

dorset
C O U N C I L

Ordinary Agenda

Council Meeting

18 September 2023

it's in the making

Qualified Persons Advice

The *Local Government Act 1993*, Section 65, provides (in part) as follows: -

- A general manager must ensure that any advice, information or recommendation given to the council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- A council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council and a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council with the general managers certification.

I therefore certify that with respect to all advice, information or recommendation provided to the council in or with this agenda:

- a. the advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- b. where any advice is directly given by a person who does not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

Notification of Council Meeting

NOTICE¹ is given that the next Ordinary Meeting of the Dorset Council will be held on Monday, 18 September 2023 at the **Council Chambers, 3 Ellenor Street, Scottsdale** commencing at 6:00 pm.

Members of the public are invited to attend in person, however, due to recommended physical distancing guidelines, the number of persons able to attend is limited. Any member of the public who wishes to attend the meeting must register their details with Executive Assistant, Sarah Forsyth by **3:00pm Monday 18 September 2023** via email gm@dorset.tas.gov.au or by calling 03 6352 6500. A recording of the Council Meeting, except for any part held in Closed Session, will be made available to the public as soon as practicable after the Meeting via Council's website and social media.



JOHN MARIK
General Manager

¹ In accordance with the Local Government (Meeting Procedures) Regulations 2015

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**Council Meeting
Agenda
18 September 2023**

Meeting Opened:

Present:

Apologies:

Item 133/23 **Confirmation of Ordinary Council Meeting Minutes – 21 August 2023**
Ref: DOC/23/9999

The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 21 August 2023 finds them to be a true record and recommends that they be taken as read and signed as a correct record.

Recommendation

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 21 August 2023 having been circulated to the Commissioner, be confirmed as a true record.

Item 134/23 **Confirmation of Agenda**

Recommendation

That Council confirm the Agenda and order of business for the 18 September 2023 Council Meeting.

Item 135/23 **Declaration of an Interest of the Commissioner or Close Associate**

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's adopted Code of Conduct, the Commissioner is requested to indicate whether he has, or is likely to have a pecuniary interest (any pecuniary interest or pecuniary detriment) or conflict of interest in any item on the Agenda.

INTEREST DECLARED

Commissioner Wardlaw's Calendar | 15 August 2023 – 13 September 2023**August 2023**

- 16 Meeting with member of the public with General Manager, Scottsdale
- 17 Meeting with Audit Panel Chair, Ian Wright, Launceston
- 21 Weekly meeting with Council management team regarding weekly meeting and Council Workshop process, Scottsdale Bike Park project overview, Derby master planning, Scottsdale community garden project progress update and Board of Inquiry / insurance update
- 21 August Council Meeting, Council Chambers
- 23 Meeting with ratepayer, Derby
- 23 Attendance at the Dorset Coastal Working Group Meeting, Bridport
- 24 Meeting with Dorset Community House Manager, Naomi Buster, Community House
- 24 Meeting with ratepayer, Council Chambers
- 28 Attendance at the launch of the Northern Tasmania Alliance for Resilient Councils with the General Manager, Riverside
- 28 Weekly meeting with Council management team regarding 2022/23 bad debts update, MAST update, Dorset Coastal Working Group Meeting items, update on Scottsdale Bike Park from previous meeting, and other items including the Rail Trail, Tassie Scallop Fiesta and Bridport Innovations meeting request
- 29 Meeting with Future-Links Gladstone community group with John Marik, Rohan Willis and Craig Wheeler, Gladstone
- 30 Attendance and Presentation at the Rotary Club of Scottsdale Meeting, Scottsdale Art Gallery Cafe

September 2023

- 4 Weekly meeting with Council management team regarding Board of Inquiry update, Regional Development Australia meeting and other items including Scottsdale community garden project update, Future-Links Gladstone meeting, Rail Trail update,
- 4 North East Chamber of Commerce Meeting, Scottsdale Art Gallery Café
- 5 September Council Briefing Workshop, Council Chambers
- 5 Dorset Suicide Prevention Network General Meeting, Scottsdale Library
- 5 Meeting with ratepayer, Council Chambers
- 6 Meeting with ratepayer, Bridport
- 6 Dorset Community Grants Selection Meeting, Council Chambers
- 7 Meeting with ratepayer, Council Chambers
- 11 Weekly meeting with Council management team regarding Regional Development Australia update, Derby shuttle bus progress update, upcoming State Government visit to Dorset, Annual Plan 2023/24 – Road and Footpath Committee discussion, community meetings update, mountain bike framework update, Blue Derby Foundation updates on accommodation provider program and brand and additional Local Government Association of Tasmania motion for 1 November meeting.
- 12 Presentation from Northern Tasmania Development Corporation, Council Chambers
- 12 Dorset Wellbeing Network meeting, Dorset Community House
- 13 Meeting with Bridport Life Saving Club Members with General Manager, via online meeting
- 13 Inspection of Jehovah Witness Kingdom Hall renovations, Scottsdale
- 13 Site visit to the Scottsdale Waste Transfer Station with Acting Director - Infrastructure
- 13 Future-Links Gladstone, Annual General Meeting, Gladstone Hall

The purpose of this agenda item is to provide the Commissioner and the community with a briefing on matters of interest dealt with during the past month by Council's Management Team.

CUSTOMER SERVICE REQUESTS

	Requests Received August	Comparison Requests August 2022	Received 2023	Comparison 2022
Animal	-	-	1	-
Bridges	-	-	-	-
Caravan Parks	-	-	3	1
Cemeteries	-	-	-	-
Community Development General	-	-	-	-
Corporate Services General	-	-	1	1
Customer Service	-	-	-	-
Emergency Services Enquiries	-	-	-	-
Environmental Management & Health	-	-	1	1
Government Relations	-	1	-	1
Licencing	-	-	-	-
Parks and Reserves	-	-	6	11
Planning & Building	-	-	3	1
Public Health	-	-	-	-
Public Online Enquiries	1	6	7	24
Public Amenities	-	-	1	5
Public Halls Buildings	-	-	4	3
Recreation Grounds	-	-	6	6
Roads	12	19	72	138
Swimming Pools	-	-	-	-
Waste Management	-	-	3	-
Total Requests	13	26	108	192

A detailed copy of the 2023 Customer Service Requests is included in the attachments.

APPROVED APPLICATIONS

	Approved August	Approved 2023 YTD	Approved 2022 YTD
Planning	25	93	86
Building²	6	68	78
Plumbing	3	46	40

See attachments for detailed information about applications approved in August 2023.

² From 15 March 2023, Dorset Council ceased providing Building Surveying services for any new building applications. Council is still providing Plumbing Surveyor services and continues to act as the Permit Authority, as required.

WASTE MANAGEMENT REQUESTS

	Requests Received August	Comparison August 2022	FYTD Received 2023/24	Comparison FYTD Received 2022/23
Feedback and Queries	3	4	4	6
Missed Bins – Council Fault	-	-	-	-
Request a New Service (Opt In)	-	-	-	-
Repair Bin	3	6	7	9
Replace Bin	4	-	8	9
Request a New Service	7	5	8	8
Remove Additional Bin	-	-	-	-
Request an Additional Bin	1	-	2	-
Request an Upsize/Downsize	6	2	12	3
Request to Opt Out (of Service)	1	-	1	-
Request a Collection	-	-	-	-
Total Requests	25	17	42	35

2023/24 CAPITAL WORKS PROGRAM

Ref: DOC/23/8447

	Complete 2023/24
	Completed in August 2023

PROJECT	PROJECT PHASE
BRIDGES	
Bridge 1507 Garibaldi Road, Pioneer - timber superstructure renewal (carried forward)	Beams Ordered
Bridge 1507 Garibaldi Road, Pioneer - timber renewal (additional works to carried forward)	Beams Ordered
Bridge 1508 Garibaldi Road, Pioneer – scour protection piers (flood related)	
Bridge 1514 Coffey Road / Carries Brook, Ringarooma – timber superstructure replacement	Beams Ordered
Bridge 1572 Haas Road / Frenches Creek, Legerwood – upgrade to concrete	Grant (BRP) Funding Application Submitted
Bridge 1550 Barnbougale Road, Jetsonville – timber re-deck	
Bridge 1599 Nook Road, Nabowla – timber re-deck	Completed
Bridge 1515 Maurice Road, Ringarooma - upgrade to concrete (carried forward)	Completed
Bridge 1617 Duncraggen Road, Jetsonville - upgrade to concrete (carried forward)	Completed
ROADS - RESHEETING	
Burns Road, Wyena	Completed
Boddingtons Road, Bridport	Commenced
Forsyth Hill Road, Ringarooma	Completed
New River Road, Ringarooma	Completed
West Maurice Road, Ringarooma	Commenced
Banca Link Road, Winnaleah	Commenced
Olivers Road, Winnaleah	Commenced
Rosier Road, Ringarooma	Commenced
Sledge Track, Springfield	Planning

Koomeela Road, West Scottsdale	Commenced
Duncraggen Road, Jetsonville (carried forward)	
ROADS - RESEALS	
Banca Link Road, Winnaleah	Tenders received
Sledge Track, Briggs Road to Brid River, West Scottsdale	Commenced
Legerwood Lane, Legerwood	Tenders received
Tomahawk Drive, Tomahawk	Tenders received
Murphy Place, Scottsdale	Tenders received
Golconda Road, Lietinna	Tenders received
Golconda Road, Lietinna	Tenders received
Golconda Road, Lietinna	Tenders received
Banca Road, Winnaleah	Tenders received
Racecourse Road, Winnaleah	Tenders received
Warrentinna Road, Winnaleah	Tenders received
Fenckers Road, Branxholm	Tenders received
Main Road, Musselroe Bay	Tenders received
Cairns Close, Tomahawk	Tenders received
Telita Road, Telita (carried forward)	
Main Road, Pioneer (carried forward)	
Charles Street, Pioneer (carried forward)	
Moore Street, Pioneer (carried forward)	
Alfred Street, Pioneer (carried forward)	
STORMWATER	
Joyce Street, Branxholm – renewal	Planning
Allan Street, Derby – renewal	Planning
William Street, Scottsdale (Incitec Pivot) – investigation	Planning
Northeast Park, Scottsdale – upgrade existing network	
Murray Street, Bridport – upgrade	Investigations
William Street, Bridport – extend existing network from Richard Street	
South Street, Bridport – renew pipeline from Main Street to Thomas Street	Design
Union Street, Scottsdale - upgrade existing pipeline lower end of Union Street (carried forward)	
Main Street, Bridport - upgrade existing 525 pipeline to 900 and install new side entry pits (carried forward)	Design
Bentley Street, Bridport – upgrade existing 525 pipeline to 900 (carried forward)	Commenced
Bridport - stormwater pit replacements in Walter Street and Richard Street (carried forward)	Commenced
Urban Stormwater Management Plan (carried forward)	
Victoria Street, Scottsdale – upgrade (carried forward)	Completed
ROADS - OTHER	
Golconda Road, Golconda – renew pavement from Denison River 1km east	Design
Golconda Road, Lietinna – renew pavement adjacent to Moores Road	
South Street, Bridport – replace kerb from Main Street to Thomas Street	
Gillespies Road, Nabowla – upgrade	Design
Cascade Dam Road, Derby – safety upgrade	

Carisbrook Lane, Legerwood - complete works McDougalls Road intersection (carried forward)	Awaiting property owner commitment
Carisbrook Lane, Legerwood - underpass contribution (carried forward)	Awaiting property owner commitment
Old Waterhouse Road, Waterhouse - safety improvements and upgrade (carried forward)	Commenced
Golconda Road, Golconda - straighten road alignment and upgrade culvert Lone Star Creek (carried forward)	Completed

FOOTPATHS

Alfred Street, Scottsdale – replace kerb and footpath (Ellenor to Christopher Street)	Planning
Smith Street, Scottsdale – new (Alice to Union Street)	Planning
Tomahawk Drive, Tomahawk – new (Morgan Esplanade to playground)	

BUILDINGS

Branxholm Park – new BBQ upgrade	Ordered
Branxholm Hall – front disabled access upgrade and step handrail to side entrance	Planning
Derby Town Hall – re-roof	Obtaining Quotes
Gladstone Hall – new hot water unit	Ordered
Ringarooma Hall – new heat pumps	Planning
Ringarooma Public Toilets – replace cisterns	Planning
Scottsdale Sports Stadium – replace roller door	Ordered
Scottsdale Visitor Information Centre – repair additional windows	Commenced
Scottsdale Aquatic Centre – amenities upgrade	Commenced
Scottsdale Depot – office renovation	
Scottsdale Depot – new storage sheds (carried forward)	Planning
Scottsdale Depot – earthworks for storage sheds (additional works to carried forward)	Planning
Scottsdale Depot – chemical spill trays	Commenced
Bridport Girl Guides Building – planning and investigation	
Bridport Seaside Caravan Park – pin code upgrades to Main, Mattingleys Beach and Goftons Beach Amenities Blocks	Commenced
Bridport Seaside Caravan Park – renewal of Eastmans Beach public toilets	Planning
Bridport Seaside Caravan Park – gas upgrade to Main amenities and Eastmans Beach shower block	
Winnaleah Hall – disabled access upgrade	Planning
Blue Derby Mountain Bike Trails – new trail crew storage shed	
Scottsdale Railway Station Restoration (carried forward)	Rotary Project
Building Renovations (Proposed Workers Accommodation) - 71 Main Street, Derby (carried forward)	Blue Derby Foundation Project
Bridport Football Club viewing deck (carried forward)	Obtaining Quotes
Scottsdale Sports Stadium - floor recoat (carried forward)	Planning
Sideling Toilets – additional solar panels	Commenced
Gladstone Hall - new septic tank (carried forward)	Planning

WASTE MANAGEMENT

Green Waste – storage / processing investigation and implementation	
Scottsdale Waste Transfer Station – spare bin area roof covering	Planning / Quotes
Branxholm and Gladstone Waste Transfer Stations – gates	Commenced
Branxholm Waste Transfer Station – recycle bin upgrade	

LAND IMPROVEMENTS

Scottsdale Recreation Ground – new cricket pitch covers	Planning
Scottsdale Recreation Ground – upgrade lighting and reseal road at Show Office	Lighting commenced
Scottsdale Aquatic Centre – shade cloth for external fence	Commenced
Bridport Cemetery – new grave surrounds	Planning
Main Street, Derby (near Bank House) – retaining wall to stabilise access road	
Legerwood Memorial Park – site works for new equipment	Ordered
Blue Derby Mountain Bike Trails – Relics trail bridge	Awaiting approvals
Blue Derby Mountain Bike Trails – Rusty Crusty Bridge and trail rebuild (flood related)	Awaiting approvals
Blue Derby Mountain Bike Trails – Hazy Days trail capping of stones	Awaiting approvals
Blue Derby Mountain Bike Trails – network signage redesign	Draft concept underway
Blue Derby Mountain Bike Trails – original trailhead redevelopment (south of Main Street)	Commenced
Blue Derby Mountain Bike Trails – Tunnel lights renewal	Planning
Blue Derby Mountain Bike Trails – Kumma Gutza re-route	Planning
Blue Derby Mountain Bike Trails – Turbo Tunnel re-route	Planning
Northeast Park - MTB Trails (carried forward)	Community Consultation
Rail Trail (carried forward)	Planning approval received and project planning commenced
Gladstone Pump Track (carried forward)	Planning

Recommendation

That the Management Team Briefing Report be received and noted.

Item 138/23 Council Workshops Held Since Last Council Meeting

5 September | Briefing Workshop

- Frederick Street, Derby – Land Acquisition Update
- 2023/24 Budget Estimates Variation – Financial Assistance Grants
- Risk Management Framework and Policy Overview
- Code for Tenders and Contracts Policy Review
- Personal Information Protection Policy Review
- On Street Dining, Vending and Signage Policy Review
- Briefing Reports and Question Time
 - Commissioners Communications
 - Correspondence
 - Management Team Updates

12 September | Special Briefing Workshop

- PRESENTATION: Northern Tasmania Development Corporation (NTDC)

The following questions were **taken on notice** at the 21 August Council Meeting:

Kahlia Simmons, Scottsdale

When will the footpath on the corner of Victoria and King Street be fixed?

Response from Acting Director – Works & Infrastructure, Craig Wheeler:

Council cannot give a definite completion date based on the following. TasWater are investigating the water main including potential replacement. Council have pavers on order, which have a minimum five week lead time for delivery.

Jenny Bellinger, Pioneer

Can someone give us an update on the water allocation that we bought with the Scottsdale Irrigation Scheme and where that's at?

Response from Finance Manager, Allison Saunders:

In the 2022/23 financial year, 95ML of water rights were sold for a total of \$136,650. At 30 June 2023, 547ML remain for sale, with a carrying amount of \$766,000.

Vincent Teichmann, Pioneer

In Schedule 1 on page 17 of the agenda, it mentions that you are immune from any personal liability in accordance with Section 341 of the Act. Is there a similar provision for other Councillors and Council staff that they are immune from prosecution for personal liability?

Response from Commissioner, Andrew Wardlaw:

Councillors and employees are afforded the same personal liability protection under Section 341 of the *Local Government Act 1993* as the commissioner.

Councillors, employees and the commissioner do not incur any personal liability in respect of any act done or omitted to be done by the person in good faith in the performance or exercise of their duties.

A personal liability that may otherwise lie against councillor or employee will lie against the Council. In regard to the commissioner, the liability will lie against the Crown.

Jacki Moore, Gladstone

With the resheeting of the roads, we were told last year that Cape Portland Road, which is desperately needed, was going to be done, but I can't see it listed anywhere?

Response from General Manager, John Marik:

The resheeting of Cape Portland Road is included in Council's Road Plan for 2025/26 financial year. Council's Infrastructure team will make contact and undertake a review of the road condition, which may alter Council's maintenance schedule.

The following questions were received on notice from members of the public:

Lawrence Archer, Bridport | 5 September 2023

What is the total of legal costs incurred by Council since July 1 2022 and how much of those costs are attributable to advice attempting to deny Right to Information requests?

Response from Finance Manager, Allison Saunders:

Total legal fees incurred by Council since 1 July 2022 amount to \$240,409. Of these fees, \$157,060 have already or will be reimbursed to Council (\$145,478 from Council's insurer relating the Local Government Investigation/Board of Inquiry). A total of \$1,976 relates to advice received in relation to Right to Information Requests. Amounts stated are GST exclusive.

Karl Willrath, Scottsdale | 7 September 2023

The media has reported that some of the suspended Dorset Councillors attempted to resign but these resignations were unable to be accepted due to statutory reasons. If these resignations were accepted, would the Councillors have been allowed to gain access to Dorset Council computers, email, phone records, etc. in regards to evidence/information gathering for the current board of inquiry into Dorset?

Response from General Manager, John Marik:

From a procedural fairness perspective, all parties impacted by the Local Government investigation or the Board of Inquiry will be given access to relevant records. All information requests should be submitted in writing to the General Manager. This applies to suspended Councillors, former Councillors, and former and current Council Officers.

Has the Mayoral car been sold, and could we please have a final cost benefit based on the previous three years that Mayor Howard actually claimed for via kilometres travelled in his own vehicle (previously disclosed) including fuel, tyres, repairs, services etc. and did the Mayoral car actually work out cheaper as was claimed by GM Watson at the time of the Councillors voting for the car?

Response from General Manager, John Marik:

The Mayor's car has been included as part of Council's fleet available for Council Officers for conducting day to day operations of Council.

At the 16 September 2019 Council Meeting, a resolution was passed unanimously (with the Mayor declaring an interest in the matter) for Council to provide a fully maintained motor vehicle for the Mayoral role. The following extract articulates the background and former General Manager comments from the agenda item:

"Section 340A of the Local Government Act 1993 (the Act) entitles Councillors to allowances as prescribed in the Local Government (General) Regulations 2015. Whilst the

Regulations allow for reimbursement of reasonable expenses in relation to travel, there is no specific car allowance for Councillors, Mayors or Deputy Mayors.

Accordingly, it is common practice within the sector for Councils to elect to provide fully maintained motor vehicles for the Mayoral position. This practice is typically adopted to mitigate the financial impost that Mayors incur as a result of the performance of their Mayoral responsibilities. The logic being that the allowances provided to a Mayor including reimbursement of travel expenses are substantially insufficient relative to the commitment that is required of Mayors to do justice to the role and the needs of the community.

Many Councils within the sector have for many years advocated for a substantial increase in allowances for the Mayoral position, particularly for small regional Councils where the Mayor clearly plays a critical role in advocating for the local community and securing State and Federal Government funding. Unfortunately the recent review of Councillor allowances by the Tasmanian Industrial Commission (TIC) did not propose any changes to allowances. This decision by the TIC shows a poor understanding of the importance of the role of the Mayor in regional communities and in that respect it is not a reflection of the views of those in the sector who are better placed to make judgement on the matter.

The consensus of Councillors and Senior Staff is that the level of remuneration for the Mayoral position via Councillor allowances is an anachronism from a bygone era and in no way reflects the volume of the work performed in carrying out the duties of the role. Given the geographic spread of rural Councils the demands on the Mayor in a municipality such as Dorset are in many respects far greater than that of a Mayor of an urban Council. In addition, I have personally seen the importance of the role of the Mayor in advocating for the community and securing State and Federal funding and therefore in my professional view the allowances are grossly inadequate.

Whilst Council does not have the head of power to increase the level of allowances for the Mayoral position, Council does have the ability to provide a fully maintained motor vehicle and it is my recommendation that such a vehicle be provided to the Mayor including full private use in accordance with Council's Operational Policy - Plant and Vehicle Use."

The above agenda item made no reference about the mayoral vehicle being cheaper than paying the Mayor on a cents per kilometres basis for expended business kilometres.

Council Officers have provided information previously in relation to this matter (24 April 2023), specifying the Mayor historically claimed for out of municipality kilometres only. The mayoral vehicle was provided on a fully maintained basis, which included a certain amount of private kilometres. Therefore, a cost benefit analysis would not be comparing like for like data sets.

It will be up to a future Council to decide whether this policy position requires review.

The following questions were received **without notice** from members of the public:

Item 141/23

Deputations

The following questions were received with notice from the Commissioner:

7 September 2023 | Blue Derby Mountain Bike Trails

Since being in my role as Commissioner the community has been seeking clarification on the costs associated with the Blue Derby Mountain Bike Trails (Blue Derby MBT). I am also aware that there was a significant landslip event that incurred major expense and that this has been partly recouped from a disaster recovery grant.

1. *In 2022/23 was all expenditure associated with Blue Derby MBT costed to this activity?*

Response from Finance Manager, Allison Saunders:

Yes

2. *What was the actual net cost of maintaining the Blue Derby MBT in 2022/23?*

Response from Finance Manager, Allison Saunders:

Including associated income and expenditure from Blue Derby MTB Events, Camping and Shower facilities at Derby Pay and the Blue Derby Accommodation Booking Platform, the net cost of managing Blue Derby MTB was \$489,249. A Statement of Profit and Loss is attached.

3. *What is the 2023/24 Budget for Blue Derby MTB?*

Response from Finance Manager, Allison Saunders:

The 2023/24 Budget Estimates for Blue Derby MTB show a net cost of \$827,670. This cost includes \$280,000 required for extensive maintenance on the Air-Ya-Garn and Blue Tier trails, which is the first major maintenance required since their construction in 2016 and is in addition to the regular maintenance schedule for the mountain bike trail network.

The budget estimates also include a once-off payment of \$125,000 required to assist with the transition of commercial operations to the Blue Derby Foundation (BDF), as determined in the Memorandum of Understanding (MOU) adopted by Council at the March 2023 Council meeting. All revenue streams from Sponsorships, Blue Derby merchandise, camping and shower facilities, and commissions from the Derby Accommodation Booking Platform have also been transferred to the BDF as part of the MOU, however, it is expected that the BDF will contribute \$90,000 back to Council by the end of the 2023/24 financial year. As result of this contribution, the net impact to the overall result in the 2023/24 financial year is estimated to be \$35,000.

It is also important to note that this is the first year of the agreement with the Blue Derby Foundation and it is anticipated that additional funds will be contributed back to Council to assist with funding the maintenance of the Blue Derby trails in future.

A Statement of Profit and Loss is included in the attachments.

4. *What was the cost of the landslip and how much of this cost was recouped?*

Response from Finance Manager, Allison Saunders:

The total cost for rehabilitating the landslip area is expected to be \$363,010. Of this amount, Council expect to recoup costs of \$272,258.

Overall, the October 2022 Flood Event caused significant damage to the Blue Derby Mountain Bike Trails, with estimated costs of repairs amounting to \$619,168 (including the landslip costs outlined above). Council expect to receive approximately \$464,376 back from the Tasmanian Relief and Recovery Arrangements administered by the Department of Premier and Cabinet, and Council would like to thank the State Government for their assistance and contribution towards the cost of this flooding event.

Details of actual and forecast flood related expenditure for the Derby Mountain Bike Trails is included in the attachments.

5. *What is the estimated economic value of Blue Derby MBT in 2022/23 and how is this calculated?*

Response from General Manager, John Marik:

Mountain bike visitations to Derby peaked in the 2018/19 financial year with 51,199 interstate and international room nights stayed in Derby. More recently international and interstate visitations were impacted by COVID-19 and subsequent border restrictions from March 2020 until December 2021, however visitations have started to recover to 2018/19 levels.

The economic impacts of the Blue Derby MBT conservatively contribute \$20 million per annum directly to Derby from accommodation, transport, experiences and food and beverage. However, this figure would be closer to a \$50 million contribution when a multiplier effect is taken into account, including positive impacts of employment and construction in the area required to service the demand. Blue Derby’s importance to the region cannot be overstated and must be protected in light of the expansion of mountain biking within Tasmania and nationally. High level assumptions for Blue Derby economic impacts can be seen below.

Visitor Category	Room Nights / Visitors	Spend per Day <i>(per Tourism Tasmania average for accommodation, car hire, shuttle bus hire, food and beverage)</i>	TOTAL
International and Interstate (account for 1/3 of visitations to Derby)	90% of 2018/19 peak = 46,079 room nights (11,520 visitors)	\$230 per night	\$10.6 million
Intrastate (account for 2/3 of visitations to Derby)	17,454 visitors (assume 2.5 night stay per visitor)	\$230 per night	\$10.0 million
TOTAL			\$20.6 million

Council is currently lobbying the State Government to undertake a Tasmanian mountain bike economic and social impact study. This study would highlight the positive impacts of mountain biking not only for the state, but by each regional mountain bike trail. This would allow Council to ascertain the true economic and social impacts of the Blue Derby MTB on the Dorset municipality. The study would help Council attain further state and federal grant funding for the Blue Derby MTB, and give current and future commercial operators and sponsors the confidence to invest in the area.

The following questions were received without notice from the Commissioner:

Item 143/23 **Notices of Motion by the Commissioner**

See Item 144.

Purpose

The purpose of this agenda item is to consider a notice of motion proposed by Commissioner Andrew Wardlaw.

Background

The following notice of motion and background information was received from Commissioner Wardlaw on 7 September 2023:

“That Council be provided with a quarterly financial report in October 2023, January 2024, April 2024 and July 2024 on the costs and revenue streams of Blue Derby MTB and any significant adverse events relating to the performance of the Memorandum of Understanding with the Blue Derby Foundation.”

In March 2023 a Memorandum of Understanding (MOU) was established with Blue Derby Foundation and the 2023/24 Annual Plan and Budget Estimates highlighted other expenses had increased by \$77,000 partly as a result of this agreement. As Council will continue to perform the function of public asset manager with respect to the management and maintenance of the Blue Derby MTB trail network, I consider it prudent for Council to monitor the operational costs and revenue streams of the Blue Derby MTB to ensure that actuals costs are tracking to budget and that the MOU is operating as intended. It is appreciated information publicly provided on revenue streams may be at a level to protect any commercial sensitivities.

Planning, Environment and Statutory Requirements

Local Government Act, Part 8, Division 1

Risk Management

The MoU was developed alongside a legally binding Deed of Assignment (DoA), which allows the Blue Derby Foundation the full use of the Blue Derby brand and intellectual property to maximise fundraising. The MoU and DoA clearly establishes accountability and responsibilities for both the Council and the Blue Derby Foundation. This includes the ability for Council to revoke the agreements if the Foundation does not meet its obligations.

Strategic and Annual Plan

This notice of motion expands on Council’s 2023/24 Annual Plan, Activity 9, Blue Derby Transition which specifies Council Officers are to update the Council in the December 2023 and June 2024 quarters on this matter.

Council’s 2023 – 2032 Strategic Plan strategic imperative 9.4.

Community Considerations

The intent of the agreement between Council and the Blue Derby Foundation was to maximise community involvement, increase transparency and accountability of the Blue Derby mountain bike operations and to ensure the model is sustainable into the future. The key objective is for the Blue Derby Foundation and Council to work closely together to maximise fundraising activities to keep Blue Derby at the top of world mountain biking.

Financial and Asset Management Implications

Council's 2023/24 Budget Estimates included a \$125,000 allocation to the Foundation at the start of 2023/24 to assist with the transition of the Blue Derby operations from Council to the Foundation. This funding was granted to assist the Foundation with staffing to deliver the agreed programs. The Foundation expect to contribute \$90,000 back to Council by the end of the 2023/24 financial year. The overall net impact to the overall 2023/24 budget estimates, excluding trail maintenance costs, is expected to be a net cost of \$35,000.

Officer's Comments

The Blue Derby Foundation (BDF) was incorporated in early 2020 as a not for profit charitable entity with a primary purpose of raising funds to enhance the township of Derby, including the maintenance of the trail network to a world class standard and promoting the uniqueness of Derby.

Council passed a resolution on 20 March 2023 to endorse a MoU, and a legally binding Deed of Assignment, formalising the transfer of the following Blue Derby operations from Council to the Foundation:

- a. The licensing and commercialisation of the Blue Derby Brand/intellectual property;
- b. The acquisition and management of commercial sponsorships of Blue Derby;
- c. The management of all Blue Derby marketing and social media; and
- d. Assume responsibility for Blue Derby endorsed events and other fundraising initiatives.

Up to the 20 March 2023 Council Meeting, Council managed all aspects of the Blue Derby operations, including trail build, trail maintenance, marketing, social media and website administration, sponsorship and brand commercialisation. Outside of the dedicated Trail Maintenance crew, all other Blue Derby operations were administered by Council Officers as part of existing roles. This was not a sustainable model going forward and the catalyst for the MoU and Deed of Assignment.

It should be recognised that the Blue Derby Mountain Bike Trails are a world class asset and this agreement between Council and the Blue Derby Foundation was intended to ensure the legacy of the Trails is protected inter-generationally.

Recommendation

That Council be provided with a quarterly financial report in October 2023, January 2024, April 2024 and July 2024 on the costs and revenue streams of Blue Derby MTB and any significant adverse events relating to the performance of the Memorandum of Understanding with the Blue Derby Foundation.

Purpose

The purpose of this agenda item is to present the recommendations of the Community Grants Selection Panel to Council for approval.

Background

The Community Grants Selection Panel (the Panel) consists of Commissioner Wardlaw, Elizabeth Hadley (Community & Development Administration Officer) and Rohan Willis (Director - Community & Development).

Under the Council's Community Grants Program (the Program) budget for the 2023/24 financial year, Council has allocated \$10,000 to the Small Grants stream.

The Panel met in early September to consider all applications received during the stipulated submission period (Monday 3 July – Thursday 17 August) for Round 1 of the Program.

To date none of the allocated \$10,000 budget has been utilised.

Planning, Environment & Statutory Requirements

N/A

Risk Management

N/A

Strategic and Annual Plan

N/A

Financial & Asset Management Implications

For the 2023/24 financial year, \$10,000 has been allocated to this grant stream under the Program.

Community Considerations

Council's Community Grants Program was communicated through the Dorset Council Website, Facebook and the North Eastern Advertiser.

Officer's Comments

Six applications were received during the stipulated submission period, amounting to \$9,512 (excl. GST) in requested funding.

The applications have been assessed as being compliant with the guidelines, will benefit the community and are therefore recommended for full funding.

Details on each of the grant requests received and the recommendations of the Panel in relation to each are provided in the following table:

Organisation	Project	Project Cost (Incl. GST)	Grant Requested (Excl. GST)	Grant Recommendation
Families Tasmania	Breathe, Nurture and Play – Guided mediation and creative expression through art play	\$2,620	\$2,000	Recommended
Ringarooma Community Cultural Heritage Association Inc.	Data Presentation Equipment	\$1,272	\$1,157	Recommended
Ringarooma Golf Club	Purchase 50 new chairs for clubhouse	\$4,400	\$2,000	Recommended
Lions Club of Bridport	Megaphone Equipment	\$1,712	\$1,556	Recommended
Scottsdale Amateur Swim Club	Swim Club Development Program	\$1,879	\$1,709	Recommended
Scottsdale RSL Sub Branch	RSL Military Museum Display Cabinets	\$1,399	\$1,090	Recommended

N.B. All figures have been rounded up to the nearest dollar.

Recommendation

That Council approve the following funding contributions under the Community Grants Program:

- \$2,000 to Families Tasmania;
- \$1,157 to Ringarooma Community Cultural Heritage Association Inc.;
- \$2,000 to Ringarooma Golf Club;
- \$1,556 to Lions Club of Bridport;
- \$1,709 to Scottsdale Amateur Swim Club; and
- \$1,090 to Scottsdale RSL Sub Branch.

Purpose

The purpose of this agenda item is to present the recommendations of the Community Grants Selection Panel to Council for approval.

Background

The Community Grants Selection Panel (the Panel) consists of Commissioner Wardlaw, Elizabeth Hadley (Community & Development Officer) and Rohan Willis (Director - Community & Development).

Under the Council's Community Grants Program (the Program) budget for the 2023/24 financial year, Council has allocated \$30,000 to the Matching Fund Grants stream.

The Panel met in early September to consider all applications received during the stipulated submission period (Monday 3 July – Thursday 17 August) for Round 1 of the Program.

To date none of the allocated \$30,000 budget has been utilised.

Planning, Environment & Statutory Requirements

N/A

Risk Management

N/A

Strategic and Annual Plan

N/A

Financial & Asset Management Implications

For the 2023/24 financial year, \$30,000 has been allocated to this grant stream under the Program.

Community Considerations

Council's Community Grants Program was communicated through the Dorset Council Website, Facebook and the North Eastern Advertiser.

Officer's Comments

Four applications were received during the stipulated submission period, amounting to \$23,454 (excl. GST) in requested funding.

The applications have been assessed as being compliant with the guidelines, will benefit the community and are therefore recommended for full funding.

Details on each of the grant requests received and the recommendations of the Panel in relation to each are indicated in the following table:

Organisation	Project	Project Cost (Incl. GST)	Grant Requested (Excl. GST)	Grant Recommendation
Blue Derby Foundation Limited	Blue Derby Destination Website Redevelopment	\$8,800	\$4,000	Recommended
Bridport Golf Club	Security Cameras	\$4,137	\$1,881	Recommended
Musselroe Bay Community Group Inc.	Ride-on Lawn Mower	\$8,000	\$4,000	Recommended
Dorset Community Association	Children’s Space at Dorset Community House	\$29,859	\$13,573	Recommended

N.B. All figures have been rounded up to the nearest dollar.

Recommendation

That Council approve the following funding contributions under the Community Grants Program:

- \$4,000 to Blue Derby Foundation Limited;
- \$1,881 to Bridport Golf Club;
- \$4,000 to Musselroe Bay Community Group; and
- \$13,573 to Dorset Community Association.

Purpose

The purpose of this agenda item is to present the recommendations of the Community Grants Selection Panel to Council for approval.

Background

The Community Grants Selection Panel (the Panel) consists of Commissioner Wardlaw, Elizabeth Hadley (Community & Development Administration Officer) and Rohan Willis (Director - Community & Development).

Under the Council’s Community Grants Program (the Program) budget for the 2023/24 financial year, Council has allocated \$15,000 to the Discretionary Grants stream.

The Panel met in early September to consider all applications received during the stipulated submission period (Monday 3 July – Thursday 17 August) for Round 1 of the Program.

To date none of the allocated \$15,000 budget has been utilised.

Planning, Environment & Statutory Requirements

N/A

Risk Management

N/A

Strategic and Annual Plan

N/A

Financial & Asset Management Implications

For the 2023/24 financial year, \$15,000 has been allocated to this grant stream under the Program.

Community Considerations

Council’s Community Grants Program was communicated through the Dorset Council Website, Facebook and the North Eastern Advertiser.

Officer’s Comments

One application was received during the stipulated submission period, amounting to \$425 (excl. GST) in requested funding.

The application has been assessed as being compliant with the guidelines, will benefit the community and is therefore recommended for full funding.

Details of the grant request received and the recommendation of the Panel in relation to the grant are indicated in the following table:

Organisation	Project	Project Cost (Incl. GST)	Grant Requested (Excl. GST)	Grant Recommendation
Tomahawk Community Association	Replacement of Tennis Net at Tomahawk	\$467	\$425	Recommended

N.B. All figures have been rounded up to the nearest dollar.

Recommendation

That Council approve the following funding contribution under the Community Grants Program:

- \$425 to Tomahawk Community Association;

*** Council are reminded that they are acting as the Planning Authority for Item 148

**Item 148/23 Planning Application –Visitor Accommodation (20 Units) | 429 Waterhouse Road
BRIDPORT**

Reporting Officer: Regulatory Services Manager, Thomas Wagenknecht
Ref: DOC/23/11217 | PLA/2022/107 | Assessment Report: DOC/23/11227

Purpose

The purpose of this report is for Council to consider a proposal for the use and development of twenty visitor accommodation units at 429 Waterhouse Road Bridport.

Background

Location

The land subject to the proposal is addressed as the following:

Subject Land	Owner	PID	Folio of the Register
Waterhouse Road Bridport	Richard Sattler	6856723	200350/1
429 Waterhouse Road Bridport	Richard Sattler	2749744	131940/1
429 Waterhouse Road Bridport	Richard Sattler	2749752	131938/1
429 Waterhouse Road Bridport	Richard Sattler	2749752	131938/2
429 Waterhouse Road Bridport	Richard Sattler	2749752	131939/1

Applicant

The applicant for the proposal is 6ty Degrees.

Planning Controls

A planning application must be considered against the planning scheme that was in effect at the point in time that the application was received as valid. The subject application was lodged and deemed valid on 10 August 2022, at which point in time the subject land was controlled by the Dorset Interim Planning Scheme 2013 that was effective from 7 February 2021 (referred to in this report as the 'Planning Scheme').

Statutory Timeframes

Date Received as Valid:	10 August 2022
Section 54 Request for Further Information:	22 August 2022
Section 54 Request for Additional Information satisfied:	9 May 2023
Advertised:	13 May 2023
Closing date for representations:	27 May 2023
Revised plans submitted:	3 July 2023
Extension of time granted:	30 June 2023 (until 22 August 2023)
Extension of time granted:	21 August 2023 (until 19 September 2023)
Decision due:	18 September 2023

An application was lodged under section 57 of the *Land Use Planning and Approvals Act 1993* (the LUPA Act), by 6ty Degrees, for:

- the construction of twenty visitor accommodation units, with seventeen being located within F/R 200350/1 Waterhouse Road Bridport and three units being located within F/R 131940/1 429 Waterhouse Road Bridport, and vehicle access through the site to an existing access onto Waterhouse Road.

During the public advertisement period, nine (9) representations were received.

The attached '*Planning Application PLA/2022/107 – Visitor Accommodation (Twenty Units) - Assessment Report*' considers the submitted planning application and representations received during the statutory public advertising period against the Dorset Interim Planning Scheme 2013.

Statutory Requirements

Council must process and determine the application in accordance with the *Land Use Planning Approval Act 1993* (the LUPA Act) and the Council's Planning Scheme. The application is made in accordance with Section 57 of the LUPA Act.

Policy Implications

N/A

Financial & Asset Management Implications

N/A

Risk Management

Management of risk(s) is inherent in the conditioning of the permit.

Strategic and Annual Plans

N/A

Community Considerations

The application was advertised for the statutory period. During this period Council received nine (9) representations.

Consideration of the representations is provided within the attached '*Planning Application PLA/2022/107 – Visitor Accommodation (20 Units) - Assessment Report*'.

Alternative Options

Council can either approve, with or without conditions, or refuse the application.

Recommendation

It is recommended that the proposal for the use and development of Visitor Accommodation (20 Units) at the subject land, be approved subject to the following conditions:

1. *Basis of Approval*

The use and development is approved and must be undertaken in accordance with the Endorsed Documents, except where specified otherwise in this permit and documents lodged with this application (PLA/2022/107). Any substantial variation from this application will require the further planning consent of the Council.

2. *Amended Plans*

Prior to the commencement of the approved works, and to the satisfaction of Council's General Manager, the responsible person must submit:

- (a) an Amended Site plan, informed by a check survey undertaken by a suitably qualified person, detailing and notating:
 - i) the number of each unit;
 - ii) the boundary setbacks of all buildings from the northern boundary;
 - iii) the boundary setback of Unit 1 from the western boundary;
 - iv) all buildings being located behind the rear toe of the primary dune;
 - v) sufficient area at the western end of the vehicle access to provide for at least a three point turn;
 - vi) new sewer connection under road connected back to the existing treatment plant;
 - vii) underground power connection to the units running eastward and connected back to existing site connection;
- (b) Amended Elevations showing:
 - i) a minimum finished floor level for all proposed buildings at height of at least RL 3.1m AHD; and
 - ii) notated building heights above existing natural ground level and post-fill ground level; and
 - iii) setbacks of all buildings from the rear toe of the primary dune; and
- (c) Amended Floor Plans clearly notating the number of the unit being depicted.

When approved by the Council's General Manager, the amended plans will be endorsed and will then form part of this permit.

3. *External Appearance*

- (a) Prior to the commencement of building works, a printed sample and schedule of external building materials, finishes and colours, including details of cladding and roofing materials, must be submitted to Council's General Manager for approval.
- (b) The external building materials of all buildings and structures applying to the development must be non-reflective and of types and colours that will blend rather than contrast with the surrounding landscape.
- (c) When approved by the Council's General Manager, the schedule of will be endorsed and will then form part of this permit.

4. *Site Landscaping Plan*

Prior to the commencement of works, a site landscaping plan comprising native species suitably representative of local vegetation communities must be submitted to the Council's General Manager, to the satisfaction of the Council's General Manager, for approval. The plan must be prepared by a suitably qualified person, must be drawn to scale and must include the following details:

- (a) major identifying site features such as building footprints, topography, contours, drainage lines and existing vegetation;
- (b) show proposed garden areas and plantings (including a schedule of proposed trees, shrubs, and groundcover including common name, botanical name and likely size at maturity);
- (c) show all proposed garden beds, fences, retaining walls, lawn, sealed surfaces and pathways;
- (d) details of revegetation of areas of bare soil exposed due to construction activities associated with the approved works, ensuring that no declared weeds or environmental weeds or non-endemic plants with highly invasive reproductive characteristics/qualities are to be planted;
- (e) any additional stabilisation works required as a result of tree or vegetation removal; and
- (f) the planting of a continuous vegetation buffer commencing from the north-western corner of along the western boundary of F/R 200350/1 and continuing south alongside the western boundary of the title, for a length of approximately 100 metres and a depth of 3 metres, to integrate the approved development into the coastal landscape when viewed from Main Street. The vegetation buffer must comprise native individuals suitably representative of the TASVEG Community SAL '*acacia longifolia* coastal scrub' and be comprised of approximately 95% coastal wattle (*acacia longifolia* subsq. *sophorae*). All individuals planted in accordance with the plan are to be continuously maintained in a healthy condition to the satisfaction of Council's General Manager. Where individuals perish within five (5) years of the commencement of the approved use, replacement individuals are to be planted in the same position and to the satisfaction of Council's General Manager.

Once approved by the Council's General Manager the plan will be endorsed and will form part of the permit.

The landscaping:

- (a) must be installed in accordance with the endorsed plan; and
- (b) must be completed during construction of the buildings and prior to the use commencing;
- (c) maintained throughout the lifetime of the development; and
- (d) must not be removed, destroyed or lopped without the written consent of the Council's General Manager.

5. *Construction Environmental Management Plan*

Prior to the commencement of works, a Construction Environmental Management Plan must be submitted to Council's General Manager, to the satisfaction of Council's General Manager. The plan must be prepared by a suitably qualified person(s) and must include the following details:

- a) a soil and water management plan that details how soil and water is to be managed on the site during the construction process to prevent the escape of soil and sediments from the development site, including:
 - i. the proposed location of any topsoil stockpiles;
 - ii. the erosion and sediment control practices to be used on the site or otherwise for the purpose of the use;

- iii. revegetation of areas of bare soil, including timing of any site rehabilitation or landscaping programs;
 - iv. compliance with the requirements of the *Wetland and Waterways Works Manual* (NRE Tasmania 2003), particularly for the siting and designing of stream crossings;
- b) a weed and management and hygiene plan that details how weeds are to be managed on the site during construction works to control weed establishment and prevent weed spread, including:
- i. control of weeds in areas of bare soil, prior to and following construction, where appropriate;
 - ii. wash-down and inspection of vehicles, machinery and boots before leaving/entering the site to avoid transporting viable plant materials or large clods of soil;
 - iii. wash-down to be conducted in accordance with the *Tasmanian Weed and Disease Planning and Hygiene Guidelines* (DPIPWE 2015);
- c) measures that will ensure native vegetation outside the development area is satisfactorily protected during construction works;
- d) noise mitigation measures to be implemented during construction, including traffic noise and mitigation of noise impacts to fauna; and
- e) the mitigation and management measures recommended for implementation by the pre-construction fauna survey report referred to in Condition 6 below.

When approved by the Council's General Manager, the Construction Environmental Management Plan will be endorsed will then form part of this permit.

6. *Pre-construction Fauna Surveys*

- (a) Prior to the commencement of works, pre-construction surveys must be undertaken by a suitably qualified person for:
- (i) eagle nests (wedge-tailed eagle [*Aquila audax subsq. fleayi*] and white-bellied sea eagle [*Haliaeetus leucogaster*]) within 1 km of the boundary of the subject site and on the land itself. The nest survey must be undertaken outside of eagle breeding season (July to February);
 - (ii) New Holland Mouse (*Pseudomys novaehollandiae*). The survey must be undertaken within potential habitat identified within the development footprint and in accordance with the Department of Natural Resources and Environment Tasmania (2022) Management and Survey Guidelines for Wild Populations of New Holland Mouse (*Pseudomys novaehollandiae*);
 - (iii) eastern-barred bandicoot (*Perameles gunnii gunnii*) within potential habitat identified within the development footprint;
 - (iv) Tasmanian devil dens within the identified potential habitat within the development footprint. The survey must be undertaken in accordance with the Natural and Cultural Heritage Division (2015) Survey Guidelines and Management Advice for Development Proposals that may impact on the Tasmanian devil (*Sarcophilus harrisii*).
 - (v) shoreline birds within 500 metres of the development area, including, but not limited to, the following:
 - i. white-fronted tern
 - ii. fairy tern;
 - iii. little tern;

- iv. red knot;
 - v. curlew sandpiper;
 - vi. eastern curlew;
 - vii. great crested grebe;
 - viii. azure kingfisher;
 - ix. hooded plover; and
 - x. bar-tailed godwit.
- (b) Prior to the commencement of works a pre-construction fauna survey report, prepared by a suitably qualified person, must be submitted to Council's General Manager for approval that:
- (i) outlines the findings of the pre-construction surveys referred to in (a) above; and
 - (ii) recommends appropriate mitigation and management measures to ensure that the proposed development will not unduly compromise the representation of species of significant within the bioregion during construction and throughout the lifetime of the development.

When approved by the Council's General Manager, the report will be endorsed and then form part of this permit.

Any mitigation and management measures identified as part of this condition must be implemented as directed in writing by Council's General Manger.

- (c) Unless otherwise undertaken in accordance with the endorsed mitigation and management measures referred to in (b) above, construction activities must not occur between 1 September to 31 March, inclusive, to avoid disruption to incubation and hatching activities to nearby shorebird breeding.

7. Exterior and Security Lighting

- (a) To ensure low impact or subdued lighting is used, exterior lighting and security lighting must be designed, baffled and located in accordance with Australian Standard AS4282-1997 "*Control of the obtrusive effects of outdoor lighting*" such that no direct light is emitted outside the boundaries of the subject land.
- (b) Prior to commencement of works, a detailed lighting plan must be submitted to Council's General Manager, to the satisfaction of Council's General Manager, that details how lighting will comply with (a) above. When approved by the Council's General Manager, the lighting plan will be endorsed and then form part of this permit.

8. Coastal Erosion Hazard Management Plan

Prior to the commencement of works, a Coastal Erosion Hazard Management Plan must be submitted to Council's General Manager, to the satisfaction of Council's General Manager. The plan must be prepared by a suitably qualified person(s) and must detail how the coastal dune system, where within the bounds of the subject site, will be monitored and managed during the construction process and throughout the lifetime of the approved use to mitigate the risk of coastal erosion through strengthening the natural protection provided by the coastal dune system, including:

- (a) the erosion and sediment control practices to be used on the site or otherwise for the purpose of the use;
- (b) stabilisation of the coastal dune system, particularly primary dunes, through establishing and maintaining native vegetation ground cover;

- (c) revegetation of areas of bare soil, including timing of any site rehabilitation or landscaping programs; and
- (d) ongoing monitoring, including procedures, timing and reporting:
 - (i) during construction;
 - (ii) post-storm events; and
 - (iii) at least annually.

When approved by the Council's General Manager, the Coastal Erosion Hazard Management Plan will be endorsed will then form part of this permit.

9. Coastal Inundation Mitigation

Prior to the commencement of the approved use, and to the satisfaction of Council's General Manager, the following works must be undertaken and completed:

- (a) the minimum finished floor level of all habitable buildings must be greater than RL 3.1 AHD;
- (b) the minimum ground level within the curtilage of the approved units must be greater than RL 2.8 AHD;
- (c) the proposed access road, and the broader development footprint to the north of the proposed access road, must be control filled to a height greater than of RL 2.0m AHD at any point;
- (d) site filling must use natural sand from the locality that is clean and free of weeds;
- (e) building foundations must be adequate for the site conditions and include allowance for sea level rise; and
- (f) the broader area of the development footprint must well drained in a manner consistent with Condition 5 and Condition 11.

10. Construction of Unsealed Vehicle Parking and Internal Access

Prior to the commencement of the approved use, and to the satisfaction of Council's General Manager, areas set aside for the parking of vehicles, together with the aisles and access lanes, must be designed and constructed to be:

- a) provided with an impervious all weather seal of adequate thickness as necessary to prevent the formation of potholes and depressions according to the nature of the subgrade and vehicles which use the areas;
- b) constructed, drained and maintained in a continuously useable condition; and
- c) marked or provided with clear physical means to delineate vehicle parking spaces.

11. Stormwater Management

Storm water discharged from the impervious areas (including vehicle areas, paving and building roofed areas) of the development must be managed within the subject land so as to ensure that:

- a) flooding, erosion and environmental nuisance is minimised to the satisfaction of the Council's General Manager; and
- b) points of discharge do not give rise to pollution as defined under the *Environmental Management and Pollution Control Act 1994*.

NOTE: Pollutant includes:

- (a) a gas, liquid or solid; or
- (b) an odour; or
- (c) 5. an organism (whether alive or dead), including a virus; or
- (d) energy, including noise, radioactivity and electromagnetic radiation; or
- (e) a combination of pollutants –

that may cause environmental harm

NOTE: Pollute means:

- (a) discharge, emit, deposit or disturb pollutants; or
- (b) cause or fail to prevent the discharge, emission, depositing, disturbance or escape of pollutants

12. Native Vegetation Removal

The removal of native vegetation must be limited to occur within:

- (a) the approved development footprint; and
- (b) the adjacent curtilage of the approved buildings, only where it is directly incidental to the development approved in this permit and not otherwise restricted by any other condition within this permit.

No other native vegetation is to be felled, lopped, topped, ring-barked, uprooted, or otherwise willfully destroyed or removed, without:

- (i) the further written consent of the Council's General Manager; and
- (ii) being in accordance with a bushfire hazard management plan prepared by a certified Bushfire Hazard Practitioner.

13. Use Limitation – Visitor Accommodation

The approved visitor accommodation units must not be continuously occupied by the same person(s) for more than three months within any twelve month period and must not be considered a primary place of residence.

NOTE: For the purpose of this permit “the person responsible”, depending on the context, means:

- a) The person who has and takes the benefit of this permit for the undertaking of the use or development authorised pursuant to it;
- b) The person or persons who undertake development or use pursuant to this permit; and
- c) Servants, agents and contractors, in each case of such persons.

ADVISORY NOTES

(i) Permission in Writing

Any reference to the need for Council approval of a matter or thing prescribed under the conditions pertinent to this permit requires such approval to be given in writing.

(ii) Objections to Proposal

This permit has no effect until the expiry of the period for the lodgement of an appeal against the granting of the permit or, if an appeal is lodged, until ten days after the appeal has been determined by the Resource and Planning Stream of the Tasmanian Civil and Administrative Tribunal (TASCAT).

(iii) Appeal Provisions

Attention is directed to sections 61 and 62 of the Land Use Planning and Approvals Act 1993 (as amended) which relate to appeals. These provisions should be consulted directly, but the following provides a guide as to their content:

- A planning appeal may be instituted by lodging a notice of appeal with the Resource and Planning Stream of the Tasmanian Civil and Administrative Tribunal (TASCAT).
- A planning appeal may be instituted within 14 days of the date the planning authority serves notice of the decision on the applicant.

(iv) Permit Commencement

This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource and Planning Stream of the Tasmanian Civil and Administrative Tribunal (TASCAT) is abandoned or determined. If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing.

(v) Period of Approval

Pursuant to Section 53(5) the Land Use Planning and Approvals Act 1993, this approval will lapse after a period of two (2) years from:

- (a) the date on which the permit is granted; or
- (b) if an appeal has been instituted against the planning authority's decision to grant the permit, the date of the determination or abandonment of the appeal,

if the use or development is not substantially commenced within that period.

(vi) TasNetworks Advice

TasNetworks advised on 8 June 2022 that:

'Based on the information provided, the development is not likely to adversely affect TasNetworks' operations.

The standard arrangements will apply for connection to the electricity network. For further information, please refer to TasNetworks' website: New electricity connections - TasNetworks.'

(vii) Other Approvals

This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:

- (a) Building approval
- (b) Plumbing approval

(viii) Aboriginal Heritage

If any Aboriginal relics are uncovered during works;

- (a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
- (b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania [Phone: **(03) 6233 6613** or **1300 135 513** (ask for Aboriginal Heritage Tasmania) Fax: **(03) 6233 5555** Email: aboriginal@heritage.tas.gov.au]; and
- (c) the relevant approval processes will apply with state and federal government agencies.

(ix) Ongoing Coastal Monitoring

The Coastal Erosion and Inundation Risk Assessment provided as part of the application recommends that monitoring of vegetation, shoreline erosion and dune levels (primary and ridge) should be maintained to monitor seasonal and progressive changes over periods of time. It is advisable that a suitably qualified person/s be engaged on an annual basis to undertake site investigation and provide necessary advice. If any recommendations provided during this process would result in substantial variation/s to the approved development, you should contact the Council's Town Planner prior to undertaking any such works as planning approval separate of this permit may be required.

(x) Acid Sulfate Soils

The subject site is mapped as possessing a high probability of occurrence (>70%) of coastal acid sulfate soils (ASS). There is no legislation directly relevant to ASS in Tasmania, however, all persons have a general environmental duty under the Environmental Management and Pollution Control Act 1994 to take such steps as practicable or reasonable to prevent or minimise environmental harm or environmental nuisance caused, or is likely to be caused by an activity conducted by that person. NRE Tasmania have prepared the Tasmanian Acid Sulfate Soil Management Guidelines that provides technical and procedural advice to avoid environmental harm from ASS, including the preparation of an ASS Management Plan. The application is thereby strongly encouraged to consider the active management of ASS soils throughout the construction process.

Purpose

The purpose of this report is to approve a variation to the 2023/24 Budget Estimates of \$309,000 expected to be received under the Financial Assistance Grant program.

Background

Financial Assistance Grants (FA Grants) are provided by the Australian Government to support local governments in improving their capacity to provide communities with an equitable level of services and increase local government's efficiency and effectiveness. The annual funding amount comprises two components; a general purpose component (Base Grant) and an identified local road component (Road Grant). The Base Grant is allocated based on a range of factors including population, land valuations, socio-economic disadvantage, climate, scale, isolation and the impact of non-resident visitation. The Road Grant is allocated based on an assessment of each council's relative needs for maintaining local roads and bridges, taking into account road lengths and bridge areas (including major culverts), traffic, rainfall, terrain and remoteness. Both components are untied revenue, meaning they can be spent according to local priorities. The total funding pool available each year changes in line with changes in population growth and the Consumer Price Index, however, the Australian Treasurer also has the discretion to alter the annual indexation. In Tasmania, the State Grants Commission (SGC) is responsible for making recommendations to the Treasurer regarding the distribution of these grants to local governments.

Planning, Environment and Statutory Requirements

Local Government Act 1993

- Section 82 – Estimates

Risk Management

N/A

Strategic and Annual Plan

- Strategic Plan 2023 – 2032 – Action Item 10.1

Community Considerations

N/A

Officer's Comments

The original budget estimate for FA Grants in the 2023/24 financial year was based on information sourced from the 2023/24 Federal Budget Papers and Council's previous percentage of the total funding pool allocated to Tasmanian councils. In late June 2023, the SGC advised that 100% of the FA Grant for

the 2023/24 financial year would be prepaid prior to 30 June 2023, however, this was received after Council’s budget estimates were finalised and adopted in the 26 June Council Meeting. The prepayment, which was received on the 27 June 2023, totalled \$4.03 million.

In August 2023, further correspondence was received from the SGC advising of Council’s final FA Grant allocation for the 2023/24 financial year, which includes an additional \$4,525 to be received under the Road Grant and a catch up payment of \$369,239 for the 2022/23 financial year. Based on this information, Council now expect to receive an additional \$309,000 above what was originally budgeted in the 2023/24 financial year as reconciled below:

Statement of Profit and Loss (Extract)

	2023/24 Original Budget	2023/24 Revised Budget	Budget Variance
Financial Assistance Grants - General	1,747,000	1,921,000	174,000
Financial Assistance Grants – Roads	2,338,000	2,481,000	143,000
Underlying Surplus/(Deficit)	4,085,000	4,402,000	317,000
Add: Financial Assistance Grants adjustment	181,000	173,000	(8,000)
Statutory Surplus/(Deficit)	4,266,000	4,575,000	309,000

Recommendation

That Council approve a variation to the 2023/24 Budget Estimates of \$309,000 to be received under the Financial Assistance Grant program.

Purpose

The purpose of this report is to review Policy No. 3 - On Street Dining, Vending and Signage.

Background

Council Policy No.3 – On Street Dining, Vending and Signage Policy (the Policy) – was originally adopted by Council in April 2007 and last reviewed during September 2018.

Planning, Environment and Statutory Requirements

- *Local Government (Highways) Act 1982*
- *Traffic Act 1925*
- *Vehicle and Traffic Act 1999*

Risk Management

Regular review of policies is important to evaluate the merits of individual policies and ensure ongoing compliance with current legislation and standards.

Strategic and Annual Plan

Review of the Policy is listed as Activity No.15 of the Priority Action Plan, provided under Council's 2023/24 Annual Plan. Review of the Policy is identified to occur during the September quarter of 2023.

Community Considerations

See officer comments below.

Officer Comments

The Policy and Guidelines provide simple, user-friendly requirements for on-street vending, dining and portable pavement signage in a manner that is respectful and considerate of the needs of pedestrians, shoppers and business operators. The Policy aims to promote vibrancy within commercial precincts of Dorset's townships and villages.

The existing Policy is a combination of both policy content and guidelines. It is recommended that this composition be adjusted through the current review process so as to separate the policy content from the guidelines component. Doing so will ensure Council's policy position content for street dining and vending is retained while enabling for the efficient review of guidelines as required from time-to-time and collaboratively between Councillors and relevant Council staff.

A copy of the existing Policy, the recommended (revised) Policy, Guidelines and Application Form are provided at the Agenda Attachments.

Recommendation

That Council adopt the revised On Street Dining, Vending and Signage Policy (Policy No. 3), as provided in the Agenda Attachments.

Purpose

The purpose of this report is to review Policy 31 – Code for Tenders and Contracts (the Code).

Background

The Code was originally adopted by Council in November 2005 and was last reviewed in July 2019.

The Code provides a policy framework on best practice tendering and procurement methods and ensures compliance with the requirements of the Act and the Regulations.

The revised Code was discussed with the Commissioner at the 5 September Briefing Workshop.

Planning, Environment and Statutory Requirements

- *Local Government Act 1993* (the Act)
- *Local Government (General) Regulations 2015* (the Regulations)

Risk Management

Regular review of policies is important to evaluate the merits of individual policies and ensure ongoing compliance with current legislation and standards.

Strategic and Annual Plan

- Strategic Plan 2023-2032 – Activities 9.1 & 10.1
- Annual Plan 2023/24 – Activity 21

Financial & Asset Management Implications

The Code guides how Council enters into tenders and contracts when allocating spend as per the budget estimates. Section 9 (Reporting) of the Code stipulates that Council's annual report will report all contracts for the supply or provision of goods and services valued at or above \$250,000 (excluding GST).

Community Considerations

Section 8 (Local Business and Industry) of the Code promotes the support for local business by Council, including but not limited to:

- Council actively seeking quotes and tenders from local businesses;
- Council aiming to use a local business where the business quotes are within 10% of an external supplier (for tender processes up to \$250,000) or within 5% of an external supplier (for tender processes over \$250,000), noting that all other tender selection criteria must be comparatively constant.

Officer Comments

In accordance with the Act and the Regulations, Council's Code must promote the prescribed procurement principles of:

- Open and effective competition;
- Value for money;
- Enhancement of the capabilities and opportunities of local business and industry; and
- Ethical behaviour and fair dealing

While the existing Code is compliant with the Act and the Regulations, there is opportunity to further promote the procurement principles and describe what Council will do in practice to achieve those principles. Section 2.1 (Procurement Principles) has been added to the revised Code accordingly.

In addition to minor grammatical and punctuation updates that have not changed the intent of the Code, other outcomes from the review include:

- The term "General Manager" has been replaced with "Council" where relevant to be aligned with the Act and the Regulations;
- The formatting has been restructured to make the Code's Purpose, Objective and Scope clear to readers.

A copy of the existing Code and the revised Code are provided at the Agenda Attachments.

Recommendation

That Council adopt the revised Policy 31 – Code for Tenders and Contracts as provided at the Agenda Attachments.

Purpose

The purpose of this report is to review Policy 36 – Personal Information Protection (the Policy).

Background

The Policy was originally adopted by Council in October 2006 and was last reviewed in March 2018.

Planning, Environment and Statutory Requirements

– *Personal Information Protection Act 2004* (the Act)

Risk Management

Regular review of policies is important to evaluate the merits of individual policies and ensure ongoing compliance with current legislation and standards.

Strategic and Annual Plan

- Strategic Plan 2023-2032 – Activity 10.1
- Annual Plan 2023/24 – Activity 23

Community Considerations

The Policy defines Council’s commitment to upholding the right to privacy for all individuals who have dealings with Council.

Officer Comments

In accordance with the Act, Council must clearly set out in a document its policies on its management of personal information. The existing policy is compliant with this obligation but is overly detailed and includes extensive examples of operational scenarios where Council may collect an individual’s personal information.

As a result of the review, the Policy has been simplified to ensure that it remains user friendly and that it concisely describes Council’s policy position regarding the management of personal information. There have been no changes to the intent of the Policy as a result of the review.

A copy of the existing Policy and the revised Policy are provided at the Agenda Attachments.

Recommendation

That Council adopt the revised Policy 36 – Personal Information Protection as provided at the Agenda Attachments.

Recommendation

That the Meeting be closed to the public pursuant to Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, and that members of the public be required to leave the meeting room.

Time Meeting Closed to the Public:

CLOSED SESSION AGENDA ITEMS

Purpose

To confirm the Minutes of Proceedings of the Dorset Council Ordinary Meeting Closed Session held on 21 August 2023.

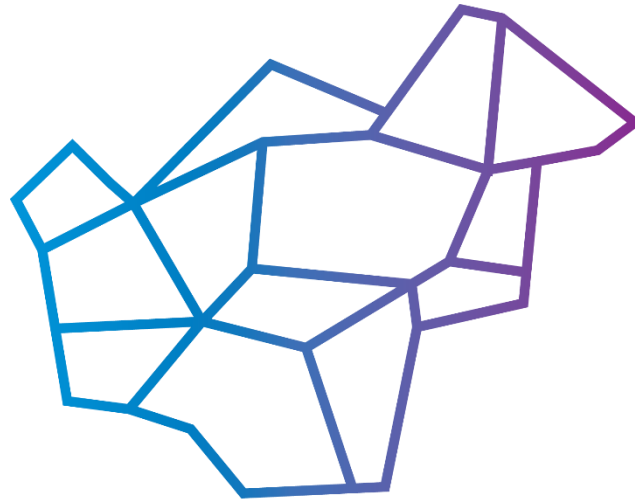
Purpose

The purpose of this agenda report is to recommend the awarding of Contract 2023/24-01 - Bituminous Sealing of Roads to a preferred tenderer.

This item is considered in closed session in accordance with Regulation 15 (2)(d) of the *Local Government (Meeting Procedures) Regulations 2015*

*“15 (2)(d):
contracts, and tenders.....”*

Time Meeting Closed:



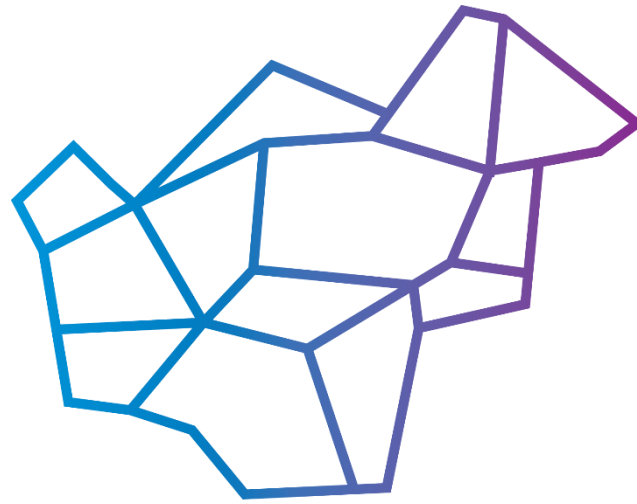
dorset
C O U N C I L

Ordinary Council Meeting

Agenda Attachments

18 September 2023

it's in the making



dorset
C O U N C I L

UNCONFIRMED
Ordinary Minutes

Council Meeting

21 August 2023

it's in the making

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Council Meeting Minutes 21 August 2023

Meeting Opened: 6:00 pm

Introduction and welcome from Commissioner Andrew Wardlaw

Present: Commissioner Andrew Wardlaw

General Manager: John Marik, Assistant General Manager / Director – Community & Development: Rohan Willis, Finance Manager: Allison Saunders, Executive Assistant: Sarah Forsyth

Apologies: Nil

Item 113/23 **Confirmation of Ordinary Council Meeting Minutes – 17 July 2023**
Ref: DOC/23/7612

The Assistant General Manager has advised (as Acting General Manager for that Meeting) that the minutes of the 17 July 2023 Ordinary Council Meeting are in compliance with Regulation 32 of the Local Government (Meeting Procedures) Regulations 2015, namely that the minutes of the meeting accurately record the matters specified under Regulation 32.

I thus move that the minutes of the 17 July 2023 Ordinary Council Meeting be confirmed under the certification that the Assistant General Manager has provided.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 17 July 2023 having been circulated to the Commissioner, be confirmed as a true record.

CARRIED: COMMISSIONER

Item 114/23 Confirmation of Agenda

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council confirm the Agenda and order of business for the 21 August 2023 Council Meeting.

CARRIED: COMMISSIONER

Item 115/23 Declaration of an Interest of the Commissioner or Close Associate

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's adopted Code of Conduct, the Commissioner is requested to indicate whether he has, or is likely to have a pecuniary interest (any pecuniary interest or pecuniary detriment) or conflict of interest in any item on the Agenda.

INTEREST DECLARED

Commissioner Wardlaw Item 124

Commissioner Wardlaw read the following statement relating to this declared interest:

I have a conflict of interest in regard to Item 124/23 in that it relates to my appointment and remuneration. I have assessed that it is not a pecuniary interest as it is exempt under Section 52 (1)(d) of the Local Government Act 1993.

Item 116/23 Commissioner Communications

Commissioner Wardlaw's Calendar – 2 August – 15 August 2023

- 3 Meeting with Dorset Council General Manager, Scottsdale
- 3 Commissioner introduction to Council indoor and outdoor staff, Scottsdale
- 4 Officiated Citizenship Ceremony for Mr Robert Taylor, Scottsdale
- 7 Meeting with Editor of the North Eastern Advertiser, Scottsdale
- 7 Meeting with Health Consumer Tasmania representatives, Scottsdale
- 7 Attendance at North East Tasmania Chamber of Commerce meeting, Scottsdale
- 8 Site visits and briefing with Assistant General Manager / Director – Community and Development, Scottsdale and Bridport
- 9 Project Briefing Meeting: Department of State Growth – Bridport Main Road Freight and Safety Improvements community consultation, online
- 9 Local Government Reform overview and discussion with General Manager, Scottsdale
- 9 Annual Plan / Priority Projects overview and discussion with General Manager, Scottsdale
- 9 Meeting with ratepayers / residents, Gladstone
- 9 Attendance at Future-Links Meeting, Gladstone
- 10 Briefing on current development applications and associated planning scheme training with Director – Community and Development and Regulatory Services Manager, Scottsdale
- 13 Attendance at the art exhibition 'Nature Works' opening event, Scottsdale
- 14 Weekly meeting with Council management team regarding August Council Meeting format and agenda, insurance update and community feedback, Scottsdale

- 14 Presentation at the North-East Community Catchment Hearing, Future of Local Government Review with the General Manager, Scottsdale
- 15 Meeting with ratepayers, Bridport
- 15 Meeting with ratepayer, Scottsdale
- 15 Proposed community garden meeting with community stakeholders, Scottsdale

Item 117/23 Management Team Briefing Report

The purpose of this agenda item is to provide the Commissioner and the community with a briefing on matters of interest dealt with during the past month by Council's Management Team.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That the Management Team Briefing Report be received and noted.

CARRIED: COMMISSIONER

Item 118/23 Council Workshops Held Since Last Council Meeting

1 August | Briefing Workshop

Item 119/23 Applications for Leave of Absence

Nil

Item 120/23 Public Question Time

The following questions were received **on notice** from members of the public:

Louise Brooker, Bridport | 13 July 2023

Is it possible for Council to present information about Development Applications in The Advertiser at the same time as it is announced in The Examiner, thus giving Community members' sufficient time to respond?

Response from Assistant General Manager, Rohan Willis:

For those planning applications that require public advertising, Council has a statutory obligation to advertise such applications within a daily newspaper circulating generally in the area relevant to the application. The Examiner qualifies as such newspaper; however the North Eastern Advertiser does not. In addition to this, Council provides an online platform from its website (go to <https://www.dorset.tas.gov.au/online-development-application-enquiry>) whereby plans and other documentation for currently advertised applications can be viewed and accessed electronically.

Planning applications that require public advertising incur additional charges to those applications that do not. Amongst other matters, these charges provide for cost recovery of advertisement fees. Presenting information within the North Eastern Advertiser about development applications that are otherwise being advertised in The Examiner would necessarily incur an additional cost; a cost that would have to be absorbed by proponents. Depending upon the amount of content contained in the advert, additional cost estimates could range from approximately \$260 to \$375.

Increasing application costs for advertisement charges in the North Eastern Advertiser is surplus to the requirements of Tasmania's statutory planning process and is not an approach Council is actively considering at this time.

Karl Willrath, Scottsdale | 9 August 2023

Will the commissioner insure (sic) that all council meetings be streamed via video so community members have a better chance to see and hear what is actually going on at council?

Response from Commissioner Andrew Wardlaw:

The format for Council meetings will not change in the short term. Members of the public are welcome to attend, and a recording of the meeting will be made available to the public, as soon as practicable, after the Meeting via Council's website and social media.

Can the commissioner rule out charges, criminal or other, will not be laid against any current or former Dorset staff and/or Councillors over issues of non-compliance and/or other matters that may have happened due to poor governance?

Response from Commissioner Andrew Wardlaw:

The Commissioner is appointed to administer the affairs of the Council for the duration of the Board of Inquiry. The Minister for Local Government has established a Board of Inquiry to investigate the Dorset Council. The Board is to submit a report on its findings and recommendations to the Minister for Local Government. As Commissioner I will address any issues observed to ensure good governance, however historical matters subject to the Terms of Reference of the Board of Inquiry will be investigated by them.

Will the commissioner immediately implement a code of conduct for all council staff as per the recommendations set in the Smithies report carried out by the Integrity Commission and tabled in state Parliament Feb 2023?

Response from Commissioner Andrew Wardlaw:

Please see below response provided by General Manager, John Marik:

Dorset Council is a member of the Local Government Association of Tasmania (LGAT). Part of LGAT's services to member councils includes providing legislatively compliant policy templates. Dorset Council has a suite of current adopted policies that are publically available on Council's website and are regularly reviewed. Council also have a suite of internal operational policies including operational Policy 15 – Employee Conduct. The Employee Conduct Policy includes general principles in relation to acting with honesty and integrity, acting with professionalism, acting in accordance with the law and policies and procedures of council, declaring and avoiding conflicts of interest, respecting privacy and misuse of council information, corporate and personal responsibility. This operational policy was last reviewed by Council Officers in September 2022, and the policy was renamed to Employee Conduct so as to remove confusion with the Dorset Council Councillor Code of Conduct. The Employee Conduct Policy creates a clear code of conduct for council employees. Council Officers review policies when legislative requirements change or every 5 years, as required.

The following questions were received **without notice** from members of the public:

Kahlia Simmons, Scottsdale

When will the footpath on the corner of Victoria and King Street be fixed?

QUESTION TAKEN ON NOTICE

Jeff Jennings, Bridport

Could the Council inform residents of Westwood Street when the seven sets of potholes are going to be fixed?

Response from Commissioner Andrew Wardlaw:

I've been in contact with a ratepayer in relation to a pothole in Main Street and inquired about the maintenance planned and Westwood Street was also raised at the same time. The infrastructure team are waiting until improved weather conditions to conduct patching on a number of roads, including Main Street and Westwood Street.

Further Response from General Manager, John Marik:

We certainly discussed those areas in our management meeting this morning and are looking at solutions available as there are significant costs associated with these repairs as they aren't just a simple fill. Council Officers have noted and are investigating.

Is there a timeframe for when the road issue will be permanently fixed? As patching in the past hasn't worked, it needs major works.

Response from General Manager, John Marik:

Correct, it is a more material cost with major works. I don't have a timeframe at this stage, but it is being investigated and Council will keep you updated on the status.

Linette Simpson, Pioneer

Why after all these years does Pioneer not have a footpath? Scottsdale and Bridport have footpaths, why don't we?

Response from General Manager, John Marik:

Council are certainly going through our road and footpath plans, especially with the footpath plan as we are reaching the end of those that were identified. Council will then undertake assessments and inspections of footpaths required for the next five years. I have noted your statement and will include as part of that process.

Mervyn Chilcott, Scottsdale

In regards to the railway building (Scottsdale), does the Council have control of the railway corridor at the moment?

Response from Assistant General Manager, Rohan Willis:

Council is the corridor manager of the railway corridor.

So they can go ahead with the refurbishment of the railway station?

Response from Assistant General Manager, Rohan Willis:

Yes. As advised earlier in the meeting (during Management Briefing Report), Rotary Scottsdale are moving forward with the refurbishment of the building, with Council supporting them in whatever capacity they require during that time.

In regard to the community garden, has anything been decided about a location yet?

Response from Commissioner Andrew Wardlaw:

As you know you attended a site meeting with other stakeholders to discuss potential sites. Council are still in discussions with the proponents regarding a suitable location, with some other areas identified which are being investigated. Once the outcome of those investigations are known, Council will liaise with Heath Consumers Tasmania.

Vincent Teichmann, Pioneer

My first question is directed to you John. Given that it has now been about nine months since I first approached you for a simple letter of support on behalf of my business, which I am told I need, to apply for a nature based tourism licence from the Tasmanian Parks and Wildlife Service in order to operate an uplift shuttle bus service for mountain bikers in Dorset. Given that you emailed me on 3 March this year that you should be in a position to make a decision shortly post your meeting with Parks. Given that you told me at the meeting in March this year that you've had that meeting with Parks. Why do you feel it is reasonable to keep delaying a decision on this very important matter to me? It is fairly trivial a letter of support.

Response from General Manager, John Marik:

This is a holistic matter, it is not just about you, it is a matter of licencing and letters of support for Derby as a whole. From my perspective, I have made it really clear that there are too many operators and that Cascade Dam Road has safety issues. I've went back through and read your email received today and note that, yes, this has been going since October 2022. I've had to meet with Parks for a second time - on 2 August - because they certainly don't have a playbook as to when they start and stop giving licences. They've asked Council to gain independent advice from a traffic management expert to look at Cascade Dam Road from a road safety perspective. What I see that will allow us to do, it will assist in a policy position for not only yourself, but issuing letters of authority for any Derby operations in the future.

Does the Local Government Act Section 62(1)(g) & (i) not state that the General Manager of Council is to carry out such functions as the Council through the Mayor or in this case, you as Commissioner directs the General Manager to do?

Response from Commissioner Andrew Wardlaw:

As long as the powers are there and be a lawful direction under the Act. The context of the word 'direct' has to be looked at overall in the *Local Government Act*, as there are certain things the General Manager has the right to do just as the Councillors and Mayor do.

Jenny Bellinger, Pioneer

With what's happening with Council at the moment (relating to the Board of Inquiry), to have submissions in by 8 September I feel that we need to know what was in the 600 pages that came to Council and their response? Is there any way that can be released?

Response from Commissioner Andrew Wardlaw:

As I stated as the start of the meeting, the Board of Inquiry is a process that I am not part of. That question should be directed to the Board of Inquiry and there would be contact details on the ad that was in the paper. We are not in the position to be able to release that report, being that it is the Director of Local Government's report that has been submitted to the Board of Inquiry.

Can someone give us an update on the water allocation that we bought with the Scottsdale Irrigation Scheme and where that's at?

QUESTION TAKEN ON NOTICE

As you are new to us and we are new to you, there have already been meetings up and over the Billycock already this year, could either the September or October meeting be held at a town over the Billycock?

Response from Executive Assistant, Sarah Forsyth:

The October Meeting is scheduled to be held at Ringarooma.

Vincent Teichmann, Pioneer

Who is responsible for preparing the Dorset Council Minutes and ensuring the accuracy? Is this considered information that is presented to Council by the General Manager in the same way that other information, submissions, etc. are prepared? So in other words, does the General Manager sign off on its accuracy?

Response from Commissioner Andrew Wardlaw:

The responsibility of the General Manager is to prepare the agenda and prepare the minutes for the Council. I guess the accuracy of the minutes for the Council are confirmed by the Council at the next meeting. That's why earlier tonight I got assurance of the accuracy of the minutes from the previous meeting from the Assistant General Manager that they were a true and accurate reflection as I wasn't present.

So not the General Manager? As there is a duty on the General Manager to ensure any information presented to the Council is accurate, so there is actually a duty on him as well as on Councillors.

Response from Commissioner Andrew Wardlaw:

In relation to the professional advice that is provided in the agenda, he signs a statement at the front of the agenda which notes the accuracy of the agenda.

In Schedule 1 on page 17 of the agenda, it mentions that you are immune from any personal liability in accordance with Section 341 of the Act. Is there a similar provision for other Councillors and Council staff that they are immune from prosecution for personal liability?

QUESTION TAKEN ON NOTICE

Jacki Moore, Gladstone

With the resheeting of the roads, we were told last year that Cape Portland Road, which is desperately needed, was going to be done, but I can't see it listed anywhere?

QUESTION TAKEN ON NOTICE

Item 121/23 Deputations

Mr Stuart Bryce – Chairman of the North East Resident Farmers

North East Rail Trail Proposal (Ref: DOC/23/10177)

Attached to the Minutes

Item 122/23 Commissioner Question Time

The following questions were received without notice from the Commissioner:

Nil

Item 123/23 Notices of Motion by the Commissioner

Nil

Commissioner Wardlaw declared an interest in Item 124, however advised that his interest is exempt under the Local Government Act 1993 (see Item 115)

Item 124/23 Appointment of Commissioner for the Dorset Council and Budget Variation

Reporting Officer: General Manager, John Marik

Ref: DOC/23/9792 | Appointment: DOC/23/9464

Purpose

The purpose of this report is to receive and note the appointment of the Commissioner for the Dorset Council and approve a variation to the 2023/24 Budget Estimates of \$47,800 for the required remuneration.

Recommendation

That Council

1. Receive and note the Instrument of Appointment 'Dorset Council Commissioner' issued by the Governor of Tasmania, Her Excellency Barbara Baker AC dated 2 August 2023.
2. That a variation to the 2023/24 Budget Estimates of \$47,800 be approved.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council

1. Receive and note the Instrument of Appointment 'Dorset Council Commissioner' issued by the Governor of Tasmania, Her Excellency Barbara Baker AC dated 2 August 2023.
2. That a variation to the 2023/24 Budget Estimates of \$47,800 be approved.

CARRIED: COMMISSIONER

Item 125/23

Audit Panel Chairperson Appointment

Reporting Officer: Finance Manager, Allison Saunders
Ref: DOC/23/9836 | Charter: DOC/23/945

Purpose

The purpose of this agenda item is to appoint an independent Audit Panel Chairperson.

Recommendation

That Council appoint Mr Ian Wright as Chairperson of the Dorset Council Audit Panel for a further two year term, expiring 17 November 2025.

Amended Recommendation

That Council

1. Appoint Mr Ian Wright as Chairperson of the Dorset Council Audit Panel for a further two year term, expiring 17 November 2025.
2. Review the composition and tenure of the Audit Panel with the view of adding one or two additional independent members.
3. Request the General Manager to consult with the Audit Panel as part of this review.
4. Receive a report on this review by the November 2023 meeting.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council

1. Appoint Mr Ian Wright as Chairperson of the Dorset Council Audit Panel for a further two year term, expiring 17 November 2025.
2. Review the composition and tenure of the Audit Panel with the view of adding one or two additional independent members.
3. Request the General Manager to consult with the Audit Panel as part of this review.

4. Receive a report on this review by the November 2023 meeting.

CARRIED: COMMISSIONER

Item 126/23 **Variation to 2023/24 Annual Plan**
Reporting Officer: General Manager, John Marik
Ref: DOC/23/9837 | Plan: DOC/23/4894

Purpose

The purpose of this agenda item is to vary the 2023/24 Annual Plan.

Recommendation

That Council defer Activity 18 “Risk Management Framework and Policy” to the June 2024 quarter.

Amended Recommendation

That Council

1. Defer Activity 18 “Risk Management Framework and Policy” to the June 2024 quarter.
 2. The General Manager present the current Risk Management Framework and Policy at the next Workshop.
-

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council

1. Defer Activity 18 “Risk Management Framework and Policy” to the June 2024 quarter.
2. The General Manager present the current Risk Management Framework and Policy at the next Workshop.

CARRIED: COMMISSIONER

Item 127/23 **Review of Policy No. 2 - Payment of Councillor Expenses and Provision of Facilities**
Reporting Officer: Finance Manager, Allison Saunders
Ref: DOC/23/9720 | Reviewed Policy: DOC/23/8938

Purpose

The purpose of this report is to review the Payment of Councillor Expenses and Provision of Facilities Policy.

Recommendation

That Council adopt the attached revised Policy No. 2 - Payment of Councillor Expenses and Provision of Facilities.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council adopt the attached revised Policy No. 2 - Payment of Councillor Expenses and Provision of Facilities.

CARRIED: COMMISSIONER

Item 128/23 Endorsement of Draft Priority Projects Plan for Community Consultation

Reporting Officer: General Manager, John Marik

Ref: DOC/23/9846 | Draft Plan: DOC/23/8099

Purpose

The purpose of this report is to table Council's draft Priority Projects Plan 2023-2025 for the Dorset municipality for endorsement by Council for community consultation.

Recommendation

That Council endorse the draft Priorities Projects Plan 2023-2025 for a community consultation period of 28 days.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council endorse the draft Priorities Projects Plan 2023-2025 for a community consultation period of 28 days.

CARRIED: COMMISSIONER

Item 129/23 Bridport Seaside Caravan Park | Operational Model Update and Budget Variation

Reporting Officer: General Manager, John Marik

Ref: DOC/23/9866

Purpose

The purpose of this agenda item is to provide an update on the current and proposed operating model for the Bridport Seaside Caravan Park and to approve a variation to the 2023/24 Budget Estimates of \$125,000 to implement a hybrid operating model for the 2023/24 financial year.

Recommendation

That Council

1. Note the update on the proposed operating model for the Bridport Seaside Caravan Park.
2. Agree to formalise the new hybrid operating model for the 2023/24 financial year.
3. Approve a variation to the 2023/24 Budget Estimates of \$125,000 to commence implementation of the hybrid operating model.

Amended Recommendation

That Council

1. Note the update on the proposed operating model for the Bridport Seaside Caravan Park.
2. Agree to formalise the new hybrid operating model for the 2023/24 financial year.
3. Approve a variation to the 2023/24 Budget Estimates of \$125,000 to commence implementation of the hybrid operating model.
4. A quarterly report be provided in January 2024, April 2024 and July 2024.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council

1. Note the update on the proposed operating model for the Bridport Seaside Caravan Park.
2. Agree to formalise the new hybrid operating model for the 2023/24 financial year.
3. Approve a variation to the 2023/24 Budget Estimates of \$125,000 to commence implementation of the hybrid operating model.
4. A quarterly report be provided in January 2024, April 2024 and July 2024.

CARRIED: COMMISSIONER

Item 130/23 Closure of Meeting to the Public

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That the Meeting be closed to the public pursuant to Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, and that members of the public be required to leave the meeting room.

Time Meeting Closed to the Public: 7:08 pm

CARRIED: COMMISSIONER

Meeting Adjourned: 7:08 pm

Reason: Tea break with the public

Meeting Resumed: 7:22 pm

CLOSED SESSION AGENDA ITEM

The following matter was listed in the Closed Session Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015:

Item 131/23 Director of Local Government Investigation / Board of Inquiry Update and Receipt of Final Investigation Report and Attachments

The report on this matter was listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015* as the detail covered in the respective report relates to:

- Overview and update of the Local Government Investigation including the Board of Inquiry and acknowledgement of receipt of the Final Investigation Report and Attachments from the Director of Local Government

Time Meeting Closed: 7:31 pm

Minutes Confirmed: 18 September 2023

Minute No:

.....

Commissioner Wardlaw

DEPUTATION
REGARDING DORSET COUNCIL'S MISMANAGEMENT OF THE RAIL TRAIL PROPOSAL

BY

STUART BRYCE
CHAIRMAN OF NORTH EAST RESIDENTS AND FARMERS Inc.
21 August 2023 Council Meeting

Significant issues

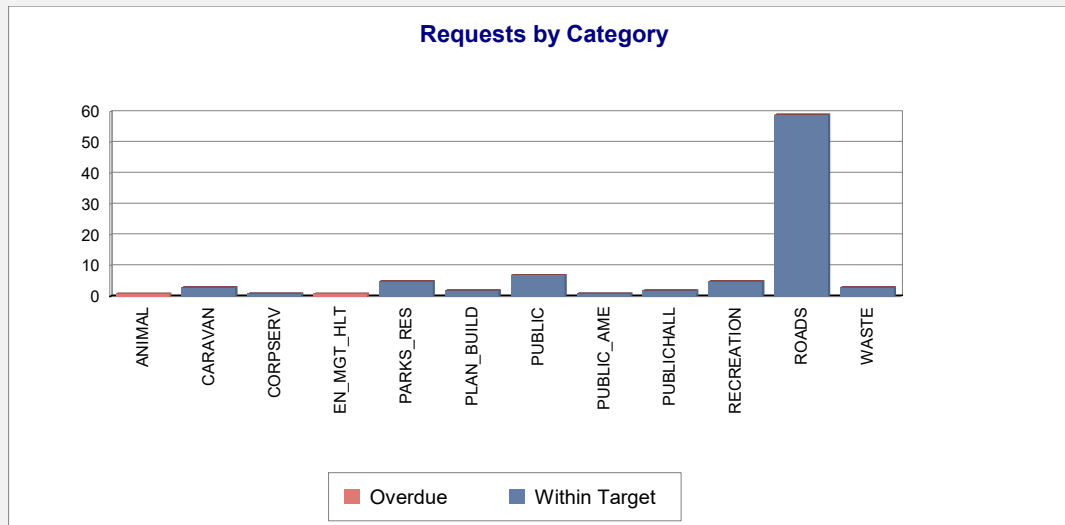
- Frequent abuse in the media by the Mayor referring to members of the train lobby as “delusional”
- The GM telling a landowner that the rail trail would cross his land “whether he liked it or not”
- The Mayor deliberately misstating the annual maintenance costs of the bike trails at a Council meeting.
- Development applications submitted by Dorset referring to the corridors as “Recreational” to avoid scrutiny by the EPA.
- Dorset failing to conduct a “Community engagement strategy” as stated in the grant application to NSRF dated 28 November 2014.
- Failing to include in both development applications waste management, privacy screening and safety fencing.
- Deliberately excluding from public scrutiny maintenance costs.
- Failure to correctly protect bordering properties from contaminants arising from 120 years of rail use.
- Failure to respond to petitions presented to Council.
- Ignoring the results of three surveys in 2017 all supporting the retention of the railway.
- The accuracy of the General Manager’s roll of voters.
- The Mayor accusing the train lobby of “rigging” the phone survey.

Background

I am a retired RAAF Wing Commander. I am a gold medal graduate of Navy Staff College, I have a Bachelor of Science degree and a graduate certificate of Management Studies. I was both a service member and acting senior member of the Veterans’ Review Board from 1991 to 2015. I have been the Chairman of the North East Residents and Farmers since its initial formation in June 2015.

Stuart Bryce
Chairman
North East Residents and Farmers Inc.

Ref: DOC/23/10177



Customer Request Summary by Category

For period 01/01/2023 to 31/08/2023

Double click onto the Minor Category to access Request detail

Dorset A7 *live*

Report Created: 11/09/2023 10:03:04AM

Major / Minor Category	New Requests Received	Total requests closed this period	Closed Within Target	%	Closed, but Over Target	%	Open Within Target	Open, but Over Target
Animals	1	1	0	0%	1	100%	0	0
Animal Welfare	1	1	0	0%	1	100%	0	0
Caravan Parks	3	3	3	100%	0	0%	0	0
Bridport Holiday Park	2	2	2	100%	0	0%	0	0
Caravan Parks Maintenance	1	1	1	100%	0	0%	0	0
Corporate Services General	1	1	1	100%	0	0%	0	0
Right To Information	1	1	1	100%	0	0%	0	0
Environmental Management and Health	1	1	0	0%	1	100%	0	0
Fire Hazards	1	1	0	0%	1	100%	0	0
Parks & Reserves	6	5	5	100%	0	0%	1	1
Parks & Reserves Enquiries	1	1	1	100%	0	0%	0	0
Parks & Reserves Maintenance	4	3	3	100%	0	0%	1	1
Playground Maintenance	1	1	1	100%	0	0%	0	0
Planning & Building Services	3	2	2	100%	0	0%	1	1
Building Enquiries	1	1	1	100%	0	0%	0	0
Environmental Management Enquiries	1	1	1	100%	0	0%	0	0
Land Use & Economic Development Enquiries	1	0	0	0%	0	0%	1	1
Public	7	7	7	100%	0	0%	0	0
Online Enquiries	7	7	7	100%	0	0%	0	0

Customer Request Summary by Category

For period 01/01/2023 to 31/08/2023

Double click onto the Minor Category to access Request detail

Dorset A7 *live*

Report Created: 11/09/2023 10:03:12AM

Major / Minor Category	New Requests Received	Total requests closed this period	Closed Within Target	%	Closed, but Over Target	%	Open Within Target	Open, but Over Target
Public Amenities	1	1	1	100%	0	0%	0	0
Public Amenities General Enquiries	1	1	1	100%	0	0%	0	0
Public Halls Buildings	4	2	2	100%	0	0%	2	1
Public Halls Buildings Enquiries	1	1	1	100%	0	0%	0	0
Public Halls Buildings Maintenance	3	1	1	100%	0	0%	2	1
Recreation Grounds	6	5	5	100%	0	0%	1	1
Recreation Grounds Enquiries	1	1	1	100%	0	0%	0	0
Recreation Grounds Maintenance	5	4	4	100%	0	0%	1	1
Roads	72	59	59	100%	0	0%	13	4
Roads Enquiries	1	1	1	100%	0	0%	0	0
Roads Rural - Kerb & Gutter Maintenance	3	2	2	100%	0	0%	1	0
Roads Rural - Maintenance	12	10	10	100%	0	0%	2	0
Roads Rural - Potholes/Patching Maintenance	17	16	16	100%	0	0%	1	1
Roads Rural - Shoulder Maintenance	3	3	3	100%	0	0%	0	0
Roads Rural - Signage & Guide Posts Maintenance	2	1	1	100%	0	0%	1	1
Roads Rural - Spraying/Pest Plant Control	4	4	4	100%	0	0%	0	0
Roads Rural - Tree/Vegetation Maintenance	4	2	2	100%	0	0%	2	0
Roads Rural - Verge Mowing/Slashing	1	1	1	100%	0	0%	0	0
Stormwater Maintenance	1	1	1	100%	0	0%	0	0
Roads Urban - Footpath Maintenance	5	3	3	100%	0	0%	2	0
Roads Urban - Maintenance	13	9	9	100%	0	0%	4	2
Roads Urban - Tree/Vegetation Maintenance	5	5	5	100%	0	0%	0	0
Roads Urban - Verge Mowing/Slashing	1	1	1	100%	0	0%	0	0
Waste Management	3	3	3	100%	0	0%	0	0
Littering	1	1	1	100%	0	0%	0	0
Waste Management Enquiries	2	2	2	100%	0	0%	0	0
GRAND TOTAL	108	90	88	98%	2	2%	18	8

DORSET COUNCIL – Planning Approvals

August 2023

DEV-2023/72	Mr L Williams 11 Beattie ST SCOTTSDALE	Lodged 29/06/2023 Value of Works - \$15,000	Frontage Fence with relaxation of height standards Determined APPD on 10/08/2023
DEV-2023/74	Mr R S Reynolds Tasman HWY SCOTTSDALE	Lodged 04/07/2023 Value of Works - \$25,000	Shed with relaxation of boundary setback standards Determined APPD on 11/08/2023
SUB-2023/1294	Mr S A Beattie 24 Scott ST BRANXHOLM	Lodged 04/07/2023	Subdivision (1 Lot into 2 Lots) with relaxation of lot design and service standards Determined APPD on 11/08/2023
DEV-2023/79	Mrs T Pickersgill 8 Griffiths CT BRIDPORT	Lodged 12/07/2023 Value of Works - \$20,000	Garage with relaxation of building envelope standards Determined APPD on 22/08/2023
DEV-2023/80	TCP Building Design Muskfield RD JETSONVILLE	Lodged 13/07/2023 Value of Works - \$5,000	Farm Shed with relaxation of waterway protection area standards Determined APPD on 23/08/2023
DEV-2023/82	Design to Live 50 Tomahawk DR TOMAHAWK	Lodged 14/07/2023 Value of Works - \$350,000	Demolition and Construction of Single Dwelling with relaxation of height, front boundary and building development (side boundary) standards Determined APPD on 23/08/2023

DEV-2023/87	Mrs A J Kent 121 Main ST BRIDPORT	Lodged 01/08/2023	Change of Use (Visitor Accommodation to Single Dwelling) Determined APPD on 01/08/2023
DEV-2023/88	Ms S M Devine 118A Richard ST BRIDPORT	Lodged 02/08/2023	Change of Use (Visitor Accommodation to Single Dwelling) Determined APPD on 02/08/2023
DEV-2023/89	Mr J J Champ Mrs S L Champ 16 Charles ST BRIDPORT	Lodged 02/08/2023	Change of Use (Visitor Accommodation to Single Dwelling) Determined APPD on 02/08/2023
DEV-2023/91	6ty Pty Ltd 12 Scott ST BRANXHOLM	Lodged 03/08/2023 Value of Works - \$150,000	Partial Change of Use (Part of Single Dwelling to Pharmacy) Determined APPD on 31/08/2023
SUB-2023/1296	DJ McCulloch & Associates 34771 Tasman HWY SCOTTSDALE 57 Ten Mile TRK SCOTTSDALE 14 Cuckoo RD SCOTTSDALE	Lodged 03/08/2023	Minor Boundary Adjustment (3 Lots) Determined APPD on 29/08/2023
DEV-2023/92	Mr K S Steel 133 Racecourse RD WINNALEAH	Lodged 11/08/2023	Farm Shed Determined APPD on 11/08/2023
DEV-2023/93	Bison Constructions 223 Pennells RD SPRINGFIELD	Lodged 15/08/2023 Value of Works - \$175,000	Farm Shed Determined APPD on 15/08/2023

DEV-2023/94	GW & JV Investments Pty Ltd 78 Westwood ST BRIDPORT	Lodged 18/08/2023	Change of Use (Residential) Determined APPD on 18/08/2023
DEV-2023/95	Mr S J Van Eldik Mrs S Van Eldik 33308 Tasman HWY LEGERWOOD	Lodged 18/08/2023 Value of Works - \$25,000	Farm Shed Determined APPD on 18/08/2023
DEV-2023/96	Mr P M Murphy 1 Esplanade DERBY	Lodged 18/08/2023	Change of Use (Short-Term Accommodation) Determined APPD on 29/08/2023
DEV-2023/97	Mr A J Strachan 2,119 Bridport RD BRIDPORT	Lodged 18/08/2023 Value of Works - \$40,000	New Shed Determined APPD on 29/08/2023
SUB-2023/1297	Ms R N Bowen Mr B A James 20 Cameron ST SCOTTSDALE	Lodged 18/08/2023	Boundary Adjustment (Two Lots) Determined APPD on 29/08/2023
DEV-2023/98	Mr T C Innes 1 Barnett CRES BRIDPORT	Lodged 22/08/2023	Change of Use (Residential) Determined APPD on 22/08/2023
DEV-2023/100	Mr M J Wadley 356 Briggs RD WEST SCOTTSDALE	Lodged 25/08/2023 Value of Works - \$20,000	Shed Determined APPD on 25/08/2023
DEV-2023/101	Mr J Bryan- Brown Mrs I J Bryan- Brown 1 Heazlewood LANE SCOTTSDALE	Lodged 25/08/2023 Value of Works - \$150,000	Garage Demolition and Dwelling Extension Determined APPD on 25/08/2023

DEV-2023/102	Mr R D Dickinson Mrs T K Dickinson 69 Burns RD WYENA	Lodged 25/08/2023 Value of Works - \$34,314	Shed (Prefabricated) Determined APPD on 25/08/2023
DEV-2023/103	Loop Architecture Pty Ltd 20 Coplestone ST SCOTTSDALE	Lodged 25/08/2023 Value of Works - \$78,000	Outbuilding (Shelter) Determined APPD on 31/08/2023
DEV-2023/105	Ms E K MacPherson 1 Willow CT WINNALEAH	Lodged 25/08/2023	Change of Use (Residential) Determined APPD on 25/08/2023
DEV-2023/106	Dorset Council 20 South ST BRIDPORT	Lodged 28/08/2023 Value of Works - \$80,000	Attached Stairway and Deck Determined APPD on 28/08/2023

DORSET COUNCIL – Building Approvals

1 August 2023 to 31 August 2023

BLD-2023/16	Mr A J Davenport Mrs R Davenport 21 Carins CL TOMAHAWK	Lodged 27/01/2023	New Garage Value of Works - \$300,000	Determined APPR on 08/08/2023
OTH-2023/73	Douglas Design and Drafting 38 Winnaleah RD WINNALEAH	Lodged 03/07/2023	Dwelling Alterations & Additions Value of Works - \$25,000	Determined APPR on 08/08/2023
OTH-2023/75	MDC Design and Drafting 18 Marilyn DR BRIDPORT	Lodged 13/07/2023	New Dwellings x 4 Value of Works - \$1,200,000	Determined APPR on 02/08/2023
OTH-2023/77	Boxx Projects 35 Emily ST BRIDPORT	Lodged 26/07/2023	Demolition/New Dwelling & Shed Value of Works - \$500,000	Determined APPR on 07/08/2023
OTH-2023/79	Jehovahs Witnesses 11 Beattie ST SCOTTSDALE	Lodged 08/08/2023	Alterations to Church Value of Works - \$500,000	Determined APPR on 15/08/2023
BLD-2023/80	TasNetworks 54 Ringarooma RD SCOTTSDALE	Lodged 14/08/2023	New Office & Warehouse Value of Works - \$3,400,000	Determined APPR on 21/08/2023

DORSET COUNCIL – Plumbing Approvals

August 2023

OTH-2023/75	MDC Design and Drafting 18 Marilyn DR BRIDPORT	Lodged 13/07/2023 Value of Works - \$1,200,000	New Dwellings x 4 Determined APPR on 02/08/2023
SP-2023/76	Mrs H M Smith Mr S M Woodberry 80 Lucky Strike RD NORTH SCOTTSDALE	Lodged 17/07/2023 Value of Works - \$10,000	On-Site Wastewater Management System & Drains Determined APPR on 22/08/2023
SP-2023/77	Boxx Projects 35 Emily ST BRIDPORT	Lodged 26/07/2023 Value of Works - \$500,000	Demolition/New Dwelling & Shed Determined APPR on 07/08/2023

Blue Derby Mountain Bike Trails*
Statement of Profit or Loss

	2022/23 Budget	2022/23 Actuals	Commentary
Income			
User Charges	(274,450)	(125,412)	
Grants and Contributions	(77,500)	(31,615)	
Other Income	(50,000)	(82,226)	Includes \$63,010 received for accommodation services, which was reimbursed to providers in the 2022/23 Financial Year.
Total Income	(401,950)	(239,253)	
Expenditure			
Employee Costs	313,780	479,355	Includes on-costs
Materials and Services	106,350	106,781	
Other Expenses	97,679	142,366	Includes \$63,010 related to accommodation income reimbursed to providers in the 2022/23 Financial Year.
Total Expenditure	517,809	728,502	
Net (Profit)/Loss	115,859	489,249	

*The information provided includes income and expenditure from Camping and Shower facilities at Derby Park, the Blue Derby Accommodation Booking Platform and Blue Derby MTB events.

Blue Derby Mountain Bike Trails*
2023/24 Budget Estimates

Income			Commentary
User Charges	0		
Grants and Contributions	(119,425)		Includes \$90,000 expected to be received from the Blue Derby Foundation by 30 June 2024
Other Income	0		
Total Income	(119,425)		
Expenditure			
Employee Costs	475,900		6 FTE's including on-costs.
Materials and Services	345,400		Includes \$280,000 required for extensive maintenance works for the Air-Ya-Garn and Blue Tier Mountain Bike Trails.
Other Expenses	125,795		Includes \$125,000 contribution to the Blue Derby Foundation to assist with the transition of operations.
Total Expenditure	947,095		
Net (Profit)/Loss	827,670		

*The information provided includes expected expenditure for maintaining the Camping and Shower facilities at Derby Park.

**13 October 2022 Flood Event
Blue Derby Mountain Bike Trails**

	2022/23 Actuals	2023/24 Forecast	Total Costs
Repair costs - expensed	102,445	-	102,445
Repair costs - capitalised	355,722	161,000	516,722
Total Costs	458,168	161,000	619,168
TRRA Grant recovery funding (approximately 75%)*	343,626	120,750	464,376
Council out of pocket costs	114,542	40,250	154,792

* TRRA - Tasmanian Relief and Recovery Arrangements administered by the Department of Premier and Cabinet

Landslip repair costs (included in the above):

Actual costs 2022/23 financial year	307,010
Forecast costs 2023/24 financial year	56,000
Total cost to rehabilitate landslip area	363,010
TRRA Grant recovery estimate 75%	272,258
Council out of pocket costs	90,753

Repair works to be completed 2023/24

Landslip area	56,000.00
Rusty Crusty Bridge	105,000.00
	<u>161,000.00</u>
TRRA Grant recovery estimate 75%	<u>120,750.00</u>
Council Out of Pocket	<u>40,250.00</u>

2023/24 Small Grants - Round 1 | Summary of Applications

*Rounded up to the nearest dollar

Organisation	Total Cost of Project* (Incl. GST)	Amount Requested from Council* (Excl. GST)	Group/In-kind Contribution/ Other Grants*	Grant Details	Community Grants Selection Panel Recommendation (all Excl. GST)
Families Tasmania	\$2,620	\$2,000	\$620	Breathe, nurture and play - guided mediation and creative expression through art play	Full Recommendation - \$2,000
Ringarooma Community Cultural Heritage Association Inc.	\$1,272	\$1,157	\$0	Data presentation equipment	Full Recommendation - \$1,157
Ringarooma Golf Club	\$4,400	\$2,000	\$2,200	Purchase 50 x new chairs for the Clubhouse	Full Recommendation - \$2,000
Lions Club of Bridport	\$1,712	\$1,556	\$0	Megaphone equipment	Full Recommendation - \$1,556
Scottsdale Amateur Swim Club	\$1,879	\$1,709	\$0	Swim Club development program and equipment	Full Recommendation - \$1,709
Scottsdale RSL Sub Branch	\$1,399	\$1,090	\$200	RSL Military Museum display cabinets	Full Recommendation - \$1,090
Total Requested		\$9,512		Total Recommended	\$9,512

2023/24 Matching Funds Grants - Round 1 | Summary of Applications

*Rounded up to the nearest dollar

Organisation	Total Cost of Project* (Incl. GST)	Amount Requested from Council* (Excl. GST)	Group/In-kind Contribution/ Other Grants*	Grant Details	Community Grants Selection Panel Recommendation (all Excl. GST)
Blue Derby Foundation Limited	\$8,800	\$4,000	\$4,400	Blue Derby destination website redevelopment	Full Recommendation - \$4,000
Bridport Golf Club	\$4,137	\$1,881	\$2,069	Security cameras	Full Recommendation - \$1,881
Musselroe Bay Community Group Inc.	\$8,000	\$4,000	\$4,000	Ride-on lawn mower	Full Recommendation - \$4,000
Dorset Community Association	\$29,859	\$13,573	\$14,930	Indoor and outdoor renovation to childrens space at Dorset Community House	Full Recommendation - \$13,573
Total Requested		\$23,454		Total Recommended	\$23,454

2023/24 Discretionary Grants - Round 1 | Summary of Applications

*Rounded up to the nearest dollar

Organisation	Total Cost of Project* (Incl. GST)	Amount Requested from Council* (Excl. GST)	Group/In-kind Contribution/ Other Grants*	Grant Details	Community Grants Selection Panel Recommendation (all Excl. GST)
Tomahawk Community Association	\$467	\$425	\$0	Replacement of tennis net at Tomahawk	Full Recommendation - \$425
Total Requested		\$425		Total Recommended	\$425



Policy 3 – On Street Dining, Vending and Signage

TRIM Ref: 15/9892

Adopted: 16 April 2007

Minute 54/07

Version: 4

Reviewed Date: 17 September 2018

Council Minute No: 168/18

OBJECTIVE

To provide guidelines for the management of on-street vending, dining and portable pavement signage within the municipality, taking into consideration the needs of pedestrians, shoppers and business operators.

To encourage a vibrant and enjoyable shopping precinct within townships and villages.

POLICY

This policy applies to footpath areas maintainable by Council in townships and villages in the municipality.

Street Dining and Vending

Council will support street dining and street vending in township areas where there is an adequate and properly formed footpath and roadway adjacent to the premises.

Application Process

- (a) An applicant is required to submit the following:-
 - (i) a written application together with a plan to a suitable scale showing the size, number and location of vending equipment and or tables and chairs, screens and other furniture proposed including photographs or other illustrations.
 - (ii) A copy of public liability insurance showing indemnity in favour of Council.
- (b) When all required information has been received Council's Director Community and Development will decide within 14 days to issue approval in writing.
- (c) Notwithstanding the requirements of (b) above, the General Manager has the discretion to waive requirements of the policy where considered appropriate.

Indemnity

Applicants are to hold a public and products liability insurance cover extending over the area designated for street vending or street dining, for the duration that the area is permitted by Council to be used for such purpose. Council is to be named on the policy and cover must be to a minimum value of \$5 million.

Operational Requirements

- (a) All equipment, furniture and signs are to be removed at cessation of each day's trading by the license holder, including screens and support posts. Footpath sockets are to be plugged.
- (b) Umbrellas must be removed or lowered if weather renders them potentially unsafe.
- (c) The applicant must maintain street vending equipment and dining furniture in a clean condition and comply with the requirements of Council's Environmental Health Officer where relevant.
- (d) The applicant must maintain all areas adjacent to and including areas where the encroachment is located in a clean and sanitary manner including but not limited to emptying waste bins, washing pavements on a daily basis, and promptly cleaning/removing any liquid, food, debris, broken glass or waste from the area resulting from the activity.
- (e) The existing street rubbish bins are not to be used by the applicant for disposal of table waste.

Health and Other Regulations

- (a) Food premises applying for street dining/vending consent must have premises registered by Council's Environmental Health Officer under the *Food Act 2003*.
- (b) Any other permits required by law must be obtained by the applicant, who is also responsible to comply with other Council regulations.

Guidelines for Placement of Street Dining Furniture

- (a) Street dining is permitted in two zones:-
 - (i) Shopfront Zone: 1 m wide parallel strip abutting and running the length of the shopfront; and
 - (ii) Kerb Zone: parallel strip running the length of the shopfront, 900 mm back from the kerb where parking occurs, or 600 mm back from the kerb where no parking occurs.

A minimum clear width of 1.7 m for pedestrians shall be maintained at all times between the two zones. Where street crossing points occur a 2 m wide unobstructed access is to be maintained.

- (b) No encroachment is permitted beyond the side boundaries of any property from which an applicant operates.
- (c) No furniture is to be placed within 1 m of any street furniture or street tree.
- (d) The applicant is responsible for maintaining the required clearances at all times.

- (e) Outdoor dining is not permitted adjacent to loading zones, bus stops or taxi ranks.
- (f) Notwithstanding the above, where clearances specified cannot be achieved, Council may allow the placement of dining furniture if the applicant can demonstrate to Council's satisfaction that it will not cause danger or obstruction to footpath users.

Guidelines for Placement of Vending Equipment

- (a) Street vending is only permitted in a 1m wide strip adjacent and parallel to the applicant's shopfront.
- (b) No encroachment is permitted beyond the side boundaries of any property from which an applicant operates.
- (c) No vending is allowed within 1m of any street furniture or street tree.
- (d) The applicant is responsible for maintaining the required clearances at all times.
- (e) Notwithstanding the above, where clearances specified cannot be achieved, Council may allow street vending if the applicant can demonstrate to Council's satisfaction that it will not cause danger or obstruction to footpath users.

Guidelines for Vending Equipment and Merchandise

- (a) Vending equipment is to be of good quality in keeping with the surrounding streetscape. Equipment also needs to be adequately constructed and secured where appropriate to the satisfaction of Council.
- (b) Merchandise displayed by the applicant is to be consistent with the type and quality of goods displayed in the applicants premises. All merchandise is to be properly contained on or within the vending equipment.

Furniture Design Guidelines

- (a) Screens defining the outer dining areas are to be based on removable posts, set in sockets installed by Council at the applicants cost or secured to the satisfaction of Council. Details of posts and sockets are available from Council.
- (b) Umbrellas are to be of durable construction, designed for a public environment. Umbrella bases to be a socket purchased by the business owner and to be set within the pavement by Council.
- (c) Special furniture or furniture not complying with the guidelines may be submitted for consideration of approval.

Guidelines for Portable Pavement Signs

The following guidelines apply to portable pavement signs:

- (a) Two (2) signs are allowed per premises or one (1) per tenant where multiple tenants occupy the premises.
- (b) Signs must be weighted or secured to the pavement so as to not present a hazard to pedestrians or road users.
- (c) Signs must be removed at cessation of each day's trading.

- (d) Signs can only be placed in (i) the shopfront zone and (ii) the kerbside zone (see *Guidelines for Placement of Street Dining Furniture* for details).

All portable pavement signs must not exceed the applicable dimensions listed below:

A Frame

A sandwich board, usually fronting business premises and usually displayed within the road reserve with a maximum height of 1.2 metres and a maximum width of 0.75 metres.

T Frame

A board secured to a base, usually fronting business premises and usually displayed within the road reserve with a maximum height of 1.2 metres and a maximum width of 0.75 metres.

Menu Board

A sign (usually comprising a blackboard or casing in which posters or flyers can be displayed) designed to allow the advertising message to be readily changed and is not greater than 1 square metre in area.

Mobile

A freestanding sign which can be easily moved around a site and has a maximum height of 1.5 metres and maximum width of 1 metre.

Responsibility for the operation of this policy rests with the Director Community and Development.



Policy 3 – On Street Dining, Vending and Signage

CM10 Ref: **DOC/23/11187**

Adopted: **16 April 2007**

Minute 54/07

Version: **5**

Reviewed Date: **18 September 2023**

Council Minute No: **XXX/23**

Statutory Authority: **Local Government (Highways) Act 1982**

Traffic Act 1925

Vehicle and Traffic Act 1999

OBJECTIVE

To encourage a vibrant and enjoyable shopping precinct within Dorset's townships and villages, taking into consideration the needs of pedestrians, shoppers and business operators.

POLICY

This policy applies to footpath areas maintainable by Council in townships and villages in the municipality. Council will support street dining and street vending in township and village areas where there is an adequate and properly formed footpath and roadway adjacent to the premises.

Operational Requirements

- (a) Applications for street dining and vending that are inconsistent with the provisions of Council's Guidelines for Street Dining, Vending and Signage (the Guidelines) will not be permitted. The Guidelines are available to access from the Dorset Council website.
- (b) Council will issue a successful applicant with a Street Dining and Vendor Permit, which will be valid for a period of up to 24 months depending on the nature of the approved street dining/vending occupancy.
- (c) Street Dining and Vendor Permit holders are to hold a public and products liability insurance cover extending over the area designated for street vending or street dining, in accordance with the Guidelines and for the duration that the area is permitted by Council to be used for such purpose.
- (d) Council may terminate a Street Dining and Vendor Permit should a safety incident occur or a permit holder fail to comply with the Guidelines for Street Dining, Vending and Signage.
- (e) Any applicable permits (e.g. food business registration) required by law must be obtained by the permit holder, who is also responsible to comply with other Council regulations.

Responsibility for the operation of this Policy rests with the Director - Community and Development.



Guidelines for Street Dining, Vending and Signage

Ref: DOC/23/11188

Reviewed: September 2023

Dorset Council recognises that smart street dining and vending opportunities contribute to more vibrant, diverse and enjoyable shopping and eating experiences. Council therefore supports these opportunities in its township and village settings where suitable footpaths and roadways are situated adjacent to business premises.

The following street dining, vending and signage guidelines are designed to support business and development growth while balancing the needs of pedestrians, shoppers and business operators.

On occasion, street occupancy for dining and vending purposes may not be possible. In these circumstances, Council is committed to working with businesses to find a suitable alternative solution where practicable.

These guidelines should be read in conjunction with Council's On Street Dining, Vending and Signage Policy (Policy No.3), copy of which can be accessed from Council's website at <https://www.dorset.tas.gov.au/policies> or by contacting Council on (03) 6352 6500.

General Requirements

- (a) All equipment, furniture and signs are to be removed at cessation of each day's trading by the Permit Holder, including screens and support posts. Footpath sockets are to be plugged.
- (b) Umbrellas must be removed or lowered if weather renders them potentially unsafe.
- (c) The Permit Holder must maintain street vending equipment and dining furniture in a clean condition and comply with the requirements of Council's Environmental Health Officer where relevant.
- (d) The Permit Holder should maintain all areas adjacent to and including areas where the encroachment is located in a clean and sanitary manner including but not limited to emptying waste bins and promptly cleaning/removing any liquid, food, debris, broken glass or waste from the area resulting from the activity.
- (e) The existing street rubbish bins are not to be used by the applicant for disposal of table waste.
- (f) The Permit Holder must hold a sufficient public and products liability insurance cover, extending over the area designated for street vending or street dining and for the duration that the area is permitted by Council to be used for such purpose. Council is to be named on the policy and, unless otherwise authorised by Council's Director Community and Development, cover must be to a minimum value of \$20 million.

Placement of Street Dining Furniture

- (a) Street dining is permitted in two zones:-

- (i) Shopfront Zone: 1 m wide parallel strip abutting and running the length of the shopfront; and
- (ii) Kerb Zone: parallel strip running the length of the shopfront, 900 mm back from the kerb where parking occurs, or 600 mm back from the kerb where no parking occurs.

A minimum clear width of 1.7 m for pedestrians shall be maintained at all times between the two zones. Where street crossing points occur a 2 m wide unobstructed access is to be maintained.

- (b) No encroachment is permitted beyond the side boundaries of any property from which an applicant operates.
- (c) No furniture is to be placed within 1 m of any street furniture or street tree.
- (d) The applicant is responsible for maintaining the required clearances at all times.
- (e) Outdoor dining is not permitted adjacent to loading zones, bus stops or taxi ranks.
- (f) Notwithstanding the above, where clearances specified cannot be achieved, Council may allow the placement of dining furniture if the applicant can demonstrate to Council's satisfaction that it will not cause danger or obstruction to footpath users.

Placement of Vending Equipment

- (a) Street vending is only permitted in a 1m wide strip adjacent and parallel to the applicant's shopfront.
- (b) No encroachment is permitted beyond the side boundaries of any property from which an applicant operates.
- (c) No vending is allowed within 1m of any street furniture or street tree.
- (d) The applicant is responsible for maintaining the required clearances at all times.
- (e) Notwithstanding the above, where clearances specified cannot be achieved, Council may allow street vending if the applicant can demonstrate to Council's satisfaction that it will not cause danger or obstruction to footpath users.

Vending Equipment and Merchandise

- (a) Vending equipment is to be of good quality in keeping with the surrounding streetscape. Equipment also needs to be adequately constructed and secured where appropriate to the satisfaction of Council.
- (b) Merchandise displayed by the applicant is to be consistent with the type and quality of goods displayed in the applicants premises. All merchandise is to be properly contained on or within the vending equipment.

Furniture Design Guidelines

- (a) Screens defining the outer dining areas are to be based on removable posts, set in sockets installed by Council at the applicants cost or secured to the satisfaction of Council. Details of posts and sockets are available from Council.
- (b) Umbrellas are to be of durable construction, designed for a public environment. Umbrella bases to be a socket purchased by the business owner and to be set within the pavement by Council.
- (c) Special furniture or furniture not complying with the guidelines may be submitted for consideration of approval.

Portable Pavement Signs

The following guidelines apply to portable pavement signs:

- (a) Two (2) signs are allowed per premises or one (1) per tenant where multiple tenants occupy the premises.
- (b) Signs must be weighted or secured to the pavement so as to not present a hazard to pedestrians or road users.
- (c) Signs must be removed at cessation of each day's trading.
- (d) Signs can only be placed in (i) the shopfront zone and (ii) the kerbside zone (see requirements for Placement of Street Dining Furniture for details).

All portable pavement signs must not exceed the applicable dimensions listed below:

A Frame

A sandwich board, usually fronting business premises and usually displayed within the road reserve with a maximum height of 1.2 metres and a maximum width of 0.75 metres.

T Frame

A board secured to a base, usually fronting business premises and usually displayed within the road reserve with a maximum height of 1.2 metres and a maximum width of 0.75 metres.

Menu Board

A sign (usually comprising a blackboard or casing in which posters or flyers can be displayed) designed to allow the advertising message to be readily changed and is not greater than 1 square metre in area.

Mobile

A freestanding sign which can be easily moved around a site and has a maximum height of 1.5 metres and maximum width of 1 metre.

Application Process

- (a) An applicant is required to submit the following:-
 - (i) a written application together with a plan to a suitable scale showing the size, number and location of vending equipment and or tables and chairs, screens and other furniture proposed including photographs or other illustrations.
 - (ii) A copy of public liability insurance showing indemnity in favour of Council.
 - (iii) Payment of the requisite fee identified under Council's Fees and Charges Schedule.
- (b) When all required information and full application payment has been received, Council's Director Community and Development will decide within 14 days to either approve or refuse an application. Approved applications will be issued with a Street Dining and Vending Permit. Refused applications will be provided with grounds for refusal in writing.
- (c) In the event of an application being refused, the applicant has twenty-one (21) days from the date of notice of the decision to request a review of the decision by the General Manager.

Street Dining and Vendor Permit Application / Renewal Form

(Council Policy Number 3)

- Application for Street Dining and Vendor Permit
- Application for renewal of Street Dining and Vendor Permit

Applicant Details (*Owner, occupier or day-to-day operator*)

Applicant Name:	<input type="text"/>		
Business Name:	<input type="text"/>		
Business Address:	<input type="text"/>	Phone No:	<input type="text"/>
	<input type="text"/>		<input type="text"/>
Postal Address: (If different from Business Address)	<input type="text"/>		Mobile No: <input type="text"/>
	<input type="text"/>		<input type="text"/>
Email address:	<input type="text"/>		
Emergency Contact Person:	<input type="text"/>	Phone No:	<input type="text"/>

Additional information to accompany application:

NOTE: THE FOLLOWING MUST BE INCLUDED WITH THE SUBMISSION OF THIS APPLICATION:

- A CERTIFICATE OF PUBLIC LIABILITY INSURANCE SHOWING INDEMNITY IN FAVOUR OF COUNCIL AND, UNLESS OTHER AUTHORIZED BY COUNCIL'S DIRECTOR - COMMUNITY AND DEVELOPMENT, TO A MINIMUM VALUE OF \$20 MILLION DOLLARS.
- A PLAN TO A SUITABLE SCALE SHOWING THE SIZE, NUMBER, COLOUR AND LOCATION OF VENDING EQUIPMENT AND/OR TABLES AND CHAIRS, SCREENS AND OTHER FURNITURE PROPOSED INCLUDING PHOTOGRAPHS OR OTHER ILLUSTRATIONS (**NOTE:** PLEASE REFER TO COUNCIL'S GUIDELINES FOR STREET DINING, VENDING AND SIGNAGE FOR FURNITURE PLACEMENT REQUIREMENTS AND SETBACK RESTRICTIONS).

Signature of applicant:	<input type="text"/>	Date:	<input type="text"/>
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Dorset Council is committed to upholding the right to privacy of all individuals who have dealings with the Council. Unless required by law or by a Court or tribunal, the Council will take the necessary steps to ensure that the personal information that members of the public share with us remains confidential. How we use this information is explained in our Privacy Policy, which is available at www.dorset.tas.gov.au or at Council Offices.

Please return your completed form to Council Offices or via email to development@dorset.tas.gov.au



Policy 31 – Code for Tenders and Contracts

TRIM Ref: **DOC/19/6677**

Adopted: **6 October 2003**
Minute 2018/03

Version: **5**

Reviewed Date: **15 July 2019**

Council Minute No: **117/19**

Statutory Authority: **Local Government Act 1993 – Section 333B**

OBJECTIVE

The purpose of this code for Tender and Contracts (code), is to provide a policy framework on best practice tendering and procurement method in Line with the legislative requirements of the *Local Government Act 1993* (the Act) and the *Local Government Regulations 2015 (Regulations)*.

POLICY

The 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*, Section 333B Code for Tenders and Contracts and the *Local Government Regulations 2015*, Part 3, Tendering and Contracting.

ORIGINAL POLICY



dorset
C O U N C I L

CODE FOR TENDERS AND CONTRACTS

Last Review: Council Meeting 15 July 2019

Ref: DOC/19/6677

CODE FOR TENDERS AND CONTRACTS

(July 2019 Version 5)

(Section 333B - *Local Government Act 1993*)

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1. INTRODUCTION

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 2015* (Regulations).

With this Code Council aims to achieve the purchasing principles of:

- open and effective competition;
- value for money
- enhancement of the capabilities and opportunities of local business and industry; and
- ethical behaviour and fair dealing.

The Act requires Council to adopt a code relating to tenders and contracts by 1 January 2006. This Code is consistent with the Act and the Regulations and includes procedures and guidelines for any prescribed matter.

As a measure of accountability and transparency, the General Manager will:

- make a copy of this Code (and any amendments) available for public inspection at the public office during ordinary office hours; and
- make a copy available on Council's website.

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

- (i) an open public tender process; (refer Sections 3.1 through to 3.12)
- (ii) a multiple-use register; or (refer Section 3.13)
- (iii) a multiple-stage tender. (refer Section 3.14)

There are circumstances in which Council is exempt from undertaking the above processes. These circumstances are described in Section 4.

For purchases under the \$250,000 threshold, Council, in accordance with the Regulations, has decided that a quotation process will be undertaken with respect to specified amounts. An exemption from undertaking a quotation process applies where the same circumstances exists for that of a tender described in Section 4 however this does not preclude the General Manager obtaining verbal or written quotations at his discretion in accordance with this Code.

2. DEFINITIONS

Code – refers to this Code for Tenders and Contracts which has been developed in accordance with the requirements of the Act and the Regulations.

Contractor - a person or organisation, external to the Council, engaged under a contract for service (other than as 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.

Expression of Interest (EOI) - May be used as a means of exploring the market, seeking industry input into scoping or to pre-qualify businesses to reduce the cost of tendering by restricting the issue of formal tenders.

Local Business - all businesses operating in the Municipal Area, which have a permanent office or presence in the Municipal Area and employ workers from the Municipal Area.

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.

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

Public Tender - a tender where a 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 Information (RFI) - 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.

Request for Proposal (RFP) – Can be the next stage after an EOI, or an initial first step where Council is seeking to find an innovative or flexible solution and provides greater flexibility than EOIs and RFTs.

Request for Quotation (RFQ) - either a verbal or written request for offers from businesses capable of providing a specified work, good or service

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

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.

Tender Box – a box or cabinet used as the point of lodgement for tenders to ensure that the documentation is kept secure until the tender period closes.

Value for Money - achieving the desired outcomes at the best possible price.

Verbal Quotation - a verbal Request for Quotation.

Written Quotation - a written Request for Quotation.

ORIGINAL POLICY

3. PROCUREMENT PROCESS

3.1 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:

- i. plan the purchase (which includes the selection of the most appropriate purchasing method);
- ii. prepare the relevant documents (e.g. quotation, tender or expression of interest);
- iii. invite and receive offers;
- iv. evaluate those offers;
- v. advise the successful bidder and advise unsuccessful bidders; and
- vi. manage any contract that has been implemented as a result of the procurement.
- vii. Conduct Project Evaluation (if required)

3.2 Planning the Purchase

During the planning phase of a purchase where written quotations or tenders are to be requested the following steps may be taken by the General Manager:

- any relevant approval to undertake a purchase is obtained;
- an estimate of the cost of the good or service is undertaken and available Council funding of such a purchase is confirmed and an appropriate method of purchasing is chosen;
- the specification is defined and mandatory requirements are identified;
- the establishment of an evaluation committee (Tenders);
- the establishment of evaluation criteria and evaluation methodology (Tenders);
- the development of a risk assessment and management plan; and
- the commencement of a contract management plan.

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.

Procurement Value	Minimum Requirement
\$10,000 and below	<p>Direct Purchase - Verbal Quotations</p> <p>No formal quotations are required however the General Manager may at his discretion obtain verbal quotations, of which at least one will be sought from a local business (if available).</p>

Greater than \$10,000 and less than \$250,000	<p>Written quotations</p> <p>Where possible, at least two written quotations will be obtained, of which at least one will be sought from a local business (if available).</p> <p>Council Officers will use discretion whether a public tender is required.</p> <p>Contractors/Suppliers shall be required to sign a standard contract Agreement.</p>
\$250,000 and greater	<p>Public Tender</p> <ul style="list-style-type: none"> – Council will advertise each tender at a minimum in the Examiner newspaper. Other advertising may be utilised as required. – Each tender will be advertised on Council website. – 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 the circumstances described under section 4 - Exemptions.

Nothing in this section precludes the General Manager from calling Public Tenders for procurement for a value less than \$250,000 excluding GST. Such tenders are to be in accordance with this Code.

3.3 Purchasing Documentation

3.3.1 Verbal Quotations (for purchases below \$10 000 excluding GST)

While no formal quotations are required for purchases below \$10,000 excluding GST the General Manager may, at his discretion, obtain quotations on a verbal basis.

3.3.2 Written Quotations (for purchases greater than \$10,000 and less than \$250,000 excluding GST)

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

The complexity of the documentation will depend upon the nature and value of the purchase.

3.3.3 Tenders (for purchases equal to or greater than \$250,000 excluding GST)

Council's Request for Tender (RFT) is a document inviting offers from businesses to provide specified goods or services. Council's Request for Tender documentation usually consists of four main parts as follows:

- *Conditions of Tender* - The Conditions of Tender set out the terms under which Council will receive and evaluate tenders. The conditions will usually include:

- identification details allocated to the contract
 - evaluation criteria and a brief outline of the evaluation methodology to be used;
 - closing date, time and place of lodgement;
 - Council contact details identifying a person from whom more detailed information relating to the tender may be obtained;
 - pricing requirements (e.g. the price should exclude GST);
 - details of the intended duration of the contract, including any extensions applicable to the contract;
 - advice and details on the availability of any briefing sessions for prospective tenderers;
 - details on how tenders are to be lodged to ensure that Tenders lodged through the post are brought to the attention of Council Officers and placed in the relevant Tender Box and not opened, for example, in an envelope marked “Confidential - Tender”;
 - advice on how and in what circumstances the purchasing documentation can be altered;
 - advice on the treatment of late submissions;
 - an indication if alternative bids will be considered;
 - relevant Council policies and principles, including reference to the council’s code relating to tenders and contracts.
- *Specification* - The specification clearly and accurately describes the requirements of the goods or service being purchased. It is the basis of all offers and is the foundation for the contract. The specification will usually include 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 \$250 000, or where there are material risks involved.
 - *Tender Form* - The Tender Form must be completed, signed and returned by the tenderer. The period within which a tender is to be lodged must be a period ending at least 14 days after the notice is published. 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.

When preparing tender documentation Council will ensure that specifications do not restrict competition, reflect bias to any brand, or act as a barrier to the consideration of any alternatives.

Where applicable, documentation such as tenders will be cleared by Council’s legal advisers and the General Manager before being issued.

3.3.4 Minimum Requirements

It will be a minimum requirement of all quotations and tenders that the tenderer and quote provider must be able to meet Council's, and all legislated workplace health and safety, risk management and insurance requirements.

3.3.5 Tenderer Conduct

Tenderers must not:

- engage in any form of collusive tendering
- lobby Councillors or Council employees
- offer gifts or personal benefits to Councillors or Council employees.

Any tenders will not be considered if a tenderer is found to have acted in breach of this requirement.

3.4 Inviting Offers

3.4.1 Verbal Quotations

When inviting verbal quotations the General Manager will provide each supplier with the same information and will give each supplier the same amount of time to prepare a quote; and seek at least one verbal quotation from a local business (if available).

3.4.2 Written Quotations

When inviting written quotations:

- where possible, the General Manager will seek at least two written quotations of which one quotation will be sought from a local business if available. If there are less than two contractors/suppliers of goods or services, officers must notify their department manager (quotations less than \$50,000) or the General Manager (quotations greater than \$50,000) and seek approval to complete the purchase;
- in some cases, the General Manager may choose to advertise a quotation if advantageous to do so;
- the General Manager will send the invitation to quote to identified businesses;
- the General Manager will issue the request for quotation documentation either by mail, facsimile or email;
- the time the General Manager provides to bidders to respond to the request for quotation will depend largely upon the nature and the complexity of the purchase; and
- exemption from seeking quotations will only be granted by the General Manager in circumstances outlined under Exemptions.

3.4.3 Tenders

When inviting tenders:

- Council will advertise as required under section 3.13;
- Council tender documentation will either be made available via mail, email or facsimile. The General Manager may send tender documentation directly to identified businesses, however, any documentation will not be provided to a potential tenderer until the tender has been advertised;
- The General Manager will endeavour to get a minimum of two bids of which we will seek at least one from a local business if available;
- The General Manager 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;
- The General Manager 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 tender requirements;
- The General Manager may conduct a Tender Briefing
- The General Manager will endeavour not to modify the evaluation criteria or methodology after the request for tender has been released however 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 that documentation; 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 will be advised in writing of the change in closing date; and
 - the new closing date will be advertised in all newspapers and websites (where used) where the original advertisement was placed.

3.5 Contact Officer

For the purposes of communication with all potential tenderers the General Manager is to nominate one Contact Officer for each purchasing activity and clearly specify their name and contact details

The Contact Officer will:

- be the sole point of communication with prospective tenderers and document any questions asked of them by prospective tenderers and any response given;
- where possible, request that questions from prospective tenderers be put in writing (email or facsimile will suffice). Any response from the Contact Officer will also be provided in writing; and
- where possible, limit the provision of information to the clarification of procedural issues.

Any additional information provided to one prospective tenderer is also provided to everyone else who has requested or received tender documentation.

3.6 Receiving Offers

3.6.1 Verbal and Written Quotations

Any written or verbal quotation received prior to the closing time will be held in a secure location to maintain confidentiality and to protect the individuals involved from claims of unfair practices.

All quotations that the Council receives will be clearly marked with the time and date of receipt.

For written quotations, the General Manager will follow the procedures set out in the conditions of quotations for any late quotations and by receiving a late quotation will ensure that we are not providing an advantage to that bidder over other bidders.

3.6.2 Tenders

The General Manager will provide a locked tender box at the designated tender lodgement location.

When opening Tenders the General Manager will ensure that tenders are:

- opened in the presence of a minimum of two Council Officers; and
- clearly identified and recorded.

The General Manager will acknowledge receipt of Tenders in writing prior to evaluation however the tenderer is to be advised that such acknowledgement does not constitute acceptance of the tender or that the tender is complete or in compliance with the request for tender.

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

3.7 Evaluating Offers

3.7.1 Verbal and Written Quotations

The General Manager when evaluating verbal and written quotations is to do so with the objective of identifying the offer that best meets Council's requirements and provides the best value for money. When evaluating quotations the following factors are to be taken into consideration:

- estimated life, disposal value and maintenance requirements and costs;
- price;
- compliance with quotation specifications;

- quality, delivery and service;
- the benefits of sourcing locally;
- 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.

3.7.2 Tenders

Tenders will be evaluated in accordance with the evaluation criteria and methodology specified in the evaluation plan, which was developed prior to offers being invited. Council will not 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.

Evaluation of Tenders is to be undertaken by an Evaluation Committee established by the General Manager. An Evaluation Committee is to consist of at least 3 members including the relevant Manager and other Council Officers. The General Manager may engage persons who have expertise in the particular area of purchase to provide advice and assistance to an Evaluation Committee however that person does not have any voting or decision making role.

In evaluating tenders the Evaluation Committee is to 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 and are non-compliant 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.
- *Evaluate qualitative / non-cost criteria* - this stage involves an 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 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 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 the Dorset Council take into consideration when evaluating value for money are:

- the quality of the proposed good or service (how well it meets the specified requirements); vs
 - 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, preference will be given to a local business over businesses outside the municipal area as per section 8. In selecting a preferred tenderer for a high risk/high value or complex process, the Council must 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 for tenders in excess of \$250,000 the Evaluation Committee will document the selection of a successful tenderer in an Evaluation Report to be submitted to the General Manager. An Evaluation Report is to include a 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.

3.8 Notification of Successful and Unsuccessful Bidders

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

3.9 Contract Management

A contract defines the rights and obligations of both parties once the 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 and includes:

- the conditions of tender;
- the specifications, including any plans and other attachments;
- performance appraisal process;
- the successful offer; and
- the conditions of contract.

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 advisers.

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

- 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 to be signed by both parties.

A formal contract management plan is not required for all contracts, but the Council may develop 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.

3.10 Standing Tenders

From time to time the 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.

3.11 Multiple-Use Register

From time to time the Council may utilise a multiple-use register 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 a such register will be established, the General Manager will invite expressions of interest from prospective applicants for inclusion on a register by publishing at least once in the Examiner Newspaper and any other paper as determined by the General Manager 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 on the register.

The General Manager will ensure that applicants are provided with the following in order to make an application:

- details of the categories of goods or services required;
- the criteria for evaluating applications;
- the method of evaluating applications against the criteria; and
- the conditions for participation to be satisfied by suppliers and the methods that the Council will use to verify a supplier's satisfaction of the conditions;
- a reference to the council's Code for Tenders and Contracts.

The General Manager 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 General Manager 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.

A prospective applicant will be allowed to apply for inclusion on a register of tenderers at any time, unless the perspective 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
<ul style="list-style-type: none"> - 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 	<ul style="list-style-type: none"> - Part of a procurement process - Basis for select tendering - Conditions for participation stated - Cannot limit size - No pricing - Can operate indefinitely - Open continuously or annually

3.12 Multiple-Stage Tenders

From time to time the 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 we 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);
- benefits exist 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 is generally used to shortlist potential suppliers before seeking detailed offers. Suppliers are shortlisted 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 when a project or requirement has been defined, but where an innovative or flexible solution is sought.
- *Request for Tender* - may be used 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.
- *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 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.

3.12.1 Process

The General Manager 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 and is to advertise the expressions of interest in accordance with the minimum advertising requirements as per the *Local Government (General) Regulations 2015* Section 26.3 and Section 3.13 of this code.

The General Manager 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;
- 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 the council's Code for Tenders and Contracts.

The General Manager 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 that the notice requesting expressions of interest states specifically that Council may limit the suppliers Council will invite to participate and the relevant requirements and evaluation criteria have been specified in the notice or associated documentation, the General Manager 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 General Manager will:

- ensure that the evaluation criteria that is 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 approved by an absolute majority of Council.
- If only one supplier meets the criteria determined by council at the expression of interest stage, the council may contract with that supplier after:
 - a. a tender by that supplier; or
 - b. a decision by absolute majority of the council to do so.

3.13 Minimum Advertising Requirements

All Tenders, Standing Tenders and Multiple Stage Tenders are to be advertised by the General Manager advertising at least once in the Examiner newspaper or other paper as determined by the General Manager a notice requesting any interested supplier to submit a tender or 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 tender/expression of interest is to be lodged;
- the Contact Officer from whom more detailed information relating to the tender may be obtained;
- the period within which the tender/expression of interest is to be lodged.

4. EXEMPTIONS

The Code for Tenders and Contracts provide that Councils must publicly invite tenders for the purchase of goods and services with a value at or in excess of \$250,000.

The Council is 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;
- 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 Territory;
- e. a contract for goods or services in respect of which the 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 the 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 for 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) above 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 and not covered by (a) above (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.

5. COMPLAINTS PROCESS

Tasmanian Councils are provided with broad competency powers under the Act to carry out the role of providing services to their communities and 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 and will be dealt with in accordance with Council's Customer Service Charter.

In the first instance, complainants are to seek resolution through the Manager in charge of the relevant purchasing/tender process.

If a complainant is not satisfied with the response provided by the relevant Council's manager 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. The General Manager will take whatever action is considered necessary to deal with the complaint.

6. CONTRACT RENEWALS AND EXTENSIONS

6.1 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.

6.2 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;
- 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;
- since the previous tender, the market has changed substantially; or
- the nature of the goods/services required has substantially changed.

6.3 Contract Reviews

Contract / contractor review requirements will be specified as determined within the Conditions of Contract. In addition to the review requirements, at the completion or prior to the renewal of a contract, a contract review should be considered. The review should not be viewed as a witch-hunt but as a process to constructively review both the good and bad outcomes of a contract.

Reviews should include but are not limited to:

- Was the selected project delivery method the best approach?
- What were the project issues and how can these issues be avoided in future projects.
- Reasons for any cost increases or variations, cost benefit analysis.
- Suggested improvements to contract documentation or overall approach.
- What was done well and was successful, contract outcomes.
- Are operators happy with design
- Any safety or environmental issues
- Was the contract documentation adequate?

7. 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 Act.

7.1 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.

7.2 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.

8. LOCAL BUSINESS AND INDUSTRY

Council promotes a policy of supporting local business in the first instance where the local business is able to supply goods and services which are equivalent value and standard to external sources

In practice this means that the Council will:

- actively seek bids from local business, particularly from those which have previously requested the opportunity to quote;
- use a local business in instances where the business provides a quotation or tender or equivalent costing, availability of supply and standard of service;
- aim to use a local business where the business quotes or tenders up to \$250,000 are within 10% of an external supplier and 5% for tenders over \$250,000, noting that all other tender selection criteria must be comparatively constant;
- for purchases less than or equal to \$10,000, where possible and at the discretion of the General Manager, purchase from or seek at least one verbal quote from a local business;
- for purchases greater than \$10,000 and less than \$250,000 seek at least one written quote from a local business;
- for purchases equal to or greater than \$250,000, seek to get at least one tender from a local business.

9. REPORTING

9.1 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 \$250,000 (excluding GST), awarded or entered in the financial year, including extensions granted. This will include:

- 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 ex. GST;
- the business name of the successful contractor; and
- the business address of the successful contractor.

Where an exemption has been granted from a tender process (refer Section 4 point (a) and (i)), the following details will be reported in Council's Annual Report:

- 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.

9.2 Reporting to Council

The General Manager will provide Council with a quarterly report of any instance where a purchase of a good or service is made where a public tender or quotation process is not used where an exemption applies from the tender process (refer section 4).

10. CONFIDENTIALITY

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

11. 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 those whole-of-Government contracts.

12. DISQUALIFICATION FROM THE TENDER PROCESS

Council may disqualify suppliers during the tender process for the following:

- a. Collusive tendering;
- b. Uncompetitive behaviour;
- c. Are known to be bankrupt, subject to a winding up order or are corporate entities with persons involved directly or indirectly in the management of the entity, who are disqualified under the Corporations Law (Council may choose to not accept tenders from or award to suppliers who have an administrator appointed).

Engaging in points 12a and 12b will result in disqualification from the current tender in question and the supplier will be disqualified from tendering for other contracts for six months from the closing date of the current tender.

12.1 Collusive Tendering

All parties should not engage in collusive tendering and any other anti-competitive practices, such as, but not limited to:

- a. agreement between suppliers as to who should be the successful tenderer;
- b. any meeting of suppliers to discuss tenders prior to submission of the tenders, if Council is not present;
- c. exchange of information between suppliers about their tenders prior to awarding of a contract;
- d. agreement or exchange of information between suppliers for the payment of money or the securing of reward or benefit for unsuccessful tenderers by the successful tenderer;
- e. agreements between suppliers to fix prices or conditions of contract (this means any collaboration between suppliers on prices or conditions to be included in contracts or commissions without the consent of Council);
- f. payment to any third party of money, fees, incentives or other concessions contingent on the success of the tender that do not relate to the provision of proper services relevant to the tender.

These provisions are not intended to prohibit proper practices or arrangements, which are aimed at providing innovative or non-standard forms of procurement and delivery, such as joint ventures, alliance partnering and the like.

12.2 Uncompetitive Behaviour

A supplier must not engage in any uncompetitive behaviour or practice that denies legitimate business opportunities to other tenderers or participants in the tender process.

A supplier must not:

- a. accept or provide secret commissions;
- b. enter into any improper commercial arrangements with other contractors, subcontractors, suppliers, agents or parties;
- c. seek to influence contract decisions by improper means during the tender process including the attempt to influence officers and elected members;
- d. accept incentives to provide contracts or services to other contractors, subcontractors or suppliers that financially disadvantage Council.



Policy 31 – Code for Tenders and Contracts

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Council Minute No: **XX**
Author: **Administration Manager**
Responsible Officer: **Director of Infrastructure**
Local Government Act 1993
Statutory Authority: **[Local Government \(General\) Regulations 2015—
Section 233B](#)**

PURPOSE

The purpose of this Code ~~for Tender and Contracts (code)~~, is to provide a policy framework on best practice tendering and procurement methods in ~~line~~ with the legislative requirements of the ~~Act and the Regulations~~.

OBJECTIVE

With this Code, Council aims to achieve the purchasing principles of:

- a) ~~Open~~ and effective competition;
- b) ~~Value~~ for money;
- c) ~~Enhancement~~ of the capabilities and opportunities of local business and industry; and
- d) ~~Ethical~~ behaviour and fair dealing.

This code:

- a) Is consistent with the Act and the Regulations;
- b) Includes procedures and guidelines for any prescribed matter;
- c) Promotes any prescribed principles; and
- d) Has been reviewed in the last 4 years.

~~The Act requires Council to adopt a code relating to tenders and contracts by 1 January 2006. This Code is consistent with the Act and the Regulations and includes procedures and guidelines for any prescribed matter.~~

As a measure of accountability and transparency, ~~the General Manager will:~~the Code (and any amendment) 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.

SCOPE

The Code applies to all Council activities involving tendering and procurement (excluding Controlled Entities).

DEFINITIONS

<u>Code</u>	<u>This Code for Tenders and Contracts which has been developed in accordance with the requirements of the Act and the Regulations.</u>
<u>Contractor</u>	<u>A person or organisation, external to the Council, engaged under a contract for service (other than as an employee) to provide specified services to a Council.</u>
<u>Contract</u>	<u>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.</u>
<u>Council</u>	<u>Dorset Council.</u>
<u>Evaluation Committee</u>	<u>A committee established on a tender by tender basis to evaluate submitted quotations and tenders.</u>
<u>Expression of Interest (EOI)</u>	<u>May be used as a means of exploring the market, seeking industry input into scoping or to pre-qualify businesses to reduce the cost of tendering by restricting the issue of formal tenders.</u>
<u>Local Business</u>	<u>All businesses operating in the Municipal Area, which have a permanent office or presence in the Municipal Area and employ workers from the Municipal Area.</u>
<u>Multiple-Stage Purchasing</u>	<u>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</u>

	<u>satisfy the requirement, before a final purchasing stage is undertaken.</u>
<u>Procurement</u>	<u>The entire process by which resources are obtained by Council, including planning, design, standards determination, specification writing, selection of suppliers, financing, contract administration, disposals and other related functions.</u>
<u>Public Tender</u>	<u>A tender where a business that can meet the requirements of the RFT has the opportunity to bid.</u>
<u>Purchasing</u>	<u>The acquisition of goods or services.</u>
<u>Quotation</u>	<u>The bid submitted in response to a RFQ from the Council.</u>
<u>Request for Information (RFI)</u>	<u>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.</u>
<u>Request for Proposal (RFP)</u>	<u>Can be the next stage after an EOI, or an initial first step where Council is seeking to find an innovative or flexible solution and provides greater flexibility than EOIs and RFTs.</u>
<u>Request for Quotation (RFQ)</u>	<u>Either a verbal or written request for offers from businesses capable of providing a specified work, good or service</u>
<u>Request for Tender (RFT)</u>	<u>A document soliciting offers from businesses capable of providing a clearly defined and specified work, good or service. RFTs are usually advertised.</u>
<u>Standing Tender</u>	<u>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.</u>
<u>Tender</u>	<u>A proposal, bid or offer that is submitted in response to a RFT.</u>
<u>Tender Box</u>	<u>A box or cabinet used as the point of lodgement for tenders to ensure that the documentation is kept secure until the tender period closes.</u>
<u>the Act</u>	<u>The <i>Local Government Act 1993</i></u>
<u>the Regulations</u>	<u>The <i>Local Government (General) Regulations 2015</i></u>
<u>Value for Money</u>	<u>Achieving the desired outcomes at the best possible price.</u>
<u>Verbal Quotation</u>	<u>A verbal RFQ.</u>

Written Quotation

A written RFQ.

POLICY

1. INTRODUCTION

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

- a) an open public tender process ~~;~~ (refer Sections 1.13-1 through to 2.14~~3-12~~);
- b) a multiple-use register ~~;~~ or (refer Section 2.15~~3-13~~); ~~or~~
- c) a multiple-stage tender ~~;~~ (refer Section 2.16~~3-14~~).

There are circumstances in which Council is exempt from undertaking the above processes. These circumstances are described in Section 3 – Exemptions ~~Section 4~~.

In accordance with the Regulations, Council

~~For purchases under the \$250,000 threshold, Council, in accordance with the Regulations, has decided that a quotation process will be undertaken for purchased under the \$250,000 threshold with respect to specified amounts.~~ An exemption from undertaking a quotation process applies where the same circumstances exists for that of a tender described in Section 3 - Exemptions~~4~~, but ~~this however this~~ does not preclude ~~the General Manager~~ Council from obtaining verbal or written quotations at ~~his~~ its discretion in accordance with this Code.

Council will not split a contract in to two or more contracts for the primary purpose of avoiding compliance with the requirements to publically invite tenders.

2. PROCUREMENT

2.1 Procurement Principles

We will have regard to the following principles when procuring goods and services.

2.1.1 Open and Effective Communication

We will ensure that the procurement process is impartial, open and encourages competitive offers. In practice this means that Council will:

- Use transparent and open procurement processes so that service providers and the public are able to have confidence in the outcomes;
- Adequately test the market by appropriate processes, e.g. by seeking quotations or via tender as appropriate;
- Avoid biased specifications;
- Treat all service providers consistently and equitably.

2.1.2 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 so, Council may take the following factors into consideration:

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

2.1.3 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 seek at least one verbal quote from a local business if possible;

- For purchases between \$10,000 and \$250,000, where practicable seek at least 2 written quotes, of which at least one will be sought (if available) from local businesses;
- For purchases greater than \$250,000, seek to get at least one tender from a local business (if available).

2.1.4 Ethical Behaviour and Fair Dealing

This principle means that all procurement 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 procurement 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, including the Code;
- Undertake all procurement activity without favour or prejudice and will aim to maximise value in all transactions;
- Not permit acceptance of gifts, gratuities or any other benefits which may influence, or might be deemed to influence, equity or impartiality.

2.2 Goods and Services Tax (GST)

All procurement thresholds or other amounts included in this policy are GST exclusive. Tenders and quotations will be sought on a GST exclusive basis.

2.3 Procurement Overview – Processes

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~~1.1~~ 3. PROCUREMENT PROCESS

~~1.2~~

~~1.3~~ 3.1 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:

- a) plan the purchase, ~~(~~which includes the selection of the most appropriate purchasing method);
- b) prepare the relevant documents (e.g. quotation, tender or expression of interest);
- c) invite and receive offers;
- d) evaluate those offers;
- e) advise the successful bidder and advise unsuccessful bidders; ~~and~~
- f) manage any contract that has been implemented as a result of the procurement; ~~and~~
- ~~g)~~ Conduct ~~Project Evaluation~~ project evaluation as required. ~~(if required)~~
- ~~h)g)~~ _____

~~1.42.4~~ 3.2 Planning the Purchase

During the planning phase of a purchase where written quotations or tenders are to be requested the following steps may be taken ~~by the General Manager~~:

- any relevant approval to undertake a purchase is obtained;
- an estimate of the cost of the good or service is undertaken and available Council funding of such a purchase is confirmed and an appropriate method of purchasing is chosen;
- the specification is defined and mandatory requirements are identified;
- the establishment of an evaluation committee; ~~(Tenders);~~
- the establishment of evaluation criteria and evaluation methodology; ~~(Tenders);~~
- the development of a risk assessment and management plan; and
- the commencement of a contract management plan.

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.

Procurement Value	Minimum Requirement
\$10,000 and below	<p>Direct Purchase - Verbal Quotations</p> <p>No formal quotations are required however the General Manager Council may at his discretion obtain verbal quotations, of which at least one will be sought from a local business (if available).</p>
Greater than \$10,000 but and less than \$250,000	<p>Written quotations</p> <ul style="list-style-type: none"> • Where possible, at least two written quotations will be obtained, of which at least one will be sought from a local business (if available). • Council Officers will use discretion as to whether a public tender is required. • Contractors/Suppliers shall be required to sign a standard contract Agreement.
\$250,000 or and greater	<p>Public Tender</p> <ul style="list-style-type: none"> • Council will advertise each tender at a minimum tender in the Examiner newspaper at a minimum. Other advertising may be utilised as required. • Each tender will be advertised on Council website. • 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 the circumstances described under [Section 3 – Exemptions, section 4 – Exemptions](#).

Nothing in this section precludes [the General Manager Council](#) from calling Public Tenders for procurement for a value less than \$250,000 ~~excluding GST~~. Such tenders are to be in accordance with the ~~is~~ Code.

~~1.5.2.5~~ ~~3.3~~ Purchasing Documentation

~~a)~~

~~1.5.12.5.1~~ ~~3.3.1~~ Verbal Quotations (for purchases below \$10 000 ~~excluding GST~~)

While no formal quotations are required for purchases below \$10,000 ~~excluding GST~~, ~~Council may~~ ~~the General Manager may, at his discretion,~~ obtain quotations on a verbal basis.

~~1.5.22.5.2~~ ~~3.3.2~~ Written Quotations (for purchases greater than \$10,000 and less than \$250,000 ~~excluding GST~~)

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

The complexity of the documentation will depend upon the nature and value of the purchase.

~~1.5.32.5.3~~ ~~3.3.3~~ Tenders (for purchases equal to or greater than \$250,000 ~~excluding GST~~)

~~The Council's Request for Tender (RFT)~~ ~~RFT~~ is a document inviting offers from businesses to provide specified goods or services. Council's Request for Tender documentation usually consists of four main parts as follows:

- **Conditions of Tender** - The Conditions of Tender set out the terms under which Council will receive and evaluate tenders. The conditions ~~will usually~~ usually include:
 - identification details allocated to the contract;
 - evaluation criteria and a brief outline of the evaluation methodology to be used;
 - closing date, time and place of lodgement;

- Council contact details identifying a person from whom more detailed information relating to the tender may be obtained;
 - pricing requirements (e.g. the price should exclude GST);
 - details of the intended duration of the contract, including any extensions applicable to the contract;
 - advice and details on the availability of any briefing sessions for prospective tenderers;
 - details on how tenders are to be lodged to ensure that tenders lodged through the post are brought to the attention of Council Officers and placed in the relevant Tender Box and not opened, for example, in an envelope marked "Confidential Tender";
 - advice on how and in what circumstances the purchasing documentation can be altered;
 - advice on the treatment of late submissions;
 - an indication if alternative bids will be considered; and
 - relevant Council policies and principles, including reference to the council's code relating to tenders and contracts.
- **Specification** - The specification clearly and accurately describes the essential requirements of the goods or service being purchased. It is the basis of all offers and is the foundation for the contract. The specification will usually include 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 \$250 000, or where there are material risks involved.
 - **Tender Form** - The Tender Form must be completed, signed and returned by the tenderer. The period within which a tender is to be lodged must be a period ending at least 14 days after the notice is published. 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.

When preparing tender documentation Council will ensure that specifications do not restrict competition, reflect bias to any brand, or act as a barrier to the consideration of any alternatives.

Where applicable, documentation such as tenders ~~will be cleared~~ will be assessed by Council's legal ~~advisers~~ advisors and the General Manager before being issued.

~~1.5.4~~

~~1.6.2.6~~ 3.3.4 Minimum Requirements

It will be a minimum requirement of all quotations and tenders that the tenderer and quote provider must be able to meet Council's, and all legislated workplace health and safety, risk management and insurance requirements.

~~1.7.2.7~~ 3.3.5 Tenderer Conduct

Tenderers must not:

- engage in any form of collusive tendering ;
- lobby Councillors or Council employees; or
- offer gifts or personal benefits to Councillors or Council employees.

Any tenders will not be considered if a tenderer is found to have acted in breach of this requirement.

~~1.8.2.8~~ 3.4 Inviting Offers

~~1.8.1~~

~~1.8.2.2.8.1~~ 3.4.1 Verbal Quotations

When inviting verbal ~~quotations the General Manager~~ Council will provide each supplier with the same information and will give each supplier the same amount of time to prepare a quote; and seek at least one verbal quotation from a local business (if available).

~~1.8.3.2.8.2~~ 3.4.2 Written Quotations

When inviting written quotations:

- where possible, ~~the General Manager~~Council will seek at least two written quotations of which one quotation will be sought from a local business if available. If there are less than two contractors/suppliers of goods or services, officers must notify their department manager (quotations less than \$50,000) or the General Manager (quotations greater than \$50,000) and seek approval to complete the purchase;
- in some cases, ~~the General Manager~~Council may choose to advertise a quotation if advantageous to do so;
- ~~the General Manager~~Council will send the invitation to quote to identified businesses;
- Council, ~~the General Manager~~ will issue the request for quotation documentation either by mail, facsimile or email;
- the time ~~the General Manager~~Council provides to bidders to respond to the request for quotation will depend largely upon the nature and the complexity of the purchase; and
- exemption from seeking quotations will only be granted by the General Manager in circumstances outlined under Exemptions.

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~~1.8.42.8.3~~ ~~3.4.3~~ Tenders

When inviting tenders:

- Council will advertise as required under ~~s~~Section 2.17~~3-13~~;
- Council tender documentation will either be made available via mail, email or facsimile. ~~The General Manager~~Council may send tender documentation directly to identified businesses, however, any documentation will not be provided to a potential tenderer until the tender has been advertised;

- ~~The General Manager~~Council will endeavour to get a minimum of two bids of which we will seek at least one from a local business if available;
- ~~Council, The General Manager~~ 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;
- ~~The General Manager~~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 tender requirements;
- ~~The General Manager~~Council may conduct a ~~Tender Briefing~~tender briefing;
- ~~The General Manager~~Council will endeavour not to modify the evaluation criteria or methodology after the request for tender has been released. ~~However,~~ 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 that documentation; 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 will be advised in writing of the change in closing date; and
 - the new closing date will be advertised in all newspapers and websites (where used) where the original advertisement was placed.

~~1.92.9~~ 3.5 Contact Officer

For the purposes of communication with all potential tenderers, ~~the General Manager is~~ Council will nominate one Contact Officer for each purchasing activity and clearly specify their name and contact details.

The Contact Officer will:

- be the sole point of communication with prospective tenderers and document any questions asked of them by prospective tenderers and any response given;
- where possible, request that questions from prospective tenderers be put in writing (email ~~or facsimile will suffice~~will suffice). Any response from the Contact Officer will also be provided in writing; and

- where possible, limit the provision of information to the clarification of procedural issues.

Any additional information provided to one prospective tenderer willis also be provided to everyone else who has requested or received tender documentation.

1.10.2.10 **3.6 Receiving Offers**

1.10.2.10.1 **3.6.1 Verbal and Written Quotations**

Any written or verbal quotation received prior to the closing time will be held in a secure location to maintain confidentiality and to protect the individuals involved from claims of unfair practices.

All quotations that the Council receives will be clearly marked with the time and date of receipt.

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

1.10.2.10.2 **3.6.2 Tenders**

The General Manager Council will provide a locked tender box at the designated tender lodgement location.

When opening tTenders the General Manager Council will ensure that tenders are:

- opened in the presence of a minimum of two Council Officers; and
- clearly identified and recorded.

~~The General Manager~~Council will acknowledge receipt of ~~t~~tenders in writing prior to evaluation, however the tenderer is to be advised that such acknowledgement does not constitute acceptance of the tender or that the tender is complete or in compliance with the request for tender.

~~The General Manager~~Council will follow the procedures set out in the conditions of tender for any late tender submissions and will perform a risk assessment before ~~by~~ accepting a late tender submission ~~will to~~ ensure that accepting it ~~is~~ is not providing an advantage to that bidder over other bidders.

~~1.11.2.11~~ 3.7 Evaluating Offers

~~1.11.1~~ 3.7.1

~~1.11.2.11.1~~ 3.7.1 Verbal and Written Quotations

~~The General Manager~~ When evaluating verbal and written quotations, Council is to do so with the objective of identifying the offer that best meets Council's requirements and provides the best value for money. When evaluating quotations the following factors are to be taken into consideration:

- estimated life, disposal value and maintenance requirements and costs;
- price;
- compliance with quotation specifications;
- quality, delivery and service;
- the benefits of sourcing locally;
- 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.

~~1.11.32.11.2~~ 3-7.2 Tenders

Tenders will be evaluated in accordance with the evaluation criteria and methodology specified in the evaluation plan, which ~~was~~ will be developed prior to offers being invited. Council will not modify the evaluation criteria or methodology after the ~~Request for Tender~~RFT has been released unless all potential tenderers are advised of the change in writing.

Evaluation of Tenders is to be undertaken by an Evaluation Committee established by the General Manager. An Evaluation Committee is to consist of at least 3 members including the relevant Manager and other Council Officers. ~~The General Manager~~Council may engage persons who have expertise in the particular area of purchase to provide advice and assistance to an Evaluation Committee however that person does not have any voting or decision making role.

In evaluating tenders the Evaluation Committee is to 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 and are non-compliant 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.
- **Evaluate qualitative / non-cost criteria** - this stage involves an 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 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 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 ~~the Dorset Council~~Council takes into consideration when evaluating value for money are:
 - the quality of the proposed good or service (how well it meets the specified requirements); vs
 - 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, preference will be given to a local business over businesses outside the municipal area as per section 7~~8~~. In selecting a preferred tenderer for a high risk/high value or complex process, ~~the~~ Council must 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 for tenders in excess of \$250,000 the Evaluation Committee will document the selection of a successful tenderer in an Evaluation Report to be submitted to the General Manager. An Evaluation Report is to include a 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.

~~1.12~~

1.132.12 **3.8 Notification of Successful and Unsuccessful Bidders**

Once a preferred tenderer is selected and all relevant Council approvals to proceed with the purchase have been granted, ~~the General Manager~~Council shall ~~write and (in most cases) telephone contact the~~ preferred tenderer to notify them that they have been successful. After the preferred tenderer has been notified, ~~the General Manager~~Council will notify all unsuccessful bidders in writing of their non-selection.

1.142.13 **3.9 Contract Management**

A contract defines the rights and obligations of both parties once the 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 and includes:

- the conditions of tender;
- the specifications, including any plans and other attachments;
- performance appraisal process;
- the successful offer; and
- the conditions of contract.

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 advisers.

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
- 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 to be signed by both parties.

A formal contract management plan is not required for all contracts, but ~~the~~ Council may develop 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.

1.152.14 **3.10 Standing Tenders**

From time to time ~~the~~ 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.

~~1.162.15~~ ~~3.11~~ Multiple-Use Register

From time to time ~~the~~ Council may utilise a multiple-use register 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 ~~a~~ such ~~a~~ register will be established, ~~the General Manager~~Council will invite expressions of interest from prospective applicants for inclusion on a register by publishing at least once in the Examiner Newspaper, and any other paper as determined by ~~the General Manager~~Council, 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~~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 on the register.

~~The General Manager~~Council will ensure that applicants are provided with the following in order to make an application:

- details of the categories of goods or services required;
- the criteria for evaluating applications;
- the method of evaluating applications against the criteria; ~~and~~
- the conditions for participation to be satisfied by suppliers and the methods that the Council will use to verify a supplier's satisfaction of the conditions; ~~and~~
- a reference to the council's Code for Tenders and Contracts.

~~The General Manager~~Council will advise all prospective tenderers of the results of their application, including all categories for which they are registered and the reasons for rejection or ~~f~~ inclusion on the register, as soon as practicable.

When Council wishes to use the register, ~~the General Manager~~Council 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.

A prospective applicant will be allowed 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
<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Part of a procurement process • Basis for select tendering • Conditions for participation stated • Cannot limit size • No pricing • Can operate indefinitely • Open continuously or annually

[1.172.16](#) **3.12 Multiple-Stage Tenders**

From time to time ~~the~~ 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 we 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);

- benefits exist 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 is generally used to shortlist potential suppliers before seeking detailed offers. Suppliers are shortlisted 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 when a project or requirement has been defined, but where an innovative or flexible solution is sought.
- **Request for tender** - may be used 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.
- **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 [apply](#) 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)~~[tender](#) stage process unless approved by an absolute majority of Council; and
- when using a Request for Information, issues relating to [confidentiality](#), intellectual property and copyright must be clarified prior to using the information provided to prepare the Request for Tender.

[1.17.12.16.1](#) [3.12.1](#) Process

[The General Manager Council](#) 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 and ~~is~~ to advertise the expressions of interest in accordance with the minimum advertising requirements as per [Section 26.3 of the Regulations](#)~~Local Government (General) Regulations 2015 Section 26.3~~ and Section 2.17~~3.13~~ of ~~this code~~[the Code](#).

~~The General Manager~~[Council](#) 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;
- 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 the council's Code for Tenders and Contracts.

~~The General Manager~~[Council](#) 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 that the notice requesting expressions of interest states specifically that Council may limit the suppliers Council will invite to participate and the relevant requirements and evaluation criteria have been specified in the notice or associated documentation, ~~Council~~[the General Manager](#) 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 General Manager~~[Council](#) will:

- ensure that the evaluation criteria that is 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 approved by an absolute majority of Council; ~~;~~
- If only one supplier meets the criteria determined by ~~C~~council at the expression of interest stage, ~~C~~the council may contract with that supplier after:
 - a tender by that supplier; or
 - a decision by absolute majority of ~~C~~the council to do so.

~~1.182.17~~ ~~3.13~~ Minimum Advertising Requirements

All ~~t~~Tenders, ~~S~~standing ~~t~~Tenders and ~~M~~multiple ~~s~~Stage ~~t~~Tenders are to be advertised by the General Manager ~~advertising~~ at least once in the Examiner newspaper or other paper as determined by the General Manager. ~~The advertisement must contain~~ a notice requesting any interested supplier to submit a tender or an expression of its interest to supply the good or service required.

The notice is to specify:

- the nature of the goods or services ~~C~~the council requires;
- any identification details allocated to the contract;
- where the tender/expression of interest is to be lodged;
- the Contact Officer ~~from whom more detailed information relating to the tender may be obtained; details;~~
- the period within which the tender/expression of interest is to be lodged.

~~2.~~

~~3.~~

4.3. 4-EXEMPTIONS

~~The Code for Tenders and Contracts~~~~The Act dictates provide~~ that Councils must publicly invite tenders for the purchase of goods and services with a value at or in excess of \$250,000.

~~The~~Council is 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 elect~~~~may not to 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;
- 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 Territory;
- e. a contract for goods or services in respect of which the 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 the 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 for the decision, that a satisfactory result would not be achieved by inviting tenders because of –

- i. extenuating circumstances; or
 - ii. [the](#) 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) above 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 and not covered by (a) above (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.

[5.4.](#) ~~5.~~ COMPLAINTS PROCESS

Tasmanian Councils are provided with broad competency powers under the Act to carry out the role of providing services to their communities and 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 and will be dealt with in accordance with Council's Customer Service Charter.

In the first instance, complainants are to seek resolution through the Manager in charge of the relevant purchasing/tender process.

If a complainant is not satisfied with the response provided by the relevant Council's manager 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. The General Manager will take whatever action is considered necessary to deal with the complaint.

6.5. ~~6.1~~ CONTRACT RENEWALS AND EXTENSIONS

6.15.1 ~~6.1~~ 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.

6.25.2 ~~6.2~~ 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;
- 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;
- since the previous tender, the market has changed substantially; or
- the nature of the goods/services required has substantially changed.

~~6.35.3~~ 6.3 Contract Reviews

Contract ~~and/~~ contractor review requirements will be specified ~~as determined~~ within the Conditions of Contract. In addition to the review requirements, ~~a contract review should be considered,~~ at the completion ~~of~~ or prior to the renewal of a contract, ~~a contract review should be considered.~~ The review should ~~not be viewed as a witch hunt but as a~~ be viewed as a process to constructively review both the good and bad outcomes of a contract.

Reviews should include but are not limited to:

- Was the selected project delivery method the best approach?
 - What were the project issues and how can these issues be avoided in future projects?
 - Reasons for any cost increases or variations, cost benefit analysis.
 - Suggested improvements to contract documentation or overall approach.
 - What was done well and what was successful, contract outcomes.
 - Are operators happy with design?
 - Any safety or environmental issues?
 - Was the contract documentation adequate?
- ◆ A summary of key findings of the review will be developed to be considered by the next relevant Evaluation Committee.

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~~7.6.~~ 7. 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 Act.

~~7.16.1~~ ~~7.1~~ 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.

~~7.26.2~~ ~~7.2~~ 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.

~~8.7.~~ ~~8-~~ LOCAL BUSINESS AND INDUSTRY

Council promotes a policy of supporting local business in the first instance where the local business is able to supply goods and services which are of equivalent value and standard to external sources.

In practice this means that ~~the~~ Council will:

- actively seek bids from local business, particularly from those which have previously requested the opportunity to quote;
- use a local business in instances where the business provides a quotation or tender or equivalent costing, availability of supply and standard of service;
- aim to use a local business where the business quotes or tenders up to \$250,000 are within 10% of an external supplier or where the business quotes or tenders over \$250,000 are within and 5% of an external supplier for tenders over \$250,000, noting that all other tender selection criteria must be comparable; ~~tively constant;~~
- for purchases less than or equal to \$10,000, where possible and at the discretion of the General Manager, purchase from or seek at least one verbal quote from a local business;

- for purchases greater than \$10,000 and less than \$250,000 seek at least one written quote from a local business;
- for purchases equal to or greater than \$250,000, seek to get at least one tender from a local business.

9.8. ~~9.~~ REPORTING

9.18.1 ~~9.1~~ Annual Report

Council will publish [information](#) in its Annual Report in relation to all contracts for the supply or provision of goods and services valued at or above \$250,000 ~~(excluding GST), which were~~ awarded or entered into [to in](#) the financial year, including extensions granted. This will include:

- 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 ~~ex. GST~~;
- the business name of the successful contractor; and
- the business address of the successful contractor.

Where an exemption has been granted from a tender process (refer Section 3 - [Exemptions](#) ~~point (a) and (i)~~), the following details will be reported in Council's Annual Report:

- 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.

9.28.2 ~~9.2~~ Reporting to Council

The General Manager [or their delegate](#) will provide Council with a quarterly report of any instances [s](#) where a purchase of a good or service is made where a public tender or quotation

process ~~is not~~ has not been used ~~where as~~ an exemption from the tender process applies ~~from the tender process~~ (refer ~~to~~ Section 3 - Exemptions4).

~~10.9.10.~~ CONFIDENTIALITY

Council treats information provided by suppliers as confidential and will not provide this information to unauthorised persons, except as required to be disclosed pursuant to section 8 of the Code.

~~11.10.11.~~ 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 those whole-of-Government contracts.

~~12.11.12.~~ DISQUALIFICATION FROM THE TENDER PROCESS

Council may disqualify suppliers during the tender process for the following:

- a) Collusive tendering;
- b) ~~Anti-Competitive~~ competitive behaviour;
- c) Are known to be bankrupt, subject to a winding up order or are corporate entities with persons involved directly or indirectly in the management of the entity, who are disqualified under the Corporations Law (Council may choose to not accept tenders from or award to suppliers who have an administrator appointed).

Engaging in points 11a)~~12a~~ and 11b)~~12b~~ will result in disqualification from the current tender in question and the supplier will be disqualified from tendering for other contracts for six months from the closing date of the current tender.

~~12.111.1~~ **12.1 Collusive Tendering**

All parties should not engage in collusive tendering and any other anti-competitive practices, such as, but not limited to:

- agreement between suppliers as to who should be the successful tenderer;
- any meeting of suppliers to discuss tenders prior to submission of the tenders, if Council is not present;
- exchange of information between suppliers about their tenders prior to the awarding of a contract;
- agreement or exchange of information between suppliers for the payment of money or the securing of reward or benefit for unsuccessful tenderers by the successful tenderer;
- agreements between suppliers to fix prices or conditions of contract (this means any collaboration between suppliers on prices or conditions to be included in contracts or commissions without the consent of Council);
- payment to any third party of money, fees, incentives or other concessions contingent on the success of the tender that do not relate to the provision of proper services relevant to the tender.

These provisions are not intended to prohibit proper practices or arrangements, which are aimed at providing innovative or non-standard forms of procurement and delivery, such as joint ventures, alliance partnering and the like.

~~12.211.2~~ **12.2 UnAnti-competitive Behaviour**

A supplier must not engage in any anti-~~un~~competitive behaviour or practice that denies legitimate business opportunities to other tenderers or participants in the tender process.

A supplier must not:

- a. accept or provide secret commissions;
- b. enter into any improper commercial arrangements with other contractors, subcontractors, suppliers, agents or parties;
- c. seek to influence contract decisions by improper means during the tender process including the attempt to influence officers and elected members;
- d. accept incentives to provide contracts or services to other contractors, subcontractors or suppliers that financially disadvantage Council.

REVIEW

Pursuant to Section 333B(2)(a) of the Act, the Code must be reviewed at least once every 4 years. The Code must be reviewed again by no later than September 2027 or earlier as required.

DOCUMENT INFORMATION

<u>Version</u>	<u>Doc Ref</u>	<u>Date Reviewed</u>	<u>Reviewed By</u>	<u>Comments</u>
<u>1</u>	<u>IN06/30</u>	<u>November 2005</u>		<u>Established.</u>
<u>2</u>	<u>IN07/309</u>	<u>August 2006</u>	<u>Guy Jetson</u>	<u>Change tender threshold.</u>
<u>3</u>	<u>14/3903</u>	<u>March 2014</u>	<u>Guy Jetson</u>	<u>Include WHS requirements.</u>
<u>4</u>	<u>15/12450</u>	<u>December 2015</u>	<u>Guy Jetson</u>	<u>Changes to Act and Regulations, other minor amendments.</u>
<u>5</u>	<u>DOC/18/4136</u>	<u>September 2018</u>	<u>John Marik</u>	<u>Clarification on existing points, addition of disqualification process.</u>
<u>6</u>	<u>DOC/19/6677[v1]</u>	<u>July 2019</u>	<u>John Marik</u>	<u>Increased tender threshold to \$250,000.</u>
<u>7</u>	<u>DOC/19/6677[v2]</u>	<u>September 2023</u>	<u>Lauren Tolputt</u>	<u>Periodic review, minor changes only.</u>



Policy 36 – Personal Information Protection

TRIM Ref: **18/1707**

Adopted: **16 October 2006**

Minute 158/06

Version: **3**

Reviewed Date: **19 March 2018**

Council Minute No: **46/18**

Personal Information Protection Act 2004

Statutory Authority:

Privacy Act 1988

OBJECTIVE

Personal Information Protection Principle 5 requires that a personal information custodian must set out in a document its policies on the management of personal information, and that the document is to be made available to any person who requests it.

POLICY

Purpose

The Personal Information Protection Act 2004 (the Act) was introduced to protect the individual's right to personal privacy.

Dorset Council (Council) is committed to the Personal Information Protection Principles included in the Act. This policy explains the principles and how they may apply to you.

Scope

This policy applies to councillors, officers and agents of Council.

The policy covers all personal information held by Council, including:

- information we have collected from you, as well as information we have collected from third parties,
- all information collected regardless of format and media, e.g. correspondence, forms (paper and electronic), in person, over the telephone or via Council websites.

Definitions

Personal information is information that can be used to identify an individual, such as name, address and date of birth.

Sensitive Information includes information or an opinion about an individual's health, racial or ethnic origin, political opinions, trade union membership, philosophical or religious beliefs, sexual preferences or criminal record.

Principle 1 Collection

- 1.1. Council will only collect personal information from you when it is necessary for its functions or activities.
- 1.2. Council will collect personal information about you directly from you wherever it is reasonable and practicable to do so.
- 1.3. Council will collect personal information only by lawful and fair means and not in an unreasonably intrusive way.
- 1.4. In some instances, Council will be required by law to collect personal information.
- 1.5. Council will only collect sensitive information where you have consented or as permitted under the Act.
- 1.6. Before, during, or as soon as practicable after collection of personal information, Council will take reasonable steps to ensure that you are aware of:
 - Council's identity and how to contact it;
 - your right to access the information;
 - the purpose for which the information is collected;
 - the intended recipients of the information;
 - any law that requires the information to be collected;
 - the main consequences (if any) for you if all or part of the information is not provided.
- 1.7. If Council collects personal information about you from someone else, it will take reasonable steps to make sure that you are aware of the matters referred to above, unless doing so would pose a serious threat to the life, safety, health or welfare of any individual, or, would prejudice the carrying out of an investigation.

Principle 2 Use and disclosure

- 2.1. Council will only use personal information within Council, or disclose it outside Council,
 - for the purpose for which it was collected, or
 - in accordance with this Act or as provided for in any other legislative provision, or
 - where you have consented, or
 - where you would reasonably expect this to occur.
- 2.2. Council may use the information for purposes including, but not limited to, the following:
 - To contact you in order to provide services requested by you, e.g. obtaining a permit.
 - To contact you in order to resolve issues relating to Council services or functions, that you have brought to our attention, e.g. where you have reported a matter to be resolved by Council such as a fallen tree branch.
 - It may be used to contact you before a Council Meeting to confirm your attendance and advise you of any changes to the meeting details where you have made an application to speak or ask a question.

- To supply you with material concerning Council initiatives and programs.
- To contact you in relation to your property.
- To facilitate the collection of Council fees and charges, e.g. we will use your name and address details to forward rate notices.
- To enable payment for Council-provided goods and services, e.g. we may collect your credit card and bank account details when you make a payment for goods and services.
- To enable Council to undertake its law enforcement functions, e.g. Council collects information about you from various Road Traffic Authorities to ascertain ownership of abandoned vehicles etc..
- To update your name and address details and verify information.
- To check occupancy for ratings purposes.
- To contact you in case of an emergency.

2.3. In some circumstances, Council needs to disclose your information to other organisations. Examples of situations where disclosure may occur include:

- Personal Information collected in relation to your property may be forwarded to the Valuer General and the Australian Bureau of Statistics, the Director of Building Control, and the Training Levy Board in accordance with various legislative requirements.
- Personal information included on a Subdivision or Development Application may be forwarded to the Resource Management and Planning Appeal Tribunal and made available to the public, as required by the Land Use Planning and Approvals Act (1993).
- Pensioner Applications for Rates Remission may be forwarded to Centrelink, the Department of Treasury, the Department of Veterans' Affairs and Housing Tasmania.
- Information relating to financial requests, for example a direct debit, may be forwarded to our bank.
- If a workplace incident or other incident or accident occurs, information may be forwarded to our workers compensation, public liability or professional indemnity insurers.
- If you do not pay your rates, Council may forward your information to the courts and a debt collector may be appointed.
- If infringement notices are not paid, Council may forward your information to the Monetary Penalties Enforcement Service, the courts and/or a solicitor.
- If you apply to work in any area of Council that involves working with children or youths whether as an employee or as a volunteer a report may be requested from Tasmania Police for safety screening purposes. Your consent will be sought in this regard and if not forthcoming this may affect your chances of being employed.
- In order to properly assess your development, building or subdivision application, Council may seek the advice of other agencies and, in doing so, will provide details of your application, including any personal information included on the application to that agency. Examples of these agencies include Department of Primary Industry, Parks, Water and

Environment; Department of State Growth, TasWater, Heritage Tasmania and the Tasmanian Fire Service.

Principle 3 Data quality

- 3.1. Council will take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up-to-date.
- 3.2. You may update the personal information you have supplied to Council. Details on how to do so are outlined under Privacy Principle 6.

Principle 4 Data Security

- 4.1. Council will take all necessary steps to make sure that personal information is stored safely and securely. Technological and operational procedures are in place to protect personal information from misuse and loss in accordance with data breach laws under the Privacy Act 1988 and internal procedures.
- 4.2. Council will dispose of personal information where it is no longer necessary to fulfil the purposes for which it was collected, or as required by the Archive Act or other legislation.

Principle 5 Openness

- 5.1. Council will make this policy available upon request.
- 5.2. On request by a person, Council will take reasonable steps to let the person know, generally, what sort of personal information it holds, collects, for what purposes, and how it collects, holds, uses and discloses that information.

Principle 6 Access and Correction

- 6.1. Should you wish to access your personal information, please contact Council on 03 6352 6500. We will endeavour to deal with your request promptly at an administrative level, but more complex requests may need to be processed in accordance with the Right to Information Act 2009.
- 6.2. Access will be provided except in the circumstances outlined by The Act, for example, where the information relates to legal proceedings.

Principle 7 Unique Identifiers

- 7.1. A unique identifier is a reference that enables the identification of a particular person (e.g. your drivers licence number).
- 7.2. Council will only assign unique identifiers if it is necessary to carry out any Council functions or responsibilities, or it is required by law.

Principle 8 Anonymity

- 8.1. Council will, where it is lawful and practicable, give individuals the option of remaining anonymous when entering into transactions with Council.
- 8.2. However, as anonymity may limit Council's ability to process a complaint or other matter, Council reserves the right to take no action on any matter if you choose not to supply sufficient personal information to Council.

Principle 9 Disclosure of Information Outside Tasmania

- 9.1. Council will transfer personal information to a region outside Tasmania only if authorised by law or with the consent of the individual.

Principle 10 Sensitive Information

- 10.1. Sensitive information, as defined by law, is any information about a person's racial or ethnic origin, political opinion, membership of a political association, religious beliefs or affiliation, philosophical beliefs, membership of a professional trade association, membership of a trade union, sexual preference or practice, criminal record or health information.
- 10.2. Council will only collect sensitive information when you have consented, or as permitted under the Personal Information Protection Act or required by law.
- 10.3. Sensitive information will be treated with the upmost security and confidentiality and only used for the purpose for which it was collected.

Correction and Complaints

If you are not satisfied with the handling of your personal information or the outcome of your request to access or correct your personal information, you may contact Council to make a complaint on 03 6352 6500. Your complaint will be investigated within ten business days and a written response will be provided. If you are not happy with the outcome of your complaint, you can lodge a complaint with the Ombudsman. The Ombudsman's Office can be contacted on 1800 001 170, and by email at ombudsman@ombudsman.tas.gov.au



Policy 36 – Personal Information Protection

CM10 Ref: **18/1707[v2]**

Adopted: **16 October 2006**
Minute 158/06

Version: **4**

Reviewed Date: **18 September 2023**

Council Minute No: **XXX**

Author: **Administration Manager**

Responsible Officer: **Administration Manager**

Statutory Authority: **- Personal Information Protection Act 2004**
- Right to Information Act 2009
- Local Government Act 1993

OBJECTIVE

To demonstrate Council's commitment to upholding the right to privacy for all individuals who have dealings with Council and to ensure compliance with Council's obligations as a Personal Information Custodian in accordance with the Act.

The Act regulates the collections, maintenance, use, correction and disclosure of Personal Information relating to individuals.

SCOPE

This Policy applies to all employees, elected representatives, contractors, work place participants and volunteers and covers all personal information held by Council.

DEFINITIONS

Council means Dorset Council.

Basic Personal Information includes an individual's name, address, published phone number or date of birth.

Personal Information means information or opinion in any recorded format about an individual whose identity is apparent or is reasonably ascertainable from the information or opinion.

Personal Information Custodian is as defined in the Act and means Council for the purpose of this Policy.

Sensitive Information includes health information about an individual or personal information or opinion about an individual's racial or ethnic origin, political opinions, political association, religious beliefs or affiliations, philosophical beliefs, professional or trade associations, union membership, sexual preferences/practices or criminal record.

the Act means the *Personal Information Protection Act 2004*.

POLICY

Information Collected

Council collects Personal Information that is necessary for it to perform its functions and activities and will only use Personal Information for the purpose for which it was collected or a related purpose that could be reasonably expected. There may also be circumstances where Council is required or obligated by law to collect Personal Information.

Council takes reasonable steps to ensure that the Personal Information it holds is accurate, complete and up to date. Where practicable, Council will check on the accuracy of Personal Information before it is used. Council also provides opportunities and prompts for the public to provide updated Personal Information.

Personal Information obtained by Council may include but is not limited to name, address, contact details, date of birth, occupation, bank details, credit card details, vehicle registration details, ABN or Tax File Number.

Some of the common instances where it may be necessary for Council to collect Personal Information from an individual include:

- To provide services as requested by the individual
- To follow up on complaints, issues or feedback
- To facilitate payments and the collection of fees and charges
- To undertake compliance activities

Use and Disclosure of Personal Information

Personal Information will only be used for the purposes described above. Personal Information will only be disclosed with the person's consent or if it is required by or authorised by law.

There may be a requirement to disclose some or all of the Personal Information that Council collects to contractors or agents of Council, law enforcement agencies, courts or other public sector bodies. These disclosures will be made in accordance with this Policy and relevant legislation.

Personal Information in written submissions on policy matters or matters of public consultation may be disclosed in reports that are made public unless the submission is submitted and accepted on a confidential basis.

As a public authority, Council may disclose Basic Personal Information for a purpose other than the primary purpose of collection without the relevant individual's consent where the information is only used by or disclosed to another public sector body and the use or disclosure is reasonably necessary for the efficient storage and use of that information.

Sensitive Information

Generally Council will only collect Sensitive Information if it is necessary to provide a service to a person and the person consents or if the collection of the information is required or permitted by law.

Anonymity

Wherever it is lawful and practicable to do so, customers will be given the option of not identifying themselves when dealing with Council. However if Council does not receive all of the Personal Information requested, Council may not be able to provide a full response to correspondence, process applications, or provide services or facilities that have been requested.

Security of Personal Information

Personal Information will be handled with care and only used for authorised purposes. Council will take reasonable steps to protect the Personal Information it holds from misuse and loss, and from unauthorised access, modification or disclosure.

Generally there is an intention that information is destroyed or permanently de-identified when it is no longer required. This can only be done in accordance with the *Archives Act 1983* and any other relevant legislation.

Access to and Correction of Information Collected

An individual has a right of access to and right to correct Personal Information that Council holds about them. Council will endeavour to deal with your request promptly at an administrative level, however more complex requests may need to be made in accordance with the *Right to Information Act 2009*.

Verification of the individual's identity must be ascertained prior to the provision of the information sought or the amendment of information.

Complaints and Requests

If you believe that Council has mishandled your Personal Information, you have the right to lodge a complaint to the General Manager. To do so, please write to us at:

Dorset Council
PO Box 21
Scottsdale TAS 7260
Email – dorset@dorset.tas.gov.au

Alternatively, if you are not satisfied with the handling or outcome of your request for access to or correction of your personal information, you can lodge a complaint with the Ombudsman. For more information on how to contact the Ombudsman, visit ombudsman.tas.gov.au/home/contact-us.

REVIEW

This policy will be reviewed no more than 5 years after the date adopted or more frequently as required.

DOCUMENT INFORMATION

Version	Doc Ref	Date Reviewed	Reviewed By	Comments
V1	IN06/851	16 October 2006	Geoff Jamieson	Requirement of the Act to establish policy.
V2	13/7763	29 June 2015	Guy Jetson	No/minor amendments.
V3	18/1707[v1]	19 March 2018	John Marik	No/minor amendments.
V4	18/1707[v2]	3 September 2023	Lauren Tolputt	Major review, simplified content.