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**Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 16 December 2019 commencing at 6.00pm.**

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**Councillors attendance**

Cr Jan Bonde (Mayor)  
Cr Amanda Diprose  
Cr Casey Hiscutt  
Cr Philip Viney

Cr Garry Carpenter (Deputy Mayor)  
Cr Cheryl Fuller  
Cr Tony van Rooyen

**Councillors apologies**

Cr John Beswick  
Cr Annette Overton

**Employees attendance**

General Manager (Ms Sandra Ayton)  
Acting Director Community Services (Mr Paul West)  
Director Infrastructure Services (Mr Paul Breden)  
Executive Services Officer (Mrs Lou Brooke)

**Media attendance**

The media was not represented.

**Public attendance**

Seven members of the public attended during the course of the meeting.

**Prayer**

The meeting opened in prayer.

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## CONFIRMATION OF MINUTES OF THE COUNCIL

### 361/2019 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 18 November 2019 have already been circulated. The minutes are required to be confirmed for their accuracy.

The *Local Government (Meeting Procedures) Regulations 2015* provide that in confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.”

- Cr Viney moved and Cr Hiscutt seconded, “That the minutes of the previous ordinary meeting of the Council held on 18 November 2019 be confirmed.”

Carried unanimously

## COUNCIL WORKSHOPS

### 362/2019 Council workshops

The Executive Services Officer reported as follows:

“The following council workshops have been held since the last ordinary meeting of the Council.

- . 25.11.2019 – Ulverstone Secondary College – Education in Central Coast; Code for Tenders and Contracts; Planning Appeal – 225 Penguin Road, Ulverstone
- . 09.12.2019 – Monthly Review; TasNetworks – North West Tasmania Transmission Upgrades – Hampshire to Staverton; Dog Management Policy.

This information is provided for the purpose of record only.”

- Cr Diprose moved and Cr Fuller seconded, “That the Officer’s report be received.”

Carried unanimously

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## MAYOR'S COMMUNICATIONS

### 363/2019 Mayor's communications

The Mayor reported as follows:

"I have no communications at this time."

### 364/2019 Mayor's diary

The Mayor reported as follows:

"I have attended the following events and functions on behalf of the Council:

- . Launch of 16 Days of Activism – Burnie
- . Rotaract Club of Central Coast – Guest Speaker – Ulverstone
- . Cradle Coast Authority Representatives meeting and AGM – Burnie
- . Ulverstone Ladies Probus Club Luncheon – Ulverstone
- . Community Safety Partnership Committee Meeting – Ulverstone
- . Volunteer Pre-Christmas Luncheon – Penguin
- . LGAT Mayor's Professional Development Meeting – Hobart
- . LGAT General Meeting – Hobart
- . Ladies Day, North West Fisheries Association – Penguin
- . 100 Years of Women in Local Government Event – Devonport
- . Leighland Christian School – Lego League Presentation – Ulverstone
- . Mersey-Leven Municipal Emergency Management Committee Meeting – Latrobe
- . West Ulverstone Primary School – 60<sup>th</sup> Anniversary Event – Ulverstone
- . Cradle Coast Authority – Councillor's Christmas Get Together – Devonport
- . Cradle Coast Authority – Councillor's Christmas Get Together – Burnie."

The Deputy Mayor reported as follows:

"I have attended the following events and functions on behalf of the Council:

- . Probus Club of Central Coast – End of Year Luncheon – Ulverstone
- . Central Coast Community Shed Committee – Christmas Luncheon – Ulverstone."

Cr Annette Overton reported as follows:

"I have attended the following events and functions on behalf of the Council:

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- . Ulverstone Senior Citizens Club – Annual Christmas Dinner – Ulverstone.”

Cr Philip Viney reported as follows:

“I have attended the following events and functions on behalf of the Council:

- . Tour of Tasmania Event – Ulverstone.”

■ Cr Carpenter moved and Cr Fuller seconded, “That the reports of the Mayor, Deputy Mayor and Crs Overton and Viney be received.”

Carried unanimously

### **365/2019      Declarations of interest**

The Mayor reported as follows:

“Councillors are requested to indicate whether they have, or are likely to have, a pecuniary (or conflict of) interest in any item on the agenda.”

The Executive Services Officer reported as follows:

“The *Local Government Act 1993* provides that a councillor must not participate at any meeting of a council in any discussion, nor vote on any matter, in respect of which the councillor has an interest or is aware or ought to be aware that a close associate has an interest.

Councillors are invited at this time to declare any interest they have on matters to be discussed at this meeting. If a declaration is impractical at this time, it is to be noted that a councillor must declare any interest in a matter before any discussion on that matter commences.

All interests declared will be recorded in the minutes at the commencement of the matter to which they relate.”

Cr Viney reported as follows:

“I am declaring an interest in respect of the Leasing of land at 21 Maskells Road, Ulverstone at Minute No. 385/2019.”

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## COUNCILLOR REPORTS

### 366/2019 Councillor reports

The Executive Services Officer reported as follows:

“Councillors who have been appointed by the Council to community and other organisations are invited at this time to report on actions or provide information arising out of meetings of those organisations.

Any matters for decision by the Council which might arise out of these reports should be placed on a subsequent agenda and made the subject of a considered resolution.”

Cr Fuller reported on a recent meeting of the Penguin Miniature Railway Management Committee.

Cr Carpenter reported on recent meetings of the Riana Community Centre Advisory Committee and Caves to Canyon Tourism Association.

The Mayor reported on a recent meeting with the CEO of West By North West Tasmania.

## APPLICATIONS FOR LEAVE OF ABSENCE

### 367/2019 Leave of absence

The Executive Services Officer reported as follows:

“The *Local Government Act 1993* provides that the office of a councillor becomes vacant if the councillor is absent without leave from three consecutive ordinary meetings of the council.

The Act also provides that applications by councillors for leave of absence may be discussed in a meeting or part of a meeting that is closed to the public.

There are no applications for consideration at this meeting.”

## DEPUTATIONS

### 368/2019 Deputations

The Executive Services Officer reported as follows:

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“No requests for deputations to address the meeting or to make statements or deliver reports have been made.”

## **PETITIONS**

### **369/2019     Petitions**

The Executive Services Officer reported as follows:

“No petitions under the provisions of the *Local Government Act 1993* have been presented.”

## **COUNCILLORS' QUESTIONS**

### **370/2019     Councillors' questions without notice**

The Executive Services Officer reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2015* provide as follows:

'29 (1) A councillor at a meeting may ask a question without notice –

- (a) of the chairperson; or
- (b) through the chairperson, of –
  - (i) another councillor; or
  - (ii) the general manager.

(2) In putting a question without notice at a meeting, a councillor must not –

- (a) offer an argument or opinion; or
- (b) draw any inferences or make any imputations –

except so far as may be necessary to explain the question.

(3) The chairperson of a meeting must not permit any debate of a question without notice or its answer.

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- (4) The chairperson, councillor or general manager who is asked a question without notice at a meeting may decline to answer the question.
  - (5) The chairperson of a meeting may refuse to accept a question without notice if it does not relate to the activities of the council.
  - (6) Questions without notice, and any answers to those questions, are not required to be recorded in the minutes of the meeting.
  - (7) The chairperson may require a councillor to put a question without notice in writing.'

If a question gives rise to a proposed matter for discussion and that matter is not listed on the agenda, Councillors are reminded of the following requirements of the Regulations:

- '8 (5) Subject to subregulation (6), a matter may only be discussed at a meeting if it is specifically listed on the agenda of that meeting.
- (6) A council by absolute majority at an ordinary council meeting, ..., may decide to deal with a matter that is not on the agenda if –
  - (a) the general manager has reported the reason it was not possible to include the matter on the agenda; and
  - (b) the general manager has reported that the matter is urgent; and
  - (c) in a case where the matter requires the advice of a qualified person, the general manager has certified under section 65 of the Act that the advice has been obtained and taken into account in providing general advice to the council.'

Councillors who have questions without notice are requested at this time to give an indication of what their questions are about so that the questions can be allocated to their appropriate Departmental Business section of the agenda."

The allocation of topics ensued.

### **371/2019 Councillors' questions on notice**

The Executive Services Officer reported as follows:

"The *Local Government (Meeting Procedures) Regulations 2015* provide as follows:

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‘30 (1) A councillor, at least 7 days before an ordinary council meeting or a council committee meeting, may give written notice to the general manager of a question in respect of which the councillor seeks an answer at that meeting.

(2) An answer to a question on notice must be in writing.’

It is to be noted that any question on notice and the written answer to the question will be recorded in the minutes of the meeting as provided by the Regulations.

Any questions on notice are to be allocated to their appropriate Departmental Business section of the agenda.

No questions on notice have been received.”

#### **PUBLIC QUESTION TIME**

#### **372/2019      Public question time**

The Mayor reported as follows:

“At 6.40pm or as soon as practicable thereafter, a period of not more than 30 minutes is to be set aside for public question time during which any member of the public may ask questions relating to the activities of the Council.

Public question time will be conducted as provided by the *Local Government (Meeting Procedures) Regulations 2015* and the supporting procedures adopted by the Council on 19 May 2014 (Minute No. 133/2014).”



## DEPARTMENTAL BUSINESS

### GENERAL MANAGEMENT

#### **373/2019 Minutes and notes of committees of the Council and other organisations**

The General Manager reported as follows:

“The following (non-confidential) minutes and notes of committees of the Council and other organisations on which the Council has representation have been received:

- . Central Coast Community Safety Partnership Committee – meeting held 30 October 2019
- . East Ulverstone Swimming Pool Management Committee – meeting held 31 October 2019
- . Central Coast Council Audit Panel – meeting held 18 November 2019
- . Turners Beach Community Representatives Committee – meeting held 28 November 2019
- . Central Coast Youth Engaged Steering Committee – meeting held 28 November 2019
- . Central Coast Community Shed Management Committee – meeting held 2 December 2019.

Copies of the minutes and notes have been circulated to all Councillors.”

■ Cr Hiscutt moved and Cr Diprose seconded, “That the (non-confidential) minutes and notes of committees of the Council be received.”

Carried unanimously

#### **374/2019 Correspondence addressed to the Mayor and Councillors**

The General Manager reported as follows:

“A Schedule of Correspondence addressed to the Mayor and Councillors for the period 19 November 2019 to 16 December 2019 and which was addressed to the ‘Mayor and Councillors’ is appended. Reporting of this correspondence is required in accordance with Council policy.

Where a matter requires a Council decision based on a professionally developed report the matter will be referred to the Council. Matters other than those requiring a report

will be administered on the same basis as other correspondence received by the Council and managed as part of the day-to-day operations.”

The Executive Services Officer reported as follows:

“A copy of the Schedule has been circulated to all Councillors.”

■ Cr Viney moved and Cr Fuller seconded, “That the Schedule of Correspondence addressed to the Mayor and Councillors (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

### **375/2019 Common seal**

The General Manager reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 19 November 2019 to 16 December 2019 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council.

The Schedule also includes for information advice of final plans of subdivision sealed in accordance with approved delegation and responsibilities.”

The Executive Services Officer reported as follows:

“A copy of the Schedule has been circulated to all Councillors.”

■ Cr Diprose moved and Cr Hiscutt seconded, “That the common seal (a copy of the Schedule of Documents for Affixing of the Common Seal being appended to and forming part of the minutes) be affixed subject to compliance with all conditions of approval in respect of each document, and that the advice of final plans of subdivision sealed in accordance with approved delegation and responsibilities be received.”

Carried unanimously

### **376/2019 Contracts and agreements**

The General Manager reported as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into for the period 19 November 2019 to 16 December 2019

is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

“A copy of the Schedule has been circulated to all Councillors.”

■ Cr Viney moved and Cr van Rooyen seconded, “That the Schedule of Contracts and Agreements (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

COMMUNITY SERVICES

**377/2019 Statutory determinations**

The Acting Director Community Services reported as follows:

“A Schedule of Statutory Determinations made during the month of November 2019 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

“A copy of the Schedule has been circulated to all Councillors.”

■ Cr Fuller moved and Cr Viney seconded, “That the Schedule of Statutory Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

**378/2019 Ulverstone Recreation Ground Changeroom Redevelopment Guaranteed Maximum Price – approval to execute construction contract (329A/2019 – 21.10.2019)**

The Acting Director Community Services reported as follows:

“The Community Development Group Leader prepared the following report:

*‘PURPOSE*

This report seeks the Council’s endorsement to execute the construction contract for the redevelopment of the Ulverstone Recreation Ground Changerooms after determination of the final price and design.

*BACKGROUND*

At its meeting on 21 October 2019 (Minute No. 329A/2019), the Council invited Mead Con to participate in the second stage of a Guaranteed Maximum Price (GMP) Contract for the redevelopment of the Ulverstone Recreation Ground Changerooms.

Following the appointment and in line with the GMP process, Council staff met on several occasions with building designer Tasmanian Consulting Service and Mead Con to finalise the design and value of the works.

During this stage of the project the design has been modified to ensure it meets the budget parameters while still accommodating the needs of all the user groups and all conditions of the grant funding. This has seen the layout of the gym and indoor warm up area reconfigured, two disability access toilets included, a small umpires' changeroom added and a substitution of some of the materials used.

All stakeholders have been consulted and are satisfied with the final design (a copy of the Ulverstone Recreation Ground Changeroom Redevelopment – T4 plans is appended to this report).

#### *DISCUSSION*

The collaborative nature of the GMP contract where the building designer and builder work together has been beneficial for this project. Knowing the actual costs to construct has enabled the design to be modified which has seen some lower priority aspects removed (i.e. player lockers) to enable the inclusions of two disability access toilets. These toilets were not required under the National Construction Code, however by including them ensures the changerooms can accommodate people with disabilities and a socially responsible facility.

#### *CONSULTATION*

In developing the final design, the project team consulted with the Ulverstone Football Club, AFL Tasmania and internal staff to ensure the design meets with their approval.

#### *RESOURCE, FINANCIAL AND RISK IMPACTS*

The Council allocated \$940,000 in the 2019–2020 capital budget estimates for the Ulverstone Recreation Ground Changeroom Redevelopment. Since the adoption of the budget, additional costs have been identified that will impact the budget.

TasNetworks require the rationalisation of site's electrical supply due to the scale of works. To undertake this will cost an estimated \$100,000. The Council has the option to seek an exemption on the basis it has a plan to consolidate the site supply in the future, and preliminary discussions with TasNetworks have indicated they are favourable to this. An application will be made during December to request this exemption.

Due to this requirement from TasNetworks, the switchboards that are to be replaced under the initial project scope will be upgraded to enable the future rationalisation of the electrical supply without having to replace newly installed

infrastructure. This will cost an additional \$50,000 above the GMP price. It is noted that in the future the Council will be required to budget for the upgrade of the balance of the electrical supply.

The other additional costs relate to the building designer fees (\$70,000), internal staff costs (estimated to be \$25,000) and statutory fees (\$2,500) totalling \$97,500. These costs were not incorporated into the original grant application, and subsequently not included in the 2019–2020 budget estimates. The total of the unbudgeted additional fees is \$147,000.

To fund the over budget amount, it is proposed that the \$150,000 election commitment to the Ulverstone Recreation Ground from the Commonwealth Government be allocated to the project.

This commitment was made by the Federal Liberal Party during the 2019 election campaign as it was intended to fund underground irrigation, a new scoreboard and upgrade the umpires' changerooms. Because the underground irrigation has been completed using alternative grant funding received for the project in 2018 and the Ulverstone Football Club does not require a new scoreboard, a request was made to the Department of Health to reallocate the full amount to the changeroom project. Staff have been working with the Department on the grant details and they have accepted the reallocation of funding.

On the basis the \$150,000 election commitment is allocated to the changeroom redevelopment the project budget will be as follows:

FUNDING SOURCE	PRICE \$ EXC. GST
2019–2020 Budget Estimates	940,000
2019 Election Commitment	150,000
<i>TOTAL</i>	<i>1,090,000</i>
PROJECT COSTS	PRICE \$ EXC. GST
Statutory Fees	2,500
Internal Staff Costs	25,000
Construction Costs	940,000

Additional Electrical upgrade	50,000
Building Design	70,000
<i>TOTAL</i>	<i>1,087,500</i>

The design was modified to meet the budget available by removing the umpire changing facilities, therefore, it will be necessary for the Council in the future to consider providing a budget allocation to upgrade these facilities.

#### *CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

#### A Connected Central Coast

- Improve community wellbeing.

#### The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

#### Council Sustainability and Governance

- Improve service provision
- Improve the Council's financial capacity to sustainably meet community expectations.

#### *CONCLUSION*

It is recommended that the Council receive and note the report regarding the redevelopment of the Ulverstone Recreation Ground Changerooms and that the Council approve the execution of the construction contract with Mead Con for the value of \$990,000.00 (exc. GST) [\$1,089,000.00 (incl. GST)].

The report is supported."

The Executive Services Officer reported as follows:

"Copies of the Ulverstone Recreation Ground Changeroom Redevelopment – T4 plans have been circulated to Councillors."

■ Cr van Rooyen moved and Cr Carpenter seconded, "That the Council receive and note the report regarding the redevelopment of the Ulverstone Recreation Ground Changerooms and further, that the Council approves the execution of the construction contract with Mead Con for the value of \$1,089,000.00 (incl. GST)."

Carried unanimously

**379/2019      Public art installation for Penguin foreshore**

The Acting Director Community Services reports as follows:

“The Community Development Officer reports as follows:

*‘PURPOSE*

The purpose of this report is to assist the Council in considering the proposed installation of the public art piece “Pencils” by Terry Burton on the foreshore at Penguin following recent community consultation.

*BACKGROUND*

The Council received an application from Terry Burton (proponent) to place a piece of public art he created on the foreshore at Penguin (opposite the Early Learning Centre).

In line with the process outlined in the Public Art Policy, the artwork and location were advertised for public comment.

Closing date for submissions and feedback was 15 November 2019. An image of the proposed installation is below:





### *DISCUSSION*

Mr Burton created the sculpture after the Penguin 7-Day Makeover through his own initiative. It was not part of the original 7-Day Makeover project and Mr Burton did not discuss the project with the Council prior to making the pencils.

The artwork was proposed to go on the foreshore opposite the Early Learning Centre. During the community consultation period 15 comments were received.

- . five were in support of the application, although one suggested the work to be trialled in the location;
- . six responses were against, with the main issue being there is now too much on the foreshore, and that this artwork is not in keeping or relevant to Penguin, and it would obstruct the view of the beach and foreshore.

Although Facebook was not the requested feedback mechanism, there was considerable comment on the issue, with a majority of contributors not supporting the proposed installation.

In light of the Facebook feedback, of which the proponent was aware, the artwork has been moved to the front fence at his own property.

The Acting Engineering Group Leader, Road Engineer and Public Safety Officer have reviewed the piece in its new location and providing that the applicant locates the artwork to the western side of his driveway, and affixes it securely to the fence and infills it as outlined by the Council's Parks and Recreation Officer, the project no longer needs a public art application and can remain at that location without risk to the public.

The artwork protrudes no further onto the footpath than for example the flower holder outside the neighbouring supermarket, the large waving penguin outside the café, or placement of displays outside shops etc.

### *CONSULTATION*

The application was subject to a public consultation process in accordance with the Council's Public Art Policy.

### *RESOURCE, FINANCIAL AND RISK IMPACTS*

To date the costs incurred by the Council are of an operational nature, primarily officers time in reviewing and providing advice to Mr Burton.

Identified risks with the installation of the artwork has also been satisfactorily addressed through consultation with Mr Burton.

### *CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

#### Community Capacity and Creativity

- . Cultivate a culture of creativity in the community.

### *CONCLUSION*

It is recommended that the Council note the “Pencils” have been located at the front of Mr Burton’s property and therefore are no longer a matter for consideration under the Council’s Public Art Policy.’

The Community Development Officer’s report is supported.”

■ Cr Fuller moved and Cr Carpenter seconded, “That the Council, in relation to the proposal to install the ‘Pencils’ on the Penguin Foreshore:

- (a) note the feedback received through the consultation period;
- (b) acknowledge that Mr Burton has determined to withdraw his public art application and will now instead install the ‘Pencils’ on the front boundary of his property; and
- (c) advise Mr Burton he is required to follow the instructions he has been given in relation to the installation by Council staff.”

Carried unanimously

INFRASTRUCTURE SERVICES

**380/2019 Food Organics and Garden Organics (FOGO) kerbside collection service (338/2019 – 18.11.2019)**

The Director Infrastructure Services reported as follows:

*“PURPOSE*

The purpose of this report is to respond to a petition received in relation to:

- . the introduction of fortnightly Food Organics and Garden Organics (FOGO) kerbside collection service for all current domestic waste and recycling kerbside collection residents; and
- . the reduction in collection of general domestic waste from weekly to fortnightly starting in October 2019.

*BACKGROUND*

In the statement of action requested, petitioners asked the Council to:

- . *consult with ratepayers further before introducing FOGO;*
- . *introduce FOGO for only those ratepayers who wish to opt-in; and*
- . *continue to collect general domestic waste weekly.*

*The petition further states that*

*FOGO is not required by many ratepayers who do not want to be forced into paying for it and see a reduction in the frequency of collection of their general domestic waste.*

A copy of the petition is appended to this report.

The changes to Waste Management Collection Services, including FOGO was reported at the Council meeting held on 18 May 2015 (Minute No. 135/2015) where the Council resolved to provide in-principle support for a regional FOGO collection service. This was not supported by all councils and a regional tender process did not proceed.

The Council at its Ordinary Council meeting held on 15 April 2019 (Minute No. 115/2019) resolved to:

- ‘1 Consider the implementation of a Food Organic and Garden Organics kerbside service commencing in October 2019 as discussed in this*

*report with FOGO waste processing being undertaken at the LCC waste management facility and the collection and delivery of the waste to Launceston by the current contractor subject to the finalisation of negotiations on costs for the services provided to Council.*

- 2 *That the following service levels apply to the waste and FOGO kerbside services:*
  - (a) *A fortnightly FOGO kerbside service using 240L bins for all residents within the current waste management and recycling collection areas,*
  - (b) *The frequency of the existing weekly domestic waste kerbside collection service be reduced to fortnightly using the existing 120/140L bins.*
- 3 *That the costs associated with the provision of the FOGO kerbside service be considered as part of the 2019–2020 budget process.*
- 4 *That a detailed communication plan be implemented from May 2019 to advise Central Coast Council residents of the new program and to provide a comprehensive education program on FOGO for affected ratepayers.*
- 5 *That the FOGO bins be purchased upfront in the 2019–2020 financial year through a combination of borrowings, funding from reserves and funding from the first three months of the annual FOGO kerbside Service charges.'*

The changes to the waste collection service including the additional FOGO service commenced on 28 October 2019.

### *DISCUSSION*

The first request of the petition seeks further consultation with ratepayers before introducing FOGO. As the FOGO collection process had already commenced when the petition was received this request is obsolete.

In regard to consultation, the Council provided the following information prior to the first collections:

- . information with the rates notices in the form of a letter from the Mayor;
- . information in Council newsletters;
- . articles and information sheets in the Central Coast Voice;

- . radio advertising and interviews;
- . 15 community information sessions;
- . information brochures;
- . Council's website and Facebook page;
- . information packs with bin deliveries.

The second request of the petition is that FOGO is only provided to those ratepayers wanting to opt-in. The Council resolution in April 2019 made no allowance for opt-in or opt-out due to the waste targets and environmental targets it was trying to achieve through changes to the collection services. In order to keep costs to a minimum for the whole community the service is reliant on having all properties pay for the service. As the service has already been implemented, the opt-in option is obsolete. The opt-out option could be considered in the review in February/March 2020.

The third request of the petition seeks the continuation of the general waste collection on a weekly basis. The Council resolution in April 2019 resolved that the frequency of existing weekly domestic waste kerbside collection be reduced to fortnightly. The decision was based on there being less waste for each household through diversion to FOGO and offsetting of the cost of the FOGO service by reducing the waste service. Fortnightly collection of waste bins is common on the mainland and occurs in several other council areas in Tasmania. The waste collection frequency could be considered in the review in February/March 2020.

Whilst there has been some negative feedback, mainly on social media, there have also been many positive responses applauding the Council for this new service. The presentation of bins by residents in the first weeks of collection was over 70%. This means that over 6,000 bins were out for FOGO collection, indicating a willingness of residents to use the service.

The changes to the collection of waste and introduction of the FOGO service are to be reviewed in February/March 2020. The review will consider all comments, complaints and requests received via all media types, including this petition. There will also be a request for further written submissions at the time of the review. The aim of the review is not around viability or terminating the service, it is about finding ways to improve the service and make it more efficient and usable for residents of Central Coast.

The review process is to commence on 17 February 2020 where further public input will be sought over a three-week period. Submissions will be closed off on 11 March 2020 and analysed for improvements. A Councillor Workshop will be scheduled for 30 March 2020 and a formal report provided to the April 2020 Council meeting.

### *RESOURCE, FINANCIAL AND RISK IMPACTS*

The changes to the domestic kerbside waste collection were adopted in April 2019 and the charge included in the 2019–2020 rates notice.

To consider the three requests outlined in the petition would have financial risks, reputational risks, and could also see the intended waste targets not met.

The lime-green lidded mobile garbage bins for the FOGO service have already been purchased, delivery finalised, and collections commenced.

### *CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

#### The Shape of the Place

- Conserve the physical environment in a way that ensures we have a healthy and attractive community.

#### The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure
- Contribute to the preservation of the natural environment.

#### Council Sustainability and Governance

- Improve service provision
- Strengthen local–regional connections.

### *CONCLUSION*

It is recommended that the Council, in relation to the petition concerning Food Organics Garden Organics (FOGO), note that the service has already commenced, and that a formal review of the service, including opt-in-opt-out and general waste collections, will form part of the review process.”

The Executive Services Officer reported as follows:

“A copy of the petition has been circulated to all Councillors.”

■ Cr Viney moved and Cr Fuller seconded, “That the Council, in relation to the petition concerning Food Organics Garden Organics (FOGO), note that the service has already commenced, and that a formal review of the service, including opt-in-opt-out and general waste collections, will form part of the review process.”

Carried unanimously

**381/2019     Tenders for bridge replacement – Claytons Rivulet, Rodmans Road, Kindred**

The Director Infrastructure Services reported as follows:

“The Acting Engineering Group Leader has prepared the following report:

*‘PURPOSE*

The purpose of this report is to make recommendation on tenders received for the replacement of the bridge over Claytons Rivulet on Rodmans Road, Kindred.

*BACKGROUND*

Rodmans Road is a no through gravel road running north from Kindred Road. It provides access to property used for primary production and one house. Traffic volumes are low.

The existing bridge is a single lane structure. Abutments were built in approximately 1950 and are in situ concrete. The structural composition of these is unknown and would not comply with current standards. The super-structure was built in 1998 and consists of timber decking over timber beams. Significant deterioration of two beams has been identified and the bridge would require a load limit applied in the immediate future.

It is intended to replace the existing bridge with a single lane structure, based on traffic volumes and the road classification.

*DISCUSSION*

Tenders were called for the replacement of the bridge on 2 November 2019 and closed at 2.00pm on 26 November 2019.

A conforming standard was outlined in the design brief for the structure.

Submissions from three tenderers were received as follows (including GST and \$20,000 contingency):

TENDERER	PRICE \$
TasSpan Civil Contracting P/L	207,822.80
BridgePro Engineering P/L	223,610.00
VEC Civil Engineering P/L	334,424.00
<i>ESTIMATE (EXCLUDING GST)</i>	<i>320,000.00</i>

The existing structure is approximately 8.4m clear span and 4.3m clear width between barriers. The brief asked for a structure with a 10.0m clear span minimum and 4.5m clear width between barriers.

Each of the tenderers submitted a conforming tender.

VEC Civil Engineering P/L provided an opportunity for saving based on exclusion of the temporary vehicle bypass. This is feasible and would require consultation with property owners in relation to access requirements, particularly around agricultural activities. This was considered as part of the assessment process.

The submission from VEC Civil Engineering P/L provided for a longer 14.0m bridge with piled foundations and shallower concrete abutments with rock pitching. Full depth concrete abutments were requested, and this is based on previous issues encountered during floods where rock pitching was disturbed, and abutments undermined. This is subject to flood levels anticipated at the bridge.

Following is an outline of each conforming option from the three tenderers:



## INFRASTRUCTURE SERVICES

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TENDERER	LENGTH BETWEEN ABUTMENTS (M)	CLEAR WIDTH (M)	SUPERSTRUCTURE	SUBSTRUCTURE
TasSpan Civil Contracting P/L	10.0	4.5	Precast prestressed concrete with galvanised w-beam barriers.	Driven steel universal column (UC) piles with full depth abutments and wingwalls.
BridgePro Engineering P/L	10.5	4.7	Precast prestressed concrete with galvanised SHS barriers.	Driven steel tubular piles with full depth abutments and wingwalls.
VEC Civil Engineering P/L	14.0	4.5	Precast prestressed concrete with galvanised w-beam barriers.	Driven steel universal column (UC) piles with full depth abutments and wingwalls.

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The three tenderers offer construction programs in compliance with the specified completion date of 31 May 2020.

These tenderers have previously carried out work successfully for the Council and are recognised as being competent to perform the works with their structures conforming to relevant standards.

The preferred option for any bridge replacement is with a permanent concrete structure as there are low lifecycle and maintenance costs.

Designs from each tenderer provide for permanent concrete options. These designs are similar in that they propose a structural concrete deck sitting on concrete abutments over piled footings with a 100-year design life.

The Council uses a weighted tender assessment method based on:

- . compliance with tender documents;
- . experience;
- . personnel;
- . construction period;
- . design;
- . WHS system and record; and
- . tender price/value for money.

TasSpan Civil Contracting P/L achieved the highest rating based on this method (a copy of the confidential tender assessment is attached).

### *CONSULTATION*

This item has followed a public tendering process.

Local consultation and public notice will be provided at the time of construction.

### *RESOURCE, FINANCIAL AND RISK IMPACTS*

This project is included in the 2019–2020 capital budget.

### *CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

#### A Connected Central Coast

- . Provide for a diverse range of movement patterns.

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

Council Sustainability and Governance

- Improve the Council's financial capacity to sustainably meet community expectations.

*CONCLUSION*

It is recommended that the conforming tender from TasSpan Civil Contracting P/L for the sum of \$188,929.82 (exc. GST) [\$207,822.80 (incl. GST)] for the replacement of the Claytons Rivulet bridge on Rodmans Road, Kindred be accepted and approved by the Council.'

The Acting Engineering Group Leader's report is supported."

The Executive Services Officer reported as follows:

"A copy of the confidential tender assessment has been circulated to all Councillors."

■ Cr van Rooyen moved and Cr Hiscutt seconded, "That the conforming tender from TasSpan Civil Contracting P/L in the amount of \$207,822.80 (incl. GST) for the replacement of the Claytons Rivulet bridge on Rodmans Road, Kindred be accepted and approved."

Carried unanimously

**382/2019      Tenders for the construction of roads and services for the 19-lot subdivision, Dial Road, Penguin**

The Director Infrastructure Services reported as follows:

"The Acting Engineering Group Leader has prepared the following report:

*'PURPOSE*

The purpose of this report is to make recommendation on tenders received for the construction of roads and services pertaining to the 19-lot subdivision of Council land located at Dial Road, Penguin.

*BACKGROUND*

The site is located between Dial Road and the Dial Park Sports Precinct and has been identified as surplus land.

The subdivision proposal has an existing Planning Permit which is currently subject to a minor amendment relating to an additional three lots at the south west corner of the property.

The Council has undertaken preliminary works including site clearing and filling in preparation for the installation of roads and services. Based on the availability of resources and commitments within the 2019–2020 works program, it has been determined to undertake the remaining works by contract.

### *DISCUSSION*

Tenders were called on the 26 October 2019 and closed at 2.00pm on 26 November 2019.

Tender documents included designs and specifications prepared by PDA Pty Ltd and the Council's Infrastructure Services Department. The tender was advertised in The Advocate newspaper and also on the Council's internet portal, Tenderlink, to ensure as wide a coverage as possible.

Submissions from three tenderers were received as follows (including GST and \$25,000 contingency):

TENDERER	PRICE \$
Treloar Transport Pty Ltd	557,880.30
Civilscape Contracting Tasmania Pty Ltd	567,415.50
Harding Hotmix Pty Ltd	623,401.57
<i>ESTIMATE (EXCLUDING GST)</i>	<i>700,000.00</i>

Each of the tenderers submitted a conforming tender and are deemed competent to perform the works

The Council uses a weighted tender assessment method based on:

- . compliance with tender documents;
- . previous experience;
- . personnel;
- . construction period;
- . methodology;
- . WHS system and record; and
- . tender price/value for money.

Based on the detailed assessment undertaken by the Tender Evaluation Panel using the above criteria and weighting process, Treloar Transport Pty Ltd achieved the highest rating based on this method (a copy of the confidential tender assessment is attached).

Works are proposed to start in January 2020 with a completion date of 12 weeks from commencement.

*CONSULTATION*

This item has followed a public tendering process.

Local consultation and public notice will be provided at the time of construction.

Arrangements are currently in place with NBN, TasNetworks and TasWater in relation to the installation of those utilities.

*RESOURCE, FINANCIAL AND RISK IMPACTS*

This project is included in the 2019–2020 capital budget.

The tenderer has provided information confirming construction will take place within the required timeframe. This will be reliant on third party service providers including NBN, TasNetworks and TasWater, and their ability to schedule these works accordingly.

*CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

The Shape of the Place

- Encourage a creative approach to new development.

A Connected Central Coast

- Provide for a diverse range of movement patterns
- Connect the people with services.

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

Council Sustainability and Governance

- Improve service provision

- . Improve the Council's financial capacity to sustainably meet community expectations.

### *CONCLUSION*

It is recommended that the conforming tender from Treloar Transport Pty Ltd for the sum of \$507,163.91 (exc. GST) [\$557,880.30 (incl. GST)] for the construction of subdivision roads and services at Dial Road, Penguin be accepted and approved by the Council.'

The Acting Engineering Group Leader's report is supported."

The Executive Services Officer reported as follows:

"A copy of the confidential tender assessment has been circulated to all Councillors."

■ Cr Carpenter moved and Cr van Rooyen seconded, "That the conforming tender from Treloar Transport Pty Ltd in the amount of \$557,880.30 (incl. GST) for the construction of subdivision roads and services at Dial Road, Penguin be accepted and approved."

Carried unanimously

ORGANISATIONAL SERVICES

**383/2019 Sale of land at 22 Markm Court, West Ulverstone (377A/2017 – 11.12.2017)**

The Acting Director Community Services reported as follows:

*“PURPOSE*

This report is provided to assist the Council to further consider its position relating to the proposed sale of public land at 22 Markm Court, West Ulverstone.

*BACKGROUND*

The Council at its meeting on 11 December 2017 (Minute No. 377A/2017) determined:

*‘That the Council initiate the process required to sell Lot 1 and Lot 22 Markm Court, West Ulverstone that are considered surplus to requirements, commencing with obtaining a commercial valuation, and that the land be disposed of at a price not less than the valuation received. All necessary terms and conditions being finally negotiated by the General Manager.’*

The relevant sections of the *Local Government Act 1993* which apply to this issue are:

*‘178 Sale, exchange and disposal of public land*

- (4) If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to –*
  - (a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and*
  - (ab) display a copy of the notice on any boundary of the public land that abuts a highway; and*
  - (b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.*

...

- (6) The council must –*

- (a) *consider any objection lodged; and*
  - (b) *by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of –*
    - (i) *that decision; and*
    - (ii) *the right to appeal against that decision under section 178A.*
- (7) *The council must not decide to take any action under this section if –*
  - (a) *any objection lodged under this section is being considered; or*
  - (b) *an appeal made under section 178A has not yet been determined; or*
  - (c) *the Appeal Tribunal has made a determination under section 178B(b) or (c).'*

The property at 1 Markm Court has been sold to the adjoining property owner for the sum of \$5,000.

### *DISCUSSION*

The proposed sale of 22 Markm Court, West Ulverstone was publicly advertised in accordance with the requirements of the Act.

At the close of the advertising period, the Council had received one (1) objection to the proposal to sell the land.

The objection primarily focussed on the impact the sale would have on the future of children being able to play in the reserve area. The representor identified neighbourhood children play a number of ball sports in the reserve area as it is the only flat area of land available in close proximity to the homes. A copy of the objection is provided as an attachment to this report.

Concerns were also raised that one of the prospective purchasers of the land had already fenced the area and placed a gate on the 'new' boundary of the property. There is email correspondence on file to the prospective purchaser advising he could proceed with the erection of the fence on the following understanding:



*“With regards to fencing I see no reason why it couldn’t be fenced but you need to remember that should something go wrong (which I don’t expect) then you would have to pull it down. I’ll leave it with you to decide what you want to do.”*

The Central Coast Open Space and Recreation Plan 2012–2022 includes a goal to provide access to an open space area within a 400m radius to 90–95% of households in its urban areas.

Markm Court is in proximity of open space in Burnett Crescent along with access to areas such as River Park and the West Ulverstone Recreation Ground.

It is noted there is significant TasWater infrastructure located on this property as there is a Pipeline and Service Easement, approximately 3 metres wide, extending its full length.

If the Council determines to proceed with the disposal there is a requirement for a subdivision to be undertaken. Informal negotiations with adjoining property owners have established that 22 Markm Court will be divided into four (4) separate parcels, after which they will be consolidated with adjoining titles. Details of the area to be transferred to adjoining owners is provided as a confidential attachment.

A copy of the survey plan is provided as an attachment. It is noted that the survey plan has the notation ‘set apart for public recreation space’. This notation will need to be removed as part of the future subdivision process, which currently is on hold until the formal decision relating to sale of public land has been completed in accordance with the Council’s statutory requirements. A copy of the proposed subdivision plan is also provided as an attachment.

The Council needs to be aware that as part of the subdivision process there may be a requirement to consult with TasWater relating to any concerns in relation to their infrastructure. It is a possibility that conditions may be imposed on the subdivision which are not acceptable to the proposed purchasers.

#### *CONSULTATION*

The Council has complied with the provisions of the *Local Government Act 1993* by publicly advertising its intentions to dispose of public land. The representor has the right of appeal should the Council determine to proceed with the sale.

### *RESOURCE, FINANCIAL AND RISK IMPACTS*

The Council has previously agreed to sell 22 Markm Court for the sum not less than the valuation received. A copy of the valuation report provided by Opteon indicated a market value of:

1 Markm Court	\$5,000
22 Markm Court	\$7,500

The Council has/will incur costs associated with the sale of this land including valuation, survey, subdivision and legal fees. The costs of undertaking these processes are estimated at \$3,500:

Boundary Adjustment	\$2,250
Legal Costs	\$ 550
Valuation	\$ 700

If the decision of the Council is appealed to the Resource Management and Planning Appeal Tribunal, there may be further costs incurred in defending the Council's position.

### *CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

#### The Shape of the Place

- Improve the value and use of open space.

#### Council Sustainability and Governance

- Improve the Council's financial capacity to sustainably meet community expectations
- Effective communication and engagement.

### *CONCLUSION*

The Council has previously determined that 22 Markm Court is surplus land as it already maintains adequate public open space within the vicinity. The issues raised by the representor for why the land should not be sold are not enough to alter the view that the land is surplus to the Council's requirements.

If the disposal is now approved, the Council's decision will be open to appeal to the Resource Management and Planning Appeal Tribunal by the objector. If there is no appeal within 14 days of notification of the Council's decision, the next stage of the process will be for the Council to proceed with the statutory approval of the subdivision. This process may require consultation with TasWater and could result in conditions being imposed relating to access to the infrastructure located within the Pipeline and Service Easement.

It is recommended that the Council, in relation to the proposed sale of 22 Markm Court, West Ulverstone:

- (a) note the objection received in relation to the proposed disposal of public land;
- (b) note the representor has appeal rights through the Resource Management and Planning Appeal Tribunal; and
- (c) providing the matter is not appealed, proceed with the subdivision of the land into four (4) lots allowing the sale to proceed to the adjoining property owners."

The Executive Services Officer reported as follows:

"Copies of the objection, survey plan, proposed subdivision plan and confidential transfer of land attachment have been circulated to all Councillors."

■ Cr Carpenter moved and Cr Fuller seconded, "That the Council, in relation to the proposed sale of 22 Markm Court, West Ulverstone:

- (a) note the objection received in relation to the proposed disposal of public land;
- (b) note the representor has appeal rights through the Resource Management and Planning Appeal Tribunal; and
- (c) providing the matter is not appealed, proceed with the subdivision of the land into four (4) lots allowing the sale to proceed to the adjoining property owners."

Carried unanimously

### **384/2019 Public question time**

The Mayor introduced public question time at 6.40pm and reported as follows:

“In accordance with Reg. 31(1) *Local Government (Meeting Procedures) Regulations 2015*, three public questions were received within in the relevant notice period for questions to be tabled at the meeting.

Mr John Thompson – Gunns Plains

Question 1 –

“On 26 November 2019 Council advised proponents of the Scenic Protection Code for the areas of Crown Land including the Leven Canyon Regional Reserve and Loyetee Peak that Council will not be providing the addition information requested of it by the Commission for this amendment to the draft LPS. At its 16 September 2019 meeting Council unanimously endorsed the Planning Authority’s Report which included the recommendation that the area identified by Representation No 35 be subject to the C8.0 Scenic Protection Code. Why has Council decided to withdraw its support for this amendment to the draft LPS during the current process?”

Mr Jason Whitehead – Co-Director Highland Conservation Pty Ltd

Question 1 –

“Please can Council endorse the table the document attached (Annexure 1), which provides supporting evidence needed by the Tasmanian Planning Commission to further assess the C8.0 Scenic Protection Code application over the Loyetee Peak – Leven Canyon area. If endorsement cannot be provided at the meeting on the 16 Dec 2019, can it be provided prior to TPC information provision deadline (i.e., before 6 January 2020).”

Ms Romy Greiner – South Preston

Question 1 –

“On 26 November 2019, Council advised proponents of the Scenic Protection Code for the areas of Crown Land including the Leven Canyon Regional Reserve and Loyetee Peak that Council will not be providing the addition information requested of it by the Tasmanian Planning Commissioner for this amendment to the draft LPS. This is contrary to verbal advice given by Ms Mary-Ann Edwards to Drs Jason Whitehead and Romy Greiner following the Commissioner’s Directions Hearing on 13th November.

Highland Conservation Pty Ltd and D R Chalmers and R Greiner have now compiled the additional information sought by the Commissioner, in the form of the attached document, and are seeking endorsement by Council of the

document so that it can be presented to the Commissioner at the Hearing scheduled for 22nd January 2020.

Will Council endorse the document containing information sought by The Tasmanian Planning Commissioner in support of Code 800 Scenic Protection Overlay for the Leven Canyon—Loyetea Peak Area (Annexure 1)?

If not, what amendments to the document are required for endorsement being granted before the Hearing date?"

The Acting Director Community Services has prepared the following response:

"The Council's Planning Authority at the Ordinary Council meeting held 16 September 2019 (Minute No. 279/2019 – 16.09.2019) considered the following comment and recommendation as part of its consideration of representations relating to the Central Coast Local Provisions Schedule (LPS) of the new Tasmanian Planning Scheme:

*'Background –*

*The land identified in the representations comprises a mix of Crown land, several parcels of private land and land set aside for future forestry operations.*

*The areas of land identified by the Highland Conservation Trust Pty Ltd and forming "Area A" in other representations excludes land owned by Forestry Tasmania and parcels of private land. The land identified as "Area A", comprising the Leven Canyon Regional Reserve and Loyetea Peak, could be considered for inclusion in the Central Coast LPS as land subject to C8.0 Scenic Protection Code.*

*It is recommended the Planning Authority:*

- (a) request the TPC include the land identified in Representation No. 90 by the Highland Conservation Trust Pty Ltd and as described as "Area A" in other representations Nos.90(a) to 90(l) as subject to the C8.0 Scenic Protection Code;*
- (b) pursue further assessments and consultations to determine other land that may be subject to C8.0 Scenic Protection Code; and*
- (c) initiate an amendment to the Central Coast LPS based on such further investigations, after the LPS has come into effect.'*

The above information was forwarded to the Commission under the s.35F report and associated Annexures 1, 2 and 3.

*Comment –*

There appears to have been some confusion around the intent of the Council's decision outlined above. In reviewing the matter, it is clear it was the Council's view to support Representation 90 as part of the LPS process and at a future time consider scenic protection matters for the balance of the municipal area as a Planning Scheme amendment process.

On this basis, the Council's Consultant Planner has been asked to prepare a submission for the Tasmanian Planning Commission hearing process, supporting the inclusion of a Scenic Protection Code for the area of land identified in Representation 90 by the Highland Conservation Trust Pty Ltd."

- Cr Carpenter moved and Cr Fuller seconded, "That the questions from Mr Thompson, Mr Whitehead and Ms Greiner and response from the Acting Director Community Services are received and noted."

Carried unanimously

Mr Chris Robb – Loongana

*Question 1 –*

"We have a fully approved house, I am owner/builder of a house on 160 acres at 2343 Loongana Road. Recent naming changes have been made to the 'end' of Loongana Road and Maxfields Road beyond Nietta.

We and our neighbours Robin and Pauline Thoy in their long established house (say about 1950) on a large block adjacent to the locked Forico gate (on the previously named 'Loongana Link Road') and A and T Swindale and the other owners of houses on the adjacent Community Title Block to me, are all very concerned about becoming 'stranded assets'.

Will Council guarantee that we will continue to have a legal, practical and public right of permanent access to our various houses and property? We are particularly concerned about the public right of access over the approximately 75 metres of road linking the 'new' Maxfields Road and the 'old' Maxfields Road that finishes at my front gate at 2343 Loongana Road?"

Response –

The Mayor responded that it is a legal matter and the question will be taken on notice and a formal response provided and tabled at the 28 January 2020 Council meeting.

Question 2 –

“This is very important to me and is in relation to the high-tension transmission line that is proposed. The high-tension line is designed to come across my block (indicating house location on a map), I’d like you to ask yourselves how you would feel if something landed like this out of the blue on 11 November? No warning, prior notice, nothing. I think this is appalling, I did contact Council almost immediately and I sent Council a copy of the map, but I haven’t heard back from them.

I obtained detailed maps of the whole route from Hampshire to Staverton, and there are a lot of very obvious questions that need to be asked, in principle, about why this high-tension line of 100kms, coming out of 50,000 acres (Forico land), from Hampshire, then at a very strange angle from that forest, landing on me.

There are major questions, that shouldn’t just be me asking them, I think this is a matter of public and community consultation and common decency, and I feel that the Council should have a view. I will be driven out of the valley.

I make the point that Norske Skog, Gunns and Forico have been trying to buy my land up, even up until a month ago. I have no wish to sell, we are fifth generation owners and the property is willed to our youngest daughter, who is severely disturbed by the news, as was I. This has had a devastating effect on me, fortunately I have avoided going to hospital but only just, it was that severe an impact on me.

This is a terrible thing to do to somebody, if I lose the fight to have this line put somewhere else, I will leave. The sixth generation won’t see continuation. I am local and went to Sprent area and Ulverstone Primary schools, I have made 200 trips to Tasmania and I intend to spend a lot more time in this house, if I am able to. I thought Council should be briefed and have a view on the appropriateness of this line landing 100m from my house, it is a disgrace.”

Response –

The Mayor advised that TasNetworks provided a presentation to the Council on the proposed route and different route options they were looking at and confirmed that nothing had been set in place, at this moment. The Mayor acknowledged that where TasNetworks are looking is certainly very close to Mr Robb’s land. The Council will continue to work with TasNetworks but until the Council knows exactly where the line

is going, there is nothing the Council can do, but will certainly continue the conversation.

Mr John Thompson – Gunns Plains

Question 1 –

“Further to the question on notice (which was answered) where the Council accepted the questions and response. I don’t believe the question was fully answered, so I’d like to raise the unanswered part of the question. I am here representing both of Romy Greiner and Jason Whitehead.

The background is not fully explained in the material you received in the Scenic Protection Code application to the Leven Canyon Regional Reserve Area and Loyetee Peak and surrounds.

The Tasmanian Planning Commission has directed the Central Coast Planning Authority and written on the application to (quote) “*provide a written submission on the application of the Scenic Protection Code with reference to Guideline No.1, SPC1 – 3 for Area A*”.

In correspondence received by some of the proponents supporting that representation, it was understood that Council would not be providing the written submission they were directed to make, it seems that the report you have received, in response to our questions, has clarified that, and that the Council will be providing a written submission. In the meantime, Dr Whitehead and Dr Greiner have put together the material which Council were required to provide to the Tasmanian Planning Commission. This was sent to Council and is supporting evidence for the C8.0 Scenic Protection Area application over the Loyetee Peak – Leven Canyon Area.

The question which Romy Greiner had asked was ‘*Will Council endorse the document containing information sought by the Tasmanian Planning Commission?*’ I don’t believe the response which you agreed to earlier in this period, answered that question. My question on behalf of Romy Greiner is, will Council be endorsing this information, which has been provided to Council, to the Planning Commission?”

Response –

The Mayor referred the matter to the Acting Director Community Services, who advised that the submission that was provided by Dr Greiner will form part of the Council’s consideration when it prepares its response. The requirement from the Tasmanian Planning Commission is that the Council provides a response to the matter and the information provided will assist in the preparation. It would not be appropriate for the Council to endorse Dr Greiner’s submission at this stage, as the



Council needs to work through its own submission to the Tasmanian Planning Commission.

Mr Tony and Mrs Julie Gee – Preservation Bay

Question 1 –

“Regarding the rezoning at Preservation Bay, from the three landowners, we appreciate the support that the Councillors have given regarding the rezoning but are very disappointed with the internal processes. I met Mr West last Monday and Mr West told me he would get back to me within the week with some answers with where we are heading, but we heard nothing. I just wondered who I speak to regarding how we move forward (*Mr Gee handed out an information paper outlining the history of his property*). I don’t wish to go back to talking to the Planning Department, we seem to have been there for a lot of years, but can I have some direction as to who I should be talking to?”

Response –

The Mayor referred the matter to the Acting Director Community Services, who advised that Mr Gee, Mrs Gee and another Mr Gee met with him in the previous week. Information was circulated as discussed. Some of the questions asked were around Settlement Strategies which require Council decisions and were referred to the General Manager to look into. As far as the process is concerned in relation to the response to the Tasmanian Planning Commission regarding the particular aspect, questions have been raised in relation to whether the support or comments provided at the hearings were sufficient, from a Council perspective. That is something that Council is working through, to see if there is anything that needs to be done as far as following up on those particular matters. It is a matter that is still in progress. The Tasmanian Planning Commission process will continue in the next few months and hopefully there will be other opportunities where this information can be put through that process.

Question 2 –

“This is exactly what we have gone through for 36 years, and you have side-tracked me again, who can I speak to and can I have a date to speak to whoever is involved?”

The Mayor referred the matter to the General Manager who advised that a diary date had been set for a phone call to be made in relation to the matter and that she was aware of the meeting with the Acting Director Community Services. A workshop at the conclusion of the meeting had been arranged, where further information and clarification would be gained to report back.

Mrs Micheline Andrews – West Pine

Question 1 –

“I’d like to know what is going to be done immediately about the public waste collection, I understand the Council is doing a private review in February, but I am talking about the public bins on the roadsides and parks?”

Response –

The Mayor referred the matter to the Director Infrastructure Services who advised that the Council need to review the public waste system within the municipal area, but to answer in general, the provision of more bins or more regular collection isn’t always the answer. The review will be around where bins are located, how many, bin sizes and the regularity of collection. There has been no formal date set and will need to be looked at in due course.

Question 2 –

“What date would we be looking at for a review, in terms of timing?”

Response –

The Director infrastructure Services responded that the Council would need to look at resources in relation to that review and cannot give a firm response.

Question 3 –

“So how are you going to stop the rubbish that is entering our waterways, creeks, our seas and or rivers and parks now, this is urgent.”

Response –

The Director infrastructure Services responded that the only answer that can be provided is that during the summer period there is increased collection and change in bin size. The Council has staff monitoring in order to advise what the Council should be doing (in these areas) over the summer period. Until such time (of a review), not sure that more bins and larger bins are an answer to the rubbish issue that is within Central Coast.

Question 4 –

“Have you seen the rubbish around the town of late?”

Response –

The Mayor responded that unfortunately waste is seen on the roads, it is everywhere, and it is everybody's responsibility. The Council does its best to and can undertake a review to see if it can be better managed. No matter what is provided, people will always abuse the system. As a community, we need to work together with everybody to ensure we have a clean community and that people are conscious of what they do with their rubbish.

Question 5 –

“Has the rubbish issue worsened since the introduction of FOGO and fortnightly collection?”

Response –

The Mayor advised that the Council doesn't have any data to prove that.

Statement –

“Last month I arranged a marine debris clean up in conjunction with the 7-Day Makeover team and the Sea Shepherd. In one hour, 27 people collected 40kg of rubbish in Penguin.”

Questions and replies concluded at 7.00pm.

### **385/2019     Leasing of land at 21 Maskells Road, Ulverstone**

*Cr Viney having declared an interest, left the meeting at 7.00pm for consideration and voting on the Leasing of land at 21 Maskells Road, Ulverstone.*

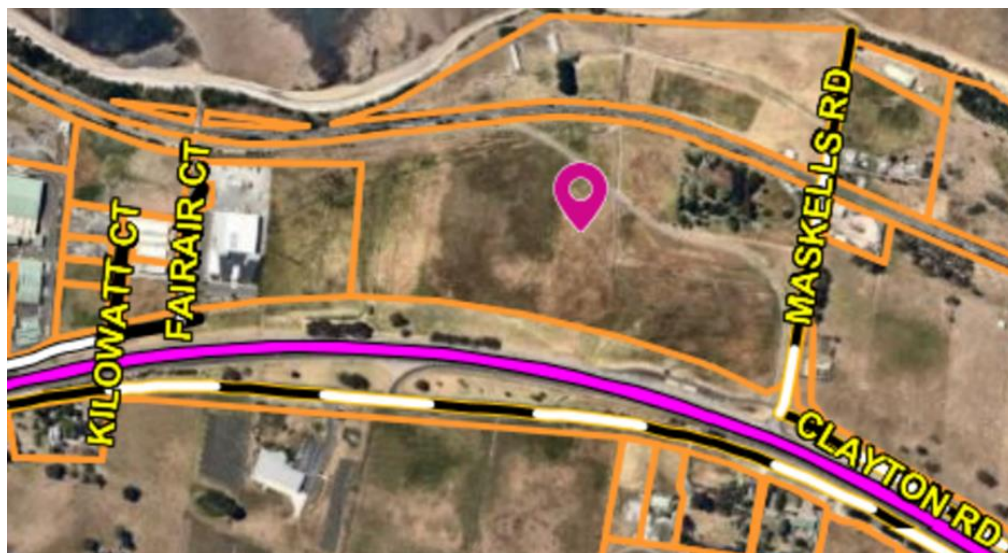
The Acting Director Community Services reported as follows:

#### *“PURPOSE*

The report is provided to assist the Council in determining the lease for grazing land at 21 Maskells Road, Ulverstone.

#### *BACKGROUND*

The property at 21 Maskells Road has been in the Council's ownership for many years and is a vacant area of land which has in the past been used by Camp Clayton for grazing purposes.



There had been an informal arrangement with Camp Clayton for the use of this land for many years. A draft lease was offered to Camp Clayton which included a requirement for them to undertake fencing work, with the Council to contribute 50% of the cost.

As a result, Camp Clayton earlier in the year advised the Council they would relinquish their use of the land for grazing purposes. In advising the Council of their decision, Camp Clayton stated:

*'...the board of Camp Clayton has considered the viability of the lease. Unfortunately the capital investment of the fencing is so much more than the profits of leasing the property by our organisation, that we cannot justify doing so.'*

*'We would like to thank you for the years of allowing our organisation to lease the land at rates feasible to our organisation, your support has been greatly appreciated'.*

#### DISCUSSION

As a result of Camp Clayton's decision, the Council in July 2019 advertised for Expressions of Interest (EOI) in a grazing lease of 21 Maskells Road, Ulverstone.

The EOI stated *'the annual grazing lease is set at \$1,100 (inc GST), with a review every three years'*.

It was also indicated that there was a requirement to fence approximately 480 metres of the property prior to its use.

The initial advertised area of the land available for lease was 14 hectares. Subsequently it was identified this was incorrect as there is only 7.5 hectares of land available.

Those expressing an interest were given the opportunity to reconsider their interest as a result of the incorrect land size. The table below outlines the EOI under consideration:

## ORGANISATIONAL SERVICES

NAME	PROPOSED USE	FENCING QUOTE	COUNCIL CONT.	COMMENTS	PAYBACK PERIOD
Richard Murrell	14 beef cattle	\$7,000	\$3,500	The quote includes fencing, stock trough, spraying and fertilizer indicates a preference for a long-term lease or purchase.	3.5 years
MA & CR Simpson	Sheep (various numbers depending on growth of pasture)	\$7,000 (Alternative option \$4,600)	\$3,500 (Would want to negotiate)	Changed mind on fencing contribution due to the wrong size of the area being advertised. Indicated still interest in the lease but would want to negotiate.	3.5 years (assuming 50% contribution)
Ulverstone Lions Club	Sheep/lambs/young cattle	\$7,677	\$3,838	Indication is the Lions Club still interested in the lease.	3.83 years

Richard Murrell – in addition to fencing the required area Mr Murrell also proposes to undertake spraying, move the water trough and apply fertilizer to the land. It appears he is asking the Council to provide a contribution towards these costs as well as the fencing in the first year of the lease. He does indicate that he is looking for a long-term lease or even purchase.

Lions Club – this offer has a marginally longer payback period (3.83 years) compared to Mr Murrell's (3.5 years). The Lions Club's quote for fencing was provided by an Agricultural Contractor. Entering into a lease agreement with the Lions Club may be seen as beneficial to the Council as any funds generated would likely be re-invested back into the community.

The *Local Government Act 1993* at s.177 discusses the issues of 'sale and disposal of land'. Sub-section 1 states, '*A council may sell, lease, donate, exchange or otherwise dispose of land owned by it, other than public land, in accordance with this section*'.

Before entering a lease, a council is required to obtain a valuation. A valuation has been requested from Opteon and is expected to be received soon.

The property at 21 Maskells Road is not identified as 'public land' therefore the Council is not required to comply with s.178 of the Act which involves publicly advertising of the Council's intentions.

#### *CONSULTATION*

There was a public advertisement seeking EOI for the lease of the land.

#### *RESOURCE, FINANCIAL AND RISK IMPACTS*

There is limited financial incentive for the Council in the leasing of 21 Maskells Road. However, the leasing of the land will ensure the area is well maintained while at the same time being productively used until such time as a future use is determined by the Council.

#### *CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

##### Community Capacity and Creativity

- . Community capacity-building.

##### The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure
- . Contribute to the preservation of the natural environment.

#### *CONCLUSION*

The lease of 21 Maskells Road, Ulverstone for grazing purposes has been under consideration for some time. It would be appropriate for the Council to make a decision of a preferred lessee to allow the matter to be finalised. Although it is necessary for the Council to obtain a valuation to comply with the *Local Government Act 1993*, a lease amount was disclosed in the EOI process and therefore the interest received has been on this basis.

The EOI from the Lions Club from a financial perspective has a slightly longer payback period than from the other party, however as a local service club any surplus funds made would likely be reinvested into the community.

It is recommended that the Council authorise the General Manager to enter into a lease agreement with the Ulverstone Lions Club, unless in her opinion following receipt of the valuation by Opteon, there is too large a disparity between the offer and the valuation.”

■ “Cr Carpenter moved and Cr van Rooyen seconded, That the Council authorise the General Manager to enter into a lease agreement for grazing purposes with the Ulverstone Lions Club for the land at 21 Maskells Road, Ulverstone for an initial 3 year term, unless in her opinion following receipt of the valuation by Opteon, there is too large a disparity between the offer and the valuation.”

Carried unanimously

*Cr Viney returned to the meeting at 7.04pm.*

### **386/2019      Review of the Code for Tenders and Contracts (183/2019 – 17.06.2019)**

The Acting Director Community Services reported as follows:

#### *“PURPOSE*

This report is provided to assist the Council in its review of its Code for Tenders and Contracts.

#### *BACKGROUND*

The Code for Tenders and Contracts was last reviewed by the Council in May 2019. Some minor improvements to the Code, which will further clarify the Council’s position in relation to local business support through the tender and assessment process, have been identified.

#### *DISCUSSION*

The Council is supportive of local business being encouraged to tender for its work. Recently it was evident that the Code for Tenders and Contracts did not adequately meet the expectations of Councillors in relation to supporting local business through the tender process.



With some minor amendments to the Code, more clarity can be provided to prospective tenderers on the weighting and evaluation criteria as it applies to local business.

The suggested changes were discussed with Councillors at a Workshop on 25 November 2019. The changes proposed are as follows:

**Clause 3.2 Value for Money:**

CURRENT	PROPOSED
. the advantages of buying locally, e.g. shorter delivery times, local backup and services, and the availability of spare parts;	. the advantages of supporting local business; . Council is committed to a zero-waste future and supports Reduce, Reuse and Recycle opportunities;

**Page 9 Table:**

CURRENT	PROPOSED
. The Council will seek at least one tender from a local business (if available).	. The Council encourages tenders from local business.

**Clause 5.8.2 Tender Evaluation Panel:**

CURRENT	PROPOSED
The Panel will recommend for approval that tender that best meets the relevant criteria.	The Panel will provide a recommendation to the Council of the tender which in the Panel's evaluation best meets the relevant criteria.  The final decision for awarding a tender (contract) is at the sole discretion of the Council. In circumstances where the Council determines to award a contract contrary to a Panel's recommendation, the reasons for its decision are to be recorded in the minutes.

As part of the review it was also recognised that the inclusion of a local business weighting in the assessment criteria may be advantageous. This will need to be considered when tender specifications are being prepared (a copy of the revised Code for Tenders and Contracts is appended).

### *CONSULTATION*

There has been no consultation in relation to this matter.

The Council believes it has a responsibility to support and encourage local business to actively engage in its tender processes.

### *RESOURCE, FINANCIAL AND RISK IMPACTS*

It is unlikely there would be any resource implications relating to the Council accepting the recommendation to amend its Code for Tenders and Contracts.

The changes proposed may result in some minimal financial impact from time to time. However there remains a strong emphasis on price as part of any tender assessment criteria and evaluation.

There may be some criticism of the Council for including a weighting in its contract documentation which might provide a minor advantage to local business.

### *CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

#### A Connected Central Coast

- Improve community well-being.

#### Community Capacity and Creativity

- Community capacity-building.

#### The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

#### Council Sustainability and Governance

- Improve corporate governance
- Improve service provision
- Improve the Council's financial capacity to sustainably meet community expectations
- Effective communication and engagement.

*CONCLUSION*

It is recommended that the Council endorse the changes as outlined, to the Code for Tenders and Contracts dated December 2019.”

The Executive Services Officer reported as follows:

“A copy of the revised Code for Tenders and Contracts – dated December 2019 has been circulated to all Councillors.”

■ Cr Hiscutt moved and Cr van Rooyen seconded, “That the Council:

- (a) endorse the changes as outlined in this report to its Code for Tenders and Contracts; and
- (b) adopt the updated Code for Tenders and Contracts dated December 2019 with immediate effect (a copy being appended to and forming part of the minutes).”

Carried unanimously

**387/2019 Council liability for the fencing of land owned/leased and managed by the Council (324/2000 – 07.08.2000)**

The Acting Director Community Services reported as follows:

*“PURPOSE*

The purpose of this report is to assist the Council in updating its Policy in relation to the provision of financial assistance towards boundary fences which are situated between Council and private property.

*BACKGROUND*

The Council last reviewed its Boundary Fences Policy in 2000 (Minute No. 324/2000). The decision determined by the Council at the time was to reconfirm its existing policy adopted in 1993 (Minute No. 143/1993).

*“...That the Council not contribute to the fencing of roads (including car-parks) and public reserves, unless:*

- 1 the car-park is situated within the boundaries of the central business districts of Ulverstone and Penguin and the shopping centre at West Ulverstone as defined by a planning scheme; and*

2      *the reserves and car-parks [other than a car-park referred to in point (1)] are land which is not open to the public generally;*

*and in respect of (1) and (2) above and all other lands the Council contribute one-half of the cost of fencing:*

*providing always and in every case that the Council is satisfied that such works are necessary."*

#### DISCUSSION

The Council does from time to time receive requests for a contribution towards the cost of fencing where its property adjoins private property. The current Policy is difficult to interpret and therefore a new Boundary Fence Contribution Policy has been developed.

This new Policy outlines clearly the process that the Council will follow in assessing any application for a contribution to a boundary fence. It specifically provides for exclusions in accordance with the *Boundary Fences Act 1908*.

The Council will contribute financially to the cost of erection, repair or replacement of shared boundary fences between Council property and private property in accordance with the following table:

WHERE A PRIVATE PROPERTY ABUTS:	COUNCIL CONTRIBUTION WILL BE CONSIDERED IF REQUESTED:	COMPLIANCE
A road reserve	No	<i>s.7 Boundary Fences Act 1908</i>
A public reserve	No	<i>s.6 &amp; s.7 Boundary Fences Act 1908</i>
A public car park	Yes	
A developed Council property (i.e. Recreation Centres)	Yes	
Sports fields	Subject to demonstrated need	

*CONSULTATION*

There has been no consultation in relation to the updating of this Policy. The Council receives requests on an ad-hoc basis.

*RESOURCE, FINANCIAL AND RISK IMPACTS*

When the Council is required to provide a contribution to a boundary fence there is a cost. This cost is of an operational nature and therefore covered through maintenance allowances included in the budget.

*CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

The Shape of the Place

- . Improve the value and use of open space
- . Conserve the physical environment in a way that ensures we have a healthy and attractive community.

The Environment and Sustainable Infrastructure

- . Contribute to a safe and healthy environment
- . Develop and manage sustainable built infrastructure.

Council Sustainability and Governance

- . Improve corporate governance
- . Improve service provision
- . Improve the Council's financial capacity to sustainably meet community expectations
- . Effective communication and engagement.

*CONCLUSION*

It is recommended that the Council adopt the Boundary Fence Contribution Policy dated December 2019 with immediate effect."

The Executive Services Officer reported as follows:

"A copy of the Boundary Fence Contribution Policy dated December 2019 has been circulated to all Councillors."

■ Cr van Rooyen moved and Cr Carpenter seconded, "That the Council adopt the Boundary Fence Contribution Policy dated December 2019 with immediate effect."

Carried unanimously

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## CLOSURE OF MEETING TO THE PUBLIC

### 388/2019 Meeting closed to the public

The Executive Services Officer reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2015* provide that a meeting of a council is to be open to the public unless the council, by absolute majority, decides to close part of the meeting because one or more of the following matters are being, or are to be, discussed at the meeting.

Moving into a closed meeting is to be by procedural motion. Once a meeting is closed, meeting procedures are not relaxed unless the council so decides.

It is considered desirable that the following matters be discussed in a closed meeting:

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Minutes and notes of other organisations and committees of the Council  . TasWater Owners Representatives Group Annual General Meeting – meeting held 13 November 2019  . Dulverton Waste Management Annual General Meeting and Representatives – meetings held 28 November 2019	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Council action relating to dilapidated property	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;

	<p>15(2)(i) Matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council; and</p> <p>15(2)(j) The personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area</p>
Sale of land at 2A Dial Road, Penguin	<p>15(2)(f) Proposals for the council to acquire land or an interest in land or for the disposal of land; and</p> <p>15(2)(j) The personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.”</p>

■ Cr Carpenter moved and Cr Hiscutt seconded, “That the Council close the meeting to the public to consider the following matters, they being matters relating to:

<b>Matter</b>	<b><i>Local Government (Meeting Procedures) Regulations 2015 reference</i></b>
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
<p>Minutes and notes of other organisations and committees of the Council</p> <ul style="list-style-type: none"> <li>• TasWater Owners Representatives Group Annual General Meeting – meeting held 13 November 2019</li> <li>• Dulverton Waste Management Annual General Meeting and Representatives – meetings held 28 November 2019</li> </ul>	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential

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Council action relating to dilapidated property	<p>15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;</p> <p>15(2)(i) Matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council; and</p> <p>15(2)(j) The personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area</p>
Sale of land at 2A Dial Road, Penguin	<p>15(2)(f) Proposals for the council to acquire land or an interest in land or for the disposal of land; and</p> <p>15(2)(j) The personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.”</p>

Carried unanimously and by absolute majority

The Executive Services Officer further reported as follows:

- “1 The *Local Government (Meeting Procedures) Regulations 2015* provide in respect of any matter discussed at a closed meeting that the general manager is to record in the minutes of the open meeting, in a manner that protects confidentiality, the fact that the matter was discussed and a brief description of the matter so discussed, and is not to record in the minutes of the open meeting the details of the outcome unless the council determines otherwise.
- 2 While in a closed meeting, the council is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public, taking into account privacy and confidentiality issues.
- 3 The *Local Government Act 1993* provides that a councillor must not disclose information seen or heard at a meeting or part of a meeting that is closed to the public that is not authorised by the council to be disclosed.



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Similarly, an employee of a council must not disclose information acquired as such an employee on the condition that it be kept confidential.

- 3 In the event that additional business is required to be conducted by a council after the matter(s) for which the meeting has been closed to the public have been conducted, the Regulations provide that a council may, by simple majority, re-open a closed meeting to the public.”

The meeting moved into Closed session at 7.08pm.

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### 389/2019 Confirmation of Closed session minutes

The Executive Services Officer reported as follows:

“The Closed session minutes of the previous ordinary meeting of the Council held on 18 November 2019 have already been circulated. The minutes are required to be confirmed for their accuracy.

...

The *Local Government (Meeting Procedures) Regulations 2015* provide in respect of a matter discussed at a closed meeting –

‘34(1)(b) in relation to a matter discussed at the closed meeting –

(i) the fact that the matter was discussed at the closed meeting; and

(ii) a brief description of the matter so discussed –

are to be recorded in the minutes of that part of the meeting that is open to the public, but are to be recorded in a manner that does not disclose any confidential information and protects confidentiality; and

(c) in relation to a matter discussed at the closed meeting, the details of the discussion of the matter, and the outcome of the discussion, are not to be recorded in the minutes of that part of the meeting that is open to the public unless the council, or council committee, determines otherwise.’

The details of this matter are accordingly to be recorded in the minutes of the closed part of the meeting.”

GENERAL MANAGEMENT

**390/2019 Minutes and notes of other organisations and committees of the Council**

The General Manager reported as follows:

“The following minutes and notes of committees of the Council and other organisations on which the Council has representation have been received:

- . TasWater Owners Representatives Group Annual General Meeting – meeting held 13 November 2019
- . Dulverton Waste Management Annual General Meeting and Representatives – meetings held 28 November 2019.

The minutes and notes have been provided to the Council on the condition they are kept confidential.

...

The *Local Government (Meeting Procedures) Regulations 2015* provide in respect of a matter discussed at a closed meeting –

‘34(1)(b) in relation to a matter discussed at the closed meeting –

- (i) the fact that the matter was discussed at the closed meeting; and
- (ii) a brief description of the matter so discussed –

are to be recorded in the minutes of that part of the meeting that is open to the public, but are to be recorded in a manner that does not disclose any confidential information and protects confidentiality; and

- (c) in relation to a matter discussed at the closed meeting, the details of the discussion of the matter, and the outcome of the discussion, are not to be recorded in the minutes of that part of the meeting that is open to the public unless the council, or council committee, determines otherwise.’

The details of this matter are accordingly to be recorded in the minutes of the closed part of the meeting.”

COMMUNITY SERVICES

**391/2019 Council action relating to dilapidated property**

The Acting Director Community Services reported as follows:

*“PURPOSE*

A report was provided to update the Council on actions in relation to the dilapidated buildings and accumulated rubbish and materials at 29 Beach Road, Ulverstone

...

The *Local Government (Meeting Procedures) Regulations 2015* provide in respect of a matter discussed at a closed meeting –

‘34(1)(b) in relation to a matter discussed at the closed meeting –

- (i) the fact that the matter was discussed at the closed meeting; and
- (ii) a brief description of the matter so discussed –

are to be recorded in the minutes of that part of the meeting that is open to the public, but are to be recorded in a manner that does not disclose any confidential information and protects confidentiality; and

- (c) in relation to a matter discussed at the closed meeting, the details of the discussion of the matter, and the outcome of the discussion, are not to be recorded in the minutes of that part of the meeting that is open to the public unless the council, or council committee, determines otherwise.’

The details of this matter are accordingly to be recorded in the minutes of the closed part of the meeting.”

**392/2019     Sale of land at 2A Dial Road, Penguin**

The Acting Director Community Services reports as follows:

*"PURPOSE*

A report was provided to assist Council in considering the sale of 0.3218 hectares of land at 2A Dial Road, Penguin to the adjoining neighbour.

The matter was deferred to the 28 January 2020 Ordinary Council meeting.

...

The *Local Government (Meeting Procedures) Regulations 2015* provide in respect of a matter discussed at a closed meeting –

‘34(1)(b) in relation to a matter discussed at the closed meeting –

- (i) the fact that the matter was discussed at the closed meeting; and
- (ii) a brief description of the matter so discussed –

are to be recorded in the minutes of that part of the meeting that is open to the public, but are to be recorded in a manner that does not disclose any confidential information and protects confidentiality; and

- (c) in relation to a matter discussed at the closed meeting, the details of the discussion of the matter, and the outcome of the discussion, are not to be recorded in the minutes of that part of the meeting that is open to the public unless the council, or council committee, determines otherwise.’

The details of this matter are accordingly to be recorded in the minutes of the closed part of the meeting.”

There being no further business, the Mayor declared the meeting closed at 7.31pm.

CONFIRMED THIS 28TH DAY OF JANUARY 2020.

**Chairperson**

(lb:Imm)

**Appendices**

- Minute No. 374/2019 – Schedule of Correspondence addressed to the Mayor and Councillors
- Minute No. 375/2019 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 376/2019 – Schedule of Contracts & Agreements
- Minute No. 377/2019 – Schedule of Statutory Determinations
- Minute No. 386/2019 – Code for Tenders and Contracts – December 2019
- Minute No. 387/2019 – Boundary Fence Contribution Policy – December 2019

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#### QUALIFIED PERSON'S ADVICE

The *Local Government Act 1993* (the Act), Section 65 provides as follows:

- “(1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –
  - (a) the general manager certifies, in writing –
    - (i) that such advice was obtained; and
    - (ii) that the general manager took the advice into account in providing general advice to the council or council committee; and
  - (b) 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 or council committee with the general manager's certificate.”

In accordance with Section 65 of the Act, I certify:

- (i) that the reports within the Council minutes contain advice, information and recommendations given by persons who have the qualifications and experience necessary to give such advice, information or recommendation;
- (ii) where any advice is directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account another person's general advice who is appropriately qualified or experienced; and
- (iii) that copies of advice received from an appropriately qualified or experienced professional have been provided to the Council.



Sandra Ayton  
GENERAL MANAGER

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# Associated Reports And Documents



**SCHEDULE OF CORRESPONDENCE RECEIVED ADDRESSED TO  
MAYOR AND COUNCILLORS**

Period: 19 November to 16 December 2019

- . Letter advising of issues regarding the introduction of FOGO bins and fortnightly waste collection
- . Request for the Council to install Penguins mosaic and word jumble public artwork
- . Letter of concern regarding failure to respond to email correspondence
- . Australian Local Government Association's National General Assembly 2020 – Call for Motions and Discussion Paper for 2020
- . Letter of response advising that the consultation process for the development of a Master Plan for Fairway Park – Beach Road and Bicentennial Park has been positively received.



Sandra Ayton  
GENERAL MANAGER

**SCHEDULE OF DOCUMENTS FOR AFFIXING OF  
THE COMMON SEAL**

Period: 19 November to 16 December 2019

*Documents for affixing of the common seal under delegation*

- . Adhesion Order – CT128571/1 and CT128570/10  
Castra Road, Ulverstone  
Application No. DA213112
- . Lease Agreement  
Central Coast Council and Crown Land  
Buttons Beach Caravan Park, Beach Road, Ulverstone  
PID: 7165377  
Term of agreement: 1 December 2019 to 30 November 2029
- . Final Plan of Survey and Schedule of Easements  
81 Fieldings Road, South Riana  
Application No. DA2018211
- . Final Plan of Survey  
Lots 1 and 2 Boyes Street, Turners Beach  
Application No. DA211037
- . Easement Deed  
TasNetworks and Central Coast Council  
Proposed cable replacement and formalisation of easement  
35 Main Street Ulverstone  
PID: 247814/1



Sandra Ayton  
GENERAL MANAGER

## SCHEDULE OF CONTRACTS AND AGREEMENTS

(Other than those approved under the Common Seal)

Period: 19 November to 16 December 2019

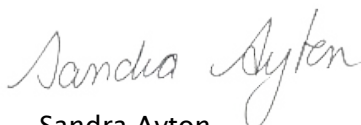
### *Contracts*

- . Contract No. 7/2019–2020  
Rodney Wright and Sons Contracting Pty Ltd  
The provision of coastal and rural roadside mowing within the Central Coast municipal area as per tender submission documents dated 10 September 2019 and the Council's letter of acceptance date 12 November 2019  
Contract Amounts:  
Hourly Rate (\$) Inc. GST 137.50  
3.4m wide cut rate (\$) Inc. GST 103.11  
5.0m wide cut rate (\$) Inc. GST 137.48
- . Contract No. 8/2019–2020  
Brett Gleeson Plumbing Pty Ltd  
Undertake plumbing services in accordance with tender documents dated 18 October 2019  
Rates as per tender documents
- . Contract No. 9/2019–2020  
Cradle Coast Electrical  
Undertake general electrical maintenance in accordance with tender documents dated 15 October 2019  
Rates as per tender documents
- . Contract No. 10/2019–20  
ETCS Electrical & Fire  
Undertake the provision of maintenance of essential safety and health features measures – fire and electrical inspections in accordance with tender documents dated 2 October 2019  
Rates as per tender documents
- . Contract No. 11/2019–2020  
Southern Cross Protection Pty Ltd  
Undertake security patrols, lock ups, cash collections, events security, alarm responses in accordance with tender documents dated 20 October 2019  
Rates as per tender documents

- . Contract No. 12/2019–2020  
S & K Design Building  
Undertake cleaning services in accordance with tender documents dated  
21 October 2019  
Rates as per tender documents
- . Contract No. 13/2019–2020  
S & K Design Building  
Undertake gardening services in accordance with tender documents dated  
21 October 2019  
Rates as per tender documents

### *Agreements*

- . Memorandum of Understanding  
Cradle Coast Authority and Central Coast Council (inc. other Key Agencies)  
Cradle Coast Regional Futures Plan 2019–2022
- . Deed of Variation  
The Crown (Department of State Growth) and Central Coast Council  
Grant funding – Forth Rail Bridge  
Item 3 – Replacement of Payment Method for Grant Instalments 2 and 3  
Item 4 – Replacement of Conditions precedent to payment of the Grant 2 and  
Grant 3  
Item 6 – Amendment of Date for completion of the Approved Purpose  
Item 7 – Replacement of words in Reporting requirements  
Item 8 – Adding definitions to Special terms and conditions glossary
- . Auction Authority  
Zoom Property Agents  
4 Turners Beach Road, Turners Beach  
1,404m<sup>2</sup> allotment in prime location  
PID: 6981719 Folio: – 8179/1
- . Art Work Agreement  
Penguin District School and Central Coast Council  
Catalogue No.s: 4010; 4015; 4018; 4019 and 4023  
Licence Fee: \$1.10 per annum



Sandra Ayton  
GENERAL MANAGER

**Central Coast Council**  
**List of Development Applications Determined**  
**Period from: 1 November 2019 to 30 November 2019**

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost Of Works
DA2019040	25 Ozanne Drive GAWLER,TAS,7315	Discretionary	Residential (subdivision – two lots)	8/08/2019	21/11/2019	27	\$10,000.00
DA2019055	2 Barleen Place WEST ULVERSTONE,TAS,7315	Discretionary	Residential (multiple dwellings x two)	23/08/2019	19/11/2019	38	\$200,000.00
DA2019069	20 Hull Street LEITH,TAS,7315	Permitted	Residential (dwelling)	12/09/2019	11/11/2019	17	\$350,000.00
DA2019070	6 Oceanside Boulevard SULPHUR CREEK,TAS,7316	Discretionary	Residential (dwelling and outbuilding – shed)	12/09/2019	11/11/2019	33	\$650,000.00
DA2019074	29 Water Street ULVERSTONE,TAS,7315	Discretionary	Sport and recreation (demolition, refurbishment, redevelopment and new buildings – changerooms, grandstands, scoreboard and public toilet facility)	13/09/2019	19/11/2019	29	\$950,000.00
DA2019088	9 Shorehaven Drive TURNERS BEACH,TAS,7315	Discretionary	Residential (outbuilding – carport)	25/09/2019	1/11/2019	28	\$30,000.00
DA2019091	Duffs Road RIANA,TAS,7316	Discretionary	Residential (building envelope for non-required dwelling and establishment of a pasture chicken egg farm)	26/09/2019	19/11/2019	39	\$350,000.00
DA2019092	8 Tucker Street ULVERSTONE,TAS,7315	Discretionary	Residential (outbuilding – carport)	26/09/2019	1/11/2019	32	\$11,000.00
DA2019093	56 Main Street ULVERSTONE,TAS,7315	Discretionary	Bulky goods sales (motor vehicle sales)	1/10/2019	19/11/2019	40	\$1,500.00

**Central Coast Council**  
**List of Development Applications Determined**  
**Period from: 1 November 2019 to 30 November 2019**

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost Of Works
DA2019096	261 Top Gawler Road GAWLER,TAS,7315	Permitted	Resource development (boundary adjustment)	2/10/2019	5/11/2019	28	\$2,000.00
DA2019097	206 Preservation Drive SULPHUR CREEK,TAS,7316	Discretionary	Residential (dwelling extension and outbuilding – shed)	30/09/2019	25/11/2019	31	\$130,000.00
DA2019098	19 Bowman Drive PENGUIN,TAS,7316	Permitted	Residential (multiple dwellings x 2)	26/09/2019	1/11/2019	18	\$5,000.00
DA2019104	8 Fieldings Way ULVERSTONE,TAS,7315	Discretionary	Educational and occasional care (trade training and signage) and Storage (Warehouse and Offices)	7/10/2019	19/11/2019	36	\$800.00
DA2019105	18 Eastland Drive ULVERSTONE,TAS,7315	Discretionary	Residential (dwelling)	7/10/2019	26/11/2019	35	\$335,000.00
DA2019108	161 Hardys Road PENGUIN,TAS,7316	Discretionary	Residential (outbuilding – dwelling)	8/10/2019	21/11/2019	36	\$50,000.00
DA2019110	82 Allegra Drive HEYBRIDGE,TAS,7316	Permitted	Residential (dwelling)	9/10/2019	1/11/2019	18	\$400,000.00
DA2019112	U 2/11 New Street U 2/ULVERSTONE,TAS,7315	Permitted	Residential (awning)	14/10/2019	1/11/2019	7	\$8,729.00
DA2019113	27 Pineleigh Street PENGUIN,TAS,7316	Permitted	Visitor accommodation	15/10/2019	12/11/2019	7	\$5,000.00
DA2019119	15 Penguin Road WEST ULVERSTONE,TAS,7315	Permitted	Visitor Accommodation	23/10/2019	1/11/2019	4	\$1,000.00
DA2019122 – 1	Dial Road Penguin,TAS,7316	Minor amendment of a Permit.	Subdivision (additional lots)	28/10/2019	22/11/2019	22	\$1,000.00

**Central Coast Council**  
**List of Development Applications Determined**  
**Period from: 1 November 2019 to 30 November 2019**

<b>Application Number Display</b>	<b>Address</b>	<b>DA Type</b>	<b>Proposed use</b>	<b>Application Date</b>	<b>Decision Date</b>	<b>Day determined</b>	<b>Cost Of Works</b>
DA217076	71 Montgomery Road PENGUIN,TAS,7316	Discretionary	Residential (non-required dwelling, studio and outbuilding)	1/02/2018	19/11/2019	34	\$0.00

**SCHEDULE OF STATUTORY DETERMINATIONS  
MADE UNDER DELEGATION**

Period: 1 November 2019 to 30 November 2019

Building Permits – 3

• New dwellings	3	\$925,000
• Outbuildings	0	\$0.00
• Additions/Alterations	0	\$0.00
• Other	0	\$0.00
• Units	0	\$0.00

Demolition Permit – 0

Permit of Substantial Compliance – Building – 7

Notifiable Work – Building – 6

• New dwellings	2	\$449,000
• Outbuildings	2	\$50,600
• Additions/Alterations	2	\$210,000
• Other	0	\$0.00

Building Low Risk Work – 1

Certificate of Likely Compliance – Plumbing – 7

No Permit Required – Plumbing – 5

Food Business registrations (renewals) – 12

Food Business registrations – 1

Temporary Food Business registrations – 2

Temporary 12 month Statewide Food Business Registrations – 0

Public Health Risk Activity Premises Registration – 0

Public Health Risk Activity Operator Licences – 0

Temporary Place of Assembly licences – 0

  
Paul West

ACTING DIRECTOR COMMUNITY SERVICES



# SCHEDULE OF COMMUNITY SERVICES DETERMINATIONS

## MADE UNDER DELEGATION

Period: November 2019

### Abatement notices issued

ADDRESS	PROPERTY ID
0 Walkway beside Ashwater Crescent, Penguin	403030.0870
45 Coroneagh Street, Penguin	403120.0510
165 Dial Road, Penguin	504490.0100
Dial Road, Penguin	403150.0900
26 Fairway Drive, Penguin	403195.0340
5 Fielding Street, Penguin	403200.0120
40 Hales Street, Penguin	403230.0980
16 Ironcliffe Road, Penguin	403280.0920
44-48 Ironcliffe Road, Penguin	403280.1180
22 King Edward Street, Penguin	403310.0160
20 Mission Hill Road, Penguin	403430.0980
6 Seaside Crescent, Penguin	403550.0240
20 South Road, Penguin	403570.1600
26-28 South Road, Penguin	403570.1650
2 Stubbs Court, Penguin	403590.0040
3 Sunnyridge Avenue, Penguin	403600.0020
13 Whittle Street, Penguin	403660.0160
96 Preservation Drive, Preservation Bay	403485.0095

6 Oceanside Boulevard, Sulphur Creek	403448.0140
8 Oceanside Boulevard, Sulphur Creek	403448.0140
12 Sandhaven Crescent, Sulphur Creek	403541.0360
8 Tamworth Street, Sulphur Creek	403617.0160
24 Hales Street, Penguin	403230.0820
8 Oceanside Boulevard, Sulphur Creek	403052.0120
78 Esplanade, Turners Beach	202050.1140
112-118 Esplanade, Turners Beach	202050.1460

8 Barker Street, Ulverstone	100100.0360
27 Barker Street, Ulverstone	100100.0220
28 Barker Street, Ulverstone	100100.0540
29 Beach Road, Ulverstone	100120.0100
11 Debbie Court, Ulverstone	100335.0120
5 Fieldings Way, Ulverstone	100450.0020
24 Fieldings Way, Ulverstone	100450.0440
2 Hobbs Parade, Ulverstone	100710.0200
36 Jermyn Street, Ulverstone	100810.1160
1 Kilowatt Court, Ulverstone	100895.0010
6 King Edward Street, Ulverstone	100910.0460
21 Main Street, Ulverstone	101080.0320
3 Maisie Place, Ulverstone	101085.0040
103-103A Reibey Street, Ulverstone	101420.0800
9-11 Scurrah Street, Ulverstone	101510.0080

14 Southern Cross Drive, Ulverstone	101555.0380
15 Southern Cross Drive, Ulverstone	101555.0160
12 Trevor Street, Ulverstone	101670.0660
Von Bibras Road, Ulverstone	505750.0060
9 Blair Court, West Ulverstone	100162.0100
7 Breheny Place, West Ulverstone	100190.0020
8 Breheny Place, West Ulverstone	100190.0040
9 Breheny Place, West Ulverstone	100190.0060
10 Breheny Place, West Ulverstone	100190.0080
11 Breheny Place, West Ulverstone	100190.0100
12 Breheny Place, West Ulverstone	100190.0120
27 Breheny Place, West Ulverstone	100255.0060
3 Cheryl Court, West Ulverstone	100255.0080
4 Cheryl Court, West Ulverstone	100255.0100
5 Cheryl Court, West Ulverstone	100255.0140
7 Cheryl Court, West Ulverstone	100260.1180
Clara Street, West Ulverstone	100260.1480
78 Clara Street, West Ulverstone	100470.0020
Lot 1 Flinders Avenue, West Ulverstone	100850.0820
18 Josephine Street, West Ulverstone	101060.0020
1 Lugana Crescent, West Ulverstone	101340.0860
44 Penguin Road, West Ulverstone	101560.1700
46 South Road, West Ulverstone	101560.0650
101 South Road, West Ulverstone	101710.0768
195 Upper Maud Street, West Ulverstone	101850.0510
53A Westland Drive, West Ulverstone	101420.0800

**Kennel Licence issued**

ADDRESS

OWNER

72 Allens Road, Ulverstone

Michael and Donna Bourke

**Permits issued under Animal By-law 1 – 2018**

ADDRESS

PERMIT ISSUED FOR

Belinda Baldock, 5 Tingha Way,  
Ulverstone

2 Ducks &amp; 2 Chickens

# Code for Tenders and Contracts

## December 2019

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# 1 Introduction

The purpose of 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* (the Act) and the *Local Government (General) Regulations 2015* (the Regulations).

With this Code the Central Coast Council (the Council) aims to achieve the purchasing principles of:

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

The Act requires every council to adopt a code relating to tenders and contracts.

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;
- . make copies of this Code available for purchase at a reasonable charge; and
- . publish a copy of this Code on the Council's website.

The Act and Regulations require the 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). The Council has however chosen to maintain its threshold at \$100,000 and in accordance with the Regulations, the Council will invite tenders for all contracts valued at or over \$100,000 (excluding GST) by one of the following means:

- . an open tender process (refer Sections 5.1 through to 5.12);
- . a multiple-use register (refer Section 5.13); or
- . a multiple-stage tender (refer Section 5.14).

There are circumstances in which the Council is exempt from undertaking the above processes. These circumstances are described in Section 6.

For purchases under the \$100,000 threshold, the Council, in accordance with the Regulations, has decided that a quotation process will be undertaken. The Council may choose to grant an exemption from undertaking a quotation process where the same circumstances exist for that of a tender described in Section 6.

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

Officer acting under this Code should do so under delegated authority from the General Manager.



## 2 Definitions

**Code** – refers to this Code for Tenders, Contracts and Procurement which has been developed in accordance with the requirements of the *Local Government Act 1993* and the *Local Government (General) Regulations 2015*.

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

**Contractor** – a person or organisation, external to the Council, engaged under a contract for service (other than as an employee) to provide specified services to the 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)** – an Expression of Interest may be used as a means of exploring the market or to pre-qualify businesses to reduce the cost of tendering by restricting the issue of formal tenders.

**Local Business** – any business operating in the Central Coast municipal area that has a permanent office or presence in 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.

**Preferred Supplier** – a supplier that has satisfied the Council's selection criteria and is approved for the purchase of particular goods and services.

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

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

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

**Purchasing** – the acquisition of goods or services.

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

**Request for Quotation (RFQ)** – either a verbal or written request for offers from businesses capable of providing a specified good or service.

**Request for Tender (RFT)** – a document soliciting offers from businesses capable of providing a specified 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 from the Council.

**Tender Evaluation Panel** – a committee established to review the process used for all tenders over \$100,000 (excluding GST).

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

**Verbal Quotation** – a verbal response to a request for a quotation.

**Written Quotation** – a written response to a request for a quotation.

### 3 Purchasing Principles

This Code has been developed in order to have a transparent set of strategies and procedures that the Council will follow in order to comply with the four purchasing principles as required in the *Local Government (General) Regulations 2015*. Below is a brief definition of each principle and what it means in practice to the Council.

#### 3.1 Open and effective competition

**Open and effective competition** – ensuring that the purchasing process is impartial, open and encourages competitive offers.

In practice this means that the Council will:

- . use transparent and open procurement processes so that potential contractors, suppliers and the public can have confidence in the outcomes;
- . adequately test the market by applicable processes, e.g. by open tender or by seeking quotations;
- . avoid biased specifications; and
- . treat all suppliers consistently and equitably.

#### 3.2 Value for money

**Value for money** – achieving the desired outcome at the best possible price.

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

- . fitness for purpose;
- . maintenance and running costs over the lifetime of the product;

- . the advantages of supporting local business;
- . Council is committed to a zero-waste future and supports Reduce, Reuse and Recycle opportunities, the contribution to the achievement of other Council objectives such as 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.

### **3.3 Enhancement of the capabilities of local business and industry**

Enhancement of the capabilities of local business and industry – ensuring that local businesses that wish to do business with the Council are given the opportunity to do so.

In practice this means that the Council:

- . will actively seek bids from local business, if available, particularly from those which have previously requested the opportunity to quote;
- . will, for purchases less than \$10,000 (excluding GST), seek at least one verbal quote from a local business, if available. Exemptions may apply to items below \$500 (excluding GST), refer to table on page 9;
- . will, for purchases between \$10,000 and \$100,000 (excluding GST), seek at least one written quote from a local business, if available; and
- . will, for purchases greater than \$100,000 (excluding GST), seek to get at least one tender from a local business, if available.

### **3.4 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 the Council.

In practice this means that the Council will:

- . be fully accountable for the purchasing practices that it uses and the decisions it makes;
- . ensure that decisions are not influenced by self-interest or personal gain (i.e. declining gifts or other personal benefits from suppliers);
- . identify and deal with conflicts of interest;
- . maintain confidentiality; and
- . ensure that all procurement is undertaken in accordance with the Council's policies.

## 4 Ethics and Probity

### 4.1 Ethics

The Council will observe the following ethical standards when making procurement transactions:

- . all business will be conducted in the best interests of the ratepayers, avoiding any situation which may impinge, or might be deemed to impinge, on impartiality;
- . all expenditure will be in accordance with the requirements of the *Local Government Act 1993* and the *Local Government (General) Regulations 2015*;
- . all procurement activity will be undertaken without favour or prejudice and will aim to maximise value in all transactions;
- . confidentiality will be maintained in all dealings; and
- . acceptance of gifts, gratuities or any other benefits which may influence, or might be deemed to influence, equity or impartiality will not be permitted.

### 4.2 Probity

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

- . open competitive processes;
- . transparency of process;
- . identification and resolution of conflicts of interest;
- . accountability; and
- . monitoring and evaluating performance.

### 4.3 Procurement

The following points make up the Council's commitment to equitable and transparent Procurement. The Council aims to:

- . ensure that all potential suppliers are provided with identical information upon which to base tenders and quotations and are given equal opportunity to meet the requirements;
- . establish and maintain procedures to ensure that fair and equal consideration is given to all tenders and quotations received;
- . promote honesty and equity in the treatment of all suppliers of goods and services;
- . provide a prompt and courteous response to all reasonable requests for advice and information from potential or existing suppliers;
- . promote fair and open competition and seek value for money for the Council and its local community;

- . seek to minimise the cost to suppliers for participation in the procurement process;
- . protect commercial-in-confidence information;
- . satisfy accountability standards;
- . establish processes that avoid situations where private interests of the Council's employees may conflict with public/council duty and provide for the declaration of any conflicts of interest that do arise; and
- . provide a clear statement that soliciting or accepting remuneration or other benefit from a supplier for the discharge of official duties is not permitted and may be illegal.

## **5 Making the Purchase**

### **5.1 Procurement overview – processes**

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

- . plan the purchase, which includes the selection of the most appropriate purchasing method;
- . prepare the relevant documents, e.g. quotation, tender or expression of interest;
- . invite and receive offers;
- . evaluate those offers;
- . where the process has involved a formal contract process for a contract of a value greater than that of the General Manager's delegation, gain a Council resolution to formally proceed with the contract with one of the contractors.
- . advise the successful bidder and offer to debrief any unsuccessful bidders; and
- . manage any contract that has been implemented as a result of the procurement.

### **5.2 Planning the Procurement**

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

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

- the specifications are defined, and mandatory requirements are identified. The specifications will usually be developed in consultation with relevant Council stakeholders (useful resources during this phase may include previous or similar specifications);
- the establishment of a Tender Evaluation Panel, if required (refer Section 5.8.1);
- the establishment of evaluation criteria and evaluation methodology, undertaken by Project Manager;
- the development of a risk assessment and management plan;
- the commencement of a contract management plan; and

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

Procurement Value	Minimum Requirement
\$10,000 and below (excluding GST)	<p><b>Verbal Quotations</b></p> <p>Where possible, at least three verbal quotations will be obtained, of which the Council will seek at least one from a local business (if available) and issue a purchase order form to the successful business including the agreed price.</p> <p><b>Exemption from obtaining verbal quotations</b></p> <p>Quotations are not required for one-off purchases valued at \$500 or less that fall outside the Preferred Supplier Listing where it would not be cost-effective to obtain verbal quotations.</p>
Between \$10,000 and \$100,000 (excluding GST)	<p><b>Written quotations</b></p> <p>Where possible, at least three written quotations will be obtained, of which the Council will seek at least one from a local business (if available).</p>
\$100,000 and greater (excluding GST)	<p><b>Any one of the following:</b></p> <p><b>Public Tender -</b></p> <ul style="list-style-type: none"> <li>The tenders will be advertised in the Saturday edition of The Advocate newspaper or other newspapers as appropriate.</li> <li>Each of the tenders will be advertised on the Council's own website.</li> <li>The Council encourages tenders from local business.</li> </ul> <p><b>Multiple-use Register</b> (refer Section 5.13).</p> <p><b>Multiple-stage Tender</b> (refer Section 5.14).</p>

The Council will apply the above requirements to the procurement of all goods and services with the exception of certain circumstances. The circumstances in which the above requirements may not be used are described under Section 6 - *Exemptions*.

## 5.3 Purchasing Documentation

### 5.3.1 Verbal Quotations (for procurement below \$10,000 excluding GST)

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

### 5.3.2 Written Quotations (for procurement between \$10,000 and \$100,000 excluding GST)

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

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

- . **Conditions of Quotation** – The conditions set out the terms under which the Council will receive and evaluate offers. The conditions will usually include:
  - the evaluation criteria and a brief outline of the evaluation methodology to be used;
  - the closing date, time and place of lodgement;
  - the Council's contact details;
  - pricing requirements, i.e. the price should exclude GST;
  - relevant Council policies and principles;
  - the entitlement of unsuccessful bidders to be debriefed; and
  - information about the Council's complaints process.
- . **Specification** – the specification clearly, accurately and completely describes the essential requirements of the good or service being procured. It is the basis of all offers and is the foundation for the contract. The specification will usually include the:
  - functional requirements;
  - performance requirements; and
  - technical requirements.

### 5.3.3 Tenders (for purchases greater than \$100,000 excluding GST)

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

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

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

- . prepare clear and concise tender documentation that includes all the terms and conditions of the planned procurement with a clear description of the goods or services required and details of any applicable Council policies;
- . prepare tenders that include details of the intended duration of the contract, including any extensions that are applicable to the contract;
- . prepare tenders that include details of the evaluation criteria (which are based on the specifications), any weightings to be used in the assessment of bids and the evaluation methodology;
- . under no circumstances modify the evaluation criteria or methodology after the request for tender has been released without advising all potential tenderers;
- . prepare specifications that do not restrict competition, reflect bias to any brand, or act as a barrier to the consideration of any alternatives;
- . provide advice and details of any briefing sessions to be held in relation to the procurement;
- . provide details about the availability of debriefing sessions for unsuccessful tenderers;



- . provide details about the Council's complaints process and include the contact details of the complaints officer;
- . prepare documentation that clearly specifies the Council's contact details (including Contact Officer), closing time, date and place of lodgement;
- . prepare documentation that clearly states how and in what circumstances the procurement documentation can be altered, including the length of time given to tenderers to prepare their submissions (which is to be at least 14 days from the date on which the tender notice is published);
- . provide advice about the treatment of late submissions;
- . provide an indication if alternative bids will be considered; and
- . where applicable, documentation such as tenders will be cleared by the Council's legal advisers and the General Manager before being issued.

## 5.4 Inviting Offers

### 5.4.1 Verbal Quotations

The Council will follow the following procedures when inviting verbal quotations:

- . provide each supplier with the same information and 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).

### 5.4.2 Written Quotations

The Council will follow the following procedures when inviting written quotations:

- . where possible, it will seek at least three written quotations of which one quotation will be sought from a local business if available;
- . in some cases, it may choose to advertise a quotation if advantageous to do so;
- . it will directly send the invitation to quote to identified businesses (such as businesses that already provide the service and businesses identified during the market research phase);
- . exemption from seeking quotations will only be granted by the General Manager in circumstances outlined under Section 6 - *Exemptions*;
- . it will issue the request for quotation documentation either by mail or email;
- . when issuing a request for quotation to a business, the details of that business will be recorded. The details recorded will include name of business, address, contact person, email, telephone number; and

- the time it provides to bidders to respond to the request for quotation will depend largely upon the nature and the complexity of the procurement, but equal time will be given to all businesses requested to quote.

### 5.4.3 Tenders

The Council will do the following in respect of inviting tenders:

- For tenders, it will advertise each tender, at a minimum, in the Saturday edition of The Advocate newspaper, and on the Council's website at [www.centralcoast.tas.gov.au](http://www.centralcoast.tas.gov.au). The following information will be specified:
  - the nature of the goods or services the Council requires;
  - any identification details allocated to the contract;
  - where the tender is to be lodged;
  - identifying a person from whom more detailed information relating to the tender may be obtained; and
  - the period within which the tender is to be lodged.
- The tender documentation will either be made available via mail, email, or electronically from the Council's website at [www.centralcoast.tas.gov.au](http://www.centralcoast.tas.gov.au). (Any electronic or online tendering process undertaken by the Council will be in accordance with the requirements of the *Electronic Transactions Act 2000*.)
- It may send tender documentation directly to identified businesses, however, it will not provide any documentation to any potential tenderer until the tender has been advertised (so as not to give one tenderer an advantage over another).
- Endeavour to get a minimum of three bids of which it will seek at least one from a local business if available.
- Ensure that all potential suppliers are provided with identical information upon which to base tenders and are given equal opportunity to meet the requirements.
- When inviting tenders, ensure that enough time has been provided to allow tenderers to prepare an adequate response. At a minimum, tenders will be open for 14 days. However, this may increase, dependent on whether the requirements are complex, or if it is likely that interested businesses may need to form partnerships/ consortiums with other businesses in order to fulfil the requirements of the tender.
- When issuing an RFT to a business, record the details of that business. The details recorded will include name of business, address, contact person, email and telephone number.
- 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 the original advertisement was placed.

## **5.5 Communication with all potential suppliers and bidders – Contact Officer**

In accordance with this Code, the Council will do the following in respect of communication with all potential suppliers and bidders:

- . nominate one Contact Officer for each procurement activity and clearly specify their name, contact details (including phone number and mailing address) so that tenderers know who to contact for more information (one person only for probity reasons);
- . the Contact Officer will be the sole point of communication with potential suppliers and bidders and will document any questions asked of them by a potential supplier or bidder and any response given;
- . where possible, the Contact Officer will request that questions from potential suppliers and bidders be put in writing (email will suffice). Any response from the Contact Officer will also be provided in writing;
- . where possible, the Contact Officer will limit the provision of information to the clarification of procedural issues; and
- . any additional information provided to one prospective tenderer will also be provided to everyone else who has requested or received tender documentation.

## **5.6 Receiving Offers**

### **5.6.1 Verbal and Written Quotations**

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

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

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

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

## 5.6.2 Tenders

Council utilises TenderLink which is an electronic lodgement system for receiving tenders. All tenders should register with TenderLink to be able to access and submit tenders.

Council officers will advise local suppliers how to access TenderLink.

The Council treats information provided by suppliers as confidential and will not provide this information to unauthorised persons. The Council may in some cases notify all tenderers of prices tendered prior to a decision being made.

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

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

When opening tenders, the Council will ensure that tenders are:

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

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

## 5.7 Evaluating Offers

### 5.7.1 Verbal and Written Quotations

The Council, when evaluating verbal and written quotations, does so with the objective of identifying the offer that best meets the requirements and provides the best value for money. When evaluating quotations, it takes into consideration the following aspects of a bid:

- . value for money, taking into account estimated life, disposal value and maintenance requirements and costs;
- . price;
- . compliance with quotation specifications;
- . quality, delivery and service;

- . the full benefits of sourcing locally;
- . 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 product over its lifetime; and
- . any relevant Council policies.

### 5.7.2 Tenders

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

In evaluating tenders, the Council will undertake the following steps:

- . **Evaluate compliance** – screen all offers to ensure that they are complete and comply with all mandatory evaluation criteria. Offers which do not meet all mandatory criteria may be excluded from further evaluation. Non-compliant offers include those that:
  - are lodged after the closing time without a valid reason;
  - are not signed where required;
  - are incomplete, e.g. questions have not been answered, pages are missing, or required documentation has not been attached (e.g. insurance certificates);
  - do not comply with mandatory conditions of tender; or
  - fail to meet mandatory specifications.
- . **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 will be documented in writing.
- . **Evaluate qualitative/non-cost criteria** – this stage involves a detailed analysis of each offer against the non-cost or qualitative evaluation criteria and weightings specified in the evaluation plan (the supplier must demonstrate that they meet the evaluation criteria, not just assert it).
- . **Short-list 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 Tender Evaluation Panel, clarifying their tender and providing the opportunity for the Tender Evaluation Panel to ask questions. Under these circumstances, the tenderer will be directed to not introduce new or revised information. All information, questions and answers will be formally recorded by the Council.

- . **Calculate value for money and compare offers** – the aim of the 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 Council takes into consideration when evaluating value for money are:
  - the quality of the proposed good or service, i.e. how well it meets the specified requirements; vs
  - whole of life costs; vs
  - risk, i.e. the capacity of the tenderer to deliver the good or service, as specified, on time and on budget.
- . **Select preferred tenderer** – when selecting the offer that represents the best value for money for the Council, and where two or more firms are ranked equally following the value for money assessment, the Council will give preference to a Tasmanian business over an interstate or overseas business. In selecting a preferred tenderer for a high risk/high value or complex process, the Council will often undertake a due diligence investigation to ensure that the tenderer has the capacity and stability to fulfil all of the requirements of the contract.
- . **Write the evaluation report** – on completion of the evaluation process the Council will document the selection of a successful tenderer in an evaluation report to be submitted to the relevant Director. In the case of tenders in the amount of \$100,000 or more, an evaluation report will be submitted by the relevant Director to obtain formal approval of the Council. For tenders under \$100,000 approval of the successful tender will be as per the General Manager’s delegation. The Council’s evaluation reports include:
  - a comprehensive record of the evaluation method, the rationale used to select the preferred supplier, and whether it is recommended that negotiations should be undertaken, and on what basis; and
  - reasons for overlooking lower priced tenders.

## 5.8 Tender Review

### 5.8.1 Purchase Audit Committee

A Purchase Audit Committee may be established by the Council to review the purchase/lease process of goods and services to ensure that the Council’s procurement policies are adhered to.

Standing tenders, and contracts over \$100,000 will always be reviewed by the Purchase Audit Committee.

The Purchase Audit Committee will consist of the Finance Group Leader, the Assets Group Leader/Engineering Group Leader (whichever is not involved in the relevant purchase) and the Regulatory Services Group Leader.

Prior to proceeding with invitations/advertising for Quotation or Tender, the Purchase Audit Committee will review and consider the following aspects of the process:

- . the purchase and evaluation process adopted;
- . the evaluation criteria;

- . consideration for local business opportunity; and
- . critical dates;

to ensure that these aspects meet the criteria set down in the Purchasing and Procurement Policy and under the Code for Tenders and Contracts.

Following evaluation of offers and prior to approval by the relevant Director, the Purchase Audit Committee will confirm that due process has been followed.

### **5.8.2 Tender Evaluation Panel**

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

The Panel will consist of between two and four members who are knowledgeable of the purchase requirements.

Members of the Panel will individually review and consider each of the tenders.

The Panel will evaluate each of the tenders received within the context of the approved criteria and weightings.

The Panel will provide a recommendation to the Council of the tender which in the Panel's evaluation best meets the relevant criteria.

The final decision for awarding a tender (contract) is at the sole discretion of the Council. In circumstances where the Council determines to award a contract contrary to a Panel's recommendation, the reasons for its decision is to be recorded in the minutes.

## **5.9 Notification of successful and unsuccessful tenderers**

Once the preferred tenderer is selected and all relevant Council approvals to proceed with the purchase have been granted, the Council will 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 Council will notify all unsuccessful tenderers in writing of their non-selection.

The Council will advise the unsuccessful tenderers in writing of:

- . the tender outcome, including the contract number and title;
- . the successful tenderer;
- . the term of the contract; and
- . the total contract price for the term of the contract.

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

All unsuccessful tenderers will be offered a debriefing session.

## 5.10 Debriefing unsuccessful tenderers

The purpose of the debriefing session is to help unsuccessful tenderers submit more competitive bids in future by identifying ways in which the tenderer's offer could be improved.

The Council will provide a debriefing interview to any unsuccessful tenderer who requests one. At this interview the unsuccessful tenderer will be briefed as follows:

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

During this interview, the following will not happen:

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

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

- . who attended (from the Council and from the business concerned);
- . the information provided to the unsuccessful tenderer;
- . any issues arising;
- . the details of any information that was requested, but not disclosed due to commercial-in-confidence considerations; and
- . any likely future complaints, and recommendations for further action.

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

## 5.11 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. This includes:

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

A draft copy of the conditions of contract will be included in the Council's original RFT.

For complex or high value purchases it may be necessary for the Council to enter into negotiations prior to finalising the contract in consultation with the 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 signed by both parties.

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

## 5.12 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 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.

## 5.13 Multiple use register

For contracts valued at under \$100,000 (excluding GST) from time to time the Council may utilise a multiple-use register process to establish a register of suppliers that the Council has determined satisfy the conditions for participation in that register, and that the Council intends to use more than once.

If it is determined that the Council will establish such a register, an invitation for expressions of interest from prospective applicants for inclusion on a register will be published at least once in a daily newspaper circulating in the municipal area a notice specifying –

- the nature of the goods or services the Council requires; and
- any identification details allocated to the register; and
- where the application is to be lodged; and
- the person from whom more detailed information may be obtained; and
- the period within which the application is to be lodged.

Applicants will be 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;
- a reference to the Council's Code.

The 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 inclusion on the register as soon as practicable.

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

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

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

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

For contracts valued at over \$100,000 (excluding GST), where the Council might wish to utilise a multiple use register process, individual contracts will be let only after being approved by the Council.

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"> <li>. Outcome of a procurement process.</li> <li>. Can purchase directly from successful tenderers.</li> <li>. Successful tenderers selected following evaluation.</li> <li>. Size is set at conclusion of process.</li> <li>. Indicative or set price.</li> <li>. Operates for a finite period.</li> <li>. Re-opens at conclusion of period.</li> </ul>	<ul style="list-style-type: none"> <li>. Part of a procurement process.</li> <li>. Basis for select tendering.</li> <li>. Conditions for participation stated.</li> <li>. Cannot limit size.</li> <li>. No pricing.</li> <li>. Can operate indefinitely.</li> <li>. Open continuously or annually.</li> </ul>

## 5.14 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 (however, it will not be used as a substitute for conducting market research);
- . short-list qualified tenderers; and
- . obtain industry input.

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

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

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

- . **Expression of interest** – an expression of interest (sometimes called a registration of interest) is generally used to short-list potential suppliers before seeking detailed offers. Suppliers are short-listed on their technical, managerial and financial capacity, reducing the cost of tendering by restricting the issue of formal tenders to those suppliers with demonstrated capacity.
- . **Request for proposal** – may be used by the Council when a project or requirement has been defined, but where an innovative or flexible solution is sought.
- . **Request for tender** – may be used by the Council when a project requirement has been defined to solicit offers from businesses capable of providing a specified good or service.
- . **Request for information** – may be used at the planning stage of a project to assist with defining the project. The 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 short-list suppliers. Suppliers will be informed in advance that only those short-listed will be requested to tender.

The 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 the 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.

### 5.14.1 Process

Expressions of interest will be invited, and the list of suppliers who lodge an application will be used as the basis for inviting potential suppliers to submit tenders.

A Notice will be published at least once in a daily newspaper circulating in the municipal area requesting any interested supplier to submit an expression of its interest to supply the goods or services required. The notice is to specify:

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

Prospective tenderers will be 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, Contracts and Procurement.

An invitation to tender will be sent to all of the suppliers that expressed an interest in providing the goods or services required unless it has been 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 the Council may limit the suppliers it will invite to participate and the relevant requirements and evaluation criteria have been specified in the notice or associated documentation, the Council, 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 the Council 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 Council will:

- . ensure that the evaluation criteria that is used to decide 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 the Council.

## 6 Exemptions

The *Local Government (General) Regulations 2015* provide that councils must publicly invite tenders for the purchase of goods and services with a value in excess of \$250,000 (excluding GST).

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, the 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 a council is exempted under another Act from the requirement to invite a tender;
- (f) a contract for goods or services that is entered at public auction;
- (g) a contract for insurance entered through a broker;
- (h) a contract arising when a council is directed to acquire goods or services due to a claim made under a contract of insurance;
- (i) a contract for goods or services if the council resolves by absolute majority and states the reasons 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 the Council and to suppliers would outweigh the value for money benefits of calling public tenders;
- . projects of genuine urgency, e.g. in the case of a natural disaster or similar emergency circumstances; or
- . other exceptional circumstances, where conclusive justification of the request is provided.

Where an exemption has been granted based on point (a) or (i) above, the Council will report in the Council's Annual Report the following details:

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

## 7 Complaints Process

Tasmanian councils are provided with broad competency powers under the *Local Government Act 1993* to carry out the role of providing services to their communities.

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

The Council has a formal complaint process which can be used should you wish to make a complaint about the Council's purchasing and procurement process.

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

If a complainant is not satisfied with the response of the Director, 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 resolve the complaint. In certain circumstances, the Council may employ an independent person to investigate the complaint.

## 8 Contract Renewals and Extensions

### 8.1 Contract renewals

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

## 8.2 Contract extensions

In some circumstances, it may be desirable for the 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 the 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 rule, the 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 or services required has substantially changed.

## 9 Disposals

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

### 9.1 Disposals less than \$5,000 (excluding GST)

The Council will dispose of items with an estimated disposal value of less than \$5,000 at the discretion of the General Manager.

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

### 9.2 Disposals greater than \$5,000 (excluding GST)

The Council shall dispose of items with an estimated disposal value in excess of \$5,000 by way of tender, public auction, or trade-in.

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

## 10 Reporting

### 10.1 Annual Report

The Council will publish in its Annual Report in relation to tenders valued at over \$250,000 (excluding

GST) and all contracts for the supply or provision of goods or services valued at or above \$100,000 (excluding GST), awarded or entered into in the financial year, including extensions granted:

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

Where an exemption has been granted from a tender process [refer Section 6, points (a) to (j)], the Council will report in the Council's Annual Report the following details:

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

## 11 Common Use Contracts

### 11.1 Department of Treasury and Finance

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, the Council may choose to utilise the whole-of-Government contracts:

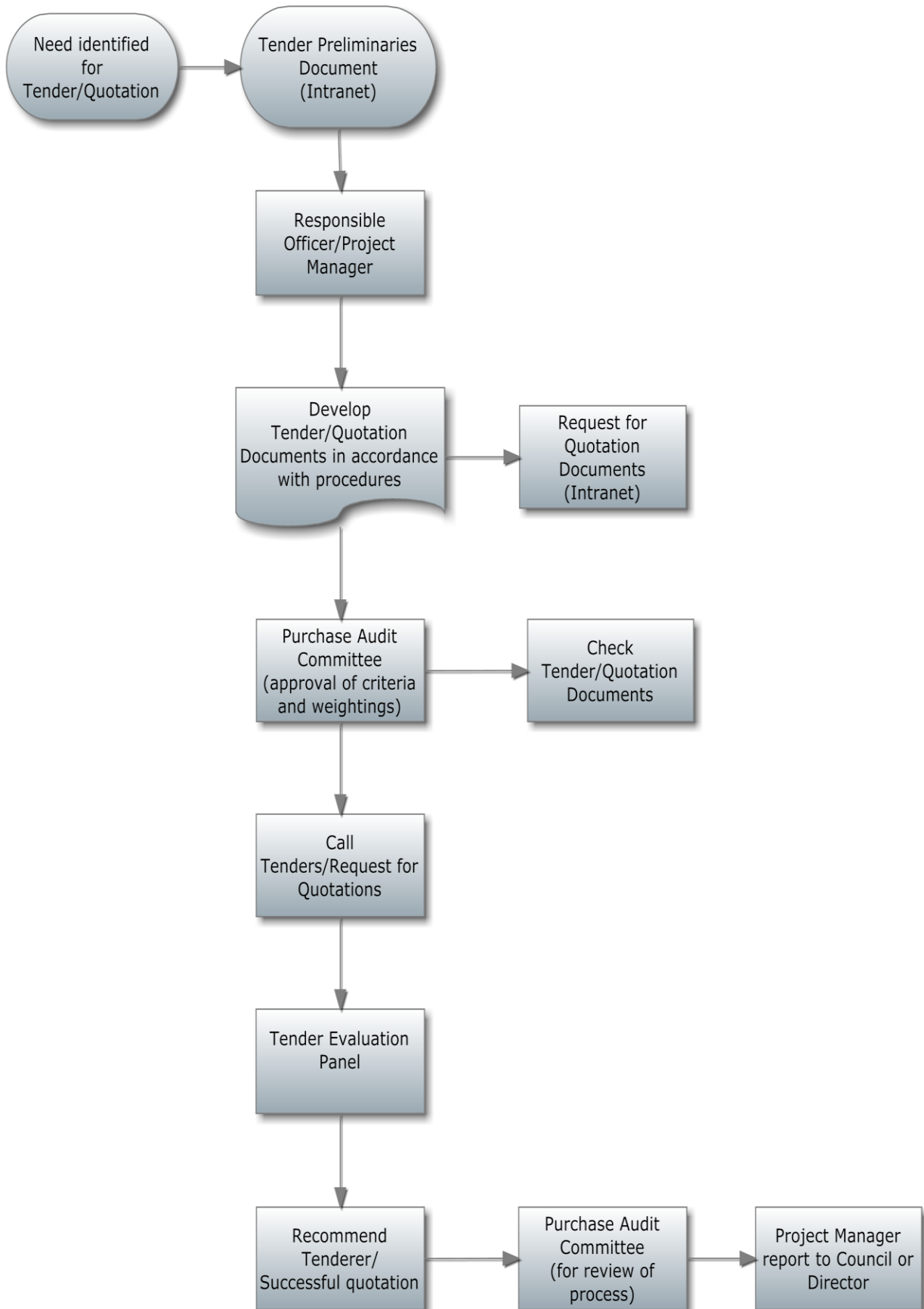
Information on these contracts is available from the Department of Treasury and Finance's website at [www.purchasing.tas.gov.au](http://www.purchasing.tas.gov.au).

SANDRA AYTON  
GENERAL MANAGER

Date of approval: 16/12/2019  
Approved by:







**TENDER CHECKLIST**

<b>Contract Name</b>		<b>Contract No</b>	
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**1. Project Description**

--

**2. Estimated Cost of the Project and Funding**

--

**3. Define Options**

--

**4. Approval**

--

**5. Managing the Project**

--

**6. Reporting**

--

**7. Tender Advertisement**

--

**8. Tender Evaluation**

<b>Criteria</b>	<b>Weighting*</b>
<i>Compliance with the tender documents</i>	10%
<i>Previous experience</i>	10%
<i>Management/Supervisory Personnel</i>	10%
<i>Proposed Construction Program</i>	20%
<i>WHS Policy, Procedures and Record</i>	15%
<i>Price</i>	35%
<b>TOTAL</b>	<b>100%</b>

\*Weighting will vary to suit circumstances.

Prepared by

Date

Approved by

Group Leader

Date

**B - CHECKLIST FOR TENDER DOCUMENT COMPILATION**

<b>Contract Name:</b>		<b>Contract No:</b>	
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	Yes	No
1. Confirm that all documents Compilation.		
Existing drawings	<input type="checkbox"/>	<input type="checkbox"/>
Original drawings	<input type="checkbox"/>	<input type="checkbox"/>
Site establishment drawing	<input type="checkbox"/>	<input type="checkbox"/>
General conditions of contract AS 2124 – 1992	<input type="checkbox"/>	<input type="checkbox"/>
2. Type of Contract payment clearly indicated (e.g. SOR, Lump Sum)	<input type="checkbox"/>	<input type="checkbox"/>
3. Schedule of Quantities/Schedule of Rates confirmed	<input type="checkbox"/>	<input type="checkbox"/>
4. Security of documentation assured	<input type="checkbox"/>	<input type="checkbox"/>
5. "Appropriate Person" designated to supervise the tender process		
	<u>Name</u> _____	
	<u>Position</u> _____	
7. Person assigned to respond to tender queries.		
	<u>Name</u> _____	
	<u>Position</u> _____	
8. Annexure Parts A and B for General Conditions of Contract completed and included.	<input type="checkbox"/>	<input type="checkbox"/>
9. Tender evaluation panel installed, tender appraisal criteria determined and transferred to tender assessment forms	<input type="checkbox"/>	<input type="checkbox"/>
Names and comments:	_____	
	_____	
	_____	
10. Documentation compiled by:		
11. Documentation Checked and Approved:		
Signed: _____	Date: _____	
	<i>Group Leader</i>	
12. Documentation issued to Purchase Audit Committee for review	<input type="checkbox"/>	

**C - CHECKLIST FOR TENDER ADVERTISING**

<b>Contract Name</b>		<b>Contract No</b>	
----------------------	--	--------------------	--

Yes No

## 1. Project reviewed and approval to advertise:

Invited quotations	Estimate < \$50,000 (excl. GST) Approval by Director Infrastructure Services	<input type="checkbox"/>
Public Tender	Estimate > \$50,000 (excl. GST) Approval by Director Infrastructure Services	<input type="checkbox"/>
Public Tender	Estimate > \$100,000 (excl. GST) Approval by the Council	<input type="checkbox"/>

## 2. Advertising requirement

Dates \_\_\_\_\_ Medium \_\_\_\_\_

## 3. Advertisement

Date

Create advert using template My Templates – Infrastructure Services – Advert	<input type="checkbox"/>	.....
Submit to Newspaper(s) through Corporate Services Assistant	<input type="checkbox"/>	.....
Confirm Proof provided by Newspaper	<input type="checkbox"/>	.....
Submit to Website through Corporate Services Assistant	<input type="checkbox"/>	.....

Name \_\_\_\_\_

I have reviewed the entries on this checklist and certify that Council is justified in advertising tenders for the subject contract in the methods and on the dates described above.

Signed \_\_\_\_\_  
Group Leader

Date \_\_\_\_\_

**D - CHECKLIST FOR RECEIPT OF TENDERS**

<b>Contract Name</b>		<b>Contract No</b>	
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**Tender Period**

1. List of Tenderers names, addresses and date of collection (refer form D1)
2. Supplementary notices sent to all Tenderers and listed on form D1

**Tender Opening**

3. Personnel present at Tender Box opening (min 2)

Appropriate Person

Name \_\_\_\_\_

Other

Name \_\_\_\_\_

Other

Name \_\_\_\_\_Date \_\_\_\_\_ Time of Day \_\_\_\_\_**Satisfactory Action Taken**

- |  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| 4. Secure filing of Tenders                                    | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. List of Tenderers' prices without appraisal (refer form D1) | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Standard acknowledgement letter sent to Tenderers           | <input type="checkbox"/> | <input type="checkbox"/> |

**Preliminary Assessment**

- |   |                          |                          |
|---|--------------------------|--------------------------|
| 7. Conformity of Tenders checked and recorded | <input type="checkbox"/> | <input type="checkbox"/> |
| Lodged on time                                | <input type="checkbox"/> | <input type="checkbox"/> |
| Lodged in accordance with instructions        | <input type="checkbox"/> | <input type="checkbox"/> |
| Tender Submission Documents all provided      | <input type="checkbox"/> | <input type="checkbox"/> |
| All documents signed as required              | <input type="checkbox"/> | <input type="checkbox"/> |
| OHS Information Provided                      | <input type="checkbox"/> | <input type="checkbox"/> |

If "No", describe.....

.....

8. Requests for supplementary details determined and actioned

☐ ☐

If "No", describe.....  
.....

9. Mathematical price extensions verified correct or reported

☐ ☐

If "No", describe.....  
.....

Checklist completed by

Signed \_\_\_\_\_

Date \_\_\_\_\_

10. Documents provided to Tender Evaluation Panel.

☐ ☐

Delivery Date: \_\_\_\_\_

**FORM C1 LIST OF TENDERERS**

<b>Contract Name</b>		<b>Contract No</b>					
<b>Tenderer</b>	<b>Postal Address</b>	<b>Date Collected</b>	<b>Collection Method</b>	<b>Tender Sum</b>	<b>Sup 1</b>	<b>Sup 2</b>	<b>Sup 3</b>



## E - CHECKLIST FOR TENDER ASSESSMENT

(One page for each Tender)

<b>Contract Name</b>		<b>Contract No:</b>	
----------------------	--	---------------------	--

### 1. CONTRACTOR'S DETAILS

Name		Contact Person	
Address		Telephone	

### 2. TENDER EVALUATION PANEL NOMINATION AND DECLARATION

PANEL MEMBERS NAME	CONFLICT OF INTEREST		IF YES, SPECIFY	SIGNATURE
	YES	NO		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		

### 3. ISSUES FROM PRELIMINARY ASSESSMENT

.....

.....

.....

### 4. THE EVALUATION PANEL FINDS THIS TENDER:

☐

conforming

☐

nonconforming

### 5. NOMINATION & DECLARATION ACKNOWLEDGMENT

I acknowledge the record above regarding conflict of interest for the tender evaluation panel and conformity with regard to the tender received.

Signed

---

*Group Leader*

Date

**G - TENDER ASSESSMENT REPORT**

<b>Contract Name</b>		<b>Contract No</b>	
----------------------	--	--------------------	--

**Tender Evaluation Panel**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<b>Tender</b>	<b>Consensus Assessment Points (Total)</b>	<b>Summary Comment</b>
1.		
2.		
3.		
4.		
5.		
6.		

**Tender Evaluation Panel Recommendation**

It is recommended \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Signed** 1. \_\_\_\_\_ **Date:**

2. \_\_\_\_\_ **Date:**

3. \_\_\_\_\_ **Date:**

4. \_\_\_\_\_ **Date:**

**Documentation issued to Purchase Audit Committee for review**



**H - CHECKLIST FOR PURCHASE AUDIT COMMITTEE (PAC)**

<b>Contract Name</b>		<b>Contract No</b>	
----------------------	--	--------------------	--

**PRE-TENDER REVIEW**

Tender reviewed by PAC in relation to

<input type="checkbox"/>	Purchase and evaluation process adopted	<input type="checkbox"/>
<input type="checkbox"/>	Evaluation criteria	
	Consideration for local business	<input type="checkbox"/>
	Critical Dates	
	<input type="checkbox"/>	

Signed	_____	Date	_____
	<i>Finance Group Leader</i>		

Signed	_____	Date	_____
	<i>Assets Group Leader/Engineering Group Leader</i>		

Signed	_____	Date	_____
	<i>Regulatory Services Group Leader</i>		

**POST-TENDER REVIEW**

Evaluation supported by PAC and due process followed

	<input type="checkbox"/>		
Signed	_____	Date	_____
	<i>Finance Group Leader</i>		

Signed	_____	Date	_____
	<i>Assets Group Leader/Engineering Group Leader</i>		

Signed	_____	Date	_____
	<i>Regulatory Services Group Leader</i>		

A large, thick, olive green curved shape that starts from the top left, curves around the top and right, and ends at the bottom right, framing the text.

# Central Coast Council

## Boundary Fence Contribution Policy

December 2019

# Table of Contents

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## PURPOSE

This Policy outlines the Council's position in relation to requests it may receive from time to time in relation to assistance with the erection, repair or replacement of boundary fences between Council owned property and private land.

## SCOPE

The Council will contribute financially to the cost of erection, repair or replacement of shared boundary fences between Council property and private property in accordance with the following table:

Where a private property abuts:	Council contribution will be considered if requested:	Compliance
A road reserve	No	s.7 <i>Boundary Fences Act 1908</i>
A public reserve	No	s.6 & s.7 <i>Boundary Fences Act 1908</i>
A public car park	Yes	
A developed Council property (ie Recreation Centres)	Yes	
Sports fields	Subject to demonstrated need	

Note: Council may choose to contribute to fencing outside what is defined above if it is of the view it is in the best interest of Council to do so. Examples when this might occur include security, public safety, amenity and operational efficiency.

## STANDARDS (INCLUDING RELEVANT LEGISLATION)

This Policy was developed in accordance with the provisions of the:

- . *Local Government Act 1993*
- . *Boundary Fences Act 1908*

## POLICY STATEMENT

Any fencing contribution will be subject to the following conditions:

1. The maximum contribution will be 50 per cent of the cost of materials plus 50 per cent of the labour component of a 'standard' fence.

2. The contribution will only be payable where Council's written agreement has been obtained prior to any construction or repair work being undertaken.
3. The following conditions form part of this Policy:

(i) Applications

Applications for a Council contribution must be made in writing and fully detail the type of fence proposed. The application is to be accompanied by quotations for the materials and labour costs involved. Where a landowner is proposing to supply the labour, the estimated value of the labour is to be included.

(ii) 'Standard' Fence

Where a Council property adjoins:

- (a) residential property, a 'standard' fence will be of solid face construction, consistent with other fences in the immediate area:
- (b) commercial or industrial property, a 'standard' fence will be of wire mesh, chain link or solid face construction,
- (c) rural or undeveloped land, a 'standard' fence will be of five-wire and timber post construction,

All fences are to be made of sturdy durable materials and are to be erected in a tradesman like manner.

- (iii) Where a landowner proposes a fence which, in the Council's opinion, exceeds a 'standard' fence, the contribution payable by the Council will be limited to no more than that which would have been payable by Council for a 'standard' fence.
- (iv) There will be no contribution by Council in respect of retaining walls or any structure intended by the landowner to extend the usefulness or enjoyment of private land.
- (v) Council's contribution to any fence will be payable on completion of construction. Before payment will be authorised the fence will be inspected by a Council officer to ensure it has been constructed to Council's satisfaction.

SANDRA AYTON  
GENERAL MANAGER

Date of approval: 16/12/2019

Approved by:

