

# Notice

## Concurrence Agency Response

This notice is issued by the chief executive pursuant to section 287 (concurrence agency response) of the Sustainable Planning Act 2009.

Chief Executive Officer  
Cairns Regional Council  
PO Box 359  
Cairns QLD 4870

cc. Wonga Beach Aquaculture Resort Pty Ltd  
C/- RPS Australia East Pty Ltd  
PO Box 1949  
CAIRNS QLD 4870

Attn: Neil Beck  
Assessment manager reference:  
8/13/1625 (3255378)



Our reference: 279643

### Re: Concurrence Agency Response

#### 1. Application details

Applicant: Wonga Beach Aquaculture Resort Pty Ltd

Assessment Manager ref: 8/13/1625 (3255378)

Date application referred to the concurrence agency: 01/09/2011

Development approval applied for: Development permit

Aspect(s) of development:

Assessable development		Referral agency reference
Reconfiguring a lot - Land in or near a wetland	Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 43A	EHP ref. no. - 279643

Development description(s): Reconfiguring a lot (1 lot into 99 lots)

Property/Location description(s): Lot 51 on SP155078, described as Vixies Road, Wonga Beach QLD 4873

**2. Concurrence jurisdiction**

The concurrence agency response for the concurrence agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to tell the assessment manager as follows:

- a. Conditions must attach to any development approval, and those conditions are attached to this notice as:
  - i) Attachment 1 – EHP Permit number: SPCC02679411

**Approved plans and specifications**

<b>Document no.</b>	<b>Document name</b>	<b>Date</b>
9539-37	Wetland Areas of High Ecological Significance – Concept Filling and Drainage Overlay	07/05/2013
9539-20 G	Reconfiguration Proposal Plan	14/03/2013

**3. General advice to assessment manager**

Pursuant to section 334 and section 363 of the *Sustainable Planning Act 2009*, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to the referral agency for the relevant application. Please send a copy of the relevant notice to <INSERT EHP office name and postal address> and an electronic copy to palm@ehp.qld.gov.au.

The state's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager.

**4. Additional information for applicants**

***Environmentally relevant activities***

The description of any environmentally relevant activity (ERA) for which a development approval is issued is a restatement of the ERA as defined by legislation at the time the approval is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by a development approval as to the scale, intensity or manner of carrying out an ERA, then the conditions prevail to the extent of the inconsistency.

A development permit authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the permit specifically authorises environmental harm.

A person carrying out an ERA must also hold a registration certificate issued under the *Environmental Protection Act 1994*, or must be acting under a registration certificate for the ERA.

***Contaminated land***

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined in Schedule 3 and Schedule 4 of the *Environmental Protection Act 1994*) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the chief executive.

**Notice**  
**Concurrence Agency Response**

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**Delegate**

Mike Trenerry  
Delegate, Chief Executive administering the *Environmental Protection Act 1994*  
Department of Environment and Heritage Protection  
08/07/2013

**Enquiries**

Matt Bogart  
Department of Environment and Heritage Protection  
Level 3 William McCormack Place Building II  
5b Sheridan Street, Cairns Q 4870  
PO Box 937, Cairns Q 4870  
Phone: 07 4222 5534  
Fax: 07 4222 5595  
Email: matt.bogart@ehp.qld.gov.au



**Attachment(s)**

Attachment 1 – EHP Permit number: SPCC02679411

Attachment 2 - 'Wetland Areas of High Ecological Significance – Concept Filing and Drainage Overlay' on Lot 51 SP155078, created by RPS Australia East Pty Ltd, drawing no. 9339-37

Attachment 3 - 'Reconfiguration Proposal Plan' on Lot 51 SP155078, created by RPS Australia East Pty Ltd, drawing no. 9339-20 G

EHP Permit <sup>1</sup> number: **SPCC02679411**

<b>Assessment manager reference (if any):</b>	8/13/1625 (3255378)					
<b>Date application received:</b>	01/09/2011					
<b>Permit type:</b>	concurrence agency response					
<b>Date of decision:</b>	08/07/2013					
<b>Decision:</b>	For a <b>concurrence agency response</b> conditions that must attach to any development approval					
<b>Relevant laws and policies:</b>	<i>Environmental Protection Act 1994</i> and any related statutory instruments and subordinate legislation <i>State Planning Policy 4/11: Protecting Wetlands of High Ecological Significance in Great Barrier Reef Catchments</i>					
<b>Jurisdiction(s):</b>	<table border="1"> <tr> <td><b>Reconfiguring a lot - Land in or near a wetland</b></td> <td>Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 43</td> <td><b>EHP ref. no. - 471359</b></td> </tr> </table>			<b>Reconfiguring a lot - Land in or near a wetland</b>	Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 43	<b>EHP ref. no. - 471359</b>
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**Development Description(s)**

Property/Location		Development
Vixies Road and Snapper Island Drive, Wonga	Lot 51 SP155078	Reconfiguring a Lot (1 lot into 99 lots)

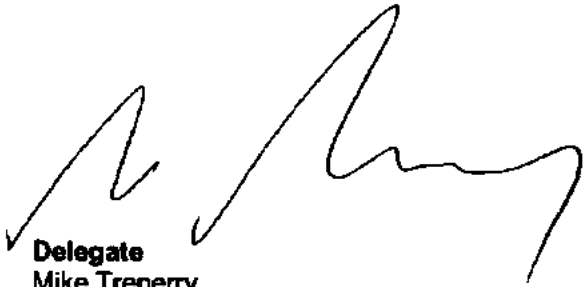
**Reason(s) for inclusion of conditions**

In accordance with section 289 of the *Sustainable Planning Act 2009*, the conditions stated in this permit are included pursuant to section 73B of the *Environmental Protection Act 1994*.

The Department of Environment and Heritage Protection is Concurrence Agency under the *Sustainable Planning Regulation 2009* - Schedule 7, table 2, item 43A

<sup>1</sup> Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Heritage Protection.

EHP Permit number: SPCC02679411



**Delegate**  
Mike Trenerry  
Delegate *Environmental Protection Act 1994*  
Department of Environment and Heritage Protection  
08 July 2013

## CONDITIONS

C1. The reconfiguration of a lot and associated earthworks must be conducted generally in accordance with the following plans:

- 'Wetland Areas of High Ecological Significance – Concept Filling and Drainage Overlay' on Lot 51 SP155078, created by RPS Australia East Pty Ltd, drawing no. 9339-37, dated 07-May-2013.

C2. A minimum buffer width of 20m is established and maintained between the development and mapped Great Barrier Reef Protection Areas in accordance with the following plans:

- 'Reconfiguration Proposal Plan' on lot 51 SP155078, created by RPS Australia East Pty Ltd, drawing no. 9339-20 G, dated 14-March-2013

C3. Wetland surface water hydrological regimes must be maintained through the use of WSUD and streetscape bioretention systems in accordance with the Wonga Beach Integrated Stormwater Management Plan

C4. The quality and quantity of stormwater entering the HES wetlands must be maintained through the use of WSUD and streetscape bioretention systems in accordance with the Wonga Beach Integrated Stormwater Management Plan

C5. Detailed engineering works design and an erosion and sediment control strategy must be provided for approval by the Assessment Manager prior to the commencement of any operational works

C6. An operational management plan which addresses the management of potential impacts on hydrology, water quality and ecological processes in the HES wetlands during the construction and operational stages of the development should be provided to and approved by the assessment manager prior to the commencement of any operational works

## END OF CONDITIONS



**Legend**

- Red line: Site boundary
- Blue line: Top of front dune
- Green area: Existing lots and blocks
- Yellow area: Lots to be removed
- Orange area: Boundary of development area
- Blue area: Existing vegetation
- Green area: Open space
- Blue area: Water
- Red area: 20m setback
- Blue area: 10m setback
- Blue area: 5m setback
- Blue area: 2m setback
- Blue area: 1m setback
- Blue area: 0.5m setback
- Blue area: 0.2m setback
- Blue area: 0.1m setback
- Blue area: 0.05m setback
- Blue area: 0.02m setback
- Blue area: 0.01m setback
- Blue area: 0.005m setback
- Blue area: 0.002m setback
- Blue area: 0.001m setback
- Blue area: 0.0005m setback
- Blue area: 0.0002m setback
- Blue area: 0.0001m setback
- Blue area: 0.00005m setback
- Blue area: 0.00002m setback
- Blue area: 0.00001m setback

**Statistics**

Total Site Area: 30,000 m<sup>2</sup>  
 Total No. of Lots: 99  
 Total No. of Blocks: 10  
 Total Length of New Road: 1,200 m  
 Total Length of Old Road: 1,500 m  
 Area of New Road: 1,200 m<sup>2</sup>  
 Area of Old Road: 1,500 m<sup>2</sup>



**RECONSTRUCTION**

**WONGA BEACH AQUACULTURE RESORT PTY LTD**

**RPS**

**RECONFIGURATION PROPOSAL PLAN**  
 LOT 51 ON SP715078  
 WONGA BEACH

**Stage No Lots**

1	14
2	11
3	13
4	12
5	12
6	10
7	15
8	12
<b>Total</b>	<b>99</b>

**Scale:** 1:1,000  
 DATE: 11/11/2008  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT NO: 3339-20  
 SHEET NO: G