

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY 12 MARCH 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, Ekins, 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 Wilson, Executive Officer – Customer Strategy; Ms O'Regan, Head Investment & Growth; Mr Snow, Head Planning & Environment; Mr Duffy, Manager Liveable & Active Communities; Ms Hirst, Destination Coordinator; Mr Parry, Acting Manager Technology and Innovation; Mr Malloy, 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

37/24

RESOLVED that:

1. Council note Councillor Guise is on approved leave
2. Council accept an apology from Councillors Cook and Gordon
3. attendance by audio-visual link be approved for Councillor Rob due to personal health reasons

(Councillors Hall/Jensen)

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

Voting against: Nil

38/24

RESOLVED that a leave of absence be received from:

- Councillor Hall from 29 March to 29 April 2024
- Councillor Rob for 9 May 2024 to tentatively attend the Rural and Regional Summit and 21 May to 24 May 2024 for the Floodplain Management Australia National Conference
- Councillor Jensen from 17 May to 17 June 2024
- Councillors Bing and Krieg from 27 March to 6 April 2024 to be part of the Sister City delegation to Yamato Takada
- Councillor Ekins from 1 April to 10 April 2024 to be part of the Sister City delegation to Yamato Takada

(Councillors Colby/Bing)

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

Voting against: Nil

Confirmation of Minutes

39/24 **RESOLVED** that the minutes of the following meetings be confirmed:

- Ordinary Council meeting 13 February 2024
- Confidential Council meeting 13 February 2024

(Councillors Bing/Colby)

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

Voting against: Nil

Disclosures of Interest

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 9.2 Nimbin Advisory Group minutes

Mayoral Minute(s) and Condolence Motions

8.1 Mayoral Attendance Report

40/24 **RESOLVED** that:

1. Council receives the Mayoral Attendance Report for February 2024
2. future reports be included in the business paper as a Notice of Motion

(Councillor Krieg) (BP24/240)

Voting for: Councillors Bing, Bird, Colby, Ekins, Krieg and Rob

Voting against: Councillors Hall and Jensen

Reports of Committees

9.1 Local Traffic Committee - 14 February 2024

41/24 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Hall/Colby) (BP24/227)

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

Voting against: Nil

9.2 Nimbin Advisory Group 15 February 2024

MOTION move that Council include community consultation and a feasibility study to consider the viability of establishing a permanent library, art gallery, information centre, and/or additional water storage at 9 Sibley Street Nimbin in the 2024-2025 Operational Plan and other relevant IP&R documentation going forward.

(Councillors Rob/Bing)

42/24 AMENDMENT moved and **DEFEATED** that:

1. Council includes a feasibility study to progress the preferred options regarding the establishment a permanent library, art gallery, information centre, and/or additional water storage in Nimbin following the Nimbin Place Plan
2. this feasibility study be included in the 2024-2025 Operational Plan and other relevant IP&R documentation going forward

(Councillors Bird/Ekins) (BP24/231)

Voting for: Councillors Bird, Ekins and Krieg

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

43/24 On submission to the meeting the motion was **RESOLVED** that Council include community consultation and a feasibility study to consider the viability of establishing a permanent library, art gallery, information centre, and/or additional water storage at 9 Sibley Street Nimbin in the 2024-2025 Operational Plan and other relevant IP&R documentation going forward.

(Councillors Rob/Bing) (BP24/231)

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

Voting against: Councillors Bird and Ekins

44/24

RESOLVED that Council holds a workshop to identify options to receive requests for and facilitate the provision of future funding to external entities, excluding individuals

(Councillors Rob/Colby) (BP24/231)

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

Voting against: Councillors Bird and Ekins

MOTION moved that Council:

1. receive but not adopt the recommendations contained in the minutes
2. immediately disband the Nimbin Advisory Group
3. establish a Lismore Villages Advisory Group to include representatives from throughout rural Lismore
4. prepare Terms of Reference to guide the Lismore Villages Advisory Group, for consideration and endorsement by resolution of Council

(Councillors Rob/Bing)

FORESHADOWED MOTION that Council:

1. receive but not adopt the recommendations contained in the minutes
2. establish a Lismore Villages Advisory Group to include representatives from throughout rural Lismore
3. prepare Terms of Reference to guide the Lismore Villages Advisory Group, for consideration and endorsement by resolution of Council

(Councillor Ekins)

FORESHADOWED MOTION that:

1. receive but not adopt the recommendations contained in the minutes
2. the community advisory group structure that was established through Imagine Lismore be brought to a Council briefing to consider the re-establishment of those advisory groups, and the creation of a new structure that creates consultation mechanisms for village communities
3. as part of the next consideration of advisory groups at the start of the next Council term village advisory groups are included
4. an allocation from the community consultation budget is prepared for inclusion in the 2024-2025 Operational Plan

(Councillor Bird)

Councillor Hall left the meeting, the time being 8:00PM

Councillor Hall returned to the meeting, the time being 8:02PM

FORESHADOWED MOTION that Council:

1. receive but not adopt the recommendations contained in the minutes
2. establish a Lismore Villages Advisory Group to include representatives from throughout rural Lismore
3. prepare Terms of Reference to guide the Lismore Villages Advisory Group, for consideration and endorsement by resolution of Council

(Councillor Ekins)

Motion was withdrawn

On submission to the meeting the foreshadowed motion was **DEFEATED** that:

1. receive but not adopt the recommendations contained in the minutes
2. the community advisory group structure that was established through Imagine Lismore be brought to a Council briefing to consider the re-establishment of those advisory groups, and the creation of a new structure that creates consultation mechanisms for village communities
3. as part of the next consideration of advisory groups at the start of the next Council term village advisory groups are included
4. an allocation from the community consultation budget is prepared for inclusion in the 2024-2025 Operational Plan

(Councillors Bird/Ekins)

Voting for: Councillors Bird and Ekins

Voting against: Councillors Bing, Colby, Hall, Jensen, Krieg and Rob

- 45/24 On submission to the meeting the foreshadowed motion was **RESOLVED** that Council:
1. receive but not adopt the recommendations contained in the minutes
 2. establish a Lismore Villages Advisory Group to include representatives from throughout rural Lismore
 3. prepare Terms of Reference to guide the Lismore Villages Advisory Group, for consideration and endorsement by resolution of Council

(Councillors Hall/Rob) (BP24/231)

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

Voting against: Councillors Bird and Ekins

Councillor Bird left the meeting, the time being 8:19 PM

9.3 Disability and Inclusion Advisory Group - 21 February 2024

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

(Councillors Rob/Ekins) (BP24/233)

Voting for: Councillors Bing, Colby, Ekins, Hall, Jensen, Krieg and Rob
Voting against: Nil
Absent: Councillor Bird

9.4 Aboriginal Advisory Group 21 February 2024

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

(Councillors Rob/Colby) (BP24/234)

Voting for: Councillors Bing, Colby, Ekins, Hall, Jensen, Krieg and Rob
Voting against: Nil
Absent: Councillor Bird

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

Matters Arising

10.1 Questions on Notice

48/24 **RESOLVED** that the Questions on Notice responses provided in this report are noted.

(Councillors Bing/Colby) (BP24/170)

Voting for: Councillors Bing, Bird, Colby, Ekins, Hall, Jensen, Krieg and Rob
Voting against: Nil

10.2 Changes to VPA associated with 1055 and 1055A Bruxner Highway Planning Proposal

49/24

RESOLVED that Council:

1. delegates the General Manager to finalise a revised Draft Voluntary Planning Agreement that is in accordance with the changes outlined in this report
2. places the Draft Voluntary Planning Agreement on public exhibition in line with the requirements of the Gateway Determination

(Councillors Bird/Krieg) (BP24/201)

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

Voting against: Nil

Reports of the General Manager

11.1 Planning Proposal for an Affordable Housing Contribution Scheme

MOTION moved that:

1. Council supports the Planning Proposal to introduce an Affordable Housing Contribution Scheme into the Lismore Local Environment Plan 2012 and applies it to the various parcels as outlined in this report
2. the General Manager submit the Planning Proposal to the Department of Planning, Housing and Infrastructure with a request for a Gateway Determination
3. in line with conditions of the Gateway Determination, the General Manager place the Planning Proposal and the Affordable Housing Contribution Scheme on public exhibition and consult with Government agencies
4. following the close of the public and agency consultation, the General Manager report back to Council

(Councillors Ekins/Bird)

Councillor Colby left the meeting, the time being 8:28PM

Councillor Colby returned to the meeting, the time being 8:29PM

RESOLVED that the motion be put.

(Councillor Rob)

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

Voting against: Councillors Bird and Ekins

50/24

MOTION moved that:

1. Council supports the Planning Proposal to introduce an Affordable Housing Contribution Scheme into the Lismore Local Environment Plan 2012 and applies it to the various parcels as outlined in this report
2. the General Manager submit the Planning Proposal to the Department of Planning, Housing and Infrastructure with a request for a Gateway Determination
3. in line with conditions of the Gateway Determination, the General Manager place the Planning Proposal and the Affordable Housing Contribution Scheme on public exhibition and consult with Government agencies
4. following the close of the public and agency consultation, the General Manager report back to Council

(Councillors Ekins/Bird) (BP24/147)

Voting for: Councillors Bird, Colby, Ekins and Krieg

Voting against: Councillors Bing, Hall, Jensen and Rob

The vote being tied the Mayor declared the motion **RESOLVED** with his casting vote

11.2 Investments - February 2024

51/24

RESOLVED that:

1. the report be received and noted
2. the Investment Policy be reviewed prior to the end of the current financial year

(Councillors Rob/Bing) (BP24/246)

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

Voting against: Nil

11.3 Review of Section 7.11 Contributions Plan

52/24

RESOLVED that:

1. Council place the draft Section 7.11 Contribution Plan 2024 on public exhibition in accordance with the requirements of the *Environmental Planning & Assessment Regulations*
2. a briefing is provided to Council on the results of any submissions
3. a report is brought back to Council with any proposed amendments to the draft plan seeking Council's endorsement

(Councillors Bird/Ekins) (BP24/25)

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

Voting against: Nil

11.4 Destination Management Plan 2024-2028

MOTION moved that Council adopt the Destination Management Plan 2024-2028.

(Councillors Bird/Krieg)

Councillor Rob left the meeting, the time being 9:00PM

Councillor Rob returned to the meeting, the time being 9:00PM

53/24

RESOLVED that Council adopt the Destination Management Plan 2024-2028.

(Councillors Bird/Krieg) (BP24/33)

Voting for: Councillors Bing, Bird, Colby, Ekins, Hall and Krieg

Voting against: Councillors Jensen and Rob

11.5 Walking, Cycling and Micromobility Strategy 2024-2034

54/24 **RESOLVED** that the Walking, Cycling and Micromobility Strategy 2024 be adopted.

(Councillors Colby/Bird) (BP24/21)

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

Voting against: Councillor Rob

11.6 Wade Park Masterplan

55/24 **RESOLVED** that Council:

1. adopt the attached Wade Park Masterplan
2. thank the contributing consultants, Parks & Leisure Australia and Council officers involved in the masterplan

(Councillors Rob/Hall) (BP24/134)

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

Voting against: Nil

11.7 Open Space Strategy 2024-2034

56/24 **RESOLVED** that the Open Space Strategy 2024-2034 be adopted.

(Councillors Bird/Jensen) (BP24/137)

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

Voting against: Councillor Rob

11.8 Development Control Plan Chapter for Urban Release Area at 1055 and 1055A Bruxner Highway

57/24 **RESOLVED** that:

1. the draft Development Control Plan Part B, Chapter 11 (DCP) is supported
2. the draft DCP chapter is put on public exhibition alongside the Planning Proposal
3. a report to Council is made following the close of the public exhibition period

(Councillors Colby/Rob) (BP24/168)

Voting for: Councillors Bing, Bird, Colby, Ekins, Hall, Jensen, Krieg and Rob
Voting against: Nil

11.9 Delivery Program Progress Report - July to December 2023

MOTION moved that Council receive and endorse the attached Delivery Program Progress Report for the period July to December 2023.

(Councillors Bing/Bird)

Councillor Bing left the meeting, the time being 9:23PM

Councillor Hall left the meeting, the time being 9:24PM

Councillor Bing returned to the meeting, the time being 9:25PM

Councillor Hall returned to the meeting, the time being 9:26PM

Councillor Krieg left the meeting, the time being 9:29PM

Councillor Hall took the chair

Councillor Krieg returned to the meeting, the time being 9:30PM

58/24 **RESOLVED** that Council receive and endorse the attached Delivery Program Progress Report for the period July to December 2023.

(Councillors Bing/Bird) (BP24/248)

Voting for: Councillors Bing, Bird, Colby, Ekins, Hall, Jensen, Krieg and Rob
Voting against: Nil

11.10 2024 Australian Local Government Association National General Assembly

59/24 **RESOLVED** that Council's:

1. delegates to the 2024 ALGA National General Assembly attend are Councillors Krieg, Hall, Bing and Jensen
2. voting delegate is Councillor Krieg

(Councillors Hall/Jensen) (BP24/119)

Voting for: Councillors Bing, Bird, Colby, Ekins, Hall, Jensen, Krieg and Rob
Voting against: Nil

11.11 Minutes from External Committees and Organisations

60/24 **RESOLVED** that Council notes the draft minutes of Northern Rivers Joint Organisation, Rous County Council and Richmond Tweed Regional Library.

(Councillors Bird/Bing) (BP24/249)

Voting for: Councillors Bing, Bird, Colby, Ekins, Hall, Jensen, Krieg and Rob
Voting against: Nil

11.12 Councillors Expenses and Facilities Policy - July 2023 to December 2023 Reporting

61/24 **RESOLVED** that Council receive and note the report.

(Councillors Bird/Bing) (BP24/2)

Voting for: Councillors Bing, Bird, Colby, Ekins, Hall, Jensen and Krieg
Voting against: Councillor Rob

Notices of Motion / Questions with Notice

12.1 A free pool for Lismore

62/24 **RESOLVED** that fees and charges for admission to the Lismore Memorial Baths be waived for the balance of the 2023/2024 swimming season.

(Councillors Bing/Hall) (BP24/141)

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

Confidential Matters – Closed Council Meeting

63/24 **RESOLVED** that Council now exclude the press and public and meet in Closed Council to consider the following matters;

Item	13.1 Tender TP23/215 Blakebrook Quarry Drill and Blast 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 Tender VP389172 - Esmonde Street Reservoir Wall Remediation Works
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.

(Councillors Jensen/Bing)

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

Voting against: Nil

Resumption of Open Council

Councillor Colby left the meeting, the time being 10:17PM

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

13.1 Tender TP23/215 Blakebrook Quarry Drill and Blast Services

That:

1. Council accepts the tender from Ron Southon Pty Ltd as preferred tenderer for Tender TP23/215 for Blakebrook Quarry Drill and Blast Services in accordance with their submission and the Schedule of Rates provided, for a period of two years and an option of a further two years at Council's absolute discretion
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 contractor
3. a redacted copy of this report and attachments be released as a public document

(Councillors Bing/Jensen) (BP24/226)

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

Voting against: Nil

13.2 Tender VP389172 - Esmonde Street Reservoir Wall Remediation Works

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from Duratec Limited for Contract CDR23/1062 Esmonde Street Reservoir Wall Remediation Works, for the sum of \$706,102 (ex GST)
2. delegation be provided to the General Manager to finalise and execute the contract and any other documentation required to give effect to this resolution
3. Council approve the increase in the 2023/2024 budget of \$270,000 to undertake the required works with funding from Water Fund Reserves
4. a redacted copy of this report be released as a public document

(Councillors Bing/Colby) (BP24/243)

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

Voting against: Nil

Closure

This concluded the business and the meeting terminated at 10.18pm.

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

MAYOR

Confidential Report

Report

Subject	Tender TP23/215 Blakebrook Quarry Drill and Blast Services
TRIM Record No	BP24/226:AF23/5549
Prepared by	Acting Head of Roads & Quarry
Reason	To inform Council of submissions received for Tender TP23/215 and provide a recommendation for adoption.
Strategic Theme	Our built environment
Strategy	Our city and village services are well managed and maintained.
Action	Provide quality road materials and asphalt production.
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

Submissions for Tender TP23/215 Blakebrook Quarry Drill and Blast Services were invited from the market for a period of two years with a two-year option to extend to establish a single supplier of drill and blasting services at Blakebrook Quarry.

Drill and blast is a common form of percussion dismantling of solid rock into processable size (known as shot rock), in the initial stages of material processing.

The tender process was conducted in accordance with Council's procurement policies and guidelines. Three submissions were received by Council. Two submissions were considered conforming to the Request for Tender document requirements, with one non-conforming submission.

At the conclusion of the process, the preferred tenderer determined by the tender panel was Ron Southon Pty Ltd (P/L). Ron Southon P/L provided a total tender price (for expected ~250,000t/year) at \$2.31/tonne totalling \$577,500 (incl GST) per year.

Ron Southon P/L was assessed as providing the best overall value for Council with its high quality submission clearly outlining objective qualifiable evidence of sound quality, safety and environmental markers while remaining competitive on price. The one remaining conforming tenderer was [REDACTED]

Confidential Report

Recommendation

That:

1. Council accepts the tender from Ron Southon Pty Ltd as preferred tenderer for Tender TP23/215 for Blakebrook Quarry Drill and Blast Services in accordance with their submission and the Schedule of Rates provided, for a period of two years and an option of a further two years at Council's absolute discretion
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 contractor
3. a redacted copy of this report and attachments be released as a public document

Background

Details of Work

Council advertised a Request for Tender (RFT) to conduct routine drill and blasting within Blakebrook Quarry (the Quarry). The process of drill and blast is one of the initial stages in material production. It involves the detonation of charges within a rock face, with percussion fragmenting the solid structure into shards of suitable size known as shot rock. Shot rock is then further 'crushed' via the crushing process to raw materials including aggregates and dusts.

Typical drill and blasts at the Quarry are in the vicinity of 50,000 tonne per blast to ensure safety, quality and upkeep with production requirements. Council anticipates that up to five blasts may be required each year to meet expected production schedules of raw materials, with a total volume of 250,000 tonne per annum as per Blakebrook Quarry licensing conditions.

The contract is for a period of two years with an option at Council's absolute discretion to extend the contract for a further two years. The contract will be an MW21 contract, with Council's Purchase Order Terms and Conditions used on each engagement.

The contractor will be responsible for all components of the drill and blast activity and work within Australian Mining Standards and Lismore's internal processes where required.

Pre-Tender Actions

The tendering process is required to comply with the *Local Government (General) Regulation 2021* (the Regulation). In accordance with Clause 167 of the Regulation, the Tender Evaluation Panel decided to call tenders using the open tendering method. The tender was advertised on VendorPanel and Council's web site for a duration of at least 21 days.

Due to the nature of the work, a lump sum based on a price per tonne, plus a schedule of rates for mobilisation and other incidentals was considered to offer the best outcome for Council. This is largely due to shifting tonnage requirements by Council through any given period.

The tender specifications outlined specific technical requirements and specifically outlined the size of rock expected after blasting. Suppliers were notified that should any further crushing be required by a third party, this cost will be borne by the contractor.

The supplier must be compliant with all environmental and licensing requirements, including Council's Noise and Blast Management Plan. A copy of the Northern Rivers Quarry Explosive Control Plan Blakebrook Quarry 2022 was included in the tender documentation.

Confidential Report

These plans were included to ensure that suppliers were informed on the technical specifics of the work and to:

- avoid costly delays and ethical impacts of any unsafe acts (deliberate or accidental)
- avoid quality of shot rock debris to avoid wastage and further logistical challenges, and
- ensure environmental quality standards would be strictly applied.

Assessment Criteria

Assessment Criteria Group Summary	
Total Price	
Capability and Experience	
WHS, Risk Management and Quality Management Systems	
Environment and Community	
Local Content (Minimum 20% weighting)	

1. Total Price Schedule of Rates ()
 - Comparison of tenders received
 - Comparison with benchmarks or budget
 - Value for money
2. Capability and Experience ()
 - Demonstrated capability
 - Technical skills and ability
 - Appropriate resources
 - Delivery timeline
 - Relevant experience
 - Methodology
3. WHS, Risk Management and Quality Management System ()
 - WHS system, policies, and management.
 - Evidence of Satisfactory WHS Management
 - Quality Management Systems/Plan
4. Environment and Community ()
 - Environmental and Green considerations
5. Local Content (Minimum 20% weighting) ()
 - Physical location of Business
 - Direct Spend within our community

Assessment Methodology

Submissions would be assessed based on price and non-price criteria, with each submission awarded a score from 1-10 in each criteria, based on the following score range:

Rating	Description	Score Range
Excellent	Exceeds requirements in all ways, with very little or no risk	10
Very Good	Meets requirements in all ways, exceeds it in some, little risk involved.	8-9
Good	Meets the requirement and is workable, acceptable risk	6-7
Marginal	Nearly meets requirement, workable but may be deficient or limited in some areas, some element of risk.	4-5

Confidential Report

Poor	Offer is difficult to assess against criteria, high risk	1-3
Non-compliant	Tenderer has either stated non-compliance, demonstrated non-compliance, or there is insufficient information to assess.	0

Price Criteria Assessment

Applicants were asked to submit a price per tonne for approximately 250,000 tonne of basalt rock per annum. The Price criteria evaluation result was determined by:

- Assessing the rate per tonne.
- The rate submitted compared against other tendered rates and with the lowest rate awarded the highest score.
- The price score to be added to the non-price criteria scores with the highest scoring tender being awarded the highest rank. The final scores to be weighted and calculated.

Tenders Received

Upon close of tenders at 2pm on 25 January 2024, three submissions were received as summarised below:

Tenderer	Scheduled Rate (\$/t)	Rate per year (expected at 250,000t)
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
Ron Southon Pty Ltd	\$2.31/t	\$577,500

Tender Assessment

The Tender Evaluation Panel comprising the Head of Roads and Quarry, Quarry Production Supervisor and Procurement Officer undertook the assessment of tenders.

Tender submissions were assessed as per the selection criteria as outlined in Section 2, Clause 2.11 of the RFT documentation. The selection criteria and the outcomes of the assessment are listed below.

The Panel eliminated [REDACTED] from the evaluation as the company had not provided any responses in the Returnable Schedules as required, nor did it provide requested supporting documentation including WH&S, Quality and Safety documentation. Their submission was therefore non-compliant.

Post Tender Communication

Staff contacted [REDACTED] to clarify the price breakdown. The lump sum price had an attached Schedule of Rates that was a breakdown of the lump sum not an additional price.

Carmichael Mine Disclosure

All tenders submitted indicated they had no contractual arrangements with the Carmichael Mine.

Price ([REDACTED])

Tenderers were asked to submit a schedule of rates for works expected. The prices from each tenderer are provided in the table above.

Capability and Experience ([REDACTED])

Both tenderers presented sufficient evidence to justify the capability and experience to meet the requirements of the Blakebrook Quarry Drill and Blast Services RFT.

Lismore City Council

Meeting held 12 March 2024 - Tender TP23/215 Blakebrook Quarry Drill and Blast Services

4

Confidential Report

██████████ presented high quality submissions for Capability and Experience and was able to provide Objective, Qualifiable Evidence (OQE) to demonstrate the company could meet the requirements of the tender.

Ron Southon P/L also demonstrated extensive experience, with over 40 years' experience in the drill and blasting arena. This capability was recognised by the Panel as Ron Southon P/L has historically delivered excellent drill and blast services at Blakebrook Quarry during the last panel contract for drill and blast services.

As a local supplier, Ron Southon P/L can be onsite at short notice compared to ██████████ who require two weeks' notice for service provision. Ron Southon P/L scored one point higher (9) than ██████████ (8) for this criterion.

WH&S, Risk Management and Quality Management Systems (██████████)

Both suppliers provided adequate WH&S and Quality Management Systems, providing the expected overarching policy statements and significant detail and examples of safety process (including adequate contemporary risk assessments), and quality assurance measures.

Ron Southon P/L has ISO accreditation for their Quality and WHS systems, leading to a higher score than ██████████ which does not have ISO accreditation.

Environment and Community (██████████)

Both suppliers provided adequate environmental policies and demonstrated an understanding of environmental legislation in drill and blasting activities and obtained equal scores of (6). Neither supplier mentioned community nor social procurement.

Local Content (██████████)

Ron Southon P/L is a local supplier based in Alstonville. This applicant outlined local employment and provided complete listings of locally based suppliers for the business to demonstrate the use of local businesses and assets in their business.

It was noted ██████████ does not have a local physical location and would provide minimal local economic impact through the use of accommodation and fuel.

Therefore, Ron Southon P/L obtained a significantly higher Local Content score (10) than ██████████ (5).

Assessment Summary

Based on the tender assessment processes, Ron Southon P/L was assessed as the preferred tender supplier with a score of 81.97/100. The submission by Ron Southon P/L was to a very high standard and accurately articulated evidence to support their application in their business documentation, quality markers and processes.

The panel recognised best value for Council is obtained by analysing the total assessment criteria, and not just raw price. In the industry of mines and quarrying, particularly pertaining to explosives, it is vital that the Quarry uses providers that mitigate any adverse conditions so far as is reasonably practicable. Safety incidents and quality shortcomings, if realised, have significant reputational, accreditation and cost impacts that the Quarry and Council must fully eliminate where possible. Ron Southon P/L has demonstrated expertise and experience providing Lismore City Council with quality drill and blasting work and has regularly met Council's internal performance review assessments.

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The tender evaluation score sheet is provided below:

Tender TP23/215 Quarry Drill and Blast

					Ron Southon Pty Ltd	
	Criteria	Weighting from Tender Docs	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated
1	Total Price (out of 10; against average)				6.19	1.55
2	Capability and Experience (out of 10)				9.00	2.25
3	WHS, Risk Management and Quality Mana				9.00	1.80
4	Environment and Community (out of 10)				6.00	0.60
5	Local Content Minimum 20% (out of 10)				10.00	2.00
		100%				8.20
	Overall score out of 100					81.97

Probity Check

Comments

Finance

The recommendation as printed is supported. The 2023/2024 Operational Plan has provisions for blast and drilling. Although Council is yet to adopt the 2024/2025 Operational Plan and budgets, the current Long-Term Financial Plan model included blast and drilling funding that would be sufficient to cover the contract.

Public consultation

Not required.

Conclusion

Submissions for Tender TP23/215 Blakebrook Quarry Drill and Blast Services have been assessed in line with the requirements listed in the RFT documentation. The tender evaluation panel has identified Ron Southon Pty Ltd as the preferred contractor.

The expected expenditure is estimated to be \$577,500 per annum for approximately 250,000 tonne. Changes may occur in required production rates. Any changes will be thoroughly considered within the requirements of Council, including financial capacities.

Attachment/s

There are no attachments for this report.

Confidential Report

Report

Subject	Tender VP389172 - Esmonde Street Reservoir Wall Remediation Works
TRIM Record No	BP24/243:CDR23/1062
Prepared by	Capital Delivery Engineer
Reason	To advise Council of tenders received to remediate the Esmonde Street Reservoir and seek approval to award the contract.
Strategic Theme	Our built environment
Strategy	Our city and village services are well managed and maintained.
Action	Provide a safe water supply and associated 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.

Executive Summary

The purpose of this tender is to select a suitably qualified company with the availability, capability and experience to undertake the required works to recondition the concrete walls of the Esmonde Street Reservoir.

This report details the evaluation of the respondents' submissions to the tender and provides a recommendation to Council to accept the tender from Duratec Limited.

Recommendation

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from Duratec Limited for Contract CDR23/1062 Esmonde Street Reservoir Wall Remediation Works, for the sum of \$706,102 (ex GST)
2. delegation be provided to the General Manager to finalise and execute the contract and any other documentation required to give effect to this resolution
3. Council approve the increase in the 2023/2024 budget of \$270,000 to undertake the required works with funding from Water Fund Reserves
4. a redacted copy of this report be released as a public document

Confidential Report

Background

The purpose of this tender is to select a suitably qualified company with the capability, experience and availability to undertake wall remediation works to the Esmonde Street Reservoir, as identified in the 2023/2024 Water Capital Program.

The Esmonde Street Reservoir is located at 15A Esmonde Street, Girards Hill, and was constructed circa 1938. The construction methodology was cast in-situ reinforced concrete with dimensions of 7.8 metres in height and 30.5 metres in diameter, therefore making the capacity 5.68 megalitres. This reservoir status is offline, however it is imperative within the network as it transfers water via the Esmonde Street pump station to the Robinson Avenue Reservoir. Furthermore, this reservoir plays a significant role in distributing water to the central zone in flood situations.

Records indicate no significant maintenance has been undertaken on the concrete walls of the Esmonde Street Reservoir in its 85 years of service.

The Request for Tender (RFT) was advertised on VendorPanel in accordance with Clause 167 of the *Local Government (General) Regulation 2021*. The RFT was developed under Council's Mini Minor Works (MMW) contract form and included a scope of works and also presented the contractors with a Level 2 Asset Condition Report to aid with their tender submission. Council's Procurement Policy was also available which outlined the objectives of Council's procurement, and therefore the evaluation criteria to award the tender.

The RFT advised that a compulsory site visit was required by contractors prior to the RFT closing date.

The following aerial map provides an overview of the site known as the Esmonde Street Reservoir.



Plate 1: 15A Esmonde Street, Girards Hill

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Tender Submissions

A total of three tender submissions were received by the close of tender on 15 December 2023 and are listed below:

- [REDACTED]
- Duratec Limited
- [REDACTED]

The tender was open for at least 21 days and the statistics are shown below.

Tendering Method	Open Tendering
Tender Opened	7 November 2023
Tender Closed	15 December 2023

VendorPanel statistics for the tender are shown below.

Statistics for this request	Number of suppliers who've read it : 99 Number of suppliers intending to respond : 7 Number of responses in draft : 0 Number of responses submitted : 3
Name: Esmonde Street Reservoir Wall Remediation Works Ref: VP389172	

Tender Evaluation Panel

The tender evaluation panel comprised Council's Water Capital Delivery Engineer and Manager Water & Wastewater.

The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Process.

Confidentiality and probity were maintained throughout the process.

Methodology

The following criteria and weightings were used to assess submissions received:

Criteria	Group Summary	Weighting
1	Total Price	[REDACTED]
2	Capability and Experience	
3	WH&S, Risk Management and Quality Management Systems	
4	Local Content	
5	Methodology and Products Used	

Tenders were ranked in respect of each criteria as follows:

Rating	Description	Score (example)
Excellent	Exceeds requirements in all ways, with very little or no risk	10
Very Good	Meets requirements in all ways, exceeds it in some, little risk involved	8-9
Good	Meets the requirement and is workable, acceptable risk	6-7
Marginal	Nearly meets requirement, workable but may be deficient or limited in some areas, some element of risk	4-5
Poor	Offer is difficult to assess against criteria, high risk	1-3

Confidential Report

Non-compliant	Tenderer has either stated non-compliance, demonstrated non-compliance, or there is insufficient information to assess	0
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Tender Price ()

- Comparison of tenders received
- Value for money

Capability, Experience and Availability ()

- Demonstrated capability
- Technical skills and ability
- Availability to meet project timeframes
- Certifications/ licences
- Appropriate resources
- Methodology
- Relevant experience
- Financial capacity

WH&S, Risk Management and Quality Management System ()

- WH&S system, policies and management
- Risk assessment
- Evidence of satisfactory WHS management
- Quality Management Systems/ Plan

Local Content ()

- Tenderers were scored on their response to this Tender Schedule in accordance with Council's Local Supplier preference policy requirements

Methodology & Products Used ()

- Methodology aligns with best practice principals
- Products used do not negatively affect drinking water quality - no volatiles

Sections 166-177 Local Government (General) Regulation 2021

The tender evaluation was pursuant to Section 177 of the *Local Government (General) Regulation 2021*. Contractors were selected on VendorPanel as an Open Tendering selection and the tender was advertised on VendorPanel and Council's web site for a duration of at least 21 days.

Evaluation Results

Carmichael Mine Disclosure

and Duratec Ltd have confirmed they do not have a direct contractual agreement to construct or operate at the Carmichael Mine. The advised it had a historical interest in the Carmichael Mine.

The table below shows the engagement matrix of the applied and vetted scores and their given weighting.

Confidential Report

Scoring Criteria		Duratec Ltd	
Total Price (ex GST)		\$706,102	
Price Score		33.90	
Capability & Experience		7.00	
WHS, Environmental & Quality Systems		7.00	
Local Content		14.00	
Methodology and Products Used		5.00	
Total Weighted Score out of 100		66.90	

Table: Scoring matrix

Of note is that provisional items have been calculated into the total Price line item and include.

- rehabilitation of wall/ floor joints
- requirement of concrete patch repair of internal walls as required
- anti-graffiti coating
- disinfection
- commissioning

Evaluation Summary

Total Price ()

The table above provides the tender prices submitted by the three companies.

Capability & Experience ()

- Duratec Ltd provided evidence of working on similar projects (similar scope) with greater contract values; including CVs for their project team.
- submission listed past experience with only one comparable project. The company has experience in both water and wastewater projects in terms of rehabilitation of assets, having worked with major water utilities around the country. It has 15 full time employees suggesting a reliance on sub contractors.
- supplied no past experience or capability statement company profile or cover letter with its submission.

WHS, Environment & Quality Systems ()

- Duratec Ltd's submission indicated compliance with SAS/NZS4081, AS/NZS ISO9001 and ISO14001; historical fine for a powerline strike (with corrective actions); accreditation to ISO9001, ISO45001 and ISO1400, including an example HSEQ – management plan, and provided its Plant Management Procedure document.
- is accredited for ISO9001, ISO14001 and ISO45001, supplied their Plant Register and Maintenance Record with their submission. EP waste transportation accreditation/ licence identified. Safety documentation was supplied, however, no management plans were submitted.
- advised of accreditation with ISO9001 and ISO4801 and submitted examples of its SWMS and HSE Plans.

Local Content ()

- Duratec Ltd provided a list of suppliers and trades that would be engaged for the works, and also mentioned their staff would be accommodated and dine in the local government area, resulting in a higher score.
- advised they would use the services of Richmond Waste and Coates Hire in Lismore and Ballina Scaffolding.

Lismore City Council

Meeting held 12 March 2024 - Tender VP389172 - Esmonde Street Reservoir Wall
Remediation Works

5

Confidential Report

- [REDACTED] did not provide any information regarding its anticipated local spend.

Methodology & Products Used [REDACTED]

- Duratec Ltd – Submission advised their scaffold and scissor lift would be employed; combined space entry spotter would be engaged full time; high pressure external clean and graffiti removal included; grout removal/ replacement included; internal wall joints with Sika Combiflex - Council approved; grind surface flat for joint preparation. Duratec Ltd also submitted a construction management plan with itemised and detailed scope of works and identified risks; will undertake a dilapidation survey of adjacent properties. Submitted program suggests 93 days duration.
- [REDACTED] - Preparation of all site documents, mobilisation costs identified; environmental controls identified; high pressure clean included; defined scope adequately. Exclusively scaffolding for works. Submitted program suggests 48 days duration.
- [REDACTED] – Submission provided no detail of floor joints repair and minimal allowance for crack repair suggesting a high risk for variations.

Probity Check

[REDACTED]

Budget

The 2023/24 budget includes an allocation of \$512,000 for capital works to reservoirs. Currently \$74,000 has been expended to date on conducting investigation works. Council approval is sought for additional funds of \$270,000 to be released from Water Reserves to achieve this scope of works.

Comments

Finance

The recommendation is supported as printed.

Public consultation

Not required.

Conclusion

Tender submissions have been assessed in line with the requirements outlined in the Request for Tender documentation.

The tender evaluation panel recommends the contract for Contract VP389172 Esmonde Street Reservoir Wall Remediation Works be awarded to Duratec Limited.

Attachment/s

There are no attachments for this report.