



Northern Peninsula Area Regional Council

MINUTES OF NPARC ORDINARY MEETING NUMBER 30 - Umagico Chambers

Notification Date:	Tuesday 6 th July 2010
Meeting Date	Tuesday 3 rd August 2010
Meeting Location	Umagico Chambers
Time	9:00am
Catering	Morning Tea and Lunch will be provided

Mayor and Councillors

Cr Joseph Elu	(Mayor)
Cr Gina Nona	(Division 1)
Cr Peter Lui	(Division 2)
Cr Reg Williams	(Division 3)
Cr Michael Bond	(Division 4)
Cr Jeffrey Aniba	(Division 5)
CEO	Stuart Duncan
Deputy CEO	Danny Sebasio
Secretary	Esme Newman

Welcome and Declare Meeting Open - Mayor 9:15am

- Apologies
Nil
- Declaration of Conflicts of Interest

Cr Elu declared a potential conflict of interest with himself and Cr Williams being members of the NRM Body. Cr Elu informs Council that NRM Board is planning to meet with Council at the December 2010 meeting.

CEO advised that today council proposed to handout the lists of council's Plant and Equipment that is to be auctioned. CEO mentioned that a Conflict of Interest may arise if councillors get unfair advantage by knowing the reserve costs placed on the items to be auctioned and attend the auction.

CEO mentioned that the NPARC Plant & Equipment valuation report is tabled for the council to review and to determine the auction process, with regards to council choosing to have an open auction process or a closed tender?

CEO has highlighted the issues and Council agreed to have an open auction process conducted by a registered auctioneer. Council is made aware that the document is not to be made available to the public or council staff members.

- Declaration of Material Interests

Cr Williams joined meeting 9.15am

Minutes of the last meeting - corrections

Nil.

Agenda Item 1 - 9:00am to 9:30am - Minutes of Budget Meeting of 22nd June 2010 and of previous meeting of 6th July 2010

Matters arising from Minutes

CEO informed council that he did not find time to review these minutes and have passed it on to the Director of Corporate Services; Peter Anderson to review.

Cr Lui asked about council's conversations with the state about meeting the amalgamation cost.

CEO informed council that a letter was sent to the minister stating that the state must not turn their back on us now that we have moved quickly to restructure the operational assets and consolidate the administration and finances which has been a costly exercise. CEO reminded council that the original funds provided by the State government were expended prior to the Regional Council taking office and suggested that council must continue to apply pressure on the State government to pay for its reform agenda.

Cr Elu mentioned he wanted to discuss this with Minister Boyle in detail at the Ministerial Round table held in Bamaga but did not get the opportunity.

Cr Lui queried if the State could meet council with half of the costs.

CEO advised that it was the governments' decision to amalgamate the legacy councils and we did everything right. Council went unqualified, we have our certified

agreement and followed the rules without breach of any legislation; plus we are now a 'well performing' nationally recognised local government council for asset and finance management. The CEO continued (in response to Cr. Lui) that the NPARC is only requesting the State to replace the "actual money" it has expended on restructure activities, not the "in-kind" cost provided by Council.

Cr Lui asked what kind of 'sway' does council have with the Local Government Association of Queensland.

CEO advised that he had spoken to LGAQ and to the Unions and that they have given us their support.

Cr Lui asked if CEO is aware of any other Local Government Council is going through the same issue as the NPARC?

CEO advised that out of the 27 submissions sent to QTC, only 4 of the mainstream councils were funded, and those other unfunded councils would need to raise their rates from around 6 to 8%.

CEO highlighted that this was one of the points made in his letter to the minister that NPARC is grant dependant and cannot recover the cost to keep this council alive long enough to deal with its employment issues and restructure issues to bring its budget back to balance.

The CEO commented that "our audited statements from the previous year, compared to this years trial balance indicates that a total of \$4.4 million reduction in cash coming into the council". The two policy decisions that have caused that reduction are

- The changes to CDEP, and
- Council having to fund the State local government reform agenda.

Cr Elu replied that the Tablelands Shire Council is currently going through the same process. Cr Elu highlighted that although these bigger councils may not receive any reimbursement, but they can always put up their rates and charges and if their ratepayers complain then that council will indicate it's lost to the amalgamation costs. here at NPA we cannot do that.

Cr Elu suggested we table to this matter at the next Government Champions visit to the NPA.

DCEO reminded council of the Government Champions visit is postponed to the 6th October 2010

Recommendation:

That Council noted and accepted the changes to the previous minutes of Budget Meeting of 22nd June 2010 and of previous Council Meeting of 6th July 2010.

Moved: Cr Bond

Seconded: Cr Aniba

Carried: 6/0

Dated: 03/08/10

Agenda Item 2 – 9:30am to 10:00am - Chief Executive Officers’ Report

NPARC – Land Transfer Options Preliminary Discussion Paper

1. Land transfer options for NPARC DOGIT’s

1.1 The following is intended to be a list of possible options which Council may have open to it in relation to responding to and participating in land transfer discussions. The options are not ranked in any particular order and apply equally to DOGIT’s which are eligible for transfer under both the ALA and the TSILA:-

- (a) Transfer of DOGIT to land trust with no declaration as to town areas or other essential infrastructure. Council would need to consider carefully how existing infrastructure and assets are to be treated and the implications to Council as the local government body for providing essential infrastructure and services;
- (b) Transfer of agreed parts of DOGIT excluding town areas and other essential infrastructure which are declared non transferrable by the Minister. The non transferable areas are to be retained as DOGIT by Council along with ownership of assets and infrastructure on the land;
- (c) Enter into lease arrangements in relation to agreed town areas and other essential infrastructure and transfer the land subject to the existing lease(s);
- (d) Transfer the land subject to an agreement which specifies that the Land Trust will grant a perpetual or term lease to Council over agreed Town Areas and other essential infrastructure after transfer.

CEO mentioned that he has selected this agenda as a priority for state government to move on with transferable land which is under the DOGIT-Aboriginal Land Act & Torres Strait Island Land Act.

CEO informed council of his concern with an email from DERM about the suggestion and options to transferable land matters. DERM will be asked to stop and wait and for council to consider it’s options.

CEO informed council that DERM were here recently and held a meeting at Bamaga TAFE. CEO mentioned that the attendance was not good.

CEO advised that Preston Law has been engaged to provide advice to Council due to there experience in working with the Yarrabah & Palm Island Councils.

CEO informed council of the background into land transfer and the available options to council. CEO referred to Option (a) and advised that everything may transfer to the land trust.

CEO informed council that Option (b) refers to Negotiating with the traditional owners for a new town area to be declared and made non-transferable which basically encompasses infrastructure and houses, and return the other areas to aboriginal freehold land.

CEO mentioned that there are strong views about some of these options- If you transfer the land, you transfer the houses. This means that the land trust becomes the owner of these houses. And why would we as a council then lease the houses back from the TO's, to sublease them back to the State under the 40yr leasing option that council will need to enter into?.

CEO mentioned that it would be simpler for the state to lease it direct from the land trust. But what is the responsibility of the land trust under that agreement? And how will they manage and maintain those houses? And will they have the governance arrangements / capacity to affect those responsibilities?

The issue of transferring assets continues under the ground. So effectively, if the land transfers the assets (which are about \$300m worth of assets) will somehow need to be moved from councils' books, council will no longer be the owner but lease the assets back. CEO will seek some clarity and direction from the QAO.

CEO mentioned that as of the changeover date those assets will need to transfer over from our books to the land trust (for example) - a perpetual lease will be set up for council to lease assets back under the leasing arrangement and ILUA. But how will we then receipt those assets back on our books? Other issues to be resolved are

(a) the land is gone- so we do not have any responsibilities as a trustee (b) the assets no longer sit on our books (as the council being the owner) which makes us more as a commercial entity rather than a local government council. Again these are questions that need some answers.

CEO mentioned, if the Land Trust is to become the owner of these assets, then they would need to be fully informed of the obligations. Will the State Government fully fund the investigation into these transferable land options? Any of these options will require an ILUA and there will be a significant legal cost involved. The options must be investigated, reviewed, consulted upon, fully funded and implemented by the state.

Cr Aniba questioned if there is a 'time line' with this bill?

CEO mentioned that he is not certain about a 'time line'; there remain many questions to be answered.

CEO advised that if council enters into a negotiation process with the ILUA, all of the future acts that were carried by the former councils will need to be addressed.

CEO requested support from council and that council will need to write to DERM and get some clarity.

Cr Elu mentioned that there is an option that is not mentioned here, that if we cannot see a way forward and if nothing happens, then the Minister has the powers to make a declaration that the land is non-transferable. Then the state tax payers funded assets would be safe to manage into the future (an ILUA would still be required), most of these are currently used for essential services.

CEO suggested that the Council negotiate with the traditional owners; a new 'town area'.

The other option would be to transfer everything over to the TO's and then lease it back to council, the state will need to control the whole process. CEO mentioned that it would be council's responsibility to come up with a local solution with the traditional owners.

Cr Elu requested that CEO approach and hold discussions with DERM.

CEO advised that council that will need to arrange a meeting between DERM, NPARC and Traditional Owners to move this forward.

CEO raised a concern to a letter addressed to the CEO and hand delivered by Mr Isaac Makaku (Savage) from the Gudung Yadaikanu Tribal Council of Elders to cease construction of the Seisia-Bamaga sewerage pipeline.

Cr Elu stated that the letter was signed by Mr M Lifu, Mr A Savage, Mr G Pausa and Mr S Young.

CEO - the Seisia to Bamaga MIP project was coordinated through Preston Law in partnership with the Cape York Land Council. This was a "public Benefit project and therefore a *Native Title Act* 24 KA process was undertaken and completed, the council has a clear conscience with regards to this activity.

Cr Elu mentioned to council that the traditional owners will need to clarify this partnership and inform council "who is" the authorised party to negotiate with.

Cr Nona - informed council that there was another issue discussed at their land trust meeting and the Land Trust did not know about this letter requesting the pipeline project to be stopped.

CEO will write to Mr Makaku (Savage) stating that the council has a clear conscience and that the process was made according to the Native Title Act and if he has further concerns; to refer it to the Cape York Land Council.

Cr Williams asked who signed the letter from the Gudang Yadaikanu Corporation and queried why he wasn't consulted being a traditional owner of Yadaikanu. Cr. Williams requested that the CEO write back to Mr. Makaku and request a full disclosure on the members of the corporation and locality of there office.

Cr Bond -Should we get an ILUA for the sewer pipe line?

CEO advised that it is a non profitable service to the public; and which required a 24KA Notice that is signed off by both parties.

Recommendation:

That Council note and accept the report given by the Chief Executive Officer for the Council Meeting of Tuesday 3rd August 2010.

Moved: Cr Lui

Seconded: Cr Nona

Carried: 6/0

Dated: 03/08/10

Morning Tea 10:00am – 10:30am

Agenda Item 3 – 10:30am to 12:00pm Cardno – MIP Total Management Plan

CEO introduced the group for their presentation to Council.

Kerry Jones from Cardno, outlined Cardno's previous history and involvement with the MIP Program in the Torres Strait.

Patrick Lavery from Cardno who is currently working on Councils 10 year community plan, asset plan, including the Total Management Plan and service Delivery Strategy for the NPA.

Ian Doust from RPS, which does Planning, Surveying and land Mapping introduces himself

CEO informed council that part of this project requires Cardno to assemble a virtual library of the legacy councils reports, plans, manuals and drawings.

Cr Aniba –Cardno reports to be succinct / dot point and council would review and provide comments.

Cr Elu – asked where does LIPA sit? Other agencies will need to be included instead of them doing their own thing.

Cr Lui – we need to have a Community Plan, an Action Plan with Priorities and responsibilities.

CEO –draft mapping will available to Council around Sept/ October 2010 to review.

RPS Mapping & Surveying - Ian Doust – provided preliminary land plans and drawing handouts to the councillors and mentioned that this project is to avoid bad planning and capture the community's vision for the future.

The CEO mentioned that these guest will meet with the Apudthama Land Trust today to provide an over view of this project and to get there blessing for the project.

Recommendation:

That Council note and accept the report given by Cardno for the Council Meeting of Tuesday 3rd August 2010.

Moved: Cr Bond

Seconded: Cr Williams

Lunch 12:00pm – 1:00pm**Agenda Item 4 – 1:00pm to 1:30pm – Department of Communities Housing Program Office**

Mr Cecil Allen from the Dept of Communities, Social Housings Program Office in Cairns provided a brief report to Council

- Provided an overview of the role of the Program Office
- Discussed the connection between the future Planning Scheme requirements with the work that is currently being undertaken by Cardno and RPS in developing the Community Plan and the Strategic Land Use plans.

The Planning scheme was described as being the technical document which underpins the Community Plan aspirations to ensure the council has a valid process to assess and deal with individual applications for proposed development.

CEO –mentioned the need to support Cardno with the planning scheme and survey, meaning that there would only one surveyor working in the area.

Mr Allen also highlighted current issue with Land Tenure and is looking for a way forward with only 7 vacant lots currently available to build houses on (with no native title issues).

CEO suggested that Council should work with the Program Office and begin an ILUA process over the remaining multiple lots to clear the way for housing development.

Mr Allen requested the council nominate a council representative to work with the Program Office through the phases of the planning scheme development.

CEO advised that the Director of Engineering, Jim Foody would be the council contact.

Mr Allen discussed the need to complete the network surveying across the communities and suggested that council may wish to take the opportunity of surveying all assets whilst the surveyors are in town.

CEO requested that an estimate be provided for this survey. Mr Foody to provide a list of assets to Colleen Gollidge to arrange a costing for councils consideration.

Cr Elu advised that no one from DERM have come to council to discuss the 40year leases. Cr Elu mentioned that council talk to DERM with what's happening with their leasing arrangements and who to deal with directly within the Department.

CEO – indicated that he would meet with DERM in early September

Recommendation:

That Council note and accept the report given by Housing Program Office – Department of Communities for the Council Meeting of Tuesday 3rd August 2010.

Moved: Cr Aniba

Seconded: Cr Lui

Carried: 6/0

Dated: 03/08/10

Agenda Item 5 – 1:30pm to 1:45pm –Director of Engineering Report

Director of Engineering highlighted to council two items he required a resolution on.

1. Tender or Auction process for the disposal of council's vehicles, plant & equipment.

Cr Williams suggested to council that council have an open auction process, and if it can be done in a two tier arrangement? (1) Locally and then (2) outside.

Cr Williams mentioned that the tender process may be a longer process with having to advertise for a month in advance?

Cr Williams referred to previous auctions that were held in the NPA where a list of Council's plant & equipment were placed on open tender, and that an outside companies bought all the equipment without giving any opportunity to the local community.

CEO advised that Council would need to have transparency and to manage this as an open auction and not as a closed tender process.

Cr Williams requested that council should have it in two parts. To auction it locally and then whatever items that cannot be sold will then be advertise and tendered outside the area.

CEO commented that the council must go to a single auction but can instruct the auctioneer to auction individual items and not accept "bundle offers"

2. The Supply of Sand

Mr Foody, the Director of Engineering Services highlighted the issue with closing the current sandpit between Umagico and Injinoo. The new site indicated by the traditional owners may not be suitable due to its distance from the batching plant.

Mr Foody also mentioned that council would need to comply with the EPA regulations.

Cr Nona mentioned that Injinoo council have selected an area at 'I-chee-ra'.

Mr Foody informed council of the transportation costs, and that the concrete would be expensive.

Cr Lui – we need to plan for the long term, and for the new site to be sustainable for at least 20 years.

Cr Williams also questioned why council is getting aggregate from Cairns and not Archer River.

Mr Foody mentioned that quality of the aggregate varies and may not be suitable?

Cr Williams then highlighted that the aggregate may not be suitable for sealing roads but it would be suitable for our Batching Plant.

CEO requested that the Director of Engineering look into the sandpit at 'I-chee-ra' and to calculate the life of the sand reserves

Recommendation:

It is resolved that the Director of Engineering Report for the Council Meeting of Tuesday 3rd August 2010 be accepted.

Moved: Cr Williams

Seconded: Cr Aniba

Carried: 6/0

Dated: 03/08/10

Agenda Item 6 – 1:45pm to 2:00pm - Senior Finance Manager Report

CEO invited Mr Andy Smith, Director of Finance to provide outline to his report.

CEO informed Council that the Housing tenancy managers will be transferred to Corporate Services with Peter Anderson.

Cr Lui requested that the total of rental arrears for each community be provided separately, to council.

Cr Lui – commented that deceased tenants are they still on the housing lists?

Cr Elu –these people need to stay on the list until council makes a decision to write-off the debts.

Recommendation:

It is resolved that the Senior Finance Managers Report for the Council Meeting of Tuesday 3rd August 2010 be accepted.

Moved: Cr Bond

Seconded: Cr Nona

Carried: 6/0

Dated: 03/08/10

Agenda Item 7- 2:00pm to 2:15pm –Director of Enterprise Manager Report

Cr Nona questioned if the Director of Enterprises will be going across to the Seisia enterprises.

CEO informed council; that Mr Wong is resigning and will be working for the Seisia Community TSI Corporation. Currently Mrs Vicky Topping will continue to work at the Alau Supermarket. Mr Peter Craven will be invited to take on the role as enterprise manager.

Cr Elu informed council the Mr Wong has agreed to stay on until the end-of-year audit and the divestment documents are signed.

Recommendation:

It is resolved that the Director of Enterprise Manager Report for the Council Meeting of Tuesday 3rd August 2010 be accepted.

Moved: Cr Aniba

Seconded: Cr Williams

Carried: 6/0

Date: 03/08/10

Agenda Item 8 - 2:15pm to 2:30pm - Economic Employment Development Unit Report

Cr Lui informed council that the KPI Target of 125 positions was achieved in the first term.

CEO will provide a report to Council for CDEP and employment matters before March 2011

Cr Nona asked Council about the fencing of the old Injinoo cemetery.

Cr Lui indicated that the Fencing team is currently at Umagico cemetery and Injinoo would be next in line.

Recommendation:

It is resolved that the Economic Employment Development Unit Report for the Council Meeting of Tuesday 3rd August 2010 be accepted.

Moved: Cr Bond

Seconded: Cr Aniba

Carried: 6/0

Dated: 03/08/10

Agenda Item 9 – 2:30pm – 2:45pm - Director of Community Services Manager Report

CEO informed council of the forthcoming NPA Bi- Annual Show to be held on 5 & 6th August. Mr Richard Tamwoy from the Apudthama Land Trust will do the Welcome to Country and Mayor Elu will do the opening speech.

CEO informed council that the new HACC facility will be built on the existing site

Recommendation :

It is resolved that the Director of Community Service manager Report for the Council Meeting of Tuesday 3rd August 2010 be accepted.

Moved: Cr Lui

Seconded: Cr Nona

Carried: 6/0

Dated: 03/08/10

Agenda Item 10– 2:45pm – 3:00pm - Mail Register

Recommendation:

It is resolved that council note the inwards and outwards mail register.

Moved: Cr Williams

Seconded: Cr Bond

Carried: 6/0

Dated: 03/08/10

Afternoon Tea 3.00pm – 3.30pm

Agenda Item 11 – 3:30 pm – 3:45pm - Optus Proposed Mobile Site – Bamaga

CEO informed council of Optus requesting to install a mobile phone transmission tower at the New Mapoon water reservoir site.

Council has no objection for the Optus proposed mobile tower installation.

Recommendation:

That Council note and accept the report given by Optus Proposed Mobile Site – New Mapoon for the Council Meeting of Tuesday 3rd August 2010.

Moved: Cr Williams

Seconded: Cr Bond

Carried: 6/0

Dated: 03/08/10

Agenda Item 12 - 3:45pm – 4:00pm – Other Business

1. Naianga Mabo – Expression of Interest Snack Bar Injinoo

A letter of 'expression of interest' was tabled for council consideration from Naianga Mabo to lease the Injinoo Snack Bar.

Cr. Elu mentioned that the matter to be referred to Injinoo forum and that council will endorse whatever decision is determined by the forum.

2. Qld Water – Membership with the Queensland Water Directorate

Council to consider renewing the membership with Queensland Water Directorate.

CEO advised that it was an agreement with the previous Bamaga Island Council; this matter needed to be investigated whether Council should continue to use its services. CEO also mentioned that this mainly relates to south east Queensland.

3. NPARC Newsletter Issue 16

Council to review the NPARC newsletter Issue 16, and advise of any amendments before close of business on Thursday 5th August.

General Business

Bamaga – Cr Williams

Public Toilets – Bamaga Cemetery

Cr Williams highlighted the need to build public toilets at the Bamaga cemetery. Cr Williams also suggested that Council and Bamaga Enterprises Ltd (BEL) supply the funds for public toilets.

Cr Elu – It is okay to build the facility, but who will maintain it?, and access to water will be an issue.

Cr Williams -Council can consider using the environmental demountable toilets?

Cr Elu expressed that demountable toilets had too many problems; it would require access to water and maintenance on regular basis.

Cr Williams- we could put it out to contract cleaners.

CEO advised that council had recently advertised expression of interest cleaning services.

Cr Lui highlighted that this could be another CDEP project, provided that we make it a package to include - for example; a 15 week project.

Seisia –Cr Aniba

Cr Aniba informed council that he will be out of the community from 7th August to 17th August. Councillor will be going overseas on a cultural dance trip to China.

Injinoo – Cr Nona

Housing Issue - Cr Nona highlighted her disappointment of a recent decision that was made by council staff, not to provide further general housing information or to be directly involved with the community forum.

Cr Nona needed to clarify what was the appropriate chain of command when addressing housing issues.

CEO advised that all housing matters were directed to him from the Director of Engineering and that the Housing Officer's were not authorised to state any housing issues at public meetings.

Cr Lui advised that in cases when councillors are approached by community members with housing situation, councillors would need to support these applications of request because they would have a better understanding of their housing circumstances.

CEO suggested that council could develop a Housing Sub-Committee and develop policies and process around these issues.

Cr Nona asked if the Land trust donga at the back of the Injinoo office be relocated and moved next to the Rangers compound.

Grand Stand at Injinoo Football Oval - Cr Nona wanted to know what was happening with the facilities at the Injinoo sporting oval. Undergrowth of vegetation is overtaking the grandstand and the toilet facility has riddled with white ants.

CEO advised that he was aware of this problem and said that the seating stand was infested with white ants and the block toilet did meet any building codes and these structure needed to be dismantled.

New Mapoon – Cr Bond

Workshop Lease – Anton Marinki

Cr Bond questioned what is happening with the letter of Expression of Interest, from Anton Marinki to lease the previous New Mapoon council workshop. Cr Bond mentioned that the letter was supported by the Forum. CEO informed council that Mr Marinki has currently taken 3 months leave but was informed of Councils decision.

Commercial Cray Fishing

Cr Bond announced to Council that a Commercial Cray Fishing Meeting will be held at the New Mapoon community hall on 7th September 2010. Cr Bond also requested if Council could allow NPARC employees who have fishing licences to attend.

Copy of notice to be forwarded to our Media Liaison Officer to advertise.

Umagico – Cr Lui

Cr Lui informed council that a proposal was made by PCYC to lease the Umagico Community Hall and Office. Mr Neil Michel and Mr Steven Devenish from the

Technical Advisory Group have indicated that the hall could be leased out for approximately \$150,000 per annum.

Cr Lui advised that all that money would be returned back into the community.

Cr Lui requested that PCYC be given the opportunity to lease out the Umagico Community Sporting hall.

Meeting Close 4:35pm

Next Meeting – Tuesday 7th September 2010