

Erin Phillips

Subject: 4.30pm Meeting
Location: Room 5.04, Parliament House
Start: Wed 22/05/2013 4:30 PM
End: Wed 22/05/2013 4:50 PM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Andrew Powell
Required Attendees: Andrew Cripps; Amy Ladner; Troy Collings; Fiona Procter; Abbey Ride
Optional Attendees: julia.stevenson@dnrm.qld.gov.au; 'Hunt, Dan' (Dan.Hunt@dnrm.qld.gov.au); Susan McDonald; Andrew Freeman



130410 - s78B(2)
s78B(2) .pdf



Re: Meeting with
Minister Powe...

Briefing note on hold in Margaret's in tray
Received 9.5.13



RE: Meeting with
Minister Powe...

RTI DL RELEASE - EHP



Hon Andrew Powell MP
Minister for Environment and Heritage Protection
Meeting Request Protocol Form

Please complete this form. Once completed please submit to the office of the Minister for Environment and Heritage Protection for consideration.

1. Contact Details

Name: RTI s78B(2) - Personal Information	
Company:	
Job Title:	
Phone: 07	Mobile:
Email: (3) Prejudice the protection of an individuals right to privacy	
Date: 5 April 2013	

2. Meeting Details

Have you met with Minister Powell previously?	YES
Is a Lobbyist attending the meeting?	NO
If yes, are they a registered Lobbyist *Please note, the Minister will not meet any unregistered Lobbyists	N/A
Attendees (please attach additional sheet if more than one attendee):	RTI s78B(2) - Personal Information
Name:	RTI s78B(2) - Personal Information
Company:	
Job Title:	
Summary of your business/organisation:	Private individual representing a group of Toogoom property owners. Not associated with any business or organisation.

<p>What outcomes do you expect from the meeting?</p>	<p>I would like to also meet with Minister Cripps at the same time if possible.</p> <p>At the meeting I would like to explain the position of the erosion prone owners at Toogoom in light of the recent interdepartmental decision regarding a proposed sea wall. From the meeting I would like to understand the reasons that the departments will not allow a wall to be built on the erosion scarp where it will provide maximum protection for properties and existing vegetation.</p> <p>I am happy to meet wherever a meeting can be arranged as soon as possible, however should the ministers wish to visit the site with me I am sure they would gain a far better understanding of our issues and perhaps begin to understand why we are amazed at such a bad decision.</p>
--	--

In requesting a meeting with the Minister, I note that as part of the Queensland Government's commitment to openness and accountability, details of Ministers' meetings are proactively released to the public on a monthly basis. I understand that some information about meetings which may include attendees, meeting topics, timing and location may be disclosed in accordance with this policy and I have the authority to make this consent on behalf of any individuals I am arranging this meeting for.

Signature: [Redacted] I understand the protection of an individuals right to privacy

Date: 5th April 2013

Please note that the Minister will have an advisor with him at all times. If you require anything further please contact our office.

T: 07 3239 0844

E: Environment@ministerial.qld.gov.au

A: GPO Box 2454, BRISBANE QLD 4001

Erin Phillips

From: s78B(2) Prejudice the protection of an individuals right to privacy
Sent: Tuesday, 7 May 2013 9:46 PM
To: Margaret McCaul
Subject: Re: Meeting with Minister Powell

Hi Margaret,
Yes, that time will be OK for me. Please go ahead and finalise the arrangements.

Best regards,

RTI s78B(2) - Personal Information

On 06/05/2013, at 20:12, Margaret McCaul <Margaret.McCaul@ministerial.qld.gov.au> wrote:

Dear s78B(2)

Further to your meeting request, I am holding a time in the diary for 4.15pm on 22nd May 2013 for you to meet with Minister Powell. The meeting would take place at Parliament House, Corner George and Alice Streets, Brisbane.

Would you please advise if this time is suitable to you?

Thanks and Regards

<image002.jpg> **Margaret McCaul**
Office Manager and EA to Minister
Office of the Hon. Andrew Powell MP | Minister for Environment and Heritage Protection
Phone: 07 3239 0836 | Fax: 07 3224 2496
Level 13, 400 George Street | Brisbane | QLD 4000
GPO Box 2454 | Brisbane | QLD 4001
Great State. Great Opportunity.

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Please consider the environment before printing this email.

Erin Phillips

From: s78B(2) Prejudice the protection of an individuals right to privacy
Sent: Monday, 13 May 2013 12:29 PM
To: Margaret McCaul
Subject: RE: Meeting with Minister Powell

Hi Margaret,

Just wondering if the meeting is still on schedule?
(just to help with my planning)

Thank you,

RTI s78B(2) - Personal Information

sch4p3(3) Prejudice the protection of an individuals right to privacy
sch4p3(3) Prejudice the protection of an individuals right to privacy

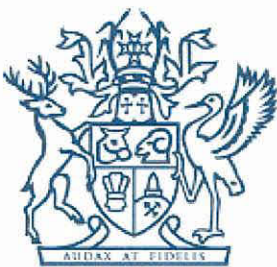
From: Margaret McCaul [<mailto:Margaret.McCaul@ministerial.qld.gov.au>]
Sent: Tuesday, 7 May 2013 10:12 AM
To: s78B(2) Prejudice the protection of an individuals right to privacy
Subject: Meeting with Minister Powell

Dear s78B(2)

Further to your meeting request, I am holding a time in the diary for 4.15pm on 22nd May 2013 for you to meet with Minister Powell. The meeting would take place at Parliament House, Corner George and Alice Streets, Brisbane.

Would you please advise if this time is suitable to you?

Thanks and Regards



Margaret McCaul
Office Manager and EA to Minister
Office of the Hon. Andrew Powell MP | Minister for Environment and Heritage
Protection
Phone: 07 3239 0836 | Fax: 07 3224 2496 |
Level 13, 400 George Street | Brisbane | QLD 4000
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RTI DL RELEASE - EHP

Department of Environment and Heritage Protection
MINISTERIAL DEPUTATION BRIEFING NOTE
 22 May 2013

RTI s78B(2) - Personal Information of Toogoom

Chief of Staff.....	OK
Dated / /	
Approved	Not-Approved
Further information required	
Minister.....	
Dated / /	

TO: Minister for Environment and Heritage Protection

SUBJECT: Toogoom Beach Erosion

DEP REP: Andrew Connor, Executive Director, Phone 3330 6335 or 3330 6336

BACKGROUND

- s78B(2) of Toogoom had a deputation at the Fraser Coast Community Cabinet meeting in February 2013.
- Toogoom Beach has suffered significant erosion as a result of severe weather events earlier this year.
- There are approximately 12 properties directly affected by this erosion as shown in 'Attachment 1'.
- s78B(2) property location is not directly affected; however it may be with time.
- As a result of the Community Cabinet deputation, the Department of Environment and Heritage Protection (EHP) was tasked with coordinating a whole of government approach to resolving the location and subsequent approval of a proposed erosion protection structure.
- EHP coordinated a meeting with agencies including the Department of Natural Resources and Mines (DNRM) as the manager of State land, the Department of National Parks, Recreation, Sport and Racing (NPRSR) as the manager of Marine Parks and the Department of Agriculture, Fisheries and Forestry (DAFF) as the managers of Fish Habitat Areas.
- NPRSR representatives advised the area adjoins a Conservation Zone of the Great Sandy Marine Park. An approval for construction of a sea wall, or similar, would be extremely difficult to obtain as the Marine Park Regulations do not allow such works in a Conservation Zone.
- DAFF advised the adjoining area has been declared as a Fish Habitat B area. Works may be permitted with specific conditions regarding public access and maintaining marine vegetation.
- State Land Management of DNRM have advised that due to similar erosion issues along the Queensland coastline they need to ensure consistent and appropriate use of public land.
- Allowing adjacent landholders to purchase state land to build private structures may be seen as displacing other uses and may have serious community backlash.
- Allowing the above situation to occur may also set a precedent which may be difficult to uphold.
- Selling state land which has a known erosion hazard may present difficulties for government.
- EHP also met with Fraser Coast Regional Council as they have been working on a proposal for a seawall to protect properties from the threat of erosion for some years.
- The council are prepared to undertake the design and application process for the structure on behalf of the community and were agreeable to having the structure located on the Esplanade.
- The council believes that the 5 metre access between private property boundary and the top of the proposed structure would allow for public access, access for machinery to undertake maintenance work and make for a smoother application process given the restrictions outlined above.
- s78B(2) is seeking ministerial intervention in the current process of determining the location of any proposed erosion protection structure.

Rec'd - ODG
 - 3 MAY 2013

Author Name: Tim Brain Position: Manager, Wide Bay Tel No: 4121 1813 Date: 29 April 2013	Cleared by Name: Andrew Connor Position: ED, ESR Tel No: 3330 6335 Date: 30 April 2013	Cleared by Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date: 3 May 2013	Recommended: Name: Andrew Chesterman Director-General, DEHP Tel No: 3330 6298 Date: 6/5/13
---	---	--	---

CURRENT ISSUES

- The option of locating a protective structure within the Esplanade and 5 metres beyond private property is the preferred option by State Government Agencies for the reasons listed above.
- This approach satisfies the requirements of Marine Parks and Fisheries legislation as well as State Land policies relating to the most appropriate use of State land.
- If residents were able to purchase State land on the coast in this location to enable an erosion protection structure on the erosion scarp, land reclamation would need to occur.
- An application for land reclamation would trigger all of the above legislation as well as Coastal Protection and Management legislation. Land reclamation is generally not supported by this legislation, particularly in areas of high conservation value.
- The location of coastal structures can have impacts on sand movement and on land either side of the structure. If some residents were in a position to purchase State land and others were not, the consistent alignment of any proposed structure would be complicated.

sch4p3(3) Prejudice the protection of an individual property owner at Toogoom who is directly affected, is in communication with EHP and is aware of the outcomes of the above meetings.

- s78B(2) has written several times to Minister Powell and the results of the above meetings have been conveyed in the responses. Offers made in correspondence for s78B(2) to contact the local EHP office have not been taken up.
- s78B(2) - Personal Information desire to purchase state land out to the erosion scarp, the Esplanade, in front of property to enable any proposed structure to be located on such land rather than on the publicly owned Esplanade.
- DNRM advised this approach is not one supported by them when there is an alternative option available, due to the reasons listed above.
- It is EHP's understanding that other residents in the area may not be in a position to purchase a portion of the Esplanade.

Toogoom Beach Erosion

Deputee Position

- s78B(2) has a desire to purchase part of the esplanade for placement of an erosion protection structure 30m from s78B(2) property boundary.

Suggested Response

- The selling of public land on the Esplanade, for placement of protection structures is not supported by State Government agencies as outlined above.

MINISTER'S COMMENTS

ATTACHMENTS

- Attachment 1: Image of affected area showing emergency works undertaken in March 2013 and yellow shading indicating affected properties.

Author Name: Tim Brain Position: Manager, Wide Bay Tel No: 4121 1813 Date: 29 April 2013	Cleared by Name: Andrew Connor Position: ED, ESR Tel No: 3330 6335 Date: 30 April 2013	Cleared by Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date:	Recommended: Name: Andrew Chesterman Director-General, DEHP Tel No: 3330 6298 Date:
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sch4p3(3) Prejudice the protection of an individuals right to privacy

Department of Environment and Heritage Protection
MINISTERIAL DEPUTATION BRIEFING NOTE
 22 May 2013

s78B(2) of Toogoom

TO: Minister for Environment and Heritage Protection

SUBJECT: Toogoom Beach Erosion

DEP REP: Andrew Connor, Executive Director, Phone 3330 6335 or 3330 6336

Chief of Staff.....	OK
Dated / /	
Approved Not Approved Noted	
Further information required	
Minister.....	
Dated / /	

BACKGROUND

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- Toogoom Beach has suffered significant erosion as a result of severe weather events earlier this year.
- There are approximately 12 properties directly affected by this erosion as shown in 'Attachment 1'.
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- Allowing adjacent landholders to purchase state land to build private structures may be seen as displacing other uses and may have serious community backlash.
- Allowing the above situation to occur may also set a precedent which may be difficult to uphold.
- Selling state land which has a known erosion hazard may present difficulties for government.
- EHP also met with Fraser Coast Regional Council as they have been working on a proposal for a seawall to protect properties from the threat of erosion for some years.
- The council are prepared to undertake the design and application process for the structure on behalf of the community and were agreeable to having the structure located on the Esplanade.
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- An application for land reclamation would trigger all of the above legislation as well as Coastal Protection and Management legislation. Land reclamation is generally not supported by this legislation, particularly in areas of high conservation value.
- The location of coastal structures can have impacts on sand movement and on land either side of the structure. If some residents were in a position to purchase State land and others were not, the consistent alignment of any proposed structure would be complicated.
- **a property owner at Toogoom who is directly affected, is in communication with EHP and is aware of the outcomes of the above meetings.**
- **s78B(2) has written several times to Minister Powell and the results of the above meetings have been conveyed in the responses. Offers made in correspondence for s78B(2) to contact the local EHP office have not been taken up.**
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Toogoom Beach Erosion

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Author Name: Tim Brain Position: Manager, Wide Bay Tel No: 4121 1813 Date: 29 April 2013 14-373	Cleared by Name: Andrew Connor Position: ED, ESR Tel No: 3330 6335 Date: 30 April 2013 File A	Cleared by Name: Dean Ellwood Position: DDG, ESR Tel No: 3330 5628 Date: Page 11 of 21	Recommended: Name: Andrew Chesterman Director-General, DEHP Tel No: 3330 6298 Date:
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RTI/DL RELEASE - EHP

sch4p3(3) Prejudice the protection of an individuals right to privacy

Erin Phillips

From: Shaw Gary on behalf of DLO EHP
Sent: Tuesday, 23 April 2013 6:05 PM
To: Corro EHP Minister
Subject: Proposed seawall at Toogoom
Attachments: 130410 - s78B(2) pdf

Hi MECU

Re: Proposed seawall at Toogoom

Minister Powell is meeting with s78B(2) on Wednesday, 22 May 2013 to discuss the proposed seawall at Toogoom.

Please nominate a departmental rep to attend this meeting.

Once you provide the departmental officer's name, Min Powell's office will send a meeting invite with details of the time and room etc.

Min Powell's office has also contacted Min Cripps' office in relation to this matter.

Min Cripps' office is waiting on a briefing note from their Department before they commit to a meeting.

Please provide a Meeting Brief by 4pm Wednesday, 15 May 2013.

Thanks
Gary

Gary Shaw
Departmental Liaison Officer
Department of Environment and Heritage Protection
Level 13
400 George Street BRISBANE

Tel: 07 - 3330 6250 Fax: 07 - 3330 6806
E-mail: Gary.Shaw@ehp.qld.gov.au
visit us at <http://www.ehp.qld.gov.au/>

From: Margaret McCaul [<mailto:Margaret.McCaul@ministerial.qld.gov.au>]
Sent: Tuesday, 23 April 2013 4:06 PM
To: Shaw Gary
Subject: Briefing note request

Hi Gary

The Minister is meeting with s78B(2) on the 22nd May 2013.

SHAW Gary

From: Shaw Gary on behalf of DLO EHP
Sent: Tuesday, 23 April 2013 6:05 PM
To: Corro EHP Minister
Subject: Proposed seawall at Toogoom
Attachments: 130410 - s78B(2) pdf

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Gary

Gary Shaw
Departmental Liaison Officer
Department of Environment and Heritage Protection
Level 13
400 George Street BRISBANE

Tel: 07 - 3330 6250 Fax: 07 - 3330 6306
E-mail: Gary.Shaw@ehp.qld.gov.au
visit us at <http://www.ehp.qld.gov.au/>

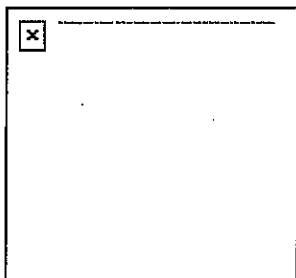
From: Margaret McCaul [<mailto:Margaret.McCaul@ministerial.qld.gov.au>]
Sent: Tuesday, 23 April 2013 4:06 PM
To: Shaw Gary
Subject: Briefing note request

Hi Gary

The Minister is meeting with s78B(2) on the 22nd May 2013.

Would you please provide a briefing note for the meeting before 16th May, as well as representation by the Department at the meeting. Once you provide the officer's name, I will send a meeting invite with details of the time and room etc. I believe there might be some previous on this. I have also contacted Mr Cripps office and they know of s78B(2) They are waiting on a briefing note from their Department before they commit to a meeting.

Thanks and Regards



Margaret McCaul

Office Manager and EA to Minister

Office of the Hon. Andrew Powell MP | Minister for Environment and Heritage
Protection

Phone: 07 3239 0836 | Fax: 07 3224 2496 |

Level 13, 400 George Street | Brisbane | QLD 4000

GPO Box 2454 | Brisbane | QLD 4001

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RTI DL RELEASE - EHP



Hon Andrew Powell MP
Minister for Environment and Heritage Protection
Meeting Request Protocol Form

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Company:	
Job Title:	
Phone: 07	Mobile:
Email: Prejudice the protection of an individuals right to privacy	
Date: 5 April 2013	

2. Meeting Details

Have you met with Minister Powell previously?	YES
Is a Lobbyist attending the meeting?	NO
If yes, are they a registered Lobbyist *Please note, the Minister will not meet any unregistered Lobbyists	N/A
Attendees (please attach additional sheet if more than one attendee):	RTI s78B(2) - Personal Information
Name:	RTI s78B(2) - Personal Information
Company:	
Job Title:	
Summary of your business/organisation:	Private individual representing a group of Toogoom property owners. Not associated with any business or organisation.

<p>What outcomes do you expect from the meeting?</p>	<p>I would like to also meet with Minister Cripps at the same time if possible.</p> <p>At the meeting I would like to explain the position of the erosion prone owners at Toogoom in light of the recent Interdepartmental decision regarding a proposed sea wall. From the meeting I would like to understand the reasons that the departments will not allow a wall to be built on the erosion scarp where it will provide maximum protection for properties and existing vegetation.</p> <p>I am happy to meet wherever a meeting can be arranged as soon as possible, however should the ministers wish to visit the site with me I am sure they would gain a far better understanding of our issues and perhaps begin to understand why we are amazed at such a bad decision.</p>
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Signature: *[Signature]* I understand the protection of an individuals right to privacy

Date: 5th April 2013

Please note that the Minister will have an advisor with him at all times. If you require anything further please contact our office.

T: 07 3239 0844

E: Environment@ministerial.qld.gov.au

A: GPO Box 2454, BRISBANE QLD 4001

Erin Phillips

From: Canavan Maria on behalf of Corro EHP ESR Southern
Sent: Tuesday, 21 May 2013 4:40 PM
To: DLO EHP
Cc: Connor Andrew; Shaw Gary
Subject: Toogoom Beach Erosion - Meeting 22 May 2013 - CTS 08756/13
Attachments: Update for Toogoom Beach erosion meeting.doc

Hi Gary

As discussed, further to the meeting brief under CTS 08756/13 please find attached an update on the Toogoom Beach erosion from meeting held on 17 May 2013. I will attach these notes to CTS 08756/13.

Maria

Maria Canavan

Project Officer, Correspondence
Southern Region Directorate
Environmental Services and Regulation
Department of Environment and Heritage Protection

400 George Street, Brisbane QLD
GPO Box 2454, Brisbane QLD 4001
Telephone: (07) 3330 5977
Email: maria.canavan@ehp.qld.gov.au

RTI DL RELEASE - EHP

Toogoom Beach Erosion Affected Residents Meeting
17 May 2013

Meeting opened with an overview from EHP as to why here and current situation.

Meeting was opened for questions.

Question regarding wall being at 5 metre from property boundary rather than following the erosion scarp. Current government policy is for erosion protection works for private property to be undertaken on private property. This is consistent with the current coastal policies which require protection works to be located as far landward as practicable. Government recognises this is difficult at Toogoom and has negotiated with Fraser Coast Regional Council (FCRC) (manager of the Esplanade) to allow the wall to be located within the esplanade 5 metres from the property boundary. 5 metres would allow for machinery access, public access and a reasonable distance between property and wall.

Question regarding the length septic tank soakage trenches and/or discharge pipes. Some properties have trenches and irrigation areas which extend more than 5 metres past their boundary. It was suggested this issue be put to council so as part of the application council may be able to demonstrate that more than 5 metres is required for such infrastructure. If it is necessary for a larger buffer between the properties and the wall to account for design constraints such septic tank soakage trenches then the approval agencies would be willing to favourably consider this information through the assessment process.

Question around what legislation is in place to allow land, trees and wildlife to fall into the ocean. Explanation provided that the legislation balances the rights of property owners to protect private property against the need to maintain natural coastal processes which shape the coast.

Question about process for FCRC to erect a wall through departments and the time needed for approvals. EHP coordinating whole of government approach and Integrated Development Assessment System (IDAS) process explained.

Question about timeframes for completion of wall – Referred to FCRC, Councillor Rolf Light explained that FCRC will be presenting the residents with a number of potential options to address erosion problems. Residents will then have the opportunity to select their preferred option.

Private infrastructure on public land and public liability – Explained it would be public infrastructure on public land as council is the applicant for the work, will maintain the works and as such will cover the public liability. Councillor Rolf Light reiterated this.

Maintenance Charges - Referred to FCRC, Councillor Rolf Light explained that the cost to residents would also include maintenance as a one of charge.

If the wall is not built before the next storm season can another sand push be done – Yes - Discussion about September being a checkpoint. If the wall is not built by mid September, land owners may be able to put a proposal to Government to allow sand pushes to occur before spring tides as a means of temporary protection. Will there be fees involved and what is the application process – explanation around fees and the process being the same as the one they have been involved in for their emergency works.

If houses wash into the ocean can the land be refilled and homes rebuilt – DNRM explained that the private property boundary is a 'right of line' boundary which does not move and as such the land can be refilled.

Why can't the land be sold to adjacent owners – DNRM explained that there is an application process for the state land to be considered for sale. Application could be made which would involve gaining views from FCRC as road manager as well as from other state agencies, one of which would be EHP. EHP would advise that the area is mapped as erosion prone and in accordance with current coastal policy would not support the sale of erosion prone land irrespective of the existence of a seawall as seawalls can fail and it is best for all concerned to maintain a buffer between residents and the shoreline. The residents were informed that any application made may not be successful.

Why can't the property owners organise the construction of a wall – Residents were advised they can organise the construction of a wall on their own private property however if the wall is to encroach or be located on the esplanade then Fraser Coast Regional Council need to be consulted and involved.

Who makes the decision of who gets the tender for the construction of the wall and can property owners do their own investigations on the type of wall and costing to put forward to council – Fraser Coast Regional Council makes the decision. Residents can undertake their own investigations to increase their own awareness of proposed methods.

EHP committed to revisit the issue of the 5 metres with other coastal land management agencies in view of the issues raised regarding sewage disposal areas. However it was reiterated that any protection works would need to be kept wholly within the Esplanade so as to avoid running into difficulties with other legislation. (ie The Conservation Zoning for the Great Sandy Marine Park).

Meeting Officially Closed approx 2:45

Residents are concerned about the amount of time Fraser Coast Council is taking to get back to them with a design and cost. Residents are worried that there will be no protection in place prior to the next storm season. Council have not met with the residents for a number of months however a local councillor was present at this meeting. Residents were advised that this is an issue between them and council and that they will need to keep communicating with Council to keep the process moving.

s78B(2) Paul Prenzler – Coastal Engineer from EHP and Toni Ferguson – Senior Land Officer from DNRM toured the Esplanade in front of s78B(2)

property to see first hand the vegetation, wildlife habitat and amount of land that will be lost to coastal processes should s78B(2) not be allowed to purchase the land. The group also viewed the sand which has been deposited near the mouth of the waterway which is believed to have been from recent events.

The area in front of the properties is mapped as being an Area of Environmental Significance. This is due to the area containing Significant Coastal Dunes; Non core habitat for locally significant species and Of Least Concern Regional Ecosystems.

Significant Coastal Dunes: Urban activities in this location would appear to be consistent with current policy.

Of Least Concern Regional Ecosystems: Under the Vegetation Management Act this RE carries the least restrictions and is not treated as being significant.

RTI DL RELEASE - EHP