



MEETING BOOK

Northern Peninsula Area Regional Council

Ordinary Council Meeting #32

To commence at 9.00am

On

Wednesday 14th December 2022

Cairns

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AGENDA ITEM 1- 5
ORDINARY COUNCIL MEETING #33
Wednesday 14th December 2022
Cairns

- 1. Welcome and Opening of Meeting**
- 2. Acknowledgement of Traditional Owners**
- 3. Present**
- 4. Apologies**
- 5. Declarations of Conflicts of Interest**



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Meeting Minutes
ORDINARY COUNCIL MEETING #31
Tuesday 22nd November 2022
Bamaga Boardroom

Northern Peninsula Area Regional Council

Ordinary Council Meeting #31

To commence at 9.00am

On

Tuesday 22nd November 2022

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Agenda Item 1. Welcome and Opening of Meeting

Mayor welcomed attendees and opened the meeting at 9:38am with a prayer by Cr Tamwoy.

Agenda Item 2. Acknowledgement of Traditional Owners

Agenda Item 3. Present

Mayor & Councillors

Mayor Patricia Yusia	District Mayor
Cr Kitty Gebadi	Division 3
Cr Gina Nona	Division 1
Cr Robert Tamwoy	Division 2
Cr Mabelene Whap	Division 5 (arrived at 10.30am via teleconference)
Cr Eric Cottis	Division 4 (arrived at 9:44am)

Other Attendees

Kate Gallaway	Acting CEO
Rachel Yusia	Executive Assistant/Minute Taker
David Tyson	Acting Executive Manager – Enterprises (arrived at 4pm)
Colin Duffy	Acting Finance Manager (arrived at 4.30pm)

Agenda Item 3.1 Cr Whap has requested to join the Meeting via Teleconference

Resolution:

That Council:

Moves to accept that Cr Whap join the Meeting via Teleconference

Moved: Cr Tamwoy

Vote: 4/0

Seconded: Cr Gebadi

Resolution: C3.1 – 22112022

CARRIED

Agenda Item 5. Declarations of Conflicts of Interest

Cr Gina Nona advised the meeting that she had a prescribed conflict of interest in the matter to be dealt with in agenda item 12.9 'User Agreement for Youth Hub'

Cr Nona stated that the User Agreement to be considered for possible approval is with Northern Peninsula Area Family and Community Services Aboriginal and Torres Strait Islander Corporation (NPAFCS). She stated that NPAFCS was a close associate of herself because she was a current board member of NPAFCS.

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Cr Nona stated that she would handle her prescribed conflict of interest by leaving the meeting room at the time the matter was being discussed and decided upon and would not involve herself further in decision-making.

Cr Nona stated that she had provided information about her prescribed conflict of interest to Council's CEO at the Council Meeting after becoming aware of it.

Council's CEO, Ms Kate Gallaway confirmed that Cr Nona had declared a prescribed conflict of interest in relation to agenda item 12.8 and tabled the relevant record made on that date for inclusion in meeting minutes.

Mayor Patricia Yusia advised the meeting that she had a prescribed conflict of interest in the matter to be dealt with in agenda item 12.9 'User Agreement for Youth Hub'

Mayor Yusia stated that the User Agreement to be considered for possible approval is with Northern Peninsula Area Family and Community Services Aboriginal and Torres Strait Islander Corporation (NPAFCS). She stated that NPAFCS was a close associate of herself because she was a current board member of NPAFCS.

Mayor Yusia stated that she would handle her prescribed conflict of interest by leaving the meeting room at the time the matter was being discussed and decided upon and would not involve herself further in decision-making.

Mayor Yusia stated that she had provided information about her prescribed conflict of interest to Council's CEO at the Council Meeting after becoming aware of it.

Council's CEO, Ms Kate Gallaway confirmed that Mayor Yusia had declared a prescribed conflict of interest in relation to agenda item 12.8 and tabled the relevant record made on that date for inclusion in meeting minutes.

Cr Cottis arrived at Meeting 9:44am

Agenda Item 6. Confirmation of Minutes of Previous Meeting

Resolution:

That Council: Notes and confirm the minutes from the previous Ordinary Council Meeting held Friday 21st October 2022.

Moved: Cr Tamwoy
Vote: 5/0

Seconded: Cr Gebadi
Resolution: C6 – 22112022

CARRIED

Cr Whap joined the meeting at 10.30am

Agenda Item 7. Business Arising from Previous Meeting

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Council meeting closed for lunch at 1:00pm

Moved: Cr Tamwoy

Second: Cr Gebadi

6/0

CARRIED

Council meeting open after lunch at 1:37pm

Moved: Cr Tamwoy

Second: Cr Cottis

4 / 0

CARRIED

Cr Gebadi rejoined the meeting at 1:42pm

Cr Whap rejoined the meeting at 1:43pm

Agenda Item

8. Mayoral Report

- Correspondence sent to Minister Miles, Minister Butcher and Mike Kaiser requesting a review into amalgamation.
 - Meeting held with Jae Lancaster on 18 November to follow up on request
 - Minister Miles is writing to Torres Shire Council regarding their position on the boundary change
 - Follow up with Cook Shire who have confirmed they agree to the boundary change
- Correspondence sent to Minister Crawford and Minister de Brenni regarding street lights
 - Minister Crawford confirmed Minister de Brenni is replying
- Correspondence sent to Minister Enoch and Clare O'Connor requesting urgent development of an allocation policy
 - To be followed up at quarterly governance meeting
- Meeting with Neil Scales, DG TMR on 18/11
 - Support to follow up with Brendon Moon and Bruce Scott to secure federal funding for the airport runway. State contribution if federal contribution given
 - Currently undertaking a program with the Feds regarding a comprehensive view of marine infrastructure and ensuring all facilities appear on the asset register
- Meeting with Dr Richard Stewart to confirm NPA will be included in the transition support service to include access to boarding school, support with accessing and navigating Centrelink, follow up and support for students when they are away
- Community Advisory Group meeting with NQPHN to confirm support from NQPHN for emerging NPA issues

MASIG Statement

- Agreement to form a Regional Organisations of Council "ROC" with TSIRC and TSC

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- Agreement to form a Local Thriving Community Board with TSIRC, TSC, GBK, TSRA and Ipima Ikaya Aboriginal Corporation RNTBC.

Resolution:

That Council: Note and accept the Mayor's verbal report held Tuesday 22nd November 2022.

Moved: Cr Tamwoy

Vote: 6/0

Seconded: Cr Gebadi

Resolution: C8 – 22112022

CARRIED

Cr Whap left the meeting at 2:25pm
Cr Whap rejoined the meeting at 2:27pm

Cr Gebadi left the meeting at 3:43pm
Cr Gebadi rejoined the meeting at 3:45pm

Agenda Item

9. Acting CEO Report

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Resolution:

That Council:

- Note the Report
- Appoint Cr Tamwoy to be on the recruitment panel for Executive Manager – Regulatory and Community Services and Executive Manager – Finance and Corporate Services

Moved: Cr Cottis

Vote: 6/0

Seconded: Cr Nona

Resolution: C9 -22112022

CARRIED

Agenda Item

10. Executive Reports

Cr Cottis left the meeting at 4:33pm

Cr Cottis rejoined the meeting at 4:35pm

Agenda Item

10.1. Acting Executive Manager Business Enterprises Report

Resolution:

That Council:

Note the Report.

Moved: Cr Tamwoy

Vote: 6/0

Seconded: Cr Gebadi

Resolution: C10.1 -22112022

CARRIED

Agenda Item

10.2. Executive Manager Operations Report

Resolution:

That Council:

Note the Report.

Moved: Cr Tamwoy

Vote: 6/0

Seconded: Cr Whap

Resolution: C10.2 -22112022

CARRIED

Cr Cottis left the meeting at 5:16pm

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C Cottis rejoined the meeting at 5:18pm

Cr Cottis left the meeting at 5:23pm

Cr Cottis rejoined the meeting at 5:26pm

Agenda Item 11.1 Finance Reports

Resolution:

That Council:

That Council note and accept the Finance Report for the period ending 31st October 2022.

Moved: Cr Gebadi

Vote: 6/0

Seconded: Cr Nona

Resolution: C11.1 – 22112022

CARRIED

Agenda Item 11.2 Report into the Jardine River Ferry Business & ticket prices review

Resolution:

That Council:

1. Note the report; and
2. Amend the NPA resident fee – Car only to \$55
3. adopt the new fees for the Jardine Ferry with these fees to commence from 1 January 2023 and cover the calendar year to 31 December 2023

Moved: Cr Gebadi

Vote: 6 /0

Seconded: Cr Whap

Resolution: C11.2 – 22112022

CARRIED

Agenda Item 11.3 Request to Write Off Debt

Resolution:

That Council:

Write off Invoice 3041979 and the amount of \$10,370.00 as an uncollectable debt.

Moved: Cr Tamwoy

Vote: 6/0

Seconded: Cr Gebadi

Resolution: C11.3 – 22112022

CARRIED

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Agenda Item 12. Other Business

Agenda Item 12.1 Trustee and Council Meeting Dates 2023

Resolution:

That Council

notes and accepts the Ordinary Council meeting dates for 2023 commencing at 9am as per scheduled venue:

- Wednesday 25th January 2023 - Bamaga
- Wednesday 15th February 2023 - Injinoo
- Wednesday 22nd March 2023 - Umagico
- Wednesday 19th April 2023 – New Mapoon
- Wednesday 24th May 2023 - Seisia
- Wednesday 21st June 2023 - Bamaga
- Wednesday 19th July 2023 - Injinoo
- Wednesday 23rd August 2023 - Umagico
- Wednesday 20th September 2023 – New Mapoon
- Wednesday 25th October 2023 - Seisia
- Wednesday 15th November 2023 - Bamaga
- Wednesday 20th December 2023 – Cairns

Moved: Cr Tamwoy

Vote: 6/0

Seconded: Cr Nona

Resolution: C12.1 – 22112022

CARRIED

Resolution:

That Council

accepts the dates for the 2023 NPARC Trustees' meeting commencing at 10am at the Bamaga Council Chambers.

- Tuesday 24th January 2023
- Tuesday 14th February 2023
- Tuesday 21st March 2023
- Tuesday 18th April 2023
- Tuesday 23rd May 2023
- Tuesday 20th June 2023
- Tuesday 18th July 2023
- Tuesday 22nd August 2023
- Tuesday 19th September 2023
- Tuesday 24th October 2023
- Tuesday 14th November 2023
- Tuesday 19th December 2023 - Cairns



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Moved: Cr Tamwoy
Vote: 6/0

Seconded: Cr Gebadi
Resolution: C12.1.1 – 22112022

CARRIED

Agenda Item 12.2 December 2022 Community Meetings

Resolution:

That Council:

1. Note the Report
2. Postpone the community meetings until January 2023
3. Request updated dates at the December 2022 Council Meeting

Moved: Cr Whap
Vote: 6/0

Seconded: Cr Gebadi
Resolution: C12.2 – 22112022

CARRIED

Agenda Item 12.3 Pajinka Precinct Plan in principle support request

Resolution:

That Council:

1. Endorse the NPARC providing RILIPO in principle support for the development of a Precinct Plan for the proposed GYAC Tourism Development project at Pajinka.
2. Requests that the CEO provide the necessary letter to the Department of, Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnership (DSDSATIP).

Moved: Cr Tamwoy
Vote: 6/0

Seconded: Cr Gebadi
Resolution: C12.3 – 22112022

CARRIED

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Agenda Item 12.4 Development Application Lease B on Lot Plan 89SP243595

Resolution:

That Council resolves to:

1. Approve the proposed reconfigure a portion of Lot 89 of SP243595 to allow for a lease of greater than ten years (subject to the following conditions):

Administration

- 1.1. The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:
- 1.2. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;
- 1.3. The development must unless stated, be designed, constructed, and maintained in accordance with relevant Council policies, guidelines, and standards and with the relevant design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual;
- 1.4. The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering.

Currency Period

- 2.1 The currency period applicable to the Reconfiguring a Lot is 4 years.

Approved Site Drawings/Plans

- 3.1 The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:

Plan/Document Name	Drawing Number	Date/DWG
Plan of Lease B in Lot 89 on SP24595	49017928	2/12/2020

- 3.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 3.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.

2. Requests that the CEO & EMO forward the relevant decision notice to the RPS's Ian Doust, within the appropriate time.

Moved: Cr Gebadi

Vote: 6/0

Seconded: Cr Cottis

Resolution: C12.4 – 22112022

CARRIED

UNCONFIRMED

Agenda Item 12.5 Development Application Leases 1091 and 1081

Resolution:

That Council resolves to:

1. Approve (subject to the following conditions):

Administration

- 2.1. The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:
- 2.2. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;
- 2.3. The development must unless stated, be designed, constructed, and maintained in accordance with relevant Council policies, guidelines, and standards and with the relevant design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual;
- 2.4. The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering.

Currency Period

- 2.2 The currency period applicable to the Reconfiguring a Lot is 4 years.

Approved Site Drawings/Plans

- 3.4 The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:

Plan/Document Name	Drawing Number	Date/DWG
Proposed Lease Plan 9832-75E	9832-75E	10/11/2022
Lease A in Lot 109 SP288881 and Lease B in Lot 108 SP28881	SP339699	8/11/2022

- 3.5 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 3.6 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.

3. Requests that the CEO & EMO forward the relevant decision notice to the RPS's Ian Doust, within the appropriate time.

Moved: Cr Gebadi

Vote: 6/0

Seconded: Cr Tamwoy

Resolution: C12.5-22112022

CARRIED



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Agenda Item 12.6 - Bamaga Horse & Pound Paddock

Resolution:

That Council:

1. Note the cost estimate to undertake the identified works required to convert this area into an appropriate horse paddock.
2. Note the cost estimate to undertake a horse euthanasia program
3. Note the open discussion with NPARC animal management and Skydog vet staff
4. Commence consultation with Ipima Ikaya Aboriginal Corporation RNTBC, Apudthama Land Trust and Horse owners regarding a horse management program including euthanasia
5. provide feedback on consultation to the February 2023 council meeting.

Moved: Cr Cottis

Vote: 6/0

Seconded: Cr Tamwoy

Resolution: C12.6 – 22112022

CARRIED

Agenda Item 12.7 - NPARC Policy Framework

Resolution:

That Council:

Endorse the Policy Framework attached to this report.

Moved: Cr Gebadi

Vote: 6 /0

Seconded: Cr Nona

Resolution: C12.7 –22112022

CARRIED

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Agenda Item 12.8 - Masig Statement

Officers Recommendation:

That Council:

1. That Council:
2. Affirm their support to form the ROC (Regional Organisations of Councils) made up of Torres Shire Council, Northern Peninsula Area Regional Council and Torres Strait Island Regional Council

Moved: Cr Cottis
Vote: 6 /0

Seconded: Cr Gebadi
Resolution: C12.8.1 – 22112022

CARRIED

Officers Recommendation:

That Council:

1. That Council:
2. Affirm their support to form an Interim Local Thriving Communities Board made up of Torres Shire Council, Northern Peninsula Area Regional Council, Torres Strait Island Regional Council, Torres Strait Regional Authority, Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation and Ipima Ikaya Aboriginal Corporation RNTBC
3. Nominate the following two councillors to be the representation of Northern Peninsula Area Regional Council
 - Councillor Kitty Gebadi
 - Councillor Robert Tamwoy

Moved: Cr Nona
Vote: 6/0

Seconded: Cr Cottis
Resolution: C12.8.2 – 22112022

CARRIED

Agenda Item 12.9 User Agreement for Youth Hub

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Having declared a prescribed conflict of interest in relation to this agenda item, Cr Nona left the meeting at 6:13pm.

Having declared a prescribed conflict of interest in relation to this agenda item, Mayor Yusia left the meeting at 6:13pm.

Cr Mabelene Whap advised the meeting that she had a prescribed conflict of interest in the matter to be dealt with in agenda item 12.8 User Agreement for Youth Hub'

Cr Whap stated that the User Agreement to be considered for possible approval is with Northern Peninsula Area Family and Community Services Aboriginal and Torres Strait Islander Corporation (NPAFCS). She stated that NPAFCS was a close associate of herself because she was a current board member of NPAFCS.

Cr Whap stated that she would handle her prescribed conflict of interest by leaving the meeting room at the time the matter was being discussed and decided upon and would not involve herself further in decision-making.

Cr Whap stated that she had provided information about her prescribed conflict of interest to Council's CEO at the Council Meeting after becoming aware of it.

Council's CEO, Ms Kate Gallaway confirmed that Cr Whap had declared a prescribed conflict of interest in relation to agenda item 12.8 and tabled the relevant record made on that date for inclusion in meeting minutes.

Having declared a prescribed conflict of interest in relation to this agenda item, Cr Whap left the meeting at 6:13pm.

Mayor Yusia nominated Deputy Mayor Gebadi to chair the meeting in her absence.

Cr Gebadi left the meeting at 6.35pm

The remaining councillors appointed Cr Cottis to chair the meeting.

The matter remained undecided.

Cr Nona and Mayor Yusia returned to the meeting at 6.54pm

Cr Cottis left the meeting at 7:08pm

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Agenda Item 12.10 Presentation of Torres and Cape Indigenous Council Alliance Financials

Resolution:

That Council:

Note the audited financial statements of Torres and Cape Indigenous Council Alliance

Moved: Cr Tamwoy

Vote: 3/0

Seconded: Cr Nona

Resolution: C12.10 – 221120222

CARRIED

Cr Cottis returned to the meeting at 7:09pm

Agenda Item 12.11 Planning Application Bamaga Farm

Resolution:

That Council:

1. Defer the decision to the December 2022 Council Meeting

Moved: Cr Tamwoy

Vote: 4/0

Seconded: Cr Cottis

Resolution: C12.11 – 221120222

CARRIED

Agenda Item 13. General Business

Agenda Item 14. Close of Meeting


Meeting Closed at 7.12pm with a prayer by Cr Tamwoy.

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DECLARATION - **PRESCRIBED** CONFLICT OF INTEREST

Councillor Name	Mabelene Whap	
Timing of declaration	<input type="checkbox"/> Declaration made before meeting <input checked="" type="checkbox"/> Declaration made at meeting	
Meeting type	<input checked="" type="checkbox"/> Council meeting	
Meeting date	22/11/2022	
Description of business matter	User Agreement for Youth Hub	
Item number	12.9	
<p>Pursuant to section 150EL of the <i>Local Government Act 2009</i>, I hereby provide notice that I have a prescribed conflict of interest in this matter, the nature and particular of which are as follows:</p>		
General nature of the prescribed conflict of interest.	<ul style="list-style-type: none"> I am a director of NPA Family and Community Services which is the subject of the agenda item for NPARC to enter into a user agreement with 	
<input type="checkbox"/> The prescribed conflict of interest involves a gift or loan or sponsored travel or accommodation benefit or contract	The value of the gift or loan or benefit or contract	NA
<input type="checkbox"/> The prescribed conflict of interest involves an application for which a submission has been made	The subject of the application	NA
	The nature of the submission on the application	NA
<input type="checkbox"/> An entity other than myself has an interest in the matter	The name of the entity, that has an interest in the matter	NA
	The nature of my relationship with the entity	NA
	Details of the entity's interest in the matter	NA
<input checked="" type="checkbox"/> I have an interest in the matter	Executive Officer of a Corporation	Board member of NPA Family and Community Services Aboriginal and Torres Strait Islander Corporation
<input checked="" type="checkbox"/> As required by legislation, I will not participate in decision-making on the matter.		
Councillor's Signature	22/11/2022	<i>Electronic</i>

DECLARATION - **PRESCRIBED** CONFLICT OF INTEREST

Councillor Name	Patricia Yusia	
Timing of declaration	<input type="checkbox"/> Declaration made before meeting <input checked="" type="checkbox"/> Declaration made at meeting	
Meeting type	<input checked="" type="checkbox"/> Council meeting	
Meeting date	22/11/2022	
Description of business matter	User Agreement for Youth Hub	
Item number	12.9	
Pursuant to section 150EL of the <i>Local Government Act 2009</i> , I hereby provide notice that I have a prescribed conflict of interest in this matter, the nature and particular of which are as follows:		
General nature of the prescribed conflict of interest.	<ul style="list-style-type: none"> I am a director of NPA Family and Community Services which is the subject of the agenda item for NPARC to enter into a user agreement with 	
<input type="checkbox"/> The prescribed conflict of interest involves a gift or loan or sponsored travel or accommodation benefit or contract	The value of the gift or loan or benefit or contract	NA
<input type="checkbox"/> The prescribed conflict of interest involves an application for which a submission has been made	The subject of the application	NA
	The nature of the submission on the application	NA
<input type="checkbox"/> An entity other than myself has an interest in the matter	The name of the entity, that has an interest in the matter	NA
	The nature of my relationship with the entity	NA
	Details of the entity's interest in the matter	NA
<input checked="" type="checkbox"/> I have an interest in the matter	Executive Officer of a Corporation	Board member of NPA Family and Community Services Aboriginal and Torres Strait Islander Corporation
<input checked="" type="checkbox"/> As required by legislation, I will not participate in decision-making on the matter.		
Councillor's Signature	22/11/2022	

DECLARATION - **PRESCRIBED** CONFLICT OF INTEREST

Councillor Name	Gina Nona	
Timing of declaration	<input type="checkbox"/> Declaration made before meeting <input checked="" type="checkbox"/> Declaration made at meeting	
Meeting type	<input checked="" type="checkbox"/> Council meeting	
Meeting date	22/11/2022	
Description of business matter	User Agreement for Youth Hub	
Item number	12.9	
Pursuant to section 150EL of the <i>Local Government Act 2009</i> , I hereby provide notice that I have a prescribed conflict of interest in this matter, the nature and particular of which are as follows:		
General nature of the prescribed conflict of interest.	<ul style="list-style-type: none"> I am a director of NPA Family and Community Services which is the subject of the agenda item for NPARC to enter into a user agreement with 	
<input type="checkbox"/> The prescribed conflict of interest involves a gift or loan or sponsored travel or accommodation benefit or contract	The value of the gift or loan or benefit or contract	NA
<input type="checkbox"/> The prescribed conflict of interest involves an application for which a submission has been made	The subject of the application	NA
	The nature of the submission on the application	NA
<input type="checkbox"/> An entity other than myself has an interest in the matter	The name of the entity, that has an interest in the matter	NA
	The nature of my relationship with the entity	NA
	Details of the entity's interest in the matter	NA
<input checked="" type="checkbox"/> I have an interest in the matter	Executive Officer of a Corporation	Board member of NPA Family and Community Services Aboriginal and Torres Strait Islander Corporation
<input checked="" type="checkbox"/> As required by legislation, I will not participate in decision-making on the matter.		
Councillor's Signature	22/11/2022	

Council Ordinary Monthly Meeting Action Register

Action	Updated	Update	Person Responsible	Date of Meeting
Compliance workshop for Councillors on required policies	08.12.2022	Addition QTC training tentatively scheduled for 2023	A/CEO	15.06.2022
Define clearly the roles of Parks and Garden & Roads crew	14.07.2022 14/10/22 16/11/2022 9/12/2022	WIP. Appointment of new Project Manager to support A quote has been requested from a local Consulting firm The quote received is excessive and an alternative scope will be developed No action in November	EMO	15.06.2022
Look at no standing zone on Anu St	11.07.2022 20/09/2022 14.10.2022 16/11/2022 9/12/2022	Sgt Eaton advised if council designates as no parking by painting yellow lines and placing no parking signs, QPS will implement No further action Awaiting response from Bamaga Junior As above. Nil response received from Bamaga Junior. Follow up email sent As above (suggest closing task if no response received during December)	A/CEO, EMO	15.06.2022
Vehicles parked on footpath	12.08.2022 23/09/2022 14/10/2022 16/11/2022	Meeting held and templates provided by Preston Law. Organising training for staff on how to complete notices Audit completed in Injinoo Local laws staff have started talking to owners Ongoing Owners will be encouraged to remove vehicles as part of the pre wet clean up. To be supported by new Illegal Dumping Officer	A/CEO, EMO	15.06.2022

	09/12/2022	Roads and local laws staff are encouraging owners to surrender vehicles parked in public places. Mechanical issues with Council's float will delay collection until January		
Upkeep plan for New Mapoon Park	14.07.2022 23/09/2022 14/10/2022 16/11/2022 09/12/2022	WIP – Plan to be developed by new Project Manager Maintenance planned for early October Works commenced in early October additional materials have been ordered Works able to be completed in October were completed. Materials ordered in October arrived in mid-November. Remaining Koppers log fencing will be programmed for January 2023 after the prewet clean up weather permitting. Fence repairs around the playground have been completed New corral fences installed in entrances to slow children exiting onto the road	EMO, WM	15.06.2022
Tender for old vehicles stored next to the Police Station	14.07.2022 15.08.2022 20/09/2022 14/10/22 16/11/2022 09/12/2022	Currently listing old vehicles for Tender Ongoing Disposal tender being drafted in September Still in draft Draft advert will be provided to the CEO for approval in November Tender was advertised in November and will close on Wednesday 14 th December	Fleet Manager	15.06.2022
Special meeting to be held to update previous council meetings	16/11/2022	To be scheduled	A/CEO	25.05.2022

Name change of Airport and Acknowledgement of Country by Rex Flights	23.06.2022	Rex confirmed they can add wording for acknowledgement to country as part of the standard script for hostess. Draft wording provided to Cr Nona for comment	A/CEO	25.05.2022
Horse Management	14.07.2022 18.08.2022 20/09/2022 14/10/2022 16/11/2022 09/12/2022	On HOLD further discussions for holding horses required. Not supported given likely out-sourcing of this service. Sourcing management plans developed for other communities Yarrabah Horse Management plan provided to NPARC Health sought advice from FNQROC re horse management was advised by FNQROC that they can only assist member Councils Report in this meeting to discuss the option of a Bamaga Paddock presented to this council meeting Further report submitted to November Council meeting for consideration Direction has been received from the November Council meeting	EMO, MRS	15.06.2022
Illegal dumping & Patterson Area signage	15.07.2022 15/08/2022 20/09/2022 14/10/2022 16/11/2022 09/12/2022	Details TBC. Illegal Dumping funding submission made Awaiting outcome of illegal dumping Grant application Still awaiting outcome of grant application As above Council has been advised that the grant for the Illegal dumping officer has been successful Awaiting a funding agreement with the state	EMO, WM MRS	15.06.2022

Pump shed being used for drinking in poor condition	15.07.2022 15/08/2022 20/09/2022 16/11/2022 09/12/2022	Under consideration for 22-23 budget Options being investigated Carpenters have been tasked with making the shed secure Carpenters will demolish the shed in December Works are still programmed to be completed in December	EMO, FM, MRS	15.06.2022
New Mapoon Subdivision Costs	12.08.2022 20/09/2022 14.10.2022 16/11/2022	Letter has been sent. Waiting timeframe from DATSIP. Request for item at next TWG DATSIP are assisting Council with preparing planning DA's for subdivisions in each community New Mapoon Subdivision updated. Waiting on DSDSATSIP DSDASTIP has commenced working on Planning DA's, DATSIP only has funding for two DA's this FY Provided to WCCCA	A/CEO	15.06.2022
Replace gravel with concrete between Fred Williams house and Pensioner units	15.08.2022 20/09/2022 14/10/2022 16/11/2022 09/12/2022	To be actioned Will be programmed with other concrete works in October As Above No residual funds were available to undertake these works No action in November	WM & PM	20.07.2022
Review of Rangers Grass Program to ensure it is meeting requirements	15.08.2022 20/09/2022 14/10/2022 16/11/2022	Ranger coordinator returned from leave on 15/08. EMO to raise All spray units are inoperable Quotes for a new spray unit are being sourced As above	EMO, Ranger Coordinator	20.07.2022

	09/12/2022	Rangers are currently undertaking weed mapping Existing trailer is being taken to a local workshop for repairs Existing spray unit has been repaired and returned to Rangers		
Develop Burial Policy and register of burials	22.09.2022	Meeting held with Preston Law and draft policy received.	A/CEO	20.07.2022
Introduce people count at Jardine Ferry	22.09.2022 16/11/2022 8/12/2022	Staff have started completing but not consistently. Ongoing training with staff. Continuing issue with staff working New Camera fitted for traffic count. Not in operation yet but being tested.	EME	20.07.2022
Include before and after photos of Roads and Parks & Garden Works	15.08.2022	Ongoing	WM	20.07.2022
Look to extend fuel cards to whole fleet	23.09.2022	Current cards are now operational and being trialled. Systems being resolved to address gaps before rolling out to all cars	Fleet Manager	20.07.2022
Request Public Health / DoE to undertake Public Health sampling from Mosby Creek	15.08.2022 20/09/2022 14/10/2022 16/11/2022 09/12/2022	To be commenced. Visiting week commencing 29/8 NPARC to undertake sampling for DES Programmed to be completed by 21/10/2022 Samples were taken in late October and sent to the lab. DES is awaiting results As above	EMO	20.07.2022
Review Jardine River Deed w/ ALT	22.09.2022	Under the existing deed, there are no review options, only if the nature of operations change for example through a divestment process	A/CEO, FM	20.07.2022
Meeting w/ Cr Whap to scope works for Foreshore to identify any funds remaining for Seisia Hall works	15.08.2022	Draft scope being prepared considering the works identified in the Grant applications	A/CEO, EMO, PM	20.07.2022

	14/10/2022 16/11/2022 09/12/2022	Ongoing Draft Scope is costed and a meeting will be arranged to discuss reducing the scope to meet the budget with Cr Whap in December Costed scope was discussed with Cr Whap in early December. Some scope changes were discussed, reviewed scope is being re-costed and a further meeting will be held with Cr Whap in December / January		
Clean up at Umagico Lookout	15.08.2022 23/09/2022 14/10/2022 09/12/2022	Works programmed for August Works to Commence As above These works will be completed as part of pre wet clean-up - illegal dump sites will be focused on during the week commencing 19 th December 2022	WM	20.07.2022
Investigate track over hills at white posts at turn off	23/09/2022 14/10/2022 16/11/2022 09/12/2022	To be actioned Works to be programmed As above Proposed modification has been identified works programmed to occur in January	WM	17.08.2022
Review Travel Allowance rates to check in line with ATO Determination	17/11/2022	Latest travel allowance rates---Tax Determination TD 2021/6. Copy has been provided to CEO's PA and to relevant Finance staff. Back pay being calculated	FM	29.09.2022
Follow up issues at Seisia Wharf with TMR <ul style="list-style-type: none"> Increased signage Higher fencing to prevent access during SeasSwift unloading 	14/10/2022 16/11/2022 09/12/2022	Offer to supply signs has been received back from TMR. Ops to install signs on arrival Awaiting delivery of signs supplied by TMR As above	EMO	29.09.2022
Install signage at Injinoo Lookout r.e. use of BBQs	14/10/2022	Sign wording in draft quote to be requested	EMO	29.09.2022

	16/11/2022	Awaiting signage to arrive		
Follow up Torres Shire for helicopter landing within Torres Shire Boundary	14.10.2022	Response provided from Torres Shire they are awaiting legal advice	A/CEO	29.09.2022
Installation of blind spot mirror at Injinoo Service Station	13/10/2022 17/11/2022 8/12/2022	The mirrors have been ordered through Stores Awaiting delivery Was not ordered by Ray. Directions given to Ray to find a supplier and order today. Ordered 09/12/2022	EME	29.09.2022
Fencing at Red Point	14/10/2022 16/11/2022 09/12/2022	Works have been programmed Programmed for the week of the 21 st – 25 th of November Fencing works were commence, part of the fence line is affected by erosion and a new line will need to be identified in the new year	Ranger Coordinator	29.09.2022
Firebreak not maintained at Virrillya and Atambaya	14/10/2022 16/11/2022 09/12/2022	Works have been programmed Firebreak and maintenance completed at Atambaya by Friday 18 th November Vrilia point works programmed for the week of the 21 st – 25 th of November. Task Complete	Ranger Coordinator	29.09.2022
Replace Basketball fencing	14/10/2022 16/11/2022 09/12/2022	Fencing Materials ordered Materials arrived in mid-November Works will be programmed for December Works commenced	EMO, WM	29.09.2022
Injinoo New Cemetery Gate is broken	14/10/2022 16/11/2022 09/12/2022	Yet to commence Repairs programmed for November for tombstone unveiling Task complete	EMO	29.09.2022
Resolve duplicate invoice for Apudthama Agay Aboriginal Corporation	14/10/2022	A/CEO has emailed Gavin to resolve the issue and undertake audit of creditor	Finance Manager	29.09.2022

Curb & Channel – if there can be some maintenance for the ground and leaf blow	17/11/2022 09/12/2022	Tasked to P&G and Roads crew Some K&C cleaning commenced / on going	EMO, WM	21.10.2022
Heavy machinery is driving through the back of drains / footpath	17/11/2022	Request for details on location	EMO, WM	21.10.2022
Rangers w/ blue cards doing programs at the school	17/11/2022 09/12/2022	Four Rangers have blue cards and these are the only rangers that undertake school based activities. There are no current school based programs being delivered. Planning in place for 2023 Task completed	EMO, Ranger Coordinator	21.10.2022
F/up curb and channel clean in Bamaga to clean out the leaves	09/12/2022	Works will be programmed when plant becomes available after the pre wet clean-up	EMO, WM	22.11.2022
Slasher from Bowser to Seisia on both sides of the road	09/12/2022	Works appear to have been completed	EMO, WM	22.11.2022
Trim the overgrown plant at Solly Woosup house	09/12/2022	P&G have previously attempted to remove this vegetation and staff were threatened. A/- WM will visit the resident in December and explain the need. And advise if there are any threats QLD police will be requested to attend whilst works are being completed	EMO, WM	22.11.2022
Remove abandoned vehicles in the drain behind Solly Woosup house	09/12/2022	Letters will be issued by local laws to residents with vehicles and vessels stored on public land to remove the items by early to mid-January 2023 or vehicles will be impounded	EMO, Regulatory Services Manager	22.11.2022
Staff have been smoking in the vehicles	09/12/2022	Staff have been reminded by their supervisors that smoking is not permitted in Council vehicles or plant items	EMO, HR Manager	22.11.2022

Resolutions

Resolution	Updated	Update	Person Responsible	Date of Meeting
Trustee and Council Meeting Dates	05.12.2022	Published on website	A/CEO	22.11.2022
December Community Meetings	05.12.2022	Report to December Council Meeting	A/CEO	22.11.2022
Pajinka Precinct Plan	05.12.2022	Response provided to RILIPO to confirm support	A/CEO	22.11.2022
Development Application Lease B on Lot Plan 89SP243595	05.12.2022	Decision notice provided	EMO	22.11.2022
Development Application Leases 1091 and 1081	05.12.2022	Decision notice provided	EMO	22.11.2022
Horse Management Plan	05.12.2022	Detailed costing and maps being prepared for consultation to commence in 2023	EMO	22.11.2022
NPARC Policy Framework	05.12.2022	Policy Framework has been finalised and adopted	MCA	22.11.2022
Masig Statement	05.12.2022	Response provided to relevant parties in accordance with resolutions	A/CEO	22.11.2022
User Agreement for Youth Hub	05.12.2022	Matter undecided. Progressed for December Meeting	A/CEO	22.11.2022
TCICA Financials	05.12.2022	Financial uploaded in line with statutory requirements	A/CEO	22.11.2022
Planning Application Bamaga Farm	05.12.2022	Matter deferred for December Meeting	EMO	22.11.2022
Compensation Agreement with Ipima Ikaya Aboriginal Corporation RNTBC	14.10.2022 16.11.2022	Moray and Agnew has provided draft agreement to IIAC for consideration. Waiting on IIAC	A/CEO	29.09.2022
Report into the EOI for the Gym	13/10/2022 16/11/2022 08/12/2022	Review of requirements and contract conditions being assessed Negotiations underway – building repairs being undertaken Successful EOI has concerns with proposed contracting arrangements. Will provide a further proposal to trustee / council	A/CEO, EME	29.09.2022
NPARC Report into Operations of the Injinoo Service Station	22.09.2022 16/11/2022 08/12/2022	Management report being implemented as per council resolution As per Council request, further report due in December Operations have improved in December. Service Station Manager to provide report to council in January	EME	17.08.2022

NPARC Camping Policy	22.09.2022	On hold as per request of council due to boundary with Torres Shire. Options <ul style="list-style-type: none"> - Joint enforcement policy with Torres Shire - Only enforce on part of land within NPARC boundary. This will be tricky given it is not an exact boundary	A/CEO	17.08.2022
NPARC Operations into the Pool	22.09.2022 13/10/2022 16/11/2022	One EOI received but did not include specific details. Details being finalised for October Meeting Report on progress to be submitted in October Council Meeting Contract negotiations being finalised	EME	20.07.2022
Batching Plant Divestment	15.08.2022 13/10/2022 16/11/2022 08/12/2022	EOI closed 23.09.2022. Multiple submissions being assessed for decision at October Council Meeting Report on progress to be submitted in October Council Meeting As per submitted enterprise Council report update Report to this meeting	EME	25.05.2022



AGENDA ITEM 8
ORDINARY COUNCIL MEETING #32
Wednesday 14th December 2022
Cairns

8. Mayor Verbal Report

Title of Report CEO Report

Agenda Item: 9

Classification: For Noting

Author Acting Chief Executive Officer

Attachments Aged Care Report
LFS Christmas Bookings

Officers Recommendation:

That Council:

- Note the Report

PURPOSE OF REPORT

To provide a status update for Council from the Acting Chief Executive Officer

CORPORATE PLANNING

Under the Local Government Act, Council needs to have a Corporate Plan, as well as adopt the annual operational plan and budget with a number of policies each year.

Corporate Plan

The Corporate Plan has been finalised and published on the NPARC website. The Corporate Plan was presented to community at August Community Meetings.

Annual Operational Plan and Budget

The Annual Operational Plan and Budget was adopted on 27th July 2022.

The operational budget is currently being loaded into PCS System. The amended budget is presented to council at today's meeting.

The operational plan Q2 update is due to be presented to council at the January 2023 meeting.

A schedule has been developed as requested by Council to have an annual cycle of reports from Level 3 Managers. This excludes the December meeting which is planned for Cairns.

Month	Level 3 Manager Reports
January	Manager – Corporate Affairs Injinoo Service Station Manager
February	Project Manager Regulatory Services Manager
March	Works Manager Jardine Ferry Manager
April	Parks & Gardens Manager Umagico Supermarket Manager

May	Building Manager Executive Assistant / Office Manager
June	Airport Manager Aged Care and Home Services Manager Batching Plant Manager
July	Rangers Coordinator Community Services Manager
August	HR Manager Fleet & Workshop Manager
September	Commercial Leasing Manager Property and Facilities Manager
October	HR Manager Finance Manager
November	Stores Manager Grants Officer

Community Safety Plan

The Community Safety Plan has been finalised and a copy provided to DSDSATSIP. The Implementation Plan has been provided to the Department. Once the response has been provided by Minister De Brenni, then we can progress planning for expenditure of funds. Quotes obtained in the interim.

Local Thriving Communities

\$10 000 was provided in 2021-22 for the development of a LTC framework and relative consultation. Approval was provided to roll this over to 2022-23 and a consultant has been engaged to complete these works. A meeting is scheduled for early January for Council Consultation.

GOVERNANCE

Compliance

Key policies to be reviewed have been identified. These are currently being reviewed for necessary updates. There is a number of other policies that need to be reviewed, but the current vacancy in the Governance Officer has caused a delay. Remaining policies including policies requiring to be rewritten will be presented to the January Meeting as part of Manager Corporate Affairs report.

There is also the outstanding matter regarding the vote count. A special meeting needs to be organised so relevant resolutions can be passed to make a note to previous minutes. However, there is a delay in this work due to competing priorities and the vacancy of the Governance Officer.

Grants

There has been significant progress in rectifying outstanding grants and ensuring we have a framework to monitor compliance. Additional applications have been made for the IKC refurbishment, Arts Centre and SES. Successful notification was received for \$33k to support the Mud Rally and Pig Hunt.

HUMAN RESOURCES

Recruitment

The current vacancies for Community Services Supervisor and Events Coordinator have been filled.

The ranger position is awaiting on availability of the interview panel.

The following positions will need to be readvertised due to unsuitable applicants

- Community Services Manager
- Senior Administration Officer
- Human Resources Advisor

The lack of staff in HR causes a delay, but these are being finalised.

The 2 x EM Positions have been recruited to and commence in January 2023.

UPCOMING MEETINGS & VISITS

The following upcoming visits and meetings are scheduled for December and January

Date	Time	Purpose	Venue
19/12/22	11am to 12.30pm	Interim Regional Assembly **TBC	Teams
21/12/22	10am to 5pm	NPARC End of Year Party	Seisia Hall
22/12/22	TBC	Meeting with Ipima Ikaya Aboriginal Corporation RNTBC <i>Tentative</i>	Ne Mapoon Hall
26/12 – 2/1	All day	NPARC Closure	
9-11/1	Various	NPARC Community Meetings	As per report
16/1 – 19/1	All day	Local Government TORCH Meeting ROC Meeting	Cairns
24/1	10am to 5pm	Trustee Meeting	Bamaga
25/1	8am to 5pm	Council Meeting	Bamaga

CORPORATE SERVICES

The Executive Manager – Corporate Services position remains vacant, so these functions are being fulfilled by the CEO.

Aged Care and Community Care

The Aged Care Act requires that the organisation has effective organisation wide governance systems relating to regulatory compliance. The status of compliance requirements is reported to Council via the Aged Care Compliance Report. The monthly report is attached to inform council of this status.

Community Services

The recruitment for the vacant Community Services Supervisor position is ongoing as we attempt to source the right candidate for the position. Feedback regarding the IKCs was provided to the Manager.

There continues to be poor staff attendance which is impact on the operation of the IKCs and needs focus and support from the Supervisor and Manager. Infrastructure grants for the IKCs was applied for with support of the Grants Officer.

Sports and Recreation

A new funding model for the Sports and Recreation program has started 1 July 2022. A work plan is currently being completed under the new funding model by the staff member before input from the Manager and CEO to ensure it aligns with the operational and corporate plans. There is a focus on support is see more programs for vulnerable groups.

Infrastructure grants open in Feb 23 and the necessary preparations has commenced for the Rodeo Grounds.

Direction was provided to the A/ Community Services Manager for the office to be cleaned.

Art Centre

The Festival Coordinator position funding was ceased at 30 June 2022. The role has been repurposed to manage the Art Centre. The Art Centre has extended opening hours to include Saturday Morning. There has been good activity and a number of promotions happening for the art centre on the Facebook and Radio. There are currently a variety of workshops being undertaken at the Art Centre.

Events

Planning is underway for the events in the leadup to Christmas / New Years.

Tidy Town

- Competition run on 19th and 20th December. Some communities have started their clean up
- Judging occurs on the 21st December
- Winner announced on the 22nd December
- Community BBQ on 23rd December with presentation of the Shield

Christmas Lights

- Prizes finalised 9th December
- Nominations close 22nd December
- Judging occurs on the 23rd and 24th December
- Winners announced on 26th December

NPARC End of Year Party

- Venue: Seisia Hall (Community Liquor Permit has been applied for)
- Date: 21st December
- Time: Formalities will be from 10.30am to 12pm followed by lunch
 - Opening
 - Speeches
 - Presentation of Awards
 - Special Award
 - Organisational Awards
 - Mayoral Awards
 - Lunch

- Games organised for the afternoon

Leasing

Currently, the Commercial Leasing Manager is working on documenting the lease, tenure and landuse status of each block within the DOGIT area and following through on actions required. There is significant work required to resolve long-term lease matters and that relevant agencies (especially State Government) are paying appropriate lease and service fees. Work is also being done to finalise processes for the Home Ownership Program and 2 workshops have been held with community.

Administration

There continues to be pressure placed on administration staff due to staff vacancy. A trial was run regarding booking of Rex LFS at the Umagico, New Mapoon and Injinoo offices. This went well and the staff are confident, so will be continued into the new year.

For reference, below are the latest LFS booking numbers completed by staff

	Jul-22	Aug-22	Sep-22	Oct-22	Total
Bamaga Airport	528	577	530	521	2156

This equates to 24 bookings per day being done over the period.

Arrangements have been made over the Christmas Closure to support community members with Rex LFS bookings.

MONTHLY AGED CARE COMPLIANCE REPORT

REPORT TO	Northern Peninsula Area Regional Council
REPORT DATE	08/12/2022
REPORT FROM	Patricia Nona

AGED CARE SERVICE DELIVERY

Summary of client status over the past month

Reporting item	Number	Comment
HCP Clients	0	Level 1: Level 2: Level 3: Level 4:
New HCP Clients		Level 1: Level 2: Level 3: Level 4:
HCP Enquires	5	Waiting on approval for HCP Clients
Referrals for assessment or reassessment	15	15 new Assessments for CHSP completed
	13	13 Reassessment completed for HCP waiting on 5 for HCP approval

Summary of CHSP client status and activity

Summary of CHSP client needs and activity

Reporting item	Number	Comment	
Number of clients	28	10 additional clients have had an intake form completed but have not been assessed by my age care to be approved for age care services	
Number of new clients	2		
Clients on waiting list	2		
Number of clients transitioned to HCP	5	Waiting on approval letters	
CHSP Hours	Monthly target	Hours delivered	Comment
Home maintenance	11.5	0	
Social Support Group	78	41	
Transport	63	69	
Meals	223	121	
Domestic Assistance	136	15	1 Elder moved to Cairns + 1 Deceased, some requesting no DA
Social Support Individual	78	41	
Personal Care	25	0	
Flexi Respite	7	0	
Specialised support	0	0	

Aged care legislative compliance status report

Compliance requirement	Number of clients	Overdue	Action taken
Charter of aged care rights explained	28	2	Planning to visit the outstanding clients in the next 2 weeks
Signed aged care agreements	28	2	Etools information system training will occur next week, and new contracts will be generated for all clients.
Signed current care plans	28	19	Etools information system training will occur next week, and new care plans will be generated for all clients.
Advanced health directives completed (HCP clients only)	1	1	Advanced care directive will be discussed with this client when care plan is reviewed.

Aged care activity reporting

Agency	Report submitted in the past month	Date due	Date Submitted
Department of Health			

STAFF MANAGEMENT**Staff changes over the past month**

Staff	Staff establishment	Current number of staff	Number of resignations	Number of new staff
Total staff	15	15	0	0
Carers	8	8	0	0

HR Management

Reporting item	No of staff	Overdue	Action required
Current Police checks	15	3	New staff to complete ASAP
Current Drivers licence	15	2	Waiting for renewal and not driving council vehicles
Performance review	15	15	Begin Performance first week of April
Annual Flu vax	15	13	Flu vax starts late April do not know the vaccine status
COVID Immunisation	15	15	Waiting on Booster

Status of Core training

Mandatory training	No of staff	Overdue	Action Required
Orientation	15	3	
Fire Safety	15	15	Enquiring about next Fire safety session
First Aid	15	10	Next review September 2023
Manual Handling	15	15	Waiting on Computer to do online Mandatory training
Infection control	15	10	Waiting on computer to do online Mandatory training
Elder Abuse	15	15	Waiting on computer to do online Mandatory training
Food Safety	15	15	Waiting on computer to do online Mandatory training
Open disclosure	15	13	Waiting on computer to do online Mandatory training

- Training attended over the last month

Consulted with relevant training bodies at recent workshop for age care workers to complete their cert 3.

- Waiting on Tafe College Cairns for Quote on Cert 3 Age care training
- Completed Cert 4 Practice Graduated 6th Dec

QUALITY IMPROVEMENT

Progress against Plan for Continuous Improvement

- Feedback on Aged Care Services Feedback survey to Clients.
- Survey results given into NPARC newsletter

Feedback/complaints management

Complaints	Total No	Type of incident			
		Employee	Service	Facilities	Other
Number of Complaints in the reporting period	0				
% Investigations completed within 5 days					

Key issues and action taken

- No complaints yet, in the process of doing a Consumers survey, on what changes they like to see and if our delivery of care effective and sufficient.

Incident/near miss management

Incidents	Total No	Type of Investigation			
		Employee	Equipment	Facility	Medication
Number of Incidents in the reporting period					
% Investigations completed within 5 days					

Key Issues & action taken



IMPORTANT PUBLIC INFORMATION **Re: LFS Bookings over Christmas period 2022** **for REX AIRLINES ONLY**



NPA Regional Council will offer limited times for LFS Bookings over the Christmas Festive Season.

--- TIMES: Strictly between 10:00am to 2:00pm ONLY ---

Dates LFS Available	Contact Person	Booking Method	Times available
Monday 26 th December	Kate Gallaway – Acting CEO	Mobile Only - 0437 030 980	10:00am to 2:00pm
Tuesday 27 th December	Kate Gallaway – Acting CEO	Mobile Only - 0437 030 980	10:00am to 2:00pm
Wednesday 28 th December	Rachel Yusia	In person - Bamaga NPARC Office	10:00am to 2:00pm
Thursday 29 th December	Rachel Yusia	In person - Bamaga NPARC Office	10:00am to 2:00pm
Friday 30 th December	Rachel Yusia	In person - Bamaga NPARC Office	10:00am to 2:00pm
* CEO Mobile is available outside of the trading dates & times listed above – Strictly for EMERGENCY BOOKINGS ONLY			

Title of Report: Update on NPARC Business Enterprises

Agenda Item: 10.1

Classification: For Noting

Author: Acting Executive Manager - Business Enterprises

Attachments: N/A

Officers Recommendation:

That Council: Note the report

PURPOSE OF REPORT

This report provides the Councillors with an update of NPARC Business Enterprises activities.

UPDATE

Umagico Supermarket:

- A new ALPA manager planned for mid to long term placement has been identified and started in November (arrived week ending 11th)
- Continuing HR issues (attendance) have impacted operational efficiency
- Network issues at the Umagico office has meant the Supermarket was closed one day.

Injinoo Fuel Station:

- General
 - WHS training and general operational training needed for staff.
 - Damage to equipment was caused to the 24-hour service is still to be fixed
 - A fuel pump issue has impacted the ULP sales.
 - The safe has been unlocked, leading to increased productivity.
 - New Security camera installed at back

- Income

ULP	14,767.27 litres	\$36,197.44
Diesel	36,986.86 litres	\$99,606.97
General Sales		\$57,050.09

General Stores Bamaga:

- General
 - Waiting for delegated staff to be signed into PCS.
 - Slow moving stock identified and put on sale.
- Sales

Internal	\$50,904.10
External	\$40,850.16

Jardine River Ferry:

- General
 - New EFTPOS system has been installed and is in operation.
 - New numberplate recognition camera has been installed and is being tested.
 - Ferry was closed for 6 hours for maintenance.
- Income and Expenditures for November

	Debit	Credit
Wages	\$144,168.44	
Materials and services	\$14,284.64	
Equipment	\$6,517.50	
Diesel	\$7,884.13	
Phone and internet	\$1,242	
RoadHouse Fees and Charges		\$181.81
Road House Sales	\$25.91	\$369.25
Other Sales	\$25.91	\$197.44
Other Income		\$64,624.26
Tickets	\$3645.45	\$64,572.26

Injinoo Batching Plant:

- Stocktake report

STOCK DESCRIPTION	QUANTITY COUNTED	TOTAL UNIT COST	TOTAL COST (\$)
Cement Bags (20 kg)	2136	\$9.00	\$19,224.00
Aggregate 20mm	314.5	\$125.00	\$39,312.50
Sand (m3)	366	\$132.50	\$48,495.00
Daratard (205 ltr)	500	\$2.98 P/LTR	\$1,490.00
Total Cost			\$108,521.50

Airport:

- Monthly sales figures for November 2022

Sale item	Monthly Totals (October)
Jet A-1 litres	23,818.01
Jet A-1 sales	\$64,209.15
Avgas litres	11,118.39
Avgas sales	\$34,858.61
Landing fees	\$18,503.15
Passenger tax	\$1620

- Flights and Passengers

Sale items (October)	REX	Skytrans	Other airlines	Total
Flights in/out	96	22	15	133
Passengers in/out	2156	152	5	2313

- Major Maintenance issues identified/corrected

Runway surface failure in patches	Works carried out 08/11/22. Incomplete. Monitoring daily. Likely work needed again in the short-term period to complete works. Highly likely to need repatching of all previous works due to poor surface quality.
Apron lighting not at full capacity	2 x of 4 installed 08/11/22. Remainder scheduled with B&B Electrics by end of year.
Fuel facility	Overhaul needed plus new supplier needed for periodic maintenance. Procurement in progress.

- HR

Staff Attendance – expected hrs vs actual hrs %	100% - 1 x staff (JASKO).
Skills training – planned	Refuelling duties – Damien Elu (ARO trainee) General maintenance – Glenn Murray (ARO trainee).
Emergency training as per schedule	Not completed for November.

Property & Housing:

- Staff housing – 28
 - Tenanted – 21
 - 4 Available immediately for positions (identified)
 - 3 unavailable - works being undertaken
- Social Housing – 49
 - Tenanted – 46
 - Vacant – 1
 - To be demolished – 2
- Rental arrears review is continuing
- 87% Complete – Signed (Current) Tenancy Agreement for Social Houses

Corporate Affairs

- Governance
 - Policy audit complete and a number of compliance policies are ready to be presented to Council.
- Technology
 - Improvements to network at ferry, depot and workshop.
 - All old computer replaced.
 - Cyber security policy has been completed.
 - Multifactor Authorisation in operation on remote devices for email access. Will include Citrix in the new year.
 - Projects to upgrade Citrix, our desk phones, our Telstra services and our Cloud Hosting all underway.
- Records
 - Sharing Minds has been engaged to upgrade our records management system.



ORDINARY COUNCIL MEETING # 32
Agenda Item 10.1
Wednesday 14th December 2022
Cairns

- Most hard copies have been removed from offices and are being sorted at the Archives office.
- Communication
 - C7EVEN has been engaged to develop a Strategic Marketing Plan. Consultation is continuing.
 - BRACs is working with community to share news and stories.
 - Old VHS tapes have been sent away to be digitised.
 - Website redesign is underway.
 - Staffing issues have impacted on efficiency.

Title of Report: December Operations Information Report

Agenda Item: 10.2

Classification: For information

Author Executive Manager, Operations

Attachments Nil

Officers Recommendation:

That Council:

Note the Report

PURPOSE OF REPORT

To provide Councillors with an outline of monthly activities undertaken by Operation Department sections.

BACKGROUND AND CONTEXT

Works undertaken by the various sections making up the operations department for the month of November are as follows:

Building Construction and Maintenance

For the months of December to January NPARC had to hand the portal over to QBuild, so NPARC can catch up on aged works due to Housing scoping property for maintenance work. NPARC will monitor works and take back the portal in late January. Currently have 410 aged job cards > that are presently over 60 days. For the month November NPARC have been receiving 5 Job Cards a day. NPARC currently has 472 active jobs in the portal which have been shared out to Contractors

Current QBuild upgrades being delivered.

- 1 x major upgrade
- 9 x Bathrooms
- 8 x Floors
- 6 x Carports
- 6 x Kitchens
- 6 x Laundry's
- 1 x large DISMOD 427 jawai St Bamaga
- 3 x reroofs

NPARC carpenters working on various vacant maintenance tasks for both QBuild and Council works, and internal capital works.

Interim Capital Works Housing Progress

- 173 Elu St Bamaga / House is Completed. Dept of Housing sorting out relevant paper works to tenant mid-December.
- Lot 146 Injinoo / House is complete. Awaiting Ergon to hook up power.
- Lot 89 Luff St / House is complete. Dept of Housing sorting out relevant paper works to tenant mid-December.
- Lot 214 Horseman Rd Umagico Roof was installed in November / December. Works will be ongoing in January.

Umagico park upgrade is on project on track to be completed by the end of November.

- civil works are completed , a small amount of sand is still required to complete the sand pit,
- footpath and BBQ shelter are all completed,
 - a short section of footpath will be reworked in December due to damage
- Painting of the Basketball courts will be completed in December.

Injinoo Look out

- The exercise equipment supplier has advised equipment is in transit to the NPA.
- Equipment will be installed on arrival in the NPA

Seisia Foreshore

- Met with the Councillor in Early December to confirm scope

Works

Robert Neville continues to act in the Works manager position on higher duties whilst the recruitment process is commenced in the first quarter of 2023.

Roads

- Removed and replaced the fire damaged culvert on Injinoo back road.
- Win, load and carted sand for the concrete batching plant.
- Carted Aggregates from the Jardine Ferry to the concrete batching plant
- Filled the sand pit for the Umagico Park W4Q project.
- Commenced pre wet clean-up.

Parks & Gardens

- General maintenance activities and clean-ups in Seisia, Injinoo, Bamaga and Umagico.
- Installed guardrails to the two entrances into the New Mapoon playground.
- Completed fence repairs the New Mapoon playground.
- Undertook fence repairs at the Injinoo old Cemetery.
- Commenced fence replacements at the Bamaga basketball courts.
- Commenced pre wet clean-up.

Water

The plant operated and performed steadily during the month of November.

Significant water consumption Issues were experienced on the 10/11/12 of November due to very hot weather (> 35°C) and in conjunction with a plant outage due to SCADA upgrade works. Despite the average plant production of 5.0 ML/d, existing water restrictions signage, and door-to-door notifications to enforce water restriction, water to the communities had to be shut down overnight between 2100 hrs and 0600 hrs on the 12/11 to allow refilling of the reservoirs and avoid the risk of major disruptions during the daytime peak demands

Rainfall in Bamaga was recorded at 61.0 mm which is above average for the November mean rainfall of 50.4 mm

The total water production (filtrate) volume for Bamaga WTP for the month was 151.31 ML, averaging 5.043 ML/day

4 leaks were repaired on the Raw water pipeline from the Jardine river during the period. 3 fire hydrant repairs were also completed during this period. 6 residential leaks were inspected and handed over to NPARC

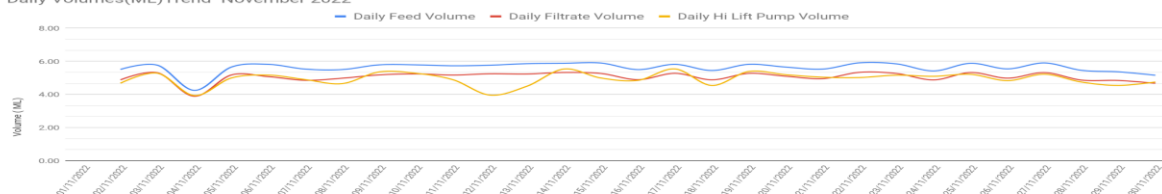
Plumbing contractors were engaged to expose the Bamaga Hospital connections to confirm the double supply design: from the Bamaga main and from the distribution line. The double supply was confirmed but the Bamaga supply had been previously isolated and buried. The valve was reopened and water pressure tests performed. The Hospital is currently fed from the Bamaga main as intended, with the secondary supply available in case of emergency.

There were 2 new service requests and 0 new service installations completed in the period.

There were 0 OHS incidents, 0 environmental incidents, 0 water quality incidents/exceedance during the month of November. No community complaints were recorded following the service disruption.

The mobilisation and transition is 90% complete with the Veolia Operations the second Assistant Operator to be filled this week. The Always Safe Site System is in place with the audit schedule to be implementation ongoing. The Training Gap analysis is still in progress with the next formal training for new staff on the 13 Dec for Chlorine Gas. The Operations and Management Plan is 60% complete with a focus on this to be completed before the end of the year. The Procurement Plan has been initiated and all existing vendors uploaded into the Felix Supply System additional suppliers required will be added as required. The Veolia Asset Management System is live with the 12 month review process started to qualify are maintenance routines and schedules. Meetings with the Department of State Development, Infrastructure, Local Government and Planning are being held monthly to discuss the scope and execution of capital works projects to be completed. The development and review of the Operations and Maintenance manual has started with the completion of this target for the end of Q1 2023.

Daily Volumes(ML)Trend November 2022



	Raw Water	Production	Consumption		
Month	Feed Vol(ML)	Filtrate Vol(ML)	Hi-Lift Vol (ML)	YTD Feed 22	YTD Prod 22
Sept	171,973.60	156,238.40	154,023.30	521,070.70	469,876.80
Oct	180,288.60	162,965.80	160,380.40	692,359.30	632,842.60

Workshop

- Continuing with servicing and repairs of Council fleet as problems arise
 - Services completed on 12 light vehicles
 - Minor repairs to 13 fleet items
 - Major repairs to 10 fleet items
 - Small plant repairs 20
 - Tyre repairs 20
- Hasting Deering completed repairs to the backhoe, and Skid steers in November.
- Council generators were serviced in preparation for the Christmas shut down and wet season
- Quotes are being sought for a wheel balancer machine
- Recruitment of a new Fleet and workshop manager is ongoing.
- Recruitment for a Diesel Fitter and Automotive mechanic is ongoing.
- Recruitment of a Tyre fitter is ongoing.

Rangers

Planned works for November were completed apart from the fencing at Vrilya some of this fence will need to be relocated due to erosion, works were stopped and will be reprogrammed when weather permits.

Below is the rangers work calendar for December and some representative photo's of works undertaken During November.

Monday	Tuesday	Wednesday	Thursday	Friday
			1 Small engines maintenance shed clean out and prep for Weipa trip	2 Road Check/Clean Wash vehicles, Clean Base and ready equipment for following week
5 Empty Bins Road Check/Clear Clean toilets 4 Rangers travelling to Weipa for meeting	6 Tangaroa Blue – Marine Debris Beach Clean up 4 Rangers at Weipa Meeting	7 Tangaroa Blue – sorting of Debris at ranger base Rangers assisting ALT and Wildlife crew on Crocodiles nesting 4 rangers travelling back from Weipa	8 Coastal Surveillance – West Coast GPS Ghost Net and raft on beach Marine debris clean up Transact monitoring	9 Road Check/Clean Check signs and Installing Croc signs Wash vehicles, Clean Base and ready equipment for following week
12 Empty Bins Road Check/Clear Clean toilets Sign check and installing new signs	13 Checking road and clear at swimming area to make sure road is accessible for xmas as families like to spend their xmas break out swimming	14 Checking road and clear to swimming area to make sure road is accessible for xmas as families like to spend their xmas break out swimming	15 Placing rubbish signs at swimming areas Vegetation Management	16 Road Check/Clean Wash vehicles, Clean Base and ready equipment for following week
19 Empty Bins Road Check/Clear Clean toilets Base Clean	20 Base Clean Set light trap – Seisia meat works	21 Base Clean NPARC Break-Off	22 Base Clean Pick-up light trap meat works Seisia, pack and send off	23 Road Check/Clean Wash vehicles, Clean Base, and ready equipment for new year 2023
26 Christmas shutdown	27 Christmas shutdown	28 Christmas shutdown	29 Christmas shutdown	30 Christmas shutdown



Regulatory Services

Animal Control

- Vector (mosquito) trapping in the NPA, sites are located at.
 - Loyalty Beach
 - Piggery 10km north of Loyalty beach
 - Piggery 13km South of Injinoo community
- The team have administered 26 tick and flea treatments for dogs.
- Twelve dogs were trapped and impounded for the month of November
- Twelve dogs were euthanised during November.
- Medical assistance was provided to three horses for open wounds.
- SKYDOG Vets are scheduled to visit the NPA in early December.
- Two warning letter were issued to dog owners in Bamaga during November.

Illegal Dumping

Illegal dump sites have been investigate as reported / identified. When identified offenders are contacted and instructed to collect their waste and dispose of it correctly or action will be taken under the adopted local laws.

Solid Waste

- Kerbside collection has occurred with minimal disruptions
- Transfer station and landfill operations are operating normally
- Six sites have been identified that are challenging for the new Kerbside collection unit to turn around / access. Solutions will be investigated and implemented where possible in the coming weeks.
 - Trademans Road
 - Baira Close
 - Ibuai Close
 - Little Lui Street
 - Intersection of Sagaukaz St and Reservoir Road
 - Teacher's lane off Reservoir Road
 - West end of Ware street
- Contractors were engaged to.
 - Cover cell 34 & 44
 - Cart green waste from the transfer station to the landfill.

Food Licencing

Food licencing inspections were undertaken at the following venues during November:

- Bamaga Bakery
- BP Bamaga
- Cape Yorke Peninsula Lodge
- Seisia Kiosk
- Seisia Supermarket

Wastewater

- Scheduled servicing and maintenance activities have been undertaken at the 6 pump stations and lagoons.
- Public toilet cleans have been completed at all public toilets in the NPA communities and portaloo's at Muttee Heads and Pajinka
- Far North Plumbing completed repairs at the Bamaga oval and the Umagico oval public toilet
- B&B electrics completed repairs at the Umagico pump station during the month of November

Capital projects update

- New Mapoon Multi-Purpose facility
 - Quote for project management / designer has been received from a Local Buy registered company.
 - Meeting held with WCCCA CEO was held on 25th November, direction was provided to apply for further funds, there is a requirement that we return current funds to WCCCA
 - RPS has provided 2 new construction budget estimates, (1) that includes everything that was previously agreed, the amount is \$2,490,000.00. (2) estimate is \$1,600,000.00 based on a reduced scope as identified in the RPS Report.
- Rangers' vehicle and vessel shed
 - Quote for project management / designer has been received from a Local Buy registered company.
 - NPARC Operations have reviewed submitted quotations, Operations have sought further quotations with positive result to reduce costs and increase scope.
 - Project scope is to be confirmed through December with works planned for after the wet.
- Fleet
 - Quotes for replacement light truck were received and PO are being raised in late October
- Jacky Jacky Boat ramp car park
 - Earthworks were completed in October
 - Bitumen seal will be undertaken with another project later
- Umagico Park Upgrade
 - Community and Councillor input was sought and agreed on the scope of works
 - Concrete works are near complete
 - Shelter, Tables settings and Bin surrounds have been installed
 - All hardscaping works are complete
 - Painting of basketball court is scheduled to start 12th December
 - Spreading of grass seed will occur once storms become regular
- Seisia boat ramp (TMR third Party works)
 - Contract for works has been received
 - Works to be programmed after the tourist season with considerations of the tides.
 - Further faults at the bottom of the ramp has been reported to TMR,
- Jardine River Ferry
 - Selected tenderers inspecting the vessel on the 21st of October,
 - Scopes are being collated and negotiated with the selected tenderers and Ferry management.

- Works will be programmed, and purchase orders raised once the final scope has been agreed upon
- Injinoo – Umagico Footpath
 - Two bridges have arrived
 - Quotes for footings and concrete ramps have been received, works have been awarded
 - Excavation works have commenced for both bridge footings, installation of both bridges is expected in December
- Umagico – Bamaga cycleway
 - Concept design was submitted to TMR in late September
 - Feedback was received October, REC's are preparing responses to the requests
 - Detailed design is progressing with reference to feedback received from TMR
- Seisia esplanade
 - A draft scope has been compiled by operations staff and a meeting was held with Cr Whap on December 5th, parts of the scope is to be revised and requoted.
- Bamaga youth centre
 - Works have progressed through October and are expected to be completed in mid-November
- Adidi Street collapsed culvert
 - Purchase order for culverts has been raised in October
 - Culvert components are scheduled for delivery during December and January.
 - Estimate to complete works is being developed
 - TMR are being requested to assist with funding the works

CRITICAL DATES

N/A.

OTHER OPTIONS CONSIDERED

N/A.

LEGAL AND LEGISLATION CONSIDERATIONS

N/A

POLICY CONSIDERATIONS

N/A.

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

This report is in line with the following sections of the Operational Plan 2020-2021:

- 1 Reliable and Affordable essential Services
 - 1.1 Water
 - 1.2 Landfill
 - 1.3 Access
- 2 Safe, clean and attractive physical environments
 - 2.1 Animal Management
 - 2.2 Clean and tidy public areas in each Community

FINANCIAL AND RESOURCE CONSIDERATIONS

Operational budget expenditure

CONSULTATION

Building Construction and Maintenance Manager
Works Manager
Ranger Coordinator
A/ Workshop Manager
Manager Regulatory Services
NPARC Project Manager.

Title of Report: November 2022 Finance Report

Agenda Item: 11.1

Classification: For Noting

Author Acting Manager Finance

Attachments Statement of Comprehensive Income

Enterprise Financial Summary

Cash Position Summary

Statement of Financial Position

Debtors and Creditors Outstanding

Officers Recommendation:

That Council:

Note and accept the Acting Manager of Finance Report for the period ending 30th November 2022

PURPOSE OF REPORT

To provide Councillors with a status update on the Council's financial position in accordance with the requirements of the Local Government Act 2009 and s204 of the Local Government Regulations 2012.

BACKGROUND AND CONTEXT

Overall position

Financials current year

The Council's financial position as at the end of November 2022 remains challenging, although it has improved slightly on October's position.

Current obligations (liabilities) are at \$9.94M compared to a cash position at the end of November being at 13.81M. Unrestricted cash is estimated at \$2.2M, as there was \$4.8M for the SGFA Grant funding received in November. However, many Grant funded projects are currently well underspent.

Operating grants received for the November month have been \$327K for second instalment of FAGS Grant, \$4.88M for SGFA Grant, \$10K Employer Incentive Grant, \$110K QLD State Library subsidies, \$31K for CHSP Aged Care funding; Capital grants received for November include QRA's REPA program funding of \$430K.

In November, QBuild was invoiced for \$789K for work on upgrades and maintenance to Community housing.



Revenue

Operational Revenue for the period to 30 November 2022 is tracking favourably with budgeted revenues received at 41% compared to 42% of the year elapsed.

Expenses

Operational Expenditure is tracking favourably at 45% of Budget compared to 42% of the year elapsed.

Materials and Services comprises half of Councils Operational Expenditure at \$10.4M, and almost half of this (4.0M) is payments to contractors and consultants for the upkeep of Council assets. A further \$1.2M is for the various Insurances that Council is required to hold and almost \$2M for the purchase of stock for the various Enterprises.

Employee benefits are lower compared with previous year as positions are still being recruited and have not been filled to-date.

Cash Position

The Council has a tight cash position although further FAGS and SGFA quarterly grant receipts will help to ease the position.

At end of November 2022, after allowing for the end of month creditors, total staff leave liabilities, grants contracts obligations, Council available unrestricted cash is at approximately \$2.2M, due to early receipt of Capital grants and unspent commitments related to those grants.

Enterprises

This November, all business enterprises are showing a surplus. Jardine Ferry Roadhouse continues to be the most profitable. For every dollar spent, the enterprise brings in \$0.17 of surplus.

Audit last financial year ending 30 June 2022

Council has had to seek an extension of time from the Minister (for Local Government) for the completion of the audit of the 2021/22 Annual Financial Statements, due in part to the fact that the Manager of Finance and the Management Accountant roles were not filled until August 2022. The Queensland Audit Office (QAO) is continuing to work with Council on progressing the audit as the necessary work is completed

Budget and Management Reporting

Work to break the budget in greater details with a view to upload in Council PCS finance system so that all managers are provided their own budget that was earlier approved by Council has been completed by the consultant Gavin Amarasiri. The work to upload in PCS is still ongoing



CRITICAL DATES

N/A.

OTHER OPTIONS CONSIDERED

N/A.

LEGAL AND LEGISLATION CONSIDERATIONS

N/A

POLICY CONSIDERATIONS

N/A.

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

Operational Plan – 2. FISCAL MANAGEMENT

FINANCIAL AND RESOURCE CONSIDERATIONS

N/A.

CONSULTATION

N/A.

Statement of Comprehensive Income

Percentage of year elapsed as at 30-November-2022

42%

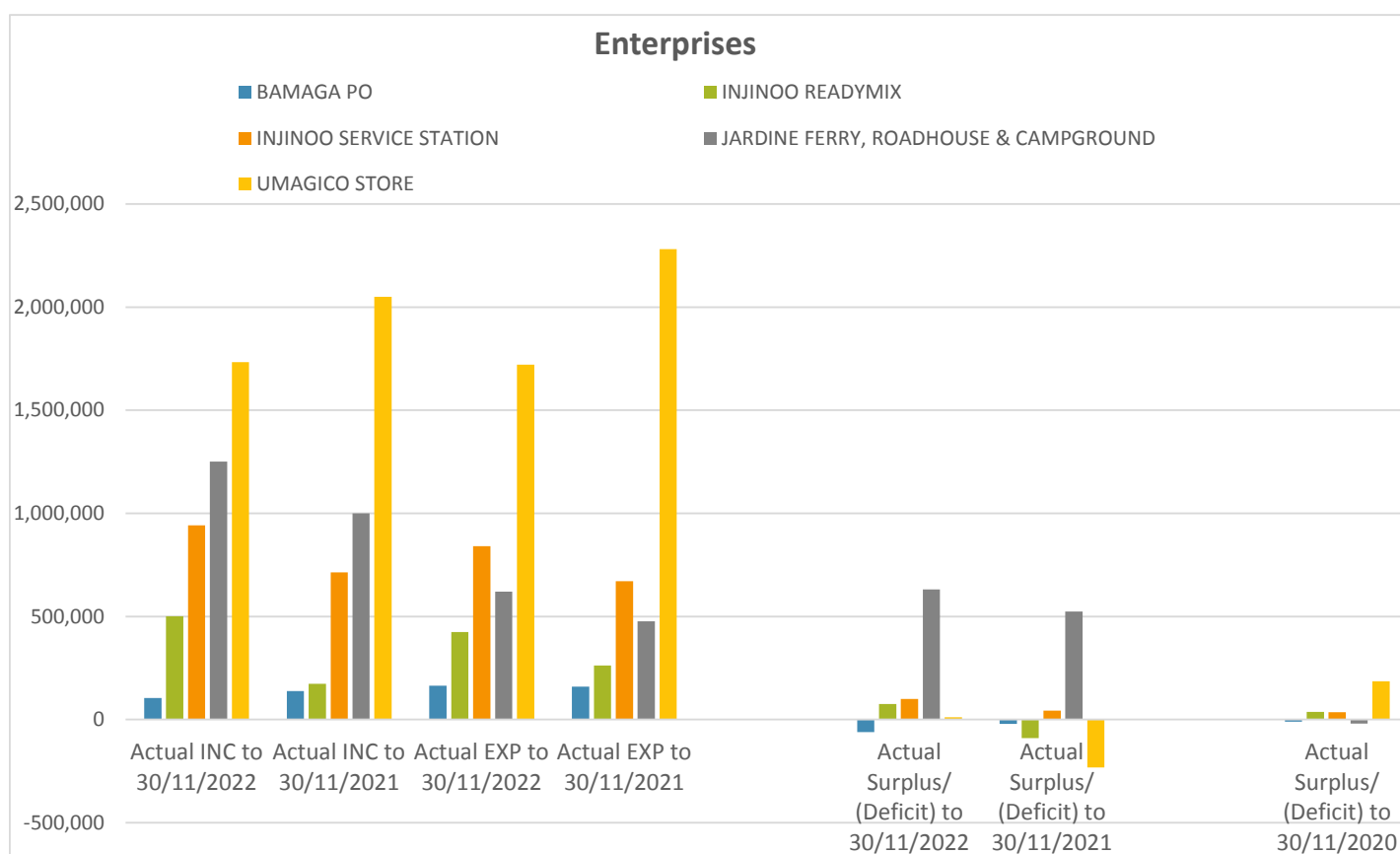
The Statement of Comprehensive Income is often referred to as the Profit and Loss Statement. This statement shows what Council has earned (revenue) and what costs Council has incurred (expenses) for the year to date.

Northern Peninsula Area Regional Council Statement of Comprehensive Income For the period ended 30-November-2022

	<u>Period End</u> <u>30/11/2022</u>	<u>Period End</u> <u>30/11/2021</u>	<u>Annual</u> <u>Budget</u> <u>2022-23</u>	<u>% Actual vs</u> <u>Budget</u>
Income				
Recurrent Revenue				
Rates, levies and charges	-	2,236,728	3,300,000	0%
Fees and charges	261,214	234,801	1,000,000	26%
Rental income	927,628	800,299	1,800,000	52%
Interest received	28,963	6,746	75,000	39%
Sales revenue	3,223,336	3,084,089	8,500,000	38%
Enterprise revenue	5,110,411	4,216,218	9,500,000	54%
Other income	197,955	120,935	1,000,000	20%
Grants, subsidies, contributions and donations	6,871,615	5,584,288	15,000,000	46%
Total recurrent revenue	16,621,122	16,284,104	40,175,000	41%
Capital revenue				
Grants, subsidies, contributions and donations	4,466,687	-	7,500,000	60%
Loss on sale Assets	-	-	-	
Total capital revenue	4,466,687	-	7,500,000	60%
Total revenue	21,087,810	16,284,104	47,675,000	44%
Expenses				
Recurrent expenses				
Employee benefits	(5,945,730)	(6,130,864)	(16,468,000)	36%
Materials and services	(10,409,017)	(10,461,957)	(19,000,000)	55%
Finance costs	(13,393)	(35,760)	(65,000)	21%
Depreciation and amortisation	(4,490,000)	(4,426,725)	(11,000,000)	41%
Total recurrent expenses	(20,858,140)	(21,055,306)	(46,533,000)	45%
Capital Expenses	-	-	(900,000)	0%
Total Capital Expenses	-	-	(900,000)	0%
Total expenses	(20,858,140)	(21,055,306)	(47,433,000)	44%
Result from ordinary activities	229,670	(4,771,202)	242,000	95%
OPERATING RESULT				
Operating Revenue	16,621,122	16,284,104	40,175,000	41%
Operating Expenses	(20,858,140)	(21,055,306)	(46,533,000)	45%
Operating Surplus/(Deficit)	(4,237,018)	(4,771,202)	(6,358,000)	67%

Northern Peninsula Area Regional Council
Enterprise Financial Summary
As of 30-November-2022

ENTERPRISES	Actual INC to 30/11/2022	Actual INC to 30/11/2021	Actual EXP to 30/11/2022	Actual EXP to 30/11/2021	Actual Surplus/ (Deficit) to 30/11/2022	Actual Surplus/ (Deficit) to 30/11/2021	Actual Surplus/ (Deficit) to 30/11/2020
BAMAGA PO	105,411	139,006	165,322	159,289	(59,911)	(20,283)	(10,430)
INJINOO READYMIX	501,471	173,478	425,357	262,199	76,114	(88,721)	37,776
INJINOO SERVICE STATION	941,945	714,301	841,293	670,822	100,652	43,479	35,867
JARDINE FERRY, ROADHOUSE & CAMPGROUND	1,250,789	999,874	620,139	476,375	630,650	523,499	(18,533)
NPARC STORES	417,166	249,637	353,249	417,741	63,918	(168,104)	(34,081)
UMAGICO STORE	1,733,075	2,049,265	1,721,351	2,280,994	11,724	(231,729)	186,760
Total Enterprises	4,949,858	4,325,561	4,126,711	4,267,419	823,147	58,142	197,358



Cash Position Summary

This attachment shows the cash flow position of NPARC and the activities year to date - November 2022

The estimated net cash position is **\$10.59M** as of **31 October 2022**. Estimated known restrictions at end of October 2022 are liabilities for staff leave liabilities during the next 12 months: \$1.5M, creditors liabilities at end of month \$0.9M, grants project deliveries \$8 M.

Cash balances total at 30-November-2022 was 14.39M

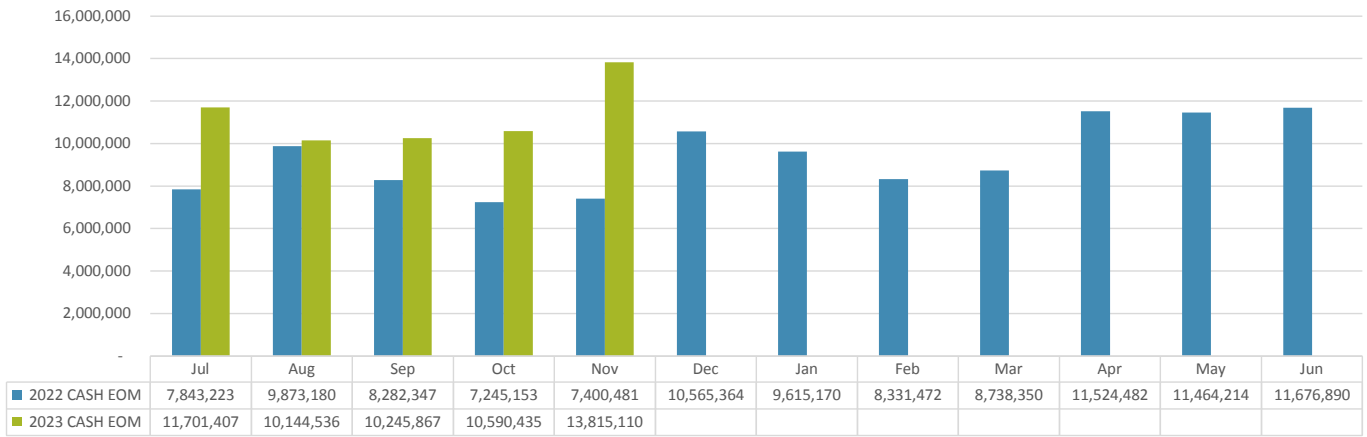
Of this

NPARC CBA General Account	\$ 10,325,038
NPARC Cash Floats	\$ 11,535
NPARC Cash on hand-ATM Umagico Store	\$ (1,501)
DHPW Trust Account	^ 5 new houses \$ 557,284
NPARC QTC Investment	^ effective rate 1.94% \$ 3,498,187

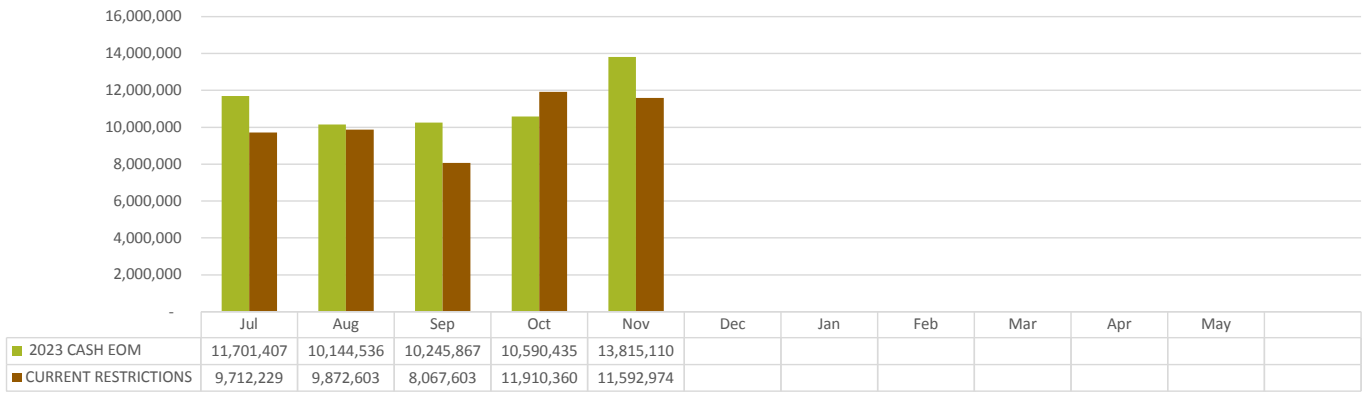
Northern Peninsula Area Regional Council Statement of Cash Position As at 30-November-2022

	\$
Cash flows from operating activities:	
Receipts from customers	10,394,511
Payments to suppliers and employees	(17,400,819)
	<u>(7,006,308)</u>
Interest received	28,963
Rental Income	927,628
Non-capital grants and contributions	6,871,615
Finance costs	<u>(13,393)</u>
Net cash inflow (outflow) from operating activities	<u>808,505</u>
Cash flows from investing activities	
Payments for property, plant and equipment	(2,050,518)
Grants, subsidies, contributions and donations	<u>4,466,687</u>
Net cash inflow (outflow) from investing activities	<u>2,416,169</u>
Net increase (decrease) in cash and cash equivalents held 30-November-	3,224,675
Cash and cash equivalents at beginning of reporting period	<u>10,590,435</u>
Cash and cash equivalents at 30-November-2022	<u>13,815,110</u>

Cash on hand - month on month comparative



Cash balance compared with
Cash Restrictions - GRANTS CONTRACT LIAB, STAFF LEAVE LIAB, EOM CREDITORS



Statement of Financial Position

The Statement of Financial Position is often referred to as the Balance Sheet and is a snapshot of the financial position of Council at a particular time. It measures what Council owns (Assets) and what Council owes (Liabilities). The difference between these two components is the net wealth (Equity) of Council.

Northern Peninsula Area Regional Council Statement of Financial Position As at 30-November-2022

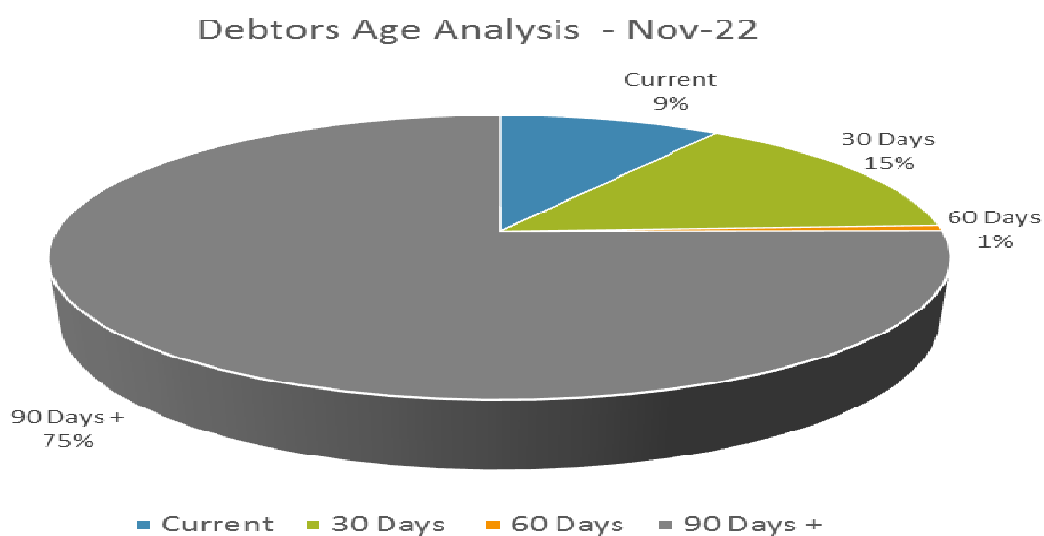
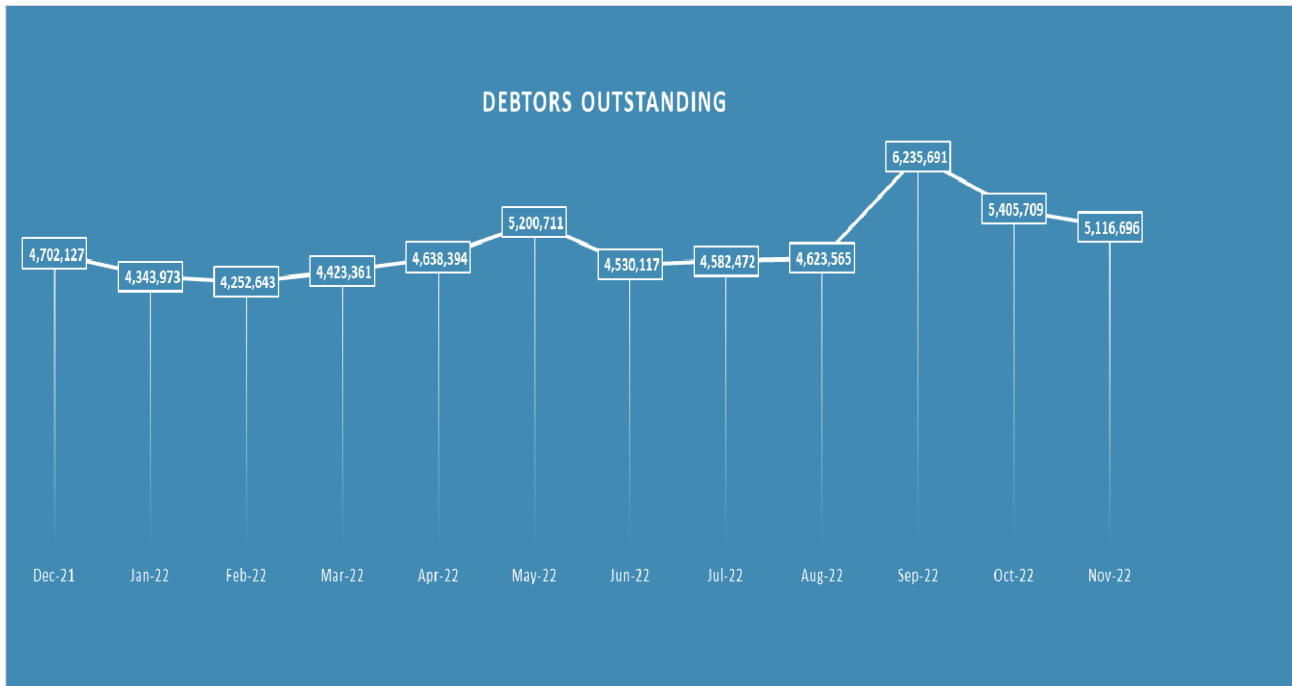
	As at 30-Nov-2022 Actual	As at 30-Nov-2021 Actual
	\$	\$
Current Assets		
Cash and cash equivalents	13,815,110	7,400,481
Trade and other receivables	2,491,665	1,802,327
Inventories	1,086,742	1,195,535
Other financial assets	1,065,349	734,915
	<u>18,458,866</u>	<u>11,133,258</u>
Non-current assets classified as held for sale	-	-
Total current assets	<u>18,458,866</u>	<u>11,133,258</u>
Non-current Assets		
Trade and other receivables	-	-
Other financial assets-Leased Assets	14,960,075	15,367,280
Property, plant and equipment	182,629,621	190,617,440
Work in progress	8,143,958	11,056,611
Total Non-current assets	<u>205,733,654</u>	<u>217,041,331</u>
TOTAL ASSETS	<u>224,192,520</u>	<u>228,174,589</u>
Current liabilities		
Trade and other payables	1,788,609	3,796,886
Borrowings	-	-
Provisions	1,548,571	1,146,133
Other	6,085,811	8,533,685
Total Current liabilities	<u>9,422,991</u>	<u>13,476,704</u>
Non-current liabilities		
Provisions	524,257	1,229,143
Total Non-current liabilities	<u>524,257</u>	<u>1,229,143</u>
TOTAL LIABILITIES	<u>9,947,248</u>	<u>14,705,847</u>
NET COMMUNITY ASSETS	<u>214,245,272</u>	<u>213,468,742</u>
Community Equity		
Asset revaluation reserve	62,006,652	62,006,652
Retained surplus/(deficiency)	152,238,620	151,462,090
Reserves	-	-
TOTAL COMMUNITY EQUITY	<u>214,245,272</u>	<u>213,468,742</u>

***Northern Peninsula Area Regional Council
Analysis of Debtors and Creditors Outstanding
As of 30-November-2022***

Debtors Outstanding and Recovery

Total debtors outstanding as of 30 Nov 2022 was \$5.1M of which 75% is outstanding over 90 days. Council is continuing efforts to recover debts with legal action being commenced on a number of long outstanding items.

Total bad debt provision as at 30 Nov 2022 continues to be \$3.071M, there being no change from the financial year ending June-2022.



Creditors Outstanding

The total Creditors outstanding as of 30 November 2022 was \$582,531. The age analysis of the Creditors is as follows.

Description	Current	30 Days	60 Days	90 Days +	Total
Nov 2022					
Creditors outstanding	\$403,266	\$15,173	\$2,588	\$161,503	\$582,531
Number of Creditors					50

Title of Report: 2023 Amended Budget

Agenda Item: 11.2

Classification: For Decision

Author: Mayor

Attachments: 2023 Amended Council Budget
2022/2023 Revenue Policy
2022/2023 Revenue Statement

Officer Recommendation:

That council adopts the following;

- Pursuant to the Local Government Act 2009 and sections 169 and 170 of the Local Government Regulation 2012, Amended Council Budget for the 2022/2023 financial year, incorporating
 - The statements of financial position;
 - The statements of cash flow;
 - The statements of income and expenditure;
 - The long-term financial forecast;
 - The statements of changes in equity;
 - The relevant measures of financial sustainability.

Officer Recommendation:

That Council: Adopts the 2022/2023 Revenue Policy.

Officer Recommendation:

That Council: Adopts the 2022/2023 Revenue Statement.

PURPOSE OF REPORT

This report provides the Council with an amended budget for 2022/23 Financial Year.

In accordance with S107A of the Local Government Act 2009, I presented the budget of the Northern Peninsula Area Regional Council for 2022-23 for consideration of Councillors on 27 July 2022 and the Council approved the budget by the Resolution number C8.2-27072022.

The purpose of presenting this amendment is to include detail in operational level budget because the existing budget do not include detail to support for operational level budget.



ORDINARY COUNCIL MEETING # 32
Agenda Item 11.2
Wednesday 14th December 2022
Cairns

The Adaptation and amendment of this budget is according to the s 170 (3) of the Local Government Regulation 2012.

The preparation and content of this amended Budget is in accordance with s 169 of the Local Government Regulation 2012 as described in the Budget Summary Document.

Mayor Patricia Yusia



Northern Peninsula Area Regional Council

Budget 2022-2023 (AMENDED)



Northern Peninsula Area Regional Council

Northern Peninsula Area Regional Council

Budget Documents 2022-2023 (Amended)

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- ✓ Budget Summary
- ✓ Budget Publication
- ✓ Revenue Policy
- ✓ Revenue Statement



Northern Peninsula Area Regional Council

Northern Peninsula Area Regional Council

Budget Documents 2022-2023 (Amended)

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- ✓ Statement of Comprehensive Income - Summary
- ✓ Statement of Comprehensive Income - Details
- ✓ Statement of Financial Position
- ✓ Statement of Cash Flows
- ✓ Statement of Changes in Equity
- ✓ Sustainability Ratios
- ✓ Statement of Changes in utility charges
- ✓ Capital Budget Details

Attachment 1 : 2022 -23 Budget : Statement of Comprehensive Income

Statement of Comprehensive Income	Budget 2021-2022	Actual YTD 30/06/2022	Budget 2022-2023	2023	2024
Recurrent Revenue					
Rates, Levies & Charges	3,000,000	2,437,775	2,510,908	2,636,454	2,768,276
Fees and Charges	500,000	458,241	664,500	697,725	732,611
Rental Income	900,000	837,970	912,250	957,863	1,005,756
Interest Received	70,000	15,501	15,250	16,013	16,813
Contract - Recoverable	3,500,000	4,042,827	6,750,000	7,087,500	7,441,875
Sales Revenue	3,500,000	4,064,573	4,171,500	4,380,075	4,599,079
Enterprise Revenue	10,000,000	9,090,422	11,239,193	11,801,153	12,391,210
Other Income	2,500,000	1,064,482	1,037,764	1,089,652	1,144,134
OP Grants, Subsidies, Contributions & Donations	13,000,000	19,043,272	16,722,985	17,559,135	18,437,091
Total Recurrent Revenue	36,970,000	41,055,064	44,024,350	46,225,568	48,536,846
Capital Revenue				0	0
CAP Grants, Subsidies, Contributions & Donation	7,000,000	6,944,992	12,895,682	15,000,000	17,000,000
Capital Income	7,000,000	6,944,992	12,895,682	15,000,000	17,000,000
Total Revenue	43,970,000	48,000,056	56,920,032	61,225,568	65,536,846
Recurrent Expenses					
Employee Benefits	11,310,000	11,882,088	12,933,842	13,580,534	14,259,561
Employee Benefits - Elected	400,000	386,118	395,771	415,560	436,338
Employee Benefits - Enterprises	2,500,000	2,218,656	1,751,403	1,838,973	1,930,922
Employee Benefits - Superannuation	1,560,000	1,346,653	1,650,056	1,732,559	1,819,187
Employee Benefits - Other	230,000	209,310	313,486	329,160	345,618
Materials & Services	8,000,000	9,495,615	10,120,693	10,626,728	11,158,064
Materials & Services - Contracts	4,000,000	7,584,114	7,773,716	8,162,402	8,570,522
Materials & Services - Enterprises	7,000,000	6,327,592	6,668,229	7,001,641	7,351,723
Finance Costs	14,000	5,659	8,753	9,191	9,650
Finance Costs - Enterprises	46,000	46,222	47,000	49,350	51,818
Depreciation & Amortisation	9,000,000	10,977,488	12,373,224	12,982,119	13,689,849
Total Recurrent Expenses	44,060,000	50,479,516	54,036,173	56,728,216	59,623,250
Capital Expenses	850,000		950,000	997,500	1,047,375
Capital Loss on Revaluation	0	0	0	0	0
Total Capital Expenses	850,000	0	950,000	997,500	1,047,375
Total Expenses	44,910,000	50,479,516	54,986,173	57,725,716	60,670,625
Result from ordinary activities	(940,000)	(2,479,460)	1,933,859	3,499,852	4,866,221
OPERATING RESULT					
Operating Revenue	36,970,000	41,055,064	44,024,350	46,225,568	48,536,846
Operating Expense	44,060,000	50,479,516	53,086,173	56,728,216	59,623,250
Operating Surplus/(Deficit)	(7,090,000)	(9,424,452)	(9,061,823)	(10,502,648)	(11,086,404)

Attachment 2 : 2022-23 Budget : Statement of Comprehensive Income

Year ended	Budget			
	30-Jun-22 \$	30-Jun-23 \$	30-Jun-24 \$	30-Jun-25 \$
Revenue				
Recurrent revenue:				
Water	1,578,252	1,625,600	1,706,880	1,792,224
Sewerage	451,066	464,598	487,828	512,219
Waste management	408,457	420,711	441,746	463,834
Total rates and utility charge revenue	2,437,775	2,510,908	2,636,454	2,768,276
less: Discounts	-	-	-	-
less: Pensioner remissions	-	-	-	-
Net rates and utility charges	2,437,775	2,510,908	2,636,454	2,768,276
General service fees	1,064,482	1,037,764	1,089,652	1,144,134
Other fees and charges	458,241	664,500	697,725	732,611
Fees and charges	1,522,723	1,702,264	1,787,377	1,876,746
Sales - contract and recoverable works	8,107,400	10,921,500	11,467,575	12,040,954
General purpose grants	19,043,272	16,722,985	17,559,135	18,437,091
State government grants and subsidies	-	-	-	-
Grants, subsidies, contributions and donations	19,043,272	16,722,985	17,559,135	18,437,091
Interest received from investments	15,501	15,250	16,013	16,813
Other sources	-	-	-	-
Interest received	15,501	15,250	16,013	16,813
Rental income	837,970	912,250	957,863	1,005,756
Other operating revenue	9,090,422	11,239,193	11,801,153	12,391,210
Other recurrent income	9,090,422	11,239,193	11,801,153	12,391,210
Total recurrent revenue	41,055,063	44,024,350	46,225,568	48,536,846
Capital revenue:				
Grants, subsidies, contributions and donations	6,944,992	12,895,682	15,000,000	17,000,000
Total capital revenue	6,944,992	12,895,682	15,000,000	17,000,000
Total capital revenue and capital income	6,944,992	12,895,682	15,000,000	17,000,000
Total income	48,000,056	56,920,032	61,225,568	65,536,846
Expenses				
Recurrent expenses:				
Total staff wages and salaries	14,100,744	14,685,245	15,419,507	16,190,483
Councillors remuneration	386,118	395,771	415,560	436,338
Other employee costs	1,555,963	1,963,542	2,061,719	2,164,805
Employee benefits	16,042,826	17,044,558	17,896,786	18,791,625
Materials and services - Sales, contract and recoverable works	13,911,705	14,441,945	15,164,042	15,922,245
Materials and services - Council maintenance	266,419	279,108	334,930	401,916
Other materials and services	8,778,942	9,380,074	9,784,136	10,197,721
Audit services	450,254	461,511	507,662	558,428
Donations paid	-	-	-	-
Materials and services	23,407,320	24,562,638	25,790,770	27,080,309
Depreciation on Buildings	3,061,977	3,536,584	3,713,413	3,899,084
Depreciation on Plant & Equipment	681,913	722,618	748,982	845,055
Depreciation on Roads, Drainage & Bridge Network	3,838,072	4,432,973	4,654,621	4,887,352
Depreciation on Sewerage	281,908	310,804	326,344	342,661
Depreciation on Other	603,281	633,445	665,117	698,373
Depreciation on Water Assets	2,266,502	2,736,801	2,873,641	3,017,323
Asset Impairment Loss	243,836	-	-	-
Depreciation and amortisation	10,977,489	12,373,225	12,982,119	13,689,849
Finance costs charged by Queensland Treasury Corporation	-	-	-	-
Bank fees	51,881	55,753	58,541	61,468
Other finance costs (non interest related)	-	-	-	-
Finance costs	51,881	55,753	58,541	61,468
Total recurrent expenses	50,479,516	54,036,174	56,728,216	59,623,250
Capital expenses:				
Revaluation decrements	-	-	-	-
Total capital expenses	-	950,000	997,500	1,047,375
Total expenses	50,479,516	54,986,174	57,725,716	60,670,625
Result from ordinary activities	(2,479,460)	1,933,858	3,499,852	4,866,221
Net result attributable to Council	(2,479,460)	1,933,858	3,499,852	4,866,221
OPERATING RESULT				
Operating revenue	41,055,063	44,024,350	46,225,568	48,536,846
Operating expense	50,479,516	53,086,174	56,728,216	59,623,250
Operating result	(9,424,452)	(9,061,824)	(10,502,648)	(11,086,404)

Attachment 3: 2022-23 Statement of Financial Position

Year ended	30-Jun-22 \$	Budget	30-Jun-24 \$	30-Jun-25 \$
		30-Jun-23 \$		
Current assets				
Restricted component	6,178,242	4,942,593	3,954,075	3,163,260
Unrestricted component	5,498,648	6,153,292	7,005,628	7,465,089
Cash assets and cash equivalents	11,676,890	11,095,885	10,959,703	10,628,348
Land held for development or sale	-	-	-	-
Other inventory	1,119,570	1,175,549	1,234,326	1,296,042
Inventories	1,119,570	1,175,549	1,234,326	1,296,042
Receivables	3,337,597	3,504,476	3,679,700	3,863,685
Prepayments	-	-	-	-
Other current assets	771,005	737,804	706,032	675,629
Total current assets	16,905,062	16,513,714	16,579,761	16,463,705
Non-current assets				
Property, plant and equipment	186,760,817	187,893,678	193,380,993	200,561,205
Capital works in progress	5,262,319	12,762,319	13,400,435	14,070,457
Other non-current assets	14,960,075	14,315,861	13,699,389	13,109,463
Total non-current assets	206,983,211	214,971,858	220,480,817	227,741,125
Total assets	223,888,273	231,485,572	237,060,578	244,204,830
Current liabilities				
Overdraft	-	-	-	-
Trade and other payables	2,148,707	2,578,448	3,094,138	3,712,965
Borrowings	-	-	-	-
Employee payables/provisions	1,167,192	1,336,434	1,530,217	1,752,099
Other provisions	381,379	398,541	416,475	435,217
Other	6,318,540	6,602,874	6,900,003	7,210,503
Total current liabilities	10,015,817	10,916,297	11,940,834	13,110,784
Employee payables/provisions	198,365	227,127	260,060	312,072
Other provisions	325,892	391,070	469,285	558,449
Other	-	-	-	-
Total non-current liabilities	524,257	618,197	729,345	870,521
Total liabilities	10,540,074	11,534,494	12,670,179	13,981,306
Net community assets	213,348,199	219,951,078	224,390,399	230,223,524
Community equity				
Asset revaluation reserve	62,006,652	66,675,672	67,615,140	68,582,045
Other reserves	-	-	-	-
Retained surplus (deficiency)	151,341,548	153,275,406	156,775,258	161,641,479
Total community equity	213,348,199	219,951,078	224,390,399	230,223,524

Attachment 4 : 2022-23 Budget : Statement of Cash Flows

Year ended	30-Jun-22 \$	30-Jun-23 \$	30-Jun-24 \$	30-Jun-25 \$
Cash flows from operating activities:				
Receipts from customers	40,170,777	44,400,448	46,034,331	48,336,048
Payment to suppliers and employees	(40,622,576)	(41,110,233)	(43,015,347)	(45,810,826)
Payments for land held as inventory	-	-	-	-
Proceeds from sale of land held as inventory	-	-	-	-
Interest received	15,501	15,250	16,013	16,813
Interest on loans	-	-	-	-
Interest on overdraft	-	-	-	-
Interest on finance lease	-	-	-	-
Finance costs	(436,298)	3,305,465	3,034,997	2,542,035
Dividends received	-	-	-	-
Income from investments	-	-	-	-
Distribution from joint venture	-	-	-	-
Other	-	-	-	-
Net cash inflow (outflow) from operating activities	(436,298)	3,305,465	3,034,997	2,542,035
Cash flows from investing activities:				
Payments for property, plant and equipment	(838,771)	(16,337,065)	(18,156,174)	(19,854,705)
Grants, Subsidies, donations and contributions for new capital expenditure	5,270,303	12,895,682	15,000,000	17,000,000
Proceeds from sale of property, plant and equipment	-	-	-	-
Payments for intangible assets	-	-	-	-
Net transfer (to) from cash investments	-	-	-	-
Net movement in loans and advances	-	-	-	-
Other	-	-	-	-
Net cash inflow (outflow) from investing activities	4,431,532	(3,441,383)	(3,156,174)	(2,854,705)
Cash flows from financing activities				
Proceeds from borrowings	-	-	-	-
Repayment of borrowings	-	-	-	-
Repayments made on finance leases	-	-	-	-
Net cash inflow (outflow) from financing activities	-	-	-	-
Net increase (decrease) in cash held	3,995,235	(135,918)	(121,177)	(312,670)
Cash at beginning of reporting period	10,192,158	14,187,392	14,051,474	13,930,297
Cash at end of reporting period	14,187,392	14,051,474	13,930,297	13,617,627
Restricted and unrestricted components:				
Restricted component of cash	6,178,242	4,942,593	3,954,075	3,163,260
Unrestricted component	5,498,648	6,153,292	7,005,628	7,465,089
	11,676,890	11,095,885	10,959,703	10,628,348

Attachment 5 : 2022-2023 Budget : Statement of Changes in Equity

	Total	Retained surplus	Asset revaluation reserve
	\$	\$	\$
Balance at 30 Jun 2022	213,348,199	151,341,548	62,006,652
Net result for the period	1,933,859	1,933,859	-
Transfers to reserves	-	-	-
Transfers from reserves	-	-	-
Asset revaluation adjustment	-	-	4,669,020
Balance at 30 Jun 2023	219,951,078	153,275,406	66,675,672
Net result for the period	3,499,852	3,499,852	-
Transfers to reserves	-	-	-
Transfers from reserves	-	-	-
Asset revaluation adjustment	-	-	939,468
Balance at 30 Jun 2024	224,390,399	156,775,258	67,615,140
Net result for the period	4,866,221	4,866,221	-
Transfers to reserves	-	-	-
Transfers from reserves	-	-	-
Asset revaluation adjustment	-	-	966,905
Balance at 30 Jun 2025	230,223,524	161,641,479	68,582,045

Attachment 7 : 2022-23 Budget : Revenue Raising Statement

<u>Revenue Sources</u>		<u>Criteria</u>		2022-23		2021-22	
		Commercial	Domestic	Other	Commercial	Domestic	Other
Rates and Charges							
General Rates							
Water Rates & Charges							

Sales and Recoverable Works & Services

Enterprise Revenue

Grants, subsidies, contributions and donations

Based upon commercially acceptable pricing of cost of goods sold, reasonable industry gross profit margins and returns on investment, and commercial operating expenses.

Council receives untied operating grants from the State and Federal Government to compensate for the inability of being able to levy general rates on DOGIT Lands and also to provide services on a fiscal equalisation basis.

Council receives tied operating grants and subsidies from the State and Federal Government (and other agencies) for specific operational or service delivery requirements. Outcomes and financial performance of funded projects are formally reconciled and acquitted with funding agencies.

Council tied capital grants, contributions and donations (assets) from State, Federal and Regional agencies for specific capital improvements, asset renewals and/or replacements. Outcomes and financial performance of funded projects are formally reconciled and acquitted with funding agencies.

Norther Peninsula Area Regional Council

2022-23: Capital Budget

DESCRIPTION	Priority	Total Capital Works Budget	Variation	Estimated Expenditure 2021/2022	C/F 2022/23	PROPOSED 2022/23 Budget	Post 2022/23	PROGRAM Description	FUNDING SOURCE 2022-23	
									\$ Grant	\$ Revenue
Injinoo Lookout Road to Boat Ramp & Jacky Jacky Car Park		216,077		200,000	16,077	16,077		DTMR	16,077	
Bamaga Pedestrian Safety Project - Install vehicle barriers (AOG Park, Bball court, back road Poipoi st, ini /Sagaukaz Intersection)		20,000				20,000		Revenue	20,000	
Metal Waste Project		221,000		106,000	115,000	115,000		DES	115,000	
Jacky Jacky Boat Ramp Carpark		215,000			215,000	215,000		TMR MARINE	215,000	
Interim Remote Capital program 15x3 Deb Houses		8,385,607		-	-	2,515,682	5,869,925	DHPW	2,515,682	
Job truck with tipper (x2)		160,000			160,000	160,000		Revenue		160,000
Water Supply Rectification and Repair Program		4,000,000		1,333,000		500,000	2,167,000	Minor Works	500,000	
Lui St Culvert		554,000		51,000		503,000		R2R20-24	503,000	
Injinoo Road Line marking		100,000		-	100,000		100,000	R2R20-24	-	
Seisia Road Line marking		87,000		-	87,000		87,000	R2R20-24	-	
Garbage Truck		310,000				310,000		Revenue		310,000
Slip-on Water Tank		65,000				65,000		Revenue		65,000
Caprenters Flatbed Truck		80,000				80,000		Revenue		80,000
Ride-on Mowers		75,000				75,000		Revenue		75,000
Other Fleet Replacement Program		250,000				250,000		Revenue		250,000
Asset Management		200,000				200,000		LGSP	200,000	
Water Investment Planning Project		300,000				300,000		Building Better Regi	300,000	
Cyclical Roads Program		556,000				556,000		LRCI	556,000	
Ferry Road		13,000,000				6,500,000	6,500,000	CYRP	6,500,000	
New Mapoon Multi-Purpose Venue		506,000				506,000		WACA	506,000	
Beautification of Building Spaces		200,000				200,000		WFQ 21-24	200,000	
William Crescent		100,000				100,000		WFQ 21-24	100,000	
New Mapoon Shop		100,000					100,000	WFQ 21-24	-	
Jardine Ferry		650,000					650,000	WFQ 21-24	-	
Seisia Beach Walkway		90,000				90,000		WFQ 21-24	90,000	
Seisia Beach Walkway		100,000				100,000		Dept of Fisheries	100,000	
Mutty Heads Toilet Block		300,000					300,000	WFQ	-	
Injinoo Hall Kitchen		100,000					100,000	WFQ	-	
Umagico Tavern		200,000					200,000	WFQ	-	
Youth Centre (Old HACC Building)		165,000				165,000			165,000	
Power Reticulation to Airport		800,000				800,000		QRA	800,000	
TOTAL CAPITAL		32,105,684	0	1,690,000	693,077	14,341,759	16,073,925		13,401,759	940,000

Policy Title	REVENUE POLICY
Policy Number	FIN-005
Business Unit	CORPORATE SERVICES / FINANCE
Date of Adoption	27 th JULY 2022
Resolution Number	C8.2-27072022
Review Date	27 th JULY 2023
Date Repealed	

1. POLICY SUMMARY

This policy sets out the principles used by the Northern Peninsular Area Regional Council (NPARC) in the 2022-23 Budget in the setting of rates and charges, and cost recovery methods.

NPARC is required to prepare and adopt a Revenue Policy in accordance with S133 of the *Local Government Regulation 2012 (Qld)*.

The Policy must be reviewed annually and in sufficient time to allow an annual budget to be adopted that is consistent with the policy. Accordingly, the principles contained in this policy are applied in the determination of rates and charges as detailed in NPARC's 2022-23 Revenue Statement.

As the council is unable to levy rates on properties in the Northern Peninsula Local Government area, all reference to "rates and charges" in this policy shall mean the provision of utility charges.

2. POLICY OBJECTIVES

The purpose of this revenue policy is to set out the principles used by council for the making, levying, recovery and concessions for rates and utility charges and the setting of cost-recovery fees and infrastructure charges.

3. BACKGROUND

This policy replaces the previous Revenue Policy approved in 2021.

This policy applies to all personnel that are involved in the making, levying, recovery and concessions for rates and utility charges and the setting of miscellaneous fees and charges for the Council.

4. POLICY STATEMENT

4.1 Principles used for the making of rates and utility charges

In general, the Council will be guided by the principle of user pays in the making of rates and utility charges so as to minimise the impact of rating on the efficiency of the local economy, however the council will depart from that approach when it is in the community interest to do so.

The Council will also have regard to the principles of:

- transparency in the making of rates and utility charges;
- equity by taking account of the different levels of capacity to pay within the local community; and

- flexibility to take account of changes in the local economy.

In levying rates and utility charges the council will apply the principles of transparency and equity by:

- clearly setting out the council's charging processes and each resident's responsibility under the system;
- making the levying system simple and inexpensive to administer;
- timing the levying to take into account the financial cycle of local economic activity, in order to assist the smooth running of the local economy; and
- making available flexible payment plans for residents with a lower capacity to pay.

Council will exercise its rate recovery powers in order to reduce the overall rate burden on residents. In doing so it will be guided by the principles of transparency and equity by:

- making clear the obligations of residents and the processes used by council in assisting them to meet their financial obligations;
- making the processes used to recover outstanding rates and utility charges clear, simple to administer and cost effective
- considering the capacity to pay in determining appropriate payment plans for different sectors of the community; having regard to providing the same treatment for ratepayers with similar circumstances, and
- flexibly responding where necessary to changes in the local economy.

In considering the application of concessions, council will be guided by the principles of transparency and equity by:

- having regard to the different levels of capacity to pay within the local community;
- applying the same treatment to ratepayers with similar circumstances;
- making clear the requirements necessary to receive concessions, and
- flexibly responding to local economic issues.

Consideration may be given by council to granting a class concession in the event all or part of the local government area is declared a natural disaster area by the State Government.

In setting cost-recovery fees, council will apply the following guidelines:

- fees associated with regulatory services will be set at no more than the full cost of providing the service or taking the action for which the fee is charged. Council may choose to subsidize the fee from other sources.
- fees associated with commercial services will be set to recover the full cost of providing the service and, if provided by a Business of Council, may include a component for a reasonable return on capital.

To minimise the impact of infrastructure charges on the efficiency of the local economy, council will be guided by the principle of user pays in the making of infrastructure charges for new development, to the extent permissible by law. However, the council will depart from that approach when it is in the community interest to do so.

Council will also have regard to the principles of:

- transparency in the making of infrastructure charges;
- having in place a infrastructure charging regime that is simple and inexpensive to administer;
- equity by taking account of the different levels of capacity to pay within the local community; and
- flexibility to take account of changes in the local economy.

5. RELATED LEGISLATION

Local Government Act 2009

Local Government Regulation 2012

6. RELATED DOCUMENTS

FIN-001 DEBT POLICY

FIN-002 FINANCIAL DELEGATIONS POLICY

FIN-003 INVESTMENT POLICY

FIN-004 PROCUREMENT POLICY

NPARC Annual Revenue Statement 2022/2023

7. DEFINITIONS

All definitions are as per the *Local Government Act 2009 (Qld) (LGA 2009)* and *Local Government Regulation 2012 (Qld) (LGR 2012)*.

8. REVIEW MECHANISM

This policy will be reviewed when any of the following occur:

1. The related legislation or governing documents are amended or replaced; or
2. Other circumstances as determined by resolution of Council or the CEO; or
3. Annually as part of the Statutory Annual Budget Preparation.

9. AMENDMENTS

Document History	Date	Council Resolution Number	Notes (including the prior Policy number, details of change/s, etc)
Original	25/06/2013	4.1 250613	
Amendment 1	30/07/2014		
Amendment 2	26/02/2019	7.1 260219	
Amendment 3	29/07/2020	2.1 290720	
Amendment 4	22/07/2021	EO6.2 – 22072021	Updated
Amendment 5	27/07/2022	C8.2-27072022	Updated



KATE GALLAWAY

ACTING CHIEF EXECUTIVE OFFICER

12 / 10 / 2022

1. OBJECTIVE

The purpose of the revenue statement is to set out the revenue measures adopted by the Northern Peninsula Area Regional Council (NPARC) to frame the 2022/2023 Budget.

2. RELEVANT LEGISLATION

Section 104 (5)(a)(iv) of the *Local Government Act 2009* and Section 172 of the *Local Government Regulation 2012* require the Council to adopt a Revenue Statement for each financial year and to include certain information therein.

The *Local Government Regulation 2012* s169 (2) (b) and s172 require that the revenue statement must state –

1.

- a) If the local government levies differential general rates –
 - i) the rating categories for rateable land in the local government area; and
 - ii) a description of each rating category; and
- b) if the local government levies special rates or charges for a joint government activity – a summary of the terms of the joint government activity; and
- c) if the local government fixes a cost-recovery fee – the criteria used to decide the amount of the cost-recovery fee; and
- d) if the local government conducts a business activity on a commercial basis – the fees the local government receives for the activity.

2. The revenue statement for a financial year must include the following information for the financial year –

- a) An outline and explanation of the measures that the local government has adopted for raising revenue, including an outline and explanation of –
 - i) The rates and charges to be levied in the financial year; and
 - ii) The concessions for rates and charges to be granted in the financial year;
- b) Whether the local government has made a resolution limiting an increase of rates and charges.

3. RATES and CHARGES

Council is required to raise an amount of revenue it sees as being appropriate to maintain assets and provide services to the shire as a whole. However, NPARC is unable to levy general rates based on the unimproved capital value of the land as is the case with all other non-indigenous local governments in Queensland.

NPARC will be guided by the principle of user pays in the making of any charges. Fees and charges are determined by resolution at Council's budget meeting each year and become effective from 1 July.

The Council expects to marginally increase the operating capability in 2022/2023 to maintain and deliver services to the reasonable expectations of the community.

The Council has not made a resolution limiting an increase of rates and charges.

4. GENERAL RATES

The charging of general rates is not applicable to the Northern Peninsula Area Regional Council.

5. UTILITY CHARGES

The Council has determined that it will make and levy charges for the supply of water, sewerage and cleansing services in accordance with the provisions set out in Section 99 of the *Local Government Regulation 2012*. Utility charges have been increased by 3% this financial year.

Utility service charges will be levied in 2022/2023 on properties in relation to:

- Water Supply
- Waste Collection
- Sewerage

These charges are set to recover the cost of provision of each service including on-going operations and maintenance and are set out in the NPARC Fees and Charges Schedule.

a) Water

Charges are not based on the value of land. They are levied to cover costs associated with the operation, refurbishment and maintenance of services. For premises connected to the Northern Peninsula Area Regional Council Water Scheme, a charge is levied for each classification outlined in Table 1.

Table 1: Water Charging Schedule

No	Category		Charge
1	Residential	Per dwelling	\$2,509
2	Commercial		\$2,509
3	Commercial	Based on consumption greater than 500k/l	\$1.00 per k/l
4	Water / property management system charge		\$109

b) Cleansing

An annual cleansing charge for the purpose of removal and disposal of perishable waste only for the year 2022/2023 will be set at an amount of \$654.00 for a bi-weekly service.

Council has adopted a fee structure that provides a 245 litre Wheelie Bin service to apply on all improved properties for refuse removal and disposal and levied on each separate occupancy (whether occupied or vacant). Additional bin charges per annum will be \$328. Where land is for the first time built on during the year, the charge shall be made from the date the structure is occupied, calculated proportionately for the unexpired part of the year.

Charges for commercial and other large facilities will be \$654 per annum.

c) Sewerage

An annual sewerage charge will be made for the cost of supplying a service for the removal of sewerage. For premises connected to the Northern Peninsula Area Regional Council Sewerage Scheme, a charge is levied for each classification outlined in Table 2.

Charges are not based on the value of land. They are levied to cover costs associated with the operation, refurbishment and maintenance of services.

Table 2: Sewerage Charging Schedule

No	Category		Charge
1	Residential	Per dwelling	\$654
2	Vacant Land		Nil
3	Commercial/Industrial		\$1,309
4	Additional toilet/ urinal		328

6. FEES AND CHARGES

Council's adopted Fees and Charges Schedule includes a mixture of regulatory and user pays fees. The regulatory charges are identified as such in the Fees and Charges Schedule and have been determined with reference to the relevant legislation and where applicable recover the cost of performing the function.

7. ON COST RATES

Council reviews oncost rates to enable financial recovery for overheads to works and services provided by Council to both its internal and external works.

8. DEPRECIATION

Council has budgeted to fund depreciation on its assets.

9. COST RECOVERY FEES

Council imposes cost recovery fees for services and facilities supplied by it including (among other things) for any entitlement, facility, service or thing supplied, approval, consent, licence, permission, registration or information given, admission to any structure or place, receipt of any application, product or commodity supplied or inspection undertaken. The quantum of each fee reflects as far and as accurately as possible the actual cost of providing these services and facilities. Pursuant to section 97(4) of the *Local Government Act 2009*, cost-recovery fees must not be more than the cost to Council of taking the action for which the fee is charged.

10. INFRASTRUCTURE FUNDING

The level of new development occurring is quite limited but Council charges for infrastructure are applied as the opportunity arises. Infrastructure standards tend to be basic in order to encourage development to occur.

11. COMMERCIAL BUSINESS

Council has the power to conduct business activities and make business activity fees for services and facilities it provides on this basis. Business activity fees are made where Council provides a service and the other party to the transaction can choose whether or not to avail itself of the service. Business activity fees are a class of charge, which are purely commercial in application and are subject to the Commonwealth's Goods and Services Tax.



KATE GALLAWAY

ACTING CHIEF EXECUTIVE OFFICER

13 / 10 / 2022

Title of Report: Planning Application Bamaga Farm

Agenda Item: 12.1

Classification: For Decision

Author Executive Manager Operations

Attachments Advice from RPS

Town Planning Report

Draft Decision Notice

Draft Conditions

Officers Recommendation:

That Council resolves to

1. Approve (subject to conditions) the Development Application lodged with Council for:
 - a) The Development Application lodged with Council for:
 - i. Reconfiguring a Lot (Lease)

PURPOSE OF REPORT

To consider and decide on the Planning Application, as submitted by RPS AAP Consulting Pty Ltd (RPS) on behalf of Northern Peninsula Area Regional Council (NPARC). Seeking development approval to reconfigure a portion of Lot 7 of SP273361 to allow for a lease of greater than ten years and reconfiguration of a lot to create new boundaries.

BACKGROUND AND CONTEXT

Background

NPARC engaged RPS to assist with seek development approval to reconfigure a portion of Lot 7 of SP273361 to allow for a lease of greater than ten years and reconfiguration of a lot to create new boundaries.

Proposal

The proposed lease involves creating

- Proposed Lot 71 - Bamaga Farm - approximately 31.87 hectare site.
- Proposed Lot 7 - Balance DOGIT Lot - Reducing the parent lot 7 of plan SP273361 to approximately 4348 hectares.

Both lots will be held by NPARC as Trustee as is currently the case. The Farm Lot can be subsequently leased as a whole lot to a third party

It is proposed to lease the newly created lot for a period of in excess of 10 years. In accordance with the *Planning Act 2016*, dividing the land by an agreement with a term of in excess of 10 years requires a Development Permit for Reconfiguring a Lot.

The proposal involves creating a lease area 31.87 hectare, referred to as Lot 71, and a balance area of approximately 4348 hectares. The Lot 71 area would contain the existing Bamaga Farm area.

A plan of the proposed lease area, is attached to this report. There is no material change to the use of the site, operational characteristics or built form on the site as a part of this application.

RPS's full report has been attached (attachment A) for Council's consideration and information as necessary.

CRITICAL DATES

N/A.

OTHER OPTIONS CONSIDERED

N/A.

LEGAL AND LEGISLATION CONSIDERATIONS

Planning Act 2016

Planning Regulations 2017

Northern Peninsula Area Regional Council Planning Scheme 2018

POLICY CONSIDERATIONS

N/A.

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

Corporate Plan

Focus Area Three – We support and facilitate Indigenous and local employment and business opportunities.

FINANCIAL AND RESOURCE CONSIDERATIONS

Nil

CONSULTATION

- RPS AAP Consulting Pty Ltd (RPS)

Kate Gallaway

From: Ian Doust <ian.doust@rpsgroup.com.au>
Sent: Monday, 21 November 2022 7:20 AM
To: Kate Gallaway
Subject: Bamaga Farm - Planning Application
Attachments: R81672 ROL report - Bamaga Farm complete.pdf; Appendix B - Owners consent form (Trustee).pdf; Appendix B - Owners consent form (Trustee).doc; Appendix D1 -9832-158E_Proposed Lot 71 Farm Lot.pdf; Appendix D2 -9832-158E_Proposed Lot 7 Balance DOGIT Lot.pdf; 9832 - Army Back Road, Bamaga - Draft Conditions.docx; G81750 - Draft Decision Notice.docx

Hi Kate

Please find attached a completed planning report for the Bamaga Farm.

This is based on a separate lot being created around the farm, and a larger lot being the balance of the Bamaga Dogit. Both lots will retain NPARC as Trustee. The smaller farm lot can then be leased to the farm operator.

Although included in the main Pdf, I have again attached the Land owns Consent form, and the proposed ROL plan for convenience.

If you could

- obtain Council consent as trustee-land owner to lodge the application, and
- obtain Council LGA approval to the subdivision.

Following that we will be able to program in the survey works.

The last 2 attachments are

- draft conditions of the approval of the subdivision (for Council meeting) - 9832 - Army Back Road, Bamaga - Draft Conditions.docx and
- Draft Decision Notice for Council to issue - G81750 - Draft Decision Notice.docx

Regards

Ian

Your message is ready to be sent with the following file or link attachments:

1. R81672 ROL report - Bamaga Farm complete.pdf
2. Appendix B - Owners consent form (Trustee).doc
3. Appendix D1 -9832-158E_Proposed Lot 71 Farm Lot.pdf
4. Appendix D2 -9832-158E_Proposed Lot 7 Balance DOGIT Lot.pdf
5. Appendix B - Owners consent form (Trustee).pdf

Ian Doust

Senior Principal Surveyor | Registered Cadastral Surveyor
RPS | Australia Asia Pacific

T +61 7 4031 1336

E ian.doust@rpsgroup.com.au

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[Click here](#) to find out more about our Reconciliation Action Plan.

From: Kate Gallaway <kate.gallaway@nparc.qld.gov.au>
Sent: Saturday, 19 November 2022 9:26 AM
To: Ian Doust <ian.doust@rpsgroup.com.au>
Subject: RE: Bamaga Farm - Fee proposals - Survey and Planning

Hi Ian

I was wondering if there was any update on this one? You were going to send me a proposed plan?

Thanks Kate

Kate Gallaway

Acting CEO

NPARC - Northern Peninsula Area Regional Council | BAMAGA

p: (07) 4090 4103 | **m:** 0437 030 980 |

a: 180 Adidi Street, BAMAGA, QLD, 4876

e: kate.gallaway@nparc.qld.gov.au

w: www.nparc.qld.gov.au



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From: Ian Doust <ian.doust@rpsgroup.com.au>

Sent: Friday, 2 September 2022 12:01 PM

To: Kate Gallaway <kate.gallaway@nparc.qld.gov.au>

Subject: RE: Bamaga Farm - Fee proposals - Survey and Planning

Hi Kate

Re Bamaga Farm Area.

Attached is a survey fee proposal to undertake field survey and preparation of a Lease plan.

Attached is a Planning fee proposal to prepare a planning application for Reconfiguration of a Lot for the new lease boundaries.

Your message is ready to be sent with the following file or link attachments:

1. L81568_Farm Survey.pdf
2. L81576 Farm planning.pdf
3. 2020 Proposed 9832-158b Bamaga Farm-150.pdf
4. 2022 Proposed ROL 9832-158D-Bamaga Farm.pdf

Regards

Ian

Ian Doust

Senior Principal Surveyor | Registered Cadastral Surveyor

RPS | Australia Asia Pacific

T +61 7 4031 1336

E ian.doust@rpsgroup.com.au

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From: Kate Gallaway <kate.gallaway@nparc.qld.gov.au>
Sent: Tuesday, 14 June 2022 8:46 AM
To: Ian Doust <ian.doust@rpsgroup.com.au>
Subject: RE: Bamaga Farm - Can you confirm the term of the lease please?

Hi Ian

Thank you for the information. We were wanting to look at a 30 year lease, so if you could price this, that would be good.

What would you proposed boundaries be?

Thanks Kate

Kate Gallaway

Acting CEO
NPARC - Northern Peninsula Area Regional Council | BAMAGA
p: (07) 4090 4103 | **m:** 0437 030 980 |

a: 180 Adidi Street, BAMAGA, QLD, 4876
e: kate.gallaway@nparc.qld.gov.au
w: www.nparc.qld.gov.au



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From: Ian Doust <ian.doust@rpsgroup.com.au>
Sent: Tuesday, 14 June 2022 6:12 AM
To: Kate Gallaway <kate.gallaway@nparc.qld.gov.au>
Subject: RE: Bamaga Farm - Can you confirm the term of the lease please?

Hi Kate

Can you confirm the term of the lease please?

If the term is 10 years or more it will require planning approval for reconfiguration of a Lot (ROL). I can price this if required.

Further, the edges of the farm are mapped by the State as “of concern” vegetation (orange).

We recommend that the proposed lease area be reduced to avoid the new lease boundaries going through the mapped vegetation areas

Otherwise, if the lease is longer than 10 years, the State will become involved for vegetation purposes and would seek offset provisions for loss of vegetation.



Regards

Ian

Ian Doust

Principal

RPS | Australia Asia Pacific

T +61 7 4031 1336

E ian.doust@rpsgroup.com.au

We acknowledge the Traditional Owners of Country throughout Australia and recognise their continuing connection to land, waters and community. We pay our respect to them and their cultures and to Elders past and present.

[Click here](#) to find out more about our Reconciliation Action Plan.

From: Kate Gallaway <kate.gallaway@nparc.qld.gov.au>

Sent: Monday, 13 June 2022 4:28 PM

To: Ian Doust <ian.doust@rpsgroup.com.au>

Subject: FW: Bamaga Farm

CAUTION: This email originated from outside of RPS.

Hi Ian

Hope you are well. I have taken over from Susan as Acting CEO at NPARC.

In 2021, the Trustee resolved to lease the old Bamaga Farm area to NPA Grassroot Farming. There isn't an existing survey for this lot, would you be able to provide a quote for the site survey?

Thanks Kate

Kate Gallaway

Acting CEO

NPARC - Northern Peninsula Area Regional Council | BAMAGA

p: (07) 4090 4103 | **m:** 0437 030 980 |

a: 180 Adidi Street, BAMAGA, QLD, 4876

e: kate.gallaway@nparc.qld.gov.au

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From: Kate Gallaway <kate.gallaway@hotmail.com>

Sent: Monday, 13 June 2022 3:41 PM

To: Kate Gallaway <kate.gallaway@nparc.qld.gov.au>

Subject:



Sent from my iPhone

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RECONFIGURING A LOT - BAMAGA FARM

Northern Peninsula Area Regional Council
Town Planning Report



AU213004359
R81672 v1
21 Novemeber 2022

REPORT

Document status

Version	Purpose of document	Authored by	Reviewed by	Approved by	Review date
Draft	Planning Report	S.Leggerini	I. Doust	I. Doust	21/11/2022

Approval for issue

I. Doust



21 November 2022

This report was prepared by RPS within the terms of RPS' engagement with its client and in direct response to a scope of services. This report is supplied for the sole and specific purpose for use by RPS' client. The report does not account for any changes relating the subject matter of the report, or any legislative or regulatory changes that have occurred since the report was produced and that may affect the report. RPS does not accept any responsibility or liability for loss whatsoever to any third party caused by, related to or arising out of any use or reliance on the report.

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Prepared for:

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SUMMARY

Table 1: Summary

Details		
Site Address:	Elu Crescent/Army Back Road, Bamaga	
Real Property Description:	Lot 7 SP273361	
Site Area:	4350 Hectares	
Regional Plan Land Use Designation:	Rural	
Zone/Precinct:	Rural Zone	
Neighbourhood Plan/Precinct:	Not Applicable	
Trustee:	Northern Peninsula Area Regional Council (NPARC)	
Application Details		
Permit Type Sought	Development Permit	
Application Type/Description	Reconfiguring a lot	
Assessment Category	<input checked="" type="checkbox"/> Code	<input type="checkbox"/> Impact
Public Notification	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes:
Referrals:	Nil	
Applicant Contact Details		
Applicant contact person	Ian Doust Senior Principle Surveyor D: +61 7 4031 1336 E: ian.doust@rpsgroup.com.au	Sam Leggerini Planner D: +61 7 4031 1336 E: sam.leggerini@rpsgroup.com.au

1 INTRODUCTION

RPS Australia East Pty Ltd (RPS) has been engaged by Northern Peninsula Area Regional Council to seek development approval to lease the Bamaga Farm to a third party for a period of 30 years. As the proposed year lease is more than 10 years, planning approval is required for Reconfiguration of a lot to create new boundaries.

As the proposed lease is for a term exceeding 10 years we recommend creating 2 new lots, comprising:

- The Bamaga farm lot (31.871ha), and
- The Balance Dogit lot (4,348ha)

The Bamaga Farm lot can then be leased entirely to a third party. This enable the new lots to be created and will show up on State DCDB system, Councils street number system and generally be visible as a separate lot.

This development application seeks:

- RECONFIGURING A LOT (1 into 2 lots) for the purpose of leasing the site.

Under the Northern Peninsula Area Regional Council Planning Scheme, the subject site is within the Rural zone and an Environmental Management and Conservation Zone. The proposal is subject to code assessment.

The subject site forms part of lot 7 plan SP243595.

The proposed lease involves creating a lot for the existing farm of 31.87 hectares and a balance of approximately 4350 hectares.

This report provides greater detail on the nature of the proposal and provides an assessment of the proposal against the intents and code requirements of relevant statutory planning documents. Technical issues associated with the proposal are addressed in appended technical reports.

Based on these assessments the proposal is recommended for approval subject to reasonable and relevant conditions.

2 SITE DETAILS

2.1 Site Particulars

Key details of the subject site are as follows:

Table 2: Site Particulars

Site Particulars	
Site Address	Elu Street, Army Back Road, Bamaga
Real Property Description	Lot 7 SP273361
Site Area	Approximately 4380 Hectares
Trustee	Northern Peninsula Area Regional Council

The site location and its extent are shown in **Figure 1** below.

Certificate/s of title confirming site ownership details are included at **Appendix B**.



Figure 1 Site Location

Source: Queensland Globe

2.2 Planning Context

The planning context of the site includes the following:

Table 3: Planning Context

Instrument	Designation
Northern Peninsula Regional Council Planning Scheme	
Strategic framework designation	Rural
Zoning	Rural Zone
Precinct	Not Applicable
Overlays	<ul style="list-style-type: none"> Airport overlay <ul style="list-style-type: none"> Within 8-13km wildlife buffer area to the airport.

Zoning of the subject site and surrounding lands is shown on **Figure 2**

Other relevant mapping including state interests is provided at **Appendix C**



Figure 2 Zoning

Source: Planning Scheme (2018) – As at 10/22

2.3 Site Characteristics

Site inspection and searches of local and state government records indicate that key site characteristics include:

Table 4: Site Characteristics

Site Features	Details
Existing use of site	Agriculture
Existing gross floor area	4380 Hectares
Topography	Largely flat
Vegetation	Cleared Historically – Minimal remnant vegetation around edges of site.

2.4 Search Results

The following searches of local and state records have been undertaken.

Table 5: Searches

Search materials	Details
DA Mapping System	There are no applicable planning referral triggers . The reconfiguring of lot application does not require referral to the state as the lease size is more than 25 hectares.

2.5 Surrounding Land Uses

Immediately surrounding land uses comprise the following.

Table 6: Surrounding Uses

Direction	Commentary
North	Bushland
East	Bushland
South	Mosby Creek
West	Army Barracks

3 PROPOSAL

3.1 Overview

RPS Australia East Pty Ltd (RPS) has been engaged by Northern Peninsula Area Regional Council to seek development approval to lease the Bamaga Farm to a third party for a period of 30 years. As the proposed lease is more than 10 years, planning approval is required for Reconfiguration of a lot to create new boundaries.

This development application seeks:

- RECONFIGURING A LOT for the purpose of leasing the site for 30 years.

The subject site forms part of lot 7 plan SP243595.

The proposed lease involves creating

- Proposed Lot 71 - Bamaga Farm - approximately 31.87 hectare site.
- Proposed Lot 7 - Balance DOGIT Lot - Reducing the parent lot 7 of plan SP243595 to approximately 4348 hectares.

[Refer to Appendix D Proposal Reconfiguring a Lot Plan](#) Plan 9832-158E of 2 sheets

- 9832-158E_Proposed Lot 71 Farm Lot
- 9832-158E_Proposed Lot 7 Balance DOGIT Lot

Both lots will be held by NPARC as Trustee as is currently the case. The Farm Lot can be subsequently leased as a whole lot to a third party.

The detail of the proposal is discussed further below:

3.2 Lot/Lease

Currently this proposal comprises of creating a lease for the farm. However, there is potential that council may consider creating a specific lot for the farm, and then leasing the new lot to the lessee. A lease or a lot is the same for the purpose of the planning act and therefore, assessment processes are the same.

3.3 Operational Works

No new operational works are proposed as a part of this application.

3.4 Built Form

There are no proposed changes to the built form present on the site under this Reconfiguring a Lot application.

3.5 Car Parking

There are no proposed changes to the Car Parking provisions present on the site under this Reconfiguring a Lot application.

3.6 Roads and Access

Access to the site is currently through Elu Street. This is to remain unchanged by the proposal.

3.7 Servicing

There is no proposed changes to servicing on the subject site made as a part of this application.

4 LEGISLATIVE REQUIREMENTS

4.1 Categories of Assessment

The table below summarises the categorising instruments and categories of assessment applicable to this application.

Table 7: Categories of Assessment

Aspect of development	Categorising instrument	Category of assessment
Reconfiguring a Lot	NPARC Planning Scheme 2018	Code
Rural Zone	NPARC Planning Scheme 2018	Code
Environmental Management and Conservation Zone	NPARC Planning Scheme 2018	Code

4.2 Referrals

In accordance with 21 of the *Planning Regulation 2017*, despite the site is mapped as 'Vegetation – Mapped of Concern Vegetation'. The reconfiguring of lot application does not require referral to the state as the lease size is more than 25 hectares.

4.3 Public Notification

This application does not require public notification as it is subject to code Statutory planning assessment. Further information regarding this can be found on page 10 & 11.

5 STATUTORY PLANNING ASSESSMENT

5.1 Applicable Act/s

The Planning Act 2016 is the applicable act for the assessment of this application.

5.2 State Planning Policy

Section 30(2)(a)(ii) of the *Planning Regulation 2017* requires assessment of this application must be carried out against the State Planning Policy. The current NPARC Planning Scheme 2017 has integrated the requirements of the State Planning Policy (SPP) up to the version April 2016. Since this date, a newer version of the SPP has come into force with the most recent version being July 2017, therefore assessment against matters within the current SPP maybe required, where it is considered to not have been adequately integrated in the Planning Scheme.

5.3 Cape York Regional Plan

Section 30 of the Planning Regulation 2017 requires that the impact assessment of this application must be carried out against the assessment benchmarks stated in the regional plan, to the extent the regional plan is not identified in the planning scheme as having been appropriately integrated.

The Cape York Regional Plan is applicable to the Northern Peninsula Area Regional Council LGA.

The purpose of the Cape York Regional Plan is to enhance the quality of life throughout the region by facilitating opportunities for appropriate economic development while recognising the need to protect Cape York's regionally important environmental areas.

The plan achieves this purpose through a combination of:

- regional policies
- regional land use categories
- regional interest mapping
- supporting information about other matters relevant to land use planning in the region.

5.3.1 Regional policy 1

Provide for economic opportunities and appropriate development by facilitating opportunities for land uses that contribute to diverse economic and employment opportunities in the region.

The proposal does not result in a changed land use and is for the reconfiguring of a lot. Additionally, the proposal is associated with a farm on the site, which is a use that is considered to provide economic opportunities to the region.

5.3.2 Regional policy 2

Safeguard areas of significant biological diversity and ecological function (Map 1) by protecting the:

- *integrity of the Steve Irwin Wildlife Reserve from incompatible activities*
- *ecological integrity of Strategic Environmental Areas from incompatible development.*

Policy 2 is not applicable as the development does not affect either area.

5.3.3 Regional policy 3

Planning schemes provide for potential recreation and commercial development opportunities that complement and contributes to the community value of national parks (Map 1).

Policy 2 is not applicable as the development does not affect either area.

The site is neither a Strategic Environmental Area nor a National Park.

5.3.4 Regional policy 4

Protect Priority Agricultural Land Uses within Priority Agricultural Areas.

Not Applicable - The site is not in a Priority Agricultural Area.

5.3.5 Regional policy 5

Maximise opportunities for co-existence of resource and agricultural land uses in Priority Agricultural Areas

Not Applicable - The site is not in a Priority Agricultural Area.

5.3.6 Regional policy 6

Safeguard the areas required for the growth of towns through establishment of Priority Living Areas (Maps 3 to 15, Schedule 2).

As there is no change of use associated with this application and therefore no net loss of area required for the growth of towns it is considered that the proposal meets this policy.

5.3.7 Regional policy 7

Provide for resource activities to locate within a Priority Living Area only where it meets the communities' expectations as determined by the relevant local government.

Not Applicable - The development does not provide resource activities.

5.3.8 Regional land use categories

The regional plan allows for the allocation of land in the region into the following regional land use categories:

- *Strategic Environmental Areas (SEAs) - SEAs are areas where high ecological values may occur due to the collocation of multiple biodiversity features in conjunction with the landscape's topographical and hydrological features. In addition, SEAs can be areas that are recognised for specific Indigenous cultural heritage values of regional significance.*
- *National Parks.*

The site is neither a Strategic Environmental Area nor a National Park.

5.3.9 Regional interest mapping

Three areas of regional interest, for the purposes of the RPI Act, are identified in the Cape York region:

- SEAs - Strategic Environmental Areas
- PAAs - Priority Agricultural Areas
- PLAs - Priority Living Areas

The site is not in a Strategic Environmental Area.

The site is not in a Priority Agricultural Areas

The site is not in a Priority Living Area.

5.4 State Planning Policy – State Interests

The applicant has investigated which matters are relevant for the application considering the following:

- Matters which have changed since the April 2016 and July 2017 version of the SPP;
- Matters which the site is impacted by the relevant SPP mapping layers for various State Interest; and
- State Interests to which the proposed development is relevant for.

This investigation has concluded the relevant changes to State interests have no impact on the proposed development.

5.5 State Development Assessment Provisions

As the proposed development does not trigger referral to the State Assessment Referral Agency, assessment against the State Development Assessment provisions (SDAP) is not required for this application.

5.6 Local Authority Assessment Benchmarks

5.6.1 Applicable Assessment Instrument

The *Northern Peninsula Area Regional Council* (NPARC) (Alignment Scheme - version 2018/7) is the applicable Local Categorising Instrument for this development application.

In accordance with Schedule 8 of the *Planning Regulation 2017*, the assessment manager for this application is Northern Peninsula Area Regional Council.

5.6.2 Zones

The primary site is located within the Rural Zone of the NPARC Planning Scheme 2018. The balance of the site is located within Environmental Management and Conservation Zone. It should be noted that reconfiguring a lot in an Environmental Management and Conservation Zone is an impact assessment. However, as this proposal is to create two lots, one wholly within the Rural Zone and One contained within the Environmental Management and Conservation Zone it is considered that the proposal aims to align the site boundaries with the boundaries of the zones within the planning scheme.

5.6.3 Overlays

The subject site is located within the 8km wildlife buffer. However, it is not expected that the proposed development will impact upon the operation of the NPA Airport. The development is not considered to be either a high or moderate risk for increases to wildlife strikes and hazards, in accordance with Table 8.2.6.3.b of the code.

5.6.4 Codes

The planning scheme codes applicable to the proposal, and the location of the relevant appended code response are identified below:

- Rural Zone Code
- Environmental Management and Conservation Zone Code
- Reconfiguring a lot Code; and
- NPA Airport Overlay

Rural Zone Code

Assessment of the code provisions provided as **Appendix E**.

Environmental Management and Conservation Zone Code

As discussed in 5.6.2 Zones of this report the proposed formal farm lot is to be wholly contained within the Rural Zone and therefore, the Environmental Management and Conservation Zone Code assessment is not entirely relevant to the proposal. Despite this, in order to show compliance with the zone assessment of the code provisions has been provided as **Appendix F**.

Reconfiguring a Lot Code

Assessment of the code provisions provided as **Appendix G**.

NPA Airport Overlay Code

Whilst the subject site is located within the 8km wildlife buffer, it is not expected that the proposed development will impact upon the operation of the NPA Airport. The proposed development is not considered either a high or moderate risk for increases in wildlife strikes and hazards, in accordance with Table 8.2.6.3.b of the code.

6 CONCLUSION

This town planning report supports a development application made on behalf of Northern Peninsula Area Regional Council to for the Reconfiguring of a Lot.

The site is located at Elu Street/Army Back Road, Bamaga, and is formally described as Lot 7 SP273361.

The proposal is to Reconfigure the above lot to allow for the site to be lease to a third party for thirty years.

The application is subject to code assessment.

This report has demonstrated the proposal's consistency with the intents and code requirements of Northern Peninsula Area Regional Council. Approval is sought subject to reasonable and relevant conditions.

7 APPENDICES

Appendix A

Development Application Form

DA Form 1 – Development application details

Approved form (version 1.1 effective 22 JUNE 2018) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	Northern Peninsula Area Regional Council
Contact name <i>(only applicable for companies)</i>	Ian Doust – RPS Australia East Pty Ltd
Postal address <i>(P.O. Box or street address)</i>	PO Box 1949
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	(07) 4031 1336
Email address <i>(non-mandatory)</i>	ian.doust@rpsgroup.com.au
Mobile number <i>(non-mandatory)</i>	
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	

2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input type="checkbox"/> No – proceed to 3)	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see [DA Forms Guide: Relevant plans](#).

3.1) Street address and lot on plan

☒ Street address **AND** lot on plan (all lots must be listed), **or**

☐ Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon; all lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
			Elu Street, Army Back Road	Bamaga
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4876	7	SP273361	NPARC
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row. Only one set of coordinates is required for this part.

☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

☐ Additional premises are relevant to this development application and their details have been attached in a schedule to this application

☒ Not required

4) Identify any of the following that apply to the premises and provide any relevant details

☐ In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer:

☐ On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

☐ In a tidal area

Name of local government for the tidal area (if applicable):

Name of port authority for tidal area (if applicable):

☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*

Name of airport:

☐ Listed on the Environmental Management Register (EMR) under the *Environmental Protection Act 1994*

EMR site identification:	
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>	
CLR site identification:	

5) Are there any existing easements over the premises?

Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

- ☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application
☒ No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

a) What is the type of development? *(tick only one box)*

- ☐ Material change of use
 ☒ Reconfiguring a lot
 ☐ Operational work
 ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☒ Development permit
 ☐ Preliminary approval
 ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☒ Code assessment
 ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Reconfiguring of a lot, 1 into 2 lots for existing farm

e) Relevant plans

Note: *Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms guide: Relevant plans](#).*

- ☒ Relevant plans of the proposed development are attached to the development application

6.2) Provide details about the second development aspect

a) What is the type of development? *(tick only one box)*

- ☐ Material change of use
 ☐ Reconfiguring a lot
 ☐ Operational work
 ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☐ Development permit
 ☐ Preliminary approval
 ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☐ Code assessment
 ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

e) Relevant plans

Note: *Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).*

- ☐ Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

- ☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
☒ Not required

Section 2 – Further development details

7) Does the proposed development application involve any of the following?

Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input checked="" type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

Note: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)

8.2) Does the proposed use involve the use of existing buildings on the premises?

<input type="checkbox"/> Yes		
<input type="checkbox"/> No		

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?

One

9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)

<input checked="" type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a construction road (complete 13))

10) Subdivision

10.1) For this development, how many lots are being created and what is the intended use of those lots:

Intended use of lots created	Residential	Commercial	Industrial	Other, please specify: Rural and Balance
Number of lots created				Two

10.2) Will the subdivision be staged?

- ☐ Yes – provide additional details below
☒ No

How many stages will the works include?	
What stage(s) will this development application apply to?	

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?

Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment**12.1) What are the current and proposed areas for each lot comprising the premises?**

Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)

12.2) What is the reason for the boundary realignment?

--

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)

Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

Note: This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?

- | | | |
|--|-------------------------------------|--|
| <input type="checkbox"/> Road work | <input type="checkbox"/> Stormwater | <input type="checkbox"/> Water infrastructure |
| <input type="checkbox"/> Drainage work | <input type="checkbox"/> Earthworks | <input type="checkbox"/> Sewage infrastructure |
| <input type="checkbox"/> Landscaping | <input type="checkbox"/> Signage | <input type="checkbox"/> Clearing vegetation |
| <input type="checkbox"/> Other – please specify: <table border="1" style="display: inline-table; width: 400px; height: 20px;"></table> | | |

14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)

☐ Yes – specify number of new lots:

☐ No

14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)

\$

PART 4 – ASSESSMENT MANAGER DETAILS**15) Identify the assessment manager(s) who will be assessing this development application**

Northern Peninsula Area Regional Council

16) Has the local government agreed to apply a superseded planning scheme for this development application?

- ☐ Yes – a copy of the decision notice is attached to this development application
- ☐ Local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- ☒ No

PART 5 – REFERRAL DETAILS**17) Do any aspects of the proposed development require referral for any referral requirements?**

Note: A development application will require referral if prescribed by the Planning Regulation 2017.

- ☒ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the Planning Regulation 2017:**

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA have not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure – designated premises
- ☐ Infrastructure – state transport infrastructure
- ☐ Infrastructure – state transport corridors and future state transport corridors
- ☐ Infrastructure – state-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure – near a state-controlled road intersection
- ☐ On Brisbane core port land near a State transport corridor or future State transport corridor
- ☐ On Brisbane core port land – ERA
- ☐ On Brisbane core port land – tidal works or work in a coastal management district
- ☐ On Brisbane core port land – hazardous chemical facility
- ☐ On Brisbane core port land – taking or interfering with water
- ☐ On Brisbane core port land – referable dams
- ☐ On Brisbane core port land - fisheries
- ☐ Land within Port of Brisbane's port limits
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ Tidal works or works in a coastal management district
- ☐ Reconfiguring a lot in a coastal management district or for a canal
- ☐ Erosion prone area in a coastal management district
- ☐ Urban design
- ☐ Water-related development – taking or interfering with water
- ☐ Water-related development – removing quarry material (*from a watercourse or lake*)
- ☐ Water-related development – referable dams
- ☐ Water-related development – construction of new levees or modification of existing levees (*category 3 levees only*)
- ☐ Wetland protection area

Matters requiring referral to the **local government:**

- ☐ Airport land
- ☐ Environmentally relevant activities (ERA) (*only if the ERA have been devolved to local government*)
- ☐ Local heritage places

Matters requiring referral to the **chief executive of the distribution entity or transmission entity:**

- ☐ Electricity infrastructure

Matters requiring referral to:

- The **Chief executive of the holder of the licence**, if not an individual
- The **holder of the licence**, if the holder of the licence is an individual
- ☐ Oil and gas infrastructure

Matters requiring referral to the Brisbane City Council :
<input type="checkbox"/> Brisbane core port land
Matters requiring referral to the Minister under the <i>Transport Infrastructure Act 1994</i> :
<input type="checkbox"/> Brisbane core port land (inconsistent with Brisbane port LUP for transport reasons)
<input type="checkbox"/> Strategic port land
Matters requiring referral to the relevant port operator :
<input type="checkbox"/> Land within Port of Brisbane's port limits (below high-water mark)
Matters requiring referral to the Chief Executive of the relevant port authority :
<input type="checkbox"/> Land within limits of another port (below high-water mark)
Matters requiring referral to the Gold Coast Waterways Authority :
<input type="checkbox"/> Tidal works, or work in a coastal management district in Gold Coast waters
Matters requiring referral to the Queensland Fire and Emergency Service :
<input type="checkbox"/> Tidal works marina (<i>more than six vessel berths</i>)

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application		
<input checked="" type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and the development application the subject of this form, or include details in a schedule to this development application (<i>if applicable</i>).		

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application
<input type="checkbox"/> I do not agree to accept an information request for this development application
Note: By not agreeing to accept an information request I, the applicant, acknowledge:
<ul style="list-style-type: none"> that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.
Further advice about information requests is contained in the DA Forms Guide .

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)			
<input type="checkbox"/> Yes – provide details below or include details in a schedule to this development application			
<input checked="" type="checkbox"/> No			
List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval			
<input type="checkbox"/> Development application			
<input type="checkbox"/> Approval			
<input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)

- ☐ Yes – a copy of the receipted QLeave form is attached to this development application
- ☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid
- ☒ Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid	Date paid (dd/mm/yy)	QLeave levy number
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

- ☐ Yes – show cause or enforcement notice is attached
- ☒ No

23) Further legislative requirements

Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

- ☐ Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below
- ☒ No

Note: Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

- ☐ Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

Hazardous chemical facilities

23.2) Is this development application for a **hazardous chemical facility**?

- ☐ Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application
- ☒ No

Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

- ☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)
- ☒ No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.

2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

- ☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter
- ☒ No

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala conservation

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work within an assessable development area under Schedule 10, Part 10 of the Planning Regulation 2017?

- ☐ Yes
☒ No

Note: See guidance materials at www.des.qld.gov.au for further information.

Water resources

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000?**

- ☐ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development
☒ No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au for further information.

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

Waterway barrier works

23.7) Does this application involve **waterway barrier works?**

- ☐ Yes – the relevant template is completed and attached to this development application
☒ No

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

Marine activities

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants?**

- ☐ Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*
☒ No

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
☒ No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
☒ No

Note: Contact the Department of Environment and Science at www.des.qld.gov.au for further information.

Referable dams

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the *Water Supply Act*)?

<input type="checkbox"/> Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the Water Supply Act is attached to this development application <input checked="" type="checkbox"/> No Note: See guidance materials at www.dnrme.qld.gov.au for further information.				
Tidal work or development within a coastal management district				
23.12) Does this development application involve tidal work or development in a coastal management district ?				
<input type="checkbox"/> Yes – the following is included with this development application: <input type="checkbox"/> Evidence the proposal meets the code for assessable development that is prescribed tidal work (<i>only required if application involves prescribed tidal work</i>) <input type="checkbox"/> A certificate of title <input checked="" type="checkbox"/> No Note: See guidance materials at www.des.qld.gov.au for further information.				
Queensland and local heritage places				
23.13) Does this development application propose development on or adjoining a place entered in the Queensland heritage register or on a place entered in a local government's Local Heritage Register ?				
<input type="checkbox"/> Yes – details of the heritage place are provided in the table below <input checked="" type="checkbox"/> No Note: See guidance materials at www.des.qld.gov.au for information requirements regarding development of Queensland heritage places.				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">Name of the heritage place:</td> <td style="width: 50%; padding: 2px;">Place ID:</td> </tr> <tr> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> </table>	Name of the heritage place:	Place ID:		
Name of the heritage place:	Place ID:			
Brothels				
23.14) Does this development application involve a material change of use for a brothel ?				
<input type="checkbox"/> Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the <i>Prostitution Regulation 2014</i> <input checked="" type="checkbox"/> No				
Decision under section 62 of the Transport Infrastructure Act 1994				
23.15) Does this development application involve new or changed access to a state-controlled road?				
<input type="checkbox"/> Yes - this application will be taken to be an application for a decision under section 62 of the <i>Transport Infrastructure Act 1994</i> (subject to the conditions in section 75 of the <i>Transport Infrastructure Act 1994</i> being satisfied) <input checked="" type="checkbox"/> No				

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist	
I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17 Note: See the <i>Planning Regulation 2017</i> for referral requirements	<input checked="" type="checkbox"/> Yes
If building work is associated with the proposed development, Parts 4 to 6 of <i>DA Form 2 – Building work details</i> have been completed and attached to this development application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with development application Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see DA Forms Guide: Planning Report Template .	<input checked="" type="checkbox"/> Yes
Relevant plans of the development are attached to this development application	<input checked="" type="checkbox"/> Yes

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21))

☐ Yes

☒ Not applicable

25) Applicant declaration

☒ By making this development application, I declare that all information in this development application is true and correct

☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR OFFICE USE ONLY

Date received:

Reference number(s):

Notification of engagement of alternative assessment manager

Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

QLeave notification and payment

Note: For completion by assessment manager if applicable

Description of the work	
QLeave project number	
Amount paid (\$)	
Date paid	
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

Appendix B

Owners Consent Form

**Owner's consent as Trustee to the making of a development application
under the *Planning Act 2016***

I, Kate Gallaway

Acting Chief Executive Officer of the Northern Peninsula Area Regional Council mentioned below.

Of the Northern Peninsula Area Regional Council

the Trustee for the land identified as follows:

Lot 7 on SP273365

consent to the making of a development application under the *Planning Act 2016* by:

Northern Peninsula Area Regional Council

on the premises described above for:

Reconfiguring a Lot (1 into 2 Lots)

Northern Peninsula Area Regional Council
A.B.N 27 853 929 592

.....
Signature of Chief Executive Officer

.....
Date

Appendix C

Searches

SURVEY PLAN

Exempt land under section 95 (1) (a) of the SMI Act 2003 (Indigenous Land).

The land subject of this plan is a Deed of Grant in trust for the benefit of Aboriginal Inhabitants.

The area 125ha reserved for public purposes in Lot 7 on SP243595 may be allocated to Lot 7 as shown hereon.

Power exercised: Section 23A of the Land Act 1994

..... *Date*

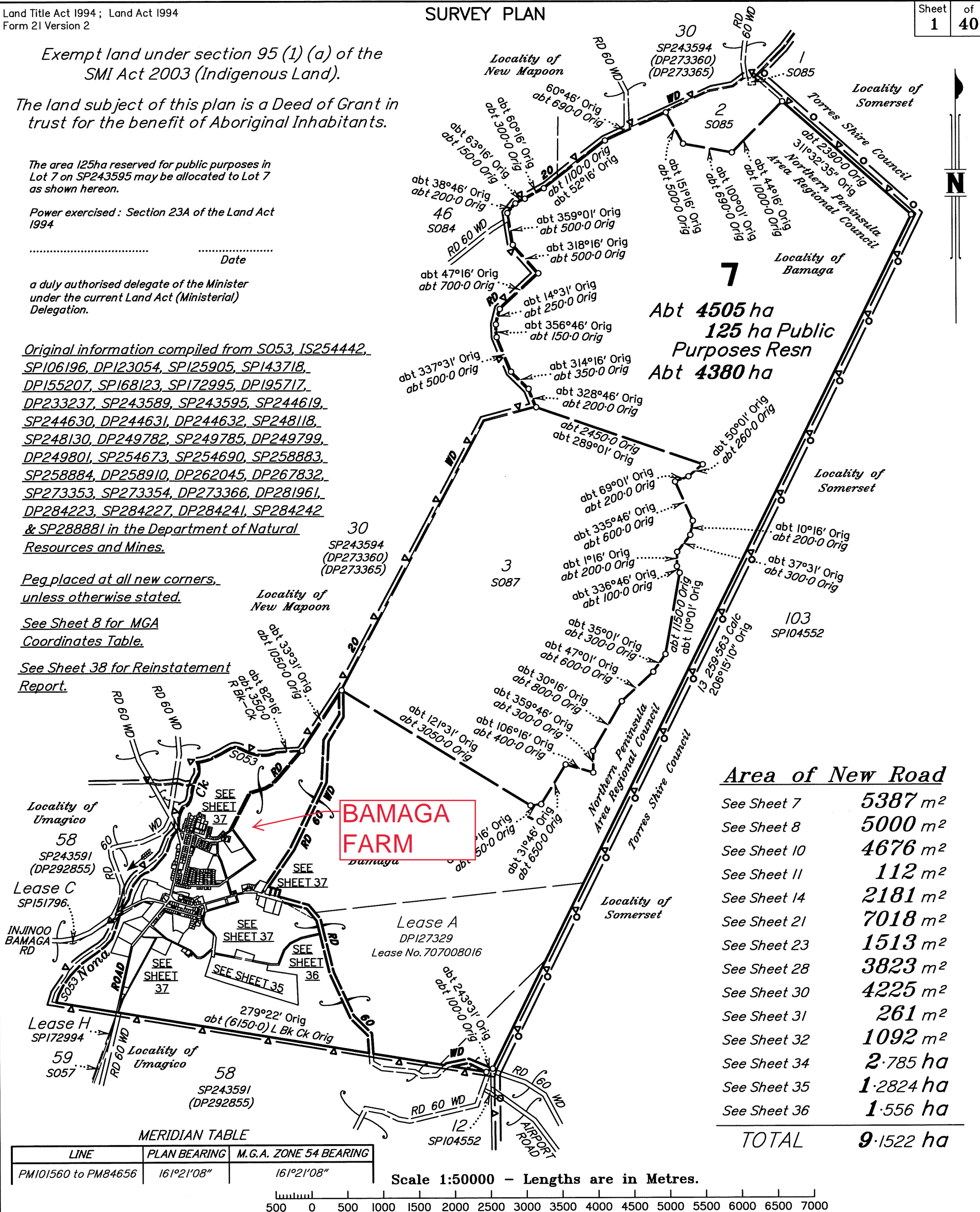
a duly authorised delegate of the Minister under the current Land Act (Ministerial) Delegation.

Original information compiled from S053, IS254442,
SP106196, DP123054, SP125905, SP143718,
DP155207, SP168123, SP172995, DP195717,
DP233237, SP243589, SP243595, SP244619,
SP244630, DP244631, DP244632, SP248118,
SP248130, DP249782, SP249785, DP249799,
DP249801, SP254673, SP254690, SP258883,
SP258884, DP258910, DP262045, DP267832,
SP273353, SP273354, DP273366, DP281961,
DP284223, SP284227, DP284241, SP284242
& SP288881 in the Department of Natural
Resources and Mines.

Peg placed at all new corners,
unless otherwise stated.

See Sheet 8 for MGA
Coordinates Table.

See Sheet 38 for Reinstatement Report.



<u>Area of New Road</u>	
See Sheet 7	5387 m ²
See Sheet 8	5000 m ²
See Sheet 10	4676 m ²
See Sheet 11	112 m ²
See Sheet 14	2181 m ²
See Sheet 21	7018 m ²
See Sheet 23	1513 m ²
See Sheet 28	3823 m ²
See Sheet 30	4225 m ²
See Sheet 31	261 m ²
See Sheet 32	1092 m ²
See Sheet 34	2.785 ha
See Sheet 35	1.2824 ha
See Sheet 36	1.556 ha
<hr/>	
TOTAL	9.1522 ha

LINE	PLAN BEARING	M.G.A. ZONE 54 BEARING
PM101560 to PM84656	161°21'08"	161°21'08"

Scale 1:50000 – Lengths are in Metres.

RPS Australia East Pty Ltd (ACN 140 292 762) hereby certify that the land comprised in this plan was surveyed by the corporation, by Darren Kenneth OERTEL, surveying associate, Christopher James FRANCIS, surveying associate, Matthew James WILLING, surveying associate and Daniel Geoffrey PINKHAM, surveying graduate, for whose work the corporation accepts responsibility, under the supervision of Adrian Edward SOLOMON, cadastral surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 15/08/2016.

S. Redgum
Authorised Delegate

23.12.2016
Date

***Plan of Lots 1-15, 17, 21-23, 25, 27, 28, 30, 46,
56-59, 65, 67, 68, 75, 76, 93, 94, 96-104, 106,
110-138, 141-253, 255-320, 322-342, 345-349,
351, 352, 355, 400-404, 410, 530 & 531
Cancelling Lot 7 & 11 on SP243595,
Lot 252 on S086, Lot 15 on S028, Lot 76 on S059,
Lot 239 on S086 & Lot 12 on S025***

LOCAL GOVERNMENT: *NORTHERN PENINSULA AREA REGIONAL* LOCALITY: ***BAMAGA***

Meridian: *MGA Zone 54 Vide Meridian Table*

F/N's: *No*

Scale: ***1:50,000***

Format: **STANDARD**

SP273361

Plan Status:

5. Lodged by

(Include address, phone number, reference, and Lodger Code)

1/We NORTHERN PENINSULA AREA REGIONAL COUNCIL
DEED OF GRANT IN TRUST
THE GRANTEE TO HOLD THE SAID LAND IN TRUST FOR
THE BENEFIT OF ISLANDER INHABITANTS AND FOR
NO OTHER PURPOSE WHATSOEVER

* as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

~~* as Lessees of this land agree to this plan.~~

Signature of *Registered Owners *Lessees EDWARD JAMIL NEWMAN
MAYOR

* Rule out whichever is inapplicable

* NORTHERN PENINSULA AREA REGIONAL COUNCIL
hereby approves this plan in accordance with the :
% SUSTAINABLE PLANNING ACT, 2009

EDWARD JAMIL NEWMAN

Dated this Eleventh day of October 2016

.....MAYOR.....#

.....#

* Insert the name of the Local Government. % Insert Integrated Planning Act 1997 or
Insert designation of signatory or delegation Local Government (Planning & Environment) Act 1990

CMS Number :
Name :

Dept File :
Local Govt :
Surveyor : PRI23361-2

Title Reference	Description	New Lots	Road	Secondary Interests
50914971	Lot 7 on SP243595	1-14, 17, 21-23, 25, 27, 28, 30, 46, 56-59, 65, 67, 68, 75, 93, 94, 96-104, 106, 110-138, 141-163, 166-238, 240-251, 253, 255-287, 290-320, 322-337, 339-342, 345-349, 351, 352, 355, 400-404, 410, 530 & 531	New Rd	
50914971	Lot 11 on SP243595	287-289		
50914971	Lot 12 on S025	164 & 165		
50914971	Lot 15 on S028	15		
50914971	Lot 76 on S059	76 & 338		
50914971	Lot 239 on S086	239		
50914971	Lot 252 on S086	252		

SP288881 & SP284242 must register prior to the lodgement of this plan.


Lease G on SP155204 (Dealing No.706767611)
is partially absorbed by new road.

Lease J on SP143718 (Dealing No.709400390)
is fully absorbed by new road.

See Sheet 38 for
Existing Administrative Advice Allocations, Mortgage
Allocations and Sheets 38–40 for
Existing Lease Allocations Tables.

7	Lot 7 on CP S053	Cowal & Seymour
13, 224, 225, 257, 258 & 312	Lot 7 on CP S053 Lot 13 on CP S077	Cowal
287	Lot 7 on CP S053 Lot 11 on CP S075	Cowal
1-6, 8-12, 14, 15, 17, 21-23, 25, 27, 28, 30, 46, 56-59, 65, 67, 68, 75, 93, 94, 96-104, 106, 110-138, 141-163, 166-223, 226-253, 255, 256, 259-286, 290-311, 313-320, 322-337, 339-342, 345-349, 351, 352, 355, 400-404, 410, 530 & 531	Lot 7 on CP S053	Cowal
288 & 289	Lot 11 on CP S075	Cowal
164 & 165	Lot 12 on CP S025	Cowal
76 & 338	Lot 76 on CP S059	Cowal
Lots	Orig	Parish

8. Passed & Endorsed :

By: RPS Australia East Pty Ltd
Date: 23.12.2016
Signed: 
Designation: Cadastral Surveyor

I certify that :

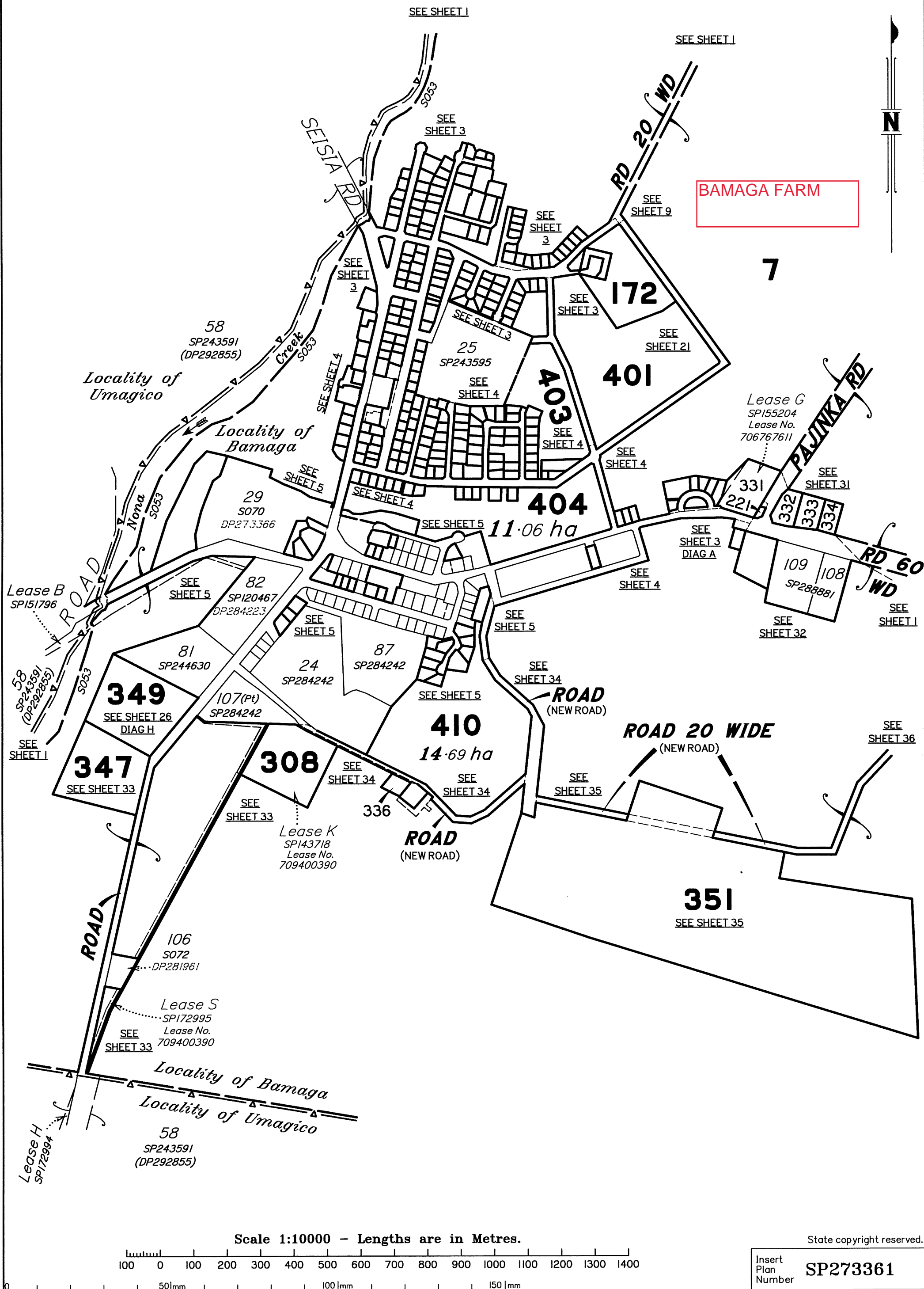
- * As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road;
- * Part of the building shown on this plan encroaches onto adjoining * lots and road

.....
Cadastral Surveyor/Director* Date
*delete words not required

Survey Deposit	\$
Lodgement	\$
.....New Titles	\$
Photocopy	\$
Postage	\$
TOTAL	\$

II. Insert Plan Number	
------------------------	--

SP273361



State Assessment and Referral Agency

Date: 17/10/2022

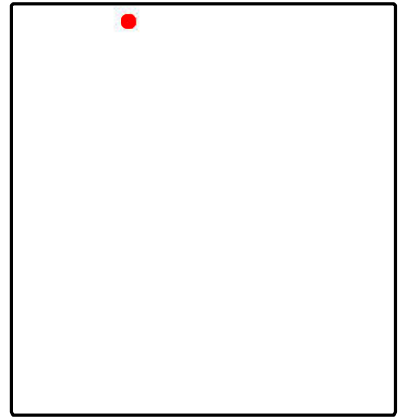


Queensland Government

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Matters of Interest for all selected Lot Plans

Coastal management district

Queensland waterways for waterway barrier works

Great artesian water resource plan area

Regulated vegetation management map (Category A and B extract)

Matters of Interest by Lot Plan

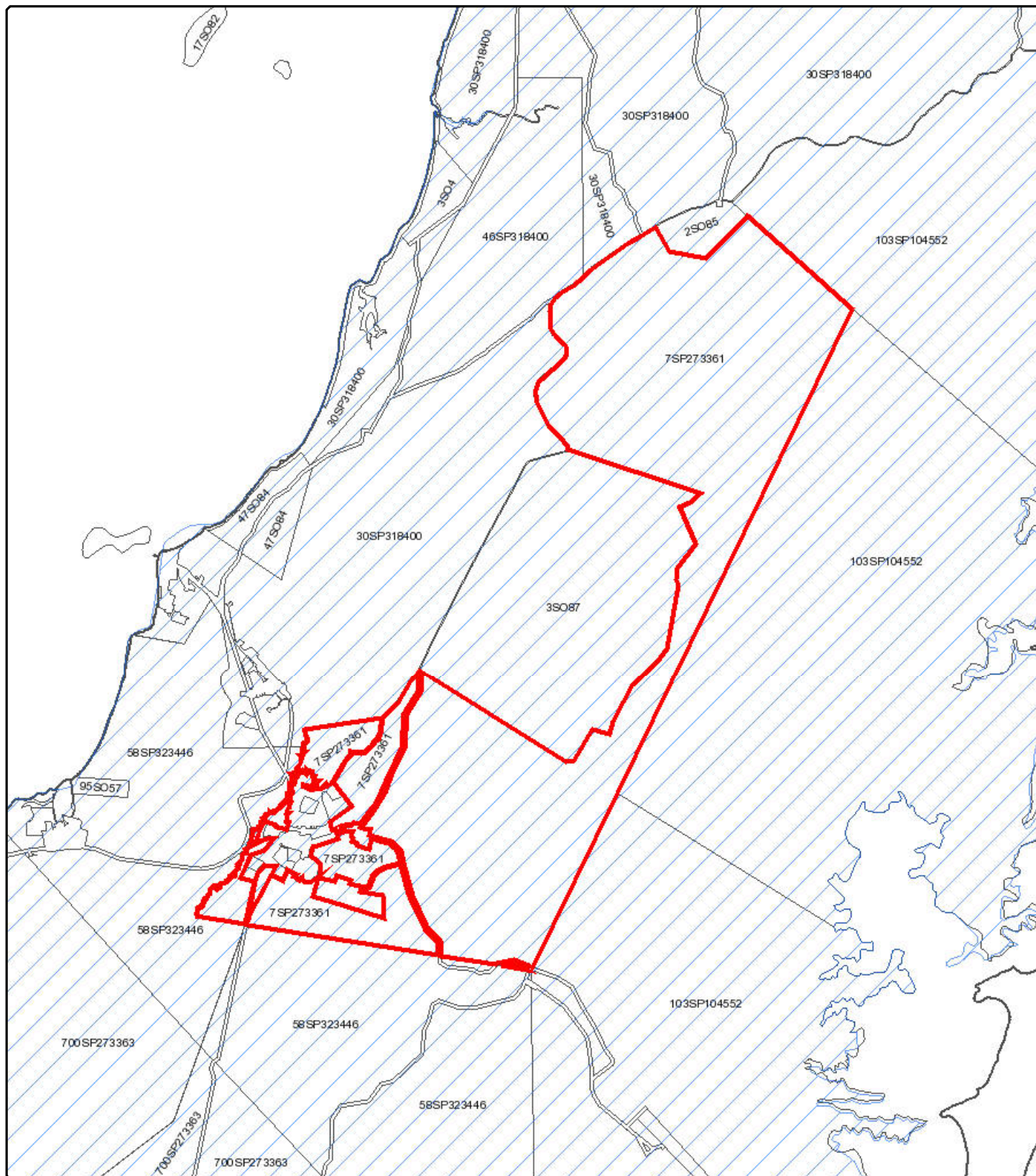
Lot Plan: 7SP273361 (Area: 43800000 m²)

Coastal management district

Queensland waterways for waterway barrier works

Great artesian water resource plan area

Regulated vegetation management map (Category A and B extract)



State Assessment and Referral Agency

Date: 17/10/2022



Queensland Government

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Legend

Great artesian water resource plan area

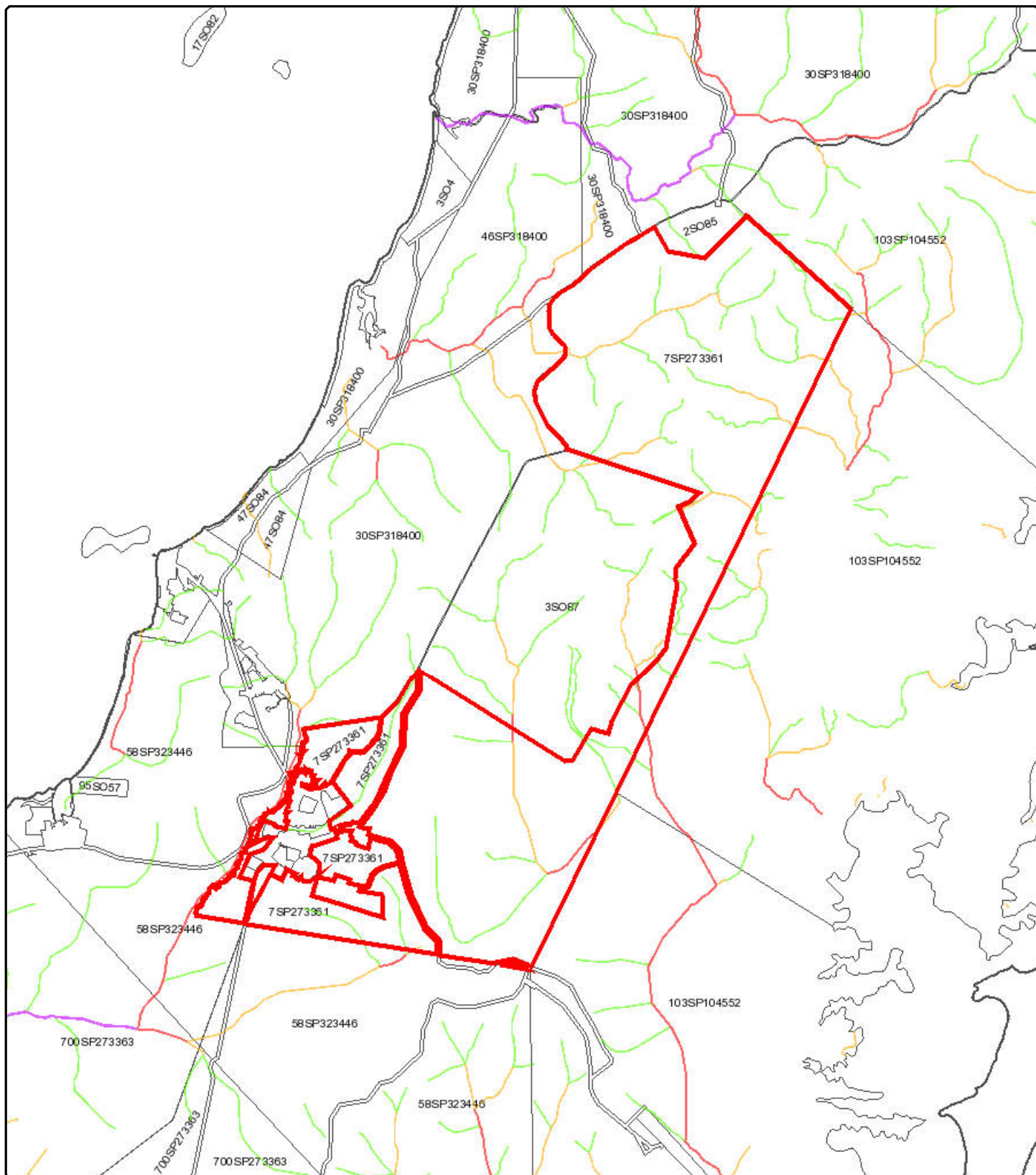


Great artesian water resource plan area

0 1,750 3,500 5,250 7,000
Metres

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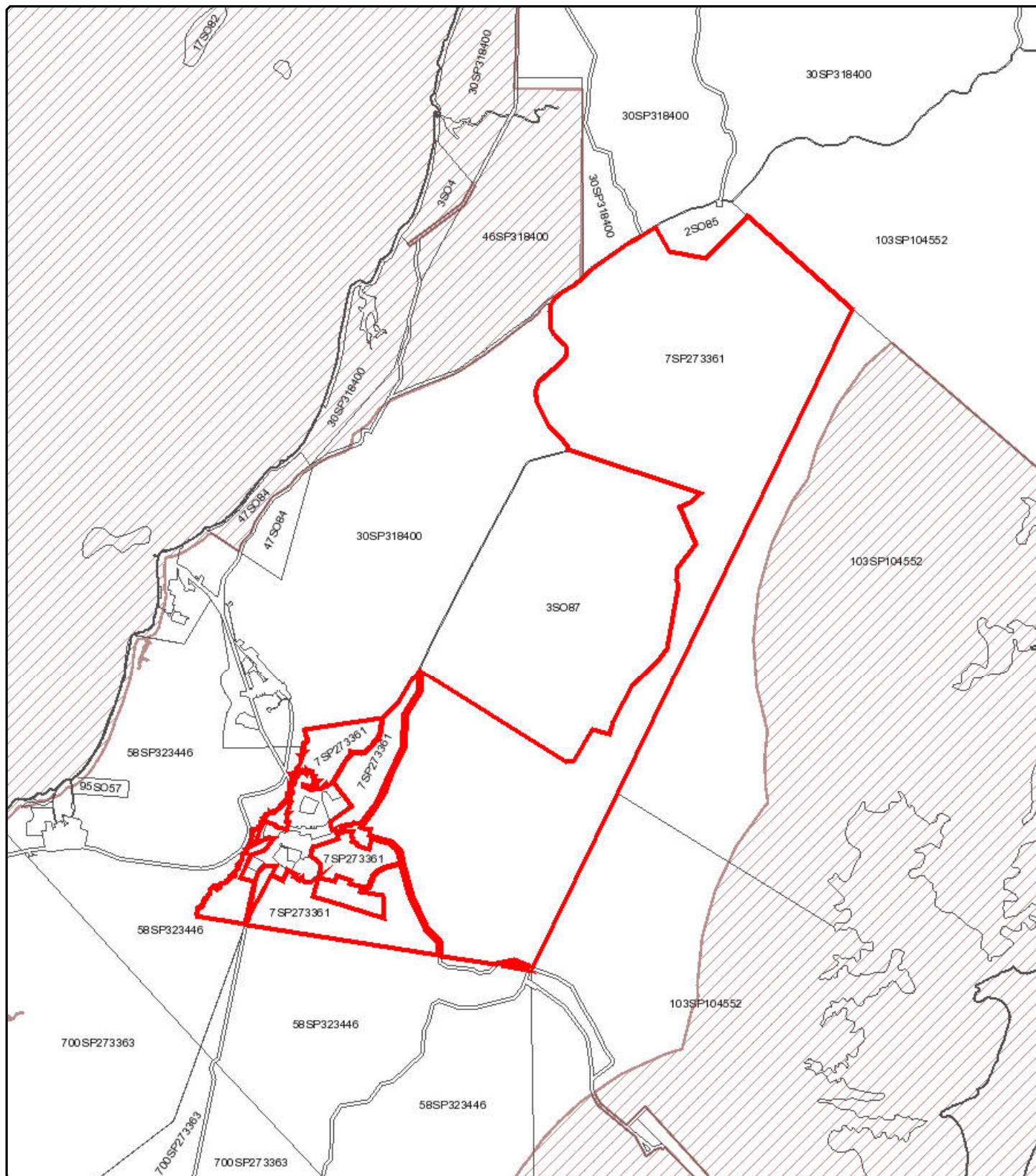
Queensland waterways for waterway barrier works

- 1 - Low
- 2 - Moderate
- 3 - High
- 4 - Major

0 1,750 3,500 5,250 7,000
Metres

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Date: 17/10/2022



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Legend

Coastal management district

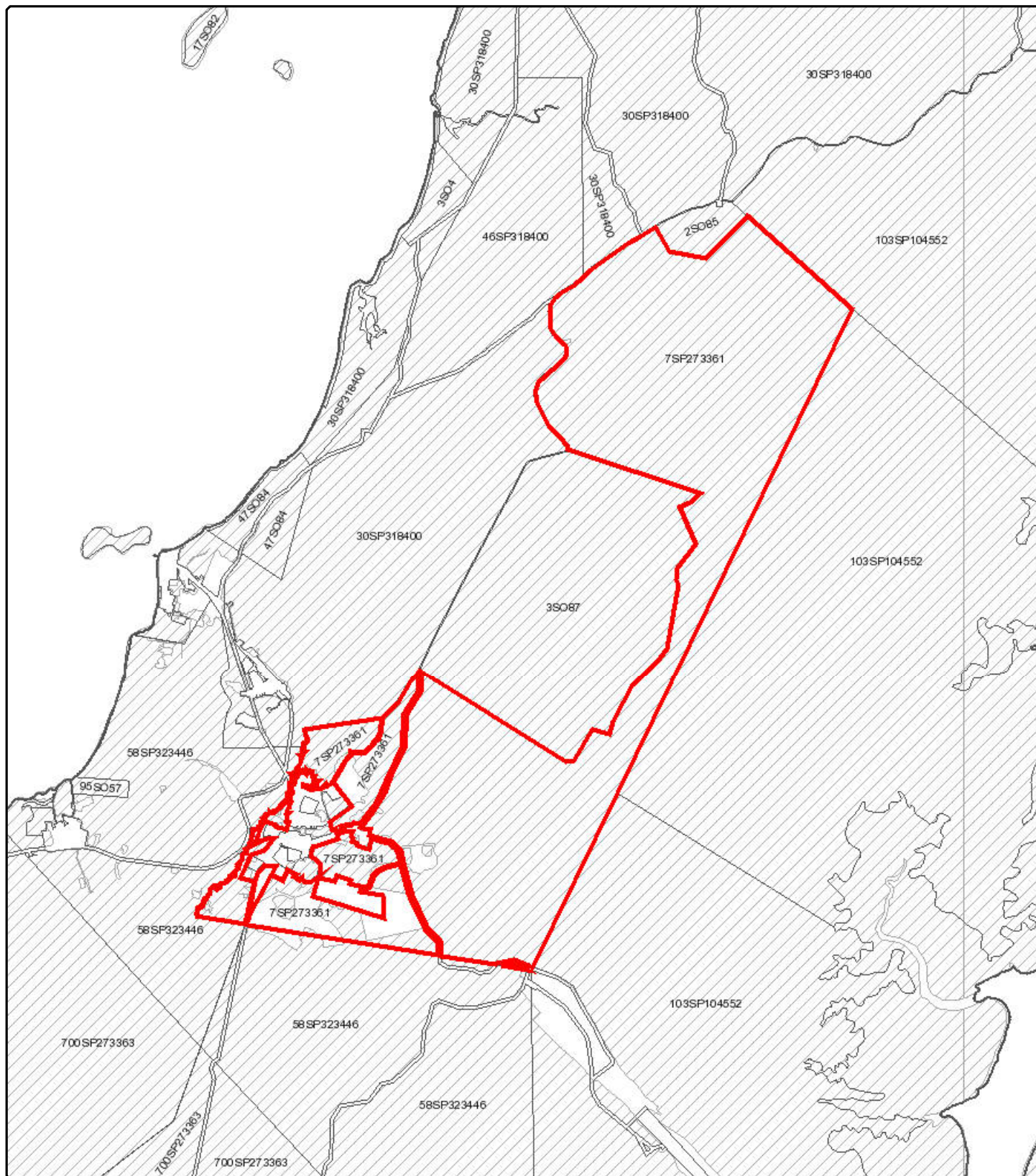


Coastal management district

0 1,750 3,500 5,250 7,000
Metres

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State Assessment and Referral Agency

Date: 17/10/2022





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Legend

Regulated vegetation management map
(Category A and B extract)

-  Category A on the regulated vegetation management map
-  Category B on the regulated vegetation management map

0 1,750 3,500 5,250 7,000
Metres

Disclaimer:

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Queensland Government

Department of Environment and Science

Environmental Reports

Matters of State Environmental Significance

For the selected area of interest
Lot: 7 Plan: SP273361

Environmental Reports - General Information

The Environmental Reports portal provides for the assessment of selected matters of interest relevant to a user specified location, or area of interest (AOI). All area and derivative figures are relevant to the extent of matters of interest contained within the AOI unless otherwise stated. Please note, if a user selects an AOI via the "central coordinates" option, the resulting assessment area encompasses an area extending for a 2km radius from the point of interest.

All area and area derived figures included in this report have been calculated via reprojecting relevant spatial features to Albers equal-area conic projection (central meridian = 146, datum Geocentric Datum of Australia 1994). As a result, area figures may differ slightly if calculated for the same features using a different co-ordinate system.

Figures in tables may be affected by rounding.

The matters of interest reported on in this document are based upon available state mapped datasets. Where the report indicates that a matter of interest is not present within the AOI (e.g. where area related calculations are equal to zero, or no values are listed), this may be due either to the fact that state mapping has not been undertaken for the AOI, that state mapping is incomplete for the AOI, or that no values have been identified within the site.

The information presented in this report should be considered as a guide only and field survey may be required to validate values on the ground.

Please direct queries about these reports to: Planning.Support@des.qld.gov.au

Disclaimer

Whilst every care is taken to ensure the accuracy of the information provided in this report, the Queensland Government makes no representations or warranties about its accuracy, reliability, completeness, or suitability, for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which the user may incur as a consequence of the information being inaccurate or incomplete in any way and for any reason.



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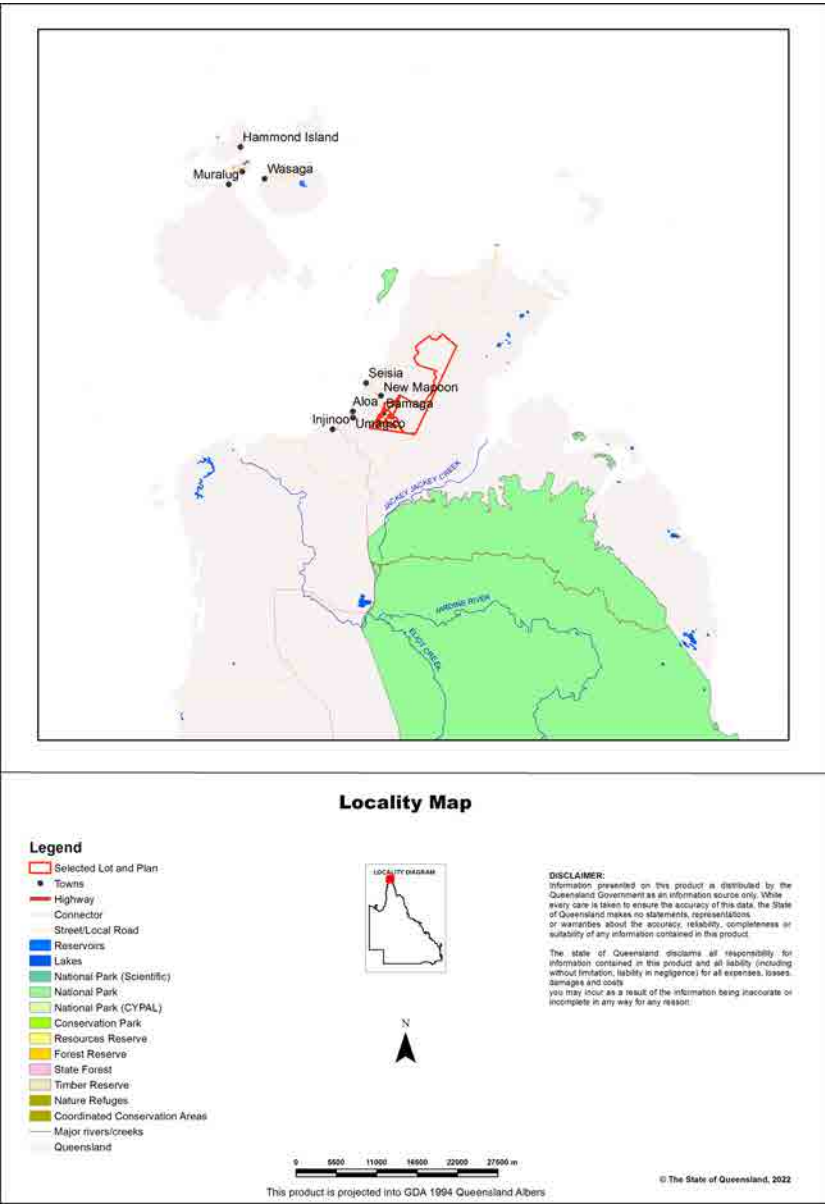
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Assessment Area Details

The following table provides an overview of the area of interest (AOI) with respect to selected topographic and environmental values.

Table 1: Summary table, details for AOI Lot: 7 Plan: SP273361

Size (ha)	4,482.57
Local Government(s)	Northern Peninsula Area Regional
Bioregion(s)	Cape York Peninsula
Subregion(s)	Jardine - Pascoe Sandstones, Cape York - Torres Strait
Catchment(s)	Jacky Jacky, Jardine



Matters of State Environmental Significance (MSES)

MSES Categories

Queensland's State Planning Policy (SPP) includes a biodiversity State interest that states:

'The sustainable, long-term conservation of biodiversity is supported. Significant impacts on matters of national or state environmental significance are avoided, or where this cannot be reasonably achieved; impacts are minimised and residual impacts offset.'

The MSES mapping product is a guide to assist planning and development assessment decision-making. Its primary purpose is to support implementation of the SPP biodiversity policy. While it supports the SPP, the mapping does not replace the regulatory mapping or environmental values specifically called up under other laws or regulations. Similarly, the SPP biodiversity policy does not override or replace specific requirements of other Acts or regulations.

The SPP defines matters of state environmental significance as:

- Protected areas (including all classes of protected area except coordinated conservation areas) under the *Nature Conservation Act 1992* ;
- Marine parks and land within a 'marine national park', 'conservation park', 'scientific research', 'preservation' or 'buffer' zone under the *Marine Parks Act 2004* ;
- Areas within declared fish habitat areas that are management A areas or management B areas under the Fisheries Regulation 2008;
- Threatened wildlife under the *Nature Conservation Act 1992* and special least concern animals under the Nature Conservation (Wildlife) Regulation 2006;
- Regulated vegetation under the *Vegetation Management Act 1999* that is:
 - Category B areas on the regulated vegetation management map, that are 'endangered' or 'of concern' regional ecosystems;
 - Category C areas on the regulated vegetation management map that are 'endangered' or 'of concern' regional ecosystems;
 - Category R areas on the regulated vegetation management map;
 - Regional ecosystems that intersect with watercourses identified on the vegetation management watercourse and drainage feature map;
 - Regional ecosystems that intersect with wetlands identified on the vegetation management wetlands map;
- Strategic Environmental Areas under the *Regional Planning Interests Act 2014* ;
- Wetlands in a wetland protection area of wetlands of high ecological significance shown on the Map of Queensland Wetland Environmental Values under the Environment Protection Regulation 2019;
- Wetlands and watercourses in high ecological value waters defined in the Environmental Protection (Water) Policy 2009, schedule 2;
- Legally secured offset areas.

MSES Values Present

The MSES values that are present in the area of interest are summarised in the table below:

Table 2: Summary of MSES present within the AOI

1a Protected Areas- estates	0.0 ha	0.0 %
1b Protected Areas- nature refuges	0.0 ha	0.0 %
1c Protected Areas- special wildlife reserves	0.0 ha	0.0 %
2 State Marine Parks- highly protected zones	0.0 ha	0.0 %
3 Fish habitat areas (A and B areas)	0.0 ha	0.0 %
4 Strategic Environmental Areas (SEA)	0.0 ha	0.0 %
5 High Ecological Significance wetlands on the map of Referable Wetlands	364.74 ha	8.1%
6a High Ecological Value (HEV) wetlands	39.41 ha	0.9%
6b High Ecological Value (HEV) waterways	1.1 km	Not applicable
7a Threatened (endangered or vulnerable) wildlife	1517.07 ha	33.8%
7b Special least concern animals	0.58 ha	0.0%
7c i Koala habitat area - core (SEQ)	0.0 ha	0.0 %
7c ii Koala habitat area - locally refined (SEQ)	0.0 ha	0.0 %
7d Sea turtle nesting areas	0.0 km	Not applicable
8a Regulated Vegetation - Endangered/Of concern in Category B (remnant)	2254.62 ha	50.3%
8b Regulated Vegetation - Endangered/Of concern in Category C (regrowth)	2.25 ha	0.1%
8c Regulated Vegetation - Category R (GBR riverine regrowth)	0.0 ha	0.0 %
8d Regulated Vegetation - Essential habitat	937.92 ha	20.9%
8e Regulated Vegetation - intersecting a watercourse	47.5 km	Not applicable
8f Regulated Vegetation - within 100m of a Vegetation Management Wetland	641.82 ha	14.3%
9a Legally secured offset areas- offset register areas	0.0 ha	0.0 %
9b Legally secured offset areas- vegetation offsets through a Property Map of Assessable Vegetation	0.0 ha	0.0 %

Additional Information with Respect to MSES Values Present

MSES - State Conservation Areas

1a. Protected Areas - estates

(no results)

1b. Protected Areas - nature refuges

(no results)

1c. Protected Areas - special wildlife reserves

(no results)

2. State Marine Parks - highly protected zones

(no results)

3. Fish habitat areas (A and B areas)

(no results)

Refer to **Map 1 - MSES - State Conservation Areas** for an overview of the relevant MSES.

MSES - Wetlands and Waterways

4. Strategic Environmental Areas (SEA)

(no results)

5. High Ecological Significance wetlands on the Map of Queensland Wetland Environmental Values

Natural wetlands that are 'High Ecological Significance' (HES) on the Map of Queensland Wetland Environmental Values are present.

6a. Wetlands in High Ecological Value (HEV) waters

Natural wetlands that occur in HEV (maintain) freshwater and estuarine areas under the Environmental Protection (water) Policy are present.

6b. Waterways in High Ecological Value (HEV) waters

Natural waterways that occur in HEV (maintain) freshwater and estuarine areas under the Environmental Protection (water) Policy are present.

Refer to **Map 2 - MSES - Wetlands and Waterways** for an overview of the relevant MSES.

MSES - Species

7a. Threatened (endangered or vulnerable) wildlife

Values are present

7b. Special least concern animals

Values are present

7c i. Koala habitat area - core (SEQ)

Not applicable

7c ii. Koala habitat area - locally refined (SEQ)

Not applicable

7d. Wildlife habitat (sea turtle nesting areas)

Not applicable

Threatened (endangered or vulnerable) wildlife habitat suitability models

Species	Common name	NCA status	Presence
<i>Boronia keysii</i>		V	None
<i>Calyptorhynchus lathamii</i>	Glossy black cockatoo	V	None
<i>Casuarius casuarius johnsonii</i>	Sthn population cassowary	E	None
<i>Crinia tinnula</i>	Wallum froglet	V	None
<i>Denisonia maculata</i>	Ornamental snake	V	None
<i>Litoria freycineti</i>	Wallum rocketfrog	V	None
<i>Litoria olongburensis</i>	Wallum sedgefrog	V	None
<i>Macadamia integrifolia</i>		V	None
<i>Macadamia ternifolia</i>		V	None
<i>Macadamia tetraphylla</i>		V	None
<i>Melaleuca irbyana</i>		E	None
<i>Petaurus gracilis</i>	Mahogany Glider	E	None
<i>Petrogale persephone</i>	Proserpine rock-wallaby	E	None
<i>Pezoporus wallicus wallicus</i>	Eastern ground parrot	V	None
<i>Phascolarctos cinereus</i>	Koala - outside SEQ*	V	None
<i>Taudactylus pleione</i>	Kroombit tinkerfrog	E	None
<i>Xeromys myoides</i>	Water Mouse	V	None

*For koala model, this includes areas outside SEQ. Check 7c SEQ koala habitat for presence/absence.

Threatened (endangered or vulnerable) wildlife species records

Scientific name	Common name	NCA status	EPBC status	Migratory status
<i>Syzygium velarum</i>		V	V	
<i>Acanthophis antarcticus</i>	common death adder	V		

Scientific name	Common name	NCA status	EPBC status	Migratory status
<i>Senegalia pennata subsp. kerrii</i>		V		
<i>Hydriastele costata</i>		V	V	
<i>Probosciger aterrimus macgillivrayi</i>	palm cockatoo	E	V	
<i>Cycas semota</i>		E		
<i>Crocodylus porosus</i>	estuarine crocodile	V		Y
<i>Emydura subglobosa angkibaanya</i>	Jardine River turtle	CE		
<i>Calophyllum bicolor</i>		V	V	

Special least concern animal species records

Scientific name	Common name	Migratory status
<i>Tringa nebularia</i>	common greenshank	None
<i>Calidris acuminata</i>	sharp-tailed sandpiper	None

Shorebird habitat (critically endangered/endangered/vulnerable)

Not applicable

Shorebird habitat (special least concern)

Not applicable

*Nature Conservation Act 1992 (NCA) Status- Endangered (E), Vulnerable (V) or Special Least Concern Animal (SL).
Environment Protection and Biodiversity Conservation Act 1999 (EPBC) status: Critically Endangered (CE) Endangered (E), Vulnerable (V)

Migratory status (M) - China and Australia Migratory Bird Agreement (C), Japan and Australia Migratory Bird Agreement (J), Republic of Korea and Australia Migratory Bird Agreement (R), Bonn Migratory Convention (B), Eastern Flyway (E)

To request a species list for an area, or search for a species profile, access Wildlife Online at:

<https://www.qld.gov.au/environment/plants-animals/species-list/>

Refer to **Map 3a - MSES - Species - Threatened (endangered or vulnerable) wildlife and special least concern animals**, **Map 3b - MSES - Species - Koala habitat area (SEQ)** and **Map 3c - MSES - Wildlife habitat (sea turtle nesting areas)** for an overview of the relevant MSES.

MSES - Regulated Vegetation

For further information relating to regional ecosystems in general, go to:

<https://www.qld.gov.au/environment/plants-animals/plants/ecosystems/>

For a more detailed description of a particular regional ecosystem, access the regional ecosystem search page at:

<https://environment.ehp.qld.gov.au/regional-ecosystems/>

8a. Regulated Vegetation - Endangered/Of concern in Category B (remnant)

Regional ecosystem	Vegetation management polygon	Vegetation management status
3.3.67	O-dom	rem_oc
3.3.64/3.3.67/3.3.9	O-subdom	rem_oc

Regional ecosystem	Vegetation management polygon	Vegetation management status
3.5.3/3.5.5	O-dom	rem_oc
3.3.9/3.3.67	O-subdom	rem_oc
3.5.3	O-dom	rem_oc
3.3.5a/3.5.3	O-subdom	rem_oc

8b. Regulated Vegetation - Endangered/Of concern in Category C (regrowth)

Regional ecosystem	Vegetation management polygon	Vegetation management status
3.5.3	O-dom	hvr_oc

8c. Regulated Vegetation - Category R (GBR riverine regrowth)

Not applicable

8d. Regulated Vegetation - Essential habitat

Values are present

8e. Regulated Vegetation - intersecting a watercourse**

A vegetation management watercourse is mapped as present

8f. Regulated Vegetation - within 100m of a Vegetation Management wetland

Regulated vegetation map category	Map number
B	7376

Refer to **Map 4 - MSES - Regulated Vegetation** for an overview of the relevant MSES.

MSES - Offsets**9a. Legally secured offset areas - offset register areas**

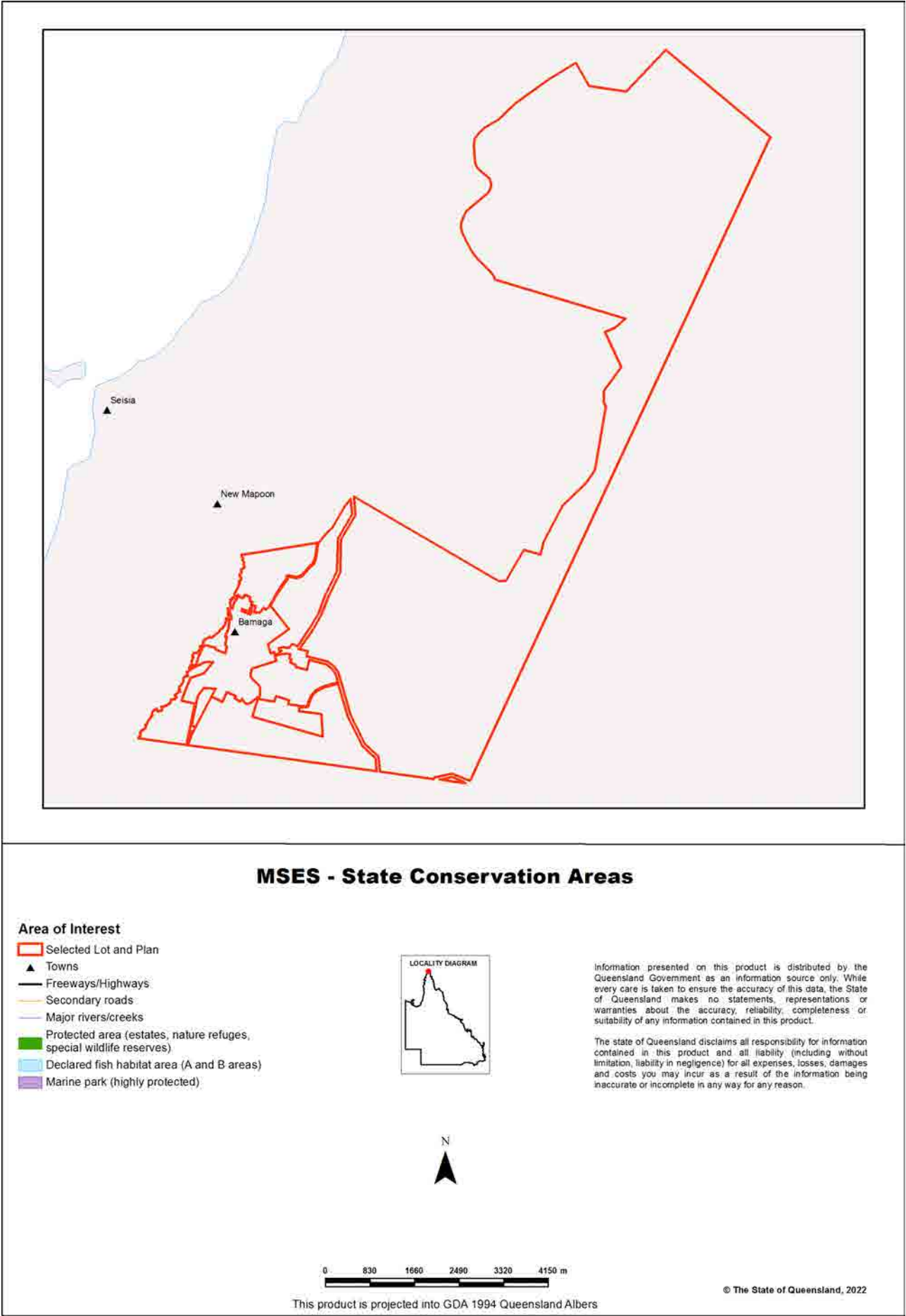
(no results)

9b. Legally secured offset areas - vegetation offsets through a Property Map of Assessable Vegetation

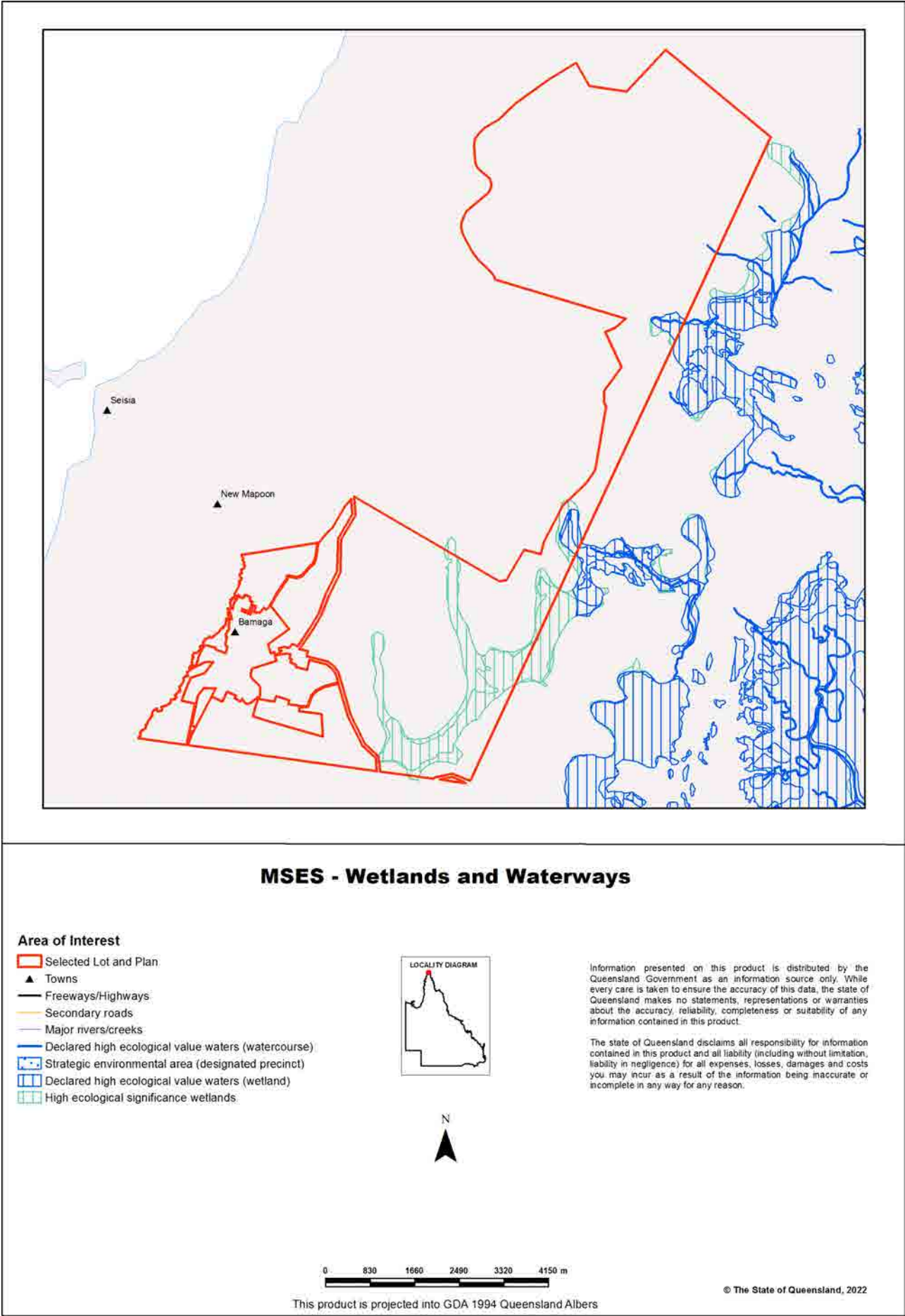
(no results)

Refer to **Map 5 - MSES - Offset Areas** for an overview of the relevant MSES.

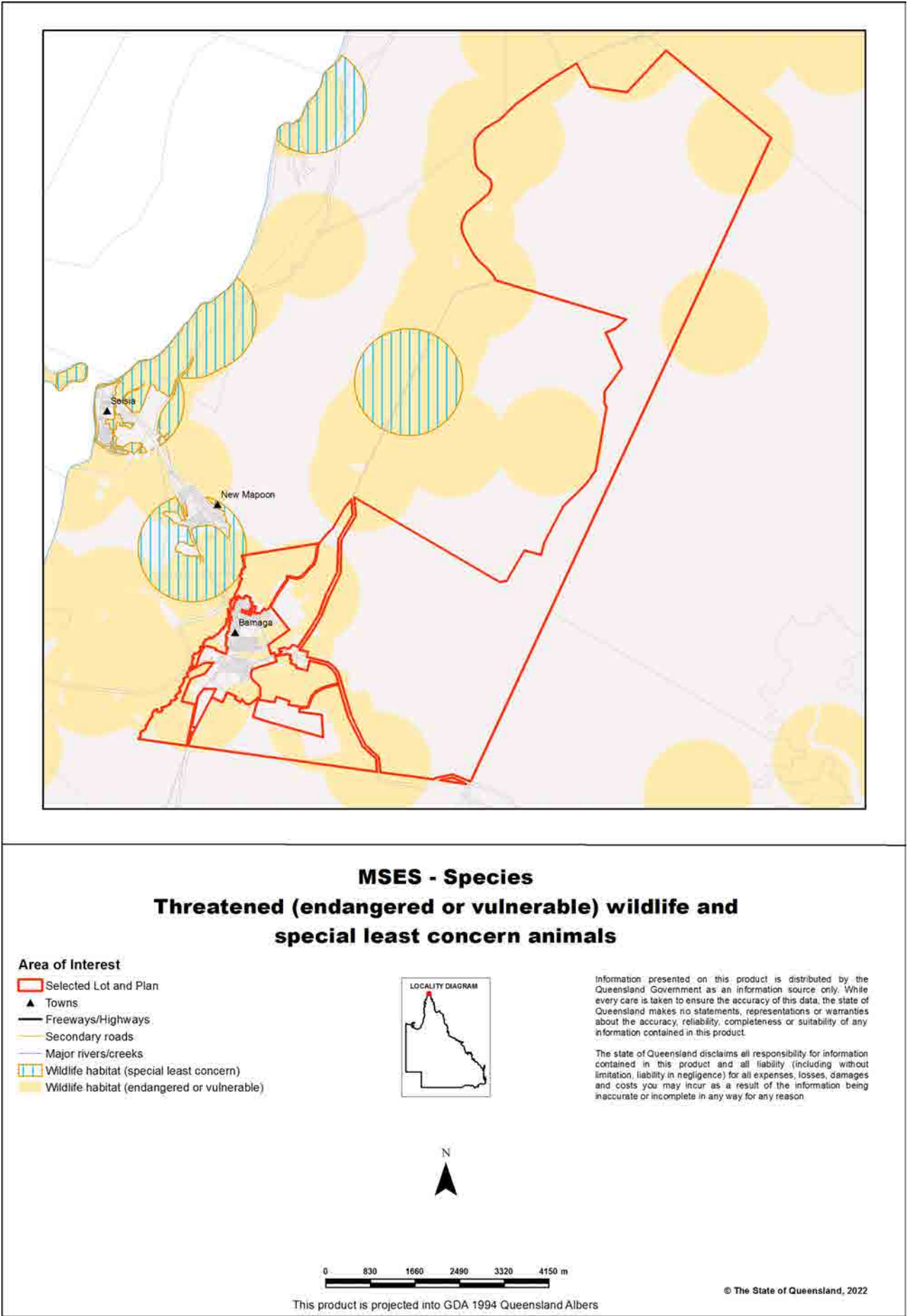
Map 1 - MSES - State Conservation Areas



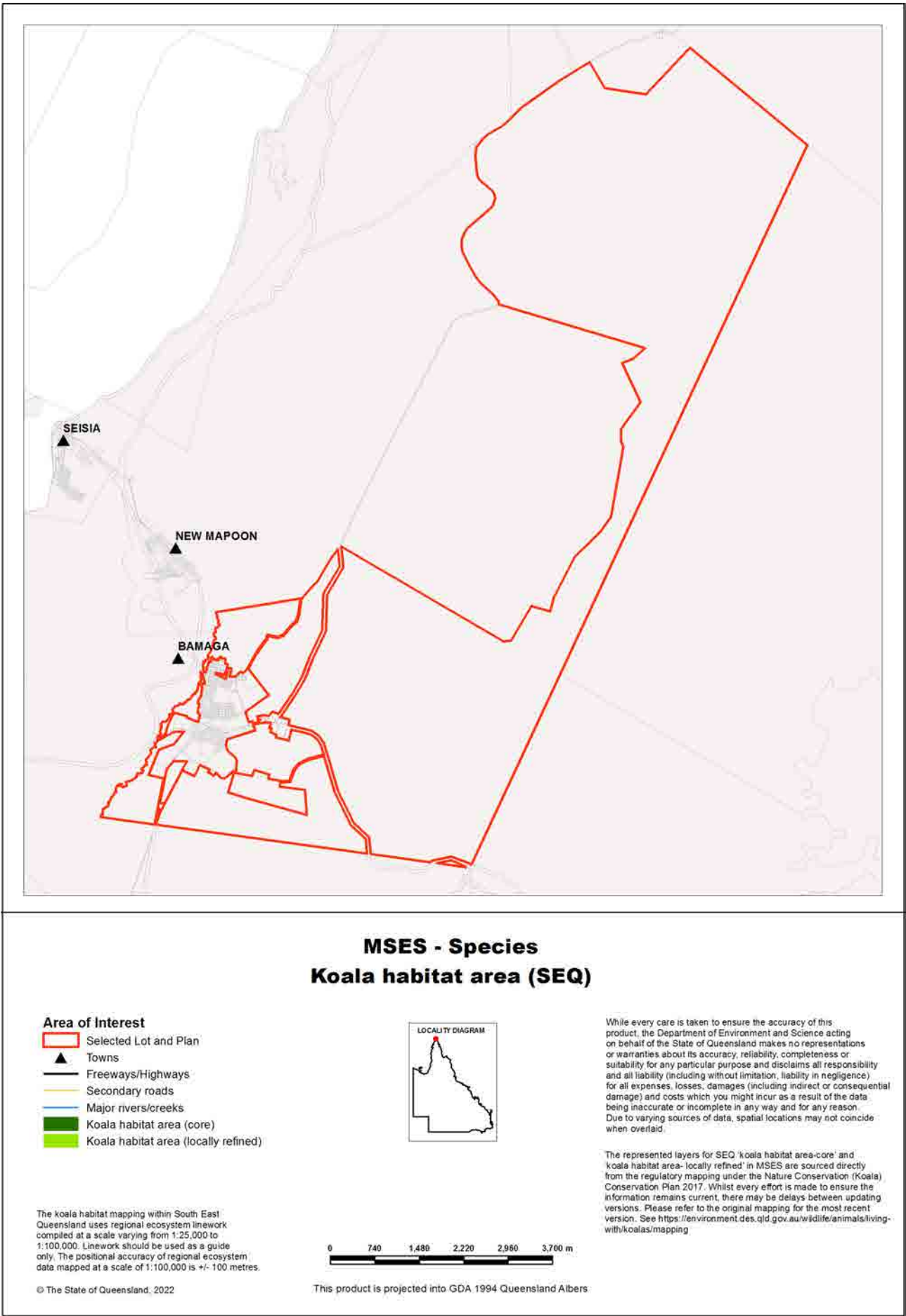
Map 2 - MSES - Wetlands and Waterways



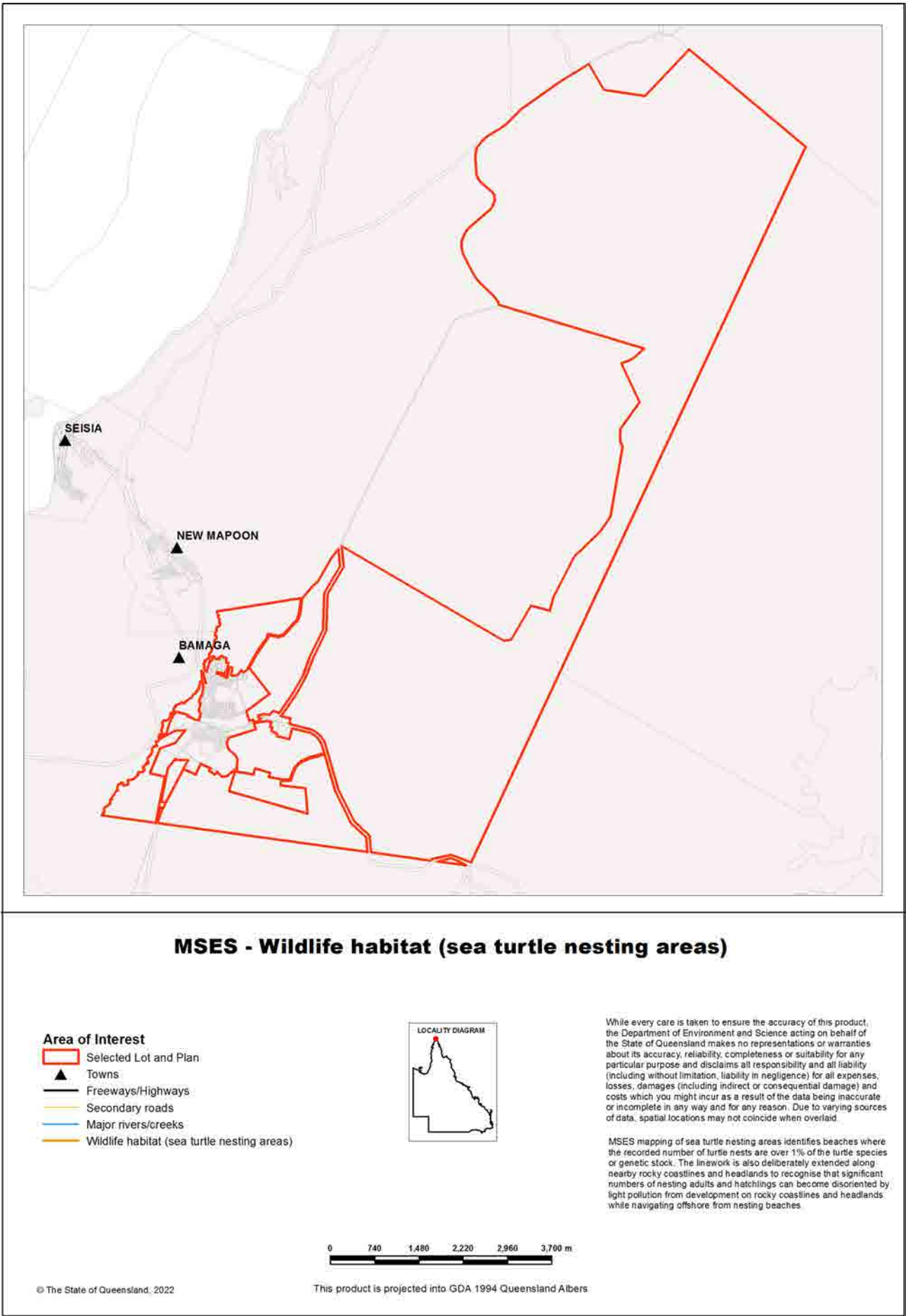
Map 3a - MSES - Species - Threatened (endangered or vulnerable) wildlife and special least concern animals



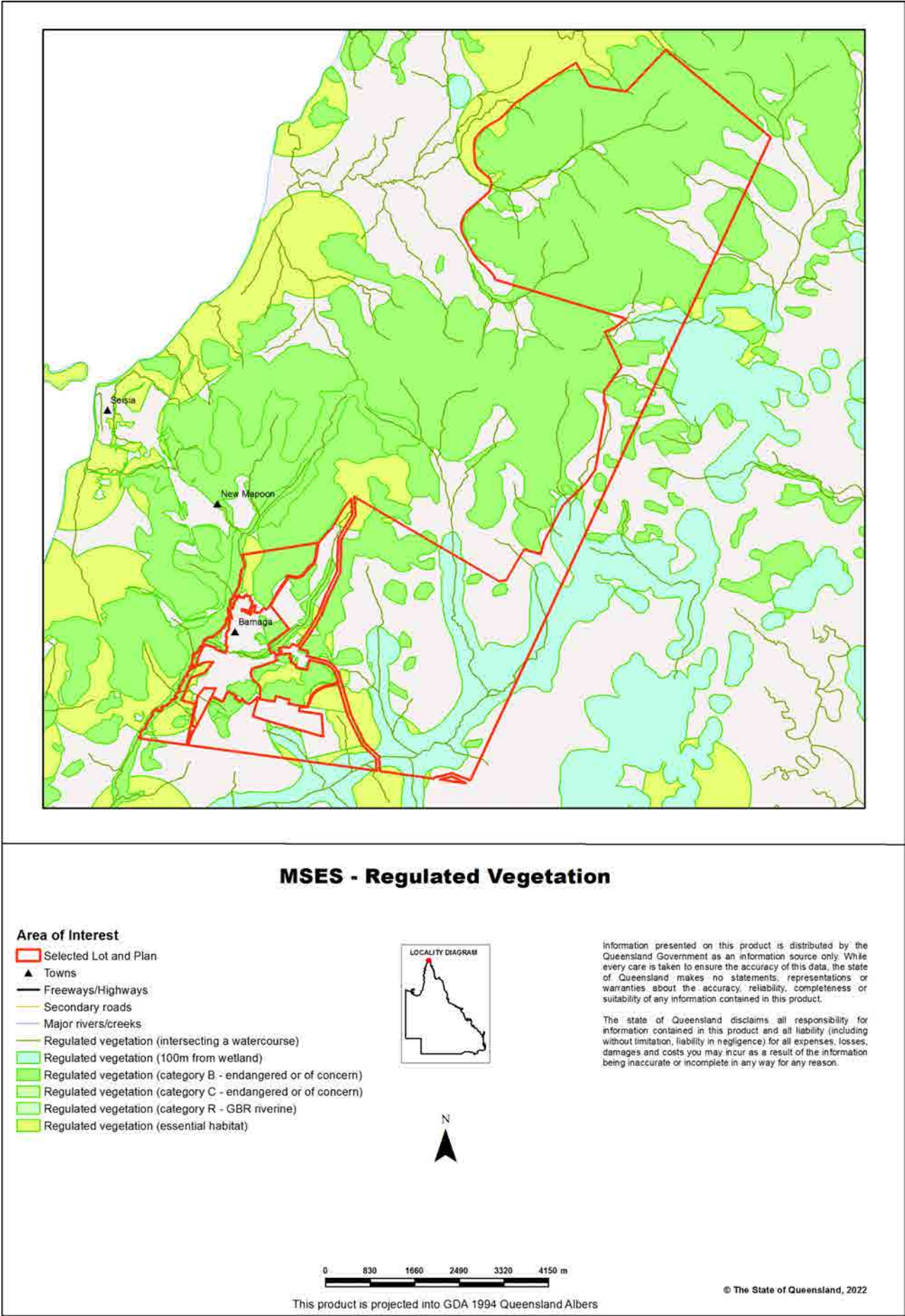
Map 3b - MSES - Species - Koala habitat area (SEQ)



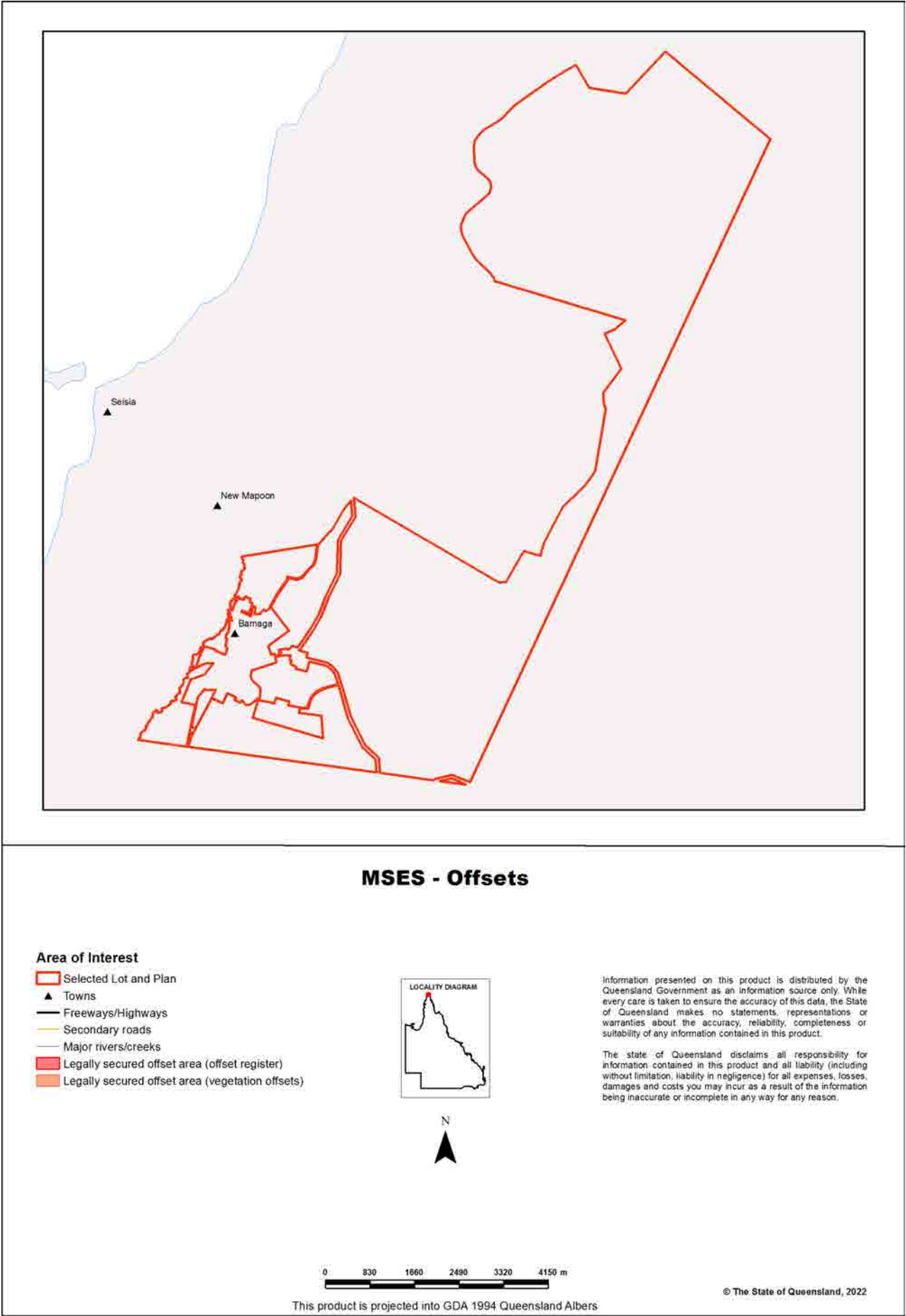
Map 3c - MSES - Wildlife habitat (sea turtle nesting areas)



Map 4 - MSES - Regulated Vegetation



Map 5 - MSES - Offset Areas



Appendices

Appendix 1 - Matters of State Environmental Significance (MSES) methodology

MSES mapping is a regional-scale representation of the definition for MSES under the State Planning Policy (SPP). The compiled MSES mapping product is a guide to assist planning and development assessment decision-making. Its primary purpose is to support implementation of the SPP biodiversity policy. While it supports the SPP, the mapping does not replace the regulatory mapping or environmental values specifically called up under other laws or regulations. Similarly, the SPP biodiversity policy does not override or replace specific requirements of other Acts or regulations.

The Queensland Government's "Method for mapping - matters of state environmental significance for use in land use planning and development assessment" can be downloaded from:

<http://www.ehp.qld.gov.au/land/natural-resource/method-mapping-mses.html> .

Appendix 2 - Source Data

The datasets listed below are available on request from:

<http://qldspatial.information.qld.gov.au/catalogue/custom/index.page>

- Matters of State environmental significance

Note: MSES mapping is not based on new or unique data. The primary mapping product draws data from a number of underlying environment databases and geo-referenced information sources. MSES mapping is a versioned product that is updated generally on a twice-yearly basis to incorporate the changes to underlying data sources. Several components of MSES mapping made for the current version may differ from the current underlying data sources. To ensure accuracy, or proper representation of MSES values, it is strongly recommended that users refer to the underlying data sources and review the current definition of MSES in the State Planning Policy, before applying the MSES mapping.

Individual MSES layers can be attributed to the following source data available at QSpatial:

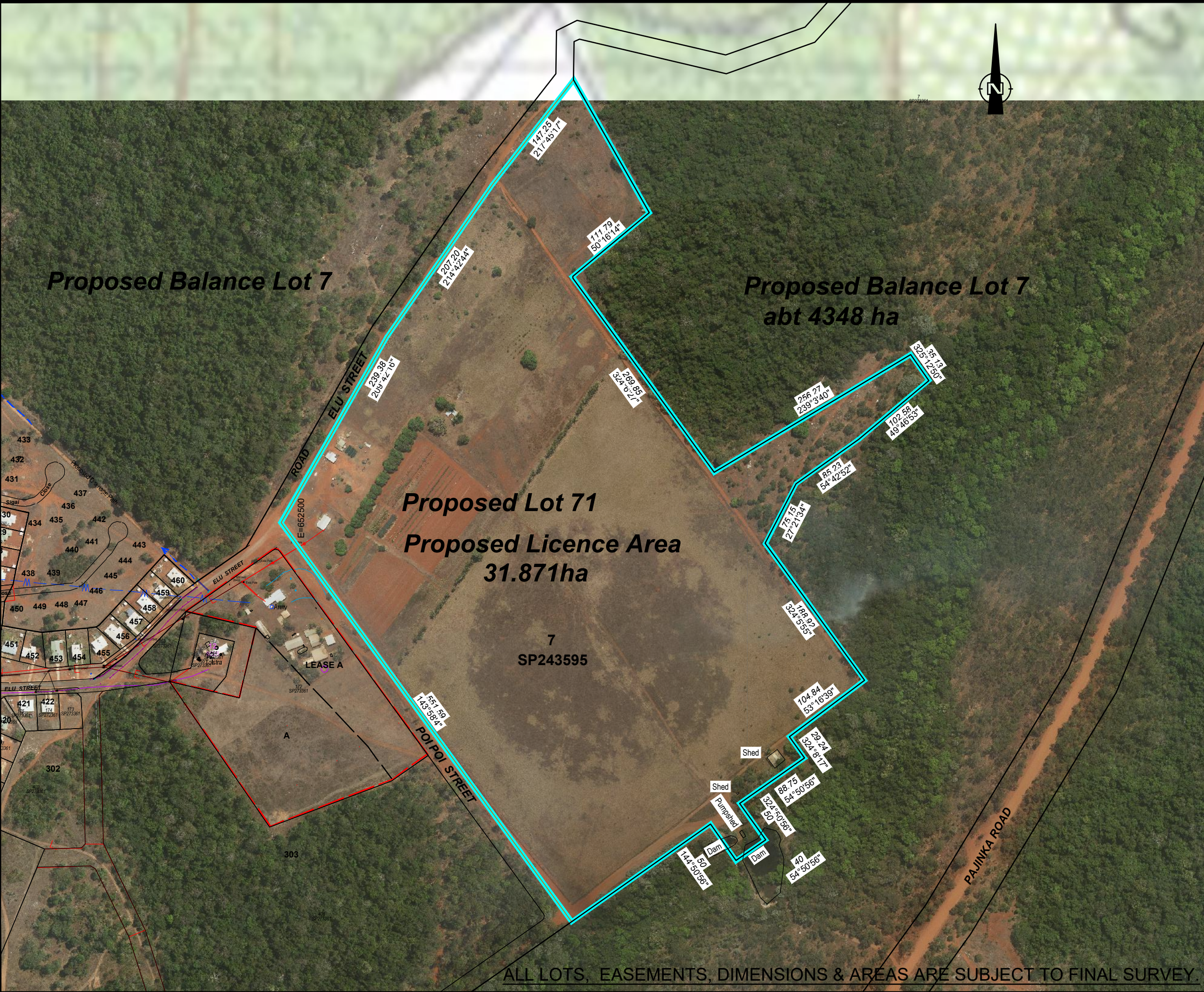
MSES layers	current QSpatial data (http://qspatial.information.qld.gov.au)
Protected Areas-Estates, Nature Refuges, Special Wildlife Reserves	- Protected areas of Queensland - Nature Refuges - Queensland - Special Wildlife Reserves- Queensland
Marine Park-Highly Protected Zones	Moreton Bay marine park zoning 2008
Fish Habitat Areas	Queensland fish habitat areas
Strategic Environmental Areas-designated	Regional Planning Interests Act - Strategic Environmental Areas
HES wetlands	Map of Queensland Wetland Environmental Values
Wetlands in HEV waters	HEV waters: - EPP Water intent for waters Source Wetlands: - Queensland Wetland Mapping (Current version 5) Source Watercourses: - Vegetation management watercourse and drainage feature map (1:100000 and 1:250000)
Wildlife habitat (threatened and special least concern)	- WildNet database species records - habitat suitability models (various) - SEQ koala habitat areas under the Koala Conservation Plan 2019 - Sea Turtle Nesting Areas records
VMA regulated regional ecosystems	Vegetation management regional ecosystem and remnant map
VMA Essential Habitat	Vegetation management - essential habitat map
VMA Wetlands	Vegetation management wetlands map
Legally secured offsets	Vegetation Management Act property maps of assessable vegetation. For offset register data-contact DES
Regulated Vegetation Map	Vegetation management - regulated vegetation management map

Appendix 3 - Acronyms and Abbreviations

AOI	- Area of Interest
DES	- Department of Environment and Science
EP Act	- <i>Environmental Protection Act 1994</i>
EPP	- Environmental Protection Policy
GDA94	- Geocentric Datum of Australia 1994
GEM	- General Environmental Matters
GIS	- Geographic Information System
MSES	- Matters of State Environmental Significance
NCA	- <i>Nature Conservation Act 1992</i>
RE	- Regional Ecosystem
SPP	- State Planning Policy
VMA	- <i>Vegetation Management Act 1999</i>

Appendix D

Proposal Reconfiguring a Lot Plan

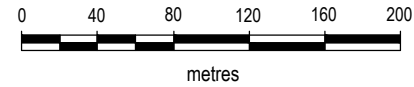


IMPORTANT NOTE
This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified.
All lots, areas and dimensions are approximate only, Subject to relevant studies, Survey, Engineering and Government approvals.
No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.

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Based on or contains data provided by the Qld Globe approx 2018

The aerial photography used in this plan has not been rectified. The image has been overlaid as a best fit on the boundaries shown and position is approximate only.

Date of Capture: 2018 © Qld Globe

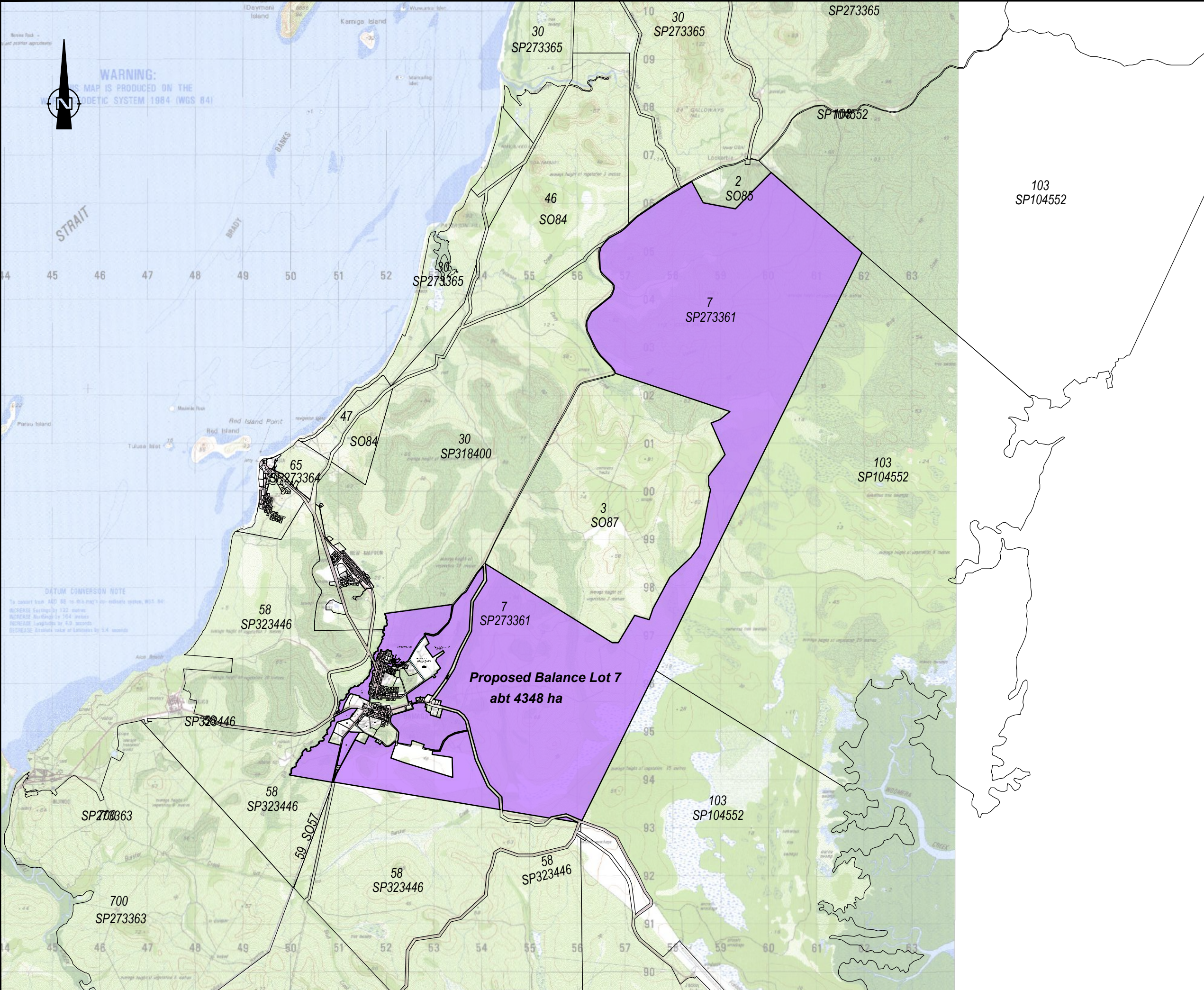


SCALE 1:4000 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A3)

AMENDMENTS	
A: INIT: AMEND DESCRIPTION	
PROJECT MANAGER Ian Doust	SURVEYED
COMPILED	CAD REF 9832-158E.dwg
SHEET SIZE A3	SHEET OF SHEETS 1 2
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RPS Australia East Pty Ltd ACN 140 292 762 135 Abbott St PO Box 1949 CAIRNS QLD 4870	

NPARC			
Bamaga Farm Proposed Lot 71 Proposed Farm Lease Area			
SCALE 1:1000	DATE 9-11-2022	DRAWING NO. 9832-158	ISSUE E

ALL LOTS, EASEMENTS, DIMENSIONS & AREAS ARE SUBJECT TO FINAL SURVEY.

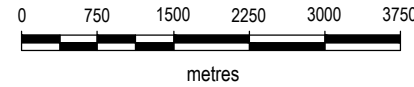


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AMENDMENTS			
A: INIT: AMEND DESCRIPTION			
PROJECT MANAGER		SURVEYED	
Ian Doust			
COMPILED		CAD REF	
		9832-158E.dwg	
SHEET SIZE		SHEET OF SHEETS	
A3		2 2	
		RPS Australia East Pty Ltd	
		ACN 140 292 762	
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NPARC

Bamaga Farm
Proposed Lot 7
Balance DOGIT
cancelling Lot 7 SP273361

SCALE	DATE	DRAWING NO.	ISSUE
1:75,000	9-11-2022	9832-158	E

Appendix E

Rural Zone Code

Rural Zone Code

Performance outcomes	Acceptable outcomes	Solution	Comments
For self-assessable and assessable development.			
Amenity			
PO1 Rural development is located, designed and operated in a manner that contributes to the amenity and landscape of the area.	AO1.1 The extent of the rural use is defined by fencing and/or landscaping elements; AO1.2 Minimise need for excavation and fill by utilising natural topographical features for drainage where possible and limiting removal of vegetation. AO1.3 Buildings and structures do not exceed 8.5m in height;	N/A	Complies The proposal is to create a lot/lease around the existing farm and does not involve changes to the existing use.
Pollution Prevention			
PO2 Noise, air and traffic impacts are compatible with a productive rural environment.	AO2.1 Uses other than Animal Husbandry and Cropping are designed to ensure that: (a) Noise objectives meet the <i>Environmental Protection (Noise) Policy 2008</i> ; and Air quality objectives meet the <i>Environmental Protection (Air) Policy 2008</i> ;	N/A	Complies The proposal is to create a lot/lease around the existing farm and does not involve changes to the existing use.
Cultural Heritage			
PO3 Development is located, designed and operated to ensure that any impact on land with known cultural heritage values is appropriately managed.	AO3.1 Development is not undertaken in an area where there is known cultural heritage values, including both physical artefacts and historical significance.	N/A	Complies Subject site is not located in an area of known cultural heritage value and has been used as a farm for many years.

Rural Zone Code

Performance outcomes	Acceptable outcomes	Solution	Comments
Note – non-indigenous heritage places are registered on Local Heritage Register. For indigenous cultural heritage places, please consult Traditional Owners			
Infrastructure and servicing			
PO4 All uses are serviced with appropriate levels and standards of infrastructure that is cost effective and minimises the impacts on the environment.	AO4.1 Development involving the construction of a habitable building is provided with the following infrastructure: (a) On-site sewerage systems to secondary treatment standard; (b) Tank potable water supply with a capacity of 90,000 litres; (c) Electricity supply and telecommunications; (d) Stormwater and drainage systems that maximise use of natural drainage lines;	N/A	Complies with PO The proposal is to create a lot/lease around the existing farm and does not involve changes to the existing use or infrastructure.
PO5 Development is to maximise opportunities to maintain and/ or enhance important natural landscapes, views and vistas through the maintenance and restoration of vegetated buffer zones between development and coastal waters, unless the development is within a port or airport or is marine development.	AO5.1 Development maintains or enhances natural landscape features, view and vistas. AND AO5.2 Trees and vegetation are used to screen buildings and infrastructure. AND AO5.3 Development is constructed of materials and with finishes that complement the scenic landscape.	N/A	Complies No physical development is proposed. Therefore, no changes to the natural landscapes, views or vistas are proposed.
Agricultural land			
PO6	AO6.1 No acceptable outcome is proposed.	Acceptable outcome	Complies

Rural Zone Code

Performance outcomes	Acceptable outcomes	Solution	Comments
Development protects Agricultural Land Classification class A and B for sustainable agricultural use by: <ul style="list-style-type: none">▪ avoiding fragmentation into lot sizes inconsistent with use of the land for agriculture;▪ avoiding location of non-agricultural uses; and▪ maintaining and enhancing the land condition and biophysical resources.			

Appendix F

Environmental Management and Conservation Code

Environmental Management and Conservation Code

Performance outcomes	Acceptable outcomes	Solution	Comments
Cultural Heritage			
PO1 Development is located, designed and operated to ensure that any impact on land with known cultural heritage values is appropriately managed. <i>Note – non-indigenous heritage places are registered on Local Heritage Register. For indigenous cultural heritage places, please consult Traditional Owners</i>	AO1 Development is not undertaken in an area where there is known cultural heritage values, including both physical artefacts and historical significance.	N/A	Complies The subject site is not located in an area of known cultural heritage. The proposal is to create a lot/lease around the existing farm and does not involve changes to the existing use.
Built Form, Character and amenity			
PO2 Buildings and structures are modest, containing a number of small individual buildings which are low scale in nature such that the overall development cannot be seen from public viewing areas within the township, scenic drives or from the coast;	AO2.1 Buildings and Structures are not to exceed 7.5m in height and are single storey AO2.2 Building materials are lightweight including use of timber and tin materials which blend into the surrounds and minimise reflection and glare; AO2.3 Individual buildings do not exceed 100m2 GFA; AO2.4 Development envelopes for each development are established that do not exceed 2000m2 in site area;	N/A	Complies No new buildings are proposed as a part of this application.
PO3 Development is located, designed and operated to retain vegetation communities, habitats and fauna corridors, coastal processes and riparian corridors	AO3.1 Buildings and structures do not use slab on ground techniques, to ensure that habitat movement beneath structures can be facilitated; AO3.2	N/A	Complies No new buildings are proposed as a part of this application.

Environmental Management and Conservation Code

Performance outcomes	Acceptable outcomes	Solution	Comments
	No fences or structures which compromise fauna movements are establish. A03.3 Buildings and structures are set back a minimum of 25m from the edge of any waterway		
P04 Flora and fauna which represent unique or distinctive communities are protected	No acceptable outcome is prescribed.	N/A	Complies The proposal does not feature and operational changes or new development for the site. Therefore, the proposal would not create any further adverse impacts on any flora or fauna species.
P05 Development is designed, located and operated to a) Minimise the need for excavation and fill; b) Controls stormwater runoff and enhances water quality; c) Minimises light disturbance and noise nuisance to ensure	No acceptable outcome is prescribed.	N/A	Complies The proposal does not feature and operational changes or new development for the site. Therefore, the proposal would not create any further adverse impacts.
P06 Landscaping of the site is with native species only in accordance with an approved landscape plan.	No acceptable outcome is prescribed	N/A	Complies No new planting is proposed as a part of the proposal.
Scenic Amenity			
P07 Development is to maximise opportunities to maintain and/ or enhance important natural landscapes, views and vistas through the maintenance and restoration of vegetated buffer zones between development and coastal waters, unless the development is	A07.1 Development maintains or enhances natural landscape features, view and vistas. AND A07.2 Trees and vegetation are used to screen buildings and infrastructure. AND	N/A	Complies The proposal does not feature and operational changes or new development for the site. Therefore, the proposal would not create any further adverse impacts on important natural landscapes, views or vistas.

Environmental Management and Conservation Code



Performance outcomes	Acceptable outcomes	Solution	Comments
within a port or airport or is marine development.	AO7.3 Development is constructed of materials and with finishes that complement the scenic landscape.		
PO8 All uses are serviced with appropriate levels and standards of infrastructure that is cost effective and minimises the impacts on the environment.	AO8.1 Uses and other development are provided with - (a) reticulated water; or (b) a minimum of 90,000 L water tank per dwelling; (c) reticulated sewerage; or (d) where the site is not able to be connected to a reticulated sewerage system, wastewater - (i) is treated and disposed of on-site subject to site, soil and locational constraints; (ii) reduces the potential for - a. contaminating groundwater, surface water or wetland environments; b. risks to reticulated water supply or public health; (e) stormwater management systems that - (i) utilise existing overland systems; (ii) incorporate measures to reduce stormwater run-off quantity and improve stormwater quality; (f) constructed road access that minimise removal of native plants and the concentration of stormwater run-off; (g) energy; (h) telecommunications; waste and recycling collection facilities.	N/A	Complies No change to the use or development status of the site is proposed.

Appendix G

Reconfiguring a Lot Code

Reconfiguring a Lot Code

Performance outcomes	Acceptable outcomes	Solution	Comments
Site suitability and locational requirements.			
PO1 Lots are located, designed and constructed to ensure that adverse impacts from emissions that will affect the health and safety, wellbeing and amenity of communities and individuals is avoided or otherwise minimised.	AO1 Lots for sensitive land uses such as residential are adequately separated from lots for industrial activities that have the potential to have adverse impacts on the sensitive land uses.	Acceptable outcome	Complies The proposed lot is to be used for farming.
PO2 Lots are located to reduce risk and exposure of people and property to coastal hazards and ensures development is resilient to climate change impacts;	AO2.1 No new lots are created partially or wholly within a defined Erosion Prone Area as shown on the Natural Hazards (Coastal) Overlay to avoid new lots being impacted by coastal erosion. AO2.2 Land within a defined Erosion Prone Area as shown on the Natural Hazards (Coastal) Overlay is excluded from new lot development to maintain public access along the coast AO2.3 No new lots are created within the high or medium hazard area as shown on the Natural Hazards (Coastal) Overlay	N/A	Complies The new lot is not located within an Erosion Prone Area or the Natural Hazards Overlay.
PO3 Development manages the potential for environmental harm associated with the disturbance of Potential or Actual Acid Sulfate Soils	AO3.1 Where land is located below 20mAHd the disturbance of soils is limited to 100m3 of excavation and 500m3 of filling (excluding top soil dressing)	N/A	Complies No excavation or filling is prospected as a part of this development.
PO4 Development is not undertaken on contaminated land;	AO4.1 For residential Development Only: No previous history of industrial activities (including land full have occurred on subject site;	N/A	Complies Development is not located on contaminated land.

Reconfiguring a Lot Code

Performance outcomes	Acceptable outcomes	Solution	Comments
P05 Development is located, designed and operated to ensure that any impacts on land with known cultural values can be appropriately managed in collaboration with Traditional Owners	AO5.1 Development is not undertaken on land with known cultural values (including both historical significant and physical artefacts) unless created for cultural protection.	N/A	Complies Development is not located in an area that is identified as land with known cultural values.
P06 Development is located, designed and operated to avoid impacts upon environmentally sensitive areas including vegetation, wetlands and coastal areas and receiving waters.	AO6.1 Development responds appropriately to sensitive environmental features of the site or locality, by: <ul style="list-style-type: none"> a) avoiding steep slopes to minimise landscape disturbance and vegetation loss; b) avoiding penetrating or fragmenting remnant vegetation; c) avoiding drainage features, particularly in the location of access places and access streets; d) providing for safe wildlife movement where habitat corridors are interrupted; e) being designed and undertaken in a manner that is likely to cause an adverse impact on environmentally sensitive areas. 	N/A	Complies The development of the property is not considered to physically change the site in any way. Therefore, impacts would be minimal.
Lot Design and Amenity			
Where a lease or lot is created to accommodate an existing development			
P07 Each lot contains sufficient area and is located so that: <ul style="list-style-type: none"> a) Adequate open space is provided for the existing dwelling; b) appropriate setbacks between adjacent dwellings or structures are achieved; 	AO7.1 Lot/Lease boundaries are established: <ul style="list-style-type: none"> a) So that at least 100m² of open space area with a minimum dimension of 6m is included; b) A minimum 2m from adjacent dwellings and structures; 	Acceptable outcome	Complies The subject site and Lot/Lease boundaries are to be compliant with the acceptable outcomes.

Reconfiguring a Lot Code

Performance outcomes	Acceptable outcomes	Solution	Comments
<ul style="list-style-type: none"> c) Adequate fire breaks are established between dwelling and any existing vegetation; d) Adequate space for vehicle access to a road is provided for within the lease area; e) The lease area does not contain footpath area or other public thoroughfare; f) Access to publicly owned infrastructure is uninhibited; g) Buffers to (and should not include) natural features such as wetlands, waterways and drainage lines; 	<ul style="list-style-type: none"> c) A minimum 20m where the boundary adjoins land included in d) the Rural Zone or Environmental Management and Conservation Zone; e) So that an area with a dimension of at least 6m is available at the road frontage to enable vehicle parking on site; f) e) At least 6m from the edge of any constructed road; 		
<p>PO8</p> <p>Each lot has sufficient dimensions and area to accommodate:</p> <ul style="list-style-type: none"> a) Intended future use with adequate setbacks; b) Private open space; c) Vehicle access and/or parking area; and d) Appropriate infrastructure, such as on site effluent disposal 	<p>AO8.1</p> <p>Allotment Sizes comply with the minimum areas set out below:</p> <p><u>Township Zone and Residential Precinct</u></p> <ul style="list-style-type: none"> a) 800m² minimum for detached dwellings, multiple dwellings and dual occupancy. <p><u>Industry Zone and Industry Low, Medium or High Impact Precinct</u></p> <ul style="list-style-type: none"> a) 1500m² minimum for Low or Medium Impact b) 4000m² minimum for High Impact Precinct <p><u>Industry Zone</u></p> <ul style="list-style-type: none"> a) 4000m² minimum <p><u>Rural Zone</u></p> <ul style="list-style-type: none"> a) 100 hectare minimum b) 	Performance outcome	<p>Complies</p> <p>The proposal seeks to formalise the lot as a farm. This farm has operated from this site for several years. Therefore, the reduction from the acceptable 100 hectare minimum to the proposed approximately 38 hectare site is acceptable.</p>
<p>PO9</p> <p>Each lot can be adequate and safely accessed by vehicles</p>	<p>AO9.1</p> <p>Each lot has a frontage and practicable access to a constructed public road via direct road frontage,</p>	Performance outcome	<p>Complies</p>

Reconfiguring a Lot Code

Performance outcomes	Acceptable outcomes	Solution	Comments
	an access strip (for a rear lot) or an access easement; Where an access strip is required: a) no more than two access strips are located adjacent to each other; and b) are at least 5m in width; and c) do not exceed 40m in length		No changes to the access of the lot are proposed. Therefore, the existing conditions would meet the performance outcome.
Where involving the creation of more than 10 vacant leases or lots for residential purposes			
PO10 A mixture of lot sizes is provided to accommodate variety of housing types and styles;	AO10.1 Average allotment size for detached dwellings is 800m ² and minimum allotment size for multiple dwellings and dual occupancy is 800m ²	N/A	Not Applicable One lot proposed.
PO12 Lots are climatically responsive and orientated to facilitate future development that takes advantage of prevailing breezes and sunlight relevant for local climate;	No Acceptable Outcome is prescribed	N/A	Not Applicable One lot proposed.
PO13 Lots are within 400m of, or incorporate formed pedestrian access to, existing public open space and recreational facilities;	No Acceptable Outcome is prescribed	N/A	Not Applicable One lot proposed.
PO14 Land must be dedicated for sufficient public open space to: <ul style="list-style-type: none"> Meet the needs of the future residents and provide opportunity for active living for the community; 	No Acceptable Outcome is identified	N/A	Not Applicable One lot proposed.

Reconfiguring a Lot Code

Performance outcomes	Acceptable outcomes	Solution	Comments
<ul style="list-style-type: none"> Link with existing public space and create a network for the urban area 			
PO15 Active public parks and recreational spaces are provided that enhance opportunities for community interaction, meets recreational needs and have appropriate equipment, furniture, sun and safety protection that enhances amenity and useability.	AO15.1 Parks and recreational spaces which provide active areas for children's recreation are co-located with other community facilities to promote casual surveillance of the area. AO15.2 The following equipment is included in all active spaces: a) art features and play equipment; b) seating; c) shelters and sun protection; and d) water taps/bubblers.	N/A	Not Applicable One lot proposed.
For All new lots or lease			
PO16 All development is capable of being provided with infrastructure relevant for its purpose and includes – a) Water supply; b) Sewerage treatment; c) stormwater and drainage systems that maximise the use of permeable surfaces to allow stormwater infiltration or run off and minimises erosion;; d) Energy and telecommunications; e) Access and parking.	AO16.1 Each new lot is provided with: a) connection to a potable water supply or alternative water source (rainwater/bore water) in accordance with FNQROC Development Manual; b) connection to the reticulated sewerage system or on-site effluent disposal system; and c) stormwater drainage to a lawful point of discharge; d) connection to the electricity network; and connection to a telecommunication provider.		Complies No changes to the physical aspects of the site are proposed. The existing services on the site are to remain in place.
PO17 Development is separated from any incompatible use having regard to:	AO17.1 Residential leases are not created within 1 kilometre of:	Acceptable outcome	Complies Lease is not within proximity to any of the listed uses.

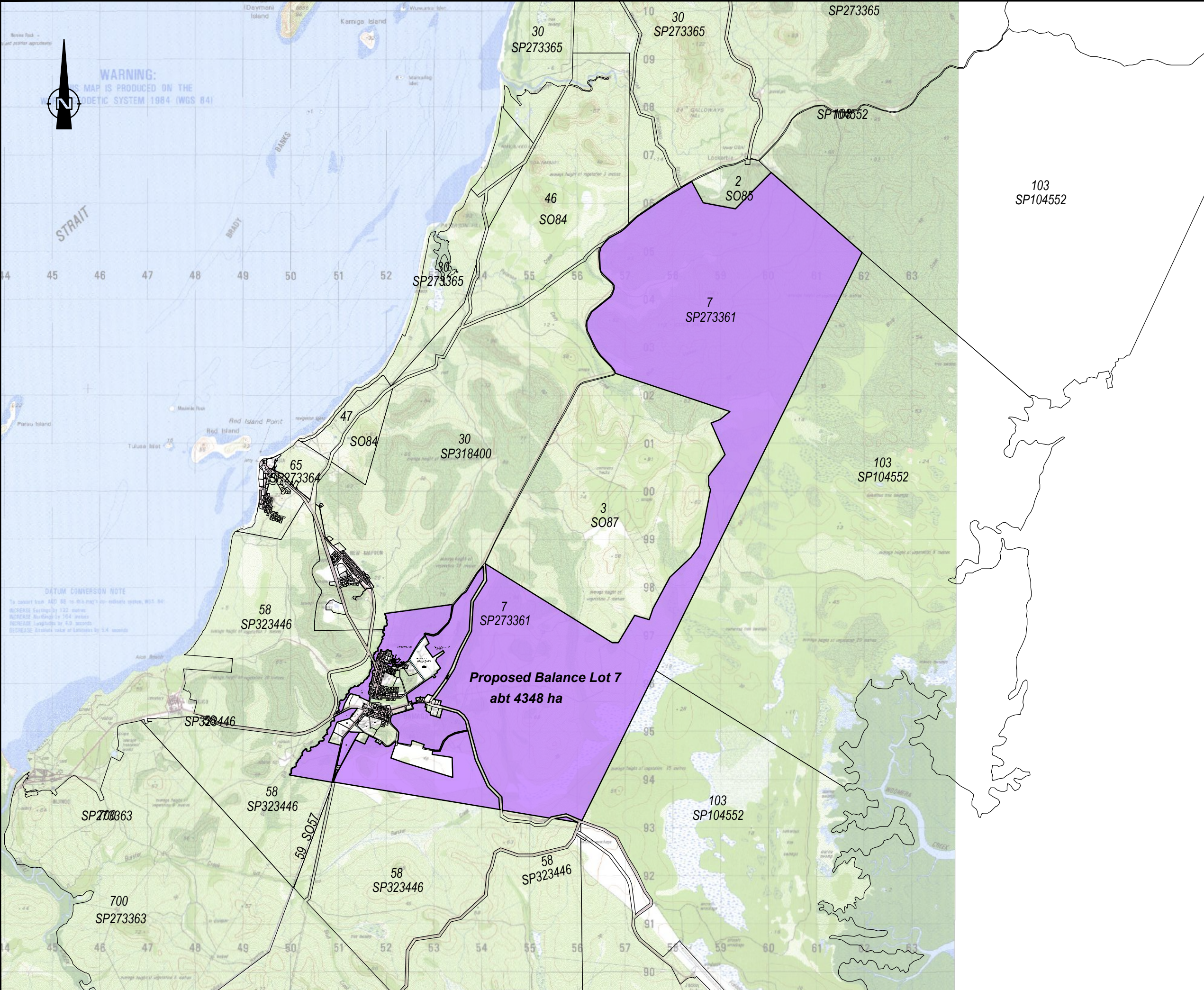
Reconfiguring a Lot Code

Performance outcomes	Acceptable outcomes	Solution	Comments
a) The location of existing facilities and established development; b) The health and safety of people; c) The safe and efficient operation of the major infrastructure; and d) The amenity of the locality.	a) an existing industrial use (including quarry); b) a sewerage treatment facility; c) airport runway; d) landfill or transfer station;		
PO18 Development maintains and enhances opportunities for public access and use of natural areas, rivers, dams, creeks and the coastal foreshore.	No Acceptable Outcome is prescribed		Complies with PO18 The [proposed lot stops on the northern side of Mosby Creek. This allows for public access to the waterway from Pajinka Road.
Fire Services in developments access by common private title			
PO19 Hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.	AO19.1 Residential streets and common access ways within a common private title should have hydrants placed at intervals of no more than 120 metres and at each intersection. Hydrants may have a single outlet and be situated above or below ground. AO19.2 Commercial and industrial streets and access ways within streets serving commercial properties such as factories, warehouses and offices should be provided with above or below ground fire hydrants at not more than 90 metre intervals and at each street intersection. Above ground fire hydrants should have dual valved outlets.	N/A	Not Applicable Application does not involve development in a common private title.
PO20 Road widths and construction within the development are adequate for fire emergency vehicles to gain access to a safe working area close to dwellings and near water supplies	AO20.1 Road access minimum clearances of 3.5 metres wide and 4.8 metres high are provided for safe passage of emergency vehicles.	N/A	Not Applicable Application does not involve development in a common private title.

Reconfiguring a Lot Code



Performance outcomes	Acceptable outcomes	Solution	Comments
whether or not on-street parking spaces are occupied.			
PO21 Hydrants are suitably identified so that fire services can locate them at all hours.	AO21.1 Hydrants are identified as specified in 'Identification of street hydrants for fire fighting purposes' available under 'Publications' on the Department of Transport and Main Roads website www.tmr.qld.gov.au/~media/busind/techstdpubs/tum/125Amend18.pdf	N/A	Not Applicable Application does not involve development in a common private title.

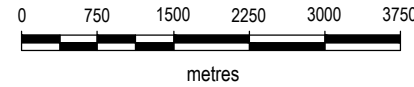


IMPORTANT NOTE
This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified.
All lots, areas and dimensions are approximate only, Subject to relevant studies, Survey, Engineering and Government approvals.
No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.

AERIAL PHOTOGRAPHY.
Based on or contains data provided by the Qld Globe approx 2018

The aerial photography used in this plan has not been rectified. The image has been overlaid as a best fit on the boundaries shown and position is approximate only.

Date of Capture: 2018 © Qld Globe



SCALE 1:75,000 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A3)

AMENDMENTS			
A: INIT: AMEND DESCRIPTION			
PROJECT MANAGER		SURVEYED	
Ian Doust			
COMPILED		CAD REF	
		9832-158E.dwg	
SHEET SIZE		SHEET OF SHEETS	
A3		2 2	
		RPS Australia East Pty Ltd	
		ACN 140 292 762	
		135 Abbott St	
		PO Box 1949	
		CAIRNS QLD 4870	
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		F	+61 7 4031 2942
		W	rpsgroup.com.au

NPARC

Bamaga Farm
Proposed Lot 7
Balance DOGIT
cancelling Lot 7 SP273361

SCALE	DATE	DRAWING NO.	ISSUE
1:75,000	9-11-2022	9832-158	E

DATE 2022

Northern Peninsula Area Regional Council
C/o RPS

Delivery via email: ian.doust@rpsgroup.com.au,

DECISION NOTICE
Planning Act 2016

Bamaga Farm - Development Permit for Reconfiguring a Lot (Lease exceeding 10 years)
Proposed Lease Area (Lot 71) in Lot 7 SP243595 as shown on 9382-158E Army Back Road, Bamaga
Section 63 of the Planning Act 2016,

The application dated 14 November 2022 seeking approval for the following is noted:

- Development Permit for Reconfiguring a Lot (leases exceeding 10 years) for Lot 71 in Lot 7 SP243595.

Please be advised that your application was assessed and considered at Council's schedule meetings held on **(Date 2022)**.

Council resolved to:

Approve (subject to conditions) the Development Application lodged with Council for:

- a. The Development Application lodged with Council for:
 - i. Reconfiguring a Lot (Lease)

This notice outlines aspects of the development, conditions of the approval, currency period, approved plans and includes extracts from the *Planning Act 2016* with respect to making representations about conditions, negotiated decisions, suspension of the appeal period and lodging an Appeal.

Should you require any further information or clarification concerning this matter, please contact Council for the necessary assistance.

Yours sincerely

CHIEF EXECUTIVE OFFICER
Northern Peninsula Area Regional Council

Encl - Decision Notice
Appeal Rights

APPLICATIONS DETAILS

Aspects of the development proposal are listed below:

Application Number	DA2022-1
Applicant Details	Northern Peninsula Area Regional Council
Property Description	Lot 7 SP243595
Proposal	Development Permit for Reconfiguring a Lot (lease) for Proposed Lease Area (Lot 71) in Lot 7 SP243595.
Level of Assessment	Code Assessment

DECISION

Development assessment, as per the provisions of the *Planning Act 2016*, has been undertaken. The information below outlines the specifics of any approval or refusal issued by the Assessment Manager:

Deemed Approval	The application has been deemed to be approved under s63 of the <i>Planning Act 2016</i> .
Decision	The application was approved subject to reasonable and relevant conditions which reflect and accord generally with the application as made.
Decision Date	DATE 2022
Decision Type	Development Permit
Planning Instrument	Northern Peninsula Area Regional Council Planning Scheme (Alignment)
Submissions	Nil
CONDITIONS OF APPROVAL	
The conditions of this approval are set out in the Schedule of Conditions. The conditions are identified to indicate whether the Assessment Manager or a referral agency (if any) imposed them.	
REFERRAL AGENCIES	
Nil	
PROPERTY NOTES	
Not Applicable	
FURTHER DEVELOPMENT PERMITS REQUIRED	
Nil	
RIGHTS OF APPEAL	
<p>The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the <i>Planning Act 2016</i>. There may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the <i>Planning Act 2016</i>).</p> <p><u>Appeal by an applicant</u></p> <p>An applicant for a development application may appeal to the Planning and Environment Court against the following:</p> <ul style="list-style-type: none">• The refusal of all or part of the development application;• A provision of the development approval;• The decision to give a preliminary approval when a development permit was applied for; and• A deemed refusal of the development application. <p>An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the <i>Planning Act 2016</i>.</p> <p><u>Appeal by an eligible submitter</u></p> <p>An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:</p> <ul style="list-style-type: none">• Any part of the development application that required impact assessment; and• A variation request. <p>The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the <i>Planning Act 2016</i>.</p>	

APPROVAL CURRENCY PERIOD
Pursuant to s46(8) of the <i>Planning Act 2016</i> , the development approval will lapse within four (4) years after the date of approval.
APPROVED PLANS & SPECIFICATIONS
Copies of the approved plans, specifications and/or drawings are attached.
FURTHER INFORMATION
The development must be carried out in accordance with the approved plans, specifications and/or drawings, along with the requirements of all relevant laws. Any deviation must have prior approval from the Chief Executive Officer.
NOTICE ABOUT DECISION – STATEMENT OF REASONS
<p>This Notice is prepared in accordance with s63 (5) and s83 (7) of the <i>Planning Act 2016</i> to inform the public about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision specifically having regard to:</p> <ul style="list-style-type: none"> • The relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and • Any other information, documents or other material Council was either required to, or able to, consider in its assessment. <p>All terms used in this Notice have the meaning given then in the Planning Act 2016.</p>

REASONS FOR THE DECISION

- The site Lot 7 SP273361 is a Deed of Grant in Trust for the Benefit of Torres Strait Islanders.
- The site is currently used for farming purposes including several structures, including a caretakers building and storage sheds.
- The proposal is consistent with the NPARC_Planning_Scheme_2018.
- Council has agreed to lease the portions
- The subject site has already been used for farming purposes and caretakers residences for several decades.
- There are no State Conservation Areas, Protected areas, nature refuges or natural wetlands in the area.
- The proposed subdivision lease area has access to an existing sealed road and services.

SCHEDULE OF CONDITIONS

Applicable to the following Section 63 of the Planning Act 2016, approvals:

- Development Permit for Reconfiguring a Lot (lease) for Lot 71 SP243595 as shown on 9832-158E.

CONDITIONS OF APPROVAL		TIMING						
Administration		At all times						
1.1 The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:								
1.2 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;								
1.3 The development must unless stated, be designed, constructed, and maintained in accordance with relevant Council policies, guidelines, and standards and with the relevant design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual;								
1.4 The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering.								
Currency Period								
2.1 The currency period applicable to the Reconfiguring a Lot is 4 years.		As per condition						
Approved Site Drawings/Plans								
3.1 The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:		At all times						
<table><tr><th>Plan/Document Name</th><th>Drawing Number</th><th>Date/DWG</th></tr><tr><td>Proposed Farm Lease Area 9832-158E</td><td>9832-158E</td><td>09/11/2022</td></tr></table>			Plan/Document Name	Drawing Number	Date/DWG	Proposed Farm Lease Area 9832-158E	9832-158E	09/11/2022
Plan/Document Name	Drawing Number	Date/DWG						
Proposed Farm Lease Area 9832-158E	9832-158E	09/11/2022						
3.1 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.		At all times						
3.2 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.		At all times						

CONDITIONS OF APPROVAL**TIMING****Administration**

At all times

- 1.1 The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:
- 1.2 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;
- 1.3 The development must unless stated, be designed, constructed, and maintained in accordance with relevant Council policies, guidelines, and standards and with the relevant design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual;
- 1.4 The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering.

Currency Period

- 2.1 The currency period applicable to the Reconfiguring a Lot is 4 years.

As per condition

Approved Site Drawings/Plans

- 3.1 The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:

At all times

Plan/Document Name	Drawing Number	Date/DWG

- 3.1 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 3.2 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.

At all times

At all times

Title of Report: Tender Award DRFA 2022

Agenda Item: 12.2

Classification: For Decision

Author Executive Manager Operations

Attachments Nil – Document to be tabled

Officers Recommendation:

That Council authorise the Chief Executive Officer and Executive Manager Operations to accept the submitted prices as below and award the works to the successful.

Rob's Earth Moving Hire

- **Schedule 2 – Ferry Road North Chainage 15991 to 25190**

NPA Earthmoving Yusia

- **Schedule 1 - Ferry Road North Chainage 8065 to 15991**

PURPOSE OF REPORT

To award scheduled approved DRFA 2022 works to allow completion prior to the impending wet season.

BACKGROUND AND CONTEXT

The scheduled works included in this tender relate to damage sustained on Councils unsealed road network by the Northern and Central Western Queensland Rainfall and Flooding event 21 April – 12 May 2022.

Councils Project managers for this project facilitated the tender for these works. Tender submissions were requested from local tenderers on Monday 21st of November. Closing date of the request for Tender with Northern Peninsula Area Regional Council was 2pm, Tuesday 29th November 2022. Tenders were accepted through submission in Council office as well as through email at peter@recs.net.au

Two tenders were received by Council's Project Manager by the nominated closing date and time.

A tender report tender report was prepared and submitted to Council officers by RECS. This Report has been tabled for Council's further information if required.

CRITICAL DATES

No critical dates at this stage.



Works associated with Northern and Central Western Queensland Rainfall and Flooding event 21 April – 12 May 2022 disaster event must be completed and final claims submitted to QRA by June 30 2024.

OTHER OPTIONS CONSIDERED

NA

LEGAL AND LEGISLATION CONSIDERATIONS

NA

POLICY CONSIDERATIONS

Council Procurement Policy, as the value of the works exceeds \$200,000.00 a tender was required.

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

Operational Plan: 1.3.1 Improved standards of access for all Council managed roads and the Jardine Ferry.

FINANCIAL AND RESOURCE CONSIDERATIONS

These works are identified in the approved sites under 2022 Disaster Recovery Funding Arrangement (DRFA) the Capital budget. Expenditure against this budget line is claimable against the DRFA managed by Queensland Reconstruction Authority.

CONSULTATION

Councils Contract Engineers
Other NPARC Executive Officers
Relevant NPARC Officers

Title of Report: RFQ – NPARC Transport Infrastructure Engineering Project management Services

Agenda Item: 12.3

Classification: For Decision

Author: Executive Manager Operations

Attachments: Nil

Officers Recommendation:

That Council

1. Endorse that Aurecon be Councils preferred supplier for Transport Related Engineering and Project Management Services, with a review to be undertaken in November 2023.
2. Authorise the Chief Executive Officer and Executive Manager Operations to liaise with Aurecon to commence providing Transport Related Engineering and Project Management Services to the Northern Peninsula Area Regional Council.

PURPOSE OF REPORT

To appoint a preferred supplier for Transport Related Engineering and Project Management Services.

BACKGROUND AND CONTEXT

RECS has been providing Engineering and Project Management Services to Northern Peninsula Area Regional Council since 2015. As it has been seven years since RECs was engaged or re-endorsement was sought from Council for the engagement, it was determined that it was an appropriate time to review the engagement prior to the wet season.

As there is a Local Buy category which covers Engineering Services, it was decided to request quotes from seven Local Buy registered firms (small to large) from within the Cairns Region.

The Request for Quote (RFQ) was emailed to the seven consulting firms on Monday the 14th Of November and submissions were requested to be returned 11:00 am on Monday 5th of December.

Five submissions were received by the requested time or within minor extensions of time that were requested and approved. The following list identifies the consultants that were offered the opportunity to submit an offer and those that provided submissions back to NPARC.

- Aurecon
- OSE Group
- RECS
- RPS Group
- Sexton Engineering Services
- Erscon Consulting Engineers (did not submit)

- Trinity Engineering and Consulting (did not submit)

Submissions were assessed by a panel made up of Robert James, Shane Waller and Gus Yates against the following notified weighted criteria:

- Price 30%
- Demonstrated experience in delivering services in remote indigenous local government areas 30%
- Demonstrated understanding of works required 20%
- Capacity and resource availability 10%

The below figure 1 summarises the assessment scoring and ranking of the five submissions that were received.

TENDERER	Assessment Criteria					
	Value for Money Weighted 30%	Demonstrated experience in delivering services in remote indigenous local government areas 30%.	Demonstrated understanding of works required 20%	Capacity and Resource Availability 20%.	Total Weighted Score 100%	Ranking
REC's	15	21	10	10	56	4
Aurecon	15	24	16	18	73	1
RPS	15	23	16	17	71	2
Mark Sexton	17	15	10	6	48	5
OSE	12	22	17	15	66	3

CRITICAL DATES

N/A.

OTHER OPTIONS CONSIDERED

N/A.

LEGAL AND LEGISLATION CONSIDERATIONS

N/A.

POLICY CONSIDERATIONS

Council Procurement Policy, as the value of the works exceeds \$200,000.00 a tender was required. Local buy registered consultancy firms were

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

N/A.

FINANCIAL AND RESOURCE CONSIDERATIONS

Majority if not all costs associated with the engagement of these consultancy services will be captured against capital / grant funded projects.



COUNCIL ORDINARY MEETING # 32
Agenda Item 12.3
Wednesday 14th December 2022
Cairns

CONSULTATION

Kate Gallaway	NPARC CEO
Rob James	NPARC Building and Construction Manager
Shane Waller	NPARC Project Manager
Audrey Dobell	Local Buy Staff
Pat McCormack	Local Buy staff



AGENDA ITEM 12.4
ORDINARY COUNCIL MEETING #32
Wednesday 14th December 2022
Cairns

12.4 In Camera – Recruitment of a New Chief Executive Officer

This matter is considered to be confidential under s.254J(3)(a) of the *Local Government Regulations 2012*, and the Council is satisfied that the discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the appointment of the Chief Executive Officer which a public discussion would be likely to prejudice the interests of the Local Government.

Title of Report: Update on the EOI for the Batching Plant

Agenda Item: 12.5

Classification: For decision

Author Acting Chief Executive Officer

Attachments Projected Sales 2023 / 2024

Officers Recommendation:

That Council:

- Note the report
- Agree to reorganise current operating model and continue operations of the Batching plant
- Increase the 2023 concrete price by 3% to
 - \$802.47 / m3
 - \$521.61 / m3 for local residents for non-commercial purposes

PURPOSE OF REPORT

Provide an update on the EOI for the divestment of the Batching Plant

BACKGROUND AND CONTEXT

In May 2022, the Council resolved

Resolution:

That Council:

1. Note the report.
2. Endorse in principle the transfer of the Batching Plant Operations through an EOI process to a 3rd party.

Subject to

3. Full assessment of the requirements for the continued provision of materials to the Council and local Trade Services and community and
4. Those options ensure the uninterrupted services to the community

Moved: Cr Whap

Vote: 4/0

Seconded: Cr Tamwoy

Resolution: C10.2 – 25052022

Following this an EOI was conducted to obtain interest. 6 parties registered interest and 5 provided submission

- Bissell Concreting Pty Ltd
- CHC Pty Ltd
- ESW Constructions



- Strait Support
- Remote Mobile Machinery
- Ely Trust (did not make a submission)

Following feedback at the last council meeting, it has also been confirmed that Mr George Ropeyarn no longer has an interest.

Under the Local Government Act, a full tender will need to be advertised with clarity of the scoring matrix to enable a decision by the Council.

In the interim, A/CEO has done a projection of sales under the current major projects that are minimum over the next 2 years. From this expected revenue is over \$5mil.

It should also be noted that the concrete price has not been raised since 2018, when it was increased by 3%. Given the current economic situation, and that the majority of capital works are funded through grant funding, it would be appropriate to include another 3% increase from \$779.10 to \$802.473. Currently there is a local resident discount of 35%. This could be continued as there is minimal transactions of this nature, but it should be limited to non-commercial purposes.

If the Council was not satisfied with the current EOI interest, there could be opportunities to retain the batching plant for another 12-18 months and reconsider in a future economic climate.

CRITICAL DATES

NA

OTHER OPTIONS CONSIDERED

Nil

LEGAL AND LEGISLATION CONSIDERATIONS

Local Government Act

POLICY CONSIDERATIONS

NA

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

Focus Area Three: Strong Economy - an Economically Vibrant and Growing Community

FINANCIAL AND RESOURCE CONSIDERATIONS

Nil



ORDINARY COUNCIL MEETING # 32
Agenda Item 12.5
Wednesday 14th December 2022
Cairns

CONSULTATION

Executive Manager Operations
Building Manager

Title of Report: User Agreement for Youth Hub

Agenda Item: 12.6

Classification: For decision

Author Acting Chief Executive Officer

Attachments Agreement Flow Chart
Draft User Agreement

Officers Recommendation:

That Council:

- Endorse entering into a User Agreement with NPA Family and Community Services until 30 June 2024 for the delivery of a youth hub

PURPOSE OF REPORT

Provide an update on the Youth Hub.

BACKGROUND AND CONTEXT

NPARC received funding from DSDSATSIP to upgrade the old HACC building into a Youth Hub. These works are scheduled to be completed by 30 November.

NPA Family and Community Services have secured funding until June 2024 to employ a youth coordinator for the Youth Hub.

It is proposed to enter into a User Agreement for the Youth Hub. This will allow NPAFACS the necessary access to the building, but provide flexibility for other agencies to deliver youth services and programs from the building as well as greater control of the arrangements.

CRITICAL DATES

NA

OTHER OPTIONS CONSIDERED

A Lease or Licence Agreement could be entered into

LEGAL AND LEGISLATION CONSIDERATIONS

NA



POLICY CONSIDERATIONS

NA

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

Focus Area Four - Strong People - An Empowering And Engaging Council

FINANCIAL AND RESOURCE CONSIDERATIONS

Grant Funding from DSDSATSIP

CONSULTATION

NPAFACS

FLOWCHART FOR PARTICULAR TYPES OF AGREEMENTS

Does the arrangement relate to land, land and buildings, or use of buildings/facilities only?

Buildings or facilities only

User Agreement/Access
Deed/Management Agreements
etc

Drafting Notes – User Agreements

- Decision making process: Council as local government, facility owner and operator etc (not trustee).
- Council will typically maintain the land (eg gardening etc) given the right to occupy is for the building/facilities only
- Consider rights of common users – are other users able to use the same or neighbouring areas (eg footpaths, car parks, toilet blocks, etc)? What needs to be done to manage that?
- Specific times for use – might be for very short windows (eg one event only)
- Will Council allow multiple potential users to book the same use area but at different times?
- Need to manage risk: indemnities, releases etc

Land and/or land and buildings

Lease

Licence

Drafting Notes - Lease

- Decision making process: trust change decision (ie interest in trust land), so a trustee decision
- A lease gives a right of exclusive possession
- Lease requires a survey
- Lease requires validation under NPA ILUA (or otherwise under *Native Title Act 1993*)
- Consider rent reviews, including intervals and method
- If Council requires particular termination or entry rights (eg in the event of emergency or to take back possession of premises in certain circumstances) these should be carefully defined

Drafting Notes - Licence

- Decision making process: trust change decision (ie interest in trust land), so a trustee decision
- “Licence” used as a broad term that can include management agreements, permit agreements etc – fundamentally describes the same thing, which is a lesser occupancy right than a lease
- Generally a non-exclusive possession right
- Licences are generally easier to terminate and for shorter terms. Long term licences – consider why a lease isn’t being used
- Licence does not necessarily require a survey but area of land being licensed still needs to be precisely defined
- May not be a “future act” for which Native Title approval is needed

General Drafting Notes – For all documents

- Document must contain certainty about obligations including term (start and end date for obligations/occupancy etc)
- Insurances, indemnities and releases are of vital importance to all arrangements – if there’s risk/compromise, they should be included and carefully tailored to respond to the risk/compromise
- Consider if default contracting procedures in LG Reg are triggered by user agreements or management agreements (ie medium-sized contractual arrangement \$15,000 or more but less than \$200,000, large-sized CA \$200,000 or more) – if quotes or tenders not obtained, does an exception apply?
 - Disposal of valuable non-current asset (ie lease) does not trigger procurement obligations on DOGIT – but EOI process is helpful for transparency
- Take care to ensure discussions prior to Council intending to be legally bound are framed as such – ie, Council confirms it is not to be legally bound until a document is finalised and signed



User Agreement

Northern Peninsula Area Regional Council

(“Council”)

**NPA Family and Community Services Aboriginal
and Torres Strait Islander Corporation
ICN 1933**

(“User”)

PARTIES

Northern Peninsula Area Regional Council

(Council)

NPA Family and Community Services Aboriginal and Torres Strait Islander Corporation ICN 1933

(User)

RECITALS

- A. Council is the owner of the Complex.
- B. Council agrees to grant this Agreement to the User to occupy the Use Area pursuant to the terms and conditions contained in this Agreement.
- C. The User agrees to enter into this Agreement in accordance with the terms and conditions contained in this Agreement.

OPERATIVE PROVISIONS

1. REFERENCE SCHEDULE

ITEM NO.	REFERENCE	DATA
1.	User	NPA Family and Community Services Aboriginal and Torres Strait Islander Corporation ICN 1933
2.	Council Address for Service	Address: Council Chambers, 180 Adidi Street, Bamaga QLD 4876 Email: ceo@nparc.qld.gov.au
3.	User Address for Service	Address: Lot 10 Adidi Street, Bamaga QLD 4876 Email: ceo@npaws.com.au
4.	Land	The land situated at the corner of Injinoo Road and Sagaukaz Street, Bamaga, located at Lot 345 on SP 273361, and which contains the Complex
5.	Use Area	The whole of the Complex located on the Land, as shown hatched in the plan attached to the Schedule
6.	Commencement Date	The date both parties sign this Agreement
7.	Expiry Date	30 June 2024

8.	Option to Renew	Nil
9.	User Fee	\$1.00 per annum if demanded
10.	Permitted Use	For the delivery of a youth “drop in” centre and associated community activities directed towards the development of youth activities for the benefit of young persons in the Northern Peninsula Area

2. DEFINITIONS AND INTERPRETATION

2.1 Definitions

In this Agreement, unless inconsistent with the context or subject matter:

- (a) **Agreement** means this User Agreement as varied or amended from time to time.
- (b) **Commencement Date** means the date referred to in Item 6 of the Reference Schedule.
- (c) **Common Areas** means those areas on the Land allowed or designated by the Council from time to time for use by other users of the Land and their respective employees, invitees and tenants in common with each other and includes the walkways, passageways, verandah, car parking and garden areas (if any).
- (d) **Complex** means the building located on the Land known as the “HACC Centre”. All parts of the Complex are owned by Council.
- (e) **Council** means Northern Peninsula Area Regional Council, its successors and assigns.
- (f) **Event of Default** means:
 - (i) failure by the User to pay to Council the User Fee when due and payable;
 - (ii) failure by the User to perform, keep or fulfil any other covenant, undertaking, obligation or condition in this Agreement; or
 - (iii) failure by Council to perform, keep or fulfil any covenant, undertaking, obligation or condition in this Agreement, where such failure has a material effect on the ability of the User to undertake the Permitted Use on the Use Area in the manner permitted under this Agreement.
- (g) **Expiry Date** means the date referred to in Item 7 of the Reference Schedule and, where applicable, includes the last day of any further term if this Agreement contains an Option to Renew, and the Option to Renew is exercised.
- (h) **Fixtures** means all improvements and installations contained in the Use Area which are the property of Council. The Fixtures include the Complex and any parts of it. The Fixtures are and shall remain the property of Council.
- (i) **Land** means the land described in Item 4 of the Reference Schedule.
- (k) **Option to Renew** means the option or options, exercisable by the User in accordance with this Agreement, to renew this Agreement for a further term or terms, but only if an Option to Renew is specified in the Reference Schedule.

- (l) **Party** means the Council and the User individually and **Parties** means the Council and the User collectively.
- (m) **Permitted Use** means the use of the Use Area for the use described in Item 10 of the Reference Schedule, and no other uses whatsoever.
- (n) **Reference Schedule** means the table contained in Clause 1 of this Agreement.
- (o) **Security Interest** has the meaning given to that term in the *Personal Property Securities Act 2009* (Cth).
- (p) **Term** means the period commencing on the Commencement Date and ending on the Expiry Date.
- (q) **User Fee** means the sum referred to in Item 9 of the Reference Schedule.
- (r) **Use Area** means that part of the Complex described in Item 5 of the Reference Schedule, as identified on the plan attached to this Agreement as Schedule 1.
- (s) **User** means the party described in Item 1 of the Reference Schedule, the User under this Agreement, and includes their successors and assigns.
- (t) **Utilities** means the services to the Use Area provided by Council or others including water, electricity, gas, telephone and other communication services.

2.2 Interpretation

In this Agreement unless inconsistent with the context or subject matter:

- (a) a reference to a person includes any other legal entity;
- (b) a reference to a legal entity includes a person;
- (c) words importing the singular number include the plural number;
- (d) words importing the plural number include the singular number;
- (e) a reference to one gender shall include other genders;
- (f) a reference to a Party includes the Party's heirs, executors, successors and permitted assigns;
- (g) headings are for reference purposes only and must not be used in interpretation;
- (h) where any word or phrase is given a defined meaning any other part of speech or other grammatical form concerning the word or phrase has a corresponding meaning;
- (i) a reference to a statute includes all regulations and subordinate legislation and amendments;
- (j) references to writing include any mode of representing or reproducing words in tangible and permanently visible form, and includes e-mail and fax;
- (k) a reference to a monetary amount is a reference to an Australian currency amount;
- (l) an obligation of two or more Parties binds them jointly and each of them severally;

- (m) an obligation incurred in favour of two or more Parties is enforceable by them severally;
- (n) where time is to be reckoned from a day or event, the day or the day of the event must be excluded;
- (o) a reference to a business day means any day which is not a public holiday in Bamaga;
- (p) if any time period specified in this Agreement expires on a day which is not a business day, the period shall expire at the end of the next business day;
- (q) a reference to a month means a calendar month.

3. AGREEMENT AND TERM

Council grants the User a non-exclusive licence to use the Use Area for the Permitted Use in for the Term, and the User accepts such grant upon and subject to the terms and conditions of this Agreement.

4. FEES PAYABLE TO COUNCIL

4.1 User Fee

The User shall pay the User Fee to Council annually in advance if demanded

4.2 Utilities

- (a) All Utilities incurred by the User or levied separately to the Use Area shall be borne wholly by the User and shall be paid promptly as requested either by Council or the provider.
- (b) If the Use Area does not have a separate meter for the supply of electricity to the Use Area at the Commencement Date, the User shall not be responsible for payment of any electricity consumption until three months after the date that the relevant utility has been separately metered.

4.3 Costs of notices, re-entry and consents

The User must, upon demand by the Council, pay all costs (on a solicitor and own client basis) and expenses incurred by the Council in relation to:

- (a) any notice lawfully given to the User pursuant to this Agreement and any actions taken to enforce the performance of the User's obligations under this Agreement;
- (b) the lawful determination or attempted determination of this Agreement, or the lawful re-entry or attempted re-entry by the Council into the Use Area;
- (c) the surrender of this Agreement (including any duty);
- (d) the consideration of any consents by the Council requested by the User pursuant to the terms of this Agreement; and
- (e) the Council, without fault, being made a party to litigation commenced by or against the User (other than litigation between the parties), and arising directly or indirectly from the User's occupation of the Use Area.

4.4 No Set Off

The User must make payments under this Agreement to Council by the method which Council reasonably requires without set-off, counterclaim, withholding or deduction.

5. MANAGEMENT AND OPERATION

5.1 Permitted Use

- (a) The User will occupy the Use Area and use it for the Permitted Use only, and for no other purposes whatsoever.
- (b) If the User wishes to use the Use Area for a purpose other than the Permitted Use, then the User must seek Council's written consent, which may be given or withheld by Council in its absolute discretion.
- (c) Council does not warrant that the Use Area is, or will be, suitable for the User's use and any warranties as to the suitability of the Use Area implied by law are negated.

5.2 Positive Obligations

The User must:

- (a) conduct the Permitted Use at the Use Area in good faith, in a professional and competent way, to a standard expected of a first class business associated with the Permitted Use, and offer to its customers the highest standards of service, courtesy, visual appeal and efficiency;
- (b) comply on time with all laws, and obtain and maintain all Agreements and approvals required at law to carry on the User's business from the Use Area;
- (c) ensure that no liquor or other intoxicating or stupefying substance is stored, sold, supplied or consumed upon the Use Area;
- (d) promptly notify the Council in writing of any damage sustained to the Use Area or defective operation of the Fixtures;
- (e) promptly, when asked by the Council, do everything necessary for the User to do to enable the Council to exercise its rights under this Lease;
- (f) participate in emergency fire or safety drills of which the Council or any relevant Authority gives reasonable notice;
- (g) notify the Council before installing any surveillance equipment and/or CCTV within the Use Area and comply with all Laws in relation to the use of surveillance equipment and/or CCTV;
- (h) maintain a key register that details all persons possessing keys or other means of access to the Use Area and provide a copy of the key register to the Council upon request;
- (i) comply with any rules that the Council may make in connection with the operation, use (including occupant safety), management and occupation of the Use Area.

5.3 Negative obligations

The User must not:

- (a) cease operating from the Use Area for any period with the Council's prior written consent;
- (b) erect any signs, placards, notices or posters to the Use Area that are visible from the exterior of the Use Area without the Council's prior written consent (other than signage prescribed by law);
- (c) use any form of light, power or heat (other than an apparatus for heating beverages, auxiliary power during any power failure or, electricity or gas supplied through meters);
- (d) misuse or do anything to overload the Use Area's Fixtures;
- (e) interfere with the Fixtures, or use them for any purpose other than those for which they were constructed;
- (f) carry on or permit to be carried on any offensive or illegal act, or any act which may void or invalidate any insurances effected by the Council in respect of the Complex and Council's Fixtures or any other part of the Use Area;
- (g) store or use inflammable, volatile or explosive substances on the Use Area except when the substances are required for the Permitted Use;
- (h) engage in, and must ensure that its employees and agents do not engage in:
 - (i) public criticism of the Council concerning the Use Area, or criticism of the Use Area, unless obliged by law to do so;
 - (ii) anything that is, or may be, dangerous, annoying or offensive to, or that may interfere with, the Council or other tenants or people using the Use Area, the Land or in the adjacent lots or buildings;
 - (iii) anything that might adversely affect, or reflect unfavourably upon, the Council's business or reputation or that of the Use Area or that might confuse, mislead or deceive the public.

5.4 Maintenance of Use Area

- (a) The User is required to maintain the Use Area, including the Fixtures, in good and tenantable condition at its own cost at all times throughout the Term, fair wear and tear excepted.
- (b) The User must also:
 - (i) keep the Use Area (including the external surfaces) clean and tidy;
 - (ii) keep the Use Area free from useless property and rubbish. In particular, the User must supply and maintain sufficient and suitable refuse bins upon the Use Area and arrange for the regular collection, storage and removal of all refuse, waste and rubbish from the Use Area at its own cost to the satisfaction of the Council; and
 - (iii) keep the Use Area free of rodents, cockroaches and other pests and vermin (including by undertaking a pest eradication program no less than annually) and comply with the Council's reasonable directions in that regard; and

- (c) If Council, acting reasonably, considers that the Use Area, including the Fixtures, is not being maintained in a good and tenantable condition, Council may enter the Use Area and effect any repairs or maintenance required to ensure that the Use Area is in good and tenantable condition, with all costs of such repairs or maintenance to be wholly recoverable from the User.

5.5 Council's rights of entry etc

- (a) Without limiting any other provisions of this Agreement, Council may at any time:
 - (i) enter the Use Area without notice to the User if Council wishes to use the Use Area for access;
 - (ii) access any existing Fixtures located on the Use Area.
- (b) When accessing the Use Area pursuant to sub-clause (a) of this clause, Council shall take all reasonable steps to minimise interference with the User's use of the Use Area for the Permitted Use.

5.6 Alterations, Additions or Improvements

- (a) Council may at any time enter the Use Area to make alterations, additions or improvements to any existing infrastructure contained on the Use Area.
- (b) In carrying out any alterations, additions or improvements, Council shall take all reasonable steps to minimise interference with the User's use of the Use Area for the Permitted Use.
- (c) The User may not make any alterations, additions or improvements (including the erection of signage) to the Use Area unless the User has first obtained Council's prior written consent to the proposed alteration, addition or improvement, which consent may be given in Council's absolute discretion and may be conditional upon the User providing Council with anything that Council may require for the purpose of giving the consent (including but not limited to work plans and drawings).

5.7 Common Areas

- (a) Council permits the User in common with others having the like rights, to:
 - (i) pass and repass on foot through all vestibules, passages and stairways in the Common Areas; and
 - (ii) use any toilets, washrooms and other facilities provided by the Council for the tenants of the Complex together with adequate means of access to those facilities.
- (b) Council may in its absolute discretion restrict access to all or part of the Common Areas during the periods outside the normal trading hours from time to time prevailing in the Complex.
- (c) The User must keep and maintain in good order and repair and in a clean and tidy condition all Common Areas to the satisfaction of the Council.
- (d) The User must prohibit its employees and others over whom it has control, from parking vehicles or otherwise obstructing the entrances, exits and driveways in and to the Common Areas.

- (e) The User and any person under its control must not interfere with the airconditioning equipment, appurtenances or Services within or about the Common Areas.
- (f) Any directory boards, provided by Council, are under the sole control of the Council, who may allot space for the names and descriptions of the tenants of the Complex.
- (g) Council may, by giving written notice to the User and others with access to the Common Areas, formulate and enforce rules and regulations relating to the Common Areas not inconsistent with the rights of the User.
- (h) The User, at its cost, is responsible for any repairs where damage is caused to the Common Areas either deliberately, negligently or as a result of neglect, by the User or its guests.

6. INSURANCE

- (a) The User shall, at its cost, from the date of this Agreement provide and maintain:
 - (i) public liability insurance having a minimum limit of twenty million dollars (\$20,000,000.00) for each and every occurrence against all claims; and
 - (ii) plate glass insurance, against the breakage of all plate and other glass in the Use Area;
 - (iii) workers' compensation insurance effected in accordance with laws for the time being requiring such insurances, arising out of the User's use of the Use Area (if applicable);
 - (iv) any other insurance reasonably required by the Council.
- (b) All insurances shall be in such form and for such amounts and with such companies as approved by Council, which approval shall not be unreasonably withheld.
- (c) The User assumes all risks in connection with the adequacy of any insurance and waives any claim against Council (in the absence of negligence of Council) for any liability, cost or expense arising out of any uninsured claims, in part or in full, of any nature whatsoever.
- (d) Prior to the Commencement Date, and on further occasions upon request of Council, the User must provide evidence satisfactory to the Council of the terms and currency of each of the insurance policies referred to in this clause.

7. RISK AND INDEMNITY

- (a) Council (including its employees, representatives, contractors or any associated entity who performs services on behalf of Council hereunder) is not liable to the User in contract, tort or otherwise whatsoever for any loss or damage (including consequential loss) to any person or property arising from the occupation and use of the Use Area by the User or others, save to the extent the loss or damage is a consequence of the negligent acts or omissions of Council (or Council's employees, representatives, contractors or associated entities).
- (b) The User:
 - (i) acknowledges that the Use Area is provided on an "as is where is" basis, and the User uses and occupies the Use Area at its sole risk;
 - (ii) shall be liable for claims of third parties for personal injury and property damage not covered by the insurance required under Clause 6 which result from the

negligence of the User having due regard to the standards set out in this Agreement provided that the User shall not assert any claims against Council and Council shall not be liable to the User for any losses, damages, liabilities or expenses (including legal costs) incurred or sustained by the User;

- (iii) indemnifies Council from and against any claim, damage, loss or expense suffered by Council or others as a result of the use of the Use Area by the User or the User's employees and agents or as a result of or arising out of the grant of, or the exercise of, this Agreement, save to the extent the loss or damage is a consequence of the negligent acts or omissions of Council.

8. EVENTS OF DEFAULT AND TERMINATION

8.1 Termination on notice

Council may at any time and without cause, terminate this Agreement upon the provision of no less than three (3) months' written notice to the User.

8.2 Termination for default

- (a) If an Event of Default occurs, the non-defaulting Party shall give the defaulting Party a notice in writing requesting that the Event of Default be remedied.
- (b) If the Event of Default is not remedied within fourteen (14) days of the date of the notice provided pursuant to paragraph (a) of this clause, the non-defaulting Party may give to the defaulting Party notice of its intention to terminate its obligations under this Agreement after the expiration of fourteen (14) days from the date such notice is served.
- (c) Upon the expiration of such period referred to in sub-clause (b) of this clause, the Party serving the notice shall (without prejudice to any rights arising prior to such date) have no further obligations to the other under this Agreement and this Agreement shall be deemed to be terminated.
- (d) Subject to subclause (e), if upon receipt of such notice the defaulting Party cures the default within the said fourteen (14) day period then such notice shall be of no force and effect.
- (e) Subclause (d) does not apply, and the notice shall remain effective even if the default is cured, if the notice relates to a default that has occurred more than once in the six (6) months preceding the date of the notice.

8.3 Rights in Addition to Other Remedies

The rights contained in this clause shall be in addition to any and all rights and remedies for breach of contract or otherwise available to either Party.

9. END OF AGREEMENT

9.1 The User to yield up Use Area

When this Agreement ends, either at the end of the Term or termination pursuant to this Agreement, the User must peacefully yield up the Use Area in good condition, fair wear and tear excepted, and return to Council all keys and security devices relating to the Use Area.

9.2 Removal of improvements etc.

- (a) The User must during the last fourteen (14) days of the Term remove any chattels, fixtures, fittings, additions, signage and other branding it has stored on, erected or affixed to the Use Area during the Term, and the User must make good any damage caused by the removal.
- (b) Any items not removed from the Use Area under sub-clause (a) of this clause shall be deemed abandoned and will become the property of Council.
- (c) If the User's property becomes the property of Council in accordance with subclause (b) of this clause, then Council may, in its absolute discretion:
 - (i) retain the property;
 - (ii) dispose of the property, with the costs of such disposal to be wholly recoverable from the User as a debt immediately due and owing.

10. OPTION TO RENEW

- (a) This clause applies if an Option to Renew is specified in the Reference Schedule.
- (b) If the User punctually and properly performs its obligations under this Agreement, the User has the option, which must be exercised by notice in writing to Council no earlier than six (6) months prior to the Expiry Date and no later than three (3) months prior to the Expiry Date, to renew this Agreement for the option period first specified in the Reference Schedule, commencing on the day after the Expiry Date and continuing on the same terms as this Agreement, except that this clause has no further effect unless the Reference Schedule refers to more than one option period, in which case the number of remaining option periods shall be reduced by one upon each occasion on which the User exercises an option to renew.

11. HOLDING OVER

- (a) If the User remains in occupation of the Use Area after the expiration of the Term with the consent of Council, the User may continue using the Use Area on a month-to-month basis. The User must continue to pay the same amount of the User Fee and other money under this Agreement in accordance with this Agreement.
- (b) The monthly use right created under sub-clause (a) will continue on the same terms of this Agreement (so far as the terms can be applied to a monthly use right) until either party gives the other party one month's written notice terminating this Agreement. However, if the User is in default, Council may give 72 hours written notice to the User terminating this Agreement.

12. GENERAL

12.1 Assignment and other dealings

(a) Parting with possession and encumbering

The User must not without Council's prior written consent (which may be withheld or given on such conditions required by Council in its absolute discretion):

- (i) in any manner part with possession of the Use Area; or
- (ii) mortgage or otherwise encumber the User's interest in this Agreement.

(b) Assignment

The User must not assign this Agreement without the prior written consent of Council provided that such consent will not be unreasonably withheld if:

- (i) the User has, at least thirty (30) days before the proposed assignee intends to take possession of the Use Area pursuant to an assignment, makes a written request for the Council's consent together with:
 - A. in relation to each proposed assignee:
 - I their full names and addresses;
 - II an up-to-date summary of assets and liabilities prepared by and signed by an accountant;
 - III any other information reasonably required by the Council to establish the proposed assignee's financial position; and
- (ii) the User proves to Council's reasonable satisfaction that:
 - A. the proposed assignee is respectable, suitably qualified and capable of carrying on the Permitted Use and performing the obligations on the part of the User under this Agreement; and
 - B. the proposed assignee is of sufficiently substantial financial standing, having regard to both its net assets and revenue, that a reasonable person would consider that the proposed assignee is able to meet the User's payment obligations under this Agreement for the entire duration of the unexpired Term.

(c) Council's consent

Any consent by the Council to a proposed assignment given under this clause is conditional upon each of the following occurring before the proposed assignee takes possession of the Use Area:

- (i) the User and the proposed assignee entering into a deed of consent with the Council in the form reasonably required by the Council;
- (ii) the proposed assignee providing the Council with a guarantee and indemnity signed by the proposed guarantor in favour of the Council in the form required by the Council;
- (iii) the User and the proposed assignee complying with the Council's reasonable requirements in relation to the documentation of the intended assignment;
- (iv) any default by the User under this Agreement arising up to the date of completion of the proposed assignment being remedied; and
- (v) the User paying to the Council the Council's reasonable legal costs of the giving of its consent.

(d) Change of Control

If the User is a corporation (which is neither listed nor wholly owned by a corporation whose shares are listed on the official list of the Australian Stock Exchange Limited), a

change in the effective control of the corporation is deemed to be an assignment of this Agreement and the User may not make that change unless it obtains the Council's prior written consent and complies with subclauses (b) and (c) (except for subclause (c)(i)) of this clause.

12.2 Native Title

The Parties acknowledge and agree that nothing contained in this Agreement constitutes a future act for the purposes of the *Native Title Act 1993* (Cth).

12.3 No Security Interest

The Parties agree and acknowledge that no Security Interest is created or contemplated by virtue of this Agreement.

12.4 Goods and Services Tax

(a) In this clause:

"GST" means the same as in the GST Law; and

"GST Law" means the same as "GST law" means in *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

(b) A recipient of a taxable supply made under this Agreement must pay to the supplier, in addition to the consideration for the taxable supply, any GST paid or payable by the supplier in respect of the taxable supply.

(c) The recipient must pay the GST to the supplier:

(i) if there is a due date for the consideration for the taxable supply, either on that date or within fourteen (14) days of receiving a tax invoice for the taxable supply whichever is the later; or

(ii) if there is no due date, within fourteen (14) days of receiving a tax invoice for the taxable supply.

(d) A Party's obligation to reimburse another Party for an amount paid or payable to a third party (for example a Party's obligation to pay another Party's legal costs) includes GST on the amount paid or payable to the third Party except to the extent that the Party being reimbursed is entitled to claim an input tax credit for that GST.

(e) Each Party making a taxable supply under this document must issue a tax invoice to the other Party for each taxable supply within fourteen (14) days after the due date for payment of the consideration of the supply under this Agreement.

(f) Each Party must issue an adjustment note to the other Party as soon as it becomes aware of an adjustment event relating to a taxable supply by it under this document.

12.5 Notices

(a) A notice required to be given by one party to another under this Agreement is effectively served, if it is in writing and:

(i) served personally or left for the User at the Use Area;

(ii) sent by email to the email address of the party in the Reference Schedule;

- (iii) left at or posted by post to the address of the party in the Reference Schedule.
- (b) A notice is taken to be given:
 - (i) if served personally, on the day the notice is delivered if given by 4.00pm on that day, or if given after 4.00pm, the notice will take effect from the next Business Day.
 - (ii) if posted, on the third day after posting.
 - (iii) if sent by email, at the time the email was transmitted by the sender, provided the sender does not immediately indicate a malfunction in the transmission.
- (c) A Party may only change their address for service by no less than 5 business days' notice to the other Party.

12.6 Governing Law

The laws of Queensland (and so far as applicable of the Commonwealth of Australia) shall govern this Agreement and each Party hereby expressly accepts and acknowledges the jurisdiction of the Courts of Queensland and of Australia and all Courts to which appeals from those Courts may be taken.

12.7 Further Instruments

Council and the User shall execute and deliver all such further agreements and other instruments, do all things and take any other action necessary to make this Agreement fully effective, binding and enforceable as between them and as against third Parties.

12.8 Headings

Headings are inserted for convenience only and are not intended to govern the meaning of any of the provisions of this Agreement.

12.9 Waiver

The waiver of any term or condition on any occasion shall not be deemed a waiver of such term or condition on any other occasion.

12.10 Severance

If a provision of this Agreement is void or unenforceable it must be severed from this Agreement and the provisions that are not void or unenforceable are unaffected by the severance.

12.11 Whole Agreement

This Agreement constitutes the whole of the agreement between the Parties relating to the subject matter hereof.

12.12 Amendment

This Agreement can only be amended, supplemented, replaced or novated by another document signed by the Parties.

12.13 Liability for Expenses

- (a) Each Party must pay its own expenses subject to sub-clause (b) of this Clause.

- (b) The User must pay the total legal costs incurred by Council on a solicitor and own client basis as a result of the negotiation, preparation and execution of this Agreement.

12.14 Counterparts

This Agreement may be executed in any number of counterparts and when executed communication of the fact of execution to the other parties may be made by sending evidence of execution by email.

SCHEDULE 1 PLAN OF USE AREA



EXECUTED AS AN AGREEMENT

SIGNED by the **CHIEF EXECUTIVE OFFICER**
for and on behalf of the **NORTHERN**
PENINSULA AREA REGIONAL COUNCIL in
the presence of:

Signature of Witness

Print Name

Date

Chief Executive Officer

SIGNED by **NPA FAMILY AND COMMUNITY**
SERVICES ABORIGINAL AND TORRES
STRAIT ISLANDER CORPORATION ICN 1933
in accordance with the *Corporations*
(Aboriginal and Torres Strait Islander) Act
2006:

Date

Director

Director/Secretary

Title of Report: January 2023 Community Meetings

Agenda Item: 12.7

Classification: For decision

Author Acting Chief Executive Officer

Attachments Nil

Officers Recommendation:

That Council:

- Note the Report
- Approves the proposed dates for Community Meetings

PURPOSE OF REPORT

Provide a schedule of community meeting dates for January 2023 for council approval.

BACKGROUND AND CONTEXT

Under the corporate and operational plan. Council aims for community meetings to be held each quarter. At the November Council Meeting, it was agreed to postpone to January 2023 due to multiple commitments. After reviewing Council Calendars, the proposed schedule is to hold the community meetings during the week commencing 09/01. Proposed venues are listed for Council Input

Date	Time	Community	Proposed Venue(s)
9/1	10am – 12pm	Stakeholders	New Mapoon Hall
	2pm – 4pm	NPARC Staff	Bamaga Hall
	5pm – 7pm	Bamaga	Bamaga Hall
10/1	2pm – 4pm	Seisia	Seisia IKC
	5pm – 7pm	Umagico	Umagico Hall
11/1	2pm – 4pm	New Mapoon	New Mapoon Hall
	5pm – 7pm	Injinoo	Injinoo Hall

The purpose of these community meetings will be to provide update on Council operations, provide an opportunity for community to ask questions of Council and brief stakeholder updates. The proposed agenda is presented below

- Opening Prayer
- Acknowledgement of Country
- Community Update (Councillors)
- Presentation of Operational Plan & Key Budget Information (A/CEO)
- Update of current projects (A/CEO)
- Agency Updates



- QPS
- QHealth
- NPA Family and Community Services
- Housing
- Questions and Answers

SeaSwift have asked to be included to provide an update and answer freight related queries.

It is proposed to have a separate session for people representing organisations and stakeholders. This is to ensure community sessions are tailored and delivered for community people and not distracted by organisation related queries.

Sandwiches and fruit will be provided at each meeting. The meeting notices will be promoted on social media and across community locations. A/CEO will also ask local organisations to provide the support to their staff to attend.

CRITICAL DATES

NA

OTHER OPTIONS CONSIDERED

NA

LEGAL AND LEGISLATION CONSIDERATIONS

NA

POLICY CONSIDERATIONS

NA

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

Focus Area Four - Strong People - An Empowering And Engaging Council

FINANCIAL AND RESOURCE CONSIDERATIONS

Budget will be \$5,000 including staff overtime for night sessions

CONSULTATION

NA



ORDINARY COUNCIL MEETING # 32
Agenda Item 12.7
Wednesday 14th December 2022
Cairns



AGENDA ITEM 13
ORDINARY COUNCIL MEETING #32
Wednesday 14th December 2022
Cairns

13. General Discussion

14. Close of Meeting