



**ENQUIRIES:** Tanya Denison  
**PHONE:** (07) 4099 9407  
**FAX:** (07) 4098 2902  
**YOUR REF:** 10-034-001L-CRC  
**OUR REF:** 8/10/56 (3277080)

31 August 2011

Town & Country Limited  
C/- Projex North (SC) Pty Ltd  
PO Box 1415  
**BUDDINA QLD 4575**

Dear Sir/Madam

**DECISION NOTICE FOR OPERATIONAL WORKS – SHOPPING CENTRE  
EXTENSION – 63 FRONT ST, MOSSMAN**

Please find attached the relevant Decision Notice for the above Operational Works related to the extension of the shopping centre at 63 Front St. In addition, find attached a 'Pre-Start' meeting template, which identifies the information that must be provided for Council approval, prior to the commencement of works.

The template also provides the Consulting Engineer with a format for conducting the pre-start meeting. An invitation to attend the meeting must be sent to Council's representative Development Engineer Tanya Denison on telephone number (07) 4099 9407 email address [t.denison@cairns.qld.gov.au](mailto:t.denison@cairns.qld.gov.au), giving at least five (5) working days notification if possible.

In addition to the Decision Notice, Council provides the following "Advice Statement" which relates to issues that are relevant to the proposed works:

1. The Consulting Engineer is to present all Contractors with a copy of this Decision Notice and the Council approved plans, prior to the commencement of works.
2. This approval is for roadworks, stormwater, drainage, W&W, earthworks, **landscaping plans are to be provided prior to the pre-start meeting.**

Should you require further information or assistance, please contact Development Engineer Tanya Denison of Council's Development Engineering.

Yours faithfully

Kelly Reaston  
**Manager Development Assessment**

**Att.**

Copy: Garry Campbell – Council Inspector (Including Drawings DM5 # 3267306)  
Kaila Bury and John Bishop – Water & Waste

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**DECISION NOTICE FOR OPERATIONAL WORKS – SHOPPING CENTRE  
EXTENSION – 63 FRONT ST, MOSSMAN**

**PROPOSAL:**

Operational Works (Engineering) – Construction of roadworks, stormwater, drainage, W&W, earthworks, **landscaping plans are to be provided prior to the pre-start meeting.**

**TYPE OF DEVELOPMENT:**

Operational Works -

**REAL PROPERTY DESCRIPTION:**

Lot 101 on SP186233

**REFERRAL AGENCY CONDITIONS:**

Department of Traffic and Main Roads

**FURTHER DEVELOPMENT PERMITS OR APPROVALS REQUIRED:**

DTMR Approval for Road Corridor Permit for below items:

- Road access, Widening and Linemarking design
- Changes to the existing water flows, afflux levels and/ or hydraulic structures along, under or over Front Street.

**DECISION DATE:**

31 August 2011

**DECISION:**

Approved Subject to Conditions

**TYPE OF APPROVAL:**

Development Permit

**ASSESSMENT MANAGER CONDITIONS – STANDARD:**

The standard conditions are shown in Appendix A and must be read in conjunction with any approved plans and project specific conditions identified below.

***The information or amended drawings required in accordance with these conditions must be submitted and approved prior to the pre-start meeting.***

## **ASSESSMENT MANAGER CONDITIONS – PROJECT SPECIFIC:**

### **1. General**

- a. A Traffic/Pedestrian Management Plan in accordance with the Department of Main Roads Manual of Uniform Traffic Control Devices (Section 3 – Works on Roads) is to be prepared and endorsed by a suitably qualified person and submitted for approval. **The Traffic/Pedestrian Management Plan is to be established prior to any alterations to ensure the safety of the normal flow of traffic on the road or deviation of pedestrians.**
- b. Any existing infrastructure or private property (including but not limited to existing services, kerb, concrete island, pit, channel, pavement, footpath) damaged due to the proposed works is to be rectified or replaced at the applicant's expense.
- c. A copy of the Road Corridor Permit approving the proposed drawings by DTMR is to be submitted.
- d. A Landscaping Management Plan including drawings in accordance with the DTMR conditions is to be submitted for approval.
- e. On Drawing - External Roadworks Layout, Setout and Stormwater Plan (10-034-C06 Rev (B)) amend the concrete pedestrian path to 2.0m wide.
- f. The Applicant is to provide cross sections, showing existing and proposed levels, dimensions and details of proposed retaining wall and fence between stormwater pits 4/1 to 3/1, 3/1 to 2/1 and 2/1 to 1/1 for approval and structural certification by a RPEQ if more than 900mm.
- g. A Work Method Statement for the water main relocation is to be submitted.
- h. The amount of fill material and the source are to be submitted.

### **2. Stockpiling and Transportation of Fill Material**

- a. 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.

### **3. Earthworks**

- a. All earthworks are to be constructed in accordance with Australian Standard 3798-2007, Guidelines on Earthworks for Commercial and Residential Developments.
- b. Any alterations to the proposed design that are required as a result of the geotechnical assessment are to be submitted to Council for approval prior to the pre-start meeting.

- c. Confirmation by a geotechnical engineer of batter stability is required for all batters 1:2 or greater and higher than 1.5 metres.
- d. The constructed earthworks and associated compaction documentation is to be reviewed by a geotechnical engineer and advice provided to council prior to works acceptance.

#### **4. Erosion and Sediment Control**

- a. All reasonable and practicable measures must be taken to prevent pollution to the existing creek, waterways or drainage lines, as a result of silt run-off, oil and grease spills from any machinery. Wastewater for cleaning equipment must not be discharged or in-directly to any watercourses or stormwater systems
- b. **Prior to the Pre-Start** meeting the applicant is to provide for approval, the Contractor Erosion and Sediment Control Plan (ESCP) along with drawings to be implemented on-site during construction and the defect liability period.

#### **5. Sewer**

- a. Care must be taken when working in the vicinity of the existing sewer mains. Minimum clearances between sewer mains and other services must be in accordance with the Sewerage Code of Australia.
- b. As-constructed sewerage drawings must be approved prior to granting of Early Plan Sealing or Issue of a Works Acceptance Certificate whichever occurs first. The As-constructed sewerage submission is to include the "Statement of Compliance – As-constructed Documentation" and must be the final issue.
- c. CCTV inspections of existing sewers must be undertaken both prior to commencement of works on site and at works completion i.e. the existing gravity sewer in the lot frontage. An assessment of the CCTV records must be undertaken by the developer's consultant and a report along with the footage submitted to Council for approval. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.
- d. Provide an easement in favour of Council over all council owned sewerage infrastructure located within the development site

#### **6. Water**

- a. The Inspection and Test Plan must be approved prior to the pre-start meeting. At project completion the completed and validated ITP must be

submitted and approved prior to the issue of a Works Acceptance Certificate.

- b. Minimum clearances between water mains and other services must be in accordance with the Water Supply Code of Australia.
- c. As-constructed water submissions are to include the “Statement of Compliance – As-constructed Documentation” and must be the final issue. The as-constructed drawing must be approved prior to Issue of a Works Acceptance Certificate.
- d. The contractor who will carry out the water main relocation must be engaged prior to the pre-start meeting.

## **7. Stormwater and Drainage**

- a. All reasonable and practicable measures must be taken to prevent pollution of any stormwater system as a result of silt run-off, oil and grease spills from any machinery. Wastewater for cleaning equipment must not be discharged direct or in-directly to any stormwater system.
- b. CCTV inspection is to be carried out through the proposed stormwater drainage system at the completion of the works. The Consultant is to assess the CCTV and prepare a report on the condition of the installed stormwater. The report shall be submitted and approved by Development Engineering prior to issue of Works Acceptance. If required, rectification to sub-standard stormwater drainage shall be carried out to the satisfaction of Council.

## **8. Other**

- a. In the event that acid sulfate soils are encountered, the applicant is to ensure the site is managed in accordance with requirements of the Queensland Acid Sulfate Technical Manual and State Planning Policy SPP2/02. In addition, an ASS/PASS Management Plan is to be submitted to Council within seven (7) days, should site excavations identify the presence of acid sulphate soils

## **APPROVED PLANS:**

Generally in accordance with the following drawings submitted by Projex North subject to any alterations made by conditions of Development Permit for Operational Work 8/10/56

<b>Drawing Description</b>	<b>No.</b>	<b>Rev.</b>
Cover Sheet, Locality Plan & Drawing List	10-034-C01	B
General Layout Plan	10-034-C02	B
Grading and Setout Plan	10-034-C03	B

Miscellaneous Details	10-034-C04	B
Stormwater Drainage Plan	10-034-C05	B
External Roadworks Linemarking and Signage Plan	10-034-C07	B
External Roadworks Cross Sections (Sheet 1 of 2)	10-034-C08	B
External Roadworks Cross Sections (Sheet 2 of 2)	10-034-C09	B
Stormwater Longitudinal Sections (Sheet 1 of 2)	10-034-C10	B
Stormwater Longitudinal Sections (Sheet 2 of 2)	10-034-C11	B
Stormwater Calculations Sheet	10-034-C12	A
Soil and Water Management Plan	10-034-C13	A

**PLANS TO BE AMENDED:**

<b>Drawing Description</b>	<b>No.</b>	<b>Rev.</b>
External Roadworks Layout, Setout and Stormwater Plan (subject to modifying concrete pedestrian/ bicycle path to 2m wide)	10-034-C06	B

For information relating to the *Sustainable Planning Act 2009* log on to [www.dip.qld.gov.au](http://www.dip.qld.gov.au). To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au)

**RIGHTS OF APPEAL**

Attached

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**End of Decision Notice**

**Att.** Appeal Rights  
Pre-Start Meeting Template  
Standard Conditions, Appendix A



## APPENDIX A

### STANDARD CONDITIONS:

#### General

1. The proposed works are permitted subject to any alterations:
  - a. found necessary by Chief Executive Officer at the time of examination of Engineering drawings or during construction of the works because of particular engineering requirements and.
  - b. to ensure the works comply in all respects with the requirements of FNQROC Development Manual and good engineering practice and.
  - c. to comply with project specific conditions and the following standard conditions of approval.

All works must be carried out in accordance with the approved plans, conditions and specifications, to the requirements and satisfaction of the Chief Executive Officer.

2. The conditions of any Reconfiguration of Lot or Material Change of Use permits applicable to the subject lot or lots shall be complied with in conjunction with this development permit.
3. Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy. If during construction, inadequacies of the design are discovered, it is the responsibility of the Principal Consulting Engineer to resubmit amended plans to Council for approval and rectify works accordingly.
4. Notwithstanding any approval given to engineering documents, where a discrepancy occurs between these documents and Council's standards, then Council's standards shall apply. All works must be performed in accordance with Council standards and Local Laws and other statutory requirements.
5. If in fact there are errors, omissions, or insufficient detail on the plans for the purpose of construction, these deficiencies shall be made good during construction and Council reserves the right to withhold approval of construction until such deficiencies are made good to its satisfaction.

#### Timing of Effect

6. The conditions of this development permit must be affected prior to the approval and dating of the survey plan, except where specified otherwise in these conditions of approval, or at Council's discretion.

#### Easement Documentation

7. Easement documents are to be submitted to Council's Solicitors for checking in accordance with the conditions of the Reconfiguration Development Permit. In this instance, Council's Solicitor will be MacDonnell's Solicitors.

#### Portable Long Service Leave Notification

8. As per the QLeave – Building and Construction Industry Authority Guidelines, if the works are over \$80,000, Council must sight a copy of the receipted Portable Long Service Notification and Payment form prior to commencement of work.

### **Construction Security Bond**

9. Lodgement of Construction Security Bond as per the FNQROC Development Manual, Section CP1.07, (i.e., 5% of the value of the works) is required, prior to commencement of work. The bond shall be in favour of Council and in the format of cash or an unconditional bank guarantee, which must cover all aspects of the construction and have no termination date.

### **Third Party Agreement**

10. The developer must obtain written agreement from third parties and/or Referral Agencies for any works proposed on adjacent properties. The agreement(s) must be provided prior to the associated works commencing on site. All agreements must be available for Council scrutiny, upon request.

### **Commencement of Works**

11. Council is to receive written Notice of Intention to Commence Works and all matters relevant to the Pre-Start meeting are to be attended to in accordance with Section CP1.08 and Section CP1.09, of FNQROC Development Manual.

### **Construction Monitoring Fee**

12. Payment of the Construction Monitoring Fee is required prior to work commencing. This figure is based on a \$1,542 base fee, plus \$143/lot.

### **Hours of Work**

13. Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:
  - a. 7.00am to 6.00pm, Monday to Friday;
  - b. 7.00am to 1.00pm Saturdays;
  - c. No work is permitted on Sundays or Public Holidays.

Any variations to the above working hours must be authorised by the Chief Executive Officer, prior to the commencement of such works.

### **Public Notification of the Works**

14. The developer or the nominated representative must provide:
  - a. Public notification of the development in local newspapers in accordance with Section CP1.11 of the FNQROC Development Manual.
  - b. Signage identifying the location of the project, general allotment layout, contact numbers (including out of office hours emergency numbers) must be provided at all entrance points to the development. All signage must be appropriately positioned, prior to the commencement of any works on the site.

### **Site Inspections**

15. Council requires a number of major inspections to be completed as Witness and Hold Points for Consulting Engineers and Council officers during the construction of the works. Inspections undertaken during construction shall be in accordance with Section CP1.16 (Inspection and Testing) of FNQROC Development Manual. These Witness and Hold

points are to be included in the contractors Inspection and Test Plan (ITP) and be made available for inspection, prior to the commencement of any works on the site.

### **Soil and Water Management**

16. All works must be in accordance with Section CP1.13 and D5 of the FNQROC Development Manual, and must comply with the following:
  - a. A copy of the contractors Erosion and Sediment Control (ESC) Plan is to be submitted to Council and endorsed by the Consulting Engineer, prior to commencement of any works. In particular, the ESC Plan must address the Institution of Engineers Australia Guidelines for Soil Erosion and Sediment Control and the Environment Protection (Water) Policy and Clauses CP1.06, CP1.13 and D5.10 of Council's FNQROC Development Manual. The ESC Plan must be relevant to all phases of the construction and be updated where necessary as works progress.
  - b. Any dewatering activities will require approval from Council's Environmental Protection Unit, Telephone No. (07) 4044 3509 and a valid permit obtained prior to commencement.
  - c. During the construction period, the Consulting Engineer shall randomly audit and inspect ESC measures for compliance with the Engineer endorsed Contractors ESC Plan, derived from the Engineers ESC Strategy (As per FNQROC CP1 Appendix A).
  - d. It is the Contractors responsibility to ensure that the ESC Plan is updated and amended to reflect any changes in the construction methodology. All such amendments shall be approved by the Engineer and presented to Council.
  - e. The developer shall be held responsible for any rectification works required to clean up dust, pollutants and sediments that may leave the site as a result of construction activities.
  - f. The developer or their representative shall be responsible for communicating with third parties affected by any dust, pollutants or sediment leaving the site as a result of any construction activity that is associated with the project site.

### **Street Lighting**

17. Street lighting must be in accordance with Section D8 of FNQROC Development Manual and the latest version of the Road Lighting Standard AS/NZS 1158. New street lighting is to be erected as a Rate 2 public lighting installation, Rate 1 will only be considered where an overhead electricity reticulation exists:
  - a. Lighting columns, luminaries and lamps are to be of a type specified in Ergon Energy's Lighting Construction Manual, unless approved otherwise by Council.
  - b. The applicable lighting category for roads associated with this project having a road hierarchy of residential access and above is identified in Table D8.1 of FNQROC Development Manual.
  - c. Local Area Traffic Management (LATM) devices including roundabouts, must be provided with an illumination of not less than 3.5 Lux as specified in the Road Lighting Standard AS/NZS 1158.
  - d. Street lighting located adjacent to the development frontage must be located behind the kerb (usually a minimum of 820mm from the invert of the kerb) and spaced to meet the required lighting category for the road.

### **Infrastructure Plans for Utility Services**

18. Approved infrastructure plans for gas, electrical and telecommunications services must be endorsed by Council, prior to the commencement of associated works.

### **Landscaping General**

19. Landscaping shall be provided in accordance with Part D9 and Part S8 of the FNQROC Development Manual, unless approved otherwise by Council.
20. The landscaping works must be constructed in accordance with the approved plans and conditions. The developer must seek approval in writing from the Council for any changes to the plan or the landscaping works on the site. This approval must be obtained prior to commencement of these works on site.
21. The landscape must be maintained in good order by the developer for at least three months during the Works Acceptance period, and generally timed to coincide with the Final Works Acceptance Inspection, when all landscaping works must be in a condition suitable for Council to commence regular maintenance.

### **Trees**

22. Any trees must be planted and staked in accordance with FNQROC drawing S4210, with root barriers installed such that they are just visible at the finished surface level. Note that where footpaths are to be provided, a root barrier must also be provided between the tree and the path. Root barriers must be installed and appropriate topsoil, level of compaction and drainage provided, as specified by the manufacturer.
23. Street tree planting locations must be in compliance with FNQROC D9.07.6 'Alignment and placement of Street Trees'. Trees shall be positioned a minimum of:
  - a. 7.5m from streetlights;
  - b. 2.0m from the inlet or outlet of stormwater pipes;
  - c. 3.0m from any driveways;
  - d. 10.0m back from the apex of both boundaries of a corner Lot;
  - e. 0.8m – 1.0m from the back of kerbs.
24. All trees must be watered directly after planting and prior to laying mulch. The mulch must be left clear of the trunk and be laid in accordance with FNQROC drawing S4210 and S8.14, at a radius of 0.5m around the base of the tree and out to the back of kerb.
25. All trees must be of good vigor and health and must not be root-bound at the time of planting. They should be approximately 1.5m – 2.0m tall with well established root and branch formation. Trees should have a clear dominant central leader.
26. A joint site inspection is to be held with Council officers and developer's representative to assess the general condition of any existing trees and shrubs within 6.0m of any property boundary abutting the road reserve, or other Council land. If any dead, dying or dangerous trees are identified during the meeting, with the landowner's consent, they are to be removed to the satisfaction of Council officers, prior to the sealing of plans for the associated lot.
27. Any trees identified on drawings to be retained, are to be protected in accordance with approved plans. This must include, but is not limited to, the erection and continued maintenance of suitable physical barrier(s) placed around the tree to protect the tree and the root system. Additional protection of tree trunks by the fixing of timber planks using wire loops is also required unless approved otherwise by Council. Any damage caused to nominated trees as a result of construction activity, will require inspection by Council and will

require a specified number of suitable replacements trees of suitable maturity to be provided to replace the loss in amenity.

### **Verges**

28. All verges are to be covered full width with topsoil (AS 4419/Soils for Landscaping and Garden Use) to a depth of not less than 40mm, lightly compacted and grassed in accordance with Council's Guidelines and Specifications.
29. Any island beds or any shrub beds must have a permanent irrigation system installed, which must be connected to the Cairns Water Network. An Application for a Water Service Connection must be presented to Cairns Water & Waste to facilitate the connection, and must include the installation of a flow meter and associated valves.
30. All water reticulation, including permanent irrigation systems, are to be identified in as-constructed plans which must be submitted to Council for approval prior to the Works Acceptance (On Maintenance) meeting for landscaping.

### **Structures and Retaining Walls**

31. Separate building certification and/or structural certification is required for any works to alter existing structures, provide new structures or construct retaining walls that are over 900mm high. Certification by a suitably qualified engineer must be provided, prior to opening the work site to the public.

### **The Location of Stormwater Quality Interception Devices (SQIDS)**

32. Council must approve the location of any SQIDS prior to installation. They shall be positioned to allow for economic and efficient maintenance operations, and will require a reinforced concrete hard standing area to be provided from the edge of the carriageway to the SQID location. Vehicular access from the public road reserve to the SQID must remain unrestricted.

### **Sewer and Water**

33. All water and sewerage works must be in accordance with Sections D6 and D7 of FNQROC Development Manual, and must comply with the following:
  - a. Cairns Regional Council requires a minimum of five (5) working days notice of intention to commence water and sewerage related works. The notice shall be given to the Senior Plumbing Inspector at Cairns Regional Council in either writing, by telephone (07) 4044 8235, facsimile (07) 4044 8290 or email to [cairnswater@cairns.qld.gov.au](mailto:cairnswater@cairns.qld.gov.au) prior to the commencement of works.
  - b. WATER: Cairns Regional Council must be contacted to perform any direct connection to live water mains whether being as a permanent connection, a connection for irrigation purposes or for construction water. Unless otherwise approved in writing, separate applications on the prescribed forms shall be made to Cairns Regional Council for connections, together with payment of the relevant fee. All connections are to be provided subject to the terms and conditions of Cairns Regional Council's "Application for a Water Service Connection".
  - c. SEWER: Cairns Water & Waste must be contacted to perform any direct connection to live sewer mains. Unless otherwise approved in writing, separate applications for approval on the prescribed forms shall be made to Cairns Water & Waste for each connection together with payment of the relevant fee. All connections are to be provided subject to the terms and conditions of Cairns Regional Council's "Application for Plumbing Works".

- d. The developer shall be responsible for confirming the location of all existing sewer, water and utility service infrastructure prior to the commencement of works on site. Any permits necessary to alter/interfere with such services must be obtained prior to the commencement of work and be available for Council inspection if required.
- e. Any works over or within the zone of influence of Council's existing water and sewerage infrastructure must be approved by Cairns Regional Council prior to the commencement of the proposed works. Unless otherwise approved in writing, existing infrastructure impacted by the development shall be subject to the maintenance period provisions contained in this Decision Notice. Construction works shall include any works that may impact on existing infrastructure such as, but not limited to, mobilization of heavy earthmoving equipment, stripping and grubbing, site filling, stockpiling of materials and installation of erosion and sediment control measures.
- f. All testing and acceptance of water and sewerage works shall be in accordance with CP1 Construction Procedures of the FNQROC Development Manual. Works are to be certified as acceptable by Cairns Water & Waste, and any operating manuals etc. be provided to Council, prior to making an application for the acceptance of the works.

### **Roads and Footpaths**

- 34. All works are to be designed and constructed in accordance with AS 1428.1-2001: Design for access and mobility' - General requirements for access - New building work, and associated standard AS/NZS 1428.4 2002, 'Design for Access and Mobility' - Tactile Indicators. The design is required to provide equal access for people with disability and include the provision of suitable ramps and landing areas and the installation of Tactile Ground Surface Indicators (TGSI's) where required.

### **Cultural Heritage**

- 35. The Aboriginal Cultural Heritage Act 2003 seeks to protect artefacts and cultural sites that are of significance to Aboriginal people. The Act requires anyone carrying out an activity to exercise a Duty of Care. Guidelines have been produced to enable assessment of sites under the Act. These are available from Department of Environment & Resource Management (DERM) and can be downloaded from their website at [www.nrw.qld.gov.au](http://www.nrw.qld.gov.au). The work identified in the project documentation is likely to require assessment of the site under the Act.

## APPENDIX B Advice Agency Response

Department of Environment  
and Resource Management



## Notice

### Advice Agency Response – Acid Sulfate Soils (SPAR01976511)

This notice is issued by the Department of Environment and Resource Management pursuant to section 292 (advice agency response) of the Sustainable Planning Act 2009 ("the Act").

CEO  
Cairns Regional Council  
PO Box 359  
CAIRNS QLD 4870  
Email: w.moreno-neisa@ Cairns.qld.gov.au

Ref no. 8/10/56  
Att: Walter Moreno-Neisa

cc. Deborah Bender  
C/- John Martin  
Projex North  
PO Box 1415  
BUDDINA QLD 4575  
Email: johnmartin@projexnorth.com

Our reference (file no): CNS023048

#### 1. Application Details

Date application referred to DERM: 6 June 2011  
Development approval applied for: Development permit  
Development description: Operational Works - bulk earthworks

Aspect(s) of development:

Various aspects of development - Acid sulfate soils	<i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 3, item 3	DERM Permit No. (EcoTrack) 364176 EcoTrack Permit No. SPAR01976511 Trackjob No. IA0611CNS0002
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Property/Location description: Lot 101 on SP186233 situated at  
63 Front Street, Mossman

**2. Advice Agency Response**

*The Chief Executive, Department of Environment and Resource Management (DERM), Advice Agency response for the application the subject of this Notice is as follows:*

**Recommendation**

The State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils (SPP 2/02) sets out the State's interests concerning development involving acid sulfate soils (ASS) in low-lying coastal areas. The SPP 2/02 is triggered where a development would involve either of the following activities:

- excavating or otherwise removing 100 m<sup>3</sup> or more of soil or sediment from at or below 5 m AHD; or
- filling land below 5 m AHD with 500 m<sup>3</sup> or more of material having an average depth of 0.5 of a metre or greater.

Review of the application material indicates that that proposed development incorporates excavation and trenching works that are likely to involve excavation of greater than 1000 m<sup>3</sup> of soil or sediment from land where the natural ground surface is at or below 5 m AHD. The Department advises that the proposed works would be compliant with the SPP 2/02 on the basis that the applicant meets the following recommended conditions.

1. If Actual Acid Sulfate Soils (AASS) are to be intercepted or groundwater is less than pH 4, service infrastructure and/or conduit materials must be made from materials resistant to acid attack. Appropriate materials must be chosen for the conditions to ensure that service infrastructure reaches its expected design life. Prior to operational works, the assessment manager must be satisfied that:
  - (a) AASS and acidic groundwater are absent; or
  - (b) Service infrastructure is constructed of appropriate acid resistant materials in locations where acidic conditions exist.
2. All Acid Sulfate Soil excavated during trenching must be appropriately managed. The applicant is to provide a concise and site specific Acid Sulfate Soil Management Plan. The assessment manager must be satisfied that the management plan is consistent with the eight Management Principles documented in the *Queensland Acid Sulfate Soil Technical Manual - Soil Management Guidelines* before any operational works are permitted on the site.
3. Trenching works must be appropriately designed and staged to minimise dewatering volumes and the time ASS is exposed to oxidation. Where trenches are to be excavated through ASS materials, the applicant and construction manager must abide by the following provisions:
  - (a) Trenches must only be excavated and dewatered in manageable sections such that the works and backfilling can be completed within 5 days.
  - (b) Trenches must be dusted with fine agricultural lime prior to backfilling with non-ASS or properly treated ASS materials. At least 5 kg of fine agricultural lime (98% purity or



equivalent) is to be used for every linear metre of open trench. Application rates should be increased in larger trenches or where AASS or groundwater will be encountered.

- (c) The section of trench being actively dewatered must not exceed 50 metres in length at any given time.
  - (d) Suction depths for dewatering sumps and spears must not exceed 1 metre below the invert depth of the trench.
  - (e) Sheet piling or similar must be used in sandy environments to prevent excessive dewatering requirements and associated decline in local groundwater levels.
  - (f) Wherever practical, trenchless technologies should be used when a service is to be installed through acid sulfate soils.
4. Groundwater discharges from the site must not result in adverse impacts upon municipal infrastructure (e.g. gutters and stormwater pipes) or the environment. The applicant is to detail where pumped groundwater is to report (i.e. Stormwater) and the location where these discharges will flow into the environment. The applicant must also provide a concise discharge plan detailing:
- (a) Baseline water quality information for the groundwater to be pumped inclusive of at least pH, EC, and Fe<sup>2+</sup> and an estimate of the likely volumes to be pumped per day.
  - (b) Water quality information from the receiving environment along with an assessment of the receiving environment's ability to absorb the proposed quantity and quality of water without adverse impacts upon the environment.
  - (c) How often groundwater discharges are to be tested (e.g. daily), what tests will be undertaken (e.g. pH, EC, Fe<sup>2+</sup>) and what threshold or level constitutes a non-conformance.
  - (d) What action or treatment is to occur in the event of a non-conformance (e.g. stop pumping).
  - (e) Who is responsible for monitoring and reporting and who is responsible for remedial action in the event of a non-conformance. Serious non-conformances must be reported to the assessment manager and DERM as the advice agency for ASS.

The assessment manager must be satisfied that an appropriate discharge plan is in place before operational works are permitted on the site.

DERM advises that the application meets requirements of the SPP 2/02. Based on this assessment and s292, 2(a) of the *Sustainable Planning Act 2009*, DERM has no recommendations relating to the application at this time.

**3. General advice to assessment manager**

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. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.

**4. Additional information for applicants**

**Notifiable Activities under the *Environmental Protection Act 1994***

It is a requirement of Section 371 of the *Environmental Protection Act 1994* that if the owner or occupier of this site becomes aware that a Notifiable Activity (as defined under Schedule 3 of the *Environmental Protection Act 1994*) is being carried out on this land or that the land has been affected by a hazardous contaminant they must, within thirty (30) days after becoming aware the activity is being carried out, give notice to the Department of Environment and Resource Management. A list of Notifiable Activities is provided within Schedule 3 of the *Environmental Protection Act 1994*. Failure to give the required notice, except where notice has already been given, may give rise to an offence.

**Aboriginal Cultural Heritage**

Under section 23 of the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$1,000,000 for a corporation and \$100,000 for an individual.

Applicants will comply with the duty of care in relation to Aboriginal cultural heritage if they are acting in accordance with cultural heritage duty of care guidelines gazetted under the *Aboriginal Cultural Heritage Act 2003*, available on the DERM website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under part 7 of the *Aboriginal Cultural Heritage Act 2003*.

Applicants are also encouraged to undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, DERM. Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 3239 3647 or on the DERM website [www.derm.qld.gov.au/cultural\\_heritage](http://www.derm.qld.gov.au/cultural_heritage).



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