

**MINUTES OF THE ORDINARY MEETING OF THE TORRES SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS ON TUESDAY, 15 JUNE 2010**

PRESENT Mayor P. Stephen (Chair), Cr. B. Shibasaki, Cr. A. Ketchell, Cr. J. Abednego, Mr B. McCarthy, (Chief Executive Officer), Mrs D. Yorkston (Director Corporate Services), Mr F. Darke (Director Planning & Environmental Services), Mr N. Kvassay (Acting/Director Engineering Services) Mr K. Yorkston (Works Engineer Cadet) and Mrs N. Ward Page (Minute Secretary)

The meeting opened with a prayer by Mayor Stephen at 9.40am

Acknowledgement:

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

APOLOGY: An apology was received from Cr. Bin Tahal for non attendance and Cr. Bill Shibasaki is delayed and will arrive late.

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

Mr Joe Ahmat and Mrs Kathy Shibasaki

DISCLOSURES OF INTEREST UNDER THE LOCAL GOVERNMENT ACT: Nil

CONFIRMATION OF MINUTES

Min. 10/06/1 Moved Cr. Abednego, Seconded Cr. Ketchell
"That Council receive the Minutes of the Ordinary Meeting of 18 May 2010 and confirm as a true and correct record of the proceedings."

Carried

BUSINESS ARISING FROM PREVIOUS MINUTES Nil

MAYOR'S REPORT

Torres Strait Regional Sea Claim High Court Decision

The Federal High Court will hand its decision down on the Torres Strait Islands Sea Claim in Cairns on 1st July 2010. The State Government has represented the Torres Shire's interests since the commencement of the Claim. I have already circulated this notice to seek each Councillor's comments and interests in the hearing. Due to the ongoing complexity and sensitivity of Native Title matters throughout our region it is in Council's interests that Torres Shire Council is represented at the Hearing in Cairns.

Min. 10/06/2 Moved Mayor Stephen, Seconded Cr. Ketchell
"That Council endorse the attendance of Mayor Stephen & Councillor Abednego at the hearing of the Torres Strait Sea Claim on 1 July 2010 when the decision is handed down by the Federal High Court."

Carried

Canoe Launch – Sager Ayawal Manin

On Friday 21st May 2010 I attended the official launch of the Traditional Canoe at the Tagai Secondary Campus. The canoe will be incorporated in the school's marine studies and enable students practical experience in sailing and maintaining this traditional craft. The school also recognized the canoe significance in promoting local tourism as a practical show piece for visitors to our island. The chair of Torres Strait Islander Educational Council (TSIREC), Mr. Ned David has requested Torres Shire Council's support in exploring an appropriate site for a long term mooring and storage for the canoe.

MAYOR'S REPORT (cont'd)

Canoe Launch – Sager Ayawal Manin (cont'd)

Min. 10/06/3

Moved Cr, Abednego, Seconded Cr. Ketchell

“That Council agree, in principle, to explore in partnership with Tagai College an appropriate mooring and storage site for the traditional canoe.”

Carried

National Tour – National Congress of Australia First Peoples

Mr. Ned David, Member of the Congress has requested Council along with Torres Strait Regional Authority (TSRA) and Torres Strait Island Regional Council (TSIRC) to co-host the Congress first Community Consultation meeting on Thursday Island on Friday 23rd July 2010. The aim of the meeting is to provide quality information on the overall function of the Congress and prospective members regarding the process of membership through the three chambers. Torres Strait Islanders on the Congress are Dr. Kerry Arabena, Mr. Ned David and Ms. Josephine Bourne.

Min. 10/06/4

Moved Cr, Ketchell, Seconded Cr. Abednego

“That Council support the proposal with TSRA & TSIRC to co-host the Congress’s Community Forum being held on Thursday Island on Friday, 23 July 2010.”

Carried

Attendance:

Cr. Shibasaki arrived at the meeting at 10.05am and Mayor Stephen acknowledged his presence and extended deepest sympathy on behalf of himself, Councillors and constituents of the Torres Shire on the passing of his sister-in-law, Mrs Kathy Shibasaki.

Torres Shire – Bank Holidays

The Council has annually endorsed two bank holidays in recognition of their regional significance; June 3–Mabo Day and July 1–Coming of the Light. These two days are also recognized through various celebrations regionally and nationally. Many of our dancers and performers celebrate abroad and greater emphasis need to focus to encourage our local artists to participate locally.

Min. 10/06/5

Moved Mayor Stephen, Seconded Cr. Ketchell

“That Council support local celebrations and planning through its Event’s Committee – Torres Shire Indigenous Advisory Committee and seek support from other local organizations to quarantine resources and funding to support local celebrations as priority over other celebrations outside the Shire.”

Carried

Sister City Visitation

Several attempts have been made to confirm Council’s proposed visitation dates with Japan’s Kushimoto City Council to no avail. It is important that Council makes its final decision as to whether this year’s trip to Japan in August will go ahead or not.

Min. 10/06/6

Moved Cr, Abednego, Seconded Cr. Shibasaki

“That Council postpone visiting Kushimoto until April 2011 and advise our proposed Sistership City accordingly.”

Carried

Queensland Education 'Flying Start' Initiative

I attended the community forum held on Thursday Island 24th May 2010. There are three major educational objectives proposed in this proposal – Getting Ready for School, Getting Ready for High School and Boosting High Performance for all schools. This community was particularly concerned with the last objective - moving Year 7 to secondary school in 2014. The Torres Strait Regional Education Council (TSIREC) made strong recommendations in their submission not to support this initiative unless significant resources funding and infrastructure development funding are committed to sustain these initiatives. The development of Tagai College is in its infancy stage and is struggling to address major resource shortfall and infrastructure development across the region.

Min. 10/06/7 **Moved Cr. Shibasaki, Seconded Cr. Abednego**
“That Council support Torres Strait Regional Education Council’s (TSIREC) submission which does not support the Queensland Education ‘Flying Start’ Initiative unless significant resources and infrastructure development funding are committed to sustain the current Tagai Educational infrastructures.”

Carried

Min. 10/06/8 **Moved Cr. Ketchell, Seconded Cr. Abednego**
“That the Mayor’s Report be received”

Carried

Attendance: The Mayor presented Certificates III in Civil Construction to Keith Yorkston (Works Engineer Cadet), Gerry Nakata (Overseer) and Julius Tabua (Quarry Manager) and in their absence also extended congratulations on their success to Edgar Daniels (Supervisor) and Gabriel Peters (Ganger).

Adjournment: The meeting adjourned for Morning Tea at 10.25am. and the Mayor invited the Certificate III Graduates to join himself, Councillors and Executive Staff for morning tea.

1. CHIEF EXECUTIVE OFFICER

REPORT

LGAQ 114th Annual Conference 24 – 27 August 2010 Mackay Convention & Exhibition Centre (File 1-39-7)

Min. 10/06/9 **Moved Mayor Stephen, Seconded Cr. Shibasaki**
“That Council nominate Mayor Stephen, Crs. Ketchell, Bin Tahal, Shibasaki & Abednego and the Chief Executive Officer to attend the 2010 114th LGAQ Annual Conference being held in Mackay on 24-27 August 2010 as delegates and observers.”

Carried

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

Min. 10/06/10 **Moved Cr. Ketchell, Seconded Mayor Stephen**
“That Council:

- Adopt the Torres Shire Local Disaster Management Plan
- Consider the Consultant’s additional recommendations as follows:
 - Establish Operational Planning Groups.
 - Work through the risk management process as outlined in the Local Disaster Management Plan.
 - Investigate an opt-in mobile telephone community alert system.
 - Develop and maintain a register of contacts (including key holders of identified evacuation centres).

1. CHIEF EXECUTIVE OFFICER

REPORT

Torres Shire Local Disaster Management Plan (File 1- 49-13) (cont'd)

- Develop and maintain SMS notification list of LDMG members.
- Develop base information as per the Operational Checklist in the Operational Plan: Evacuation - General Planning Considerations.
- Investigate premises for use as short term evacuation centres.
- Develop and maintain a register of transport resources.
- Investigate a locality-based community reporting system, similar to Neighbourhood Watch.
- Develop pre-formatted public notices and media releases.
- Liaise with Telstra to ensure that the TSC telephone and computer networks are included as a priority reconnection.
- Investigate the relocation of the TSC radio repeater from Green Hill to Millman Hill to provide extra coverage and added security.
- Liaise with EMQ to provide training in and an exercise of the disaster coordination centre functions.
- Receive and confirm the Minutes of Torres Shire LDMG meeting of 27 May 2010 which will include the recommendations from the Consultants, R C M Disaster Management Services.”

Carried

Position - Director Engineering Services (1-606-7)

Min. 10/06/11

Moved Cr. Shibasaki, Seconded Ketchell

“That Council approve the appointment of Mr Gus Yates to the position of Director Engineering Services for a period of 3 years commencing 19 July 2010.”

Carried

MIP Review Consultation (File 1-358-201)

MIP Review consultants (Greg Allard & Adrian Colley of GnL) will be visiting the Torres Strait between Wednesday 16th and Friday 18th June 2010 to consult with relevant MIP stakeholders.

Possible MIP items may include the following suggested projects:

- POW water supply and possibly reticulation
- HI Streets construction , sealing and drainage & kerb and channel
- TI Storm Water drainage replacement
- Waste and recycling facilities – TI, HI, POW
- Walking & bicycle tracks HI, TI,
- New toilet block and facilities, TI, HI, POW
- Cleanup and landscaping, Cook Esplanade, TI
- HI Airport – facilities, runway extension & final surfacing and improvements
- Roof replacement, TI sports complex
- Affordable housing subdivision works, HI
- Possible sewerage and power, POW
- Marine landing completion, POW
- Community gardens, hydroponic vegetable growing project
- Sports oval, HI
- Asset Management Plans, Shire
- Other

The Mayor apologised for the non-attendance of Councillors & himself as they will be attending a funeral.

1. CHIEF EXECUTIVE OFFICER

REPORT

Acknowledgement:

The Mayor acknowledged the CEO & Executives for their detailed submission to the TSRA for the shortfall of \$2.7million required for the Horn Island Airport Runway Project and acknowledged Cr. Bin Tahal's advocacy for securing this funding.

2010 Bank & Torres Strait Multicultural Show Holidays (File 1-8-1)

Min. 10/06/12 Moved Cr. Abednego, Seconded Cr. Ketchell

"That the gazetted Torres Shire holidays for Thursday, 1 July 2010 - *Coming of Light Celebration*, and Friday, 17 September 2010 - *Torres Strait Cultural Festival* be again published in local media outlets."

Carried

Special Budget Meeting (File 1-357-211)

Min. 10/06/13 Moved Mayor Stephen, Seconded Cr. Ketchell

"That Council hold its Special Budget Meeting on Friday, 25 June 2010 commencing at 10am and all Councillors will attend except for Cr. Abednego who gives his apology"

Carried

LATE ITEM

Meeting with Kaurareg Native Title Aboriginal Corporation (File 1-65-10)

The CEO tabled the Minutes of the Meeting between Kaurareg Aboriginal Nation and TSC representatives held on Thursday, 6 May 2010 and referred to in Council's May Meeting.

Departure: Cr. Shibasaki departed the meeting at 11.25a.m.

2. CORPORATE SERVICES

REPORT

Indigenous Advisory Committee (File 1-17-9)

Min. 10/06/14 Moved Cr. Ketchell, Seconded Cr. Abednego

"That Council approve and receive the Minutes of the 2nd Indigenous Advisory Committee meeting held on 20th May 2010."

Carried

Tourism Steering Committee (File 1-078-011)

Min. 10/06/15 Moved Mayor Stephen, Seconded Cr. Abednego

"That Council approve and receive the Minutes of the Tourism Steering Committee meeting held on 26th May 2010."

Carried

Department of Infrastructure and Planning (File 1-355-23)

Min. 10/06/16 Moved Cr. Ketchell, Seconded Cr. Abednego

"That Council note the approval of the borrowing of \$1 million from Queensland Treasury Corporation for the Airport Runway Project for 2009-10."

Carried

2. CORPORATE SERVICES

REPORT

Torres Shire Council IT System Review (File 1-095-100)

Min. 10/06/17 Moved Cr. Abednego, Seconded Mayor Stephen

“That Council receive the Torres Shire Council IT System Review Report of 31 May 2010 presented by Civica Pty Ltd.”

Carried

3. ENGINEERING SERVICES

REPORT

Introduction by Nick Kvassay, Acting Director of Engineering Services

Comment: *The Mayor responded with appreciation to Nick and Mrs Kvassay on behalf of Council for assisting Council in the Engineering Section until the permanent appointment of the Director Engineering Services on 19 July 2010.*

Victoria Parade Q.150 Beautification Project (File 2-52-4)

Dig-it Landscapes have almost completed the landscaping portion of the beautification and will conduct a clean up and repair any minor defects.

Comment: *Mayor Stephen requests that the stability of rocks along the foreshore be inspected for safety reasons and the road marking on the corner of Normanby St & Victoria Parade be made more definite.*

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

Aluminum Can Recycling Project (File 3-007-008)

The final date for lodging entries is 22 June 2010.

Comment: *Mayor Stephen suggested that the schools competition for design of a sign and slogan for the aluminium can recycling project could be extended to the general public if there was not much interest from the schools.*

IDAS 10/04 Material Change of Use – Dual Occupancy (2 x 4 Bedroom dwelling units). 8 Chester Street, Thursday Island, being Lot 2 on RP716173, Parish of Port Kennedy (File IDAS 10/04)

Council is in receipt of a Development Application for a Material Change of Use to facilitate a Dual Occupancy (2 x 4 Bedroom Dwelling Units), on land located at 8 Chester Street, Thursday Island, more particularly described as Lot 2 on RP716173, Parish of Port Kennedy. The site has an area of 1,012m² and is currently vacant.

Min. 10/06/18 Moved Cr. Abednego, Seconded Ketchell

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*.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

IDAS 10/04 Material Change of Use – Dual Occupancy (2 x 4 Bedroom dwelling units). 8 Chester Street, Thursday Island, being Lot 2 on RP716173, Parish of Port Kennedy (File IDAS 10/04) (cont'd)

B. That Council approve the development application for a Material Change of Use – Dual Occupancy (2 x 4 Bedroom Dwelling Units) over land described as Lot 2 on RP716173, Parish of Port Kennedy located at 8 Chester Street, Thursday Island, subject to the following conditions:

Assessment Manager Conditions

1. The proposed Plans of Development, as noted below and prepared by Matt Birney (Aeroglen Cairns) 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	B10003 B02	12 February 2010
Lower Floor Plan	B10003 B03	12 February 2010
Upper Floor Plan	B10003 B04	12 February 2010
Elevations	B10003 B05	12 February 2010

Built Form and Amenity

3. 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

4. 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

5. The amount of vehicle parking provided must be as specified in Council's Planning Scheme, which is a minimum of two (2) spaces.
The parking layout must comply with Australian Standard AS2890.1 2004 Parking Facilities – Off Street Car Parking and the Torres Shire Planning Scheme.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

IDAS 10/04 Material Change of Use – Dual Occupancy (2 x 4 Bedroom dwelling units). 8 Chester Street, Thursday Island, being Lot 2 on RP716173, Parish of Port Kennedy (File IDAS 10/04) (cont'd)

Vehicle Parking Construction

6. 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.

Environmental

7. 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

8. 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 Commencement of Use or approval and dating of the Building Format Plan of Survey, whichever occurs first.

9. The approved lots 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 Commencement of Use or approval and dating of the Building Format Plan of Survey, whichever occurs first

10. The approved lots 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 Commencement of Use or approval and dating of the Building Format Plan of Survey, whichever occurs first

Public Utilities

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

12. 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.

13. 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.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

IDAS 10/04 Material Change of Use – Dual Occupancy (2 x 4 Bedroom dwelling units). 8 Chester Street, Thursday Island, being Lot 2 on RP716173, Parish of Port Kennedy (File IDAS 10/04) (cont'd)

Stormwater

14. 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~~ *on the* subject site or downstream of the subject site.

15. 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.

16. 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.

17. All surface water from the driveway 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.

Earthworks

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

Erosion and Sediment Control

19. 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

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

- a. Provision of a concrete crossover and apron; and
- b. Construct kerb and channel to Chester Street.

The external works outlined above require approval from Council. A plan of the works must be endorsed by Council's Delegated Officer prior to Commencement of Works. Such work must be constructed in accordance with the endorsed plan prior to Commencement of Use or approval and dating of the Building Format Plan of Survey, whichever occurs first.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

IDAS 10/04 Material Change of Use – Dual Occupancy (2 x 4 Bedroom dwelling units). 8 Chester Street, Thursday Island, being Lot 2 on RP716173, Parish of Port Kennedy (File IDAS 10/04) (cont'd)

Landscaping Plan

21. 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 provide the following:

- a. 3 metre wide landscaped strip to the Chester Street frontage;
- b. Appropriate landscaping of setback areas; and
- c. Appropriate landscaping of the communal landscaped open space area located at the rear of the site.

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

Electricity

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

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

Evidence is to be provided prior to Commencement of Use or approval and dating of the Building Format Plan of Survey, whichever occurs first

Telecommunications

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

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

Evidence is to be provided prior to Commencement of Use or approval and dating of the Building Format Plan of Survey, whichever occurs first

Lawful Point of Discharge

24. 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.

Fences

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

26. The applicant/owner must provide a 1.8 metre high fence along the side and rear boundaries of the site. Fencing is to be provided to the satisfaction of Council's Delegated Officer prior to Commencement of Use.

Street Numbering

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

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

IDAS 10/04 Material Change of Use – Dual Occupancy (2 x 4 Bedroom dwelling units). 8 Chester Street, Thursday Island, being Lot 2 on RP716173, Parish of Port Kennedy (File IDAS 10/04) (cont'd)

Water Saving

28. 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.

29. 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

30. 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 \$10,662.00 (1.0 Equivalent Tenements ETs) for water, and \$8,000.00 (1.0 Equivalent Tenements ETs) for sewerage.

Payment is required prior to Commencement of Use or approval and dating of the Building Format Plan of Survey, whichever occurs first

Costs

31. 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 Commencement of Use or approval and dating of the Building Format Plan of Survey, whichever occurs first, unless otherwise specified by conditions of this approval or by a resolution of Council.

32. 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 Commencement of Use or approval and dating of the Building Format Plan of Survey, whichever occurs first

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*.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

IDAS 10/04 Material Change of Use – Dual Occupancy (2 x 4 Bedroom dwelling units). 8 Chester Street, Thursday Island, being Lot 2 on RP716173, Parish of Port Kennedy (File IDAS 10/04) (cont'd)

Advice (cont'd)

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.
 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.
 10. Should the applicant/owner wish to complete a building format plan subdivision (*strata titling*) of the building, fire separation will need to be addressed at the time of lodgement of the Plan of Survey creating the separate titles for the dwelling units.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

IDAS 10/05 Material Change of Use – Multiple Dwelling Units (5 x 3 Bedroom units). 51 John Street, Thursday Island, being Lot 2 on RP718647, Parish of Port Kennedy (File IDAS 10/05)

Council is in receipt of a Development Application for a Material Change of Use to facilitate Multiple Dwellings (5 x 3 Bedroom Units), on land located at 51 John Street, Thursday Island, more particularly described as Lot 2 on RP718647, Parish of Port Kennedy. The site has an area of 1,195m² and currently contains a dwelling house.

Community Consultation

The development was publicly notified between Wednesday 17 May, 2010 and Monday 7 June, 2010. There was 1 submission received during the public notification period.

Submission

A submission was received by Council on 28 May, 2010, stating the following:

It is proposed that should this permit be approved, certain conditions be applied requiring appropriate noise mitigation elements, ie double glazing, additional sound proofing, and similar features.

The comments are made with the purpose of protecting the rights of the Royal Hotel so it may continue to trade as a hospitality destination including the night club activities, and enhancing the future of the units' residents.

Response

The point of the submission is noted. Conditions are included in the Recommendation to Council requiring noise mitigation measures be provided to ensure amenity issues do not arise from existing activities undertaken at the Royal Hotel.

Min. 10/06/19 Moved Mayor Stephen, Seconded Cr. Ketchell

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 – Multiple Dwelling Units (5 x 3 Bedroom Units) over land described as Lot 2 on RP718647, Parish of Port Kennedy located at 51 John Street, Thursday Island, subject to the following conditions:

Assessment Manager Conditions

1. The proposed Plans of Development, as noted below and prepared by PDR Engineers are approved subject to any alterations. The applicant/owner must at all times during development of the land carry out the development and construction of any building thereon and conduct the approved uses(s) generally in accordance with:

- a. The plans, specifications, facts and circumstances as set out in the application submitted to Council;
- b. To ensure that the development complies in all respects with the following conditions of approval and the requirements of Council's Planning Scheme; and
- c. 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.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

**IDAS 10/05 Material Change of Use – Multiple Dwelling Units (5 x 3 Bedroom units).
51 John Street, Thursday Island, being Lot 2 on RP718647, Parish of Port Kennedy
(File IDAS 10/05) (cont'd)**

Approved Plans

2. The approved Plans of Development are as follows:

Plan Description	Reference	Date
Site Plan	1005-A01 Revision B	January 2010
Elevations	1005-A02 Revision B	January 2010
Ground Floor Layout Plan	1005-A03 Revision B	January 2010
First Floor Layout Plan	1005-A04 Revision B	January 2010
3D Model – Southeast	1005-A05 Revision A	April 2010
3D Model – Northeast	1005-A06 Revision A	April 2010

Amendment to Design

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

- a. Provision of double glazed glass in windows facing to the east and south to ensure impacts of noise from the Royal Hotel is minimised, OR
- b. The applicant/owner must provide an acoustic report prepared by a suitably qualified acoustics consultant to make recommendations as to the necessary acoustic treatment to the development adjacent to the Royal Hotel. The report is required to ensure that noise levels within the units do not exceed 5 dB(A) above the background noise level at any time. Plans lodged as part an application for a Development Permit for Building Work must include the recommendations of the acoustic report (if any).

Amendment to Design (cont'd)

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.

Engineering Certification

4. 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

5. The amount of vehicle parking provided must be as specified in Council's Planning Scheme, which is a minimum of seven (7) spaces.

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

6. 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.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

**IDAS 10/05 Material Change of Use – Multiple Dwelling Units (5 x 3 Bedroom units).
51 John Street, Thursday Island, being Lot 2 on RP718647, Parish of Port Kennedy
(File IDAS 10/05) (cont'd)**

Protection of Landscaped Areas from Parking

7. 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.

Environmental

8. 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

9. The applicant/owner must carry out water supply and sewerage works to connect the proposed development to Council's existing water supply and sewerage headworks at a point determined by Council's Delegated Officer.

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

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of Council's Delegated Officer, prior to the Commencement of Use or approval and dating of the Building Format Plan of Survey, whichever occurs first.

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

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

Public Utilities

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

13. 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.

14. 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

15. 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.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

4.5 IDAS 10/05 Material Change of Use – Multiple Dwelling Units (5 x 3 Bedroom units). 51 John Street, Thursday Island, being Lot 2 on RP718647, Parish of Port Kennedy (File IDAS 10/05) (cont'd)

16. 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.

17. 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.

18. 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.

Earthworks

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

Erosion and Sediment Control

20. 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

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

- a Provision of a concrete crossover and apron; and
- b Construct kerb and channel to John Street frontage of the site.

The external works outlined above require approval from Council. A plan of the works must be endorsed by Council's 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.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

4.5 IDAS 10/05 Material Change of Use – Multiple Dwelling Units (5 x 3 Bedroom units). 51 John Street, Thursday Island, being Lot 2 on RP718647, Parish of Port Kennedy (File IDAS 10/05) (cont'd)

Landscaping Plan

22. 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 provide the following:

- a. 3 metre wide landscaped strip to the John Street frontage;
- b. Appropriate landscaping of setback areas; and
- c. Appropriate landscaping of the communal landscaped open space area located at the rear of the site.

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

Electricity

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

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

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

Telecommunications

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

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

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

Lawful Point of Discharge

25. 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.

Noise and Lighting

26. 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*.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

4.5 IDAS 10/05 Material Change of Use – Multiple Dwelling Units (5 x 3 Bedroom units). 51 John Street, Thursday Island, being Lot 2 on RP718647, Parish of Port Kennedy (File IDAS 10/05) (cont'd)

Fences

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

28. The applicant/owner must provide a 1.8 metre high fence along the side and rear boundaries of the site. Fencing in the vicinity of the car port along the eastern side boundary must be provided with no gap to reduce noise impacts on the neighbouring allotment. Fencing is to be provided to the satisfaction of Council's Delegated Officer prior to the Commencement of Use.

Street Numbering

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

Refuse Storage

30. The applicant/owner must provide a refuse bin enclosure in suitably screened, imperviously paved area large enough for storage of refuse and recycling 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

31. 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.

32. 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

33. 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 \$29,320.50 (2.75 Equivalent Tenements ETs) for water, and \$22,000.00 (2.75 Equivalent Tenements ETs) for sewerage.

Payment is required prior to approval and dating of the Plan of Survey.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

4.5 **IDAS 10/05 Material Change of Use – Multiple Dwelling Units (5 x 3 Bedroom units). 51 John Street, Thursday Island, being Lot 2 on RP718647, Parish of Port Kennedy (File IDAS 10/05) (cont'd)**

Costs

34. 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.

35. 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 approval and dating of the Plan of Survey.

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.

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.

4. PLANNING AND ENVIRONMENTAL SERVICES

REPORT

4.5 IDAS 10/05 Material Change of Use – Multiple Dwelling Units (5 x 3 Bedroom units). 51 John Street, Thursday Island, being Lot 2 on RP718647, Parish of Port Kennedy (File IDAS 10/05) (cont'd)

Advice (cont'd)

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

Community Garden Proposal – Frog Gully (File 5-001-005)

Min. 10/06/20 Moved Cr. Abednego, Seconded Cr. Ketchell

“That 1. Council approve in principle, the use of the land described as Lot 152 on CP 882790 on the south-west corner of Loban Rd and Waiben Esplanade for a community garden, subject to a third party lease being obtained;

2. that Council approve, in principle, the use of Council equipment in establishing the project and the use of dam water for irrigation subject to a business plan for the project being submitted, and

3. that Council engage other stakeholders in this project, including the schools.”

Carried

5 LATE CORRESPONDENCE/REPORTS

Report from Director Corporate Services

Youth Centre Feasibility Study (File 5-043-015)

Comment *DCS reported that information is still awaited and this item will be presented at the next Council's meeting.*

GENERAL BUSINESS

Cr. Abednego

1. Letter received regarding the naming of Sailor/Bowie Crescent
CEO advised the correspondence is received and Council's naming policy will apply.

**Min. 10/06/21 Naming of Roads - Sailor/Bowie Crescent, Suburb of Rosehill, Thursday Island
Moved Cr. Shibasaki, Seconded Cr. Ketchell**

“That Council advertise the naming of the newly completed Crescent, which is commonly referred to as Sailor/Bowie Crescent, in keeping with Council's Naming Policy.”

Carried

GENERAL BUSINESS

Cr. Abednego (cont'd)

- 2 Road line marking should be made more legible at the corner of Victoria Parade & Normanby Street.
DES to remedy situation.

Mayor Stephen

- 1 Skills 360 Australia
- 2 Construction Skills Queensland
- 3 Recovery Training costs for DCS
- 4 Queensland's Green Army
Noted
- 5 Video 2000 complained of the state of the bitumen in front to his business resulting in footprint stains appearing on the floor in his shop.
DES to follow up.
- 6 Attended Consultant Committee of JCU who are seeking to purchase land for use to build much needed student accommodation.
DPES to follow up.
- 7 PKA will hold another Cultural Village Workshop on 27 June and requires land status availability of the area off Stephen Street, land at the base of Milman Hill and the land near the Torres Strait Church at Quarantine.
DPES to follow up.
- 8 Constituent complaint of unauthorised building activity at R& D Laifoo's property in Douglas Street and the unfinished footpath overhang on the shop building.
DPES to follow up.
- 9 Council requires to investigate the use of the area on the corner of Chester & Jardine Streets (Leigh Milbourne Constructions) being used as industrial in a residential zone.
DPES to follow up.
- 10 Council to investigate the present use of the fenced area on Douglas Street (Pearl Street end opposite Boggo Pilot Hostel) erected & used by Rob Clarke Builder.
DPES to follow up.

Departure: Cr. Ketchell departed the meeting at 12.50pm.

Cr. Shibasaki

- 1 Requested all Council's grass cuttings be stored in one area for mulching use on the planned community garden.
DES to consider.
- 2 Check tree seedling planted on corner of Normanby St & Victoria Parade being an obstruction to traffic in its growth & size.
DES will inspect.
- 3 Unauthorised use of two containers in Hargrave Street near Milman Street corner need to be investigated by Council.
DPES will investigate.
- 4 Repairs required to drain in front of 21 Hargrave Street.
DES will inspect.

GENERAL BUSINESS (cont'd)

Cr. Bin Tahal

- 1 Have we resolved land issue between Theo Petrou and Roy Pearse on POW ? Have all involved been advised of outcome?
CEO advises no decision made and further advice is required from DPES & DES.
- 2 Nurapai Sports Complex (NSC)
 - How does external security lighting work? Sometimes it comes on and sometimes it doesn't.
 - Does the PA system work and can R&R use it for Markets?
 - How are we going with securing funds for fulltime/part time manager / cleaner? The cleaning is not up to standard and we cannot keep expecting staff to do everything in the 3 hours we pay them for.
 - Rules of use of the NSC should be made clear to staff as well as general public so that no one is given mis-information. This would avoid having irate community people approaching me directly.*DPES to follow up four above issues.*
- 3 Horn Island Childcare ownership still under dark clouds, I believe that a letter will be coming to Council soon regarding some questions. Some of the questions include; who is paying rates/water?
CEO & DCS to follow up.
- 4 Funding for footpath on Horn Island, how much have we secured and can we have it widened for two way pedestrian passing? Location on Airport road has been measured by Ben, is it suitable?
DES to follow up.
- 5 When will the plaque be put up on the playground, regarding the HI Women's Support Assoc donation?
DPES to follow up.
- 6 Joseph Tomasana is currently accessing his back yard through the Hall gates, for kupmari preparations for upcoming tombstone openings. He will put back dividing fence when finished.
DPES to check fence is reinstated correctly.
- 7 Have we any funding to fix fencing around the condemned Wasaga Hall?
DPES to investigate and report back.
- 8 In future reporting, can we get the numbers of dogs being picked up/caught in traps? If numbers of wandering or stray dogs are increasing or are staying the same, what other measures can be put in place to address the issue?
DPES acknowledges that the requested dog numbers be provided.

Attendance: Cr. Ketchell returned to the meeting at 1.10pm.

CEO – B McCarthy

1. CWA Building lease has been offered to PKA and I shall report back to Council on this item at the next Council meeting.

DATE OF NEXT MEETING: 20 July 2010

CLOSURE: The meeting closed with a prayer by Mayor Stephen at 1.18pm

Confirmed this 20th day July 2010

Mayor