

Joanne Kerr

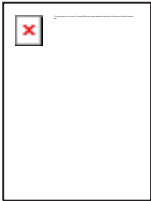
From: No Reply <mydas-notifications-prod2@qld.gov.au>
Sent: Tuesday, 17 May 2022 3:56 PM
To: brianna.gosper@dsdilgp.qld.gov.au; CTPI 49-Sch4
Subject: 2204-28270 SPL application correspondence
Attachments: 2204-28270 SPL - Pre-lodgement Advice.pdf

Please find attached a notice regarding application [2204-28270 SPL](#).

If you require any further information in relation to the application, please contact the State Assessment and Referral Agency on the details provided in the notice.

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PA6-L



Email Id: RFLG-0522-0014-0093

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SARA reference: 2204-28270 SPL

17 May 2022

Redlands Coast Marina Pty Ltd

CTPI 49-Sch4

Attention:

CTPI 49-Sch4

Dear CTPI 49-Sch4

SARA Pre-lodgement advice – 66 Beveridge Road, Thornlands

I refer to your pre-lodgement request received on 7 April 2022 in which you sought pre-lodgement advice from the State Assessment and Referral Agency (SARA) regarding the proposed development at the above address. This notice provides advice on aspects of the proposal that are of relevance to SARA.

SARA's understanding of the project

It is understood the applicant is seeking a Development Permit for Material Change of Use for an Extension to Marine Industries. The applicant wishes to extend the existing Marine Industries uses on site to offer a broader and more complete range of marine services, including:

- blasting, repair, painting, marine mechanical works and general servicing
- a single storey industrial building along the eastern boundary
- retention of the existing boat ramp/slipway and offices
- extension of the hardstand, allow reversing and manoeuvring of large vehicles.

The site is mapped within or containing the following matters of State interest on the Development Assessment Mapping System (DAMS):

- within the Urban Footprint of the South East Queensland Regional Plan (*ShapingSEQ*)
- within a coastal management district (CMD)
- within an erosion prone area
- within medium and high storm tide inundation areas
- containing core koala habitat area (KHA)
- within koala priority area (KPA)
- containing category B vegetation on the regulated vegetation management map that is a least concern regional ecosystem
- containing category C and X vegetation on the regulated vegetation management map
- containing essential habitat.

SARA confirms that the subject site is not located in a declared fish habitat area.

The applicant has sought pre-lodgement advice for comments regarding:

- State referral requirements
- concerns of the proposal
- feedback on the preliminary assessment of *State code 11: Removal, destruction or damage of marine plants* (State code 11) of the *State Development Assessment Provisions* (SDAP)
- support of the removal of vegetation
- applicable lodgement material.

Supporting information

The advice in this letter is based on the following documentation that was submitted with the pre-lodgement request.

Drawing/report title	Prepared by	Date
SARA Prelodgement Meeting Request	Bespoke P&D	7 April 2022
Memorandum	Water Technology	5 April 2022
Site Plan and Sweep Paths	Vision1 Architects	10 March 2022
Pre-lodgement Ecology Assessment and Advice Letter	Base	2 February 2022

Pre-lodgement advice

The following advice outlines the aspects of the proposal that are of relevance to SARA.

SARA's jurisdiction and fees	
1.	<p><u>Removal, destruction or damage of marine plants</u></p> <p>SARA confirms the proposed works are likely to involve the removal, destruction or damage of marine plants.</p> <p>Marine plants include:</p> <ul style="list-style-type: none"> (a) any plant (a tidal plant, including marine algae) that usually grows on or adjacent to tidal lands whether it is living, dead, standing or fallen; or (b) any plant material on tidal land (up to the level of Highest Astronomical Tide (HAT)). (c) Plants such as mangroves, mangrove fern, saltcouch or samphire species are considered marine plants regardless of whether or not they are above or below the level of HAT. <p>Marine plants do not include:</p> <ul style="list-style-type: none"> (a) a plant that is prohibited matter or restricted matter under the <i>Biosecurity Act 2014</i>; or (b) a plant that is controlled biosecurity matter or regulated biosecurity matter under the <i>Biosecurity Act 2014</i>. <p>Marine plant protection applies irrespective of the tenure (e.g. unallocated state land and all state tenured lands, including private freehold and leasehold lands) of the land on which the plant occurs, the time the plant has been growing at the location, or the degree of or purpose of the disturbance.</p> <p>Under the Planning Regulation 2017 (Planning Regulation), works involving the removal, destruction or damage of marine plants must be undertaken in accordance with the relevant Accepted Development Requirements (ADR) or under a development approval (assessable development).</p>

	<p>SARA confirms the proposed works associated with the Material Change of Use will not comply with the ADR. As currently proposed, a development approval will be required for assessable development that is the removal, destruction or damage of marine plants.</p> <p>The application will require referral to SARA under the following provision of the Planning Regulation 2017 (Planning Regulation):</p> <ul style="list-style-type: none"> Schedule 10, Part 6, Division 3, Subdivision 3, Table 2, Item 1 – assessable development under s11. Insufficient information is provided to determine the application fee at this stage. <p>A development application that requires referral for removal, destruction or damage of marine plants must provide a response to the latest version of State code 11 of the SDAP. Guidance on how to respond to this State code is provided within item 9 below.</p>
2.	<p><u>Waterway barrier works</u></p> <p>Whilst the existing development and proposed works have or will remove tidal land from fisheries productivity, they do not hinder the movement of fish, reduce connectivity, or block access to remaining fish habitat. As such, the proposed development is not assessable under Schedule 10, Part 6, Division 4 – waterway barrier works and is not subject to assessment against <i>State Code 18: Constructing or raising waterway barrier works in fish habitat</i>.</p> <p>The impacts of the development on the health and productivity of fisheries resources are addressed by State code 11 of the SDAP.</p>
3.	<p><u>Fish habitat area</u></p> <p>Whilst the existing development and proposed works have or will remove tidal land from fisheries productivity, they are not located completely or partly in a declared fish habitat area. As such, the proposed development is not assessable under Schedule 10, Part 6, Division 2 – declared fish habitat area and is not subject to assessment against <i>State Code 12: Development in a declared fish habitat area</i>.</p> <p>The impacts of the development on the health and productivity of fisheries resources are addressed by State code 11 of the SDAP.</p>
4.	<p><u>Coastal development</u></p> <p>Based on the provided information, the proposal will trigger State referral for a Material Change of Use if carrying out the change of use will involve Operational Work that is building work, carried out completely or partly in an erosion prone area in a CMD, if the building work involves increasing the gross floor area on the premises by 1000 square metres or more.</p> <p>If the above requires, the application will require referral to SARA under the following provision of the Planning Regulation:</p> <ul style="list-style-type: none"> Schedule 10, Part 17, Division 3, Table 6, Item 1 – material change of use involving work in a coastal management district. The applicable application fee would be \$3,340.00 in accordance with Schedule 10, Part 17, Division 3, Table 6, Item 8(b). <p>A development application that requires referral for coastal development must provide a response to the latest version of <i>State code 8: Coastal development and tidal works</i> (State code 8) of the SDAP. Guidance on how to respond to this State code is provided within item 8 below.</p>
5.	<p><u>Environmental Relevant Activity (ERA) – 49 Boat Maintenance</u></p> <p>Based on the provided material, the proposal may constitute an ERA 49 for operating a boat maintenance and repair facility. Specifically, ERA 49 includes boat maintenance or repair consisting of operating, on a commercial basis, a boat maintenance or repair facility for maintaining or repairing hulls, superstructure or mechanical components or seaplanes if the</p>

	<p>facility is within 50 metres of a bed of naturally occurring surface water.</p> <p>'Boat maintenance or repair facility' means a facility on land or in water that is used to maintain or repair boats or seaplanes. Examples of facilities include cradles, dry docks, hardstand areas.</p> <p>All activities that involve in-water hull cleaning are administered by the Department of Environment and Science (DES). If the proposed activity is to be carried out within the on-land facility, then the ERA will be devolved to local government.</p>
6.	<p>Interfering with KHA in a KPA</p> <p>The site is mapped as containing KHA in a KPA. Interfering with KHA in a KPA is considered prohibited development under Schedule 10, Part 10, Division 2, Section 16A of the Planning Regulation unless it meets the allowances for <i>exempted development</i> as defined within Schedule 24 of the Planning Regulation.</p> <p>Interfering with KHA means:</p> <ul style="list-style-type: none"> (a) removing, cutting down, ringbarking, pushing over, poisoning or destroying in anyway, including by burning, flooding or draining native vegetation (as defined under the <i>Vegetation Management Act 1999</i>) in a mapped KHA; but (b) does not include destroying standing vegetation by stock or lopping a tree. <p>This includes interfering with mapped KHA that could occur as exempted development created as a natural and ordinary consequence of a Material Change of Use.</p> <p>For clarity, it is advised that this prohibition does not apply if the proposed development:</p> <ul style="list-style-type: none"> • is in an area that is mapped as a KHA within a KPA but does not involve interfering with koala habitat (i.e. it doesn't involve the clearing/destruction of native vegetation) • is in an area that is not mapped as a KHA. <p>There are a number of activities that can be undertaken as exempted development. If a proposed activity constitutes exempted development, the development is not prohibited development (for the purposes of KHA) and can be carried out without approval under Schedule 10, Part 10 under the Planning Regulations.</p> <p>Given the existing development and the proposed expansion on the site in relation to the location of the mapped KHA and the allowances under exempted development, it is SARA's opinion that the proposed development will not be prohibited. However, it is the applicant's responsibility to determine this status at time of lodgement.</p> <p>Further information refer to the Exempted development in KHA on all land tenures, available at: https://environment.des.qld.gov.au/_data/assets/pdf_file/0022/255451/is-exempted-development-all-land-tenures.pdf</p>
Lodgement requirements	
General	
7.	<p>Where the proposed works associated with the Material Change of Use requires marine plant disturbance but cannot comply with the ADR, the applicant will be required to provide the following as part of the application material:</p> <ul style="list-style-type: none"> • Completed copy of DA Form 1. • Owner's consent. • A full response to the latest version of the relevant sections of the following state codes identifying how the proposal achieves each PO: <ul style="list-style-type: none"> o State code 8 of the SDAP. Particular attention should be paid to PO1, PO4, PO13 and

	<p>PO17. Further information is provided below in item 8.</p> <ul style="list-style-type: none"> o State code 11 of the SDAP. Particular attention should be paid to Performance Outcomes (PO) 1 to PO23. Further information is provided below in item 9. • The application material should include a detailed description of the proposal and a description of the existing site conditions. In particular, the following should be provided: <ul style="list-style-type: none"> o Description of the land intended to be developed, including the property address, tenure and real property description of the land. o Description of the development methodology, including: <ul style="list-style-type: none"> ☐ Any operational works occurring on site and expected timeframes. ☐ Staging of the development if applicable. ☐ Measures employed to minimise impacts to the local receiving environment. o Detailed and appropriately scaled drawings and/or plans which clearly identify the location of proposed development, including: <ul style="list-style-type: none"> ☐ Location of all built structures, or structures to be modified or demolished, as a result of the proposed development. ☐ Adjacent riverbanks, walls, sandbanks, structures, the limit of vegetation, and/or other principal features of the immediate area. ☐ Relevant tidal planes (e.g. HAT, Mean High Water Springs). ☐ The location and setting out details for cross-sections. ☐ Any other information required to accurately define the area and to allow the site to be readily identified from the plan. ☐ The total amount of marine plants that will be disturbed, identifying portion of permanent and/or temporary disturbance (in square meters or hectares). ☐ The location of the marine plants to be disturbed in relation to the development works. ☐ The level of HAT, mean high water spring tide, and low water spring tide. ☐ Location and extent of fish habitat within the development area, including creeks, sand and/or yabby banks, drainage lines, lagoons and marshes. ☐ The plan requirements should all be included in an overlay to clearly identify marine plants, HAT, and disturbance footprint in relation to the works. ☐ All plans should be able to be read to scale at A3 size. <p>All plans/drawings should include title, date and numbering suitable to identify the plan and should be mapped to GDA2020 projection.</p>
Coastal development	
8.	<p>The following information is provided to provide guidance and advice on how to demonstrate compliance with some particular POs in State code 8.</p> <p><i>PO17 of State code 8</i></p> <p>It appears that the proposal may have an impact on the following MSES which are present on the site or in the adjacent area:</p> <ul style="list-style-type: none"> • Conservation areas: <ul style="list-style-type: none"> o Marine park (highly protected areas). • Wetlands: <ul style="list-style-type: none"> o High Ecological Significance wetlands. • Wildlife habitat: <ul style="list-style-type: none"> o Endangered and vulnerable wildlife. o Special least concern animal. • Regulated vegetation: <ul style="list-style-type: none"> o Regulated vegetation (wetland).

	<p>The applicant is required to determine if there are any MSES on or adjacent to the proposed development site. Queensland Globe can be used to conduct a desktop analysis to identify any mapped MSES that exist on and near the proposed site/s.</p> <p>Where MSES are identified:</p> <ul style="list-style-type: none"> • Provide a targeted assessment to ground truth any MSES identified. • Demonstrate how the development avoids adverse impacts on each MSES to the greatest extent practicable. • Once avoidance is considered, demonstrate how impacts on MSES have, or will be, minimised and/or mitigated to the greatest extent practicable. • Determine whether there will be an SRI on any MSES using SARA's SRI Guideline. An assessment will need to be undertaken for each MSES. • Identify the delivery of any potential offset for MSES related to the referral trigger (CMD). <p>Offsets are required where there is an SRI on a prescribed environmental matter. The SRI Guideline can be used to determine if there is likely to be an SRI.</p> <p>Where an SRI will occur, the offsets framework provides three offset delivery options:</p> <ul style="list-style-type: none"> • proponent-driven offsets (Land-based offsets and/or Direct Benefit Management Plan) • financial settlement offset • a combination of the two. <p>The following additional tools may be helpful for a desktop analysis and assessment:</p> <ul style="list-style-type: none"> • DES Environment Reports Online. Link: https://apps.des.qld.gov.au/report-request/environment/ • Department of Resources Regulated Vegetation Mapping. Link: https://www.qld.gov.au/environment/land/management/vegetation/maps/map-request • DES Wetland Information. Link: https://wetlandinfo.des.qld.gov.au/wetlands/ • DES Protected Plants Flora Survey Trigger Map. Link: https://environment.des.qld.gov.au/licences-permits/plants-animals/protected-plants/map-request.php • DES Species List. Link: https://apps.des.qld.gov.au/report-request/species-list/ • State Planning Policy Interactive Mapping. Link: https://planning.dsdmip.qld.gov.au/planning/spa-system/plan-making-under-spa/state-planning-under-spa/state-planning-policy • Information on delivering a proponent-driven offset. Link: https://www.qld.gov.au/environment/pollution/management/offsets/delivering/delivering-proponent • Environmental Offsets Calculator. Link: https://apps.des.qld.gov.au/offsets-calculator/ • SRI Guideline. Link: http://www.dlgrma.qld.gov.au/resources/guideline/planning/dsdip-significant-residual-impact-guideline.pdf • Queensland Globe. Link: https://qldglobe.information.qld.gov.au/ • State code 8 of the SDAP. Link: https://planning.dsdmip.qld.gov.au/planning/better-development/the-development-assessment-process/the-states-role/state-development-assessment-provisions.
	Removal, destruction or damage of marine plants
9.	<p>The following information is provided to provide guidance and advice on how to demonstrate compliance with some particular POs in State code 11.</p> <p><i>PO1 of State code 11</i></p> <p>The expansion works will result in the filling of tidal land and permanently remove at least 0.39</p>

hectares of marine plants. Dredging will likely result in the removal, destruction and damage of marine plants and, as it will modify inundation patterns, potentially change the composition and distribution of marine plants within the inlet. There is no indication the works have been designed to avoid adverse impacts to marine plants and tidal fish habitats. The expansion works are unlikely to comply with PO1 of State code 11 of the SDAP without sound justification.

To comply with this PO the application must demonstrate that the health, quality, condition and values of fish and marine plants, on and adjacent to Lot 26 on RP76813, will be maintained. A response to this PO should discuss project objectives and provide information on how the design, construction, operation, and maintenance of the marine industry works has been planned to avoid adverse impacts to marine plants and fish habitat.

PO2 of State code 11

The applicant would be required to demonstrate the proposed marine industry works cannot be located, designed, or constructed to avoid a matter of State Environmental Significance (MSES) that is marine plants. If avoidance is not achievable, demonstrate the extent of impacts to marine plants is the minimum required to achieve project objectives.

As proposed, there is no indication that the proposed works seek to avoid or minimise impacts on marine plants. Justification for the works and impacts to marine plants appears to be based on truck turn around requirements and the size of the boatshed.

To comply with PO2 of State code 11 of the SDAP, the following information is required to be provided:

- Justify the location and scale of all aspects of the proposal in terms of the viability of avoiding and minimising marine plants. Discuss design alternatives and show the preferred option is the least impact option with respect to marine plants.
- Demonstrate the expansion would not be viable with high tide access only. Discuss how capital and maintenance dredging works would be conducted to minimise impacts to marine plants. Locating infrastructure such as the boat ramp and dry stand to minimise the extent of dredging is a consideration.
- Provide a marine plant disturbance plan that clearly delineates the location of HAT, all marine plants at and in the vicinity of the works, area (square metres) of permanent and temporary marine plant disturbance, and an overlay of the construction footprint. This applies to both site and dredging works.
- An on-ground marine plant survey conducted a suitably qualified person is necessary to accurately identify the species composition and distribution of marine plants within and adjacent to the proposed works. An onsite survey of HAT may also be needed to assist in the identification of marine plants.

PO3 of State code 11

As proposed the expansion works do not mitigate impacts to marine plants. To comply with PO3 of State code 11 of the SDAP discuss the viability of implementing actions to mitigate for the removal, destruction, or damage of marine plants and demonstrate where practicable, mitigation action will be undertaken. Provide details, plans and drawings of all mitigation actions.

If after all reasonable measures have been taken to avoid, minimise and mitigate for impacts to marine plants there is a net loss of marine plants, provide an estimate of the Significant Residual Impact (SRI), and the application of an environmental offset.

PO4 of State code 11

As proposed, the marine industry works locates carparks, truck turn arounds and buildings on

tidal land. These aspects of the development have no functional requirement to be on tidal land to serve their purpose and therefore should be located outside of tidal land. As presented the proposed works will not comply PO4 of State code 11 of the SDAP.

Provide plans and drawing that show all aspects of the development in relation to HAT. Where an aspect of the development is located on tidal land, demonstrate the structure must be on tidal to function and cannot be feasibly located outside of tidal land.

PO6 of State code 11

The proposed marine industry works are on and adjacent to tidal land that supports fisheries resources. There is potential for the works during both construction and operational stages to have an ongoing impact on the health of fish and fish habitat. There are concerns the expansion works including dredging will:

- impact on water and sediment quality
- Introduce toxic substances into the marine environment
- modify inundation patterns and erosion and accretion processes
- require ongoing maintenance dredging.

To comply with PO6 of State code 11 of the SDAP, the following information is required to be provided:

- Discuss the potential for marine industry works to impact on fish habitat and marine plants adjacent to the site.
- Provide drawings that identify fish habitats within and adjacent to the development site.
- Demonstrate the expansion works including capital and maintenance dredging are designed, constructed, maintained, and managed to avoid adverse impacts to adjacent fisheries resources.

PO8 of State code 11

The proposed works may disturb and require the treatment and disposal of acid sulfate soils. Demonstrate the presence of acid sulfate soils have been considered. If present, provide an acid sulfate soil management plan and demonstrate it complies with the current version of the Queensland acid sulfate soil technical manual

PO9 of State code 11

The proposed expansion works require the filling and dredging of tidal fish habitat and will permanently modify tidal profiles and inundation patterns. This is likely to reduce the condition and value of adjacent fish habitats and fisheries resources and change the composition and distribution of marine plants adjacent to the works.

To comply with PO9 of State code 11 of the SDAP, detail and quantify:

- Changes to tidal and freshwater inundation and drainage patterns.
- The impacts of these changes on tidal fish habitats and marine plants.
- Any activities or measures designed to mitigate or remediate impacts and inundation profiles.

Provide pre and post works drawings that compare HAT, mean high and low tides, waterway profiles and surface levels.

PO10 of State code 11

The proposed expansion works require the filling and dredging of tidal fish habitat. This will modify erosion and accretion processes along shorelines adjacent to and in the vicinity of the works. Changes to tidal profiles, waterway sedimentation, water quality, habitat complexity and

the smothering and undercutting of existing marine plant communities are expected.

To comply with PO10 of State code 11 of the SDAP, the following information is required to be provided:

- Discuss with evidence, the potential for the proposed works to cause, exacerbate, or modify the processes of erosion and accretion to the detriment of fish habitat.
- Provide, with reference to drawings and historical imagery, measures to avoid and minimise adverse impacts to tidal fish habitats and fisheries resources.
- Consider the proposed design, construction methods, and maintenance and operational works in terms of temporary, permanent, and ongoing impacts. Note the creation or retention of buffer zones between the development and fish habitat is a primary management measure.

PO11 of State code 11

The proposed expansion works require the filling and dredging of tidal fish habitat and will likely create the requirement for erosion control works such as revetments along the boundary of the subject lot, within the tidal inlet and potentially the tidal waterway. Revetments are likely to cause and exacerbate scour and erosion issues with associated impacts to marine plants and the quality of tidal fish habitats.

To comply with PO11 of State code 11 of the SDAP, the following information is required to be provided:

- Discuss the requirement for erosion control works on tidal land and within the inlet and waterway.
- Detail the impacts associated with the placement of hard structures in soft sediment environments including but not limited to scour and erosion creep.
- Detail measures (including revetment designs) to mitigate these impacts and maintain the quality of adjacent fish habitat.

PO18 of State code 11

The creation of terrestrial land at the expense of tidal land is not supported unless it is justifiably required to manage erosion. The works are likely to require revetment and the expansion proposal requires the reclamation of tidal land for the purpose of siting buildings, car parks and truck turn around areas. As such, the current proposed works do not comply with this PO.

PO21 of State code 11

Capital and maintenance dredging works are an integral component of the proposed expansion works. The pre-lodgement material does not discuss the disposal of dredge spoil for either aspect of the dredging works. To comply with this PO identification of a suitable disposal site for spoil generated by capital and ongoing maintenance dredging works is required. The beneficial reuse of spoil is a consideration, however any spoil disposal plan that is likely to have an impact on marine plants and other tidal fish habitats is unlikely comply with the purpose of State code. 11.

Accordingly, demonstrate dredge spoil disposal:

- Will avoid impacts to marine plants.
- Is the least impact option in terms of impacts to tidal fish habitats and fisheries resources.
- Includes measures to minimise and mitigate for impacts to fish habitat, particularly turbidity, soil suspension and the release of toxic chemicals.
- Cannot be disposed of on land or reused.

For further information please visit the following links:

	<ul style="list-style-type: none"> Accepted Development Requirements. Link: https://www.daf.qld.gov.au/business-priorities/fisheries/habitats/fisheries-development/accepted-development Guideline for State code 11 of the SDAP. Link: https://www.daf.qld.gov.au/business-priorities/fisheries/habitats/fisheries-development/sdap-guidelines
Further pre-lodgement support	
10.	SARA is willing to facilitate additional pre-lodgement request or meetings should further information or guidance is required on any of the matters above.

This advice outlines aspects of the proposed development that are relevant from the jurisdiction of SARA.

This advice is provided in good faith and is:

- based on the material and information provided to SARA
- current at the time of issue
- not applicable if the proposal is changed from that which formed the basis of this advice.

This advice does not constitute an approval or an endorsement that SARA supports the development proposal. Additional information may be required to allow SARA to properly assess the development proposal when a formal application has been lodged.

If you require further information please contact Brianna Gosper, Planning Officer, on (07) 5644 3272 or via email SEQSouthPlanning@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

CTPI 49-Sch4



Ashleigh Slater

Principal Planning Officer, Planning and Development Services (SEQ South)

Development details	
Proposal:	Development Permit for Material Change of Use for Supermarket
Street address:	2-6 and 8-12 School of Arts Road, Redland Bay
Real property description:	Lots 4 and 5 on SP186484
SARA role:	Referral agency
Assessment manager:	Redland City Council
Assessment criteria:	SDAP: <ul style="list-style-type: none"> • State code 8. • State code 11.

Date : 17/05/2022 3:56:26 PM

From : "No Reply"

To : "brianna.gosper@dsdilgp.qld.gov.au" , "CTPI 49-Sch4"

Subject : 2204-28270 SPL application correspondence

Attachment : 2204-28270 SPL - Pre-lodgement Advice.pdf;

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SARA reference: 2204-28270 SPL

17 May 2022

Redlands Coast Marina Pty Ltd

CTPI 49-Sch4

Attention:

CTPI 49-Sch4

Dear CTPI 49-Sch4

SARA Pre-lodgement advice – 66 Beveridge Road, Thornlands

I refer to your pre-lodgement request received on 7 April 2022 in which you sought pre-lodgement advice from the State Assessment and Referral Agency (SARA) regarding the proposed development at the above address. This notice provides advice on aspects of the proposal that are of relevance to SARA.

SARA's understanding of the project

It is understood the applicant is seeking a Development Permit for Material Change of Use for an Extension to Marine Industries. The applicant wishes to extend the existing Marine Industries uses on site to offer a broader and more complete range of marine services, including:

- blasting, repair, painting, marine mechanical works and general servicing
- a single storey industrial building along the eastern boundary
- retention of the existing boat ramp/slipway and offices
- extension of the hardstand, allow reversing and manoeuvring of large vehicles.

The site is mapped within or containing the following matters of State interest on the Development Assessment Mapping System (DAMS):

- within the Urban Footprint of the South East Queensland Regional Plan (*ShapingSEQ*)
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- containing category C and X vegetation on the regulated vegetation management map
- containing essential habitat.

SARA confirms that the subject site is not located in a declared fish habitat area.

The applicant has sought pre-lodgement advice for comments regarding:

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- concerns of the proposal
- feedback on the preliminary assessment of *State code 11: Removal, destruction or damage of marine plants* (State code 11) of the *State Development Assessment Provisions* (SDAP)
- support of the removal of vegetation
- applicable lodgement material.

Supporting information

The advice in this letter is based on the following documentation that was submitted with the pre-lodgement request.

Drawing/report title	Prepared by	Date
SARA Prelodgement Meeting Request	Bespoke P&D	7 April 2022
Memorandum	Water Technology	5 April 2022
Site Plan and Sweep Paths	Vision1 Architects	10 March 2022
Pre-lodgement Ecology Assessment and Advice Letter	Base	2 February 2022

Pre-lodgement advice

The following advice outlines the aspects of the proposal that are of relevance to SARA.

SARA's jurisdiction and fees	
1.	<p><u>Removal, destruction or damage of marine plants</u></p> <p>SARA confirms the proposed works are likely to involve the removal, destruction or damage of marine plants.</p> <p>Marine plants include:</p> <ul style="list-style-type: none"> (a) any plant (a tidal plant, including marine algae) that usually grows on or adjacent to tidal lands whether it is living, dead, standing or fallen; or (b) any plant material on tidal land (up to the level of Highest Astronomical Tide (HAT)). (c) Plants such as mangroves, mangrove fern, saltcouch or samphire species are considered marine plants regardless of whether or not they are above or below the level of HAT. <p>Marine plants do not include:</p> <ul style="list-style-type: none"> (a) a plant that is prohibited matter or restricted matter under the <i>Biosecurity Act 2014</i>; or (b) a plant that is controlled biosecurity matter or regulated biosecurity matter under the <i>Biosecurity Act 2014</i>. <p>Marine plant protection applies irrespective of the tenure (e.g. unallocated state land and all state tenured lands, including private freehold and leasehold lands) of the land on which the plant occurs, the time the plant has been growing at the location, or the degree of or purpose of the disturbance.</p> <p>Under the Planning Regulation 2017 (Planning Regulation), works involving the removal, destruction or damage of marine plants must be undertaken in accordance with the relevant Accepted Development Requirements (ADR) or under a development approval (assessable development).</p>

	<p>SARA confirms the proposed works associated with the Material Change of Use will not comply with the ADR. As currently proposed, a development approval will be required for assessable development that is the removal, destruction or damage of marine plants.</p> <p>The application will require referral to SARA under the following provision of the Planning Regulation 2017 (Planning Regulation):</p> <ul style="list-style-type: none"> Schedule 10, Part 6, Division 3, Subdivision 3, Table 2, Item 1 – assessable development under s11. Insufficient information is provided to determine the application fee at this stage. <p>A development application that requires referral for removal, destruction or damage of marine plants must provide a response to the latest version of State code 11 of the SDAP. Guidance on how to respond to this State code is provided within item 9 below.</p>
2.	<p><u>Waterway barrier works</u></p> <p>Whilst the existing development and proposed works have or will remove tidal land from fisheries productivity, they do not hinder the movement of fish, reduce connectivity, or block access to remaining fish habitat. As such, the proposed development is not assessable under Schedule 10, Part 6, Division 4 – waterway barrier works and is not subject to assessment against <i>State Code 18: Constructing or raising waterway barrier works in fish habitat</i>.</p> <p>The impacts of the development on the health and productivity of fisheries resources are addressed by State code 11 of the SDAP.</p>
3.	<p><u>Fish habitat area</u></p> <p>Whilst the existing development and proposed works have or will remove tidal land from fisheries productivity, they are not located completely or partly in a declared fish habitat area. As such, the proposed development is not assessable under Schedule 10, Part 6, Division 2 – declared fish habitat area and is not subject to assessment against <i>State Code 12: Development in a declared fish habitat area</i>.</p> <p>The impacts of the development on the health and productivity of fisheries resources are addressed by State code 11 of the SDAP.</p>
4.	<p><u>Coastal development</u></p> <p>Based on the provided information, the proposal will trigger State referral for a Material Change of Use if carrying out the change of use will involve Operational Work that is building work, carried out completely or partly in an erosion prone area in a CMD, if the building work involves increasing the gross floor area on the premises by 1000 square metres or more.</p> <p>If the above requires, the application will require referral to SARA under the following provision of the Planning Regulation:</p> <ul style="list-style-type: none"> Schedule 10, Part 17, Division 3, Table 6, Item 1 – material change of use involving work in a coastal management district. The applicable application fee would be \$3,340.00 in accordance with Schedule 10, Part 17, Division 3, Table 6, Item 8(b). <p>A development application that requires referral for coastal development must provide a response to the latest version of <i>State code 8: Coastal development and tidal works</i> (State code 8) of the SDAP. Guidance on how to respond to this State code is provided within item 8 below.</p>
5.	<p><u>Environmental Relevant Activity (ERA) – 49 Boat Maintenance</u></p> <p>Based on the provided material, the proposal may constitute an ERA 49 for operating a boat maintenance and repair facility. Specifically, ERA 49 includes boat maintenance or repair consisting of operating, on a commercial basis, a boat maintenance or repair facility for maintaining or repairing hulls, superstructure or mechanical components or seaplanes if the</p>

	<p>facility is within 50 metres of a bed of naturally occurring surface water.</p> <p>'Boat maintenance or repair facility' means a facility on land or in water that is used to maintain or repair boats or seaplanes. Examples of facilities include cradles, dry docks, hardstand areas.</p> <p>All activities that involve in-water hull cleaning are administered by the Department of Environment and Science (DES). If the proposed activity is to be carried out within the on-land facility, then the ERA will be devolved to local government.</p>
6.	<p>Interfering with KHA in a KPA</p> <p>The site is mapped as containing KHA in a KPA. Interfering with KHA in a KPA is considered prohibited development under Schedule 10, Part 10, Division 2, Section 16A of the Planning Regulation unless it meets the allowances for <i>exempted development</i> as defined within Schedule 24 of the Planning Regulation.</p> <p>Interfering with KHA means:</p> <ul style="list-style-type: none"> (a) removing, cutting down, ringbarking, pushing over, poisoning or destroying in anyway, including by burning, flooding or draining native vegetation (as defined under the <i>Vegetation Management Act 1999</i>) in a mapped KHA; but (b) does not include destroying standing vegetation by stock or lopping a tree. <p>This includes interfering with mapped KHA that could occur as exempted development created as a natural and ordinary consequence of a Material Change of Use.</p> <p>For clarity, it is advised that this prohibition does not apply if the proposed development:</p> <ul style="list-style-type: none"> • is in an area that is mapped as a KHA within a KPA but does not involve interfering with koala habitat (i.e. it doesn't involve the clearing/destruction of native vegetation) • is in an area that is not mapped as a KHA. <p>There are a number of activities that can be undertaken as exempted development. If a proposed activity constitutes exempted development, the development is not prohibited development (for the purposes of KHA) and can be carried out without approval under Schedule 10, Part 10 under the Planning Regulations.</p> <p>Given the existing development and the proposed expansion on the site in relation to the location of the mapped KHA and the allowances under exempted development, it is SARA's opinion that the proposed development will not be prohibited. However, it is the applicant's responsibility to determine this status at time of lodgement.</p> <p>Further information refer to the Exempted development in KHA on all land tenures, available at: https://environment.des.qld.gov.au/_data/assets/pdf_file/0022/255451/is-exempted-development-all-land-tenures.pdf</p>
Lodgement requirements	
General	
7.	<p>Where the proposed works associated with the Material Change of Use requires marine plant disturbance but cannot comply with the ADR, the applicant will be required to provide the following as part of the application material:</p> <ul style="list-style-type: none"> • Completed copy of DA Form 1. • Owner's consent. • A full response to the latest version of the relevant sections of the following state codes identifying how the proposal achieves each PO: <ul style="list-style-type: none"> o State code 8 of the SDAP. Particular attention should be paid to PO1, PO4, PO13 and

	<p>PO17. Further information is provided below in item 8.</p> <ul style="list-style-type: none"> o State code 11 of the SDAP. Particular attention should be paid to Performance Outcomes (PO) 1 to PO23. Further information is provided below in item 9. • The application material should include a detailed description of the proposal and a description of the existing site conditions. In particular, the following should be provided: <ul style="list-style-type: none"> o Description of the land intended to be developed, including the property address, tenure and real property description of the land. o Description of the development methodology, including: <ul style="list-style-type: none"> ☐ Any operational works occurring on site and expected timeframes. ☐ Staging of the development if applicable. ☐ Measures employed to minimise impacts to the local receiving environment. o Detailed and appropriately scaled drawings and/or plans which clearly identify the location of proposed development, including: <ul style="list-style-type: none"> ☐ Location of all built structures, or structures to be modified or demolished, as a result of the proposed development. ☐ Adjacent riverbanks, walls, sandbanks, structures, the limit of vegetation, and/or other principal features of the immediate area. ☐ Relevant tidal planes (e.g. HAT, Mean High Water Springs). ☐ The location and setting out details for cross-sections. ☐ Any other information required to accurately define the area and to allow the site to be readily identified from the plan. ☐ The total amount of marine plants that will be disturbed, identifying portion of permanent and/or temporary disturbance (in square meters or hectares). ☐ The location of the marine plants to be disturbed in relation to the development works. ☐ The level of HAT, mean high water spring tide, and low water spring tide. ☐ Location and extent of fish habitat within the development area, including creeks, sand and/or yabby banks, drainage lines, lagoons and marshes. ☐ The plan requirements should all be included in an overlay to clearly identify marine plants, HAT, and disturbance footprint in relation to the works. ☐ All plans should be able to be read to scale at A3 size. <p>All plans/drawings should include title, date and numbering suitable to identify the plan and should be mapped to GDA2020 projection.</p>
Coastal development	
8.	<p>The following information is provided to provide guidance and advice on how to demonstrate compliance with some particular POs in State code 8.</p> <p><i>PO17 of State code 8</i></p> <p>It appears that the proposal may have an impact on the following MSES which are present on the site or in the adjacent area:</p> <ul style="list-style-type: none"> • Conservation areas: <ul style="list-style-type: none"> o Marine park (highly protected areas). • Wetlands: <ul style="list-style-type: none"> o High Ecological Significance wetlands. • Wildlife habitat: <ul style="list-style-type: none"> o Endangered and vulnerable wildlife. o Special least concern animal. • Regulated vegetation: <ul style="list-style-type: none"> o Regulated vegetation (wetland).

	<p>The applicant is required to determine if there are any MSES on or adjacent to the proposed development site. Queensland Globe can be used to conduct a desktop analysis to identify any mapped MSES that exist on and near the proposed site/s.</p> <p>Where MSES are identified:</p> <ul style="list-style-type: none"> • Provide a targeted assessment to ground truth any MSES identified. • Demonstrate how the development avoids adverse impacts on each MSES to the greatest extent practicable. • Once avoidance is considered, demonstrate how impacts on MSES have, or will be, minimised and/or mitigated to the greatest extent practicable. • Determine whether there will be an SRI on any MSES using SARA's SRI Guideline. An assessment will need to be undertaken for each MSES. • Identify the delivery of any potential offset for MSES related to the referral trigger (CMD). <p>Offsets are required where there is an SRI on a prescribed environmental matter. The SRI Guideline can be used to determine if there is likely to be an SRI.</p> <p>Where an SRI will occur, the offsets framework provides three offset delivery options:</p> <ul style="list-style-type: none"> • proponent-driven offsets (Land-based offsets and/or Direct Benefit Management Plan) • financial settlement offset • a combination of the two. <p>The following additional tools may be helpful for a desktop analysis and assessment:</p> <ul style="list-style-type: none"> • DES Environment Reports Online. Link: https://apps.des.qld.gov.au/report-request/environment/ • Department of Resources Regulated Vegetation Mapping. Link: https://www.qld.gov.au/environment/land/management/vegetation/maps/map-request • DES Wetland Information. Link: https://wetlandinfo.des.qld.gov.au/wetlands/ • DES Protected Plants Flora Survey Trigger Map. Link: https://environment.des.qld.gov.au/licences-permits/plants-animals/protected-plants/map-request.php • DES Species List. Link: https://apps.des.qld.gov.au/report-request/species-list/ • State Planning Policy Interactive Mapping. Link: https://planning.dsdmip.qld.gov.au/planning/spa-system/plan-making-under-spa/state-planning-under-spa/state-planning-policy • Information on delivering a proponent-driven offset. Link: https://www.qld.gov.au/environment/pollution/management/offsets/delivering/delivering-proponent • Environmental Offsets Calculator. Link: https://apps.des.qld.gov.au/offsets-calculator/ • SRI Guideline. Link: http://www.dlgrma.qld.gov.au/resources/guideline/planning/dsdip-significant-residual-impact-guideline.pdf • Queensland Globe. Link: https://qldglobe.information.qld.gov.au/ • State code 8 of the SDAP. Link: https://planning.dsdmip.qld.gov.au/planning/better-development/the-development-assessment-process/the-states-role/state-development-assessment-provisions.
	Removal, destruction or damage of marine plants
9.	<p>The following information is provided to provide guidance and advice on how to demonstrate compliance with some particular POs in State code 11.</p> <p><i>PO1 of State code 11</i></p> <p>The expansion works will result in the filling of tidal land and permanently remove at least 0.39</p>

hectares of marine plants. Dredging will likely result in the removal, destruction and damage of marine plants and, as it will modify inundation patterns, potentially change the composition and distribution of marine plants within the inlet. There is no indication the works have been designed to avoid adverse impacts to marine plants and tidal fish habitats. The expansion works are unlikely to comply with PO1 of State code 11 of the SDAP without sound justification.

To comply with this PO the application must demonstrate that the health, quality, condition and values of fish and marine plants, on and adjacent to Lot 26 on RP76813, will be maintained. A response to this PO should discuss project objectives and provide information on how the design, construction, operation, and maintenance of the marine industry works has been planned to avoid adverse impacts to marine plants and fish habitat.

PO2 of State code 11

The applicant would be required to demonstrate the proposed marine industry works cannot be located, designed, or constructed to avoid a matter of State Environmental Significance (MSES) that is marine plants. If avoidance is not achievable, demonstrate the extent of impacts to marine plants is the minimum required to achieve project objectives.

As proposed, there is no indication that the proposed works seek to avoid or minimise impacts on marine plants. Justification for the works and impacts to marine plants appears to be based on truck turn around requirements and the size of the boatshed.

To comply with PO2 of State code 11 of the SDAP, the following information is required to be provided:

- Justify the location and scale of all aspects of the proposal in terms of the viability of avoiding and minimising marine plants. Discuss design alternatives and show the preferred option is the least impact option with respect to marine plants.
- Demonstrate the expansion would not be viable with high tide access only. Discuss how capital and maintenance dredging works would be conducted to minimise impacts to marine plants. Locating infrastructure such as the boat ramp and dry stand to minimise the extent of dredging is a consideration.
- Provide a marine plant disturbance plan that clearly delineates the location of HAT, all marine plants at and in the vicinity of the works, area (square metres) of permanent and temporary marine plant disturbance, and an overlay of the construction footprint. This applies to both site and dredging works.
- An on-ground marine plant survey conducted a suitably qualified person is necessary to accurately identify the species composition and distribution of marine plants within and adjacent to the proposed works. An onsite survey of HAT may also be needed to assist in the identification of marine plants.

PO3 of State code 11

As proposed the expansion works do not mitigate impacts to marine plants. To comply with PO3 of State code 11 of the SDAP discuss the viability of implementing actions to mitigate for the removal, destruction, or damage of marine plants and demonstrate where practicable, mitigation action will be undertaken. Provide details, plans and drawings of all mitigation actions.

If after all reasonable measures have been taken to avoid, minimise and mitigate for impacts to marine plants there is a net loss of marine plants, provide an estimate of the Significant Residual Impact (SRI), and the application of an environmental offset.

PO4 of State code 11

As proposed, the marine industry works locates carparks, truck turn arounds and buildings on

tidal land. These aspects of the development have no functional requirement to be on tidal land to serve their purpose and therefore should be located outside of tidal land. As presented the proposed works will not comply PO4 of State code 11 of the SDAP.

Provide plans and drawing that show all aspects of the development in relation to HAT. Where an aspect of the development is located on tidal land, demonstrate the structure must be on tidal to function and cannot be feasibly located outside of tidal land.

PO6 of State code 11

The proposed marine industry works are on and adjacent to tidal land that supports fisheries resources. There is potential for the works during both construction and operational stages to have an ongoing impact on the health of fish and fish habitat. There are concerns the expansion works including dredging will:

- impact on water and sediment quality
- Introduce toxic substances into the marine environment
- modify inundation patterns and erosion and accretion processes
- require ongoing maintenance dredging.

To comply with PO6 of State code 11 of the SDAP, the following information is required to be provided:

- Discuss the potential for marine industry works to impact on fish habitat and marine plants adjacent to the site.
- Provide drawings that identify fish habitats within and adjacent to the development site.
- Demonstrate the expansion works including capital and maintenance dredging are designed, constructed, maintained, and managed to avoid adverse impacts to adjacent fisheries resources.

PO8 of State code 11

The proposed works may disturb and require the treatment and disposal of acid sulfate soils. Demonstrate the presence of acid sulfate soils have been considered. If present, provide an acid sulfate soil management plan and demonstrate it complies with the current version of the Queensland acid sulfate soil technical manual

PO9 of State code 11

The proposed expansion works require the filling and dredging of tidal fish habitat and will permanently modify tidal profiles and inundation patterns. This is likely to reduce the condition and value of adjacent fish habitats and fisheries resources and change the composition and distribution of marine plants adjacent to the works.

To comply with PO9 of State code 11 of the SDAP, detail and quantify:

- Changes to tidal and freshwater inundation and drainage patterns.
- The impacts of these changes on tidal fish habitats and marine plants.
- Any activities or measures designed to mitigate or remediate impacts and inundation profiles.

Provide pre and post works drawings that compare HAT, mean high and low tides, waterway profiles and surface levels.

PO10 of State code 11

The proposed expansion works require the filling and dredging of tidal fish habitat. This will modify erosion and accretion processes along shorelines adjacent to and in the vicinity of the works. Changes to tidal profiles, waterway sedimentation, water quality, habitat complexity and

the smothering and undercutting of existing marine plant communities are expected.

To comply with PO10 of State code 11 of the SDAP, the following information is required to be provided:

- Discuss with evidence, the potential for the proposed works to cause, exacerbate, or modify the processes of erosion and accretion to the detriment of fish habitat.
- Provide, with reference to drawings and historical imagery, measures to avoid and minimise adverse impacts to tidal fish habitats and fisheries resources.
- Consider the proposed design, construction methods, and maintenance and operational works in terms of temporary, permanent, and ongoing impacts. Note the creation or retention of buffer zones between the development and fish habitat is a primary management measure.

PO11 of State code 11

The proposed expansion works require the filling and dredging of tidal fish habitat and will likely create the requirement for erosion control works such as revetments along the boundary of the subject lot, within the tidal inlet and potentially the tidal waterway. Revetments are likely to cause and exacerbate scour and erosion issues with associated impacts to marine plants and the quality of tidal fish habitats.

To comply with PO11 of State code 11 of the SDAP, the following information is required to be provided:

- Discuss the requirement for erosion control works on tidal land and within the inlet and waterway.
- Detail the impacts associated with the placement of hard structures in soft sediment environments including but not limited to scour and erosion creep.
- Detail measures (including revetment designs) to mitigate these impacts and maintain the quality of adjacent fish habitat.

PO18 of State code 11

The creation of terrestrial land at the expense of tidal land is not supported unless it is justifiably required to manage erosion. The works are likely to require revetment and the expansion proposal requires the reclamation of tidal land for the purpose of siting buildings, car parks and truck turn around areas. As such, the current proposed works do not comply with this PO.

PO21 of State code 11

Capital and maintenance dredging works are an integral component of the proposed expansion works. The pre-lodgement material does not discuss the disposal of dredge spoil for either aspect of the dredging works. To comply with this PO identification of a suitable disposal site for spoil generated by capital and ongoing maintenance dredging works is required. The beneficial reuse of spoil is a consideration, however any spoil disposal plan that is likely to have an impact on marine plants and other tidal fish habitats is unlikely comply with the purpose of State code. 11.

Accordingly, demonstrate dredge spoil disposal:

- Will avoid impacts to marine plants.
- Is the least impact option in terms of impacts to tidal fish habitats and fisheries resources.
- Includes measures to minimise and mitigate for impacts to fish habitat, particularly turbidity, soil suspension and the release of toxic chemicals.
- Cannot be disposed of on land or reused.

For further information please visit the following links:

	<ul style="list-style-type: none"> Accepted Development Requirements. Link: https://www.daf.qld.gov.au/business-priorities/fisheries/habitats/fisheries-development/accepted-development Guideline for State code 11 of the SDAP. Link: https://www.daf.qld.gov.au/business-priorities/fisheries/habitats/fisheries-development/sdap-guidelines
Further pre-lodgement support	
10.	SARA is willing to facilitate additional pre-lodgement request or meetings should further information or guidance is required on any of the matters above.

This advice outlines aspects of the proposed development that are relevant from the jurisdiction of SARA.

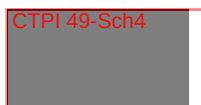
This advice is provided in good faith and is:

- based on the material and information provided to SARA
- current at the time of issue
- not applicable if the proposal is changed from that which formed the basis of this advice.

This advice does not constitute an approval or an endorsement that SARA supports the development proposal. Additional information may be required to allow SARA to properly assess the development proposal when a formal application has been lodged.

If you require further information please contact Brianna Gosper, Planning Officer, on (07) 5644 3272 or via email SEQSouthPlanning@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Ashleigh Slater

Principal Planning Officer, Planning and Development Services (SEQ South)

Development details	
Proposal:	Development Permit for Material Change of Use for Supermarket
Street address:	2-6 and 8-12 School of Arts Road, Redland Bay
Real property description:	Lots 4 and 5 on SP186484
SARA role:	Referral agency
Assessment manager:	Redland City Council
Assessment criteria:	SDAP: <ul style="list-style-type: none"> • State code 8. • State code 11.