

## Decision Notice

Planning Act 2016 s.63

### 1. Details of approval

<i>Applicant name:</i>	North Queensland Bulk Ports Corporation
<i>Development application:</i>	Tidal works comprising the installation of a rock revetment wall within the existing Mackay Harbour western revetment.
<i>Date of decision</i>	01 June 2020
<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>	MACKAY
<i>Street address:</i>	Ken White Avenue, Mackay Qld 4740
<i>Real property description:</i>	Lot 63 SP143358 and Lot 58 SP310559
<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</i>	<i>Date / revision</i>
Locality plan and drawing index	272029-00-DRG-100	04/02/2020 : Issue 4
General arrangement	272029-00-DRG-101	04/02/2020 : Issue 4
General notes	272029-00-DRG-102	04/02/2020 : Issue 3
Sections – Sheet 1 of 2	272029-00-DRG-103	04/02/2020 : Issue 4
Sections – Sheet 2 of 2	272029-00-DRG-104	04/02/2020 : Issue 4
Details	272029-00-DRG-105	10/12/2019 : Issue 3

### 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:

- 10.6.3.3.1.1 Fisheries – marine plants
- 10.17.3.1.1 Tidal works
- 10.17.3.2.1 Tidal works

Referral agency response and conditions were issued on 8 May 2020 (2003-16106 SRA).

## 5. Currency period for the approval

This development approval will lapse if the development does not start within five (5) years of the date of decision.

## 6. 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																					
<b>Carry out the approved development</b>																							
<p>1. 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"> <thead> <tr> <th>Plan / Document name</th> <th>Plan / Document number</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Locality plan and drawing index</td> <td>272029-00-DRG-100</td> <td>04/02/2020 : Issue 4</td> </tr> <tr> <td>General arrangement</td> <td>272029-00-DRG-101</td> <td>04/02/2020 : Issue 4</td> </tr> <tr> <td>General notes</td> <td>272029-00-DRG-102</td> <td>04/02/2020 : Issue 3</td> </tr> <tr> <td>Sections – Sheet 1 of 2</td> <td>272029-00-DRG-103</td> <td>04/02/2020 : Issue 4</td> </tr> <tr> <td>Sections – Sheet 2 of 2</td> <td>272029-00-DRG-104</td> <td>04/02/2020 : Issue 4</td> </tr> <tr> <td>Details</td> <td>272029-00-DRG-105</td> <td>10/12/2019 : Issue 3</td> </tr> </tbody> </table>		Plan / Document name	Plan / Document number	Date	Locality plan and drawing index	272029-00-DRG-100	04/02/2020 : Issue 4	General arrangement	272029-00-DRG-101	04/02/2020 : Issue 4	General notes	272029-00-DRG-102	04/02/2020 : Issue 3	Sections – Sheet 1 of 2	272029-00-DRG-103	04/02/2020 : Issue 4	Sections – Sheet 2 of 2	272029-00-DRG-104	04/02/2020 : Issue 4	Details	272029-00-DRG-105	10/12/2019 : Issue 3	At all times.
Plan / Document name	Plan / Document number	Date																					
Locality plan and drawing index	272029-00-DRG-100	04/02/2020 : Issue 4																					
General arrangement	272029-00-DRG-101	04/02/2020 : Issue 4																					
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Details	272029-00-DRG-105	10/12/2019 : Issue 3																					
<p>2. As constructed drawings and design certificates certified by an RPEQ must be submitted to NQBP via <a href="mailto:approvals@nqbp.com.au">approvals@nqbp.com.au</a>. The following is to be provided:</p> <ul style="list-style-type: none"> <li>• One set of “As-constructed” drawings.</li> <li>• Dimensioned plot plans and general arrangement drawings must also be provided electronically to NQBP in dwg and dxf formats (including pen plot, xref, ole, block files and any other external references).</li> </ul>		Within four (4) weeks of the completion of construction.																					
<b>Site management</b>																							
<p>3. The development or operation must not cause unlawful environmental nuisance or harm.</p>		At all times.																					
<p>4. 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.</p>		At all times.																					
<p>5. A Construction Traffic Management Plan is to be submitted for review and approval by NQBP, via <a href="mailto:approvals@nqbp.com.au">approvals@nqbp.com.au</a>.</p>		At least two (2) weeks prior to commencement of works.																					

Condition	Timing
<b>Environmental management</b>	
6. A Final Construction Environmental Management Plan is to be submitted for review and approval by NQBP, via <a href="mailto:approvals@nqbp.com.au">approvals@nqbp.com.au</a> .	At least two (2) weeks prior to commencement of works.
7. An Erosion and Sediment Control Plan must be prepared by suitably qualified person, in accordance with Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association).	At least two (2) weeks prior to commencement of works.
8. A Stormwater Management Plan addressing management of stormwater flows during construction phase must be submitted for review and approval by NQBP, via <a href="mailto:approvals@nqbp.com.au">approvals@nqbp.com.au</a> .	At least two (2) weeks prior to commencement of works.



## PART 2: REFERRAL AGENCY RESPONSE

Agency	Reference	Date received
Department of State Development, Manufacturing, Infrastructure and Planning	2003-16106 SRA – RA6-N	08/05/2020

SARA reference: 2003-16106 SRA  
Council reference: PL/04/02/00012  
Applicant reference: 272029

8 May 2020

Chief Executive Officer  
North Queensland Bulk Ports Corporation  
GPO Box 409  
BRISBANE QLD 4001  
jkeane@nqbp.com.au

**Attention: Mrs Julie Keane**

Dear Mrs Keane

## SARA response— Port of Mackay

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

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 8 April 2020.

### Response

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Outcome:	Referral agency response – with conditions.
Date of response:	8 May 2020
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval.
Advice:	Advice to the applicant is in <b>Attachment 2</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b> .

### Development details

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Description:	Development permit	Operational Work - Tidal Works
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 17, Division 3, Table 1 (Planning Regulation 2017)	
	Schedule 10, Part 6, Division 3, Subdivision 3, Table 1 (Planning Regulation 2017)	

Schedule 10, Part 17, Division 3, Table 2 (Planning Regulation 2017)

Development application for operational work for tidal works.

SARA reference: 2003-16106 SRA  
Assessment Manager: Mackay Regional Council  
Street address: Port of Mackay  
Real property description: Lot 63 on SP143358 and Lot 58 on SP310559  
Applicant name: North Queensland Bulk Ports  
Applicant contact details: GPO Box 409  
BRISBANE QLD 4001  
sgerontopoulos@nqbp.com.au

## 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 Madison Harper-McErlean, Planning Officer, on (07) 4898 6812 or via email MIWSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh  
Manager (Planning)  
**Fitzroy & Central Office**

cc North Queensland Bulk Ports, sgerontopoulos@nqbp.com.au

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

## Attachment 1—Referral agency conditions

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

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

No.	Conditions	Condition timing
<b>Operational Work</b>		
<b>Schedule 10, Part 17, Division 3, Table 1</b> —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science 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):		
<b>Tidal works or work in a coastal management district</b>		
1.	The works must be carried out generally in accordance with the plan titled Western Revetment Sheet Pile Wall Stabilisation – General Arrangement, prepared by North Queensland Bulk Ports Corporation, dated 04/02/2020, reference 272029-0-DRG-101 and revision 4 [as amended in red].	For the duration of works.
2.	<p>a) An erosion and sediment control plan must be prepared by suitably qualified person, in accordance with Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association).</p> <p>b) Provide the erosion and sediment control plan to the palm@des.qld.gov.au or mailed to:            Department of Environment and Science            Permit and License Management            Implementation and Support Unit            GPO Box 2454            BRISBANE QLD 4001</p> <p>c) Undertake the development generally in accordance with the erosion and sediment control plan; and</p> <p>d) Provide written evidence from a suitably qualified person that all elements of this condition have been complied with.</p>	<p>a) Prior to works occurring.</p> <p>b) Prior to works occurring.</p> <p>c) While works are occurring.</p> <p>d) Upon completion of works.</p>
3.	<p>Should the proposed works collapse, fail or otherwise suffer structural consequences which impact their integrity or ability to function as intended, the works must be:</p> <p>a) reinstated in accordance with this development approval; or</p> <p>b) removed and disposed of at an appropriately licensed facility.</p>	As soon as reasonably practicable subsequent to the damage.
4.	<p>Submit “As Constructed drawings” to palm@des.qld.gov.au or mail to:            Department of Environment and Science            Permit and License Management            Implementation and Support Unit            GPO Box 2454            BRISBANE QLD 4001</p>	Within two (2) weeks of the completion of the works.



5.	<p>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.</p> <p>b) Certification by a suitably qualified person, confirming that the affected soil has been neutralized or contained, in accordance with (a) above is to be provided to palm@des.qld.gov.au or mailed to:</p> <p>Department of Environment and Heritage Protection Permit and License Management Implementation and Support Unit GPO Box 2454 BRISBANE QLD 4001</p>	<p>a) Upon disturbance or oxidization until the affected soil has been neutralized or contained.</p> <p>b) At the time the soils have been neutralized or contained.</p>
<p><b>Schedule 10, Part 6, Division 3, Subdivision 3, Table 1</b>—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Agriculture and Fisheries 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>		
<p><b>Removal, destruction or damage of marine plants</b></p>		
6.	<p>Development authorised under this approval is limited as follows:</p> <p>operational works to remove, damage, destroy marine plants being limited to 150m<sup>2</sup> of permanent removal of saltmarsh and <i>Casuarina glauca</i> and shown in the plan titled Marine Plant Location and Potential Impact Area, prepared by ARUP, dated 18/11/2019, reference 272029-00 Map 04 and issue D1.</p>	At all times
7.	<p>Enter into an agreed delivery arrangement to deliver an environmental offset in accordance with the <i>Environmental Offsets Act 2014</i> to counterbalance the significant residual impacts on the matter/s of State environmental significance being 150m<sup>2</sup> of marine plants.</p>	Prior to commencing any works that impact on marine plants
8.	<p>Development works must be avoided between 01 November and 01 February to minimise the impacts on fish migration and fish spawning.</p>	For the duration of the works the subject of this approval
9.	<p>Provide written notice to notifications@daf.qld.gov.au, when the development authorised under this approval:</p> <p>a) will start, and</p> <p>b) when it has been completed.</p> <p>These notices must state this permit number <b>2003-16106 SRA</b>.</p>	<p>a) At least 5 business days but no greater than 20 business days prior to the commencement of the works.</p> <p>b) Within 15 business days of the completion of the fisheries development works.</p>

10.	Spoil is not disposed of on tidal lands or within waterways and is managed to prevent acid soil development.	At all times.
11.	This fisheries development (as defined by the <i>Fisheries Act 1994</i> ) constitutes a place that is required to be open for inspection by an inspector at all times, pursuant to section 145 of the <i>Fisheries Act 1994</i> .	At all times.
12.	Marine plants authorised for removal and other material used in the development (e.g. debris, construction material, soil, etc.) are to be promptly removed from the intertidal zone.	For the duration of the works the subject of the approval and to be maintained.
13.	Tidal land profiles that are temporarily disturbed by the development works (other than those within the permanent development footprint, as shown on Marine Plant Location and Potential Impact Area, prepared by ARUP, dated 18/11/2019, reference 272029-00 Map 04 and issue D1), must be promptly restored to pre-work profiles.	Upon completion of the works the subject of this approval.
14.	For the proposed works, only use clean materials and ensure that the works do not cause contamination. To achieve this, source rocks from a non-acid geology and clean the rocks before they are put into place.	For the duration of the works.
<p><b>Schedule 10, Part 17, Division 3, Table 2</b>—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>		
<p><b>Tidal works in tidal waters</b></p>		
<p><b>Aids to navigation</b></p>		
15.	<p>a) The construction, operation or maintenance of the approved development must not damage or interfere (physically or by electrical or electro-magnetic emissions) with any aid to navigation.</p> <p>b) In the event that damage, or interference is caused to any aid to navigation, the Harbour Master must be immediately contacted on (07) 4944 3700, and at the applicant's cost the damage or interference must be promptly repaired, replaced or interference removed.</p>	<p>a) At all times</p> <p>b) As indicated</p>
<p><b>General</b></p>		
16.	<p>“As Constructed” drawings of the approved structure must be provided to:</p> <p>RHM Mackay PO Box 58 MACKAY QLD 4740</p>	Within two (2) weeks of the completion of the works.
17.	<p>a) Provide written notice to:</p> <p>RHM Mackay PO Box 58 MACKAY QLD 4740</p>	(a) At least two (2) weeks prior to the commencement of works.

	<p>when the development authorised under this approval is scheduled to commence.</p> <p>Each notice must state this application number, the location and name of registered place and the condition number under which the notice is being given.</p> <p>b) Provide written notice to:</p> <p>RHM Mackay PO Box 58 MACKAY QLD 4740</p> <p>when the development authorised under this approval has been completed.</p> <p>Each notice must state this application number, the location and name of registered place and the condition number under which the notice is being given.</p>	(b) Within two (2) weeks of the completion of works.
<b>Lighting - construction</b>		
18.	<p>All vessels, structures, plant and equipment associated with the construction of the approved works must be lit/marked in accordance with the International Collision Regulations such that undertaking the construction works does not cause a risk to the safe navigation of ships.</p> <p>Lighting provided must not obscure, disguise or otherwise interfere with the effectiveness of navigational lighting.</p>	While the works are occurring.
<b>Lighting - operation</b>		
19.	<p>The structure must be lit/marked in accordance with International Collision Regulations, such that it does not cause a risk to the safe navigation of other ships.</p> <p>Lighting provided must not obscure, disguise or otherwise interfere with the effectiveness of navigational lighting.</p>	At all times.
<b>Protection of navigable waterways</b>		
20.	The construction, operation or maintenance of the structure, and any ship moored at this structure, must not impede the safe navigation of other ships or restrict safe access to or from neighbouring structures.	At all times.
21.	Any debris or similar obstruction encountered whilst undertaking the work must be disposed of at the applicant's cost.	While the works are occurring.

## Attachment 2—Advice to the applicant

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<b>General advice</b>	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) [v2.6]. If a word remains undefined it has its ordinary meaning.
2.	The boundary of the waterway where the work is taking place is to be marked by lighted yellow buoys to ensure other vessels keep away from the construction area.

## **Attachment 3—Reasons for referral agency response**

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

### **The reasons for the department's decision are:**

- The development application is for Operational Work - Tidal Works located at the Port of Mackay.
- The development is located within tidal waters, and will result in the removal, destruction or damage of marine plants.
- The proposed development complies with the relevant provisions of the State Development Assessment Provisions, being State code 7: Maritime Safety, State code 8: Coastal development and tidal works and State code 11: Removal, destruction or damage of marine.
- Assessment of the proposed development identified that the potential impacts can be suitably managed through conditions.
- The department supports the proposed development, subject to conditions.

### **Material used in the assessment of the application:**

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

## **Attachment 4—Change representation 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 Rules<sup>1</sup> regarding **representations about a referral agency response**

## Part 6: Changes to the application and referral agency responses

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### 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.<sup>2</sup>
- 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.

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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.<sup>3</sup>

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<sup>3</sup> 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—Referral Agency plans and specifications**






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Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

## Legend

-  Highest Astronomical Tide
-  Approximate Construction access
-  Permanently Disturbed Marine Plants
-  Marine Plants
-  Proposed Revetment footprint



Client  
**North Queensland Bulk Ports Corporation**

Job Title  
**Port of Mackay - Western Revetment Wall**

Map Title  
**Marine plant location and potential impact area**

Meters				
0 ————— 25 ————— 50				
D1	18/11/2019	AM	KC	MM
Issue	Date	By	Chkd	Appd

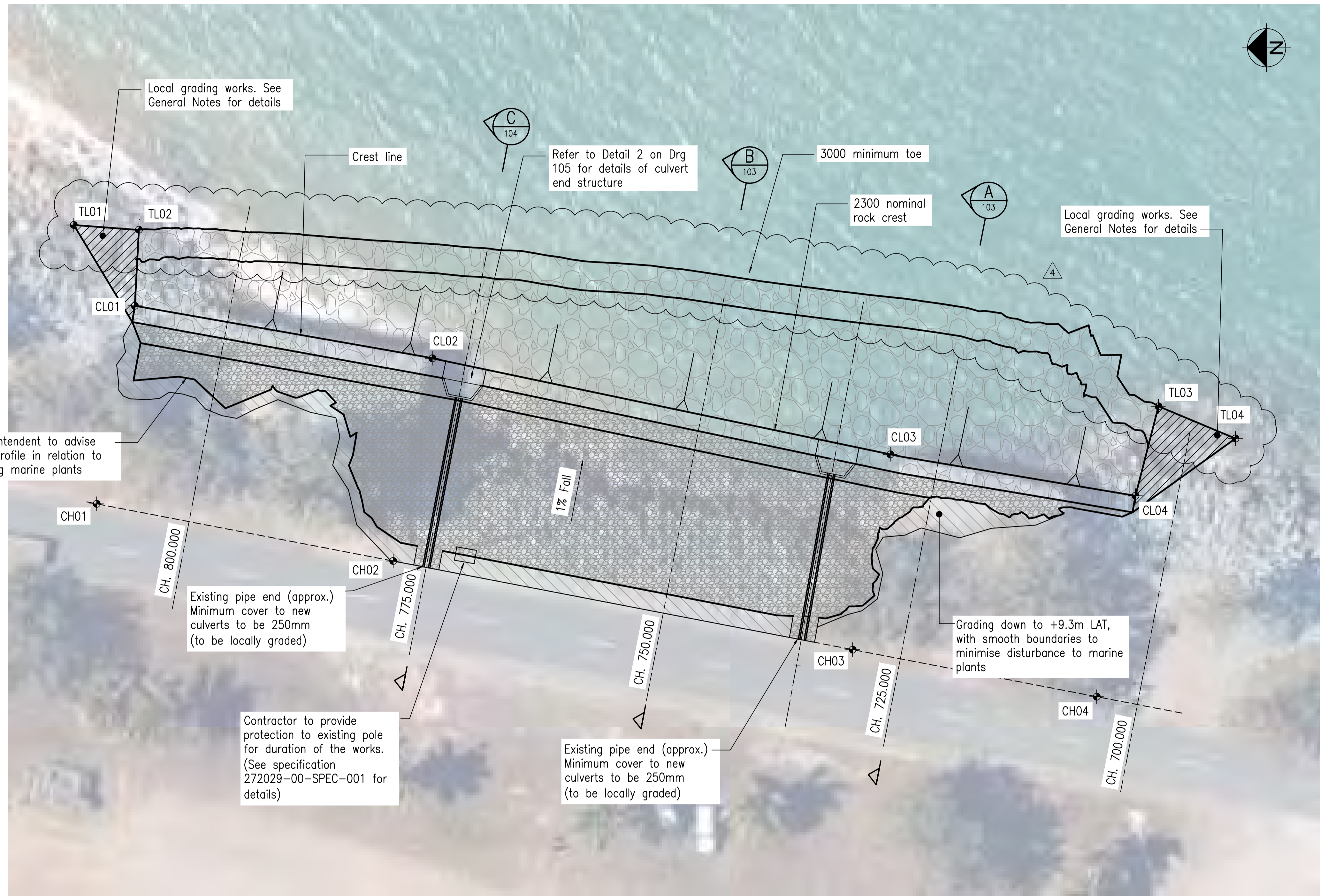
# ARUP

Level 4, 108 Wickham Street  
Fortitude Valley, QLD 4006  
Tel +61 (7)3023 6000 Fax +61 (7)3023 6023  
www.arup.com

Scale at A4 <b>1:1,072</b>	Map Status <b>Final</b>
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Coordinate System  
**GDA 1994 MGA Zone 55**

Job No <b>272029-00</b>	Map No <b>04</b>
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CREST LINE SET OUT		
CL01	E 730986.73	N 7664820.38
CL02	E 730981.30	N 7664789.59
CL03	E 730971.36	N 7664742.16
CL04	E 730973.46	N 7664716.78

TOE LINE SET OUT		
TL01	E 730995.09	N 7664826.70
TL02	E 730994.60	N 7664819.95
TL03	E 730976.33	N 7664714.39
TL04	E 730973.00	N 7664706.42

CHAINAGE LINE SET OUT		
CH01	E 730966.24	N 7664824.33
CH02	E 730960.32	N 7664793.63
CH03	E 730951.15	N 7664746.06
CH04	E 730946.27	N 7664720.79

GENERAL ARRANGEMENT  
SCALE 1:250

**ISSUED FOR CONSTRUCTION**

Approved by:  
Michael Moss  
*[Signature]*  
RPEQ No. 15787

Issue	Description	Date	By	Chkd	Appd
4	Toe relocated due to reduced armour thickness	04/02/20	GH	MM	MM
3	For Construction	10/12/19	DM	JO	MM
2	For Approval	15/11/19	CW	MM	MM
1	Preliminary Issue	06/11/19	GH	MM	MM

**ARUP**  
Level 4, 108 Wickham Street  
Fortitude Valley, Qld, Australia  
Tel +61(7) 3023 6000 Fax +61(7) 3023 6023  
www.arup.com

**CONSULT AUSTRALIA**  
Member Firm  
Arup Pty Ltd  
ABN 18 000 966 165

Client  
**NORTH QUEENSLAND BULK PORTS CORPORATION**  
**WESTERN BULK PORTS CORPORATION**

Job Title  
**WESTERN REVETMENT SHEET PILE WALL STABILISATION**

GENERAL ARRANGEMENT

Scale at A1	
Discipline	
Job No <b>272029</b>	Drawing Status <b>For Construction</b>
Drawing No <b>272029-0-DRG-101</b>	Issue <b>4</b>

## Attachment 2 – Extract on Appeal Rights

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### PLANNING ACT 2016

#### 229 APPEALS TO TRIBUNAL OR P&E COURT

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(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.

<b>Table 1</b>			
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
<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"> <li>(a) the refusal of all or part of the development application; or</li> <li>(b) the deemed refusal of the development application; or</li> <li>(c) a provision of the development approval; or</li> <li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li> </ul>			
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

<i>Applicant name:</i>	North Queensland Bulk Ports Corporation
<i>Applicant contact details:</i>	Spyridon Gerontopoulos  PO Box 3340 MACKAY QLD 4740  Email: <a href="mailto:sgerontopoulos@nqbp.com.au">sgerontopoulos@nqbp.com.au</a>

### 7. Property description of proposed development

<i>Port:</i>	Mackay
<i>Street address:</i>	Ken White Avenue, Mackay Qld 4740
<i>Real property description:</i>	Lot 63 SP143358 and Lot 58 SP310559
<i>Local government area:</i>	Mackay Regional Council

### 8. Development details

<i>Approved development:</i>	<ol style="list-style-type: none"> <li>Schedule 10, Part 6, Division 3, Subdivision 3, Table 1 (Planning Regulation 2017)</li> <li>Schedule 10, Part 17, Division 3, Table 1 (Planning Regulation 2017)</li> <li>Schedule 10, Part 17, Division 3, Table 2 (Planning Regulation 2017)</li> </ol>
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### 9. 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.

### 10. Reasons for the decision

The reasons for the decision are that the proposal:

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

### 11. Relevant material

Evidence or other material on which the findings were based:

- Material provided in the development application.

## Approved drawings

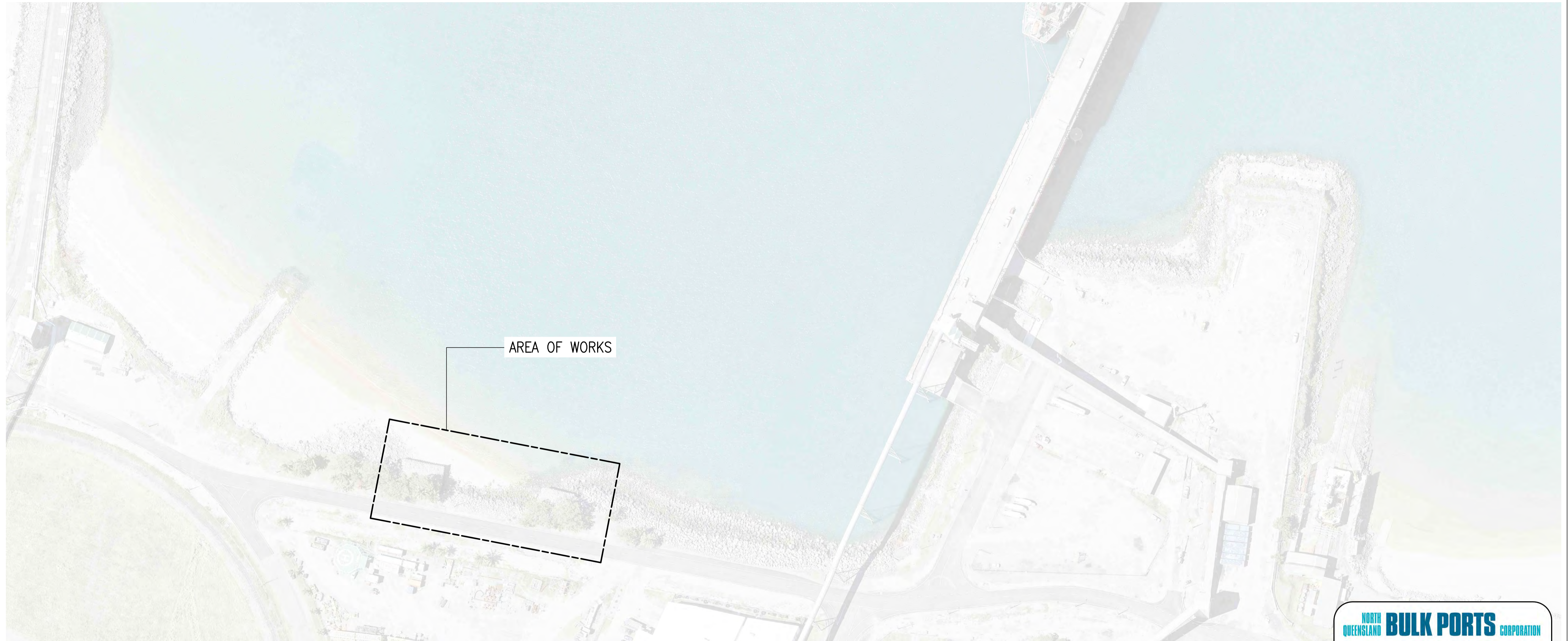
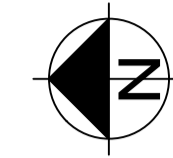
<i>Drawing name</i>	<i>Drawing number</i>	<i>Revision and date</i>
<i>Locality plan and drawing index</i>	272029-00-DRG-100	04/02/2020 : Issue 4
<i>General arrangement</i>	272029-00-DRG-101	04/02/2020 : Issue 4
<i>General notes</i>	272029-00-DRG-102	04/02/2020 : Issue 3
<i>Sections – Sheet 1 of 2</i>	272029-00-DRG-103	04/02/2020 : Issue 4
<i>Sections – Sheet 2 of 2</i>	272029-00-DRG-104	04/02/2020 : Issue 4
<i>Details</i>	272029-00-DRG-105	10/12/2019 : Issue 3



# WESTERN REVETMENT SHEET PILE WALL STABILISATION

## DRAWING INDEX

ARUP NUMBER	TITLE
272029-00-DRG-100	LOCALITY PLAN AND DRAWING INDEX
272029-00-DRG-101	GENERAL ARRANGEMENT
272029-00-DRG-102	GENERAL NOTES
272029-00-DRG-103	SECTIONS - SHEET 1 OF 2
272029-00-DRG-104	SECTIONS - SHEET 2 OF 2
272029-00-DRG-105	DETAILS



AREA OF WORKS

PLAN WESTERN REVETMENT  
SCALE 1:1000

**NORTH QUEENSLAND BULK PORTS CORPORATION**  
**APPROVED SUBJECT TO CONDITIONS**  
 NQBP ref: PL/04/02/00012  
 Signed:   
 Date: 01 June 2020

**ISSUED FOR CONSTRUCTION**

Copyright text: © State of Queensland (Department of Natural Resources and Mines), Spatial Imagery Subscription Plan 2017

Approved by:  
Michael Moss  
  
RPEQ No. 15787

Issue	Description	Date	By	Chkd	Appd
4	Reissued for Construction	04/02/20	GH	MM	MM
3	For Construction	10/12/19	DM	JO	MM
2	For Approval	15/11/19	CW	MM	MM
1	Preliminary Issue	06/11/19	GH	MM	MM

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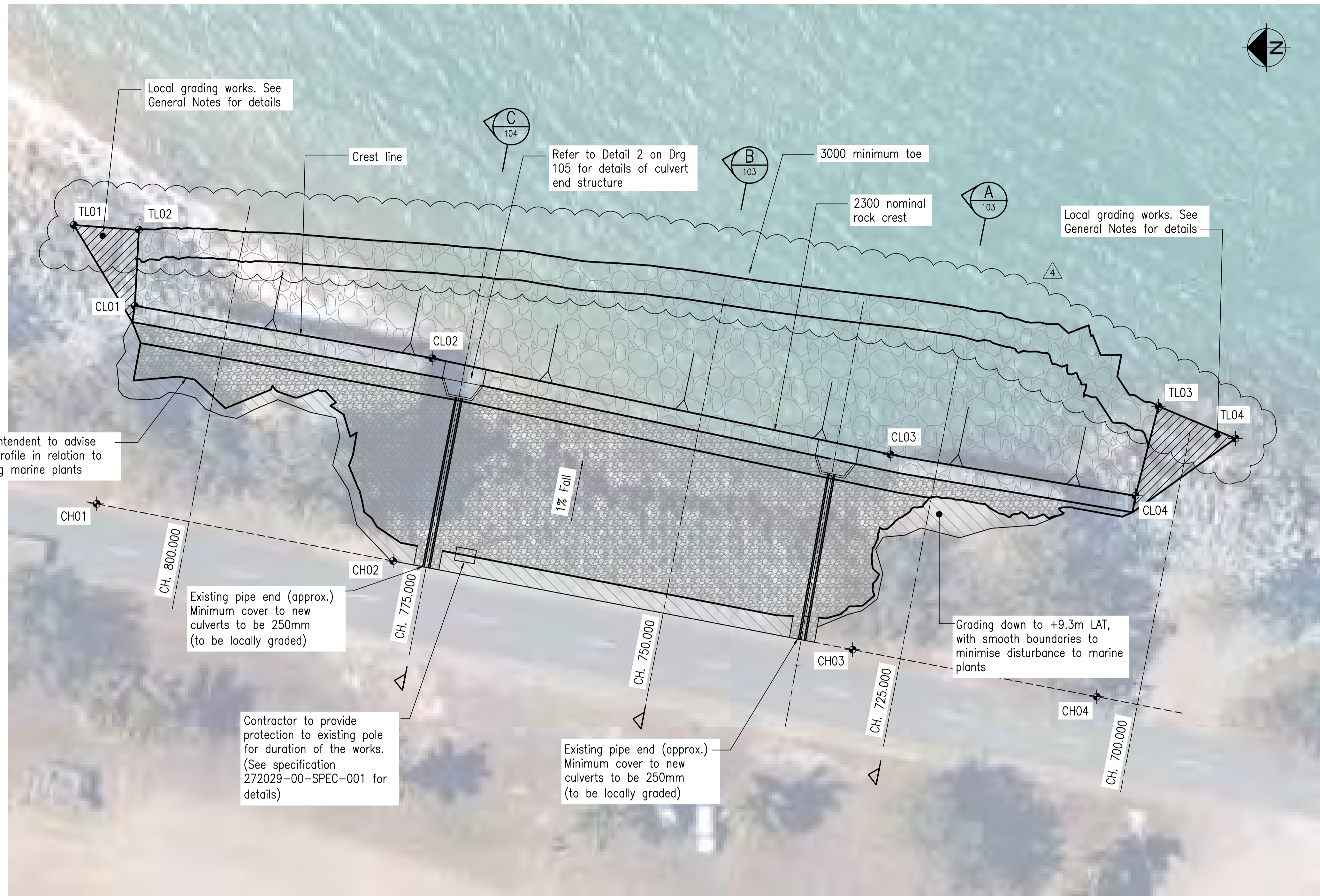
Client  
**NORTH QUEENSLAND BULK PORTS CORPORATION**

Job Title  
**WESTERN REVETMENT SHEET PILE WALL STABILISATION**

**LOCALITY PLAN AND DRAWING INDEX**

Scale at A1

Discipline	
Job No	Drawing Status
<b>272029</b>	<b>For Construction</b>
Drawing No	Issue
<b>272029-0-DRG-100</b>	<b>4</b>



CREST LINE SET OUT		
CL01	E 730986.73	N 7664820.38
CL02	E 730981.30	N 7664789.59
CL03	E 730971.36	N 7664742.16
CL04	E 730973.46	N 7664716.78

TOE LINE SET OUT		
TL01	E 730995.09	N 7664826.70
TL02	E 730994.60	N 7664819.95
TL03	E 730976.33	N 7664714.39
TL04	E 730973.00	N 7664706.42

CHAINAGE LINE SET OUT		
CH01	E 730966.24	N 7664824.33
CH02	E 730960.32	N 7664793.63
CH03	E 730951.15	N 7664746.06
CH04	E 730946.27	N 7664720.79

GENERAL ARRANGEMENT  
SCALE 1:250

**NORTH QUEENSLAND BULK PORTS CORPORATION**  
**APPROVED SUBJECT TO CONDITIONS**  
 NQBP ref. PL/04/02/00012  
 Signed: *[Signature]*  
 Date: 01 June 2020

**ISSUED FOR CONSTRUCTION**

Approved by:  
Michael Moss  
RPEQ No. 15787

Issue	Description	Date	By	Chkd	Appd
4	Tie relocated due to reduced armour thickness	04/02/20	GH	MM	MM
3	For Construction	10/12/19	DM	JO	MM
2	For Approval	15/11/19	CW	MM	MM
1	Preliminary Issue	06/11/19	GH	MM	MM

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 Member Firm  
 Arup Pty Ltd  
 ABN 18 000 966 165

Client  
**NORTH QUEENSLAND BULK PORTS CORPORATION**

Job Title  
**WESTERN REVETMENT SHEET PILE WALL STABILISATION**

GENERAL ARRANGEMENT

Scale at A1	
Discipline	
Job No <b>272029</b>	Drawing Status <b>For Construction</b>
Drawing No <b>272029-0-DRG-101</b>	Issue <b>4</b>

## General Notes

- G1. All dimensions are in mm unless noted otherwise.  
 G2. Do not scale from drawings – if in doubt, ask.  
 G3. Any discrepancy shall be referred to the Superintendent for a decision before proceeding with the work.  
 G4. All coordinates are to GDA94 System.  
 G5. Vertical datum for drawing and design levels is to Lowest Astronomical Tide (LAT).  
 G6. Tidal planes for design are as follows and are based on values for Mackay Outer Harbour.

	m LAT	m AHD
HAT	6.58	3.64
MHWS	5.29	2.35
MHWN	4.07	1.13
AHD	2.941	0.00
MSL	3.02	0.08
MLWN	1.96	-0.98
MLWS	0.74	-2.20
LAT	0.00	-2.94

- G7. These drawings shall be read in conjunction with the Technical Specification (Arup document ref. 272029-00-SPEC-001).  
**Notes on the drawings do not cover full requirements.**  
 G8. All materials and workmanship shall be in accordance with current Australian Standards and Codes of Practices except where varies by the Specification and/or Drawings.  
 G9. Proprietary items shall be installed in accordance with the Specification and manufacturers Specification subject to approval by the Superintendent.  
 G10. The Contractor shall be responsible for maintaining the stability of the structure and works until its completion and shall ensure that no part of the structure is over-stressed by excessive loading. Temporary works or supports may be required and agreed subject to approval by the Superintendent.  
 G11. The Contractor shall manage and take responsibility of risks identified as part of the Safety in Design assessment (Arup document ref. 272029-00-SID-001).  
 G12. Contractor to comply with all requirements as per the relevant State and Local Government Environmental and Planning Approvals.

## Demolition

- H1. The Contractor shall submit a work method statement for the written approval of the Superintendent's Representative.  
 H2. All debris, rubbish and unsuitable material along the existing shore line and under the position of new structures, both above and below the water, shall be removed.  
 H3. Site to be prepared in accordance with MRTS04.

## Bulk Earthworks

- B1. The contractor shall not commence earthworks activities until erosion and sediment control (ESC) measures have been installed. The contractor must maintain appropriate ESC measures until all ground surfaces have been stabilised.  
 B2. All earthworks shall be in accordance with the specification 272029-SPEC-001 and MRTS04 requirements.  
 B3. Where existing ground surfaces are not required to be varied as part of the works, the contractor shall rectify any damage to these surfaces and restore them to their pre-works condition.  
 B4. Where proposed works join existing ground, the contractor shall verify tie-in levels prior to commencement of construction.

## Erosion and Sediment Control

- E1. The contractor shall develop a detailed erosion and sediment control plan (ESCP) for construction. The detailed ESCP shall be in accordance with the requirements below (based on the Queensland State Planning Policy, July 2014), and with all local planning requirements.

## Drainage

- D1. All works to be undertaken in accordance with specification MRTS03 Drainage, Retaining Structures and Protective treatments.  
 D2. Rock fill and pipe bedding to be in accordance with specification MRTS04 General Earthworks.  
 D3. Precast pipes to be procured and installed in accordance with MRTS25 Steel Reinforced Precast Concrete Pipes.  
 D4. Precast pipes shall be load class Type 4.  
 D5. The contractor shall maintain appropriate temporary drainage measures during construction to control stormwater runoff, in accordance with the erosion and sediment control plan.  
 D6. Existing stormwater infrastructure:  
 D6.1. Existing stormwater drainage pipes, gullies and manholes within the limits of construction shall be retained unless noted otherwise on the drawings. The contractor shall adjust these features to suit proposed finished levels, as required.  
 D7. Connection to existing stormwater infrastructure:  
 D7.1. The contractor shall confirm the invert level(s) at all connections to existing infrastructure prior to commencing the construction of any drainage works.  
 D7.2. Construction of the new culvert shall be from new headwall to existing culvert. Drainage shall be maintained for the duration of the works.  
 D8. Due to cover limitations, pipe structural capacity is highly constrained. No heavy plant loads have been assessed.  
 D9. Contractor must assess pipes for any temporary construction loading conditions.  
 D10. Pipe support shall be HS2  
 D11. Bedding, select fill:

Sieve Size (mm)	19	2.36	0.6	0.3	0.15	0.075
% Mass Passing	100	100-50	90-20	60-10	25-0	10-0

- D12. Refilling, select fill:

Sieve Size (mm)	75	9.5	2.36	0.6	0.075
% Mass Passing	100	100-50	100-30	50-15	25-0

## Seawall Construction

- S1. The Contractor shall provide a construction method statement conforming to the Specification for the written approval by the Superintendent. This is required prior to commencement of construction.  
 S2. The rocks must be placed to ensure firm bedding and maximum stability within the revetment structure.  
 S3. The works shall be carried out to the lines and levels indicated on the Drawings. Any placement of material carried out beyond the limits set in the Drawings is not permitted.  
 S4. The finished surfaces for the revetment profiles shall be contoured to the batter and fall shown on the Drawings.  
 S5. Rocks shall be individually placed, not tipped into position, but shall be placed piece by piece into the structure to achieve a minimum 'three-point support' and be stable to the lines and levels shown on the drawings. Rocks shall be tightly packed together and shall not be placed so that they can rock or obtain their stability on a plane by frictional resistance alone prior to placing further rocks.

- S6. Rock placed directly on geotextile shall not be dropped from more than 0.5m  
 S7. Nominated armour and rockfill extents are to be considered minimums with any construction tolerances being additional unless noted otherwise.  
 S8. Nominated extents of geotextiles are to be considered minimums with any construction tolerances being additional.  
 S9. Slopes shown shall be considered minimums required for design.  
 S10. Any void below the finished profile level as defined in the drawings in excess of D<sub>35</sub> size shall be filled with an appropriate rock or rocks.  
 S11. Minimum rock dry density shall be 2,650 kg/m<sup>3</sup>.  
 S12. Material shall be placed to achieve a bulk density of stone placed of 1800 kg/m<sup>3</sup>, ±200kg/m<sup>3</sup>.  
 S13. Profiles eroded/damaged by wave, tidal and current action or other cause shall be made good before placing new material.  
 S14. The rock armour supply acceptance shall be governed by mass whereas geometry (diameter) shall be used as a guide only.  
 S15. Rock armour grading requirements:

Grade/Description	Nominal (2 layer thickness)	Nominal (1 layer thickness)	M <sub>15</sub> (Kg)	M <sub>50</sub> (Kg)	M <sub>85</sub> (Kg)
Armour Layer	1.26m	0.63m	350	700	1500

- S16. The contractor may utilize the existing in-situ armour

- S17. Quarry Run grading requirements on the revetments within the works

Coarse Limit	% Passing	5	15	50	85	Max
Dn (m)		0.14	0.15	0.35	0.5	0.5
Fine Limit	% Passing	min	15	50	85	97
Dn (m)		0.09	0.09	0.14	0.28	0.28

- S18. 50-200 Rock Fill Grading

Coarse Limit	% Passing	5	15	50	85	Max
Dn (m)		0.07	0.08	0.14	0.19	0.19
Fine Limit	% Passing	min	15	50	85	97
Dn (m)		0.05	0.05	0.07	0.12	0.12

- S19. Rock Capping Layer

Test Sieve (mm)	Percent Passing by Mass
100	70-100
53	50-80
19.5	25-60
9.5	0-10

- S20. Dressing material Type 2.5, Grading B shall be procured and placed in accordance with MRTS05.  
 S21. Refer to the Specification for testing and sampling requirements.  
 S22. Geotextile shall be strength Class E and filtration Class II installed in accordance with MRTS27. Placement shall be on a trimmed surface free from sharp protrusions.

## Concrete

- C1. Concrete to be in accordance with specification MRTS70 Concrete.  
 • Outlet pipes and headwalls = C2  
 C2. Concrete headwalls for pipes shall be precast, procured and installed to manufacturers specifications.

## Volumes/Tonnage Estimates

Material*	m <sup>3</sup>	Tonnes
Rock Armour (0.6 - 2t) Or Existing Armour		4500
Quarry Run**	4281	
50-200mm Rock Fill***	2250	
Capping Rock	300	
Type 2.5	55	

\*Important Note: No estimate of pipe trench filling provided. Contractor to provide estimate

\*\*Quarry run volume is based on a 0 degree fill profile (see typical sections). Contractor may increase to suit construction methods.

\*\*\*50-200mm rock fill volume is based on a 0 degree fill profile (see typical section). Contractor may increase to suit construction methods.

Prior to utilizing existing armor within the works the contractor shall provide tonnes and cost savings to NQBP for consideration

## Grading

- G1. Armour within the existing revetment may be utilised within the works through recovery of one layer only.  
 G2. Largest armour recovered from existing revetment to be utilised within the proposed toe.  
 G3. Recovered armour to be blended with imported armour to ensure a uniform grade across the scheme is achieved. No steps or gaps in grading is acceptable.



**NORTH QUEENSLAND BULK PORTS CORPORATION**

**APPROVED SUBJECT TO CONDITIONS**

NQBP ref: PL/04/02/00012

Signed: \_\_\_\_\_

Date: 01 June 2020

**ISSUED FOR CONSTRUCTION**

Approved by:  
Michael Moss  
  
RPEQ No. 15787

Issue	Description	Date	By	Chkd	Appd
3	Notes amended as cloused	04/02/20	GH	MM	MM
2	For Construction	10/12/19	DM	JO	MM
1	For Approval	15/11/19	AA	MM	MM

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Client  
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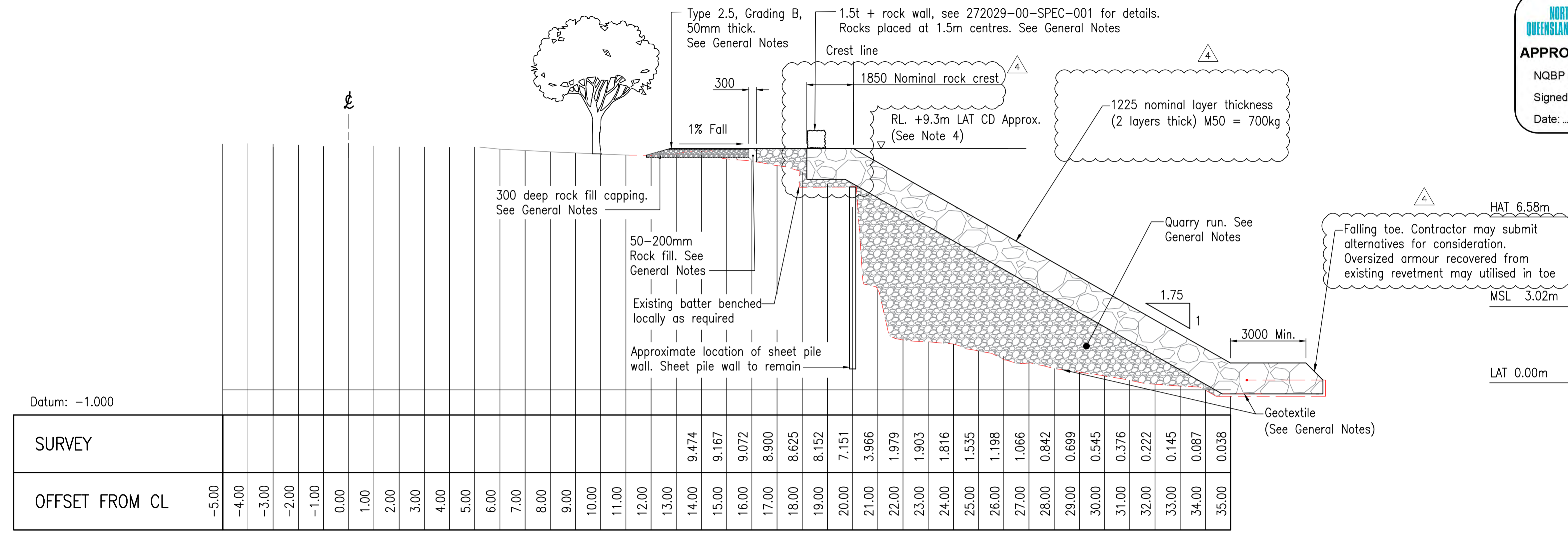
Job Title  
**WESTERN REVETMENT SHEET PILE WALL STABILISATION**

GENERAL NOTES

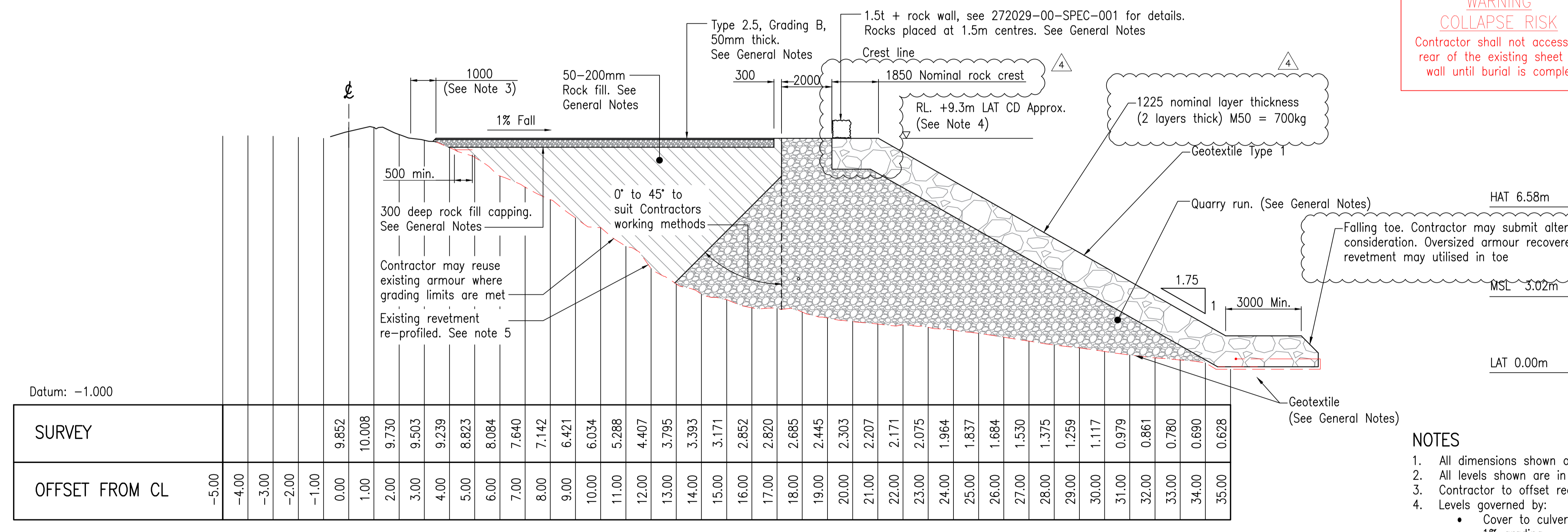
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Discipline	
Job No <b>272029</b>	Drawing Status <b>For Construction</b>
Drawing No <b>272029-0-DRG-102</b>	Issue <b>3</b>

**NORTH QUEENSLAND BULK PORTS CORPORATION**  
**APPROVED SUBJECT TO CONDITIONS**  
 NQBP ref: PL/04/02/00012  
 Signed: \_\_\_\_\_  
 Date: 01 June 2020



SECTION A CROSS SECTION - CH. 725.00  
 SCALE 1:20



SECTION B CROSS SECTION - CH. 750.00  
 SCALE 1:20

**WARNING**  
**COLLAPSE RISK**  
 Contractor shall not access the rear of the existing sheet pile wall until burial is complete

- NOTES**
- All dimensions shown on the drawings are in millimetres.
  - All levels shown are in metres.
  - Contractor to offset reclamation to allow for free drainage.
  - Levels governed by:
    - Cover to culvert of 250mm cover + 50mm Type 2.5 and 1% grading
  - The Contractor shall create a smooth consistent surface, with maximum protrusion of 50mm through placement of 50-200mm rock fill prior to place geotextile

**ISSUED FOR CONSTRUCTION**

Approved by:  
 Michael Moss  
 RPEQ No. 15787

Issue	Description	Date	By	Chkd	Appd
4	Revised as clouded	04/02/19	GH	MM	MM
3	For Construction	10/12/19	DM	JO	MM
2	For Approval	15/11/19	CW	MM	MM
1	Preliminary Issue	06/11/19	GH	MM	MM

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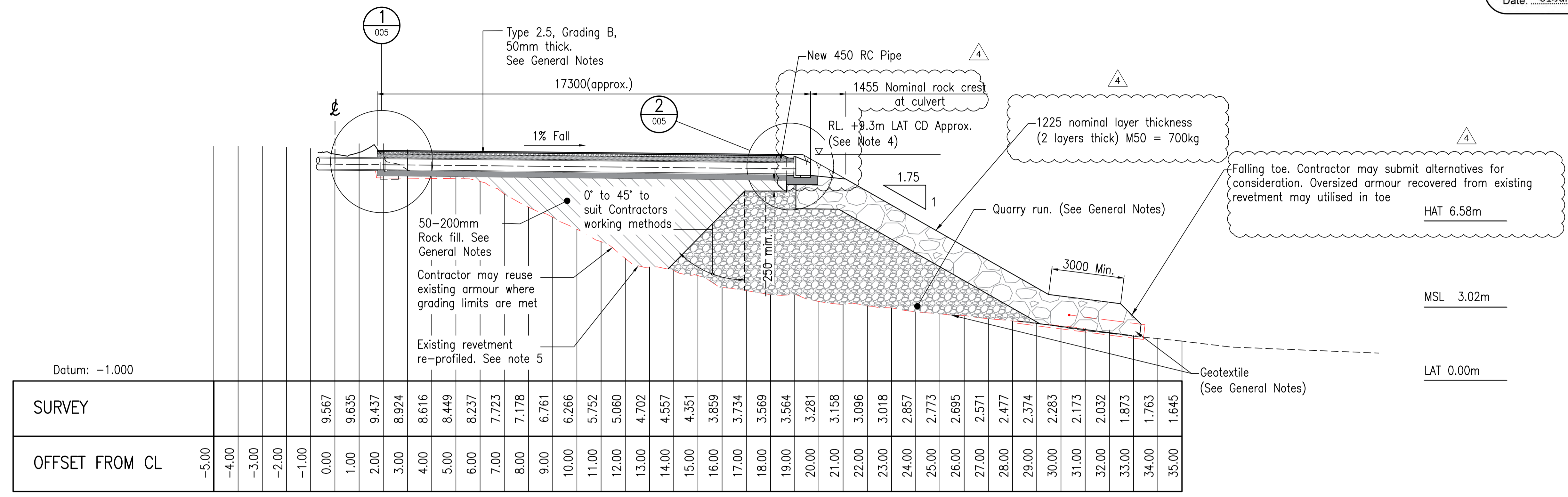
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 Member Firm  
 Arup Pty Ltd  
 ABN 18 000 966 165

Client  
**NORTH QUEENSLAND BULK PORTS CORPORATION**

Job Title  
**WESTERN RETVEMENT SHEET PILE WALL STABILISATION**

SECTIONS  
 SHEET 1 OF 2

Scale at A1	
Discipline	
Job No <b>272029</b>	Drawing Status <b>For Construction</b>
Drawing No <b>272029-0-DRG-103</b>	Issue <b>4</b>



CROSS SECTION - CH. 775.00  
 SECTION C  
 SCALE 1:20

- NOTES**
- All dimensions shown on the drawings are in millimetres.
  - All levels shown are in metres.
  - Contractor to offset reclamation to allow for free drainage.
  - Levels governed by:
    - Cover to culvert of 250mm cover + 50mm Type 2.5 and 1% grading
  - The Contractor shall create a smooth consistent surface, with maximum protrusion of 50mm through placement of 50-200mm rock fill prior to place geotextile

**ISSUED FOR CONSTRUCTION**

Approved by:  
 Michael Moss  
 RPEQ No. 15787

Issue	Description	Date	By	Chkd	Appd
4	Revised as clouded	04/02/20	GH	MM	MM
3	For Construction	10/12/19	DM	JO	MM
2	For Approval	15/11/19	CW	MM	MM
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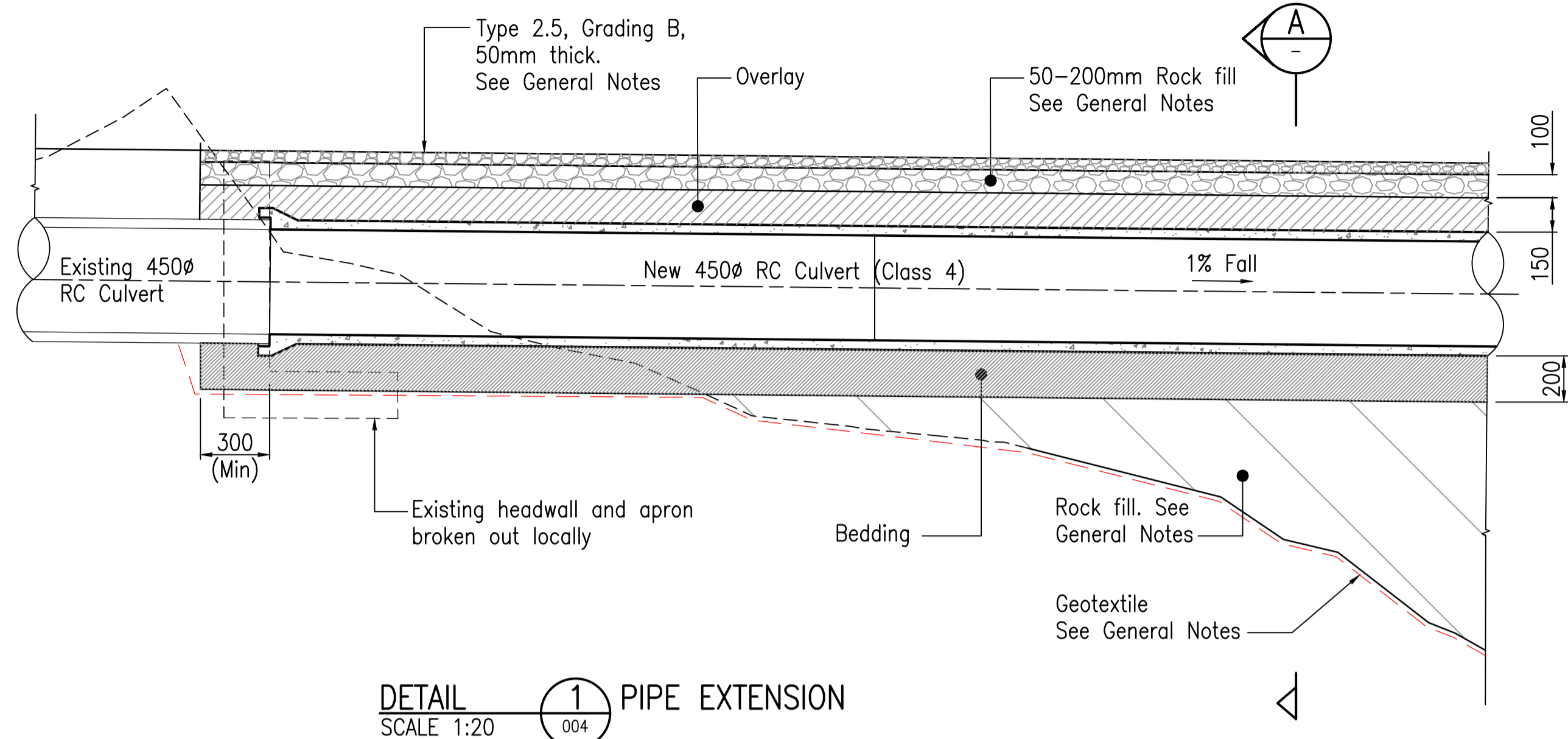
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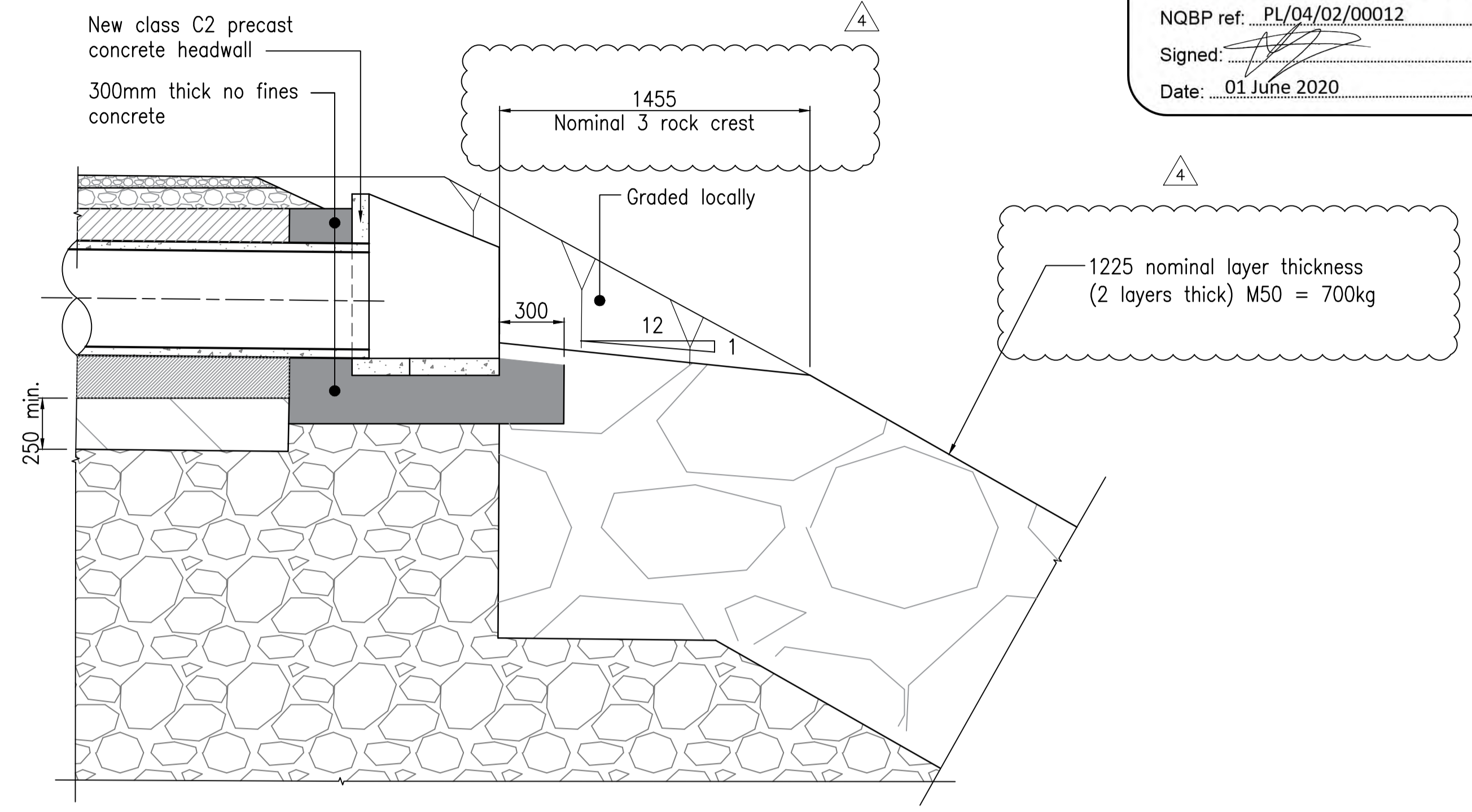
Job Title  
**WESTERN REVETMENT SHEET PILE WALL STABILISATION**

SECTIONS SHEET 2 OF 2

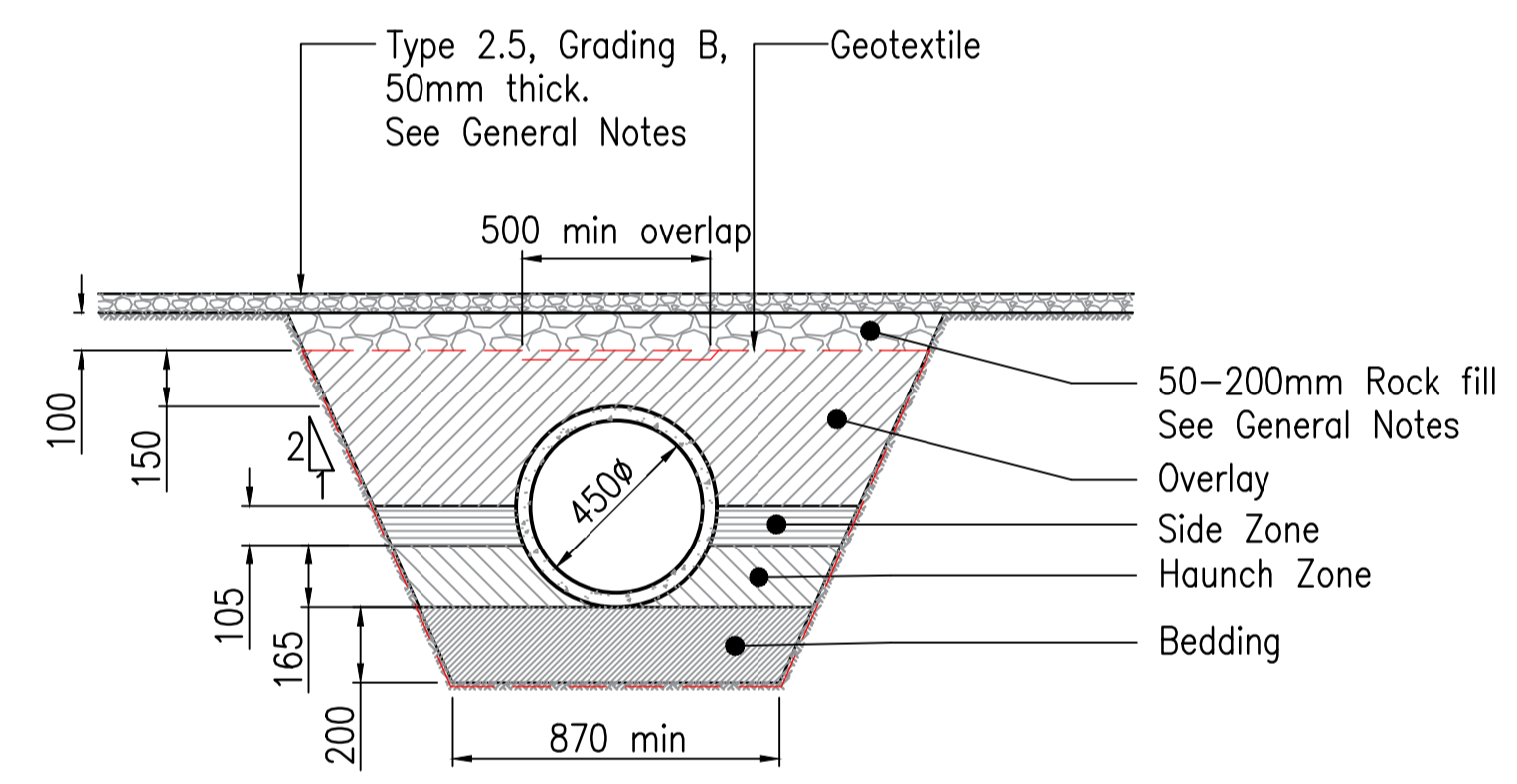
Scale at A1	
Discipline	
Job No <b>272029</b>	Drawing Status <b>For Construction</b>
Drawing No <b>272029-0-DRG-104</b>	Issue <b>4</b>



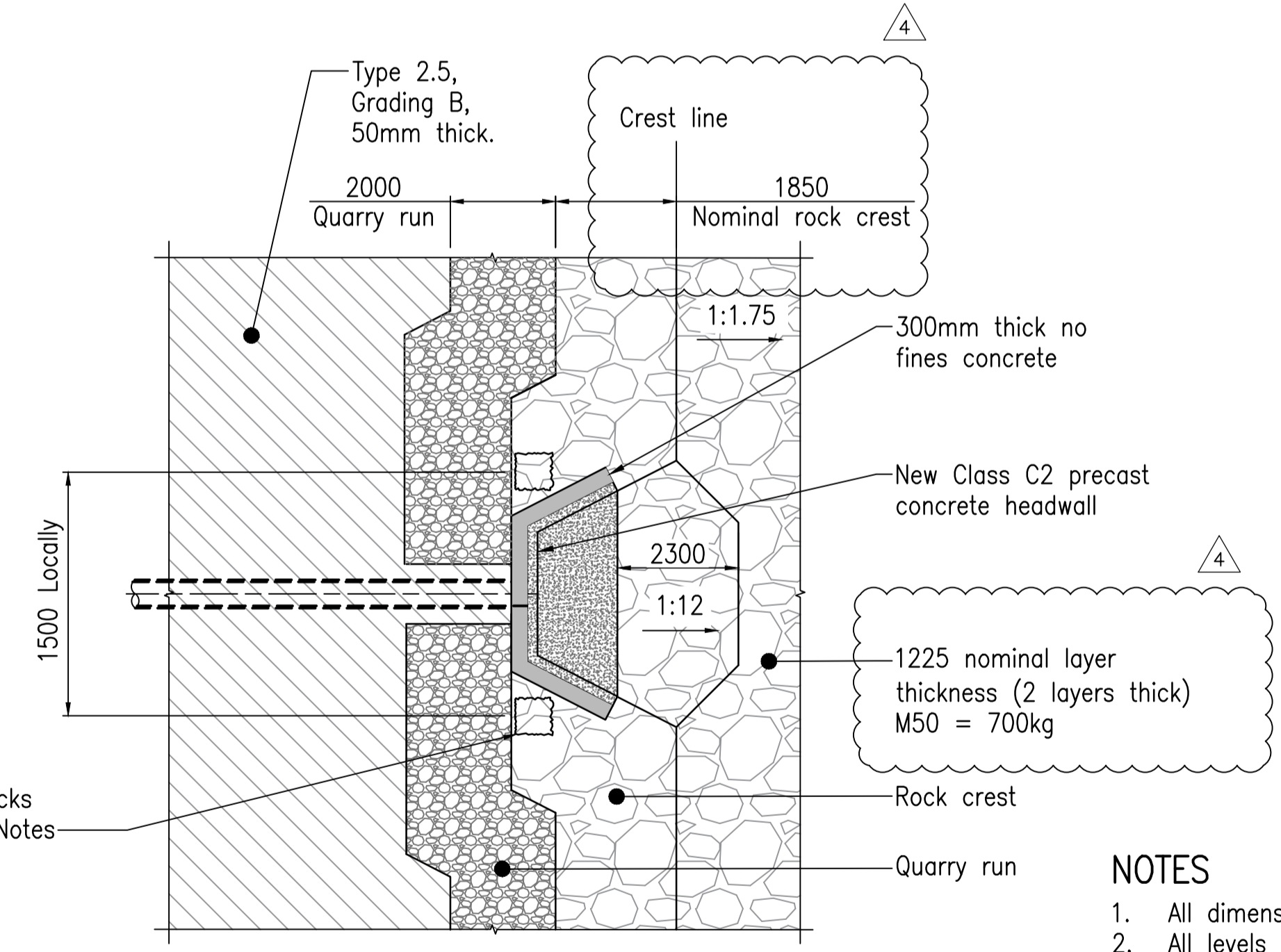
**DETAIL 1**  
 SCALE 1:20  
**PIPE EXTENSION**



**DETAIL 2**  
 SCALE 1:20  
**HEADWALL**



**SECTION A**  
 SCALE 1:20



**TYPICAL CULVERT PLAN**  
 SCALE 1:100

1.5t + rock wall, see 272029-00-SPEC-001 for details. Rocks placed at 1.5m centres. See General Notes

- NOTES**
- All dimensions shown on the drawings are in millimetres.
  - All levels shown are in metres.
  - Contractor to offset reclamation to allow for free drainage.
  - Levels governed by:
    - Cover to culvert of 250mm cover + 50mm Type 2.5 and 1% grading
  - The Contractor shall create a smooth consistent surface, with maximum protrusion of 50mm through placement of 50-200mm rock fill prior to place geotextile

**ISSUED FOR CONSTRUCTION**

Approved by:  
 Michael Moss  
 RPEQ No. 15787

Issue	Description	Date	By	Chkd	Appd
3	For Construction	10/12/19	DM	JO	MM
2	For Approval	15/11/19	CW	MM	MM
1	Preliminary Issue	06/11/19	GH	MM	MM

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Job Title  
**WESTERN REVETMENT SHEET PILE WALL STABILISATION**

**DETAILS**

Scale at A1	
Discipline	
Job No <b>272029</b>	Drawing Status <b>For Construction</b>
Drawing No <b>272029-0-DRG-105</b>	Issue <b>3</b>