

15 January 2018

Leigh Baughurst North Queensland Bulk Ports Corporation PO Box 3340 MACKAY QLD 4740

Dear Leigh,

DEVELOPMENT APPROVAL PACKAGE FOR THE UPGRADE OF THE HALF TIDE TUG HARBOUR PUBLIC BOAT RAMP ON LAND DESCRIBED AS LOT 143 ON SP121683 AND LOT 144 ON SP121683, AT THE PORT OF HAY POINT

NQBP Reference:	PL/03/02/00005
Your Reference:	P17-006

North Queensland Bulk Ports Corporation Ltd (NQBP) wish to advise that your development application seeking approval to upgrade the Half Tide Tug Harbour public boat ramp, including pile driving, widening of the boat ramp and installation of a floating walkway at the Port of Hay Point was approved in full subject to conditions on 15 January 2018.

Approvals have been given with respect to operational works being tidal works assessable under Schedule 10, Part 17, Division 1, Section 28 (1)(a) of 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.

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

Yours sincerely

Julie Keane Principal, Development Approvals

Telephone: Email: Doc Reference:	(07) 3011 7912 JKeane@nqbp.com.au E18/00034
Enc:	Decision notice issued under s 63 of the <i>Planning Act 2016</i> Statement of reasons issued under s 56 of the <i>Planning Act 2016</i> Port development approval issued under the Port of Hay Point Land Use Plan (April 2010). Approved drawings
Cc:	Department of State Development, Manufacturing, Infrastructure and Planning Mackay Regional Council

BRISBANE OFFICE GPO Box 409 Brisbane Queensland 4001

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MACKAY OFFICE Level 1 Waterfront Place Mulherin Drive Mackay Harbour Queensland 4740 P 07 4969 0700 F 07 4969 0799 ngbp.com.au Info@ngbp.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:	North Queensland Bulk Ports Corporation
Approved development:	Tidal Works assessable under Schedule 10, Part 17, Section
	28 (1)(a), comprising:
	Pile driving
	 Widening of the existing boat ramp
	 Installation of floating walkway pontoon
	Associated works
Date of decision	15 January 2018
Aspect of development:	Material change of use
	Reconfiguring a lot
	Operational work
	Building work
Decision:	Preliminary approval only (with conditions)
	Part approval only (with conditions)
	Part approval only (without conditions)
	Approval (with conditions)

2. Property description of proposed development

Port:	Hay Point
Street address:	Hay Point Road, Hay Point
Real property description:	Lot 143 on SP121683
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	Revision / Date
Proposed Concept Design Sheet 1	PA1652/CP/PR1	Rev C 27/10/2017
Proposed Concept Design Sheet 2	PA1652/CP/PR2	Rev C 27/10/2017



4. Referral agency response

The relevant referral agency response is listed below, and attached to this decision notice.

Referral agency	Date of response	Reference number
Department of Infrastructure, Local	21 December 2017	1711-2560 SRA
Government and Planning		

5. Properly made submissions

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

6. Additional development permits

This development approval is limited to 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.

Please be advised that 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 has not substantially commenced within two (2) years after the approval takes effect.

8. Rights of appeal

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

A copy of the relevant appeal provisions is attached.

Further information may be obtained from the Planning and Environment Court website:

http://www.courts.qld.gov.au/courts/planning-and-environment-court



Attachment 1

ASSESSMENT MANAGER CONDITIONS

		Condition		Timing
Carry out the approved development				
 The development must be undertaken generally in accordance the plans and supporting documentation reference in the table below and attached which form part of this approval, unless otherwise specified by any condition of this approval. 			At all times.	
Plan / D	ocument name	Plan / Document number	Date	
Propose Sheet 1	ed Concept Design	PA1652/CP/PR1	Rev C 27/10/2017	
Propose Sheet 2	ed Concept Design	PA1652/CP/PR2	Rev C 27/10/2017	
acco Guic 2093	 "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 to NQBP via approvals@ngbp.com.au. 			Four (4) weeks prior to commencement of works.
 No marine sediment is to be removed from the area of the toe of the boat ramp above the line of highest astronomical tide. 		At all times.		
Environ	mental manageme	ent		
 4. A final Construction Environmental Management Plan is to be submitted for review and approval to NQBP via approvals@nqbp.com.au. The CEMP is to incorporate the following minimum requirements: Detailed methodology for installation of piles Measures to be implemented to minimise turbidity generated through bed-levelling, such as conducting works during low tide Measures to manage interactions with marine fauna, being a requirement to stop work where marine mammals or marine turtles are within 100 m of the area of works Measures to minimise and manage spills from construction equipment Measures to minimise and manage noise and dust emissions 			Four (4) weeks prior to commencement of works.	
 The release of sediment or sediment laden stormwater from the site must be minimised by implementing best industry practice for sediment and stormwater control. 			At all times.	



	Condition	Timing
6.	All waste must be removed from the site and taken to a licenced waste management facility on a regular basis. No waste is to be burned or buried on site.	At all times.
Tra	affic management	
7.	 A Traffic Management Plan must be provided for review and approval by NQBP via <u>approvals@nqbp.com.au</u>. The plan must address: Safe operation requirements for construction vehicles within the public boat ramp and car park areas Directional signage requirements and specifications 	Four (4) weeks prior to commencement of works.



Attachment 2

REFERRAL AGENCY RESPONSE

Referral agency	Date of response	Reference number
Department of Infrastructure, Local Government and Planning	21 December 2017	1711-2560 SRA



Department of Infrastructure, Local Government and Planning

Our reference:1711-2560 SRAYour reference:PL/03/02/00005

21 December 2017

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

Attention: Julie Keane

Dear Ms Keane

Referral agency response—with conditions

(Given under section 56 of the Planning Act 2016)

The development application described below was properly referred to the Department of Infrastructure, Local Government and Planning on 20 November 2017.

Applicant details

Applicant name:	Leigh Baughurst (North Queensland Bulk Ports Corporation)
Applicant contact details:	PO Box 3340 Mackay QLD 4740 amanda.mcguane@rhdhv.com
Location details	
Street address:	Hay Point Road, Hay Point
Real property description:	Lot 143 on SP121683
Local government area:	Mackay Regional Council
Application details	
Development permit	Operational work for tidal works (upgrade of an existing public access boat ramp including boat ramp widening, pile driving and pontoon installation)
Referral triggers	

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

• 10.17.3.1.1 Tida

Tidal works or work in a coastal management district

Conditions

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

Reasons for decision to impose conditions

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

Approved plans and specifications

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

Drawing/Report title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development	t: Operational work			
Proposed Concept Design Sheet 1	Haskoning Australia Pty Ltd	27.10.2017	PA1652/CP/PR1	С
Proposed Concept Design Sheet 2	Haskoning Australia Pty Ltd	27.10.2017	PA1652/CP/PR2	С

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

For further information please contact Ainsley Sullivan, Senior Planning Officer, on (07) 4898 6813 or via email MIWSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

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

cc Leigh Baughurst (North Queensland Bulk Ports Corporation), C/- amanda.mcguane@rhdhv.com

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

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Opera	ational Work	1
the De develo	.3.1.1—The chief executive administering the <i>Planning Act 2016</i> nominate epartment of Environment and Heritage Protection to be the enforcement appment to which this development approval relates for the administration ar relating to the following condition(s):	authority for the
1.	 The development must be carried out generally in accordance with the following plans: Proposed Concept Design Sheet 1, prepared by Haskoning Australia Pty Ltd, dated 27/10/2017 reference PA1652/CP/PR1, Issue C; and Proposed Concept Design Sheet 2, prepared by Haskoning Australia Pty Ltd, dated 27/10/2017 reference PA1652/CP/PR2, Issue C. 	For the duration of the works.
2.	 The development must be carried out generally in accordance with the Guideline: Building and engineering standards for tidal works prepared by the Department of Environment and Heritage Protection dated 2013, reference EM2093, in particular: Design and safety – All work; Minimum design criteria, part B, section 3.0; and Minimum design criteria part D. 	For the duration of the works.
3.	Erosion and sediment control measures which are in accordance with the <i>Best Practice Erosion and Sediment Control (BPESC) guidelines</i> <i>for Australia (International Erosion Control Association),</i> are to be installed and maintained to prevent the release of sediment to tidal waters.	For the duration of the works.
4.	Submit RPEQ certified "As Constructed drawings" to <u>palm@ehp.qld.gov.au</u> or mail to: Department of Environment and Heritage Protection Permit and License Management Implementation and Support Unit GPO Box 2454 Brisbane QLD 4001	Within two (2) weeks of completion of the works.
5.	In the event that the works cause disturbance or oxidisation of acid sulfate soil, the affected soil must be treated and thereafter managed (until the affected soil has been neutralised or contained) in accordance with the current <i>Queensland Acid Sulfate Soil Technical</i> <i>Manual: Soil management guidelines</i> , prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014.	Upon disturbance or oxidisation until the affected soil has been neutralised or contained.

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 ensure the development is carried out generally in accordance with DEHP Guidelines.
- To ensure the development avoids or minimises adverse impacts on coastal resources and their values.
- To allow for compliance in relation to what is considered generally in accordance with the approved plans when preliminary plans are submitted with the application. Development inconsistent with the approval may have an impact on coastal management that was not considered in assessment.
- To ensure any disturbance to acid sulfate soils is managed to prevent impacts to coastal environments.



Department of Infrastructure, Local Government and Planning

Department of Infrastructure, Local Government and Planning Statement of reasons for application 1711-2560 SRA

(Given under section 56 of the Planning Act 2016)

Departmental role:	Referral agency
Applicant details	
Applicant name:	Leigh Baughurst
Applicant contact details:	North Queensland Bulk Ports Corporation PO Box 3340 Mackay QLD 4740 C/- amanda.mcguane@rhdhv.com
Location details	
Street address:	Hay Point Road, Hay Point
Real property description:	Lot 143 on SP121683
Local government area:	Mackay Regional Council
Development details	
Development permit	Operational work for upgrade of an existing public access boat ramp within an operational harbour including boat ramp widening, pile driving and pontoon installation.

Assessment matters

Aspect of development requiring code assessment	Applicable codes
1.Operational Work	State code 8 – Coastal Development and Tidal Works

Reasons for the department's decision

The reasons for the decision are:

• An assessment against State code 8 has found that the proposal (with conditions) complies with the code.

Evidence or other material on which the findings were based

- development application
- State Development Assessment Provisions published by the Department of Infrastructure, Local Government and Planning
- Planning Act 2016
- Planning Regulation 2017



Attachment 3

APPEAL PROVISIONS

PLANNING ACT 2016

229 APPEALS TO TRIBUNAL OR P&E COURT

- (1) Schedule 1 states-
 - (a) matters that may be appealed to-
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person-
 - (i) who may appeal a matter (the "appellant"); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An **appellant** may start an appeal within the **appeal period**.

(3) The "appeal period" is-

(a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or

(b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or

(c) for an appeal against a decision of the Minister, under *Chapter 7*, *part 4*, to register premises or to renew the registration of premises—20 business days after a notice is published under *section 269* (3)(a) or (4); or

(d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or

(e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the **appellant** gives the deemed approval notice to the assessment manager; or

(f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

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



SCHEDULE 1 APPEALS

1 Appeal rights and parties to appeals

(1) Table 1 states the matters that may be appealed to-

(a) the P&E court; or

(b) a tribunal.

Table 1

Appeals to the P&E Court and, for certain matters, to a tribunal

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:	North Queensland Bulk Ports Corporation
Applicant contact details:	Leigh Baughurst
	North Queensland Bulk Ports Corporation
	PO Box 3340
	MACKAY QLD 4740

2. Property description of proposed development

Port:	Hay Point
Street address:	Hay Point Road, Hay Point
Real property description:	Lot 143 on SP121683 and Lot 144 on SP121683
Local government area:	Mackay Regional Council

3. Development details

Approved development:	 Operational works being tidal works assessable under Schedule 10, Part 17, Section 28 (1)(a), comprising: Pile driving Widening of the existing boat ramp Installation of a floating walkway pontoon Associated works
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4. Assessment matters

The application has been assessed against:

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

5. Reasons for the decision

The reasons for the decision are that the proposal:

- Complies and contributes toward the achievement of the desired environmental outcomes of the Port of Hay Point Land Use Plan 2010.
- Is consistent with the functions of the Port as specified in the *Transport Infrastructure Act* 1994, chapter 8, part 3

Evidence or other material on which the findings were based:

• Material provided in the development application.



Port Development Approval

Port of Hay Point Land Use Plan (April 2010)

1. Details of approval

Applicant:	North Queensland Bulk Ports Corporation	
Approved development:	 Upgrade of the existing public boat ramp, comprising: Widening of the existing boat ramp Pile driving Installation of floating walkway pontoon Construction laydown area Associated works 	
Currency of approval	This development approval will lapse if the development has not substantially commenced within two (2) years after the approval takes effect.	
Date of decision	15 January 2018	
Decision:	Approved Approved subject to conditions	

2. Property description of proposed development

Port:	Hay Point
Street address:	Hay Point Road, Hay Point
Real property description:	Lot 143 on SP121683 and Lot 144 on SP121683
Lease:	Not applicable
Lessee:	Not applicable

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.

Drawing name	Drawing number	Revision and date
Proposed Concept Design Sheet 1	PA1652/CP/PR1	Rev C 27/10/2017
Proposed Concept Design Sheet 2	PA1652/CP/PR2	Rev C 27/10/2017

4. Additional approvals required

This Port Development Approval is limited to Approved Development 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.



5. 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 https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/A/AborCultHA03.pdf

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



6. Conditions of approval

	Condition	Timing
Са	rry out the approved development	
1.	The Applicant is to provide details regarding the location and extent of the construction laydown area to be utilised during construction works.	Four (4) weeks prior to commencement of works.
2.	NQBP Port Operations (via <u>PortOperations@nqbp.com.au</u>) must be advised of commencement of works and project timing.	Two (2) weeks prior to commencement of works.
3.	Construction works must only occur between 6.30 am and 6.30 pm Monday to Saturday (excluding public holidays).	During construction works.
Sit	e management	
4.	All construction vehicle parking must be accommodated within the lay down area agreed in Condition 1.	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 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.	At all times.
Ge	neral environmental management	
7.	 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.
8.	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 07 4969 7000 A written report must also be provided, detailing the following information:	Initial report: within 24 hours of the emergency, incident or event occurring. Written report: within
	 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 	14 days of the emergency, incident or event occurring.

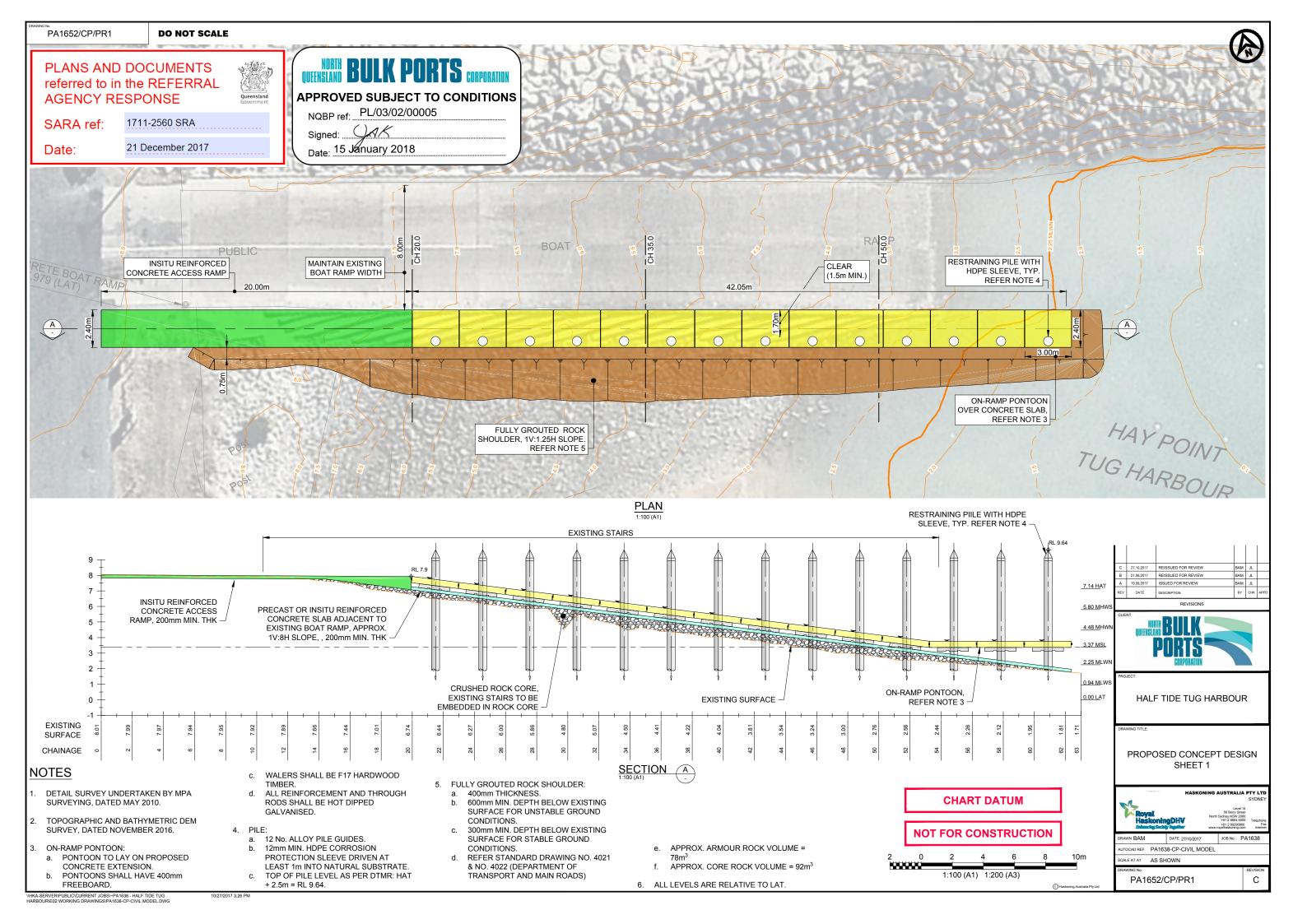


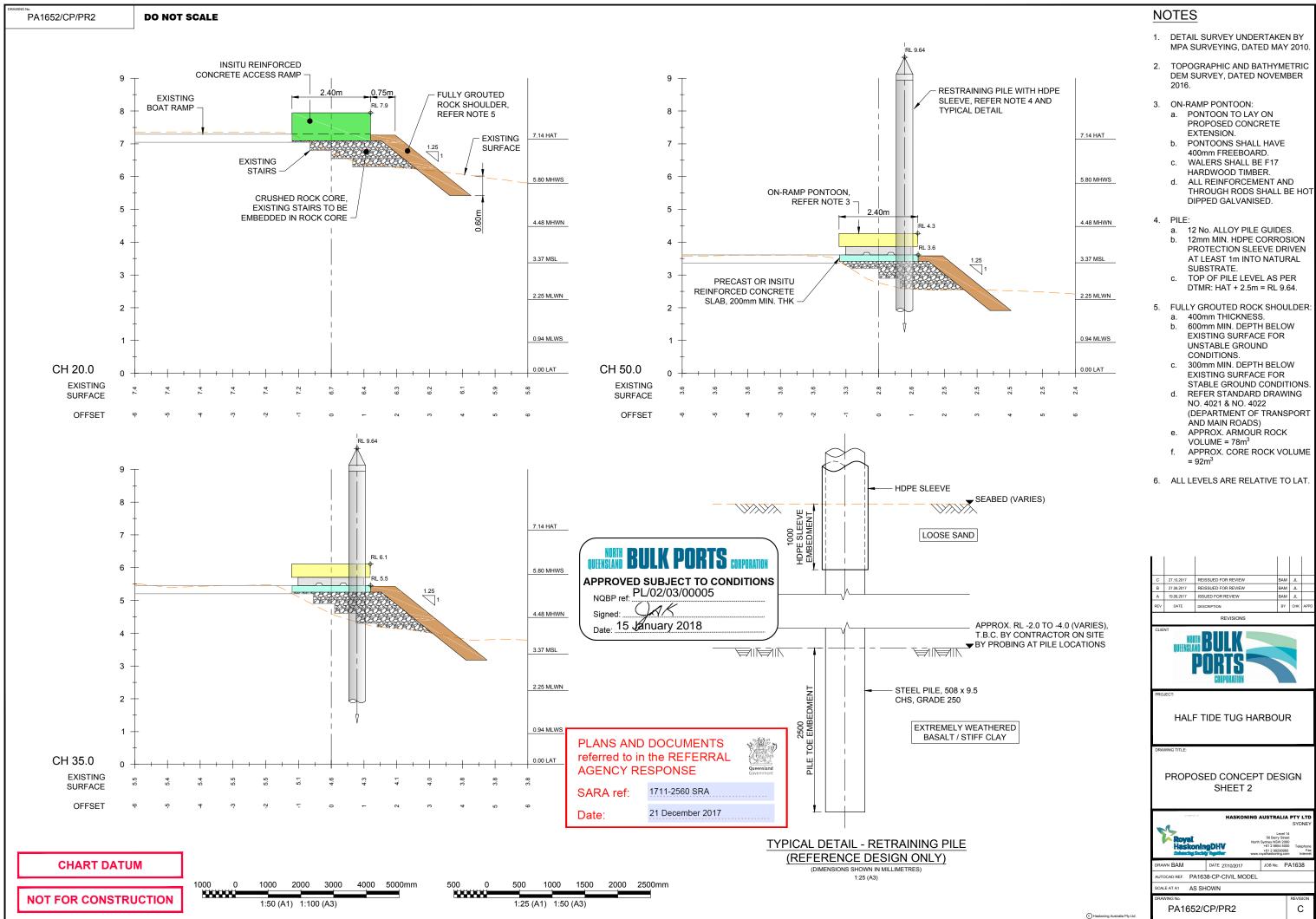
	Condition	Timing
	 effects of the release sampling performed and conclusions drawn actions taken to mitigate any environmental harm proposed actions to prevent a recurrence. 	
Co	mmunity	
9.	 A communication strategy must be submitted for approval by NQBP via <u>approvals@nqbp.com.au</u>. The strategy must address: Notification requirements and procedures to alert port users of disruptions to the use of the public boat ramp and car park Signage requirements 	Four (4) weeks prior to commencement of works.
10.	Access to the public boat ramp facilities (including car parking) must be maintained during weekends, public and school holiday periods.	At all times.
11.	Any community complaints, received by the Applicant, or party acting on behalf of the applicant, must be reported to NQBP's via <u>approvals@nqbp.com.au</u> or 07 3011 7900. A written report must also be provided, detailing the following	Initial report: within 24 hours of the emergency, incident or event occurring.
	 information: incident subject of the complaint 	Written report: within 14 days of the
	 incident subject of the complaint investigations undertaken into the complaint proposed action to be undertaken to prevent further complaints. 	emergency, incident or event occurring.



Approved drawings

Drawing name	Drawing number	Revision and date
Proposed Concept Design Sheet 1	PA1652/CP/PR1	Rev C 27/10/2017
Proposed Concept Design Sheet 2	PA1652/CP/PR2	Rev C 27/10/2017





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	REV	DATE	DESCRIPTION		BY	СНК	APPD
	REVISIONS						
	CLIEI	nt QUEENSL	RIN BUL PORT				
	PROJECT: HALF TIDE TUG HARBOUR DRAWING TITLE PROPOSED CONCEPT DESIGN SHEET 2 HASKONING AUSTRALIA PTY LTD SYDNE HASKONING AUSTRALIA PTY LTD HASKONING AUSTRALIA PTY LTD SYDNE HASKONING AUSTRALIA PTY LTD SYDNE HASKONING AUSTRALIA PTY LTD SYDNE HASKONING AUSTRALIA PTY LTD HASKONING AUSTRALIA PTY LTD SYDNE HASKONING AUSTRALIA PTY LTD HASKONING AUSTRALIA PTY HASKONING AUSTRALIA PTY LTD HASKONING AUSTRALIA PTY LTD HASKONING AUSTRALIA PTY HASKONING AUSTRALIA						
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	AUTO	AUTOCAD REF. PA1638-CP-CIVIL MODEL SCALE AT A1 AS SHOWN					
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