



Department of Infrastructure,
Local Government and Planning

Changed decision notice

Our reference: 1709-1229 SPD

Decision notice—approved with conditions

(Given under section 86 of the *Harbours Act 1995*)

Original reference: BNE3233

Applicant details

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| Applicant name: | Mr Kim Bowra Senior Coastal Management Specialist – Coastal Management Unit New South Wales Department of Industry – Lands |
| Applicant contact details: | PO Box 624 BALLINA NSW 2478 kim.bowra@crownlands.nsw.gov.au |

Application details

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| Level of assessment: | Code assessment |
| Properly made date: | 5 September 2017 |

Site details

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| Site location | Unallocated State Land offshore between Tugun and Coolangatta |
| Local government area | Adjacent to the Gold Coast City Council |

Decision

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| Date of decision: | 2 October 2017 |
| Decision details: | Approved subject to conditions |

Referral agencies

There were no referral agencies for this application.

Conditions

This approval is subject to:

- the assessment manager conditions in Attachment 1

The department has, for conditions of this approval, nominated an entity to be the assessing authority for conditions under the *Planning Act 2016* (the Planning Act).

Aspects of development and development approval granted

Development Permit Operational Work for Beach Nourishment.

Conflicts with relevant instruments

This decision does not conflict with a relevant instrument.

Rights of appeal

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in Schedule 1 of the Planning Act.

Copies of the relevant appeal provisions are attached.

Relevant period for the approval

This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Planning Act.

Approved plans and specifications

Copies of the following approved plans and specifications are enclosed.

| Drawing/report title | Prepared by | Date | Reference no. | Version/issue |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|-----------------------------------------------------|-----------------------------|---------------|
| Aspect of development: Operational Work | | | | |
| Tweed River Entrance Sand Bypassing Project, Permits and Approvals, Stage 2 Nourishment Area Design Plan <u>Extension of Dredge Placement Areas – Placement Area 2B Plan</u> | Cardno MBK (Qld) Pty Ltd <u>Department of Primary Industry - Lands</u> | 15-03-2001 <u>27-07-2015</u> | 2598-G-500 <u>DPA-1</u> | A |
| <u>Tweed River Entrance Sand Bypassing Project, Permits and Approvals, Extension of Dredge Placement Areas – Placement Area 2A Plan</u> | <u>Department of Primary Industry - Lands</u> | <u>27-07-2015</u> | <u>DPA-2</u> | - |
| Tweed River Entrance Sand Bypassing Project, Permits and Approvals, Stage 2 Nourishment Area Sections <u>Extension of Dredge Placement Areas – Placement Areas 2A and 2B Sections</u> | Cardno MBK (Qld) Pty Ltd <u>Department of Primary Industry - Lands</u> | 25 th January, 2001 <u>27-07-2015</u> | 2598-G-5001 <u>DPA-3</u> | - |

enc: Attachment 1—Changed assessment manager conditions
Attachment 2 – General advice

Attachment 1—Changed assessment manager conditions

| No. | Conditions of development approval | Condition timing |
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| Development Permit for Operational Work | | |
| The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Heritage Protection 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: | | |
| 3. <u>1.</u> | <p>The constructing authority must ensure that the beach replenishment is confined within the boundaries of the works <u>as shown on the within the existing and proposed dredge placement areas sanctioned plans as identified on the following:</u></p> <ul style="list-style-type: none"> • <u>Tweed River Entrance Sand Bypassing Project, Permits and Approvals, extension of Dredge Placement Areas – Placement Area 2B Plan, Department of Primary Industry - Lands, dated 27-07-2015 and reference DPA-1;</u> • <u>Tweed River Entrance Sand Bypassing Project, Permits and Approvals, Extension of Dredge Placement Areas – Placement Area 2A Plan, prepared by Department of Primary Industry - Lands, dated 27-07-2015 and reference DPA-2; and</u> • <u>Tweed River Entrance Sand Bypassing Project, Permits and Approvals, Extension of Dredge Placement Areas – Placement Areas 2A and 2B Sections, prepared by Department of Primary Industry - Lands, dated 27-07-2015 and reference DPA-3.</u> | <u>At all times.</u> |
| 4. <u>2.</u> | The constructing authority must ensure that the works are carried out only by means of suitable plant and equipment and that no material is removed from the foreshore. | <u>At all times.</u> |
| 5. | If, as a result of any cause attributable to the constructing authority, any bank is displaced the constructing authority must at its cost and expense restore the bank to its former condition and take such other action as is necessary to ensure the stability of the bank. | |
| 6. <u>3.</u> | <p>The constructing authority shall, within three (3) months of the date of practical completion of the works, submit to the Coastal Development Section Permit and Licencing Management Unit, Department of Environment and Heritage a letter from a Registered Professional Engineer of Queensland certifying that the works have been constructed in accordance with the approved drawings and these conditions.</p> <p>(a) <u>Obtain RPEQ certification confirming that the tidal works, have been constructed in accordance with the Department of Environment and Heritage Protection</u></p> | <u>Within six (6) weeks of the completion of the works.</u> |

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| | <p><u>guideline 'Building and engineering standards for tidal works'.</u></p> <p>(b) <u>A copy of the certification must be provided to palm@ehp.qld.gov.au or mailed to:</u> <u>Department of Environment and Heritage Protection</u> <u>Permit and License Management</u> <u>Implementation and Support Unit</u> <u>GPO Box 2454</u> <u>Brisbane QLD 4001</u></p> | |
| 9. | If tenure over the site of the works is required by the relevant Harbour Board (Port Authority) or the Department of Natural Resources, the constructing authority shall, before using the works for any purpose, obtain a lease, licence or permit to occupy over the site of the works from the relevant Harbour Board (Port Authority) or the Department of Natural Resources. | |
| 10. | If any Aboriginal, archaeological or historical sites, items or places are identified, located or exposed during the course of the works, the constructing authority must cease operations and notify the Regional Manager Cultural Heritage, Southeastern Region (Telephone 32258430). The constructing authority must not recommence operations until authorised to do so by the Regional Manager Cultural Heritage. | |
| The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads (Maritime Safety Queensland) 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: | | |
| 3. 4. | <p>The constructing authority must ensure that the beach replenishment is confined within the boundaries of the works <u>as shown on the <u>within the existing and proposed dredge placement areas</u> sanctioned plans <u>as identified on the following:</u></u></p> <ul style="list-style-type: none"> • <u>Tweed River Entrance Sand Bypassing Project, Permits and Approvals, extension of Dredge Placement Areas – Placement Area 2B Plan, Department of Primary Industry - Lands, dated 27-07-2015 and reference DPA-1;</u> • <u>Tweed River Entrance Sand Bypassing Project, Permits and Approvals, Extension of Dredge Placement Areas – Placement Area 2A Plan, prepared by Department of Primary Industry - Lands, dated 27-07-2015 and reference DPA-2; and</u> • <u>Tweed River Entrance Sand Bypassing Project, Permits and Approvals, Extension of Dredge Placement Areas – Placement Areas 2A and 2B Sections, prepared by Department of Primary Industry - Lands, dated 27-07-2015 and reference DPA-3.</u> | <u>At all times.</u> |

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| <p>4. 5.</p> | <p>The constructing authority must advise the Manager Marine Operations Southport, Marine and Ports Division, Department of Transport of the following at least 14 days prior to commencement:</p> <ul style="list-style-type: none"> the proposed date of commencement of the works; the proposed timetable for the works; the name and address of the contractor undertaking the works; the name and telephone number of a contact for the contractor. <p>The constructing authority must advise the Manager Marine Operations Southport of the completion of works within 14 days of practical completion.</p> <p>The constructing authority must issue any notices required by the Manager Marine Operations Southport.</p> <p><u>(a) Provide written notice to the Regional Harbour Master (Brisbane) at MSQ IDAS Brisbane@tmr.qld.gov.au or mailed to:</u></p> <p style="padding-left: 40px;"><u>Regional Harbour Master (Brisbane)</u> <u>Maritime Operations Base</u> <u>MacArthur Avenue East</u> <u>Pinkenba QLD 4008</u></p> <p><u>when the development authorised under this approval is scheduled to commence.</u></p> <p><u>Each notice must state this application number (being application number 1709-1229 SPD).</u></p> <p><u>(b) Provide written notice to the Regional Harbour Master (Brisbane) at MSQ IDAS Brisbane@tmr.qld.gov.au or mailed to:</u></p> <p style="padding-left: 40px;"><u>Regional Harbour Master (Brisbane)</u> <u>Maritime Operations Base</u> <u>MacArthur Avenue East</u> <u>Pinkenba QLD 4008</u></p> <p><u>when the development authorised under this approval has been completed.</u></p> <p><u>Each notice must state this application number (being application number 1709-1229 SPD).</u></p> | <p><u>(a) At least two (2) weeks prior to the commencement of works.</u></p> <p><u>(b) Within two (2) weeks of the completion of works.</u></p> |
| <p>2. 6.</p> | <p>The constructing authority must supply, install and maintain, at its cost, any permanent or temporary navigation markers, lighting, buoys or warning signs required by the Manager Marine</p> | <p><u>Prior to the commencement of works and to be</u></p> |

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| | <p>Operations Southport. All navigation markers, lighting, buoys or warning signs required must be in accordance with the requirements of the Department of Transport (Marine and Ports Division).</p> <p><u>All vessels, structures, plant and equipment associated with the construction of the approved works must be lit/marked in accordance with the following specifications and requirements such that undertaking the construction works does not cause a risk to the safe navigation of ships:</u></p> <p><u>(a) Any anchors deployed must be marked with yellow buoys and fitted with FL yellow lights fitted.</u></p> <p><u>Lighting provided must not obscure, disguise or otherwise interfere with the effectiveness of navigational lighting.</u></p> | <p><u>maintained while the works are occurring.</u></p> |
| 7. | <p>All marine plant and equipment used by the constructing authority must carry the requisite signals as specified by the "Queensland Marine (Prevention of Collisions) Regulation 1992", and approved by the Manager Marine Operations Southport. All floating plant must meet Department of Transport survey and manning requirements.</p> | |
| 8. | <p>All floating plant and moorings for such plant must be kept clear of navigation channels when working or moored, and the moorings must be marked and lit in accordance with the requirements of the Manager Marine Operations Southport or his representative.</p> | |

Attachment 2—General advice

General advice

The sanction or conditions do not constitute a ruling on structural safety and you must make your own arrangements to ensure adequacy of design and work.

The granting of this sanction pursuant to the *Planning Act 2016* does not remove the need to obtain any further approval for this work, which may be required pursuant to other legislation, both State and Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

The following should be noted:

- The provisions of the *Environmental Protection Act 1994* and the general Environmental duty of care not to pollute the environment or create a contaminated site when undertaking works associated with this sanction.
- The provisions of the *Fisheries Act 1994* with respect to the removal, destruction or damage of marine plants.

The *Aboriginal Cultural Heritage Act 2003* requires anyone who carries out a land use activity to exercise a duty of care. Land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal cultural heritage. The duty of care applies to any activity where Aboriginal cultural heritage is located. Consultation with the Aboriginal party for an area may be necessary if there is a high risk that the activity may harm Aboriginal cultural heritage.

Guidelines have been developed to assist land users in assessing reasonable and practicable measures for meeting the cultural heritage duty of care. Land users should consult the duty of care guidelines before undertaking a land-use activity.

For further information on the cultural heritage duty of care, please contact the Cultural Heritage Unit on telephone 1300 378 401 or email cultural.heritage@datsip.qld.gov.au.

Your attention is also drawn to the provisions of the Commonwealth *Native Title Act 1993*, we encourage you to seek your own legal advice before proceeding.