



## TRUSTEE MEETING

24 JULY 2024

# AGENDA

**Time:** 9.00am to 10.30am

**Venue:** TSRA Rangers' Workshop, Erub, (Torres Strait)

### ORDER OF BUSINESS

9.00am	<ul style="list-style-type: none"><li>A. WELCOME &amp; QUORUM CONFIRMATION   ACKNOWLEDGEMENTS   OPENING PRAYER   OBSERVANCES</li><li>B. NOTING OF APOLOGIES</li><li>C. CONFLICT OF INTEREST DECLARATIONS</li><li>D. LIVE STREAM</li></ul>
	<ul style="list-style-type: none"><li>1. <b>CONFIRMATION OF MINUTES (25 June 2024)</b><ul style="list-style-type: none"><li>1.1. Update on Action Items from Previous Meetings</li></ul></li><li>2. <b>Helipad Development – Department of Home Affairs</b></li><li>3. <b>ITEMS ARISING</b></li><li>4. <b>NEXT MEETING – 21 AUGUST 2024 (Teleconference/Microsoft TEAMS)</b></li></ul>
10.30am	<ul style="list-style-type: none"><li>5. <b>CLOSE OF MEETING</b></li></ul>



**DIRECTORATE:** *Corporate Services*

**AUTHOR:** *Executive Director Corporate Services*

## **CONFIRMATION OF MINUTES (25 JUNE 2024)**

### **OFFICER RECOMMENDATION:**

**Council (as Trustee) confirms the Minutes of the Trustee Meeting held on 25 June 2024.**

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### **EXECUTIVE SUMMARY:**

Section 254F(4) of the *Local Government Regulation 2012* requires that at each local government meeting, the minutes of the previous meeting must be confirmed by the councillors or committee members present.

### **Interested Parties/Consultation:**

**N/A**

### **Background / Previous Council Consideration:**

The previous Trustee meeting was held on 25 June 2024.

Section 254(6) of the *Local Government Regulation 2012* requires that a copy of the minutes of each local government meeting must be made publicly available by 5pm on the tenth day after the meeting is held. To meet these compliance requirements, a copy of the draft Minutes from the last meeting were circulated to the Executive Leadership Team for input prior to being posted on the Council website.


Following confirmation of the Minutes by the Council, the confirmed Minutes will replace the draft Minutes on the Council website.

**COMPLIANCE / CONSIDERATIONS:**

<b>Statutory:</b>	Section 254F(4) of the <i>Local Government Regulation 2012</i>
<b>Budgetary:</b>	N/A
<b>Policy:</b>	N/A
<b>Legal:</b>	N/A
<b>Risk:</b>	Council breach of its Statutory requirements above.
<b>Links to Strategic Plans:</b>	TSIRC Corporate Plan 2020–2025 ( <i>Bisnis Plan</i> ) Delivery Pillar One – People ( <i>Bisnis – Pipol</i> ) Outcome 4: We are a transparent, open and engaging council. <ul style="list-style-type: none"><li>➤ 4.2 Evolve Council’s communication channels and community’s access to information.</li></ul>
<b>Masig Statement:</b>	N/A
<b>Standing Committee Consultation:</b>	N/A
<b>Timelines:</b>	Standard Procedure at each Monthly Trustee Meeting

**Other Comments:**

Nil.

**Recommended:**

Susanne Andres  
Executive Director Corporate Services

**Approved:**

James William  
Chief Executive Officer

**ATTACHMENTS:**

Draft Minutes of the Trustee Meeting held on 25 June 2024.



TRUSTEE MEETING  
25 JUNE 2024

# MINUTES

**Time:** 9.00am

**Venue:** Microsoft TEAMS Meeting ID: 480 741 570 963  
Passcode: CUCYFW

<b><u>PRESENT:</u></b>	Division 2 – Dauan	Cr Torenzo Elisala – <i>joined the meeting at 9.30am</i>
	Division 4 – Mabuiag	Cr Keith Fell
	Division 5 – Badu / <b>Deputy Mayor</b> / Chairperson	Cr Ranetta Wosomo
	Division 6 – Arkai (Kubin), Mua Island	Cr Iona Manas
	Division 7 – Wug (St. Pauls Community), Mua Island	Cr John Levi
	Division 8 – Kirirri (Hammond Island)	Cr Seriako Dorante
	Division 9 – Iama	Cr Aggie Hankin
	Division 10 – Warraber	Cr Kabay Tamu – <i>joined the meeting at 9.35am</i>
	Division 11 – Poruma	Cr Francis Pearson
	Division 12 – Masig	Cr Ted Mosby
	Division 14 – Erub	Cr Nixon Mye
		Cr Phillemon Mosby
		Cr Dimas Toby
		Cr Chelsea Aniba
<b><u>APOLOGIES:</u></b>	<b>Mayor</b>	Cr Rocky Stephen
	Division 1 – Boigu	Cr Bob Kaigey
	Division 3 – Saibai	
	Division 13 – Ugar	
	Division 15 – Mer	
<b><u>OFFICERS:</u></b>	<b>Chief Executive Officer</b>	Mr James William
	Executive Director Community Services	Mr Dawson Sailor
	Executive Director Corporate Services	Ms Susanne Andres
	Executive Director Engineering Services	Mr David Baldwin
	Executive Director Financial Services	Ms Hollie Faithfull
	Preston Law	Mr Julian Bodenmann
	Executive Support Coordinator	Ms Sharon Russell
	TSIRC Secretariat	Mr Darryl Brooks

➤ *The Deputy Mayor (Cr Ranetta Wosomo) chaired the Trustee Council Meeting in the absence of the Mayor who had another commitment.*

**A. WELCOME & QUORUM CONFIRMATION | ACKNOWLEDGEMENTS | OPENING PRAYER | OBSERVANCES**

At 9.10am the Deputy Mayor (Cr Ranetta Wosomo) formally opened the June 2024 Trustee Council meeting, noting that a quorum of members were present.

The Deputy Mayor welcomed attendees and made the following acknowledgements:

- The Traditional Custodians throughout Zenadth Kes and the communities and constituents that Council serves;
- The Traditional Custodians of the Cairns region which hosts Council's Cairns footprint on Country;
- Our Heavenly Father for his awesome wisdom, knowledge, understanding, favour and blessings throughout our lives.

The Deputy Mayor also conveyed to those members of the Torres Strait Islander community – both in the homelands and on the Australian mainland – who may be observing Sorry Business at this time, the thoughts and prayers of all Councillors. The Deputy Mayor then invited participants to observe a minute of silence for remembrance purposes.

Cr Keith Fell delivered the opening prayer.

**B. NOTING OF APOLOGIES**

The following apologies were noted by Council:

Mayor  
Division 1 – Boigu  
Division 3 – Saibai  
Division 13 – Ugar  
Division 15 – Mer

Cr Phillemon Mosby  
Cr Dimas Toby  
Cr Chelsea Aniba  
Cr Rocky Stephen  
Cr Bob Kaigey

**C. CONFLICT OF INTEREST DECLARATIONS**

Cr John Levi declared a conflict of interest in relation to Agenda Item 4.1 stating that the matter directly involves his sister (Ms Susannah Sailor).

**D. LIVE STREAM**

The Deputy Mayor advised Council that the LIVE STREAM of this particular meeting would not proceed.

**1. CONFIRMATION OF MINUTES (30 May 2024)**

#T24-28/2024-06/1

CR MYE / CR ELISALA

**Council (as Trustee) confirms the Minutes of the Trustee Meeting held on 30 May 2024.**

**CARRIED UNANIMOUSLY**

## 2. UPDATE ON ACTION ITEMS FROM PREVIOUS MEETINGS

The Chief Executive Officer (Mr James William) spoke to this item and the update was noted by Council.

## 3. RESOLUTION TO CLOSE THE MEETING TO THE PUBLIC

#T24-28/2024-06/3

CR PEARSON / CR FELL

**Council (as Trustee) resolves to close the meeting to the public pursuant to section 84 of the *Local Government Act 2009* to allow the Trustee to discuss items listed on the agenda for closed discussion and for the reasons outlined under those items.**

**CARRIED UNANIMOUSLY**

- *Prior to the commencement of discussion on the following agenda item, Cr Levi dialled out of the meeting in accordance with his declared COI.*
- *Cr Iona Manas also declared a Conflict of Interest in relation to the following agenda item in his capacity as Chairperson of the local PBC and dialled out of the meeting.*

## 4. CORPORATE SERVICES DIRECTORATE

### 4.1 St. Pauls Lodge Extension Date – Landowner Consent

#T24-28/2024-06/4.1

CR FELL / CR MYE

- (i) **Council (as Trustee) grants Ms Susannah Sailor a further extension of time from 13 August 2024 to 13 February 2025 to register a lease over the premises (Lot 176 on SP256048) and to satisfy the native title special condition for the grant of the lease; and**
- (ii) **Delegates to the Mayor and the Chief Executive Officer each the power to execute documentation to effect the extension of time for the native title special condition.**

**CARRIED UNANIMOUSLY**

- *Crs Levi and Manas were invited to rejoin the meeting following endorsement of the above resolution.*

## 5. RESOLUTION TO RETURN THE MEETING TO OPEN DISCUSSION

#T24-28/2024-06/5

CR FELL / CR PEARSON

**The Trustee resolves to move out of closed discussions pursuant to Section 84 of the *Local Government Act 2009*.**

**CARRIED UNANIMOUSLY**

## 6. CONSIDERATION OF MATTERS DISCUSSED IN CLOSED SESSION

Council (as Trustee) formally resolved as indicated in Agenda Item 4.1 above.

**7. MATTERS ARISING**

Nil.

**8. NEXT MEETING – 24 July 2024 (Erub)**

Noted by Council (as Trustee).

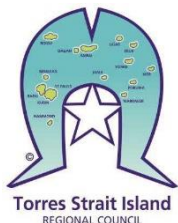
**9. CLOSE OF MEETING**

The Deputy Mayor closed the Trustee meeting at 9.40am.

MINUTES CONFIRMED – 24 July 2024

.....  
Cr Phillemon Mosby  
Mayor  
Torres Strait Island Regional Council  
Date: 24 July 2024

.....  
James William  
Chief Executive Officer  
Torres Strait Island Regional Council  
Date: 24 July 2024



# TRUSTEE COUNCIL MEETING ACTION ITEMS

(as at 18 July 2024)

Agenda Item	Action	Action Area	Current Status
<p>Apr 2024 Mtg</p> <p>AI 6</p> <p>Matters Arising (DOGIT Policy)</p>	<p>Cr Stephen requested that a range of issues in relation to finalising Council's DOGIT policy be discussed at Council's May 2024 Workshop.</p> <p><b>Action:</b></p> <p>Chief Executive Officer to discuss further with Cr Stephen out of session.</p>	Chief Executive Officer	In progress & to be maintained as an ongoing action as DOGIT remains an ongoing and significant issue.
<p>Nov 2023 Mtg</p> <p>AI 6</p> <p>Action Items from Previous Meetings</p>	<p><b>ACTION:</b></p> <ol style="list-style-type: none"> <li><u>CEQ Matters</u> - Chief Executive Officer to liaise with Cr Dimas Toby in relation to CEQ Board engagement (particularly in relation to Seaswift matters, leasing, fuel matters and general pricing).</li> <li><u>Saibai Island Church</u>/options to assist in the maintenance and/or restoration of heritage-listed sites and buildings to be considered at the December 2023 meeting.</li> </ol>	<p>Chief Executive Officer / Corporate Services (Legal Services)</p> <p>Community Services</p>	<ol style="list-style-type: none"> <li>Remains in progress. Discussions with Seaswift and CEQ CEOs have been held.</li> <li>Ongoing work is taking place with the Department of Environment and Heritage, as this is a heritage listed building. Final survey report received in the w/b 17/6/24 and has been considered/discussed by the EDs Community Services/Building Services and the surveyor. Cr Aniba has been provided a copy of the draft report and is aware of the progress on this matter. Final report expected to be released on Friday 26<sup>th</sup> July 2024.</li> </ol>





**DIRECTORATE:** Corporate Services

**AUTHOR:** DOGIT Transfer, Land Tenure and Native Title Advisor

## **HELIPAD DEVELOPMENT – DEPARTMENT OF HOME AFFAIRS**

### **OFFICER RECOMMENDATION:**

- The Trustee approves the proposed increase to the lease areas of the Department of Home Affairs' (DHA) registered lease at Dauan Island and Conditional Agreement to a new Lease at Kubin, Banks Peak, consistent with the indicative plans contained in this Report; and
  - Delegates to the Chief Executive Officer the power to progress negotiations with the DHA to formalise the Trustee's agreement in relation to the matters set out in this resolution on commercial terms and conditions, satisfactory to the Chief Executive Officer, including in relation to adjusted rental, necessary planning requirements and subject to validation of Native Title.
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### **EXECUTIVE SUMMARY:**

At its November 2023 Trustee Meeting, the Trustee considered a Report in response to an initial request by the Department of Home Affairs (**DHA**) to develop helipad infrastructure located at Dauan Island, Erub Island and Kubin.

Following that meeting, DHA has progressed its consideration of the proposed development, and is continuing to propose the development at Dauan Island and Kubin, but is no longer proceeding with the proposed development at Erub Island.

DHA holds an existing lease with the Trustee over land at Dauan Island. DHA is a party to a Conditional Agreement to Lease (**CATL**) for land at Kubin (previous lease expired and the site is subject to a licence agreement pending agreement on a new lease).

Both the Dauan and Kubin proposals require DHA to expand the existing agreed areas for its operations.

The purpose of this Report is for Council, as Trustee, to approve the proposed increase to the leased area at Dauan and the CATL area at Kubin. If the Trustee approves that, then DHA will need to:

- arrange for fresh survey plans depicting the entire lease area;
- validate Native Title for any areas that have not already been the subject of Native Title validation;
- enter into amended or new lease or CATL documents to reflect the expanded area; and
- obtain planning approval from Council, in its capacity as planning authority.

## Interested Parties/Consultation:

Preston Law.

Department of Home Affairs.

## Background / Previous Council Consideration:

DHA has requested that the Trustee approves the upgrade and improvement of helipad infrastructure located at these sites, so that Australian Border Force can meet its Border protection obligations and maintain its secure ultra-high frequency communication network.

DHA has said that the network *“is a critical enabling tool to meet its Border protection obligations with all sites contributing to the security network of the Torres Strait”*.

In the case of Dauan Island, there is existing helipad infrastructure that DHA proposes to upgrade.

In the case of Kubin, the helipad infrastructure is proposed new infrastructure, in the vicinity of existing DHA radio communications infrastructure. The previous lease expired and the site is subject to a licence agreement pending the negotiation of a new lease over the site.

Aerial images of the existing sites are shown below:

1. Dauan Island (Lot 77 on SP270872) existing lease.





2. Kubin (Lease C (expired) in Lot 5 on SP271019).



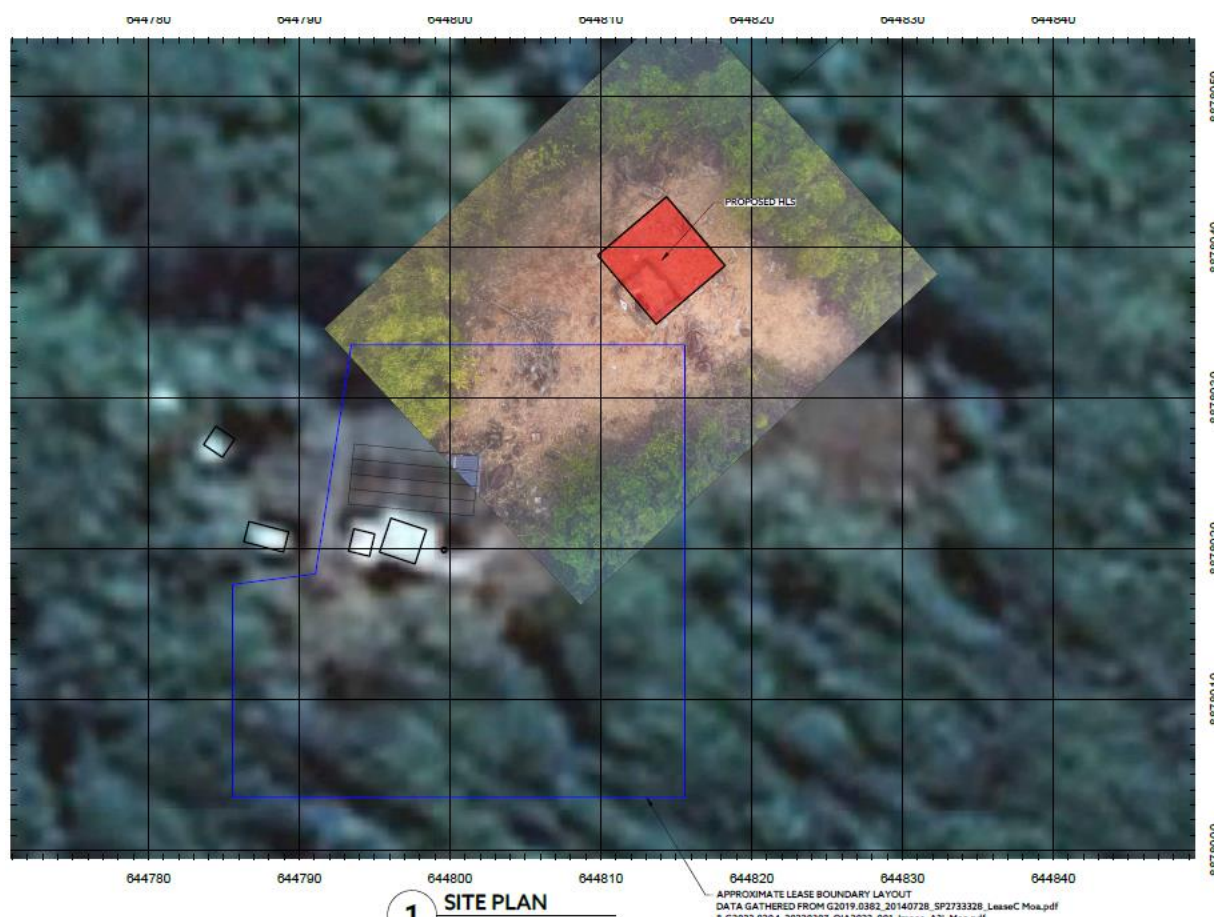
DHA has now provided detailed works plans to Council, helipads are shown below in red:

Dauan Island site.





## Kubin site.



The recommendation contained in this Report is to approve the proposed increase to both areas. However, this approval is proposed to be provided by Council as Trustee, in its capacity as the Trustee of the DOGIT. This does not fetter Council's discretion as planning authority, and the grant of any interest will still be conditional upon a resolution of Native Title.

To give effect to these changes, new lease and CATL documents will need to be negotiated and entered into. A survey plan of the revised lease area will also need to be obtained.

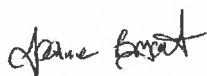
It is recommended that the requests be supported, given that, the upgrade and improvement of helipad infrastructure located at these sites will allow Australian Border Force to maintain its secure ultra-high frequency communication network and enable DHA to meet its Border protection obligations of the Torres Strait.

**COMPLIANCE / CONSIDERATIONS:**

<b>Statutory:</b>	<ul style="list-style-type: none"> <li>• <i>Torres Strait Islander Land Act 1991 (Qld)</i></li> <li>• <i>Planning Act 2016 (Qld)</i></li> <li>• <i>Local Government Act 2009 (Qld)</i></li> </ul>
<b>Budgetary:</b>	N/A It is proposed that the Trustee seeks to pass on all costs associated with considering these matters on to DHA.
<b>Policy:</b>	N/A
<b>Legal:</b>	The Report has been developed in consultation with Council's Legal Services Team and Council's external solicitor, Preston Law.
<b>Risk:</b>	Trustee risks will be managed by ensuring any expanded area is subject to a valid lease or other legal document protects the Trustee with regard to the proposed land uses.
<b>Links to Strategic Plans:</b>	TSIRC Corporate Plan 2020–2025 ( <i>Bisnis Plan</i> ) <ul style="list-style-type: none"> <li>➤ Delivery Pillar – Sustainability</li> </ul> Outcome 8: We manage council affairs responsibly for the benefit of our communities <ul style="list-style-type: none"> <li>➤ 8.1: Effective management of DOGIT Land as a Trustee</li> </ul>
<b>Masig Statement:</b>	Providing adequate land for the helipads is critical enabling tool to assist DHA to meet its Border protection obligations with all sites contributing to the security network of the Torres Strait. This is consistent with the aims of the Masig Statement, including: <ul style="list-style-type: none"> <li>• Aim 4 –create partnerships with Key Regional Stakeholders, the Queensland and Australian Governments to better equip us to work together to achieve our regional goals and aspirations.</li> </ul>
<b>Standing Committee Consultation:</b>	N/A
<b>Timelines:</b>	N/A

**Other Comments:**

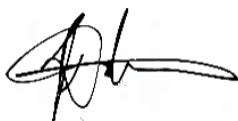
Nil.

**Recommended:**


Joanne Bryant  
DOGIT Transfer, Land Tenure and Native Title Advisor

**Endorsed:**


Susanne Andres  
Executive Director Corporate Services

**Approved:**


James William  
Chief Executive Officer

**ATTACHMENTS: Nil.**



**DIRECTORATE:** Corporate Services

**AUTHOR:** Executive Director Corporate Services

## **ITEMS ARISING**

### **OFFICER RECOMMENDATION:**

*For Council (as Trustee) to formally resolve to consider those items arising after the agenda for the meeting has been made public.*

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### **EXECUTIVE SUMMARY:**

Section 74(6) of the *Local Government (Operations) Regulation 2010* allows for a local government or a committee of local government to discuss or deal with (at any meeting) items arising after the agenda for the meeting has been made available to Councillors.

Standard practice is that business not on the published agenda, or not fairly arising from the agenda, should not be considered at any local government meeting unless permission for that purpose is given by the local government at the meeting ([Source](#): Queensland Government 'Best practice example standing orders for local government and standing committee meetings - March 2024').

Council will need to make a formal resolution to consider/discuss any items nominated for this agenda item.

### **Interested Parties/Consultation:**

N/A

### **Background / Previous Council Consideration:**

N/A

**COMPLIANCE / CONSIDERATIONS:**

<b>Statutory:</b>	Section 74(6) of the <i>Local Government (Operations) Regulation 2010</i>
<b>Budgetary:</b>	N/A
<b>Policy:</b>	<a href="#">Council meetings   State Development and Infrastructure</a>
<b>Legal:</b>	N/A
<b>Risk:</b>	Council breach of its Statutory requirements above.
<b>Links to Strategic Plans:</b>	TSIRC Corporate Plan 2020–2025 ( <i>Bisnis Plan</i> ) Delivery Pillar One – People ( <i>Bisnis – Pipol</i> ) Outcome 4: We are a transparent, open and engaging council. ➤ 4.2 Evolve Council’s communication channels and community’s access to information.
<b>Masig Statement:</b>	N/A
<b>Standing Committee Consultation:</b>	N/A
<b>Timelines:</b>	Standard Procedure at each Monthly Council Meeting

**Other Comments:**

Nil.

**Recommended:**


Susanne Andres  
Executive Director Corporate Services

**Approved:**


James William  
Chief Executive Officer

**ATTACHMENTS:**

Nil.