ORDINARY MEETING 7 OCTOBER 2014	5.3

PRESCRIBED TIDAL WORKS - BANK RESTORATION (ROCK STABILISATION & REVEGETATION) DAINTREE RIVER AT MCDOWALL LANE – CAPE TRIBULATION ROAD LOWER DAINTREE

Jenny Elphinstone: 8/36/81: D#429700

PROPOSAL:	PRESCRIBED TIDAL WORK FOR BANK RESTORATION (ROCK STABILISATION & REVEGETATION)
APPLICANT:	CAIRNS RIVER IMPROVEMENT TRUST C/- TIM SMITH CRC PO BOX 359 CAIRNS QLD 4870
LOCATION OF SITE:	DAINTREE RIVER ADJACENT TO 37 MCDOWALL LANE, LOWER DAINTREE
PROPERTY:	DAINTREE RIVER ADJACENT TO LOT 4 ON RP888615
LOCALITY:	RURAL AREAS AND RURAL SETTLEMENT LOCALITY
PLANNING AREA:	RURAL
PLANNING SCHEME:	2008 DOUGLAS SHIRE PLANNING SCHEME
REFERRAL AGENCIES:	DEPARTMENT OF STATE DEVELOPMENT, INFRASTRUCTURE AND PLANNING
NUMBER OF SUBMITTERS:	NOT APPLICABLE
STATUTORY ASSESSMENT DEADLINE:	20 OCTOBER 2014
APPLICATION DATE:	18 NOVEMBER 2013
APPENDIX:	1. APPROVED PLAN(S) & DOCUMENT(S) 2. CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS 3. SUPPORTING INFORMATION TO PLANNING REPORT

LOCALITY PLAN

RECOMMENDATION:

That Council approves the development application for Bank Restoration (Rock Stabilisation & Revegetation) at Daintree River at McDowall Lane, being adjacent to 37 McDowall Lane, Lower Daintree (adjacent to Lot 4 on RP888615), subject to the following:

APPROVED DRAWING(S) AND / OR DOCUMENT(S)
The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
Crossection and Design Detail	Cairns Regional Council, Restoration of Flood Damage Around Existing Rock Protection – McDowall Lane, Drawing 1	July 2009
Layout	Cairns Regional Council, Restoration of Flood Damage Around Existing Rock Protection – McDowall Lane, Drawing 2	July 2009
Technical Specifications for Earthworks and Rock Protection	Cairns Regional Council, Daintree River at McDowall Lane	20 September 2009
Environmental Management Plan (EMP) for Construction	Cairns regional Council	26 October 2009

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:

a. The specifications, facts and circumstances as set out in the application submitted to Council; and

b. The following conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.

Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Operational Works

3. An Operational Works Approval is required for undertaking of the nominated works. Such works must be completed to the satisfaction of the Chief Executive Officer.

Construction of the Works

4. The Applicants / owners must:

a. Ensure that construction of the works is carried out only by means of suitable plant and equipment and that measures are taken to limit turbidity in tidal waters as a result of the construction; and

b. Ensure that disturbance to the bed and banks of the waterway is kept to a minimum; and

c. Take all appropriate measures to minimise pollution of tidal waters as a result of silt runoff and discharge of other contaminants such as fuel, oil and hydraulic fluid to the waterway during construction of the works; and

d. Ensure any acid sulphate soils are managed so that contaminants are not directly or indirectly released as a result of the construction activity to any waters or the bed and banks of any waters.

Damage to Council Infrastructure

5. In the event that any part of Council's existing road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the Applicant/owner must notify Douglas Shire Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the Commencement of Use.

Debris

6. The Applicant/owner must remove any material deposited outside of the alignment of the works shown on the approved plans, or any debris that falls or is deposited on tidal lands or into tidal waters during construction of the works.

Existing Vegetation

7. Existing vegetation on the subject land must be retained in all areas except those affected by construction. The boundary of the construction envelope for each working site must be clearly delineated with marker pegs or flagging tape and surveyed by an appropriately qualified environmental professional to determine the presence of any species protected under the Nature Conservation Act 1992 and the Environment Protection & Biodiversity Conservation Act 1999 prior to any removal of vegetation.

Vegetation to be retained is to be identified and adequately fenced off for protection purposes prior to construction work commencing on the site.

Any further clearing requires an Operational Works Approval. All trees to be retained are to be protected in accordance with the Australian Standard Protection of trees on development sites AS4970-2009. Any pruning of trees adjacent to the development footprint is to be in accordance with the Australian Standard Pruning of amenity trees AS4373-2007.

Wildlife Habitat

8. Prior to removal of any tree, an inspection must be carried out for any signs of protected wildlife including nests and animal habitat. Should any recent wildlife activity be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger. If the animal does not move from the area of danger, the Queensland Parks and Wildlife Services must be contacted for advice. Important habitat trees should be retained wherever possible.

Notification

9. Council's Development and Environment Branch must be notified two (2) business days prior to the proposed date of commencement of any approved vegetation clearing.

Sediment and Erosion Control

10. Soil and water management measures must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).

Stockpiling and Transportation of Fill Material

11. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.

Transportation of fill or spoil to and from the site must not occur within:

a. peak traffic times;
b. before 7:00 am or after 6:00 pm Monday to Friday;
c. before 7:00 am or after 1:00 pm Saturdays; or
d. on Sundays or Public Holidays.

12. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Storage of Machinery and Plant

13. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrence Agency Reference	Date	Council Electronic Reference
Department of State Development, Infrastructure and Planning	SDA-1213-006732	22 September 2014	D#429756

Refer to Appendix 2: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act* 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the *Sustainable Planning Act* 2009.

2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.

3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

4. For information relating to the *Sustainable Planning Act* 2009 log on to www.dsdip.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au .

Advice Statement for Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

You are advised that the EPBC Act applies to action that has, will have, or is likely to have, a significant impact on matters of national environmental significance.

Further information on the EPBC Act can be obtained from the Department of Sustainability, Environment, Water, Population and Communities' website www.environment.gov.au/epbc EPBC Act Policy Statement 1.1 Significant Impact Guidelines Matters of National Environmental Significance (Oct 2009).

EXECUTIVE SUMMARY:

Application has been made by the River Improvement Trust (RIT) for rock revetment work to the bank of the Daintree River adjacent to McDowell Land. During Cyclone Grace and the severe flooding that followed, there was loss of vegetation from the bank adjacent to a 100m section of the Daintree River bank adjacent to McDowell Lane.

The former Douglas Shire Council carried out the major road embankment restoration works that included rock stabilisation of the river bank below the road over about 80m of McDowall Lane and this part of the river bank is now stable with vegetation growth. However there is worsening erosion at both ends of that 80m section and rock revetment work is urgently required to "tie in" each end of the site.

With the further erosion and further vegetation loss that occurred in January and February, 2009, the work proposed must be completed to retain the bank and maintain the adjacent road. The application has been delayed being submitted due to requirements for obtaining owner's consent from the State.

TOWN PLANNING CONSIDERATIONS:

Background

This section of the bank of the Daintree River suffered damage during Cyclone Grace in 2004. Works were undertaken by the River Improvement Trust however these were insufficient and further work is necessary to stabilise the bank. Adjacent to the bank is McDowall Lane and Council's constructed road. Some work was undertaken in 2004 however there was erosion to the upstream end and this has threatened further loss of vegetation, riverbank and eventually will impact on the adjacent road unless abated.

Proposal

After investigation the River Improvement Trust has designed works to stabilise the bank and in turn protect the Council road along McDowall Lane. Detail of the proposed works including the technical specification and an Environmental Management Plan for the Operational Work is contained in Appendix 1. The design documentation has been drawn by qualified Engineer.

The Applicant notes that a significant amount of remnant vegetation was lost during the cyclone event and subsequent erosion of the riverbank. The proposed works will stabilise the riverbank and provide for regrowth. The extent of works is that necessary to re-establish the bank. A small number of protected marine plants will be required to be removed at the toe of the bank and this is addressed through the referral of the application to the State.

Photographs of the river bank are included in Appendix 3.

Douglas Shire Planning Scheme Assessment

Douglas Shire Planning Locality		Code Applicability	Compliance
Locality	Rural Areas and Rural Settlements Locality	✓	Refer to Comment
Planning Area	Rural	✓	Refer to Comment
Defined Use	No change of use proposed	✗	-
Overlay Codes	Acid Sulfate Soils Code	✓	Complies through conditions
	Cultural Heritage and Valuable Sites Code	✗	-
	Natural Hazards Code	✗	-
General Codes	Design and Siting of Advertising Devices Code	✗	-
	Filling and Excavation Code	✓	Refer to comment
	Landscaping Code	✗	-
	Natural Areas and Scenic Amenity Code	✓	Refer to comment
	Reconfiguring a Lot Code	✗	-
	Vehicle Parking and Access Code	✗	-
	Sustainable Development Code	✗	-

Compliance Issues

None. The works provide replacement to previous bank erosion, reinforce the natural environment and protect Council assets of the adjacent road. The use of rock is a natural material and consistent with the environment. It is likely that further flooding of the riverbank will leave sediment deposits and natural regrowth. No concern is raised with the development and conditions of the approval address the construction method.

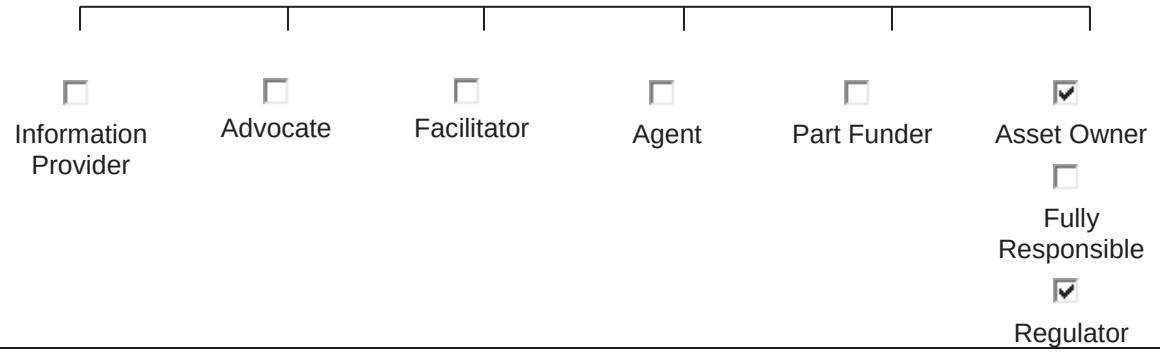
ADOPTED INFRASTRUCTURE CHARGES

The proposed development does not trigger Adopted Infrastructure Charges.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

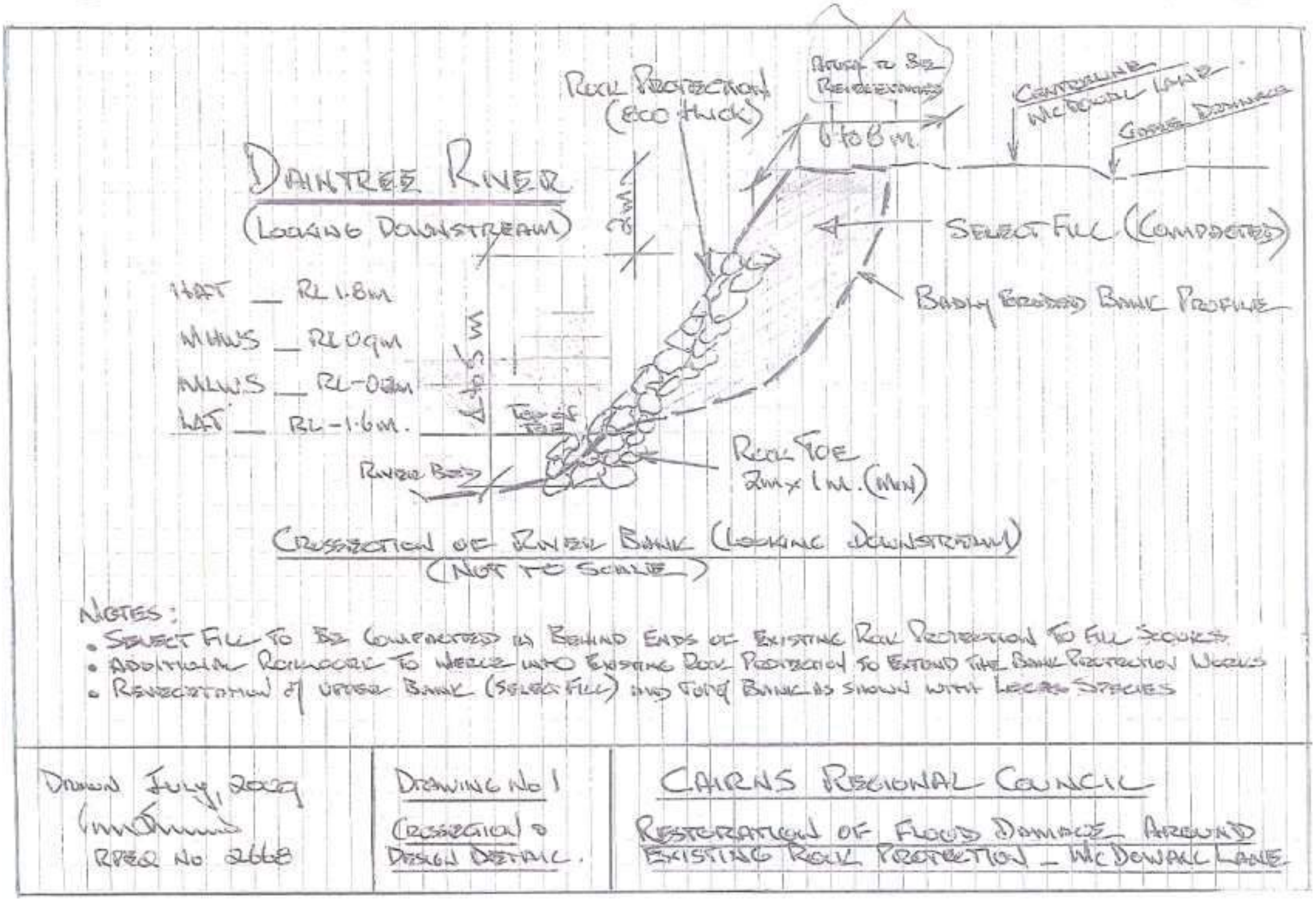


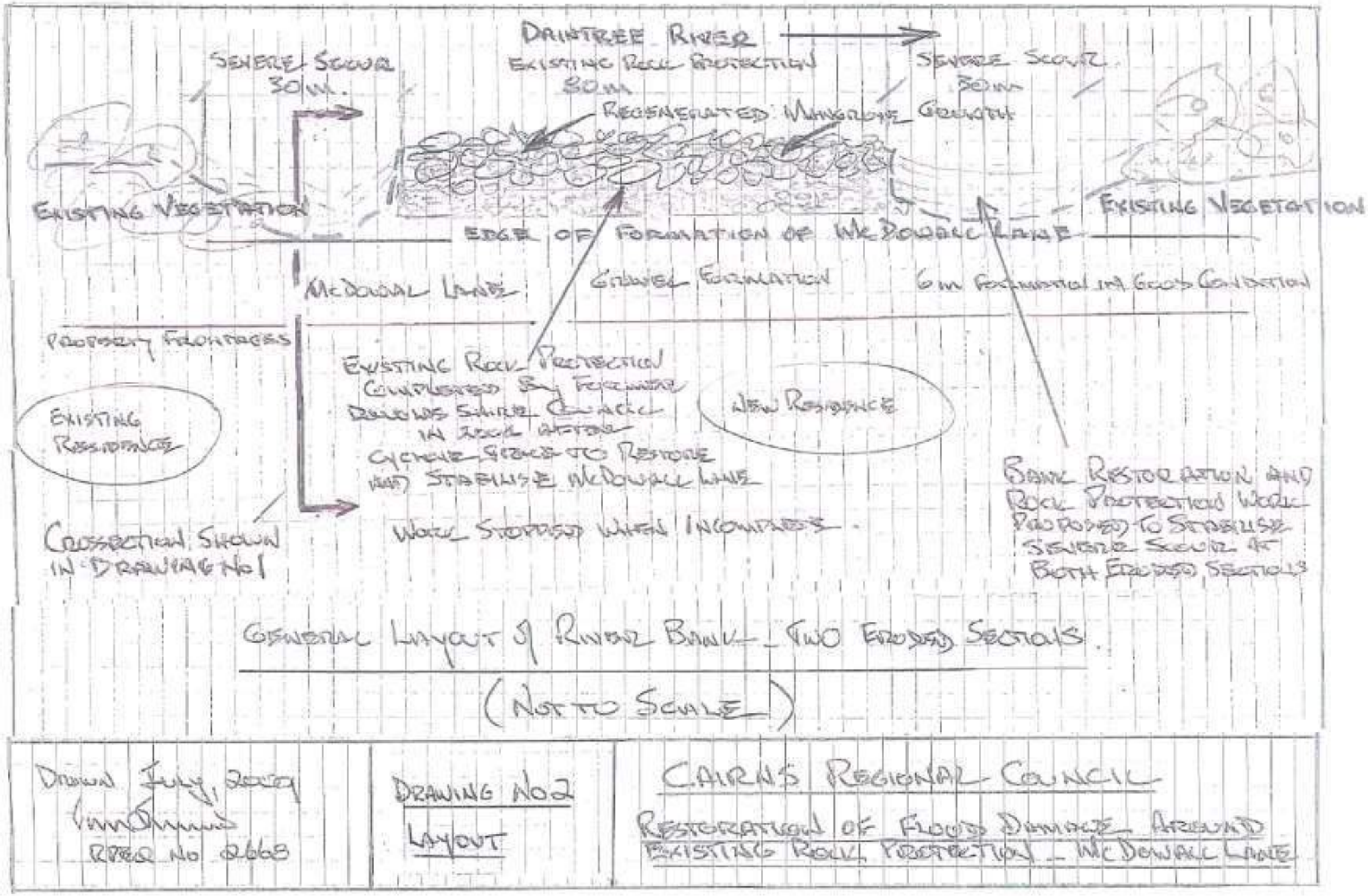
Asset Owner:	Meeting the responsibilities associated with owning or being the custodian of assets such as infrastructure.
Regulator:	Meeting the responsibilities associated with regulating activities through legislation or local law.

Under the *Sustainable Planning Act* 2009 and the *Sustainable Planning Regulation* 2009, Council is the assessment manager for the application.

APPENDIX 1: APPROVED PLAN(S) & DOCUMENT(S)

CAIRNS RIVER IMPROVEMENT TRUST
McDOWALL LANE, DAINTREE RIVER
GENERAL LAYOUT OF TWO SITES (total length 50m)
Notes:
1. Existing rock stabilisation and revegetation carried out by former Douglas Shire Council to reinstate bank and restore road formation
2. Work was stopped when incomplete in 2004
3. 6m road formation in good condition either side of the eroded sites
4. Restoration is to be carried out to the existing lines and levels of the bank upstream and downstream of the two sites and the existing rockwork and revegetation carried out in 2004
5. Work proposed is river bank restoration - bank profile, rock stabilisation of lower bank and revegetation for both scours - See Drawing 1 (page 18)


DAINTREE RIVER
(LOOKING DOWNSTREAM)
HAT _ RL 1.8m
MHWS _ RL 0.9m
MLWS _ RL -0.8m
LAT _ RL -1.6m.
ROCK PROTECTION (800 THICK)
6 to 8 m
SELECT FILL (COMPACTED)
BADLY ERODED BANK PROFILE
ROCK TOE
2m x 1m. (MIN)
RIVER BED
TOP OF TOE
CENTRELINE MCDOWALL LANE
CROSSECTION OF RIVER BANK (LOOKING DOWNSTREAM)
(NOT TO SCALE)
NOTES:
. SELECT FILL TO BE COMPACTED IN BEHIND ENDS OF EXISTING ROCK PROTECTION TO FILL SCOURS
. ADDITIONAL ROCKWORK TO MERGE INTO EXISTING ROCK PROTECTION TO EXTEND THE BANK PROTECTION WORKS
. REVEGETATION OF UPPER BANK (SELECT FILL) AND TOP OF BANK AS SHOWN WITH LOCAL SPECIES
DRAWN JULY, 2009
RPEQ NO 2668
DRAWING NO 1
CROSSECTION & DESIGN DETAIL.
CAIRNS REGIONAL COUNCIL
RESTORATION OF FLOOD DAMAGE AROUND EXISTING ROCK PROTECTION _ MCDOWALL LANE


DAINTREE RIVER
EXISTING ROCK PROTECTION 80M
SEVERE SCOUR 30M
SEVERE SCOUR 30M
REGENERATED MANGROVE GROWTH
EXISTING VEGETATION
EXISTING VEGETATION
EDGE OF FORMATION OF MCDOWALL LANE
MCDOWAL LANE
GRAVEL FORMATION
6M FORMATION IN GOOD CONDITION
PROPERTY FRONTAGES
EXISTING ROCK PROTECTION COMPLETED BY FORMER DOUGLAS SHIRE COUNCIL IN 2004 AFTER CYCLONE STRIKE TO RESTORE AND STABILISE MCDOWALL LANE
NEW RESIDENCE
EXISTING RESIDENCE
BANK RESTORATION AND ROCK PROTECTION WORK PROPOSED TO STABILISE SEVERE SCOUR AT BOTH ERODED SECTIONS
WORK STOPPED WHEN INCOMPLETE.
CROSSECTION SHOWN IN DRAWING No 1
GENERAL LAYOUT OF RIVER BANK - TWO ERODED SECTIONS.
(NOT TO SCALE)
DRAWN JULY, 2009
RPEQ No 2663
DRAWING No 2
LAYOUT
CAIRNS REGIONAL COUNCIL
RESTORATION OF FLOOD DAMAGE AROUND EXISTING ROCK PROTECTION - MCDOWALL LANE

CAIRNS REGIONAL COUNCIL

DAINTREE RIVER AT MCDOWALL LANE

ADDITIONAL RIVER BANK RESTORATION STABILISATION AND REVEGETATION WORKS

TECHNICAL SPECIFICATION FOR

EARTHWORKS

E1 EXCAVATION

Excavation is to achieve the lines and levels shown on the drawings.

No excavated materials are to be removed from the site of works without the prior written approval of Cairns Regional Council.

All cut areas are to be profiled as specified below, prior to placing any rock protection.

The contractor is required to liaise with Council in relation to the source of the rock.

E2 FILLING AND FILL MATERIAL

Filling will be to the lines and levels to achieve the profiles shown on the drawings.

Where a deficiency of materials occurs, suitable material is to be imported. No borrow pits or sources of fill material exist at the site. All imported fill will have a CBR of not less that 100, measured at 95% Relative Dry Density standard compaction. The fill will be clayey fill material, with a nominal maximum particle size of 100mm, free from organic material, maximum PI 15, and linear shrinkage of 8 to 12.

E3 PLACING AND COMPACTING FILL

The loose depth of the material in each layer will be such that when compacted the layer thickness will be not more that 300mm, unless approved otherwise by Council.

E4 COMPACTION STANDARD

All fill areas are to be compacted to not less than 95% Relative Dry Density standard compaction (for cohesive soils). Standard Compaction" is that defined in AS 1289.E6.1.

E5 COMPACTION PROCESS AND STANDARD

Achieve 95% Relative Dry Density standard compaction as detailed above.

E6 TOLERANCE OF FINISHED LEVELS

Not applicable

E7 TESTING

Not necessary

E8 ACCEPTANCE OF THE WORKS

Works to be completed to the satisfaction of Council

E9 EARTHWORKS RECORDS

Not required

E10 PROTECTION OF EMBANKMENTS AND CHANNELS

Any damage to the river bank caused by activity to carry out the bank stabilisation at the site is to be restored before demobilisation and excavation plant leaves the site.

E11 DISPOSAL OF EXCAVATED MATERIAL

The disposal of any unsuitable excavated material will be part of the work. Spoil will be disposed of within about 1km of the job site.

E12 DISPOSAL OF DEBRIS – FALLEN TREES

The disposal of any debris from the site will be part of the work, and will be disposed of at a location approved by Council within 5km of the site.

20th September, 2009

CAIRNS REGIONAL COUNCIL

DAINTREE RIVER AT MCDOWALL LANE

ADDITIONAL RIVER BANK RESTORATION STABILISATION AND REVEGETATION WORKS

TECHNICAL SPECIFICATION FOR

ROCK PROTECTION

R1 ROCK SUPPLY

The contractor will be required quarry, supply and cart all rock to the site and place it in accordance with the requirements of this specification and to the satisfaction of Council. The contractor is required to liaise with Cairns Regional Council in relation to the source of the rock.

R2 QUALITY OF MATERIAL

Except where specifically stated otherwise, the rock is to comprise individual stone that is either igneous or metamorphic on origin, and that is dense, sound, resistant to abrasion and free of cracks, cleavage planes, seams and other defects that may result in breakdown of the stone in the environment of the works. Any stone that might undergo physical change causing spalling, weathering or fracturing in the environment of the works will not be acceptable.

All rock to be incorporated in the works will comply with the following test requirements:

(a) Los Angeles Abrasion Test
For specimens complying with the B.25 percent flaky particles grading of AS1141-1980 Section 23, the loss when tested in accordance with the requirements of the standard will not exceed 20%.

(b) Sodium Sulphate Soundness Test
For the 37.5mm to 63mm fraction of a crushed sample when tested in accordance with the requirements of AS1141 Section 24 for 5 cycles, the loss will not exceed 2.5%.

(c) Bulk Density
The particle of the 37.5mm to 63mm fraction of a crushed sample expressed on a dry basis shall not be less than 2,500 kg/m^3 and the water absorption will not exceed 1.5% when determined by the relevant methods described in AS1141-1980, Section 6.

(d) Strength
For a fraction passing a 13.2, AS sieve but retained on a 9.5mm AS sieve of a crushed sample, the wet strength shall not be less that 130kN and the wet/dry strength variation will not exceed 25, as determined by AS1141, Section22.

R3 TESTING MATERIAL

Any testing of material for quality control purposes will only be necessary if required by Council. If testing is necessary, it is to be carried out by an approved NATA laboratory and the cost borne by the contractor. Copies of test results are to be supplied to Council.

Additionally, Council may direct any truckload of rock delivered to the site to divert to an independent NATA laboratory for testing. The costs of such testing will be borne by Council. Council will pay for the cost of the rock supplied in this test.

Material that does not comply with the requirements of this specification will not be accepted for incorporation into the works.

R4 ROCK PROTECTION

4.1 Class and Grading

The rock is to meet the following limits, and will be well graded, that is, with a broad range of particle sizes and without gaps in the range of sizes.

Bank Protection Rock	
Sieve Size (mm)	**Percent Passing by Mass**
1200mm square opening	100
600mm square opening	50
300mm square opening	0-15
150mm square opening	0

The shape of the rock must comply with the following:

(a) The ratio of the maximum dimension of any rock to the minimum dimension, measured at right angles to the maximum dimension will not exceed 2; and

(b) Not greater than 25% of all rock supplied to site in any truckload will have ratios of maximum dimension to minimum dimensions, measured at right angles to the maximum dimension in the range 1.5 to 2.

4.2 Previous Supply of Rock for River Bank Protection

If required, the contractor will provide details of previous contracts where armour rock from the nominated quarry has been previously supplied for use in protection of river armouring works. Details of each job, client, client contact and performance of the rock to date may be required.

4.3 Haulage

The contractor will be wholly responsible for loading, hauling and placing the rock from the source of supply to the work.

The access to the work site shall be via McDowall Lane.

R5 STOCKPILING

The supply of rock to the job site should match the rate of installation or at most the stockpiling of up to one day's placing requirements only will be permitted.

Temporary stockpile areas are to be clear of cultivated areas and headlands and are to be staked by the contractor at commencement of the works and marked with a continuous barrier of orange safety webbing. This barrier will be maintained through the works. No rock is to be stockpiled beyond this barrier. The stockpiles are not to inhibit natural surface drainage.

R5 CONSTRUCTION

6.1 Rock Placement

The contractor will be responsible for determining satisfactory placement techniques.

The method of placing is to produce a dense, evenly distributed blanket of rock with not greater than 30% of voids by volume. The contractor is to advise Council of details of the proposed method of placement control to ensure that the rock protection meets the specified requirements.

6.2 Tolerance and Finished Levels

The rock thickness is to be within –00mm and 200mm of the specified thickness at all locations.

It is not anticipated that settlement of the insitu soils will occur under the weight of the armour rock, and the finished top surface is not to be below the level shown on the drawings.

The top of the rock toe protection is to be within –00mm and + 300mm of the levels shown on the drawings.

R7 ROCK QUANTITIES

It is the Contractor's responsibility to assess the rock volume requirements to satisfy the requirements of the work including all excavation tolerances, layer thickness tolerance and finished level surface tolerances. The quantities prepared in the proposal are to serve as a guide only to the plan the work.

20th September, 2009

DAINTREE RIVER AT MCDOWALL LANE -- additional river bank restoration, stabilisation and revegetation works

ENVIRONMENTAL MANAGEMENT PLAN (EMP) FOR CONSTRUCTION

1. Objectives of the plan

The primary objectives of the EMP are as follows

- To provide a practical and achievable plan for the management of the site to ensure that environmental best practice is complied with.
- To provide a framework for Council to carry out appropriate monitoring and control of the site.
- To provide community confidence in the intentions and ability of Council to manage the activities on the site in an environmentally acceptable manner.

2. Elements of the plan

The construction activity will be confined to the river bank and the area of the river bed immediately on front of the bank (5m max out from the toe of the bank) The construction site will be a total of 60metres long, in two 30m sections, one at each end of the established 80metre long section of rock protection and revegetation work completed in 2004. Access to the site will be from McDowall Lane. The proposed works will restore the two sections of badly eroded river bank and ensure the integrity and stability of the existing 80 metres of bank protection works. The existing works were completed under the Natural Disaster Relief Arrangements funding program in 2004.

The main elements of the EMP address the following:

- interaction with the local community
- on-site machinery
- disruption, dust and noise
- erosion and sediment control
- excavation above and below water
- removal of temporary access works
- fire control
- cultural heritage issues
- flora and fauna protection
- restoration of the site

Council will ensure that the contract or quotation documents refer to and require compliance with the EMP.

3. Contractor's representative and responsibilities

The contractor, when appointed by Council, will be required to nominate his contact person on site to be responsible for the following:

- monitoring construction activities for performance against the EMP and compliance with its requirements
- site induction of workforce and others entering the work site on safety issues and managing environmental incidents
- maintaining an overview of interaction with the local community at the site
- advice on remedial action and measures if problems arise
- advice and training sessions for all employees where appropriate on safety and dealing with environmental and cultural heritage issues

4. Formalisation of the EMP

Council and the contractor's contact person will agree on and endorse the EMP and it's requirements before work commences, and before plant and equipment arrive on site.

Council will establish clear contact arrangements for liaison and support on these issues with the contractor. The Contractor will report to the Council's nominated supervisor as required.

Where there is any breach of legislative requirements, other than issues that can be resolved by Council, matters will be directed to the appropriate regulatory authority.

A written report on the construction phase and the attention to issues identified in the EMP, endorsed by both parties, will be prepared by Council at the conclusion of the project.

5. Interaction with the local community

Council will manage overall information and advice to the community. The contractor will be instructed by Council's nominated supervisor in relation to interaction with the local community. Signage will be required to caution the public about operations and construction traffic movement on public roads. The contractor will be required to employ extreme caution in relation to cane harvesting activities around the site. The works area available to the contractor will be agreed by the Council's nominated supervisor with the landowners on McDowall Lane, and then advised to the contractor. All construction activities will be confined to that works area.

6. On-site machinery

The work will require the use of excavators, trucks, loaders, and service and supervision vehicles.

All plant will be parked out of the river outside working hours. All plant will be taken off the bank and out of the river for refuelling, service and maintenance. In the case of breakdown, maintenance personnel will take precautions to prevent oil or other fluid spills in the river. If spills occur, the bank material will be removed from the site, and replaced with clean selected fill approved by the nominated supervisor.

7. Disruption, dust and noise

The site is near residential areas. The nearest farm house is 30m away from the site. The residents and the landowners who farm adjacent areas (sugar cane) support the project and want it completed as soon as possible. However, management of the site will require the Contractor to limit operations as follows.

Working hours - week days 7am to 5pm (10 hrs/day), weekend 7am to 1pm (6 hrs Saturday).

8. Erosion and sediment control

Selected fill will be compacted to reduce the likelihood of sediment movement in the future.

Work will be undertaken at times when the water level is low to avoid loss of material into the water. Water depths at the site vary daily with the tide. Work on the lower bank to construct the toe will be programmed for times clear of those higher tides.

9. Placement of rock

The placement of rock will be carried out from the top and upper area of the bank. Because of the height of the bank, a temporary access may be cut down to a formed lower berm to allow placement of the rock and rock toe. As soon as the lower rock is placed, the temporary berm will be backfilled with compacted selected fill and rock faced up to the design level. The level of the lower berm will be above HAT. Full specifications for the rock and selected fill are included with this report.

No work will be done from the river bed itself.

10. Fire control

Normal precautions against fire will be mandatory on and around the site. The contractor will be required to monitor the situation closely with sugar cane around the site.

The contractor will also be required to liase with the local fire warden on his activities and the time of any cane fires in the area of the site.

11. Cultural heritage issues

The major bank erosion is relatively recent (since Cyclone Grace, 2004) and therefore it is extremely unlikely that any objects or sites of cultural significance could possibly exist at the site. The bank has eroded back up to 8m in the last 4 years. The work to be done now will restore the lost ground, not excavate any new ground. It is not considered that preparation of a formal Cultural Heritage Management Plan can be justified.

However, all reasonable and practical measures will be taken to ensure that Council and the contractor monitor work on the site, and show the duty of care required to avoid harm to Aboriginal cultural heritage.

The Council has experience with the requirements the Aboriginal Cultural Heritage Act 2003, and contends that there are no cultural heritage issues at the site that should prevent progress with this project.

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13. Protection of flora

After further severe erosion in early 2009, the site is devoid of established vegetation. That site has become more severely degraded each wet season since the initial flood damage in 2004.

Council will endeavour to work only within the scoured area. A very healthy boarder of mangroves and other marine plants is now flourishing along the bank where the restoration work was completed in 2004. This will soon spread once the restoration work is completed.

Council contends that there are no issues with flora that should prevent progress with this project.

14. Restoration

Before the contractor leaves the site, the areas around the rock will be graded to the lines and levels of the existing formation of McDowall Lane. The areas outside the road shoulders to the top of rock will be revegetated with local species, in keeping with the natural riparian vegetation upstream and downstream of the site.

26 October, 2009

Appendix 2: Concurrence Agency Conditions & Requirements

Queensland Government

Department of
State Development, Infrastructure and Planning

Our reference: SDA-1213-006732
Your reference: 8/36/81 (Cairns)

22 September 2014

The Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Attention: Jenny Elphinstone

Dear Sir

AMENDED Concurrence agency response—with conditions
37 McDowall lane Lower Daintree, adjacent to Lot 4 on RP888615
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 3 January 2014.

Applicant details

Applicant name:	Cairns River Improvement Trust
Applicant contact details:	PO Box 359 Cairns QLD 4870 t.smith@cairns.qld.gov.au

Site details

Street address:	37 McDowall Lane Lower Daintree
Lot on plan:	Adjacent to Lot 4 on RP888615
Local government area:	Douglas Shire Council

Application details

Proposed development:	Development permit for operational work (tidal work)

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment

Cairns Port Authority
Cnr Grafton and Hartley Streets
PO Box 2358
CAIRNS QLD 4870

Operational Work	Development permit	River Bank Restoration, Stabilisation and Revegetation	Code Assessment

Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger — Schedule 7, Table 2, Item 13—coastal protection
Schedule 7, Table 2, Item 15—maritime safety

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Relevant period

Under section 287(1)(d) of the *Sustainable Planning Act 2009*, the relevant period for any development approval is to be two years from the date this approval takes effect.

Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

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

For further information, please contact Michele Creecy, Planning Officer, on 4037 3206, or email michele.creecy@dsdip.qld.gov.au who will be pleased to assist.

Yours sincerely

Robin Clark
Manger (Planning)

cc: Cairns River Improvement Trust, C/- t.smith@cairns.qld.gov.au
Department of Environment and Heritage Protection
Maritime Safety Queensland

enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice

Our reference: SDA-1213-006732
Your reference:

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Tidal works, or development in a coastal management district		
Schedule 7, Table 2, Item 13 – operational work that is tidal work or development in a coastal management district—Pursuant to section 255D of the *Sustainable Planning Act 2009*, the chief executive administering the Act nominates the Director-General of Department of Environment and Heritage Protection to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
Construction		
1.	Detailed design plans must be submitted to the Department of Environment and Heritage Protection prior to the commencement of construction activities. These plans must include the following detail: (a) A plan view of the works related to the real property description and boundaries of the land (including tidal land) that would abut or adjoin the proposed works and the location of the infrastructure in relation to these boundaries; and (b) A typical cross-section be provided that includes relevant tidal planes (e.g. mean high water springs); and (c) Location and detail of revegetation works; and (d) Location of unapproved rock revetment wall in relation to the structure. Note: The rock revetment wall cannot be constructed any greater than thirty (30) metres in length at the upstream end, and fifty five (55) metres in length at the downstream end, from the ends of the existing unapproved rock revetment wall.	At least twenty (20) business day prior to the commencement of construction activities
2.	Submit a letter to the Department of Environment and Heritage Protection from a Registered Professional Engineer of Queensland certifying that: (a) The works (including any other associated works) have been constructed in accordance with the approved drawings and the conditions of this development approval; and (b) The works are structurally adequate for anticipated usage; and (c) The site is clear of all debris.	Within three (3) months of the date of practical completion of the works,
3.	During the construction phase of the works: (a) install and maintain all measures, plant and equipment necessary to ensure compliance (b) only use materials which are: i. clean and free of silt ii. free from pests, chemical and other contaminants as defined under section 11 of the *Environmental Protection Act 1994*; and iii. suitable for the purpose	For the duration of the works the subject of this approval

	(c) promptly remove any material or debris which has been deposited within the coastal management district or tidal waters, other than in accordance with this approval	
4.	Maintain the works in accordance with the submitted plans and ensure its structural integrity, without incurring costs to the State.	At all times
Water quality		
5.	Erosion and sediment control measures are to be installed and maintained to prevent the release of sediment to tidal waters	Prior to commencement of the works and maintained until their completion
6.	Contaminants must not be released from the site to any waters or the bed and banks of any waters.	At all times
7.	All reasonable and practicable measures must be taken to prevent pollution of the waterway as a result of silt run-off, oil and grease spills from machinery, concrete truck washout and the like.	At all times
8.	Treatment and management of acid sulfate soils must comply with the latest edition of the Queensland Acid Sulfate Soil Manual, Department of Natural Resources and Mines, 2002.	At all times
Maritime Safety		
Schedule 7, table 2, Item 15 – operational work that is tidal work—Pursuant to section 255D of the *Sustainable Planning Act 2009*, the chief executive administering the Act nominates the Director-General of Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
9.	Development must be carried out generally in accordance with the following Development Application #2358881 V2 October 2013.	Upon the completion of works and to be maintained at all times
10.	Provide notice to the Regional Harbour Master in writing of the commencement and completion of the approved works. Plan(s) of survey must be provided at the completion of the approved works. The required information is to be forwarded to: Maritime Safety Queensland PO Box 1787 Cairns QLD 4870	At least two weeks prior to the commencement of the works and within two weeks after the completion of the works. Plan(s) of survey must be provided within one month of the completion of the survey.
11.	The structure must be adequately lit and all lighting must be positioned so that it does not cause a risk to the safe navigation of other ships. Any freestanding piles must have retro-reflective tape fitted. Lighting must be provided in accordance with Maritime Safety Queensland's requirements and section 3 of AS 4282-1997 'Control of the obtrusive effects of outdoor lighting'	At all times
12.	All floating plant, equipment and pipelines shall be appropriately lit and/or marked to the satisfaction of the Regional Harbour Master. Any anchors deployed to be marked with yellow buoys and fitted with FL Yellow lights.	At all times

	Lighting must be provided in accordance with Maritime Safety Queensland's requirements not to interfere with safe navigation or be confused with navigation lights and section 3 of AS 4282-1997 'Control of the obtrusive effects of outdoor lighting'.	
13.	The construction, operation or maintenance of the structure must not impede the safe navigation of other ships or restrict safe access to or from neighbouring structures.	At all times during construction
14.	Any obstructions and debris encountered while undertaking the works must be promptly and suitably disposed of. This work is to be undertaken at no expense to the Department of Transport and Main Roads and in accordance with any directions issued by the Regional Harbour Master.	At all times

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Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- # Conditions 1 to 8 are required to ensure that the development achieves the performance outcomes of Module 10 of the State Development Assessment Provisions, Version 1.1, dated 22 November 2013 and to ensure the development avoids or minimises adverse impacts on coastal resources and their values.
- # Conditions 9 to 14 are required to ensure that the development achieves the performance outcomes of Module 14 of the State Development Assessment Provisions, Version 1.1, dated 22 November 2013 and to ensure that the safety of vessels and their ability to safely navigate the surrounding waterway are not impeded or endangered.

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Attachment 3—Further advice

General advice	
Ref.	**Biodiversity**
1.	If any vegetation is removed as a result of the works there may be a need to provide an offset in accordance with the Queensland Government Environmental Offset Policy.
Generally	
2.	The applicant must comply with all directions issued by the Harbour Master.
3.	Any ships and equipment using the approved facility must comply with the *Transport Operations (Marine Safety) Act 1994, The Transport Operations (Marine Safety) Regulation 2004* and the *Transport Operations (Marine Pollution) Act 1995.*
Further development permits, compliance permits or compliance certificates	
4.	A permit for the proposed work is required under the *Marine Parks Act 2004* prior to the commencement of any work; this permit may be obtained from the Department of National Parks, Racing, Sport and Recreation. Contact QPWS@nprsr.qld.gov.au for more information.

APPENDIX 4: SUPPORTING INFORMATION TO PLANNING REPORT

Daintree River at McDowall Lane – photograph shows bank restoration work completed in 2004. That section of the bank has now been stabilised. However there has been severe scouring and further vegetation loss since upstream and downstream of the site.

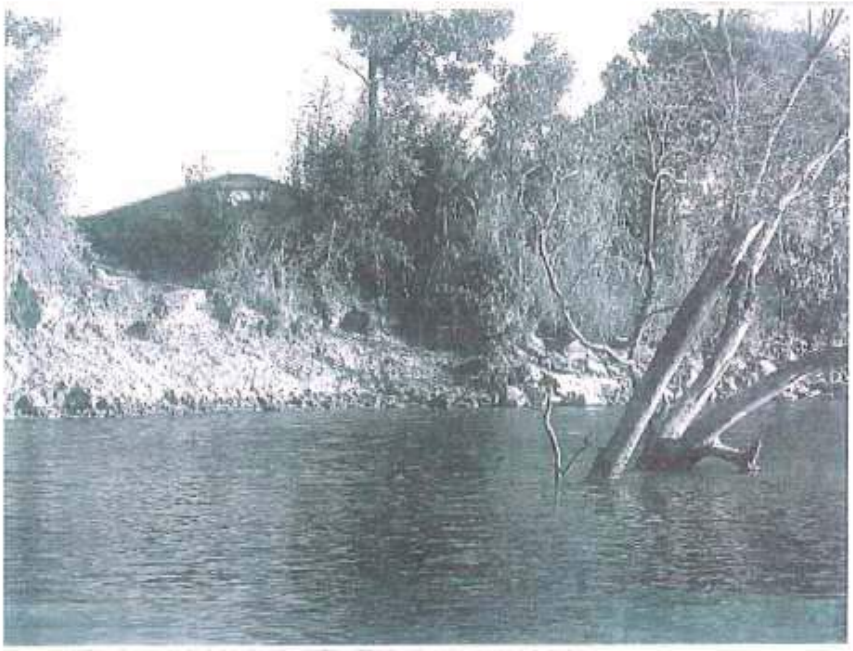
2.

Severe erosion has now developed at the upstream end where rock protection work was not completed in 2004. The photograph shows

- trees that have fallen recently (2009 wet season) as a result of the worsening scour around the upstream end of the rockwork
- the end of the now well established rock work constructed in 2004
- the 30m section of erosion needing restoration and rock stabilisation
- power lines into the second residence on McDowall Lane

3.

A typical view of the rock work placed to re-batter and stabilise the eroded bank after damage by wind and flooding associated with Cyclone Grace in 2004. It shows the regeneration of vegetation that has occurred on the stable bank



4.

Severe erosion has now developed at the downstream end where rock protection work was not completed in 2004. The photograph shows

- fallen trees that caused the erosion when they came down in wind and flooding associated with Cyclone Grace in 2004
- the end of the now well established rock work constructed in 2004
- the 30m section of severe erosion that has worsened significantly since 2004
- new residence on McDowall Lane

5.

Another view of the severe erosion that has now developed where the rockwork was not completed in 2004.