



HINCHINBROOK SHIRE COUNCIL

Our Ref: GV:HJR OPW18\0004

04 October 2018

Australian Marine & Civil Pty Ltd
C/- GHD Pty Ltd
Level 1
42 Sturt Street
Townsville QLD 4810

Attention: Kieran Kerr

Dear Sir,

DECISION NOTICE *Planning Act 2016*

In relation to your recent request for operational works – prescribed tidal works, Council have assessed your application and it was APPROVED SUBJECT TO CONDITIONS. The decision was made on Wednesday, 03 October 2018.

APPLICATION DETAILS

Application Number: OPW18\0004
Property ID Number: N/A

Applicant: GHD Pty Ltd for Australian Marine & Civil Pty Ltd
Level 1, 42 Sturt Street
Townsville QLD 4810

Property Description: Dungeness Boat Ramp – Dungeness Road, Lucinda
Lot 552 on SP166004, Parish of Cordelia

Proposal: Operational Works – Prescribed Tidal Works
(Dungeness Floating Walkway Upgrade)

Development Type: Code Assessment

Planning Scheme: *Hinchinbrook Shire Council Planning Scheme 2017*



Assessment Benchmarks: Prescribed Tidal Works Code – *Coastal Protection and Management Act 1995*
Schedule 3 – *Coastal Protection and Management Regulations 2017*

DEEMED APPROVAL

The application has not deemed to be approved under s.64 of the *Planning Act 2016*.

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

Referral Agency and Address	Referral Trigger
Department of State Development, Manufacturing, Infrastructure and Planning State Assessment and Referral Agency PO Box 5666 Townsville QLD 4810 Email: nqsara@dilgp.qld.gov.au	<i>Planning Regulation 2017</i> <i>Schedule 10, Part 6, Division3, Subdivision 3,</i> <i>Table 1</i> <i>Planning Regulation 2017</i> <i>Schedule 10, Part 17, Division3, Table 1</i> <i>Planning Regulation 2017</i> <i>Schedule 10, Part 17, Division3, Table 2</i>

PROPERTY NOTES

Not Applicable

FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable

RIGHTS OF APPEAL

You may appeal against any matter stated in the Decision Notice. Chapter 6, Part 1 and Part 2 of the *Planning Act 2016* detail appeal rights afforded to the applicant and submitter/s (if any) to the Planning and Environment Court or Building and Development Dispute Resolution Committee. Attached are the relevant provisions of the *Planning Act 2016* relating to the Rights of Appeal.

APPROVAL CURRENCY PERIOD

s.85 of the *Planning Act 2016* indicates when an approval lapses and this section is attached for your information.

APPROVED PLANS & SPECIFICATIONS

In accordance with the *Planning Act 2016*, a copy of the approved plans and specifications (if relevant) are attached.



FURTHER INFORMATION

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

This approval does not authorise any building work, any works within Council's Road Reserve (e.g. new/additional accesses, repair/modifications to existing accesses or works to footpaths), or any filling of land permits.

Should you have any questions or seek clarification with regard to any aspect of this notice, I encourage you to contact Council's Development, Planning and Environmental Services on telephone (07) 4776 4609.

Yours sincerely,

Gerhard Visser
Planning & Development Manager

Enclosed: Approved Plans/Documents
 Referral Agency Response
 Appeal Rights



OPERATIONAL WORK																																							
FILLING & EXCAVATION (construction of a floating pontoon)																																							
LOT 552 on SP166004																																							
Conditions				Compliance timing																																			
Administration																																							
(1)	The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:- a. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within the technical reports; b. The development must unless otherwise stated, be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards c. The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering.			At all times																																			
Currency Period																																							
(2)	The currency period applicable to this approval. • Operational Works – 24 Months until 01 October 2020			As per condition																																			
Approved Plans																																							
(3)	The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:			At all times																																			
<table><tr><th>Plan / Document Title</th><th>Prepared by</th><th>Date</th><th>Ref No.</th><th>Version / Issue</th></tr><tr><td>Pile Setout</td><td>Empire Engineering</td><td>12/04/18</td><td>JSP-CP-5284-1</td><td>B</td></tr><tr><td>Detailed Sections</td><td>Sheehy & Partners</td><td>14/06/18</td><td>8656-S04</td><td>1</td></tr><tr><td>Plan & Elevation</td><td>Empire Engineering</td><td>12/04/18</td><td>JSP-CP-5284-1</td><td>B</td></tr><tr><td>Plank / Key Beam & Transition Slab layout</td><td>Sheehy & Partners</td><td>24/07/18</td><td>8656-S01</td><td>1A</td></tr><tr><td>Dungeness boat ramp – revised plan – Marine Plant Disturbance Area</td><td>GHD – DAF Markup</td><td>30/08/18</td><td></td><td>A</td></tr><tr><td>Pontoon Construction</td><td>Empire Engineering</td><td>04/04/18</td><td>JSP-CP-5284-2</td><td>B</td></tr></table>					Plan / Document Title	Prepared by	Date	Ref No.	Version / Issue	Pile Setout	Empire Engineering	12/04/18	JSP-CP-5284-1	B	Detailed Sections	Sheehy & Partners	14/06/18	8656-S04	1	Plan & Elevation	Empire Engineering	12/04/18	JSP-CP-5284-1	B	Plank / Key Beam & Transition Slab layout	Sheehy & Partners	24/07/18	8656-S01	1A	Dungeness boat ramp – revised plan – Marine Plant Disturbance Area	GHD – DAF Markup	30/08/18		A	Pontoon Construction	Empire Engineering	04/04/18	JSP-CP-5284-2	B
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Pontoon Construction	Empire Engineering	04/04/18	JSP-CP-5284-2	B																																			
(4)	Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.			At all times																																			
(5)	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 the development or within 20 business days of this approval.			As per condition																																			
Referral Agency Conditions																																							



OPERATIONAL WORK FILLING & EXCAVATION (construction of a floating pontoon) LOT 552 on SP166004	
Conditions	Compliance timing
(6) Development must be carried out in accordance with any referral agency conditions. To the extent any inconsistencies applicable, the referral agency conditions prevail. <ul style="list-style-type: none"> Referral Agency (1808-6807 SRA) conditions 	At all times
Construction and Operation	
(7) Any construction works associated with this development shall be carried out in accordance with sound engineering practices. In particular, no nuisance is to be caused to surrounding properties or the environment 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 onto existing roads or into existing kerbing and channel, it is to be removed/cleaned up as required and on the day of occurrence so as to restrict dust nuisance and ensure traffic safety and normal operation of infrastructure;	At all times
(8) All fill/excavation/retaining material is to be contained within the Applicant's land.	At all times
(9) Fill/excavation/retaining material which may wash or spill onto adjacent land/environment is to be removed;	At all times
(10) Contaminated/acid sulfate material excavated from the site must be managed and disposed of appropriately;	At all times
(11) Certification by appropriately qualified person, confirming that the affected soil has been managed, neutralised or contained and disposed of appropriately in accordance with applicable legislation is to be provided to the Council within 20 business days of completion of the project.	As per condition
(12) The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties or the environment, to the satisfaction of the Chief Executive Officer.	At all times
(13) The construction site, structures, plant and equipment associated with the construction of the approved works must be lit/marked/made safe in such a manner that the construction works does not cause a risk to the safe navigation / use of the slipway or general public.	At all times
Site Stabilisation and Landscaping	
(14) Following filling, the batters of the site must be stabilised to the satisfaction of the Chief Executive Officer.	At all times
Damage to Infrastructure	
(15) In the event that any part of Council's existing sewer, water, channel and kerbing, or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, access to and from the site with heavy machinery for importing/exporting fill material, stripping and grubbing, the applicant/ owner must notify Council immediately of the affected infrastructure and have it repaired or replaced by Council, at no cost to Council.	At all times
As Constructed Plans	



OPERATIONAL WORK
FILLING & EXCAVATION (construction of a floating pontoon)
LOT 552 on SP166004

Conditions	Compliance timing
(16) As Constructed Plans/Drawings must be submitted to the council in CAD format within 20 business days of completion of the project.	As per condition



Reason(s) for Approval

Planning Act 2016 s.63(4)

The proposed development is considered to reflect the overall outcomes of the relevant applicable assessment instruments and codes, in particular:

- Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity;
- The proposed development will not detract from the streetscape or amenity of the surrounding locality;
- The proposed development is of a scale and nature that aligns with the land use intent for the site in the context of the land use designation;
- The development supports the viable operation of aids to navigation and supports the safe operation of vessels in navigable waterways.
- development is designed and located to protect life, buildings and infrastructure from the impacts of coastal erosion, maintain coastal processes and conserve coastal resources.



HINCHINBROOK SHIRE COUNCIL

File Ref: Dungeness Boat Ramp


 Site Location


Data Sources & Acknowledgements

This map is a representation of the data provided to the Council. The Council is not responsible for any errors or omissions in the data provided. The Council is not responsible for any errors or omissions in the data provided. The Council is not responsible for any errors or omissions in the data provided.

This map is not to be used as a basis for any legal proceedings. The Council is not responsible for any errors or omissions in the data provided. The Council is not responsible for any errors or omissions in the data provided.

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Lot 552_SP166004




Path: G:\Sandp\Gerhard Vissen\GIG_Nov_2017_3.mxd
Compiled By: Gerhard Vissen Date: 26/09/2018

HINCHINBROOK SHIRE COUNCIL

File Ref: Dungeness Boat Ramp

Legend

- RURAL ADDRESS
- URBAN STREET NO
- Road Names

 Cadastre

Zones


Residential zones category

-  General residential

Centre zones category

-  Centre
-  Mixed use

Community facilities and open space

-  Community facilities
-  Environmental management and conservation
-  Recreation and open space

Industry zones category

-  Industry

Rural zones category

-  Rural

 Site Location


Data Sources & Acknowledgements

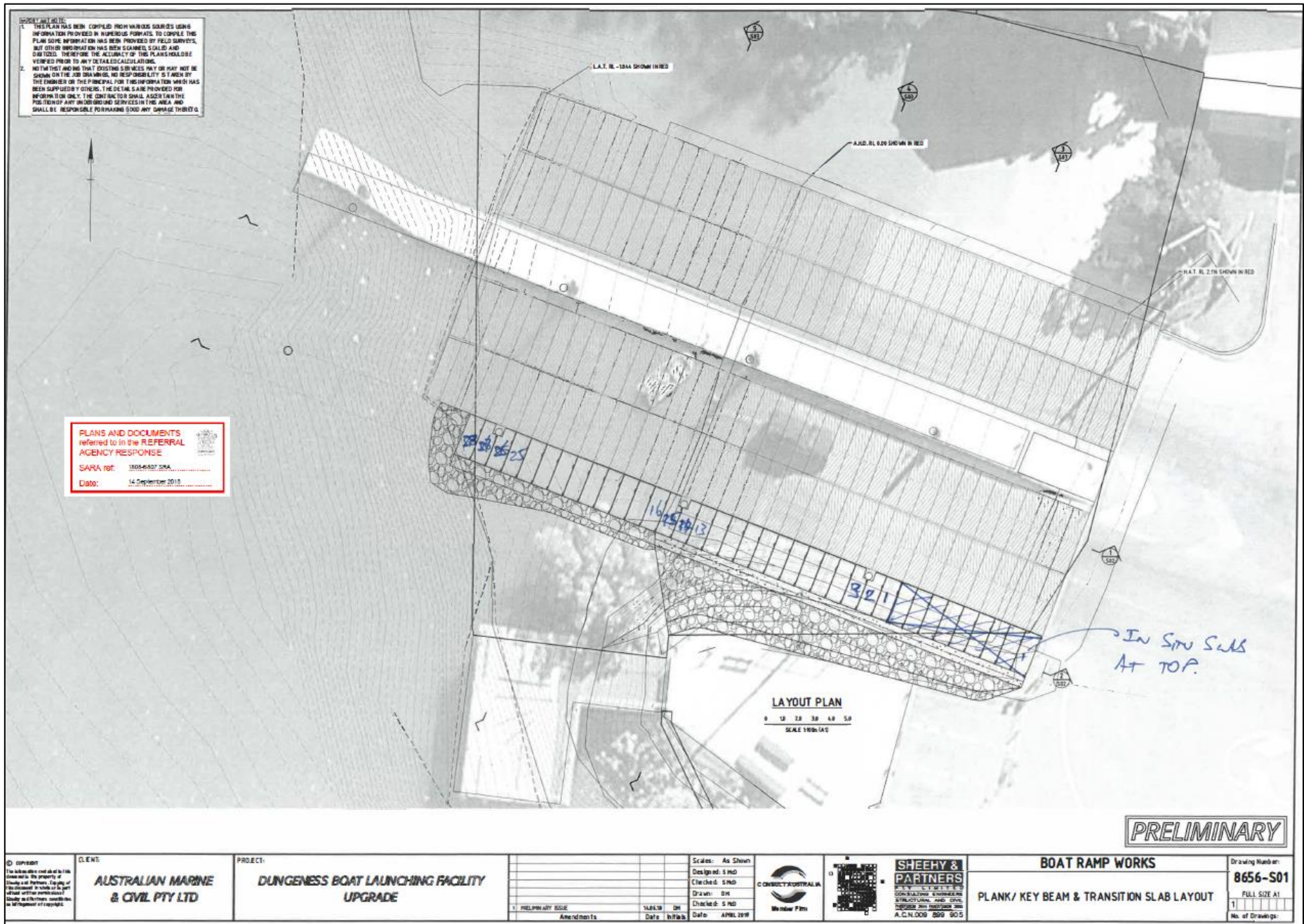
All data are provided as a guide only. The accuracy of the data is not guaranteed. The Council is not responsible for any errors or omissions. The Council is not responsible for any damage or loss resulting from the use of the data. The Council is not responsible for any damage or loss resulting from the use of the data. The Council is not responsible for any damage or loss resulting from the use of the data.

General information is provided for the Department of the Environment and Heritage. The Department of the Environment and Heritage is not responsible for any damage or loss resulting from the use of the data. The Department of the Environment and Heritage is not responsible for any damage or loss resulting from the use of the data.

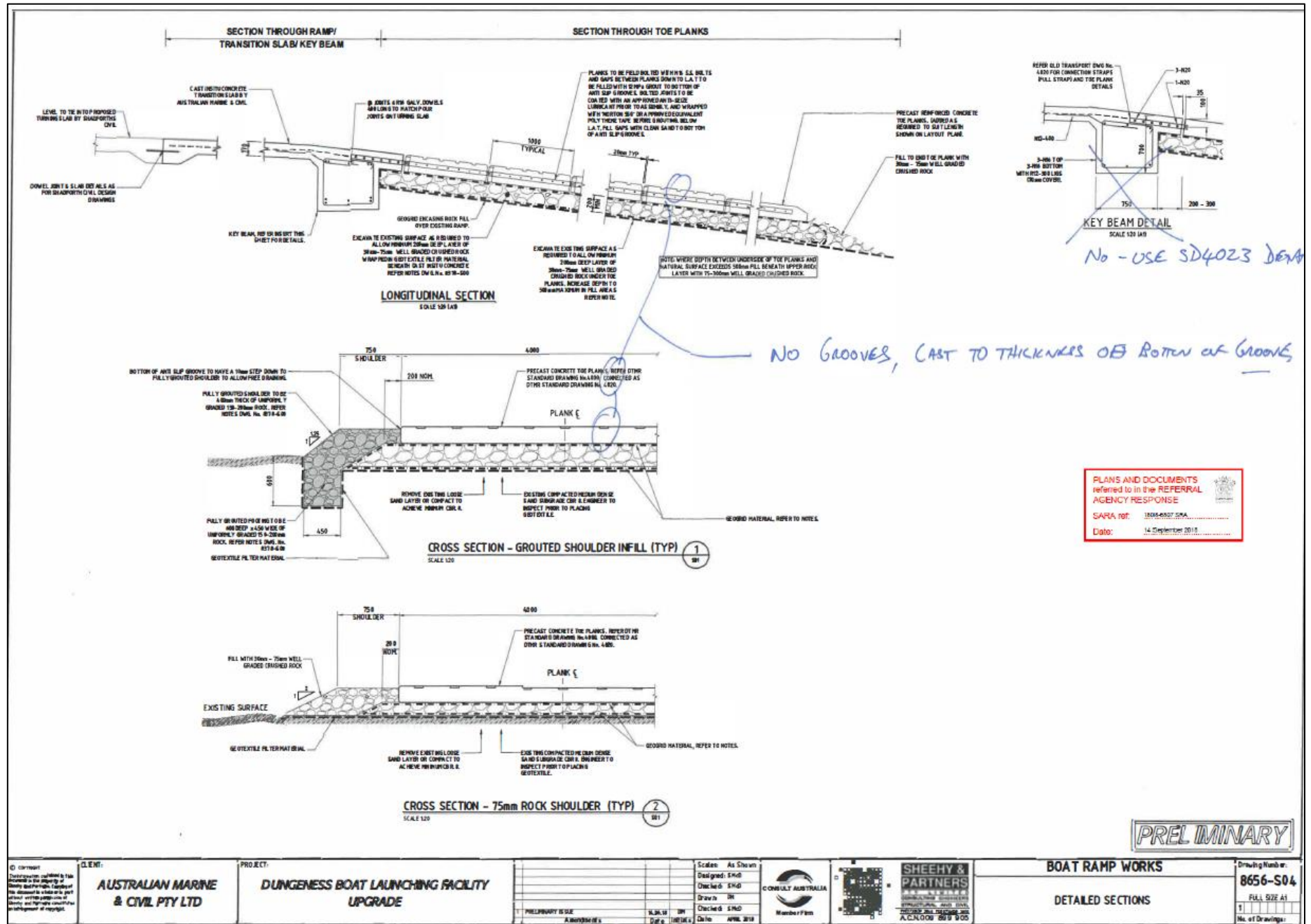
This map is not to be used or re-made as part of a commercial product.

Lot 552_SP166004

Path: G:\Sandpitt\Gerhard Vissers\GIG_Nov_2017_3.mxd
 Compiled By: Gerhard Vissers
 Date: 27/09/2018





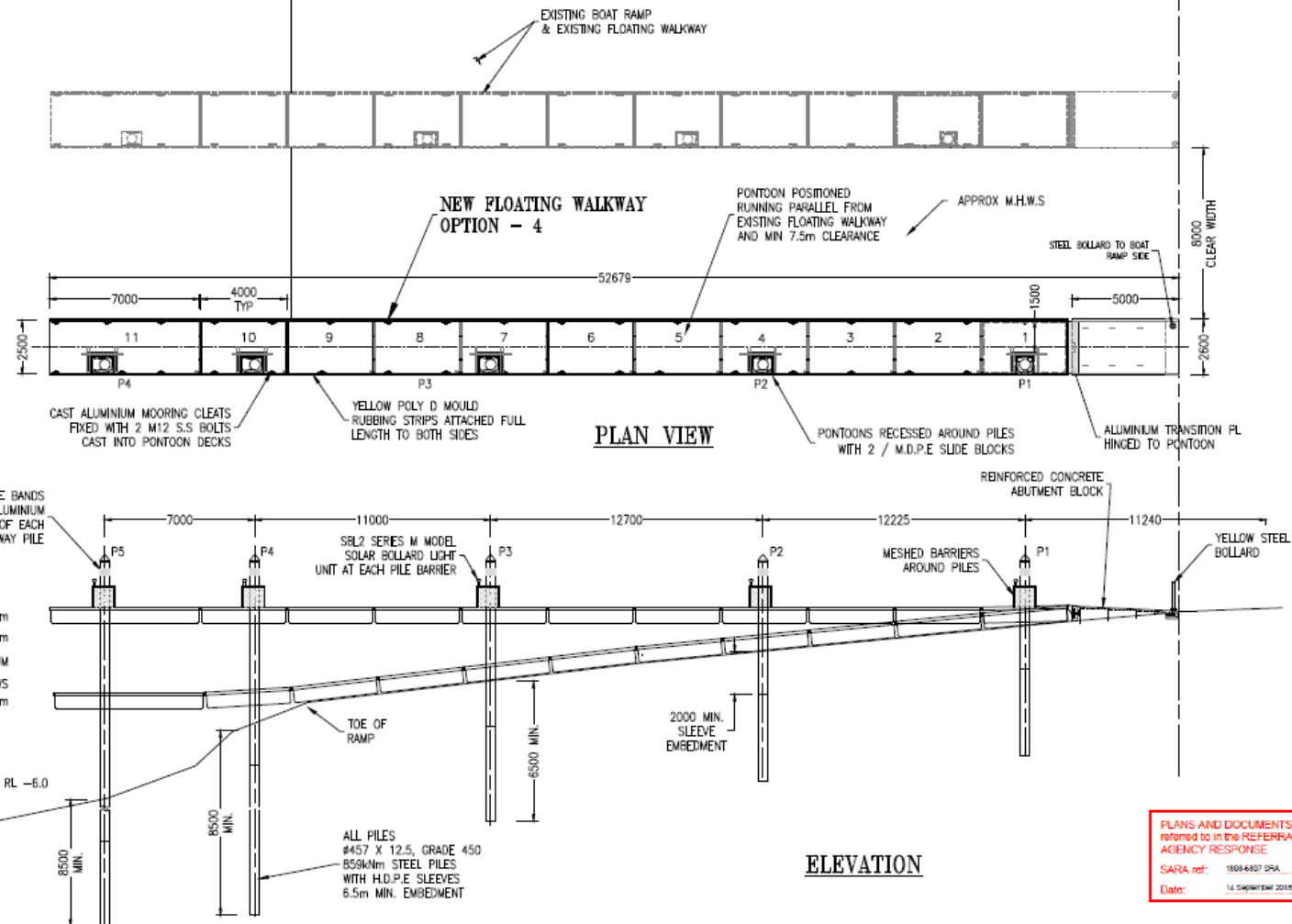


PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 18000-0007-000A

Date: 14 September 2018

PRELIMINARY



PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 1808-6927 SRA

Date: 14 September 2018

REV	DATE	AMENDMENT	RECD
B	12/4/18	PILE ADDED, LAYOUT CHANGED	TJS

THE MARINA SPECIALIST

TRADING AS ACN 010633119

THE Jetty SPECIALIST

2 INDUSTRIAL AVE
CALOUNDRA
QLD, AUSTRALIA 4551

PHONE (07) 5492 5925
FAX (07) 5492 6699

EMPIRE ENGINEERING

sunshine coast office

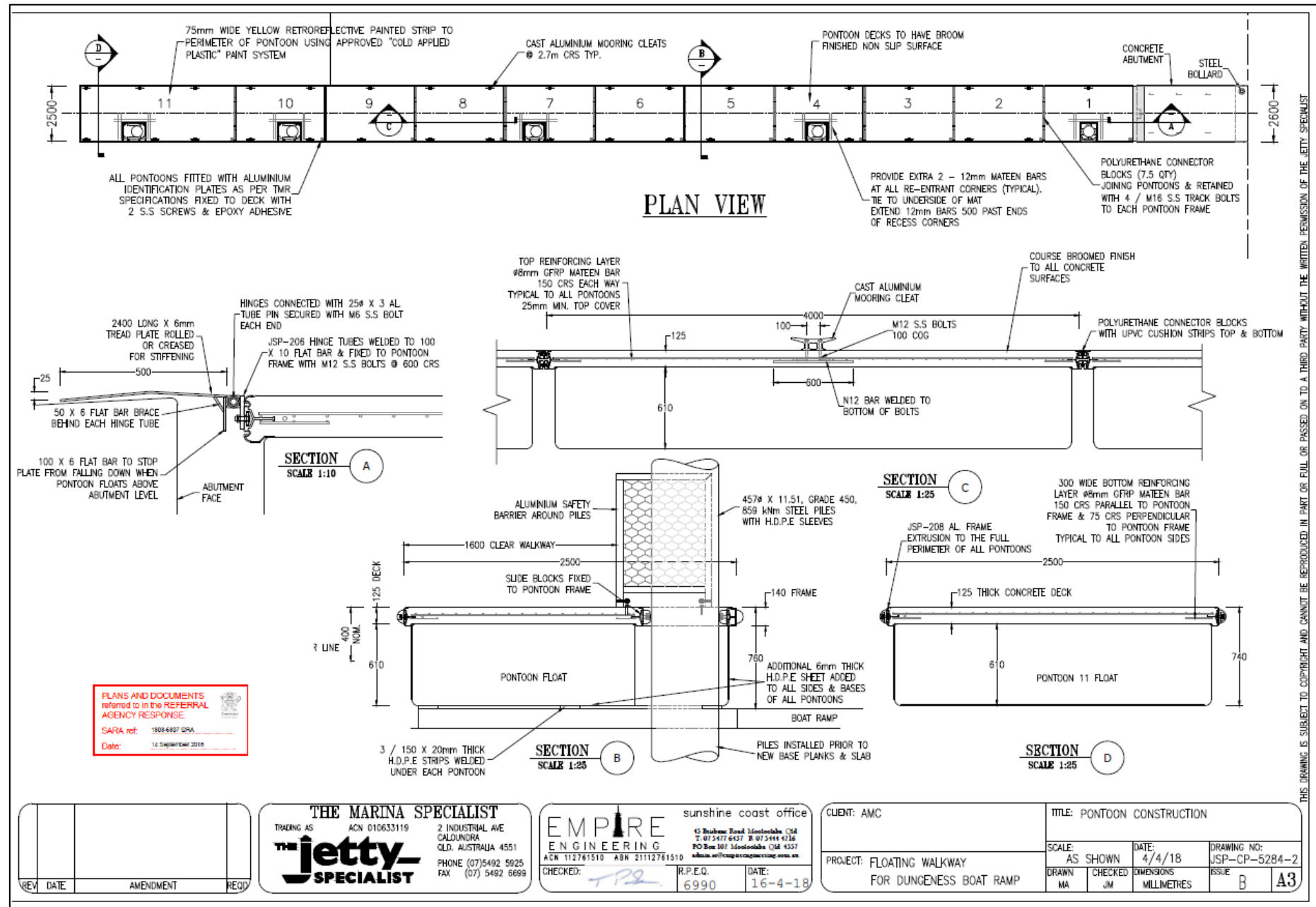
45 Brisbane Road, Mooloolah, Qld
T: 07 5477 6437 E: 07 5444 4316
PO Box 107, Mooloolah, Qld 4557
sales@empireengineering.com.au

ACN 112761510 ABN 21112761510

CHECKED: *TP2* R.P.E.O. 6990 DATE: 16-4-18

CLIENT: AMC	TITLE: PLAN & ELEVATION		
PROJECT: FLOATING WALKWAY FOR DUNGENESS BOAT RAMP	SCALE: 1:200	DATE: 30/1/18	DRAWING NO: JSP-CP-5284-1
	DRAWN TDB	CHECKED JM	ISSUE B
		DIMENSIONS MILLIMETRES	A3

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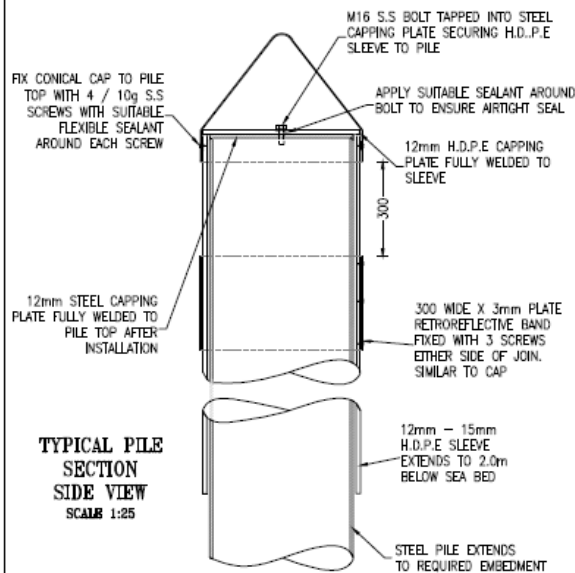
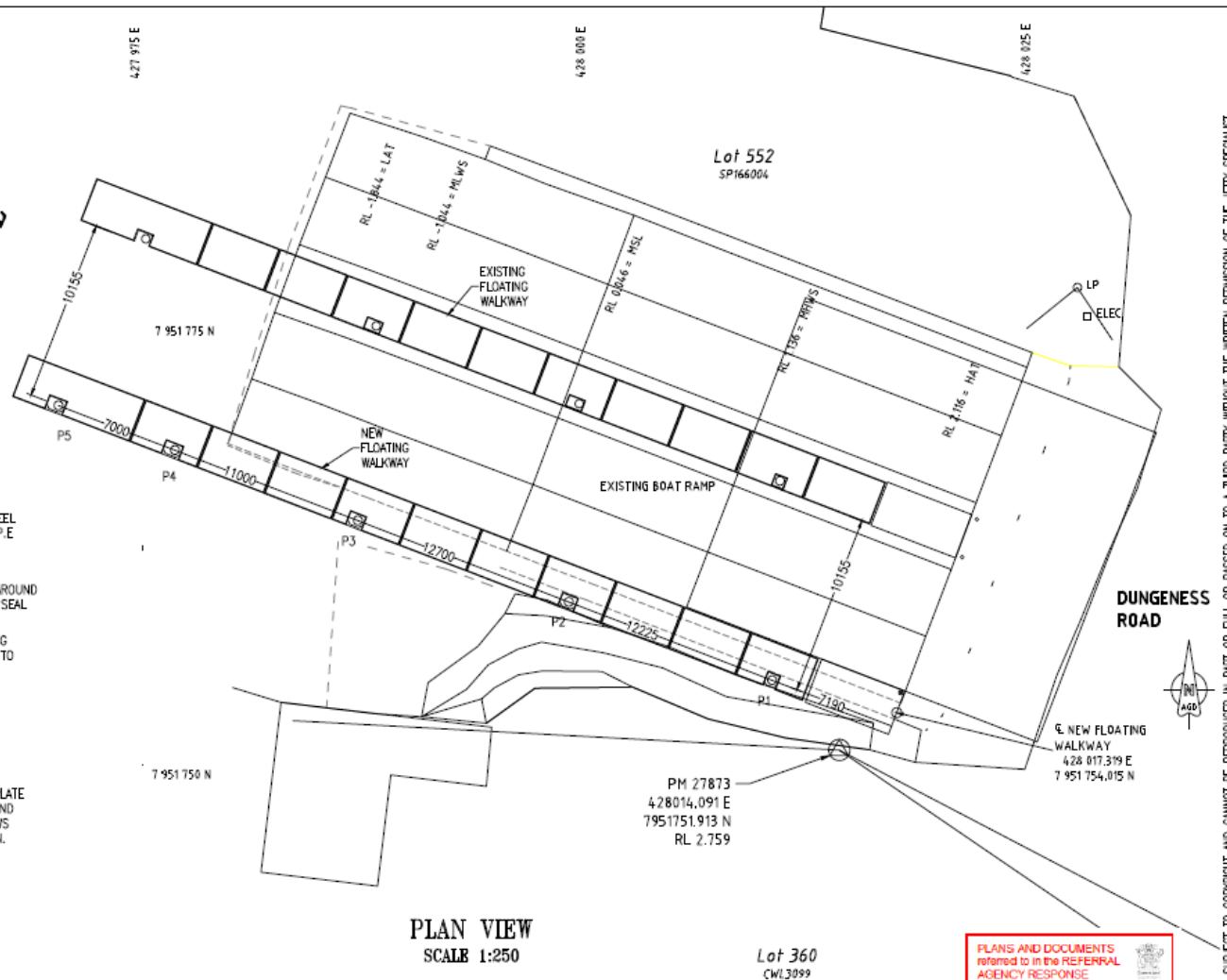


PILE COORDINATES (m)		
PILE	EAST	NORTH
P1	428 010.318	7 951 755.841
P2	427 998.911	7 951 760.237
P3	427 987.058	7 951 764.798
P4	427 976.792	7 951 768.748
P5	427 970.259	7 951 771.262

COORDINATES TO MGA

STRUCTURAL STEELWORK.

STEEL WORK SHALL COMPLY WITH THE CURRENT AS 4100.
JOINTS SHALL BE FILLET WELDED ALL ROUND. FILLET WELD SIZE SHALL BE 6mm OR THE THICKNESS OF THE SMALLER PLATE BEING JOINED, WHICHEVER IS LESS.
WELDING SHALL COMPLY WITH AS1554. (CLASS S.P. UNO.)
ALL BOLTS AND FITTINGS TO BE GRADE 316 STAINLESS STEEL (BOLTS TO BE GRADE A4 70).
ALL THREAD SURFACES TO BE COATED WITH APPROVED SEALING COMPOUND BEFORE INSTALLATION.
ALL STEEL PILES SHALL BE FUSION BONDED EPOXY COATED PRIOR TO INSTALLATION.

HINCHINBROOK
CHANNELTYPICAL PILE
SECTION
SIDE VIEW
SCALE 1:25PLAN VIEW
SCALE 1:250DUNGENESS
ROAD

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE
SARA ref: 1808-6907 SPA
Date: 14 September 2018

REV	DATE	DESCRIPTION	BY	CHKD
B	12/4/18	PILE ADDED, POSITIONS CHANGED	TJS	
		AMENDMENT		

THE MARINA SPECIALIST
TRADING AS
ACN 010633119
2 INDUSTRIAL AVE
CALOUNDRA
QLD, AUSTRALIA 4551
PHONE (07) 5492 5925
FAX (07) 5492 6699

EMPIRE ENGINEERING
sunshine coast office
45 Brisbane Road, Mooloolah, QLD
T: 07 5477 6437 F: 07 5444 4126
PO Box 100, Mooloolah, QLD 4557
admin@empireengineering.com.au

ACN 112781510 ABN 21112781510
CHECKED: TJS
R.P.E.Q. 6990
DATE: 16-4-18

CLIENT: AMC	TITLE: PILE SETOUT			
PROJECT: FLOATING WALKWAY FOR DUNGENESS BOAT RAMP	SCALE: 1:200	DATE: 5/4/18	DRAWING NO: JSP-CP-5284-1	ISSUE B
	DRAWN MA	CHECKED JM	DIMENSIONS MILLIMETRES	A3

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REFERRAL AGENCY RESPONSE

RA6-N



Department of
**State Development,
 Manufacturing,
 Infrastructure and Planning**

Our reference: 1808-8807 SRA
 Your reference: OPW18/004

14 September 2018

The Chief Executive Officer
 Hinchinbrook Shire Council
 PO Box 366
 Ingham Qld 4850
council@hinchinbrook.qld.gov.au

Dear Mr Gerhard Visser

Referral agency response—with conditions
 (Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 14 August 2018.

Applicant details

Applicant name:	Australian Marine & Civil Pty Ltd C/- GHD Pty Ltd
Applicant contact details:	PO Box 930 Townsville QLD 4810 kieran.kerr@ghd.com

Location details

Street address:	Dungeness Road, Lucinda (Dungeness Boat Ramp)
Real property description:	Lot 552 on SP166004
Local government area:	Hinchinbrook Shire Council

Application details

Development permit	Operational work – Prescribed Tidal Works (Dungeness Floating Walkway Upgrade)
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Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.17.3.1.1 Tidal works or work in a coastal management district
- 10.17.3.2.1 Tidal works or work in a coastal management district

Page 1 of 9

North and North West regional office
 Level 4, 445 Flinders Street, Townsville
 PO Box 5666, Townsville QLD 4810



1808-8807 SRA

- 10.6.3.3.1.1 Fisheries – marine plants

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Currency period

The currency period for any development approval is to be in accordance with section 56(1)(b)(iv) of the Act.

Advice to the assessment manager

Under section 56(3) of the Act, the department offers advice about the application to the assessment manager—see Attachment 3.

Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Operational work – Prescribed Tidal Works (Dungeness Floating Walkway Upgrade)				
Pile Setout	Empire Engineering	12/04/18	JSP-CP-5284-1	B
Detailed sections	Sheehy & Partners Pty Ltd	14/06/18	8656-S04	1
Plan and Elevation	Empire Engineering	12/04/18	JSP-CP-5284-1	B
Plank/ Key Beam & Transition Slab Layout	Sheehy & Partners	24.07.2018	8656-S01	1A
Dungeness boat ramp – revised plan – Marine Plant Disturbance Area	GHD Marked up by DAF	30.08.2018		A
Pontoon Construction	Empire Engineering	04.04.2018	JSP-CP-5284-2	B

A copy of this response has been sent to the applicant for their information.

For further information please contact Catherine Hobbs, Principal Planning Officer, on 4758 3412 or via email NQSARA@dsdmip.qld.gov.au who will be pleased to assist.



1808-6807 SRA

Yours sincerely



Graeme Kenna
Manager (Planning)

cc GHD Pty Ltd for Australian Marine & Civil Pty Ltd, kieran.kerr@ghd.com

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Advice to the assessment manager
Approved plans and specifications



Attachment 1—Conditions to be imposed

No.	Conditions of development approval	Condition timing
Development Permit for Operational work – Prescribed Tidal Works (Dungeness Floating Walkway Upgrade)		
Schedule 10, Part 17, Division 3, Subdivision 1, Table 1—Operational work that is tidal works—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The prescribed tidal works must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> • Pile Setout by Empire Engineering dated 12/04/18, reference JSP-CP-5284-1 and revision B; and • Detailed sections prepared by Sheehy & Partners Pty Ltd dated 14/06/18, reference 8656-S04 and issue 1; and • Plan & Elevation prepared by Empire Engineering dated 12/04/18, reference JSP-CP-5284-1 and revision B. 	For the duration of works
2.	For the proposed works, only use clean materials and ensure that the works do not cause contamination.	For the duration of the works
3.	Erosion and sediment control measures which are in accordance with Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association), are to be installed and maintained to prevent the release of sediment to tidal waters.	For the duration of the works
4.	Should the boat ramp or the floating pontoon collapse, fail or otherwise suffer structural consequences which impact their integrity or ability to function as intended, the works must be: <ol style="list-style-type: none"> a) reinstated in accordance with this development approval; or b) removed and disposed of at an appropriately licensed facility. 	As soon as reasonably practicable subsequent to the damage
5.	Submit "As Constructed drawings" to palm@des.qld.gov.au or mail to: <p>Department of Environment and Science Permit and License Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p>	Within two (2) weeks of the completion of the works
6.	a) In the event that the works cause disturbance or oxidisation of acid sulfate soil, the affected soil must be treated and thereafter managed (until the affected soil has been neutralised or contained) in accordance with the current <i>Queensland Acid Sulfate Soil Technical Manual: Soil management guidelines</i> ,	(a) Upon disturbance or oxidisation until the affected soil has been neutralised or



No.	Conditions of development approval	Condition timing
	<p>prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014.</p> <p>b) Certification by appropriately qualified person, confirming that the affected soil has been neutralised or contained, in accordance with (a) above is to be provided to palm@des.qld.gov.au or mailed to:</p> <p style="padding-left: 40px;">Department of Environment and Science Permit and License Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p> <p>Note: Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills and experience relevant to soil chemistry or acid sulfate soil management and can give authoritative assessment, advice and analysis in relation to acid sulfate soil management using the relevant protocols, standards, methods or literature.</p>	<p>contained.</p> <p>(b) At the time the soils have been neutralised or contained.</p>
<p>Schedule 10, Part 17, Division 3, Subdivision 2, Table 1—Operational work that is tidal works—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Maritime Safety Queensland to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
7.	<p>a) Provide written notice to the Regional Harbour Master, Marine Operations (Townsville Region), Maritime Safety Queensland, Department of Transport and Main Roads, 60 Ross Street, Townsville Qld 4810 or GPO Box 1921, Townsville Qld 4810, P: (07) 4421 8100, F: (07) 4721 2028, E:RHMTownsville@msq.qld.gov.au, when the development authorised under this approval is scheduled to commence.</p> <p>Each notice must state this application number, the location and name of registered place and the condition number under which the notice is being given.</p> <p>b) Provide written notice to the Regional Harbour Master, Marine Operations (Townsville Region), Maritime Safety Queensland, Department of Transport and Main Roads, 60 Ross Street, Townsville Qld 4810 or GPO Box 1921, Townsville Qld 4810, P: (07) 4421 8100, F: (07) 4721 2028, E:RHMTownsville@msq.qld.gov.au, when the development authorised under this approval has been completed.</p> <p>Each notice must state this application number, the location and name of registered place and the condition number under which the notice is being given.</p>	<p>(a) At least two (2) weeks prior to the commencement of works</p> <p>(b) Within two (2) weeks of the completion of works</p>
8.	<p>All vessels, structures, plant and equipment associated with the construction of the approved works must be lit/marked in accordance with the following specifications and requirements such that undertaking the construction works does not cause a risk to the safe navigation of ships:</p> <p>a) Floating plant and equipment is to be lit in accordance with the</p>	<p>While the works are occurring</p>



Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the development avoids or minimises adverse impacts on coastal resources and their values.
- To ensure landowners are aware they must take responsibility for their damaged property as they can impact on coastal resources and public safety.
- 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.
- To ensure any disturbance to acid sulfate soils is managed to prevent impacts to coastal environments.
- To facilitate the monitoring of the development works for compliance purposes.
- To ensure that at all times, all lights on or above the development site do not interfere with safe navigation in surrounding waterways.
- To facilitate the monitoring of the development works for compliance purposes.
- To ensure that the development does not interfere with any existing aids to navigation.
- To ensure the development does not encroach on the navigable waterway in a way that impedes the safe passage of vessels.
- To ensure the development is carried out in the location and to the extent specified on the approved plans of development.
- To facilitate the monitoring of the development works for compliance purposes.
- To ensure the disturbance of acid sulfate soil is managed to prevent impacts on fisheries resources and fish habitats.
- To facilitate the monitoring of the development works for compliance purposes.
- To ensure tidal land profiles are restored to match the surrounding or pre-works sediment profile to aid re-colonisation by flora and fauna.
- To ensure the development will not increase the risk of mortality, disease or injury, or compromise the health and productivity of fisheries resources.

Evidence or other material on which the findings were based

- development application
- response to an information request]
- State Development Assessment Provisions published by the Department of State Development, Manufacturing, Infrastructure and Planning
- [any planning instruments considered]
- *Planning Act 2016*
- Planning Regulation 2017



Attachment 3—Advice to the assessment manager

General advice	
1.	<p>ERA 16 – Extractive activities</p> <p>An environmental authority (ERA 16) is required when dredging more than a 1000t of quarry material from land below the high-water mark. Please refer to https://www.business.qld.gov.au/running-business/environment/licences-permits/applying/technical for a number of technical guidelines, which outline the technical information requirements for applications for an environmental authority.</p>
2.	<p>Allocation of Quarry Material (AQM)</p> <p>Please note, accordingly to section 3.4.1 in <i>Guideline – Dredging and allocation of quarry material, removing material</i>, as a necessary part of construction of an approved tidal work, that is of no commercial benefit and is not required for maintaining coastal processes in adjacent areas and cannot be returned to tidal waters, is considered a reasonable excuse for removing quarry material without an allocation notice. The guidelines are available at https://www.ehp.qld.gov.au/assets/documents/regulation/cpm-gl-dredging.pdf</p>



APPEAL RIGHTS**PLANNING ACT 2016 & THE PLANNING REGULATION 2017****Chapter 6 Dispute resolution****Part 1 Appeal rights****229 Appeals to tribunal or P&E Court**

- (1) Schedule 1 of the Planning Act 2016 states –
- (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
- (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
- (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
- (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
- (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The **service period** is –
- (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.



231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
 - decision* includes-
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.
 - non-appealable*, for a decision or matter, means the decision or matter-
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

