



12 August 2022

Odette Langham
North Queensland Bulk Ports Corporation
PO Box 3340
MACKAY QLD 4740

Email: olangham@nqbp.com.au

Dear Odette,

DEVELOPMENT APPROVAL PACKAGE FOR MATERIAL CHANGE OF USE AND OPERATIONAL WORKS ON LAND DESCRIBED AS LOT 143 SP121683; LOT 144 SP121683 AND LOT 100 SP312214, AT THE PORT OF HAY POINT

NQBP Reference: PL/04/02/00020
Your Reference: EM/03/02/00002

North Queensland Bulk Ports Corporation Ltd (NQBP) wish to advise that your development application seeking approval for the conduct of maintenance dredging within the Half Tide Tug Harbour at the Port of Hay Point was approved in full subject to conditions on 12 August 2022.

Approvals has been given with respect to Material Change of Use (ERA16) and Operational Work, being Tidal Work and Removal of Marine Plants under the *Planning Act 2016* and Port Development Approval under the Port of Hay Point Land Use Plan (April 2010).

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

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

Yours sincerely

Julie Keane
Principal, Development Advisor

Telephone: (07) 3011 7912
Email: JKeane@nqbp.com.au
Doc Reference: E22/13041

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 – Department of State Development, Manufacturing, Infrastructure and Planning
Local government – Mackay Regional Council

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GPO Box 409 Brisbane
Queensland 4001

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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 Corporation
<i>Development application:</i>	Material Change of Use for concurrence ERA (16 - dredging) associated with maintenance dredging of Half Tide Tug Harbour Operational Works (Tidal Works and Marine Plants) associated with refined maintenance dredging area within Half Tide Tug Harbour
<i>Date of decision</i>	12 August 2022
<i>Aspect of development:</i>	<input checked="" 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>	Half Tide Tug Harbour
<i>Real property description:</i>	Lot 143 SP121683, Lot 144 SP121683 and Lot 100 SP312214
<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>Plan / Document name</i>	<i>Plan / Document number</i>	<i>Date</i>
HTTH Maintenance Dredge Areas	NQBP2021-002A	02/12/2021
HTTH Maintenance Dredge Area and Dredge Material Placement Area	NQBP2021-042	04/08/2021

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:

- 10.5.4.2.1 Non-devolved environmentally relevant activities
- 10.6.3.3.1.1 Fisheries removal or destruction of marine plants
- 10.17.3.1.1 Tidal works or work in a coastal management district

10.17.3.2.1 Tidal works or work in a coastal management district

5. Properly made submissions

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

6. Additional development permits

This development permit is limited to Operational works for the extension of the existing Wharf 1 structure at the Port of Mackay. At no time should this document be interpreted to imply approval to any other development, operation or land use.

7. Currency period for the approval

This development approval will lapse if the approved development is not substantially commenced within four (4) years of the date of approval.

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 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" data-bbox="240 815 1082 1014"> <thead> <tr> <th data-bbox="240 815 663 864"><i>Plan / Document name</i></th> <th data-bbox="663 815 911 864"><i>Document number</i></th> <th data-bbox="911 815 1082 864"><i>Date</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="240 864 663 907">HTTH Maintenance Dredge Areas</td> <td data-bbox="663 864 911 907">NQBP2021-002A</td> <td data-bbox="911 864 1082 907">02/12/2021</td> </tr> <tr> <td data-bbox="240 907 663 1014">HTTH Maintenance Dredge Area and Dredge Material Placement Area</td> <td data-bbox="663 907 911 1014">NQBP2021-042</td> <td data-bbox="911 907 1082 1014">04/08/2021</td> </tr> </tbody> </table>	<i>Plan / Document name</i>	<i>Document number</i>	<i>Date</i>	HTTH Maintenance Dredge Areas	NQBP2021-002A	02/12/2021	HTTH Maintenance Dredge Area and Dredge Material Placement Area	NQBP2021-042	04/08/2021	At all times.
<i>Plan / Document name</i>	<i>Document number</i>	<i>Date</i>								
HTTH Maintenance Dredge Areas	NQBP2021-002A	02/12/2021								
HTTH Maintenance Dredge Area and Dredge Material Placement Area	NQBP2021-042	04/08/2021								
Environmental Management										
2. The development or operation must not cause unlawful environmental nuisance or harm.	At all times.									
Site management										
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.	At all times.									

PART 2: REFERRAL AGENCY RESPONSE

Agency	Reference	Date received
Department of State Development, Manufacturing, Infrastructure and Planning	2112-26590 SRA	22 July 2022



SARA reference: 2112-26590 SRA
 NQBP (A/M) reference: PL/04/02/00020
 Applicant reference: EM/03/02/00002

22 July 2022

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

Attention: Julie Keane

Dear Ms Keane

SARA response—Half Tide Tug Harbour, Hay Point Road, Hay Point

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 24 December 2021.

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	Material change of use for concurrence ERA 16 1 (b) dredging associated with maintenance dredging of Half Tide Tug Harbour Operational work for Tidal works and Tidal works in tidal waters and Removal, destruction or damage to marine plants
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associated with maintenance dredging
area of Half Tide Tug Harbour

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
	Schedule 10, Part 17, Division 3, Table 2, Item 1 (Planning Regulation 2017)
	Operational works that is tidal works in tidal waters
	Schedule 10, Part 5, Division 4, Table 2, item 1 (Planning Regulation 2017)
	Environmentally relevant activity
	Schedule 10, Part 6, Division 3, Subdivision 3, Table 1, Item 1 (Planning Regulation 2017)
	Operational work involving removal, destruction or damage of marine plants
SARA reference:	2112-26590 SRA
Assessment Manager:	The North Queensland Bulk Ports
Street address:	Hay Point Road, Hay Point
Real property description:	Lot 100 on SP312214; Lot 143 on SP121683; Lot 144 on SP121683
Applicant name:	North Queensland Bulk Ports Corporation
Applicant contact details:	PO Box 3340 North Mackay QLD 4740 olangham@nqbp.com.au
Environmental Authority:	This referral included an application for an environmental authority under section 115 of the <i>Environmental Protection Act 1994</i> . Below are the details of the decision: <ul style="list-style-type: none"> • Approved • Reference: P-EA-100222169 • Effective date: In accordance with Section 200 of the <i>Environment Protection Act 1994</i> • Prescribed environmentally relevant activity (ERA): ERA 16 – Extraction and Screening 1: Dredging, in a year, the following quantity of material (b) more than 10,000t but not more than 100,000t

If you are seeking further information on the environmental authority, the Department of Environment and Science's website includes a register. This can be found at: www.des.qld.gov.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact 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

A handwritten signature in black ink, appearing to be 'Steve Conner', written over a light grey rectangular background.

Steve Conner
Executive Director

cc North Queensland Bulk Ports Corporation, olangham@nqbp.com.au

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

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 referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material change of use		
The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
1.	The maintenance dredging must be undertaken generally in accordance with the plan: <ul style="list-style-type: none"> - Half Tide Tug Harbour – Maintenance Dredging Areas, plan reference NQBP2021-002A, as amended in red by SARA. 	At all times
Operational works		
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 conditions:		
2.	The maintenance dredging must be undertaken generally in accordance with the plan: <ul style="list-style-type: none"> - Half Tide Tug Harbour – Maintenance Dredging Areas, plan reference NQBP2021-002A, as amended in red by SARA. 	For the duration of the works
3.	<p>(a) Provide written notice to the Regional Harbour Master (Mackay) when any maintenance dredging under this approval is scheduled to commence.</p> <p style="text-align: center;">Regional Harbour Master (Mackay) Email: mackay.maritime@msq.qld.gov.au</p> <p>(b) Provide notice to the Regional Harbour Master (Mackay) when any maintenance dredging authorised under this approval has been completed.</p> <p style="text-align: center;">Regional Harbour Master (Mackay) Email: mackay.maritime@msq.qld.gov.au</p> <p>The notices under part (a) and part (b) of this condition must state the application number (2112-26590 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 the commencement of works for each maintenance dredging campaign</p> <p>(b) Within two (2) weeks of the completion of works for each maintenance dredging campaign</p>
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:		
4.	The maintenance dredging is limited to a maximum of 100,000 tonnes per year and must be undertaken generally in accordance with the following plan: <ul style="list-style-type: none"> - Half Tide Tug Harbour – Maintenance Dredging Area, plan reference NQBP2021-002A, as amended in red by SARA. 	For the duration of the works

5.	<p>(a) In the event that the works cause disturbance or oxidisation of acid sulfate soil, the affected soil must be treated and thereafter managed the affected soil has been neutralised or contained) in accordance with the current <i>Queensland Acid Sulfate Soil Technical Manual: Soil management guidelines</i>, prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014.</p> <p>(b) Submit certification from an *appropriately qualified person on acid sulfate soil, confirming that the affected soil has been neutralised or contained, in accordance with (a) above to palm@des.qld.gov.au or mailed to:</p> <p style="padding-left: 40px;">Department of Environment and Science Permit and Licence Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p> <p><i>* 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.</i></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 contained or neutralised</p>
6.	<p>(a) Prepare a hydrographic survey by a registered surveyor (conducted to minimum Class C survey) of the maintenance dredging area and the immediate adjacent area affected by the dredging.</p> <p>(b) Submit the hydrographic survey to palm@des.qld.gov.au or mailed to:</p> <p style="padding-left: 40px;">Department of Environment and Science Permit and Licence Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p> <p>Note: Refer to the Queensland Government document <i>Standards for Hydrographic Surveys within Queensland Waters</i> for information pertaining to the classes of hydrographic survey.</p>	<p>(a) and (b) Within two (2) months of the completion of works for each maintenance dredging campaign</p>
<p>The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Agriculture and Fisheries to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
7.	<p>The operational work to temporarily remove, destroy or damage marine plants is limited to seagrass and marine macroalgae within the boundaries of the maintenance dredging area as shown on plan:</p> <ul style="list-style-type: none"> - Marine Plant Plan Half Tide Tug Harbour – Maintenance Dredging Areas, plan reference NQBP2021-002A, as amended in red by SARA. 	<p>For the duration of the works</p>
8.	<p>Submit written notice to the Department of Agriculture and Fisheries at notifications@daf.qld.gov.au advising when the development authorised under this referral agency response:</p>	<p>(a) At least two (2) weeks prior to the commencement of works for each maintenance</p>

	<p>(a) will start</p> <p>(b) when it has been completed.</p> <p>Any notice must state the application's reference number: 2112-26590 SRA.</p>	<p>dredging campaign</p> <p>(b) Within two (2) weeks of the completion of works for each maintenance dredging campaign</p>
9.	<p>This fisheries development (as defined by the <i>Fisheries Act 1994</i>) constitutes a place that is required to be open for inspection by an inspector at all times, pursuant to section 145 of the <i>Fisheries Act 1994</i>.</p>	<p>At all times</p>

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.
2.	<p>North Queensland Bulk Ports (NQBP) currently has in place a voluntary marine monitoring program for the Port of Hay Point. This program provides ambient data and demonstrates NQBPs commitment to best practice environmental management. Seagrass communities are also monitored in this program.</p> <p>The seagrass monitoring program currently excludes the Half Tide Tug Harbour (HTTH) area which is the subject of this application. Given the proposed dredging campaigns may impact seagrass communities, SARA encourages NQBP to include the HTTH area in any future seagrass monitoring programs.</p>

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 proposal through conditions, complies with the relevant State Development Assessment Provisions (SDAP) v 2.6, due to the following:

- For State code 7: Maritime safety:
 - o the consolidation of the maintenance dredging areas does not adversely impact on aids to navigation
 - o the development does not adversely impact on the safe operation of vessels, subject to notification when maintenance dredging activities are being carried out.

- For State code 8: Coastal development and tidal works:
 - o the Half Tide Tug Harbour is an established tug berth facility which is coastal dependent development that must be located in tidal waters
 - o any future maintenance dredging within the Half Tide Tug Harbour is not considered to have adverse impacts on coastal process, with little loss of sediment due to the balanced sediment budget within the dredging areas
 - o with maintenance dredging suitably managed as conditioned, adverse impacts to people, property and the environment are not expected.

- For State code 11: Removal, destruction or damage of marine plants:
 - o the consolidation of the maintenance dredging area will not permanently impact on seagrass and algae.

- For State code 22: Environmentally relevant activities:
 - o the proposal, as conditioned through the associated Environmental Authority (EA) and where carried out in accordance with the proposal plan, is designed to avoid or mitigate environmental harm to the receiving environment (including air, noise, water quality and contaminants).

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6), as published by the department
- The Development Assessment Rules
- Technical agency responses
- 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.

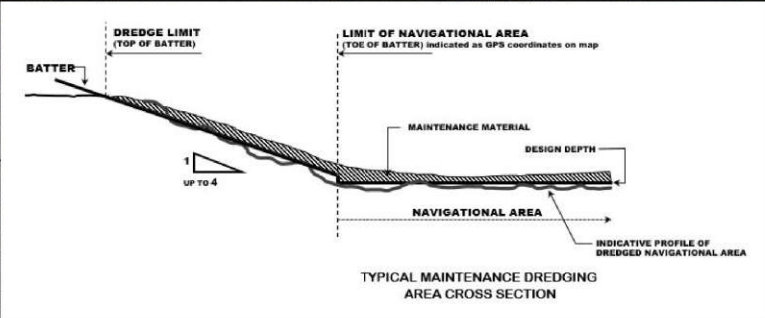
Attachment 5—Approved plans

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Half Tide Tug Harbour - Maintenance Dredging Areas



Coordinates		
Point	Easting	Northing
BA1	738293.65	7643740.96
BA2	738353.64	7643820.97
BA3	738377.77	7643802.97
BA4	738317.66	7643722.96
BB1	738373.14	7643806.35
BB2	738390.85	7643830.57
BB3	738471.58	7643771.56
BB4	738453.87	7643747.34
DC1	738697.05	7644247.72
DC2	738718.57	7644202.59
DC3	738600.62	7644147.67
DC4	738588.38	7644109.01
DC5	738635.71	7644026.79
DC6	738691.99	7644013.35
LB1	738660.20	7643843.25
MZ1	738698.63	7644049.12
MZ2	738779.47	7643987.49
SB01	738795.36	7643956.74
SB02	738811.76	7643924.52
SB03	738805.34	7643886.54
SB04	738772.60	7643858.47
SB05	738756.37	7643778.58
SB06	738560.82	7643640.99
SB07	738551.65	7643669.58
SB08	738457.64	7643635.40
SB09	738466.76	7643606.82
SB10	738437.30	7643597.00
SB11	738429.72	7643620.25
SB12	738436.00	7643622.00
SB13	738433.00	7643634.00
SB14	738455.53	7643639.79
SB15	738454.01	7643648.58
SB16	738399.45	7643648.98
SB17	738354.49	7643645.02
SB18	738429.94	7643751.32
SB19	738379.67	7643785.05
SB20	738297.98	7643671.94
SB21	738271.16	7643693.50
SB22	738257.11	7643775.22
SB23	738253.14	7643863.85
SB24	738501.85	7644146.96
SB25	738530.77	7644170.31
SB26	738518.88	7644135.41
SB27	738583.88	7643892.81
SB28	738686.64	7643826.20
SB29	738763.35	7643890.57
SB30	738744.07	7643913.55
SB31	738762.63	7643929.24
TB1	738723.88	7643975.46
TB2	738759.42	7643933.07
TB3	738655.79	7643846.11
TB4	738620.18	7643888.54

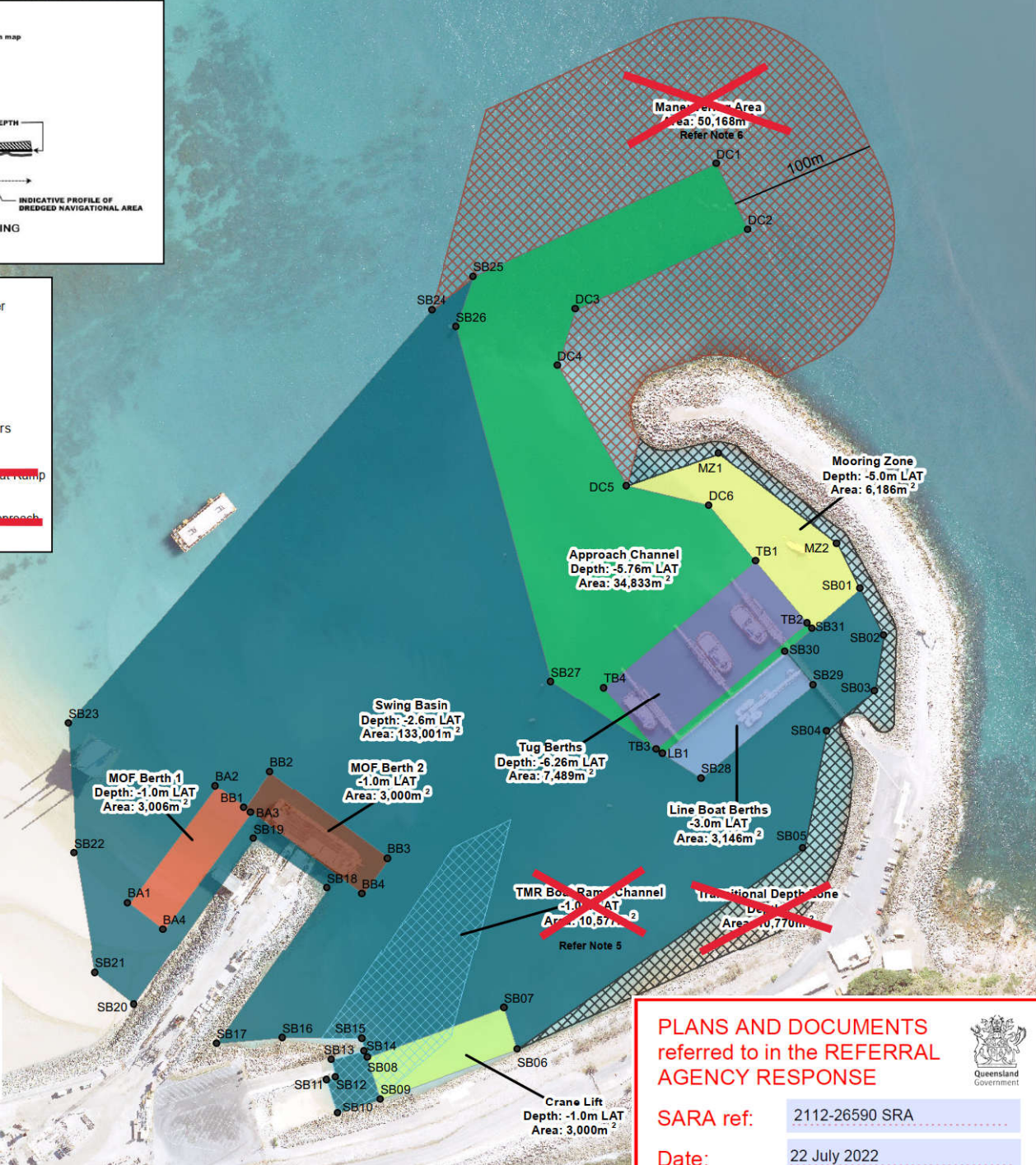
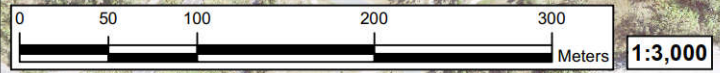


NOTES

- Design depths are shown. An additional allowance of an average of 600mm of over dredging depth applies to all dredge depths shown.
- Coordinates are listed as Easting/Northing (GDA94- Zone 55).
- Coordinates represent the toe of batter/limit of navigational areas as per Typical Maintenance Dredging Area Cross Section.
- Maintenance dredging will extend to top of batters (dredge limit), noting that batters throughout the area are differing slopes (not greater than 1 in 4).
- ~~Location of TMR Boat Ramp Channel shown for information purposes only. TMR Boat Ramp Channel is not shown on this plan.~~
- ~~Maintenance Area provided to allow for maneuvering of dredge equipment around Approach Channel berths to accommodate batter setbacks.~~

- Swing Basin
- Crane Lift
- Line Boat Berths
- Tug Berths
- Approach Channel
- MOF Berth 2
- MOF Berth 1
- Mooring Zone
- ~~TMR Boat Ramp Channel~~
- ~~Maneuvering Area~~
- ~~Transitional Depth Zone~~

Amended in red by SARA on
22 July 2022



PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

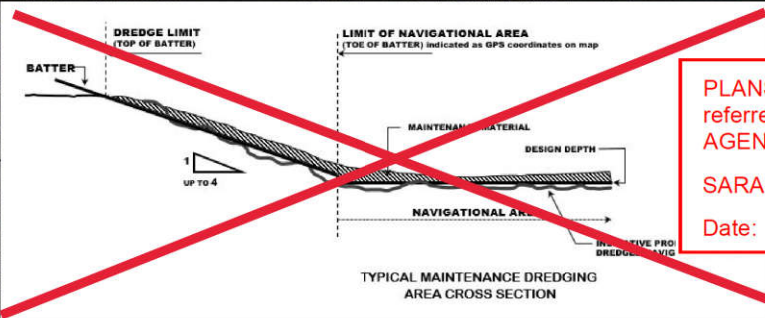
SARA ref: 2112-26590 SRA

Date: 22 July 2022

Marine Plant Plan Half Tide Tug Harbour - Maintenance Dredging Areas



Point	Easting	Northing
BA1	738293.65	7643740.99
BA2	738353.64	7643820.77
BA3	738377.77	7643802.97
BA4	738317.66	7643722.96
BB1	738373.14	7643800.35
BB2	738390.85	7643800.57
BB3	738471.58	764371.56
BB4	738453.87	7643717.34
DC1	738697.05	7644247.72
DC2	738718.57	7644202.59
DC3	738600.62	7644147.67
DC4	738588.38	7644109.01
DC5	738635.71	7644026.79
DC6	738691.99	7644013.35
LB1	738660.20	7643843.25
MZ1	738698.63	7644049.12
MZ2	738779.47	7643987.49
SB01	738795.36	7643956.74
SB02	738811.76	7643924.52
SB03	738805.34	7643886.54
SB04	738772.66	7643858.47
SB05	738756.37	7643778.58
SB06	738750.22	7643640.99
SB07	738511.65	7643669.58
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SB11	738429.22	7643620.25
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SB13	738433.00	7643634.00
SB14	738455.53	7643639.79
SB15	738454.01	7643648.58
SB16	738399.45	7643648.98
SB17	738354.49	7643645.02
SB18	738429.94	7643751.32
SB19	738379.67	7643785.05
SB20	738297.98	7643671.94
SB21	738271.16	7643693.50
SB22	738257.11	7643775.22
SB23	738253.14	7643863.85
SB24	738501.85	7644146.96
SB25	738530.77	7644170.31
SB26	738518.88	7644115.41
SB27	738583.88	7643892.81
SB28	738686.64	7643821.20
SB29	738763.35	7643890.57
SB30	738744.07	7643913.55
SB31	738762.63	7643929.34
TB1	738723.88	7643975.46
TB2	738759.42	7643933.01
TB3	738655.79	7643846.11
TB4	738620.18	7643888.54



PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

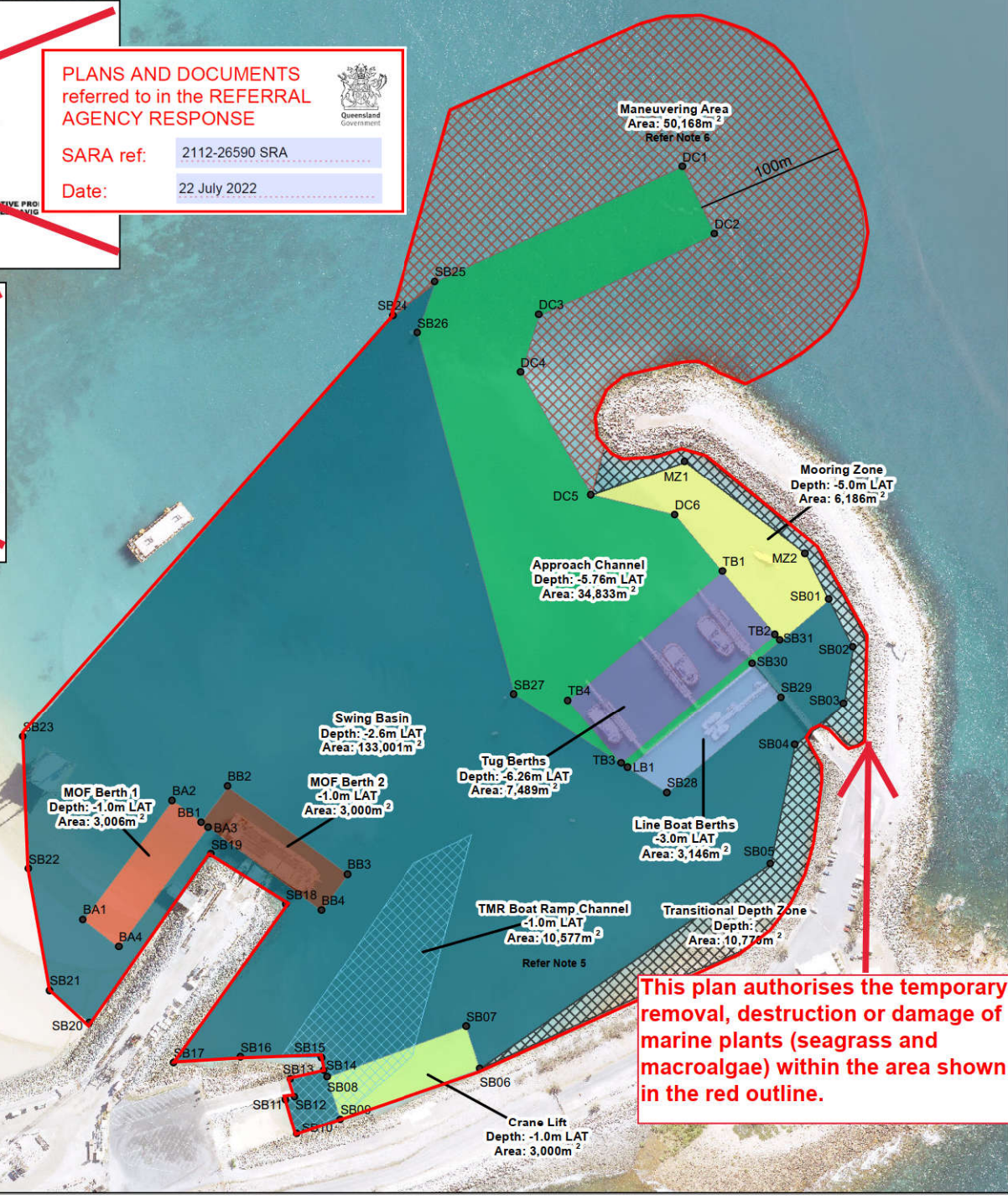
SARA ref: 2112-26590 SRA

Date: 22 July 2022

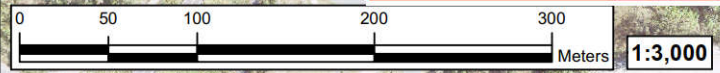
- NOTES**
- Dredge depths are shown. An additional allowance of an average of 600mm of over dredging depth applies to all dredge depths shown.
 - Coordinates are listed as Easting/Northing (GDA94- Zone 55).
 - Coordinates represent the toe of batter/limit of navigational areas as per Typical Maintenance Dredging Area Cross Section.
 - Maintenance dredging will extend to toe of batter (dredge limit), noting that batters throughout the area are differing slopes (not greater than 1:4).
 - Location of TMR Boat Ramp Channel shown for information purposes only. TMR Boat Ramp Channel maintained by TMR under separate approvals.
 - Maneuvering Area provided to allow for maneuvering of dredge equipment around Approach Channel and also accommodates batter extents.

- Swing Basin
- Crane Lift
- Line Boat Berths
- Tug Berths
- Approach Channel
- MOF Berth 2
- MOF Berth 1
- Mooring Zone
- TMR Boat Ramp Channel
- Maneuvering Area
- Transitional Depth Zone

Amended in red by SARA on 22 July 2022



This plan authorises the temporary removal, destruction or damage of marine plants (seagrass and macroalgae) within the area shown in the red outline.



Attachment 2 – Extract on Appeal Rights

PLANNING ACT 2016

229 APPEALS TO TRIBUNAL OR P&E COURT

(1) *Schedule 1* states—

(a) matters that may be appealed to—

- (i) either a tribunal or the P&E Court; or
- (ii) only a tribunal; or
- (iii) only the P&E Court; and

(b) the person—

- (i) who may appeal a matter (the "**appellant**"); and
- (ii) who is a respondent in an appeal of the matter; and
- (iii) who is a co-respondent in an appeal of the matter; and
- (iv) who may elect to be a co-respondent in an appeal of the matter.

(2) An **appellant** may start an appeal within the **appeal period**.

(3) The "**appeal period**" is—

- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under *Chapter 7, part 4*, to register premises or to renew the registration of premises—20 business days after a notice is published under *section 269 (3)(a) or (4)*; or
- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the **appellant** gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) otherwise—20 business days after the day the notice is given; or (g) for any
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

SCHEDULE 1 APPEALS

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
- (a) the P&E court; or
 - (b) a tribunal.

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
<p>1. Development applications</p> <p>For a development application other than an excluded application, an appeal may be made against—</p> <ul style="list-style-type: none"> (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval. 			
Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent (if any)	Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	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>	Odette Langham PO Box 3340 MACKAY QLD 4740

2. Property description of proposed development

<i>Port:</i>	Hay Point
<i>Street address:</i>	Half Tide Tug Harbour
<i>Real property description:</i>	Lot 143 SP121683, Lot 144 SP121683 and Lot 100 SP312214
<i>Local government area:</i>	Mackay Regional Council

3. Development details

<i>Approved development:</i>	Material change of use – 10.5.4.2.1 – Non-devolved environmentally relevant activities Operational works – 10.6.3.3.1 – Fisheries (marine plants) Operational works – 10.17.3.2.1 – Tidal Works Operational works – 10.17.3.1.1 – Tidal Works
------------------------------	--

4. Assessment matters

The application has been assessed against:

- Port of Hay Point Land Use Plan (April 2010).
- 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 Hay Point Land Use Plan (April 2010). 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.

Port Development Approval

Port of Hay Point Land Use Plan (April 2010)

1. Details of approval

<i>Applicant:</i>	North Queensland Bulk Ports Corporation
<i>Approved proposal:</i>	Maintenance dredging of Half Tide Tug Harbour and disposal of dredged material. Specifically: <ul style="list-style-type: none"> • Material Change of Use for ERA 16 Maintenance Dredging • Operational Works being tidal work or work in a coastal management district • Operational Works being removal or destruction of Marine Plants
<i>Currency of approval</i>	This development approval will lapse if the approved development is not substantially commenced within four (4) years of the date of approval.
<i>Date of decision</i>	12 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>	Half Tide Tug Harbour
<i>Real property description:</i>	Lot 143 SP121683, Lot 144 SP121683 and Lot 100 SP312214

3. Approved drawings and documents

The following drawings and documents are approved by NQBP as the basis for the works. Copies of these approved drawings are provided as an enclosure.

<i>Plan / Document name</i>	<i>Plan / Document number</i>	<i>Date</i>
HTTH Maintenance Dredge Areas	NQBP2021-002A	02/12/2021
HTTH Maintenance Dredge Area and Dredge Material Placement Area	NQBP2021-042	04/08/2021

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 Work	North Queensland Bulk Ports Corporation Email: PortOperations@nqbp.com.au

5. Conditions of approval

Condition	Timing
Carry out the approved development	
1. NQBP must be notified of the proposed commencement date for works via approvals@nqbp.com.au .	At least two (2) weeks prior to commencement of works.
Site management	
2. 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.
3. The Applicant will ensure that infrastructure, services, property assets or utilises are not damaged during the construction or operation of the approved development. If any damage results, the proponent will be required to meet all costs of the remediation / repair to the satisfaction of NQBP and / or the relevant service provider.	At all times.
General environmental management	
4. Where potential or actual environmental harm may be caused by the approved development, NQBP may at any time direct the Applicant, or persons acting on behalf of the Applicant, to: <ul style="list-style-type: none"> • cease an activity • implement appropriate impact control measures • modify work plans or methods. 	At all times.

Condition	Timing
<p>5. Any environmental emergency, incident or potentially harmful event involving the approved development must be reported to NQBP via approvals@nqbp.com.au.</p> <p>A written report must also be provided, detailing the following information:</p> <ul style="list-style-type: none"> • name of the operator • the name and telephone number of a designated contact person • quantity and substance released • person/s involved • location and time of the release/event • likely cause of release/event • effects of the release • sampling performed and conclusions drawn • actions taken to mitigate any environmental harm • proposed actions to prevent a recurrence. 	<p>Initial report: within 24 hours of the emergency, incident or event occurring.</p> <p>Written report: within 14 days of the emergency, incident or event occurring.</p>
Community	
<p>6. 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"> • incident subject of the complaint • investigations undertaken into the complaint • proposed action to be undertaken to prevent further complaints. 	<p>Initial report: within 24 hours of the emergency, incident or event occurring.</p> <p>Written report: within 14 days of the emergency, incident or event occurring.</p>

6. Advisory information

Please note that the information contained in this section under the heading Advisory information has been provided as advice only and does not form part of the development approval conditions. This information has been provided to advise of other obligations under state legislation or local laws that may require action to be undertaken prior to commencing the activity approved by this development approval.

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

General safety during construction

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

A copy of the legislation can be accessed via

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

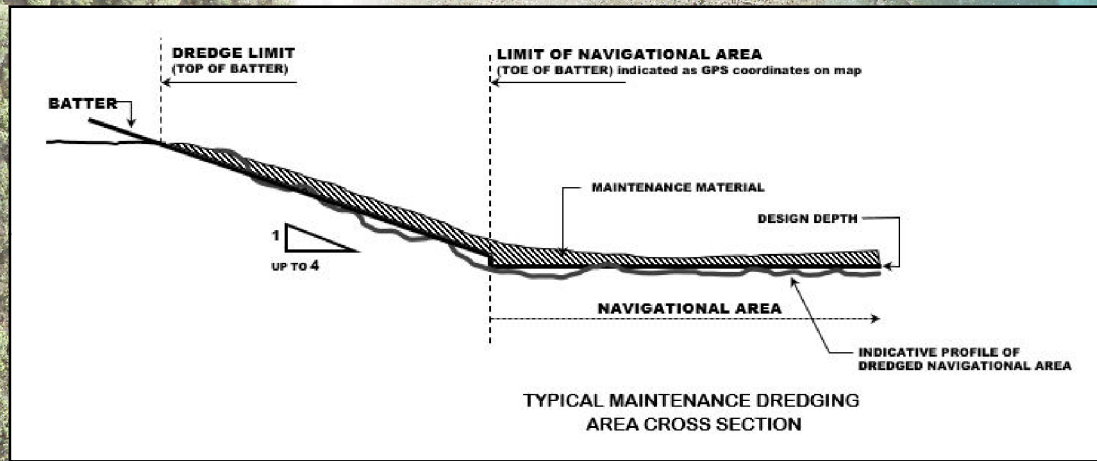
Approved drawings

<i>Plan / Document name</i>	<i>Plan / Document number</i>	<i>Date</i>
HTTH Maintenance Dredge Areas	NQBP2021-002A	02/12/2021
HTTH Maintenance Dredge Area and Dredge Material Placement Area	NQBP2021-042	04/08/2021

Half Tide Tug Harbour - Maintenance Dredging Areas



Coordinates		
Point	Easting	Northing
BA1	738293.65	7643740.96
BA2	738353.64	7643820.97
BA3	738377.77	7643802.97
BA4	738317.66	7643722.96
BB1	738373.14	7643806.35
BB2	738390.85	7643830.57
BB3	738471.58	7643771.56
BB4	738453.87	7643747.34
DC1	738697.05	7644247.72
DC2	738718.57	7644202.59
DC3	738600.62	7644147.67
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SB08	738457.64	7643635.40
SB09	738466.76	7643606.82
SB10	738437.30	7643597.00
SB11	738429.72	7643620.25
SB12	738436.00	7643622.00
SB13	738433.00	7643634.00
SB14	738455.53	7643639.79
SB15	738454.01	7643648.58
SB16	738399.45	7643648.98
SB17	738354.49	7643645.02
SB18	738429.94	7643751.32
SB19	738379.67	7643785.05
SB20	738297.98	7643671.94
SB21	738271.16	7643693.50
SB22	738257.11	7643775.22
SB23	738253.14	7643863.85
SB24	738501.85	7644146.96
SB25	738530.77	7644170.31
SB26	738518.88	7644135.41
SB27	738583.88	7643892.81
SB28	738686.64	7643826.20
SB29	738763.35	7643890.57
SB30	738744.07	7643913.55
SB31	738762.63	7643929.24
TB1	738723.88	7643975.46
TB2	738759.42	7643933.07
TB3	738655.79	7643846.11
TB4	738620.18	7643888.54



- NOTES**
- Design depths are shown. An additional allowance of an average of 600mm of over dredging depth applies to all dredge depths shown.
 - Coordinates are listed as Easting/Northing (GDA94- Zone 55).
 - Coordinates represent the toe of batter/limit of navigational areas as per Typical Maintenance Dredging Area Cross Section.
 - Maintenance dredging will extend to top of batters (dredge limit), noting that batters throughout the area are differing slopes (not greater than 1 in 4).
 - Location of TMR Boat Ramp Channel shown for information purposes only. TMR Boat Ramp Channel maintained by TMR under separate approvals.
 - Maneuvering Area provided to allow for maneuvering of dredge equipment around Approach Channel and also accommodates batter extents.

	Swing Basin
	Crane Lift
	Line Boat Berths
	Tug Berths
	Approach Channel
	MOF Berth 2
	MOF Berth 1
	Mooring Zone
	TMR Boat Ramp Channel
	Maneuvering Area
	Transitional Depth Zone

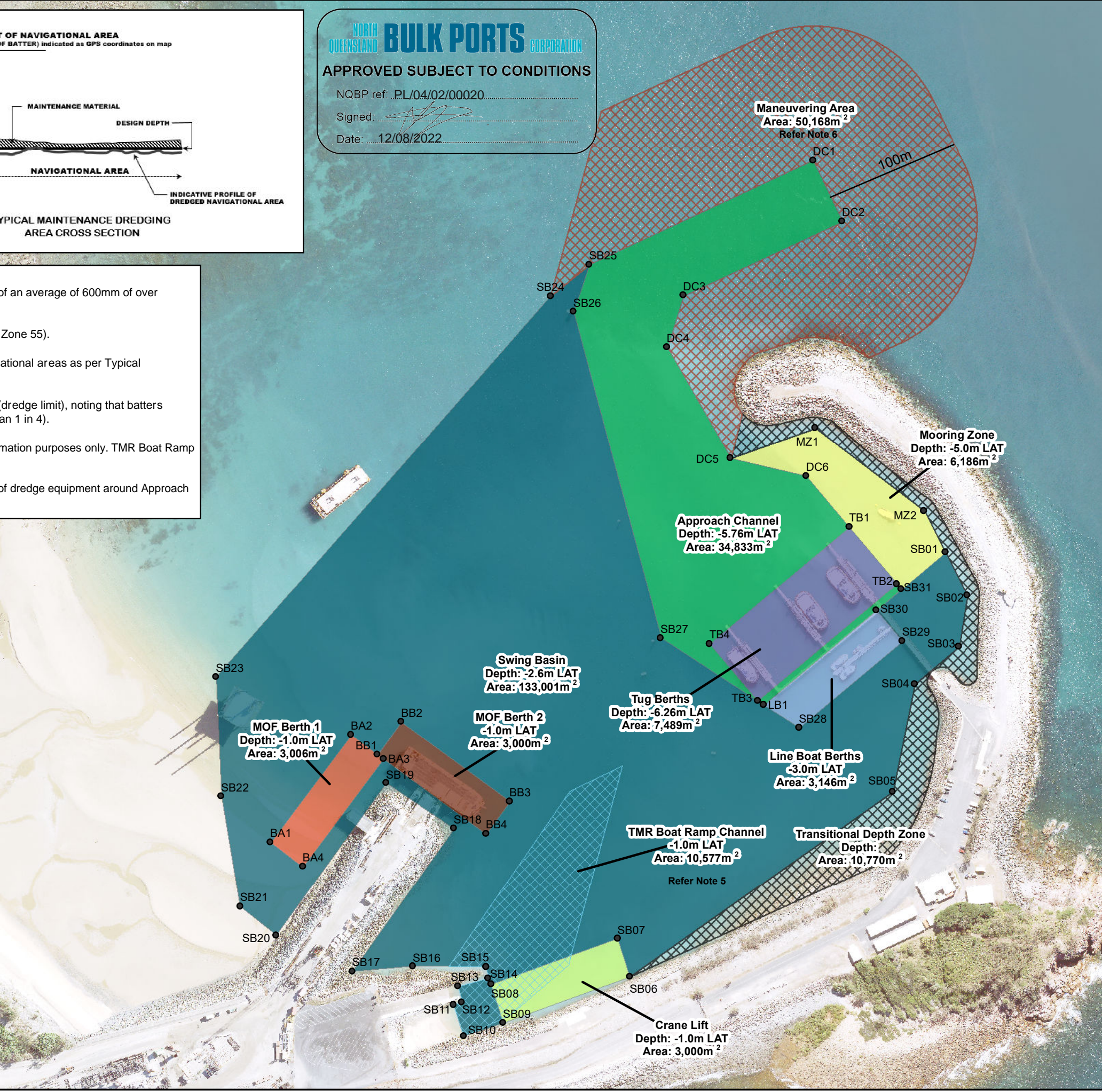
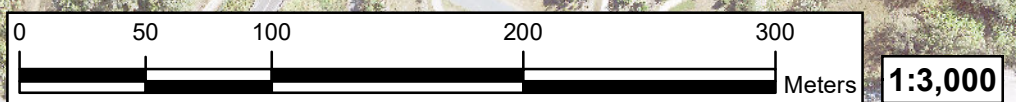
NORTH QUEENSLAND BULK PORTS CORPORATION

APPROVED SUBJECT TO CONDITIONS

NQBP ref: PL/04/02/00020

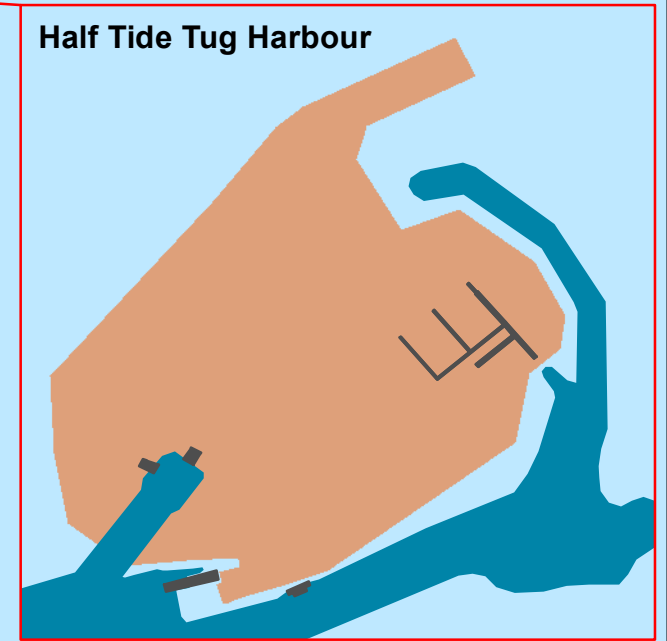
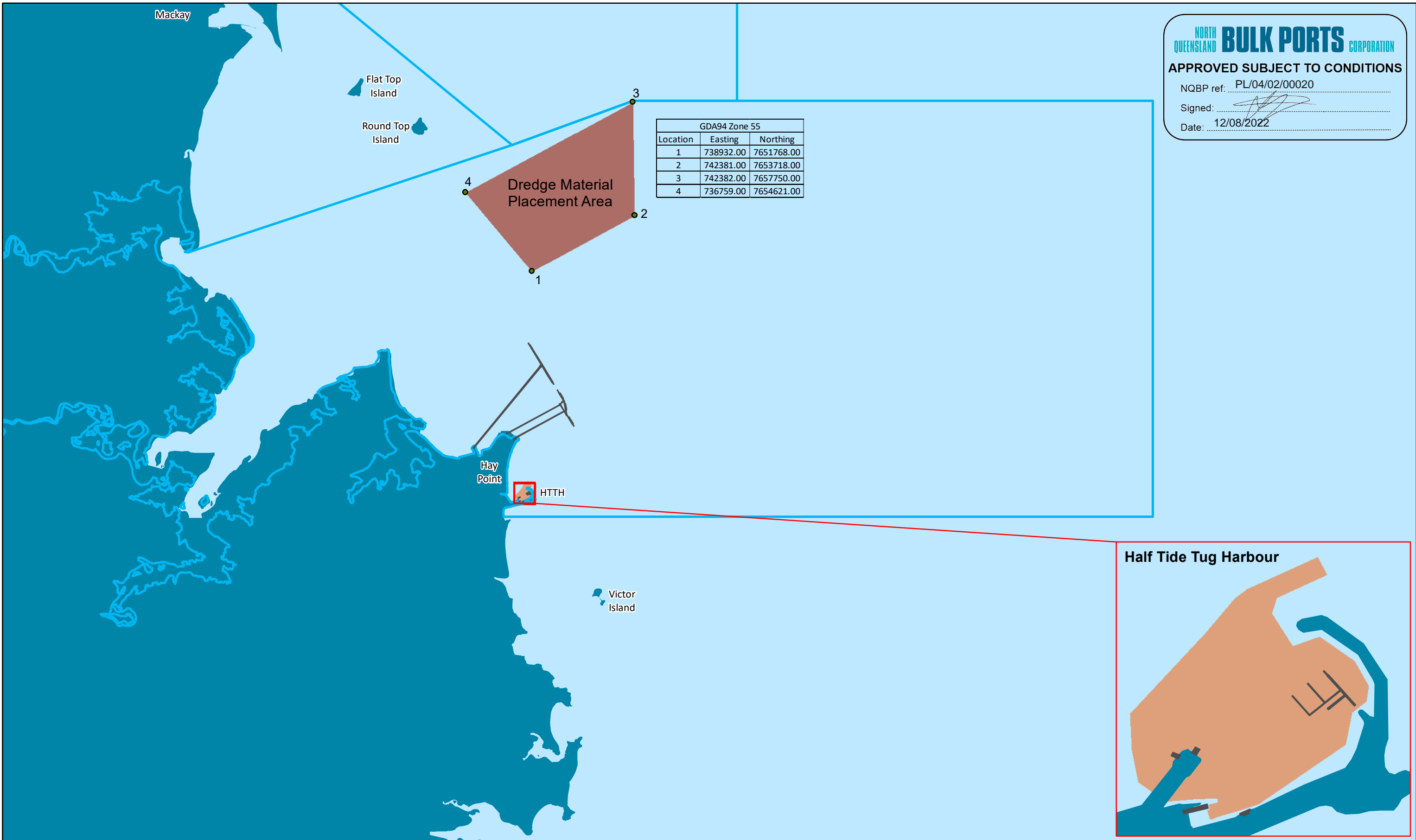
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Date: 12/08/2022

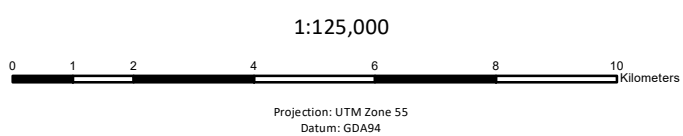


Half Tide Tug Harbour (HTTH) - Maintenance Dredge Area and Dredge Material Placement Area (DMPA)

NORTH QUEENSLAND BULK PORTS CORPORATION
APPROVED SUBJECT TO CONDITIONS
 NQBP ref: PL/04/02/00020
 Signed: _____
 Date: 12/08/2022



Legend
 Port Limits Boundary
 Maintenance Dredge Area
 Dredge Material Placement Area (DMPA)



Map Number: NQBP2021-042
 Printed A3 Landscape 04/08/2021
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