



COUNCIL MEETING AGENDA

NOTICE is hereby given that an Ordinary meeting of the Kingborough Council
will be held in the Kingborough Civic Centre, 15 Channel Highway, Kingston on
Monday, 3 March 2025 at 5.30pm

Kingborough Councillors 2022 - 2026



Mayor
Councillor Paula Wriedt



Deputy Mayor
Councillor Clare Glade-Wright



Councillor Aldo Antolli



Councillor David Bain



Councillor Gideon Cordover



Councillor Kaspar Deane



Councillor Flora Fox



Councillor Amanda Midgley



Councillor Mark Richardson



Councillor Christian Street

QUALIFIED PERSONS

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports contained in Council Meeting Agenda No. 4 to be held on Monday, 3 March 2025 contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendations.



Dave Stewart
CHIEF EXECUTIVE OFFICER
being the General Manager as appointed by the
Kingborough Council pursuant to section 61 of the
Local Government Act 1993 (TAS)

Tuesday, 25 February 2025

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GUIDELINES FOR PUBLIC QUESTIONS

Section 31 of the *Local Government (Meeting Procedures) Regulations 2015*

Questions from the public may either be submitted to the General Manager in writing or asked verbally at an Ordinary Council meeting. Any question asked must only relate to the activities of Council [Section 31(2)(b)].

This guideline is provided to assist the public with the requirements of Public Question Time as set out in the *Local Government (Meeting Procedures) Regulations 2015* as well as determinations made by Council. You are reminded that the public question forum is designed to accommodate questions only and neither the questions nor answers will be debated.

Questions on Notice

Written questions on notice must be received at least seven (7) days before an Ordinary Council meeting [Section 31(1)] and must be clearly headed 'Question/s on Notice'. The period of 7 days includes Saturdays, Sundays and statutory holidays but does not include the day on which notice is given or the day of the Ordinary Council meeting [Section 31(8)].

Questions Without Notice

The Chairperson of an Ordinary Council meeting must ensure that, if required, at least 15 minutes is made available for public questions without notice [Section 31(3)]. A question without notice must not relate to any matter that is listed on the agenda for that meeting.

A question by any member of the public and an answer to that question is not to be debated at the meeting [Section 31(4)]. If a response to a question cannot be provided at the meeting, the question will be taken on notice and will be included in the following Ordinary Council meeting agenda, or as soon as practicable, together with the response to that question.

There is to be no discussion, preamble or embellishment of any question asked without notice, and the Chairperson may require that a member of the public immediately put the question.

The Chairperson can determine whether a question without notice will not be accepted but must provide reasons for refusing to accept the said question [Section 31 (6)]. The Chairperson may require a question without notice to be put on notice and in writing.

The Chairperson may rule a question inappropriate, and thus inadmissible if in his or her opinion it has already been asked, is unclear, irrelevant, offensive or relates to any matter which would normally be considered in Closed Session. The Chairperson may require that a member of the public immediately put the question.

AGENDA of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Monday, 3 March 2025 at 5.30pm

1 AUDIO RECORDING

The Chairperson will declare the meeting open, welcome all in attendance and advise that Council meetings are recorded and made publicly available on its website. In accordance with Council's policy the Chairperson will request confirmation that the audio recording has commenced.

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

The Chairperson will acknowledge the traditional custodians of this land, pay respects to elders past and present, and acknowledge today's Tasmanian Aboriginal community.

3 ATTENDEES

Councillors:

Mayor Councillor P Wriedt
Deputy Mayor Councillor C Glade-Wright
Councillor A Antolli
Councillor D Bain
Councillor G Cordover
Councillor K Deane
Councillor F Fox
Councillor A Midgley
Councillor M Richardson
Councillor C Street

4 APOLOGIES

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the open session of the Council Meeting No. 3 held on 17 February 2025 be confirmed as a true record.

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

Date	Topic	Detail
24 February	KWS	A briefing from the Kingborough Waste Services Board on business performance, opportunities and challenges.

7 DECLARATIONS OF INTEREST

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's adopted Code of Conduct, the Mayor requests Councillors to indicate whether they have, or are likely to have, a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

8 TRANSFER OF AGENDA ITEMS

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

9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

10 QUESTIONS ON NOTICE FROM THE PUBLIC

Council has determined that questions on notice or questions taken on notice from a previous meeting should not contain lengthy preambles or embellishments and should consist of a question only. To this end, Council reserves the right to edit questions for brevity so as to table the question only, with some context if need be, for clarity.

10.1 LPS REPRESENTATIONS

Ms Angela Hanly submitted the following question on notice:

Can KC please provide a count of the TOTAL number of LPS representations received, including where a single person has made multiple representations for multiple properties or where a single property has received multiple representations.

To be clear, for the purpose of the number I am seeking and by way of example, I expect the 819 submissions made by the Elcock brothers to be counted as 819 not 1 i.e. the total number of representations received.

If this count is not able to be provided - why not?

Officer's Response:

Council officers are continuing to undertake the detailed review of representations received. The total number has been and may still be adjusted as the review has identified instances such as duplicate representations being submitted and multiple representations submitted together. Representations received are varied in content with some raising concerns regarding properties and/or the content of the LPS generally, others expressing support and a number containing questions regarding the LPS.

To date the number of representations for the draft Kingborough Local Provisions Scheme is 762 which includes a representation relating to 818 properties. If each of the 818 properties are counted as a representation, the current total number is 1580. In preparing the report to be provided to the TPC, Council (the Planning Authority) will ensure that all properties referenced in representations have been considered.

Deleeze Chetcuti, Director Environment, Development & Community Services

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

12 QUESTIONS ON NOTICE FROM COUNCILLORS

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12.1 Soft Plastics

Cr Midgley submitted the following question on notice:

1. *Clarence Council has started a soft plastics recycle program with two drop off points in the municipality, how does this program work and is there a cost to councils for implementing this?*
2. *What is council's role in lobbying for upstream solutions to plastic production?*
3. *What is the plan for Kingborough to transition and implement to an opt out Food Organics Green Organics program?*
4. *When will the statewide single use plastics ban be implemented?*
5. *What is the update regarding the change rooms at Sherburd Oval and how are we ensuring the local community is kept up to date and has input to any developments?*
6. *Can we get the Tas Waste South monthly newsletters in the appendix to the Council agenda?*

Officer's Response:

1. This is a recent initiative for Clarence City Council, which Council will monitor to determine whether it makes sense to implement for Kingborough. Effectively this is just another avenue for people to take their soft plastics to a drop off point for downstream recycling. There is a cost for councils in providing the drop off facilities.
2. Most of the initiatives are driven by legislation supporting this are partly driven by legislation either at a State or Australian Government level. Council would have a role to continue to lobby State Government in support of initiatives such as a state wide ban on single use plastics.
3. This would require a decision of Council and could be considered either through an review and update to the Waste Management Strategy or via separate report to Council if there is support to investigate this matter.
4. Although the State have actively committed to phasing out single use plastics and have been investigating this matter, there is no clear timeline as to when this may occur.
5. Some further work will be undertaken on the options in 24/25 with a view to undertaking construction in 25/26. Stakeholders will be involved as part of the process.
6. Newsletters from TasWaste South can be provided as an appendix item to the Council agendas.

David Reeve, Director Engineering Services

13 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

14 PETITIONS RECEIVED IN LAST PERIOD

At the time the Agenda was compiled no Petitions had been received.

15 OFFICERS REPORTS TO COUNCIL

15.1 PURCHASING POLICY

File Number: 12.85

Author: Scott Basham, Manager Legal & Property

Authoriser: Daniel Smee, Director Governance, Recreation & Property Services

Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services.

Strategic Outcome: 2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability.

1. PURPOSE

1.1 The purpose of this report is to review Councils Purchasing Policy (the Policy).

2. BACKGROUND

2.1 Council is committed to implementing efficient, effective and sustainable procedures in all purchasing activities, and the Policy sets out a framework for the purchasing of goods and services by Council.

2.2 Council Officers, in conjunction with procurement subject matter experts from LGAT and Supply Chain Management Education Australia have completed an administrative review of the Policy.

3. STATUTORY REQUIREMENTS

3.1 Section 333A of the *Local Government Act 1993* (the Act) and regulations 23 to 26 of the *Local Government (General) Regulations 2015* (the Regulations) determine the manner in which purchasing activities must generally be conducted where the value of a contract exceeds a prescribed amount.

3.2 Section 333A of the Act and regulation 27 of the Regulations prescribe situations and contracts where Regulations 23 to 26 do not necessarily apply.

4. DISCUSSION

4.1 Council Officers in conjunction with LGAT's Senior Policy Consultant, Ms Deborah Leisser, and Supply Chain Management Education Australia consultant, Mr Rene Kling, have undertaken an administrative review and update of the Policy.

- 4.2 Copies of the Policy with tracked changes and the updated version are provided as attachments to this report.
- 4.3 Minor amendments were made to the Policy including:
 - 4.3.1 Confirming that the Policy and the Code for Tenders and Contracts (the Code) should be considered together.
 - 4.3.2 Presenting data associated to purchasing requirements in table format.
 - 4.3.3 Replacing the term General Manger with the term Chief Executive Officer (CEO).
 - 4.3.4 Reordering some sections to improve flow, readability and clarity.
 - 4.3.5 Simplifying sentence structures in the context of a plain English approach.

5. FINANCE

- 5.1 There are no financial implications associated to this matter.

6. ENVIRONMENT

- 6.1 There are no environmental matters concerning the update of the Policy.
- 6.2 In terms of sustainable procurement, this is addressed within the Code.

7. COMMUNICATION AND CONSULTATION

- 7.1 The Policy will be publicly accessible and published on Councils website.

8. RISK

- 8.1 No risk is identified in updating the Policy.

9. CONCLUSION

- 9.1 Councils Purchasing Policy has been reviewed with minor amendments and is recommended for approval.

10. RECOMMENDATION

That the amended Purchasing Policy 3.7 as attached to this report be approved.

ATTACHMENTS

- 1. **Purchasing Policy (track change)**
- 2. **Purchasing Policy (final)**

EXISTING POLICY WITH TRACK CHANGES



Purchasing Policy

Policy No:	3.7
Approved by Council:	February 2022 <u>March 2025</u>
New Review Date:	February 2024 <u>March 2027</u>
Minute No:	C86/3-2022 <u>TBA</u>
ECM File No:	12.85
Version:	8.09.0
Responsible Officer:	Chief Financial Officer <u>Director Governance, Recreation & Property Services</u>
Strategic Plan Reference:	2.2 Infrastructure development and service delivery are underpinned by strategic planning to cater for the needs of a growing population 2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability

1. LEGISLATION

- 1.1 [Section 333A of the Local Government Act 1993 and Regulations 23 to 26 of the Local Government \(General\) Regulations 2015 determine the manner in which purchasing activities must generally be conducted where the value of a contract exceeds a Prescribed Amount.](#)
- 1.2 [Note: The Prescribed Amount under the 2015 Regulations is currently \\$250,000 \(excluding GST\).](#)
- 1.3 [Section 333A of the Act and Regulation 27 of the Regulations prescribe situations and contracts where Regulations 23 to 26 do not necessarily apply.](#)
- 1.4 [Section 333B of the Act and Regulation 28 of the Regulations requires Council to adopt a Code for Tenders and Contracts and define the requirements for that Code.](#)

** The above paragraph will become paragraph 8 in the updated version **

2. POLICY STATEMENTS

- 2.1 Kingborough Council is committed to implementing efficient, effective and sustainable procedures in all purchasing activities.
- 2.2 The purpose of this policy is to set out a framework for the purchasing of goods and services by Council.

3. DEFINITIONS

- 3.1 **Act** is the Local Government Act 1993 (Tasmania).
- 3.2 **Amount** is the actual price, or a genuine forecast of the actual price based on quotations or tenders, (excluding GST) for the goods or services to be purchased over the full commitment or term (including extension options) of a contract arising from the purchasing activity. Note: The Amount replaces the Value once market testing has been completed.
- 3.3 **Authorised Purchasing Officer** is a Council employee authorised under clause [6.7.4 5-8. t4 to](#) approve a purchase order or contract.
- 3.4 **Authorised Payment Officer** is the officer authorised under clause [6.8.25-9.2](#) to approve an invoice or payment.
- ~~4.~~ 3.1 [Chief Executive Officer \(CEO\) is the General Manager as appointed by the Kingborough Council pursuant to Section 61 of the Local Government Act 1993 \(Tas\)](#)
- 3.2 **Evaluation Team** is the team established under clause 5.7 of this policy.
- 3.3 **Higher Risk** purchases are goods or services that are outside the definition of Lower Risk purchases.
- 3.4 **Local Supplier** means a supplier having both a business premises within Kingborough Municipality and liable for payment of rates to Kingborough Council.
- 3.5 **Lower Risk** purchases are standard goods or services that are repetitively provided by the supplier, typically “off the shelf” goods including catalogued options. Services involving construction or installation work performed on Council premises are not Lower Risk.
- 3.6 **Prescribed Amount** is the amount (excluding GST) referred in section 333A of the Act and described in regulation 23 of the Regulations.
- 3.7 **Regulations** are the Local Government (General) Regulations 2015 (Tasmania).
- 3.8 **Value** means a genuine pre-estimate of the likely market price (excluding GST) for the goods or services to be purchased over the full commitment or term (including extension options) of a contract arising from the purchasing activity.
- 3.9 **Value for Money** means the combination of the Amount and qualitative aspects of the supply of goods or services that will provide the most beneficial outcome to Council.

4. OBJECTIVE

- 4.1 The objectives of this Purchasing Policy are to achieve the following principles in Council's purchasing:
- 4.1.1 Goods and services are obtained at the best achievable Value for Money for Council, taking into consideration factors such as price, quality and availability.
 - 4.1.2 Goods and services are suitable for their intended purpose and are received in a timely manner.
 - 4.1.3 Prospective suppliers are provided with reasonable opportunities to compete for supply of goods or services to Council, without incurring excessive costs to submit quotations or tenders.
 - 4.1.4 Activities are conducted ethically and fairly; and
 - 4.1.5 Local Suppliers are encouraged to compete to provide goods and services and are not disadvantaged by Council's purchasing methods.
 - 4.1.6 Unsuccessful suppliers will be provided with the opportunity for debriefing and feedback on their ~~submissions.~~tenders

5. SCOPE

- 5.1 This Policy applies to all purchasing activities carried out for Council, including those carried out by external parties on behalf of Council.
- 5.2 This policy and the Code for Tenders and Contracts should be considered together.
- 5.3 This Policy identifies situations where public tenders are required and the minimum requirements for purchasing activities that are not subject to public tendering.
- 5.4 The manner in which public tenders will be sought, evaluated and contracts awarded is covered by the Code for Tenders and Contracts. To the extent that any detail within the Code for Tenders and Contracts differs from this Policy, the details in the Code for Tenders and Contracts take precedence.
- 5.5 This Policy expands the detail from the Delegated Authority Policy (Policy No. 1.1) in regard to committing expenditure and approving payments. To the extent that any detail within this Policy differs from the Delegated Authority Policy (Policy No. 1.1), the details in this Policy take precedence.

6. PROCEDURE (POLICY DETAIL)

- 6.1 Goods or services will be purchased in ~~line conformity~~ with the Act, Regulations, this Policy, the Code for Tenders and Contracts, and the Purchasing Delegated Authority Register current at commencement of procurement planning for those goods or services.
- 6.2 Goods or services with a Value at or above the Prescribed Amount will be obtained by:
- 6.2.1 Inviting public tenders where required by Regulation 23 of the Regulations.
 - 6.2.2 Any permitted means where an exemption is provided for under Regulation 27 of the Regulations.
- ~~The invitation of public tenders is not required where Regulation 27(a) applies if public tenders are determined by the General Manager to best satisfy Council's purchasing objectives in the case of an emergency.~~
- 6.3 The ~~General Manager-CEO~~ will report to Council in all instances where public tenders or quotations are not being sought for purchases above the Prescribed Amount as required by Regulation 28(j). The following minimum information will be included in the report to Council:
- 6.3.1 ~~A~~ brief description of the reason for not inviting public tenders or quotations.

- 6.3.2 ~~A~~ brief description of the goods or services;
- 6.3.3 ~~T~~he estimated Value of the goods or services; and
- 6.3.4 ~~T~~he name of the (recommended) supplier.

Except in the case of an emergency the report will form part of the normal authority to approve purchases process. In the event of purchasing commitments being made in an emergency, the report will be provided to the first ordinary meeting of Council after the emergency has concluded.

~~The Code for Tenders and Contracts will apply where public tenders are invited, unless an alternative approach is approved. For goods or services with a Value below the Prescribed Amount the alternative approach may be approved by the General Manager, otherwise approval by Council is required.~~

~~Purchase of Works and or goods or services require the minimum number of quotations as shown in the table below. Where the Code for Tenders and Contracts does not apply to a particular tender this will be clearly stated in the Tender Package.~~

~~Goods or services with a Value below the Prescribed Amount require the minimum number of quotations below, except where exemptions are authorised as clause 5.6.6:~~

<u>VALUE</u>	<u>REQUIREMENT</u>	<u>EXEMPTION TO MINIMUM REQUIREMENT</u>
<u>Up to \$1,000</u>	<u>No minimum requirement</u>	<u>N/A</u>
<u>\$1,001 - \$5,000</u>	<u>At least 1 verbal quotation (which should be confirmed in writing)</u>	<u>Authorised by a manager reporting directly to the CEO</u>
<u>\$5,001 - \$30,000</u>	<u>At least 2 written quotations</u>	
<u>\$30,001 - \$250,000</u>	<u>At least 3 written quotations</u>	<u>Authorised by the CEO</u>
<u>\$250,000 +</u>	<u>Public Tender or use of Exemption clause in the ACT</u>	<u>Authorised by CEO/Council</u>

2. [REDACTED]

~~Obtaining quotations is at the discretion of the Authorised Purchasing Officer, with no minimum requirement, for purchases to a Value of \$1,000;~~

~~At least 1 verbal quotation is required for purchases with a Value between \$1,001 and \$5,000;~~

~~At least 2 written quotations, or 2 verbal quotations obtained from a written request, are required for Lower Risk purchases with a Value between \$5,001 and \$30,000;~~

~~At least 2 written quotations are required for Higher Risk purchases with a Value between \$5,001 and \$30,000;~~

~~At least 3 written quotations are required for purchases with a Value between \$30,001 and the Prescribed Amount;~~

~~Exemptions from the minimum requirements of clauses 5.6.2 to 5.6.5 can be authorised by the General Manager, or for purchases up to a Value of \$30,000 by a manager directly reporting to the General Manager.~~

- 6.3.5 A higher number of quotations may be sought, or public tenders invited at a level below the prescribed limit, where assessed as necessary to satisfy Council's purchasing objectives.

- 6.4 An Evaluation Team will be convened for all purchases with a Value above \$100,000. The Evaluation Team may be different for each purchase and will comprise not less than 3 persons jointly:

- 6.4.1 Providing knowledge of both technical and commercial aspects of the purchase; and
- 6.4.2 From at least two different Council Departments.

The Evaluation Team will prepare a written summary of the evaluation method, criteria, allocated scores and recommended supplier.

6.5 Authority to Approve Tenders and Quotations:

- 6.5.1 Acceptance of tenders and quotations for the purchase of goods or services at or above the Prescribed Amount must be approved by Council.
- 6.5.2 The ~~General Manager~~ CEO is authorised to accept tenders and quotations for the purchase of goods or services at or above \$100,000 and below the Prescribed Amount taking into account the recommendation from the Evaluation Team. The ~~CEO General Manager~~ will retain a written record of the reasons if the recommendation from the Evaluation Team is not accepted.
- 6.5.3 The ~~CEO General Manager~~ is authorised to approve purchases of goods or services below \$100,000, after determining that appropriate processes have been followed.
- 6.5.4 The ~~CEO General Manager~~ is permitted to appoint Authorised Purchasing Officers who are then authorised, to an Amount set by the ~~CEO General Manager~~ but not exceeding \$100,000, to determine that appropriate processes have been followed and to approve Tenders and Quotations.

6.6 Authority to Approve Payments:

- 6.6.1 The ~~CEO General Manager~~ is authorised to approve payment for supply of goods or services for any Amount provided that the purchase was approved according to clause ~~5.8-8~~

The ~~General Manager~~ CEO is permitted to appoint Authorised Payment Officers who are then authorised, to determine that a payment is due and to pay an Amount set by the ~~CEO General Manager but not exceeding the Prescribed~~

- 6.6.2 ~~Amount, for each authorised payment, to determine that the payment is due and to approve payment for goods or services, provided that the purchase has been approved under clause 5.8.~~

- 6.6.3 Authorised Payment Officers cannot approve payment if the purchase has not been approved under clause ~~6.7 5.8~~ unless the approver is an Authorised Purchasing Officer for the total Amount of goods or services arising from the purchasing commitment.

- 6.7 The ~~General Manager~~ CEO will establish and maintain registers of:

- 6.7.1 Authorised Purchasing Officers and;
- 6.7.2 Authorised Payment Officers.

- 6.8 The ~~CEO General Manager~~ will establish and maintain procedures for implementing this Policy for:

- 6.8.1 Conducting purchasing activities where the Value is at or above the Prescribed Amount;
- 6.8.2 Conducting purchasing activities where the Value is below the Prescribed Amount;
- 6.8.3 Annual reporting in relation to tenders and contracts as required by the Act and Regulations.

7. GUIDELINES

- 7.1 Guidelines and procedures for implementation of this Policy are separately maintained as administrative documents.

8. COMMUNICATION

- 8.1 This Policy will be published on Council's internet and intranet sites.

LEGISLATION

~~Section 333A of the Local Government Act 1993 and Regulations 23 to 26 of the Local Government (General) Regulations 2015 determine the manner in which purchasing activities must generally be conducted where the value of a contract exceeds a Prescribed Amount.~~

~~Note: The Prescribed Amount under the 2015 Regulations is currently \$250,000 (excluding GST).~~

~~Section 333A of the Act and Regulation 27 of the Regulations prescribe situations and contracts where Regulations 23 to 26 do not necessarily apply.~~

~~Section 333B of the Act and Regulation 28 of the Regulations requires Council to adopt a Code for Tenders and Contracts and define the requirements for that Code.~~

9. RELATED DOCUMENTS

- 9.1 Council's Code for Tenders and Contracts (Policy No. 3.12) sits alongside this Policy and sets out the manner in which tenders for goods or services above the Prescribed Amount will be conducted by Council.
- 9.2 Council's Delegated Authority Policy (Policy No. 1.1) includes authorities delegated to the [CEO General Manager](#), in relation to purchasing activities and defines those which may be sub-delegated. To the extent that any detail within this Policy differs from the Delegated Authority Policy (Policy No. 1.1), the details in this Policy take precedence.

10. AUDIENCE

- 10.1 This Policy is intended for Council Employees, Councillors, Tenderers and external parties.
- 10.2 The policy is publicly accessible via Council's website.

UPDATED POLICY FOR APPROVAL



Purchasing Policy

Policy No:	3.7
Approved by Council:	March 2025
New Review Date:	March 2027
Minute No:	TBA
ECM File No:	12.85
Version:	9.0
Responsible Officer:	Director Governance, Recreation & Property Services
Strategic Plan Reference:	<p>2.2 Infrastructure development and service delivery are underpinned by strategic planning to cater for the needs of a growing population</p> <p>2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability</p>

1. POLICY STATEMENTS

- 1.1 Kingborough Council is committed to implementing efficient, effective and sustainable procedures in all purchasing activities.
- 1.2 The purpose of this Policy is to set out a framework for the purchasing of goods and services by Council.

2. DEFINITIONS

- 2.1 **Act** is the *Local Government Act 1993* (Tasmania).
- 2.2 **Amount** is the actual price, or a genuine forecast of the actual price based on quotations or tenders, (excluding GST) for the goods or services to be purchased over the full commitment or term (including extension options) of a contract arising from the purchasing activity. Note: The Amount replaces the Value once market testing has been completed.
- 2.3 **Authorised Purchasing Officer** is a Council employee authorised under clause 5.5.4 to approve a purchase order or contract.
- 2.4 **Authorised Payment Officer** is the officer authorised under clause 5.6.2 to approve an invoice or payment.
- 2.5 **Chief Executive Officer (CEO)** is the General Manager as appointed by the Kingborough Council pursuant to section 61 of the Act.
- 2.6 **Evaluation Team** is the team established under clause 5.4 of this Policy.
- 2.7 **Higher Risk** purchases are goods or services that are outside the definition of Lower Risk purchases.
- 2.8 **Local Supplier** means a supplier having both a business premises within the Kingborough Municipality and liable for payment of rates to Kingborough Council.
- 2.9 **Lower Risk** purchases are standard goods or services that are repetitively provided by the supplier, typically “off the shelf” goods including catalogued options. Services involving construction or installation work performed on Council premises are not Lower Risk.
- 2.10 **Prescribed Amount** is the amount (excluding GST) referred to in section 333A of the Act and described in regulation 23 of the Regulations.
- 2.11 **Regulations** are the *Local Government (General) Regulations 2015* (Tasmania).
- 2.12 **Value** means a genuine pre-estimate of the likely market price (excluding GST) for the goods or services to be purchased over the full commitment or term (including extension options) of a contract arising from the purchasing activity.
- 2.13 **Value for Money** means the combination of the Amount and qualitative aspects of the supply of goods or services that will provide the most beneficial outcome to Council.

3. OBJECTIVE

- 3.1 The objectives of this Purchasing Policy are to achieve the following principles in Council’s purchasing:
 - 3.1.1 Goods and services are obtained at the best achievable Value for Money for Council, taking into consideration factors such as price, quality and availability.
 - 3.1.2 Goods and services are suitable for their intended purpose and are received in a timely manner.
 - 3.1.3 Prospective suppliers are provided with reasonable opportunities to compete for supply of goods or services to Council, without incurring excessive costs to submit quotations or tenders.
 - 3.1.4 Activities are conducted ethically and fairly.

- 3.1.5 Local Suppliers are encouraged to compete to provide goods and services and are not disadvantaged by Council's purchasing methods.
- 3.1.6 Unsuccessful suppliers will be provided with the opportunity for debriefing and feedback on their submissions.

4. SCOPE

- 4.1 This Policy applies to all purchasing activities carried out for Council, including those carried out by external parties on behalf of Council.
- 4.2 This Policy and the Code for Tenders and Contracts should be considered together.
- 4.3 This Policy identifies situations where public tenders are required and the minimum requirements for purchasing activities that are not subject to public tendering.
- 4.4 The manner in which public tenders will be sought, evaluated and contracts awarded is covered by the Code for Tenders and Contracts. To the extent that any detail within the Code for Tenders and Contracts differs from this Policy, the details in the Code for Tenders and Contracts take precedence.
- 4.5 This Policy expands the detail from the Delegated Authority Policy (Policy No. 1.1) in regard to committing expenditure and approving payments. To the extent that any detail within this Policy differs from the Delegated Authority Policy (Policy No. 1.1), the details in this Policy take precedence.

5. PROCEDURE (POLICY DETAIL)

- 5.1 Goods or services will be purchased in line with the Act, Regulations, this Policy, the Code for Tenders and Contracts, and the Purchasing Delegated Authority Register current at commencement of procurement planning for those goods or services.
- 5.2 Goods or services with a Value at or above the Prescribed Amount will be obtained by:
 - 5.2.1 Inviting public tenders where required by Regulation 23 of the Regulations.
 - 5.2.2 Any permitted means where an exemption is provided for under Regulation 27 of the Regulations.
- 5.3 The CEO will report to Council in all instances where public tenders or quotations are not being sought for purchases above the Prescribed Amount as required by Regulation 28(j). The following minimum information will be included in the report to Council:
 - 5.3.1 A brief description of the reason for not inviting public tenders or quotations.
 - 5.3.2 A brief description of the goods or services.
 - 5.3.3 The estimated Value of the goods or services.
 - 5.3.4 The name of the (recommended) supplier.

Except in the case of an emergency, the report will form part of the normal authority to approve purchases. In the event of purchasing commitments being made in an emergency, the report will be provided to the first ordinary meeting of Council after the emergency has concluded.

Purchase of works and or goods or services require the minimum number of quotations as shown in the table below.

VALUE	MINIMUM REQUIREMENT	EXEMPTION TO MINIMUM REQUIREMENT
Up to \$1,000	No minimum requirement	Not Applicable
\$1,001 - \$5,000	At least 1 verbal quotation (which should be confirmed in writing)	Authorised by a manager reporting directly to the CEO

VALUE	MINIMUM REQUIREMENT	EXEMPTION TO MINIMUM REQUIREMENT
\$5,001 - \$30,000	At least 2 written quotations	
\$30,001 - \$250,000	At least 3 written quotations	Authorised by the CEO
\$250,000 +	Public Tender or use of Exemption clause in the ACT	Authorised by CEO/Council

5.3.5 A higher number of quotations may be sought, or public tenders invited at a level below the prescribed limit, where assessed as necessary to satisfy Council's purchasing objectives.

5.4 An Evaluation Team will be convened for all purchases with a Value above \$100,000. The Evaluation Team may be different for each purchase and will comprise not less than 3 persons jointly:

5.4.1 Providing knowledge of both technical and commercial aspects of the purchase; and

5.4.2 From at least two different Council Departments.

The Evaluation Team will prepare a written summary of the evaluation method, criteria, allocated scores and recommended supplier.

5.5 Authority to Approve Tenders and Quotations:

5.5.1 Acceptance of tenders and quotations for the purchase of goods or services at or above the Prescribed Amount must be approved by Council.

5.5.2 The CEO is authorised to accept tenders and quotations for the purchase of goods or services at or above \$100,000 and below the Prescribed Amount taking into account the recommendation from the Evaluation Team. The CEO will retain a written record of the reasons if the recommendation from the Evaluation Team is not accepted.

5.5.3 The CEO is authorised to approve purchases of goods or services below \$100,000, after determining that appropriate processes have been followed.

5.5.4 The CEO is permitted to appoint Authorised Purchasing Officers who are then authorised, to an Amount set by the CEO but not exceeding \$100,000, to determine that appropriate processes have been followed and to approve Tenders and Quotations.

5.6 Authority to Approve Payments:

5.6.1 The CEO is authorised to approve payment for supply of goods or services for any Amount provided that the purchase was approved according to clause 5.5.

5.6.2 The CEO is permitted to appoint Authorised Payment Officers who are then authorised, to determine that a payment is due and to pay an amount set by the CEO.

5.6.3 Authorised Payment Officers cannot approve payment if the purchase has not been approved under clause 5.5 unless the approver is an Authorised Purchasing Officer for the total Amount of goods or services arising from the purchasing commitment.

5.7 The CEO will establish and maintain registers of:

5.7.1 Authorised Purchasing Officers; and

5.7.2 Authorised Payment Officers.

5.8 The CEO will establish and maintain procedures for implementing this Policy for:

5.8.1 Conducting purchasing activities where the Value is at or above the Prescribed Amount.

5.8.2 Conducting purchasing activities where the Value is below the Prescribed Amount.

- 5.8.3 Annual reporting in relation to tenders and contracts as required by the Act and Regulations.

6. GUIDELINES

- 6.1 Guidelines and procedures for implementation of this Policy are separately maintained as administrative documents.

7. COMMUNICATION

- 7.1 This Policy will be published on Council's internet and intranet sites.

8. LEGISLATION

- 8.1 Section 333A of the *Local Government Act 1993* and Regulations 23 to 26 of the *Local Government (General) Regulations 2015* determine the manner in which purchasing activities must generally be conducted where the Value of a contract exceeds a Prescribed Amount.
- 8.2 The Prescribed Amount under the Regulations is currently \$250,000 (excluding GST).
- 8.3 Section 333A of the Act and regulation 27 of the Regulations prescribe situations and contracts where regulations 23 to 26 do not necessarily apply.
- 8.4 Section 333B of the Act and regulation 28 of the Regulations requires Council to adopt a Code for Tenders and Contracts and define the requirements for that Code.

9. RELATED DOCUMENTS

- 9.1 Council's Code for Tenders and Contracts (Policy No. 3.12) sits alongside this Policy and sets out the manner in which tenders for goods or services above the Prescribed Amount will be conducted by Council.
- 9.2 Council's Delegated Authority Policy (Policy No. 1.1) includes authorities delegated to the CEO in relation to purchasing activities and defines those which may be sub-delegated. To the extent that any detail within this Policy differs from the Delegated Authority Policy (Policy No. 1.1), the details in this Policy take precedence.

10. AUDIENCE

- 10.1 This Policy is intended for Council Employees, Councillors, Tenderers and external parties.
- 10.2 The Policy is publicly accessible via Council's website.

15.2 CODE FOR TENDERS AND CONTRACTS POLICY

File Number: 12.136

Author: Scott Basham, Manager Legal & Property

Authoriser: Daniel Smee, Director Governance, Recreation & Property Services

Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services.

Strategic Outcome: 2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability.

1. PURPOSE

- 1.1 The purpose of this report is to review Councils Code for Tenders and Contracts Policy (the Code).

2. BACKGROUND

- 2.1 The Code provides a policy framework on best practice tendering and procurement methods in line with the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulations 2015* (the Regulations).
- 2.2 The Code aims to:
- 2.2.1 Ensure compliance with relevant legislation;
 - 2.2.2 Enhance value for money through fair, competitive, non-discriminatory procurement;
 - 2.2.3 Promote the use of resources in an efficient, effective and ethical manner;
 - 2.2.4 Encourage probity, accountability and transparency in decision making;
 - 2.2.5 Provide reasonable opportunity for competitive local businesses to supply to Council;
 - 2.2.6 Minimise the cost to suppliers of participating in the tendering process;
 - 2.2.7 Allow Council to appropriately manage risk; and
 - 2.2.8 Promote Council's economic, social and environmental plans and policies.
- 2.3 Council Officers, in conjunction with procurement subject matter experts from LGAT and Supply Chain Management Education Australia have completed an administrative review of the Code.

3. STATUTORY REQUIREMENTS

- 3.1 Section 333A of the *Local Government Act 1993* (the Act) and regulations 23 to 26 of the *Local Government (General) Regulations 2015* (the Regulations) determine the manner in which purchasing activities must generally be conducted where the value of a contract exceeds a prescribed amount.
- 3.2 Section 333A of the Act and regulation 27 of the Regulations prescribe situations and contracts where regulations 23 to 26 do not necessarily apply.

- 3.3 Section 333B of the Act and regulation 28 of the Regulations require Council to adopt a Code for Tenders and Contracts and define the requirements for that Code.
- 3.4 Regulation 29 of the Regulations details the reporting requirements in relation to tenders and contracts.

4. DISCUSSION

- 4.1 Council Officers in conjunction with LGAT's Senior Policy Consultant, Ms Deborah Leisser, and Supply Chain Management Education Australia consultant, Mr Rene Kling, have undertaken an administrative review and update of the Code.
- 4.2 Copies of the Code with tracked changes and the updated version are provided as attachments to this report.
- 4.3 While the Code was generally consistent with statutory requirements, amendments have been made including:
 - 4.3.1 Reporting requirements and in terms of the obligation, not to split individual purchase processes to avoid the need for tendering.
 - 4.3.2 Clarifying that Council should withdraw a tender and readvertise if there is significant error or discrepancy in the original, rather than amending the tender package.
 - 4.3.3 Considering an alternative tender only when a fully conforming tender is also submitted by a supplier.
 - 4.3.4 Council must only negotiate with the successful tenderer rather than work with all tenderers until an outcome is achieved.
 - 4.3.5 In terms of sustainable procurement, a section was added which provides a broad framework for matters that typically could be considered by an organisation with a mature approach to the issues. It should be noted that Council would be required to substantiate this framework with specific procedures/guidelines to ensure the framework is correctly adopted.
 - 4.3.6 In terms of promoting a 'buying locally' initiative, reference already exists in the Code, however, reference to this matter was included in the section on criteria for Tender Evaluation (*Consideration of Tenders*).
 - 4.3.7 Significant amendments were made to clarify the section describing the *Multiple Use Register*. Changes specify that the register is not in itself a final procurement process and that suppliers on the register need to be invited through either a tender or quotation process (as appropriate) to qualify to undertake work on behalf of Council.
 - 4.3.8 The reference under exemptions to tender that concerned the National Procurement Network and its coordination by The Municipal Association of Victoria (MAV), was removed because the statement was incorrect. It was replaced with material that refers to LGAT Procurement as the current key coordinating point for procurement matters as they relate to Local Government in Tasmania.

5. FINANCE

- 5.1 There are no financial implications associated to the updating of the code.
- 5.2 Concerning any 'buying local' initiative, a section has been included in Tender Evaluation.

6. ENVIRONMENT

- 6.1 There are no environmental matters concerning the update of the Code.
- 6.2 The Code now has a section that indicates a broad framework regarding sustainable procurement.

7. COMMUNICATION AND CONSULTATION

- 7.1 The Code will be publicly accessible and published on Councils website.

8. RISK

- 8.1 No risk is identified in updating the Policy.

9. CONCLUSION

- 9.1 An administrative review of Councils Code for Tenders and Contracts Policy has occurred, with input from procurement subject matter experts, and is recommended for approval.

10. RECOMMENDATION

That the amended Code for Tenders and Contracts Policy 3.12 as attached to this report be approved.

ATTACHMENTS

- 1. Code for Tenders & Contracts Policy - (track change)
- 2. Code for Tenders & Contracts Policy (final)

EXISTING POLICY WITH TRACK CHANGES



Code for Tenders and Contracts Policy

Policy No:	3.12
Approved by Council:	February 2022 <u>March 2025</u>
New Review Date:	February 2024 <u>March 2027</u>
Minute No:	C86/3-2022 <u>TBA</u>
ECM File No:	12.136
Version:	6.07.0
Responsible Officer:	Chief Financial Officer <u>Director Governance, Recreation & Property Services</u>
Strategic Plan Reference:	2.2 Infrastructure development and service delivery are underpinned by strategic planning to cater 2.4 The organisation has a corporate culture that delivers quality customer service, encourages

1. LEGISLATION

- 1.1 [Section 333A of the Local Government Act 1993 and Regulations 23 to 26 of the Local Government \(General\) Regulations 2015 determine the manner in which purchasing activities must generally be conducted where the value of a contract exceeds a Prescribed Amount.](#)
 - 1.2 [Note: The Prescribed Amount under the 2015 Regulations is currently \\$250,000 \(excluding GST\).](#)
 - 1.3 [Section 333A of the Act and Regulation 27 of the Regulations prescribe situations and contracts where Regulations 23 to 26 do not necessarily apply.](#)
 - 1.4 [Section 333B of the Act and Regulation 28 of the Regulations require Council to adopt a Code for Tenders and Contracts and define the requirements for that Code.](#)
- [Regulation 29 of the Regulations details the reporting requirements in relation to tenders and contracts.](#)

** The above paragraph will become paragraph 9 in the updated version **

2. POLICY STATEMENTS

- 2.1 The purpose of this Code for Tenders and Contracts is to provide a policy framework on best practice tendering and procurement methods in line with the legislative requirements of Section 333A and 333B of the Local Government Act 1993 and Regulations 23 to 29 of the Local Government (General) Regulations 2015.
 - 2.2 This Code, in conjunction with Council's Purchasing Policy, aims to:
 - 2.3 [Ensure compliance with relevant legislation.](#)
 - 2.4 [Enhance value for money through fair, competitive, non-discriminatory procurement.](#)
 - 2.5 [Promote the use of resources in an efficient, effective and ethical manner.](#)
 - 2.6 [Encourage probity, accountability and transparency in decision making.](#)
 - 2.7 [Provide reasonable opportunity for competitive local businesses to supply to Council.](#)
 - 2.8 [Minimise the cost to suppliers of participating in the tendering process.](#)
 - 2.9 [Allow Council to appropriately manage risk.](#)
- [Promote Council's economic, social and environmental plans and policies.](#)

3. DEFINITIONS

- 3.1 **Act** is the Local Government Act 1993 (Tasmania).
- 3.2 **Alternative Tender** means a Tender which does not fully satisfy all of the requirements set out in the Tender Package but offers an alternative way of achieving Council's objectives set out in, or reasonably determined from, the Tender Package.
- ~~3.~~ 3.1 **Chief Executive Officer (CEO)** is the [General Manager as appointed by the Kingborough Council pursuant to Section 61 of the Local Government Act 1993 \(Tas\)](#)
- 3.2 **Conforming Tender** means a Tender which satisfies all of the requirements for Tenders set out in the Tender Package.
- 3.3 **Contract** means the contract for the carrying out of the Work or the supply of Goods and Services to be entered into between Council and the successful Tenderer.
- 3.4 **Council** means the Kingborough Council and its fully controlled body corporate entities (referred to as a single authority in the Regulations).
- 3.5 **LGAT** means the [Local Government Association Tasmania. The peak body for Local Government in the State.](#)

- 3.6 **Multi Use Register** means a list of suppliers that Council has determined satisfy the conditions for participation and that the Council intends to use more than once.
- ~~National Procurement Network means the procurement services offered by local government associations in all states and territories to provide national programs where it is beneficial to combine the purchasing powers of Councils Australia-wide. The National Procurement Network (NPN) is coordinated by the Municipal Association of Victoria (MAV).~~
- 3.7 **Non-Conforming Tender** means a Tender which does not satisfy all of the requirements for Tenders set out in the Tender Package including (but not limited to) requirements for information about the Tenderer and details of the proposed works or the supply of Goods and Services.
- 3.8 **Open Tender** means an invitation to tender by public advertisement, where all interested suppliers may submit a tender response.
- 3.9 **Point of Contact** means a person or place where Tenderers may direct enquiries. A Point of Contact may include a monitored online forum for tenders invited through an electronic portal, or may be a member of Council staff.
- 3.10 **Preferred Tenderer** means the Tenderer who, in the opinion of Council, best satisfies the selection criteria.
- 3.11 **Prescribed Amount** means the amount (excluding GST) referred in section 333A of the Act and described in regulation 23 of the Regulations.
- 3.12 **Regulations** are the Local Government (General) Regulations 2015 (Tasmania).
- 3.13 **Successful Tenderer** means the Tenderer whose Tender Council accepts or with whom, after negotiations, Council enters into a Contract for the performance of the Work or the supply of Goods and Services.
- 3.14 **Tender Closing** means the time and date specified in the Tender Package by which Tenders must be submitted.
- 3.15 **Tender Opening** means the opening of Tenders under Clause [7.10.6-9](#).
- 3.16 **Tender Package** means the tender package which Council provides to prospective Tenderers under Clause [7.46-3](#).
- 3.17 **Tenderer** means any party submitting a Tender to Council ~~in respect of the Work.~~
- 3.18 **Tender** means a tender submitted to Council ~~in respect of the Work.~~
- 3.19 **Value** means a genuine pre-estimate of the likely market price (excluding GST) for the goods or services to be purchased over the full commitment or term (including extension options) of a contract arising from the purchasing activity.
- 3.20 **Value for Money** means the combination of the price and qualitative aspects of the supply of goods or services that will provide the most beneficial outcome to Council as outlined in Clause [6.35-3](#).
- 3.21 **Work** means the work ~~for the performance of which~~ Council has invited tenders ~~for~~, including the provision of goods or services.

4. OBJECTIVE

- 4.1 ~~The Act states that a public tender should be conducted where an expected spend is above the prescribed limit of \$250,000 (ex GST). The Regulations state conditions for exemption of this requirement.~~
- 4.2 This Code is intended to apply to all tenders ~~advertised publicly by Council~~, where the Prescribed Amount of \$250,000 is exceeded. At the discretion of the ~~CEO-General Manager~~, Council may apply the Code to other procurements below this threshold.

~~Council may decide that this Code should not apply to a particular procurement. If so, the conditions of tendering for that tender must contain a clear statement to that effect.~~

4.3 A Successful Tenderer must apply this Code as if the Successful Tenderer were Council in seeking tenders from prospective subcontractors except to the extent that any provision of the Code cannot be so applied.

4.4 If there is any inconsistency between this Code and any conditions of tendering contained in a Tender Package, conditions of tendering contained in the Tender Package will prevail providing legislative requirements are met. ~~to the extent of the inconsistency.~~

5. SCOPE

5.1 This Code is supplemented by Council's Purchasing Policy which defines requirements for procurement of Works, goods and services of any amount.

5.2 Council may also determine that tenders should be called in certain circumstances as appropriate, where the estimated value of the purchase is less than the Prescribed Amount (for example, if the procurement is high risk, complex, likely to involve public scrutiny, if the estimate of value is uncertain or if the procurement is in a market that council is not familiar with).

6. PROCEDURE (POLICY DETAIL)

6.1 General Principles

All parties involved in tenders to which this Code applies must:

- 6.1.1 conduct tendering honestly and fairly to all parties;
- 6.1.2 refrain from inviting or submitting tenders without a firm intention to proceed;
- 6.1.3 apply the same conditions of tendering for each Tenderer and avoid any practice which provides one party an improper advantage over another;
- 6.1.4 ensure all potential suppliers are provided with the same information relating to the requirements of an open tender process or contract and are given equal opportunity to meet the requirements;
- 6.1.5 ensure a prompt and courteous response to all reasonable requests for advice and information from potential or existing suppliers;
- 6.1.6 minimise the cost to suppliers of participating in the tendering process;
- 6.1.7 protect commercial-in-confidence information;
- 6.1.8 provide for the review of each tender process to ensure that each tender is in accordance with the regulations and the code;
- 6.1.9 refrain from all improper practices including collusive tendering; and
- 6.1.10 not undertake canvassing of Councillors or Council employees in relation to a tender.

6.2 Open and Effective Communication

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

- 6.2.1 use transparent and open purchasing processes so that suppliers and the public are able to have confidence in the outcomes;
- 6.2.2 ensure suppliers have access to relevant Council procurement documents;
- 6.2.3 adequately test the market through seeking quotations or via tender as appropriate;
- 6.2.4 provide clear specifications;
- 6.2.5 treat all suppliers consistently and equitably; and

- 6.2.6 ensure a prompt and courteous response to all reasonable requests for advice and information from suppliers.

6.3 Value for Money

The Council will ensure that it is buying at the most competitive price available, but value for money does not necessarily mean buying at the lowest price. In practice, this means that Council will consider:

- 6.3.1 the contribution the good or service makes to achieving Council's strategic plans or policies;
- 6.3.2 the value of the acquisition and potential benefits against the costs of that purchase;
- 6.3.3 an assessment of risks associated with the purchase including the preferred procurement method;
- 6.3.4 how well the works, goods or services will meet the needs of Council;
- 6.3.5 maintenance and running costs over the lifetime of a product;
- 6.3.6 disposal value;
- 6.3.7 time constraints, including supply chain delays;
- 6.3.8 the impact of the procurement decision on the local economy, such as through industry development and employment creation;
- 6.3.9 the impact of the procurement decision on the environment, such as through minimising waste and reducing demand for goods and services which have a direct impact on the environment (such as printing, utilities and travel); and
- 6.3.10 the impact of the procurement decision on the society, (social value generated) such as through the elimination of discrimination and the promotion of equal opportunity, training, and other identified social objectives.

6.4 Enhancing local business and industry

Council will ensure that where local capacity exists it will seek to engage the local market and encourage participation in tender and quotation processes. In practice this means that Council will:

- 6.4.1 actively seek quotes from local businesses that are able to provide quality Works, goods and or services;
- 6.4.2 where local capability exists, ensure that discretionary elements of specifications do not prevent local business from competing; and
- 6.4.3 not give preferential treatment to local suppliers where it cannot be reasonably justified.

6.5 Ethical Behaviour and Fair Dealing

Council will promote procurement practices that are legal, ethical, fair and unbiased. In practice this means that Council will:

- 6.5.1 comply with legal requirements;
- 6.5.2 conduct all business in the best interests of the Council;
- 6.5.3 treat all suppliers equally;
- 6.5.4 avoid biased specifications;
- 6.5.5 be as effective and efficient as possible when sourcing, ordering and paying for Works, goods and services;

- 6.5.6 expect individuals involved in procurement processes to declare and act upon any conflicts of interest that may be seen to influence impartiality;
- 6.5.7 ensure that any supplier is not provided with information or clarification that is not provided equally to all suppliers;
- 6.5.8 maintain confidentiality at all times in dealing with suppliers;
- 6.5.9 ensure that conditions of contract are not excessively onerous;
- 6.5.10 Council will ensure that decisions are not influenced by self-interest or personal gain on the part of Councillors and staff (for example gifts or other personal benefits from suppliers) and will identify and deal with conflicts of interest; and
- 6.5.11 decline gifts or benefits offered by those involved in the procurement process, particularly from suppliers.

In practice this means that Council expects suppliers to:

- 6.5.12 ensure that they are well acquainted with Council requirements identified in this Code and additional related policies;
- 6.5.13 are familiar with particulars relating to a specific tender and quotation processes including the relevant specifications;
- 6.5.14 not submit a tender or quotation unless they have the financial, technical, physical, management resource or other capabilities to fulfil Council's requirements;
- 6.5.15 not seek to influence a procurement process by improper means or collude with other suppliers;
- 6.5.16 declare and act upon any conflicts of interest that may be seen to influence impartiality;
- 6.5.17 comply with all applicable legislative, regulatory and statutory requirements, including Acts of the Commonwealth and State, regulations, by laws and proclamations made or issued under such Acts and lawful requirements or directions of public and other authorities; and
- 6.5.18 not offer gifts or benefits to a Council officer for the discharge of official business.

6.6 Sustainable procurement

Wherever possible, Council employees and contractors will pursue the following goals and adhere to the specified objectives when purchasing products and services (noting that these impacts should be considered during the entire life cycle of the product, i.e. the production, distribution, usage and end of life stages).

- 6.6.1 **Minimise Unnecessary Purchasing** – only purchase when a product or service is necessary.
- 6.6.2 **Minimise Waste** – purchase in accordance with avoid, reduce, reuse and recycle strategies.
- 6.6.3 **Save Water and Energy** – purchase products that save energy and/or water.
- 6.6.4 **Minimise Pollution** – avoid purchasing products that pollute soils, air or waterways.
- 6.6.5 **Non-Toxic** – avoid purchasing hazardous chemicals that may be harmful to human health or ecosystems.
- 6.6.6 **Greenhouse Benefits** – purchase products that reduce greenhouse gas emissions.
- 6.6.7 **Biodiversity & Habitat Protection** – purchase in accordance with biodiversity and conservation objectives.
- 6.6.8 **Value for Money** – purchase for best value for money in the long term.

6.7 Conflict of Interest

1. Any party to a Tender, including Tenderers, Councillors and staff, who has a conflict of interest must declare the relevant interests to the Council immediately upon becoming aware of the conflict.

6.8 Collusive Tendering

6.8.1 Tenderers must not engage in collusive tendering.

6.8.2 Collusive tendering includes but is not limited to, the following practices:

6.8.2.1 agreements between Tenderers as to who should be the Successful Tenderer;

6.8.2.2 any meeting of Tenderers prior to the submission of their Tenders that may disadvantage Council;

6.8.2.3 exchange of information between Tenderers about their Tenders prior to awarding of a Contract;

6.8.2.4 agreement between Tenderers for payment of money or securing of reward or benefit for unsuccessful Tenderers by the Successful Tenderer;

6.8.2.5 agreement or collaboration between Tenderers to fix prices or conditions of contract;

6.8.2.6 any unlawful or illegitimate agreement between Tenderers before submission of Tenders such as fixing a special rate of payment to a third party where the payment of such fees is conditional on the Tenderer being awarded a Contract; and

6.8.2.7 any unlawful or illegitimate agreement providing for payment to any third party of money, incentives or other concessions contingent on the success of a Tender which do not relate to the provision of bona fide services relevant to that tender.

6.9 Splitting

A council must not split a procurement into 2 or more contracts for the primary purpose of avoiding compliance with the requirement to publicly invite tenders.

1.

6.10 Exemptions from the Requirements to Tender

The Regulations identify circumstances where Council is not required to issue a public tender process. The exemption circumstances identified in Regulation 27 – ~~Non-Application~~Non-Application of the Public Tender Process are:

6.10.1 an emergency if, in the opinion of the ~~General Manager~~CEO, there is insufficient time to invite tenders for the goods or services required in that emergency;

6.10.2 a contract for goods or services supplied or provided by, or obtained through, an agency of a State or of the Commonwealth;

6.10.3 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;

6.10.4 a contract for goods or services obtained as a result of a tender process conducted by:

6.10.4.1 another council, or

6.10.4.2 a single authority, or

6.10.4.3 a joint authority, or

- 6.10.4.4 the Local Government Association of Tasmania [see 6.10.1112](#), or
- 6.10.4.5 any other local government association in this State or in another State or a Territory, or
- 6.10.4.6 any organisation, or entity, established by any other local government association in this State or in another State or a Territory.;
- 6.10.5 a contract for goods or services in respect of which a council is exempted under another Act from the requirement to invite a tender;
- 6.10.6 a contract for goods or services that is entered into at public auction
- 6.10.7 a contract for insurance entered into through a broker;
- 6.10.8 a contract arising when a council is directed to acquire goods or services due to a claim made under a contract of insurance;
- 6.10.9 a contract for goods or services if the council resolves by absolute majority and states the reasons for the decision, being that a satisfactory result would not be achieved by inviting tenders because of:
 - 6.10.9.1 extenuating circumstances, or
 - 6.10.9.2 the remoteness of the locality, or
 - 6.10.9.3 the unavailability of competitive or reliable tenderers.
- 6.10.10 a contract of employment with a person as an employee of the Council.
- 6.10.11 Council [should consider using the broad range of available Local Government Association Tasmania \(LGAT\) Procurement Standing Contracts/panels for the procurement of goods and services. The use of these arrangements saves Council time and money and assists to reduce risk associated with the procurement process. The arrangements also may, where there is financial benefit, use the National Procurement Network for the provisions of goods and services. The use of a contract under NPN/MAV exempt s Council from public tendering for goods or services valued at or excess of the prescribed amount. The arrangements also assist minimise cost to suppliers participating in Tender processes:](#)

7. GUIDELINES

[There are 3 main forms of public tender under the Act.](#)

- [The open tender,](#)
 - [the multiple use register and](#)
 - [the multiple- stage tender.](#)
- [1.](#)

7.1 OPEN TENDERS

An open tender process is an invitation to tender by public advertisement. There are generally no restrictions regarding who can submit a tender, however, suppliers are required to submit all required information and will be evaluated against stated selection criteria.

7.2 [Tender process](#) - Invitations to Tender

- 7.2.1 An invitation to tender must set out:
 - 7.2.1.1 [Aa](#) description of the Work.;
 - 7.2.1.2 [Tt](#)he time, date and place of Tender Closing.;
 - 7.2.1.3 [De](#)tails of the place from which the Tender Package may be collected; and

- 7.2.1.4 the name and phone number of the Point of Contact for the tender.
- 7.2.2 Tender Closing should be not less than two weeks after the date on which the invitation to tender is first published, unless special circumstances require otherwise;
- 7.2.3 The Tender Closing must not be:
 - 7.2.3.1 A weekend or public holiday in Southern Tasmania;~~;~~or
 - 7.2.3.2 between 23 December and 20 January inclusive;~~;~~
 unless special circumstances require otherwise.

7.2.4 The CEO must invite expressions of interest or a request for proposal from prospective Tenderers by publishing at least once in a daily newspaper circulating in the municipal area a notice specifying:

- 7.2.4.1 The nature of the Works, goods and services required.
- 7.2.4.2 Where the application is to be lodged.
- 7.2.4.3 The person from whom more detailed information may be obtained and
- 7.2.4.4 any deadlines for submission of application for inclusion on the register.

7.2.5 The CEO must ensure that prospective Tenderers are provided with the following in order to lodge an expression of interest:

- 7.2.6 Details of the goods or services required.
- 7.2.6.1 The criteria for evaluating expressions of interest or request for proposal.
- 7.2.6.2 The method of evaluating expressions of interest or request for proposal against the criteria
- 7.2.6.3 Details of any further stages in the tender process and the subsequent selection criteria to be used at the next stage (usually price) and
- 7.2.6.4 a reference to Council's Code for Tenders and Contracts.

7.3 Tender Package

- 7.3.1 Council must make available to prospective Tenderers a Tender Package which:
 - 7.3.1.1 Sstates the time and date by which Tenders must be submitted, the place at which Tenders must be submitted and any other requirements concerning submission of Tenders;~~;~~
 - 7.3.1.2 Clearly defines the intended contractual obligations of the parties;~~;~~
 - 7.3.1.3 Makes reference to Council's Code for Tenders and Contracts;~~;~~
 - 7.3.1.4 Provides details of the Work or goods or services required.~~;~~
 - 7.3.1.5 Details information required from Tenderers;~~;~~
 - 7.3.1.6 Sets out the criteria that will be used to determine whether Tenders are conforming and the basis on which Alternative Tenders will be considered;~~;~~
 - 7.3.1.7 Nominates a Point of Contact where Tenderers may direct enquiries, which may include a monitored online forum for tenders invited though an electronic portal;~~;~~
 - 7.3.1.8 In addition to a Conforming Tender, Council may allow the submission of an Alternative Tender. Here, Tenderers are encouraged encourages Tenderers—to incorporate maximum innovation, while satisfying commercial and technical objectives.’,—by allowing the submission of options in addition to a Conforming Tender; and

7.3.2 The Tender Package must include the following documents:

7.3.2.1 ~~C~~onditions of tendering.

7.3.2.2 ~~S~~pecifications.

7.3.2.3 ~~T~~ender form.

7.3.2.4 ~~C~~onditions of contract or a reference to the form of conditions of contract to be used.

~~7.3.2.5~~ ~~C~~ontract annexures (if applicable). ~~and~~

7.3.2.6 The tender response schedule and

7.3.2.7 drawings, schedules and any other documents as may be required. ~~necessary to satisfy the requirements of 6.3.1 of this clause.~~

7.3.3 A copy of this Code must be made available to Tenderers.

7.4 Form of Contract

7.4.1 Council must use published standard conditions of contract appropriate to the Work or the supply of Goods and Services unless circumstances require otherwise.

Council may amend or use special conditions with standard conditions of contract. If Council does so, Council must clearly identify the amendments or special conditions.

7.5 Tender Enquiries

7.5.1 Council must nominate a Point of Contact to deal with Tenderers' enquiries.

7.5.2 Tenderers may seek further information only through the point of contact nominated by Council.

7.5.3 The Point of Contact may ~~necessitate or~~ require that a request for information be made in writing.

7.5.4 If a Tenderer makes an enquiry, the Point of Contact must record the time and date of the enquiry, the name of the enquirer and the substance of the discussion.

7.5.5 If Council provides ~~to~~ any Tenderer information which is not contained in the Tender Package, Council must give that information to all Tenderers.

7.6 Tender Briefing Meetings

7.6.1 Council may conduct a tender briefing meeting.

7.6.2 Council must inform all prospective Tenderers of the time and place at which the tender briefing meeting is to be held. This may be achieved by including the information in the Tender Package, or by publishing the information through an electronic tendering portal, or through another means of contacting prospective Tenderers.

7.6.3 Council must keep minutes of any tender briefing meeting. The minutes must be made available to all prospective Tenderers and become part of the tender documents.

7.7 Submission of Tenders

7.7.1 Tenders must be lodged electronically or delivered to the place named in the Tender Package to arrive not later than the time specified in the Tender Package.

7.7.2 Tenders ~~may must not~~ be submitted to Council through approved e - procurement systems. ~~by facsimile or by email.~~

7.7.3 Electronic Tendering is Council's preferred method of accepting tenders and must be submitted in the manner and in the form specified in the Tender Package.

- 7.7.4 Where the Tender Package provides for submission of hard copy tenders, each Tender must be enclosed in a sealed envelope clearly marked “Tender” with Council’s tender reference number and description of the tender.
- 7.7.5 Council may, in its absolute discretion, accept a Tender received after Tender Closing or delay Tender Closing where:
- 7.7.5.1 ~~Submission~~ of hard copy tenders is provided for, it was posted at such a time that it should have been received by Council by Tender Closing; or
- 7.7.5.2 ~~Electronic~~ tenders are required or permitted, an event outside a Tenderer’s control prevents submission by Tender Closing; ~~and in addition to 6.7.5.1 and 6.7.5.2~~
- 7.7.5.3 consideration of the late Tender or delaying the Tender Closing would not provide an unfair advantage or disadvantage to any party submitting a Tender.
- 7.7.6 A Tender should not be submitted unless that Tenderer has the capacity and capability to carry out the Work.
- 7.7.7 Tenderers must sign a declaration that they have read and understood the Code for Tenders and Contracts and certify that they have complied with the provisions of the Code.
- 7.7.8 Council ~~may must~~ reject any Tender which is not submitted in accordance with this clause and will record the date and time that it was received.

7.8 Amendment of Tender Package

- 7.8.1 Council may withdraw the Tender Package and readvertise the Tender if there is significant error or discrepancy in the original.
- 7.8.2 Council may amend the Tender Package if it discovers a ~~minor significant~~ error or discrepancy in it.
- 7.8.3 If Council amends the Tender Package it must:
- 7.8.3.1 give an addendum to the Tender Package to all Tenderers;
- 7.8.3.2 give Tenderers sufficient time to consider the addendum; and
- 7.8.3.3 permit any Tenderer who has already submitted a Tender to submit an addendum, complying with the requirements of Clause ~~7.86.7~~ and clearly marked “Tender Addendum”.
- 7.8.4 If Council amends the Tender Package it may extend the Tender Closing.
- 7.8.5 Each Tenderer must, not later than Tender Closing, acknowledge in writing receipt of the addendum given by Council.

7.9 Tender Opening

- 7.9.1 Tender Opening will not be held in public.
- 7.9.2 Tenders must be opened in the presence of two members of Council’s staff other than the person named as ~~the Point of Contact or responsible for monitoring, the Point of Contact nominated by Council to receive Tenderers’ enquiries.~~
- 7.9.3 Council will ensure that records of received Tenders, as opened are captured. The records must include sufficient details to uniquely identify each opened Tender and may be in electronic or hard copy form.

- 7.9.4 Council must keep a copy of all records until after completion of all Work or supply of goods or services and in accordance with its obligations under the Archives Act 1983.

7.10 Tender Review Committee

- 7.10.1 A Tender Review Committee may be established by the ~~General Manager~~ CEO to review all Tenders prior to the awarding of contracts to ensure that Council's procurement policies are adhered to.
- 7.10.2 The Tender Review Committee may review but not be limited to consideration of the following aspects of a tender:
- 7.10.2.1 the tender and evaluation process adopted;
 - 7.10.2.2 the final tender evaluation report;
 - 7.10.2.3 the extent of compliance with this Code; and
 - 7.10.2.4 any other relevant issues or information.

7.11 Consideration of Tenders

- 7.11.1 Subject to this Code, Council must consider all Conforming Tenders.
- 7.11.2 Council must not consider a Non-Conforming Tender. ~~unless it meets the requirements set out in the Tender Package for an Alternative Tender and a fully Conforming Tender is also submitted.~~
- 7.11.3 Council may consider an Alternative Tender which meets the requirements set out in the Tender Package for an Alternative Tender provided that a fully Conforming Tender is also submitted.
- 7.11.4 Council may negotiate with the successful Tenderer who submitted the Alternative tender.
~~it; and may accept the Alternative Tender or any variation of it negotiated with the Tenderer, provided that a fully Conforming Tender is also submitted.~~
- 7.11.5 ~~Co~~Council will take into account any of the following criteria in considering Tenders:
- 7.11.5.1 ~~T~~he resources of the Tenderer including technical, managerial, physical and financial resources.
 - 7.11.5.2 ~~P~~roposed methodology and delivery management, including communication with Council representatives.
 - 7.11.5.3 Tenderer's understanding of the Work or goods and services.
 - 7.11.5.4 Price.
 - 7.11.5.5 Tenderer's past experience and performance history including:
 - ~~T~~ime for delivery of work, goods and/or services.
 - ~~Q~~uality of work, goods and/or services.
 - ~~M~~anagement of delivery, including communication with the customer.
 - ~~C~~o-ordination of service providers, consultants and suppliers.
 - ~~R~~ectification of defects and after delivery service.
 - ~~C~~onformance with specified requirements.
 - ~~W~~ork health and safety and
 - employee relations.

- 7.11.5.6 Experience of personnel committed in the Tender;
- 7.11.5.7 Timeframes committed in the Tender;
- 7.11.5.8 Quality management;
- 7.11.5.9 Sustainability and environmental considerations.
- 7.11.5.10 Local supplier preference.
- Work health and safety management;
- 7.11.5.11 ~~compliance with this Code;~~ and
- 7.11.5.12 any other criteria specified in the Tender Package.
- 7.11.6 Council must determine the weighting to be given to the criteria before Tender Opening, in practice, weightings should be determined at the point of developing the Tender package, prior to going to market. ~~And~~ the weightings are to be determined at Council's absolute discretion.
- 7.11.7 The weighting to be given to each of the criteria may vary from tender to tender.
- 7.11.8 Council may advise Tenderers of the weightings but is not obliged to do so.
- 7.11.9 During evaluation Council may request additional information from ~~and/or negotiate with~~ one or more Tenderers for ~~one or more of~~ the following purposes:
 - 7.11.9.1 to assess any assumptions, mistakes or omissions -made by a Tenderer in preparing their Tender and to rectify any false assumptions mistakes or omissions;
 - 7.11.9.2 to clarify a Tenderer's capacity and/or capability to perform the Work;
~~to improve the Value for Money for Council by identifying cost reductions or service improvements; or~~
 - 7.11.9.3 to finalise business commercial details with the preferred tenderer required to form a contract.
 but must not:
 - 7.11.9.4 request such information ~~or negotiate~~ in order to turn a Non-Conforming Tender into a Conforming Tender; nor;
 - 7.11.9.5 ~~make negotiate~~ substantial changes to specified requirements, where such changes could affect the evaluation outcome, without providing equal opportunity for all Tenderers.
 - 7.11.9.6 Negotiate commercial arrangements with any Tenderer other than the successful or preferred Tenderer.

7.12 Evaluation Team

- 7.12.1 An Evaluation Team will be convened for all purchases with a Value above \$100,000. The Evaluation Team may be different for each purchase and will comprise not less than 3 persons.
- 7.12.2 The Team must have knowledge of both technical and commercial aspects of the purchase; and
- 7.12.3 Be from at least two different Council Departments.
- 7.12.4 The Evaluation Team will prepare a written summary of the evaluation method, criteria, allocated scores and recommended supplier.

7.13 Negotiation, Rejection and Acceptance of Tenders

~~Council is not obliged to accept any tender;~~

- 7.13.1 Council is not obliged to accept the lowest priced Conforming or Alternative Tender.;
- 7.13.2 Council may accept any Conforming Tender, ~~any Non-Conforming Tender~~, or any Alternative Tender ~~in accordance with Clause 6.7 and Clause 6.11;~~
- 7.13.3 Council may negotiate with the successful or preferred Tenderer.
- 7.13.4 Council may reject all Tenders.;
- 7.13.5 If Council rejects all Tenders, Council must advise each Tenderer accordingly.;
- 7.13.6 If Council rejects all Tenders, Council ~~should re Tender. may invite further tenders;~~
~~If Council does not accept any Tender, Council may negotiate with the Preferred Tenderer and, after exhausting negotiations with the Preferred Tenderer, with other Tenderers in order of preference from most to least preferred;~~
- 7.13.7 ~~In the course of negotiation with a Tenderer,~~ Council must not disclose the details of a Tender submitted by any other Tenderer.;
- 7.13.8 If Council decides to accept a Tender ~~or a subsequent offer~~, Council must accept that Tender ~~or subsequent offer~~ in writing ~~to the Successful Tenderer~~ stating that the Tender ~~or subsequent offer~~ has been accepted and setting out the terms and conditions of that acceptance.;
- 7.13.9 After Council has accepted a Tender ~~or subsequent offer~~, Council and the Successful Tenderer must execute a formal contract document in the form specified in the Tender Package (with any necessary amendments) within 14 days from the date when the Successful Tenderer received the written acceptance ~~under Clause 6.12.9;~~
- 7.13.10 Upon sending advice to a Successful Tenderer ~~in accordance with Clause 6.12.9,~~ Council must advise all other Tenderers that their Tenders have been unsuccessful; and
- 7.13.11 The Successful Tenderer will not be entitled to receive any payment due under a Contract until it has executed the formal contract ~~document in accordance with Clause 6.12.10~~ and met any pre-requisites such as the provision of performance bonds or guarantees.

7.14 Authority to Approve Tenders and Quotations:

- 7.14.1 Acceptance of tenders and quotations for the purchase of goods or services at or above the Prescribed Amount must be approved by Council.
- 7.14.2 The CEO will retain a written record of the reasons if the recommendation from the Evaluation Team is not accepted.

7.15 Debriefing Unsuccessful Tenderers

- 7.15.1 Unsuccessful Tenderers may request a debriefing to assist them in understanding how they may improve their submissions for future Council tenders.
- 7.15.2 Debriefings are limited to discussion of the strengths and weaknesses of the Tenderer's submission relative to Council's requirements.
- Unsuccessful Tenderer briefings must not be used to discuss other Tenderer's submissions, nor to contest the outcome of a tender evaluation.

7.16 Multiple-Use Register

Is a public tender process. A Multi-Use Register is a method of pre-qualifying suppliers who have satisfied the conditions for participation for inclusion on the register. The register is primarily for works and goods and services valued at under the prescribed limit of \$250,000 (ex GST) It should not be seen as an alternative method of procurement in its own right. The obligation to undertake an open tender (Prescribed Amount above \$250,000), or to obtain a

- ~~minimum of three written quotations/submissions (Prescribed Amount between \$100,000 and \$250,000), must be completed prior to the formation of the multi-use register.~~
- 7.16.1 ~~Council may establish a multiple use~~ utilise a Multiple-Use Register process to establish a register of suppliers who meet criteria established by Council in respect of the supply of particular goods and services.
- 7.16.2 ~~The multiple-use register for particular individual categories, may be in place for for the supply of goods, materials or services that may be utilised by Council for a period of time of up to two (2) years.~~
- 7.16.3 ~~Council will allow prospective applicants to apply for inclusion on a register at any time during the term of the register, unless the prospective applicant has applied within the previous 12 months and has not been accepted.~~
- 7.16.4 ~~Invitations for registration may be called on a periodic basis and there is no guarantee as to the actual value or quantity of goods, materials or services to be purchased.~~
- 7.16.5 ~~To If it is determined that Council will~~ establish such a register, the General Manager CEO will invite expressions of interest or tenders from prospective applicants for inclusion on the register by publishing on Council's electronic tender web site and/or at least once in a daily newspaper circulating in the municipal area a notice specifying:
- 7.16.5.1 a description of the goods and services required;
- 7.16.5.2 the name and contact details of the person nominated by Council to deal with enquiries or where relevant documents may be obtained; and
- 7.16.5.3 any deadlines for submission of application for inclusion on the register.
4. 7.16.6 ~~The CEO General Manager~~ must ensure that applicants are provided with the following in order to make an application to be on the register.:
- ~~2-~~ 7.16.6.1 details of the categories of goods or services required;
- 7.16.6.2 the conditions for participation to be satisfied by applicants;
- 7.16.6.3 the specific criteria for evaluating applications; and
- 7.16.6.4 a reference to Council's Code for Tenders and Contracts.
- 7.16.7 ~~The CEO General Manager~~ must advise all applicants of the results of their application including the categories for which they are registered and if applicable, the reasons for any rejection, as soon as practicable.
- 7.16.8 ~~Suppliers Tenderers will remain on the Register of Contractors and Suppliers for the period of the contract subject to:-~~
- 7.16.8.1 maintaining the requested insurances and licence registrations for the category of work being performed;
- 7.16.8.2 being financially viable; and having undertaken work for the Council in a proper workmanlike manner without defects or omissions.
- 7.16.9 ~~Tenders or invitations for registration may be called on a periodic basis and there is no guarantee as to the actual value or quantity of goods, materials or services to be purchased. Schedules of rates are obtained through the open tender process and selected contractors are invited, when required, to supply goods or services at the rates agreed in their tender submission. The process of establishing the register is not itself a procurement, as a value for money assessment has not been made. Registered providers will not be engaged without Council undertaking market assessment to verify value for money.~~

7.16.9.1 Verbal and written quotations in accordance with the Council Purchasing Policy are required for procurement at values up to the prescribed amount.

7.16.9.2 Where the expected value of Council requirements for a single procurement is \$250,000 or more (excluding GST) Council will either use an Open Tender process or invite all suitable registered suppliers to tender.

7.16.9.3 Council's internal purchasing approval processes for open tenders will be followed;

7.16.9.4 A formal contract will be signed with the successful tenderers and formal tender processes and guidelines should be followed.; and

————The purchases so made under the Multi-Use Register will be reported under Regulation 29 of the Local Government (General) Regulations 2015.

When Council wishes to use the register, the General Manager will invite all successful applicants that are registered for the relevant category to respond to the request for the provision of the required goods or service.

7.16.10 This type of contract is primarily used for supply of goods, materials or services such as plant hire, supply of road-making materials, pit construction, minor pipe works, mowing, roadside tree maintenance, stationery.

7.16.11 ~~etc.~~ Several contractors or one contractor may be selected for any one project, or work may be awarded on a shared basis.

Council will maintain a Register of Contractors and Suppliers.

Tenderers will remain on the Register of Contractors and Suppliers for the period of the contract subject to:-

maintaining the requested insurances and licence registrations for the category of work being performed;

being financially viable; and

having undertaken work for the Council in a proper workmanlike manner without defects or omissions.

Council will allow a prospective applicant to apply for inclusion on a register of Contractors and Suppliers at any time during the term of the Multi-use Register, unless the prospective applicant has applied within the previous 12 months and has not been accepted.

For all procurements where the value of the supply of goods or services under a Multi-Use Register in a twelve month period from all suppliers is likely to exceed the Prescribed Amount, the following will apply:

2. An open tender process will be undertaken;

Council's internal purchasing approval processes for open tenders will be followed;

A formal contract will be signed with the successful tenderers; and

The purchases so made under the Multi-Use Register will be reported under Regulation 29 of the Local Government (General) Regulations 2015.

7.17 MULTIPLE-STAGE TENDERS

5. Is a public tender process.

7.17.1 A multiple-stage tender process is a process by which suppliers are evaluated through stages against criteria determined by Council.

- 7.17.2 Council will utilise a multiple-stage tendering process to shortlist qualified tenderers through an open tender process. Subsequent assessment will be based on a closed tender approach to those parties who have been shortlisted and will have different selection criteria to the initial stage.
- 7.17.3 A multiple-stage purchasing process may be more costly and time-consuming for both suppliers and for Council, and as such this process will only be used where:
- 7.17.3.1 the best way to meet the [Council](#) requirement is unclear;
 - 7.17.3.2 it is considered appropriate to pre-qualify businesses and restrict the issue of formal tenders, to reduce the cost of tendering;
 - 7.17.3.3 there are benefits which cannot be obtained by researching the market through conventional means;
 - 7.17.3.4 the procurement requirement is still developing as a result of technology or detailed design requirements; and
 - 7.17.3.5 maximum flexibility is required throughout the procurement process.
- 7.17.4 The multiple-stage processes that Council may use are as follows:
- [7.17.4.1 Stage 1 - Expression of interest](#) - an expression or registration of interest may be used to shortlist potential suppliers before seeking detailed offers. Suppliers are shortlisted on their technical, managerial and financial capacity.
 - [Alternatively, a Request for Proposal](#) – may be used when a project or requirement has been defined, but where an innovative or flexible solution is sought.
 - ~~Expression of interest – an expression or registration of interest may be used to shortlist potential suppliers before seeking detailed offers. Suppliers are shortlisted on their technical, managerial and financial capacity, reducing the cost of tendering by restricting the issue of formal tenders to those suppliers with demonstrated capacity.~~
 - ~~3. Alternatively, a request for proposal – may be used when a project or requirement has been defined, but where an innovative or flexible solution is sought.~~
 - [Stage 2 – Closed tender process](#) – may be used if an expression of interest or request for proposal has already been used to shortlist suppliers. Suppliers must be informed in advance that only those short-listed will be requested to tender.
 - ~~Closed tender process – may be used if the initial specification is well defined and an expression of interest or request for proposal has already been used to shortlist suppliers. Suppliers will be informed in advance that only those short-listed will be requested to tender.~~
- 7.17.5 Council is mindful of the following aspects when conducting a multiple stage tender process:
- 7.17.5.1 the same mandatory requirements regarding advertising that apply to [all public tender processes](#);
 - [7.17.5.2](#) that a short-listed party cannot be engaged without going through a more detailed second (tender) stage process, unless approved by an absolute majority of Council;
 - [7.17.6 If only one supplier meets the criteria determined by Council at the first stage of a multiple-stage tender, Council may contract with that supplier:](#)

7.17.6.1 after a tender by that supplier; or

7.17.6.2 a decision by absolute majority of Council to do so.

~~—— If only one supplier meets the criteria determined by Council at the first stage of a multiple stage tender, Council may contract with that supplier:~~

~~—— after a tender by that supplier; or~~

~~3. a decision by absolute majority of Council to do so.~~

~~The General Manager must invite expressions of interest from prospective Tenderers by publishing at least once in a daily newspaper circulating in the municipal area a notice specifying:~~

~~the nature of the Works, goods and services required;~~

~~where the application is to be lodged;~~

~~the person from whom more detailed information may be obtained; and~~

~~any deadlines for submission of application for inclusion on the register.~~

~~The General Manager must ensure that prospective Tenderers are provided with the following in order to lodge an expression of interest:~~

~~details of the goods or services required;~~

~~the criteria for evaluating expressions of interest;~~

~~the method of evaluating expressions of interest against the criteria;~~

~~details of any further stages in the tender process and the subsequent selection criteria to be used at the next stage (usually price); and~~

~~4. a reference to Council's Code for Tenders and Contracts.~~

~~At the final stage of a multiple stage tender, the General Manager must send an invitation to all short-listed suppliers who have met the criteria determined by Council, to tender for the supply of goods or services.~~

~~If only one supplier meets the criteria determined by Council at the first stage of a multiple stage tender, Council may contract with that supplier:~~

~~after a tender by that supplier; or~~

~~a decision by absolute majority of Council to do so.~~

7.18 Contract Renewals and Extensions

Council may extend an existing Contract that contains an option to extend, rather than seek new tenders or quotations for the delivery of the goods or services.

7.18.2 Except by a decision of absolute majority of Council to do so, Contracts will only be extended:

7.18.2.1 where the original Contract provides for such an extension;

7.18.2.2 following a full evaluation of the performance of the current contractor;

7.18.2.3 where the principles of open and effective competition are protected;

7.18.2.4 provided that the original requirements for insurances and licences is still being met by the tenderer; and

7.18.2.5 since the previous tender, the market and nature of the goods/services are substantially unchanged.

7.18.3 When drafting a contract that contains a provision for an additional term, consideration should be given as to how any adjustments to price (rise and fall) are

to be made. CPI adjustments though common, are not always the best method and other approaches, such as tying increases to national wage increases for high labour content supply contracts may be more appropriate.

- 7.18.4 Where goods or services being delivered under a Contract or Tender are required on an ongoing basis and there is no option to extend an existing contract or it has been determined that an extension is not in the best interest of Council, then C, Council may undertake a new procurement process prior to the completion of the existing delivery arrangement.

~~Council may extend an existing Contract that contains an option, rather than seek new tenders or quotations for the delivery of the goods or services.~~

~~When drafting a contract that contains a provision for an additional term consideration should be given as to how any adjustments to price (rise and fall) are to be made. CPI adjustments though common, are not always the best method and other approaches, such as tying increases to national wage increases for high labour content supply contracts may be more appropriate.~~

~~Except by a decision of absolute majority of Council to do so, Contracts will only be extended:~~

~~where the original Contract provides for such an extension;~~

~~following a full evaluation of the performance of the current contractor;~~

~~where the principles of open and effective competition are protected;~~

~~provided that the original requirements for insurances and licences is still being met by the tenderer; and~~

~~since the previous tender, the market and nature of the goods/services are substantially unchanged.~~

7.19 Confidentiality

- 7.19.1 Council and Tenderers must keep information that they receive from each other in the course of the tender process confidential, except where they are expressly permitted under this Code or obliged by law to release that information.
- 7.19.2 Councillors and Council staff must keep confidential any information that they are given or access in relation to a tender, except where they are expressly permitted under this Code or obliged by law to release that information.
- 7.19.3 If any Tenderer provides to Council additional documents marked "confidential", Council must use best efforts to avoid any confidential information being made available to persons not involved in evaluation of Tenders.

7.20 Copyright and Intellectual Property

- 7.20.1 Tenderers may wish to claim certain rights and ownership of intellectual property contained within their tender submissions, including trade secrets, designs, materials, documents and methods of working.
- 7.20.2 Council and its officers shall respect all such claims subject of course to any requirements of the tender for the ownership and the material to pass to Council as part of the engagement.

Debriefing Unsuccessful Tenderers

~~Unsuccessful Tenderers may request a debriefing to assist them in understanding how they may improve their submissions for future Council tenders.~~

~~Debriefings are limited to discussion of the strengths and weaknesses of the Tenderer's submission relative to Council's requirements.~~

~~Unsuccessful Tenderer briefings must not be used to discuss other Tenderer's submissions, nor to contest the outcome of a tender evaluation.~~

7.21 Procurement Process Complaints

- 7.21.1 Complaints regarding procurement processes are addressed in the same manner as any other complaints, as set out in Council's Customer Service Charter. The Customer Service Charter can be found on Council's website www.kingborough.tas.gov.au under Council>Policies.
- 7.21.2 Complaints under Council's Public Interest Disclosure Policy are incorporated into the Customer Service Charter.

7.22 Breach of the Code

- 7.22.1 Council must take all reasonable steps to comply with this Code and ensure that all other parties comply with it. However, Council will not be liable in any way to a Tenderer or any other person for any breach of this Code.
- 7.22.2 If an employee of Council or a body controlled by Council breaches this Code, Council may take disciplinary action if, in its absolute discretion, it considers it desirable to do so.
- 7.22.3 If a Councillor breaches this Code, action may be taken under the Councillor Code of Conduct.
- 7.22.4 If a Tenderer commits a breach of this Code, Council may, in its absolute discretion, take action against the Tenderer including but not limited to:
 - 7.22.4.1 a warning;
 - 7.22.4.2 reduction in opportunities to tender for work for Council;
 - 7.22.4.3 refusal by Council to consider any Tender submitted by the Tenderer to Council;
 - 7.22.4.4 publicising the breach and the identity of the Tenderer; and
 - 7.22.4.5 reporting the breach to a statutory, professional or other body.

7.23 High Value/High Risk Purchases

~~It is the responsibility of the Director of the relevant area to ensure that consideration is given to minimising risks to Council.~~

7.23.1

- 7.23.2 Though not a specific requirement of ~~the~~ either the Act or Regulations, a project plan and risk assessment should be prepared for purchases exceeding one million dollars (\$1,000,000) in value.

~~It is the responsibility of the Director of the relevant area to ensure that consideration is given to minimising risks to Council.~~

7.24 Documenting the Procurement

- 7.24.1 As a public authority, Council is subject to external scrutiny and potentially audit.
- 7.24.2 For low value, low risk Works, goods and services, records must be kept of quotations received and quotations approved ~~-including details of the commercial terms of the quotation.-~~
- ~~If written quotations cannot be obtained, Council must keep detailed written records of the oral quotation obtained, including details of the commercial terms of the quotation.~~
- 7.24.3 Records of the procurement must be maintained in Council's electronic records management system, and as a minimum should include:-

- 7.24.3.1 Full details of the [Request for Quotation/Ttender](#) issued, including specifications;
 - 7.24.3.2 Any addendum issued during the [Request for Quotation/ttender](#) period including minutes of [relevant tender](#) meetings;
 - 7.24.3.3 Responses received to the [Request for Quotation/Ttender](#);
 - 7.24.3.4 Any correspondence between the Council and [suppliersnd Tenderers](#);
 - 7.24.3.5 A written [Request for Quotation/ttender](#) assessment report;
 - 7.24.3.6 Minute to Council for amounts above the Prescribed Amount, or approval by the relevant delegate;
 - 7.24.3.7 Letters to the successful and unsuccessful [suppliers tenderers](#); and
 - 7.24.3.8 A copy of [the signed contractst](#).
- 7.25 [Additional g](#)Guidelines and procedures for implementation of this Policy are separately maintained as administrative documents.

8. REPORTING

- 8.1 Councils are to report in Annual reports
- [8.1.1 Any contracts that are entered into or extended for goods or services valued at or exceeding \\$250,000 \(ex GST\) in the financial year to which the annual report relates](#)
 - ~~6-~~ [8.1.2 All instances where tenders were exempt because of an emergency; or the decision was made by the absolute majority of Council because of extenuating circumstances, remote locality or unavailability of competitive or reliable tenderers](#)

9. COMMUNICATION

- 9.1 This Policy will be published on Council's internet and intranet sites.

LEGISLATION

~~Section 333A of the Local Government Act 1993 and Regulations 23 to 26 of the Local Government (General) Regulations 2015 determine the manner in which purchasing activities must generally be conducted where the value of a contract exceeds a Prescribed Amount.~~

~~Note: The Prescribed Amount under the 2015 Regulations is currently \$250,000 (excluding GST).~~

~~Section 333A of the Act and Regulation 27 of the Regulations prescribe situations and contracts where Regulations 23 to 26 do not necessarily apply.~~

~~Section 333B of the Act and Regulation 28 of the Regulations require Council to adopt a Code for Tenders and Contracts and define the requirements for that Code.~~

~~Regulation 29 of the Regulations details the reporting requirements in relation to tenders and contracts.~~

10. RELATED DOCUMENTS

- 10.1 Council's Purchasing Policy (Policy No. 3.7) sits alongside this Code and sets out requirements for purchasing Works, goods and services of any value, including legislated matters relating to purchases below the prescribed amount.
- 10.2 Relevant Australian Standards for contracts and tendering.

11. AUDIENCE

- 11.1 This Policy is intended for Council Employees, Councillors, Tenderers and external parties.
- 11.2 The policy is accessible via Council's public website and internal intranet.

UPDATED POLICY FOR APPROVAL



Code for Tenders and Contracts Policy

Policy No:	3.12
Approved by Council:	March 2025
New Review Date:	March 2027
Minute No:	TBA
ECM File No:	12.136
Version:	7.0
Responsible Officer:	Director Governance, Recreation & Property Services
Strategic Plan Reference:	<p>2.2 Infrastructure development and service delivery are underpinned by strategic planning to cater for the needs of a growing population.</p> <p>2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability.</p>

1. POLICY STATEMENT

- 1.1 The purpose of this Code for Tenders and Contracts is to provide a policy framework on best practice tendering and procurement methods in line with the legislative requirements of Section 333A and 333B of the *Local Government Act 1993* and Regulations 23 to 29 of the *Local Government (General) Regulations 2015*.
- 1.2 This Code, in conjunction with Council's Purchasing Policy, aims to:
 - 1.2.1 Ensure compliance with relevant legislation.
 - 1.2.2 Enhance value for money through fair, competitive, and non-discriminatory procurement.
 - 1.2.3 Promote the use of resources in an efficient, effective and ethical manner.
 - 1.2.4 Encourage probity, accountability and transparency in decision making.
 - 1.2.5 Provide reasonable opportunity for competitive local businesses to supply to Council.
 - 1.2.6 Minimise the cost to suppliers of participating in the tendering process.
 - 1.2.7 Allow Council to appropriately manage risk.
 - 1.2.8 Promote Council's economic, social and environmental plans and policies.

2. DEFINITIONS

- 2.1 **Act** is the *Local Government Act 1993* (Tasmania).
- 2.2 **Alternative Tender** means a Tender which does not fully satisfy all of the requirements set out in the Tender Package but offers an alternative way of achieving Council's objectives set out in, or reasonably determined from, the Tender Package.
- 2.3 **Chief Executive Officer (CEO)** is the General Manager as appointed by the Kingborough Council pursuant to section 61 of the Act.
- 2.4 **Conforming Tender** means a Tender which satisfies all of the requirements for Tenders set out in the Tender Package.
- 2.5 **Contract** means the contract for the carrying out of the Work or the supply of Goods and Services to be entered into between Council and the successful Tenderer.
- 2.6 **Council** means the Kingborough Council and its fully controlled body corporate entities (referred to as a single authority in the Regulations).
- 2.7 **LGAT** means the Local Government Association Tasmania. The peak body for Local Government in the State.
- 2.8 **Multi Use Register** means a list of suppliers that Council has determined satisfy the conditions for participation and that the Council intends to use more than once.
- 2.9 **Non-Conforming Tender** means a Tender which does not satisfy all of the requirements for Tenders set out in the Tender Package including (but not limited to) requirements for information about the Tenderer and details of the proposed works or the supply of Goods and Services.
- 2.10 **Open Tender** means an invitation to tender by public advertisement, where all interested suppliers may submit a tender response.
- 2.11 **Point of Contact** means a person or place where Tenderers may direct enquiries. A Point of Contact may include a monitored online forum for tenders invited through an electronic portal, or may be a member of Council staff.
- 2.12 **Preferred Tenderer** means the Tenderer who, in the opinion of Council, best satisfies the selection criteria.

- 2.13 **Prescribed Amount** means the amount (excluding GST) referred to in section 333A of the Act and described in regulation 23 of the Regulations.
- 2.14 **Regulations** are the *Local Government (General) Regulations 2015* (Tasmania).
- 2.15 **Successful Tenderer** means the Tenderer whose Tender Council accepts or with whom, after negotiations, Council enters into a Contract for the performance of the Work or the supply of Goods and Services.
- 2.16 **Tender Closing** means the time and date specified in the Tender Package by which Tenders must be submitted.
- 2.17 **Tender Opening** means the opening of Tenders under Clause 6.9.
- 2.18 **Tender Package** means the tender package which Council provides to prospective Tenderers under Clause 6.3.
- 2.19 **Tenderer** means any party submitting a Tender to Council.
- 2.20 **Tender** means a tender submitted to Council.
- 2.21 **Value** means a genuine pre-estimate of the likely market price (excluding GST) for the Goods or Services to be purchased over the full commitment or term (including extension options) of a contract arising from the purchasing activity.
- 2.22 **Value for Money** means the combination of the price and qualitative aspects of the supply of goods or services that will provide the most beneficial outcome to Council as outlined in Clause 5.3.
- 2.23 **Work** means the work Council has invited tenders for, including the provision of Goods or Services.

3. OBJECTIVE

- 3.1 The Act states that a public tender should be conducted where an expected spend is above the prescribed limit of \$250,000 (excluding GST). The Regulations state conditions for exemption of this requirement.
- 3.2 This Code is intended to apply to all tenders where the Prescribed Amount of \$250,000 is exceeded. At the discretion of the CEO, Council may apply the Code to other procurements below this threshold.
- 3.3 A Successful Tenderer must apply this Code as if the Successful Tenderer were Council in seeking tenders from prospective subcontractors except to the extent that any provision of the Code cannot be so applied.
- 3.4 If there is any inconsistency between this Code and any conditions of tendering contained in a Tender Package, conditions of tendering contained in the Tender Package will prevail providing legislative requirements are met.

4. SCOPE

- 4.1 This Code is supplemented by Council's Purchasing Policy which defines requirements for procurement of Works, Goods and Services of any amount.
- 4.2 Council may also determine that tenders should be called in certain circumstances as appropriate, where the estimated value of the purchase is less than the Prescribed Amount (for example, if the procurement is high risk, complex, likely to involve public scrutiny, if the estimate of value is uncertain or if the procurement is in a market that Council is not familiar with).

5. PROCEDURE (POLICY DETAIL)

5.1 General Principles

All parties involved in tenders to which this Code applies must:

- 5.1.1 Conduct tendering honestly and fairly to all parties;
- 5.1.2 Refrain from inviting or submitting tenders without a firm intention to proceed;
- 5.1.3 Apply the same conditions of tendering for each Tenderer and avoid any practice which provides one party an improper advantage over another;
- 5.1.4 Ensure all potential suppliers are provided with the same information relating to the requirements of an open tender process or contract and are given equal opportunity to meet the requirements;
- 5.1.5 Ensure a prompt and courteous response to all reasonable requests for advice and information from potential or existing suppliers;
- 5.1.6 Minimise the cost to suppliers of participating in the tendering process;
- 5.1.7 Protect commercial-in-confidence information;
- 5.1.8 Provide for the review of each tender process to ensure that each tender is in accordance with the Regulations and the Code;
- 5.1.9 Refrain from all improper practices including collusive tendering; and
- 5.1.10 Not undertake canvassing of Councillors or Council employees in relation to a tender.

5.2 **Open and Effective Communication**

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

- 5.2.1 Use transparent and open purchasing processes so that suppliers and the public are able to have confidence in the outcomes;
- 5.2.2 Ensure suppliers have access to relevant Council procurement documents;
- 5.2.3 Adequately test the market through seeking quotations or via tender as appropriate;
- 5.2.4 Provide clear specifications;
- 5.2.5 Treat all suppliers consistently and equitably; and
- 5.2.6 Ensure a prompt and courteous response to all reasonable requests for advice and information from suppliers.

5.3 **Value for Money**

The Council will ensure that it is buying at the most competitive price available, but value for money does not necessarily mean buying at the lowest price. In practice, this means that Council will consider:

- 5.3.1 The contribution the Good or Service makes to achieving Council's strategic plans or policies;
- 5.3.2 The value of the acquisition and potential benefits against the costs of that purchase;
- 5.3.3 An assessment of risks associated with the purchase including the preferred procurement method;
- 5.3.4 How well the works, goods or services will meet the needs of Council;
- 5.3.5 Maintenance and running costs over the lifetime of a product;
- 5.3.6 Disposal value;
- 5.3.7 Time constraints, including supply chain delays;
- 5.3.8 The impact of the procurement decision on the local economy, such as through industry development and employment creation;

- 5.3.9 The impact of the procurement decision on the environment, such as through minimising waste and reducing demand for goods and services which have a direct impact on the environment (such as printing, utilities and travel); and
- 5.3.10 The impact of the procurement decision on society, (social value generated) such as through the elimination of discrimination and the promotion of equal opportunity, training, and other identified social objectives.

5.4 **Enhancing Local business and Industry**

Council will ensure that where local capacity exists it will seek to engage the local market and encourage participation in tender and quotation processes. In practice this means that Council will:

- 5.4.1 Actively seek quotes from local businesses that are able to provide quality Works, goods and or services;
- 5.4.2 Where local capability exists, ensure that discretionary elements of specifications do not prevent local business from competing; and
- 5.4.3 Not give preferential treatment to local suppliers where it cannot be reasonably justified.

5.5 **Ethical Behaviour and Fair Dealing**

Council will promote procurement practices that are legal, ethical, fair and unbiased. In practice this means that Council will:

- 5.5.1 Comply with legal requirements;
- 5.5.2 Conduct all business in the best interests of the Council;
- 5.5.3 Treat all suppliers equally;
- 5.5.4 Avoid biased specifications;
- 5.5.5 Be as effective and efficient as possible when sourcing, ordering and paying for Works, goods and services;
- 5.5.6 Expect individuals involved in procurement processes to declare and act upon any conflicts of interest that may be seen to influence impartiality;
- 5.5.7 Ensure that any supplier is not provided with information or clarification that is not provided equally to all suppliers;
- 5.5.8 Maintain confidentiality at all times in dealing with suppliers;
- 5.5.9 Ensure that conditions of contract are not excessively onerous;
- 5.5.10 Ensure that decisions are not influenced by self-interest or personal gain on the part of Councillors and staff (for example gifts or other personal benefits from suppliers) and will identify and deal with conflicts of interest; and
- 5.5.11 Decline gifts or benefits offered by those involved in the procurement process, particularly from suppliers.

In practice this means that Council expects suppliers to:

- 5.5.12 Ensure that they are well acquainted with Council requirements identified in this Code and additional related policies;
- 5.5.13 Are familiar with particulars relating to a specific tender and quotation processes including the relevant specifications;
- 5.5.14 Not submit a tender or quotation unless they have the financial, technical, physical, management resource or other capabilities to fulfil Council's requirements;

- 5.5.15 Not seek to influence a procurement process by improper means or collude with other suppliers;
- 5.5.16 Declare and act upon any conflicts of interest that may be seen to influence impartiality;
- 5.5.17 Comply with all applicable legislative, regulatory and statutory requirements, including Acts of the Commonwealth and State, Regulations, By Laws and proclamations made or issued under such Acts and lawful requirements or directions of public and other authorities; and
- 5.5.18 Not offer gifts or benefits to a Council officer for the discharge of official business.

5.6 Sustainable Procurement

Wherever possible, Council employees and contractors will pursue the following goals and adhere to the specified objectives when purchasing Goods and Services (noting that these impacts should be considered during the entire life cycle of the product, i.e. the production, distribution, usage and end of life stages):

- 5.6.1 Minimise Unnecessary Purchasing – only purchase when a Good or Service is necessary.
- 5.6.2 Minimise Waste – purchase in accordance with avoid, reduce, reuse and recycle strategies.
- 5.6.3 Save Water and Energy – purchase Goods that save energy and/or water.
- 5.6.4 Minimise Pollution – avoid purchasing Goods that pollute soils, air or waterways.
- 5.6.5 Non-Toxic – avoid purchasing hazardous chemicals that may be harmful to human health or ecosystems.
- 5.6.6 Greenhouse Benefits – purchase Goods that reduce greenhouse gas emissions.
- 5.6.7 Biodiversity & Habitat Protection – purchase in accordance with biodiversity and conservation objectives.
- 5.6.8 Value for Money – purchase for best value for money in the long term.

5.7 Conflict of Interest

- 5.7.1 Any party to a Tender, including Tenderers, Councillors and staff, who have a conflict of interest must declare the relevant interests to the Council immediately upon becoming aware of the conflict.

5.8 Collusive Tendering

- 5.8.1 Tenderers must not engage in collusive tendering.
- 5.8.2 Collusive tendering includes but is not limited to, the following practices:
 - 5.8.2.1 Agreements between Tenderers as to who should be the Successful Tenderer;
 - 5.8.2.2 Any meeting of Tenderers prior to the submission of their Tenders that may disadvantage Council;
 - 5.8.2.3 Exchange of information between Tenderers about their Tenders prior to awarding of a Contract;
 - 5.8.2.4 Agreement between Tenderers for payment of money or securing of reward or benefit for unsuccessful Tenderers by the Successful Tenderer;
 - 5.8.2.5 Agreement or collaboration between Tenderers to fix prices or conditions of contract;

5.8.2.6 Any unlawful or illegitimate agreement between Tenderers before submission of Tenders such as fixing a special rate of payment to a third party where the payment of such fees is conditional on the Tenderer being awarded a Contract; and

5.8.2.7 Any unlawful or illegitimate agreement providing for payment to any third party of money, incentives or other concessions contingent on the success of a Tender which do not relate to the provision of bona fide services relevant to that tender.

5.9 Splitting

5.9.1 A Council must not split a procurement into two or more contracts for the primary purpose of avoiding compliance with the requirement to publicly invite tenders.

5.10 Exemptions from the Requirements to Tender

The Regulations identify circumstances where Council is not required to issue a public tender process. The exemption circumstances identified in regulation 27 – Non-Application of the Public Tender Process are:

5.10.1 An emergency if, in the opinion of the CEO, there is insufficient time to invite tenders for the Goods or Services required in that emergency;

5.10.2 A contract for Goods or Services supplied or provided by, or obtained through, an agency of a State or of the Commonwealth;

5.10.3 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;

5.10.4 A contract for Goods or Services obtained as a result of a tender process conducted by:

5.10.4.1 Another Council, or

5.10.4.2 A single authority, or

5.10.4.3 A joint authority, or

5.10.4.4 The Local Government Association of Tasmania (see 5.10.11), or

5.10.4.5 Any other local government association in this State or in another State or a Territory, or

5.10.4.6 Any organisation, or entity, established by any other local government association in this State or in another State or a Territory.

5.10.5 A contract for Goods or Services in respect of which a Council is exempt under another jurisdiction from the requirement to invite a Tender;

5.10.6 A contract for Goods or Services that is entered into at public auction;

5.10.7 A contract for insurance entered into through a broker;

5.10.8 A contract arising when a Council is directed to acquire Goods or Services due to a claim made under a contract of insurance;

5.10.9 A contract for Goods or Services if the Council resolves by absolute majority and states the reasons for the decision, being that a satisfactory result would not be achieved by inviting tenders because of:

5.10.9.1 Extenuating circumstances, or

5.10.9.2 The remoteness of the locality, or

5.10.9.3 The unavailability of competitive or reliable tenderers.

- 5.10.10 A contract of employment with a person as an employee of the Council.
- 5.10.11 Council should consider using the broad range of available LGAT Procurement Standing Contracts/panels for the procurement of goods and services. The use of these arrangements saves Council time and money and assists to reduce risk associated with the procurement process. The arrangements also exempt Council from public tendering for goods or services valued at or in excess of the prescribed amount. The arrangements also assist to minimise cost to suppliers participating in Tender processes.

6. GUIDELINES

There are three main forms of public tender under the Act as follows:

- The open tender;
- The multiple use register; and
- The multiple- stage tender.

6.1 Open Tenders

An open tender process is an invitation to Tender by public advertisement. There are generally no restrictions regarding who can submit a Tender, however, suppliers are required to submit all required information and will be evaluated against stated selection criteria.

6.2 Tender process - Invitations to Tender

6.2.1 An invitation to Tender must set out:

- 6.2.1.1 A description of the Work;
- 6.2.1.2 The time, date and place of Tender Closing;
- 6.2.1.3 Details of the place from which the Tender Package may be collected; and
- 6.2.1.4 The name and phone number of the Point of Contact for the Tender.

6.2.2 Tender Closing should be not less than two weeks after the date on which the invitation to Tender is first published, unless special circumstances require otherwise;

6.2.3 Unless special circumstances require otherwise, the Tender Closing must not be:

- 6.2.3.1 A weekend or public holiday in Southern Tasmania, or
- 6.2.3.2 Between 23 December and 20 January inclusive.

6.2.4 The CEO must invite expressions of interest or a request for proposal from prospective Tenderers by publishing at least once in a daily newspaper circulating in the municipal area a notice specifying:

- 6.2.4.1 The nature of the Works, goods and services required;
- 6.2.4.2 Where the application is to be lodged;
- 6.2.4.3 The person from whom more detailed information may be obtained; and
- 6.2.4.4 Any deadlines for submission of application for inclusion on the register.

6.2.5 The CEO must ensure that prospective Tenderers are provided with the following in order to lodge an expression of interest:

- 6.2.5.1 Details of the goods or services required;
- 6.2.5.2 The criteria for evaluating expressions of interest or request for proposal;
- 6.2.5.3 The method of evaluating expressions of interest or request for proposal against the criteria;

6.2.5.4 Details of any further stages in the tender process and the subsequent selection criteria to be used at the next stage; and

6.2.5.5 A reference to Council's Code for Tenders and Contracts.

6.3 Tender Package

6.3.1 Council must make available to prospective Tenderers a Tender Package which:

6.3.1.1 States the time and date by which Tenders must be submitted, the place at which Tenders must be submitted and any other requirements concerning submission of Tenders;

6.3.1.2 Clearly defines the intended contractual obligations of the parties;

6.3.1.3 Makes reference to Council's Code for Tenders and Contracts;

6.3.1.4 Provides details of the Work or goods or services required;

6.3.1.5 Details information required from Tenderers;

6.3.1.6 Sets out the criteria that will be used to determine whether Tenders are conforming and the basis on which Alternative Tenders will be considered;

6.3.1.7 Nominates a Point of Contact where Tenderers may direct enquiries, which may include a monitored online forum for tenders invited through an electronic portal; and

6.3.1.8 In addition to a Conforming Tender, Council may allow the submission of an Alternative Tender. Here, Tenderers are encouraged to incorporate maximum innovation, while satisfying commercial and technical objectives.

6.3.2 The Tender Package must include the following documents:

6.3.2.1 Conditions of tendering;

6.3.2.2 Specifications;

6.3.2.3 Tender form;

6.3.2.4 Conditions of contract or a reference to the form of conditions of contract to be used;

6.3.2.5 Contract annexures (if applicable);

6.3.2.6 The tender response schedule; and

6.3.2.7 Drawings, schedules and any other documents as may be required.

6.3.3 A copy of this Code must be made available to Tenderers.

6.4 Form of Contract

6.4.1 Council must use published standard conditions of contract appropriate to the Work or the supply of Goods and Services unless circumstances require otherwise.

6.4.2 Council may amend or use special conditions with standard conditions of contract. If Council does so, Council must clearly identify the amendments or special conditions.

6.5 Tender Enquiries

6.5.1 Council must nominate a Point of Contact to deal with Tenderers' enquiries.

6.5.2 Tenderers may seek further information only through the Point of Contact nominated by Council.

6.5.3 The Point of Contact may require that a request for information be made in writing.

- 6.5.4 If a Tenderer makes an enquiry, the Point of Contact must record the time and date of the enquiry, the name of the enquirer and the substance of the discussion.
- 6.5.5 If Council provides any Tenderer information which is not contained in the Tender Package, Council must give that information to all Tenderers.

6.6 Tender Briefing Meetings

- 6.6.1 Council may conduct a tender briefing meeting.
- 6.6.2 Council must inform all prospective Tenderers of the time and place at which the tender briefing meeting is to be held. This may be achieved by including the information in the Tender Package, or by publishing the information through an electronic tendering portal, or through another means of contacting prospective Tenderers.
- 6.6.3 Council must keep minutes of any tender briefing meeting. The minutes must be made available to all prospective Tenderers and become part of the tender documents.

6.7 Submission of Tenders

- 6.7.1 Tenders must be lodged electronically or delivered to the place named in the Tender Package to arrive not later than the time specified in the Tender Package.
- 6.7.2 Tenders may be submitted to Council through approved e - procurement systems.
- 6.7.3 Electronic Tendering is Council's preferred method of accepting tenders and must be submitted in the manner and in the form specified in the Tender Package.
- 6.7.4 Where the Tender Package provides for submission of hard copy tenders, each Tender must be enclosed in a sealed envelope clearly marked "Tender" with Council's tender reference number and description of the tender.
- 6.7.5 Council may, at its absolute discretion, accept a Tender received after Tender Closing or delay Tender Closing where:
 - 6.7.5.1 Submission of hard copy tenders is provided for, it was posted at such a time that it should have been received by Council by Tender Closing; or
 - 6.7.5.2 Electronic tenders are required or permitted, when an event outside a Tenderer's control prevents submission by Tender Closing; or
 - 6.7.5.3 Consideration of the late Tender or delaying the Tender Closing would not provide an unfair advantage or disadvantage to any party submitting a Tender.
- 6.7.6 A Tender should not be submitted unless that Tenderer has the capacity and capability to carry out the Work.
- 6.7.7 Tenderers must sign a declaration that they have read and understood the Code for Tenders and Contracts and certify that they have complied with the provisions of the Code.
- 6.7.8 Council may reject any Tender which is not submitted in accordance with this clause and will record the date and time that it was received.

6.8 Amendment of Tender Package

- 6.8.1 Council may withdraw the Tender Package and readvertise the Tender if there is significant error or discrepancy in the original.
- 6.8.2 Council may amend the Tender Package if it discovers a minor error or discrepancy in it.
- 6.8.3 If Council amends the Tender Package it must:

- 6.8.3.1 Give an addendum to the Tender Package to all Tenderers;
 - 6.8.3.2 Give Tenderers sufficient time to consider the addendum; and
 - 6.8.3.3 Permit any Tenderer who has already submitted a Tender to submit an addendum, complying with the requirements of Clause 6.7 and clearly marked "Tender Addendum".
- 6.8.4 If Council amends the Tender Package it may extend the Tender Closing.
- 6.8.5 Each Tenderer must, not later than Tender Closing, acknowledge in writing receipt of the addendum given by Council.
- 6.9 **Tender Opening**
 - 6.9.1 Tender Opening will not be held in public.
 - 6.9.2 Tenders must be opened in the presence of two members of Council's staff other than the person named as the Point of Contact.
 - 6.9.3 Council will ensure that records of received Tenders, as opened are captured. The records must include sufficient details to uniquely identify each opened Tender and may be in electronic or hard copy form.
 - 6.9.4 Council must keep a copy of all records until after completion of all Work or supply of goods or services and in accordance with its obligations under the *Archives Act 1983*.
- 6.10 **Tender Review Committee**
 - 6.10.1 A Tender Review Committee may be established by the CEO to review all Tenders prior to the awarding of contracts to ensure that Council's procurement policies are adhered to.
 - 6.10.2 The Tender Review Committee may review, but not be limited to, consideration of the following aspects of a tender:
 - 6.10.2.1 The Tender and evaluation process adopted;
 - 6.10.2.2 The final Tender evaluation report;
 - 6.10.2.3 The extent of compliance with this Code; and
 - 6.10.2.4 Any other relevant issues or information.
- 6.11 **Consideration of Tenders**
 - 6.11.1 Subject to this Code, Council must consider all Conforming Tenders.
 - 6.11.2 Council must not consider a Non-Conforming Tender.
 - 6.11.3 Council may consider an Alternative Tender which meets the requirements set out in the Tender Package for an Alternative Tender provided that a fully Conforming Tender is also submitted.
 - 6.11.4 Council may negotiate with the successful Tenderer who submitted the Alternative Tender.
 - 6.11.5 Council will take into account any of the following criteria in considering Tenders:
 - 6.11.5.1 The resources of the Tenderer including technical, managerial, physical and financial resources;
 - 6.11.5.2 Proposed methodology and delivery management, including communication with Council representatives;
 - 6.11.5.3 Tenderer's understanding of the Work or goods and services;

- 6.11.5.4 Price;
- 6.11.5.5 Tenderer's past experience and performance history including:
 - Time for delivery of work, goods and/or services;
 - Quality of work, goods and/or services;
 - Management of delivery, including communication with the customer;
 - Co-ordination of service providers, consultants and suppliers;
 - Rectification of defects and after delivery service;
 - Conformance with specified requirements;
 - Work health and safety; and
 - Employee relations.
- 6.11.5.6 Experience of personnel committed in the Tender;
- 6.11.5.7 Timeframes committed in the Tender;
- 6.11.5.8 Quality management;
- 6.11.5.9 Sustainability and environmental considerations;
- 6.11.5.10 Local supplier preference;
- 6.11.5.11 Work health and safety management; and
- 6.11.5.12 Any other criteria specified in the Tender Package.
- 6.11.6 Council must determine the weighting to be given to the criteria before Tender Opening, in practice, weightings should be determined at the point of developing the Tender Package, prior to going to market. The weightings are to be determined at Council's absolute discretion.
- 6.11.7 The weighting to be given to each of the criteria may vary from Tender to Tender.
- 6.11.8 Council may advise Tenderers of the weightings but is not obliged to do so.
- 6.11.9 During evaluation Council may request additional information from one or more Tenderers for the following purposes:
 - 6.11.9.1 To assess any assumptions, mistakes or omissions made by a Tenderer in preparing their Tender and to rectify any false assumptions mistakes or omissions;
 - 6.11.9.2 To clarify a Tenderer's capacity and/or capability to perform the Work;
 - 6.11.9.3 To finalise business details with the preferred tenderer required to form a contract.

but must not:

 - 6.11.9.4 Request such information in order to turn a Non-Conforming Tender into a Conforming Tender; nor;
 - 6.11.9.5 Make substantial changes to specified requirements, where such changes could affect the evaluation outcome, without providing equal opportunity for all Tenderers; nor;
 - 6.11.9.6 Negotiate commercial arrangements with any Tenderer other than the successful or preferred Tenderer.

6.12 Evaluation Team

- 6.12.1 An Evaluation Team will be convened for all purchases with a Value above \$100,000. The Evaluation Team may be different for each purchase and will comprise not less than three persons.
- 6.12.2 The Team must have knowledge of both technical and commercial aspects of the purchase;
- 6.12.3 Be from at least two different Council Departments; and
- 6.12.4 The Evaluation Team will prepare a written summary of the evaluation method, criteria, allocated scores and recommended supplier.

6.13 Negotiation, Rejection and Acceptance of Tenders

- 6.13.1 Council is not obliged to accept the lowest priced Conforming or Alternative Tender;
- 6.13.2 Council may accept any Conforming Tender, or any Alternative Tender;
- 6.13.3 Council may negotiate with the successful or preferred Tenderer;
- 6.13.4 Council may reject all Tenders;
- 6.13.5 If Council rejects all Tenders, Council must advise each Tenderer accordingly;
- 6.13.6 If Council rejects all Tenders, Council should re-Tender;
- 6.13.7 Council must not disclose the details of a Tender submitted by any other Tenderer;
- 6.13.8 If Council decides to accept a Tender, Council must accept that Tender in writing stating that the Tender has been accepted and setting out the terms and conditions of that acceptance;
- 6.13.9 After Council has accepted a Tender, Council and the Successful Tenderer must execute a formal contract document within 14 days from the date when the Successful Tenderer received the written acceptance;
- 6.13.10 Upon sending advice to a Successful Tenderer, Council must advise all other Tenderers that their Tenders have been unsuccessful; and
- 6.13.11 The Successful Tenderer will not be entitled to receive any payment due under a Contract until it has executed the formal contract and met any pre-requisites such as the provision of performance bonds or guarantees.

6.14 Authority to Approve Tenders and Quotations:

- 6.14.1 Acceptance of tenders and quotations for the purchase of Works, Goods or Services at or above the Prescribed Amount must be approved by Council.
- 6.14.2 The CEO will retain a written record of the reasons if the recommendation from the Evaluation Team is not accepted.

6.15 Debriefing Unsuccessful Tenderers

- 6.15.1 Unsuccessful Tenderers may request a debriefing to assist them in understanding how they may improve their submissions for future Council tenders.
- 6.15.2 Debriefings are limited to discussion of the strengths and weaknesses of the Tenderer's submission relative to Council's requirements.
- 6.15.3 Unsuccessful Tenderer briefings must not be used to discuss other Tenderer's submissions, nor to contest the outcome of a tender evaluation.

6.16 Multiple-Use Register

A Multiple-Use Register is a method of pre-qualifying suppliers who have satisfied the conditions for participation for inclusion on the register. The register is primarily for Works and Goods and Services valued at under the prescribed limit of \$250,000 (excluding GST).

- 6.16.1 Council may establish a multiple use register of suppliers who meet criteria established by Council in respect of the supply of particular Works, Goods and Services.
- 6.16.2 The multiple-use register for particular individual categories, may be in place for up to two years.
- 6.16.3 Council will allow prospective applicants to apply for inclusion on a register at any time during the term of the register, unless the prospective applicant has applied within the previous 12 months and has not been accepted.
- 6.16.4 Invitations for registration may be called on a periodic basis and there is no guarantee as to the actual value or quantity of goods, materials or services to be purchased.
- 6.16.5 To establish such a register, the CEO will invite expressions of interest from prospective applicants by publishing on Council's website and/or at least once in a daily newspaper circulating in the municipal area a notice specifying:
 - 6.16.5.1 A description of the goods and services required;
 - 6.16.5.2 The name and contact details of the person nominated by Council to deal with enquiries or where relevant documents may be obtained; and
 - 6.16.5.3 Any deadlines for submission of application for inclusion on the register.
- 6.16.6 The CEO must ensure that applicants are provided with the following in order to make an application to be on the register:
 - 6.16.6.1 Details of the categories of Works, Goods or Services required;
 - 6.16.6.2 The conditions for participation to be satisfied by applicants;
 - 6.16.6.3 The specific criteria for evaluating applications; and
 - 6.16.6.4 A reference to Council's Code for Tenders and Contracts.
- 6.16.7 The CEO must advise all applicants of the results of their application including the categories for which they are registered and if applicable, the reasons for any rejection, as soon as practicable.
- 6.16.8 Suppliers will remain on the Register for the period of the contract subject to:
 - 6.16.8.1 Maintaining the requested insurances and licence registrations for the category of work being performed;
 - 6.16.8.2 Being financially viable; and
 - 6.16.8.3 Having undertaken work for the Council in a proper manner without defects or omissions.
- 6.16.9 The process of establishing the register is not itself a procurement, as a value for money assessment has not been made. Registered providers will not be engaged without Council undertaking market assessment to verify value for money.
- 6.16.10 Verbal and written quotations in accordance with the Council Purchasing Policy are required for procurement at values up to the prescribed amount.
- 6.16.11 Where the expected value of Council requirements for a single procurement is \$250,000 or more (excluding GST) Council will either use an Open Tender process or invite all suitable registered suppliers to tender.

- 6.16.12 Council's internal purchasing approval processes for open tenders will be followed.
- 6.16.13 A formal contract will be signed with the successful tenderers and formal tender processes and guidelines should be followed.
- 6.16.14 The purchases so made under the Multiple-Use Register will be reported under regulation 29 of the Regulations.
- 6.16.15 This type of contract is primarily used for supply of goods, materials or services such as plant hire, supply of road-making materials, pit construction, minor pipe works, mowing, roadside tree maintenance, and stationery.
- 6.16.16 Several contractors or one contractor may be selected for any one project, or work may be awarded on a shared basis.

6.17 **Multiple-Stage Tenders**

- 6.17.1 A multiple-stage tender process is a process by which suppliers are evaluated through stages against criteria determined by Council.
- 6.17.2 Council will utilise a multiple-stage tendering process to shortlist qualified tenderers through an open tender process. Subsequent assessment will be based on a closed tender approach to those parties who have been shortlisted and will have different selection criteria to the initial stage.
- 6.17.3 A multiple-stage purchasing process may be more costly and time-consuming for both suppliers and for Council, and as such this process will only be used where:
 - 6.17.3.1 The best way to meet the Council requirement is unclear;
 - 6.17.3.2 It is considered appropriate to pre-qualify businesses and restrict the issue of formal tenders, to reduce the cost of tendering;
 - 6.17.3.3 There are benefits which cannot be obtained by researching the market through conventional means;
 - 6.17.3.4 The procurement requirement is still developing as a result of technology or detailed design requirements; and
 - 6.17.3.5 Maximum flexibility is required throughout the procurement process.
- 6.17.4 The multiple-stage processes that Council may use are as follows:
 - 6.17.4.1 Stage 1 – **Expression of interest** – an expression or registration of interest may be used to shortlist potential suppliers before seeking detailed offers. Suppliers are shortlisted on their technical, managerial and financial capacity.

Alternatively, a **Request for Proposal** – may be used when a project or requirement has been defined, but where an innovative or flexible solution is sought.
 - 6.17.4.2 Stage 2 – **Closed tender process** – may be used if an expression of interest or request for proposal has already been used to shortlist suppliers. Suppliers must be informed in advance that only those short-listed will be requested to tender.
- 6.17.5 Council is mindful of the following aspects when conducting a multiple stage tender process:
 - 6.17.5.1 The same mandatory requirements regarding advertising that apply to all public tender processes;

6.17.5.2 That a short-listed party cannot be engaged without going through a more detailed second (tender) stage process, unless approved by an absolute majority of Council; and

6.17.5.3 If only one supplier meets the criteria determined by Council at the first stage of a multiple-stage tender, Council may Contract with that supplier:

6.17.5.3.1 After a Tender by that supplier; or

6.17.5.3.2 A decision by absolute majority of Council to do so.

6.18 Contract Renewals and Extensions

6.18.1 Council may extend an existing Contract that contains an option to extend, rather than seek new tenders or quotations for the delivery of the goods or services.

6.18.2 Except by a decision of absolute majority of Council to do so, Contracts will only be extended:

6.18.2.1 Where the original Contract provides for such an extension;

6.18.2.2 Following a full evaluation of the performance of the current contractor;

6.18.2.3 Where the principles of open and effective competition are protected;

6.18.2.4 Provided that the original requirements for insurances and licences is still being met by the tenderer; and

6.18.2.5 Since the previous tender, the market and nature of the goods/services are substantially unchanged.

6.18.3 When drafting a contract that contains a provision for an additional term, consideration should be given as to how any adjustments to price (rise and fall) are to be made. CPI adjustments though common, are not always the best method and other approaches, such as tying increases to national wage increases for high labour content supply contracts may be more appropriate.

6.18.4 Where goods or services being delivered under a Contract or Tender are required on an ongoing basis and there is no option to extend an existing contract or it has been determined that an extension is not in the best interest of Council, then Council may undertake a new procurement process prior to the completion of the existing delivery arrangement.

6.19 Confidentiality

6.19.1 Council and Tenderers must keep information that they receive from each other in the course of the tender process confidential, except where they are expressly permitted under this Code or obliged by law to release that information.

6.19.2 Councillors and Council staff must keep confidential any information in relation to a Tender, except where they are expressly permitted under this Code or obliged by law to release that information.

6.19.3 If any Tenderer provides to Council additional documents marked "confidential", Council must use best efforts to avoid any confidential information being made available to persons not involved in evaluation of Tenders.

6.20 Copyright and Intellectual Property

6.20.1 Tenderers may wish to claim certain rights and ownership of intellectual property contained within their tender submissions, including trade secrets, designs, materials, documents and methods of working.

- 6.20.2 Council and its officers shall respect all such claims subject to any requirements of the Tender for the ownership and the material to pass to Council as part of the engagement.

6.21 Procurement Process Complaints

- 6.21.1 Complaints regarding procurement processes are addressed in the same manner as any other complaints, as set out in Council's Complaints Management Policy. The Complaints Management Policy can be found on Council's website www.kingborough.tas.gov.au.
- 6.21.2 Complaints under Council's Public Interest Disclosure Policy are incorporated into the Complaints Management Policy.

6.22 Breach of the Code

- 6.22.1 Council must take all reasonable steps to comply with this Code and ensure that all other parties comply with it. However, Council will not be liable in any way to a Tenderer or any other person for any breach of this Code.
- 6.22.2 If an employee of Council or a body controlled by Council breaches this Code, Council may take disciplinary action if, in its absolute discretion, it considers it desirable to do so.
- 6.22.3 If a Councillor breaches this Code, action may be taken under the Councillor Code of Conduct.
- 6.22.4 If a Tenderer commits a breach of this Code, Council may, in its absolute discretion, take action against the Tenderer including but not limited to:
 - 6.22.4.1 A warning;
 - 6.22.4.2 Reduction in opportunities to tender for work for Council;
 - 6.22.4.3 Refusal by Council to consider any Tender submitted by the Tenderer to Council;
 - 6.22.4.4 Publicising the breach and the identity of the Tenderer; and
 - 6.22.4.5 Reporting the breach to a statutory, professional or other body.

6.23 High Value/High Risk Purchases

- 6.23.1 It is the responsibility of the Director of the relevant area to ensure that consideration is given to minimising risks to Council.
- 6.23.2 Though not a specific requirement of either the Act or Regulations, a project plan and risk assessment should be prepared for purchases exceeding one million dollars (\$1,000,000) in value.

6.24 Documenting the Procurement

- 6.24.1 As a public authority, Council is subject to external scrutiny and potentially audit.
- 6.24.2 For low value, low risk Works, Goods and Services, records must be kept of quotations received and quotations approved -including details of the commercial terms of the quotation.
- 6.24.3 Records of the procurement must be maintained in Council's electronic records management system, and as a minimum should include:
 - 6.24.3.1 Full details of the Request for Quotation/Tender issued, including specifications;
 - 6.24.3.2 Any addendum issued during the Request for Quotation/tender period including minutes of relevant meetings;

- 6.24.3.3 Responses received to the Request for Quotation/Tender;
- 6.24.3.4 Any correspondence between the Council and suppliers;
- 6.24.3.5 A written Request for Quotation/tender assessment report;
- 6.24.3.6 Minute to Council for amounts above the Prescribed Amount, or approval by the relevant delegate;
- 6.24.3.7 Letters to the successful and unsuccessful suppliers; and
- 6.24.3.8 A copy of signed contracts.

6.25 Additional guidelines and procedures for implementation of this Policy are separately maintained as administrative documents.

7. REPORTING

7.1 Councils are to report the following in Annual Reports:

- 7.1.1 Any contracts that are entered into or extended for goods or services valued at or exceeding \$250,000 (excluding GST) in the financial year to which the annual report relates; and
- 7.1.2 All instances where tenders were exempt because of an emergency; or the decision was made by the absolute majority of Council because of extenuating circumstances, remote locality or unavailability of competitive or reliable tenderers.

8. COMMUNICATION

8.1 This Policy will be published on Council's internet and intranet sites.

9. LEGISLATION

- 9.1 Section 333A of the *Local Government Act 1993* and regulations 23 to 26 of the *Local Government (General) Regulations 2015* determine the manner in which purchasing activities must generally be conducted where the value of a contract exceeds a Prescribed Amount.
- 9.2 Note: The Prescribed Amount under the Regulations is currently \$250,000 (excluding GST).
- 9.3 Section 333A of the Act and regulation 27 of the Regulations prescribe situations and contracts where regulations 23 to 26 do not necessarily apply.
- 9.4 Section 333B of the Act and regulation 28 of the Regulations require Council to adopt a Code for Tenders and Contracts and define the requirements for that Code.
- 9.5 Regulation 29 of the Regulations details the reporting requirements in relation to tenders and contracts.

10. RELATED DOCUMENTS

- 10.1 Council's Purchasing Policy (Policy No. 3.7) sits alongside this Code and sets out requirements for purchasing Works, Goods and Services of any value, including legislated matters relating to purchases below the prescribed amount.
- 10.2 Relevant Australian Standards for contracts and tendering.

11. AUDIENCE

- 11.1 This Policy is intended for Council Employees, Councillors, Tenderers and external parties.
- 11.2 This policy is accessible via Council's public website and internal intranet.

15.3 KINGBOROUGH POSITIVE AGEING POLICY

File Number: 12.149

Author: Bianca Kleine, Community Development Officer

Authoriser: Deleeze Chetcuti, Director Environment, Development & Community Services

Strategic Plan Reference

Key Priority Area: 1 Encourage and support a safe, healthy and connected community.

Strategic Outcome: 1.1 A Council that engages with and enables its community.

1. PURPOSE

- 1.1 The purpose of this report is to seek endorsement of a revised *Kingborough Positive Ageing Policy*.

2. BACKGROUND

- 2.1 In August 2020, the former Council endorsed the *Kingborough Positive Ageing Policy*.
- 2.2 The policy has now been reviewed and is attached for Council's endorsement, noting no changes have been made.

3. STATUTORY REQUIREMENTS

- 3.1 There are no statutory requirements associated with this matter.

4. DISCUSSION

- 4.1 A comprehensive review of the policy has been conducted, and it has been determined that no changes are necessary at this time.
- 4.2 The objectives of the policy have been successfully met. Various programs have been implemented that engage older people in the Kingborough Community to participate in tailored events that cover health and legal talks, recreational activities and intergenerational information sessions and discussions.
- 4.3 These activities have effectively supported the policy's goals and have had a positive impact on the community by encouraging older community members to remain healthy, independent and safe.

5. FINANCE

- 5.1 There are no financial implications associated with the review of the Policy.

6. ENVIRONMENT

- 6.1 There are no environmental implications associated with the review of the Policy.

7. COMMUNICATION AND CONSULTATION

- 7.1 The policy is available for public viewing on Council's website.

8. RISK

- 8.1 No risks have been identified in relation to this matter.

9. CONCLUSION

- 9.1 A review of the *Kingborough Positive Ageing Policy* has been undertaken. No changes are recommended prior to adoption of the Policy for a further five years.

10. RECOMMENDATION

That Council endorse the *Kingborough Positive Ageing Policy* as attached to this report.

ATTACHMENTS

- 1. Policy 4.10 - Kingborough Positive Ageing**

Public Copy



Positive Ageing Policy

Policy No:	4.10
Approved by Council:	February 2025
New Review Date:	February 2028
Minute No:	TBA
ECM File No:	12.149
Version:	4.0
Responsible Officer:	Director Environment, Development & Community Services
Strategic Plan Reference:	1.1 A Council that engages with and enables its community

1. POLICY STATEMENTS

- 1.1 Council will acknowledge and promote the valuable contribution that older people make to the community
- 1.2 Council will support older people's rights to be engaged and connected within their community.
- 1.3 Council will actively work towards improving access to information about programs and services that meet the needs of older people.

2. DEFINITIONS

- 2.1 Nil.

3. OBJECTIVE

- 3.1 The objective of the Kingborough Positive Ageing Policy is to underpin the Kingborough Positive Ageing Strategy 2018 that was developed to provide direction for Council's activities in relation to older people

4. SCOPE

- 4.1 The policy principles will be applied to all aspects of the delivery of Positive Ageing services by the Kingborough Council.

5. PROCEDURE (POLICY DETAIL)

- 5.1 The Kingborough Positive Ageing Policy will be applied through the implementation of actions contained within the Positive Ageing Strategy 2018 in the following five key activity areas to support older residents to become and/or remain:
 - 5.1.1 Informed about services, programs and activities;
 - 5.1.2 Engaged in their local community;
 - 5.1.3 Valued, visible and respected community members;
 - 5.1.4 Promote programs which encourage older people to remain healthy, independent and safe;
 - 5.1.5 Support where possible the provision of appropriate and affordable accommodation options.

6. GUIDELINES

- 6.1 The following principles will be applied to all aspects of the delivery of Positive Ageing services by the Kingborough Council:
 - 6.1.1 Communication – provision of information to older people regarding available services and opportunities within Kingborough.
 - 6.1.2 Inclusion - providing for older people's involvement and ability to influence decision making. Increase the capacity of individuals and organisations to respond to the needs of their community via connection to Council's communications networks and information sharing capabilities.
 - 6.1.3 Building on Community Capacity – identifying and using the diverse skills and characteristics of older people to add to the social, environmental and economic well-being of the community.
 - 6.1.4 Respect – recognising the absolute dignity of every older person and treating them accordingly.
 - 6.1.5 Equity – striving towards equality of outcomes by adhering to non-discriminatory policies and practices.

- 6.1.6 Responsiveness – being sensitive to the needs of older people and providing appropriate and timely responses to these needs.
- 6.1.7 Accountability – being open to scrutiny and able to explain and justify all actions undertaken.

7. COMMUNICATION

- 7.1 This policy will be communicated to all staff.

8. LEGISLATION

- 8.1 *Age Discrimination Act 2004 (Commonwealth)*
- 8.2 *Universal Declaration of Human Rights 1948*
- 8.3 *Commonwealth Racial Discrimination Act 1975*
- 8.4 *Anti-Discrimination Act 1998 (Tasmania)*
- 8.5 *Equal Employment Opportunity Act 1984 (Commonwealth)*
- 8.6 *Sex Discrimination Act 1984 (Commonwealth)*
- 8.7 *Racial Discrimination Act 1975 (Commonwealth)*
- 8.8 *Human Rights and Equal Opportunity Act 1986 (Commonwealth)*
- 8.9 *Disability Discrimination Act 1992 (Commonwealth)*

9. RELATED DOCUMENTS

- 9.1 Kingborough Positive Ageing Strategy

10. AUDIENCE

- 10.1 Public

15.4 KINGBOROUGH YOUTH POLICY

File Number: 31.5

Author: Clare Scallon, Community Development Officer

Authoriser: Deleeze Chetcuti, Director Environment, Development & Community Services

Strategic Plan Reference

Key Priority Area: 1 Encourage and support a safe, healthy and connected community.

Strategic Outcome: 1.1 A Council that engages with and enables its community.

1. PURPOSE

1.1 The purpose of this report is to review and update Council's Kingborough Youth Policy.

2. BACKGROUND

2.1 At its meeting of the 14 December 2020, Council endorsed a Kingborough Youth Policy that is due for review.

3. STATUTORY REQUIREMENTS

3.1 There are no statutory requirements associated with the update of the Policy.

4. DISCUSSION

4.1 The Policy contains a set of thirteen principles that were used to underpin the development of the Kingborough Youth Strategy 2019 – 2024.

4.2 Established youth programming includes: term time workshops, school holiday program activities, Youth Action Kingborough initiatives, youth outreach programs, an annual performing art showcase as well as grant funded initiatives such as the Get Ready for Work program.

4.3 The diverse programming on offer ensures that young people with a broad range of interests, experiences and backgrounds are engaged, included and offered a variety of opportunities.

4.4 The existing Policy has been reviewed which requires minor amendments. Reference has been made to the 2023 Kingborough Child Safety Policy.

4.5 A copy of the endorsed Policy with track changes is attached as Annexure One (1) to this report.

5. FINANCE

5.1 There are no financial implications associated with this matter.

6. ENVIRONMENT

6.1 There are no environmental implications associated with this matter.

7. COMMUNICATION AND CONSULTATION

7.1 Communication and consultation occur on a regular basis in line with relevant projects and activities, including the implementation of the Kingborough Youth Strategy.

7.2 The Policy will be made available via Council's website.

8. RISK

8.1 There are no risks associated with the policy.

9. CONCLUSION

9.1 The December 2020 endorsed Kingborough Youth Policy is due for review. Minor amendments have been made that do not modify its intent.

10. RECOMMENDATION

That Council endorse the revised Kingborough Youth Policy as attached to this report.

ATTACHMENTS

1. Existing Policy with Track Changes
2. Updated Policy for Approval

Public Copy

EXISTING POLICY WITH TRACK CHANGES



Kingborough Youth Policy

Policy No:	4.5
Approved by Council:	December 2020 <u>March 2025</u>
New Review Date:	December 2024 <u>March 2029</u>
Minute No:	C732/23-2020 <u>TBA</u>
ECM File No:	31.5
Version:	2.0
Responsible Officer:	Director Environment, Development & Community Services
Strategic Plan Reference:	1.1 A Council that engages with and enables its community

1. POLICY STATEMENTS

- 1.1 Council is committed to the active engagement and participation of young people in all aspects of life within the community.
- 1.2 Council is committed to ensuring that young people are informed and engaged in activities and decision making and are provided with timely feedback.
- 1.3 Council will support young people to participate in the community, and will develop and facilitate processes, structures and partnerships that enable the community, service providers and young people to work together to meet the identified needs of young people.
- 1.4 Council will work to ensure that young people feel a sense of belonging and safety, are included and are able to access the services and facilities they need to fully participate in community life and to ensure that their physical and mental health needs are being met.
- 1.5 Council will contribute to the development of a community where the diversity of young people is accepted and valued, and their contributions are recognised and celebrated.

2. DEFINITIONS

- 2.1 Social inclusion barriers include personal factors (such as health or homelessness), access factors (such as to transport and health services), and structural factors (such as intergenerational poverty and locational disadvantage). Those groups most at risk include children in low income households; older persons living alone; people with a mental illness; Aboriginal people; gay, lesbian, bisexual, transgender and intersex people; people with a disability; refugees from culturally and linguistically diverse backgrounds, women subject to domestic violence and people experiencing addiction (from Prof David Adams *A Social Inclusion Strategy for Tasmania 2009*)

3. OBJECTIVE

- 3.1 The objective of the Kingborough Youth Policy is to underpin the Kingborough Youth Strategy that has been developed to provide direction for Council's activities in relation to young people, demonstrate Council's commitment to the development and support of young people in the Kingborough municipal area, and detail key strategic actions that Council intends to undertake in order to achieve specific outcomes with young people and the community.

4. SCOPE

- 4.1 The policy principles will be applied to all aspects of the delivery of youth services by the Kingborough Council.

5. PROCEDURE (POLICY DETAIL)

- 5.1 The following principles will be applied to all aspects of the delivery of youth services by the Kingborough Council:
 - 5.1.1 **Access** – ensuring young people can obtain needed services.
 - 5.1.2 **Participation and consultation** – providing for young people's involvement and ability to influence decisions being made which affect them and their community.
 - 5.1.3 **Social Inclusion** – ensuring all young people have equal opportunity to be involved and participate, which may include subsidised rate regarding paid programmes, to identified community members experiencing financial hardship.
 - 5.1.4 **Building on diversity** – identifying and using the characteristics and qualities of diverse young people to add to the social, environmental and economic well-being of the community.

- 5.1.5 **Equity** – ensuring equality of outcomes by eliminating discriminatory policies and practices.
- 5.1.6 **Respect** – recognising the absolute dignity of every young person and treating them accordingly.
- 5.1.7 **Communication** – ensuring young people know the services that are available and know their rights and responsibilities - and that young people have an opportunity to shape their community and the services they can access.
- 5.1.8 **Responsiveness** – being sensitive to the needs of young people and providing appropriate and timely responses to these needs.
- 5.1.9 **Effectiveness** – focusing on meeting needs in a results-oriented manner.
- 5.1.10 **Efficiency** – optimising the use of resources to meet the needs of young people.
- 5.1.11 **Building community capacity** – increasing the capacity of individuals and organisations to respond to the current and future needs of their own community.
- 5.1.12 **Confidentiality** – ensuring that all people are in control of any information which is disclosed about them to any other person.
- 5.1.13 **Accountability** – being open to scrutiny and being able to explain and justify all actions undertaken.

6. GUIDELINES

- 6.1 The Kingborough Youth Policy will be implemented by Council's Youth Services staff and other Council staff as required.

7. COMMUNICATION

- 7.1 This policy will be communicated to all staff involved in the delivery of services to young people.

8. LEGISLATION

- 8.1 *Universal Declaration of Human Rights 1948.*
- 8.2 Office of the High Commissioner for Human Rights - Convention on the Rights of the Child and Declaration of the Rights of the Child.
- 8.3 *Commonwealth Racial Discrimination Act 1975.*
- 8.4 *Commonwealth Sex Discrimination Act 1984.*
- 8.5 *Tasmanian Anti Discrimination Act 1998.*
- 8.6 United Nations – World Program of Action for Youth to the Year 2000 and beyond.
- 8.7 *Children, Young Persons and Their Families Act 1997.*

9. RELATED DOCUMENTS

- [9.1 Kingborough Youth Strategy –2019 – 2024.](#)
- [9.2 Kingborough Child Safety Policy 2023](#)

10. AUDIENCE

- 10.1 Available to the public.

UPDATED POLICY FOR APPROVAL



Kingborough Youth Policy

Public Copy

Policy No:	4.5
Approved by Council:	March 2025
New Review Date:	March 2029
Minute No:	TBA
ECM File No:	31.5
Version:	2.0
Responsible Officer:	Director Environment, Development & Community Services
Strategic Plan Reference:	1.1 A Council that engages with and enables its community

1. POLICY STATEMENTS

- 1.1 Council is committed to the active engagement and participation of young people in all aspects of life within the community.
- 1.2 Council is committed to ensuring that young people are informed and engaged in activities and decision making and are provided with timely feedback.
- 1.3 Council will support young people to participate in the community, and will develop and facilitate processes, structures and partnerships that enable the community, service providers and young people to work together to meet the identified needs of young people.
- 1.4 Council will work to ensure that young people feel a sense of belonging and safety, are included and are able to access the services and facilities they need to fully participate in community life and to ensure that their physical and mental health needs are being met.
- 1.5 Council will contribute to the development of a community where the diversity of young people is accepted and valued, and their contributions are recognised and celebrated.

2. DEFINITIONS

- 2.1 Social inclusion barriers include personal factors (such as health or homelessness), access factors (such as to transport and health services), and structural factors (such as intergenerational poverty and locational disadvantage). Those groups most at risk include children in low income households; older persons living alone; people with a mental illness; Aboriginal people; gay, lesbian, bisexual, transgender and intersex people; people with a disability; refugees from culturally and linguistically diverse backgrounds, women subject to domestic violence and people experiencing addiction (from Prof David Adams *A Social Inclusion Strategy for Tasmania 2009*)

3. OBJECTIVE

- 3.1 The objective of the Kingborough Youth Policy is to underpin the Kingborough Youth Strategy that has been developed to provide direction for Council's activities in relation to young people, demonstrate Council's commitment to the development and support of young people in the Kingborough municipal area, and detail key strategic actions that Council intends to undertake in order to achieve specific outcomes with young people and the community.

4. SCOPE

- 4.1 The policy principles will be applied to all aspects of the delivery of youth services by the Kingborough Council.

5. PROCEDURE (POLICY DETAIL)

- 5.1 The following principles will be applied to all aspects of the delivery of youth services by the Kingborough Council:
 - 5.1.1 **Access** – ensuring young people can obtain needed services.
 - 5.1.2 **Participation and consultation** – providing for young people's involvement and ability to influence decisions being made which affect them and their community.
 - 5.1.3 **Social Inclusion** – ensuring all young people have equal opportunity to be involved and participate, which may include subsidised rate regarding paid programmes, to identified community members experiencing financial hardship.
 - 5.1.4 **Building on diversity** – identifying and using the characteristics and qualities of diverse young people to add to the social, environmental and economic well-being of the community.

- 5.1.5 **Equity** – ensuring equality of outcomes by eliminating discriminatory policies and practices.
- 5.1.6 **Respect** – recognising the absolute dignity of every young person and treating them accordingly.
- 5.1.7 **Communication** – ensuring young people know the services that are available and know their rights and responsibilities - and that young people have an opportunity to shape their community and the services they can access.
- 5.1.8 **Responsiveness** – being sensitive to the needs of young people and providing appropriate and timely responses to these needs.
- 5.1.9 **Effectiveness** – focusing on meeting needs in a results-oriented manner.
- 5.1.10 **Efficiency** – optimising the use of resources to meet the needs of young people.
- 5.1.11 **Building community capacity** – increasing the capacity of individuals and organisations to respond to the current and future needs of their own community.
- 5.1.12 **Confidentiality** – ensuring that all people are in control of any information which is disclosed about them to any other person.
- 5.1.13 **Accountability** – being open to scrutiny and being able to explain and justify all actions undertaken.

6. GUIDELINES

- 6.1 The Kingborough Youth Policy will be implemented by Council's Youth Services staff and other Council staff as required.

7. COMMUNICATION

- 7.1 This policy will be communicated to all staff involved in the delivery of services to young people.

8. LEGISLATION

- 8.1 *Universal Declaration of Human Rights 1948.*
- 8.2 Office of the High Commissioner for Human Rights - Convention on the Rights of the Child and Declaration of the Rights of the Child.
- 8.3 *Commonwealth Racial Discrimination Act 1975.*
- 8.4 *Commonwealth Sex Discrimination Act 1984.*
- 8.5 *Tasmanian Anti Discrimination Act 1998.*
- 8.6 United Nations – World Program of Action for Youth to the Year 2000 and beyond.
- 8.7 *Children, Young Persons and Their Families Act 1997.*

9. RELATED DOCUMENTS

- 9.1 Kingborough Youth Strategy –2019 – 2024.
- 9.2 Kingborough Child Safety Policy 2023

10. AUDIENCE

- 10.1 Available to the public.

15.5 TASWASTE SOUTH - APPOINTMENT OF FORUM REPRESENTATIVE**File Number:** 24.22**Author:** David Reeve, Director Engineering Services**Authoriser:** Dave Stewart, Chief Executive Officer**Strategic Plan Reference**

Key Priority Area: 3 Sustaining the natural environment whilst facilitating development for our future.

Strategic Outcome: 3.3 Council is able to demonstrate strong environmental stewardship and leadership.

1. PURPOSE

- 1.1 The purpose of this report is to seek and endorse a nomination from Council to be a forum representative for TasWaste South.

2. BACKGROUND

- 2.1 As part of the formation of TasWaste South each council represented is required to provide a Forum representative and a substitute representative.
- 2.2 The Forum meets three times per year and has three roles:
- 2.2.1 Elect a Chief Member Representative and Deputy Chief Member Representative from within Forum members (they will be directors of the board directly representing the member councils);
 - 2.2.2 Appoint independent directors; and
 - 2.2.3 Receive information from and provide feedback to, the Board and TasWaste South CEO on performance of TasWaste South against its objectives, functions and Strategic Plan.
- 2.3 In the 21 November 2022 Council meeting, David Reeve (Director of Engineering Services) was nominated as Council's forum representative and Cr Cordover as the substitute representative.
- 2.4 On the 13 June 2024, David Reeve was elected by the Forum as the Chief Members Representative.

3. STATUTORY REQUIREMENTS

- 3.1 There are no statutory requirements associated with this report.

4. DISCUSSION

- 4.1 With David Reeve resigning from Kingborough Council to take on alternative employment there is a need for Council to consider a new Forum representative.
- 4.2 This position is a non-renumerated position unless elected as Chief or Deputy Chief Representative at which time they will be renumerated as outlined in the body of the report.
- 4.3 It is important that the Forum is made up of representatives who have a genuine interest in the future of waste management in the region. A representative can either be an elected member or an officer of a participating council.

5. FINANCE

- 5.1 Directors of TasWaste South will be renumeralated in accordance with the Tasmanian Government Board Fee Policy and escalated in line with increases to the Tasmanian State Service Award.

6. ENVIRONMENT

- 6.1 There are no direct environmental impacts as regards this decision, although TasWaste South will be involved in projects that will be to improve waste related environmental improvements.

7. COMMUNICATION AND CONSULTATION

- 7.1 Not applicable to this decision

8. RISK

- 8.1 There are no major risks associated with the recommendation, provided the chosen party to represent Council has genuine interest in improving waste management regionally.

9. CONCLUSION

- 9.1 With Council's current Forum representative for TasWaste South resigning there is a need for a new representative to be nominated.
- 9.2 Only the nominated representative is eligible to be considered for election to the Board, although the substitute representative can observe and in the absence of the nominated representative act in that role.
- 9.3 An election for a new Chief Member Representative took place on 19 February 2025, with them taking on the role on 3 March 2025.

10. RECOMMENDATION

That Council endorses as Council's representative for the Forum of TasWaste South and that this appointment is made immediate.

ATTACHMENTS

Nil

15.6 APPENDICES**RECOMMENDATION**

That the Appendices attached to the Agenda be received and noted.

16 NOTICES OF MOTION

At the time the Agenda was compiled there were no Notices of Motion received.

17 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

RECOMMENDATION

That in accordance with the *Local Government (Meeting Procedures) Regulations 2015* Council, by absolute majority, move into closed session to consider the following items:

Confirmation of Minutes

Regulation 34(6) *In confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.*

Applications for Leave of Absence

Regulation 15(2)(h) *applications by councillors for a leave of absence*

In accordance with the Kingborough Council *Meetings Audio Recording Guidelines Policy*, recording of the open session of the meeting will now cease.

Open Session of Council adjourned at

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

RECOMMENDATION

The Closed Session of Council having met and dealt with its business resolves to report that it has determined the following:

Item	Decision
Confirmation of Minutes	
Applications for Leave of Absence	

CLOSURE

Public Copy

APPENDICES

- A Development Services Quarterly Report
- B Disability Inclusion and Access Advisory Committee Minutes
- C Kingborough Bicycle Advisory Committee Minutes

Public Copy

A DEVELOPMENT SERVICES QUARTERLY REPORT**File Number: File#****Author: Tasha Tyler-Moore, Manager Development Services****Authoriser: Deleeze Chetcuti, Director Environment, Development & Community Services****1. INTRODUCTION**

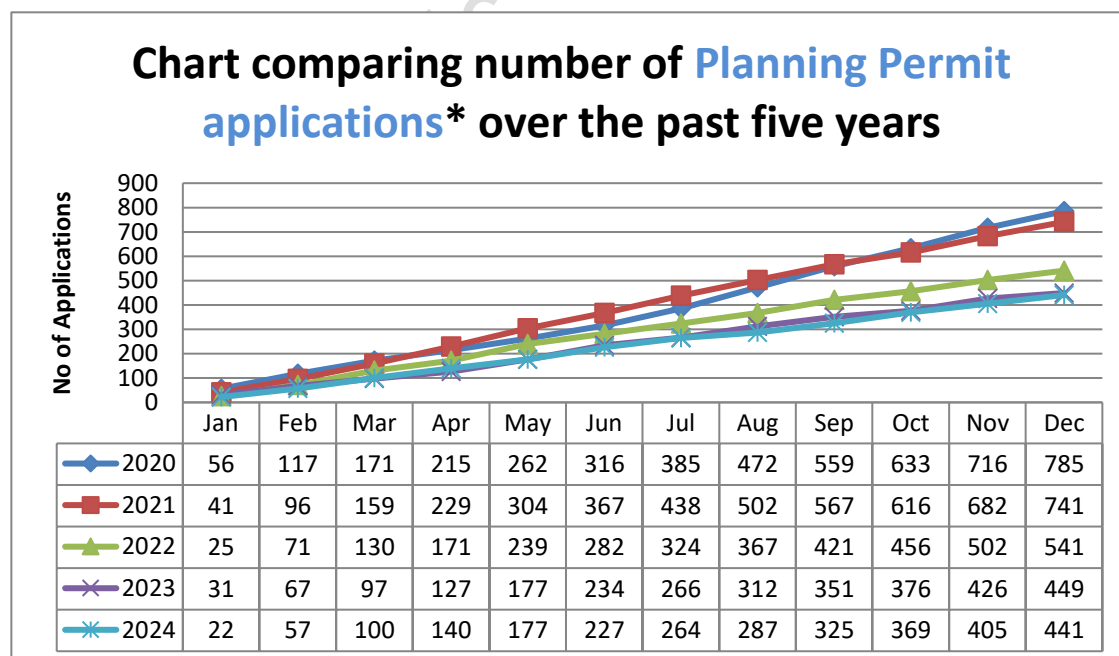
Development Services has Planning Authority delegations under the *Land Use Planning and Approvals Act 1993* and is the Permit Authority for plumbing and building applications under the *Building Act 2016*. These responsibilities include related enforcement functions.

This report provides an update on Development Services' building and planning permit activity including lodgement numbers; Tasmanian Civil and Administrative Tribunal (TASCAT) and Tasmanian Planning Commission (TPC) matters; and strategic planning matters.

2. PLANNING**2.1 Planning application lodgement numbers (calendar year)**

The chart below details the total number of planning applications lodged in 2024 compared with the number of applications lodged over the past five years.

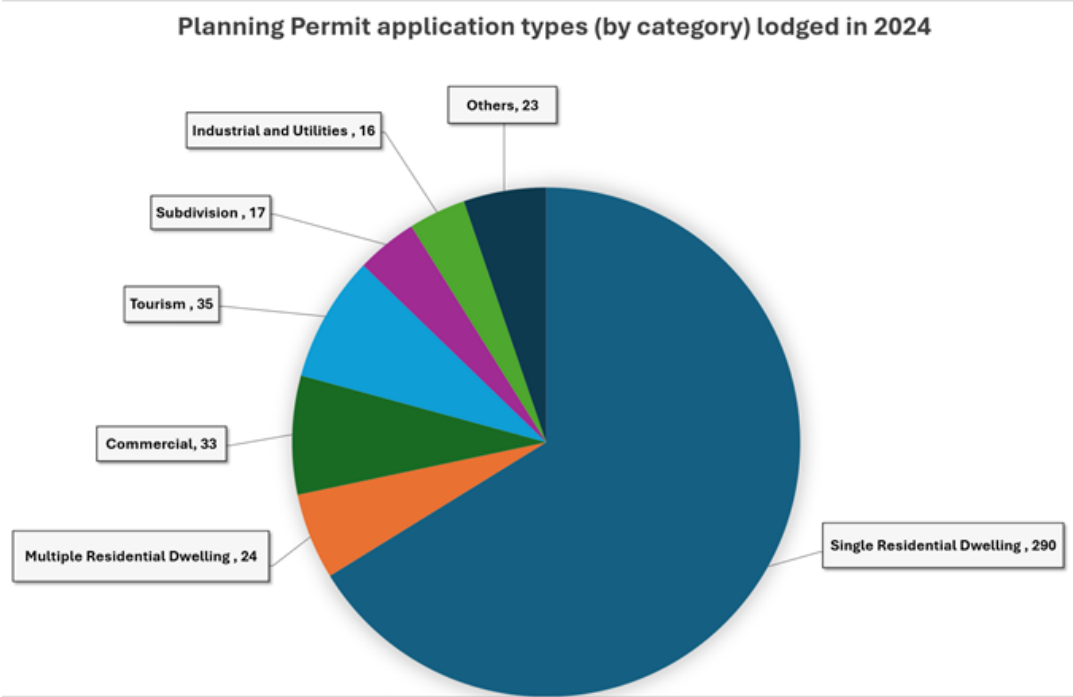
The data included is for development applications only. Applications for subdivisions, sealed plan amendments, strata applications, adhesion order applications, planning scheme amendments, minor amendments, extensions to the life of a permit or pre-application meetings are not included.



The chart shows a similar trend of application number for last year and the year before. The two highest years 2020 and 2021 saw significant numbers of applications which may have largely been driven by the State and Federal Government building stimulus packages (covid recovery related). That is turn likely brought forward projects that may have otherwise been built later, impacting on numbers in 2022. Last year was a second

year of higher interest rates and sustained high building costs, which may affect people’s ability for new builds or home improvements/extensions.

Whilst not shown on this plan for simplicity, the start of 2025 has seen higher application lodgements compared to the same time last year; if the trend continues then we may see a higher overall number. However, another factor that may affect the annual number of lodgements in 2025 is the change to the new Planning Scheme. However, based on timing the new Planning Scheme is not likely to come into effect until late in the year.



The chart above shows the different category types of Planning Permit applications that were lodged in 2024. The chart clearly shows that the predominant type of proposal is single residential developments (which includes application for alterations and extensions of existing dwellings and for ancillary dwellings), including multi-dwelling developments.

2.2 Progress of Kingborough’s Local Provisions Schedule – moving to the ‘Tasmanian Planning Scheme’ and public consultation.

Council’s adopted draft of the Kingborough Local Planning Provisions (LPS) of the Tasmanian Planning Scheme was sent to the Tasmanian Planning Commission (TPC) on 13 December 2019 (additional information was sent on 18 December 2019). A second iteration of the plans (with corrected data) was adopted at the Council Meeting on 11 February 2020 and forwarded to the TPC for their consideration.

On 18 September 2024, the TPC directed Council to undertake the required public exhibition between 9 October and 9 December, which is a 60 day period.

Since the conclusion of the public exhibition period, all representations were registered, acknowledgements sent and they have been collated for consideration.

What happens next?**Council meeting**

A report will be presented to Council (likely in March 2025) to provide feedback on representations received (a copy of each representation will be provided to Councillor's directly). The report will also include any recommendations for the TPC to consider altering the draft as a result of the content of the representations. Any recommendation for alterations to the draft must be considered within the limitations of the provisions of the Tasmanian Planning Scheme and LPS Guidelines.

Public hearings hosted before implementation

Following the delivery of the afore mentioned report, the TPC will hold public hearings allowing all representors to speak to their representations. It is expected that the hearings will occur over a couple of weeks (with the dates and invitations managed by the TPC). Council officers will be in attendance on all hearing dates.

The TPC are required to consider the written representations, public hearing submissions and the submissions or responses made by Council at the hearings before making a final decision on the final version of the Tasmanian Planning Scheme that will apply in Kingborough.

2.2 State Government's development of the Tasmanian Planning Policies (TPP's)

The Tasmanian Government is developing a suite of Planning Policies that are integral to the overall Planning Reform project. Consultation on the drafted policies commenced in October 2021 with a scoping process, followed by consultation on a first draft of the policies commencing in September 2022. In total, 73 submissions, including from Kingborough, were received.

In February 2023, Councils were invited to the State Planning Office to discuss the consultation, the outcomes so far and the development of those policies. The meeting highlighted a number of key issues raised from the consultation, including implementation and proposed general application statement for the policies – it also proposed removal of the implementation strategies for each policy.

The policies were released for general public consultation from 28 March to 26 June 2023 as part of the independent review process undertaken by the Tasmanian Planning Commission. During October 2023, the Tasmanian Planning Commission hosted hearings for submitters. The hearings have been split into topics and Kingborough has been represented for each of those. Further information is available at www.planningreform.tas.gov.au.

The Tasmanian Planning Commission will finalise its review of the TPPs following the conclusion of the hearings. This includes consideration of the submissions and information gathered at the hearings. The Commission will make recommendations to the Minister for Planning, including any modifications that may be necessary. The Minister will consider the recommendations before determining whether to make the TPPs, including any modifications. The making of the TPPs triggers reviews of the regional land use strategies and State Planning Provisions for consistency.

There has been no recent update on the timing of these to be finalised.

2.3 State Government's current review of the State Planning Provisions (SPP's)

The SPPs are the State-wide set of planning rules in the Tasmanian Planning Scheme (TPS). The SPPs are used for the assessment of applications for planning

permits. The SPPs contain the planning rules for the 23 zones and 16 codes in the TPS, along with the administrative, general, and exemption provisions.

It is a legislative requirement that the State Planning Provisions are reviewed every five years. Even though several Councils are not yet using the Tasmanian Planning Scheme, including Kingborough, and most have only been using it for around one year, the SPP's were approved more than five years ago (at the time when Councils were required to move over to the 'Interim Schemes').

The State Government has commenced the work on the five-year review. Between May and August 2022, scoping consultation was undertaken with Councils with follow-up workshops for those who made submissions. Kingborough made a submission and attended workshops. There was a total of 163 submissions made. A summary of the key issues raised in the SPP scoping consultation has been released and is available on the State Planning Office (SPO) website. To deal with the vast number of Clauses to be considered and the numerous submissions, the SPO has broken the Clauses up by topic and assigned seven 'action groups' to focus on those groups. The Action Groups have commenced, with Kingborough participating in them. The most recent (February) action group was reviewing boundary adjustment, subdivision across zones and sheds on vacant sites.

The SPO has advised that the next stage involves a review of the SPPs for consistency with the TPPs, once they are made. This may lead to further amendments to the SPPs. Amendments flowing from the five yearly SPPs review, and the review for consistency with the TPPs, will occur throughout 2024 and 2025.

The most recent contact about this project was during November for the Hazards consultation with Councils. There is no end or staging date provided by the State Planning Office. Interim SPP amendment 01-2024 was approved by the Minister in September 2024, it relates to the Coastal Erosion Hazard, Coastal Inundation Hazard and Landslip Hazard. It does not affect Kingborough Council as the Tasmanian Planning Scheme is not yet in place.

2.4 State Governments Regional Planning Framework and review of the Southern Tasmania Regional Land Use Strategy and proposed changes to the Urban Growth Boundary

The [Land Use Planning and Approvals Act 1993](#) (LUPA Act) provides for the making and, to a limited extent, the review of the Regional Land Use Strategies (RLUSs). Kingborough is included in the Southern Regional Land Use Strategy (STRLUS). The State government intends to deliver reforms to the regional planning framework in two stages.

A discussion paper on the review on the Regional Planning Framework was released for comment between November 2022 and February 2023. The discussion paper sought feedback on options for the Stage 1 improvements to the regional planning framework, including how it can better provide for the scope and purpose of the RLUSs and processes around their assessment, review and amendment. The improvements were intended to support the current reviews of the RLUSs, with potential legislative and administrative changes.

A copy of the submissions to the discussion paper received are available on the State Planning Office website. Kingborough was involved in workshops to help inform the preparation of the discussion paper.

After considering the submissions received, the Minister for Planning determined to prioritise the reviews of the RLUSs over progressing any legislative change to the regional planning framework.

The STRLUS review is being coordinated by a Southern Regional Planning Coordinator that was appointed by the Southern Tasmanian Councils Authority and is funded by the State Planning Office and co-contributions from Councils, including Kingborough.

A key component of this work will include a long-term Settlement Strategy for Southern Tasmania, backed up by demand and supply analysis to guide planned sequenced growth in potential growth areas, and areas for urban renewal and densification over coming years. More information on the project including a State of Play document that provides key data of population trends, economic shifts, environmental changes is available on the [Shaping Tasmania Webpage](#). According to the webpage, the review of STLUS will be finalised over the next 2 years with an opportunity for comment during a formal public consultation period that is anticipated for later in 2025.

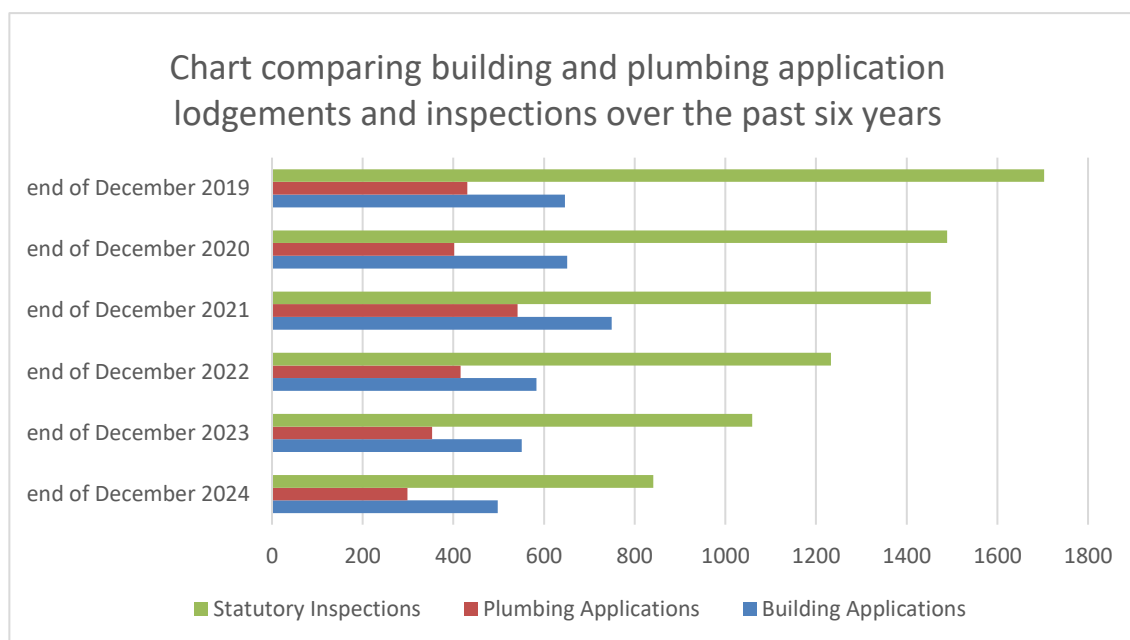
Ahead of the STRLUS review, the Minister for Planning recently announced that he was seeking an update to the UGB to deliver an additional 10,000 houses in the Greater Hobart Area. The invite for comment proposed changes includes an UGB amendment at Margate consistent with the area that is identified for future growth in the *Kingborough Land Use Strategy 2019*. Council has made a submission indicating support as it will provide a much-needed interim arrangement to contribute to the housing choice in the municipality and also aligns with a recent rezoning application Council initiated.

2.9 Active Planning Appeals

APPLICATION DETAILS	PROPOSAL	APPEAL TYPE	KEY DATES / LATEST ACTIONS
P/2024/87 DAS-2023-13 'Tinderbox Pty Ltd' 441 Tinderbox Road TINDERBOX	10 lot subdivision	Appeal by representor against Council's decision to issue a Permit.	Consent agreement (reducing the number of lots) was arrived at during mediation; matter to be finalised and provided to the Tribunal during February 2025.
P2024/110 DA2023-405 39 Moir Road, KINGSTON (formerly known as 70 Channel Highway, Kingston)	Removal of a tree The tree is listed as a 'significant tree' under Clause E24.0 of the Planning Scheme	Appeal by owner against conditions applied to the approval to remove the tree.	Matter was resolved by mediation and a consent agreement was filed, which includes some changes to the permit conditions. Permit reissued with decision date of 24 December 2024.
P/2025/14 DA-2023-445 1 Channel Highway, KINGSTON (Kingston Golf Club)	Construction of an earth mound	Representor appeal against decision to issue a permit.	Preliminary Conference: 24 February 2025.
P/2025/10 DA-2024-405 9 James Avenue, KINGSTON BEACH	Visitor accommodation	Applicant's appeal against a request for further information.	Preliminary Conference: 18 February 2025. Hearing Date: 11 April 2025. Most like to be written submissions, not a full hearing – yet to be determined.
P/2024/115 DA-2022-430 308 Old Station Road, LOWER SNUG	Vegetation clearance (retrospective approval)	Applicant appeal against Conditions of the permit.	2 nd Preliminary Hearing: 31 January 2025. Revised Grounds of appeal to be submitted by appellant by 19 February 2025.

3. Building and Plumbing

3.1 Building and Plumbing applications and inspection numbers



The chart above shows total number of application lodgements for the year 2024. The chart demonstrates a slow down of builds that are being completed (and presumably started) in comparison to previous years. It is likely to be the same external influences such as cost of building and high interest rates that are affecting the number of planning permit applications being lodged is affecting how many people are completing builds.

The chart does not demonstrate all the department's work but is a representation of one aspect that shows activity trends in the local building industry. Much of the department's regular work activity is in regard to building and plumbing compliance.

3.2 Victorian Building Law Case - S & P Gomes Pty Ltd v Mohan Sundar & Anor

MAV Insurance has successfully defended a complex claim for negligence against Gannawarra Shire Council, involving the owner of a hotel (S&P Gomes), who issued proceedings against the Council for failure to follow up building enforcement.

Mr Gomes claimed that he was owed a duty of care from the Council to ensure that the Hotel Motel was compliant with various laws and regulations (including building, fire and health and safety). Specifically, it was alleged that between 2011 and 2012, the Council issued notices to the vendor but did not take steps to ensure that the notices were complied with. As a result, Mr Gomes alleged that Council ought to have followed up on the notices, and that this failure led to the loss arising from the ongoing deterioration of the building.

While, MAV successfully defended the Council, MAV observed that this case demonstrates that local councils should ensure that building enforcement notices/orders are followed up and 'closed out'. Taking these steps may mitigate the risk of Councils being involved in drawn out litigation.

Tasmanian Councils have newly implemented, more stringent statutory responsibilities, than their mainland counterparts under the Tasmanian Occupational Licensing Act 2005 (the Licensing Act). As licenced corporate Permit Authorities, Tasmanian Councils are required to comply with statutory functions under the *Building Act 2016* and failing to meet these statutory responsibilities (such as not enforcing a Building Order) could see the relevant Council subject to penalties under the Licensing Act.

3.3 Tasmanian Fire Service refers illegal Distilleries to Kingborough Council for building enforcement action.

In 2024, the Tasmania Fire Service referred ten illegal distilleries and bond stores that they alleged were operating in Kingborough to the Council Permit Authority for investigation and enforcement action.

Distilleries and bond stores are classified under the *Building Act 2016* as high-risk building work due flammable nature of the substances that are produced/stored with these operations.

Councils Permit Authority investigations into these matters have confirmed that several of the referred operations are operating illegally (the remainder have since closed down prior to being contacted by the Permit Authority). The Permit Authority has taken the required action under the *Building Act 2016* in relation to these illegal operations and is working collaboratively with the relevant landowners to assist them in progressing to compliance.

The State Government is in the process of working with stakeholders to produce a Distillery Operators Guideline to raise awareness of the legal requirements of these operations so that persons who are considering starting a distillery are better informed of their statutory responsibilities prior to commencing the activity.

3.4 Mediation of residential building disputes

A number of changes were recently made to the *Residential Building Work Contracts and Dispute Resolution Act 2016* that give more options for parties seeking to resolve building disputes. One of these options is the informal mediation of disputes. Mediation can be arranged by the Director of Building Control and is designed to encourage a negotiated agreement. Reasonable steps to resolve the issue must have already been attempted before applying for mediation.

Mediation in building disputes can provide the following benefits:

- It is often cheaper and quicker than litigation
- It allows for customised solutions that might not be possible through court rulings
- It can help maintain professional relationships by encouraging cooperative problem-solving rather than confrontational conflict

ATTACHMENTS

Nil

B DISABILITY INCLUSION AND ACCESS ADVISORY COMMITTEE MINUTES

File Number: 5.539

Author: Anthony Verdouw, Executive Officer Engineering Services

Authoriser: David Reeve, Director Engineering Services

MINUTES

KINGBOROUGH DISABILITY INCLUSION & ACCESS ADVISORY COMMITTEE

Meeting No. 2025 - 1

Wednesday 12 February 2025

The logo for Kingborough, featuring the word "Kingborough" in a serif font, with a green swoosh underline.

Minutes of a Meeting of the Kingborough Disability Inclusion & Access Advisory Committee held at the Kingborough Civic Centre, Kingston, on Wednesday 12 February 2025 at 2.00pm.

ATTENDEES

		PRESENT	APOLOGY
Chairperson	Cr Paula Wriedt		✓
Deputy Chairperson	Cr Flora Fox	✓	
	David Vickery		✓
	Di Carter	✓	
	Heather Anderson	✓	
	Dr Don Hempton	✓	
	Wendy Wade		✓
	Fran Thompson	✓	
	Kevin Clayton	✓	
	Dr Christine Materia		✓
	Laura Della Pasqua		✓
	TBA ((Baptcare)		✓
Staff	Anthony Verdouw – Executive Officer, Engineering Services	✓	
	John-Paul Ibbott - Facility Management Officer	✓	
	Renai Clark – Senior Roads Engineer	✓	
	Aleira Chalker – Administration Officer	✓	
Presenters	Craig Couacaud and Brad Wagg – Consumer, Building and Occupational Services (CBOS) Presentation – Information and support on sales and charity approaches	✓	
		✓	

1 ACKNOWLEDGEMENT OF COUNTRY

Kingborough Council acknowledges the Tasmanian Aboriginal People as the Traditional Owners and ongoing custodians of lutruwita, Tasmania. We pay our respect to all Aboriginal and Torres Strait Islander people and to their Elders past, present and emerging.

2 CONFIRMATION OF MINUTES

Moved: Don Hempton

Seconded: Kevin Clayton

That the minutes of the DIAAC meeting on 11 December 2024 be confirmed as a true record.

CARRIED

3 PRESENTATIONS

John-Paul Ibbott and Steve Loxley – Council Officers – Civic Centre Customer Service Counter Upgrades

John-Paul Ibbott and Steve Loxley presented on the Civic Centre Customer Service Counter Upgrades.

John-Paul thanked DIAAC for their previous feedback on the proposed upgrades and presented the final amended designs. The contract for the works has been awarded, with installation planned on the long weekend in Easter, April 2025.

John-Paul noted that the designs provide:

- Improved officer safety
- Upgraded screens to prevent restrictions for those hearing-impaired and wheelchair users
- Service counter at varying heights to support inclusive access.

Request that some colour could be implemented or efforts to create a more welcoming atmosphere. Suggested some native plants.

Committee noted that the final plans address all concerns that had been raised.

Craig Couacaud and Brad Wagg – Consumer, Building and Occupational Services (CBOS) Presentation

Craig and Brad from CBOS presented on scams and door-to-door sales.

Topics discussed in the presentation:

- Scam statistics for the nation and state

- How to report a scam
- How to understand your rights when a scam has been committed
- More educational resources are being produced and becoming more accessible

Noted legislative reforms upcoming:

- Commonwealth Scams Prevention Framework. Federal legislation.
- Charity and associations law amendment bill. State legislation.

Noted improved community education and law reform is required. Reports can be made to CBOS if breaches of law occur. If someone feels vulnerable, they should report it.

Renai Clark – Council Officer – Hutchins Street Pedestrian Crossing

Renai presented on the zebra crossing across Hutchins Street and recent concerns raised. Renai provided a list of options:

- Leave roundabout and crossing points as is
- remove zebra crossing on Hutchins Street
- reconstruct the approach to the roundabout.

Renai sought views from the Committee about noted issues with the crossing.

Committee member Heather noted that she is not well seen by drivers. Suggested the crossing be moved further up the road.

Committee member Don suggested that a lower speed limit be considered. Renai advised that Council doesn't have authority to change speed limits and 20km/h would not comply. Deputy Chairperson Cr Fox noted the inconsistency of pedestrian priority in the area.

Other suggestions were:

- Flashing beacons alerting drivers that there is a zebra crossing.
- Signalised intersection crossing option.

Committee suggested that unless the crossing is consistent with others and designed to standard it should be removed.

4 BUSINESS ARISING

Kingborough Disability and Inclusion Access Policy

The committee provided comment on the policy and outlined a number of suggestions to be incorporated in the policy review.

Staff will collate suggestions, prepare a revised policy and present to the Committee again before the revised policy goes to Council for final endorsement.

Disability Expo

Noted awaiting response from Baptcare.

Council staff to follow up with Burnie Council regarding the recent expo held in Burnie.

5 CORRESPONDENCE**Incoming**

Nil

Outgoing

- Email on 8 January 2025 from Cr. Wriedt to Cr. Midgley Letter and Cr. Bain raising concerns about safety on shared pathways when some cyclists are not using their warning bells and riding at unsafe speeds.
- Letter dated 29 January 2025 from Cr. Wriedt to Hon Jo Palmer MLC, requesting that DIAAC be included as a stakeholder as part of the consultation for the review of wheelchair accessible taxis.

6 DEVELOPMENT APPLICATIONS

NIL

7 OTHER BUSINESS

- Noted the ATSA Independent Living Expo is happening 6 March 2025 at PW1. 10.30am-4.30pm. Free entry.
- Review of DDA legislation happening soon with consultation in March.
- Committee Member Kevin Clayton noted he has a letter published in the current week's Chronicle regarding disability carparking permits.

NEXT MEETING Scheduled for 9 April 2025 at 2PM

CLOSURE: There being no further business, the Chairperson declared the meeting closed at 4.00pm.

Action Items

What	Who
Create media release to raise awareness of invisible disabilities such as hearing impairment with Chris Barrell from 'Sorry I can't hear you'	Chair, Chris Barrell, EO liaise with Communications
Contact Council's Bicycle Committee to raise safety concerns on shared footpaths, e.g. people with hearing impairment are unable to hear bike bells or warnings from cyclists who travel at high speed.	EO, Anthony Verdouw
Do social media campaign throughout summer 2025 to educate people to consider each other on shared footpaths.	EO liaise with Communications
Follow up with Baptcare regarding a new representative for DIAAC and discuss Disability Expo.	EO
Emergency Evacuation at Kingborough Sports Facilities: Contact State Government and ask the question whether the new facilities being built at the Kingborough Sports Centre could be considered for emergency evacuations.	Chair
Write a letter to the Hon. Jo Palmer, Minister for Disability Services, requesting that DIAAC be included and have a representation during the discussion in the larger consultation process about WATs.	Chair

C KINGBOROUGH BICYCLE ADVISORY COMMITTEE MINUTES

File Number: 28.258

Author: Anthony Verdouw, Executive Officer Engineering Services

Authoriser: David Reeve, Director Engineering Services

Minutes

Kingborough Bicycle Advisory Committee

Meeting No. 2025-1

Friday 14 February 2025

The logo for Kingborough, featuring the word "Kingborough" in a serif font, with a teal-colored swoosh underline.

MINUTES for the Meeting of the Kingborough Bicycle Advisory Committee held at the Kingborough Civic Centre, Kingston, on Friday 14 February 2025 at 9:00am.

PRESENT

		PRESENT	APOLOGY
Chairperson	Cr Amanda Midgley	✓	
Deputy Chairperson	Cr David Bain	✓	
Members:	David Bonny	✓	
	Damien Delvin	✓	
	Mark Donnellon	✓	
	Michael Holloway	✓	
	Eddie Jager		✓
	Kelvin Lewis	✓	
	David McQuillen		✓
	Rob Sheers		✓
Cycling South	Mary McParland	✓	
Bicycle Network	Alison Hetherington		✓
Council Officers In Attendance:			
Executive Officer	Anthony Verdouw	✓	
Administration Officer	Aleira Chalker	✓	
Recreation Officer	Su Sprott		✓
Other Attendees:			
Urban Mobility Planner – DSG	Dustin Moore	✓	
ViaStrada	John Leiswyn	✓	
ViaStrada	David McCormick	✓	
Observer	Karen Camino	✓	

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Chairperson acknowledged and paid respect to the Tasmanian Aboriginal Community as the traditional and original owners and continuing custodians of the land on which we meet and acknowledged elders past and present.

LEAVE OF ABSENCE

DECLARATIONS OF INTEREST

There were no declarations of interest.

CONFIRMATION OF MINUTES

MOVED: Mark Donnellon

SECONDED: Kelvin Lewis

That the Minutes of the Committee meeting held on Friday 13 December 2024, as circulated be confirmed.

GENERAL BUSINESS**1. Algona Road Shared Path Feasibility Study**

Consultants ViaStrada provided an overview of the scope of their work on Algona Road Shared Path Feasibility Study outlining that the main objective at this stage is to determine a preferred alignment for a path including identifying local network links.

The potential for an overpass connection near Burwood Drive was discussed as well as well as areas across the road reserve with site constraints. A draft study will likely be out for review in mid-March and will be brought back to KBAC for further comment.

2. Introductions

Committee members introduced themselves and outlined reasons for joining the committee for 2025-26 term, with a range of perspectives offered.

3. Cycling Strategy Review

Identified an interim review of Cycling Strategy actions and implementation plan. Noting that new infrastructure and projects can influence priorities.

A Word version of the actions table will be distributed to the Committee to provide comment prior to the next KBAC meeting.

[Link to Cycling Strategy.](#)

Dusty advised that he can share a GIS code with Council to assist reviewing priorities in terms of value for money.

4. Terms of Reference Review

The Committee discussed the Terms of Reference and the option to increase community membership by one was recommended.

Clarified that Chair and Deputy Chair are members of the Committee and form part of the quorum.

5. Cycling Strategy – Strategic and Advocacy Actions

Review and discussion of Strategic and Advocacy Actions – Appendix 1

Action 3 – Track counters:

- Permanent counter installed on Whitewater Track. The others will be moved around to various tracks regularly.
- Received Super Sunday counts report from November 2024, which shows an increase on Whitewater Creek track and at the Channel Hwy/Beach Road junction – report attached for reference.

Action 5 & Action 12 – Road safety audits to eliminate hazards for cycling – maintain existing network.

- KBAC members are invited to report on specific issues and can use Snap Send Solve or raise service requests out of session.

Action 7 & 8 – Promote safe cycling and places to ride in Kingborough.

Action 10 – Wayfinding strategy – signage and mapping

- Su is rolling out more wayfinding on the Whitewater Creek Track. Including Shared Path awareness signage.
- Council's Disability Inclusion and Access Committee has raised concerns about cyclist behaviour on shared paths and dogs on leash.
- Noted that Shared Pathway signage should include human terms, clear actions, dogs on lead, and emphasise respect.



6. Cycling Strategy – Infrastructure Actions Review

Review and discussion of Infrastructure Actions – Appendix 1

Action 15 – Channel Hwy Sealed Shoulders (Huntingfield to Margate section – State Growth projects)

- Noted by the Committee as a high priority safety issue for commuter and recreational cyclists.

Action 17 – Channel Trail –Margate to Huntingfield.

- [Margate to Huntingfield Shared Pathway Development Report](#).
- DSG and Council working together to further define alignment and progress some preliminary design.

Action 18 – Algona Road Shared Path Feasibility Study

- Consultants on-site this week. Refer Agenda Item 1.

Action 20 – Huntingfield Park & Ride Connections

- Capital bid lodged for design work.

Action 21 – Channel Hwy Tarooma - bike Lane upgrades

- Designs are complete. Going through preliminary approvals.

Action 22 – Spring Farm to Sports Precinct

- Works for Stage 2 Spring Farm to Sports Precinct connector nearing completion with new bridge installed.



Action 23 – Huntingfield to Kingston CBD – Channel Hwy

- Spring Farm to Mertonvale footpaths – construction complete with line-marking now reinstated correctly.

Action 24 – Roslyn Ave design

- Concept plans for uphill bike lanes and cost estimate presented to the Committee. Project has site constraints and a high-cost estimate.
- Committee have requested that the project remains on the 5-year plan as it is a high-priority high-use cycling link.
- Pass Cyclists Safely signage has been installed.

Action 26 – Channel Trail – Snug to Lower Snug

- Old Station Rd and Davies Rd, Lower Snug – shared path. Site survey has been completed to inform detailed designs.
- Channel Highway, Snug footpath – between Sunsail St and Snug Tiers Rd – detailed designs for works nearing completion.

Action 28 – Sandfly Road Sealed Shoulders

- Grant funding under Safer Rural Roads Program successful – sealed shoulders on Sandfly Rd focussing on priority uphill sections.
- Survey and design are underway.

7. Cycling South Report

Cycling South report on activities:

- Glenorchy have put out a cycling strategy for consultation. Clarence has also put a strategy out for consultation.
- Annual commuter counts Tuesday 4 March 2025. The Kingborough sites have been filled but there are a few spots in the city that need a counter. If you're available from 7-9am you can register to count at:
<https://counts.bicyclenetwork.com.au/traffic-survey/228/>

- Bike week 1-8 March. Noted the previous Kingborough Treasure Hunt in Peter Murrell reserve. Agreed that it would be good to run this event again. Potential to utilise some of the new path network. Amanda to follow up with Staff re potential funding and organisation for 2026.
- The Greater Hobart travel survey results indicate that cycling numbers have increased.

CORRESPONDENCE

OTHER BUSINESS

8. DSG Update

Dusty provided an update on DSG activities:

- Finalising the update Walk, Wheel, Ride Strategy.
- Wayfinding guide.
- Tactical Cycling Guide out for consultation with targeted stakeholders
- Working on Bike Parking Guide and a Greater Hobart Bike Parking Master Plan.
- Channel Hwy line-marking in Taroona with more green paint installed through the intersections.

Question was raised about priority parking spaces for larger bikes such as trikes and cargo bikes. Council staff will follow up potential options and Dusty noted in regard to his bike parking work.

9. Kingborough Integrated Transport Strategy – Community Feedback

Noted that the Integrated Transport Strategy is now out for community feedback with comments closing 5 March 2025.

<https://www.kingborough.tas.gov.au/kingborough/engagement-2/kingborough-integrated-transport-strategy/>

MATTERS OF GENERAL INTEREST

NEXT MEETING

The next meeting of the Committee will be 4 April 2025.

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 10:34am

Kingborough Bicycle Advisory Committee

Meeting Dates for 2025

*Note meetings are held bi-monthly on Fridays at 9:00am
in the Council Chambers, Kingston*

14 February 2025

4 April 2025

20 June 2025

22 August 2025

17 October 2025

5 December 2025

Public Copy

Appendix 1 – Cycling Strategy Action Tables:

Strategic and Advocacy Actions

Action	Project	Description	Time frame	Cost	Responsible Authorities	Funding	Progress/Outcomes
1	Ride to School Day and Ride to Work Day	Promote National Ride to School Day and Ride to Work Day through Council communication channels. Assess schools for rideability and barriers to greater cycling uptake.	Ongoing	Low	Council	Op	
2	Commuter Counts	Continue to collect cycling data by participating in the annual Commuter Counts in March each year.	Ongoing	Low	Council	Op	
3	Install usage counters	Install counters to collect usage data on cycling routes and create an active transport data set for the municipality.	Ongoing	Low	Council	Op	
4	Bike Week	Support Bike Week events to encourage participation in cycling, such as the Kingborough Treasure Hunt.	Ongoing	Low	Council	Op	
5	Road safety audits to eliminate hazards for people cycling	Review road crossings on shared paths and around schools to assess whether safety improvements can be made, such as wombat crossings and pedestrian refuges. Where kerb outstands create 'pinch points' identify options for removing the hazard. Review speed limits in activity areas and on cycling routes.	Ongoing	Low	Council	Op	
6	Active travel provisions in new developments	Advocate for the development of standards for active travel infrastructure and facilities. Encourage new developments and subdivisions to align with the recommendations of the <i>Kingborough Footpath Policy</i>	Ongoing	Low	Council, Tasmanian Planning Commission	Op	

Acti on	Project	Description	Time frame	Cost	Responsible Authorities	Fundi ng	Progress/Outcomes
		and the <i>Kingborough Cycling Strategy</i> endorsed by Council. Where appropriate require a 2.5m wide shared path alongside all collector roads and waterways in new developments. Encourage developers to incorporate bicycle parking in commercial and residential apartment developments.					
7	Promote safe cycling in Kingborough	Promote road safety campaigns developed by RSAC (Road Safety Advisory Council) and the Kingborough Community Safety Committee. Support and promote cycling education programs run by external agencies to provide bicycle education that increases skills and confidence.	Ongoing	Low	Council	Op	
8	Promote cycling routes and places to ride	Promote cycling-related tourism through provision of maps and online information about routes and destinations, such as Bruny Island.	Ongoing	Low	Council	Op	
9	Advocate for bike racks on buses	Advocate to MetroTas and the State Government to provide bike racks on buses on all local and regional bus routes.	Short	Low	Council, DSG	Op	
10	Wayfinding Strategy – signage and mapping	Develop and implement a Wayfinding Strategy, including improved signage and mapping for active travel throughout Kingborough.	Short	Low	Council	Op	
11	Positive Provisioning Policy	Adopt a Positive Provisioning Policy to incorporate cycling-friendly design in all Council projects.	Short	Low	Council	Op	

Infrastructure Actions

Action	Project	Description	Time frame	Responsible Authorities	Cost	Funding	Progress/Outcomes
12	Maintain existing bike network	Ensure the principal bicycle network is reviewed annually to ensure bicycle infrastructure is safe and surfaces are free of significant bumps, holes, or other impediments. Any issues should be included in road resurfacing or other road maintenance schedules.	Ongoing	Council, DSG	N/A	Op	
13	Bike parking	Install bike parking based on an annual audit and community surveying and at key bus stops.	Ongoing	Council, DSG	Low	Op	
14	Water stations and bike repair stations	Install water fountains and bike repair stations based on an annual audit and community surveying.	Ongoing	Council	Low	Op	
15	Channel Hwy sealed shoulders – Kingston to Kettering	Liaise with Department of State Growth to advocate for road upgrades along the Channel Highway that include 1.5m sealed shoulders.	Ongoing	State Growth, Council	Low	Op	
16	Mountain bike park improvements	Continue to seek opportunities and funding to upgrade the facilities at the Kingston Mountain Bike Park to bring it to contemporary standards.	Ongoing	Council	Low	Ex	
17	Channel Trail – Kingston to Margate	Investigate and advocate for a shared path from Huntingfield to the end of the existing shared path in Margate.	Short	DSG, Council	Low	Cap / Ex	Feasibility Study Report released
18	Algona Road	Investigate and advocate for a shared path on the southern side of Algona Road between Roslyn Avenue and Huntingfield.	Short	DSG, Council	Low	Cap / Ex	
19	Firthside to Summerleas	Construct a mixed on-road and shared path route between Kingston High School and the Firthside Park & Ride.	Short	Council, DSG	Medium	Cap / Ex	

Action	Project	Description	Time frame	Responsible Authorities	Cost	Funding	Progress/Outcomes
20	Huntingfield Park & Ride Connections	Construct shared path and safe crossings from existing shared paths to the Huntingfield Park & Ride.	Short	Council, DSG	Medium	Cap / Ex	
21	Taroona – Channel Hwy	Upgrade on-road cycling facilities along Channel Highway through Taroona.	Short	Council, DSG	Medium	Cap / Ex	
22	Spring Farm to Sports Precinct	Construct a shared path from the existing Whitewater Creek path, north to the sporting precinct.	Short	Council	Medium	Cap / Ex	
23	Huntingfield to Kingston CBD – Channel Hwy	Advocate and seek funding for protected cycling infrastructure along Channel Highway, between Huntingfield and Kingston.	Short	DSG, Council	Medium	Ex	
24	Roslyn Avenue - Kingston Beach to Blackmans Bay	Investigate options for an uphill bicycle lane from Algona Road to Jindabyne Road. Investigate a shared path on the western side of Roslyn Avenue, including safe intersection upgrades.	Short	Council	Low	Cap	
25	Kingston to Kingston Beach	Investigate options and pursue opportunities for a shared path between Kingston and Kingston Beach.	Short	Council, Landowners	Low	Cap / Ex	
26	Channel Trail – Snug to Lower Snug	Construct a shared path between Snug and Lower Snug, starting from the existing shared path in Snug.	Short	Council, DSG	Very High	Cap / Ex	
27	Taroona Safe Route to School	Construct a mixed on-road and shared path route along Flinders Esplanade to Taroona Primary and High Schools, including modal filters and safe crossings.	Medium	Council, Education Dep.	Medium	Cap	
28	Sandfly Road – sealed shoulders	Improve on-road cycling infrastructure along Sandfly Road.	Medium	Council, DSG	High	Cap / Ex	Grant application being lodged for 'safety lanes' on the worst sections.

Action	Project	Description	Time frame	Responsible Authorities	Cost	Funding	Progress/Outcomes
29	Blackmans Bay Beach Connections	Connect Tinderbox Road and Blowhole Road to Ocean Esplanade with cycling infrastructure.	Medium	Council	Medium	Cap	
30	Blackmans Bay Shops Connection	Provide a cut-through path from Roslyn Avenue and the Blackmans Bay Shops.	Medium	Council, Landowners	Low	Cap	
31	Roslyn Avenue – Algona Road to Illawarra	Investigate providing a shared path from Algona Road to Illawarra Primary School.	Medium	Council	Low	Cap	
32	Gormley Drive and Kingston View Drive	Link a shared path from Summerleas Road to the Sporting Precinct via the Twin Ovals.	Medium	Council	High	Cap	
33	Margate to Dru Point	Investigate a shared path link from Margate to Dru Point.	Medium	Council, Landowners	Low	Cap	
34	Margate local pathways	Investigate local access pathways and linkages for upgrades and slow street implementation in Margate.	Medium	Council	Low	Cap	
35	Snug local pathways	Investigate local access pathways and linkages for upgrades and slow street implementation in Snug.	Medium	Council	Low	Cap	
36	Redwood Road to Algona Road	Investigate a shared path from the Maranoa Heights Reserve paths to Algona Road.	Medium	Council, DSG	Low	Cap	
37	Channel Trail – Lower Snug to Kettering	Investigate a shared path between Lower Snug and Kettering.	Medium	DSG, Council	Low	Cap / Ex	
38	Lower Snug to Coningham	Construct a shared path between Lower Snug and Coningham.	Long	Council	High	Ex / Cap	
39	Redwood Road to Kingston CBD	Investigate a shared path from Lorikeet Drive to the Kingston CBD.	Long	Council	Low	Cap	
40	Longley to Neika – sealed shoulders	Improve on-road cycling infrastructure on Huon Road between Longley and Neika.	Long	Council	High	Cap / Ex	

Action	Project	Description	Time frame	Responsible Authorities	Cost	Funding	Progress/Outcomes
41	Harris Ct to Sherburd Ct path	Construct a path linking Harris Court to Sherburd Court.	Long	Council, Education Dep.	Medium	Cap / Ex	
42	Tingira Road to Ash Drive link	Investigate a shared path and/or on-road improvements, linking existing local tracks to Roslyn Avenue.	Long	Council	Low	Cap	
43	Ferry Road	Investigate improving active transport infrastructure along Ferry Road to Bruny Island Ferry Terminal.	Long	DSG, Council	Low	Ex	