MINUTES OF THE ORDINARY MEETING OF THE TORRES SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS ON TUESDAY, 17 APRIL 2012

PRESENT

Mayor P. Stephen (Chair), Cr. N. Tahal, Cr. B. Shibasaki, Cr. J. Abednego, Mrs D. Yorkston (Chief Executive Officer & Director Corporate Services), Mr. F Darke (Director Planning & Environmental Services), Mr. G. Yates (Director Engineering Services) and Ms C. Zitha (Minute Secretary)

The meeting opened with a prayer by Mayor Stephen at 9:43 am.

ACKNOWLEDGEMENT

The Mayor acknowledged the traditional owners The Kaurareg People upon whose land we hold our meeting.

APOLOGY

Min. 12/04/01

Moved Cr Bin Tahal, Seconded Cr Shibasaki

"That the apology from Cr. A. Ketchell be received."

Carried

CONDOLENCES: As a mark of respect, Council observed a minute's silence in memory of:

Mrs Kathleen Blanket, Australian Olympic Swimmer Murray Rose, Australian Singer Jimmy Little, Former Deputy Prime Minister Lionel Bowen

DISCLOSURES OF INTEREST UNDER THE LOCAL GOVERNMENT ACT Nil

CONFIRMATION OF MINUTES

Min. 12/04/02 Moved Cr. Shibasaki, Seconded Cr. Bin Tahal

"That Council receive the Minutes of the Ordinary Meeting of Thursday, 8 March 2012 and confirm as a true and correct record of the proceedings."

Carried

Min. 12/04/03 Moved Cr. Bin Tahal, Seconded Cr. Shibasaki

"That Council receive the Minutes of the Special Meeting of Friday, 9 March 2012 and confirm as a true and correct record of the proceedings."

Carried

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BUSINESS ARISING FROM PREVIOUS MINUTES NIL

MAYOR'S REPORT

Acknowledge Kaiwalagal Traditional Owners the Kaurareg people on whose land we hold our Local Government office.

As the curtain closes on our 4 year term as elected leaders of our Shire, I take this opportunity to express my heartfelt thanks to my fellow Councillors for their contribution and commitment, your leadership traits ensured we discharged our responsibilities with the utmost integrity and transparency to guide both operational and strategic directions in delivering essential local government services to the constituents of Torres Shire Council.

I acknowledge the commitment and support of a dedicated administration staff to enable Council to practically demonstrate its strategic vision to 'lead, provide and facilitate' in all its decisions. Torres Shire Council will continue to be a 'leading light' for good corporate local governance in our region.

MAYOR'S REPORT (cont'd)

I wish God's blessings to Councillor Bill Shibasaki in his future endeavours. Big Eso 'Uncle Billy' for being a beacon guiding others to navigate during their life's journey.

To all my fellow Councillors who are contesting seats in the Local Government Election on Saturday, 28th April 2012, I say 'au esoau' and God's blessings for your respective campaigns.

Min. 12/04/04 Moved Cr. Abednego, Seconded Cr. Bin Tahal

"That the Mayor's Report be received."

Carried

Response:

Cr Shibasaki acknowledged the Mayor's blessings and expressed his thanks to the Mayor, Councillors and Council staff for the togetherness shared during his term of office and wished the candidates every success in the forthcoming election.

Adjournment The meeting adjourned for morning tea at 10:37am and resumed at 10:54am.

1. CHIEF EXECUTIVE OFFICER

REPORT

Common Seal Use

Min. 12/04/05 Moved Cr. Bin Tahal, Seconded Cr Shibasaki

"That Council approve the use of the Official Seal by the Mayor as itemised below:

Date attached	Document Description	
5 Mar 2012	TS Descent ID – Pearson Wigness	
12 Mar 2012	TS Descent ID – Simon B Aiden Gela	
16 Mar 2012	TS Descent ID – Rothana Rhonda Nawie	
16 Mar 2012	TS Descent ID – Anne Christine Bon	
16 Mar 2012	TS Descent ID – Jacinda Florance Banu	
19 Mar 2012	TS Descent ID – Effie Pryce	
19 Mar 2012	TS Descent ID – Greta Emma Pauling	
2 April 2012	TS Descent ID – Daniel Kapua Yorkston "	

Carried

Mayoral Letters of Support (File 1-029-007)

Min. 12/04/06 Moved Mayor Stephen, Seconded Cr. Shibasaki

"That Council acknowledge the letters of support provided to Shire constituents and organisations on request through the Mayoral Office as listed below:

Letter of Support	Document Description	
Port Kennedy Association	Torres Strait Island Safe House Project	
Queensland Music Festival	2012 Torres Strait Choral Project	
Tropical North Queensland Institute of TAFE	Up-skilling of Information Technology (IT) Training for Child Care Workers in the region	
The Fujii Family on Thursday Island	Autobiography of their late father, Mr Tomitaro Fujii "	

Carried

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1. CHIEF EXECUTIVE OFFICER

REPORT

Congratulatory Letters - Ministerial Appointments (File 1-029-007)

Min. 12/04/07

Moved Cr. Abednego, Seconded Cr. Bin Tahal

"That Council acknowledge the Mayoral congratulatory letters written to Hon. Campbell Newman MP, the new State Premier of Queensland, Hon. David Kempton MP, Member for Cook and the Hon. David Crisafulli MP, Minister for Local Government as a result of the recent State Government Elections 2012."

Carried

Register of Delegations (File 1-001-017)

Min. 12/04/08

Moved Cr. Bin Tahal, Seconded Cr. Shibasaki

"That Council acknowledge and note progress by King & Co of the development of Council's Register of Delegation as per the requirement of the Local Government Act 2009."

Carried

Min. 12/04/09 Elected Members Professional Development Training (File 1-039-007) Moved Cr. Abednego, Seconded Cr. Bin Tahal

"That Council note the 2-day Elected Members Professional Development Training Workshop being held on Thursday Island on 14th to 15th June 2012 for the attendance of the newly elected Council, CEO and Senior Officers."

Carried

May 2012 Ordinary Council Meeting (File 1-001-007)

Min. 12/04/10 Moved Cr. Abednego, Seconded Cr. Bin Tahal

"That, due to the rescheduling of the 2012 the Local Government Elections, Council approves to hold its May Ordinary Council Meeting on Thursday, 24 May 2012."

Carried

Horn Island Airport Security Screening (File 6-005-007)

Horn Island Airport Terminal Extension

Min. 12/04/11

Moved Cr. Mayor Stephen, Seconded Cr. Bin Tahal

"That Council proceed to undertake the following:

- 1. Implement the short and medium term proposals as proposed by PDR Engineers drawings incorporating any modifications or suggestions from Council;
- 2. Review future airport planning with a view to seeking funding opportunities for construction of a new terminal to meet future capacity requirements.

Carried

Horn Island Airport Security Screening (File 6-005-007)

Horn Island Airport Terminal Extension

Min. 12/04/12

Moved Cr. Abednego, Seconded Cr Bin Tahal

"That Council urgently seek Ministerial approval for associated works with the Horn Island Airport security screening whilst in caretaker mode and Council delegate the CEO to action preferred supplier arrangement for the construction."

Carried

Min. 12/04/13 Moved Cr. Shibasaki, Seconded Cr. Abednego

"That the Chief Executive Officer report be received."

Carried

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2. CORPORATE SERVICES

REPORT

Budget Preparations 2012-2013 (File 1-12-24)

Min. 12/04/14 Moved Cr. Shibasaki, Seconded Cr. Abednego

"That Council hold a Special Meeting to adopt its 2012-2013 Budget on Thursday,

28 June 2012."

Carried

Torres Shire Council Annual Budget Inspection Tour (File 1-12-24)

Min. 12/04/15 Moved Cr. Shibasaki, Seconded Cr. Abednego

"That Council conduct its Annual Budget Inspection Tour on Wednesday, 6 and

Thursday, 7 June 2012."

Carried

Financial Statements (File 1-12-24)

Min. 12/04/16 Moved Cr. Bin Tahal, Seconded Cr. Shibasaki

"That Council note the tabled Financial Statements including Statement of Comprehensive Income, Statement of Financial Position, Statement of Changes in

Equity and Statement of Cash Flows as at 31 March 2012."

Carried

Min. 12/04/17 Moved Cr. Abednego, Seconded Cr. Shibasaki

"That the Director Corporate Services report be received."

Carried

3. ENGINEERING SERVICES

REPORT

Attendance: The DES, Gus Yates attended the meeting at 11:40am to present his report and

departed at 12.13pm.

Response: The Mayor thanked the DES for his working relationship during the last term of

Council.

Min. 12/04/18 Moved Mayor Stephen, Seconded Cr. Bin Tahal

"That the Director of Engineering Services report be received."

Carried

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4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

Attendance: The DPES, Frank Darke attended Council Meeting at 12:15pm to present his report

Adoption of Cemeteries Local Law (File 1-20-14)

Council will recall that it adopted the Cemeteries Local Law and Cemeteries Subordinate Local Law at the February Council Meeting (Min 12/02/29). The Local Law was prepared by MacDonnells solicitors. A requirement of the Act is that within 4 weeks of adoption of a Local Law a notice must be placed in the Government Gazette advising of the adoption. MacDonnells were under the impression that the notice is placed by the Department of Local Government and Planning; however the Department has advised that Council is now responsible for the placing of the notice in the Government Gazette. As the 4 weeks has now elapsed, MacDonnells advice is that Council should re-adopt the Local Law so that a notice can be placed in the Government Gazette within 4 weeks of adoption.

REPORT

Adoption of Cemeteries Local Law (File 1-20-14) (cont'd)

Min. 12/04/19

Moved Cr. Shibasaki, Seconded Cr. Mayor Stephen

"That Council re-adopt the following resolution as approved at the February Council's Ordinary Meeting due to the time lapse of a local law that it should have been placed in the Government Gazette advertising the adoption at the February Council Meeting.

- (a) That Council hereby resolves to adopt Torres Shire Council Cemeteries Local Law 2012 as advertised.
- (b) That Council hereby resolves to adopt Torres Shire Council Cemeteries Subordinate Local Law 2012 as advertised. "

Carried

Horn Island Affordable Housing Project Update (File 4-1-4)

Min. 12/04/20

Moved Cr. Bin Tahal, Seconded Cr. Mayor Stephen

"That the fees for the development application be waived under the PDR contract for the Horn Island Affordable Housing Project"

Carried

Request for Change to Existing Approval for Multiple Units - 51 John Street (File IDAS 10/05)

Min. 12/04/21

Moved Cr. Shibasaki, Seconded Cr. Abednego

"That Council approves the following changes to Decision Notice IDAS 10/05 as follows:

- Condition 2 be varied as requested;
- Condition 3 be deleted:
- Condition 5 be varied as requested;
- Condition 6 be varied to allow gravel car parking spaces provide 500mm wide concrete wheel tracks are provided;
- Condition 21 be varied as requested with the contribution based on council's current rate for kerb and channel:
- Condition 22 be varied as requested provided the landscaping is completed prior to commencement of use;
- Condition 30 be varied as requested."

Carried

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Min. 12/04/22

Operational Works Approval for Multiple Units at 51 John St (File IDAS 10/05) Moved Mayor Stephen, Seconded Cr Shibasaki

"That Council approve the works subject to the following conditions:

- 1. The proposed engineering plans, as noted below are approved subject to any alterations. The applicant/owner must at all times during development of the land carry out the development and construction of any building thereon and conduct the approved uses(s) generally in accordance with:
- a. The plans, specifications, facts and circumstances as set out in the application submitted to Council;
- b. To ensure that the development complies in all respects with the following conditions of approval and the requirements of Council's Planning Scheme; and
- c. Notwithstanding the requirements detailed in this approval, any other minor alterations and/or modifications shall be subject to the written approval of the Assessment Manager

Except for any variation required to comply with these conditions of approval.

REPORT

Operational Works Approval for Multiple Units at 51 John St (File IDAS 10/05) (cont'd)

Approved Plans

2. The approved Plans of Development are as follows:

Plan Description	Reference	Date
General notes and drawing index	12065- C01	4/4/12
Building pad and drainage plan	12065- C02	4/4/12
Driveway and drainage plan	12065 – C03	4/4/12
Retaining wall details and detention basin sections	12065 – C04	4/4/12
Longitudinal Section	12065 C05	4/4/12
Cross Sections 1 of 3	12065 – C06	4/4/12
Cross Sections 2 of 3	12065 – C07	4/4/12
Cross Sections 3 of 3	12065 – C08	4/4/12

Municipal Works

- 3. (a) All municipal works must be constructed in accordance with Council construction standards and in compliance with the approved plans and specifications to the satisfaction of Council's Director of Engineering Services.
 - (b) All works required for this development shall take due regard of any and all existing services and, if considered necessary by the Council or relevant authority, such works shall be altered at the cost of the developer.

Internal Works

- 4. (a) Engineering certification shall be submitted to Council for the construction of all internal civil works associated with the development.
 - (b) The certifying authority (or representative) is expected to undertake inspections as necessary to ensure the finished product conforms to standards and is appropriate for its intended use.

Storm Water

6. The runoff from the site must at all times be maintained at the pre-development flow rates.

Erosion and Sediment Management

- 7. (a) The developer is responsible for the installation and maintenance of erosion and sediment management facilities from the time of commencement of construction until the works have been completed.
 - Plan detailing the methods of controlling erosion and sediment are to be submitted for endorsement by Council's Delegated Officer prior to the issue of a Development Permit for Building Work.
 - (b) If it is determined that erosion and sediment originating from the site has caused sediment deposit and/or erosion on other property, the developer shall be responsible to restore any damage.

Water Supply and Sewerage Works

- 8 (a) The applicant/owner must carry out water supply and sewerage works to connect the proposed development to Council's existing water supply and sewerage headworks at a point determined by Council's Delegated Officer.
 - A plan of the works must be endorsed by Council's Delegated Officer prior to the Commencement of Works.
 - All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of Council's Delegated Officer, prior to the Commencement of Use

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REPORT

Operational Works Approval for Multiple Units at 51 John St (File IDAS 10/05) (cont'd)

Water Supply and Sewerage Works (cont'd)

- (b) The approved Multiple Dwelling Units shall be connected to Council's reticulated water supply in accordance with Council's Development Standards and to the satisfaction of the Council's Delegated Officer, prior to the Commencement of Use or approval and dating of the Building Format Plan of Survey, whichever occurs first.
- (c) The approved Multiple Dwelling Units shall be connected to Council's reticulated sewerage system in accordance with Council's Development Standards and to the satisfaction of the Council's Delegated Officer, prior to the Commencement of Use or approval and dating of the Building Format Plan of Survey, whichever occurs first.

Public Utilities

- 9. (a) The applicant is responsible for the cost of any alteration to public utilities as a result of complying with conditions of this Development Permit.
 - (b) Any damage caused to any public utility during the course of construction shall be repaired to the satisfaction of Council's Delegated Officer and at no cost to Council prior to the Commencement of Use.
 - (c) Any alteration of any public utility or other facilities necessitated by the development of the land or associated construction works external to the site shall be at no cost to Council.

Earthworks

10. Earthworks carried out on site shall not affect the structural integrity of any of the existing fences that border the subject site, unless it is intended to replace such fences. Any fences to be replaced must be clearly shown on plans submitted for Operational Works approval.

Costs

11 The applicant/owner shall be responsible for meeting all costs associated with the works required by this approval, together with the costs of any alterations to public utilities and services required by such works and with the connection of the development to such utilities and services. All works required shall be completed to the satisfaction of Council's Delegated Officer prior to the approval and dating of the Plan of Survey, unless otherwise specified by conditions of this approval or by a resolution of Council."

Carried

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Material Change of Use – from Office to Take Away Food Shop – 107 Douglas Street, Thursday Island (File IDAS 12/08)

Min. 12/04/23 Moved Cr. Abednego, Seconded Cr. Bin Tahal

"That Council approves the development application for a Material Change of Use – Office to Take Away Food Shop on land described as Lot 506 on TS 2071, Parish of Port Kennedy located at 107 Douglas Street, Thursday Island, subject to the following conditions:

- 1. The proposed layout plans for the proposed change of use, as noted below are approved subject to any alterations. The applicant/owner must at all times conduct the approved use generally in accordance with:
- a. The plans, specifications, facts and circumstances as set out in the application submitted to Council;
- b. To ensure that the development complies in all respects with the following conditions of approval and the requirements of Council's Planning Scheme; and

REPORT

Material Change of Use – from Office to Take Away Food Shop – 107 Douglas Street, Thursday Island (File IDAS 12/08) (cont'd)

c. Subject to any alterations found necessary by Council at the time of examination of Engineering Plans or during construction of the development because of particular engineering requirements.

Except for any variation required to comply with these conditions of approval.

Approved Plans

2. The approved Plans of Development are as follows:

Plan Description	Reference	Date
Floor plan	CRG01-1	28/3/2012
Site Plan	NDB	28/3/2012

Vehicle Parking

3. The area set aside for parking of two vehicles at the rear of the building must always be available for that use.

Food Act 2006

4. The shop must at all time comply with the requirements of the Food Act 2006

Hours of Operation

5. The hours of operation of the shop shall be limited to 9am to 9pm Monday to Sunday

Storage of Waste

6. All waste generated by the take away food shop must be stored in an appropriate bin that prevents access by flies and other vermin and is to be disposed of through Council's commercial waste service at least 3 times per week.

Grease Trap

7. A grease trap which meets Council specifications must be installed prior to commencement of the use.

Water Supply and Sewerage Works

8. The applicant/owner must carry out water supply and sewerage works to connect the take away food shop to Council's existing water supply and sewerage headworks at a point determined by Council's Delegated Officer.

A plan of the works must be endorsed by Council's Delegated Officer prior to the Commencement of Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of Council's Delegated Officer.

Noise and Lighting

9. All potential noise sources including refuse collection areas and air conditioners shall be installed and located in a manner which prevents noise nuisance beyond the subject site in accordance with the nuisance provisions of the *Environmental Protection Regulation 1998*.

Advertising Signs

10. All advertising signs must be in accordance with Council's Advertising Code.

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REPORT

Material Change of Use – from Office to Take Away Food Shop – 107 Douglas Street, Thursday Island (File IDAS 12/08) (cont'd)

Costs

11. The applicant/owner shall be responsible for meeting all costs associated with the works required by this approval, together with the costs of any alterations to public utilities and services required by such works and with the connection of the development to such utilities and services. All works required shall be completed to the satisfaction of Council's Delegated Officer.

ADVICE

- 1. This approval, granted under the provisions of the *Sustainable Planning Act* 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 341 of the *Sustainable Planning Act* 2009.
- 2. The following further Permits must be obtained:
 - a. Permit for Plumbing Works
- 3. No building materials or the like are to be stored on the footpath unless an appropriate approval from Council is obtained, including the payment of associated fees.
- 4. All building works are to be carried out in accordance with the requirements of the Building Code of Australia.
- 5. The *Environmental Protection Regulation 1998* prohibits a building from making noise from:
 - Monday to Saturday: before 7:00am and after 6:30pm; and
 - · Sunday or public holiday: at any time.

A maximum penalty of \$1,500.00 applies to an offence under these provisions.

In accordance with the *Environmental Protection (Water) Policy 1997*, all sand, silt, mud, paint, cement, concrete, builders waste or rubbish shall not be permitted to enter or be placed where it could reasonably be expected to more into a roadside gutter, stormwater drain or watercourse. On the sport fines apply for such offences.

- 6. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. Any provisions contained in this approval relating to the enforcement of any of the conditions shall be in addition to all other rights, powers and privileges that the Council may possess or obtain, and nothing contained in these conditions shall be construed so as to prejudice, affect or otherwise derogate or limit these rights, powers and privileges of the Council.
- 7. For information relating to the Sustainable Planning Act 2009 log on to www.dip.qld.gov.au/spa "

Carried

Min. 12/04/24 Moved Cr. Mayor Stephen, Seconded Cr. Bin Tahal

"That the Director Planning and Environmental Services report be received."

Carried

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Departure: The DPES left the meeting at 1.36pm.

Response: The Mayor thanked the DPES for his working relationship during the last term of

Council.

Adjournment: The meeting adjourned for lunch at 1.40pm and resumed at 2pm.

5 IN COMMITTEE

CHIEF EXECUTIVE OFFICER

Matters of Concern to Council (File 1-035-010)

That Council discuss an item "Matters of Concern to Council" in Committee under the provisions of the Local Government (operations) Regulations 2010 section 72 (1) (b) industrial matters affecting employees.

Min. 12/04/25 Moved Cr Abednego, Seconded Cr. Mayor Stephen

"That Council go In Committee."

Carried

Departure The Minute Secretary departed the meeting at 2:35pm.

Departure Cr. Bin Tahal departed the meeting at 3pm and did not return.

Min. 12/04/26 Moved Cr. Bin Tahal, Seconded John Abednego

"That Council come out of Committee"

Carried

Matters of Concern to Council (File 1-035-010)

Min. 12/04/27 Moved Mayor Stephen, Seconded Cr. Abednego

"That Council acknowledge the CEO's verbal report in relation to the Matters of Concern to Council."

Carried

Aplin Road Storage Yard (File 1-45-108)

That Council discuss the item Aplin Road Storage Yard in Committee under the provisions of the Local Government (Operations) Regulation 2010 section 72(1) (f) starting or defending legal proceedings.

Min. 12/04/28 Moved Mayor Stephen, Seconded Cr. Abednego

"That Council go In Committee."

Carried

Moved Cr. Shibasaki, Seconded Cr. Abednego

"That Council come out of Committee"

Carried

Aplin Road Storage Yard

Min. 12/04/29 Moved Mayor Stephen, Seconded Cr. Abedego

"That Council acknowledge the CEO's Report in relation to the Aplin Road Storage Yard."

Carried

10

Attendance: The Minute Secretary returned to the meeting at 3.15pm.

6 LATE ITEM

CHIEF EXECUTIVE OFFICER

Australia Post Tender No. 445448 – Thursday Island Post Office (File 2-071-7)

As tabled at Council's March Ordinary Meeting, assessments have been made to the technical (financial) and legal aspects of Torres Shire Council acquiring and submitting a tender for the Thursday Island Post Office Service as advertised by Australia Post – Tender No. 445448.

Min. 12/04/30 Moved Cr. Shibasaki, Seconded Cr. Abednego

"That Council acknowledge the assessment report for Tender No. 445448 – Thursday Island Post Office tabled by the Chief Executive Officer."

Carried

Torres Strait WW2 Conservation Project, Horn Island Sites Preferred Supplier for Project (File 1-358-99)

Min. 12/04/31 Moved Cr. Abednego, Seconded Cr. Shibasaki

"That Council resolve under Section 184 of the Local Government (Finance, Plans & Reporting) Regulations 2010, Maxim Consulting Services become Council's preferred supplier for the works associated with the Torres Strait WW2 Conservation Project, Horn Island sites."

Carried

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7 GENERAL BUSINESS

Cr. Abednego

Distributed to Councillors, the report for the Turtle and Dugong meeting on Badu Island

Cr. Shibasaki

- See Hop asking for drains in front of fuel bowsers to be upgraded
- To investigate the second dam for Torres Shire Council to cater for future expansion.

Mayor Stephen

Request for the use of Anzac Park for the Labour day march on Saturday, 5th May

DATE OF NEXT MEETING: Thursday, 24 May 2012

CLOSURE: The meeting closed with a prayer by Mayor Stephen at 3:30pm

Confirmed this day of 2012

MAYOR