



Agenda Notice

Mayor Her Worship Mayor Cr Joyce McCulloch (Chair)

Councillors Deputy Mayor Cr Phil Barwick
Cr George Fortune
Cr Jean Ferris
Cr Mick Tully
Cr Paul Stretton
Cr Peta MacRae

Notice is hereby given that the Ordinary Meeting of the Mount Isa City Council will be held at the Council Chambers, 23 West Street, Mount Isa on Wednesday, 11 September 2019 commencing at 12:00 pm.

Council Meeting Agenda is attached.

Sharon Ibardolaza
Chief Executive Officer

Dated: 6 September 2019
Copied to: Staff required to attend.

*Local Government Regulation 2012, Chapter 8 Administration
Part 2 Local government meetings and committees*

274 Meetings in public unless otherwise resolved

A meeting is open to the public unless the local government or committee has resolved that the meeting is to be closed under section 275.

275 Closed meetings

(1) A local government or committee may resolve that a meeting be closed to the public if its councillors or members consider it necessary to close the meeting to discuss—

- (a) the appointment, dismissal or discipline of employees;
- (b) industrial matters affecting employees; or
- (c) the local government's budget; or
- (d) rating concessions; or
- (e) contracts proposed to be made by it; or
- (f) starting or defending legal proceedings involving the local government; or
- (g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; or (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.

(2) A resolution that a meeting be closed must state the nature of the matters to be considered while the meeting is closed.

(3) A local government or committee must not make a resolution (other than a procedural resolution) in a closed meeting.

Agenda Contents

Item 1 - Opening of the Meeting / Attendance and Apologies

Chair to open the meeting, welcoming those in attendance.
Chair to make note of attendance and apologies for the record of the minutes.

Item 2 - Council of Clergy Prayer

Council of Clergy Representative David Quilty of the Isa Community Church to provide the meeting with a prayer.

Item 3 - Public Forum

The business of the Agenda is suspended by the Chair to give the public in attendance the opportunity to address the Council.

Item 4 - Conflict of Interest / Material Personal Interest

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.

Item 5 - Deputations

Nil

Item 6 - Previous Council Meeting Minutes

6.1 - 28 August 2019 Ordinary Meeting Minutes

Folder ID 6435

Chair Mayor, Cr Joyce McCulloch

Executive Summary

Minutes of the Ordinary Meeting held 28 August 2019, presented to Council to be confirmed.

Officer's Recommendation

THAT the Minutes of the Ordinary Meeting held on 28 August 2019, as received, be confirmed.

Item 7 - Development and Land Use - *Cr George Fortune*

7.1 - Application for partial road closure adjoining Lot 7 on MPH22080 (90 Old Mica Creek Road)

File 101211

Provided by Senior Land Use Officer, Donna Real

Executive Summary

Council has received a request from the owners of 90 Old Mica Creek Road for Council's consent to a partial road closure in order to correct an encroachment over Council's undeveloped and unnamed road reserve.

Officer's Recommendation

THAT Council SUPPORT the application for (northern) partial road closure over the unnamed road adjoining Lot 7 on MPH22080 subject to the following conditions:

1. The encroachment area over the Road adjacent to Lot 7 on plan MPH22028 shall be amalgamated into 90 Old Mica Creek Road, described as Lot 7 on plan MPH22028, so the (southern) side encroachment area is not created as a stand-alone parcel; and
2. All costs associated with this application to be borne by the applicant.

7.2 - Application to Purchase Part of Unallocated State Land described as Lot 2 on AP5118

File 101052

Provided by Senior Land Use Officer, Donna Real

Executive Summary

Council has received a request from the Department of Natural Resources, Mines and Energy for views and/or comments for an application to purchase part of Unallocated State Land (USL), described as Lot 2 on AP5118 (Imparja Hill), (indicated as Area A on drawing TSV18208, refer page4 for map) which adjoins the western boundary of Lot 19 on MPH22019, 23 Deighton Street, Mount Isa.

Officer's Recommendation

THAT Council advise the Department of Natural Resources, Mines and Energy that Council SUPPORTS the application to purchase part of Lot 2 on AP5118, Area A, (shown in TSV18208) subject to the following conditions:

1. The encroachment area over the portion of Unallocated State Land (described as Lot 2 on AP5118) shall be amalgamated into 23 Deighton Street (described as Lot 19 on MPH22019) so the rear encroachment area is not created as a stand-alone parcel; and
2. As soon as practicable after purchase, Council agree to amend the zoning of the encroachment area in Lot 2 on AP5118 in the draft planning scheme from Recreation Open Space – Open Space to Residential Medium Density and remove the encroachment area from Scenic Amenity Overlay; and
3. All costs associated with this application are to be borne by the applicant.

7.3 - Change Representations during Appeal Period (Amend Conditions) P09-18 – Development Application for a Material Change of Use for Worker's Accommodation – 3 x 8 Accommodation Units

File 96945

Provided by Planning Officer, Jason Newell

Executive Summary

The developer has lodged Change Representations during the appeal period to amended development conditions that Council imposed on the development.

Officer's Recommendation

THAT Council amend Conditions 7 and 30 of the Development Approval to the following:

Condition 7:

'A 2.0-metre-high acoustic fence that meets the acoustic quality objective - 65dB(A) must be installed along the northern boundary of the application site (adjoining Lot 4 MPH 30061, Lot 3 MPH 30061, Lot 1 MPH 30061, Lot 2 MPH 30061, and Lot 5 MPH 22146) and the eastern boundary of the subject site (adjoining Lot 7 MPH 221436) as identified on the plan Titled: New Workforce Accommodation Precinct, Project No 190707, Sheet 1 of 2, Drawing Issue PD3, dated 17 Jan 2019, to reduce the potential noise impacts on the adjoining residential uses.

All expenses associated with the fences shall be borne by the owner/developer. The owner shall be responsible for the continued maintenance of the fences to ensure they are kept in good condition and achieve their purpose.

At least 14 days prior to the commencement of the construction of the acoustic fence, the owner/developer shall give all owners and occupiers of the land adjoining the acoustic fence written notice of the proposed commencement date and duration of construction of the subject fence"

AND

Condition 30:

Provide the following as indicated on the approved plans of layout:

- (a) Driveways;
 - (i) A pavement (including associated drainage) to any new areas where motor vehicles will be driven or parked. Vehicle access and carpark areas are to have a durable, dust free surface.

- (ii) Crossovers shall be installed at all proposed accesses to the site. All crossovers shall be designed and constructed in accordance with the IPWEAQ standard drawing RS-051 for Driveways for Heavy Duty Vehicle Crossings.
- (iii) All driveways shall comply with site distance requirements as prescribed in AS/NZS 2890.1 and AS 2890.2
- (iv) The internal driveways are to be designed to comply with AS/NZS 2890.1 (Off-street Car Parking).
- (v) Manoeuvring on-site for all vehicles utilising the site including service and maintenance vehicles.
- (vi) The internal driveways and car parks are to be delineated and signed in accordance with the Manual of Uniform Traffic Control Devices and Austroads.
- (vii) All driveways to have a level verge on each side not less than 1.5m in width.
- (viii) Provide access for firefighting appliances to within 60m of any site or building.
- (b) Parking;
 - (i) Disabled car parking shall be provided in accordance with AS 1428.1-2009.
 - (ii) The car parking bays are to be designed to comply with AS/NZS 2890.1 (Off-street Car Parking).
- (c) Footpaths;
 - (i) Footpaths shall connect units N1-N3 and E1-E6 with onsite amenities and communal open space of the workforce accommodation facility, and the new access crossing to Little West Street".
 - (i) Footpaths shall be a minimum width of 1.2m.
 - (ii) Footpaths may be accommodated within the carriageway of access roads.
 - (iii) Paved surfaces are to be slip-resistant, stable and trafficable in all weather conditions.

7.4 - Mount Isa Rodeo Series Group – Endorsement of Community Liquor Permit

File 670499

Provided by Senior Land Use Officer, Donna Real

Executive Summary

Mount Isa Rodeo Series Group is seeking Council's endorsement of their Community Liquor Permit Application. This permit would allow the group to sell alcohol at their upcoming series finals event which is to be held at the Mount Isa Campdraft grounds on 19 October 2019.

Officer's Recommendation

THAT Council SUPPORT the endorsement of the Mount Isa Rodeo Series Groups application for a Community Liquor Permit with trading hours between 4:00 pm Saturday 19 October 2019 until 2:00 am Sunday, 20 October 2019.

7.5 - P05-18 Application for Development Permit for Material Change of Use for an Expansion of Existing Animal Management Facility

Folder 46244

Provided by Manager Development and Land Use, Gayle Houston

Executive Summary

Mount Isa City Council has lodged a development application to formalise the existing animal management facility and increase the scale and intensity of the use located at 21 Richardson Road, Mount Isa.

Officer's Recommendation

THAT Council APPROVE the development application for a material change of use for an Animal Management Facility at 21 Richardson Road, Mount Isa, described as Lot 2 on plan MPH40457, subject to the following conditions:

NUMBER	CONDITION	TIMING
PLANNING		
General		
1.	<p>The development shall be carried out generally in accordance with the approved plans and drawings attached to this approval except where conditions of this approval dictate otherwise.</p> <p><i>For clarity, any change to the development that is not generally in accordance with the approved plans and drawings must be approved by Council pursuant to a 'change application' under Chapter 3, Part 5, Division 2, Subdivision 2 of the Planning Act 2016;</i></p>	<i>At all times</i>
2.	The owner/developer shall bear the cost of all alterations necessary to public utility mains, services or installations necessitated by this approval and such works shall be to Council specification;	<i>At all times</i>
3.	Any gates situated along the road boundary must open inwards onto the owner/developer's property and not outwards onto Council's road reserve/verge;	<i>At all times</i>
Amenity		
4.	All equipment and machinery shall be stored in appropriately covered storage areas;	<i>At all times</i>
5.	All air conditioning units, mechanical ventilation units, service equipment and refrigeration units are to be screened from view from the street frontage;	<i>At all times</i>
6.	The premises must be kept tidy and all buildings, fences, landscaping and paved or sealed surfaces must be maintained in good condition at all times;	<i>At all times</i>
7.	All outdoor lighting shall comply with AS4282-1987 Control of the obtrusive effects of outdoor lighting and be designed in a way so as not to cause a nuisance to the surrounding properties and traffic;	<i>At all times</i>
8.	<p>All fencing along the common boundaries shall be of high quality and maintained for the life of the development;</p> <p>At no time is the fencing along the frontage to be replaced with Colorbond fencing or fencing that is not at least 70% permeable;</p>	<i>At all times</i>
9.	Pedestrian pathway to the office is to be preserved and maintained at all times;	<i>At all times</i>
10.	A safety manoeuvring plan for the van site shall be lodged for Council approval (due to restricted visibility when exiting the allocated van site);	<i>Prior to the commencement of use and then maintained for the life of the development</i>
11.	The van site shall be used for the purposes of a single voluntary van/RV and must be used for short term stays only. The voluntary van/RV must provide their own ablution facilities or alternatively the developer shall make these facilities available 24/7 onsite.	<i>At all times</i>
Landscaping		
12.	The owner/developer shall install landscaping in accordance with the approved landscaping plan and install landscaping on the balance area of the verge.	<i>Prior to the commencement of use and then maintained for the life of the development</i>

	Landscaping shall comprise of species types identified in schedule 3 of the City of Mount Isa Planning Scheme 2006 (as amended 2015);	
13.	The owner/developer shall install an automatic water irrigation system to all landscaping (including the landscaping situated on the road verge) to promote healthy robust growth;	<i>Prior to the commencement of use</i>
14.	The owner/developer shall adequately maintain the landscaping and irrigation system (including the cost of water) in accordance with the approved plan and ensure it is neat and tidy at all times and not overgrown and/or unsightly;	<i>For the life of the development</i>
15.	All disturbed areas of the development are either required to be sealed, landscaped or surfaced with a dust suppressant material.	<i>Prior to Commencement of use and ongoing</i>
ENVIRONMENTAL		
General		
16.	<p>The operator must achieve the 'general environmental duty' to mitigate any environmental harm and/or nuisance described under the <i>Environmental Protection Act 1994</i>.</p> <ul style="list-style-type: none"> (a) there is no discharge to land or water of contaminants that may harm the environment or create a nuisance from the operation of the activity; (b) there is no discharge to air of contaminants that may harm the environment or create a nuisance from the operation of the activity (c) noise nuisance is prevented or maintained to required standard level at noise sensitive places; (d) Waste production and disposal must be minimised, and waste must be managed so it does not harm the environment or create a nuisance from the operation of the activity. 	<i>At all times</i>
Construction and Demolition Waste		
17.	All waste generated as a result of the demolition of existing building structures and construction of new structures must be effectively controlled and contained entirely within the boundaries of the site before disposal. All waste is to be disposed of in accordance with the <i>Environmental protection (Waste Management) regulation 2000</i> Destination of the waste;	<i>During construction</i>
18.	Any asbestos containing material handled during construction and demolition must be handled according to the provisions of the " <i>How to Manage and Control Asbestos in the Workplace Code of Practice 2011</i> ";	<i>During construction</i>
Air – Dust Nuisance		
19.	The release of dust and/or particulate matter resulting from the activity must not cause environmental nuisance at any nuisance sensitive or commercial place;	<i>During construction</i>
Noise		
20.	<p>Prevent/minimise the emission of noise that causes, or is likely to cause, environmental nuisance at any nuisance sensitive or commercial place.</p> <p>All work must be undertaken within the prescribed timeframe as mentioned in <i>Environmental Protection Act 1994</i>, ie on business day or Saturday, between 6.30am and 6.30pm;</p>	<i>During construction</i>
21.	Noise impact from proposed use of facility is prevented/maintained at required standard level at noise sensitive receptors;	<i>At all times</i>
Waste Management		

22.	The refuse storage area must be surfaced with an impervious material and is to be accessible by a hose-cock (tap) for washing down;	<i>At all times</i>
23.	Where the designated refuse storage area can be viewed from the street, it is to be screened by a 1.8m visually impermeable screen;	<i>At all times</i>
24.	Refuse bins are to be stored in the nominated "Refuse storage" area on-site and the area must be kept in a clean and tidy condition at all times;	<i>At all times</i>
25.	Animal waste must be managed at the facility to ensure there is no adverse effects impacting on surrounding aesthetic and environmental values (including odour);	<i>At all times</i>
26.	Cleaning of the holding yards is to occur daily when in use and to be transferred to lidded bins;	<i>At all times</i>
27.	Lidded bins containing removed soiled litter shall be emptied on at least a daily basis into the rubbish skip;	<i>At all times</i>
28.	All chemicals and other dangerous goods must be appropriately stored in bunded areas/exclusion zones in accordance with Australian standards and regulations;	<i>At all times</i>
Protection of Watercourse		
29.	A 10.0m buffer area shall be established and maintained at the rear boundary adjoining the Leichhardt River to prevent pollutants entering the watercourse and protection from erosion;	<i>At all times</i>
30.	The surface of the ground of the 'buffer' area must be fully grassed or fully covered with an alternative ground cover;	<i>At all times</i>
31.	The developer shall provide Council with a management plan on how seed from introduced feed will be contained within the site and not escape into the watercourse;	<i>Prior to the use of the livestock impound yard</i>
ENGINEERING		
Sewerage		
32.	The developer shall submit plans/drawings indicating the type and location of the sewerage disposal system(s) servicing the allotment for Council approval;	<i>Prior to construction</i>
Access, Grades, Maneuvering, Carparks and Signs		
33.	Vehicle access to the site is such that vehicles can enter and leave the site in forward gear;	<i>At all times</i>
34.	<p>The developer shall provide, construct and delineate or sign (as required) the following requirements as indicated on the approved plans of layout:</p> <ul style="list-style-type: none"> a) Construct a pavement (including associated drainage) to any new areas where motor vehicles will be driven or parked. Vehicle access and carpark areas are to have a durable, dust free surface. This requires all surfaces to be sealed, concreted or paved. b) New cross overs shall be provided in accordance with the IPWEA standard drawings for heavy duty driveways (RS-051). c) Maneuvering on-site for all types of vehicles to be used for this development; d) The internal driveways and car parks shall be provided in accordance with AS/NZS 2890.1 (Off-street Car Parking); e) All angle and 90 degree parking bays shall be provided with wheelstops; f) Disabled car parking shall be provided in accordance with AS 1428.1; 	<i>Prior to commencement of use (and then to be maintained)</i>

	<p>g) The internal paved areas are to be signed and delineated in accordance with the approved plans and Manual of Uniform Traffic Control Devices;</p> <p>h) Provide Council with Registered Professional Engineer of Queensland (RPEQ) certified as constructed plans to demonstrate compliance with the access, grades, maneuvering, carparks and signs requirements above.</p>	
Flooding		
35.	The lowest floor level of the office building shall be 300mm above the 100 year ARI flood event;	<i>At all times</i>
Stormwater Management		
36.	All stormwater runoff from roof and paved areas of the development site are to be collected internally and directed to a legal point of discharge. Ensure non-worsening of the existing flow regime to properties that are upstream and downstream of the site;	<i>Prior to commencement of use and then to be maintained</i>
Earthworks		
37.	Where fill or excavation is proposed onsite, no contaminated material shall be used or disturbed;	<i>At all times</i>
38.	All proposed earthworks shall be designed, constructed and certified by a RPEQ (including any retaining walls exceeding 500mm in height);	<i>At all times</i>
39.	<p>The works shall be designed and constructed so that both during construction and upon completion:</p> <ul style="list-style-type: none"> (a) water does not pond on any land; and (b) the afflux caused by the works does not affect other land by way of a heightened water level during the 100 year ARI flood as identified on planning scheme maps 13-21; and (c) there is no loss of floodplain storage below the level of the 100 year ARI flood (as identified on maps 13-21); and (d) any runoff diverted by the works is to be discharged directly to a point of lawful discharge in such a way the pre-existing runoff patterns for surface water are not altered. 	<i>At all times</i>
40.	Earthworks do not adversely impact on the privacy of other land or on visual amenity;	<i>At all times</i>
41.	Where earthworks result in a ground surface level at the boundary of an allotment which differs by more than 100mm from the ground surface level at the corresponding location on an adjoining allotment, a retaining structure is to be provided, either to retain the new work to prevent collapse or ravelling onto adjoining land, or to retain the pre-existing earth material on adjoining land to prevent collapse. Retaining structures which are more than 500mm high are to be constructed in accordance with the design of a structural engineer;	<i>At all times</i>
COMPLIANCE WITH CONDITIONS		
42.	The owner/developer shall contact Council to arrange a compliance inspection of the property to assess compliance with all Conditions of Approval and the approved plans.	<i>Within one (1) month of commencement of use</i>

Item 8 - Works and Camooweal - Cr Mick Tully

Nil Reports Presented for Consideration

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

9.1- Library Monthly Report – August 2019

Folder ID 4650

Provided by Coordinator Library Services, Lois Huston

Executive Summary

August 2019 Library Monthly Report presented to Council for information and consideration.

Officer's Recommendation

THAT Council receives and accepts the August 2019, Library Monthly Report.

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

Nil Reports Presented for Consideration

Item 11 - Environmental Management - Cr Paul Stretton

Nil Reports Presented for Consideration

Item 12 - Finance and Administration - Deputy Mayor, Cr Phil Barwick

Nil Reports Presented for Consideration

Item 13 – Executive Services – Chief Executive Officer, Sharon Ibardolaza

13.1 – New ‘Provision of Legal Assistance for Councillors Policy’

Folder ID 14992

Provided by Corporate Governance Coordinator – Andrea Lee

Executive Summary

The introduction of the Provision of Legal Assistance for Councillors Policy.

Officer's Recommendation

THAT Council adopt the new Provision of Legal Assistance for Councillors Policy.

13.2 – New ‘Provision of Legal Assistance for Employees Policy’

Folder ID 14992

Provided by Corporate Governance Coordinator – Andrea Lee

Executive Summary

The introduction of the Provision of Legal Assistance for Employees Policy.

Officer's Recommendation

THAT Council adopt the new Provision of Legal Assistance for Employees Policy.

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.

Council may adjourn briefly prior to commencing Closed Business

Item 15 – Confidential Reports

15.1 – Audit and Risk Management Committee Meeting Minutes dated 22 May 2019

Folder ID 4960

Provided by Director Corporate and Financial Services, Karren MacClure

Executive Summary

Mount Isa City Council this year appointed an Audit and Risk Management and Committee whose primary objective is to assist Council in fulfilling its corporate governance role and oversight responsibilities relating to accounting and reporting practices imposed under the Local Government Act 2009, and other relevant legislation.

In compliance with Regulation requirements (Part 11, Division1, Subdivision 2, 211 1-(c)), the Audit Committee would like to present the Audit and Risk Management Committee Meeting Minutes for 22nd May 2019 as approved by the Committee members on 29th August 2019.

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 goverment or someone else, or enable a person to gain a financial advantage".*

15.2 – 2018/19 Interim Audit Reports

Folder ID 4960

Provided by Chief Executive Officer, Sharon Ibardolaza

Executive Summary

Council has had the 2018/19 Interim Audit completed and as per Section 213 of the Local Government Regulation 2012 presents this report for Council's consideration.

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 goverment or someone else, or enable a person to gain a financial advantage".*

15.3 – Bitumen Resurfacing Works Tender 19/20-5301

Folder ID 5931

Provided by Director Engineering Services, Emilio Cianetti

Executive Summary

As part of Council's ongoing and annual asset renewal program, Council called bitumen resealing tenders for approximately 60,230 sqm of city based streets and roads on the 7 August 2019 and the tenders were closed at 4pm on Friday, 30 August 2019.

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".*

Meeting close