

**MINUTES OF YARRABAH ABORIGINAL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE YARRABAH ABORIGINAL SHIRE COUNCIL CHAMBERS
ON WEDNESDAY, 18 MAY 2022 AT 10AM**

PRESENT: Cr David Baird, Cr Brian Underwood, Cr Lucrecia Willett, Cr Kenneth Jackson

IN ATTENDANCE: Leon Yeatman (CEO), Mike Mair (Director Corporate Services), Leona Worrell (Manager – Human Resources & Office of CEO – Minute Taker)

1 MEETING OPEN

Deputy Mayor Underwood, as presiding Chairperson, declared the meeting open at 10.22am

Chairperson welcomed councillors and staff members present to the meeting.

All in attendance observed one minute silence to honour the memory of leaders and community members who have passed away for those who are recently departed.

Councillor Baird opened the meeting with a word of Prayer.

2 CULTURAL WELCOME / ACKNOWLEDGEMENT

The Deputy Mayor acknowledged the traditional custodians from both Gunggandji and Mandingalbay Yidinji nations on whose country the meeting is being held today, their elders, past present and emerging who still reside in Yarrabah.

He also he acknowledged the historical descendants whose elders past present and emerging also call Yarrabah home and support progress in the Shire.

3 APOLOGIES

Deputy Mayor Underwood advised that an apology had been received from the Mayor who was attending the BIRG meeting in Brisbane.

Advice given to councillors that Councillor Willett be noted as 'late attendance' for this meeting due to an appointment out of shire. She will join the meeting later today.

RESOLUTION 01:18/05/2022

That the apology received from Mayor Andrews be accepted and leave of absence granted.

Advice relating to the late attendance of Councillor Willett is also accepted and granted.

Moved: Cr Brian Underwood

Seconded: Cr David Baird

CARRIED 3/3

4 CONFIRMATION OF PREVIOUS MINUTES**4a ORDINARY MEETING 20 MAY 2022****RESOLUTION 02:18/05/2022**

That the minutes of the Ordinary Council Meeting held on 20 April 2022 be adopted.

Moved: Cr David Baird

Seconded: Cr Kenneth Jackson

CARRIED 3/3**4b SPECIAL MEETING 5 MAY 2022****RESOLUTION 04:18/05/2022**

That the Special Council Meeting held on 5 May 2022 be adopted.

Moved: Cr Kenneth Jackson

Seconded: Cr David Baird

CARRIED 3/3**4c SPECIAL MEETING MAY 10 2022****RESOLUTION 05:18/05/2022**

That the minutes of the Special Council Meeting held on 10 May 2022 be adopted.

Moved: Cr Kenneth Jackson

Seconded: Cr David Baird

CARRIED 3/3**5 BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil.

6 DISCLOSURE OF INTEREST – COUNCIL / REGISTER UPDATES

The Deputy Mayor reminded the Councillors of the requirement to declare their conflicts of interest to the CEO prior to the meeting and called on all councillors to re-declare then now.

No declarations made.

7 MATTERS FOR DISCUSSION

7.1 CEO OPERATIONAL REPORT

PURPOSE OF THE REPORT

Monthly Council meeting report on the operational and strategic performance of council business for month of May 2022.

Comment: Workshop for remaining policies required – note COVID impact on executive team attendance at last meeting.

Brief on the Museum Shop – identify risk (operational and strategic) supporting economic opportunity in community

RESOLUTION 06:18/05/2022

That Council accept the CEO Operational Report for the period to 17th May 2022.

The principles of Local Government be observed and associated rules as contained within the Local Government Act 2009 pertaining to the ‘separation of powers’ to be observed and promoted.

Moved: Cr Kenneth Jackson

Seconded: Cr Brian Underwood

CARRIED 3/3

At 11:36 am, Cr Brian Underwood left the meeting.

At 11:37 am, Cr Brian Underwood returned to the meeting.

Meeting adjourned at 11.53am

Reconvened meeting at 12.40pm

7.2 YASC MONTHLY FINANCIAL REPORT

PURPOSE OF THE REPORT

Provide council with monthly financial report. This report covers the financial period 30 April 2022.

Comment: Councillors requested target strategies for council debtors – especially Housing Tenants.

Community Pool – Council support the proposed strategy to engage community about negative impacts on council business caused by debtors. Director Corporate Services authorised to implement direct communication strategy including correspondence to all resident and defaulting tenants. Correspondence will spell out issues specifically related to debt and current service impacts. Authorisation granted for message to state ‘should financial position not improve there will be a net impact to council which could affect services and positions in council – e.g. Suspend community pool operation.

Audit committee meeting scheduled to meet week 26/5/22. The chair will be happy to learn about the outcome of the Jetty – asset ownership retained by state government (agreement documents pending).

RESOLUTION 07:18/05/2022

That Council accept the 30 April 2022 Finance Reports as tabled.

1. Operating results
2. Current Debtors:
 - Trade Debtors & Creditors,
 - Housing Debtors
3. Capital works
4. Balance sheet
5. Cash position
6. Status of Commercial leases
7. Areas of Concern Report
8. Grants Report

Moved: Cr David Baird

Seconded: Cr Kenneth Jackson

CARRIED 3/3

Councillor Willett entered meeting at 12.48pm

At 1:07 pm, Cr Kenneth Jackson left the meeting.

At 1:11 pm, Cr Kenneth Jackson returned to the meeting.

At 1:52 pm, Cr David Baird left the meeting.

At 1:54 pm, Cr David Baird returned to the meeting.

At 1:59 pm, Cr Lucrecia Willett left the meeting.

At 2:00 pm, Cr Lucrecia Willett returned to the meeting.

7.3 PROJECT 81911 - TENDER YASC DJENGHI 2022 - 001 CONSTRUCTION OF 3X RESIDENTIAL STRUCTURES LOT 701, 702 & 715 GURRNGGA ST

PURPOSE OF THE REPORT

To seek Council endorsement for the awarding of a contract to HC Building & Construction for the construction program in Djenghi associated with – Project 81911.

Comment: Council keen for the schedule program of works to continue and supports housing and infrastructure investment in Yarrabah.

RESOLUTION 07:18/05/2022

That Council resolve to endorsed the recommendation from the Director of Works & Infrastructure to Award the contract to HC BUILDING & CONSTRUCTION for the amount of \$1,320,770.00 (GST exclusive)

Council authorise the scope & schedule of works fits in the allocated budget.

Moved: Cr David Baird

Seconded: Cr Lucrecia Willett

CARRIED 4/4

7.4 APPLICATION - MINOR CHANGE TO EXISTING APPROVAL - SECTION 81 & 83 OF THE PLANNING ACT 2016**PURPOSE OF THE REPORT**

To seek Council resolution for: Minor Change to the existing development approval for a Material Change of Use to enable the development of a Community Care Centre (Learning and Well-being Centre) for Gindaja Treatment & Healing Centre at Workshop Road on Lot 923SP265165. Attached application Number DA2022_013 Yarrabah refers.

Comment: Councillor Underwood advised the council that his registered interest status in his declaration relating to Gindaja – action required to amend the register to reflect his interest status. Councillors identified the risk as minor agree that he remains in the meeting.

RESOLUTION 08:18/05/2022

The Council is the Local Government Authority for the Yarrabah Aboriginal Shire and the Trustee of the Yarrabah Deed of Grant in Trust (DOGIT). As the Local Government Authority and Trustee for the DOGIT the Council has the responsibility of deciding what is in the best interest of the community.

It is considered that approving (with conditions) the Minor Change to the existing Material Change of Use to enable a Learning and Well-being Centre in the Low-Medium Density Residential Zone on Lot 923SP265165 is considered to be of benefit to all of the Yarrabah community.

1. Council as the Local Government Authority and Trustee of the DOGIT resolves to approve a Minor Change to an Existing Development Permit under Section 83 of the *Planning Act 2016*, (subject to conditions):
 - a. The Development Application lodged with Council on behalf of Gindaja Treatment and Healing Indigenous Corporation for:
 - i) Minor Change to the existing Development Permit DA2021_017, approved by Council on 28 July 2021 for a Material Change of Use to enable the development of a Community Care Centre (Learning and Well-being Centre) at Workshop Road on Lot 923SP265165

The Council authorise the CEO to execute a Decision Notice to the Applicant/s in accordance with the *Planning Act 2016*.

Moved: Cr Lucrecia Willett

Seconded: Cr Kenneth Jackson

CARRIED 4/4

7.5 GMYPPBC - REQUEST FOR "IN PRINCIPLE" SUPPORT FOR TLPI**PURPOSE OF THE REPORT**

To report to Council of a request from the Gunggandji-Mandingalbay Yidinji Peoples Prescribed Body Corporate Aboriginal Corporation (GMYPPBC) seeking Council's in-principle support of pursuing a Temporary Local Planning Instrument (TLPI).

Comment: Councillors decided to defer a decision on this matter. Additional time required to consider the points proposed under the 'Temporary Local Planning Instrument'. Item will be addressed at a special meeting after details have been considered as a full council.

RESOLUTION 08:18/05/2022

That the recommendation that Council resolve to provide in principle support to the Gunggandji-Mandingalbay Yidinji Peoples Prescribed Body Corporate Aboriginal Corporation in pursuing a Temporary Local Planning Instrument is to be deferred to allow the full Council additional time for consideration.

Moved: Cr David Baird

Seconded: Cr Kenneth Jackson

CARRIED 4/4

7.6 POLICY REVIEW**PURPOSE OF THE REPORT**

Annual review of statutory and other policies

Comment: Councillors noted the comments made by CEO regarding balance of Operational Policies and proposed plan to schedule an additional workshop to review amendments and legislative changes (as applied). Date to be confirmed.

RESOLUTION 10:18/05/2022

That Council resolve to endorse the recommendation presented by the Director Human Resources, Risk & Regulations to adopt all polices as listed in the attached schedule covering the following policy categories:

- Statutory and Governance;
- Human Resources.

Council authorise the implementation action to be carried out by CEO and Directors.

Moved: Cr David Baird

Seconded: Cr Lucrecia Willett

CARRIED 4/4

7.7 ATTENDANCE AT ALGA CONFERENCE, CANBERRA 19-22 JUNE 2022**PURPOSE OF THE REPORT**

To seek Council endorsement to approve delegation from YASC to attendance at the Australian Local Government Association (ALGA) National General Assembly in Canberra from 19 – 22 June 2022.

Comment: National conference coincides with first sitting of new federal government. Council will participate in planned meetings (LGAQ, FNQROC, council business) delegates endorsed to attend the Australian Local Government Association National General Assembly as follows:

- Mayor
- Deputy Mayor
- Cr Willett

- CEO

RESOLUTION 11:18/05/2022

That Council authorise representation at the Australian Local Government Association (ALGA) National General Assembly in Canberra from 19 – 22 June 2022.

Delegates authorised to attend:

Mayor Ross Andrews,
Cr Brian Underwood
Cr Lucrecia Willett
CEO Leon Yeatman

Moved: Cr Kenneth Jackson
Seconded: Cr Brian Underwood

CARRIED 4/4

**7.8 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:
BIANCA LEE MILLER****PURPOSE OF THE REPORT**

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Bianca Lee Miller.

RESOLUTION 12:18/05/2022

Council acknowledge receipt of application for Confirmation of Aboriginality for Bianca Lee Miller. Applicant is a 'non-resident'. Council cannot confirm family history nor cultural affiliation and has a responsibility to refer this item to the PBC's for their endorsement consideration.

Moved: Cr Lucrecia Willett
Seconded: Cr Kenneth Jackson

CARRIED 4/4

8 CORRESPONDENCE**8.1 CORRESPONDENCE - LOCAL GOVERNMENT WORKCARE CONTRIBUTIONS FOR 2022-23****PURPOSE OF THE REPORT**

To inform Council of an increase in the Local Government Workcare average scheme rate for member contributions for the 2022/23 financial year.

RESOLUTION 13:18/05/2022

1. That Council note the correspondence tabled as read.

Moved: Cr David Baird

Seconded: Cr Lucrecia Willett

CARRIED 4/4

8.2 CORRESPONDENCE - VISIT TO YARRABAH BY GOVERNOR OF QLD**PURPOSE OF THE REPORT**

To inform Council of the proposed visit to Yarrabah by the Governor, Her Excellency the Honourable Dr Jeanette Young PSM on Friday, 8 July 2022.

Comment: Council welcome the visit of the Governor, Her Excellency the Honourable Dr Jeanette Young PSM. CEO instructed to initiate contact and assist with planning.

RESOLUTION 14:18/05/2022

Council noted the correspondence – ‘tabled as read’.

Moved: Cr Lucrecia Willett

Seconded: Cr Brian Underwood

CARRIED 4/4

9 STRATEGIC PORTFOLIO UPDATE

Councillors to provide updates on Meetings and Trips and other information for the meeting.

10 CONFIDENTIAL MATTERS

Nil

11A ITEMS WITHOUT NOTICE

Items received without notice.

10A.1 DONATION REQUEST FOR INSURANCE – YARRABAH SEAHAWKS JUNIOR RUGBY LEAGUE CLUB

At 2:10pm, Cr Willett has declared her interest in this matter and left the meeting.

Comment: Yarrabah Seahawks Junior Rugby League Club is a major program which caters for kids and parents in the shire. Council recognised the volunteer base of this organisation and recognise the needs identified as genuine to continuing to support the shire to achieve through sport – additional information insurance bill \$2,500.

RESOLUTION 15:18/05/2022

Council support Yarrabah Seahawks Junior Rugby League Club. Council approve financial donation for the amount of \$1,000 as a contribution to their 2022 insurance.

Moved: Cr Kenneth Jackson

Seconded: Cr Brian Underwood

CARRIED 3/3

At 2:44 pm, Cr Lucrecia Willett returned to the meeting.

10A.2 DONATION FOR IRA YEATMAN & CAESAR YEATMAN FOR U 15'S RUGBY LEAGUE

Comment:

At 2:44pm, CEO Leon Yeatman declared his interest & left the meeting.

Community residents Masters Ira Yeatman & Caesar Yeatman congratulated for gaining selection for Peninsula Under 15's Rugby League representative team and will represent the region at the Queensland School boys Carnival on the Gold Coast 20/5/22. Councillors note payment required urgent and endorse reimbursement for fees paid for registration (on supply of receipt).

RESOLUTION 16:18/05/2022

Councillors support the donation request for purpose of registration fees for 2022 Peninsula Under 15's Rugby League representative team at the Queensland School boys Carnival on the Gold Coast following junior residents:

- Ira Yeatman - \$439.00
- Caesar Yeatman - \$439.00.

Moved: Cr David Baird

Seconded: Cr Brian Underwood

CARRIED 4/4

12 CLOSE OF MEETING

Date for the next Council Ordinary Meeting is Wednesday 15 June 2022.

The Deputy Mayor thanked the councillors and staff for their participation and attendance at the meeting.

Cr Baird closed the meeting with a prayer.

Meeting closed at 2.53pm.

Brian Underwood.....

DEPUTY MAYOR