

**MINUTES OF YARRABAH ABORIGINAL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE YARRABAH ABORIGINAL SHIRE COUNCIL CHAMBERS
ON THURSDAY, 23 FEBRUARY 2023 AT 10.50AM**

PRESENT: Cr Ross Andrews (Mayor), Cr Brian Underwood, Cr Lucrecia Willett, Cr Kenneth Jackson, Cr Hezron Murgha

IN ATTENDANCE: Richard Wright (CEO), Mike Mair (Director – Corporate Services), Preston Andrews (Director – Building Services), Sam Bann (Director – Infrastructure), Leona Worrell (Minute Taker)

1 MEETING OPEN

Mayor Andrews declared the meeting open at 10.50am.

The Mayor welcomed councillors and staff members present to the meeting.

One minute silence was observed to respect those who have passed away.

Councillor Willett opened with a word of Prayer.

2 ACKNOWLEDGEMENT OF COUNTRY

The 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.

Acknowledgment also offered to the other Trustees of this land (the PBCs), the stolen generations and for our historical descendants whose elders past present and emerging also call Yarrabah home and support progress in the Shire.

3 APOLOGIES

Nil

4 CONFIRMATION OF PREVIOUS MINUTES

RESOLUTION 01:23/02/2023

That the minutes of the Ordinary Council Meeting held on 24 January 2023 be adopted.

Moved: Cr Brian Underwood

Seconded: Cr Hezron Murgha

CARRIED 5/5

5 BUSINESS ARISING FROM PREVIOUS MINUTES

Mayor inquired as to arrangements being planned for the official opening following the redevelopment of Bishop Malcolm Park and use thereof. Council discussed that this should include

invitation to dignitaries and family and involvement of the church. Consider the Easter period, in consultation with the church. CEO to follow up with church and commence arrangements for opening.

6 DISCLOSURE OF INTEREST – COUNCIL / REGISTER UPDATES

The 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

Meeting adjourned 11.20am

Meeting reconvened 11.25am

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 months of January 2023 / February 2023.

CEO advised Council that in consultation with Mayor, he would be seeking approval from the leave in April 2023. Dates to be determined. As a result, a report for the appointment of an Acting CEO would be presented to the next Council meeting for consideration.

CEO reminded Council that the annual rotation for the role of Deputy Mayor would also be presented at next month's meeting.

CEO read report.

Council inquired as to status of LED signage at front of Chambers. CEO advised that footings and wiring have been installed and awaiting on sign to be delivered and installed.

RESOLUTION 02:23/02/2023

That Council accept the CEO Operational Report for the period to 20 February 2023.

Moved: Cr Kenneth Jackson

Seconded: Cr Brian Underwood

CARRIED 5/5

Meeting adjourned 12noon

Meeting reconvened 12.40pm

7.2 YASC MONTHLY FINANCIAL REPORT**PURPOSE OF THE REPORT**

Provide council with monthly financial report. This report covers the financial period 31 January 2023.

Director-Corporate Services read report

RESOLUTION 03:23/02/2023

That Council accept the 31 January 2023 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 Interest Report
8. Grants Report

Moved: Cr Brian Underwood

Seconded: Cr Ross Andrews

CARRIED 5/5

7.3 PEOPLE & COMMUNITIES - OPERATIONAL REPORT**PURPOSE OF THE REPORT**

To provide Council an update on operational activities undertake within the Department of People and Communities for the period 1 January 2023 to 31 January 2023.

CEO read report

RESOLUTION 04:23/02/2023

That Council accept the Director of People and Communities Operational Report, tabled as read.

Moved: Cr Kenneth Jackson

Seconded: Cr Hezron Murgha

CARRIED 5/5

Meeting adjourned 1.46pm

Reconvened 2.08

Mayor absent

Mayor returned to meeting at 2.13pm

7.4 BUILDING SERVICES - OPERATIONAL REPORT**PURPOSE OF THE REPORT**

To report to Council the status/activities of Works & Infrastructure Department areas for the month of January 26th up to 15th February 2023.

Director-Building Services read report.

Mayor suggested if Council can use indigenous businesses more.

Healthy Housing project should be completed in April 2023.

CR Willett stated the community were very happy with the Healthy Housing project, the only point was if the tenants could be given some notice when the work is to be done in their homes.

RESOLUTION 05:23/02/2023

That Council accept the report of the Director – Building Services, tabled as read.

Moved: Cr Brian Underwood

Seconded: Cr Kenneth Jackson

CARRIED 5/5

Cr Willett left meeting at 2.55pm

7.5 INFRASTRUCTURE - OPERATIONAL REPORT**PURPOSE OF THE REPORT**

To report to Council the status/activities of Infrastructure Department areas for the month up to 08 February 2023.

Director-Infrastructure read report

Councillors asked if the pre-cyclone clean-up is still on-going, Director Infrastructure stated it was, as long as items were placed by the side of the road for pick up.

Cr Jackson asked about water quality in Yarrabah, Director Infrastructure stated the water was tested daily & sent to the regulator, all boxes were ticked when it comes to water quality in Yarrabah.

Cr Jackson praised the W4Q crew for their good work.

Director advised Council of use/cost of Community Swimming Pool and suggested consideration to close the pool during the cooler winter months as usage is very low. Director to provide additional details and costings so Council can make an informed decision.

RESOLUTION 06:23/02/2023

That Council accept the report of the Director – Infrastructure, tabled as read.

Moved: Cr Kenneth Jackson

Seconded: Cr Brian Underwood

CARRIED 4/4

7.6 PLANNING REPORT FOR DJENGHI STAGE 6 & 7 CIVIL WORKS, BALAMBA SUBDIVISION AND AMBRYM STREET INFILL DEVELOPMENT

PURPOSE OF THE REPORT

Report prepared by Planz Town Planning

This report is to provide Council with information in relation to planning for:

1. Djenghi Stage 6 & 7 Civil works – 15 Lots;
2. The Balamba subdivision;
3. Ambrym Street infill development:

RESOLUTION 07:23/02/2023

That Council resolve to:

1. Stop work on the Djenghi subdivision Stages 6A & B and 7A & B as the geotechnical constraints of the hillslope development make the development a poor investment at this time.
2. Request a variation to the existing Funding Agreement for the Forward Remote Capital Program (6.520M) to commit this funding to:
 - a. \$500,000 to Master Plan the Staged Development of Balamba and \$120,000 to Master Plan Ambrym Street;
 - b. Undertake the construction of serviced lots including earthworks, road works and trunk infrastructure (sewer, water and stormwater) to service establish developable lots for future housing stages;
3. Prepare a submission to the Department of Communities, Housing and Digital Economy for how the notional \$5 Million funding will be allocated for residential lot development and trunk infrastructure to achieve social housing outcomes;
4. Call for tenders for a Master Plan for the Balamba subdivision; and
5. Call for tenders for a Master Plan for the Ambrym Street redevelopment.

Moved: Cr Brian Underwood

Seconded: Cr Hezron Murgha

CARRIED 4/4

7.7 FLOOD STUDY AND DEFINED FLOOD LEVEL**PURPOSE OF THE REPORT****Report prepared by Planz Town Planning**

To provide Council with information in relation to Flood Risk Management in the Yarrabah Local Government area; and

To obtain a resolution in relation to the declaration of a Defined Flood Level (DFL) and a Finished Floor Level (FFL) for Yarrabah.

RESOLUTION 08:23/02/2023

That Council resolve, in accordance with section 8 of the *Building Regulation 2021*, to:

- a. Adopt the Flood Study for Yarrabah (Reference: Cardno - Q184020); and
- b. Proceed with the further flood investigation to determine the following matters for all of the designated flood hazard area in Yarrabah:
 - i. the defined flood level for each individual lot;
 - ii. the finished floor level of class 1 buildings.

Moved: Cr Brian Underwood

Seconded: Cr Hezron Murgha

CARRIED 4/4

7.8 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE – RESIDENTIAL CARE FACILITY. GINDAJA TREATMENT AND HEALING IND. CORPORATION OVER PART OF LOT 47 SP279560**PURPOSE OF THE REPORT****Report prepared by Planz Town Planning**

To seek Council resolution in relation to a Development Application for the expansion of the existing residential care facility, operated by Gindaja Treatment and Healing Indigenous Corporation.

CEO advised that this matter required a resolution from the Trustee Meeting just held. The Trustee had deferred a decision with regards to this matter until a workshop could be conducted with the applicant. As a result, this matter could not proceed in this meeting and would be deferred to a later date.

7.9 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE – COMMUNITY CARE CENTRE AND RECONFIGURING A LOT – LEASE GREATER THAN 10 YEARS. GINDAJA TREATMENT AND HEALING IND. CORPORATION OVER PART OF LOT 18 SP284220

PURPOSE OF THE REPORT

Report prepared by Planz Town Planning

To seek Council resolution in relation to a Development Application For Material Change Of Use – Community Care Centre And Reconfiguring A Lot – Lease Greater Than 10 Years. Gindaja Treatment and Healing Ind. Corporation Over Part Of Lot 18 Sp284220

CEO advised that this matter required a resolution from the Trustee Meeting just held. The Trustee had deferred a decision with regards to this matter until a workshop could be conducted with the applicant. As a result, this matter could not proceed in this meeting and would be deferred to a later date.

7.10 PROCUREMENT MATTER - YARRABAH FORESHORE MASTERPLAN - AWARDING OF CONTRACT

PURPOSE OF THE REPORT

Report prepared by Planz Town Planning

To provide Council with information to enable the awarding of a tender for the Yarrabah Foreshore Masterplan.

RESOLUTION 09:23/02/2023

That Council resolve to award the contract for the Foreshore Masterplan to CA Architects.

Moved: Cr Brian Underwood

Seconded: Cr Hezron Murgha

CARRIED 4/4

7.11 POLICY REVIEW**PURPOSE OF THE REPORT****Review of Procurement Policy - Schedule 1****RESOLUTION 10:23/02/2023**

That Council resolve to endorse and adopt the recommend changes to Schedule 1 of the Procurement Policy.

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

Moved: Cr Kenneth Jackson

Seconded: Cr Ross Andrews

CARRIED 4/4

7.12 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM: LACEY UNDERWOOD**PURPOSE OF THE REPORT**

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Lacey Chanel Emma UNDERWOOD.

Council advised that it could not confirm this application, based on the information provided.

Matter to be deferred and the CEO to seek additional information in regards to ties in Yarrabah to support the application.

7.13 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM: ESMAY CEDRIC**PURPOSE OF THE REPORT**

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Esmay Ettie CEDRIC.

RESOLUTION 11:23/02/2023

That Council resolve, in relation to the application for confirmation of Aboriginality/Community Affiliation as submitted by Esmay Ettie CEDRIC

1. To accept the application as submitted

Moved: Cr Ross Andrews

Seconded: Cr Kenneth Jackson

CARRIED 4/4

**7.14 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:
MYLA CEDRIC****PURPOSE OF THE REPORT**

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Myla Rose CEDRIC.

RESOLUTION 12:23/02/2023

That Council resolve, in relation to the application for confirmation of Aboriginality/Community Affiliation as submitted by Myla Rose CEDRIC

1. To accept the application as submitted

Moved: Cr Ross Andrews

Seconded: Cr Kenneth Jackson

CARRIED 4/4

Cr Willett entered meeting 3.58pm

**7.15 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:
SHANIKA MURGHA****PURPOSE OF THE REPORT**

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Shanika Liana MURGHA.

RESOLUTION 13:23/02/2023

That Council resolve, in relation to the application for confirmation of Aboriginality/Community Affiliation as submitted by Shanika Liana MURGHA.

1. To accept the application as submitted

Moved: Cr Brian Underwood

Seconded: Cr Lucrezia Willett

CARRIED 5/5

**7.16 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:
TAMAR PATTERSON****PURPOSE OF THE REPORT**

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Tamar Estelle PATTERSON.

RESOLUTION 14:23/02/2023

That Council resolve, in relation to the application for confirmation of Aboriginality/Community Affiliation as submitted by Tamar Estelle PATTERSON.

1. To accept the application as submitted

Moved: Cr Brian Underwood

Seconded: Cr Lucrecia Willett

CARRIED 5/5

**7.17 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:
TRACY BURNS****PURPOSE OF THE REPORT**

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Tracy Maschell BURNS.

RESOLUTION 15:23/02/2023

That Council resolve, in relation to the application for confirmation of Aboriginality/Community Affiliation as submitted by Tracy Maschell BURNS.

1. To accept the application as submitted

Moved: Cr Brian Underwood

Seconded: Cr Lucrecia Willett

CARRIED 5/5

**7.18 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:
BRUELLA NEAL****PURPOSE OF THE REPORT**

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Brurella NEAL.

RESOLUTION 16:23/02/2023

That Council resolve to endorse the recommendation provided by the CEO to accept the application for confirmation of Aboriginality community affiliation as submitted by the following person:

- Brurella NEAL

It is further recommended that this action is moved and seconded by the signing Councillors.

Moved: Cr Lucrecia Willett

Seconded: Cr Brian Underwood

CARRIED 5/5

**7.19 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:
LAEKYN THOMAS****PURPOSE OF THE REPORT**

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Laekyn Nellie Elizabeth THOMAS.

RESOLUTION 17:23/02/2023

That Council resolve to endorse the recommendation provided by the CEO to accept the application for confirmation of Aboriginality community affiliation as submitted by the following person:

- Laekyn Nellie Elizabeth THOMAS

It is further recommended that this action is moved and seconded by the signing Councillors.

Moved: Cr Lucrecia Willett

Seconded: Cr Brian Underwood

CARRIED 5/5

**7.20 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:
CLARE AMBRYM****PURPOSE OF THE REPORT**

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Clare Enid AMBRYM.

RESOLUTION 18:23/02/2023

That Council resolve to endorse the recommendation provided by the CEO to accept the application for confirmation of Aboriginality community affiliation as submitted by the following person:

- Clare Enid AMBRYM

It is further recommended that this action is moved and seconded by the signing Councillors.

Moved: Cr Lucrecia Willett

Seconded: Cr Brian Underwood

CARRIED

8 CORRESPONDENCE**8.1 CORRESPONDENCE - REQUEST FOR SPONSORSHIP – YARRABAH STATE SCHOOL****PURPOSE OF THE REPORT**

To inform Council of correspondence received from Peter Gavel, teacher of Yarrabah State School, for financial assistance to reduce the price of the shirts for the families.

Councillors request that the CEO determine all donations that fall within the provisions of the Community Grants Policy moving forward.

RESOLUTION 19:23/02/2023

That Council:-

1. Note the correspondence tabled as read.
2. Authorise the Acting CEO to donate \$700.00 to assist with the financial burden outstanding.

Moved: Cr Ross Andrews

Seconded: Cr Kenneth Jackson

CARRIED 5/5

9 STRATEGIC PORTFOLIO UPDATE

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

10 CONFIDENTIAL MATTERS / MATTERS WITHOUT NOTICE

Cr Jackson agreed to attend Mayors Summit in Cairns 9 March 2023. Proxy for this event will be Deputy Mayor Underwood.

11 CLOSE OF MEETING

Date for the next Council Ordinary Meeting is Wednesday 15 March 2023.

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

Meeting closed at 4.15pm.



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MAYOR