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Certificate of Registration

No: ENRE00540206

This registration certificate is issued by the Environmental Protection Agency and does not take effect until the associated development permit for the activity has been granted.

The anniversary day for the purposes of the Annual Return is 30 June.

This registration certificate is a requirement of section 73F of the *Environmental Protection Act 1994* and authorises the registered operator to undertake the activity listed below at the following places; subject to the conditions set out in the relevant development approval attached to the premises, or the relevant code of environmental compliance.

Registered Operator: -

Metricon Qld Pty Ltd
501 Blackburn Road
MOUNT WAVERLEY VIC 3149

Place:-

Coquette Point Road, QLD 4860. Lot 1 on Plan RP863474, Lot 134 on Plan RP893474 and Lot 46 on Plan SP125424.

Registered Activity: -

ERA 19(a) Dredging material - dredging material from the bed of any waters (other than dredging by a port authority of material for which a royalty or similar charge is not payable) using plant or equipment having a design capacity of not more than 5000 t a year.

C.C Birt

Cathy Birt
Delegate
Environmental Protection Agency
30-JUN-2006

000157

Environmental Protection Agency
www.epa.qld.gov.au ABN 87 221 158 786

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

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17.2.11
CNS 6122.12

Department of Environment
and Resource Management

Notice

Amended Concurrence Agency Response

This notice is issued by the Department of Environment and Resource Management pursuant to section 290 (amended concurrence agency response) of the Sustainable Planning Act 2009 ("the Act").

Cassowary Coast Regional Council
PO Box 887
INNISFAIL QLD 4860
Ref: MCU-347/4

cc. Metricon Innisfail Partnership Pty Ltd
C/ - Humphreys Reynolds Perkins Planning Consultants
Level 20
344 Queen Street
BRISBANE QLD 4000
Ref: 050202.Change Approval.L05.003 EPA

Our reference: CNS6122 / 286940

Re: Amended Concurrence Agency Response

1. **Application Details**

Assessment Manager ref.: MCU-347/4

Date application referred to DERM:

17 December 2010

Development approval applied for:

Development Permit

Aspect of development:

Operational work – For tidal works or work within a coastal management district	*Sustainable Planning Regulation 2009* - Schedule 3, Part 1, Table 4, Item 5	DERM ref. no. - DERM Permit No. SPCC01412210
Material change of use - Environmentally relevant activities (ERA 16 (a) Dredging material)	*Sustainable Planning Regulation 2009* - Schedule 7, Table 2, Item 1	DERM ref. no. - DERM Permit No. SPCE01412310
Material change of use – Coastal management districts	*Sustainable Planning Regulation 2009* - Schedule 7, Table 3, Item 5	DERM ref. no. - DERM Permit No. SPCC01412410
Reconfiguring a lot - Tidal works, or development in a coastal management district	*Sustainable Planning Regulation 2009* - Schedule 7, Table 2, Item 14	DERM ref. no. - DERM Permit No. SPCC01412510

Development description:

Sea Haven, Innisfail (Residential, Lake & Marina Development)

Property/Location description:

Sea Haven, Coquette Point Road, Innisfail
Lots 1 on RP893474, Lot 134 on RP893474; Lot 46 on SP125424

2. The Chief Executive, Department of Environment and Resource Management (DERM) amended 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.

3. **Approved plans / specifications**

Document No.	Document Name	Date
TW01 Issue C	Prescribed Tidal Works Overall Site Plan	10/09/10
TW02 Issue C	Prescribed Tidal Works General Arrangement Plan – Sheet 1 of 2	10/09/10
TW03 Issue C	Prescribed Tidal Works General Arrangement Plan – Sheet 2 of 2	10/09/10
TW04 Issue C	Prescribed Tidal Works Notes	10/09/10
TW05 Issue C	Prescribed Tidal Works Estimate of Proposed Groundworks Quantities for Prescribed Tidal Works	10/09/10
TW06 Issue C	Prescribed Tidal Works Sections – Sheet 1 of 2	10/09/10
TW07 Issue C	Prescribed Tidal Works Sections – Sheet 2 of 2	10/09/10
TW08 Issue C	Prescribed Tidal Works Details	10/09/10
TW09 Issue C	Fender Pile and Beacon Pile Details	10/09/10
MCU00 Issue C	Drawing List and Locality Plan	10/09/10
MCU01 Issue C	Concept and Staging Plan	10/09/10
MCU02 Issue C	Approximate Existing Contours of MHWS and HAT	10/09/10
MCU03 Issue C	Areas of State Significance and Proposed Approximate Extents of Perimeter of Ground Disturbance	10/09/10
MCU04 Issue C	Proposed Lot Layout, Summary of Lot Areas and Frontages (1 of 2)	10/09/10
MCU05 Issue C	Proposed Lot Layout, Summary of Lot Areas and Frontages (2 of 2)	10/09/10
MCU06 Issue C	Proposed Major Flood Flow Paths	10/09/10
MCU07 Issue C	Proposed General Arrangement of Lock and Tidal Exchange System Sheet 1 of 2	10/09/10
MCU07-1 Issue C	Proposed General Arrangement of Lock and Tidal Exchange System Sheet 2 of 2	10/09/10

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MCU08 Issue C	Proposed General Arrangement of Entrance Channel Steel Sheet Piling Sheet 1 of 3	10/09/10
MCU09 Issue C	Proposed General Arrangement of Entrance Channel Steel Sheet Piling Sheet 2 of 3	10/09/10
MCU09-1 Issue C	Proposed General Arrangement of Entrance Channel Steel Sheet Piling Sheet 3 of 3	10/09/10
MCU10 Issue C	Proposed Wet Lot Layout – Sheet 1 of 3	10/09/10
MCU11 Issue C	Proposed Wet Lot Layout – Sheet 2 of 3	10/09/10
MCU12 Issue C	Proposed Wet Lot Layout – Sheet 3 of 3	10/09/10
MCU13 Issue C	Marina Preliminary General Arrangement	10/09/10
MCU14 Issue C	Proposed Earthworks Levels and Lake Bed and Bank Contours	10/09/10
MCU15 Issue C	Final Lake Cross Sections	10/09/10
MCU15-1 Issue C	Final Fill Zone Cross Sections	10/09/10
MCU16 Issue C	Typical Lake Bank Cross Sections	10/09/10
MCU17 Issue C	Revetment Walls and Possible Ground Improvement Measures Plan	10/09/10
MCU18 Issue C	Lake Water Circulation System Plan	10/09/10
MCU19 Issue C	Lake Water Circulation System Pump Station and Intake Detail	10/09/10
MCU20 Issue C	Approximate Maximum Fill Depths Behind Revetments	10/09/10
MCU21 Issue C	Surcharge for Settlement Plan and Details - Preliminary Proposals	10/09/10
MCU21-1 Issue C	Surcharge for Settlement Cross Sections - Preliminary Proposals	10/09/10
MCU22 Issue C	Surcharge for Strength Plan and Details - Preliminary Proposals	10/09/10
MCU22-1 Issue C	Surcharge for Strength Cross Sections - Preliminary Proposals	10/09/10
MCU23 Issue C	Proposed Staging of Bulk Earthworks Phase 1A	10/09/10
MCU23-1 Issue C	Proposed Staging of Bulk Earthworks Phase 1B	10/09/10
MCU23-2 Issue C	Proposed Staging of Bulk Earthworks Phase 2	10/09/10
MCU23-3 Issue C	Proposed Staging of Bulk Earthworks Phase 3	10/09/10
MCU23-4 Issue C	Proposed Staging of Bulk Earthworks Phase 4	10/09/10
MCU23-5 Issue C	Proposed Staging of Bulk Earthworks Phase 5	10/09/10
MCU24 Issue C	Revetment Walls Typical Excavation and Possible Ground Improvement Measures Typical Cross Sections	10/09/10
MCU24-1 Issue C	Revetment Wall Options Typical Details – Option 1 – Sheet 1 of 3	10/09/10
MCU24-2 Issue C	Revetment Wall Options Typical Details – Options 2 & 3 – Sheet 2 of 3	10/09/10
MCU24-3 Issue C	Revetment Wall Options Typical Details – Options 4 & 5 - Sheet 3 of 3	10/09/10
MCU25 Issue C	Tentative Arrangement of Coquette Point Road Access (West)	10/09/10
MCU25-1 Issue C	Tentative Arrangement of Coquette Point Road Access (East)	10/09/10

MCU26 Issue C	Tentative Arrangement of Intersection at River Road	10/09/10
MCU27 Issue C	Proposed Street Type Plan	10/09/10
MCU28 Issue C	Proposed Internal Street Cross Sections and Types – Sheet 1 of 2	10/09/10
MCU29 Issue C	Proposed Internal Street Cross Sections and Types – Sheet 2 of 2	10/09/10
MCU30 Issue C	Stormwater Drainage Concept Plan – Sheet 1 of 2	10/09/10
MCU31 Issue C	Stormwater Drainage Concept Plan – Sheet 1 of 2	10/09/10
MCU32 Issue C	Sewerage Rising Main	10/09/10
MCU34 Issue C	Existing Water Reticulation Plan	10/09/10
MCU35 Issue C	Proposed Water Main and Connection to Existing Reticulation	10/09/10
MCU36 Issue C	Concept Water Reticulation Plan	10/09/10
MCU37 Issue C	Water Reticulation Node and Pipe Arrangement	10/09/10
MCU38 Issue C	Erosion Prone Area Plan	10/09/10
SK22 Issue C	Area of State Significance and Proposed Approximate Extents of Perimeter of Ground Disturbance	10/09/10
30980/29(1)-sh1 Issue A (Sheet 1 of 11)	Proposed Development Stage 1	4/10/10
30980/29(1)-sh2 Issue A	Proposed Development Stage 1	4/10/10
30980/29(1)-sh3 Issue A	Proposed Development Stage 1	4/10/10
30980/29(2)-sh4 Issue A	Proposed Development Stage 2	4/10/10
30980/29(3)-sh5 Issue A	Proposed Development Stage 3	4/10/10
30980/29(3)-sh6 Issue A	Proposed Development Stage 3	4/10/10
30980/29(4)-sh7 Issue A	Proposed Development Stage 4	4/10/10
30980/29(4)-sh8 Issue A	Proposed Development Stage 4	4/10/10
30980/29(5)-sh9 Issue A	Proposed Development Stage 5	4/10/10
30980/29(5)-sh10 Issue A	Proposed Development Stage 5	4/10/10
30980/29(0)-sh11 Issue A	Proposed Development Stages 1-5	4/10/10
MPP02 Issue B	Proposed Works In & Around Marine Park Sheet 2 of 3	13/06/07
ERA19.01 Issue C	ERA 19 Dredging Works Overall Site Plan	10/09/10
WO 01-1005 Rev. 4	Vacuum Sewer System Reticulation Layout	05/06/07

4. **General advice to assessment manager**

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DERM as a referral agency for the relevant application at PO Box 937, Cairns, QLD 4870 and an electronic copy to *palm@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, DERM as a referral agency for the relevant application has not provided notification to native title parties.

5. Additional comments or advice about the application

Nil

6. Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which a development approval is issued is a restatement of the ERA as defined by legislation at the time the approval is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by a development approval as to the scale, intensity or manner of carrying out an ERA, then the conditions prevail to the extent of the inconsistency.

A development permit authorising the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the permit specifically authorises environmental harm.

A person carrying out an ERA must hold a registration certificate issued under the Environmental Protection Act 1994, or must be acting under a registration certificate, for the ERA.

Contaminated land

It is a requirement of the Environmental Protection Act 1994 that if an owner or occupier of land becomes aware a Notifiable Activity (as defined in Schedule 3 and Schedule 4 of the Environmental Protection Act 1994) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the Department of Environment and Resource Management.

Delegate
Mark Cavicchiolo
Delegate, Chief Executive administering the *Coastal Protection and Management Act 1995, Environmental Protection Act 1994*
Department of Environment and Resource Management

17 February 2011

Enquiries:
Michelle Ramsay
Department of Environment and Resource Management
PO Box 937, Cairns, QLD 4870
Phone: (07) 42225321
Fax: (07) 42225070
Email: michelle.ramsay@derm.qld.gov.au

Attachment(s)

DERM Permit Number SPCC01412210DERM Permit Number DERM Permit Number DERM Permit Number

17.2.11
QS6122.12

Department of Environment
and Resource Management

Sustainable Planning Act 2009

DERM Permit [1] number: SPCC01412310

Assessment manager reference (if any):	MCU-347/4
Date application received:	17 December 2010
Permit type:	Concurrence Agency Response
Date of decision:	17 February 2011
Decision:	For a concurrence agency response conditions that must attach to any development approval
Relevant laws and policies:	*Environmental Protection Act 1994* and any related statutory instruments and subordinate legislation
Jurisdiction(s):	*Sustainable Planning Regulation 2009* - Schedule 7, Table 2, Item 1

Development Description(s)

Property/Location		Development
Sea Haven, Coquette Point Road, Innisfail	Lots 1 on RP893474, Lot 134 on RP893474, Lot 46 on SP125424	Material change of use - Environmentally relevant activities ERA 16(a) Dredging in a year 1000t to 10000t of material

Reason(s) 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.

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

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The Department of Environment and Resource Management is a concurrence agency under the *Sustainable Planning Act 2009* for coastal management under the *Coastal Protection and Management Act 1995*, excluding amenity or aesthetic significance or value.

Delegate
Mark Cavicchiolo
Delegate, Chief Executive administering the *Coastal Protection and Management Act 1995*
Department of Environment and Resource Management

17 February 2011

CONDITIONS

Agency Interest: Biodiversity

PB1 The maximum volume of material which may be removed under this dredging approval is 3220 cubic metres.

PB2 The dredging operation must be confined to within the boundaries of the authorised operating area as presented on the approved plan Cardno CCS Pty Ltd Drawing No. MPPO2 Issue B "Proposed Works in & Around Marine Park Sheet 2 of 3" dated 13/06/07.

PB3 The only dredging authorised under this development approval is capital dredging associated with the construction of the entrance to the lock and weir.

Agency Interest: General

A1G1 Prevent and/or minimise likelihood of environmental harm.

In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused.

A1G2 Maintenance Of Measures, Plant and Equipment.

The operator of an ERA to which this approval relates must:

(a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; and

(b) maintain such measures, plant and equipment in a proper and efficient condition; and

(c) operate such measures, plant and equipment in a proper and efficient manner.

A1G3 Site Based Management Plan.

From commencement of an ERA to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out.

The SBMP must address the following matters:

(a) Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals;

(b) Identification of environmental issues and potential impacts;

(c) Control measures for routine operations to minimise likelihood of environmental harm;

(d) Contingency plans and emergency procedures for non-routine situations;

(e) Organisational structure and responsibility;

(f) Effective communication;

(g) Monitoring of contaminant releases;

(h) Conducting environmental impact assessments;

(i) Staff training;

(j) Record keeping; and

(k) Periodic review of environmental performance and continual improvement.

A1G4 Records

Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.

A1G5 Acid Sulphate Soils

The latest edition of the Queensland Department of Environment and Resource Management INSTRUCTIONS FOR THE TREATMENT AND MANAGEMENT OF ACID SULFATE SOILS, 2001, ('the Instructions') must be complied with when treating and managing acid sulfate soils.

A1G6 Acid sulfate soils must be managed such that contaminants are not directly or indirectly released to any waters.

A1G7 Suitable banks and/or diversion drains must be installed and maintained to exclude stormwater runoff from entering any ponds or other structures used for the storage or treatment of contaminants including acid sulfate soils or wastes.

A1G8 All acid sulphate soils must be disposed of or managed within the authorised place.

A1G9 Notification

Telephone the EPA's Pollution Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.

A1G10 Monitoring

A competent person(s) must conduct any monitoring required by this approval.

A1G11 Equipment Calibration

All instruments, equipment and measuring devices used for measuring or monitoring in accordance with any condition of this approval must be calibrated, and appropriately operated and maintained.

Agency Interest: Biodiversity

A1B1 The only area permitted to be dredged is that shown on Cardno CCS Pty Ltd Drawing No. MPPO2 Issue B "Proposed Works in & Around Marine Park Sheet 2 of 3" dated 13/06/07.

Agency Interest: Water

A1WA1 Monitoring

Monitoring must be undertaken and records kept of contaminant releases to waters from the discharge location for the quality characteristics and not less frequently than specified in Table W1 - Contaminant release limits to water. All determinations of the quality of contaminants released must be:

(a) Made in accordance with methods prescribed in the latest edition of the Department of Environment and Resource Management Water Quality Sampling Manual; and

(b) Carried out on samples that are representative of the discharge.

Table W1 - Contaminant release limits to water

Monitoring point	Quality characteristics	Release limit				Monitoring frequency
		Minimum	50th Percentile	80th Percentile	Maximum	
W1 – located 100m downcurrent of dredging operation	Turbdity (NTU)		80th percentile of the [1]reference site or 10NTU, whichever is the higher		No visible plume	daily

[1]The reference site must be located at a suitably representative location within the tidal reaches of Ninds Creek, hydraulically up-gradient and not impacted by the dredging activities.

A1WA2 Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

A1WA3 Stormwater Management

There must be no release of stormwater runoff that has been in contact with any contaminants at the site to any waters, roadside gutter or stormwater drain.

DEFINITIONS

Words and phrases used throughout this permit[1] are defined below. Where a definition for a term used in this permit[1] is sought and the term is not defined within this permit[1] the definitions provided in the relevant legislation shall be used.

"administering authority" means the Department of Environment and Resource Management or its successor.

"annual return" means the return required by the annual notice (under section 316 of the *Environment Protection Act 1994*) for the section 73F registration certificate that applies to the development approval.

"approval" means 'notice of development application decision' or 'notice of concurrence agency response' under the *Integrated Planning Act 1997*.

"approved plans" means the plans and documents listed in the approved plans section in the notice attached to this development approval.

"artificial waterway" means an artificial channel, lake or other body of water. Artificial waterway includes –

- an artificial channel that is formed because the land has been reclaimed from tidal water and is intended to allow boating access to allotments on subdivided land;
- other artificial channels subject to the ebb and flow of the tide; and
- any additions or alterations to an artificial waterway.

"authorised place" means the place authorised under this development approval for the carrying out of the specified environmentally relevant activities.

"canal" means an artificial waterway surrendered to the State. A canal is an artificial waterway connected, or intended to be connected, to tidal water; and from which boating access to the tidal water is not hindered by a lock, weir or similar structure.

"coastal dune" means a ridge or hillock of sand or other material on the coast and built up by the wind.

"commercial place" means a place used as an office or for business or commercial purposes.

"dredge spoil" means material taken from the bed or banks of waters by using dredging equipment or other equipment designed for use in extraction of earthen material.

"dwelling" means any of the following structures or vehicles that is principally used as a residence –

- a house, unit, motel, nursing home or other building or part of a building;
- a caravan, mobile home or other vehicle or structure on land;
- a water craft in a marina.

"Department of Environment and Resource Management" means the department or agency (whatever called) administering the *Coastal Protection and Management Act 1995* or the *Environmental Protection Act 1994*.

"erosion prone area" means an area declared to be an erosion prone area under section 70(1) of the *Coastal Protection and Management Act 1995*.

"high water mark" means the ordinary high water mark at spring tides.

"land" in the "land schedule" of this document means land excluding waters and the atmosphere.

"mg/L" means milligrams per litre.

"noxious" means harmful or injurious to health or physical well being.

"NTU" means nephelometric turbidity units.

"quarry material" means material on State coastal land, other than a mineral within the meaning of any Act relating to mining. Material includes for example stone, gravel, sand, rock, clay, mud, silt and soil, unless it is removed from a culvert, stormwater drain or other drainage infrastructure as waste material.

"site" means land or tidal waters on or in which it is proposed to carry out the development approved under this development approval.

"tidal water" means the sea and any part of a harbour or watercourse ordinarily within the ebb and flow of the tide at spring tides.

"watercourse" means a river, creek or stream in which water flows permanently or intermittently-

- in a natural channel, whether artificially improved or not; or
- in an artificial channel that has changed the course of the watercourse.

"waters" includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part-thereof.

"works" or "operation" means the development approved under this development approval.

"you" means the holder of this development approval or owner / occupier of the land which is the subject of this development approval.

END OF CONDITIONS

17.2.11
Q56122.12

Department of Environment
and Resource Management

Sustainable Planning Act 2009

DERM Permit[1] number: SPCC01412510

Assessment manager reference (if any):	MCU-347/4
Date application received:	17 December 2010
Permit type:	Concurrence Agency Response
Date of decision:	17 February 2011
Decision:	For a concurrence agency response conditions that must attach to any development approval
Relevant laws and policies:	*Coastal Protection & Management Act 1995* and any related statutory instruments and subordinate legislation
Jurisdiction(s):	*Sustainable Planning Regulation 2009* - Schedule 7, Table 2, Item 14

Development Description(s)

Property/Location		Development
Sea Haven, Coquette Point Road, Innisfail	Lots 1 on RP893474, Lot 134 on RP893474, Lot 46 on SP125424	Reconfiguring a lot - Tidal works, or development in a coastal management district

Reason(s) 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.

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

The Department of Environment and Resource Management is a concurrence agency under the *Sustainable Planning Act 2009* for coastal management under the *Coastal Protection and Management Act 1995*, excluding amenity or aesthetic significance or value.

Delegate
Mark Cavicchiolo
Delegate, Chief Executive administering the *Coastal Protection and Management Act 1995*
Department of Environment and Resource Management

17 February 2011

CONDITIONS

Agency Interest: Coastal

PC1 All works are to be constructed in accordance with the attached approved drawings and specifications listed in the approved plans section in the notice attached to this concurrence agency response.

PC2 Except as shown on Cardno (QLD) Pty Ltd Drawing No. SK22 Issue C "Areas of State Significance and Proposed Approximate Extents of Perimeter of Ground Disturbance" dated 10 September 2010 a minimum of 50m buffer distance must be maintained between the residential allotments and the Area of State Significance.

PC3 The administering authority must be provided with and have approved a Rehabilitation Plan prior to scheduled rehabilitation works proposed in the document "Rehabilitation Concept Plan" dated 18/9/07. The Rehabilitation Plan must apply to those areas depicted as 'rehabilitation areas' on Figure 1 as presented in the Rehabilitation Concept Plan. The Rehabilitation Plan must have a minimum monitoring and maintenance period of 5 years.

PC4 A minimum of 12 hectares of degraded land must be rehabilitated within the areas to be surrendered to the State.

PC5 The holder of this development approval must surrender the areas shown as "Park - Lot 907" and "Park - Lot 908" in RPS Australia East Pty Ltd Drawing Nos. 30980/29(1)-sh1 Issue A; 30980/29(1)-sh2 Issue A; 30980/29(1)-sh3 Issue A; 30980/29(2)-sh4 Issue A; 30980/29(3)-sh5 Issue A; 30980/29(3)-sh6 Issue A; 30980/29(4)-sh7 Issue A; 30980/29(4)-sh8 Issue A; 30980/29(5)-sh9 Issue A; 30980/29(5)-sh10 Issue A and 30980/29(0)-sh11 Issue A dated 4 October 2010 to the State as a Reserve for Beach Protection and Coastal Management purposes, under the trusteeship of Cassowary Coast Regional Council (formerly Johnstone Shire Council).

PC6 The Rehabilitation Plan must have at least the following details:

(a) Site details including a vegetation survey of existing vegetation, soil characteristics, topography and extent of tidal inundation;

(b) Details of a site preparation strategy;

(c) Anticipated timetable for the works;

(d) Clearly defined and measurable objectives, strategies and success criteria. This must include a species list and plans showing the proposed location of species planted;

(e) Technical requirements to be adopted including planting and fertilising, weed management, fire management, vehicle and pedestrian access management;

(f) Site stabilisation and sediment and erosion control for areas to be disturbed as part of the site preparation;

(g) Monitoring and maintenance requirements to meet final success criteria;

(h) Final and milestone success criteria for successful rehabilitation and land stabilisation;

(i) Appropriately qualified person(s) to provide advice on successful rehabilitation at the end of a minimum 5 years maintenance period for the following attributes:
- species composition and percent cover of vegetation in the rehabilitation area; and

(j) Details of progress reporting to the EPA for each year of the rehabilitation works:
- species density within the rehabilitation area.

DEFINITIONS

Words and phrases used throughout this permit[1] are defined below. Where a definition for a term used in this permit[1] is sought and the term is not defined within this permit[1] the definitions provided in the relevant legislation shall be used.

"administering authority" means the Department of Environment and Resource Management or its successor.

"annual return" means the return required by the annual notice (under section 316 of the *Environment Protection Act 1994*) for the section 73F registration certificate that applies to the development approval.

"approval" means 'notice of development application decision' or 'notice of concurrence agency response' under the *Integrated Planning Act 1997*.

"approved plans" means the plans and documents listed in the approved plans section in the notice attached to this development approval.

"artificial waterway" means an artificial channel, lake or other body of water. Artificial waterway includes –

- an artificial channel that is formed because the land has been reclaimed from tidal water and is intended to allow boating access to allotments on subdivided land;
- other artificial channels subject to the ebb and flow of the tide; and
- any additions or alterations to an artificial waterway.

"authorised place" means the place authorised under this development approval for the carrying out of the specified environmentally relevant activities.

"canal" means an artificial waterway surrendered to the State. A canal is an artificial waterway connected, or intended to be connected, to tidal water; and from which boating access to the tidal water is not hindered by a lock, weir or similar structure.

"coastal dune" means a ridge or hillock of sand or other material on the coast and built up by the wind.

"commercial place" means a place used as an office or for business or commercial purposes.

"dredge spoil" means material taken from the bed or banks of waters by using dredging equipment or other equipment designed for use in extraction of earthen material.

"dwelling" means any of the following structures or vehicles that is principally used as a residence –

- a house, unit, motel, nursing home or other building or part of a building;
- a caravan, mobile home or other vehicle or structure on land;
- a water craft in a marina.

"Department of Environment and Resource Management" means the department or agency (whatever called) administering the *Coastal Protection and Management Act 1995* or the *Environmental Protection Act 1994*.

"erosion prone area" means an area declared to be an erosion prone area under section 70(1) of the *Coastal Protection and Management Act 1995*.

"high water mark" means the ordinary high water mark at spring tides.

"land" in the "land schedule" of this document means land excluding waters and the atmosphere.

"mg/L" means milligrams per litre.

"noxious" means harmful or injurious to health or physical well being.

"NTU" means nephelometric turbidity units.

"quarry material" means material on State coastal land, other than a mineral within the meaning of any Act relating to mining. Material includes for example stone, gravel, sand, rock, clay, mud, silt and soil, unless it is removed from a culvert, stormwater drain or other drainage infrastructure as waste material.

"site" means land or tidal waters on or in which it is proposed to carry out the development approved under this development approval.

"tidal water" means the sea and any part of a harbour or watercourse ordinarily within the ebb and flow of the tide at spring tides.

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"watercourse" means a river, creek or stream in which water flows permanently or intermittently-

- in a natural channel, whether artificially improved or not; or
- in an artificial channel that has changed the course of the watercourse.

"waters" includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part-thereof.

"works" or "operation" means the development approved under this development approval.

"you" means the holder of this development approval or owner / occupier of the land which is the subject of this development approval.

END OF CONDITIONS

CS6122.12
17.2.11

Department of Environment
and Resource Management

Sustainable Planning Act 2009

DERM Permit [1] number: SPCC01412210

Assessment manager reference (if any):	MCU-347/4
Date application received:	17 December 2010
Permit type:	Concurrence Agency Response
Date of decision:	17 February 2011
Decision:	For a concurrence agency response conditions that must attach to any development approval
Relevant laws and policies:	*Coastal Protection & Management Act 1995* and any related statutory instruments and subordinate legislation
Jurisdiction(s):	Sustainable Planning Regulation 2009 - Schedule 3, Part 1, Table 4, Item 5

Development Description(s)

Property/Location		Development
Sea Haven, Coquette Point Road, Innisfail	Lots 1 on RP893474, Lot 134 on RP893474, Lot 46 on SP125424	Operational work: For tidal works or work within a coastal management district - Constructing an artificial waterway associated with the reconfiguration of a lot - Prescribed Tidal Works - Reclaiming land under tidal water - Tidal work in, on or above tidal waters

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

Reason(s) 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 Resource Management is a concurrence agency under the *Sustainable Planning Act 2009* for coastal management under the *Coastal Protection and Management Act 1995*, excluding amenity or aesthetic significance or value.

Delegate
Mark Cavicchiolo
Delegate, Chief Executive administering the *Coastal Protection and Management Act 1995*
Department of Environment and Resource Management

17 February 2011

CONDITIONS

Agency Interest: Biodiversity

PB1 Records must be kept of all monitoring undertaken in accordance with this development approval and associated management plans and must be made available upon request.

PB2 Development of the site shall not result in the disturbance of vegetation within the Area of State Significance (significant coastal wetlands).

PB3 The development must not result in a change in surface water hydrology or water chemistry that will impact on the ecological values of the Area of State Significance (significant coastal wetlands).

Agency Interest: Coastal

PC1 All works are to be constructed in accordance with the attached drawings and specifications listed in the approved plans section in the decision notice.

PC2 "The chief executive administering the Coastal Protection and Management Act 1995 may order the works to be removed or modified, within a reasonable time, if the works have or are likely to have a significant effect on coastal management because the works:

(a) create a navigation hazard or other danger to the public; or

(b) cause erosion or land degradation; or

(c) are unstable or have not been constructed according to the approved plans."

PC3 All reasonable and practicable measures must be taken to prevent pollution as a result of silt run-off, oil and grease spills from machinery, concrete truck washout and alike. Concrete agitator wash out must only be conducted in a specified area to facilitate the removal of waste concrete from the area to landfill. Wastewater from cleaning equipment must not be discharged directly or in-directly to any watercourses or stormwater systems.

PC4 Prevent the release of sediment to waters or a build up of sediment in any stormwater drain.

Agency Interest: Land

PL1 Environmental management for all works must be conducted in accordance with the Gilbert and Sutherland document "Site-based management plan Sea Haven Innisfail" dated July 2007, Cardno (QLD) Pty Ltd document "Sea Haven Innisfail Consulting Engineers Report in Support of Request for Change of Approval" dated September 2010 and Cardno (QLD) Pty Ltd document "Sea Haven Innisfail Lake Recirculation System Review" dated 1 October 2010 or later versions as amended in consultation with the administering authority.

Agency Interest: Water

PWA1 Works must comply with Instructions For the Treatment and Management of Acid Sulfate Soils, 2001, Queensland Government Department of Environment and Resource Management, or any updates as they become available, hereafter referred to as the ASS Instructions.

PWA2 Acid sulfate soils must be managed such that contaminants are not directly or indirectly released from the works to any waters unless otherwise authorised under a condition of this approval.

PWA3 Any excavation or filling on site must be constructed, installed and maintained:

(a) So as to maintain the local and regional drainage or hydrological systems;

(b) So that changes in water chemistry will not impact on ecological values on or off site;

(c) (c) So that any changes in surface water hydrology do not impact on Ninds Creek and adjacent wetlands.

PWA4 Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

PWA5 Lake waters must be monitored (and records kept of those results) at the locations and frequencies specified in Table 1. All determinations of the quality of the parameters measured must be:

(a) Made in accordance with methods prescribed in the latest edition of the Environment Protection Agency Water Quality Sampling Manual; and

(b) Carried out on samples that are representative of the discharge.

Table 1 – Lake Water Quality

Monitoring Point	Frequency	Parameters for all sites	Limits	Limit type
Located next to the proposed lock, eastern end of the lake Located at the southern extent of the eastern most finger Located at the southern extent of the eastern middle finger Located at the southern extent of the western most finger Located next to the proposed marina, western side of the lake	Monthly for all sites	[2]pH	6.5-8.5	[1]Median
		[2]Dissolved oxygen (% saturation)	80-100	[1]Median
		Total phosphorus (ug/L)	20	[1]Median
		Total nitrogen (ug/L)	250	[1]Median
		Turbidity (NTU)	10	[1]Median
		Faecal coliforms (faecal coliform organisms/100ml)	1000	[1]Median
		Faecal coliforms (faecal coliform organisms/100ml)	4000	80th percentile
		[2]Temperature (degrees Celsius)	No limit	
		[2]Electrical conductivity (us/cm)	No limit	

1. The median must be based on no more than five (5) consecutive samples
2. Water quality monitoring for these parameters must be undertaken to test stratification, by undertaking monitoring at depths for every 0.2 – 0.5metres.
3. The 80th percentile must be calculated based on five (5) consecutive samples

PWA6 If any of the median values stated in Table 1 are exceeded, the development approval holder must:

(a) Complete an investigation in accordance with the ANZECC (2000) methodology, into the potential for environmental harm; and

(b) Provide a written report to the development approval within three (3) months of the date of the original exceedances outlining:

(i) details of the investigations carried out; and

(ii) actions taken to prevent environmental harm.

PWA7 Void water levels within the lock must not fall below 0.5m Australian Height Datum (AHD) at any time. Surveyed markers must be installed and inspected hourly during dredging works and daily at all times during construction and operation. Adequate pumping equipment (or equivalent) must be installed and operable at all times for the supplementation of lock water levels from external sources. Groundwater accessed from within the site must ot be used for this purpose.

PWA8 The lime interception trench proposed for the boundary of the lock must be evenly distributed in a zone between -0.2m Australian Height Datum (AHD) and either +1m AHD or the top of the highest groundwater table (whichever is the higher).

PWA9 Limestone chip size within the interception trench must be no greater than 15 millimetres (mm) diameter.

PWA10 The combined tonnage of lime material within the interception trench must be no less than 0.5 tonnes of lime per linear metre of trench

PWA11 Guard layers at the base of any treatment pads must be calculated in accordance with "Section 8.3.6 Guard Layers" contained within the Queensland Acid Sulfate Soil Technical Management Guidelines Version 3.8.

PWA12 The holder of this development approval must implement an on-going Groundwater Monitoring Program (GMP), including the development of a suitable groundwater monitoring network, to monitor the quality of groundwater potentially impacted by changes in groundwater heights as a result of fluctuations in lake water levels.

PWA13 The groundwater monitoring network must:

(a) be planned, installed and maintained by a suitably qualified and experienced person; and

(b) be constructed in accordance with the Agriculture and Resource Management Council of Australia and New Zealand manual titled Minimum Construction Requirements for Water Bores in Australia, Edition 2, Revised September 2003, or more recent editions or supplements to that document as such become available.

PWA14 The holder of this development approval must conduct a GMP which complies with the following requirements:

(a) All determinations of the quality of contaminants released to waters must be made in accordance with, but are not limited to, methods prescribed in:

(i) AS/NZS 5667:11:1998 Water Quality Sampling Guidance on sampling of groundwaters, or more recent editions or supplements to that document as such become available; and/or

(ii) the Queensland Environmental Protection Agency Water Quality Sampling Manual, 3rd Edition, December 1999, or more recent editions or supplements to that document as such become available;

(b) Groundwater samples taken from the bores must be analysed for, but are not limited to, the water quality parameters required in Table 2;

(c) Standing water levels and total well depths in metres must be measured and recorded on during each sampling event relative to the Australian Height Datum. Such measurements must be undertaken prior to any disturbance by sampling activities and must be reported as the depth in metres from the top edge of the highest point of the casing collar to the water surface within the bore;

(d) Groundwater samples taken from the bores must be representative of the aquifer(s);

(e) Groundwater quality must be monitored as often as necessary, but not less frequently than required in Table 2; and

(f) Groundwater samples must be taken from each of the bores before commencement of earthworks associated with the construction of the lake.

Table 2 – Groundwater Water Quality Parameters and Sampling Frequencies

Water Quality Parameter	Monitoring Frequency
pH (pH scale)	Quarterly from the date of issuing this development approval.
Dissolved oxygen (mg/L)	
Titratable acidity	
Electrical Conductivity (mS/cm)	
Redox potential	
Total Dissolved Solids (mg/L)	
Dissolved Iron and Aluminium (mg/L)	
Chloride:Sulfate ratio	

PWA15 Any record made of the results of groundwater quality monitoring must be retained and made available to the administering authority upon request.

PWA16 The holder of this development approval must ensure that the groundwater monitoring data gathered in accordance with this development approval is analysed and interpreted to assess the nature and extent of any environmental harm. The assessment must also include; but not be limited to, the location, nature (confined, unconfined etc.) and quality of each aquifer, define groundwater contours, and indicate direction of flow. The data collation, analysis and assessment must be conducted by a suitably qualified and experienced person and must be submitted to the administering authority upon request.

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DEFINITIONS

Words and phrases used throughout this permit[1] are defined below. Where a definition for a term used in this permit[1] is sought and the term is not defined within this permit[1] the definitions provided in the relevant legislation shall be used.

"administering authority" means the Department of Environment and Resource Management or its successor.

"annual return" means the return required by the annual notice (under section 316 of the *Environment Protection Act 1994*) for the section 73F registration certificate that applies to the development approval.

"approval" means 'notice of development application decision' or 'notice of concurrence agency response' under the *Integrated Planning Act 1997*.

"approved plans" means the plans and documents listed in the approved plans section in the notice attached to this development approval.

"artificial waterway" means an artificial channel, lake or other body of water. Artificial waterway includes –

- an artificial channel that is formed because the land has been reclaimed from tidal water and is intended to allow boating access to allotments on subdivided land;
- other artificial channels subject to the ebb and flow of the tide; and
- any additions or alterations to an artificial waterway.

"authorised place" means the place authorised under this development approval for the carrying out of the specified environmentally relevant activities.

"canal" means an artificial waterway surrendered to the State. A canal is an artificial waterway connected, or intended to be connected, to tidal water; and from which boating access to the tidal water is not hindered by a lock, weir or similar structure.

"coastal dune" means a ridge or hillock of sand or other material on the coast and built up by the wind.

"commercial place" means a place used as an office or for business or commercial purposes.

"dredge spoil" means material taken from the bed or banks of waters by using dredging equipment or other equipment designed for use in extraction of earthen material.

"dwelling" means any of the following structures or vehicles that is principally used as a residence –

- a house, unit, motel, nursing home or other building or part of a building;
- a caravan, mobile home or other vehicle or structure on land;
- a water craft in a marina.

"Department of Environment and Resource Management" means the department or agency (whatever called) administering the *Coastal Protection and Management Act 1995* or the *Environmental Protection Act 1994*.

"erosion prone area" means an area declared to be an erosion prone area under section 70(1) of the *Coastal Protection and Management Act 1995*.

"high water mark" means the ordinary high water mark at spring tides.

"land" in the "land schedule" of this document means land excluding waters and the atmosphere.

"mg/L" means milligrams per litre.

"noxious" means harmful or injurious to health or physical well being.

"NTU" means nephelometric turbidity units.

"quarry material" means material on State coastal land, other than a mineral within the meaning of any Act relating to mining. Material includes for example stone, gravel, sand, rock, clay, mud, silt and soil, unless it is removed from a culvert, stormwater drain or other drainage infrastructure as waste material.

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END OF CONDITIONS

17.2.11
W56122.12

Department of Environment
and Resource Management

Sustainable Planning Act 2009

DERM Permit [1] number: SPCC01412410

Assessment manager reference (if any):	MCU-347/4
Date application received:	17 December 2010
Permit type:	Concurrence Agency Response
Date of decision:	17 February 2011
Decision:	For a concurrence agency response Nil conditions attached to approval
Relevant laws and policies:	*Coastal Protection & Management Act 1995* and any related statutory instruments and subordinate legislation
Jurisdiction(s):	*Sustainable Planning Regulation 2009* - Schedule 7, Table 3, Item 5

Development Description(s)

Property/Location		Development
Sea Haven, Coquette Point Road, Innisfail	Lots 1 on RP893474, Lot 134 on RP893474, Lot 46 on SP125424	Material change of use – Coastal management districts

Reason(s) 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.

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Delegate
Mark Cavicchiolo
Delegate, Chief Executive administering the *Coastal Protection and Management Act 1995*
Department of Environment and Resource Management

17 February 2011

CONDITIONS

Nil

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END OF CONDITIONS

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