

Your Ref: PR140748
Our Ref: DA001/2019

25 July 2019

Ian Doust
Department of State Development, Manufacturing, Infrastructure & Planning
C/ RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

Via email: ian.doust@rpsgroup.com.au

Dear Ian

DECISION NOTICE
Planning Act 2016

Operational Works, Prescribed Tidal Works, Mipwun Barge Ramp, Archer River, Aurukun – Lot 211 on SP241404.

Receipt of your application dated 20 February 2019 seeking approval for Operational Works, Prescribed Tidal Works, for a proposed barge ramp construction in the Archer River at Mipwun is acknowledged and its contents noted.

Please be advised that your application was assessed and considered at Council's Ordinary meetings held on 18 June and 16 July 2019.

Council resolved to approve the proposed Operational Works, Prescribed Tidal Works, Mipwun Barge Ramp, Archer River, Aurukun – Lot 211 on SP241404 application, subject to reasonable and relevant conditions which accord generally with the application as made. Council's Decision Notice is attached for your perusal.

This notice outlines aspects of the development, conditions of the approval (if any), currency period, approved plans and includes extracts from the *Planning Act 2016* with respect to

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making representations about conditions, negotiated decisions, suspension of the appeal period and lodging an Appeal.

Should you require any further information or clarification concerning this matter, please contact Council for the necessary assistance.

Yours faithfully



Bernie McCarthy, PSM
Chief Executive Officer

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APPLICATIONS DETAILS

Aspects of the development proposal are listed below:

Application Number	
Applicant Details	Ian Doust RPS Australia East Pty Ltd PO Box 1949 CAIRNS QLD 4870
Owner Details	Department of State Development, Manufacturing, Infrastructure & Planning C/ RPS Australia East Pty Ltd PO Box 1949 CAIRNS QLD 4870
Property Description	Mipwun Barge Ramp, Archer River, Aurukun Lot 211 on SP241404
Proposal	Operational Works, Prescribed Tidal Works (Proposed redevelopment of a public barge ramp)
Level of Assessment	Not assessable under Aurukun Shire Planning Scheme (State Infrastructure) Code Assessable- State Code 8

DECISION

Development assessment, as per the provisions of the *Planning Act 2016*, has been undertaken. The information below outlines the specifics of any approval or refusal issued by the Assessment Manager:

Deemed Approval	
Decision	The application was approved subject to reasonable and relevant conditions which reflect and accord generally with the application as made
Decision Date	16 July 2019
Decision Type	Development Permit
Planning Instrument	Aurukun Shire Planning Scheme 2018
Submissions	N/A

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CONDITIONS OF APPROVAL
The conditions of this approval are set out in the Schedule of Conditions. The conditions are identified to indicate whether the Assessment Manager or a referral agency (if any) imposed them.
REFERRAL AGENCIES
1903-10061 SRA dated 2 May 2019
PROPERTY NOTES
Not Applicable
FURTHER DEVELOPMENT PERMITS REQUIRED
N/A
RIGHTS OF APPEAL
<p>The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the <i>Planning Act 2016</i>. There may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the <i>Planning Act 2016</i>).</p> <p><i>Appeal by an applicant</i></p> <p>An applicant for a development application may appeal to the Planning and Environment Court against the following:</p> <ul style="list-style-type: none"> • The refusal of all or part of the development application; • A provision of the development approval; • The decision to give a preliminary approval when a development permit was applied for; and • A deemed refusal of the development application. <p>An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the <i>Planning Act 2016</i>.</p> <p><i>Appeal by an eligible submitter</i></p> <p>An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:</p> <ul style="list-style-type: none"> • Any part of the development application that required impact assessment; and • A variation request. <p>The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the <i>Planning Act 2016</i>.</p>
APPROVAL CURRENCY PERIOD
Pursuant to s46(8) of the <i>Planning Act 2016</i> , the development approval will lapse within two (2) years after the approval starts to have effect.

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APPROVED PLANS & SPECIFICATIONS

Copies of the approved plans, specifications and/or drawings are attached.

FURTHER INFORMATION

The development must be carried out in accordance with the approved plans, specifications and/or drawings, along with the requirements of all relevant laws. Any deviation must have prior approval from the Chief Executive Officer.

NOTICE ABOUT DECISION – STATEMENT OF REASONS

This Notice is prepared in accordance with s63 (5) and s83 (7) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision specifically having regard to:

- The relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and
- Any other information, documents or other material Council was either required to, or able to, consider in its assessment.

All terms used in this Notice have the meaning given then in the Planning Act 2016.

REASONS FOR THE DECISION

The proposed development is considered to be consistent with the relevant overall outcomes of the planning scheme. The development is exempt under this certificate under s.46(3)(b) of the Planning Act 2016 for the following reason(s):

In particular:

- The effects of the development would be minor or inconsequential, considering the circumstances under which the development was categorised as code assessable development;
- the development is for essential community infrastructure;
- the development provides movements to and from outstations, particularly during the wet season;
- the development at Mipwun has been identified as a suitable location of the barge ramp as well as carpark and access road;
- coastal processes will be minimally impacted upon by the proposed development;
- the proposed development is designed to avoid increasing the severity of erosion at the location;
- the development is likely to reduce localised erosion from vehicles and boats;
- does not impact on the land and its ownership or tenure; and

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- The condition in relation to the registration of an public access easement ascertain public accessibility thus making the development “public marine transport infrastructure”

SCHEDULE OF CONDITIONS

CONDITION	TIMING								
<p>(1) Administration The applicant is responsible to carry out the approved development and comply with relevant requirements in accordance with:</p> <p>1.1 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;</p> <p>1.2 The development must unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards.</p> <p>1.3 The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering.</p>	At all times								
<p>(2) Currency Period The currency period applicable to this approval.</p> <p>2.1 Operational Works – Two (2) years</p>	As per Condition								
<p>(3) Approved Plans The development of the site is to be generally in accordance with the following plans that are to be the Approved Plans of Development, except as altered by any other condition of approval.</p> <table border="1" data-bbox="277 1384 1098 1574"> <thead> <tr> <th>an / Document Name</th> <th>Number</th> <th>Sheet</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Mipwun Barge Ramp</td> <td>ALL - 0006</td> <td>C001 & C003-C005</td> <td>28/08/18</td> </tr> </tbody> </table> <p>3.1 Where there is any conflict between the conditions of this approval and the details shown on the approved plan and documents, the conditions of approval must prevail.</p>	an / Document Name	Number	Sheet	Date	Mipwun Barge Ramp	ALL - 0006	C001 & C003-C005	28/08/18	At all times
an / Document Name	Number	Sheet	Date						
Mipwun Barge Ramp	ALL - 0006	C001 & C003-C005	28/08/18						

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	3.2 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the commencement of use.	
(4)	<p>Public Access That an Access Easement in favour of the general public be registered over the barge ramp area as reflected in plan ALL – 0006, C003 to ascertain public accessibility to the “public marine transport infrastructure”.</p> <p>4.1 A copy of the registered Access Easement be provided to the Aurukun Shire Council</p>	Prior to completion of the construction of the public facility.
(5)	<p>Construction Any construction work associated with this development shall be carried out in accordance with sound engineering practice. In particular, no nuisance is to be caused to adjoining residents by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours. Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage. Where material is spilled or carried on to existing roads, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.</p>	At all times
(6)	<p>Sediment Management / Reef Protection Relevant mitigation measures must be undertaken during construction and maintenance to minimize the rates of soil loss and sediment movement impacts to the Barrier Reef.</p>	At all times

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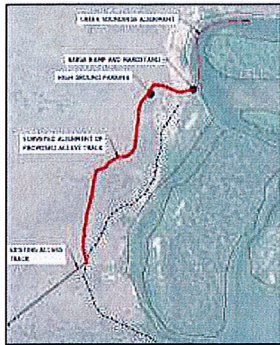
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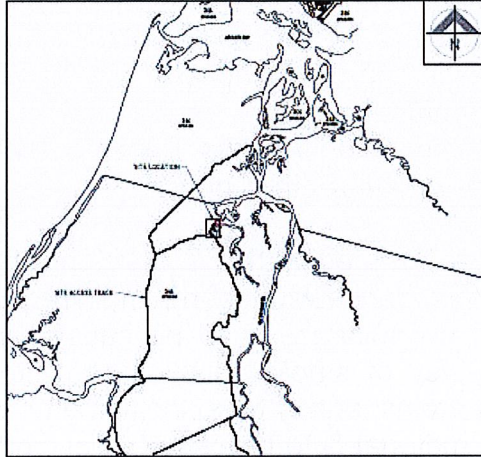
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MIPWUN BARGE RAMP MIPWUN FOR THE DEPARTMENT OF STATE DEVELOPMENT



SITE ACCESS PLAN



LOCALITY PLAN



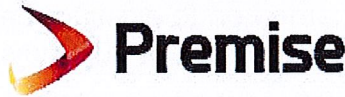
SITE MAP

Survey Stations		
Station Name	Reading	Point No.
BENCHMARK C1	17248.808	BENCHMARK
BENCHMARK C2	17202.820	BENCHMARK
BENCHMARK C3	17208.204	BENCHMARK

INDEMNITY - EXISTING SERVICES
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SERVICES AND SHALL BE RESPONSIBLE FOR THE COST OF REPAIRS TO SERVICES CAUSED AS A RESULT OF THE WORK.

Sheet List Table	
Sheet Number	Sheet Title
0001	COVER SHEET, LOCALITY PLAN AND DRAWING NUMBER
0002	SAFETY IN DESIGN
0003	GENERAL ARRANGEMENT
0004	PHYSICAL PROVISION

DTMR Standard Drawings	
Drawing Number	Drawing Description
0001	PROTECT PLANS FOR BARGE RAMP TYPE 1 AND TYPE 2
0002	PROTECT PLANS FOR BARGE RAMP TYPE 3 AND TYPE 4
0003	BARGE RAMP CONSTRUCTION - PROTECT PLANK INSTALLATION AND ANCHOR BARS - TYPE 1 AND 2
0004	BARGE RAMP CONSTRUCTION - BARGE RAMP ANCHOR BARS AND PROTECT PLANKS
0005	BARGE RAMP CONSTRUCTION - BARGE RAMP TYPE 3 AND TYPE 4



FOR CONSTRUCTION

LOT 211 ON SP241404

ALL-0006

C001

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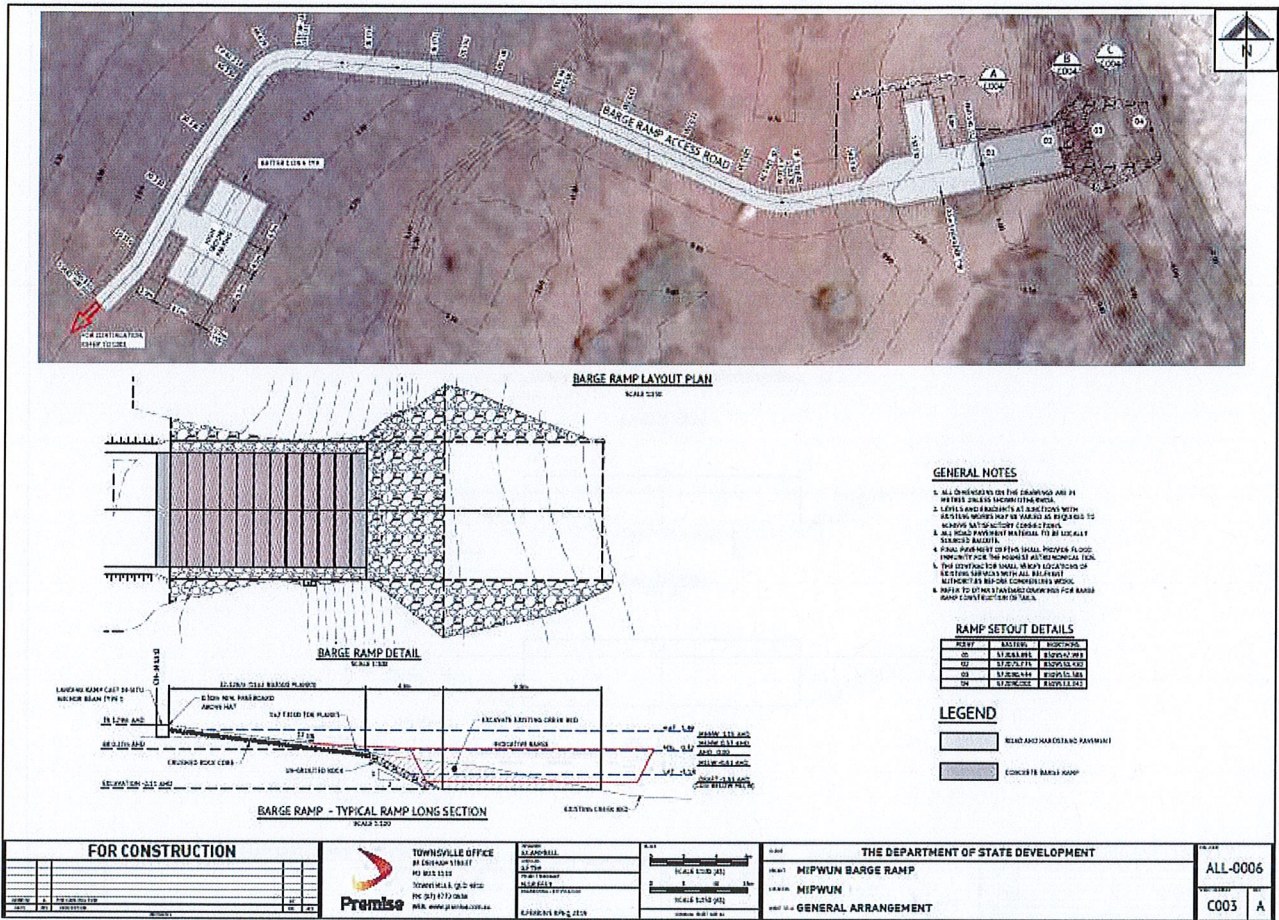
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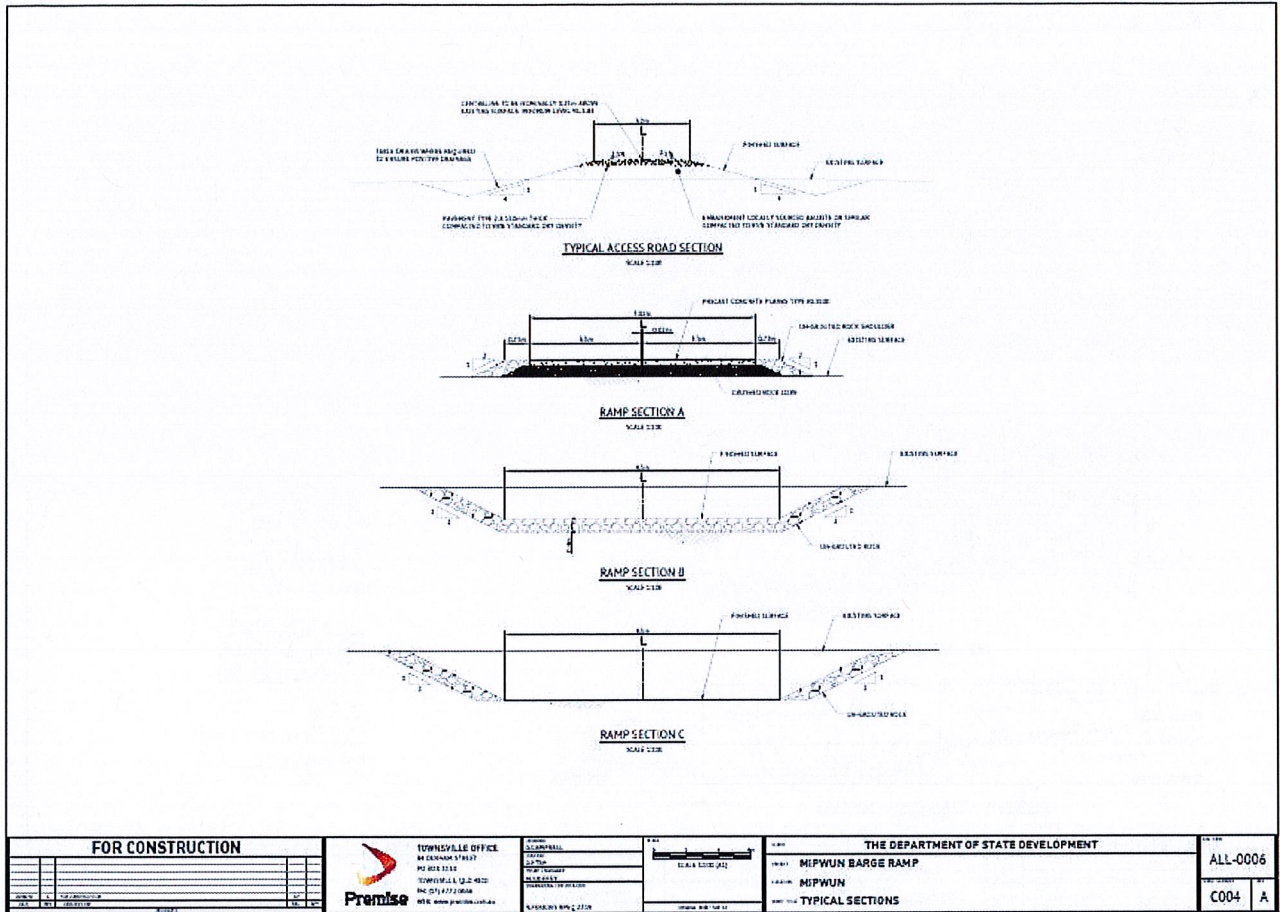
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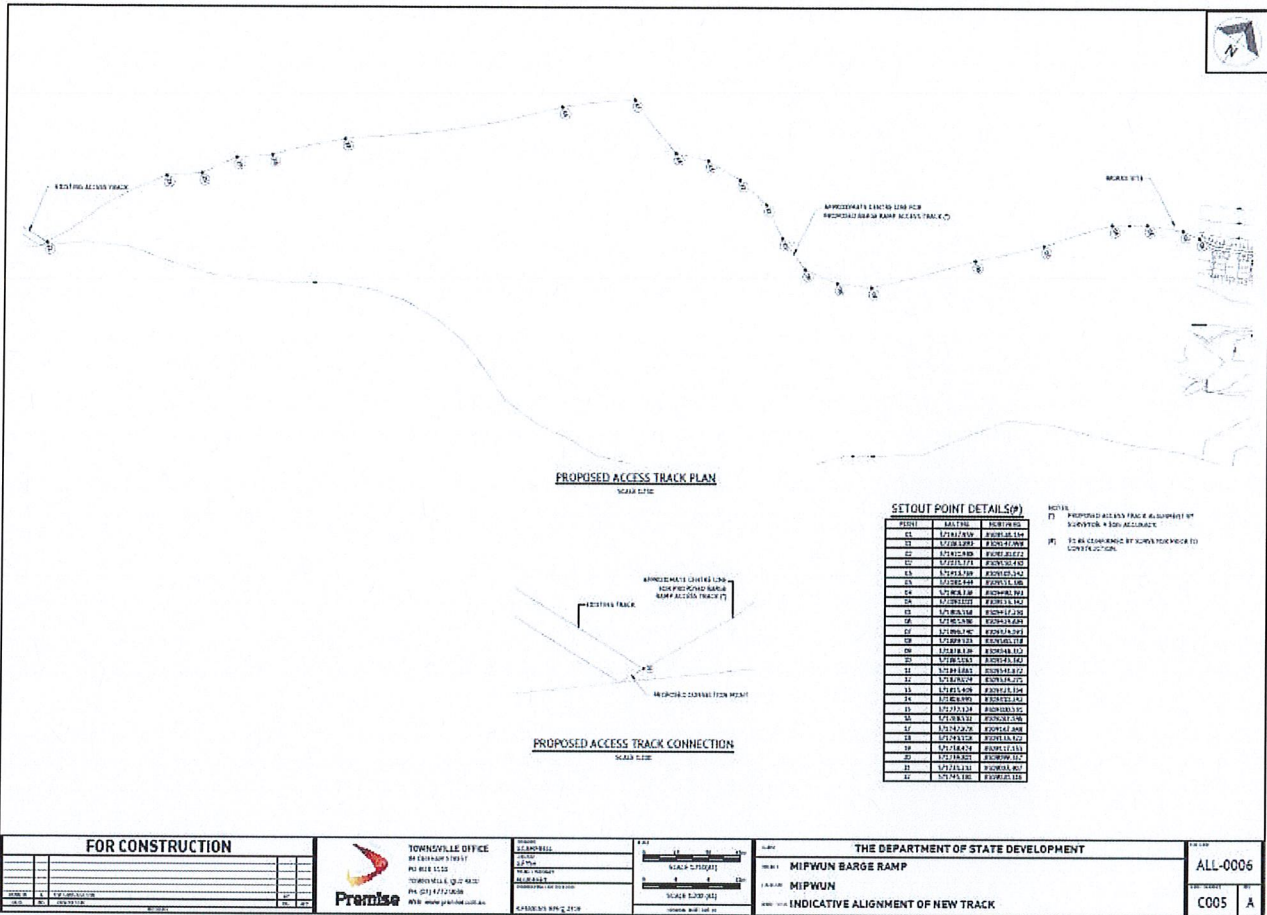


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FOR CONSTRUCTION DATE: 11/01/2018 DRAWN BY: [Name] CHECKED BY: [Name]	TOWNVILLE OFFICE 80 CHURCH STREET PO BOX 1155 TOWNVILLE QLD 4870 PH: 07 47422000 WEB: www.premise.com.au	PROJECT: [Name] CLIENT: [Name] DESIGNER: [Name] APPROVED BY: [Name]	SCALE 1:200 (P) SCALE 1:200 (C) SCALE 1:200 (S)	THE DEPARTMENT OF STATE DEVELOPMENT MIPWUN BARGE RAMP MIPWUN INDICATIVE ALIGNMENT OF NEW TRACK	ALL-0006 C005 A
				DATE: 11/01/2018 DRAWN BY: [Name] CHECKED BY: [Name]	ALL-0006 C005 A

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