

Mayor: Cr K Milne

Councillors: P Allsop
R Byrnes (Deputy Mayor)
C Cherry
R Cooper
J Owen
W Polglase

Late Agenda

**Ordinary Council Meeting
Thursday 16 August 2018**

held at
**Council Chambers, Murwillumbah Civic & Cultural Centre,
Tumbulgum Road, Murwillumbah**
commencing 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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LATE ITEMS

LATE ITEM FROM DIRECTOR PLANNING AND REGULATION

37 LATE [PR-CM] Rural Landsharing

SUBMITTED BY: Strategic Planning and Urban Design

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.4 Managing Community Growth
- 1.4.1 Strategic Land-Use Planning - To plan for sustainable development which balances economic environmental and social considerations. Promote good design in the built environment.

ROLE: **Leader**

SUMMARY OF REPORT:

On 3 August 2018 Council received advice from the Department of Planning and Environment (the Department) that provisions for rural landsharing communities previously contained in the State Environmental Planning Policy (Transitions and Repeals) will be transferred to a new schedule in State Environmental Planning Policy (Rural Lands) 2008 (Rural Land SEPP) on 6 August 2018.

While this recent advice is acknowledged, it contradicts previous advice received from the Department which stated that no provision would exist for Tweed Shire after 6 August 2018. Advice to Council and the community of the expected outcomes of this legislative reform has up to this time been based on this earlier communication.

The transfer in entirety of the provisions into SEPP (Rural Lands) 2008 means that the pre-existing requirements enabling the lodgement of a development application for a rural landsharing community remain unchanged.

Given the late notification of a change in the intention of the Department, the full extent of implications of the ongoing existence of this provision has not been fully assessed at this time; however, this report provides an overview of rural landsharing communities, outlines related actions within the draft Tweed Rural Land Strategy and provides alternative approaches to deal with rural landsharing communities.

The following alternative approaches are discussed further in the report which follows:

1. In accordance with Council's standing resolution of 13 December 2017 defer further consideration of rural land sharing communities pending the adoption of a Tweed Rural Land Strategy which incorporates this issue into its Implementation Plan and actions within Policy Direction 5: Greater Diversity of Rural Housing;
2. Amend Tweed Local Environmental Plan 2014 to include locally relevant merit-based planning requirements for rural landsharing developments;
3. Prepare a planning proposal which seeks to remove Tweed Shire from the Rural Lands SEPP; or
4. Do nothing and maintain the current status quo, relying on the provisions within the Rural Land SEPP for the assessment of rural landsharing development applications.

Option 1 is recommended.

RECOMMENDATION:

That Council, in accordance with the resolution from it's Meeting of 13 December 2017, defers consideration of rural land sharing communities pending adoption of a Tweed Rural Land Strategy, which incorporates this issue into its Implementation Plan, in particular, commencement of a rural housing supply and demand analysis as a first step in determining the need for further residential development in rural Tweed.

REPORT:

On 2 July and 3 August 2018 Council received advice from the NSW Department of Planning and Environment (DPE) that provisions for rural landsharing communities previously contained in the State Environmental Planning Policy (Transitions and Repeals) would be transferred to a new schedule in State Environmental Planning Policy (Rural Lands) 2008 on 6 August 2018.

Transfer to the Rural Land SEPP effectively retains all provisions relating to rural landsharing communities unchanged; however, is in direct contradiction to previous advice received from the Department which stated that no provision would exist for the Tweed Shire after 6 August 2018.

Prior to receipt of this most recent advice, advice from the DPE indicated that after 6 August 2018 no local or State provisions would exist, and that no further applications could be lodged for rural landsharing communities until such time as Council was able to develop its position on this matter. This formed the basis of advice to Council and the community, and in development of an interim local response to the issue prior to implementation of Council's standing resolution of 13 December 2017.

Council previous resolution

On 13 December 2017 Council resolved in part that:

- *Council holds a workshop on the potential to enable rural landsharing activities to continue in the Shire via an LEP amendment, and*
- *Further consideration of the suitability for maintaining the permissibility of rural landsharing communities is to be deferred pending the adoption of a Tweed Rural Land Strategy, and its incorporation into its implementation plan.*

A Councillor workshop was held on 15 March 2018; however, this recent change in advice from the Department now requires reconsideration of the second item above.

Recent history of correspondence from the Department

On 5 August 2016 State Environmental Planning Policy No 15 – Rural Landsharing Communities (SEPP 15) was repealed and its provisions included in Schedule 1 of the newly created *State Environmental Planning Policy (Integration and Repeals) 2016*. In response to notification by the Department of the intention to repeal SEPP 15 Council responded in a submission dated 1 September 2015 (see Attachment 3 to this report).

On 20 June 2016 DPE Planning Circular PS 16-002 advised that Schedule 1 would be repealed two years after commencement and that during this period councils could include a local provision for rural landsharing communities in their Local Environmental Plans, or, where this has not occurred, for the clause to be transferred to another planning instrument.

Whilst the advice was less than clear there was a strong inference that a State-wide provision would continue.

On 8 June 2017 in response to a request from Council for clarification of the intent “for the clause to be transferred to another planning instrument”, and implications for Tweed Shire Council, DPE advised in writing that:

“the intention is to replicate the schedule into another LEP (sic, later clarified to be a SEPP) at the end of the transitional period. Councils are able to request removal from the schedule if they can demonstrate one of the following:

1. *Demonstrate there is no more demand for rural land sharing communities in their LGA,*
2. *The LEP contains a better mechanism or alternative approach based on a rural land strategy adopted by the Department, or*
3. *The Council has replicated the provisions of the schedule within their LEP.”*

On 17 November 2017 at a Local Development Information Forum convened by the Department, verbal advice was received that no provisions would exist after 6 August 2018.

On 28 November 2017 advice was received from DPE which in part stated:

*“I am writing to remind you that the two-year period will end in **August 2018**. At that time, Schedule 1 will be repealed and the streamlined clause will no longer apply.”, and*

“If your council would like to continue the intent of the rural landsharing communities provisions currently in the SEPP, council is encouraged to prepare a planning proposal. The planning proposal to amend your local environmental plan to include a local provision for rural landsharing communities will need to be finalised by August 2018.”

On 2 July and 3 August 2018 correspondence was received from the Department advising of the change in intent of the Department, and advised that should Council decide to develop a local approach to dealing with rural landsharing communities, it can do so through the planning proposal process.

As such, Council officers have reported to Council and advised the community based on the assumption that no provisions would apply after 6 August 2018, which is now clearly not the case.

Apart from confusion arising from the reversal of the Department’s position on this issue, the time required to complete an amendment to the Local Environmental Plan, assuming that Council resolved to create a local provision, is typically at least a year. The ability of Council to amend the LEP in such a short timeframe was highly improbable under earlier advice and definitely not achievable within the one month of notice given in the most recent advice.

Draft Rural Land Strategy

Several actions in the draft Tweed Rural Land Strategy are related directly or indirectly to this issue; namely:

- **Action 89:** “Undertake a supply and demand analysis as the first stage in assessing the need for further subdivision of rural land and a rural residential strategy.”
- **Action 93:** “Investigate options and if appropriate, prepare guidelines for the conversion of existing legal multiple occupancy and rural landsharing community developments to Community Title, Torrens Title or appropriate alternative that provides legal title to at least part of the property.”
- **Action 94:** “Amend Tweed LEP 2014 to include a local provision for rural landsharing communities which reflects their desired future in the Tweed, and is consistent with the requirements of the Department of Planning and Environment.”

Action 89 was intended to allow for assessment of the need for further subdivision of rural land, as a first step in determining whether a more comprehensive rural residential strategy was required. It was considered a possibility that the scope of this investigation could be expanded to include consideration of multiple occupancies and rural landsharing communities which are a form of closer settlement in rural areas.

As such a recommendation to integrate consideration of rural landsharing communities into actions listed in the Implementation Plan for the Rural Land Strategy was a reasonable option which was endorsed by Council on 13 December 2017.

Action 93 was introduced into the draft Strategy as a result of feedback received from members of one multiple occupancy. This approach is not uncommon, but would result in a form of subdivision of rural land where a part of the entity was converted to a title allowing private ownership by individual members of the community, while other common assets remained in community ownership and shared by all members of the community. It would not result in additional housing opportunities; it is about providing title to existing legally constructed dwellings.

For rural landsharing communities, two of the provisions require that the community is located on a single allotment, and that no subdivision is possible. As such, the existence of provisions in the SEPP has the potential to prevent subdivision where the SEPP applies.

Action 94 sought to provide an option to comply with previous requirements of the Department in relation to development of a local provision. This action remains relevant should the result of further investigations and a resolution of Council propose to pursue this outcome.

Pages 117 and 118 of the draft Rural Land Strategy provide a discussion of the status of state legislation (as understood at the time of writing) and local multiple occupancies, and addresses issues presented in submissions received during earlier stages in the project. This section of the draft Strategy will now need to be updated.

Options to proceed

Discussions with the Department have assisted in developing a range of options to address rural landsharing communities, including:

Option 1: In accordance with Council's standing resolution of 13 December 2017 defer further consideration of rural land sharing communities pending the adoption of a Tweed Rural Land Strategy which incorporates this issue into its Implementation Plan and actions within Policy Direction 5: Greater Diversity of Rural Housing.

Option 2: Prepare a planning proposal which seeks to include relevant local provisions in Tweed LEP 2014

Option 3: Prepare a planning proposal which seeks to remove Tweed Shire from the rural land sharing provisions of the Rural Land SEPP

Option 4: Do nothing and maintain consideration of rural land sharing communities under the Rural Land SEPP

Proceeding with the existing endorsed position (Option 1) of linking this issue with the Rural Land Strategy and investigations into the need for further subdivision of rural land would mean that this issue would be part of a broader more strategic investigation into the need for further closer settlement in the rural areas.

Creating a local provision (Option 2) would require investigations and amendment of the LEP, work which could be integrated with the supply and demand analysis proposed under the draft Rural Land Strategy, or it could be separated out and treated as a priority.

Unless Council is of the opinion that this matter requires more urgent attention, then the current resolution which requires consideration as part of the implementation of the Rural Land Strategy would remain and the appropriate response to this matter.

Removal from the Rural Land SEPP (Option 3) would result in Council having no local and no state provision would apply either. Public consultation would be required in justifying this approach, including consultation with existing legally established rural landsharing communities.

The "do nothing" option (Option 4) would maintain the status quo and no further action would be required. While the implications of the Department's reversal of position are yet to be fully understood, transfer of provisions into the Rural Land SEPP simply maintains the status quo.

OPTIONS:

Option 1: In accordance with Council's standing resolution of 13 December 2017 defer further consideration of rural land sharing communities pending the adoption of a Tweed Rural Land Strategy which incorporates this issue into its Implementation Plan and actions within Policy Direction 5: Greater Diversity of Rural Housing.

Option 2: Prepare a planning proposal which seeks to include relevant local provisions in Tweed LEP 2014.

Option 3: Prepare a planning proposal which seeks to remove Tweed Shire from the rural land sharing provisions of the Rural Land SEPP.

Option 4: Do nothing and maintain consideration of rural land sharing communities under the Rural Land SEPP.

Option 1 is recommended.

CONCLUSION:

This report seeks to establish Council's position on the future of rural landsharing communities in the Tweed Shire.

Recent reversal of advice from the Department has generated uncertainty and led to advice provided to Council and the community not best reflecting the requirements of the legislation.

Notwithstanding these concerns, several alternative approaches to proceed are apparent at this time.

Unless Council wishes to proceed with determining this matter as a priority it is proposed that consideration of the future of rural landsharing communities in the Tweed remain linked to actions proposed in the draft Rural Land Strategy.

COUNCIL IMPLICATIONS:

a. Policy:

The direction Council takes on rural landsharing will have a major impact on finalising the draft Tweed Rural Lands Strategy.

b. Budget/Long Term Financial Plan:

Additional staff resources may be needed to carry out further strategic investigations, dependent on the option resolved by Council.

c. Legal:

The current advancement of State planning instruments will have significant impact on both short and medium permissibility and development assessment of current and future rural landsharing communities.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- Attachment 1. Department of Planning and Environment letter received 2 July 2018 (ECM 5480931)
- Attachment 2. Department of Planning and Environment letter received 3 August 2018 (ECM 5480933)
- Attachment 3. Submission to the Department of Planning and Environment "Proposed LEP Clause - Repeal of State Environmental Planning Policy 15 – Rural Landsharing Communities – Feedback (ECM 5480944)
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LATE ITEM FROM DIRECTOR COMMUNITY AND NATURAL RESOURCES

38 LATE [CNR-CM] RFO2018071 Lions Park Refurbishment Kingscliff

SUBMITTED BY: Recreation Services

Valid



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
- 3.2 Places
- 3.2.7 Parks and Gardens - To provide and manage quality and accessible public parks and gardens for the enjoyment and wellbeing of the community and visitors to the Tweed.

ROLE: **Provider**

SUMMARY OF REPORT:

This Request for Offer has been prepared for the purpose of engaging a suitably qualified and experienced provider to refurbish the Kingscliff Lions Park located at the southern end of Cudgen Surf Club.

At the time of closing 5 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 RFO2018071 Lions Park Refurbishment Kingscliff:

- 1. Council awards the contract to Desire Contractors Pty Ltd ABN 77 167 694 055 for the amount of \$632,871.26 (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 mid contract and 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 has been prepared for the purpose of engaging a suitably qualified and experienced provider to refurbish the Kingscliff Lions Park located at the southern end of Cudgen Surf Club.

Works include demolitions, earthworks, underground service installation, drainage works, new concrete paths and picnic settings as well as landscaping and carpark improvements.

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 19 June 2018 and also in the Tweed Link on 20 June 2018.

Offer Addendums

There was 1 Offer Addendum (Notice to Bidders) issued before close of Offer.

Notice to Bidders No.001 was issued to advise Bidders that the nominated supplier of Shelters (Landmark) had provided clarifications of materials and design details.

Offer Submissions

Offer submissions closed at 4:00pm (local time) on 11 July 2018 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 Councils delegated Officers after 4:00pm (local time) and the following Offers were recorded:

Bidder	ABN	Offered Amount (incl GST)
BD Plumbing & Roofing Pty Ltd	68 605 343 851	Confidential Information
Boyds Bay Group	84 109 913 082	
Desire Contractors Pty Ltd	77 167 694 055	
J M Kelly Builders Pty Ltd	20 009 801 665	
Penfold Projects	40 091 451 311	

Offer Evaluation

An Offer Evaluation Plan was developed based on the premise that competitive Offers were to be received and scored against specific evaluation criteria in order to select the best value Offer.

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

Position
Project Manager - Contracts
Landscape Architect - Recreation Services
Manager Recreation Services

Evaluation Criteria

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

Criterion	Document Reference	Weighting (%)
Value for Money (Normalised Offer Price) (Mandatory but Chairperson sets weighting)	Schedule 2 & 3	40
Price Compared with TSC Estimate	Schedule 2 & 3	Yes/No Item
Financial Details and Capacity	Schedule 4	Yes/No Item
Previous and Current Works (Experience)	Schedule 4	5
Project Management (Key Personnel)	Schedule 5	5
Methodology and Work Program (Time)	Schedule 6	10
WHS and Risk Management	Schedule 7	10
Environmental Management	Schedule 7	10
Quality Management	Schedule 7	10
Proposed Subcontractors (Experience)	Schedule 8	Yes/No Item
Company Insurances	Schedule 9	Yes/No Item
Sustainable Procurement	Schedule 10	Yes/No Item
Local Content (Development of Local Business/Industry) (Mandatory 10% assessment as per Policy)	Schedule 11	10
Innovation	All Schedules	
Maintenance and Running costs	All Schedules	Yes/No Item
Life of Proposed materials and equipment	All Schedules	Yes/No Item
Warranty Periods Offered	All Schedules	Yes/No Item
Council's Contract Administration Costs	Schedule 6	Yes/No Item
	Total	100

Evaluation Discussion

The details of the price and non-price evaluation are shown on the Offer Evaluation Report and Offer Evaluation Scoresheet. A copy of the Offer Evaluation Report and Offer Evaluation Scoresheet 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.

Evaluation Summary & 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 \$632,871.26 excluding GST.

OPTIONS:

That Council:

1. Awards the contract to Desire Contractors Pty Ltd ABN 77 167 694 055 for the amount of \$632,871.26 (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 \$632,871.26 excluding GST.

COUNCIL IMPLICATIONS:

a. Policy:

The Offer invitation and evaluation have been conducted in accordance with provisions of:

- The Local Government Act 1993
- The NSW Local Government (General) Regulation 2005
- Council's Procurement Policy v1.6

b. Budget/Long Term Financial Plan:

RFO2018071 Kingscliff Lions Park Refurbishment is the final component of the Kingscliff Foreshore Revitalisation Project (KFRP) with the scope increased from that anticipated in the original project budget. The works will be part funded from the KFRP budget and the increase in scope will be funded from current park asset renewal budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2018071 Offer Evaluation Report (ECM5479807)

(Confidential) Attachment 2. RFO2018071 Offer Evaluation Scoresheet (ECM5479851)

LATE ITEM FROM DIRECTOR ENGINEERING

39 LATE [E-CM] Coastal Cycleway Lighting Contract

SUBMITTED BY: Roads and Stormwater

Valid



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
- 3.3 Moving around
- 3.3.4 Roads, Traffic, Footpaths and Cycleways - To provide and maintain a network of roads and bridges, footpaths and cycleways that is safe, efficient and accessible.

ROLE: **Provider**

SUMMARY OF REPORT:

Request for Offer RFO2018073 Design and Install Overhead Cycleway Lighting System Casuarina was called from the market to source a suitability qualified contractor to design and construct overhead lighting to the shared cycleway/pathway along the foreshore at Casuarina, in two sections where existing lighting does not exist.

At the time of closing six 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 RFO2018073 Design and Install Overhead Cycleway Lighting System Casuarina:

- 1. Council awards the offer to Coughran Electrical Services Pty Ltd ABN 63 613 336 093 for the amount of \$514,709.64 (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 mid contract and 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

Offer RFO2018073 Design and Install Overhead Cycleway Lighting System Casuarina was called to engage a suitability qualified contractor to design and construct overhead lighting to the shared cycleway/pathway along the foreshore at Casuarina, in two sections where existing lighting does not exist. Section 1 is located between Cathedral Court and Oasis Way (South Kingscliff adjacent to Salt Village) with an approximate length is 1206 meters. Section 2 is located from Windsong Way to Echo Lane at Casuarina with an approximate length of 1294 meters.

Works under the Contract will include the completion of design for review by Tweed Shire Council staff, obtain the necessary approvals and construction of the works to provide the overhead lighting for a total of 2500 meters of pathway. Works will include excavation adjacent to pathway for electrical services, installation of light poles and connection to three Council switchboards along the route.

Following award of the Contract, the contractor will confirm their construction program and the community will be given advanced warning of the works at this time.

The pathway shall remain open to the public during construction.

Request for Offer Advertising

Offers were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. The Request for Offers was advertised in The Sydney Morning Herald on Tuesday 26 June 2018, in the Brisbane Courier Mail on 23 June 2018, in the Tweed Link on the 26 of June 2018 and on Council's website.

Offer submissions closed at 4.00pm (local time) on 25 July 2018 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Offer Addendums

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

Addendum No. 1 was issued to advise bidders that site details such as survey or geotechnical investigation will be the responsibility of the bidder.

Addendum No. 2 was issued to advise bidders of a change to the extent of work and to supply all new conduit and cabling for the works.

Addendum No. 3 was issued to advise Bidders of a change in Authorised Person and an extension of one week to the offer closing time.

Addendum No. 4 was issued to advise Bidders of certain items clarified at Pre-tender Meeting that would form part of the Contract and of Planning Approval requirements.

Offer Submissions

At the closing time for Offer Submissions, the Tender Box was opened and six Offers were recorded as below:

Bidder	ABN
Coughran Electrical Services Pty Ltd	63 613 336 093
Industrial Electrics Pty Ltd	79 118 908 179
Stowe Australia Pty Ltd	27 002 556 603
Stralis Energy Pty Ltd	62 603 744 074
Thearle Electrical Pty Ltd	12 095 615 076
UEA Electrical Pty Ltd	88 083 338 247

Offer Evaluation

An Offer Evaluation Plan was developed based on the premise that competitive Offers were to be received and scored against specific evaluation criteria in order to select the best value Offer.

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

Position
Project Manager – Infrastructure Delivery
Supervisor Electrical – Water and Wastewater
Project Manager - Infrastructure Delivery

Offers were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Offering.

Criterion	Document Reference	Weighting (%)
Value for Money (Normalised Offer Price) (Mandatory but Chairperson sets weighting)	Schedule 2 & 3	60
Price Compared with TSC Estimate	Schedule 2 & 3	Yes/No Item
Financial Details and Capacity	Schedule 4	Yes/No Item
Previous and Current Experience	Schedule 4	10
Project Staff and Subcontractors (Key Personnel)	Schedule 5,6 &12	10
Methodology (including product offered) and Work Program	Schedule 8	10
WHS and Risk Management	Schedule 10	Yes/No Item
Environmental Management	Schedule 11	Yes/No Item
Quality Management	Schedule 9	Yes/No Item
Company Insurances	RFO Document	Yes/No Item
Sustainable Procurement	Schedule 16	Yes/No Item
Local Content (Development of Local Business/Industry) (Mandatory 10% assessment as per Policy)	Schedule 17	10
Life of Proposed materials and equipment	Schedule 15 and all Schedules	Yes/No Item
Warranty Periods Offered	Schedule 15 and all Schedules	Yes/No Item
	Total	100

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.

OPTIONS:

That Council:

1. Awards the offer to Coughran Electrical Services Pty Ltd ABN 63 613 336 093 for the amount of \$514,709.64 (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:

It is concluded that in regards to RFO2018073 Design and Install Overhead Cycleway Lighting System Casuarina that the Offer from Coughran Electrical Services Pty Ltd provides the best value for the installation of lighting along the cycleway.

COUNCIL IMPLICATIONS:

a. Policy:

The Offer invitation and evaluation have been conducted in accordance with the provisions of:

- The Local Government Act 1993 and the NSW Local Government (General) Regulation 2005.
- Council's Procurement Policy v1.6.

b. Budget/Long Term Financial Plan:

RFO2018073 Design and Install Overhead Cycleway Lighting System Casuarina has been funded from NSW Department of Industry, Stronger Country Communities Fund. Work is to be 50% complete by 28 February 2019 and 100% complete by the 31 August 2019. A budget of \$991,770 excluding GST has been granted for the works. Opportunities will be considered to extend the scope of work given the available grant funds for this project.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Involve/Collaborate-We will work with you on an ongoing basis to ensure your ideas, concerns and aspirations are considered. We will provide feedback on Council's decisions.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2018073 - Offer Evaluation Report (ECM5474415).

(Confidential) Attachment 2. RFO2018073 - Offer Evaluation Scoring Sheet (ECM5474370).

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