

**MINUTES OF YARRABAH ABORIGINAL SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE YARRABAH ABORIGINAL SHIRE COUNCIL CHAMBERS  
ON WEDNESDAY, 18 AUGUST 2021 AT 03:00PM**

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

**IN ATTENDANCE:** Leon Yeatman (CEO), Shanara Andrews (PA to CEO)

**1 MEETING OPEN**

Mayor Andrews declared the meeting open at 3.23 pm.

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

Cr David opened with a word of pray for those who passed and who are sick and their families.

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

**2 WELCOME TO COUNTRY**

Mayor's acknowledgement to the elders past present and emerging from both Gunggandji and Mandingalbay Yidinji nations, for the country on which the meeting was held today. Acknowledgment also offered for elders past present and emerging of Historical nations who also call Yarrabah.

**3 APOLOGIES**

Nil

**4 CONFIRMATION OF PREVIOUS MINUTES**

**RESOLUTION 01:18/08/2021**

That the minutes of the Ordinary Council Meeting held on 21 July 2021 and the Special Council Meeting held on 28 July 2021 be adopted.

Moved: Cr David Baird

Seconded: Cr Kenneth Jackson

**CARRIED**

**5 BUSINESS ARISING FROM PREVIOUS MINUTES**

- Mayor asked about the Confirmation of Aboriginality Application. CEO stated there wasn't enough information on the applicant.

## 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

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Councillors asked the following questions:

- Mayor asked if the Capital Works Forum are made up of Board of Directors or if it's just Chairs and CEOs? CEO replied it meant to be the Board of Directors. We can have annual sit down every 12 month to inform what we are planning for the next 12 months, any issues identified we can put a mark there. Refer ILUA section 53 (both ILUA's have mirror clauses)
  - Mayor asked first phase of the Safety Plan covered the issue of AMP review what is the second stage? CEO reminded the council second phase covers the Community Safety question. Included in this scope are the remaining issues linked to Family Violence, Anti-Social behaviour, Youth crime, Recidivism, CCTV etc. The aim is to record broad feedback. Councillors encouraged to promote the consultation process.
  - Mayor asked CEO to confirm if there was a web link to the Safety Plan and consultants. CEO confirmed the information and encouraged the Councillors to have a look at the survey questions and to encourage as many local residents to respond.
  - Trustee collaboration - CEO suggested Mayor to invite Chairs of the Trustees to come together just we can touch base on the tripartite agreement.
  - CR Willett asked how long does work cover, covers employee? CEO stated as long as they are employed by a business, there is a duty to pay the insurance. How long a person is on leave is subject to their condition and medical advice. YASC is compliant.
  - Query about Kunjurra land process. CEO stated the matter is progressing, the Southern PBC has to have some input but the this was positive. Work is also progressing on creating an easement to the property which needed to be sent for SARA assessment we expect feedback shortly.
  - Kunjurra beach access easement Mayor asked if this goes through can we seal or do drainage works at Kunjurra? CEO state that was the plan but we have to open the road up first. Original survey works at Kunjurra didn't include the road.
  - CR Willett asked if the Range Rd where all the accidents happen on the corner is it going to be resurfaced. CEO stated that part of the range is Cairns City Council. our concerns have been directed to Cairns Regional Council as a hotspot for Yarrabah. we will need to revisit at the next FNQ ROC meeting.
  - Mayor asked when PBC going to have more discussion around the Optus tower so we can get coverage out Djenghi. CEO stated he had talks with NBN yesterday but haven't heard anymore. Suggestion for Mayor to reach out to PBC Chair to organise a meeting.
  - Cr Baird asked about the Tripartite Forum, who are the prospective members? CEO replied it will comprise be the trustees who are currently listed as Northern & Southern PBC and Council. The Local Government area is the Shire.
  - Cr Jackson have we got a status on the Jetty? Is it delayed? CEO stated he hasn't heard anything, they are putting on the cap on the pylons once that's on they will bring over the prefabricated walk way which will be lowed on to the pylons.
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**RESOLUTION 02:18/08/2021**

That Council endorse the CEO Operational Report for the period to 16<sup>th</sup> June 2021

Moved: Cr Kenneth Jackson

Seconded: Cr Lucrecia Willett

**CARRIED**

At 4:10 pm, Cr Kenneth Jackson left the meeting.

At 4:11 pm, Cr Kenneth Jackson returned to the meeting.

**7.2 YASC MONTHLY FINANCIAL REPORT**

Financial report for the month of August presented to council.

Note there were no referred items from the Audit Committee.

**RESOLUTION 03:18/08/2021**

That Council accept July 2021 Finance Reports.

1. Overview of

- Operating results
- Current Trade Debtors, Housing Debtors & Trade Creditors
- Capital works
- Balance sheet
- Cash position
- Commercial lease

2. Profit & Loss

3. Grants

Moved: Cr Kenneth Jackson

Seconded: Cr Brian Underwood

**CARRIED**

**7.3 \$6.5M FORWARD CAPITAL FUNDING**

Technical drawings and details relating to the stage 6B and 7A of the Djenghi Subdivision presented to council for approval.

The value of the contract and scope of the project exceeded current delegations. The project identified as the final stages for the Djenghi Estate development project. Works will conclude investment for this site and council will finalise the associated works for new infrastructure in this location.

At the conclusion of this phase of the project, council will have completed works started back in 2001.

**RESOLUTION 04:18/08/2021**

That Council approve the Scope of Works for the Civil & Structural Works of 16 Lots in Djenghi Sub-division stage 6B & 7A.

Project value \$6,500,000.

CEO authorised to sign contracts for the Capital Interim funding program and to manage the schedule of works via the Technical Working Group meetings for Yarrabah.

Moved: Cr Ross Andrews

Seconded: Cr Brian Underwood

**CARRIED**

**7.4 PLANZ - PROPOSAL CONSIDERATION TO PURCHASE FALSE CAPE**

No formal consultation has been undertaken at this stage. The purpose of this report is to inform Council of the opportunity and obtain Council's directive to either:

1 Commence discussions with Indigenous Business Australia and the Gungandji PBC Aboriginal Corporation RNTBC with a view to making an offer to purchase Lot 108 RP712063, known as False Cape.

or

2 Advise the Gungandji PBC Aboriginal Corporation RNTBC of the opportunity to purchase Lot 108 RP712063, known as False Cape, and confirm that while Council does not intend to make an offer to purchase the land, Council would provide written support for the purchase.

Councillors asked the question:

- CR Baird in future will we have discussion on Echo Tourism eg heritage trail, hiking, biking? CEO replied in the current Tourism Plan those concepts are already there, not necessarily at False Cape. Those conversation are not mature at this point they have being suggested in our strategy.
- CR Willett It will be good for Tourism and Echo friendly is the best way to go.

Cr Jackson stated it be worth exploring.

**RESOLUTION 05:18/08/2021**

The council endorse option 1.

To commence discussions with Indigenous Business Australia and the Gungandji PBC Aboriginal Corporation RNTBC with a view to making an offer to purchase Lot 108 RP712063, known as False Cape.

Moved: Cr David Baird

Seconded: Cr Lucrecia Willett

**CARRIED**

Meeting Adjourned at 4.43pm

Meeting Reconvened at 4.58pm

**7.5 MICROGRID FEASIBILITY PROJECT - UPDATE**

The Federally Funded Microgrid Feasibility Project commenced in August 2020. The objective for the project is to investigate new energy technology suited to the conditions offered within Yarrabah.

The project consultation process has been in full swing for over 12 months and stakeholder engagement has included both the Gunggandji PBC and the Gunggandji-Mandingalbay Yidinji PBC.

Councillors recognise the opportunity for this project and potential benefits for community. Council also considered the potential for impact is high. Also there are other events that cause disruption to the power supply in community. Given the frequency, questions remain about the scenarios and whether they will be covered (e.g. during cyclone power goes off and the feeder from Gordonvale goes off) will the Solar Power kick in?

The project will seek to identify the scenarios and consider options that will add resilience to how Yarrabah will operate during these extreme weather events and hopefully ensure a higher degree of normality – notwithstanding the risk power line infrastructure failure.

**RESOLUTION 06:18/08/2021 RESOLUTION 07:18/08/2021**

That Council resolve to note the report.

Moved: Cr David Baird

Seconded: Cr Lucrecia Willett

**CARRIED****7.6 RECOMMENDATION FOR ANNUAL CLOSEDOWN – CHRISTMAS PERIOD 2021**

Report presented to council regarding the proposed annual close down during the festive season.

Sentiments from councillors was positive with recognition that time approved is a 'good incentive' for the work performed by staff throughout the year. The festive season also recognised as a time to spend with families.

Proposed recommendation generally supported.

**RESOLUTION 08:18/08/2021**

That:-

1. In accordance with clause 19 of the *Queensland Local Government Industry (Streams A, B & C) Award – State 2017*, Council resolve to declare the Annual Closedown period for from Friday 24 December 2021 to Friday 31 December 2021 with staff returning to work on Tuesday 4 January 2022.
2. Council further resolves to provide 2 paid “Council Shutdown” days to all employees during this period.
3. Council further resolves that staff required to work as part of required service delivery during this period will accumulate the 2 paid “Council Shutdown” days and will be required to take these days in the first quarter of 2022.

Moved: Cr Lucrecia Willett

Seconded: Cr Brian Underwood

**CARRIED**

**7.7 APPLICATION - SAFER COMMUNITIES INFRASTRUCTURE GRANT**

Councillors provided an update on the infrastructure roll out.

Noted comments on social media that locals could do the jobs of erecting the play equipment. This was acknowledged, however contracts to acquire the funding required technical services to be provided by the contractor. Council will look to secure greater local involvement, subject to contract terms and conditions.

Additional safety identified for new play grounds. Fencing was identified as a feature that will be added to each Playground. In addition consideration being given to address the animal issues for the play surface and potential risks for disease or harm.

The safety of patron usage from motorists also raised. Suggestion for big boulders or bollard installation will be considered to cover the risk of speeding motorists.

**RESOLUTION 09:18/08/2021**

That Council resolve to endorse the Application and proposed scope of works for the Safer Communities Infrastructure Grant – Round 6.

Approved project locations:

- Museum Complex
- Community Hall and Leisure Centre
- Various - Community CCTV Improvement
- Various - Playground Fencing for child safety / community safety

Moved: Cr Brian Underwood

Seconded: Cr David Baird

**CARRIED**

**8 CORRESPONDENCE****8.1 BRIEFING AS TO STATUS OF YARRABAH RSL SUB-BRANCH**

The Yarrabah RSL facility has been previously endorsed and currently occupies what was the old Canteen site.

The Yarrabah RSL perform events such as ANZAC Day and Remembrance day and the facility is being used to store equipment.

The tenure for the building is unclear. The site is owned by council and should Council wish to support the Yarrabah RSL, there will need to be legal bases covered.

CEO noted that council position is only 'in principle' until the legal bases are covered. This means YASC has all the risk.

Proposed tenure for the site and activities must be via a commercial lease. Council continue to support the aspiration of the RSL as long as there is interest from local members to pursue this interest. any additional support from council must come after the legal bases have been covered (registration as a RSL, lease etc.).

Questions about leasing options clarified with referral to the Aboriginal Land Act requirements. Notion of a 'peppercorn' lease term dispelled, citing the fee structure contained in the ALA leasing process.

Process for securing a lease will be subject to a number of actions being completed by Applicant and Lessor (YASC). The timeframe was non-descript at this time due to the limited number of commercial leases coming across our desk.

Mayor as If the we give them the lease of the land do we give them the current structure. CEO stated he didn't know. Transfer option is available and assets could be written off our books – the key criterial was for the entity we are transferring assets to is a legal entity. Otherwise this action may be questioned. Any transferred asset would be property of the receiving entity and they would have responsibility for maintenance

**RESOLUTION 10:18/08/2021**

Council continue to support the advancement of the Yarrabah RSL Sub Branch. Council support assistance being provided to the committee to be established as a legal entity and to secure interest in the current site via a commercial lease. Council recognises the building as YASC asset and where appropriate will help to write submissions for funding and improve the amenity of the building as a public facility.

Moved: Cr Brian Underwood

Seconded: Cr Kenneth Jackson

**CARRIED**

At 5:21 pm, Cr Brian Underwood declared his interest and left the meeting.

At 5:32 pm, Cr Brian Underwood returned to the meeting.

**8.2 CORRESPONDENCE FROM COLLEEN UNDERWOOD - REQUEST FOR AMENITIES BLOCK AT 122 BACK BEACH RD, YARRABAH**

CEO advised this item is unresolved and requires referral to the GPBC to action. Advice provided

by DATSIP RILIPO office notes there are a number of unresolved items like this, which they are aware of, which need to be reassessed and then presented for Trustee consideration.

Further complicating the matter, is the need for PBC's to enter into an ILUA process to define the governance arrangements that will apply (an agreement with itself – to cover the trustee roles and responsibilities). Funding for this process will need to be sourced externally.

**RESOLUTION 11:18/08/2021**

Council decline the request to install amenities facilities. Council note the advice provided by the CEO and endorse the recommendation to refer associated lease process issue to the PBC for their consideration. Council also note the lease as it exists is incomplete and support CEO to consult with DATSIP RILIPO to ascertain the extent of the issue and identify options for Trustees to consider.

Moved: Cr Kenneth Jackson

Seconded: Cr Lucrecia Willett

**CARRIED****8.3 CORRESPONDENCE FROM QUEENSLAND STATE ARCHIVES**

Item tabled for noting.

**RESOLUTION 12:18/08/2021**

That Council endorsed as read the tabled correspondence from Queensland State Archives in relation to recordkeeping advice for Mayors and Councillors

Moved: Cr David Baird

Seconded: Cr Brian Underwood

**CARRIED****8.4 CORRESPONDENCE FROM THE MINISTER FOR COMMUNITIES AND HOUSING MINISTER FOR DIGITAL ECONOMY AND MINISTER FOR THE ARTS**

Item tabled for noting.

**RESOLUTION 133:18/08/2021**

That Council endorsed as read the tabled correspondence from the Minister for Communities and Housing Minister for Digital Economy and Minister for the Arts

Moved: Cr David Baird

Seconded: Cr Brian Underwood

**9 STRATEGIC PORTFOLIO UPDATE**

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

**10 CONFIDENTIAL MATTERS**

- The cost of the hall for Funeral etc. matter is operational and Council needs to factor past damages to the facility, which resulted in the cost imposed. Suggestion put to reactivate the community fund that operated in CDEP days. This fund could be used to cover the deposit and community can contribute as necessary. CEO recommended the council avoid changing the requirement for deposit at the hall.
- Mayor ask if we can explore the Law on Beatle Nut. Requested a brief on this for the next meeting.
- Nosie at Mourigan around the Ed Department. Risk, OHS, fatigue for doctors and health staff. Tenancy Management process needs to be applied. Communication with QPS and agencies to map the process and ensure offending tenancies are held accountable.

Nil

**11 CLOSE OF MEETING**

Date for the next Council Ordinary Meeting is Wednesday 15 September 2021 at 3pm

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

Meeting closed at 6 pm.

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**MAYOR**