



MINUTES

Ordinary Council Meeting

Tuesday, 16 February 2021

**MINUTES OF MAPOON ABORIGINAL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE MASC COUNCIL CHAMBERS
ON TUESDAY, 16 FEBRUARY 2021 AT 0900**

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

IN ATTENDANCE: Naseem Chetty (Chief Executive Officer), Royleen Wolski (Minute Taker)

1 OPEN MEETING

The Meeting was opened at 9am. Mayor Aileen Addo requested CEO to leave the meeting so they can have a close session.

CEO left meeting at 9.02 am – confidential discussion

CEO was asked to return at 9.45am.

Meeting continued and Councillors Agreed to next community meeting on the 8th of March 2021 at 10am. Mayor Directed CEO and staff not to attend as the meeting is held by councillors.

2 APOLOGIES

Nil

3 CONFIRMATION OF MINUTES

3.1 MINUTES OF THE COUNCIL HELD ON 19 JANUARY 2021

RESOLUTION C014/21

Moved: Cr Margaret Mara

Seconded: Cr Daphne de Jersey

1. That the Minutes of the Council held on 19 January 2021 be received and the recommendations therein be adopted.

CARRIED 5/0 AT 9.28AM

4 MATTERS ARISING FROM THE MINUTES**5 CONFIDENTIAL REPORTS****RESOLUTION C015/21**

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 275 of the Local Government Act 2012:

5.1 Request for OMAC Support - Horse Owners

This matter is considered to be confidential under Section 275 - h of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

CARRIED 5/0

RESOLUTION C016/21

Moved: Cr Margaret Mara

Seconded: Cr Cameron Hudson

That Council moves out of Closed Council into Open Council.

CARRIED 5/0

RESOLUTION C017/21

Moved: Cr Dawn Braun

Seconded: Cr Daphne de Jersey

1. Direction CEO to provide contact details for CEO of Old Mapoon Aboriginal Corporation to horse owners who are interested in acquiring land from OMAC to gate their horses.
2. Direct CEO to remove all Wild Horses from Councils residential area as soon as the Road open Cairns to Mapoon.

CARRIED 5/0

Morning Tea at 10.30 am

Return from Morning tea – 11.00am

6 MAYOR AND COUNCILLOR REPORTS

Mayor Aileen Addo Report

- Attended LDMG
- Attended Corporate Plan meeting
- Palliative Care Meeting
- Meeting with Correction and Justice Department
- Technical Working Group Meeting
- Last Council Meeting

Deputy Mayor Report

- LDMG meeting
- Attended Corporate Plan meeting
- Palliative Care Meeting
- Meeting with Correction and Justice Department
- Technical Working Group Meeting
- Western Cape College meeting

Councillor Hudson

- Palliative Care Meeting
- Meeting with RIO Tinto
- ELY Bursary meeting

Councillor De jersey

- Attended Corporate Plan meeting
- Meeting with Correction and Justice Department
- Council Meeting

Councillor Mara

- Meeting with Correction and Justice Department
- Council Meeting

Receive the Councillors Report

RESOLUTION C018/21

Moved: Cr Margaret Mara
Seconded: Cr Cameron Hudson

CARRIED 5/0 11.13 AM

7 OPERATIONAL REPORTS**7.1 CEO FEBRUARY REPORT 2021****PURPOSE OF REPORT**

Discussion regarding staff meeting staff involvement on progress of council initiatives and comments from staff.

Investigation on lost mail – Process, Correct measures implemented and selected staff to disperse mail. Councillor suggested to advise community residents to ensure that they have their street address and encourage residents not to use council post box.

Police Liaison Officer accommodation- conversation with QLD housing and Inspector Henderson. Allocation of funds for a community Police officer in our next budget allocation.

Development of procedures for operation of the Mapoon Cultural Centre; staff receiving training, 2 staff visiting Yarrabah Library to get ideas.

QCoast project – information forwarded to OMAC CEO and I have offered to organise a presentation with our contractors to ensure that we capture all stakeholder concerns.

Meeting PCYC regarding the operation of the Mapoon Gym and safety precautions to be in place to avoid incidents.

RESOLUTION C019/21

Moved: Cr Margaret Mara
Seconded: Cr Cameron Hudson

That Receive and take note of this report.

CARRIED 5/0 AT 11.51AM

7.2 REQUEST FOR APPROVAL FOR CONCERT - TROY CASSAR DALEY**PURPOSE OF REPORT**

To forward Council request from Troy Cassar-Daley's Manager for him to come to Mapoon for a free concert.

RESOLUTION C020/21

Moved: Cr Cameron Hudson

Seconded: Cr Dawn Braun

1. That Council provides advice and direction to the CEO on this matter.
2. That Council direct the CEO to organize Concert with Concert Managers and Allocated \$7,000 funding from the Council Operational Budget for the Concert.

CARRIED 5/0

7.3 COMMUNITY BUS WRAP DESIGN**PURPOSE OF REPORT**

To seek councils, advise on attached design for Mapoon Community Bus Wrap.

Councillors appreciate the concept and advised that we should get consent from all clans representatives totem displayed in the image. CEO requested support of Councillors as how and Councillor Mara suggested that we reach out to Mokwiri RNTBC, who are the Cultural Heritage representatives for all clan to seek confirmation from clan groups and provide confirmation of approval or disapproval.

RESOLUTION C021/21

Moved: Cr Dawn Braun

Seconded: Cr Cameron Hudson

That council

1. Receive and accepts this report.
2. Direct CEO to liaise with Mokwiri Aboriginal Corporation and seek their permission to use the Totems Art to be imprinted on the Mapoon Community Bus..

CARRIED 5/0

7.4 REQUEST FOR LETTER OF SUPPORT - AUSTRALIA ZOO**PURPOSE OF REPORT**

To seek council direction and advise on Australia Zoo's request for a letter of Support

Discussion – benefit from project to community residents.

Discussion – Australia Zoo's commitment on community tours and number of tours.

RESOLUTION C022/21

Moved: Cr Dawn Braun

Seconded: Cr Cameron Hudson

That Council

1. The Council directs the CEO to negotiate a written commitment or a satisfactory number of tours per year to Mapoon for cultural experiences and to support local entrepreneurs.
2. That Council directs the CEO to acquire further information and strategic plan from Australia Zoo for the business enterprise for which they have asked for letter of support.
3. Council delegates the Mayor to inspect information acquired and if happy direct CEO to draft letter of support.

CARRIED 5/0 AT 12.22PM

Council break for Lunch at 12.35pm

Returned to the Meeting at 1pm

7.5 MAPOON TRANSFER STATION

PURPOSE OF REPORT

To provide an update on Councils request to Old Mapoon Aboriginal Corporation to sell land where Mapoon Landfill is situated.

Councillor Hudson declared COI and left meeting at 1.05pm.

Cost of insurance and suggestion from CEO Chetty to approach OMAC to reconsider insurance of OMAC as land Owner.

Discussion regarding pros and cons on having transfer on OMAC lease or Lot 4.

Councillor Hudson was asked to return to discuss the location of the transfer station before resolution was made.

RESOLUTION C023/21

Moved: Cr Dawn Braun

Seconded: Cr Margaret Mara

1. That Council directs the CEO to write to OMAC advising that Council has decided to build transfer station on Lot 4.
2. Council approves site discussed for the Development of Mapoon's new Transfer Station next to the Airport provided the land discussed has sufficient space in Lot 4.

CARRIED 5/0 AT 1.10PM

Mayor Addo left the meeting at 1.18pm

Mayor Addo returned to the meeting at 1.25pm

7.8 MONTHLY REPORT FOR JANUARY 2021 WORKS DEPARTMENT

PURPOSE OF REPORT

Present to the council a report program performance and operational actions for the previous month. This report contains listed activities and points for decisions in the council meeting.

7.11 FLEET AND WORKSHOP REPORT

PURPOSE OF REPORT

Monthly Report

RESOLUTION C024/21

Moved: Cr Margaret Mara

Seconded: Cr Dawn Braun

That the Council receive and take note of the Works Manager's Monthly Report and the Fleet & Workshop Report for January 2021.

CARRIED 5/0 AT 1.29PM

7.9 DEVELOPMENT APPLICATION - MAPOON GENERAL STORE**PURPOSE OF REPORT**

Planning Approval

- Reconfiguration of a Lot creating Lot 172 SP321486 cancelling Lot 36 SP313350 and
- Material Change of Use for General Store (Business Activity-Shop) and
- Operational Works for Clearing of vegetation

RESOLUTION C025/21

Moved: Cr Margaret Mara

Seconded: Cr Daphne de Jersey

1. 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), assessment manager's advice in (D), relevant period in (E), further permits 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 172 and Lot 36
- Development Permit for Material Change of Use for General Store (Business Activity-Shop)
- Development Permit for Operational Works for Clearing of vegetation

(B) APPROVED PLANS:

Plan	Document Title	Prepared by	Dated
SP321486	Survey Plan of Lots 172 & 36 cancelling Lot 36 on SP321485	RPS	27-08-2020
1807-2.1	Architectural Plans Site Plans	Myriad Design	18-11-2020
1790-4.1	Architectural Plans Ground Floor Plan	Myriad Design	21-09-2020
1790-4.2	Architectural Plans First Floor Plan	Myriad Design	21-09-2020

1790-8.1	Architectural Plans Elevations/Sections	Myriad Design	21-09-2020
1790-8.2	Architectural Plans Elevations/Sections	Myriad Design	21-09-2020
1807-2.1	Architectural Plans Wastewater treatment Concept	Myriad Design & Gilboy Hydraulics	30-

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

MATERIAL CHANGE OF USE CONDITIONS

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. Hours of Operation
 - 7.1. Work involving the construction will only be carried out on site during the following times:
 - 7.00am to 6.00pm, Monday to Friday;
 - 7.00am to 1.00pm, Saturday.

- No construction work is permitted on Sundays or Public Holidays.
- Any variations to the above working hours must be authorised by the Chief Executive Officer, prior to the commencement of such works.

8. The operation of the facility shall be undertaken generally within the following hours of operation, unless alternative arrangement are approved by the Executive Manager – Engineering Services or CEO:

- Mon – Sunday 6.00am to 10pm

RECONFIGURATION OF A LOT AND OPERATIONAL WORKS (VEGETATION CLEARING) COMPONENTS

9. General

9.1. 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.

9.2. 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.

9.3. 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.

9.4. 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.

9.5. 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.

10. Timing of Effect

10.1. 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.

11. Infrastructure Services and Standards

11.1. 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.

11.2. 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.

11.3. 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.

11.4. 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.

12. Erosion and sediment control

Erosion and sediment control measures which are in accordance with the fnqroc guidelines are to be installed and maintained to prevent the release of sediment to tidal waters.

(D) 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

(E) 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); and
- Material Change of Use - six (6) years (starting the day the approval takes effect)
- Operational Works - two (2) years (starting the day the approval takes effect)

(F) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Development Permit for Building Work

CARRIED 5/0 AT 1.30PM

Tom Smith departed the meeting at 1.31pm

Elzbie Groenewald arrived at the meeting at 1.32pm

7.7 EXECUTIVE FINANCE MANAGER JANUARY 2021 REPORT

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

Elzbie Groenewald was invited into the meeting at 1.32pm

Discussion on finance report and 10 year financial forecast, organisational structure, budgeting and staff wages.

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RESOLUTION C026/21

Moved: Cr Dawn Braun

Seconded: Cr Daphne de Jersey

That Council endorses the following:-

1. Financial Reports for the financial period January 2021.

CARRIED 5/0 AT 2.10PM

Meeting break at 2.10pm

The Store Manager Dale Pye arrived at 2.15pm

Return from break 2.22pm

7.6 STORE REPORT**PURPOSE OF REPORT**

To advise Council of the operations of the Store.

Store Manager in 2.22pm

Introduction to Councillors

Discussion – Store Operation, meat fruit and veg

Stock take and error in data entry of coke which has shown a large stock right-off, which he believes would be rectified in the March stock take which will be done with the internal auditors

Loss of the store and issues around coke discrepancies.

CEO Chetty highlighted that the loss has been identified that according to council reports:

December 2020 – loss - \$47,000

January 2021 – loss of \$85,000

February 2021 – loss of \$145,000

Whereas in

September 2020 - profit \$42,000

October 2020 – profit \$27,000

November 2020 – profit \$30,000

Which were months which should show larger losses as these months we employed people from Cairns to deliver services – cost of flight, relocation and overtime. From December 2020 we had full time managers which and there has been system changes. Finance, Royleen (upon her return) and Store Managers to work closely to resolve issue, which the CEO believes is data entry.

RESOLUTION C027/21

Moved: Cr Margaret Mara

Seconded: Cr Dawn Braun

That Council approve the Store Manager's report as tabled and read.

CARRIED 5/0 AT 2.43PM

Dale Pye left the meeting at 2.43pm

7.10 ENVIRONMENTAL SERVICES REPORT**PURPOSE OF REPORT**

To present to the council a report of Program Performance and Operational actions for the previous month. This report contains listed points for decisions in the Council Meeting.

RESOLUTION C028/21

Moved: Cr Margaret Mara

Seconded: Cr Daphne de Jersey

That Council accept the Environmental Services Report as tabled and read.

CARRIED 5/0 AT 3.00PM

7.12 HR, MEDIA AND PAYROLL REPORT**PURPOSE OF REPORT**

To advise Council on the operations of the HR/Payroll Department

RESOLUTION C029/21

Moved: Cr Margaret Mara

Seconded: Cr Dawn Braun

That Council accept the HR Manager's Report as tabled and read.

CARRIED 5/0 AT 3.14PM

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

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

RESOLUTION C030/21

Moved: Cr Margaret Mara

Seconded: Cr Cameron Hudson

That the Community Services- Playgroup Report be read and accepted.

CARRIED 5/0 AT 3.20PM

7.14 COMMUNITY AGED AND DISABILITIES SERVICES**PURPOSE OF REPORT**

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

RESOLUTION C031/21

Moved: Cr Margaret Mara

Seconded: Cr Dawn Braun

That this Community Services report be read and accepted.

CARRIED 5/0 AT 3.28PM

7.15 NEW AGED CARE NAMING**PURPOSE OF REPORT**

For Mapoon Aboriginal Council to approve of Naming of New Aged Care.

RESOLUTION C032/21

Moved: Cr Margaret Mara

Seconded: Cr Dawn Braun

That this New Aged Care Naming report be read, discussed, and approved. Council approved the name Chakara -The Blue Bone Fish

CARRIED 5/0 AT 3.41PM

8 ANY OTHER BUSINESS

Nil

9 CORRESPONDENCE IN

Nil

10 CORRESPONDENCE OUT

Nil

11 NEXT MEETING DATE

Proposed date for next meeting is Tuesday 16 March 2021

12 CLOSE MEETING

The Meeting closed at 4.00pm

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on .

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CHAIRPERSON