



TRUSTEE MEETING BOOKLET

Northern Peninsula Area Regional Council

Trustees Council Meeting #10

to commence at 10:00am

on

Wednesday 22nd January 2025

at

BAMAGA BAORDROOM

AGENDA

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Agenda Item 1 to 5
TRUSTEE COUNCIL MEETING #10
22nd January 2025

- 1. Welcome and Opening of Meeting**
- 2. Acknowledgement of Traditional Owners**
- 3. Present**
- 4. Apologies**
- 5. Declarations of Conflict of Interest**
- 6. Confirmation of Minutes of Previous Meeting**



UNCONFIRMED

Meeting Minutes
TRUSTEE COUNCIL MEETING #9
Monday 16th December 2024
Cairns

Agenda Item 1. Welcome and Opening of Meeting

Mayor Poi Poi welcomed attendees and opened the meeting at 09:53am with a prayer by Cr Gebadi.

Agenda Item 2. Acknowledgement of Country

Mayor Poi Poi paid respects on behalf of the Trustee to the traditional owners of the land upon which the meeting was held and the traditional owners of the Cairns Region; and to their elders past, present and emerging.

A minute silence was held out of respect to sorry business within the NPA communities.

Agenda Item 3. Present

Mayor & Councillors

Mayor Robert Poi Poi	Mayor	
Cr David Byrne	Division 1	
Cr Mary Yoelu	Division 2 / Deputy Mayor	Arrived at 11.15am
Cr Kitty Gebadi	Division 3	
Cr Marlene Bond	Division 4	
Cr Bradford Elu	Division 5	

Other Attendees

Kate Gallaway	CEO
Brett de Chastel	Advisor
Sabrina Mudu	Senior Executive Assistant (Minute Taker)
Leonie Ishmail	HR Manager (Minute Taker)

Agenda Item 4. Apologies

Nil

Agenda Item 5. Declarations of Conflict of Interest

Cr Yoelu declared a prescribed conflict of interest for agenda item 9.1 as a director of a corporation subject to this agenda item.

Cr Elu declared a declarable conflict of interest for agenda item 9.5 as a family relative is a subject to this agenda item.

The unconflicted councillors felt that Cr Elu could participate in the decision making as it was not a close family relationship.

Move: Cr Gebadi

Second: Cr Byrne

4/0

Cr Elu did not vote on this matter.



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Meeting Minutes
TRUSTEE COUNCIL MEETING #9
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Cairns

Agenda Item 6. Confirmation of Minutes of Previous Meeting

Resolution

That Council as Trustees:

Notes and confirms the minutes from the Trustee Meeting held Monday 25th November 2024.

Moved: Cr Byrne

Vote: 5/0

Seconded: Cr Elu

Resolution: T6.1-16122024

CARRIED

Agenda Item 7. Business Arising from Previous Meeting

Resolution

That Council as Trustees:

1. Pursuant to section 84(2) of the *Local Government Act 2009* "LG Act" to close this part of the meeting to the public;
2. Pursuant to section 84(2) of the LG Act:
 - (a) The matters that is to be discussed includes legal advice obtained by the local government as trustee, including contracts proposed to be made by the trustee council for which a public discussion would be likely to prejudice the interests of the trustee (section 84(2)(a) and 84(3)(e) of the LG Act).
 - (b) An overview of what is to be discussed while the meeting is closed is the ongoing business of finalising commercial leasing arrangements as resolved at previous Trustee meetings

Moved: Cr Byrne

Vote: 5/0

Seconded: Cr Elu

Resolution: T7.1-16122024

CARRIED

Action items were discussed as per the Action Task List

Mayor Poipoi left the room at 10:49am

Mayor Poipoi return to the room at 10:51am

Resolution

That Council as Trustees:

1. Resolve to open the meeting.

Moved: Cr Gebadi

Vote: 5/0

Seconded: Cr Byrne

Resolution: T7.2-16122024

CARRIED



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Meeting Minutes
TRUSTEE COUNCIL MEETING #9
Monday 16th December 2024
Cairns

Meeting paused for Morning Tea Break at 10:55am

Cr Yoelu joined the meeting at 11:15am

Meeting resumed at 11:17am

Agenda Item 8. Notice of Motion

Agenda Item 8.1. Notice to Repeal Motion T8.3-24032023 Land Tenure Options for NPA State College Injinoo Campus "Injinoo School Oval"

During deliberations, Cr Gebadi declared a declarable conflict of interest at the Chair of the School Council and left the room at 11:52am.

Resolution

That Council, as Trustees:

- (1) Note the report
- (2) Repeal Motion T8.3-24032023 at the request of the Division One Councillor

That Council as Trustees:

1. *Note the Report*
2. *Delegate to the Chief Executive Officer, pursuant to section 257(1)(b) of the Local Government Act 2009, power to negotiate and finalise on behalf of the Trustee (including by signing necessary documents on behalf of the Trustee), arrangements with Department of Education an Agreement to Grant Lease and Lease for 10 years at current market value subject to 4% annual increase, and on such other terms as the Chief Executive Officer considers appropriate for lot 97 on SO63 and part of lot 308 on SP273363*
- (3) Delegate to the Chief Executive Officer, pursuant to section 257(1)(b) of the Local Government Act 2009, power to negotiate and finalise on behalf of the Trustee (including by signing necessary documents on behalf of the Trustee), arrangements with Department of Education on the basis of a trustee permit for 3 years at current permit rates subject to 4% annual increase, and on such other terms as the Chief Executive Officer considers appropriate

Moved: Cr Byrne

Vote: 4/1

Seconded: Cr Elu

Resolution: T8.1-16122024

CARRIED

Mayor Poipoi – For

Cr Yoelu – Against

Cr Elu – For

Cr Bond – For

Cr Byrne - For

Cr Gebadi return to the meeting at 11:59am



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Meeting Minutes
TRUSTEE COUNCIL MEETING #9
Monday 16th December 2024
Cairns

Agenda Item 9.

Reports

Agenda Item 9.1. Centre"

Tenure arrangements for Lot 27 on SP279528 "Old New Mapoon Youth

Having declared an interest for this agenda item at agenda item 5, Cr Yoelu left the room at 11:59am

Resolution

That Council as Trustees:

1. Delegate to the Chief Executive Officer, pursuant to section 257(1)(b) of the Local Government Act 2009, power to negotiate and finalise on behalf of the Trustee (including by signing necessary documents on behalf of the Trustee), arrangements with Nai Beguta Agama Aboriginal Corporation an Agreement to Grant Lease and Lease for 30 years at current market value subject to 4% annual increase, and on such other terms as the Chief Executive Officer considers appropriate for lot 27 on SP279528

Moved: Cr Bond

Vote: 5/0

Seconded: Cr Gebadi

Resolution: T9.1-16122024

CARRIED

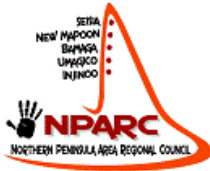
Mayor Poipoi – For

Cr Elu – For

Cr Byrne – For

Cr Gebadi – For

Cr Bond - For



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Meeting Minutes
TRUSTEE COUNCIL MEETING #9
Monday 16th December 2024
Cairns

Agenda Item 9.2. Croc Tent Request for Variation

Resolution

That Council as Trustees:

1. Pursuant to section 84(2) of the Local Government Act 2009 "LG Act" to close this part of the meeting to the public;
2. Pursuant to section 84(2) of the LG Act:
 - (a) The matters that is to be discussed includes legal advice obtained by the local government as trustee, including contracts proposed to be made by the trustee council for which a public discussion would be likely to prejudice the interests of the trustee (section 84(2)(a) and 84(3)(e) of the LG Act).
 - (b) An overview of what is to be discussed while the meeting is closed to the public are matters relating to the request for variation, including legal advice about tenure options.

Moved: Cr Gebadi

Vote: 5/0

Seconded: Cr Elu

Resolution: T9.2.1-16122024

CARRIED

Cr Yoelu returned to the meeting at 12:29pm

Resolution

That Council as Trustees:

2. Resolve to open the meeting.

Moved: Cr Bond

Vote: 6/0

Seconded: Cr Byrne

Resolution: T9.2.2-16122024

CARRIED

Resolution

That Council (as Trustee) resolve:

1. pursuant to section 257(1)(b) of the *Local Government Act 2009*, to delegate to the Chief Executive Officer the power to negotiate, finalise and execute on behalf of the Trustee, Variation to the Licence Agreement with Dale and Lea-Ann Mears to give effect required to include option to renew for a further 2+5 years;

Moved: Cr Bond

Vote: 6/0

Seconded: Cr Elu

Resolution: T9.2.3-16122024

CARRIED



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Cairns

Meeting paused for Lunch Break at 12:39pm

Meeting resumed from Lunch at 13:37pm

Agenda Item 9.3. Tenure arrangements for Lot 114 on SP273365 "New Mapoon Nursey"

Resolution

That Council (as Trustee) resolve:

1. To Approach original applicants Laban and Dorelle Sambo to resubmit a refreshed EOI for Lot 114 on SP273365 conditional that if it was approved the existing agreement to grant lease for Newman Crescent would be surrendered.

Moved: Cr Bond

Vote: 6/0

Seconded: Cr Byrne

Resolution: T9.3-16122024

CARRIED

Agenda Item 9.4. Home Ownership Application – Lot 219 on SP273361

Resolution

That Council (as Trustee) resolve:

1. Note the report
2. Decline the EOI pending further consultation with Bamaga Community on the master plan & planning scheme and specifically business zone aspirations for Adidi St

Moved: Cr Gebadi

Vote: 6/0

Seconded: Cr Elu

Resolution: T9.4-16122024

CARRIED

Cr Byrne left the room at 14:27pm

Cr Byrne returned to the room at 14:30pm

Agenda Item 9.6. Tenure Arrangements for Seisia Fishing Club

Resolution

That Council (as Trustee) resolve:

1. Defer the matter to the February 2025 Trustees Meeting

Moved: Cr Elu

Vote: 6/0

Seconded: Cr Byrne

Resolution: T9.6-16122024

CARRIED



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Meeting Minutes
TRUSTEE COUNCIL MEETING #9
Monday 16th December 2024
Cairns

Agenda Item 9.7. Council Lease to Telstra Corporation Limited: Proposed Licence to Amplitel Pty Ltd

Cr Yoelu left the room at 14:39pm

Cr Yoelu returned to the room at 14:42pm

Resolution

That Council (as Trustee) resolve:

1. Note the Report
2. Delegate to the Chief Executive Officer, pursuant to section 257(1)(b) of the Local Government Act 2009, power to negotiate and finalise on behalf of the Trustee (including by signing necessary documents on behalf of the Trustee) to take all necessary steps to finalise the granting of a licence to Ampitel Pty Limited for the Lease on Lot 165 on SP273361 (Dealing 722438373)

Moved: Cr Elu

Vote: 6/0

Seconded: Cr Gebadi

Resolution: T9.7-16122024

CARRIED

Agenda Item 9.5. Public EOI for Lot 337 on SP273361 "Old St Stephens Church"

Resolution

That Council (as Trustee) resolve:

1. Defer the matter to the January 2025 Trustees Meeting

Moved: Cr Gebadi

Vote: 6/0

Seconded: Cr Byrne

Resolution: T9.5-16122024

CARRIED

Agenda Item 9. Other Business

Nil

Agenda Item 10. Close of Meeting

Meeting closed at 14:48pm with a closing prayer by Cr Gebadi.



Agenda Item 7
TRUSTEE COUNCIL MEETING #10
22nd January 2025

7. Business arising from Previous Meeting

This matter is considered to be confidential under section 84(2) of the *Local Government Act 2009* 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 as trustee, including contracts proposed to be made by the trustee council for which a public discussion would be likely to prejudice the interests of the trustee (section 84(2)(a) and 84(3)(e) of the LG Act).

Title of Report: Tenure arrangements for Lot 114 on SP273365 “New Mapoon Nursey”

Agenda Item: 8.1

Classification: For Decision

Author CEO

Attachments EOI from L & D Sambo (tabled)

Officers Recommendation:

That Council:

1. Note the Report
2. Delegate to the Chief Executive Officer, pursuant to section 257(1)(b) of the Local Government Act 2009, power to negotiate and finalise on behalf of the Trustee (including by signing necessary documents on behalf of the Trustee), arrangements with L&D Maintenance & Cleaning on the basis of an Agreement to Grant Lease and Lease for 5+5+5+5 years at current market value subject to 4% annual increase to be operational within 24 months, and on such other terms as the Chief Executive Officer considers appropriate for Lot 114 on SP273365
3. Terminate the existing Agreement to Grant Lease with Laban & Dorelle Sambo for Lot 329 on SP273361

PURPOSE OF REPORT

To enable decision regarding tenure arrangements for New Mapoon Nursery

BACKGROUND AND CONTEXT

At the December Trustee Meeting, Trustee requested to Approach original applicants Laban and Dorelle Sambo to resubmit a refreshed EOI conditional that if it was approved the existing agreement to grant lease for Newman Crescent would be surrendered.

A copy of that EOI is attached to this report.

It is summarised as below

Party	Proposed Use	Term Conditions
L & D Maintenance & Cleaning (Laban & Dorelle Sambo)	Commercial Nursery and sale of mowing equipment	99 years

It would be proposed arrangements are the same as those for Newman Cres being at market value for 5+5+5+5 years. The standard Agreement to Lease template includes a permit to occupy which would allow Laban & Dorelle to take occupation immediately while native title continues to be resolved.



CRITICAL DATES

N/A

OTHER OPTIONS CONSIDERED

Other Options available to the trustee

1. Do nothing and leave the site vacant
2. Undertake a further public EOI for the site
3. Retain the site for council purposes with repairs undertaken using the existing R&M budget

LEGAL AND LEGISLATION CONSIDERATIONS

Aboriginal Land Act

POLICY CONSIDERATIONS

N/A

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

N/A

FINANCIAL AND RESOURCE CONSIDERATIONS

N/A

CONSULTATION

N/A

Title of Report: Nai Beguta Agama Aboriginal Corporation Request for Variation

Agenda Item: 8.2

Classification: For Decision

Author CEO

Attachments Correspondence from Nai Beguta Agama Aboriginal Corporation (tabled)

Officers Recommendation:

That Council:

1. Note the Report

PURPOSE OF REPORT

To enable decision regarding the request for variation received from Nai Beguta Agama Aboriginal Corporation.

BACKGROUND AND CONTEXT

In February 2023, the trustee resolved to enter into a 10+10+10 agreement with Nai Beguta Agama Aboriginal Corporation with a view of regularising tenure for the properties they have had long term occupation. For the information of the trustee these properties include

Description of Lease	Lease Area	Use
Activity Centre	Lot 18 on SP273360	Delivery of afterschool and vacation care services
Office	Lot 42 on SP273365	Administration office and Centrelink Agent
Staff Accommodation	Lot 81B on SP273360	Accommodating staff for NBAAC
Childcare Centre	Lot 17 on SP273360	Delivery of childcare services to children aged 0 to 5

These agreements also allowed Nai Beguta Agama Aboriginal Corporation to obtain commonwealth infrastructure funding for critical improvements as Council was able to provide a support letter.

Since this date, Nai Beguta Agama Aboriginal Corporation has asserted their hold either an existing ILUA for New Mapoon or they were granted a peppercorn lease by the New Mapoon Aboriginal Shire Council. A records review of council documents, including review of previous minutes of NMASC was undertaken and no evidence was able to support this. Nai Beguta Agama Aboriginal Corporation has been requested to provide evidence on multiple occasions so this can be considered.

Nai Beguta Agama Aboriginal Corporation has provided the tabled correspondence. It is worth noting that Nai Beguta Agama Aboriginal Corporation has received received \$7 million in funding from the Commonwealth Government to operate the childcare centre over a seven-year period, ending on 31 October 2025.

The granting of concessions on Lease Fees was discussed at the January Council Workshop. For the information of Council, that information is reproduced.

Under the Aboriginal Land Act and Torres Strait Islander Land Act, lease fees are deemed as trust property. Under the Land Act, the responsibilities of the trustee include

- controlling pest plants and animals
- protecting and maintaining any improvements on the land (eg. buildings, fences, buried pipes)
- exercising a duty of care for the land and taking all action necessary for its maintenance and management
- obtaining a vegetation clearing permit before destroying any vegetation on the land
- maintaining records as required by the Minister or as required under the Land Act 1994 and other Acts
- complying with other statutory requirements relating to land management.

One of these statutory obligations relevant to this discussion is the trustee must maintain adequate public liability insurance for the benefit of the trustee, and any member of the public who may use the DOGIT land. Once a lease is granted, payment received from a lease of land must be spent by the trustees on the maintenance or enhancement of the DOGIT land. Trust property can also be used to cover the costs of staff and consultants related to the trust land.

There are four main types of charges applicable under a lease:

- Lease Fee – amount charged for the payment for exclusive access to and use of the land
- Rates Equivalent – council does not typically include these but it is included in the 40 year social house lease. It is a charge levied to compensate for the lack of ratable income that can be levied
- Rental amount – separate amount charged for buildings on the land (only currently relevant to the two divestments)
- Outgoings – payment to cover the costs of local government service charges

It is important to note, that if the DOGIT was to be transferred, the lessee would pay the lease fee to the new trustee but outgoing and rates equivalents would still be paid to the Local Government. This income would be critical for the new DOGIT holder to be able to manage its responsibilities under the Land Act.

Outside of the Council Charges, there may be charges to the lessee for things such as legal costs, compensation for native title and planning costs.

Under Council's Concessions Policy, council offers the following concessions on service charges

- 100% concession to facilities either owned, controlled or operated by community organisations and used primarily for social/community service purposes.
- 100% concession to Facilities either owned, controlled or operated by community organisations and used primarily for sporting purposes
- 100% concession to Place of Worship/Church Halls **noting this does not include land/facilities held for commercial reasons
- 50% concession to Staff accommodation occupied by staff for community organisations and work primarily for social/community service purposes



Typically for churches and NFPs, council has previously charged the lease fee at market value, not charged a rates equivalent and offered the above concession on outgoings. Council Officers would note that if councils was to provide every non-profit organisation wishing to establish services in their communities with peppercorn rent, they would forgo substantial and critical rental revenue making it even harder for the trustee to manage the land. Any grant of concession should be consistent with other arrangements that have already been entered into.

CRITICAL DATES

N/A

OTHER OPTIONS CONSIDERED

Other Options available to the trustee

1. Grant the concession to NBAAC & other non-for-profit organisations

LEGAL AND LEGISLATION CONSIDERATIONS

Aboriginal Land Act

POLICY CONSIDERATIONS

N/A

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

N/A

FINANCIAL AND RESOURCE CONSIDERATIONS

N/A

CONSULTATION

N/A



Agenda Item 9-10
TRUSTEE COUNCIL MEETING #10
Wednesday 22nd January 2025

- 9. Other Business**
- 10. Close of Meeting**