

Decision Notice

Sustainable Planning Act 2009 s.334

4 July 2016

Mr Ben Woodman Project Engineer North Queensland Bulk Ports Corporation GPO Box 409 Brisbane QLD 4001

Dear Mr Woodman,

DEVELOPMENT PERMIT FOR OPERATIONAL WORK (TIDAL WORKS) ON LANDS DESCRIBED AS LOT 52 ON HR 1732 AND LOT 54 ON SP243724 AT THE PORT OF ABBOT POINT

Assessment Manager Reference:

PL/02/02/00003/3

Applicant's Reference:

PL/02/02/00003

I refer to your submissions received by North Queensland Bulk Ports Corporation Ltd (NQBP) on 24 May 2016 seeking approval for Operational works (Tidal Works) at the Port of Abbot Point.

On 1 July 2016, the State Assessment and Referral Agency provided concurrence agency conditions and it is noted that you have subsequently provided a written notice to that agency that you do not intend to take action under either sections 320 and 321 of the Sustainable Planning Act 2009.

Pursuant to section 334 of the *Sustainable Planning Act* 2009, I wish to advise that NQBP has considered your application and on 4 July 2016 this development application was approved in full subject to conditions.

You are strongly advised to read and familiarise yourself with each of the conditions applicable to this development approval, including the attached referral agency responses.

1. Details of Approval

Approved Proposal:	Operational Works (Tidal Works), namely:
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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

P0 Box 3340 North Mackay Queensland 4740 P 07 4969 0700 f 07 4969 0799 nqbp.com.au info@nqbp.com.au Level 1, Waterfront Place, Mulherin Drive Mackay Harbour Queensland is the Reф்குரும் officipole 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

Type of Approval:	☐ Preliminary Approval
	□ Development Permit
	☐ Compliance Permit
	☐ Compliance Certificate
Aspect of Development:	☐ Carrying out building work
	☐ Carrying out plumbing or drainage work
	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
	Reconfiguring a lot
	Making a material change of use of premises

2. Property Description of Proposed Development

Port:	Port of Abbot Point
Street Address:	Abbot Point Road, Abbot Point
Real Property Description:	Lot 52 on HR1732 Lot 54 on SP243724

3. Referral Agency Responses

The relevant referral agency responses are listed below and are attached to this development approval. A copy of this development approval has been sent to each referral agency in accordance with section 334 of the *Sustainable Planning Act 2009*.

Attachment	Referral Agency and Address	Advice or Concurrence Agency	Date of Response	Reference Number
3	State Assessment and Referral Agency (SARA) Address: Mackay Isaac Whitsunday Regional Office DEHP P.O. Box 257 Mackay QLD 4740	Concurrence	1 July 2016	SDA-0516- 030601

4. Conditions of Approval

The conditions of approval imposed by the assessment manager are provided in Attachment 1.

The conditions of approval imposed by the concurrence agency, the State Assessment and Referral Agency, are provided in Attachment 2.

5. Approved Drawings and Documents

The following drawings are approved:

Drawing Name	Drawing No.	Revision & Date
Abbot Point MOF Maintenance & Renewal General Arrangement Proposed Site Plan – Tidal Works	IH088100-DG-0213	Rev. A- 20/5/2016

Abbot Point MOF Maintenance & Renewal Proposed Site Sections & Details – Sheet 1	IH088100-DG-0214	Rev. A – 20/5/2016
Abbot Point MOF Maintenance & Renewal Proposed Site Sections & Detail – Sheet 2	IH088100-DG-0217	Rev. A- 20/5/2016

The approved drawings are provided in the concurrence agency response in Attachment 2.

6. Approval under s 331

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

7. Preliminary Approval Affecting the Planning Scheme

This is not applicable to this approval.

8. Codes for Self-Assessable Development

Any self-assessable component of the development approved must comply with the relevant standards identified in NQBP's Sustainable Port Development Guidelines.

9. Submissions Received

There was no public notification required for this development application and no submissions on the application were received.

10. Conflict with Relevant Instrument

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

11. Commencement of Development

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).

Under section 341 of the *Sustainable Planning Act 2009*, the approved development must be either completed or substantially commenced within two (2) years of the decision date.

12. Applicant's Appeal Rights

Under section 461 of the *Sustainable Planning Act* 2009, an applicant for a development application may appeal to the Planning and Environment Court – the following is an excerpt from the Act regarding applicant 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:

- 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.

13. Additional Approvals Required

This Development Permit is limited to Operational Works on Lot 52 on HR1732 and Lot 54 on SP243724 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.

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

It is the applicant's responsibility to ensure that it obtains all other necessary approvals to undertake the works approved under this development approval or its use after construction.

If you have any queries regarding the above Development Permit or its conditions, please contact the undersigned on the contact details below.

Yours sincerely

R. Brunner

Senior Manager Planning

R. Bounnel

Enquiries:

Bob Brunner

Telephone:

07 30117946

Email:

rbrunner@nqbp.com.au

Doc Reference:

E16/12934

ATTACHMENT 1 - ASSESSMENT MANAGER CONDITIONS

СО	NDITION	TIMING
Ger	neral	
1.	No site offices or equipment are to be stored or placed on NQBP land without a Permit to Occupy from NQBP, or an NQBP-approved equivalent.	Prior to commencement of project mobilisation
2.	The works and site operations are to be substantially in accordance with the approved plans and documents. No additional or intensified activities or works are to be undertaken on site unless approved by NQBP and any other relevant agency.	At all times.
3.	The proponent is to provide access and assistance to NQBP staff or a delegated representative to assess compliance with conditions in this approval, to undertake an environmental assessment, or other forms of inspections or audits as NQBP deems necessary.	At all times.
4.	NQBP must be notified of all community complaints that are received about the works. Details of any investigations / corrective actions undertaken to address the complaint are to be provided to NQBP as soon as practicable following implementation / completion of these actions.	At all times. Notification is required within 24 hours of the complaint being made.
Engi	ineering	
5.	All approved structures must be suitable for the intended use, structurally sound and certified by a Registered Professional Engineer of Queensland.	During design and construction works.
6.	Registered Professional Engineer of Queensland certification must be provided to NQBP for the "For Construction" drawing set.	Prior to commencement of construction.
7.	'As Constructed' drawings and design certificates of all new infrastructure and services installed as part of this development are to be submitted to NQBP. This includes works within the development area and any connections external to the lease area. This information is to be prepared and signed by a Registered Professional Engineer of Queensland (RPEQ) and is to be provided electronically in dwg (AutoCAD 12) and dxf formats (including pen plot, xref, ole, block files and any other external references) and in pdf format. Spatial reference datum must be GDA94 / MGA94, height datum must be AHD, and for works below sea level the reference must be port datum. These files must be provided on a suitable CD-R, DVD-R, or USB.	Within six weeks of completion of construction.

Port	operations		
8.	The proponent is not permitted to adversely impact the effective and efficient operation of the port or the surrounding uses during either construction or use of the facility.	At any time.	
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.	At all times.	
Con	struction environmental management plan		
10.	A Construction Environmental Management Plan (CEMP) must be provided to NQBP's Environment Group for approval prior to works commencement. The CEMP must identify all potential sources of environmental harm and provide details of environmental	CEMP to be provided four (4) weeks prior to commencement of construction.	
	management measures. The CEMP must, as a minimum, address matters relating to:		
	 Weed management; Waste management; Erosion and sediment control; Terrestrial and marine fauna management; Vegetation clearing; and Protection of cultural heritage values. 		
11.	Construction activities must be undertaken in accordance with the approved CEMP.	At all times during construction.	
Oper	ational management plan		
12.	An Operational Management Plan (OMP) must be provided to both NQBP and the Regional Harbour Master for approval. The OMP must identify all potential sources of environmental harm and provide details of environmental management measures. The OMP must include a plan for management of marine operations and marine traffic.	To be provided to NQBP at least six weeks prior to commencement of any marine operations from the facility.	
13.	Operations must be undertaken in accordance with the approved OMP.	At all times during operations.	
Gene	eral environmental management		
4.	The construction activities or operation of the facility must not cause unlawful environmental nuisance or harm.	At any time.	
5.	Where potential or actual environmental harm may be caused, NQBP may at any time require the occupier of the place to:	At all times.	

		1
	Implement appropriate impact control measures;Modify work plans or procedures.	
16.	Any environmental emergency, incident or potentially harmful event must be reported to the Environment Group of NQBP.	At all times.
	A written report detailing the following information must be provided to the Environment Group of NQBP:	Initial notification is required within 24 hours of the incident
	 Name of the operator; 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. 	or event. A written report is required within 14 days of the incident or event.
Cultui	ral heritage management	
17.	NQBP is a party to an Indigenous Land Use Agreement (ILUA) with the Juru People. All works undertaken must comply with obligations under this ILUA.	At all times
18.	In carrying out the activity, the applicant must take all reasonable and practicable measures to ensure that it does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care guidelines.	At all times.

ATTACHMENT 2 – CONCURRENCE AGENCY CONDITIONS STATE ASSESSMENT AND REFERRAL AGENCY



Department of Infrastructure. Local Government and Planning

Our reference:

SDA-0516-030601 Your reference: PL/02/02/00003

1 July 2016

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

Dear Mr Brunner,

Concurrence agency response—with conditions given under section 285 of the Sustainable Planning Act 2009 on lands described as Lot 52 on HR 1732 and Lot 54 on SP243724 at the Port of Abbot Point

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 26 May 2016.

Applicant details

Applicant name:

North Queensland Bulk Ports Corporation

Applicant contact details:

North Queensland Bulk Ports Corporation

GPO Box 409, BRISBANE 4001

Site details

Street address:

Abbot Point Road, Abbot Point

Lot on plan:

Lot 52 on HR 1732

Lot 54 on SP243724

Local government area:

Whitsunday Regional Council

Application details

Proposed development:

Development Permit for carrying out operational work:

Construction of a barge ramp and

Modifications to an existing Marine Offload Facility, including realignment of a sheet pile wall, reclamation; and raising the height of the structure.

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 13 – Tidal Works, or development in a

Coastal Management District

Schedule 7, Table 2, Item 15 – Tidal Works, or development in a

Coastal Management District

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.

Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

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
Aspect of development: O	perational Works			
Abbot Point MOF Maintenance and Renewal General Arrangement Proposed Site Plan – Tidal Works	Jacobs Group (Australia) Pty Ltd	20 May 2016	IH088100-DG- 0213	REV A
Abbot Point MOF Maintenance and Renewal Proposed Site Sections and Details – Sheet 1	Jacobs Group (Australia) Pty Ltd	20 May 2016	IH088100-DG- 0214	REV A
Abbot Point MOF Maintenance and Renewal Proposed Site Sections and Details – Sheet 2	Jacobs Group (Australia) Pty Ltd	20 May 2016	IH088100-DG- 0217	REV A

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

For further information, please contact Megan Rosenberg, Principal Planner, Mackay Isaac Whitsunday Office on (07) 4898 6817 or email megan.rosenberg@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Patrick Litty

Patrick Ruettjes

Manager (Planning) - Mackay Isaac Whitsunday

cc: North Queensland Bulk Ports Corporation

GPO Box 409, BRISBANE 4001

bwoodman@nqbp.com.au

enc: Attachment 1—Conditions to be imposed

Attachment 2—Reasons for decision to impose conditions

Attachment 3—Further advice

Attachment 4—Approved Plans and Specifications

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
of the S Directo the ass	le 7, Table 2, Item 15 – work in a Coastal Management District —Pur Sustainable Planning Act 2009, the chief executive administering the A r-General of Department of Transport and Main Roads (Maritime Safe essing authority for the development to which this development appro- stration and enforcement of any matter relating to the following conditi	Act nominates the ety Queensland) to be oval relates for the
1.	 (a) Provide written notice to the Regional Harbour Master, Marine Operations (Townsville Region), Maritime Safety Queensland, Department of Transport and Main Roads, 60 Ross Street, Townsville Qld 4810 GPO Box 1921, Townsville Qld 4810, P: (07) 4421 8100, F: (07) 4721 2028, E: RHMTownsville@msq.qld.gov.au when the development authorised under this approval is scheduled to commence. (b) Each notice must state this permit number, the location and 	(a) 2 weeks prior to commencement; and (b) Within two (2) weeks of the completion of works.
	name of registered place and the condition number under which the notice is being given.	
2.	 (a) Survey(s) of the authorised dredging area must be conducted on completion and a copy of the resulting survey plan(s) must be provided to the Regional Harbour Master, Marine Operations (Townsville Region), Maritime Safety Queensland, Department of Transport and Main Roads, 60 Ross Street, Townsville Qld 4810 GPO Box 1921, Townsville Qld 4810, P: (07) 4421 8100, F: (07) 4721 2028, E: RHMTownsville@msq.qld.gov.au. (b) The survey must be conducted to class A survey standards. 	Within two (2) weeks of the completion of the works.
3.	As Constructed" drawings of the approved structure must be provided to Regional Harbour Master, Marine Operations (Townsville Region), Maritime Safety Queensland, Department of Transport and Main Roads, 60 Ross Street, Townsville Qld 4810 GPO Box 1921, Townsville Qld 4810, P: (07) 4421 8100, F: (07) 4721 2028, E: RHMTownsville@msq.qld.gov.au	Within two (2) weeks of the completion of the works.
4.	All vessels, structures, plant and equipment associated with the construction of the approved works must be lit/marked in accordance with the following specifications and requirements such that undertaking the construction works does not cause a risk to the safe navigation of ships:	While the works are occurring.
	 Floating plant and equipment is to be lit in accordance with the International Regulations for the Prevention of Collision at Sea. 	
	 Mooring buoys are to be lit in accordance with IALA recommendations. 	
	 Lighting must be provided in accordance with Section 3 of AS4282-1997 'Control of the obtrusive effects of outdoor lighting' to ensure safe navigation of other ships. 	

No.	Conditions	Condition timing
	Lighting provided must not obscure, disguise or otherwise interfere with the effectiveness of navigational lighting.	
5.	Any navigational aid that is damaged due to the construction, operation or maintenance of the approved development must be promptly repaired or replaced at the applicant's cost. In the event that any damage is caused to any aid to navigation, the Harbour Master must be immediately contacted at Marine Operations (Townsville Region), Maritime Safety Queensland, Department of Transport and Main Roads, Ground Floor, Townsville - Ross Street, 60 Ross Street, Townsville Qld 4810 GPO Box 1921, Townsville Qld 4810, P: (07) 4421 8100, F: (07) 4721 2028, E: RHMTownsville@msq.qld.gov.au.	At all times.
6.	Any debris or similar obstruction encountered whilst undertaking the work must be disposed of at the applicant's cost.	While the works are occurring.
of the S Directo authorit	le 7, Table 2, Item 13 – work in a Coastal Management District —Pur custainable Planning Act 2009, the chief executive administering the Argeneral of Department of Environment and Heritage Protection to be y for the development to which this development approval relates for ment of any matter relating to the following condition(s):	act nominates the ethe assessing
7.	 The development must be carried out generally in accordance with the following plans: Drawing Number IH088100-DG-0213 Rev A, titled Abbot Point MOF Maintenance & Renewal General Arrangement Proposed Site Plan – Tidal Works prepared by Jacobs dated 20/05/2016. Drawing Number IH088100-DG-0214 Rev A, titled Abbot Point MOF Maintenance & Renewal Proposed Site Sections & Details – Sheet 1 prepared by Jacobs dated 20/05/2016. Drawing Number IH088100-DG-0217 Rev A, titled Abbot Point MOF Maintenance & Renewal Proposed Site Sections & Details – Sheet 2 prepared by Jacobs dated 20/05/2016. 	For the duration of works.
8.	For the proposed works only use materials which are free from contaminants as defined under section 11 of the <i>Environmental Protection Act 1994</i> .	For the duration of the works the subject of this approval.
9.	Erosion and sediment control measures are to be installed and maintained to prevent the release of sediment to tidal waters.	For the duration of the works the subject of this approval.
10.	Submit RPEQ certification confirming that the development has been constructed in accordance with relevant Australian Standards. A copy of the certification must be provided to palm@ehp.qld.gov.au or mail to Department of Environment and Heritage Protection	Within two (2) weeks of the completion of the works.

No.	Conditions	Condition timing
	Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001	
11.	As a result of works the subject of this approval any disturbed or oxidised acid sulphate soil must be treated and managed in accordance with the current <i>Queensland Acid Sulfate Soil Technical Manual: Soil management guidelines</i> , prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014.	For the duration of the works the subject of this approval.
12.	a) An appropriately qualified person(s) must prepare a construction management plan, incorporating but not limited to the "Management Measures" in section 4 of North Queensland Bulk Ports Corporation, Report for Abbot Point Marine Offloading Facility, Tidal Works Supporting Information dated 20 May 2016.	a) Prior to construction.
	b) An appropriately qualified person(s) must implement the construction management plan and	b) For the duration of the works subject to this approval.
	c) A copy of the construction management plan must be submitted upon request to the administering authority.	c) Prior and during construction works.
	Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills and experience relevant to the requirement and can give authoritative assessment, advice and analysis in relation to the requirement using the relevant protocols, standards, methods or literature.	
13.	 a) Works must cease if turtles are are either likely to be struck or captured or are observed within 50m of the construction site. b) The Department of Environment and Heritage Protection (1300 130 372) must be immediately notified of any turtle captures by the works, or of injury to any marine species of conservation significance such as turtles. 	At all times during construction works.
14.	Construction must only occur during day light hours. No artificial lighting is to be used during construction.	At all times during construction works.

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To facilitate the monitoring of the development works for compliance purposes.
- To ensure the department has accurate information on the navigable waterway following dredging works.
- To ensure that at all times, all lights on or above the development site do not interfere with safe navigation in surrounding waterways.
- To ensure that the development does not interfere with any existing aids to navigation.
- To ensure the development does not encroach on the navigable waterway in a way that impedes the safe passage of vessels.
- To ensure the development avoids or minimises adverse impacts on coastal resources and their values.
- To mitigate the effects of construction on the marine environment.
- To ensure the development minimises impacts on turtles.
- To ensures the tidal works located are safe and fit for purpose.
- To ensure any disturbance to acid sulphate soils is managed to prevent impacts to coastal environments.

Attachment 3—Further advice

Maintenance of safe navigation Consult with Regional Harbour Master, Marine Operations (Townsville Region), Maritime Safety Queensland, Department of Transport and Main Roads, with regards to installation of navigational aids for vessels intending to navigate to/from the facility three weeks prior to the commencement of the works. 2. Due to the proximity of working berths, construction must be undertaken in accordance with a Traffic Management Plan approved by the Regional Harbour Master. The Traffic Management Plan will be implemented to facilitate safe access in the vicinity of the works for all ships and maritime construction equipment (ships). 3. The applicant is advised to comply with the latest version of the "Standard for Marine Construction Activities Within the Port of Abbot Point" currently version 7 dated 13/01/2015. 4. The applicant is advised to comply with the latest version of the "Guide for prevention of shipsourced pollution and for the safe transfer of bunkers in Queensland waters".

Attachment 4—Approved plans and specifications





