



Minutes of the Ordinary Meeting Of the Mount Isa City Council Wednesday, 9 May 2018 Unconfirmed Minutes

Location: Council Chambers, 23 West Street, Mount Isa

Commenced: 12:00 pm

Attendees:

Mayor Deputy Mayor Cr Phil Barwick (Chair)

Councillors Cr George Fortune
Cr Jean Ferris
Cr Mick Tully
Cr Paul Stretton
Cr Peta MacRae

Executive Mr M Crawley - Acting Deputy Chief Executive Officer
Mr E Cianetti - Director Engineering Services
Mr M Salmon - Director Compliance and Utilities Services

Staff Mrs M Perry - Executive Assistant

Minutes Clerk Ms C Gall - Executive Assistant

Apologies Her Worship Mayor Cr Joyce McCulloch
Mrs S Ibardolaza - Chief Executive Officer

Item 1 Mayor's Welcome / Attendance and Apologies

Deputy Mayor Cr Phil Barwick assumed the chair and gave apologies for Mayor Cr Joyce McCulloch. Deputy Mayor Cr Phil Barwick opened the meeting and welcomed all those present.

Item 2 Council of Clergy Opening Prayer

Cr Stretton opened the meeting with a prayer.

Item 3 Public Forum

Suspension of Standing Orders

Standing Orders were suspended at 12:02pm

Nil

Resumption of Standing Orders

Standing Orders were resumed at 12:03pm



Councillors are invited to declare any interests in relation to the Agenda, including any late items presented. Councillor interests are noted against the relevant items by the Minutes Clerk for action during the meeting.

Nil

Item 5 Presentations

Regional Arts Development Fund Grants Presentation

MIETV – Donna Olivero – Queensland Ballet Dance Camp

MIETV – Rex Whitehead - Bird Watching Interpretive Signage at Lake Moondarra

Kalkutungu Language & Cultural Connections – Sheree Blackley – Connecting to Culture

Item 6 Previous Council Meeting Minutes

6.1 18 April 2018 Ordinary Meeting Minutes

Folder ID 6435

Chair Deputy Mayor, Cr Phil Barwick

Moved Cr MacRae

Seconded Cr Tully

THAT the Minutes of the Ordinary Meeting held on 18 April 2018, as received, be confirmed.

VOTE CARRIED

OM01/05/18

Item 7 Business Development and Town Planning – Cr George Fortune

Nil

Item 8 Works and Camooweal – Cr Mick Tully

8.1 Engineering Services, Monthly Report – April 2018

File ID 4650

Provided by Director Engineering Services, Emilio Cianetti

Moved Cr Tully

Seconded Cr MacRae

THAT Council receives and accepts the April 2018 Engineering Services Monthly Report.

VOTE CARRIED

OM02/05/18

Item 9 Beautification, Parks/Gardens and Library – Cr Jean Ferris

9.1 Parks and Gardens Monthly Report – April 2018

File ID 5512

Provided by Director Engineering Services, Emilio Cianetti

Moved Cr Ferris

Seconded Cr Fortune

THAT Council receives and accepts the April 2018 Parks and Gardens Monthly Report.



VOTE CARRIED

OM03/05/18

9.2

Library Monthly Report – April 2018

File ID 4650

Provided by Coordinator Library Services, Astrid Hancock

Moved Cr Ferris

Seconded Cr Fortune

THAT Council receives and accepts the April 2018 Library Monthly Report.

VOTE CARRIED

OM04/05/18

Item 10 Community Development, Sports/Recreation and Youth – Cr Peta MacRae

Nil

Item 11 Environmental Management – Cr Paul Stretton

11.1 Water and Sewer Report Monthly Reports – March 2018

File ID 5977

Provided by Director Compliance and Utilities Services, Michael Salmon

Moved Cr Stretton

Seconded Cr Tully

THAT Council receives and accepts the March 2018 Water and Sewer Monthly Reports.

VOTE CARRIED

OM05/05/18

11.2 Waste Management Monthly Reports – March 2018

File ID 18570

Provided by Director Compliance and Utilities Services, Michael Salmon

Moved Cr Stretton

Seconded Cr Tully

THAT Council receives and accepts the March 2018 Waste Management Monthly Reports.

VOTE CARRIED

OM06/05/18

11.3 Environmental Health Services Monthly Reports – March 2018

File ID 5456

Provided by Senior Environmental Health Officer, Priviledge Mapiye

Moved Cr Stretton

Seconded Cr Ferris

THAT Council receives and accepts the March 2018 Environmental Health Services Monthly Reports.

VOTE CARRIED

OM07/05/18



11.4 Local Laws Report Monthly Reports – March 2018

File ID 5394

Provided by Acting Manager Local Laws, Stephen Wagner

Moved Cr Stretton

Seconded Cr MacRae

THAT Council receives and accepts the March 2018 Local Laws Monthly Report.

VOTE CARRIED

OM08/05/18

Item 12 **Finance and Administration – Deputy Mayor, Cr Phil Barwick**

Nil

Item 13 **Ordinary Meeting Business**

Nil

Item 14 **General Business**

Folder ID 6435

Councillors are required to declare any conflict of interests or material interests in relation to items raised during General Business as they occur.

- 14.1** **Cr MacRae** reminded Council the Bronze Medallion, First Aide and Resuscitation Courses are still being held at the pool and vacancies still exist. All the details are on the Council's website and Facebook. Council has been able to offer these free certificates thanks to Commonwealth Games Funding.
- 14.2** **Cr Ferris** thanked the Parks and Gardens Team for assisting in the Earth Day Celebrations at George McCoy Park. Approximately 40 community members attended to plant trees. Cr Ferris also thanked Council staff on the CBD refurbishment.
- 14.3** **Cr Stretton** advised Council that Pet Day that's being held on June 2nd at the Civic Centre Lawn. A great family event with various activities and competitions and also microchipping and desexing vouchers will also available. He encouraged the public to attend.
- 14.4** **Deputy Mayor Cr Barwick** updated Council on his attendance to the Department Environment and Energy User Group Panel. The discussion invited stakeholders, community and environmental groups to be involved in the potential to develop the Isa Superbasin. They have identified 3 basins in Australia to focus exploration on and the Isa Super Basin scored very well in the scope.

Council Adjourned 12.20 pm

Council Reconvened 12.29 pm

Item 15 **Closed Business**

Moved Cr Fortune

Seconded Cr Ferris

THAT pursuant to *Section 275 of the Local Government Regulation 2012*, Council resolved that the meeting be closed to the public at 12:30pm.



VOTE CARRIED

OM09/05/18

Moved Cr Fortune
Seconded Cr Ferris

THAT pursuant to *Section 275 of the Local Government Regulation 2012*, Council re-open the meeting to the public at 12:34pm.

VOTE CARRIED

OM10/05/18

Item 14 General Business (Cont.)

14.5 Deputy Mayor Cr Phil Barwick

Procedural Motion to Accept Late 1 into Closed Business.

Moved Cr Ferris
Seconded Cr Fortune

Late 1 **THAT** Council accepts Late 1 – Contract of Sale – 21 Richardson Road into Closed Business

Reason for Confidentiality

This report is CONFIDENTIAL in accordance with Section 275(1)(e) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following:

(e) “contacts proposed to be made by it.”

VOTE CARRIED

OM11/05/18

Item 15 Closed Business

Moved Cr Fortune
Seconded Cr Ferris

THAT pursuant to *Section 275 of the Local Government Regulation 2012*, Council resolved that the meeting be closed to the public at 12:36pm.

VOTE CARRIED

OM12/05/18

Moved Cr Fortune
Seconded Cr Ferris

THAT pursuant to *Section 275 of the Local Government Regulation 2012*, Council re-open the meeting to the public at 2.12pm.

VOTE CARRIED

OM13/05/18



15.1

Ordinary Meeting Resolutions Report

Folder ID 6435

Provided by Chief Executive Officer, Sharon Ibardolaza

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with *Section 275(1)(h) of the Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following:

- (h) *“other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.”*

Moved Cr MacRae

Seconded Cr Ferris

THAT Council formally receive the Ordinary Meeting Resolution report.

VOTE CARRIED

OM14/05/18

15.2

Mount Isa City Council Local Law No.2 (Animal Management)

Folder ID 5388

Provided by Director Compliance and Utilities Services, Michael Salmon

Reason for Confidentiality

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- (h) *“other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.”*

Moved Cr Tully

Seconded Cr Ferris

THAT Council endorse the delegation of powers to the Chief Executive Officer for the following:

- a) Amend the existing Mount Isa City Council Local Law No. 2 (Animal Management) 2013 by adopting an Amended Mount Isa City Council Local Law and then adopting a consolidated Local Law showing the relevant amendments
- b) Review the proposed amendments to *Mount Isa City Council Local Law No. 2 (Animal Management)* for Anti-Competitive provisions; and
- c) Review of the amendments to *Mount Isa City Council Local Law No. 2 (Animal Management)* to ensure compliance with legislative changes; and
- d) Review the consultation process

VOTE CARRIED

OM15/05/18



15.3

Mount Isa City Council Local Law No.7 (Aerodrome)

Folder ID 5388

Provided by Director Compliance and Utilities Services, Michael Salmon

Reason for Confidentiality

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- (h) *“other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.”*

Moved Cr Tully
Seconded Cr Ferris

THAT Council endorse the delegation of powers to the Chief Executive Officer for the following:

Pursuant to Section 257 of the Act, to delegate to the Chief Executive Officer of Council its powers under Section 38 of the Act and Section 15 of the Local Government Regulation 2012 to:

- a) Review the proposed *Mount Isa City Council Local Law No. 7 (Aerodrome)* for Anti-Competitive provisions; and
- b) Review of the *Mount Isa City Council Local Law No. 7 (Aerodrome)* to ensure compliance with legislative changes; and
- c) Review the consultation process.

VOTE CARRIED

OM16/05/18

15.4

REQUEST FOR FEE WAIVER – Development Application Fee for Material Change of Use for Church at 95 Camooweal Street, Mount Isa

Folder ID 06150-00000-000 & P08-17

Provided by Planning Officer, Jason Newell

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with *Section 275(1)(h) of the Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following:

- (h) *“any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.”*

Moved Cr Tully
Seconded Cr Fortune

THAT Council AGREE to apply a discount of 25% to the impact assessable development application fee for a Material Change of Use for a Church at 95 Camooweal Street, Mount Isa, described as Lot 75 on plan MPH13990, on the grounds they are a Registered Charity Organisation with the Australian Charities and Not-for-profits Commission.

VOTE CARRIED

OM17/05/18



15.5

QAL Service Agreement

Folder ID 4551

Provided by Chief Executive Officer, Sharon Ibardolaza

Reason for Confidentiality

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(e) “contracts proposed to be made by it.”

Moved Cr Tully

Seconded Cr Ferris

THAT Council advise QAL that it does not wish to enter into a service agreement for the Mount Isa Carpark;

VOTE CARRIED

OM18/05/18

NOTICE OF MOTION TO REPEAL

File ID 01979-50000-000, 01993-40000-000, 01979-83000-000 I/R 745034

With regard to Item 13.2 at the Ordinary Meeting held on Wednesday, 14 March, 2018 with Resolution OM11/03/18

Moved Deputy Mayor Cr Barwick

Seconded Cr Fortune

THAT Council repeal resolution OM11/03/18 from the Ordinary Meeting of Council held on 14 March 2018 in accordance with section 262 of the *Local Government Regulation 2012*

VOTE CARRIED

OM19/05/18

FORESHADOWED MOTION – FUTURE TENURE – Over the areas described as parts of Lot 73 on SP265806, Lot 72 on SP134707 and Lot 2 on RD148

Moved Deputy Mayor Cr Barwick

Seconded Cr Fortune

THAT Council AGREE to offer the eligible formal paddock holders Trustee Permit Agreements for a term of three (3) years, with distribution of the vacant paddocks to be at the discretion of the Chief Executive Officer.

AND

THAT Council APPROVE the Agreements to include, but not be limited to, the following: Eligibility Criteria

1. Applicant must be over 18 years of age; and
2. Horse paddock must be held in an individual name (ie not a business name); and
3. One (1) only Council paddock allocated per family unit ('family unit' is defined as a specific group of people that may be made up of partners, children, parents, aunts, uncles, cousins and grandparents who reside at the same address); and



4. Applicant must permanently reside in Mount Isa with proof of residency required to accompany the application for a trustee permit (being a resident electricity account and current driver's licence); and
5. Applicant must provide evidence that they own the horse(s) to be located on the paddock (evidence must include – Description, photographs and branding of horse(s) proposed to be accommodated on one (1) paddock; and
6. Applicant will be subject to Council's credit assessment process.

Terms and Conditions:

Where the applicant is successful in meeting the above listed eligibility criteria, the tenure agreement shall include the following terms and conditions (but not limited to):

1. Mandatory Standard State and Council terms and conditions;
2. Only horses owned by the agreement holder shall be housed in the paddock with no sub-letting or agisting of horse paddock;
3. The horse paddock must be returned to Council upon paddock being vacated by the agreement holder (which will be either advertised for tender if trustee lease agreed to, or allocated to the next person on the horse paddock waiting list if trustee permits are agreed to);
4. Horses and their progeny only;
5. No business shall be operated from paddock;
6. The agreement holder shall agree to abide by all relevant legislation and policies pertaining to horses, including the Biosecurity Act;
7. The agreement holder shall be responsible for the day to day care of the animal and that the holder must abide by the Animal Care and Protection Act 2001 (ACPA) at all times. Any breach will result in termination of the agreement and Council may report the incident to responsible authorities;
8. The agreement holder will be required to pay all legal fees related to the establishment of or enforcement of tenure terms (including but not limited to any costs incurred to recover outstanding debts related to the Permit);
9. Fees (inclusive of GST) to be determined by the Chief Executive Officer and subject to a Council cost index (CCI) on the anniversary of the agreement inception;
10. All fees shall be paid 12 months in advance.

AND

THAT Council AGREE for surplus larger paddocks to be subdivided to maximise the number of paddocks for use and allocate a budget for any additional fencing costs

VOTE CARRIED

OM20/05/18

15.6 Late Item INFORMATION - Over the areas described as parts of Lot 73 on SP265806, Lot 72 on SP134707 and Lot 2 on RD148

File ID 01979-50000-000, 01993-40000-000, 01979-83000-000 I/R 745034

Provided by Chief Executive Officer, Sharon Ibardolaza

Reason for Confidentiality

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Moved Cr Ferris
Seconded Cr Tully

1. **THAT** Council require all horse paddocks returned to Council on 1 July 2018 to be divided into horse paddocks of approximately 2000m² (where possible); and
2. **THAT** Council AGREE to adopt -
 - (a) **Option 1** to create new horse paddocks in the area adjoining the Sewerage Treatment Plant to the west, commonly referred to as the 'Greencorp' site.
3. **THAT** Council shall give priority to -
 - (b) People with horses who are located on Council's existing horse paddocks that do not hold formal tenure over an existing Council horse paddock.
4. **THAT** Council officers issue letters to the above horse owners advising the rental fee and treated water levy and require they formally submit their interest in securing a paddock subject to their meeting the new eligibility criteria and terms and conditions of the trustee permit so Council can determine the number of paddocks required to be created.
5. **THAT** Council AGREE to allocate/distribute newly created horse paddocks to eligible horse owners by way of a ballot draw.
6. **THAT** Council -
 - (a) Accepts the 59 horse paddock design which forms part of this report; and
 - (b) Requests a recalculation and/or obtain quotes to determine the full cost to create the new horse paddocks; and
 - (c) Confirms the number of stages to be constructed shall be determined once eligible horse paddock owners have formally entered into trustee agreements.
7. **THAT** Council AGREE to allocate budget accordingly.
8. **REMOVED**
9. **THAT** Council -
 - (c) Declines to provide shade as part of the new paddock development and shall require all paddock holders to provide their own shade with their allocated paddock.
10. **THAT** Council –
 - (a) Agrees to Council rearranging the common horse paddock boundary between Paddock No's 18 & 19 to incorporate the privately owned infrastructure/improvements.
11. **DEFERRED**
12. **THAT** Council –
 - (a) Agrees to require signed Statutory Declarations from all interested parties where part ownership in a horse is stated. Each Statutory Declaration must confirm the listed interested parties who hold an interest in the described horse.



13. **THAT** Council –

- (a) Request Council officers to construct the number of required paddocks as a priority; and request Council's solicitors to prepare a Special Clause to include in the trustee permits which will only allow existing horses to remain on a Council paddock for a nominated period only (ie the time it takes to construct the required number of horse paddocks)

VOTE CARRIED

OM21/05/18

Late 1

Contract of Sale – 21 Richardson Road

Folder ID 4683

Provided by Acting Manager Local Laws, Stephen Wagner

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with *Section 275(1)(e) of the Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following:

- (e) *“contracts proposed to be made by it.”*

Moved Cr Stretton

Seconded Cr Fortune

THAT Council approve the Chief Executive Officer to sign the contract with the current conditions stipulated.

VOTE CARRIED

OM22/05/18

There being no further business the meeting closed at 2.29 pm

Signed by the Chair of the Ordinary Meeting
held on Wednesday, 23 May 2018.

Cr Phil Barwick
Deputy Mayor of Mount Isa