



TWEED
SHIRE COUNCIL

Mayor: Cr Warren Polglase

Councillors: P Youngblutt (Deputy Mayor)
D Holdom
B Longland
K Milne
K Skinner
J van Lieshout

Minutes

Extraordinary Council Meeting Tuesday 27 July 2010

held at Murwillumbah Cultural & Civic Centre
commencing at 4.35pm

COUNCIL'S CHARTER

Tweed Shire Council's charter comprises a set of principles that are to guide Council in the carrying out of its functions, in accordance with Section 8 of the Local Government Act, 1993.

Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

The Meeting commenced at 4.35pm.

IN ATTENDANCE

Cr W Polglase (Mayor), Cr P Youngblutt (Deputy Mayor), Cr D Holdom, Cr B Longland, Cr K Milne, Cr K Skinner, Cr J van Lieshout.

Also present were Mr Mike Rayner (General Manager), Mr Troy Green (Director Technology & Corporate Services), Mr Richard Adams (Manager Business and Economic Development), Mr Mark Tickle (Economic and Corporate Planner), Mr Neil Baldwin (Manager Corporate Governance/Public Officer) and Mrs Maree Morgan (Minutes Secretary).

ABORIGINAL STATEMENT

The Mayor acknowledged the Bundjalung Aboriginal Nation with the following statement:

"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners and custodians of these lands."

PRAYER

The meeting opened with a Prayer from the Mayor, Cr W Polglase.

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Cr W Polglase declared a significant non-pecuniary interest under sections 7.10 and 7.17 in accordance with the Code of Conduct in relation to the items contained within the Extraordinary Agenda.

The nature of the interest is that Cr Polglase is a member of the Board of the Tweed Economic Development Corporation Inc.

Cr D Holdom declared a perceived non-significant non-pecuniary interest and advised that she will take part in discussion and voting on the items contained within the Extraordinary Agenda.

The nature of the interest is that Cr Holdom has had discussions with a person associated with one of the tenderers.

ITEMS TO BE MOVED FROM ORDINARY TO CONFIDENTIAL - CONFIDENTIAL TO ORDINARY

Nil.

ORDINARY ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

INFORMATION ON DEFERRAL

- a6 [GM-CM] Tender for Provision of Economic Development and Tourism Promotion Services – AC2010-073

AMENDMENT 2

444

Cr J van Lieshout
Cr K Skinner

RESOLVED that this item be deferred to provide an invitation to all tenderers to present to Council.

Amendment 2 was **Carried** on the casting vote of the Deputy Mayor

FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr J van Lieshout
AGAINST VOTE - Cr D Holdom, Cr B Longland, Cr K Milne
ABSENT. DID NOT VOTE - Cr W Polglase

Amendment 2 on becoming the Motion was **Carried** on the casting vote of the Deputy Mayor - (Minute No 444 refers)

FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr J van Lieshout
AGAINST VOTE - Cr D Holdom, Cr B Longland, Cr K Milne
ABSENT. DID NOT VOTE - Cr W Polglase

EXTRAORDINARY MEETING

The Public Officer, Mr Neil Baldwin, clarified the process for calling an Extraordinary Meeting.

The General Manager informed the Councillors of the options available for Scheduling an Extraordinary Meeting to deal with Item a6 of the Minutes.

527

Cr J van Lieshout
Cr B Longland

RESOLVED that Council observes the protocol of calling an Extraordinary Meeting, to consider a6 of the Minutes, by submitting a request in writing signed by two Councillors, with the proposed time and date being 4.30pm on 27 July 2010.

The Motion was **Carried**

FOR VOTE - Unanimous

DECLARATION OF INTEREST

Cr W Polglase declared an Interest in item 1 and deferred item a6 of the Agenda, left the Chamber at 4.37PM and took no part in the discussion or voting. The nature of the interest is that Cr W Polglase is a member of the Board of the Tweed Economic Development Corporation Inc.

CHAIRMANSHIP OF THE MEETING

The Mayor, Cr Polglase, vacated the Chair and the Deputy Mayor, Cr Youngblutt, chaired the meeting for these items.

1 [GM-CM] Supplementary Report - Tender for Provision of Economic Development and Tourism Promotion Services – AC2010-073

530

Cr D Holdom
Cr K Skinner

RESOLVED that the supplementary report to Tender for provision of Economic Development and Tourism Promotion Service - AC2010-073 be considered in conjunction with the Report Item Deferred A6 of this Agenda.

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

ITEM DEFERRED FROM MEETING HELD TUESDAY 20 JULY 2010

a6 [GM-CM] Tender for Provision of Economic Development and Tourism Promotion Services – AC2010-073

531

**Cr D Holdom
Cr K Skinner**

RESOLVED that, in relation to the Tender AC2010-073 for Provision of Economic Development and Tourism Promotion Services, Council:

1. In accordance with Clause 178 of the Local Government (General) Regulation 2005:
 - i) declines all tenders for Part A1 (Investigate and develop tourism product), as although Tweed Tourism is the preferred tenderer for Part A1, the price of the contract will be determined by the outcome of negotiations in relation to Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities) and Part B1 (Marketing and Promotion of Tweed for Business Investment);
 - ii) enters into negotiations with Tweed Tourism for Part A1 (Investigate and develop tourism product), with a view to entering into a contract in relation to the subject matter as the contract price will be determined by the outcome of the negotiations in relation to Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities) and Part B1 (Marketing and Promotion of Tweed for Business Investment); and
 - iii) the outcome of these negotiations be the subject of a further report to the August Council Meeting which will detail the final negotiated contract pricing structure for the delivery of services specified within Part A1 (Investigate and develop tourism product).
2. In accordance with Clause 178 of the Local Government (General) Regulation 2005:
 - i) declines all tenders for Part A2 (Operate Tweed Heads and Murwillumbah Visitor Information Centres), as although Tweed Tourism is the preferred tenderer for Part A2, the price of the contract will be determined by the outcome of negotiations in relation to Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities) and Part B1 (Marketing and Promotion of Tweed for Business Investment);
 - ii) enters into negotiations with Tweed Tourism for Part A2 (Operate Tweed Heads and Murwillumbah Visitor Information Centres) with a view to entering into a contract in relation to the subject matter as the contract price will be determined by the outcome of the negotiations in relation to Part A3

(Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities) and Part B1 (Marketing and Promotion of Tweed for Business Investment); and

- iii) the outcome of these negotiations be the subject of a further report to the August Council Meeting which will detail the final negotiated contract pricing structure for the delivery of services specified within Part A2 (Operate Tweed Heads and Murwillumbah Visitor Information Centres).
3. In accordance with Clause 178 of the Local Government (General) Regulation 2005:
- i) declines all tenders for Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities), as the only tender submission is outside the scope of works requested within the tender;
 - ii) enters into negotiations with Tweed Tourism to undertake the required scope of works at an agreed price for Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities) with a view to entering into a contract in relation to the subject matter of the tender as Tweed Tourism is the preferred tenderer for Parts A1 (Investigate and develop tourism product), and Part A2 (Operate Tweed Heads and Murwillumbah Visitor Information Centres) and as Part A3 best fits with Parts A1 and A2 it is appropriate that negotiations with Tweed Tourism proceed; and
 - iii) the outcome of these negotiations be the subject of a further report to the August Council Meeting which will detail the final negotiated contract terms for the delivery of services within Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities).
4. In accordance with Clause 178 of the Local Government (General) Regulation 2005:
- i) declines all tenders for Part B1 (Marketing and Promotion of Tweed for Business Investment), as a preferred tenderer Tweed Economic Development Corporation (TEDC) has informed the Panel that their tender is not separable from Part B2 (Demographic and Statistical Research for Business Investment) without discussion and approval from their Board;
 - ii) enters into negotiations with Tweed Economic Development Corporation (TEDC) and Tweed Tourism for Part B1 (Marketing and Promotion of Tweed for Business Investment) with a view to entering into a contract in relation to the subject matter of the tender with one of the entities; as TEDC has informed the Panel that their tender was not separable from Part B2 (Demographic and Statistical Research for Business Investment) without discussion and approval from their Board and Tweed Tourism's tender is also a preferred tender and met all tender specifications; and

- iii) the outcome of these negotiations be the subject of a further report to the August Council Meeting which will detail the final negotiated contract terms for the delivery of services specified within Part B1 (Marketing and Promotion of Tweed for Business Investment).
- 5. In accordance with Clause 178 of the Local Government (General) Regulation 2005:
 - i) accepts the tender price of \$36,300 inclusive of GST from ID Consulting Pty Ltd for Part B2 (Demographic and Statistical Research for Business Investment);
 - ii) approves the purchase of an optional package of Forecast.id (as demonstrated in ID Consulting Pty Ltd presentation) for an additional price of \$22,000 inclusive of GST; and
 - iii) prior to entering into any tender contract with ID Consulting Pty Ltd that the General Manager reviews the company's level of public indemnity insurance to determine an appropriate level of risk exposure for Council.
- 6. In accordance with Clause 178 of the Local Government (General) Regulation 2005 resolves not to invite fresh tenders as Council is of the opinion that negotiations with the preferred tenderer/s for separable parts A1 (Investigate and develop tourism product); A2 (Operate Tweed Heads and Murwillumbah Visitor Information Centres), A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities) and B1 (Marketing and Promotion of Tweed for Business Investment) should first be exhausted before considering entering into fresh tenders.
- 7. In accordance with Section 377 of the Local Government Act 1993, delegate the General Manager to enter into negotiations for Part A1 (Investigate and develop tourism product), Part A2 (Operate Tweed Heads and Murwillumbah Visitor Information Centres), Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities) and Part B1 (Marketing and Promotion of Tweed for Business Investment).
- 8. Executes all documents under the Common Seal of Council.
- 9. Treats ATTACHMENTS 1, 2 and 3 as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because they contain commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the services offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

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AMENDMENT

**Cr J van Lieshout
Cr K Milne**

PROPOSED that, in relation to the Tender AC2010-073 for Provision of Economic Development and Tourism Promotion Services, Council:

1. In accordance with Clause 178 of the Local Government (General) Regulation 2005:
 - i) declines all tenders for Part A1 (Investigate and develop tourism product), as although Tweed Tourism is the preferred tenderer for Part A1, the price of the contract will be determined by the outcome of negotiations in relation to Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities) and Part B1 (Marketing and Promotion of Tweed for Business Investment);
 - ii) enters into negotiations with Tweed Tourism for Part A1 (Investigate and develop tourism product), with a view to entering into a contract in relation to the subject matter as the contract price will be determined by the outcome of the negotiations in relation to Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities) and Part B1 (Marketing and Promotion of Tweed for Business Investment); and
 - iii) the outcome of these negotiations be the subject of a further report to the August Council Meeting which will detail the final negotiated contract pricing structure for the delivery of services specified within Part A1 (Investigate and develop tourism product).
2. In accordance with Clause 178 of the Local Government (General) Regulation 2005:
 - i) declines all tenders for Part A2 (Operate Tweed Heads and Murwillumbah Visitor Information Centres), as although Tweed Tourism is the preferred tenderer for Part A2, the price of the contract will be determined by the outcome of negotiations in relation to Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities) and Part B1 (Marketing and Promotion of Tweed for Business Investment);
 - ii) enters into negotiations with Tweed Tourism for Part A2 (Operate Tweed Heads and Murwillumbah Visitor Information Centres) with a view to entering into a contract in relation to the subject matter as the contract price will be determined by the outcome of the negotiations in relation to Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities) and Part B1 (Marketing and Promotion of Tweed for Business Investment); and

- iii) the outcome of these negotiations be the subject of a further report to the August Council Meeting which will detail the final negotiated contract pricing structure for the delivery of services specified within Part A2 (Operate Tweed Heads and Murwillumbah Visitor Information Centres).
3. In accordance with Clause 178 of the Local Government (General) Regulation 2005:
- i) declines all tenders for Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities), as the only tender submission is outside the scope of works requested within the tender;
 - ii) enters into negotiations with Tweed Tourism to undertake the required scope of works at an agreed price for Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities) with a view to entering into a contract in relation to the subject matter of the tender as Tweed Tourism is the preferred tenderer for Parts A1 (Investigate and develop tourism product), and Part A2 (Operate Tweed Heads and Murwillumbah Visitor Information Centres) and as Part A3 best fits with Parts A1 and A2 it is appropriate that negotiations with Tweed Tourism proceed; and
 - iii) the outcome of these negotiations be the subject of a further report to the August Council Meeting which will detail the final negotiated contract terms for the delivery of services within Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities).
4. In accordance with Clause 178 of the Local Government (General) Regulation 2005:
- i) declines all tenders for Part B1 (Marketing and Promotion of Tweed for Business Investment), as a preferred tenderer Tweed Economic Development Corporation (TEDC) has informed the Panel that their tender is not separable from Part B2 (Demographic and Statistical Research for Business Investment) without discussion and approval from their Board;
 - ii) enters into negotiations with Tweed Economic Development Corporation (TEDC), Tweed Tourism, Southern Cross University and RPS for Part B1 (Marketing and Promotion of Tweed for Business Investment) with a view to entering into a contract in relation to the subject matter of the tender with one of the entities; as TEDC has informed the Panel that their tender was not separable from Part B2 (Demographic and Statistical Research for Business Investment) without discussion and approval from their Board and Tweed Tourism's tender is also a preferred tender and met all tender specifications; and

- iii) the outcome of these negotiations be the subject of a further report to the August Council Meeting which will detail the final negotiated contract terms for the delivery of services specified within Part B1 (Marketing and Promotion of Tweed for Business Investment).
5. In accordance with Clause 178 of the Local Government (General) Regulation 2005:
 - i) accepts the tender price of \$36,300 inclusive of GST from ID Consulting Pty Ltd for Part B2 (Demographic and Statistical Research for Business Investment);
 - ii) approves the purchase of an optional package of Forecast.id (as demonstrated in ID Consulting Pty Ltd presentation) for an additional price of \$22,000 inclusive of GST; and
 - iii) prior to entering into any tender contract with ID Consulting Pty Ltd that the General Manager reviews the company's level of public indemnity insurance to determine an appropriate level of risk exposure for Council.
6. In accordance with Clause 178 of the Local Government (General) Regulation 2005 resolves not to invite fresh tenders as Council is of the opinion that negotiations with the preferred tenderer/s for separable parts A1 (Investigate and develop tourism product); A2 (Operate Tweed Heads and Murwillumbah Visitor Information Centres), A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities) and B1 (Marketing and Promotion of Tweed for Business Investment) should first be exhausted before considering entering into fresh tenders.
7. In accordance with Section 377 of the Local Government Act 1993, delegate the General Manager to enter into negotiations for Part A1 (Investigate and develop tourism product), Part A2 (Operate Tweed Heads and Murwillumbah Visitor Information Centres), Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities) and Part B1 (Marketing and Promotion of Tweed for Business Investment).
8. Executes all documents under the Common Seal of Council.
9. Treats ATTACHMENTS 1, 2 and 3 as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because they contain commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the services offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

The Amendment was **Lost** on the casting vote of the Deputy Mayor.

FOR VOTE - Cr K Skinner, Cr K Milne, Cr J van Lieshout
AGAINST VOTE - Cr P Youngblutt, Cr D Holdom, Cr B Longland
ABSENT. DID NOT VOTE - Cr W Polglase

The Motion was **Carried** (Minute No 531 refers)

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr J van Lieshout

AGAINST VOTE - Cr K Milne

ABSENT. DID NOT VOTE - Cr W Polglase

There being no further business the Meeting terminated at 4.55pm.



Minutes of the Extraordinary Meeting Confirmed by Council

at Meeting held

Chairman