



**MINUTES OF YARRABAH ABORIGINAL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE YARRABAH ABORIGINAL SHIRE COUNCIL CHAMBERS
ON WEDNESDAY, 17 MARCH 2021 AT 09:00AM**

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

IN ATTENDANCE: Leon Yeatman (CEO), Avril Yeatman (Director Policy and Governance), Jemma Lichtenfeld (Director Corporate Services).

1 MEETING OPEN

Mayor Andrews declared the meeting open at 9:25am.

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

One minute silence was observed by those in attendance at the meeting to respect those families and friends grieving for those recently departed.

Open in prayer.

2 WELCOME TO COUNTRY

3 APOLOGIES

Cr. David Baird.

4 CONFIRMATION OF PREVIOUS MINUTES

RESOLUTION 01:17/03/2021

That the minutes of the Ordinary Council Meeting held on 17 February 2021 be adopted.

Moved: Cr Brian Underwood

Seconded: Cr Kenneth Jackson

CARRIED

Council acknowledge the great work performed by staff and volunteers during the severe weather events impacting the shire this wet season. The team work and comradery is duly noted and

commended by council. positively, the teamwork displayed this season has demonstrated resilience and reflected the commitment required to approach our challenges.

5 BUSINESS ARISING FROM PREVIOUS MINUTES

At 9:32 am, Cr David Baird joined to the meeting.

Yarrabah Band Festival 2021: Council request for briefing on the status of work for this activity. CEO to supply a report at the next meeting.

Local law: query dangerous item. Mayor and Councillors continued their conversation about suggestion that a particular palm species was being planted for consumption. Advice received from FNQROC contacts noted the legality and local law process required. The species of palm being planted was the areca palm which produces the betel nut. Where there is a concern, a step suggested was the introduction of a new Local law to provide guidance with respects to decision making framework and declaration of the species made by council.

YASC new Council Chambers: internal reports noted increased activities by rats. An inspection of the property and associated land identified a source – fig tree and other palms in the grounds. Question raised about the significance of these plants to by council and community. Advice provided contained no significance. In addition to the vermin problem, the tree directly adjacent to the new construction, poses a risk both as a possible falling object and with the roots.. Councillors site inspection to the view latest progress works will be arranged . current scope accommodates disability access, extra meeting room and reception space. At this time the Mayor and CEO to relocate to the ground floor and conduct business from community services section of the building. Final arrangements to be confirmed.

Page 6 – following edit identified in the CEO operational report – type error ‘thee’ should read ‘the’.

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. Mayor requested that registers should be revisited regularly, with changes to circumstances noted in personal registers.

7 MATTERS FOR DISCUSSION

7.1 CEO MONTHLY OPERATIONAL REPORT.

CEO presented his report to the council. CEO provided brief to Council what has transpired over the month. Walk around conducted with ‘executive management team’ from Jilgi towards main town area. Aim was to inspect infrastructure and then organise a like inspection for Council’s.

Concerns raised regarding the status of the pool. In addition to the noted lack of management arrangements in place, directors saw kids preferring to swim in the creeks - rather than use the pool. Managers to consider an alternative management plan for the pool for council future consideration. Scope to consider asset management, program for community advertisement, canteen operations and other user consideration.

Speed bumps for creek areas. The number of kids active at these locations require consideration for risk management and planning for foot traffic in the locations (Reeves Creeks). CEO to review current plan of works and give consideration for the foot traffic in the locations – identify risks, plan for infrastructure that will complement use and amenity at the sites. Plan to also consider safety for

users (including motorists – refer slingshot incidents).

Organisation culture was solid with focus '*Team Yarrabah*' remaining strong. Additional reference made to work happening within departments - the mechanics made particular note with recent work completed on plant equipment reviving assets that have been sat dormant for years being returned to operation (backhoe equipment). Council acknowledges that this type of work promotes capacity and supports staff to improve their productivity. Asset Management remains a serious issue for council, with finance and planning key gap issues. Activities moving forward to include staff in the management and planning for assets – as a shared responsibility.

Recent power outage caused by weather and power infrastructure impacted community. From operational standpoint, Daycare Centre is a key service provided by council and at this time, when the power supply is affected this service has to close. This is not a new issue and recently, a funding opportunity arose, for service resilience, a diesel powered generator has been identified as the best option to make the service more robust. Funding application has been drafted and quotes received. Forward action regarding service resilience also includes plans to target old generators for replacement. New units need to be 30-60kVa to adequately cater for power supply needs within council.

Sewerage Treatment Plan being targeted as a priority investment. Current plans and costing shared with stakeholder for investment consideration. A new plan will transform our existing management process and complement the existing pond system.

Community Events Coordination – this process has diminished in recent years. The level of independent activities and planning has meant calendars are formulated in isolation. In addition, the target audience (Yarri Residents) are calling for better notification and coordination. A review of the current composition confirmed the disjointed arrangement which poses questions about event effectiveness. Actions have been reset to revisit the 'event committee' configuration with the aim to remodel the configuration to enhance community outcomes and program investment.

YASC financial position - CEO raised concerns to Council's about the status of our financial position. He stressed to Council their role to pay attention to the Financial Report and question elements that are not understood or appear out of place. He encouraged councillors to look closely at the expenses and elements within the business that are not generating income. The spend culture is not wise where there is not sufficient income. Council noted they would endeavour to pay closer attention and offer strategy on options to keep council in the black. CEO explained the process regarding the workflow and how income should be generated – lease income was discussed as one area which should be generating commercial income. Council acknowledged rental/leasing issues and agreed with suggestions to increase income. CEO noted that the aim is to operate cost neutral – with a focus on completing projects on time, within scope and within budget – management focus on making savings.

Social Housing Policy discussed. The demand for housing is high and council has a heavy reliance on tenancy management. Council acknowledged that housing is a complex business, i.e. overcrowding and social impacts. They are keen to support investment (social and private) to improve local access. Council asked the CEO to consider facilitating another forum to address issue relating to housing and health, citing 'closing the gap' measures which are still prevalent. A housing forum could consider what actions have been achieved and the status of existing gaps.

Council rates and charges: Council queried who determines rate of payments paid for land. CEO advised the rates were set by councils and DATSIP RILIPO back as far as 2010. The aim was to ensure 'affordability'. Acknowledgement given to land not being free and the process to register interest in land needed to be covered. Cost structure in place covers key action price points and if this council is interested, a session council be organised to review the rates internally and also via ILF (other councils have same process). Councillors agree that a planned approach and managed access to land will improve infrastructure needs and support opportunity to build more houses.

Council encouraged to engage with stakeholders especially other Trustees to and align plans regarding land use and development in community.

Economic status - CEO again noted the economic pillar of the YLF. Scope for councillors to define the economic development plan and consider options to secure more of the funds that come into community – YLF reports that majority goes out of community. Councillors voiced the focus should not be limited to entertainment options, but needs to consider diversity and promote ‘local support for local businesses’. There is a need to rethink the current economic arrangements and keep funds within community.

CEO advised his report contains an oversight of operations and there was no additional recommendation for the meeting. He asked councillors apply exceptions to the report content.

RESOLUTION 02:17/03/2021

For the report to be tabled as read.

Moved: Cr Lucrecia Willett

Seconded: Cr Brian Underwood

CARRIED

At 10:31 am, Cr Ross Andrews left the meeting.

Cr. David Baird, chaired the meeting whilst Cr. Andrews was temporarily absent.

The meeting was adjourned at 10:32am.

Meeting reconvened at 10:41am.

Nikki Huddy, Planz Town Planning entered meeting at 10:35am – Yarrabah Micro-grid project update presentation. Nikki Huddy and Suzie Lord from Planz and Geoff Bowes Ener-G Management Group Pty Ltd, invited to the meeting.

Community consultation process was advancing according to plan. Additional council asset audit work completed. Action provided an in depth analysis of council facilities and identified options for future consideration. Noted a number of the sites which held solar was either switched off or disconnected. Action will be initiated to reactivate the assets currently on the roof.

Council were informed that they will need to consider what option will be applied to Yarrabah. options include dedicated site for solar plus power generation unit (multi option). Consideration requires proposed infrastructure to be situated close existing power infrastructure (to feed back into grid). Council will also need to consider the appropriate business model – as the plan contains user pays principles.

Recently the federal government had advised intention to invest in the roll out of the project. The presentation was also aligned with this intention in mind.

Delegates from Planz left meeting at 11:00am to allow for update from Gurriny Doctors on the COVID-19 vaccine rollout plan.

Doctors from Gurriny Yealamucka Health Services entered meeting room at 11:00am – presentation relating to vaccination relating to COVID-19. Explanation given to Council when the roll out will take affect who will be the priority recipients.

Doctors left the meeting room at 11:25am.

Planz delegates returned to the meeting 11:35am. To conclude discussion on the material presented. Councillors thanked the delegates for their presentation.

Planz left meeting at 11:45am.

Department of Transport and Main Roads – Yarrabah Jetty Project update 11:45am.

Officers from the department of Transport and Main Roads Mr Graeme Neilsen and Mr Michael Ringer welcomed to the meeting to provide YASC with an update on the Yarrabah Jetty Project. The meeting discussed the current design phase of the project and particularly sought council input on the final design options for the landing: 1. Fixed or 2. Pivot/Floating. The designs were noted at 85% complete and final decision will allow the design to go to 100% completion.

Council reviewed the design plans and received information about the design elements. Councillors note support for the pivot option as it allows the infrastructure to remain afloat and not submersed during high tides – risk for overgrowth (weeds, algae, crustacean) , slip and submersion (rust etc.).

Councillors advised the construction phase will commence early May 2021.

At 12:10 pm, Cr Ross Andrews returned to the meeting.

TMR Delegates Left meeting at 12:42pm.

The meeting was adjourned at 12:44pm for lunch and to allow councillors to attend the Joint Planning Committee meeting being coordinated by Dr Chris Sara DG Department of Aboriginal Torres Strait Islander Policy at the museum.

Meeting reconvened at: 2:23pm.

7.1.1 YARRABAH JETTY PROJECT

Council confirmed this meeting item is linked to the Yarrabah Jetty presentation provided by Department of Transport and Main Roads (TMR) delegates earlier. Council confirms its continued support for the Yarrabah Jetty Project and the associated decision will reflect the status of this decision.

To recap, the status of the project was design phase 85% completed. Review of the design considers the following option for the platform which will be the gang-way access on and off the jetty at the water end. Options presented by TMR described as follows:

1. A fixed platform – fixed option contained engineered features which were below the walkway and exposed to submersion during HAT. The design had a fixed pivot and the landing platform was designed to be submersed.
2. Pontoon platform – this design had engineered features above the water line and benefit of not being submersed. The pivot was not fixed to support the movement of a floating pontoon. This would have benefits of all tide access for users (land based and on water).

Council considered the options and favoured the pontoon option due to the flexibility and access

benefits for users.

TMR advised Council of consultation with GPBC and their preference toward the pontoon option also.

RESOLUTION 03:17/03/2021

Council resolve to support the Department of Transport Main Roads design option for the Yarrabah Jetty Project design to consider the pontoon landing. Councillors acknowledge the reason for the decision aligns with the benefits of asset management and accessibility. Council acknowledges this decision aligns with Gunggandji PBC decision which from their engagement process, have selected the same option – no conflict.

Moved: Cr Lucrecia Willett

Seconded: Cr Brian Underwood

CARRIED

YASC Director for Corporate Services, Jemma Lichtenfeld entered the meeting room 2:30pm.

7.2 YASC MONTHLY FINANCIAL REPORT

Director of corporate services Jemma Lichtenfeld proceeded to take the Councillors through the financial report for the meeting. The recommendation to council to table the report as read.

YASC monthly financial report.

Operationally staff have been paying attention to instruction to monitor operational expenditure. Noted that there has been a savings the reporting period.

Other comments:

- This relates to information sharing, i.e. dashboard with monthly information.
- Debtors have not moved.
- Capital works – intent to approach departments to keep funds. W4Q – Bishop Malcolm Park. Request to get timeframe on completion of project and to notify the departments early. Project meeting to be arranged. Council noted prefer not to go to the Department.
- Reference made to the Masterplan.
- Grant – overspend, SES awning. Request for variation to cover the overspend.
- TIDS Allocation – meeting scheduled to discuss. Jemma to update Council on outcome of the meeting.
- Cash positions – looking good.
- Leases – outstanding leases. CEO sent out communique.
- Upgrades – out of pocket related to time – large projects.

Decision for endorsing this report based on the details supplied in the meeting and explanation provided by Director.

RESOLUTION 04:17/03/2021

That Council resolve to accept Finance Reports for February 2021, as presented by the Director of Corporate Services Mrs Jemma Lichtenfeld.

Moved: Cr David Baird

Seconded: Cr Kenneth Jackson

CARRIED

Jemma Lichtenfeld left meeting room at 2:53pm.

7.3 SERVICE FEE WRITE OFF - LOT 51 (100) BACKBEACH ROAD.

Director of Corporate Services Mrs Jemma Lichtenfeld provided report to council outlining the requirement to address service fee write-off actions.

This property has a lease (dated 2012) which was for the land only and did not include the social house standing on it. The lease states that rent is still payable for the house. The lease also states that service fees are payable.

After discussions with DATSIP we believe the provision for service fees to be payable was included in the lease in error as rent is still being paid.

It is unfair for the lessee to be charged both rent and service fee and we therefore seek permission to have the service fees component written off.

Mayor and councillors supported the recommendation provided

RESOLUTION 05:17/03/2021

That Council resolve to write off the service fees for Debtor 629, 100 Backbeach Road for \$8,674.51.

This decision includes advice provided by DATSIP – ALA Leasing.

Moved: Cr Lucrecia Willett

Seconded: Cr David Baird

CARRIED

7.3.1 NOMINATION FOR AUDIT COMMITTEE MEMBER.

Mayor was advised by members of the Audit Committee, of their intention to resign from the position effective immediately.

Mayor asked whether there was any serious issues for council to be aware of. The response was nil and the decision from both sitting members was more to do with time and availability.

Mayor thanked members for their performance over the last 12 months.

The rules dictates that Mayor and CEO are not able to sit in the positions on the Audit Committee. As two councillors were standing down, the correlating action is for two councillors to fill the vacancies.

Councillors registered no concerns about the action to join the Audit committee and accepted

nomination

RESOLUTION 06:17/03/2021

To accept resignation from audit committee from Cr. Willett and Cr. Underwood and to appoint Cr Baird and Cr. Jackson.

Moved: Cr Ross Andrews

Seconded: Cr Kenneth Jackson

CARRIED

7.4 LODGEMENT OF A DEVELOPMENT APPLICATION (SECTION 51 OF THE PLANNING ACT 2016) - GINDAJA TREATMENT AND HEALING CENTRE, BACK BEACH ROAD, YARRABAH.

Mayor and councillors noted the perceived or potential conflict of interest due to membership and staffing.

The decision for the development application is linked to the covid quarantine facility and the long term lease reconciliation process.

This development application is consistent with the covid response planning subcommittee recommendation through the Local Disaster Management Group. Due to the community benefit seconder for the motion will include a councillor who may have an interest as per the delegations register.

RESOLUTION 07:17/03/2021

That Council resolves to approve the Development Application and Development Permit for the Reconfiguration of a Lot (RAL) - for a lease over part of Lot 47 SP279560, Back Beach Road, Yarrabah. This decision aligns with the Yarrabah Local Disaster Management Groups decision to secure infrastructure investment for a local quarantine facility on the lot aforementioned.

Moved: Cr Kenneth Jackson

Seconded: Cr Ross Andrews

CARRIED

7.5 YARRABAH MICROGRID

Council acknowledge that the decision for this item is linked to the Yarrabah Micro-grid project update presentation provided by Nikki Huddy and Suzie Lord from Planz and Geoff Bowes Ener-G Management Group Pty Ltd.

Council were advised that the proposed feasibility investigation phase of the project has been brought forward and the Federal Government. Given the topical nature of alternative energy options, the federal government was considering how to operationalise projects funded calling on those funded fast track plans.

At 3:20 pm, Cr Lucrecia Willett left the meeting.

Councillors saw notice issued by the Federal Government (email copy circulated) indicating intent to bring forward the capital investment for Microgrid Projects.

Council advised there are two options arising out of current consultation process:

1. 2 ha configuration, land needed to host solar, batteries and generator.
2. 5 ha configuration, larger land needed to host solar, batteries and generator.

Noted that land was an issue. Options discussed to include existing roof infrastructure – YASC and social housing. This would alleviate need for green field site and added benefit to be linked to the existing mains power. Sites outside of town area pose the problem of being linked to the grid (existing power lines). Sites identified for wind generation options are not close to power. Solar field identified near Karpa Creek, but land identified as GPBC land – met location and proximity to power infrastructure. Site incorporating the waste transfer site also considered – could add value to waste management plans and items could be incinerated to heat used to drive turbine (and address hazards – burning process).

Councillors sought more information and request additional workshop. Planz advised of consultation process in community.

At 3:22 pm, Cr Lucrecia Willett returned to the meeting.

At 3:22 pm, Cr David Baird left the meeting.

At 3:26 pm, Cr David Baird returned to the meeting.

RESOLUTION 08:17/03/2021

That Council support the continuation of the Microgrid project, recognising the opportunities and associated risk with regard to securing land for the project. Council request another workshop to confirm the detail of the project. Date proposed, early April.

The potential to enhance resilience of Yarrabah community is recognised and council supports planned action to secure funding for infrastructure investment. Council remain committed to enhancing resilience around power supply and securing funds for appropriate infrastructure.

The council resolve to table report as read.

Moved: Cr Brian Underwood

Seconded: Cr Kenneth Jackson

CARRIED

7.6 YASC RECONFIGURATION OF LOT ACCESS EASEMENT OVER LOT 52 SP278074 – JUDIL

Cr's Willett and Andrews, recognised the site is near her proposed lease area and declared their interest. At 3:31 pm, Cr Lucrecia Willett left the meeting. At 3:32 pm, Cr Ross Andrews left the meeting noting a perceived conflict of interest due to family members potentially intent on securing a lease/s in future.

Report supplied by DATSIP RLPO regarding access easement for lots at Judil, Backbeach. The proposed easement grants access to the lease holders and potential lessees and ensure adequate planning.

CEO notes the proposed easement is over the existing road access into the site. Lessee at lot 52 is the only lease holder and access required under terms of the lease.

RESOLUTION 09:17/03/2021

That Council resolve to approve Reconfiguring a Lot (access easement) at Back Beach Road, Yarrabah (Lot 52 SP278074) subject to reasonable and relevant conditions.

(1) Administration At all times

- a) The applicant is responsible to carry out the approved development and comply with relevant requirements in accordance with:
- b) The specifications, facts and circumstances as set out in the application submitted to Council;
- c) The development must unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards.

(2) Currency Period As per condition

The currency period applicable to this approval (i.e. the timeframe new plan of survey for the new easement must be registered within).

- Reconfiguring a lot – 6 Years

(3) Approved Plans At all times

- a) The development of the site is to be generally in accordance with the following plans that are to be the Approved Plans of Development, except as altered by any other condition of approval.

| Plan / Document Name | Number | Reference | Date |
|---|--------|-----------|------|
| Proposed easement over Lot 52 on to provide access to Lot 225 | | 007 | 2021 |

- b) Where there is any conflict between the conditions of this approval and the details shown on the approved plan and documents, the conditions of approval must prevail.
- c) Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the commencement of use.

(4) Damage to Infrastructure At all times

- a) In the event that any part of Council's infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced by Council, at no cost to Council. All works must be completed prior to the issue of a Compliance Certificate for the Plan of Survey.

(5) Access Easement At all times

- a) Create an easement in favour of Lot 52 to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement document must be submitted to Council for the approval by Council's solicitors at no cost to Council. The approved easement document must be submitted at the same time as seeking Council's approval of the Plan of Survey and must be lodged and registered with the Department of Natural

Resources and Mines in conjunction with the Plan of Survey.

Approved Plan



Scale @A3 1:1,000

0 10 20 40 60 80 100 Meters

GDA 1994 MGA Zone 55

- Subject site
- Digital Cadastral Database

Proposed easement over Lot 52 on to provide access to Lot 225

Locality - Yarrabah

Proposed easement over Lot 52 on to provide access to Lot 225

3

Moved: Cr Kenneth Jackson
Seconded: Cr David Baird

CARRIED

At 3:37 pm, Cr Ross Andrews returned to the meeting.

At 3:37 pm, Cr Lucrecia Willett returned to the meeting.

**7.7 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION FORM.
APPLICANT: [REDACTED]**

Request COA form to be completed. Applicant unable to produce any identification. Request for COA will assist applicant to apply for her birth certificate with birth deaths and marriages.

The person requesting confirmation is confirmed as a resident of Yarrabah who meets the criteria as resident and of Indigenous heritage.

RESOLUTION 10:17/03/2021 RESOLUTION 11:17/03/2021

Council resolve to accept the application for confirmation of aboriginality / community affiliation as submitted by the following person.

- [REDACTED]

Council recognises this person (via council records and family history) and confirms their identity as an Aboriginal Person with connections to Yarrabah.

Moved: Cr Ross Andrews
Seconded: Cr Brian Underwood

CARRIED

8 CORRESPONDENCE

8.1 OFFICE OF THE INDEPENDENT ASSESSORS

CEO presented correspondence to the councillor from the Office of the Independent Assessor.

Office of the Independent Assessor is a key reference point for matters which may involve conflicts of interest or misuse of powers. Councillors have received training and information about the purpose of this office and the role of the Independent Assessor to deal with matters referred.

Matter recommended for noting.

RESOLUTION 12:17/03/2021

That Council resolve to table the correspondence received from the Officer of the Independent Assessors as read.

Moved: Cr Kenneth Jackson

Seconded: Cr Lucrecia Willett

CARRIED

8.2 ICCIP - OUTGOING CORRESPONDENCE RE:YARRABAH WASTE TRANSFER.

Council provided an update regarding the request for approval for ICCIP funding for removal of legacy waste from Yarrabah solid waste transfer site.

Yarrabah's landfill site is used to collect solid waste. Council uses contractors to transfer solid waste to landfill site in Mareeba. However, there are significant quantities which we class as legacy waste on the site, which will interfere with our proposed plans to redevelop the site.

Correspondence sought support to fund clean-up of the existing dumpsite in preparation of planned construction of Waste Transfer facility.

RESOLUTION 13:17/03/2021

That Council resolve to endorse the report on the Yarrabah Waste Dump. The proposed plan to secure funding to remove legacy waste endorsed and associated actions to secure funding via the ICCIP program supported.

Council restated their commitment to develop a Waste Transfer facility in Yarrabah as a long term strategy to effectively managing solid waste in community.

3.1 ICCIP plan.

Moved: Cr Brian Underwood

Seconded: Cr Kenneth Jackson

CARRIED

8.3 NOMINATION OF DEPUTY MAYOR

Cr. Baird has reached his term in role as Deputy Mayor. Councillors deliberated on new nomination for the Deputy Mayor's position.

Mayor Andrews put options forward to retain Cr. Baird into the role or called for nominations. Councillor noted commitment to the role and to ensure community activities and engagement are fulfilled. Mayor acknowledged and thanked Cr. Baird for his role as deputy mayor.

Cr. Underwood, declined nomination for appointment at this time.

Cr. Willet nominated to go last.

RESOLUTION 14:17/03/2021

That Council resolve to accept nomination from Cr. Jackson into the position of Deputy Mayor.

Moved: Cr Brian Underwood

Seconded: Cr David Baird

CARRIED

9 STRATEGIC PORTFOLIO UPDATE

Not applicable.

10 CONFIDENTIAL MATTERS

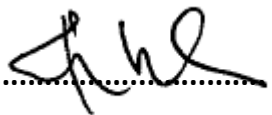
Nil

11 CLOSE OF MEETING

Date for the next Council Ordinary Meeting is Wednesday 21 April 2021.

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

Meeting closed at 4:05pm.



Cr. Ross Andrews

MAYOR