



Gladstone Ports Corporation

Growth, Prosperity, Community.

GPC Document No. 1463507
GPC Ref: DA2018/10
Your Reference: Letter 16/11/2018

26 November 2018

Pacific Marine Base Bundaberg Pty Ltd
c/- Jim Lawley
Pacific Tug (Aust) Pty Ltd
PO Box 5245
VICTORIA POINT QLD 4165

Email: JimL@pacifictug.com

Dear Mr Lawley

ACTION NOTICE – NOT PROPERLY MADE APPLICATION – DA2018/10

(GIVEN UNDER SECTION 3.1 OF THE DEVELOPMENT ASSESSMENT RULES)

1. Location Details

Gladstone Ports Corporation Limited (GPC) received your development application for the following premises on **16 November 2018**.

Location Street Address:	Buss Street, Burnett Heads Qld 4680
Location Real Property Description:	Lease AU on SP305678 in Lot 501 on SP279707, Lots 5 & 6 on RP7193, Lot 6 on SP166192, Lease AW on SP305678 in Lot 287 on SP166199 and unallocated state land adjacent to Lot 287 on SP166199
Local Government Area	Bundaberg Regional Council
Land Owner:	Gladstone Ports Corporation Limited and Queensland State Government
Present Zoning & Precinct	Strategic Port Land – Port Industry Precinct, Terminals/Wharves Precinct and Investigation Area Precinct

2. Application Details

Application Number:	DA2018/10
Applicant Name:	Pacific Marine Base Bundaberg Pty Ltd
Applicant Contact Details:	Jim Lawley Pacific Tug (Aust) Pty Ltd PO Box 5245 8/119 Colburn Avenue VICTORIA POINT QLD 4165 Email: JimL@pacifictug.com
Approval Sought:	Material Change of Use for: <ul style="list-style-type: none">• Marine industry base on Strategic Port Land• Environmentally Relevant Activities 16, 38 & 49• Tidal Works in a Coastal Management District &• Premises near a state-controlled road and Operational Works for: <ul style="list-style-type: none">• Marine industry base on Strategic Port Land• Disposal of dredged material on Strategic Port Land• Tidal works that is dredging, reclamation and construction of sheet pile wall, dock, additional piles, stormwater outfall and navigational aids
Nature of Proposed Development:	Marine Industry Base

This development application is not a properly made application under section 51(5) of the *Planning Act 2016*.

The reasons why GPC is not satisfied that the application is properly made are:

- 1) In accordance with *Planning Act 2016* Section 51 (2), written evidence of land owners consent is required from the Department of Natural Resources, Mines and Energy (DNRM&E) to make an application for a Material Change of Use and Operational Works below high water mark for proposed works on Sub-Lease AW on SP30568 in Lot 287 on SP166199 and unallocated state land adjacent to Lot 287 on SP166199.
- 2) In accordance with *Planning Act 2016* Section 51 (2), written evidence of land owners consent is required from the Gladstone Ports Corporation to make an application for a Material Change of Use for a marine industry base on Strategic Port Land, a Material Change of Use for ERA's on Strategic Port Land and Operational Works that is tidal works (dock and stormwater outfall) on Lease AU on SP305678 in Lot 501 on SP279707. It is understood this consent will be issued upon finalising the lease.
- 3) In accordance with *Planning Act 2016* Section 51 (1)(i) the applicable assessment benchmarks for development on Strategic Port Land have not been addressed (DA Form 1 Item 24). The planning report provided addresses the benchmarks for the Port Operations and Support Services precinct. However, since the project was moved,

the marine industry base is now located in the Port Industry precinct. Also the applicant is required to apply for an Operational Works approval for dredged material disposal on Lots 5 & 6 on RP7193 and Lot 6 on SP166199 (the Material Reclamation Area {MRA}) which is located within the Investigation Area precinct (refer GPC email 30/10/2018).

Actions:

The following actions must be taken to make the development application comply with section 51(5) of the *Planning Act 2016*:

- 1) Provide a copy of the written owners consent to make this application once obtained from DNRM&E
- 2) Continue to work with GPC to progress the lease so that GPC owners consent can be issued
- 3) Address the assessment benchmarks for the Port Industry and Investigation Area precincts in the planning report or provide an addendum.

The above actions must be completed and a notice given to GPC advising that the action notice has been complied with, within **40 business days** starting the day after receiving this notice, or a further period agreed with GPC, otherwise the application will be taken to have not been made in accordance with Section 3.7 of the Development Assessment Rules.

Recommendations:

In addition to the above actions, GPC recommends the following amendments to the application to enhance accuracy and regulators understanding of the proposal. Please note these are recommendation only and not actions.

a) DA Form 1 and associated application amendments recommended are:

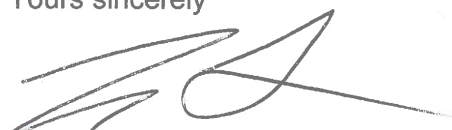
- Item 3.1 – add unallocated state land adjacent to Lot 287 on SP166199 to capture all the dredging and add Lots 5 & 6 on RP7193 and Lot 6 on SP166192 to capture the dredged material disposal activities in the MRA. The whole dredging area and nav. aids and dredged material disposal need to be included in the application.
- Item 4 - remove all references to Bundaberg Port Corporation which doesn't exist – the port authority for the application is the Gladstone Ports Corporation which operates the Port of Bundaberg. Check Listed on the EMR as per pg 29 of your planning report.
- Item 7 and Division 2 – remove check and all information in Division 2 for reconfiguring a lot because ROL on strategic port land is exempt/accepted development.
- Item 17 – remove check for water related development – removing quarry material from a watercourse or lake. SARA and GPC have agreed that the approval under *Planning Regulation 2017* Schedule 10, Part 19, Division 2, Subdivision 3, Table 1, Item 1 is not triggered. This means that State Code 15 can be removed from the planning report.

- b) Planning Report Table on pages 15 and 16 is very useful in clarifying exactly what activities are being proposed, the relevant regulator and which sections of the *Planning Regs* are triggered. Amendments recommended are:
- Change “Accepted/Code” to “Assessable/Code” to reflect that the category of development is Assessable Development (*Planning Reg.* Section 44) and the category of assessment is Code Assessment (*Planning Reg.* Section 45).
 - It would be beneficial if the table could show that the application includes an MCU and Operational Works for a Marine Services Base on Strategic Port Land because GPC will issue an approval for both at once.
 - The table needs to show that the application includes Operational Works for dredged material disposal on Strategic Port Land.
 - Remove reference to the Contaminated Land Register (CLR) as it is not applicable and remove approval trigger 11. An application for approval under *Planning Reg.* Schedule 10, Part 4, Division 1, Item 6 is not required.
 - As mentioned above reference to approval being required under *Planning Reg.* Schedule 10, Part 19, Division 2, Subdivision 3, Table 1, Item 1 – removing quarry material can be removed.
- c) Environmentally Relevant Activities (ERA’s) – Please identify in the planning report which ERA 16, 38 and 49 are sought under this application based upon the tables provided in Schedule 2 of the *Planning Regs*. Information should be provided that identifies the ERA number, ERA threshold, whether the ERA is a concurrence ERA and the relevant regulator for the ERA. To assist in this activity, Peter Mulcahy of SARA has provided information regarding ERA 38 and ERA 49 (attached) and further information can be found at <https://environment.des.qld.gov.au/assets/documents/regulation/era-is-summary-annual-fees.pdf>.

Upon completion of Actions 1, 2 and 3, GPC will issue a Confirmation Notice that confirms the application has been properly made and that the assessment process has formerly begun. Please attach a copy of the Confirmation Notice to your application when you forward it the relevant referral agencies including the State Assessment and Referral Agency.

For further information please contact Judy Horsfall, Planning Officer on 07 4976 1314 or via email horsfallj@gpcl.com.au or Sarah Hunter, Principal Planner, on 07 4976 1287 or via email hunters@gpcl.com.au.

Yours sincerely



Sarah Hunter
Principal Planner
26 November 2018

cc. Peter Mulcahy, SARA

Good Afternoon Judy,

Proposed Environmentally Relevant Activities (ERAs) for Pacific Tug

Thank you for your call this morning regarding the application submitted to the Gladstone Ports Corporation (GPC) and specifically ERA components.

The proposed development involves the following ERAs under the Environmental Planning Regulation 2017(EPR):

- a) ERA No. 38 (Surface Coating)
- b) ERA No. 49 (Boat Maintenance)

ERA No. 38

1. Anodising, electroplating, enamelling or galvanising
 - Between 1t and 100t requires an application to be lodged with the Bundaberg Regional Council (shown in yellow below)
 - More than 100t but not more than 100t requires a Concurrence ERA involving SARA (shown in red below)
 - More than 1,000t but not more than 10,000t requires a Concurrence ERA involving SARA (shown in red below)
 - More than 10,000t requires a concurrence ERA involving SARA (shown in red below)
2. Coating, painting or powdercoating more than 100t of surface coating materials, requires ERA application to be lodged with Permit and Licence Management (shown in green)

Threshold	Aggregate environmental score	3
1 anodising, electroplating, enamelling or galvanising using, in a year, the following quantity of surface coating materials—		
(a) 1t to 100t	10	C
(b) more than 100t but not more than 1,000t	19	C
(c) more than 1,000t but not more than 10,000t	41	C
(d) more than 10,000t	66	C
2 coating, painting or powder coating, using, in a year, more than 100t of surface coating materials	7	

ERA No. 49 (Boat maintenance or repair)

- Commercially operating a boat maintenance or repair facility is an ERA that is devolved to Bundaberg Regional Council (shown in yellow below).
- Commercially clearing or maintaining hulls in water at another place is a Concurrence ERA involving SARA (shown in red below)

Prescribed ERAs	AES	Annual fee 1-Jul-17 to 30-Jun-18	Annual fee 1-Jul-18 to 30-Jun-19	AA⁴	CA⁵
Commercially operating a boat maintenance or repair facility	17	\$4,454.00	\$4,608.70	Local Gov	C
Commercially cleaning or maintaining hulls in water at another place	17	\$4,454.00	\$4,608.70	DES	C
50 Bulk material handling					
1(a) Stockpiling 50,000t or more of minerals or loading or unloading 100 t/day or more of minerals within 5km of highest astronomical tide or 1km of a watercourse	73	\$19,126.00	\$19,790.30	DES	C

The information sheet below lists all the ERAs devolved to local government for administration. Additionally, the below link to Business Queensland contains lots of useful information about ERAs and application processes.

<https://www.business.qld.gov.au/running-business/environment/licences-permits/applying/activities>

I hope this information is of assistance.

If you require additional information, please contact me on (07) 4331 5603.

Kind Regards,

Peter



Queensland
Government

Peter Mulcahy
Principal Planning Officer
Planning and Development Services
Department of State Development,
Manufacturing, Infrastructure and Planning
P 07 4331 5603 E Peter.Mulcahy@dlgp.qld.gov.au
Level 1, 7 Takavan Street, Bundaberg QLD 4670
PO Box 979, Bundaberg QLD 4670
www.dsdmip.qld.gov.au

This email and any attachments may contain confidential or privileged information and may be protected by copyright. You must not use or disclose them other than for the purposes for which they were supplied. The confidentiality and privilege attached to this message and attachment is not waived by reason of mistaken delivery to you. If you are not the intended recipient, you must not use, disclose, retain, forward or reproduce this message or any attachments. If you receive this message in error please notify the sender by return email or telephone, and destroy and delete all copies. The Department does not accept any responsibility for any loss or damage that may result from reliance on, or use of, any information contained in this email and/or attachments.

Judy Horfall

From: Peter Mulcahy <Peter.Mulcahy@dscdmip.qld.gov.au>
Sent: Friday, 23 November 2018 3:31 PM
To: Judy Horfall
Subject: ERAs for Pacific Tug

Good Afternoon Judy,

-Further to my previous e-mail, it appears that the only ERA referable to SARA is ERA No. 16 (Extractive Activities).

Apologies for the oversight.

Happy to discuss if required – (07) 4331 5603.

Kind Regards,

Peter



Peter Mulcahy
Principal Planning Officer
Planning and Development Services
Department of State Development,
Manufacturing, Infrastructure and Planning
Queensland
Government
P 07 4331 5603 E Peter.Mulcahy@dlgp.qld.gov.au
Level 1, 7 Takalvan Street, Bundaberg QLD 4670
PO Box 979, Bundaberg QLD 4670
www.dscdmip.qld.gov.au

This email and any attachments may contain confidential or privileged information and may be protected by copyright. You must not use or disclose them other than for the purposes for which they were supplied. The confidentiality and privilege attached to this message and attachment is not waived by reason of mistaken delivery to you. If you are not the intended recipient, you must not use, disclose, retain, forward or reproduce this message or any attachments. If you receive this message in error please notify the sender by return email or telephone, and destroy and delete all copies. The Department does not accept any responsibility for any loss or damage that may result from reliance on, or use of, any information contained in this email and/or attachments.