



TRUSTEE MEETING BOOKLET

Northern Peninsula Area Regional Council

Trustees Council Meeting #41

to commence at 10:00am

on

Monday 18th December 2023

at

Pullman Cairns

AGENDA

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Agenda Item 1 to 5
TRUSTEE COUNCIL MEETING #41
18th December 2023

- 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 #40
Monday 20th November 2023
Bamaga Boardroom

Agenda Item 1. Welcome and Opening of Meeting

Mayor welcomed attendees and opened the meeting at 10:50am with a prayer by Cr Whap.

Agenda Item 2. Acknowledgement of Country

Mayor Yusia 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 Northern Peninsula Area; and to their elders past, present and emerging.

Agenda Item 3. Present

Mayor & Councillors

Mayor Patricia Yusia	District Mayor
Cr Kitty Gebadi	Division 3 / Deputy Mayor
Cr Mabelene Whap	Division 5
Cr Gina Nona	Division 1
Cr Dennis Getawan	Division 2 (via TC) Joined at 1:56pm

Other Attendees

Kate Gallaway	CEO
Peri Sunai	Commercial Leasing Manager (Minute Taker)

Agenda Item 3.1. Cr Getawan has requested to join the meeting via Teleconference

Resolution

That Council as Trustees:

Moves to accept that Cr Getawan join the Meeting via Teleconference.

Moved: Cr Nona

Vote: 4/0

CARRIED

Seconded: Cr Gebadi

Resolution: T3.1-20112023

Agenda Item 4. Apologies

Resolution

That Council as Trustees:

Moves to grant a leave of absence to Cr Cottis who is away on council-related business reasons.

Moved: Cr Whap

Vote: 4 /0

CARRIED

Seconded: Cr Gebadi

Resolution: T4.1 – 20112023



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Agenda Item 5. Declarations of Conflict of Interest

Mayor Yusia declared her interest for agenda items 8.7 as a distant family member is a board member and 8.11 as a distant family member. Mayor Yusia advised she would handle her conflict by leaving the room and not participating in the decision making.

Cr Nona declared her interest for agenda items 8.1 and 8.3 as a distant family member and 8.7 as a person with a close personal relationship is a board member.

Cr Gebadi declared her interest for agenda item 8.2 as a distant family member. The remaining councillors made a resolution on Cr Gebadi's participation in the agenda item 8.2 and felt the nature of her close personal relationship would not impact decision making

Moved: Cr Whap

Second: Cr Nona

Vote: 3/0

CARRIED

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 23rd October 2023.

Moved: Cr Gebadi

Vote: 4 / 0

CARRIED

Seconded: Cr Whap

Resolution: T6.1 – 20112023

Agenda Item 7. Business Arising from Previous Meeting

Action items were discussed as per the Action Task List

Agenda Item 8. Reports

Agenda Item 8.1. Home Ownership Application – Lot 1 on SP273358

Cr Nona declared an interest at agenda item 5. The remaining councillors made a resolution on Cr Nona's participation in the agenda item and felt the nature of her close personal relationship would not impact decision making

Moved: Cr Whap

Second: Cr Gebadi

Vote: 3/0

CARRIED

Resolution

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 Wesleah Ranetta Cowley on the basis of an Agreement to Grant Lease and Home Ownership Lease for Lot 1 on SP273358.

Moved: Cr Whap

Vote: 4 /0

Seconded: Cr Gebadi

Resolution: T8.1 – 20112023

CARRIED

Agenda Item 8.2. Home Ownership Application – Lot 292 on SP273361

Resolution

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 Sam Zida Ober on the basis of an Agreement to Grant Lease and Home Ownership Lease for Lot 292 on SP273361

Moved: Cr Whap

Vote: 4 /0

Seconded: Cr Nona

Resolution: T8.2 – 20112023

CARRIED

Agenda Item 8.3. EOI for Lot 2 of Lot 7 on SO58

Cr Nona declared an interest at agenda item 5. The remaining councillor made a resolution on Cr Nona's participation in the agenda item and felt the nature of her close personal relationship would not impact decision making

Moved: Cr Whap

Second: Cr Gebadi

Vote: 3/0

CARRIED

Resolution

That Council as Trustees:

1. Defer the matter to the December Trustee Meeting

Moved: Cr Gebadi

Vote: 4/0

CARRIED

Seconded: Cr Whap

Resolution: T8.3 – 20112023

Agenda Item 8.4. Bamaga Enterprises Limited – Agreement to Grant Lease

Resolution

That Council as Trustees:

1. That Council (as Trustee), pursuant to section 257 of the Local Government Act 2009, delegates to the Chief Executive Officer the power to exercise rights under, and generally administer on behalf of Council, the Agreement to Grant Lease with Bamaga Enterprises Limited, including but not limited to agreeing to extend the Sunset Date and other dates under that Agreement.

Moved: Cr Gebadi

Vote: 4/0

CARRIED

Seconded: Cr Whap

Resolution: T8.4 – 20112023

Agenda Item 8.5. Bamaga Enterprises Limited – Lease for Lot 328 Newman Cres

Resolution

That Council as Trustees:

1. Note the report
2. 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, the Deed of Variation to the Agreement to Grant Lease with Bamaga Enterprises Limited to give effect required to extend the term of the agreement to include an extra 2 x 5 years options resulting in the terms being 5+5+5+5;
3. 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, the Deed of Variation to the Agreement to Grant Lease with various tenants across Seisia and Bamaga DOGITs to extend the term of agreements with current term of 5+5 to include an extra 2 x 5 years options resulting in the terms being 5+5+5+5

Moved: Cr Gebadi
Vote: 4/0

Seconded: Cr Whap
Resolution: T8.5 – 20112023

CARRIED

Agenda Item 8.6. Department of Defence – Lease of Lot 172 on SP 273361, Bamaga

Resolution

That Council as Trustees:

pursuant to section 257 of the Local Government Act 2009, delegates to the Chief Executive Officer the power to negotiate, finalise and execute on behalf of the Trustee:

1. a lease of Lot 172 on SP 273361 with the Commonwealth of Australia (represented by the Department of Defence) as lessee ("the Lease"); and
2. any other documents associated with and ancillary to the Lease, including any documents the Chief Executive Officer considers are necessary or appropriate to deal with Native Title for the grant of the Lease.

Moved: Cr Gebadi
Vote: 4 /0

Seconded: Cr Whap
Resolution: T8.6 – 20112023

CARRIED

Agenda Item 8.8. Public EOI for New Mapoon Laundromat

Resolution

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 Nai Beguta Agama Aboriginal Corporation on the basis of an occupancy permit for 5 years at current permit rates subject to 4% annual increase, and on such other terms as the Chief Executive Officer considers appropriate for New Mapoon Laundromat

Moved: Cr Nona

Vote: 4/ 0

Seconded: Cr Gebadi

Resolution: T8.8 – 20112023

CARRIED

Agenda Item 8.9. EOI for Lot 37 Tradesman Way

Resolution

That Council as Trustees:

1. Note the Report
2. Decline the EOI until further planning works are completed

Moved: Cr Whap

Vote: 4/0

Seconded: Cr Gebadi

Resolution: T8.9 – 20112023

CARRIED



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Agenda Item 8.7. Public EOI for Lot 27 on SP279528

Cr Getawan joined the meeting at 1.56pm

Mayor Yusia and Cr Nona declared an interest for this agenda item at agenda item 5 and left the meeting at 1.56pm. Cr Gebadi chaired the meeting in the absence of Mayor Yusia.

Resolution

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 Gudang Yadhaykenu Native Title Aboriginal Corporation on the basis of a Licence Agreement for 5 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 Whap

Vote: 3/ 0

Seconded: Cr Getawan

Resolution: T8.7 – 20112023

CARRIED

Mayor Yusia and Cr Nona returned to the meeting at 2.08pm

Agenda Item 8.10. Seisia Community Torres Strait Islander Corporation – Lot 203 on SP 273364, Seisia

Resolution

That Council as Trustees:

pursuant to section 257 of the Local Government Act 2009, delegates to the Chief Executive Officer the power to:

1. negotiate, finalise and execute on behalf of the Trustee an appropriate form of document with Seisia Community Torres Strait Islander Corporation in relation to the proposed uses of Lot 203 on SP 273364 by third parties as office premises ("the Premises");
2. subject to finalisation of the document referred to in paragraph 1 of this resolution, negotiate, finalise and execute on behalf of the Trustee a licence agreement over the Premises with the State of Queensland (represented by the Department of Energy and Public Works) as licensee.

Moved: Cr Whap

Vote: 5/ 0

Seconded: Cr Nona

Resolution: T8.10 – 20112023

CARRIED

Agenda Item 8.11. Public EOI for Lot 311 on SP273361

Mayor Yusia declared her interest for this agenda item at agenda item 5 and left the meeting at 2.37pm.

Resolution

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 Alexandra Mandie 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, and on such other terms as the Chief Executive Officer considers appropriate for Lot 311 on SP273361

Moved: Cr Whap

Vote: 4/ 0

Seconded: Cr Getawan

Resolution: T8.11 – 20112023

CARRIED

Mayor Yusia returned to the meeting at 2.52pm

Agenda Item 8.12. EOI for Seisia Esplanade

Resolution

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 PRM Super Fund on the basis of a Licence Agreement for 5 years at current market value subject to 4% annual increase, and on such other terms as the Chief Executive Officer considers appropriate for Lot 220 on SP273364

Moved: Cr Whap

Vote: 5 /0

Seconded: Cr Getawan

Resolution: T8.12 – 20112023

CARRIED

Agenda Item 8.13. Tenure Arrangements for Area known as Skull Creek

Resolution

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 Robert Poi Poi on the basis of an Home Ownership Lease for part of Lot 7 on SP273361 reduced to 8000m2
3. Decline the portion of the EOI from John and Kitty Tabuai within the Injinoo DOGIT and defer the matter pending further discussions between the EOI applicant and Trustee

Moved: Cr Nona

Vote: 5/0

Seconded: Cr Gebadi

Resolution: T8.13 – 20112023

CARRIED

Agenda Item 9. Other Business

Agenda Item 10. Close of Meeting

Meeting closed at 4:19pm with a prayer by Cr Gebadi



Agenda Item 9
TRUSTEE COUNCIL MEETING #41
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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).

8.1 Lot 73 Lui St Bamaga

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).

9. Other Business

10. Close of Meeting