



MINUTES

Ordinary Council Meeting

20 October 2020

**MINUTES OF TORRES SHIRE COUNCIL ORDINARY COUNCIL MEETING
HELD IN COUNCIL CHAMBERS, THURSDAY ISLAND ON TUESDAY 20 OCTOBER 2020**

1 AGENDA CONTENTS

2 ATTENDANCE

Cr Vonda Malone (Mayor), Cr Gabriel Bani (Deputy Mayor), 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 Cr Gabriel Bani (Deputy Mayor) at 9:15am.

4 APOLOGIES

Nil

5 ACKNOWLEDGEMENT OF COUNTRY

On behalf of all Councillors, the 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 DECLARATIONS OF INTEREST

6.1 DECLARATION OF INTEREST – CR THOMAS LOBAN

Cr Thomas Loban stated that he had a declarable a conflict of interest in item 12.13 Licence Agreement K&M Plumbing & Gas Fitting, (as defined by *Local Government Act 2009, section 175D*) as follows:

I, Councillor Thomas Loban, inform the meeting that I have a declarable conflict of interest as a result of previous Sponsorship (2015).

Although I have a declarable conflict of interest, I do not believe a reasonable person could have a perception of bias because of the sponsorship was received in 2015. Therefore, I will choose to remain and participate in the decision. However, I will respect the decision of the meeting on whether I can remain and participate in the decision.

RECOMMENDATION Min. 20/10/1

Moved: Cr Gabriel Bani (Deputy Mayor)

Seconded: Cr Allan Ketchell

That it is in the public interest that Cr. Thomas Loban participates and votes because the sponsorship was in 2015 therefore a reasonable person would trust that the final decision is made in the public interest.

CARRIED

7 CONDOLENCES

A minute's silence was observed as a mark of respect in memory of a deceased person or persons of our community and/or area of the Torres Strait.

*Mr Francis Bon (snr)
Ms Danielle Jawai
Mrs Nobie Gaidan (Badu Island)
Mr Ray Depoma
Mr Samuel Savage
Ms Rennie Magala*

8 CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 18 AUGUST 2020

RECOMMENDATION Min. 20/10/2

Moved: Cr John Abednego
Seconded: Cr Gabriel Bani (Deputy Mayor)

In Favour: Cr Gabriel Bani (Deputy Mayor)
Cr Thomas Loban
Cr John Abednego
Cr Allan Ketchell

Against: Cr Vonda Malone (Mayor)

That the minutes of the Ordinary Council Meeting held on 18 August 2020 be confirmed.

CARRIED

8.2 ORDINARY COUNCIL MEETING – 15 SEPTEMBER 2020

RECOMMENDATION Min. 20/10/3

Moved: Cr John Abednego
Seconded: Cr. Allan Ketchell

In Favour: Cr Gabriel Bani (Deputy Mayor)
Cr Thomas Loban
Cr John Abednego
Cr Allan Ketchell

Against: Cr Vonda Malone (Mayor)

That the minutes of the Ordinary Council Meeting held on 15 September 2020 be confirmed.

CARRIED

9 BUSINESS ARISING

CEO referred to the 'Matters for Action following a Council Meeting' document provided to Councillors with updated information on the 15 September 2020 Council Meeting.

10 NOTIFIED MOTIONS

Nil

11 COUNCILLORS REPORTS

11.1 COUNCILLORS MONTHLY REPORTS

The Mayor referred to the correspondence regarding legal advice received on conflict of interest dated 19 October 2020 addressed to Council from culturev8.

RECOMMENDATION Min. 20/10/4

Moved: Cr Gabriel Bani (Deputy Mayor)

Seconded: Cr Thomas Loban

That the activities contained in the Mayoral monthly report be endorsed by Council.

CARRIED

ADJOURNMENT: The meeting is adjourned for Morning Tea at 10:36am and resumed 11:00am.

12 EXECUTIVE SERVICES REPORTS

12.1 CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT

RECOMMENDATION Min. 20/10/5

Moved: Cr Gabriel Bani (Deputy Mayor)

Seconded: Cr Thomas Loban

That the activities contained in the Chief Executive Officer's monthly report be endorsed by Council.

CARRIED

12.2 OPERATIONAL PLAN REVIEW 2020/21 – 1ST QUARTER

RECOMMENDATION Min. 20/10/6

Moved: Cr Gabriel Bani (Deputy Mayor)

Seconded: Cr Allan Ketchell

That Council note the First Quarter Review of the 2020/21 Operational Plan.

CARRIED

12.3 TORRES AND CAPE INDIGENOUS COUNCILS ALLIANCE MEMBERSHIP 2020/21

RECOMMENDATION Min. 20/10/7

Moved: Cr Thomas Loban

Seconded: Cr Allan Ketchell

That Council endorses a contribution of the amount of \$11,000.00 to Torres and Cape Indigenous Councils Alliance (TCICA) Annual Membership for 2020-2021.

CARRIED

12.4 REVIEW OF LANDS ACQUISITION ACT 1989

RECOMMENDATION Min. 20/10/8

Moved: Cr John Abednego

Seconded: Cr Allan Ketchell

That Council supports the Submission to the Department of Finance Review of the *Lands Acquisition Act 1989* (Cth).

CARRIED

12.5 FINANCIAL STATEMENTS – SEPTEMBER 2020

RECOMMENDATION Min. 20/10/9

Moved: Cr Allan Ketchell

Seconded: Cr John Abednego

That Council resolves to note the financial report, as required under section 204 of the *Local Government Regulation 2012* (QLD) for September 2020.

CARRIED

12.6 CAPITAL WORKS PROGRAM REPORT

RECOMMENDATION Min. 20/10/10

Moved: Cr Allan Ketchell

Seconded: Cr John Abednego

That Council receives and notes the Capital Works Program Report for the first quarter 2020-21 FY (July – September).

CARRIED

12.7 TENDER 02/2020 HEAVY MACHINERY AND EARTH MOVING EQUIPMENT

RECOMMENDATION Min. 20/10/11

Moved: Cr Allan Ketchell

Seconded: Cr Gabriel Bani (Deputy Mayor)

That Council approves the awarding of Tender 02/2020 (Contract for Heavy Machinery and Earth Moving Equipment (CAT-Branded) to Hastings Deering Australia Ltd for \$1,152,546 + GST and delegates authority to the Chief Executive Officer, under section 257 of the *Local Government Act 2009* (QLD), the ability to execute the contract, approve payments, negotiate and finalise minor administrative or financial amendments and approve any variations, if required.

CARRIED

12.8 TENDER 03/2020 REQUEST FOR TENDER – TILT TRUCK

RECOMMENDATION Min. 20/10/12

Moved: Cr Thomas Loban

Seconded: Cr John Abednego

That Council approves the awarding of Tender 03/2020 (Contract for Tilt Truck) to RGM Maintenance Pty Ltd for \$246,709 + GST; and delegates authority to the Chief Executive Officer, under section 257 of the *Local Government Act 2009* (QLD), the ability to execute the contract, approve payments, negotiate and finalise minor administrative or financial amendments and approve any variations, if so required.

CARRIED

DEPARTURE: At 12:46pm, Cr John Abednego and Cr Thomas Loban departed the meeting.

ADJOURNMENT: The meeting was adjourned for Lunch at 12:46pm and resumed 1:55pm.

12.9 OUTDOOR FITNESS STATIONS PROJECT UPDATE

RECOMMENDATION Min. 20/10/13

Moved: Cr Allan Ketchell

Seconded: Cr Gabriel Bani (Deputy Mayor)

That Council endorse the proposed 3 sites across Thursday Island for the installation of new Fitness Stations; and consider and provide feedback to the CEO regarding the aesthetics and colouring considerations.

CARRIED

12.10 GOVERNANCE BELCARRA REFORMS

RECOMMENDATION Min. 20/10/14

Moved: Cr Gabriel Bani (Deputy Mayor)

Seconded: Cr Allan Ketchell

That Council note the Belcarra Stage 2 reforms that commenced on the 12 October 2020.

CARRIED**12.11 NEW TORRES SHIRE COUNCIL PLANNING SCHEME****RECOMMENDATION Min. 20/10/15**

Moved: Cr Allan Ketchell

Seconded: Cr Gabriel Bani (Deputy Mayor)

That Council resolves to:

1. Endorse the October 2020 version of the draft Torres Shire Planning Scheme for public consultation, pursuant to Step 11 of the tailored process for Torres Shire Council documented in the Chief Executive Notice dated 26 October 2017.
2. Endorse the October 2020 version of the amended Torres Shire Local Government Infrastructure Plan for public consultation, pursuant to the Minister's Guidelines and Rules.
3. Accept the findings of the following technical studies that have informed the preparation of the draft Torres Shire Planning Scheme:
 - (a) Torres Shire Bushfire Hazard and Risk Assessment prepared by Cardno dated 18 September 2020
 - (b) Torres Shire Coastal Hazard Risk Assessment prepared by Cardno dated 28 August 2020
 - (c) Torres Shire Flood Hazard Risk Assessment prepared by Cardno dated 28 July 2020
 - (d) Torres Shire Landslide Hazard Risk Assessment prepared by Cardno dated 3 February 2020
 - (e) Torres Shire Planning Scheme Natural Hazards Risk and Resilience Report prepared by Cardno dated 16 April 2020
4. Delegate authority to the Chief Executive Officer under Section 257 of the *Local Government Act 2009* to endorse minor amendments to the draft Torres Shire Planning Scheme or the amended Torres Shire Local Government Infrastructure Plan prior to public consultation.
5. Delegate authority to the Chief Executive Officer under Section 257 of the *Local Government Act 2009* to approve the date of commencement and date of completion for public consultation of the draft Torres Shire Planning Scheme and the amended Torres Shire Local Government Infrastructure Plan.

CARRIED

12.12 APPLICATION FOR A DEVELOPMENT – IDAS 18/05 – IMPACT ASSESSMENT**RECOMMENDATION Min. 20/10/16**

Moved: Cr Gabriel Bani (Deputy Mayor)

Seconded: Cr Allan Ketchell

That Council approve the development, as per the plans referenced and subject as detailed in the report.

CARRIED

12.13 LICENCE AGREEMENT – K&M PLUMBING PTY LTD – LAND ADJACENT TO LOT 19 ON T20723**RECOMMENDATION Min. 20/10/17**

Moved: Cr Allan Ketchell

Seconded: Cr Gabriel Bani (Deputy Mayor)

That Council resolves to delegate to the CEO the authority to execute the licence agreement with the Trustee for K and M Plumbing and Gas Fitting Pty Ltd.

CARRIED

ARRIVAL: At 3:01pm, Cr Thomas Loban returned to the meeting.

ADJOURNMENT: The meeting was adjourned for Afternoon Tea at 3:08pm and resumed 3:26pm.

13 LATE ITEMS

Nil

14 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*:

14.1 Rates Matters

This matter is considered to be confidential under s.254J(3)(d) 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.

14.2 Work Place Health and Safety Matters

This matter is considered to be confidential under s.254J(3)(f) 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 the health and safety of an individual or a group.

14.3 Prince of Wales Island Matters

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 legal proceedings.

14.4 Annual Financial Statements 2019/20

This matter is considered to be confidential under s.254J(3)(c) of *the Local Government Regulation 2012*, and the Council is satisfied that the discussion on this matter relates to the local government budget, in accordance with regulatory prescription.

14.5 Council Policies (Credit Card Policy & Refund Policy)

This matter is considered to be confidential under s.254J(3)(c) of *the Local Government Regulation 2012*, and the Council is satisfied that the discussion on this matter relates to the local government budget, in accordance with regulatory prescription.

14.6 Financial Statements – Airport & Quarry Report (September 2020)

This matter is considered to be confidential under s.254J(3)(c) of *the Local Government Regulation 2012*, and the Council is satisfied that the discussion on this matter relates to the local government budget, in accordance with regulatory prescription.

RECOMMENDATION Min. 20/10/18

Moved: Cr Thomas Loban

Seconded: Cr. Gabriel Bani

That Council go into In Committee

CARRIED

14.3 PRINCE OF WALES ISLAND MATTERS

DEPARTURE: At 4:31pm, Cr Vonda Malone (Mayor) departed the meeting having tabled a document from culture8 stating “...my client maintains that she does not have a conflict of interest (actual or perceived) in the subject matter of the Marine Safe Landing Facility (Pearl Harbour – Prince of Wales Island). However, my client respects the legal opinion of King and Co Solicitors which suggests a perceived conflict of interest may exist as a result of my client’s participation in the 12 August 2020 meeting, and will accordingly continue to refrain from participation in those future discussions” and Cr Gabriel Bani (Deputy Mayor) took the Chair.

RECOMMENDATION Min. 20/10/19

Moved: Cr Allan Ketchell

Seconded: Cr Thomas Loban

That Council come out of In Committee

CARRIED**14.3 PRINCE OF WALES ISLAND MATTERS****RECOMMENDATION Min. 20/10/20**

Moved: Cr Allan Ketchell

Seconded: Cr Thomas Loban

That Council resolves to note the reports in relation to the legal proceedings concerning the proposed marine safe landing facility and resolves to delegate to the Chief Executive Officer the authority to provide a letter to the member for Leichardt in the form of the letter attached to the report.

CARRIED

ARRIVAL: At 5:03pm, Cr Vonda Malone (Mayor) returned to the meeting and took the Chair.

STAFFING MATTERS

DEPARTURE: The DEIS, DCCS and Minute Secretary departed the meeting at 5:04pm whilst Staffing Matters were discussed and returned at 5:08pm.

RECOMMENDATION Min. 20/10/21

Moved: Cr Gabriel Bani (Deputy Mayor)

Seconded: Cr Thomas Loban

That Council go into In Committee.

CARRIED**RECOMMENDATION Min. 20/10/22**

Moved: Cr Gabriel Bani (Deputy Mayor)

Seconded: Cr Allan Ketchell

That Council come out of In Committee.

CARRIED**14.1 RATES MATTERS****RECOMMENDATION Min. 20/10/23**

Moved: Cr Thomas Loban

Seconded: Cr Gabriel Bani (Deputy Mayor)

That Council resolves to delegate to the Chief Executive Officer the authority to reduce the excess water charge for 124 Douglas Street Thursday Island.

CARRIED

14.1 RATES MATTERS

RECOMMENDATION Min. 20/10/24

Moved: Cr Allan Ketchell

Seconded: Cr Gabriel Bani (Deputy Mayor)

That Council resolves to delegate to the Chief Executive Officer the authority to issue the creditors statutory demands as detailed in the report.

CARRIED

14.4 ANNUAL FINANCIAL STATEMENTS 2019/20

RECOMMENDATION Min. 20/10/25

Moved: Cr Gabriel Bani (Deputy Mayor)

Seconded: Cr Allan Ketchell

That Council receive and note the audited financial statements and QAO 2020 closing report.

CARRIED

14.5 COUNCIL POLICIES (CREDIT CARD POLICY)

RECOMMENDATION Min. 20/10/26

Moved: Cr Thomas Loban

Seconded: Cr Gabriel Bani (Deputy Mayor)

That Council approve the attached Credit Card Policy.

CARRIED

14.5 COUNCIL POLICIES (REFUND POLICY)

RECOMMENDATION Min. 20/10/27

Moved: Cr Allan Ketchell

Seconded: Cr Thomas Loban

That Council approve the attached Refund Policy.

CARRIED

14.6 FINANCIAL STATEMENTS – INSURANCE POLICY

RECOMMENDATION Min. 20/10/28

CARRIED

DATE OF NEXT MEETING: Tuesday, 17 November 2020

CLOSURE: The meeting closed with a prayer by Cr Gabriel Bani (Deputy Mayor) at 5:26pm.

Confirmed this _____ day of _____

MAYOR