

ORDINARY MEETING

MINUTES

23 APRIL 2024

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PRESENT

Cr Robert Aitchison
Cr Kristy Flannery
Cr Peter Garnham
Cr Mitchell Griffin
Cr Bill Hackney
Cr Sally Halliday
Cr Ben Mitchell
Cr Philip Penfold, Mayor
Cr Kanchan Ranadive
Cr Mike Yarrington

1 INVOCATION

The General Manager read the customary prayer at the commencement of the meeting.

2 ACKNOWLEDGEMENT OF COUNTRY

The General Manager read the Acknowledgement of Country.

3 APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

COUNCIL RESOLUTION

THAT the apology received for the unavoidable absence of Cr L Baker, Cr S Fisher and Cr B Whiting be accepted and leave of absence granted

Moved Cr P Garnham, Seconded Cr B Mitchell

CARRIED

For:	Cr R Aitchison	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr M Yarrington	

4 DECLARATIONS OF INTEREST

Cr R Aitchison declared a less than significant non-pecuniary interest in Item 10.3, 10.5 & 12.1 as his wife Jenny Aitchison is the NSW State Member for Maitland and Minister for Regional Transport & Roads.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 9 April 2024 be confirmed.

Moved Cr K Flannery, Seconded Cr P Garnham

CARRIED

For:	Cr R Aitchison	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr M Yarrington	

6 BUSINESS ARISING FROM MINUTES

Nil

7 WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS

Nil

8 PUBLIC ACCESS

Nil

9 MAYORAL MINUTE

Nil

10 OFFICERS REPORTS

10.1 APPROVAL OF WORKS IN KIND AGREEMENT - SHARED PATHWAY THORNTON NORTH - ALLAM PROPERTY GROUP PTY LTD

FILE NO:	103/41/52
ATTACHMENTS:	1. Draft Works in Kind Agreement (Under Separate Cover)
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Brett Gardiner - Manager Strategic Planning Adam Ovenden - Coordinator City Planning Anne Humphries - Principal Development Contributions Planner
AUTHOR:	Melissa Harvey - Development Contributions Officer
MAITLAND +10	Outcome 2 To easily get to where we want to go
COUNCIL OBJECTIVE:	2.2.1 Develop and promote Council's long term program for road and related infrastructure construction and maintenance

EXECUTIVE SUMMARY

Council is in receipt of an application from Allam Property Group to enter into a Works in Kind Agreement for the delivery of a shared pathway which forms part of an item identified as TN30 in the Thornton North Development Contributions Plan.

The subject works traverse several development sites over which the Developer has received approvals for the subdivision of land. Details of the consents and proposed works are presented in the body of the report along with applicable s7.11 Development Contributions levied under the TNCP.

The draft Agreement has been prepared and is now presented with a recommendation for approval.

OFFICER'S RECOMMENDATION

THAT

1. THAT the draft Works in Kind Agreement as presented in Attachment 1 to this report be approved.

COUNCIL RESOLUTION

THAT

- 1. THAT the draft Works in Kind Agreement as presented in Attachment 1 to this report be approved.**

Moved Cr M Yarrington, Seconded Cr M Griffin

CARRIED

For:

Cr R Aitchison
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr B Mitchell
Mayor P Penfold
Cr K Ranadive
Cr M Yarrington

Against:

10.2 GRANT APPLICATION UNDER THE PLAY OUR WAY PROGRAM 2024

FILE NO:	65/87
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Tiffany Allen - Executive Manager People and Performance Darren Crumpler - Acting Group Manager Culture Community and Recreation
AUTHOR:	Michelle Ayoub - Corporate Grants Lead Kelly Arnott - Manager Corporate Planning and Performance
MAITLAND +10	Outcome 4 To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3.3 Construct, maintain and manage inclusive sport and recreation facilities across the city

EXECUTIVE SUMMARY

This report outlines a grant opportunity to seek funding under the Play Our Way Program available through the Department of Health and Aged Care.

OFFICER'S RECOMMENDATION

THAT

- 1. Council support a grant application under the Play Our Way Program to complete stage two upgrade works at Cooks Square Park.**
- 2. The outcome of the application is reported back to Council through the quarterly grants update.**

COUNCIL RESOLUTION

THAT

- 1. Council support a grant application under the Play Our Way Program to complete stage two upgrade works at Cooks Square Park.**
- 2. The outcome of the application is reported back to Council through the quarterly grants update.**

Moved Mayor P Penfold, Seconded Cr S Halliday

CARRIED

For:

Cr R Aitchison
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr B Mitchell
Mayor P Penfold
Cr K Ranadive
Cr M Yarrington

Against:

10.3 GRANT APPLICATION UNDER THE ROAD SAFETY PROGRAM 2023-24 TO 2025-26

FILE NO:	65/86
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Ashley Kavanagh - Acting Group Manager Infrastructure & Works Kelly Arnott - Manager Corporate Planning and Performance
AUTHOR:	Chris Pinchen - Operations Manager Transport & Infrastructure Engineering Kate Taylor - Road Safety Officer Michelle Ayoub - Corporate Grants Lead
MAITLAND +10	Outcome 2 To easily get to where we want to go
COUNCIL OBJECTIVE:	2.2.2 Make our roads safer through the timely delivery of road maintenance and safety programs

EXECUTIVE SUMMARY

This report outlines a grant opportunity to seek funding under the joint Federal Department of Infrastructure, Transport, Regional Development, Communications and the Arts and the State Transport for NSW Road Safety Program. Three (3) projects that align with the program objectives have been identified for grant funding nomination.

OFFICER'S RECOMMENDATION

THAT

1. Council support grant applications under the Road Safety Program for the following projects:
 - a. Tigerhawk Drive and Heritage Drive Chisholm – Roundabout,
 - b. Raymond Terrace Road Thornton Shared Pathway – Between Settlers Boulevard and Hillgate Drive, and
 - c. Ashtonfield Public School – School Zone Road Safety Infrastructure.

COUNCIL RESOLUTION

THAT

1. Council support grant applications under the Road Safety Program for the following projects:
 - a. Tigerhawk Drive and Heritage Drive Chisholm – Roundabout,
 - b. Raymond Terrace Road Thornton Shared Pathway – Between Settlers Boulevard and Hillgate Drive, and
 - c. Ashtonfield Public School – School Zone Road Safety Infrastructure.

Moved Cr S Halliday, Seconded Cr M Yarrington

CARRIED

For:	Cr R Aitchison	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr M Yarrington	

10.4 HUNTER ESTUARY VIBRANT RIVER EDUCATION GRANT PUBLIC EXHIBITION RESPONSE

FILE NO:	55/8
ATTACHMENTS:	1. Engagement Report Hunter River Education Program (Under Separate Cover)
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Catherine Pepper - Manager Environment & Sustainability
AUTHOR:	Deanne Nelson-Pritchard - Principal Estuary Officer
MAITLAND +10	Outcome 10 To love and look after our great outdoors
COUNCIL OBJECTIVE:	10.3.2 Partner with relevant parties to protect, enhance, maintain and restore river and wetland health and amenity through the development and delivery of a Hunter River Estuary Coastal Management Plan

EXECUTIVE SUMMARY

This report provides the results of the public consultation undertaken for the Vibrant River Education Project, including draft site plans at the three river sites of Melville Ford, Lorn and Morpeth Queens Wharf. This project addresses community concern on human actions that result in increased erosion at Melville Ford, Lorn and Morpeth. Feedback received during public consultation indicates community concern about the state of the river and the need to provide resourcing and management past this project to develop a healthy river that can be protected and utilised by the whole community.

Community feedback has been incorporated into site plans and ongoing education initiatives, however, has not changed the intent of the project overall.

OFFICER'S RECOMMENDATION

THAT

1. Feedback received from the community consultation is noted.
2. Implementation of works at the three river sites of Melville Ford, Lorn and Morpeth Queens Wharf proceed, incorporating the amendments outlined in the report.

COUNCIL RESOLUTION

THAT

- 1. Feedback received from the community consultation is noted.**
- 2. Implementation of works at the three river sites of Melville Ford, Lorn and Morpeth Queens Wharf proceed, incorporating the amendments outlined in the report.**

Moved Cr S Halliday, Seconded Cr B Mitchell

CARRIED

For:

Cr R Aitchison
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr B Mitchell
Mayor P Penfold
Cr K Ranadive
Cr M Yarrington

Against:

10.5 GRANT OPPORTUNITIES IDENTIFIED TO ADDRESS FUNDING SHORTFALL FOR TWO MAJOR THORNTON ROAD PROJECTS

FILE NO:	65/15
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Ashley Kavanagh - Acting Group Manager Infrastructure & Works Kelly Arnott - Manager Corporate Planning and Performance
AUTHOR:	Chris Pinchen - Operations Manager Transport & Infrastructure Engineering Michelle Ayoub - Corporate Grants Lead
MAITLAND +10	Outcome 2 To easily get to where we want to go
COUNCIL OBJECTIVE:	2.2.2 Make our roads safer through the timely delivery of road maintenance and safety programs

EXECUTIVE SUMMARY

The purpose of this report is to seek support from Council towards the lodgment of multiple grant funding opportunities that have been identified as potential funding sources to address a shortfall and enable the delivery of two major road projects in Thornton - the Haussman and Raymond Terrace Road intersection and the Taylor Avenue roundabout and Haussman Drive duplication.

OFFICER'S RECOMMENDATION

THAT

1. Council support grant applications to address a shortfall for two major roads projects in Thornton including the Haussman and Raymond Terrace Road intersection and the Taylor Avenue roundabout and Haussman Drive duplication under the for the following funding programs:
 - a. State Voluntary Planning Agreements
 - b. Housing Support Program
 - c. Towards Zero Safer Roads Program
 - d. Heavy Vehicle Safety and Productivity Program
 - e. Regional Precincts and Partnerships Program

COUNCIL RESOLUTION

THAT

1. Council support grant applications to address a shortfall for two major roads projects in Thornton including the Haussman and Raymond Terrace Road intersection and the Taylor Avenue roundabout and Haussman Drive duplication under the for the following funding programs:
 - a. State Voluntary Planning Agreements
 - b. Housing Support Program
 - c. Towards Zero Safer Roads Program
 - d. Heavy Vehicle Safety and Productivity Program
 - e. Regional Precincts and Partnerships Program

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

For:

Cr R Aitchison
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr B Mitchell
Mayor P Penfold
Cr K Ranadive
Cr M Yarrington

Against:

Council moved into Policy & Finance Committee at 5.49 pm.

Moved Cr P Garnham, Seconded Cr M Yarrington

CARRIED

For:

Cr R Aitchison
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr B Mitchell
Mayor P Penfold
Cr K Ranadive
Cr M Yarrington

Against:

11 POLICY AND FINANCE COMMITTEE

11.1 BUILDING LINE AND FENCING - RADBURN ESTATE POLICY REPORT

FILE NO:	21/41
ATTACHMENTS:	1. Building Line and Fencing - Radburn Estate Thornton Policy 2024
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Cindy Littlewood - Manager Development & Compliance
AUTHOR:	Andrew Ashton - Coordinator Building & Development
MAITLAND +10	Outcome 7 To afford the house we want in the neighbourhood we like
COUNCIL OBJECTIVE:	7.2.1 Maintain guidelines for appropriate design and construction of major subdivisions

EXECUTIVE SUMMARY

This is a review of an existing policy. The contents of this policy are to be implemented into a future development control plan review. In the interim, the contents of this policy are required to be endorsed for use until the DCP review has occurred. This policy sets out the requirements and the process for building line setbacks and fencing requirements with Radburn Estate.

OFFICER'S RECOMMENDATION

THAT

1. The Building Line and Fencing - Radburn Estate Policy 2024 be adopted.

COMMITTEE RECOMMENDATION

THAT

1. The Building Line and Fencing - Radburn Estate Policy 2024 be adopted.

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

For:

Cr R Aitchison
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr B Mitchell
Mayor P Penfold
Cr K Ranadive
Cr M Yarrington

Against:

11.2 COUNCILLOR AND STAFF INTERACTION POLICY

FILE NO:	35/1
ATTACHMENTS:	1. Councillor and Staff Interaction Policy 2024
RESPONSIBLE OFFICER:	Tiffany Allen - Executive Manager People and Performance Linda McLaren - Office Manager
AUTHOR:	Shauna Stafford - Manager Communications, Marketing and Engagement Tina Nay - Senior Governance Officer
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.2.3 Foster an engaged workforce that is skilled, collaborative and focused on our customer

EXECUTIVE SUMMARY

The proposed Councillor and Staff Interaction Policy is based on the Office of Local Government Model Councillor and Staff Interaction Policy. Positive, professional working relationships between councillors and staff are a key element of any council's success.

OFFICER'S RECOMMENDATION

THAT

- 1. Council adopt the Councillor and Staff Interaction Policy.**

COMMITTEE RECOMMENDATION

THAT

- 1. Council adopt the Councillor and Staff Interaction Policy.**

Moved Cr P Garnham, Seconded Cr K Flannery

CARRIED

For:

Cr R Aitchison
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr B Mitchell
Mayor P Penfold
Cr K Ranadive
Cr M Yarrington

Against:

11.3 STATEMENT OF INVESTMENTS AS AT 31 MARCH 2024

FILE NO:	82/2
ATTACHMENTS:	1. Council's Holdings at 31 March 2024
RESPONSIBLE OFFICER:	Annette Peel - Manager Finance & Procurement
AUTHOR:	Narelle Jeffries - Financial Accountant Laura Barry - Financial Accountant
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

Clause 212 of the Local Government (General) Regulation 2021 requires Council to report on its investments.

As at the end of March 2024, Council had investments totalling \$214,521,666 under management.

Council's investment portfolio recorded a marked-to-market return of 5.41% per annum versus the bank bill index benchmark return of 4.41% per annum. The actual investment return for the month of March was \$1,018,258 a favourable variance of \$290,583 when compared to the monthly budget forecasts of \$727,675.

Council remains fully compliant with all Investment Policy requirements.

OFFICER'S RECOMMENDATION

THAT

1. The report indicating Council's Funds Management position be received and noted.
2. The certification of the Responsible Accounting Officer be noted and the report adopted.

COMMITTEE RECOMMENDATION

THAT

- 1. The report indicating Council's Funds Management position be received and noted.**
- 2. The certification of the Responsible Accounting Officer be noted and the report adopted.**

Moved Cr S Halliday, Seconded Cr K Flannery

CARRIED

For:	Cr R Aitchison	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr M Yarrington	

Council resumed into Ordinary Council at 5.51pm.

Moved Cr M Yarrington , Seconded Cr K Flannery

CARRIED

For:	Cr R Aitchison	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr M Yarrington	

The following recommendations made whilst Council was in Policy & Finance Committee were read to the meeting by the General Manager.

11.1 BUILDING LINE AND FENCING - RADBURN ESTATE POLICY REPORT

THAT

1. The Building Line and Fencing - Radburn Estate Policy 2024 be adopted.

11.2 COUNCILLOR AND STAFF INTERACTION POLICY

THAT

1. Council adopt the Councillor and Staff Interaction Policy.

11.3 STATEMENT OF INVESTMENTS AS AT 31 MARCH 2024

THAT

1. The report indicating Council's Funds Management position be received and noted.
2. The certification of the Responsible Accounting Officer be noted and the report adopted.

COUNCIL RESOLUTION

THAT

The Committee's recommendations be adopted.

Moved Cr M Griffin, Seconded Cr K Ranadive

CARRIED

For:	Cr R Aitchison	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr M Yarrington	

12 NOTICES OF MOTION/RESCISSION

12.1 TRAFFIC AT THE NEW MAITLAND HOSPITAL

NOTICE OF MOTION SUBMITTED BY CR MITCHELL GRIFFIN

FILE NO: 35/48
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: Jeff Smith - General Manager

Cr Mitchell Griffin has indicated his intention to move the following Notice of Motion at the next Council Meeting being held on 23 April 2024:

THAT

1. That council write to the Member for Maitland and Minister for Regional Transport and Roads, Jenny Aitchison, to request funding to conduct a traffic study into peak hour traffic delays at the New Maitland Hospital Roundabout including its delays on Raymond Terrace Road resulting from backed up traffic.
2. Council also requests an update from the Minister, on Maitland previously requested road reclassifications including Metford Road.
3. Council officers report back to the Council within 3 months as to any replies received and potential options to assist with reducing congestion at peak periods at the aforementioned site.

The new Maitland Hospital has now been open for over two years. As part of the opening of the hospital a roundabout was built at the intersection of Metford Road and Fieldsend Street.

Since the completion of the hospital, residents of our city have been experiencing daily delays during peak hour times which starts at this roundabout. On a daily basis traffic stretches back to Raymond Terrace Road to the north and Chelmsford Drive to the south. Quite often traffic will be backed up beyond the cemeteries on Raymond Terrace Road and almost up to Harvest Boulevard.

This motion calls on council to seek funding to undertake a study into this traffic, and report back to councillors with potential options to assist with reducing congestion in this area.

COUNCIL RESOLUTION**THAT**

1. That council write to the Member for Maitland and Minister for Regional Transport and Roads, Jenny Aitchison, to request funding to conduct a traffic study into peak hour traffic delays at the New Maitland Hospital Roundabout including its delays on Raymond Terrace Road resulting from backed up traffic.
2. Council also requests an update from the Minister, on Maitland previously requested road reclassifications including Metford Road.
3. Council officers report back to the Council within 3 months as to any replies received and potential options to assist with reducing congestion at peak periods at the aforementioned site.

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

For:

Cr R Aitchison
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr B Mitchell
Mayor P Penfold
Cr K Ranadive
Cr M Yarrington

Against:

13 QUESTIONS WITH NOTICE

Nil

14 URGENT BUSINESS

Nil

Council moved into Committee of the Whole at 6.04 pm.

Moved Cr M Yarrington, Seconded Cr M Griffin

CARRIED

For:	Cr R Aitchison	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr M Yarrington	

Council moved into Closed Session of the Committee of the Whole for the reasons specified in the Agenda, and closed the meeting to the public at 6.04 pm.

Moved Cr P Garnham, Seconded Cr M Yarrington

CARRIED

For:	Cr R Aitchison	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr M Yarrington	

15 COMMITTEE OF THE WHOLE

15.1 CONSIDERATION OF TENDERS - ENTERPRISE RESOURCE PLANNING SOLUTION 2023/2290

FILE NO:	2023/2290
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Mark Margin - Executive Manager Customer & Digital Services
AUTHOR:	Jeff Nowland - Digital Transformation Program Manager
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.2 Have a local government that is 'un-council like' in the delivery of great service

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows: (f) details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

EXECUTIVE SUMMARY

A Selective Request For Proposal (RFP) Tender was called to engage the most suitably qualified and experienced vendor for the supply of a local council Enterprise Resource Planning (ERP) solution to ensure that MCC has the appropriate technology solutions needed for the organisation and our customers. The RFP provided details of the functional, system and service requirements for the ERP solution, such that the vendor could verify the compliance of their proposed solution and approach.

From an Open Expression of Interest tender completed in October 2023, three (3) suppliers were selected for the selective RFP tender. Their tender responses were received and assessed by a tender review panel. This report provides details of the tender assessment and a request for resolution. This report is being presented to the Committee of the Whole as it contains confidential information.

COMMITTEE RECOMMENDATION

THAT

- 1. Council decline to accept any of the quotations received from RFP 2023/2290 "Enterprise Resource Planning Solution".**
- 2. Enter into negotiations with TechnologyOne Limited and Civica Pty Ltd with a view to entering into a contract in relation to the subject matter proposal.**
- 3. Council's reasons for declining to invite fresh proposals are that:**

- a. Inviting fresh quotations would be unlikely to result in a significantly different or improved result for Council
 - b. The complexity of the project will require extensive negotiation on the contract terms
 - c. Direct negotiation will enable Council to achieve optimal value for money
4. Council's reasons for determining to enter into negotiations with TechnologyOne and Civica Pty Ltd are:
- a. Negotiating with the two highest ranked entities is considered to provide a successful outcome whilst maintaining a competitive process
 - b. The proposals from TechnologyOne Limited and Civica Pty Ltd were the two highest ranked proposals
 - c. The proposals from TechnologyOne Limited and Civica Pty Ltd demonstrated that these entities have the capability to undertake the works
 - d. The proposals from TechnologyOne Limited and Civica Pty Ltd demonstrated a thorough understanding of the project risks through the submitted methodology
5. Delegate authority to the General Manager to enter into negotiations with TechnologyOne Limited and Civica Pty Ltd.
6. Enter into an agreement with the preferred supplier and delegate authority to the General Manager to execute any documentation relevant to finalise this matter.

Moved Cr R Aitchison, Seconded Cr P Garnham

CARRIED

For:	Cr R Aitchison	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr M Yarrington	

15.2 CONSIDERATION OF TENDERS - MELVILLE FORD BRIDGE REPLACEMENT - DESIGN AND CONSTRUCT

FILE NO:	2023/137/2200
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Ashley Kavanagh - Acting Group Manager Infrastructure & Works
AUTHOR:	Michael Leong - Works Engineer
MAITLAND +10	Outcome 2 To easily get to where we want to go
COUNCIL OBJECTIVE:	2.2 Make it safe and easy to get around the city, no matter how we choose to travel

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows: (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

EXECUTIVE SUMMARY

Tenders were called to engage a suitably qualified and experienced contractor to undertake the design and construction of a replacement bridge at Melville Ford, Aberglasslyn.

Six tenders were received and assessed by a tender review panel. This report provides details of the tender assessment and a recommendation to award a contract for the works. This report is being presented to the Committee of the Whole as it contains confidential information.

COMMITTEE RECOMMENDATION

THAT

- 1. Council declines to accept any of the tender submissions under Clause 178 (1)(b) of the Local Government (General) Regulations 2021**
- 2. Council enters negotiations with Saunders Civilbuild Pty Ltd for the Design and Construction of the Melville Ford Bridge Replacement to further develop Preferred Options 1 or 2 to achieve best outcome for Council and the community by including a pedestrian walkway within the available project contract budget, under Clause 178 (3)(e) of the Local Government (General) Regulations 2021**
- 3. Council's reasons for declining to invite fresh proposals are that:**
 - a. Inviting fresh proposals would be unlikely to result in a significantly different or improved result for Council**
 - b. Direct negotiation will enable Council to achieve optimal value for money**
 - c. Grant funding agreement delivery time frames would not be met**

4. Council's reasons for determining to enter into negotiations with Saunders Civilbuild Pty Ltd are:
 - a. The two highest ranked options were provided by Saunders Civilbuild Pty Ltd
 - b. The two proposals to be negotiated present Council with the best opportunity to achieve the most advantageous bridge outcomes for now and into the future.
 - c. Saunders Civilbuild Pty Ltd demonstrated understanding of the project, opportunities for enhanced outcomes and strong previous experience.
5. Delegate authority to the General Manager to enter negotiations with Saunders Civilbuild Pty Ltd
6. Enter into an agreement with the preferred supplier and delegate authority to the General Manager to execute any documentation relevant to finalise this matter.

Moved Mayor P Penfold, Seconded Cr P Garnham

CARRIED

For:	Cr R Aitchison	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr M Yarrington	

Council resumed into Ordinary Council at 6.11 pm.

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

For:	Cr R Aitchison Cr K Flannery Cr P Garnham Cr M Griffin Cr B Hackney Cr S Halliday Cr B Mitchell Mayor P Penfold Cr K Ranadive Cr M Yarrington	Against:
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16 COMMITTEE OF THE WHOLE RECOMMENDATIONS

The General Manager read the Recommendation from the Committee of the Whole/Closed Session as follows:

15.1 CONSIDERATION OF TENDERS - ENTERPRISE RESOURCE PLANNING SOLUTION 2023/2290

THAT

1. Council decline to accept any of the quotations received from RFP 2023/2290 "Enterprise Resource Planning Solution".
2. Enter into negotiations with TechnologyOne Limited and Civica Pty Ltd with a view to entering into a contract in relation to the subject matter proposal.
3. Council's reasons for declining to invite fresh proposals are that:
 - a. Inviting fresh quotations would be unlikely to result in a significantly different or improved result for Council
 - b. The complexity of the project will require extensive negotiation on the contract terms
 - c. Direct negotiation will enable Council to achieve optimal value for money
4. Council's reasons for determining to enter into negotiations with TechnologyOne and Civica Pty Ltd are:
 - a. Negotiating with the two highest ranked entities is considered to provide a successful outcome whilst maintaining a competitive process

- b. The proposals from TechnologyOne Limited and Civica Pty Ltd were the two highest ranked proposals
 - c. The proposals from TechnologyOne Limited and Civica Pty Ltd demonstrated that these entities have the capability to undertake the works
 - d. The proposals from TechnologyOne Limited and Civica Pty Ltd demonstrated a thorough understanding of the project risks through the submitted methodology
5. Delegate authority to the General Manager to enter into negotiations with TechnologyOne Limited and Civica Pty Ltd.
 6. Enter into an agreement with the preferred supplier and delegate authority to the General Manager to execute any documentation relevant to finalise this matter.

15.2 CONSIDERATION OF TENDERS - MELVILLE FORD BRIDGE REPLACEMENT - DESIGN AND CONSTRUCT

THAT

1. Council declines to accept any of the tender submissions under Clause 178 (1)(b) of the Local Government (General) Regulations 2021
2. Council enters negotiations with Saunders Civilbuild Pty Ltd for the Design and Construction of the Melville Ford Bridge Replacement to further develop Preferred Options 1 or 2 to achieve best outcome for Council and the community by including a pedestrian walkway within the available project contract budget, under Clause 178 (3)(e) of the Local Government (General) Regulations 2021
3. Council's reasons for declining to invite fresh proposals are that:
 - a. Inviting fresh proposals would be unlikely to result in a significantly different or improved result for Council
 - b. Direct negotiation will enable Council to achieve optimal value for money
 - c. Grant funding agreement delivery time frames would not be met
4. Council's reasons for determining to enter into negotiations with Saunders Civilbuild Pty Ltd are:
 - a. The two highest ranked options were provided by Saunders Civilbuild Pty Ltd
 - b. The two proposals to be negotiated present Council with the best opportunity to achieve the most advantageous bridge outcomes for now and into the future.
 - c. Saunders Civilbuild Pty Ltd demonstrated understanding of the project, opportunities for enhanced outcomes and strong previous experience.

5. Delegate authority to the General Manager to enter negotiations with Saunders Civilbuild Pty Ltd

6. Enter into an agreement with the preferred supplier and delegate authority to the General Manager to execute any documentation relevant to finalise this matter.

COUNCIL RESOLUTION

THAT

The Committee's recommendations be adopted.

Moved Cr M Griffin, Seconded Cr P Garnham

CARRIED

For:	<p>Cr R Aitchison Cr K Flannery Cr P Garnham Cr M Griffin Cr B Hackney Cr S Halliday Cr B Mitchell Mayor P Penfold Cr K Ranadive Cr M Yarrington</p>	Against:
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17 CLOSURE

The meeting was declared closed at 6.15 pm.

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Chairperson