

**MINUTES OF THE ORDINARY MEETING OF THE TORRES SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS ON TUESDAY, 18 MAY 2010**

PRESENT

Mayor Cr. P. Stephen (Chair), Cr. N. Bin Tahal, Cr. B. Shibasaki, Cr. A. Ketchell, Cr. J. Abednego, Mrs D. Yorkston (Director Corporate Services), Mr. F. Darke (Director Planning & Environmental Services), Mr Keith Yorkston (Acting/Director Engineering Services) and Mrs. N. Ward Page (Minute Secretary).

The meeting opened with a prayer by Mayor Stephen at 9.24am

Acknowledgement:

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

APOLOGY:

An apology was received from Mr. B. McCarthy (Chief Executive Officer) for his absence due to being on Sick Leave and an apology was received from Cr Bin Tahal for her late arrival at this meeting

APPOINTMENT: Mayor Stephen appoints Mrs Dalassa Yorkston, Director Corporate Services as Acting Chief Executive Office in the absence of the CEO, Mr Bernie McCarthy.

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

*Florintina (Tina) Faiud, Jimmy Luffman, Fred Babia (of Seisia),
David (Cowboy)Williams (New Mapoon), Billy Billy (of Injinoo),
Harry Hooper (ex TSC) and Charles Woods (Vic)*

CONFIRMATION OF MINUTES

Min. 10/05/1 Moved Cr. Ketchell, Seconded Cr. Shibasaki

“That Council receive the Minutes of the Ordinary Meeting of 20 April 2010 and confirm as a true and correct record of the proceedings.”

Carried

BUSINESS ARISING FROM PREVIOUS MINUTES

Mayor's Report – Native Title Joint Management
Mayor advises a follow up is in his report for this meeting.

Mayor's Report - High Cost of Freight (Sea Swift)

MAYOR'S REPORT

Civic Leaders Summit

I thank Council for the opportunity which allowed Councillor Napcia Bin Tahal and myself to attend the Civic Leaders Summit “*New Model of Leadership*” on the 28th – 30 April 2010 at the Novotel Twin Waters Resort, Ocean Drive, Twin Waters, Sunshine Coast. The Summit was not a forum for discussion of roads, rates, planning or pest control. It centred on the business of leadership and the special roles of Mayor, Deputy Mayor and CEO. The event was closed to the media, enhancing the participant's ability to canvass and explore the most challenging issues. The programs over the three days were filled with talented and gifted presenters of which one of them was your very own.

The President of the Local Government Association, Councillor Paul Bell, AM, stated that workshop provided peer to peer learning from those who have made their share of mistakes and survived. Additionally, we heard from a true living legend John Eales and the former Victorian Premier, Jeff Kennett, spoke on political leadership.

I acknowledge Councillor Bin Tahal's assistance in my presentation – *Mayoral Hard Yards* presented as follows:

What I've learned in Umpteen Years Distilled to 15 Minutes

Lead, Provide and Facilitate is the Shire's – Mission Statement

The biggest challenge I've faced over the years is to create a seamless pathway through the umpteen Government Departments located in the Torres Strait region. I am convinced that over 30 governments (State/Commonwealth) stationed locally does not necessarily mean there are no 'Gaps' in service delivery. In fact, it is the opposite! The justification to ensure that these bureaucratic structures exist, demands/ swallow up the very funding and resources that are needed at the 'cold face' of our communities.

Torres Strait and Northern Peninsula Area is well known for its High Cost of Living.

- Exorbitant Land and Rental Prices – Housing/ Building
- Transport and Freight Costs
- Access for Fresh Fruits and Vegetables
- International Australia/Papuan New Guinea Boarder Issues – Torres Strait Treaty (Free Movement Traditional Inhabitants)
- Introduction of Exotic Diseases – Dengue/ Japanese Encephalitis/
- Policing
- Health – TB/ Aids
- Governance – Complex 'duplications' of various Government and Non Governments Organizations, their roles and legislations

I attended the breakfast presentation by the Director of Australia and New Zealand School of Government (ANZSOG) Institute for Governance, Professor Mark Evans and General Manager, Pauline Clancy regarding the development of ANZSOG's proposed Excellence in Local Government Leadership Program.

Min. 10/05/2 **Moved Cr. Abednego, Seconded Cr. Ketchell**
"That Council explore the benefits of the Australia & New Zealand School of Government (ANZSOG) program for our elected members and staff. "

Carried

Joint Torres Shire Council/Kaurareg Native Title Owners Meeting

A meeting was conducted between council's executives with representatives from the Kaurareg Native Title Owners on 6th May 2010. Cr. Shibasaki register his apologies for not attending this meeting. The meeting allows both parties to table and discuss various land and development issues. It was recommended that a Joint Indigenous Land Use Advisory Committee be established to address ongoing Native Title Matters. I wish to thank Council to take the proactive initiative to include representatives from the Kaurareg Native Title Owners to participate in the Shire's Pre-Budget Inspection tour.

Min. 10/05/3 **Moved Cr. Shibasaki, Seconded Cr. Ketchell**
"That Council endorse the Joint Indigenous Land Use (ILUA) Advisory Committee to be established pursuant to Section 452 and 453 of the Local Government Act 1993 and the membership of the Committee to include the Mayor, CEO and a TSC Councillor, Chairperson of the Kaurareg Prescribe Body Corporate and Chairperson of the Kaurareg Native Title Trust Body."

Carried

MAYOR'S REPORT (cont'd)

Ministerial Indigenous Roundtable

The Ministerial Indigenous Roundtable No.8 was hosted by the Honourable Desley Boyle, MP, Minister for Local Government and Aboriginal and Torres Strait Islander Partnerships, at Bamaga on 11-12 May 2010. The purpose was to provide a progress report on actions arising from the November 2009 Ministerial Indigenous Roundtable held in Cairns. Key agencies involved are Department of Education and Training (DET); Justice and Attorney-General (JAG); Communities; Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA).

Min. 10/05/4 **Moved Cr. Shibasaki, Seconded Cr. Abednego**
“That Council attend all future Ministerial Indigenous Roundtable.”

Carried

Min. 10/05/5 **Review of Council's IT Computer System - Civica**
Moved Cr. Abednego, Seconded Cr. Ketchell
“That Council review the Managed Service Computer system currently offered by Civica.”

Carried

Australian Local Government Association Meeting - 15 June 2010

Council attended the last meeting in Canberra and there is an opportunity to meet the Prime Minister and the Treasurer at the next meeting and Council should present submissions at this meeting.

Min. 10/05/6 **Moved Cr. Abednego, Seconded Cr. Ketchell**
“That Council identify all current issues in the Shire and region to present to the ALGA Conference being held in Canberra from the 14-17 June this year.”

Carried

Attendance: Cr. Bin Tahal arrived at the meeting at 11a.m.

Min. 10/05/7 **Moved Cr. Shibasaki, Seconded Cr. Abednego**
“That the Mayor's report be received”

Carried

Adjournment: The meeting adjourned for Morning Tea at 11.02am and resumed at 11.25am

1. CHIEF EXECUTIVE OFFICER

REPORT

Common Seal Use

Min. 10/05/8 **Moved Cr. Ketchell, Seconded Cr. Bin Tahal**
“That Council approve the use of the Official Seal by the Mayor as itemised below:

| Date attached | Document Description |
|----------------------|---------------------------------------|
| 19 Apr 2010 | TSI Descent ID – Charles Passi |
| “ | TSI Descent ID – John Dacko Mosby |
| “ | TSI Descent ID – Bakoi Rhianna Mosby |
| “ | TSI Descent ID –Elizabeth Mabel Mosby |
| “ | TSI Descent ID –Olive Betty Mosby |
| “ | TSI Descent ID –Javan Odrix Mosby “ |

Carried

1. CHIEF EXECUTIVE OFFICER

REPORT

- Min. 10/05/9 Study Course DCS (Dalassa Yorkston) (File 1-619-19 & Pers. File)**
Moved Mayor Stephen, Seconded Cr. Bin Tahal
“That Council
- approve the attendance of Mrs. Dalassa Yorkston, Director Corporate Services (DCS) at the study blocks of this course during 2010,
 - approve the study course agreement signed by CEO and DCS and witnessed by the Mayor,
 - review the study course agreement in November 2010 prior to Mrs Yorkston continuing further study blocks in 2011 and 2012.”
- Carried**
- Min. 10/05/10 Staff Appointment – Acting Director Engineering Services (File 1- 606-7)**
Moved Cr. Bin Tahal, Seconded Cr. Shibasaki
“That Council approve the appointment of Nick Krassay as Acting Director Engineering Services as from 24 May to mid August 2010.”
- Carried**
- Meeting with Kaurareg Native Title Aboriginal Corporation (File 1-65-10)**
Minutes of the meeting will be available at the June Council meeting.
- Enterprise Bargaining Agreement (File 1-629-009)**
Mayor stated a Councillor has in the past been an observer at EBA Meetings.
- Min. 10/05/11 Policies Review (File 1-19-7)**
Moved Cr. Bin Tahal, Seconded Cr. Abednego
“That Council approve and adopt the reviewed Policy Manual as at May 2010.”
- Carried**
- Torres Shire Indigenous Advisory Committee (File 1-71-9)**
The Torres Shire Indigenous Advisory Committee 2010-2012 established under Section 452 & 453 of the Local Government Act 1993 held its inaugural meeting on 30 April 2010.
The governing structure consists of:
TSC Councillor **John Abednego** –Chair & Portfolio Member
Dalassa Yorkston – TSC Director Corporate Services – Co-ordination Role
Bernie McCarthy – TSC CEO – Overall Management Role
Committee members: **Frank Cook, Darlene Fell, Velma Gara and Dana Ober**
Festival Co-ordinator – position currently advertised & closes 21 May 2010
- Min. 10/05/12 Moved Mayor Stephen, Seconded Cr. Ketchell**
“That Council approve and receive the Minutes of the first Torres Shire Indigenous Advisory Committee meeting held on 30th April 2010.”
- Carried**

3. ENGINEERING SERVICES

REPORT

Sailor Bowie Link Road Construction (File 2-71-01-8)

Min. 10/05/13 Moved Cr. Bin Tahal, Seconded Mayor Stephen

“That Council (1) fully investigate the possible solar lighting option and consider allocation of funds for the purchase and installation of six solar lighting units at a total cost of \$60,000 in the 2010/11 budget and (2) Council to make contact with Department of Housing for road frontage fencing to be installed at Rosehill and the formation of speed bumps at Rosehill.”

Carried

HI Foreshore Redevelopment (File 5-6-8)

Discussions have taken place between TSC, Ports North and CEA for the beautification of the Horn Island foreshore area. Details are as follows:

- Immediate steps be taken by Ports North including repairs to the existing car park by means of temporary patching and finishing off with 30mm asphalt overlay, which is to take place after we have finished using asphalt contractor for airport strip upgrade.
- Ports North to delineate car park area with bollards and have the Ports access road shifted slightly south to divert traffic around car park.
- CEA contribution be through a local skills training program including removal of walls and roof off existing decommissioned toilets, extension of existing slab to double area, fitting of a suitable roof to the reconfigured slab and installation of seating.
- CEA will also undertake construction of a gazebo/ rotunda through the same local skills training program, located on the opposite side of access road adjacent to Miskin Street.
- CEA will facilitate a tree planting program in vacant area south of car park.

The concept of this redevelopment is to create a recreational area for public use, improve current services and improve the image of the “Gateway” to the Torres Strait being Horn Island.

Min. 10/05/14 Moved Cr. Bin Tahal, Seconded Mayor Stephen

“That Council agree to

- contributing on a \$ for \$ basis for the proposed development works of the Horn Island foreshore area including the vacant car park area, and
- its contribution including the use of Council plant, labour and basic fill material.”

Carried

Adjournment: The meeting adjourned for Lunch at 12.55pm and resumed at 1.40pm.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

Ergon Energy – Power Savvy Energy Audit (File 1-046-007)

Council agreed last year to have several of its buildings and utilities audited by Ergon Energy as part of its Power Savvy program. This program is funded by the Queensland Government.

A detailed report has been prepared by Ergon for each location. The reports provide energy saving actions and a cost benefit analysis. In addition to the savings to be made, Ergon will provide a financial contribution towards the implementation of the initiatives. If Council agrees to implement these initiatives, Ergon will provide a detailed scope of works for obtaining quotes.

| Building | Function | Investment required | Potential savings Year 1 | Payback Period | Ergon contribution |
|-----------------------------|----------------------------|----------------------|--------------------------|----------------|--------------------|
| Council Offices | Mainly aircon and lighting | \$20,235* | \$6,457 | 3.13 yrs | \$3,400 |
| Sports Complex TI | Mainly lighting | \$4,070 | \$1,4448 | 2.81 yrs | \$1,000 |
| Horn Island Pump Station ** | Pumps | Option A \$53,500 | \$7,087 | 7.5 yrs | \$4000 |
| | | Option B \$45,000 | \$7,087 | 6.3 yrs | \$4000 |
| | | Option C \$15,000 | \$3,544 | 4.2 | Not stated |

* Includes new packaged air conditioning unit for the main office.

**Three options are provided for the pump station, options A and B are considered the better options. Whether A or B is chosen will depend on the lifecycle of the current pumps.

Min. 10/05/15 Moved Cr. Shibasaki, Seconded Cr. Ketchell

“That Council consider the proposed energy saving upgrades to the Council Offices, the TI Sports Complex and the Horn Island Pump Station (as set out in the Power Savvy Energy audits) as part of its budget deliberations and advise Ergon Energy accordingly.”

Carried

Proposed declaration of a Menacing Dog – Horn Island (File 3-14-5)

Min. 10/05/16 Moved Cr. Bin Tahal, Seconded Mayor Stephen

“That the dog not be declared as a menacing dog and the owners continue with the practice of muzzling the dog when it is out of the confines of the house.”

Carried

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

IDAS 10/03: Material Change of Use – Accommodation Building (30xStudio Accommodation Units) and Caretaker's Residence (2 bedrooms) 1 Tom Street, Horn Island being Lot 1 on RP 846845, Parish of Port Kennedy Applicant: Jon Mansfield

Council is in receipt of a Development Application for a Material Change of Use to facilitate the establishment of Accommodation Buildings (30 Studio Units) and a 2 Bedroom Caretaker's Residence, on land located at 1 Tom Street, Horn Island, more particularly described as Lot 1 on RP846845, Parish of Port Kennedy.

The site has an area of 3,541m², is currently vacant and has some vegetation on the site. The site is affected by the Special Management Areas Overlay for Potential or Actual Acid Sulphate Soils and the development application did not trigger any IDAS Referral Agencies.

Community Consultation

The development was publicly notified between Wednesday 24 March, 2010 and Friday 16 April, 2010. There were 2 submissions received during the public notification period.

Section 304 of the *Sustainable Planning Act 2009* states the following:

Assessment Manager may assess and decide application if some requirements not complied with -

(1) Despite section 301, the assessment manager may assess and decide an application even if some of the requirements of this division have not been complied with, if the assessment manager is satisfied any noncompliance has not —

(a) adversely affected the awareness of the public of the existence and nature of the application; or

(b) restricted the opportunity of the public to make properly made submissions.

It is noted that the signage used and the advertised in the Torres News were not in the form prescribed by the Department of Infrastructure and Planning. These inconsistencies were beyond the control of the applicant and Council Officers and it is contended that the public's awareness of the Development Application was not affected.

Recommendation A is included in this report in response to Section 301 of the *Sustainable Planning Act 2009*.

SUBMISSIONS

There were 2 properly made submissions in relation to the proposed development. The issues raised and Consultant Town Planner comment made in relation to each of the issues raised is included below.

Submission Issue

On the adjacent boundary to the South Pacific Store, I would request that the land owner's upgrade the existing fence to Zincalume fence panel at a height of 1.8 metres with a vegetation barrier for noise and security reasons.

Consultant Town Planner's Response

A condition is included in the Recommendation to Council requiring that a 1.8 metre high fence be constructed to side and rear boundaries. For reasons of relevancy and reasonableness, the condition cannot specify the type of materials to be used.

The landscaping plan condition included in the Recommendation to Council will include specific requirements in relation to landscaping adjacent to the South Pacific Store.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

IDAS 10/03: Material Change of Use – Accommodation Building (30xStudio Accommodation Units) and Caretaker’s Residence (2 bedrooms) 1 Tom Street, Horn Island being Lot 1 on RP 846845, Parish of Port Kennedy Applicant: Jon Mansfield (cont’d)

Submission Issue

The position of the car parking area is dangerous being located next to a 3 way intersection.

Consultant Town Planner’s Response

The location of the car parking area is considered to be appropriate. Locating the car parking entrance next to an intersection is preferable to locating the entrance close to the corner of the Tom and Miskin Streets.

Submission Issue

The drain on Tom Street needs to be corrected to reduce water lying at ground level. The problem is an eyesore and a potential health problem with regards to mosquito diseases. The site needs to be installed with kerb and channel along the road frontages and footpaths.

Consultant Town Planner’s Response

A condition is included in the Recommendation to Council requiring that drainage in Tom and Miskin Streets be improved.

A condition is included in the Recommendation to Council requiring that the carriageway of Miskin Street be sealed. The provision of a footpath is not considered to be a reasonable imposition on the development.

Submission Issue

Access to the site should be from Tom Street.

Consultant Town Planner’s Response

The location of the access to the site is considered to be appropriate. The decision to locate the access off Miskin Street was the decision of the applicant. The location of the access complies with the requirements of the Planning Scheme and therefore, it would be unreasonable to suggest an alternative when the current proposal complies.

Submission Issue

The number of cabins on the site is excessive.

Consultant Town Planner’s Response

The development has a site cover of 25.6% which is 54.4% less than the site cover permitted under the Planning Scheme. The Planning Scheme specifies that the development of short term accommodation developments in the Business Zone is supported. The number of Accommodation Units is considered to be appropriate.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

IDAS 10/03: Material Change of Use – Accommodation Building (30xStudio Accommodation Units) and Caretaker’s Residence (2 bedrooms) 1 Tom Street, Horn Island being Lot 1 on RP 846845, Parish of Port Kennedy Applicant: Jon Mansfield (cont’d)

SUBMISSIONS (cont’d)

Submission Issue

Four car parking spaces for the site is inadequate.

The development is likely to be storage for short term tradesmen.

Consultant Town Planner’s Response

This report previously deals with car parking in the assessment of the Business Zone Code. The assessment concludes that the number of car parking spaces proposed is adequate. The reasons for this include:

- That the applicant has stated that the development is being proposed as an alternative short term accommodation option for people who wish to catch flights Horn Island without having to catch a ferry from Thursday Island prior to the flight. The accommodation option aims to allow people additional time to relax prior to their flight departure.
- The applicant has also stated that a shuttle transport service is intended to be provided to provide transport from the site to Horn Island Airport.
- The site is located within walking distance to the Horn Island Jetty, where ferries to Thursday Island depart from.
- As there is no permanent letting of the proposed Accommodation Units proposed, there is unlikely to be persons staying at the establishment that own a car that is located on Horn Island.

A condition of the approval requires that the development must be provided with a permanent shuttle transport service.

It is understood that it would be unlikely that a large number of tradespersons with cars would be likely to be located on Horn Island.

Submission Issue

Communal space on the site is inadequate.

Consultant Town Planner’s Response

The Short Term Accommodation Code and Business Zone Code do not specify a minimum requirement for communal landscaped open space. However, it is asserted that approximately 50% of the site is available as an open space area such as landscaping or pathways. In any event, a communal recreation area with a barbecue and seating area is provided at the centre of the site and this provision is considered to be appropriate for the development.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

IDAS 10/03: Material Change of Use – Accommodation Building (30xStudio Accommodation Units) and Caretaker’s Residence (2 bedrooms) 1 Tom Street, Horn Island being Lot 1 on RP 846845, Parish of Port Kennedy Applicant: Jon Mansfield (cont’d)

SUBMISSIONS (cont’d)

Submission Issue

The site does not contain storage space for boats, cars and building materials.

Consultant Town Planner’s Response

The applicant has stated that the development is being proposed as an alternative short term accommodation option for people who wish to catch flights Horn Island without having to catch a ferry from Thursday Island prior to the flight.

The Development Permit being sought is for short term accommodation, not permanent accommodation. Because of this fact, it is not considered reasonable to assume that persons staying at the Accommodation Units will own a boat that will require storage on-site.

The applicant states that a shuttle transport service is intended to be provided to provide transport from the site to Horn Island Airport. For this reason and the other reasons stated in the assessment previously tabled in this report, the number of car parking spaces (6) provided on the site is considered to be adequate.

The site is being used as a short term accommodation establishment and not for an industrial purpose. The storage of building materials on the site is irrelevant to the assessment of this application.

Submission Issue

The development of 30 cabins is not justified economically. Horn Island’s Wasaga Village is serviced by four accommodation businesses:

- *Wongai Beach Hotel (21 rooms/42 guests);*
- *Horn Island Guest House(3 Units/6 guests));*
- *Elikiam Park (28 rooms/35 guests); and*
- *Gateway Torres Strait Resort (22 rooms/44-60 people).*

During the wet season (December – May) the accommodation business run at approximately one third capacity.

During the dry season, the accommodation businesses run at approximately two thirds capacity.

Consultant Town Planner’s Response

The site the subject of the application is located in the Business Zone of the Planning Scheme. The intent for the Business Zone includes that the development of short term accommodation within land included in the Zone is supported. As the development is supported by the Planning Scheme, an economic needs analysis is not required to be provided by the applicant. In any event, anecdotally, a shortage of accommodation options on Horn Island and Thursday Island, be they for long or short term, is raised constantly. The addition of 30 rooms in the region is supported in order to deal with the anecdotal shortage of accommodation options.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

IDAS 10/03: Material Change of Use – Accommodation Building (30xStudio Accommodation Units) and Caretaker’s Residence (2 bedrooms) 1 Tom Street, Horn Island being Lot 1 on RP 846845, Parish of Port Kennedy Applicant: Jon Mansfield (cont’d)

SUBMISSIONS (cont’d)

Submission Issue

People working in government prefer to stay on Thursday Island. While there is an excellent ferry service running between Horn and Thursday Island, this does not operate after hours.

Consultant Town Planner’s Response

The applicant has stated that the development is being proposed as an alternative short term accommodation option for people who wish to catch flights Horn Island without having to catch a ferry from Thursday Island prior to the flight. The accommodation option aims to allow people additional time to relax prior to their flight departure.

The increased accommodation options on Horn Island will allow for additional people to stay on Horn Island to mitigate against the ferry not operating after hours.

Submission Issue

The area has been planned as a low density housing area, however the construction of 30 studio units on a small block would mean high density living.

The development will destroy the traditional charm of the village.

The high density construction is not in line with the Torres Shire Council plans for the area.

Consultant Town Planner’s Response

The development is not considered to be a high density development. The buildings proposed are 7.4 metres below the maximum height limit and the site coverage of the proposed buildings is 25.6%, 54.4% less than the maximum prescribed by the Planning Scheme.

The development is considered to be sympathetic to the ‘island’ character of the locality and is unlikely to impact on the amenity of the area.

The development in general complies with the requirements of the Planning Scheme.

Submission Issue

The foreshore development at Victoria Parade will be undermined by the crowded development on the small site at Tom Street.

Consultant Town Planner’s Response

Anecdotally, a shortage of accommodation options on Horn Island and Thursday Island, be they for long or short term, is raised constantly. The addition of 30 rooms in the region will allow for additional visitors to experience the Victoria Parade development.

Submission Issue

Tom and Miskin Streets are dirt roads, with no footpaths and are full of potholes. The development will increase the financial burden of Council in relation to road repair and maintenance. The roads surrounding the proposed land are ill equipped to deal with the development.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

IDAS 10/03: Material Change of Use – Accommodation Building (30xStudio Accommodation Units) and Caretaker’s Residence (2 bedrooms) 1 Tom Street, Horn Island being Lot 1 on RP 846845, Parish of Port Kennedy Applicant: Jon Mansfield (cont’d)

SUBMISSIONS (cont’d)

Consultant Town Planner’s Response

A condition has been placed on the Recommendation to Council requiring basic improvements to Tom and Miskin Streets.

The proposed development demonstrates general compliance with the Planning Scheme provisions and is recommended for approval subject to conditions.

Min. 10/05/17 Moved Cr. Shibasaki, Seconded Cr. Abednego

“A. That Council note that any non-compliance with the requirements for Public Notification under the *Sustainable Planning Act 2009* has not adversely affected the awareness of the public of the existence and nature of the application in accordance with Section 301 of the *Sustainable Planning Act 2009*.

B. That Council approve the development application for a Material Change of Use – Accommodation Building (30 x Studio Units) and Caretaker’s Residence (2 Bedrooms) over land described as Lot 1 on RP846845, Parish of Port Kennedy located at 1 Tom Street, Horn Island, subject to the following conditions:

Assessment Manager Conditions

1. The proposed Plans of Development, as noted below and prepared by Davies Design and Drafting Service Palm Cove is 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. 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 |
|---|-----------------------------|---------------|
| Site Plan (Amendment Required) | 001 TOM Sheet Number 1-3 | November 2009 |
| Floor Plan Accommodation Unit Floor Plan Caretaker’s Residence Elevations | 001 TOM Sheet Number 2-3 | November 2009 |
| Structural Plan Sections | 001 TOM Sheet Number 3-3 | November 2009 |

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

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Amendment to Design

3. The proposed building/development must be redesigned to accommodate the following changes:

- a. The driveway connecting the garage to Tom Street must be relocated to be positioned clear of the sewer line and manhole as indicated on Plan of Development included in Appendix 1.
- b. Fences to the Tom and Miskin Street frontages of the site must not exceed 1.2 metres in height.

Details of the above amendment/s must be indicated on plans submitted at the time of application for a Development Permit for Building Work and endorsed by Council’s Delegated Officer prior to the issue of a Development Permit for Building Work.

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.

Engineering Certification

5. A Registered Professional Engineer of Queensland shall certify engineering drawings and specifications for all engineering works, which shall be submitted in conjunction with an application for Development Permits for Building Works and/or Operational Works.

Vehicle Parking

6. *There is one of two ways to achieve Condition 6, either 6(a) or 6(b).*

6(a) The amount of vehicle parking provided must be as specified in the Development Application provided to Council, which is a minimum of nominally thirty-nine (39) spaces. In order to provide thirty-nine (39) spaces on-site, the applicant/owner will be required to provide an amended Plan of Development to the satisfaction of Council’s Delegated Officer demonstrating that the number vehicle parking spaces can be accommodated on the site. To achieve car parking numbers that comply with the Planning Scheme, the number of Units located on the site will be likely to be required to be reduced.

OR

6(b) The amount of vehicle parking provided must be as specified in the Development Application provided to Council, which is a minimum of six (6) spaces; and

The development must be provided with a permanent shuttle transport service. It is specified that the shuttle transport service must be provided by:

- i) the applicant/owner/manager of the Accommodation Units; or
- ii) by a third party.

Details of the permanent shuttle transport service are required to be endorsed by Council’s Delegated Officer prior to the Commencement of Use.

Amendments to the arrangement for the permanent shuttle transport service are required to be endorsed by Council’s Delegated Officer prior to change.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

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Vehicle Parking (cont’d)

7. The parking layout must comply with Australian Standard AS2890.1 2004 Parking Facilities – Off Street Car Parking and the Torres Shire Planning Scheme.

Vehicle Parking Construction

8. The parking 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.

Protection of Landscaped Areas from Parking

9. Landscaped areas adjoining the parking area must be protected from vehicular encroachment by a 150mm high vertical concrete kerb or similar obstruction, which must be approved by Council’s Delegated Officer prior to the issue of a Development Permit for Building Work.

Bicycle Parking

10. The applicant/owner must provide secured, on-site bicycle parking in accordance with Table 10-1 of *Austroads Guide to Traffic Engineering Practice Part 14 – Bicycles*. Based on the provisions of Table 10-1, the minimum number of bicycle spaces required for this development is four (4) space/s.

Environmental

11. The applicant/owner shall be responsible for the extirpation and destruction of any noxious weed or plants existing on the land the subject of the Development Permit.

Water Supply and Sewerage Works

12. 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 approval and dating of the Plan of Survey.

13. The approved Accommodation Buildings and Caretaker’s Residence 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 approval and dating of the Plan of Survey.

14. The approved Accommodation Buildings and Caretaker’s Residence 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 approval and dating of the Plan of Survey.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

IDAS 10/03: Material Change of Use – Accommodation Building (30xStudio Accommodation Units) and Caretaker’s Residence (2 bedrooms) 1 Tom Street, Horn Island being Lot 1 on RP 846845, Parish of Port Kennedy Applicant: Jon Mansfield (cont’d)

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.

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.

Stormwater

18. 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 subject site or downstream of the subject site.

19. Any stormwater leaving the site shall be discharged to the satisfaction of Council’s Delegated Officer. Stormwater from the site shall not cause nuisance to any adjoining properties.

20. All stormwater drainage shall be collected on-site and discharged to the lawful point of discharge. Plans of the drainage design shall be prepared by a Registered Professional Civil Engineer and approved by Council’s Delegated Officer. A Development Permit for Building Works shall not be granted until a Development Permit for Operational Works has been issued in regard to the drainage scheme.

21. All surface water from the driveway and vehicle parking area is to be collected by drains and discharged via underground pipes to 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

22. 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.

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.

External Works

23. The applicant/owner must at their own cost undertake the following works external to the subject land:

- a. Construct bitumen carriageway to the Miskin Street frontage extending from the intersection of Miskin Street and Tom Street for the full Miskin Street frontage of the site.
- b. Excavate swale drains to the Miskin Street and Tom Street frontages; and

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

IDAS 10/03: Material Change of Use – Accommodation Building (30xStudio Accommodation Units) and Caretaker’s Residence (2 bedrooms) 1 Tom Street, Horn Island being Lot 1 on RP 846845, Parish of Port Kennedy Applicant: Jon Mansfield (cont’d)

External Works (cont’d)

c. Provision of a crossing of the drainage swale for both driveways in accordance with FNQROC Development Manual Standard Drawing S1105 Revision C or an alternative as required by Council’s Delegated Officer.

The external works outlined above require approval from Council. A plan of the works must be endorsed by Councils Delegated Officer prior to Commencement of Works. Such work must be constructed in accordance with the endorsed plan prior to approval and dating of the Plan of Survey.

Landscaping Plan

24. The applicant/owner must provide a plan detailing the proposed landscaping for endorsement by Council’s Delegated Officer prior to the issue of a Development Permit for Building Works.

The landscaping plan must detail:

- a. Location of plantings for the site;
- b. Types of species to be used; and
- c. Provide for landscaping in the vicinity of South Pacific Store to provide a visual and noise attenuation buffer.

All landscaping works must be provided in accordance with the approved plan prior to the Commencement of Use.

Electricity

25. 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.

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

Telecommunications

26. 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.

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

Lawful Point of Discharge

27. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of Council’s Delegated Officer.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

IDAS 10/03: Material Change of Use – Accommodation Building (30xStudio Accommodation Units) and Caretaker’s Residence (2 bedrooms) 1 Tom Street, Horn Island being Lot 1 on RP 846845, Parish of Port Kennedy Applicant: Jon Mansfield (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*.

Fences

29. All fences are to be placed on the correct alignment to the satisfaction of Council’s Delegated Officer.

30. The applicant/owner must provide a 1.8 metre high screen fence to the side and rear boundaries of the subject site. Details of the screen fence must be submitted to and be endorsed by the Council’s Delegated Officer prior to the issue of a Development Permit for Building Work. The fence must be installed prior to the Commencement of Use.

Street Numbering

31. Street numbering is to be provided at the front of the property prior to the Commencement of Use.

Refuse Storage

32. The applicant/owner must provide a refuse bin enclosure in suitably screened, imperviously paved area large enough for storage of refuse containers. The refuse bin enclosure must be roofed, bunded and fitted with a bucket trap. An external cold-water tap is to be provided for the facility.

Water Saving

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

34. The development shall have all kitchen, laundry and bathroom fittings that 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 tapware and shower roses shall not exceed a maximum flow of 9 litres of water per minute. Dishwashers and washing machines are excluded from this requirement.

Water Supply and Sewerage Contributions

35. The applicant/owner must contribute in accordance with Council’s Water Supply and Sewerage Works and Contributions Policy provided for as per Section 847 of the *Sustainable Planning Act 2009* towards the provision of water supply and sewerage headworks.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total headworks contributions are \$109,518.50 (14.5 Equivalent Tenements ETs) for water, and \$116,000.00 (14.5 Equivalent Tenements ETs) for sewerage.

Payment is required prior to the Commencement of Use.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

IDAS 10/03: Material Change of Use – Accommodation Building (30xStudio Accommodation Units) and Caretaker’s Residence (2 bedrooms) 1 Tom Street, Horn Island being Lot 1 on RP 846845, Parish of Port Kennedy Applicant: Jon Mansfield (cont’d)

Costs

36. 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.

37. 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.

Advertising

36. Any advertising on the site must comply with the requirements of the Advertising Code in the Torres Shire Planning Scheme 2007. Details of advertising must be endorsed by Council’s Delegated Officer prior to installation.

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 Development Permits must be obtained:

- a. Development Permit for Operational Works
- b. Development Permit for Building Works
- c. Development 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. 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.

6. Pursuant to the *Building and Construction Industry (Portable Long Service Leave) Act 1991*, if the cost of Operational Works exceeds \$80,000, then a portable long service levy is required to be paid. In accordance with Section 77 (1) of the Act, Council is required to sight the approved form issued by the Building and Construction Industry (Portable Long Service Leave) Authority that confirms that the requirements of the Act have been satisfied.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

IDAS 10/03: Material Change of Use – Accommodation Building (30xStudio Accommodation Units) and Caretaker’s Residence (2 bedrooms) 1 Tom Street, Horn Island being Lot 1 on RP 846845, Parish of Port Kennedy Applicant: Jon Mansfield (cont’d)

ADVICE (cont’d)

7. 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 spot fines apply for such offences.

8. 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.

9. For information relating to the Sustainable Planning Act 2009 log on to www.dip.qld.gov.au/spa ”

Carried

5. GENERAL BUSINESS

Cr. Ketchell

- Bus Service for TI
Mayor commented Council would support any private business in introducing this service and Council will raise this issue with Department of Transport in subsidising a bus service.

Cr. Shibasaki

- Development of Bayo Beach – dark spot requires lighting and tidy-up
- Island Rooster – queried footpath use of chairs & tables

Cr. Bin Tahal

- Horn Island Water Supply – brown water
A/DES responded to concerns raised.

Mayor Stephen

- Rocks need tidying up along waterfront beautification area
A/DES is aware of this matter & will follow up.
- Horn Island Quarry
Mayor tabled a letter received today (dated 17 May) from Horn Island Aboriginal Corporation and Council supports in principle the initiatives raised therein. Council will explore options and report back to the next Council meeting.

DATE OF NEXT MEETING: 15 June 2010

CLOSURE: The meeting closed with a prayer by Cr. Shibasaki at 2.32pm

Confirmed this 15th day of June 2010



Mayor