



LITHGOW CITY COUNCIL

A CENTRE OF REGIONAL EXCELLENCE

AGENDA

EXTRA ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

16 APRIL 2012

AT 6.00pm

AGENDA

APOLOGIES

PRESENT

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTES - NIL

NOTICES OF MOTION - NIL

NOTICE OF RECISSIONS - NIL

CORRESPONDENCE AND REPORTS

General Managers Reports

COMMITTEE MEETINGS - NIL

REPORTS FROM DELEGATES - NIL

BUSINESS OF GREAT URGENCY

as identified by Clause 241 of the Local Government (General) Regulations 2005

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GENERAL MANAGERS REPORTS

ITEM-1 GM - 16/04/12 - NSW STATE GOVERNMENT ADDITIONAL LOCAL ROAD FUNDING

REPORT BY: ROGER BAILEY - GENERAL MANAGER

SUMMARY

Council has been allocated additional road funding for local roads. This funding is to be expended prior to the end of the current financial year.

COMMENTARY

Council is in receipt of advice from NSW State Member for Bathurst, Paul Toole, that the Department of Roads and Maritime Services (RMS) has additional funding has been allocated for selected roads within the Lithgow Local Government area.

The total contribution by the State Government is \$200,000 however this is being provided to Council on the basis of dollar for dollar, hence Council also has to contribute \$200,000 and the works are to be in addition to existing programs. The roads and proposed works include:

- Lithgow Urban Area - Amien St, \$80,000 with work to include profiling failed sections of road pavement and A/C re-sheeting. Estimated area 4,000sqm
- Wallerawang Urban Area - Main St, CBD, \$100,000 with work to include profiling failed sections of road pavement and A/C re-sheeting. Estimated area is 5,000sqm
- Portland Urban Area - Williwa St Shoulders with work to include profiling failed sections and hot mix resealing. Estimated Area 2,500sqm; plus Frankfort Rd with work to include profiling failed sections and hot mix resealing. Estimated area is 2,500sqm. Total cost of BOTH jobs \$100,000
- Rural Roads - Cox's River Rd, \$120,000 with work to include reconstruction and resealing, est 0.75-1.0km:

A further requirement of this funding is that it be expended by the end of this financial year. The difficulty with these works is that the window of opportunity to complete them is fast closing.

With the condition that the funding be expended before the end of the current financial year and the need for optimum weather conditions there are issues in relation to tendering for work. With the particular works identified Council will likely need to engage a contractor to undertake works with a value in excess of \$150,000. Under the NSW Local Government Act 1993 Council would be required to tender for the works. Undertaking the tendering process in this instance would make it impossible to complete the works in the time available.

55 What are the requirements for tendering?

(3) This section does not apply to the following contracts:

.....

(i) a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders

The Tendering Guidelines for NSW Local Government provides:

Section 55(3) of the Act outlines the types of contracts that are exempt from the tendering process. Extenuating circumstances and cases of emergency are not defined by the Act and should be used as an exemption to the tendering requirements only after careful consideration with the reasons clearly documented.

Clearly in this instance there would not be a satisfactory result if Council were not able to complete the works within the timeframe due to the need to tender for works thus there would be extenuating circumstances and it is to be proposed that Council apply these provisions thus allowing the work to be done within the timeframe set.

FINANCIAL IMPLICATIONS

This funding requires matching funding from Council of \$200,000.

LEGAL IMPLICATIONS

It is likely that Council will need to dispense with the tendering requirements in accordance with Section 55(3) of the Act.

ATTACHMENTS

1. Letter from Paul Toole.

RECOMMENDATION

THAT Council:

1. Formally accept the additional road funding of \$200,000 from the NSW State Government for additional road works to the local road network;
2. Allocate \$200,000 to match the funding from the NSW State Government for additional road works;
3. Due to the extenuating circumstance that this funding is to be spent prior to the end of the 2011/12 financial year dispense with the need to tender for asphaltting for the roads outlined in the report;
4. Authorise the General Manager, if necessary, to engage a contractor to carry out asphaltting works to the roads identified in the report; and

5. Authorise the Mayor and Deputy Mayor to reallocate these funds, if necessary, should circumstances not allow the completion of the works within the timeframe and funding conditions.

BUSINESS OF GREAT URGENCY

In accordance with Clause 241 of the Local Government (General) Regulations 2005 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only of:

- a) *A motion is passed to have the business transacted at the meeting: and*
- b) The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.