



TRUSTEE MEETING BOOKLET

Northern Peninsula Area Regional Council

Trustees Council Meeting #4

to commence at 10:00am

on

Monday 22nd July 2024

at

BAMAGA BOARDROOM

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Agenda Item 1 to 5
TRUSTEE COUNCIL MEETING #4
22nd July 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 #3
Monday 17th June 2024
Bamaga Boardroom

Agenda Item 1. Welcome and Opening of Meeting

Mayor Poi Poi welcomed attendees and opened the meeting at 12:01pm 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 Northern Peninsula Area; and to their elders past, present and emerging.

Council observed a minute silence out of respect to sorry business within the communities

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 Marlene Bond	Division 4
Cr Bradford Elu	Division 5

Other Attendees

Kate Gallaway	CEO
Elimau Blarrey	Senior Executive Assistant (Minute Taker)
Julian Bodenmann	Preston Law

Agenda Item 4. Apologies

Nil

Agenda Item 5. Declarations of Conflict of Interest

Nil

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 27th May 2024.

Moved: Cr Yoelu

Vote: 6/0

Seconded: Cr Gebadi

Resolution: T6.1 – 17062024

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 Gebadi

Vote: 6/0

Seconded: Cr Yoelu

Resolution: T7.1 – 17062024

CARRIED

Action items were discussed as per the Action Task List
Councillor Byrne left the room at 1:09pm

Resolution

That Council as Trustees:

1. Resolve to open the meeting.

Moved: Cr Gebadi

Vote: 5/0

Seconded: Cr Elu

Resolution: T7.2 – 17062024

CARRIED



UNCONFIRMED

Meeting Minutes
TRUSTEE COUNCIL MEETING #3
Monday 17th June 2024
Bamaga Boardroom

Agenda Item 8. Reports

Agenda Item 8.1. Home Ownership Application – Part of Lot 68 on SO69

Councillor Byrne returned into the room at 1:11pm

Resolution

That Council as Trustees:

1. Note the report
2. Decline the EOI due to the planning constraints under relevant legislation and the NPARC Planning Scheme

Moved: Cr Yoelu

Vote: 6/0

Seconded: Cr Byrne

Resolution: T8.1 – 17062024

CARRIED

Agenda Item 8.2. Tenure Arrangements for Lot 337 on SP276661

Resolution

That Council as Trustees:

1. Note the Report
2. Defer the matter to the July Trustee Meeting

Moved: Cr Gebadi

Vote: 6/0

Seconded: Cr Bond

Resolution: T8.2 – 17062024

CARRIED

Agenda Item 10. Other Business

Agenda Item 11. Close of Meeting

Meeting closed at 1:37pm with a prayer by Cr Gebadi.



Agenda Item 7
TRUSTEE COUNCIL MEETING #4
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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).

Title of Report: Tenure Arrangements for Lot 337 on SP276661

Agenda Item: 8.1

Classification: For Decision

Author Chief Executive Officer

**Attachments Map
Building Report**

Officer's Recommendation:

That Council:

- Note the report

PURPOSE OF REPORT

To consider and enable a decision regarding the next steps in tenure arrangements for Lot 337 on SP276661 being the site known as St Stephen's Church.

BACKGROUND AND CONTEXT

In October 2022, the trustee resolved to enter into a new lease with the Roman Catholic Trust Corporation for the Diocese of Cairns as their previous lease was not registered properly. An extended negotiation process was undertaken with the Diocese who decided to vacate the premises. The fully vacated premise was handed back to Council in June 2024.

Following this the Executive Manager Building and Infrastructure undertook a building report, which is attached to this report. This report identified that there are no major structural issues at the premise but electrical work is needed to bring the building into standard for current standards regarding fire alarms.

The purpose of this report is obtain refreshed direction from trustee in this building. Options available to the trustee

- Enter into arrangements with a local congregation to utilise the building on an as need basis through a rental or management agreement basis (with council retaining control and ownership)
- Enter into a licence agreement or lease with a local congregation for the building
- Consider alternative uses of the building

Trustee could opt to undertake a public EOI to elicit interest from interested parties in utilising the building.

CRITICAL DATES

N/A



OTHER OPTIONS CONSIDERED

N/A

LEGAL AND LEGISLATION CONSIDERATIONS

Council is required to discharge its duties as trustee of Torres Strait Islander land pursuant to the *Torres Strait Islander Land Act 1991*.

POLICY CONSIDERATIONS

N/A

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

N/A

FINANCIAL AND RESOURCE CONSIDERATIONS

N/A

CONSULTATION

Council's solicitors, Preston Law.

Title of Report: EOI for part of lot 87 on SP284242

Agenda Item: 8.2

Classification: For Decision

Author CEO

Attachments EOI from Ergon Energy

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 Ergon Energy Corporation Limited on the basis of an Agreement to Grant Lease and Lease at current commercial rates subject to 4% annual increase for 20+5 years for part of Lot 87 on SP284242 identified as Lease Area A.

PURPOSE OF REPORT

To enable decision following an EOI from Ergon Energy for part of Lot 87 on SP284242.

BACKGROUND AND CONTEXT

Ergon Energy has two existing leases for lot 89 on SP243595 and lot 15 on SP273361 covering the area of the Ergon Power Station. They have built short term accommodation on site that is used to house staff attending for short periods of time.

Ergon Energy has approached council as they are seeking land to build staff accommodation for permanent staff. Following staff changes, they have identified the need to recruit permanent linesman for the region to improve response to outages. Ergon Energy advised they approach Government Employee Housing who confirmed they are unable to access their housing stock.

Council Officers provided advice to Ergon that land options within the NPA are limited and to build accommodation on their existing lease area. Ergon advised they are unable to do this due to unsuitability of location for permanent staff and their families.

Following this, Ergon has submitted an EOI for part of lot 87, which is an existing reserve area that is currently occupied by NPARC staff housing, social housing, TAFE building and a current lease with Government Employee Housing.



Currently, there are no proposed developments for the site identified by Ergon. The proposed site should be moved closer to the existing GEH area as identified by the below map.



Despite multiple interests on the site, the land has not previously be subdivided. It may be advantageous to sub-divide the lot into small lots of land for future management of the lot.

Ergon is seeking to build a multi-dwelling purpose on the land, however they will need to follow planning scheme requirements on the lot to ensure minimum density. From discussions, it is understood they are proposing to build a duplex on the site.

CRITICAL DATES

N/A

OTHER OPTIONS CONSIDERED

Council could decline the EOI or propose an alternative site.

LEGAL AND LEGISLATION CONSIDERATIONS

Torres Strait Islander Land Act



COUNCIL TRUSTEE MEETING # 4

Agenda Item 8.2

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POLICY CONSIDERATIONS

N/A

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

N/A

FINANCIAL AND RESOURCE CONSIDERATIONS

N/A

CONSULTATION

Ergon Energy

RILIPO

Title of Report: Home Ownership Application – Lot 190 on SP273359

Agenda Item: 8.3

Classification: For Decision

Author: Chief Executive Officer

Attachments: Attachment A. EOI from S Nawia

Attachment B. Preliminary Land Assessment Report

Attachment B. (a). RPS Plan

Attachment B. (b). Extract of SP273359

Attachment B. (c). DA Mapping

Officers Recommendation:

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 Stephen Nawia on the basis of an Agreement to Grant Lease and Home Ownership Lease for Lot 190 on SP273359

PURPOSE OF REPORT

To provide the Trustee the information on the preliminary land assessment report for Lot 190 on SP273359

BACKGROUND AND CONTEXT

On the 23rd March 2024, an EOI was received from Stephen Nawia to enter a home ownership lease for Lot 190 on SP273359 (3 Sunai St Seisia). This was forwarded to the Home Ownership Program of DTATSIPCA 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 DTATSIPCA 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 DCHE, if the EOI is over a social housing dwelling – Trustee
5. Response to the Notice of Intent to lease and confirmation sale price – DHLGPPW
6. Agreement to Lease (ATL) presented to the applicant - Trustee *(DTATSIPCA 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 – DTATSIPCA will arrange

When all ATL conditions have been met

12. Deliver the maintenance with in the ATL agreement timeframe – DHLGPPW

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.

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



COUNCIL TRUSTEE MEETING # 4

Agenda Item 8.3

Monday 22nd July 2024

BAMAGA BOARDROOM

CONSULTATION

DATSIP

RPS

Title of Report: EOI for Lot 71 on SP273363

Agenda Item: 8.4

Classification: For Decision

Author CEO

Attachments EOI from Titom and Michelle Tamwoy

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 Michelle and Titom Tamwoy on the basis of an Agreement to Grant Lease and Lease at current commercial rates subject to 4% annual increase for 5+5+5+5 years for Lot 71 on SP273363

PURPOSE OF REPORT

To enable decision following an EOI from Titom and Michelle Tamwoy for Lot 71 n SP273363.

BACKGROUND AND CONTEXT

Titom and Michelle Tamwoy have submitted an EOI to Council to enter into a lease for lot 71 on SP273363, also known as 4 Taipan Ally. This is a small lot (549m²) that has an old building on site. Titom and Michelle Tamwoy advised they approached the trustee directly to discuss using the land for the storage of plant and vehicle associated with their business, renovate the old building to become an office space and small kitchen and install a perimeter fence.



There is no current purpose identified for the land on the Master Plan. In addition, there is likely to be little useable functions due to the small size of the lot.

CRITICAL DATES

N/A

OTHER OPTIONS CONSIDERED

Council could decline the EOI or propose an alternative site.

LEGAL AND LEGISLATION CONSIDERATIONS

Aboriginal Land Act

POLICY CONSIDERATIONS

N/A



COUNCIL TRUSTEE MEETING # 4

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CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

N/A

FINANCIAL AND RESOURCE CONSIDERATIONS

N/A

CONSULTATION

Titom and Michelle Tamwoy

Title of Report: Home Ownership Application – Part of Lot 7 on SP273361

Agenda Item: 8.5

Classification: For Decision

Author: Chief Executive Officer

Attachments: Attachment A. EOI from R Williams & A Ewart (tabled)

Attachment B. Preliminary Land Assessment Report (tabled)

Attachment B. (a). RPS Plan (tabled)

Attachment B. (b). Extract of SP273361 (tabled)

Attachment B. (c). DA Mapping (tabled)

Attachment C. Legal advice from Preston Law (tabled)

Officers Recommendation:

That Council, as Trustees:

- (1) Note the report
- (2) Decline the EOI until receipt of confirmation of capacity to pay

PURPOSE OF REPORT

To provide the Trustee the information on the preliminary land assessment report for part of Lot 7 on SP273361.

BACKGROUND AND CONTEXT

Following extended negotiations, at the April 2023 Trustee Meeting, the Trustee made the following resolution

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 Roger Williams on the basis of an Agreement to Grant Lease and Lease for 10+10 years to be operational within 24 months at current market value subject to 4% annual increase, and on such other terms as the Chief Executive Officer considers appropriate for part of Lot 7 on SP273361 known as 'Woomera Station'

Moved: Cr Gebadi

Vote: 6/0

Seconded: Cr Cottis

Resolution: T8.3-17042023

CARRIED

Mr Williams did not agree with the reduced land area and subsequently engaged with DTATSIPCA to progress a home ownership application as he did not want to undertake commercial activities on the land anymore.

On the 14th November 2023, an EOI was received from Roger Williams and Amanda Ewart to enter a home ownership lease for part of Lot 7 on SO273361. The area of interest is located within Bamaga DOGIT north of Airport Road and East of Pajinka Road. It has been identified as an approximate 111.8ha portion of Lot 7 on SP273361 adjoining Lot 3 on SO87 and situated approximately 1.6 km from a gazetted road. This was forwarded to the Home Ownership Program of DTATSIPCA 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 DTATSIPCA 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 DCHE, if the EOI is over a social housing dwelling – Trustee
5. Response to the Notice of Intent to lease and confirmation sale price – DHLGPPW
6. Agreement to Lease (ATL) presented to the applicant - Trustee *(DTATSIPCA 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 – DTATSIPCA will arrange

When all ATL conditions have been met

12. Deliver the maintenance with in the ATL agreement timeframe – DHLGPPW

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.

There are significant challenges to the lease identified within the Preliminary Land Assessment Report, and reproduced here with further comments for discussion

- The application is for an existing house with no existing lot;
- The area of interest has no legal frontage to gazetted roads and is accessed by approximately 1.6 km unconstructed access from Airport Road; **It is recommended that this access be opened as Public road to provide legal access to lands either side of the track. This may cause further cost to Council in expected maintenance which should be resolved through a road maintenance agreement**
- The house is a privately owned outstation does not have access to Council water or sewer.
- There are no current services connection and the area is located outside the Priority Infrastructure Area. The nearest water services are located within Lui Street, approximately 2.5km and electricity infrastructure is approximately 2km from the site.
- Alternative arrangements for sewer, water and electricity supply may be required. This could include water tanks and on-site wastewater disposal (septic systems); **Discussions with Mr Williams confirm this is his intent and the reason the the size of the lot**
- The land around the house was nominally located within the Rural Zone with the balance within the Environmental Management and Conservation Zone;
- The land is mapped as containing Regulated vegetation and wildlife habitat;
- The land is mapped as being within the Medium Bushfire Hazard and Potential Bushfire Impact Buffer;
- The proposal would require creation of a new lot, therefore, a development application for Reconfiguring a Lot would be required;
- Native Title exists and requires an ILUA, note the current Infrastructure ILUA does not cover this area. Refer to item 13 below. **This is incorrect information. Further advice was received from Preston Law and as attached to this email the site is covered by the ILUA.**

It is important to note the DTATSIPCA and RPS represent Council's interest in this matter. Further DTATSIPCA have confirmed they do not have funding for the planning, survey and development approval aspects of the lease. It is the opinion of Council Officers that Mr Williams be responsible for the planning, survey and development approval costs and be referred to seek independent planning advice before he commits to entering into a lease.

Further the cost of the lease will be quite extensive. Under the home ownership methodology, the cost of the lease would be approximately \$1116000. Capacity to pay would need to be established prior to the lease being entered into.

CRITICAL DATES

Nil



COUNCIL TRUSTEE MEETING # 4

Agenda Item 8.5

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BAMAGA BOARDROOM

OTHER OPTIONS CONSIDERED

The trustee could accept the EOI. However Council Officers would recommend Mr Williams be responsible for planning and development costs.

LEGAL AND LEGISLATION CONSIDERATIONS

Torres Strait Islander Land Act 1991

POLICY CONSIDERATIONS

NA

FINANCIAL AND RESOURCE CONSIDERATIONS

NA

CONSULTATION

DATSIP

RPS

Title of Report: Tenure arrangements for Lot 27 on SP279528

Agenda Item: 8.6

Classification: For Decision

Author CEO

Attachments Nil

Officers Recommendation:

That Council:

1. Note the Report

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 an 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. Despite one enquiry by CYLC in May this year, there has been no meaningful progressions on the arrangements. Consistent feedback from GYNTAC is they are waiting on directors meeting to resolve. GYNTAC were given advice that an agreement needed to be resolved by 30 June 2024 or the matter would be returned to the trustee. GYNTAC has advised they have come to arrangements to purchase existing furniture and computers and to share the office with GYAC.

In the interim the building has incurred damage by kids through break in.



COUNCIL TRUSTEE MEETING # 4

Agenda Item 8.6

Monday 22nd July 2024

Bamaga Boardroom

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 would be council officer recommendation to conclude these negotiations if there is no meaningful response by 30 September 2024 and then engage with NBAAC regarding their interest.

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



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