

22 June 2020

Peter Conway BM Alliance Coal Operations Pty Ltd GPO Box 1389 BRISBANE QLD 4001 Email: <u>Peter.Conway@bhp.com</u>

Dear Peter,

DEVELOPMENT APPROVAL PACKAGE FOR CHANGE APPLICATION ON LAND DESCRIBED AS LOT 95 SP 231132, AT THE PORT OF HAY POINT

NQBP Reference: PL/03/02/00009

North Queensland Bulk Ports Corporation Ltd (NQBP) wish to advise that your development application seeking approval to change the development approval to provide for the replacement of a shiploader and berth structure at the Port of Hay Point was approved in full subject to conditions on 22 June 2020.

Approvals has been given with respect to an 'other' change application under the *Planning Act* 2016 and Port Development Approval under the Port of Hay Point Land Use Plan (April 2010).

You are strongly advised to read and familiarise yourself with each of the enclosures applicable to this approvals package including the attached referral agency response and the Port Development Approval.

If you have any queries regarding the approvals package, please contact the undersigned.

Yours sincerely,

Julie Keane Principal Development Advisor

Telephone:	(07) 3011 7912
Email:	JKeane@nqbp.com.au
Doc Reference:	E20/18955
Enc:	Decision notice issued under to s 63 of the Planning Act 2016
	Port development approval issued under the Port of Hay Point Land Use Plan (April 2010).
	Approved drawings
Cc:	Referral agency – State Assessment and Referral Agency
	Local government – Mackay Regional Council

BRISBANE OFFICE GPO Box 409 Brisbane Queensland 4001

P 07 3011 7900 E 07 3011 7999

ngbp.com.au info@ngbp.com.au

MACKAY OFFICE Level 1 Waterfront Place Mulherin Drive Mackay Harbour Queensland 4740 P 07 4969 0700 F 07 4969 0799 ngbp.com.au info@nqbp.com.au Level 1, Waterfront Place, Mulherin Drive Mackay Harbour 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

Planning Act 2016 s.63

1. Details of approval

Applicant name:	BM Alliance Coal Operations Pty Ltd (BMA) as manager and agent on behalf of the Central Queensland Coal Associates Joint Venture Partners
Development approval:	Other Change - Operational work for the demolition and replacement of Berth 2 and Shiploader 2 at the Hay Point Coal Terminal.
Date of decision	22 June 2020
Aspect of development:	☐ Minor Change☑ Other Change
Decision:	 Approval in full Approval in full with conditions

2. Property description of proposed development

Port:	HAY POINT
Street address:	1367 Hay Point Road
	HAY POINT QLD 4740
Real property description:	Lot 95 SP231132
Local government area:	Mackay Regional Council

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
Existing Berth 2 Wharf	HPT-082515 Sheet1/2	16-03-20 Rev 0
Disassembly Arrangement		
Berth 2A Wharf Plan &	HPT-082507 Sheet 1/1	16-03-20 Rev 0
Elevation		
Berth Pocket & Proposed	HPT-082524 Sheet 1/1	29-04-20 Rev 0
Berth 2A Approvals Drawing		

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:

- 10.17.3.2.1 Tidal works or work in a coastal management district Tidal works
- 10.17.3.1.1 Tidal works or work in a coastal management district Maritime safety



5. Properly made submissions

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

6. Additional development permits

This development permit is limited to the works described as the Approved Development and the associated approval drawings. 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.

7. Currency period for the approval

This development approval will lapse if the development is not substantially commenced within six (6) years after the approval takes effect.

8. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For certain 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*).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

Appeal by an eligible submitter

An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:

- any part of the development application that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

Attachment 2 is an extract from the *Planning Act 2016* that sets out the applicant's appeal rights and the appeal rights of a submitter.

To stay informed about any appeal proceedings which may relate to this decision visit: <u>https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution/pe-court-database</u>.



Attachment 1 – Conditions of Approval

PART 1: ASSESSMENT MANAGER CONDITIONS

C	ondition		Timing
Carry out the approved develo			
1. The development must be undertaken generally in accordance with the plans and supporting documentation referenced in the table below and attached which forms part of this approval, unless otherwise specified by any condition of this approval.			At all times.
Plan / Document name	Plan / Document number	Date	
Existing Berth 2 Wharf Disassembly Arrangement	HPT-082515 Sheet1/2	16-03-20 Rev 0	
Berth 2A Wharf Plan & Elevation	HPT-082507 Sheet 1/1	16-03-20 Rev 0	
Berth Pocket & Proposed Berth 2A Approvals Drawing			
 'For construction' drawings certified by an RPEQ and generally in accordance with the drawings described in Condition 1 and the Guideline: Building and engineering standards for tidal works (EM 2093) must be submitted for review and approval by NQBP, via approvals@nqbp.com.au. 			At least four (4) weeks prior to commencement of works.
 3. 'As constructed' drawings and design certificates certified by an RPEQ must be submitted to NQBP via <u>approvals@nqbp.com.au</u>. The following is to be provided: One set of "As-constructed" drawings. Dimensioned plot plans and general arrangement drawings must also be provided electronically to NQBP in dwg and dxf formats (including pen plot, xref, ole, block files and any other external references). 			Within eight (8) weeks of the completion of works.
Environmental management			
 The development or operation must not cause unlawful environmental nuisance or harm. 			At all times.



	Condition	Timing
5.	 A Construction Environmental Management Plan must be prepared and submitted for review and approval by NQBP, via approvals@nqbp.com.au. The CEMP must address as a minimum: Marine water quality Underwater noise Interactions between vessels and marine fauna Lighting Introduction of marine pests 	At least four (4) weeks prior to commencement of works.



PART 2: REFERRAL AGENCY RESPONSE

Agency	Reference	Date received
Department of State Development,	2004-16603 SRA	3 June 2020
Manufacturing, Infrastructure and Planning		



Queensland Treasury

SARA reference:2004-16603 SRANQBP reference:PL/03/02/00009Applicant reference:SABR Project

3 June 2020

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

Attention: Julie Keane

Dear Ms Keane

SARA response— Lot 95 on SP231132, Hay Point – Other Change – Shiploader 2 and Berth 2 Replacement Project

(Referral agency response given under section 56 of the Planning Act 2016)

The development application described below was confirmed as properly referred to the State Assessment and Referral Agency (SARA) on 30 April 2020.

Response			
Outcome:	Referral agency response – with conditions.		
Date of response:	3 June 2020	3 June 2020	
Conditions:		The conditions in Attachment 1 must be attached to any development approval.	
Advice:	Advice to the applicar	nt is in Attachment 2 .	
Reasons:	The reasons for the re	eferral agency response are in Attachment 3.	
Development details			
Description:	Development permit	Other Change - Operational work for the demolition and replacement of Berth 2 and Shiploader 2 at the Hay Point Coal Terminal.	
SARA role:	Referral Agency.		
SARA trigger:	Schedule 10, Part 17, Division 3, Table 1, Item 1 - Operational work that is tidal works or work in a coastal management– tidal works		
		Mackay Isaac Whitsunday regional office Level 4, 44 Nelson Street, Mackay	

PO Box 257, Mackay QLD 4740

aspect (Planning Regulation 2017)

Schedule 10, Part 17, Division 3, Table 2, Item 1 - Operational work that is tidal works or work in a coastal management district in tidal waters - maritime safety aspect (Planning Regulation 2017)

SARA reference:	2004-16603 SRA
Assessment Manager:	North Queensland Bulk Ports Corporation
Street address:	1065 Hay Point Road, Hay Point
Real property description:	Lot 95 on SP231132
Applicant name:	BM Alliance Coal Operations Pty Ltd (BMA) as manager and agent on behalf of the Central Queensland Coal Associates Joint Venture Partners
Applicant contact details:	C/- Mr Peter Conway Level 14, 480 Queen Street Brisbane QLD 4000 peter.conway@bhp.com

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (section 30 Development Assessment Rules).

Copies of the relevant provisions are in Attachment 4.

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 <u>MIWSARA@dsdmip.qld.gov.au</u> who will be pleased to assist.

Yours sincerely

Patrick Ruettjes Manager (Planning) Mackay Isaac Whitsunday Regional Office

cc Mr Peter Conway, peter.conway@bhp.com

enc Attachment 1 - Referral agency conditions Attachment 2 - Advice to the applicant Attachment 3 - Reasons for referral agency response Attachment 4 - Representations provisions Attachment 5 - Referral agency plans and specifications

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application.)

(Copies of the plans and specifications referenced below are found at Attachment 5.)

No.	Conditions	Condition timing
Operational Work – Tidal works		
chief of Env develo	dule 10, Part 17, Division 3, Table 1 – Tidal works or work in a coastal m executive administering the <i>Planning Act 2016</i> nominates the Director-G vironment and Science to be the enforcement authority for the developm opment approval relates for the administration and enforcement of any n ing condition(s):	eneral of the Department ent to which this
1.	 The construction of berth pocket 2 must be carried out generally in accordance with the following plans: Berth 2 Pocket Extension General Arrangement, prepared by Aurecon dated 27/03/2019, reference 503133-2110-DRG-LL-0004 and revision B. 	For the duration of the works.
2.	 The development must be carried out generally in accordance with the following plans: SABR – Shiploader and Berth Replacement Existing Berth 2 Wharf Disassembly Arrangement, prepared by aurecon, dated 16/03/2020, reference HPT-082515 version 0; SABR – Shiploader and Berth Replacement Berth 2A Wharf Plan and Elevation, prepared by aurecon, dated 16/03/2020, reference HPT-082507 version 0; SABR – Shiploader and Berth Replacement Port Infrastructure Berth Pocket & Proposed Berth 2A Approvals Drawing, prepared by aurecon, dated 29/04/2020, reference HPT-082524 version 0; SABR - Shiploader and Berth Replacement Berth 2A Wharf Sections, prepared by aurecon, dated 16/03/2020, reference HPT-082509 version 0; SABR - Shiploader and Berth Replacement Berth 2A Wharf Sections, prepared by aurecon, dated 16/03/2020, reference HPT-082509 version 0; SABR - Shiploader and Berth Replacement J2TTP & Berth 2A Link Plan And Elevation, prepared by aurecon, dated 16/03/2020, reference HPT-082511 version 0; SABR - Shiploader And Berth Replacement Existing AC5 & Berth 2 Link Disassembly Arrangement, prepared by aurecon, dated 16/03/2020 version 0. 	<u>At all times.</u>
3.	For the proposed works, only use clean materials and ensure that the works do not cause contamination.	At all times.
4.	Should the berth and associated infrastructure the subject of this approval collapse, fail or otherwise suffer structural consequences which impact their integrity or ability to function as intended, the works must be:	As soon as reasonably practicable subsequent to the damage.

		,
	(a) <u>reinstated in accordance with this development</u> <u>approval; or</u>	
	(b) <u>removed and disposed of at an appropriately licensed</u> <u>facility.</u>	
5.	(a) Obtain RPEQ certification confirming that the tidal works, have been constructed in accordance with the Department of Environment and Heritage Protection guideline 'Building and engineering standards for tidal works' or nominate the relevant Australian Standards;	Within two (2) weeks of the completion of the works.
	(b) <u>A copy of the certification must be provided to</u> palm@des.qld.gov.au or mailed to:	
	<u>Department of Environment and Science</u> <u>Permit and License Management</u> <u>Implementation and Support Unit</u> <u>GPO Box 2454</u> Brisbane QLD 4001	
6.	Submit "As Constructed drawings" to palm@des.qld.gov.au or mail to:	Within two (2) weeks of the completion of
	Department of Environment and Science Permit and License Management Implementation and Support Unit GPO Box 2454 Brisbane QLD 4001	<u>the works.</u>
7.	Elements of the Shiploader 2 on Berth 2 superstructure which are to be removed, are to be removed and either disposed of to an appropriately licensed facility or otherwise reused elsewhere.	<u>As soon as</u> practicable.
<u>Opera</u>	tional Work – Tidal works	
distric nomir enforc	lule 10, Part 17, Division 3, Table 2, Item 1 – Tidal works or work in at (Maritime Safety aspect) — The chief executive administering the lates the Director-General of the Department of Transport and Main cement authority for the development to which this development ap istration and enforcement of any matter relating to the following co	<u>Planning Act 2016</u> Roads to be the proval relates for the
8.	(a) <u>The construction, operation or maintenance of the</u> <u>approved development must not damage or interfere</u> (physically or by electrical or electro-magnetic emissions) with any aid to navigation;	(a) <u>At all times.</u>
	(b) In the event that damage or interference is caused to any aid to navigation, the Harbour Master must be immediately contacted via mackay.maritime@msq.qld.gov.au and at the applicant's cost the damage or interference must be promptly repaired replaced or interference removed.	(b) <u>As indicated.</u>
9.	"As Constructed" drawings of the approved structure must be	Within two (2) weeks
L		I

	provided to mackay.martime@msq.qld.gov.au.	of the completion of the works.
10.	 (a) Provide written notice to mackay.martime@msq.qld.gov.au, when the development authorised under this approval is scheduled to commence. Each notice must state this application number, the location and name of registered place and the condition number under which the notice is being given. 	(a) <u>At least two (2)</u> <u>weeks prior to</u> <u>the</u> <u>commencement</u> <u>of works.</u>
	 (b) Provide written notice to mackay.martime@msq.qld.gov.au when the development authorised under this approval has been completed. Each notice must state this application number, the location and name of registered place and the condition number under which the notice is being given. 	(b) <u>Within two (2)</u> weeks of the completion of works.
11.	All vessels, structures, plant and equipment associated with the construction of the approved works must be lit/marked in accordance with the International Collision Regulations such that undertaking the construction works does not cause a risk to the safe navigation of ships.	While the works are occurring.
	Lighting provided must not obscure, disguise or otherwise interfere with the effectiveness of navigational lighting.	
12.	The structure must be lit/marked in accordance with International Collision Regulations, such that it does not cause a risk to the safe navigation of other ships	<u>At all times.</u>
	Lighting provided must not obscure, disguise or otherwise interfere with the effectiveness of navigational lighting.	
13.	The construction, operation or maintenance of the structure, and any ship moored at this structure, must not impede the safe navigation of other ships or restrict safe access to or from neighbouring structures.	<u>At all times.</u>
14.	(a) <u>Any debris or similar obstruction encountered whilst</u> <u>undertaking the work must be disposed of at the</u> <u>applicant's cost.</u>	While the works are occurring.
	 (b) <u>All piles and/or structures to be demolished, both above and below the waterline, must be extracted/removed generally in accordance with the following plan:</u> <u>SABR - Shiploader and Berth Replacement Existing Berth 2 Wharf Disassembly Arrangement, prepared by aurecon, dated 16/03/2020, reference HPT-082515 version 0;</u> <u>SABR - Shiploader And Berth Replacement Existing AC5 & Berth 2 Link Disassembly Arrangement, prepared by aurecon, dated 16/03/2020, reference HPT-082520</u> 	

Attachment 2—Advice to the applicant

Gene	General advice					
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016,</i> its regulation or the State Development Assessment Provisions (SDAP) [v2.6]. If a word remains undefined it has its ordinary meaning.					

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for SARA's decision are:

- The development application is for an 'Other Change' Operational work for demolition and replacement of Berth 2 and Shiploader 2 at the Hay Point Coal Terminal.
- The proposed work involves tidal works or work within a Coastal Management District.
- The proposed development complies with the relevant performance outcomes of the State Development Assessment Provisions (version 2.6), being State code 7: Maritime safety and State code 8: Coastal development and tidal works.
- Conditions have been imposed:
 - to ensure the development is carried out generally in accordance with the plans of development submitted with the application.
 - to ensure the development avoids or minimises adverse impacts on coastal resources and their values.
 - to ensure the development does not encroach on the navigable waterway in a way that impedes the safe passage of vessels.
 - to ensure that the development does not interfere with any existing aids to navigation.
 - to ensure that at all times, all lights on or above the development site do not interfere with safe navigation in surrounding waterways.
 - to facilitate the monitoring of the development works for compliance purposes.
- SARA supports the proposed development, subject to conditions.

Material used in the assessment of the application:

- The development application material and submitted plans
- Planning Act 2016
- Planning Regulation 2017
- The State Development Assessment Provisions (version 2.6), as published by SARA
- The Development Assessment Rules
- SARA DA Mapping system.

Attachment 4—Change representation provisions

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Attachment 5— Referral agency plans and specifications

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CLIENT DRAWING No. HP05-42110-R-DRG-00005

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	property of BHP Mitsubishi Alliance and may		R.P.E.Q	S.COLLINS	29-04-20	
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Attachment 2 – Extract on Appeal Rights

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 an appeal relating to the Plumbing and Drainage Act 2018-

(i) for an appeal against an enforcement notice given because of a belief mentioned in the Plumbing and Drainage Act 2018, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or

(ii) for an appeal against a decision of a local government or an inspector to give an action notice under the Plumbing and Drainage Act 2018—5 business days after the notice is given; or

(iii) otherwise—20 business days after the day the notice is given; or (g) for any



(g) 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**.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-

(i) the establishment cost of trunk infrastructure identified in a LGIP; or(ii) the cost of infrastructure decided using the method included in the local government's charges resolution.



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

1. Development applications

For a development application other than an excluded application, an appeal may be made against—

(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

Applicant name:	BM Alliance Coal Operations Pty Ltd (BMA) as manager and agent on behalf of the Central Queensland Coal Associates Joint Venture Partners
Applicant contact details:	C/- Mr Peter Conway Level 14, 480 Queen Street Brisbane QLD 4000 peter.conway@bhp.com

2. Property description of proposed development

Port:	Hay Point
Street address:	1065 Hay Point Road
	HAY POINT QLD 4740
Real property description:	Lot 95 SP231132
Local government area:	Mackay Regional Council

3. Development details

Approved development:	Other Change - Operational work for the demolition and replacement of Berth 2 and Shiploader 2 at the Hay Point Coal Terminal.
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4. Assessment matters

The application has been assessed against:

- State Development Assessment Provisions, version 2.1
- 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 the State Development Assessment Provisions
- Is consistent with the functions of the Port as specified in the *Transport Infrastructure Act* 1994, chapter 8, part 3

6. Relevant material

Evidence or other material on which the findings were based:

• Material provided in the development application.



Port Development Approval

Port of Hay Point Land Use Plan (April 2010)

1. Details of approval

Applicant:	BM Alliance Coal Operations Pty Ltd (BMA) as manager and agent on behalf of the Central Queensland Coal Associates Joint Venture Partners
Approved proposal:	 Demolition and replacement of Berth 2 and shiploader 2 at the Hay Point Coal Terminal.
	Ancillary works for construction management.
Currency of approval	This approval will lapse if the approved development is not substantially commenced within six (6) years of the date of decision.
Date of decision	22 June 2020
Decision:	Approved Approved subject to conditions

2. Property description of proposed development

Port:	Hay Point
Street address:	1065 Hay Point Road HAY POINT QLD 4740
Real property description:	Lot 95 SP231132

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 as an enclosure.

Plan / Document name	Plan / Document number	Date
Existing Berth 2 Wharf Disassembly Arrangement	HPT-082515 Sheet1/2	16-03-20 Rev 0
Berth 2A Wharf Plan & Elevation	HPT-082507 Sheet 1/1	16-03-20 Rev 0
Berth Pocket & Proposed Berth 2A Approvals Drawing	HPT-082524 Sheet 1/1	29-04-20 Rev 0

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 *Planning Act 2016*).



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	North Queensland Bulk Ports Corporation		
ground disturbance activities occurring.	Email: PortOperations@nqbp.com.au		
Building Approvals – To be obtained for any	Building Certifier		
temporary construction offices and other			
buildings.			

5. Conditions of approval

	Condition	Timing
Carry out the approved development		
1.	Port operations must be notified of the proposed construction commencement dated via <u>PortOperations@nqbp.com.au</u> .	At least two (2) weeks prior to commencement of works.
2.	Appropriate laydown areas for, all ancillary works, construction material storage and the like, are to be established at a site to be agreed with NQBP. Details of the proposed site are to be provided to NQBP for review and approval, via <u>approvals@nqbp.com.au</u> .	At least two (2) weeks prior to commencement of works.
3.	The Applicant is to enter into an agreement with NQBP regarding occupation of the land for laydown areas to be utilised during construction of the Approved Development.	Prior to commencement of works.
Site management		
4.	All vehicle parking for construction personnel must be contained within the approved laydown areas. Parking within the Half Tide Tug Harbour Public Boat ramp car park and adjacent public parking areas is not permitted.	At all times.
5.	The Applicant, or party acting on behalf of the applicant, is not permitted to adversely impact the effective and efficient operation of the Port.	At all times.
6.	The laydown areas must be kept clean and tidy.	At all times.
7.	The Applicant 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.



Condition	Timing
General environmental management	
 8. An Environmental Management Plan must be prepared and submitted for review and approval by NQBP via, <u>approvals@nqbp.com.au</u>. The EMP must address the following as a minimum: Stormwater Traffic Waste Contamination 	At least four (4) weeks prior to commencement of use of laydown areas.
 9. 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: cease an activity implement appropriate impact control measures modify work plans or methods. 	At all times.
 Any environmental emergency, incident or potentially harmful event involving the approved development must be reported to NQBP's Environment Group via <u>environment@nqbp.com.au</u> or 1300 129 255. 	Initial report: within 24 hours of the emergency, incident or event occurring.
 A written report must also be provided, detailing the following information: 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 proposed actions to prevent a recurrence. 	Written report: within 14 days of the emergency, incident or event occurring.
Community	
11. Access to the Half Tide Tug Harbour public boat ramp facilities (including car parking) must not be constrained as a result of construction activities unless prior approval is received from NQBP via approvals@nqbp.com.au .	At all times.



Condition	Timing
12. Any community complaints, received by the Applicant, or party acting on behalf of the applicant, must be reported to NQBP's Planning Group via <u>planning@nqbp.com.au</u> or 07 3011 7900.	Initial report: within 24 hours of receiving the complaint.
A written report must also be provided, detailing the following information:	Written report: within 14 days of receiving
 incident subject of the complaint investigations undertaken into the complaint proposed action to be undertaken to prevent further complaints. 	the complaint.

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

Cultural heritage duty of care

1. Section 23 of the *Aboriginal Cultural Heritage Act 2003* 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 <u>https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/A/AborCultHA03.pdf</u>

Hours of work and noise

2. Section 440R of the *Environmental Protection Act 1994* 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 <u>https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EnvProtA94.pdf</u>

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



Approved drawings

Plan / Document name	Plan / Document number	Date
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