



## **TRUSTEE MEETING BOOKLET**

**Northern Peninsula Area Regional Council**

**Trustees Council Meeting #44**

**to commence at 9:00am**

**on**

**Tuesday 12<sup>th</sup> March 2024**

**at**

**New Mapoon Boardroom**

## **AGENDA**

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2.	Acknowledgement of Traditional Land Owners .....	3
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**Agenda Item 1 to 5**  
**TRUSTEE COUNCIL MEETING #44**  
**12<sup>th</sup> March 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 #43  
Tuesday 27<sup>th</sup> February 2024  
Injinoo Boardroom

### Agenda Item 1. Welcome and Opening of Meeting

Mayor welcomed attendees and opened the meeting at 9:28am 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 Mabelene Whap	Division 5
Cr Dennis Getawan	Division 2
Cr Eric Cottis	Division 4
Cr Gina Nona	Division 1

#### Other Attendees

Kate Gallaway	CEO
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### Agenda Item 5. Declarations of Conflict of Interest

Mayor Yusia declared a declarable conflict of interest for agenda item 8.3

Cr Nona declared a prescribed conflict of interest for agenda item 8.3

### 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 15<sup>th</sup> January 2024.

Moved: Cr Cottis

Vote: 5/0

Seconded: Cr Getawan

Resolution: T6.1 – 27022024

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 Whap**  
**Vote: 5/0**

**Seconded: Cr Cottis**  
**Resolution: T7.1 – 27022024**

**CARRIED**

Action items were discussed as per the Action Task List

**Resolution**

**That Council as Trustees:**

1. Resolve to open the meeting

**Moved: Cr Whap**  
**Vote: 5/0**

**Seconded: Cr Nona**  
**Resolution: T7.2 – 27022024**

**CARRIED**



## UNCONFIRMED

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### Agenda Item 8.

### Reports

#### Agenda Item 8.1.

#### Home Ownership Application – Lot 86 on SP273364

##### Resolution

##### That Council as Trustees:

1. Defer the matter to the March Trustee Meeting

Moved: Cr Whap

Vote: 5/0

Seconded: Cr Nona

Resolution: T8.1 – 27022024

CARRIED

#### Agenda Item 8.2.

#### Owners Consent for Proposed Development Application at Lot 58 on SP273359

##### Resolution

##### That Council as Trustees:

1. Note the Report
2. Provide Owner's consent to the making of a development application for the Material Change of Use to permit the installation of ice machine
3. Delegate to the Chief Executive Officer, pursuant to section 257(1)(b) of the Local Government Act 2009, power to execute Owner's consent as Trustee to the making of a development application under the Planning Act 2016

Moved: Cr Whap

Vote: 5/0

Seconded: Cr Getawan

Resolution: T8.2 – 27022024

CARRIED

**Agenda Item 8.4. 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;
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 legal proceedings with Seisia Community Torres Strait Islander Corporation

**Moved: Cr Nona**

**Vote: 5/0**

**Seconded: Cr Cottis**

**Resolution: T8.4.1 – 27022024**

**CARRIED**

**Resolution**

**That Council as Trustees:**

1. Resolve to open the meeting

**Moved: Cr Whap**

**Vote: 5/0**

**Seconded: Cr Nona**

**Resolution: T8.4.2 – 27022024**

**CARRIED**

**Resolution**

**That Council as Trustees:**

1. That the Trustee delegates to the Chief Executive Officer the power to take all necessary steps to conduct Supreme Court of Queensland Proceeding No. 1850/14 (Brisbane) on behalf of Council as the respondent in that proceeding.

**Moved: Cr Whap**

**Vote: 5/0**

**Seconded: Cr Cottis**

**Resolution: T8.4.3 – 27022024**

**CARRIED**

**Agenda Item 8.3. Tenure Arrangements for Injinoo Youth Centre**

Having declared an interest for agenda item 8.3 at agenda item 5, Mayor Yusia and Cr Nona left the meeting at 11.00am.



## UNCONFIRMED

Meeting Minutes  
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Tuesday 27<sup>th</sup> February 2024  
Injinoo Boardroom

Cr Cottis chaired the meeting in the absence of Mayor Yusia.

### 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:
  - (c) 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).
  - (d) An overview of what is to be discussed while the meeting is closed is the tenure arrangements for Injinoo Youth Centre

Moved: Cr Whap

Vote: 3/0

Seconded: Cr Getawan

Resolution: T8.3.1 – 27022024

CARRIED

### Resolution

#### That Council as Trustees:

1. Resolve to open the meeting

Moved: Cr Whap

Vote: 3/0

Seconded: Cr Getawan

Resolution: T8.3.2 – 27022024

CARRIED

### Resolution

#### That Council as Trustees:

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 Getawan

Vote: 3/0

Seconded: Cr Whap

Resolution: T8.3.3 – 27022024

CARRIED





## UNCONFIRMED

Meeting Minutes  
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Cr Nona and Mayor Yusia returned to the meeting at 11.12am.

### Agenda Item 4. Apologies

#### Resolution

**That Council as Trustees:**

Grants a leave of absence to Cr Gebadi due to medical illness.

**Moved: Cr Whap**

**Vote: 5/0**

**Seconded: Cr Cottis**

**Resolution: T4 – 27022024**

**CARRIED**

### Agenda Item 9. Other Business

### Agenda Item 10. Close of Meeting

Meeting closed at 11:38am with a prayer by Cr Whap.



**Agenda Item 7**  
**TRUSTEE COUNCIL MEETING #44**  
**12<sup>th</sup> March 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 – Lot 86 on SP273364**

**Agenda Item: 8.1**

**Classification: For Decision**

**Author: Chief Executive Officer**

**Attachments: Attachment A. EOI from P & W Fulton (tabled)**

**Attachment B. Preliminary Land Assessment Report (tabled)**

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

**Attachment B. (b). Extract of SP273364 (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 Patricia and William Fulton on the basis of an Agreement to Grant Lease and Home Ownership Lease for Lot 86 on SP273364.

### **PURPOSE OF REPORT**

To provide the Trustee the information on the preliminary land assessment report for Lot 86 on SP273364.

### **BACKGROUND AND CONTEXT**

On the 22<sup>nd</sup> November 2023, an EOI was received from Patricia and William Fulton to enter a home ownership lease for Lot 86 on SP273364 (2 Nawia St Seisia). This was forwarded to the Home Ownership Program of DSDSATSIP 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 DSDSATSIP 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 – DCHDE
6. Agreement to Lease (ATL) presented to the applicant - Trustee *(DSDSATSIP 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 – DSDSATSIP will arrange

**When all ATL conditions have been met**

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

**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 awaiting traditional owner consultation.

It should be noted that this property is currently managed by Seisia Community Torres Strait Islander Corporation. The resolving of tenure for these properties has been a ongoing progress with SCSIC. Council is in ownership of the asset so can divest through a home ownership process if desired.

**CRITICAL DATES**

Nil

**OTHER OPTIONS CONSIDERED**

NA

**LEGAL AND LEGISLATION CONSIDERATIONS**

NA

**POLICY CONSIDERATIONS**



## **COUNCIL TRUSTEE MEETING # 44**

**Agenda Item 8.1**

**Tuesday 12<sup>th</sup> March 2024**

**New Mapoon Boardroom**

NA

## **FINANCIAL AND RESOURCE CONSIDERATIONS**

NA

## **CONSULTATION**

DATSIP



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