



# **MINUTES**

**Ordinary Council Meeting**

**Tuesday, 20 July 2021**

**MINUTES OF MAPOON ABORIGINAL SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE MASC COUNCIL CHAMBERS  
ON TUESDAY, 20 JULY 2021 AT 9.00AM**

**PRESENT:** Mayor Aileen Addo (Chair), Cr Margaret Mara, Cr Dawn Braun, Cr Daphne de Jersey, Cr Cameron Hudson

**IN ATTENDANCE:** Steve Linnane (Chief Executive Officer)

**1 OPEN MEETING**

The Meeting was opened at 9.00am

A minute's silence was observed in relation to the loss of a community member.

**2 LEAVE OF ABSENCE**

Nil

**3 CONFIRMATION OF MINUTES**

**3.1 MINUTES OF THE COUNCIL HELD ON 14 JUNE 2021**

**RESOLUTION C102/21**

Moved: Cr Cameron Hudson

Seconded: Cr Dawn Braun

That the Minutes of the Council held on 14 June 2021 be accepted as a true and correct record.

**CARRIED**

**4 MATTERS ARISING FROM THE MINUTES**

Nil

**5 CONFIDENTIAL REPORTS****RESOLUTION C103/21**

Moved: Cr Margaret Mara  
Seconded: Cr Cameron Hudson

Moved: Cr Margaret Mara  
Seconded: Cr Cameron Hudson

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 254J of the Local Government Regulations 2012:

**5.1 Department of Housing and Public Works New Applications for Permission to Reside for Approval by Mapoon Aboriginal Shire Council**

**5.2 Department of Housing and Public Works Cultural Recommendations for Property Allocations**

These matters are considered to be confidential under Section 254J (3) (i) of the Local Government Regulations 2012, and the Council is satisfied that discussion of these matters are matters that the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

**CARRIED**

**RESOLUTION C104/21**

Moved: Cr Cameron Hudson  
Seconded: Cr Margaret Mara

That Council moves out of Closed Council into Open Council.

**CARRIED**

**5.1 Department of Housing and Public Works Cultural Recommendations for property Allocations**

**RESOLUTION C105/21**

Moved: Cr Cameron Hudson  
Seconded: Cr Dawn Braun

That Council endorse the listed applications for permission to reside within Mapoon Aboriginal Shire

**CARRIED**

## 5.2 Department of Housing and Public Works Cultural Recommendations for Property Allocations

### RESOLUTION C106/21

Moved: Cr Cameron Hudson

Seconded: Cr Margaret Mara

That Council

1. endorse the listed cultural recommendations for property allocations within Mapoon Aboriginal Shire, and
2. delegate authority to the Mayor to complete cultural recommendations for property allocation requests within Mapoon Aboriginal Shire

**CARRIED**

## 6 MAYOR AND COUNCILLOR REPORTS

### PURPOSE OF REPORT

To advise of the meetings undertaken by Mayor and Councillors.

#### Mayor Addo's Report

- Council Meeting 15/06/2021.
- Trustee Meeting 15/06/2021.
- Western Cape Campus - Jo Ross (Mapoon Campus Principal) and Peter Linneham (Principal Western Cape College) and Ben Laidlaw (Consultant) on 16/06/2021.
- Apunipima – Opening of Health centre in Kowanyama 22/06/2021.
- Apunipima Meeting – Board meeting 23/06/2021.
- Bertiehaugh Road – Sally and John Witherspoon re: The gazetted Road 28/06/2021.
- Thriving Communities – 29/06/2021
- Kidney Transplant – Premier and QHealth re: Explanation and Rehab services after the transplant 29/06/2021.
- DDMG Meeting – Premier and QHealth re: COVID-19 30/06/2021.
- Covid Vaccine Rollout – Dr Tony Brown re: Roll of Vaccine in late August 06/07/2021.
- WCCCA – Community Event re: WCCCA Opening of new building 15/06/2021.

#### Deputy Mayor Hudson's Report

- WCCCA Admin Opening Ceremony 15/06/2021.
- Western Cape Coordinating Meeting – Trust Directors 16/06/2021.
- Western Cape Property Trust – WCCCA Trust Directors 17/06/2021.
- Ely Coordinating Meeting – Ely Coordinating Committee 18/06/2021.
- Local Thriving Community – Committee Meeting 29/06/2021.

**Councillor de Jersey's Report**

- Council Meeting – 14/06/2021.
- Trustee Meeting – 14/06/2021.

**Councillor Braun's Report**

- Council Meeting – Councillors 14/06/2021.
- Trustee Meeting – 14/06/2021.
- WCC College – Jo Ross, Peter Linneham and Ben Laidlaw re: Been Beneath the Surface Consultant.
- WCCCA 20 Yr. Anniversary.
- Teleconferencd T-shirt Supplier – regarding the Fishing competition – 23/06/2021.
- WCCCA – Elders morning tea re: NAIDOC Heal Country 25/06/2021 (very interesting).
- John Witherspoon – Bertiehaugh.

**RESOLUTION C107/21**

Moved: Cr Dawn Braun

Seconded: Cr Margaret Mara

That the Councillors reports be received and noted.

**CARRIED**

**7 OPERATIONAL REPORTS****7.1 CHIEF EXECUTIVE OFFICER'S REPORT - MEETINGS ATTENDED****PURPOSE OF REPORT**

To brief Council on meetings undertaken since the previous Council Meeting report.

**RESOLUTION C108/21**

Moved: Cr Margaret Mara

Seconded: Cr Cameron Hudson

That Council note the meetings attended by the Chief Executive Officer.

**CARRIED**

**The Executive Manager of Finance and Corporate Services was admitted to the meeting for discussions in relation to Items 7.2, 7.3, and 7.4**

**7.2 OPERATIONAL PLAN 2021-2022****PURPOSE OF REPORT**

The Local Government Regulation 2012 requires that each local government must prepare an annual Operational Plan that is to be adopted prior to, or at the same time as, the adoption of the annual budget.

This report presents the proposed Operational Plan for the 2021-2022 financial year.

**RESOLUTION C109/21**

Moved: Cr Cameron Hudson

Seconded: Cr Margaret Mara

That the Operational Plan for the 2021-2022 financial year, as attached to the Chief Executive Officer's Report, be adopted

**CARRIED**

### 7.3 2021-2022 COUNCIL BUDGET

#### PURPOSE OF REPORT

Council's Annual Budget for 2021/22 is presented for adoption by Council. The Annual Budget is developed in accordance with the Local Government Act 2009 and Local Government Regulation 2012

#### RESOLUTION C110/21

Moved: Cr Margaret Mara

Seconded: Cr Dawn Braun

That

1. Pursuant to section 107A of the Local Government Act 2009 and sections 169 and 170 of the Local Government Regulation 2012, Council's Budget for the 2021/2022 financial year, incorporating:

- The statements of financial position;
- The statements of cash flow;
- The statements of income and expenditure;
- The long-term financial forecast;
- The statements of changes in equity;
- The relevant measures of financial sustainability
- The 2021-2022 Revenue Statement; and
- The 2021-2022 Revenue Policy;

attached to the Chief Executive Officer's Report, as tabled, be adopted.

2. Pursuant to section 133 of the Local Government Regulation 2012, compound interest on daily rests at the rate of seven percent (5%) per annum is to be charged on all overdue rates or charges for a day on or after 1 July 2021.

3. Pursuant to section 205 of the Local Government Regulation 2012, the statement of the financial operations and financial position of the Council in respect of the previous financial year ("the Statement of Estimated Financial Position") be received and its contents noted.

4. Council endorse the 2021/2022 component of the attached 5 Year Fleet Replacement Program.

**CARRIED**

**7.4 EXECUTIVE FINANCE MANAGER – JUNE 2021 REPORT****PURPOSE OF REPORT**

Present to the Council a report outlining program performance and operational actions for June 2021. This report contains listed activities and points for decisions in Council meeting.

**RESOLUTION C111/21**

Moved: Cr Margaret Mara

Seconded: Cr Cameron Hudson

That Council endorses the Financial Reports for the financial period June 2021.

**CARRIED**

**The Executive Manager of Infrastructure and Works was admitted to the meeting for discussions in relation to Items 7.5 and 7.6**

**7.5 EXECUTIVE MANAGER OF INFRASTRUCTURE AND WORKS REPORT****PURPOSE OF REPORT**

Present to Council a report of program performance and operational actions for the previous month

**RESOLUTION C112/21**

Moved: Cr Cameron Hudson

Seconded: Cr Dawn Braun

That the Report of the Executive Manager of Infrastructure and Works be received and noted.

**CARRIED**



**7.6 PLANNING APPROVAL/ DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT****PURPOSE OF REPORT**

Creating Lot 801, balance lot 128 and new road (Nouiga Street, Mapoon)

Cancelling Lot 128 SP321487 (SP316345) Weipa-Mapoon Road, Mapoon

Planning Approval: Development permit for Reconfiguration of a Lot approval

**BACKGROUND**

Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships on behalf of Mapoon Aboriginal Shire Council (Applicant) has applied for a Development Permit for Reconfiguration of a Lot to create proposed LOT 801, new road (Nouiga Street) and balance lot 128.

**Attachment A** *Proposed Realignment Of Lot, Nouiga Street PR149174-1* shows the site location and proposed lots.. The subject land is Deed of Grant in Trust land registered to the Mapoon Aboriginal Shire Council as Trustee

The application and supporting material has been assessed against the Mapoon Aboriginal Shire Council Planning Scheme – November 2019 and is not considered to be in conflict with the Planning Scheme.

**RESOLUTION C113/21**

Moved: Cr Cameron Hudson

Seconded: Cr Daphne de Jersey

That in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), Concurrence Conditions in (D), assessment manager's advice in (E), relevant period in (F), and further approvals from Council listed in (G);

and

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

**(A) APPROVED DEVELOPMENT:**

- Development Permit for a Reconfiguration of a Lot approval for Proposed Lot 801, new road and Lot 128

**(B) APPROVED PLANS:**

Plan	Document Title	Prepared by	Dated
PR149174-1	Proposed Lots 801, balance lot 128 & new road (Nouiga Street, Mapoon) cancelling Lot 128 SP316345	RPS	13-4-2021

**(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)**

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances submitted with the application, subject to any alterations:
  - 1.1. 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 or cultural heritage requirements; and
  - 1.2. to ensure compliance with the following conditions of approval.
2. All works must be carried out in accordance with the approved plans, conditions and specifications, to the requirements and satisfaction of the Chief Executive Officer.
3. Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy. If during construction, inadequacies of the design are discovered, it is the responsibilities of the Consulting Engineers to resubmit amended plans to Council for Approval and rectify works accordingly.
4. Notwithstanding any approval given to engineering documents, where a discrepancy occurs between these documents and Council's standards, then Council's standards shall apply. All works must be performed in accordance with Council standards and Local Laws and other statutory requirements, unless specifically listed in the project specific conditions.
5. In in fact there are errors, omissions of insufficient detail on the plans for the purpose of construction, these deficiencies shall be made good during construction and Council reserves the right to withhold approval of construction until such deficiencies are made good to its satisfaction.
6. All works must be carried out in accordance with the approved plans, conditions and specifications, to the requirements and satisfaction of the Chief Executive Officer.
- 7. General**
  - 7.1. The applicant/developer 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.
  - 7.2. All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.

7.3. The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.

7.4. Where utilities traverse the subject property to service another lot, an easement must be created or alternate measure be implemented to protect the service infrastructure, to the satisfaction of Council's delegated officer. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement document.

7.5. 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.

## **8. Timing of Effect**

8.1. The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.

## **9. Infrastructure Services and Standards**

### **9.1. Stormwater Drainage**

The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practical measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

### **9.2. Water Supply**

The developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

A water service connection must be provided to each of the proposed lots in accordance with the FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

**9.3. Electricity provision/supply**

The applicant/developer must ensure that an appropriate level of electricity supply is provided to the proposed lots in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of power reticulation.

**9.4. Telecommunications**

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to Proposed Lots and arrange provision of necessary conduits and enveloping pipes.

Written advice from a communications service provider is to be provided to Council indicating that an agreement has been made to provide telecommunication services to the proposed lot.

**10. Access**

Proposed Nouiga Street is to be opened as a Public Road.

**(D) STATE CONCURRENCE CONDITIONS**

No.	Conditions	Condition timing
<b>Reconfiguring of a lot</b>		
Schedule 10, Part 17, Division 3, Subdivision 5, Table 1 – Reconfiguring a lot within the coastal management district - The Chief Executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of anymatter relating to the following condition:		
1.	<p>The development must be carried out generally in accordance withthe following plans:</p> <ul style="list-style-type: none"> <li>Proposed Lots 801, balance Lot 128 &amp; new road (Nouiga St) Cancelling Lot 128 on SP316345, prepared by RPS Australia East Pty Ltd, dated 13-04-2021, drawing: PR149174-1.</li> </ul>	At all times

**Refer to full copy of Concurrence Conditions In Attach B of Report.**

**(E) ASSESSMENT MANAGER'S ADVICE**

- (a) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(b) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

(c) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au)

**(F) RELEVANT PERIOD**

When approval lapses if development not started (s.85)

- Reconfiguring of a Lot– four (4) years (starting the day the approval takes effect).

**(G) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS**

- Development Permit for Building Work

**CARRIED**

**7.7 ACTING EXECUTIVE MANAGER ENVIRONMENTAL SERVICES, LAND AND SEA, PARKS AND GARDENS**

**PURPOSE OF REPORT**

To present to Council a report of Program Performance and Operational actions for the previous month.

**RESOLUTION C114/21**

Moved: Cr Dawn Braun

Seconded: Cr Margaret Mara

That the report of Acting Executive Manager of Environmental Services, Land and Sea Rangers and Parks and Gardens be received and noted.

**CARRIED**

**7.8 GOVERNANCE MANAGER'S REPORT ON MAPOON STORE, ACCOMMODATION AND CAMP GROUNDS****PURPOSE OF REPORT**

To update Council on enterprises matters in relation to Mapoon Store, Paanja Lodge and Contractor's Dongas and Cullen Point Campgrounds.

**RESOLUTION C115/21**

Moved: Cr Margaret Mara

Seconded: Cr Dawn Braun

That report of the Governance Manager be received and noted.

**CARRIED**

**RESOLUTION C116/21**

Moved: Cr Margaret Mara

Seconded: Cr Cameron Hudson

That Council direct the Chief Executive Officer to investigate with DATSIP the identification of a new cemetery site for incorporation into the Mapoon Master Plan

**CARRIED**

**7.9 WOMEN'S COORDINATOR REPORT****PURPOSE OF REPORT**

To advise Council of the activities of the Women's Program.

**RESOLUTION C117/21**

Moved: Cr Cameron Hudson

Seconded: Cr Margaret Mara

That the Women's Program Officer's Report be received and noted.

**CARRIED**

**7.10 HUMAN RESOURCES REPORT****PURPOSE OF REPORT**

To advise Council of the operations of the Human Resource Department.

**RESOLUTION C118/21**

Moved: Cr Cameron Hudson

Seconded: Cr Margaret Mara

That the HR Manager's Report be received and noted.

**CARRIED**

**The Community Services Coordinator was admitted to the meeting for discussions in relation to Items 7.11 and 7.12**

**7.11 COMMUNITY SERVICES -PLAYGROUP****PURPOSE OF REPORT**

To give an update to Council on the progress of the Playgroup Program.

**RESOLUTION C119/21**

Moved: Cr Cameron Hudson

Seconded: Cr Dawn Braun

That the Community Services Coordinator's Playgroup Report be received and noted.

**CARRIED**

**7.12 COMMUNITY AGED AND DISABILITY SERVICES****PURPOSE OF REPORT**

To give an update to Council on the progress of the Aged Care and Disability Services

**RESOLUTION C120/21**

Moved: Cr Margaret Mara

Seconded: Cr Daphne de Jersey

That the Community Services Coordinator's report in relation to the Community Aged and Disability Services be received and noted.

**CARRIED**

### 7.13 REPORTS - INTERIM MAPOON LOCAL THRIVING COMMUNITIES ADVISORY COMMITTEE MEETING

#### PURPOSE OF REPORT

To present to Council the Reports on the two (2) Interim Mapoon Local Thriving Communities Advisory Committee Meetings held on 26 May 2021 and 29 June 2021.

#### RESOLUTION C121/21

Moved: Cr Cameron Hudson

Seconded: Cr Daphne de Jersey

That Council

1. Note and endorse the Reports of the Interim Mapoon Thriving Communities Committee Meetings held on 26 May 2021 and 29 June 2021.
2. Amend the Remuneration Clause of the Terms of Reference of the Interim Mapoon Local Thriving Communities Advisory Committee to read as follows - *Remuneration – Unless determined otherwise by the State Government, no remuneration is applicable for community members. Councillors and Council Staff (excluding Council Staff who are appointed to the Advisory Committee as community members) will receive no additional remuneration for this committee.*
3. Support the proposal that the Interim Mapoon Local Thriving Communities Advisory Committee meet on the first Tuesday of each month for the remainder of 2021 and consideration be given to quarterly meetings in 2022.

**CARRIED**

### 8 ANY OTHER BUSINESS

#### 8.1 2022 SPECIAL HOLIDAYS REQUEST

#### PURPOSE OF REPORT

To advise Council of the need to submit a Special Holidays Request for 2022

#### RESOLUTION C122/21

Moved: Cr Dawn Braun

Seconded: Cr Daphne de Jersey

That Council make application for the gazettal of the following Special and Show Holidays-

NAIDOC Day	Friday 8 July 2022
Cairns Show Holiday	Friday 15 July 2022
Mapoon Day	Friday 23 September 2022

**CARRIED**



**8.2 REQUEST BY TORRES CAPE INDIGENOUS COUNCIL ALLIANCE (TCICA) INC. FOR NOMINATIONS FOR A TCICA REPRESENTATIVE TO PARTICIPATE ON AN INDIGENOUS LED STEERING COMMITTEE TO GUIDE THE DEVELOPMENT OF THE TROPICAL NORTH QUEENSLAND FIRST NATIONS TOURISM ACTION PLAN.**

**PURPOSE OF REPORT**

To advise Council that the Torres Cape Indigenous Council Alliance (TCICA) Inc have called for nominations for a TCICA representative to participate in the Indigenous-led Steering Committee to guide the development of the Tropical North Queensland First Nations Tourism Action Plan.

It was agreed that Council receive and note the report.

**8.3 TORRES CAPE INDIGENOUS COUNCIL ALLIANCE (TCICA) INC. CANBERRA ADVOCACY REPORT JUNE 2021**

**PURPOSE OF REPORT**

To advise Council of the Torres Cape Indigenous Councils Alliance (TCICA) Inc. for the Advocacy Trip to Canberra

It was agreed that Council receive and note the report.

**8.4 CERTIFICATION OF ABORIGINALITY**

**RESOLUTION C123/21**

Moved: Cr Cameron Hudson

Seconded: Cr Daphne de Jersey

That Council authorise the Mayor to sign the Certificates of Aboriginality for Joseph James Conkey and Jimmy Lawrence McAuley Conkey.

**CARRIED**

**9 CORRESPONDENCE IN****9.1 CORRESPONDENCE IN FOR COUNCIL TO NOTE****PURPOSE OF REPORT**

To advise Council of the following Correspondence IN –

1. Department of Transport and Main Roads Letter dated 22 June 2021 in relation to the extension of the Local Fares Scheme.
2. Department of Transport and Main Roads Local Fares Scheme Overview dated 1 July 2021
3. Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships, dated 1 July 2021.
4. Robbie Katter MP dated 9 July 2021 in relation to feedback on Working with Children (Indigenous Communities) Amendment Bill 2021.
5. Working With Children (indigenous Communities) Amendment Bill 2021.
6. Working with Children (Indigenous Communities) Amendment Bill Explanatory Notes.
7. Dr Chris Sarra, Director-General, Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships letter dated 8 July 2021 in relation to funding to develop a community-led Domestic and Family Violence (DFV) Action Plan.

**RESOLUTION C124/21**

Moved: Cr Cameron Hudson

Seconded: Cr Daphne de Jersey

That

1. Council receive and note the above correspondence, and
2. Council support Working with Children (Indigenous Communities) Amendment Bill 2021, as supplied by Robbie Katter MP.

**CARRIED**

**10 CORRESPONDENCE OUT**

Nil

**11 NEXT MEETING DATE**

Proposed date for next meeting: 24 August 2021

**12 CLOSE MEETING**

**The Meeting closed at 4.55pm**

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**CHAIRPERSON**