



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

Date: Tuesday, 20 February 2024

Time: 9.00am

Location: Torres Shire Council Office
68 Douglas Street - Thursday Island

AGENDA AND BUSINESS PAPERS

Ordinary Council Meeting
20 February 2024

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 – 23 January 2024

BUSINESS ARISING**NOTIFIED MOTIONS**

Nil

COUNCILLORS REPORTS**EXECUTIVE SERVICES REPORTS****LATE ITEMS**

Nil

CONFIDENTIAL REPORTS**GENERAL BUSINESS**

8.1 Confirmation of Minutes Ordinary Meeting 23 January 2024

File Number BSC/Governance/ Reporting/ Executive Services Report/ 2024
Author: Chief Executive Officer
Authoriser: Chief Executive Officer
Attachments: Minutes Ordinary Council Meeting 23 January 2024

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on 23 January 2024 be confirmed.

11.1 Councillor's Monthly Reports

File Number	BSC/Governance/ Reporting/ Executive Services Report/ 2024
Author:	Executive Secretary
Authoriser:	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/ 2024
Author:	Executive Secretary
Authoriser:	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 TRAWQ Governance Preliminary Report

File Number	BSC/Governance/ Reporting/ Executive Services Report/ 2024
Author:	Chief Executive Officer
Authoriser:	Chief Executive Officer
Attachments:	Nil

SUMMARY

Since the establishment of Tamwoy Town in 1957, it has been a cultural and communal precinct for Torres Strait Islanders and recognised as the first of the five TRAWQ communities on Thursday Island. TRAWQ stands for Tamwoy, Rosehill, Aplin, Waiben and Quarantine.

These five communities are on the north side of Thursday Island and separate to the Township of Port Kennedy. This area within the Torres Shire LGA has not only historical significance but also forms part of the identity of the residents who have lived there for generations. It is because of this historical significance and its importance to the Shire that this research project has been supported by Torres Shire Council.

BACKGROUND/HISTORY

The TRAWQ preliminary report sets out the description of TRAWQ demography, census and socio-economic data, historical background, relevant State and Commonwealth legislation, policies, funding programs and procedures. Its purpose is to assist Torres Shire Council establish a strategy that will lead to a coherent approach to ensuring the TRAWQ communities receive appropriate support, recognition, governance and funding.

The report confirms that there is neither DOGIT land within the Torres Shire LGA nor is Torres Shire Council a trustee. As a matter of legal fact, TRAWQ is neither subject to a DOGIT arrangement nor is Torres Shire Council a trustee for the TRAWQ.

The report also examines the legal requirements to establish a ward or divided council as Torres Shire Council is an undivided Council. It concludes that even if it were the case that the public interest test was met, in terms of the creation of a ward, the State may exercise its discretion and change the boundaries of the ward.

The report advises that the aforementioned facts do not prevent Torres Shire Council from implementing measures to support the TRAWQ communities. Section 9 of the *Local Government Act 2009 (Qld)* ensures that a local government has the power to 'do anything that is necessary or convenient for the good rule' of its local government area. Moreover, when exercising a power, a local government may take account of Aboriginal tradition and Island custom [S9(3)].

This very preliminary research demonstrates that Torres Strait Regional Authority funding for projects and entities deteriorates over time and is predominantly driven by ad hoc grant applications and determinations, rather than by, or in accordance with, a contemporary Plan. It also starkly demonstrates the significant disequilibrium, and hence inherent disadvantage, of funding to TRAWQ (and indeed Horn Island) compared to Port Kennedy.

What is evident from the Commonwealth grant funding over more than a decade is that TRAWQ has not been a beneficiary of this funding and whilst TRAWQ represents 60.57% of the Port Kennedy Association population, it has received either no funding or funding as low as 5% of the Port Kennedy Association funding for that year.

The Preliminary Report points to a number of funding solutions, possible governance models and future regional arrangements for elaboration in the next report and for council consideration.

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

3.4 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

Elected Members and Executive Management Team

LEGAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Nil

RECOMMENDATION

That Council notes the report.

12.3 Term Report Torres Shire Council 2020 -2024

File Number	BSC/Governance/ Reporting/ Executive Services Report/ 2024
Author:	Chief Executive Officer
Authoriser:	Chief Executive Officer
Attachments:	Term Report Torres Shire Council 2020-2024

SUMMARY

Torres Shire Council term report for 2020-2024 Election term is tabled and presented for the current Councillors (2020-2024) as a review and record of the many achievements and provides content and context for the new term of Councillors (2024-2028) post the 16 March 2024 local government elections.

BACKGROUND/HISTORY

Torres Shire Council pays our respect and acknowledgement to the traditional owners of the land on which Council delivers our municipal services, the Kaurareg Nation. During extraordinary circumstances, the 2020-2024 local government elections were held in the midst of a global pandemic (COVID-19). Council has continued to deliver against our Corporate Plan 2018-2023 in the four key areas of focus for our community and will continue to advocate for the unique challenges in our Shire.

OUR COMMUNITY	OUR BUSINESS
OUR PEOPLE	OUR FUTURE

Council's vision is to lead, provide and facilitate a sustainable, safe and vibrant community. During this term Council has strengthened relationships, internally and externally and worked collaboratively as a united team focusing on ensuring we continued to make strong representation to Federal and State Parliament's on behalf of the people we serve.

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

3.5 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

Elected Members and Executive Management Team

LEGAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Nil

RECOMMENDATION

That Council notes the report.

12.4 Term Report Region 2020 -2024

File Number	BSC/Governance/ Reporting/ Executive Services Report/ 2024
Author:	Chief Executive Officer
Authoriser:	Chief Executive Officer
Attachments:	Term Report Region 2020-2024

SUMMARY

Term Report Region 2020-2024 is tabled and presented for the current Councillors (2020-2024) as a review and record of the many achievements and provides content and context for the new term of Councillors (2024-2028) post the 16 March 2024 local government elections.

BACKGROUND/HISTORY

This term, our region which includes the three local governments of Torres Shire Council, Torres Strait Island Regional Council and Northern Peninsula Area Regional Council have worked cooperatively on a regional basis to achieve enhanced regional resource sharing between councils together with advancing our coordinated advocacy for our agreed regional priorities. This report provides an overview of the collaborative work undertaken.

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

3.6 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

Elected Members and Executive Management Team

LEGAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Nil

RECOMMENDATION

That Council notes the report.

12.5 Operational Plan Review 2023/24 – 1st & 2nd Quarter Review

File Name BSC/Governance/Reporting/Executive Services Report/2024
Author: Chief Executive Officer
Authoriser: Chief Executive Officer
Attachments: Operational Plan Review – 1st & 2nd Quarter (July to December 2023)

SUMMARY

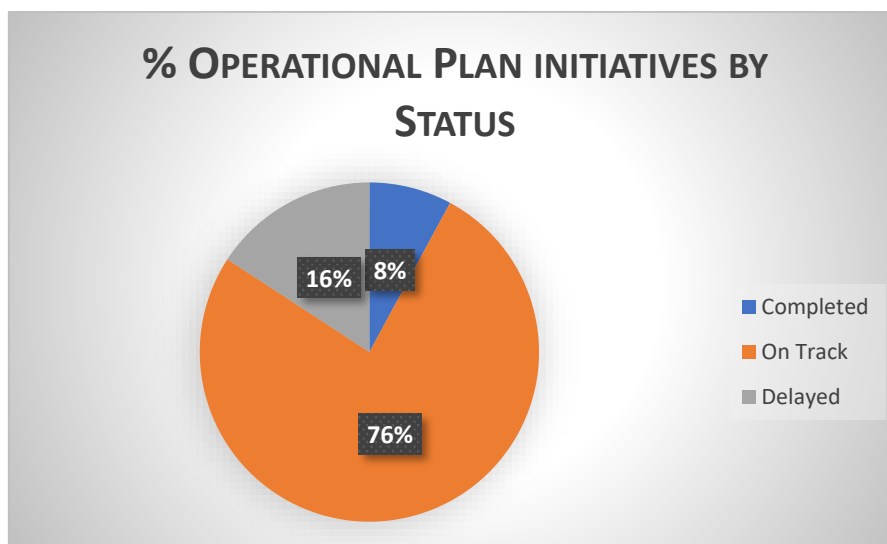
This report outlines the second update from the Chief Executive Officer to Council regarding Torres Shire Council's progress against its 2023/2024 Operational Plan. This update is a regulatory requirement.

BACKGROUND/HISTORY

Torres Shire Council's 2018-2023 Corporate Plan sets the strategic direction from which the Operational Plan is derived. In accordance with Section 174 (3) of the *Local Government Regulation 2012* (QLD) Council's Chief Executive Officer must present a written report regarding Council's progress towards implementing the Annual Operational Plan. The following report outlines the first quarter and second quarter progress for 2023/2024 financial year.

COMMENTS

The Operational Plan (see attached) has been assessed and the progress is illustrated in the snapshot below.



	numbers	percentage
Completed	3	8%
On Track	29	76%
Delayed to Q3 & Q4	6	16%
Deferred	0	0%

As of 31 December 2023, the majority of Council's 2023/24 Operational Plan initiatives are on track or completed.

LINK TO CORPORATE PLAN

As noted earlier, Council is required to review its Operational Plan on a quarterly basis. The attached Operational Plan has been reviewed. Council is obliged as part of its Corporate Governance and compliance with its Corporate Plan to ensure that its long-term financial strategy is linked to and meets both the Corporate and Operational Plans.

CONSULTATION

Executive Management

LEGAL IMPLICATIONS

The quarterly reviews of the Operational Plan ensure compliance with Section 174(3) of the *Local Government Regulation 2012*.

POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

The progress of the Operational Plan projects and measures are accounted for in Council's Annual Budget and reported to Council through the Financial Statements on a monthly basis.

RECOMMENDATION

That Council note the First and Second Quarter Review of the 2023/24 Operational Plan.

12.6 Thursday Island Splash Park

File Number	BSC/Governance/ Reporting/ Executive Services Report/ 2024
Author:	Chief Executive Officer
Authoriser:	Chief Executive Officer
Attachments:	Correspondence Warren Entsch Member for Leichardt

SUMMARY

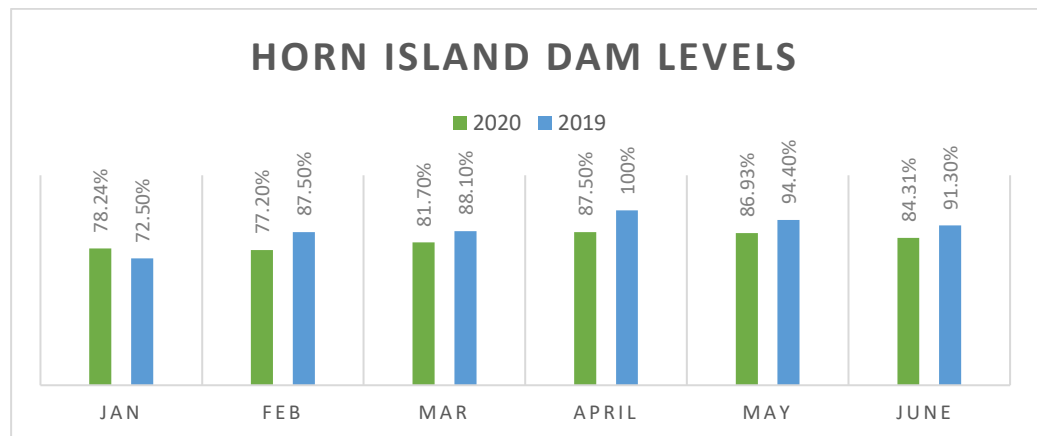
Torres Shire Council has received correspondence from Member for Leichardt Warren Entsch in relation to the Thursday Island Splash Park.

Below is the relevant information as tabled at the Ordinary Council Meetings (spanning over three electoral terms 2016-2024) and discussed at a recent community consultation meeting on Horn Island pertinent to his correspondence concerning the allegations received by his office from a member of the public.

BACKGROUND/HISTORY

The history pertaining to this State Government initiative is particularised as follows:

- Prior to the emergence of COVID-19 (in 2020), the Queensland Government advised Torres Shire Council that it intended to construct two Splash Parks – one in Torres Shire and the other in Palm Island.
- The initial proposal was that it be on Horn Island if whole-of-life-cost were funded. Otherwise, it must for reasons of water security be attached to recreational water infrastructure on Thursday Island, whole-of-life-cost were not funded by the Queensland Government.
- The Queensland Government's proposal was deferred during the two years of the pandemic, having determined that because of COVID-19, the Splash Park was a non-essential activity, and the construction would not occur "until after COVID-19".
- During that time, Council considered the State's "gifting" of this community recreational facility in terms of its whole-of-life cost. Palm Island Aboriginal Shire Council also considered the future cost implications of the Queensland Government installing a Splash Park (unfunded liability) in their Shire including water security and determined that it would not accept the offer of a Splash Park.
- In addition, at this time, Council was faced with having to issue boiled water alerts and to impose Level 3 water restrictions. Council not only supplies water, including to the dialysis unit at the Hospital (a regional hospital), but also to Hammond Island (part of the TSIRC LGA).
- At this time in 2020, Council issued a public notice advising the community that:
This year's wet season delivered a rainfall that filled Loggy Creek Dam to 87.50% not 100%. Council is hopeful that the next wet season will fill the Dam to 100%. On average, our community uses between 2% and 5% per month, with evaporation being a major factor in the drier months. Due to the short-wet season in 2020, the Horn Island Dam is currently holding approx. 12.50% less water than last year. The dam is solely reliant on rainfall to increase its capacity and 2020 has had a drier wet season so far compared to prior years.



Water security and water supply are critical to our community and our Shire. Without guaranteed water supply, members of the community will not be able to access reliable water supply from the taps in our kitchens and our bathrooms without introducing further water restrictions.

- In these circumstances, Council determined that it was unwise to support a project that did not maximise current water infrastructure. For this reason, to locate the future Splash Park anywhere other than where there is an already existing play/water sport infrastructure would be imprudent. Consequently, the Sports Complex and Pool precinct on Thursday Island was determined as the site.
- Accordingly, water security and water supply concerns were expressed to the Queensland Government.
- Furthermore, once it was agreed to construct the Splash Park, the Water Quality Guidelines for Public Aquatic Facilities published by Queensland Health, makes clear that the frequency of checking chlorine levels in public splash parks depends on the type of facility and the number of bathers. For example, a public splash park with a maximum bather load of 100 people should have its free chlorine levels checked at least twice a day. The guidelines also recommend that the frequency of checking chlorine levels should be increased during periods of high bather loads or when the water temperature exceeds 30°C.
- Operationally, the requirements associated with these standards could only be met by siting the Splash Park as part of existing recreational water infrastructure, where a system-wide chlorine dosing monitoring is implemented and able to be reviewed via Swim Local.
- Council has also been mindful of the lessons from Whitsunday Regional Council's Airlie Beach lagoon case, where that Council faced criminal prosecution for the drowning deaths of a father and son at the Council lagoon and also settled a large negligence claim in an out of court settlement.
- Failures in the above case included absence of both regular risk assessments and regular audits done on an annual basis; lifeguards were not stationed appropriately to have full visibility and effective surveillance.

- Council determined that in the interest of public safety, the Splash Park needed to be sited where these resources and personnel (lifeguards) are located, which is the Thursday Island Sports Complex.
- The Queensland government agreed to install and connect the Splash Park to existing recreational water infrastructure located at the Thursday Island Sports Complex.
- Council also determined that unless the Queensland government contributed to ongoing maintenance cost, the Splash Park would not go ahead.
- The Queensland Government agreed to funding three years of maintenance costs.
- Council determined that it would cover the cost of the ferry for Horn Island residents (and especially children) for the weekend of the opening of the Splash Park.
- Council also proposes to continue support in a planned way moving forward.
- In addition, young people at Horn Island access the Horn Island Sports Complex.
- Council is currently awaiting funding to construct public exercise stations on Horn Island.
- Work has commenced to replace the community play facilities with appropriately equivalent infrastructure (known as outdoor multi sports complexes, a brand example being “Rage Cage”) that may be used by the playgroup and adjourning primary school students. This facility does not lend itself to the youth vandalism that sadly restricted the use of the rate and taxpayer-funded children’s play facility on Horn Island.

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

3.7 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

Elected Members and Executive Management Team

LEGAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Nil

RECOMMENDATION

That Council notes the report.

12.7 Corporate and Community Services – Financial Report

File Number	Corporate and Community Services COUNCIL January 2024
Author:	Director Corporate and Community Services
Authoriser:	Chief Executive Officer
Items:	Financial Statements – January 2024
	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 January 2024 as required under Section 204 of the *Local Government Regulation 2012*. The report is presented for noting and indicates that Council progressing favourably against the adopted 2023/2024 budget.

Cash Position

As of 31 January 2024, Council has \$19.86m of net cash on hand. This includes \$15.01m restricted cash and \$4.85m unrestricted cash.

Income & Expenditure-Airport

Revenue for January 2024 was \$699k & expenses were at \$250k, resulting in a gross surplus of \$448k and net surplus of \$298k (after monthly \$150k QTC deposit).

Income & Expenditure-All of Council

The reported YTD operating deficit is \$8.29m against a Budget estimate deficit of \$2.67m.

YTD operating income was \$4.76m under Budget mainly due to lower operating grants (\$4.33m) and rates, levies and charges (\$918k) but higher fees & charges (\$310k) and interest revenue (\$222k).

YTD operating expenses were \$869k above Budget due to higher materials & services (\$1.28m) and depreciation (\$287k) but lower employee expenses (\$739k).

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 that Council is performing favourably against the adopted 23/24 Budget.

RECOMMENDATION

That Council resolves note the financial report, as required under section 204 of the *Local Government Regulations 2012* (QLD), for January 2024.

12.8 Capital Works Program Report

File Number	BSC/Governance/ Reporting/ Executive Services Report/ 2024
Author	Director Engineering and Infrastructure Services
Authoriser	Chief Executive Officer
Attachments	Nil

SUMMARY

The report outlines progress of Council's Capital Works Program for February 2024. The following covers engineering and infrastructure capital works for the Torres Shire Council.

Project Name (Magiq ref)	Funding Scheme	Update on Project
Thursday Island Cycleway Stage 4 (23717)	Department of Transport and Main Roads	Awaiting final Department of Transport and Main Roads approval.
Horn Island Landfill Stage 2 (18500)	Torres Strait Regional Authority CMIG round 3 18/19	Request for additional funding underway due to rise in civil costs
Horn Island Landfill Metal Shredder (18502)	Department Local Government Racing Multi-Cultural Affairs	Shed slab built
Thursday Island stormwater drains (23023)	NQNDMP	Scope review underway
Horn Island Affordable Housing S/Division (147032/ 033/ 034)	Torres Strait Regional Authority, DSDMIP, DHPW	Subdivision practically complete. Display home design underway
Horn Island Community Housing (147035)	DCHDE	Construction started.
Lion Lookout Heritage Trail WW2 walk (40300)	Department of Veteran Affairs	Department of Veteran Affairs approached for additional funding for structure repairs
Sand Mine and quarry rehab (26224)	Council Internal Project	Planning for final rock face blast
Thursday Island Splash Park (30700)	Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts	Park open. Awaiting seat and shade sail installation
Council housing (35023)	Department of State Development Infrastructure Local Government and Planning (W4Q)	Underway

Thursday Island and Horn Island roadworks (23025)	NDRRA	Tender docs to be issued
Prince of Wales Island Waste Bins	Regional and Remote Recycling Modernisation Fund	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 February 2024.

12.9 Thursday Island Community Hub Draft Land Management Plan – Adoption for community consultation – Lot 83 TS58 – 23 Victoria Parade, Thursday Island

File Number BSC/Governance/ Reporting/ Executive Services Report/ 2024
Author: Reel Planning assisting Director Governance & Planning Services
Authoriser: Chief Executive Officer
Attachments: Thursday Island Community Hub - Draft Land Management Plan

Executive Summary

To progress the proposed development of the Thursday Island Community Hub the Department of Resources has advised that a Land Management Plan under the *Land Act 1994* will be required.

Community consultation on the proposed development was undertaken in January 2020 during the development of the business case for the proposed development. The project, initially known as the Thursday Island Tourism Information and Business Centre has progressed with a successful grant application to enable further detailed planning to be undertaken.

Council has progressed the engagement of a town planning consultant to prepare and lodge a development application to seek a development permit for the proposed use. The subject site is dedicated as a Reserve with Torres Shire Council as Trustee. During the preparation of the development application, the Department of Resources confirmed that landowner consent from the Department is required, and that consent cannot be provided without an approved Land Management Plan under the *Land Act 1994*.

The draft Land Management Plan has been subject to a 29-day public consultation period during November and December 2023. The feedback obtained through the community BBQ event was very positive acknowledging the value of the asset for the community, appropriate use of the site, the need for community spaces on Thursday Island and the need for a facility dedicated to providing information to visitors.

During the public consultation period no written submissions were lodged.

It is recommended that Council adopt the land management plan for lodgement with the Department of Resources.

Background

The Land Management Plan, provided as an attachment to this report, has been prepared in accordance with the *Land Management Planning for Trust Land* guideline.

The site is dedicated as a Reserve for Recreation purposes, with Torres Shire Council as Trustee.

Council, at the Ordinary meeting held on 19 September 2023 adopted the draft LMP for community consultation (recommendation min.23/9/11).

Outcome of community consultation

Community consultation on the Draft Land Management Plan is a key element of the planning process for trust land.

The draft LMP was subject to a 29-day public consultation period from 14 November 2022 to Friday 22 December 2023. During the engagement period no written submissions were received.

The primary engagement event comprised of a community BBQ held on Tuesday 14 November 2023 between 11am to 1pm located in front of the Council office on Thursday Island. The information stall was carried out in conjunction with engagement on the proposed Coastal Hazard Adaptation Strategy.

A total of twenty-six (26) people visited the information stall. The majority were residents within Torres Shire and the outer islands.

The feedback to the draft plan was very positive, and included comments summarised below:

- Will be a great asset for the community
- Sounds good
- Nice
- Wanted to know when it would be built
- Great facility
- Need somewhere where tourist information is available
- Tourists need information, there is nothing at the moment
- Visitors don't know where to go or what to do
- Very interested
- Community spaces are needed
- Like it very much
- Good idea
- Great use of the site
- Need some parking
- Persons with disability (PWD) facilities and access is great

Eight (8) individuals requested copies of the plan and draft LMP.

A copy of the draft LMP was available for viewing at the Council office during the public notification period and uploaded to Council's website

(<https://www.torres.qld.gov.au/news/article/60/have-your-say-thursday-island-community-hub-draft-land-management-plan>).

A public notice was placed in the Torres News on 23 November 2023.

A meeting was held on Thursday Island on 15 November 2023 with the Senior Business Development Officer Indigenous Tourism Development from the Department of Tourism and Innovation and Sport. In her role the officer actively engages with operators in the visitor industry in the Torres Strait and offered to disseminate information on the project to assist in increasing community awareness.

Following the successful completion of community consultation, the Community Consultation section (Chapter 6) of the draft Land Management Plan has been updated. The updated LMP has been provided in Attachment 1.

Following adoption by Council, the Land Management Plan will be submitted to the Department of Resources for approval. Once approved, it is expected the Department of Resources will provide land owner consent for the Development Application.

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)

POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Council received initial funding of \$150,000 for the preliminary work associated with the project. Council has since been approved for funding under the Growing Indigenous Tourism Queensland (GITQ) for \$1M. The current expenditure to date is in the order of \$220,000.

Further work to review the site-based management plan is likely to be required. There are unknown contingent costs that may arise due to the issues identified in the consultant's report regarding the contaminated land. Accordingly, and change site-based management plans and or engineering required is likely to impact the design and construction phase, requiring the need to review budget and funding sources.

RECOMMENDATION

That Council resolves to adopt the Land Management Plan for the Thursday Island Community Hub and lodge with the Department of Resources for approval in accordance with the *Land Management Planning for Trust Land* guideline.

12.10 Request for Letter of Support – Proposed Masigalgal Indigenous Protected Area 2023-2033 and Proposed Magani Lagaugal Indigenous Protected Area 2023-2033

File Number BSC/Governance/ Reporting/ Executive Services Report/ 2024
Author: Director Governance and Planning Services
Authoriser: Chief Executive Officer
Attachments: 1. Correspondence from Torres Strait Regional Authority - dated 27 June 2023

EXECUTIVE SUMMARY

Council has received correspondence from Torres Strait Regional Authority (TSRA) on behalf of two Registered Native Title Bodies (RNTCB), being the Masigalgal Torres Strait Islander (TSI) RNTBC and the Geberalgal Torres Strait Islander (TSI) RNTBC.

The Traditional Owners of the respective bodies are notifying Council that the RNTBCs are seeking to form an Indigenous Protected Area (IPA) over their traditional estates as determined by the Geberalgal, Magani Lagaugal and Wakeyama Native Title.

BACKGROUND/HISTORY

Council received correspondence advising of the proposed creation of Indigenous Protected Areas over various uninhabited Islands within the Torres Strait.

In respect to the proposed Masigalgal Indigenous Protected Area the Islands are the subject of Native Title determination *Masig People v State of Queensland* (2000) FCA 1067 and include the following locations:

- Damudth (Dalrymple Islet)
- Umaga (Keats)
- Igab (Marsden)
- Kadal (Kondall Islet)
- Ruig (Smith Cay)
- Mauar (Rennel)
- Kizi Thiam (Kabbikane)
- Yauk (Layoak)
- Sik Thiam (Aukane Islet)
- Bak (Bourke)
- Memei (Mimi Islet)
- Masig (Yorke)

Proposed Magani Lagaugal Indigenous Protected Area 2023 – 2033

In respect to the Magani Lagaugal Indigenous Protected Area, the proposed Indigenous Protected Area being six islands, as determined through the Federal Courts of Australia:

- Newie on behalf of the *Gebaralgal v State of Queensland* [2004] FCA 1577 for Gebar (Gaba Island):
- *David on behalf of the Iama People and Tudulaig v State of Queensland* [2004] FCA 1576 for the areas of Mukar (Cap Islet), Iama (Yam Island), Zagai Island, Tudu Island; and
- *Patrick Thaiday, Jack Billy and Jenson Pearson on behalf of the Warraber, Poruma and Iama Peoples and The State of Queensland and Others* [2005] FCA 1116 for Sassie Island.

LINK TO CORPORATE PLAN

1. Our Community

1.1. Our Region (LEAD)

Council is a partner in the determination of significant regional issues

- Engage with Regional, Local, State and Federal Bodies to deliver the community aspiration

CONSULTATION

TSRA have followed up with Council regarding its views and whether it would support the creation of the Indigenous Protected Areas.

LEGAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Nil

RECOMMENDATION

Council Resolves to Provide Torres Strait Regional Authority (TSRA) with a response providing its support for the proposed creation of Indigenous Protected Areas (IPA) outlined in the correspondence dated 27 June 2023.

CONFIDENTIAL REPORTS

14.1 In Committee – Bad Debt Matter

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 – 2023 Final Management Letter

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 – Extension of Time to Consider offer to Purchase Land from the State (rep by Department of Resources)

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.

14.4 In Committee - TRAWQ Governance Preliminary Report

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.

14.5 In Committee - Report on Legal Matter

This matter is considered to be confidential under s.254J(3)(e) 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 legal advice obtained by the Local Government or Legal proceeding involving the Local Government including, for example, legal proceedings that may be taken by or against the Local Government.

14.6 In Committee – Lot 70 on SP44534 & Lot 71 on SP344536

This matter is considered to be confidential under s.254J(3)(e) 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 legal advice obtained by the Local Government or Legal proceeding involving the Local Government including, for example, legal proceedings that may be taken by or against the Local Government.

14.7 In Committee – Capital Works Financial Report

This matter is considered to be confidential under s.254J(3)(c) 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 Local Government Budget.

14.8 In Committee – Thursday Island Sports Complex

This matter is considered to be confidential under s.254J(3)(c) 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 Local Government Budget.

14.9 In Committee – RACQ Foundation

This matter is considered to be confidential under s.254J(3)(c) 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 Local Government Budget.