

Date : 27/11/2018 10:51:12 AM

From : "Louise McGrath"

To : "Louise McGrath" , "STEWART Richard"

Subject : 1811-8441 SPL - Pre-lodgement meeting - Proposed new low level Haughton River Crossing (M10) Personal information  
Meeting to discuss requirements for 1811-8441 SPL ♦ proposed new low level bed crossing on the Haughton River.

For those attending in person (other than state representatives) please sign-in on the ground floor and proceed to level 4. There is a phone in the foyer to call for access. Please call 4758 3423.

For those phoning in here are the teleconference details:

Phone: (07) 3117 1092

Pin: 214423

If you have any questions in the meantime please feel free to give me a call.

Louise McGrath  
Senior Planning Officer  
**Planning and Development Services ♦ North  
Queensland**  
Department of State Development,  
Manufacturing, Infrastructure and Planning

P 07 4758 3404  
Level 4,445 Flinders Street, Townsville QLD 4810  
PO Box 5666, Townsville QLD 4810  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)



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Attachment : @;

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<< Attachments:

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[image003.jpg](#) (4.5KB)  
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**Date : 16/11/2018 12:20:30 PM**

**From : "No Reply"**

**To : "Fisheries Planning & Assessment Unit" , "Planning Services North DA"**

**Subject : 1811-8441 SPL — Request TA assessment (pre-application request)**

The Department of State Development, Manufacturing, Infrastructure and Planning received a request for pre-application advice on 15 November 2018 from Mr [redacted] Personal information

Description of proposal: Houghton River Crossing  
Proposed new low level crossing

**\*\*PLEASE NOTE A MEETING HAS BEEN REQUESTED AND WILL BE ARRANGED IN DUE COURSE\*\***

Local government area: Burdekin Shire Council; Townsville City Council

The department is seeking your technical assessment of this request for the following matters:

DNRME

1. Please provide advice re potential veg clearing requirements, s22A requirements if required.
2. Please provide advice re owners consent requirements and any other relevant considerations you may discover.

DAF

1. Please provide advice regarding waterway barrier works requirements. Note no concept design has been provided.

The technical agency assessment response template is now available for download from the Manage Documents section of the application dashboard (reference [1811-8441 SPL](#)) in MyDAS2.

Please provide your agency's technical assessment response by 23 November 2018.

For more information, please contact Louise McGrath, Senior Town Planner, on 47583404 or via email [NQSARA@dsdmip.qld.gov.au](mailto:NQSARA@dsdmip.qld.gov.au).

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PA2-E

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Department of State Development,  
Manufacturing, Infrastructure and Planning

Email Id: RFLG-1118-0003-4323

Date : 16/11/2018 12:20:30 PM

From : "No Reply"

To : "Fisheries Planning & Assessment Unit" , "Planning Services North DA"

Subject : 1811-8441 SPL — Request TA assessment (pre-application request)

The Department of State Development, Manufacturing, Infrastructure and Planning received a request for pre-application advice on 15 November 2018 from (b) (1) Personal information

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Proposed new low level crossing

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PA2-E



Department of State Development,  
Manufacturing, Infrastructure and Planning

Email Id: RFLG-1118-0003-4323

PA8-TA

**SARA technical agency assessment response—pre-lodgement  
Technical agency (TA)—DAF**

DSDMIP reference: 1811-8441 SPL  
DSDMIP regional office: North and North West regional office  
DSDMIP email: NQSARA@dsdmip.qld.gov.au

TA reference: 003/0005802  
TA contact name: Richard Stewart  
TA contact details: 42411244  
TA approver: Richard Stewart

### 1.0 Pre-lodgement request details

Street address: 669 Black Road, Upper Haughton; 664 Black Road, Upper Haughton; 1428 Dingo Park Road, Woodstock; Coach Road, Majors Creek

Real property description: 10GS602; 12GS815; 3SP146640; 95SP143120

Local government area: Burdekin Shire Council; Townsville City Council

Applicant name: sch4p166 Personal information

Applicant contact details: PO Box 5463  
TOWNSVILLE QLD 4810  
info@milfordplanning.com.au

Development description: Haughton River Crossing

### 2.0 Matters of interest to the state

The development proposal has the following matters of interest to the department under the provisions of the Planning Regulation 2017:

Trigger	Description	Technical agency	Possible fast track?
10.6.4.1.12	Operational work that is constructing or raising waterway barrier works is assessable development, unless the work is accepted development under schedule 7, part 3, section 6.	DAF	No

### 3.0 Documents considered

The unnamed map/drawing provided in MyDAS showing proposed crossing location.

## 4.0 Assessment

---

### 4.1 Considerations and assessment

#### Findings on material questions of fact:

- sch4p4(6) Mr [redacted] seeks pre-lodgement advice for the proposed waterway crossing of the Haughton River adjacent to Lot 95SP143120, Upper Haughton;
- The proposed crossing is located on a waterway that is mapped purple according to the spatial data layer, *Queensland waterways for waterway barrier works*;
  - The proposed works will constitute waterway barrier works.

#### Evidence or other material on which findings are based:

- *Planning Act 2016* and *Planning Regulation 2017*;
- *Fisheries Act 1994* and *Fisheries Regulation 2008*;
- The State Development Assessment Provisions (version 2.4 dated 2<sup>nd</sup> November, 2018) as published by the Department of State Development, Manufacturing, Infrastructure and Planning;
- SARA DA Mapping for *Queensland Waterways for Waterway Barrier Works*; and

Submitted pre-lodgement material.

## 5.0 Pre-lodgement advice

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Our agency:

- (a) recommends the following information be submitted with the development application. Reasons for the requested information have been included.

#### Constructing or raising waterway barrier works within fish habitats

- sch4p4(6) Mr [redacted] seeks pre-lodgement advice for the proposed waterway crossing of the Haughton River adjacent to Lot 95SP143120, Upper Haughton.
2. The proposed crossing is located on a waterway that is mapped purple according to the spatial data layer, *Queensland waterways for waterway barrier works* and will constitute waterway barrier works.

The applicant should refer to the following factsheets for more information on waterway barrier works:

- [What is a waterway?](#);
  - [What is a waterway barrier work?](#);
  - [What is not a waterway barrier work?](#)
3. No designs have been provided for this crossing, only a location. Given there is already another crossing proposed in the area, significant justification will have to be provided as to why multiple crossing of the Haughton River are required. The proponent should engage with other surrounding landowners to ensure only one crossing is required, minimising the impacts to fisheries productivity in the area. If this proposed crossing is to be the preferred location, then further prelodgement information should be sought once further designs have been developed.
  4. Under the *Planning Regulation 2017*, works involving constructing or raising waterway barrier works must be undertaken in accordance with the relevant [accepted development requirements](#) or under a development approval (assessable development).

No information has been provided on a design for this crossing. However given the design of the temporary crossing currently in place, the proposed works are unlikely to comply with the accepted development requirements. Therefore, a development approval will be required for assessable development that is constructing or raising waterway barrier works.

5. In an application for a development approval for operational works involving constructing or raising waterway barrier works, the following will need to be provided:
  - DA Form 1 including Template 4 – Waterway barrier works (<https://planning.dsdmip.qld.gov.au/planning/better-development/application-forms-and-templates>);
  - A full response to the relevant parts of the most up to date version of the SDAP *State Code 18: Constructing or raising waterway barrier works in fish habitats*. Particular attention should be made to the following PO's:
    - All development - PO1 to PO18 and PO36;
    - Development involving fishways – PO19 to PO28;
    - Temporary waterway barrier works - PO32 to PO35;
  - Relevant plans as per [DA Forms guide: Relevant plans](#), including:
    - Detailed plans clearly showing the location of the proposed works in relation to existing mapped waterways;
    - Detailed plans clearly showing a cross section of the proposed waterway barrier works in relation to the existing bed and banks of each impacted waterway;
    - A longitudinal section of the proposed waterway barrier works in relation to the bed of the waterway upstream and downstream of the works

Note – All plans should be scaled and able to be read at A3 size.
  - Written documentation discussing the following:
    - Details of the purpose of the proposed works (e.g. construction of a low level crossing to convey cane harvesting and property access, etc.);
    - A description of the waterway proposed to be impacted (e.g. condition, size, connectivity, general hydrology) and nature of the impact;
    - A description of the construction work method (e.g. timing, equipment to be used);
    - A description of the material used to create the crossing and how it will be placed.
    - A detailed description of the alternatives considered to reduce impacts on the waterway, as applicable (e.g. alternative designs, locations, setbacks/buffer distances, etc.);
    - Details of on-site mitigation actions, during and after the development;
    - The extent of any future maintenance works required for the continued safe operation of the proposed structure or facility, including maintenance of the low flow channel to ensure it is directed through the culvert section of the crossing;
    - Impacts to fish passage. It must firstly be demonstrated that impacts to waterways providing for fish passage have been avoided. Where avoidance is not reasonably possible, impacts to waterways providing for fish passage must be mitigated. An environmental offset pursuant to the *Environmental Offsets Act 2014* may need to be provided for any significant residual impact.
6. In accordance with PO1 of the SDAP State Code 18, there must be a demonstrated need for the development and alternatives (locations and designs) which do not involve constructing or raising waterway barrier works are not viable. This would also include discussing and justifying why a second crossing is required when another crossing is already planned in close proximity downstream of the proposed crossing. If the proposal is to be the only crossing of the Haughton River in this region, provide evidence that multiple land holders will have access to the crossing, avoiding the need for multiple crossings of the Haughton River.
7. In accordance with PO4 of the SDAP State Code 18, adequate fish passage must be provided and maintained through waterway barrier works for the life of the barriers through:

- a. A crossing and culverts that adequately provide for the movement of fish; or
  - b. the movement of fish is adequately provided for in another way.
8. In accordance with PO36 of the SDAP State Code 18, the department maintains an 'avoid, mitigate, offset' requirement that applies to those activities that will, or are likely to, have a significant residual impact on prescribed environmental matters. Depending on the type of works being proposed and impact to waterways providing for fish passage (a prescribed environmental matter), the works may have a Significant Residual Impact.

The applicant will need to provide details on how the impacts to waterways providing for fish passage will be avoided, or where this cannot be reasonably achieved, mitigated (minimised). Where there is likely to be an acceptable SRI remaining, an offset may be required (refer to [Environmental offsets and the planning framework factsheets and guidelines](#) for further details).

9. The placement of temporary waterway barriers to facilitate construction of the detention basin may be conducted under DAF's [Accepted development requirements for operational work that is constructing or raising waterway barrier works](#).

If any proposed temporary waterway barrier works cannot meet the accepted development requirements, this aspect of the works will need to be covered under the development approval.

## 6.0 Endorsement

<b>Officer</b>	Richard Stewart	Principal Officer	42411244	Richard.stewart@daf.qld.gov.au
<b>Approver</b>	Richard Stewart	Principal Officer	42411244	Richard.stewart@daf.qld.gov.au

**Date : 6/12/2018 2:07:24 PM**  
**From : "No Reply"**  
**To : "info@milfordplanning.com.au"**  
**Subject : 1811-8441 SPL application correspondence**  
**Attachment : PA6-L Pre-lodgement advice 06122018.pdf;**

Please find attached a notice regarding application [1811-8441 SPL](#).

If you require any further information in relation to the application, please contact the Department of State Development, Manufacturing, Infrastructure and Planning on the details provided in the notice.

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PA6-L

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Department of State Development,  
Manufacturing, Infrastructure and Planning

Email Id: RFLG-1218-0003-5853

Published on DAF Disclosure Log  
RTI Act 2009

Our reference: 1811-8441 SPL  
Your reference: M622

6 December 2018

sch4p16) Personal information

Mr [redacted]  
C/- Milford Planning  
PO Box 5463  
TOWNSVILLE QLD 4810  
info@milfordplanning.com.au

sch4p16) Personal information

Dear [redacted] and [redacted]

### Pre-lodgement advice

Thank you for your correspondence received on 15 November 2018 in which you sought pre-lodgement advice from the Department of State Development, Manufacturing, Infrastructure and Planning regarding the proposed development described below.

This pre-lodgement record provides a summary of the matters discussed at the pre-lodgement meeting held on 27 November 2018 and the written advice provided by the Department of Agriculture and Fisheries (DAF), Department of Natural Resources, Mines and Energy (DNRME) and Department of Environment and Science (DES). This record provides advice regarding the likely major issues, relevant to SARA's jurisdiction, to assist in the timely processing of a development application. Whilst this advice is provided in good faith, if the proposal is changed from that which was discussed with the department during the pre-lodgement meeting, the advice is not binding.

### Reference information

Departmental role:	Assessment manager
Departmental jurisdiction:	Planning Regulation 2017, Schedule 8, Table 4, Item 3 – The chief executive as assessment manager: Schedule 10, Part 6, Division 4, Subdivision 2 – Operational work that is constructing or raising waterway barrier works Schedule 10, Part 3, Division 3 – Operational work that is Clearing native vegetation (potentially) Schedule 10, Part 20, Division 3 – Operational work that is high impact earthworks in a wetland protection area (potentially)

### Location details

Street address: 669 Black Road, Upper Houghton

North and North West regional office  
Level 4, 445 Flinders Street, Townsville  
PO Box 5666, Townsville QLD 4810

Real property description: Lot 10 on GS602; Lot 12 on GS815; Lot 3 on SP146640; Lot 95 on SP143120

Local government area: Burdekin Shire Council; Townsville City Council

### Details of proposal

Development type: Operational work

Development description: Haughton River bed level crossing – connecting Lots 3 and 4 on SP146640, Lot 10 on GS602 and Lot 95 on SP143120

### Supporting information

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Un-named map/drawing submitted with pre-lodgement request	-	-	-	-

### Meeting attendees

Name	Position	Organisation
Louise McGrath	Senior Planning Officer	Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP)
Javier Samanes	Acting Principal Planning Officer	DSDMIP
George Milford	Director	Milford Planning
Meredith Hutton	Planner	Milford Planning
Chapter 4(6) Personal information	-	DAVCO
Deborah Eaton	Senior Land Officer	Department of Natural Resources, Mines and Energy (DNRME)
Cameron Venables	Natural Resource Officer	DNRME
Gus Maclaurin	Natural Resource Officer	DNRME
Kerrie McGrath	Project Officer, Water Management	DNRME
Nicole Stremouchiw	Land Administration Officer	DNRME
Richard Stewart	Principal Impact Assessment and Management Officer	Department of Agriculture and Fisheries (DAF)

### Meeting Minutes – 27 November 2018

- DSDMIP advised that written advice is being sought from DES regarding the potential for high impact earthworks, for wetlands protection triggers.
- An overview of surrounding operations, future land use intentions, nexus with North Queensland Regional Plan (draft), easements, existing nearby crossings, river characteristics (i.e. flow channels) was provided.

- Overview of the proposal for the bed level crossing was provided. This included that it would be double lane, bed level, culverts over low flow crossing, to TCC rural standard with approximately 7m wide pavement. The crossing would be accessed via Black Road, an existing track which is graded and maintained.
- It was identified that there may be some clearing in the Wetland Protection Area, alongside energy easement.
- It was noted that the banks in this location are quite steep.

## DNRME

- Native vegetation requirements will need to be considered for each tenure type, tenure will guide the exemptions that may apply.
- There is a 10m exemption for clearing for roads, however this is likely to be exceeded as the road will be approximately 8.4m wide but given cutting for banks, drains etc this 10m exemption will likely be exceeded. It was noted the width would more likely be approximately 20m.
- The proposal will not be compliant with self-assessable vegetation clearing codes.
- It was identified that a S22A relevant purpose determination could be required.
- It was identified that from a vegetation clearing point of view, the proposed alignment with the Powerlink line is desirable as this will minimise vegetation clearing.
- It was flagged that a Riverine Protection Permit (RPP) will provide vegetation clearing exemption for less than 0.5ha least concern regional ecosystem, and this may avoid a native vegetation clearing referral.
- It was identified that the watercourse vegetation clearing could potentially be dealt with through the RPP.
- It was identified that other lots, in addition to those held by DAVCO, may need to be included in the application if they are implicated, with all relevant owners' consents provided.
- It was noted that a permit for vegetation clearing may be required due to tenure – see RPP exemption requirements.
- DNRME advised that it is a generally a straight forward process to obtain a RPP, with associated conditions, full construction drawings, RPEQ certified, would be required. The RPP approval would be required prior to lodging a development application for Operational works.
- DNRME advised that information would need to be given about proposed channel training and bank stabilisation measures.
- For tenure, DNRME noted that they have no issue with leaving tenure as a Permit to Occupy.
- If the intent was to freehold (i.e. purchase), then native title would need to be considered with potential for Indigenous Land Use Agreement (ILUA).
- It was noted that the resulting land-locked parcel would be required to be amalgamated into neighbouring parcel.

## DAF

- DAF agreed that a bed level crossing is preferred. This may require removal of underlying bed/sand to ensure 'bed level' is retained.
- Culverts must support fish passage/movement, must have a reasonable flow velocity and roughening elements, potentially sinking culverts below bed level.
- Supporting information will need to demonstrate pre and post conditions are maintained, flow speed is not the only consideration, as 8.5m long culverts may be beyond the burst capacity of aquatic fauna.
- Overall the application will need to demonstrate how all the PO's of *State Code 18: Constructing or raising waterway barrier works in fish habitats*.

- Particular attention is required to address PO1 and PO3 – which will require ‘need’ to be demonstrated for this particular project given there may be other crossings in the area that could avoid the need for this crossing.
- DAF noted that no culverts are ever 100% free of impact, so the cumulative aspect needs to be considered with reference to the relevant PO (PO1 and PO3). If a case is made that this proposed crossing has ‘no impact’ then this would need to be clearly demonstrated/proven.
- DAF noted that if it cannot be demonstrated that there will be no impact, then information would need to be given as to why co-utilisation of other river crossings has been ruled out, and other means of accessing properties has been ruled out, for example, why other means of transporting materials or other routes are not feasible/viable alternatives.

The following information is required to be provided when you lodge your development application with the assessment manager (SARA):

<b>State Assessment Referral Agency (SARA)</b>	
1.	<p><b>General</b></p> <p>The Planning Regulation 2017 (Planning Regulation) sets out the referral triggers for the state’s concurrence agency assessment of development applications. This pre-lodgement advice is based on the potential referral triggers listed below and is subject to re-assessment when lodging a formal development application. When lodging a formal development application, the applicant is responsible for identifying the relevant referral triggers.</p> <ul style="list-style-type: none"> <li>• Operational work for Native vegetation clearing</li> <li>• Operational work for Waterway barrier works</li> <li>• Operational work for High impact earthworks</li> </ul> <p>Based on material provided to date, the following referral triggers and fees as identified in the Planning Regulation are identified:</p> <ul style="list-style-type: none"> <li>• Operational work for native vegetation clearing: Schedule 10, Part 3, Division 3, Table 1, Item 5 (b) (i) - \$3,240.00</li> <li>• Operational work for waterway barrier works: Schedule 10, Part 6, Division 4, Subdivision 2, Table 1, Item 5 (c) (ii) - \$12,956.00 (for mapped major risk waterway)</li> <li>• Operational work for high impact earthworks in a wetland protection area: Schedule 10, Part 20, Division 3, Table 1, Item 5 - \$3,240.00</li> </ul> <p>The relevant State Development Assessment Provisions (SDAP) State codes that would need to be addressed if lodging a development application include:</p> <ul style="list-style-type: none"> <li>• <i>State code 16: Native vegetation clearing</i></li> <li>• <i>State code 18: Constructing or raising waterway barrier works in fish habitats</i></li> <li>• <i>State code 9: Great Barrier Reef wetland protection areas</i></li> </ul>
<b>Department of Natural Resources, Mines and Energy (DNRME)</b>	
1.	<p><b>Tenure Advice</b></p> <p>Provided the crossing is not used for public access, there are no requirements under the <i>Land Act 1994</i> for the proposed crossing over the Haughton River.</p> <p>Should the proponent wish to purchase state land parcel Lot 10 on GS602 (unallocated state land), the following considerations apply:</p> <ul style="list-style-type: none"> <li>• A complete native title assessment will need to be undertaken as part of any application to determine how native title is to be addressed. Preliminary investigations indicate that an Indigenous Land Use Agreement may be required</li> </ul>

	<ul style="list-style-type: none"> <li>• Lot 10 currently has no dedicated access and any offer may be subject to inclusion into adjoining freehold land; and,</li> <li>• There is currently no easement registered over the Lot 10 for Ergon Energy's infrastructure. Ergon may require some form of formal agreement (i.e. easement) to safeguard their infrastructure located on Lot 10.</li> </ul>
	<p><b>Riverine Protection</b></p> <p>A riverine protection permit (RPP) must be obtained under section 218 of the <i>Water Act 2000</i> unless an eligible entity can meet the exemption criteria outlined in the 'Riverine protection permit exemption requirements' available online at:  <a href="http://www.dnrme.qld.gov.au/?a=109113:policy_registry/riverine-protection-permit-exemption-requirements.pdf">www.dnrme.qld.gov.au/?a=109113:policy_registry/riverine-protection-permit-exemption-requirements.pdf</a>.</p> <p>There is no fee to apply for a riverine protection permit and the relevant forms are available online at: <a href="http://www.business.qld.gov.au/industry/water/managing-accessing/accessing-water/authorisations/riverine-protection">www.business.qld.gov.au/industry/water/managing-accessing/accessing-water/authorisations/riverine-protection</a>. The applicant is encouraged to contact the Department of Natural Resources, Mines and Energy on 4447 9137 or via email: <a href="mailto:RiversNorth@dnrme.qld.gov.au">RiversNorth@dnrme.qld.gov.au</a> for further advice if required.</p> <p>To ensure a riverine protection permit application is assessed promptly, it should be accompanied by:</p> <ul style="list-style-type: none"> <li>• Registered Professional Engineer of Queensland certified drawings (where applicable)</li> <li>• Information detailing how the proposed activity will not lessen flood immunity to the immediate and surrounding properties</li> <li>• A statement detailing any proposed channel training, methods of channel training and anticipated recurrence of works</li> <li>• A statement advising if the current crossing is to be removed, and if so, method of removal and proposed remediation; and,</li> <li>• Information from a suitably qualified person about: <ul style="list-style-type: none"> <li>o the immediate downstream effects of the proposed activity on the watercourse and to adjoining properties, and how these impacts will be mitigated</li> <li>o the effects of the proposed activity on water quality</li> <li>o the quantity of vegetation to be destroyed or material to be excavated or placed</li> <li>o the type of vegetation to be destroyed or material to be excavated or placed</li> <li>o the type and location of any infrastructure to be constructed</li> <li>o the seasonal factors influencing the watercourse, lake or spring from time to time</li> <li>o the position in the watercourse, lake or spring of the vegetation to be destroyed or the proposed excavation or placing of fill</li> <li>o the reasons for carrying out the activity</li> <li>o whether, and to what extent, the activity that the permit would allow may have an adverse effect on the physical integrity of the watercourse, lake or spring; and,</li> <li>o the implications of granting the permit for the long-term sustainable use of the Haughton River.</li> </ul> </li> </ul> <p>If sufficient information is provided to enable the chief executive to make a decision, and where native title requirements are met (up to 28 calendar days), the permitting process may take up to 30 business days.</p>
	<p><b>Vegetation management</b></p> <p>The subject area contains the following features and vegetation types:</p> <ul style="list-style-type: none"> <li>• Category B area (containing least concern regional ecosystems)</li> <li>• Category R area (regrowth watercourse and drainage feature area)</li> <li>• Category X area; and,</li> <li>• A stream order 7 watercourse as shown on the vegetation management watercourse and drainage feature map.</li> </ul> <p>Information on the land is available through:</p>

- Queensland Globe: <https://qldglobe.information.qld.gov.au/>
- A vegetation management report: [www.qld.gov.au/environment/land/vegetation/map-request/](http://www.qld.gov.au/environment/land/vegetation/map-request/). The report includes relevant property information and a series of maps and supporting information outlining the requirements for clearing vegetation on this land; and,
- The Regional Ecosystem Description Database: <https://environment.des.qld.gov.au/regional-ecosystems/>.

Clearing native vegetation with the Haughton River (between Lot 95 on SP143120 and Lot 10 on GS602)

As the proposed activity will likely require a RPP under the *Water Act 2000*, an exemption exists under Schedule 21, part 1, item 2 of the Planning Regulation that allows for the clearing of native vegetation within a watercourse where the clearing is necessary and an unavoidable consequence of an activity carried out under the RPP. To comply with this exemption, the development must meet the requirements of Sch 21, part 1, item 2 (b) (i), (ii) or (iii), i.e. the clearing meets the vegetation category and extent limitations of less than 0.5ha.

Clearing native vegetation within freehold land and land subject to a licence or permit under the *Land Act 1994*

Exemptions exist under Schedule 21, part 2, item 2(h) and Schedule 21, part 2, item 8 of the Planning Regulation respectively, that allow for clearing native vegetation on a) freehold land and b) land subject to a licence or permit under the *Land Act 1994* where the clearing is necessary for routine management in:

- regulated regrowth vegetation; or,
- a least concern regional ecosystem in a Category B area.

Under Schedule 24 of the Planning Regulation, routine management includes clearing of native vegetation:

- to establish a necessary fence, road or vehicular track if the maximum width of clearing for the fence, road or track is 10m.

Exemptions exist under Schedule 21, part 2, item 2(c) and Schedule 21, part 2, item 8 of the Planning Regulation respectively, that allow for the clearing of native vegetation on a) freehold land and b) land subject to a licence or permit under the *Land Act 1994*, where the clearing is necessary for essential management.

Under Schedule 24 of the Planning Regulation, essential management includes clearing native vegetation:

- necessary to maintain infrastructure (including any core airport infrastructure, buildings, fences, helipads, roads, stockyards, vehicular tracks, watering facilities and constructed drains, other than contour banks), unless the clearing is for sourcing construction material.

Referral advice

If the proposed development does not meet the criteria of an exemption listed under Schedule 21 of the Planning Regulation, development approval may be required for native vegetation clearing.

Lodging a development application for clearing native vegetation

Prior to submitting the development application to clear native vegetation, the applicant must first obtain written confirmation from DNRME that the proposed development is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*.

Requests for a relevant purpose determination must be lodged in writing directly to DNRME, and can be sent to either PO Box 5318, Townsville QLD 4810 or [northvegetation@dnrme.qld.gov.au](mailto:northvegetation@dnrme.qld.gov.au). There is no prescribed form or fee for these requests. The application form and further information and assistance to apply for a section 22A determination is available online at: [www.qld.gov.au/environment/land/management/vegetation/development](http://www.qld.gov.au/environment/land/management/vegetation/development).

	<p>If DNRME determines that the clearing is for a relevant purpose under section 22A of the <i>Vegetation Management Act 1999</i>, the applicant may then lodge a development application with the assessment manager.</p> <p>An application for a development permit for vegetation clearing under the <i>Planning Act 2016</i> should be accompanied by:</p> <ul style="list-style-type: none"> <li>• The Development Assessment (DA) form/s relevant to your application</li> <li>• Standard information required for assessing applications for native vegetation clearing listed in Appendix 2 of the Guidelines for addressing State code 16, available online at: <a href="http://www.dnrme.qld.gov.au/data/assets/pdf_file/0010/1258075/state-code-16-veg-clearing-guide.pdf">www.dnrme.qld.gov.au/data/assets/pdf_file/0010/1258075/state-code-16-veg-clearing-guide.pdf</a></li> <li>• A statement addressing the applicable assessment criteria in State Code 16 of the State Development Assessment Provisions; and,</li> <li>• Evidence that the Department of Natural Resources, Mines and Energy is satisfied the proposed clearing is for a relevant purpose under section 22A of the <i>Vegetation Management Act 1999</i>.</li> </ul> <p><u>Clearing within mapped Category R areas</u></p> <p>Clearing native vegetation within these areas must be exempt clearing work under schedule 21 of the Planning Regulation 2017 or undertaken in accordance with the accepted development vegetation clearing code 'Managing Category R Regrowth Vegetation' and will not be assessed as part of an operational work or material change of use application. The accepted development vegetation clearing codes are available online at: <a href="http://www.qld.gov.au/environment/land/management/vegetation/codes">www.qld.gov.au/environment/land/management/vegetation/codes</a>.</p>
<b>Department of Agriculture and Fisheries (DAF)</b>	
	<p>The proposed crossing is located on a waterway that is mapped purple, for major risk waterway, according to the spatial data layer <i>Queensland waterways for waterway barrier works</i>.</p> <p>The applicant should refer to the following factsheets for more information on waterway barrier works:</p> <ul style="list-style-type: none"> <li>- <a href="#">What is a waterway?</a></li> <li>- <a href="#">What is a waterway barrier work?</a></li> <li>- <a href="#">What is not a waterway barrier work?</a></li> </ul> <p>No designs have been provided for this crossing, only a location. Given there is already another crossing proposed in the area, significant justification will have to be provided as to why multiple crossings of the Haughton River are required. The proponent should engage with other surrounding landowners to ensure only one crossing is required, minimising the impacts to fisheries productivity in the area. If this proposed crossing is to be the preferred location, then further pre-lodgement information should be sought once further designs have been developed.</p> <p>Under the Planning Regulation, works involving constructing or raising waterway barrier works must be undertaken in accordance with the relevant <a href="#">accepted development requirements</a> or under a development approval (assessable development).</p> <p>No information has been provided on a design for this crossing. However given the design of the temporary crossing currently in place, the proposed works are unlikely to comply with the accepted development requirements. Therefore, a development approval will be required for assessable development that is constructing or raising waterway barrier works.</p> <p><u>Application</u></p> <p>In an application for a development approval for operational works involving constructing or raising waterway barrier works, the following will need to be provided:</p> <ul style="list-style-type: none"> <li>o DA Form 1 including Template 4 – Waterway barrier works (<a href="https://planning.dsdmp.qld.gov.au/planning/better-development/application-forms-and-">https://planning.dsdmp.qld.gov.au/planning/better-development/application-forms-and-</a></li> </ul>

[templates](#));

- o A full response to the relevant parts of the most up to date version of the SDAP *State Code 18: Constructing or raising waterway barrier works in fish habitats*. Particular attention should be made to the following PO's:
  - All development - PO1 to PO18 and PO36;
  - Development involving fishways – PO19 to PO28;
  - Temporary waterway barrier works - PO32 to PO35;
- o Relevant plans as per [DA Forms guide: Relevant plans](#), including:
  - Detailed plans clearly showing the location of the proposed works in relation to existing mapped waterways;
  - Detailed plans clearly showing a cross section of the proposed waterway barrier works in relation to the existing bed and banks of each impacted waterway;
  - A longitudinal section of the proposed waterway barrier works in relation to the bed of the waterway upstream and downstream of the works

Note – All plans should be scaled and able to be read at A3 size.
- o Written documentation discussing the following:
  - Details of the purpose of the proposed works (e.g. construction of a low level crossing to convey cane harvesting and property access, etc.)
  - A description of the waterway proposed to be impacted (e.g. condition, size, connectivity, general hydrology) and nature of the impact;
  - A description of the construction work method (e.g. timing, equipment to be used);
  - A description of the material used to create the crossing and how it will be placed.
  - A detailed description of the alternatives considered to reduce impacts on the waterway, as applicable (e.g. alternative designs, locations, setbacks/buffer distances, etc.);
  - Details of on-site mitigation actions, during and after the development;
  - The extent of any future maintenance works required for the continued safe operation of the proposed structure or facility, including maintenance of the low flow channel to ensure it is directed through the culvert section of the crossing;
  - Impacts to fish passage. It must firstly be demonstrated that impacts to waterways providing for fish passage have been avoided. Where avoidance is not reasonably possible, impacts to waterways providing for fish passage must be mitigated. An environmental offset pursuant to the *Environmental Offsets Act 2014* may need to be provided for any significant residual impact.

In accordance with PO1 and PO3 of the SDAP State Code 18, there must be a demonstrated need for the development and alternatives (locations and designs) which do not involve constructing or raising waterway barrier works must have been considered. Guidance in addressing PO1 and PO3 is as follows:

PO1 –

*“There is a demonstrated need for the development and alternatives (locations and designs) which do not involve constructing or raising waterway barrier works are not viable.”*

- Development is to avoid the need for waterway barrier works in the first instance. Usually there are alternatives (locations, routes or designs) that would avoid the need to construct or raise waterway barrier works due to their impact on fish habitats and fish passage.
- Constructing or raising waterway barrier works is to be clearly justified and unavoidable. Alternatives of lesser impact may exist and it needs to be demonstrated that other alternatives have been explored. For linear infrastructure, it is recognised that there may exist a requirement to cross or traverse a waterway where no other alternative exists.
- When demonstrating PO1, the proponent's role in terms of the purpose of the proposed development is to be identified, for example, if there is a statutory obligation to undertake the development or it is for community requirements.
- A response to PO1 and PO3 will need to provide justification why an additional crossing is required when another crossing is already planned in close proximity downstream of the proposed crossing. If the proposal is to be the only crossing of the Haughton River in this region, provide evidence that multiple land holders will have access to the crossing,

	<p>avoiding the need for multiple crossings of the Haughton River.</p> <ul style="list-style-type: none"> <li>• Application supporting material is to demonstrate that there is no alternative location, route or design of the development that will avoid the constructing or raising of waterway barrier works, regardless of tenure, ownership or size of the land. Where relevant, include an analysis of the alternative locations or routes.</li> <li>• Where there is no other location for the development that would avoid constructing or raising waterway barriers and impacting waterways that provide fish passage, the application is to demonstrate that there is no other alternative design that would avoid impacts (direct and indirect) to waterways that provide for fish passage. For example, a bridge is preferred to a culvert or bed level crossing due to the impacts to fish passage.</li> <li>• Please include plans and drawings of the development site identifying all waterways and fish habitats within and adjoining the development site with an overlay of the proposed development.</li> </ul> <p>PO3 –  <i>“The number and extent of waterway barrier works and the spatial and temporal extent of their impacts on waterways providing for fish passage are minimised.”</i></p> <ul style="list-style-type: none"> <li>• Thousands of dams, barrages, culverts and other artificial structures have been constructed within Queensland waterways. In many cases, fish are unable to move successfully upstream or downstream of these barriers. The cumulative impacts from numerous waterway barrier works within a catchment can impact fisheries resources and result in the loss of fisheries productivity. Impacts from the limitation of fish passage include local species or population extinctions above barriers and compromise of downstream populations. Waterway barrier works can have spatial and temporal impacts to fisheries resources through modifications of the natural flow regime (e.g. impounding or regulation of flows) and fish habitats (e.g. loss of habitat type or structure). For example, downstream dispersal of eggs and larvae can be hindered or halted in low velocity weir pools. The period when fish passage is provided for may not correspond with or is limited during the natural timing or cues for fish migration (i.e. during seasonal or diurnal cycles or changes in water flows or temperature).</li> <li>• Fish passage can be reduced as a result of changes in habitat structure such as the alteration of the natural waterway bed and banks (i.e. straightened shallow and/or widened channels lacking cover or aquatic vegetation or other fish habitat components). Impacts such as cold water releases from waterway barriers from impoundments can also reduce fish movement and fisheries productivity.</li> <li>• If the proposed works are demonstrated to be unavoidable, information will need to be provided demonstrating the number and size of the waterway barrier works have been minimised.</li> <li>• Where impacts are unavoidable, information will need to be provided demonstrating how the spatial and temporal impacts resulting from the waterway barrier works have been or will be minimised.</li> <li>• The response to PO3 is to include a discussion of cumulative impacts from existing disturbances and the proposed disturbance to the aquatic ecosystems, for example from other dams/weirs, existing water extraction, and upstream barriers, and the ability of the ecosystem to absorb the additional impact of the proposed waterway barrier.</li> </ul> <p>In accordance with PO4 of the SDAP State Code 18, adequate fish passage must be provided and maintained through waterway barrier works for the life of the barriers through:</p> <ol style="list-style-type: none"> <li>a. A crossing and culverts that adequately provide for the movement of fish; or</li> <li>b. the movement of fish is adequately provided for in another way.</li> </ol> <p>In accordance with PO36 of the SDAP State Code 18, the department maintains an ‘avoid, mitigate, offset’ requirement that applies to those activities that will, or are likely to, have a significant residual impact on prescribed environmental matters. Depending on the type of works being proposed and impact to waterways providing for fish passage (a prescribed environmental matter), the works may have a Significant Residual Impact.</p> <p>The applicant will need to provide details on how the impacts to waterways providing for fish passage will be avoided, or where this cannot be reasonably achieved, mitigated (minimised).</p>
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	<p>Where there is likely to be an acceptable SRI remaining, an offset may be required (refer to <a href="#">Environmental offsets and the planning framework factsheets and guidelines</a> for further details).</p> <p>The placement of temporary waterway barriers to facilitate construction of the detention basin may be conducted under DAF's <a href="#">Accepted development requirements for operational work that is constructing or raising waterway barrier works</a>.</p> <p>If any proposed temporary waterway barrier works cannot meet the accepted development requirements, this aspect of the works will need to be covered under the development approval.</p>
<b>Department of Environment and Science (DES)</b>	
	<p><b>Wetland Protection Area Trigger Advice</b></p> <p>The proposed development is located in a mapped wetland protection trigger area as mapped on the Map of Referable Wetlands on the DAMS mapping system. Property specific maps can be generated at <a href="https://www.ehp.qld.gov.au/ecosystems/wetlands/referable-wetlands-form.php">https://www.ehp.qld.gov.au/ecosystems/wetlands/referable-wetlands-form.php</a></p> <p>High impact earthworks are defined in Schedule 24 of the Planning Regulation as operational work that involves changing the form of land or placing a structure on the land, in a way that diverts water to or from a wetland.</p> <p>Limited information has been provided in order to determine whether this proposal will trigger a referral for works in a wetland protection area/trigger area.</p> <p>Examples of some activities that may involve high impact earthworks include (but are not limited to):</p> <ul style="list-style-type: none"> <li>• Filling or levelling of land, including raising the level of land by the placing of fill or material;</li> <li>• Excavation of land, including excavation to create a canal, channel or water storage;</li> <li>• Construction of a new drain;</li> <li>• Overland flow storage and sediment erosion ponds</li> <li>• Construction of a levee, farm dam, weir or other barrier across a waterway;</li> <li>• Construction of a road, culvert or causeway.</li> </ul> <p>The high impact earthworks definition contains several exemptions to the requirement to obtain a development permit. The exemptions are listed in full in Schedule 24.</p> <p>No details of the works have been proposed, however one of the exemptions listed in Schedule 24 includes:</p> <ul style="list-style-type: none"> <li>• Excavation or filling not more than 100m<sup>3</sup> of material or 1000m<sup>3</sup> of material if over 200m from a wetland.</li> </ul> <p>Should the exemptions listed in Schedule 24 not apply to this proposal then a development application for Operational work for high impact earthworks within a wetland protection area will be required.</p> <p>Any development application made that impacts on Great Barrier Reef wetland protection areas should provide a response to the latest version of SDAP State Code 9: Great Barrier Reef wetland protection areas in its entirety.</p> <p>For more information regarding how to demonstrate compliance with State Code 9, please refer to: <a href="https://environment.des.qld.gov.au/ecosystems/wetlands/pdf/sdap-code9-gbr-wetland-protection-areas-guideline.pdf">https://environment.des.qld.gov.au/ecosystems/wetlands/pdf/sdap-code9-gbr-wetland-protection-areas-guideline.pdf</a></p> <p>Application material will need to be comprehensive and include:</p> <ul style="list-style-type: none"> <li>• Location of all built structures, or structures to be modified or demolished, as a result of the proposed development;</li> <li>• Description of any operational works occurring on site and expected timeframes;</li> <li>• Any machinery to be used or stored on the site;</li> </ul>

	<ul style="list-style-type: none"> <li>• Staging of the development if applicable.</li> <li>• Suitably scaled 'for construction' drawings will be required, which clearly identify:</li> <li>• Adjacent real property boundaries;</li> <li>• Adjacent riverbanks, walls, sandbanks, structures, the limit of vegetation, and-or other principal features in the immediate area;</li> <li>• Surrounding wetlands, including wetlands of high ecological significance and trigger areas;</li> <li>• Appropriate wetland buffer area as required;</li> <li>• The location and setting out details for cross-sections;</li> <li>• Drainage lines, spot heights and contours.</li> <li>• Any other information required to accurately define the area to allow the site to be readily identified from the plan.</li> </ul> <p>Depending on the extent of works, in addressing the PO's a site-based management plan including hydrological assessment (surface and groundwater impacts), stormwater management plan, construction phase erosion and sediment control plan, pest management action plans and management plan addressing hydrology, vegetation, pest and fauna disturbance and risk management may be required.</p> <p>Information about the potential for amending wetland mapping to avoid a development application is also available in the above-mentioned guideline, i.e. if it is considered that the mapping is incorrect.</p> <p>In addressing State Code 9, there is a requirement to determine if there are any Matters of State Environmental Significance (MSES).</p> <p>DES's Environmental Reports Online (<a href="https://environment.ehp.qld.gov.au/report-request/environment/">https://environment.ehp.qld.gov.au/report-request/environment/</a>) can be used to conduct a desktop analysis to identify any mapped MSES that exists on (using the lot on plan option to search) and near the proposed site/s (using the central coordinates option to search). Where MSES are identified:</p> <ul style="list-style-type: none"> <li>• Provide a targeted assessment to ground truth any MSES identified; MSES regulated vegetation category R is located precisely where the proposed crossing would take place so maybe alternative options may need to be explored.</li> <li>• Demonstrate how the development avoids adverse impacts on each MSES to the greatest extent practicable;</li> <li>• Where the above is not reasonably possible, demonstrate how impacts on MSES have or will be minimised and/or mitigated to the greatest extent practicable;</li> <li>• Demonstrate whether the development will have a Significant Residual Impact on any identified MSES using the DSDMIP Significant Residual Impact Guideline (<a href="http://www.dilgp.qld.gov.au/resources/guideline/planning/dsdip-significant-residual-impact-guideline.pdf">http://www.dilgp.qld.gov.au/resources/guideline/planning/dsdip-significant-residual-impact-guideline.pdf</a>). An assessment will need to be undertaken for each MSES to determine whether the proposed development will result in a significant residual impact; and</li> <li>• Identify any potential offset obligation. For further advice on environmental offsets please visit the following website <a href="http://www.qld.gov.au/environment/pollution/management/offsets/">http://www.qld.gov.au/environment/pollution/management/offsets/</a> or contact DES to organise a meeting to discuss this.</li> </ul>
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This pre-lodgement advice does not constitute an approval or an endorsement that the department supports the development proposal. Additional information may be required to allow the department to properly assess the development proposal when a formal application has been lodged.

For further information please contact Louise McGrath, Senior Planning Officer, on 4758 3404 or via email [NQSARA@dsdmip.qld.gov.au](mailto:NQSARA@dsdmip.qld.gov.au) who will be pleased to assist.

Yours sincerely

sch4p4( 6) Personal information

Graeme Kenna  
Manager (Planning)

Published on DAF Disclosure Log  
RTI Act 2009

**Date :** 6/12/2018 3:43:48 PM  
**From :** "Fisheries Planning & Assessment Unit"  
**To :** "STEWART Richard"  
**Subject :** FW: 1811-8441 SPL application correspondence  
**Attachment :** PA6-L Pre-lodgement advice 06122018.pdf;image001.png;image002.png;

Hi Richard,

FYI – meeting minutes provided for 1811-8441 SPL. Saved to eDocs.

Cheers,  
Jessica



**Jessica Pettitt Frazer**  
Fisheries Biologist, Impact Assessment and Management  
Fisheries Queensland  
Department of Agriculture and Fisheries

T 07 5381 1366 E [jessica.pettittfrazer@daf.qld.gov.au](mailto:jessica.pettittfrazer@daf.qld.gov.au) W [www.daf.qld.gov.au](http://www.daf.qld.gov.au)  
Maroochy Research Facility, 47 Mayers Road, Nambour QLD 4560  
PO Box 5083 SCMC, Nambour QLD 4560

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**From:** No Reply <[mydas-notifications-prod2@qld.gov.au](mailto:mydas-notifications-prod2@qld.gov.au)>  
**Sent:** Thursday, 6 December 2018 2:07 PM  
**To:** [info@milfordplanning.com.au](mailto:info@milfordplanning.com.au)  
**Subject:** 1811-8441 SPL application correspondence

Please find attached a notice regarding application [1811-8441 SPL](#).

If you require any further information in relation to the application, please contact the Department of State Development, Manufacturing, Infrastructure and Planning on the details provided in the notice.

*This is a system-generated message. Do not respond to this email.*

PA6-L



Department of State Development,  
Manufacturing, Infrastructure and Planning

Email Id: RFLG-1218-0003-5853

Our reference: 1811-8441 SPL  
Your reference: M622

6 December 2018

sch4p16) Personal information

Mr [redacted]  
C/- Milford Planning  
PO Box 5463  
TOWNSVILLE QLD 4810  
info@milfordplanning.com.au

sch4p16) Personal information

Dear [redacted]

### Pre-lodgement advice

Thank you for your correspondence received on 15 November 2018 in which you sought pre-lodgement advice from the Department of State Development, Manufacturing, Infrastructure and Planning regarding the proposed development described below.

This pre-lodgement record provides a summary of the matters discussed at the pre-lodgement meeting held on 27 November 2018 and the written advice provided by the Department of Agriculture and Fisheries (DAF), Department of Natural Resources, Mines and Energy (DNRME) and Department of Environment and Science (DES). This record provides advice regarding the likely major issues, relevant to SARA's jurisdiction, to assist in the timely processing of a development application. Whilst this advice is provided in good faith, if the proposal is changed from that which was discussed with the department during the pre-lodgement meeting, the advice is not binding.

### Reference information

Departmental role:	Assessment manager
Departmental jurisdiction:	Planning Regulation 2017, Schedule 8, Table 4, Item 3 – The chief executive as assessment manager: Schedule 10, Part 6, Division 4, Subdivision 2 – Operational work that is constructing or raising waterway barrier works Schedule 10, Part 3, Division 3 – Operational work that is Clearing native vegetation (potentially) Schedule 10, Part 20, Division 3 – Operational work that is high impact earthworks in a wetland protection area (potentially)

### Location details

Street address: 669 Black Road, Upper Houghton

North and North West regional office  
Level 4, 445 Flinders Street, Townsville  
PO Box 5666, Townsville QLD 4810

Real property description: Lot 10 on GS602; Lot 12 on GS815; Lot 3 on SP146640; Lot 95 on SP143120

Local government area: Burdekin Shire Council; Townsville City Council

### Details of proposal

Development type: Operational work

Development description: Haughton River bed level crossing – connecting Lots 3 and 4 on SP146640, Lot 10 on GS602 and Lot 95 on SP143120

### Supporting information

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Un-named map/drawing submitted with pre-lodgement request	-	-	-	-

### Meeting attendees

Name	Position	Organisation
Louise McGrath	Senior Planning Officer	Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP)
Javier Samanes	Acting Principal Planning Officer	DSDMIP
George Milford	Director	Milford Planning
Meredith Hutton	Planner	Milford Planning
sch4p4( 6) Personal information	-	DAVCO
Deborah Eaton	Senior Land Officer	Department of Natural Resources, Mines and Energy (DNRME)
Cameron Venables	Natural Resource Officer	DNRME
Gus Maclaurin	Natural Resource Officer	DNRME
Kerrie McGrath	Project Officer, Water Management	DNRME
Nicole Stremouchiw	Land Administration Officer	DNRME
Richard Stewart	Principal Impact Assessment and Management Officer	Department of Agriculture and Fisheries (DAF)

### Meeting Minutes – 27 November 2018

- DSDMIP advised that written advice is being sought from DES regarding the potential for high impact earthworks, for wetlands protection triggers.
- An overview of surrounding operations, future land use intentions, nexus with North Queensland Regional Plan (draft), easements, existing nearby crossings, river characteristics (i.e. flow channels) was provided.

- Overview of the proposal for the bed level crossing was provided. This included that it would be double lane, bed level, culverts over low flow crossing, to TCC rural standard with approximately 7m wide pavement. The crossing would be accessed via Black Road, an existing track which is graded and maintained.
- It was identified that there may be some clearing in the Wetland Protection Area, alongside energy easement.
- It was noted that the banks in this location are quite steep.

## DNRME

- Native vegetation requirements will need to be considered for each tenure type, tenure will guide the exemptions that may apply.
- There is a 10m exemption for clearing for roads, however this is likely to be exceeded as the road will be approximately 8.4m wide but given cutting for banks, drains etc this 10m exemption will likely be exceeded. It was noted the width would more likely be approximately 20m.
- The proposal will not be compliant with self-assessable vegetation clearing codes.
- It was identified that a S22A relevant purpose determination could be required.
- It was identified that from a vegetation clearing point of view, the proposed alignment with the Powerlink line is desirable as this will minimise vegetation clearing.
- It was flagged that a Riverine Protection Permit (RPP) will provide vegetation clearing exemption for less than 0.5ha least concern regional ecosystem, and this may avoid a native vegetation clearing referral.
- It was identified that the watercourse vegetation clearing could potentially be dealt with through the RPP.
- It was identified that other lots, in addition to those held by DAVCO, may need to be included in the application if they are implicated, with all relevant owners' consents provided.
- It was noted that a permit for vegetation clearing may be required due to tenure – see RPP exemption requirements.
- DNRME advised that it is a generally a straight forward process to obtain a RPP, with associated conditions, full construction drawings, RPEQ certified, would be required. The RPP approval would be required prior to lodging a development application for Operational works.
- DNRME advised that information would need to be given about proposed channel training and bank stabilisation measures.
- For tenure, DNRME noted that they have no issue with leaving tenure as a Permit to Occupy.
- If the intent was to freehold (i.e. purchase), then native title would need to be considered with potential for Indigenous Land Use Agreement (ILUA).
- It was noted that the resulting land-locked parcel would be required to be amalgamated into neighbouring parcel.

## DAF

- DAF agreed that a bed level crossing is preferred. This may require removal of underlying bed/sand to ensure 'bed level' is retained.
- Culverts must support fish passage/movement, must have a reasonable flow velocity and roughening elements, potentially sinking culverts below bed level.
- Supporting information will need to demonstrate pre and post conditions are maintained, flow speed is not the only consideration, as 8.5m long culverts may be beyond the burst capacity of aquatic fauna.
- Overall the application will need to demonstrate how all the PO's of *State Code 18: Constructing or raising waterway barrier works in fish habitats*.

- Particular attention is required to address PO1 and PO3 – which will require ‘need’ to be demonstrated for this particular project given there may be other crossings in the area that could avoid the need for this crossing.
- DAF noted that no culverts are ever 100% free of impact, so the cumulative aspect needs to be considered with reference to the relevant PO (PO1 and PO3). If a case is made that this proposed crossing has ‘no impact’ then this would need to be clearly demonstrated/proven.
- DAF noted that if it cannot be demonstrated that there will be no impact, then information would need to be given as to why co-utilisation of other river crossings has been ruled out, and other means of accessing properties has been ruled out, for example, why other means of transporting materials or other routes are not feasible/viable alternatives.

The following information is required to be provided when you lodge your development application with the assessment manager (SARA):

<b>State Assessment Referral Agency (SARA)</b>	
1.	<p><b>General</b></p> <p>The Planning Regulation 2017 (Planning Regulation) sets out the referral triggers for the state’s concurrence agency assessment of development applications. This pre-lodgement advice is based on the potential referral triggers listed below and is subject to re-assessment when lodging a formal development application. When lodging a formal development application, the applicant is responsible for identifying the relevant referral triggers.</p> <ul style="list-style-type: none"> <li>• Operational work for Native vegetation clearing</li> <li>• Operational work for Waterway barrier works</li> <li>• Operational work for High impact earthworks</li> </ul> <p>Based on material provided to date, the following referral triggers and fees as identified in the Planning Regulation are identified:</p> <ul style="list-style-type: none"> <li>• Operational work for native vegetation clearing: Schedule 10, Part 3, Division 3, Table 1, Item 5 (b) (i) - \$3,240.00</li> <li>• Operational work for waterway barrier works: Schedule 10, Part 6, Division 4, Subdivision 2, Table 1, Item 5 (c) (ii) - \$12,956.00 (for mapped major risk waterway)</li> <li>• Operational work for high impact earthworks in a wetland protection area: Schedule 10, Part 20, Division 3, Table 1, Item 5 - \$3,240.00</li> </ul> <p>The relevant State Development Assessment Provisions (SDAP) State codes that would need to be addressed if lodging a development application include:</p> <ul style="list-style-type: none"> <li>• <i>State code 16: Native vegetation clearing</i></li> <li>• <i>State code 18: Constructing or raising waterway barrier works in fish habitats</i></li> <li>• <i>State code 9: Great Barrier Reef wetland protection areas</i></li> </ul>
<b>Department of Natural Resources, Mines and Energy (DNRME)</b>	
1.	<p><b>Tenure Advice</b></p> <p>Provided the crossing is not used for public access, there are no requirements under the <i>Land Act 1994</i> for the proposed crossing over the Haughton River.</p> <p>Should the proponent wish to purchase state land parcel Lot 10 on GS602 (unallocated state land), the following considerations apply:</p> <ul style="list-style-type: none"> <li>• A complete native title assessment will need to be undertaken as part of any application to determine how native title is to be addressed. Preliminary investigations indicate that an Indigenous Land Use Agreement may be required</li> </ul>

	<ul style="list-style-type: none"> <li>• Lot 10 currently has no dedicated access and any offer may be subject to inclusion into adjoining freehold land; and,</li> <li>• There is currently no easement registered over the Lot 10 for Ergon Energy's infrastructure. Ergon may require some form of formal agreement (i.e. easement) to safeguard their infrastructure located on Lot 10.</li> </ul>
	<p><b>Riverine Protection</b></p> <p>A riverine protection permit (RPP) must be obtained under section 218 of the <i>Water Act 2000</i> unless an eligible entity can meet the exemption criteria outlined in the 'Riverine protection permit exemption requirements' available online at: <a href="http://www.dnrme.qld.gov.au/?a=109113:policy_registry/riverine-protection-permit-exemption-requirements.pdf">www.dnrme.qld.gov.au/?a=109113:policy_registry/riverine-protection-permit-exemption-requirements.pdf</a>.</p> <p>There is no fee to apply for a riverine protection permit and the relevant forms are available online at: <a href="http://www.business.qld.gov.au/industry/water/managing-accessing/accessing-water/authorisations/riverine-protection">www.business.qld.gov.au/industry/water/managing-accessing/accessing-water/authorisations/riverine-protection</a>. The applicant is encouraged to contact the Department of Natural Resources, Mines and Energy on 4447 9137 or via email: <a href="mailto:RiversNorth@dnrme.qld.gov.au">RiversNorth@dnrme.qld.gov.au</a> for further advice if required.</p> <p>To ensure a riverine protection permit application is assessed promptly, it should be accompanied by:</p> <ul style="list-style-type: none"> <li>• Registered Professional Engineer of Queensland certified drawings (where applicable)</li> <li>• Information detailing how the proposed activity will not lessen flood immunity to the immediate and surrounding properties</li> <li>• A statement detailing any proposed channel training, methods of channel training and anticipated recurrence of works</li> <li>• A statement advising if the current crossing is to be removed, and if so, method of removal and proposed remediation; and,</li> <li>• Information from a suitably qualified person about:             <ul style="list-style-type: none"> <li>o the immediate downstream effects of the proposed activity on the watercourse and to adjoining properties, and how these impacts will be mitigated</li> <li>o the effects of the proposed activity on water quality</li> <li>o the quantity of vegetation to be destroyed or material to be excavated or placed</li> <li>o the type of vegetation to be destroyed or material to be excavated or placed</li> <li>o the type and location of any infrastructure to be constructed</li> <li>o the seasonal factors influencing the watercourse, lake or spring from time to time</li> <li>o the position in the watercourse, lake or spring of the vegetation to be destroyed or the proposed excavation or placing of fill</li> <li>o the reasons for carrying out the activity</li> <li>o whether, and to what extent, the activity that the permit would allow may have an adverse effect on the physical integrity of the watercourse, lake or spring; and,</li> <li>o the implications of granting the permit for the long-term sustainable use of the Haughton River.</li> </ul> </li> </ul> <p>If sufficient information is provided to enable the chief executive to make a decision, and where native title requirements are met (up to 28 calendar days), the permitting process may take up to 30 business days.</p>
	<p><b>Vegetation management</b></p> <p>The subject area contains the following features and vegetation types:</p> <ul style="list-style-type: none"> <li>• Category B area (containing least concern regional ecosystems)</li> <li>• Category R area (regrowth watercourse and drainage feature area)</li> <li>• Category X area; and,</li> <li>• A stream order 7 watercourse as shown on the vegetation management watercourse and drainage feature map.</li> </ul> <p>Information on the land is available through:</p>

- Queensland Globe: <https://qldglobe.information.qld.gov.au/>
- A vegetation management report: [www.qld.gov.au/environment/land/vegetation/map-request/](http://www.qld.gov.au/environment/land/vegetation/map-request/). The report includes relevant property information and a series of maps and supporting information outlining the requirements for clearing vegetation on this land; and,
- The Regional Ecosystem Description Database: <https://environment.des.qld.gov.au/regional-ecosystems/>.

Clearing native vegetation with the Haughton River (between Lot 95 on SP143120 and Lot 10 on GS602)

As the proposed activity will likely require a RPP under the *Water Act 2000*, an exemption exists under Schedule 21, part 1, item 2 of the Planning Regulation that allows for the clearing of native vegetation within a watercourse where the clearing is necessary and an unavoidable consequence of an activity carried out under the RPP. To comply with this exemption, the development must meet the requirements of Sch 21, part 1, item 2 (b) (i), (ii) or (iii), i.e. the clearing meets the vegetation category and extent limitations of less than 0.5ha.

Clearing native vegetation within freehold land and land subject to a licence or permit under the *Land Act 1994*

Exemptions exist under Schedule 21, part 2, item 2(h) and Schedule 21, part 2, item 8 of the Planning Regulation respectively, that allow for clearing native vegetation on a) freehold land and b) land subject to a licence or permit under the *Land Act 1994* where the clearing is necessary for routine management in:

- regulated regrowth vegetation; or,
- a least concern regional ecosystem in a Category B area.

Under Schedule 24 of the Planning Regulation, routine management includes clearing of native vegetation:

- to establish a necessary fence, road or vehicular track if the maximum width of clearing for the fence, road or track is 10m.

Exemptions exist under Schedule 21, part 2, item 2(c) and Schedule 21, part 2, item 8 of the Planning Regulation respectively, that allow for the clearing of native vegetation on a) freehold land and b) land subject to a licence or permit under the *Land Act 1994*, where the clearing is necessary for essential management.

Under Schedule 24 of the Planning Regulation, essential management includes clearing native vegetation:

- necessary to maintain infrastructure (including any core airport infrastructure, buildings, fences, helipads, roads, stockyards, vehicular tracks, watering facilities and constructed drains, other than contour banks), unless the clearing is for sourcing construction material.

Referral advice

If the proposed development does not meet the criteria of an exemption listed under Schedule 21 of the Planning Regulation, development approval may be required for native vegetation clearing.

Lodging a development application for clearing native vegetation

Prior to submitting the development application to clear native vegetation, the applicant must first obtain written confirmation from DNRME that the proposed development is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*.

Requests for a relevant purpose determination must be lodged in writing directly to DNRME, and can be sent to either PO Box 5318, Townsville QLD 4810 or [northvegetation@dnrme.qld.gov.au](mailto:northvegetation@dnrme.qld.gov.au). There is no prescribed form or fee for these requests. The application form and further information and assistance to apply for a section 22A determination is available online at: [www.qld.gov.au/environment/land/management/vegetation/development](http://www.qld.gov.au/environment/land/management/vegetation/development).

	<p>If DNRME determines that the clearing is for a relevant purpose under section 22A of the <i>Vegetation Management Act 1999</i>, the applicant may then lodge a development application with the assessment manager.</p> <p>An application for a development permit for vegetation clearing under the <i>Planning Act 2016</i> should be accompanied by:</p> <ul style="list-style-type: none"> <li>• The Development Assessment (DA) form/s relevant to your application</li> <li>• Standard information required for assessing applications for native vegetation clearing listed in Appendix 2 of the Guidelines for addressing State code 16, available online at: <a href="http://www.dnrme.qld.gov.au/data/assets/pdf_file/0010/1258075/state-code-16-veg-clearing-guide.pdf">www.dnrme.qld.gov.au/data/assets/pdf_file/0010/1258075/state-code-16-veg-clearing-guide.pdf</a></li> <li>• A statement addressing the applicable assessment criteria in State Code 16 of the State Development Assessment Provisions; and,</li> <li>• Evidence that the Department of Natural Resources, Mines and Energy is satisfied the proposed clearing is for a relevant purpose under section 22A of the <i>Vegetation Management Act 1999</i>.</li> </ul> <p><u>Clearing within mapped Category R areas</u></p> <p>Clearing native vegetation within these areas must be exempt clearing work under schedule 21 of the Planning Regulation 2017 or undertaken in accordance with the accepted development vegetation clearing code 'Managing Category R Regrowth Vegetation' and will not be assessed as part of an operational work or material change of use application. The accepted development vegetation clearing codes are available online at: <a href="http://www.qld.gov.au/environment/land/management/vegetation/codes">www.qld.gov.au/environment/land/management/vegetation/codes</a>.</p>
<b>Department of Agriculture and Fisheries (DAF)</b>	
	<p>The proposed crossing is located on a waterway that is mapped purple, for major risk waterway, according to the spatial data layer <i>Queensland waterways for waterway barrier works</i>.</p> <p>The applicant should refer to the following factsheets for more information on waterway barrier works:</p> <ul style="list-style-type: none"> <li>- <a href="#">What is a waterway?</a></li> <li>- <a href="#">What is a waterway barrier work?</a></li> <li>- <a href="#">What is not a waterway barrier work?</a></li> </ul> <p>No designs have been provided for this crossing, only a location. Given there is already another crossing proposed in the area, significant justification will have to be provided as to why multiple crossings of the Haughton River are required. The proponent should engage with other surrounding landowners to ensure only one crossing is required, minimising the impacts to fisheries productivity in the area. If this proposed crossing is to be the preferred location, then further pre-lodgement information should be sought once further designs have been developed.</p> <p>Under the Planning Regulation, works involving constructing or raising waterway barrier works must be undertaken in accordance with the relevant <a href="#">accepted development requirements</a> or under a development approval (assessable development).</p> <p>No information has been provided on a design for this crossing. However given the design of the temporary crossing currently in place, the proposed works are unlikely to comply with the accepted development requirements. Therefore, a development approval will be required for assessable development that is constructing or raising waterway barrier works.</p> <p><u>Application</u></p> <p>In an application for a development approval for operational works involving constructing or raising waterway barrier works, the following will need to be provided:</p> <ul style="list-style-type: none"> <li>o DA Form 1 including Template 4 – Waterway barrier works (<a href="https://planning.dsdmp.qld.gov.au/planning/better-development/application-forms-and-">https://planning.dsdmp.qld.gov.au/planning/better-development/application-forms-and-</a></li> </ul>

[templates](#));

- o A full response to the relevant parts of the most up to date version of the SDAP *State Code 18: Constructing or raising waterway barrier works in fish habitats*. Particular attention should be made to the following PO's:
  - All development - PO1 to PO18 and PO36;
  - Development involving fishways – PO19 to PO28;
  - Temporary waterway barrier works - PO32 to PO35;
- o Relevant plans as per [DA Forms guide: Relevant plans](#), including:
  - Detailed plans clearly showing the location of the proposed works in relation to existing mapped waterways;
  - Detailed plans clearly showing a cross section of the proposed waterway barrier works in relation to the existing bed and banks of each impacted waterway;
  - A longitudinal section of the proposed waterway barrier works in relation to the bed of the waterway upstream and downstream of the works

Note – All plans should be scaled and able to be read at A3 size.
- o Written documentation discussing the following:
  - Details of the purpose of the proposed works (e.g. construction of a low level crossing to convey cane harvesting and property access, etc.)
  - A description of the waterway proposed to be impacted (e.g. condition, size, connectivity, general hydrology) and nature of the impact;
  - A description of the construction work method (e.g. timing, equipment to be used);
  - A description of the material used to create the crossing and how it will be placed.
  - A detailed description of the alternatives considered to reduce impacts on the waterway, as applicable (e.g. alternative designs, locations, setbacks/buffer distances, etc.);
  - Details of on-site mitigation actions, during and after the development;
  - The extent of any future maintenance works required for the continued safe operation of the proposed structure or facility, including maintenance of the low flow channel to ensure it is directed through the culvert section of the crossing;
  - Impacts to fish passage. It must firstly be demonstrated that impacts to waterways providing for fish passage have been avoided. Where avoidance is not reasonably possible, impacts to waterways providing for fish passage must be mitigated. An environmental offset pursuant to the *Environmental Offsets Act 2014* may need to be provided for any significant residual impact.

In accordance with PO1 and PO3 of the SDAP State Code 18, there must be a demonstrated need for the development and alternatives (locations and designs) which do not involve constructing or raising waterway barrier works must have been considered. Guidance in addressing PO1 and PO3 is as follows:

PO1 –

*“There is a demonstrated need for the development and alternatives (locations and designs) which do not involve constructing or raising waterway barrier works are not viable.”*

- Development is to avoid the need for waterway barrier works in the first instance. Usually there are alternatives (locations, routes or designs) that would avoid the need to construct or raise waterway barrier works due to their impact on fish habitats and fish passage.
- Constructing or raising waterway barrier works is to be clearly justified and unavoidable. Alternatives of lesser impact may exist and it needs to be demonstrated that other alternatives have been explored. For linear infrastructure, it is recognised that there may exist a requirement to cross or traverse a waterway where no other alternative exists.
- When demonstrating PO1, the proponent's role in terms of the purpose of the proposed development is to be identified, for example, if there is a statutory obligation to undertake the development or it is for community requirements.
- A response to PO1 and PO3 will need to provide justification why an additional crossing is required when another crossing is already planned in close proximity downstream of the proposed crossing. If the proposal is to be the only crossing of the Haughton River in this region, provide evidence that multiple land holders will have access to the crossing,

	<p>avoiding the need for multiple crossings of the Haughton River.</p> <ul style="list-style-type: none"> <li>• Application supporting material is to demonstrate that there is no alternative location, route or design of the development that will avoid the constructing or raising of waterway barrier works, regardless of tenure, ownership or size of the land. Where relevant, include an analysis of the alternative locations or routes.</li> <li>• Where there is no other location for the development that would avoid constructing or raising waterway barriers and impacting waterways that provide fish passage, the application is to demonstrate that there is no other alternative design that would avoid impacts (direct and indirect) to waterways that provide for fish passage. For example, a bridge is preferred to a culvert or bed level crossing due to the impacts to fish passage.</li> <li>• Please include plans and drawings of the development site identifying all waterways and fish habitats within and adjoining the development site with an overlay of the proposed development.</li> </ul> <p>PO3 –  <i>“The number and extent of waterway barrier works and the spatial and temporal extent of their impacts on waterways providing for fish passage are minimised.”</i></p> <ul style="list-style-type: none"> <li>• Thousands of dams, barrages, culverts and other artificial structures have been constructed within Queensland waterways. In many cases, fish are unable to move successfully upstream or downstream of these barriers. The cumulative impacts from numerous waterway barrier works within a catchment can impact fisheries resources and result in the loss of fisheries productivity. Impacts from the limitation of fish passage include local species or population extinctions above barriers and compromise of downstream populations. Waterway barrier works can have spatial and temporal impacts to fisheries resources through modifications of the natural flow regime (e.g. impounding or regulation of flows) and fish habitats (e.g. loss of habitat type or structure). For example, downstream dispersal of eggs and larvae can be hindered or halted in low velocity weir pools. The period when fish passage is provided for may not correspond with or is limited during the natural timing or cues for fish migration (i.e. during seasonal or diurnal cycles or changes in water flows or temperature).</li> <li>• Fish passage can be reduced as a result of changes in habitat structure such as the alteration of the natural waterway bed and banks (i.e. straightened shallow and/or widened channels lacking cover or aquatic vegetation or other fish habitat components). Impacts such as cold water releases from waterway barriers from impoundments can also reduce fish movement and fisheries productivity.</li> <li>• If the proposed works are demonstrated to be unavoidable, information will need to be provided demonstrating the number and size of the waterway barrier works have been minimised.</li> <li>• Where impacts are unavoidable, information will need to be provided demonstrating how the spatial and temporal impacts resulting from the waterway barrier works have been or will be minimised.</li> <li>• The response to PO3 is to include a discussion of cumulative impacts from existing disturbances and the proposed disturbance to the aquatic ecosystems, for example from other dams/weirs, existing water extraction, and upstream barriers, and the ability of the ecosystem to absorb the additional impact of the proposed waterway barrier.</li> </ul> <p>In accordance with PO4 of the SDAP State Code 18, adequate fish passage must be provided and maintained through waterway barrier works for the life of the barriers through:</p> <ol style="list-style-type: none"> <li>a. A crossing and culverts that adequately provide for the movement of fish; or</li> <li>b. the movement of fish is adequately provided for in another way.</li> </ol> <p>In accordance with PO36 of the SDAP State Code 18, the department maintains an ‘avoid, mitigate, offset’ requirement that applies to those activities that will, or are likely to, have a significant residual impact on prescribed environmental matters. Depending on the type of works being proposed and impact to waterways providing for fish passage (a prescribed environmental matter), the works may have a Significant Residual Impact.</p> <p>The applicant will need to provide details on how the impacts to waterways providing for fish passage will be avoided, or where this cannot be reasonably achieved, mitigated (minimised).</p>
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	<p>Where there is likely to be an acceptable SRI remaining, an offset may be required (refer to <a href="#">Environmental offsets and the planning framework factsheets and guidelines</a> for further details).</p> <p>The placement of temporary waterway barriers to facilitate construction of the detention basin may be conducted under DAF's <a href="#">Accepted development requirements for operational work that is constructing or raising waterway barrier works</a>.</p> <p>If any proposed temporary waterway barrier works cannot meet the accepted development requirements, this aspect of the works will need to be covered under the development approval.</p>
<b>Department of Environment and Science (DES)</b>	
	<p><b>Wetland Protection Area Trigger Advice</b></p> <p>The proposed development is located in a mapped wetland protection trigger area as mapped on the Map of Referable Wetlands on the DAMS mapping system. Property specific maps can be generated at <a href="https://www.ehp.qld.gov.au/ecosystems/wetlands/referable-wetlands-form.php">https://www.ehp.qld.gov.au/ecosystems/wetlands/referable-wetlands-form.php</a></p> <p>High impact earthworks are defined in Schedule 24 of the Planning Regulation as operational work that involves changing the form of land or placing a structure on the land, in a way that diverts water to or from a wetland.</p> <p>Limited information has been provided in order to determine whether this proposal will trigger a referral for works in a wetland protection area/trigger area.</p> <p>Examples of some activities that may involve high impact earthworks include (but are not limited to):</p> <ul style="list-style-type: none"> <li>• Filling or levelling of land, including raising the level of land by the placing of fill or material;</li> <li>• Excavation of land, including excavation to create a canal, channel or water storage;</li> <li>• Construction of a new drain;</li> <li>• Overland flow storage and sediment erosion ponds</li> <li>• Construction of a levee, farm dam, weir or other barrier across a waterway;</li> <li>• Construction of a road, culvert or causeway.</li> </ul> <p>The high impact earthworks definition contains several exemptions to the requirement to obtain a development permit. The exemptions are listed in full in Schedule 24.</p> <p>No details of the works have been proposed, however one of the exemptions listed in Schedule 24 includes:</p> <ul style="list-style-type: none"> <li>• Excavation or filling not more than 100m<sup>3</sup> of material or 1000m<sup>3</sup> of material if over 200m from a wetland.</li> </ul> <p>Should the exemptions listed in Schedule 24 not apply to this proposal then a development application for Operational work for high impact earthworks within a wetland protection area will be required.</p> <p>Any development application made that impacts on Great Barrier Reef wetland protection areas should provide a response to the latest version of SDAP State Code 9: Great Barrier Reef wetland protection areas in its entirety.</p> <p>For more information regarding how to demonstrate compliance with State Code 9, please refer to: <a href="https://environment.des.qld.gov.au/ecosystems/wetlands/pdf/sdap-code9-gbr-wetland-protection-areas-guideline.pdf">https://environment.des.qld.gov.au/ecosystems/wetlands/pdf/sdap-code9-gbr-wetland-protection-areas-guideline.pdf</a></p> <p>Application material will need to be comprehensive and include:</p> <ul style="list-style-type: none"> <li>• Location of all built structures, or structures to be modified or demolished, as a result of the proposed development;</li> <li>• Description of any operational works occurring on site and expected timeframes;</li> <li>• Any machinery to be used or stored on the site;</li> </ul>

	<ul style="list-style-type: none"> <li>• Staging of the development if applicable.</li> <li>• Suitably scaled 'for construction' drawings will be required, which clearly identify:</li> <li>• Adjacent real property boundaries;</li> <li>• Adjacent riverbanks, walls, sandbanks, structures, the limit of vegetation, and-or other principal features in the immediate area;</li> <li>• Surrounding wetlands, including wetlands of high ecological significance and trigger areas;</li> <li>• Appropriate wetland buffer area as required;</li> <li>• The location and setting out details for cross-sections;</li> <li>• Drainage lines, spot heights and contours.</li> <li>• Any other information required to accurately define the area to allow the site to be readily identified from the plan.</li> </ul> <p>Depending on the extent of works, in addressing the PO's a site-based management plan including hydrological assessment (surface and groundwater impacts), stormwater management plan, construction phase erosion and sediment control plan, pest management action plans and management plan addressing hydrology, vegetation, pest and fauna disturbance and risk management may be required.</p> <p>Information about the potential for amending wetland mapping to avoid a development application is also available in the above-mentioned guideline, i.e. if it is considered that the mapping is incorrect.</p> <p>In addressing State Code 9, there is a requirement to determine if there are any Matters of State Environmental Significance (MSES).</p> <p>DES's Environmental Reports Online (<a href="https://environment.ehp.qld.gov.au/report-request/environment/">https://environment.ehp.qld.gov.au/report-request/environment/</a>) can be used to conduct a desktop analysis to identify any mapped MSES that exists on (using the lot on plan option to search) and near the proposed site/s (using the central coordinates option to search). Where MSES are identified:</p> <ul style="list-style-type: none"> <li>• Provide a targeted assessment to ground truth any MSES identified; MSES regulated vegetation category R is located precisely where the proposed crossing would take place so maybe alternative options may need to be explored.</li> <li>• Demonstrate how the development avoids adverse impacts on each MSES to the greatest extent practicable;</li> <li>• Where the above is not reasonably possible, demonstrate how impacts on MSES have or will be minimised and/or mitigated to the greatest extent practicable;</li> <li>• Demonstrate whether the development will have a Significant Residual Impact on any identified MSES using the DSDMIP Significant Residual Impact Guideline (<a href="http://www.dilgp.qld.gov.au/resources/guideline/planning/dsdip-significant-residual-impact-guideline.pdf">http://www.dilgp.qld.gov.au/resources/guideline/planning/dsdip-significant-residual-impact-guideline.pdf</a>). An assessment will need to be undertaken for each MSES to determine whether the proposed development will result in a significant residual impact; and</li> <li>• Identify any potential offset obligation. For further advice on environmental offsets please visit the following website <a href="http://www.qld.gov.au/environment/pollution/management/offsets/">http://www.qld.gov.au/environment/pollution/management/offsets/</a> or contact DES to organise a meeting to discuss this.</li> </ul>
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This pre-lodgement advice does not constitute an approval or an endorsement that the department supports the development proposal. Additional information may be required to allow the department to properly assess the development proposal when a formal application has been lodged.

For further information please contact Louise McGrath, Senior Planning Officer, on 4758 3404 or via email [NQSARA@dsdmip.qld.gov.au](mailto:NQSARA@dsdmip.qld.gov.au) who will be pleased to assist.

Yours sincerely

sch4p4( 6) Personal information

Graeme Kenna  
Manager (Planning)

Published on DAF Disclosure Log  
RTI Act 2009

## All New Correspondence

Counter:	34667	Authority No:	1811-8441 SPL	Paper Copy	<input type="checkbox"/>
Date Received :	16/11/2018	File No:	003/0005802	Officer:	Richard Stewart
Applicant:				Time Spent (hrs) :	0.0
Trigger:	WwBW	Reference:	SARA Prelodgement Meeting		
Fees Paid (\$):	\$0.00	Correct Fees?	<input type="checkbox"/>	Local Authority	Queensland Multiple Council regions

### Job details and location:

PLM - Proposed new low level crossing downstream of existing. Lot 3, 669 Black Road, Upper Haughton. Original meeting requested for 3/12/18 at 10am. Updated meeting request for 11am 3/12/18. Meeting requests saved in file.  
10GS602 - 669 Black Road, Upper Haughton; 12GS815 - 664 Black Road, Upper Haughton; 3SP146640 - 1428 Dingo Park Road, Woodstock; 95SP143120 - Coach Road, Major Creek

## General Correspondence

Date Due: 23/11/2018

Date Final: 23/11/2018

## Development Approval

Withdrawn

No

## Information Request Stage

Info Request Due:

Extension Required: ☐

Info Request Required: ☐

Info Request Issued: ☐

Date Sent:

Date Info provided:

## Recommendation Stage

Assessment Date Due:

Extension Required: ☐

Date Assessment Made:

Recommendation: ☐

DSDIP Amended ☐

Pre Notification Date

Post Notification ☐

## Offsets

Offset Required ☐

Date Offset Due

Offset Completed ☐

Notes:



# State Assessment and Referral Agency

Date: 15/11/2018



Department of State Development  
Manufacturing, Infrastructure  
and Planning

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**Disclaimer:**

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## Matters of Interest for all selected Lot Plans

*Queensland waterways for waterway barrier works*  
*Regulated vegetation management map (Category A and B extract)*  
*Water resource planning area boundaries*  
*Wetland protection area trigger area*  
*Wetland protection area wetland*

## Matters of Interest by Lot Plan

**Lot Plan: 95SP143120 (Area: 8,586,000 m<sup>2</sup>)**

*Queensland waterways for waterway barrier works*  
*Regulated vegetation management map (Category A and B extract)*  
*Water resource planning area boundaries*  
*Wetland protection area trigger area*

**Lot Plan: 10GS602 (Area: 2,770,530 m<sup>2</sup>)**

*Regulated vegetation management map (Category A and B extract)*  
*Water resource planning area boundaries*  
*Wetland protection area trigger area*  
*Wetland protection area wetland*

**Lot Plan: 3SP146640 (Area: 5,618,000 m<sup>2</sup>)**

*Regulated vegetation management map (Category A and B extract)*  
*Water resource planning area boundaries*

**Lot Plan: 12GS815 (Area: 1,079,930 m<sup>2</sup>)**

*Regulated vegetation management map (Category A and B extract)*  
*Water resource planning area boundaries*



## State Assessment and Referral Agency

Date: 15/11/2018



Department of State Development  
Manufacturing, Infrastructure  
and Planning

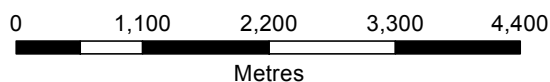
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### Legend

Water resource planning area boundaries



Water resource planning area boundaries



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## State Assessment and Referral Agency

Date: 15/11/2018



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### Legend

Wetland protection area wetland

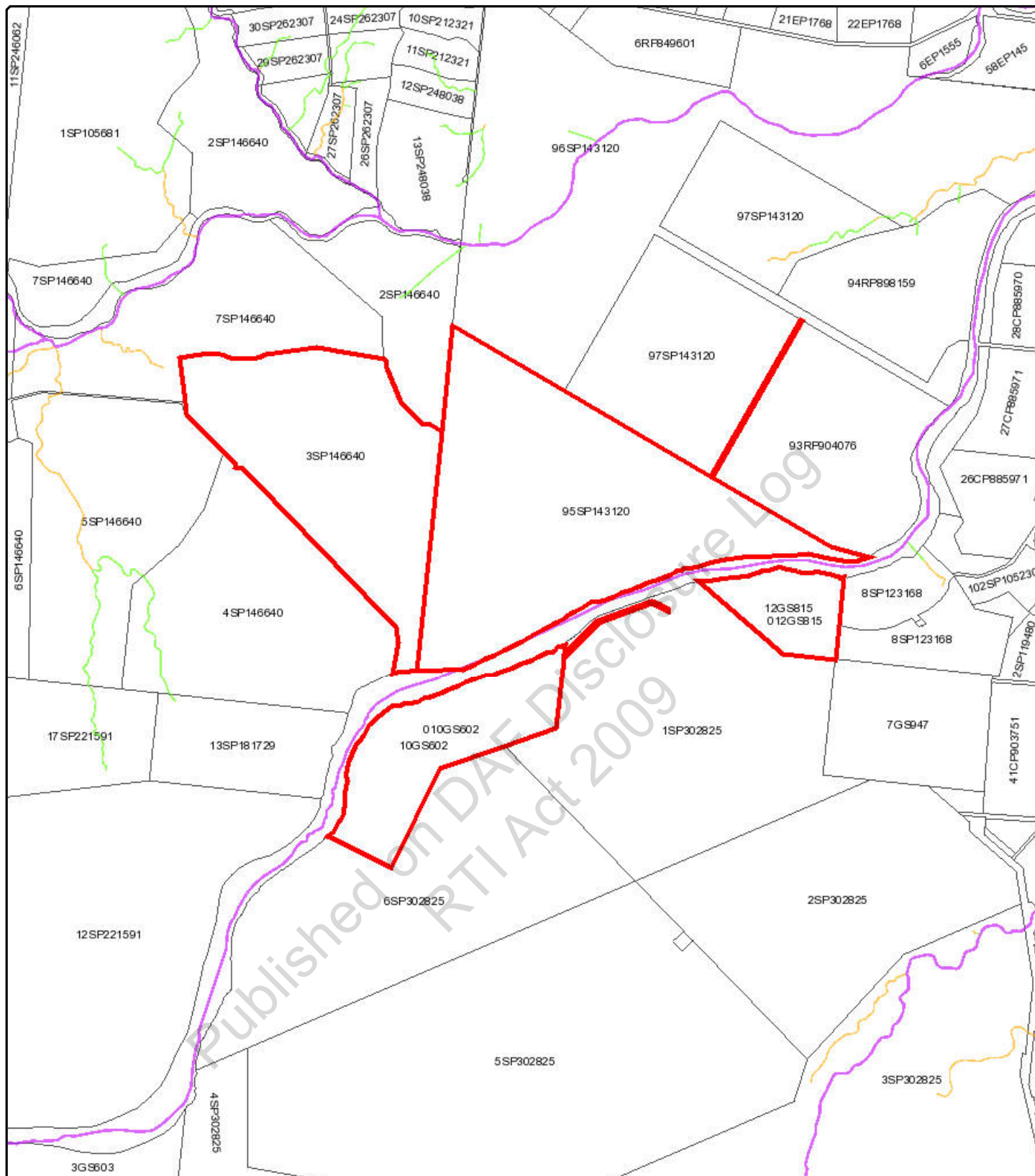


Wetland protection area wetland

0 1,100 2,200 3,300 4,400  
Metres

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### Legend

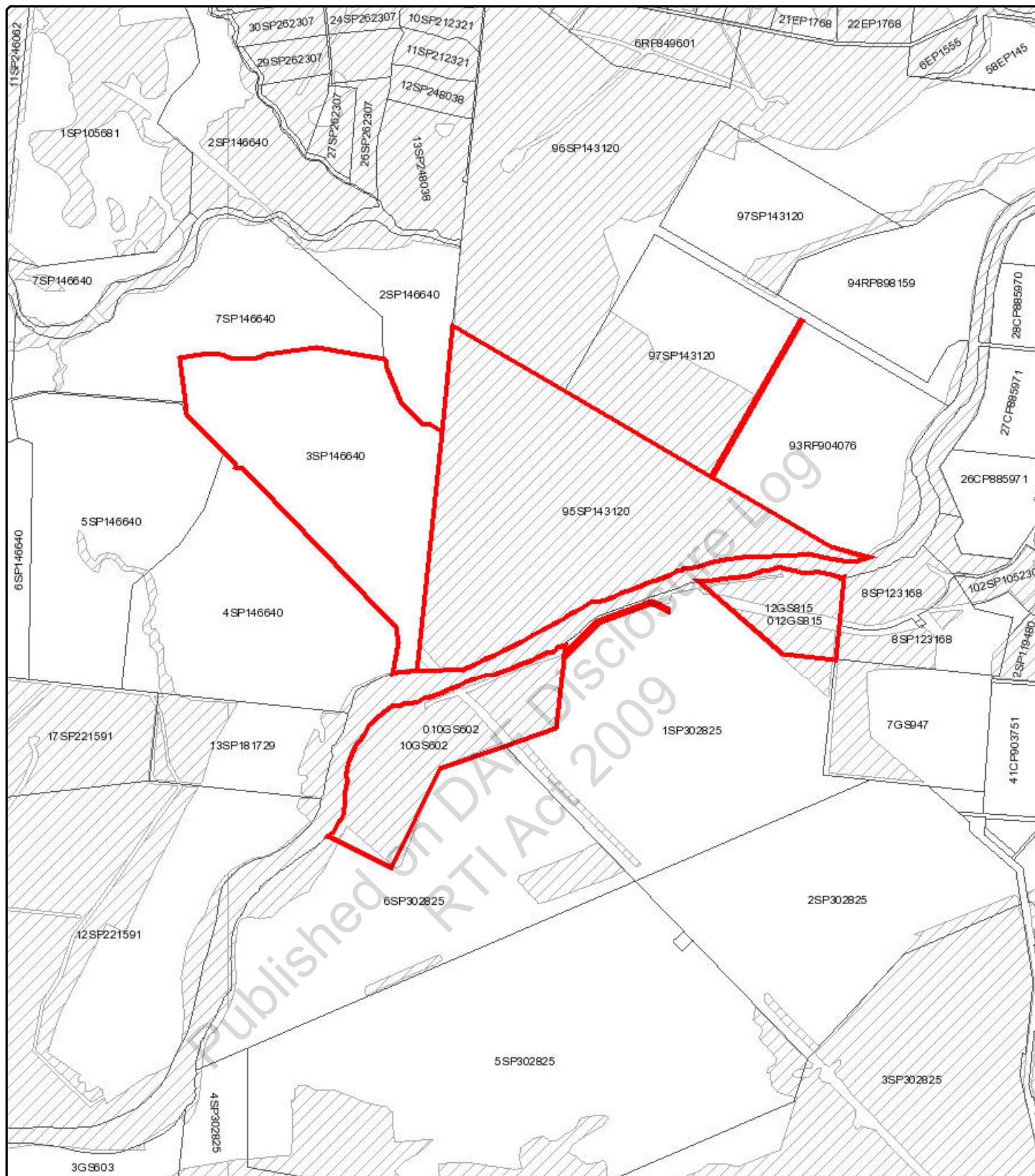
Queensland waterways for waterway  
barrier works

- 1 - Low
- 2 - Moderate
- 3 - High
- 4 - Major

0 1,100 2,200 3,300 4,400  
Metres

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### Legend

Regulated vegetation management map  
(Category A and B extract)

-  Category A on the regulated vegetation management map
-  Category B on the regulated vegetation management map

0 1,100 2,200 3,300 4,400  
Metres

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### Legend

Wetland protection area trigger area



Wetland protection area trigger area

0 1,100 2,200 3,300 4,400  
Metres

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**From:** [Louise McGrath](#)  
**To:** [STEWART Richard](#)  
**Subject:** RE: 1811-8441 SPL - Pre-lodgement meeting - Proposed new low level Haughton River Crossing (M) Personal information  
sch4p4( 6) Personal information  
**Date:** Wednesday, 5 December 2018 12:20:01 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.jpg](#)  
[image004.jpg](#)  
[image005.jpg](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.jpg](#)  
[image010.jpg](#)

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Hi Richard, were you providing some further information on this one regarding demonstrating 'need' – I think you were going to see if there was something in the unpublished guidelines that you could add.

Louise McGrath  
Senior Planning Officer  
**Planning and Development Services – North Queensland**

Department of State Development,  
Manufacturing, Infrastructure and Planning

P 07 4758 3404

Level 4,445 Flinders Street, Townsville QLD 4810

PO Box 5666, Townsville QLD 4810

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cid:image015.jpg@01D4235D.4B563AA0



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**From:** STEWART Richard <Richard.Stewart@daf.qld.gov.au>  
**Sent:** Tuesday, 27 November 2018 11:16 AM  
**To:** Louise McGrath <Louise.McGrath@dsdmip.qld.gov.au>  
**Subject:** RE: 1811-8441 SPL - Pre-lodgement meeting - Proposed new low level Haughton River Crossing (M) Personal information

Hi Louise,

Just noticed in our SPL TAR response, I meant to include PO3 in point 6 of my response. It states "PO3 The number and extent of waterway barrier works and the spatial and temporal extent of their impacts on waterways providing for fish passage are minimised." This is directly related to the issues of multiple crossings within the same area.

Could you please add this to the response drafted by DAF,

Regards,  
Richard



**Richard Stewart**

Principal Officer, Impact Assessment and Management  
Department of Agriculture and Fisheries

---

**T** 07 4241 1244 **E** [Richard.stewart@daf.qld.gov.au](mailto:Richard.stewart@daf.qld.gov.au) **W** [www.daf.qld.gov.au](http://www.daf.qld.gov.au)

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-----Original Appointment-----

**From:** Louise McGrath <[Louise.McGrath@dsdmip.qld.gov.au](mailto:Louise.McGrath@dsdmip.qld.gov.au)>

**Sent:** Tuesday, 27 November 2018 10:51 AM

**To:** Louise McGrath; STEWART Richard

**Subject:** 1811-8441 SPL - Pre-lodgement meeting - Proposed new low level Haughton River Crossing (4416) Personal information

**When:** Tuesday, 27 November 2018 11:00 AM-12:00 PM (UTC+10:00) Brisbane.

**Where:** Level 4, 445 Flinders Street, Townsville City and teleconference

Meeting to discuss requirements for 1811-8441 SPL – proposed new low level bed crossing on the Haughton River.

For those attending in person (other than state representatives) please sign-in on the ground floor and proceed to level 4. There is a phone in the foyer to call for access. Please call 4758 3423.

For those phoning in here are the teleconference details:

Phone: (07) 3117 1092  
Pin: 214423

If you have any questions in the meantime please feel free to give me a call.

Louise McGrath  
Senior Planning Officer  
**Planning and Development Services – North  
Queensland**  
Department of State Development,  
Manufacturing, Infrastructure and Planning

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>>](#) [<< File: image006.png >>](#) [<< File: image007.png >>](#) [<< File:  
image008.png >>](#)

<< File: image009.jpg >>

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-----

Date : 5/12/2018 1:06:08 PM

From : "STEWART Richard"

To : "Louise McGrath"

Subject : RE: 1811-8441 SPL - Pre-lodgement meeting - Proposed new low level Houghton River Crossing (Mr Personal information)

Attachment :

image011.png;image013.png;image015.jpg;image016.jpg;image017.jpg;image018.png;image019.png;image020.png;image021.jpg;image001.png;image002.png;image003.jpg;

Hi Louise,

Yes sorry, here is some more info.. It primarily related to PO1 and PO3.

**PO1 - There is a demonstrated need for the development and alternatives (locations and designs) which do not involve constructing or raising waterway barrier works are not viable.**

Development is to avoid the need for waterway barrier works in the first instance. Usually there are alternatives (locations, routes or designs) that would avoid the need to construct or raise waterway barrier works and impact on fish habitats and limit fish passage. Constructing or raising waterway barrier works is to be clearly justified and unavoidable. Alternatives of lesser impact may exist. For example, construction of off-stream water storage or water treatment structures. For linear infrastructure, it is recognized that there may exist a requirement to cross or traverse tidal land or a waterway where no other alternative route exists.

The proponent's role in terms of the purpose of the proposed development is to be identified. For example, a responsible entity for legislative or community requirements.

The application material should clearly state and qualify the purpose of and need for the proposed development, services provided or extent of issue the proposed development is to address.

Any benefits to the community resulting from the proposed development should be clearly described.

Application supporting material is to demonstrate that there is no alternative location, route or design of the development that will avoid the constructing or raising waterway barrier works, regardless of the tenure, ownership or size of the land. Where relevant include an analysis of all alternative locations or routes.

Where there is no other location for the development that would avoid constructing or raising waterway barriers and impacting waterways that provide fish passage, the application is to demonstrate that there is no other alternative design that would avoid impacts (direct and indirect) to waterways that provide for fish passage. For example, a bridge is preferred to a culvert or bed level crossing due to the impacts to fish passage.

Include plans and drawings of the development site identifying all waterways and fish habitats within and adjoining the development site with an overlay of the proposed development.

**PO3 - The number and extent of waterway barrier works and the spatial and temporal extent of their impacts on waterways providing for fish passage are minimised.**

Thousands of dams, barrages, culverts and other artificial structures have been constructed within Queensland waterways. In many cases fish are unable to successfully move upstream or downstream of these barriers. The cumulative impacts from numerous waterway barrier works within a catchment can impact fisheries resources and result in the loss of fisheries productivity. Impacts from the limitation of fish passage can include local species or population extinctions above barriers and the compromise of downstream populations.

Waterway barrier works can have spatial and temporal impacts to fisheries resources through modifications of the natural flow regime (e.g. impounding or regulation of flows) and fish habitats (e.g. loss of habitat type or structure). For example, downstream dispersal of eggs and larvae can be hindered or halted in low velocity weir pools. The period when fish passage is provided for may not correspond with or is limited during the natural timing of or cues for fish migration (i.e. during seasonal or diurnal cycles or changes in water flows or temperature).

Fish passage can be reduced as a result of changes in habitat structure such as the alteration of the natural waterway bed and banks (i.e. straightened shallow and/or widened channels lacking cover or aquatic vegetation or other fish habitat components). Impacts such as cold water releases from waterway barriers (water impoundments) can also reduce fish movement and fisheries productivity.

Provide information demonstrating the number and the size of the waterway barrier works has been minimised (where the works are unavoidable).

Provide information demonstrating how the spatial and temporal impacts resulting from the waterway barrier works have been or will be minimised (where the impacts are unavoidable).

Discussion of cumulative impacts from existing disturbances and the proposed disturbance to the aquatic ecosystem (e.g. from other dams/weirs, existing water extraction, and upstream barriers), and the ability of the ecosystem to absorb the additional impact of the proposed waterway barrier



**Richard Stewart**  
Principal Officer, Impact Assessment and Management  
Department of Agriculture and Fisheries

T 07 4241 1244 E [Richard.stewart@daf.qld.gov.au](mailto:Richard.stewart@daf.qld.gov.au) W [www.daf.qld.gov.au](http://www.daf.qld.gov.au)  
Northern Fisheries Centre, 38-40 Tingira St, Portsmith, QLD, 4870  
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From: Louise McGrath <[Louise.McGrath@dsdmip.qld.gov.au](mailto:Louise.McGrath@dsdmip.qld.gov.au)>

Sent: Wednesday, 5 December 2018 12:20 PM

To: STEWART Richard

Subject: RE: 1811-8441 SPL - Pre-lodgement meeting - Proposed new low level Houghton River Crossing (Mr Personal information)

Hi Richard, were you providing some further information on this one regarding demonstrating 'need' – I think you were going to see if there was something in the unpublished guidelines that you could add.



**Louise McGrath**  
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**Sent:** Tuesday, 27 November 2018 11:16 AM  
**To:** Louise McGrath <[Louise.McGrath@dsdmip.qld.gov.au](mailto:Louise.McGrath@dsdmip.qld.gov.au)>  
**Subject:** RE: 1811-8441 SPL - Pre-lodgement meeting - Proposed new low level Haughton River crossing - (6) Personal information

Hi Louise,

Just noticed in our SPL TAR response, I meant to include PO3 in point 6 of my response. It states "PO3 The number and extent of waterway barrier works and the spatial and temporal extent of their impacts on waterways providing for fish passage are minimised." This is directly related to the issues of multiple crossings within the same area.

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**Sent:** Tuesday, 27 November 2018 10:51 AM  
**To:** Louise McGrath; STEWART Richard  
**Subject:** 1811-8441 SPL - Pre-lodgement meeting - Proposed new low level Haughton River crossing - (6) Personal information  
**When:** Tuesday, 27 November 2018 11:00 AM-12:00 PM (UTC+10:00) Brisbane.  
**Where:** Level 4, 445 Flinders Street, Townsville City and teleconference

Meeting to discuss requirements for 1811-8441 SPL – proposed new low level bed crossing on the Haughton River.

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3  
SP146640  
(Davco freehold)

95  
SP143120  
(land owned by others)

4  
SP146640  
(Davco freehold)

Existing Crossing

Proposed Crossing

13  
SP181729

21-407

10  
GS602  
(Davco permit to occupy)

1  
SP302825  
(Davco freehold)

File A

48 of 48