

Notice

Coastal Protection and Management Act 1995

Advice on the provision of evidence of “resource entitlement”

This notice provides advice from the Department of Environment and Heritage Protection regarding the provision of evidence of “resource entitlement” for the use of unallocated State land for tidal works, including prescribed tidal work, under section 260 of the Sustainable Planning Act 2009.

Enquiries: Joanne Page
Our reference: 184420 / CSAP03658112 (BNT546)

State Land Asset Management Unit
Department of Environment and Resource Management
PO Box 1080
CABOOLTURE Q 4510

Attention: Greg Paige

Dear Mr Paige,

Re: Resource Entitlement Request for Advice – Spinnaker Sound Park. Located at lot 2 on RP174232.

I refer to your request of 19 July 2012 for advice in relation to the provision of evidence of “resource entitlement” for the proposed seawall, groyne and beach nourishment development located adjacent to the property described as Lot 2 RP174232 located at 16-20 Spinnaker Drive, Sandstone Point.

You are advised that the Environmental Services Moreton Bay team has no objection to the development application proceeding.

This advice does not:

- Imply consent to the development application; or
- Affect functions that the environmental services unit may exercise as a concurrence agency.

Furthermore the following advice should be provided to the applicant:

- Any works conducted seaward of HAT and are within the Moreton Bay Marine Park will require a Marine Park Permit (MPP);

Advice on the provision of evidence of "resource entitlement"

- These works will require a prescribed tidal works application. The applicant will need to address the policies and principles of the Queensland Coastal Plan;
- If excavation is included within the proposed works that involves extraction of material below HAT and placement of the material above HAT, the works will require an approval for the allocation of quarry material;

Should you have any queries regarding the above or if you require any more information, please contact the project manager, Joanne Page, on 5433 7773.

Yours sincerely

CTPI 49-Sch4

Signature

30 July 2012

Date

Lauren Buchanan

A/ Principal Environmental Officer (Moreton Bay)
Environmental Services North
Southern Region
Department of Environment and Heritage
Protection

Enquiries:

Moreton Bay Team
Environmental Services North
Southern Region
Department of Environment and Heritage
Protection
PO Box 1080
Caboolture Q 4510
Phone: 5433 7773
Fax: 5433 7762

Notice

Concurrence Agency Response

This notice is issued by the chief executive pursuant to section 287 of the Sustainable Planning Act 2009.

Moreton Bay Regional Council
c/- CTPI 49-Sch4 (International Coastal
Management)
PO Box 306
MAIN BEACH QLD 4217

cc. Moreton Bay Regional Council
Clayton Forbes
PO Box 159
CABOOLTURE QLD 4510

Our reference: 184420 / SPCC04950212

Re: Concurrence Agency Response for prescribed tidal works that involves the construction of a rock groyne and associated beach nourishment located at Spinnaker Drive, Sandstone Point

1. Application details

Applicant: Moreton Bay Regional Council

Assessment Manager ref: DA/27231/2012/OPW

Date application referred to the concurrence agency:
7 November 2012

Development approval applied for: Development Permit

Aspects of development:

Assessable development		Referral agency reference
Operational work – Tidal works, or development in a coastal management district	<i>Sustainable Planning Regulation 2009 – Schedule 7, table 2, item 13</i>	EHP Ref No.: 184420 EHP Permit No.: SPCC04950212

Development description: Prescribed tidal works that involves the construction of a rock groyne and associated beach nourishment

Property/Location description: Lot 2 on RP174232
Spinnaker Drive, Sandstone Point QLD 4511

2. Concurrence jurisdiction

The concurrence agency response for the concurrence agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to tell the assessment manager as follows:

- a. Conditions must attach to any development approval, and those conditions are attached to this notice as:
 - i) EHP Permit Number SPCC04950212

3. Approved plans and specifications

Document no.	Document name	Date
PP-SS-001	Pumicestone Passage - Extent of Works	5/10/2012
PP-SS-002	Pumicestone Passage - Layout	5/10/2012
PP-SS-003	Pumicestone Passage – Long Sections	5/10/2012
PP-SS-004	South Pumicestone Passage – Cross Sections Groyne	5/10/2012
PP-SS-005	South Pumicestone Passage – Cross Sections Wall	5/10/2012
PP-SS-006	Pumicestone Passage – Beach Nourishment Profiles	5/10/2012

4. General advice to assessment manager

Pursuant to section 334 and section 363 of the *Sustainable Planning Act 2009*, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to the referral agency for the relevant application. Please send a copy of the relevant notice to Environmental Services, PO Box 1080, CABOOLTURE QLD 4510 and an electronic copy to ESnorth.MoretonBay@derm.qld.gov.au.

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

5. Additional comments or advice about the application

In this regard it should be noted that the *Draft Coastal Protection State Planning Regulatory Provision* which, for the purposes of making a statutory decision, has the same effect as a state

planning policy. The **assessment manager** is required to give due consideration to the relevant State planning policies when deciding the application, particularly in regard to the regional and state values at or near the site, when deciding the application.

Your attention is drawn to the need to comply with the IDAS code for development applications for prescribed tidal work that is listed in Schedule 4A of the *Coastal Protection and Management Regulation 2003*.

6. Additional information for applicants

The applicant will also be required to apply for a Marine Park Permit through the Department of National Parks, Recreation, Sport and Racing.

Due to additional information provided by the applicant, a permit for the Allocation of Quarry Material will not be required for the proposed development.

Sand for beach nourishment has been approved from Southern Pacific Sands.

Should you have any queries in relation to this response, please contact Joanne Page, the Project Manager, on the telephone listed below

CTPI 49-Sch4

Delegate

John Harden

Delegate, Chief Executive administering the *Coastal Protection and Management Act 1995*

Department of Environment and Heritage Protection

17 December 2012

Enquiries

Joanne Page

Department of Environment and Heritage Protection

Level 4 33 King Street, Caboolture QLD 4510

PO Box 1080, Caboolture QLD 4510

Phone: 07 5433 7773

Fax: 07 5433 7762

Email: joanne.page@ehp.qld.gov.au

Attachment – EHP Permit Number SPCC04813312

EHP Permit ¹ number: SPCC04920212

Assessment manager reference:	DA/27231/2012/OPW
Date application received:	7 November 2012
Permit type:	Concurrence Agency Response
Date of decision:	11 December 2012
Decision:	Conditions that must attach to any development approval
Relevant laws and policies:	<i>Coastal Protection and Management Act 1995</i> and any related statutory instruments and subordinate legislation
Jurisdiction:	<i>Sustainable Planning Regulation 2009</i> – Schedule 7, table 2, item 13

Development Description

Property/Location		Development
Spinnaker Drive, Sandstone Point QLD 4511	Lot 2 on RP174232	Prescribed tidal works that involves the construction of a rock groyne and associated beach nourishment

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Heritage Protection.

Reason for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are as follows.

The Department of Environment and Heritage Protection is recognised as a concurrence agency under the *Sustainable Planning Act 2009* for coastal management, other than amenity and aesthetic significance or value. Development conditions placed on the development approval for the application are pursuant with section 106 of the *Coastal Protection Management Act 1995*.

CTPI 49-Sch4

Delegate

John Harden

Delegate, Chief Executive administering the *Coastal Protection and Management Act 1995*

Department of Environment and Heritage Protection

17 December 2012

Published on DESI Disclosure Log
RTI Act 2009

CONDITIONS

As part of the concurrence agency response the following development conditions are to be attached to the development approval:

1. The construction of the seawall and associated features must be undertaken in accordance with the plans listed in *Table 1 – documents and plans*.
2. Any material, which is deposited outside of the alignment of the works shown on drawings or any debris, which falls or is deposited on tidal lands or into tidal waters during the construction of the works, must be removed by the permittee at its cost and expense prior to the practical completion of the works.
3. The Permittee must:-
 - a. Ensure that the construction of the works is carried out only by means of suitable plant and equipment and that measures are taken to limit turbidity in tidal waters as a result of the construction; and
 - b. Take all appropriate measures to minimise pollution of tidal waters as a result of silt runoff, and the discharge of other contaminants, such as fuel, oil and hydraulic fluid to the waterway during construction of the works.
4. All materials used in the construction of the works must be:
 - a. Clean and free of silt;
 - b. Suitable for the purpose having regard to the location of the land and to the proposed use of the land; and
 - c. Free from pests, chemicals and other contaminants.
5. Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.
6. Should acid sulfate soils be discovered at the development site, these acid sulfate soils must be treated and managed in line with the latest edition of the departments INSTRUCTIONS FOR THE TREATMENT AND MANAGEMENT OF ACID SULFATE SOILS, 2001.
7. The permittee must develop an ongoing beach nourishment strategy plan for the foreshore of Spinnaker Sound Park. This beach nourishment strategy needs to:
 - a. Include regular monitoring of the beach profile;
 - b. Establish a suitable timeframe between identifying erosion problems and conducting beach nourishment works;

8. An assessment of any other potential sand sources will need to be conducted before the sand from the potential source can be used for beach nourishment. The assessment must include but is not limited to:
- A comparison of sand quality and size between the sand found at Spinnaker Sound Park and the potential source material;
 - An analysis of potential contaminants and silt content;
 - An assessment of potential acid sulphate soils from the identified source locations.

Table 1 – Documents and Plans:

Document no.	Document name	Date
PP-SS-001	Pumicestone Passage - Extent of Works	5/10/2012
PP-SS-002	Pumicestone Passage - Layout	5/10/2012
PP-SS-003	Pumicestone Passage – Long Sections	5/10/2012
PP-SS-004	South Pumicestone Passage – Cross Sections Groyne	5/10/2012
PP-SS-005	South Pumicestone Passage – Cross Sections Wall	5/10/2012
PP-SS-006	Pumicestone Passage – Beach Nourishment Profiles	5/10/2012

END OF CONDITIONS



International Coastal Management

OFFICE 50 / G Arm, SYC Marina, Main Beach, 4217, QLD, Australia
POST PO Box 306, Main Beach LPO, Main Beach QLD, 4217, Australia
TELEPHONE +61 7 55640564 **FAX** +61 7 55329147
WEBSITE www.coastalmanagement.com.au

Pumicestone Passage Spinnaker Sound Marina Entrance

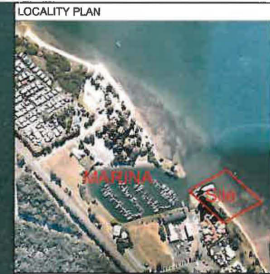


DRAWING REGISTER

08.08.2012

PP-SS-001 B	EXTENT OF WORKS
PP-SS-002 C	LAYOUT
PP-SS-003 B	LONG SECTIONS
PP-SS-004 A	CROSS SECTIONS - GROUYNE
PP-SS-005 B	CROSS SECTIONS - WALL
PP-SS-006 B	BEACH NOURISHMENT PROFILE





- NOTES
1. Proposed scope of works includes:
 - Construct 21m groyne
 - Construct 9m wall and return
 - Nourishment and Vegetation
 - Backfill
 - Remove bricks, tyres and other debris from eastern shoreline
 - Remove existing sloped concrete wall and dispose off site prior to construction of wall and groyne
 - Installation of special marker as per MSQ requirements.
 3. Design intended to mitigate erosion. Aerial Image taken 7th July 2011.
 4. Maintenance to be undertaken as required including:
 - nourishment, (periodic and/or post-storm)
 - Top-up/reprofiling of rock as required.
 5. The Vertical concrete wall (west) needs to be repaired in accordance with SEMP (not part of scope of works).
 6. Location of existing concrete walls to be confirmed on site prior to construction
 7. Works to be completely withing Lot 2 RP174232.

- LEGEND
- Existing Vertical Concrete wall (West)
 - Existing Vertical Concrete wall (East)
 - Nourished Profile
 - Existing blue sloped spraycrete wall

REVISION REGISTER	
A	06/07/12
B	03/10/12

International Coastal Management
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WEBSITE: www.coastmanagement.com.au

PROJECT NAME: PUMICESTONE PASSAGE

Moreton Bay

DRAWING TITLE: EXTENT OF WORKS

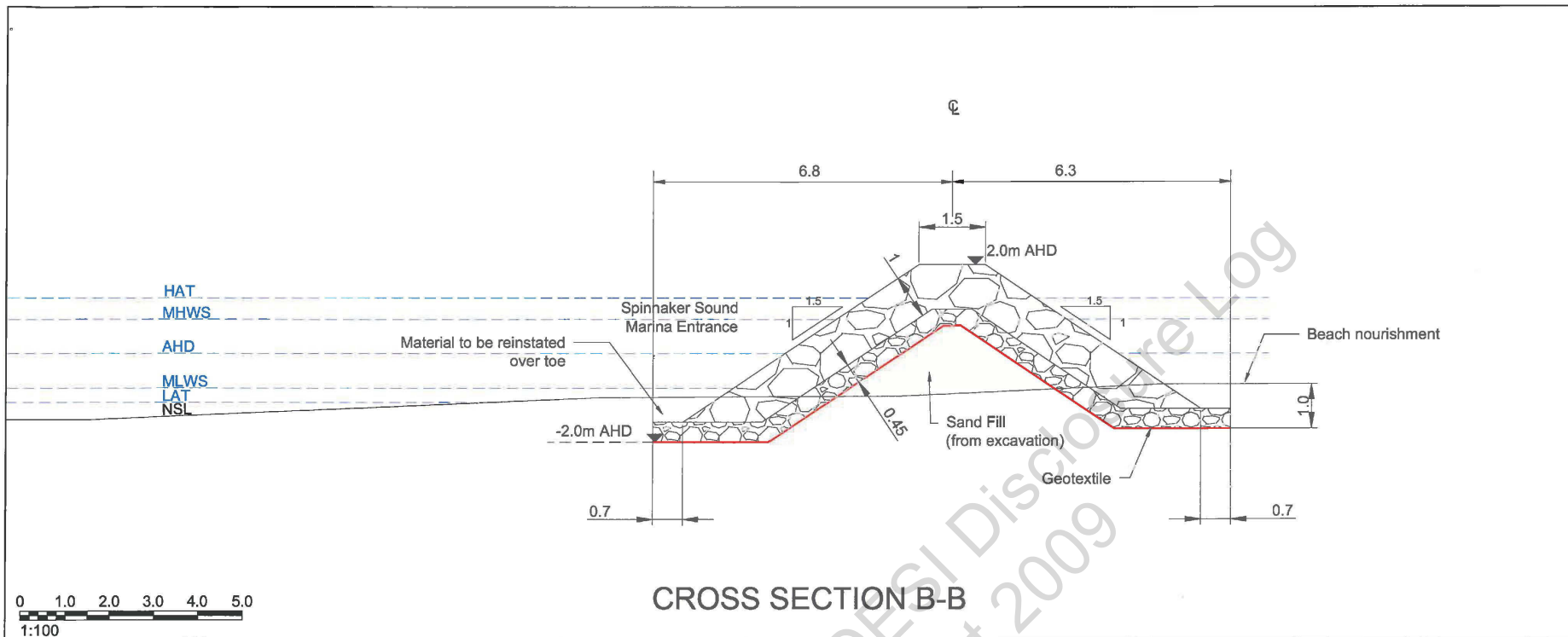
DRAWING No: PP-SS-001

CHECKED: BROWN

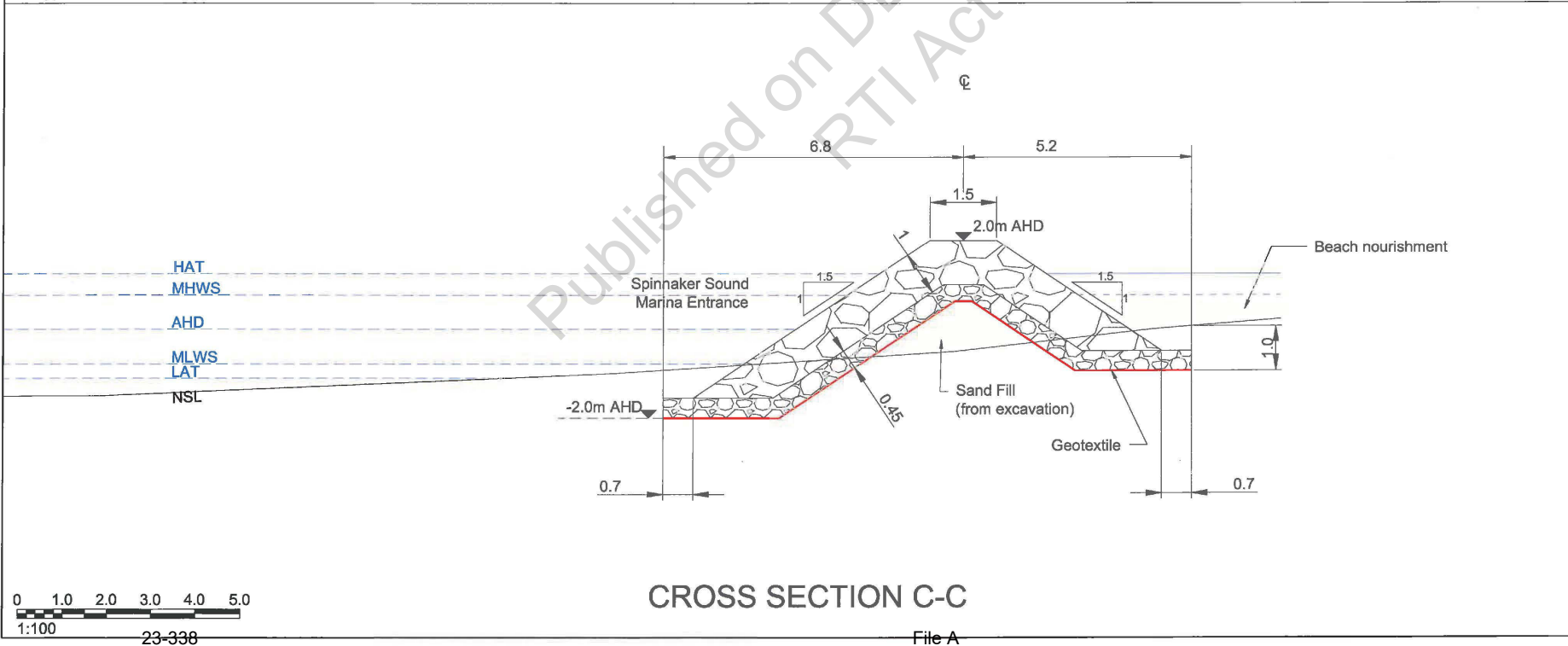
DATE: 05 Oct 2012

SCALE: 1:500

FILE: 11 of 70



- NOTES**
1. Dimensions are in metres.
 2. Geotextile
 - To be ELCOMax 600R (or approved equivalent).
 - Each section to be overlapped 1m (min).
 3. Rock fill shall be of sound igneous or metamorphic rocks clean and free of topsoil and any organic matter.
 4. Rock to be angular with minimum dimensions as follows:
 - Primary Armour D_{50} : 0.6m.
 - Secondary Armour D_{50} : 0.3m



LEGEND

VERTICAL DATUM: AHD HORIZONTAL DATUM: MGA

REVISION REGISTER					
NO	DATE	DESCRIPTION	BY	ENG	APP
A	01/10/12	Change to Rock Detail	MM	BC	AJ
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-

International Coastal Management

OFFICE: 80 / G Ave, BYC Marina, Main Beach, 4217, QLD, Australia
 PHONE: +61 7 55845884 FAX: +61 7 55329147
 WEBSITE: www.icm.com.au

PROJECT NAME
 SOUTH PUMISTONE PASSAGE

DRAWING TITLE
 CROSS SECTIONS
 GROUYNE

DRAWING NO.
 PP-SS-004

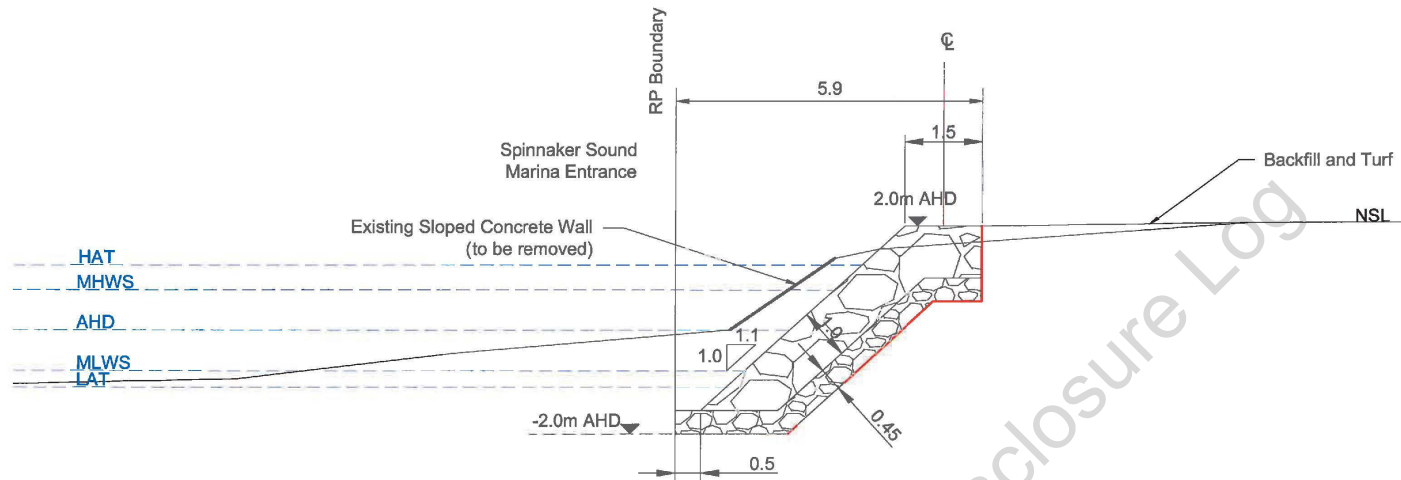
REVISION
 A

CHECKED BY G. CORBETT **APPROVED BY** [Signature]

DATE 05 Oct 2012

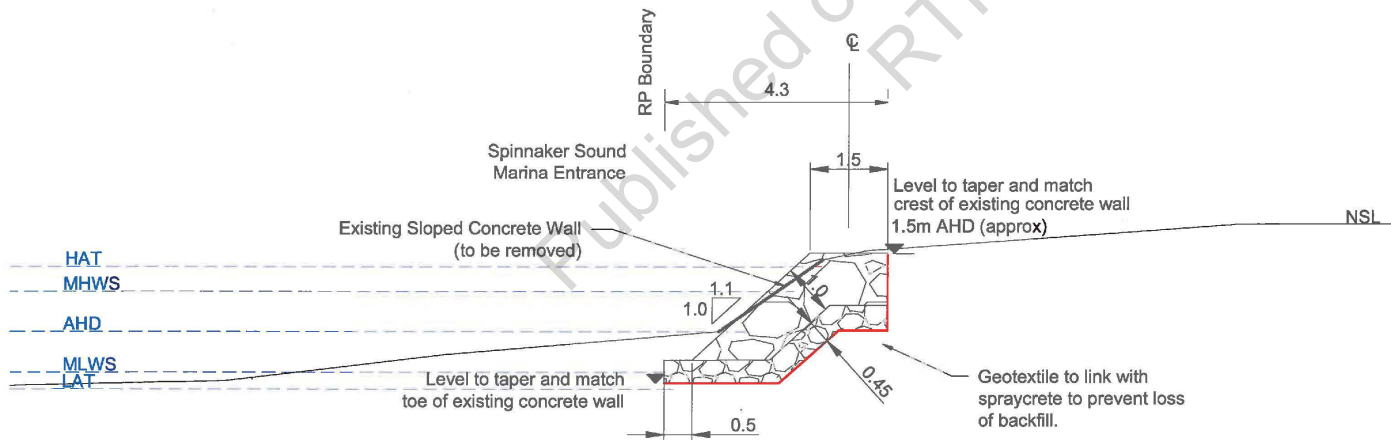
CTPI 49-Sch4

CTPI



CROSS SECTION D-D

0 1.0 2.0 3.0 4.0 5.0
1:100



CROSS SECTION E-E

0 1.0 2.0 3.0 4.0 5.0
1:100



- NOTES
1. Dimensions are in metres.
 2. Geotextile
 - To be ELCOMax 600R (or approved equivalent).
 - Each section to be overlapped 1m (min).
 3. Rock fill shall be of sound igneous or metamorphic rocks clean and free of topsoil and any organic matter.
 4. Rock to be angular with minimum dimensions as follows:
 - Primary Armour D₅₀: 0.6m.
 - Secondary Armour D₅₀: 0.3m.

LEGEND

VERTICAL DATUM:	AHD	HORIZONTAL DATUM:	MG/1
REVISION REGISTER			
A	08/07/12	Assessments to return detail	CTPI 49
B	11/10/12	Change to Finish Detail	

International Coastal Management

OFFICE: 50/50 Ave, 51/51 Marina, Main Beach, 4217, QLD, Australia
 PHONE: +61 7 55640584 FAX: +61 7 55329147
 WEBSITE: www.coastalmanagement.com.au

PROJECT NAME: SOUTH PUMISTONE PASSAGE

Moreton Bay Regional Council

DRAWING TITLE: CROSS SECTIONS WALL

DRAWING NO.: PP-SS-005

REVISION: B

DRAWN: A.B. BROWN

CHECKED: B. CORBETT

APPROVED: [Signature]

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CTPI 49

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Revegetate with native dunal species

Area above 1.5m AHD to be revegetated

1.5m (AHD)

MHWS

NSL

Taper to top of existing scarp

BEACH NOURISHMENT DESIGN PROFILE

~20

NSL

Design Profile

HAT

MHWS

AHD

CROSS SECTION F-F

~15

NSL

Design Profile

HAT

MHWS

AHD

0 1.0 2.0 3.0 4.0 5.0
1:100

CROSS SECTION G-G

File A

LOCALITY PLAN



NOTES

- Estimated volume for foreshore nourishment ~600m³.
- Sand to be sourced from:
 - dredging of spinnaker sound marina and entrance channel if suitable (separate approval)
 - other approved dredging works (if suitable) (separate approval)
 - imported
 - Excavation for construction (if suitable)

Material to be of similar composition, colour and grain size to existing sand. Material shall be clean sand, free of organic contaminants and with a low fine content. Material above HAT to be imported.
- Vegetation above HAT to be undertaken with suitable dunal species with temporary fencing during establishment.

LEGEND

VERTICAL DATUM: AHD HORIZONTAL DATUM: MDA

REVISION REGISTER

REV	NO	DATE	DESCRIPTION	BY	ENG	APP
A	08/01/12		Issue			
B	02/10/12		Change to Rock Detail			
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-



International Coastal Management

OFFICE: 50/51 Arm, 51/52 Marina, Main Beach, 4217, QLD, Australia
 PHONE: PO Box 308, Main Beach QLD, 4217, Australia
 TELEPHONE: +61 7 55640544 FAX: +61 7 55329147
 WEBSITE: www.coastalmanagement.com.au

PROJECT NAME:

PUMICESTONE PASSAGE

Moreton Bay Regional Council

DRAWING TITLE:

BEACH NOURISHMENT PROFILES

DRAWING NO.:

PP-SS-006

REVISION:

B

CHECKED: B. GIBBETT APPROVED: B. GIBBETT

DATE: 05/04/2012

SCALE: 1:100

SIZE: A

DATE: 05/04/2012

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CTPI 49-Sch4

CTPI 49

Enquiries: Clayton Forbes
Direct Phone: 07 5433 2543
Direct Fax: 07 5433 2193
Our Ref: DA/27231/2012/V4P
Your Ref: -
Date: 24 January 2013

Moreton Bay Regional Council
C/- International Coastal Management
PO Box 306
MAIN BEACH QLD 4217

Dear Sir/Madam

Re: REVISED DECISION NOTICE

Sustainable Planning Act 2009 s335 & s336

Development Application No.: DA/27231/2012/V4P

Property Location: 16-20A Spinnaker Drive, Sandstone Point

Property Description: Lot 2 RP 174232 Parish Toorbul

Development: Prescribed Tidal Works
Groyne Construction and Beach Nourishment

Please be advised that on 15 January 2013 the above development application was approved in full (by way of delegated authority) with Conditions.

Details of the Approval

The following type of approval has been issued:

APPLICATION TYPE	Development Permit	Preliminary Approval
Operational Works – Prescribed Tidal Works	☒	☐

The Relevant Period of Approval

The relevant period stated in section 341 of the Sustainable Planning Act 2009 applies to this approval. I.e. Two (2) years from the date of this Decision Notice.

Assessment Manager Conditions

CONDITION	TIMING
1. Replace existing Council infrastructure (including but not limited to street trees and footpaths) to a standard acceptable to the Manager, Development Engineering, should this infrastructure be damaged as part of the construction works.	Prior to the commencement of use.

R

2.	All reasonable and practicable measures to protect waters from environmental harm should be taken. Sediment and Erosion Control measures shall comply with the EPA Urban Stormwater Management best practice guidelines. All Sediment controls shall be correctly installed and maintained. An inspection program is to be drawn up and adhered to. All controls are to be inspected immediately after a rain event.	At all times during construction.
3.	All works shall comply with the requirements of the Coastal Protection and Management Act 1995.	At all times
4.	Provide certification from an RPEQ that demonstrates the following: a) The works (including any associated works) have been constructed and installed in accordance with the approved drawings, and all conditions of this approval. b) The works are structurally adequate for the anticipated usage and comply with the relevant provisions of the Prescribed Tidal Code; and c) The bed and banks of the waterway adjacent the works are clear of construction debris. d)	Within three months of completion of construction.
CONCURRENCE AGENCY		
5.	Comply with the Department of Transport and Main Roads; Maritime Safety Queensland – Concurrence Agency Response – Reference 215/01637 P17225-MOM P17327-MOM E17765-MOM P17766-MOM dated 22 November 2012. Refer copy attached.	
6.	Comply with the Department of Environment and Heritage Protection – Concurrence Agency Response – Reference 184420/SPCC04950212 dated 17 December 2012. Refer copy attached.	
7.	Comply with the Department of Agriculture, Fisheries and Forestry – Concurrence Agency Response – Reference 003/0002321 dated 20 November 2012. Refer copy attached.	
ADVICE		
8.	This approval shall not be taken to mean that the drawings have been checked in detail and Council accepts no responsibility whatsoever for the survey information, the design, or for the accuracy of any information or detail contained in the drawings and specifications.	

The Approved Plans

The approved plans and/or documents for this development approval are listed in the following table:

Plan Number	Plan Prepared by	Date
PP-SS-001/B	International Coastal Management	3/10/2012
PP-SS-002/C	International Coastal Management	3/10/2012
PP-SS-003/B	International Coastal Management	3/10/2012
PP-SS-004/A	International Coastal Management	3/10/2012
PP-SS-005/B	International Coastal Management	3/10/2012
PP-SS-006/B	International Coastal Management	3/10/2012

Any or all of the drawings listed above may require amendments in accordance with the conditions of any relevant Development Permits and the conditions of this approval.

Other necessary Development Permits

Not applicable

Codes for Self-Assessable Development

Not applicable

Superseded Planning Scheme

Not applicable.

Preliminary Approval Overriding the Planning Scheme

Not applicable

Conflict with Laws and Policies and Reasons for the Decision Despite the Conflict

Not Applicable

IDAS Referral Agencies

Maritime Safety Queensland.

Department of Environment and Heritage Protection.

Department of Agriculture, Fisheries and Forestry.

Appeal Rights

Pursuant to Chapter 7 Divisions 8 & 10 of the Sustainable Planning Act 2009, an appeal period of 20 business days applies. Attached is an extract from the Sustainable Planning Act 2009 which details your appeal rights regarding this decision and the appeal rights of any submitters, if applicable, regarding this decision.

When the Development Approval takes effect

This development approval takes effect:

From the time the decision notice is given, if the applicant does not appeal the decision to the court or building and development committee.

OR

Subject to the decision of the court or a building and development committee, when the appeal is finally decided or withdrawn - if an appeal is made to the court or a building and development committee.

This approval will lapse if:

- for a development approval other than a material change of use or reconfiguration, the development does not substantially start within the relevant period stated previously in this decision notice.

Note that in the case of a development approval for a material change of use or for reconfiguration of a lot, if there is 1 or more subsequent related approvals the relevant period for the material change of use or reconfiguration will restart from the date of the related approval taking effect. Please refer to section 341 of SPA for further information.

If this application was submitted as a result of an application for building works it is the applicant's responsibility to provide a copy of this document to the entity undertaking the building approval.

Should further information be required concerning this matter please contact the officer referenced above.

Yours faithfully

CTPI 49-Sch

Enclosures

Cc:

Department Of Transport and Main Roads
Maritime Safety Queensland
Regional Harbour Master Brisbane
MacArthur Avenue East
PINKENBA QLD 4008

Department of Environment and Heritage Protection
Environmental Services North
PO Box 1080
CABOOLTURE QLD 4510

Department of Agriculture, Fisheries and Forestry
Maroochy Research Facility
SCMC PO Box 5083
NAMBOUR QLD 4560



Department of
Transport and Main Roads
Transport and Main Roads

Our ref: 215/01837 P17225-MOM P17327-MOM E17765-MOM P17766-MOM
Your ref:
Enquiries: Glenn Hale

22 November 2012

International Coastal Management
PO Box 308
Main Beach Qld 4217
Attn: CTPI 49-Sch

Dear CTPI 49

**Tidal Works – Request for amended comments – Southern Spinnaker Sound Passage
– Spinnaker Sound Park, DA/27231/2012/OPW.**

Thank you for your letter of 31 October 2012 and email of 22 November 2012 about your application to undertake erosion protection works at the location mentioned above.

As a concurrence agency under the *Sustainable Planning Act 2009* and *Coastal Protection Management Act 1995*, Maritime Safety Queensland has no objection to the proposal provided the following navigation and marine safety conditions are addressed.

1. The construction must comply with ICM Drawings: PP-SS-001B, 002C, 003B, 004A, 005B, 006B, attached to your letter dated 31 October 2012.
2. You, or your agent, must advise the Harbour Master, in writing, of the commencement date, proposed timetable and contractor contact details at least two weeks before commencing construction.
3. You, or your agent, must issue any notices the Harbour Master requires.
4. You, or your agent, must advise the Harbour Master, in writing, when you have completed construction.

Maritime Safety Queensland
Marine Operations (Brisbane)
MacArthur Avenue East
Pinevale Queensland 4008

Telephone +61 7 3850 3558
Facsimile +61 7 3850 3571
Website www.msq.qld.gov.au
Email glenn.hale@msq.qld.gov.au
ABN 39 407 890 291

5. You or your agent must supply, install and maintain any navigation lights, buoys, marks or signs the Harbour Master considers necessary. Any lights, buoys, marks and signs must accord with Maritime Safety Queensland's requirements. It is envisaged the existing red port lateral beacon be relocated to a position on the channel edge that is to seaward of the new groyne. This will negate the need to install an additional special mark beacon at the end of the new groyne. All costs associated with the adjustments to navigation aids are to be borne by the applicant.
6. The contractor must position any lighting so it does not cause a risk to the safe navigation of other vessels. Any freestanding piles must have retro-reflective tape fitted.
7. You, or your agent, must remove any obstructions and debris encountered during construction, and dispose of them, as the Harbour Master requires.
8. Any ships and equipment you or your agent use must comply with the *Transport Operations (Marine Safety) Act 1994*, the *Transport Operations (Marine Safety) Regulation 2004* and the *Transport Operations (Marine Pollution) Act 1995*.
9. The works shall be conducted in such a manner that does not obstruct the adjacent navigation channel.
10. The contractor must complete construction within two years from the date of approval. If construction is not completed, you will need additional or amended comments from the Regional Harbour Master.

Maritime Safety Queensland does not need to be further consulted if all of the above conditions are met.

A copy of this letter has been sent to the assessment manager.

Yours sincerely

CTPI 49-Sch4

Captain Richard C. Johnson
Regional Harbour Master (Brisbane)

Sustainable Planning Act 2009**EHP Permit ¹ number: SPCC04920212**

Assessment manager reference:	DA/27231/2012/OPW
Date application received:	7 November 2012
Permit type:	Concurrence Agency Response
Date of decision:	11 December 2012
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Relevant laws and policies:	<i>Coastal Protection and Management Act 1995</i> and any related statutory instruments and subordinate legislation
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Property/Location		Development
Spinnaker Drive, Sandstone Point QLD 4511	Lot 2 on RP174232	Prescribed tidal works that involves the construction of a rock groyne and associated beach nourishment

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Heritage Protection.

EHP Permit number: SPCC04950212

Reason for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are as follows.

The Department of Environment and Heritage Protection is recognised as a concurrence agency under the *Sustainable Planning Act 2009* for coastal management, other than amenity and aesthetic significance or value. Development conditions placed on the development approval for the application are pursuant with section 106 of the *Coastal Protection Management Act 1995*.

Delegate

John Harden

Delegate, Chief Executive administering the *Coastal Protection and Management Act 1995*

Department of Environment and Heritage Protection

17 December 2012

Published on DESI Disclosure Log
RTI Act 2009

EHP Permit number: SPCC04950212

8. An assessment of any other potential sand sources will need to be conducted before the sand from the potential source can be used for beach nourishment. The assessment must include but is not limited to:
- A comparison of sand quality and size between the sand found at Spinnaker Sound Park and the potential source material;
 - An analysis of potential contaminants and silt content;
 - An assessment of potential acid sulphate soils from the identified source locations.

Table 1 – Documents and Plans:

Document no.	Document name	Date
PP-SS-001	Pumicestone Passage - Extent of Works	5/10/2012
PP-SS-002	Pumicestone Passage - Layout	5/10/2012
PP-SS-003	Pumicestone Passage – Long Sections	5/10/2012
PP-SS-004	South Pumicestone Passage – Cross Sections Groyne	5/10/2012
PP-SS-005	South Pumicestone Passage – Cross Sections Wall	5/10/2012
PP-SS-006	Pumicestone Passage – Beach Nourishment Profiles	5/10/2012

END OF CONDITIONS



Queensland Government

Department of
Agriculture, Fisheries
and Forestry

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY CONDITIONS

Applicant(s)/Address: Moreton Bay Regional Council of C/- International Coastal Management, PO Box 306, Main Beach, Gold Coast, QLD 4217

Purpose: Operational works that is the removal, destruction or damage of marine plants

DAFF Reference: 2012NA0970

File Number: 003/0002321

The Department of Agriculture, Fisheries and Forestry has assessed the above development application against the purpose of the *Fisheries Act 1994*.

It has been determined that the approval should be a Development Permit to which the following conditions apply:

1 Works authorised under this approval is limited by the following:

Proposal Details: Complete removal of four square metres of marine plants associated with erosion protection works involving the construction of a rock wall/groyne and beach nourishment works.

Location: Within Lot 2 RP174232 at the southern side of the Spinnaker Sound Marina entrance as shown on attached copy of submitted drawing number PP-SS-002 revision C titled Pumicestone Passage Layout dated 05/10/2012

Address: 16-20A Spinnaker Drive, Sandstone Point, QLD 4511

2 Written notice of the date of commencement of fisheries development works must be provided to the District Officer, Queensland Boating and Fisheries Patrol, PO Box 199, Mooloolaba QLD 4557, Fax. No. 5444 2653 and the Manager, Planning and Assessment, Fisheries Queensland, PO Box 5083 SMC, Nambour QLD 4560 Email idassfc@daff.qld.gov.au Fax No. 54535921, at least five (5) business days but no greater than twenty (20) business days prior to the commencement of fisheries development works.

3 A written report which details the completed fisheries development works must be provided within fifteen (15) days of the completion of the works, to the District Officer, Queensland Boating and Fisheries Patrol, PO Box 199, Mooloolaba QLD 4557, Fax. No. 5444 2653 and the Manager, Planning and Assessment, Fisheries Queensland, PO Box 5083 SMC, Nambour QLD 4560 Email idassfc@daff.qld.gov.au Fax No. 54535921

4 A sign must be displayed at the development works site, where the sign is clearly visible to the public, for at least five (5) business days prior to the commencement, during and for 5 business days after all fisheries development works. The sign is to be removed 5 business days after the completion of the works. The sign must state: "Operational works that is the removal, destruction or damage of marine plants authorised under Development Approval Conditions. Fisheries Queensland Reference No. 2012NA0970. Queensland Boating and Fisheries Patrol Tel. No. 54444599."

CTPI 49-

Delegate of the
Chief Executive

Date 20/11/12

- 5 For the purposes of section 145 (c) (ii) of the Fisheries Act 1994, the place where works will take place is a place required to be open for inspection.

Basis for inclusion of conditions:

- The Department of Agriculture, Fisheries and Forestry must assess the development application against the purposes of the *Fisheries Act 1994*. This application can only comply with those purposes, including promoting ecological sustainable development, if compliance with the abovementioned conditions is achieved.

CTPI 49-Sc

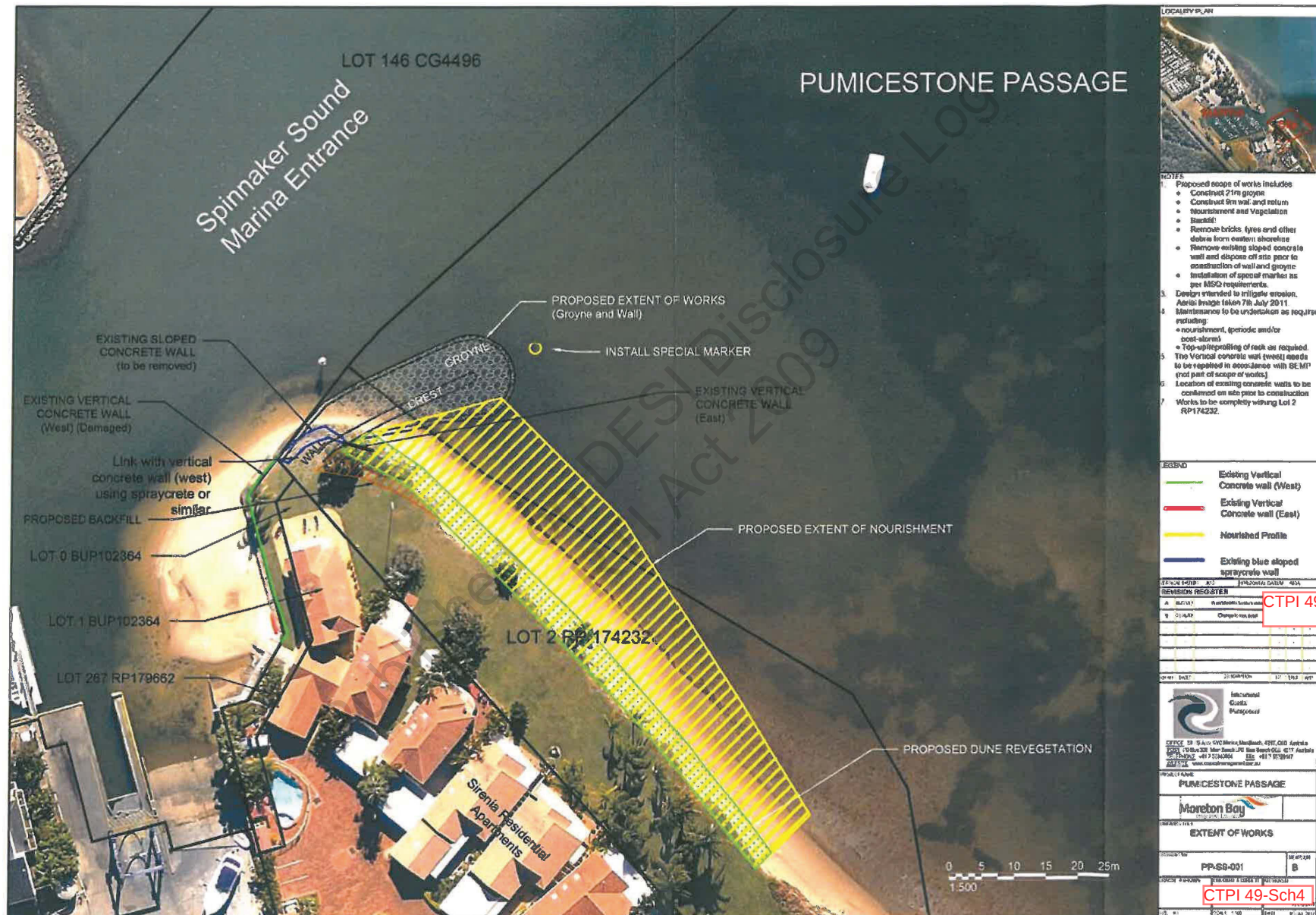
Delegate of the
Chief Executive

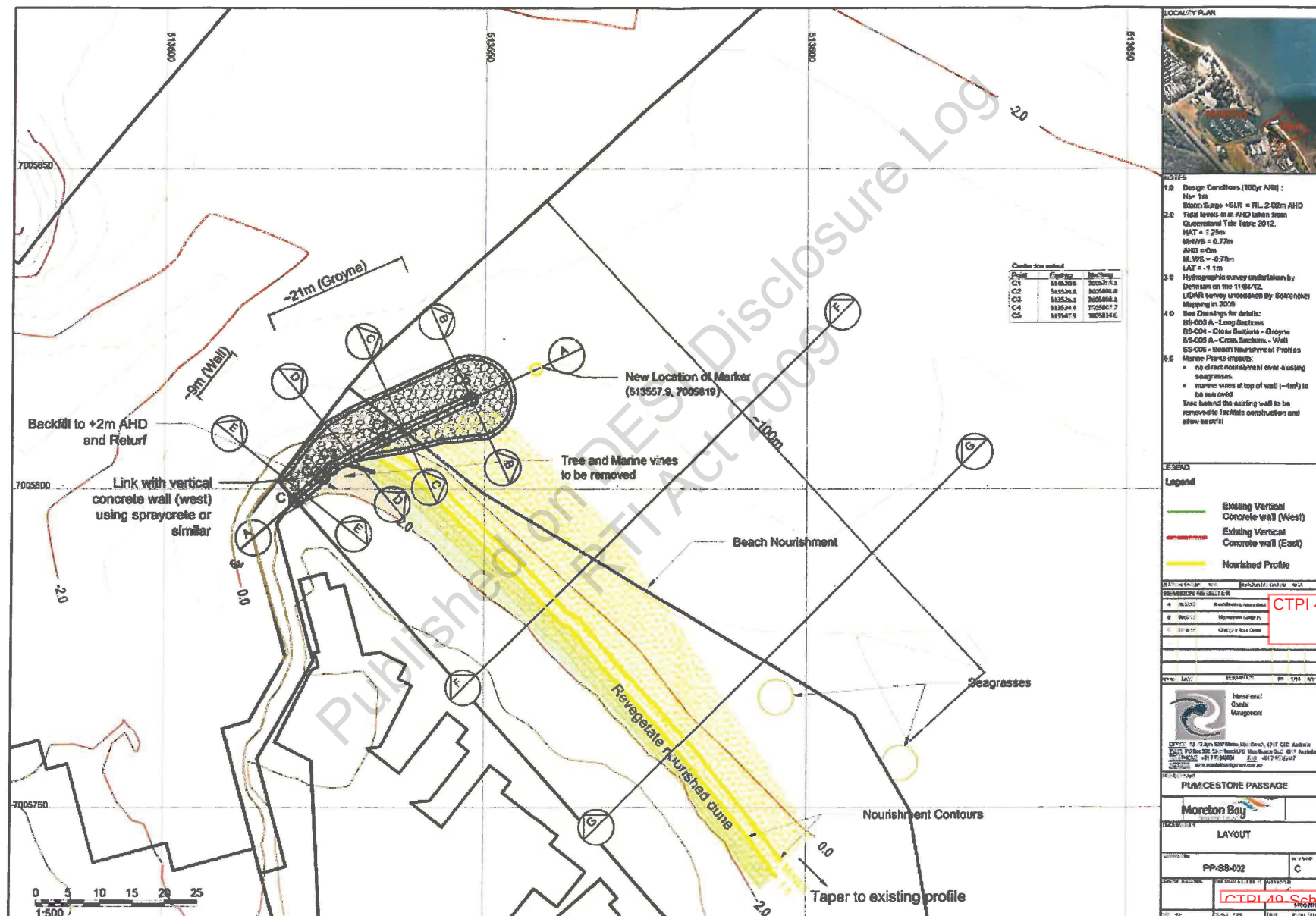
Date 24/1/12

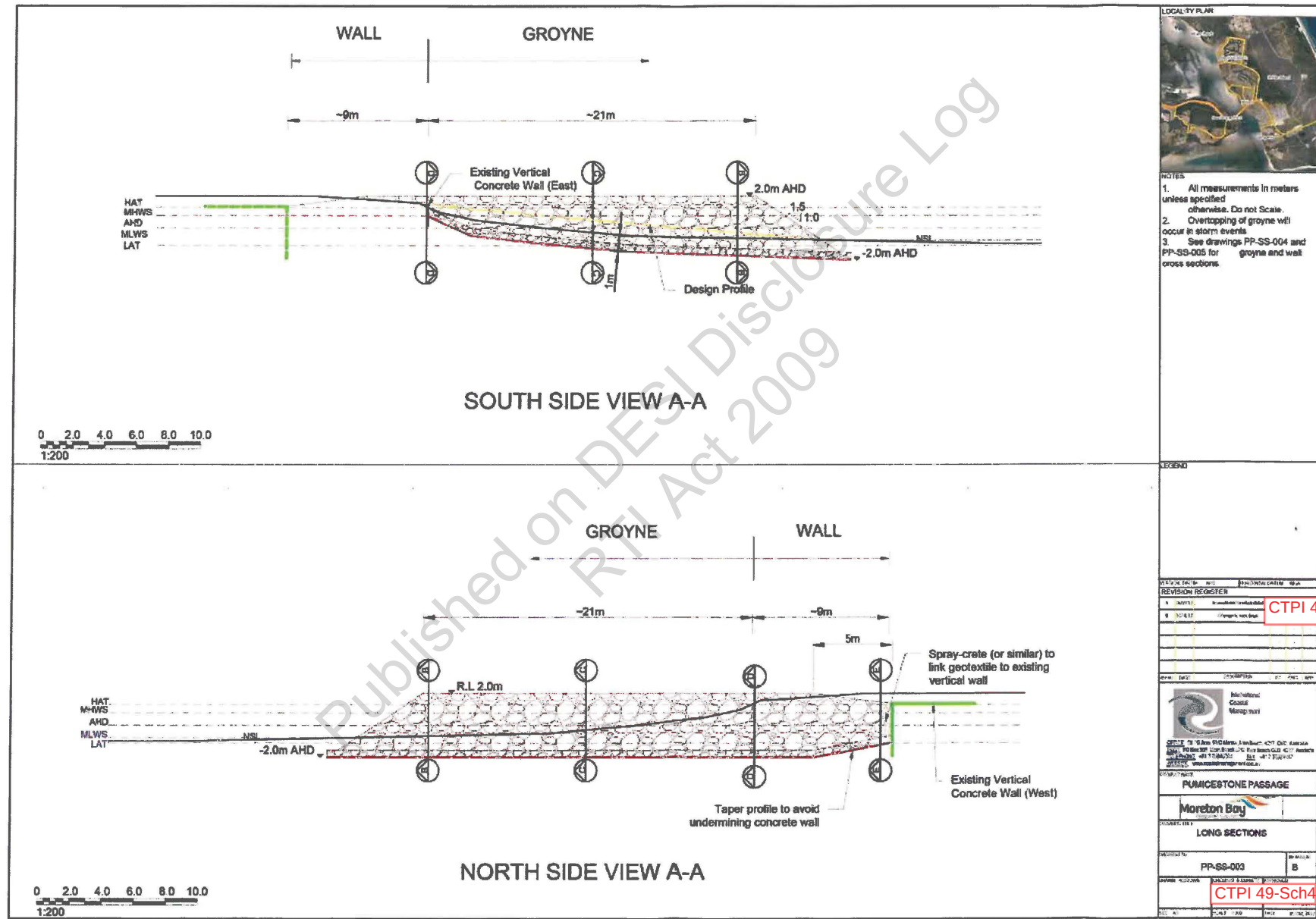
Department of Agriculture, Fisheries and Forestry

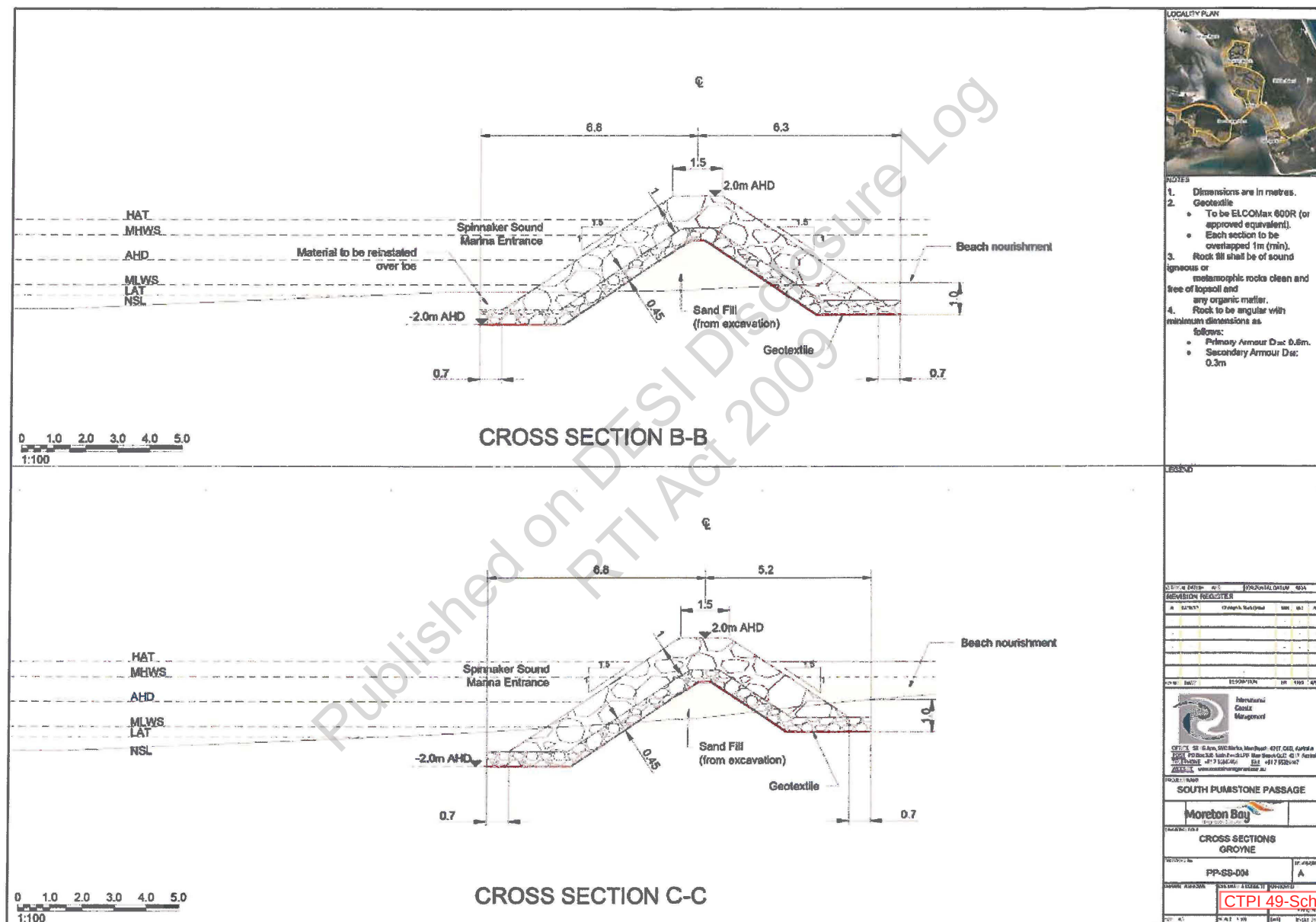
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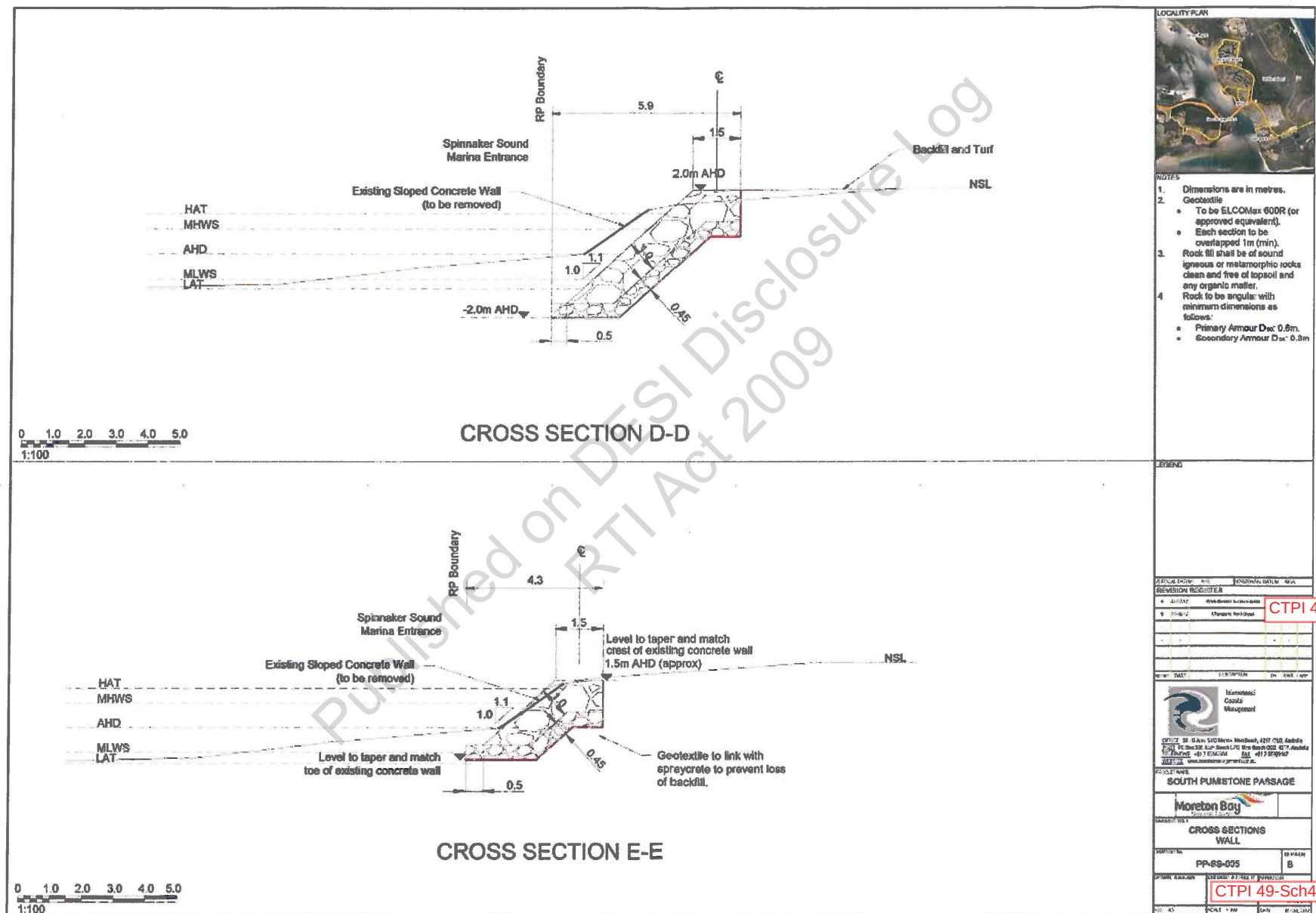
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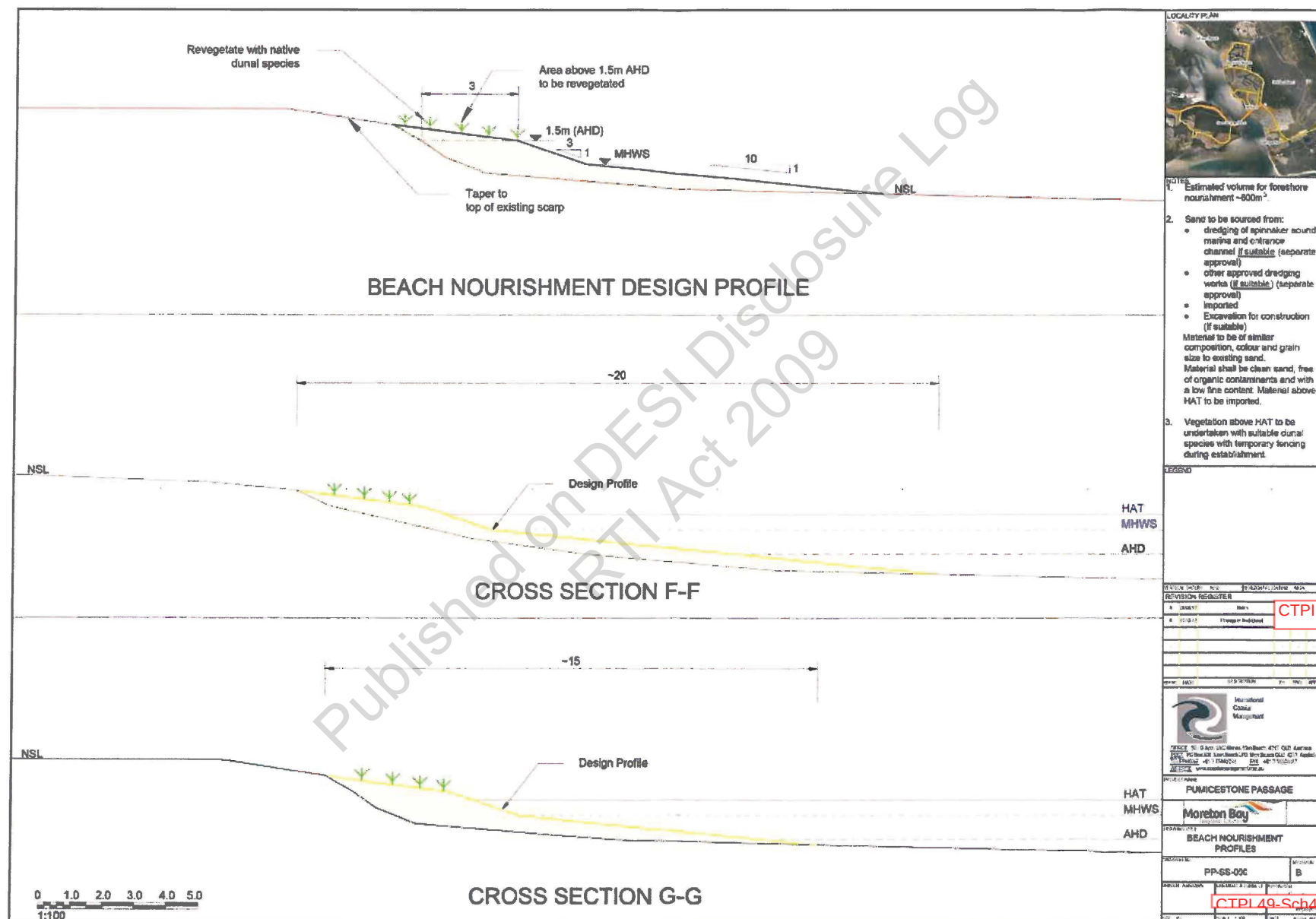












Assessment report



Department of
**National Parks, Recreation,
Sport and Racing**

Marine Parks

Use this assessment report for the assessment of applications for activities under the Marine Parks Act 2004. Preparation of this assessment report is evidence that the criteria to be evaluated by the administering authority have been taken into consideration when making a decision. This assessment report may be used to assist in structuring requested information and clarification from applicants.

NPRSR PROJECT NO: QPW/117199		NPRSR FILE NUMBER: QPW/117199
NAME OF APPLICANT:	Moreton Bay Regional Council	
DEVELOPMENT/PERMIT TYPE:	Marine Park Permit	
REFERAL AGENCIES:		
SITE LOT & PLAN NUMBER:	Adjacent to Lot 2 RP174232	
SITE ADDRESS:	Spinnaker Sound Park, adjacent to Spinnaker Sound Marina.	

CRITICAL DATES (as set by the Process Manager)	DUE DATE	ACTUAL DATE
PRELIMINARY ADVICE		
INFORMATION REQUEST		
DRAFT CONDITIONS		
ASSESSMENT REPORT		



PART A: GENERAL

1. Description of proposed activity

International Coastal Management (ICM) has lodged an application on behalf of the Moreton Bay Regional Council for works involving beach nourishment and groyne installation at Spinnaker Sound Park adjacent to Lot 2 on RP17432.

The proposed works will involve the beach nourishment of approximately 600m³ along the foreshore of Spinnaker Sound Park which has eroded as a result of wave action from vessels accessing the adjacent boat ramp and marina. Sand used for beach nourishment will be imported sand of similar grading and colour to the existing beach which will be delivered by truck via an access point through the carpark at the Bribie Island Bridge and parkland (Lot 2 RP1232). Sand will be sourced from Southern Pacific Sands in Ningi which has been assessed and matched to a similar grade of the existing beach. Potential use of dredged material may be an option for future maintenance works for which a separate Marine Park Permit will be submitted.

Intermittent placement of rock and debris has previously been used as a form of bank stabilisation on the existing beach. This will be removed and disposed of at a local landfill prior to nourishment works commencing.

The works will also include the installation of a 21 metre end groyne which will prevent the siltation of the entrance of the marina. The groyne will be extended landward as a 9 metre wall to replace the existing damaged sloped spray concrete wall. The groyne will be constructed using rock as suggested by the Department of Environment and Heritage Protection during initial consultations. The applicant has proposed the removal of one tree and some marine vines which fall within the footprint of the works. No other vegetation appears to be present along the foreshore of the proposed works. The vegetation impacts will be offset by the proposed revegetation of the top of the nourished profile (above HAT) with suitable dunal species. There will be a 3 month maintenance period on the re-vegetation component of the project.

Environment (e.g. substrate, dominant vegetation, tidal regime, tenure, significance, faunal use)

The proposed works are located in the Pumicestone Passage conservation park zone (CPZ) at the southern extent of Moreton Bay within the Marine Park. To the south east of the site lies Bribie Island which forms a barrier from direct access to the Moreton Bay Aggregate. This barrier gives rise to a narrow, shallow passage which has limited tidal exchange with the ocean. The substrate within the passage is a build-up of silt which forms vast tidal flats. Seagrass meadows also occur within the passage however are not present in the proposed area of works. The site is located within a Designated Mooring which extends the entire width between the mainland and Bribie Island.

Pumicestone Passage and surrounding creeks are listed as Ramsar Sites with a scattering of mangroves to the north and south of the site. A fish habitat area has recently been declared for Pumicestone Passage by the Department of Agriculture, Fisheries and Forestry however the proposed works do not fall within this area.

The wetlands of Pumicestone Passage provide important habitats to many species of migratory and resident wading and water birds such as the bar tailed godwit (*Limosa lapponica*) and eastern curlew (*Numenius madagascariensis*) that use sites for feeding and roosting. Loggerhead turtles (*Caretta caretta*) also occur in and around the passage and site location. Notable vulnerable fauna including the beach stone-curlew (*Esacus magnirostris*) are also present around the passage in particular on Bribie Island opposite to the proposed site.

The southern extent of Pumicestone Passage is used frequently for recreational and tourism purposes. It is a highly modified environment consisting of various man-made structures including concrete walls, public boat ramps and marinas containing multiple mooring areas ensuring a popular access point to the Marine Park by the public.

Uses (e.g. recreationally, commercially, uses of adjacent areas)

Pumicestone Passage is used as a recreational fishing and swimming area for residents and visitors. The eastern side of the passage on Bribie Island is lined with high density residential housing with the majority of the southern end lined with concrete seawalls providing an erosion control measure and safety precaution for the public accessing the Marine Park.

Access to Spinnaker Sound Park is from the public road near the bridge and along the narrow waterfront park (See map below). Due to limited access, Spinnaker Sound Park is not considered to be a popular public area.



Cultural and Heritage (e.g. traditional Aboriginal use, scenic or other amenity value)

There are no known cultural or heritage values at the proposed works site. No comments were received as a result of Native Title notification.

Native Title Requirements

☒ The need for Native Title notification was assessed and found to be necessary.

Queensland South Native Title Services Limited were notified to forward this proposal on to any interested parties within the development area. No comments have been received from Native Title to date.

2. Mapping assessment

Detail the mapping documents considered in completing this report:

- | | |
|---|---|
| ☒ Proponent maps supplied | ☐ Property map of assessment |
| ☒ Proponent drawings supplied | ☐ Local government maps |
| ☒ Ecomaps with relevant layers (Version.....) | ☐ Other <Insert details> |
| ☐ ParkInfo map with relevant layers | |

3. Documents/plans submitted

Detail the documents provided by the applicant in respect to this assessment:

- | | |
|--|---|
| ☐ Site management plan | ☐ Monitoring programs |
| ☐ Environmental management plan | ☐ Environmental Impact Statement |
| ☐ Stormwater management plan | ☒ Other – Application including RPEQ approved plans |

4. History of Relevant Activities/Applicant (if relevant)

The applicant has previously been approved for the initial installation of the rock revetment and sea wall by the Department of Environment and Heritage Protection (EHP) in 1990 under permit HM2.19.3149.1.

5. Site inspections, consultations, pre-design conference

Site inspections, consultations, and pre-design conference details should be co-ordinated through the Process Manager, and full details recorded in the Assessment Report coversheet.

Provide a summary of site inspections and/or consultations and any major comments/outcomes relevant to the recommendations in this report:

The applicant did not participate in a pre-design meeting. Photographs of the current state of the wall were provided with the application.

An inspection was conducted on the 13 December 2012 however the site appeared inaccessible with Sierenia Residential Apartments lining the shoreline and providing a barrier between the proposed site and the road side.

Consultant, CTPI 49-Sch4 of ICM advised that public access to the site is via a path from the public road near the bridge and along the narrow waterfront park. She mentioned that the park and beach are not considered popular public areas. ICM have confirmed that the land tenure is Unallocated State Land and have provided evidence that the application can proceed in the absence of an allocation of resource entitlement from the Department of Natural Resources & Mines.

6. Third party advice

Include details of any third party advice sought, for example technical services advice for noise.

Not applicable

7. Preliminary Advice

Provide preliminary advice back to process manager, particularly if a major issue has been identified.

☐ Preliminary Advice provided

No preliminary advice was provided.

8. Information Request

☒ Identify whether an information request is required through Process Manager.

An information request was sent on 17 January and the 24 January 2013 to International Coastal Management Pty Ltd acting on behalf of Moreton Bay Regional Council.

9. Determination of major works

Is the proposal located within Moreton Bay Marine Park?

☐ No – Proceed to Part B.

☒ Yes

Do the proposed works qualify as major works? (refer to definition outlined below)

☒ No – Proceed to Part B

☐ Yes

Are the works proposed to occur within a general use or habitat protection zone?

- ☐ No – Major works are prohibited, proceed to Part B.
- ☐ Yes - Major works are permitted, proceed to Part C for process for determining major works.

Definition of major works

As outlined in section 58 of the *Marine Parks (Moreton Bay) Zoning Plan 2008*,

Major works means works that—

- (a) are inconsistent with the objects for the zone in which the works are being, or are proposed to be, carried out; and
- (b) are likely to have a significant impact on an area of the marine park by—
- (i) destroying or disturbing the natural hydrology of the area, including by altering tidal or natural currents or drainage patterns; or
 - (ii) changing the composition of natural species or productivity of aquatic communities in the area; or
 - (iii) causing alienation of part of the marine park; or
 - (iv) removing or destroying the substrate, animals or plants.

Examples of major works include—

- port and harbour works, including building a breakwater or berthing and terminal facility
- airport works, including building a runway or terminal
- reclamation works
- developmental dredging of a navigation channel or boat harbour
- building works including a sand loading facility, marina, wharf or submarine pipeline

PART B: ASSESSMENT CONSIDERATIONS

Instructions:

All legislative considerations within each table must be assessed for relevance and marked as appropriate. An explanatory statement for the basis for the recommendation must be given in the row below.

- **Y** is marked when the criterion is **relevant** and **has been satisfied**.
- **N** is marked when the criterion is **relevant** but **has not been satisfied**.
- **NK** is marked when the criterion is relevant but when there is **not enough information known** to make an adequate assessment.
- **NA** is marked for a criterion when it is **not applicable**.

When considering the assessment criteria, comments should be given in sufficient detail for the delegate to be informed as to why they are relevant and how they impact on a decision. Information provided should reflect the complexity of issues.

Under each legislative criteria (marked in shaded box), there are often some prompt questions. These are merely used to provide some guide to assessing officers, and should not be the only matters taken into consideration.

1. Section 10 of the *Marine Parks Regulation 2006*

In assessing applications for permission, in accordance with section 10 of the *Marine Parks Regulation 2006*, the chief executive **must** have regard to the matters listed below:

(a) The objectives to be achieved for the marine park or part of a marine park	Y, N, NK, NA
<ul style="list-style-type: none"> • Consider whether the proposed activity is consistent with the objectives of the marine park and any relevant zones or designated areas? • What objectives might the activity conflict with? • Refer to the zone and designated areas objectives for each Marine Park. These are summarised in the table below, with the first column indicated the types of zones there are under the Marine Parks Regulation, then each column outlining the specific zones applicable to each respective zoning plan. • Note, this matter may have previously been considered for Moreton Bay Marine Park, under Part A. 	Y
The proposed activity is being assessed for conduct in the conservation park zone (CPZ02) of Moreton Bay Marine Park.	

The objects to be achieved for the conservation park zone are:

- (a) to provide for the conservation of the areas of the marine park within the zone; and
- (b) subject to the objective mentioned in paragraph (a), to provide opportunities for reasonable use and enjoyment, including, for example, limited extractive use, of the areas.

The proposed works will occur along the foreshore of the western side of Pumicestone Passage. This area is located opposite to residential areas and adjacent to Spinnaker Sound Marina, a popular mooring site for large and small vessels. The main entrance to the marina lies just north of the site along with a frequently used boat ramp both providing popular access points to the Marine Park.

The frequent use of Pumicestone Passage as a major access point to the Marine Park means that the banks of the proposed site are frequently disturbed by vessel and water movements as well as coastal processes. This disturbance means that the productivity and diversity of the ecological communities is limited which negates the potential presence of significant habitats in the immediate vicinity of the proposed works.

This proposed site falls within a Designated Mooring area which is evident from the adjacent marina. The proposed works are expected to have a limited impact upon public use and enjoyment of the zone as access may also be obtained via the nearby boat ramp and marina. The proposed works are not expected to have a detrimental effect on the conservation of the Marine Park due to the existing nature of the site and management strategy (Conservation Park Zone). Although the applicant has suggested the removal of one stand-alone tree within the foot print of the works, the improvement and replacement of the current structures will be beneficial to the public in terms of preventing the erosion of the existing beach and foreshore to enable future public access to these areas and overall enjoyment of the Marine Park. Removed vegetation will be replaced through revegetation of the proposed site.

The proposed works are considered consistent with the objectives to be achieved for the Marine Park.

<i>(b) The need to conserve the natural and cultural resources in the Marine Park or part</i>	Y, N, NK, NA
<ul style="list-style-type: none"> • Identify what sensitive habitats there are? • Identify what significant cultural sites are present? • Consider why they need to be conserved? 	Y

Pumicestone Passage is used frequently for recreational and tourism purposes. The south eastern shoreline of Pumicestone Passage is significantly modified with concrete walls, a public boat ramp and a frequently used marina.

The natural resources contained within the passage are mangrove vegetation which is widely represented throughout the foreshores of the passage. Seagrass habitats are also listed within Pumicestone Passage. The drawings submitted by the applicant have identified the presence of seagrass offshore of the site, outside of the proposed works. The placement of new sand may cause minor localised turbidity near the site however it is expected to have a minor impact considering the constant mixing of sediments as a result of high vessel traffic and coastal processes; and the rapid settlement of the sand particles. Neither mangroves nor seagrass are expected to be affected by the proposed works.

No cultural resources were identified within the proposed works area (i.e. Ecomaps, Wetlands Info); no comments were received as a result of Native Title notification.

Overall the natural and cultural resources of the Marine Park are not expected to be affected by the proposed works

(c) <i>The impact the applicant's proposed use for the marine park or part, including, by reference to the size, extent and location of it, may have on –</i> (i) <i>the current, or future or desirable, use or amenity of a marine park and its adjacent areas; and</i>	Y, N, NK, NA
<ul style="list-style-type: none"> • What are the current impacts? • Are there any DERM/QPW policies that impact on future or desirable use? • Identify Council planning schemes • Zoning plans • Local and/or traditional inhabitants views • Amenity – is there anything that could affect other users of the Marine Park by diminishing amenity value? Refer to size, extent and location. 	Y
<p>The proposed works are unlikely to have a significant impact on the use or amenity value of the Marine Park. The proposed works are consistent with existing use in the area; the southern end of Bribie Island consists of largely built environments including concrete walls, walkways and access stairs to the Marine Park. The current area of the proposed works is within the designated mooring area within the CPZ of the Marine Park. Although the objects of the CPZ outline the conservation of the areas within the zone, the presence of sensitive areas which will be significantly affected by the proposed works have not been identified. The proposal of the installation of a groyne and beach nourishment to support public enjoyment of the area is consistent with the future and desirable use of the Marine Park and is therefore unlikely to have a significant impact on these values.</p> <p>Spinnaker Sound Park is a modified area providing for numerous recreational amenity opportunities, including provision of access points to the passage, fishing opportunities and people enjoying views across the Marine Park. Additionally, large stretches of concrete seawalls form an extensive barrier of the foreshore from coastal processes. The replacement of the existing seawall is in line with current recreational amenities within the vicinity of the site including Spinnaker Sound Marina and public boat ramp. It is unlikely that the replacement of the existing seawall will significantly alter the current level of recreational and natural amenity value in Pumicestone Passage. The natural amenity value of the area may be impacted during the construction phase of the works with the presence of a barge however this will only be temporary.</p>	
(ii) <i>the environment.</i>	Y, N, NK, NA
<ul style="list-style-type: none"> • Disturbance to target fauna (research, tourism) • Vessel/vehicle movement – impact on substrate/water quality • Noise – impact on fauna • Turbidity – smothering of plants, impact on fauna, addition of nutrients/contaminants • Vibration – impact on habitat and fauna • Addition of built environment/habitat • Consider applicant mitigation measures, and/or conditions to be placed on applicant to be consistent with objectives. 	Y
<p>Environmental impacts associated with the proposed works are expected to be consistent with existing disturbance in the southern end of Pumicestone Passage. The proposed works have the potential to increase noise and turbidity in Pumicestone Passage, and vibration. As works are expected to take 6 to 8 weeks to complete and will be occurring in a developed area with a number of recreational uses, noise impacts associated with the proposed works are expected to be minor in comparison. Noise impacts will be short-lived and occurring in an environment where little noise nuisance is expected to occur to either Marine Park users or fauna.</p> <p>Turbidity is expected to result from the proposed works as a result of the removal and replacement of the existing concrete walls at the proposed works location. The impact of this turbidity on the Marine Park is expected to be minor in comparison to the regular mixing of the substrate as a result of heavy vessel traffic from the adjacent marina and boat ramp as well as maintenance dredging which may be required as a result of sediment build up at the existing boat ramp. The impact of the turbidity is expected to remain localised with visual surveys being conducted during the construction phase to ensure turbidity plumes do not reach unacceptable levels. As such, turbidity resulting from the proposed works is not expected to affect marine vegetation in the vicinity.</p> <p>Vibration is also not expected to have a significant impact on the Marine Park. The current condition of Pumicestone Passage with the high number of built structures along the foreshore suggests that the passage has been subjected to vibration-related impacts in the past. Mobile fauna sensitive to noise and vibration may move away from the source of disturbance. Environmental impacts of the proposed works are expected to be minor and localised. No significant impact on the Marine Park is expected to result from the proposed works.</p>	

<i>(d) The means of transport proposed to be used for the entry to, use of, and departure from the marine park or part under the permission.</i>	Y, N, NK, NA
<ul style="list-style-type: none"> Outline mode of transport through the Marine Park, including if travelling on foot or by non-powered vessels. Assess whether there are any adverse impacts on the marine park and other users caused by the mode of transport. 	Y
Details of the project are still being finalised, however the consultant has indicated that works are expected to be carried out by the use of an excavator and a tracked crawler. Trucks will be used to remove debris from the existing structures and for delivery of rock for the groyne construction and sand for beach nourishment. Access to the site will be via public roads and the access through the Bribie Island Bridge car park. No machinery will be accessing the Marine Park.	

<i>(e) The adequacy of facilities for mooring, landing, parking, loading and unloading a vehicle, vessel or aircraft to be used for the applicant's proposed use for the marine park or part.</i>	Y, N, NK, NA
<ul style="list-style-type: none"> Are the facilities going to hold up to the applicant's proposed use? Is it anticipated that any launching/retrieving will occur from a beach/creek bank? 	NA
As there will be no vessels used in the construction of the groyne this section is not applicable to the application.	

<i>(f) The adequacy of the design and construction of any structure, landing area, farming facility, vessel or other thing to be used for the applicant's proposed use for the marine park or part in relation to the health and safety of persons using the structure, landing area, farming facility, vessel or other thing.</i>	Y, N, NK, NA
<ul style="list-style-type: none"> What structures, landing areas, farming facilities, vessels or other such things are proposed? Are the design and construction methods considered adequate in relation to the health and safety of persons using these facilities? Include details of vessel registration 	Y
<p>All contractors working for Moreton Bay Regional Council are required to prepare a Workplace Health and Safety (WPHS) Plan which must be approved prior to commencing work. Signage must be installed and generally work sites are fenced to ensure public safety. A traffic management plan must be submitted by the successful tenderer and approved by Council prior to commencing work.</p> <p>The contractor will also be required to hold public liability insurance in place with Moreton Bay Regional Council nominated as the interested party.</p>	

<i>(g) The arrangements for the removal, upon expiry of the permission, of any structure, landing area, farming facility, vessel or other thing that is to be built, assembled, constructed or fixed in position for the applicant's proposed use for the marine park or part.</i>	Y, N, NK, NA
<ul style="list-style-type: none"> Are any structures, landing areas, farming facilities, vessels or other things that are to be built, assembled, constructed or fixed in position proposed by the applicant? If so, what arrangements are proposed for their removal upon expiry of the permission? 	Y
As the reason for the proposed works is to install a permanent groyne and wall structure, the structure to be fixed in position is not to be removed. As such, the standard permit condition (Part D) relating to removal of materials and equipment other than the authorised structure has been included on the permission.	

(h) The arrangements for making good any damage caused, to the Marine Park or part, by the applicant's proposed use for the marine park or part.	Y, N, NK, NA
<ul style="list-style-type: none"> List any arrangements or why they aren't necessary. Identify and discuss any issues of concern or interest. 	Y
<p>As a result of the current use of Pumicestone Passage and Spinnaker Sound Park, potential impacts of the proposed works on the Marine Park are expected to have been calculated accurately. Any impacts that may occur as a result of the proposed works are considered consistent with the objectives of the Marine Park and existing condition of the site. As such, no arrangements for rectifying any damage caused was considered necessary for this project.</p>	

(i) Any other matter relevant to ensuring the orderly and proper management of the Marine Park or part.	Y, N, NK, NA
<ul style="list-style-type: none"> Is the activity consistent with the objects of the Act? Is the activity allowed under the Act, Regulations, Zoning Plan or Management Plan or, if in the GBR, the Constitution? Does the activity not constrain the implementation of zoning plans or options for future zoning or management (especially where there are publicly known commitments)? Does the activity impinge on other lawful uses? (e.g. interfere with or restrict other lawful uses, be offensive, intrusive or noisy, or place others in danger) Does the activity impose unacceptable costs on Government for the management of the Marine Park? 	Y
<p>The site location of the proposed works within Pumicestone Passage has been zoned under the <i>Marine Parks (Moreton Bay) Zoning Plan 2008</i> as a Conservation Park Zone (CPZ02). The proposed works are consistent with the purposes of this zone provided the works have a public element; therefore, the approval of the proposed works is not expected to create any management issues for the Marine Park. A condition will be added requiring MBRC retain public access to the beach.</p>	

(j) Whether the applicant owes any fee or other amount payable under the Act.	Y, N, NK, NA
<ul style="list-style-type: none"> Does the applicant owe any fee or other amount payable under the Act? 	NA
<p>An application fee is not applicable to Marine Park Permits.</p>	

(k) If the application relates to an undeveloped project, the cost of which will be significant – the capacity of the applicant to satisfactorily develop the project.	Y, N, NK, NA
<ul style="list-style-type: none"> Details of any <i>funding</i> arrangements if disclosed in the application or during meetings. 	NA
<p>This section is not applicable to the application.</p>	

(l) Whether the applicant is a suitable person to hold the permission.	Y, N, NK, NA
<ul style="list-style-type: none"> As prescribed in schedule 5 of the Regulation, is the applicant a suitable person to hold the permission? 	Y
<p>Senior Project Manager, Noel McBride has signed the suitability report on behalf of Moreton Bay Regional Council (MBRC). MBRC has not, within the past three years, had a Marine Park Permit or corresponding authority cancelled, nor has he been convicted against any relevant legislation.</p>	

<i>(n) If the marine park is a zoned marine park – any other matter mentioned in the zoning plan applying to the marine park as a matter the chief executive must also have regard to when considering an application for a permission for an area within the marine park.</i>	Y, N, NK, NA
• Refer to Point 2, Zoning Plans below for full assessment of considerations.	Y

2. Zoning Plans

(Note: Delete zoning plans that are not relevant for the application under consideration)

☒ Marine Parks (Moreton Bay) Zoning Plan 2008

Considerations under the Part 2 of the *Marine Parks (Moreton Bay) Zoning Plan 2008*:

<i>Whether the proposed entry to or use of the zone will have an unacceptable environmental impact on the zone?</i>	Y, N, NK, NA
<ul style="list-style-type: none"> Refer to previous considerations in point 1 above, in relation to c(ii) of section 10 (1) of the <i>Marine Parks Regulation 2006</i> Summarise by saying if will/will not have unacceptable impact. 	Y
No unacceptable environmental impacts are expected to occur as a result of the proposed works. See criteria for c (ii) section 10 (1) above.	

<i>Whether the proposed entry to or use of the zone is consistent with the maintenance of the biological diversity and ecological functioning of the marine park?</i>	Y, N, NK, NA
<ul style="list-style-type: none"> When considering impact on biological diversity and ecological functioning, consider impacts of things like increasing built/artificial environment, removing a particular natural habitat type, if will impact one particular species or a group of species that fulfil a specific role in the ecosystem etc. 	Y
The impacts on biological diversity and ecological functioning are expected to be limited based on the highly utilised and disturbed nature of the southern end of Pumicestone Passage. The installation of a new groyne and replacement of an existing concrete wall will require the removal of a single tree along the foreshore. This tree is not listed as significant or sensitive habitat within the Marine Park and will be offset by revegetation of the area with appropriate dunal species after the works have been completed. The proposed works are not expected to affect biological diversity or ecological functioning of the Marine Park. A three month maintenance program will be implemented to ensure the maintenance of the re-vegetated areas.	

<i>Whether the proposed entry to or use of the zone will cause a loss of vegetation essential to the natural productivity of the marine park?</i>	Y, N, NK, NA
<ul style="list-style-type: none"> Consider the extent of any loss of vegetation and its potential to impact on the Marine Park as a whole. 	Y
The proposed works will not result in a loss of vegetation essential to the Marine Park's productivity. While there is some seagrass present in Pumicestone Passage, it will not be significantly impacted by the proposed works. As mentioned above a single tree and marine vines will be removed from the foreshore in order to complete works. This tree is not listed as significant or sensitive habitat within the Marine Park and will be offset by revegetation of the area with appropriate dunal species after the works have been completed. Any impacts on marine vegetation are expected to be localised and unlikely to affect the Marine Park's productivity as they will be offset with suitable dunal vegetation along the stretch of the foreshore.	

Whether the proposed entry to or use of the zone will prejudice the natural amenity and condition of the marine park?	Y, N, NK, NA
<ul style="list-style-type: none"> Works usually impact natural condition and potentially impact amenity; assess the extent of these impacts here. 	Y
Please refer to c (i) in Section 10.	

Any effect the proposed entry to or use of the zone will have on the environment as a result of the marine park's natural hydrological pattern or natural coastal processes?	Y, N, NK, NA
<ul style="list-style-type: none"> While most works don't impact on Marine Park as a whole in this regard, they will likely have a localised effect, e.g. baffling by piles. Assess extent of these impacts here. 	Y
<p>The proposed works are not expected to have a significant impact on the Marine Park's natural tidal flushing pattern or natural coastal processes. Concerns were raised with the applicant in relation to the size of the groyne structure however the consultant has ensured that the size of the structure was kept as short as possible to achieve the most effective outcomes for the beach nourishment project given the frequent erosion caused to the beach by the adjacent Spinnaker Sound Marina and navigation channel.</p> <p>The proposed groyne extends to low tide and transverses over the existing shoals without crossing the channel. It is not expected that the structure will negatively impact on the navigation locally. Given the recreational amenity value of the current state of the proposed site, works are not expected to have significant impacts on the existing amenity. Some sedimentation may accumulate around the groyne area however the applicant has suggested that potential maintenance dredging around the structure may be recycled back onto the beach system.</p>	

The cumulative impact on the marine park of the proposed entry to or use of the zone and any other entry to or use of the marine park, particularly the cumulative impact of small-scale developments for which an environmental impact statement is not required?	Y, N, NK, NA
<ul style="list-style-type: none"> Includes impacts that may cumulate within the proposed use (e.g. driving multiple piles) as well as with the proposed and existing/future uses. Cumulative impact may include looking at the existing level of built environment in an area, for example, is permitting the installation of this seawall going to extinguish the last of the natural bank in this creek?; May also need to consider setting a precedence, for example, is permitting one proponent to have a pontoon outside their house going to result in all 50 houses in the creek to apply for pontoons? 	Y
<p>The southern end of Pumicestone Passage is a heavily utilised area, comprising a number of built structures. As mentioned above in Part 1 c (i), the level of built environment in this area has resulted in a significant amount of infrastructure being built. The installation of a new groyne and nourishment to the existing beach will not impact upon the current amenity of the proposed site. The groyne and wall will replace an existing structure at the site.</p>	

The effect of the proposed entry to or use of the zone on— (i) shorebirds, particularly international migratory species of shorebird; and (ii) the need to protect shorebirds and the habitat of shorebirds;	Y, N, NK, NA
<ul style="list-style-type: none"> Remember to assess impacts on habitat (e.g. inter-tidal feeding areas, roost sites) as well as on birds themselves (e.g. noise, presence of people). 	Y
<p>Shorebirds are not expected to be affected by the proposed works. Reports of bird sightings have been recorded within 2 kms of the proposed site. No significant shorebird roosting or feeding areas have been identified within the vicinity of the works. The current use of the proposed site and surrounding areas as a public recreation area means that the environment is constantly exposed to vessel traffic and public presence. Environmental impacts resulting from the works are expected to be localised and thus will not affect shorebird habitat.</p>	

<i>if the proposed entry to or use of the zone involves the entry to or use of a designated area—the objects of the area?</i>	Y, N, NK, NA
<ul style="list-style-type: none"> Refer to the purpose of the area from the Zoning Plan. Comment on impact/consistency with purpose of the area. (<i>Refer to considerations above in point 1, which examined section 10 (1) (a) of the Marine Parks Regulation 2006</i>) 	Y
Please refer to Section 10 1 (a).	

3. Section 11 of the *Marine Parks Regulation 2006*

In assessing applications for permission, in accordance with section 11 of the *Marine Parks Regulation 2006*, the chief executive **may** have regard to the following matters:

<i>(a) The impact the applicant's proposed use for the marine park or part may have on the use and non-use values of the marine park.</i>	Y, N, NK, NA
<ul style="list-style-type: none"> What impact is the proposed activity likely to have on the 'use and non-use values' of the marine park? 	Y
The proposed works are not expected to have a measurable impact on the use or non-use values of Moreton Bay Marine Park. The installation of a groyne and nourishment of the existing eroded beach will benefit the public allowing safer accessibility to the Marine Park as well as protecting the existing foreshore from constant erosion from vessel wake and coastal processes.	

<i>(b) The likely cumulative effect of the applicant's proposed use and other uses on a marine park.</i>	Y, N, NK, NA
<ul style="list-style-type: none"> Refer to considerations covered in point 2, Zoning Plans under the relevant zoning plan. 	Y
Please refer to Section 2 for the full assessment for cumulative impacts.	

<i>(c) Any relevant instrument for the marine park. Are there any relevant instruments (e.g. a management plan or other document relevant to the marine park) that should be considered?</i>	Y, N, NK, NA
<ul style="list-style-type: none"> Consider any management plans, the Coastal Plan, policies etc. that are relevant. <i>Refer to considerations under point 1, in relation to section 10 (1) (i) of the Marine Parks Regulation 2006.</i> 	Y
Please refer to point 1 in relation to Section 10 1 (a) (i).	

<i>(d) Any relevant Australian or international code, instrument, protocol or standard or any relevant intergovernmental agreement.</i>	Y, N, NK, NA
<ul style="list-style-type: none"> Consider Ramsar, JAMBA, CAMBA, Bonn Convention where relevant. 	Y
The proposed site falls within the Ramsar listing for Moreton Bay. As no shorebirds, shorebird habitat, migratory species or significant wetland is expected to be affected by the proposed works.	

(e) The nature of the equipment to be used for the applicant's proposed use for the marine park or part.	Y, N, NK, NA
<ul style="list-style-type: none"> Identify equipment to be used including any vessels or machinery as well as smaller hand tools, and discuss the issues of concern or interest. 	
<p>The applicant has proposed the use of the following equipment in the Marine Park:</p> <ul style="list-style-type: none"> No equipment will be used within the Marine Park An excavator and tracked crawler will be performing works from the foreshore <p>The additional equipment items are to remain in the Marine Park:</p> <ul style="list-style-type: none"> 21 metre groyne 9 metre rock wall <p>The works are to be carried out by the MBRC. MBRC are expected to maintain their equipment in a satisfactory condition and be adept at using the equipment, as they are professional operators and have had previous experience installing telemetry towers at different locations.</p>	

(f) The precautionary principle.	Y, N, NK, NA
<ul style="list-style-type: none"> If enough is known of potential impacts of the proposed activity, then discuss the issues of concern. Does the proposed activity constitute a threat of serious or irreversible environmental damage, but for which there is a lack of full scientific certainty? 	Y
<p>The southern end of Pumicestone Passage is an area which is utilised by the public for recreational activities such as boating and fishing. The surrounding area contains numerous built structures that give the area an urbanised and developed appearance. Conditions placed on the proposed works will support preventing further degradation of the southern section of Pumicestone Passage and prevent any foreseeable damage to nearby habitat areas. As enough is known of the proposed activity and potential impacts, the precautionary principal is not deemed necessary in this case.</p>	

(g) Public health and safety.	Y, N, NK, NA
<ul style="list-style-type: none"> Does the proposed activity pose a threat to public health and safety? If so, identify and discuss the issues of concern or interest. Has the applicant taken adequate measures to prevent impacts on public health and safety? 	Y
<p>The proposed groyne and wall design has been approved by a Registered Professional Engineer of Queensland (RPEQ) and is in accordance with relevant codes/standards and is therefore expected to be safe and suitable for the proposed uses. All contractors working for Moreton Bay Regional Council are required to prepare a Workplace Health and Safety (WPHS) Plan which must be approved prior to commencing work. Signage must be installed and generally work sites are fenced to ensure public safety. A traffic management plan must be submitted by the successful tenderer and approved by Council prior to commencing work.</p> <p>The contractor will also be required to hold public liability insurance in place with Moreton Bay Regional Council nominated as the interested party.</p>	

(h) The public interest, including the effect the grant of the permission will have on public appreciation, understanding and enjoyment of the marine environment.	Y, N, NK, NA
<ul style="list-style-type: none"> Need to consider impacts on different groups, both positive and negative. 	Y
<p>The proposed works are unlikely to have a noticeable effect on the public interest. The southern end of Pumicestone Passage is a highly modified marine environment, consisting mostly of built structures. The addition of a groyne within the Marine Park is unlikely to impact on the public's experience of the area as it will assist in preventing erosion to the existing beach.</p>	

(i) Anything else the chief executive considers appropriate to achieve the purpose of the Act.	Y, N, NK, NA
<ul style="list-style-type: none"> Identify and discuss the matters of concern or interest. 	Y
No further comments required for discussion.	

4. Section 20 of the *Marine Parks Regulation 2006*

In assessing applications for permission, in accordance with section 20 of the *Marine Parks Regulation 2006*:

<i>The chief executive can not grant a permission for a marine park, or a part of a marine park, that is inconsistent with a zoning plan or management plan applying to the marine park.</i>	Y, N, NK, NA
<ul style="list-style-type: none"> Is the proposed activity consistent with the zoning plan and any relevant management plan for the area? Refer to Part 1 above, which details considerations under section 10 (1) of the <i>Marine Parks Regulation 2008</i>. 	Y
Please refer to Part 1 above.	

☐ If the application is inconsistent with the objectives for the marine park or zone, these are considered sufficient grounds to refuse the application. The assessment process should proceed to Part E, recommendation.

PART D: CONDITIONS FOR APPROVAL

- ☐ No conditions are recommended.
- ☒ Ecotrack conditions are recommended.
- ☒ Non-Ecotrack conditions are recommended. Complete table below

Drafting instructions for conditions

There are four key principles in drafting conditions:

- **Relevance** - must provide a relevant, and not unreasonable imposition on, the activity or the development or the use of premises:
 - There must be a nexus between the impact or issue being managed and the condition imposed;
 - Is it within our jurisdiction to impose – what action or activity is being regulated?
- **Reasonableness** - must be reasonably required in respect of the activity, development or the use of premises, given the environmental impact or issue that is trying to be managed or minimised
 - Assess the level of the impact or issue being managed compared to how onerous the condition is
- **Certainty** - must be reasonably capable of sensible interpretation.
 - Is it clear, unambiguous and easily interpreted?
- **Finality** - must not make the condition subject to some further act or approval.
 - Is the condition within the control of the recipient?
 - Is there a third party involved that could prevent the recipient from complying?

In addition, considerations should be taken into account in relation to enforcement of the condition:

- Is the condition **easy to audit**?
 - Can you assess compliance by visual observations or easy measurements or samples?
- If breached, it is **easy to prove a breach** of the condition?
 - What evidence would be needed to show the condition has been breached?
 - Have you dealt with only one issue per condition and kept the requirements as short and as simple as possible?

Finally the type of condition should be considered in respect to the outcome required:

- **performance based** - which specifies a result or outcome and allows the person subject to the condition to decide for themselves how they will reach this outcome; or
- **prescriptive conditioning** - which actually tells a person, or prescribes how they must achieve the outcome.

Generally for licensing type conditions, performance-based conditions may be more appropriate. Prescriptive conditions can be inflexible and can stifle innovation. Also, because prescriptive conditions are so specific, they may require more frequent amendment as time goes on. They also require the drafter to consider every possible eventuality.

Outline the conditions in the table below:

CONDITIONS	
1.	The Permittee must notify The Chief Executive of any future works involving the maintenance of and/or intention to modify or remove the approved structure.
2.	The Permittee must ensure that material used for the proposed beach nourishment activity is of an appropriate grade (i.e content, similar appearance, grain size) to the existing beach sediments.
3.	The Permittee must ensure that public access to the beach area is retained on completion of the works.

Do the conditions meet all of the principles outlined above?

Relevant	☒
Reasonable	☒
Certainty	☒
Finality	☒
Auditable	☒
Ability to prove	☒

If any conditions do not meet these principles, detail reasons:

PART E: RECOMMENDATION

State the significant factors taken into account in making this assessment and state the reasons for the recommendation overall:

I recommend that the proposal for works involving the installation of a 21 metre groyne, 9 metre replacement wall and nourishment of the existing beach, be approved with conditions.

It is recommended that the proposed development should be:

- ☐ Approved with no conditions
☒ Approved with conditions
☐ Refused

Donna Hargreaves

Assessing Officer

Signed

Date

Review and endorsement

Insert any comments relevant for the delegates consideration:

Gay Deacon

Manager/Supervisor

Signed

Date



Department of National Parks, Recreation, Sport and Racing

Enquires Donna Hargreaves
Telephone (07) 3330 5250
Our reference QWPS/117199

08 February 2013

Moreton Bay Regional Council
c:/ ICM
PO Box 306
Main Beach LPO
GOLD COAST QLD 4217

Attention: CTPI 49-Sch4

Re: Marine Park Permit for works involving beach nourishment activities and the construction of a groyne and replacement of an existing wall.

I refer to your application dated 27 November 2012, for a Marine Parks Permit for works involving beach nourishment activities and the construction of a groyne and replacement of an existing wall adjacent to Lot 2 RP174232 within Moreton Bay Marine Park.

Enclosed is permit **MPW2013/MBMP0014** to cover the proposed activity. This permit grants the necessary authorities for your operation under the State Marine Parks legislation. You will notice that a number of conditions have been imposed upon your permit. These conditions are imposed to provide for the conservation of the marine park while allowing opportunities for reasonable use of the area. Please ensure that all staff and contractors involved with the works are familiar with the conditions contained within this permission.

The *Marine Parks Regulation 2006* has review and appeal provisions available to you should you be dissatisfied with any condition imposed on your permit. In summary these include:

- An application for an internal review of the decision must be made in writing within 28 days after being given this notice.
- The application must be supported by sufficient information to decide the application.
- The application for internal review does not stay the decision made.
- The department must review the decision within 28 days of receiving the application and provide you with a decision within 14 days of making the review

decision.

- If you are dissatisfied with the review decision then under section 151 of the *Marine Parks Regulation 2006* you may appeal to the Queensland Civil and Administrative Tribunal (QCAT) against the internal review decision.

Should a native title claim over any area covered by this permit be accepted by the National Native Title Tribunal, the Agency will advise them of your interest in the area. The Tribunal will then notify you of the claim to enable you to become a party to the claim if you believe that your interests may be adversely affected. If you do join as a party to the claim, you will be able to participate in the mediation process to ensure recognition of your interest in any agreed outcome.

Please do not hesitate to contact Donna Hargreaves on (07) 3330 5250 should you have any queries regarding this permit.

Yours sincerely

Todd Kelly
Acting Director, Strategy and Policy Services
Queensland Parks and Wildlife Service
Department of National Parks, Recreation, Sport and Racing

Permit

Marine Parks Regulation 2006

PERMIT NO **MPW2013/MBMP0014**

This permission remains in force, unless sooner surrendered or cancelled for the period:

08 February 2013 – 08 February 2015

Permission is granted to

Name **Moreton Bay Regional Council**

Address **2 Hasking Street
CABOOLTURE QLD 4510**

for entry and use of **Moreton Bay Marine Park**

In accordance with the details as stated in Part A, and subject to the conditions stated in Part B.

.....

Date:

Todd Kelly
Acting Director, Strategy and Policy
Queensland Parks and Wildlife Service
Department of National Parks, Recreation, Sport and Racing
Delegate of the Chief Executive

Part A:

Location to which the permission applies:

**Conservation Park Zone: adjacent to Lot 2 on RP174232, Spinnaker Sound Park,
Bribie Island**

Purposes of entry and use authorized by permission:

Minor Works involving:

- **Construction of a 21 metre groyne**
- **Removal and replacement of the existing concrete wall with a 9 metre wall**
- **Placement of 600m³ of sand for beach nourishment**

Part B:

MPW2013/MBMP0014

1 of 6

Conditions of permission:

WARNING - The following conditions apply to this Permit to enter or use the Moreton Bay Marine Park. Under the *Marine Parks Act 2004* (Section 49) the maximum penalty for contravening, or failing to comply with the conditions of the authority is 3000 penalty units.

The conditions herein apply to all employees of the Permittee or other persons, who are acting on behalf or at the direction of the Permittee for the purposes specified in this Permit.

This Permit must not be assigned in whole or in part or otherwise encumbered or disposed of to any third party.

DEFINITIONS

Authority

'Authority' means the instrument (eg: permit, license or agreement).

Chief Executive

'Chief Executive' means the Director General of the Department of National Parks, Recreation, Sports and Racing.

Managing Agency

'Managing Agency' means the Director General of the Department of National Parks, Recreation, Sport and Racing, their Delegate, an officer of the Queensland Parks and Wildlife Service, or a person referred to in Section 52 of the *Marine Parks Act 2004*, appointed by the Chief Executive as an inspector.

Marine Park

'Marine Park' means the Moreton Bay Marine Park established pursuant to the *Marine Parks (Declaration) Regulation 2006*.

Person

'Person' includes a corporation or a company (words importing the singular number or plural number also include the plural number and singular number respectively).

Permit

'Permit' in this document means the permission the subject of permit number **MPW2013/MBMP0014** granted to the Permittee pursuant to the Regulation.

Permit Area

'Permit Area' means: - Spinnaker Sound Park within Moreton Bay Marine Park Conservation Park Zone, adjacent to Lot 2 on RP174232.

Permitted Use

'Permitted Use' means minor works involving the construction of a 21 metre groyne, removal and replacement of the existing concrete wall with a 9 metre wall and placement of 600m³ of sand for beach nourishment.

Permittee

'Permittee' means Moreton Bay Regional Council, PO Box 159, Caboolture QLD 4510.

Person

'Person' includes a corporation or a company (words importing the singular number or plural number also include the plural number and singular number respectively).

Regulation

'Regulation' means the *Marine Parks Regulation 2006* made pursuant to the *Marine Parks Act 2004*.

The State

'The State' means the State of Queensland.

Term

'Term' means 08 February 2013 to 08 February 2015.

PERMIT CONDITIONS

1. Location

Activities described in the 'purposes of entry and use' of this Permit must only take place in the locations described in 'Part A' of this Permit.

2. Access to construction site

Access to the construction site must be available to the Managing Agency during working hours.

3. Permitted works

- (a) At least 14 days prior to the intended commencement of works, the Permittee must submit a Site Based Management Plan (SBMP) for approval by the Chief Executive. The SBMP must be implemented throughout the duration of the works and must identify all sources of environmental harm, including but not limited to:
- the actual and potential release of all contaminants
 - the potential impacts of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused
 - contingency plans and emergency procedures for non-routine situations.
- (b) All works are to be carried out in accordance with:
- Marine Parks permit application dated 23 November 2012, including all additional information and plans attached;
 - Information supplied by email dated 23 January 2013 & 31 January 2013, including approved plans PP-SS-001 to PP-SS-06.

- Site Based Management Plan approved under part (a) above.

4. Disturbance to adjacent areas

The Permittee must ensure that the activity is conducted in a manner that causes minimal disturbance to the marine ecosystem (e.g. adjacent seagrass assemblages, corals and the substrate).

5. Quality of sediment placed within the Marine Park

The Permittee must ensure that material used for the proposed beach nourishment activity is of an appropriate grade (i.e. content, similar appearance, grain size) to the existing beach sediments.

6. Public access

The Permittee must ensure that public access to the beach area is retained on completion of the works.

7. Notification of commencement

- (a) The Permittee must inform the Chief Executive in writing, by letter or by email, at least 5 working days in advance of the intention to commence work.
- (b) The Permittee must notify the Managing Agency of any future works involving the maintenance of and/or intention to modify or remove the approved structure.

8. Acid Sulfate Soils

The Permittee must ensure that any potential acid sulfate soils exposed during the course of works are treated as necessary and contained to prevent any contamination of the Marine Park.

9. Management of stormwater

The Permittee must minimise contaminated stormwater runoff to the Marine Park by ensuring that uncontaminated stormwater runoff is diverted around or away from the works site and by ensuring that any material stockpiles are protected by suitable drainage diversion structures and/or covered to minimise contact with rainfall and/or stormwater.

10. Sediment disturbance and runoff

The Permittee must install and maintain temporary sediment run-off control facilities adjacent to disturbed areas of the works site to minimise sediment runoff from the works site into the Marine Park. Such devices must be designed to withstand local flooding conditions.

11. Removal of material and equipment

The Permittee must ensure that all material and equipment used in the activity (other than materials comprising the structure associated with the permission) and waste generated, are removed from the Marine Park on completion of the activity associated with this permission or on expiry of the permission, whichever occurs first.

12. Public Liability Insurance

- (a) For the Term of this Permit, the Permittee must take out and maintain the following insurances:
 - a. a public liability insurance policy for not less than \$20 million arising from any one event in respect of the death of, or injury to persons, or loss or damage to property;
 - b. insurance under the *Workers Compensation and Rehabilitation Act 2003*(Qld) to cover workers, eligible persons, self employed contractors, directors, trustees and partners.
- (b) The Permittee must ensure that the insurance policies required under this condition are from an insurer registered to operate in Australia by the Australian Prudential & Regulatory Authority for the Term.
- (c) The Permittee must ensure that the insurance policies required under this condition are in place prior to undertaking any activities in the Permit Area and must ensure they cover all invitees, employees, contractors, agents, members or clients of the Permittee.
- (d) In any circumstance where the insurances required under this Permit are cancelled, altered or expire before the expiry date of this Permit, the Permittee must cease all activities in the Permit Area until such time as alternative insurance policies that comply with the requirements of this condition have been obtained by the Permittee.
- (e) From time to time (but no more than once annually) the State may, if the Chief Executive deems appropriate, issue a notice to the Permittee increasing the minimum insurance cover required by this condition, and the Permittee must comply with the notice within 20 Business Days.
- (f) Upon the State's request the Permittee must promptly produce evidence to the State's satisfaction that the insurances where required under condition 12(a) have been effected and maintained.
- (g) The State may terminate or cancel this Permit if the Permittee fails to effect and maintain the insurance required in condition 12(a).

13. Indemnity

- (a) The Permittee indemnifies the State and its Representatives against all liability, loss, costs and expenses (including any actions, claims, proceedings or demand brought by any third party, and any legal fees, costs and disbursements on a solicitor and own client basis) arising from or incurred in connection with:
 - a. any default by the Permittee under this Permit;
 - b. any unlawful, wilful or negligent act or omission of the Permittee or any person for whose conduct the Permittee is liable; or
 - c. personal injury (including sickness and death) or property damage or loss in connection with the performance (or attempted or purported performance or non-performance) of this Permit or a breach of this Permit by the Permittee.
- (b) The Permittee's liability to indemnify the State under condition 13 (a) will be reduced proportionally to the extent that any negligent act or omission or breach of this Permit by the State caused the loss or liability.
- (c) The indemnity granted in clause 13 (a) is in addition to and not exclusive of any other remedies the State may have against the Operator at law.
- (d) It is not necessary for the State to incur expense or to make a payment before enforcing a right of indemnity conferred by this Agreement.

14. Compliance with Laws

The Permittee must at its own expense during the Term comply with all Acts of Parliament, local laws, regulations or rules for the time being in force which apply to the Permit Area and/or the Permittee's use of the Permit Area.

15. No Warranty

- (a) The State does not warrant that the Permit Area is free from defect or that it is safe or suitable for the Permitted Use.
- (b) The Permittee uses the Permit Area entirely at its own risk and acknowledges that it has checked the area to ensure that it is suitable for the Permitted Use.

16. Breach and Termination

This Permit will be terminated immediately upon the Permittee failing to comply with the provisions of the insurance and indemnity conditions.

Site Based Management Plan (SBMP) - Spinnaker Point

Marine Parks Permit no MPW2013/MBMP0014

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1 INTRODUCTION

1.1 SBMP MANAGEMENT CONTACT DETAIL

<u>Contract Name:</u> Spinnaker Point Park Foreshore works	<u>Contract No:</u> MBRC002837
<u>Site Address:</u> Spinnaker Drive, Spinnaker Point. <u>Permit Area :-</u> In Conservation Zone adjacent Lot 2 on RP174232, Spinnaker Sound Park, Bribie Island	
<u>Client</u> Moreton Bay Regional Council	
<u>Contact person for Client</u> Noel McBride <u>tel:-</u> 07 3480 6879	
<u>Principal Contractor</u> Auzcon Pty Ltd	
<u>Contact person for contractor</u> CTPI 49-Sch4	
<u>Site Based Management Plan prepared by</u> CTPI 49-Sch4	<u>Date :</u> 4 March 2013

1.2 BACKGROUND

Moreton bay Regional Council has engaged Auzcon Pty Ltd to construct the Spinnaker Point rock groyne and nourishment of the sand foreshore.

1.3 SCOPE

The SBMP is activated to ensure the commitments to environmental management are enforced and are carried out in accordance with the requirements of the **Environmental Protection Act 1994**, the conditions of the **Prescribed Tidal Works Permit** and to the conditions of the **Marine Parks permit**

The plan addresses the possibility of environmental damage or nuisance, resulting from the construction works undertaken by AUZCON Pty Ltd. The purpose of this plan is to analyse the construction procedure and identify all possible damage that may occur and to develop procedures to mitigate any adverse effect.

The SBMP will be updated during the works, as a result of additional data, better understanding of the various impact factors, or the opportunity to apply more effective measures.

2 DESCRIPTION OF WORK

2.1 ROCK GROYNE CONSTRUCTION

Detailed specifications and plans are provided for the work under the Contract Documents.

The Rock Groyne construction is made up of the following elements:-

- Installation of a temporary Vinyl sheet pile coffer dam around the toe of the proposed groyne.
- Removing of excess sand for the groyne foundation
- Importing rock
- Placing Elcomax 600R geo textile
- Placing of D50 300mm rock foundation
- Placing of D50 600 mm rock groyne
- Removal of existing wall.
- Removal of vinyl sheet piles

The proposed foundation for the groyne is in the tidal zone and is separated from the rest of the marine park during the foundation construction by a vinyl sheet pile coffer dam. The sheet piles are installed around the toe of the proposed groyne. The vinyl sheet piles further into the water will be installed from a small barge. The vinyl sheet piles will be removed as soon as the foundation is placed.

During the period of rock importation, one crawler dumper will travel in the tidal zone, delivering rock from the slipway area to a temporary stockpile on the beach in front of the houses.

2.2 SAND NOURISHMENT

Sand will be supplied from outside sources and/or dredged from the groyne foundation and from sand deposits near the slipway. The sand will be pumped to the required locations by moving the delivery pipe to the different locations.

3 APPLICABLE ENVIRONMENTAL LEGISLATION

3.1 RELEVANT LEGISLATION

3.1.1 Environmental Protection Act 1994

Section 319 of the *Environmental Protection Act 1994* requires that a person must not carry out any activity that may cause, or is likely to cause, environmental harm. Where an activity is necessary, the person that carries out the activity must take all reasonable and practical measures to prevent or to minimise the harm.

Section 320 of the act states that all persons that becomes aware that harm to the environment is caused or threatened by their or someone else's actions during an activity must take steps to inform their employer of the event and the employer must advise DERM in writing

3.1.2 Environment Protection Policy 2009

The objective of the *Environmental Protection Policy 2009* is to protect Queensland water environment according the principles of ecologically sustainable development established in the *Environmental Protection Act 1994*.

A list of additional relevant legislation to consider is:-

- Coastal Protection and Management act 1995
- Coastal Protection and Management Regulations 2003

3.1.3 Department of National Parks, Recreation, Sport and Racing

- Marine Parks Act 2004 (Section 49)
- Marine Parks Regulation 2006

4 ENVIRONMENTAL ISSUES

4.1 DISTURBANCE TO ADJACENT AREA

The Groyne construction is carried out in the tidal zone. To protect the adjacent marine ecosystem we are installing a temporary vinyl sheet pile coffer dam to create a definite boundary between the groyne foot print and the rest of the park during groyne construction.

- The sheet piles create a defined boundary during excavation
- When excavating for the foundation, no sand can flow in.
- Machines will move around within the cofferdam.
- Delivery of rock by crawler from the slipway along the sand beach at low tides.
- Haul route is shortest possible distance.

4.2 QUALITY OF SAND PLACED WITHIN THE MARINE PARK

- Sand sources will be tested by MBRC before any supply to site
- Control tests will be carried out after placement to ensure that the sand meets the specification.

4.3 PUBLIC ACCESS

- The construction site will be fenced off during construction.
- All temporary fences will be removed on completion of the works

4.4 ACID SULFATE SOILS

- The only excavation is about 1m deep in the groyne foundation
- This excavation will only be in sand. Should any acid sulphate soils be encountered, these soils will be removed from site to a licenced landfill.

4.5 MANAGEMENT OF TIDAL FLOW , STORMWATER AND SEDIMENT CONTROL

Stormwater

- There are no stormwater outlets. Only minimal flow from adjacent grassed area.
- Machinery only move on the beach sand and will not create any silt runoff

Tidal Flow

- Tides will flow into the groyne excavation.
- The excavation will always be flooded to the same sea level.
- Any turbulence created will be contained by the coffer dam

4.6 AIR QUALITY

Exhaust gas pollution.

- Minimal plant is required for this work. Only one excavator and crawler for the duration of work.
- We will remove any machine off site if emissions are other than normal.

Dust pollution

- Works is on a sand environment. No dust should be created.

4.7 FLORA AND FAUNA

There is no marine vegetation or noticeable marine life in the construction zone

4.8 SOCIAL ENVIRONMENT

The work site is located within the Spinnaker Point Park. It fronted houses. Houses are within 30m of the work site.

Potential Impact	Mitigating Safeguards
Untidy site	Sturdy and neat hard fence to be provided on the perimeter of the works. High activity areas screened off. All signs to be new, clean and properly secured Housekeeping to be impeccable – all materials not incorporated in the works to be neatly stacked, stockpiled. All waste to be stored in bins and remove weekly. Machinery parked in an orderly way, especially during off periods.
Complaints	Establish and maintain a complaints management system. Record any complaint received, noting the date, time, location and reason for the complaint. Note what response was implemented and when.

4.9 TRAFFIC AND PUBLIC AMENITY

The site is located inside the Spinnaker Point Park. A high level of control will be implemented to make sure no person is placed at risk during truck and equipment movement. Control will be by hard fencing and spotters for each machine while moving on the beach. Primary access will be from the Marina slipway and secondary access, if required, from a point just before the Bribie road bridge.

4.10 HERITAGE (including Native Title Lands or historic sites)

There are no monuments and plaques next to the work area.

4.11 WASTE MANAGEMENT

Minimal quantities of waste will be generated during the works. The waste is to be collected in lidded bins and regularly removed from site to designated disposal areas. No waste to enter the Bay.

Waste Management Actions	
Potential Impact	Mitigating Safeguards
Workers will generate general garbage and human waste.	Garbage containers with sealable lids will be used to contain general garbage and emptied weekly from site. A portable lavatory will be provided on site and serviced regularly by a licenced contractor.
Builders waste, rubble and spoil	Nil
Possible liquid spills	Liquids will be contained in appropriate sealed containers in lockable enclosures on suitable containment bunds. MSDS will be available on site for each product. Spill response equipment will be kept on site for use in the event of a spill.

4.8 NOISE

Construction related noise will be generated during the construction period. Sources of noise will include operation of motorised plant, Pile driving, offloading of rock and general worker communication.

Noise Management Actions	
Potential Impact	Mitigating Safeguards
Noise exceeding health guidelines	All plant and equipment used on site will comply with EPA guidelines. Plant will not be left running when not used and where appropriate fitted with silencers' Employees to wear the appropriate PPE and specifically proper ear protection
Noise outside work hours	Construction to be limited to the hours between 7.00am and 5.30pm Monday to Friday. No work will be undertaken. On Sundays and Public holidays
Irritating noise – pile driving and offloading rock	<i>Liaise with immediate neighbours by advising periods of noise and possible set times of the noisy periods. In general the noise will be concentrated over a short period of time. For the pile driving 3 full days and for rock delivery 5 days x 4 hrs. per day.</i>

5. MONITORING

Environmental Monitoring Check sheet

Date:-				
Issue	Monitoring	yes	no	Action taken
Air Quality	Dust created			
	Smoke pollution			
Water quality	Evidence of spills			
	Turbidity in water			
Flora and fauna	Tree drip lines obstructed			
Social environment	Hard fences in place			
	Gates closed			
	Signage as per management plan			
	High activity areas screened off			
	Machines clean			
	Equipment orderly stored			
	Litter laying around on site			
	Materials neatly stacked			
	Waste bins provided			
	Waste bins full			
	Complains received			
	Complaints register incidents closed out			
Pedestrian Traffic	Public wandered into work place			
	Signs in place			
	Controllers used with vehicle entry			
Vehicle Traffic	TMP current			
	Rutting damage to access road			
Heritage				
Noise	Working only during designated work periods			
	Excessive noise created			
	Complains received			
General	Unresolved complaints			

6 INCIDENT MANAGEMENT PLAN

All environmental incidents need to be reported to the site supervisor – spillage of chemicals, sedimentation of waterways, and damage to flora/heritage items, fire, flooding, complaints, and traffic accident.

To manage the SBMP, AUZCON has in place

- SWMS – Environmental Hazards.
- EMP monitoring checklist
- Handling and Storing Hazardous Substances (Site Folder)
- MSDS information sheets on chemicals on site
- Fire extinguishers
- Traffic/Pedestrian Management Plan (Site Folder)
- Council emergency response number
- Police and ambulance response numbers

Emergency Contact Details – See Emergency Response Plan

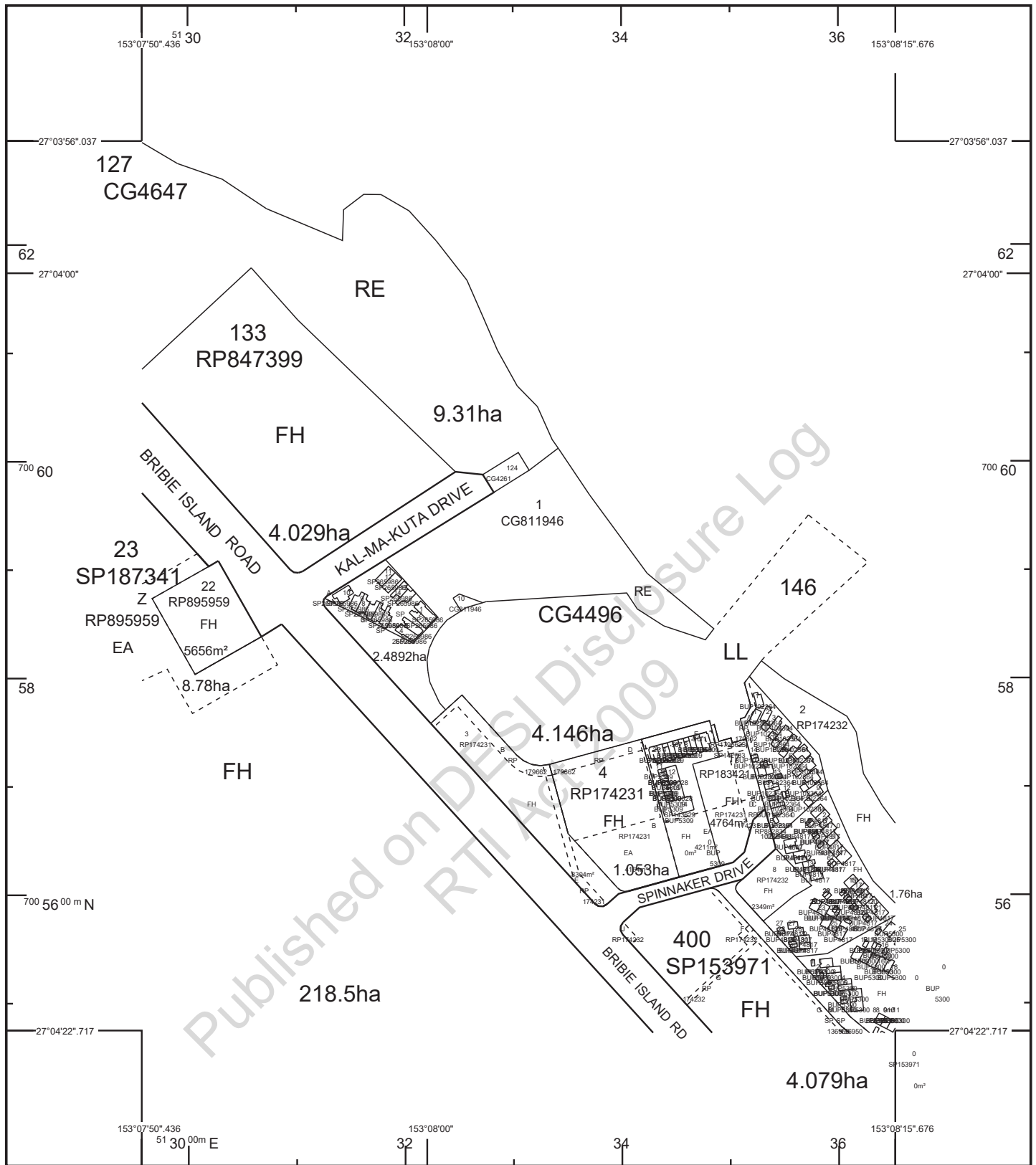
7. MANAGEMENT

The person listed below are responsible to ensure the conduct of this project proceeds in accordance with the SBMP for the site.

- Principal Contractor – AUZCON Pty Ltd approves this document and ensures all his responsibilities are carried out as stated.
- Project Manager – ensures all due diligence is carried out for the project by ensuring the REF and SBMP are conducted in accordance with MBRC Policies
- Corporation policy and quality procedures.

CTPI 49-Sch4

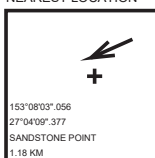
Project Manager
Auzcon Pty Ltd



STANDARD MAP NUMBER

9543-41344

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	1/CG811946
Lot/Plan	2.4892ha
Area/Volume	RESERVE
Tenure	MORETON BAY REGIONAL
Local Government	SANDSTONE POINT
Locality	61245/6
Segment/Parcel	

CLIENT SERVICE STANDARDS

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DCDB 27/07/2016

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