



Northern Peninsula Area Regional Council

MINUTES OF NPARC ORDINARY MEETING

Notification Date: Tuesday 5^{3rd} May 2011
Meeting Date: Tuesday 7th June 2011
Meeting Location: Injinoo Council Office
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
Director Corporate	Michael Freeman

Welcome and Declare Meeting Open – Mayor

- Apologies
Nil
- Declaration of Conflicts of Interest
Nil
- Declaration of Material Interests
Nil

Cr Elu informed council that the new government champion will be joining Council during the afternoon, and that Council set the afternoon aside for their discussion. Cr Elu also mentioned that the Government champion will be joining Councillors for lunch.

9.30 am - Cr Williams joined the meeting.

Cr Bond requested clarity meaning of liabilities & Trust, referring to the LG (Operations) Regulation 2010 Schedule 3 - Financial & Non- financial particulars for registers of Interests Sect 107 item 8.

Cr Bond stated that as a traditional owner and beneficiary under Ely Trust and WCCCA, and that he holds beneficial interest.

Cr Elu replied 'as long as you declare an interest' when discussions are to be raised on a particular issue.

AGENDA

Agenda Item (1) - 9:00am to 9:15am

Minutes of previous Council Meeting 3rd May 2011

Cr Nona – Correction to *Page 13 Matters Arising, Injinoo – Nil*. Cr Nona highlighted that she did raise an issue regarding the landscaping and beautification of Injinoo parks.

CEO mentioned that he has some details and will include them into the minutes.

Cr Lui – Correction. Cr Lui clarifies that Agenda Item 6, Pg.11 regarding grants application. It stated that '*there was no feedback from ICC for grants application*' and should read '**there was no feedback from NPARC Grants officer for the grants application for lights**'

Resolution:

THAT: Council accepts the Minutes of 3rd May 2011.

Moved. Cr Lui

Seconded. Cr Bond

Vote. 5/0

Date. 07/06/2011

Resolution number. 01-07.06.11

Matters Arising.

Director of Corporate Services informed Council on Pg.4 of the agreement of Cook Shire to continue discussions regarding the Change of Boundaries between Torres Shire, Cook Shire and NPARC.

Cr Elu asked if Council had formally written to the two Shire Councils?

CEO replied Yes. CEO also stated that Torres Shire Council seemed to want NPARC to take the lead role to negotiate with the affected property owners prior to the TSC making a decision to support NPARC's request.

Cr Elu informed Council of the recent Technical Working Group meeting held at Bamaga office on 30th May 2011. Cr Elu stated that the Housing Rental & Tenancy Management was not raised as an issue. Cr Elu queried what is happening with the leasing arrangement.

CEO replied that Council will write to the Tenancy Management Group.

Cr Lui asked that Council submit this request before the Government Champions at the 1.00pm meeting today.

Agenda Item (2) – 9:15am to 9:30am

Chief Executive Officer's Report

1. LG Governance Training for Councillors

CEO informed Council of the Department of Local Government and Planning offer of governance training for Councillors. CEO suggested that it would also be better for the newly elected members to attend this governance training.

Council agreed to have this Wednesday 11th July in Cairns; and that Council also move the October meeting to the 11th October, and then the December meeting to Friday 9th December 2011 in Cairns.

2. LG Infrastructure & Planning Scheme .

CEO advised that Council is required by legislation to pass a resolution to commence the Local Government planning scheme which councils are to develop according to the LG Act.

Cr Elu asked if there was a timeframe.

CEO stated that it is compliance with the regulation only.

Cr Elu requested Council approval.

Resolution:

THAT: Council resolves at its Ordinary Meeting held 7th June 2011, that a Planning Scheme for the Northern Peninsula Area Regional Council be made as required by Section 117 of the Sustainable Planning Act 2009.

Moved. Cr Lui

Seconded. Cr Bond

3. Cape York Land Council

CEO handed out documents from Cape York Land Council. CEO highlighted that the content of the documents refers to the new subdivisions given the lengthy consultation Council had undertaken and questioned whether the letter represented the united view of the Apudthama Land Trust.

CEO informed Council that the notification of the S24JAA notice was submitted and the interested parties had 3months to respond. CYLC had at the last minute phoned the CEO at home and requested a one week extension to the S24JAA. The CEO informed the CYLC that there is no provision under the S24JAA to grant an extension however did give a commitment to the CYLC that any comments received in the next seven (7) days would be included in the report to the Federal Minister.

CEO advised that the response will now go to the Federal Minister.

Cr Lui asked - what is the issue?

CEO stated that CYLC is saying that this Council is depriving the traditional owners by land grabbing. CEO stated that this is about Council having to make a forced decision about acceptance of the social housing offer through the State and Commonwealth Housing Partnership Agreement for funding new houses and housing upgrades in the NPA.

CEO mentioned that delays in the process could endanger funding streams which would not be beneficial to any community.

Cr Lui questioned if this also applies to Umagico community.

Cr Elu - Yes, and if the housing funds are not spent here; it will go elsewhere.

CEO mentioned that in the CYLC letter, it stated that the intent of the proposed Bamaga subdivision is to accommodate an increase of migrants from the Torres Strait outer islands to Bamaga which is not the case.

CEO stated that a letter will be sent from Council to Preston Law advising them to respond to CYLC.

Cr Lui mentioned the NPA Communities may face a repercussion where Lawyers are the only winners.

Cr Lui requested clarity on the Native title process.

Cr Elu advised that if land development is post 1996 then any new construction will require native title clearance. Currently we have funds to build houses and we need to spend it.

Cr Lui stated that Umagico currently have a subdivision ready on Massey and Kulla Kulla Close.

4. Councillors Remuneration 2010 - 11

CEO informed Council on the process of Councillors Remuneration. CEO mentioned that council had a discussion on Councillor Remuneration at the February 2011 meeting but the formal resolution was not made at that time. CEO mentioned that the discussion moved from Councillor Remuneration to the imminent 31 employee redundancies and a formal resolution was not captured. The current NPARC Councillor remuneration is within the current Remuneration Tribunal scale.

5. Budget Meeting for 2011/ 12

CEO informed Council that this Year's Budget Meeting will be held in August 2011.

Resolution:

THAT: Council receives the Report from the Chief Executive Officer.

Moved. Cr Lui

Seconded. Cr Bond

Vote. 5/0

Date. 07/06/2011

Resolution number. 03- 07.06.11

Agenda Item (3) – 9:30am to 10:00am

Director of Corporate Services Report

Cr Lui queried the 25 vacancies, and if it's year to date?

Director of Corporate Services highlighted that there are currently 25 x Full time positions vacant. Council should have 221 employees.

Cr Lui requested more information on what are these positions?

The Director Corporate Services undertook to provide this detailed information.

Cr Lui queried the gap between revenue and profit with each enterprise.

CEO mentioned that the Alau supermarket has contributed \$332,000 year to date and \$40,000 is being invested in repairing the shop's veranda; install better seating and gates to keep dogs off the veranda .

Director of Corporate Services highlighted that given the figures shown on the Budget Lodge, Injinoos Readymix demonstrate the seasonal operation. The graphs will capture the history of operation and allow Councillors to view trends.

CEO stated that the Budget Lodge rooms are being fitted with mini fridges and minor repairs are being carried out to attract contractors.

CEO also highlighted that the housing program would be an increased income opportunity for the Readymix plant.

Cr Lui questions the current situation with extracting Sand?

CEO advised that no decision has been made. It will be expensive to transport sand up from Cairns. CEO informed Council that transporting sand from Muttee Heads will also be expensive due to the long distance the trucks will have to travel.

Cr Williams stated that Traditional Owners should realise that Sand and Gravel are brought in to benefit these communities. Bauxite mining has royalties because the minerals are exported.

Local Laws.

Director of Corporate Services sought guidance from Council on what they consider are the most common topics that require a local law to control anti social behaviours; bearing in mind that (a) is it a problem (b) and the penalty for anyone to respect that law, and (c) that council will require someone to have the authority and resources to police these laws.

Director of Corporate Services informed Council that there will be a consultation process with the community later this year; that this set of local laws will be first presented to Council for approval before going out to the community for their input. After that it will then return to Council for adoption before December 2011.

Cr Elu stated that the lists on page 7 are the most common ones. Driving on the beaches are one of the main problems causing sand erosion and killing the grass.

Cr Williams mentioned that the locals are the worse ones to drive along the beaches than tourists.

Cr Bond highlighted a previous request to the beach huts along Galloway's beach

CEO stated that local laws will give Council the opportunity imposes authority along the beachfront, and to have authorised officers to enforce it.

Cr Elu also stated the issue with the control of horses. Cr Elu stated that if Council pounds these horses then Council will be held responsible to feed them or otherwise the RSPCA will be involved.

Cr Lui stated that during this dry season local community members will be getting in more horses.

Cr Williams stated that there should also be a law controlling people bringing in horses into NPA.

Cr Elu asked if licence is required to purchase these horses.

Cr Bond informed Council that there is an interest in the community to start a horse trail ride, and horse owners can sell their horses to these people if owners cannot work it or look after their horses.

Director of Corporate Services mentioned that Council can state in the rules that horses can only be kept in certain places at certain times. Any animal is impounded for a period of seven days. After that period Council can then ship the animals out but Council would need to be prepared for that.

Cr Williams – previous BIC the Bamaga community police took names and registration numbers and then penalising these people, and it had worked.

CEO highlighted the issue of unsecured loads going to the regional rubbish tip, and Council will need to address this as well. CEO highlighted that that is why we have so much rubbish along the road side.

Cr Elu queried that Council need certified officers that can impose penalty.

Director of Corporate Services advised that Council officers can enforce it or pass the powers over to the police.

Cr Elu stated that Council to look at including these Local Laws in the Rental Tenancy Agreement Forms.

Cr Elu advised that the local laws will be put out to public for 1 month and will return for Council's endorsement in December 2011.

Resolution:

THAT: Council receives the Report from the Director of Corporate Services.

Moved. Cr Williams

Seconded. Cr. Bond

Vote. 5/0

Date. 07/06/2011

Resolution number.04-07.06.11

Resolution:

THAT: Council officers are requested to prepare draft subordinate local laws in the following topics as priorities.

- (a) Animal Control
- (b) Noise Control and other Nuisances
- (c) Public Places
- (d) Litter
- (e) Parking

Moved. Cr Williams

Seconded. Cr Nona

Vote. 5/0

Date. 07/06/2011

Resolution number.05-07.06.11

Morning Tea 10:00am – 10:30amAgenda Item (4) – 10:30am to 10.45amDirector of Engineering Report

Council has purchased a new Line Marker Machine worth \$31,000 and this includes delivery & training. CEO stated that the line marker will also be utilised for marking our own roads and funds for the purchase of the machine will be recovered from other grant areas.

CEO advised that through the Road Betterment Grant, Council plans to seal the Injinoo to Jardine River Ferry road. CEO stated that the Director of Engineering has prepared the detailed submission.

Cr Lui mentioned that the outlined \$250,000 funding application sourced by EEDU for the sporting ovals.

CEO reminded Council that the proposal to run raw water to Umagico is still a possibility. Sunwater (Mareeba) will be joint venturing with Council to progress this project.

CEO stated that the proposal to run the water from the water plant dam will not affect the town supply. Sunwater will tap into the water main at the Injinoo –Jardine road, and to lay the pipes to Umagico.

CEO stated that council is expecting a letter from Sunwater. CEO advised that it would our intention to apply for a grant to then lay the pipes from Umagico to Injinoo. CEO mentioned that it will be the first reliable water source to these areas.

Cr Williams stated that council should apply for the grant to pipe the raw water to all the communities, including the New Mapoon & Seisia ovals.

Cr Lui stated that the supply of raw water is always the second option given that some communities already have a natural water source.

CEO advised that council must stick to the current proposed scope of works for this project. Council can later extend the project to include the other communities.

Cr Lui stated that Council have beautification and landscaping projects which are delayed because of the water issue.

Cr Williams informed council that Bamaga parks have connection already installed, tapping directly into bore water.

Resolution:

THAT: Council receives the Report from the Director of Engineering.

Moved. Cr Aniba

Seconded. Cr Lui

Vote. 5/0

Date. 07/06/2011

Resolution number.06- 07.06.11

Agenda Item (5) – 10:45am to 11: 00am

Director of Finance Report

CEO stated that the Grant application report is included in the finance report as requested by Council, showing all current grant applications and status.

CEO stated that Council has now completed its 10year Financial Forecast and submitted the report to Queensland Treasury Corporation. CEO advised that the forecast does reveal a return to surplus at the end of year 2011/12.

CEO advised that council will use the financial forecast data to draw up the 2011 – 2012 Budget.

CEO advised that the QTC is reasonably happy with the draft model provided to them.

CEO informed Council that in view of the QTC 10year financial forecast the Council may negotiate with QTC to decrease the existing cash overdraft from \$4.0 m to \$2.0 m.

Cr Elu queried the accommodation for the Bamaga farm and the Sunwater houses. CEO advised that the Sunwater houses will be demolished.

Cr Williams informed Council that his offer to exchange Lots and transfer the two houses to Bamaga social housing was not accepted by Sunwater. Cr Williams advised that Sunwater decided to relocate because of the current land issues.

CEO stated that Council have moved forward with the Police accommodation. CEO mentioned that Mr. Nona has agreed to move to a new house, with the State Police agreeing to occupy the Lot where Mr Nona currently lives.

CEO stated that the house is in good state and Qld Police will demolish it. CEO stated that Council will need to consider relocating it.

Cr Nona stated that she is still concerned about the Injinoo rental arrears which appear to be \$280,000.

CEO stated that a list of the arrears will be recalculated by the Director responsible and it will be tabled at the July 2011 meeting.

CEO suspected that some of the deceased members of the community, and families that have moved on are still on the rental list without any adjustments made. CEO stated that Council will prepare a list of rental arrears write-off's and hoped the report will be ready for the July meeting.

Cr Nona expressed concerns that the recent allocation of houses at Injinoo was not done properly. Cr Nona expressed the view that overcrowding is not properly addressed and that old data is being used and that community overcrowding situation has increased.

Cr Williams highlighted his concern with the allocation of houses in Bamaga. Cr Williams mentioned that the residential units at the 'old college' are halfway houses, and these occupants continued to be overlooked for housing allocations.

CEO stated that there needs to be a matching process and that local knowledge is critical to the successful allocation of houses.

Cr Nona stated that currently Injinoo have 2 adult with 7 children living in a 2 bedroom duplex. Cr Nona stated that her local knowledge could have been sought.

Cr Lui stated that the current system is working at Umagico. Cr Lui mentioned that the waitlist for Umagico is prioritised with first preference going to local community members.

Cr Elu stated that the Community forums should comment on the planning process and allocation.

CEO advised that this instruction to the Director responsible is to get local knowledge and if the data on the spreadsheets is incorrect then it must be amended.

CEO stated the Councillors cannot direct council employees, but Councillors should have input into the process.

CEO advised that the DCEO and Director of Corporate Services will meet with the Director of Engineering to discuss the housing allocation matter.

Cr Lui informed Council of the previous Umagico council process in housing application. Cr Lui mentioned that the applications included the hours of employment and how much remuneration the applicant is receiving. Cr Lui highlighted that previously there were people that were on 16hours CDEP applying for 3 bedroom houses. Cr Lui advised that the number of applications soon decreased with people realising they don't have the income to support their application.

Cr Williams highlighted previous experiences with Child Support where a background check was not properly done on affordability. This created an overcrowding situation for the family and an opportunity for carers to make demands on council for a larger house.

Cr Bond informed Council that Community Forum needs to be involved. Cr Bond stated that currently he is not getting enough information

Cr Aniba also highlighted his concern with the allocation of Seisia housing and why he was not included in the negotiations.

CEO advised that in regards to the 40years leases there will be a new tenancy management process and Council will need set up a sub-committee to address future housing requirements.

Resolution:

THAT: Council receives the Report from the Director of Finance.

Moved. Cr Lui

Seconded. Cr Aniba

Vote. 5/0

Date. 07/06/2011

Resolution number.07- 07.06.11

Agenda Item (6) – 11:00am to 11:15am

Director of Economic Employment Development Unit Report

CEO informed council that the Rangers will attend a Training Course in July 2011

Cr Lui informed Council that there are participants signing up for JSA program with a provision which technically says they don't have to work for 6months, meaning that they don't need to sign up on CDEP nor show any employment seeking activities.

Cr Lui stated that Council need them to sign up to CDEP and for them to get referrals to community projects, employment or vocational training.

CEO commented that Council is interested in developing a house building program. CEO advised that he will prepare a draft project plan for Council to consider. The draft project plan will have support from state and federal agencies as well.

Resolution:

THAT: Council receives the Report from the Director of Economic Employment Development Unit.

Moved. Cr Williams

Seconded. Cr Nona

Vote. 5/0

Date. 07/06/2011

Resolution number. 08-07.06.11

Agenda Item (7) – 11:15am to 11:30am

Director of Community Services Report

CEO requested that council note that the Community Services report and stated that Item 2 - Indigenous Knowledge Centres item. 2.1 mentioned an 'attachment'. The attachment is missing and will be included in the papers for the next meeting.

Resolution:

THAT: Council approves the recommendation from the Director of Community Services to decommission the non- operational broadcasting sites in Injinoo, Umagico, new mapoon and Seisia, and relinquish the redundant broadcasting licences.

Moved. Cr Bond

Seconded. Cr Williams

Vote. 5/0

Date. 07/06/2011

Resolution number. 09-07.06.11

Cr Lui – when is the Digital switchover?

CEO stated July 2011.

Resolution:

That Council decline the request from Peter Gilmore Tropical Amusements to visit the NPA for the purpose of operating sideshows and amusement activities for the period from the 29th June to 1st July 2011.

Moved: Cr Lui

Seconded: Cr Aniba

Vote: 5/0

Date. 07/06/2011

Resolution number. 0

Note: A 'flying minute' of a special meeting was directed by the Mayor & CEO to revisit the recommendation prepared by the Director of Community Services.

Updated information was received from the Director of Community Services that Peter Gilmore Tropical Amusement Sides is a different sideshow operator and was not the sideshow operators that were asked to leave the NPA in recent times because of their antisocial behaviour. Council note that its decision was based on assumption and without the correct information available to council when the resolution was made.

Councillors were contacted and have now agreed to rescind its decision and to allow the Peter Gilmore Amusement Sideshow to visit NPA.

Alternate Resolution:

That Council agree to rescind its previous decision to disallow Peter Gilmore Tropical Amusements to visit the NPA for the purpose of operating sideshows and amusement activities for the period from the 29th June to 1st July 2011.

Moved: Cr Lui

Seconded: Cr Aniba

Vote: 5/0

Date. 08/06/2011

Resolution number.

Cr Nona stated that the SEDS Troop carrier is seen driving around the Injinoo Community yet there is nothing happening in the community.

CEO requested that DCEO follow up with the Director and obtain some information for the next Council meeting.

DCEO informed Council of the coming Laura Festival where the Injinoo dancers will perform.

CEO stated that given the interest with dance groups wanting to attend festivals that council need to be mindful that Council do not favour one dance team over another

in terms of its support. CEO stated that the Director for Community Services will need to get a draft policy in place for the council to consider in place.

Cr Bond asked Council whether the employees at the new Mapoon IKC have a 'blue card' or are required to have one.

Resolutions:

THAT: Council receives the Report from the Director of Community Services.

Moved. Cr Williams

Seconded. Cr Nona

Vote. 5/0

Date. 07/06/2011

Resolution number.0

Agenda Item (8) – 11:30am – 11:45am

Mail Register

Agenda Item (9) – 11:45am – 12:00pm

Other Business

1. NPARC Newsletter Issue 26

Cr Elu stated that to liaise with the Director of Corporate Services for any correction or amendment to the 26th NPARC Newsletter.

2. Injinoo Community Forum - Hope Fellowship lease

Balkanu Ranger's Conference 2011- Chris Patterson and Richard Aken

Mr Patterson and Mr Aken briefing with the proposal to hold Rangers conference here at Injinoo Lookout during 29th June to 1st July 2011.

Cr Elu stated that Council is concerned that it will be held responsible should something happen in the area. Council is waiting for a letter from Balkanu stating that Balkanu will take full responsibility during the event.

Mr Patterson stated that all the arrangements - includes funding, insurance and liabilities will be met by Balkanu. Mr Patterson advised that this would include bringing in all the toilet facilities and generators.

Mr Patterson stated that the Conference was a follow on from the recent rangers conference held at Wujal Wujal in 2010 which was a successful event.

Mr Patterson stated that Balkanu has secured a 3year funding agreement nested inside their ranger program. Mr Patterson mentioned that given council current financial constrain that Balkanu's contingency plan was to prepare and carry out the conference after receiving support from traditional owners.

Mr Aken also stated the Balkanu currently has a grant of \$100,000 for community's waterfront projects which must be exhausted before 1st July 2011. Mr Aken informed Council that it would be wise to spend the funds on communities rather than handing it back to the government.

Cr Elu stated that the Ranger Program here is auspiced by NPARC and Council requires a letter of total indemnification from Balkanu to host its 2011 Ranger Conference.

Lunch 12.00pm - 1.00pm

Agenda Item (10) - 1:00pm - 1:30pm

Government Champions - Mr Jack Noye Acting Director General for DLGP and Mr Barry Leahy DJAG/ Mr Colin Neville

Cr Elu welcomes the new Government Champion and stated that Council now formally write to Allan Tesch, the previous Government champion, thanking him for his support.

Mr Leahy highlighted key issues.

- Bridge across the Jardine River.
- Cycle track.

Key issue would be looking at tourism and a hospitality centre. Mr Leahy also mentioned that they are also working with the Bamaga Hospital and its staff accommodation.

Mr Leahy stated that they are also trying to locate funding to assist the local councils and communities.

Mr Leahy advised that the reply for the funding over Jardine River is expected over the next few weeks. Barry mentioned that his last visit was 9months ago and informed Council of the remarkable changes since with works carried out at the schools, hospital and in the community.

Acting Director General for DLGP advised Council that he is looking forward to working with Council.

Cr Elu informed the Government champions of

- The current TWG Housing meeting process, concerns over subdivision approvals, and lack of clarity around housing tenancy management.
- NPARC new and leaner workforce.

- The need for Economic development, with a more meaningful work with employment creation program. Cr Elu stated that the current employment here with tourism is seasonal.
- Police accommodation.
- AMP liquor licensing potential breaches through the Council's post office and the policing of carriage limits.

Mr Leahy stated that they will follow up with the Police Commissioner in regards to providing Police Liaison Officers and Queensland Health with the renal unit and their staff accommodation.

Acting Director General for DLGP asked about the funding application for the Seisia wharf. CEO stated that the application and grant proposal were sent to TMR to register Council's interests.

CEO highlighted the confusing with regards to the Tenancy management arrangements. Council has had 4 visits from different tenancy management officers telling four different stories. Council wants to know what the future holds for tenancy management in the NPA and what will happen to the existing housing officers.

Colin Neville informed Council of the 2008 LIPA process and how the LIPA is guiding positive outcomes for the NPA.

Mr Neville also mentioned the timing of the redraft and looking to the future of LIPA.

CEO advised the need for healthy and integrated consultation around community planning and for Mr Neville to liaise with Ian Doust (RPS).

Mr Neville advised Council of the proposed NPA Cultural Centre which is to be established at the Injinoo Lookout.

Cr Elu queried the ongoing funding for the Cultural centre.

CEO asked the repairs to Mosby Creek Bridge is included in the priority projects

Mr Neville advised that the cycling /walking track that RPS has just concluded a project investigation / community consultation project and we are waiting on the report.

Cr Elu stated that the Seisia cargo shed needs to be sealed and that the dust is getting all over freight items.

Cr Elu advised that DERM is talking with Council about the lease over Pajinka and Evans Bay.

CEO mentioned that Eco-Tourism would be a great activity for the site and commented that the locals are embarrassed by the current state of the site.

Meeting Close 2.15pm

Next Meeting - Tuesday 5th July 2011 Umagico