

# Special Meeting Agenda

To be held at McKinlay Shire Council, Boardroom  
29 Burke Street, Julia Creek, Queensland 4823

Tuesday 7 February 2023, 9:00am

Notice is hereby given that an Special Meeting will be held at the Council Chambers,  
Civic Centre, Julia Creek on 7 February 2023 at 9:00am.

## **ORDER OF BUSINESS**

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## **1. OPENING BUSINESS**

All Councillors having signed the Attendance Book, the Mayor declared the meeting open.

## **2. ATTENDANCE**

Mayor: Cr. P Curr (teleconference)

Members: Cr. J Fegan, Cr. S Royes, Cr. T Pratt, Cr. J Lynch

### Staff:

Acting CEO and Director of Engineering, Environment and Regulatory Services,

Mr. Cameron Scott

Director Corporate & Community Services, Ms. Tenneil Cody

Team Leader, Environmental and Regulatory Services, Ms. Megan Pellow

Executive Assistant, Mrs. Melissa Mussig

### Other people in attendance:

### Apologies:

Chief Executive Officer, Mr. Trevor Williams

## **2.1 APPOINTMENT**

## **3. DECLARATION OF CONFLICT OF INTEREST**

## **4. CONFIRMATION OF MINUTES**

4.1 That the Minutes of the Ordinary Meeting on the 21 January 2023 be confirmed.



# MCKINLAY SHIRE COUNCIL

***UNCONFIRMED MINUTES***

OF THE

***ORDINARY MEETING OF COUNCIL***

HELD AT THE

BOARDROOM, CIVIC CENTRE  
JULIA CREEK

**17 January 2023**

## ORDER OF BUSINESS

1. Opening
2. Attendance
3. Declaration of Conflict of Interest
- 4.0 Confirmation of minutes
- 4.1 Confirmed Council Meeting Minutes 6 December 2022
- 4.2 Business Arising out of minutes of previous Meeting

### **5. ENGINEERING REPORT**

- 5.1 Engineering Works Monthly Report
- 5.2 Arthur James Fontaine Sale to Crocker Rural

### **6. ENVIRONMENTAL & REGULATORY SERVICES REPORT**

- 6.1 Environmental and Regulatory Services Monthly Report
- 6.2 Application for a siting concession/setback variation approval
- 6.3 Potential Road closure of parts of Lyrian Dora Vale Road
- 6.4 Assessment Manager Determination – Development Application AACo

### **7. COMMUNITY SERVICES REPORT**

- 7.1 Community Services Monthly Report

### **8. CORPORATE SERVICES REPORT**

- 8.1 Corporate Services Monthly Report
- 8.2 Request to Write-Off Rates Charges
- 8.3 Register of Delegations

### **9. CHIEF EXECUTIVE OFFICERS REPORT**

- 9.1 CEO Monthly Report

### **10. WORKPLACE HEALTH AND SAFETY**

- 10.1 Workplace Health and Safety

## 1. OPENING BUSINESS

All Councillors having signed the Attendance Book, Mayor Philip Curr declared the meeting open at 09:00am.

## 2. ATTENDANCE

**Mayor:** Cr. P Curr (teleconference)

**Members:** Cr. J Fegan, Cr. S Royes, Cr. T Pratt (teleconference), Cr. J Lynch

**Staff:**

Chief Executive Officer, Mr. Trevor Williams

Director of Engineering, Environment and Regulatory Services, Mr. Cameron Scott

Director of Corporate & Community Services, Ms. Tenneil Cody

Environmental Regulatory Services, Team Leader, Ms. Megan Pellow

**Apologies:**

Executive Assistant, Mrs. Melissa Mussig

## 3. DECLARATION OF CONFLICT OF INTEREST

Nil

## 4. CONFIRMATION OF MINUTES

### 4.1 Confirmation of Minutes

Confirmation of Minutes of the Ordinary Meeting of Council held on 6 December 2022.

### RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 6 December 2022 be confirmed.

### **Resolution No.106/2223**

Minutes of the Ordinary Meeting of Council held on 6 December 2022 confirmed.

Moved Cr. Fegan

Seconded Cr. Lynch

CARRIED 5/0

## 4.2 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

## 5. ENGINEERING SERVICES

### 5.1 Engineering Works Report

This report outlines the general activities for the Engineering Department for the month of December 2022.

#### RECOMMENDATION

That Council receives the Engineering Services monthly report for December 2022.

#### **Resolution 107/2223**

Council receives the Engineering Services monthly report for December 2022.

Moved Cr. Fegan

Seconded Cr. Royes

CARRIED 5/0

### 5.2 Arthur James Fontaine Sale to Crocker Rural

Correspondence has been received from Crocker Rural outlining their purchase of Arthur (Mick) Fontaine's business. Crocker has requested that they be considered for machinery hire and roadworks contracts.

#### RECOMMENDATION

That Council resolve to;

- a. Accede to the request From Crocker Rural Pty Ltd to take over the tender of Arthur James Fontaine on the T2021005 PSA Road Construction and Maintenance and the T2021006 PSA Wet and Dry Hire of Plant and:
- b. Instruct staff to make the necessary administrative arrangements.

#### **Resolution No.108/2223**

That Council resolve to;

- a. Accede to the request From Crocker Rural Pty Ltd to take over the tender of Arthur James Fontaine on the T2021005 PSA Road Construction and Maintenance and the T2021006 PSA Wet and Dry Hire of Plant and:
- b. Instruct staff to make the necessary administrative arrangements.

Moved Cr. Pratt

Seconded Cr. Lynch

CARRIED 5/0

## ENVIROMENTAL AND REGULATORY SERVICES

### 6.1 Environmental and Regulatory Services Report

This report outlines the general activities, revenue and expenditure for the department for the period December 2022.

#### RECOMMENDATION

That Council receives the December 2022 Environmental and Regulatory Services Report.

**Resolution No. 109/2223**

Council receives the December 2022 Environmental and Regulatory Services Report.

Moved Cr. Fegan

Seconded Cr. Royes

CARRIED 5/0

**6.2 Application for a siting concession/setback variation approval – new dwelling at 91 Goldring Street, Julia Creek QLD 4823**

McKinlay Shire Council has received correspondence from Westbuilt Homes acting on behalf of Scott & Michele Zadow requesting approval for a siting concession/setback variation for a proposed new dwelling at 91 Goldring Street, Julia Creek also known as Lot 1 on EN148.

**RECOMMENDATION**

That Council resolves to approve the siting concession/setback variation request made by Westbuilt Homes on behalf of Scott & Michele Zadow at 91 Goldring Street, Julia Creek also known as Lot 1 on EN148 for a proposed new dwelling.

**Resolution No. 110/2223**

That Council resolves to approve the siting concession/setback variation request made by Westbuilt Homes on behalf of Scott & Michele Zadow at 91 Goldring Street, Julia Creek also known as Lot 1 on EN148 for a proposed new dwelling.

Moved Cr. Lynch

Seconded Cr. Royes

CARRIED 5/0

**6.3 Potential Road closure of parts of Lyrian Dora Vale Road**

Council have received correspondence from AA Company seeking Council's input into the potential road closure of parts of Lyrian Dora Vale Road associated with the establishment of AACo's Gulf Irrigation Project.

**RECOMMENDATION**

That Council resolves to advise AACo that it has no objections or requirements to their application for a potential road closure of parts of Lyrian Dora Vale Road as presented and authorises the Chief Executive Officer to complete and return Part C – Form LA30 Statement in relation to an application under the Land Act 1994 over State Land.

**Resolution No. 111/2223**

That Council resolves to advise AACo that it has no objections or requirements to their application for a potential road closure of parts of Lyrian Dora Vale Road as presented and authorises the Chief Executive Officer to complete and return Part C – Form LA30 Statement in relation to an application under the Land Act 1994 over State Land.

Moved Cr. Curr

Seconded Cr. Lynch

CARRIED 5/0



#### **6.4 Assessment Manager Determination – Development Application AACo – Gulf Irrigation Project – Project Number: BE220053.01**

Council have received correspondence from Epic Environmental acting on behalf of AA Company Pty Ltd seeking Council's views on the appropriate assessment manager for proposed Gulf Irrigation Project development application.

#### **RECOMMENDATION**

That Council resolves to respond to Epic Environmental and advise that due to the entirety of the channel footprint being located within McKinlay Shire and that no development is proposed on the property within Carpentaria Shire, McKinlay Shire Council would be the assessment manager for the Gulf Irrigation Project development application.

#### **Resolution No. 112/2223**

That Council resolves to respond to Epic Environmental and advise that due to the entirety of the channel footprint being located within McKinlay Shire and that no development is proposed on the property within Carpentaria Shire, McKinlay Shire Council would be the assessment manager for the Gulf Irrigation Project development application

Moved Cr. Fegan

Seconded Cr. Pratt

CARRIED 5/0

### **7. COMMUNITY SERVICES**

#### **7.1 Community Services Monthly Report**

Council is presented with the monthly Community Services report, which provides an overview of the operations for the month of December 2022.

#### **RECOMMENDATION**

That Council receives the Community Services monthly report for December 2022.

#### **Resolution No. 113/2223**

Council receives the Community Services monthly report for December 2022.

Moved Cr. Fegan

Seconded Cr. Royes

CARRIED 5/0

### **8. CORPORATE SERVICES**

#### **8.1 The Corporate Services Report**

The Corporate Services Report as of December 2022 which summarises the financial performance and position is presented to Council.

#### **RECOMMENDATION**

That Council receives the monthly Corporate Services Report for the period ending December 2022.

**Resolution No. 114/2223**

Council receives the monthly Corporate Services Report for the period ending December 2022.

Moved Cr. Fegan

Seconded Cr. Lynch

CARRIED 5/0

**8.2 Request to Write-Off Rates Charges**

Request to Council to write off the outstanding legal fees on Rates Assessment #68 of \$9,348.80, as per requirement of the Debtor Policy.

**RECOMMENDATION**

That Council resolve to write off \$9,348.80 of outstanding legal fees on Rates Assessment #68.

**Resolution No. 115/2223**

That Council resolve to write off \$9,348.80 of outstanding legal fees on Rates Assessment #68.

Moved Cr. Lynch

Seconded Cr. Pratt

CARRIED 5/0

**8.3 Register of Delegations**

Provisions of the *Local Government Act 2009* allow Council to delegate a power under the Act or another Act to the Chief Executive Officer. Further to this the Act requires the Chief Executive Officer to keep a Register of those Delegations. Due to recent legislative changes, amendments to the Delegations Register – Council to CEO have been required and Council is presented with the revised delegations for those Acts to be included in the Register of Delegations – Council to CEO for consideration.

**RECOMMENDATION**

That all powers referred to in the document titled “Register of Delegations January 2023 – Council to CEO” attached to this report are hereby delegated by Council to the Chief Executive Officer of Council pursuant to section 257 of the Local Government Act 2009. All prior delegations of powers under the Regulations and Acts contained in this amendment report are repealed.

Further

That the following previously delegated powers under the Nature Conservation (Administration) Regulation 2017, the Nature Conservation (Wildlife Management) Regulation 2006 and Residential Tenancies and Rooming Accommodation (COVID-19 Emergency Response) Regulation 2020 be repealed and removed from the register.

**Resolution No. 116/2223**

That all powers referred to in the document titled “Register of Delegations January 2023 – Council to CEO” attached to this report are hereby delegated by Council to the Chief Executive Officer of Council pursuant to section 257 of the Local Government Act 2009. All prior delegations of powers under the Regulations and Acts contained in this amendment report are repealed.

Further

That the following previously delegated powers under the Nature Conservation (Administration) Regulation 2017, the Nature Conservation (Wildlife Management) Regulation 2006 and Residential Tenancies and

Rooming Accommodation (COVID-19 Emergency Response) Regulation 2020 be repealed and removed from the register.

Moved Cr. Fegan

Seconded Cr. Royes

CARRIED 5/0

## 9. CHIEF EXECUTIVE OFFICER ▲

### 9.1 Chief Executive Officer's Report

In addition to the information provided below, a verbal update will be given on current matters headlined in the body of the report which have arisen from the Office of the Chief Executive Officer.

#### RECOMMENDATION

That Council receive and note the report from the Chief Executive Officer for the period ending 11<sup>th</sup> January 2023 except where amended or varied by separate resolution of Council.

#### **Resolution No.117/2223**

That Council receive and note the report from the Chief Executive Officer for the period ending 11th January 2023 except where amended or varied by separate resolution of Council.

Moved Cr. Fegan

Seconded Cr. Royes

CARRIED 5/0

#### 1. **North West Queensland Regional Biosecurity Plan 2022-2027**

The North West Queensland Regional Biosecurity Plan has been facilitated and compiled by Southern Gulf NRM and developed in partnership with the North West Queensland Regional Organisation of Council's (NWQROC) participating councils: Burke, Carpentaria, Cloncurry, Doomadgee, Etheridge, Flinders, McKinlay, Mount Isa and Richmond Councils, as well as Croydon Shire Council, in consultation with regional stakeholders.

The plan is to assist all stakeholders in the region to protect and restore the environment through best management practices. The plan establishes a catchment approach to the management of invasive biosecurity matter.

#### RECOMMENDATION

Council adopts the North West Queensland Regional Biosecurity Plan 2022 – 2027.

#### **Resolution No.118/2223**

Council adopted the North West Queensland Regional Biosecurity Plan 2022 – 2027.

Moved Cr. Lynch

Seconded Cr. Curr

CARRIED 5/0

## 10. WORKPLACE HEALTH AND SAFETY



### 10.1 Workplace Health and Safety

This report outlines the general status of Work Health and Safety at McKinlay Shire Council for the period of December 2022.

#### **RECOMMENDATION**

That Council receives the December 2022 WHS Report.

#### **Resolution No. 119/2223**

Council receives the December 2022 WHS Report.

Moved Cr. Curr

Seconded Cr. Pratt

CARRIED 5/0

## General Business – Councillor Requests

## 11. CLOSURE OF MEETING

The Chair of the meeting Mayor Philip Curr declared the meeting closed at 10:23am.



Special Meeting of Council Tuesday 7<sup>th</sup> February 2023

**5.1 Subject:** Julia Creek Community Children's Services Hub

**Attachments:** Nil

**Author:** Director Corporate & Community Services

**Date:** 31<sup>st</sup> January 2023

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**Executive Summary:**

Council successfully secured funding through the Resources Community Infrastructure Fund to develop and construct the Community Children's Services Hub. Council has been struggling with staff shortages recently and given the magnitude of this project have sort out external assistance from a consultant to assist to Project Manage and Procurement Services for this project. This report is prepared and presented to Council to consider the proposal for engaging Peak Services.

**Recommendation:**

*That Council accept the proposal from Peak Services for the Procurement and Project Management Services for the Community Children's Hub project for \$235,200 (ex GST). Further, delegate the Chief Executive Officer authority to finalise the engagement of services.*

---

**Background:**

Council secured funding through the Resources Community Infrastructure Fund (RCIF) for the development of a Community Children's Hub, which will provide a new centre for the delivery of childcare (expanding care to 6 weeks to school age), Out of School Hours Care, and Playgroup. The number of services delivered will be dependable on final design and budget and may see the services delivered in a staged process.

This project has been in the making for several years, with Council initially securing funding in 2018 through the Maturing the Infrastructure Pipeline Program (MIPP2) to complete a Business Plan and a design of the proposed facility.

Peak Services was engaged through the Business Plan and design stage, therefore only seemed fitting to seek a proposal from them to assist Council with the Procurement and Project Management phase of the construction phase of this project given their familiarity with the project.

A proposal for Procurement and Project Management Services was sought from Peak Services under Local Buy Contract 279.



Special Meeting of Council Tuesday 7<sup>th</sup> February 2023

**Consultation:**

Chief Executive Officer

**Legal Implications:**

Nil

**Policy Implications:**

Nil

**Financial and Resource Implications:**

Council received \$6,296,300 in funding from the RCIF and has further funds (\$250,000) in reserves from South 32 and own funding to support delivery of this project

**InfoXpert Document ID:** 125045



Special Meeting of Council Tuesday 7 February 2023

**5.2 Subject:** Building our Regions Round 6 Funding – Sewage Treatment Inlet Screen and Plant Refurbishment  
**Attachments:** Offer from Department  
**Author:** Engineering and Environmental Regulatory Services Department  
**Date:** 31 January 2023

---

**Executive Summary:**

Council has been successful in the Building our Regions round 6 funding for the Sewage Treatment Inlet Screen and Plant Refurbishment.

The project will be completed in two (2) parts being, replacement of the Sewage Treatment Plant Inlet works and STP refurbishment.

Xylem have provided under Local Buy Contract, LB283 a quotation for the STP refurbishment works to the value of \$383,040.74 excl GST.

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**Recommendation:**

*That Council resolve to:*

- 1. Award the STP refurbishment works to Xylem for the total value of \$383,040.74 excl GST under Local Buy Contract, BUS 256-0416; and*
  - 2. Instruct Council's Project Manager, MAL Engineers to prepare tender documentation for the Sewage Treatment Plant Inlet works*
- 

**Background:**

Council applied for funding was sourced under the Building our Regions round 6 – Infrastructure program for the Sewage Treatment Inlet Screen and Plant Refurbishment works.

The current STP inlet works are in a deteriorated state with the screen being damaged, the screen support structure having significant concrete spalling and the electrical components of the screen failing regularly causing the screen to be bypassed which results in gritting and ragging of the STP pumps. The grit and rags have had a negative impact on the treatment plant which has resulted in remedial works at the treatment plant being required.

The STP refurbishment will increase the sustainability of the wastewater infrastructure in Julia Creek. The plant is operating insufficiently due to the deteriorated switchboard and electrical cabling, deteriorated bio cubes and deteriorated blowers.

The STP upgrade will also increase the design life of the structure as the STP will be fully functioning as per its design intent. It is also noted that the capacity of the treatment plant



Special Meeting of Council Tuesday 7 February 2023

inlet works is currently not adequate for peak flows that are expected to be pumped from the Hickman Street Pump Station.

Xylem has provided two separate quotes for the following works under Local Buy Contract LB283:

- Quote for service and repairs to STP - \$380,612.17 excl GST; and
- Quote for inlet screen inspection - \$2428.57 excl GST

As the plant is a Xylem designed plant, staff recommend engaging them to undertake the STP refurbishment works.

**Consultation:** Council Staff, Xylem

**Legal Implications:** Nil

**Policy Implications:** Nil

**Financial and Resource Implications:** Building our Regions Funding

**InfoXpert Document ID:** 125049



Our ref: D23/10953



31 January 2023

Department of  
**Regional Development,  
Manufacturing and Water**

Mr Trevor Williams  
Chief Executive Officer  
McKinlay Shire Council  
PO Box 177  
JULIA CREEK QLD 4823

Email: [ceo@mckinlay.qld.gov.au](mailto:ceo@mckinlay.qld.gov.au)

Dear Mr Williams,

Conditional Letter of Offer for Building our Regions Round 6 – Infrastructure

The State, acting through the Department of Regional Development, Manufacturing and Water (DRDMW), is pleased to confirm its conditional offer of \$1,500,000.00 (GST exclusive) towards the McSC BoR R6 Infra 0042 – Sewage Treatment Inlet Screen and Plant Refurbishment - Julia Creek (the Project).

This conditional offer of funding through Building our Regions Round 6 is offered to McKinlay Shire Council (the Council), subject to the Council accepting the terms and conditions of the Project Funding Schedule, and the State's delegate approving and executing the Project Funding Schedule.

The Project Funding Schedule will be issued to Council electronically via the eGrants grants management system. Please review and confirm that the details included are accurate and achievable. The Project Funding Schedule must be read together with the Head Funding Agreement between the State of Queensland and the Council entered into on 3 March 2020. Together these documents set out the terms and conditions of the Project Funding Agreement between the State and the Council.

If the Project Funding Schedule is acceptable to the Council, please certify and execute the agreement in the eGrants grants management system. Please note the State may withdraw this conditional offer if the Council does not accept it within 20 business days from the date of this letter. If Council requires more time, please contact your nominated contract manager.

1 William Street  
Brisbane Queensland 4000  
GPO Box 2247 Brisbane  
Queensland 4001 Australia  
**Telephone** 13 QGOV (13 74 68)  
**Website** [www.rdmw.qld.gov.au](http://www.rdmw.qld.gov.au)  
**ABN** 51 242 471 577

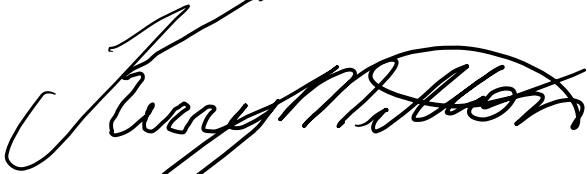
By certifying the Project Funding Schedule, Council confirms that it is committed to delivering the Project, has budgeted its financial contribution to the Project and acknowledges responsibility for any funding shortfall if costs or other contributors change.

Please be aware that any funding to be provided by the State to the Council for the Project will be provided in accordance with the terms and conditions of the Project Funding Agreement, and the State is not obliged to provide any funding to the Council unless and until the Project Funding Schedule is fully executed by both parties. You will be notified once the Funding Agreement is fully executed.

All media and public announcements relating to the Council's successful application and the Project must be coordinated and handled in consultation with the Department of State Development, Infrastructure, Local Government and Planning (as the administering agency), and the Council must obtain the State's approval prior to contacting or responding to any media or public requests.

Should you have any questions, please contact Mr Robert Orth, Project Manager, Grants and Program Management, in the Department of State Development, Infrastructure, Local Government and Planning, by telephone on (07) 345 27360 or by email at [Robert.Orth@dSDLGP.qld.gov.au](mailto:Robert.Orth@dSDLGP.qld.gov.au), who will be pleased to assist.

Yours sincerely



Kerry Mitton  
**Director**  
**Manufacturing Development**  
**Regional Economic Development**



Special Meeting of Council Tuesday 7 February 2023

**5.3 Subject:** Budget Re-allocation from 0470-1800-0001, JCK Water Main Backflow Prevention to new emergent project for storage tank cleaning program for Kynuna and McKinlay  
**Attachments:** Nil  
**Author:** Environmental & Regulatory Services Team Leader  
**Date:** 2 February 2023

---

**Executive Summary:**

Council allocated \$100,000.00 for the JCK water main backflow prevention program under the 2022-23 Capital Works Budget.

Staff propose to re-allocate \$50,000.00 of this money to the new project for storage tank cleaning program for Kynuna and McKinlay Reservoirs.

**Recommendation:**

*Council resolves to;*

1. *Re-allocate \$50,000.00 from Capital Works Job Cost 0470-1800-0001, JCK Water Main Backflow Prevention to new storage tank cleaning program for Kynuna and McKinlay; and*
  2. *Approve the quotation submitted by Water Infrastructure Services Pty Ltd*
- 

**Background:**

The Water Regulator conducted an inspection of Council's water facilities on the 3 November 2022. One of the items raised in the inspection was the lack of records of previous inspections/cleans of the storage reservoirs at Kynuna and McKinlay. These storages can be potential sources of contamination due to the drop in water temperature that require regular inspections and maintenance/cleaning to assure their integrity.

Therefore, as there is no record on file of the tanks ever being cleaned it is recommended that they get cleaned as soon as possible.

Staff were referred to Water Infrastructure Services Pty Ltd from the Barcoo Shire Council who have used this company for cleaning of their storage reservoirs and have given great feedback on their quality of work.

A quote has been received from Water Infrastructure Services Pty Ltd for the total value of \$49,742.50 excl GST. WIS have advised that they have also been requested to provide a quote to the Mount Isa Water Board and if works are approved for both they will be able to split the mobilisation/de-mobilisation costs between the two jobs. In this case, a reduction of \$19,496.25 excl GST will be possible.

It is noted in their quote that should there be more than 100mm of sediment present in the tanks, resulting in the cleaning going past 10 hours per day additional costs will be negotiated. WIS will also mobilise its potable dedicated trailer mount pump to enable cleaning of the reservoirs and use if the scours are not operational or unable to be used.

Subsequently, staff recommend engaging Water Infrastructure Services Pty Ltd to clean the reservoirs in Kynuna and McKinlay.



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**Legal Implications:**

NA

**Policy Implications:**

NA

**Financial and Resource Implications:**

Re-allocate funds from Julia Creek Water Capital Works Budget to new project for cleaning of McKinlay and Nelia Reservoirs

**Risk Management**

Potential water contamination risk

**Options for Council to Consider**

NA

**InfoXpert Document ID: 125048**



Special Meeting of Council Tuesday 7 February 2023

**5.4 Subject:** Proposed Simultaneous Road Closure and Opening for Lyrian Dora Vale Road – AA Company  
**Attachments:** Google Image of proposed simultaneous closure and road opening  
**Author:** Environmental & Regulatory Services Team Leader

---

**Executive Summary:**

Epic Environmental on behalf of AA Company have requested Council's views for a simultaneous closure and opening for Lyrian Dora Vale Road to allow ongoing access across the properties known as Lot 2 on TD1, Lot 1 on TD4, Lot 2 on TD4 and Lot 166 on SP276509 as per google image attached to this report.

**Recommendation:**

*That Council resolves to:*

- 1. Advise AACo that it has no objections or requirements to their application for the proposed simultaneous road closure and opening of Lyrian Dora Vale Road as presented and advise that all surveying costs associated with the road closure and opening is at the applicant's cost; and:*
  - 2. Authorise the Chief Executive Officer to complete and return Part C – Form LA30 Statement in relation to an application under the Land Act 1994 over State Land.*
- 

**Background:**

Council resolved at its Ordinary Meeting held 17 January 2023 (Resolution 111/2223) to advise AACo that it had no objections or requirements to their application for a potential road closure of parts of Lyrian Dora Vale Road associated to the Gulf Irrigation Project.

Email correspondence has been received from Epic Environmental acting on behalf of AA Company seeking Council's views into their new proposed Simultaneous Road Closure and Opening of Lyrian Dora Vale Road application after further discussions between AACo and Department of Resources.

This application will result in the realignment of Lyrian Dora Vale Road to its current and correct alignment that is already used by the public and partially maintained by Council. A google image of the road closure and opening areas is attached to this report.

It is noted the road intersects 2 different local government areas being Cloncurry Shire and McKinlay Shire. The applicant has sent this request to Cloncurry Shire as well.

The proposed realignment of Lyrian Dora Vale Road is unlikely to have any significant impacts on the infrastructure, environment or the community.

**Consultation:** (internal/External)

Council Staff, Epic Environmental



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**Legal Implications:**

**Policy Implications:**

**Financial and Resource Implications:**

**InfoXpert Document ID: 125052**



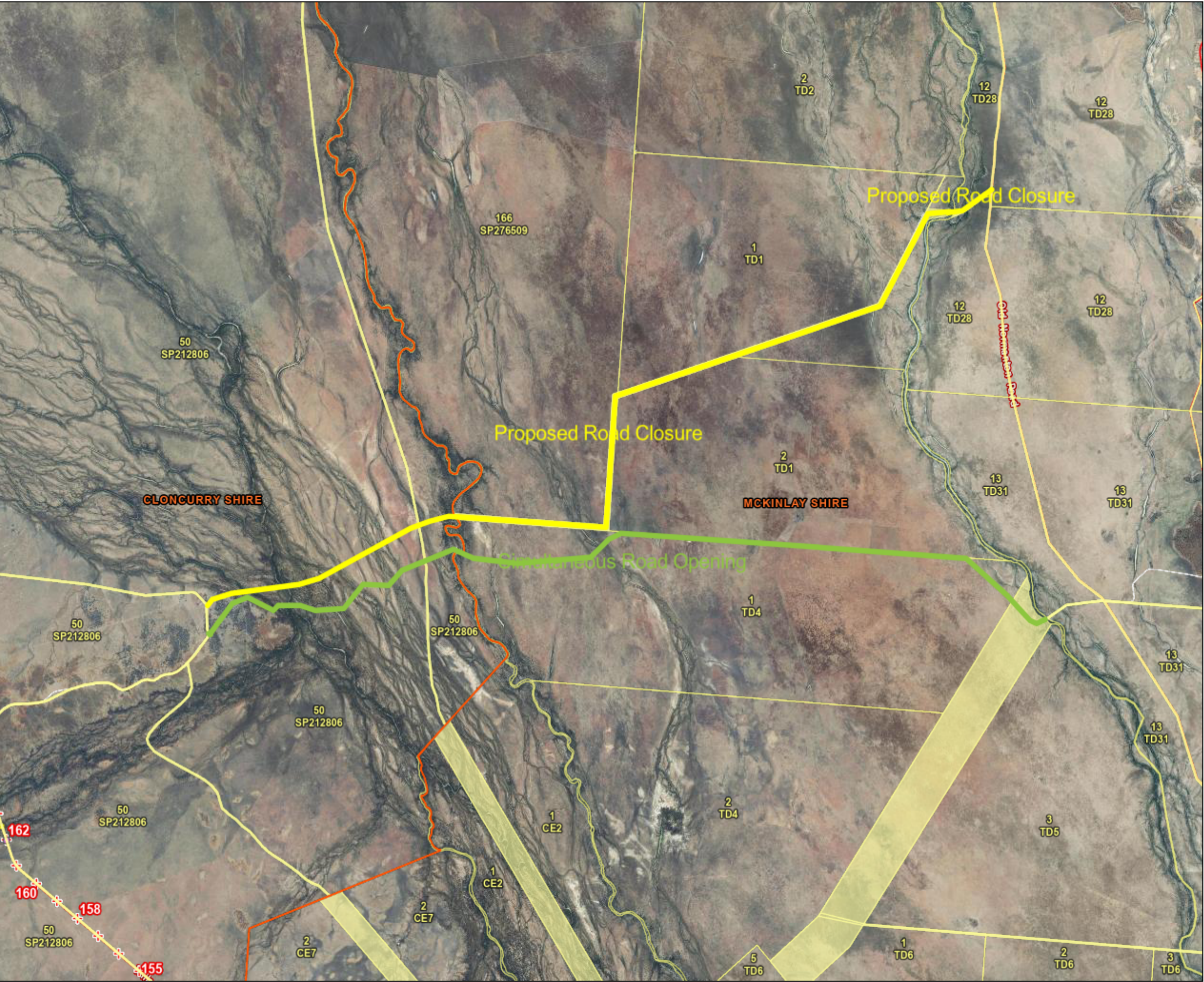
# Proposed Simultaneous Closure and Road Opening

A.A. Company Pty Ltd

19°16'58"S 140°51'24"E



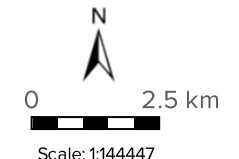
19°16'58"S 141°17'24"E



19°35'56"S 140°51'24"E

19°35'56"S 141°17'24"E

Legend located on next page



Printed at: A3  
Print date: 20/1/2023

Not suitable for accurate measurement.  
Projection: Web Mercator EPSG 102100 (3857)

For more information, visit <https://qldglobe.information.qld.gov.au/help-info/Contact-us.html>

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# Proposed Simultaneous Closure and Road Opening

A.A. Company Pty Ltd

 Legend

**Roads**

-  Formed sealed road
-  Formed paved road
-  Formed natural road
-  Minimally formed or unformed road
-  Closed road
-  Vehicle carpark
-  Causeway or floodway
-  Vehicle bridge
-  Vehicle barrier or Bollards

**State controlled bridge**



**State controlled road 1km mark**



**State controlled road**



**State controlled road culverts**



**State controlled road 1km mark labels**

**Local government**



**Road parcel**



**Land parcel**



**Land parcel - gt 1 ha**



**Land parcel - gt 10 ha**



**Land parcel - gt 1000 ha**



**Land parcel label**

**Land parcel label - gt 1 ha**




**Land parcel label - gt 10 ha**

**Land parcel label - gt 1000 ha**

**Railway**



**Places: My Places**

-  Simultaneous Road Opening
-  Proposed Road Closure
-  Proposed Road Closure

**Road crossing**

-  Bridge
-  Tunnel

**Road**

-  Highway
-  Main
-  Local
-  Private

**Cities and Towns**



 Attribution

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Special Meeting of Council Tuesday 7 February 2023

**5.5 Subject:** Award of preferred contractor DRFA WP05

**Attachments:** PDM evaluation reports

**Author:** Director Engineering and Regulatory Services

**Date:** 31<sup>st</sup> January 2023

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**Executive Summary:**

Council's consultant, PDM(Project Delivery Managers) developed tender documents for the next work package being WP05 North East. These were released to Council's prequalified suppliers for Road Construction and Maintenance on 4<sup>th</sup> October 2022 and closed on 11<sup>th</sup> January 2023. PDM have undertaken a tender evaluation for this package and it is presented.

**Recommendation:**

*That Council resolve to:*

- a) *Award preferred contractor status for WP05 to Townsville Earthmoving and;*
- b) *Delegate Council's Chief Executive Officer authority to finalise negotiations for WP05 and;*
- c) *Notify unsuccessful contractors*

**Background:**

Tender documents follow a SBPV(Scope Base Price Verification) method. As the pricing sought was based on the submission to QRA(Queensland Reconstruction Authority) scope may vary to the final approved works, also gravel and water sources are assumed to be all available. This reduces effort on contractor's behalf to prepare pricing once the preferred contractor is selected final scope and water and gravel pricing will be finalized.

Council's Local and Non-Local Prequalified Suppliers for Road Construction and Maintenance were offered Work Package WP05.

PDM have supplied an evaluation report for the package and it is attached to this report. In summary (prices are Ex GST):

**WP05 Submissions below:**

Alexander Plant Hire	Score 67.9%	\$6,370,987.70	Rank 2
Durack Civil	Score 66.8%	\$5,688,475.79	Rank 3
Townsville Earthmoving	Score 68.5%	\$6,838,613.50	Rank 1

It is recommended that Preferred Contractor Status for WP05 be awarded to Townsville Earthmoving.



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**Consultation:**

Chief Executive Officer, PDM representatives Jim Sullivan and Brian Shephard

**Legal Implications:**

Nil

**Policy Implications:**

Nil.

**Financial and Resource Implications:**

Nil works are fully recoverable under DRFA funding arrangements

**InfoXpert Document ID:** 125051

**PROCUREMENT PLAN**  
**WORK PACKAGE 05 North East - MSC DRFA 2022**



PART A – PROJECT OWNER / REQUESTOR DETAILS	
<b>Requestor:</b>	Cameron Scott
<b>Position:</b>	Director of Engineering and Regulatory Services
<b>Local Government:</b>	M <sup>c</sup> Kinlay Shire Council
<b>Department:</b>	Engineering and Regulatory Services
<b>Mobile:</b>	Office: 07 4746 7166, Mobile : 0427 470 009
<b>Email:</b>	<a href="mailto:ders@mckinlay.qld.gov.au">ders@mckinlay.qld.gov.au</a>
<b>Plan Author:</b>	Brian Shephard
<b>Plan Editor:</b>	Jim Sullivan

PART B – PROJECT OVERVIEW			
Project Title:	MSC DRFA 2022 – WP05 North-East		
Project Number:	MSC006		
Project Budget:	QRA Recommended Value - \$ 6,932,457.90 McSC.0029.2122F.REC - \$5,833,462.16, McSC.0032.2122J.REC - \$1,098,995.74		
Project Funding Source:	DRFA	<input type="checkbox"/> Opex W/O [XXX]	<input type="checkbox"/> Capex W/O [XXX]
Purchase Order Number:	TBC – Q2223005		
Project Duration:	Till 30 June 2024		
Project Status:	<input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation of Service <input type="checkbox"/> Phased		
Project Category:	<input type="checkbox"/> Goods <input checked="" type="checkbox"/> Services <input type="checkbox"/> Minor Works		
	Supplier Trading Name		Supplier Category
	Alexander Plant Hire PTY LTD		Local Preferred Supplier
	Durack Civil PTY LTD		Non-Local Preferred Supplier
	Townsville Earthmoving PTY LTD		Non-Local Preferred Supplier

# PROCUREMENT PLAN

## WORK PACKAGE 05 North East - MSC DRFA 2022



Procurement Plan Overview	<input type="checkbox"/> Project Manager Approval has been received and signed off.
	<b>Overview:</b> Scope Based Price Verification (SBPV) from initial scope submitted to QRA for approval. RFQ has only been sent to Local Prequalified Suppliers List for Road Construction. Schedule of Rates Contract.

PART C – Recommendation
It is recommended that Townsville Earthmoving be awarded the Preferred Contractor Status to undertake works under the Contract.  Tender assessment Attached

PART D – SCOPE OF REQUIREMENTS
<b>Scope of Works:</b>  Scope of works is predominantly Heavy Formation Grading (HFG) with and without top up, bulk excavate, bulk fill, clear mixed debris, gravel supply, and gravel resheeting.
<b>Proposed Instrument of RFQ and Conditions of Contract:</b> <u>Instrument of RFQ:</u>  Q2223005 Request for Quote WP05 North-East v1  <u>Conditions of Contract:</u>  Part 4 Conditions of Contract – Road Construction and Maintenance

PART E – POTENTIAL RISK & MITIGATION PLAN (Probity, limited competition, etc.)				
Risk Description	Likelihood	Impact	Actions	Responsibility
Procurement is non-compliant with statues and M <sup>c</sup> Kinlay Shire Council Policy  Breach of Statutory Obligations	<b>Low</b>			
	Procure in accordance with this approved Procurement Plan and the overarching M <sup>c</sup> Kinlay Shire Council Authority Form. Vendor Panel Providers are prequalified providers established by M <sup>c</sup> Kinlay Shire Council (MSC) in accordance with the Local Government Regulation 2012 Chapter 6 Contracting, Part 3 – Default contracting procedures, Division 3 – Exceptions for Medium sized and large sized contractual arrangements – Clause 232. Eg. Council issues an RFQ to Local Preferred Supplier in accordance with the Local Government Regulation 2012 Chapter 6 Contracting, Part 3 – Default contracting			

Procurement Plan – Work Package	Document No.: PRMG02-FORM-06	Version No.: 1A
Release Date: 24 July 2019	27 <i>Uncontrolled if Printed</i>	Page 2 of 6

# PROCUREMENT PLAN

## WORK PACKAGE 05 North East - MSC DRFA 2022



	procedures, Division 3 Exceptions for Medium sized and large sized contractual arrangements – Clause 235.			
Provider does not have capacity and capability to sustainably deliver services.	Unlikely	<p style="text-align: center;"><b>Low</b></p> <p>Service Interruption</p> <p>Reputation</p> <p>Financial Impact</p>	<p>Conduct due diligence as part of Tender Assessment</p> <p>Only award if capacity is verified</p>	Tender Assessment Panel
Reputational Damage / Frustration from Local and Regional Suppliers – resulting in representation to elected members	Unlikely	<b>Moderate</b>	<p>Procure in accordance with the approved procurement plan</p> <p>Communicate Procurement Plan to key stakeholders</p>	MSC to identify stakeholders beyond operational stakeholders and communicate as deemed necessary
Value for Money – current pricing structure exceeds Recommended Value (>50%)	Certain	<b>High</b>	Advise M <sup>c</sup> Kinlay Shire Council and QRA. This risk will be better realised once all contracting parties quote works in the program.	M <sup>c</sup> Kinlay Shire Council and PDM
Wet Season increasing time to deliver works	Possible	<b>Low</b>	major time risk is the 2023 wet season - Unknown	M <sup>c</sup> Kinlay Shire Council
Resources unavailable	Possible	<p style="text-align: center;"><b>Low</b></p> <p style="text-align: center;"><b>Moderate</b></p>	<p>Resources assigned based on program predicted profile of delivery.</p> <p>Resources may be initially required to establish the program systems and performance of the contract delivery (Quality/Productivity)</p>	M <sup>c</sup> Kinlay Shire Council and PDM
Non-Compliance with Quality, Safety and Environment	Possible	<b>Moderate</b>	Issue works under MSC Terms and Conditions defined scope specification. It is anticipated that there will be a steep learning curve for the contracting market to achieve compliance with the requirements of the market	M <sup>c</sup> Kinlay Shire Council and PDM
Sequential contract delivery	Likely	<b>Low</b>	Can the works be delivered by one	M <sup>c</sup> Kinlay Shire Council and PDM

# PROCUREMENT PLAN

## WORK PACKAGE 05 North East - MSC DRFA 2022



			contractor one after the other if they win both works packages. Require a check on the Master Program. Risk is reduced by multiple contracts delivering at once is better than delivering sequentially.	
Reputational Damage / Frustration from Local and Suppliers if one contractor gets both works packages – resulting in representation to elected members	Possible	Moderate	One contractor not working while another contractor is having resourcing issues.	M <sup>c</sup> Kinlay Shire Council and PDM
Wet Season impact reduced by Concurrent delivery of contracts	Unlikely	Low	Both contractors have programmed delivery in excess of 200 days they will end up working through the wet season.	M <sup>c</sup> Kinlay Shire Council and PDM
Contractor Risk	Possible	Low Moderate Low High Moderate	a. Failure to deliver on Time – supervision, contract support, monitoring b. Financial duress – cashflow of contractor unknown to handle a Lump sum contract delivery - contract support, monitoring c. Productivity – management of the works, will improve over time (hopefully) – supervision, contract support, monitoring d. Resources – availability from local/external sources and labour – Contractor Risk - Recommendations e. Quality – supervision, contract support, monitoring, Recommendations	M <sup>c</sup> Kinlay Shire Council and PDM

**PROCUREMENT PLAN**  
**WORK PACKAGE 05 North East - MSC DRFA 2022**



		<b>Moderate</b>	f. Construction Risk – Water and gravel availability -Contract supervision, contract support, monitoring	
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**PART F – PROCUREMENT TIMEFRAMES**

Deliverable	Indicative Timeframe
<b>SPECIAL NOTATION TO VENDOR PANEL PROVIDERS</b>	Vendor Panel Provides are prequalified providers established by MSC in accordance with the Local Government Regulation 2012 Chapter 6 Contracting, Part 3 Clause 232.  Council issues an RFQ in accordance with the Local Government Regulation 2012 Chapter 6 Contracting, Part 3 – Default contracting procedures, Division 3 Exceptions for Medium sized and large sized contractual arrangements – clause 235 <i>Pre-qualified.</i>
Finalise and Issue RFQ/RFT	04/10/2022
Closure RFQ/RFT	1400, Wednesday, 11/01/2023
Evaluation Panel Meeting	13/01/2023
Presentations of Shortlisted Tenderers	13/01/2023
Delivery of Recommendation Report	13/01/2023
Council Meeting agenda settlement	16/01/2023
Council Meeting	17/01/2023
Notifications to Tenderers	20/01/2023
Contract Execution	21/02/2023
Contract Commencement	06/03/2023

**PART G – EVALUATION TEAM DETAILS**

Name	Position	Role	Phone/Email	Stage (eg. Shortlist, Presentation)
Cameron Scott	Director of Engineering and Regulatory Services	Assessor/ Panel Chair	0427 470 009 <a href="mailto:ders@mckinlay.qld.gov.au">ders@mckinlay.qld.gov.au</a>	

**PROCUREMENT PLAN**  
**WORK PACKAGE 05 North East - MSC DRFA 2022**



Kady M <sup>c</sup> Guire	Project Manager	Assessor	0448 982 790 <a href="mailto:kady.mcguire@pdmanagers.com.au">kady.mcguire@pdmanagers.com.au</a>	
Brian Shephard	Project Director	Assessor	0428 949 471 <a href="mailto:brian.shephard@pdmanagers.com.au">brian.shephard@pdmanagers.com.au</a>	

PART H – CONTRACT MANAGEMENT	
<b>Contract Manager:</b>	
<b>Date of Handover:</b>	
<b>Key Personnel / Responsibilities:</b>	
<b>Key Risks:</b>	Refer Part D Above

**SIGNED BY DIRECTOR: APPROVED: Y / N**

<b>NAME:</b>		<b>SIGNATURE:</b>		<b>DATE:</b>	
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**SIGNED BY AUTHORISED PERSON: APPROVED: Y / N**

<b>NAME:</b>		<b>SIGNATURE:</b>		<b>DATE:</b>	
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**SIGNED BY PROJECT SPONSOR / APPROVING AUTHORITY TO PROCEED:**

<b>NAME:</b>		<b>SIGNATURE:</b>		<b>DATE:</b>	
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**06. CLOSE**