



14 May 2024

Dalrymple Bay Infrastructure Management Pty Ltd
PO Box 7823
Waterfront Place
BRISBANE QLD 4001

Attn: Peter Wotherspoon

Email: peter.wotherspoon@dbinfrastructure.com.au

Dear Peter,

DEVELOPMENT APPROVAL PACKAGE FOR WORKS ON LAND DESCRIBED AS LOT 126 SP123776 AT THE PORT OF HAY POINT

NQBP Reference: PL/03/02/00015

North Queensland Bulk Ports Corporation Ltd (NQBP) wish to advise that your development application seeking approval to conduct operational works and associated development for the installation of a new ship loader and berth augmentation works at Berth 1 of Dalrymple Bay Coal Terminal was approved in full subject to conditions on 14 May 2024.

Approvals has been given with respect to Operational Works being Tidal Works under the *Planning Act 2016* and other development under the 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 Decision Notice 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 7906
Email: jkeane@nqbp.com.au
Doc Reference: E24/02460

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

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GPO Box 409 Brisbane
Queensland 4001

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MACKAY OFFICE
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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

Decision Notice

Planning Act 2016 s.63

1. Details of approval

<i>Applicant name:</i>	Dalrymple Bay Infrastructure Management
<i>Applicant address:</i>	PO Box 7823 Waterfront Place BRISBANE QLD 4001
<i>Contact details:</i>	Peter Wotherspoon p: 0448 002 241 e: peter.wotherspoon@dbinfrastructure.com.au
<i>Development approval:</i>	Operational works for the installation of a new ship loader and berth augmentation works at Berth 1 of Dalrymple Bay Coal Terminal
<i>Date of decision</i>	14 May 2024
<i>Aspect of development:</i>	<input type="checkbox"/> Material Change of Use <input type="checkbox"/> Reconfiguring a Lot <input checked="" type="checkbox"/> Operational Work <input type="checkbox"/> Building Work
<i>Decision:</i>	<input type="checkbox"/> Approval in full <input checked="" type="checkbox"/> Approval in full with conditions

2. Property description of proposed development

<i>Port:</i>	HAY POINT
<i>Street address:</i>	Port of Hay Point (offshore)
<i>Real property description:</i>	Lot 126 SP123776
<i>Local government area:</i>	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.

<i>Drawing or document</i>	<i>Number / revision</i>	<i>Date</i>
Ship loader SL1A Project: Berth 1 Wharf Extension General Arrangement	523850-5220-DRG-MS-0002 Rev 1	24/11/2023
Ship loader SL1A Project: Berth 1 Wharf Extension Piling Plan	523850-5220-DRG-MS-0001 Rev 1	23/11/2023

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 four (4) 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:

<https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution/pe-court-database>.

Attachment 1 – Conditions of Approval

PART 1: ASSESSMENT MANAGER CONDITIONS

Condition	Timing									
Carry out the approved development										
<p>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.</p> <table border="1" data-bbox="240 808 1082 1043"> <thead> <tr> <th><i>Drawing or document</i></th> <th><i>Number / revision</i></th> <th><i>Date</i></th> </tr> </thead> <tbody> <tr> <td>Ship loader SL1A Project: Berth 1 Wharf Extension General Arrangement</td> <td>523850-5220-DRG-MS-0002 Rev 1</td> <td>24/11/2023</td> </tr> <tr> <td>Ship loader SL1A Project: Berth 1 Wharf Extension Piling Plan</td> <td>523850-5220-DRG-MS-0001 Rev 1</td> <td>23/11/2023</td> </tr> </tbody> </table>	<i>Drawing or document</i>	<i>Number / revision</i>	<i>Date</i>	Ship loader SL1A Project: Berth 1 Wharf Extension General Arrangement	523850-5220-DRG-MS-0002 Rev 1	24/11/2023	Ship loader SL1A Project: Berth 1 Wharf Extension Piling Plan	523850-5220-DRG-MS-0001 Rev 1	23/11/2023	At all times.
<i>Drawing or document</i>	<i>Number / revision</i>	<i>Date</i>								
Ship loader SL1A Project: Berth 1 Wharf Extension General Arrangement	523850-5220-DRG-MS-0002 Rev 1	24/11/2023								
Ship loader SL1A Project: Berth 1 Wharf Extension Piling Plan	523850-5220-DRG-MS-0001 Rev 1	23/11/2023								
<p>2. '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.</p>	At least four (4) weeks prior to commencement of works.									
<p>3. 'As constructed' drawings and design certificates certified by an RPEQ must be submitted to NQBP via approvals@nqbp.com.au. The following is to be provided:</p> <ul style="list-style-type: none"> • One set of "As-constructed" drawings – drawings to be provided are only required to be general arrangement drawings showing the overall layout and location of the infrastructure that has been constructed. • Drawings are to be provided electronically to NQBP as a pdf and also 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										
<p>4. The development or operation must not cause unlawful environmental nuisance or harm.</p>	At all times.									

Condition	Timing
<p>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:</p> <ul style="list-style-type: none"> • Marine water quality • Underwater noise • Interactions between vessels and marine fauna • Lighting • Introduction of marine pests 	<p>At least four (4) weeks prior to commencement of works.</p>

PART 2: REFERRAL AGENCY RESPONSE

Agency	Reference	Date received
State Assessment and Referral Agency	2403-39470 SRA	29 April 2024



SARA reference: 2403-39470 SRA
 Council reference: PL/03/02/00015
 Applicant reference: NQBP PL/03/02/00015

29 April 2024

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

Attention: Mr Jason Sprott

Dear Mr Sprott

SARA referral agency response—1175 Hay Point Road, Hay Point

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 20 March 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	29 April 2024
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development permit	Operational work (Tidal Works) for the installation of a new ship loader and berth augmentation works at Berth 1 of Dalrymple Bay Coal Terminal.
SARA role:	Referral agency	

SARA trigger: Planning Regulation 2017:

- Schedule 10, Part 17, Division 3, Table 1, Item 1 – Development application for operational work that is tidal works or work in a coastal management district.
- Schedule 10, Part 17, Division 3, Table 2, Item 1 – Development application for operational work that is tidal works or work in a coastal management district, in tidal waters.

SARA reference: 2403-39470 SRA

Assessment manager: The North Queensland Bulk Ports

Street address: 1175 Hay Point Road, Hay Point

Real property description: Lot 126 on SP123776

Applicant name: Dalrymple Bay Infrastructure Management Pty Ltd

Applicant contact details: 100 Wickham Street
Fortitude Valley QLD 4006
jason.sprott@ntro.org.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

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 (s.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 Brian Kiruhi, Planning Officer, on 3522 8606 or via email MIWSARA@dSDLGP.qld.gov.au who will be pleased to assist.

Yours sincerely



Jamaica Hewston
A/Manager

cc Dalrymple Bay Infrastructure Management Pty Ltd, jason.sprott@ntro.org.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions

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 documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Operational work (Tidal Works)		
10.17.3.1.1 – Development application for operational work that is tidal works or work in a coastal management district —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment Science and Innovation to be the enforcement 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.	<p>The tidal works must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> i) Shiploader SL1A Project Berth 1 Wharf Extension General Arrangement – For Approval, prepared by Aurecon, dated 06/12/2023, reference 523850-5220-DRG-MS-0002, revision 01. ii) Shiploader SL1A Project Berth 1 Wharf Extension Piling Plan – For Approval, prepared by Aurecon, dated 06/12/2023, reference 523850-5220-DRG-MS-0001, revision 01. 	For the duration of works
2.	For the tidal works, only use clean materials which are free from prescribed water contaminants.	For the duration of the works
3.	Development must prevent the release of sediment to tidal waters by installing and maintaining erosion and sediment control measures in accordance with the <i>Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association)</i> .	For the duration of the works
4.	<p>Submit “As Constructed drawings” to palm@des.qld.gov.au or mail to:</p> <p style="text-align: center;">Department of Environment Science and Innovation Permit and License Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p>	Within 20 business days of the completion of the works
5.	<ul style="list-style-type: none"> (a) 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 Manual: Soil management guidelines</i>, prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014. (b) Submit certification from an appropriately qualified person on acid sulfate soil, confirming that the affected soil has been neutralised or contained in accordance with (a) above to palm@des.qld.gov.au 	<ul style="list-style-type: none"> (a) Upon disturbance or oxidisation until the affected soil has been neutralised or contained. (b) At the time the soils have been neutralised or contained

	<p>or mail to:</p> <p>Department of Environment Science and Innovation Permit and License Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p> <p>Note: Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills and experience relevant to soil chemistry or acid sulfate soil management and can give authoritative assessment, advice and analysis in relation to acid sulfate soil management using the relevant protocols, standards, methods or literature.</p>	
Operational work (Tidal Works) in Tidal Waters		
<p>10.17.3.2.1 – Development application for operational work that is tidal works or work in a coastal management district, in tidal waters — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
Aids to navigation		
6.	<p>a) The construction, operation and maintenance of the development must not damage or interfere (physically or by electrical or electro-magnetic emissions) with any aid to navigation.</p> <p>b) Should damage or interference be caused to any aid to navigation, repair, replace or remove interference at the registered landowners' expense.</p> <p>c) Notify the Harbour Master Mackay at (MSQ_IDAS_Mackay@msq.qld.gov.au) when:</p> <p>i. any damage or interference occurs.</p> <p>ii. the damage or interference are rectified.</p> <p>Each notice must state 2403-39470 SRA, the location, and the name of the registered place and the condition number under which the notice is being given.</p>	<p>a) At all times</p> <p>b) As soon as reasonably practicable subsequent to the damage or interference</p> <p>c) Within one business day of:</p> <p>i. the damage or interference occurring; and</p> <p>ii. the damage or interference being rectified.</p>
General		
7.	<p>(a) Submit "as Constructed" drawings of the berth augmentation to the Harbour Master Mackay: MSQ_IDAS_Mackay@msq.qld.gov.au.</p>	<p>Within two weeks of the completion of the works</p>
8.	<p>Submit written notice to Harbour Master Mackay: MSQ_IDAS_Mackay@msq.qld.gov.au when the development authorised under this development:</p> <p>(a) is scheduled to commence; and</p> <p>(b) has been completed.</p> <p>Each notice must state 2403-39470 SRA, the location and the name of</p>	<p>a) At least ten business days prior to the commencement of works</p> <p>(b) Within ten business days of the completion of works</p>

	the registered place and the condition number under which the notice is being given.	
9.	<p>(a) Prepare a hydrographic survey plan by a registered surveyor in accordance with <i>Standards for Hydrographic Surveys within Queensland Waters</i> to Class C of the berth augmentation and the immediate adjacent area likely to be affected.</p> <p>(b) Submit the hydrographic survey plan to Harbour Master Mackay: MSQ_IDAS_Mackay@msq.qld.gov.au.</p>	Within one month of completion of the works
Lighting – construction and operation		
10.	<p>a) Light/mark all vessels, structures, plant, and equipment associated with:</p> <p>i. the works, in accordance with the following specifications:</p> <ul style="list-style-type: none"> – any vessels/anchors deployed must be marked with yellow buoys and fitted with FL yellow lights. <p>b) Lighting provided must not obscure, disguise or otherwise interfere with the safe navigation of other vessels, including the effectiveness of navigational lighting.</p>	For the duration of works and for operation to be maintained at all times
11.	<p>a) Prepare a Marine Execution Plan (MEP) by an appropriately qualified person(s), that includes, but not limited to the following:</p> <p>i. demonstrating that the construction and operation of the development will not impede the safe navigation of other vessels or restrict safe access to or from neighbouring structures;</p> <p>ii. is consistent with any requirements of Maritime Safety Queensland guidelines for major development proposals;</p> <p>iii. lighting/marketing requirements (be specific about the location and type of requirement). For example, any anchors deployed must be marked with yellow buoys and fitted with FL yellow lights fitted OR marking of navigation hazards.</p> <p>b) Submit to the Marine Execution Plan (MEP) prepared in accordance with part (a) of this condition to Harbour Master Mackay: MSQ_IDAS_Mackay@msq.qld.gov.au.</p> <p>c) Carry out the construction in accordance with part (a) of this condition.</p> <p><i>Note: For this condition 'appropriately qualified person(s)' means a person or persons who has professional qualifications, training, skills, and experience relevant to maritime traffic management and can give authoritative assessment, advice and analysis in relation to traffic management using the relevant protocols, standards, methods or literature.</i></p>	<p>(a) and (b): At least 20 business days prior to the commencement of works</p> <p>(c) For the duration of works</p>

Attachment 2—Advice to the applicant

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) (version 3.0). 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 the SARA's decision are:

- The development application is for a development permit for operational works (Tidal Works) at 1175 Hay Point Road, Hay Point (formally described as Lot 126 on SP123776).
- The lot (premises) is located below the Mean High Water Spring level and the proposed works are Tidal Works. The development therefore required a referral to SARA for assessment against the State Development Assessment Provisions (SDAP) version 3.0, *State code 7: Maritime safety*, and *State code 8: Coastal development and tidal works*.
- SARA has assessed the proposed development against State code 7 and 8 and found the development proposal generally complies with the state codes as follows:
 - The proposed works are contained within an existing approved footprint and are not likely to adversely impact on coastal processes, landforms, or vegetation.
 - The development is RPEQ-designed and certified to limit the risks posed by coastal erosion to an acceptable level.
 - The development can be conditioned to ensure:
 - o it maintains water quality of receiving waters
 - o safe operation of vessels in navigable waterways
 - o does not compromise the viable operation of aids to navigation.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*.

Attachment 4—Representations about a referral agency response provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

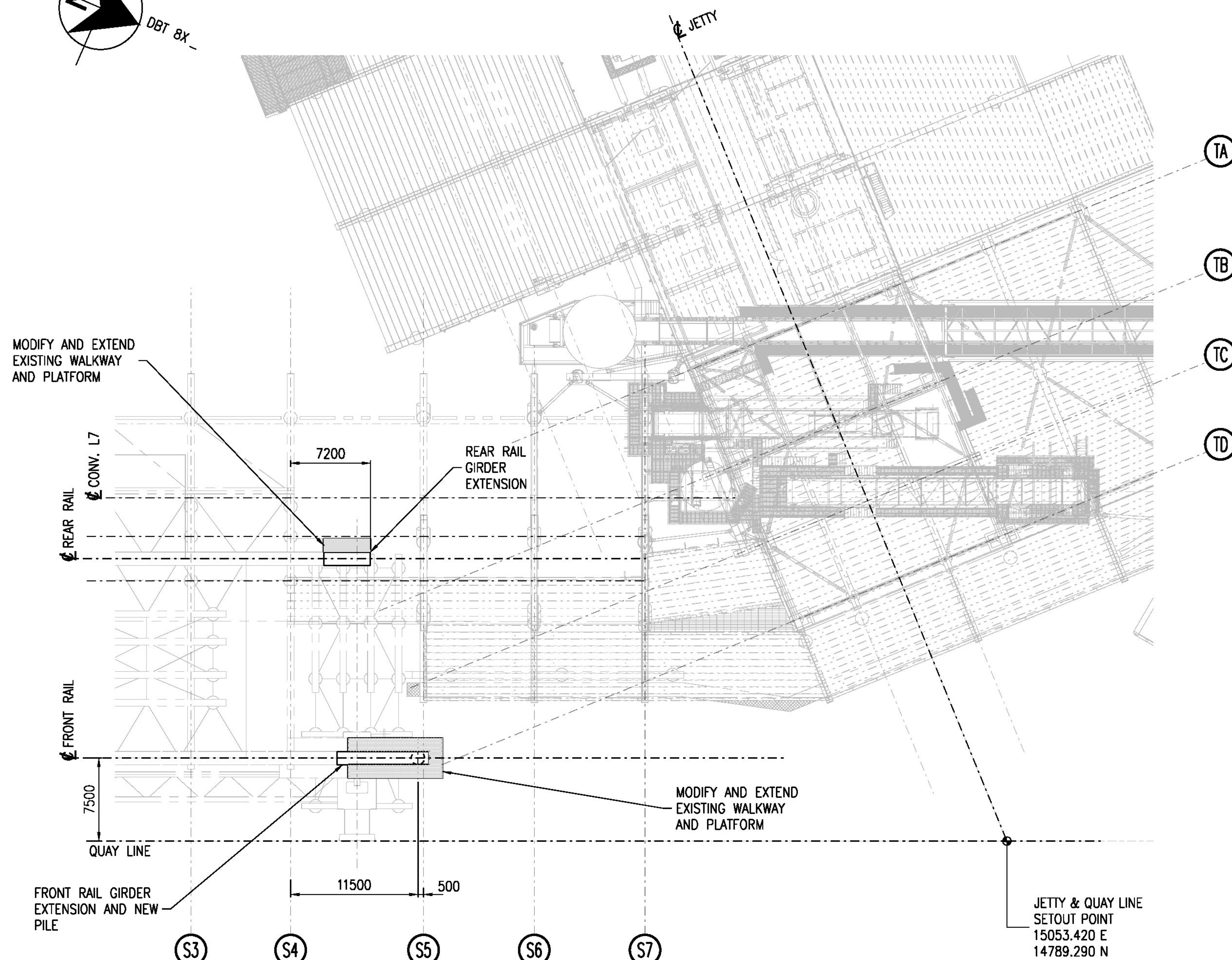
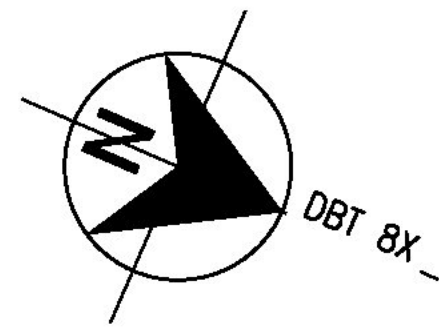
- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

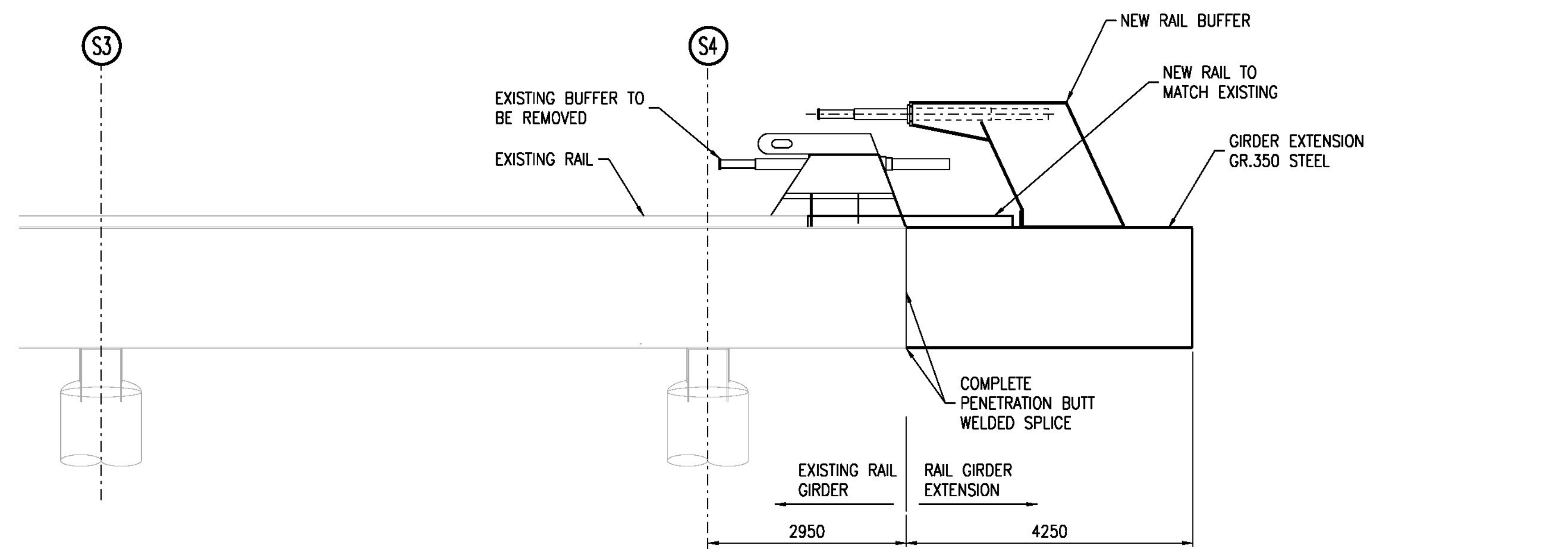
Attachment 5—Documents referenced in conditions

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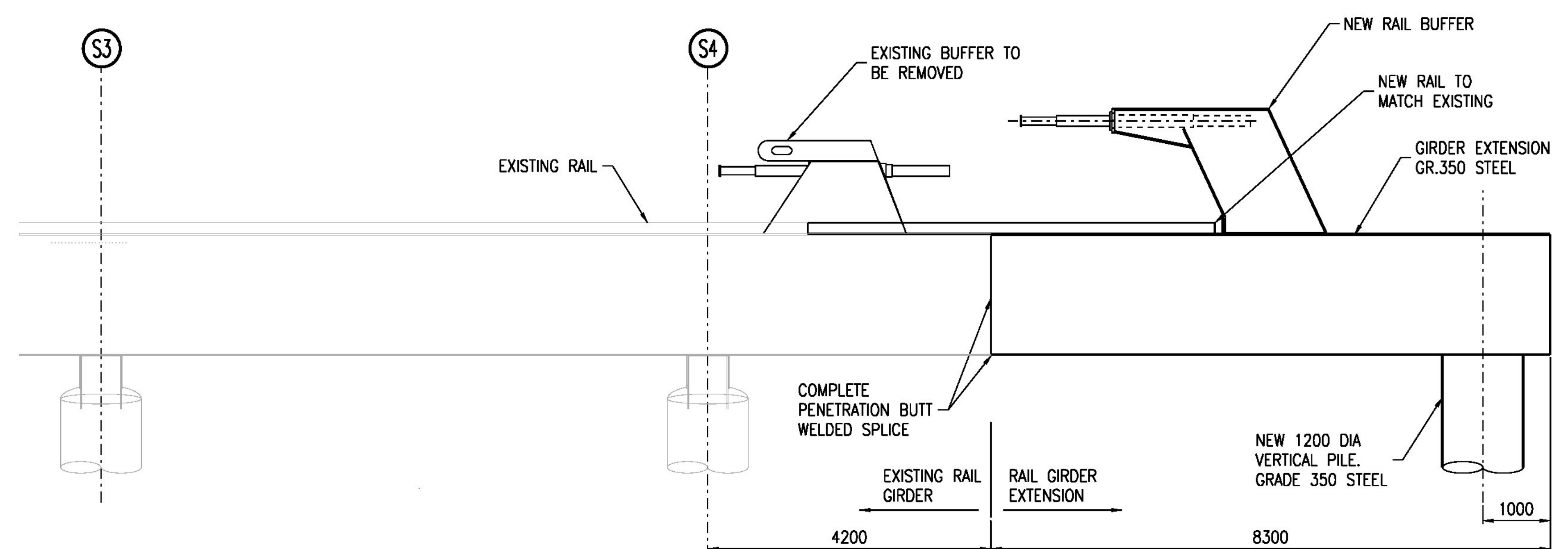
DO NOT SCALE - IF IN DOUBT ASK.



WHARF EXTENSION - PLAN
SCALE 1:250



ELEVATION ON NORTHERN END OF BERTH 1
LANDWARD RAIL
SCALE 1:50




ELEVATION ON NORTHERN END OF BERTH 1
SEAWARD RAIL
SCALE 1:50

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2403-39470 SRA

Date: 29 April 2024



J. KLINER

RPEQ No. 28894

APPROVAL ISSUE
NOT FOR CONSTRUCTION

REV	DATE	ISSUED FOR INFORMATION	DESCRIPTION	DRAWN	VERIFIED	APPR.	ID.	DATE	DESCRIPTION	DRAWN	VERIFIED	APPR.
01	06.12.23	ISSUED FOR INFORMATION		AJB		BKM						



REFERENCE DRAWING TITLES	DRG No.

DBIM
SHIPLOADER SL1A PROJECT

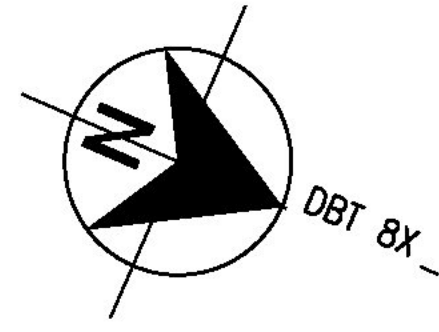
AURECON No.
523850-5220-DRG-MS-0002

SHIPLOADER SL1A PROJECT
BERTH 1 WHARF EXTENSION
GENERAL ARRANGEMENT - FOR APPROVAL

DRAWN	DESIGNED	VERIFIED	APPROVED	DATE
AJB	JMK	JMK	JMK	24.11.23
				06.12.23

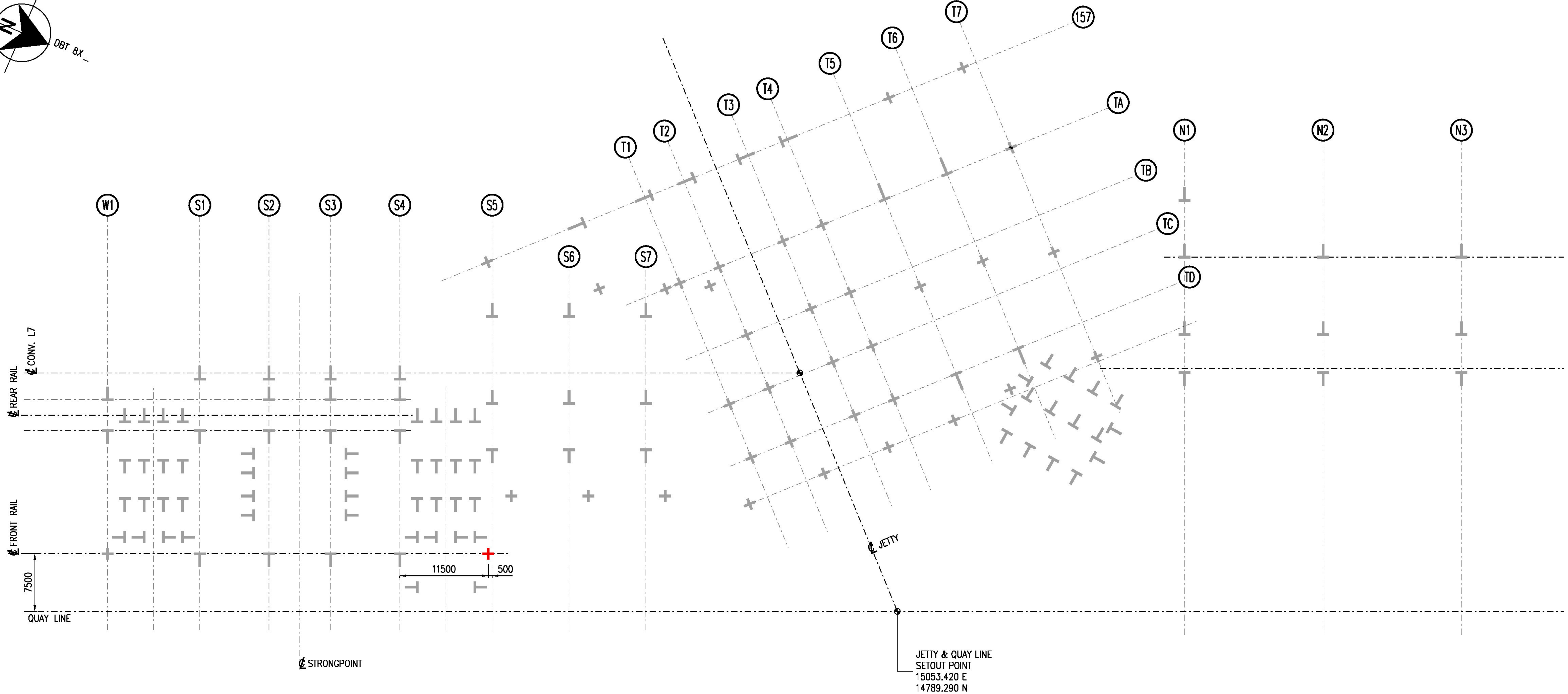
B1

DO NOT SCALE - IF IN DOUBT ASK.



LEGEND

- + NEW VERTICAL PILE
- +
 EXISTING VERTICAL PILE
- T
 EXISTING RAKING PILE



JETTY & QUAY LINE
SETOUT POINT
15053.420 E
14789.290 N

PILING PLAN
SCALE 1:250



- NEW VERTICAL PILE
- EXISTING BERTH 1
- DALRYMPLE BAY COAL
TERMINAL LEASE BOUNDARY

JETTY

LEASE BOUNDARY
SCALE 1:20000

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2403-39470 SRA

Date: 29 April 2024

J. KLINER

RPEQ No. 28894

APPROVAL ISSUE
NOT FOR CONSTRUCTION

REVISIONS	ID.	DATE	DESCRIPTION	DRAWN	VERIFIED	APPR.
01	06.12.23		ISSUED FOR INFORMATION	AJB	JMK	

aurecon
Aurecon Australia Pty Ltd
25 King Street Level 11
Sydney NSW Australia
Tel: +61 2 9575 8000
Email: info@australia.aurecon.com

Dalrymple Bay
Infrastructure

REFERENCE DRAWING TITLES	DRG No.

DBIM
SHIPLOADER SL1A PROJECT

AURECON No.
523850-5220-DRG-MS-0001

SHIPLOADER SL1A PROJECT
BERTH 1 WHARF EXTENSION
PILING PLAN - FOR APPROVAL

DRAWN	DESIGNED	SHEET
AJB 23.11.23	JMK 23.11.23	REV
VERIFIED	APPROVED	
	JMK 06.11.23	

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			
<p>1. Development applications</p> <p>For a development application other than an excluded application, an appeal may be made against—</p> <ul style="list-style-type: none"> (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	<ul style="list-style-type: none"> 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

<i>Applicant name:</i>	Dalrymple Bay Infrastructure Management
<i>Applicant contact details:</i>	Peter Wotherspoon PO Box 7823 Waterfront Place Brisbane QLD 4000 peter.wotherspoon@dbinfrastructure.com.au

2. Property description of proposed development

<i>Port:</i>	Hay Point
<i>Street address:</i>	Port of Hay Point (Offshore)
<i>Real property description:</i>	Lot 126 SP123776
<i>Local government area:</i>	Mackay Regional Council

3. Development details

<i>Approved development:</i>	Operational works for the installation of a new ship loader and berth augmentation works at Berth 1 of Dalrymple Bay Coal Terminal.
------------------------------	---

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

<i>Applicant:</i>	Dalrymple Bay Infrastructure Management
<i>Approved proposal:</i>	Operational works for the installation of a new ship loader and berth augmentation works at Berth 1 of Dalrymple Bay Coal Terminal and associated works.
<i>Currency of approval</i>	This approval will lapse if the works are not substantially commenced within four (4) years of the date of decision.
<i>Date of decision</i>	14 May 2024
<i>Decision:</i>	<input type="checkbox"/> Approved <input checked="" type="checkbox"/> Approved subject to conditions

2. Property description of proposed development

<i>Port:</i>	Hay Point
<i>Street address:</i>	Port of Hay Point: Dalrymple Bay Coal Terminal (offshore)
<i>Real property description:</i>	Lot 126 SP123776

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.

<i>Drawing or document</i>	<i>Number / revision</i>	<i>Date</i>
Ship loader SL1A Project: Berth 1 Wharf Extension General Arrangement	523850-5220-DRG-MS-0002 Rev 1	24/11/2023
Ship loader SL1A Project: Berth 1 Wharf Extension Piling Plan	523850-5220-DRG-MS-0001 Rev 1	23/11/2023

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.

5. Conditions of approval

Condition	Timing									
Carry out the approved development										
1. NQBP must be notified, via approvals@nqbp.com.au of the requirements and location of a construction laydown area, not located within existing lease areas.	At least four (4) weeks prior to commencement of works.									
2. NQBP must be notified of the proposed construction commencement date and completion date via approvals@nqbp.com.au .	At least two (2) weeks prior to commencement of works.									
<p>3. The development must be undertaken generally in accordance with the plans and supporting documentation referenced in the table below and attached which form part of this approval, unless otherwise specified by any condition of this approval.</p> <table border="1" data-bbox="240 981 1064 1216"> <thead> <tr> <th><i>Drawing or document</i></th> <th><i>Number / revision</i></th> <th><i>Date</i></th> </tr> </thead> <tbody> <tr> <td>Ship loader SL1A Project: Berth 1 Wharf Extension General Arrangement</td> <td>523850-5220-DRG-MS-0002 Rev 1</td> <td>24/11/2023</td> </tr> <tr> <td>Ship loader SL1A Project: Berth 1 Wharf Extension Piling Plan</td> <td>523850-5220-DRG-MS-0001 Rev 1</td> <td>23/11/2023</td> </tr> </tbody> </table>	<i>Drawing or document</i>	<i>Number / revision</i>	<i>Date</i>	Ship loader SL1A Project: Berth 1 Wharf Extension General Arrangement	523850-5220-DRG-MS-0002 Rev 1	24/11/2023	Ship loader SL1A Project: Berth 1 Wharf Extension Piling Plan	523850-5220-DRG-MS-0001 Rev 1	23/11/2023	At all times.
<i>Drawing or document</i>	<i>Number / revision</i>	<i>Date</i>								
Ship loader SL1A Project: Berth 1 Wharf Extension General Arrangement	523850-5220-DRG-MS-0002 Rev 1	24/11/2023								
Ship loader SL1A Project: Berth 1 Wharf Extension Piling Plan	523850-5220-DRG-MS-0001 Rev 1	23/11/2023								
4. 'For construction' drawings certified by an RPEQ and generally in accordance with the drawings described in Condition 3 must be submitted for review and approval by NQBP, via approvals@nqbp.com.au .	At least four (4) weeks prior to commencement of works.									
<p>5. 'As constructed' drawings and design certificates certified by an RPEQ must be submitted to NQBP via approvals@nqbp.com.au. The following is to be provided:</p> <ul style="list-style-type: none"> One set of "As-constructed" drawings – drawings to be provided are only required to be general arrangement drawings showing the overall layout and location of the infrastructure that has been constructed. Drawings are to be provided electronically to NQBP as a pdf and also 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.									

Condition	Timing
Site management	
6. All vehicle parking for construction personnel must be contained within 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.
7. 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.
8. All laydown areas must be kept clean and tidy.	At all times.
9. 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.
General environmental management	
10. 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 the following as a minimum: <ul style="list-style-type: none"> • Laydown area stormwater management • Laydown area traffic management • Marine water quality • Underwater noise • Waste management • Contamination 	At least four (4) weeks prior to commencement of works.
11. 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: <ul style="list-style-type: none"> • cease an activity • implement appropriate impact control measures • modify work plans or methods. 	At all times.

Condition	Timing
<p>12. Any environmental emergency, incident or potentially harmful event involving the approved development must be reported to NQBP via approvals@nqbp.com.au.</p> <p>A written report must also be provided, detailing the following information:</p> <ul style="list-style-type: none"> • 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. 	<p>Initial report: within 24 hours of the emergency, incident or event occurring.</p> <p>Written report: within 14 days of the emergency, incident or event occurring.</p>
Community	
<p>13. 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 granted by NQBP via approvals@nqbp.com.au .</p>	<p>At all times.</p>
<p>14. Any community complaints, received by the Applicant, or party acting on behalf of the applicant, must be reported to NQBP via approvals@nqbp.com.au.</p> <p>A written report must also be provided, detailing the following information:</p> <ul style="list-style-type: none"> • details of the complaint • investigations undertaken into the complaint • proposed action to be undertaken to prevent further complaints. 	<p>Initial report: within 24 hours of receiving the complaint.</p> <p>Written report: within 14 days of receiving the complaint.</p>

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
<p>1. Section 23 of the <i>Aboriginal Cultural Heritage Act 2003</i> establishes a duty of care for all persons carrying out an activity to take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage. It is the person undertaking the activity responsibility to ensure compliance with the duty of care.</p> <p>A copy of the legislation can be accessed via https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/A/AborCultHA03.pdf</p>

General safety during construction

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

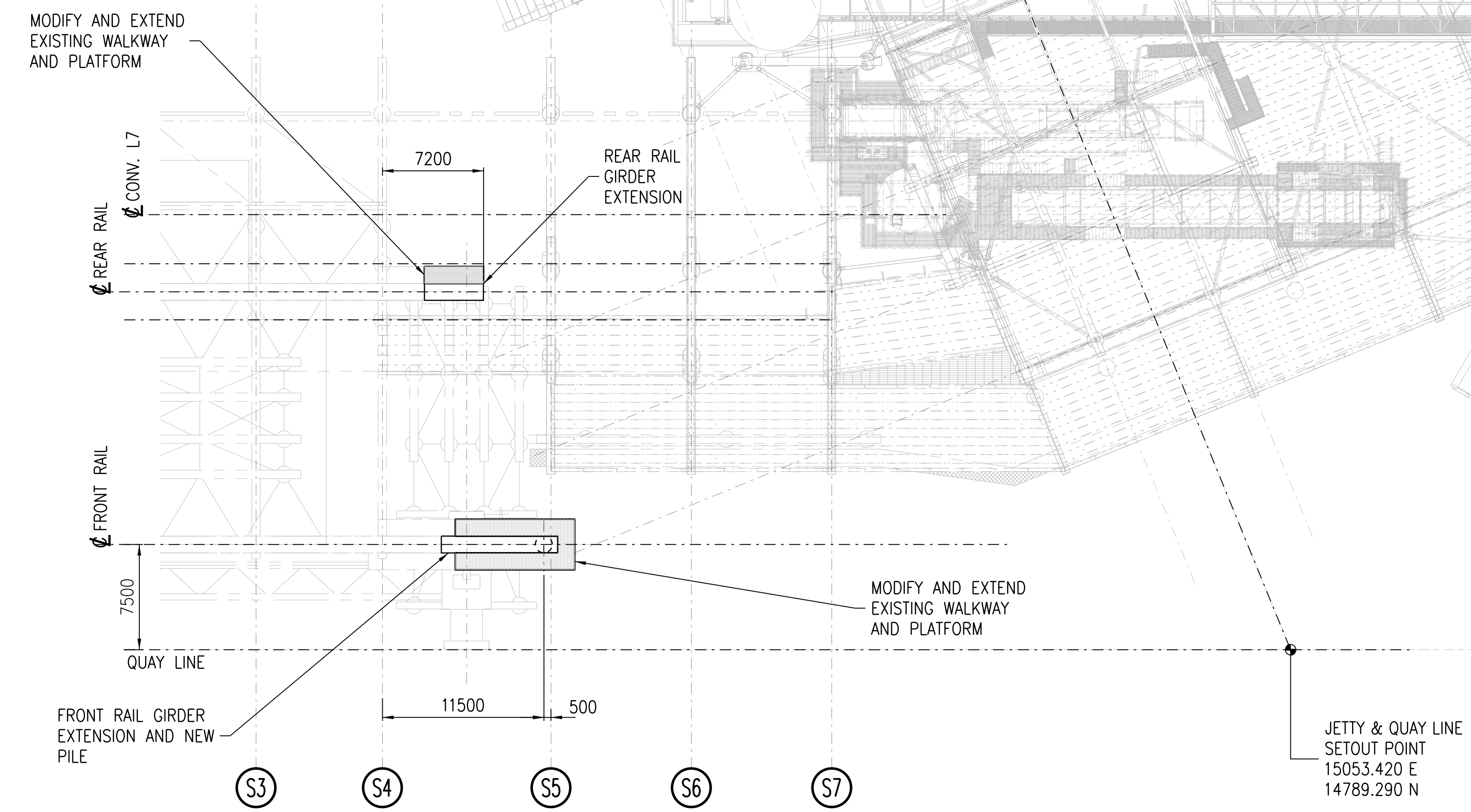
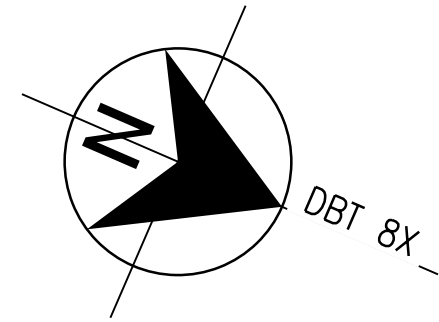
A copy of the legislation can be accessed via

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

Approved drawings

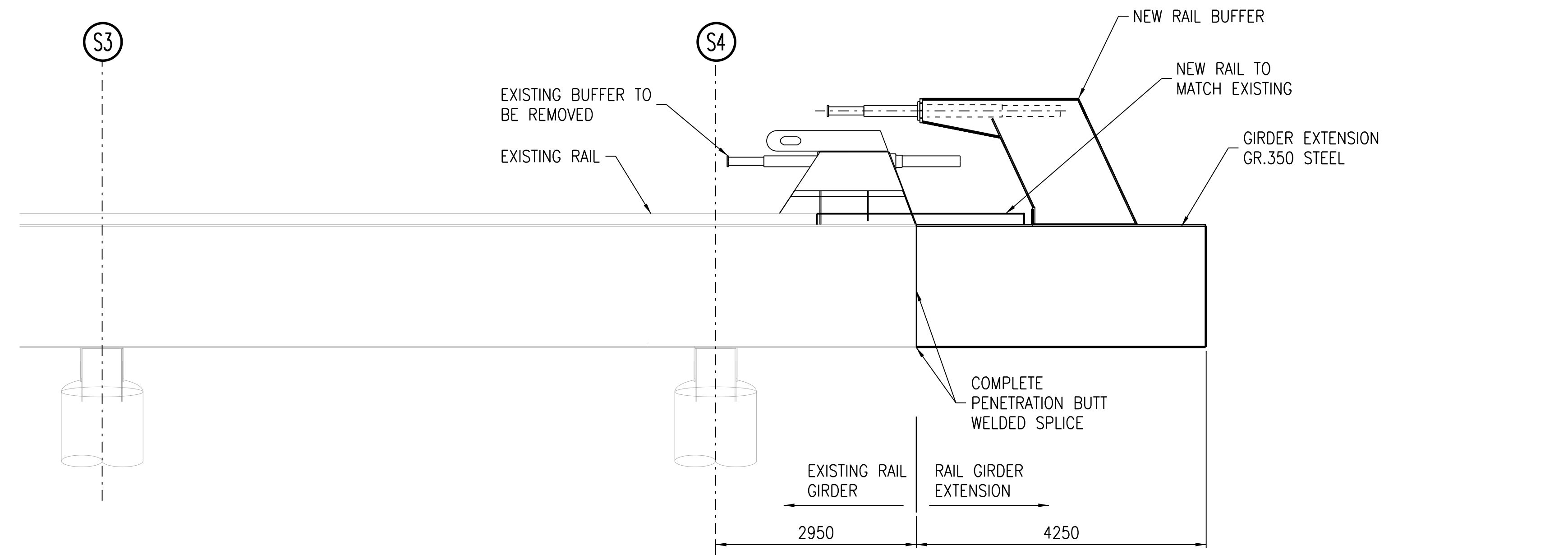
<i>Drawing or document</i>	<i>Number / revision</i>	<i>Date</i>
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DO NOT SCALE - IF IN DOUBT ASK.

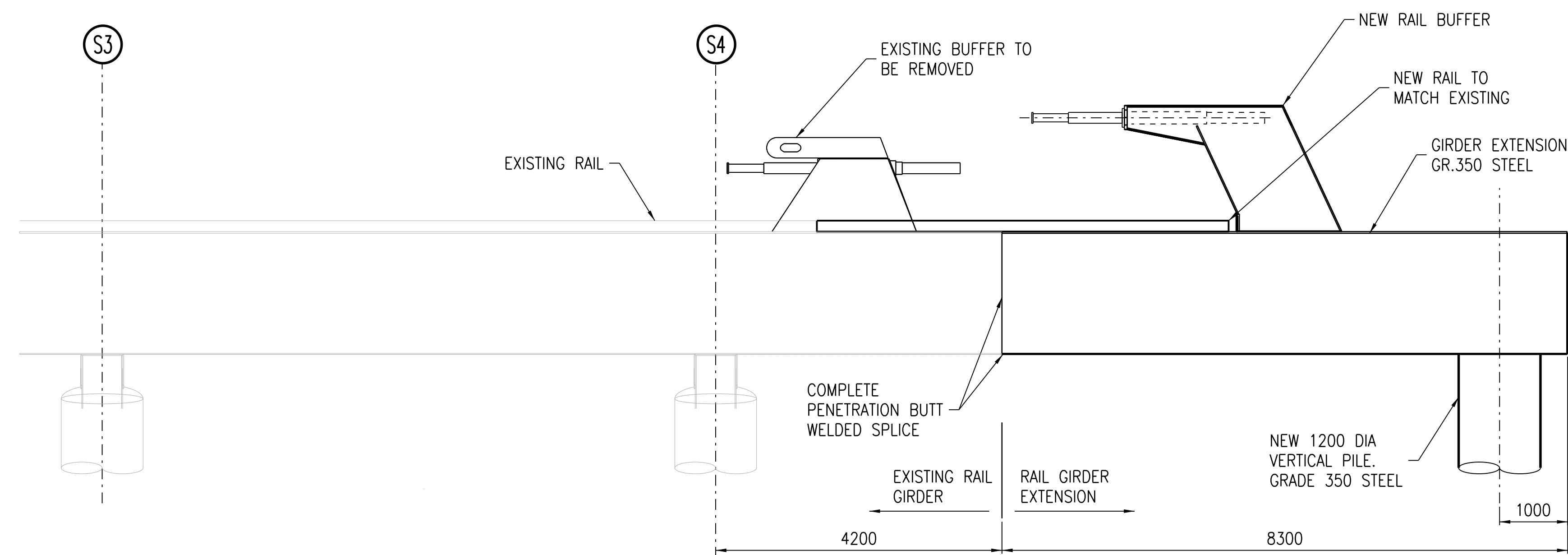


WHARF EXTENSION - PLAN
SCALE 1:250

JETTY & QUAY LINE
SETOUT POINT
15053.420 E
14789.290 N



ELEVATION ON NORTHERN END OF BERTH 1
LANDWARD RAIL
SCALE 1:50



ELEVATION ON NORTHERN END OF BERTH 1
SEAWARD RAIL
SCALE 1:50

NORTH QUEENSLAND BULK PORTS CORPORATION

APPROVED SUBJECT TO CONDITIONS

NQBP ref: **PL/03/02/00015**

Signed: _____

Date: **14/05/2024**

J. KLINER

RPEQ No. 28894

APPROVAL ISSUE
NOT FOR CONSTRUCTION

REV	DATE	ISSUED FOR INFORMATION	AJB	BKM	ID	DATE	DESCRIPTION	DRAWN	VERIFIED	APPR.
01	06.12.23	ISSUED FOR INFORMATION	AJB	BKM						

aurecon
Aurecon Australia Pty Ltd
21 King Street, Sydney NSW 1585
Australia
Tel: +61 2 9551 9000
Email: info@au.aurecon.com

Dalrymple Bay Infrastructure

DBIM
SHIPLOADER SL1A PROJECT

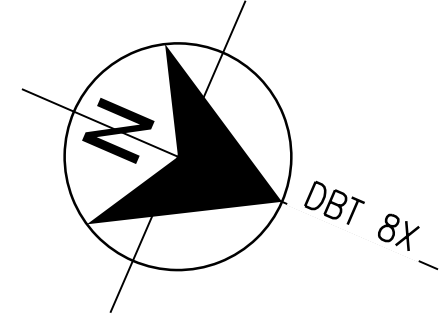
AURECON No.
523850-5220-DRG-MS-0002

SHIPLOADER SL1A PROJECT
BERTH 1 WHARF EXTENSION
GENERAL ARRANGEMENT - FOR APPROVAL

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				06.12.23	01

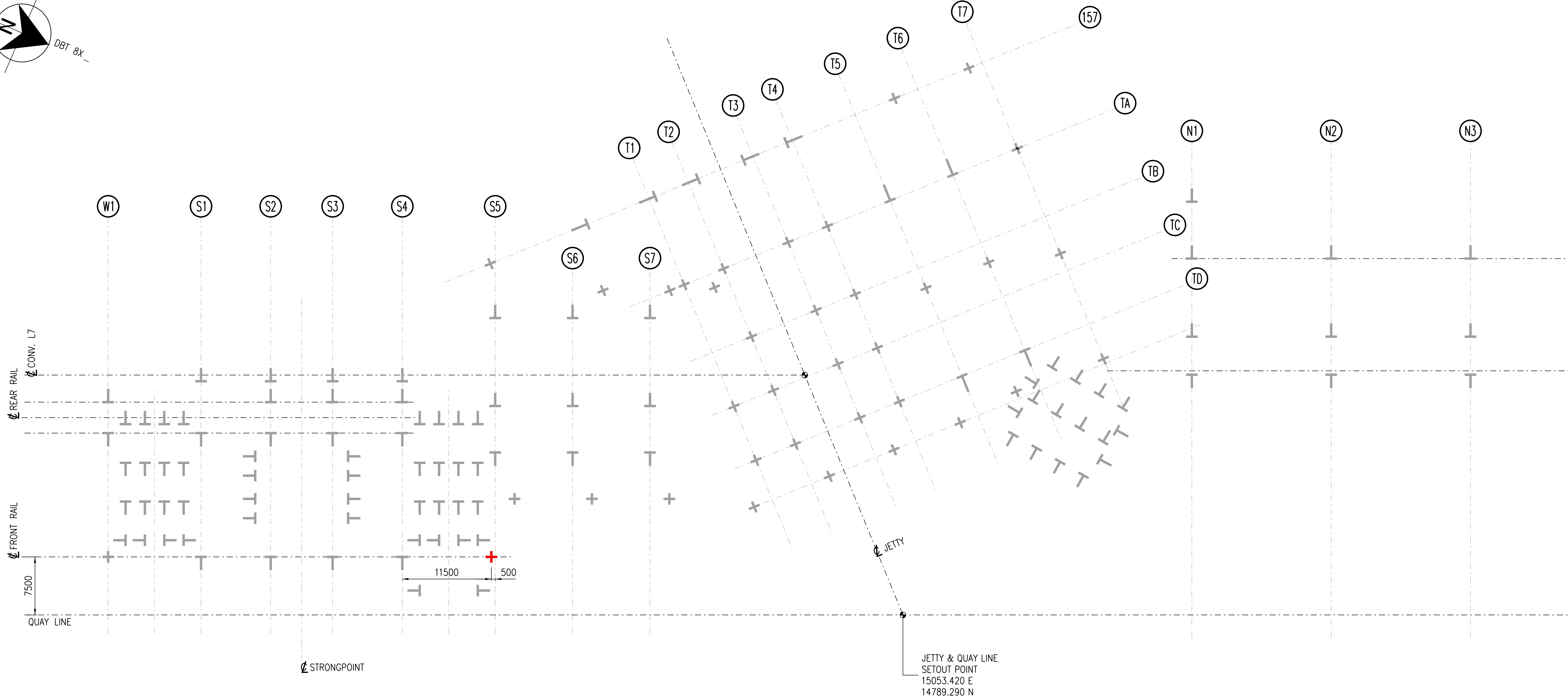
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DO NOT SCALE - IF IN DOUBT ASK.



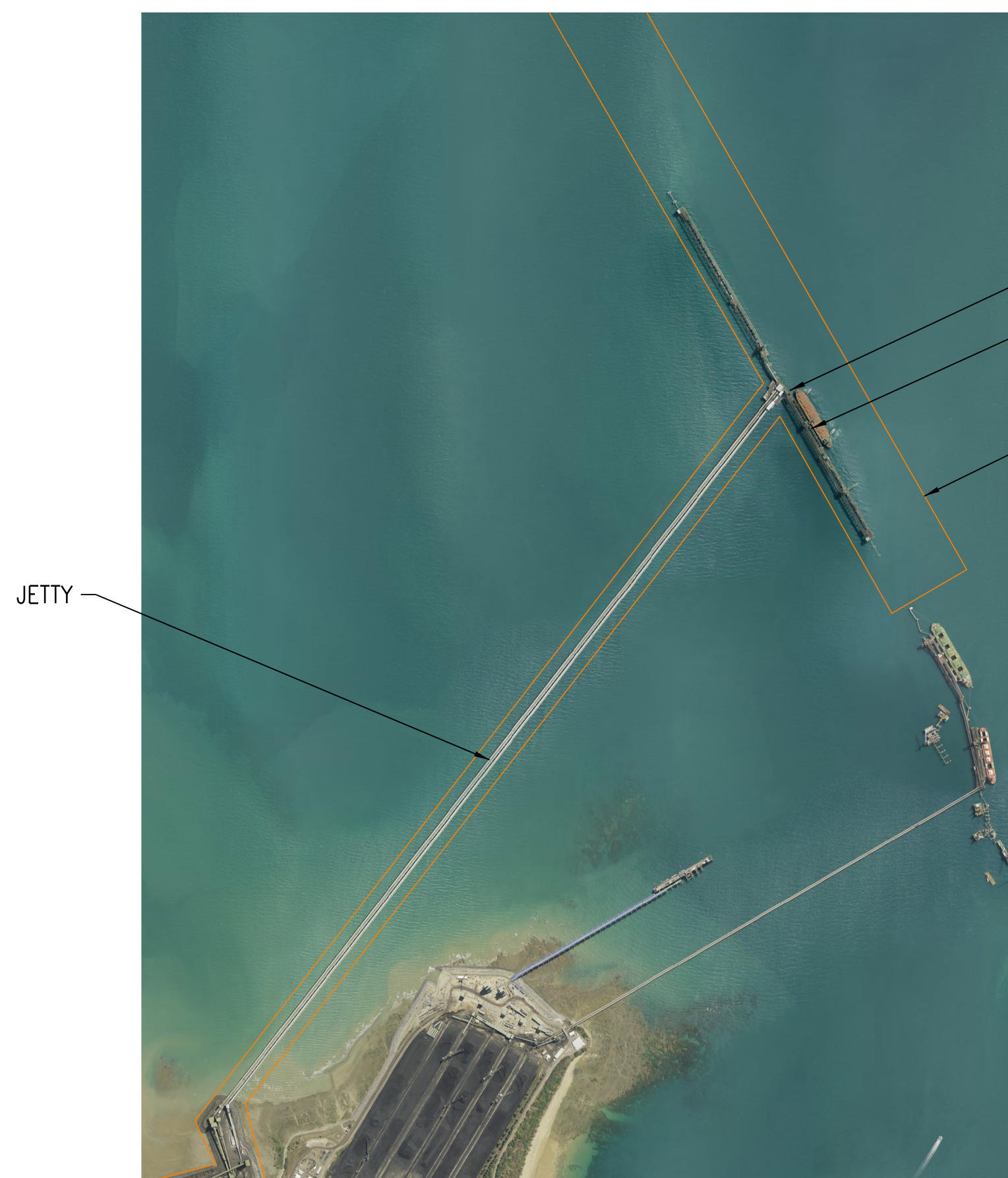
LEGEND

- + NEW VERTICAL PILE
- +
 EXISTING VERTICAL PILE
- T
 EXISTING RAKING PILE



JETTY & QUAY LINE
 SETOUT POINT
 15053.420 E
 14789.290 N

PILING PLAN
 SCALE 1:250



- NEW VERTICAL PILE
- EXISTING BERTH 1
- DALRYMPLE BAY COAL
TERMINAL LEASE BOUNDARY

JETTY

LEASE BOUNDARY
 SCALE 1:20000

NORTH QUEENSLAND BULK PORTS CORPORATION

APPROVED SUBJECT TO CONDITIONS

NQBP ref: PL/03/02/00015

Signed: [Signature]

Date: 14/05/2024

J. KLINER

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01	06.12.23		ISSUED FOR INFORMATION	AJB		JMK						

aurecon
 Aurecon Australia Pty Ltd
 21 King Street Level 19B
 Brisbane QLD Australia
 Telephone: +61 7 3253 8000
 Email: brisbane@aurecon.com.au

Dalrymple Bay Infrastructure

REFERENCE DRAWING TITLES	DRG No.
DBIM SHIPLOADER SL1A PROJECT	
AURECON No. 523850-5220-DRG-MS-0001	

SHIPLOADER SL1A PROJECT		BERTH 1 WHARF EXTENSION	
PILING PLAN - FOR APPROVAL			

DRAWN	DESIGNED	VERIFIED	APPROVED	REV
AJB	JMK	JMK	JMK	
				01