

Officer: Aurukun Shire Council  
C/o Aurecon Australasia  
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Our Reference: 2016/01

19 May 2016

Ngan Aak-kunch Aboriginal Corporation RNTBC  
C/o Mr Philippe Savidis, Cape York Land Council  
32 Florence Street  
CAIRNS QLD 4870

Dear Sir/Madam,

## Decision Notice

Pursuant to s334 of the *Sustainable Planning Act 2009*

**Application No.:** 2016/01  
**Street address:** Aurukun Road, Aurukun  
**Real property description:** Lot 211 SP241404  
**Application description:** Material Change of Use – Undefined Use (access road)  
Operational Works – Clearing of vegetation  
Operational Works – Excavation and filling

I am pleased to inform you that your development application was approved by Aurukun Shire Council as the Assessment Manager on 17 May 2016. The conditions relevant to this approval are set out below.

### 1 DETAILS OF APPROVAL

Development	Approval Type	Decision	Relevant Period
Material Change of Use for Undefined Use (Access road)	Development Permit	Approved subject to the conditions set out below.	Five (5) years.
Operational Works for clearing of vegetation	Development Permit	Approved subject to the conditions set out below.	Five (5) years.
Operational Works for excavation and filling	Development Permit	Approved subject to the conditions set out below.	Five (5) years.

### 2 REFERRAL AGENCIES

Nil

### 3 SECTION 331 DEEMED APPROVAL

Not applicable.  
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**4 PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME**

Not applicable.

**5 OTHER DEVELOPMENT PERMITS NECESSARY TO ALLOW THE DEVELOPMENT TO BE CARRIED OUT**

Nil

**6 COMPLIANCE ASSESSMENT**

Not applicable.

**7 CODES FOR SELF ASSESSABLE DEVELOPMENT**

Not applicable. Comply with the provision of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by this approval.

**8 PROPERLY MADE SUBMISSIONS**

Nil

**9 CONFLICT WITH PLANNING LAWS AND POLICIES**

The decision does not conflict with any of the matters mentioned in Section 326 of the *Sustainable Planning Act 2009*.

**10 ASSESSMENT MANAGER CONDITIONS OF APPROVAL****GENERAL****Approved Plans**

1. The proposed development must be carried out generally in accordance with the following plans of development as lodged with the application.

Title	Plan Number	Date	Prepared by
Location of Access Road	Figure 1.1	26/02/2016	Rio Tinto Alcan
Passing Bay 1 Development Area	Figure 3.1	24/02/2016	Rio Tinto
Passing Bay 2 Development Area	Figure 3.2	24/02/2016	Rio Tinto
Passing Bay 3 Development Area	Figure 3.3	24/02/2016	Rio Tinto
Passing Bay 4 Development Area	Figure 3.4	24/02/2016	Rio Tinto
Passing Bay 5 Development Area	Figure 3.5	24/02/2016	Rio Tinto
Passing Bay 6 Development Area	Figure 3.6	24/02/2016	Rio Tinto
Coconut Creek Crossing Development Area	Figure 3.7	24/02/2016	Rio Tinto
Beagle Camp Intersection Development Area	Figure 3.8	24/02/2016	Rio Tinto
Passing Bay 7 Development Area	Figure 3.9	24/02/2016	Rio Tinto
Passing Bay 8 Development Area	Figure 3.10	24/02/2016	Rio Tinto
Passing Bay 9 Development Area	Figure 3.11	24/02/2016	Rio Tinto

Passing Bay 10 Development Area	Figure 3.12	24/02/2016	Rio Tinto
Passing Bay 11 Development Area	Figure 3.13	24/02/2016	Rio Tinto
Passing Bay 12 Development Area	Figure 3.14	24/02/2016	Rio Tinto
Passing Bay 13 Development Area	Figure 3.15	24/02/2016	Rio Tinto
Typical cross-section of the road and passing bays	Figure 3-16	18/01/2016	Rio Tinto
Coconut Creek crossing proposed upgrade	Figure 3-19	18/01/2016	Rio Tinto

### Compliance timing

2. Comply with all conditions of this development approval at no cost to Council and prior to the commencement of the use unless otherwise stated in a specific condition.

## ENGINEERING

### Works during construction

3. Carry out development in accordance with an Environmental Management Plan (Construction) prepared for the construction and maintenance phases of the approved development. Separate Environmental Management Plans may be appropriate for the individual components. The Environmental Management Plan (Construction) must be in accordance with the relevant Aurukun Planning Scheme Codes, Workplace Health and Safety Legislation, Environmental Protection Act and any other relevant legislative requirements.
4. Construction works must not be carried out in a way that makes an audible noise –
  - a. on a business day or Saturday, before 6:30am, or after 6:30pm; or
  - b. at a sensitive receptor on any other day, at any time.
5. The *Work Health and Safety Act 2011* and *AS 1742 Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect to the proposed works.
6. Carry out development in accordance with a Sediment and Erosion Control Management Plan, prepared by a suitably qualified person.
7. Construction water and construction materials must be obtained from a legal source and the applicant / construction contractor must hold any relevant approvals under the *Water Act 2000* and the *Forestry Act 1959*.

### General development works

8. During construction the site must be kept in a clean and tidy state at all times.

## ENVIRONMENT

### Vegetation clearing

9. Undertake vegetation clearing in accordance with the area of approved works only. No additional clearing is permitted.
10. A spotter-catcher with a permit for spotter-catcher activities from Department of Environment and Heritage Protection (DEHP) must be present during:
  - a. The pre-start meeting for tree clearing to identify all fauna habitat trees prior to commencement of works; and
  - b. Damage to any trees, to ensure that wildlife is unharmed.

*For this condition, unless the spotter-catcher also holds a rehabilitation permit, the spotter-catcher must take any animal injured as a result of the tree clearing to a vet or person who holds a rehabilitation permit with an extended authority issued by the DEHP specifying that the holder may take, keep or use an animal whose habitat is about to be destroyed by human activity within 72 hours of catching the injured animal.*

### **Weed management**

11. Construction machinery must be cleaned down after working at Beagle Camp before proceeding to other sections of the access road to minimise the risk of weeds being translocated.
12. Monitoring of the access road for weeds is required to be undertaken by a suitably qualified person within 24 months following completion of construction, and treatment of weeds undertaken where necessary. This is to eradicate any occurrences of significant weed species (e.g. gamba grass, sicklepod).

## **11 FURTHER ADVICE**

1. Authorised persons of the Council may enter the site the subject of this approval at any reasonable time to ascertain whether the above conditions have been complied with (and/or whether the above requirements have been carried out).
2. It is recommended that the *ARRB Unsealed Roads Manual – Guidelines to good practice* be used as a guide for the construction and maintenance of the unsealed access road.
3. The applicant has a right of appeal to the Planning and Environment Court regarding this decision, pursuant to section 461 of the *Sustainable Planning Act 2009*. A copy of that section is attached to the decision notice.
4. The applicant is responsible for securing all necessary approvals and tenure, providing statutory notifications and complying with all relevant laws. Nothing in this decision notice alleviates the need for the applicant to comply with all relevant local, State and Commonwealth laws and to ensure appropriate tenure arrangements have been made.
5. The *Aboriginal Cultural Heritage Act 2003* establishes a Duty of Care for indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity. Those proposing an activity that involves additional surface disturbance beyond that which has already occurred on the proposed site need to be mindful of the Duty of Care requirement. Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care. Details of how to fulfil the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the Act.

## **12 WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT**

As there were no submitters, this development approval takes effect:

From the time the Decision Notice is given and the applicant does not appeal the decision to the court or building and development committee.

### **OR**

Subject to the decision of the court or a building and development committee, when the appeal is finally decided or withdrawn – if an appeal is made to the court or a building and development committee.

## **13 WHEN THE DEVELOPMENT APPROVAL LAPSES**

This approval will lapse if:

- 
- for a material change of use, the first change of use under the approval does not start within the relevant period stated previously in this Decision Notice;
  - for a development approval other than a material change of use or reconfiguration, the development does not substantially start within the relevant period stated previously in this Decision Notice.

Should you require any further information about this decision notice, please contact Corey Roderick on (07) 3173 8163.

Yours faithfully,



**Bernie McCarthy**  
Chief Executive Officer  
Aurukun Shire Council