



2 March 2018

Stephen Cole
Abbot Point Bulkcoal Pty Ltd
GPO Box 2569
BRISBANE QLD 4001
stephen.cole@adani.com

Dear Stephen,

**DEVELOPMENT APPROVAL FOR OPERATIONAL WORKS FOR REMOVAL OR
DISTURBANCE OF MARINE PLANTS ON LAND DESCRIBED AS LOT 34 ON SP112920
AND LOT 52 ON SP243724, AT THE PORT OF ABBOT POINT**

NQBP Reference: PL/02/02/00010

North Queensland Bulk Ports Corporation Ltd (NQBP) wish to advise that your development application seeking approval for operational works for removal and disturbance of marine plants to facilitate the construction of a sediment storage area and spillway (bund wall) to support water management efficiency improvements at the Abbot Point Coal Terminal at the Port of Abbot Point was approved in full subject to conditions on 2 March 2018.

Approval has been given with respect to Operation Works for removal or marine plants under the *Planning Act 2016*. Please note that the enclosed approval should be read in conjunction with the separate Port Development Approval (PL/02/04/00037) issued under the Port of Abbot Point Land Use Plan (October 2010) on 16 November 2017.

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 approval, please contact the undersigned.

Yours sincerely

Julie Keane
Principal, Development Approvals

Telephone: (07) 3011 7912
Email: JKeane@nqbp.com.au
Doc Reference: E18/02788

Enc: Decision notice issued under to s 63 of the *Planning Act 2016*
Approved drawings
Cc: Referral agencies – Department of State Development, Manufacturing, Infrastructure and Planning
Local government – Whitsunday Regional Council

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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

Planning Act 2016 s.63

1. Details of approval

<i>Applicant name:</i>	Abbot Point Bulkcoal Pty Ltd
<i>Approved development:</i>	Removal, destruction or damage of marine plants assessable under Schedule 10, Part 6, Division 3, Section 11. Described as: Operational work for Removal and disturbance of marine plants to facilitate the construction of a sediment storage area and spillway (bund wall) to support water management efficiency improvements at the Abbot Point Coal Terminal
<i>Date of decision</i>	2 March 2018
<i>Aspect of development:</i>	<input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input checked="" type="checkbox"/> Operational work <input type="checkbox"/> Building work
<i>Decision:</i>	<input type="checkbox"/> Preliminary approval only (with conditions) <input type="checkbox"/> Part approval only (with conditions) <input type="checkbox"/> Part approval only (without conditions) <input checked="" type="checkbox"/> Approval (with conditions)

2. Property description of proposed development

<i>Port:</i>	ABBOT POINT
<i>Street address:</i>	Abbot Point Road, Bowen
<i>Real property description:</i>	Lot 34 on SP112920 and Lot 52 on SP243724
<i>Local government area:</i>	Whitsunday Regional Council

3. Approved drawing

The following drawing has been approved and is provided in an enclosure.

<i>Drawing</i>	<i>Number</i>	<i>Date / revision</i>
Abbot Point Coal Terminal 1: Figure 5.5: Salt Couch extent within the proposed spillway	N/a	02/02/2018 Version 2

4. Referral agency response

The development application was referred to the Department of State Development, Manufacturing, Industry and Planning under the following provision of the Planning Regulation 2017:

- 10.6.3.3.1.1 Fisheries – marine plants

A referral agency response (1711-2648 SRA) has been received from the Department of State Development, Manufacturing, Industry and Planning and is attached to this decision notice.

5. Properly made submissions

Not applicable—no part of the application required public notification.

6. 5. Waiver of representations

The applicant has waived their rights, by written correspondence dated 2 March 2018, to make representations to the Department of State Development, Manufacturing, Industry and Planning under Section 30 of the Development Assessment Rules.

7. Additional development permits

This development permit is limited to Operational Works (Marine Plant) for the purpose of rebuilding an existing bund wall at the Port of Abbot Point. At no time should this document be interpreted to imply approval to any other development, operation or land use.

It is the applicant's responsibility to ensure that all other necessary development permits are in place prior to work commencing.

8. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*.

9. Rights of appeal

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

A copy of the relevant appeal provisions is attached.

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

Condition			Timing						
Carry out the approved development									
<p>1. The development must be undertaken generally in accordance with the plans and supporting documentation reference in the table below and attached which forms part of this approval, unless otherwise specified by any condition of this approval.</p> <table border="1"> <thead> <tr> <th><i>Drawing</i></th> <th><i>Number</i></th> <th><i>Date / revision</i></th> </tr> </thead> <tbody> <tr> <td>Abbot Point Coal Terminal 1: Figure 5.5: Salt Couch extent within the proposed spillway</td> <td>N/a</td> <td>02/02/2018 Version 2</td> </tr> </tbody> </table>			<i>Drawing</i>	<i>Number</i>	<i>Date / revision</i>	Abbot Point Coal Terminal 1: Figure 5.5: Salt Couch extent within the proposed spillway	N/a	02/02/2018 Version 2	At all times.
<i>Drawing</i>	<i>Number</i>	<i>Date / revision</i>							
Abbot Point Coal Terminal 1: Figure 5.5: Salt Couch extent within the proposed spillway	N/a	02/02/2018 Version 2							

Attachment 2

REFERRAL AGENCY RESPONSE

Agency	Reference	Date received
Department of State Development, Manufacturing, Infrastructure and Planning	1711-2648 SRA	26 February 2018

Our reference: 1711-2648 SRA
Your reference: PL/02/02/00010

26 February 2018

North Queensland Bulk Ports Corporation
GPO Box 409
Brisbane QLD 4001
planning@nqbp.com.au

Attention: Julie Keane

Dear Ms Keane

Referral agency response—with conditions

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

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 23 November 2017.

Applicant details

Applicant name:	Abbot Point Bulkcoal Pty Ltd
Applicant contact details:	GPO Box 2569 Brisbane QLD 4001 zoe.bishop-kinlyside@aurecongroup.com

Location details

Street address:	Abbot Point Road, Bowen QLD 4805
Real property description:	Lot 34 on SP112920 and Lot 52 on SP243724
Local government area:	Whitsunday Regional Council

Application details

Development permit	Operational work for removal, destruction or damage of a marine plant to facilitate the construction of a sediment storage area and spillway (bund wall) to support water management efficiency improvements at the Abbot Point Coal Terminal
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Referral triggers

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

- 10.6.3.3.1.1 Fisheries - marine plants

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Operational Work				
Abbot Point Coal Terminal T1 - Salt couch extent within the proposed spillway	aurecon	2 February 2018	Figure 5.5	Version 2

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

For further information please contact Odette Langham, Principal Planning Officer, on (07) 4898 6816 or via email MIWSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Patrick Ruettjes
Manager (Planning), Mackay Isaac Whitsunday Regional Office

cc Abbot Point Bulkcoal Pty Ltd, zoe.bishop-kinlyside@aurecongroup.com

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Approved plans and specifications

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Operational Work		
10.6.3.3.1.1 – Removal, destruction or damage of a marine plant —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Agriculture and Fisheries to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	Development authorised under this approval is limited as follows: (a) Operational work to remove, damage, destroy marine plants being limited to permanent disturbance of 846m ² of marine plants within the area shown as “Marine Plant Permanent Disturbance” and shown in Salt couch extent within the proposed spillway, aurecon, 2 February 2018, Figure 5.5, Version 2; and (b) Operational work to remove, damage, destroy marine plants being limited to temporary disturbance of 265m ² of marine plants within the area shown as “Marine Plant Temporary Disturbance” and shown in Salt couch extent within the proposed spillway, aurecon, 2 February 2018, Figure 5.5, Version 2.	At all times.
2.	Provide written notice to notifications@daf.qld.gov.au , when the development authorised under this approval: a) will start, and b) when it has been completed. These notices must state this permit number: 1711-2648 SRA.	At least 5 business days but no greater than 20 business days prior to the commencement of the works Within 15 business days of the completion of the fisheries development works.
3.	Spoil is not disposed of on tidal lands and is managed to prevent acid soil development.	At all times.
4.	This fisheries development (as defined by the <i>Fisheries Act 1994</i>) constitutes a place that is required to be open for inspection by an inspector at all times, pursuant to section 145 of the <i>Fisheries Act 1994</i> .	At all times.
5.	Marine plants that are temporarily removed, damaged or destroyed by this development must be restored to pre-disturbance condition.	Within 5 years of removal, damage or destruction.
6.	Marine plants authorised for removal and other material used in the development (e.g. debris, construction material, soil, etc.) are to be promptly removed from the intertidal zone.	For the duration of the works the subject of this approval and to be maintained.
7.	Enter into an agreed delivery arrangement to deliver an environmental offset in accordance with the <i>Environmental Offsets Act 2014</i> to counterbalance the significant residual impacts on the matter/s of state environmental significance being 846m ² of marine plants.	Prior to commencing any works that impact on the marine plants.

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out in the location and to the extent specified on the approved plans of development.
- To facilitate the monitoring of the development works for compliance purposes.
- To ensure the disturbance of acid sulfate soil is managed to prevent impacts on fisheries resources and fish habitats.
- Ensure significant residual impacts to matters of State environmental significance are appropriately managed.
- To ensure the development will not increase the risk of mortality, disease or injury, or compromise the health and productivity of fisheries resources.
- To ensure a conservation outcome is achieved where a significant residual impact is occurring on a prescribed environmental matter.

Attachment 3

APPEAL PROVISIONS

PLANNING ACT 2016

229 APPEALS TO TRIBUNAL OR P&E COURT

(1) *Schedule 1* states—

(a) matters that may be appealed to—

- (i) either a tribunal or the P&E Court; or
- (ii) only a tribunal; or
- (iii) only the P&E Court; and

(b) the person—

- (i) who may appeal a matter (the "**appellant**"); and
- (ii) who is a respondent in an appeal of the matter; and
- (iii) who is a co-respondent in an appeal of the matter; and
- (iv) who may elect to be a co-respondent in an appeal of the matter.

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

(3) The "**appeal period**" is—

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

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

SCHEDULE 1 APPEALS

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
<p>1. Development applications</p> <p>For a development application other than an excluded application, an appeal may be made against—</p> <ul style="list-style-type: none"> (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval. 			
Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent (if any)	Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency’s referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application

Statement of Reasons

Planning Act 2016 s.56

1. Applicant details

<i>Applicant name:</i>	Abbot Point Bulkcoal Pty Ltd
<i>Applicant contact details:</i>	Stephen Cole Abbot Point Bulkcoal Pty Ltd GPO Box 2569 BRISBANE QLD 4001 stephen.cole@adani.com

2. Property description of proposed development

<i>Port:</i>	Abbot Point
<i>Street address:</i>	Abbot Point Road, Bowen
<i>Real property description:</i>	Lot 34 on SP112920 and Lot 52 on SP243724
<i>Local government area:</i>	Whitsunday Regional Council

3. Development details

<i>Approved development:</i>	Removal and disturbance of marine plants to facilitate the construction of a sediment storage area and spillway (bund wall) to support water management efficiency improvements at the Abbot Point Coal Terminal 1.
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4. Assessment matters

The application has been assessed against:

- Port of Abbot Point Land Use Plan (October 2010).
- Port authority functions under the *Transport Infrastructure Act 1994*, chapter 8, part 3.

5. Reasons for the decision

The reasons for the decision are that the proposal:

Complies with and contributes toward the achievement of the desired environmental outcomes of the Port of Abbot Point Land Use Plan (October 2010).

- Is consistent with the functions of the Port as specified in the *Transport Infrastructure Act 1994*, chapter 8, part 3






Evidence or other material on which the findings were based:

- Material provided in the development application.

Approved drawings

<i>Drawing</i>	<i>Number</i>	<i>Date / revision</i>
Abbot Point Coal Terminal 1: Figure 5.5: Salt Couch extent within the proposed spillway	N/a	02/02/2018 Version 2

Legend

-  Proposed Spillway (5m Buffer)
-  Marine Plant Permanent Disturbance
-  Marine Plant Temporary Disturbance
-  Cadastre
-  Proposed Spillway

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 1711-2648 SRA

Date: 26 February 2018

NORTH QUEENSLAND BULK PORTS CORPORATION

APPROVED SUBJECT TO CONDITIONS

NQBP ref: PL/02/02/00010

Signed: *JAK*

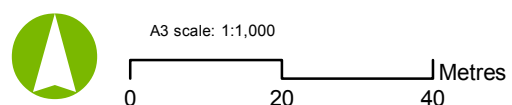
Date: 02/03/2018

Date: 2/02/2018

Version: 2



Author: ZonARA \laurecon.infoshares\AUMKY\Projects\GIS\Projects\600061_Abbot_Point\Marine_Figures5.5_Spillway.mxd 02/02/2018 12:03



Job No:
Coordinate System: GDA 1994 MGA Zone 55

Abbot Point Coal Terminal T1

Figure 5.5: Salt couch extent within the proposed spillway