Agenda

Ordinary Council Meeting
Thursday 4 April 2019

held at

Harvard Room, Tweed Heads Administration Building, Brett Street, Tweed Heads

commencing at the conclusion of the Planning Committee meeting which commences at 5.30pm.
Principles for Local Government

The object of the principles for Tweed Shire Council, as set out in Section 8 of the Local Government Amendment (Governance and Planning) Bill 2016, is to provide guidance to enable council to carry out its functions in a way that facilitates a local community that is strong, healthy and prosperous.

Guiding Principles for Tweed Shire Council

(1) Exercise of functions generally
The following general principles apply to the exercise of functions by Tweed Shire Council:

(a) Provide strong and effective representation, leadership, planning and decision-making.
(b) Carry out functions in a way that provides the best possible value for residents and ratepayers.
(c) Plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
(d) Apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
(e) Work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
(f) Manage lands and other assets so that current and future local community needs can be met in an affordable way.
(g) Work with others to secure appropriate services for local community needs.
(h) Act fairly, ethically and without bias in the interests of the local community.
(i) Be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making
The following principles apply to decision-making by Tweed Shire Council (subject to any other applicable law):

(a) Recognise diverse local community needs and interests.
(b) Consider social justice principles.
(c) Consider the long term and cumulative effects of actions on future generations.
(d) Consider the principles of ecologically sustainable development.
(e) Decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation
Council should actively engage with the local community, through the use of the integrated planning and reporting framework and other measures.
Items for Consideration of Council:

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<th>PRECIS</th>
<th>PAGE</th>
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<td>1</td>
<td>[CONMIN-CM] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 4 April 2019</td>
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<td>REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES</td>
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<td>[CNR-CM] Les Cave Sportsfield Changerooms Building</td>
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<td>CONFIDENTIAL ITEMS FOR CONSIDERATION</td>
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<td>REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE</td>
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<td>C1</td>
<td>[PR-CM] Tree Vandalism Woodfords Road Reserve Creek and Bryens Road Nobbys Creek</td>
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<td>C2</td>
<td>[PR-CM] Unauthorised Earthworks and Unauthorised Vegetation Clearing at Lot 2 DP 596914 No. 115 Murwillumbah Street, Murwillumbah</td>
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<tr>
<td>C3</td>
<td>[PR-CM] Unauthorised Vegetation Removal at Lot 1 DP 1001025 No. 337 Round Mountain Road, Round Mountain</td>
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</tr>
<tr>
<td>C4</td>
<td>[PR-CM] Compliance Update DA05/0995 and DA16/0579, Mount Warning Spring Water, 2574 Kyogle Road, Kunghur</td>
<td>14</td>
</tr>
<tr>
<td>C5</td>
<td>[PR-CM] Compliance Update DA06/0603 at Lot 121 DP 1111869 No. 101 Bryens Road, Nobbys Creek</td>
<td>15</td>
</tr>
</tbody>
</table>
CONFIRMATION OF PLANNING COMMITTEE MINUTES

1 [CONMIN-CM] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 4 April 2019

SUBMITTED BY: Corporate Governance

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2 Making decisions with you
  2.2 Engagement
  2.2.4 Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: Leader

SUMMARY OF REPORT:

The recommendations of the Ordinary Planning Committee Meeting held Thursday 4 April 2019 require their adoption by Council for the resolutions to be acted upon.

RECOMMENDATION:

That the recommendations of the Ordinary Planning Committee Meeting held Thursday 4 April 2019 be adopted.
REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:
   Code of Meeting Practice.

b. Budget/Long Term Financial Plan:
   Not applicable.

c. Legal:
   Not Applicable.

d. Communication/Engagement:
   Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any “non confidential” attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au or visit Council’s offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council’s libraries (from Monday the week of the meeting).

Nil.
REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

2 [CNR-CM] Les Cave Sportsfield Changerooms Building

SUBMITTED BY: Recreation Services

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3 People, places and moving around
3.2 Places
3.2.9 Sporting Fields - To provide a range of accessible sports facilities and major event venues to promote an active and healthy lifestyle.

ROLE: Provider

SUMMARY OF REPORT:

Request for Offer RFO2018165 was called to engage a suitably qualified and experienced organisation(s) to complete construction of the Les Cave Sportsfield Changeroom and storage facility located on Elizabeth St Murwillumbah.

At the time of closing nine (9) Offers were received.

The evaluation of the offers against the Selection Criteria is contained in the Offer Evaluation Report included in CONFIDENTIAL ATTACHMENTS 1 and 2. The recommendations are based on the evaluation.

RECOMMENDATION:

That in respect to Contract RFO2018165 Les Cave Sportsfield Changerooms Building:

1. Council awards a contract to Desire Contractors Pty Ltd ABN 77 167 694 055 for the amount of $301,555.52 (exclusive of GST).

2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.

3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:

   (d) commercial information of a confidential nature that would, if disclosed:
   (i) prejudice the commercial position of the person who supplied it; or
(ii) confer a commercial advantage on a competitor of the council, or
(iii) reveal a trade secret.

REPORT:

Offer Background
This Request for Offer was called to engage a suitably qualified and experienced organisation(s) to complete construction of the Les Cave Sportsfield Changeroom and storage facility located on Elizabeth St Murwillumbah.

Offer Advertising/Distribution
The Offer was invited in accordance with the provisions of the Local Government Act 1993, the NSW Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government. The Offer was officially advertised in The Sydney Morning Herald on Tuesday 15 January 2019 and also in the Tweed Link on 14 January 2019.

Offer Addendums
There were two Offer Addendums (Notice to Bidders) issued before close of Offer.

Notice to Bidders No.01 was issued to clarify floor levels, ceiling treatments, and a number of drawing conflicts. A revised price schedule and a revised drawing set were provided.

Notice to Bidders No.02 was issued to advise Bidders that there is an update to the Electrical Schedule items. A revised price schedule was attached. The original Building Floor Plan and Geotechnical Report were also attached for reference.

Offer Submissions
Offer submissions closed at 4:00pm (local time) on Wednesday 6 February 2019 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

The Tender Box was opened by Council's delegated Officers after 4:00pm (local time) and the following Offers were recorded:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>ABN</th>
<th>Offered LUMP SUM Amount (incl GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ags Commercial Pty Ltd</td>
<td>37 602 997 606</td>
<td>Confidential Information</td>
</tr>
<tr>
<td>BD PLUMBING AND ROOFING PTY LTD</td>
<td>68 605 343 851</td>
<td></td>
</tr>
<tr>
<td>Bishton Group</td>
<td>24 601 790 130</td>
<td></td>
</tr>
<tr>
<td>Desire Contractors Pty Ltd</td>
<td>77 167 694 055</td>
<td></td>
</tr>
<tr>
<td>elh demoltion and civil</td>
<td>58 620 263 121</td>
<td></td>
</tr>
<tr>
<td>HUCKS BUILDING PTY LTD</td>
<td>40 066 415 085</td>
<td></td>
</tr>
<tr>
<td>Michael Camporeale Builders</td>
<td>88 129 535 537</td>
<td>Confidential Information</td>
</tr>
<tr>
<td>Soko Construction &amp; Roofing Pty Ltd</td>
<td>Not Provided</td>
<td></td>
</tr>
<tr>
<td>Verus Construction</td>
<td>88 619 673 737</td>
<td></td>
</tr>
</tbody>
</table>
Late and/or Non-Conforming Offers

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Issue</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wollumbin Building Services</td>
<td>Council is unable to accept the late tender for consideration.</td>
<td>Offer was submitted to email address <a href="mailto:atewes@tweed.nsw.gov.au">atewes@tweed.nsw.gov.au</a> at 4:36pm 6 February 2018. A review of etender logs indicate that the upload button was not clicked until 4:01pm on 6/2/19. As this was after the close date/time the bidder was unable to proceed.</td>
</tr>
<tr>
<td>Lanskey Constructions</td>
<td>Council is unable to accept the late tender for consideration</td>
<td>The offer submitted for RFO2018165 cannot be accepted as it is considered late. TSC investigation indicate the hardcopy tender was delivered to Salisbury Australia Post at 4:07pm on the closing date. A review of the etender logs indicates that the bidder logged into Council's etender site at 3:59pm on 6 February 2019. At 4:01pm they were unable to progress any further as this is past the close date/time. There is no indication of any failure from Council's site – instead the controls to prevent lodgement after close date/time were activated.</td>
</tr>
</tbody>
</table>

Offer Evaluation Panel
Council's Offer Evaluation Panel was made up as follows:

<table>
<thead>
<tr>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Manager - Contracts</td>
</tr>
<tr>
<td>Asset Officer - Recreation (COO)</td>
</tr>
</tbody>
</table>

Evaluation Criteria
Offers were evaluated against the criteria below, these were listed in the Conditions of Offer:

<table>
<thead>
<tr>
<th>Criterion</th>
<th>Document Reference</th>
<th>Weighting (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Value for Money (Normalised Offer Price)</td>
<td>Schedule 2 &amp; 3</td>
<td>40</td>
</tr>
<tr>
<td>Price Compared with TSC Estimate</td>
<td>Schedule 2 &amp; 3</td>
<td>Yes/No Item</td>
</tr>
<tr>
<td>Financial Details and Capacity</td>
<td>Schedule 4</td>
<td>Yes/No Item</td>
</tr>
<tr>
<td>Previous and Current Works (Experience)</td>
<td>Schedule 4</td>
<td>5</td>
</tr>
<tr>
<td>Project Management (Key Personnel)</td>
<td>Schedule 5</td>
<td>5</td>
</tr>
<tr>
<td>Methodology and Work Program (Time)</td>
<td>Schedule 6</td>
<td>10</td>
</tr>
<tr>
<td>WHS and Risk Management</td>
<td>Schedule 7</td>
<td>10</td>
</tr>
<tr>
<td>Environmental Management</td>
<td>Schedule 7</td>
<td>10</td>
</tr>
<tr>
<td>Quality Management</td>
<td>Schedule 7</td>
<td>10</td>
</tr>
<tr>
<td>Proposed Subcontractors (Experience)</td>
<td>Schedule 8</td>
<td>Yes/No Item</td>
</tr>
</tbody>
</table>
The details of the price and non-price evaluation are shown on the Offer Evaluation Report and Offer Evaluation Scoring Sheet. A copy of the Offer Evaluation Report and Offer Evaluation Scoring Sheet are included as ATTACHMENTS 1 and 2 which are CONFIDENTIAL in accordance with Section 10A(2):

(d) commercial information of a confidential nature that would, if disclosed:
   (i) prejudice the commercial position of the person who supplied it, or
   (ii) confer a commercial advantage on a competitor of the council, or
   (iii) reveal a trade secret

The information identifies the Bidder in relation to the Offer price and the evaluation of the products offered by the Bidder. If disclosed, the information would be likely to prejudice the commercial position of the Bidder in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest. Recommendations appear below for the Offer.

**Recommendation**
Desire Contractors Pty Ltd achieved the highest overall assessment score and is therefore deemed as the most advantageous option for Council.

It is recommended that the Offer from Desire Contractors Pty Ltd ABN 77 167 694 055 be accepted to the value of $301,555.52 excluding GST.

**OPTIONS:**
That Council:

1. Awards a contract to Desire Contractors Pty Ltd ABN 77 167 694 055 for the amount of $301,555.52 (exclusive of GST).

2. Declines to accept any of the Offers, including reasons for this course of action in accordance with Regulation 178 of the Local Government (General) Regulation 2005).

**CONCLUSION:**
Desire Contractors Pty Ltd achieved the highest overall assessment score and is therefore deemed as the most advantageous option for Council.

It is recommended that the Offer from Desire Contractors Pty Ltd ABN 77 167 694 055 be accepted to the value of $301,555.52 excluding GST.

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<thead>
<tr>
<th>Sustainable Procurement</th>
<th>Schedule 10</th>
<th>Yes/No Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Content</td>
<td>Schedule 11</td>
<td>10</td>
</tr>
<tr>
<td>(Development of Local Business/Industry) (Mandatory 10% assessment as per Policy)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Innovation</td>
<td>All Schedules</td>
<td></td>
</tr>
<tr>
<td>Maintenance and Running costs</td>
<td>All Schedules</td>
<td>Yes/No Item</td>
</tr>
<tr>
<td>Life of Proposed materials and equipment</td>
<td>All Schedules</td>
<td>Yes/No Item</td>
</tr>
<tr>
<td>Warranty Periods Offered</td>
<td>All Schedules</td>
<td>Yes/No Item</td>
</tr>
<tr>
<td>Council's Contract Administration Costs</td>
<td>Schedule 6</td>
<td>Yes/No Item</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>100</td>
</tr>
</tbody>
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COUNCIL IMPLICATIONS:

a. **Policy:**
   Procurement Policy v1.7.

b. **Budget/Long Term Financial Plan:**
   Provision for RFO2018165 is included in the 2018/2019 Recreation Services Maintenance Budget.

c. **Legal:**
   Not Applicable.

d. **Communication/Engagement:**
   Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2018165 - Offer Evaluation Report (ECM 5810656).

(Confidential) Attachment 2. RFO2018165 - Offer Evaluation Scoring Sheet (ECM 5810680).
CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-CM] Tree Vandalism Woodfords Road Reserve Creek and Bryens Road Nobbys Creek

REASON FOR CONFIDENTIALITY:

Local Government Act
This report is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1 Leaving a Legacy
1.1 Natural Resource Management
1.1.2 Bushland Management - To manage bushland on land owned and under the care and control of Council.

ROLE: Leader
C2 [PR-CM] Unauthorised Earthworks and Unauthorised Vegetation Clearing at Lot 2 DP 596914 No. 115 Murwillumbah Street, Murwillumbah

REASON FOR CONFIDENTIALITY:

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People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3 People, places and moving around
3.1 People
3.1.4 Compliance Services - To support a safe and healthy built and natural environment through the enforcement of local government rules and regulations.

ROLE: Provider
C3 [PR-CM] Unauthorised Vegetation Removal at Lot 1 DP 1001025 No. 337 Round Mountain Road, Round Mountain

REASON FOR CONFIDENTIALITY:
This report contains information regarding an on-going legal matter.

Local Government Act
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LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2 Making decisions with you
2.1 Built Environment
2.1.2 Development Assessment - To assess development applications lodged with Council to achieve quality land use outcomes and to assist people to understand the development process.

ROLE: Provider
C4 [PR-CM] Compliance Update DA05/0995 and DA16/0579, Mount Warning Spring Water, 2574 Kyogle Road, Kunghur

**REASON FOR CONFIDENTIALITY:**

The report concerns legal matters that could influence future proceedings.

*Local Government Act*

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**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

2 Making decisions with you

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**ROLE:** Provider
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