



TRUSTEE MEETING BOOKLET

Northern Peninsula Area Regional Council

Trustees Council Meeting #9

to commence at 10:00am

on

Monday 16th December 2024

at

CAIRNS

AGENDA

1. Welcome and Opening of Meeting
2. Acknowledgement of Traditional Land Owners
3. Present
4. Apologies
5. Declarations of Conflict of Interest
6. Confirmation of Minutes of Previous Meeting
November Trustee Meeting held 25/11/2024
7. Business Arising from Previous Meeting
8. Notice of Motion
8.1 Repeal of motion T8.3-24032023 Land Tenure Options for NPA State College Injinoo
Campus “Injinoo School Oval”
9. Reports
9.1 Tenure arrangements for Lot 27 on SP279528 “Old New Mapoon Youth Centre”
9.2 Croc Tent Request for Variation
9.3 Tenure arrangements for Lot 114 on SP273365 “New Mapoon Nursey”
9.4 Home Ownership Application for Lot 219 on SP273361 “219 Adidi St, Bamaga”
9.5 Public EOI for Lot 337 on SP273361 “Old St Stephen’s Church”
9.6 Tenure Arrangements for Seisia Fishing Club
9.7 Lease to Telstra Corporation Limited Proposed Licence to Amplitel Pty Ltd
9. Other Business
10. Close of Meeting



Agenda Item 1 to 5
TRUSTEE COUNCIL MEETING #9
16th December 2024

- 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 #8
Monday 25th November 2024
Bamaga Boardroom

Agenda Item 1. Welcome and Opening of Meeting

Mayor Poi Poi welcomed attendees and opened the meeting at 10:00am with a prayer by Cr Yoelu.

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

Agenda Item 3. Present

Mayor & Councillors

Mayor Robert Poi Poi	Mayor
Cr David Byrne	Division 1
Cr Mary Yoelu	Division 2 / Deputy Mayor
Cr Kitty Gebadi	Division 3
Cr Bradford Elu	Division 5

Joined the meeting at 10.18am

Other Attendees

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

Cr Gebadi has requested to join the meeting by videoconference. A resolution is required.

Resolution

That Council:

Accepts Cr Gebadi to join the meeting by videoconference

Moved: Cr Yoelu

Vote: 4/0

Seconded: Cr Byrne

Resolution: T3-25112024

CARRIED

Agenda Item 4. Apologies

Resolution

That Council:

Accepts apologies from Cr Bond who is unwell

Moved: Cr Byrne

Vote: 4/0

Seconded: Cr Elu

Resolution: T4-25112024

CARRIED



UNCONFIRMED

Meeting Minutes
TRUSTEE COUNCIL MEETING #8
Monday 25th November 2024
Bamaga Boardroom

Agenda Item 5. Declarations of Conflict of Interest

Cr Yoelu declared a prescribed conflict of interest for agenda item 8.1 as a director of a corporation subject to this agenda item.

Cr Elu declared a declarable conflict of interest for agenda item 8.8 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 Byrne

Second: Cr Yoelu

3/0

Cr Elu did not vote on this matter.

Agenda Item 6. Confirmation of Minutes of Previous Meeting

Resolution

That Council as Trustees:

Notes and confirms the minutes from the Trustee Meeting held Friday 1st November 2024.

Moved: Cr Yoelu

Vote: 4/0

Seconded: Cr Byrne

Resolution: T6.1-26112024

CARRIED

Cr Gebadi joined the meeting at 10.18am



UNCONFIRMED

Meeting Minutes
TRUSTEE COUNCIL MEETING #8
Monday 25th November 2024
Bamaga Boardroom

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: T7.1-26112024

CARRIED

Action items were discussed as per the Action Task List

Resolution

That Council as Trustees:

1. Resolve to open the meeting.

Moved: Cr Yoelu
Vote: 5/0

Seconded: Cr Byrne
Resolution: T7.2-26112024

CARRIED



UNCONFIRMED

Meeting Minutes
TRUSTEE COUNCIL MEETING #8
Monday 25th November 2024
Bamaga Boardroom

Agenda Item 8.

Reports

Agenda Item 8.1. 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 10:57am

Resolution

That Council as Trustees:

1. Defer the matter to the December Trustees Meeting

Moved: Cr Byrne

Vote: 4/0

Seconded: Cr Elu

Resolution: T8.1-26112024

CARRIED

Mayor Poipoi – For

Cr Elu – For

Cr Byrne – For

Cr Gebadi - For

Mayor Poipoi left the room at 11.19am

Cr Yoelu returned into the room at 11:20am

Mayor Poipoi returned to the room at 11.21am

Cr Byrne left the room at 11.21am

Cr Byrne returned to the room at 11.22am

Cr Elu left the room at 11.22am

Agenda Item 8.2. Croc Tent Request for Variation

Cr Elu returned to the room at 11.24am

Resolution

That Council (as Trustee) resolve:

1. Defer the matter to the December Trustees Meeting

Moved: Cr Elu

Vote: 5/0

Seconded: Cr Byrne

Resolution: T8.2-26112024

CARRIED



UNCONFIRMED

Meeting Minutes
TRUSTEE COUNCIL MEETING #8
Monday 25th November 2024
Bamaga Boardroom

Agenda Item 8.3. Tenure arrangements for Lot 114 on SP273365 "New Mapoon Nursey"

Resolution

That Council (as Trustee) resolve:

1. Defer the matter to the December Trustees Meeting

Moved: Cr Byrne
Vote: 5/0

Seconded: Cr Elu
Resolution: T8.3-26112024

CARRIED

Agenda Item 8.4. Tenure Arrangements for Lots 286, 287, 288 and 289 on SP273361

Cr Yoelu left the room at 12.02pm

Cr Yoelu returned to the room at 12.05pm

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), arrangements with Anglican Diocese of North Queensland on the basis of a licence agreement for 1+1 years at current market value subject to 4% annual increase, and on such other terms including consultation with the local Parish Council as the Chief Executive Officer considers appropriate for Lots 286,287,288 and 289 on SP273361
3. Hold a workshop to develop a policy regarding the commercial leasing charges and arrangements to Churches, Registered Charities and Non-for-profit organisations

Moved: Cr Gebadi
Vote: 5/0

Seconded: Cr Byrne
Resolution: T8.4-26112024

CARRIED

Council break for lunch at 12.15pm

Meeting resumed at 12.52pm



UNCONFIRMED

Meeting Minutes
TRUSTEE COUNCIL MEETING #8
Monday 25th November 2024
Bamaga Boardroom

Agenda Item 8.6. Home Ownership Application – Lot 305 on SP273359 “66 Ibuai St Seisia”

Resolution

That Council (as Trustee) resolve:

1. Note the report
2. Undertake further consultation with Warren Strevens regarding the legal structure of the agreement
3. Decline the EOI and request the parties resubmit the EOI when both children have turned 18

Moved: Cr Elu

Vote: 4/0

Seconded: Cr Yoelu

Resolution: T8.6-26112024

CARRIED

Agenda Item 8.7. Home Ownership Application – Lot 247 on SP273364 “247 Nawia St Seisia”

Resolution

That Council (as Trustee) resolve:

1. Note the report
2. Decline the EOI and propose the applicants resubmit the EOI following the completion of the new Seisia Subdivision project or for the vacant lot on Danalgub St

Moved: Cr Elu

Vote: 4/0

Seconded: Cr Byrne

Resolution: T8.7-26112024

CARRIED

Agenda Item 8.9. Tenure Arrangements for Seisia Fishing Club

Resolution

That Council (as Trustee) resolve:

1. Defer the matter to the December Trustees meeting

Moved: Cr Elu

Vote: 4/0

Seconded: Cr Byrne

Resolution: T8.9-26112024

CARRIED



UNCONFIRMED

Meeting Minutes
TRUSTEE COUNCIL MEETING #8
Monday 25th November 2024
Bamaga Boardroom

Agenda Item 8.10. Seisia Community Torres Strait Islander Corporation – Divestment Matters

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 to allow the trustee council to discuss business for which public discussion would be likely to prejudice the interests of the trustee council;
2. Pursuant to section 84(4) of the Act, the general nature of the matters to be discussed while the meeting is closed to the public are matters relating to the divestment of assets to Seisia Community Torres Strait Islander Corporation, including legal advice about the proposed divestment and existing and proposed contracts and other agreements relating to the divestment, and associated planning compliance and debt recovery matters.

Moved: Cr Yoelu

Vote: 4/0

Seconded: Cr Elu

Resolution: T8.10.1-26112024

CARRIED

Resolution

That Council as Trustees:

1. Resolve to open the meeting.

Moved: Cr Yoelu

Vote: 4/0

Seconded: Cr Elu

Resolution: T8.10.2-26112024

CARRIED

Resolution

That Council (as Trustee) resolve:

1. To note the Report
2. Request SCTISC meet with the Mayor, Seisia Councillor and CEO by 31 January 2025 to discuss outstanding matters
3. If the meeting does not occur, request a further report on potential next steps is provided to the February 2025 Trustees Meeting

Moved: Cr Elu

Vote: 4/0

Seconded: Cr Byrne

Resolution: T8.10.3-26112024

CARRIED



UNCONFIRMED

Meeting Minutes
TRUSTEE COUNCIL MEETING #8
Monday 25th November 2024
Bamaga Boardroom

Agenda Item 8.5. Home Ownership Application – Lot 219 on SP273361

Cr Yoelu left the room at 1.56pm

Cr Yoelu returned to the room at 1.57pm

Resolution

That Council (as Trustee) resolve:

1. Defer the matter to the December Trustees Meeting

Moved: Cr Yoelu

Vote: 4/0

Seconded: Cr Elu

Resolution: T8.5-26112024

CARRIED

Agenda Item 8.8. Public EOI for Lot 337 on SP273361 “Old St Stephens Church”

Resolution

That Council (as Trustee) resolve:

1. Defer the matter to the December Trustees Meeting

Moved: Cr Elu

Vote: 4/0

Seconded: Cr Byrne

Resolution: T8.8-26112024

CARRIED

Agenda Item 9. Other Business

Cr Byrne left the meeting at 2.09pm

Agenda Item 10. Close of Meeting

Meeting closed at 2:10pm with a prayer by Cr Yoelu.



Agenda Item 7
TRUSTEE COUNCIL MEETING #9
17th December 2024

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

Agenda Item: 8.1

Classification: For Decision

Requested by: Cr David Byrne

Author: Chief Executive Officer

Attachments: Attachment A. July 2022 Minutes (Tabled)

Attachment B. July 2022 Report (Tabled)

Attachment C. March 2023 Minutes (Tabled)

Attachment D. March 2023 Report (Tabled)

**Attachment E. Correspondence from Division One Councillor to Department of
Education (Tabled)**

**Attachment F. Response from A/Director-General, Department of Education
(Tabled)**

Officers Recommendation:

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

PURPOSE OF REPORT

To provide the Trustee further information from Council Officers to support the consideration of the repeal of previous motion relating to Land Tenure Options for NPA State College Injinoo Campus specifically Injinoo School Oval.

BACKGROUND AND CONTEXT

In accordance with Section 262 of the Local Government Regulation 2012, written notice of the intention to propose the repeal of the following resolution made by Council acting in its capacity as trustee was provided on 04 December 2024.

This written advice related to one previous resolution of the Council acting in its capacity as trustee.

Resolution Made 24th March 2023

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 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

Moved: Cr Nona

Vote: 4/0

Seconded: Cr Tamwoy

Resolution: T8.3-24032023

CARRIED

The origin for this matter and resolution dates back to the July 2022 and specifically Resolution 8.7-19072022.

The relevant minutes and reports are tabled here for the information of council.

Background

In 2021, NPARC and Department of Education entered into a Licence Agreement to allow the Department of Education to utilise Lot 97 Tamwoy Street for the purposes of an oval. Part of this land is DOGIT land and part is reserve land.

The licence agreement expired on 31 May 2022. A request from a sporting corporation prompted discussions regarding the renewal and future land tenure options for the area of land. Prior to the matter being considered at the July 2022 meeting, the previous Injinoo Councillor requested that longer tenure was provided to the Department of Education to ensure they had the necessary commitment they needed to invest further into upgrades to the expansion of the Injinoo School Oval.

Following the resolution being made in July 2022, a permit was entered into in October 2022. In early March 2023, an EOI was provided to trustees which was considered and a resolution made. Since that date, NPARC has been engaged in survey and lease works. Current occupation is managed under the Agreement to Grant Lease. Below is a summary of the works taken by council.

22/07/2024 Change of purpose letter sent to state for reserve land to allow lease to be registered without ministerial consent

17/06/2024 Decision notice provided to allow contract to be signed

27/05/24 DA progressed to May Council meeting

22/04/2024 SARA referral has been received by state and the necessary fee waiver being sought.

12/03/2024 Planning works have commenced. Expected at April Council Meeting

27/02/2024 DoE agreed to the value of additional survey works. Survey works progressing as below.

15/01/2023 Survey works are higher than expected due to a SARA referral due to a portion of the proposed common boundary was going to be within 30 metres of the mapped erosion prone area.

This may take between 6-12 months

18/12/2023 Purchase order issued for survey works. Waiting on RPS scheduling to complete

15/11/2023 Waiting on survey works which are progressing

23/10/2023 Terms have been agreed. Waiting DoE to execute. Survey plan being progressed

26/09/2023 Advise provided to DoE to update local staff which was completed. Matter being finalised to enable lease to be registered by expiry

29/08/2023 DoE advised at TWG they are progressing this matter to finalise

24/07/2023 As below

19/06/2023 Nil response provided. Escalated to ensure it can be resolved prior to permit expiry

29/05/2023 Awaiting feedback on draft lease

17/04/2023 Draft lease provided to Education for consideration

Expenditure on the process includes

- Legal Fees at \$10 885.41 (incl GST)
- Town planning costs at \$5 280 (incl GST)
- Survey costs at \$15 950 (incl GST)

The State also paid for the SARA referral fee at just over \$7000 which was partially reimbursed. As part of the lease negotiations, the State had agreed to reimburse council for the additional costs above.

While the Agreement to Grant Lease has been signed, Council Officers would expect there to be minimal legal risk to Council given the letter provided by the Acting Director-General as attached. As repealing the resolution will effectively terminate the Agreement to Grant Lease, it would be advised to enter into a permit to ensure ongoing tenure.

CRITICAL DATES

Nil

OTHER OPTIONS CONSIDERED

The Trustee can choose not to repeal the resolution

LEGAL AND LEGISLATION CONSIDERATIONS

Aboriginal Land Act 1991

Local Government Act 2009

POLICY CONSIDERATIONS

NA



COUNCIL TRUSTEE MEETING #9

Agenda Item 8.1

Monday 16th December 2024

CAIRNS

FINANCIAL AND RESOURCE CONSIDERATIONS

Council would not be able to recover costs spent. There may be financial implications if litigation was taken by the state, but this would be unlikely.

CONSULTATION

Preston Law

Title of Report: Tenure arrangements for Lot 27 on SP279528 “Old New Mapoon Youth Centre”

Agenda Item: 9.1

Classification: For Decision

Author: CEO

Attachments: Nil

Officers Recommendation:

That Council:

1. Note the Report
2. Defer the matter to the December Council Meeting for decision regarding potential management arrangement for use of part of the lot

PURPOSE OF REPORT

To enable decision following further discussions for Lot 27 on SP279528

BACKGROUND AND CONTEXT

At the November 2023 Trustee meeting, the Trustee resolved

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

A licence agreement was provided to Gudang Yadhaykenu Native Title Aboriginal Corporation in November 23. The matter was originally tabled at the July Trustee Meeting, before being deferred to this meeting. It should be noted in the period between these meetings GYNTAC has signed their licence agreement, but it has not been signed by Council Officers, pending discussions at this meeting. As GYNTAC were given advice that an agreement needed to be resolved by 30 June 2024 or the matter would be returned to the trustee, there is very limited legal risk to Council. GYNTAC has advised they

have come to arrangements to purchase existing furniture and computers and to share the office with GYAC.

In the interim between when the decision was made and the agreement signed by GYNTAC the building has incurred damage by kids through break in.

The purpose of this report is to confirm whether the trustee wishes to continue these discussions or consider other options for the building.

For the benefit of the trustee, in 2023, a public EOI was undertaken for the building.

A total of 2 EOIs were received for this premise and attached to this report. They are summarised as follows

Party	Proposed Use	Term Conditions
Gudang Yadhaykenu Native Title Aboriginal Corporation	Office space and future growth as ranger base	10 years
Nai Beguta Agama Aboriginal Corporation	Youth Centre and programs	99 years

As Nai Beguta Agama Aboriginal Corporation already has existing structures within the Community, the trustee decided to proceed with the EOI from Gudang Yadhaykenu Native Title Aboriginal Corporation although both EOIs have merit.

It is Council Officer's understanding there is a desire to utilise the site as a Youth Centre. Infrastructure programs for youth centres are not currently aligned with the youth strategy. It took significant advocacy to access funds to refurbish the old HACC centre in Bamaga with funding ultimately provided under the restorative justice program by DATSIP, not Youth Justice. There are also concerns regarding the cost of repairs if the office is continually broken into.

There are options available to the trustee including

- Proceed with the current licence arrangements with GYNTAC
- Proceed with alternative arrangements with NBAAC
- Retain the facility and seek further funding. A management arrangement for the office could be entered into for a short term period while funds are sought. **Note: there would not be an alternative site for GYNTAC once their occupancy finished at the office

CRITICAL DATES

N/A

OTHER OPTIONS CONSIDERED

N/A

LEGAL AND LEGISLATION CONSIDERATIONS

Aboriginal Land Act

POLICY CONSIDERATIONS

N/A



COUNCIL TRUSTEE MEETING # 9

Agenda Item 9.1

Monday 16th December 2024

CAIRNS

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

N/A

FINANCIAL AND RESOURCE CONSIDERATIONS

N/A

CONSULTATION

N/A



9.2 Croc Tent Request for Variation

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).

The general nature of the matters 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.

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

Agenda Item: 9.3

Classification: For Decision

Author CEO

Attachments Nil

Officers Recommendation:

That Council:

1. Note the Report
2. Retain the property for council purposes

PURPOSE OF REPORT

To enable decision regarding tenure arrangements for New Mapoon Nursery

BACKGROUND AND CONTEXT

In August 2022, the Trustee undertook a formal Expression of Interest process for Lot 114 on SP273365 “New Mapoon Nursey”.

A total of 5 EOIs were received for this premise. They were as summarised below

Party	Proposed Use	Term Conditions
Brodie Yusia	Convenience store, snack bar, catering, equipment hire and vehicle hire	99 years
Francis Accom	Mowing business and nursery	10 years
Katrin Holmsten	Online travel guide business and dwelling	5-10 years
Laban & Dorelle Sambo	Commercial Nursery and sale of mowing equipment	99 years
New Mapoon Aboriginal Corporation	Social enterprise nursery	Perpetual and divested

Following this, at request of the trustee, Council Officers followed up consistently with Mr Yusia and Mr Accom to provide business plans for the leasing of the property. A business plan was not received by Mr Accom when the matter was discussed at the December 2022 Trustee Meeting, and the trustee elected not to extend the decision making timeframe any further.

In December 2022, the trustee resolved

Resolution:

That Council, as Trustees:

1. **Note the Report**
2. Require the applicant to incorporate the relevant business prior to entering into leasing arrangements
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 the relevant business controlled by Brodie Yusia, Leanna Henry and Rachel Yusia identified at point 2 on the basis of an Licence Agreement for 3+2 years at current market value subject to 4% annual increase to be operational within 12 months, and on such other terms as the Chief Executive Officer considers appropriate for Lot 114 on SP273365
4. Reconsider the EOI from Brodie Yusia for a Lease at the December 2023 Trustee Meeting

Moved: Cr Cottis

Vote: 4/0

Seconded: Cr Whap

Resolution: T8.2-13122022

CARRIED

Following this, a licence agreement was entered into with Mr Yusia but there was no meaningful action taken to establish the business consistently with the resolution and the licence agreement was terminated.

The property has remained vacant and is in need of minor repairs to ensure security. Currently toilet facilities are shared between the Nursery and the Art Centre. There has also been interest from Operational Staff in establishing a secondary depot at New Mapoon to better assist with servicing Seisia and New Mapoon communities.

Council Officers are seeking refreshed instructions from the Trustee to enable progression with the site. Options available to the trustee

1. Do nothing and leave the site vacant
2. Enter into leasing arrangements with a party that has previously submitted an EOI
3. Undertake a further public EOI for the site
4. Retain the site for council purposes with repairs undertaken using the existing R&M budget

CRITICAL DATES

N/A

OTHER OPTIONS CONSIDERED

N/A

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: Home Ownership Application – Lot 219 on SP273361

Agenda Item: 9.4

Classification: For Decision

Author: Chief Executive Officer

Attachments: Attachment A. EOI from M & G Tamwoy
Attachment B. Preliminary Land Assessment Report
Attachment B. (a). RPS Plan
Attachment B. (b). Extract of SP273361
Attachment B. (c). DA Mapping
Attachment C. NPARC Master Plan – Bamaga Community
Attachment D. NPARC Planning Scheme Zoning Plan: Bamaga

Officers Recommendation:

That Council, as Trustees:

- (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

PURPOSE OF REPORT

To provide the Trustee the information on the preliminary land assessment report for Lot 219 on SP273361.

BACKGROUND AND CONTEXT

On the 10th June 2024, an EOI was received from Gerald & Mika Tamwoy to enter a home ownership lease for Lot 219 on SP273361 (219 Adidi St Bamaga). This was forwarded to the Home Ownership Program of DWATSIPM who undertook the necessary preliminary assessment to allow consideration by the Trustee and is attached to this EOI.

Below are the key steps for all 99- year home ownership leases including responsible party:

1. EOI submitted – applicant
2. Assess the EOI – trustee
 - a. EOI sent to DWATSIPM to undergo preliminary assessment report
 - b. EOI presented to Trustee meeting following assessment
3. Notify applicant of outcome – Trustee

If EOI is approved

4. Notice of intent to lease sent to DHPW, if the EOI is over a social housing dwelling – Trustee
5. Response to the Notice of Intent to lease and confirmation sale price – DHPW
6. Agreement to Lease (ATL) presented to the applicant - Trustee *(DWATSIPM have confirmed they will prepare these on behalf of the Trustee at no cost)*
7. ATL signed by the applicant and Trustee

Conditions of the ATL to be met

8. Finance - applicant to present financial evidence to the Trustee they can cover the sale price – applicant
9. Building and pest inspection – applicant
10. Native Title – address Native Title to enable leasing – applicant *this will be a PAN under the ILUA)*
11. The exiting 40 yr social housing lease needs to be surrendered – DWATSIPM will arrange

When all ATL conditions have been met

12. Deliver the maintenance within the ATL agreement timeframe – DHPW

When the maintenance delivery has been completed

13. Settlement – sale price payment made to the Trustee - applicant
14. Lease document is signed by the applicant and Trustee – Applicant and Trustee
15. ATL and lease document provided to Queensland Revenue Office for duty assessment and payment of any duty – applicant
16. Lease document is lodged with Titles officer for registration -applicant

NPARC has met with Ipima Ikaya a number of times to confirm their position. It appears there is agreement to the compensation arrangements offered following the last meeting and the relevant documents are being progressed.

It would be noted by Council Officers that the current tenant for the property is Mika Tamwoy but the EOI has been made by Mika & Gerald Tamwoy. Additional applicants make lease management a more complex avenue. In line with previous advice, it is Council Officer recommendation the Home Ownership Lease is entered into with the tenants, with future assignment managed under the Home Ownership Legislation framework.

Further Council Officers would note the previous aspirations for Adidi St to become a commercial area and the granting of a 99 year Home Ownership Lease may interfere with these aspirations. This is consistent with both the master plan and Zoning Plan for Bamaga as attached to this report.

CRITICAL DATES

Nil

OTHER OPTIONS CONSIDERED

The Trustee can decline the EOI



LEGAL AND LEGISLATION CONSIDERATIONS

Torres Strait Islander Land Act 1991

POLICY CONSIDERATIONS

NA

FINANCIAL AND RESOURCE CONSIDERATIONS

NA

CONSULTATION

DATSIP

RPS

Title of Report: Public EOI for Lot 337 on SP273361 “Old St Stephens Church”

Agenda Item: 9.5

Classification: For Decision

Author: CEO

Attachments: EOI from Alexis Morseu & others (tabled)
 EOI from Ebony Tamwoy (tabled)
 EOI from Elizabeth Tamwoy (tabled)
 EOI from Harriett Phineasa (tabled)
 EOI from Lamont Transport (tabled)
 EOI from Stanley & Petta Elu (tabled)
 EOI from WMT (White Man Town) Community Group (tabled)

Officers Recommendation:

That Council:

1. Note the Report
2. Request each applicant provide a 15 min presentation on their EOI for shortlisting prior to undertaking a community survey

PURPOSE OF REPORT

To enable decision following Formal Expressions of Interest for Lot 337 on SP273361

BACKGROUND AND CONTEXT

At the Special September Trustee meeting, the trustee resolved

Resolution

That Council as Trustees resolve to:

1. Note the Report
2. Undertake a public EOI for Lot 337 on SP276661 previously known as “St Stephens Church”

Moved: Cr Gebadi

Vote: 5/0

Seconded: Cr Yoelu

Resolution: T6.4-09092024

CARRIED

Following this, a public EOI was run and published on Facebook, NPARC Website and Torres News.

A total of 8 EOIs were received for this premise and attached to this report. They are summarised as follows in no particular order

Party	Proposed Use	Term Conditions
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Alexis Morseu & others	Establish a unique gift shop and arts & craft store and future expansion to a café	20 years
Cassandra Sabatino (Adidi)	Outboard sales and mechanical operations services	30 years
Ebony Tamwoy	Timmy's cafe	1 year
Elizabeth Tamwoy	Coffee Shop, Café & Catering Equipment Hire	30 years
Harriett Phineasa	Women's ministry work, second hand items, catering, private function, events hire	10+10 years
Lamont Transport	Support transport business and delivery of goods to the region	2-5 years
Stanley & Petta Elu	Coffee shop with further expansion	10 years
WMT (White Man Town) Community Group	Youth Centre / Community Hub	**not stated

Following the November Trustee Meeting when the matter was deferred, Cassandra Sabatino (Adidi) withdrew her EOI.

Lot 337 on SP273361 (also referred to as 337 Lui St) is 2040 m2 on the Bamaga DOGIT, with no identified purpose under the Master Plan. The property is identified as a Community Facility under the masterplan on the township zone.

From the response for the EOI, it evident the strong need there is for further premises for local people to operate and commence businesses, and this is the strongest response we have received to an EOI. All EOIs have merit and contribute to the strategic growth and development of Bamaga Community and the NPA. There will evidently be disappointed parties regardless of the decision made.

Section 135(2) of the Torres Strait Islander Land Act states the Decision-Making requirements of the trustee. It states the trustee must

(a) have regard to—

(i) if the Torres Strait Islanders for whom the trustee holds the land have agreed on a decision-making process for decisions of that kind—the process; or

(ii) if subparagraph (i) does not apply—any Island custom, for decisions of that kind, of the Torres Strait Islanders for whom the trustee holds the land; or

(b) if there is no decision-making process mentioned in paragraph (a)(i) or relevant Island custom—make the decision under a process of decision-making agreed to and adopted by the trustee for the decision or for decisions of that kind.

Ultimately, it is up to the trustee to agree to the decision making process for the decision. There has been work done to draft a Trustee Leasing Policy to set consistent standards for this, which is part of the Council Workshop occurring in December with Preston Law. It may be that the trustee opts to have further representation or run some kind of community survey to support the decision making considering the high volume of EOIs that have been made.



CRITICAL DATES

N/A

OTHER OPTIONS CONSIDERED

N/A

LEGAL AND LEGISLATION CONSIDERATIONS

N/A

POLICY CONSIDERATIONS

N/A

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

N/A

FINANCIAL AND RESOURCE CONSIDERATIONS

N/A

CONSULTATION

N/A

Title of Report: Tenure Arrangements for Seisia Fishing Club

Agenda Item: 9.6

Classification: For Decision

Author CEO

Attachments Nil

Officers Recommendation:

That Council:

1. Note the Report
2. Provide notice to Seisia Fishing Association and other interested parties that a public EOI process will be undertaken and they are invited to apply

PURPOSE OF REPORT

To provide background and context to Tenure Arrangements for Seisia Fishing Club and resolve a process moving forward.

BACKGROUND AND CONTEXT

In 2014, NPARC attempted to regularise leasing arrangements with Seisia Fishing Association. These negotiations were never completed and there are no current tenure arrangements in place. An EOI was also received by Seisia Community Torres Strait Islander Corporation which was not considered by the trustee.

It is worth noting, that Seisia Fishing Association also has a large arrears with Council due to refusal to pay service fees for the premise.

In April 2023, the trustee resolved to enter into a Licence Agreement with the Seisia Fishing Association.

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 Seisia Fishing Association on the basis of an Licence Agreement for 2 years at current market value subject to 4% annual increase, and on such other terms as the Chief Executive Officer considers appropriate for Seisia Fishing Club

Moved: Cr Whap

Vote: 5/0

Seconded: Cr Gebadi

Resolution: T8.11-17042023

CARRIED

Multiple attempts were made to progress this agreement as well as discuss a process to resolve the issue regarding the outstanding arrears. There was no response from the Seisia Fishing Association apart from ongoing replies that they would reply shortly. It should be noted that this decision was made at the same time as other decisions from Tradesman Way which did detract the resolution of matters in Seisia for some time.

The Fishing Club has not operated in a meaningful way in recent times. There has been approaches made to Council by other entities wanting to operate the fishing club as there is good potential for community. As demonstrated by the EOI report considered earlier today, there is great community demand for infrastructure to operate commercial businesses. Advice provided by OLGR is that the licence is still current with the Fishing Association.

Moving forward options available to the trustee include

- Continue attempting to progress arrangements with Seisia Fishing Association
- Take control of the building and enter into arrangements with an alternative party
- Undertake a public EOI and invite Seisia Fishing Association to submit an EOI

CRITICAL DATES

N/A

OTHER OPTIONS CONSIDERED

N/A

LEGAL AND LEGISLATION CONSIDERATIONS

N/A

POLICY CONSIDERATIONS

N/A

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

N/A

FINANCIAL AND RESOURCE CONSIDERATIONS

N/A

CONSULTATION

N/A

Title of Report: Council Lease to Telstra Corporation Limited: Proposed Licence to Amplitel Pty Ltd

Agenda Item: 9.7

Classification: For Decision

Author CEO

**Attachments Current Title Search (tabled)
Lease with Telstra Corporation Limited (tabled)
Notice from Telstra regarding Agreements (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) 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)

PURPOSE OF REPORT

To enable assignment of Telstra Leases to Amplitel Pty Ltd.

BACKGROUND AND CONTEXT

Council currently has a lease in place for Lot 165 on SP273361 for the Telstra Depot and Tower located within the Army Barracks Site (see attached title search). This lease commenced 1 July 2022 and expires on 30 June 2024 (known as dealing 722438373).

Telstra is in the process of grant a licence for the Mobile tower and other facilities Amplitel Pty Ltd in which Telstra retains 51% ownership. The Leases requires Council written consent to a proposed granting of licence, in this case to Amplitel Pty Limited. This is explained in the attached notice

It is Council Officer recommendation that the transfer be approved subject to two conditions

- That all rent and any other payments are fully up to date.
- That Council's legal costs of approval of the proposed transfers are to be paid by Telstra.

The change will be effected by the signing of the attached notice (with amendment to specify this applies to only this dealing) and providing permission to grant a licence to Ampitel and to allow Amplitel Pty Ltd to continue to access and operate the tower and other facilities in the lease.



CRITICAL DATES

N/A

OTHER OPTIONS CONSIDERED

N/A

LEGAL AND LEGISLATION CONSIDERATIONS

N/A

POLICY CONSIDERATIONS

N/A

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

N/A

FINANCIAL AND RESOURCE CONSIDERATIONS

N/A

CONSULTATION

Preston Law



Agenda Item 10-11
TRUSTEE COUNCIL MEETING #9
Monday 16th December 2024

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