

Officer: Mark Lewis  
Direct Telephone: 07 53296290  
Our Reference: OPW22/0029  
Your Reference: Noosa Oyster Project

25 May 2022

The Nature Conservancy Ltd  
PO Box 833  
NORTH MELBOURNE VIC 3051  
b.corbett@coastalmanagement.com.au

Dear Sir/Madam,

## **Decision Notice**

### *Planning Act 2016*

I refer to your application and advise that on 19 May 2022, Council decided to approve the application, subject to conditions.

- A. Approve the application in accordance with Referral Agency Conditions provided by SARA

Details of the decision are as follows:

#### **1. APPLICATION DETAILS**

Application No:	OPW22/0029
Street address:	Goat Island Noosa North Shore Qld 4565
Real property description:	SP 103385, BUP 13469, Lot 1 RP 92804, Lot 7 RP 107007, BUP 2048, Lot 3 RP 106422, Lot 2 RP 106422, Lot 1 RP 97493, BUP 8432, Lot 604 SP 188270, Lot 326 CP 855842, Lot 35 MCH 4795, Lot 5 SP 234718
Planning Scheme:	Noosa Plan 2020 (25 September 2020)

#### **2. DECISION DETAILS**

The following type of approval has been issued:

- Development Permit for Operational Works – (Prescribed Tidal Works – Noosa River Oyster Habitat Restoration) for Noosa River

#### **3. CURRENCY PERIOD OF APPROVAL**

The Currency Period for this development approval is stated in the conditions below.

#### **4. ASSESSMENT MANAGER CONDITIONS**

##### **Approved Plans**

- Phase 1 – Pilot Phase is only approved as part of this development approval.

2. Development undertaken in accordance with this approval must generally comply with the approved plans of development. The approved plans are listed in the following table unless otherwise amended by these conditions.

Plan No.	Rev.	Plan/Document Name	Date
NROR-2021-00	A	General Notes & Site Selection	09/07/2021
NROR-2021-01	-	Restoration Zones	20/05/2021
NROR-2021-02	A	Module Designs	09/07/2021
NROR-2021-03	A	Goat Island Restoration Site	09/07/2021
NROR-2021-04	A	Tewantin Island Restoration Site	09/07/2021
NROR-2021-05	A	Noosa Sound West Restoration Site	09/07/2021
NROR-2021-06	A	Noosa Sound East Restoration Site	09/07/2021

### **Currency Period**

3. The development approval lapses if the works have not been substantially started by **19 May 2024**, unless an application to extend the currency period is approved by Council.

### **General Conditions**

4. All works must be undertaken in accordance with the Noosa Oyster Restoration Project – Project Restoration Plan prepared by The Nature Conservancy dated January 2022.
5. All works must be undertaken in accordance with Maritime Safety Queensland (MSQ) and Department of Agriculture and Fisheries (DAF) requirements relating to signage and aids to navigation as detailed in the Noosa Oyster Restoration Project – Project Restoration Plan (Section 7) prepared by The Nature Conservancy dated January 2022.
6. All works must be undertaken in accordance with DAF requirements relating to notifications, marking of approved boundary areas and restoration of marine plants/tidal profiles that are temporarily impacted as a result of the works as detailed in the SARA Decision Notice.
7. All works must be undertaken in accordance with Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association).
8. All works must be undertaken in accordance with Sections 6.1 and 6.4 of Noosa Oyster Ecosystem Restoration Project - Project Restoration Plan prepared by The Nature Conservancy Australia dated January 2022.
9. All works must be undertaken in accordance with the current Queensland Acid Sulfate Soil Technical Manual: Soil management guidelines, prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014.
10. All materials used for construction works must be clean materials to ensure that the works do not contaminate the waterway.
11. All structures must be designed and constructed such that they are free standing within the waterway and are not connected to or behind the revetment wall.
12. All structures must have no detrimental effects on stormwater drains and/or easements.
13. In the event of collapse or failure of structural integrity of the oyster restoration substrates, the works must be removed from the waterway or reconstructed in accordance with this development approval.

14. All works must be undertaken in accordance with an approved Construction Environmental Management Plan (CEMP) which consolidates the commitments and management measures described in the Noosa Oyster Ecosystem Restoration Project – Project Restoration Plan including, but not limited to:
  - a. A Site Management Plan which describes environmental management measures at the proposed load out site including details of stockpile management;
  - b. An Erosion and Sediment Control Plan (ESCP) in accordance with BPESC guidelines;
  - c. A Marine Plant and Water Quality Monitoring Plan designed to monitor the composition of marine plant assemblages at habitat restoration sites and appropriate sites upstream and downstream; and
  - d. A Marine Biosecurity Management Plan for construction vessels.

The CEMP should be submitted to Council for approval 20 business days prior to the commencement of works.
15. A monitoring report must be provided to Council on a six-monthly basis for the first year (and annually for the following 4 years) following completion of construction works which details the results of restoration monitoring and evaluation, including adaptive management measures taken and the success or otherwise of those measures.
16. Upon completion of construction works, any construction debris or waste must be removed from site and disposed of appropriately.
17. Lighting associated with the construction phase must be designed, installed, operated and maintained in accordance with Section 3 of AS4282 Control of the Obtrusive Effects of Outdoor Lighting.
18. Wastewater and sullage must only be disposed of at approved pumpout facilities.
19. Any construction and post construction activity must not impact on the condition of the waterway, and is to be conducted so as not to breach the Environmental Protection Act EPA (1994) and the Environmental Protection (Water) Policy 2009.
20. Certification by a Registered Professional Engineer of Queensland that states that the oyster habitat restoration substrates are constructed in accordance with best practice methods and is structurally sound must be submitted to Council. This certification must be submitted to Council within three (3) months of the completion of the works.
21. After completion, the proposed works must be maintained in a sound state of repair in accordance with the approved plans

## 5. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Concurrence	SARA at DILGP SARA at DILGP Via MyDAS2 at <a href="https://prod2.dev-assess.qld.gov.au/suite/">https://prod2.dev-assess.qld.gov.au/suite/</a> (for assistance, contact DILGP at 5352 9701 or email:SEQNorthSARA@dilgp.qld.gov.au	Planning Regulation 2017 Schedule 10, Part 6 – Declared Fish Habitat Area and Marine Plants, Part 17 – Tidal Works or Works in a Coastal Management District	The agency provided its response on 7 April 2022 (Reference No. 2202-27255 SRA). A copy of the response is attached

## 6. ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

### General Advisory Notes

1. Should any changes or modifications to the approved plans be required as a result of construction constraints, a “Request to change an existing approval” under the Planning Act 2016 must be made. Amended plans clearly indicating the changes must be lodged with this application along with the appropriate fees.

### Building and Construction Industry (Portable Long Service Leave) Levy

2. The QLeave levy must be paid prior to the issue of a development permit where it is required. Council will not be able to issue a Decision Notice without receipt of details that the Levy has been paid.

### Aboriginal Cultural Heritage Act 2003

3. There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003* (ACH Act).

The ACH Act establishes a cultural heritage duty of care which provides that: “A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage”. It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land and Resources Tribunal, and the Minister administering the ACH Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Cultural Heritage Unit to discuss any obligations under the ACH Act.

## Infrastructure Charges

4. All developments and/or changes to existing developments may require payment of "Infrastructure Charges" (as applicable) in accordance with Council's "Charges Resolution" made pursuant to the planning legislation and regulations current at the time of issue. For further information, please refer to <https://www.noosa.qld.gov.au/planning-development/development-tools-guidelines/infrastructure-charges>

### 7. PROPERTY NOTES

Not applicable.

### 8. VARIATION APPROVAL DETAILS

Not applicable.

### 9. FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable

### 10. SUBMISSIONS

Not applicable.

### 11. RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to Council about the conditions contained within the development approval. If Council agrees or agrees in part with the representations, a negotiated decision notice will be issued. Only one negotiated decision notice may be given.

### 12. OTHER DETAILS

If you wish to obtain more information about the decision, electronic copies are available on line at [www.noosa.qld.gov.au](http://www.noosa.qld.gov.au) or at Council Offices.

Yours faithfully,



Patrick Murphy  
Acting Manager, Development Assessment

Enc: Referral Agency Response  
Appeal Rights  
Approved Plans/Documents

cc. SARA at DILGP  
Via MyDAS2 at <https://prod2.dev-assess.qld.gov.au/suite/>  
(for assistance, contact DILGP at 5352 9701 or email [SEQNorthSARA@dilgp.qld.gov.au](mailto:SEQNorthSARA@dilgp.qld.gov.au))

RAG-N



SARA reference: 2202-27255 SRA  
Council reference: OPW22/0029  
Applicant reference: Noosa Oyster Project

7 April 2022

Chief Executive Officer  
Noosa Shire Council  
PO Box 141  
Tewantin Qld 4565  
mail@noosa.qld.gov.au

Attention: Mark Lewis

Dear Mr Lewis

### **SARA response—1B Serenity Close and 1, 3, 11, 13 and 15 Natasha Avenue Noosa Heads, Goat Island, Noosa North Shore and 9 Pelican Street, Tewantin**

(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 10 February 2022.

#### **Response**

Outcome:	Referral agency response – with conditions.
Date of response:	7 April 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**

Description:	Development permit	Operational work for prescribed tidal works (Habitat restoration / enhancement in the Noosa River)
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SARA role: Referral agency

SARA trigger: Schedule 10, Part 17, Division 3, Table 1 (Planning Regulation 2017)

Tidal works in a coastal management district

Schedule 10, Part 17, Division 3, Table 2 (Planning Regulation 2017)

Tidal works in a coastal management district

Schedule 10, Part 6, Division 2, Subdivision 3, Table 1 (Planning Regulation 2017)

Works in a declared fish habitat area

Schedule 10, Part 6, Division 3, Subdivision 3, Table 1 (Planning Regulation 2017)

Removal, destruction or damage of marine plants

SARA reference: 2202-27255 SRA

Assessment Manager: Noosa Shire Council

Street address: 1B Serenity Close and 1, 3, 11, 13 and 15 Natasha Avenue Noosa Heads, Goat Island, Noosa North Shore and 9 Pelican Street, Tewantin

Real property description: 604SP188270; 35MCH4795; 326CP855842; 1RP92804; 1RP97493; 3RP106422; 5SP234718; 7RP107007; 0SP103385; 0BUP13469; 0BUP8432; 0BUP2048; 2RP106422

Applicant name: The Nature Conservancy Ltd

Applicant contact details: PO Box 306  
Main Beach QLD 4217  
bobbie@coastalmanagement.com.au

## Representations

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 Danika Cowie, Principal Planning Officer, on (07) 5352 9776 or via email [SEQNorthSARA@dsdilgp.qld.gov.au](mailto:SEQNorthSARA@dsdilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Jamaica Hewston  
Manager

cc The Nature Conservancy Ltd, [bobbie@coastalmanagement.com.au](mailto:bobbie@coastalmanagement.com.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 for prescribed tidal works (habitat restoration)</b>		
10.17.3.2.1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads (Maritime Safety Queensland) 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 conditions:		
1.	<p>The development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>(a) General Notes and Site Selection prepared by International Coastal Management dated 09/07/2021, Drawing Number NROR-2021-00 Revision A.</li> <li>(b) Module Designs prepared by International Coastal Management dated 09/07/2021, Drawing Number NROR-2021-02 Revision A.</li> <li>(c) Phase 1 – Goat Island Restoration Site prepared by International Coastal Management dated 09/07/2021, Drawing Number NROR-2021-03 Revision A as amended in red by SARA dated 07/04/2022.</li> <li>(d) Phase 1 – Tewantin Restoration Site prepared by International Coastal Management dated 09/07/2021, Drawing Number NROR-2021-04 Revision A as amended in red by SARA dated 07/04/2022.</li> <li>(e) Phase 1 – Noosa Sound West Restoration Site prepared by International Coastal Management dated 09/07/2021, Drawing Number NROR-2021-05 Revision A.</li> <li>(f) Phase 1 – Noosa Sound East Restoration Site prepared by International Coastal Management dated 09/07/2021, Drawing Number NROR-2021-06 Revision A.</li> </ul>	At all times
2.	The development must be carried out generally in accordance with the Noosa Oyster Ecosystem Restoration Project - Project Restoration Plan prepared by The Nature Conservancy Australia dated January 2022, as amended in red by SARA dated 07/04/2022	For the duration of works
3.	<p>All vessels, structures, plant and equipment associated with the construction of the approved works must be lit/marked in accordance with the following specifications and requirements such that undertaking the construction works does not cause a risk to the safe navigation of ships:</p> <ul style="list-style-type: none"> <li>(a) any anchors deployed must be marked with yellow buoys and fitted with FL yellow lights fitted</li> </ul> <p>Lighting provided must not obscure, disguise or otherwise interfere with the effectiveness of navigational lighting.</p>	While the works are occurring
10.17.3.2.1— The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the 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 conditions:		

4.	<p>The construction of the oyster reefs must be undertaken generally in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>General Notes and Site Selection prepared by International Coastal Management dated 09/07/2021, Drawing Number NROR-2021-00 Revision A.</li> <li>Module Designs prepared by International Coastal Management dated 09/07/2021, Drawing Number NROR-2021-02 Revision A.</li> <li>Phase 1 – Goat Island Restoration Site prepared by International Coastal Management dated 09/07/2021, Drawing Number NROR-2021-03 Revision A.</li> <li>Phase 1 – Tewantin Restoration Site prepared by International Coastal Management dated 09/07/2021, Drawing Number NROR-2021-04 Revision A.</li> <li>Phase 1 – Noosa Sound West Restoration Site prepared by International Coastal Management dated 09/07/2021, Drawing Number NROR-2021-05 Revision A.</li> <li>Phase 1 – Noosa Sound East Restoration Site prepared by International Coastal Management dated 09/07/2021, Drawing Number NROR-2021-06 Revision A.</li> </ul>	For the duration of the works.
5.	For the proposed works, only use clean materials and ensure that the works do not cause contamination.	For the duration of the works.
6.	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.
7.	<p>Should the oyster reef structures 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>reinstated in accordance with this development approval; or</li> <li>removed and disposed of at an appropriately licensed facility.</li> </ol>	As soon as reasonably practicable subsequent to the damage.
8.	<p>Submit "As Constructed drawings" to palm@des.qld.gov.au or mail to:</p> <p>Department of Environment and Science Permit and Licence Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p>	Within two (2) weeks of the completion of the works.
9.	<p>(a) In the event that the works cause disturbance or oxidation 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 Queensland Acid Sulfate Soil Technical Manual: Soil management guidelines, 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</p>	<p>(a) Upon disturbance or oxidation until the affected soil has been neutralised or contained.</p> <p>(b) At the time the soils have been neutralised or</p>

	<p>contained, in accordance with (a) above is to be provided to palm@des.qld.gov.au 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: <b>Appropriately qualified person</b> 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>	contained.
<p>10.6.2.3.1.1 and 10.6.3.3.1.1 — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the 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 conditions:</p>		
10.	<p>Development authorised under this approval is limited as follows:</p> <ul style="list-style-type: none"> <li>Operational work for the temporary removal, destruction or damage of marine plants for placement of oyster reef base being limited to 479m<sup>2</sup> of macroalgae and shown in Phase 1 – Tewantin Restoration Site, International Coastal management, 05 Aug 2021, NROR-2021-04, Revision A and amended in red by SARA dated 07/04/2022.</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>The operational works within the Noosa River declared Fish Habitat Area Management A being limited to trial restoration of oyster reefs 2,504m<sup>2</sup> in area and installation of navigational and educational signage if required and shown in the following plans: <ul style="list-style-type: none"> <li>Phase 1 – Tewantin Restoration Site, International Coastal management, 05 Aug 2021, NROR-2021-04, Revision A and amended in red by SARA, dated 07/04/2022; and</li> <li>Phase 1 – Goat Island Restoration Site, International Coastal management, 05 Aug 2021, NROR-2021-03, Revision A and amended in red by SARA dated 07/04/2022.</li> </ul> </li> </ul>	At all times
11.	The reef construction and sediment control must be carried out generally in accordance with Sections 6.1 and 6.4 of Noosa Oyster Ecosystem Restoration Project - Project Restoration Plan prepared by The Nature Conservancy Australia dated January 2022, amended in red by SARA dated 07/04/2022.	For the duration of works
12.	Maintain the signage and navigation markers development in accordance with the plans referenced in condition 10, and the requirements of any conditions included in this referral agency response.	At all times
13.	<p>Provide written notice to notifications@daf.qld.gov.au, when the development authorised under this approval:</p> <p>(a) will start, and</p> <p>(b) when it has been completed.</p>	At least 5 business days but no greater than 20 business days prior to the

	These notices must state this permit number 2202-27255 SRA.	commencement of the works  Within 15 business days of the completion of the fisheries development works
14.	Spoil or construction debris is not disposed of on tidal lands or within waterways and is managed to prevent acid soil development.	At all times
15.	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
16.	Marine plants that are temporarily removed, damaged or destroyed by this development must be restored to pre-disturbance condition.  Note: Marine plants are matters of State environmental significance under the <i>Environmental Offsets Act 2014</i> . Due to the claims that restoration will occur made in this development application these have not been included in a significant residual impact for the purpose of calculating an environmental offset for this development. Failure to rehabilitate or restore these marine plants within 5 years will represent unlawful removal damage or destruction of marine plants under the <i>Fisheries Act 1994</i> from that date.	Within 5 years of removal, damage or destruction of the marine plants.
17.	The area shown as the 'buffer zone' from mangroves and seagrass on plans: <ul style="list-style-type: none"> <li>Phase 1 – Tewanin Restoration Site, International Coastal management, 05 Aug 2021, NROR-2021-04, Revision A and amended in red by SARA dated 07/04/2022; and</li> <li>Phase 1 – Goat Island Restoration Site, International Coastal management, 05 Aug 2021, NROR-2021-03, Revision A and amended in red by SARA, dated 07/04/2022</li> </ul> is to be clearly marked with corner pegs and/or buoys and protected with sediment curtains if required to prevent development works and associated activities (sedimentation access) from entering the 'buffer zone'.	Prior to commencement of the works and maintained until their completion
18.	Mark with corner pegs and/or buoys, the boundary of the approved tidal component of the development footprint, as shown on: <ul style="list-style-type: none"> <li>Phase 1 – Tewanin Restoration Site, International Coastal management, 05 Aug 2021, NROR-2021-04, Revision A and amended in red by SARA dated 07/04/2022; and</li> <li>Phase 1 – Goat Island Restoration Site, International Coastal management, 05 Aug 2021, NROR-2021-03, Revision A and amended in red by SARA dated 07/04/2022.</li> </ul>	Until completion of the installation of rock and any signage.
19.	Tidal land profiles that are temporarily disturbed by the development works (other than those within the permanent development footprint), as shown on: <ul style="list-style-type: none"> <li>Phase 1 – Tewanin Restoration Site, International Coastal management, 05 Aug 2021, NROR-2021-04, Revision A and amended in red by SARA dated 07/04/2022; and</li> <li>Phase 1 – Goat Island Restoration Site, International Coastal management, 05 Aug 2021, NROR-2021-03, Revision A and amended in red by SARA dated 07/04/2022</li> </ul> must be promptly restored to pre-work profiles.	Upon completion of the works the subject of this approval
20.	The oyster reefs and any associated infrastructure including, but not	At all times

	limited to navigational and educational signage (if installed) and temporary corner pegs and/or buoys and/or sediment curtains are to be constructed and maintained to avoid fish injury, mortality and/or entrapment.	
21.	<p>(a) Implement an inspection and monitoring program for the purposes of confirming the performance of the oyster reefs. The inspection and monitoring program must:</p> <ul style="list-style-type: none"> <li>i. have been prepared by a person or entity that is suitably qualified and experienced in ecology and restoration;</li> <li>ii. involve the provision of inspection and monitoring reports to notifications@daf.qld.gov.au at intervals of 6 monthly for the first year then annually for 8 years;</li> <li>iii. include an alert and action component, which will enable changes to be made to any deficiencies in the oyster reefs;</li> <li>iv. include a component to monitor and report on the regeneration of impacted marine plants within the works footprint at 6 month intervals until temporary impact areas have regenerated to equal or greater condition;</li> <li>v. be generally in accordance with the following documents: <ul style="list-style-type: none"> <li>□ Table 8.3: Environmental safeguards of Noosa Oyster Ecosystem Restoration Project - Project Restoration Plan prepared by The Nature Conservancy Australia dated January 2022, amended in red by SARA dated 07/04/2022;</li> <li>□ Section 8.4 – Erosion monitoring and mitigation of Noosa Oyster Ecosystem Restoration Project - Project Restoration Plan prepared by The Nature Conservancy Australia dated January 2022, amended in red by SARA dated 07/04/2022</li> <li>□ Table 8.6 - Contingency plan of Noosa Oyster Ecosystem Restoration Project - Project Restoration Plan prepared by The Nature Conservancy Australia dated January 2022, amended in red by SARA dated 07/04/2022</li> </ul> </li> </ul> <p>The emails attaching the inspection and monitoring reports must state this permit number, the location and name of work and this condition number under which the report is being given.</p>	<p>(a) Prior to the completion of the works</p> <p>At all times and pursuant to the intervals of the timeframes stipulated in ii.</p>
22.	The sediment curtains described in condition 11 must be completely removed following completion of reef placement and associated increases in turbidity.	Immediately following completion of reef placement and associated increases in turbidity.

## Attachment 2—Advice to the applicant

### General advice

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) v2.6. If a word remains undefined it has its ordinary meaning.
2.	While this development allows for the potential use of seeded oyster cultch in the construction of the oyster reefs, it does not authorise the translocation of oysters. This activity will need to be authorised separately under a <i>Fisheries Act 1994</i> General Fisheries Permit.
3.	A Resource Allocation Authority issued under the <i>Fisheries Act 1994</i> must be held before any works take place within the Noosa River declared Fish Habitat Area.
4.	<p>The development permit has allowed for flexibility in signage wording and format, for example, to accommodate other agencies navigation or safety management requirements or recommendations.</p> <p>Nonetheless, any wording on the signage must not be inconsistent with the relevant legislative and management requirements under the <i>Fisheries Act 1994</i>. The Department of Agriculture and Fisheries welcomes discussion on draft wording proposed for signage before installation – contact should be made through <a href="mailto:planningassessment@daf.qld.gov.au">planningassessment@daf.qld.gov.au</a></p>

### Attachment 3—Reasons for referral agency response

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

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

- The application is for operational work for prescribed tidal works for habitat restoration within the Noosa River.
- There are four restoration sites that form part of this proposal, which are located at Tewantin, Goat Island, Noosa Sound East and Noosa Sound West.
- The works at the four restoration sites are located in the Noosa River navigation corridor and in a coastal management district.
- The proposed works for the Tewantin and Goat Island restoration sites are within the Noosa River declared fish habitat area (FHA) - management A area. Part of the Tewantin restoration site and all of the Goat Island restoration site occurs within the declared FHA and these areas are 1,667m<sup>2</sup> and 837m<sup>2</sup> in size respectively, with a total proposed restoration area of 2,504m<sup>2</sup>.
- The works will result in temporary removal, destruction or damage to 479m<sup>2</sup> of marine plants.
- The proposed prescribed tidal works will not impede on the safe navigation of vessels in the Noosa River and signage will be provided to ensure safe navigation within proximity to the restoration sites.
- The proposed operational work complies with State code 7: Maritime safety, State code 8: Coastal development and tidal works, State code 11: Removal, destruction or damage of marine plants and State code 12: Development in a declared fish habitat area, of the State Development Assessment Provisions, version 2.6, subject to conditions:
  - o to ensure the development is carried out generally in accordance with the plans of development submitted with the application.
  - o to ensure that at all times, all lights on or above the development site do not interfere with safe navigation in surrounding waterways.
  - o to ensure the development avoids or minimises adverse impacts on coastal resources and their values.
  - o to ensure landowners are aware they must take responsibility for their damaged property as they can impact on coastal resources and public safety.
  - o to allow for compliance in relation to what is considered generally in accordance with the approved plans when preliminary plans are submitted with the application. Development inconsistent with the approval may have an impact on coastal management that was not considered in assessment.
  - o to ensure any disturbance to acid sulfate soils is managed to prevent impacts to coastal environments.
  - o to ensure the development is carried out in the location and to the extent specified on the approved plans of development.
  - o to ensure the reef construction and sediment control is carried in accordance with the Project Restoration Plan.
  - o to ensure the development is maintained in accordance with the approved plans of development and any ongoing requirements of conditions.
  - o to ensure the disturbance of acid sulfate soil is managed to prevent impacts on fisheries resources and fish habitats.
  - o to facilitate the monitoring of the development works for compliance purposes.
  - o to ensure significant residual impacts to matters of State environmental significance are appropriately managed.
  - o to ensure the development avoids and protects identified fish habitats and fisheries resources.
  - o to ensure the development does not encroach into fish habitat areas outside the approved area.
  - o to ensure tidal land profiles are restored to match the surrounding or pre-works sediment profile to aid re-colonisation by flora and fauna.

- o to ensure the development does not increase the risk of mortality, disease or injury, or compromise the health and productivity in fish.
- o to ensure the fish way remains operational and a feasible and reliable solution providing adequate fish passage for as long as the waterway barrier is in position.
- o to ensure the waterway barrier exists only for a temporary period and cause minimal and acceptable disruption to fish movement in the area.

**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 2,6), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*

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

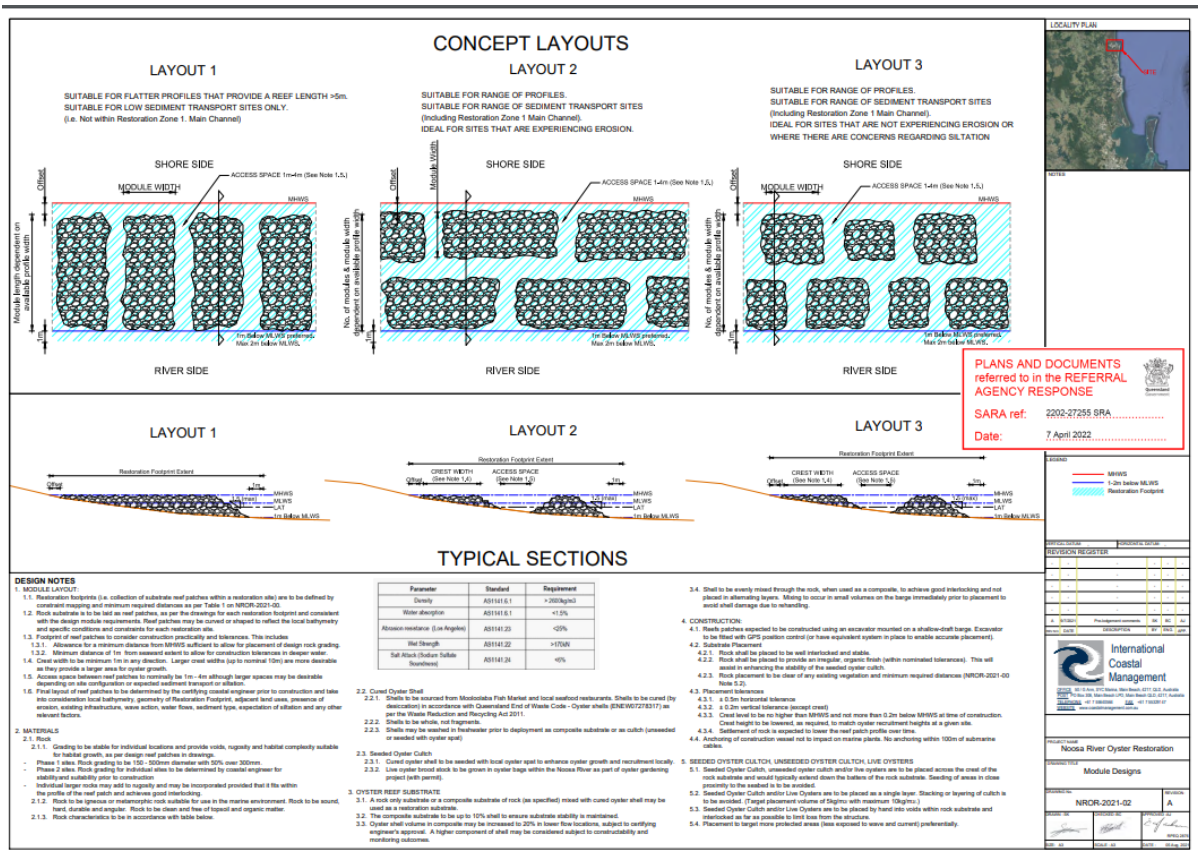
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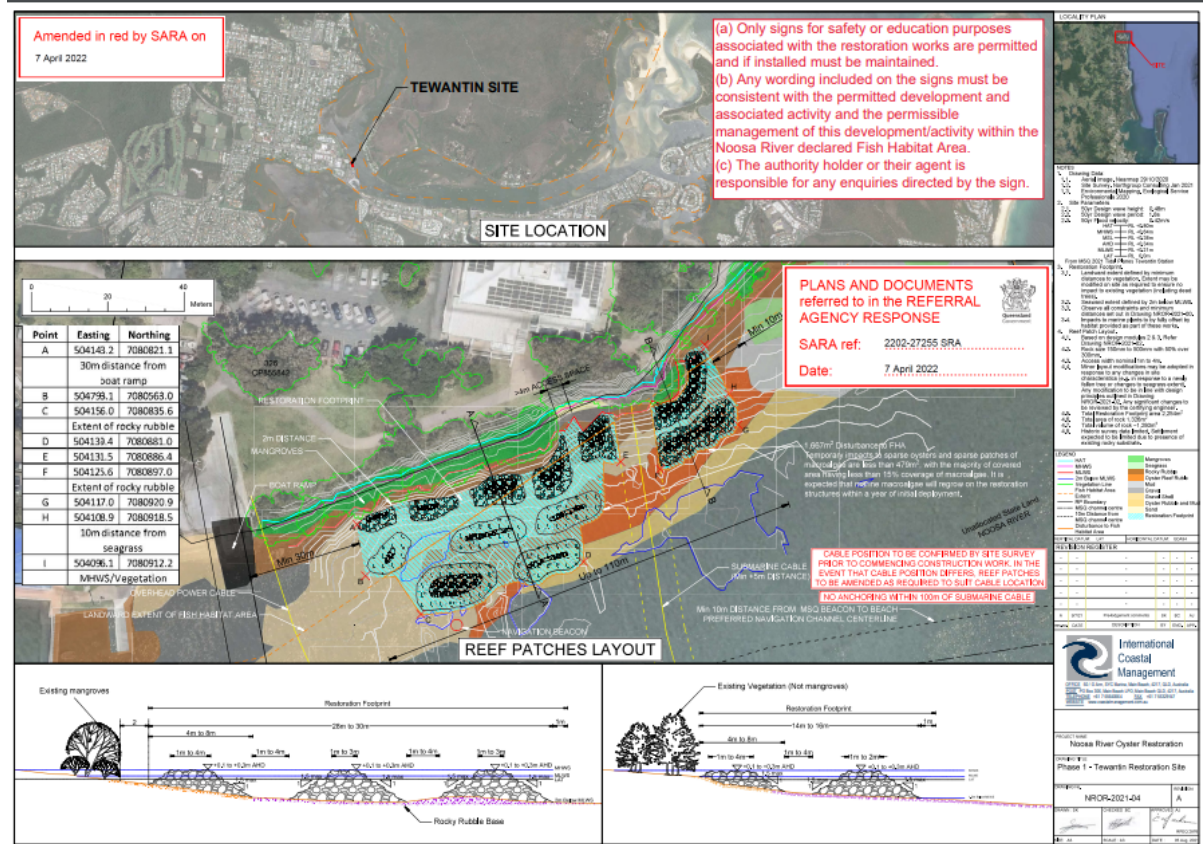
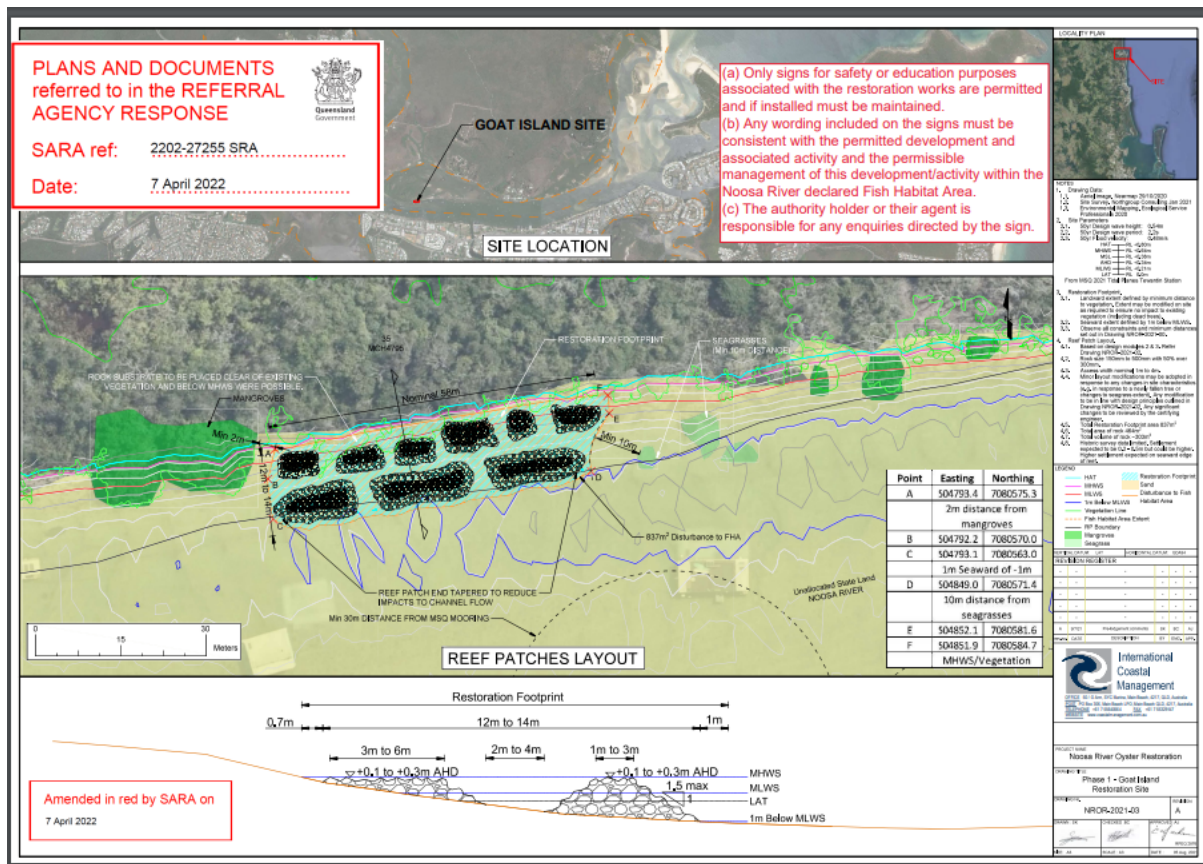
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## **Attachment 5—Approved plans and specifications**

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### Chapter 6 Dispute resolution

#### Part 1 Appeal rights

##### 229 Appeals to tribunal or P&E Court

(1) Schedule 1 of the Planning Act 2016 states –

- (a) Matters that may be appealed to –
  - (i) either a tribunal or the P&E Court; or
  - (ii) only a tribunal; or
  - (iii) only the P&E Court; and
- (b) The person-
  - (i) who may appeal a matter (the **appellant**); and
  - (ii) who is a respondent in an appeal of the matter; and
  - (iii) who is a co-respondent in an appeal of the matter; and
  - (iv) who may elect to be a co-respondent in an appeal of the matter.

(2) An appellant may start an appeal within the appeal period.

(3) The **appeal period** is –

- (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note – See the P&E Court Act for the court's power to extend the appeal period.*

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund-
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

##### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.

(3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –

- (a) the respondent for the appeal; and
- (b) each co-respondent for the appeal; and
- (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
- (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
- (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
- (f) for an appeal to the P&E Court – the chief executive; and
- (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.

(4) The **service period** is –

- (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
- (b) otherwise – 10 business days after the appeal is started.

(5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).

(6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

##### 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.

(4) In this section –

**decision** includes-

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

**non-appealable**, for a decision or matter, means the decision or matter-

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

##### 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court