



Gladstone Ports Corporation
Growth, Prosperity, Community.

Document No.1015175
GPC Ref: DA2013/19

DECISION NOTICE – DA2013/19

SUSTAINABLE PLANNING ACT 2009 S334 & S335

Application:	Material Change of Use for Coal Stacker Reclaimer Stockyards
Applicant Name and address:	Wiggins Island Coal Export Terminal Pty Ltd GPC Box 1879 BRISBANE QLD 4001
Owner:	Gladstone Ports Corporation Limited
Subject Land:	Lot 28 CTN279, Lot 98 CTN279, Lot 99 CTN279, Lot 100 CTN279, Lot 106 SP238408, Lot 107 SP241807 & Lot 108 SP238408
Land Use Plan Precinct:	Port Industry & Port Operations Support
Location:	Wiggins Island
Proposed Use:	Coal Stacker Reclaimer Stockyards
Application Received:	28 November 2014

This development application was approved in full with conditions on: 9 May 2014
These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

1. Details Of The Approval

Development Permit:

Material Change of use for Coal Stacker Reclaimer Stockyards

2. Details Of The Approval

In general the development is in compliance with the requirements of Gladstone Ports Corporation Limited (GPC). It is to be noted that the following conditions will be complied with in the granting of this Development Application.

GENERAL

1. The proposed development must be carried out generally in accordance with the plans as lodged.

3. Referral Agency Conditions –

There were no referral agencies identified for this application.

4. The Approved Plans –

Document Reference	Plan / Document Name	Date
Dwg No: 2B251-M-DR-0001 Rev &	WEXP 1 Terminal Feasibility Study Stacker Reclaimer Yard (REC Area B) General Arrangement	13/12/13
Dwg No: 0000-C-DR-8000 Rev 1	Wiggins Island Coal Terminal Ultimate Facility WICET Lease Boundaries General Arrangement	07/02/2011
Dwg No: 0000-C-DR-8003 Rev 5	Wiggins Island Coal Terminal Stockyard WICET Lease Boundaries Arrangement	12/09/2011
Dwg No: 0000-M-DR-0102 Rev A	Wiggin Island Coal Export Terminal WEXP1 and WEXP2 Development General Arrangement – Plan	12/03/2012

5. When the Development Approval Takes Effect –

If the application is approved, or approved subject to conditions, the decision notice, or if a negotiated decision notice is given, the negotiated decision notice, is taken to be the development approval and has effect—

- (a) if there is no submitter and the applicant does not appeal the decision to the court or a building and development committee, from when—
 - (i) the decision notice is given; or
 - (ii) if a negotiated decision notice is given - the negotiated decision notice is given; or
- (b) if there is a submitter and the applicant does not appeal the decision to the court or a building and development committee—
 - (i) when the submitters appeal period ends; or

(ii) if the last submitter gives the assessment manager written notice that the submitter will not be appealing the decision before the period mentioned in subparagraph (i) ends—on the day the last submitter gives the notice;
or

(c) if an appeal is made to the court or a building and development committee, subject to sections 490(3) and 553(3) and the decision of the court or committee under section 496 or 564 – when the appeal is finally decided or withdrawn.

6. When Approval Lapses if Development Not Started

The relevant periods stated below apply to each aspect of development in this approval, as outlined below:-

- material change of use - 10 years
- any other development not listed above - 2 years

7. Other Necessary Development Approvals

Listed below are the other development permits that are necessary to allow the development to be carried out:

- Nil

8. Referral Agencies (Concurrence and Advice Agencies)

There were no IDAS referral agencies applicable to this application:

9. Appeal Rights

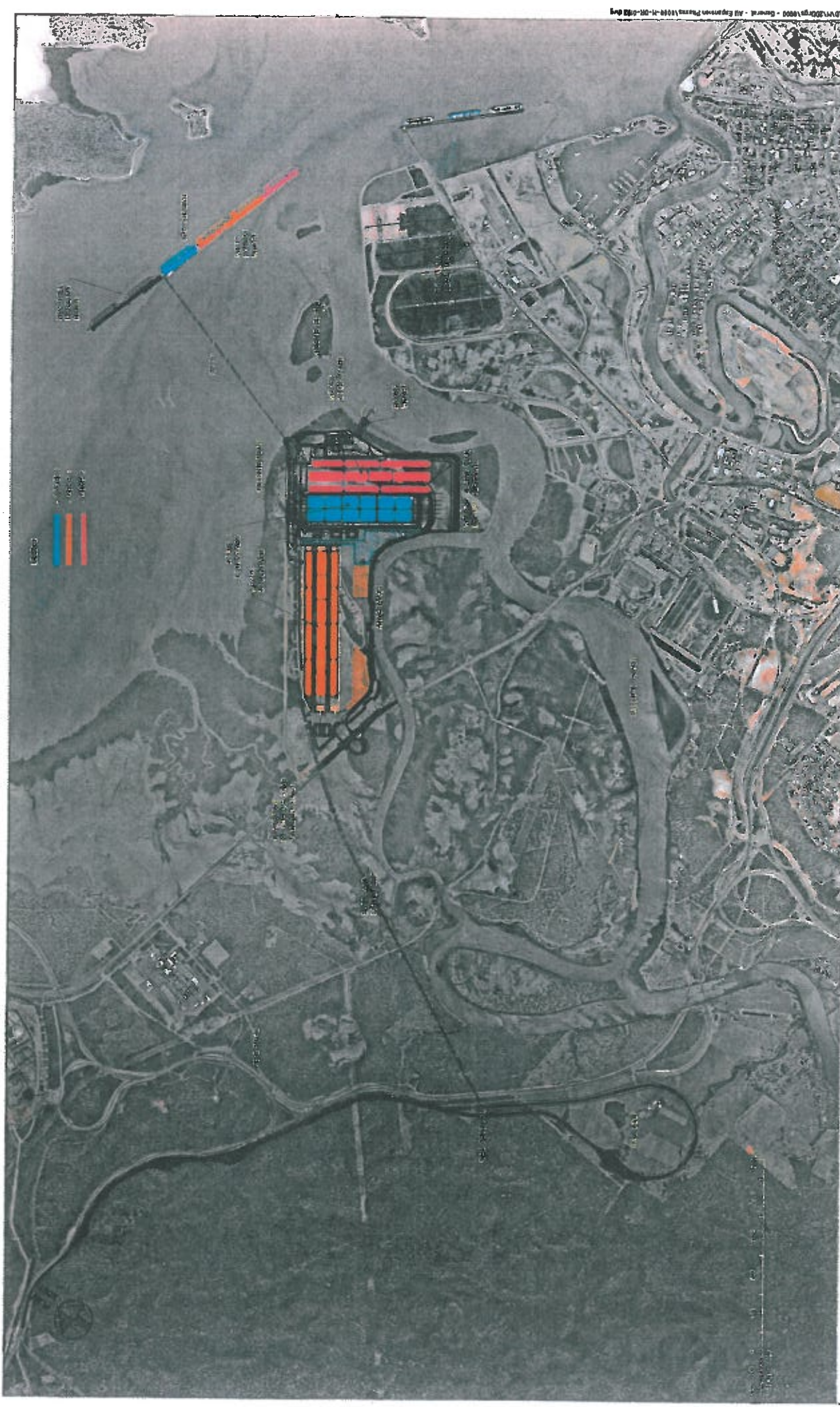
Attached is an extract from the Sustainable Planning Act 2009 which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

Appeals by applicants: An applicant for a development application may appeal to the Planning and Environment Court against the following:

- The refusal, or refusal in part of the development application
- Any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of the Sustainable Planning Act
- The decision to give a preliminary approval when a development permit was applied for
- The length of a period mentioned in section 341

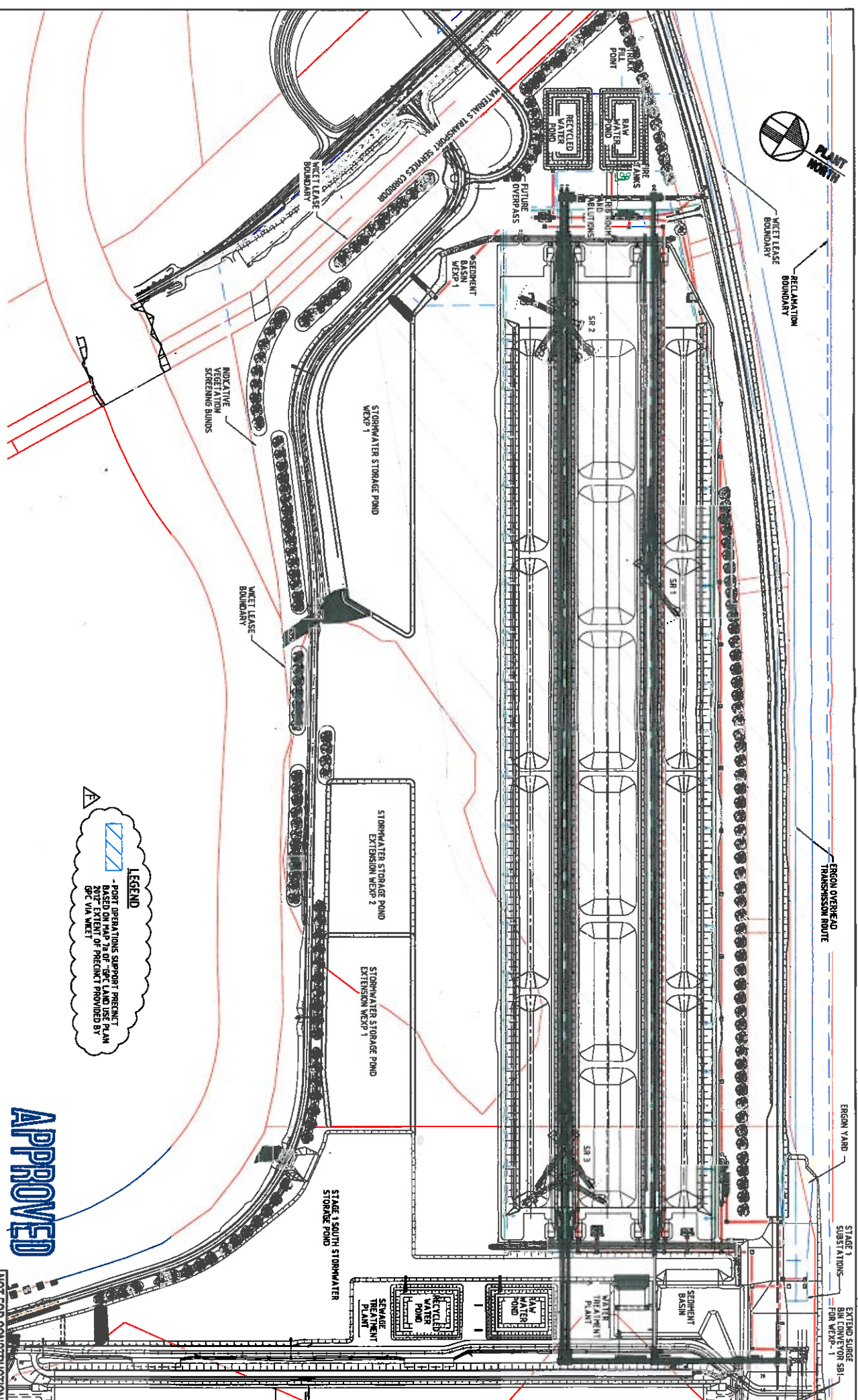
10. Assessment Manager Certification


Geoff White
Property Manager
09.05.2014




NOT FOR CONSTRUCTION SUBJECT TO FINAL VERIFICATION AND APPROVAL		Project No: H537300 Client: WIGGINS ISLAND COAL EXPORT TERMINAL - WEXP1 AND WEXP2 DEVELOPMENT Scale: 1:5000 Drawing No: A1	
Project: TERMINAL DEVELOPMENT PLAN Drawn: WVCT	Design: WVCT Check: WVCT Date: 12/13/12	Design: WVCT Check: WVCT Date: 12/13/12	Design: WVCT Check: WVCT Date: 12/13/12
Project No: H537300 Client: WIGGINS ISLAND COAL EXPORT TERMINAL - WEXP1 AND WEXP2 DEVELOPMENT Scale: 1:5000 Drawing No: A1	Design: WVCT Check: WVCT Date: 12/13/12	Design: WVCT Check: WVCT Date: 12/13/12	Design: WVCT Check: WVCT Date: 12/13/12
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LEGEND

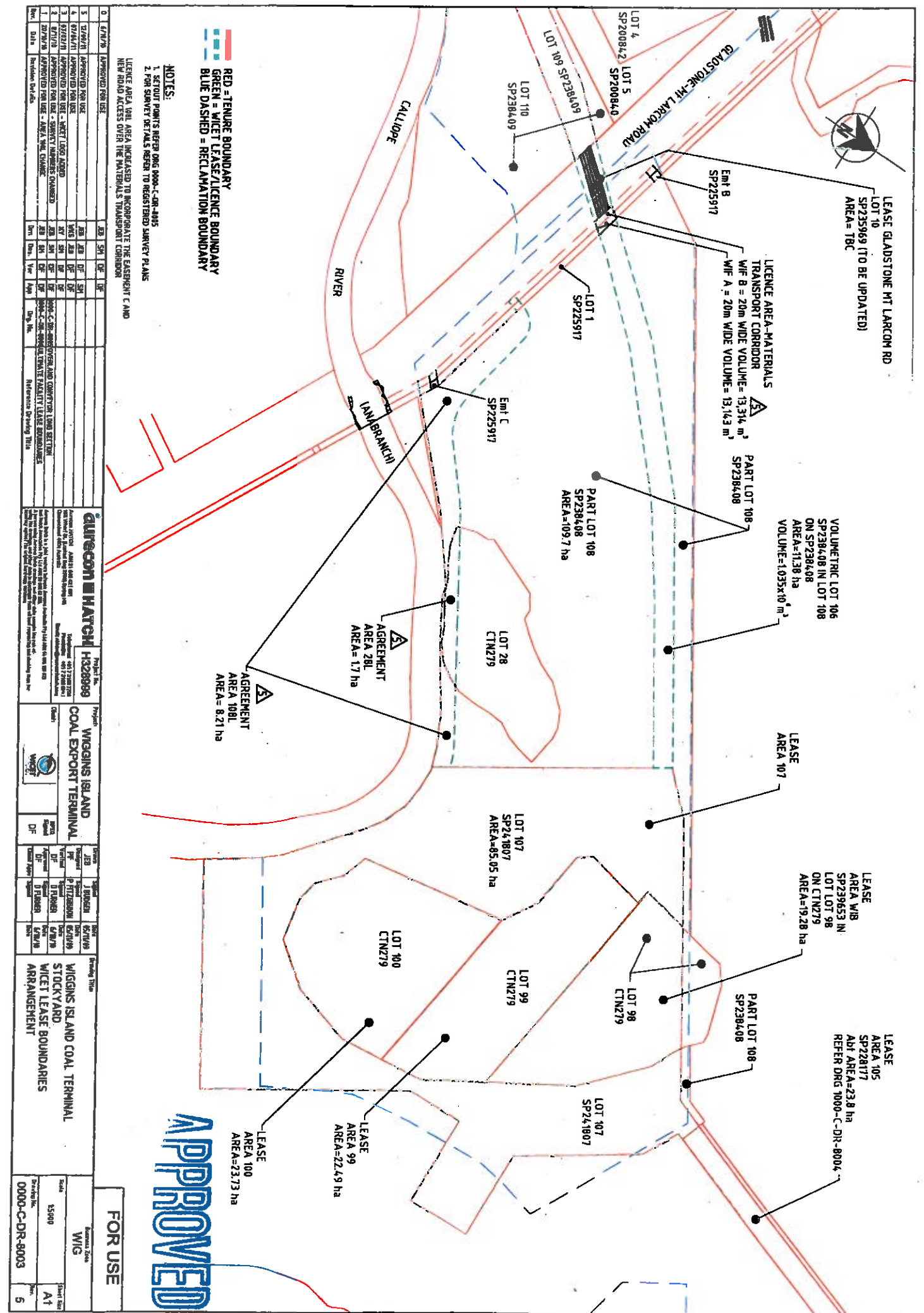
 - POINT OPERATIONS SUPPORT PRESENT BASED ON PLAN OF GPC LAND USE PLAN GPC VIA WICET

APPROVED

SUBJECT TO FINAL VERIFICATION AND APPROVAL

NOT FOR CONSTRUCTION

SCALE: 1" = 50'		DATE: 09/28/09		PROJECT NO.: H337300	
SUPPORT PRESENT ADDED		DATE: 09/28/09		PROJECT TITLE: WEXP 1 TECHNICAL FEASIBILITY STUDY STACKER RECLAIMER YARD (REC AREA B) GENERAL ARRANGEMENT	
F	09/28/09	APPROVED FOR DETAIL DESIGN - POINT OPERATIONS	ONG	ONG	DFE
E	09/28/09	APPROVED FOR DETAIL DESIGN	JEB	JEB	LW
D	09/28/09	APPROVED FOR DETAIL DESIGN	ONG	LW	RT
C	09/28/09	APPROVED FOR DETAIL DESIGN	ONG	LW	RT
B	09/28/09	APPROVED FOR DETAIL DESIGN	JEB	LW	RT
A	09/28/09	CLIENT REVIEW	JEB	LW	RT
Rev.	Date	Revision Details	Rev. No.	Ver. App.	Proj. No.
		Reference Drawing Title			
<p>durecon HATCH</p> <p>Project No. H337300</p> <p>Project Title: WEXP 1 TECHNICAL FEASIBILITY STUDY STACKER RECLAIMER YARD (REC AREA B) GENERAL ARRANGEMENT</p> <p>Client: WICET</p> <p>Scale: 1/2" = 100'</p> <p>Sheet No.: A1</p> <p>Project Manager: J. BUDEN</p> <p>Design Engineer: R. TRAM</p> <p>Check Engineer: M. ARGENT</p> <p>Date: 09/28/09</p>		<p>NOT FOR CONSTRUCTION</p>			



RED = TENURE BOUNDARY
 GREEN = WIDE LEASE/LICENCE BOUNDARY
 BLUE DASHED = RECLAMATION BOUNDARY

NOTES:

1. SETOUT POINTS REFER DRG 9000-C-DR-8003
 2. FOR SURVEY DETAILS REFER TO REGISTERED SURVEY PLANS
- LICENCE AREA 108L AREA INCREASED TO INCORPORATE THE EASTERN PLANS
 NEW ROAD ACCESS OVER THE MATERIALS TRANSPORT CORRIDOR

Lot No.	Area	Use	Notes
0	4.74/1.76	APPROVED FOR USE	
1	20.72/1.0	APPROVED FOR USE	
2	27.0/1.0	APPROVED FOR USE	
3	27.0/1.0	APPROVED FOR USE	
4	27.0/1.0	APPROVED FOR USE	
5	27.0/1.0	APPROVED FOR USE	
6	27.0/1.0	APPROVED FOR USE	
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11	27.0/1.0	APPROVED FOR USE	
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100	27.0/1.0	APPROVED FOR USE	

APPROVED

FOR USE

part of the local planning instrument, in force for the local government at a time stated in the document, the chief executive officer may so certify the document.

- (2) In a proceeding, a document certified under subsection (1) is admissible in evidence as if it were the original local planning instrument or part of the instrument.

Division 8 Appeals to court relating to development applications and approvals

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
- (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the *applicant's appeal period*) after—
- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.

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- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
- (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
- (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the *submitter's appeal period*) after the decision notice or negotiated decision notice is given to the submitter.

463 Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) development for an aquacultural ERA; or
 - (b) development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
 - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
 - (b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or

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- (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
 - (a) if the responsible entity for making the change is the assessment manager for the application—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;

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- (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

Division 9 Appeals to court about compliance assessment

468 Appeals against decision on request for compliance assessment

- (1) A person to whom an action notice has been given under section 405(5) about a request for compliance assessment of development, a document or work may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the notice is given to the person.

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469 Appeals against condition imposed on compliance permit or certificate

- (1) A person who is given a compliance permit or compliance certificate subject to any conditions may appeal to the court against the decision to impose the condition.
- (2) The appeal must be started within 20 business days after the day the compliance permit or compliance certificate is given to the person.

470 Appeals against particular decisions about compliance assessment

- (1) A person to whom any of the following notices have been given may appeal to the court against the decision in the notice—
 - (a) a notice of a decision on a request to change or withdraw an action notice;
 - (b) a notice under section 413(2)(c) about a decision to refuse a request to change a compliance permit or compliance certificate.
- (2) The appeal must be started within 20 business days after the day the notice is given to the person.

Division 10 Appeals to court about other matters

472 Appeal about extension of period under s 98

- (1) A person who has requested an extension under section 98(2) may appeal to the court against a refusal of the request.
- (2) An appeal under subsection (1) must be started within 20 business days after the day the person is given notice of the refusal.