



## **TRUSTEE MEETING BOOKLET**

**Northern Peninsula Area Regional Council**

**Trustees Council Meeting #2**

**to commence at 9:00am**

**on**

**Monday 27<sup>TH</sup> May 2024**

**via**

**TEAMS**

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**Agenda Item 1 to 5**  
**TRUSTEE COUNCIL MEETING #2**  
**27<sup>th</sup> May 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 #1  
Monday 22<sup>nd</sup> April 2024  
Bamaga Boardroom

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

Mayor Poi Poi welcomed attendees and opened the meeting at 9:13am 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.

A minute silence was held out of respect to sorry business within the community.

### 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)

### 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 Tuesday 12th March 2024.

Moved: Cr Gebadi

Vote: 6/0

Seconded: Cr Elu

Resolution: T6.1 – 22042024

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 Yoelu**  
**Vote: 6/0**

**Seconded: Cr Bond**  
**Resolution: T6.1 – 22042024**

**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: 6/0**

**Seconded: Cr Gebadi**  
**Resolution: T6.1 – 22042024**

**CARRIED**

Meeting paused for morning tea at 10.45am

Meeting resumed from morning tea at 11.05am



## UNCONFIRMED

Meeting Minutes  
TRUSTEE COUNCIL MEETING #1  
Monday 22<sup>nd</sup> April 2024  
Bamaga Boardroom

### Agenda Item 8.

### Reports

#### Agenda Item 8.1.

#### Home Ownership Application – Lot 33 on SP273360

##### 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 Edmund & Leighann Ober on the basis of an Agreement to Grant Lease and Home Ownership Lease for Lot 33 on SP273360..

Moved: Cr Elu

Vote: 6/0

Seconded: Cr Bond

Resolution: T8.1 – 22042024

CARRIED

#### Agenda Item 8.2.

#### Home Ownership Application – Lot 60 on SP273359

##### 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 Joyce Robyn Soki on the basis of an Agreement to Grant Lease and Home Ownership Lease for Lot 60 on SP273359.

Moved: Cr Elu

Vote: 6/0

Seconded: Cr Gebadi

Resolution: T8.2 – 22042024

CARRIED

#### Agenda Item 8.3.

#### Home Ownership Application – Lot 89 on SP273359

##### Resolution

##### That Council as Trustees:

1. Note the Report
2. Decline the homeownership EOI on the basis that the property is vacant.

Moved: Cr Byrne

Vote: 6/0

Seconded: Cr Gebadi

Resolution: T8.3 – 22042024

CARRIED



**UNCONFIRMED**

**Meeting Minutes**  
**TRUSTEE COUNCIL MEETING #1**  
**Monday 22<sup>nd</sup> April 2024**  
**Bamaga Boardroom**

**Agenda Item 9. Other Business**

**Agenda Item 10. Close of Meeting**

Meeting closed at 12:03pm with a prayer by Cr Yoelu.

DRAFT



**Agenda Item 7**  
**TRUSTEE COUNCIL MEETING #2**  
**27<sup>th</sup> May 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 relating to Lot 77 on SP273363**

**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. February 2024 Minutes (Tabled)**

**Attachment D. February 2024 Report (Tabled)**

### **Officers Recommendation:**

**That Council, as Trustees:**

- (1) Note the report

### **PURPOSE OF REPORT**

To provide the Trustee further information from Council Officers to support the consideration of the repeal of previous motions relating to Lot 477 on SP273363 (Old Injinoo Youth Centre / Canteen).

### **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 resolutions made by Council acting in its capacity as trustee was provided on 21 May 2024.

This written advice related to two previous resolutions of the Council acting in its capacity as trustee.  
Resolution Made 19<sup>th</sup> July 2022

**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 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

**Moved: Cr Cottis**

**Seconded: Cr Gebadi**

**Vote: 4/0**

**Resolution: 8.15 –19072022**

Resolution Made 27<sup>th</sup> February 2024

**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**

**Seconded: Cr Whap**

**Vote: 3/0**

**Resolution: T8.3.3 – 27022024**

**CARRIED**

**Cr Cottis – For**

**Cr Whap – For**

**Cr Getawan - For**

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

**Background**

Ipima Ikaya Aboriginal Corporation RNTBC (IIAC) has been having discussions with NPARC regarding the leasing of Injinoo Youth Centre since 2019. Currently the Injinoo IKC is located at the front of the building.

NPARC has been undertaking negotiations with IIAC regarding the building including roof repairs which there is a current purchase order provided to a contractor to fix. IIAC recently has also received confirmation from the Ely Trust over the past couple of weeks about potential support for the fit-out of the office. IIAC is facing challenges being within the ALT Office, especially as ALT increases staffing to support the ranger transition. IIAC has been presented with an Agreement to Grant Lease relying on the July 2022 resolution. If this is signed prior to the decision to repeal the resolution, this may expose Council to legal risk.

Expenditure on the centre is detailed below noting that there may be additional expenditure that is not specifically costed to the building as well as current purchase orders for work.

2020-21	2021-22	2022-23	2023-24
\$42 926.82	\$14 997.33	\$2 658.14	\$3 105
			\$63 689.29

IIAC is now at a position where they can commit to a long term lease with the view the building is used to support the various native title bodies within the NPA as well as provide a space for traditional owner consultation and meetings.

Council Officers would note that NPARC has been working closely with IIAC to build strong relationships with traditional owners to support the growth of the community. With strong discussions held recently regarding gravel negotiations and finalisation of matters for new lease holders, Council Officers would be reluctant to recommend the Council refuses the IIAC EOI while these negotiations are continuing. While traditional owner support for gravel and leases is not conditional upon the grant of the EOI, these negotiations can be sensitive with a range of factors used in decision making.

Data is also provided on the utilisation of Injinoo Hall since 01/07/2023. The hall has been booked a total of 40 times, with the bookings by

- State – 4
- Council – 10
- NFP Org – 7
- Community – 16 (including for a tombstone and funeral)
- Traditional Owner Representative Bodies – 3

There is also an informal booking by the Injinoo Women's Basketball Team that uses the hall for training on a Monday and Wednesday night.



The scope of the Trustee Meeting is deal with trust change proposals relating to land held in trust by NPARC. As the matter is subject to trustee resolution, the issue regarding tenure needs to be resolved at this meeting; prior to further discussions regarding budget allocation.

### **Proposed Resolution**

The proposed resolution tabled by Cr Byrne is

*That NPARC supports the proposal that the former Injinoo Canteen building, owned and built by the Injinoo community from the profits of their activities prior to the Community Services Act, and for which no consideration has ever been paid; be cleaned and maintained by NPARC so that the toilets are acceptable for the use by the Injinoo IKC staff and clients and so that the community may once again use their building for community meetings and events whenever they wish to hold them*

Council Officers will not comment on this resolution except to the fact

- In order for key aspects of the proposed resolution to be given effect, the two resolutions adopted by Council as trustee on 19 July 2022 and 27 February 2024 will need to be repealed.
- Any discussion about Council continuing to operate the old Injinoo Youth Centre in the manner proposed by the proposed resolution will require consideration of budgetary allocations. The position currently reflected in Council's adopted resolutions proposes a lease that will pass on those maintenance obligations.
- Council may wish to modify the proposed resolution to correct aspects of it based on the matters set out in this report, including the frequency of bookings at the Injinoo Hall by the community.

Council officers have reviewed its records and has not been able to confirm whether consideration was paid by NPARC, or any of its predecessors, to any party for the old Injinoo Youth Centre, although Council can confirm the old Injinoo Youth Centre appears on Council's asset register and expects it was transferred as part of the amalgamation arrangements in 2008.

### **CRITICAL DATES**

Nil

### **OTHER OPTIONS CONSIDERED**

The Trustee can choose not to repeal the resolutions

### **LEGAL AND LEGISLATION CONSIDERATIONS**

Aboriginal Land Act 1991

Local Government Act 2009

### **POLICY CONSIDERATIONS**

NA

### **FINANCIAL AND RESOURCE CONSIDERATIONS**

Current costs have been budgeted and allocated

### **CONSULTATION**



## **COUNCIL TRUSTEE MEETING # 2**

**Agenda Item 8.1**

**Monday 27<sup>th</sup> May 2024**

**TEAMS**

Preston Law

Finance

Building & Infrastructure

**Title of Report: Home Ownership Application – Part of Lot 68 on SO69**

**Agenda Item: 9.1**

**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 2662m<sup>2</sup> 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 23<sup>rd</sup> 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 2662m<sup>2</sup> 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 2,710m<sup>2</sup> 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: Home Ownership Application – Lot 9 on SP273358**

**Agenda Item: 9.2**

**Classification: For Decision**

**Author: Chief Executive Officer**

**Attachments: Attachment A. EOI from T & G Nona**

**Attachment B. Preliminary Land Assessment Report**

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

**Attachment B. (b). Extract of SP273358**

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

### **PURPOSE OF REPORT**

To provide the Trustee the information on the preliminary land assessment report for Lot 9 on SP273358.

### **BACKGROUND AND CONTEXT**

On the 10<sup>th</sup> January 2024, an EOI was received from Tolowa & Gina Nona to enter a home ownership lease for Lot 9 on SP273358 (9 Ropeyarn Hwy, Injinoo). This was forwarded to the Home Ownership Program of DTATSI PCA 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 DTATSI PCA 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.

It is noted that a number of additional applicants are included on the Home Ownership EOI. 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.

### **CRITICAL DATES**

Nil

### **OTHER OPTIONS CONSIDERED**

The Trustee can decline the EOI

### **LEGAL AND LEGISLATION CONSIDERATIONS**

Aboriginal Land Act 1991

### **POLICY CONSIDERATIONS**



## COUNCIL TRUSTEE MEETING # 2

Agenda Item 9.2

Monday 27<sup>th</sup> May 2024

TEAMS

NA

## FINANCIAL AND RESOURCE CONSIDERATIONS

NA

## CONSULTATION

DATSIP

RPS



**Title of Report: Home Ownership Application – Part of Lot 700 on SP273363**

**Agenda Item: 9.3**

**Classification: For Decision**

**Author: Chief Executive Officer**

**Attachments: Attachment A. EOI from T Nona (tabled)**

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

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

**Attachment B. (b). Extract of SP273363 (tabled)**

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

**Attachment B. (d). Extract of Master Plan**

### **Officers Recommendation:**

**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

### **PURPOSE OF REPORT**

To provide the Trustee the information on the preliminary land assessment report for part of Lot 700 on SP273363.

### **BACKGROUND AND CONTEXT**

On the 10<sup>th</sup> January 2024, an EOI was received from Tolowa Nona to enter a home ownership lease for part of Lot 700 on SP273363. This area (identified on attachment B(a)) is approximately 7225m<sup>2</sup> on the outskirts of Injinoo Community, off the Injinoo Back 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

- Native Title exists and requires addressing through the ILUA, refer to clause 14 for details – **This would be covered by the proposed Home Compensation Agreement**
- The area of interest has been identified as a 7,225m<sup>2</sup> portion of Lot 700 on SP273363 adjoining Injinoo Back Road and Lot 303 on SP273358.
- The area of interest has no legal road frontage and no current services connection. There are water services within the track located to the north of the site which run from the Injinoo Reservoir, these are Trunk which typically are not suitable for connection. Water Services would probably need to be extended from Injinoo Close. The site is outside of the Priority Infrastructure Areas and sewer footprint for Injinoo township and the nearest electricity infrastructure is approximately 100 metres from the site.
- Alternative arrangements for Sewer, Water and Electricity supply may be required. This could include water tanks and septic systems. **No alternative information has been provided by Mr Nona**
- The land is placed within the Rural Zone and Potential Bushfire Impact Buffer.

- Development Approval will be required to create the lot and to construct a dwelling house on the site. Refer below for more details surrounding Development Approvals.
- It is considered that Council is unlikely to support a Development Application to create the lot and construct a dwelling house. The development application may be unlikely to receive support from Council as the minimum lot size within the Rural Zone is 100 hectares, and the area of interest is 7,225m<sup>2</sup>. The application would also need to provide details on how the lot would be provided with water, sewer and electricity/telecommunications. **This will likely cause a lengthy referral process for the DA to be management by Mr Nona's town planner**
- The NPA Master plan indicates that the site is being considered for industrial uses
- The proposed use would appear to be in conflict with the master plan.

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. Given the development approval challenges and conflict with the master plan, it may be unfeasible to grant a home ownership lease on the proposed block.

### **CRITICAL DATES**

Nil

### **OTHER OPTIONS CONSIDERED**

The Trustee can accept the EOI. If this was to occur, it is the opinion of Council Officers that Mr Nona 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.

### **LEGAL AND LEGISLATION CONSIDERATIONS**

Aboriginal Land Act 1991

### **POLICY CONSIDERATIONS**

NA

### **FINANCIAL AND RESOURCE CONSIDERATIONS**

NA

### **CONSULTATION**

DATSIP

RPS

**Title of Report: Tenure Arrangements for Lots 286, 287, 288 and 289 on SP273361**

**Agenda Item: 9.4**

**Classification: For Decision**

**Author Chief Executive Officer**

**Attachments EOI Email Chain**

## Officer's Recommendation:

### That Council:

- Note the report
- 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 2 years at current market value subject to 4% annual increase, and on such other terms as the Chief Executive Officer considers appropriate for Lots 286,287,288 and 289 on SP273361

## PURPOSE OF REPORT

To consider and enable a decision regarding the next steps in dealing with the Anglican Diocese of North Queensland's (ADNQ) expression of interest (EOI) over Lots 286 – 289 on SP 273361 at Bamaga.

## BACKGROUND AND CONTEXT

For some time, people associated with the Anglican Church have been in occupation of land at Wasiu Street, Bamaga, described as Lots 286 – 289 on SP 273361 (**the Land**).

A plan showing the Land is below:





As part of the Trustee's attempts to regularise all uses of Council-controlled land throughout its local government area, Council (via its solicitors) contacted representatives of the Anglican Church to determine the Church's interest in formalising its occupation of the Land via formal arrangements such as a lease.

Council contacted the Anglican Diocese of North Queensland (**ADNQ**), via its Archdeacon, to seek advice about the Church's position.

In response to these enquiries, ADNQ advised, by email dated 10 May 2024, that:

- The Church is currently in occupation of the Land, and it wishes to remain in occupation of the Land in the name of its entity, "The Corporation of the Diocesan Synod of North Queensland". However, ADNQ indicated that discussions are being held with "the Torres Strait congregation



and traditional owners” about the leasing entity. ADNQ did not elaborate on the contents of those discussions;

- The Church seeks a term of 30 years;
- The part of the Land containing the “Priest House” is being leased by the Church to a Queensland Government entity. It is understood by the Trustee that the entity is in fact Queensland Indigenous Family Violence Legal Service (**QIFVLS**) as a result of previous TSRA funding that has ceased. ADNQ has indicated that this entity is paying for insurance and attending to maintenance, but has not provided a copy of the lease that is in place;
- The part of the Land containing the old shop is under the control of the local Church congregation and sub contracted to a local business.
- The part of the Land containing the donga is currently subcontracted to a local business but apparently is going to be repaired and to be used by visiting clergy;
- The Church proposes to appoint a full time Clergy to Bamaga which will mean the Land is no longer required. ADNQ has not elaborated on the timing for that appointment, or what premises the Clergy will be operating from.

#### **Issues for Trustee to consider**

It is proposed that the Trustee considers the ADNQ’s email of 16 May 2024 as an expression of interest (EOI) to lease the Land on the terms set out in that email.

It is understood that a consideration for the Trustee in the past has been whether a lease should be granted to a local Church group, rather than ADNQ or a regional entity of the Anglican Church.

It is noted that:

- the Anglican Church has been in occupation of the Land for some time, but without any formal tenure;
- the Trustee has not sought expressions of interest from the public about the use of the Land.

It is open to the Trustee to:

- progress negotiations with ADNQ consistently with the EOI provided. The Trustee may consider it requires further information to do that;
- Provide a short term agreement with the view of longer term tenure to be resolved following conversations between ADNQ and the local congregation that include a provision of sub-contractor arrangements
- carry out a public EOI process to determine the extent to which there is other interest in the community by other people or groups to use the same premises;

- reject ADNQ's EOI and take steps to remove them from the premises.

## 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.



**Agenda Item 10-11**  
**TRUSTEE COUNCIL MEETING #2**  
**27<sup>th</sup> May 2024**

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