

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY 11 JUNE 2024 AT 6.00PM

Please note: These minutes are subject to confirmation at the next Council meeting. Decisions recorded in the draft minutes are subject to the Council's Code of Meeting Practice in relation to rescinding decisions.

Present

Mayor, Councillor Krieg; Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen, Rob (via audio-visual), together with Mr Gibbons, General Manager; Mr Enevoldson, Chief Financial Officer; Dr Logan, Chief Operating Officer; Mr Butron, Chief Community Officer; Mr Hartley, Manager Finance; Mr Hartcher, Flood Restoration Director; Mr Schubert, Technology Support Officer; Ms Cotterill, Governance & Risk Manager and Mrs Mitchell, Executive Officer to the General Manager & Mayor and Councillors.

Apologies and Applications for Leave of Absence or Attendance by Audio-Visual Link

41/24

RESOLVED that:

1. a leave of absence be received from:
 - Councillor Bing from 14 June to 19 June 2024
 - Councillor Jensen from 5 July to 20 July 2024
 - Councillor Bird from 26 June to 5 July 2024
 - Councillor Krieg from 17 June to 18 June 2024
2. attendance by audio-visual link be approved for 25 June 2024 Extra Ordinary Meeting for:
 - Councillor Bird due to being out of the area
 - Councillor Cook due to being out of the area on approved leave

(Councillors Jensen/Bing)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

Voting against: Nil

Confirmation of Minutes

42/24 A typographical error was corrected by officers for Councillor Guise being listed as present at the meeting, but an apology accepted.

RESOLVED that the minutes of the following meeting be confirmed:

- Ordinary Council meeting 14 May 2024
- Confidential Council meeting 14 May 2024

(Councillors Bing/Gordon)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Hall, Jensen, Krieg and Rob

Voting against: Councillor Guise

Disclosures of Interest

Clr Hall declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 13.3 Santin's Quarry Legal Action

Nature: As I am one of the councillors involved in the action

Clr Gordon declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 13.3 Santin's Quarry Legal Action

Nature: As I am one of the councillors involved in the action and I am known to Mr Santin

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 11.7 Exclusion of Question with Notice

Nature: The item is about me

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 13.3 Santin's Quarry Legal Action

Nature: I am an acquaintance of Mr Santin

Clr Bing declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 13.3 Santin's Quarry Legal Action

Nature: I am known to Mr Santin

Clr Jensen declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 13.3 Santin's Quarry Legal Action

Nature: I know Mr Santin and Mr Gapes from Monaltrie Area Community Association

Clr Krieg declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 13.3 Santin's Quarry Legal Action

Nature: I am one of the people name in the action

Public Forum

Prior to dealing with the circulated reports and associated information, a Public Forum was held at which Council was addressed by the following:

Reports of the General Manager

12.3 Sharps Disposal Bins for Lismore

FOR	Deb Woodbridge, Harm Reduction Programs, NSW Health
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Altering Order of Business

43/24 **RESOLVED** that the order of business be altered to debate the following matters raised during Public Forum:

- 12.3 Sharps Disposal Bins for Lismore

(Councillors Ekins/Jensen)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

Voting against: Nil

12.3 Sharps Disposal Bins for Lismore

44/24 **RESOLVED** that Council includes in the 2024-2025 budget the provision of large sharps disposal bins in three locations in Lismore.

(Councillors Guise/Hall) (BP24/583)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

Voting against: Nil

Mayoral Minute(s) and Condolence Motions

Reports of Committees

9.1 Sister City Advisory Group Minutes - 1 May 2024

45/24 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Bird/Hall) (BP24/591)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

Voting against: Nil

9.2 Local Traffic Committee - 22 May 2024

46/24 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Hall/Bird) (BP24/588)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

Voting against: Nil

9.3 Nimbin Advisory Group - 16 May 2024

That Council disband the Nimbin Advisory Group, effective immediately.

(Councillor Rob)

Lapsed due to want of a seconder.

47/24 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Bird/Krieg) (BP24/595)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen and Krieg

Voting against: Councillor Rob

Councillor Jensen left the meeting, the time being 6:56PM

9.4 Disability and Inclusion Advisory Group - 23 May 2024

48/24 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Rob/Bing) (BP24/592)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Krieg and Rob

Voting against: Nil

Absent: Councillor Jensen

Councillor Jensen returned to the meeting, the time being 6:57PM

Matters Arising

10.1 North Lismore Plateau Council Land

MOTION moved that Council alter Resolution 10/21 adopted on 13 July 2021 (reference BP21/567) to include the bold as follows:

1. Council owned land on the North Lismore Plateau be **transferred** to the traditional owners:
 - a. **this will be undertaken through the following:**
 - i) **Council enter negotiations with the Widjabul Wia-bal Gurrumbil Aboriginal Corporation RNTBC (ICN 9856), being the registered native title body corporate that holds native title on trust for Widjabul Wia-bal for the transfer of land ownership of North Lismore Plateau land (NLP land) comprising of Lot 1 in DP 772627, Lot 12 in DP 844585 and Lot 1 in DP 118556**
 - ii) **the consideration for the NLP land transfer shall be \$1.00, considered paid**
 - iii) **the General Manager be delegated authority to sign all documents necessary to transfer the land**
 - iv) **each party involved in the NLP land transfer shall be responsible for their own costs, including but not limited to legal fees, stamp duty (if applicable), and registration fees**
 - v) **the Widjabul Wia-bal Gurrumbil Aboriginal Corporation is responsible for conducting its own due diligence to ensure the NLP land meets satisfaction**

- vi) **the Widjabul Wia-bal Gurrumbil Aboriginal Corporation be granted access to the NLP land for the purpose of conducting its due diligence; this access is intended to identify and assess any risks associated with acquiring the NLP land before entering a Contract of Sale**
- 2. a briefing is prepared for councillors to examine the relevant processes, possible timeframes and budgetary impacts
- 3. an inclusive, transparent consultative process is identified in order to engage all relevant stakeholders to participate in the process
- 4. **Council clarifies its responsibilities in relation to rehabilitation of the quarry**

(Councillors Ekins/Krieg)

FORESHADOWED MOTION moved that the matter be deferred to a workshop to address the issues.

(Councillor Colby)

Councillor Jensen left the meeting, the time being 7:25PM

Councillor Jensen returned to the meeting, the time being 7:25PM

49/24 **RESOLVED** that Council alter Resolution 10/21 adopted on 13 July 2021 (reference BP21/567) to include the bold as follows:

- 1. Council owned land on the North Lismore Plateau be **transferred** to the traditional owners:
 - a. **this will be undertaken through the following:**
 - i) **Council enter negotiations with the Widjabul Wia-bal Gurrumbil Aboriginal Corporation RNTBC (ICN 9856), being the registered native title body corporate that holds native title on trust for Widjabul Wia-bal for the transfer of land ownership of North Lismore Plateau land (NLP land) comprising of Lot 1 in DP 772627, Lot 12 in DP 844585 and Lot 1 in DP 118556**
 - ii) **the consideration for the NLP land transfer shall be \$1.00, considered paid**
 - iii) **the General Manager be delegated authority to sign all documents necessary to transfer the land**
 - iv) **each party involved in the NLP land transfer shall be responsible for their own costs, including but not limited to legal fees, stamp duty (if applicable), and registration fees**
 - v) **the Widjabul Wia-bal Gurrumbil Aboriginal Corporation is responsible for conducting its own due diligence to ensure the NLP land meets satisfaction**
 - vi) **the Widjabul Wia-bal Gurrumbil Aboriginal Corporation be granted access to the NLP land for the purpose of conducting its due**

diligence; this access is intended to identify and assess any risks associated with acquiring the NLP land before entering a Contract of Sale

2. a briefing is prepared for councillors to examine the relevant processes, possible timeframes and budgetary impacts
3. an inclusive, transparent consultative process is identified in order to engage all relevant stakeholders to participate in the process
4. **Council clarifies its responsibilities in relation to rehabilitation of the quarry**

(Councillors Ekins/Krieg) (BP24/518)

Voting for: Councillors Bing, Bird, Cook, Ekins, Gordon, Guise, Hall and Krieg

Voting against: Councillors Colby, Jensen and Rob

10.2 Questions on Notice

50/24 **RESOLVED** that the Question on Notice response provided in this report be noted.

(Councillors Cook/Bing) (BP24/519)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

Voting against: Nil

Councillor Hall left the meeting, the time being 7:56PM

Reports of the General Manager

11.1 Draft 2024-2025 Budget and Fees & Charges - Richmond Tweed Regional Library

MOTION moved that Council adopt the 2024-2025 draft Budget and Fees & Charges for Richmond Tweed Regional Library.

(Councillors Cook/Gordon)

Councillor Hall returned to the meeting, the time being 8:00PM

Councillor Jensen left the meeting, the time being 8:09PM

Councillor Jensen returned to the meeting, the time being 8:10PM

51/24 **RESOLVED** that Council adopt the 2024-2025 draft Budget and Fees & Charges for Richmond Tweed Regional Library.

(Councillors Cook/Gordon) (BP24/418)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen and Krieg

Voting against: Councillor Rob

11.2 Acquisition of Part Crown Reserve 1002205 at 61 Brunswick Street, Lismore

MOTION moved that:

1. Council endorse the recommendation by the NSW Department of Planning, Housing and Infrastructure, Crown Lands to revoke the Water Supply dedication over the north-western part of Crown Reserve 1002205 used by the Lismore City SES Unit; adding an appropriate reserve purpose to facilitate the use and occupation of the SES
2. Council endorse adoption of the compulsory partial land acquisition strategy as detailed in this report for public road purposes under the *Land Acquisition (Just Terms Compensation) Act 1991*
3. the landowner's costs associated with the land acquisitions be borne by Council including but not limited to survey, Council fees, reasonable legal and valuation fees, and plan registration fees
4. an application be submitted to the Minister as required for compulsory acquisition approval under Section 177(1) of the *Roads Act 1993*
5. the General Manager be delegated authority to negotiate the compensation payable and finalise the subdivision plan to complete the SES Reserve purpose and road widening purpose, and to sign all required documents necessary to give effect to this resolution

(Councillors Bing/Rob)

Councillor Ekins left the meeting, the time being 8:16PM

52/24 **RESOLVED** that:

1. Council endorse the recommendation by the NSW Department of Planning, Housing and Infrastructure, Crown Lands to revoke the Water Supply dedication over the north-western part of Crown Reserve 1002205 used by the Lismore City SES Unit; adding an appropriate reserve purpose to facilitate the use and occupation of the SES
2. Council endorse adoption of the compulsory partial land acquisition strategy as detailed in this report for public road purposes under the *Land Acquisition*

(Just Terms Compensation) Act 1991

3. the landowner's costs associated with the land acquisitions be borne by Council including but not limited to survey, Council fees, reasonable legal and valuation fees, and plan registration fees
4. an application be submitted to the Minister as required for compulsory acquisition approval under Section 177(1) of the *Roads Act 1993*
5. the General Manager be delegated authority to negotiate the compensation payable and finalise the subdivision plan to complete the SES Reserve purpose and road widening purpose, and to sign all required documents necessary to give effect to this resolution

(Councillors Bing/Rob) (BP24/360)

Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Guise, Hall, Jensen, Krieg and Rob

Voting against: Nil

Absent: Councillor Ekins

11.3 Section 7.11 Contributions Plan

MOTION moved that:

1. Council adopt the attached Section 7.11 Contribution Plan
2. in accordance with the requirements of the *Environmental Planning and Assessment Regulations*, Council publishes a notice on its website that the attached Section 7.11 Plan will come into effect from 1 July 2024 and it repeals the current Section 94 Contributions Plan (2014)
3. in accordance with S7.18 of the *Environmental Planning and Assessment Act*, Council provides a copy to the NSW Planning Minister

(Councillors Gordon/Bing)

Councillor Ekins returned to the meeting, the time being 8:18PM

Councillor Colby left the meeting, the time being 8:20PM

Councillor Colby returned to the meeting, the time being 8:22PM

Councillor Bird left the meeting, the time being 8:30PM

Councillor Bird returned to the meeting, the time being 8:35PM

53/24 **RESOLVED** that:

1. Council adopt the attached Section 7.11 Contribution Plan
2. in accordance with the requirements of the *Environmental Planning and*

Assessment Regulations, Council publishes a notice on its website that the attached Section 7.11 Plan will come into effect from 1 July 2024 and it repeals the current Section 94 Contributions Plan (2014)

3. in accordance with S7.18 of the *Environmental Planning and Assessment Act*, Council provides a copy to the NSW Planning Minister

(Councillors Gordon/Bing) (BP24/410)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen and Krieg

Voting against: Councillor Rob

11.4 Investments - May 2024

MOTION moved that the report be received and noted.

(Councillors Bing/Gordon)

Councillor Krieg left the meeting, the time being 8:55PM

Councillor Hall took the chair.

54/24 **RESOLVED** that the report be received and noted.

(Councillors Bing/Gordon) (BP24/539)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Hall, Jensen and Rob

Voting against: Councillor Guise

Absent: Councillor Krieg

At this point the meeting adjourned for a short recess, the time being 8:56PM

Councillor Krieg returned to the meeting, the time being 8:56PM

The meeting resumed at 9:03PM

11.5 Annual Mayor and Councillor Fees

MOTION moved that:

1. the fees payable to the Mayor and councillors for 2024-2025 be \$61,280 and \$24,810 respectively
2. this matter be reviewed at the October 2024 Council meeting

(Councillors Bing/Gordon)

FORESHADOWED MOTION moved that:

1. the fees payable to the Mayor and councillors for 2024-2025 remain unchanged
2. pursuant to section 249(5) of the *Local Government Act 1993*, the Deputy Mayor is paid a fee of \$150 for each day or part thereof for acting as Mayor

(Councillor Rob)

Motion withdrawn.

FORESHADOWED MOTION moved that the fees payable to the Mayor and councillors for 2024-2025 be \$66,800 and \$27,050 respectively.

(Councillor Cook)

FORESHADOWED MOTION moved that the fees payable to the Mayor and councillors for 2024-2025 be \$66,000 and \$26,500 respectively.

(Councillors Bird)

55/24

DEFEATED that:

1. the fees payable to the Mayor and councillors for 2024-2025 be \$61,280 and \$24,810 respectively
2. this matter be reviewed at the October 2024 Council meeting

(Councillors Bing/Gordon) (BP24/395)

Voting for: Councillors Bing, Gordon, Hall, Jensen and Krieg

Voting against: Councillors Bird, Colby, Cook, Ekins, Guise and Rob

56/24

The foreshadowed motion became the motion and was **RESOLVED** that the fees payable to the Mayor and councillors for 2024-2025 be \$66,800 and \$27,050 respectively.

(Councillors Cook/Guise) (BP24/395)

Voting for: Councillors Bird, Colby, Cook, Ekins, Guise and Krieg

Voting against: Councillors Bing, Gordon, Hall, Jensen and Rob

11.6 Minutes from External Committees and Organisations

MOTION moved that Council notes the draft minutes of Rous County Council and Northern Rivers Joint Organisation

(Councillors Rob/Bing)

Councillor Jensen left the meeting, the time being 9:47PM

Councillor Jensen returned to the meeting, the time being 9:48PM

57/24 **RESOLVED** that Council notes the draft minutes of Rous County Council and Northern Rivers Joint Organisation.

(Councillors Rob/Bing) (BP24/485)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

Voting against: Nil

Altering Order of Business

58/24 **RESOLVED** that the order of business be altered to debate the following matters:

- 13.1 Tender T24/8 Banking Tender Services
- 13.2 General Manager's Delegations
- 13.3 Santin's Quarry Legal Action

(Councillors Gordon/Bing)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Hall, Jensen, Krieg and Rob

Voting against: Councillor Guise

Confidential Matters – Closed Council Meeting

MOTION moved that Council now exclude the press and public and meet in Closed Council to consider the following matters;

Item	13.1 Tender T24/8 Banking Tender Services
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
Item	13.2 General Manager's Delegations
Grounds for Closure	Section 10A(2) (c):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
Item	13.3 Santin's Quarry Legal Action
Grounds for Closure	Section 10A(2) (g):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

(Councillors Hall/Bing)

MOVED that the motion be put.

(Councillor Hall)

59/24 **RESOLVED** that Council now exclude the press and public and meet in Closed Council to consider the following matters;

Item	13.1 Tender T24/8 Banking Tender Services
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
Item	13.2 General Manager's Delegations
Grounds for Closure	Section 10A(2) (c):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Item	13.3 Santin's Quarry Legal Action
Grounds for Closure	Section 10A(2) (g):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
(Councillors Hall/Bing)	
Voting for:	Councillors Bing, Bird, Colby, Cook, Gordon, Hall, Jensen, Krieg and Rob
Voting against:	Councillors Ekins and Guise

Resumption of Open Council

When the Council had resumed its former sitting, the Mayor reported that Council, meeting in Closed Session, had RESOLVED:

13.1 Tender T24/8 Banking Tender Services

That:

1. Council accept the tender and award the contract for T24/8 – Provision of Banking Services to Commonwealth Bank of Australia from 1 July 2024 for a five (5) year period, with two (2) x twelve (12) month options to extend, according to the Schedule of Rates in their submission
2. Council delegates authority to the General Manager to enter and administer the contract under the terms of the Request for Tender and Letter of Acceptance and exercise the options when required to extend the contract, subject to satisfactory performance of the provider
3. a redacted copy of this report and attachments be released as a public document

(Councillors Bing/Rob) (BP24/543)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Hall, Jensen, Krieg and Rob

Voting against: Councillor Guise

13.2 General Manager's Delegations

That:

1. in relation to the Flood Restoration Portfolio, Council delegate to the General Manager the authority to invite tenders under Section 55(1) of the *Local Government Act 1993*, enter contracts and make variations to those contracts, subject to compliance with Sections 55 and 377(1)(i) of the Act relating to the rebuild of Council infrastructure damaged by the 2022 flood event using external

grant and DRFA funding, exceeding \$1,000,000 to a maximum of \$25,000,000

2. this delegation be reviewed every 12 months
3. this resolution is automatically revoked on 11 June 2027
4. tenders issued under this delegation be reported in detail to each ARIC meeting; to the councillor dashboard; and to both City Notes and Local Matters each month

(Councillors Rob/Colby)

Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Hall, Jensen, Krieg and Rob

Voting against: Councillors Ekins and Guise

13.3 Santin's Quarry Legal Action

That Council instruct Council's legal representatives in the Santin's Quarry legal action to:

1. defend Council's position as Lismore City Council
2. oppose any attempt by the Applicant or the Court to formally name councillors as a group or individually in any Application, Motion or Order

(Councillors Rob/Colby) (BP24/551)

Voting for: Councillors Bing, Colby, Cook, Hall, Jensen and Rob

Voting against: Councillors Bird, Ekins, Gordon, Guise and Krieg

The time being 10.55pm the following items were deferred to Tuesday 25 June 2024 at 6.00pm.

- 11.7 Exclusion of Question with Notice
- 12.1 Mayoral Attendance Report
- 12.2 Infrastructure Contributions Discount Policy for the Change of Use Commercial Premises
- 12.4 Florian Volpato Lane
- 12.5 Lookout Tree Pruning
- 12.6 Koala Advisory Group
- 12.7 Safer Cities - Her Way Project
- 12.8 Floating Solar
- 12.9 Councillor Requests
- 12.10 AVL Access to Meetings
- 12.11 The Hub
- 12.12 Frequency of Council Meetings

- 12.13 Recording Council Briefings
- 12.14 Spending Public Funds on Private Land
- 12.15 Following Staff Recommendations

Closure

This concluded the business and the meeting terminated at 10.55pm.

CONFIRMED 9 July 2024 at which meeting the signature herein was subscribed.

MAYOR

Confidential Report

Report

Subject	Tender T24/8 Banking Tender Services
TRIM Record No	BP24/543:AF24/3006
Prepared by	Manager Finance
Reason	To put in place a new new contract for banking services
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure the efficient and effective operation of Council.
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to:commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Executive Summary

Tender T24/8 - Provision of Banking Services was issued on 16 March 2024. The tender period closed on 13 April 2024.

Three invitations were issued with two successful responses being submitted. [REDACTED] and Commonwealth Bank of Australia (CBA), both provided conforming and competitive responses with clear differentiation recorded in the evaluation process.

The following banks downloaded the tender documents: CBA, [REDACTED] and [REDACTED]. CBA and [REDACTED] supplied conforming responses and [REDACTED] declined to submit a response. The recommendation is to accept the CBA submission.

Alternatively, if the Council did not wish to accept the tender, the recommendations would be:

1. in accordance with Clause 178 Section (1)(b), of the *Local Government (General) Regulation 2021*, Council decline to accept any of the tenders with respect to Tender T24/8 – Provision of Banking Services
2. in accordance with Clause 178 Section (3)(b) invite, in accordance with clauses 167, 168 or 169, fresh tenders based on the same or different details

Confidential Report

Recommendation

That:

1. Council accept the tender and award the contract for T24/8 – Provision of Banking Services to Commonwealth Bank of Australia from 1 July 2024 for a five (5) year period, with two (2) x twelve (12) month options to extend, according to the Schedule of Rates in their submission
2. Council delegates authority to the General Manager to enter and administer the contract under the terms of the Request for Tender and Letter of Acceptance and exercise the options when required to extend the contract, subject to satisfactory performance of the provider
3. a redacted copy of this report and attachments be released as a public document

Background

The Request for Tender (RFT) for the Provision of Banking Services was opened on Lismore City Council's (LCC) preferred portal, Vendor Panel. Three invitees were selected based on the ability to provide a complementary suite of services and are considered leaders in the Australian banking industry as well as having a primary presence including relationship management approach within the local banking market.

The tender is for a Schedule of Rates contract, not subject to rise and fall mechanisms during the initial one-year period. The tender excluded the provision of loan borrowings or investment services. The contract period is for five (5) years with a commencement date of 1 July 2024.

The tender was open for submissions from 16 March to 13 April 2024.

No addendum's were issued throughout the tender however there were documented questions and clarifications issued to the tenderers and subsequently recorded in the Vendor Panel portal for auditing and probity purposes.

A tender submission was received from two (2) respondents – the CBA and [REDACTED]

The tender process was managed by an external consultant familiar with requirements of banking tenders and who had previously provided this support in tendering by neighbouring councils. Their experience provided Council the scope to maximise historical and industry knowledge. The consultant complied with LCC Council Procurement procedures to ensure the engagement complied with the LCC procurement policy. Their full scope included performing a detailed evaluation of the tender submissions and provide a summary of the responses and scoring to the evaluation committee.

A review of current market behaviours and needs identified by LCC Finance Management, combined with previous services, were included in the creation of the scope document. In brief the scope of the banking services include:

- EFTPOS
- Credit Card
- BPAY
- Online "over the counter" merchant transactions.

Complying or Non-complying Tender

Both submissions conform to an acceptable degree in relation to the requirements of this tender.

Confidential Report

Tender Evaluation

The evaluation results were provided by the external consultant in the conformance, qualitative reference, and pricing reports for review by the evaluation panel. This analysis ensures the following specifics have been addressed.

1. Conformance status of both respondents and the process
2. Qualitative analysis of the non-pricing component. Scored out of 10 against the qualitative criteria
3. Pricing summary demonstrating a breakdown of all pricing ensuring comparative pricing is achieved

A summary of the evaluation criteria and weighting is detailed below:

Table 1 Evaluation Criteria

Attribute	Weighting %
Price	█
Products & Services Ability to meet Council processing requirements, security levels and data import/export specifications.	█
Relationship Management Level of offered support services and service punctuality, including response times of Helpdesk and Relationship Manager.	█
Commitment to the Local Community Ability to provide a local banking solution and includes information on sponsorships, grants, participation and other support.	█
Ability to Implement Project management approach over an 8-week period. This measure is to include proposed changeover costs should implementation of a new Contractor be required.	█
Degree of Innovation New products and strategies to assist Council and ratepayers with a focus on migration from paper to electronic channels.	█
Sustainability Details of sustainability measures put in place by the Bank, and comments presented on Ethical and Social Responsibility.	█

Tender Evaluation Results

The overall evaluation scores are shown in the table below:

Participating Bank	Pure Score	Overall Score
Commonwealth Bank of Australia	59	880
█	█	█

1. Price (█)

Pricing is a pivotal factor in any banking tender and is reflected with the highest weighting of █% in the overall scoring. The banks recognise this and have priced aggressively for Council's business.

Confidential Report

Participating Bank	CBA	█
Pricing	10	█

Participating Bank	Cost p.a.	5 year contract cost incl. implementation
CBA	\$158,223	\$791,115
█	█	█

The following pricing analysis is shown to support the scoring.

1. The actual cost of credit card transactions to Council is detailed below:

Participating Bank	Interchange on \$10.5m	Scheme Fees \$10.5m	Bank Margin on \$10.5m	Total MSF	Total cost per Bank
CBA	0.44%	0.077%	0.073%	0.59%	\$61,950
█	█	█	█	█	█

2. The actual difference between the existing price from CBA (\$172,690 p.a.) and the submission received from CBA for this tender (\$158,223 p.a.) shows a decrease per annum of \$14,467 p.a.

Participating Bank	Existing Price p.a.	New offer CBA	New Offer
Transaction Banking total p.a.	\$172,690	\$158,223	█

3. Final pricing conclusion with implementation costs included as a separate column.

Participating Bank	Cost p.a.	5 year Contract cost excl. Implementation	Implementation Costs	Total Contract Value
CBA	\$158,223	\$791,115	\$0	\$791,115
█	█	█	█	█

2. Products and Services (█)

The differences between the products on offer from each of the banks is negligible. To separate these offers required analysing the detail within each submission.

Both banks have a relationship with NSW councils and both are deemed capable of performing the service.

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Participating Bank	CBA	█
Products & Services	8	█

One clear differentiator is the contents and explanation of the tools and products being offered by the banks. CBA was very thorough while █ provided minimal explanation of the products and services. Other observations were:

- The CommBiz platform is marginally ahead based on the architecture, not necessarily the functionality. █ scored slightly lesser than CommBiz due to the platform architecture
- Data insights and analytics available from CBA, which have been on offer for some time, are only just becoming available through the competing banks
- CBA have explained their enhanced services available from BPAY for consideration, including 'Partial Refunds' which is a recently introduced capability, and a suite of APIs for interface with the BPAY Operating platform
- CBA card and reporting options are very good. Details of CommBank Card Manager are included in this section and extend into other reporting programs such as Smart Data Online and Promaster which attracts an establishment fee, and a monthly fee of \$5.70 per card
- For █ no over the counter services are made available for cashing of cheques or unplanned over the counter deposits
- █ offer █ which is widely considered to be the best of the reporting programs available. It does however come with a hefty price tag, but is a step up from the current Purchasing Card program utilised

3. Relationship Management (█)

Both respondents are operated by the retail arm, where the Council relationships are owned by the parent company. CBA have currently instituted a moratorium on branch closures until 2026 however this is not considered a material factor in this tender.

CBA and █ bank branches offer the services that Council require.

Participating Bank	CBA	█
Relationship Management	8	█

4. Commitment to the Local Community (█)

CBA provides details of its Lismore branch, the 20 employees, and their local contributions to the area. They provide extensive detail on indigenous initiatives, pro bono services, volunteering and other details of local, state and national initiatives.

█ interestingly, have offered two days of paid leave to employees wishing to assist with volunteer work with their chosen charity. Their response, while less comprehensive, was still informative.

Participating Bank	CBA	█
Community Commitment	8	█

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5. Ability to Implement (████)

CBA received a marginally better score due to the comprehensive provision of salient information, Both respondents have provided a project management stage gate approach.

Participating Bank	CBA	████
Implementation	7	█

6. Degree of Innovation (████)

CBA are considered a leader in innovation on data analytics, new BPAY services and the new payments platforms. Other banks are only now introducing their versions of analytics. █████ Virtual Corporate Card delivers a new level of security and flexibility and is now available from █████

Participating Bank	CBA	████
Innovation	9	█

7. Sustainability (████)

The Banks are potentially limited in the impact they can have on these initiatives, the data included, and extent of reach may be surprising.

CBA have provided case studies and information directly into the tender response including information on Social and Ethical responsibility. █████ provided hot links in a 2 page response.

Participating Bank	CBA	████
Sustainability	9	█

Comments

Finance

Contained within the report.

Conclusion

It is recommended Council appoint CBA as the supplier of Banking and Bill Payment Services for the term of Contract No. T24/8.

Participating Bank	Pure Score	Overall Score
CBA	59	880
████	█	████

After taking into consideration the cost of implementation (pegged at \$25,000 in the first year), the CBA submission is cheaper by \$17,941 per annum, or \$89,705 over the five year contract. This also represents a saving of \$14,467 per annum on the current contract price.

CBA have outscored █████ in all of the evaluation criteria apart from relationship management, where an equal score was issued. CBA are also providing a good service as Council's incumbent banking services provider and accepting their tender provides Council with the best financial outcome.

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Criteria/Bank	Commonwealth Bank of Australia	[REDACTED]
Price	10	[REDACTED]
Product Suite	8	[REDACTED]
Relationship Team	8	[REDACTED]
Implementation	7	[REDACTED]
Community Commitment	8	[REDACTED]
Innovation	9	[REDACTED]
Sustainability	9	[REDACTED]
Pure Score	59	[REDACTED]
Weighting x Grading (Total Score)	880	[REDACTED]

Attachment/s

There are no attachments for this report.