



Palm Island Aboriginal Shire Council
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**Palm Island Aboriginal Shire Council
Special Meeting, Thursday 20th December 2018
Commencing at 12:15pm PIASC Boardroom**

PRESENT

CHAIRMAN: Mayor Alfred Lacey

COUNCILLORS: Councillor Roy Prior
Councillor Robert Castors (Snr)

OFFICERS: Ross Norman (Chief Executive Officer)
Thomasina Morgan (Minutes Secretary)
Sarah Wrigglesworth

OBSERVERS:

APOLOGIES/ABSENT: Councillor Edward Walsh
Councillor Deniece Geia

CONDOLENCES:

CONGRATULATIONS:

ACKNOWLEDGEMENT: The Council acknowledged the Traditional Owners, the Manbarra People, upon whose land we hold our meeting and the Bwgcolman People of Palm Island.

PROCEEDINGS:

ASSESSMENT PANEL OF THE TENDER FOR THE RETAIL AND BUSINESS PRECINCT

COUNCIL RESOLUTION

That the Council:

- (a) Accepts and notes the Assessment Panel of the Tender for the Retail and Business Precinct
- (b) Accepts Tender by A.Gabrielli constructions in the amount of \$9,647,537 exclude GST with the attached condition:

SECTION A – DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR FOOD AND DRINK OUTLET, OFFICE AND SHOP

Approved Use

1. **This Development Permit is for a Material Change of Use for Food and Drink Outlet, Office and Shop.**
2. **This Development Permit relates only to the development shown as “Stage 1 – Subject to Current Application” on the Approved Plans.**

Approved Plans

3. **Carry out the approved development generally in accordance with the following approved plans, except where modified by these conditions of approval.**

Plan No.	Description	Amendments
EDQ1801-SK-310 A	Stage 1 Site Plan Palm Island Retail Precinct Masterplan Prepared by Tippett Schrock Architects dated July 2018	None
EDQ1801-SK-311 A	Stage 1 – Ground Level Plan Palm Island Retail Precinct Masterplan Prepared by Tippett Schrock Architects dated July 2018	None
EDQ1801-SK-312 A	Stage 1 – Level 1 Floor Plan Palm Island Retail Precinct Masterplan Prepared by Tippett Schrock Architects dated July 2018	None
EDQ1801-SK-313 A	Roof Plan	None

	Palm Island Retail Precinct Masterplan Prepared by Tippett Schrock Architects dated July 2018	
EDQ1801-SK-321 A	Elevations Palm Island Retail Precinct Masterplan Prepared by Tippett Schrock Architects dated July 2018	None
EDQ1801-SK-322 A	Elevations Palm Island Retail Precinct Masterplan Prepared by Tippett Schrock Architects dated July 2018	None
EDQ1801-SK-323 A	3D Views Palm Island Retail Precinct Masterplan Prepared by Tippett Schrock Architects dated July 2018	None
EDQ1801-SK-331 A	Sections Palm Island Retail Precinct Masterplan Prepared by Tippett Schrock Architects dated July 2018	None
EDQ1501-SK-09 A	Existing Significant Features & Vegetation Palm Island Retail Precinct Masterplan Prepared by Tippett Schrock Architects dated January 2018	Amendments in red

4. **A legible copy of the approved plans listed in Condition 3 and this Development Approval must be available on the subject land and available for inspection at all times during construction.**

Timing of Effect

5. **The conditions of this approval must be satisfied prior to Commencement of Use, except where specified otherwise in these conditions of approval.**

Notice of Intention to Commence Use

6. **Prior to commencement of the use on the site, written notice must be given to Council that the development fully complies with these conditions.**

Water Supply Infrastructure

7. **The development must be connected to Council's reticulated water supply without affecting the capacity or pressure of the system in accordance with the AUS-SPEC development specifications as amended by Townsville City Council and at no cost to Council.**

Sewerage Infrastructure

8. **The development must be connected to Council's existing sewerage reticulation system without affecting the capacity of the system in accordance with the AUS-SPEC development specifications as amended by Townsville City Council and at no cost to Council.**

Stormwater

9. **A Stormwater Management Plan is to be prepared by a suitably qualified person and submitted to Council for endorsement. The Stormwater Management Plan is to identify, at a minimum:**
 - (a) **a lawful point of discharge;**
 - (b) **consideration of stormwater flows during both construction and operation of the development;**
 - (c) **the provision of on-site detention sufficient to maintain stormwater discharge from the site to pre-development flows; and**
 - (d) **measures in relation to:**
 - (i) **drainage control;**
 - (ii) **erosion control;**
 - (iii) **sediment control;**
 - (iv) **water quality; and**
 - (v) **waterway stability and flood flow management.**

Damage to Council Infrastructure

10. **In the event that any part of Council's existing; sewer, water, road, or drainage infrastructure is damaged as a result of construction activities occurring on the site or adjoining road, including, but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at no cost to Council, prior to the Commencement of Use.**
11. **The Applicant/Owner/Developer is to undertake a 'Dial Before You Dig' search prior to the commencement of works on site.**

Environmental Nuisance

12. **Construction or operational activities, including but not limited to, the operation of mechanical plant and equipment, must not cause an 'environmental nuisance' within the meaning of the *Environmental Protection Act 1994* to any sensitive receptor as stated within Schedule 1 of the *Environmental Protection (Noise) Policy 2008*.**

Vehicle Parking

13. **A minimum of 12 vehicular parking spaces are to be provided on the site for use by vehicles associated with the approved development.**
14. **The dimensions, design and location of vehicular parking spaces is to be in accordance with *AS2890.1 2004 Parking Facilities – off-street car parking*.**
15. **Vehicular parking spaces must be imperviously sealed and maintained for the life of the development.**

Vehicular Access

16. **Vehicular access to the site and the approved development is to be provided in accordance with Condition 1 of development approval HRP17001 dated 4 May 2017 prior to the commencement of use.**

Electricity and Telecommunication Supply

17. **A connection of both electricity and telecommunication services is to be provided to the development, to the standard of infrastructure nominated by the relevant authority.**

Lighting

18. **All exterior lighting is to be designed, constructed and operated in accordance with *AS4282 – Control of Obtrusive Effects of Outdoor Lighting*.**

Building and Tenancy Numbering

19. **Numbers are to be displayed on a prominent place on the approved building to identify:
(a) the street number of the building; and
(b) the number of each tenancy.**

These numbers are to be maintained for the life of the development.

Heritage

20. **This approval does not authorise the demolition, removal or modification of any building or structure forming part of a Local Heritage Place identified in Schedule SC6.3 (Palm Island Heritage Register) of the Palm Island Planning Scheme 2016.**

Existing Vegetation

21. **Existing vegetation identified on the approved plans as being retained is not to be removed or altered unless it is demonstrated to Council that any removal or alteration is necessary and cannot be reasonably avoided.**

Coastal Hazards

22. **Certification is provided by a Registered Professional Engineer of Queensland that the approved development has been designed and constructed to withstand coastal erosion and storm tide inundation.**
23. **Structures used for the storage of hazardous or noxious materials are located above the defined inundation level.**

Acid Sulfate Soils

24. **Where the development results in the disturbance of Acid Sulfate Soils, actions are completed to:**
 - (a) **neutralise existing acidity and prevent the generation of acid and metal contaminants; and**
 - (b) **prevent the release of surface or groundwater flows containing acid and metal contaminants into the environment.**

Construction

25. **Building work (as per the definition of the *Environmental Protection Act 1994*) that creates audible noise must be confined to the hours of 6:30am and 6:30pm Monday to Saturday (excluding Public Holidays).**

Public Art

26. **Public art is to be provided to the development that is relevant to the Indigenous culture of Palm Island.**

Detail and imagery of the proposed public art is to be submitted to Council for review and endorsed by the Chief Executive Officer, prior to installation and the commencement of use.

SECTION B – PRELIMINARY APPROVAL INCLUDING A VARIATION APPROVAL FOR MATERIAL CHANGE OF USE, RECONFIGURING A LOT, CARRYING OUT BUILDING WORK AND CARRYING OUT OPERATIONAL WORK

Approved Development

1. **This Preliminary Approval is for a Material Change of Use, Reconfiguring a Lot, Carrying Out Operational Work and Carrying Out Building Work as outlined in the Approved Document.**

Approved Plans

2. **The following are approved plans for this Preliminary Approval.**

Plan No.	Description	Amendments
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PR132326-1-1 Rev A	Figure 1: Site Layout prepared by RPS Australia East Pty Ltd dated 17 January 2018	None
EDQ1801-SK-301 A	Masterplan Palm Island Retail Precinct Masterplan Prepared by Tippett Schrock Architects dated July 2018	None
EDQ1801-SK-302 A	Zone Plan Palm Island Retail Precinct Masterplan Prepared by Tippett Schrock Architects dated July 2018	None

Variation Approval

- This Preliminary Approval includes a Variation Approval. The extent to which the Variation Approval varies the effect of any local planning instrument in effect for the premises is documented in the following approved document.**

Document Ref.	Description	Amendments
PR132326-1 Palm Island Town Centre	Palm Island Town Centre Development Plan prepared by RPS dated 10 August 2018	None

Currency Period

- For the purposes of Section 85 of the *Planning Act 2016*, the currency period of this Preliminary Approval (including a Variation Approval) is 20 years.**

SECTION C - FURTHER ADVICE TO APPLICANT

- The currency period for this approval is in accordance with Section 85 of the *Planning Act 2016*.
- Authorised persons of Council may enter the premises the subject of this permit at any reasonable time to ascertain whether the above conditions have been complied with (and/or whether the above requirements have been carried out).
- The approved development is limited to that specified in the conditions of the approval. This approval does not relate to any development that is associated with, or a consequence of the approved development, unless explicitly specified in the conditions of approval. The planning framework established under the *Planning Act 2016* should be consulted at the time of undertaking any associated or consequential development to understand any relevant approval requirements.
- This approval, to the extent it includes a variation approval, does not vary the effect of the *Planning Act 2016* or the *Planning Regulation 2017*. The *Planning Regulation 2017* should be

consulted at the time of undertaking any development pursuant to the variation approval in order to confirm whether any development approvals are required.

5. This approval relates to development requiring approval under the *Planning Act 2016* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development.
6. In accordance with *Nature Conservation (Wildlife Management) Regulation 2006* you must check the flora survey trigger map, prior to the clearing of any native plants found on the development site to determine if a flora survey must be undertaken and if a clearing permit for clearing endangered, vulnerable and near threatened plants ('EVNT plants') and their supporting habitat is required.
7. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.

Environmental harm includes environmental nuisance. In this regard persons and entities involved in the civil, earthworks, construction and operational phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance.

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Administering Authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

8. An approval from the Commonwealth Government under the *Environment Protection and Biodiversity Conservation Act 1999* may be required in relation to the approved development. The *Environment Protection and Biodiversity Conservation Act 1999* relates to actions that may have a significant impact on matters of national environmental significance.

The Act provides that a person must not take an action that has, will have or is likely to have a significant impact on matters of NES, without the approval of the Commonwealth Environment Minister. Such actions should be referred to the Minister for a decision on whether or not the action is a controlled action for which approval is required under the *Environment Protection and Biodiversity Conservation Act 1999*.

9. The *Aboriginal Cultural Heritage Act 2003* establishes a cultural heritage duty of care, which provides that: "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage." It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the Act may also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

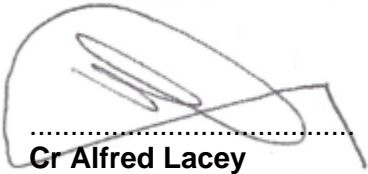
(c) Retail and Business Precinct Development Application.

MOVE CR.	PRIOR	SECONDED CR.	CASTORS
CARRIED			

Meeting Closed at 12:32pm

I hereby certify that the foregoing is a true record of the Minutes of the Proceedings of the Palm Island Aboriginal Shire Council Special Meeting held this Thursday 20th December 2018

Submitted to the Meeting of Palm Island Aboriginal Shire Council

A handwritten signature in black ink, appearing to read 'Cr Alfred Lacey', is written over a horizontal dotted line.

Cr Alfred Lacey
Mayor

Palm Island Aboriginal Shire Council