

6 June 2023

Noosa Oyster Co Land Pty Ltd
C/- Smith Feutrill Pty Ltd
Stirling Cullenward
PO Box 2012
HAWTHORN VIC 3122

Via: stirlingoysters@activ8.net.au

Dear Mr Cullenward

Referral Agency Response – Approved with Conditions – RR2023/003/01

(GIVEN UNDER SECTION 56 PLANNING ACT 2016)

1. Application Details

This development application was **referred** to the Gladstone Ports Corporation Limited on **21 April 2023**.

Application Number:	RR2023/003/01
Applicant Name:	Noosa Oyster Co Land Pty Ltd
Applicant Contact Details:	C/- Smith Feutrill Pty Ltd Stirling Cullenward PO Box 2012 HAWTHORN VIC 3122 Email; stirlingoysters@activ8.net.au
Approval Sought:	<ul style="list-style-type: none"> • Change Application - Other Change for Material Change of Use (Aquaculture) and • Development Permit for Operational Works that is tidal works (Aquaculture Furniture).
Location Street Address:	Great Sandy Strait (Poona)
Location Real Property Description:	Tidal waters adjacent to Lot 915 on FTY1775 and Latitude/Longitude: -25.74399 / 152.94236 -25.73710 / 152.94806 -25.74028 / 152.95191 -25.74718 / 152.94623 (Datum GDA 1994)
Local Government Area:	Fraser Coast Regional Council

2. Details of Proposed Development

This proposed development is for a change application to a MCU (Aquaculture) which was approved by the State on 16 August 2017. The change is to add native species of oysters and clams to the existing activity.

The Operational Works component is for the construction of the Aquaculture Furniture on which the oysters are proposed to be attached.

3. Referral Triggers

This development application was referred to the Gladstone Ports Corporation Limited under the following provision of the *Planning Regulation 2017*

Referral Trigger: Schedule 10, Part 13, Division 3, Table 1, Item 1

- a) Prescribed assessable development within limits of a port and
- b) On land below high-water mark and within the limits of a port under the *Transport Infrastructure Act 1994*.

4. Details of Referral Response

Referral agency powers: Referral agency powers are not limited in this response.

This development application has been assessed against port authority functions under the *Transport Infrastructure Act 1994*, Chapter 8, Part 3 as required in Schedule 10, Part 13, Division 3, Table 1, Item 4 of the *Planning Regulation 2017* and also matters referred to in Section 22, Part 3.

The Gladstone Ports Corporation Limited directs the assessment manager, under section 56(1)(b)(i) of the *Planning Act 2016* to give any development approval subject to development conditions stated in Attachment 1.

5. Approved Plans

Drawing/report title	Date	Reference No.	Version
Location Plan	12/05/2023	RR2023/003/01	-
Top view and Elevations Floating Flip Bag System (Application Material)	21/04/2023	#1868973	-

For further information please contact Trudi Smith, Planning Specialist on 07 4976 1314 or the undersigned on 07 4976 1287 or via email planning@gpcl.com.au .

Yours sincerely,



Craig Haymes
Chief Executive Officer

Cc: Assessment Manager – WBB SARA

Attachment 1. Conditions of Approval

PART 1: REFERRAL AGENCY CONDITIONS

In general the development proposal is in compliance with the requirements of *Transport Infrastructure Act 1994* (Chapter 8, part 3). This Referral Agency approval is subject to each the following conditions which are stated by GPC, the Referral Agency.

Part 1a. Approval sought under the *Transport Infrastructure Act 1994* (chapter 8 part 3.)

CONDITIONS
General
1. Unless otherwise stated, all conditions must be complied with and completed prior to the commencement of the development.
2. Where additional “approval” is required under these conditions by the Referral Agency (Gladstone Ports Corporation Limited) for drawings or documentation the proponent must submit for review, amend to the satisfaction of, and obtain written approval from the Referral Agency. Furthermore, the Referral Agency will require no less than 10 business days, unless otherwise conditioned by the Assessment Manager, to initially assess the drawings or documentation provided prior to the commencement of the works. Should further information be required for assessment, the Referral Agency will require a further 5 business days to complete the information request assessment and response.
3. The development must be designed and constructed to mitigate potential adverse impacts to port functions, services and facilities, and to maintain safe navigable access within Port Limits
4. Any debris lodged within the Aquaculture Furniture as a result of storm and flooding events is to be removed as soon as site is safe to enter.
Engineering
5. Upon completion of the works, the proponent must supply the Referral Agency with written confirmation that the development is constructed as per design and generally in accordance with the Approved plans.
6. The proponent must inform the Referral Agency of completion of works within Port Limits within 14 days of practical completion and certify that the site is fit for purpose.
7. Any site lighting used during construction / operation should not negatively impact on the visibility of Navigational Aids utilised for the primary shipping channels within Port Limits, nor illuminate a landward glare beyond the site boundary. Lighting must be reviewed during construction and use of the development with respect to navigation. Where an issue is identified or a validated complaint received, the proponent must immediately rectify to the satisfaction of the Referral Agency.

8. Any material which is deposited, or any debris which falls or is deposited within Port Limits during the construction of the approved development shall be removed by the applicant at their cost and expense prior to the commencement of the use of approved structure. The applicant is to notify the Referral Agency if any material or debris is deposited.

9. Upon completion of construction, the applicant shall provide the Referral Agency with written confirmation that the seabed is clear of foreign materials

10. If, as a result of the works, or other cause attributable to the proponent, any bank or tidal structure within Port Limits is displaced, the proponent at its cost and expense shall restore the bank or structure to its former condition and take such other action as is necessary to ensure the stability of the bank or structure to the satisfaction of the Regional Harbour Master.

Construction Vessel Management

11. Any Marine Execution Plan required and approved by the Regional Harbour Master is to be submitted to the Referral Agency prior to works commencing within Port Limits. The plan must be suitable to the scale of works being undertaken.

12. Prior to works within Port Limits commencing, the proponent or their contractor must supply to the Referral Agency for their records an Emergency Management Plan for the works within Port Limits for all potential incidents e.g. riverine flood and adverse weather etc.

13. Prior to works within Port Limits commencing, the proponent or their contractor must supply to the Referral Agency for review an Environmental Management Plan, work procedures or equivalent, for the construction works within Port Limits.

Incident notification

14. At all times, Gladstone Ports Corporation Environmental Hotline (07) 4976 1617 is to be notified of the occurrence of any:

- a. Release / spill of contaminants (e.g. fuels / chemicals / sewerage) of any amount to water, and
- b. Any environmental complains received by the holder of this approval.

Part 1b. Referral Agency Advice Notes

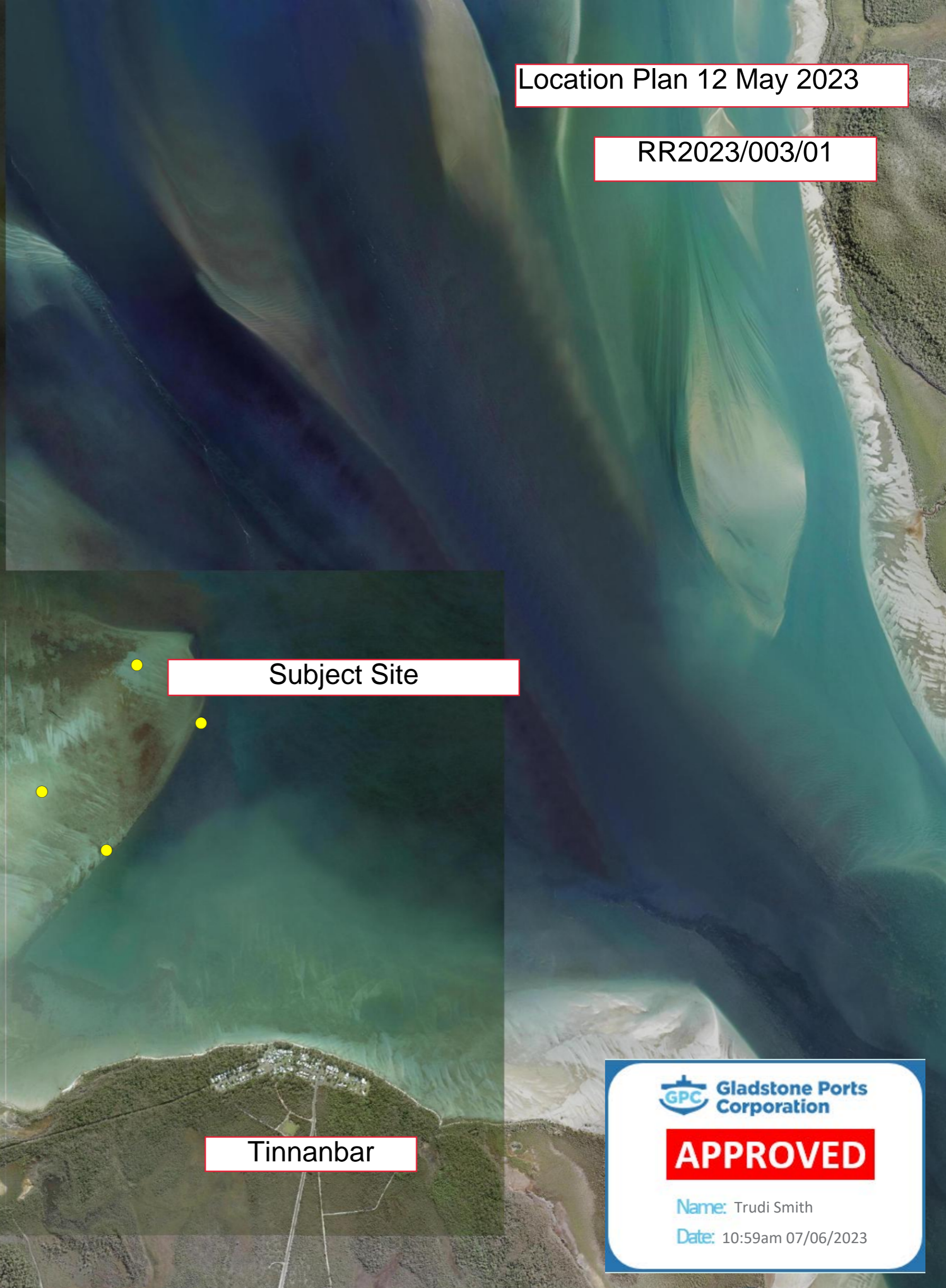
- a. Where the Applicant is required to submit further documentation to the Referral Agency, this is to be directed to the Planning section at planning@gpcl.com.au, including reference to the allocated referral response number.

- b. 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.

Attachment 2. Approved Plans and Specifications

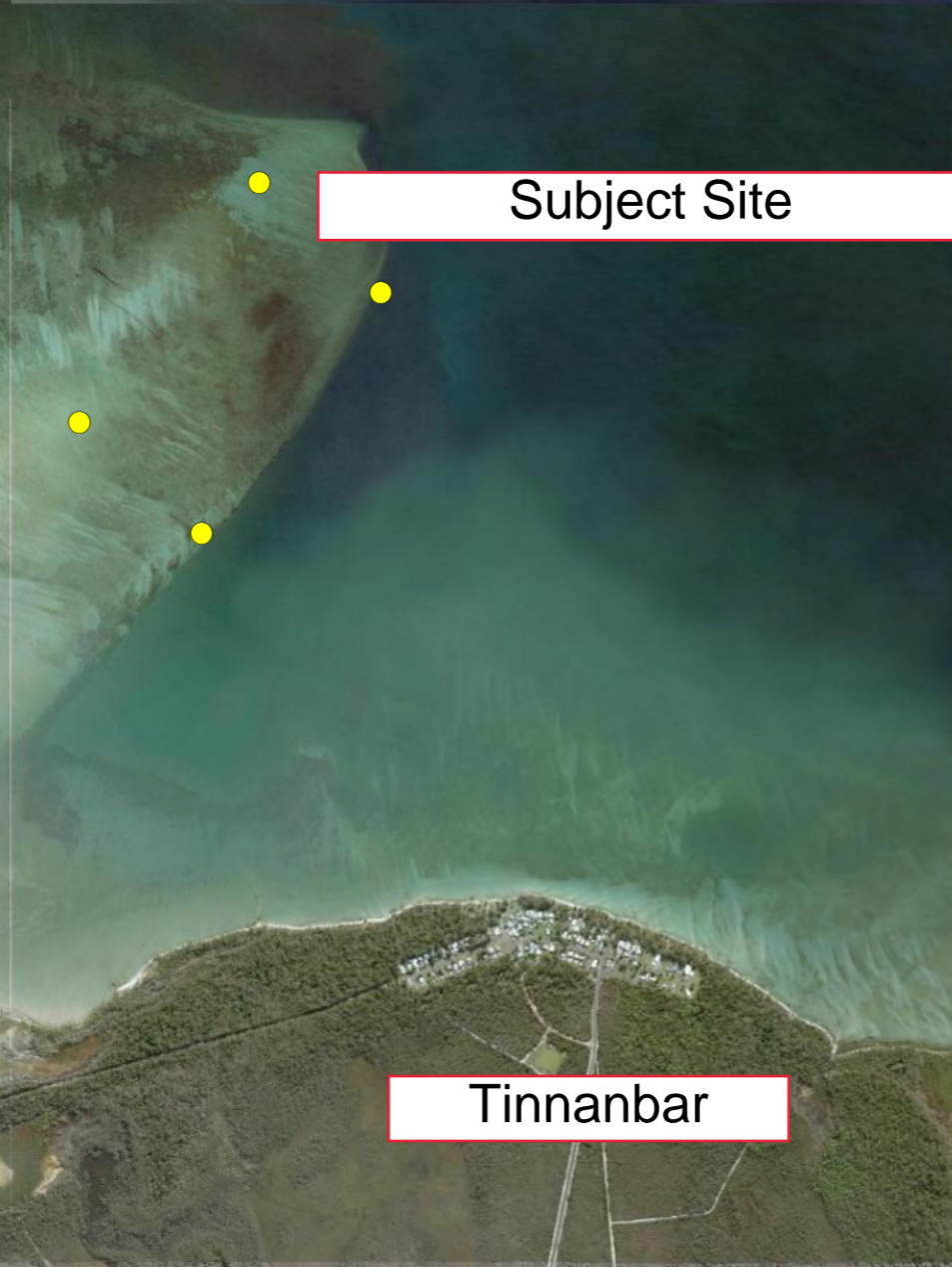


Poona



Location Plan 12 May 2023

RR2023/003/01



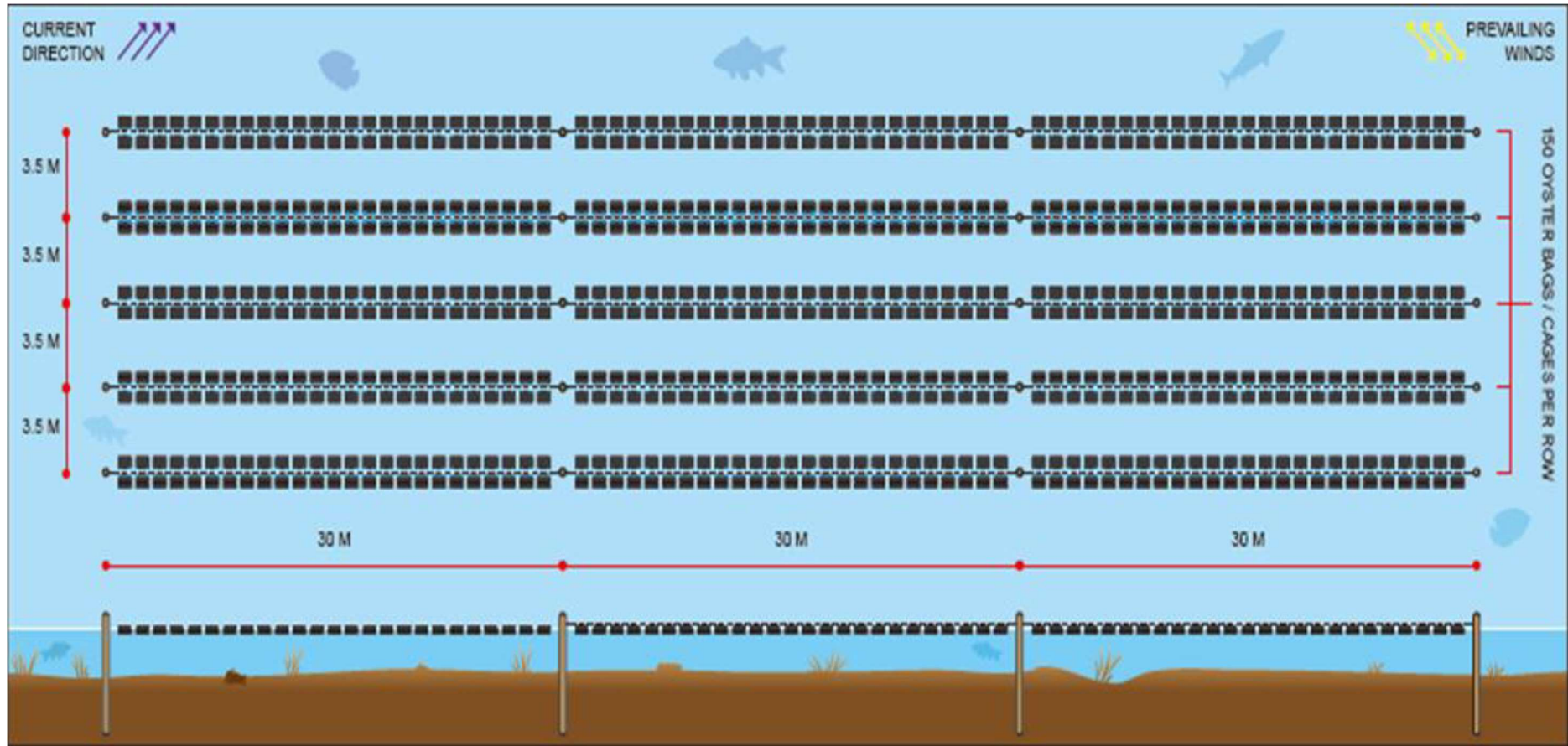
Subject Site

Tinnanbar

 **Gladstone Ports Corporation**

APPROVED

Name: Trudi Smith
Date: 10:59am 07/06/2023



Drawing title	Date	Reference No
Top view and Elevations Floating Flip Bag System (Application Material)	21 April 2023	#1868973

GPC Gladstone Ports Corporation

APPROVED

Name: Trudi Smith
Date: 10:59am 07/06/2023