

**MINUTES OF YARRABAH ABORIGINAL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE YARRABAH ABORIGINAL SHIRE COUNCIL CHAMBERS
ON WEDNESDAY, 17 MAY 2023 AT 9:30AM**

PRESENT: Cr Kenneth Jackson, Cr Brian Underwood, Cr Hezron Murgha,

IN ATTENDANCE: Richard Wright (CEO), Leona Worrell (EA- Minute Taker)

1 WELCOME

CEO confirmed for the minutes that in the absence of Mayor Andrews and Deputy Mayor Willett, attending Councillors had discussed and agreed that Cr Jackson chair this meeting.

Cr Jackson declared the meeting open at 9.30 am.

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

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

Councillor Murgha opened with a word of Prayer.

ACKNOWLEDGEMENT OF COUNTRY

Cr Jackson 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.

2 APOLOGIES

2.1

Cr Jackson advised Council that due to family illness, Mayor Andrews would not be attending today. Deputy Mayor Willett was also unavailable for health reasons. The CEO confirmed receiving advice accordingly.

RESOLUTION 01:17/05/2023

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

Moved: Cr Brian Underwood

Seconded: Cr Hezron Murgha

CARRIED 3/3

2.2

The CEO advised Council that a quorum existed to conduct Council business. Alternatively, Section 261 (1) of The Local Government Regulations 2012 provided that the majority of councillors present at a meeting may adjourn the meeting to a later hour of the same day or to a later day.

Council may wish to adjourn the meeting to another date to allow attendance of the Mayor and Deputy Mayor to ensure full consideration of the matters to be discussed.

MOTION

Council discussed options presented by the CEO and determined that the meeting would be adjourned to 9.00am on Tuesday 23rd May 2023. Cr Jackson called for a resolution with regards to this action.

RESOLUTION 02:17/05/2023

That the Yarrabah Aboriginal Shire Council Ordinary Council Meeting held at the Yarrabah Aboriginal Shire Council Chambers on Wednesday, 17 May 2023 At 9.30am is adjourned to 9.30am on Tuesday 23rd May 2023.

Moved: Cr Brian Underwood

Seconded: Cr Hezron Murgha

CARRIED 3/3

Meeting adjourned at 9.35am.

MEETING RECONVENED ON TUESDAY 23 MAY 2023

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), Terry Farrelly (Director –People & Communities) Leona Worrell (EA - Minute Taker)

3 MEETING OPEN

Mayor Andrews declared the meeting open at 10.47am.

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

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

4 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.

5 APOLOGIES

Nil

6 CONFIRMATION OF PREVIOUS MINUTES**RESOLUTION 03:23/05/2023**

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

Moved: Cr Kenneth Jackson

Seconded: Cr Brian Underwood

5/5

7 BUSINESS ARISING FROM PREVIOUS MINUTES

The Mayor reminded Councillors about no discrimination, Councillor Code of Conduct, Councillor Standing Orders and respect the separation of powers in regards to council meetings.

8 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 at 11am

Meeting Reconvened at 11.45am

9 MATTERS FOR DISCUSSION**9.1 CEO OPERATIONAL REPORT****PURPOSE OF THE REPORT**

Monthly Council meeting report on the operational and strategic performance of council business for months of April 2023 / May 2023.

The CEO read to the report.

RESOLUTION 04:23/05/2023

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

Moved: Cr Hezron Murgha

Seconded: Cr Kenneth Jackson

5/5

Meeting adjourned 12.05pm

Meeting reconvened 12.35pm

Director Corporate Services entered meeting at 12.36pm

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

Provide council with monthly financial report. This report covers the financial period 30 April 2023.

Director Corporate Services read to the Report.

RESOLUTION 05:23/05/2023

That Council accept the 30 April 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 Hezron Murgha

5/5

Director Corporate Services left meeting at 1.15pm

Cr Jackson left the meeting at 1.15pm

At 1.15pm, the Director People and Communities entered meeting

At 1.16pm, CEO left the meeting

At 1.22pm, CEO returned to the meeting

9.3 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 5 April 2023 to 5 May 2023.

Director People and Communities read to the report.

RESOLUTION 06:23/05/2023

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

Moved: Cr Brian Underwood

Seconded: Cr Lucrecia Willett

4/4

At 2.10pm Director People & Communities left the meeting

At 2.17 pm Director Building services entered the meeting

9.4 BUILDING SERVICES - OPERATIONAL REPORT

PURPOSE OF THE REPORT

To report to Council the status/activities of Building Services areas for the month of April 26th up to May 17th 2023

Director Building Services read to the report.

RESOLUTION 07:23/05/2023

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

Moved: Cr Brian Underwood

Seconded: Cr Lucrecia Willett

4/4

At 2.45pm Director Building Services left the meeting

Meeting adjourned at 2.45pm

Meeting reconvened 2.58pm

Mayor not in attendance, excused to attend another important meeting

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

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

Director Infrastructure read to the report.

RESOLUTION 08:23/05/2023

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

Moved: Cr Hezron Murgha

Seconded: Cr Brian Underwood

3/3**9.6 ADOPTION OF THE COMMUNITY SAFETY PLAN**

CEO read to the report.

Differed due to cultural sensitivity and to be presented at next Ordinary Council Meeting.

PURPOSE OF THE REPORT

To consider and adopt the:

- Community Safety Plan Volume 2 (Yoofella Way – Your Way 2022)
- Community Safety Plan Volume 1 (Moofella Way - Alcohol Management Strategy 2021)

RECOMMENDATION

That Council resolve to:

Deferred

- a. Adopt the Community Safety Plan Volume 2 (Yoofella Way – Your Way 2022) and the Community Safety Plan Volume 1 (Moofella Way - Alcohol Management Strategy 2021)
- b. Review the Community Safety Plans (Vol 1 and Vol 2) and identify:
 - i. additional priority actions and service enhancement actions
 - ii. additional actions that respond to new or emerging community priorities
 - iii. allocate timeframes and the budget to the existing and additional actions.

9.7 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:

[REDACTED]

PURPOSE OF THE REPORT

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – [REDACTED].

CEO read to the report.

RESOLUTION 09:23/05/2023

That Council resolve, in relation to the application for confirmation of Aboriginality/Community Affiliation as submitted by [REDACTED]

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:

- [REDACTED]

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

Moved: Cr Lucrecia Willett

Seconded: Cr Hezron Murgha

3/3

9.8 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:

[REDACTED]

PURPOSE OF THE REPORT

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – [REDACTED].

CEO read to the report.

RESOLUTION 10:23/05/2023

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:

- [REDACTED]

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

Moved: Cr Lucrecia Willett

Seconded: Cr Brian Underwood

3/3

9.9 AMENDMENT TO REEF GUARDIAN COUNCIL ACTION PLAN**PURPOSE OF THE REPORT**

To recommend to Council an amendment to the Yarrabah Aboriginal Shire –Reef Guardian Council Action Plan

CEO read to the report.

RESOLUTION 11:23/05/2023

That Council resolve to endorse the Yarrabah Aboriginal Shire Council – Reef Guardian Council Action Plan, as amended and presented by the CEO.

Moved: Cr Brian Underwood

Seconded: Cr Hezron Murgha

3/3

9.10 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 Indigenous Corporation over Part of Lot 18 SP284220.

CEO read to the report.

RESOLUTION 12:23/05/2023

That Council resolve to approve the application for a Development Permit Material Change of Use – Community Care Centre and Reconfiguring a Lot over part of Lot 18 SP284220 at Muka Street with an interim 10 + 10 + 10 lease option to allow the transition of the lease and transfer of the gifted demountable building to the Yarrabah Justice entity once fully established, funded and operational, subject to the following conditions:

APPROVED PLANS

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
Lease A SP339694 in Lot SP284220	RPS Lease Plan	10/11/2022
LWBC Modules Yarrabah 12m x 9m x 2.4m	Ausco	29/06/2020

ASSESSMENT MANAGER CONDITIONS

#	Assessment Manager Conditions	Timing
1.	Timing of Effect The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer. Reason: The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.	Prior to the commencement of the use except where specified otherwise in these conditions of approval
2.	General Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations: - Found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and - To ensure compliance with the following conditions of approval. Reason: The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.	During the operation and life of the development

3. Noise Nuisance

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

Screening is required to be installed and maintained to all air conditioning, lift motor rooms, plant and service facilities located at the top of, or on the external face of buildings. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facades.

Reason: To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

During the operation and life of the development

4. Infrastructure

The applicant / developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's Chief Executive Officer.

Reason: To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

During the operation and life of the development

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

Technical details are to be submitted to council prior to issue of a Building Approval and maintained for the life of the development

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.

Reason: To provide development with access in accordance with council standards.

6. Parking/Internal Driveways

Prior to the commencement of the use

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.

Reason: To provide development with parking in accordance with council standards.

7. Stormwater Drainage

Prior to the commencement of works and during the operation and life of the development

The applicant/developer must:

- a. Take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development; and
- b. Ensure development is undertaken in accordance with the approved Stormwater Management Plan SKC01 and supporting material, prepared by STP Consultants in particular:
 - i. Stormwater management must meet or exceed the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's Chief Executive Officer; and
 - ii. Erosion and Sediment Control Plan must that meet or exceed the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Chief Executive Officer.

Reasons: To convey stormwater legally and in an environmentally responsible manner and to manage and

minimise the risk of causing environmental harm to receiving waters, damage to council infrastructure, and unnecessary financial burdens to council and the community in accordance with relevant code/s and policy direction.

8. Landscaping

The landscaping of the site must be carried out generally accordance with the landscaping shown on the Proposed Site Plan (SD02 rev 7), and irrigated, mulched and maintained to the satisfaction of Council's Chief Executive Officer.

Prior to the commencement of the use and maintained during the operation and life of the development

Reason: To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

9. Lighting

a. Outdoor lighting must be designed, located and installed to prevent light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Prior to the commencement of the use and maintained during the operation and life of the development

b. Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

Reason: To ensure that the use does not cause a light nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby light sources in accordance with the Queensland Environmental Protection Act 1994 Section 440.

10. Water Supply

The development must be connected to Council's water service in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's Chief Executive Officer.

Prior to the issue of a Building Approval

Prior to the water service connection works commencing, a request for a Plumbing Connection is required to be submitted with detailed hydraulic drawings. The connection must be approved by Council prior to the property connection work being undertaken.

Reason: To ensure that the premises is appropriately serviced by reticulated water supply infrastructure in accordance with relevant code/s and policy direction.

11. Sewerage Connection

Prior to the issue of a Building Approval

The development must connect to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's Chief Executive Officer.

Prior to the property connection to the existing sewer main, a request for a Property Connection must be lodged with Council's Chief Executive Officer. The connection must be approved by Council prior to the property connection work being undertaken.

Reason: To ensure that the premises are appropriately serviced by Council infrastructure where located in a service area for a sewerage service in accordance with relevant code/s and policy direction.

12. Minimum Floor Levels

Prior to the issue of a Development Permit for Building Works

Floor levels must achieve immunity from flood hazards by ensuring floor levels for new buildings or structures (other than Class 10 Buildings and Structures) achieve a finished floor level of 12.14m AHD.

Note: the draft drainage study forming part of the Yarrabah Masterplan 2021 provides guidance on flood depth. The site is mapped with an indicative flood depth of 0.5-1.0 m across the site and identifies a maximum flood level of 11.17 to 12.81. Applying a maximum flood depth of 1m from the lowest level of the site of 10.84 m AHD (south eastern corner), a finished floor level 12.14 m AHD is required (11.84 plus 300mm).

Reason: To ensure developments are appropriately immune from rising storm tide /flood water in accordance with relevant code/s and policy direction.

13. Bushfire Management

During the operation and life of the development

The Gindaja Treatment and Healing Centre Business Continuity Plan shall be reviewed and updated as necessary to addresses actions to be undertaken during a bushfire event.

Reason: To protect development from bushfire hazards in accordance with relevant code/s and policy direction.

14. Acid Sulphate Soils Management

Prior to the issue of a Development Permit for Building Works

Development does not disturb acid sulfate soils or potential acid sulfate soils. Where disturbance is unavoidable an acid sulfate soils investigation is to be conducted. Should the soils and groundwater investigations reveal the presence of acid sulphate soils or potential acid sulphate soils, an Acid Sulphate Soils Management Plan must be prepared and complied with.

Reason: To ensure potential adverse impacts on the natural and built environment, including infrastructure and human health as a result of acid sulphate soils are avoided in accordance with relevant code/s and policy direction.

15. Refuse Facilities

During the operation and life of the development

The waste storage area is to be of sufficient size to house all garbage bins including recycling bins. The waste storage is to be suitably paved, with a hose cock fitted in close proximity to the enclosure and drain to sewer via a legal sewer connection.

Where the refuse truck must enter the site for waste collection, access roads and driveways must be designed and constructed to accept vehicle loadings of not less than G.V.M 33 tonnes.

Reason: to ensure protection of matters of public health and amenity in accordance with relevant code/s and policy direction.

16 Electricity Supply

Prior to the issue of a Development Permit for Building Works

Where Ergon Energy requires the installation of a padmount, transformer or substation to augment their network, details of any electrical padmount or substation positioning must be endorsed by the Chief Executive Officer.

Assessment Manager Advice

1. Infrastructure Charges do not apply to this development.

2. Further Permits Required

a) Building Works

A Development Permit for Building Works to carry out building works prior to works commencing on site.

Moved: Cr Lucretia Willett

Seconded: Cr Brian Underwood

10 CORRESPONDENCE**10.1 CORRESPONDENCE - FAR NORTH QUEENSLAND REGIONAL PLAN REF: MBN22/959****PURPOSE OF THE REPORT**

The Deputy Premier Hon Steven Miles MP is now writing to formally invite Mayor Andrews to be a member of the FNQ Regional Planning Committee (RPC), to help inform the review of the FNQRP and the broader planning program.

CEO read to the report

RESOLUTION 13:23/05/2023

1. Council note the correspondence tabled as read.
2. Councillors support the Mayor if he chooses to accept the invitation and authorise the CEO to acknowledge same.

Moved: Cr Brian Underwood

Seconded: Cr Hezron Murgha

3/3

11 STRATEGIC PORTFOLIO UPDATE

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

Date	Event	Venue	Attendance
Thu 27 Apr	Alison Smith CEO of LGAQ	Yarrabah Council Chambers	Mayor
Thu 27 Apr	Yarrabah Technical Working Group Michael Harding Principal Project Officer Remote Indigenous Land and Infrastructure Program Office Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships	Yarrabah Council Chambers	Mayor & CEO
Fri 5 May	Ann Leahy MP -- Member for Warrego - Shadow Minister for Local Government, Disaster Recovery and Volunteers	Yarrabah Council Chambers	Mayor, Councillors & CEO
Mon 8 May	First Nations Voice Project - map out strategies with Megan Forrest - First Nations Voice Project Manager -LGAQ	Yarrabah Council Chambers	Mayor
Mon 8 May	Queensland State Reception with The Honourable Annastacia Palaszczuk MP Premier of Queensland and Minister for the Olympic and Paralympic Games and the Honourable Cameron Dick MP Treasurer and Minister for Trade and Investment	Cairns Cruise Liner Terminal	Mayor by invitation

Tue 9 May	Traditional ceremony opening of FNQ Regional Sitting of Parliament - First Sitting Day Event	CAIRNS CONVENTION CENTRE	Mayor by invitation
Tue 9 May	FNQ Regional sitting of Parliament Business Luncheon	Pullman Cairns International, Cairns	Mayor, Deputy Mayor & CEO
Tue 9 - Wed 10 May	TCICA Meeting	Cairns	Mayor and CEO
Tue 9 - Thu 11 May	FNQROC: Mayoral delegations to Ministers during Regional sitting of Parliament	Cairns	Mayor
Wed 10 May	Ministerial visit / QBuild ELT: Minister De Brenni and staff attending	Yarrabah Council Chambers	Mayor & CEO
Thu 11 May	3rd Indigenous Local Government Disaster Resilience Forum	Pullman Cairns International, Cairns	Mayor & CEO
Fri 12 May	FNQROC's invitation to Mayor Andrews & CEO for a luncheon with the Hon Di Farmer, Minister for Employment and Small Business and Minister for Training and Skills Development	Cairns	Mayor & CEO
Mon 15 May	Gunggandji-Mandingalbay Yidinji Peoples Prescribed Body Corporate Aboriginal Corporation	Yarrabah Council Chambers	Mayor, Councillors & CEO
Thu 18 May	Shirlee Gallo the Regional Director of the Education Department / Terry Cornish (Assistant Regional Director First Nations Strategy and Partnership) and Geoff West (Director of Infrastructure)	Yarrabah Council Chambers	Mayor
Tue 23 May	Yarrabah Clontarf Academy - Regional Super Training with over 100 students	Wungu Beach, YARRABAH	Everyone
Wed 24 May	Cairns & Hinterland Hospital & Health Service - Launch of 2023-2027 Strategic Plan	Shangri-La The Marina, Cairns	Mayor

12 CONFIDENTIAL MATTERS

Nil

13 CLOSE OF MEETING

Date for the next Council Ordinary Meeting is Wednesday 21 June 2023.

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

Meeting closed at 3.35pm.



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MAYOR