



TRUSTEE MEETING BOOKLET

Northern Peninsula Area Regional Council

Trustees Council Meeting #3

to commence at 11:00am

on

Monday 17th June 2024

at

BAMAGA BOARDROOM

AGENDA

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Agenda Item 1 to 5
TRUSTEE COUNCIL MEETING #3
17th June 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**

Agenda Item 1. Welcome and Opening of Meeting

Mayor Poi Poi welcomed attendees and opened the meeting at 9:49am 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

Other Attendees

Kate Gallaway	CEO
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Agenda Item 4. Apologies

Resolution

That Council as Trustees:

Grants a leave of absence to Cr Bond due to carers leave.

Moved: Cr Yoelu

Vote: 5/0

CARRIED

Seconded: Cr Gebadi

Resolution: T4 – 27052024

Agenda Item 5. Declarations of Conflict of Interest

Nil

Agenda Item 6. Confirmation of Minutes of Previous Meeting

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

Resolution

That Council as Trustees:

Notes and confirms the minutes from the Trustee Meeting held Monday 22nd April 2024.

Moved: Cr Gebadi

Vote: 5/0

CARRIED

Seconded: Cr Yoelu

Resolution: T6.1 – 27052024

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 Elu
Vote: 5/0

Seconded: Cr Gebadi
Resolution: T7.1 – 27052024

CARRIED

Action items were discussed as per the Action Task List

Resolution

That Council as Trustees:

1. Resolve to open the meeting.

Moved: Cr Gebadi
Vote: 5/0

Seconded: Cr Elu
Resolution: T7.2 – 27052024

CARRIED

Agenda Item 8.

Notice of Motion

Agenda Item 8.1.

Notice to Repeal Motion relating to Lot 77 on SP273363

Cr Yoelu left the meeting at 11.30am

Cr Yoelu returned to the meeting at 11.33am

Resolution

That Council as Trustees:

- 1. Note the Report**
- 2. Repeal motion 8.15-19072022**

(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 on behalf of the Trustee arrangements with Ipima Ikaya Aboriginal Corporation RNTBC to enter into an Agreement to Grant Lease and Lease for Lot 77 on SP273363 at no cost for 30 years, and on such other terms as the Chief Executive Officer considers, and on such other terms as the Chief Executive Officer considers appropriate

(3) Delegate to the Chief Executive Officer, pursuant to section 257(1)(b) of the Local Government Act 2009, power to negotiate on behalf of the Trustee arrangements with Ipima Ikaya Aboriginal Corporation RNTBC to enter into an Ancillary Agreement to reflect the granting of the lease at no cost as compensation for future acts of council

3. Repeal motion T8.3.3-27022024

- 1. Note the report*
- 2. Run a public EOI for Lot 77 on SP273363 (Injinoo Youth Centre)*
- 3. Advise Ipima Ikaya Aboriginal Corporation RNTBC their EOI will be considered following closure of the public EOI*

Moved: Cr Byrne

Vote: 3/2

Seconded: Cr Gebadi

Resolution: T8.1 – 27052024

CARRIED

Mayor Poi Poi and Cr Yoelu requested that the minutes record they voted against this resolution.

Meeting paused for lunch at 12.12pm

Meeting resumed from lunch at 1.00pm



UNCONFIRMED

Meeting Minutes
TRUSTEE COUNCIL MEETING #2
Monday 27th May 2024
TEAMS

Agenda Item 9.

Reports

Agenda Item 9.1.

Home Ownership Application – Part of Lot 68 on SO69

Resolution

That Council as Trustees:

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

Moved: Cr Byrne

Vote: 5/0

Seconded: Cr Elu

Resolution: T9.1 – 27052024

CARRIED

Agenda Item 9.2.

Home Ownership Application – Lot 9 on SP273358

Mayor Poi Poi declared a declarable conflict of interest in relation to an extended family member.
Mayor Poi Poi left the room at 1.13pm.

Cr Yoelu chaired the meeting in the absence of Mayor Poi Poi.

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 Tolowa and Gina Nona on the basis of an Agreement to Grant Lease and Home Ownership Lease for Lot 9 on SP273358

Moved: Cr Gebadi

Vote: 4/0

Seconded: Cr Elu

Resolution: T9.2 – 27052024

CARRIED

Cr Yoelu - For

Cr Gebadi - For

Cr Byrne - For

Cr Elu - For

Mayor Poi Poi returned to the meeting at 1.18pm

Agenda Item 9.3.

Home Ownership Application – Part of Lot 700 on SP273363

Resolution

That Council as Trustees:

1. Note the Report
2. Decline the EOI at this time as proposed use is in conflict with the master plan.

Moved: Cr Byrne
Vote: 5/0

Seconded: Cr Elu
Resolution: T9.3 – 27052024

CARRIED

Agenda Item 9.4. Tenure Arrangements for Lots 286, 287, 288 and 289 on SP273361

Mayor Poi Poi left the meeting at 1.31pm

Mayor Poi Poi returned the meeting at 1.32pm

Resolution

That Council as Trustees:

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

Moved: Cr Gebadi
Vote: 5/0

Seconded: Cr Yoelu
Resolution: T9.4 – 27052024

CARRIED

Agenda Item 10. Other Business

Agenda Item 11. Close of Meeting

Meeting closed at 1:45pm with a prayer by Cr Yoelu.



Agenda Item 7
TRUSTEE COUNCIL MEETING #3
17th June 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: Home Ownership Application – Part of Lot 68 on SO69

Agenda Item: 8.1

Classification: For Decision

Author: Chief Executive Officer

Attachments: Attachment A. EOI from W Jawai (tabled)

Attachment B. Preliminary Land Assessment Report (tabled)

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

Attachment B. (b). Extract of SO69 (tabled)

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

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 Wesley Jawai on the basis of an Agreement to Grant Lease and Home Ownership Lease for the area identified as Proposed EOI 5 on Lot 68 on SO69 measuring approximately 2662m² subject to planning, survey and development approval costs being paid by Mr Jawai

PURPOSE OF REPORT

To provide the Trustee the information on the preliminary land assessment report for part of Lot 68 on SO69.

BACKGROUND AND CONTEXT

On the 23rd January 2024, an EOI was received from Wesley Jawai to enter a home ownership lease for part of Lot 68 on SO69. This area (identified on attachment B(a)) is approximately 2662m² on the eastern side of Red Island of the coast of 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.

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

- Native Tile exists and requires addressing through the ILUA, see item 13 for details – **This would be covered by the proposed Home Compensation Agreement**
- The area of interest has been identified as an approximately 2,710m² area, being part of Lot 68 on SO69 on the eastern side of Red Island of the coast of Seisia.
- There is no development currently on Red Island and there is no water, electricity or sewer services available. Alternative, off grid arrangements for services would be required. – **Mr Jawai has provided details of his proposed off grid arrangements attached to the EOI**
- The Planning Scheme shows the land on Strategic Maps and Nature Conservation and Open Space and the land is identified within the Environmental Management and Conservation Zone. – **This will likely cause a lengthy referral process for the DA to be management by Mr Jawai's town planner**

- An Impact Assessable Development Application would be required to create the lot shown in the area of interest. A Code Assessable application would be required to construct a dwelling, refer below for more details surrounding Development Approvals. – **Under planning legislation this will trigger public consultation and community members would have the opportunity to apply**
- The site is affected by the following State Maps:
 - Coastal management district;
 - Coastal area – erosion prone area; Not that housing development is typically not supported by the State in erosion prone areas.
 - Coastal area – medium storm tide inundation area (in part); and
 - Mapped Regulated Vegetation over the entire lot. The site is mapped as containing of “least concern” vegetation and Essential habitat across the site.

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 Jawai 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.

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: Tenure Arrangements for Lot 337 on SP276661

Agenda Item: 8.2

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.

BUILDING REPORT OVERVIEW

LOCATION IDENTIFICATION

LOCATION: Bamaga

ASSET TYPE: Building Used As A Church

BUILDING DETAILS: Low Set/Steel Studded Building/Shed

GENERAL COMMENTS: Building is on the road to the Airport across from the Bamaga Servo and next to Bio Security Shed. The Building was once used as a Church.

BUILDING IN PERSPECTIVE

This is an Old Building of some 20yrs. Some of the systems of the building are aging and will require updating over time. Despite the older systems, the improvements that are recommended in this report are not unusual for a Building of this age and locations. Please remember that there is no such thing as a perfect Building.

IMPROVEMENT RECOMMENDATION

The following is a synopsis of the potentially significant improvements that should be budgeted for over the short term. Other significant improvements, outside of this scope of this inspection, may also be necessary.

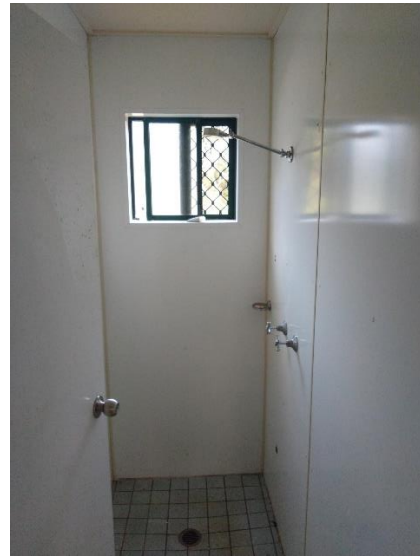
MAJOR / MINOR CONCERNS

- Major Concern: Some of the electrical will need to be replaced and brought up to Australian standards, Smoke Alarms, Lights, Fans.
- Minor Building works will need to be addressed like Security Screens on windows and Doors , ceiling repair due to water leaks
- Aircon
- Vinyl or Tiles throughout section of Building
- New Fencing around perimeter
- Painting Interior
- Lining of the Ceiling

RECOMMENDATION

With the age of the building being over 20yrs. I believe that the Electrical will be the first thing that works need to be carried out followed by Building works to secure the building. Rest of works are cosmetic that can be done to bring Building up to Standard.



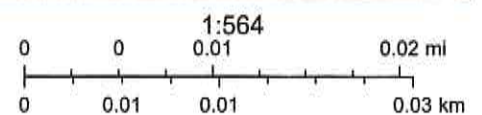




Digital Asset Management Mapping



6/7/2024, 8:20:53 AM



LOCATIONS_Labels

Roads

QLD Digital Cadastral DataBase

Base, Lot Type Parcel

Red: Band_1

Green: Band_2

Blue: Band_3

LatestStateProgram_AllUsers

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

RILIP Web App

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Agenda Item 10-11
TRUSTEE COUNCIL MEETING #3
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- 9. Other Business**
- 10. Close of Meeting**