



## NOTICE OF COUNCIL MEETING

In accordance with Section 254C of the *Local Government Regulation 2012* this notice is to advise that the Trustee Council and Ordinary Council Meetings for the month of October 2024 will be held by Microsoft (TEAMS) as follows:

### **Tuesday, 15 October 2024**

(Trustee Meeting – 9.00am to 10.30am)  
(Ordinary Meeting – 10.30am to 5.00pm)

*Day 1 - Microsoft (TEAMS) Meeting ID: 433 662 951 480 | Passcode: RZTTwY*

### **Wednesday, 16 October 2024**

(Ordinary Meeting – 9.00am to 5.00pm)

*Day 2 - Microsoft (TEAMS) Meeting ID: 477 902 027 100 | Passcode: SMVCAZ*

The attendance of each Councillor is requested.

All agenda papers for both meetings (excluding Closed Business papers) will shortly be available on Council's website and can be accessed by clicking on the link below:

[Ordinary Meetings | Torres Strait Island Regional Council \(tsirc.qld.gov.au\)](https://www.tsirc.qld.gov.au/ordinary-meetings)

Please note that this meeting is live streamed on Council's YouTube Channel.

James William  
Chief Executive Officer

11 October 2024



**Time:** 9.00am to 10.30am

**Venue:** *Microsoft (TEAMS) Meeting ID: 433 662 951 480 | Passcode: RZTTwY*

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## ORDER OF BUSINESS

9.00am	<p>A. WELCOME &amp; QUORUM CONFIRMATION   ACKNOWLEDGEMENTS   OPENING PRAYER   OBSERVANCES</p> <p>B. NOTING OF APOLOGIES</p> <p>C. CONFLICT OF INTEREST DECLARATIONS</p> <p>D. LIVE STREAM. <i>This meeting is live streamed on Council's YouTube Channel.</i></p> <p><b>1. CONFIRMATION OF MINUTES (18 September 2024)</b></p> <p>    <b>1.1. Update on Action Items from Previous Meetings</b></p> <p><b>2. Dauan Mechanics Workshop Development Approval – Reconfiguration of a Lot</b></p> <p><b>3. ITEMS ARISING</b></p> <p><b>4. NEXT MEETING – 15 NOVEMBER 2024 (CAIRNS)</b></p>
10.30am	<p><b>5. CLOSE OF MEETING</b></p>



**Time:** 9.00am  
**Venue:** (Microsoft TEAMS)  
Meeting ID: 450 516 418 607  
Passcode: St9vxc

PRESENT:

**Mayor**

Division 2 – Dauan  
Division 3 – Saibai  
Division 5 – Badu / **Deputy Mayor**  
Division 7 – Wug (St. Pauls Community), Mua Island  
Division 8 – Kirirri (Hammond Island)  
Division 12 – Masig  
Division 13 – Ugar  
Division 14 – Erub  
Division 15 – Mer

Cr Pillemon Mosby  
Cr Torengo Elisala  
Cr Chelsea Aniba  
Cr Ranetta Wosomo  
Cr John Levi  
Cr Seriako Dorante  
Cr Ted Mosby  
Cr Rocky Stephen  
Cr Nixon Mye  
Cr Bob Kaigey

APOLOGIES:

Division 1 – Boigu  
Division 4 – Mabuiag  
Division 9 – Iama  
Division 10 – Warraber  
Division 11 – Poruma

Cr Dimas Toby  
Cr Keith Fell  
Cr Aggie Hankin  
Cr Kabay Tamu  
Cr Francis Pearson

Executive Director Financial Services  
Executive Director Engineering Services

Ms Hollie Faithfull  
Mr David Baldwin

ABSENT:

Division 6 – Arkai (Kubin), Mua Island

Cr Iona Manas

OFFICERS:

Executive Director Building Services  
Executive Director Community Services  
Executive Director Corporate Services  
DOGIT Transfer, Land Tenure and Native Title Advisor  
Preston Law  
Executive Support Coordinator  
Executive Assistant to the Mayor  
TSIRC Secretariat

Mr Wayne Green  
Mr Dawson Sailor  
Ms Susanne Andres  
Ms Joanne Bryant  
Mr Julian Bodenmann  
Ms Sharon Russell  
Ms Trudy Lui  
Mr Darryl Brooks

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

At 9.05am the Mayor formally opened the September 2024 Trustee Council meeting, noting that a quorum of members were present.

The Mayor welcomed attendees and made the following acknowledgements:

- Our Heavenly Father for His awesome wisdom, knowledge, understanding, favour and blessings upon our lives, our families, our region and people and our Council;
- The Traditional Custodians throughout the length and breadth of Zenadth Kes and the communities and constituents that Council serves;
- The Traditional Custodians of Cairns; and
- All Elders and Leaders – past, present and emerging.

The Mayor also conveyed to those members of the Torres Strait Islander community throughout the homelands and on the Australian mainland who may be observing Sorry Business at this time, the thoughts and prayers of all Councillors.

Cr John Levi delivered the opening prayer and this was followed by a Minute of Silence for reflection.

**B. NOTING OF APOLOGIES**

The following apologies were noted by Council:

Division 1 – Boigu	Cr Dimas Toby
Division 4 – Mabuig	Cr Keith Fell
Division 9 – Iama	Cr Aggie Hankin
Division 10 – Warraber	Cr Kabay Tamu
Division 11 – Poruma	Cr Francis Pearson

**C. CONFLICT OF INTEREST DECLARATIONS**

Cr Torenzo Elisala declared a COI in relation to AI 2 (his family are the native title holders for the impacted areas).

**D. LIVE STREAM**

The Mayor advised Council that this meeting is being LIVE STREAMED on Council's YouTube Channel.

**1. CONFIRMATION OF MINUTES (21 August 2024)**

#T24-28/2024-09/1

CR ELISALA / CR MOSBY

**Council (as Trustee) confirms the Minutes of the Trustee Meeting held on 21 August 2024.**

***CARRIED UNANIMOUSLY***

**1.1. UPDATE ON ACTION ITEMS FROM PREVIOUS MEETINGS**

The Executive Director Corporate Services (Ms Susanne Andres) spoke to this item in the absence of the Chief Executive Officer and the update was noted by Council.

**Action:**

Cr Aniba to formalise to Council a decision by the Saibai Island community to hand the Saibai Island Church facility responsibility to the Anglican Diosece for funding (*refer AI 6 actions from the November 2023 Trustee Meeting*).

- *Prior to commencement of discussions on AI 2 below, Cr Torenzo Elisala declared a COI (his family are the native title holders for the impacted areas) and dialled out of the meeting at 9.25am.*

## 2. HELIPAD DEVELOPMENT DAUAN ISLAND – DEPARTMENT OF HOME AFFAIRS

#T24-28/2024-09/2

CR ANIBA / CR STEPHEN

**Council (as Trustee):**

- (a) approves the surrender of the existing lease over Lot 77 on SP270872 between the Trustee and the Department of Home Affairs (DHA) at Dauan Island;
- (b) approves a new lease to DHA (for a term of six years) of an increased area (comprising the existing lease area plus an additional area) for the purpose of constructing and maintaining helipad and related infrastructure; and
- (c) delegates to the Chief Executive Officer the power to progress negotiations with 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 by executing necessary documents, including Conditional Agreement to Grant Lease (CATL), which will include that the lease and construction are subject to necessary planning requirements and Native Title Consent.

**CARRIED UNANIMOUSLY**

- *Cr Torenzo Elisala was invited to rejoin the meeting at 9.32am.*

## 3. ITEMS ARISING

### 3.1. EOI from Community of Hammond for a Ranger Program on Hammond Island (Cr Seriako Dorante)

Cr Dorante requested that a formal letter be sent to the Kaurareg RNTBC from Council in support of the Hammond Island community's EOI for a Ranger Program to be implemented on Hammond Island.

**Action:**

Executive Director Community Services to prepare a letter of support from Council to the Kaurareg RNTBC in relation to the Hammond Island community's EOI for a Ranger Program to be established for Hammond Island.

### 3.2. Medivac Helicopter Issues at the St Paul's Community (Cr John Levi)

Cr Levi advised that the Medivac Helicopter continues to land on the Oval at St Pauls Community, causing disruption/health hazards/safety issues on ground. The Executive Director Community Services currently awaiting formal advice from Cr Levi and the local PBC identifying an alternative site for the Medivac Helicopter to land. The Mayor requested that Cr Levi and the Executive Director Community Services discuss this matter further offline and report back to the next meeting.

**Action:**

Cr Levi and the Executive Director Community Services to discuss alternative landing sites for the Medivac Helicopter on St Pauls Community.

### 3.3. DOGIT Matters - including Timelines for Finalisation of TSIRC Trustee Policy and an Update on the lama DOGIT Transfer (Cr Rocky Stephen)

Cr Stephen requested an update on the timelines in relation to finalisation of Council's Trustee Policy. The **DOGIT Transfer, Land Tenure and Native Title Advisor** (Ms Joanne Bryant) advised that the Trustee Policy Consultations are currently underway across the Divisions and hopefully will be completed by 31 December 2024. The outcome of these consultations, hopefully, will result in each community endorsing their individual local decision-making processes for inclusion in the TSIRC Trustee Policy. It is expected that Council will then adopt the Trustee Policy by early to mid-2025 so that EOIs for Leases can be considered. The Trustee Policy consultation does not cover DOGIT Transfers as this is a totally separate issue.

In relation to the lama DOGIT Transfer matter, the **Mayor** advised that this will need to be discussed as a closed business matter as it relates to a legal matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**Cr Chelsea Aniba** advised Council that she hopes to convene a meeting of the Culture, Arts, Land and Heritage (CALH) Advisory Committee shortly which will focus on DOGIT Transfer matters.

**Cr Serriako Dorante** also recommended that Council be mindful that appropriate levels of funding will also need to be set aside after the TSIRC Trustee Policy is endorsed to facilitate the community consultation processes required under the Trustee Policy for EOI disputes.

### 3.4. New/Expanded Cemetery on Mer (Cr Bob Kaigey)

Cr Kaigey advised that the current Cemetery on Mer has reached (or is close to reaching) full capacity and the Mer Traditional Custodians have requested that Council write to the local PBC to advise and seek leasing options for an expansion of the site.

**Action:**

Executive Director Engineering Services/Executive Director Community Services to prepare a letter from TSIRC to the Mer PBC advising that the Mer Cemetery has reached (or is close to reaching) full capacity and seek advice from the PBC on leasing options available for Council.

➤ *At 9.45am Council (as Trustee) moved into Closed Business discussions.*

### 3.5. Resolution to Move Into Closed Business to Discuss the lama DOGIT Transfer Matter

#T24-28/2024-09/3.5

CR STEPHEN / CR LEVI

**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 the lama DOGIT Transfer Matter as this relates to a legal matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.**

**CARRIED UNANIMOUSLY**

➤ At 10.10am Council (as Trustee) moved to return the meeting to Open Discussion

**3.6. Resolution to Return the Meeting to Open Discussion**

#T24-28/2024-09/3.6

CR DORANTE / CR LEVI

**Council (as Trustee) resolves to move out of closed discussions pursuant to Section 84 of the Local Government Act 2009.**

**CARRIED UNANIMOUSLY**

**3.7. Consideration of Matters Discussed in Closed Session**

Council discussions in closed session resulted in endorsement of the following actions:

**Action:**

1. Cr Aniba to convene a meeting of the Culture, Arts, Land and Heritage (CALH) Advisory Committee as soon as possible to discuss a way forward for Council to consider in relation to DOGIT Transfer matters.
2. Chief Executive Officer to expedite the preparation a draft Memorandum of Understanding between TSIRC and GBK (to be considered at the November 2024 Council Workshop) covering:
  - Regional Governance/Regional Assembly matters
  - the Masig Statement
  - Treaty
  - Regular Roundtable Meetings (i.e. SARG and GBK Executive)
  - other matters identified by the CALH Advisory Committee

**4. NEXT MEETING – 15 OCTOBER 2024 (DAUAN)**

Noted by Council (as Trustee).

**5. CLOSE OF MEETING**

The Mayor closed the Trustee meeting at 10.17am.

MINUTES CONFIRMED – 15 October 2024	
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Cr Phillemon Mosby Mayor Torres Strait Island Regional Council Date: 15 October 2024	James William Chief Executive Officer Torres Strait Island Regional Council Date: 15 October 2024



## TRUSTEE COUNCIL MEETING ACTION ITEMS

(Updated as at 8 October 2024)

Agenda Item

# 1.1

Agenda Item	Action	Action Area	Current Status
Sept 2024 Mtg AI 1.1 Update on Action Items from Previous Meetings	Cr Aniba to formalise to Council a decision by the Saibai Island community to hand the Saibai Island Church facility responsibility to the Anglican Diocese for funding ( <i>refer AI 6 actions from the November 2023 Trustee Meeting</i> ).	Cr Aniba	
Sept 2024 Mtg AI 3.1 Items Arising	<b>EOI from Community of Hammond for a Ranger Program on Hammond Island (Cr Seriako Dorante)</b> Executive Director Community Services to prepare a letter of support from Council to the Kaurareg RNTBC in relation to the Hammond Island community's EOI for a Ranger Program to be established for Hammond Island.	ED Corporate Services	
Sept 2024 Mtg AI 3.2 Items Arising	<b>Medivac Helicopter Issues at the St Paul's Community (Cr John Levi)</b> Cr Levi and the Executive Director Community Services to discuss alternative landing sites for the Medivac Helicopter on St Pauls Community.	Cr Levi / ED Community Services	Ongoing. No update from Cr Levi at this stage.
Sept 2024 Mtg AI 3.4 Items Arising	<b>New/Expanded Cemetery on Mer (Cr Bob Kaigey)</b> Executive Director Community Services to prepare a letter from TSIRC to the Mer PBC advising that the Mer Cemetery has reached (or is close to reaching) full capacity and seek advice from the PBC on leasing options available for Council.	ED Engineering Services/ED Corporate Services (Legal)	
Sept 2024 Mtg	1. Cr Aniba to convene a meeting of the Culture, Arts, Land and Heritage (CALH) Advisory Committee as soon as possible to	1. Cr Aniba	



<p>AI 3.7</p> <p>Consideration of Matters Discussed in Closed Session</p>	<p>discuss a way forward for Council to consider in relation to DOGIT Transfer matters.</p> <p>2. Chief Executive Officer to expedite the preparation a draft Memorandum of Understanding between TSIRC and GBK (to be considered at the November 2024 Council Workshop) covering:</p> <ul style="list-style-type: none"> <li>• Regional Governance/Regional Assembly matters</li> <li>• the Masig Statement</li> <li>• Treaty</li> <li>• Regular Roundtable Meetings (i.e. SARG and GBK Executive)</li> </ul> <p>other matters identified by the CALH Advisory Committee</p>	<p>2. CEO</p>	
<p>Aug 2024 Mtg</p> <p>AI 5</p> <p>Iama DOGIT Transfer</p>	<p>Cr Aniba (through Council's Culture, Arts, Land and Heritage Advisory Committee) to progress the development of a clear policy position in relation to responsibility for DOGIT matters/land tenure (TSIRC or PBCs) in the context of a Torres Strait Regional Assembly arrangement.</p>	<p>Cr Aniba / ED Corporate Services</p>	<p>In progress to be included on CALH Advisory Committee agenda.</p>
<p>Aug 2024 Mtg</p> <p>AI 6</p> <p>Native Title Consent Process for New Housing</p>	<p>Council's Trustee Policy to provide clear consultation processes that must be undertaken prior to the submission of requests to the Trustee Council for decisions on matters requiring Native Title consent.</p>	<p>ED Corporate Services / DOGIT Transfer, Land Tenure and Native Title Advisor</p>	<p>In progress for updated Trustee Policy. Currently engaging with individual Divisions.</p>
<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><u>Action:</u></p>	<p>Chief Executive Officer</p>	<p>In progress &amp; to be maintained as an ongoing action as DOGIT remains an ongoing and significant issue.</p>

	<p>Chief Executive Officer to discuss further with Cr Stephen out of session.</p>		
<p>Nov 2023 Mtg AI 6 Action Items from Previous Meetings</p>	<p><b>ACTION:</b></p> <ol style="list-style-type: none"> <li>1. <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>2. <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>1. Remains in progress. Discussions with Seaswift and CEQ CEOs have been held.</li> <li>2. 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. Final Concept Plans received only. Cr Aniba to formalise to Council a decision by the Saibai Island community to hand the facility responsibility to the Anglican Diosece for funding. No update for October OM, item still outstanding.</li> </ol>



**DIRECTORATE:** Corporate Services

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

## **DAUAN MECHANICS WORKSHOP DEVELOPMENT APPROVAL – RECONFIGURATION OF A LOT**

### **OFFICER RECOMMENDATION:**

**That the Trustee:**

- a) **grant owner's consent to the proposed development approval for Reconfiguring a Lot (1 Lot into 2 Lots) of land at Lot 39 Main Road, Dauan Island, described as Lot 39 on SP270872, in accordance the indicative plans contained in this report; and**
  
- b) **delegate to the Chief Executive Officer, the power to progress the development application process, including signing the Trustee consent form.**

### **EXECUTIVE SUMMARY:**

RPS Consulting Pty Ltd (Town Planning) on behalf of Council seeks Trustee owner's consent to a development approval for Reconfiguring a Lot (1 Lot into 2 Lots) of land at Lot 39 Main Road, Dauan Island, described as Lot 39 on SP270872. Lot 39 contains a number of Council buildings, a ranger station, a mechanics workshop and recreational facilities over a single parcel of land within the Township Zone. The subdivision is to meet Ergon regulations for power connection to the mechanics workshop and rangers' station by creating a separate lot over those buildings.

### **Interested Parties/Consultation**

- Councillor Elisala (Division 2 Dauan) was consulted on the proposal.
- RPS Consulting Pty Ltd.

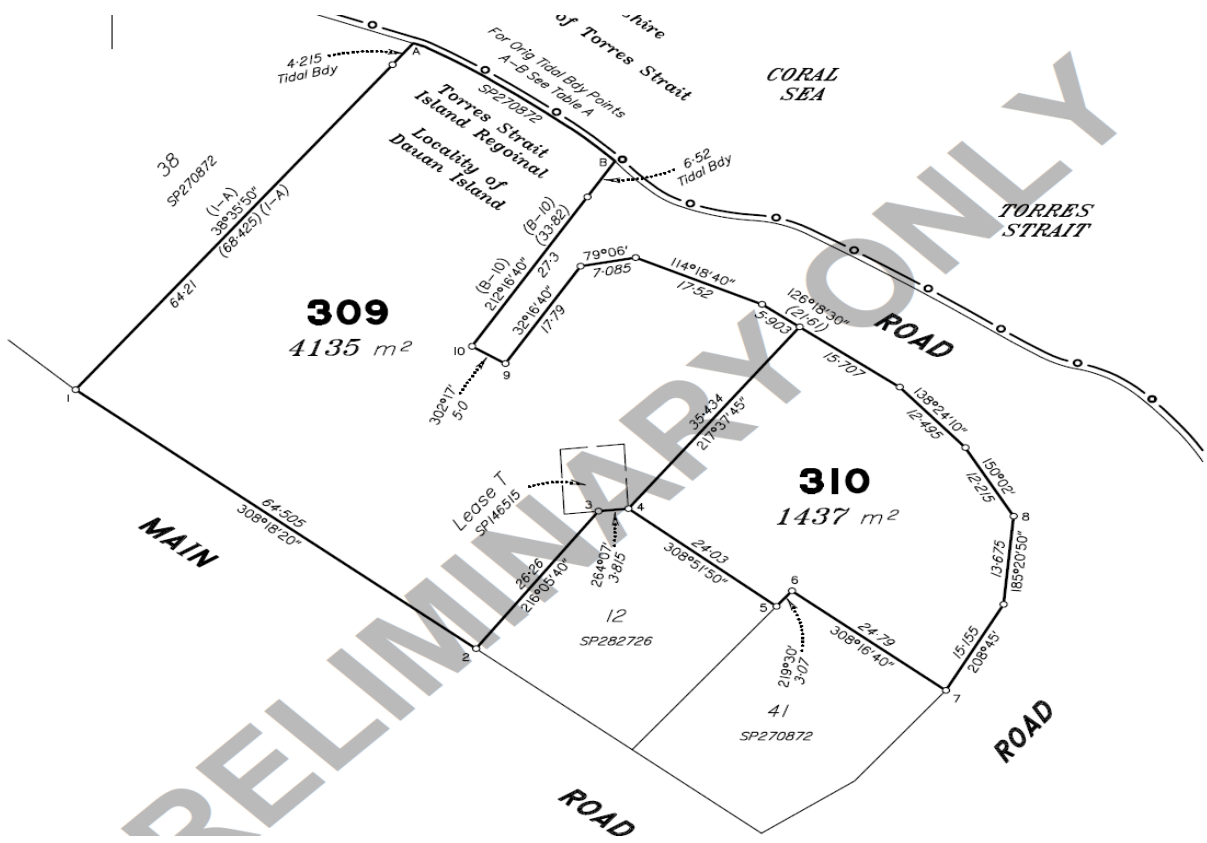
### **Background:**

During the demolition of the old mechanics workshop on Lot 39, the overhead powerline was required to be disconnected. When the new workshop was constructed in 2023, to meet new electricity regulations, Ergon advised that the area of Lot 39 subject to the mechanics workshop and rangers' station was required to be separated from the existing lot to enable a new power connection.

The proposed development involves the subdivision of Lot 39 on SP270872 to create separate lots comprising:

- Lot 310 with an area of 1,437m<sup>2</sup> comprising the Ranger Station, existing mechanics workshop and ancillary sheds; and
- Lot 309 (balance lot) with an area of 4,135m<sup>2</sup> comprising TSIRC buildings and recreational facilities.

Subdivision plan proposal



Map showing existing buildings



The existing lot 39 is connected to all available urban services. Although the site is located within the erosion prone area of the coastal management district, the site is identified as being within the Dauan Island Town Centre Core, which provides for a mix of community, recreation, tourism and industrial uses for the support of the wider Dauan community. 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.

It is recommended that the Trustee grants owner's consent to the to the proposed development approval for Reconfiguring a Lot over Lot 39.

**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>Land Title Act 1994 (Qld)</i></li> </ul>
<b>Budgetary:</b>	Survey and DA costs total \$17,500 have been approved by EDFS and CEO
<b>Policy:</b>	Trustee Policy 2019
<b>Legal:</b>	The Report has been developed in consultation with Council's Town Planner RPS
<b>Risk:</b>	Trustee risks will be managed by ensuring compliance with the Ergon mandated regulations
<b>Links to Strategic Plans:</b>	<p>TSIRC Corporate Plan 2020–2025 (<i>Bisnis Plan</i>)</p> <ul style="list-style-type: none"> <li>➢ Delivery Pillar – Sustainability</li> </ul> <p>Outcome 8: We manage council affairs responsibly for the benefit of our communities</p> <ul style="list-style-type: none"> <li>➢ 8.1: Effective management of DOGIT Land as a Trustee</li> </ul>
<b>Masig Statement:</b>	N/A
<b>Standing Committee Consultation:</b>	N/A
<b>Timelines:</b>	N/A


**Other Comments:** Nil.

**Recommended:**



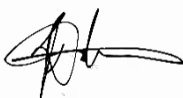
Tony Wynen  
Operations Engineer  
Assets

**Endorsed:**



Susanne Andres  
Executive Director Corporate Services

**Approved:**



James William  
Chief Executive Officer

**ATTACHMENTS:**

Nil