

Our Ref.: PECS/MB:jk/OPW18/0002

19 September 2018

Notice about decision - Statement of reasons

(in accordance with section 63 (5) of the *Planning Act 2016*)

Proposal:	Operational Works Tidal Works - Prescribed Tidal Works (Beach Vehicle Access)
Application Number:	OPW18/0002
Address:	Seaview Drive, Ilbilbie
Property Description:	Adjacent to Lot 101 on SP126375
Type of Approval:	Development Permit for Operational Works
Decision:	Approved in full with conditions
Date of Approval:	14 September 2018

1. Reasons for the decision

Reasons for this decision are:

- The development design is considered sufficient to allow effective use of the land in accordance with the Code for assessable development that is prescribed tidal works.
- The proposal provides a good planning outcome for the subject site.
- The proposed development is for the reinstatement and formalisation of a vehicle beach access undertaken by the Local Government to benefit the community.

2. Assessment benchmarks

Benchmarks applying for the development	Benchmark reference
Code assessment process pursuant to the requirements of the <i>Planning Act 2016</i>	Schedule 10, Part 17, Division 2, Table 1 of the <i>Planning Regulation 2017</i> .
Prescribed Tidal Works to comply with the Code assessable development that is prescribed tidal works	Schedule 3 of the <i>Coastal Protection and Management Regulation 2017</i> .

3. Compliance with benchmarks

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<p>The proposed development is made assessable pursuant to Schedule 10, Part 17, Division 2, Table 1 of the <i>Planning Regulation 2017</i> and was assessed using the Code assessment process pursuant to the requirements of the <i>Planning Act 2016</i>.</p> <p>Schedule 3, Part 6, Section 8 of the <i>Planning Regulation 2017</i> states that:</p> <p><i>Development local categorising instrument is prohibited from stating is assessable development ...</i></p> <p><i>Operational work or for public sector entity Operational work or plumbing or drainage work (including maintenance and repair work), if the work-</i></p> <p><i>(a) is carried out by or for a public sector entity authorised under a State law to carry out the work;</i></p> <p><i>....</i></p>	<p>As such, assessment of the proposed Prescribed Tidal Works against the Local Planning Instrument and State Planning Policy is not applicable pursuant to Schedule 3, Part 6, Section 8 of the <i>Planning Regulation 2017</i>.</p> <p>There are no previous approvals or current applications relevant to the proposed development over the subject site.</p>
<p>The application material was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) as a Concurrence Agency.</p>	<p>DSDMIP supported the proposed Prescribed Tidal Works and instructed Isaac Regional Council, as the assessment manager to include the conditions which were contained in the Concurrence Agency Response. The reasons for the instructions were as follows:</p> <ul style="list-style-type: none"> • <i>To ensure the development is carried out generally in accordance with the plans of development submitted with the application.</i> • <i>To ensure the development avoids or minimises adverse impacts on coastal resources and their values.</i> • <i>To ensure the applicant is aware they must take responsibility for damaged property as it can impact on coastal resources and public safety.</i> • <i>To allow for compliance in relation to what is considered generally in accordance with the approved plans when preliminary plans are submitted with the application. Development inconsistent with the approval may have an impact on coastal management that was not considered in assessment.</i> • <i>To ensure any disturbance to acid sulfate soils is managed to prevent impacts to coastal environments.</i>

4. Relevant matters for impact assessable development

Not applicable.

5. Matters raised in submissions for impact assessable development

Not applicable.

6. Matters prescribed by Regulation

Schedule 3, Part 6, Section 8 of the *Planning Regulation 2017* states that:

Development local categorising instrument is prohibited from stating is assessable development ...

Operational work or for public sector entity Operational work or plumbing or drainage work (including maintenance and repair work), if the work-

(a) is carried out by or for a public sector entity authorised under a State law to carry out the work;

If you find an inaccuracy in any of the information provided above or have a query or seek clarification about any of these details, please contact Council.

Yours faithfully



MANUS BASSON
Manager – Planning & Land Development
(on behalf of Gary Stevenson PSM, Chief Executive Officer)