or of the Commonwealth; and*
- c) *A contract for goods or services supplied or provided by another Council, a single authority, a joint authority or the Local Government Association of Tasmania;*
- d) *A contract for goods or services obtained as a result of a tender process conducted by:*
- i) *another Council; or*
 - ii) *a single authority or a joint authority; or*
 - iii) *the Local Government Association of Tasmania; or*
 - iv) *any other local government association in this State or in another State or a Territory; or*
 - v) *any organisation, or entity, established by any other local government association in this State or in another State or a Territory;*
- e) *A contract for goods or services in respect of which a Council is exempted under another Act from the requirement to invite a tender;*
- f) *A contract for goods or services that is entered into at public auction;*
- g) *A contract for insurance entered into through a broker;*
- h) *A contract arising when a Council is directed to acquire goods or services due to a claim made under a contract of insurance;*
- i) ***A contract for goods or services if the Council resolves by absolute majority and states the reasons of the decision, that a satisfactory result would not be achieved by inviting tenders because of:***
- i) ***Extenuating circumstances; or***
 - ii) ***Remoteness of the locality; or***
 - iii) ***The unavailability of competitive or reliable tenderers;***
- j) *A contract of employment with a person as an employee of the Council.*

Point i) of this clause may be applied for one or more of the following reasons:

- *Where it can be established that there is only one supplier of a particular product or service and there is no appropriate substitute available, or where alternative options are not viable or do not provide value for money;*
- ***Where the original product or service has been selected through an open tender process and the request for exemption relates to the proposed purchase of an upgrade or addition to the existing system, and there are limited supply options;***

- *The product is being trialled to assist in the evaluation of its performance prior to a large scale purchase for which open tenders will be called;*
- *To assist in the development of a new product in conjunction with a private sector business;*
- *Where the cost to Council and to suppliers would outweigh the value for money benefits of calling public tenders;*
- *Projects of genuine urgency (e.g. in the case of a natural disaster or similar emergency circumstances); or*
- *Other exceptional circumstances, where conclusive justification of the request is provided.*

Where an exemption has been granted on the basis of point a) and i) of this clause, Council will report in its Annual Report the following details:

- (i) A brief description of the reason for not inviting public tenders;*
- (ii) A description of the goods or services acquired;*
- (iii) The value of the goods or services acquired; and*
- (iv) The name of the supplier.*

The approval of Council is sought to apply the exemption provisions in 13 i) Extenuating circumstances.

i) A contract for goods or services if the Council resolves by absolute majority and states the reasons of the decision, that a satisfactory result would not be achieved by inviting tenders because of:

- i) **Extenuating circumstances; or***
- ii) **Remoteness of the locality; or***
- iii) **The unavailability of competitive or reliable tenderers;***

With reference to the following particular reason for applying the exemption:

- *Where the original product or service has been selected through an open tender process and the request for exemption relates to the proposed purchase of an upgrade or addition to the existing system, and there are limited supply options;*

The basis for seeking the exemption is:

- There is an existing contract in place for the delivery of the same services required, the contract is based on a schedule of rates, which were identified as the most competitive offering at the time.
- There is a limited time to progress a further tender process and have sufficient time to deliver the project.

- As the project will be late in the bituminous surfacing season it may be difficult to elicit competitive pricing or actual submissions due to existing contractor workloads.

The decision to apply the exemption provisions must be carried by an absolute majority.

6.0 FINANCIAL IMPACT

Council has secured a grant to undertake a range of road improvement work on Natone Road.

The project is fully funded by the grant, and has a value of \$623,915.

Delivery of the project will require the services of a bituminous surfacing contractor, supported by Council staff.

The estimated split of works between Council and the Contractor are as follows

Work Delivered By	Scope	Cost Estimate
Contractor (Roadways)	<ul style="list-style-type: none">• Sealing of Asphalt swales.• Milling and asphaltting.• Spray sealing.• Asphalt supply.	\$433,000
Council	<ul style="list-style-type: none">• Pavement preparation.• Edge widening.• Culvert works.	\$190,915

7.0 DISCUSSION

This report seeks the approval of Council to apply Clause 13 Exemptions in its Code for Tenders and Contracts.

The rationale for applying the provision is discussed in the Background and Policy section of this report.

8.0 RISK

Council has secured funding under the Safer Rural Roads Grant funding program to undertake road safety improvement works on Natone Road. However delivery of the funded works must occur by 30 June 2021.

With such a short delivery window there are various risks that the project will not be able to be delivered including:

- Wet weather delays – late May / June.
- Availability of contractors to undertake the works.
- Tender process timelines.

These risks can be mitigated to an extent through using the services of a contractor, who is already contracted to Council to deliver the same types of services as required to progress the Natone Road project.

The Exemption provision within Council's Code for Tenders and contracts provides a mechanism to allow Council to expand the scope of an existing tender, subject to demonstrating extenuating circumstances.

This report provides information to aid Council in considering that proposition.

Subject to the decision of Council, the works proposed to be carried out by Roadways Pty Ltd, would be in accordance with the provisions of contract 2650.

9.0 CONSULTATION

Internal consultation has occurred to determine the most practical approach to delivering the works funded under the Safer Rural Roads Grant funding.

COUNCIL RESOLUTION

Resolution number: MO052-21

MOVED: Cr K Dorsey

SECONDED: Cr G Simpson

"THAT Council determines to apply the exemption provisions in its Code for Tenders and Contracts and increase the scope of works associated with Contract 2650 - Bitumen Surfacing Services 2020-2021 to include the works on Natone Road, funded under the Safer Rural Roads Program, as detailed in this report."

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr K Dorsey, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

COMMUNITY AND ECONOMIC DEVELOPMENT**AO052-21 BURNIE CITY YOUTH COUNCIL SPECIAL COMMITTEE -
APPOINTMENT OF COMMITTEE**

FILE NO: 29/2/2

PREVIOUS MIN:

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.1	A Council that provides engaging and effective leadership to Burnie.
Strategy	7.1.2	Ensure effective operation and support for Council entities, authorities and special committees.

1.0 RECOMMENDATION:

“THAT Council, in accordance with Clause 3.2 of the Delegation of Authority and Rules of Operation for the Burnie City Youth Council Special Committee, appoint the following Youth Councillors to the Committee for the 2021 calendar year:

- | | |
|------------------------------------|---|
| • <i>Belinda Jongschaap</i> | <i>Parklands High School</i> |
| • <i>Danielle Jones</i> | <i>Parklands High School</i> |
| • <i>Olivia Saward</i> | <i>Burnie High School</i> |
| • <i>Jai Mollinson</i> | <i>Burnie High School</i> |
| • <i>Kaitlyn Cock</i> | <i>Marist Regional College</i> |
| • <i>Chenae McNaughton</i> | <i>Marist Regional College</i> |
| • <i>Abbey Walker</i> | <i>Stella Maris Primary</i> |
| • <i>Thomas Jordan</i> | <i>Stella Maris Primary</i> |
| • <i>Jayda Taiaroa</i> | <i>Montello Primary School</i> |
| • <i>Caleb Fraser</i> | <i>Montello Primary School</i> |
| • <i>Grace Anderson</i> | <i>Leighland Christian School</i> |
| • <i>Tahlia Booth</i> | <i>Leighland Christian School</i> |
| • <i>Tahira Stevens</i> | <i>Ridgley Primary School</i> |
| • <i>Calais Emery</i> | <i>Ridgley Primary School</i> |
| • <i>Sana Shrestha</i> | <i>Burnie Primary School</i> |
| • <i>Amarli Palmer</i> | <i>Burnie Primary School</i> |
| • <i>Charlotte Schumann</i> | <i>Romaine Park Primary School</i> |
| • <i>Oliver Ebdon</i> | <i>Romaine Park Primary School</i> |
| • <i>Courtney Brown</i> | <i>Cooee Primary School</i> |
| • <i>Luka Blackwell</i> | <i>Cooee Primary School</i> |
| • <i>Amelia Dredge</i> | <i>Havenview Primary School</i> |
| • <i>Cheala French</i> | <i>Havenview Primary School.”</i> |

2.0 SUMMARY

Each year Council invites nominations for two Youth Councillors from each participating school to serve on the Burnie City Youth Council Special Committee.

3.0 BACKGROUND

The positions of all committee members are required to be appointed annually by Council. Youth Councillors are appointed annually for the current calendar year period ending 31 December.

4.0 LEGISLATIVE REQUIREMENTS

The Burnie City Council Youth Council is established as a Special Committee of Council under section 24 of the *Local Government Act 1993* which states:

24. Special committees

- (1) A council may establish, on such terms and for such purposes as it thinks fit, special committees.*
- (2) A special committee consists of such persons appointed by the council as the council thinks appropriate.*
- (3) The council is to determine the procedures relating to meetings of a special committee.*

5.0 POLICY CONSIDERATIONS

No policy considerations have been identified for this matter.

6.0 FINANCIAL IMPACT

No financial impacts have been identified for this matter. Youth Councillors participate on a voluntary basis.

7.0 DISCUSSION

Clause 2 of the Delegation of Authority and Rules of Operation for the Burnie City Youth Council Special Committee stipulates membership of the committee is to be made up of two Youth Councillors from each primary school; two Youth Councillors from each high school (year 7-10); and two Youth Councillors from each post secondary school (year 11-12) within the Burnie Municipality. The committee also consists of up to two Council Officers and one Councillor as ex officio members.

Each school is invited to nominate their two Youth Councillors. This report presents the names of those nominated.

Once the Youth Councillors have been appointed, the committee will elect a Youth Mayor, Senior Deputy Mayor and Junior Deputy Mayor at its first meeting.

8.0 CONSULTATION

There are no risks identified for this matter.

9.0 CONSULTATION

Each school is given the opportunity to nominate their two Youth Councillors.

COUNCIL RESOLUTION

Resolution number: MO053-21

MOVED: Cr T Brumby**SECONDED:** Cr G Simpson

“THAT Council, in accordance with Clause 3.2 of the Delegation of Authority and Rules of Operation for the Burnie City Youth Council Special Committee, appoint the following Youth Councillors to the Committee for the 2021 calendar year:

- | | |
|----------------------|-----------------------------|
| • Belinda Jongschaap | Parklands High School |
| • Danielle Jones | Parklands High School |
| • Olivia Saward | Burnie High School |
| • Jai Mollinson | Burnie High School |
| • Kaitlyn Cock | Marist Regional College |
| • Chenae McNaughton | Marist Regional College |
| • Abbey Walker | Stella Maris Primary |
| • Thomas Jordan | Stella Maris Primary |
| • Jayda Taiaroa | Montello Primary School |
| • Caleb Fraser | Montello Primary School |
| • Grace Anderson | Leighland Christian School |
| • Tahlia Booth | Leighland Christian School |
| • Tahira Stevens | Ridgley Primary School |
| • Calais Emery | Ridgley Primary School |
| • Sana Shrestha | Burnie Primary School |
| • Amarli Palmer | Burnie Primary School |
| • Charlotte Schumann | Romaine Park Primary School |
| • Oliver Ebdon | Romaine Park Primary School |
| • Courtney Brown | Cooee Primary School |
| • Luka Blackwell | Cooee Primary School |
| • Amelia Dredge | Havenview Primary School |
| • Cheala French | Havenview Primary School.” |

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr K Dorsey, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

GENERAL MANAGER**AO053-21 GENERAL MANAGER'S REPORT - OPEN SESSION****FILE NO: 4/18/2****PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.2	Council and the community are informed and engaged on issues of local importance.
Strategy	7.2.1	Enhance the level of community and organisational engagement across a range of Council operations.

1.0 RECOMMENDATION:***“THAT Council:***

- 1) Note the information contained in the General Manager’s Report; and***
- 2) Authorise the General Manager to execute a lease for land at Aileen Crescent Hillcrest to the Crown, for the purpose of car parking at Montello Primary School as outlined in this report.”***

2.0 SUMMARY

This report includes the following items:

- 2.1 Mayor’s Communications
- 2.2 General Manager’s Communications
- 2.3 Notification of Council Workshops
- 2.4 Correspondence for Noting
- 2.5 Council Meeting Action List
- 2.6 Lease – Montello Primary School Car Park

2.1 MAYOR’S COMMUNICATIONS

The Mayor advises that the following meetings, events or appointments were attended since the last Council Meeting report:

- Library Lovers Day at the Burnie Library – Breakfast Session
- Business North West Breakfast Session with Guest Speaker James Roberts-Thompson
- Business North West General Meeting
- Emu Valley Rhododendron Garden Thankyou Morning Tea for the Emu Bay Lions Club
- Lunch Session with Federal Treasurer Josh Frydenberg MP

- Business North West Breakfast Session with Guest Speakers Sheree Vertigan and Daryl Connelly from CCA
- UTAS North West Consultative Committee Meeting
- Ten Days on the Island - Official Opening – Haunting
- Ten Days on the Island – mapali Dawn Gathering
- Ten Days on the Island – breakfast launch
- Ten Days on the Island – Official Opening – Making mapali
- Official Opening of the new Multi-Purpose Educational Centre and STEAM Centre at Leighland Christian School – Burnie Campus
- Safe Space Meeting
- Ten Days on the Island events
- Research Interview with Regional Arts and Social Impact Research Project: Queensland University of Technology
- Public Art Projects Special Advisory Committee Meeting
- Montello Primary School - Schools Plus/Google Partnership event
- Headspace Burnie Official Launch
- West by North West – Meeting with Premier Gutwein
- West by North West – launch of The Cove
- West by North West Board Meeting
- LGAT General Meeting

The Mayor advised that the following meetings, events or appointments were attended on his behalf since the last Council Meeting report:

- Ten Days on the Island – Opening of Gallery of Hopes and Dreams attended by Councillor Dorsey
- Burnie Victoria League for Commonwealth Friendship - Centenary Luncheon attended by Councillor Boyd

2.2 GENERAL MANAGER'S COMMUNICATIONS

The General Manager advises that the following meetings, events or appointments were attended since the last Council Meeting report:

Date	Meeting / Function
15 February	Library Lovers Day at the Burnie Library – Breakfast Session
	Meeting with Emu Valley Rhododendron Garden
16 February	Meeting with Professor Robyn Eversole, Swinburne University of Technology
17 February	Business North West Breakfast Session with Guest Speaker James Roberts-Thompson
	Meeting with Jennifer Jarvis and Vanessa Sullivan, TasRail
	Meeting with Dr Tracy Edington-MacKay, Burnie Community House
	Business North West General Meeting

Date	Meeting / Function
18 February	Meeting with Tara Day-Williams and Vicki Ellem, Stronger Places, Stronger People Initiative
	Burnie Works Learning Circle
	Meeting with Scott Rankin and Angela Prior, Big hART
19 February	Meeting with Pro Vice-Chancellor Jim Cavaye, UTAS
22 February	State Grants Commission 2021 Hearings
23 February	UTAS/BCC West Park Transition Working Group Meeting
24 February	Meeting with Ken Stronach, Burnie Town House
	Meeting with Kurt and Ann Wyss, Bayviews
25 February	Meeting with Ian Jones and Justin McErlain, Business North West
	Meeting with Jane Haley, Ten Days on the Island
1 March	Lunch Session with Federal Treasurer Josh Frydenberg MP
	UTAS farewell dinner for Rodney Greene
2 March	UTAS Renewable Energy Forum Discussion, Burnie
3 March	Business North West Breakfast Session with Guest Speakers Sheree Vertigan and Daryl Connelly, CCA
	Meeting with Shane Crawford, Waratah Wynyard Council
	UTAS North West Consultative Committee
	Meeting with Douglass Doherty, Family Based Care
	Dinner with UTAS Vice Chancellor Rufus Black
4 March	Meeting with Scott Riley, Circular Head Council
	Ten Days on the Island - Official Opening – Haunting
5 March	Ten Days on the Island - mapali Dawn Gathering
	Ten Days on the Island – breakfast launch
	Ten Days on the Island – Official Opening – Making mapali
	Ten Days on the Island - Opening of Gallery of Hopes and Dreams
	Meeting with Jeremy Rockliff MP
	Safe Space Meeting
6 March	Ten Days on the Island – Creative Coast – How small communities can inspire the world
9 March	Fire Warden Training
	Teleconference with Sally Hirst
10 March	Cradle Coast General Manager’s Meeting
12 March	LGAT General Meeting
	Meeting with Phil Leersen, UTAS

2.3 NOTIFICATION OF COUNCIL WORKSHOPS

Workshop	16 February 2021	
Councillors in attendance	Mayor Kons, Deputy Mayor Simpson, Cr Boyd, Cr Bulle, Cr Brumby, Cr Dorsey, Cr Keygan, Cr Lynch, Cr Pease	
Apologies		
Items Discussed	Financial Management Strategy (FMS)	Discussion with Councillors

Workshop	2 March 2021	
Councillors in attendance	Mayor Kons, Deputy Mayor Simpson, Cr Boyd, Cr Bulle, Cr Brumby, Cr Dorsey, Cr Keygan, Cr Lynch, Cr Pease	
Apologies		
Items Discussed	Quarterly Works Update	Presentation to Councillors
	Code for Tenders and Contracts – policy review	Discussion with Councillors
	Purpose Statement	Discussion with Councillors
	Department of Health - Smoking	Discussion with Councillors
	Hermal Group	Update for Councillors
	General Manager's Update	Discussion with Councillors

2.4 CORRESPONDENCE FOR NOTING

Correspondence for Noting is **attached** as per the list below.

2.5 COUNCIL MEETING ACTION LIST


The action lists from Council Meetings in Open Session are **attached** at the end of this report.

2.6 LEASES – MONTELLO PRIMARY SCHOOL CAR PARK

A lease agreement has been in place to the Crown for land at Aileen Crescent since 1996, for the purpose of car parking at Montello Primary School.

A new lease is due and a 5 year draft lease has been prepared on similar terms and conditions to land leased to the Crown at Acton Child and Family Centre, being a peppercorn rent.

A map of the leased area is shown in red:

PLAN - MONTELLO PRIMARY CAR PARK LEASE FROM BURNIE CITY COUNCIL Leased Area

The land is classified as public land. The new draft lease is for a period of 5 years which is below the threshold for a public land disposal process. This lease arrangement is a continuation of an existing lease arrangement. Authorisation to execute this lease is included in the recommendation for this report.

ATTACHMENTS

1. [Correspondence from Minister Guy Barnett MP - Draft Renewable Coordination Framework](#)
2. [Correspondence from UTAS - 2021 Scholarship Confirmation West North-West Bursary](#)
3. [Open Session - All Actions - 23 February 2021](#)
4. [Open Session - Outstanding Actions Jun 2019 to Jan 2021](#)

COUNCIL RESOLUTION**Resolution number: MO054-21****MOVED:** *Cr D Pease***SECONDED:** *Cr A Keygan****“THAT Council:***

- 1) Note the information contained in the General Manager’s Report; and***
- 2) Authorise the General Manager to execute a lease for land at Aileen Crescent Hillcrest to the Crown, for the purpose of car parking at Montello Primary School as outlined in this report.”***

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr K Dorsey, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

Minister for Primary Industries and Water
Minister for Energy
Minister for Resources
Minister for Veterans' Affairs

Level 5, 4 Salamanca Place HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Phone: +61 3 6165 7678
Email: guy.barnett@dpac.tas.gov.au



1 February 2021

Mr Steve Kons
Mayor
Burnie City Council
Email: skons@burnie.net

Dear Mayor

Having achieved 100 per cent in November 2020, some two years ahead of our commitment, I am now pleased to announce the draft Renewable Energy Coordination Framework's (the Framework's) release.

Its release fulfils a key action under the Government's recently published Tasmanian Renewable Energy Action Plan (TREAP) – a blueprint to leverage our renewable energy resources and transform Tasmania into a renewable energy powerhouse.

Responding to feedback, the Framework outlines the Government's intention to ensure sustainable renewable energy growth that delivers strong economic and social outcomes while maximising regional and community benefits.

The Framework sets the goals and actions to ensure that new large-scale renewable energy development (and investment) happens in the right place, at the right time, and for the benefit of all Tasmanians.

Partnering with our communities, the Government will use the Framework to realise our renewable energy vision and maximise Tasmanians' benefits from major renewable energy projects.

The Framework will also drive the orderly sequencing of new large-scale renewable energy generation and transmission systems necessary to support a transitioning National Electricity Market and to realise our 200 per cent renewable energy target.

The draft Framework is available at www.renewabletasmania.tas.gov.au and submissions can be made via email to renewableenergy@stategrowth.tas.gov.au before 3 March 2021.

If you would additional information or a briefing from my department, please contact Renewables Tasmania via email renewableenergy@stategrowth.tas.gov.au.

Your input and feedback are greatly appreciated and will be considered for the final Framework, scheduled to be published in April 2021.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Guy Barnett', written in a cursive style.

Hon Guy Barnett MP
Minister for Energy

End:



4 March 2021

Mayor Steven Kons
Burnie City Council
PO Box 973
Burnie TAS 7320

Dear Mayor Kons

Burnie City Council West North-West Bursary

As a valued supporter of the University of Tasmania's scholarship program I am happy to inform you that Bronte King has accepted the Burnie City Council West North-West Bursary for 2021-2023. Your scholarship plays a pivotal role in assisting a student realise their full potential.

Bronte is from Burnie and is studying a Bachelor of Nursing at Cradle Coast campus in Burnie. Please find enclosed contact details for Bronte who has provided consent for your organisation to contact her.

There are two continuing Burnie City Council West North-West Bursary recipients in 2021: Kristen Wilson and Madison Cumming. Please also find current contact details for them enclosed for your information.

The need for scholarships as educational enablers remains high in Tasmania. We know, the provision of scholarships facilitates increased participation by students and has an immediate and beneficial impact on the lives of the recipients, their families, and the broader community. Now more than ever scholarships such as yours are making a difference to the lives of our students and we are deeply appreciative of your generous support.

Kind regards,

Natasha Andrews
Senior Advancement Coordinator

University of Tasmania
Advancement Office

Private Bag 40
Hobart, Tasmania
7001
Australia

(03) 6226 1920
ABN 30 764 374 782 / CRICOS 00586B

Council Meeting Action Report**All Actions for Open Session of 23 February 2020**

Date From: 23/02/2021
 Date To: 23/02/2021
 Printed: Tuesday, 16 March

Key: RES = Action arising from Resolution; ACT = Action required in addition;
 QON = Question on Notice; NOTE = Progress Note

Item Number	Report Title	Action	Department	Completed
AO029-21	MOTION ON NOTICE - INSTALLATION OF TOILETS - WEST BEACH	24 Feb 2021 RES: Discuss with UTAS and BNW options for toilet access for penguin volunteers and visitors at West Park, per AO029-21 and AO030-21. 15 Mar 2021 NOTE: General Manager engaging with UTAS and BNW	Works and Services	
Council 23/02/2021				
AO030-21	PUBLIC QUESTION TIME	24 Feb 2021 ACT: Provide Mayor's responses in writing to public questions who were not present: Ms Nutt, Mr Leadbetter x2; per AO030-21.. 5 Mar 2021 Action completed. DOC ID 21/23891	Office of the General Manager	5/03/2021
Council 23/02/2021				
AO031-21	NOMINATION FOR DEPUTY MUNICIPAL EMERGENCY MANAGEMENT COORDINATOR	24 Feb 2021 RES: Submit nomination for Simon Hughes as second Deputy MEMC, per AO031-21. 5 Mar 2021 NOTE: Letter sent to SES advising of nomination. 15 Mar 2021 Action completed. Letter has been sent - awaiting response.	Works and Services	15/03/2021
Council 23/02/2021				
AO032-21	POLICY REVIEW - RISK MANAGEMENT	24 Feb 2021 ACT: Finalise the Risk Management Policy in the corporate document framework, per AO032-21. 1 Mar 2021 Action completed. Policy finalised and published.	Corporate and Business Services	1/03/2021
Council 23/02/2021				
AO034-21	REVIEW OF COUNCIL PLANS AND STRATEGIES	24 Feb 2021 RES: Transition retired plans and strategies to archive section in website and update their status in the GDR, per AO034-21. 15 Mar 2021 Action completed. Relevant plans and strategies have been archived on website, updated as 'Retired and Archived' in CM, and GDR updated with no further review.	Corporate and Business Services	15/03/2021
Council 23/02/2021				

Council Meeting Action Report**Outstanding Actions for Open Sessions June 2019 to Jan 2021**

Date From: 23/01/2018
 Date To: 31/01/2021
 Printed: Tuesday, 16 March 2021

Key: RES = Action arising from Resolution; ACT = Action required in addition;
 QON = Question on Notice; NOTE = Progress Note

Item Number	Report Title	Action	Department	Completed
AO158-19	MOTION ON NOTICE - VIDEO RECORDING OF MOTIONS ON NOTICE AND PUBLIC QUESTION TIME AT COUNCIL MEETINGS	19 Jun 2019 - RES: Investigate livestreaming of Council Meetings, in accordance with resolution of Council AO158-19. 1 Jul 2020 - NOTE: Investigations progressing in sound quality at chambers for improved recording and potential livestreaming options.	Corporate and Business Services	
Council 18/06/2019				
AO045-20	MOTION ON NOTICE - RECYCLE BINS AT SPORTING AND COMMUNITY EVENTS AND VENUES	24 Feb 2020 - RES: Investigate the provision of recycle bins at sporting and community events at council venues to determine the demand and cost burden associated, and provide a report back to Council for 2020-21 budget considerations, per AO045-20. 5 Mar 2021 NOTE: Aim for a report to June 2021 meeting.	Works and Services	
Council 18/02/2020				
AO071-20	MOTION ON NOTICE - BURNIE 'HASHTAG' SIGN	24 Mar 2020 RES: Investigate locations for Burnie 'hashtag' sign and provide report back to Council in accordance with the resolution of Council AO071-20. 5 Mar 2021 NOTE: Options review occurs - paper to a workshop.	Works and Services	
Council 17/03/2020				
AO163-20	MOTION ON NOTICE - BURNIE PROMOTION	23 Jul 2020 RES: Report proposed ideas for messages of support to Burnie, to a council workshop, in accordance with the resolution of Council AO163-20. 5 Mar 2021 NOTE: Working on options at present.	Works and Services	
Council 21/07/2020				
AO238-20	MOTION ON NOTICE - WELCOME TO BURNIE SIGN - ROUNDHILL	22 Oct 2020 RES: Develop signage concepts for entry signage at Roundhill, for consideration at a council workshop, with implementation planned for the current financial year, in accordance with the resolution of Council AO238-20. 15 Mar 2021 NOTE: Project action to be considered in new FY. Consider a broader approach to the signage strategy.	Works and Services	
Council 20/10/2020				
AO265-20	MOTION ON NOTICE - DUAL NAMING POLICY	18 Nov 2020 RES: Undertake community consultation (both Aboriginal and non-Aboriginal), and progress to develop a dual naming policy for Burnie, in accordance with the report and resolution of Council AO265-20.	Office of the General Manager	
Council 17/11/2020				
AO004-21	MOTION ON NOTICE - INTRODUCTION OF "PROPOSITIONS" (REFERENDUMS)	1 Feb 2021 RES: Submit to the next LGAT meeting a proposal to introduce Propositions (referendums) for local and state government, as per council resolution AO004-21.	Office of the General Manager	
Council 27/01/2021				

Council Meeting Action Report**Outstanding Actions for Open Sessions June 2019 to Jan 2021**

Date From: 23/01/2018
Date To: 31/01/2021
Printed: Tuesday, 16 March 2021

Key: RES = Action arising from Resolution; ACT = Action required in addition;
QON = Question on Notice; NOTE = Progress Note

Item Number	Report Title	Action	Department	Completed
AO005-21	MOTION ON NOTICE - CBD GREENING	1 Feb 2021 RES: Plan for the removal of concrete infills in the CBD medians and replace with planted greenery, in accordance with council resolution AO005-21. 5 Mar 2021 NOTE: Presentation on options to 2 March 2021 workshop. Progressing planning installation.	Works and Services	
Council 27/01/2021				

AO054-21 NON AGENDA ITEMS

In accordance with the requirements of Regulation 8(5) of the *Local Government (Meeting Procedures) Regulations 2015* a matter may only be discussed at a meeting if it is specifically listed on the agenda of that meeting.

Council by absolute majority may decide at an ordinary meeting to deal with a matter that is not on the agenda if the General Manager has reported:

- (a) the reason it was not possible to include the matter on the agenda; and
- (b) the matter is urgent; and
- (c) that advice has been provided under section 65 of the *Act*.


There were no non agenda items.

There being no further business the Mayor declared the Meeting closed at 7.50pm.

CERTIFICATION OF MINUTES AS A TRUE RECORD

These minutes are confirmed as an accurate record of the Open Session of the Ordinary Meeting of Burnie City Council held on 23 March 2021.

Confirmed:

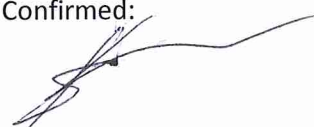


Simon Overland
GENERAL MANAGER

Date:

27/04/2021

Confirmed:



Steven Kons
MAYOR

Date: