



WUJAL WUJAL ABORIGINAL SHIRE COUNCIL

ABN 67 237 799 120

Council Special Meeting Minutes

7 May 2019

My Pathways Training Room

11:35am – 1:26pm

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1. WELCOME / MEETING OPENING

Mayor Tayley declared the meeting open at 11:35 am.
Opening Pray

The Mayor ask the Council if there were any apologies for the meeting and reminded councillors of the need to declare any conflicts of interest as required for items in the meeting. Cr Creek is on his way. Welcome to Council staff present

2. ATTENDANCE AND APOLOGIES

Members Present:	Cr Desmond Tayley, Mayor (Chair) Cr Reagan Kulka Cr Vincent Tayley Cr Bradley Creek
Apologies:	Cr Robert Bloomfield, Deputy Mayor
Officers/Staff:	Eileen Deemal-Hall, Chief Executive Officer (CEO) Susanne Andres, A Director Finance and Innovation Trevor Gormley, A Director Economic and Community Development (DECD) Victor Mills, Director Works and Services
Observers and Presenter:	Ms Eleanor Scott – Preston Law [Council Law Firm]

Resolution:	That Council notes Deputy Mayor apologies and grant leave of absence due to illness who called both Mayor Desmond Tayley and Cr Creek	
Moved:	Cr Desmond Tayley [Mayor]	Carried Unanimous
Seconded:	Cr Bradley Creek	
Decision No:	N/A	

No.	Assigned to	Action
1	Deputy Mayor	Letter required from treating medical officer for previous absences – to be tabled at next full council meeting

3. Declarations of Interests

3.1 – Declaration of material personal interest on any item of business

Pursuant to Section 172 of the *Local Government Act 2009*, {3} declarations of material personal interest were made during this meeting.

Details of declarations are as follows: (Delete if not required)

Name of Councillor – Cr Desmond Tayley - Mayor
details of declaration - Chair of Jabalbina Corporation – [PBC]

Name of Councillor – Cr Vincent Tayley
details of declaration - Employee of Jabalbina Corporation – [PBC]

Name of Councillor – Cr Bradley Creek
details of declaration - Employee of Jabalbina Corporation – [PBC]

3.2 – Declaration of conflict of interest on any item of business

Pursuant to Section 173 of the *Local Government Act 2009*, {3} declarations of conflict of interest were made during this meeting.

Details of declarations are as follows: (Delete if not required)

Name of Councillor – Cr Desmond Tayley - Mayor
details of declaration- Chair of Jabalbina Corporation [PBC]

Name of Councillor – Cr Vincent Tayley
details of declaration- Employee of Jabalbina Corporation [PBC]

Name of Councillor – Cr Bradley Creek
details of declaration- Employee of Jabalbina Corporation [PBC]

3.3 - Registers of interest

Councillors encouraged to review their Registers of Interests and Related Parties Disclosures.

4. Jabalbina Project Proposal – Applying s.5(2)(d) of the Planning Act 2016 to the Wujal Wujal DOGIT and Eastern Kuku Yalanji estate. Queensland Government Funding Proposal

Start Time – 12:26pm – 12:50pm

Ms Eleanor Scott went through with the Council over the proposal that was done by Jabalbina for the Department of State Development – Innovation and Improvement – round 2.

Original Proposal was not approved; however, the department has asked for a modified proposal. Please see exert from the original application.

This proposal seeks to create fit for purpose planning policies for Douglas, Cook and WWASC that applies s.5(2)(d) of the *Planning Act 2016* for Eastern kuku Yalanji (EKY) lands.

Cook and Douglas Shires have made provision for EKY lands as Local Plans within their respective planning schemes, however, notes that in the absence of detailed individual detailed precinct plans, the Local Plan will be subject to future planning scheme amendments. Moreover, the WWASC planning scheme makes no provision for the development of DOGIT lands on the south side of the Bloomfield River. However, the Dept of Aboriginal and Torres Strait Islander Partnerships (DATSIP) has recently prepared a non-statutory Master Plan for residential and economic development within the Shire, but with no detailed development outcomes for the Deed of Grant in Trust (DOGIT) lands on the south side of the Bloomfield River. These lands are adjacent to the Wet Tropics Management Plan (WTMP) 'Pink Zone' (see Attachment 1. Background report and maps for overview and location of the Pink Zones), are in both Douglas and Cook Shires, and fall within the EKY nation estate. To create effective planning strategies that value, protect and promote EKY knowledge, culture and tradition, the EKY nation estate must be considered as one planning area.

In essence, no detailed planning assessments have been undertaken for the EKY lands within the case study locations to guide where development may or may not occur (including type, scale and intensity) to meet the various statutory obligations. These have been purposely deferred until the EKY prepare and submit their own plans for consideration. This proposal addresses the absence of detailed plans for EKY lands in the case study area, applies s.5(2)(d) to create these 'fit for purpose' plans, and addresses the gaps in the Douglas, Cook, WWASC and the WTMP (as a Co-operative Management Agreement).

Council CEO requested that Council law firm Preston Scott provide independent advice to the Elected members regarding the proposed planning project to ensure Material Personal Interests and or Conflict of Interests were identified and transparently declared.

Jabalbina CEO has previously provided advice to Councillors that there were none exposed to Material Personal Interests and or Conflict of Interests. CEO council requested that Preston law which acts on behalf of Wujal Wujal Aboriginal Shire Council to present at the special meeting pertaining to the proposal. Therefore, ensuring Elected Members had information from both parties.

Key Points Raised during the Overview.

1. Looking at the arrangements – statutory financial arrangements, Type 1 Financial arrangements and ministerial arrangements – council is not a corporation and therefore would need to consider how it administers the grant and if over a threshold would need to go to tender.
2. Conflicts – Perceived and or actual.

Mayor – Conflict of Interest, Mayor of Council, Chair of Jabalbina. Possible impact on decision for community

Material Personal Interest – Cr Vincent Tayley and Cr Bradley Creek as employees of Jabalbina

However, if there was work done by Jabalabina on land areas that would be of benefit to Mayor and or other councillors again could be considered MPI

Strategies and or Considerations

1. Possible for Council with Jabalbina and or participating Councils, Douglas Shire and Cook Shire to set up Set up Standing Committee. This committee could ensure transparency for conflicts whilst also make decisions on behalf of council
2. Advisor Committee could include Cr Kulka, Cr Bloomfield [Deputy Mayor]
3. Example to look at is Cairns City Council with how the council manages conflict – officer then reports back to the full council
4. Jabalbina Project already proposes a working group
5. Based on current councillor involvement both from a board and or employment sense – there would be a ‘perceived’ conflict of interest and this will need to be managed if the project is to be progressed
6. Given possible Material Personal Interest from a board and council perspective for Mayor and councillors – already some councils have decided to delegate to CEO. Then additionally WWASC could write to Minister regarding project and possible strategies to mitigate the risk of actual and or perceived conflicts
7. As there are three shire councils – opportunity for joint arrangement including auspicing of funds
8. Mindful of legislation lens. And what the Integrity Commissioner and also the independent assessor.
 - Board Interest
 - Development Interest
 - Delegate

Next Steps

1. Preston Law – Eleanor Scott to investigate possible options for council to consider ready for 14 May 2019 Special meeting – as this is a time critical project this will need to be reviewed by WWASC within a timely manner
2. Council to delegate CEO to commence work
3. CEO to approach the other Shire Council – Cook Shire and Douglas Shire Council as part of the Joint Arrangement proposal
4. Letter to Minister to be done by Eleanor Scott on behalf of Council – outlining that facilitating of funding through another shire council is possible
5. Council to direct CEO to work with Department of Aboriginal and Torres Strait Islander Partnerships – DATSIP as part of Council’s Master Plan process in tandem with the proposed Jabalbina project

6. CEO to confirm with Jabalbina – as the project amount will be over Council's threshold – was there a tender process or 3 quotes utilised before monies are auspice – possible Local Buy panel tender arrangement etc?

For Noting:

Wujal Wujal Aboriginal Shire Council to note the following Actions

1. Council note actions as proposed by Eleanor Scott
2. Note for Draft copies of minutes to go upon website until final is signed
3. A special council meeting to be done from 1-5pm 14th of May 2019

Actions

No.	Assigned to	Action
2	CEO/ Preston Law	Provide legal advice on proposed steps for WWASC to ensure transparency in relation to proposed Jabalbina Project

5. Notice on Motion from Cr Desmond Tayley [Zig Zag road and Outstation Access] Victor Mills Program Presentation

REPORT ON FLOOD DAMAGE WORKS

WATER, WASTEWATER AND EMERGENCY MANAGEMENT NETWORK RECTIFICATION WORKS

This Report addresses the Factor UTB offer to complete rectification and mitigation measures of the electrical infrastructure of the Water and Waste Water infrastructure which was damaged due to the flood event on 26/01/2019.

Factor UTB are approximately 4 weeks behind their promised scheduled date of mobilisation to site due to delay in delivery of the main switchboard chassis'. Factor UTB have completed all off-site electrical works and fabrication except for the installation of the completed backboards into the main switchboards.

Once Factor UTB receive the switchboard chassis this work will take 1 day to complete. The final off site fabrication to be completed is the two platforms which will be completed by the end of the week. Factor UTB have a truck schedule to pick the elements and materials up the week 20 May who will drive direct to Wujal Wujal.

Factor UTB expect to be on site by 29th May 2019. The works will take 14 - 21 days to complete. Due to delay of delivery of the switchboard chassis' Factor UTB will need to attend site twice. The first attendance (by 29th May) 85% of the works will be completed over a 14-21-day period.

We will then leave site and return once the switchboard chassis are complete, expected sometime in June. As soon as they are complete and have been shipped to site Factor UTB will again mobilise to site and complete the installation. The second stage of site works will take 3 - 5 days to complete.

Project Cost Breakdown – 'Like for Like'

Project Management, Quality Assurance and Documentation including Electrical Drawings and PLC/SCADA Programming	\$ 69,037
Water Intake Works – Material and Labour Including Removal of Existing.	\$ 138,925
Main Sewage Pump Station – Materials and Labour Including Removal of Existing.	\$ 134,075
Weather Station – Switchboard and Instrumentation	\$ 47,690
Secondary Sewage Pump Stations	\$ 45,300
Emergency Management Network - Material and Labour Including Removal of Existing.	\$ 55,893
Sub-Total	\$ 490,920
GST	\$ 49,092
TOTAL	\$ 540,012

Project Cost Breakdown – Recommended Resiliency Work

Water Intake	\$ 78,626
Main Sewage Pump Station	\$ 75,113
Weather Station	Nil
Secondary Sewage Pump Stations	Nil
Emergency Management Network	\$ 55,781

Sub-Total	\$ 209,520
GST	\$ 20,952
TOTAL	\$ 230,472

Risk Management Implications

Council needs to decide regarding VQ2 asap as it will impact the project schedule. We understand that a decision is dependent on recently applied for funding. There is added cost of approximately 220k for this variation Order, which will bring a new approx.. total 770k + 230k = 1m.

Art Centre and Sports Facility

- Art Centre – where are we at, when is the completion date? – Topcon Builders (Insurance Contractors) demolished what they believed was required for the Hygienist to inspect.
- Contractors met the Hygienist on site on Wednesday 17th of April. Hygienist issued Contractors with a report on 25th of April. Hygienist gave Contractors a direction for more demolition work. Mid next week I will have a more accurate timeline in which I will advise the CEO on.
- Sports complex – where are we at, when is the completion date? – Full demolition has been completed, the plumber will be installing new shower breaches next week and the tiler is booked in for the following week.
- Contractors are currently waiting on quotes for the shower / partition Laminate doors, once they have this, they will know a completion date. Mid next week I will have a close estimate for CEO

Waterfall Road

- This has been assessed on four occasions by SES, Hydrologists, QRA, LG Insurance and Major General Stuart Smith.
- WWASC will reinstate carriageway for safety, this work will have to be invoiced as DRFA.
- Awaiting delivery of gabion baskets.
- Once approval from DRFA then it will be Minor Capital Project to reinstate carriageway from the Art Centre to Waterfall Car Park.

Waterfall Walking Track

- Discussions with My Pathway to clear all defective concrete, reinstate with sand until further funding will permit to include the construction of a safer path.
- Recommendation to construct recycled plastic Pathway which is highly robust in this environment and is much safer for users, handrails can be included, there will be a kick board as an edge retainer, have constructed similar in Cattanna Wetlands Cairns.

Bridge Area

- Cleared all damaged signages.
- Patched up areas that was washed out.
- Requested DRFA funds to reinstate Bitumen.
- Procured traffic signs to replace.
- Discussing with Private businesses on their sign replacement.

Ovals (Southside)

- Discussions with QRA and Major General Smith, is to excavate 400 – 600 mm on both ovals, remove all waste material and grass that has been introduced with the flood and replace with selective fill.
- Awaiting on response from QRA.

Earth Drains and Crossovers

- Now we have seen the last of the bigger storms, we will commence reinstating these newly identified drains back to shallow inverts.
- Large rocks are being sourced to carry out these works 200+.
- Similar works to continue at the back of the Kindy, where the hydraulics of the overland flow have damaged the catchments and spread rocks in a wider area.

Depot Gates

- Double gates at the entry between the Service station and depot office will be relocated to the back entrance which was damaged with the stolen vehicle, palings will be in place of gates.

Kindy Sails

- Sails have been replaced at the Kindy under insurance claim, at this time we cannot modify the set up on the main poles for lowering the sails in disaster events, we had to replace like for like.
- Future works is to add the components to the poles, shade sail over the sandpit and a cover for the sandpit.

Other Capital Projects

NDRRA 13.18 Cape Tribulation - Bloomfield Road
NDRRA 13.18 China-Camp Road
NDRRA 13.18 Outstation Access Road
NDRP 12.18 Place of Refuge
NDRRA 10.17 China-Camp Road
CYIF Waste Transfer Station – Discuss reducing scope, tomorrow ??
CYIF Boat Ramp
Boat Ramp Design & Tender Docs - Complete
Boat Ramp Concrete Works – adjacent drain R2R?
CYIF Water Main Xing Bridge
Water Supply Bridge Crossover
ICCIP Replace fencing and construct roof over generator
ICCIP Wastewater, multiple
ICCIP Waste RPEQ
ICCIP SPS replace pumps(50k); major upgrade of treatment plant
ICCIP Replace membranes elements
ICCIP Replace emergency generator

These Projects above are with Orion Consultants as Project Managers/Engineers, have requested a report from them for this meeting.

Housing

- Fencing of Southside Houses, are at Procurement stage, first delivery is this week of all the posts, the runner pipes top and bottom, mesh will be delivered on availability.
- Driveways Southside, have sent another request to Housing department on their final decision for the funding, initially Housing department was going to fund all the works from the crossovers at the road to the carports at the houses, at Tender they have come back to Council saying that the funding will only be for the construction within the boundaries of the houses, Council is in no situation to fund the larger scope of the works, awaiting their response.

Service Connections

DT

- At procurement stage, have requested quotes from licence plumbers to construct, once construction commence all connections will be completed within two months.

Service Station Upgrade

- Ready to commence procurement for the upgrade of existing Service Station, upgrade to a more commercial set up.

Action - Letter to Minister for Housing and Public Works to discuss issues over southside driveways.

1:25pm Cr Bradley Creek left room

1:26pm Cr Bradley Creek returned

6. NEXT MEETING

The next Council Special Meeting is to be held on 14 May 2019

7. MEETING CLOSE

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

The meeting closed at. 1:26pm


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Councillor Desmond Tayley [Mayor }

30 , 07 , 2019