



25 November 2024

Kate Large  
Planner  
North Queensland Bulk Ports Corporation  
PO Box 3340  
NORTH MACKAY QLD 4740

Dear Kate,

**DECISION NOTICE FOR OPERATIONAL WORKS IN THE COASTAL MANAGEMENT DISTRICT FOR NORTH WALL PARK IMPROVEMENTS ON LAND DESCRIBED AS LOT 23 ON SP123751, AT THE PORT OF MACKAY**

**NQBP Reference:** PA-MY-2024-01

North Queensland Bulk Ports Corporation Ltd (NQBP) wish to advise that your development application seeking approval for North Wall Park Improvements at the Port of Mackay was approved in full subject to conditions on 25 November 2024.

Approval has been given with respect to Operational Works in the Coastal Management District under the *Planning Act 2016*.

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

If you have any queries regarding this Decision Notice, please contact the undersigned.

Yours sincerely

Sally Sala  
**Manager Planning and Development**

Telephone: (07) 3011 7906  
Email: [ssala@nqbp.com.au](mailto:ssala@nqbp.com.au)  
Doc Reference: PA-MY-2024-01-02

Enc: Decision notice issued under to s 63 of the *Planning Act 2016*  
Approved drawings

Cc: Mackay Regional Council  
State Assessment and Referral Agency

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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

**HAY POINT • MACKAY • ABBOT POINT • WEIPA**

## Decision Notice

Planning Act 2016 s.63

### 1. Details of approval

<i>Applicant name:</i>	North Queensland Bulk Ports
<i>Development application:</i>	Operational Works in a Coastal Management District (Schedule 10, Part 17, Division 1, s28 (1)(b)(i) for park improvement works including: - removal of existing picnic table - removal of timber fence - relocation of two existing signs - installation of two new bench seats - installation of concrete edging and landscaping - installation of concrete pathway
<i>Date of decision</i>	25 November 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 <input type="checkbox"/> Approved in part <input type="checkbox"/> Approved in part with conditions

### 1. Property description of proposed development

<i>Port:</i>	Mackay
<i>Street address:</i>	Edmund Casey Drive, Mackay Harbour
<i>Real property description:</i>	Lot 23 on SP123751
<i>Local government area:</i>	Mackay Regional Council

### 2. 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>
North Wall Beach – External Works Plan 1 of 1	014343 EW.01	03/07/2024 Rev. 2

### 3. 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:

- 10.17.3.1 Tidal Works or works in a coastal management district

### 4. Properly made submissions

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

### 5. Additional development permits

This development permit is limited to Operational Works for park improvements within the Coastal Management District on Lot 23 on SP123751 at the Port of Mackay. At no time should this document be interpreted to imply approval to any other development, operation or land use.

Please be advised that the following development permits are required to be obtained before the development can be carried out. It is the applicant's responsibility to ensure that all other necessary development permits are in place prior to work commencing.

<i>Permit / Licence/ Approval requirements</i>	<i>Relevant agency</i>
Permit to Dig	NQBP
Building work – Development permit	Building certifier, as per the <i>Building Act 1975</i>
Port Development Approval	NQBP

### 6. Currency period for the approval

This development approval will lapse if the approved development is not substantially start within 2 (two) years of the date of approval (section 85 of *Planning Act 2016*).

### 7. 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 reference 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"> <thead> <tr> <th><i>Drawing or document</i></th> <th><i>Number</i></th> <th><i>Date / revision</i></th> </tr> </thead> <tbody> <tr> <td>North Wall Beach – External Works Plan 1 of 1</td> <td>014343 EW.01</td> <td>03/07/2024 Rev. 2</td> </tr> </tbody> </table>		<i>Drawing or document</i>	<i>Number</i>	<i>Date / revision</i>	North Wall Beach – External Works Plan 1 of 1	014343 EW.01	03/07/2024 Rev. 2	At all times.
<i>Drawing or document</i>	<i>Number</i>	<i>Date / revision</i>						
North Wall Beach – External Works Plan 1 of 1	014343 EW.01	03/07/2024 Rev. 2						
<p>2. As constructed” drawings and design certificates certified by a RPEQ must be submitted to NQBP via <a href="mailto:approvals@nqbp.com.au">approvals@nqbp.com.au</a>. The following must be provided:</p> <ul style="list-style-type: none"> <li>- One set of “As-constructed” pdf 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 completion of works.						
<b>Site management</b>								
<p>3. The Applicant, or party acting on behalf of the applicant, is not permitted to adversely impact the effective and efficient operation of the Port.</p>		At all times						
<p>4. The Applicant will ensure that infrastructure, services, property assets or utilises are not damaged during the construction or operation of the approved development. If any damage results, the proponent will be required to meet all costs of the remediation / repair to the satisfaction of NQBP and / or the relevant service provider.</p>		At all times.						
<b>Environmental management</b>								
<p>4. The development must not cause unlawful environmental nuisance or harm.</p>		At all times						
<p>5. Any environmental emergency, incident or potentially harmful event involving the approved development must be reported to NQBP’s Environment Group via <a href="mailto:environment@nqbp.com.au">environment@nqbp.com.au</a> or 1300 129 255.</p> <p>A written report must also be provided, detailing the following information:</p> <ul style="list-style-type: none"> <li>• name of the operator</li> </ul>		Initial report: within 24 hours of the emergency, incident or event occurring.						

Condition	Timing
<ul style="list-style-type: none"> <li>• the name and telephone number of a designated contact person</li> <li>• quantity and substance released</li> <li>• person/s involved</li> <li>• location and time of the release/event</li> <li>• likely cause of release/event</li> <li>• effects of the release</li> <li>• sampling performed and conclusions drawn</li> <li>• actions taken to mitigate any environmental harm</li> <li>• proposed actions to prevent a recurrence.</li> </ul>	<p>Written report: within 14 days of the emergency, incident or event occurring.</p>
<p>6. A Construction Environmental Management Plan (CEMP) is to be submitted for review and approval by NQBP via <a href="mailto:approvals@nqbp.com.au">approvals@nqbp.com.au</a></p>	<p>At least two (2) weeks prior to commencement of works.</p>

## PART 2: REFERRAL AGENCY RESPONSE

Agency	Reference	Date
Department of State Development, Manufacturing, Infrastructure and Planning	2409-42310 SRA	11 October 2024



SARA reference: 2409-42310 SRA  
 Council reference: PA-MY-2024-01

11 October 2024

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

Attention: Kate Large

Dear Kate

## SARA referral agency response—Slade Point Road, Mackay Harbour

(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 12 September 2024.

### Response

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Outcome:	Referral agency response – with conditions
Date of response:	11 October 2024
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 for Park improvement works
SARA role:	Referral agency
SARA trigger:	Schedule 10, Part 17, Division 3, Subdivision 1, Table 1 (Planning Regulation 2017) – Tidal works or works in a coastal management district
SARA reference:	2409-42310 SRA



Assessment manager: The North Queensland Bulk Ports  
Street address: Slade Point Road, Mackay Harbour  
Real property description: Lot 23 on SP123751  
Applicant name: North Queensland Bulk Ports  
Applicant contact details: PO Box 3340  
North Mackay QLD 4740  
planning@nqbp.com.au

*Human Rights Act 2019* considerations: The decision has been assessed for compatibility with human rights under the *Human Rights Act 2019*. The decision was found not to limit human rights under the *Human Rights Act 2019* therefore, it is reasonable to conclude the decision is compatible with human rights.

## Representations

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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 Jarod Platt, Senior Planning Officer, on 07 3452 6941 or via email MIWSARA@dSDLGP.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski  
Manager, Planning – Wide Bay Burnett

cc North Queensland Bulk Ports, planning@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 about a referral agency response provisions  
Attachment 5 - Documents referenced in conditions

## 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
<b>Operational work for Park improvement works</b>		
10.17.3.1.1 – 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.	The construction of the park improvement works must be undertaken generally in accordance with the following plans: a) External Works Plan 1 of 1, prepared by RPS AAP Consulting Ltd, dated 03/07/2024, reference EW.01, issue 2.	For the duration of works
2.	For the proposed works, only use clean materials which are free from prescribed water contaminants.	For the duration of 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 Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association).	For the duration of works
4.	Should the park improvements collapse, fail or otherwise suffer structural consequences which impact their integrity or ability to function as intended, the works must be: a) reinstated in accordance with this development approval; or b) removed and disposed of at an appropriately licensed facility.	As soon as reasonably practicable subsequent to the damage
5.	Submit “As Constructed drawings” to <a href="mailto:palm@des.qld.gov.au">palm@des.qld.gov.au</a> or mail to:  Department of Environment and Science Permit and Licence Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001	Within 20 business days of the completion of the works
6.	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 Queensland Acid Sulfate Soil Technical Manual: Soil Management Guidelines, prepared by the Department of Resources, 2023.  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 <a href="mailto:palm@des.qld.gov.au">palm@des.qld.gov.au</a> or mail to:  Department of Environment and Science Permit and Licence Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001	(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

	Note: Appropriately qualified person 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.	
7.	<p>Works that disturb potential turtle nesting habitat must not be undertaken during turtle nesting season.</p> <p>Note: Turtle nesting season means the period of time from when turtles are nesting to when hatchlings are present from November to April annually.</p>	For the duration of works

## 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) (version 3.0). If a word remains undefined it has its ordinary meaning.

## 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 SARA's decision are:**

SARA has assessed the development against the State Development Assessment Provisions (SDAP), version 3.0, State code 8: Coastal development and tidal works.

The development complies with the assessment benchmarks of State code 8 of the SDAP version 3.0, subject to implementation of conditions. Specifically, the development:

- Maintains coastal processes and maintains appropriate public use of, and access to and along state coastal land
- Avoids impacts or, where the matters of state environmental significance cannot be reasonably avoided, impacts are reasonably minimised and mitigated
- Does not result in a significant residual impact on a matter of state environmental significance

### **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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## **Attachment 5—Documents referenced in conditions**

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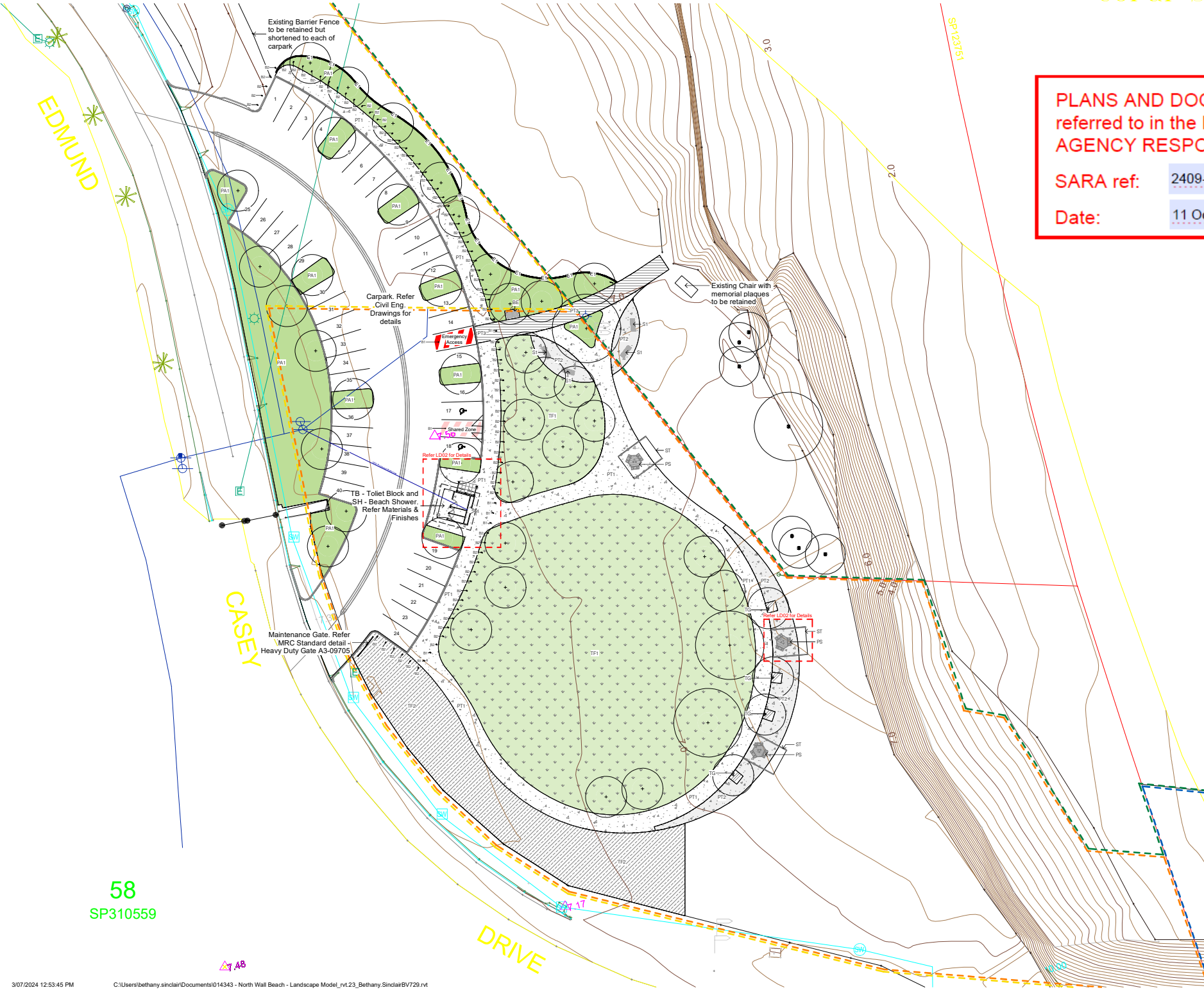
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rev	description	date	drawn	QA
1	Initial Issue	20240626	BGS	TFC
2	80% CD	20240703	BGS	TFC

**PLANS AND DOCUMENTS**  
referred to in the REFERRAL  
AGENCY RESPONSE

SARA ref: 2409-42310 SRA

Date: 11 October 2024

EDMUND

CASEY

DRIVE

58  
SP310559



**RPS**  
A TETRA TECH COMPANY

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Unit 1, 5-7 Barlow St.,  
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Queensland, 4810  
T +61 7 4724 4244  
W rpsgroup.com

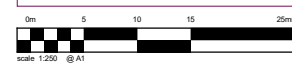
client: NQBP

project name: North Wall Beach

project location: Mackay Harbour QLD 4740

drawing title: EXTERNAL WORKS - PLAN 1 OF 1

NOT FOR CONSTRUCTION



AJ1213 document no. 014343 EW.01

project no. drawing no. issue 2



## 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>	Kate Large  PO Box 3340 NORTH MACKAY QLD 4740

### 2. Property description of proposed development

<i>Port:</i>	Mackay
<i>Street address:</i>	Edmund Casey Drive
<i>Real property description:</i>	Lot 23 on SP123751
<i>Local government area:</i>	MACKAY REGIONAL COUNCIL

### 3. Development details

<i>Approved development:</i>	Operational Works in a Coastal Management District (Schedule 10, Part 17, Division 1, s28 (1)(b)(i) for park improvement works including: - removal of existing picnic table - removal of timber fence - relocation of two existing signs - installation of two new bench seats - installation of concrete edging and landscaping - installation of concrete pathway
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### 4. Assessment matters

The application has been assessed against:

- Port of Mackay Land Use Plan (November 2009)
- Priority Port Master Plan (2023) and Overlay (2024)
- Mackay, Isaac and Whitsunday Regional Plan, 2012
- 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 and contributes toward the achievement of the desired environmental outcomes of the Port of Mackay Land Use Plan (November 2009) and the applicable regional policies
- 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.

## Approved drawings

<i>Drawing or document</i>	<i>Number</i>	<i>Date / revision</i>
North Wall Beach – External Works Plan 1 of 1	014343 EW.01	03/07/2024 Rev. 2

rev	description	date	drawn	OA
1	Initial Issue	20240626	BGS	TFC
2	80% CD	20240703	BGS	TFC

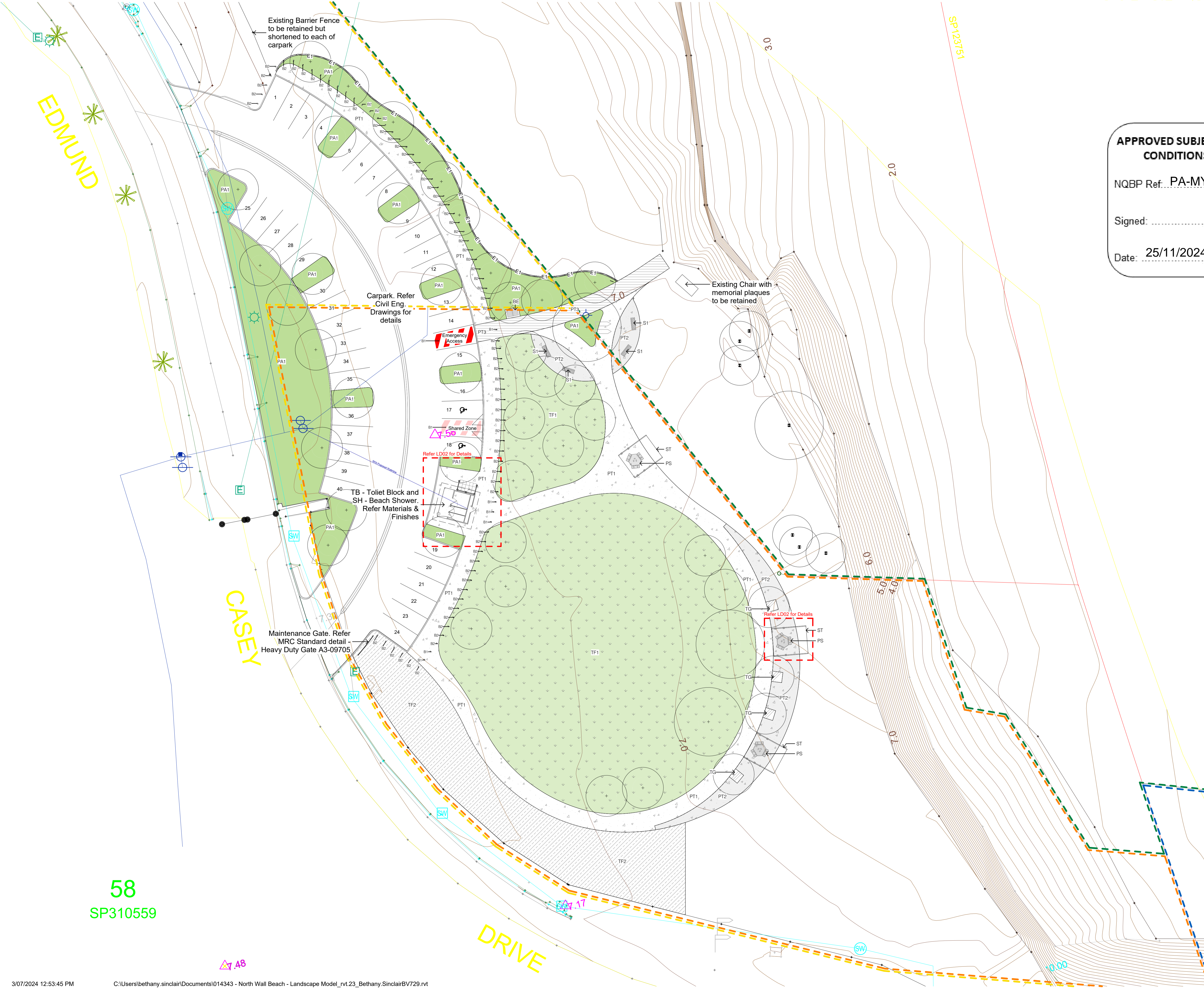
**APPROVED SUBJECT TO CONDITIONS**



NQBP Ref: PA-MY-2024-01-02

Signed: .....

Date: 25/11/2024




**RPS**  
A TETRA TECH COMPANY

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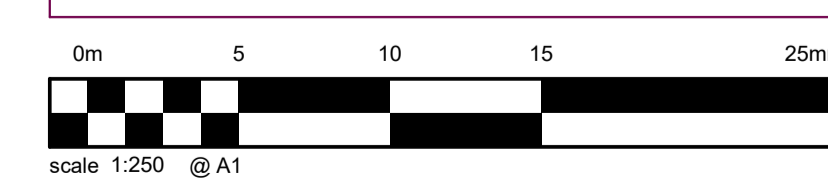
client  
NQBP

project name  
North Wall Beach

project location  
Mackay Harbour QLD 4740

drawing title  
**EXTERNAL WORKS - PLAN 1 OF 1**

**NOT FOR CONSTRUCTION**



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