

Our ref TMR21-033812 (500-1563)  
Your ref PR148361  
Enquiries Ronald Kaden



Department of  
**Transport and Main Roads**

24 November 2021

## **Decision Notice – Permitted Road Access Location** **(s62(1) Transport Infrastructure Act 1994)**

**This is not an authorisation to commence work on a state-controlled road<sup>1</sup>**

Development application reference number CA2021\_4239/1, lodged with Douglas Shire Council involves constructing or changing a vehicular access between Lot 123SR687, the land the subject of the application, and Captain Cook Highway (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

### **Applicant Details**

Name and address Graben Pty Ltd  
C/- RPS Australia East Pty Ltd PO Box 1949  
Cairns QLD 4870

### **Application Details**

Address of Property 5640 Captain Cook Highway, Mowbray QLD 4877  
Real Property Description 123SR687  
Aspect/s of Development Development Permit for Reconfiguration of a Lot for 1 Lot into 4 Lots, and  
– Development Permit for Material Change of Use for Resort Complex (Outdoor Sport & Recreation, Short-term Accommodation, Food & Drink Outlet, Shop, Tourist Park, Helipads & Caretaker's Residence.

### **Decision (given under section 67 of TIA)**

It has been decided to approve the application, subject to the following conditions:

| No. | Conditions of Approval  | Condition Timing |
|-----|---|------------------|
| 1   | The permitted road access location is approximately 80 metres from the south eastern boundary of Lot 123SR687, in accordance with:<br>1. TMR Layout Plan (20A - 56.40km) Issue A 22/11/2021 | At all times.    |
| 2   | Direct access is prohibited between Captain Cook Highway and Lot 123SR687 at any other location other than the permitted road   | At all times.    |

<sup>1</sup> Please refer to the further approvals required under the heading 'Further approvals'

| No. | Conditions of Approval   | Condition Timing  |
|-----|--|---|
|     | access location described in Condition 1.  |   |
| 3   | The existing additional road access works situated between Captain Cook Highway and Lot 123SR687 must be removed and all table drain reinstated between the pavement edge and the property boundary.   | MCU - Prior to commencement of use<br><br>ROL - Prior to submitting the Plan of Survey to the local government for approval |
| 4   | Road access works comprising Channelised right turn (CHR) treatment, Channelised left turn (CHL) treatment & high angle entry onto Captain Cook Highway must be provided at the permitted access location, generally in accordance with:<br><br>a) Figure 2 Proposed Intersection upgrade Concept Layout prepared by GHD in the Report for Graben Pty Ltd - Surf Port Douglas<br><br>b) Austroads Guide to Road Design Part 4: Intersections and Crossings - Figure A30 Channelised right turn (CHR) on a two-lane rural road.<br><br>c) Austroads Guide to Road Design Part 4A: Unsignalised and Signalised intersections - 8.2.4 Rural Channelised Left-Turn Treatment (CHL) with High entry angle | MCU - Prior to commencement of use<br><br>ROL - Prior to submitting the Plan of Survey to the local government for approval |

### Reasons for the decision

The reasons for this decision are as follows:

- Currently the subject site (Lot 123 on SR687) has road frontage and vehicle access via Captain Cook Highway, a state-controlled road.
- The proposed development will require a changed access as the proposed development is increasing vehicle movements via the existing access.
- As such, a new section 62 approval is required to be issued by TMR.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

### Information about the Decision required to be given under section 67(2) of TIA

- There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
- In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

### Further information about the decision

- In accordance with section 67(7) of TIA, this decision notice:
  - starts to have effect when the development approval has effect; and

- b) stops having effect if the development approval lapses or is cancelled; and
  - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

### Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Ronald Kaden, Technical Officer (Development Control) should be contacted by email at [ron.p.kaden@tmr.qld.gov.au](mailto:ron.p.kaden@tmr.qld.gov.au) or on (07) 4045 7151.

Yours sincerely



Peter McNamara  
**Principal Engineer (Civil)**

Attachments: Attachment A – Decision evidence and findings  
Attachment B - Section 70 of TIA  
Attachment C - Appeal Provisions  
Attachment D - Permitted Road Access Location Plan

## Attachment A

### Decision Evidence and Findings

Evidence or other material on which findings were based:

| <b>Title of Evidence / Material</b>                         | <b>Prepared by</b>                                   | <b>Date</b>         | <b>Reference no.</b>   | <b>Version / Issue</b> |
|---|--|---------------------|--|------------------------|
| TMR Layout Plan<br>(20A - 56.54km)                          | Queensland<br>Government Transport<br>and Main Roads | 22 November<br>2021 | TMR21-33812 (500-1563)   | A                      |
| Master Plan   | Hunt Design  | 04 June 2021        | WAVE001  | 01                     |
| Figure 2<br>Proposed Intersection<br>upgrade concept layout | GHD  |                     | 12544036<br>Extract from Report for<br>Graben Pty Ltd - Surf Port<br>Douglas | 4                      |

## **Attachment B**

### **Section 70 of TIA**

*Transport Infrastructure Act 1994*

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

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#### **70 Offences about road access locations and road access works, relating to decisions under s 62(1)**

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
  - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
  - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
  - (c) obtain any other access between the land and the road contrary to the decision; or
  - (d) use a road access location or road access works contrary to the decision; or
  - (e) contravene a condition stated in the decision; or
  - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
  - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

**Attachment C**  
**Appeal Provisions**

*Transport Infrastructure Act 1994*  
Chapter 16 General provisions

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**485 Internal review of decisions**

- (1) A person whose interests are affected by a decision described in schedule 3 (the *original decision*) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
  - (a) applies to the review; and
  - (b) provides—
    - (i) for the procedure for applying for the review and the way it is to be carried out; and
    - (ii) that the person may apply to QCAT to have the original decision stayed.

**485B Appeals against decisions**

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
  - (a) applies to the appeal; and
  - (b) provides—
    - (i) for the procedure for the appeal and the way it is to be disposed of; and
    - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
  - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

*original decision* means a decision described in schedule 3.

*reviewed decision* means the chief executive's decision on a review under section 485.

### **31 Applying for review**

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
  - (a) the notice did not state the reasons for the original decision; and
  - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

### **32 Stay of operation of original decision**

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
  - (a) may be given on conditions the relevant entity considers appropriate; and
  - (b) operates for the period specified by the relevant entity; and
  - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.



(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

*relevant entity* means—

(a) if the reviewed decision may be reviewed by QCAT—QCAT; or

(b) if the reviewed decision may be appealed to the appeal court—the appeal court.

### **35 Time for making appeals**

(1) A person may appeal against a reviewed decision only within—

(a) if a decision notice is given to the person—28 days after the notice was given to the person; or

(b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

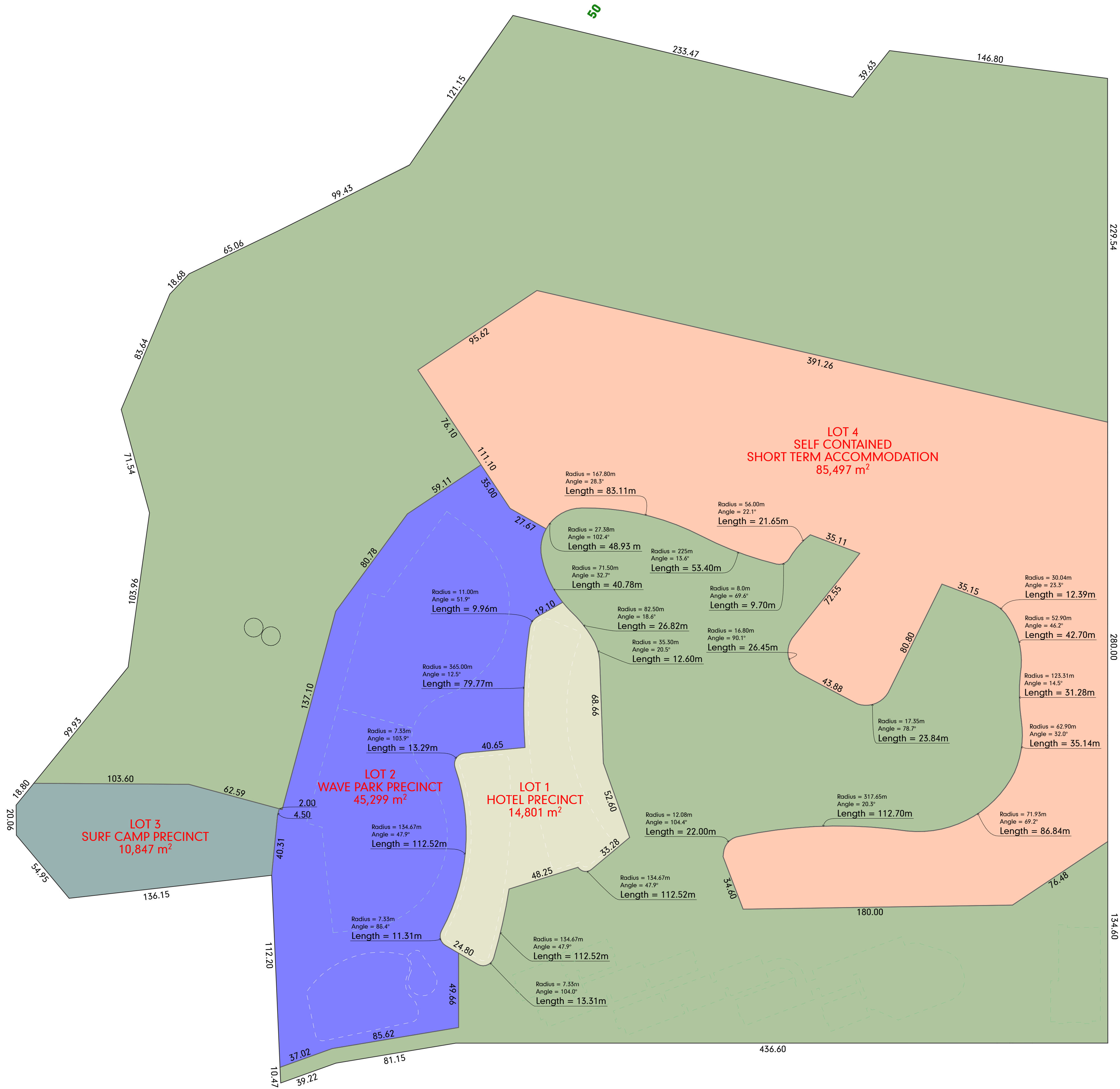
(2) However, if—

(a) the decision notice did not state the reasons for the decision; and

(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.



LEGEND

- LOT 1 - HOTEL PRECINCT
- LOT 2 - WAVE PARK PRECINCT
- LOT 3 - SURF CAMP PRECINCT
- LOT 4 - SELF CONTAINED SHORT TERM ACCOMMODATION PRECINCT
- COMMON PROPERTY

LOT AREAS

| LOT AREAS                         | AREA       |
|-----------------------------------|------------|
| COMMON PROPERTY                   | 245,725    |
| HOTEL PRECINCT                    | 14,801     |
| SHORT TERM ACCOMMODATION PRECINCT | 85,497     |
| SURF CAMP PRECINCT                | 10,847     |
| WAVE PARK PRECINCT                | 45,299     |
|                                   | 402,169 m² |

SITE LOT PLAN  
SCALE 1:1500

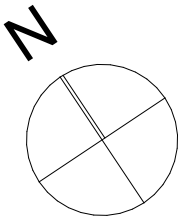
2.

PORT DOUGLAS SURF PARK

DEVELOPMENT APPLICATION  
FOR : GRABEN PTY LTD  
5640 CAPTAIN COOK HIGHWAY  
CRAIGLIE, QLD, AUST

MASTER PLAN DIAGRAMS  
RECONFIGURATION OF A LOT PROPOSAL PLAN

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STATUS DA ISSUE  
REVISION NO. 02  
DATE 29/10/21

PLANS AND DOCUMENTS  
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SARA ref: 2108-24005 SRA  
Date: 11 Jan 2022



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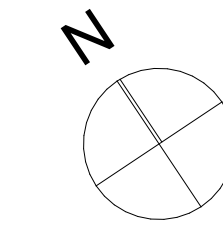
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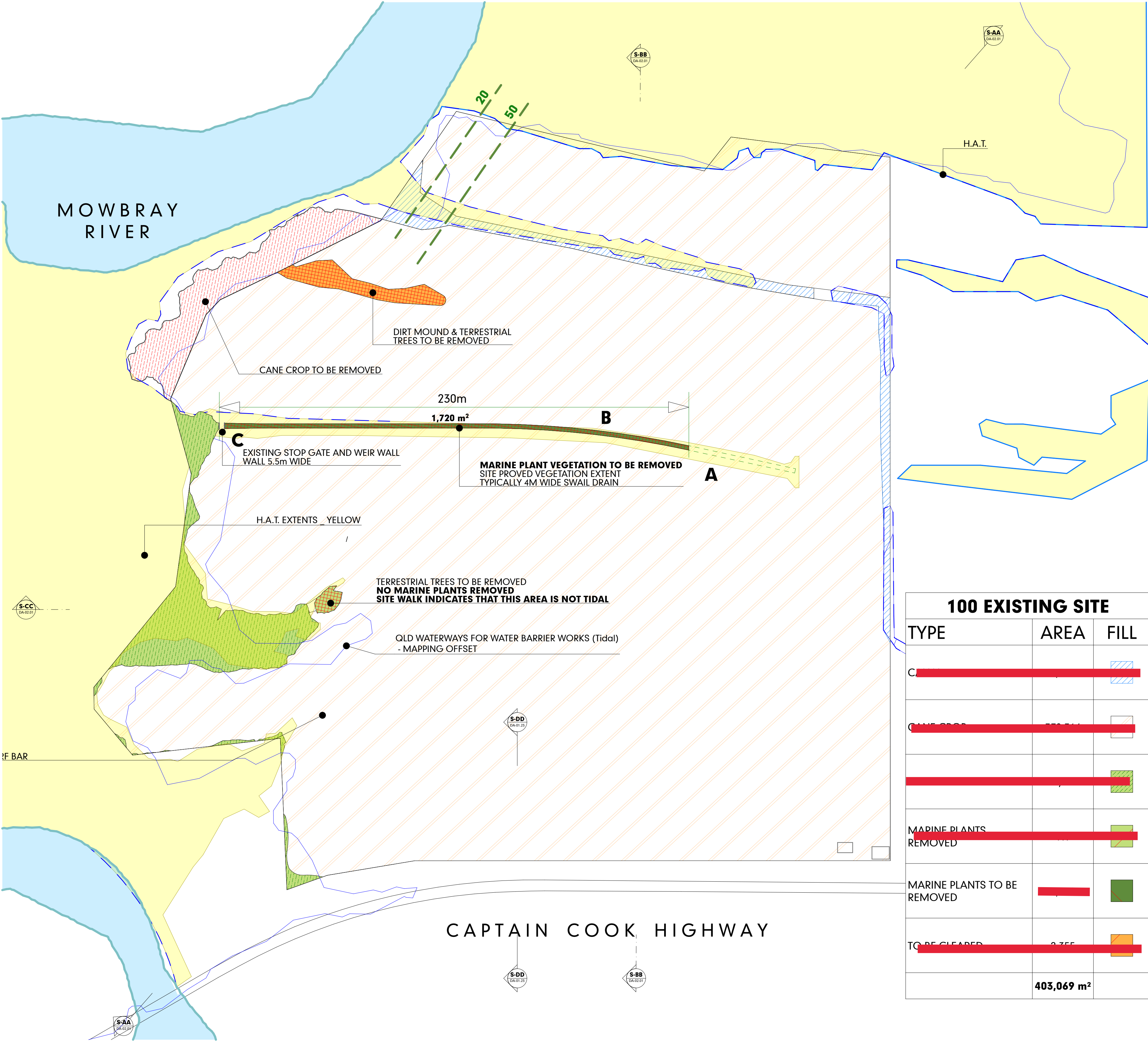
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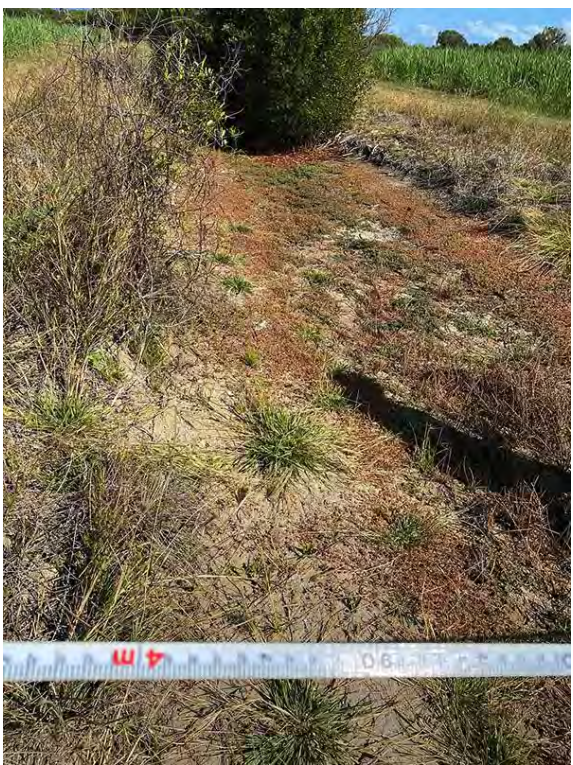




VEGETATION REMOVAL  
SCALE 1:2000



SWAIL DRAIN - 4M WIDTH - LOCATION A



SWAIL DRAIN - MID POINT OPEN SECTION - LOCATION B



VINE AND WEED THROUGHOUT SWAIL DRAIN AND MARINE PLANTS



NORTHER END STOP GATE \_ 5.5 m WIDE - LOCATION C



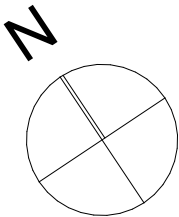
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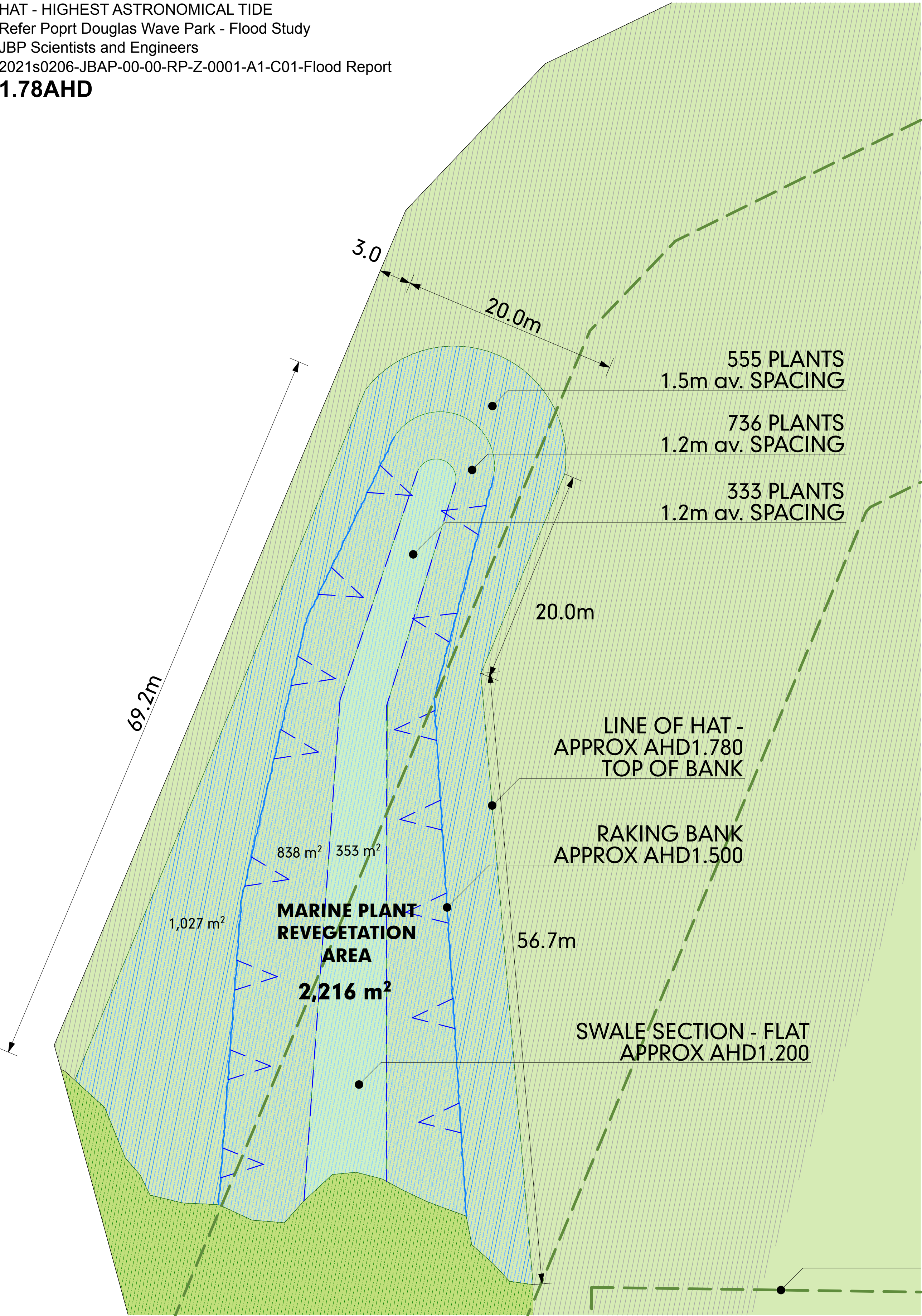
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**MARINE PLANT REVEGETATION**  
SCALE @ A1 -1:250

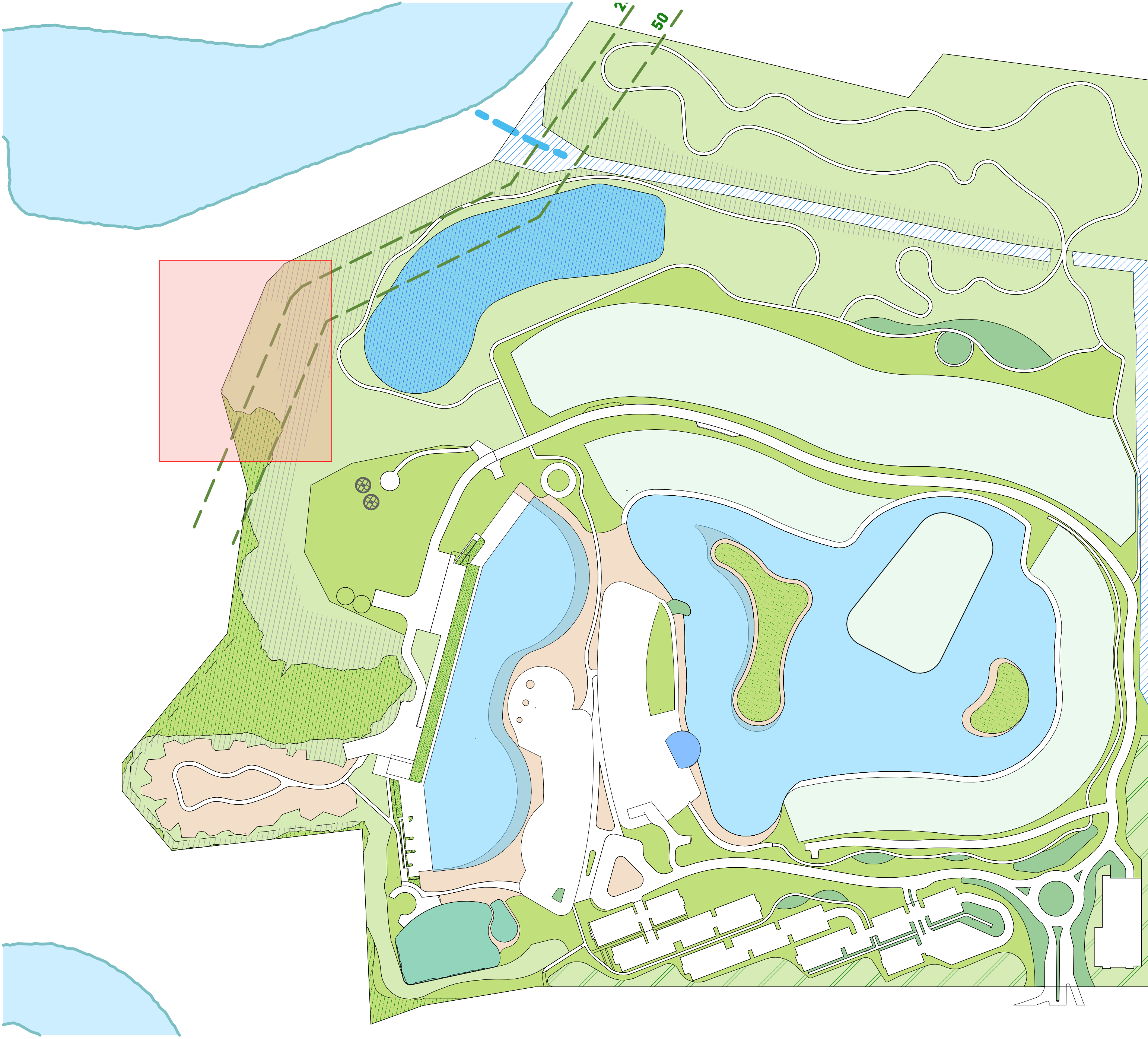
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**PORT DOUGLAS SURF PARK**

**DEVELOPMENT APPLICATION**  
**FOR : GRABEN PTY LTD**  
**5640 CAPTAIN COOK HIGHWAY**  
**CRAIGLIE, QLD, AUST**

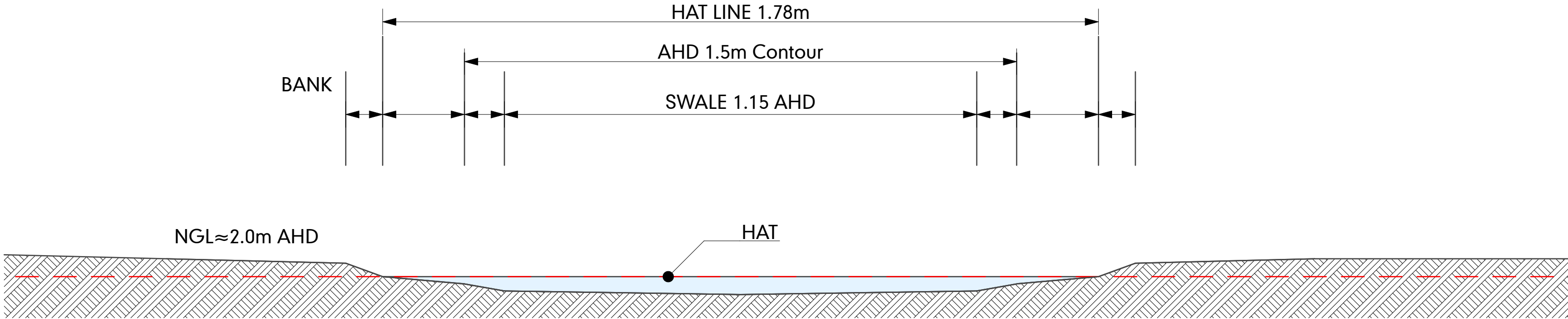
**MASTER PLAN DIAGRAMS**  
**MARINE PLANT REVEGETATION AREA**

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**MARINE PLANT LOCATION PLAN**  
SCALE @ A1 -1:2000

2



**MARINE PLANT LAND FORMATION**  
SCALE @ A1 -1:100

HAT

**PROJECT NO.** WAVE001  
**DRAWING NO.** DA-01.24  
**REVISION NO.** 01  
**DATE** 17/12/21

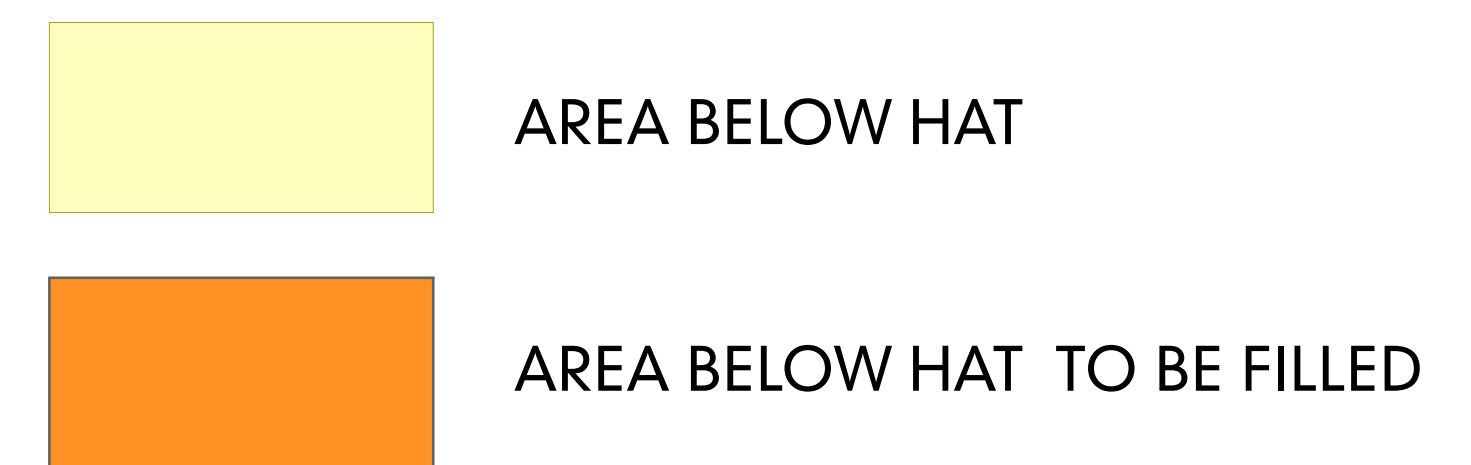
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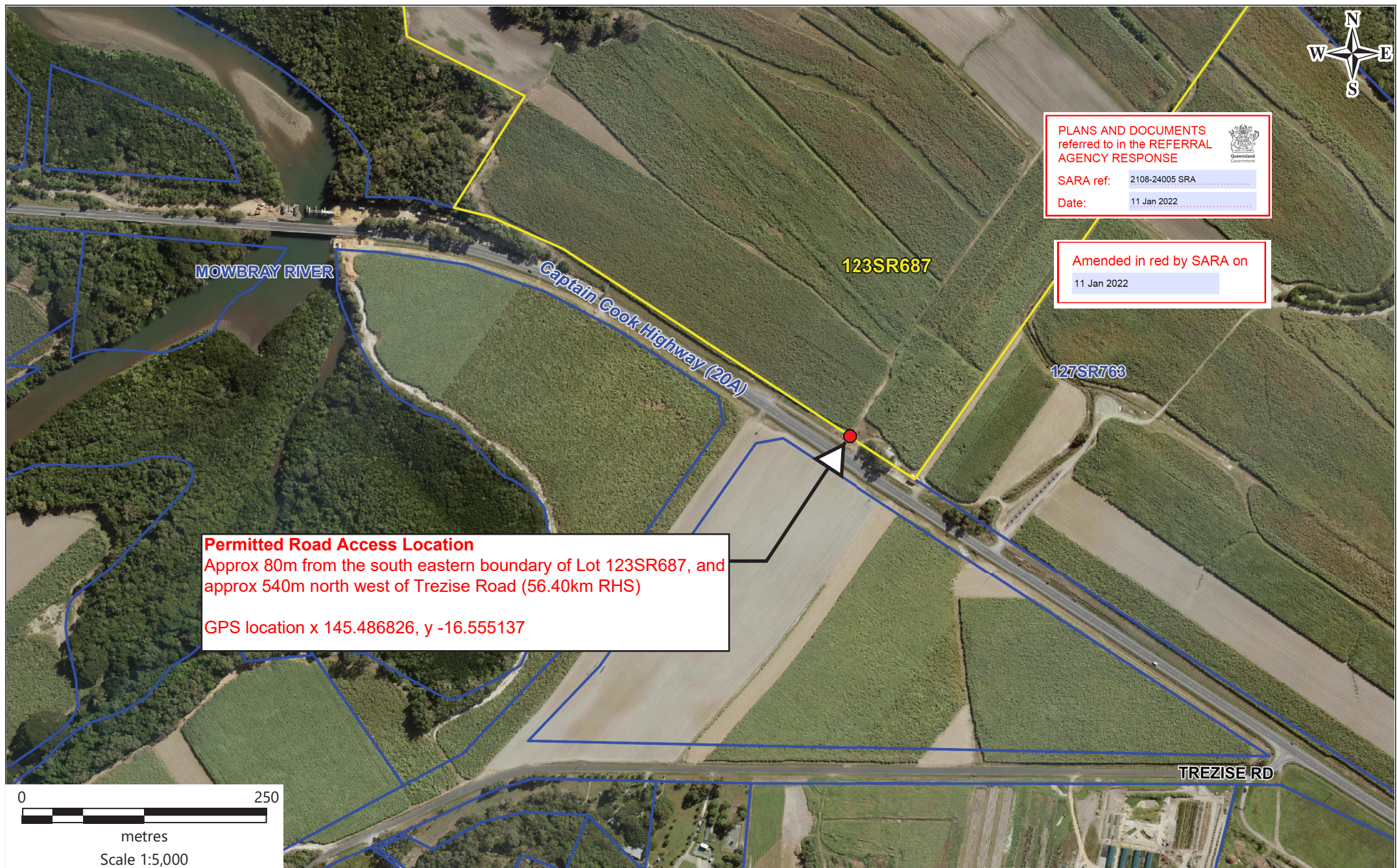
## DA-01.7

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1





Branch/Unit :  
Corridor Management / Far North District

Subject Land

Land Parcels

Projection/Datum : Geocentric Datum of Australia (GDA) 2020

File ref:  
TMR21-33812 (500-1563)

## TMR Layout Plan (20A - 56.54km)

Plan:  
1 / 1

Issue: A

Drawn by:  
RPK



Queensland Government  
Transport and Main Roads

Date:  
22/11/2021





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SARA ref: 2108-24005 SRA

Date: 11 Jan 2022

# **Graben Pty. Ltd.**

## Surf Port Douglas Traffic Impact Assessment

March 2021





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# Appendices

- Appendix A – Traffic volumes
- Appendix B – Base case results (2023)
- Appendix C – Future case results (2033)

**PLANS AND DOCUMENTS  
referred to in the REFERRAL  
AGENCY RESPONSE**



**SARA ref:** 2108-24005 SRA

**Date:** 11 Jan 2022

# 1. Introduction

## 1.1 Project background

Hunt Design has engaged GHD to prepare a Traffic Impact Assessment (TIA) to accompany a future development application for a proposed Surf Park at Mowbray, just South of Port Douglas. The Surf Park is proposed to provide recreational water sports facilities, hotel accommodation, ancillary retail outlets, food and drink facilities, as well as villa-style and detached dwellings for short-term accommodation.

The proposed location as depicted in Figure 1 has frontage to and will be accessed via the Captain Cook Highway (20A), just south of the Mowbray River Bridge.



**Figure 1 Extract from Hunt Design Preliminary Set - Site Location**

## 1.2 Purpose of this report

This Traffic Impact Assessment (TIA) identifies the anticipated traffic volumes, assumptions, traffic modelling, results and analysis to determine the anticipated impacts on the safety and efficiency of the Captain Cook Highway (20A). It will also highlight any mitigation actions that may be required to offset the impact of the proposed development.

## 1.3 Assumptions

The assumptions made to determine the Traffic Impact Assessment were:

- The development traffic volumes are derived from client-provided data for the development traffic,
- Current traffic volumes were obtained from TMR-provided AADT data for the Captain Cook Highway at Craiglie (closest point) - Site No. 6257,
- No traffic counts were undertaken for this TIA,
- The traffic modelling considers traffic movement during the peak hours for AM and PM for the development peaks and local traffic on-peaks,

- The traffic modelling assesses future growth for local traffic for a 10-year (2033) planning horizon,
- The traffic volumes representing the peak hours are assumed to occur in the peak season for both the local and development traffic to demonstrate the peak traffic conditions and
- Peak day is assumed to be a weekday at the end of July.

## 1.4 Disclaimers

This report: has been prepared by GHD for Graben Pty. Ltd. and may only be used and relied on by Graben Pty. Ltd. for the purpose agreed between GHD and the Graben Pty. Ltd. as set out in this report.


GHD otherwise disclaims responsibility to any person other than Graben Pty. Ltd. arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

GHD has prepared this report on the basis of information provided by Graben Pty. Ltd. and others who provided information to GHD (including Government authorities), which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

|  |                |
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| <b>SARA ref:</b>   | 2108-24005 SRA |
| <b>Date:</b>   | 11 Jan 2022    |

## 2. Intersection concept design

### 2.1 Proposed concept layout

A concept design for the proposed intersection with the new road from the development, to the Captain Cook Highway (20A), has been developed. The intersection design is in accordance with AustRoads Guide to Road Design Part 4: Intersections and Crossings - General.

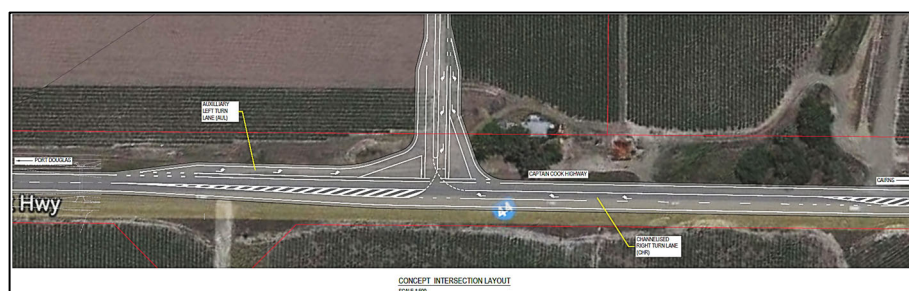
The design parameters used to determine the intersection geometry were as follows:

- 3.5 m lanes on Captain Cook Highway,
- 100 kph posted speed, 110 kph design speed
- Intersection's purpose is to safely manage traffic in and out of the development

Based on the design parameters the following intersection layout was proposed:

- An unsignalised T-intersection,
- AUL
  - An Auxiliary Left Turn Lane (AUL), with high-angle entry, 135 m
  - Deceleration lane for southbound traffic entering into the development
  - Available traffic storage (excluding tapers) 135 m
  - High-angle entry allows traffic flow for northbound traffic entering the development
  - Dedicated lane allows development traffic to be stored away from through lane and allow safe and efficient traffic flow of the State-Controlled Road
- CHR(S)
  - Channelised right turn lane, short length (CHR(S)), with high-angle entry, 190 m
  - Deceleration lane for northbound traffic entering the development
  - Available traffic storage (excluding tapers) 190 m
  - Dedicated lane allows development traffic to be stored away from through lane and allow safe and efficient traffic flow of the State-Controlled Road
- High-angle left turnout of development allows traffic flow and no restriction by the right-turn movement
- Dedicated left and right-turn lanes out of development provide storage for vehicles exiting the development

This proposed intersection maintains safety functionality for traffic utilising the development. The concept intersection layout is shown in Figure 2 as extracted from the concept sketch.



**Figure 2 Proposed intersection upgrade concept layout**

|   |                |
|---|----------------|
| PLANS AND DOCUMENTS<br>referred to in the REFERRAL<br>AGENCY RESPONSE |                |
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| Date:   | 11 Jan 2022    |



# PAPILLON LANDSCAPES

## PORT DOUGLAS SURF PARK

### Revegetation Activities

#### PAPILLON LANDSCAPES PTY LTD

- QBCC Licensed
- Landscape Queensland Accredited
- We hold all appropriate licenses and qualifications to undertake weed management and revegetation works
- Locally owned and operated with 25 years' experience in the Douglas Shire Council and surrounds
- Established local supplier contacts and relationships
- Revegetation experience
- Previous contract work with Douglas Shire Council and Terrain NRM amongst other large organisations in the Douglas region
- Please see attached Company profile and Capacity statement

#### WEED MANAGEMENT

##### Complete Site Management Methodology

##### Primary weeding

Initial weed clearance will occur through manual removal of weeds, and stem injection or other herbicide application techniques as suitable in each location.

Once weeds have died off, all residual organic matter will be removed from site.

All weeds that are in close proximity to any vegetation that can be retained will be manually removed to ensure remnant vegetation is not harmed by spray.

##### Secondary or Follow up weeding

Maintenance of areas which have already received primary weeding, including follow up herbicide treatment of re-shooting stumps.

Herbicide treatment to areas of weed that have returned.

Hand weed where required.

Brush cut to remove large areas of weed.


##### Maintenance weeding

Ongoing monitoring/hand removal of weed regrowth, minor application of herbicide as necessary.

Brush cut or hand weed to remove large areas.

Ring spray or hand weed around revegetation plantings if required.



|   |                |  |
|---|----------------|--|
| PLANS AND DOCUMENTS<br>referred to in the REFERRAL<br>AGENCY RESPONSE |                |  |
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Weed management will also include prevention maintenance techniques and monitoring including...

- Vehicles and equipment inspected and cleaned to minimise the transport of weed seed.
- All areas will be inspected regularly as part of the ongoing maintenance process to identify the presence of weed specie.
- Monitoring will include pictures and descriptions of known weed species and reporting of incidental sightings.
- Treatment of entire weed infestations where possible.
- Re-treatment of recurring weed infestations at regular intervals.
- Mapping of key weed infestations following monitoring to track progress and focus control activities where necessary.
- Plant pest control actions will be undertaken where necessary.

## TIDAL LANDS& WATERWAYS

Herbicides will not be applied within:

- 50 metres of the defining bank of a natural wetland, watercourse or drainage feature; or
- any relevant distance specified for the herbicide being used, to surface water (however so described), whichever is the greater distance.

## REVEGETATION WORKS

### Marine/Estuarine Plant Revegetation

#### Site Preparation

Revegetation activities will commence at the completion of site preparation and ground works.

All works are designed to limit erosion and promote successful regeneration for both plant and marine species.

Site profiling, bank battering and ground works will be inspected for suitability prior to any revegetation planting. Further ground preparation by loosening compacted soils will occur immediately prior to planting. For example, the battered section should have loosened soils with undulating surfaces to allow for water catchment, native seed deposits and natural grass and plant species regrowth.

Where surfaces have been prepared, planting of the revegetation species will be consistent with existing tidal areas on the site. This methodology should achieve the rehabilitation objectives and provide a successful outcome for estuarine plants survival and promote fish passage.

Planting of tube stock and seedlings will also be used to supplement natural regeneration. Local endemic species will be used.

Timing of these works will ideally be scheduled for seasonal advantages in terms of weather and rainfall.

#### Planting Design

See Plant Revegetation Area map attached. Approximate planting details below...

- Plant along top of bank 1027m2 at 1.5m spacings 555 plants
- Plant raking bank 838m2 at 1.2m spacings 738 plants
- Plant swale flat area 353m2 at 1.2m spacings 333 plants



## Species Selection

Species selection is as per marine species observed on site.

| Genus              | Species                                   | Family         | Growth form |
|--------------------|---|----------------|-------------|
| <i>Acrostichum</i> | <i>aureum</i>                             | Pteridaceae    | Fern        |
| <i>Aegiceras</i>   | <i>corniculatum</i>                       | Primulaceae    | Shrub       |
| <i>Allophylus</i>  | <i>cobbe</i>                              | Sapindaceae    | Shrub       |
| <i>Avicennia</i>   | <i>marina</i>                             | Acanthaceae    | Tree        |
| <i>Bruguiera</i>   | <i>gymnorhiza</i>                         | Rhizophoraceae | Tree        |
| <i>Ceriops</i>     | <i>tagal</i>                              | Rhizophoraceae | Tree        |
| <i>Colubrina</i>   | <i>asiatica</i>                           | Rhamnaceae     | Shrub       |
| <i>Crinum</i>      | <i>asiaticum</i> ssp. <i>pedunculatum</i> | Amaryllidaceae | Lily        |
| <i>Excoecaria</i>  | <i>agallocha</i>                          | Euphorbiaceae  | Tree        |
| <i>Gahnia</i>      | <i>aspera</i>                             | Cyperaceae     | Sedge       |
| <i>Hibiscus</i>    | <i>tiliaceus</i>                          | Malvaceae      | Tree        |
| <i>Lumnitzera</i>  | <i>littorea</i>                           | Combretaceae   | Tree        |
| <i>Osbornia</i>    | <i>octodonta</i>                          | Myrtaceae      | Tree        |
| <i>Trianthema</i>  | <i>portulacastrum</i>                     | Aizoaceae      | Herb        |
| <i>Volkameria</i>  | <i>inermis</i>                            | Lamiaceae      | Shrub       |
| <i>Xylocarpus</i>  | <i>granatum</i>                           | Meliaceae      | Tree        |
| <i>Xylocarpus</i>  | <i>moluccensis</i>                        | Meliaceae      | Tree        |

Revegetation stock will be selected from the above list. Stock will be tube stock and seedlings sourced from local nurseries including the Douglas Shire Council nursery and Mossman Gorge nursery. These locations are close in proximity to the subject site and have had success in producing the required marine species before. The DSC nursery is involved with all revegetation plant supply in the Douglas Shire and has provided over 40k plants in the past few years for revegetation projects.

~~Seeds can also be collected from site and propagated in the nearby nurseries, with the help of the local experts from both DSC and Mossman Gorge teams. They have extensive knowledge and experience with these estuarine/marine species. Marine plants and Mangroves may be grown in a variety of nursery conditions. Plants that have been grown under conditions similar to those found at the restoration site have better survival rates when planted at the site.~~

## Planting

It is recommended that planting is to occur as soon as reprofiling has taken place to avoid any site disturbances from impacts such as rainfall events and to better manage weeds. Prior to planting, the site will be cleared of weeds and debris as outlined above.

Holes will be mechanically augered at a spacing of 1.2 – 1.5m. Into each hole approx. 50g of fertiliser to enhance root growth and water crystals to aid with water retention. A native tube stock plant will be placed in each hole and backfilled with soil. Finally, all new plants to be watered in well at time of planting. Through many years of trial and error, plus through attendance at workshops and formal training, Papillon has found the above method for planting native tube stock to be the most efficient, cost effective and yields the highest survival rate for the young plants.





## Irrigation

Irrigation is dependent on the time of year planted and watering requirements. The wet season may not require additional manual watering whereas dry season may require weekly watering of new plantings. Papillon uses a mixed mode of water pods, manual labour or temporary irrigation systems when planning irrigation of a revegetation site. Collection and storage of rainwater and stormwater will be part of the initial site works for the development. It is proposed that this collected water will be the source for irrigation during the establishment of the revegetation works. It is envisaged that after 3 months of establishment, the tidal inundation will provide the required watering.

Jute matting will be utilised to provide weed and erosion control, acting as a mulch which will biodegrade over time.

## Maintenance

Maintenance of the new plantings is absolutely vital. Studies have shown that adequate and attentive maintenance regimes can hugely enhance the success rates of revegetation activities. Papillon have found the following maintenance schedule is the most effective for supporting the young planting and ensures the best survival rates:

1. Planting to three months: Weekly monitoring and maintenance runs.
2. Three months to six months: Fortnightly maintenance runs.
3. Six to 12 months from planting: Monthly maintenance runs.
4. After 12 months the plantings are assessed on a case-by-case basis. Some plantings are self-sufficient after 12 months and others require additional work.

Maintenance involves the following activities but can vary depending on time of year, seasonal rainfall and impact of feral animals and weeds.

- Visual observation of the planting site looking for feral animal impacts (pigs), mortality rates, soil moisture and weed growth rates.
- Treatment of weeds if required.
- Application of additional fertiliser to encourage growth if required.
- Water plants as required.


## Monitoring

Ongoing monitoring of revegetation sites will ensure the site is performing as expected. At each maintenance visit the site will be visually inspected for impacts and weed incursions. Along with this, photo points will be established to gather quantifiable evidence of the site's growth rates and overall health. The monitoring photos will be taken at regular six-monthly intervals.

Along with this the following metrics will also be gathered...

- Measurement of growth rates via estimated vegetation heights and canopy closure.
- Survival rate.
- Identifying presence of invasive and/or non-native species.
- Ad hoc recording presence of wildlife.
- Photographic evidence via photo point monitoring.

**\* Photo locations should be marked with GPS recorded stakes, and orientation of photos should**

|   |                |  |
|---|----------------|--|
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be included in report, to allow replication photos to be taken periodically for clear comparison of progression achieved at each site.

### Adaptive Management

If the monitoring of the revegetation site identifies improvements can be made, further investigation to establish a cause and appropriate strategy will be undertaken. This additional work will be negotiated and may require an additional cost to the base contracted revegetation price quoted.

Observations and actions may include...

- Soil and nutrient limitations or poor landscape preparation - Soil tests to ensure stability, application of fertilisers and nutrients. Excessive erosion or sedimentation may result in land stability and vegetation growth issues. Identify the extent and negotiate remediation program to repair area
- Observation of pests and disease – Identify pest and treat with appropriate pesticide etc
- Animal damage – Identify cause and fence to protect area or use of tree guards to protect individual young tube stock plantings
- Evidence of drought effects or storm damage – Establish extent of damage, present and negotiate solutions to introduce irrigation/replant
- Weed competition and/or competition with other species – Identify species, remove weeds or treat according to type. Establish alternate planting plan. Compare composition and structure of revegetated areas with the target outcome. Additional wash down and inspection procedures will be developed and implemented if required to combat noxious weed.
- Observation of mortality – Where mortality is high, a second planting may be necessary. A threshold level may be determined prior to initial planting to evaluate whether further planting should be undertaken, e.g. 50% mortality. Infill plant to replace unsuccessful plantings. Identify reason for failure and negotiate solutions. Heat, water, nutrition, fauna.
- Weather observations and inclement weather expectations – identify threat and introduce protection to site if able.

# Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding **representations about a referral agency response**

## Part 6: Changes to the application and referral agency responses

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### 28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
  - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
  - (c) the applicant has given written agreement to the change to the referral agency response.<sup>2</sup>
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
  - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

## **Part 7: Miscellaneous**

### **30 Representations about a referral agency response**

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

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<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.



SARA reference: 2108-24005 SRA  
Council reference: CA2021\_4239/1  
Applicant reference:

11 January 2022

Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
Mossman Qld 4873  
[enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au)

Attention: Mr Neil Beck

Dear Mr Beck

## SARA response—5640 Captain Cook Highway, Mowbray

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 6 August 2021.

### Response

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|                   |   |
|-------------------|---|
| Outcome:          | Referral agency response – with conditions.   |
| Date of response: | 11 January 2022   |
| Conditions:       | The conditions in <b>Attachment 1</b> must be attached to any development approval. |
| Advice:           | Advice to the applicant is in <b>Attachment 2</b> .                                 |
| Reasons:          | The reasons for the referral agency response are in <b>Attachment 3</b> .           |

### Development details

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|              |                    |   |
|--------------|--------------------|---|
| Description: | Development permit | Material change of use for Resort complex (outdoor sport & recreation, short-term accommodation, food & drink outlet, shop, tourist Park, helipads & caretaker's residence) combined with Reconfiguring a lot (1 Lot into 4 Lots) |
|--------------|--------------------|---|

|                                      |  |   |
|--------------------------------------|--|---|
|                                      | Preliminary approval   | Operational work for Advertising device |
| SARA role:                           | Referral Agency  |   |
| SARA trigger:                        | <p>Schedule 10, Part 17, Division 3, Table 5, Item 1 (Planning Regulation 2017) – Development application involving reconfiguring a lot in a coastal management district</p> <p>Schedule 10, Part 17, Division 3, Table 6, Item 1 (Planning Regulation 2017) – Development application involving material change of use in a coastal management district</p> <p>Schedule 10, Part 6, Division 3, Subdivision 3, Table 2, Item 1 (Planning Regulation 2017) – Development application involving reconfiguring a lot or material change of use involving removal, destruction or damage of marine plants</p> <p>Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (Planning Regulation 2017) – Development application impacting state transport infrastructure generally</p> <p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (Planning Regulation 2017) – Development application involving reconfiguring a lot near a State transport corridor</p> <p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017) – Development application involving a material change of use near a State transport corridor</p> |   |
| SARA reference:                      | 2108-24005 SRA   |   |
| Assessment Manager:                  | Douglas Shire Council  |   |
| Street address:                      | 5640 Captain Cook Highway, Mowbray QLD 4877  |   |
| Real property description:           | Lot 123 on SR687   |   |
| Applicant name:                      | David Imgraben (Graben Pty Ltd)  |   |
| Applicant contact details:           | 291 Mowbray River Road<br>Mowbray QLD 4877<br><a href="mailto:jarrod@huntdesign.com.au">jarrod@huntdesign.com.au</a>   |   |
| State-controlled road access permit: | <p>This referral included an application for a road access location, under section 62A(2) of <i>Transport Infrastructure Act 1994</i>. Below are the details of the decision:</p> <ul style="list-style-type: none"> <li>• Approved</li> <li>• Reference: TMR21-033812 (500-1563)</li> <li>• Date: 24 November 2021</li> </ul> <p>If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads (DTMR) at <a href="mailto:ron.p.kaden@tmr.qld.gov.au">ron.p.kaden@tmr.qld.gov.au</a></p>   |   |

## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules).

Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact John Irving, Principal Planning Officer, on 47583421 or via email [DAAT@dsdilgp.qld.gov.au](mailto:DAAT@dsdilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Phil Joyce', is enclosed in a thin black rectangular border.

Phil Joyce  
Director Development Assessment

cc David Imgraben (Graben Pty Ltd), [jarrod@huntdesign.com.au](mailto:jarrod@huntdesign.com.au)

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations provisions  
Attachment 5 - Approved plans and specifications

## Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

| No.  | Conditions  | Condition timing  |
|--|---|---|
| <b>Reconfiguring a lot</b>   |   |   |
| 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:    |   |   |
| 1.   | The reconfiguring a lot must be undertaken generally in accordance with the following plans: <ul style="list-style-type: none"> <li>i. Master Plan Diagrams Reconfiguration of a Lot Proposal Plan prepared by Hunt Design, dated 29/10/2021, reference DA-01.11, revision 02.</li> </ul>   | Prior to submitting the Plan of Survey to the local government for approval   |
| The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Agriculture and Fisheries 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 conditions: |   |   |
| 2.   | Development authorised under this approval is limited as follows: <p>The permanent removal, destruction or damage of marine plants being limited to 1,720 square metres and shown on the plan titled SARA Vegetation Removal, prepared by Hunt Design, undated, reference DA-01.25.</p>   | At all times  |
| 3.   | The development must be constructed generally in accordance with the Marine Plant Revegetation Area plan, prepared by Hunt Design, dated 17/12/21, reference DA-01.24, revision 01.   | At all times  |
| 4.   | Provide written notice to <a href="mailto:notifications@daf.qld.gov.au">notifications@daf.qld.gov.au</a> , when the development authorised under this approval: <ul style="list-style-type: none"> <li>(a) will start</li> <li>(b) when it has been completed.</li> </ul> <p>The notices must state permit number 2108-24005 SRA.</p> | (a) At least five business days but no greater than 20 business days prior to the commencement of the works<br><br>(b) Within 20 business days of the completion of the fisheries development works |
| 5.   | Spoil is not disposed on tidal lands or within waterways and is managed to prevent acid soil development.   | At all times  |
| 6.   | This fisheries development (as defined by the <i>Fisheries Act 1994</i> ) constitutes a place that is required to be open for inspection by an inspector at all times, pursuant to section 145 of the <i>Fisheries Act 1994</i> .   | At all times  |



|  |   |   |
|--|---|---|
| 7.   | <p>Marine plants that are removed, damaged, or destroyed by the development must be mitigated through establishment and rehabilitation in the marine plant revegetation area, as shown on the Marine Plant Revegetation Area plan, prepared by Hunt Design, dated 17/12/21, reference DA-01.24, revision 01.</p> <p><i>Note: Marine plants are matters of State environmental significance under the Environmental Offsets Act 2014. Due to the claims that mitigation will occur made in this development application these have not been included in a significant residual impact for the purpose of calculating an environmental offset for this development. Failure to mitigate these marine plants within 5 years will represent unlawful removal damage or destruction of marine plants under the Fisheries Act 1994 from that date.</i></p>  | Within five years of removal, damage, or destruction  |
| 8.   | The marine plant mitigation, through establishment and rehabilitation works, must be undertaken generally in accordance with the Port Douglas Surf Park Revegetation Activities, prepared by Papillon Landscapes, undated.  | At all times  |
| 9.   | <p>(a) Implement an inspection and monitoring program for the purposes of confirming the outcomes of the marine plant mitigation area works. The inspection and monitoring program must:</p> <ul style="list-style-type: none"> <li>i. have been prepared by a person or entity that is suitably qualified and experienced in fish ecology</li> <li>ii. include an alert and action component, which will enable changes to be made to any deficiencies in the marine plant mitigation area no later than one month after identifying the deficiency</li> <li>iii. involve the provision of inspection and monitoring reports to <a href="mailto:notifications@daf.qld.gov.au">notifications@daf.qld.gov.au</a>.</li> </ul> <p>(b) The emails attaching the inspection and monitoring reports must state this permit number, the location and name of work and this condition number under which the report is being given.</p> | <p>(a)(i)(ii)<br/>Prior to completion of works</p> <p>(a)(iii) &amp; (b)<br/>Six months after completion of construction works then annually for a period of five years or until the marine plant mitigation area is established and functioning as tidal lands, whichever is sooner.</p> |
| <b>Material change of use</b>  |   |   |
| 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 conditions: |   |   |
| 10.  | <p>The development must be undertaken generally in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>i. Master Plan Diagrams Site Cut-Fill Diagram prepared by Hunt Design dated 29/10/2021, reference DA-01.7, revision 02</li> <li>ii. Master Plan Diagrams Master Plan prepared by Hunt Design dated 29/10/2021, reference DA-01.6, revision 02</li> <li>iii. Master Plan Diagrams Marine Plant Revegetation Area prepared by Hunt Design dated 17/12/2021, reference DA-01.24, revision 01.</li> </ul>  | At all times  |

|   |   |  |
|---|---|--|
| 11.   | For the proposed works, only use clean material and ensure that the works do not cause contamination.   | For the duration of the works  |
| 12.   | 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  |
| 13.   | Submit "As Constructed drawings" to <a href="mailto:palm@des.qld.gov.au">palm@des.qld.gov.au</a> or mail to:<br>Department of Environment and Science<br>Permit and Licence Management<br>Implementation and Support Unit<br>GPO Box 2454<br>Brisbane Qld 4001  | Within two weeks of the completion of the works  |
| 14.   | <p>(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 Queensland Acid Sulfate Soil Technical Manual: Soil management guidelines, prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014.</p> <p>(b) Certification by an appropriately qualified person, confirming that the affected soil has been neutralised or contained, in accordance with (a) above is to be provided to <a href="mailto:palm@des.qld.gov.au">palm@des.qld.gov.au</a> or mailed to:<br/>Department of Environment and Science<br/>Permit and Licence Management<br/>Implementation and Support Unit<br/>GPO Box 2454<br/>Brisbane Qld 4001</p> <p><i>Note: Appropriately qualified person 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.</i></p> | <p>(a) Upon disturbance or oxidisation until the affected soil has been neutralised or contained</p> <p>(b) At the time the soils have been neutralised or contained</p> |
| The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads 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 conditions: |   |  |
| 15.   | <p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the Captain Cook Highway.</p> <p>(b) Any works on the land must not:</p> <ol style="list-style-type: none"> <li>create any new discharge points for stormwater runoff onto the State-controlled road</li> </ol>  | At all times   |

|   |   |   |
|---|---|---|
|   | <ul style="list-style-type: none"> <li>ii. interfere with and/or cause damage to the existing stormwater drainage on the State controlled road</li> <li>iii. surcharge any existing culvert or drain on the State-controlled road</li> <li>iv. reduce the quality of stormwater discharge onto the State-controlled road.</li> </ul>  |   |
| 16.   | <p>(a) The road access location is to be located generally in accordance with the TMR Layout Plan (20A – 56.54km), prepared by Queensland Government Transport and Main Roads, dated 22/11/2021, Reference TMR21-33812 (500-1563), Issue A, as amended in red by SARA.</p> <p>(b) Road access works comprising of a sealed property access with an auxiliary high angle entry and high angle exit (CHL) via the Captain Cook Highway, including a channelized right-turn lane (CHR) and road lighting, must be provided generally in accordance with Figure 2: <i>Proposed Intersection Upgrade Concept Layout</i>, as contained within the report titled Garben Pty. Ltd. Surf Park Douglas Traffic Impact Assessment, prepared by GHD, dated March 2021.</p> <p>(c) The road access works must be designed and constructed generally in accordance with:</p> <ul style="list-style-type: none"> <li>i. Department of Transport and Main Roads', Road Planning and Design Manual, 2nd Edition, Volume 3 – Guide to Road Design, November 2020 and Volume 6 – Lighting, March 2021</li> <li>ii. Austroads Guide to Road Design Part 4: Intersections and Crossings – General and Part 4A: Unsignalised and Signalised intersections, 2017, specifically: <ul style="list-style-type: none"> <li>o Figure 8.5: Rural Channelised Left-turn Treatment (CHL) with High Entry Angle</li> <li>o Figure A 30: Channelised right turn (CHR) on a two-lane rural road.</li> </ul> </li> </ul> | <p>(a)<br/>At all times</p> <p>(b) and (c)<br/>Prior to the commencement of use</p> |
| <p>The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Agriculture and Fisheries 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 conditions:</p> |   |   |
| 17.   | <p>Development authorised under this approval is limited as follows:</p> <p>The permanent removal, destruction or damage of marine plants being limited to 1,720 square metres and shown on the plan titled SARA Vegetation Removal, prepared by Hunt Design, undated, reference DA-01.25.</p>  | At all times  |
| 18.   | The development must be constructed generally in accordance with the Marine Plant Revegetation Area plan, prepared by Hunt Design, dated 17/12/21, reference DA-01.24, revision 01.   | At all times  |
| 19.   | Provide written notice to <a href="mailto:notifications@daf.qld.gov.au">notifications@daf.qld.gov.au</a> , when the development authorised under this approval:   | <p>(a)<br/>At least five business</p>   |

|     |   |   |
|-----|---|---|
|     | <p>(a) will start</p> <p>(b) when it has been completed.</p> <p>The notices must state permit number 2108-24005 SRA.</p>  | <p>days but no greater than 20 business days prior to the commencement of the works</p> <p>(b)<br/>Within 20 business days of the completion of the fisheries development works</p>   |
| 20. | Spoil is not disposed of on tidal lands or within waterways and is managed to prevent acid soil development.  | At all times  |
| 21. | This fisheries development (as defined by the <i>Fisheries Act 1994</i> ) constitutes a place that is required to be open for inspection by an inspector at all times, pursuant to section 145 of the <i>Fisheries Act 1994</i> .   | At all times  |
| 22. | <p>Marine plants that are removed, damaged, or destroyed by the development must be mitigated through establishment and rehabilitation in the marine plant revegetation area as shown in the Marine Plant Revegetation Area plan, prepared by Hunt Design, dated 17/12/21, reference DA-01.24, revision 01.</p> <p><i>Note: Marine plants are matters of State environmental significance under the Environmental Offsets Act 2014. Due to the claims that mitigation will occur made in this development application these have not been included in a significant residual impact for the purpose of calculating an environmental offset for this development. Failure to mitigate these marine plants within 5 years will represent unlawful removal damage or destruction of marine plants under the Fisheries Act 1994 from that date.</i></p> | Within 5 years of removal, damage, or destruction   |
| 23. | The marine plant mitigation, through establishment and rehabilitation works, must be undertaken generally in accordance with the Port Douglas Surf Park Revegetation Activities, prepared by Papillon Landscapes, undated.  | At all times  |
| 24. | <p>(a) Implement an inspection and monitoring program for the purposes of confirming the outcomes of the marine plant mitigation area works. The inspection and monitoring program must:</p> <ul style="list-style-type: none"> <li>i. have been prepared by a person or entity that is suitably qualified and experienced in fish ecology</li> <li>ii. include an alert and action component, which will enable changes to be made to any deficiencies in the marine plant mitigation area no later than one month after identifying the deficiency</li> <li>iii. involve the provision of inspection and monitoring reports to <a href="mailto:notifications@daf.qld.gov.au">notifications@daf.qld.gov.au</a>.</li> </ul> <p>(b) The emails attaching the inspection and monitoring reports must</p>  | <p>(a)(i)(ii)<br/>Prior to completion of works</p> <p>(a)(iii) &amp; (b)<br/>six months after completion of construction works then annually for a period of five years or until the marine plant mitigation area is established and functioning as tidal</p> |

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|  | state this permit number, the location and name of work and this condition number under which the report is being given. | lands, whichever is sooner. |
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## Attachment 2—Advice to the applicant

| General advice |   |
|----------------|---|
| 1.             | <p><b>State Development Assessment Provisions (SDAP)</b></p> <p>Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or SDAP v2.6. If a word remains undefined, it has its ordinary meaning.</p>  |
| 3.             | <p><b>Road works approval</b></p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the DTMR to carry out road works. Please contact DTMR on 4045 7144 to make an application for road works approval.</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact DTMR as soon as possible to ensure that gaining approval does not delay construction.</p>  |
| 3.             | <p><b>Road access works approval</b></p> <p>Under sections 62 and 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from DTMR to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads on 4045 7144 to make an application for road works approval. An approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland. Please contact DTMR as soon as possible to ensure that gaining approval does not delay construction.</p>                       |
| 4.             | <p><b>Operational works that is constructing or raising waterway barrier works in fish habitats</b></p> <p>The proposal includes filling of a tidal waterway. These works constitute waterway barrier works. The application has not been referred for operational works that is constructing or raising waterway barrier works. Operational works that is constructing or raising waterway barrier works must be authorised prior to commencement of works.</p>  |
| 5.             | <p><b>Environmental offsets</b></p> <p>The area identified within the development application as “Marine Plant Offset Area” is not considered to be an Offset under the <i>Environmental Offsets Act 2016</i>. For the purposes of this development approval, the works described as “Marine Plant Offset Area” are referred to as the marine plant mitigation area, as it is considered an onsite mitigation of impacts, which has reduced the total Significant Residual Impact of the works. As such, an Environmental Offset has not been recommended.</p> <p>If after five years of monitoring, as specified in the conditions above, the mitigation area is identified to have failed, it is likely that a significant residual impact will have resulted from the works.</p> |

## Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

### The reasons for SARA's decision are:

The development complies with State code 1: *Development in a state-controlled road environment*, & State code 6: *Protection of state transport networks* of the State Development Assessment Provision (SDAP): Specially, the development:

- does not create a safety hazard for users of a state transport corridor
- does not compromise the structural integrity of state transport corridors, transport infrastructure or works
- does not result in a worsening of the physical condition or operating performance of state transport corridors and the surrounding road networks
- does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads.

The development complies with State code 8: *Coastal development and tidal works* of SDAP: Specially, the development:

- the tidal works maintain coastal processes, enhances public use of, and access to and along state coastal land

The development complies with State code 11: *Removal, destruction, or damage of marine plants* of SDAP. Specially, the development works:

- maintain marine plant communities and protects ecological functions to which they contribute
- minimise impacts of fisheries resources and fish habitats.

### Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The State Development Assessment Provisions (version 2.6), as published by SARA
- The Development Assessment Rules
- SARA DA Mapping system.

## **Attachment 4—Change representation provisions**

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## **Attachment 5—Approved plans and specifications**

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