

19 September 2022

Gladstone Ports Corporation  
C/- Rory Mulloy (CQ University)  
PO Box 259  
GLADSTONE CENTRAL QL 4680

Dear Mr Mulloy,

## DECISION NOTICE – APPROVAL WITH CONDITIONS – DA2022/05/01

(GIVEN UNDER SECTION 63 PLANNING ACT 2016)

### 1. Application Details

This development application was **properly made** to the Gladstone Ports Corporation Limited on **21 April 2022**.

<b>Application Number:</b>	DA2022/05/01
<b>Applicant Name:</b>	Gladstone Ports Corporation Limited
<b>Applicant Contact Details:</b>	Mr Rory Mulloy Gladstone Ports Corporation 40 Goondoon Street GLADSTONE QLD 4680 Email: <a href="mailto:r.mulloy@cqu.edu.au">r.mulloy@cqu.edu.au</a>
<b>Approvals Sought (Land Use Plan):</b>	1. Operational works that is tidal works or work in a coastal management district.
<b>Approval Sought (Port Overlay):</b>	2. Operational works that is tidal works in a priority port's master planned area.
<b>Approval Sought (SARA):</b>	3. Operational works that is tidal work or work in a coastal management district; 4. Operational work that involves marine plants;
<b>Details of Proposed Development:</b>	The proposed works are to facilitate the development of a 'living seawall' demonstration site at Fisherman's Landing. The proposal involves constructing five rock groyne structures affixed to the existing rock wall and depositing sediment along three of these structures.
<b>Location Street Address:</b>	Landing Road, Yarwun

<b>Location Real Property Description:</b>	Lot 501 on SP305597 and adjacent to State land (Lot 512 on SP305597)
<b>Land Owner:</b>	Gladstone Ports Corporation Limited Department of Resources
<b>Land Zoning:</b>	Strategic Port Land and Tidal area
<b>Land Use Plan Precinct:</b>	Port Industry Precinct
<b>Port Overlay Precinct:</b>	Port, Industry and Commerce Precinct

## 2. Details of Proposed Development

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1. Operational works that is tidal works or work in a coastal management district.
2. Operational works that is tidal works in a priority port's master planned area.

The proposed works are to facilitate the development of a 'living seawall' demonstration site at Fisherman's Landing. The proposal involves constructing five rock groyne structures affixed to the existing rock wall and depositing sediment along three of these structures.

## 3. Details of Decision

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This development application was **decided** on **19 September 2022**.

This development application is **approved in full with conditions**. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

This application **is not** taken to have been approved (a deemed approval) under section 64(5) of the *Planning Act 2016*.

## 4. Details of Approval

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This development approval is a **Development Permit** given for:

- (a) Operational works that is tidal works or work in a coastal management district

## 5. Conditions

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This development approval is subject to the conditions in Attachment 1 - Part 1 and Part 2.

## 6. Further Development Permits

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Please be advised that the following development permits are required to be obtained before the development can be carried out:

- (a) Nil

## 7. Properly made submissions

Not applicable – No part of the application required public notification.

## 8. Referral Agencies for the Application

The referral agencies for this application are:

For an application involving	Name of referral agency	Address
<ul style="list-style-type: none"> <li>Operational work that is tidal works or work in a coastal management district</li> <li>Operational work that is the removal, destruction or damage of a marine plant</li> </ul>	State Assessment Referral Agency - Department of State Development, Infrastructure, Local Government and Planning	Rockhampton State Assessment and Referral Agency (SARA) PO Box 113 ROCKHAMPTON QLD 4700 <a href="mailto:rockhamptonSARA@dsgdmip.qld.gov.au">rockhamptonSARA@dsgdmip.qld.gov.au</a>

## 9. Environmental Authority

Not applicable

## 10. Approved Plans and Specifications

Copies of the following plans, specifications and drawings are approved and enclosed in Attachment 2:

Drawing/report title	Prepared by	Date	Reference no.	Version/ Rev
<b>Aspect of development: Tidal Works</b>				
Fisherman's Landing Seawall Habitat Enhancement Project	Gladstone Ports Corporation (Port Planning and Development)	22/08/2022	447-00007	2

## 12. Currency Period for the Approval

Pursuant to section 85 of the Planning Act, this development approval will lapse at the end of the periods set out below:

- (a) For approvals other than a Material Change of Use or Reconfiguring a Lot, the approval lapses if the development does not substantially start within 2 years of this approval taking effect.

### 13. Rights of Appeal

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The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

**Attachment 3** is an extract from the *Planning Act 2016* that sets down the applicant's appeal rights and the appeal rights of a submitter.

For further information please contact Trudi Smith, Planning Specialist, on 07 4976 1314 or the undersigned on 07 4976 1287 or via email [planning@gpcl.com.au](mailto:planning@gpcl.com.au).

Yours sincerely,



**Erin Clark**  
Principal Planner

Cc: Department of State Development, Infrastructure, Local Government and Planning  
Gladstone Regional Council

Enc. Attachment 1: Conditions of Approval  
Part 1 – Conditions imposed by the assessment manager  
Part 2 – Conditions required by the referral agency response

- State Assessment and Referral Agency – SARA response - 9 August 2022
- State Assessment and Referral Agency – SARA generally in accordance advice – 13 September 2022

Attachment 2: Approved plans and specifications

Attachment 3: Extract of appeal provisions

## Attachment 1 Conditions of Approval

### PART 1: ASSESSMENT MANAGER CONDITIONS

In general the development proposal is in compliance with the requirements of Gladstone Ports Corporation Limited (GPC). This development approval is subject to each the following conditions which are stated by GPC, the Assessment Manager.

**Part 1a: Approval sought under Planning Act 2016** - Operational works that is tidal works or work in a coastal management district and Operational works that is tidal works in a priority port's master planned area.

Conditions
<p><b>GENERAL</b></p> <ol style="list-style-type: none"> <li>1. Development must be carried out generally in accordance with the Approved plans at all times, except where modified by conditions of this permit.</li> <li>2. Unless otherwise stated, all conditions must be complied with and completed prior to the commencement of the development.</li> <li>3. Where additional "approval" is required under these conditions by the Assessment Manager (the Assessment Manager) for drawings or documentation the proponent must submit for review, amend to the satisfaction of, and obtain written approval from the Assessment Manager/ Referral Agency.</li> <li>4. Furthermore, the Assessment Manager will require no less than 20 business days, unless otherwise conditioned by the Assessment Manager, to initially assess the drawings or documentation provided prior to the commencement of the development/works. The proponent must at its cost and expense, keep and maintain the development footprint, including existing services, in a state that is satisfactory to the Assessment Manager.</li> </ol>
<p><b>ENGINEERING</b></p> <ol style="list-style-type: none"> <li>5. Upon completion of the construction works, the proponent must supply the Assessment Manager with RPEQ certified "As Constructed" plans in both hard copy (2 of) and electronic (CAD format) which illustrate all infrastructure and services installed on, under or over Port land associated with the activity.</li> <li>6. Any site lighting used during construction / development should not negatively impact on the visibility of Navigational Aids utilised for the primary shipping channels nor illuminate a landward glare beyond the site boundary at all times. Lighting must be reviewed during construction and use of the development with respect to navigation. Where an issue is identified or a validated complaint received, the proponent must immediately rectify to the satisfaction of the Assessment Manager.</li> </ol>
<p><b>CONSTRUCTION MANAGEMENT</b></p> <ol style="list-style-type: none"> <li>7. Construction fill material must be uncontaminated and reused from onsite or sourced from a licensed quarry.</li> <li>8. In the event construction will require changes to vehicle access or land/road closure of any port road, prior to works or construction commencing (whichever is the sooner) the proponent must provide to the Assessment Manager for review and approval a Construction Traffic Management Plan that is prepared by an approved Traffic Management Designer in accordance with the MUTCD Part 3.</li> <li>9. Upon completion of the construction works, the proponent must reinstate the property (excluding the approved works) to the same condition prior to the works being undertaken unless agreed to in writing by the Assessment Manager.</li> </ol>

10. No mud, dirt or other debris is to be tracked onto public roads during construction and operation of development.
11. In the event acid sulphate soils are disturbed/excavated and require treatment on site, a site specific Acid sulphate management plan must be submitted to the Assessment Manager for approval prior to such works commencing. Once the management plan is approved, the works must be carried out in accordance with this plan.
12. Where relevant, prior to works within Port Limits commencing, supply GPC a Marine Execution Plan that has been approved by the Regional Harbour Master (as applicable).
13. Prior to works within Port Limits commencing, the proponent or their contractor must supply to GPC for review and approval an Emergency Management Plan for the works within Port Limits for all potential incidents e.g. contaminant spill, riverine flood, adverse weather etc.

## **INFRASTRUCTURE**

14. The applicant must notify the Assessment Manager (GPC) of damage caused to any port or port user infrastructure or services including, but not limited to, security related devices, buildings, fences, lighting etc., roads, walkways and underground services or infrastructure, as a result of the approved use or during construction. The proponent must undertake necessary repairs at their expense and to the satisfaction of the Assessment Manager (GPC).

## **TRAFFIC**

15. A final Construction Traffic Management Plan (CTMP) must be provided to the Assessment Manager for approval at least 10 business days prior to the construction works commencing on site. All activities associated with construction must be carried out in accordance with the approved CTMP.

## **ENVIRONMENT**

### **Environmental Management Plan**

16. Prior to construction works commencing on site, an Environmental Management Plan (EMP) specific to these works, is to be submitted to the Assessment Manager (GPC) for approval.

The construction must be undertaken in accordance with the approved EMP that ensures:

- a) environmental risks, including but not limited to, noise, odour, lighting, dust, are identified, managed and continually assessed in relation to the construction activity ;
- b) that staff are trained and aware of their obligations under the EMP, including a copy of the management plan and development approval available on site at all times;
- c) that reviews of environmental performance are undertaken at least annually; and
- d) any amendments to the EMP are to be submitted to GPC for review and approval.

Once approved by the Assessment Manager, the activity must be carried out in accordance with this EMP.

*Note: GPC has a guideline for the development of environmental management plans that may be utilised in meeting the requirements of this condition.*

### **Incident notification**

17. At all times, Gladstone Ports Corporation Environment Hotline (07) 4976 1617 is to be notified of the occurrence of any:
  - a) release / spill of contaminants (e.g. fuels / chemicals / sewerage) greater than 20L to land;
  - b) release / spill of contaminants (e.g. fuels / chemicals / sewerage) of any amount to water;
  - c) any environmental complaints received by the holder of this approval; and

- d) non-compliance with conditions of this approval or any other environmental approval obtained in relation to the approved activity.

#### Spillage

18. Any spillage of wastes, contaminants or other materials during construction or associated works must be cleaned up as quickly as practicable and disposed of at a facility that can lawfully accept such waste. Such spillages must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater drainage system, roadside, gutter or waters.

#### Tidal Works

19. Any material which is deposited or any debris which falls or is deposited on tidal lands or into tidal waters during the construction beyond the approved development footprint shall be removed by the applicant at their cost and expense. The applicant is to notify the Assessment Manager if any material or debris is deposited.
20. Upon completion of construction, the applicant shall provide the Assessment Manager with written confirmation that the seabed is clear of foreign materials beyond the approved development footprint.
21. If, as a result of the works, or other cause attributable to the proponent, any Port bank or tidal structure is displaced, the proponent at its cost and expense shall restore the bank or structure to its former condition and take such other action as is necessary to ensure the stability of the bank or structure to the satisfaction of the Assessment manager.

### ADVICE NOTES

1. All other relevant approvals must be obtained before commencement of the development or operation of the development.
2. The development must be appropriately designed and constructed to mitigate potential adverse impacts to port operations, services and facilities, and to maintain safe navigable access within Port Limits
3. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction, and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.
4. Where the Applicant is required to submit further documentation to the Assessment Manager, this is to be directed to the Planning section at [planning@gpcl.com.au](mailto:planning@gpcl.com.au), including reference to the allocated development application number.
5. Where communication with GPC Port Security is required e.g. for schedules or service requests, direct communication to the following: [pfs@gpcl.com.au](mailto:pfs@gpcl.com.au), [contracted\\_security@gpcl.com.au](mailto:contracted_security@gpcl.com.au) and [gpcsupervisor@diamondprotection.com](mailto:gpcsupervisor@diamondprotection.com).

## **PART 2: REFERRAL AGENCY CONDITIONS**

**Referral Agency Name:** Department of State Development, Infrastructure, Local Government and Planning

- State Assessment and Referral Agency – SARA response dated 9 August 2022
- State Assessment and Referral Agency – SARA Generally in accordance advice dated 13 September 2022





SARA reference: 2204-28537 SRA  
 Council reference: DA2022/05/01

9 August 2022

Chief Executive Officer  
 Gladstone Ports Corporation Limited  
 40 Goondoon Street, PO Box 259  
 Gladstone Qld 4680  
 grahams@gpcl.com.au

Attention: Erin Clark

Dear Sir/Madam

## SARA response—Landing Road, Yarwun

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 23 May 2022.

### Response

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Outcome:	Referral agency response – with conditions.
Date of response:	9 August 2022
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval.
Advice:	Advice to the applicant is in <b>Attachment 2</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b> .

### Development details

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Description:	Development permit	Operational Work for Tidal Works (construction of five (5) rock groyne seawalls)
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, part 6, division 3, subdivision 3, table 1 (Planning Regulation 2017) Operational work involving marine plants	

Schedule 10, Part 17, division 3, table 1 (Planning Regulation 2017)  
Operational work that is tidal works or work in a coastal management district

Schedule 10, Part 17, division 3, table 2 (Planning Regulation 2017)  
Operational work that is tidal works in tidal waters

SARA reference: 2204-28537 SRA

Assessment Manager: Gladstone Ports Corporation Limited

Street address: Landing Road, Yarwun

Real property description: 510SP305597

Applicant name: Gladstone Ports Corporation

Applicant contact details: PO Box 259  
Gladstone Central QLD 4680  
r.mulloy@cqu.edu.au

## Representations

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An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Carl Porter, Principal Planning Officer, on 07 3243 1666 or via email RockhamptonSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh  
Manager Planning

cc Gladstone Ports Corporation, r.mulloy@cqu.edu.au

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations provisions  
Attachment 5 - Approved plans and specifications

## Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
<b>Operational work</b>		
Schedule 10, part 6, division 3, subdivision 3, table 1 (Planning Regulation 2017) Operational work involving marine plants—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Agriculture and Fisheries to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	Development authorised under this approval is limited as follows: Operational works to remove, damage, destroy marine plants being limited to 14 m <sup>2</sup> of marine plants (namely 128 mangrove saplings and approximately 13 m <sup>2</sup> of saltmarsh) within the footprint of Groynes 1, 2, 3, 4 and 5 and shown in: Figure 1. Total count of individual mangroves and total canopy area at each revised groyne location, within document titled Seawall Habitat Enhancement Project, Marine Plant Disturbance Plan, author un-known, June 2022, 1796997, amended in red.	At all times
2.	The location and design of the groynes must be carried out generally in accordance with the following plans:  - Fishermans Landing Seawall Proposal prepared by Gladstone Ports Corporation dated 16/06/2022, Drawing Number ###-####, revision 1.	For the duration of works
3.	(a) Implement an inspection and monitoring program for the purposes of restoration of assessing the establishment of and success of the seawall. The inspection and monitoring program must be undertaken generally in accordance with Seawall Habitat Enhancement Project Monitoring Plan, prepared by author unknown, dated not dated, reference unreferenced.  (b) The inspection and monitoring program must:  (i) have been prepared and conducted by a person or entity that is suitably qualified and experienced in marine plant establishment.  (ii) involve the provision of inspection and monitoring reports to notifications@daf.qld.gov.au at intervals of twelve (12) months for the first two years, and then once, 5 years post construction.  (iii) include an alert and action component, which will enable changes to be made to any deficiencies in establishment of and success of the seawall.  (c) The emails attaching the inspection and monitoring reports must state this permit number, the location and name of the work and this condition number under which the report is being given.	(a) and (b) Prior to the completion of the works.  (c) At all times and pursuant to the intervals of twelve (12) months for the first two years, and then once, 5 years post construction.
4.	Provide written notice to notifications@daf.qld.gov.au, when the	At least 5 business days but no greater

	<p>development authorised under this approval:</p> <p>(a) will start, and</p> <p>(b) when it has been completed.</p> <p>These notices must state this permit number 2204-28537 SRA.</p>	<p>than 20 business days prior to the commencement of the works</p> <p>Within 15 business days of the completion of the fisheries development works</p>
5.	Spoil that is used in the development and on tidal lands or within waterways is managed to prevent release of contaminants and acid soil development.	At all times
6.	This fisheries development (as defined by the <i>Fisheries Act 1994</i> ) constitutes a place that is required to be open for inspection by an inspector at all times, pursuant to section 145 of the <i>Fisheries Act 1994</i> .	At all times
7.	Marine plants authorised for removal and other material used in the development (e.g. debris, construction material, soil, etc.) are to be promptly removed from the intertidal zone.	For the duration of the works the subject of this approval and to be maintained
8.	Mark with corner pegs and/or buoys, the boundary of the approved tidal and marine plant component of the development footprint, as shown on Fishermans Landing Seawall Proposal prepared by Gladstone Ports Corporation dated 16/06/2022, Drawing Number ###-####, revision 1.	Prior to the commencement of the works, and to be maintained until the works have been completed
9.	Tidal land profiles that are temporarily disturbed by the development works (other than those within the permanent development footprint) must be promptly restored to pre-work profiles.	Upon completion of the works the subject of this approval
<p>Schedule 10, Part 17, division 3, table 1 (Planning Regulation 2017)—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Environment and Science to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
10.	<p>The construction of the rock groyne seawalls must be undertaken generally in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>- Fishermans Landing Seawall Proposal prepared by Gladstone Ports Corporation dated 16/06/2022, Drawing Number ###-####, revision 1.</li> </ul>	For the duration of the works
11.	For the proposed works, only use clean materials and ensure that the works do not cause contamination.	For the duration of the works
12.	Erosion and sediment control measures which are in accordance with Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association), are to be installed and maintained to prevent the release of sediment to tidal waters.	For the duration of the works
13.	<p>Should the rock groyne seawalls collapse, fail or otherwise suffer structural consequences which impact their integrity or ability to function as intended, the works must be:</p> <ol style="list-style-type: none"> <li>a. reinstated in accordance with this development approval; or</li> <li>b. removed and disposed of at an appropriately licensed facility.</li> </ol>	As soon as reasonably practicable subsequent to the damage
14.	Submit "As Constructed drawings" to <a href="mailto:palm@des.qld.gov.au">palm@des.qld.gov.au</a> or mail to:	Within two (2) weeks of the completion of the

	<p>Department of Environment and Science          Permit and Licence Management          Implementation and Support Unit          GPO Box 2454          Brisbane Qld 4001</p>	works
15.	<p>(a) In the event that the works cause disturbance or oxidisation of acid sulfate soil, the affected soil must be treated and thereafter managed (until the affected soil has been neutralised or contained) in accordance with the current <i>Queensland Acid Sulfate Soil Technical Manual: Soil management guidelines</i>, prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014.</p> <p>(b) Certification by an <u>appropriately qualified person</u>, confirming that the affected soil has been neutralised or contained, in accordance with (a) above is to be provided to <a href="mailto:palm@des.qld.gov.au">palm@des.qld.gov.au</a> or mailed to:</p> <p>Department of Environment and Science          Permit and Licence Management          Implementation and Support Unit          GPO Box 2454          Brisbane Qld 4001</p> <p>Note: <u>Appropriately qualified person</u> means a person or persons who has professional qualifications, training, skills and experience relevant to soil chemistry or acid sulfate soil management and can give authoritative assessment, advice and analysis in relation to acid sulfate soil management using the relevant protocols, standards, methods or literature.</p>	<p>(a) Upon disturbance or oxidisation until the affected soil has been neutralised or contained.</p> <p>(b) At the time the soils have been neutralised or contained.</p>

## Attachment 2—Advice to the applicant

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<b>General advice</b>	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v3.0. If a word remains undefined it has its ordinary meaning.

## Attachment 3—Reasons for referral agency response

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(Given under section 56(7) of the *Planning Act 2016*)

### The reasons for SARA's decision are:

- The proposed development is the construction of five (5) rock groynes adjacent to an existing approved seawall and designed to promote mangrove growth.
- The assessment benchmarks relevant to SARA's assessment are the State Development
- Assessment Provisions (SDAP):
  - o State code 7: Maritime safety
  - o State code 8: Coastal development and tidal works
  - o State code 11: Removal, destruction or damage of marine plants
- The proposed development will have minimal impact on coastal processes and resources.
- The proposed development will not result in a significant residual impact to marine plants.
- The proposed development complies with the relevant parts of SDAP State code 7.
- The proposed development complies with the relevant parts of SDAP State code 8 and 11 with the application of conditions.

### Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 3.0), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

## **Attachment 4—Change representation provisions**

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# Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding **representations about a referral agency response**

## Part 6: Changes to the application and referral agency responses

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### 28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
  - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
  - (c) the applicant has given written agreement to the change to the referral agency response.<sup>2</sup>
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
  - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

## Part 7: Miscellaneous

### 30 Representations about a referral agency response

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

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<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

## **Attachment 5—Approved plans and specifications**

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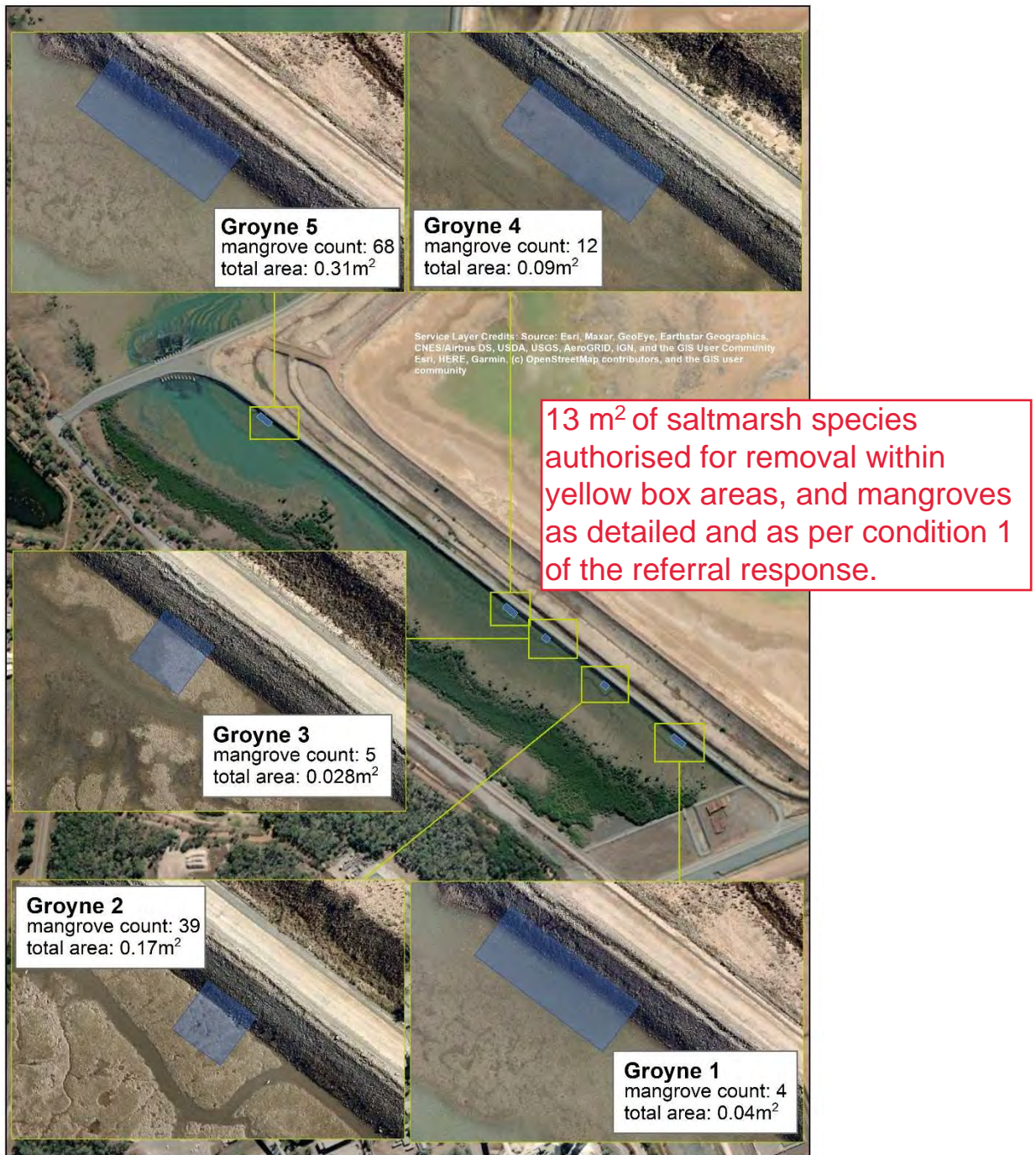



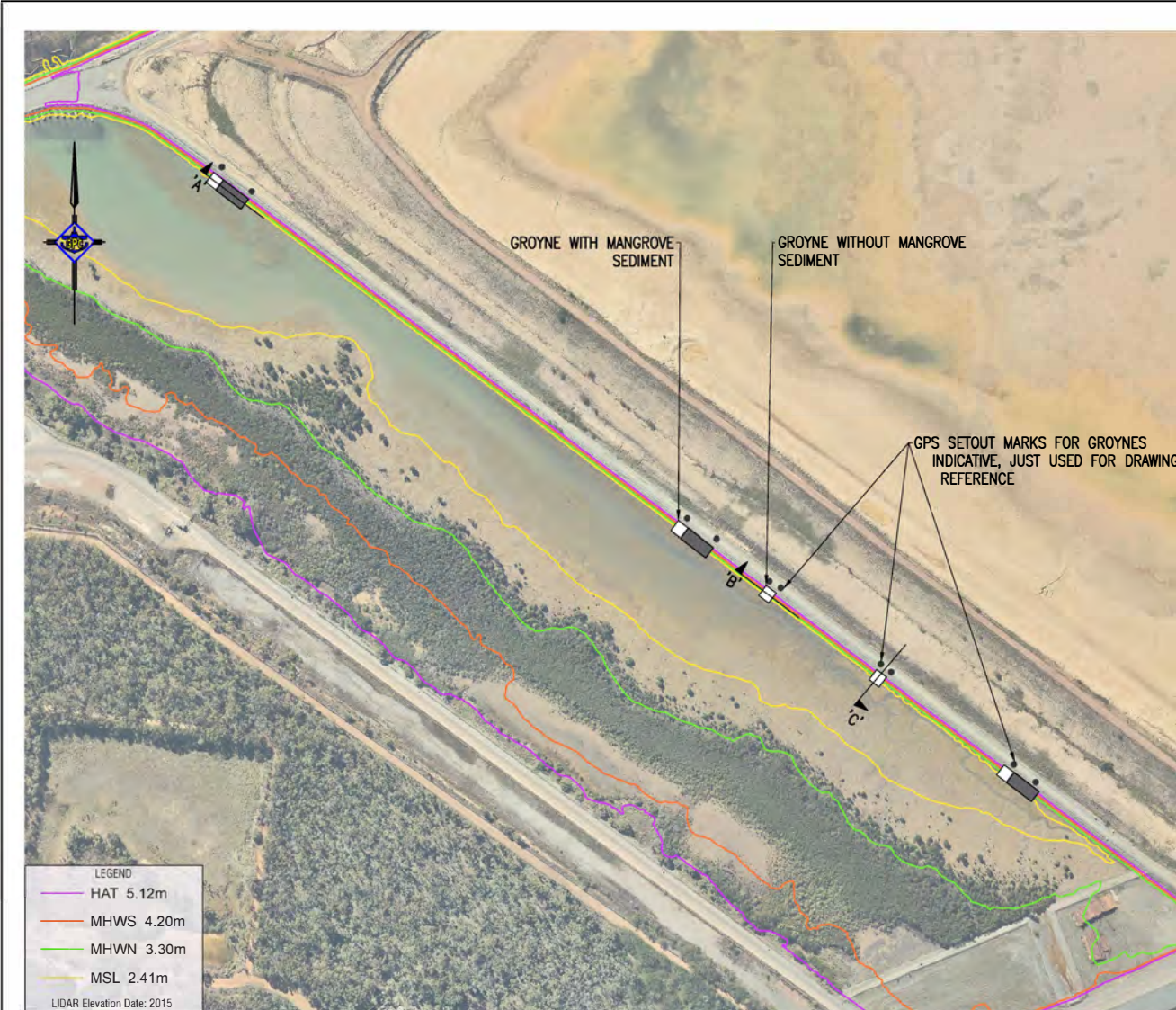
Figure 1. Total count of individual mangroves and total canopy area at each revised groyne location.

**PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE**

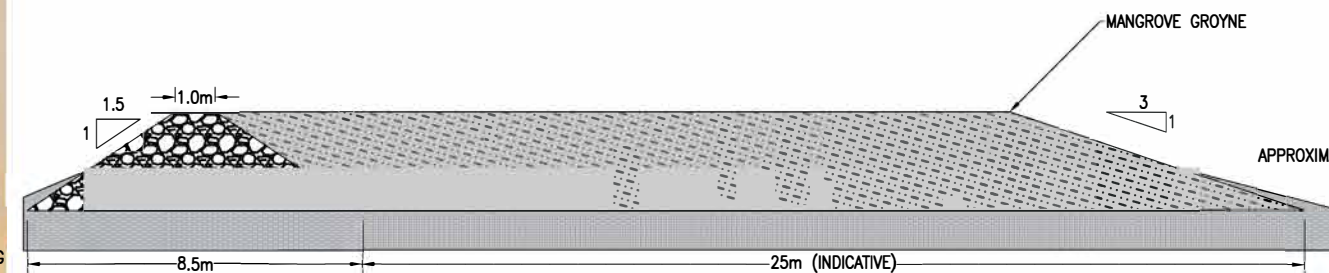
**SARA ref:** 2204-28537 SRA

**Date:** 9 August 2022

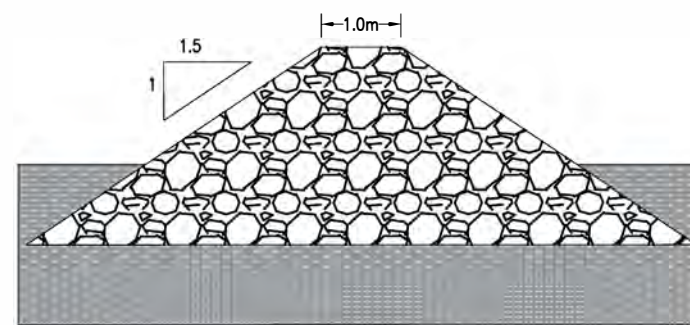




**SITE PLAN**  
SCALE: NTS



**TYPICAL GROUYNE CROSS SECTION 'A' (WITH SEDIMENT)**  
SCALE 1:100



**TYPICAL GROUYNE CROSS SECTION 'B' (WITHOUT SEDIMENT)**  
SCALE 1:50

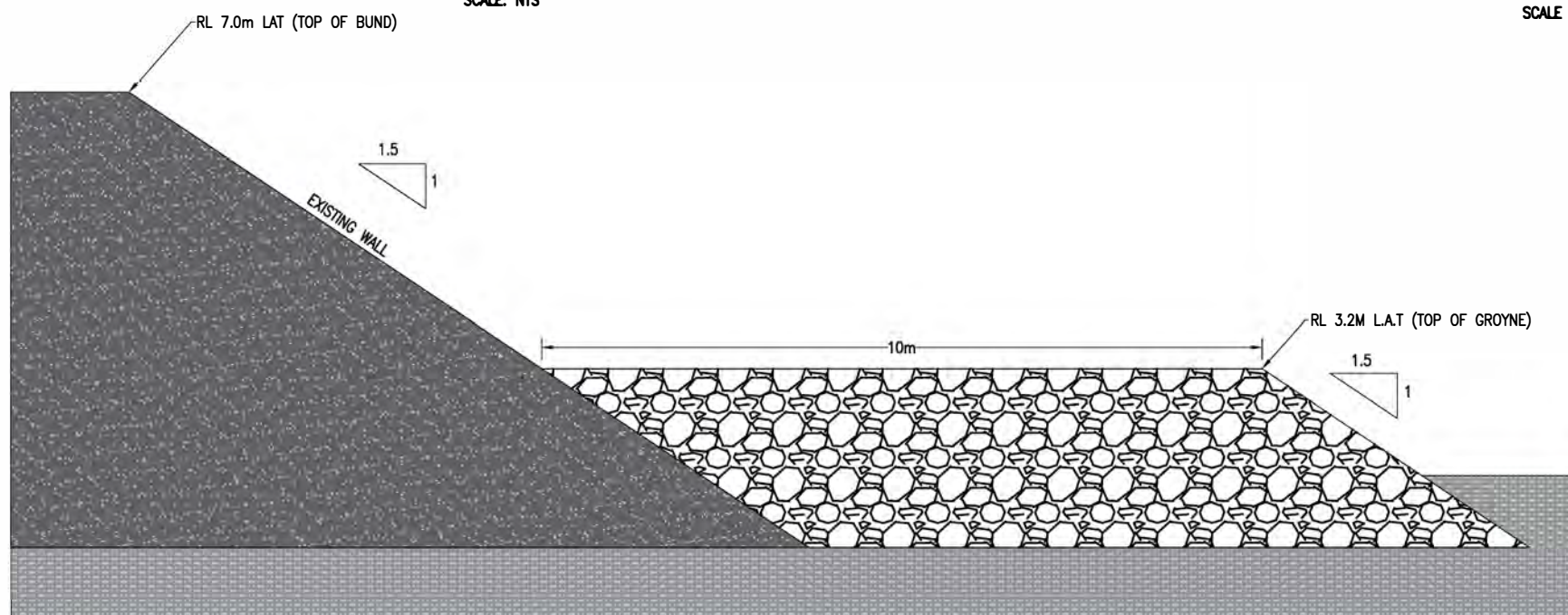
- H.A.T. 5.12M LAT
- M.H.W.S. 4.20M LAT
- M.H.W.N. 3.30M LAT
- M.S.L. 2.41M LAT
- APPROXIMATE EXISTING SEA BED LEVEL (VARIES)
- M.L.W.N. 1.66M LAT
- M.L.W.S. 0.76M LAT
- L.A.T.

- LEGEND**
- CORE MATERIAL (NO FINES <12MM) -D50 >75MM
  - EXISTING ROCK WALL
  - SEA BED
  - MANGROVE GROUYNE MATERIAL

- H.A.T. 5.12M LAT
- M.H.W.S. 4.20M LAT
- M.H.W.N. 3.30M LAT
- M.S.L. 2.41M LAT
- APPROXIMATE EXISTING SEA BED LEVEL (VARIES)
- M.L.W.N. 1.66M LAT
- M.L.W.S. 0.76M LAT
- L.A.T.

**GENERAL NOTES**

1. ALL REDUCED LEVELS IN METERS, GLADSTONE PORT DATUM
2. PL 1.8M LAT
3. CORE MATERIAL USED TO BE RUN DOWN BLUE METAL QUARRY ROCK
4. LOCATION OF GROYNES/SEDIMENT IS INDICATIVE



**TYPICAL BUND ELEVATION 'C'**  
SCALE 1:50

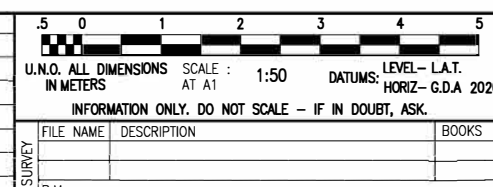
- H.A.T. 5.12M LAT
- M.H.W.S. 4.20M LAT
- M.H.W.N. 3.30M LAT
- M.S.L. 2.41M LAT
- APPROXIMATE EXISTING SEA BED LEVEL (VARIES)
- M.L.W.N. 1.66M LAT
- M.L.W.S. 0.76M LAT
- L.A.T.

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2204-28537 SRA

Date: 9 August 2022

REV	DRN	DATE	REVISION DESCRIPTION	CHKD	DESIGN	APPR	DRG. NO.	REFERENCE DRAWING TITLE
0	T.R.	11.03.22	SEAWALL PROPOSAL					
1	T.R.	16.06.22	UPDATE ON GROUYNE LOCATIONS					



**GLADSTONE PORTS CORPORATION**  
PORT PLANNING AND DEVELOPMENT

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DRAWN	T.R.	11.03.22
CHECK	O.B.	15.03.22
DESIGN	O.B.	11.03.22
APPROVE		

<b>FISHERMANS LANDING SEAWALL PROPOSAL</b>	
Ext Ref No.	###-###
GPC DRAWING No.	###-###
Asset/Part No.	A1
REV. JDE Ref/Rego No.	0



SARA reference: 2204-28537 SRA

13 September 2022

Gladstone Ports Corporation  
r.mulloy@cqu.edu.au

Attention: Rory Mulloy

Dear Sir/Madam,

## Generally in accordance advice - Landing Road, Yarwun

Your request for generally in accordance advice was received by the State Assessment and Referral Agency (SARA) on 22 August 2022 in relation to SARA's referral agency response dated 9 August 2022.

### Location details

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Street address:	Landing Road, Yarwun
Real property description:	510SP305597
Local government area:	Gladstone Regional Council

### Development approval details

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Development permit:	Operational Work for Tidal Works (construction of five (5) rock groyne seawalls)
SARA role:	Referral agency

### Referral triggers

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The development application was referred to SARA under the following provisions of the Planning Regulation 2017:

SARA trigger:	Schedule 10, part 6, division 3, subdivision 3, table 1 (Planning Regulation 2017) Operational work involving marine plants
	Schedule 10, Part 17, division 3, table 1 (Planning Regulation 2017) Operational work that is tidal works or work in a coastal management district
	Schedule 10, Part 17, division 3, table 2 (Planning Regulation 2017) Operational work that is tidal works in tidal waters

## Evidence to support request

The following evidence has been provided to support the request for confirmation of conditions being fulfilled:

- Email dated 22 August 2022 outlining details of the change as follows:
  - 'Changes / improvements made for this update are:
    - Formal Drawing Number 447-00007 (not ###-###)
    - More accurate clean rock description (spec) from D50 >75mm to 75 – 250mm, which is the standard rock used to line drainage systems.
    - Changed label 'Mangrove groyne material' to 'Mangrove fill' as the groyne is the rock part only
    - Update drawing name to match the project name.'

Approved plan	<i>Fishermans Landing Seawall Proposal prepared by Gladstone Ports Corporation dated 16/06/2022, Drawing Number ###-####, revision 1.</i>
New Plan	<i>FISHERMAN'S LANDING SEAWALL HABITAT ENHANCEMENT PROJECT, prepared by Gladstone Ports Corporation dated 22.08.22, Drawing Number 447-00007, revision 2.</i>

SARA has considered your request and advises the proposed change is generally in accordance with the conditions of approval providing the new methodology does not impact a greater area of marine plants than that which is approved.

For further information please Carl Porter, Principal Planning Officer on (07) 3243 1666 or via email at RockhamptonSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely,



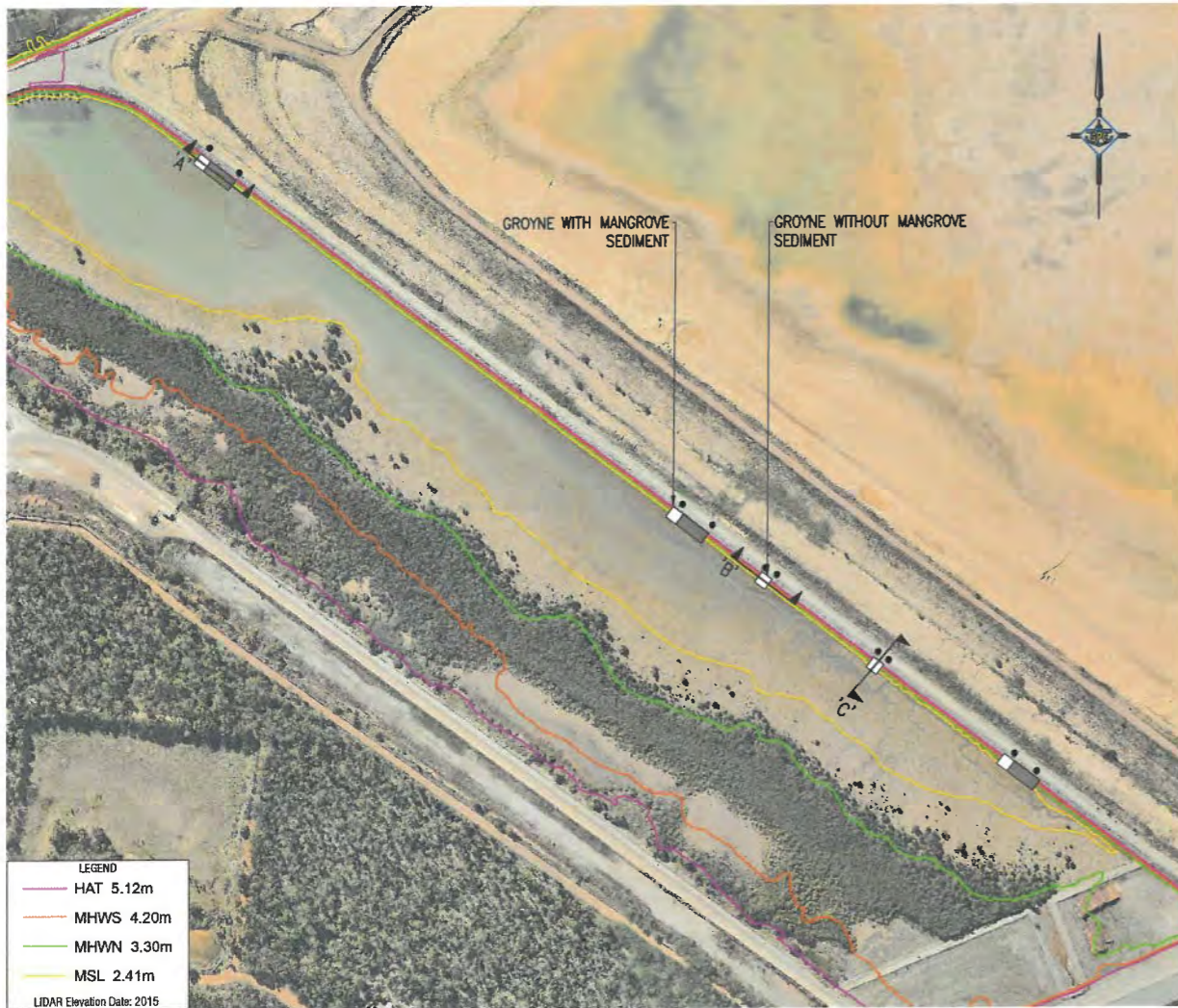
Anthony Walsh  
Manager Planning

cc. Gladstone Ports Corporation Limited, [Planning@gpcl.com.au](mailto:Planning@gpcl.com.au) (Att: Trudy Smith)

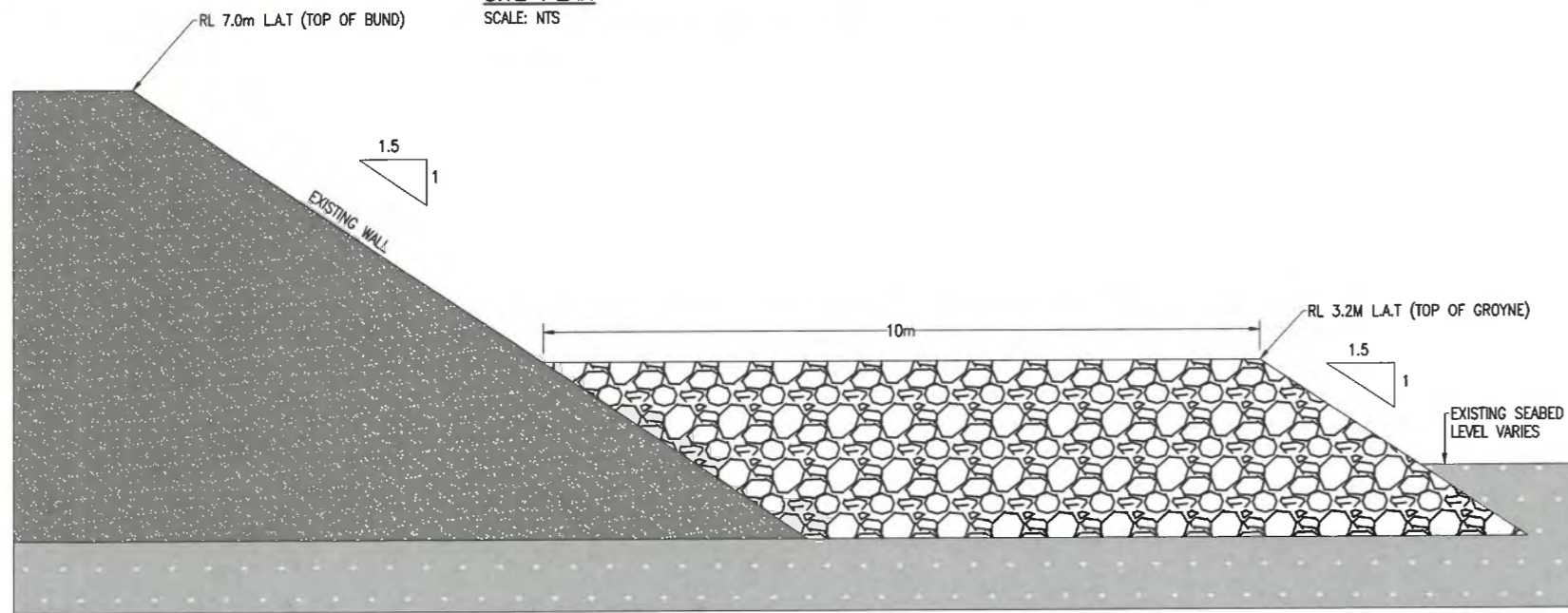
## Attachment 2 Approved Plans and Specifications

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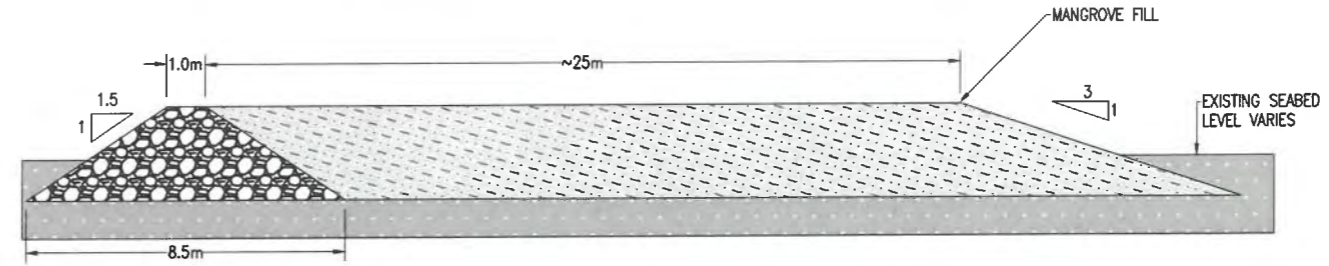




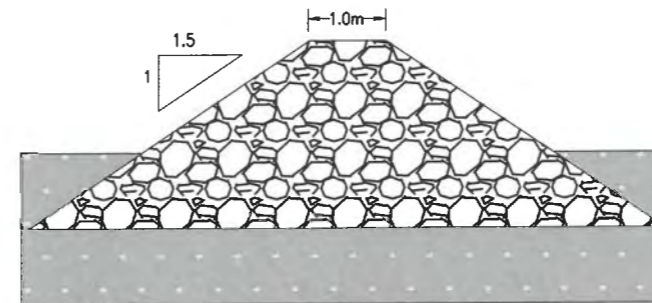
**SITE PLAN**  
SCALE: NTS



**CROSS SECTION 'C'**  
TYPICAL BUND ELEVATION  
SCALE 1:50



**CROSS SECTION 'A'**  
TYPICAL CROSS SECTION WITH SEDIMENT  
SCALE 1:100



**CROSS SECTION 'B'**  
TYPICAL CROSS SECTION WITHOUT SEDIMENT  
SCALE 1:50

**LEGEND**

- CORE MATERIAL (NO FINES <12MM) 75-250mm
- EXISTING ROCK WALL
- SEA BED
- MANGROVE FILL MATERIAL

- H.A.T. 5.12m
- M.H.W.S. 4.20m
- M.H.W.N. 3.30m
- M.S.L. 2.41m
- M.L.W.N. 1.66m
- M.L.W.S. 0.76m
- L.A.T. 0.00m

*Mr Owen Barton*  
RPEQ: 24010 Date: 22.02.22

**Gladstone Ports Corporation**

**APPROVED**

Name: Erin Clark  
Date: 9:37am 19/09/2022

**GENERAL NOTES**

- ALL REDUCED LEVELS IN METERS TO GLADSTONE PORT DATUM
- LAT TO AHD CONVERSION = 2.43m (EG 3.2m LAT = 0.77m AHD)
- CORE MATERIAL TO BE 75-250mm RIPRAP "BLUE METAL BASALT" OR SIMILAR.
- LOCATION AND FOOTPRINT OF GROUYNE/SEDIMENT IS INDICATIVE, EXACT LOCATIONS TO BE CONFIRMED ONSITE BY THE GPC PROJECT MANAGER.

REV	DRN	DATE	REVISION DESCRIPTION	CHKD	DESIGN	APPR	DRG. NO.	REFERENCE DRAWING TITLE
0	T.R	11.03.22	SKETCH					
1	T.R	16.06.22	PRELIMINARY					
2	T.R	22.08.22	FOR CONSTRUCTION	M.K	O.B	O.B		

0.5	0	1	2	3	4	5
U.N.O. ALL DIMENSIONS IN METERS						
SCALE : 1:50			DATUMS: LEVEL- L.A.T HORIZ- GDA-94			
INFORMATION ONLY. DO NOT SCALE - IF IN DOUBT, ASK.						
FILE NAME	DESCRIPTION		BOOKS			
B.M. :-						

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DRAWN	T.R	11.03.22
CHECK	M.K	22.08.22
DESIGN	O.B	11.03.22
APPROVE	O.B	22.08.22

**FISHERMAN'S LANDING SEAWALL HABITAT ENHANCEMENT PROJECT**

**FOR CONSTRUCTION**

Ext Ref No.	
GPC DRAWING No.	447-00007
Asset/Part No.	A1
REV. JDE Ref/Rego No.	2

## Attachment 3 Extract of Appeal Provisions

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## **Schedule 1      Appeals**

section 229

### **1      Appeal rights and parties to appeals**

- (1) Table 1 states the matters that may be appealed to—
  - (a) the P&E court; or
  - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
  - (a) the refusal, or deemed refusal of a development application, for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (b) a provision of a development approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (c) if a development permit was applied for—the decision to give a preliminary approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (d) a development condition if—
    - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and

- 
- (ii) the building is, or is proposed to be, not more than 3 storeys; and
    - (iii) the proposed development is for not more than 60 sole-occupancy units; or
  - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
  - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
  - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
  - (h) a decision to give an enforcement notice—
    - (i) in relation to a matter under paragraphs (a) to (g); or
    - (ii) under the *Plumbing and Drainage Act 2018*; or
  - (i) an infrastructure charges notice; or
  - (j) the refusal, or deemed refusal, of a conversion application; or
  - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
    - (i) a development approval for which the development application required impact assessment; and
    - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
  - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
  - (a) column 1 states the appellant in the appeal; and
  - (b) column 2 states the respondent in the appeal; and
  - (c) column 3 states the co-respondent (if any) in the appeal; and
  - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—
 

*storey* see the Building Code, part A1.1.

<b>Table 1</b>
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>
<p>1. Development applications</p> <p>For a development application other than an excluded application, an appeal may be made against—</p> <ul style="list-style-type: none"> <li>(a) the refusal of all or part of the development application; or</li> <li>(b) the deemed refusal of the development application; or</li> <li>(c) a provision of the development approval; or</li> <li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li> </ul>

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	<ol style="list-style-type: none"> <li>1 A concurrence agency that is not a co-respondent</li> <li>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</li> <li>3 Any eligible advice agency for the application</li> <li>4 Any eligible submitter for the application</li> </ol>
<p><b>2. Change applications</b></p> <p>For a change application other than an excluded application, an appeal may be made against—</p> <p>(a) the responsible entity's decision on the change application; or</p> <p>(b) a deemed refusal of the change application.</p>			

<b>Table 1 Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 The applicant</p> <p>2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice</p>	<p>The responsible entity</p>	<p>If an affected entity starts the appeal—the applicant</p>	<p>1 A concurrence agency for the development application</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 A private certifier for the development application</p> <p>4 Any eligible advice agency for the change application</p> <p>5 Any eligible submitter for the change application</p>
<p>3. Extension applications</p> <p>For an extension application other than an extension application called in by the Minister, an appeal may be made against—</p> <p>(a) the assessment manager’s decision on the extension application; or</p> <p>(b) a deemed refusal of the extension application.</p>			

<b>Table 1 Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 The applicant</p> <p>2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application</p>	<p>The assessment manager</p>	<p>If a concurrence agency starts the appeal—the applicant</p>	<p>If a chosen assessment manager is the respondent—the prescribed assessment manager</p>
<p><b>4. Infrastructure charges notices</b></p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—</p> <p>(a) the notice involved an error relating to—</p> <p style="padding-left: 20px;">(i) the application of the relevant adopted charge; or</p> <p><i>Examples of errors in applying an adopted charge—</i></p> <ul style="list-style-type: none"> <li>• the incorrect application of gross floor area for a non-residential development</li> <li>• applying an incorrect ‘use category’, under a regulation, to the development</li> </ul> <p style="padding-left: 20px;">(ii) the working out of extra demand, for section 120; or</p> <p style="padding-left: 20px;">(iii) an offset or refund; or</p> <p>(b) there was no decision about an offset or refund; or</p> <p>(c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or</p> <p>(d) for an appeal to the P&amp;E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			



<b>Table 1 Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—
<p><b>5. Conversion applications</b> An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or</p> <p>(b) a deemed refusal of a conversion application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	—	—
<p><b>6. Enforcement notices</b> An appeal may be made against the decision to give an enforcement notice.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	—	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

<b>Table 1</b>			
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
7. Enforcement notices under the <i>Plumbing and Drainage Act 2018</i>			
An appeal may be made against the decision to give an enforcement notice.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The local government that gave the enforcement notice	—	—

<b>Table 2</b>			
<b>Appeals to the P&amp;E Court only</b>			
1. Appeals from tribunal			
An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—			
(a) an error or mistake in law on the part of the tribunal; or			
(b) jurisdictional error.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—
2. Eligible submitter appeals			
For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to—			
(a) any part of the development application or change application that required impact assessment; or			
(b) a variation request.			

<b>Table 2 Appeals to the P&amp;E Court only</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>For a development application or change application other than an excluded application, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p>			

<b>Table 2 Appeals to the P&amp;E Court only</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>
<p>4. Compensation claims</p> <p>An appeal may be made against—</p> <p>(a) a decision under section 32 about a compensation claim; or</p> <p>(b) a decision under section 265 about a claim for compensation; or</p> <p>(c) a deemed refusal of a claim under paragraph (a) or (b).</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	—	—

<b>Table 2 Appeals to the P&amp;E Court only</b>			
<p>5. Registered premises</p> <p>An appeal may be made against a decision of the Minister under chapter 7, part 4.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 A person given a decision notice about the decision</p> <p>2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision</p>	<p>The Minister</p>	<p>—</p>	<p>If an owner or occupier starts the appeal—the owner of the registered premises</p>
<p>6. Local laws</p> <p>An appeal may be made against a decision of a local government, or conditions applied, under a local law about—</p> <p>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or</p> <p>(b) the erection of a building or other structure.</p>			

<b>Table 2 Appeals to the P&amp;E Court only</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	—	—

<b>Table 3 Appeals to a tribunal only</b>			
1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval 2 A private certifier for the development application related to the approval

<b>Table 3 Appeals to a tribunal only</b>			
<p>2. Inspection of building work</p> <p>An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision	—	—
<p>3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i></p> <p>An appeal may be made against—</p> <p>(a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or</p> <p>(b) a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision	The entity that made the decision	—	—
<p>4. Failure to decide an application or other matter under the Building Act</p> <p>An appeal may be made against a failure to make a decision under the Building Act within the period required under that Act, other than a failure by the Queensland Building and Construction Commission to make a decision, if an information notice about the decision was required to be given under that Act.</p>			

<b>Table 3 Appeals to a tribunal only</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive notice of the decision	The entity that failed to make the decision	—	—
<p>5. Failure to decide an application or other matter under the <i>Plumbing and Drainage Act 2018</i></p> <p>An appeal may be made against a failure to make a decision under the <i>Plumbing and Drainage Act 2018</i> within the period required under that Act, other than a failure by the Queensland Building and Construction Commission to make a decision, if an information notice about the decision was required to be given under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive an information notice about the decision	The entity that failed to make the decision	—	—