

**MINUTES OF YARRABAH ABORIGINAL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE YARRABAH ABORIGINAL SHIRE COUNCIL CHAMBERS
ON WEDNESDAY, 17 JANUARY 2024 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), Richard Fitowski (Director – People & Community Services) Leona Worrell (Minute Taker)

1 MEETING OPEN

Mayor Andrews declared the meeting open at 9.20am.

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

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

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

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on 18 December 2023 be adopted.

CEO advised due to technical issues, the minutes from December were not fed through to the current minutes, the matter will be addressed and the minutes will be formally adopted at the next ordinary council meeting.

5 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

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.

- Councillor Jackson declared a conflict of interest in relation to 7.3, as a member of family was included on the list provided.

CEO confirmed to the Mayor that Councillor Jackson had declared this conflict of interest prior to the meeting.

- Mayor Ross Andrews declared his conflict of interest in relation to 7.7. due to being related to a committee member of the Men's Shed.

CEO confirmed to the Deputy Mayor that Mayor Ross Andrews had declared this conflict of interest prior to the meeting.

- Mayor Ross Andrews declared a conflict of interest in relation to 7.10 Confirmation of Aboriginality form for [REDACTED] his wife.

CEO confirmed to the Deputy Mayor that Mayor Ross Andrews had declared this conflict of interest prior to 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 November 2023 / December 2023.

CEO read to the report

RESOLUTION 01:17/01/2024

That Council accept the CEO Operational Report for the period to 12 January 2024.

Moved: Cr Kenneth Jackson

Seconded: Cr Lucrecia Willett

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At 10.25am meeting adjourned.

At 11.35am reconvened meeting

At 11.36am 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 December 2023.

Director Corporate Services read to the report.

RESOLUTION 02:17/01/2024

That Council accept the 31 December 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 Kenneth Jackson

Seconded: Cr Brian Underwood

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7.3 HOUSING RENT ARREARS WRITE OFF

At 12.38pm Councillor Jackson left the meeting as he declared a conflict of interest, as a member of family was included on the list provided.

Director Corporate Services read to the report.

RESOLUTION 03:17/01/2024

That Council resolve to write off the deceased debts totalling \$65,857.56

1. It is recommended due to there being no legal process to recover the deceased rent arrears & the unlikely recovery of the Mutkin resident's debts that the amount of \$ 65,857.56 be written off and Chintaro updated.

Moved: Cr Lucrecia Willett

Seconded: Cr Brian Underwood

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At 12.40pm Cr Jackson returned to the meeting

At 12.42pm Director Corporate Services left the meeting

At 12.43pm meeting adjourned
At 1.26 pm reconvened meeting

At 1.27pm Director People and 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.

Director People and Communities read to the report.

RESOLUTION 04:17/01/2024

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

Moved: Cr Hezron Murgha

Seconded: Cr Brian Underwood

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At 2.20pm Director People and Communities left the meeting
At 2.21pm 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 November up to 08 December 2023.

Director Infrastructure read to the report.

RESOLUTION 05:17/01/2024

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

Moved: Cr Brian Underwood

Seconded: Cr Kenneth Jackson

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At 3.00pm Director Infrastructure left 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 15th of November to 20th of December 2023.

CEO noted the Mayors request from the previous meeting that all Directors attend and provide their reports. The CEO advised that the Building Services Director had now communicated with him and was unable to attend due to personal reasons.

CEO read to the report.

RESOLUTION 06:17/01/2024

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

Moved: Cr Kenneth Jackson

Seconded: Cr Brian Underwood

5/5**7.7 MOU – YARRABAH MEN'S SHED****PURPOSE OF THE REPORT**

To seek Council endorsement in providing premises for the use of the Yarrabah Men's Shed Inc.

At 3.30pm Mayor Ross Andrews left the meeting as he declared his conflict of interest due to being related to a committee member of the Men's Shed.

CEO read to the report

RESOLUTION 07:17/01/2024

That Council resolve to

1. Endorse the Memorandum of Understanding (MOU), as tabled.
2. Authorise the CEO to sign the MOU on behalf of Council.

Moved: Cr Brian Underwood

Seconded: Cr Kenneth Jackson

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At 3.44pm Mayor Ross Andrews returned to the meeting.

7.8 DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT BOUNDARY REALIGNMENT AND MATERIAL CHANGE OF USE – SHORT STAY ACCOMMODATION (10 CABINS IN STAGES) ON LAND LOCATED ON SWAMP ROAD AND DESCRIBED AS LOT 156 ON SP284220 & LOT 909 SP284220

PURPOSE OF THE REPORT

Report prepared by Nikki Huddy, Director of Planz Town Planning.

To seek Council resolution in relation to a Development Application for a Reconfiguration of a Lot (Boundary Realignment) and Material Change of Use for Short Stay Accommodation (10 Cabins in stages) for the purposes of transitional housing over land at Swamp Road, Yarrabah described as Lot 156 SP284220 and Lot 909 SP284220.

CEO read to the report.

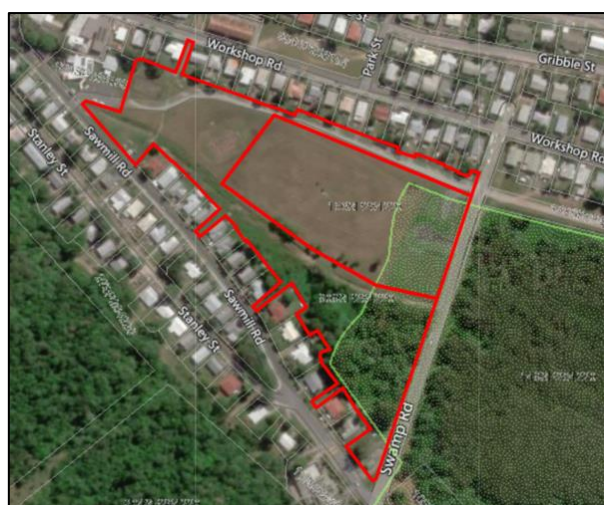
APPLICANT

CA Architects on behalf of Yarrabah Aboriginal Shire Council as Trustee for the DOGIT.

NATURE OF THE USE

1. The application is for 10 Cabins for transitional housing, which is defined as *short stay accommodation* in the Planning Scheme. Full plan attached.
2. Council has funding for 5 Cabins and is applying for funding for 5 more Cabins. As the Cabins are subject to funding, the application nominates the development may occur in stages. This report includes a recommendation to go to tender for the construction of up to 10 Cabins.
3. The site is on 2 lots outlined in red on the adjoining air photo. The application also includes a boundary realignment (Reconfiguration of a Lot) so that the accommodation use is on its own lot, and the balance area including the cricket pitch is on its own lot. The proposed new lot for the cabins is attached. With the balance area forming the second new lot.

Creating 2 new lots to reflect the uses, is good planning practice and likely to make new development on either lot, easier in the future.



RESOLUTION 08:17/01/2024

That Council resolve:

1. That public notification requirements have been satisfied, in accordance with the DA Rules and Planning Act (2016) and in particular the minor noncompliance to public notification has not adversely affected the public's awareness of the existence and nature of the application; and has not restricted the public's opportunity to make properly made submissions about the application; and
2. Call for tenders for the construction of up to 10 Cabins; and
3. To approve the application for a Development Permit Material Change of Use – Short Term Accommodation (10 Cabins) and Reconfiguration of a Lot (Boundary Realignment) over Lot 156 SP284220 and Lot 909 SP284220 located on Swamp Road, 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	001 revision 3	05/10/2023
Proposed new lot layout	N/A	11/10/2023

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. 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
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	General The landowner 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 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
4	Cabin layout Each cabin site shall have a minimum dimension of 12m x 32m, each cabin shall be provided with the following: a. minimum 6m setback from the nominal rear boundary of the site; and b. minimum 10m setback from the nominal front boundary; and c. a 3m setback from the nominal side boundary (total 6m between cabin sites); and d. 1 sealed car parking space within the cabin site; and e. 1 sealed space for the provision of storage (e.g. shipping container/shed); and f. external lighting to the cabins; and g. provision of a tap at the rear of the cabins; and h. bin storage area (screened from the front); and i. clothes drying area is to be provided and is to be appropriately screened from view of adjoining properties. Reason: To ensure each unit has separation and amenity and has access to sufficient space for storage and parking.	Prior to the commencement of the use
5	Community infrastructure Provide a minimum of 3 recreation/picnic shelters, containing a table, chairs, sink and a tap. Reason: To provide shelter for the enjoyment of the residents.	Prior to the commencement of the use
6	Crossover A commercial access crossover must be constructed at the Swamp Road entrance to the property to the satisfaction of Council's delegated officer. 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 access & manoeuvring is provided for on site.	Prior to the commencement of the use except where specified otherwise in these conditions of approval
7	Internal Access Road The internal access road must be sealed and include a sealed driveway access into each unit site adjacent to the nominated parking space. 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.	Prior to the commencement of the use except where specified otherwise in these conditions of approval

	Reason: To ensure compliant vehicle access and manoeuvring is provided for on site.	
8	Waste Management An onsite refuse storage area must be provided to cater for 2 bin(s) per unit and a communal collection area at a location that enables a waste collection/delivery vehicle to enter and exit the site in a forward gear. Reason: To ensure safe vehicle access and manoeuvring is provided for on site.	Prior to the commencement of the use
9	Parking The landowner/developer must ensure that the development is provided with 20 on-site parking spaces, consisting of 1 space per unit and an additional 10 visitor parking spaces. All parking spaces must be sealed, line-marked and appropriately drained prior to the commencement of the use, 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
10	Fencing Provide the following fencing for the development: 1.8m aluminium balustrade/pool fencing to the northern common boundary between houses no 18 to 36 facing Workshop Road; and - Minimum of 1.5m of aluminium balustrade/pool fencing on the Western common boundary between the cabins and the Early Childhood facility; and 1.5m of aluminium balustrade/pool fencing on the side boundary of the cabin site located to the south of the development; and - Maintain a pedestrian path and connection to the playground area. Reason: To ensure security for the cabins.	Prior to the commencement of the use
11	Landscaping Landscaping must be planted and including watering and maintenance mulching: - planting of a screen made up of low to medium shrubs (capable of growing to 2m in height) for a distance of 15m between the cabins to create privacy & separation; and - planting of shade a tree to the rear of each cabin (capable of growing to 10m); and - a minimum of six (6) large shade trees (capable of growing to 10m) adjacent to the internal access; and - planting of shade a tree(s) around the recreation/picnic area(s) (capable of growing to 10m); and - all of the landscaped areas must be mulched and maintained. Reason: To ensure shade, separation and privacy for each cabin lot and the visitors to the communal facilities.	Prior to the commencement of the use
12	Flood Immunity All buildings must be located such that the freeboard of the floor levels of all habitable rooms are a minimum of 300mm above 100 ARI year level. The level is to be provided by Council. Reason: to ensure that the development maintains flood immunity	Prior to the issue of a Building Approval

13	Water Supply Each cabin and the recreation shelters 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
14	Sewer Connection Each cabin 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
15	Acid Sulphate Soil Management Development does not disturb acid sulphate soils or potential acid sulphate soils. Where disturbance is unavoidable an acid sulphate 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
16	ROL Boundary Realignment A plan of survey must be undertaken for the boundary realignment in accordance the approved plan and must be prepared by a registered surveyor. The plan must be lodged with the Department of Resources (DOR) Reason: To separate the residential / commercial lot from the recreation and open space lot.	Within 6 months of the commencement of use.

Moved: Cr Brian Underwood
 Seconded: Cr Hezron Murgha

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7.9 ADOPTION OF THE YARRABAH FORESHORE MASTER PLAN**PURPOSE OF THE REPORT**

To adopt the Yarrabah Foreshore Masterplan.

Report prepared by Nikki Huddy, Director of Planz Town Planning.

CEO read to the report

RESOLUTION 09:17/01/2024

That Council resolve to adopt the Yarrabah Foreshore Master Plan prepared by CA Architects & BlakLash.

Moved: Cr Kenneth Jackson

Seconded: Cr Brian Underwood

5/5

7.10 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]

At 4.13pm Mayor Ross Andrews left the meeting as he declared a conflict of interest in relation to this Confirmation of Aboriginality form for Suzanne Andrews, his wife.

CEO read to the report

RESOLUTION 10:17/01/2024

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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AT 4.15pm Mayor Andrews returned to the meeting

7.11 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 11:17/01/2024

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 Brian Underwood

Seconded: Cr Hezron Murgha

5/5

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 12:17/01/2024

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 Brian Underwood

Seconded: Cr Hezron Murgha

5/5

7.13 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 13:17/01/2024

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 Lucrecia Willett

Seconded: Cr Ross Andrews

5/5

7.14 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 14:17/01/2024

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 Ross Andrews

Seconded: Cr Brian Underwood

5/5

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 15:17/01/2024

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 Ross Andrews

Seconded: Cr Lucrecia Willett

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 21 February 2024.

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

Meeting closed at 4.20 pm.



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MAYOR