

**YOUR REF:** 621-002-2015-002L  
**OUR REF:** OP 902/2015 (730166)

28 September 2015

Douglas Shire Council  
C/- Projex Partners Pty Ltd  
PO Box 2133  
**CAIRNS QLD 4870**

Attention: Mr Daniel Berry

Dear Sir

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:  
DEVELOPMENT APPLICATION FOR  
ADJACENT MARINE PARADE, NEWELL BEACH**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 28 September 2015, please find attached the relevant Decision Notice.

The Notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you have any enquiries in relation to this Decision Notice, please contact Neil Beck of Development and Environment on telephone number 07 4099 9451.

Yours faithfully

Donna Graham  
Manager Development & Environment

Att

**APPLICANT DETAILS**

Douglas Shire Council  
C/- Projex Partners Pty Ltd  
PO Box 2133  
**CAIRNS QLD 4870**

**ADDRESS**

Marine Parade, Newell

**REAL PROPERTY DESCRIPTION**

Lot 374 on SR533

**PROPOSAL**

Tidal works

**DECISION**

Approved subject to conditions (refer to approval package below).

**DECISION DATE**

28 September 2015

**TYPE**

Operational Work (Development Permit)

**REFERRAL AGENCIES**

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
Tidal works or development in a coastal management district	Department of Infrastructure, Local Government and Planning	Concurrence	Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870

**SUBMISSIONS**

There were no submissions for this application.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

There are no further Development Permits required.

**CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT**

None

**DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)**

Not in conflict

**APPROVED DRAWING(S) AND/OR DOCUMENT(S)**

The term 'approved drawing(s) and/or document(s)' or other similar expression means:

Drawing or Document	Reference	Date
Concept Design	Drawing Number 621-002-SK01 Rev 2	16 April 2015
Supporting Documentation		
Newell Beach Erosion	Document Reference 621-001-001R – Rev D	April 2015

**ASSESSMENT MANAGER CONDITIONS**

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
  - a. The specifications, facts and circumstances as set out in the application submitted to Council; and
  - b. The following conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.

Except where modified by these conditions of approval

**Timing of Effect**

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

**Registered Professional Engineer of Queensland (RPEQ) Certification**

3. The applicant/owner must, within three (3) months of the date of practical completion of the works, submit to Council a letter from a RPEQ certifying that the works have been constructed in accordance with the approved drawings and conditions of approval.

**Construction of the Works**

4. Ensure that construction of the works is carried out only by means of suitable plant and equipment and measures are taken to limit disturbance to foreshore areas. Should any damage to the Newell Beach foreshore occur, repairs / works must be undertaken to reinstate to the standard prior to works commencing.

### Hours of Operation

5. Work involving machinery of any description shall only be carried out on site from:
  - a. 7:00 am to 6:00 pm, Monday to Friday;
  - b. 7:00 am to 1:00 pm Saturdays;
  - c. With no work on Sundays or Public Holidays.

Unless otherwise authorised by the Chief Executive Officer.

6. Sign/s must be placed on the Newell Beach Esplanade, in prominent locations advising the community of the works proposed, the hours of operation, haul routes, safety matters relevant to public access and provide a phone number for the receiving of any queries or complaints from members of the community.
7. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse ten (10) years from the day the approval takes effect in accordance with the provisions of section 339 and section 346 of the *Sustainable Planning Act 2009*.

### CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of Infrastructure Local Government and Planning	SDA-0715-022178	1 September 2015	Reference # 464492

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

### FURTHER ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of section 339 and section 341 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

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

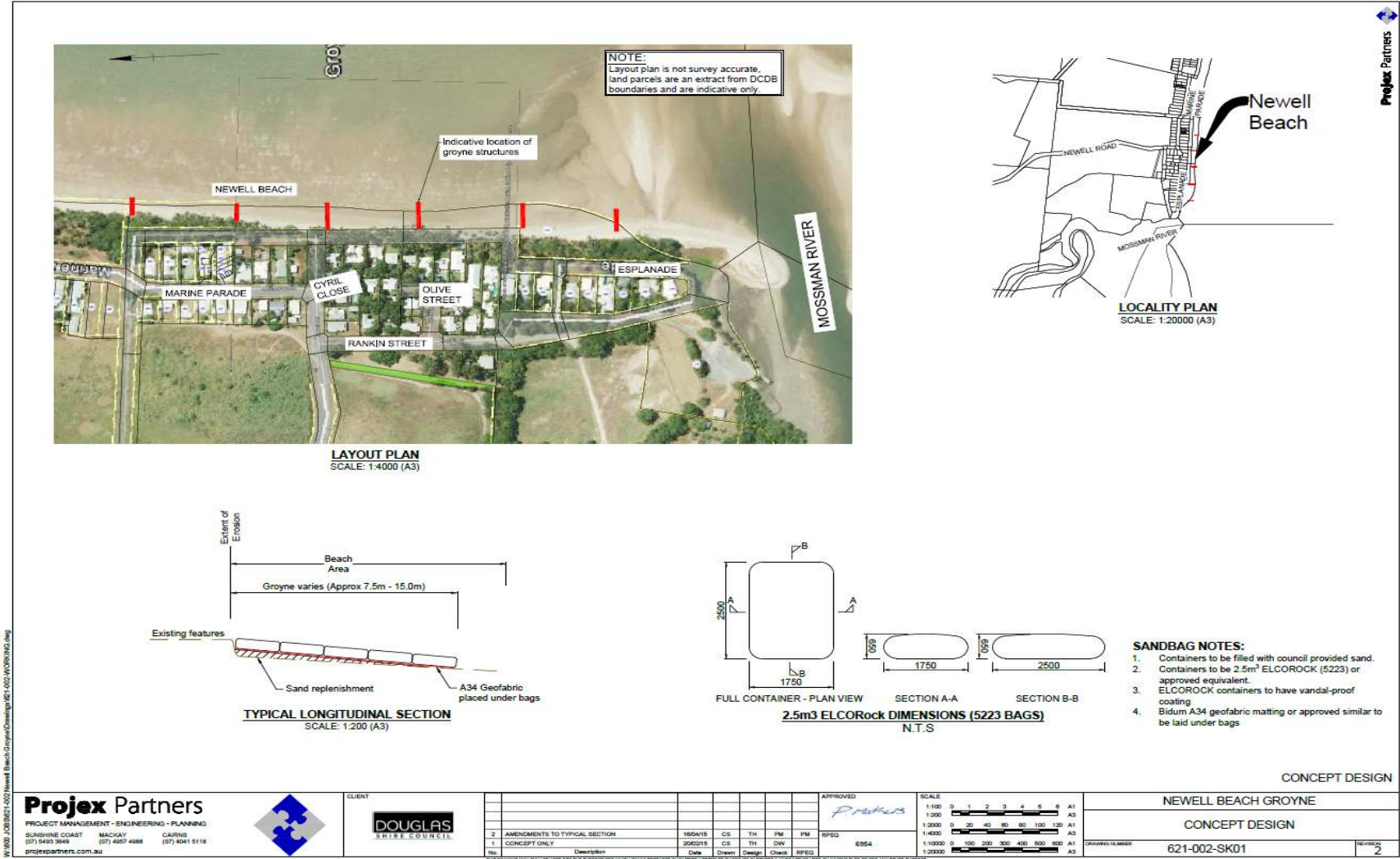
**RIGHTS OF APPEAL**

Attached

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**End of Decision Notice**

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



## APPENDIX 2: CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS



Department of Infrastructure,  
Local Government and Planning

Our reference: SDA-0715-022178  
Your reference: OP902/2015

1 September 2015

Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
Mossman QLD 4873

*Attn: Neil Beck*

Dear Sir / Madam

### **Concurrence agency response—with conditions**

Operational work (tidal works) at Marine Parade, Newell and more particularly described as Lot 374 on SR533

(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 7 July 2015.

### **Applicant details**

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Applicant name:	Douglas Shire Council
Applicant contact details:	c/- Projex Partners Pty Ltd PO Box 2133 Cairns Queensland 4870 danielberry@projexpartners.com.au

### **Site details**

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Street address:	Marine Parade, Newell
Lot on plan:	Lot 374 on SR533
Local government area:	Douglas Shire Council

### **Application details**

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Far North Queensland Regional Office  
Ground Floor, Cairns Port Authority  
PO Box 2358  
Cairns QLD 4870

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

#### Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Operational Work	Development permit	Construction of sandbag groynes and beach nourishment works.	Code Assessment

#### Referral triggers

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

Referral trigger: Schedule 7, Table 2, Item 13—Tidal work, or development in a coastal management district

#### Conditions

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

#### Reasons for decision to impose conditions

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

#### Further advice

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

#### Approved plans and specifications

The department requires that the following plans and specifications set out below and in **Attachment 4** must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: operational work (tidal works)				
Concept Design	Projex Partners	31/7/2015	621-002-SK01	Revision 3

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

For further information, please contact Bec Turner, A/ Planning Officer, SARA Far North QLD on 4037 3208, or email [bec.turner@dilgp.qld.gov.au](mailto:bec.turner@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely





Graeme Kenna  
Manager (Planning)

cc: Douglas Shire Council, [danielberry@projexpartners.com.au](mailto:danielberry@projexpartners.com.au)  
enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Further advice  
Attachment 4—Approved Plans and Specifications

Our reference: SDA-0715-022178

Your reference: OP902/2015

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
<b>Development Permit for operational work (tidal works)</b>		
Schedule 7, Table 2, Item 13: Tidal works, or development in a coastal management district—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the <b>Department of Environment and Heritage Protection</b> to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> <li>Newell Beach Groyne Concept Design prepared by Projex Partners dated 31/7/2015, 621-002-SK01, Revision 3.</li> </ul>	At all times.
2.	During the construction phase of the works: <p>(a) install and maintain all measures, plant and equipment necessary to ensure compliance with these conditions;</p> <p>(b) only use materials which are:</p> <ol style="list-style-type: none"> <li>clean and free of silt;</li> <li>free from pests, chemicals and other contaminants as defined under section 11 of the <i>Environmental Protection Act 1994</i>; and</li> <li>suitable for the purpose; and</li> </ol> <p>(c) promptly remove any material or debris which has been deposited within the coastal management district or tidal waters, other than in accordance with this approval.</p>	For the duration of the works the subject of this approval.
3.	Erosion and sediment control measures are to be installed and maintained to prevent the release of sediment to tidal waters.	Prior to the commencement of the works and maintained until their completion.
4.	Should the groynes become damaged as a result of erosion, flooding or storm tide inundation, the Douglas Shire Council shall be responsible for the collection and removal of all debris, previously being a part of the works, at their own expense.	At all times.
5.	No sand shall be permanently removed from the erosion prone area, and any clean sand excavated from the site must be placed on the beach, seaward of the work.	At all times.
6.	A. Carry out a beach profile monitoring program of the development area: <ol style="list-style-type: none"> <li>prior to the construction of the proposed groynes; and</li> <li>at 3, 6 and 12 months after completion of the groynes.</li> </ol>	A. As indicated in the condition.

Our reference: SDA-0715-022178  
Your reference: OP902/2015

## **Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- to ensure the development is carried out generally in accordance with the plans of development submitted with the application,
- to ensure the development avoids or minimises adverse impacts on coastal resources and their values,
- to ensure the applicant is aware they must take responsibility for their damaged property as it can impact on coastal resources and public safety,
- to ensure the natural processes and the protective function of landforms and vegetation are maintained in coastal hazard areas, and
- to ensure the applicant and Department of Environment and Heritage Protection are aware of future outcomes of the development.

Our reference: SDA-0715-022178  
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### Attachment 3—Further advice

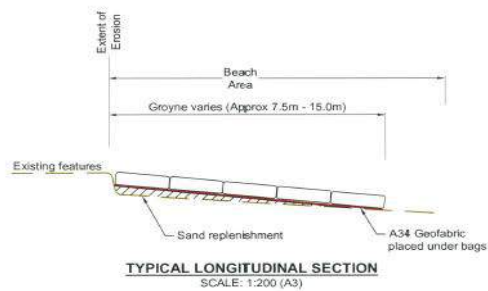
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General advice	
1.	Douglas Shire Council, in its role as assessment manager, must assess the development application against the State Planning Policy July 2014, and in particular the interim development assessment provisions, such as Biodiversity, Coastal environment, Water quality and Natural hazards, risk and resilience, and to the extent it is relevant to the proposed development.

Our reference: SDA-0715-022178  
Your reference: OP902/2015

**Attachment 4—Approved plans and specifications**

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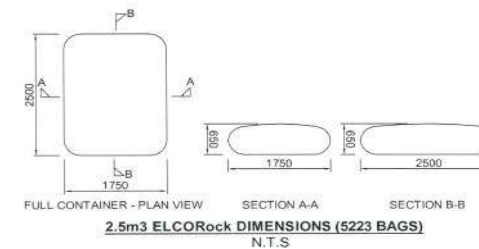


#### LEGEND

Beach Replenishment Extents

#### SANDBAG NOTES:

- Containers to be filled with council provided sand.
- Containers to be 2.5m<sup>3</sup> ELCOROCK (5223) or approved equivalent.
- ELCOROCK containers to have vandal-proof coating.
- Bitum A34 geofabric matting or approved similar to be laid under bags.



CONCEPT DESIGN

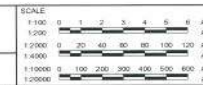
**Projex Partners**

PROJECT MANAGEMENT - ENGINEERING - PLANNING  
SUNSHINE COAST MACKAY CAIRNS  
(07) 5493 3649 (07) 4907 4166 (07) 4941 5118  
projexpartners.com.au



CLIENT  
**DOUGLAS**  
SHIRE COUNCIL

No.	Description	Date	Drawn	Design	Check	APPROVED
3	SAND REPLENISHMENT AREA ADDED	31/07/18	CS	DB	DB	DB
2	AMENDMENTS TO TYPICAL SECTION	16/04/15	CS	TH	PA	PA
1	CONCEPT ONLY	20/02/15	CS	TH	DW	RPED
						6343



NEWELL BEACH GROYPNE

CONCEPT DESIGN

DRAWING NUMBER 621-002-SK01

REVISION 3