

Ordinary Meeting

Meeting Date: Monday, 31 October, 2022
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.30pm

Membership (Quorum - 7)
All Councillors

Addendum Agenda

Reports

City Services

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Note: Following a Councillor Briefing Thursday 27 October 2022 an Addendum Report regarding 52 Parker Crescent, Berry will be circulated on Monday 31 October 2022

Confidential Reports

CCL22.32 Request for Quote – Pavement Rehabilitation - Albion St Sanctuary Point - Cammaray Dr & Tilbrook Ave St Georges Basin

Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

CL22.577 NSW Government Funding - The Fixing Local Roads Pothole Repair Round

HPERM Ref: D22/452412

Approver: Craig Exton, Acting Director City Services

Reason for Report

To acknowledge Council's intention to submit an application as to the recently announced \$50 million Fixing Local Roads Pothole Repair Round that will supplement existing funding and support additional efforts by local councils in the short-term repair of priority potholes and road repairs on local and regional roads.

Recommendation

That Council:

1. Acknowledges and thanks the NSW Government for providing additional support to local Councils through the \$50 million Fixing Local Roads Pothole Repair Round, in response to the unprecedented and compounding damage to roads assets caused by recent weather events.
2. Note that an application on behalf of Shoalhaven City Council will be submitted for the Fixing Local Roads Pothole Repair Round before 5pm Tuesday, 8 November 2022.

Options

1. Resolve as recommended

Implications: Will formalise Council's note that staff will submit an application for the Fixing Local Roads Pothole Repair Round.

Background

On 25 October 2022, the NSW State Government announced that it will invest \$50 million to help regional and rural Councils fix the increasing number of potholes brought on by this year's extreme wet weather. Applications for the new Fixing Local Roads Pothole Repair Round opened Wednesday 26 October and close Tuesday 8 November.

The NSW road network is over 180,000 kilometres in length, with local Councils responsible for maintaining well over 85 per cent of this network. The Fixing Local Roads Pothole Repair Round will provide funding to alleviate the considerable cost being incurred by Councils to maintain their local and regional roads to an acceptable standard, improving everyday journeys for regional communities.

Recent weather events have increased the impact of potholes on local and regional roads, increasing the workload and cost for Councils. This additional funding boost supplements the funding provided to Councils through the Fixing Local Roads Program, assisting Councils with their ongoing maintenance.

Funding will be allocated based on kilometres of Local and Regional Road network managed by Councils.

Applications are to be made through the SmartyGrants portal.

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CL22.578 Progress Update - Infrastructure Recovery Works - Natural Disaster Events 2022

HPERM Ref: D22/452991

Approver: Craig Exton, Acting Director City Services

Reason for Report

To provide Council with an update on the progress of infrastructure recovery works as a result of the severe weather event across March 2022, July 2022, and September 2022 in the Shoalhaven LGA.

Recommendation

That Council receive this update on the progress of infrastructure recovery works which is required as a result of the March 2022, July 2022, and September 2022 Natural Disaster Events.

Options

1. Resolve as recommended

Implications: Will formalise that Council received this update on the progress of infrastructure recovery works which are required as a result of the March 2022, July 2022, and September 2022 Natural Disaster Events

Background

Since the 2019/20 Bush Fire crisis, the worst in NSW history, there have been ten significant natural disaster events that have impacted the Shoalhaven, eight of which included damages significant enough to be listed as an impacted Council, including the recent September event where the Shoalhaven has again applied for Natural Disaster funding.

The latest of these events being the East Coast Lows which caused extensive damage by way of major landslips, pavement failures, bridge, and causeway damage.

- March 2022, AGRN1012
- July 2022, AGRN1025 and
- September 2022 AGRN10125

The following summarises the extent of the of this damage to date:

- A total of 1,235 records of damages recorded to date which is made up of:
 - 460 Emergency Works projects
 - 586 Immediate Reconstruction Works projects
 - 189 Essential Public Reconstruction Works projects
- 95 sites having specific funding approved to the total value of just under \$11.6M, including the costs related to the Natural Disaster Reconstruction team.

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- 37 Geotechnical inspections, assessments and reports have been completed, not including the assessments for the 38 major landslips to be managed within the upcoming major landslip repair works project.

Further information about these events and Council response with reconstruction planning and works is available at Council’s Master Project page:

https://www.shoalhaven.nsw.gov.au/Projects-Engagement/Major-Projects-Works/March-to-July-2022-severe-weather-and-flooding-recovery-work#anchor_1666748462676

Residents, Councillors and interested people are encouraged to subscribe to this Master Project page and relevant Road Works pages to receive access to the latest relevant information.

Definitions

The definition and timeframes for completion of each work category referred to above is as follows, and taken from the *Commonwealth Disaster Funding Recovery Arrangement 2018* and the *NSW Disaster Assistance Arrangements 2018*.

Emergency Works

Urgent activities necessary following an eligible disaster to temporarily restore an essential public asset to enable it to operate at an acceptable level of efficiency to support the immediate recovery of the community.

Intermediate Reconstruction Works

Immediate reconstruction activities following an eligible disaster to fully reconstruct a damaged essential public asset, and where no Essential Public Asset Reconstruction Works are required.

Essential Public Asset Reconstruction Works

Reconstruction works of an essential public asset directly damaged by an eligible disaster for which an estimated reconstruction cost has been developed.

Restoration of Essential Public Assets	Emergency Works	Immediate Reconstruction Works	Essential Public Asset Reconstruction Works
Damage notification	24 hours (notify)	asap (seek agreement)	6 months (approval)
Works completion time limit	3 months (21 days for 'opt-out' councils)	3 months	2 years (after the end of FY)

Opt In / Opt Out to new Natural Disaster Funding Arrangements

Council has recently been approved as an “opt in” Council to the Commonwealth Disaster Funding Recovery Arrangement 2018, backdated to include access to new co-funding arrangements for all natural disaster events since the March 2022 severe weather event. Under these arrangements, Council may be eligible to claim funding for the following additional items:

1. The use of normal-hours staff ('day labour') for Emergency Works, Immediate Reconstruction Works, and Essential Public Asset Reconstruction Works.
2. The use of council’s own plant and equipment for Emergency Works, Immediate Reconstruction Works, and Essential Public Asset Reconstruction Works.

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3. An extended period for Emergency Works on essential public assets (including clean-up) - for up to three (3) months from the time that the asset becomes accessible.

Natural Disaster Reconstruction (NDR) team

As reported in June, the Natural Disaster Reconstruction team has been formed and is operational. A summary of the team formation status is as follows.

- Senior Project Manager – 1x recruited
- Major Project Manager – being recruited
- Program Manager – 1x recruited
- Communication Officer – 1 recruited
- Business Support Officer – 1 x recruited
- Administrative Assistant – 3 x recruited
- Project Managers – 3 recruited, 1 being recruited
- Surveillance Officers – 2 recruited, 2 x being recruited

In addition to these positions, the Council District Offices are recruiting administration staff to assist with natural disaster matters:

- Administrator (Northern) - hired and in training
- Administrator (Basin) – in recruitment
- Administrator (Central) - in recruitment
- Administrator (Southern) - in recruitment

Meetings & Communication

The **Natural Disaster Reconstruction team** meets weekly with Council District Managers to plan, coordinate, and communicate reconstruction efforts. Information is gathered to provide regular updates on the status of planned works on various roads which is used to update specific Road Works pages and more general information if provided on the **Master Project page** (see link in Background).

Road Works Pages

Council also has a **Natural Disaster Recovery Team** Chaired by NSW Resilience and meets weekly with Council's Recovery Officer and representatives from the Local Emergency Management Committee (LEMC) to discuss and plan assistance in relation to human and animal welfare.

Community Engagement

Extensive community engagement has been undertaken which included:

- Two (2) village gatherings in Kangaroo Valley (29 March & 26 April 2022)
- One Berry Forum (12 May 2022).
- Presentation to Kangaroo Valley Community Meeting with representatives of
- Kangaroo Valley Community Consultative Body and the Upper Kangaroo River Progress Association, Inc (16th September 2020)

A further community meeting with Kangaroo Valley residents is planned for mid-November 2022.

Road Works Project pages are being updated regularly to provide information on current road status, planned road work and current road works. Interested persons can subscribe to the specific road work pages and / or the Master Project Page.

Emergency Works

Emergency Works have been completed including the establishment of:

Full Road closure

- Bunkers Hill Rd at # 368B

Part Road closures

- Upper Kangaroo River Rd
- Woodhill Mt Rd
- Wattamolla Rd
- Mt Scanzi Rd
- Burrier Rd
- Scott St
- Suffolk Rd

Load Limits

- Abernethy's Rd, Bugong – 3 tonnes
- Bunkers Hill Rd – 5 tonnes from number 136
- Crozier Rd, Jaspers Brush – 12 tonnes
- Foreman's Rd, Woodhill – 5 tonnes
- Kangaroo Valley Rd – 12 tonnes
- Upper Kangaroo Rover Rd – 9 tonnes
- Wattamolla Rd – 9 tonnes

Completed Works

Repair works have been completed on sections of the following roads:

Northern District

- Elliott's Ln, Meroo Meadow (unsealed)
- Schofields Ln, Berry (unsealed)
- Irvines Rd, Berry Mountain (unsealed)

Central District

- Greenwell Point Road, Worrigeer
- Cabbage Tree Lane, Nowra Hill
- Callala Beach Road, Callala Beach
- Culburra Rd, Wollumboola
- Jindy Andy Lane, Pyree
- Worrigeer Road, Worrigeer

Basin District

- The Wool Road, Basin View
- Naval College Road, Basin View
- Evelyn Road, Basin View
- Jervis Bay Road, Jervis Bay

- Roper Street, Vincentia
- Pine Forest Road, Tomerong

Interim Slip Repairs

- Wattamolla Rd – two locations
- Upper Kangaroo River Rd – two locations
- Foreman's Rd
- Woodhill Mountain Rd
- Suffolk Rd

Planned Works Listed to commence soon

Northern District

- Abernethy's Rd, Bugong (unsealed) Jacks Corner Rd, Kangaroo Valley (unsealed)

Round 1 RFQ to be issued December:

- Woodhill Mt Rd, Woodhill
- Illaroo Rd, North Nowra
- Hockeys Ln, Cambewarra
- Jacks Corner Rd, Kangaroo River Rd
- Coolangatta Rd, Coolangatta

Round 2 RFQ to follow:

- Kangaroo Valley Rd, Berry Mountain
- Hillandale Rd, Broughton Vale
- Agars Ln, Berry
- Main Rd, Cambewarra
- Upper Kangaroo, River Rd, Kangaroo River

Central District

Round 2 RFT

- South Street, Terara
- Greenwell Point Road, Brundee

Round 3 RFT to follow:

- Terara Road, Terara
- Tomerong Island Road, Numbaa
- Millbank Road, Terara
- Burrier Road, Barringella
- Yalwal Road, West Nowra

Basin District

- Cammaray Dr, St George Basin
- Tilbrook Av, St Georges Basin
- Albion St, Sanctuary Point

Southern District

Round 1 RFT to be issued December:

- Woodstock Rd, Woodstock
- Lake Conjola Entrance Rd, Yatte Yattah

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- Sussex Inlet Rd, Tullarwalla
- Fisherman’s Paradise Rd /Alma Av, Fisherman’s Paradise
- Inyadda Dr, Manyana
- Bendalong Rd, Bendalong

Major Landslip Repair Work Program

This is the most critical infrastructure reconstruction program, due to the potential for isolation and severe access restrictions on residents and businesses affected by the 38 major landslip sites (from a total of 98 landslip sites).

Current status of the project is as follows:

- Establishment of a joint contract and project delivery team involving the collaboration of Council staff with NSW Public Works Advisory and TfNSW.
- Engagement of specialist geotechnical consultants SLR Consulting to undertake ground investigation, slope analysis, concept design and detailed design and costing work
- Completion of ground investigation work
- Completion of Environmental Due Diligence report
- Completion of concept design work
- Completion of detailed design work sufficient for calling public tenders
- Establishment of Procurement Evaluation Panel
- Compilation of General Condition of Contract GC21
- Call public tenders on 31 October using NSW E-Tender
- Planned tenders close early December 2022
- Tender Evaluation over remainder of December 2022 and part January 2023 depending on detail and quantity of tender responses
- Tender Acceptance is planned for early 2023
- Contractor establishment on various sites can be up to six weeks after tender acceptance meaning work may not start on site until March 2023
- Bunkers Hill Rd is listed as the priority # 1 road requiring repairing noting the presence of five (5) landslips, load limits and a full road closure # 368B

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Expenditure to date

The total damage bill is likely to exceed \$79 million which includes landslip, road pavement bridge, levee and other infrastructure repair work. Expenditure and funding to date is summarised as follows:

District	Emergency Works & Immediate Restoration Mar-22	Emergency Works & Immediate Restoration Jul-22	Repair of Public Assets
Basin	\$916,591.81	\$911,114.98	Landslips \$1,816,715.97
Central	\$777,996.46		
North	\$1,969,900.53		
South	\$289,028.54		
TOTALS	\$3,953,517.34	\$911,114.98	\$1,816,715.97

Funding

Shoalhaven has opted into the Natural Disaster Funding Arrangements and therefore all of the above works should be claimable and refunded to Council, less the fee per event.

Additionally, the following have also been provided:

Funding Value	Month Paid	Distribution
\$2,000,000	Mar-22 Jul-22	\$100,000 – Kangaroo Valley Business Recovery Plan \$1,900,000 – Cover funding deficits for emergency and immediate reconstruction works
\$5,000,000	Jun-22	Pre-funding of first \$5M of upcoming claims - to be lodged monthly
\$7,000,000		

Financial Implications

A Notice of Natural Disaster Declaration was made by Resilience New South Wales for the Shoalhaven LGA inclusion in AGRN1012 (Mar-22), AGRN1025 (Jul-22) and AGRN1034 (Sep-22). As a result, Council is eligible to receive funding under the Australian Government Disaster Recovery Funding Arrangements (2018) to cover the costs associated with restoration of roads to the pre-condition before the event.

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CL22.579 Request for Quote - Pavement Rehabilitation - Albion St Sanctuary Point - Cammaray Dr & Tilbrook Ave St Georges Basin

HPERM Ref: D22/442891

Department: Works & Services

Approver: Craig Exton, Acting Director City Services

Reason for Report

To allow Council to consider the recommendation from the quotation process for Pavement Rehabilitation - Albion St. Sanctuary Point - Cammaray Dr & Tilbrook Ave St Georges Basin in accordance with Section 55(3)(i) of the Local Government Act 1993.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

Recommendation

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

Options

1. Accept the recommendation

Implications: Consider a separated confidential report on the matter

2. Council make a different resolution

Implications: This would result in the project being readvertised as an open tender, extending the delivery time by approximately 8 weeks which is undesirable given the urgency of the works, with low expectations of achieving a better outcome based on the previously unsuccessful procurement processes for these sites.

Details

Project Description

The works will include the reconstruction of road pavement at three locations in St Georges Basin and Sanctuary Point. Council commissioned Coffey Testing Pty Ltd to carry out pavement investigations at the above three residential access streets. Subsequently, Coffey commissioned D&N Geotechnical Pty Ltd (D&N) to provide pavement rehabilitation advice based on the investigation findings. A full pavement reconstruction is proposed with associated drainage blanket layer and subsoil drains.

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Background

Shoalhaven City Council had previously taken the project to the Vendor Panel for contractors in RFQ 71159E for Albion St Sanctuary Point - Cammaray Dr & Tilbrook Ave St Georges Basin, on 12 July 2022 for a larger scope of work and received no offers from 53 suppliers. Council then approached Jirgens Civil Pty Ltd to provide an offer for the same scope of work which was received and was deemed as being too high. The scope of work was subsequently reduced after discussions with TfNSW with funding from the Natural Disaster Restoration Fund.

The reduced scope of work was readvertised via Tenderlink under RFQ 71567E for Pavement Rehabilitation - Albion St Sanctuary Point - Cammaray Dr & Tilbrook Ave St Georges Basin, with notifications going to over 3,000 suppliers resulting in 18 RFQ downloads. The RFQ closed on 10 October 2022 and the only offer received was from Jirgens Civil Pty Ltd of South Nowra.

Tendering

Council called for Quotations for Pavement Rehabilitation - Albion St. Sanctuary Point - Cammaray Dr & Tilbrook Ave St Georges Basin on 29 September 2022 which closed at 10:00am on 10 October 2022 and only one (1) quotation was received at the time of closing.

Tenders were received from the following:

Tenderer	Location
Jirgens Civil Pty Ltd	South Nowra

Details relating to the evaluation of the quotation is contained in the confidential report.

Community Engagement:

Nil

Policy Implications

The proposed contract value obtained via an RFQ process and exceeds the open tender procurement threshold of \$500,000. Therefore, Council must either readvertise the contract via an open tender process or seek a Council resolution in accordance with Section 55(3)(i) of the Local Government Act 1993 which states:

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

Based on the failure to obtain a quote from the original panel quotation process, which notified 53 suppliers, and only receiving a single quotation for the modified scope of work in the subsequent RFQ process, which involved notification of over 3,000 suppliers, the Evaluation Team for the RFQ considers that the condition of “unavailability of competitive or reliable tenders” has been met and does not expect a satisfactory result will be achieved by inviting tenders.

Financial Implications:

Details relating to the Financial Implications are contained in the confidential report.

Risk Implications

Details relating to the Risk Implications are contained in the confidential report.

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