

**MINUTES OF YARRABAH ABORIGINAL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE YARRABAH ABORIGINAL SHIRE COUNCIL CHAMBERS
ON WEDNESDAY, 23 AUGUST 2023 AT 9.00 AM**

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), Lyn Russell (Acting Director – People & Community Services) Leona Worrell (Minute Taker)

1 MEETING OPEN

Mayor Andrews declared the meeting open at 9.30am.

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

Councillor Cr Hezron Murghja opened with a word of Prayer.

2 ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the traditional custodians the Gunggandji People whose country this meeting is being held today, acknowledgement to their elders, past present and emerging.

Acknowledgment also offered to the other Trustees of this land the Northern & Southern 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 01:23/08/2023

That the minutes of the Ordinary Council Meeting held on 26 July 2023 be adopted.

Moved: Cr Brian Underwood

Seconded: Cr Kenneth Jackson

CARRIED 5/5

5 BUSINESS ARISING FROM PREVIOUS MINUTES

The Mayor noted that there were two matters deferred from the previous meeting. One related to potential issues of conflict. The other was deferred to allow consideration by the full Council.

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.

The CEO referred to the declared conflicts at the previous meeting in that:-

Cr Murgha declared a prescribed Conflict of Interest, pursuant to section 150EL of the Local Government Act 2009 in relation to Agenda item 7.8 "*Change To Existing Conditions Community Care Centre And Reconfiguring A Lot Over Part Of Lot 18 Sp284220*". Cr Murgha is an employee of the applicant organisation, however has no decision making powers in this position.

Cr Underwood declared a declarable Conflict of Interest, pursuant to section 150EQ of the Local Government Act 2009 in relation to Agenda item 7.8 "*Change To Existing Conditions Community Care Centre And Reconfiguring A Lot Over Part Of Lot 18 Sp284220*". Cr Underwood is on the Board of Directors of the applicant organisation, and therefore has decision making powers in this position.

Cr Underwood advised that he wished to clarify his declaration. He was not on the Board of Directors for the applicant organisation. His position was with the Justice Group, who was at this time auspiced by the applicant organisation. As such he had no decision making powers with the applicant organisation. As such, the Councillor requested that the minutes reflect this as a prescribed Conflict of Interest, pursuant to section 150EL of the Local Government Act 2009.

Cr Jackson declared that due to a recent employment change he wished to declare a prescribed Conflict of Interest, pursuant to section 150EL of the Local Government Act 2009 in relation to Agenda item 7.8 "*Change To Existing Conditions Community Care Centre And Reconfiguring A Lot Over Part Of Lot 18 Sp284220*". Since the last meeting Cr Jackson has commenced as an employee of the Justice Group, who was at this time auspiced by the applicant organisation., however has no decision making powers in this position.

CEO confirmed to the Mayor that Councillors had declared this conflict of interest prior to this meeting. CEO advised that the resolution sought in this matter was to amend a decision previously made on information provided by the Town Planner in error.

Mayor and Deputy Mayor discussed and agreed that the Councillors may participate in the decision making process as they had no personal gain from any outcome of this matter. Resolution sought was to amend an error and the decision was in the best interests of the community.

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 July 2023 / August 2023.

CEO read to the report.

RESOLUTION 02:23/08/2023

That Council accept the CEO Operational Report for the period to 18 August 2023.

Moved: Cr Kenneth Jackson
Seconded: Cr Brian Underwood

CARRIED 5/5

10.20am meeting Adjourned

10.40am meeting reconvened

10.40am Director – Corporate Services entered the meeting

7.2 YASC MONTHLY FINANCIAL REPORT

PURPOSE OF THE REPORT

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

Director – Corporate Services read to the report.

RESOLUTION 03:23/08/2023

That Council accept the 31 July 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

Moved: Cr Ross Andrews

Seconded: Cr Kenneth Jackson

CARRIED 5/5

7.3 QAO 2023 INTERIM AUDIT REPORT

PURPOSE OF THE REPORT

Provide Council with the QAO 2023 Interim Audit Report.

Director – Corporate Services read to the report.

RESOLUTION 04:23/08/2023

That Council resolve to note and accept the QAO 2023 Interim Audit Report as tabled.

Moved: Cr Lucrecia Willett

Seconded: Cr Hezron Murgha

CARRIED 5/5

11.40am meeting Adjourned

11.40am Director – Corporate Services left the meeting

12.30pm meeting reconvened

12.30pm Acting Director – People & Communities entered the meeting

7.4 PEOPLE & COMMUNITIES - OPERATIONAL REPORT

PURPOSE OF THE REPORT

To provide Council an update on operational activities undertaken within the Department of People and Communities.

Acting Director People & Communities read to the report.

RESOLUTION 05:23/08/2023

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

Moved: Cr Lucrecia Willett

Seconded: Cr Kenneth Jackson

CARRIED 5/5

1.25pm Acting Director – People & Communities left the meeting

1.25pm Director – Infrastructure entered the meeting

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

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

Director – Infrastructure read to the report.

RESOLUTION 06:23/08/2023

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

Moved: Cr Kenneth Jackson

Seconded: Cr Hezron Murgha

CARRIED 5/5

2.15pm Director – Infrastructure left the meeting

2.15pm meeting Adjourned

2.32pm meeting reconvened

2.32pm Director – Building Services entered the meeting

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

To report to Council the status/activities of Building Services areas for the month of 27th July 2023 to 21st August 2023.

Director – Building Services read to the report.

RESOLUTION 07:23/08/2023

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

Moved: Cr Brian Underwood

Seconded: Cr Kenneth Jackson

CARRIED 5/5

7.7 ENDORSEMENT OF YARRABAH LDMP 2023**PURPOSE OF THE REPORT**

To seek Council approval of the amended Yarrabah Local Disaster Management Plan 2023

CEO read to the report.

RESOLUTION 08:23/08/2023

That Council resolve to endorse the Yarrabah Local Disaster Management Plan 2023

1. Authorise the Mayor (as Chair of the Yarrabah LDMG) and CEO (as Local Disaster Coordinator) to sign the plan.
2. CEO to have the endorsed plan posted on Council's website.

Moved: Cr Kenneth Jackson
Seconded: Cr Brian Underwood

CARRIED 5/5

7.8 CHANGE TO EXISTING CONDITIONS COMMUNITY CARE CENTRE AND RECONFIGURING A LOT OVER PART OF LOT 18 SP284220

PURPOSE OF THE REPORT

Deferred from Ordinary Council Meeting on 26th July 2023 (08.MFD_OM.20230726)

Report prepared by Planz Town Planning

To seek Council resolution to correct an error in the conditions for the Development Application for Material Change of Use – Community Care Centre and Reconfiguring A Lot –over part of Lot 18 SP284220 at Muka Street

The conditions relate to the provision of parking on the site. The conditions were included in error and should be removed from the approval.

The CEO read to the report.

RESOLUTION 09:23/08/2023

That Council resolve to amend the conditions of the Development Permit Material Change of Use – Community Care Centre and Reconfiguring a Lot over part of Lot 18 SP284220 at Muka Street with a 10 + 10 + 10 lease option to allow the transition of the lease and transfer the new building to the Yarrabah Justice entity once fully established, funded and operational, subject to the following conditions by deleting conditions 5 and 6 as the conditions were included in error and the conditions are not applicable to this use in this location and issue an amended decision notice:

~~5. Access~~

~~The applicant/developer must:~~

- ~~a. Engage a suitably qualified engineer to confirm the access driveways are suitably located providing safe and efficient access to the site, and provide written confirmation to the satisfaction of Council's Chief Executive Officer; and~~
- ~~b. Construct commercial access crossovers in the locations shown on the approved plans, except where modified by item a. above. The crossovers must be constructed (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer; and~~
- ~~c. Ensure that any redundant vehicle crossovers are removed and the ground surface made good.~~

~~6. Parking/Internal Driveways~~

~~The applicant/developer must provide a minimum of 16 on-site parking spaces, including 1 PWD space and 1 emergency vehicle bay.~~

~~All spaces must be sealed, line-marked and appropriately drained and designed in accordance with Australian Standard AS2890:1 Off Street Parking – Car Parking and Australian Standard AS2890.6 2009 Off-street parking for people with disabilities as applicable.~~

~~All car parking facilities must be maintained to a safe operating standard at all times thereafter.~~

Moved: Cr Lucrecia Willett

Seconded: Cr Ross Andrews

CARRIED 5/5

7.9 REQUEST BY THE GUNGGANDJI-MANDINGALBAY YIDINJI PEOPLES PRESCRIBED BODY CORPORATE FOR APPROVAL TO TEMPORARILY OCCUPY PART OF LOT 308 SP278074**PURPOSE OF THE REPORT****Deferred from Ordinary Council Meeting on 26th July 2023 (09.MFD_OM.20230726)**Report prepared by Planz Town Planning

To obtain Council's approval for the Gunggandji-Mandingalbay Yidinji Peoples Prescribed Body Corporate (GMYP) to temporarily use part of Lot 308 SP278074 for GMYP administration and ranger purposes.

CEO advised that matter deferred from previous meeting to allow consideration of full Council. CEO read to the report.

RESOLUTION 10:23/08/2023

That Council resolve to approve the Gunggandji-Mandingalbay Yidinji Peoples Prescribed Body Corporate (GMYP) request for the temporary use of part of Lot 308 SP278074 for GMYP administration and ranger purposes, subject to the following:

1. The temporary use will be connected to composting toilets and potable water tanks sufficient for the use.
2. A formal planning application for the use is made before 1 July 2024, noting that Council may issue a further extension to this deadline upon request, where that request is supported by appropriate evidence.
3. If the formal planning application is unsuccessful, the GMYP will remove all structures within 12 months of the decision.

Moved: Cr Kenneth Jackson

Seconded: Cr Brian Underwood

CARRIED 5/5

7.10 PROPOSED INCREASE TO THE ELECTRIC ANTS BIOSECURITY ZONE**PURPOSE OF THE REPORT**

To advise and seek Council support of proposed changes to the electric ant biosecurity zone to include the Yarrabah Aboriginal Shire Council local government area.

The CEO read to the report.

RESOLUTION 11:23/08/2023

That Council resolve to

1. Endorse the changes to electric ant biosecurity zone to include the Yarrabah Aboriginal Shire Council local government area.
2. Authorise the CEO to advise Biosecurity Queensland of Council's endorsement of this change.

Moved: Cr Ross Andrews
Seconded: Cr Lucrecia Willett

CARRIED 5/5

7.11 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM: JANNALI NEAL**PURPOSE OF THE REPORT**

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

The CEO read to the report.

RESOLUTION 12:23/08/2023

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:

- Jannali Isobel NEAL

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

Moved: Cr Kenneth Jackson
Seconded: Cr Hezron Murgha

CARRIED 5/5

**7.12 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:
KIARNI SEXTON****PURPOSE OF THE REPORT**

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Kiarni Rose Maree SEXTON.

The CEO read to the report.

RESOLUTION 13:23/08/2023

That Council resolve, in relation to the application for confirmation of Aboriginality/Community Affiliation as submitted by Kiarni Rose Maree SEXTON.

1. To accept the application as submitted

or

not accept the application as submitted. The CEO is instructed to advise the applicant in writing to make application to the relevant PBC for determination.

Moved: Cr Brian Underwood

Seconded: Cr Ross Andrews

CARRIED 5/5

**7.13 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:
JAHRAHN NEAL-YEATMAN****PURPOSE OF THE REPORT**

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Jahrahn Milton Wade NEAL-YEATMAN.

The CEO read to the report.

RESOLUTION 14:23/08/2023

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:

- Jahrahn Milton Wade NEAL-YEATMAN

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

Moved: Cr Hezron Murgha

Seconded: Cr Ross Andrews

CARRIED 5/5

8 CORRESPONDENCE**8.1 CORRESPONDENCE - MINISTER FOR HOUSING****PURPOSE OF THE REPORT**

Revised proposal regarding the intended program of works for the \$6 520 188 allocation as part of the Forward Remote Capital Program to increase the supply of housing in Aboriginal and Torres Strait Islander communities.

RESOLUTION 15:23/08/2023

That Council note the correspondence tabled, as read.

Moved: Cr Ross Andrews

Seconded: Cr Brian Underwood

CARRIED 5/5

9 STRATEGIC PORTFOLIO UPDATE

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

10 CONFIDENTIAL MATTERS

Nil

11 CLOSE OF MEETING

Date for the next Council Ordinary Meeting is Wednesday 20 September 2023.

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

Meeting closed at 3.30 pm.

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MAYOR