



MINUTES

Special Council Meeting

3 February 2021

**MINUTES OF TORRES SHIRE COUNCIL SPECIAL COUNCIL MEETING
HELD IN COUNCIL CHAMBERS, THURSDAY ISLAND ON TUESDAY 3 FEBRUARY 2021**

1 AGENDA CONTENTS

2 ATTENDANCE

Cr Gabriel Bani (Deputy Mayor) (Chair), Cr Thomas Loban, Cr John Abednego, Cr Allan Ketchell, Dalassa Yorkston (Chief Executive Officer), Shane Whitten (Director Corporate and Community Services), Maxwell Duncan (Director Governance and Planning Services), Edward Kulpa (Director Engineering and Infrastructure Services), and Ethel Mosby (Executive Secretary).

3 MEETING OPENED

The meeting opened with a prayer Deputy Mayor Gabriel Bani at 1:14pm.

Attendance: Andrew Kerr, Preston Law attended the Council Meeting from 1:14pm until 4:50pm.

4 APOLOGIES

Mayor Vonda Malone

RECOMMENDATION Min. SM21/2/1

Moved: Cr Allan Ketchell

Seconded: Cr John Abednego

That Council receive the apology from Mayor Vonda Malone based upon legal advice.

CARRIED

5 ACKNOWLEDGEMENT OF COUNTRY

On behalf of all Councillors, the D/Mayor acknowledged the Kaurareg people, Traditional Custodians of the land on which we meet today, and paid respects to their Elders past, present and emerging and the Traditional Owners of Zenadth Kes.

6 CONFIDENTIAL REPORTS

RECOMMENDATION

That Council consider the confidential report(s) listed below in a meeting closed to the public in accordance with Regulation s.254J of the *Local Government Regulation 2012*:

6.1 APPARLU PROCEDURAL FAIRNESS SECTION ATSIHPA APPLICATION

This matter is considered to be confidential under s.254J(3)(e) of the *Local Government Regulation 2012*, 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 rating concessions.

6.2 BMT TSC COASTAL HAZARD ADAPTION STUDY PHASE 3 (STORM TIDE HAZARD REPORT) NOVEMBER 2020

This matter is considered to be confidential under s.254J(3)(e) of the *Local Government Regulation 2012*, 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 rating concessions.

RECOMMENDATION Min. SM21/2/2

Moved: Cr John Abednego

Seconded: Cr Thomas Loban

That Council go into In Committee

CARRIED

ADJOURNMENT: The meeting was adjourned for Afternoon Tea at 3:08pm and resumed 3:20pm.

DEPARTURE: Cr Thomas Loban departed the Meeting at 3:24pm.

RECOMMENDATION Min. SM21/2/3

Moved: Cr Allan Ketchell

Seconded: Cr John Abednego

That Council come out of In Committee.

CARRIED

6.1 APPARLU PROCEDURAL FAIRNESS SECTION ATSIHPA APPLICATION**RECOMMENDATION Min. SM21/2/4**

Moved: Cr John Abednego

Seconded: Cr Allan Ketchell

That Council resolves (1) to delegate to the Chief Executive Officer the authority to:

- (a) Reply to the **Department of Agriculture, Water and the Environment in relation to the application under s. 10 of the Aboriginal and Torres Strait Islander Heritage Protection Act.**
- (b) Instruct Council's legal representatives to write to the legal representatives of the Applicant in the proceeding *Kaurareg Native Title Aboriginal Corporation RNTBC & ORS v Torres Shire Council* (QUD315/2019) to negotiate a settlement of the proceedings including

the question of costs and to do all things necessary to effect that settlement and discontinue the proceeding.

- (c) Instruct Council's legal representatives to write to the legal representatives of the Applicant in the proceedings *Kaurareg Native Title Aboriginal Corporation RNTBC and Milton Savage v Torres Shire Council* currently before the Planning and Environment Court (97/2019) to negotiate a settlement of the proceedings including the question of costs and to do all things necessary to effect that settlement and end the proceeding.
- (d) Instruct Council's legal representatives to defend any potential legal proceedings which may be brought by Pacific Marine Group in relation to Tender No 07/2018.

(2) to authorise the Chief Executive Officer to facilitate a meeting between Councillors and the Minister for Indigenous Australians concerning funding implications.

CARRIED

6.2 BMT TSC COASTAL HAZARD ADAPTION STUDY PHASE 3 (STORM TIDE HAZARD REPORT) NOVEMBER 2020

RECOMMENDATION Min. SM21/2/4

Moved: Cr Allan Ketchell

Seconded: Cr John Abednego

That Council notes the QCoast2100 – Coastal Hazard Adaption Strategy prepared by BMT Commercial Australia Pty Ltd and resolves to have regard to the report in any future development applications for coastal sites.

CARRIED

CLOSURE: The meeting closed with a prayer by Deputy Mayor Gabriel Bani at 4:50pm.

Confirmed this day of

D/MAYOR