



MINUTES

**Ordinary Council Meeting
Wednesday, 23 August 2023**

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	Nil	
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**MINUTES OF MOUNT ISA CITY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 23 WEST STREET, MOUNT ISA
ON WEDNESDAY, 23 AUGUST 2023 AT 9AM**

PRESENT: Crs Slade, Barwick, Fortune (Via Teams), MacRae, Tully, Coghlan
IN ATTENDANCE: Tim Rose (Acting CEO), Chiley Luangala (Director Corporate and Community), Stephen Jewell (Director, Infrastructure Services), Chad King (Director, Community Services)

1 OPENING OF THE MEETING/ACKNOWLEDGEMENT OF COUNTRY

Mayor Slade opened the meeting at 9.01am.

2 PRAYER

Natalie Steele from the Salvation Army provided a prayer.

Councillor Tully joined the meeting at 9.04am.

3 APOLOGIES/LEAVE OF ABSENCE

APOLOGY

RESOLUTION OM05/ 08/23

Moved: Cr Phil Barwick
Seconded: Cr Peta MacRae

THAT the apology received from Cr Stretton be accepted and leave of absence granted.

CARRIED 6

4 PUBLIC PARTICIPATION

5 CONFIRMATION OF PREVIOUS MEETING MINUTES

5.1 MINUTES OF THE ORDINARY MEETING HELD ON 19 JULY 2023

RESOLUTION OM06/ 08/23

Moved: Cr Phil Barwick
Seconded: Cr Peta MacRae

THAT the Minutes of the Ordinary Meeting held on 19 July 2023 be confirmed as a true and correct record.

CARRIED 6

5.2 MINUTES OF THE SPECIAL MEETING HELD ON 14 AUGUST 2023

RESOLUTION OM07/ 08/23

Moved: Cr Phil Barwick
Seconded: Cr Peta MacRae

THAT the Minutes of the Special Meeting held on 14 August 2023 be confirmed as a true and correct record.

CARRIED 6

6 ACTIONS FROM PREVIOUS COUNCIL MEETINGS**6.1 OUTSTANDING ACTIONS FROM PREVIOUS COUNCIL MEETINGS AS AT 18 AUGUST 2023****RESOLUTION OM08/ 08/23**

Moved: Cr Peta MacRae
Seconded: Cr Mick Tully

THAT Council receives and notes the outstanding actions from previous Council Meetings as at 18 August 2023.

CARRIED 6

7 DECLARATIONS OF CONFLICTS OF INTEREST

There were no conflicts declared at this stage of the meeting, however Cr Tully later declared a conflict of interest with item 14.2.

8 MAYORAL MINUTE

Mayor Slade advised, for purposes of transparency, that she has requested a notice of motion for the next Ordinary Council meeting regarding options for water charging and allocations for next year's budget.

9 READING AND CONSIDERATION OF CORRESPONDENCE

Nil

10 EXECUTIVE SERVICES REPORTS**10.1 UPDATED POLICIES FOR ADOPTION****RESOLUTION OM09/ 08/23**

Moved: Cr Phil Barwick
Seconded: Cr Mick Tully

THAT Council adopts the following updated statutory policies:-

1. Administrative Actions Complaints Policy;
2. Code of Conduct for Councillors;
3. Complaints About a Public Official Policy;

4. Council Acceptable Request Guidelines;
5. Councillor Investigation Policy;
6. Human Rights Policy;
7. Public Interest Disclosure Policy;
8. Entertainment Policy;
9. Complaints Policy;
10. Fireworks Policy.

CARRIED 6

10.2 AUDIT AND RISK COMMITTEE - APPOINTMENT OF EXTERNAL MEMBER

RESOLUTION OM10/ 08/23

Moved: Cr Mick Tully
Seconded: Cr Peta MacRae

THAT Council appoint Peter Sheville to the position of Independent Member for the Audit and Risk Committee for the remainder of term of this Council and for a period of two (2) years with the option of a further two years upon satisfactory review within the term of the new Council.

CARRIED 6

11 CORPORATE AND COMMUNITY SERVICES REPORTS

11.1 FINANCE OVERVIEW REPORT -JULY 2023

RESOLUTION OM11/ 08/23

Moved: Cr Phil Barwick
Seconded: Cr Peta MacRae

THAT Council receives and accepts the July 2023 Finance Overview Report as presented.

CARRIED 6

11.2 SPLASHEZ OVERVIEW REPORT- JULY 2023

RESOLUTION OM12/ 08/23

Moved: Cr Kim Coghlan
Seconded: Cr Mick Tully

THAT Council receives and accepts the July 2023 Splashez Overview Report as presented.

CARRIED 6

11.3 CORPORATE SERVICES OVERVIEW REPORT - JUNE 2023 AND JULY 2023

RESOLUTION OM13/ 08/23

Moved: Cr Phil Barwick
Seconded: Cr Mick Tully

THAT Council receives and accepts the June 2023 and July 2023 Corporate Services Overview Report as presented.

CARRIED 6

11.4 LOCAL LAWS OVERVIEW REPORT - MAY 2023 TO JULY 2023

RESOLUTION OM14/ 08/23

Moved: Cr Peta MacRae
Seconded: Cr Mick Tully

THAT Council receives and accepts the Local Laws Overview Report for May 2023 to July 2023 as presented.

CARRIED 6

11.5 LIBRARY OVERVIEW REPORT - JUNE 2023 AND JULY 2023

RESOLUTION OM15/ 08/23

Moved: Cr Peta MacRae
Seconded: Cr Phil Barwick

THAT Council receives and accepts the June 2023 and July 2023 Library Overview Report as presented.

CARRIED 6

11.6 ECONOMIC DEVELOPMENT OVERVIEW REPORT - JULY 2023

RESOLUTION OM16/ 08/23

Moved: Cr Peta MacRae
Seconded: Cr Phil Barwick

THAT Council receives and accepts the July 2023 Economic Development Overview Report as presented.

CARRIED 6

11.7 COMMUNITY DEVELOPMENT OVERVIEW REPORT - JULY 2023

RESOLUTION OM17/ 08/23

Moved: Cr Peta MacRae
Seconded: Cr George Fortune

THAT Council receives and accepts the June 2023 Community Development Overview Report as presented.

CARRIED 6

11.8 OPERATIONAL WORKS APPLICATION FOR A DIGITAL BILLBOARD (SIGN) AT 41-43 SIMPSON STREET, DESCRIBED AS LOT 2 ON PLAN SP158996

RESOLUTION OM18/ 08/23

Moved: Cr Kim Coghlan
 Seconded: Cr Peta MacRae

THAT Council approves the Development Application for Operational Works for the proposed digital billboard and the two existing signs at 41-43 Simpson Street, described as Lot 2 on plan SP158996, subject to the following conditions:

NUMBER	CONDITION	TIMING
1.	Council reserves the right to review the conditions, including traffic incidents and operational statistical data of the billboard.	On the first anniversary of the installation of billboard
2.	a) The advertising devices must not have any impact on vehicular sight distances. AND b) No part of the advertising devices may protrude beyond the property boundary and into the road reserve.	At all times and for the life of the development
3.	a) The Advertising Device must not contain flashing red, blue or amber point light sources which, when viewed from the road, could give the appearance of an emergency service or other special purpose vehicle warning light/s. b) The maximum luminance levels are to be: <ul style="list-style-type: none"> • Daytime - 6000 cd/m2 • Dawn/ Dusk - 600 cd/m2 • Night - 250 cd/m2 c) Illuminance and/or digital animation of the sign must not occur between the hours of 8pm to 6am, 7 days a week. Subject to compliance with subsection b), the advertising device may operate 24 hours a day, 7 days a week. Illuminance and/or digital animation of the sign must not occur between the hours of 8pm to 6am, 7 days a week. d) When requested by council, a lighting investigation must be undertaken by a qualified person to investigate any complaint of light nuisance, and the results notified within twenty-eight (28) days to council.	<i>At all times and for the life of the development</i>

	<p><i>Note: The lighting investigation must be carried out generally in accordance with the relevant test methods contained within Section 5 of Australian Standard AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting and Appendix A of Australian Standard AS 4852.2:2009: Variable Message Signs Portable Signs as applicable to determine whether or not the illuminance and luminance levels listed in this Permit.</i></p>	
4.	<p>a) Changeover animation effects such as ‘fade’, ‘zoom’, or ‘fly-in’ between advertisements must not be used.</p> <p>b) A blank, black, white or any coloured screen must not be displayed between advertisements.</p>	<p><i>At all times and for the life of the development</i></p>
5.	<p>a) Advertisements must remain static for a minimum dwell time of twenty (20) seconds, and are not to include animations, videos, flashing, active display changes, etc.</p> <p>b) Advertisements that comprise of, or incorporate moving visual images, such as videos or animations must not be displayed.</p>	<p><i>At all times and for the life of the development</i></p>
6.	<p>Advertisements must not use colours in combinations or shapes that could be reasonably interpreted as a traffic control device.</p> <p><i>Note: The Manual of Uniform Traffic Control Devices prescribes the basic design parameters of official traffic signs and includes standard legend/background colour combinations</i></p>	<p><i>At all times and for the life of the development</i></p>
7.	<p>The display screen shall not be split to display multiple advertisements on the one electronic billboard display.</p>	<p><i>At all times and for the life of the development</i></p>
8.	<p>In the event of a malfunction or failure of either the advertising copy display, or hardware / system / software of the electronic billboard component, the device must display (default to) a blank screen.</p>	<p><i>At all times and for the life of the development</i></p>
9.	<p>A data record relating to the operational criteria of the electronic billboard component must be kept for a minimum of one (1) year after the erection of the advertising device. The data log must include a record of the electronic sign’s activity and must be made available to the Department of Transport and Main</p>	<p><i>At all times and for the life of the development</i></p>

	<p>Roads upon request to allow for a review of the device in the event of a complaint or other issue.</p> <p>Information must be kept about:</p> <ul style="list-style-type: none"> a) How the advertising copy is displayed (i.e., dwell time); b) Luminance and illumination levels. c) Error log d) Transition times between advertising display times. <p>An advertising copy is not required as part of the data logging.</p>	
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CARRIED 6**11.9 REQUEST FOR VARIATION - MITEZ GALA DINNER****RESOLUTION OM19/ 08/23**

Moved: Cr Peta MacRae

Seconded: Cr Kim Coghlan

THAT Council approves a variation to the approved funding received by Mount Isa Townsville Economic Development Zone Inc. to host a Gala Dinner on 18 September 2023.

CARRIED 6**11.10 RADF - OUT OF ROUNDS APPLICATION - MOUNT ISA COUNCIL OF CHRISTIAN CHURCHES****RESOLUTION OM20/ 08/23**

Moved: Cr Phil Barwick

Seconded: Cr George Fortune

THAT Council endorses the Regional Arts Development Fund (RADF) Committee recommendation to approve funding to the Mount Isa Council of Christian Churches project "100 Year Centenary – History of Christian Churches" in the amount of \$4,470.00 (+ GST).

CARRIED 6**11.11 ANNUAL REPORT 22/23 - ENVIRONMENTAL CHARGE PROJECTS****RESOLUTION OM21/ 08/23**

Moved: Cr Phil Barwick

Seconded: Cr Mick Tully

THAT Council approves the Annual Report 2022/23 Environmental Charge Projects as presented.

CARRIED 6

11.12 COMPETITIVE NEUTRALITY COMPLAINT MANAGEMENT POLICY**RESOLUTION OM22/ 08/23**

Moved: Cr Phil Barwick
Seconded: Cr Peta MacRae

THAT Council adopts the Competitive Neutrality Complaint Management Policy Version 2 as presented.

CARRIED 6

12 INFRASTRUCTURE SERVICES REPORTS**12.1 MAJOR PROJECTS OVERVIEW REPORT JULY 2023****RESOLUTION OM23/ 08/23**

Moved: Cr Mick Tully
Seconded: Cr Kim Coghlan

THAT Council receives and notes the July 2023 Major Projects Overview Report

CARRIED 6

12.2 WATER AND SEWERAGE OVERVIEW REPORT - JUNE 2023 AND JULY 2023**RESOLUTION OM24/ 08/23**

Moved: Cr Mick Tully
Seconded: Cr Peta MacRae

THAT Council receives and accepts the Water and Sewerage Overview Report – June 2023 and July 2023 as presented.

CARRIED 6

12.3 WASTE MANAGEMENT OVERVIEW REPORT - JULY 2023**MOTION**

Moved: Cr Mick Tully
Seconded: Cr Phil Barwick

THAT Council receives and accepts the July 2023 Waste Management Overview Report as presented.

In Favour: Crs Phil Barwick and Mick Tully

Against: Crs Danielle Slade, George Fortune, Peta MacRae and Kim Coghlan

Absent: Cr Paul Stretton

LOST 2/4

As the above Motion was lost, an Alternative Motion was put forward.

ALTERNATIVE MOTION

Moved: Cr Peta MacRae

Seconded: Cr Kim Coghlan

THAT Council receives and accepts the July 2023 Waste Management Overview Report as presented, however Council's Waste Management Facility is to continue to accept cash payments.

AMENDED MOTION

Moved: Cr Phil Barwick

THAT Council accepts the the July 2023 Waste Management Overview Report and discusses the acceptance of cash payments separately.

The Amended Motion LAPSED for want of a seconder.

The Alternative Motion became the Motion.

RESOLUTION OM25/ 08/23

Moved: Cr Peta MacRae

Seconded: Cr Kim Coghlan

THAT Council receives and accepts the July 2023 Waste Management Overview Report as presented, however Council's Waste Management Facility is to continue to take cash payments.

In Favour: Crs Danielle Slade, George Fortune, Peta MacRae and Kim Coghlan

Against: Crs Phil Barwick and Mick Tully

Absent: Cr Paul Stretton

CARRIED 4/2

12.4 WASTE FEES AND CHARGES**RESOLUTION OM26/ 08/23**

Moved: Cr Phil Barwick

Seconded: Cr Kim Coghlan

That Council

(a) no longer provide the following services:

- Hire of commercial wheelie and bulk bins
- Hire of domestic bulk bins
- Water analysis

(b) Increase the fees for tyre disposal to Council's cost to recycle, plus 20%.

CARRIED 6

12.5 AQUAPLAY FACILITY DESIGN AND CONSTRUCTION TENDER (RFT2023)

RESOLUTION OM27/ 08/23

Moved: Cr Phil Barwick

Seconded: Cr Mick Tully

THAT Council award accepts the tender (RFT2023-024) of Swimplex Aquatics Pty Ltd for \$1,373,680 and delegates authority to the Chief Executive Officer to negotiate, finalise and enter into the contract.

CARRIED 6**12.6 NRMA EV CHARGING SITE IN MOUNT ISA****RESOLUTION OM28/ 08/23**

Moved: Cr Phil Barwick

Seconded: Cr Mick Tully

THAT Council provide a non-binding Letter of Intent to NRMA, agreeing to the installation of an EV charging station in Camooweal Street

In Favour: Crs Danielle Slade, Phil Barwick, George Fortune and Mick Tully

Against: Crs Peta MacRae and Kim Coghlan

Absent: Cr Paul Stretton

CARRIED 4/2**13 GENERAL BUSINESS**

Nil

Meeting adjourned at 11.04am.

Meeting reconvened at 11.21am

14 CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS**RESOLUTION OM29/ 08/23**

Moved: Cr Phil Barwick

Seconded: Cr Mick Tully

THAT Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 254J of the Local Government Regulation 2012:

14.1 Concession to Waiver and Write-Off Rates & Charges for Property Assessment 07196-00000-000

This matter is considered to be confidential under Section 254J - d of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

14.2 Acquisition of Property - Assessment No. 03952-00000-000

This matter is considered to be confidential under Section 254J - g of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

14.3 2023-022 Invitation for Tender - Trustee Lease over Lots 47 & 48 Crown Plan 220 Part of Jubilee Park

This matter is considered to be confidential under Section 254J - g of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

14.4 Enterprise Resource Planning (ERP) Budget Variations

This matter is considered to be confidential under Section 254J - g of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

14.5 Notice of Intention to Sell Land for Overdue Rates and Charges

This matter is considered to be confidential under Section 254J - f and h of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with matters that may directly affect the health and safety of an individual or a group or individuals and negotiations relating to the taking of land by the local government under the Acquisition of Land Act 1967.

CARRIED 6

During closed business, Cr Tully declared a conflict of interest in item 14.2 Acquisition of Property - Assessment No. 03952-00000-000. Cr Tully advised of his intention to leave the meeting when the item is considered.

RESOLUTION OM30/ 08/23

Moved: Cr Phil Barwick

Seconded: Cr Mick Tully

THAT Council moves out of Closed Council into Open Council.

CARRIED 6

14.1 CONCESSION TO WAIVER AND WRITE-OFF RATES & CHARGES FOR PROPERTY ASSESSMENT 07196-00000-000

RESOLUTION OM31/ 08/23

Moved: Cr Phil Barwick

Seconded: Cr Mick Tully

THAT Council does not approve a concession to Waiver and Write-Off Rates & Charges of \$909.71, for Property Assessment 07196-00000-000, for the Period 01-01-2023 to 30-06-2023, under Sections 119, 120 (1) (a) & (c), 121(a) and 122 (1)(a) of the Local Government Regulation 2012.

CARRIED 6

Cr Tully declared a conflict of interest in item 14.2 Acquisition of Property - Assessment No. 03952-00000-000 due to his relationship to the real estate responsible for the sale of the property. Cr Tully advised of his intention to leave the meeting when the item is considered.

At 11:41 am, Cr Mick Tully left the meeting due to a conflict of interest in relation to item 14.2.

14.2 ACQUISITION OF PROPERTY - ASSESSMENT NO. 03952-00000-000

RESOLUTION OM32/ 08/23

Moved: Cr Peta MacRae

Seconded: Cr Kim Coghlan

THAT Council

APPROVE the purchase of the residential freehold property at 21 Fifteenth Avenue (Lot 14 MPH14004) at the offer price of \$474k and approve legal fees estimate of \$5k for relevant property transfers and searches.

CARRIED 5

At 11:41 am, Cr Mick Tully returned to the meeting.

14.3 2023-022 INVITATION FOR TENDER - TRUSTEE LEASE OVER LOTS 47 & 48 CROWN PLAN 220 PART OF JUBILEE PARK

RESOLUTION OM33/ 08/23

Moved: Cr Phil Barwick

Seconded: Cr Kim Coghlan

THAT Council resolves to:

1. Award the tender to Mount Isa Dirt Bike Club Inc. over the area described as Lots 47 & 48 on Crown Plan RD220.
2. Delegate to the Chief Executive Officer the authority to finalise all matters in relation to the lease agreement over the area described as Lots 47 & 48 on Crown Plan RD220.

CARRIED 6

14.4 ENTERPRISE RESOURCE PLANNING (ERP) BUDGET VARIATIONS

RESOLUTION OM34/ 08/23

Moved: Cr Phil Barwick

Seconded: Cr Mick Tully

THAT Council approves a budget variation of \$298,871 for the ERP implementation as follows:

CIVICA \$188,771

GWl Digital \$110,100

CARRIED 6

14.5 NOTICE OF INTENTION TO SELL LAND FOR OVERDUE RATES AND CHARGES

RESOLUTION OM35/ 08/23

Moved: Cr Phil Barwick

Seconded: Cr Kim Coghlan

THAT Council resolves to:

- (a) Sell the land in the below Schedule pursuant to section 140(2) of the *Local Government Regulation 2012*; and
- (b) Delegate to the Chief Executive Officer its power to:
- a. give a Notice of Intention to Sell the land to all interested parties under section 140(3) of the *Local Government Regulation 2012*; and
 - b. take all further steps required under sections 141, 142, 143, 144, 145 and 146 of the *Local Government Regulation 2012* to effect the sale of the land.

Schedule

Assessment No.	Description
00953-00000-000	LOT 2 ON CROWN PLAN M758102
01291-00000-000	LOT 42 ON CROWN PLAN MPH13999
01544-00000-000	LOT 39 ON CROWN PLAN M758115
02199-00000-000	LOT 34 ON CROWN PLAN M758148
02474-00000-000	LOT 23 ON CROWN PLAN M758172
02897-00000-000	LOT 63 ON CROWN PLAN M758197
02980-00000-000	LOT 49 ON CROWN PLAN M758200
03408-00000-000	LOT 102 ON CROWN PLAN MPH21969
03568-00000-000	LOT 27 ON CROWN PLAN MPH4562
03660-00000-000	LOT 10 ON CROWN PLAN MPH21928
04758-00000-000	LOT 91 ON CROWN PLAN MPH21962
04827-00000-000	LOT 32 ON CROWN PLAN MPH22113
04832-00000-000	LOT 4 ON CROWN PLAN MPH22113
04925-00000-000	LOT 26 ON CROWN PLAN MPH40024
06275-15002-000	LOT 2 ON SURVEY PLAN 219127
06364-00000-000	LOT 27 ON CROWN PLAN MPH40091
06935-18110-000	LOT 38 ON REGISTERED PLAN 907592
06997-00000-000	LOT 22 ON CROWN PLAN MPH40048
07172-00000-000	LOT 503 ON CROWN PLAN C3931 & LOT 504 ON CROWN PLAN C3931
00430-00000-000	LOT 88 ON CROWN PLAN MPH22033
00575-00000-000	LOT 14 ON CROWN PLAN MPH22013
01778-00000-000	LOT 92 ON CROWN PLAN MPH13999
02600-00000-000	LOT 117 ON CROWN PLAN M758180
04327-91600-000	LOT 1 ON CROWN PLAN MPH26476
04618-00000-000	LOT 1 ON CROWN PLAN MPH21955 & LOT 2 ON CROWN PLAN MPH21955

04875-00000-000	LOT 20 ON CROWN PLAN MPH22110
06273-00000-000	LOT 62 ON CROWN PLAN MPH14002
06468-00000-000	LOT 47 ON CROWN PLAN MPH40092
06755-09900-000	LOT 82 ON SURVEY PLAN 206675
06795-00000-000	LOT 1 ON CROWN PLAN MPH40065

CARRIED 6

There being no further business the Meeting closed at 11.44am.

The minutes of this meeting were confirmed at the Council Meeting held on 20 September 2023.

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CHAIRPERSON