

Decision Notice

Sustainable Planning Act 2009 s.334

14 March 2016

Mr Hugh Simmons
Green Coast Resources Pty Ltd
PO Box 43
RAINBOW BEACH QLD 4581

Dear Hugh,

DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR ERA 50 (1a) BULK MATERIAL HANDLING FOR THE TRANSHIPMENT OF BAUXITE (AS PART OF THE HEY POINT BAUXITE PROJECT) ON STRATEGIC PORT LAND AT THE PORT OF WEIPA

NQBP Reference: PL/06/02/00009/2

SARA Reference: SDA-0116-027454

I refer to your application received by North Queensland Bulk Ports Corporation Ltd (NQBP) on 7 January 2016, seeking approval for a Material Change of Use for Environmentally Relevant Activity (ERA) 50 (1a), Bulk Material Handling, for the transshipment of bauxite at the Port of Weipa.

I wish to advise that NQBP has considered your application and on 14 March 2016 this development application was approved in full subject to conditions, pursuant to section 334 of the *Sustainable Planning Act 2009*.

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:	Material Change of Use of Premises for Environmentally Relevant Activity (ERA) 50 (1a) Bulk Material Handling – loading or unloading 100t or more of minerals in a day within 5km of the highest astronomical tide or 1km of a watercourse.
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 type="checkbox"/> Carrying out operational work <input type="checkbox"/> Reconfiguring a lot <input checked="" type="checkbox"/> Making a material change of use of premises

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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

2. Property Description of Proposed Development

<i>Port:</i>	Weipa
<i>Address:</i>	Port of Weipa Emergency Anchorage Area
<i>Real Property Description:</i>	Lot 14 on SP120446

3. Approved Drawings and Documents

<i>Plan or document</i>	<i>Reference number</i>	<i>Date</i>
Development Application Supporting Information Report – Metserve Mining & Energy Technical Services Pty Ltd	230628 (Version 2)	18/12/2015

4. Referral Agency Response

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

<i>Attachment</i>	<i>Referral Agency</i>	<i>Advice or Concurrence Agency</i>	<i>Date of Response</i>	<i>Reference Number</i>
3	Dept. Infrastructure, Local Government and Planning c/- State Assessment and Referral Agency (SARA)	Concurrence	22/02/2016	SDA-0116-027454

5. Approval under Section 331

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

6. Duration of Approval

The activity is authorised to be undertaken for a period of four years only from the date of this approval.

7. 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).

8. 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:

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.

9. Additional Approvals Required

This Development Permit is limited to a Material Change of Use for Environmentally Relevant Activity 50 (1a), Bulk Material Handling for the transshipment of bauxite on Lot 14 on SP120446 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 Permit does not remove the requirement for any other legislative approval.

It is the applicant's responsibility to ensure that it obtains all other necessary approvals to undertake the use / works approved under this development approval. In particular, the applicant should note the requirement to obtain approvals for, but not limited to:

<i>Permit / Licence Requirements</i>	<i>Relevant Agency</i>
Environmental Authority	Department of Environment and Heritage Protection

If you have any queries regarding the above Development Permit or its conditions, please contact NQBP's Principal Planner, Sally Sala, on the contact details below.

Yours sincerely



R. Brunner
Senior Manager Planning

Enquiries: Sally Sala
Telephone: (07) 3011 7906
Email: SSala@nqbp.com.au
Doc Reference: E16/03161

ATTACHMENT 1 – ASSESSMENT MANAGER CONDITIONS

<i>General</i>	
1.	The operations are to be substantially in accordance with the submitted plans and documents. No additional or intensified activities or works are to be undertaken unless approved by NQBP and any other relevant agencies.
2.	Where potential or actual environmental harm may be caused or impacts on port activities are identified, NQBP may at any time require the occupier of the place to: <ul style="list-style-type: none">• Cease an activity;• Implement appropriate impact control measures;• Modify work plans or procedures; or• Provide amended Management Plans to NQBP for approval.
3.	NQBP must be notified of all community complaints that are received by the proponent or their affiliates. NQBP must be notified within 24 hours of the community complaint being made. 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.
<i>General Environmental Management</i>	
4.	Any environmental emergency, incident or potentially harmful event must be reported to the Environment Group of NQBP within 24 hours of the emergency, incident or event (environment@nqbp.com.au or (07) 4955 8171).
5.	Within 14 days of any environmental emergency, incident or potentially harmful event, a written report detailing the following information must be provided to the Environment Group of NQBP: <ul style="list-style-type: none">• the name of the operator;• the name and telephone number of a designated contact person;• quantity and substance released;• person/s involved;• location and time of the release/event;• likely cause of release/event;• effects of the release;• sampling performed and conclusions drawn;• actions taken to mitigate any environmental harm; and• proposed actions to prevent a recurrence.

6. The proponent must ensure that spill kits appropriate to the types of hazardous materials stored or used in the activity are located in easily identifiable and accessible locations, throughout operations.

Spill kits should be regularly inspected to ensure they are in working order and fully stocked with the required spill response materials.

All operational staff should be inducted and trained in spill response procedures and the use of spill kit material.

7. The proponent must keep a record of marine megafauna sightings when undertaking the approved activity. This record must be provided to NQBP's Environment Team on a three monthly basis.

Management Plans

8. The Marine Operations Plan, Ship Sourced Pollution Prevention Plan, and Extreme Weather Event Contingency Plan must be amended to include the detail included at Note 1 (at the end of these conditions) and the requirements of the Development Permit and Environmental Authority. This document should be provided to NQBP for final review and approval two weeks prior to commencing any transshipment operations.

9. Activities are to be managed as specified in the Marine Operations Plan, Ship Sourced Pollution Prevention Plan, and Extreme Weather Event Contingency Plan, approved by NQBP and the Regional Harbour Master. NQBP may require amendments to the Marine Operations Plan in the future, as per condition 2.

Waste Management

10. No sewage or garbage is to be removed from the bulk cargo ship while it is within Port of Weipa port limits.

11. No wash down of the bulk ship, including its hold covers, is to occur within Port of Weipa port limits.

Management of Dangerous Goods

12. All hazardous substances in the vessels involved in the transshipment activity must be stored in a secure, appropriately bunded and roofed (where practical) area. Infrastructure must be installed to prevent uncontrolled releases into the environment.

Special Conditions

13. The transshipment activity is not to commence until the Port Access Agreement between Green Coast Resources and NQBP has been finalised.

14. The transfer of product from barge to bulk cargo ship (the transshipment activity) is not to occur outside the operational hours of 6:00 am to 8:30 pm.

(Note: the transshipment barge loading at the mine site and steaming to bulk cargo ship is permitted to occur outside these hours as per the Marine Operations Plan).

15. Noise is to be minimised at all times in the transshipment operation.

16. Where noise monitoring has been requested by the Administering Authority to investigate a noise complaint, NQBP is to be provided with a copy of the report at the same time it is submitted to the Administering Authority. The report should include actions to prevent a reoccurrence should noise level exceedances be identified.

17. While anchored at the transshipping location, the bulk cargo ship is to run ship's generators at minimum power for safe ship operation during the hours of 8:30 pm to 6:00 am to minimise noise emissions. This does not prevent the ship from arriving or departing during this period.

18. Bauxite loading is to be reduced during south-westerly winds, where wind strength has been assessed as being sufficient to potentially cause an environmental impact to sensitive areas.

Note 1: Updates required to Marine Operations Plan, Extreme Weather Event Contingency Plan, and Ship Sourced Pollution Prevention Plan as per Condition 8

The Marine Operations Plan is to document the environmental practices and controls associated with the ship loading, as proposed in the development application and the response to the information request. It should also be updated to reflect relevant conditions of this Decision Notice as well as any requirements of the Environmental Authority.

Specific updates required in addition to the above include:

Document – Marine Operations Plan

- Section 2.1 – The second paragraph indicates that there are two possibilities for anchorage – the emergency anchorage and Jackson Channel. Because Green Coast Resources has selected the emergency anchorage and is obtaining the approvals for this, this section should be updated to reflect this outcome.
- Sewerage – Section 9.4 and 14.4 should clearly reference that untreated sewerage from the tug/ barge will only be discharged when the vessels are more than 17 nautical miles from the Port of Weipa (as confirmed in the response to the information request).
- Section 14.2 – Please note in the document that under current Weipa Port Rules, no person shall carry out a Marine Transfer Activity within any part of the Port Area (on Strategic Port Land or from marine infrastructure owned or controlled by NQBP) without approval from NQBP. Refuelling at Evan's Landing Wharf is within the Port area. This refuelling approval is in the form of a Fuel Permit. Consequently, this permit should be sighted by the vessel Master prior to undertaking any bunkering of a vessel within the Port Area.
- Section 14.3 – Please reference that bulk cargo ship galley wastes will remain on the bulk cargo ship and cannot be taken ashore
- Please reference that no maintenance activities will be undertaken on vessels within port limits or within Strategic Port Land during the life of the operation (such as abrasive blasting, painting) without further consent being obtained from NQBP.
- Please reference that vessel wash down will not occur within the Port of Weipa as identified in response to the information request.

Document - Extreme Weather Event Contingency Plan

Please update the following Act references in the above document:

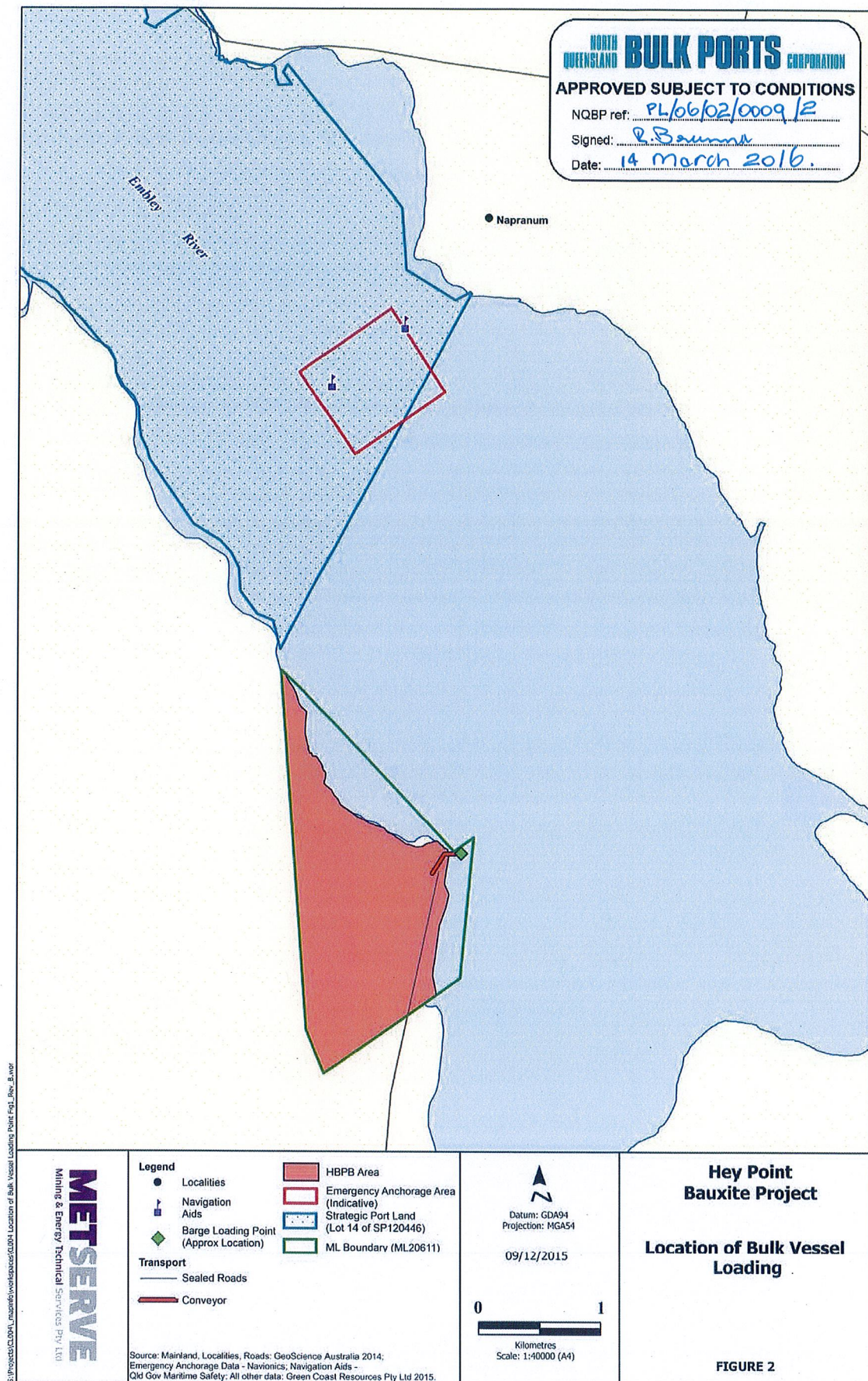
- QLD Ports Act 1999 is not accurate, reference should be to *QLD Transport Infrastructure Act 1994*
- *Environmental Protection Act* is 1994 not 1986

Document - Ship Sourced Pollution Prevention Plan

- It is noted that monthly audits on operations is to be undertaken based on this Plan. Please include a requirement for NQBP to be provided with an annual summary report identifying any significant / high priority non-compliances found during the audit program and how these have been addressed throughout the review period.
- Please include information on the temporary storage volume allowable of fuels/ oils etc.
- Please incorporate reference to NQBP's first strike responder role for marine oil / fuel spills
- This report should incorporate detail on vessel to vessel bunkering with respect to hose coupling (need for and extent of such) and protection measures around these.
- The Bunker Transfer Checklist should incorporate details of additional focus items for vessel to vessel bunkering as compared to vessel to shore bunkering. For vessel to vessel bunkering this should also include the need for continuous communication to be established for the duration of the bunkering. The need for the bunker operator to hold a Fuel Permit from NQBP under Port Rules if the bunkering is occurring within the Port Area should be noted in the document.

- Section 1.4 - Please note that galley waste from the bulk cargo ship is classified as quarantine waste and cannot be taken from the ship while in port.
- Section 5.2 - As advised in the Information Response, please note in this section that no sewage will be taken ashore from the bulk cargo ship and untreated sewage will not be discharged into port waters from the ship.

ATTACHMENT 2 – APPROVED LOCATION FOR TRANSHIPMENT OPERATION



ATTACHMENT 3 – STATE ASSESSMENT AND REFERRAL AGENCY CONDITIONS



Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0116-027454
Your reference: PL/06/02/00009

22 February 2016

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

Att: Sally Sala

Dear Sir / Madam

Concurrence agency response—with conditions

Development permit for a material change of use for an Environmentally Relevant Activity (ERA50(1)(a)) – Stockpiling 50 000t or more of minerals of loading or unloading 100t/per day or more of minerals within 5km of highest astronomical tide or 1km of a watercourse within strategic port land described as Lot 14 on SP120446

(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 21 January 2016.

Applicant details

Applicant name:	Green Coast Resources Pty Ltd
Applicant contact details:	PO Box 43 Rainbow Beach QLD 4581

Site details

Site location:	Strategic Port Land
Real property description:	Lot 14 on SP120446
Local government area:	Cook Shire Council

Application details

Proposed development: Development permit for a material change of use for an Environmentally Relevant Activity (ERA50(1)(a)) – Stockpiling 50 000t or more of minerals of loading or unloading 100t/per day or more of minerals within 5km of highest astronomical tide or 1km of a watercourse

Referral triggers

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

Referral trigger **Schedule 7, Table 2, Item 1** — Environmentally relevant activities

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
Aspect of development: Development Permit for a material change of use for an environmentally relevant activity - (ERA50(1)(a)) – Stockpiling 50 000t or more of minerals of loading or unloading 100t/per day or more of minerals within 5km of highest astronomical tide or 1km of a watercourse				
Development Application Supporting Information report	METSERVE Mining & Energy Technical Services Pty Ltd	18 December 2015	Green Coast Resources – Hey Point Transshipment Activities (File ID 230628)	2

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 who will
be pleased to assist.

Yours sincerely



Brett Nancarrow
A/Manager (Planning)

cc: Green Coast Resources Pty Ltd, email: HSimmons@GreenCoastResources.com.au

enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions

Our reference: SDA-0116-027454
 Your reference: Hey Point Bauxite Project

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material Change of Use - Environmentally relevant activity - (ERA50(1)(a)) – Stockpiling 50 000t or more of minerals of loading or unloading 100t/per days or more of minerals within 5km of highest astronomical tide or 1km of a watercourse		
Schedule 7, Table 2, Item 1 – Environmentally relevant activities — Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Environment and Heritage Protection 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 condition(s):		
1.	The development must be generally in accordance with the Development Application Supporting Information report prepared by METSERVE Mining & Energy Technical Services Pty Ltd dated 18 December 2015, reference Green Coast Resources – Hey Point Transshipment Activities (File ID 230628) and revision 2.	At all times

Our reference: SDA-0116-027454
Your reference: Hey Point Bauxite Project

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 transshipping operations described in the report submitted with the development application.
- To ensure the development achieves the outcomes in 4.1 Concurrence environmentally relevant activities state code in the State Development Assessment Provisions version 1.7.