

**MINUTES OF THE ORDINARY MEETING OF THE TORRES SHIRE COUNCIL
HELD IN THE SHIRE OFFICES, DOUGLAS STREET, THURSDAY ISLAND
ON TUESDAY, 20 AUGUST 2013**

PRESENT

Mayor Pedro Stephen (Chair), Cr. Yen Loban, Cr. John Abednego, Cr. Allan Ketchell, Cr. Willie Wigness, Mrs Dalassa Yorkston (Chief Executive Officer), David McNicoll (Director Corporate & Community Services), Geoff Ball, (Director Engineering & Infrastructure Services) and Ms Nola Ward Page (Minute Secretary)

The meeting opened with a prayer by Mayor Stephen at 9.25am.

ACKNOWLEDGEMENT

The Mayor acknowledged the traditional owners The Kaurareg People upon whose land we hold our meeting and our elders of the different clans throughout the Torres Strait.

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

*Richard John (Saibai) Turner, Wayne Guivarra, James (Jim) Malone,
Kathleen Lulu Mosby, Simeon Namok, Robert (Bob) Stephen,
Mrs Patricia Tapim and Ron Thompson*

DISCLOSURE OF INTEREST UNDER THE LOCAL GOVERNMENT ACT - Nil

CONFIRMATION OF MINUTES

Min. 13/08/1 Moved Mayor Stephen, Seconded Cr. Loban
"That Council receive the Minutes of the Special Meeting of 30 July 2013 and confirm as a true and correct record of the proceedings."
Carried

Min. 13/08/2 Moved Cr. Loban, Seconded Cr. Ketchell
"That Council receive the Minutes of the Ordinary Meeting of 16th July 2013 and confirm as a true and correct record of the proceedings."
Carried

BUSINESS ARISING FROM PREVIOUS MINUTES Nil

MAYOR'S REPORT

Acknowledgement of the Traditional Owners, the Kaurareg People.

Governor-General Her Excellency, Hon Quentin Bryce, Torres Strait visit 30 July – 1 August 2013

The Governor-General extended her tour to allow visits to three outer island communities of Warraber, Mer and Badu. Council hosted her tour on Thursday Island which included the Welcome Ceremony at Gab Titui and met community elders, James Cook University Campus, Defence Facility and Lena Passi Women's Shelter. Her Excellency was familiar with many of the issues confronted by remote and isolated communities across the nation. It was important to brief the Governor-General on Torres Strait matters such as health, high cost of living, housing, policing and the international border related issues. Her Excellency graciously offered to advocate our concerns directly with the appropriate heads of departments both at the Federal and State level.

Japanese Consul, Cairns - Mr Yoshiyuki Isoda Visit

I acknowledge the commitment displayed by the Deputy Mayor, Councilor Yen Loban and the Council staff to ensure that Council honored its commitment in the Friend City Agreement to support the Japanese 'Bon' ceremony. The ceremony unfortunately coincided with the funeral of a community elder and sensitive planning was required to demonstrate respect at both gatherings. The Japanese Consul of Cairns has agreed that future planning for the 15th August Japanese Bon ceremony will be directed through the Council as the host agency to facilitate effective co-ordination between all stakeholders. Deputy Mayor is invited to give a verbal report.

Regional Ministerial Roundtable

The Chief Executive Officer and I attended the Ministerial Roundtable hosted by Minister of Local Government, Community Resilience and Recovery at Townsville on the 15th August 2013. The Financial Sustainability in Local Government conference's discussions were based around the State's concept of 'Doing more with Less'. Council lobbied strongly to focus reducing governmental bureaucratic 'system' processes (cease duplication), transfer of unallocated State lands to Local Government and review legislative regulatory compliance matters to ease compliance burdens.

Mayor Alf Lacey extended an invitation to all Mayors attending the meeting to visit Palm Island on Tuesday 13th August. Unfortunately Council couldn't attend because of prior travel arrangements.

Min. 13/08/3 Moved Cr. Loban, Seconded Cr. Ketchell

"That Council endorse the following matters at the Regional Ministerial Roundtable by its representatives:

- Reducing governmental bureaucratic systems process to avoid duplication
- Transfer of unallocated State land to Local Government
- Review legislative regulatory compliance to ease compliance burden."

Carried

Pre-Election Meet & Greet – Warren Entsch MP

An invitation is extended for me to attend an informal pre-election meet & greet with Warren Entsch MP hosted by Chris & Leigh Lemke & family at the Grand Hotel on Wednesday 21st August 2013 between 6-8pm. I recommend Council submits the Australian Local Government Association (ALGA) and Queensland Local Government Association (LGAQ) 10 point Plan for Resourcing Community priorities to all Candidates contesting the Seat of Leichardt.

Min. 13/08/4 Moved Cr. Ketchell, Seconded Cr. Wigness

"That Council submit the Australian Local Government and Queensland Local Government 10 Point Plan including the International Border Security and related matters to all Candidates contesting the Seat of Leichardt for the 7 September 2013 Federal Election. "

Carried

MAYOR'S REPORT (cont'd)

The Future of Cook Workshop

Torres Shire Council has been invited to attend a 2 day workshop in Weipa on 28th and 29th August 2013 facilitated by the Hon David Kempton MP, Member for Cook, and Assistant Minister for Aboriginal and Torres Strait Islander Affairs. The intensive two-day workshop will be held in Weipa involving 30 to 40 key people from diverse interests to develop a visionary blueprint for the future of the Cook electorate. The outcome is to develop a comprehensive response to The Queensland Plan. The Mayor and CEO will be attending this forum.

Workshop details:

Dates: Thursday 29th August and Friday 30th August 2013

Time: Thursday 8.15am to 5.30pm

Friday 8.15am to 4.30pm

Venue: Weipa Resort, corner Tom Morrison Dr and Central Ave, Weipa

This is our response to Queensland's 30-year plan and a great opportunity to be actively involved in the future growth and development of the Cook community.

Min. 13/08/5 Moved. Cr. Wigness, Seconded Cr. Abednego

"That Council endorse the Mayor and Chief Executive Officer as its representatives to attend the Future of Cook Workshop at Weipa on 29-30 August 2013."

Carried

Min. 13/08/6 Moved Cr. Loban, Seconded Cr. Ketchell

"That the Report from the Mayor be received."

Carried

1. CHIEF EXECUTIVE OFFICER

REPORT

Regional Development Australia – Round 5 Update (File 1-358-207)

Min. 13/08/7 Moved Cr. Abednego, Seconded Cr. Wigness

"That Council write to the Regional Development Australia (RDA) in relation to the membership and the Torres Strait representatives on the Board and this correspondence to be sent to the other two Mayors of the Torres Strait."

Carried

Horn Island Affordable Housing Project (File 4-001-004)

Min. 13/08/8 Moved Cr. Abednego, Seconded Cr. Ketchell

"That Council acknowledge the progress to date of the Horn Island Affordable Housing Project."

Carried

2014 Bank and Torres Strait Multicultural Show Holidays (File 1-68-1)

Min. 13/08/9 Moved Cr. Abednego, Seconded Cr. Loban

"That Council submit an application to the Department of Justice and Attorney-General for approval of the three holidays:

Tuesday 3 June 2014

Mabo Day

Tuesday 1 July 2014

Coming of the Light

Friday 12 September 2014

Torres Strait Festival Show Day

to be recognised within the Torres Shire during 2014."

Carried

Min. 13/08/10 Moved Mayor Stephen, Seconded Cr. Ketchell

"That Council receive the report from the CEO."

Adjournment: The Meeting adjourned for Morning Tea at 10.45am and resumed at 11.15am

2. CORPORATE AND COMMUNITY SERVICES

REPORT

- Rotary BBQ**
Min. 13/08/11 Moved Mayor Stephen , Seconded Cr. Ketchell
“That Council write to the President of Rotary and Torres News and request that they give Council the opportunity to provide comment prior to printing negative reports about Council activities and actions.”
Carried
- Torres Strait Sport and Recreation Program (File 1-30-7)**
Min. 13/08/12 Moved Cr. Wigness, Seconded Cr. Abednego
“That Council acknowledge the letter of support from Mayor Gela and send a letter of thanks to TSIRC acknowledging the importance of working together on key regional issues.”
Carried
- Staff Family Fun Day**
Min. 13/08/13 Moved Cr. Ketchell, Seconded Cr. Wigness
“That Council acknowledge the important team building role the twice yearly Family Fun day provides staff.”
Carried
- Departure:** Mayor departed at 11.40am and Deputy Mayor took the chair.
- Rates and Charges 2013/14 Financial Year - Water Charges – Excess Water**
Min. 13/08/14 Moved Cr. Abednego, Seconded Cr. Ketchell
“That Council as per *Local Government Regulation 2012* Chapter 4 Part 7 s.101 Council adopt the water charges for 2013-14 to be:
- | | |
|--|-----------------------|
| Annual access charge for water including 400 kilolitres | \$721.00 |
| Annual consumption charge for the next 350 kilolitres consumed | \$1.60 per kilolitre |
| Annual consumption charge for water consumed in excess of a further 350 kilolitres | \$3.30 per kilolitre |
| For water shipping | \$4.60 per kilolitre |
| Water supplied to Hammond Island | \$1.80 per kilolitre” |
- Carried**
- Regulatory Fees and Charges**
Min. 13/08/15 Moved Cr. Ketchell, Seconded Cr. Abednego
“That Council adopt the amended Schedule of Fees and Charges for 2013-14.”
Carried
- Min. 13/08/16 Moved Cr. Wigness, Seconded Cr. Abednego**
“That Council receive the report from the DCCS.”
Carried

3. ENGINEERING AND INFRASTRUCTURE SERVICES

REPORT

- Attendance:** The Mayor returned to the meeting at 11.47am and resumed the Chair.
- Rose Hill Boat Ramp - Pontoon / Walkway Installation (File 5-6-3)**
Min. 13/08/17 Moved Cr. Abednego, Seconded Cr. Ketchell
“That Council approve the installation of the Pontoon/Walkway at the Rose Hill Boat Ramp to the south of the existing concrete boat ramp.”
Carried
- Min. 13/08/18 Moved Mayor Stephen, Seconded Cr. Wigness**
“That Council receive the report from the DEIS.”
Carried
- Attendance:** The Regulatory Manager, Diana Russell attended the meeting at 12.40pm to present her report.

4. PLANNING AND ENVIRONMENT

REPORT

IDAS 13/03 - Material Change of Use - Multiple Dwelling Units (Mixed Use) – 3 Outie Street, Horn Island being Lot 21 on W11071

Min. 13/08/19 Moved Cr. Abednego, Seconded Mayor Stephen

“That Council resolve to approve the development application for a Material Change of Use for Multiple Dwelling Units over land described as Lot 21 on on W11071, Parish of Port Kennedy located at 3 Outie Street, Horn Island, subject to the following conditions:

Assessment Manager Conditions

1. The proposed Plans of Development, 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 and 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
- (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.

2. The following further Development Permits must be obtained:

- (a) Development Permit for Building Works
- (b) Development Permit for Plumbing Works

Approved Plans

3. The approved Plans of Development are as follows:

Plan Description	Prepared By	Reference	Dated
Site Plan	RPS	Drawing No. PR116653-1	14/03/2013
Floor Plan	Takeaways Architects	Sheet No. 01	28/05/2009
Elevations	Takeaways Architects	Sheet No. 02	28/05/2009

Built Form and Amenity

4. The applicant/owner must provide a plan detailing the construction materials and colours specific to the external appearance of the development for endorsement by Council's Delegated Officer prior to the issue of a Development Permit for Building Works.

5. The dwelling units will be set back the same distance from the south-western boundary adjoining the laneway. The setbacks of the dwelling units from the north-eastern boundary must comply with the minimum set back distances in accordance with the Building Code of Australia.

Engineering Certification

6. A Registered Professional Engineer of Queensland shall certify engineering drawings and specifications for all engineering works, which shall be submitted with an application for a Building Works permit to a private certifier.

4. PLANNING AND ENVIRONMENT

REPORT

IDAS 13/03 - Material Change of Use - Multiple Dwelling Units (Mixed Use) – 3 Outie Street, Horn Island being Lot 21 on W11071 (cont'd)

Vehicle Parking

7. One on-site car parking space is to be provided for the additional dwelling unit. This may be a shared parking space in the existing on-site parking area.

8. Any additional onsite parking spaces must comply with Australian Standard AS2890.1 2004 Parking Facilities – Off Street Car Parking.

9. Onsite parking spaces must be constructed in accordance with Council's Development Standards prior to the Commencement of Use and must be maintained at all times, both to the requirements and satisfaction of Council's Delegated Officer. In particular, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed with a concrete or bitumen finish, drained and line marked.

Fences

10. Any proposed fences to the side and rear boundary of the site are to be placed on the correct alignment to the satisfaction of Council's Delegated Officer. A 1.8 metre screen fence is required to be erected along boundaries adjoining residential premises prior to the establishment of any residential dwellings on these premises.

Water Supply and Sewerage Works

11. 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 (where available) at a point determined by Council's Delegated Officer. The following are required:

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

(b) 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 the Use.

12. The approved development 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.

13. The approved development shall be connected to Council's reticulated sewerage system (where available) in accordance with Council's Development Standards and to the satisfaction of the Council's Delegated Officer prior to the Commencement of Use.

14. Where a reticulated sewerage system is not available for connection the approved development shall be constructed in accordance with the on-site Sewerage Code for wastewater treatment and disposal as per AS/NZS 1547:2000 - On-site domestic-wastewater management.

Public Utilities

15. The applicant is responsible for the cost of any alteration to public utilities as a result of complying with conditions of this Development Permit.

16. 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.

4. PLANNING AND ENVIRONMENT

REPORT

4.2 IDAS 13/03 - Material Change of Use - Multiple Dwelling Units (Mixed Use) – 3 Outie Street, Horn Island being Lot 21 on W11071 (cont'd)

Public Utilities (cont'd)

17. 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.

Electricity

18. The applicant/owner must submit satisfactory evidence from Ergon Energy that:

- (a) Electricity is available to the approved development; and
- (b) An agreement has been made between the landowner and Ergon Energy to supply electricity to the proposed development.

19. Evidence is to be provided prior to the issue of a Development Permit for Building Works.

Telecommunications

20. The applicant/owner must submit satisfactory evidence from telecommunications authorities that:

- (a) Telecommunication services are available to the approved development; and
- (b) An agreement has been made between the landowner and a telecommunication provider to supply telecommunications services to the proposed development.

21. Evidence is to be provided prior to the issue of a Development Permit for Building Works.

Acid Sulphate Soils

22. The proposed development shall not result in any adverse impact on the surrounding properties and receiving environment as a consequence of the exposure of acid sulphate soils or the removal of groundwater.

Stormwater

23. All stormwater within or entering the site shall be controlled in such a manner so that it does not cause any public health or safety concerns and/or damage or loss to property and building for the subject site or downstream of the subject site.

24. All surface water from the driveway and any vehicle parking areas is to be collected by drains and discharged via underground pipes to a lawful point of discharge. The system is to be designed to prevent surface water being directed across the footpath in the road reserve and neighbouring properties.

Erosion and Sediment Control

25. The applicant/owner shall prevent erosion and sediment export from leaving the site. Site control measures such as silt fencing, controlled gravel access to the site and controlled disposal of waste, may be necessary.

26. Plans 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.

Cultural Heritage

27. If any item of cultural heritage is identified during site works, all work must cease and the relevant State Agency must be notified. Work can resume after clearance is obtained.

4. PLANNING AND ENVIRONMENT

REPORT

4.2 IDAS 13/03 - Material Change of Use - Multiple Dwelling Units (Mixed Use) – 3 Outie Street, Horn Island being Lot 21 on W11071 (cont'd)

Noise and Lighting

28. 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*.

29. Ensure external lighting does not spill over into adjacent dwellings.

Refuse Storage

30. The applicant/owner must provide a suitably screened area for the storage of refuse bins.

Water Saving

31. All toilet devices in the approved development must be fitted with dual flush cisterns and hand basins fitted with flow control valves or similar water control devices to generally restrict flow to 9 litres of water per minute.

32. All kitchen and bathrooms fittings in the approved development must comply with the AAA Water Conservation System as defined by the AS/NZS 6400 (Water Efficient Products – Rating and Labelling 2003) and AS/NZS 3500 (National Plumbing and Drainage Standard Part 1.2). All tap ware shall not exceed a maximum flow of 9 litres of water per minute. Dishwashers are excluded from this requirement.

Infrastructure Charges

33. The applicant/owner must contribute in accordance with Council's adopted regulated infrastructure charges provided for as per Section 648D of the *Sustainable Planning Act 2009*.

34. Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the total infrastructure charge is \$20,000. Payment is required prior to the Commencement of Use.

Costs

35. 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 Commencement of Use, unless otherwise specified by conditions of this approval or by a resolution of Council.

36. All recoverable but unpaid rates, charges and expenses pertaining to the subject land are to be paid in full. Interest and other charges levied on the property are to be paid prior to the Commencement of Use.

ADVICE

(a) 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.

(b) All building works are to be carried out in accordance with the requirements of the Building Code of Australia.

4. PLANNING AND ENVIRONMENT

REPORT

4.2 IDAS 13/03 - Material Change of Use - Multiple Dwelling Units (Mixed Use) – 3 Outie Street, Horn Island being Lot 21 on W11071 (cont'd)

ADVICE (cont'd)

(c) All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council Officers, prior to the Commencement of Works.

(d) It is the applicant/owners responsibility to ensure compliance with the *Environmental Protection Act 1994* which prohibits any construction, building and earthworks activities likely to cause nuisance noise between the hours of:

- 6.30pm and 6.30am from Monday to Saturday
- All times on Sundays or Public Holidays.

Fines apply to an offence under these provisions.

(e) In accordance with the *Environmental Protection (Water) Policy 2009*, 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 move into a roadside gutter, stormwater drain or watercourse. On the spot fines apply for such offences.

(f) 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.

For information relating to the *Sustainable Planning Act 2009* log on to www.dsdip.qld.gov.au/spa “

Carried

Council Comments on Lease Application for Tidal Energy Power Station off Prince of Wales Island (File 1-71-1)

Min. 13/08/20 Moved Cr. Abednego, Seconded Cr. Wigness

“That Council advise the Department of Natural Resources and Mines that it does not support the application for the lease over water at the north-eastern end of Prince of Wales Island for a Tidal Energy Power Station.”

Carried

Freehold Application for Lot 81 on TS191 Waiben Esplanade (File 1-45-6)

Min. 13/08/21 Moved Mayor Stephen Seconded Cr Ketchell

“That Council resolves to construct a sea wall along the boundary of Lot 81 on TS191, prior to use for industrial purposes, if freehold tenure is approved by the Queensland Department of Natural Resources and Mines.”

Carried

Min. 13/08/22 Moved Cr. Wigness, Seconded Mayor Stephen

“That Council receive the report from the Regulatory Manager.”

Departure: The Regulatory Manager departed the meeting at 1.10pm

Adjournment: The meeting adjourned for lunch at 1.10pm and resumed at 1.37pm without the attendance of Cr. Abednego.

5. LATE ITEMS

Torres Strait Local Disaster Management Plan (File 1-49-13)

Torres Shire Local Disaster Management Plan (File 1-49-3)

Departure: The Mayor departed the meeting at 1.40pm and the Deputy took the chair.

Min. 13/08/23 **Torres Shire Annual Land Valuation effective 30 June 2014 (File 1-30-27)**

Moved Cr. Ketchell, Seconded Cr. Wigness

“That Council advise the Valuer-General that it wishes to have the Torres Shire ratable land valuations to be effective 30 June 2014.”

Carried

Attendance: The Mayor returned to the meeting at 1.45pm.

Comparison of Insurance Premiums

Min. 13/08/24 **Moved Cr. Wigness, Seconded Cr. Ketchell**

“That Council acknowledge that an increase in our risk exposure may result in a significant saving in premiums and should be considered, and that the results of the revised insurance quotations and risk assessment comparisons be reported to the September meeting of Council for discussion.”

Carried

6 IN COMMITTEE

Thursday Island Child Care Centre (File 1-12-2)

That Council discuss the above item ‘In Committee’ under the provisions of the Local Government Regulation 2012, 275 Closed meetings;

(1) A local government or committee may resolve that a meeting be closed to the public if its councillors or members consider it necessary to close the meeting to discuss—

(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 it; 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 financial advantage.

Min. 13/08/25 **Moved Mayor Stephen, Seconded Cr. Ketchell**

“That Council move in Committee.”

Carried

Min. 13/08/26 **Moved Cr. Wigness, Seconded Cr. Ketchell**

“That Council come out of Committee.”

Carried

DATE OF NEXT MEETING: Tuesday, 17 September 2013

CLOSURE: The meeting closed with a prayer by Mayor Stephen at 2.45pm

Confirmed this

day of

MAYOR