



I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Tuesday, 20 June 2023
Time: 9.00am
Location: Torres Shire Council Office
68 Douglas Street - Thursday Island

AGENDA AND BUSINESS PAPERS

Ordinary Council Meeting

20 June 2023

10.00am – New Australian Citizenship Ceremony

Dalassa Yorkston
Chief Executive Officer

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AGENDA CONTENTS

ATTENDANCE

MEETING OPENED

APOLOGIES

ACKNOWLEDGEMENT OF COUNTRY

On behalf of all Councillors, the Mayor acknowledged the Kaurareg people, Traditional Custodians of the land on which we meet today, and paid respects to their Elders past, present and emerging.

CONDOLENCES

A minute's silence will be observed as a mark of respect in memory of a deceased person or persons of our community and/or area of the Torres Strait.

DECLARATIONS OF INTEREST

CONFIRMATION OF MINUTES

Ordinary Meeting – 16 May 2023

BUSINESS ARISING

NOTIFIED MOTIONS

Nil

COUNCILLORS REPORTS

EXECUTIVE SERVICES REPORTS

LATE ITEMS

CEO Report

CONFIDENTIAL REPORTS

GENERAL BUSINESS

8.1 Confirmation of Minutes Ordinary Meeting 16 May 2023

File Number

Author:

Chief Executive Officer

Authoriser:

Dalassa Yorkston, Chief Executive Officer

Attachments:

Minutes Ordinary Council Meeting 16 May 2023

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on 16 May 2023 be confirmed.

11.1 Councillor's Monthly Reports

File Number	BSC/Governance/ Reporting/ Executive Services Report/ 2023
Author:	Executive Secretary
Authoriser:	Dalassa Yorkston, Chief Executive Officer
Attachments:	Cr. Yen Loban – Monthly Report

SUMMARY

Councillors' monthly activity reports.

BACKGROUND/HISTORY

Each month the Councillors report on their external activities. An endorsement of the report is an endorsement of the attended and future activities. Not all activities will be listed in advance due to time constraints. Councillors who are unable to provide a written report will have the opportunity to provide verbal updates at the Ordinary Council Meeting.

LINK TO CORPORATE PLAN

Our Community

1.5 Our Reputation for Integrity and Services (PROVIDE)

A well-informed community with a great awareness of Council's achievements.

Our People

2.4 Our Organisational Alignment and Performance Planning (PROVIDE)

Council delivered strategic outcomes and is resilient and responsive to change.

Our Business

3.3 Our Governance (LEAD)

Council maintain effective governance processes

- Maintain best practice financial and risk management practices
- Maintain policies, procedures, frameworks and registers
 - Maintain and meet audit requirements.

CONSULTATION

- As per Mayoral Report.

LEGAL IMPLICATIONS

- Nil

POLICY IMPLICATIONS

- Nil

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

- Approved Operational Budget

RECOMMENDATION

That the activities contained in the Mayoral monthly report be endorsed by Council.

12.1 Chief Executive Officer's Monthly Report

File Number BSC/Governance/ Reporting/ Executive Services Report/ 2023
Author: Executive Secretary
Authoriser: Dalassa Yorkston, Chief Executive Officer
Attachments: CEO Monthly Report

SUMMARY

Chief Executive Officer's monthly report.

BACKGROUND/HISTORY

Each month the Chief Executive Office reports on her external activities. An endorsement of the report is an endorsement of the attended and future activities. Not all activities will be listed in advance due to time constraints.

LINK TO CORPORATE PLAN

Our Community

1.5 Our Reputation for Integrity and Services (PROVIDE)

A well-informed community with a great awareness of Council's achievements.
Develop and implement a communication strategy.

Our People

2.4 Our Organisational Alignment and Performance Planning (PROVIDE)

Council delivered strategic outcomes and is resilient and responsive to change.

Our Business

3.3 Our Governance (LEAD)

Council maintain effective governance processes

- Maintain best practice financial and risk management practices
- Maintain policies, procedures, frameworks and registers
 - Maintain and meet audit requirements.

CONSULTATION

- Various groups and community members as indicated in the attached.

LEGAL IMPLICATIONS

- Nil

POLICY IMPLICATIONS

- Nil

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

- As per approved Operational Budget

RECOMMENDATION

That the activities contained in the Chief Executive Officer's monthly report be endorsed by Council.

12.2 Draft Discussion paper – TORCH Commissioning Entity

File Name	BSC/Governance/ Reporting/ Executive Services Report/ 2023
Author	Dalassa Yorkston, Chief Executive Officer
Authoriser	Dalassa Yorkston, Chief Executive Officer
Attachment	Statement of Intent to establish a Torres and Cape Health Care (TORCH) commissioning entity.

INTRODUCTION

The Draft Discussion paper “Statement of Intent to establish a Torres and Cape Health Care (TORCH) commissioning entity” dated 2 May 2023, proposes that this entity is agreed between the Australian Government represented by the Department of Health and Aged Care, the Queensland Government, represented by Queensland Health, and the Councils of the Torres Strait and Cape York region and The Queensland Aboriginal and Islander Health Council, Torres Cape Indigenous Council Alliance (that represents councils outside the proposed commissioning scope rather than the Torres Strait and NPA ROC that does), Torres Strait Regional Authority (TSRA) (a Commonwealth Government statutory authority funding body in the region where the Commonwealth is proposed to be represented by the Department of Health and Aged Care) and Gur A Baradharraw Kod Torres Strait Sea and Land Council (GBK) whose constitution and purpose is to represent PBCs and to assist with land and sea claims regarding Native Title.

Whilst this report examines the detail in the proposal, the following observations are made so as to locate the proposal in a policy context.

DISCUSSION

The assumption with this project is that it has been developed in a tripartite way and that there is tripartite agreement. There is not. Local governments in the region have not given their final imprimatur to this proposal. Furthermore, local governments of the Torres Strait and Northern Peninsula area have resolved, created and funded the Torres Strait and Northern Peninsula Area Regional Organisation of Councils, (TS&NPAROC), which will have the power to establish such commissioning entities.

The suggestion that a non-democratically elected CATSI organisation operating without the existence of direct elections via universal suffrage in the region and whose primary constitutional purpose is to act as a peak body for the region’s PBCs and to make representations regarding native title should be a partner alongside the elected governments in the region and be a party to this agreement is perplexing.

Equally perplexing is why the entity chosen to represent the Commonwealth Government (the Department of Health and Ageing) is not actually replaced by the TSRA that is currently caste as a partner and not party to the Agreement. Council cannot understand why TSRA is not a signatory on behalf of the Commonwealth Government with the Commonwealth Department of Health and Aged Care providing TSRA advice, as required.

The Masig Statement anticipates governance, service delivery and resourcing will transfer to the region, the details of which will involve (a) written consent from the Commonwealth and Queensland governments in line with prior agreements; (b) an agreed road map to self-determination that will involve a transfer of resources and powers; significant legal, fiscal, governance, policy and funding work associated with the transference.

This TORCH proposal has not been located within that context. It is a model largely prosecuted by a Queensland Government department represented mostly by non-indigenous public servants from SEQ (as was the case with the May *Teams* meeting with the Steering Committee), not by the people of the region. TSC has on numerous occasions over many years put to both the Queensland and Commonwealth governments that decisions that affect the lives of Torres Strait Islander and Aboriginal people in the region must be made in the region.

Most importantly, given the parlous state of primary health care administration, servicing and clinical practice in the region and the wishes of the community and leaders (supported by the Nurses Union and the AWU) to return to a properly resourced Torres model of health care and clinical practice, involving indigenous agency, indigenous leadership and indigenous practitioners that is effectively resourced, it is surely prudent that the TORCH Project take a backseat whilst a comprehensive review and rectification of primary health care takes place in the region. In these circumstances, the proposed commissioning entity is premature. This report also suggests that it is ill conceived from a governance perspective and poorly designed given its lack of relationship with the outcomes sought and enshrined in the Masig Statement - *Malungu Yangu Wakay* (Voice from the Deep).

STATEMENT OF INTENT PARTICULARS

The ambition for this entity is the ambition for the actual service delivery of health care. Council would rather support an effort to ensure that health care itself is led by First Nations people, not a commissioning entity as proposed. As already noted, Council supports a return to a properly resourced Torres model of health care and clinical practice, involving indigenous agency, indigenous leadership and indigenous practitioners.

The transference of functions and resources from the State to the region must be considered in the context of an agreed model of transference for all functions, including health care.

It is obviously sensible to commence such a transfer with funding for capacity and capability building and this will take longer than what is proposed in the discussion paper. Council, in keeping with the Masig Statement, is proposing a transference approach finalised and self-determination functioning by the 23rd of August 2037.

The Torres model of health care must include health research (or the commissioning of such research to support clinical practice). Furthermore, all aspects of health care will be transferred to the region in the model anticipated by the Masig Statement.

Sustainable growth in investment in Aboriginal and Torres Strait islander community-controlled health services is an outcome that should be supported regardless of whether there is (or is not) a commissioning entity.

“Ongoing access to emergency services, patient retrieval services and secondary and tertiary health services for Torres and Cape residents who need those services” presumes that they are in place now. Evidence supports that such a contention is contested by our communities.

Towards the end of the discussion paper, there is a heading “How we will work together” that includes to “legislate at both the Commonwealth and State level as needed to support the operation of the commissioning entity and its governing body”. This completely misses the big picture that reveals that such legislation (mindful of the Australian and Queensland constitutions) is needed to be considered to achieve self-determination for the peoples of the Torres Strait and Northern Peninsula area that will entail the transference of functions currently undertaken by the State and the Commonwealth governments and should commence at the beginning of the process.

LINK TO CORPORATE PLAN

- Item 3.3 – Our Governance
- Council to maintain effective governance processes.
- Council to maintain best practice financial and risk management practices.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISK)

- As detailed in this report

POLICY IMPLICATIONS

- Council has policies regarding the TS&NPAROC and the Masig Statement as well as resolved 10-Point Plans

CONSULTATION

- Executive Leadership Team

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

- Nil

RECOMMENDATION

- That Council notes the report.
- That Council resolves to delegate to the CEO to advise relevant parties (including the Steering Committee) that Council does not support the proposal outlined in the Draft Discussion Paper for the reasons enunciated in the report.

12.3 Application for E-Scooter Business

File Name	BSC/Governance/ Reporting/ Executive Services Report/ 2023
Author	Dalassa Yorkston, Chief Executive Officer
Authoriser	Dalassa Yorkston, Chief Executive Officer
Attachments	Attachment A – Penalties regarding E-Scooters Attachment B – Personal mobility device riding rules

BACKGROUND

Council received an application from a member of the community to approve an E Scooter hire business and a business plan is attached to the application. The community member has paid the prescribed fee. Preliminary investigations regarding an E-Scooter Hire business have included both the law as it currently applies in Queensland and the actions taken by various local governments in the State.

The State of Queensland, from 1 November 2022, introduced laws to limit the speed of E-Scooters. As of November 1, e-scooter use was limited to roads with a speed limit under 50kph and where bike lanes are separated and from that date a 12 kilometre per hour speed limit applies on footpaths. Also, from that date, fines applied (see Annexure B).

Local Governments have adopted different approaches to the regulation and approvals of E-Scooter businesses:

- Port Douglas, Townsville, Mackay, Rockhampton, Bundaberg, Brisbane, and Gold Coast councils allow shared e-scooters on their streets.
- *Lime* scooters applied to operate in Cairns in 2019 but was rejected by councillors.
- 59 per cent of survey respondents in 2020 were in favour of e-scooters in Cairns.
- In 2020, CRC conducted the "Our Cairns" survey, including a question about allowing the commercial hire of e-scooters in Cairns.
- According to the CRC website, only 38 per cent of respondents were totally against the introduction of e-scooters.
- While 40 per cent were in favour with conditions attached — such as "only in the CBD" and "only if they could use the road shoulder" — another 19 per cent were in favour, with no conditions attached. Three per cent chose not to answer the question.
- Neighbouring councils are expanding the reach of shared e-scooters.
- Shared e-scooters allow travellers to hire the scooter with an app, ride the scooter to their destination, and then leave it in a designated area available for the next person to hire.
- In 2021, *Beam* scooters started operating in Port Douglas with just nine partner resorts and businesses, which has now been expanded to 14.
- Douglas Shire Council followed in the footsteps of other Queensland councils like Townsville [including Magnetic Island], Mackay, Rockhampton, Bundaberg, Brisbane, and Gold Coast councils to allow e-scooters on their streets.
- In March 2022, Townsville City Council approved an additional 16 square kilometres of ride zones in the city (cited in: <https://www.abc.net.au/news/2022-10-28/e-scooter-rules-cairns-footpath>).

A further consideration is the regulation of motorised mobility aids.

DECISIONS FOR COUNCIL

E- Scooters

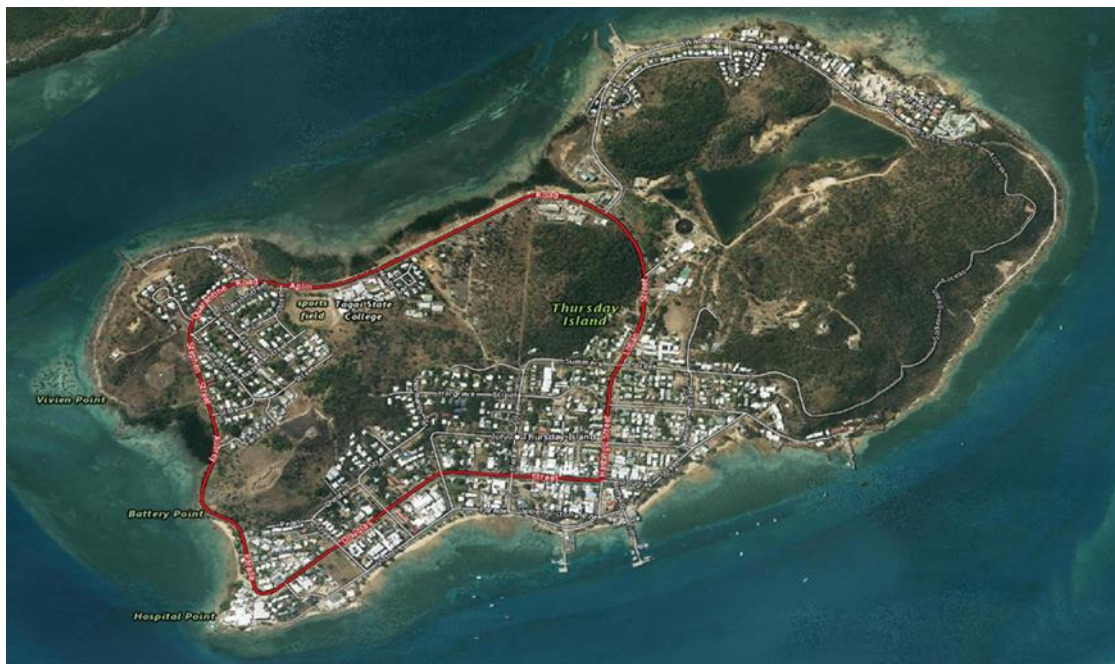
The decision as to whether an E-Scooter business may operate by using a council-controlled road is reliant on whether it is lawful for an E-Scooter to be used on the road. Currently, Council-controlled roads do not have separate bike lanes and some roads have a 50kph limit. Therefore, it is not lawful for an E-Scooter to be used on these roads.

The decision as to whether an E-Scooter business may operate by using council-controlled paths is another matter. In a policy sense, if the rider of an E-Scooter does not exceed 12 KPH and the user obeys the rules for use, they may be lawfully ridden. However, from the perspective of the public interest, Council will need to consider safety as to where such E-Scooters may be used in response to a business proposal and permit application.

Torres Shire Council's traders have verbally expressed their concern about the use of E-Scooters in the area colloquially termed "the town" precinct (and notably on Douglas Street footpaths) due to no forewarning for the elderly egressing businesses. Traders have reported several near-misses. This would suggest that an E-Scooter business should not operate in this precinct.

The next decision is whether an E-Scooter business may operate on the dedicated cycle way around the island. So long as the user is obeying the rules of use outlined elsewhere in this report, this may be approved. However, it is important that community opinion is sought. This may be done via a survey.

A permissible area for such a business could be stipulated on a map that forms part of the consultation and (if approved) would form part of the conditions associated with the permit and included as a term of the lease agreement. The permissible area would not include footpaths in front of premises on Douglas Street and Victoria Parade. The proposed permissible area proposed and subject to an initial public consultation is illustrated below:



Motorised Mobility Aids

A motorised mobility device on a footpath or road related area in Queensland, **must be registered** and it's free to register. There is no minimum age requirement for registration. Two seated motorised mobility devices can be registered and used by 1 or 2 people. At least 1 of the users **must have mobility difficulties**. In addition, the motorised mobility device user must follow the same road rules as motorists when riding on Queensland roads, where permitted. If road rules are broken, the user may be fined but no demerit points are given. Refer Annexure A regarding the law as it applies to riding personal mobility devices.

The decisions for Council to make include:

1. Whether to grant a permit to the applicant and to formalise the arrangement in a lease agreement regarding the proposed E-Scooter hire business.
2. Whether to reject the application for the E-Scooter hire business.
3. Whether to approve the application subject to conditions; or
4. Whether to engage in public consultation, the outcome of which will inform a future Council resolution as to a conditioned permit and lease.

LINK TO CORPORATE PLAN

- Item 3.3 – Our Governance
- Council to maintain effective governance processes.
- Council to maintain best practice financial and risk management practices.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISK)

- As detailed in this report

POLICY IMPLICATIONS

- Council currently does not have any policy in place regulating the use of, or establishing the terms of a business that hires out E-Scooters.

CONSULTATION

- Executive Leadership Team
- Council's legal representatives

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

- Community survey within existing resources

RECOMMENDATION

- That Council notes this report.
- That Council resolves to delegate to the CEO to conduct a community survey regarding E-Scooter use. in the prescribed area of the Shire, noting lawfully permissible and lawfully impermissible use.
- That Council resolves to reserve the right to determine an application for a E-Scooter hire business subsequent to assessing the results of the community survey.

12.4 Corporate and Community Services – Financial Report

File Name: Corporate and Community Services
Author: Harish Nair, Director Corporate & Community Services
Authoriser: Dalassa Yorkston, Chief Executive Officer
Items: Financial Statements – May 2023

1. Cash Position
2. Income & Expenditure-Airport
3. Income & Expenditure-All of Council
4. Revenue Graph - Actuals vs Budget
5. Expenses Graph – Actuals vs Budget
6. Statement of Financial Position

SUMMARY

Presentation of the financial reports for May 2023 as required under Section 204 of the *Local Government Regulation 2012*. The report is presented for noting and indicates that Council continues to progress favourably against the endorsed 2022/2023 budget.

Cash Position

Council currently has \$16.59m of net cash on hand. This includes \$12.35m restricted cash and \$4.24m unrestricted cash. Payments relating to Winds of Zenadth Cultural Festival which resulted in lower unrestricted cash balance.

Income & Expenditure-Airport

Airport continues to generate good cash flow for Council. During July 2022 to May 2023, airport generated a net surplus of \$3.02m. Revenue for May was \$541k & expenses \$229k, resulting in a net surplus of \$311k. Further to Council Resolution in March 2023, Council have commenced allocating \$150k a month from airport revenue to QTC as an airport cash fund.

Income & Expenditure-All of Council

The reported operating deficit is \$7.57m against a Budget estimate deficit of \$5.81m.

Operating income was \$2m under Budget due to reduced operating grants (\$3.81m) but increased by higher fees and charges (\$984k), interest revenue (\$447k) & sales revenue (\$203k).

Operating expenses were \$243k under Budget due to reduced employee expenses (\$917k) and materials & services (\$244k) but increased by higher depreciation (\$919k).

LINK TO CORPORATE PLAN

Our Business:

3.3. Our Governance (LEAD)

Council maintain effective governance processes

- Maintain best practice financial and risk management practices;
- Maintain policies, procedures, frameworks and register;
- Maintain and meet audit requirements.

Our Future:**4.1. Our Revenue Generation**

Provide a sustainable Community

- Research and build a long-term approach to diversifying Council's revenue streams to support strategic planning imperatives and reduce reliance of rates income;
- Research, plan and implement an approach to securing funding for key elements of Council's accountabilities to ensure sustainability of service provision and asset maintenance.

CONSULTATION

- Executive Leadership Team
- Managers and relevant operational staff

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Local Government Regulation 2012 Section 204, which states:

- (1) The local government must prepare a financial report
- (2) The chief executive officer must present the financial report –
 - a. If the local government meets less frequently than monthly – at each meeting of the local government; or
 - b. Otherwise – at a meeting of the local government once a month.
- (3) The financial report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held.

POLICY IMPLICATIONS

The following Council policies are relevant to the financial statements.

- Investment Policy
- Debt Policy
- Revenue Policy
- Procurement Policy

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

The report identifies how Council is performing against the adopted budget for the financial year. The report identifies that Council is performing favourably against the Budget.

RECOMMENDATION

That Council resolves to:

- note the Financial Report for May 2023, as required under Section 204 of the *Local Government Regulation 2012*.

12.5 Queensland State Government 2023-2024 Budget

File Name	BSC/Governance/ Reporting/ Executive Services Report/ 2023
Author	Dalassa Yorkston, Chief Executive Officer
Authoriser	Dalassa Yorkston, Chief Executive Officer
Attachments	Nil

Background

On 14th June 2023, the Palaszczuk Labor Government handed down its 2023-24 Budget. Its biggest initiative was its electricity bill support package – the largest such support package in Australia with a rebate 3 times the size of the 2022-2023 Queensland budget initiative. It applies to all Queensland households.

Budget Detail

This budget precedes the next Queensland State election, and the following summarises its main funding initiatives:

- \$700 Cost-of-Living Rebate on electricity bills for vulnerable households, plus a further \$372 under the Queensland Electricity Rebate Scheme, bringing total rebates for Queenslanders to \$1,072 in 2023-24.
- \$550 Cost-of-Living Rebate on electricity bills for all other Queensland households in 2023-24.
- \$650 rebate on electricity bills in 2023-24 for around 205,000 eligible small businesses.
- A combined \$70 million for other initiatives to keep costs down for households, enable more choice and greater energy equity.
- Elderly and the most vulnerable Queenslanders will receive total support of \$1,072 per household in 2023-24, including a \$700 cost of living rebate – partly funded with the Commonwealth under the National Energy Bill Relief Fund – and \$372 through Queensland's existing Electricity Rebate Scheme.
- All remaining households will automatically receive a \$550 rebate on their electricity bill in 2023 24.
- Approximately 205,000 eligible small businesses will receive a \$650 rebate on electricity bills in 2023-24, plus \$35 million for the Queensland Business Energy Saving and Transformation Program, which includes targeted support for agriculture to enable advice and contribution to energy efficiency measures and infrastructure.
- The budget also allocates \$70 million over two years to deliver energy efficiency measures and advice to tens of thousands of eligible Queensland households to directly support energy efficient appliances and household batteries, keeping costs down for households, enabling more choice and greater energy equity. The Shire's allocation was announced at the Cost-of-Living summit here in our Shire (March 2023).

The budget also includes:

- Over \$500 million per annum to continue uniform tariffs so that Queenslanders living in regional areas pay similar prices for their electricity as people living in southeast Queensland.
- Queensland small to medium sized businesses will benefit from \$35 million over three years to support them to reduce their electricity bills while \$6.2 million will deliver ongoing support for regional businesses impacted by the phase-out of obsolete tariffs in 2021.
- \$5 million to provide Queensland farmers with relief from fixed charges for pumping water during periods of drought. 4-year \$89 billion capital program supporting around 58,000 jobs in 2023–24 (titled the "Big Build").

The Big Build:

- A record \$89 billion 4-year capital program.
- Around \$19 billion total capital investment over 4 years to support the Queensland Energy and Jobs Plan, with investment in new wind, solar, storage and transmission.
- \$6.9 billion in 2023–24 towards integrated, safe and efficient transport infrastructure across the state.
- Provision for \$1.9 billion over 4 years to commence delivery of venues infrastructure for the Brisbane 2032 Olympic and Paralympic Games.
- Record net operating surplus of more than \$12 billion forecast for 2022–23
- Extraordinary strength in coal and oil prices leading to a \$10.5 billion increase in expected royalty revenue in 2022-23. Re-investing royalties and returns from record high coal prices including:
 - A significant 9.6 per cent increase in health spending.
 - More social and affordable housing.
 - Renewable energy, storage and network infrastructure.
 - \$968 million fund to secure land for new school sites.
 - Support for communities to secure their property and develop local solutions to youth crime issues.

Housing:

- \$1.1 billion in increased funding to drive social housing delivery and supply:-
- Over \$250 million for housing and homeless support services.
- Built-to-rent tax concessions for eligible developments providing affordable dwellings at discounted rents.
- Doubling the Housing Investment Fund to \$2 billion, to support commencements of 5,600 social and affordable homes by 30 June 2027.

Cost of Living:

- \$8.2 billion in concessions to Queensland families and businesses in 2023–24.
- \$1.6 billion in new and expanded cost-of-living measures in 2023–24.
- \$645 million over 4 years for 15 hours per week of free kindy for all 4-year olds.
- \$70.3 million over 4 years to increase assistance to regional patients through the Patient Travel Subsidy Scheme.
- Up to \$150 for eligible children aged 0 to 4 years for learn-to-swim activities.
- \$2.7 million over 2 years to extend and expand school breakfast programs in areas experiencing hardship across Queensland.
- \$315,000 to provide grant funding to Foodbank to deliver critical food relief.

Health:

- Almost \$2.9 billion uplift to improve ambulance responsiveness and reducing ramping, improving access to emergency departments, surgery and specialist clinics, boosting women's health care and mental health support.
- Opening of all 7 Satellite Hospitals in 2023–24 to provide non-urgent health care services in the community.
- \$586.1 million towards a new 10-year agreement with LifeFlight Australia to deliver emergency helicopter services.
- Up to \$70,000 for medical practitioners and \$20,000 for health care workers to relocate to Queensland.

Community Safety:

- \$96 million for Youth Co-responder Teams who engage with young people to break the cycle of youth crime.
- \$64 million for policing responses including high visibility patrols and specialist youth crime rapid response squads.

- \$30 million to help seniors secure their homes and \$15 million to empower communities to develop local solutions to youth crime issues.

LINK TO CORPORATE PLAN

- Item 3.3 – Our Governance
- Council to maintain effective governance processes.
- Council to maintain best practice financial and risk management practices.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISK)

- As detailed in this report

POLICY IMPLICATIONS

- Council has policies regarding the TS&NPAROC and the Masig Statement as well as resolved 10-Point Plans

CONSULTATION

- Executive Leadership Team

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

- Nil

RECOMMENDATION

That Council notes the Report.

12.6 Thursday Island Ring Road Rehabilitation

File Name	BSC/Governance/ Reporting/ Executive Services Report/ 2023
Author	Edward Kulpa, Director Engineering and Infrastructure Services
Authoriser	Dalassa Yorkston, Chief Executive Officer
Attachments	Nil

SUMMARY

The Department of Transport and Main Roads (DTMR) are planning to undertake a reseal and line marking program along the Thursday Island “ring road”. The Torres Shire Council (Council) as part of these works has been invited to utilise the Contractors engaged by DTMR to undertake local road resealing on Thursday Island.

It is recommended that the Torres Shire Council:

1. Allows for a budget line item within the 2023/24 Capital works budget planning to undertake local road resealing on Thursday Island,
2. Enters into a Contract with Department of Transport and Main Roads to undertake local road resealing on Thursday Island, and
3. Delegate power to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009* to negotiate, finalise, and execute any and all matters associated with or in relation to this project and contract including without limitation any options and/or variations.

DETAILS

DTMR have provided to Council the following details of their proposed program.

Timeframe

- Preliminary preparation works start in the next fortnight. This work is generally isolated pavement repairs at various locations along the road. Please note: the road will not be closed to traffic at any time during these preparatory works; however, motorists may experience minor delays under stop / go traffic arrangements. These works are expected to be completed by 30 June 2023. Roadtek will be the Contractor.
- Early August the reseal works begin (1st/ 2nd week) with works to take about 10 days. Pioneer North QLD (PNQ) Concrete will be the Contractor.
- Line marking will occur in September 2023. Temporary reflective pavement markers will be used in the interim.

Value

- Approximately \$2million
- TSRA contribution of \$200,000 towards program. Mixed messages from DTMR as to where this contribution has been allowed for.

Scope

- 14mm chip seal around entire ring road.
- S15e rubberised seal used for aggregate retention – used on high traffic roads.
- Will be sealed approximately 1.5m from the existing edge line of road corridor.
- Douglas Street from Blackall to Hasting Streets will have an additional 7mm seal placed on top. This will reduce road noise. This section will also be kerb to kerb to pick up on-street parking areas as well. Likely to be undertaken on a Sunday to minimise disruption.
- Line mark Airport Road on Horn Island from Airport to Jetty.
- Reseal and line mark the parking area adjacent to Engineers Wharf.

Notification

DTMR notification planned in next few weeks.

POTENTIAL COUNCIL WORKS

There is the potential to engage PNQ Concrete to also undertake works on the Council local roads. The approximate cost is \$30/m² for a 10mm road reseal as per advice from lead DTMR Contractor 6 December 2022. Refer email extract in **figure 1**.

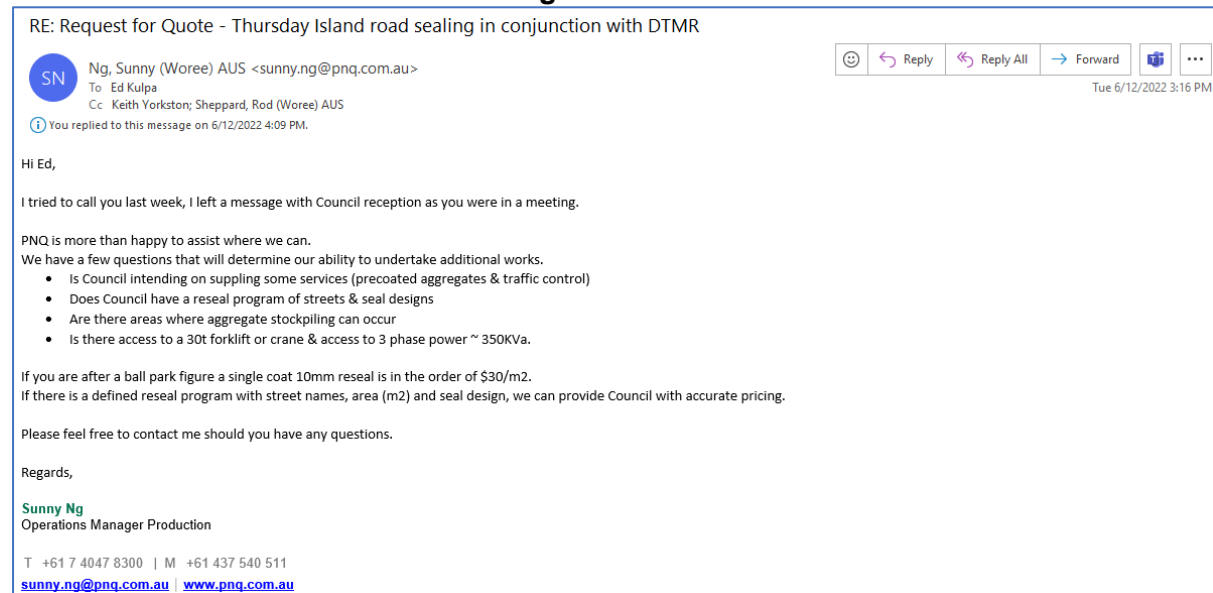
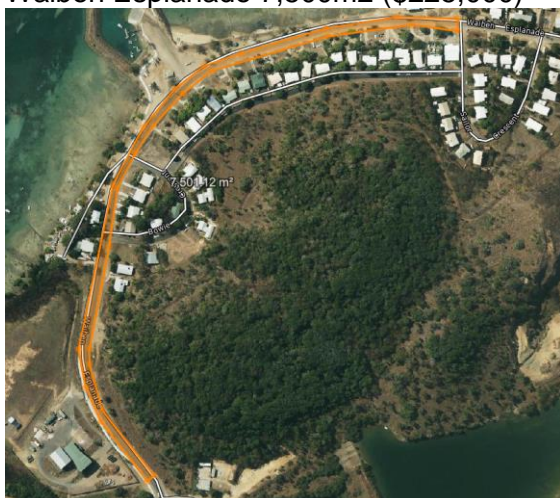


Figure 1 email advice from PNQ on cost of works

These works were not budgeted for in the 2022/23 financial year as the DTMR decision to commit to the program was made post budget setting. Similarly, due to the timing of works, proximity to the new financial year of 2023/24, and the works taking place in 2023/24, a line item could be included to undertake local road works as part of the project.

To assist with visualising what the approximate cost of \$30/m² for a 10mm road reseal will provide, some examples are provided below. Only Thursday Island examples have been provided as that is the location of the DTMR plant and their planned roadworks.

Waiben Esplanade 7,500m² (\$225,000)



Summer Street (west) 1,190m² (\$35,700)



Douglas Street (Post Office Shoulder) 565m² (\$16,950)



Douglas Street (IBIS Main Store) 1,000m² (\$30,000)



Douglas Street (Mitre 10 frontage) 1,500m² (\$45,000)



It is recommended that Council considers allowing for a budget line item within the 2023/24 Capital works budget planning to undertake local road resealing on Thursday Island.

LINK TO CORPORATE PLAN

Our Community

1.1 Our Region (LEAD)

- Council is a partner in the determination of significant regional issues.

Our People

2.4 Our Organisational Alignment & Performance Planning (PROVIDE)

- Council delivers strategic outcomes and is resilient and responsive to change.

CONSULTATION

- Consultation with the Shire community will be required due to the disruption of use of the main road network on Thursday Island.
- It is proposed that the Council undertakes a community advisory role in addition to the DTMR to ensure a broad of outreach as possible.

LEGAL IMPLICATIONS

- Nil.

POLICY IMPLICATIONS

- Not applicable.

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

- The proposed works on local roads will be budgeted for in the 2023/24 capital works program.

RECOMMENDATION

It is recommended that the Torres Shire Council:

1. Allows for a budget estimate of \$352,650 within the 2023/24 Capital works budget planning to undertake local road resealing on Thursday Island,
2. Enters into Contract with Department of Transport and Main Roads to undertake local road resealing on Thursday Island, and
3. Delegate power to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009* to negotiate, finalise, and execute any and all matters associated with or in relation to this project and contract including without limitation any options and/or variations.

12.7 Capital Works Program Report

File Name BSC/Governance/ Reporting/ Executive Services Report/ 2023
Author Edward Kulpa, Director Engineering and Infrastructure Services
Authoriser Dalassa Yorkston, Chief Executive Officer
Attachments Nil

SUMMARY

The report outlines progress of Council's Capital Works Program for June 2023. The following covers engineering and infrastructure capital works for the Torres Shire Council.

Project Name (Magiq ref)	Funding Scheme	Budget (\$ ex GST)	Expend. to date (\$ ex GST)	Remaining Funds (\$ ex GST)	Comment
TI Cycleway Stg 3 (23710)	TSRA, DTMR	1,461,273	1,123,213	338,060	Guardrail tender awarded
TI Cycleway Stg 4 (23717)	DTMR	724,564	68,996	655,568	Awaiting final DTMR approval.
HI Landfill Stg 2 (18500)	TSRA, CMIG round 3 18/19	1,000,000	171,473	828,527	Tender assessment underway.
HI Landfill Metal Shredder (18502)	DLGRMA	2,699,400	1,357,100	1,342,300	Shed slab tender awarded
Outie Street redevelopment (23005)	QRRRF	630,269	19,716	610,553	Works anticipated to start 4 July. Public notice to begin
TI stormwater drains (23023)	NQNDMP	857,263	-	-	To be designed
Road Repairs (23006)	R2R	156,288	18,740	137,548	Access road to TI depot, Fire Station designed.
HI Affordable Housing (147032/ 033/ 034)	TSRA, DSDMIP, DHPW	7,969,385	5,338,904	2,630,481	Electrical and telecom cables being placed
Tamwoy Town Basketball Court (30212)	DLGRMA Covid W4Q 2019-21	853,281	853,281	0	Wheelchair ramp complete. Final pathway to Olandi St to be built
Airport luggage area enclosure (257025)	RASI (509,957) TSC (37,334)	547,291	547,291	0	95% complete
Airport Pavement (25721)	ATSI TIDS 2021- 22 & 2022-23	984,406	984,406	0	Works on hold due to wet season
TI Roadworks (23007)	QRA - REPA	166,191	166,191	0	Works complete
HI Roadworks (23210)	QRA - REPA	775,138	74,429	700,709	Works underway
Lion Lookout Heritage Trail WW2 walk (40300)	Dept Veteran Affairs	139,487	63,291	76,196	DVA approached for additional funding for structure repairs

Sand Mine and quarry rehab (26224)	Council Internal Project	-	257,400	-	Sand mine rehab complete. Planning for final rock face blast
TI Splash park (30700)	DSDSATSIP	2,901,000	2,335,288	565,712	Materials ordered.
HI Community Housing (147035)	DCHDE	8,374,733	100,706	8,274,027	Finalised house plans to be approved.
Council housing (35023)	DSDILGP (W4Q)	1,349,900	1,229,160	120,740	Tender awarded. Site surveyed.
POW Island Esplanade Road culvert replacement	NDRRA (pending)	85,000 (pending) funding application subject to approval from QRA	-	-	Council has activated the Northern & Central QLD Monsoon and flooding 22/23. Awaiting submission approval for works.
Sadies Beach Road	QRA Funding Applications	400,000 (pending) funding application subject to approval from QRA			QRA funding request with regards to the monsoon rains in early 2023. An application of 400,000 funding was sought.
POW Island Waste Bins	Regional and Remote Recycling Modernisation Fund	115,000	-	-	Funding grant executed. Seeking of towable skip bin quotes.

LINK TO CORPORATE PLAN

Our People (PROVIDE)

2.4 Our Organisation Alignment and Performance Planning

- Council delivers strategic outcomes and is resilient and responsive to change

Our Governance (LEAD)

3.3 Council maintains effective governance processes

- Maintains best practice financial and risk management procedures
- Maintains policies, procedures, frameworks and registers;
 - Maintain and meet audit requirements

CONSULTATION

Executive Leadership Team
Stakeholder Funding Bodies

LEGAL IMPLICATIONS

- Nil

POLICY IMPLICATIONS

- Nil

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

- As per approved Operational Budget

RECOMMENDATION

That Council receives and notes the Capital Works Program Report for June 2023.

12.8 Consultation Paper Review of the Food Act 2006

File Name	BSC/Governance/ Reporting/ Executive Services Report/ 2023
Author	Dalassa Yorkston, Chief Executive Officer
Authoriser	Dalassa Yorkston, Chief Executive Officer
Attachments	Nil

BACKGROUND

Torres Shire Council has provided the following response to the Consultation Paper and looks forward to responding in further detail to the exposure draft of the amended Act.

There are a range of amendments proposed and the reasons are explained in the consultation paper. The two most significant ones in Council's view are:

- Proposal 1, which requires Councils to utilise a risk-based categorisation framework, modelled on the 2007 Business Sector Food Safety Risk Categorisation Framework, when licensing food businesses.
- Proposal 4, which proposes to require authorised persons to hold particular specific qualifications in relation to food safety and hygiene and enforcement principles and practices.

SUMMARY

Whilst these proposals are supported for sound policy justifications, Council notes these changes could potentially impose substantial costs on Council, particularly to retrain authorised persons in relation to food licensing. Council reserves its right to respond to the draft legislation regarding these concerns once the exposure draft is made available.

Council notes that there are other proposals – in particular, Proposals 15 – 21 – that are relevant from an enforcement perspective if they are adopted. Council has particularised its response to the various proposals as per the attached Submission to the Consultation Paper Review of the *Food Act 2006*.

LINK TO CORPORATE PLAN

- Item 3.3 – Our Governance
- Council to maintain effective governance processes.
- Council to maintain best practice financial and risk management practices.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISK)

- As detailed in this report

POLICY IMPLICATIONS

- Council has policies regarding the TS&NPAROC and the Masig Statement as well as resolved 10-Point Plans

CONSULTATION

- Executive Leadership Team

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

- Nil

RECOMMENDATION

1. That Council endorse the Submission to the Consultation Paper Review of the *Food Act 2006*.
2. That Council resolves to delegate to the CEO the powers to make representation on behalf of Council on the Submission to the Consultation Paper Review of the *Food Act 2006*.

12.9 Vocational Education Training Inquiry

File Name	BSC/Governance/ Reporting/ Executive Services Report/ 2023
Author	Dalassa Yorkston, Chief Executive Officer
Authoriser	Dalassa Yorkston, Chief Executive Officer
Attachments	Nil

Summary

Inquiry into the delivery of VET in regional, rural and remote Queensland - Council thanks Kim Richards MP, Chair of the Committee, for his invitation to Mayor Loban and councillors regarding the Committee's visit to our Shire, and specifically Thursday Island, on 11 July 2023 in connection with improving the delivery of vocational education and training. Torres Shire Council would be pleased to attend, including at the 3.30pm – 5.30pm public meeting.

Background

In preparation for this meeting, Torres Shire Council wishes to discuss the following with the Committee:

- scaffolding practical work with formal VET/TAFE qualifications (such as employing local people, under the supervision of a suitably qualified practitioner, to undertake the promised Queensland Government's widescale installation of solar panels in our Shire, that would also be an accreditation towards an electrical apprenticeship/qualification); and
- exploring different entry points into VET/TAFE courses (such as a deck hand to coxswain qualification with accredited units from their occupational experience or in Council's case, the new Water Treatment Plant water workers having accreditation to a plumbing qualification); and
- exploring a better alignment between employment and training; and
- overcoming the difficulty Council has had with those interested in undertaking an apprenticeship – our employees love the practical on-the-job work but not wanting to leave families and attend study at TAFE on the mainland, by having the training here in the Shire.
- overcoming difficulties experienced with on-line traineeships, where uploading and downloading of large files (because of the issue of bandwidth) is problematic, or the way the materials are set out, both of which gets in the way of undertaking the course and learning; and
- ensuring the material is culturally literate/safe; and
- introducing VET/TAFE-funded Aboriginal and Torres Strait Islander work mentors/tutors engaged in partnership with Council, so that not only is the trainee/apprentice subsidised but so too the mentor/tutor, who, as First Nations people, will be of great assistance in achieving high success rates and culturally sensitive and literate training/learning outcomes; and
- introducing a wider array of short courses for rehabilitative purposes, for various clients of government agencies.

Council has previously recommended that local governments in the region (as the biggest employers of labour and with the most diverse callings) be funded as the incubators of trained labour supporting VET/TAFE in this context.

Council looks forward to meeting with Kim Richards MP, Chair of the Committee on 11 July 2023.

LINK TO CORPORATE PLAN

- Item 3.3 – Our Governance
- Council to maintain effective governance processes.
- Council to maintain best practice financial and risk management practices.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISK)

- Nil

POLICY IMPLICATIONS

- Nil

CONSULTATION

- Executive Leadership Team

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

- Nil

RECOMMENDATION

That Council notes the Inquiry into the delivery of VET in regional, rural and remote Queensland

That council attend and make representation to the Committee Chair Kim Richards during their visit on 11 July 2023.

12.10 Extension to Currency Period – Nevgold Pty Ltd– Lot 6 SP219771– Millman Street, Thursday Island

File Name	BSC/Governance/Reporting/Executive Services Report/2023
Author	Reel Planning Pty Ltd
Authoriser	Dalassa Yorkston, Chief Executive Officer
Attachments	Attachment 1 - IDAS17/03 Decision Notice

APPLICATION DETAILS	
Application No.	IDAS 17/03
Applicant	Nevgold Pty Ltd
Application Description	Extension Application Development Permit for Reconfiguring a Lot (1 into 21 Lots and Common Property)
Site Address	Milman Hill, Thursday Island
RP Data	Lot 6 on SP219771
Application Lodgement Date	2 May 2023 (application fee paid 22 May 2023)
Decision Due Date	20 June 2023
Council Meeting	20 June 2023

EXECUTIVE SUMMARY

This Extension Application seeks Council approval for a two (2) year extension to the currency period to the development approval for Reconfiguring a Lot (1 into 21 Lots and Common Property) over land located at Milman Hill, Thursday Island, formally described as Lot 6 on SP219771.

The original application for a Development Permit for Reconfiguring a Lot (1 into 21 Lots and Common Property) was approved by Council on 28 June 2017, with the decision notice issued on 29 June 2017. The decision was made under the *Sustainable Planning Act 2009* which provided a currency period of 4 years, with the approval lapsing on 29 June 2021. The approval is subject to the Minister's Extension Notices under section 275R of the *Planning Act 2016*, providing an additional 2-year extension to the currency period, with the approval now lapsing on 29 June 2023.

The development history of the overall site is complex, with several development approvals in effect but not commenced and ongoing unresolved disputes between the landowner/developer and Council.

The applicant obtained an earlier Reconfiguring a Lot approval in 2009 to create 20 residential lots. This approval was not a community title development. The applicant obtained the required Operational Works approval to carry civil construction works. The works were not accepted by Council and the Reconfiguring a Lot approval has lapsed.

The development approval subject to this Extension Application is to reconfigure the lot under a Community Title Scheme with the internal road forming part of common property.

Taking into consideration the complex history of approvals over the site and the extent of unresolved issues, it is recommended that Council approve the application and extend the currency period for a further two years until 29 June 2025.

RECOMMENDATION

That Torres Shire Council:

- (A) Approve the request to extend the currency period for IDAS 17/03 Development Permit for Reconfiguring a Lot (1 Lot into 21 Lots and common property) on land located at Milman Hill, Thursday Island, formally described as Lot 6 on SP219771, for a further two (2) years until 29 June 2025; and*
- (B) Provide a notice of the decision to the State Assessment Referral Agency.*

1.0 BACKGROUND OF APPROVAL

The original application for a Development Permit for Reconfiguring a Lot (1 into 21 Lots and Common Property) was approved by Council on 28 June 2017 subject to conditions, with the decision notice issued to the applicant and dated 29 June 2017 (**Attachment 1**).

The applicant sought to negotiate a number of conditions; however, a review of the file history and discussions with the applicants planning consultant at that time, it is determined that the Negotiated Decision Notice request was not finalised and taken to have been withdrawn. The applicant and Council consider the decision noticed dated 29 June 2017 to have taken effect. The decision was made under the *Sustainable Planning Act 2009* which provided a currency period of 4 years, resulting in the approval lapsing on 29 June 2021.

During the COVID-19 pandemic, the State Government Minister for Infrastructure and Planning issued an Extension Notice under section 275R of the *Planning Act 2016* providing an extension of the currency period on 3 separate occasions, including two 6-month extension notices (July 2020 and September 2021), and the 12-month extension notice (April 2022). Accordingly, the currency period of the Development Approval lapses on 29 June 2023.

The original application triggered referral to the Department of Infrastructure, Local Government and Planning as a concurrence agency, and to Ergon Energy as an Advice Agency.

A condition of approval required the lodgement of an Operational Works application which has not been submitted with Council.



Figure 1 - Extract of approved plan of subdivision

2.0 MILMAN HILL DEVELOPMENT APPROVAL HISTORY

The development approval history over the site is summarised in the table below.

File No.	Development Approval	Status
IDAS06/18	Development Permit for Reconfiguring a Lot (1 lot into 6 lots and access easement) and a Preliminary Approval for MCU (Residential Land Use)	Reconfiguring a Lot approval (1 into 6) acted on. Current lot configuration. Unresolved issue with the release of the bank guarantee for uncompleted works. Preliminary Approval – lapsed.
IDAS09/06	Development Permit for Material Change of Use (Multiple Dwelling) and Reconfiguration of a Lot (1 lot into 20 lots and balance) Development Permit for Operational Work for stage 1 (20 lots)	MCU and RaL approvals lapsed December 2015. Associated Operational Works undertaken onsite however works not accepted by Council. The acceptance of works is subject to the applicant finalising works and addressing areas of non-compliance.
IDAS16/02	Development Permit for Material Change of Use (12 Townhouses)	Approval not acted on. Approval lapses 29 June 2025.
IDAS17/03	Development Permit for Reconfiguring a Lot (1 lot into 21 lots and common property)	Approval lapses 29 June 2023.

File No.	Development Approval	Status
		Seeking 2-year extension to 29 June 2025.

3.0 PROPOSAL

The applicant is seeking Council approval for a two (2) year extension until 29 June 2025 to enable the development to commence and be completed. No changes to the conditions of approval are proposed.

The applicant has advised that the extension is required due to:

- COVID bringing the approval to a standstill; and
- Economic times and staffing shortages causing delays in progressing the project; and
- Applicant being financially diminished by Torres Shire Council's refusal to refund the \$250,000 bond it currently holds.

4.0 SUBJECT SITE AND APPROVED DEVELOPMENT

The development is situated on Milman Hill, has an overall area of 16 hectares with vehicle access to the site achieved via an unnamed access driveway. The subject site adjoins land containing telecommunications infrastructure, two (2) wind turbines, and the water reservoir. There are several easements traversing the site.

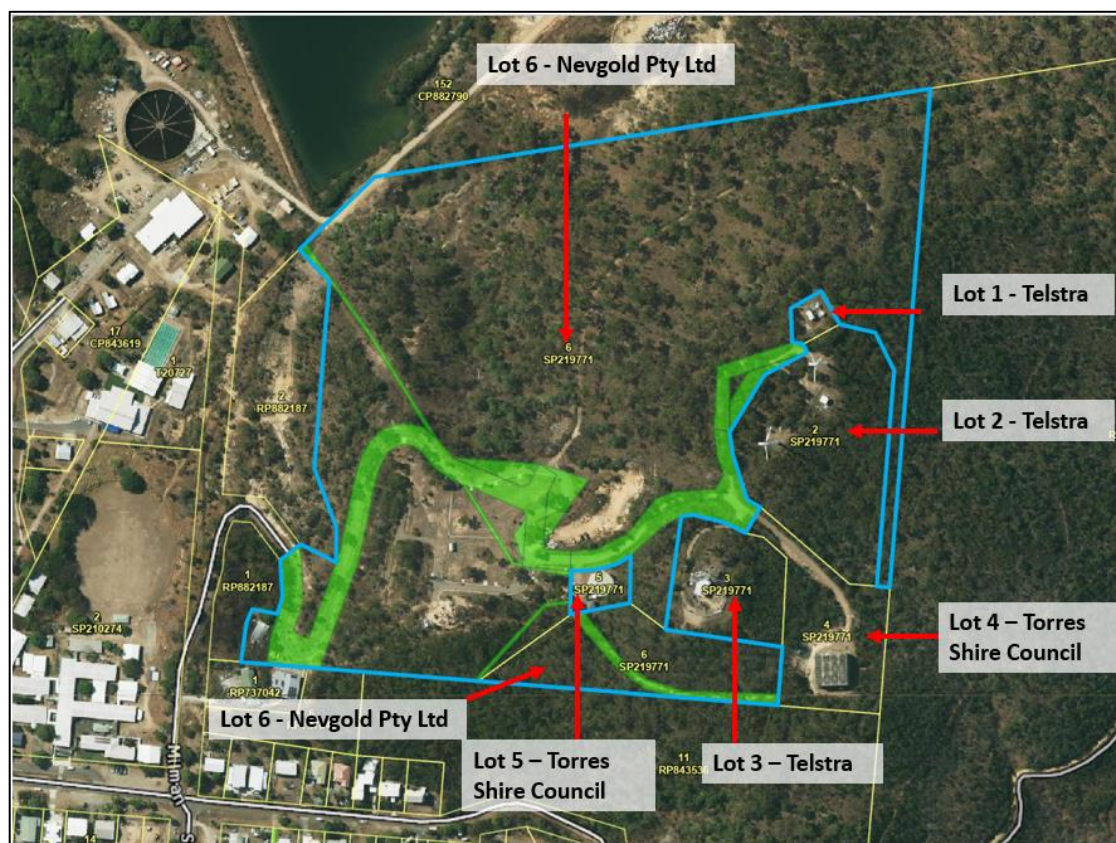


Figure 1 – Aerial of subject site (Qld Globe 18 May 2021)

5.0 TOWN PLANNING CONSIDERATIONS

An application to extend the currency period of a Development Permit is made under section 86 of the Planning Act 2016.

The application has been made by the owner, prior to the lapsing of the approval and the required application fee has been paid.

In accordance with section 87(1) of the *Planning Act 2016* Council may have regard to the following.

87(1) When assessing an extension application, the assessment manager may consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.

5.1 Assessment

The original application was approved under the superseded 2007 Planning Scheme and superseded *Sustainable Planning Act 2009*. *Torres Shire Planning Scheme 2022* came into effect on 28 February 2022 and advances the purpose of the *Planning Act 2016*.

The original application was Code Assessable and therefore not subject to public notification.

No works under the development approval have commenced on site.

5.2 Assessment against Torres Shire Planning Scheme 2022

An assessment of the approved development has been undertaken against the current Planning Scheme to determine if the development as approved would be supported.

The subject site is included in the Low-Medium Density Residential zone under the *Torres Shire Planning Scheme 2022*. The approved subdivision is consistent with the intent of the residential zone and considered an appropriate outcome for the site. The level of assessment, being Code Assessment is consistent with the original application.

The original application was referred to the Department of Natural Resources and Mines (DNRM) via the Department of Local Government, Infrastructure & Planning (DILGP) due to the identification of regulated vegetation. It was determined at that time that vegetation clearing would be exempt from referral as the development was for a residential use in an urban area. If a new application was lodged, State Government referrals would be consistent with the 2017 development application and would not trigger any additional referrals to the State Assessment Referral Agency (SARA).

Under the *Torres Shire Planning Scheme 2022*, the site is impacted by the Environmental Significance Overlay, Slope Stability Overlay, and the Heritage Overlay which is congruent with relevant matters considered as part of the original planning report. Additional benchmarks within the Airport Environs Overlay and the Bushfire Hazard Overlay would be subject to consideration if the application was assessed under the current provisions of the planning scheme.

A review of the conditions of the 2017 development approval has determined that they are reasonable and relevant and if the development was submitted and assessed under the current Planning Scheme similar conditions would apply.

The 2017 approval was subject to an Infrastructure Charges Notice. At the time of payment, the applicable charges will be recalculated based on the current Infrastructure Charges Resolution (No. 1) 2022.

If the application was submitted under the current Planning Scheme, it is likely that the application would be recommended for approval subject to conditions generally consistent with current 2017 development approval.

6.0 RECOMMENDATION

It is recommended that an extension of the currency period for a further two (2) years be approved until 29 June 2025 considering no works having commenced over the site, and that the application is generally consistent with the intent of the current *Torres Shire Planning Scheme 2022*.

Teresa Schmidt
Reel Planning Pty Ltd

12.11 Horn Island Residential land development - Change of Tenure

File Name BSC/Governance/Reporting/Executive Services Report/2023
Author Ed Kulpa, Director Engineering and Infrastructure Services
Authoriser Dalassa Yorkston, Chief Executive Officer
Attachments Council January 2023 Ordinary Meeting Minutes

Summary

At the January 2023 Council Ordinary Meeting, item 14.4 was the Horn Island Land Development Change of Tenure. A resolution was passed to endorse the revocation of the reserve of over Lot 805 on SP292840 to enable an application to be lodged with the Department of Resources to purchase the State Land.

A copy of the minutes for the item is shown below in figure 1. A full copy of the minutes is included as attachment 1.

14.4 HORN ISLAND RESIDENTIAL LAND DEVELOPMENT CHANGE OF TENURE

RECOMMENDATION Min. 23/1/17

Moved: Mayor Yen Loban

Seconded: Cr Thomas Loban

That Council resolve to revoke the reserve over Lot 805 on SP292840 to enable an application to be lodged with the Department of Resources to purchase the State Land.

CARRIED

Figure 1 – Torres Shire Council January 2023 Ordinary Meeting Minutes Extract

The original supporting report for January 2023 Council Ordinary Meeting item 14.4 covered the revocation of the reserve of over Lot 805 on SP292840 and Lot 806 on SP292840 to enable an application to be lodged with the Department of Resources to purchase the State Land. To ensure the continuation of the residential land master planning in accordance with clear intent, it is recommended that the Council resolves to revoke the reserve over Lot 805 and Lot 806 on SP292840 and have the decision recorded accordingly.

RECOMMENDATION

1. That Council resolve to revoke the reserve over Lot 805 and Lot 806 on SP292840 to enable an application to be lodged with the Department of Resources to purchase the State Land.

BACKGROUND

Torres Shire Council is undertaking residential land development in the township of Wasaga, with the first stage of the development over Lot 803 SP288915 and Lot 804 SP292840 nearing completion.

The next stages of residential development will be undertaken over adjoining Lot 805 and Lot 806 on SP292840, refer figure below.

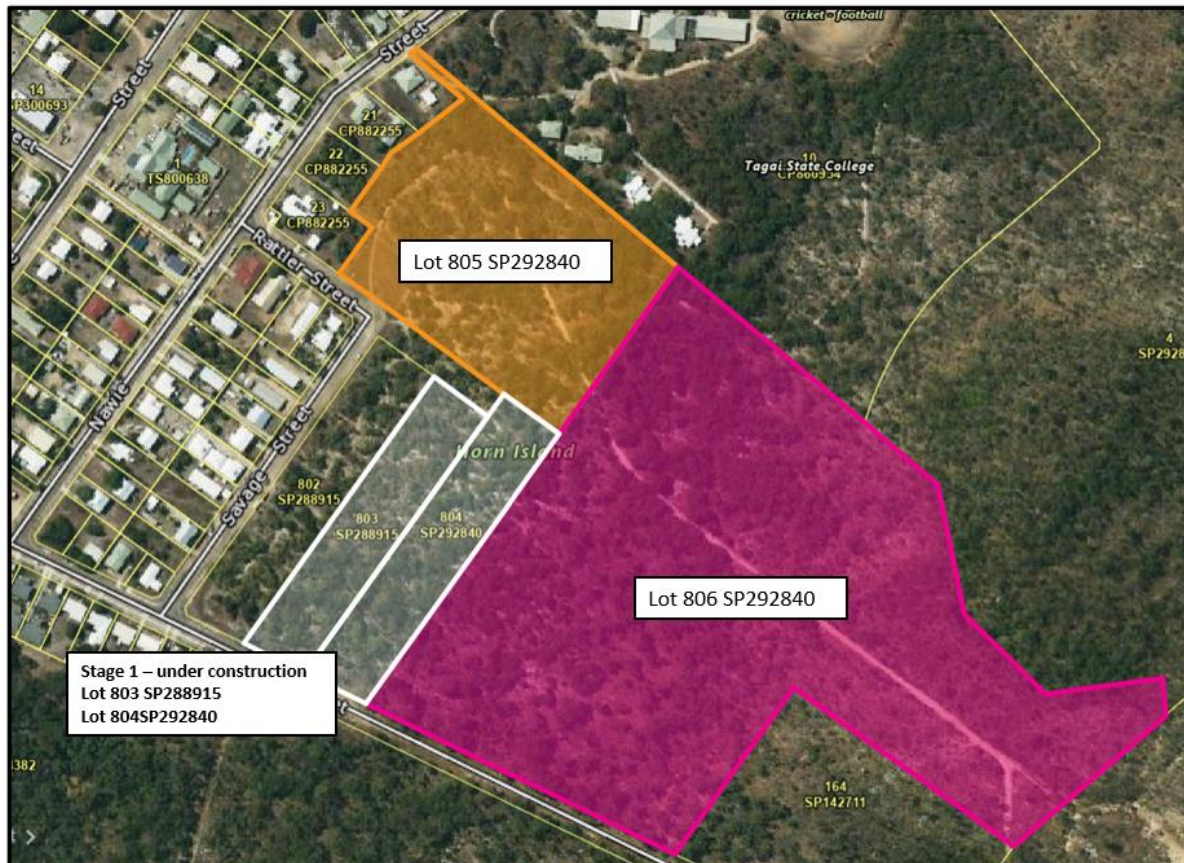


Figure 2 – Subject Sites

The subject lots form part of Area B in the Indigenous Land Use Agreement (QIA2000/003 between Kaurareg People/Torres Shire Council/State of Queensland) to provide for residential development.

The subject sites are included in the Low-Density Residential zone in the current Torres Shire Planning Scheme 2022 reflecting the preferred residential use of the site.

A residential masterplan will be developed over Lot 805 and Lot 806 to ensure efficient staging of the overall development.

Lot 805 and Lot 806 encompassing a land area of 15.385 hectares are currently dedicated as Reserves for Strategic Land Management with Torres Shire Council as Trustee. Council is currently responsible for the maintenance of the land.

For Council to secure tenure and commence the residential development of the lots, the reserve will need to be revoked and Council make an application to purchase the State land.

Advice has been sought from the Department of Resources, confirming the process will involve:

1. Resolution required from Torres Shire Council confirming the request to revoke the reserve over Lot 805 and 806 to enable an application to purchase the State Land;
2. Torres Shire Council submit an application to the Department of Resources to purchase the state land;
3. The Department of Resources will undertake a valuation of the land; and
4. On receipt and acceptance of the valuation, Torres Shire Council pay the full purchase price. Council will be reimbursed 50% of the purchase price.

LINK TO CORPORATE PLAN

Our Future:

4.2. Our Business Diversity/ Economic Development (FACILITATE)

A sustainable and diverse local economy

- Create a regional alliance to devise a strategy and action plan to retain and grow local business enterprises and encourage investment in the region, particularly in sustainable, small to medium enterprises.
- Maintain and drive further commitment and greater employment outcome through the Indigenous Employment and Opportunity Plan (IEOP) and the Indigenous Procurement Plan (IPP).
- Engage in the Developing Northern Australia rollout to enhance business and economic growth.
- Advocate to establish the Tourism Information Centre.
- Engage and support tourism activities.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISK)

Land Act 1994 (Qld) (as amended)

In accordance with s.257(1)(b) of the *Local Government Act 2009 (Qld)*, a local government may, by resolution, delegate a power under this Act or another Act to the Chief Executive Officer.

POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Cost to purchase the land as per valuation undertaken by Department of Resources, with 50% of purchase price reimbursed.

RECOMMENDATION

1. That Council resolve to revoke the reserve over Lot 805 and Lot 806 on SP292840 to enable an application to be lodged with the Department of Resources to purchase the State Land.

LATE ITEMS

13.1 CEO Report

CONFIDENTIAL REPORTS**14.1 In Committee – Torres Strait Health**

This matter is considered to be confidential under s.254J(3)(g) 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 negotiations relating to a commercial matter involving the Local Government for which a public discussion would be likely to prejudice the interests of the Local Government.

14.2 In Committee – Budget Report 2023/2024

This matter is considered to be confidential under s.254J(3)(g) 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 negotiations relating to a commercial matter involving the Local Government for which a public discussion would be likely to prejudice the interests of the Local Government.

14.3 In Committee – TRAWQ Governance Project

This matter is considered to be confidential under s.254J(3)(g) 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 negotiations relating to a commercial matter involving the Local Government for which a public discussion would be likely to prejudice the interests of the Local Government.