

**MINUTES OF THE ORDINARY MEETING OF THE TORRES SHIRE COUNCIL
HELD IN THE SHIRE OFFICES, DOUGLAS STREET, THURSDAY ISLAND
ON TUESDAY, 15 JULY 2014**

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

The meeting opened with a prayer by Mayor Stephen at 9.10am.

ACKNOWLEDGEMENT

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

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

Joe Morris, Les Douglas (Bamaga) and Hosea Harold Akee

DISCLOSURES OF INTEREST UNDER THE LOCAL GOVERNMENT ACT

Cr. Wigness	Item 3.11 Former Ergon Power Station Site
Mayor	Item 4.2 Surplus State Land
Cr. Wigness	Item 4.4 Unallocated State Land
Cr. Wigness	Item In Committee (KALT)
CEO	Item In Committee (Tender 03/14)

CONFIRMATION OF MINUTES

Min. 14/07/1 Moved Cr. Loban, Seconded Cr. Abednego
"That Council receive the Minutes of the Ordinary Meeting of 24 June 2014 and confirm as a true and correct record of the proceedings."
Carried

Min. 14/07/2 Moved Mayor Stephen, Seconded Cr. Loban
"That Council receive the Minutes of the Special Meeting of 10 July 2014 and confirm as a true and correct record of the proceedings."
Carried

BUSINESS ARISING FROM PREVIOUS MINUTE - Nil

MAYOR'S REPORT

Acknowledgement of Kaiwalgal, Maluylgal, Guda Maluylgal, Kulkaigal and Meriam Traditional Owners both past and present

Torres Aged Card Master Plan

Deloitte will be making a presentation at this meeting on arrival from this morning's QANTAS flight.

Inaugural NPA Cultural Festival

Mayor Bernard Charlie, Northern Peninsula Area Regional Council, has invited Torres Shire Council to participate and support for their inaugural Cultural Festival to be held on the 2-4 October 2014. The theme of the festival is to revitalise, promote and maintenance of traditional, cultural and customary practices. Mayor Charlie is seeking confirmation if council can support a cultural group or delegation to attend the festival to share our traditional and customary ways. The contact person for the festival is Ms Cassandra Adidi – mobile 0458 051 986 or office 40 486 606 email address: Cassandra.adidi@nparc.qld.gov.au.

Min. 14/07/3 Moved Cr. Abednego, Seconded Cr. Wigness

"That Council send its representatives as support for the Inaugural Northern Peninsula Area Cultural Festival being held at Bamaga on 2 – 4 October 2014."

Carried

Kaurareg Native Title Owners Meetings

Council met with representatives of the Kaurareg Aboriginal Land Trust (KALT) and Kaurareg Native Title Aboriginal Corporation (KNTAC) on two separate occasions to discuss Native Title matters. It was agreed that Council adopts quarterly meetings for each organisations to discuss and resolves its concerns to build strong working partnership amongst all stakeholders. It is vital for the social and economical wellbeing for our community that a transparent relationship be established amongst council and the traditional owners of our Shire.

Min. 14/07/4 Moved Cr. Abednego, Seconded Cr. Ketchell

"That Council establish a joint TSC/KALT/KNTAC committee comprising of the Mayor and Chairs of Kaurareg Aboriginal Land Trust, Kaurareg Native Title Aboriginal Corporation and Chief Executive Officers of the relevant organisations to meet quarterly."

Carried

Torres Shire Liquor Accord

At a recent meeting held with Deputy Police Commissioner Peter Barron and DATSIMA Deputy Director General, Ron Weatherall, on Thursday, 10 July Council sought support for the establishment of a Liquor Accord for the Shire. It was agreed by both agencies to support Council's request as part of the Shire 'Safe Community' programs. Other matters discussed:

- Grants funding be sought for improved or better lightings and CCT cameras for recreation and business locations
- Establish an community support group in Cairns to assist local visitors from Torres Strait

Patty Mills Visit – International Basketball Player

The Australian team representatives of the San Antonio Spurs, Mr Patrick Mills and Mr Aron Baynes, have been given a once in a life time opportunity to tour Australia with the 2014 NBA Championship (Larry O'Brien) trophy. Mr Patty Mills' intention is to present the trophy to the people of the Torres Strait at Thursday Island on Monday 21st July 2014. This is a momentous historic occasion for Australian especially Torres Strait Islanders. Patty has given us the opportunity to bring the NBA Championship Trophy straight from the "States to the Strait". Benny Mills (Patrick's father) is the contact person for Patty's visit. Mr Benny Mills can be contacted on mobile 0488 77 880. The Australian visit will commence at Melbourne on 16th July 2014, then to Canberra, Sydney, Brisbane, Cairns and Thursday Island.

MAYOR'S REPORT (cont'd)

Patty Mills Visit – International Basketball Player (cont'd)

Min. 14/07/5 Moved Cr. Wigness, Seconded Cr. Loban

"That Council endorse and acknowledge this historic opportunity to celebrate the visit of the Australian team representative of the San Antonio Spurs, Mr Aron Baynes and Mr Patty Mills, a Torres Strait Islander, of their international achievement and bringing the 2014 NBA Championship (Larry O'Brien) Trophy to Patty's homeland and Council resolve to co-host this momentous occasion with Torres Strait Island Regional Council, Torres Strait Regional Authority and Northern Peninsula Area Regional Council, on Monday, 21 July 2014 at ANZAC Park."

Carried

Australian Institute of Tropical Health & Medicine (AITHM) Development

The James Cook University Estates Office has notified the AITHM Steering Committee seeking a letter of support from Council for Road Closure on the proposed AITHM site. DNR&M have requested that a letter of support from Council to accompany the application. RPS town planning has been engaged by JCU for this project. I sought advice from our Executives to compile council's support letter for this project. Council is working with JCU to facilitate the proposed medical research facility. The area of the proposed road closure is located in the appropriate zone however access to Council and community facilities in this area will need to be maintained. A master plan of the proposed facility will be required by Council to demonstrate that all infrastructure matters can be resolved to Council's satisfaction.

Min. 14/07/6 Moved Cr. Abednego, Seconded Cr. Loban

"That Council endorse a Supporting Letter with conditions highlighting access to Council and community facilities in this propose development site be maintained."

Carried

Japanese Ancestral Honour Celebration

The Friday 15th August is the date confirmed for the Japanese Ancestral Honour celebration. Council is committed to host this event as part of its Kushimoto Friend City Agreement commitment.

Min. 14/07/7 Moved Cr. Loban, Seconded Cr. Ketchell

"That Council plan and make the appropriate arrangements for the Japanese Ancestral Honour Celebration on 15 August 2014."

Carried

Min. 14/07/8 Moved Cr. Loban, Seconded Cr. Abednego

"That the Mayor's Report be received."

Carried

Adjournment: The meeting adjourned for Morning Tea at 10am and resumed at 10.25am

1. CHIEF EXECUTIVE OFFICER

REPORT

**Min. 14/07/9 Department of Natural Resources and Mines – Discussion Paper (File 1-30-13)
Moved Cr. Abednego, Seconded Cr. Ketchell**

"That Council submit a submission highlighting the unique island environment of the Torres region administered by Torres Shire Council in response to the 'Queensland State Land – Strengthening our Economic Future' discussion paper by the 31 August 2014."

Carried

Presentation: Representatives of Deloitte Consultants, Ryan McFarlene and Srikanthan Sruthi attended the meeting at 10.55am to inform the Meeting on the scope, process and key findings to date for the Torres Aged Care Master Plan to be introduced in the Torres Strait and Northern Peninsula Area and departed the meeting at 11.40am.

Thursday Island Japanese Cemetery Memorial Service & Visit by Consul of Japan (File 1-32-4)

Min. 14/07/10 Moved Cr Wigness, Seconded Cr. Loban

"That Council hosts the Consul of Japan, Mr Hirotsugu (Hiro) Ikeda during the visit to Thursday Island on 15 August 2014."

Carried

Friendship City Agreement – Kushimoto, Wakayama Japan (File 1-32-4)

Min. 14/07/11 Moved Mayor Stephen, Seconded Cr. Abednego

"That Council commence planning to host the Delegation from Kushimoto, Wakayama Japan in October 2014."

Carried

Annual Land Valuation effective 30 June 2015 (File 1-30-27)

Min. 14/07/12 Moved Cr. Abednego, Seconded Cr. Ketchell

"That Council acknowledge the correspondence from Valuer-General and advise that an annual valuation for the Torres Shire local government area for 2015 is supported by Council."

Carried

Strait NAIDOC Awards 2014 (File 5-50-6)

Min. 14/07/13 Moved Cr. Ketchell, Seconded Cr. Loban

"That Council acknowledge the contribution of management and staff for the delivery of the event and thank all the Major Sponsors of the 2014 Torres Strait NAIDOC Awards for their sponsorship."

Carried

Min. 14/07/14 Moved Mayor Stephen, Seconded Cr. Loban

"That the report of the Chief Executive Officer be received."

Carried

2. CORPORATE AND COMMUNITY SERVICES

REPORT

Medicare Local – Community Colour Fun Run

Min. 14/07/15 Moved Cr. Abednego, Seconded Cr. Ketchell

"That Council, through the Office of the Mayor, write to Medicare Local to congratulate organisers on this very positive community health initiative and offer our support for future events."

Carried

Australian Centre of Excellence for Local Government (File 1-22-7)

Min. 14/07/16 Moved Cr. Wigness, Seconded Cr. Abednego

"That Council implement a service delivery review using the ACELG how to manual in the 2014/15 financial year."

Carried

Min. 14/07/17 Moved Cr. Loban, Seconded Cr. Wigness

"That the report of the Director of Corporate and Community Services be received."

Carried

3. ENGINEERING AND INFRASTRUCTURE SERVICES

REPORT

Departure: Cr. Ketchell departed the meeting at 12.20pm

RPT Deregulation Update (File 6-001-007/006-007-007)

Min. 14/07/18 Moved Cr. Wigness, Seconded Cr. Loban

"That Council through the Office of the Mayor write to the Hon. Scott Emmerson Minister for Transport and Main Roads in relation the lack of information forthcoming from his department with regards to the deregulated Horn Island to Cairns route by QANTASLink as from January 2015."

Carried

Cr. Wigness declared his interest in the following item as Chair of the Kaurareg Aboriginal Land Trust.

Former Ergon Power Station Site on Victoria Parade, Thursday Island Remediation (File 1-320-007)

Min. 14/07/19 Moved Mayor Stephen, Seconded Cr. Abednego

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

Carried

Attendance: Cr Ketchell returned to the meeting at 12.44pm.

Adjournment: The meeting adjourned for Lunch at 12.45pm and resumed at 1.40pm without the attendance of Cr. Wigness and the attendance of the Regulatory Manager, Diana Russell to deliver her report.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

Land use and tenure for Lot 52 on TS55 Prince of Wales Island (File 1-30-13)

Min. 14/07/20 Moved Cr. Abednego, Seconded Cr. Loban

"That Council advise the Department of Natural Resources and Mines that the preferred tenure for Lot 52 on TS55 Prince of Wales Island is leasehold or freehold for rural residential purposes."

Carried

Mayor Stephen declared his interest in the following item.

Surplus State Land – 60 Waiben Esplanade, Rosehill (File 1-30-13)

Min. 14/07/21 Moved Cr. Ketchell, Seconded Cr. Abednego

"That Council express its interest in the State Government surplus property at 60 Waiben Esplanade, described as Lot 19 on T20736, and request that the Department of Communities Child Safety and Disability Services relinquishes the trusteeship in favour of Torres Shire Council."

Carried

Liquor Licensing – Grand Hotel (File 3-77-7)

Min. 14/07/22 Moved Cr. Abednego, Seconded Cr. Ketchell

"That Council has no objection to the granting of the application for the variation to the license for Latitude North Hotels Pty Ltd for the Grand Hotel, 6 Victoria Parade Thursday Island."

Carried

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

Min. 14/07/23 **Liquor Licensing – Royal Hotel (File 3-77-7)**
Moved Mayor Stephen, Seconded Cr. Loban
“That Council has no objection to the granting of the application to the variation to the license for Latitude North Hotels Pty Ltd for the Royal Hotel, 6 Victoria Parade Thursday Island.”

Carried

Min. 14/07/24 **Liquor Licensing - Jardine Motel (File 3-77-7)**
Moved Cr. Abednego, Seconded Cr. Ketchell
“That Council objects to the granting of an application for a commercial hotel licence by the Jardine Motel, Thursday Island based on the evidence available and advise the Office of Liquor and Gaming Regulation of this decision.”

Carried

Min. 14/07/25 **Planning Application – IDAS 13/09 – Building Work assessable against the Planning Scheme (Demolition) at 102 Douglas Street, Thursday Island being Lot 61 on SP111432**
Moved Cr. Abednego, Seconded Cr. Ketchell
“That Council approve the application by Industry Education Networking Pty Ltd for a Development Permit for Building Work Assessable Against the Planning Scheme (Demolition of a building included on the local heritage register) at 102 Douglas Street, Thursday Island (Lot 61 on SP111432) subject to the following conditions:

ASSESSMENT MANAGER CONDITIONS

Carry out the approved development

1. Carry out the approved development generally in accordance with
 - a. the approved drawings and/or documents
 - b. the conditions of approval and the requirements of Council’s Planning Scheme and
 - c. requirements of the Building Act.

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

Approved Plans

2. The approved plan and/or development documents for this development approval are listed in the following table:

Plan/Document Description	Drawing Reference	No./Report	Date
Demolition Plan	1043-D.01		Nov 2013
Converge Heritage + Community	Statement of Heritage Impact		June 2014

Archival Recording

3. Prior to demolition, the applicant/owner must fulfil the recommended scope of works outlined in section 4.4 of the Converge Heritage & Community Report dated June 2014

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

Planning Application – IDAS 13/09 – Building Work assessable against the Planning Scheme (Demolition) at 102 Douglas Street, Thursday Island being Lot 61 on SP111432 (cont'd)

Demolition

1. Plumbing and draining to be disconnected to council approval.
2. Electricity is to be disconnected to Ergon Energy's requirements
3. All demolished materials are to be removed to Horn Island Landfill and payment of prescribed fees.
4. Any asbestos to be disposed of in accordance of Work Place Health and Safety Standards.
5. Carry out the recommendations in section 4.4 of the Converge Heritage & Community Report dated June 2014.

Bond

4. A bond of \$10,000 is required to be paid to Council as a security for any damage caused to Council infrastructure by the demolition works.

Public Utilities

5. The applicant is responsible for the cost of any alteration to public utilities as a result of complying with conditions of this Development Permit.
6. Any damage caused to any public utility during the course of the demolition works shall be repaired to the satisfaction of Council's Delegated Officer and at no cost to Council within 30 days of the completion of the demolition works.
7. Any alteration of any public utility or other facilities necessitated by the development of the land or associated demolition works external to the site shall be at no cost to Council.

ADVICE

1. This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse two (2) 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 development permits must be obtained:
 - a. Building works
3. No building materials or the like are to be stored on the footpath unless the relevant approval is obtained from Council and the associated fees and bond are paid.
4. 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 Commencement of Works.
5. 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/guide-to-the-sustainable-planning-act “

Carried

4. **PLANNING AND ENVIRONMENTAL SERVICES**

REPORT

Planning Application – IDAS 14/01 – Reconfiguring a Lot (3 Lots into 2 and access easement) at 21 Hargrave Street, Thursday Island being Lots 18 and 19 and Common Property on SP187785

Min. 14/07/26 Moved Mayor Stephen, Seconded Cr. Ketchell

“That Council approve the application by Mr James Filewood for a Development Permit for Reconfiguring a Lot (3 Lots into 2 lots and access easement) at 21 Hargrave Street, Thursday Island being Lots 18 and 19 and Common Property on SP187785 subject to the following conditions:

ASSESSMENT MANAGER CONDITIONS

Carry out the approved development

1. Carry out the approved development generally in accordance with:
 - a. the approved drawings and/or documents
 - b. the conditions of approval and the requirements of Council’s Planning Scheme

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

Approved Plan

2. The approved plan of development The approved Plan of Development is as follows or this development approval are listed in the following table:

Plan Description	Drawing No.	Date
Reconfiguration of a Lot – Proposed Lots 18 & 19 Cancelling Lots 18 & 19 on SP187785	PR121775-1	14/3/2014

Easement

3. An easement for access purposes must be created over the existing driveway as shown in the proposal plan, for access purposes for the benefit of proposed Lot 19.

Public Utilities

4. The applicant is responsible for the cost of any alteration to public utilities as a result of complying with conditions of this Development Permit.
5. 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.

Vehicle Access

6. Both lots must have vehicle access from the street. The rear lot access is by the easement. The front lot access is by the easement or by a separate driveway located on the eastern side of the lot.

Costs.

7. 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 sealing of survey.

ADVICE

1. This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 341 of the Sustainable Planning Act 2009.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

Planning Application – IDAS 14/01 – Reconfiguring a Lot (3 Lots into 2 and access easement) at 21 Hargrave Street, Thursday Island being Lots 18 and 19 and Common Property on SP187785 (cont'd)

ADVICE

2.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/guide-to-the-sustainable-planning-act ”

Carried

Min. 14/07/27 Moved Cr. Loban, Seconded Cr. Abednego
“That the report of the Regulatory Manager be received.”

Carried

5 IN COMMITTEE

That Council discuss ‘In Committee’, the items as listed below, 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.

Horn Island Affordable Housing Project – Lot 801

Kaurareg Aboriginal Land Trust

Kaurareg Native Title Aboriginal Corporation

Tender 04/14 – Thursday Island Sport Complex

Council land - Lot 82 on SP153363– Waiben Esplanade (File 1-45-4)

Tender 03/14 – Disposal of Surplus Assets

Min. 14/07/28 Moved Mayor Stephen, Seconded Cr. Abednego
“That Council go in Committee.”

Carried

Min. 14/07/29 Moved Cr. Abednego, Seconded Cr. Ketchell
“That Council come out of Committee.”

Carried

5 IN COMMITTEE

Min. 14/07/30 Council land - Lot 82 on SP153363– Waiben Esplanade (File 1-45-4)
Moved Cr. Ketchell, Seconded Cr. Loban
“That Council confirm with the Department of Natural Resources and Mines that it wishes to proceed with receiving a formal offer to purchase the land described as Lot 82 on SP153363 on Waiben Esplanade, Thursday Island as freehold tenure.”
Carried

CEO, Dalassa Yorkston declared her interest in the following item.

Min. 14/07/31 Tender 03/14 – Disposal of Surplus Assets and Plant
Moved Cr. Loban, Seconded Cr. Ketchell
“That Council award the 03/14 Sale of Used Plant and Equipment tender for:
Item 1 to John Dorante at the tendered price of \$500, and
Item 2 to Richard Newie at the tendered price of \$500, and
Item 4 to Benjamin Yorkston at the tendered price of \$1,500, and
Item 5 to James Yorkston at the tendered price of \$1,750”
Carried

DATE OF NEXT MEETING: Tuesday, 19 August 2014

CLOSURE: The meeting closed with a prayer by Mayor Stephen at 4.35pm.

Confirmed this day of

MAYOR