

**MINUTES OF YARRABAH ABORIGINAL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE YARRABAH ABORIGINAL SHIRE COUNCIL CHAMBERS
ON WEDNESDAY, 15 NOVEMBER 2023 AT 9:00AM**

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 9.10am.

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

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

Deputy Mayor opened with a word of Prayer.

2 ACKNOWLEDGEMENT TO 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 01:15/11/2023

That the minutes of the Ordinary Council Meeting held on 13 October 2023 be adopted.

Moved: Cr Ross Andrews

Seconded: Cr Brian Underwood

5/5

5 BUSINESS ARISING FROM PREVIOUS MINUTES

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

6 DISCLOSURE OF INTEREST – COUNCIL / REGISTER UPDATES

The Mayor reminded the councillors of the need to declare their conflicts of interest as required for items in the meeting.

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 October 2023 / November 2023.

CEO read to the report.

RESOLUTION 02:15/11/2023

That Council accept the CEO Operational Report for the period to 15 November 2023.

Moved: Cr Ross Andrews

Seconded: Cr Kenneth Jackson

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At 9.55am meeting adjourned

At 10.10am meeting reconvened

Director Corporate Services entered the meeting at 10.10am

7.2 YASC MONTHLY FINANCIAL REPORT

PURPOSE OF THE REPORT

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

Director Corporate Services read to the report

RESOLUTION 03:15/11/2023

That Council accept the 31 October 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 Lucrecia Willett

Seconded: Cr Kenneth Jackson

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7.3 QLD AUDIT OFFICE - FINAL MANAGEMENT LETTER**RESOLUTION 04:15/11/2023**

That Council:

1. Endorse the QAO Financial Management Report for 2022/23 Financial Year.
2. CEO and executive management team instructed to ensure appropriate financial standards are met and actions identified for management attention are resolved in a timely manner.

Moved: Cr Hezron Murgha

Seconded: Cr Brian Underwood

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At 11.30am Director Corporate Services left the meeting.

At 11.31am meeting adjourned.

At 12.22pm meeting reconvened.

At 12.22pm Director People & Communities entered the meeting.

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

Director People & Communities read to the report.

RESOLUTION 05:15/11/2023

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

Moved: Cr Brian Underwood

Seconded: Cr Kenneth Jackson

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At 1.01pm Director People & Communities left the meeting.

At 1.02pm meeting adjourned.

At 1.13pm meeting reconvened.

At 1.14pm 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 October up to 08 November 2023.

Director Infrastructure read to the report.

RESOLUTION 06:15/11/2023

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

Moved: Cr Kenneth Jackson

Seconded: Cr Hezron Murgha

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At 1.50pm Director Infrastructure entered the meeting.

At 1.52pm 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 24th of October to 10th of November 2023.

Director Building Services read to the report

RESOLUTION 07:15/11/2023

That Council accept the report of the Director – Builders Services, Tabled as read

Moved: Cr Brian Underwood

Seconded: Cr Hezron Murgha

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At 2.19pm Director Building Services left the meeting.

7.7 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - DUAL OCCUPANCY AT 64 GRIBBLE STREET (LOT 150 SP265165)

PURPOSE OF THE REPORT

Report prepared by Planz Town Planning, acting as Council's Town Planner.

To seek Council resolution in relation to a Development Application for a Material Change of Use – for the establishment of a Dual occupancy for the purposes of community housing at 64 Gribble Street, Yarrabah (Lot 150 SP2651651).

CEO read to the report.

Deferred

RECOMMENDATION

That Council resolve to approve the application for a Development Permit Material Change of Use – Dual Occupancy over Lot 150 SP265165 at 64 Gribble Street Yarrabah, 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
Site Plan	2207 A101 revision B	05/10/2023
Floor Plan	2207 A201 revision B	05/10/2023
Elevation Plan	2207 A401 revision B	05/10/2023

ASSESSMENT MANAGER CONDITIONS

#	Assessment Manager Conditions	Timing
1	Development The development must be carried out substantially in accordance with the approved plans outlined above and the facts and circumstances of the use as submitted with the application, subject to any alterations: a. 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 b. To ensure compliance with the following conditions of approval.	During the operation and life of the development
2	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
3	Access & Driveway a. The bitumen seal on Gribble Street shall be extended to the full	Prior to the commencement of the

	frontage of the property. b. A residential access crossover must be constructed (from the edge of the road pavement on Gribble Street to the property boundary. 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 delegated officer. Reason: To ensure compliant vehicle parking is provided for on site.	use except where specified otherwise in these conditions of approval
4	Clothes Drying & Storage Area(s) Sufficient area for clothes drying and storage is to be provided in addition to the open space requirements of the units and is to be appropriately screened from view of adjoining properties and the street. Reason: to ensure amenity and functionality of for residents.	Prior to the commencement of the use
5	Minimum Floor Level The proposed development must have a minimum finish floor level of 4.47m AHD as per the attached plans. Reason: For compliance with the Planning scheme and safety.	Prior to the commencement of the use
6	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 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.	Prior to the issue of a Building Approval
7	Sewer Connection 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.	Prior to the issue of a Building Approval
8	Acid Sulphate Soil Management 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	Prior to the issue of a Development Permit for Building Works

	result of acid sulphate soils are avoided in accordance with relevant code/s and policy direction	
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Assessment Manager Advice

1. Infrastructure Charges do not apply to this development.
2. Further Permits Required
 - Building Works - Development Permit for Building Works to carry out building works prior to works commencing on site.

7.8 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - DUAL OCCUPANCY AT 7 BEACH STREET (LOT 128 SP265165)

PURPOSE OF THE REPORT

Report prepared by Planz Town Planning, acting as Council's Town Planner.

To seek Council resolution in relation to a Development Application for a Material Change of Use – for the establishment of a Dual occupancy for the purposes of community housing at 7 Beach Street (Lot 128 SP265165).

CEO read to the report.

Differed

RECOMMENDATION

That Council resolve to approve the application for a Development Permit Material Change of Use – Dual Occupancy over Lot 128 SP265165 at located at 7 Beach Street Yarrabah, 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
Site Plan	2207 A101 revision B	05/10/2023
Floor Plan	2207 A201 revision B	05/10/2023
Elevation Plan	2207 A401 B	05/10/2023

ASSESSMENT MANAGER CONDITIONS

#	Assessment Manager Conditions	Timing
1	Development The development must be carried out substantially in accordance with the approved plans outlined above and the facts and circumstances of the use as submitted with the application, subject to any alterations: a. 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 b. To ensure compliance with the following conditions of approval.	During the operation and life of the development
2	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

3	Access & Driveway A residential access crossover must be constructed (from the edge of the road pavement on Gribble Street to the property boundary. 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 delegated officer. Reason: To ensure compliant vehicle parking is provided for on site.	Prior to the commencement of the use except where specified otherwise in these conditions of approval
4	Clothes Drying & Storage Area(s) Sufficient area for clothes drying and storage is to be provided in addition to the open space requirements of the units and is to be appropriately screened. Reason: To ensure amenity and functionality of for residents.	Prior to the commencement of the use
5	Flood Immunity of min Floor level The proposed development must have a minimum finish floor level of Max FPL 4.03m AHD. Reason: For compliance with the Planning scheme and safety.	Prior to the commencement of the use
6	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 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.	Prior to the issue of a Building Approval
7	Sewer Connection 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.	Prior to the issue of a Building Approval
8	Acid Sulphate Soil Management 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	Prior to the issue of a Development Permit for Building Works

Assessment Manager Advice

1. Infrastructure Charges do not apply to this development.
2. Further Permits Required
 - Building Works - Development Permit for Building Works to carry out building works prior to works commencing on site.

7.9 YARRABAH COMMUNITY SAFETY ADVISORY COMMITTEE**PURPOSE OF THE REPORT**

Council Adoption of Yarrabah Community Safety Committee and Expression of Interest.

CEO read to the report.

RESOLUTION 08:15/11/2023

That Council resolve:

1. That pursuant to section 264 of the *Local Government Regulation 2012* (Qld), Council resolves to establish the Community Safety Advisory Committee.
2. That pursuant to section 254H (1) of the *Local Government Regulation 2012* (Qld), Council resolves that the Community Safety Advisory Committee shall be exempt from the requirement to take minutes.
3. That pursuant to clause 5.2 of the Community Safety Advisory Committee Terms of Reference, Council resolves a non-Councillor membership meeting fee of \$300 per meeting.

Moved: Cr Ross Andrews

Seconded: Cr Kenneth Jackson

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7.10 NAMING COMMUNITY INFRASTRUCTURE & PLACES POLICY**PURPOSE OF THE REPORT**

Report prepared by Planz Town Planning, acting as Council's Town Planner.

To seek Council endorsement of the draft Naming Community Infrastructure & Places Policy.

CEO read to the report.

RESOLUTION 09:15/11/2023

That Council resolve to

1. Endorse the Yarrabah Aboriginal Shire Council Naming Community Infrastructure & Places Policy, effective 15 November 2023
2. Authorise the CEO to take relevant action to implement this policy.

Moved: Cr Ross Andrews

Seconded: Cr Lucrecia Willett

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At 2.45pm Mayor & Deputy Mayor left the meeting

7.11 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:

██████████

PURPOSE OF THE REPORT

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

CEO read to the report.

RESOLUTION 10:15/11/2023

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:

- ██████████

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

Moved: Cr Hezron Murgha

Seconded: Cr Kenneth Jackson

3/3

At 2.48pm Mayor & Deputy Mayor returned to the meeting

7.12 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 11:15/11/2023

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 Hezron Murgha

Seconded: Cr Brian Underwood

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7.13 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 12:15/11/2023

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 Hezron Murgha

Seconded: Cr Brian Underwood

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7.14 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 13:15/11/2023

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 Hezron Murgha

Seconded: Cr Brian Underwood

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7.15 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 14:15/11/2023

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 Hezron Murgha

Seconded: Cr Kenneth Jackson

5/5

8 CORRESPONDENCE

Nil

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 December 2023.

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

Meeting closed at 2.50 pm.



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MAYOR