



Gladstone Ports Corporation
Growth, Prosperity, Community.

Our Ref: #1205204

27 October 2015

Goondicum Resources c/- Greencap Limited
GPO Box 559
BRISBANE QLD 4000

Dear Ms Deveze

**REQUEST FOR NEGOTIATED DECISION NOTICE FOR DA2015/11
FOR MCU FOR ERA 50(1)(A) – BULK MINERALS HANDLING AND STOCKPILING
PART OF LOT 300 ON SP239667, PORT CENTRAL, GLADSTONE**

In response to Greencap's request for a Negotiated Decision Notice for Material Change of Use for Environmentally Relevant Activity 50(1)(a) Bulk minerals handling and stockpiling, please find attached an amended copy of Decision Notice DA2015/11. GPC wishes to inform the applicant that the request has been granted in full.

If you have any queries regarding the attached negotiated decision notice please do not hesitate to contact GPC's Planning Officers Judy Horsfall on 4976 1314 or Sarah Hunter on 4976 1287.

Yours faithfully

SARAH HUNTER
SENIOR PLANNING OFFICER

cc: Referral Agencies



Gladstone Ports Corporation
Growth, Prosperity, Community.

NEGOTIATED DECISION NOTICE – DA 2015/11

SUSTAINABLE PLANNING ACT 2009 S363

Application:	Material Change of Use for Environmentally Relevant Activity (ERA) 50(1)(A) – Bulk mineral handling and stockpiling
Applicant Name and address:	Goondicum Resources Pty Ltd Lvl 19, 241 Adelaide Street GPO Box 509 BRISBANE QLD 4001
Owner:	Gladstone Ports Corporation Limited
Subject Land:	Part of Lot 300 on SP239667
Location:	Rail Loop Access Road Port Central GLADSTONE
Present Zoning	Strategic Port Land
Proposed Use:	Ilmenite Storage including truck unloading and loading
Application Received:	30 April 2015
Negotiated Decision Representations Received:	26 October 2015

This development application was assessed on: 27 October 2015

1. Details Of The Approval

Development Permit: Material Change of Use and Environmentally Relevant Activity (ERA) 50(1)(a): Bulk mineral handling $\geq 100t$ in a day or stockpiling $\geq 50,000t$ or more of minerals within 5km of the highest astronomical tide or 1km of a watercourse.

Nature of Change: The timeframe for compliance of Gladstone Ports Corporation's Condition 15 has been changed as indicated.

2. Assessment Manager's Conditions

In general the facilities are in compliance with the requirements of Gladstone Ports Corporation. 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 with the application except where modified by conditions of this permit.

2. Unless otherwise stated, all conditions must be completed prior to the commencement of the use.
3. Where additional "approval" is required under these conditions by the Gladstone Ports Corporation for drawings or documentation, the proponent must submit for review, amend to the satisfaction of, and obtain written acceptance from the Gladstone Ports Corporation. Only in this manner can compliance with the condition be achieved.
4. The proponent must inform the GPC of completion of works within 14 days of practical completion and undertake a site inspection with GPC. The proponent must also certify that the site is fit for purpose and provide RPEQ certification that the works have been constructed in accordance with the approved plans.
5. The proponent must at its cost and expense, keep and maintain the subject area, including existing services, in a state that is satisfactory to the Port.

ENGINEERING

6. The proponent must supply the Port with "As Constructed" plans in both hard copy (2 of) and electronic format which illustrates any new infrastructure on Port land which is associated with the activity e.g. detailed positions of underground services (i.e. electrical routes, water, sewage, stormwater drainage etc.), buildings, storage tanks or paved areas.
7. Lighting should not impact on the visibility of Navigational Aids utilised for the primary shipping channels nor illuminate a landward glare beyond the site boundary. Lighting will be continually reviewed during construction and operations with respect to navigation and will be revised as required in response to negative impacts as they arise.
8. The proponent is to provide an appropriate running surface for driveways, parking and truck staging areas e.g. blue metal that will not generate dust. If a dust complaint is received, the proponent at their expense, must upgrade/repair running surfaces upon the request of GPC.
9. The proponent is to notify GPC of damage caused to any port roads in Port Central as a result of this activity. Depending upon the nature and location of the damage, GPC may undertake the repairs at the expense of the proponent or direct the proponent to undertake the repairs immediately at their expense.
10. A road maintenance contribution fee will be payable to GPC in accordance with the "Guidelines for assessment of road impacts of development – Transport & Main Road".
11. No loose materials are to be tracked onto the access road. Any damage to roads will be rectified in accordance with Item 8 above.
12. Water charges will be issued by GPC which are subject to upstream changes made by the Gladstone Regional Council.
13. The proponent must maintain the property surrounding the shed in a clean and tidy manner, mowing any grassed areas regularly and maintaining stormwater infrastructure.
14. The proponent must rehabilitate the site upon cessation of activities. A comprehensive rehabilitation plan will be submitted to GPC for approval at least three (3) months prior to cessation of activities.
15. An Emergency Response Plan for ilmenite storage operations must be provided to GPC for approval at least 30 days prior to storage operations commencing.

~~An Emergency Response Plan for ilmenite storage operations must be provided to GPC for approval within 30 days of receipt of this DA.~~

ENVIRONMENT

16. Upon receipt of this Development Approval (DA), the holder must forward to GPC within 10 business days prior to operation of the activity, a copy of any other approvals, permits or

licences issued for activities related to this land or DA, including those held by third parties e.g. an Environmental Authority, tidal works approval etc. Any permissible changes or amendments to these approvals, permits or licences must also be forwarded to GPC within 20 business days of the variation coming into effect.

17. Works must be carried out in compliance with the approved version of the Operational Environmental Management Plan (OEMP). Any amendments to the OEMP must be approved by the Gladstone Ports Corporation Environmental Department.
18. Where there is any conflict between the conditions of this approval and the OEMP, the conditions of this approval shall prevail.
19. The facility must be operated in such a manner that any releases from site do not impact on the ability of surrounding proponents/businesses to achieve compliance with their respective approvals and legislative obligations.
20. Any complaints received by the holder of this approval, and non-compliance with conditions of this approval or any other approval obtained in relation to the works or operation of this facility must be reported to the Gladstone Ports Corporation Environmental Department Hotline on (07) 4976 1617.
21. Operations and associated works are not to be conducted in such a manner that would environmentally degrade Gladstone Ports Corporation land or infrastructure this includes but is not limited to:
 - a) contamination of the land;
 - b) encouragement of pest and weed incursion;
 - c) loss of land through poor sediment and erosion controls; and
 - d) localised flooding from poor stormwater management practices/controls.

3. Concurrence Agency Conditions –

Department of State Development, Infrastructure and Planning

The Decision Notice conditions of the Department of Infrastructure, Local Government and Planning acting as a Concurrence Agency are as per their letter dated **18 September 2015** attached.

4. The Approved Plans –

The approved plans and/or documents forming part of this decision notice are listed in the following table:

Document Reference	Plan / Document Name	Date
002-RFI amendments	Operational Environmental Management Plan - Goondicum Resources Central Port/Barney Point Bulk Storage of Mineral Sands – September 2015	16/09/2015
	Request for Further Information Response including Figure 1	26/08/2015
Figure 1	Road and Rail Network including Internal Haul Routes, Turning, Queuing and Parking Areas	14/09/2015

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—
 - (iii) when the submitters appeal period ends; or
 - (iv) 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 - 4 years
- any other development not listed above - 2 years

7. Referral Agencies

The IDAS referral agencies applicable to this application are:

Referral Trigger	Agency Name	Status	Address
Material Change of Use for an environmentally relevant activity	State Assessment and Referral Agency Department of Infrastructure, Local Government and Planning	Concurrence	State Assessment and Referral Agency PO Box 113 ROCKHAMPTON QLD 4700 Web: www.dilgp.qld.gov.au/IMYDAS Email: rockhamptonSARA@dilgp.qld.gov.au

8. 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.

9. Other Necessary Development Approvals

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

- Nil

10. Assessment Manager Certification



Sarah Hunter
Senior Planning Officer
27 October 2015

Cc: SARA

GREENCAP

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APPROVED

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

Goondicum Resources

Central Port/Barney Point Bulk Storage of
Mineral Sands

September 2015

#1199708



Port Central/Bamey Point Bulk Storage Development Application- Gladstone Port Corporation Request for Further Information
 Received 26 August 2015
 Goondicum Resources

Request Item	Request Detail	Response
1	<p>Where will water be sourced from for dust suppression, and will the site have a permanent dust suppression vehicle? As the site has a large roof for water capture, has rainwater capture in tanks to then be used for dust suppression been considered?</p>	<p>The site will not have a permanent dust suppression vehicle, due to the low dust volumes that will likely be generated from the mineral product. Watering of the area will occur onsite, and will be contracted out. This will also initially include procurement of water. However, a tank will be installed on site to reduce the cost of procuring water if proven justifiable.</p>
2	<p>What will be done with material that is removed from beneath the rumble grate, off the roads and from the sediment traps? Will it be stored on site until removal or will it go back into the stockpile? If stored on site, how much, how long, where will it be stored, and how will it be managed for erosion and sedimentation control and air quality control?</p>	<p>It is not expected there will be a large volume of material that will be accidentally spread/spill on roads and in rumble grates within the Port boundary. All materials will be well enclosed on the back of vehicles and covered for transportation purposes. However, procedures will be in place to check roads, grates and sediments traps for materials and keep them clear. Any spilled material will be placed in appropriate and adequate vessels and removed from site. This material will not be stored onsite but will be back loaded to the mine for reprocessing, as soon as possible.</p>
3	<p>There is little mention in regards to waste management and segregation on site. Please put more detail into the waste management section e.g.</p> <ul style="list-style-type: none"> • if oily rags are generated from cleaning hydraulics on loaders then this is consider regulated waste and will need to be managed as such; • if there is an oil spill from loaders/vehicles, how will the contaminated waste be managed; and • when waste material accumulates under the grate, in stormwater drains etc. how will the waste be disposed of? 	<p>Please refer to the Operational Environmental Management Plan (OEMP) for details on Waste Management. In particular Section 7.10 outlines measures for minimising and managing waste, and Section 14.3 outlines operational procedures for waste management onsite.</p> <p>It is not expected there will be a large amount of waste produced onsite. The former Bulk Storage facility to the north, closer to Bamey Point Wharf generated minimal waste and this operation, albeit with larger volumes of mineral sand product, is not expected to differ in terms of waste production. There will be a small number of staff onsite and the operation will involve clean inert material that has already been processed. Any regulated waste or contaminated material that may be produced onsite will be kept in appropriate containers/vessels and removed from site as soon as possible. Where practical rubbish will be separated and recycled. All waste will be disposed of at a registered facility. It will be transported suitable waste containers. Spill kits will be expected to be carried by all contractors entering the site and will also be kept onsite to enable rapid response to a spill. Any fuels or chemicals brought on site and are kept in containers larger than 15L will be transported and stored in secondary containment systems, as per EHP requirements.</p>
4	<p>Will vehicle/loaders/stackers maintenance occur on site? If so, where will this occur? Please provide information explaining maintenance and refuelling of on-site vehicles. Will vehicles be refuelled on site, if so where and how? There be any grease, oils or fuel stored on site, if so where and how? Will there be any spill kits on site?</p>	<p>Equipment used on site will have to be maintained and it is likely that there will be the occasional break down. As there is no workshop onsite, a mobile mechanic will be called to make repairs/upgrades on these occasions. Goondicum Resources (GR) will ensure that all contracted mechanics carrying out work onsite will have appropriate spill containment kits and have the ability to remove oily waste products and parts from site. There will be refuelling that takes place onsite however this will be managed by the contractors and there will also be mobile operations so no requirement for permanent fixtures or large volumes of fuel stored onsite. Spill kits will be kept onsite at all times and contractors will be expected to carry such equipment as well.</p>
5	<p>If loading of vessels occurs over 24hrs, how many trucks will be used during this process? How many trucks will queue awaiting loading and unloading? What considerations have been given to cumulative noise from trucks in queue?</p>	<p>See Section 7.3 of the Operational EMP which describes the operation in relation to noise nuisance and traffic and Section 7.5 which discusses the impact of the operation on the internal road routes and Figure 7-5 shows the operational trips from the bulk storage facility to Auckland Port for export of product.</p> <p>The maximum loading rate utilising existing infrastructure is 375tp/h, which equates to approximately 15 movements per</p>

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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.

- (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.

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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

- (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.

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.

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- (3) Also, a person who has made a request under section 98(2) 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.
- (5) However, an appeal under this section may only be about whether the refusal is so unreasonable that no reasonable relevant local government could have refused the request.

473 Appeals against enforcement notices

- (1) A person who is given an enforcement notice may appeal to the court against the giving of the notice.
- (2) The appeal must be started within 20 business days after the day notice is given to the person.

474 Stay of operation of enforcement notice

- (1) The lodging of a notice of appeal about an enforcement notice stays the operation of the enforcement notice until—
 - (a) the court, on the application of the entity issuing the notice, decides otherwise; or
 - (b) the appeal is withdrawn; or
 - (c) the appeal is dismissed.
- (2) However, subsection (1) does not apply if the enforcement notice is about—
 - (a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or
 - (b) stopping the demolition of a work; or
 - (c) clearing vegetation on freehold land; or

- (d) the removal of quarry material allocated under the *Water Act 2000*; or
- (e) extracting clay, gravel, rock, sand or soil, not mentioned in paragraph (d), from Queensland waters; or
- (f) development the assessing authority reasonably believes is causing erosion or sedimentation; or
- (g) development the assessing authority reasonably believes is causing an environmental nuisance.

475 Appeals against local laws

- (1) This section applies if—
 - (a) an applicant is dissatisfied with a decision of a local government or the conditions applied under a local law about the use of premises or the erection of a building or other structure; and
 - (b) the use is not prohibited development under the planning scheme or a temporary local planning instrument for the planning scheme area.
- (2) The applicant may appeal to the court against the decision or the conditions applied.
- (3) The appeal must be started within 20 business days after the day notice of the decision is given to the applicant.

475A Appeals against decisions under ch 8A

- (1) A person who has been given an information notice for a decision of the Minister under chapter 8A, part 3 may appeal to the court against the decision.
- (2) An appeal under subsection (1) must be started within 20 business days after the day the information notice is given.
- (3) If the Minister decides, under chapter 8A, part 3, to register premises or to renew the registration of premises, a relevant

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person for the premises who is dissatisfied with the decision may appeal to the court against the decision.

- (4) An appeal under subsection (3) must be started within 20 business days after the day notice about the registration or renewal is published under section 680Y.
- (5) In this section—

relevant person, for premises, means any owner or occupier of land in the affected area for the premises.

476 Appeals against decisions on compensation claims

- (1) A person who is dissatisfied with a decision under section 710 or 716 for the payment of compensation may appeal to the court against—
 - (a) the decision; or
 - (b) a deemed refusal of the claim.
- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.
- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

477 Appeals against decisions on requests to acquire designated land under hardship

- (1) A person who is dissatisfied with a designator's decision to refuse a request made by the person under section 222 may appeal to the court against—
 - (a) the decision; or
 - (b) a deemed refusal of the request.
- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.

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

478 Appeals about infrastructure charges notice

- (1) The recipient of an infrastructure charges notice may appeal to the court about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
- (a) the charge in the notice is so unreasonable that no reasonable relevant local government could have imposed it;
 - (b) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (c) there was no decision about an offset or refund;

Examples of possible errors in applying an adopted charge—

- the incorrect application of gross floor area for a non-residential development
 - applying an incorrect 'use category' under an SPRP (adopted charges) to the development
- (d) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
- (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure identified in an LGIP; or

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- (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

478A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to the court against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

479 Appeals from building and development committees

- (1) A party to a proceeding decided by a building and development committee may appeal to the court against the committee's decision, but only on the ground—
 - (a) of an error or mistake in law on the part of the committee; or
 - (b) that the committee had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.
- (2) An appeal against a building and development committee's decision must be started within 20 business days after the day notice of the committee's decision is given to the party.

480 Court may remit matter to building and development committee

If an appeal includes a matter within the jurisdiction of a building and development committee and the court is satisfied the matter should be dealt with by a building and development committee, the court must remit the matter to the committee for decision.

Division 11 Making an appeal to court

481 How appeals to the court are started

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

482 Notice of appeal to other parties—development applications and approvals

- (1) An appellant under division 8 must give written notice of the appeal to—
 - (a) if the appellant is an applicant—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any concurrence agency; and
 - (iv) any principal submitter whose submission has not been withdrawn; and
 - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or

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- (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any referral agency; and
 - (iv) the applicant; or
- (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
 - (i) the chief executive; and
 - (ii) the assessment manager for the development application to which the notice relates; and
 - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
 - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
 - (i) the chief executive; and
 - (ii) the responsible entity for making the change to which the appeal relates; and
 - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
 - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or

-
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
 - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
 - (3) The notice must state—
 - (a) the grounds of the appeal; and
 - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

483 Notice of appeals to other parties—compliance assessment

- (1) An appellant under division 9 must, within 10 business days after the day the appeal is started, give written notice of the appeal to—
 - (a) if the appellant is a person to whom an action notice, compliance permit or compliance certificate has been given—
 - (i) the compliance assessor who gave the notice, permit or certificate; and
 - (ii) if the compliance assessor was a nominated entity of a local government and a copy of the request for compliance assessment was given to the local government under section 402—the local government; or

[s 484]

- (b) if the appellant is a person to whom a notice mentioned in section 470(1) has been given—
 - (i) the entity that gave the notice; and
 - (ii) if the entity that gave the notice was a nominated entity of a local government and the written agreement of the local government was required to give the notice—the local government.
- (2) The notice must state the grounds of the appeal.

484 Notice of appeal to other parties—other matters

- (1) An appellant under division 10 must, within 10 business days after the day the appeal is started, give written notice of the appeal to—
 - (a) if the appeal is under section 472 or 475—the local government; or
 - (b) if the appeal is under section 475A(1)—the Minister; or
 - (c) if the appeal is under section 475A(3)—the Minister and the owner of the registered premises; or
 - (d) if the appeal is under section 478—the entity that gave the notice the subject of the appeal; or
 - (e) if the appellant is a person to whom an enforcement notice is given—the entity that gave the notice and if the entity is not the local government, the local government; or
 - (f) if the appellant is a person dissatisfied with a decision about compensation—the local government that decided the claim; or
 - (g) if the appellant is a person dissatisfied with a decision about acquiring designated land—the designator; or
 - (h) if the appellant is a party to a proceeding decided by a building and development committee—the other party

to the proceeding.

- (2) The notice must state the grounds of the appeal.

485 Respondent and co-respondents for appeals under div 8

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
 - (a) the assessment manager is the respondent; and
 - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
 - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—



Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0815-023354
Your reference: DA2015/11

18 September 2015

Gladstone Ports Corporation
PO Box 259 Gladstone QLD 4680
hunters@gpcl.com.au

Attention: Sarah Hunter

Dear Sir/Madam,

Concurrence agency response - no requirements

Rail Loop Access Rd, Port Central, Gladstone (Part of Lot 300 SP239667)
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 18 August 2015.

Applicant details

Applicant name: Goondicum Resources Pty Ltd
Applicant contact details: GPO Box 509
Brisbane CBD QLD 4001

Site details

Street address: Rail Loop Access Road, Port Central, Gladstone, QLD
Real property description: Part of Lot 300 SP239667
Local government area: Gladstone Regional Council

Application details

Proposed development: Development Permit for Material Change of Use for an Environmentally Relevant Activity (ERA) 50(1)(A)

Referral triggers

The development application was referred to the department under the following provisions of the Sustainable Planning Regulation 2009:

Referral trigger Schedule 7, Table 2, Item 1— Environmentally Relevant Activity

No requirements

The department advises the assessment manager, under section 287(2)(a) of the *Sustainable Planning Act 2009*, that it has no requirements relating to the application.

Further advice

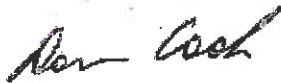
Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers the following advice about the application to the assessment manager:

Further development permits, compliance permits or compliance certificates	
1.	A permit - Environmental Authority reference EPPR03402315 - issued by the Department of Environment and Heritage Protection on 17 September 2015 is attached to this notice.

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

If you require any further information, please contact Carl Porter, Senior Planning Officer, on 07 4924 2917 or via email at RockhamptonSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Don Cook
Manager Planning
Fitzroy and Central

cc: Goondicum Resources Pty Ltd, hcobcroft@goondicum.com.au

Attachment 1 - Environmental Authority EPPR03402315



Department of
Environment and
Heritage Protection

Goondicum Resources Pty Ltd
C/- Greencap
GPO Box 559
BRISBANE QLD 4001

Attn: Michele Deveze

Your reference: EPPR03402315
Our reference: 221106.

Application details

I refer to the application that was received by the administering authority on 18-AUG-2015.

Land description: Barney Point Storage Facility; Lot 300 Plan SP239667.

Decision

Your application has been approved and your environmental authority (reference EPPR03402315) is attached.

Should you have any further enquiries, please contact Rebecca Griffiths on telephone 07 3330 5517.

Yours sincerely,

Signature

Date

Olga Hawas
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Enclosed

Permit - environmental authority (reference EPPR03402315)

Rebecca Griffiths
Waste and Contaminated Land
Assessment
Department of Environment and Heritage
Protection
GPO Box 2454
BRISBANE QLD 4001
Phone: 07 3330 5517
Fax: 07 3330 6037
Email: Rebecca.Griffiths@ehp.qld.gov.au
Website www.ehp.qld.gov.au
ABN 46 640 294 485

Department of Environment and Heritage Protection

Permit¹

Environmental Protection Act 1994

Environmental authority

This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Permit¹ number: EPPR03402315

Environmental authority takes effect when your related development application is approved. Within 20 business days of the EA taking effect, the administering authority must be given written notification.

The first annual fee is payable within 20 business days of the effective date.

The anniversary date of this environmental authority is the same day each year as the effective date. An annual return and the payment of the annual fee which is currently \$17,863.10 will be due each year on this day.

Environmental authority holder(s)

Name	Registered address
Goondicum Resources Pty Ltd	C/- Merrotts Chartered Accountants Level 6, 241 Adelaide Street BRISBANE CITY QLD 4000

Environmentally relevant activity and location details

Environmentally relevant activity(ies)	Location(s)
50-(1a) Bulk mineral handling $\geq 100t$ in a day or stockpiling $\geq 50,000t$ or more of minerals within 5km of the highest astronomical tide or 1km of a watercourse	Rail Loop Access Road GLADSTONE – Part of Lot 300 Plan SP239667

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority is issued is a restatement of the ERA as defined by legislation at the time the approval is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an environmental authority as to the scale, intensity or manner of carrying out an ERA, then the conditions prevail to the extent of the inconsistency.

An environmental authority authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the authority specifically authorises environmental harm.

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation




A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act):

Contaminated land

It is a requirement of the EP Act that if an owner or occupier of land becomes aware a notifiable activity (as defined in Schedule 3 and Schedule 4) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the chief executive.



Signature



Date

Olga Hawas
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Rebecca Griffiths
Waste and Contaminated Land Assessment
Department of Environment and Heritage
Protection
GPO Box 2454
BRISBANE QLD 4001
Phone: 07 3330 5517
Fax: 07 3330 6037
Email: Rebecca.Griffiths@ehp.qld.gov.au

Obligations under the *Environmental Protection Act 1994*

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Conditions of environmental authority

Location: Rail Loop Access Road, GLADSTONE QLD
Lot 300 on Plan SP239667

Relevant activity:

ERA 50 Bulk material handling – Threshold 1(a) – loading or unloading 100t or more of minerals in a day or stockpiling 50, 000t or more of minerals within 5km of the highest astronomical tide or 1km of a watercourse

The environmentally relevant activity conducted at the location as described above must be conducted in accordance with the following site specific conditions of approval.

Agency interest: General	
Condition number	Condition
G1	<p>Activities conducted under this environmental authority must not be conducted contrary to any of the following limitations:</p> <ul style="list-style-type: none"> a) The activity authorised under this environmental authority is limited to the area delineated in <i>Schedule 1—Barney Point Proposed Storage Facility</i> as the 'Area of Environmental Responsibility'. b) The only product authorised to be unloaded/loaded and/or stockpiled under this environmental authority is ilmenite. The activity is limited to a maximum throughput for loading/unloading of 250,000 tonnes of ilmenite per annum.
G2	All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by the activities .
G3	Any breach of a condition of this environmental authority must be reported to the administering authority as soon as practicable within 24 hours of becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions taken.

G4	<p>The activity must be undertaken in accordance with written procedures that:</p> <ul style="list-style-type: none"> a) identify potential risks to the environment from the activity during routine operations and emergencies; and b) establish and maintain control measures that minimise the potential for environmental harm; and c) ensure plant, equipment and measures are maintained in a proper and effective condition; and d) ensure plant, equipment and measures are operated in a proper and effective manner; and e) ensure that staff are trained and aware of their obligations under the <i>Environmental Protection Act 1994</i>; and f) ensure that reviews of environmental performance are undertaken at least annually.
G5	All records must be kept for a period of at least five years and provided to the administering authority upon request.
G6	Chemicals and fuels in containers of greater than 15 litres must be stored within a secondary containment system.
G7	All analyses required under this environmental authority must be carried out by a laboratory that has National Association of Testing Authorities (NATA) certification, or an equivalent certification, for such analyses.
G8	An appropriately qualified person(s) must monitor, record and interpret all parameters that are required to be monitored by this environmental authority and in the manner specified by this environmental authority.
G9	When required by the administering authority, monitoring must be undertaken in the manner prescribed by the administering authority to investigate a complaint of environmental nuisance arising from the activity. The monitoring results must be provided within 10 business days to the administering authority upon its request.
Agency interest: Air	
Condition number	Condition
A1	Odours or airborne contaminants must not cause environmental nuisance to any sensitive place or commercial place.
A2	<p>Dust and particulate matter emissions must not exceed the following concentrations at any sensitive place or commercial place:</p> <ul style="list-style-type: none"> a) dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 (or more recent editions), or b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM_{10}) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging time, when monitored in accordance with Australian Standard AS 3580.9.6 (or more recent editions).

A3	<p>Dust and particulate matter monitoring must:</p> <ul style="list-style-type: none"> a) be undertaken upon request by the administering authority; and b) be carried out at places relevant to the potentially affected sensitive place or commercial place and at suitable representative reference site(s) unlikely to be affected by the activity; and c) be carried out at a sufficient number of monitoring points to enable compliance assessment with condition A2 above; and d) take into account: <ul style="list-style-type: none"> i. locations of dust and particulate sources; and ii. locations of persons or sites potentially affected by any release of dust or particulate matter from the activity; and e) be carried out in accordance with the latest edition of the administering authority's Air Quality Sampling Manual; and f) be undertaken in conjunction with the recording of precipitation, wind speed and direction in accordance with the requirements of the relevant standards within AS3580.
Agency Interest: Water	
Condition number	Condition
WT1	Contaminants must not be released to any waters.
Agency Interest: Noise	
Condition number	Condition
N1	Noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place .

N2	<p>Noise from the activity must not include substantial low frequency noise components and must not exceed the levels identified in <i>Table 1 – Noise limits</i> and the associated requirements at any nuisance sensitive place or commercial place.</p> <p>Table 1 – Noise limits</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-bottom: 10px;"> <thead> <tr> <th style="width: 30%;">Noise level measured in dB(A)</th> <th style="width: 35%;">7am–10pm</th> <th style="width: 35%;">10pm–7am</th> </tr> </thead> <tbody> <tr> <td></td> <td colspan="2" style="text-align: center;">Noise measured at the nearest sensitive place</td> </tr> <tr> <td style="text-align: center;">MaxLpA,T</td> <td style="text-align: center;">54</td> <td style="text-align: center;">52</td> </tr> <tr> <td></td> <td colspan="2" style="text-align: center;">Noise measured at a commercial place</td> </tr> <tr> <td style="text-align: center;">MaxLpA,T</td> <td style="text-align: center;">59</td> <td style="text-align: center;">57</td> </tr> </tbody> </table> <p>Associated Requirements:</p> <ol style="list-style-type: none"> 1. Noise level limits may vary: <ul style="list-style-type: none"> ○ If, at the time of monitoring, there is no wind or wind is from the north west quadrant and less than 4m/s, noise limits are 2 dB(A) above those listed in Table 1. ○ If, at the time of monitoring, there is no wind or wind is from the north west quadrant and is greater than 4m/s, noise limits are 4 dB(A) above those listed in Table 1. ○ At all other times, noise limits are as stated in Table 1. 2. All monitoring devices must be correctly calibrated and maintained. 3. Any monitoring must be in accordance with the most recent version of the administering authority's Noise Measurement Manual. 4. Any monitoring of noise emissions from the activity must be undertaken when the activity is in operation. 5. Monitoring must be undertaken upon the request of the administering authority. 	Noise level measured in dB(A)	7am–10pm	10pm–7am		Noise measured at the nearest sensitive place		MaxLpA,T	54	52		Noise measured at a commercial place		MaxLpA,T	59	57
Noise level measured in dB(A)	7am–10pm	10pm–7am														
	Noise measured at the nearest sensitive place															
MaxLpA,T	54	52														
	Noise measured at a commercial place															
MaxLpA,T	59	57														
Agency Interest: Land																
Condition number	Condition															
L1	Contaminants must not be released to land.															
Agency Interest: Waste																
Condition number	Condition															
W1	All waste generated in carrying out the activity must be lawfully reused, recycled or removed to a facility that can lawfully accept the waste.															

Definitions

Key terms and/or phrases used in this document are defined in this section and **bolded** throughout this document. Applicants should note that where a term is not defined, the definition in the *Environmental Protection Act 1994*, its regulations or environmental protection policies must be used. If a word remains undefined it has its ordinary meaning.

Activity means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.

Administering authority means the Department of Environment and Heritage Protection or its successors or predecessors.

Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills and experience relevant to the EA requirement and can give authoritative assessment, advice and analysis in relation to the EA requirement using the relevant protocols, standards, methods or literature.

Background means noise, measured in the absence of the noise under investigation, as $L_{Aeq,T}$ being the A-weighted sound pressure level exceeded for 90% of the time period of not less than 15 minutes, using Fast response.

Commercial place means a place used as a workplace; an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

Environmental nuisance as defined in Chapter 1 of the *Environmental Protection Act 1994*.

Environmental value as defined in Chapter 1 of the *Environmental Protection Act 1994*.

Land does not include waters.

Max $L_{pA,T}$ means the maximum A-weighted sound pressure level measured over a time period T of not less than 15 minutes, using Fast response.

Measures have the broadest interpretation and includes plant, equipment, physical objects, monitoring, procedures, actions, directions and competency.

NATA means National Association of Testing Authorities.

Prescribed water contaminants means contaminants listed within Schedule 9 of the Environmental Protection Regulation 2008.

Records include breach notifications, written procedures, analysis results, monitoring reports and monitoring programs required under a condition of this authority.

Secondary containment system means a system designed, installed and operated to prevent any release of contaminants from the system, or containers within the system, to land, groundwater, or surface waters.

Sensitive place includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:

1. a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
2. a motel, hotel or hostel; or
3. a kindergarten, school, university or other educational institution; or
4. a medical centre or hospital; or
5. a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 2004* or a World Heritage Area; or
6. a public thoroughfare, park or garden; or

7. for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

Substantial low frequency noise means a noise emission that has an unbalanced frequency spectrum shown in a one-third octave band measurements, with a predominant component within the frequency range 10 to 200 Hz. It includes any noise emission likely to cause an overall sound pressure level at a noise sensitive place exceeding 55 dB(Z).

Waters includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water, natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

You means the holder of the environmental authority.

Schedule 1—Barney Point Proposed Storage Facility



Legend

- Railway
- Proposed In-ante Bulk Storage Facility
- GGC Carpark
- Lot 300 on SP236667
- Area of Environmental Responsibility
- Lot 301 on SP258218

Barney Point Proposed Storage Facility	
Figure 2-1	Goondicum Resources Pty Ltd
Date: 27/08/2015	Author: [unreadable]
[unreadable]	[unreadable]
[unreadable]	

END OF PERMIT