



TRUSTEE MEETING BOOKLET

Northern Peninsula Area Regional Council

Trustees Council Meeting #7

to commence at 8:30am

on

Friday 1st November 2024

at

BAMAGA BOARDROOM

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
September Trustee Meeting held 23/09/2024
7. Business Arising from Previous Meeting
8. Reports
 - 8.1 NPA Family and Community Services – Injinoo Clinic Lease Amendment
 - 8.2 Owners Consent for proposed development at lot 335 on SP273361 “Lot 335 Airport Rd Bamaga”
9. Other Business
10. Close of Meeting



Agenda Item 1 to 5
TRUSTEE COUNCIL MEETING #7
1st November 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 #6
Monday 23rd September 2024
Bamaga Boardroom

Agenda Item 1. Welcome and Opening of Meeting

Mayor Poi Poi welcomed attendees and opened the meeting at 9:58am 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 communities.

Agenda Item 3. Present

Mayor & Councillors

Mayor Robert Poi Poi	Mayor
Cr David Byrne	Division 1
Cr Mary Yoelu	Division 2 / Deputy Mayor

Other Attendees

Kate Gallaway	CEO
Brett de Chastel	Advisor
Elimau Blarrey	Senior Executive Assistant (Minute Taker)

Agenda Item 4. Apologies

Resolution

That Council as trustees:

Grants a leave of absence for Cr Bond who is away on sorry business; grants a leave of absence for Cr Gebadi who is away due to unforeseen circumstances and grants a leave of absence for Cr Elu who is away due to illness.

Moved: Cr Yoelu

Vote: 3/0

Seconded: Cr Byrne

Resolution: T4-23092024

CARRIED

Agenda Item 5. Declarations of Conflict of Interest

Cr Yoelu declared a declarable conflict of interest for agenda item 8.1 as a close associate is a director of a corporation subject to this agenda item.



UNCONFIRMED

Meeting Minutes
TRUSTEE COUNCIL MEETING #6
Monday 23rd September 2024
Bamaga Boardroom

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 26th August 2024.

Moved: Cr Byrne

Seconded: Cr Yoelu

Vote: 3/0

Resolution: T6.1.1-23092024

CARRIED

Resolution

That Council as Trustees:

Notes and confirms the minutes from the Special Trustee Meeting held Monday 9th September 2024.

Moved: Cr Byrne

Seconded: Cr Yoelu

Vote: 3/0

Resolution: T6.1.2-23092024

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

Seconded: Cr Byrne

Vote: 3/0

Resolution: T7.1.-23092024

CARRIED



UNCONFIRMED

Meeting Minutes
TRUSTEE COUNCIL MEETING #6
Monday 23rd September 2024
Bamaga Boardroom

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: 3/0

Seconded: Cr Byrne

Resolution: T7.2-23092024

CARRIED

Agenda Item 8.

Reports

Agenda Item 8.1.

Tenure arrangements for Lot 27 on SP279528 "Old New Mapoon Youth Centre"

Having declared an interest for this agenda item, Cr Yoelu left the room at 10:19am

Resolution

That Council as Trustees:

1. Defer the matter to the October Trustees Meeting in accordance with section 150EU of the Local Government Act 2009 due to no quorum to deciding the matter because of conflict of interest.

Moved: Cr Byrne

Vote: 2/0

Seconded: Mayor Poipoi

Resolution: T8.1-23092024

CARRIED

Cr Yoelu returned to the meeting at 10:24am

Agenda Item 8.2.

Croc Tent Request for Variation

Resolution

That Council as Trustees resolve:

1. Defer the matter to the October Trustees Meeting

Moved: Cr Byrne

Vote: 3/0

Seconded: Cr Yoelu

Resolution: T8.2-23092024

CARRIED



UNCONFIRMED

Meeting Minutes
TRUSTEE COUNCIL MEETING #6
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Agenda Item 8.3. Tenure arrangements for Lot 114 on SP273365 "New Mapoon Nursey"

Resolution

That Council as Trustees:

1. Defer the matter to the October Trustees Meeting

Moved: Cr Byrne

Vote: 3/0

Seconded: Cr Yoelu

Resolution: T8.3-23092024

CARRIED

Agenda Item 8.4. Tenure Arrangements for Lots 286, 287, 288 and 289 on SP273361 "St George Anglican Church and Associated Buildings"

Resolution

That Council as Trustees:

1. Defer the matter to the October Trustees Meeting

Moved: Cr Byrne

Vote: 3/0

Seconded: Cr Yoelu

Resolution: T8.4-23092024

CARRIED

Agenda Item 8.5. Owners Consent for proposed development at Cape York Peninsula Lodge

Resolution

That Council as Trustees:

1. Note the Report
2. Provide Owner's consent to the proposed development at Cape York Peninsula Lodge consistent with the terms of Lease A (dealing 711553809) and the existing Agreement to Grant Lease between Northern Peninsula Area Regional Council and Bamaga Enterprises Limited dated 26/10/2022
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 for the proposed development

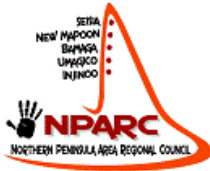
Moved: Cr Byrne

Vote: 3/0

Seconded: Cr Yoelu

Resolution: T8.5-23092024

CARRIED



UNCONFIRMED

Meeting Minutes
TRUSTEE COUNCIL MEETING #6
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Agenda Item 8.6. Home Ownership Application – Lot 219 on SP273361

Resolution

That Council as Trustees:

1. Defer the matter to the October Trustees Meeting

Moved: Cr Byrne

Vote: 3/0

Seconded: Cr Yoelu

Resolution: T8.6-23092024

CARRIED

Agenda Item 9. Other Business

Agenda Item 10. Close of Meeting

Meeting closed at 10:35am with a prayer by Cr Yoelu.



Agenda Item 7
TRUSTEE COUNCIL MEETING #7
1st November 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: NPA Family and Community Services – Injinoo Clinic Lease Amendment

Agenda Item: 8.1

Classification: For Decision

Author: CEO

Attachments: Excerpt of Funding Conditions (tabled)
Lease (tabled)

Officer's Recommendation:

That the Trustee delegates to the Chief Executive Officer the power to:

1. negotiate and finalise amendments to the lease between NPA Family and Community Services Aboriginal & Torres Strait Islander Corporation ICN 1933 over Lease A in Lot 306 on SP 273363 on SP 319528 (**the Lease**) to respond to the lessee's request to amend terms of the Lease to reflect the lessee's funding arrangements;
2. execute on behalf of the Trustee any documents to give effect to the negotiated and finalised amendments.

PURPOSE OF REPORT

For the Trustee to consider a request made by a lessee under an existing lease to amend the terms of the lease to respond to requirements of the lessee's funding body.

BACKGROUND AND CONTEXT

The Trustee entered into a fifty (50) year lease with NPA Family and Community Services Aboriginal & Torres Strait Islander Corporation ICN 1933 (**the Lessee**) on 2 September 2022 over land described as Lease A in Lot 306 on SP273363 on SP 319528 (**the Premises**). The permitted use of the Premises was for:

1. the construction and operation of Injinoo Health Clinic; and
2. accommodation purposes for employees of the health clinic.

The Lessee secured funding for the above permitted use from the Commonwealth Department of Health (**Department**).

The Trustee understands that the Lessee's funding was conditional upon certain provisions being included in the lease for the Premises. An excerpt of the relevant conditions is **attached** to this report.

On 17 September 2024, the Trustee received a request from the Lessee's solicitor to seek the Trustee's agreement to amend the lease in order to ensure the relevant funding conditions are expressly set out in the lease. The conditions that the Lessee has sought to include in the lease are:

1. to allow the lease to be assigned or sublet to the Commonwealth Department of Health if required by the Department;

2. to allow the Lessee to grant a charge and mortgage over their interest in the lease, in favour of the Commonwealth;
3. to confirm that the Trustee will not terminate the lease without first giving the Department 60 days' prior notice and opportunity to remedy any default.

The Trustee has sought legal advice in relation to the requested amendments which is summarised below:

- It is expected that the Commonwealth is not in a lesser position than NPAFACS to discharge the Permitted Use under the Lease and so an assignment to the Commonwealth may not be of concern to the Trustee if that is a “forced” outcome because of NPAFACS’ funding obligations.
- The proposed 60-day termination for breach provisions is probably longer than what would otherwise be reasonable, and the obligation to notify the Department adds an extra layer of obligation on Council, but again may be something Council is prepared to accommodate.
- The grant of a charge or mortgage over NPAFACS’ leasehold interest, in favour of the Commonwealth, should not be of great concern, but that should be subject to whether such a charge can in fact be granted under the *Torres Strait Islander Land Act 1991*.

The purpose of this Report is to consider the above request by the Lessee and delegate to the CEO the power to negotiate appropriate provisions with the Lessee that satisfy the funding conditions and to record such provisions through an amendment of lease.

CRITICAL DATES

Nil.

OTHER OPTIONS CONSIDERED

Nil.

LEGAL AND LEGISLATION CONSIDERATIONS

Nil.

POLICY CONSIDERATIONS

Nil.

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

Nil.

FINANCIAL AND RESOURCE CONSIDERATIONS

Nil.

CONSULTATION

The recommendation is consistent with Council’s legal advice.

Title of Report: Owners Consent for proposed development at lot 335 on SP273361 “Lot 335 Airport Rd Bamaga”

Agenda Item: 8.2

Classification: For Decision

Author: Chief Executive Officer

Attachments: Cape York Peninsula Lodge Dining Expansion Site Plans (tabled)

Officer’s Recommendation:

That Council (as Trustee):

1. Note the Report
2. Provide Owner’s consent to the proposed development at lot 335 on SP273361
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 for the proposed development

PURPOSE OF REPORT

To provide delegation to the Chief Executive Officer to provide owners consent for proposed development at lot 335 on SP273361.

BACKGROUND AND CONTEXT

NPARC has been progressing negotiations with the Department of Agriculture and Fisheries for Lot 335 on SP273361 for an extended period of time. There is currently an Agreement to Grant Lease in place with a lease at final stages of consultation and negotiation. Under the terms of this agreement, consent is required from NPARC as trustee for any alterations or improvements at the premises.

DAFF is seeking to progress the necessary planning development works to allow the refurbishment of the compound and building of the office. Currently staff work from home as they do not have an alternative office space. The draft plans for the development are tabled with this report for the office upgrade of the DAFF Bamaga Facility.

NPARC will also need to provide consent to the Development Application after it is formally lodged with Council. The provision of Owners Consent has no bearing on this decision.

DAFF will have all responsibilities for the development of the building and satisfying necessary requirements under legislation including but not limited to the Cultural Heritage Act, Building Act and Plumbing Act.



CRITICAL DATES

NA

OTHER OPTIONS CONSIDERED

N/A

LEGAL AND LEGISLATION CONSIDERATIONS

NA

POLICY CONSIDERATIONS

N/A

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

N/A

FINANCIAL AND RESOURCE CONSIDERATIONS

N/A

CONSULTATION

DAFF

Milford Planning

DTATSIPCA

RPS

Preston law



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