



Torres Strait Island
REGIONAL COUNCIL

MINUTES

SPECIAL MEETING

Friday 23 January 2015

Please find attached Minutes of the above meeting held on Friday 23rd January
10.10am – 12.05pm, via teleconference.

Present

Cr Fred Gela, Mayor

Cr Dimas Toby, Division 1 – Boigu Island

Cr Joel Gaidan, Division 2 – Dauan Island

Cr Ron Enosa, Division 3 – Saibai Island

Cr Keith Fell, Deputy Mayor, Division 4 – Mabuiag Island

Cr Horace Baira, Division 5 – Badu Island

Cr David Bosun, Division 6 – Kubin Community at Moa Island

Cr Toshie Kris, Division 7 – St Pauls Community at Moa Island

Cr Mario Sabatino, Division 8 – Hammond Island

Cr Getano Lui Jnr, Division 9 – Iama Island

Cr Willie Lui, Division 10 – Warraber Island

Cr Phillemon Mosby, Division 11 – Poruma Island

Cr Rocky Stephen, Division 13 – Ugar Island

Cr Jimmy Gela, Division 14 – Erub Island

Cr William Akee, Division 15 – Mer Island

Ms Dania Ahwang, Chief Executive Officer (CEO)

Mr David Abednego, Executive Manager Community Services (EMCoS)

Mr Chris McLaughlin, A/Executive Manager Corporate Services (A/EMCS)

Mr Patrick McGuire, Executive Manager Engineering Services (EMES)

Ms Daisy Ketchell, Executive Officer (EO)

Ms Katherine Wiggins, Manager Performance and Advocacy (MPA)

Ms Jessica Cox, Travel and Administration Officer (TAO)

Apologies

Cr Ted Nai, Division 12 – Masig Island

Ms Melissa Barmettler, A/Chief Financial Officer (A/CFO)

Item 1. 10.10am Opening Prayer and Welcome

Meeting opened in prayer by Cr Mosby

One Minute Silence

There was a minute silence to pay respect to families who have lost their loved ones recently.

Mayor’s Welcome and Opening Remarks

The Mayor welcomed the Councillors to the meeting and acknowledged the Traditional Owners of the Land.

Item 2. 10.17am Apologies Noted

Cr Ted Nai, Division 12 – Masig Island

Reason: Work commitments

RESOLUTION

Moved Toby, Seconded Cr Enosa, that Council accept the apology from Cr Nai for his absence at this meeting.

Motion Carried

It was noted that Cr Bosun entered the meeting at 10.18am

Item 4. 10.19am Development Application Poruma Seawall

EMES briefed attendees regarding the Development Application for the final Poruma Seawall, stating that the application is for material change of use and operational works for an environmentally relevant activity involving prescribed titles works and material change of use.

EMES provided the recommendation that Council issues a Development Permit for operational works and material change of use with the inclusion of conditions 1 to 6 which are attached to the recommendation, in regards to the Development Application for the final Poruma Seawall.

Cr Mosby requested clarity on the design of the seawall, querying whether the design will be the agreed one seawall, or two walls as outlined in the concept design. EMES advised the concept design was an old drawing and stated the development application is consistent with either a single seawall or two separate seawalls. EMES also stated that the concept design covers any amendment to the design as Council

sees fit. Cr F Gela requested further clarity on the seawall design, querying where the wall will be installed. EMES advised the single seawall will be erected on Poruma from the Waiting shed through to the Resort.

Cr Mosby further queried recommendation two of the Poruma Seawall recommendation, the clause stating: "Councils examination of the document should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for the accuracy". A/EMCS advised that this provision ensured that there was a separation of roles between Local Government and proponent on the project. Notwithstanding that Council is both approving the works and constructing the works, separation must be clear.

Cr Kris queried whether Council is only responsible for the designs of the Poruma Seawall. EMES advised Council is also responsible for entire seawall project, including construction.

It was noted that Cr G Lui entered the meeting at 10.28am

It was noted that Cr Fell entered the meeting at 10.29 am

Cr G Lui queried the start time of the Poruma Seawalls project. Cr F Gela advised EMES would give further updates pertaining to this project in Closed Business.

RESOLUTION

Moved Cr Mosby, Seconded Cr Bosun that Council issue a development permit for operational works, being prescribed title works, material change of use and inclusion of the 6 conditions attached.

Motion Carried

Item 3 10.31 am Saibai Seawalls Tender (Closed)

RESOLUTION

Moved Cr Fell, Seconded Cr Baira that in accordance with s275 of the *Local Government Regulation 2012* it is resolved for the meeting to go into closed session to discuss s275

- (a) the appointment, dismissal or discipline of employees; or
- (b) industrial matters affecting employees; or
- (c) the local government's budget; or
- (d) rating concessions; or
- (e) contracts proposed to be made by it; or
- (f) starting or defending legal proceedings involving the local government; or
- (g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; or
- (h) other business for which a public discussion would be likely to prejudice the

interests of the local government or someone else, or enable a person to gain a financial advantage.

Motion Carried

11.11am – End Closed Business

RESOLUTION

Moved Cr W Lui, Seconded Cr J Gela that further physical testing is required to confirm that the rock available at the Badu Quarry meets the tender specification, this will be undertaken prior to tender award. Should the investigation then indicate that suitable rock is available in the Torres Strait, it is recommended that Council award contract *TSIRC 2014/40* to Carpentaria Contracting and delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to negotiate, finalise and execute any and all matters associated with entering into contracts under this arrangement. Should further investigations indicate that suitable rock will need to be sourced from outside the Torres Strait, it is recommended that Council award contract *TSIRC 2014/40* to EarthTec Proprietary Limited and delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2014 to negotiate, finalise and execute any and all matters associated with entering into contracts under this arrangement.

Motion Carried

Action Item 1

EMES to provide detailed Seawalls project program to Councillors

Action Item 2

CEO to provide information report on Local Employment at February Council meeting

Action Item 3

CEO to provide information on Local Employment by 30 January 2015

It is noted that the following Councillors requested leave from the next Council Meeting:

- Cr Bosun
- Cr Toby
- Cr W Lui

12.05pm Council meeting closed in prayer by Cr Enosa