

31 January 2017

Nicola Stokes  
North Queensland Bulk Ports Corporation  
PO Box 3340  
NORTH MACKAY QLD 4740

Dear Nicola,

**DEVELOPMENT APPROVAL PACKAGE FOR THE REMOVAL OF MARINE PLANTS ON LAND DESCRIBED AS LOT 4 ON SP273187, AT THE PORT OF WEIPA**

**NQBP Reference:** PL/06/02/00011

North Queensland Bulk Ports Corporation Ltd (NQBP) wish to advise that your development application seeking approval for Operational Works being the Removal of Marine Plants at the Port of Weipa was approved in full subject to conditions on 31 January 2017.

Approvals has been given with respect to Operational Works being the Removal, Destruction or Damage of Marine Plants under the *Sustainable Planning Act 2009* and Port Development Approval under the Port of Weipa Land Use Plan (April 2013).

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. Brunner  
**Senior Manager Planning**

Enquiries: Julie Keane  
Telephone: (07) 3011 7912  
Email: JKeane@nqbp.com.au  
Doc Reference: E17/00339

Enc: Decision notice issued pursuant to s 334 of the *Sustainable Planning Act 2009*  
Port development approval issued under the Port of Weipa Land Use Plan (April 2013)  
Approved Drawings

Cc: State Assessment and Referral Agency – Far North Queensland Regional Office  
Weipa Town Authority

## REFERRAL AGENCY RESPONSE

## Decision Notice

*Sustainable Planning Act 2009 s.334*

### 1. Details of approval

Applicant name:	North Queensland Bulk Ports Corporation
Approved development:	Operational Works Schedule 3, Part 1, Table 4, Item 8 – Removal, destruction or damage of marine plants, specifically the clearing of marine plants (up to 140.64 m <sup>2</sup> ) and associated minor levelling (<50m <sup>3</sup> ) to facilitate installation of a boundary fence and improve vehicle manoeuvrability within the existing Operations Site Compound.
Date of decision	31 January 2017
Type of approval:	<input type="checkbox"/> Preliminary approval <input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Compliance permit <input type="checkbox"/> Compliance certificate
Aspect of development:	<input type="checkbox"/> Carrying out building work <input type="checkbox"/> Carrying out plumbing or drainage work <input checked="" type="checkbox"/> Carrying out operational work <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Making a material change of use of premises
Decision:	<input type="checkbox"/> Approved <input checked="" type="checkbox"/> Approved subject to conditions <input type="checkbox"/> Refused

### 2. Property description of proposed development

Port:	WEIPA
Street address:	Kerr Point Road
Real property description:	Lot 4 on SP273187
Local government area:	Weipa Town Authority

### 3. Approved drawings and documents

The following drawings and documents have been approved. Copies of approved drawings are provided in an enclosure.

Drawing or document	Number	Date / revision
Location of Plants (as amended in red)	NQBP2016WE-011	24/11/2016

**REFERRAL AGENCY RESPONSE**

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**4. Referral agency response**

The relevant referral agency response is listed below and is 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*.

Referral agency	Advice / concurrence	Date of response	Reference number
SARA	Concurrence	30/01/2017	SDA-1216-036128

**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 the clearing of marine plants (up to 140.64m<sup>2</sup>) and associated minor levelling (<50m<sup>3</sup>) to facilitate installation of a boundary fence and improve vehicle manoeuvrability within the existing Operations Site Compound on Lot 4 on SP273187 at the Port of Weipa. 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.

**12. Relevant period for the approval**

This development approval will lapse if development is not completed or substantially commenced within two years of the decision date as specified under s 341 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;*
  - b. *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>

**REFERRAL AGENCY RESPONSE****ASSESSMENT MANAGER CONDITIONS**

Condition		Timing						
<b>Carry out the approved development</b>								
<p>1. The Approved Development must be undertaken generally in accordance with the locations referenced in the table below, unless otherwise specified by any condition of this approval.</p> <table border="1"> <thead> <tr> <th>Drawing or document</th> <th>Number</th> <th>Date / revision</th> </tr> </thead> <tbody> <tr> <td>Location of Plants (as amended in red)</td> <td>NQBP2016WE-011</td> <td>24/11/2016</td> </tr> </tbody> </table>		Drawing or document	Number	Date / revision	Location of Plants (as amended in red)	NQBP2016WE-011	24/11/2016	At all times.
Drawing or document	Number	Date / revision						
Location of Plants (as amended in red)	NQBP2016WE-011	24/11/2016						
<b>Site management</b>								
<p>2. The Applicant, or party acting on behalf of the Applicant, is not permitted to adversely impact the effective and efficient operation of the Port of Weipa.</p>		At all times.						
<p>3. The Applicant will ensure that infrastructure, services, property assets or utilises 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.</p>		At all times.						
<b>General environmental management</b>								
<p>4. Where potential or actual environmental harm may be caused by the approved development, NQBP may at any time direct the Applicant, or persons acting on behalf of the Applicant, to:</p> <ul style="list-style-type: none"> <li>• cease an activity</li> <li>• implement appropriate impact control measures</li> <li>• modify work plans or methods.</li> </ul>		At all times.						
<p>5. Any environmental emergency, incident or potentially harmful event involving the approved development must be reported to NQBP's Environment Group via <a href="mailto:environment@nqbp.com.au">environment@nqbp.com.au</a> or 07 4969 7000</p> <p>A written report must also be provided, detailing the following information:</p> <ul style="list-style-type: none"> <li>• name of the operator</li> <li>• the name and telephone number of a designated contact person</li> <li>• quantity and substance released</li> <li>• person/s involved</li> <li>• location and time of the release/event</li> <li>• likely cause of release/event</li> <li>• effects of the release</li> </ul>		<p>Initial report: within 24 hours of the emergency, incident or event occurring.</p> <p>Written report: within 14 days of the emergency, incident or event occurring.</p>						

## REFERRAL AGENCY RESPONSE

Condition	Timing
<ul style="list-style-type: none"> <li>• sampling performed and conclusions drawn</li> <li>• actions taken to mitigate any environmental harm</li> <li>• proposed actions to prevent a recurrence.</li> </ul>	
<b>Community</b>	
<p>6. Any community complaints, received by the Applicant, or party acting on behalf of the applicant, must be reported to NQBP's Planning Group via <a href="mailto:planning@nqbp.com.au">planning@nqbp.com.au</a> or 07 3011 7900.</p> <p>A written report must also be provided, detailing the following information:</p> <ul style="list-style-type: none"> <li>• incident subject of the complaint</li> <li>• investigations undertaken into the complaint</li> <li>• proposed action to be undertaken to prevent further complaints.</li> </ul>	<p>Initial report: within 24 hours of the emergency, incident or event occurring.</p> <p>Written report: within 14 days of the emergency, incident or event occurring.</p>

**REFERRAL AGENCY RESPONSE**

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Department of Infrastructure,  
Local Government and Planning

Our reference: SDA-1216-036128  
AM reference: PL/06/02/00011  
Applicant reference: EM/05/02/00001

30 January 2017

Chief Executive Officer  
North Queensland Bulk Ports Corporation Ltd  
GPO Box 409  
Brisbane QLD 4001

*Att: Julie Keane*

Dear Sir / Madam

**Concurrence agency response—with conditions**

Application for operational work for the installation of a boundary fence, clearing (removal, destruction or damage of marine plants), and minor levelling work on land situated at Kerr Point Road, Port of Weipa and described as Lot 4 on SP273187  
(Given under section 285 of the *Sustainable Planning Act 2009*)

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 4 January 2017.

**Applicant details**

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Applicant name: North Queensland Bulk Ports Corporation Ltd  
Applicant contact details: PO Box 3340  
North Mackay QLD 4740  
nstokes@nqbp.com.au

**Site details**

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Street address: Kerr Point Road, Port of Weipa  
Lot on plan: Lot 4 on SP273187  
Local government area: Weipa Town Authority

## REFERRAL AGENCY RESPONSE

SDA-1216-036128

**Application details**

Proposed development: Development permit for operational work for the installation of a boundary fence, clearing (removal, destruction or damage of marine plants), and minor levelling work

**Aspects of development and type of approval being sought**

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Operational Work	Development permit	Clearing of marine plants and associated minor levelling (<50m <sup>2</sup> ) to facilitate installation of a boundary fence and improve vehicle manoeuvrability within existing Operations Site Compound.	Code Assessment

**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 30 — Removal, destruction or damage of marine plants

**Conditions**

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

**Reasons for decision to impose conditions**

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

**Approved plans and specifications**

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
<b>Aspect of development: Operational work</b>				
Location of Plants (as amended in red)	North Queensland Bulk Ports Corporation	24/11/2016	NQBP2016WE-011	-

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

For further information, please contact Joanne Manson, Principal Planning Officer, SARA Far North QLD on 4037 3228, or email [joanne.manson@dilgp.qld.gov.au](mailto:joanne.manson@dilgp.qld.gov.au) who will be pleased to assist.



ATTACHMENT 1

REFERRAL AGENCY RESPONSE

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SDA-1216-036128

Yours sincerely



Brett Nancarrow  
Manager (Planning)

cc: North Queensland Bulk Ports Corporation Ltd, email: nstokes@nqbp.com.au  
enc: Attachment 1 — Conditions to be imposed  
Attachment 2 — Reasons for decision to impose conditions  
Attachment 3 — Approved Plan and Specifications

Our reference: SDA-1216-036128  
 AM reference: PL/06/02/00011  
 Applicant reference: EM/05/02/00001

#### Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
<b>Operational work</b>		
<p><b>Schedule 7, Table 2, Item 30</b> - Removal, destruction or damage of marine plants — Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the Director-General of the <b>Department of Agriculture and Fisheries</b> to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:</p>		
1.	<p>Development authorised under this approval is limited as follows:</p> <ul style="list-style-type: none"> <li>Operational works involving the removal, destruction or damage of marine plants being limited to 140.64m<sup>2</sup> and shown on plan entitled Location of Plants, North Queensland Bulk Ports Corporation, 24/11/2016, NQBP2016WE-011 (as amended in red).</li> </ul>	At all times
2.	<p>Provide written notice to notifications@daf.qld.gov.au, when the development authorised under this approval has started, and when it has been completed.</p> <p>These notices must state this permit number, the location and the condition number under which the notice is being given.</p> <p>The notice advising of the completion date must also include a report documenting the completed development works, including but not limited to:</p> <ul style="list-style-type: none"> <li>photographs taken before, during and after the development works at specific photo-monitoring sites.</li> </ul>	At least five (5) business days but no greater than twenty (20) business days prior to the commencement of fisheries development works. And then, as to the notice advising of the completion date, within 15 business days of the completion of the fisheries development works
3.	Spoil is not disposed of on tidal lands or within waterways and is managed to prevent acid soil development.	At all times
4.	Until the works have been completed, permit access to the place where the works are located by Department of Agriculture and Fisheries officers if requested.	For the duration of the works the subject of this approval.
5.	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.	At all times
6.	Provide an environmental offset in accordance with the <i>Environmental Offsets Act 2014</i> to counterbalance the significant residual impact on the matter of State environmental significance being 140.64m <sup>2</sup> of marine plants.	Prior to commencing development

Our reference: SDA-1216-036128  
AM reference: PL/06/02/00011  
Applicant reference: EM/05/02/00001

**Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- To ensure the development is carried out in the location and to the extent specified on the approved plan 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.
- 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 the development provides an environmental offset to counterbalance to significant residual impact to marine plants.
- To ensure the development achieves the performance outcomes in the relevant State Development Assessment Provisions (version1.10).



# Port Development Approval

Port of Abbot Point Land Use Plan (October 2010)

## 1. Details of approval

Applicant:	North Queensland Bulk Ports Corporation
Approved development:	Operational Works Schedule 3, Part 1, Table 4, Item 8 – Removal, destruction or damage of marine plants, specifically the: clearing of marine plants (up to 140.64m <sup>2</sup> ) and associated minor levelling (<50m <sup>3</sup> ) to facilitate installation of a boundary fence and improve vehicle manoeuvrability within existing Operations Site Compound.
Currency of approval	This development approval will lapse if development is not completed or substantially commenced within two years of the decision date.
Date of decision	31 January 2017
Decision:	<input type="checkbox"/> Approved <input checked="" type="checkbox"/> Approved subject to conditions

## 2. Property description of proposed development

Port:	Weipa
Street address:	Kerr Point Road
Real property description:	Lot 4 on SP273187
Lease:	N/a
Lessee:	N/a

## 3. Approved drawings and documents

The following drawings and documents are approved by NQBP as the basis for the works.

Drawing or document	Number	Date / revision
Location of Plants (as amended in red)	NQBP2016WE-011	24/11/2016

## 4. Additional approvals required

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

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 the following:

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: <a href="mailto:jhinschen@nqbp.com.au">jhinschen@nqbp.com.au</a> Phone (07) 4955 8128

## 5. Conditions of approval

Condition	Timing
<b>Carryout development</b>	
1. The Approved Development must be undertaken in accordance with the Decision Notice issued under s334 of the <i>Sustainable Planning Act 2009</i> .	At all times.
2. The security fence is to be installed on the property line and the structure is to be consistent with the existing adjacent fence. Specifically the fence is to include black PVC coated wire mesh.	At all times.

## 6. Advisory information

Please note that the information contained in this section under the heading Advisory information has been provided as advice only and does not form part of the development approval conditions. This information has been provided to advise of other obligations under state legislation or local laws that may require action to be undertaken prior to commencing the activity approved by this development approval.

Notes
<b>Cultural heritage duty of care</b>
1. Section 23 of the <i>Aboriginal Cultural Heritage Act 2003</i> establishes a duty of care for all persons carrying out an activity to take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage. It is the person undertaking the activity responsibility to ensure compliance with the duty of care.  A copy of the legislation can be accessed via <a href="https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/A/AborCultHA03.pdf">https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/A/AborCultHA03.pdf</a>
<b>Hours of work and noise</b>
2. Section 440R of the <i>Environmental Protection Act 1994</i> prohibits construction, building and earthworks activities likely to cause audible noise (including the entry and departure of heavy vehicles) between the hours of 6:30pm and 6:30am from Monday to Saturday and at all times on Sundays or Public Holidays.  A copy of the legislation can be accessed via <a href="https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EnvProtA94.pdf">https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EnvProtA94.pdf</a>

## Notes

### General safety during construction

3. The *Work Health and Safety Act 2011* establishes a number of obligations relevant to the project, in particular:
  - a. Under section 19(2), a person conducting a business or undertaking must ensure the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.
  - b. Under section 20(2), the person in control of the workplace is obliged to ensure that the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.

A copy of the legislation can be accessed via

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WorkHSA11.pdf>



# APPROVED DRAWINGS

