

#1906148: EC: TS GPC Reference: RR2023/011/01

28 November 2023

Michael Andrew Beare C/- Project Urban Trish Belt PO Box 6380 MAROOCHYDORE BC 4558

Email: trish.belt@projecturban.com.au

Dear Mr Beare,

REFERRAL AGENCY RESPONSE - RR2023/011/01 (GIVEN UNDER S56 PLANNING ACT 2016)

# **Application Details**

The development application was referred to the Gladstone Ports Corporation Limited under section 54 of the Planning Act 2016 on 25 October 2023.

Application Number:	RR2023/011/01
Applicant Name:	Michael Andrew Beare
Applicant Contact Details:	Michael Andrew Beare C/- Project Urban Trish Belt PO Box 6380 MAROOCHYDORE BC 4558  Email: trish.belt@projecturban.com.au
Approval Sought (Port Limits):	OPW – Operational works that is tidal works within the limits of a Port – GPC as the Referral Agency
Details of Proposed Development:	Operational works that is for the removal of an existing catwalk and its support pile, removal of the old pontoor pile and installation of a new pontoon system within the limits of a port under the Transport Infrastructure Act
Location Street Address:	18 O'Brien Street, Granville
Location Real Property Description:	Lot 24 SP289765
Land Owner:	Department of Resources Michael Andrew Beare
Priority Port Overlay	N/a

### 2 Description Of Proposed Development

Operational works that is for the removal of an existing catwalk and support pile, removal of the old pontoon pile and installation of a new pontoon system.

### 3 Referral Triggers

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

Schedule 10, Part 13, Division 3, Table 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

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*.

The Gladstone Ports Corporation Limited requests the Assessment Manager, under section 56(3) of the *Planning Act 2016* to give the following advice stated in Attachment 1.

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

Yours sincerely

Craig Haymes
Chief Executive Officer

Cc: Assessment Manager

Enc. Attachment 1: Referral Agency Advice

### **Attachment 1: Referral Agency Advice**

### PART 1: REFERRAL AGENCY ADVICE

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

Part 1a: Approval sought under the Planning Act 2016 – Operational works that is tidal works within the limits of a port.

#### General

- 1. Unless otherwise stated, all conditions must be complied with and completed prior to the commencement of the development.
- Where additional "approval" is required under these conditions by the Referral Agency (Gladstone Ports Corporation Limited) for drawings or documentation the Applicant 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 Referral Agency, 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 a designed and constructed to mitigate potential adverse impacts to port functions, services and facilities, and to maintain safe navigable access within Port Limits.

#### **Engineering**

- 4. The tidal works must be undertaken generally in accordance with the approved plans.
- 5. Prior to commencement of the works, the Applicant must supply the Referral Agency with RPEQ certified "For Constructed" plans in both hard copy (2 of) and electronic (CAD format) which illustrate all infrastructure and services proposed to be installed on, under or over Port limits associated with the activity unless otherwise approved in writing by the Referral Agency.
- 6. Upon completion of the works, the Applicant must supply the Referral Agency with RPEQ certified "As Constructed" plans in both hard copy (2 of) and electronic (CAD format) which illustrate all infrastructure and services installed on, under or over Port limits associated with the activity unless otherwise approved in writing by the Referral Agency.
- 7. The Applicant 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.
- 8. 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 Applicant must immediately rectify to the satisfaction of the Referral Agency.
- 9. Any material which is deposited (not authorised under this approval) 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.

Upon completion of construction, the applicant shall provide the Referral Agency with written confirmation that the waterway is clear of foreign materials not authorised under this approval.

- 10. If, as a result of the works, or other cause attributable to the Applicant, any bank or tidal structure within Port Limits is displaced (excluding approved works), the Applicant 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.
- 11. Prior to works within Port Limits commencing, the Applicant or their contractor must supply to the Referral Agency for review and approval an Emergency Management Plan for the works within Port Limits for all potential incidents e.g. contaminant spill, riverine flood, adverse weather etc.

#### **Incident Notification**

- 12. 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 complaints received by the holder of this approval.
- 13. Environmental incident notification must be included in any Management Plans for the works within Port Limits.

#### 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 <a href="mailto:planning@gpcl.com.au">planning@gpcl.com.au</a>, including reference to the allocated referral response number.
- b. All development should proceed in accordance with the duty of care guidelines under the *Aboriginal Cultural Heritage Act 2003*. Penalties may apply where duty of care under that Act has been breached.
- c. 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.



















