

CHIEF EXECUTIVE OFFICER

COUNCIL REPORT

Meeting 16 December 2020



Item 1: Reconfiguration of a Lot: 20 Proposed Access Easements (EA-ET) Over Lot 35 on SP232620

Council is in receipt of a development application for reconfiguration of a Lot, being the creation of 20 proposed Easements located at various locations within Hope Vale Local Government area on behalf of Council. (see Attachment A)

The proposed development is within the Rural Zone of the Hope Vale Shire Planning Scheme 2014. The application is for a reconfiguration of a Lot and is subject to code assessment in accordance with the provisions of the planning Scheme and the Planning ct.

The application is associated with the Community Survey Plan (CSP) which has been developed through consultation between RILIPO, Council and Hope Vale Congress Aboriginal Corporation. The subject sites are located on LOT35 on SP232620 which is owned by Congress. The proposed development will result in the formalisation of existing arrangements to both registered and unregistered lease as described in the body of the attached report (Attachment B)

The following reasons are provided to support a recommendation to approval the reconfiguration:

- The Community Survey Plan has been in development for a number of years and is the result of agreement between Hope Vale Aboriginal Shire Council and Hopevale Congress Aboriginal Corporation RNTBC
- The proposed development is administrative in nature and provides formal access arrangements to lots which do not have access to a gazetted road. The location of the easements proposed by this application are reflective of existing access tracks which are informally used by residents and/ or the public.
- Of the 20 easements, only 8 of the easements will provide access to currently registered lease allotments. Council are aware that the remaining 12 easements are to provide future access to currently unregistered lease lots within the Hope Vale LGA.
- In accordance with the Land Title Practice Manual (QLD) and *Land Act 1994*, it is noted that an Easement is not created at the time of registration of the easement plan, but by registration of the Form 9 - Easement or Form 14 - General Request with the Department of Natural Resources, Mines and Energy Titles Office. Further, it is noted that as the Easements are shown as being 'proposed' on the Survey Plan.

Recommendation:

The Council is the Local Government Authority for Hope Vale. As the Local Government Authority the Council has the responsibility of deciding what is in the best interest of the community and we consider that approving (with conditions) the reconfiguring a lot development application will facilitate improved land administration and operation. Accordingly,

- 1. Council as the Local Government Authority resolves to approve the development application on Lot 35 on SP232620, lodged on behalf of Hope Vale Aboriginal Shire Council, by the Remote Indigenous Land and Infrastructure Program Office (RILIPO).**

2. The proposed development is in accordance with the Hope Vale Community Survey Plan, the purpose of which is to rectify road alignments, establish new roads and access pathways and to provide allotments around existing land uses within the community.
3. The development application is for the creation of 20 proposed access Easements (EA-ET) in accordance with Proposed Survey Plan SP301917. In accordance with the *Planning Act 2016*, a Reconfiguration of a Lot includes creating an easement giving access to a lot from a constructed road.

Item 2: Proposed Amendment to Corporate Structure

Over the past few months, I have been reviewing the various programs for efficiency and effectiveness and Council's compliance with legislative obligations.

I identified 2 areas where I believe a change is required, whereby, both Human Resources (HR) and Workplace Health and Safety (WPH&S) need to be moved under my direct management and control. At Council's last meeting it was agreed to re-align the Corporate structure and the HR Manager now reports to me directly.

In relation to WPH&S, I have also reviewed the effectiveness of work place practices and management and consider the Council's current practices of using external consultants may have been effective in the past but, in today's working and legislative environment, I consider there needs to be a definitive WPH&S management oversight given the activities Hope Vale Council now undertakes. That is, Council's annual spend on capital works (\$10-\$15m plus) and the high risk social services (caring for the elderly and education and care for the very young) warrants a fulltime WPH&S Officer to oversee the Council legal obligations and, in other words, the obligation Council has to keep its workforce safe.

A recent skills audit by the LGAQ has also highlighted a need for more oversight, resources and management in this area of risk management.

To this end, I propose to create a new position of WPH&S Officer and when the position is established, the Council will no longer need the services of external consultants as currently engaged. Accordingly, the budgeted expenditure for risk consultants will be redirected towards the costs related to the full-time position which will ensure Council's meeting its legal obligations and providing the best support for ensuring workers are safe and go home at the end of each day.

Recommendation:

That Council endorse the change in the Corporate Structure as proposed, which is to create a new position of Workplace Health and Safety Officer and for that position to be a direct report to the CEO.

Item 3: Engagement of suitable consultant/s to plan for new capital projects-Accommodation, additional office, restaurant and licenced premises

On a number of occasions, the Council has discussed, informally, the idea of creating capital building projects which in turn will provide additional employment and generate additional revenues within the community. The idea of providing local accommodation for travelers, including government agencies undertaking work in community, is not new and this and former Councils have applied for funding without success so far. In more recent times there has been discussion if there was more commercial office accommodation available for lease then there are agencies and other not for profit groups who may consider establishing more permanent administrative services here in Hope Vale. The suitability and availability of light industry has also been discussed.

In addition, with the review of the AMP and related community safety plans currently underway, the idea of establishing a licenced premises with restaurant services has been raised as needed in the community for a number of reasons, including, to attract people to visit, stay and enjoy what Hope Vale has to offer instead of returning to Cooktown for the same services.

With these ideas in mind, I suggest Council seeks a suitable consultant to start the planning for where these types of services could be best located given the available land and taking into account Councils Master Plan and Planning Scheme requirements. Further work could then progress to design, cost and business planning to underpin the proposed developments.

Recommendation:

That Council approve the CEO engaging a suitable consultancy to undertake planning for future capital building projects in Hope Vale Township which could include motel type accommodation, commercial office space and licenced premises including restaurant services and the suitability of light industry sites.

Item 4: Department of Environment and Science

The Department has, for the past year, been reviewing how it interacts with Aboriginal and Torres Strait Islander Councils and has undertaken the project 'Reframing our Regulatory Relationships' to improve. The Council has been briefed on the project objectives and has been requested to endorse the project outcomes to date.

Recommendation:

That Council endorse the new partnership approach, initiated by the Department of Environment and Science, to improve the relationship it has with Aboriginal and Torres Strait Islander Councils particularly in relation to regulating environmentally relevant activities.

Item 5: Tenders for the Hope Vale Supermarket and Fuel Station

The local supermarket and fuel service station in Hope Vale operate under a lease agreement with Council. The lease was due to expire on 30 June 2020, however due to the impact of COVID 19 it was decided and agreed the lease be extended by agreement for 12 months. The new expiry date is 30 June 2021.

The current lease does not provide for an extension of time and given the significance of the term (10 years for the current lease) it is advisable for Council to consider new tender and lease arrangements for a further period of time, for the same purpose.

Recommendation:

That Council resolves, pursuant to section 257 of the Local Government Act 2009 (Qld) to delegate to the Chief Executive Officer the power to finalise a Request for Tender and Lease in relation to the Supermarket and Service Station.

Mark Kelleher

Chief Executive Officer -15 December 2020