



Mission

East Arnhem Regional Council is dedicated to promoting the power of people, protection of community and respect for cultural diversity in the East Arnhem Regional Council. It does this by forming partnerships, building community capacity, advocating for regional and local issues, maximising service effectiveness and linking people with information.

Core Values

Respect
Professionalism
Human Dignity
Organisational Growth
Equity
Community

MINUTES FOR THE SPECIAL MEETING

30 July 2021

OFFICIAL OPENING – 10:43AM

ATTENDANCE AND APOLOGIES

In Attendance:

The President, Kaye Thurlow in the Chair and Councillors Gordon Walsh, David Djalangi, Jason Mirritjawuy, Joe Djakala, Djuwalpi Marika, Lapulung Dhamarrandji and Yirmal Marika, Evelyn Dhamarrandji.

Cr Elliot Bara arrived at 1:42 pm

Cr Wesley Bandi Wunungmurra arrived at 1:42 pm

East Arnhem Regional Council Representatives

Dale Keehne – CEO, Shane Marshall – Director Technical and Infrastructure Services, Andrew Walsh – Director Community Development and Michael Freeman – Corporate Services Manager

Minute Taker – Candice O’Halloran – Acting Governance, Local Authorities and Communication Manager

Apologies:

ACCEPTANCE OF ATTENDANCES AND APOLOGISES

RESOLVED (David Djalangi/Djuwalpi Marika)

That Council notes:

- a) Cr Yananymul Mununggurr, Cr Wesley Bandi Wunungmurra, Cr Elliot Bara, Cr Bobby Wunungmurra are absent from Council.
- b) Cr Yananymul Mununggurr, Cr Wesley Bandi Wunungmurra and Cr Elliot Bara has provided an verbal apology.
- c) Cr Yananymul Mununggurr, Cr Wesley Bandi Wunungmurra, Cr Elliot Bara, Cr Bobby Wunungmurra are absent from Council with permission.

For:

President Kaye Thurlow ,Councillors Gordon Walsh, David Djalangi, Jason Mirritjawuy, Joe Djakala, Deputy President Djuwalpi Marika, Lapulung Dhamarrandji and Yirmal Marika, Evelyn Dhamarrandji.

Against:

Nil

REPORTS OF OFFICERS

9.2 DECLARATION OF REGISTERED INTEREST REGISTER

RESOLVED (Joe Djakala/Djuwalpi Marika)

That Council notes the Conflict of Interest and Related Parties Register and no Change is to be made, or Conflict of Interest declared.

For:

President Kaye Thurlow ,Councillors Gordon Walsh, David Djalangi, Jason Mirritjawuy, Joe Djakala, Deputy President Djuwalpi Marika, Lapulung Dhamarrandji

and Yirmal Marika, Evelyn Dhamarrandji.

Against:
Nil

9.1 ELECTED MEMBERS ATTENDANCE

RESOLVED (Jason Mirritjawuy/Evelyn Dhamarrandji)

That Council notes the running attendance register for Elected Members 2020-2021.

For:
President Kaye Thurlow ,Councillors Gordon Walsh, David Djalangi, Jason Mirritjawuy, Joe Djakala, Deputy President Djuwalpi Marika, Lapulung Dhamarrandji and Yirmal Marika, Evelyn Dhamarrandji.

Against:
Nil

9.3 LOCAL AUTHORITY RESIGNATIONS, REVOCATIONS AND NOMINATIONS

RESOLVED (Lapulung Dhamarrandji/Joe Djakala)

That Council:

- a) Notes and accepts the resignations received from David (Maylia) Maymuru during the period.
- b) Accepts and endorses the recommendations of the Yirrkala Local Authority to appoint Adrian Gurrwiwi and Dennis Wukun as Local Authority members.

For:
President Kaye Thurlow ,Councillors Gordon Walsh, David Djalangi, Jason Mirritjawuy, Joe Djakala, Deputy President Djuwalpi Marika, Lapulung Dhamarrandji and Yirmal Marika, Evelyn Dhamarrandji.

Against:
Nil

9.5 FINANCE REPORT 30 JUNE 2021

SUMMARY:

To provide Council with the Financial Management Reports for the period ended 30 June 2021.

RESOLVED (Lapulung Dhamarrandji/Evelyn Dhamarrandji)

That Council:

- 1) Receives the Financial Report as of 30 June 2021.
- 2) Notes
 - a. the carryover grants list
 - b. the other carryover funds for training and local laws
 - c. the use of funds to balance project overspends
 - d. the transfers to/from Reserves

For:

President Kaye Thurlow ,Councillors Gordon Walsh, David Djalangi, Jason Mirritjawuy, Joe Djakala, Deputy President Djuwalpi Marika, Lapulung Dhamarrandji and Yirmal Marika, Evelynna Dhamarrandji.

Against:
Nil

DECISION TO MOVE TO CLOSED SESSION

RESOLVED (Lapulung Dhamarrandji/Djuwalpi Marika)

Members of the press and public be excluded from the meeting of the Closed Session and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld. This action is taken in accordance with Section 10A(s) of the Local Government Act, 2008 as the items lists come within the following provisions:-

For:
President Kaye Thurlow ,Councillors Gordon Walsh, David Djalangi, Jason Mirritjawuy, Joe Djakala, Deputy President Djuwalpi Marika, Lapulung Dhamarrandji and Yirmal Marika, Evelynna Dhamarrandji.

Against:
Nil

11.1 FT2021.05

Maintenance, Repairs and Servicing of Council Fleet for EARC Procurement Panel - *The report will be dealt with under Section 65(2), Regulation 8 (c)(I) of the Local Government Act and Local Government (Administration) Regulations. It contains information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.*

11.2 RFT1879-2102

Lot 79 Yirrkala - Oval Shade Shelter Installation - *The report will be dealt with under Section 65(2), Regulation 8 (c)(I) of the Local Government Act and Local Government (Administration) Regulations. It contains information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.*

11.3 FT2122.05

Supply of Mowers - *The report will be dealt with under Section 65(2), Regulation 8 (c)(I) of the Local Government Act and Local Government (Administration) Regulations. It contains information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.*

11.4 FT2122.02

Supply of Tractors - *The report will be dealt with under Section 65(2), Regulation 8 (c)(I) of the Local Government Act and Local Government (Administration) Regulations. It contains information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.*

11.5 RFT17258-2104

Lot 258 Galiwinku Roof Replacement and Associated Works - *The report will be dealt with under Section 65(2), Regulation 8 (c)(I) of the Local Government Act and Local Government (Administration) Regulations. It contains information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.*

11.6 Audit for 2020/21 - *The report will be dealt with under Section 65(2), Regulation 8 (c)(iv) of the Local Government Act and Local Government (Administration)*

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN THE NHULUNBUY
COUNCIL OFFICE ON FRIDAY, 30 JULY 2021 AT 10:00AM

Regulations. It contains information that would, if publicly disclosed, be likely to prejudice the interests of council or some other person.

Cr Elliot Bara returned to the meeting, the time being 01:42 PM

Cr Wesley Bandi Wunungmurra returned to the meeting, the time being 01:42 PM

RESUMPTION OF MEETING

RESOLVED (Elliot Bara/Lapulung Dhamarrandji)

That the decisions of Closed Session be noted as follows:-

That Council:

(a) Endorse the below recommended Procurement Panel of Mechanics for a period of 24 months, with an option to extend for 12 months as per their Schedule of Rates.

- **Darkys Mechanical Services**
- **Dinybulu Regional Services**
- **Gebie Civil and Construction**
- **Gove Rentals and Mechanical**
- **Gove Toyota**
- **Hastings Deering**
- **NHAWE Enterprises Pty Ltd**
- **Pacific Diesel Services Pty Ltd**

(b) Endorse the recommendation to award RFT1879-2102 - Lot 79 Yirrkala - Oval Shade Shelter Installation to the recommended Contractor DICE Aust Pty Ltd for \$122,263.00 (including GST).

(c) Endorse the recommendation to award FT2122.05 – Supply of (4) Mowers to the recommended supplier Airpower NT Pty Ltd for \$134,564.00 (GST Inclusive).

(d) Approves an additional unit at the schedule rate to the (4) units mention to Milykaborra.

(e) Endorse the recommendation to award FT2122.02 - Supply of (2) Tractors to the recommended supplier Airpower NT Pty Ltd for \$126,446.00 (GST Inclusive).

(f) Please Note – Additional \$10,506.00 (GST Inclusive) over Budget Cost involved in this supply, will come out of the Fleet Capital Purchase Budget for 2021/22.

(g) Endorse the recommendation to award RFT17258-2104 – Lot 258 Galiwinku Roof Replacement and Associated Works to the recommended Contractor WTD Constructions for \$78,080.00 (Including GST).

For:

President Kaye Thurlow ,Councillors Gordon Walsh, Elliot Bara, Wesley Bandi Wunungmurra, David Djalangi, Jason Mirritjawuy, Joe Djakala, Deputy President Djuwalpi Marika, Lapulung Dhamarrandji and Yirmal Marika, Evelynna Dhamarrandji.

Against:

Nil

9.4 ANNUAL PLAN 2021-22 AND RATES/CHARGES

SUMMARY:

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN THE NHULUNBUY
COUNCIL OFFICE ON FRIDAY, 30 JULY 2021 AT 10:00AM

This is the adoption of the Annual Plan 2021-22 and the setting of Rates and Charges.

RESOLVED (Elliot Bara/Joe Djakala)

That:

- (a) The Certificate in terms of Regulation 24 (1) of the Local Government (Accounting) Regulations, as tabled by the Chief Executive Officer at this Council Meeting regarding Assessment Record and Record of Rates, be received and noted.**
- (b) Council adopts the 2021/22 Regional Plan, noting that it includes the Council's Annual Service Delivery Plan as the basis of deliverables to the Region for 2021/22, the 2021/22 Annual Budget to be effective from 1 July 2021 to 30 June 2022, and 2021/22 Fees and Charges to be effective from 1 July 2021 to 30 June 2022.**
- (c) Council declares Rates and Charges for 2021/22 as per the following declaration:**

Notice is hereby given that pursuant to section 158 of the Local Government Act 2008 /("the Act"), that the following rates and charges are declared by East Arnhem Regional Council ("Council") at the Council meeting held on 30 July 2021 in respect of the financial year ending 30 June 2022.

RATES

Council declared that in accordance with section 155 of the Act, (permitted by LGACT 2019 section 362) it intends to raise for general purposes the amount of \$4,343,314 by way of rates.

The basis of determining the rates in accordance with section 148 are a combination of fixed charge (or fixed charges) and a valuation-based charge and noting that:

- i. differential valuation based charges with differential minimum charges may be fixed for allotments; and/or
- ii. differential fixed charge for each allotment.

1. MINING TENEMENTS

Pursuant to Section 149 of the Act Council adopted the Unimproved Capital Value (UCV) method as the basis for determining the assessed value of allotments within the Council area for mining tenements.

With respect to all mining tenements within the Council area pursuant to section 142(2) of the Act and the Ministers notice published in the Gazette (No G17), a differential rate of 0.003475 of the assessed value of all land occupied under a mining tenement but subject to a specified minimum rate of \$890.96.

2. RESIDENTIAL

For each allotment within the Council area classified as residential in the Assessment Record, a fixed rate of \$2,919.41 per annum.

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN THE NHULUNBUY
COUNCIL OFFICE ON FRIDAY, 30 JULY 2021 AT 10:00AM

3. COMMERCIAL

For each allotment within the Council area classified as commercial in the Assessment Record, a fixed rate of \$3,457.25 per annum.

CHARGES

4) Pursuant to section 157 of the Act, Council declares a charge of \$1,863.80 per annum in respect of the garbage collection services it provides, or is willing and able to provide, to each allotment classified as residential or commercial in the Council's Assessment Record and for the purpose of assisting the Council to pay for such services which benefit the occupiers of such land.

Council intends to raise \$2,708,101 by the application of these service charges.

The garbage collection service comprises a twice weekly kerbside collection of the contents of a maximum of:

- i. two 240 litre mobile bins for each allotment classified as residential in the Council's assessment record.
- ii. one 240 litre mobile bin for each allotment classified as commercial in the Council's assessment record.

Garbage collection service charges are applicable regardless of whether the available service is utilised.

INTEREST RATE FOR LATE PAYMENT

5) The relevant interest rate for the late payment of rates and charges is fixed in accordance with Section 162 of the Act at the rate of 12% per annum and is to be calculated on a daily basis on the amount in default (exclusive of interest) from 28 days after the date of issue of rate notices until the date payment is made.

PAYMENT

6) The rates and charges under this declaration must be paid in full within 28 days of the issue of rates notice and the subsequent delivery of that notice in any manner provided for in section 159 of the Act.

Payments falling due on a weekend or public holiday may be paid by the following business day, without incurring any late payment interest.

A ratepayer who fails to pay rates and charges in accordance with this declaration may be sued for recovery of the principal amount of the rates and charges, late payment interest, and costs reasonably incurred by Council in recovering or attempting to recover the rates and charges.

Notes:

A copy of the assessment record is available for inspection, free of charge, at any of the Council's public offices. A person may apply to the Council for the correction of an entry in the assessment record.

A person who either becomes or ceases to be the principal ratepayer for a particular allotment within the Council area must, within 28 days of doing so, give the CEO written notice of that fact. In the case of becoming the principal ratepayer, the person's postal address must also be included in the written notice.

If the principal ratepayers postal address changes, the principal ratepayer must, within 28 days of the change, give the CEO written notice of the new address.

Dale Keehne

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN THE NHULUNBUY
COUNCIL OFFICE ON FRIDAY, 30 JULY 2021 AT 10:00AM

Chief Executive Officer

For:

President Kaye Thurlow ,Councillors Gordon Walsh, David Djalangi, Jason Mirritjawuy, Joe Djakala, Deputy President Djuwalpi Marika, Lapulung Dhamarrandji and Yirmal Marika, Evelynna Dhamarrandji.

Against:

Nil

DECISION TO MOVE TO CLOSED SESSION

RESOLVED (Evelyna Dhamarrandji/Joe Djakala)

RESOLVED

Members of the press and public be excluded from the meeting of the Closed Session and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld. This action is taken in accordance with Section 10A(s) of the Local Government Act, 2008 as the items lists come within the following provisions:-

For:

President Kaye Thurlow ,Councillors Gordon Walsh, Elliot Bara, Wesley Bandi Wunungmurra, David Djalangi, Jason Mirritjawuy, Joe Djakala, Deputy President Djuwalpi Marika, Lapulung Dhamarrandji and Yirmal Marika, Evelynna Dhamarrandji.

Against:

Nil

11.7 CEO Review - *The report will be dealt with under Section 65(2), Regulation 8 (a) of the Local Government Act and Local Government (Administration) Regulations. It contains information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual.*

11.8 Inquiry into Local Decision Making - Council Submission - *The report will be dealt with under Section 65(2), Regulation 8 (c)(iv) of the Local Government Act and Local Government (Administration) Regulations. It contains information that would, if publicly disclosed, be likely to prejudice the interests of council or some other person.*

RESUMPTION OF MEETING

RESOLVED

For:

President Kaye Thurlow ,Councillors Gordon Walsh, Elliot Bara, Wesley Bandi Wunungmurra, David Djalangi, Jason Mirritjawuy, Joe Djakala, Deputy President Djuwalpi Marika, Lapulung Dhamarrandji and Yirmal Marika, Evelynna Dhamarrandji.

Against:

Nil

MEETING CLOSURE

The meeting closed at 1:54 pm.

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN THE NHULUNBUY
COUNCIL OFFICE ON FRIDAY, 30 JULY 2021 AT 10:00AM

This page and the preceding 8 pages are the minutes of the Special Meeting held on Friday, 30 July 2021 and are to be confirmed.