



Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 28 October 2024

at 6:00 PM

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# ORDER OF BUSINESS

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## 1. Administration Reports

### 1.1. I&E - 28/10/2024 - Targeted Biodiversity Surveys - Wolgan Road Reconstruction

#### Strategic Context for this matter:

**Enhancing Our Natural Environment** To balance, protect and enhance our diverse environmental elements, both natural and built, for the enjoyment and support of both current and future generations.

**Author:** Jonathon Edgecombe – Director Infrastructure and Economy  
**Responsible Officer:** Jonathon Edgecombe - Director of Infrastructure and Economy

#### Executive Summary

After carrying out an extensive Targeted Biodiversity Survey procurement process in consultation with Council's expert consultants, BD Infrastructure, the Administration is now able to make a recommendation for an award of contract.

Appropriately scheduling of environmental surveys is vital to ensure that the process is extensive and does not miss certain habitats or species clusters. This targeted survey is important to ensure that Council can complete biodiversity surveys within the current spring season. The Administration has followed Lithgow City Council procurement guidelines by approaching 7 companies to participate in an RFQ process and have received 2 proposals in return.

Council has received funding approval and advance payment from Transport for NSW to continue works on several strategic planning and investigation initiatives for the Wolgan Road Reconstruction project.

#### Administration's Recommendation

THAT Council appoint EMM Consulting Pty Ltd to undertake targeted biodiversity surveys for a cost of \$354,397.50 ex. GST

#### Attachments

1. Attachment 1 - Wolgan Rd planning approvals discussion paper [1.1.1 - 86 pages]
2. Confidential - Tender Assessment Details [1.1.2 - 2 pages]

#### Reference to any relevant previous minute

- Min. No.: 24-188 - Ordinary Meeting of Council held 26 August 2024 (I&E – 26/08/24 - Continuation of the Wolgan Road Reconstruction – Interim budget allocation)
- Min. No.: 24-136 - Ordinary Meeting of Council held 24 June 2024 (I&E – 24/06/24 - Wolgan Road – Essential Public Asset Reconstruction Application)
- Min. No.: 23-72 – Ordinary Meeting of Council held 24 April 2023 (Wolgan Valley Alternate Alignment Study)
- Min. No.: 23-52 – Ordinary Meeting of Council held 27 March 2023 (Wolgan Road – Review of Slope Risk Assessment)

## Background and discussion

As part of the Wolgan Road Reconstruction Project, Council issued a Request for Tender for Targeted Biodiversity Surveys. These surveys were outlined by BD Infrastructure in their Planning Approvals discussion paper as items for further consideration.

*Consider carrying out further detailed biodiversity investigations (in accordance with the BAM) early in the project development process to inform design development and to assist Council in determining whether the Project may have significant biodiversity impacts and whether an EIS (or REF and SIS) is required. Consideration should also be given to potential program impacts associated with requirements for spring surveys as part of any biodiversity assessment/ BDAR.*

In response to the recommendation, Council has taken steps to procure a Biodiversity Assessment Method (**BAM**) accredited consultant to carry out this work. In consideration of these further investigations, conducting early, detailed biodiversity assessments in accordance with the BAM is crucial. These assessments will inform the design development and assist Council in determining whether the project may have significant biodiversity impacts. This proactive approach will ensure that any potential need for an Environmental Impact Statement (EIS), or Review of Environmental Factors (**REF**) is identified and addressed early. Additionally, we have factored in potential program impacts associated with the requirement for spring surveys as part of any biodiversity assessment or Biodiversity Development Assessment Report (**BDAR**).

The tender process has been conducted in accordance with Council procurement guidelines. The engagement is based on an hourly rate, with charges determined by completed work/ hours. It is anticipated that further Environmental Management services will be required to coordinate and manage the Environmental Impact Statement (**EIS**) process once the PSC is onboarded. A Request for Tender (**RFT**) will be prepared in due course for that engagement.

### *Review Process:*

We received two quotes out of seven requested with the review detailed in the second (confidential) attachment to this report. The evaluation criteria included cost, experience, and availability with our project requirements.

### *Recommendation:*

After a thorough analysis of the quotes, the administration can confirm and recommend EMM Consulting Pty Ltd as the most suitable candidate. They offer expertise which Council requires for the scope of work, the best value for money and meet all the necessary criteria. EMM Consulting Pty Ltd has provided an optional cost for threatened flora surveys outside of the October – February survey period which has been included in this recommendation having assessed the core scope as value for money. This optional cost would be de-scoped from the Concept Design and Environmental Assessment tender as it is anticipated to provide value for money due to efficiency and continuity of work.

**Action Required:**

It is recommended that Council award the contract to EMM Consulting Pty Ltd by generating a Purchase Order as follows:

- Task 1: Site visit = \$6,993.50 ex GST (lump sum)
- Task 2: Identify candidate threatened species for survey = \$5,210.00 ex GST (lump sum)
- Task 3: Candidate threatened species surveys = \$234,164.00
- Task 4: Biodiversity survey report and digital data submission = \$48,875.00
- Total: \$295,242.50 ex GST
- **Additional: threatened flora surveys outside of October – February survey period = \$59,155.00**
- Total Purchase Order = \$354,397.50 ex GST.

Please note that to deliver the October biodiversity studies (the line in red above), a purchase order has been raised for this amount only, as it is within the financial delegations of the administration. This work is necessary to inform the subsequent EIS, and if missed, would need to be delivered in September/October 2025.

**Consultation and Communication**

Council has engaged directly with the Mingaan Wiradjuri Aboriginal Corporation, advising that this work is about to commence, and has asked for their involvement throughout the project. There is no need for their direct presence for the full length of the project as this is not an effective use of their valuable time (and will come with significant cost to Council). However, their involvement in project inception, briefings, and at regular intervals throughout the project will be crucial.

**Policy**

Nil

**Legal**

The completion of targeted biodiversity studies is the first step in satisfying Council's obligations under Part 5 of the Environmental Planning and Assessment Act 1979. A detailed outline of these obligations is presented in the attached discussion paper, if further clarification is required.

**Risk Management**

A comprehensive risk assessment and mitigation strategy has been developed as part of this project. It has formed part of the application made to the NSW Government for funding this project. Copies of these documents can be furnished to Councillors upon request.

**Financial**

Excerpt from the 26 August 2024 Council meeting [relating to Min. No.: 24-188 - Ordinary Meeting of Council held 26 August 2024 (I&E – 26/08/24 - Continuation of the Wolgan Road Reconstruction – Interim budget allocation)]

*In the meantime, Council has received approval from Transport for NSW to continue works on several strategic planning and investigation initiatives. Those are:*

1. *Extension of existing contracts/ engagements for environmental assessments, constructability, cost estimating, value engineering and risk to inform the funding application/ ROI/ RFT*
  - (approximately \$450,000 excl. GST)
2. *Proper procurement and commencement of tranche 1 site investigations, geotechnical assessments, topographical and biodiversity surveys*
  - (approximately \$1,100,000 excl. GST)
3. *Proper procurement and engagement of a property specialist, subject matter experts and asset management*
  - (\$650,000 excl. GST)
4. *Release ROI and subsequent RFT for Technical Advisor: CD&EA Services*
  - (approximately \$5,400,000 excl. GST)
5. *Post Technical Advisor award: Procurement of Community & stakeholder manager/ advisor & graphics designer, Cost estimation, independent constructability advisor, Environmental & sustainability manager and Project audit and assurance*
  - (approximately \$785,000 excl. GST)

The costs for this work are part of the \$1,100,000 tranche of work highlighted in red above.

- Budget approved - \$2,200,000
- Cost centre - 100982
- Expended to date - \$18,660.75 (\$379,891.23 committed)
- Future potential impact - Full expenditure of the quoted sum of \$354,397.50 ex GST.