MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE, ON 26 AUGUST 2025, COMMENCING AT 6.00PM

Present: Crs B Reynolds (Mayor), R Scott (Deputy Mayor), I Dorsett, C Gosewisch, K Hutchings, S Johnston and J Newstead

General Manager (Mr M Dicker), Director Corporate Services (Mr A Franze), Director Infrastructure Services (Mr J Hogan), Director Planning & Environmental Services (Mr A Muir) and Admin Assistants (Mrs K Palmer) (Mrs N Smith)

RECORDING OF MEETING STATEMENT

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

Nil

DISCLOSURES OF INTEREST

The General Manager reported the following Disclosure of Interest forms had been submitted:

Councillor/Staff	Interest	Item	Pg	Report	Reason
Mark Dicker	Non-Pecuniary (Less than Significant)	27	7	Confidential – Contract 40/2025 Construction of Richards Lan Upgrade	My private (primary) residence is on Springvale Lane Millthorpe. Springvale Lane directly adjoins Richards Lane (noting my property entrance is 820m from Richards Lane).

PUBLIC FORUM

Nil

MAYORAL MINUTE

RECOGNITION OF BLAYNEY HIGH SCHOOL STUDENTS FOR RECEIVING THE NSW MINISTER FOR EDUCATION AWARD

2508/001 **RESOLVED:**
That Council note and recognise Mr Toby Tyrrell and Ms Ella Sinclair from Blayney High School for being awarded the Education Minister's Award for Excellence in Student Achievement at the 2025 Public Education Awards.

(Reynolds)
CARRIED

COMMONWEALTH FINANCIAL ASSISTANCE GRANT ALLOCATION TO BLAYNEY SHIRE COUNCIL 2025-26

2508/002 **RESOLVED:**
That Council note the financial assistance grant allocation for Blayney Shire for the 2025-26 financial year.

(Reynolds)
CARRIED

CONFIRMATION OF MINUTES

MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 22 JULY 2025

2508/003 **RESOLVED:**
That the Minutes of the Ordinary Council Meeting held on 22 July 2025, being minute numbers 2207/007 to 2207/020 be confirmed.

(Scott/Johnston)
CARRIED

MATTERS ARISING FROM THE MINUTES
Nil

EXECUTIVE SERVICES REPORTS

ORGANISATIONAL STRUCTURE

2508/004 **RESOLVED:**
That Council adopt the Organisational Structure as outlined in this report comprising:

- Executive Services
- Corporate Services
- Infrastructure Services
- Planning & Environmental Services

(Gosewisch/Newstead)
CARRIED

COUNCIL MEETING DATES

2508/005 **RESOLVED:**

That Council adopt the following dates for Ordinary Meetings of Council for the next 12 months, to be held at 6.00pm predominantly in the Blayney Shire Community Centre:

- 28 October 2025
- 18 November 2025
- 16 December 2025
- 24 February 2026
- 24 March 2026
- 28 April 2026
- 26 May 2026
- 23 June 2026
- 28 July 2026
- 25 August 2026
- 22 September 2026

(Gosewisch/Hutchings)
CARRIED

2025 LGNSW ANNUAL CONFERENCE MOTION - MINING IMPACTED COMMUNITIES

2508/006 **RESOLVED:**

That Council propose the following motion at the upcoming 2025 LGNSW Annual Conference:

"That Local Government NSW:

1. Recognise the significant impact the cessation of the Resources for Regions grant funding program has had on the 26 councils and their communities that host mining operations in NSW, and
2. Calls on the NSW Government to develop and implement a new and improved grant funding program for regional councils and their communities that host mining operations in NSW".

(Newstead/Scott)
CARRIED

2025 LGNSW ANNUAL CONFERENCE MOTION - STATE SIGNIFICANT DEVELOPMENTS

2508/007 **RESOLVED:**

That Council propose the following motion at the upcoming 2025 LGNSW Annual Conference:

"That LGNSW calls on the NSW Government to work with LGNSW to establish guidelines for current and proposed State Significant Development proposals for Renewable Projects (including Solar, Wind, Battery, Pumped Hydro) which are and will significantly impact Councils and their communities inclusive of:

a) The timeframe for Councils to review the Environmental

Impact Statements, and to respond to it, be extended to a minimum of 90 days.

b) Requiring prior to any transport of any oversize/overweight renewable infrastructure components within the LGA:
   i. a dilapidating report on roads and associated infrastructure to be undertaken by the proponent; and
   ii. The lodgement of a bank guarantee equivalent to 50% of the cost of reconstructing the roads on which the proposed oversize/overweight renewable infrastructure components is to traverse with the relevant LGA.
   iii. An enforceable undertaking supported by ii above to reconstruct and repair roads damaged during the transport of renewable components within the relevant LGA within 90 days of completion of the transport on those roads of oversize/overweight components for the relevant project.

c) Workers accommodation guidelines during construction phase that address:
   i. Effect on rental accommodation including availability for current residents of the Council area and affordability with increased rents.
   ii. Establishment of worker camps in lieu or in addition to rental accommodation
   iii. in relation to i and ii above, how the influx of workers, and in some cases dependents, will be managed and financed in relation to:
      - Provision of potable & non potable water
      - Sewerage wastewater services,
      - Waste services,
      - Policing for an increase in workers
      - Health services for the increased population, noting the potential for significant strain to be placed on already stretched/under resourced health services,

d) The EIS must fully detail the effect on local industries and how that is to be mitigated during construction phase including restrictions on use of roads. The EIS also needs to address how those industries are to be compensated financially if there is a detrimental effect on their revenue.

e) Parameters for Council and community consultation by the proponents and feedback prior to and following the preparation of the EIS.

f) The decommissioning of renewable projects at the end of their life including requirements to:
   i. Determine what Deconstruction requires including the level of removal of concrete sub structure foundations.
   ii. Include in the EIS an independent report on the estimated cost of deconstruction of Renewable project

infrastructure at date of construction in accordance with i above.

iii. To provide a Bank Guarantee by the proponent for the full value of deconstruction of the infrastructure in renewable projects adjusted yearly by the Non-residential building Construction materials and Labour index.

iv. Ensure that future purchasers are obligated to deconstruction, by mandating a pre-condition for any sale of any Renewable project is that the buyer must lodge a replacement bank guarantee escalated by the Non-residential building Construction materials and Labour index. The sale does not take effect until the precondition is met, and the buyer agrees to escalate the bank guarantee yearly in accordance with Non-residential building Construction materials and Labour index."

(Scott/Hutchings)
CARRIED

2025 LGNSW ANNUAL CONFERENCE MOTION - PFAS SUPPORT

2508/008 **RESOLVED:**
That Council propose the following motion at the upcoming 2025 LGNSW Annual Conference:

"That LGNSW calls on the NSW Government to provide significant and immediate support (resourcing and financial) to ensure councils dealing with the emerging and evolving PFAS issues are not significantly financially disadvantaged and impacted responding to changing EPA requirements and PFAS guidelines".

(Scott/Gosewisch)
CARRIED

2025 LGNSW ANNUAL CONFERENCE MOTION - FIXING COUNTRY BRIDGES PROGRAM

2508/009 **RESOLVED:**
That Council propose the following motion at the upcoming 2025 LGNSW Annual Conference:

"That LGNSW calls on the NSW Government to expand and/or review the eligibility criteria for the 'Fixing Country Bridges Program' in NSW to include composite bridges and renewal of significant heritage timber bridges".

(Newstead/Gosewisch)
CARRIED

CORPORATE SERVICES REPORTS

REPORT OF COUNCIL INVESTMENTS AS AT 31 JULY 2025

2508/010 RESOLVED:

That Council:

1. Note the report indicating Council's investment position as of 31 July 2025.
2. Note the certification of the Responsible Accounting Officer.

(Scott/Hutchings)
CARRIED

ADOPTION OF CODE OF MEETING PRACTICE

2508/011 RESOLVED:

That the Code of Meeting Practice be adopted and included in Council's policy register.

(Scott/Hutchings)
CARRIED

SIX MONTHLY DELIVERY PROGRAM REVIEW - JUNE 2025

2508/012 RESOLVED:

That the six-monthly review, for period ending 30 June 2025, of Council's 2024/25 – 2027/28 Delivery Program be received.

(Gosewisch/Newstead)
CARRIED

REVIEW OF DELEGATIONS REGISTER

2508/013 RESOLVED:

That Council adopt the Delegations Register as attached to this report.

(Scott/Hutchings)
CARRIED

DRAFT STATEMENT OF FINANCIAL REPORTS BY COUNCIL 2024/25

2508/014 RESOLVED:

That Council;

1. Make the statement in accordance with Section 413(2)(c) of the Local Government Act 1993, and Clause 215 of the Local Government (General) Regulation (2021) for the General Purpose Financial Statements for the year ending 30 June 2025.
2. Receive the certification of the Responsible Accounting Officer.
3. Make the statement in accordance with the requirements of the Code of Accounting Practice in relation to the Special Purpose Financial Statements for the year ending 30 June 2025.
4. Endorse signature of the statements by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer.

5. Refer the General Purpose Financial Statements and Special Purpose Financial Statements to audit and invite Intentus Chartered Accountants, as the contracted agent for the NSW Audit Office, to complete the audit as per the requirements of Section 413(1) of the Local Government Act (1993) and Local Government (General) Regulation (2021).
6. Approve the net transfers from Council's external cash restrictions of $3.72m.
7. Approve the net transfers to Council's internal cash allocations of $5.46m, for the purposes as detailed in Schedule 1 of Policy 3K Restricted and Unrestricted Cash Policy.
8. Approve the creation of a Future financial sustainability internal allocation and update Schedule 1 of Policy 3K Restricted and Unrestricted Cash Policy.
9. For greater transparency and to facilitate better understanding of the Financial Reports, include Statement of performance measures – consolidated results (H1-1) and Statement of performance measures by fund (H1-2).

(Reynolds/Gosewisch)
CARRIED

ADOPTION OF 2025/26 CARRYOVER WORKS

2508/015 **RESOLVED:**

That Council;

1. Approve supplementary votes of expenditure to the 2025/26 budget for carryover works from 2024/25 to 2025/26 as per the attached schedule, totalling $3.68m funded from:
   a) internal cash allocations of $1.96m
   b) externally restricted unexpended grants and contributions of $1.07m
   c) other external cash restrictions of $649k
2. Approve supplementary votes of expenditure for 2025/26 totalling $2.06m for carryover works from 2024/25 to 2025/26 as per the attached schedule, funded from future grants and contributions.
3. Note the financial implications of carryover works on the adopted 2025/26 Operational Plan as detailed in Tables 1-3 of the report.

(Newstead/Hutchings)
CARRIED

ADOPTION OF DRAFT STRATEGIC WORK PLAN: ARIC

2508/016 **RESOLVED:**

That Council adopt the Draft Audit, Risk and Improvement Committee Strategic Work Plan.

(Gosewisch/Scott)
CARRIED

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 14 AUGUST 2025

2508/017 **RESOLVED:**

That Council;

1. Receive the Minutes of the Audit, Risk and Improvement Committee meeting held 14 August 2025.
2. Endorse the Annual Report on the operations of the Blayney Shire Audit, Risk and Improvement Committee for the period 1 July 2024 to 30 June 2025.
3. Adopt the Draft Internal Audit Charter.
4. Note the inclusion of the Review of Councillor Facilities and Expenses and the Review of Risk Arrangements in the Strategic Internal Audit Plan once each Council Term.
5. Note the Strategic Internal Audit Plan to be appended to the Audit, Risk and Improvement Committee Strategic Work Plan.
6. Note the Blayney Library Service Review.

(Gosewisch/Hutchings)
CARRIED

ADOPTION OF COMMUNITY FINANCIAL ASSISTANCE POLICY

2508/018 **RESOLVED:**

That Council;

1. Note the submission on the Community Financial Assistance Policy; and
2. Adopt the Community Financial Assistance Policy, as amended, and it be updated to Council's Policy Register.

(Scott/Newstead)
CARRIED

LEASE OF INDUSTRIAL LAND FOR AGISTMENT PURPOSES

2508/019 **RESOLVED:**

That Council;

1. Approve lease of Tender Lot 6 (Part Lot 26, DP 1288588) of industrial land paddocks to Abigail Palmer, for the period ending 29 February 2028 (with a 1-year option), for $600 p.a. (indexed by CPI):
2. Continue promotion of the EOI for the remaining unallocated parcel of Industrial Land for Agistment Purposes.

(Gosewisch/Hutchings)
CARRIED

INFRASTRUCTURE SERVICES REPORTS

2025/26 ROAD ALLOCATIONS AND CAPITAL WORKS PRIORITISATION

2508/020 **RESOLVED:**
That Council note the allocation of 2025/26 Transport Infrastructure renewal / capital programs.

(Scott/Hutchings)
CARRIED

INFRASTRUCTURE SERVICES MONTHLY REPORT

2508/021 **RESOLVED:**
That Council:

1. Note the Infrastructure Services Monthly Report for August 2025.
2. Approve the capital expenditure supplementary vote of $15,000 for Church Hill Lookout works in the 2025/26 Operational Plan from the Village Enhancement Plan internal allocation to complete delivery of Stage 1 works.
3. Approve the capital expenditure supplementary vote of $40,000 for culvert renewal on Greghamstown Road in the 2025/26 Operational Plan from Council's heavy patching funds to complete the delivery of works.
4. Approve the capital expenditure supplementary vote of $150,000 from the Flyers Creek Voluntary Planning Agreement fund to the 2025/26 operational plan for Council's heavy patching budget to fund heavy patching works on Browns Creek Road.

(Reynolds/Gosewisch)
CARRIED

LOCAL TRAFFIC COMMITTEE - NEW DELEGATION INSTRUMENT

2508/022 **RESOLVED:**
That Council:

1. Note the 2025 Authorisation and Delegation Instrument by Transport for NSW, which replaces the former Local Traffic Committee (LTC) with the Local Transport Forum (LTF).
2. Update meeting practices, procedures and documentation to align the new prescribed naming conventions and functions of the LTF.
3. Convene meetings of the Local Transport Forum on a regular cycle, consistent with the former Local Traffic Committee.
4. Endorse the continuation of the current Councillor appointments: Cr John Newstead (Chairperson) and Cr Karl Hutchings (Alternate Chairperson) of the Local Transport Forum for the balance of their nominated term.

(Newstead/Hutchings)
CARRIED

PROPOSED (PART) ROAD CLOSURE - COLLINS STREET, CARCOAR

2508/023 RESOLVED:

That Council;

1. Approve the sale price of this land as $30,000 plus GST (if applicable), plus all costs associated with the road closure, to the top of bank.
2. Note a further report will be presented to a future Council meeting to consider any submissions lodged during the notification period and to decide whether to approve this road closure and sale of this land.

(Johnston/Gosewisch)
CARRIED

VEGETATION POLICY

2508/024 RESOLVED:

Council defers consideration of this item.

(Gosewisch/Newstead)
CARRIED

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

DEVELOPMENT APPLICATION 2025/0047 - ERECTION OF A DETACHED SHED (OUTBUILDING) ON LOT 5 DP 1090642, 8 BLUETT CLOSE, FOREST REEFS

2508/025 RESOLVED:

1. That Council support the variation to the Blayney Development Control Plan 2018, C3.4 Garages, Carports, Outbuildings & Sheds in Large Lot Residential Areas requiring outbuildings to not exceed a 6m ridge height from existing ground level and cumulative floor area greater than 300m²; and
2. Consent to Development Application 2025/0047 for the Erection of a Detached Shed/Carport (Outbuilding) on Lot 5 DP 1090642, 8 Bluett Close, Forest Reefs subject to the draft conditions of consent.

(Newstead/Gosewisch)

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	**AGAINST**
Councillor Reynolds	Councillor Johnston
Councillor Newstead	
Councillor Gosewisch	
Councillor Dorsett	
Councillor Hutchings	
Councillor Scott	
Total (6)	**Total (1)**

CARRIED

General Manager, Mark Dicker, having declared an interest, left the meeting at 6:43pm, prior to the closed meeting commencing and did not return to the meeting.

CLOSED MEETING

2508/026 **RESOLVED:**
That the meeting now be closed to the public in accordance with Section 10A of the Local Government Act, 1993 for consideration of the following matters:

CONTRACT 11/2025 TRAFFIC MANAGEMENT SERVICES 2025-2028
This matter is considered to be confidential under Section 10A(2) (c) (di) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

CONTRACT 40/2025 CONSTRUCTION OF RICHARDS LANE UPGRADE
This matter is considered to be confidential under Section 10A(2) (c) (di) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

(Scott/Gosewisch)
CARRIED

CONFIDENTIAL MEETING REPORTS

CONTRACT 11/2025 TRAFFIC MANAGEMENT SERVICES 2025-2028

2508/027 **RESOLVED:**
That Council:
1. Accept the tender from Midwest Traffic Management for Provision of Traffic Management Services No. 11/2025.
2. Delegate Authority to the General Manager to execute documentation required to enter into the contract for this tender.
3. Delegate Authority to the General Manager to extend the term of the contract for a further two (2) terms of twelve (12) months each if contractor performance and price are acceptable.

(Gosewisch/Newstead)
CARRIED

CONTRACT 40/2025 CONSTRUCTION OF RICHARDS LANE UPGRADE

2508/028 **RESOLVED:**

That Council:

1. Note the tender assessment report of 40/2025 Richards Lane Construction.
2. Note the independent probity report by Procure Group.
3. Approve the independent probity report for public release as an annexure to the business paper minutes.
4. Accept the tender from Aitken Civil Engineering for the Construction of Richards Lane, Portions A & B, Contract 40/2025, for the value of $2,177,209 inclusive GST, subject to variations.
5. Approve the capital expenditure supplementary vote of $1,440,000 in the 2025/26 operational plan for this project from the following source(s);

   $600,000 Developer Contributions
   $210,000 Cadia VPA
   $110,000 25/26 Heavy Patching Program
   $420,000 25/26 Forest Reefs Road Project
   $100,000 Roads to Recovery
6. Delegate to the General Manager authority to execute contract documents, noting the General Manager will delegate these functions to the Director Planning & Environmental Services

(Reynolds/Gosewisch)
CARRIED

2508/029 **RESOLVED:**

That as consideration of the matters referred to in the closed meeting has been concluded, the meeting now be opened to the public.

(Gosewisch/Scott)
CARRIED

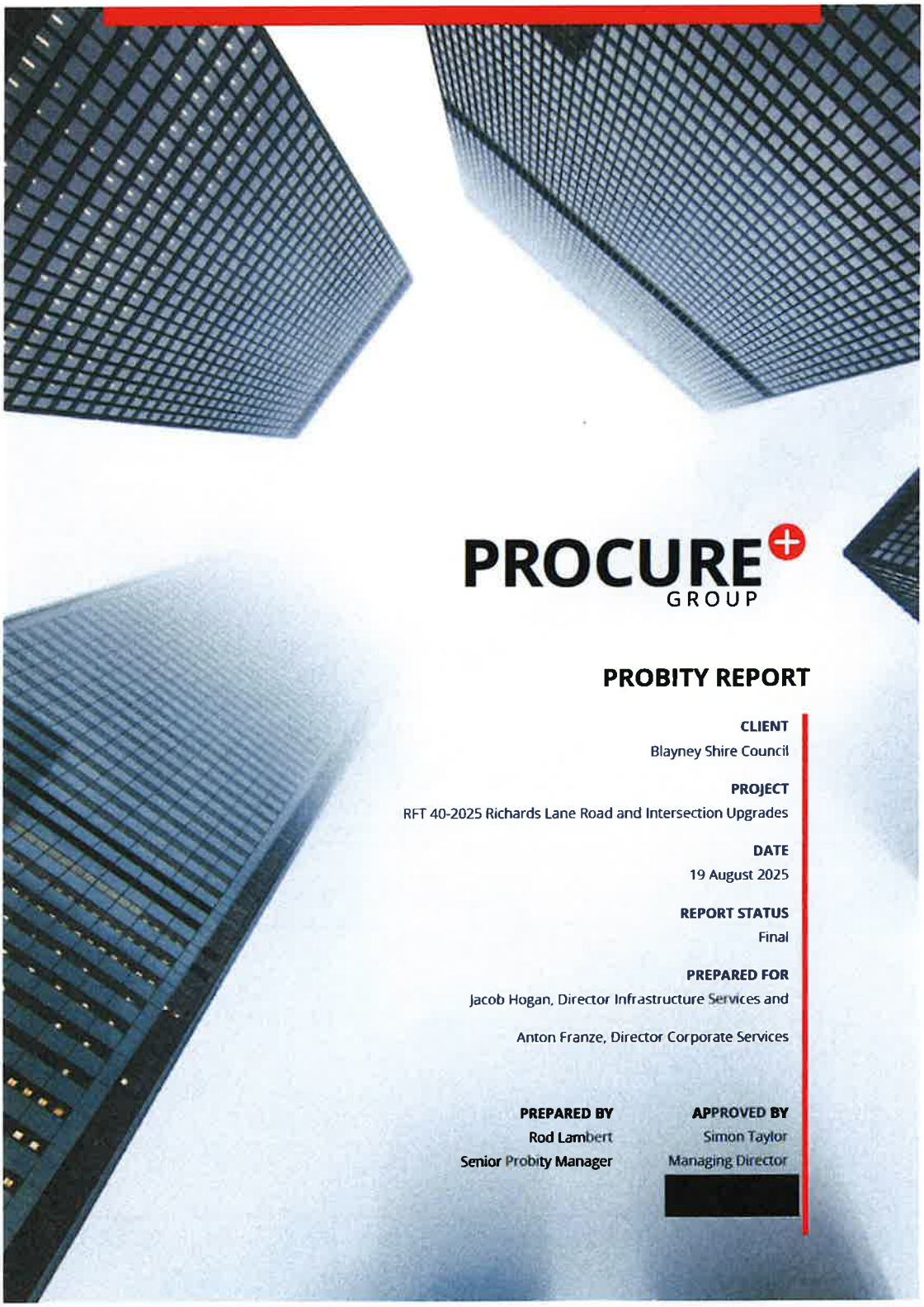
AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBERS 2508/027 to 2508/028.

There being no further business, the meeting concluded at 7:21pm

The Minute Numbers 2508/001 to 2508/029 were confirmed on 23 September 2025 and are a full and accurate record of proceedings of the Ordinary Meeting held on 26 August 2025.

Bruce Reynolds

Cr B Reynolds
CHAIR


PROCURE
GROUP
PROBITY REPORT
CLIENT
Blayney Shire Council
PROJECT
RFT 40-2025 Richards Lane Road and Intersection Upgrades
DATE
19 August 2025
REPORT STATUS
Final
PREPARED FOR
Jacob Hogan, Director Infrastructure Services and
Anton Franze, Director Corporate Services
PREPARED BY
Rod Lambert
Senior Probity Manager
APPROVED BY
Simon Taylor
Managing Director

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Statement of Responsibility

This probity report has been prepared for the purpose of assisting Blayney Shire Council in its decision making regarding the RFT 40-2025 Richards Lane Road and Intersection Upgrades Project. Procure has compiled the report on the basis of:

a. information it has been given and which it has reviewed;
b. the processes and procedures it has observed; and
c. the issues raised with it.

The conclusion stated in section 2 of this report is based upon the work performed as documented in it. While Procure has identified probity risks and considered the controls, environment and action taken by Blayney Shire Council to address those risks, probity issues may nevertheless have arisen that have not been identified.

As the probity advisor, Procure has focussed solely on probity aspects of the process. Procure does not provide, nor does it purport to provide, nor can it be construed to have provided legal, commercial, procurement or technical advice. It is Blayney Shire Council's responsibility to obtain appropriate advice and to ensure compliance with relevant legislative and policy requirements.

While Procure may provide input into processes followed, Blayney Shire Council retains responsibility for the probity of its personnel and processes. The report cannot be relied upon by any other party or for any other purpose.

1 INTRODUCTION

1.1 Our Engagement

Procure Group Pty Ltd (**Procure**) has been engaged by Blayney Shire Council (**BSC** or **Council**) to provide independent probity advisory services in relation to RFT 40-2025 Richards Lane Road and Intersection Upgrades (the **project**). Further detail regarding our scope of service is included in section 3.

This report sets out our work performed and observations from a probity perspective relating to the procurement process followed by the BSC from the date of Procure's engagement on 6 August 2025, within the context of the framework provided by the NSW Independent Commission Against Corruption's (**ICAC**) probity fundamentals.

Project Summary

On 6 August 2025, Procure was engaged by Council to provide probity advisory services in relation to the procurement of a contractor to undertake an upgrade of Richards Lane roadway and intersection. At the time of our engagement the Request for Tender (**RFT**) had already closed, tender submissions had been received and downloaded but not distributed to the Tender Evaluation Panel (**TEP**).

On 26 June 2025, BSC issued the RFT as an open tender published via Vendorpanel and advertised in the Village Voice on 3 July 2025. The RFT closed on 4 August 2025, with 8 submissions received. The submission from F1 Traffic Solutions was deemed non-compliant and therefore not subject to detailed evaluation. The remaining 7 submissions were evaluated against the evaluation criteria documented in the RFT.

The TEP assessed the seven compliant submissions received at tender close. A post tender clarification was issued to five tenderers seeking acknowledgement of receipt of Addenda 1 and 2. Only four tenderers responded and Hynash was subsequently deemed non-compliant. The remaining six responses were assessed following which the TEP recommended the second highest scoring tenderer for the award of the contract.

It should be noted that BSC's internal procedures do not require an Evaluation Plan to be prepared. Procure confirmed that the evaluation criteria were published in the RFT, weightings were agreed prior to the evaluation of responses and the evaluation was based on those same evaluation criteria.

Prior to the evaluation of tenders, the General Manager (**GM**) drew Council's attention to a previously declared non pecuniary interest, in that his private residence was in close proximity to the site of the works. It was advised it was prudent for the GM to remove himself from the process and not be involved in the decision-making or approval of tenders. This advice was taken, the Mayor was informed, and alternative management and approval processes were established.

Background

Richards Lane is located in the village of Millthorpe within the Blayney Shire. The project is one of the Blayney Shire Local Road Improvements funded under the NSW Government Resources for Regions Round 9 and is for the upgrade of the road to improve safety, drainage and the resilience of the road network.

The works were tendered as two separable portions; the Richards Lane reconstruction from approximately 45 metres west of the Millthorpe Road intersection and extending for approximately 1.2 Km (Portion A) and the upgrading of the Millthorpe Road – Richards Lane intersection (Portion B).

1.2 Summary of Key Activities and Dates

ACTIVITY	DATE
RFT issue date	26 June 2025
Mandatory Industry Briefing	18 July 2025 (Not attended by Procure)
RFT Closing date	4 August 2025
Tender Evaluation Panel meeting #1	6 August 2025
Briefing of Councillors	11 August 2025
Tender Evaluation Panel meeting #2	14 August 2025
Evaluation Report finalised	18 August 2025
Probity Declaration completed by TEP members	18 August 2025
Evaluation Report endorsed by Director Corporate Services	19 August
Approval to award	To be determined by Council

2 CONCLUSION

Based upon our work performed and detailed in this report, no issues of a probity nature have come to our attention that would lead us to conclude that the process followed by Blayney Shire Council in the evaluation of proposals for the RFT 40-2025 Richards Lane Road and Intersection Upgrades has not been conducted in a fair and equitable manner with due regard to probity.

3 SCOPE AND METHODOLOGY

3.1 Probity Advisor's Role

3.1.1 Role of Probity Advisor

Attachment A provides a description of the role of the probity advisor as well as a definition of probity, taken from relevant publications of the ICAC. In short, a probity advisor is engaged to observe, review and provide guidance on the integrity of procedures and processes, focusing on the means, rather than the ends, of the project in question.

3.1.2 Probity Fundamentals

In undertaking the probity advisory role, Procure has had regard to the "probity fundamentals" identified by the ICAC. These probity fundamentals are:

- Maintaining accountability and transparency;
- Maintaining impartiality;
- Managing conflicts of interest;
- Maintaining confidentiality; and
- Obtaining value for money.

Further detail describing the probity requirements and principles above is provided in Attachment A.

Section 4 of this report outlines our work performed to monitor the application of the probity principles.

3.2 Scope of Work

Procure was engaged in August 2025 by Blayney Shire Council to act as probity advisor in regard to the procurement of the RFT 40-2025 Richards Lane Road and Intersection Upgrades. In accordance with our proposal, our scope of work included the following:

- Attend meetings upon Council's request – meetings conducted via MS Teams;
- Retrospective review of tender invitation document (RFT) (for background only);
- Review and comment on the Tender Evaluation Report;
- Provide ad hoc advice as required to address probity related issues;
- Submit Probity Report; and
- Attend debriefing meetings with unsuccessful tenderers (if required).

3.3 General Approach Taken

In providing the above services, Procure has employed a range of approaches, including:

- Consideration of relevant Council and local government procurement guidelines;
- Retrospective review of project documentation;
- Observation of key meetings, activities and processes; and
- Discussions with relevant representatives of the project team and provision of advice on issues arising.

Procure adopted a risk-based approach to the provision of its probity services. This means that, where necessary, we assisted in identifying potential probity risks and recommended possible mitigation strategies. Any recommended mitigation and control strategies had regard to the significance and impact of the specific probity risk being assessed.

4 WORK PERFORMED & OBSERVATIONS

4.1 Maintaining Accountability and Transparency

In advising and monitoring the process in relation to *Maintaining Accountability and Transparency*, Procure has undertaken the following tasks:

4.1.1 Pre receipt of proposals:

- Retrospectively reviewed RFT documentation issued to tenderers to confirm that submission requirements were appropriately documented. The RFT documentation also clearly provided the evaluation criteria;
- Noted that a mandatory on-site Industry Briefing was held on 18 July 2025;
- Noted that BSC internal procedures do not require an Evaluation Plan to be developed;
- Noted that BSC procedures require TEP members to complete a Probity Declaration at the conclusion of the tender evaluation. The Probity Declaration confirms Impartiality, Conflicts of Interest, Confidentiality, Compliance with Laws and Regulations, Integrity and Professionalism, Record Keeping and an Acknowledgement that breaches could result in legal consequences;
- Noted that membership of the TEP comprised persons that appeared to have appropriate skills and experience to conduct the evaluation; and
- Observed that the evaluation criteria were weighted prior to the commencement of tender evaluation.

4.1.2 Receipt and evaluation phase:

- Confirmed through review of the Schedule of Tenders Received that 8 submissions were received by the tender close date and time on 4 August 2025;
- Attended the TEP meeting held on 6 August 2025 and confirmed that no TEP members had a conflict of interest to declare;
- Noted/observed the following at the TEP meeting held on 6 August 2025:
  - The TEP ensured all tenderers except F1 Traffic Solutions had attended the mandatory on-site briefing held on 18 July 2025; and
  - The TEP undertook a conformance check of the tenders received and determined that the response received from F1 Traffic Solutions was non-compliant for the following reasons:
    - the company did not attend the mandatory briefing;
    - the tender schedules were not completed; and
    - their response was considered to be a general response more aligned to advertising and not related to the scope of works.
- The TEP noted that five tenderers did not confirm receipt of addenda 1 and 2. It was determined that this was not a significant matter that would justify non-conformance and issued a post-tender clarification to obtain confirmation of receipt;
- Noted that one tenderer did not respond to the post-tender clarification by the due time and date;
- Attended a briefing of Councillors held on 11 August 2025 where they were provided with a high-level overview of the project. Noted that they were advised in advance that the specific details of any tender, the content or evaluation of tenders received, or any matters that may compromise the integrity, confidentiality or impartiality of the tender evaluation process could not be discussed. Observed this restriction was respected and no inappropriate questions or matters were raised.
- Attended the TEP meeting held on 14 August 2025 and confirmed with TEP members that:
  - They had no conflicts of interest;
  - They were not aware of any breaches in confidentiality; and
  - They were not aware of any unresolved probity issues;

- Noted at the above meeting that one of the tenderers (Hynash) had submitted an incomplete price schedule and along with the absence of a response to the post-tender clarification the TEP determined the Hynash tender to be non-compliant, and it was not evaluated any further.
- Noted that the TEP had completed individual scoring in advance of the meeting;
- Observed robust discussion of scores with the TEP reaching a consensus score on each criteria for each tenderer, ranked the tenderers, and agreed a recommendation
- Reviewed the Tender Evaluation Report prepared for the evaluation process and confirmed that it accurately reflected the evaluation process followed and conclusions of the TEP. The Tender Evaluation Report was endorsed by each member of the TEP on 18 August 2025; and
- Confirmed by observation of the evaluation process, discussions with the project team, and review of evaluation documentation that the evaluation was appropriately undertaken.

4.2 Maintaining Impartiality

In advising and monitoring the process in relation to *Maintaining Impartiality*, Procure has undertaken the following tasks:

- Confirmed that each tenderer was assessed against the same evaluation criteria as those included in the RFT;
- Confirmed that all TEP members were present at all meetings held during the evaluation period; and
- Confirmed with each TEP member at the TEP meeting held on 14 August 2025, at which the decision of which tenderer to recommend was made, that each member:
  - Had sufficient time and information to complete the assessment; and
  - Had considered the evaluation criteria in conducting their evaluation.

4.3 Managing Conflicts of Interest

In advising and monitoring the process in relation to *Managing Conflicts of Interest*, Procure undertook the following tasks:

- Noted that prior to the evaluation of tenders the GM declared a conflict of interest in that his private residence was in close proximity to the site of the works;
- Provided probity advice that in the above circumstances it was prudent for the GM to remove himself from the process and not be involved in the decision-making or approval of tenders;
- Noted this advice was taken, the Mayor was informed, and alternative management and approval processes were established;
- Noted that upon receipt of the post-tender clarification responses one TEP member identified that a family member was involved with the submission of one of the tenderer's responses. Whilst it appeared this involvement was only in an administrative role, it was agreed that the perception of a conflict of interest was such that the member's removal from the TEP was appropriate. The TEP member had not participated in a detailed review or scoring of responses prior to their removal from the TEP;
- Noted that following the TEP member's withdrawal the TEP still had sufficient numbers and expertise to proceed with the evaluation without the need for a replacement;
- Noted that conflict of interest was included as an agenda item for all TEP meetings attended by the probity advisor. No other conflicts were declared; and
- Confirmed that no other conflicts of interest have been brought to the attention of the probity advisor.

4.4 Maintaining Confidentiality

In advising and monitoring the process in relation to *Maintaining Confidentiality*, Procure has undertaken the following tasks:

- Confirmed with the Manager Information Technology that tender submissions had been secured in a folder with access restricted to TEP members only;
- Confirmed with TEP members at the final meeting for the evaluation phase held on 14 August 2025, that they were not aware of any confidentiality breaches; and
- Noted that no breach of confidentiality has been brought to the attention of the probity advisor.

4.5 Obtaining Value for Money

In advising and monitoring the process in relation to *Obtaining Value for Money*, Procure has undertaken the following tasks:

- Noted that the RFT process was a competitive open market process which gave all industry providers the opportunity to participate in the tender;
- Noted that RFT responses were scored and ranked in accordance with the pre-agreed, weighted evaluation criteria;
- Noted that Council utilised weighted quantitative and qualitative criteria in the evaluation process with a quantitative to qualitative ratio of 40:60;
- Noted that the RFT allowed for the awarding of separate contracts for Portions A and B but issuing one contract for both portions provided a better value for money outcome;
- Noted that the TEP identified some of the estimated quantities used to conduct the price assessment were a high risk of increasing once the project was underway. Given the extremely close scores it was decided to undertake a sensitivity analysis to determine if an increase in the quantities would impact on the scoring;
- Noted that the recommended tenderer was ranked second 0.89 points behind the highest ranked tenderer (87.22 v 86.33) on the total weighted score. However when the TEP factored in the risks associated with contract departures and qualifications and the price sensitivity analysis discussed above, the TEP considered the second ranked tenderer offered better overall value for money; and
- Noted that the Tender Evaluation Report contained sufficient information to support the TEP's recommendation.

Attachment A – Key Terms & Definitions

Key Terms	Definition
Probity Advisor	In its publication "*Probity and Probity Advising*" (November 2005) the ICAC describes a probity advisor as: *"an individual or organisation engaged to observe, review and provide guidance on the probity framework and/or processes of a project. Agencies use internal or external probity advisors to verify that the processes followed are consistent with government regulations, policies, guidelines and best practice principles. A probity advisor provides opinions and guidance on probity risks and issues that may arise during the process and confirms, in writing, whether the concluded process is consistent with the requirements outlined in a probity plan as well as general probity fundamentals. If probity requirements are not being or have not been met, the advisor identifies the non-conformities and any reasons for these in a written report, and if necessary, suggests solutions and monitors their implementation."*
Probity	Probity may be defined as: "*integrity, uprightness, honesty*" (Macquarie Dictionary). Within the public sector, the word "probity" is often used in a general sense to refer to an "appropriate process". Government seeks to conduct its commercial dealings with integrity. Public officials (and their advisors) must be able to demonstrate high standards of probity while pursuing the stated project objectives.
Maintaining Accountability & Transparency	Public sector **accountability** requirements are intended to save money, resources and time in the long term and prevent corruption, maladministration and substantial waste of public resources. All persons with responsibilities in relation to a project should be accountable for their actions associated with the project. All key activities and decision-making associated with the project should be recorded. **Transparency** helps ensure that a process is conducted with integrity, thus enhancing competition and the delivery of value for money, as well as reducing opportunities for corruption, maladministration and substantial waste of public money. An evaluation process should be applied consistently and conducted in accordance with an appropriate methodology. Processes should be well documented and reviewable.
Maintaining Impartiality	Individuals and organisations involved in preparing and submitting proposals for large public sector contracts often invest considerable time, effort and resources in doing so. In return, they are entitled to expect impartial treatment at every stage of the process. If they do not consider the process to be impartial and honest, they may withhold valuable ideas or be deterred from bidding in the future. Any form of bias, whether driven by personal interests or not, could jeopardise the integrity of the project.
Managing Conflicts of Interest	Conflicts of interest arise when there is a conflict between a public official's public duty and private interests, where those private interests could improperly influence the performance of their official duties and responsibilities. Advisors and other consultants working on the project must comply with public sector conflict of interest requirements. Failure to declare and/or effectively manage conflicts of interest can damage the integrity of the project, therefore eroding public or market confidence in the outcomes. Inadequate systems for identifying and dealing with conflicts of interest provide opportunities for corruption, maladministration and serious waste of public resources.
Maintaining Confidentiality	Accountability and transparency are fundamental to the work of public sector organisations and public officials. However, there is some information that needs to be kept confidential, at least for a specified period of time, in order to protect the integrity of a process and give private sector participants the confidence to do business with government. This information can include the content of proposals, intellectual property and pricing and profit structures. Importantly, much of the information relating to a project needs to be kept confidential up to the point where a contract is signed.
Obtaining Value for Money	Value for money is achieved by fostering an open competitive environment in which private sector participants can make attractive, innovative proposals with the confidence that they will be assessed on their merits. Lapses in probity often end with one or more parties obtaining unreasonable financial gains at the expense of the public interest. Value for money does not necessarily mean lowest price. Agencies need to consider non-price elements of proposals (including risk) and devise criteria that allow them to be evaluated.