

YOUR REF: NDRAA, 42/18731
OUR REF: OP 1075/2015 (730745)

11 November 2015

Douglas Shire Council
C/- GHD Pty Ltd
PO Box 819
CAIRNS QLD 4870

Dear Sir/Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR
37R M^CDOWALL LANE, LOWER DAINTREE**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 11 November 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/- GHD Pty Ltd
PO Box 819
CAIRNS QLD 4870

ADDRESS

37R M^cDowall Lane, Lower Daintree

REAL PROPERTY DESCRIPTION

Adjacent to Lot 4 on RP888615

PROPOSAL

Prescribed Tidal Works

DECISION

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

DECISION DATE

11 November 2015

TYPE

Operational Work (Development Permit)

REFERRAL AGENCIES

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
Marine plants – removal, destruction or damage	Department of Infrastructure, Local Government and Planning	Concurrence	Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870
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
Site 3 – Esplanade Site Layout and Typical Section – Stage 1 Works	GHD 42-18731-C030 Rev 2	24 September 2015
Site 3 – Esplanade Annotated Cross Sections – Sheet 1 of 2	GHD 42-18731-C031 Rev 1	24 September 2015
Site 3 – Esplanade Annotated Cross Sections – Sheet 2 of 2	GHD 42-18731-C032 Rev 0	24 September 2015
Site 3 – Esplanade Site Layout and Typical Section – Stage 2 Works	GHD 42-18731-C033 Rev 0	24 September 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 that measures are taken to limit disturbance to foreshore areas. Should any damage to M^cDowall Lane 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. A Sign must be placed on M^cDowall Lane advising the residents of the works proposed, the hours of operation, and safety matters relevant to the works. The sign must display a phone number for the receiving of any queries or complaints from members of the community.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of Infrastructure Local Government & Planning	SDA-0915-024617	6 November 2015	734569

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.

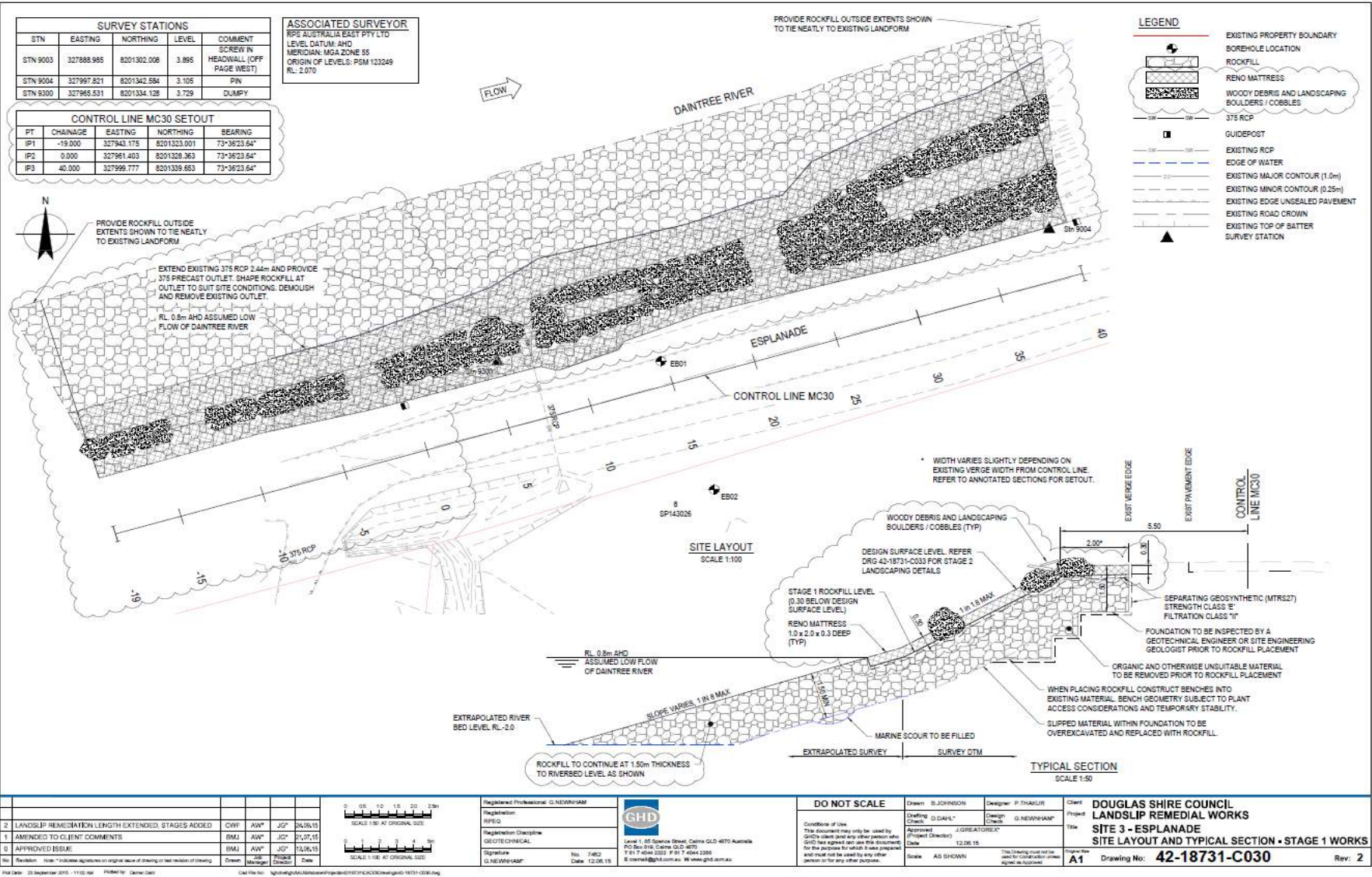
4. For information relating to the *Sustainable Planning Act 2009* log on to www.dilgp.qld.gov.au . To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au .

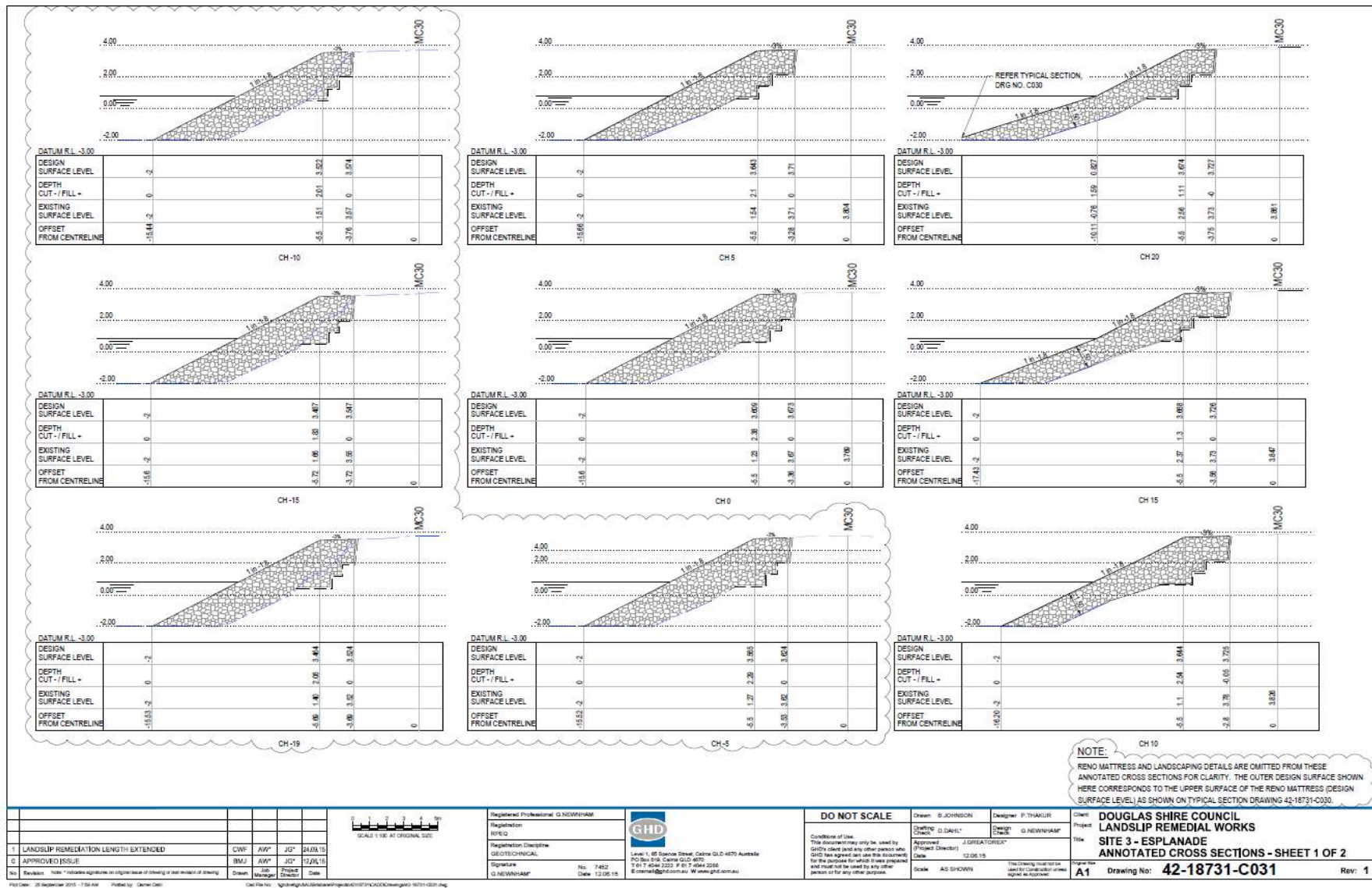
RIGHTS OF APPEAL

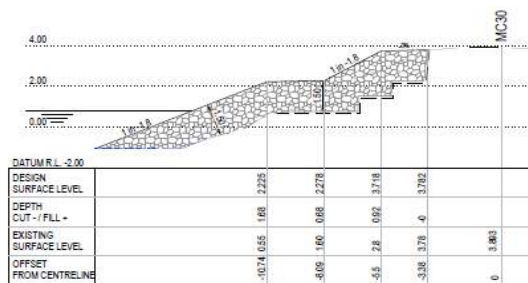
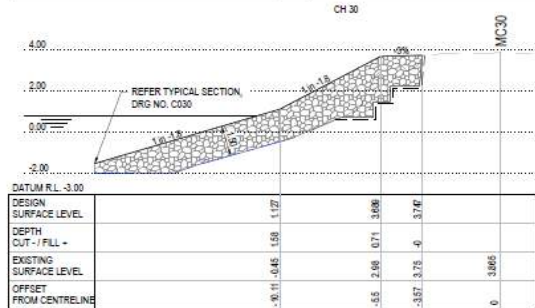
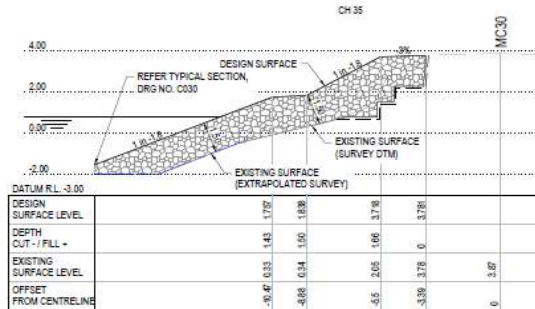
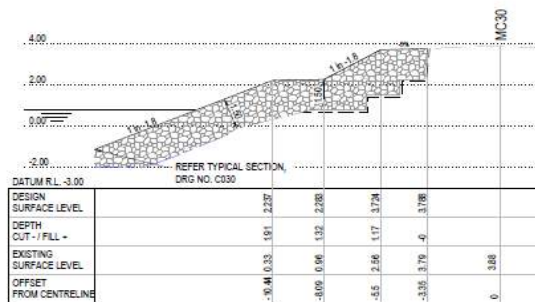
Attached

End of Decision Notice

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







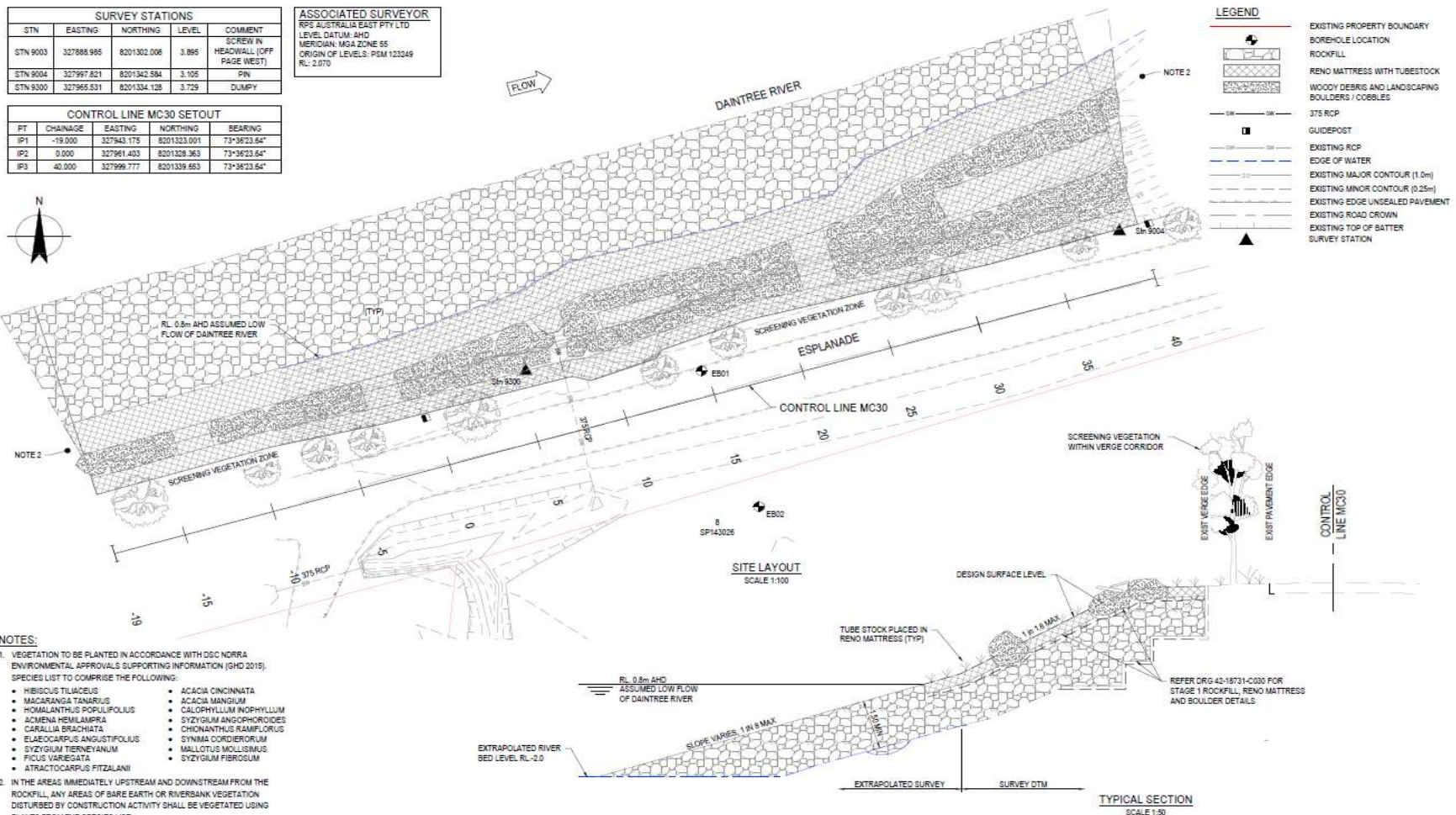
NOTE:
RENO MATTRESS AND LANDSCAPING DETAILS ARE OMITTED FROM THESE ANNOTATED CROSS SECTIONS FOR CLARITY. THE OUTER DESIGN SURFACE SHOWN HERE CORRESPONDS TO THE UPPER SURFACE OF THE RENO MATTRESS (DESIGN SURFACE LEVEL) AS SHOWN ON TYPICAL SECTION DRAWING 42-18731-C030.

<div> <div>APPROVED ISSUE</div> <div> <div>Drawn</div> <div>CWP</div> <div>AWP</div> <div>JOT</div> <div>24/11/15</div> </div> </div>				<div> <div>Registered Professional: G. NEWNHAM</div> <div>RPEQ</div> <div>Registration Discipline: GEOTECHNICAL</div> <div>Signature: G. NEWNHAM</div> <div>Rel: 24/11/15</div> <div>Date: 24/11/15</div> </div>		<div> <div>DO NOT SCALE</div> <div> <div>Condition of Use:</div> <div>This document may only be used by GHD's client and any other person who GHD has agreed to use the document for the purpose for which it was prepared and must not be used for any other purpose or for any other purpose.</div> </div> </div> <div> <div> <div>Drawn: C. FURLER</div> <div>Checked: G. DAVY</div> <div>Approved: J. GREATHOUSE</div> <div>Date: 24/11/15</div> </div> <div> <div>Designer: P. THAKUR</div> <div>Design: G. NEWNHAM</div> <div>Scale: AS SHOWN</div> </div> </div> <div> <div> <div>Client: DOUGLAS SHIRE COUNCIL</div> <div>Project: LANDSLIP REMEDIAL WORKS</div> <div>Title: SITE 3 - ESPLANADE</div> <div>Drawn: A1</div> <div>Project: 42-18731-C032</div> <div>Rev: 0</div> </div> </div>
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SURVEY STATIONS				
STN	EASTING	NORTHING	LEVEL	COMMENT
STN 9003	327888.985	8201302.008	3.895	SCREW IN HEADWALL (OFF PAGE WEST)
STN 9004	327997.821	8201342.584	3.105	FIN
STN 9300	327965.531	8201334.128	3.729	DUMPY

ASSOCIATED SURVEYOR
RPS AUSTRALIA EAST PTY LTD
LEVEL DATUM: AHD
MERIDIAN: MGA ZONE 55
ORIGIN OF LEVELS: PSM 123349
RL: 2.070

CONTROL LINE MC30 SETOUT				
PT	CHAINAGE	EASTING	NORTHING	BEARING
IP1	-19.000	327943.175	8201323.001	73°36'23.64"
IP2	0.000	327961.403	8201328.363	73°36'23.64"
IP3	40.000	327999.777	8201339.663	73°36'23.64"



APPROVED ISSUE No. 01 Revision: 01 Date: 23 September 2015 Drawn: AL Checked: JGP Date: 24/09/15				Registered Professional: G. NEWHAM Registration: RPEIG Registration Discipline: GEOTECHNICAL Signature: G. NEWHAM No. 7482 Date: 24/09/15		DO NOT SCALE Drawn: A. LEE Checked: G. NEWHAM Approved: J. GREATER Date: 23/09/15 Scale: AS SHOWN		Designer: P. THAKUR Design: G. NEWHAM Project: DOUGLAS SHIRE COUNCIL LANDSLIP REMEDIAL WORKS Title: SITE 3 - ESPLANADE Drawing No: 42-18731-C033 Rev: 0	
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APPENDIX 2: CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS



Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0915-024617
Your reference: OP 1075/2015

6 November 2015

Chief Executive Officer
Douglas Shire Council
PO 723
Mossman QLD 4873

Attn: Neil Beck

Dear Sir / Madam

Concurrence agency response—with conditions

Operational work (prescribed tidal works) on land adjacent to 37R McDowall Lane, Lower Daintree and more particularly described as adjacent to Lot 4 on RP888615
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 1 October 2015, with payment of referral fees on 7 October 2015.

Applicant details

Applicant name:	Douglas Shire Council
Applicant contact details:	C/- GHD Level 1 / 85 Spence Street Cairns QLD 4870 kristin.keane@ghd.com

Site details

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

Application details

Proposed development: Development permit for operational work (prescribed 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	Restoration of a section of the Esplanade along Daintree River	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 works, or development in a coastal management district
 Schedule 7, Table 2, Item 30—Removal, destruction or damage of marine plants

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)				
Site 3 – Esplanade Site Layout and Typical Section - Stage 1 Works	GHD	24.09.15	42-18731-C030	2
Site 3 – Esplanade Annotated Cross Sections – Sheet 1 of 2	GHD	24.09.15	42-18731-C031	1
Site 3 – Esplanade Annotated Cross Sections – Sheet 2 of 2	GHD	24.09.15	42-18731-C032	0
Site 3 – Esplanade Site Layout and Typical Section - Stage 2 Works	GHD	21.10.15	42-18731-C033	1

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 CairnsSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Robin Clark
Manager (Planning)

cc: Douglas Shire Council, kristin.keane@ghd.com
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-0915-024617

Your reference: OP 1075/2015

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development permit for operational work (prescribed tidal works)		
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 Department of Environment and Heritage Protection to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none">• Site 3 – Esplanade Site Layout and Typical Section – Stage 1 Works, prepared by GHD, dated 24/09/2015, 42-18731-C030, Rev 2;• Site 3 – Esplanade Annotated Cross Sections – Sheet 1 of 2, prepared by GHD, dated 24/09/2015, 42-18731-C031, Rev 1;• Site 3 – Esplanade Annotated Cross Sections – Sheet 2 of 2, prepared by GHD, dated 24/09/2015, 42-18731-C032, Rev 0; and• Site 3 – Esplanade Site Layout and Typical Section – Stage 2 Works, prepared by GHD, dated 21/10/2015, 42-18731-C033, Rev 1.	At all times
2.	During the construction phase of the works: <ul style="list-style-type: none">(a) install and maintain all measures, plant and equipment necessary to ensure compliance with these conditions;(b) only use materials which are:<ul style="list-style-type: none">i. clean and free of silt;i. free from pests, chemicals and other contaminants as defined under section 11 of the <i>Environmental Protection Act 1994</i>; andii. suitable for the purpose; and(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.	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 commencement of the works and maintained until their completion
4.	Any disturbed or oxidised acid sulphate soil must be treated and managed in accordance with the current <i>Queensland Acid Sulfate Soil Technical Manual: Soil Management Guidelines v4.0</i> , prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014.	For the duration of the works the subject of this approval
Development permit for operational work (prescribed tidal works)		

No.	Conditions	Condition timing
Schedule 7, Table 2, Item 30: Removal, destruction or damage of marine plants—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Agriculture and Fisheries 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):		
5.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> Site 3 – Esplanade Site Layout and Typical Section – Stage 1 Works, prepared by GHD, dated 24/09/2015, 42-18731-C030, Rev 2; and Site 3 – Esplanade Site Layout and Typical Section – Stage 2 Works, prepared by GHD, dated 21/10/2015, 42-18731-C033, Rev 1. 	At all times
6.	Development authorised under this approval is limited as follows: <ul style="list-style-type: none"> To remove, damage, destroy marine plants being limited to 10m² and shown in Site 3 – Esplanade Site Layout and Typical Section – Stage 2 Works, prepared by GHD, dated 21/10/2015, 42-18731-C033, Rev 1. 	At all times
7.	Provide written notice to notifications@daf.qld.gov.au, when the development authorised under this approval has started, and when it has been completed. These notices must state this permit number, the location and the condition number under which the notice is being given. The notice advising of the completion date must also include a report documenting the completed development works, including but not limited to: <ul style="list-style-type: none"> photographs taken before, during and after the development works at specific photo-monitoring sites. an evaluation of the actual impacts of the development on fisheries resources (marine plants). 	At least five (5) business days but no greater than twenty (20) business days prior to the commencement of fisheries development works And then, as to the notice advising of the completion date, within 15 business days of the completion of the fisheries development works
8.	Spoil is not disposed of on tidal lands or within waterways and is managed to prevent acid soil development.	At all times
9.	Until the works have been completed, permit access to the place where the works are located by Department of Agriculture and Fisheries officers if requested.	For the duration of the works the subject of this approval
10.	In-stream works are to be completed as quickly as possible and are avoided during times of elevated flows and spawning/migration times of native fish species reasonably expected to require fish passage at the location of the development.	At all times
11.	The construction, or raising, of the revetment wall is to be performed in such a manner as to avoid or minimise direct or indirect disturbance to the bed and banks adjacent to the approved footprint of the works as shown on Site 3 – Esplanade Site Layout and Typical Section – Stage 2 Works, prepared by GHD, dated 21/10/2015, 42-18731-C033, Rev 1.	At all times
12.	Marine plants authorised for removal and other material used in	At all times

No.	Conditions	Condition timing
	the development (e.g. debris, construction material, soil, etc.) are to be promptly removed from the intertidal zone.	

Our reference: SDA-0915-024617
Your reference: OP 1075/2015

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the approved activity is carried out generally in accordance with the plans submitted with the application
- To ensure the development avoids or minimises adverse impacts on coastal resources and their values
- To ensure any disturbance to acid sulfate soils is managed to prevent impacts to the coastal environment
- To ensure the development is carried out in the location and to the extent specified on the approved plans of development
- To facilitate the monitoring of the development works for compliance purposes
- To ensure the disturbance of acid sulfate soil is managed to prevent impacts on fisheries resources and fish habitats
- To ensure the construction of the revetment wall does not limit the movement or wellbeing of fish
- To ensure the development does not cause, or minimises direct or indirect disturbance to the bed and banks adjacent to the approved footprint of works
- To ensure the development will not increase the risk of mortality, disease or injury, or compromise the health and productivity of fisheries resources
- To ensure the development achieves the outcomes in Module 5.3 – Removal, destruction or damage of marine plants state code and Module 10.1 – Tidal works, or development in a coastal management district state code in the State Development Assessment Provisions version 1.6.

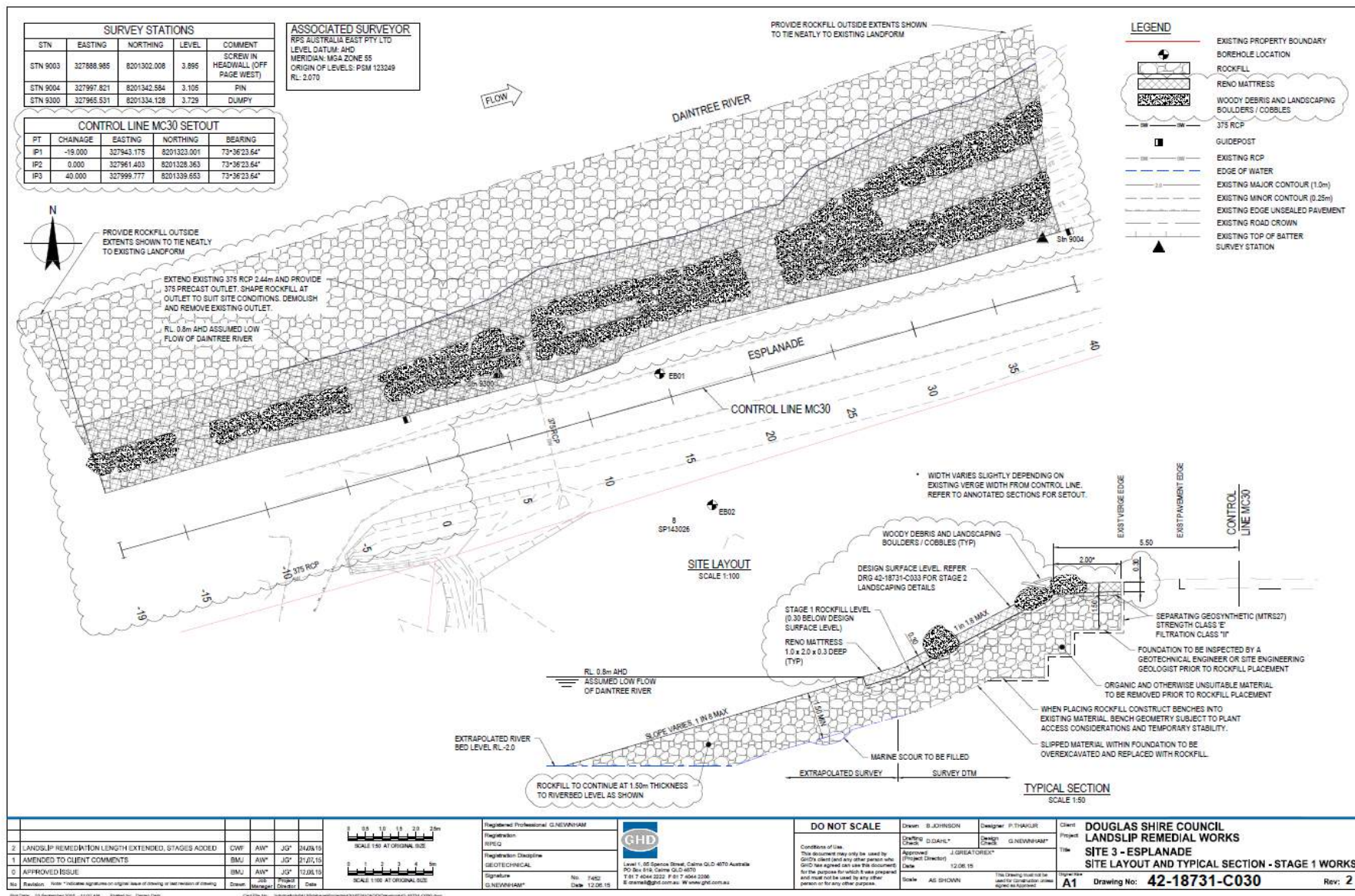
Our reference: SDA-0915-024617
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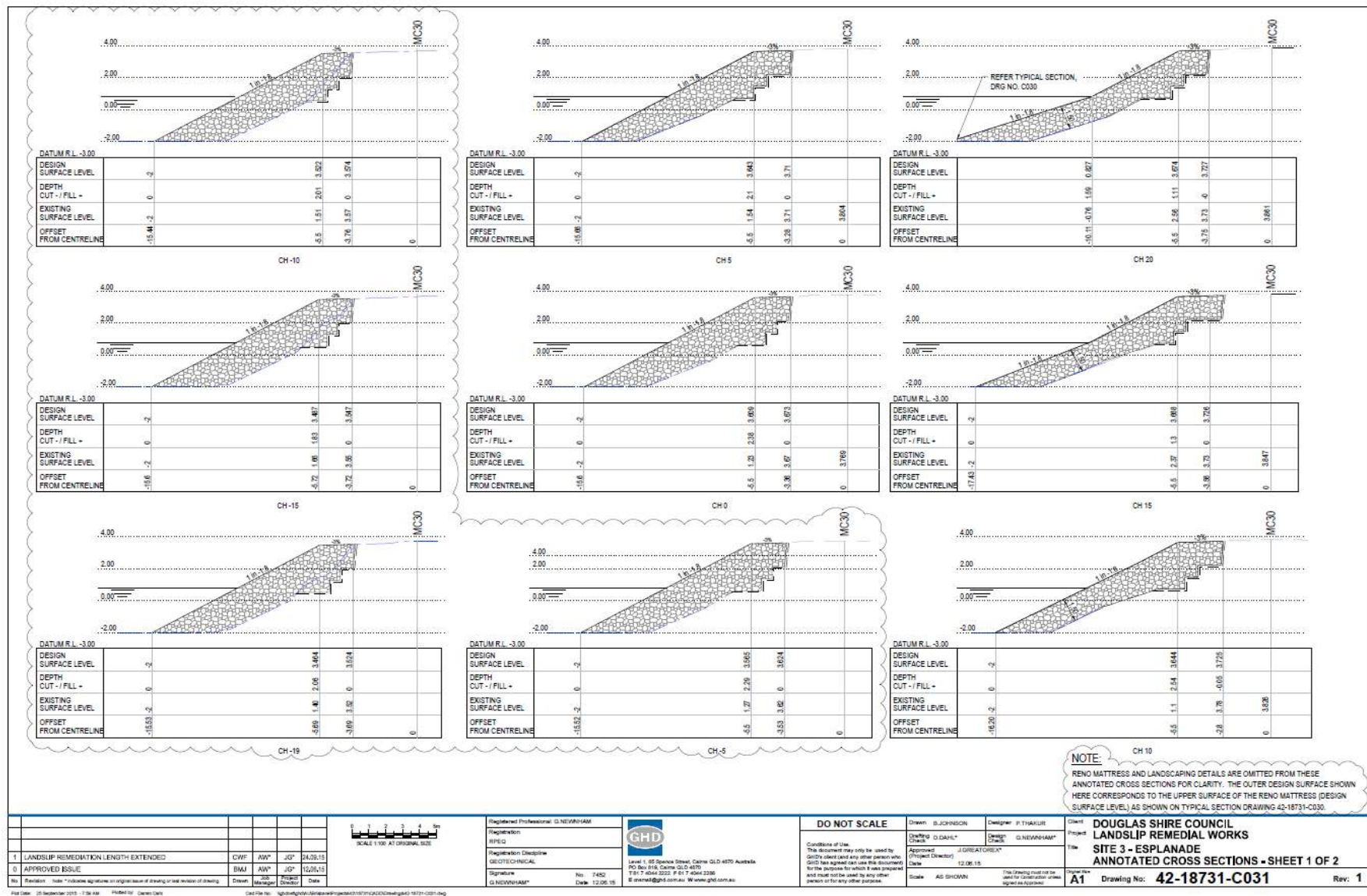
Attachment 3—Further advice

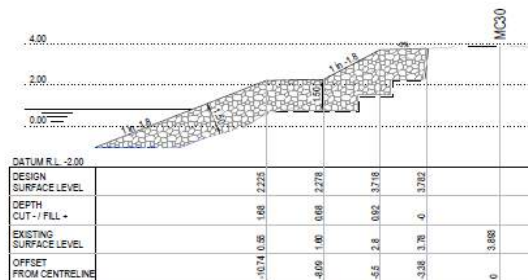
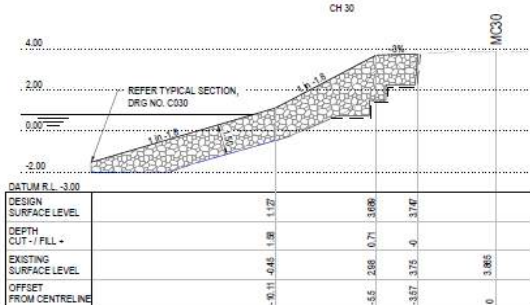
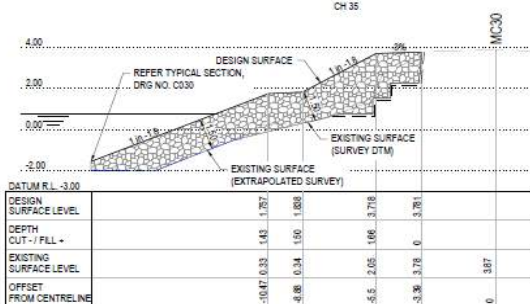
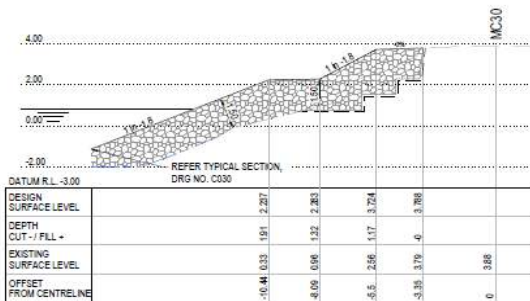
General advice	
State Planning Policy 2014 interim development assessment provisions	
1.	Douglas Shire Council, in its role as assessment manager, must assess the development application against the State Planning Policy July 2014, and in particular the interim development assessment provisions, such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

Our reference: SDA-0915-024617
Your reference: OP 1075/2015

Attachment 4—Approved plans and specifications







NOTE:
RENO MATRESS AND LANDSCAPING DETAILS ARE OMITTED FROM THESE ANNOTATED CROSS SECTIONS FOR CLARITY. THE OUTER DESIGN SURFACE SHOWN HERE CORRESPONDS TO THE UPPER SURFACE OF THE RENO MATRESS (DESIGN SURFACE LEVEL) AS SHOWN ON TYPICAL SECTION DRAWING 42-18731-C030.

<div> <div>0 1 2 3 4 5m</div> <div>SCALE 1:100 AT ORIGINAL SIZE</div> </div>				<div> <div>Registered Professional: G. NEWMAN</div> <div>Registration: 19742</div> <div>Registration Discipline: GEOTECHNICAL</div> <div>Signature: G. NEWMAN</div> <div>No. 19742</div> <div>Date: 24.08.15</div> </div>	<div> <div>GHD</div> <div>Level 1, 88 Service Street, Cairns QLD 4870 Australia</div> <div>PO Box 818, Cairns QLD 4870</div> <div>Tel: 07 4222 2222 P 61 7 4222 2222</div> <div>E: graham@ghd.com.au W: www.ghd.com.au</div> </div>	<div> <div>DO NOT SCALE</div> <div>Conditions of Use:</div> <div>This document may only be used by the client and any other person who has signed an agreement to use this document for the purposes for which it was prepared and must not be used by any other person or for any other purpose.</div> </div>	<div> <div>Drawn: G. FURBER</div> <div>Checked: G. DAHL</div> <div>Approved: J. GREATCREAK</div> <div>Date: 24.08.15</div> <div>Scale: AS SHOWN</div> </div>	<div> <div>Client: DOUGLAS SHIRE COUNCIL</div> <div>Project: LANDSLIP REMEDIAL WORKS</div> <div>Title: SITE 3 - ESPLANADE</div> <div>Annotation: ANNOTATED CROSS SECTIONS - SHEET 2 OF 2</div> <div>Revision: A1 Drawing No: 42-18731-C032</div> <div>Rev: 0</div> </div>
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