



FINAL MINUTES

7 May 2008

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117	07.05.08	Ordinary Meeting

Declaration of Material Personal Interest

CR D CAMILLERI (Item 8.4)

ORDINARY MEETING MINUTES

1. ATTENDANCE:

His Worship the Mayor, Cr C Meng (Chairperson), Crs G R Christensen, D T Comerford, P F Steindl, D J Perkins, D R Hatfield, D E Camilleri, W A Cameron and K L May were in attendance at the commencement of the meeting. Also present was Mr R Geraghty (Acting Chief Executive Officer) and Ms D Jeffery (Minute Secretary).

The meeting commenced at 10:20am.

2. OPENING PRAYER:

Reverend Ian Wilson led those present in Prayer.

10:22am – Cr Hatfield attended the meeting.

3. APOLOGIES:

THAT apologies from Crs Thomsen and Casey be accepted.

Moved Cr Camilleri

Seconded Cr Perkins

CARRIED 9/0

4. CONDOLENCES:

Condolences were expressed at the passing of Brother Tom Higgins.

Condolences were also expressed at the passing of Father Kevin Treacey.

5. CONFIRMATION OF MINUTES:

5.1 ORDINARY MEETING MINUTES - 23 APRIL 2008

THAT the Minutes of the Ordinary Meeting held on 23 April 2008 be confirmed.

Moved Cr Hatfield

Seconded Cr May.

CARRIED 9/0

6. BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING:

Nil.

7. MAYORAL MINUTES:

Nil.

8. CORRESPONDENCE AND OFFICERS' REPORTS:**8.1 DEPARTMENT OF MAIN ROADS - NAMING OF JOINT LEVEE ROAD**

File No Glenpark Street / Sams Road
Author Manager Technical Services

Purpose

To seek Council's response to a request from the Department of Main Roads (DMR) to a proposal for the naming of the Joint Levee Road as "Sams Road".

Background/Discussion

Works have commenced on the two major projects which are aimed at assisting the flow of traffic in the North Mackay area into and out of the CBD and also the heavy vehicle movement to and from the Harbour. The Joint Levee Road linking Sams Road to Harbour Road and the duplication of Forgan Bridge projects are not only well advanced in planning, but actual construction works have commenced, particularly in relation to the Joint Levee Road.

In order to formalise the naming of sections of these linkages, the Department of Main Roads propose to gazette the Joint Levee Road as the Rockleigh North Mackay Road.

DMR have requested that the Council provide comment or agreement on the Joint Levee Road being called 'Sams Road' and that the short section of Sams Road from the intersection with the Joint Levee Road to the north to Glenpark / Malcomson Street intersection be included as a section of 'Glenpark Street'.

Council will no doubt, be involved in separate discussions and negotiations with DMR regarding demaining of a number of roads following completion of the Joint Levee Road. It has been intimated that DMR would wish to demand the following roads to be Council controlled following their rehabilitation:

- Malcomson Street (between Glenpark and Evans Avenue)
- Evans Avenue to Palmer Street
- Palmer Street
- Section Sams Road from Joint Levee to Malcomson / Glenpark

In the past, the 'demaing' of roads has also been subject to a suitable compensation package being negotiated usually involving not only the restoration of the roadway to a suitable standard but also the provision of funds to compensate for future maintenance.

This issue will be further addressed at the stage the demaining proposal is submitted by DMR.

Consultation

General Manager Engineering Services, Manager Strategic Planning.

Resource Implications

Not Applicable.

Conclusion

The proposal to name the Joint Levee Road as "Sams Road" and the section of the current Sams Road from the Joint Levee Road off take north to Glenpark / Malcomson Street intersection be included as a section of "Glenpark Street" is considered appropriate.

General Manager's Recommendation

1. THAT Council advise the Department of Main Roads that it supports the proposal to name the Joint Levee Road 'Sams Road' and the naming of the section of road from the Joint Levee Road intersection to Glenpark / Malcomson Street intersection as Glenpark Street.
2. THAT Council note the information provided by the Department of Main Roads regarding their intention in the future to 'demain' road sections and that a submission be made to the Minister for Main Roads setting out Council's required upgrading standards and required maintenance contributions which would be a prerequisite to Council taking over maintenance / ownership of the subject road sections.

Council Resolution

THAT the General Manager's Recommendation be adopted.

Moved Cr Perkins

Seconded Cr Cameron

CARRIED 9/0

Council Resolution

THAT Council advise the Department of Main Roads that because the section of Evans Avenue from Palmer Street to Harbour Road is the accepted and utilised truck route instead of Palmer Street, that Main Roads include that section of road in its remediation schedule.

Moved Cr Perkins

Seconded Cr Cameron

CARRIED 9/0

8.2 WELLINGTON STREET FIT-OUT PROJECT

File No MCC 2008-026

Author Manager Recreational Facilities and Property

Purpose

To consider additional budget allocation for completion of refit of Wellington Street and the Administration Centre to accommodate additional accommodation needs resulting from the formation of the Mackay Regional Council.

Background/Discussion

As a result of amalgamation of Mackay, Mirani and Sarina Councils, there was an urgent requirement to extend from the Administration Building into extra areas at 42 Wellington Street. Following final completion of the project the Wellington Street building will be able to cater for approx 130 staff from Regulatory Services.

With designs and planning completed in February 2008, directly followed by the calling of tenders, it was obvious that the tenders would close during the period when Council was in "caretaker" mode and also during the period when there would be no Council meetings. In preparation for this and not wishing to hold-up such a critical staff accommodation project, a report was prepared for Council consideration and a resolution passed at Council's Ordinary Meeting of 27th February 2008.

THAT the Acting Chief Executive Officer be delegated authority to accept and award tenders, including execution of necessary contracts, following the closure of tender MCC 2008-026 Wellington Street Refurbishment, subject to budgetary adherence.

This resolution gave to the Acting Chief Executive Officer the authority to award a contract following closure of tenders.

Following closing of tenders, tendered amounts were well in excess of what had been expected by Council's Architects and also in excess of budgeted amounts. Actual tendered figures for building and construction works exceeding estimate and budgets is unfortunately not

considered to be uncommon in the current Mackay climate with major inflation pressures on construction costs.

Again acutely conscious of the need to have this critical project commence, but also conscious of the fact that the authority given was related to the tender being within budget, discussions were undertaken with the Architects and lowest tenderer. Following these discussions, a revised tender price was given including the exclusion of a number of contract components. These included for example the required additional air-conditioning works. Such works are required to meet legislative design requirements and occupation of the area will not be possible until they are completed, however were not considered critical to actual commencement of the project.

The original capital budgeted amount including an allowance for furniture was \$501,450 (including carry-over amounts). Along with this Council had a capital allocation amount of \$252,700 (including carry-over amounts) for relocation within the Administration Building for building renovation works post the move of staff to Wellington Street. These two (2) amounts were combined to a total of \$754,150 so as to be able to accept the Wellington Street project tender.

With work now commenced on the Wellington Street project, it is now critical that Council revisit the budget issue and make available sufficient monies to enable completion of the project, which includes fit-out of Wellington Street and renovation of the Administration Building.

As well as the identified capital budget allocations noted above, within the 10 year financial plan there is allowance for \$217,000 in 2008/2009 for an Administration Building generator and further fit out. Separate to this, allowance has also been made within the 10 year financial plan for a generator for the IT server room. It is therefore suggested that the \$140,000 allocated for the generator for the Administration Building could be reallocated to the building refit projects.

If so, this would make a total available within existing budgets of \$971,150 meaning a required extra of **\$493,260.**

Consultation

Management Team and all Council Departments.

Resource Implications

Required Project Monies

Wellington Street

Original Building tender amount -		\$ 788,460
Extra required tender amounts (inc A/c works etc)		\$ 85,000
Project contingency -		\$ 50,000
Architects design and supervision fees -		\$ 70,750
Consultants design fees (structural etc) -		\$ 43,200
Furniture – (fit-out)		<u>\$ 250,000</u>
Total Wellington Street-		\$1,287,410
Allowance for Admin Blding refit -		<u>\$ 177,000</u>
Total required -		<u>\$1,464,410</u>
Less - Current Budget	\$754,150	
- 2008/09 Budget (Provisional Allocation)	<u>\$217,000</u>	<u>\$ 971,150</u>
Additional Budget Request		<u>\$ 493,260</u>

Amalgamation has created major pressure on Council's Administration Building and hence the urgent requirement to house approximately 130 staff in Wellington Street. Therefore it is considered that the Wellington Street refit and renovation works in the Administration Building are appropriate amalgamation costs.

Conclusion

The refit of the Wellington Street Building and Administration Building are considered crucial to meeting staff accommodation needs post amalgamation. They are also considered to be relatively economical given the large number of staff to be accommodated.

It is intended to accommodate the whole of the Regulatory Services Department in Wellington Street. It is considered that the costs of the Wellington Street and Administration Building refit are appropriate amalgamation costs to cater for extra accommodation needs resulting from the formation of the Mackay Regional Council.

General Manager's Recommendation

THAT an additional 2007/08 budget of \$493,260 for the refit of Wellington Street and the Administration Building be approved to be charged to the Amalgamation costs.

AND THAT the \$140,000 proposed 2008/09 budget for a generator be transferred to this project.

Council Resolution

THAT the General Manager's Recommendation be adopted.

Moved Cr Comerford

Seconded Cr Camilleri

CARRIED 9/0

8.3 EXCESS SPEED ISSUES - FARLEIGH STATE SCHOOL

File No **Chidlow Street**
Author **Manager Technical Services**

Purpose

To advise Council regarding concerns raised by Farleigh State School in relation to vehicle speeds in Chidlow Street, Farleigh.

Background/Discussion

Correspondence dated 31 March 2008, attached has been received from the Principal of Farleigh State School regarding safety concerns for vehicle speeds in Chidlow Street Farleigh, adjacent to the School.

Subsequent speed reviews undertaken have confirmed the Principal's advice including during the operation of the School zone. Information collected is summarised as follows:

Outside School Zone Hours

- Maximum Speed - 112.9kph
- Average Speed - 42.3kph
- 85th Percentile Speed - 61.6kph
- % Exceeding Posted Speed - 39.86%
- Posted Speed Limit - 50kph

During School Zone Hours

- Maximum Speed - 84.6kph
- Average Speed - 41.4kph
- 85th Percentile Speed - 59kph
- % Exceeding Posted Speed - 51.63%
- Posted Speed Limit - 40kph

It is obvious that significant safety issues could exist given the lack of adherence to posted speed limits. While no allocation currently exists to establish traffic calming devices in Chidlow Street, this project should be considered in future Capital Works Programs.

As an interim measure, the matter should be referred to the Queensland Police Service for enforcement action and Council can also erect its Speed Awareness Machine at the location in an attempt to highlight the excess speed issues.

Consultation

General Manager Engineering Services.

Resource Implications

Possible future Capital Works allocations. Detailed assessment including the development of design concepts need to be prepared to enable costs to be ascertained.

Conclusion

Speed reviews of the area around Farleigh State School have highlighted significant excess speed issues including during School zones hours.

While no current allocations exist in the Capital Works Program (CWP) to install traffic calming devices, it is suggested that Council take the following course of action.

- Refer the issue to the Queensland Police Service to institute enforcement action.
- Place Council's Speed Awareness Machine on site to highlight excess speed issues.
- Consider the installation of traffic calming devices at this location as part of a future CWP.

General Manager's Recommendation

THAT Council resolve undertake the following course of action in relation to the excess speed of vehicles in the area of the Farleigh State School:

1. Refer the issue to the Queensland Police Service to institute enforcement action.
2. Place Council's Speed Awareness Machine on site to highlight excess speed issues.
3. Consider the installation of traffic calming devices at this location as part of a future Capital Works Program.
4. Refer the issue to the Traffic, Regulated Parking and Bicycle Advisory Committee.

Council Resolution

THAT the General Manager's Recommendation be adopted.

Moved Cr Perkins

Seconded Cr Steindl

CARRIED 9/0

8.4 FARRELLYS LANE UPGRADE

File No Farrellys Lane
Author Manager Technical Services

Purpose

To seek Council approval of plans to upgrade Farrellys Lane from Connors Road to Broadsound Road. (Bruce Highway)

Background/Discussion

Growth in the Paget Industrial Estate prompted Mackay City Council to commission a Traffic Study in the area to ascertain immediate and future upgrade works on the road network. GHD were engaged and produced a report in December, 2005 highlighting the need for intersection and road widening works immediately to keep pace with current growth.

The Connors Road/Farrellys Lane intersection was the first upgrade recommended in the Study and the design was approved at the August, 2007 Infrastructure Services Meeting of Council, with construction currently well advanced. The Study identified both Farrellys Lane and Connors Road as major arterial roads requiring upgrades to service the area and were included in Councils future Capital Works Program.

Negotiations between Council Planning Officers and Developers fronting this section of Farrellys Lane are on-going to determine associated infrastructure requirements in conjunction with Council upgrade works. An Infrastructure Agreement between Mackay City Council and FKP Commercial Developments Pty Ltd (Developers on the southern frontage to Farrellys Lane) was sealed in August 2007, determining liability for each party associated with road works. The Agreement is currently with Council's Solicitors and is being updated to include the construction estimates of costs for the project. This Agreement is available for Councillors' information within the Technical Services Department.

The design is in accordance with the Hierarchy Guidelines for a four-laned arterial road and aligns with the intersection upgrade at Broadsound Road proposed by the Main Roads Department in association with the Bruce Highway Upgrade.

The project involves the following works;

- Installation of 1342 metres of underground stormwater pipes
- Extension of the 3 cell 3600 x 2400 box culvert crossing of South West Mackay main Drain
- Installation of 1050 metres of barrier kerb and channel
- Installation of 12,100m² of asphalt surfacing
- Construction of 1450m² of concrete shared paths
- Installation of traffic signals at the Diesel Drive intersection
- Street lighting
- Linemarking and signage
- Turfing of disturbed areas and verges

Consultation

A street meeting was held on site on 3 July, 2007 attended by the residents, Caravan Park representative, developers, Mayor, Divisional Councillor and Design Staff to discuss the concept plan for the proposed works. Those present were in agreement of the proposed upgrade.

One on one discussions have been held between design officers and representatives of the developers fronting both the northern and southern side of the road.

One on one discussions have been held between design officers and the owner of Tropical Caravan Park.

Internal liaison has been undertaken with officers within the finance, strategic planning and works section of Council.

Mackay Water and MWRP Alliance officers.

Resource Implications

The estimated cost of the project is \$4,100,000 compared with a budget allocation in several Capital Works Sub Programs as shown below.

BUDGET ALLOCATION

2006/07	CAPITAL WORKS SUB PROGRAM – TRUNK ROADS	\$ 140,000
2008/09	CAPITAL WORKS SUB PROGRAM – TRUNK DRAINS	\$ 200,000
2008/09	CAPITAL WORKS SUB PROGRAM – PAVEMENT IMPROVEMENTS	\$ 350,000
2008/09	CAPITAL WORKS SUB PROGRAM – INFRASTRUCTURE CHARGES	\$1,100,000
2008/09	FKP INFRASTRUCTURE AGREEMENT	\$1,353,000
2008/09	MACKAY WATER CAPITAL WORKS PROGRAM	\$ 333,000
2008/09	MWRP PROJECT	\$ 22,000
	TOTAL	\$3,498,000
2008/09	FORESHADOWED AMENDMENT TO TRUNK ROADS SUB-PROGRAM	\$ 602,000
	PROJECT TOTAL	\$4,100,000

Conclusion

The design addresses the traffic requirements recommended by the Paget Study with provision for expansion expected during the growth of the Paget Industrial Estate. Approval of the plans at this time allow for planning of service alterations and works planning.

Cr Camilleri declared a material personal interest in relation to item 8.4 as a property owner in Farrellys Lane and left the Council Chambers at 10:40am whilst the item was being discussed and a decision taken thereon.

General Manager's Recommendation

THAT Council approve plans, specification and estimate of cost of \$4,100,000 for the upgrade of Farrellys Lane between Connors Road and Broadsound Road.

Council Resolution

THAT the General Manager's Recommendation be adopted.

Moved Cr Perkins

Seconded Cr May

CARRIED 8/0

10:42am – Cr Camilleri returned to the meeting.

8.5 AMENDMENT OF REGULATED PARKING LOCAL LAW AND SUBORDINATE LOCAL LAW

File No Local Law No 4 – Regulated Parking
Author Manager Recreation Facilities and Property

Purpose

To consider the making of a proposed amendment for both the existing Regulated Parking Local Law and Subordinate Local Law, and to resolve to adopt the amendments.

Background/Discussion

At Council's Ordinary Meeting on the 10 October, 2007 the following recommendation was made:

THAT the Council hereby resolves to propose to make Mackay City Council Regulated Parking (Amendment) Local Law (No. 1) 2007 which amends Mackay City Council Local law No. 4 (Regulated Parking) 2005.

FURTHER THAT the Council hereby resolves to propose to make Mackay City Council Regulated Parking (Amendment) Subordinate Local Law (No. 1) 2007 which amends Mackay City Council Subordinate Local Law No.4 (Regulated Parking) 2005.

A copy of the report to the 10th October 2007 is attached which details the proposal and resultant outcomes.

Subsequent to this resolution, the necessary State Interest Check and public consultation has been undertaken. The State has approved continuation of the amendment local law making process. No submissions were received as part of the public consultation process. It should also be noted that the report to Council on 10th October 2007 clearly detailed the effect of the changes, with this being a public report.

In summary, the proposed changes involve two(2) separate matters.

Firstly, it is proposed to amend the subordinate local law to include another privately owned property, thus allowing Council (with the property owners agreement) to apply the local law

provisions to parking on the site. There are also minor descriptive changes to existing properties contained within the subordinate local law.

The property proposed to be added in this case is the Sydney Street Markets site. The addition of the Sydney Street Markets site is to enable Council to address, on behalf of the property owners, issues with parking within the property. In particular issues with misuse of Disabled Bays, and also workers in the vicinity using the property for long term parking at the expense of shorter term shopper parking. Such action is considered to be in the public interest. Council undertakes similar activities in conjunction with both Canelands and Mt Pleasant Shopping Centres although for Disabled Bays only.

Changes to the local law itself are based solely on amendments to the schedule of infringement notice penalties. It has been identified that the current level of infringement penalties, particularly for disabled bays and taxi ranks etc, is not of sufficient amount to deter illegal parking activities. In essence, the proposal is for an increase in the infringement penalties as a deterrent to illegal parking activities. The increased penalties proposed in the amendment are –

	<u>Proposed</u>	<u>Current</u>
General offences -	\$50	\$30
Loading Zone offences -	\$80	\$60
Taxi/Bus Zone offences -	\$100	\$60
Disabled Bay offences -	\$150	\$60

At this point Council needs to pass resolutions to proceed with the amendment process, and also to make the associated amendment local law and amendment subordinate local law.

Following these resolutions by Council, changes made via an amendment take effect at the date of Gazettal of the final adopted law for a local law, and date of advertisement for the subordinate local law. Subject to the passing of the associated resolutions, it is proposed to undertake the necessary Gazettal and local advertisement on Friday 29th February 2008 (Queensland Government Gazettes are only published on Fridays). This will mean in particular that the revised infringement notice amounts will take effect from this date.

Neither the local law or subordinate local law amendments contain any anti-competitive provisions. As such no specific public consultation is required for this matter.

Consultation

The required State Interest Check for the proposed local law amendment has been undertaken via the State Government, with approval given to proceed with the local law making process. There is no State Interest Check process for the subordinate local law.

Public consultation was undertaken by way of an advert in the Daily Mercury. The advert summarised the purpose and general effect of both the proposed amendment local law and subordinate local law, and invited submissions to be made between the period 9th January and 31st January 2008. No submissions were received.

A briefing session was previously held for Councillors on Wednesday 27th June 2007 regarding the proposed infringement notice penalty increases. This session was presented by the Manager Health and Regulatory Services.

The report to Council authoring the commencement of the amendment process was considered at Council's Ordinary Meeting of 10th October 2007.

King and Co Solicitors have been involved in the drafting and State Interest Check processes. In particular, their advice has been sought recently regarding the fact that the early local law making processes were commenced by the Mackay City Council, whereas the actual making of the amendment local law will be by the Mackay Regional Council. Their advice being that by virtue of section 9 of the Local Government Reform Implementation Regulation 2008, the newly formed Council has the legislative ability to continue to perform any functions or exercise any powers of the previous Council(s), including the continuation of the local law making process.

Resource Implications

It is not considered that the changed penalties will have a major impact on the current budget. This will however depend on the quantity of fines issued post the amendments. Any impact will need to be addressed at the time of Quarterly Budget reviews.

Conclusion

To finalise the amendment process Council needs to pass specific resolutions. These simply confirm that Council is happy to proceed with the making process, and to also make the amendment local law and amendment subordinate local law.

It is recommended that Council finalise the amendment process.

General Manager's Recommendation

THAT Council hereby resolves to proceed with the making of Mackay Regional Council Regulated Parking (Amendment) Local Law (No. 1) 2008 (previously Mackay City Council Regulated Parking (Amendment) Local Law (No. 1) 2007) as advertised, which amends Mackay City Council Local Law No. 4 (Regulated Parking) 2005.

FURTHER THAT Council hereby resolves to make Mackay Regional Council Regulated Parking (Amendment) Local Law (No. 1) 2008 (previously Mackay City Council Regulated Parking (Amendment) Local Law (No. 1) 2007) as advertised, which amends Mackay City Council Local No. 4 (Regulated Parking) 2005.

AND FURTHER THAT Council hereby resolves to make Mackay Regional Council Regulated Parking (Amendment) Subordinate Local Law (No. 1) 2008 (previously Mackay City Council Regulated Parking (Amendment) Subordinate Local Law (No. 1) 2007) as advertised, which amends Mackay City Council Subordinate Local Law No. 4 (Regulated Parking) 2005.”

Council Resolution

THAT the matter be deferred to a future Ordinary Meeting.

Moved Cr Perkins

Seconded Cr Steindl

CARRIED 9/0

8.6 LEAVE OF ABSENCE - CR DARRYL CAMILLERI

Author Acting Chief Executive Officer

Purpose

To consider a request for leave of absence from Cr Camilleri.

Background/Discussion

Cr Camilleri has advised that he will be away from Tuesday, 10 June 2008 until Wednesday 11 June 2008 and has requested leave of absence from the Council Meeting due to be held on Wednesday 11 June 2008.

Protocol and standard practice is for Councillors to apply for leave of absence when not attending Council Meetings, or alternatively submit an apology for their non attendance.

Consultation

Mayor and Acting Chief Executive Officer.

Resource Implications

Nil.

Conclusion

There are no additional resource implications.

Acting Chief Executive Officer's Recommendation

THAT Cr Camilleri be granted leave of absence from the Council Meeting due to be held on Wednesday 11 June 2008.

Council Resolution

THAT the Acting Chief Executive Officer's Recommendation be adopted.

Moved Cr Comerford

Seconded Cr Christensen

CARRIED 9/0

9. CONSIDERATION OF COMMITTEE REPORTS:

Nil.

10. RECEIPT OF PETITIONS:**10.1 PETITION - WALZ ROAD**

File No Walz Road
Author Manager Technical Services

Purpose

To present to Council information in relation to issues raised by the submission of a residents petition regarding Walz Road.

Background/Discussion

Correspondence in the form of a petition has been received from residents of Walz Road. This petition was presented to and accepted by Council at its meeting on 16 April 2008.

Issues raised in the petition include:

- Surface condition especially after rainfall as a result of loose stones on the unsealed surface
- Drainage and inundation issues

Walz Road is a Rural Access Road under Council's rural road hierarchy. Maintenance and defect assessment on rural roads is undertaken based on Council's documented assessment system which establishes a programmed response to assessment of maintenance issues and applies a condition and rating to all defects. Defects are classified A to D in accordance with the Gravel Road Defect Assessment System with the appropriate intervention and response times as per the attached procedure.

With the current level of traffic annual inspections only would be undertaken subject to intervening complaints being addressed. Should inspections be undertaken and indicate intervention levels are met, maintenance is programmed.

Issues associated with truck haulage have been addressed somewhat by Council's adoption of Policy TS06 'Road Impacts of Proposed Developments on Existing Road Infrastructure Assets' in May 2007. Since that time contributions have been sought and obtained from haulage operations where damage and increased maintenance costs may be incurred. Based on expected maintenance required on Walz Road during requests for renewal of extraction permits, Council is requiring operators to contribute to increased levels of maintenance expected due to their operations. (Lemura - maintenance \$4,931.59pa, Mackay Sand and Gravel \$2,388.25pa). In addition, additional funds are held in reserve in relation to the 'bring forward' costs of rehabilitation of the bitumen surfaced section of Walz Road from contributions by developers. (Lemura \$2,908.59 per year, Mackay Sand and Gravel \$1,408.56)

In relation to the drainage concerns, rural road access is usually based around creation of a Q5 immunity for such roads during rainfall events. As per the attachment, limited contour information exists in the form of a Digital Terrain Map obtained from aerial photographs and photogrammetry interpretation in 2004. It is unclear as to whether contour charges by laser planning has been undertaken since that time to modify water flow directions. From information provided by Council's Maintenance Supervisor, in general, subject to tidal tail water levels, drainage operates to normal expectations during 'normal' rainfall events. However, all culverts have been fitted with tidal flaps as during high tide events saltwater intrusion occurs. If heavy rainfall occurs during these high tide events, inundation of the roadway does occur. Given this is a 'typical' rural drainage situation no upgrading as suggested is required.

It should also be raised that as a result of recent rainfall events, significant gravel loss has occurred. It is expected that subject to approval of the flood damage claim, that funds will be obtained to restore the gravel pavement. These funds in combination with the reserve funds for road maintenance will allow pavement restoration to be undertaken.

Consultation

General Manager Engineering Services and Maintenance Supervisor.

Resource Implications

Pavement Restoration using flood damage claim funding allocations and consolidated reserve funds for road maintenance.

Conclusion

The residents of Walz Road have indicated that issues exist in relation to the road surface condition and transverse drainage capacity.

Maintenance inspections and works are undertaken in accordance with documented procedures.

Complaints regarding road surface condition will be addressed following the approval of the flood damage funds for road maintenance on Walz Road and from gravel haulage companies contributions.

Drainage in Walz Road is considered as typical for rural access roads and is equivalent to a Q5 standard. It should be noted that during high tidal events and heavy rainfall events, it is likely that inundation will occur. However, it would be in most cases of limited extent and duration. No drainage upgrading is recommended for this locality.

General Manager's Recommendation

THAT residents of Walz Road be advised that:

1. Current road pavement condition will be addressed by gravel replacement following approval of the flood damage claim by the Department of Local Government and by use of contributions from the haulage contractors on Walz Road.

2. Drainage Capacity in Walz Road is typically consistent with other rural access roads. In this case, where road levels are close to tide levels inundation would be limited. No upgrading is proposed given the nature of the roadway affected.

Council Resolution

THAT the General Manager's Recommendation be adopted.

Moved Cr Comerford

Seconded Cr May

CARRIED 9/0

11. TENDERS:

11.1 TENDER - SANDFLY CREEK FISHING PLATFORM

File No Tender MCC2008-022 Sandfly Creek
Author Manager Technical Services

Purpose

To advise Council of the results of a tender advertised in relation to the construction of a fishing platform associated with the Sandfly Creek Masterplan and recommend that no tender be awarded.

Background/Discussion

Following the completion of the Sandfly Creek Walkway, and as part of the preparation of the 2007/08 budget, preliminary estimates of cost for construction of a fishing platform at Sandfly Creek in line with the Sandfly Creek Wetlands Masterplan were prepared. The estimate of \$190,000 was compiled by Council's Landscape Architect based on boardwalk construction costs at the time.

Following consultation with Sunfish the proposal was modified to be able to construct a fishing platform downstream of the existing floodgates. Grant applications were submitted under the Recreational Fishing Community Grants Programs. Advice was received that funding to the value of \$98,500 including GST would be provided under this programme by the Department of Agriculture Fishing and Forrestry (DAFF).

Subsequently geotechnical investigations and structure designs have been completed and tenders advertised for constructions. Copies of plans are appended.

Tenders closed on 11 March 2008, and submitted tenders received (Excluding GST) are as follows:

- Ollman Pty Ltd \$806,980
- Giles Contractors \$738,028

- Henning Industries \$591,500
- Epoca Construction \$1,216,220

Given the wide disparity in costs which are well in excess of cost estimates and budget allocations, it is unlikely that contract negotiations with the lowest tender would be able to reduce contract costs to acceptable levels. The received tenders reflect increased costs and the easy availability of civil projects reducing market competitiveness.

As such, given no flexibility exists within the Capital Works Program (CWP) to provide additional funds and the overall priority of this project compared with the demand for Council funding it is recommended that Council not proceed with the project at this stage. Consideration may be given to providing allocations for this project as part of future CWP.

There are however some financial ramifications that Council needs to be aware of. Current expenditure to the completion of the design and tender process is \$37,595.89. Contact has been made with DAFF in relation to the grant funds provided to date. Given that the project will not reach fruition, the Department has indicated that they would only consider providing \$4,500 to the project expenditure to date and that remaining grant funds will have to be refunded to DAFF plus an interest component and that the funds cannot be reused on alternative projects.

Consultation

General Manager Engineering Services, Manager Parks and Environment and Contracts Coordinator.

Resource Implications

DAFF Grant	\$ 89,545
Council Component	\$ 100,455
Allocation 2007/08 Cwp	\$ 190,000
Expenditure To Date	\$ 37,595
Daff Grant To Date	\$ 78,000
Daff Grant To Be Returned	\$ 73,500
Council Expenditure	\$ 33,095

Conclusion

Given that the received tenders are significantly in excess of CWP allocations it is proposed that Council not proceed with the current tender for the Sandfly Creek Fishing Platform. The cost differential is excessive and the funds necessary to make up the difference could be well spent on other priority projects in the Parks Program.

It is disappointing that the Department will not contribute further to the costs expended to date and it is proposed that Council again advise the Department that they should be sharing these costs equally with Council.

Any Council funds remaining should now be used as a carry forward amount to fund other projects within the future 2008/09 Parks Capital Works Program.

That Council note DAFF advice regarding repayment of unspent grant funds and that action be taken to repay such funds

General Manager's Recommendation

THAT Council:

1. Not proceed with the current tender for the Sandfly Creek Fishing Platform and advise all tenderers accordingly.
2. That Council further write to the DAFF requesting that additional consideration be given to sharing the cost of works undertaken to date on an equal basis.
3. That funds remaining unspent within the allocation be treated as carry forward funding to fund other projects within the 2008/09 Parks CWP

Council Resolution

THAT the General Manager's Recommendation be adopted.

Moved Cr Camilleri

Seconded Cr Cameron

CARRIED 9/0

11.2 SUPPLY OF PRE-CAST CONCRETE PIPES - MRC 2008-025

File No MRC 2008-025
Author Manager Plant and Procurement

Purpose

To present to Council for approval tenders submitted for the Supply of Pre-cast Concrete Components for Farrelly's Lane Drainage Works.

Background/Discussion

Tenders were invited on the 2nd February 2008, via Councils website and advertised locally in the Daily Mercury, requesting submissions from suitable providers of pre-cast concrete components.

The items required were:

REINFORCED CONCRETE BOX CULVERTS

Description	Quantity	Unit
3000 x 2700 crowns only in accordance with QMRS 11.24 12/06 "On Site" (102 x 1.20 m lengths)	122.40	metre
3000 x 2700 spanning slabs in accordance with QMRS 11.24 12/06 "On Site" (67 x 1.20 m lengths)	80.40	metre
3000 x 2700 spanning slabs with opening, in accordance with QMRS 11.24 12/06 "On Site" (1 x 1.20 m lengths)	1.20	metre

The following submissions were received by 2.30pm 26th February 2008.

- Rocla Pipeline Products

The Evaluation Panel conducted an initial compliance check on 29th February 2008 to identify submissions that were non-conforming with the immediate requirements of the RFT. This included compliance with contractual requirements and provision of requested information.

Rocla Pipeline Products submission progressed through to the qualitative criteria assessment on the basis that all terms, conditions, and mandatory requirements of the request for tender had been met.

As the only tenderer, Rocla Pipelines Pty Ltd demonstrated extensive experience with the supply of similar components for projects across Australia and the capacity to supply the items specified within the nominated timeframes.

Consultation

Construction Coordinator Bill Moffat, Contract Coordinator Robert Jaggar and Contracts Officer Peter Shuttlewood undertook the evaluation of the tenders.

Resource Implications

The capital works budget allows for \$390,985.00 for the purchase of the culverts with the tendered price of \$361,290.00 being significantly lower. Considering the high demand for precast components within the construction industry the pricing structure is extremely competitive and represents a significant saving to Council.

Conclusion

That the offer from Rocla Pipelines Pty Ltd, represented the most advantageous outcome to Mackay Regional Council based on the ability to supply the materials specified and demonstrated value for money to Mackay Regional Council.

General Manager's Recommendation

THAT the lump sum tender submitted by Rocla Pipelines Pty Ltd of \$361,290.00 (Exclusive of GST) be accepted for the supply and delivery of Pre-cast Components for Farrelly's Lane Drainage Works.

Council Resolution

THAT the General Manager's Recommendation be adopted.

Moved Cr Christensen

Seconded Cr Comerford

CARRIED 9/0

12. CONSIDERATION OF NOTIFIED MOTIONS

Nil.

13. LATE BUSINESS:

Nil.

14. PUBLIC PARTICIPATION:

Dave Tindall of the Bradman Drive Committee thanked the Mayor and Councillors for speaking to the Committee today out the front of the Administration Building. Mr Tindall asked for the timetable for the roads and drainage works.

The Mayor advised that he is waiting on the Flood Recovery Taskforce to provide a report on the February 15 Flood. Cr Meng stated that the General Manager of Engineering Services gave an undertaking at the meeting earlier today that the minute Council can carry out the works Council will do so however, Cr Meng advised that he was not prepared to give a timeframe for the works.

A lady from the public gallery asked when the stadium was going to be built and if there was any way residents from South Mackay could have their say.

The Mayor advised that a meeting is taking place with the Stadium Committee on Friday. He suggested that contact be made with the State Member to discuss the matter.

Bill Seymour of 56 Rae Street expressed his concern that he had written to Council over the past 5 years but had never got a response to his queries. Mr Seymour advised that he handed in a letter at Reception today.

The Mayor advised that Mr Holley, Council's General Manager Engineering Services, will make contact with Mr Seymour to arrange a site visit.

Lawrence Borg of Valetta Gardens expressed his concerns regarding the levy bank near Valetta Gardens. He said that in the 1958 floods the river never broke the banks. He suggested that some pipes need to be installed to allow drainage from Valetta Gardens into Fursden Creek.

The Mayor advised that the Flood Recovery Taskforce Committee are looking into that issue and it should be addressed in the report.

Chris Adams of Valetta Gardens asked if Council could fix the front fence of Valetta Gardens.

Mr Holley, Council's General Manager Engineering Services, advised that the responsibility for fixing the fence would usually rest with the residents however Council will have a look at it in this instance.

Lawrence Borg of Valetta Gardens also requested that the drains at Valetta Gardens be concreted to stop the grass growing in them. In the interim he would like the grass removed.

The Mayor advised that Mr Holley, Council's General Manager of Engineering Services will investigate the matter.

Bill Johnson of Valetta Gardens asked if we had a similar flood in 2009 will we have enough strategies in place to lessen the impact.

The Mayor advised that the report from the Flood Recovery Taskforce will address these issues.

Tony Haupt of Bradman Drive asked if the Flood Recovery Taskforce Report was going to be made public.

The Mayor advised that the State has commissioned the report so the State will make the decision on whether the document will be made public.

15. CONFIDENTIAL REPORTS:

THAT Council resolved to go into closed session in order to discuss commercial in confidence issues regarding contractual arrangements.

Moved Cr Camilleri

Seconded Cr Perkins

CARRIED 9/0

11:11am – The meeting was closed to the public.

THAT the meeting be reopened to the public.

Moved Cr Perkins

Seconded Cr Camilleri

CARRIED

11:26am – The meeting was reopened to the public.

15.1 CONTRACT CLAIM

THAT the Acting Chief Executive Officer be authorised to finalise a settlement arrangement as discussed in committee.

Moved Cr Perkins

Seconded Cr Camilleri

CARRIED 9/0

The meeting closed at 11:27am.

Confirmed on Wednesday 14 May 2008.

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MAYOR

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ACTING CHIEF EXECUTIVE OFFICER

