



**MINUTES OF YARRABAH ABORIGINAL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE YARRABAH ABORIGINAL SHIRE COUNCIL CHAMBERS
ON WEDNESDAY, 17 NOVEMBER 2021 AT 3:00PM**

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

IN ATTENDANCE: Leon Yeatman (CEO), Mike Mair (Director Corporate Services), Pauline Browne (PA to CEO & Mayor – Minute Taker) Shanara Andrews

1 MEETING OPEN

Mayor Andrews declared the meeting open at 3.08pm.

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

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

Cr Baird opened with a word of prayer.

2 WELCOME TO COUNTRY

The Mayor acknowledged the traditional custodians from both Gunggandji and Mandingalbay Yidinji nations also he acknowledged the South Sea Islanders, whose elders, past present and emerging still reside in Yarrabah, on whose country the meeting is being held today.

Acknowledgment offered for the historical elders past, present and emerging. Our families call Yarrabah home and support progress in the shire.

3 APOLOGIES

Nil

4 CONFIRMATION OF PREVIOUS MINUTES

RESOLUTION 01:17/11/2021

That the minutes of the Ordinary Council Meeting held on 20 October 2021 be adopted.

Moved: Cr David Baird

Seconded: Cr Brian Underwood

CARRIED

5 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

6 DISCLOSURE OF INTEREST – COUNCIL / REGISTER UPDATES

The Mayor reminded the Councillors of the requirement to declare their conflicts of interest to the CEO prior to the meeting and called on all councillors to re-declare them now.

No declarations made.

7 MATTERS FOR DISCUSSION**7.1 CEO OPERATIONAL REPORT**

Monthly Council meeting report on the operational and strategic performance of council business for month of November 2021.

The CEO read to the report.

RESOLUTION 02:17/11/2021

That Council accept the CEO Operational Report for the period to 16 November 2021 – noted as 'read'.
--

Moved: Cr Kenneth Jackson

Seconded: Cr David Baird

CARRIED

At 4:07 pm, Cr Brian Underwood left the meeting.

At 4:08 pm, Cr Brian Underwood returned to the meeting.

7.2 YASC MONTHLY FINANCIAL REPORT

CEO presented council with monthly Financial Report. This report covers the financial period 31 October 2021.

The Director, Corporate Services read to the report.
--

RESOLUTION 03:17/11/2021

That Council accept the October 2021 Finance Reports.

1. Operating results
2. Current Debtors:
 - Trade Debtors & Creditors,
 - Housing Debtors
3. Capital works
4. Balance sheet
5. Cash position
6. Status of Commercial lease
7. Areas of Concern Report
8. Grants Report

Moved: Cr Brian Underwood

Seconded: Cr David Baird

CARRIED

At 5:01 pm, Cr Lucrecia Willett left the meeting.

At 5:02 pm, Cr Lucrecia Willett returned to the meeting.

At 5:07 pm, Cr David Baird left the meeting.

At 5:11 pm, Cr David Baird returned to the meeting.

7.3 INSURANCE

Provide an update on the status of Insurance for Yarrabah Aboriginal Shire Council. A decision is required to ensure YASC has suitable insurance cover.

The Director, Corporate Services read to the report.

RESOLUTION 04:17/11/2021

1. Council approve the 2021/22 insurance renewal for the listed policies.
2. Council insures the Jetty upon execution of the transfer of asset agreement with the Department of Transport and Main Roads.

Moved: Cr Kenneth Jackson

Seconded: Cr Brian Underwood

Council Willett recognised Mr. Mike Mair, Director of Corporate Service for good work.

CARRIED

Meeting is adjourned at 5.13pm

Meeting continued at 5.38pm

7.4 DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT

To consider an application for a Development Permit for Reconfiguration of a Lot (4 Lots into 5 Lots, Access Easement and New Road) at Back Beach Road (Kunjurra), Yarrabah.

Report prepared by Planz Town Planning on behalf of Council.

RESOLUTION 05:17/11/2021

That COUNCIL resolve to:-

1. Amended plan 35250/001 D (date 21/10/21) is a minor change to a development application and does not result in 'substantially different' development in accordance with Schedule 1 of the Development Assessment Rules v 1.3.
2. Approve the development application for Development Permit for Reconfiguration of a Lot (4 Lots into 5 Lots, Access Easement and New Road) at Back Beach Road (Kunjurra), Yarrabah over land described as Lots 57 SP278074, Lot 2007 SP167913, Lot 206 SP167913, and Lot 570 SP278074.

Approved Plans

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

Plan / Document Name	Reference	Date
Proposed Reconfiguration	Job No: 35250/1-1, Plan No: 35250/001 C, Page: 2 of 2	01/06/2021
Proposed Reconfiguration Survey Plan	Job No: 35250/1-1, Plan No: 35250/001 C, Page: 2 of 2	01/06/2021
Proposed Reconfiguration	Job No: 35250/1-1, Plan No: 35250/001 D, Page: 1 of 2	21/10/2021

Assessment Manager Conditions

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of section 85 of the *Planning Act 2016*.
2. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within technical reports; and
 - b. The following conditions of approval and the requirements of Council's Planning Scheme.

Except where modified by these conditions of approval.

At all times

Timing of Effect

3. The conditions of the Development Permit must be carried out to the satisfaction of the Chief Executive Officer prior to the Council issuing a Compliance Certificate for the Plan of Survey, except where specified otherwise in these conditions of approval.

At all times

Lawful Point of Discharge

4. All stormwater from each new lot must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the

Prior to signing and dating Survey

<p>requirements and satisfaction of the Chief Executive Officer</p> <p>Sediment and Erosion Control</p> <p>6. Soil and water management measures must be installed and implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).</p> <p>7. Any construction work associated with this development shall be carried out in accordance with FNQROC Development Manual and sound engineering practice.</p> <p>Easement</p> <p>8. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement (for access and any services) over Lot 206 for the benefit of Lot 301 to the requirements and satisfaction of the Chief Executive Officer.</p> <p>General</p> <p>9. Where utilities (such as water on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The applicant is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.</p> <p>Water Supply</p> <p>10. Each lot must be connected to the reticulated water supply at the time of construction at full cost to the applicant, designed and constructed in accordance with the FNQROC Development Manual.</p> <p>Sewerage Works</p> <p>11. The method of on-site effluent disposal for each lot must be in accordance with the <i>Plumbing and Drainage Act 2018</i>. Wastewater treatment and disposal must include details of the proposed wastewater disposal systems and calculation demonstrating compliance with the Queensland Plumbing and Wastewater Code and <i>AS/NZS, 1547:2000 – 'On-site domestic wastewater management'</i>. Details are to be provided prior to Council issuing a Compliance Certificate for the Plan of Survey.</p> <p>Fire Management</p> <p>12. The development must be maintained at all times to a standard so as not to create a fire hazard.</p> <p>ADVICE</p> <p>1. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.</p>	<p>Plan</p> <p>Prior to signing and dating Survey Plan</p> <p>Prior to signing and dating Survey Plan</p> <p>Prior to signing and dating Survey Plan</p> <p>Prior to signing and dating Survey Plan</p> <p>Prior to signing and dating Survey Plan</p> <p>Prior to signing and dating Survey Plan</p> <p>Prior to signing and dating Survey Plan</p> <p>At all times</p>
---	--

2. For information relating to the Planning Act 2016 log on to <https://planning.dsdmip.qld.gov.au> . To access the FNQROC Development Manual log on to <https://www.fngroc.qld.gov.au> . To access Local Laws and other applicable policies log on to the Yarrabah Aboriginal Shire Council website <https://www.yarrabah.qld.gov.au>.
3. The site is not serviced by a Mains Electricity Supply. Each landowner is responsible for providing an independent energy system with sufficient capacity to service each lot (at near average energy demands associated with the development) as an alternative to reticulated electricity where:
 - a. It is approved by the relevant regulatory authority; and
 - b. It can be demonstrated that no air or noise emissions; and
 - c. It can be demonstrated that no adverse impact on visual amenity will occur.

Moved: Cr Kenneth Jackson

Seconded: Cr David Baird

CARRIED

7.5 81907 - DEMOLITION OF 4X DWELLING HOUSES IN YARRABAH

Housing program report detailing procurement process for planned demolition works. Four (4) Tender were received at the time of closing of the Tender.

Note: Unfortunately, One (1) of the Tender failed to enclose a Construction budget. The remaining Three (3) Tender were within the Demolition budget. However one provided price for the Dwelling not Four (4). This left Two (2) Tender with acceptable Tender to evaluate.

RESOLUTION 06:17/11/2021

That Council accept the recommendation of Mr Preston Andrews, Director of Works & Infrastructure and approve for Anton's Demolition to perform the Work as specified.

\$ 171,242.50

Moved: Cr Lucrecia Willett

Seconded: Cr Brian Underwood

CARRIED

At 6:00 pm, Cr Ross Andrews left the meeting.

At 6:00 pm, Cr Ross Andrews returned to the meeting.

7.6 TENDER AWARD - BISHOP MALCOLM PARK PROJECT

Yarrabah Aboriginal Shire Council (YASC) advertised RFT No. YASC 2022-001 from suitably qualified and experienced contractors to undertake the civil works package for the Bishop Malcolm Park Redevelopment.

The CEO advised Council that he had just received additional information prior to this meeting that may have bearing on Council's decision with regards to this matter. The CEO recommended that

Council consider deferring this matter until this could be confirmed and presented to Council.

MATTER DEFERED TO NEXT COUNCIL MEETING

7.7 GINDAJA REHABILITATION FACILITY SEWER RISING MAIN

Operational works Application for Sewer Rising Main for Gindaja to accommodate their growing service needs. Construction sewer rising main and trunk infrastructure at Gindaja Rehabilitation facility and connect to existing sewer pump station No. 8.

RESOLUTION 07:17/11/2021

That Council resolve to:-

1. Approve the operational works report and provide development approval to Morton Plumbing for the works associated with this Operational Works Report for Sewer Rising Main, Gindaja Rehabilitation Facility to YASC's Sewer Pump Station 8.

Note: From CEO - Any costs incurred pertained to this matter have to be obtained in the next project. The cultural heritage protocol ground disturbance.

Moved: Cr Kenneth Jackson

Seconded: Cr Lucrecia Willett

CARRIED

7.8 MEMORANDUM OF UNDERSTANDING (MOU) - STATE EMERGENCY SERVICE

To report to Council about a proposed new MOU between Yarrabah Aboriginal Shire Council and the State of Queensland acting through the State Emergency Service (SES). The agreement will promote the continued service arrangement between the SES (through members of the Yarrabah Unit) and the Yarrabah Aboriginal Shire Council.

The Yarrabah Unit is the local response capability in times of emergency planning, preparation and disaster activation. YASC currently support the local unit through their facilities and members predominantly drawn from council workforce. lately, additional members have joined from the Ranger Services operating in community. Through the SES, there is opportunity for training and resource sharing. Members and agencies stand to benefit from the relationship. Most of all we make our community resilient when we have our own teams.

RESOLUTION 08:17/11/2021

That Council approve the following:

1. Accept the proposed new MOU between Yarrabah Aboriginal Shire Council and the State of Queensland acting through the State Emergency Service (SES) ; and
2. Authorize the Chief Executive Officer to finalize all terms and conditions as outlined in the draft MOU and schedule, at Attachments 2 & 3.

Moved: Cr Brian Underwood

Seconded: Cr David Baird

CARRIED

7.9 QLD AUDIT OFFICE - FINAL MANAGEMENT LETTER

For Council's information.

The Auditor-General has issued an unmodified audit opinion on the Yarrabah Aboriginal Shire Council's Financial Statements for 2020-2021.

RESOLUTION 09:17/11/2021

That Council:

1. Endorse the QAO Financial Management Report for 2020/21 Financial Year.
2. Instruct the CEO and Executive Management Team to ensure appropriate financial standards are met and actions identified for management attention are resolved in a timely manner.

Moved: Cr Lucrecia Willett

Seconded: Cr Brian Underwood

CARRIED

7.10 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION FORM - APPLICANT:

████████████████████

Application received from community resident, seeking Confirmation of Aboriginality endorsement consideration.

RESOLUTION 10:17/11/2021

That Council resolve to endorse the recommendation provided by the Mr Richard Wright Director of Human Resources Risk and Regulation to accept the application for confirmation of aboriginality / community affiliation as submitted by the following person:

- [REDACTED]

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

Moved: Cr Ross Andrews

Seconded: Cr Kenneth Jackson

CARRIED

8 CORRESPONDENCE**8.1 CORRESPONDENCE FROM THE DEPARTMENT OF AGRICULTURE & FISHERIES**

Table correspondence received from the Director-General, Department of Agriculture and Fisheries in relation to the Regional Drought Resilience Planning Program.

RESOLUTION 11:17/11/2021

That Council note the correspondence from the Director-General, Department of Agriculture and Fisheries in relation to the Regional Drought Resilience Planning Program, as 'read'.

.Moved: Cr Kenneth Jackson

Seconded: Cr Lucrecia Willett

CARRIED

9 STRATEGIC PORTFOLIO UPDATE

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

10 CONFIDENTIAL MATTERS

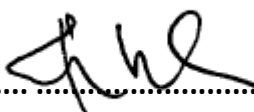
Nil

11 CLOSE OF MEETING

Date for the next Council Ordinary Meeting is Wednesday 15 December 2021.

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

Meeting closed at 6.36 pm.

.....


MAYOR