

1 September 2016

Tox Free Australia Pty Ltd C/- Michael McMahon Duggan and Hede Pty Ltd PO Box 496 CLAYFIELD QLD 4011

Dear Mike,

DEVELOPMENT APPROVAL PACKAGE FOR A WASTE MANAGEMENT FACILITY ON LAND DESCRIBED AS PART OF LOT 10 SP258646 (LEASE DC RP907632) AT THE PORT OF MACKAY

NQBP Reference:

PL/04/02/00001

Your Reference:

TO578

North Queensland Bulk Ports Corporation Ltd (NQBP) wish to advise that your development application seeking approval for a waste management facility Port of Mackay was approved in full subject to conditions on 1 September 2016.

Approvals have been given with respect to a material change of use for ERA 62 and ERA 58 under the *Sustainable Planning Act 2009* and Port Development Approval under the Port of Mackay Land Use Plan (November 2009).

You are strongly advised to read and familiarise yourself with each of the enclosures applicable to this approvals package.

If you have any queries regarding the approvals package, please contact NQBP's Principal Planner, Julie Keane, on the contact details below.

Yours sincerely

R. Bunns.

R. Brunner

Doc Reference:

Senior Manager Planning

Enquiries:

Julie Keane (07) 3011 7912 JKeane@nqbp.com.au

Telephone: Email:

E16/23648

Enc:

Decision notice issued pursuant to s 334 of the Sustainable Planning Act 2009

Approved drawings

Port development approval issued under the Port of Mackay Land Use Plan (November 2009).

Cc:

State Assessment and Referral Agency (SARA)

Mackay Regional Council

BRISBANE OFFICE

GPO Box 409 Brisbane Queensland 4001 **P** 07 3011 7900 **F** 07 3011 7999 nqbp.com.au info@nqbp.com.au **MACKAY OFFICE**

PO Box 3340 North Mackay Queensland 4740

P 07 4969 0700 F 07 4969 0799 nqbp.com.au info@nqbp.com.au

Level 1, Wellington House, 181 Victoria Street Mackay Queensland is the Registered Office of:

NORTH QUEENSLAND BULK PORTS CORPORATION LIMITED

ACN 136 880 218 • ABN 36 136 880 218

PORTS CORPORATION OF QUEENSLAND LIMITED

ACN 126 302 994 • ABN 49 657 447 879 MACKAY PORTS LIMITED

ACN 131 965 707 • ABN 69 131 965 707

Decision Notice

Sustainable Planning Act 2009 s.334

Details of approval

1. Details of approval Applicant name:	Tox Free Australia Pty Ltd C/- Duggan and Hede Pty Ltd			
Approved proposal:	Material Change of Use for Environmentally Relevant Activities: ERA 62 Waste transfer station operation – Operating, on a commercial basis or in the course of carrying on a commercial enterprise, a waste transfer station that receives a total quantity of at least 30t or 30m³ of waste on any day. ERA 58 Regulated waste treatment – Operating a facility for receiving and treating regulated waste or contaminated soil to render the waste or soil non-			
Date of decision	hazardous or less hazardous. 1 September 2016			
Type of approval:	☐ Preliminary approval			
	☐ Development permit ☐ Compliance permit			
	☐ Compliance certificate			
Aspect of development:	 ☐ Carrying out building work ☐ Carrying out plumbing or drainage work ☐ Carrying out operational work ☐ Reconfiguring a lot ☒ Making a material change of use of premises 			
Decision:	☐ Approved ☐ Approved subject to conditions ☐ Refused			

Property description of proposed development

z. Troporty accompany	proposed development
Port:	Mackay
Street address:	103 Spiller Avenue, Mackay Harbour Qld 4740
Real property description:	Part of Lot 10 SP258646 (Lease DC RP907632)
Local government area:	Mackay Regional Council

3. Approved drawings and documentsThe following drawings and documents have been approved. Copies of approved drawings are provided in an enclosure.

Drawing / document	Reference number	Date / revision
Proposed site layout	TO578-00-02	06/16
Proposed site grading	TO578-00-03	06/16
Earthworks sections plan	TO578-00-04	06/16
Proposed liquid waste storage area layout plan	TO578-00-05	06/16
Indicative design images	XSSB160004	June 2016
Landscape plan	LP1.01 A	June 2016

Drawing / document	Reference number	Date / revision
Planning and Environmental Assessment Report	TO578	June 2016

4. Referral agency response

The relevant referral agency response is listed below, and attached to this decision notice. A copy of this decision notice has been sent to the referral agency in accordance with section 334 of the Sustainable Planning Act 2009.

Attachment	Referral agency	Advice / concurrence	Date of response	Reference number
2	State Assessment and Referral Agency (SARA)	Concurrence	09/08/2016	SDA-0616- 031046

5. Approval under s 331

This application has not been deemed to be approved under section 331 of the Sustainable Planning Act 2009.

6. Preliminary approval affecting the planning scheme

Not applicable.

7. Codes for self-assessable development

Any self-assessable development related to the approved development must comply with the NQBP Sustainable Port Development Guidelines.

8. Submissions

Not applicable.

9. Conflict with relevant instrument

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

10. Effect of development approval

This development approval takes effect on the decision date, in accordance with section 339 of the *Sustainable Planning Act 2009*. Under section 340 of the *Sustainable Planning Act 2009*, development may commence on the date the development approval takes effect (i.e. the decision date).

11. Additional approvals required

This development approval is limited to a material change of use for ERA 62 –Waste transfer station operation and ERA 58 Regulated waste treatment on Part of Lot 10 SP 258646 at the Port of Mackay. At no time should this document be interpreted to imply approval to any other development, operation or land use.

This development approval does not remove the requirement for any other legislative approval requirements, including approvals under the *Sustainable Planning Act 2009*. It is the applicant's responsibility to ensure that all other necessary approvals to undertake the use / works approved under this development approval are obtained. In particular, the applicant should note the requirement to obtain approvals for, but not limited to:

Permit / licence requirements	Relevant agency
Building work – Development permit	Building certifier, as per the <i>Building Act</i> 1975
Plumping and drainage work – Development permit	Mackay Regional Council

Permit / licence requirements	Relevant agency
Crossover – Local law permit	Mackay Regional Council

12. Relevant period for the approval

This development approval will lapse if development is not completed or substantially commenced within the relevant period stated under s 341 of the *Sustainable Planning Act 2009*. The approved development must be either completed or substantially commenced within four (4) years of the decision date.

For the proposed regulated waste building, shown on drawing TO578-00-02, the approval period is five (5) years from the decision date. This alternate approval date for one part of the development is applied in accordance with section 341(b) of the Sustainable Planning Act 2009.

13. Applicant's appeal rights

Under section 461 of the *Sustainable Planning Act 2009*, an applicant for a development application has appeal rights relating to an Assessment Manager's decision. The following is an excerpt from the *Sustainable Planning Act 2009* regarding appeal rights. s 461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following:
 - a. the refusal, or refusal in part of the development application;
 - any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of the Sustainable Planning Act 2009;
 - c. the decision to give a preliminary approval when a development permit was applied for;
 - d. the length of a period mentioned in section 341;
 - e. a deemed refusal of the development application;
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the applicant's appeal period) after:
 - a. if a decision notice or negotiated decision notice is given the day the decision notice or negotiated decision notice is given to the applicant;
 - b. otherwise, the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day of a decision on the matter should have been made.

Further information may be obtained from the Planning and Environment Court website:

http://www.courts.qld.gov.au/courts/planning-and-environment-court

ATTACHMENT 1

ASSESSMENT MANAGER CONDITIONS

When conditions must be complied with

1. Unless otherwise stated, all conditions of this port development approval must be complied with prior to the works commencing, and then compliance maintained at all times while the use continues.

Temporary structures

2. The use of shipping containers and connecting roof as a structure (as in drawing TO0578-00-07) to accommodate part of the approved use (being the regulated waste building), is approved only as a temporary structure and is allowed for a period of up to five (5) years from the decision date, unless an extension of time is approved by NQBP. Prior to the end of this period, the proponent should seek NQBP's approval for a permanent building if its continued use is required.

Plans and specifications

- 3. Development authorised by this approval must be undertaken substantially in accordance with approved plans listed in this approval. No additional or intensified activities or works are to be undertaken on site unless approved by NQBP or any other relevant agency. Where a variance exists between the approved plans and a condition, the condition prevails.
- 4. The proposed truck parking area, shown on drawing TO578-00-02, is required to be sealed within two (2) years of commencement of the use.
- 5. A revised Site Based Management Plan must be submitted to NQBP, via environment@nqbp.com.au, for approval at least four (4) weeks prior to commencement of use.
- 6. The following documentation must be provided to NQBP via planning@nqbp.com.au within six (6) weeks of completion of works:
 - One set of "As-constructed" drawings for all new infrastructure and services as PDF files. PDF files generated from reduced (scaled) drawings will not be acceptable.
 - Dimensioned plot plans and general arrangement drawings must also be provided electronically to NQBP in dwg (AutoCAD 2012) and dxf formats (including pen plot, xref, ole, block files and any other external references). The format must enable NQBP to recreate in a GIS system the location and size of infrastructure on Strategic Port Land.
 - RPEQ certification for the "As-constructed" drawings. Without limiting the form of certification, NQBP will accept one letter / certificate listing all applicable drawings, signed by the appropriate RPEQ for each field of engineering.

Site management

- 7. The site must be kept tidy (i.e. clear of rubbish, debris, etc.) at all times. Landscaping is to be kept free of weeds.
- 8. The proponent is to provide access and assistance to NQBP staff or a delegated representative to undertake environmental compliance or other forms of inspections or audits as NQBP deems necessary.
- 9. The proponent will ensure that infrastructure, services, property, assets or utilities are not damaged during the construction or operation of the approved development. If any damage results, the proponent will be required to meet all costs of the remediation / repair to the satisfaction of NQBP and / or the relevant service provider.

Environmental management

- 10. The approved use must not cause unlawful environmental nuisance or harm.
- 11. A Construction Environment Management Plan (CEMP) must be provided to NQBP via environment@nqbp.com.au for approval at least four (4) weeks prior to commencement of construction activities. The CEMP must identify all potential sources of environmental harm and provide details of environmental management measures to be implemented. All construction activities must be undertaken in accordance with the approved CEMP. Site works may not commence before approval of the CEMP by NQBP's Environment Group.
- 12. Where potential or actual environmental harm may be caused, NQBP may at any time require the occupier of the place to:
 - cease an activity;
 - implement appropriate impact control measures;
 - modify work plans or procedures.

Waste management

13. All waste material from construction activities must be contained, cleaned up and disposed of to a licenced waste management facility.

Traffic and transport

14. All vehicle parking and queuing must be accommodated within the proponent's leased area. This includes all loading/unloading and manoeuvring.

ATTACHMENT 2

REFERRAL AGENCY RESPONSE



Department of Infrastructure, Local Government and Planning

Our reference: SDA-0616-031046 Your reference: PL/04/02/00001

9 August 2016

North Queensland Bulk Ports Corporation Limited GPO Box 409 BRISBANE QLD 4001

Attention: Julie Keane

Dear Ms. Keane,

Concurrence agency response - no requirements given under section 285 of the Sustainable Planning Act 2009 for Development Permit for Material Change of Use for a Waste Management Facility (Environmentally Relevant Activity 58 & 62) over Lot 10 on SP258646, 103 Spiller Road, Mackay Harbour, Mackay QLD 4740

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the Sustainable Planning Act 2009 on 24 June 2016.

Applicant details		
Applicant name:	Tox Free Australia Pty Ltd C/- Duggan & Hede Pty Ltd	
Applicant contact details:	PO Box 496	
	Clayfield Queensland 4011	
Site details		
Street address:	103 Spiller Road - Mackay Harbour, Mackay QLD 4740	
Real property description:	Lot 10 on SP258646	
Local government area:	Mackay Regional Council	
Application details		
Proposed development:	Development Permit for Material Change of Use for a Waste Management Facility (Environmentally Relevant Activity 58 & 62)	

Page 1

Mackay Isaac Whitsunday Regional Office Level 4, 44 Nelson Street PO Box 257 Mackay QLD 4740

Referral triggers

The development application was referred to the department under the following provisions of the Sustainable Planning Regulation 2009:

Referral trigger

Schedule 7, Table 2, Item 1 - Environmentally Relevant Activities

No requirements

The department advises the assessment manager, under section 207(2)(a) of the Sustainable Planning Act 2009, that it has no requirements relating to the application.

Further advice

Under section 287(6) of the Sustainable Planning Act 2009, the department offers the following advice about the application to the assessment manager:

General advice

 Further environmental approval was given by the Department of Environment and Heritage Protection for ERA 58- Regulated waste treatment and ERA 62 – Waste Transfer Station operation >30t or 30m³ per day. See Environmental Authority given under the Environmental Protection Act 1994 – Permit number EPP R04088316.

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

If you require any further information, please contact Dylan Brown, A/Senior Planning Officer, Mackay Isaac Whitsunday Regional Office on (07) 4898 6812, or via email dylan.brown@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Patrick Litty

Patrick Ruettjes

Manager (Planning) - Mackay Isaac Whitsunday Regional Office

cc: Tox Free Australia Pty Ltd C/- Duggan & Hede Pty Ltd, dh@dhenv.com.au

Department of Infrastructure, Local Government and Planning

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ATTACHMENT 3

APPROVED DRAWINGS

Drawing / document	Reference number	Date / revision
Proposed site layout	TO578-00-02	06/16
Proposed site grading	TO578-00-03	06/16
Earthworks sections plan	TO578-00-04	06/16
Proposed liquid waste storage area layout plan	TO578-00-05	06/16
Indicative design images	XSSB160004	June 2016
Landscape plan	LP1.01 A	June 2016

Port Development Approval

Port of Mackay Land Use Plan (November 2009)

1. Details of approval

Applicant:	Tox Free Australia Pty Ltd C/- Duggan and Hede Pty Ltd		
Approved proposal:	 Material Change of Use for Environmentally Relevant Activities: ERA 62 Waste transfer station operation – Operating, on a commercial basis or in the course of carrying on a commercial enterprise, a waste transfer station that receives a total quantity of at least 30t or 30m³ of waste on any day. ERA 58 Regulated waste treatment – Operating a facility for receiving and treating regulated waste or contaminated soil to render the waste or soil non-hazardous or less hazardous. 		
Currency of approval	The approval will lapse if development is not completed or substantially commenced within four (4) years of the decision date.		
Date of decision	1 September 2016		
Decision:	☐ Approved ☐ Approved subject to conditions		

2. Property description of proposed development

Port:	Mackay
Street address:	103 Spiller Avenue, Mackay Harbour Qld 4740
Real property description:	Part of Lot 10 SP258646
Lease:	Lease DC RP907632
Lessee:	Tox Free Australia Pty Ltd

3. Approved drawings and documents

The following drawings and documents are approved by NQBP as the basis for the works. Copies of these approved drawings are provided in the attached NQBP Decision Notice under the *Sustainable Planning act 2009*.

Drawing / document	Reference number	Date / revision
Proposed site layout	TO578-00-02	06/16
Proposed site grading	TO578-00-03	06/16
Earthworks sections plan	TO578-00-04	06/16
Proposed liquid waste storage area layout plan	TO578-00-05	06/16
Indicative design images	XSSB160004	June 2016
Landscape plan	LP1.01 A	June 2016

Drawing / document	Reference number	Date / revision
Planning and Environmental Assessment Report	TO578	June 2016

4. Additional approvals required

This Port Development Approval is limited to proposal described above. At no time should this document be interpreted to imply approval to any other development, operation or land use.

This Port Development Approval does not remove the requirement for any other legislative approval (including approvals under the *Sustainable Planning Act 2009*).

It is the proponent's responsibility to ensure all necessary approvals, permits and licences are obtained to undertake the proposed use / works. In particular, the applicant should note the requirement to obtain approvals for, but not limited to:

Permit / licence requirements	Relevant agency
Permit to Dig – To be obtained prior to any ground disturbance activities occurring.	North Queensland Bulk Ports Corporation John Hinschen
	Email: jhinschen@nqbp.com.au Phone (07) 4955 8128

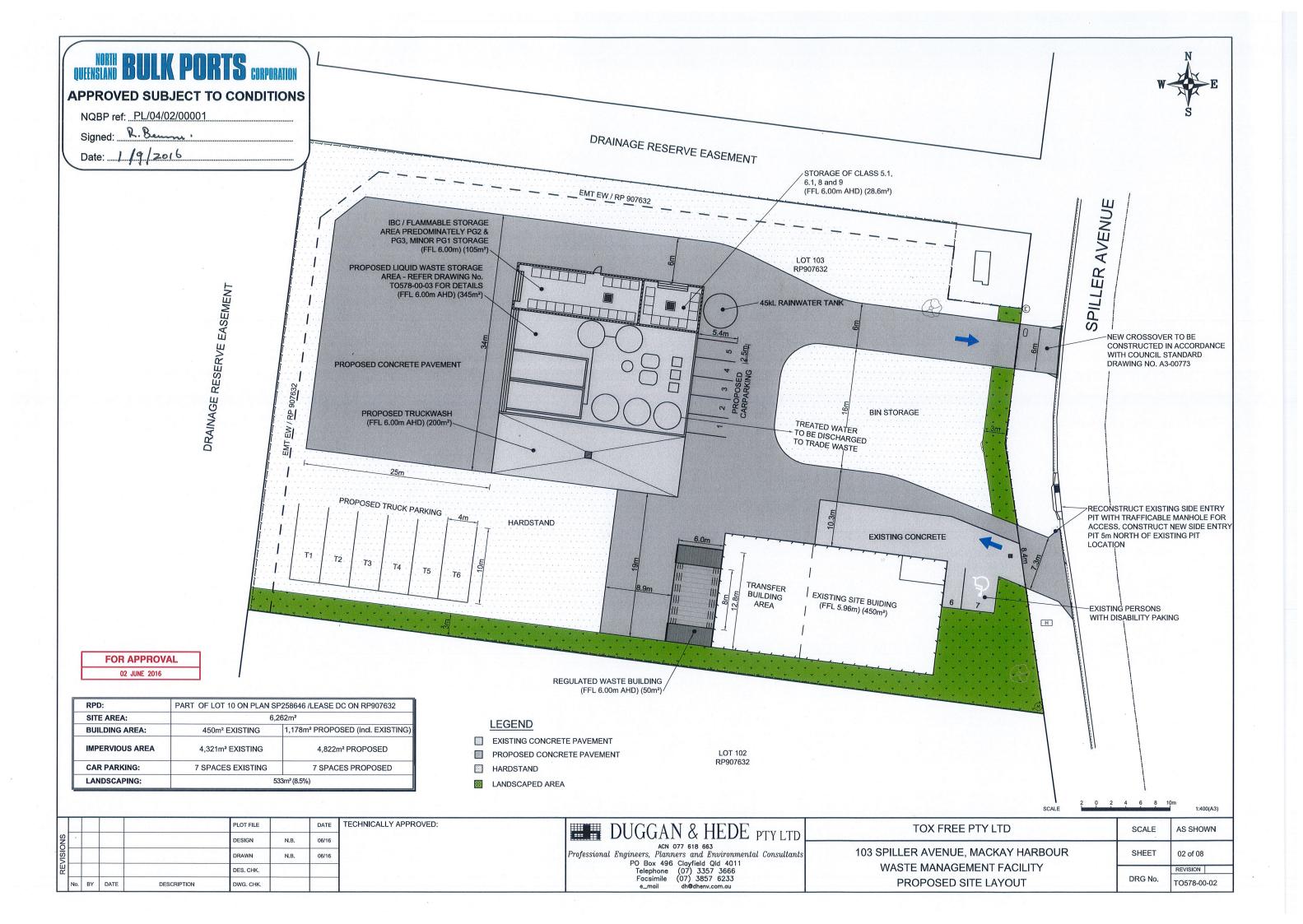
5. Conditions of approval

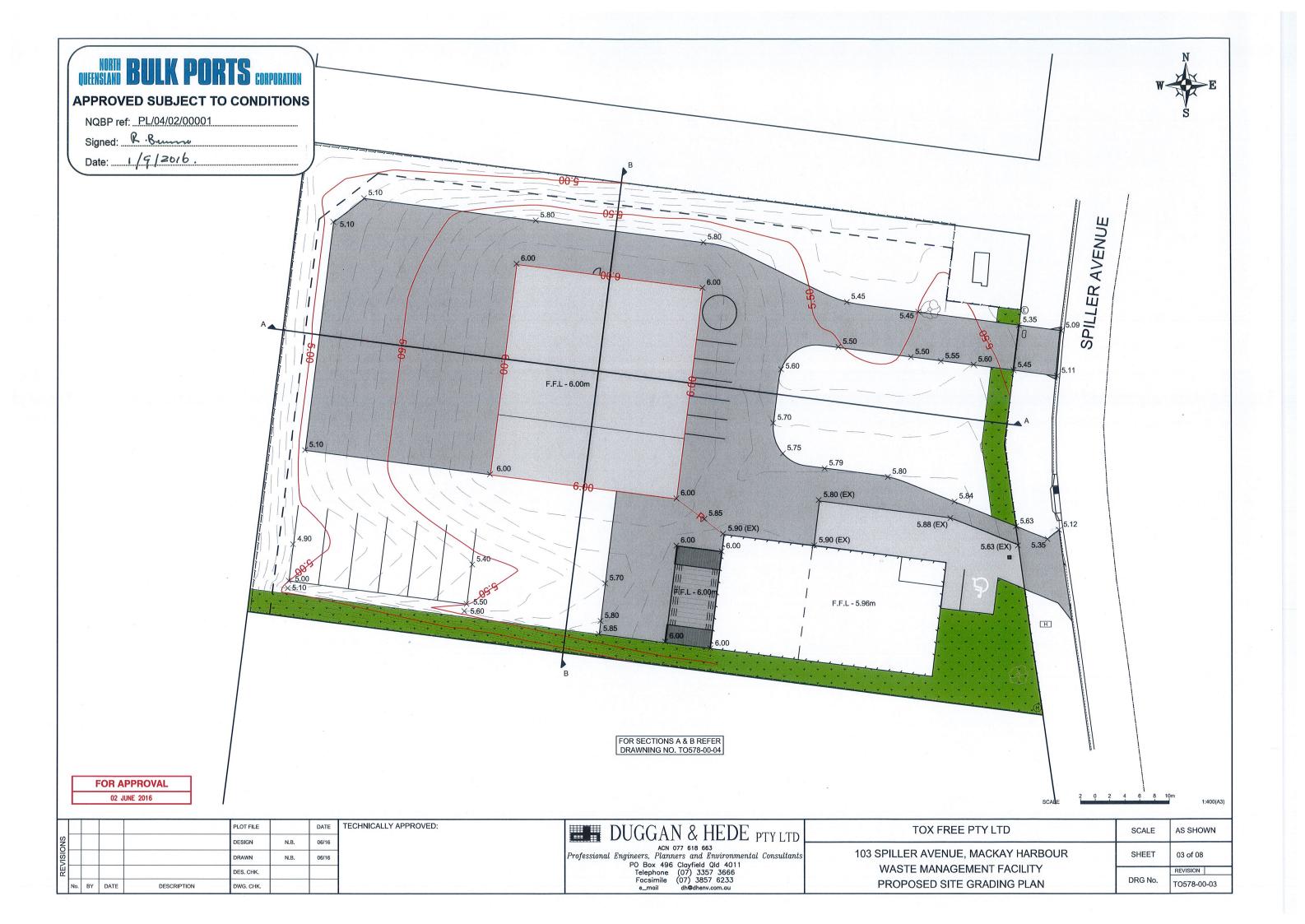
- 1. The proponent must advise NQBP's Planning Group via planning@nqbp.com.au at least two (2) weeks prior to the commencement of works.
- 2. At no time is the proponent permitted to adversely impact the effective and efficient operation of the port or the surrounding uses.
- 3. As the site is on the Environmental Management Register, no soil is to be removed off the site and to another Lot without the prior issue of a disposal permit from the Department of Environment and Heritage Protection.
- 4. Where potential or actual environmental harm may be caused, NQBP may at any time require the occupier of the place to:
 - cease an activity;
 - implement appropriate impact control measures;
 - modify work plans or procedures.
- 5. Any environmental emergency, incident or potentially harmful event involving construction or operation of the approved use must be reported to the NQBP's Environment Group via environment@nqbp.com.au or (07) 4969 0700 within 24 hours of the incident occurring.

A written report detailing the following information must then be provided within 14 days of the incident:

- the name of the operator;
- the name and telephone number of a designated contact person;
- quantity and substance released;
- person/s involved;
- · location and time of the release/event;
- likely cause of release/event;
- effects of the release;
- sampling performed and conclusions drawn;
- actions taken to mitigate any environmental harm; and
- proposed actions to prevent a recurrence.

6	Any community complaints must be reported to the NQBP's Planning Group via
O.	planning@nqbp.com.au or (07) 3011 7900 within 24 hours of the complaint being received. A written report detailing the incident, investigations and corrective actions undertaken to address the complaint must then be provided to NQBP within 14 days of the incident.

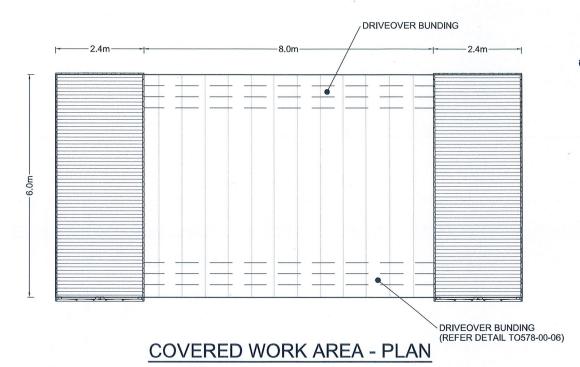


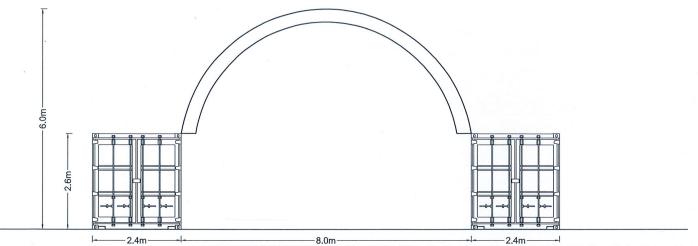




Signed: R.B.

1/9/2016





FOR APPROVAL 02 JUNE 2016

No. BY DATE

PLOT FILE

DES. CHK.

DWG. CHK.

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TECHNICALLY APPROVED:

DATE 06/16

06/16

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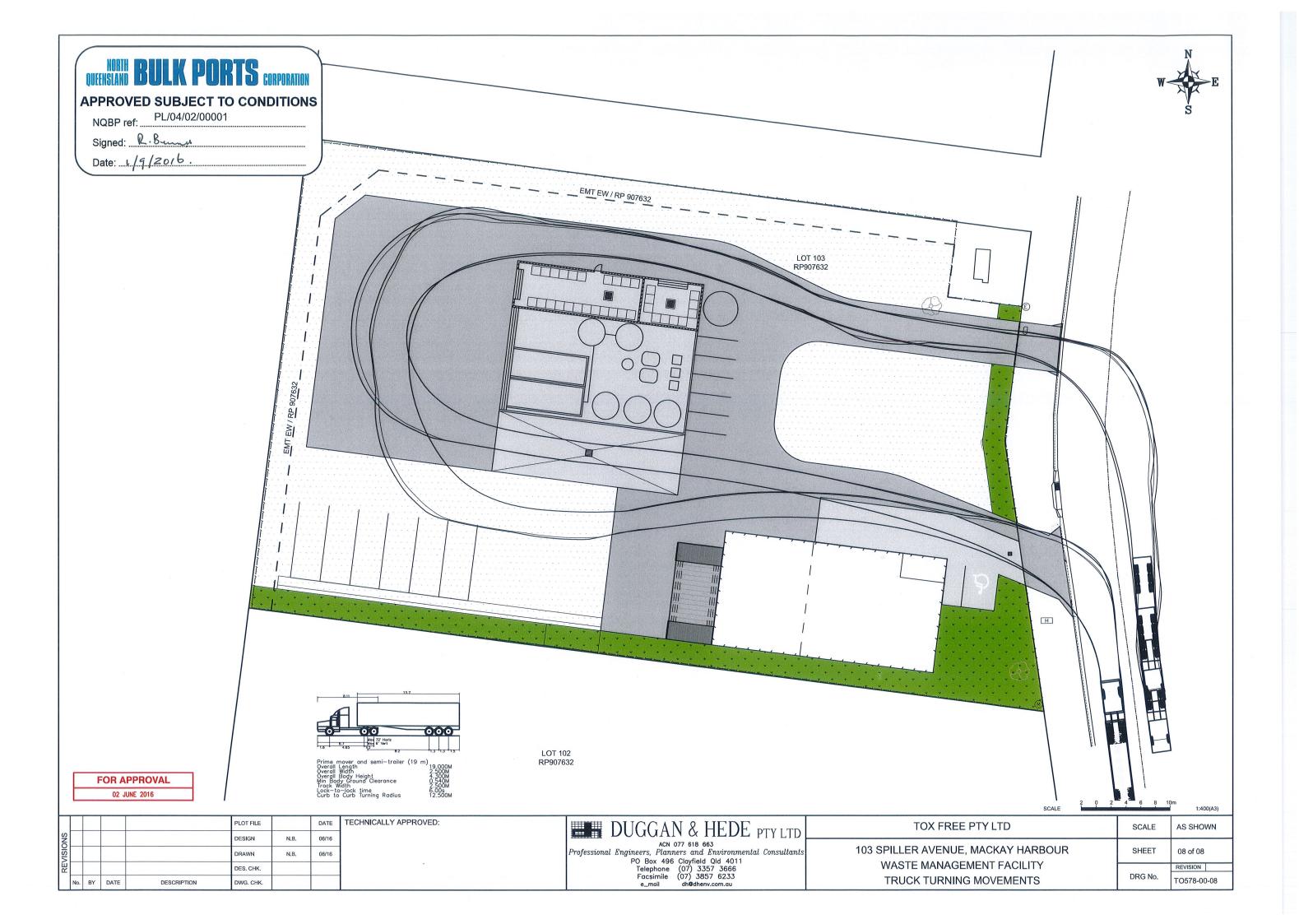
Professional Engineers, Planners and Environmental Consultants
PO Box 496 Clayfield Qld 4011
Telephone (07) 3357 3666
Facsimile (07) 3857 6233
e_mail dh@dhenv.com.au

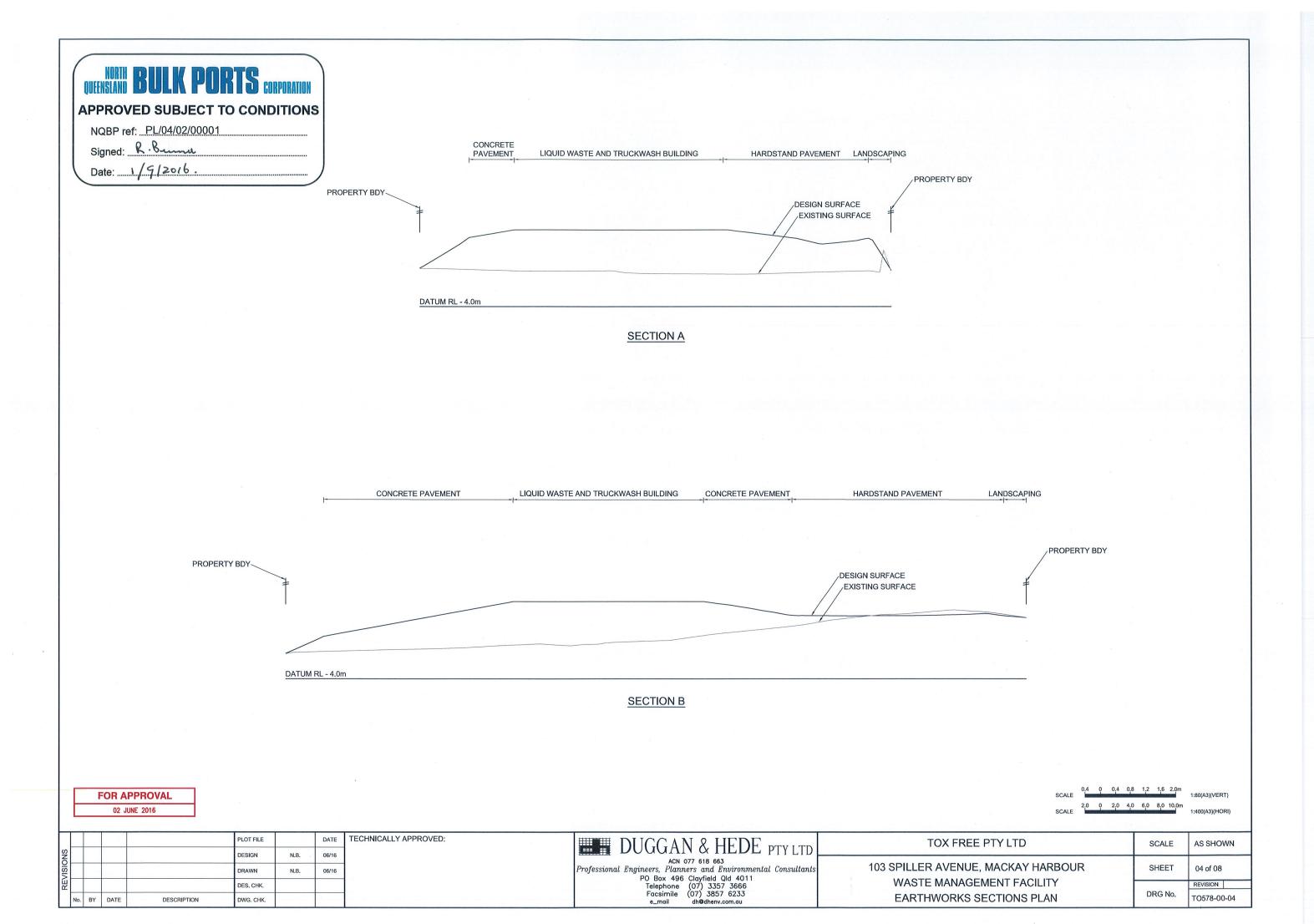
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TOX FREE PTY LTD	SCALE	AS SHOWN
103 SPILLER AVENUE, MACKAY HARBOUR	SHEET	07 of 08
WASTE MANAGEMENT FACILITY		REVISION
REGULATED WASTE BUILDING	DRG No.	TO578-00-07

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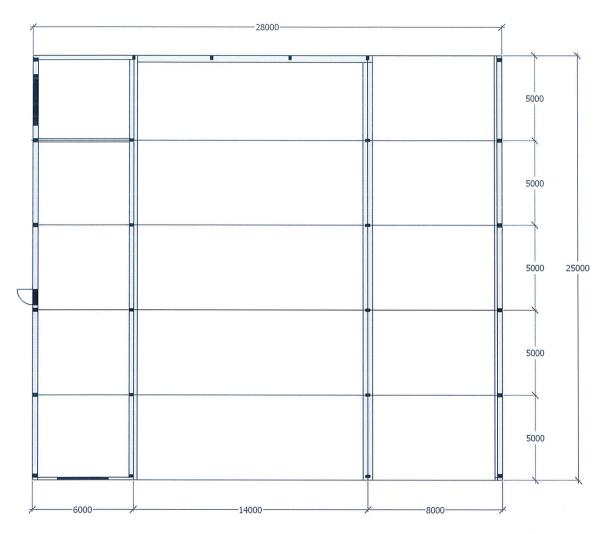
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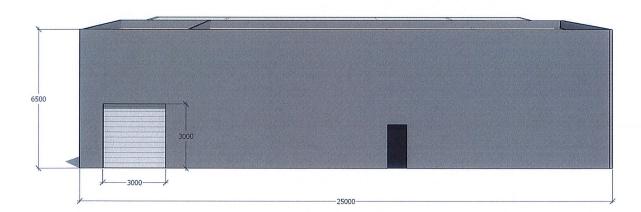




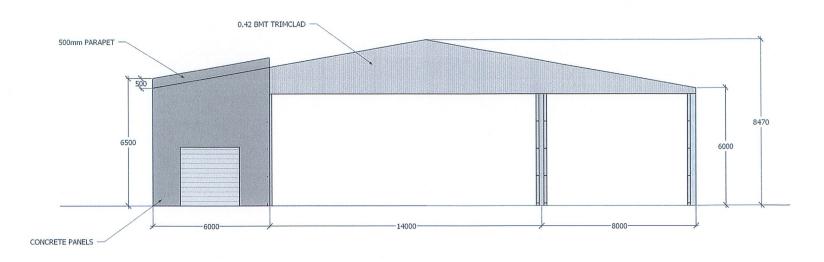
PROPOSED LAYOUT



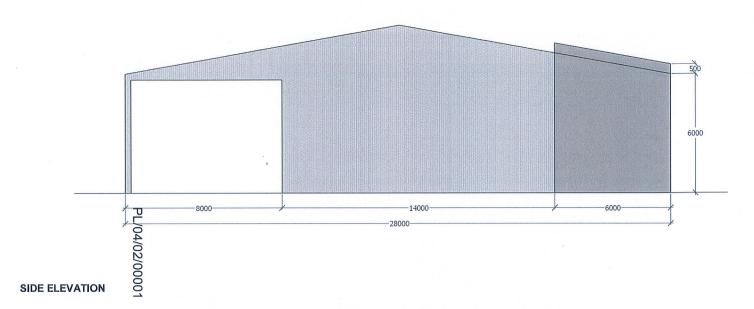
SIDE ELEVATION

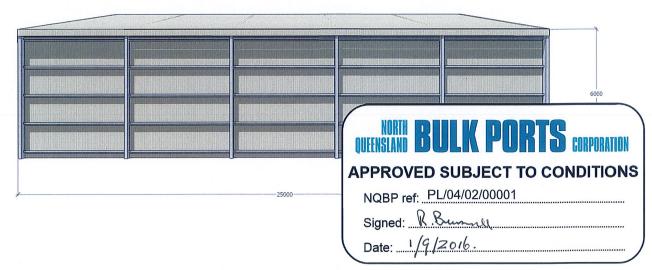


FRONT ELEVATION



BACK ELEVATION



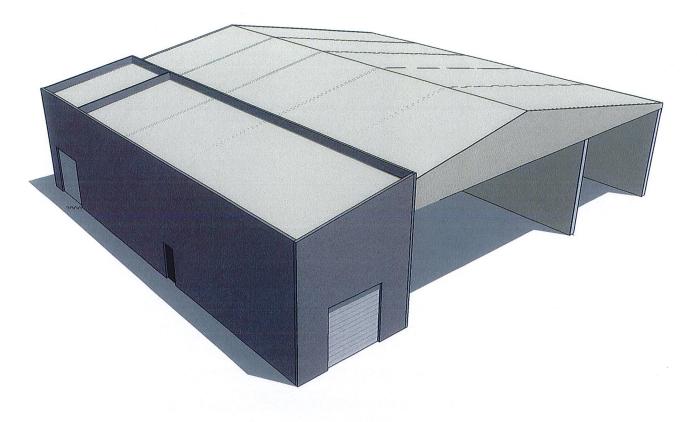


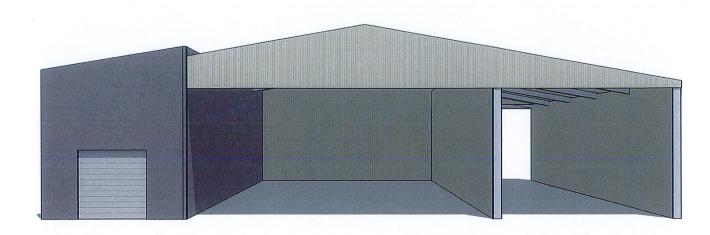


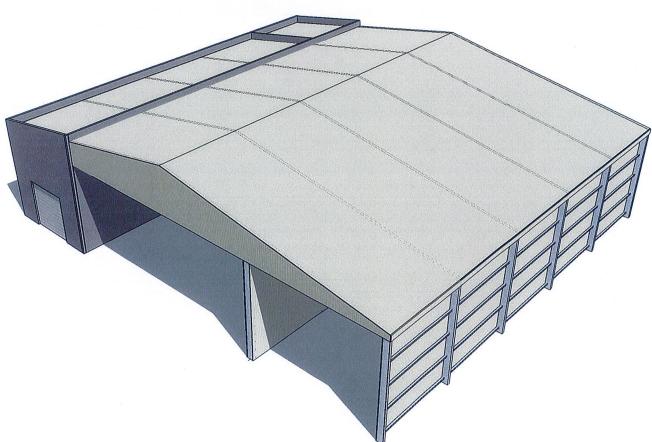
SPECIALISED STEEL BUILDINGS t: +61 7 5657 4400 e: jeremy.harding@ssbuildings.com.au w: www.ssbuildings.com.au PO Box 392 Varsity Lakes QLD 4227

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PROJECT DETAILS	TITLE:
CLIENT – TOXFREE	INDICATIVE DESIGN IMAGES
PROJECT – MACKAY FACILITY	REF NO:
TO APPROXIMATE SCALE ONLY	XSSB160004







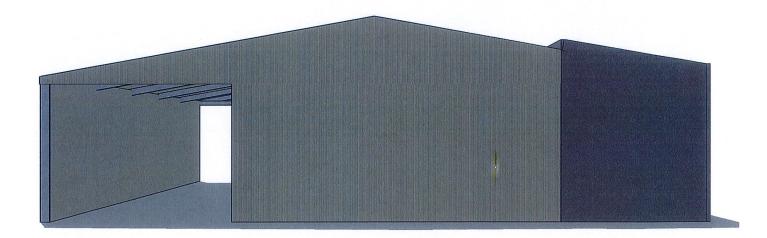


APPROVED SUBJECT TO CONDITIONS

NQBP ref: PL/04/02/00001

Signed: R.B.

Date: 1/9/20/6





SPECIALISED STEEL BUILDINGS t: +61.7 5657 4400 e: jeremy.harding@ssbuildings.com.au w: www.ssbuildings.com.au PO Box 392 Varsity Lakes QLD 4227

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PROJECT DETAILS	TITLE:
CLIENT – TOXFREE	INDICATIVE DESIGN IMAGES
PROJECT – MACKAY FACILITY	REF NO:
NOT TO SCALE	XSSB160004