Time: 9.00am to 10.30am

Venue: Bolands Centre Offices & Conference Centre, 14 Spence Street, Cairns

Meeting ID: 438 700 254 554 | Passcode: QDN5qk

ORDER OF BUSINESS

	ORDER OF BUSINESS
9.00am	A. WELCOME & QUORUM CONFIRMATION ACKNOWLEDGEMENTS OPENING PRAYER OBSERVANCES
	B. NOTING OF APOLOGIES
	C. CONFLICT OF INTEREST DECLARATIONS
	D. LIVE STREAM. This meeting is live streamed on Council's YouTube Channel.
	1. CONFIRMATION OF MINUTES (18 September 2024)
	1.1. Update on Action Items from Previous Meetings
	2. Helipad Development Kubin Banks Peak – Department of Home Affairs
	3. Jetty Replacement (Dauan, Saibai and Boigu) – Request for Consent from Council as Trustee of Roads
	4. ITEMS ARISING
	5. NEXT MEETING – 11 DECEMBER 2024 (Microsoft TEAMS)
10.30am	6. CLOSE OF MEETING

AUTHOR: Executive Director Corporate Services

CONFIRMATION OF MINUTES (15 OCTOBER 2024)

OFFICER RECOMMENDATION:

Council (as Trustee) confirms the Minutes of the Trustee Meeting held on 15 October 2024.

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 15 October 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.

Statutory:	Section 254F(4) of the Local Government Regulation 2012			
Budgetary:	N/A			
Policy:	N/A			
Legal:	N/A			
Risk:	Council breach of its Statutory requirements above.			
Links to Strategic Plans:	TSIRC Corporate Plan 2020–2025 (Bisnis Plan) Delivery Pillar One – People (Bisnis – Pipol) Outcome 4: We are a transparent, open and engaging council. > 4.2 Evolve Council's communication channels and community's access to information.			
Masig Statement:	N/A			
Standing Committee Consultation:	N/A			
Timelines:	Standard Procedure at each Monthly Trustee Meeting			

Other	Comm	ents:
Other	COIIIIII	CIILO.

Nil.

Recommended: Approved:

S. Andres

Susanne Andres

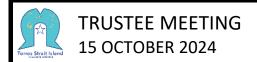
Executive Director Corporate Services

James William

Chief Executive Officer

ATTACHMENTS:

Draft Minutes of the Trustee Meeting held on 15 October 2024.



MINUTES

Time: 9.00am

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

PRESENT:

Mayor Cr Phillemon Mosby Cr Torenzo Elisala Division 2 – Dauan

Division 3 – Saibai Cr Chelsea Aniba Division 6 – Arkai 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 – joined meeting at 9.15am

Division 10 - Warraber Cr Kabay Tamu Division 11 - Poruma Cr Francis Pearson Division 12 - Masig Cr Ted Mosby Division 15 - Mer Cr Bob Kaigey

APOLOGIES:

Division 1 - Boigu Cr Dimas Toby – prior commitments Division 4 – Mabuiag Cr Keith Fell - prior commitments

Division 5 - Badu / Deputy Mayor Cr Ranetta Wosomo – prior commitments Division 13 - Ugar Cr Rocky Stephen – prior commitments

Cr Nixon Mye – prior commitments

Mr James William

OFFICERS:

Division 14 - Erub

Chief Executive Officer

Executive Director Building Services Mr Wayne Green **Executive Director Community Services** Mr Dawson Sailor Ms Susanne Andres Executive Director Corporate Services Executive Director Engineering Services Mr David Baldwin

Executive Director Financial Services Ms Hollie Faithfull

DOGIT Transfer, Land Tenure and Native Title Advisor Ms Joanne Bryant

Preston Law Ms Martine Care **Executive Assistant to the Mayor** Ms Trudy Lui

Mr Darryl Brooks **TSIRC Secretariat**

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

At 9.10am the Mayor formally opened the October 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 Kaurareg and Cairns who host elements of the TSIRC footprint; 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 accepted by Council:

Division	Councillor/Reason	Mover/Seconder	
Division 1 – Boigu	Cr Dimas Toby – prior commitments	PEARSON/HANKIN	
Division 4 – Mabuiag	Cr Keith Fell – prior commitments	ANIBA/PEARSON	
Division 5 – Badu	Cr Ranetta Wosomo – prior commitments	DORANTE/T. MOSBY	
Division 13 – Ugar	Cr Rocky Stephen – prior commitments	ANIBA/MANAS	
Division 14 – Erub	Cr Nixon Mye – prior commitments		

C. CONFLICT OF INTEREST DECLARATIONS

Cr lona Manas advised the meeting that he is the Chairperson of the Mualgal (Torres Strait Islanders) Corporation RNTBC on Mua.

The Mayor invited Councillors to declare any Conflict of Interest matters. No declarations were made.

The Mayor made a further request to Councillors to formally email him prior to each Trustee Meeting to either declare any COI matters, or to seek clarification if they were unsure if they had a COI to declare.

D. LIVE STREAM

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

1. CONFIRMATION OF MINUTES (18 September 2024)

#T24-28/2024-10/1

Council (as Trustee) confirms the Minutes of the Trustee Meeting held on 18 September 2024.

CARRIED UNANIMOUSLY

1.1. 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.

2. DAUAN MECHANICS WORKSHOP DEVELOPMENT APPROVAL – RECONFIGURATION OF A LOT

#T24-28/2024-10/2

CR TAMU / CR PEARSON

Council (as Trustee):

- (a) grants 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) delegates to the Chief Executive Officer, the power to progress the development application process, including signing the Trustee consent form.

CARRIED UNANIMOUSLY

3. ITEMS ARISING

3.1. Trustee Policy Consultations

The Mayor advised the meeting that he had been invited to the Trustee Policy consultations undertaken with the Kubin Community and would like to formally acknowledge the professionalism and culturally—appropriate manner in which the TSIRC staff undertook those consultations. The Mayor was impressed and commended the open and transparent manner of the staff engagement with attendees and thanked Ms Joanne Bryant (DOGIT Transfer, Land Tenure and Native Title Advisor) and her Team on behalf of Council.

The Chief Executive Officer responded by thanking the Mayor for his comments and noted that land tenure can be a divisive issue if not done properly and he is confident that the Consultation Team will continue to advocate in a similar manner throughout the remainder of their consultation process.

Cr Iona Manas also thanked the Consultation Team for their good and outstanding work.

3.2. Consultation Process During Sorry Business

Cr Bob Kaigey advised that some sectors of the community are missing out on the opportunity to participate in the consultation processes due to the high level of Sorry Business commitments during the consultations and requested advice on how Council can address this matter.

The Chief Executive Officer thanked Cr Kaigey for his comments and emphasised the importance for Council to ensure that the <u>entire</u> community is given an opportunity to have full, proper, open and informed knowledge and this means having proper access to TSIRC consultations. He advised Cr Kaigey that the preference is for pre—arranged visits to be postponed to a later date in the event of Sorry Business occurring, or if consultations are underway in a community when the 'sad news' is announced, it is best practice to seek advice from the relevant Councillor on how to proceed further with the consultation.

4. NEXT MEETING – 15 NOVEMBER 2024 (CAIRNS)

Noted by Council (as Trustee).

5. CLOSE OF MEETING

The Mayor asked Councillors to note and follow up on actions assigned to them and requested the Chief Executive Officer to ask his Executives to assist Councillors with those actions. The Mayor formally closed the Trustee meeting at 10.10am.

MINUTES CONFIRMED – 15 November 2	2024
Cr Phillemon Mosby	James William
Mayor	Chief Executive Officer
Torres Strait Island Regional Council Date: 15 November 2024	Torres Strait Island Regional Council Date: 15 November 2024

TRUSTEE COUNCIL MEETING ACTION ITEMS

(Updated as at 6 Nov 2024)

1.1

Agenda Item	Action	Action Area	Current Status
Sept 2024 Mtg	EOI from Community of Hammond for a Ranger Program on Hammond Island (Cr Seriako Dorante)	Cr Seriako / ED Community Services	Completed. Letter signed by CEO and sent to RNTBC on 6/11/24.
Al 3.1 Items Arising	Cr Seriako to provide ED Community Services with relevant background details for the letter of support. Cr Seriako		
	 advised that he has spoken to the Kaurareg PBC Chair about this matter. 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.		
Sept 2024 Mtg	Medivac Helicopter Issues at the St Paul's Community (Cr John Levi)	Cr Levi / ED Community Services	Ongoing. No update from Cr Levi at this stage.
AI 3.2	Cr Levi and the Executive Director Community Services to discuss		
Items Arising	alternative landing sites for the Medivac Helicopter on St Pauls Community.		
Sept 2024 Mtg	New/Expanded Cemetery on Mer (Cr Bob Kaigey)	DOGIT Transfer, Land Tenure and	Letter sent to PBC on 29/10/24
AI 3.4	Letter from TSIRC to the Mer PBC advising that the Mer Cemetery has reached (or is close to reaching) full capacity and seek advice	Native Title Advisor	seeking a meeting between the TSIRC CEO and the Mer PBC to discuss this matter. Awaiting response from PBC
Items Arising	from the PBC on leasing options available for Council.		to this request.

TRUSTEE Action Items Page 2 of 3

Sept 2024 Mtg Al 3.7	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	1. Cr Aniba	Action reviewed at the November 2024 Council Workshop.
Consideration of Matters Discussed in Closed Session	 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: 	2. CEO	
	 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 		
Aug 2024 Mtg Al 5 Iama DOGIT Transfer	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.	Cr Aniba / ED Corporate Services	In progress to be included on CALH Advisory Committee agenda.
Aug 2024 Mtg Al 6	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.	ED Corporate Services / DOGIT Transfer, Land Tenure and Native Title Advisor	In progress for updated Trustee Policy. Currently engaging with individual Divisions.
Native Title Consent Process for New Housing			

TRUSTEE Action Items Page **3** of **3**

Apr 2024 Mtg Al 6 Matters Arising (DOGIT Policy)	Cr Stephen requested that a range of issues in relation to finalising Council's DOGIT policy be discussed at Council's May 2024 Workshop. Action: Chief Executive Officer to discuss further with Cr Stephen out of session.	Chief Executive Officer	In progress & to be maintained as an ongoing action as DOGIT remains an ongoing and significant issue.
Al 6 Action Items from Previous Meetings	 CEQ Matters - 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). Saibai Island Church/options to assist in the maintenance and/or restoration of heritage-listed sites and buildings to be considered at the December 2023 meeting. 	Chief Executive Officer / Corporate Services (Legal Services) Community Services	 Remains in progress. Discussions with Seaswift and CEQ CEOs have been held. Ongoing work. The Saibai Island Church matter (as it unfolds) is being treated as a model to use right across the TSIRC footprint. ED BSU; ED Community Services and the consultant engaged with Anglican Bishop 5/11/24 to discuss funding and lease appetite.



AUTHOR: DOGIT Transfer, Land Tenure and Native Title Advisor

HELIPAD DEVELOPMENT KUBIN BANKS PEAK - DEPARTMENT OF HOME AFFAIRS

OFFICER RECOMMENDATION:

(a) Council (as Trustee):

- (i) notes that the Department of Home Affairs (DHA) is a party to a Conditional Agreement to Lease (CATL) for land at Kubin Banks Peak, for the purpose of constructing and maintaining helipad and related infrastructure;
- (ii) notes that DHA requested that the area subject to the CATL is expanded to meet its infrastructure requirements which includes constructing a new helipad at the site, as shown on indicative plans contained in this Report;
 - (iii) approves the increase to the area and a subsequent lease over the site for a term of eight years; and
- (b) 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 the revised CATL, which will set out that the grant of the lease will be subject to necessary planning requirements and Native Title consent.

EXECUTIVE SUMMARY:

Department of Home Affairs (DHA) is a party to a Conditional Agreement to Lease (CATL) for land at Kubin, Banks Peak (described as Lot 5 on SP271019) for the purpose of constructing and maintaining helipad and related infrastructure at the site. The Trustee approved the CATL in 2022 to allow for the grant of a lease, however the lease has not yet progressed as DHA was awaiting Native Title consent. To meet its infrastructure requirements for its operations, including constructing a new helipad, DHA now requires an expansion to the area that was agreed to under the CATL. The site was subject to an old lease described as Lease C on SP145569 which expired.

The purpose of this Report is for Council, as Trustee, to approve a new CATL and subsequent lease for the increased area. If the Trustee approves, then DHA will need to:

- enter into a new CATL and subsequent lease to reflect the expanded lease area;
- arrange for fresh survey plans depicting the expanded lease area;
- obtain Native Title consent for the expanded lease area; and
- obtain planning approval from Council, in its capacity as planning authority.

Interested Parties/Consultation:

- Councillor Manas (Division 6 Arkai) supports the proposal.
- Mualgal (Torres Strait Islanders) Corporation RNTBC supports the proposal.
- 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 the Kubin Banks Peak site so that Australian Border Force can meet its Border protection obligations and maintain its secure ultra-high frequency communication network.

DHA advised 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".

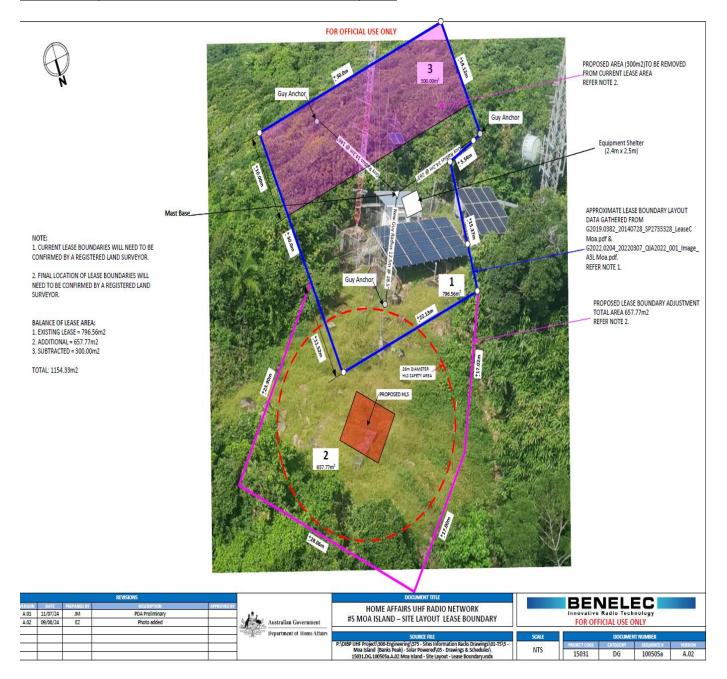
The helipad infrastructure is proposed new infrastructure that is to be located outside the boundaries of the expired lease (Lease C on SP145569). DHA is currently using the area under a licence agreement and is paying an interim occupation fee, pending the negotiation of a lease.

Aerial images of the existing sites are shown below:

1. Lease C SP145569 (expired) is the area subject to the existing Conditional Agreement to Lease. New helipad site shown outside that area.



New area required-shown as area 1 and 2 (area 3 not required)



Consultation

DHA has consulted with the Mualgal PBC to explain the proposal and the PBC supports it in-principle, subject to DHA obtaining formal Native Title consent in accordance with the Moa Infrastructure and Housing ILUA.

Recommendation

The recommendation contained in this Report is to approve the proposed increase to the area. 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. To give effect to this proposal, new lease and CATL documents will need to be negotiated and entered into. A survey plan of the revised lease area will need to be obtained, as well as planning approval and Native Title consent.

It is recommended that the request is supported.

Statutory:	 Torres Strait Islander Land Act 1991 (Qld) Planning Act 2016 (Qld) Local Government Act 2009 (Qld)
Budgetary:	N/A It is proposed that the Trustee seeks to pass on all costs associated with considering these matters on to DHA.
Policy:	Trustee Policy 2019.
Legal:	The Report has been prepared by Council's DOGIT transfer, Land Tenure and Native Title Advisor.
Risk:	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.
Links to Strategic Plans:	TSIRC Corporate Plan 2020–2025 (Bisnis Plan) Delivery Pillar – Sustainability Outcome 8: We manage council affairs responsibly for the benefit of our communities 8.1: Effective management of DOGIT Land as a Trustee
	Providing adequate land for the helipad 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.
Masig Statement:	This is consistent with the aims of the Masig Statement, including:
	 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.
Standing Committee Consultation:	N/A
Timelines:	N/A

Other Comments: Nil.

Endorsed:

Joanne Bryant

DOGIT Transfer, Land Tenure and Native Title Advisor

Recommended:

Susanne Andres

Executive Director Corporate Services

Approved:

James William

Chief Executive Officer



AUTHOR: DOGIT Transfer, Land Tenure and Native Title Advisor

JETTY REPLACEMENT (DAUAN, SAIBAI AND BOIGU) – REQUEST FOR CONSENT FROM COUNCIL AS TRUSTEE OF THE ROADS

OFFICER RECOMMENDATION:

Council (as Trustee of the roads):

- a) consents to works located on Public Roads or Esplanades associated with the Jetty Replacement Projects for Dauan, Saibai and Boigu Jetties; and
- b) delegates to the Chief Executive Officer the power to progress the required consents including signing the appropriate applications.

EXECUTIVE SUMMARY:

Council is the construction entity for the Jetty Replacement Projects for Dauan, Saibai and Boigu works which are jointly funded by the State and Commonwealth Governments.

A small portion of the proposed jetties for each site commence on Esplanade (which is a public road). Council is Trustee of the Esplanades and the adjacent DOGITs. The project seeks the consent of Council (as Trustee of the roads) to undertake the works.

The project has also sought formal land-owners consent from Department of Resources for the water portion of the works which are located on Unallocated State Land (USL).

The proposed works include:

- Removal of the existing marine access structures (jetty-finger wharves); and
- Construction of new public marine access structures (finger wharves) within the existing footprint.

Interested Parties/Consultation

- Councillor Elisala (Division 2 Dauan)
- Councillor Toby (Division 1 Boigu)
- Councillor Aniba (Division 3 Saibai)
- RPS Consulting Pty Ltd.

Background:

The proposed works are shown below:

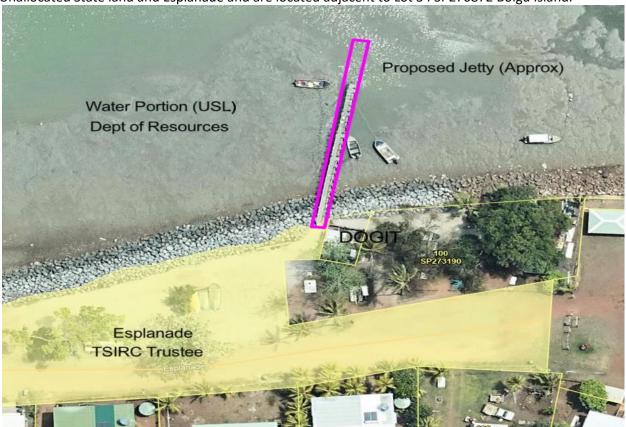
Dauan - Unallocated State land and Esplanade and are located adjacent to Lot 34 SP270872 Dauan Island.



Saibai - Unallocated State land and Esplanade and are located adjacent to Lot 101 SP267944 Saibai Island.



Boigu - Unallocated State land and Esplanade and are located adjacent to Lot 34 SP270872 Boigu Island.



It is recommended that the Trustee resolves to issue Consent for any works associated with the Jetty Replacement Projects for Dauan, Saibai and Boigu Jetties located on the Esplanades.

Statutory:	 Torres Strait Islander Land Act 1991 (Qld) Local Government Act 2009 Local Government Regulation 2012 Planning Act 2016 			
Budgetary:	The Projects are fully funded by the Commonwealth			
Policy:	Trustee Policy 2019			
Legal:	The Report has been developed in consultation with Council's Town Planner RPS			
Risk:	Nil			
Links to Strategic Plans:	TSIRC Corporate Plan 2020–2025 (Bisnis Plan) > Delivery Pillar – Sustainability Outcome 8: We manage council affairs responsibly for the benefit of our communities > 8.1: Effective management of DOGIT Land as a Trustee			
Masig Statement:	N/A			
Standing Committee Consultation:	N/A			
Timelines:	Planning and associated approvals are sought before construction and by May 2025 in accordance with funding agreement.			

Other Comments:

Nil.

Endorsed:

David Baldwin

Executive Director Engineering Services

Recommended:

Susanne Andres

Executive Director Corporate Services

Approved:

James William

Chief Executive Officer

ATTACHMENTS:

Nil



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.

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 <u>not</u> 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 (as Trustee) will need to make a formal resolution to consider/discuss any items nominated for this agenda item.

Interested Parties/Consultation:

N/A

Background / Previous Trustee Consideration:

N/A

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

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Nil.

Recommended: Approved:

S. Andres

Susanne Andres James William

Executive Director Corporate Services Chief Executive Officer

ATTACHMENTS:

Nil.