

Private and Confidential

By email

[REDACTED]
Executive Director
Queensland Floods Commission of Inquiry
Level 30
400 George Street
BRISBANE QLD 4001

18 January 2012.

Our ref 12376/80117397

Dear [REDACTED]

Brisbane City Council (Council) - Queensland Floods Commission of Inquiry (Commission)

We refer to the email dated 16 January 2012 from [REDACTED] of the Commission to our [REDACTED] in relation to Council's 'Code of Practice' regarding pontoon structures.

We are not certain of the exact reference made by the Department of Environment and Resource Management (**DERM**) and the Commission to a 'Code of Practice', however we have set out below information and documents which Council considers will assist the Commission on this topic.

Since the January 2011 Flood Event, Council has taken a number of steps in relation to private pontoon structures:

1. On 7 February 2011, Council published a Flood Fact Sheet entitled 'Restoring or replacing private pontoons following flood events'. A copy of this factsheet appeared as part of attachment 40 to Council's Initial Submission (further copy **enclosed**);
2. On 18 February 2011, Council published a further Flood Fact Sheet entitled 'Restoring or replacing private pontoons following January 2011 flood event'. A copy of this factsheet appeared as attachment CDJ-22 to Colin Jensen's Third Statement (further copy **enclosed**); and
3. On 13 May 2011, Councillor Cooper wrote to the Honourable Kate Jones, Minister for Environment and Resource Management, suggesting a review of the IDAS Code for prescribed tidal work as contained in Schedule 4A of the *Coastal Protection and Management Regulation 2003* (Qld) and administered by DERM. A copy of Council's letter dated 13 May 2011 is **enclosed**. Council considered a review of design and construction standards for prescribed tidal works was appropriate in light of the significant number of pontoons that were unable to withstand the January 2011 flood events. Council does not have any record of receiving a response to this letter.

In addition, Council has engaged in a consultation process with DERM, Marine Queensland and its members to develop a *Voluntary* Code of Practice for the reinstatement of private pontoons in the Brisbane River (**Code of Practice**). The Code of Practice is currently in draft form, however its intended purpose is

to ensure that private pontoons reinstated under DERM Exemption Certificate CSCE019518811 are specified, constructed and maintained in such a way that they exhibit the highest possible flood resilience within the limitations of their previously approved plans. It will only apply while DERM Exemption Certificate CSCE019518811 remains valid. This exemption certificate relates to the reconstruction of previously approved infrastructure destroyed by the January 2011 flood events and is due to expire on 31 January 2013.

Importantly, we highlight the following matters for the Commission:

1. Applications for prescribed tidal work (such as pontoons) are assessed against the IDAS Code for prescribed tidal works as contained in Schedule 4A of the *Coastal Protection and Management Regulation 2003* (Qld) and administered by DERM;
2. The Code of Practice is a voluntary code and is based on a model of self-regulation; and
3. The steps taken by Council to progress the Code of Practice arose from a need for interim reconstruction guidelines to assist pontoon owners to prevent damage similar to that occurring during the January 2011 Flood Event.

We **enclose** a copy of the final draft of the Code of Practice. Our client expects to receive confirmation from Marine Queensland that this draft of the Code is acceptable in the near future after which, the Code of Practice will be signed by all parties.

Yours faithfully



Enc

Flood Fact Sheet

Restoring or replacing private pontoons following a flood events



This fact sheet provides advice for private pontoon owners about Council approvals to repair, restore or replace a pontoon after the flood.

1. Will I need Council approval to repair or replace my pontoon?

If your pontoon can be repaired, and you have a previous prescribed tidal works (PTW) approval or Section 86 Harbours Act (S86) approval, you may repair your pontoon without any additional approvals. This includes reinstating gangplanks and similar structures along with replacing/repairing damaged pylons.

If you are replacing a pontoon to be consistent with an existing PTW or S86 approval, within the same site area, then you do not need an approval to commence the work. You will be required to provide Council with certification from a RPEQ qualified engineer once you have completed the works.

2. Can I have a temporary pontoon?

Council will allow temporary moorings and fixings of pontoons for up to a period of 2 years. The pontoon and associated structures must meet the design, construction and safety criteria of the IDAS code for development applications for prescribed tidal works found in Schedule 4A of the Coastal Protection and Management Regulation 2003). The temporary mooring must be located within the approved pontoon site area (water allocation granted by Maritime Safety Queensland) and an RPEQ qualified engineer must provide certification regarding the structure and the moorings. A PTW approval is not required, however, you need to advise Council of your intention to construct a temporary mooring. This can be done by emailing [redacted] or telephoning [redacted]

Helpful phone numbers

Brisbane City Council Contact Centre	(07) 3403 8888
State Emergency Services (SES)	132 500
Department of Communities - Community Recovery Line	1800 173 349
Energex	13 62 62
Optus	13 13 44
Telstra	13 22 03

3. The riverbank is unstable and I need to move my pontoon.

If you need to move the location of your pontoon on a temporary basis, a PTW application will be required. Council will fast-track these applications. The code requirements above for temporary pontoons will apply, and Council will discount the applicable fee.

If you want to rebuild a permanent pontoon structure in a different location, a PTW application will be required. Council will offer a free pre-lodgement service for people wanting to upgrade pontoon facilities to discuss what permits are required. Council will fast-track these applications.

4. I would like to upgrade my pontoon facility

If you are not replacing your pontoon 'like for like' then a PTW approval will be required. Council will fast-track these applications.

5. I need a copy of my previous approval

To obtain a copy of your previous PTW or S86 approval, contact Council by emailing [REDACTED] or telephone [REDACTED]. You will need to provide the property address and, if known, the real property description eg lot 12 RP 345678. Approvals given from 2004 may be available on PD Online on Council's website at www.brisbane.qld.gov.au

6. Will the standards for pontoon construction change in the future?

The State Government is responsible for the design and construction standards of pontoons under the IDAS code for development applications for prescribed tidal work. It is likely that standards will change following a review of this flooding event. Council will liaise with the State Government and the industry regarding any changes to the code.

IMPORTANT INFORMATION

- Many of the banks of the river are damaged or unstable following the flood event. This may prevent safe moorings of pontoons until river banks are stable. It is important to seek the advice of an engineer regarding your own situation.
- Maritime Safety Queensland provide advice on the safe use of the river due to debris and other obstacles. Information can be obtained from www.msq.qld.gov.au
- Queensland Health provide information and advice regarding the safe use of the river due to water quality. Information can be obtained from www.health.qld.gov.au
- A copy of the IDAS code for development applications for prescribed tidal works can be obtained at: www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/CoastalProtR03.pdf

For latest information visit Council's
website www.brisbane.qld.gov.au
or phone (07) 3403 8888

18 February 2011

Flood Fact Sheet

Restoring or replacing private pontoons following January 2011 flood event



Dedicated to a better Brisbane

This fact sheet provides advice for private pontoon owners about Council approvals to repair, restore or replace a pontoon after a flood.

1. Will I need approval to repair or replace my pontoon?

If your pontoon can be repaired, and you have a previous Prescribed Tidal Works (PTW) approval or Section 86 Harbours Act (S86) approval, you can repair your pontoon without any additional approvals by complying with the conditions of the Department of Environment and Resource Management (DERM) Exemption Certificate CSCE019518811 dated 14 February 2011. This includes reinstating gangways and similar structures along with replacing/repairing damaged piles. [Download the DERM Exemption Certificate CSCE019518811 dated 14 February 2011.](#)

If you are replacing a pontoon to be consistent with an existing PTW or S86 approval, within the same site area, then you do not need an approval to commence the work. You will be required to provide Council with certification from a Registered Professional Engineer of Queensland (RPEQ) once you have completed the works.

2. Can I have a temporary pontoon where my approved pontoon has been lost in the flood?

Council will allow temporary pontoons for a period up to 31 January 2013. The temporary pontoon and associated structures must meet the design, construction and safety criteria of the IDAS code for development applications for prescribed tidal works found in Schedule 4A of the Coastal Protection and Management Regulation (2003). The temporary pontoon must be located within the approved pontoon site area (water allocation granted by Maritime Safety Queensland) and an RPEQ must provide certification to Council regarding the structure and the pontoon. A PTW approval is not required, however you need to advise Council of your intention to construct a temporary pontoon. This can be done by emailing [redacted] or contact Council on [redacted].

IMPORTANT: All temporary pontoons must be replaced by permanent pontoons or made lawful by 31 January 2013.

All works for replacement permanent pontoons must be completed by 31 January 2013.

Helpful phone numbers

Brisbane City Council Contact Centre

(07) 3403 8888

DEEDI/Fisheries Queensland

(07) 3817 9531

3. The riverbank is unstable and I need to change the location of my pontoon.

If you need to change the location of your pontoon on a temporary basis, a PTW application will be required as this is not covered by the DERM Exemption Certificate CSCE019518811 dated 14 February 2011. The IDAS code requirements above for temporary pontoons will apply. Council will discount the applicable fee and will fast track these applications.

If you want to rebuild a permanent pontoon structure in a different location, a PTW application will be required. Council will offer a free pre-lodgement service for people to discuss what permits are required. Council will fast-track these applications.

4. I would like to upgrade my pontoon facility

If you are not replacing your pontoon 'like-for-like' then a PTW approval will be required. Council will fast-track these applications.

5. I need a copy of my previous approval

To obtain a copy of your previous PTW or S86 approval, contact Council by emailing [REDACTED] or contact Council on [REDACTED]. You will need to provide the property address and, if known, the real property description eg lot 12 RP 345678. Approvals given from 2006 may be available on PD Online on Council's website at www.brisbane.qld.gov.au

6. Will the standards for pontoon construction change in the future?

The State Government is responsible for the design and construction standards of pontoons under the IDAS code for development applications for prescribed tidal work. A review of standards may occur following the outcomes of the independent Commission of Inquiry into the flooding, being undertaken by the Queensland Government.

7. What can I do to ensure my pontoon is identifiable?

Many pontoons washed down the Brisbane River during the flood had no identifying marks on them. Make sure that your new or restored pontoon has your street address and property description (lot/plan) clearly marked on it.

8. What do I need to do to ensure my pontoon does not float away?

Many pontoons were not securely attached to their piles, so when the river level rose these pontoons floated off the top of their piles and down the river. Council expects you to ensure you have a tethering system in place to ensure your pontoon does not float away. Talk to your engineer or designer about ways of securely attaching your new or restored pontoon so it will not float away. See attached diagrams for examples.

9. What is considered maintenance work on existing approved tidal structures (including pontoons)?

Maintenance work on a lawful tidal structure means maintaining works in accordance with the development approval.

Examples of maintenance work include:

- replacing a structural element of an approved structure (e.g. jetty or pontoon, weir, community facility on State coastal land) in accordance with approved plan;
- replacing displaced material (e.g. rocks, soil, etc) from an approved structure (e.g. rockwall, bundwall, seawall); and
- re-surfacing an existing approved structure (e.g. boat ramp) in accordance with approved plan.

Examples of work not considered to be maintenance work include:

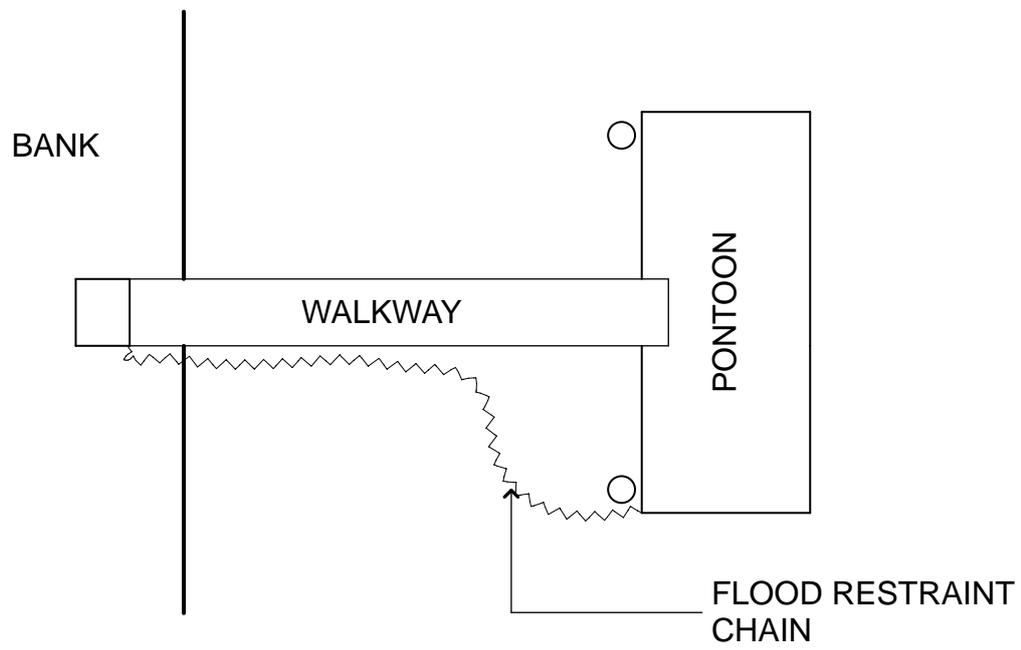
- replacing or rebuilding whole structures; and
- changes in a structure which will lead to a lower structural capacity.

If you are unsure as to what constitutes maintenance works go to www.dpi.qld.gov.au/4789_19973.htm or contact DERM on 1300 130 372, option 4.

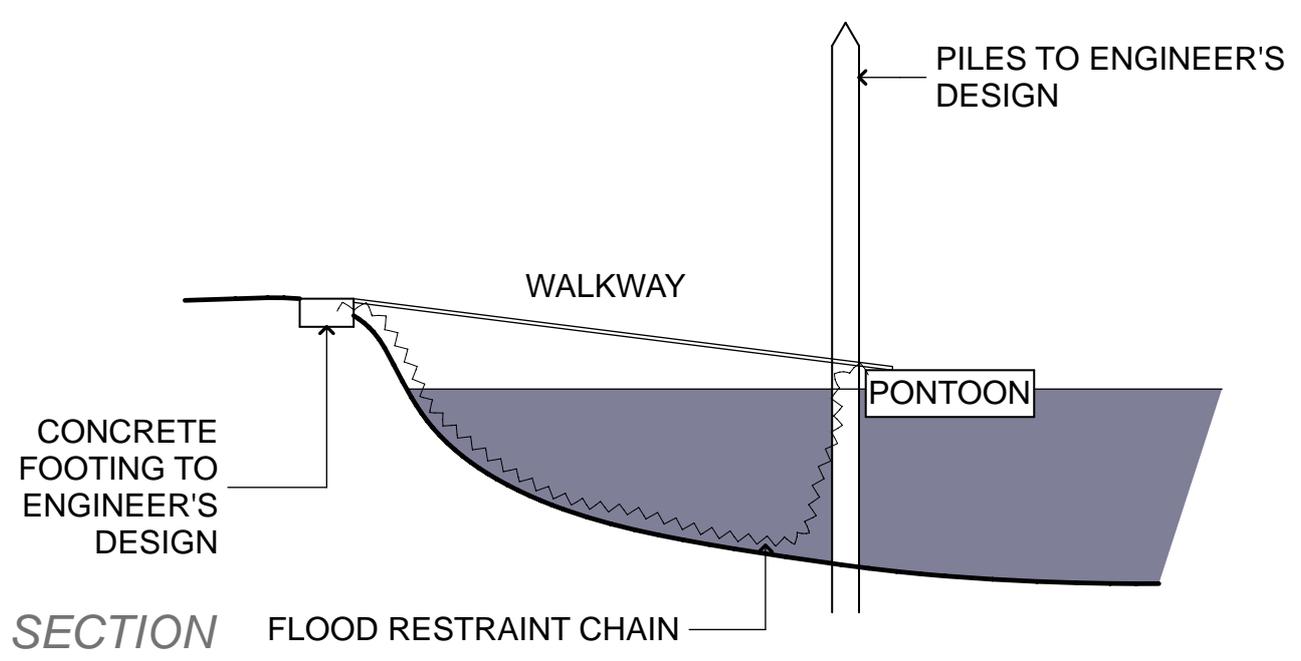
Source: DERMs current guideline on Excluded Works under the Coastal Protection and Management Act 1995.

IMPORTANT INFORMATION

- To obtain a copy of the DERM Exemption Certificate and conditions (CSCE019518811) contact DERM on 1300 130 372, option 4.
- Many of the banks of the river are damaged or unstable following the flood event. This may prevent safe moorings of pontoons until river banks are stabilised. It is important to seek the advice of an engineer regarding your specific situation.
- Maritime Safety Queensland provide advice on the safe use of the river due to debris and other obstacles. Information can be obtained from www.msq.qld.gov.au
- Queensland Health provide information and advice regarding the safe use of the river due to water quality. Information can be obtained from www.health.qld.gov.au
- A copy of the IDAS code for development applications for prescribed tidal works can be found at: www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/CoastalProtR03.pdf
- With the assistance of the Queensland Police Service, Maritime Safety Queensland will be helping people identify lost pontoons. Enquiries about lost pontoons can be made to msqmail@msq.qld.gov.au or visit www.msq.qld.gov.au for a lost property identification form.
- For information about urgent replacement and repair works that would normally trigger a requirement for fisheries development approval under SPA09 visit www.deedi.qld.gov.au
- If the replacement pontoon requires clearing of native vegetation, other than mangroves, contact DERM for any requirements or exemptions: www.derm.qld.gov.au/vegetation/index.html
- For information where rebuilding has the potential to impact marine plants visit www.dpi.qld.gov.au/4789_19973.htm and www.dpi.qld.gov.au/documents/Environment/Fish-Habitat-Flooding-Handout.pdf



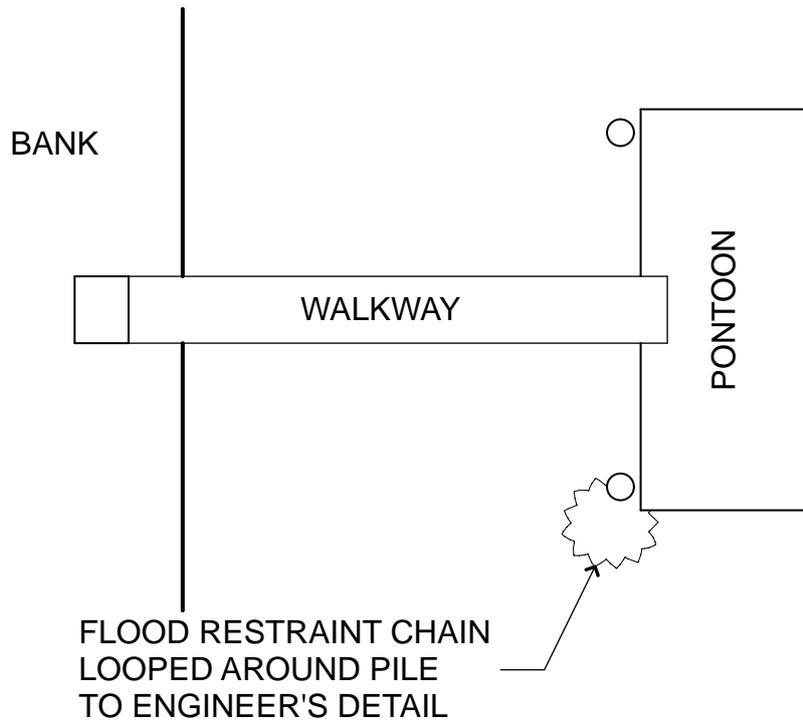
PLAN



SECTION

Diagram showing pontoon fixed to footing/abutment with chain.

PLAN



SECTION

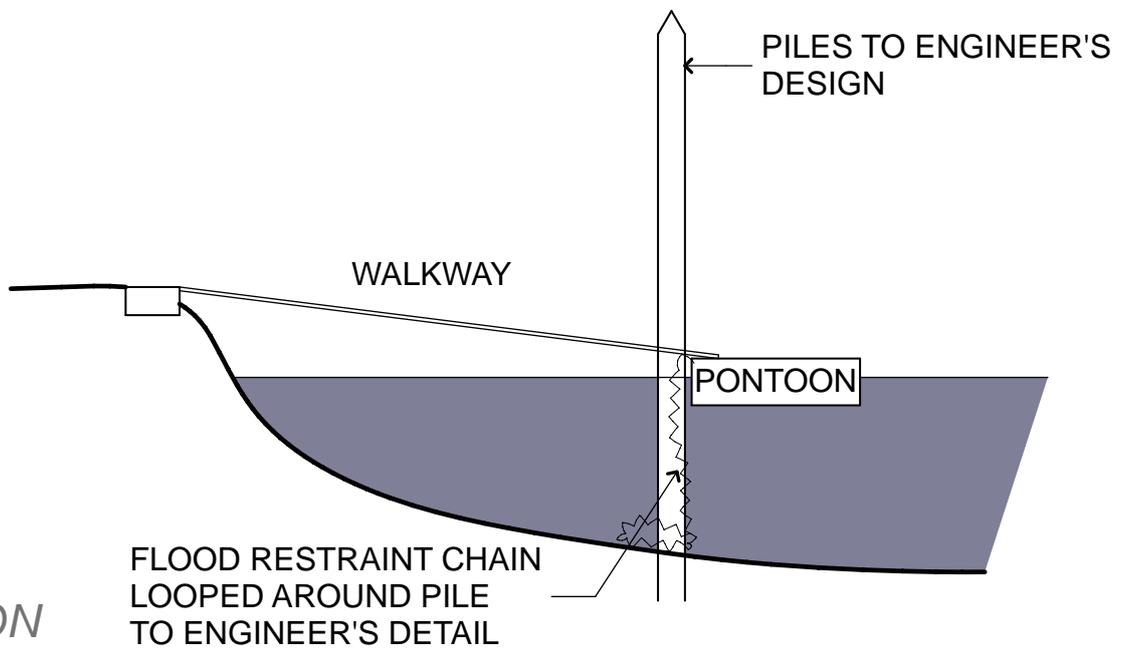


Diagram showing pontoon fixed to pile with chain.

Cr Amanda Cooper

Chairman for
Neighbourhood Planning &
Development Assessment



Tel > 3403 4224 Fax > 3403 9197
Mail > Level 12, Brisbane Square
266 George Street, Brisbane QLD 4000
Email > brackenridge.ward@ecn.net.au
Web > www.amandacooper.com.au

13 May 2011

Honourable Kate Jones
Minister for Environment and Resource Management
GPO Box 2454
BRISBANE QLD 4001

Dear Minister *Kate*

As you would be aware, in January 2011 Brisbane experienced its worst flood since 1974 which caused significant damage to private and public property. Council appreciates of the State Government's efforts in assisting Council to respond to the crisis and help Brisbane residents and businesses to return to normality. On this note I seek your assistance on a related matter.

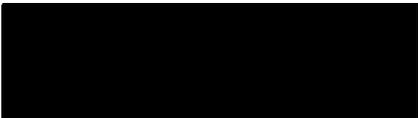
You may be aware that the January Brisbane River flood caused over four hundred mainly private pontoons to be dislodged from their moorings or piles. These pontoons ultimately ended up in the lower reaches of the Brisbane River creating a serious navigational hazard for boats and shipping in the river and the Port of Brisbane. There is evidence that on their journey down the river some of these pontoons may have caused damage to other infrastructure in the river including Council's City Cat and ferry terminals.

Pontoons and other infrastructure in the Brisbane River local government area are classified as prescribed tidal work under the *Coastal Protection and Management Regulation 2003*. Applications are assessed and decided by Council as the delegated authority. Applications for prescribed tidal work are assessed against the IDAS Code for prescribed tidal work as contained in Schedule 4A of the *Coastal Protection and Management Regulation 2003* as administered by the Department of Environment and Resource Management. It is Council's view that in light of the significant numbers of pontoons that were unable to withstand the January flood event, it is appropriate to review the design and construction standards contained in the IDAS Code for prescribed tidal work. In this regard, I am requesting that DERM carry out a review of the Code and apply higher standards if deemed appropriate.

Since the flood, Council has incurred significant expense in order to rebuild its damaged river based infrastructure. Work is underway to design and construct this infrastructure to ensure it has improved resilience to future flood events. It would be unfortunate if private infrastructure is replaced at current standards and as a result of a future event, public infrastructure was again exposed to potential loss and damage from substandard private pontoons.

I am sure that you understand Council's position and I look forward to your support on this matter. If a review is undertaken Council will be willing to participate and provide assistance in this process. I thank you for your assistance in this matter.

Kind Regards


Amanda Cooper
Chairman
Neighbourhood Planning and Development Assessment Committee



Code of Practice

For the reinstatement of
private pontoons in the
Brisbane River under DERM
Exemption Certificate
CSCE019518811

An agreement between Brisbane City
Council, Marine Queensland and its
members.

December 2011

1. THE AGREEMENT

Parties

This Code of Practice has been established through an agreement between Brisbane City Council (BCC), Marine Queensland (MQ) and members of MQ who carry out pontoon design and construction in the Brisbane River.

Scope

This Code of Practice applies to the design, construction and maintenance of private pontoons reinstated in the Brisbane river under DERM Exemption Certificate CSCE019518811, where within the Brisbane City local government tidal area.

Currency period

This Code of Practice applies while DERM Exemption Certificate CSCE019518811 remains valid, currently until 31 January 2013. However, the Code of Practice can be discontinued at any time with the agreement of all signatory parties.

The undersigned parties agree to act in accordance with the provisions of the Code of Practice, as relevant to their operations:

Colin Jensen, Chief Executive Officer, **Brisbane City Council**

Don Jones, Chief Executive Officer, **Marine Queensland**

Pontoon contractors (Marine Queensland members)

2. BACKGROUND

The January 2011 flood event was responsible for a large number of private pontoons in the Brisbane River being damaged, destroyed and dislodged. The dislodged pontoons in turn caused damage to other tidal infrastructure and created a shipping hazard. The factors contributing to the high number of pontoons damaged and dislodged were many but included inadequately maintained tethering systems. Another problem that became apparent was the inability to identify many of the dislodged pontoons due to an absence of identification markings.

3. PURPOSE

The purpose of this interim Code of Practice is to ensure that private pontoons reinstated under DERM Exemption Certificate CSCE019518811 are specified, constructed and maintained in such a way that they exhibit the highest possible flood resilience, within the limitations of their previously approved plans.

To achieve this, the Code of Practice has the following objectives:

1. To promote the use of tethering systems (that are appropriately specified, designed and installed) whether or not the previously approved plans included a tethering system.
2. To make pontoon owners aware of the need to regularly inspect and maintain pontoons and their securing mechanisms so that they remain in a safe and operable condition.
3. To ensure identification markings are applied to pontoons and gangways/catwalks so that the owner and property details are identifiable in the event a pontoon and/or catwalk is dislodged.
4. To assist pontoon owners looking to reinstate their damaged or dislodged pontoons to choose a contractor who operates in accordance with defined industry standards and will deliver a quality and resilient product.

4. ROLES AND RESPONSIBILITIES

BCC is the delegated authority to assess and approve Prescribed Tidal Works (PTW) applications in its local government tidal area.

BCC will develop an information and marketing campaign to inform the public (including pontoon owners) of the existence of this Code of Practice and the benefits of employing a contractor who is a member of MQ and signatory to this Code of Practice.

When requested, BCC will provide the most accurate flood data in its possession to assist pontoon designers and builders to reinstate infrastructure with the best possible flood resilience.

Marine Queensland will ensure its members are aware of the Code of Practice and will encourage its adoption and implementation.

Pontoon builders and designers will conduct their operations in accordance with the provisions of this Code of Practice as well as current regulations and industry standards.

This Code of Practice is based on a model of self regulation. Therefore, it is the responsibility of all parties to ensure they act in accordance with its provisions.

5. DESIGN, CONSTRUCTION AND MAINTENANCE REQUIREMENTS

5.1 Tethering systems

Pontoons should be constructed with a tethering system that will restrain the pontoon in the event that it floats off its piles. A tethering system should be installed whether or not the previously approved plans included a tethering system: BCC considers this to be generally in accordance with existing approvals. Pontoon suppliers or installers should therefore offer pontoon owners the option of installing a tethering system, point out the advantages of doing so and provide an indication of the additional cost. Ultimately, it is the pontoon owner's decision to install a tethering system or not.

The tethering system should be designed and constructed to withstand a major river flood event and meet the following specifications as a minimum:

1. Be designed to withstand an appropriate current velocity (to reflect the velocity experienced in January 2011 flood in the part of the river the pontoon is located).
2. Include an allowance for debris loading (not less than stipulated in AS3962 Guidelines for the design of marinas).
3. Utilise a structurally sufficient anchor (e.g. base of pile or specifically designed onshore anchor block).
4. Use materials that will provide maximum practical durability and lifespan.

Specifications and design requirements will be different in each case and the pontoon contractor must therefore use their professional knowledge and relevant available data to determine the appropriate specification in accordance with relevant standards and statutory requirements.

5.2 Identification

Pontoons and catwalks/gangways should include identification of the owner (name and contact details), the property address and Lot/RP number. The name and ABN of the supplier may also be listed along with the maximum vessel displacement or length of vessel that the pontoon is designed to accommodate. The identification must be in a form that cannot be easily dislodged or removed e.g. on a riveted or welded plate or engraved on the structure.

5.3 Maintenance

The pontoon supplier or installer should provide the property owner with a manual or written instruction explaining proper care and maintenance requirements for the fixture, including the

need for regular maintenance inspections and repairs or upgrades if the structure is found to be below standard.

Maintenance inspection procedures should be detailed such that they are able to be carried out by the pontoon owner. The manual or instructions may also recommend that maintenance inspections are alternatively carried out by a suitably qualified person. As a minimum, such inspections are to include an inspection of the condition of the tethering system and the general condition of the structure including points of fixture to the land and piles.