



4 August 2022

Dalrymple Bay Infrastructure Management
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 LOTS 131-132 SP136318; LOT 126 SP123776; AND LOT 133 SP256544, AT THE PORT OF HAY POINT

NQBP Reference: PL/03/02/00013

North Queensland Bulk Ports Corporation Ltd (NQBP) wish to advise that your development application seeking approval to conduct operational works and associated development as part of the proposed 8X Project at the Port of Hay Point was approved in full subject to conditions on 4 August 2022.

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,

A handwritten signature in black ink, appearing to read "Sally Sala".

Sally Sala
Principal Planner

Telephone: (07) 3011 7906
Email: ssala@nqbp.com.au
Doc Reference: E22/14113

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

BRISBANE OFFICE
GPO Box 409 Brisbane
Queensland 4001

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nqbp.com.au info@nqbp.com.au

MACKAY OFFICE
Level 1 Waterfront Place
Mulherin Drive Mackay Harbour
Queensland 4740
P 07 4969 0700 F 07 4969 0799
nqbp.com.au info@nqbp.com.au

Level 1, Waterfront Place, Mulherin Drive Mackay Harbour Queensland is the Registered Office of:

NORTH QUEENSLAND BULK PORTS CORPORATION LIMITED
ACN 136 880 218 • ABN 36 136 880 218

PORTS CORPORATION OF QUEENSLAND LIMITED
ACN 126 302 994 • ABN 49 657 447 879

MACKAY PORTS LIMITED
ACN 131 965 707 • ABN 69 131 965 707

HAY POINT • MACKAY • ABBOT POINT • WEIPA

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 (tidal works), for the installation of a shiploader and conveyor system, at Berth 3 Dalrymple Bay Coal Terminal.
<i>Date of decision</i>	4 August 2022
<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>
Offshore Conveyor L18 & Amenities Building Berth 3: General Arrangement	5000-DRG-LL-0002 Rev D	22/03/2022
Offshore Conveyor L18 & Amenities Building Berth 3: Sections and Details Sheet 1	5000-DRG-LL-0003 Rev D	22/03/2022
Offshore Conveyor L18 & Amenities Building Berth 3: Sections and Details Sheet 2	5000-DRG-LL-0004 Rev D	22/03/2022

<i>Drawing or document</i>	<i>Number / revision</i>	<i>Date</i>
Offshore Conveyor L18 & Amenities Building Berth 3: Piling Plan	5000-DRG-LL-0005 Rev B	22/03/2022

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><tr><th>Drawing or document</th><th>Number / revision</th><th>Date</th></tr><tr><td>Offshore Conveyor L18 & Amenities Building Berth 3: General Arrangement</td><td>5000-DRG-LL-0002 Rev D</td><td>22/03/2022</td></tr><tr><td>Offshore Conveyor L18 & Amenities Building Berth 3: Sections and Details Sheet 1</td><td>5000-DRG-LL-0003 Rev D</td><td>22/03/2022</td></tr><tr><td>Offshore Conveyor L18 & Amenities Building Berth 3: Sections and Details Sheet 2</td><td>5000-DRG-LL-0004 Rev D</td><td>22/03/2022</td></tr><tr><td>Offshore Conveyor L18 & Amenities Building Berth 3: Piling Plan</td><td>5000-DRG-LL-0005 Rev B</td><td>22/03/2022</td></tr></table>	Drawing or document	Number / revision	Date	Offshore Conveyor L18 & Amenities Building Berth 3: General Arrangement	5000-DRG-LL-0002 Rev D	22/03/2022	Offshore Conveyor L18 & Amenities Building Berth 3: Sections and Details Sheet 1	5000-DRG-LL-0003 Rev D	22/03/2022	Offshore Conveyor L18 & Amenities Building Berth 3: Sections and Details Sheet 2	5000-DRG-LL-0004 Rev D	22/03/2022	Offshore Conveyor L18 & Amenities Building Berth 3: Piling Plan	5000-DRG-LL-0005 Rev B	22/03/2022	At all times.
Drawing or document	Number / revision	Date														
Offshore Conveyor L18 & Amenities Building Berth 3: General Arrangement	5000-DRG-LL-0002 Rev D	22/03/2022														
Offshore Conveyor L18 & Amenities Building Berth 3: Sections and Details Sheet 1	5000-DRG-LL-0003 Rev D	22/03/2022														
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Offshore Conveyor L18 & Amenities Building Berth 3: Piling Plan	5000-DRG-LL-0005 Rev B	22/03/2022														
<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	2206-29472 SRA	22 July 2022



SARA reference: 2206-29472 SRA
Assessment Manager reference: PL/03/02/00013
Applicant reference: n/a

22 July 2022

Chief Executive Officer
The North Queensland Bulk Ports
GPO Box 409
Brisbane Qld 4001

Email: planning@nqbp.com.au; jkeane@nqbp.com.au; ssala@nqbp.com.au

planning@nqbp.com.au

Attention: Ms Julie Keane

Dear Ms Keane

SARA response – Operational Works (Tidal Works) for the installation of a Shiploader and Conveyor System at Berth 3 of Dalrymple Bay Coal Terminal, Port of Hay Point (Offshore)

(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 22 June 2022.

Response

Outcome:	Referral agency response – with conditions
Date of response:	22 July 2022
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 Works (Tidal Works) for the installation of a shiploader and conveyor system at Berth 3 of Dalrymple Bay Coal Terminal.
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 17, Division 3, Table 1, Item 1 (Planning Regulation 2017)	
	Operational work that is Tidal works or work in a coastal management district	
	Schedule 10, Part 17, Division 3, Table 2, Item 1 (Planning Regulation 2017)	
	Operational work that is tidal works or work in a coastal management district in tidal waters	
SARA reference:	2206-29472 SRA	
Assessment Manager:	The North Queensland Bulk Ports	
Street address:	Port of Hay Point (Offshore)	
Real property description:	Lot 126 on SP123776	
Applicant name:	Dalrymple Bay Infrastructure Management C/o Sprott Planning & Environment	
Applicant contact details:	PO Box 2561 Southport BC QLD 4215 jason@sprottplanning.com	

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 Louise McGrath, Principal Planning Officer, on (07) 3452 7786 or via email MIWSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
A/Regional Director (North)

cc Dalrymple Bay Infrastructure Management C/o Sprott Planning & Environment, jason@sprottplanning.com

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 - Approved 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
Operational Works		
Schedule 10, Part 17, Division 3, Table 1, Item 1 —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 conditions:		
1.	<p>The construction of the Shiploader and Conveyor System (Tidal Works) must be undertaken generally in accordance with the following plans:</p> <ul style="list-style-type: none"> (a) OFFSHORE CONVEYOR L18 & AMENITIES BUILDING, BERTH 3 GENERAL ARRANGEMENT FOR APPROVAL, prepared by Aurecon, dated 26/05/2022, Drawing Number 5000-DRG-LL-0002, Revision D. (b) OFFSHORE CONVEYOR L18 & AMENITIES BUILDING, BERTH 3 SECTIONS AND DETAILS SHEET 1 FOR APPROVAL, prepared by Aurecon, dated 26/05/2022, Drawing Number 5000-DRG-LL-0003, Revision D. (c) OFFSHORE CONVEYOR L18 & AMENITIES BUILDING BERTH 3 SECTIONS AND DETAILS SHEET 2 FOR APPROVAL, prepared by Aurecon, dated 26/05/2022, Drawing Number 5000-DRG-LL-0004, Revision D. (d) OFFSHORE CONVEYOR L18 & AMENITIES BUILDING BERTH 3 PILING PLAN FOR APPROVAL prepared by Aurecon, dated 26/05/2022, Drawing Number 5000-DRG-LL-0005, Revision B. 	For the duration of the works
2.	<p>The construction of the Shiploader and Conveyor System (Tidal Works) must be carried out generally in accordance with:</p> <ul style="list-style-type: none"> - Appendix B – Pile Driving Impact Management and Mitigation Procedure of the Draft 8X Marine Construction Environmental Management Plan – Framework & Guideline (v2) prepared by Sprott Planning & Environment Pty Ltd dated 13 June 2022, reference CEMP, revision 3, as amended in red by SARA. 	Prior to works commencing and for the duration of the works
3.	For the proposed works, only use clean materials and ensure that the works do not cause contamination.	For the duration of the works
4.	Erosion and sediment control measures which are in accordance with Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association), are to be installed and maintained to prevent the release of sediment to tidal waters.	For the duration of the works

5.	<p>Should the Shiploader and Conveyor System (Tidal 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
6.	<p>Submit "As Constructed drawings" to palm@des.qld.gov.au or mail to:</p> <p>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
7.	<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 Queensland Acid Sulfate Soil Technical Manual: Soil management guidelines, prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014.</p> <p>(b) Certification by an appropriately qualified person, confirming that the affected soil has been neutralised 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 Science Permit and Licence Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p> <p>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.</p>	<p>(a) Upon disturbance or oxidisation until the affected soil has been neutralised or contained</p> <p>(b) At the time the soils have been neutralised or contained</p>
<p>Schedule 10, Part 17, Division 3, Table 2, Item 1 —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>		
8.	<p>The construction of the Shiploader and Conveyor System (Tidal Works) must be carried out generally in accordance with the following plans:</p> <p>(a) OFFSHORE CONVEYOR L18 & AMENITIES BUILDING BERTH 3 GENERAL ARRANGEMENT FOR APPROVAL prepared by Aurecon, dated 26/05/2022, Drawing Number 5000-DRG-LL-0002, Revision D.</p>	For the duration of the works

	<p>(b) OFFSHORE CONVEYOR L18 & AMENITIES BUILDING BERTH 3 SECTIONS AND DETAILS SHEET 1 FOR APPROVAL, prepared by Aurecon, dated 26/05/2022, Drawing Number 5000-DRG-LL-0003, Revision D.</p> <p>(c) OFFSHORE, CONVEYOR L18 & AMENITIES BUILDING, BERTH 3 SECTIONS AND DETAILS SHEET 2, FOR APPROVAL, prepared by Aurecon, dated 26/05/2022, Drawing Number 5000-DRG-LL-0004, Revision D.</p> <p>(d) OFFSHORE CONVEYOR L18 & AMENITIES BUILDING BERTH 3 PILING PLAN FOR APPROVAL, prepared by Aurecon, dated 26/05/2022, Drawing Number 5000-DRG-LL-0005, Revision B.</p>	
9.	<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 (Mackay) mackay.maritime@msq.qld.gov.au must be immediately contacted, 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>
10.	<p>"As constructed" drawings of the approved structure must be provided to the Regional Harbour Master (Mackay) mackay.maritime@msq.qld.gov.au</p>	Within three (3) months of the completion of works
11.	<p>(a) Provide written notice to the Regional Harbour Master (Mackay) mackay.maritime@msq.qld.gov.au when any work under this approval is scheduled to commence.</p> <p>(b) Provide written notice to the Regional Harbour Master (Mackay) mackay.maritime@msq.qld.gov.au when any work under this approval has been completed.</p> <p>The notices under part (a) and (b) of this condition must state the application number 2206-29472 SRA, the location and name of the registered place and the condition number under which the notice is being given.</p>	<p>(a) At least two (2) weeks prior to commencement of the works</p> <p>(b) Within two (2) weeks of the completion of the works</p>
12.	<p>All vessels, structures, plant and equipment associated with construction of the approved Shiploader and Conveyor System (Tidal Works) must be lit/marked in accordance with the following specifications and requirements such that undertaking the construction works does not cause a risk to the safe navigation of ships/boats:</p> <p>(a) Floating plant and equipment including construction vessels are to be lit in accordance with the International Regulation for Prevention of Collisions at Sea (COLREG's).</p> <p>(b) Mooring buoys are to be lit in accordance with International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA recommendations).</p> <p>(c) Lighting must be provided in accordance with section 3 of the AS4282-1997 '<i>Control of the obtrusive effects of outdoor lighting to ensure safe navigation of other ships</i>'.</p> <p>(d) Lighting provided must not obscure or disguise or otherwise interfere with the effectiveness of navigational lighting.</p>	For the duration of the works

13.	<p>The structure must be lit/marked in accordance with the following specifications, such that it does not cause a risk to the safe navigation of ships/boats:</p> <p>(a) Aids to navigation and lighting must be provided on the development (Shiploader and Conveyor System).</p> <p>(b) These aids to navigation and lighting must not cause a risk to the safe navigation of other ships/boats and be lit/marked as directed by the Regional Harbour Master and generally in accordance with the following specifications and requirements:</p> <ol style="list-style-type: none"> i. Aids to navigation – to be installed as directed by the Regional Harbour Master and lit in accordance with International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) conventions. ii. Lighting must be provided in accordance with section 3 of A4282-1997 '<i>Control of the obtrusive effects of outdoor lighting to ensure safe navigation of other ships</i>'. <p>(c) Lighting provided must not obscure or disguise or otherwise interfere with the effectiveness of navigational lighting.</p>	At all times
14.	<p>(a) Prepare in consultation with the Regional Harbour Master (Mackay), a Marine Execution Plan (MEP) that is to accompany the written notice as referenced in condition 11 (a). The MEP is to include an assessment of maritime safety in the local area during the construction of the development to ensure it does not cause a risk to the safe navigation of ships/boats. The MEP must include the following:</p> <ul style="list-style-type: none"> • forecasted start and end dates • hours of work • general methodology overview • name of principal barges and marine equipment involved • barge mooring plan • extreme weather contingency plans • 24/7 point of contact to ensure timely communication with Vessel Traffic System during extreme weather and other maritime emergencies • vessel traffic management plan to allow safe passage of passing traffic • marking of navigation hazards during construction, such as unattended piles and barge anchors • any other information to support the safe management of the mare works as identified by the applicant • demarcation and management of construction area to restrict inadvertent transit of vessels through the construction site • details on the lighting and marking specifications of vessels, plant and equipment used during the works including: <ul style="list-style-type: none"> o the provision of yellow buoys fitted with FL yellow lights and any deployed anchors o the provision of flashing yellow lights on outboard extremities for any barges o details on the marking of any floating pipeline to ensure that it is visible by day and night and marked in accordance with International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) conventions 	<p>(a) At least two (2) weeks prior to the commencement of works</p> <p>(b) For the duration of the works</p>

	<ul style="list-style-type: none"> o details on how lighting does not obscure, disguise or otherwise interfere with the effectiveness of navigational lighting. <p>(b) Undertake the tidal works in accordance with the MEP.</p>	
15.	Any debris or similar obstruction encountered whilst undertaking the work must be reported to Regional Harbour Master (Mackay) mackay.maritime@msq.qld.gov.au and disposed of at the applicant's cost:	For the duration of works

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) v3.0. 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 complies with the State Development Assessment Provisions (SDAP) *State code 7: Maritime safety* and *State code 8: Coastal development and tidal works*, subject to the inclusion of conditions. Subject to including these conditions, the development:

- does not compromise the viable operation of aids to navigation or the safe operation of vessels in navigable waterways;
- is coastal dependent development that has been designed to be fit-for-purpose and does not result risk or impacts to people and property from coastal erosion and hazards;
- does not adversely affect coastal processes or coastal resources;
- does not have an impact on Matters of State Environmental Significance (MSES), and the conditions ensure impacts to adjacent MSES are avoided; and
- does not result in any significant residual impacts on MSES that would require an offset to be provided.

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 3.0), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*

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 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

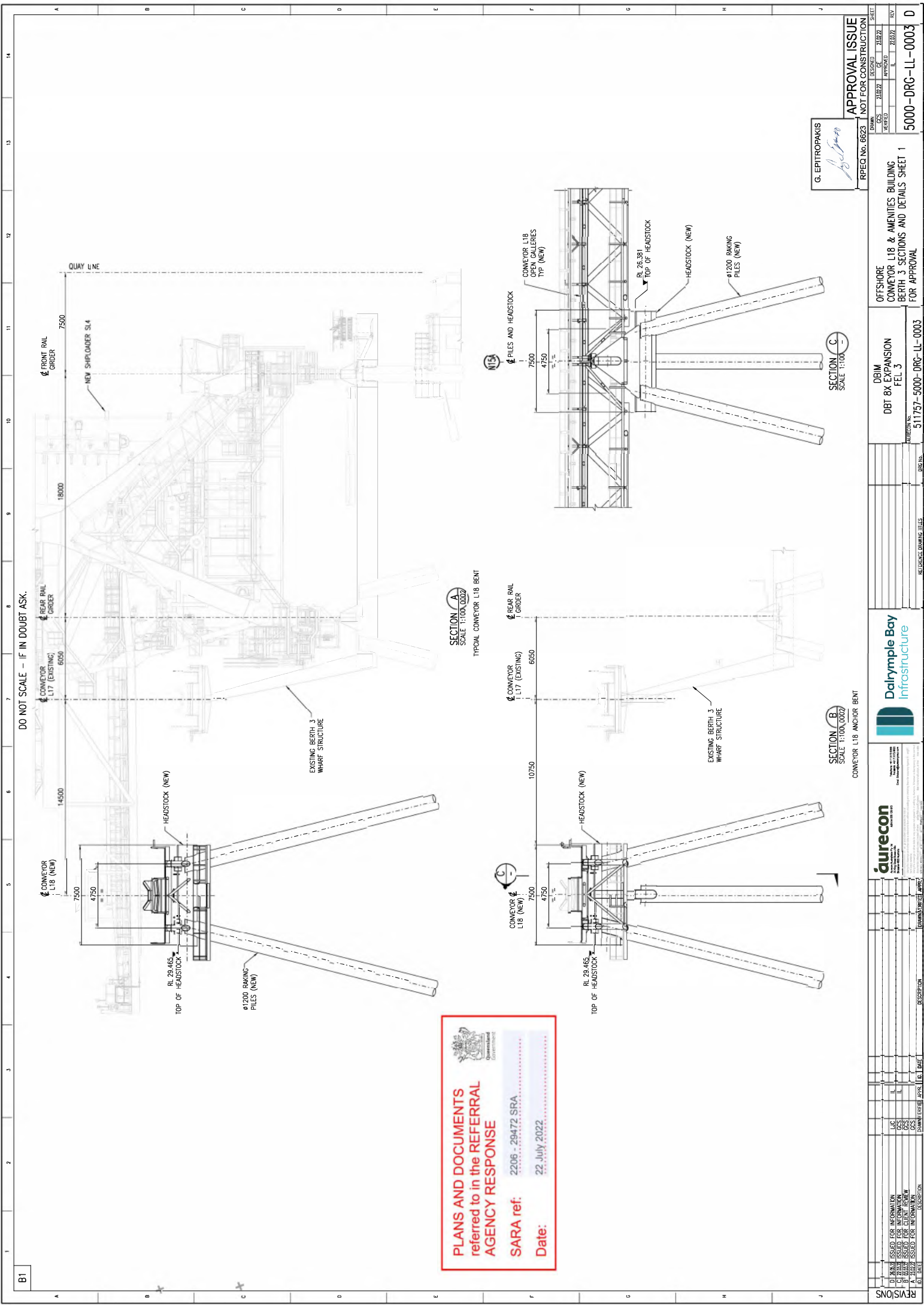
30 Representations about a referral agency response

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—Approved plans and specifications

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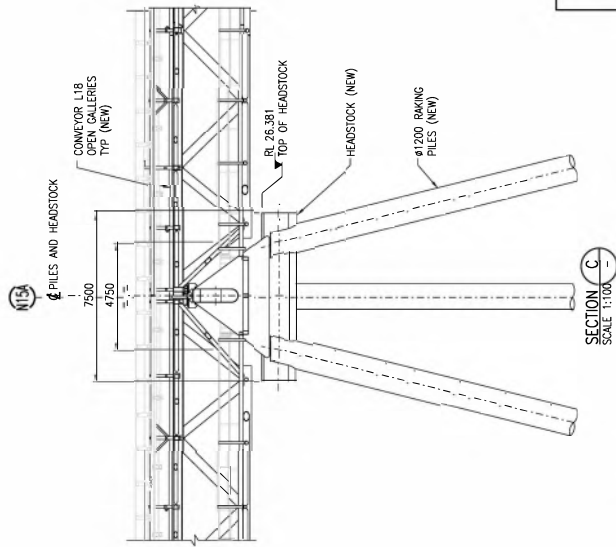
PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2206 - 29472 SRA

Date: 22 July 2022

SECTION A
SCALE 1:100 0000

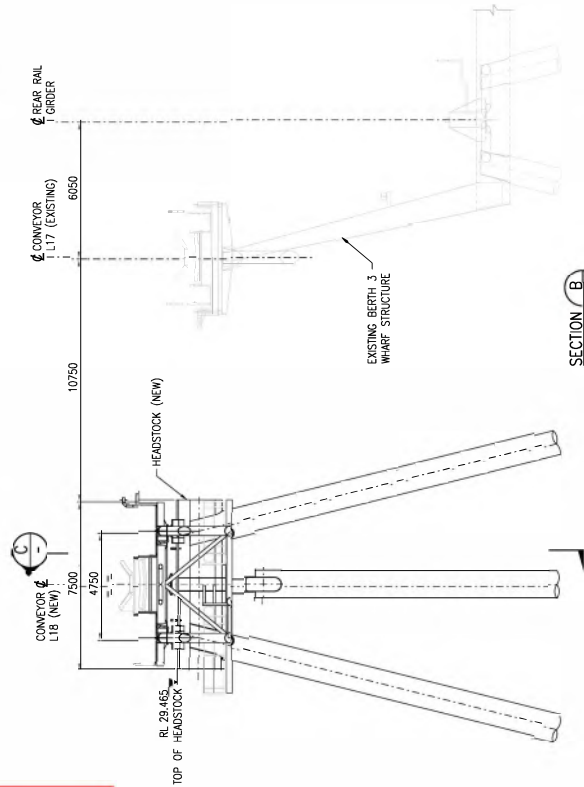
TYPICAL CONVEYOR L18 BENT



SECTION C
SCALE 1:100

SECTION B
SCALE 1:100 0000

CONVEYOR L18 ANCHOR BENT



G. EPITROPAKIS

APPROVAL ISSUE
NOT FOR CONSTRUCTION

REV	DATE	BY	APP'D	REV
1	21/07/22	GE	21/07/22	
2	21/07/22	GE	21/07/22	
3	21/07/22	GE	21/07/22	

OFFSHORE
CONVEYOR L18 & AMENITIES BUILDING
BERTH 3 SECTIONS AND DETAILS SHEET 1
FOR APPROVAL

DBM
DBT BX EXPANSION
FEL 3

511757-5000-DRG-LL-0003

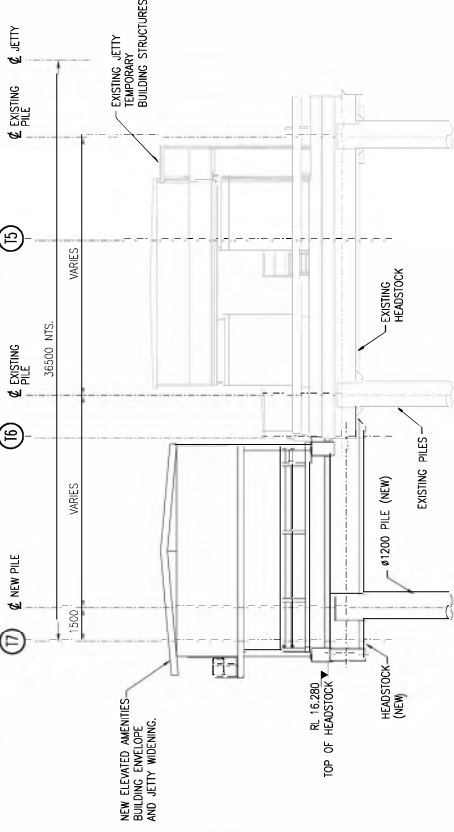
Dairymple Bay
Infrastructure

aurecon
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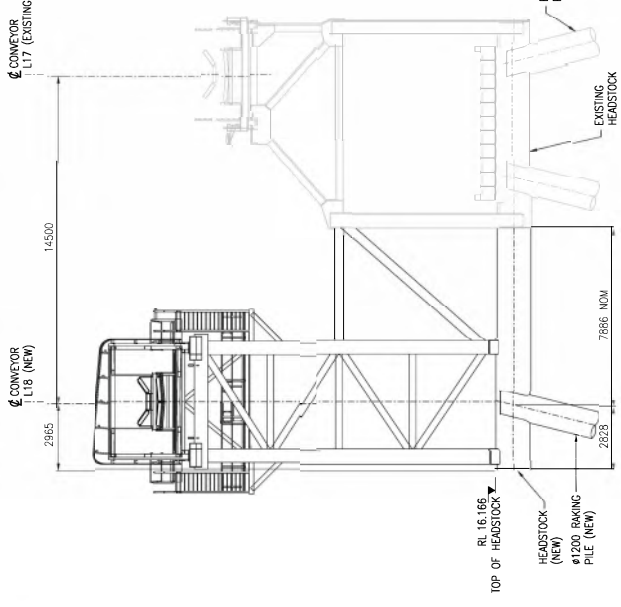
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2	2	ISSUED FOR INFORMATION	21/07/22	GE	
3	3	ISSUED FOR INFORMATION	21/07/22	GE	
4	4	ISSUED FOR INFORMATION	21/07/22	GE	
5	5	ISSUED FOR INFORMATION	21/07/22	GE	

B1

DO NOT SCALE - IF IN DOUBT ASK.



SECTION D (SCALE 1:100) SM

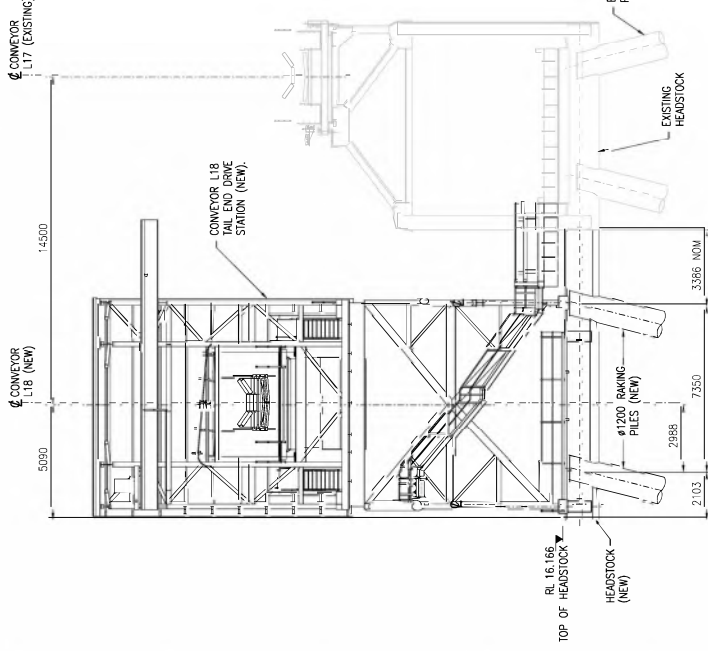


SECTION G (SCALE 1:100) 0007

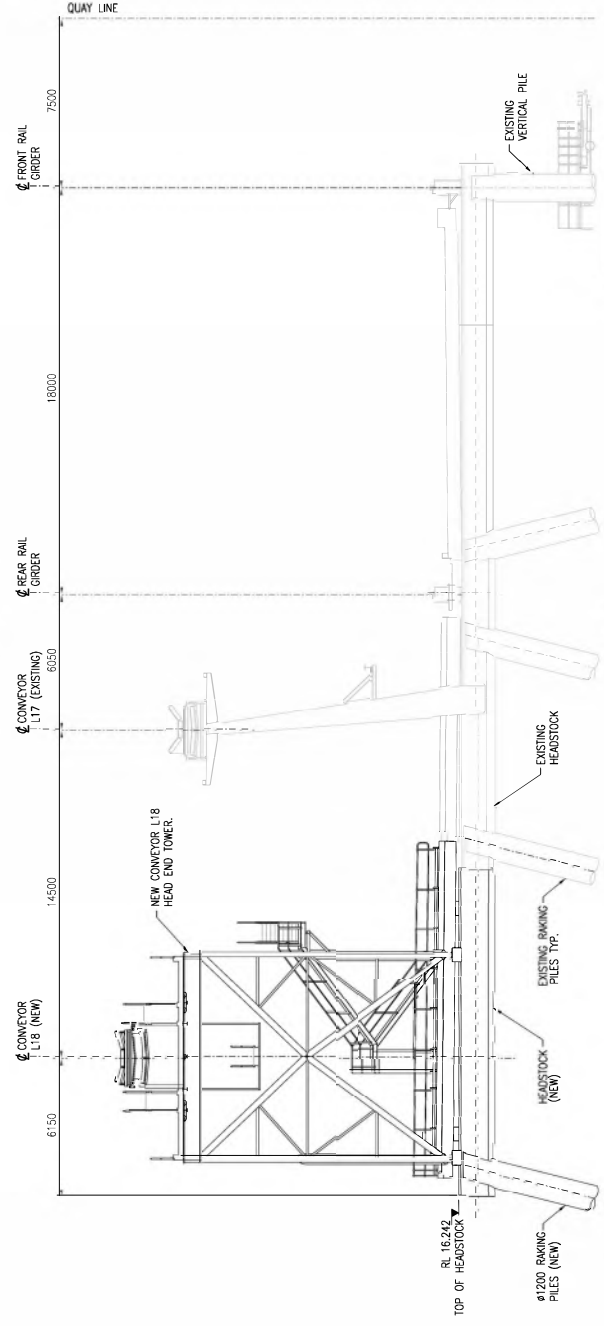


PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2206 - 29472 SRA
Date: 22 July 2022



SECTION F (SCALE 1:100) 0007



SECTION H (SCALE 1:100) 0007



G. EPITROPAKIS

APPROVAL ISSUE
NOT FOR CONSTRUCTION

REV	DESCRIPTION	DATE
1	ISSUED FOR INFORMATION	22 JUL 2022
2	ISSUED FOR INFORMATION	22 JUL 2022
3	ISSUED FOR INFORMATION	22 JUL 2022
4	ISSUED FOR INFORMATION	22 JUL 2022
5	ISSUED FOR INFORMATION	22 JUL 2022
6	ISSUED FOR INFORMATION	22 JUL 2022
7	ISSUED FOR INFORMATION	22 JUL 2022
8	ISSUED FOR INFORMATION	22 JUL 2022
9	ISSUED FOR INFORMATION	22 JUL 2022
10	ISSUED FOR INFORMATION	22 JUL 2022
11	ISSUED FOR INFORMATION	22 JUL 2022
12	ISSUED FOR INFORMATION	22 JUL 2022
13	ISSUED FOR INFORMATION	22 JUL 2022
14	ISSUED FOR INFORMATION	22 JUL 2022



REV	DESCRIPTION	DATE
1	ISSUED FOR INFORMATION	22 JUL 2022
2	ISSUED FOR INFORMATION	22 JUL 2022
3	ISSUED FOR INFORMATION	22 JUL 2022
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12	ISSUED FOR INFORMATION	22 JUL 2022
13	ISSUED FOR INFORMATION	22 JUL 2022
14	ISSUED FOR INFORMATION	22 JUL 2022

OFFSHORE
CONVEYOR L18 & AMENITIES BUILDING
BERTH 3 SECTIONS AND DETAILS SHEET 2
FOR APPROVAL

DBM
DBT BX EXPANSION
FEL 3

REFERENCE DRAWING FILES
511757-5000-DRG-LL-0004

5000-DRG-LL-0004

DO NOT SCALE - IF IN DOUBT ASK.



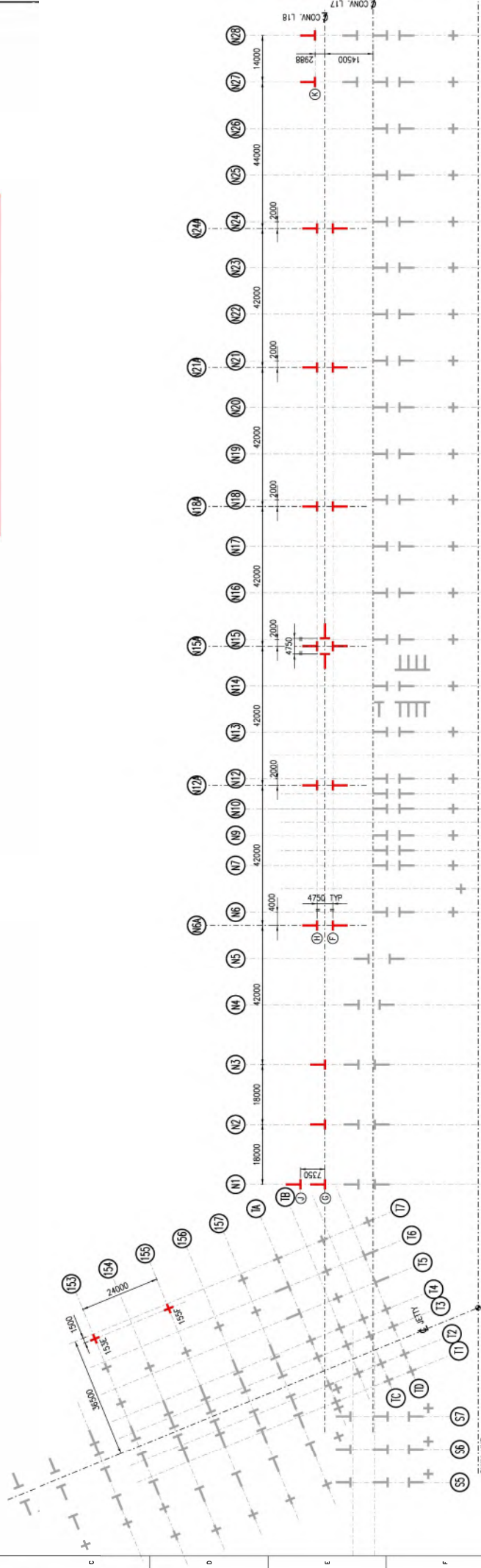
PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2206 - 29472 SRA

Date: 22 July 2022

LEGEND

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



PILING PLAN
SCALE 1:500

G. EPITROPAKIS

APPROVAL ISSUE
NOT FOR CONSTRUCTION

REV	DESCRIPTION	DATE
1	ISSUED	08/12/22
2	APPROVED	08/12/22
3	REVISED	08/12/22

OFFSHORE
CONVERTOR L18 & AMENITIES BUILDING
BERTH 3 PILING PLAN
FOR APPROVAL

DEIM
DBT EX EXPANSION
FEL 3

REFERENCE DRAWING TITLES

Dairymple Bay
Infrastructure



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Website: www.aurecon.com.au

PROJECT NO: 511757-5000-DRG-LL-0005

DATE: 22 July 2022

BY: G. EPITROPAKIS

FOR: DBT EX EXPANSION

DESCRIPTION: PILING PLAN

REVISIONS

DATE: 22 July 2022

BY: G. EPITROPAKIS

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2206 - 29472 SRA

Date: 22 July 2022

Marine Construction Environmental Management Plan Framework and Guideline

DBI 8X Expansion Project

June 2022

Document control

Document prepared by:

Sprott Planning & Environment Pty Ltd

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Document History				
Report title		Draft 8X Marine Construction Environmental Management Plan – Framework & Guideline (v2)		
Document ID		CEMP	Project No.	H348252
Version	Date	Revision details/status	Author	Verifier
01	1 April 2022	For Client Review	R McGlashan / J Sprott	J Sprott
02	6 June 2022	Final Review	R McGlashan / J Sprott	J Sprott
03	13 June 2022	For Approval Submission	R McGlashan / J Sprott	J Sprott

Responsible Person



Jason Sprott
Director

0404860172

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sprottplanning & environment
strategic creative balanced



Appendix B – Pile Driving Impact Management and Mitigation Procedure

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Date: 22 July 2022

Pile Driving Impact Management and Mitigation Procedure

Marine Pile Driving Operations – 8X Expansion, Phase 8X-1

Purpose

This procedure provides guidance to minimise impacts to sensitive marine receptors (marine mammals and sea turtles) from pile driving operations. This includes establishment of safety zones to observe marine mammals and sea turtle sightings and operational practices.

Scope

This procedure applies to contractors, subcontractors and temporary workforce involved in pile driving operations in the backreach of DP1 Berth 3, as part of the phase 8X-1.

Environmental Impacts

The importance of this procedure is to ultimately reduce the potential impacts to marine life in the Great Barrier Reef World Heritage Area. Underwater noise has the potential to significantly impact the ability for marine species to communicate, orientate themselves, avoid predators and forage for food. This can lead to discomfort, hearing loss, physical injury and mortality of marine species.

Pre-Operational Checks and Practices

Pile Driving Equipment

Pile driving equipment should be selected and operated (i.e. hammer energy) to minimise underwater noise. This includes consideration to terrestrial (land-side) noise limits that suggested the Construction Equipment Sound Power Level (SWLs) of 124 dBA Leq for the hydraulic impact hammer (Junttan HHK18S or equivalent producing 265kJ of energy).

Toolbox talks

Prior to shifts commencing for pile driving operations, all personnel involved should be briefed on procedures to minimise underwater noise impacts. This includes where establishment safety zones are, marine species to be watched for (and any recent sightings) and operational practices.

Training

Ensure a suitably qualified person is available during piling to conduct the recommended standard operational procedures to manage noise impacts, including the pile driving operator and the person/s observing marine species with the safety zones.

Set up Safety Zones

Prior to pile driving operation, Two safety zones should be established. The location of these zones applies to each piling location. In other words, the safety zones will change each time the pile location changes.

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Amended in red by SARA on
22 July 2022

The two zones are:

- **Observation Zone** – is the area that should be visually monitored during pile driving operations for the presence of marine mammals and sea turtles. The shutdown zone will be within this zone. The distances for the observation zone in which to observe marine species from the pile driving operation is specified in Table 1.
- **Shutdown Zone** - is the area that should be visually monitored during pile driving operations for the presence of marine mammals and sea turtles. Sighting of marine species in this area will trigger a shutdown of pile driving operations as soon as reasonably practical. The distances for the shutdown in which to observe marine species is specified in Table 1.

Table 1. Observation and Shutdown Zones to be observed for marine mammals and sea turtles

Marine Fauna Species	Observation Zone radius*	Shutdown Zone Radius*
Marine Mammals	1,500 metres	500 metres
Sea Turtles	200 metres	50 metres

*To be determined from the distance of the current pile being placed.

Pre-start monitoring

The presence of marine mammals and sea turtles will be visually monitored by a suitably trained person for at least 30 minutes before piling commences using a soft start procedure. It is required that water conditions should have reasonably visibility to proceed for pile driving operations and continue observations.

The observation zone and shutdown zone distances from the pile should be identified and a place determined in which the trained person can observe from. Binoculars or any other suitable device to zoom into the water conditions, should be used.

The marine mammals and sea turtles expected to occur in the area is detailed in Table 2. This includes a photo key and details of their breeding, calving, feeding or resting in biologically important habitats nearby

Pile Driving Operational Practices

Timing

Piling operations only to be conducted with reasonable visibility during daytime periods – Monday to Saturday 630am to 630pm.

Soft start

If marine turtles and marine mammals have not been observed inside the shut-down zone during the pre-start observations, soft start may commence with piling impact energy gradually increased over approximately a 10-minute (approx..) time period.

Normal piling

If marine turtles and marine mammals have not been observed inside the shutdown or observation zones during the soft start, piling at full impact energy may commence. Visual observations will continue throughout piling activities.

Stand-by

If marine turtles or marine mammals are sighted within the observation zone during the soft start or normal operation piling, the operator of the piling rig will be placed on stand-by to shutdown the piling rig, while visual monitoring of the animal continues.

Shutdown

If a marine turtle or marine mammal is sighted within or are about to enter the shutdown zone, piling activity should be stopped immediately. If the animal is observed to move outside the zone again, or 30 minutes have elapsed with no further sightings, piling activities will recommence with the soft start procedure. If a marine turtle or marine mammal is detected in the shut-down zone during a period of poor visibility, operations will stop until visibility improves.

Sighting Reports

Maintenance of a record of procedures employed during piling, including information on any marine mammals sighted, and their reaction to the piling activity. A report will include: the location,

- date,
- start and completion time,
- information on the piling rig (hammer weight and drop height),
- pile size,
- piles number and number of piles,
- number of impacts per pile,
- details of the trained crew members conducting the visual observations,
- times when observations were hampered by poor visibility or high winds,
- times when start-up delays or shut-down procedures occurred, and
- the time and distance of any marine mammal or sea turtle sightings.

Correction Measures






In accordance with recommendations from SLR Consulting **should the above procedures be insufficient to mitigate underwater noise impacts**, the following measures may be considered in consultation with the project manager, DBI:

- Lower piling duration/piling strike number per day (if practicable). Lower number of piling strikes for impact piling and /or duration for vibratory piling within a 24-hour period may result in lower cumulative SELs, and therefore has smaller impact extent.
- Use of piling noise attenuation measures. Various attenuation measures have been developed to attenuate underwater piling noise to minimise exposure of marine fauna species during piling activities (Caltrans, 15). These measures include but not limited to:
 - Cushion blocks (if practicable).
 - Air bubble curtains (if practicable in offshore conditions).
 - Isolation casings (if deemed practicable).

MARINE SPECIES TO OBSERVE

The following table provides guidance on the marine mammals and sea turtles expected in the area. This should be used to assist the trained person to observed in the observation zone and shutdown zone, before and during pile driving operations.

Table 2. List of marine mammals and sea turtles to be observed before and during pile driving operations.






Fauna Type	Photos	Comments (Source: SPRAT, 2020)
MARINE MAMMALS		
Whales		
Blue Whale <i>Balaenoptera musculus</i>		The Antarctic blue whale tends to remain at higher latitudes and migrate to lower latitudes for feeding, breeding and calving during the Australian summer.
Humpback Whale <i>Megaptera novaeangliae</i>		The southern end of the Great Barrier Reef is a suspected calving area.
Bryde's Whale <i>Balaenoptera edeni</i>		This species are found year-round in waters between 40° S and 40° N, primarily in temperatures exceeding 16.3 °C. The coastal form of Bryde's Whale appears to be limited to the 200 m depth isobar, moving along the coast in response to availability of suitable prey. Insufficient information exists as to how Australian Bryde's Whales use their habitat, as no specific feeding or breeding grounds have been discovered off Australia. The inshore form appears to be resident in waters containing suitable prey stocks of pelagic shoaling fishes, while the offshore form appears to undergo extensive migrations between subtropical and tropical waters during the winter months.
Orca, Killer Whale <i>Orcinus orca</i>		This species habitat includes oceanic, pelagic and neritic (relatively shallow waters over the continental shelf) regions, in both warm and cold waters. They may be more common in cold, deep waters, but off Australia, Killer Whales are most often seen along the continental slope and on the shelf, particularly near seal colonies. Killer Whales have regularly been observed within the Australian territorial waters along the ice edge in summer.
DUGONGS AND DOLPHINS		
Dugong Dugong dugon		This species are seagrass community specialists and the range of the dugong is broadly coincident with the distribution of seagrasses in the tropical and sub-tropical waters in their Australian range. little or no above-ground seagrass

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<p>Australian Snubfin Dolphin</p> <p><i>Orcaella heinsohni</i></p>		<p>This species have been recorded almost exclusively in coastal and estuarine waters. It is doubtful that they venture very far upstream in river systems, although occasional vagrants may venture upstream.</p> <p>Boat-based surveys along the east coast of Queensland indicate that Australian Snubfin Dolphins are primarily found in shallow waters less than 20 m deep, close to the coast, close to river and creek mouths and in the proximity of seagrass beds</p> <p>These Dolphins share similar habitat preferences with Indo-Pacific Humpback Dolphins, with these two species occurring in the same areas throughout most of their Australian range.</p>
<p>Indo-Pacific Humpback Dolphin</p> <p><i>Sousa chinensis</i></p>		<p>This species are found primarily in coastal waters. Opportunistic data collected during aerial surveys designed to estimate the distribution and abundance of dugongs (<i>Dugong dugon</i>) in the Great Barrier Reef indicated that Australian humpback dolphins were sighted on average 6.4 km from the nearest point of land and 2.7 km to the nearest shallow area (either point of land or charted reef, less than 2 m deep at low tide). In Queensland and in the Northern Territory, Australian humpback dolphins have been recorded mostly within 10 km of the coast.</p>
SHARKS		
<p>Great White Shark</p> <p><i>Carcharodon carcharias</i></p>		<p>This species can be found from close inshore around rocky reefs, surf beaches and shallow coastal bays to outer continental shelf and slope areas. They also make open ocean excursions and can cross ocean basins (i.e. from the eastern coast of Australia to New Zealand).</p>
<p>Whale Shark</p> <p><i>Rhincodon typus</i></p>		<p>This species is an oceanic and coastal, tropical to warm-temperate pelagic shark. It is often seen far offshore, but also comes close inshore and sometimes enters lagoons of coral atolls.</p> <p>The Whale Shark also seasonally aggregates in coastal waters off Christmas Island between December and January and in the Coral Sea between November and December.</p>
<p>Porbeagle, Mackerel Shark</p> <p><i>Lamna nasus</i></p>		<p>This species primarily inhabits oceanic waters and areas around the edge of the continental shelf. They occasionally move into coastal waters, but these movements are temporary. The Porbeagle is thought to be reasonably flexible in the types of habitat used for foraging.</p>
TURTLES		

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<p>Loggerhead Turtle</p> <p><i>Caretta caretta</i></p>		<p>This species nests on open, sandy beaches. Hatchlings enter the open ocean and begin feeding on small animals. Small Loggerhead Turtles live at or near the surface of the ocean and move with the ocean currents.</p> <p>The main nesting locations for Queensland are well known - Mon Repos and Wreck Rock beaches on the mainland; Wreck Island, Erskin Island, Tryon Island, Heron Island and Lady Musgrave Island in the Capricorn Bunker Group; and Price, Frigate, Thomas and Bacchi Cays in the Swain Reefs.</p>
<p>Green Turtle</p> <p><i>Chelonia mydas</i></p>		<p>Once Green Turtles reach 30 to 40 cm curved carapace length, they settle in shallow benthic foraging habitats such as tropical tidal and sub-tidal coral and rocky reef habitat or inshore seagrass beds. The shallow foraging habitat of adults contains seagrass beds or algae mats on which Green Turtles mainly feed.</p>
<p>Leatherback Turtle</p> <p><i>Dermochelys coriacea</i></p>		<p>This species ventures close to shore mainly during the nesting season</p> <p>Leatherback Turtles require sandy beaches to nest, with some evidence that coarser sand is more conducive to successful hatching than finer sand.</p>
<p>Hawksbill Turtle</p> <p><i>Eretmochelys imbricata</i></p>		<p>Once Hawksbill Turtles reach 30 to 40 cm curved carapace length, they settle and forage in tropical tidal and sub-tidal coral and rocky reef habitat. They primarily feed on sponges and algae (Whiting 2000a). They have also been found, though less frequently, within seagrass habitats of coastal waters, as well as the deeper habitats of trawl fisheries.</p>
<p>Olive Ridley Turtle, Pacific Ridley Turtle</p> <p><i>Lepidochelys olivacea</i></p>		<p>Female Olive Ridley Turtles lay clutches of eggs on sandy beaches, hatchlings disperse into offshore currents and have a pelagic phase of unknown length. Small juveniles through to adults reside in coastal zones along the northern coast of Australia and historical bycatch data indicates that large immature and adult-sized Olive Ridleys are present all year round over soft bottomed habits of northern Australian continental shelf waters.</p>
<p>Flatback Turtle</p> <p><i>Natator depressus</i></p>		<p>Post-hatchling and juvenile Flatback Turtles do not have the wide dispersal phase in the oceanic environment like other sea turtles</p> <p>Hatchling to subadult Flatback Turtles lack a pelagic life stage and reside in the Australian continental shelf. Flatback Turtles require sandy beaches to nest.</p>

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE



SARA ref: 2206 - 29472 SRA

Date: 22 July 2022

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			
1. Development applications For a development application other than an excluded application, an appeal may be made against— <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	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 (tidal works), for the installation of a shiploader and conveyor system, at Berth 3 Dalrymple Bay Coal Terminal.
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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>	<p>DBI 8X Project:</p> <p>Phase 1:</p> <ul style="list-style-type: none"> • Installation of new Shiploader 4 - including construction of new support structure behind Berth 3 (including approx. 22 marine piles) + Offshore office infrastructure • Improve outloading optimisation through augmented yard machinery controls to increase average reclaim rate • Stockyard to surge bin string control improvements <p>Phase 2:</p> <ul style="list-style-type: none"> • Upgrades of existing yard equipment and conveyors upgrades in eastern stockyard (Stackers ST2, ST1A, reclaimers RL3 and conveyors S6, S6A, S5 & R2) • Heightened eastern yard walls in stockyard • Zone reconfiguration of stockyard • New DBCT P/L Admin Building <p>Phase 3:</p> <ul style="list-style-type: none"> • Upgrade to existing outloading conveyors (OL1 & OL2) (permanent works are above existing wharf structure) • Relocation of inner rail loop, rail receival dump station and in-loading conveyor (RRP4, IL4 + Conveyor R3) • IL2 upgrade • Decommission IL1 • New DBIM building and warehouse extension • New western access gate <p>Phase 4:</p> <ul style="list-style-type: none"> • Zone 4 project – completion of Row 8 with western walls, new stacker (ST5) for row 8 and new reclaimer RL2A (replace RL2)
<i>Currency of approval</i>	<p>This approval will lapse if either of the following occurs:</p> <ol style="list-style-type: none"> 1. Phase 1 of the approved development is not substantially commenced within four (4) years of the date of decision: or 2. Subsequent phases of development are not substantially commenced within two (2) years of completion of the prior phase.
<i>Date of decision</i>	4 August 2022
<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 (onshore and offshore)
<i>Real property description:</i>	Lots 131-132 SP136318; Lot 126 SP123776; and Lot 133 SP156544

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.

Plan / Document name	Plan / Document number	Date
DBI 8X Expansion Phase 1 General Arrangement Sheet 1 of 2	511757 - 0000-DRG-JJ-0002 Rev A	06/05/2022
DBI 8X Expansion Phase 1 General Arrangement Sheet 2 of 2	511757 - 0000-DRG-JJ-0003 Rev A	11/05/2022
DBI 8X Expansion Phase 2 General Arrangement	511757 - 0000-DRG-JJ-0004 Rev A	06/05/2022
DBI 8X Expansion Phase 3 General Arrangement Sheet 1 of 3	511757 - 0000-DRG-JJ-0005 Rev B	11/05/2022
DBI 8X Expansion Phase 3 General Arrangement Sheet 2 of 3	511757 - 0000-DRG-JJ-0006 Rev A	06/05/2022
DBI 8X Expansion Phase 3 General Arrangement Sheet 3 of 3	511757 - 0000-DRG-JJ-0007 Rev A	06/05/2022
DBI 8X Expansion Phase 4 General Arrangement	511757 - 0000-DRG-JJ-0008 Rev A	06/05/2022
Inloading System Civil Works General Arrangement Sheet 3 of 6	511757-1000-DRG-CC-0004 Rev A	06/05/2022
Inloading System Civil Works General Arrangement Sheet 6 of 6	511757-1000-DRG-CC-0007 Rev A	06/05/2022
Civil Works Zone 4 Civil General Arrangement Sheet 2 of 4	H348252-360000-220-260-0005 Rev B	22/02/2022
Civil Works Zone 4 Civil General Arrangement Sheet 3 of 4	H348252-360000-220-260-0006 Rev A	03-04/2015

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. In particular, the applicant should note the requirement to obtain approvals for, but not limited to:

<i>Permit / licence requirements</i>	<i>Relevant agency</i>
Permit to Dig – To be obtained prior to any ground disturbance activities occurring outside of your lease area.	North Queensland Bulk Ports Corporation Email: PortOperations@nqbp.com.au
Building Approvals – To be obtained for all new structures assessable under the Building Act.	Building Certifier

5. Conditions of approval

Condition	Timing																		
Commercial arrangement																			
1. The Applicant must confirm leasing extents and enter into leasing agreements with NQBP via approvals@nqbp.com.au .	At least four (4) weeks prior to commencement of each phase of works.																		
2. The Applicant is to enter into an agreement with NQBP regarding laydown areas to be utilised during construction of the Approved Development.	At least four (4) weeks prior to commencement of each phase of works.																		
3. Appropriate laydown areas for, all ancillary works, construction material storage and the like, are to be established at a site to be agreed with NQBP. Details of the proposed site are to be provided to NQBP for review and approval, via approvals@nqbp.com.au .	At least four (4) weeks prior to commencement of each phase of works.																		
Carry out the approved development																			
4. 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 each phase of works and within two (2) weeks of completion of each phase.																		
5. 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.	At all times.																		
<table><tr><th>Plan / Document name</th><th>Plan / Document number</th><th>Date</th></tr><tr><td>DBI 8X Expansion Phase 1 General Arrangement Sheet 1 of 2</td><td>511757 - 0000-DRG-JJ-0002 Rev A</td><td>06/05/2022</td></tr><tr><td>DBI 8X Expansion Phase 1 General Arrangement Sheet 2 of 2</td><td>511757 - 0000-DRG-JJ-0003 Rev A</td><td>11/05/2022</td></tr><tr><td>DBI 8X Expansion Phase 2 General Arrangement</td><td>511757 - 0000-DRG-JJ-0004 Rev A</td><td>06/05/2022</td></tr><tr><td>DBI 8X Expansion Phase 3 General Arrangement Sheet 1 of 3</td><td>511757 - 0000-DRG-JJ-0005 Rev B</td><td>11/05/2022</td></tr><tr><td>DBI 8X Expansion Phase 3 General Arrangement Sheet 2 of 3</td><td>511757 - 0000-DRG-JJ-0006 Rev A</td><td>06/05/2022</td></tr></table>		Plan / Document name	Plan / Document number	Date	DBI 8X Expansion Phase 1 General Arrangement Sheet 1 of 2	511757 - 0000-DRG-JJ-0002 Rev A	06/05/2022	DBI 8X Expansion Phase 1 General Arrangement Sheet 2 of 2	511757 - 0000-DRG-JJ-0003 Rev A	11/05/2022	DBI 8X Expansion Phase 2 General Arrangement	511757 - 0000-DRG-JJ-0004 Rev A	06/05/2022	DBI 8X Expansion Phase 3 General Arrangement Sheet 1 of 3	511757 - 0000-DRG-JJ-0005 Rev B	11/05/2022	DBI 8X Expansion Phase 3 General Arrangement Sheet 2 of 3	511757 - 0000-DRG-JJ-0006 Rev A	06/05/2022
Plan / Document name	Plan / Document number	Date																	
DBI 8X Expansion Phase 1 General Arrangement Sheet 1 of 2	511757 - 0000-DRG-JJ-0002 Rev A	06/05/2022																	
DBI 8X Expansion Phase 1 General Arrangement Sheet 2 of 2	511757 - 0000-DRG-JJ-0003 Rev A	11/05/2022																	
DBI 8X Expansion Phase 2 General Arrangement	511757 - 0000-DRG-JJ-0004 Rev A	06/05/2022																	
DBI 8X Expansion Phase 3 General Arrangement Sheet 1 of 3	511757 - 0000-DRG-JJ-0005 Rev B	11/05/2022																	
DBI 8X Expansion Phase 3 General Arrangement Sheet 2 of 3	511757 - 0000-DRG-JJ-0006 Rev A	06/05/2022																	

Condition			Timing
DBI 8X Expansion Phase 3 General Arrangement Sheet 3 of 3	511757 - 0000-DRG-JJ-0007 Rev A	06/05/2022	
DBI 8X Expansion Phase 4 General Arrangement	511757 - 0000-DRG-JJ-0008 Rev A	06/05/2022	
Inloading System Civil Works General Arrangement Sheet 3 of 6	511757-1000-DRG-CC-0004 Rev A	06/05/2022	
Inloading System Civil Works General Arrangement Sheet 6 of 6	511757-1000-DRG-CC-0007 Rev A	06/05/2022	
Civil Works Zone 4 Civil General Arrangement Sheet 2 of 4	H348252-360000-220-260-0005 Rev B	22/02/2022	
Civil Works Zone 4 Civil General Arrangement Sheet 3 of 4	H348252-360000-220-260-0006 Rev A	03-04/2015	
6. 'For construction' drawings certified by an RPEQ and generally in accordance with the drawings described in Condition 5 must be submitted for review and approval by NQBP, via approvals@nqbp.com.au .			At least four (4) weeks prior to commencement of each phase of works.
7. '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: <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 each phase of works.
Site management			
8. All vehicle parking for construction personnel must be contained within the 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.
9. 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.
10. All laydown areas must be kept clean and tidy.			At all times.

Condition	Timing
11. 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	
12. 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"> • Stormwater • Traffic • Air • Noise • Waste • Contamination 	At least four (4) weeks prior to commencement of each Phase of development.
13. 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.
14. Any environmental emergency, incident or potentially harmful event involving the approved development must be reported to NQBP via approvals@nqbp.com.au . A written report must also be provided, detailing the following information: <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. 	Initial report: within 24 hours of the emergency, incident or event occurring. Written report: within 14 days of the emergency, incident or event occurring.
Community	
15. 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 .	At all times.

Condition	Timing
<p>16. 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
<p>Cultural heritage duty of care</p> <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>
<p>General safety during construction</p> <p>2. The <i>Work Health and Safety Act 2011</i> establishes a number of obligations relevant to the project, in particular:</p> <p>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.</p> <p>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.</p> <p>A copy of the legislation can be accessed via https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WorkHSA11.pdf</p>

Approved drawings

Operational Works Decision Notice

<i>Drawing or document</i>	<i>Number / revision</i>	<i>Date</i>
Offshore Conveyor L18 & Amenities Building Berth 3: General Arrangement	5000-DRG-LL-0002 Rev D	22/03/2022
Offshore Conveyor L18 & Amenities Building Berth 3: Sections and Details Sheet 1	5000-DRG-LL-0003 Rev D	22/03/2022
Offshore Conveyor L18 & Amenities Building Berth 3: Sections and Details Sheet 2	5000-DRG-LL-0004 Rev D	22/03/2022
Offshore Conveyor L18 & Amenities Building Berth 3: Piling Plan	5000-DRG-LL-0005 Rev B	22/03/2022

Port Development Approval

<i>Drawing or document</i>	<i>Number / revision</i>	<i>Date</i>
DBI 8X Expansion Phase 1 General Arrangement Sheet 1 of 2	511757 - 0000-DRG-JJ-0002 Rev A	06/05/2022
DBI 8X Expansion Phase 1 General Arrangement Sheet 2 of 2	511757 - 0000-DRG-JJ-0003 Rev A	11/05/2022
DBI 8X Expansion Phase 2 General Arrangement	511757 - 0000-DRG-JJ-0004 Rev A	06/05/2022
DBI 8X Expansion Phase 3 General Arrangement Sheet 1 of 3	511757 - 0000-DRG-JJ-0005 Rev B	11/05/2022
DBI 8X Expansion Phase 3 General Arrangement Sheet 2 of 3	511757 - 0000-DRG-JJ-0006 Rev A	06/05/2022
DBI 8X Expansion Phase 3 General Arrangement Sheet 3 of 3	511757 - 0000-DRG-JJ-0007 Rev A	06/05/2022
DBI 8X Expansion Phase 4 General Arrangement	511757 - 0000-DRG-JJ-0008 Rev A	06/05/2022
Inloading System Civil Works General Arrangement Sheet 3 of 6	511757-1000-DRG-CC-0004 Rev A	06/05/2022
Inloading System Civil Works General Arrangement Sheet 6 of 6	511757-1000-DRG-CC-0007 Rev A	06/05/2022
Civil Works Zone 4 Civil General Arrangement Sheet 2 of 4	H348252-360000-220-260-0005 Rev B	22/02/2022
Civil Works Zone 4 Civil General Arrangement Sheet 3 of 4	H348252-360000-220-260-0006 Rev A	03-04/2015

18



PLAN ON ONSHORE OUTLOADING SYSTEM
1:1000

[illegible]



PLAN
1:1500

REVISIONS

[illegible]

aurecon

Improves up to 100%
Increases up to 100%
Reduces up to 100%



Dalrymple Bay
Infrastructure

DBIM
DBT 8X EXPANSION
FEL 3

DET 8X EXPANSION
PHASE 3
GENERAL ARRANGEMENT
SHEET 2 OF 3

AL	South	DOM	RECORDED	INDEXED	FILED	DATE	SHEET	PRELIMINARY NOT FOR CONSTRUCTION	0000-DRG-JJ-0006	REV	A

DO NOT SCALE - IF IN DOUBT ASK.

NORTH BULK PORTS CORPORATION

APPROVED SUBJECT TO CONDITIONS

NOBP Ref: PL/03/02/00013

Signed: *[Signature]*

Date: 04/08/2022

NOTES:

FOR IN-LANDS AUGMENTATION PROJECT
REFER TO DRAWINGS
511757-1000-DRG-JJ-0001 TO
511757-1000-DRG-JJ-0007



CONTINUED ON DRAWING
511757-1000-DRG-JJ-0006

PLAN
1:1500

PRELIMINARY
NOT FOR CONSTRUCTION

SUBJECT TO FINAL VERIFICATION AND APPROVAL

NO.	DATE	BY	REV
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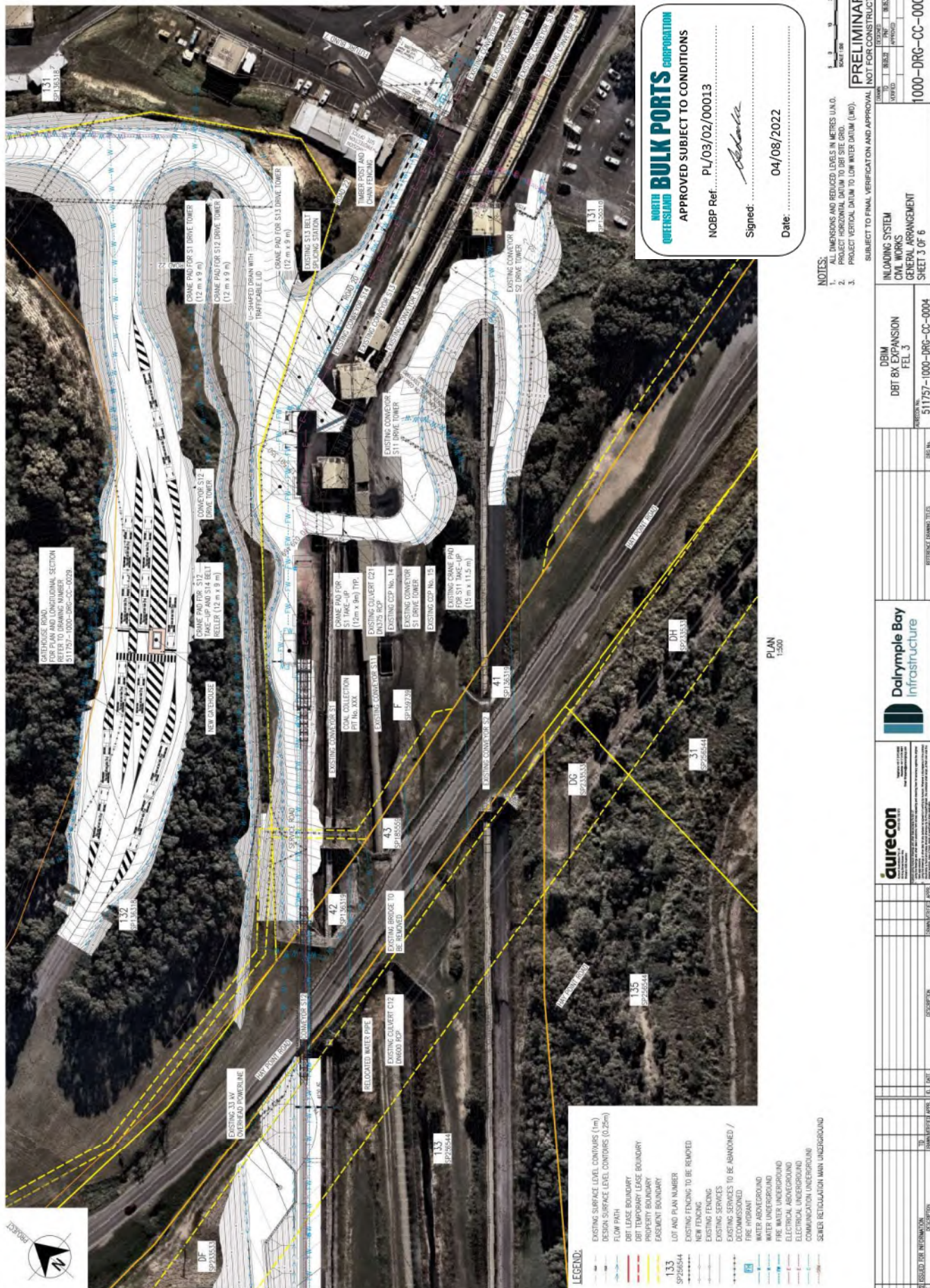
DBM
DBT 8X EXPANSION
PHASE 3
GENERAL ARRANGEMENT
SHEET 3 OF 3

511757-1000-DRG-JJ-0007



NO.	DATE	BY	REV
1	04/08/2022	PL	1

18

PLAN
1-500

NORTH BULK PORTS CORPORATION

APPROVED SUBJECT TO CONDITIONS

NOBB Def. PL/03/02/00013

Signed: _____

04/08/2022

NOTES:

- NOTES:**
1. ALL DIMENSIONS AND REDUCED LEVELS IN METRES U.N.O.
 2. PROJECT HORIZONTAL DATUM TO DBT SITE GRID.
 3. PROJECT VERTICAL DATUM TO LOW WATER DATUM (LWD).

PRELIMINARY

SUBJECT TO FINAL VERIFICATION AND APPROVAL

INLOADING SYSTEM

CIVIL WORKS
GENERAL ARRANGEMENT

GENERAL AUGUST
SHEET 3 OF 6

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511757-1000-DRG-CC-0004

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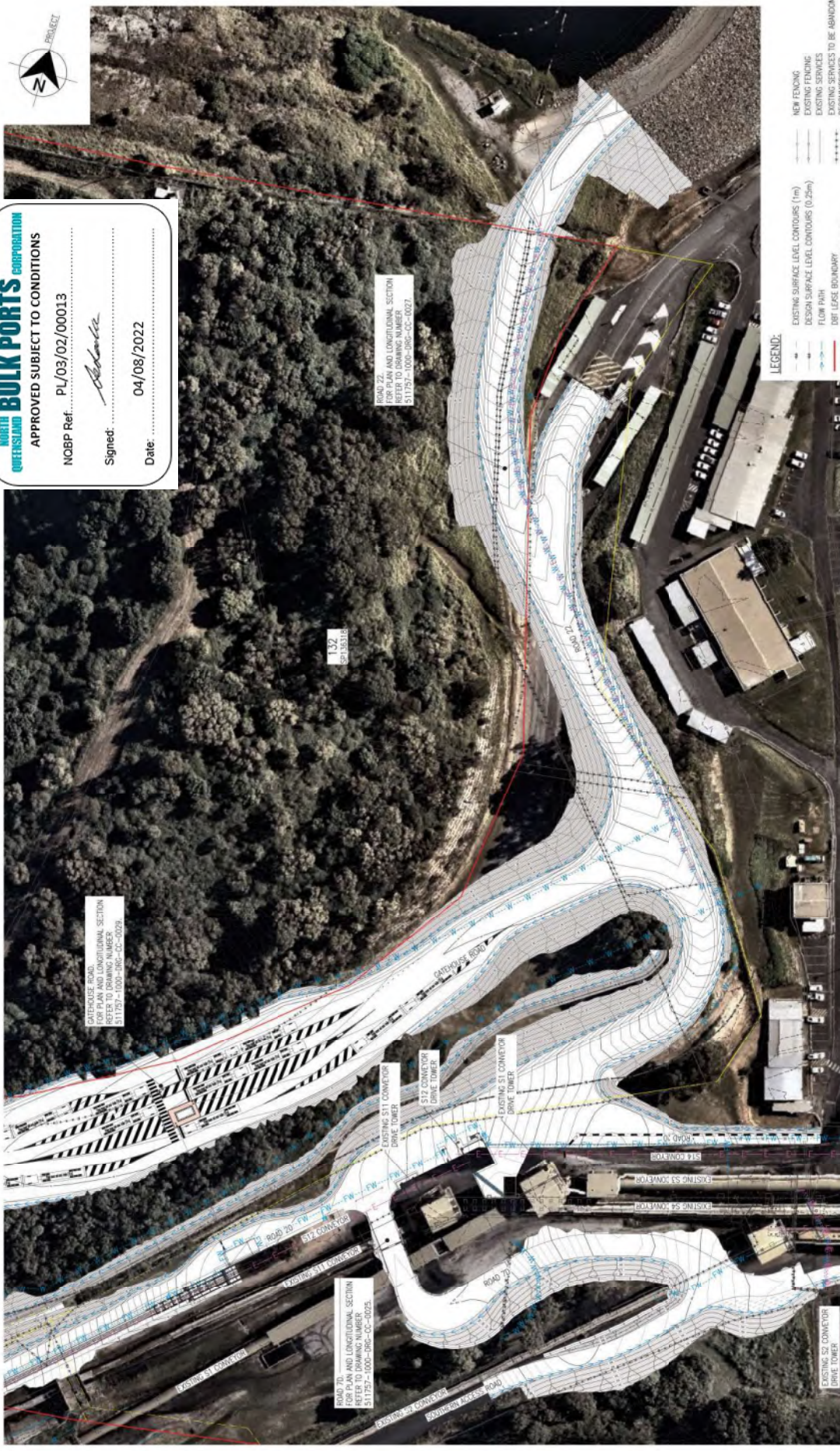
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DO NOT SCALE - IF IN DOUBT ASK.

B1



GATHOUSE ROAD
FOR PLAN AND LONGITUDINAL SECTION
REFER TO DRAWING NUMBER
511757-1000-DRG-CC-0007

ROAD 20
FOR PLAN AND LONGITUDINAL SECTION
REFER TO DRAWING NUMBER
511757-1000-DRG-CC-0007

ROAD 22
FOR PLAN AND LONGITUDINAL SECTION
REFER TO DRAWING NUMBER
511757-1000-DRG-CC-0007

132
SP256544

EXISTING S2 CONVECTOR
DRIVE TOWER

PLAN
1:500

LEGEND:

- EXISTING SURFACE LEVEL CONTOURS (1m)
- DESIGN SURFACE LEVEL CONTOURS (0.25m)
- FLOW PATH
- DBT LEASE BOUNDARY
- DBT TEMPORARY LEASE BOUNDARY
- PROPERTY BOUNDARY
- EASEMENT BOUNDARY
- LOT AND PLAN NUMBER
- 133
SP256544
- EXISTING FENCING TO BE REMOVED
- NEW FENCING
- EXISTING SERVICES
- EXISTING SERVICES TO BE ABANDONED / DECOMMISSIONED
- FIRE HYDRANT
- WATER UNDERGROUND
- FIRE WATER UNDERGROUND
- ELECTRICAL UNDERGROUND

NOTES:

- ALL DIMENSIONS AND REDUCED LEVELS IN METRES U.N.O.
- PROJECT HORIZONTAL DATUM TO DBT SITE GRID.
- PROJECT VERTICAL DATUM TO LOW WATER DATUM (LWD).

SUBJECT TO FINAL VERIFICATION AND APPROVAL

PRELIMINARY
NOT FOR CONSTRUCTION

INCLUDING SYSTEM
CIVIL WORKS
GENERAL ARRANGEMENT

SHEET 6 OF 6

DBM
DBT BX EXPANSION
FEL 3

511757-1000-DRG-CC-0007

Dailymple Bay
Infrastructure

aurecon

10/04/2022

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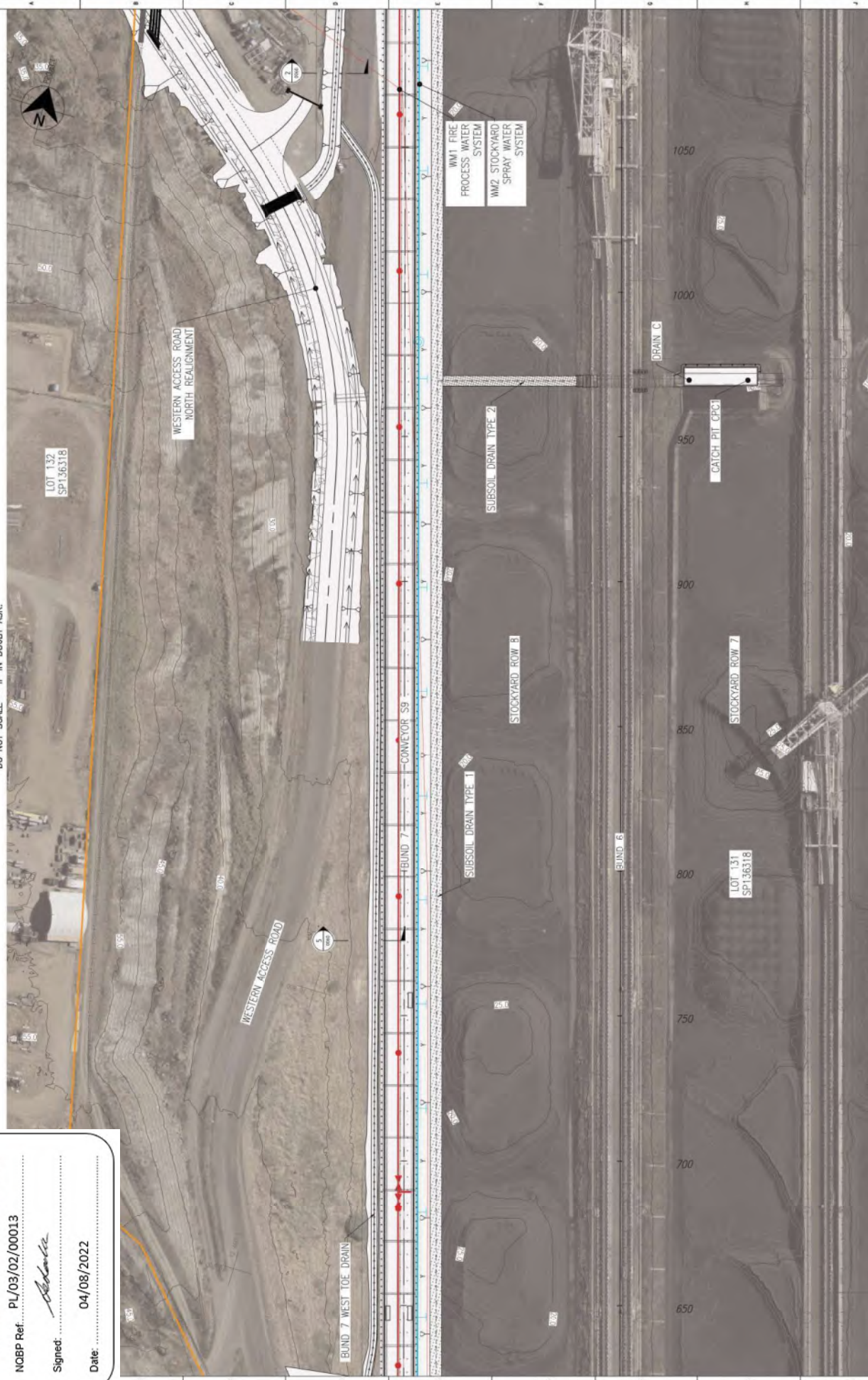
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DO NOT SCALE - IF IN DOUBT ASK.



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SCALE 1:500		PLAN 1:500 (B1)		DBCT MANAGEMENT		DBCTM INTEGRATED STUDY PROGRAM		CIVIL WORKS		PRELIMINARY	
LOT 131 SP136318		STOCKYARD ROW 7		ZONE 4 FEL3		H348252		CIVIL GENERAL ARRANGEMENT		NOT FOR CONSTRUCTION	
HATCH		DBCT MANAGEMENT		H348252		SHEET 3 OF 4		REV		DATE	
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