

14 April 2022

Ocean Pacific Marina Pty Ltd atf
Ocean Pacific Marina Unit Trust
c/- InsiteSJC, Randall Barrington
PO Box 1688
BUNDABERG QLD 4670

Dear Mr Barrington,

DECISION NOTICE – APPROVAL WITH CONDITIONS – DA2021/30/01

(GIVEN UNDER SECTION 63 PLANNING ACT 2016 AND THE PROVISIONS OF PORT OF BUNDABERG LAND USE PLAN 2020)

1. Application Details

The development application described below was **properly made** to the Gladstone Ports Corporation Limited on **23 December 2021**.

Application Number:	DA2021/30/01
Applicant Name:	Ocean Pacific Marina Pty Ltd atf Ocean Pacific Marina Unit Trust ABN60 096 833 532
Applicant Contact Details:	Randall Barrington InsiteSJC PO Box 1688 BUNDABERG QLD 4670 Email: randall@insitesjc.com.au
Approval Sought (Land Use Plan):	<ol style="list-style-type: none"> 1. Material change of use for Marina (additional 27 berths) 2. Material change of use for Marina Service (car park) 3. Operational work that is tidal works, where not excluded tidal works
Approval Sought (TIA)	<ol style="list-style-type: none"> 4. Prescribed assessable development within limits of a port.
Approval Sought (SDAP):	<ol style="list-style-type: none"> 5. Operational works that is tidal works or work in a coastal management district – assessable development under section 28 6. Operational works that is tidal works or work in a coastal management district – assessable development under section 28 in tidal waters
Approval Sought (QFES):	<ol style="list-style-type: none"> 7. Operational work that is tidal works and involves a marina
Nature of Proposed Development:	Expansion of existing Bundaberg Port Marina by a further 27 berths and 49 space carpark

2. Location Details

Location Street Address:	49 Marina Drive
Location Real Property Description:	Part of Lot 299 on SP268506 and Part of Lot 275 on SP133684
Local Government Area:	Bundaberg
Land Owner:	Gladstone Ports Corporation Limited and Department of Resources
Land Use Plan Precincts:	Strategic Port Land – Marina Precinct and Light Industry and Innovation Precinct

3. Details Of Proposed Development

The development is described as the expansion of existing Bundaberg Port Marina by a further 27 berths and 49 space carpark.

Assessable development on Strategic port land or Strategic port land tidal area:

1. Material change of use for Marina (additional 27 berths);
2. Material change of use for Marina Service (car park);
3. Operational work that is tidal works, where not excluded tidal works, or work in a coastal management district.

4. Details Of Decision

This development application was **decided** on **14 April 2022**.

This development application is **approved in full with conditions**. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

This application **is not** taken to have been approved (a deemed approval) under section 64(5) of the *Planning Act 2016*.

5. Details Of Approval

This development approval is a **Development Permit** given for:

- (a) Material Change of Use for Marina and Marina Services (*Planning Regulation 2017* reference Schedule 10, part 13, division 5, subdivision 1); and
- (b) Operational works that is tidal works (*Planning Regulation 2017* reference Schedule 10, part 13, division 5, subdivision 1); and
- (c) Material Change of Use for Environmentally Relevant Activity 50 (1) (a) Bulk Material Handling within 5km of a waterway (*Planning Regulation 2017* reference Schedule 10, part 5, division 2).

6. Conditions

This development approval is subject to the conditions in Attachment 1 - Part 1 and Part 2.

7. Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- (a) Operational works for Marina service (car park) – where works are not ‘accepted, subject to requirements.
- (b) Any Operational works for Advertising Device/s – where works are not ‘accepted, subject to requirements.
- (c) Any Building or Plumbing work

8. Properly made submissions

Not applicable – No part of the application required public notification.

9. Referral Agencies for the Application

The referral agencies for this application are:

Referral Agency	For development requiring
Wide Bay Burnett State Assessment Referral Agency (SARA) PO Box 979 Bundaberg Qld 4670 WBBSARA@dsmip.qld.gov.au	<i>Planning Regulation 2017:</i> <ul style="list-style-type: none"> • Schedule 10, Part 17, Division 3, Table 1 - Operational work that is tidal works or work in a coastal management district; • Schedule 10, Part 17, Division 3, Table 2 - Operational work that is tidal works or work in a coastal management district.
Queensland Fire and Emergency Services PO Box 132 Bundaberg Qld 4670 QFESSunshineCoastCS@qfes.qld.gov.au	<i>Planning Regulation 2017:</i> <ul style="list-style-type: none"> • Schedule 10, Part 17, Division 3, Table 4 - Operational work that is tidal works and involves a marina, with more than 6 berths.
Gladstone Ports Corporation Limited planning@gpcl.com.au	<i>Planning Regulation 2017:</i> <ul style="list-style-type: none"> • Schedule 10, Part 13, Division 3, Table 1 – Assessable development within the limits of a port.

10. Approved Plans and Specifications

Copies of the following plans, specifications and/or drawings are approved and enclosed in Attachment 2:

Drawing/report title	Prepared by	Date	Reference no.	Version	Approval subject to the following changes
Aspect of development: Material Change of Use and Operational Works that is tidal works					
Site Plan	Superior Jetties (Atlas Marine International)	05/02/2021	17914-D02	-	-
General Arrangement Plan	Superior Jetties and Shorewise Engineering Consultants	01/09/2021	18389 –D001	D	-
Plan of Proposed Material Change of use	Insite SJC	29/11/2021	GC21-199-P2 Sheet 1 of 2	-	-
DA2021/30/01 – Car park layout plan	Insite SJC	As Amended 13/04/2021	GC21-199-P2 Sheet 2 of 2	-	-
DA2021/30/01 – Car park lighting plan	Sturdy Light	As Amended 13/04/2021	Plan 001-2022	-	-
Approximate River bank and Riverbed profile	Superior Jetties (Atlas Marine International)	16/03/21	17914 –RBP-1	-	-

12. Currency Period for the Approval

Pursuant to section 85 of the Planning Act, this development approval will lapse at the end of the periods set out below:

- (a) For Material Change of Use this approval lapses if the first change of use does not happen within 6 years after the approval has effect.
- (b) For any other part of the development approval, the approval lapses if the development does not substantially start within 2 years of this approval taking effect.

13. Rights of Appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act*

2016. For particular 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*).

Attachment 3 is an extract from the *Planning Act 2016* that sets down the applicant's appeal rights and the appeal rights of a submitter.

For further information please contact the undersigned on 07 4976 1287 or via email planning@gpcl.com.au .

Yours sincerely,

Erin Clark
Principal Planner

Cc: WBBSARA (Department of State Development, Infrastructure, Local Government & Planning)
Queensland Fire & Emergency Services
Bundaberg Regional Council

Enc. Attachment 1: Conditions of Approval
Part 1 – Conditions imposed by the assessment manager
Part 2 – Conditions required by the referral agency response

Attachment 2: Approved plans and specifications

Attachment 3: Extract of appeal provisions

Attachment 1 Conditions of Approval

PART 1: ASSESSMENT MANAGER CONDITIONS

In general the development proposal is in compliance with the requirements of Gladstone Ports Corporation Limited (GPC). This development approval is subject to each the following conditions which are stated by GPC, the Assessment Manager.

Part 1a: Approval sought under Planning Act 2016 – Operational works that is tidal works and Material Change of Use for Marina and Marina Service on Strategic Port Land and Strategic Port Land tidal area

GENERAL

1. Development must be carried out generally in accordance with the Approved plans, except where modified by conditions of this permit.
2. Unless otherwise stated, all conditions must be complied with and completed prior to the commencement of the development.
3. Where additional “approval” is required under these conditions by the Assessment Manager for drawings or documentation the proponent must submit for review, amend to the satisfaction of, and obtain written approval from the Assessment Manager, no less than 20 business days before the specified timing of the condition. Works are not to commence and are not deemed approved until any additional drawings or documents have been approved in writing by the Assessment Manager.

Note: This is used to assess the drawings or documentation provided prior to the commencement of the works. Should further information be required for assessment, the Assessment Manager will require a further 5 business days to complete the review.

4. The proponent must at its cost and expense, keep and maintain the lease area, including existing services, in a state that is satisfactory to the Assessment Manager.

ENGINEERING & PLANNING

5. Prior to any works commencing for the relevant use, or with the first subsequent development application whichever comes first, the proponent must supply to the Assessment Manager for approval 100% design RPEQ certified ‘for construction’ plans in electronic CAD format which illustrate all infrastructure and services to be installed on, under or over Port land associated with the development (including any approved water and fire systems). The plans must also include all piles and corrosion prevention systems for the structure, vessel tie up systems, and how the structure will tie in to adjacent land.
6. Upon completion of the works, the proponent must supply the Assessment Manager with the full suite of project RPEQ certified “as constructed” plans in electronic CAD format which illustrate all infrastructure and services installed on, under or over Port land associated with the development, including tidal works.
7. Prior to the use commencing, the proponent must certify in writing to the Assessment Manager that the development is constructed as per design and that the development has been constructed generally in accordance with the Approved plans.
8. Any connection required to Bundaberg Regional Council’s water and sewer infrastructure must be established prior to the commencement of the use.

Lighting

9. Any site lighting used during construction 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.

10. Prior to the commencement of the use, design and install all external lighting in accordance with AS4282 – *Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents, the airport, navigational aids or obstruct or distract pedestrian or vehicular traffic.
11. Prior to works commencing, the proponent must ensure all details of proposed mitigation measure/s to reduce skyglow from all external lighting associated with the development have been documented and are available for review by the Assessment Manager upon request.
12. Lighting must be designed to facilitate a safe and secure parking area, lit to a standard appropriate for safe night time operations.

Landscaping

13. The proponent must maintain the property frontage in a clean and tidy manner, and mow any grassed areas regularly.
14. With the first subsequent development application lodged, or prior to works commencing, whichever occurs first, the proponent is to prepare and submit for approval to the Assessment Manager an updated landscape plan for the Car park (Marina services) use. The plan must be prepared in accordance with the applicable codes and guidelines of the Port of Bundaberg Land use plan, and the conditions of this approval. The plan is to include, but not be limited to the following:
 - a. Provision of shade trees in car parking areas at a minimum ratio of one (1) tree for every six (6) parking spaces;
 - b. Additional details of the vegetated/ landscaped drainage area/s shown on Approved plans;
 - c. Grass included to the remainder of the lease area;
 - d. Details of other infrastructure on the development site, including the electricity connections/ cabinet.
 - e. Details of any proposed irrigation systems; and
 - f. Types and location of any fencing, gates, or boom gates to be used.

Waste

15. At all times, maintain and operate an adequate waste disposal service for the marina use, including the maintenance of refuse bins and associated storage areas so as not to cause an environmental nuisance.

Note: This service may be provided on a location outside of the development footprint with adequate signage.

Tidal Works

16. The proponent must liaise with all shipping customers using the Port of Bundaberg during the works to avoid any potential conflicts, ensuring scheduling is managed to this effect.
17. Any material which is deposited or any debris which falls or is deposited on tidal lands or into tidal waters during the construction of the approved development shall be removed by the applicant at their cost and expense. The applicant is to notify the Assessment Manager if any material or debris is deposited.
18. Upon completion of construction, the applicant shall provide the Assessment Manager with written confirmation that the seabed is clear of foreign materials.
19. If, as a result of the works, or other cause attributable to the proponent, any bank or tidal structure is displaced, the proponent at its cost and expense shall restore the bank or structure to its former

condition and take such other action as is necessary to ensure the stability of the bank or structure to the satisfaction of the Assessment manager.

Construction Vessel Management

20. Prior to works within Port Limits commencing, supply GPC a Marine Execution Plan that has been approved by the Regional Harbour Master, where relevant.
21. Prior to works within Port Limits commencing, the proponent or their contractor must supply to GPC for review and approval an Emergency Management Plan for the works within Port Limits for all potential incidents e.g. contaminant spill, riverine flood, adverse weather etc.
22. Prior to works within Port Limits commencing, the proponent or their contractor must supply to GPC for review and approval an Environmental Management Plan, work procedures or equivalent, for the construction works within Port Limits.
23. Refuelling of vessels used in construction must be carried out by a licenced bunkers provider only on site, or off site at a licenced refuelling facility.
24. At all times during construction, Gladstone Ports Corporation Environment Hotline (07) 4976 1617 is to be notified of the occurrence of any release / spill of contaminants (e.g. fuels / chemicals / sewerage of any amount to water within Port Limits).

Construction Management

25. The hours for the construction or works (i.e. operation of any machinery and/or other equipment) shall be restricted to between 6.30am and 6:30pm Monday to Saturday. No works shall be undertaken on Sunday or on public holidays. Any variations to these times will be subject to the written approval of the Assessment Manager.
26. Where the works require excavation, digging or installation into land, the proponent is required to apply for and obtain from GPC a Permit to Dig/Excavate prior to commencing works by contacting, Port Infrastructure Asset Manager on (07) 4976 1333. All reasonable measures must be taken to identify and protect existing services recorded or otherwise, and where necessary the proponent will submit a plan to GPC for approval to adjust any existing services found during this excavation that was not originally shown on the proposed plans
27. Prior to construction any works commencing on site, a Construction Traffic Management Plan (CTMP) and Traffic Guidance Scheme (TGS), designed and implemented in accordance with the current edition of the Manual of Uniform Traffic Control Devices, Part 3 – works on roads, and specific to the construction works being undertaken must be submitted to the Assessment manager for approval. The CTMP must be amended and approved by the Assessment Manager as necessary for any proposed or amended construction works.
28. Once approved, the works must be carried out in accordance with the CTMP and TGS and the plan and scheme will form part of the approved plans.
29. Upon completion of the construction works, the proponent must reinstate the property to the same condition as prior to works being undertaken, with the exception of the approved works, unless agreed to in writing by the Assessment Manager.
30. In the event any additional construction compound is required on port land outside the proponents lease areas for offices, laydown areas, employee car parking or stockpiling areas etc., the proponent or their contractor must obtain a Consent to Enter from GPC's Property Specialist via 07 4976 1334 or property@gpcl.com.au prior to works commencing.
31. The construction compound, including offices, laydown areas and employee car parking, is to be contained within the nominated area unless otherwise approved in writing by the Assessment Manager.

32. No mud, dirt or other debris is to be tracked onto public roads during construction and operation of the development.

ENVIRONMENT

Acid Sulphate Soils

33. In the event that the works cause disturbance or oxidisation of acid sulfate soil, the affected soil must be treated and thereafter managed (until the affected soil has been neutralised or contained) in accordance with the current Queensland Acid Sulfate Soil Technical Manual: Soil management guidelines, prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014.

Certification by an appropriately qualified person, confirming that the affected soil has been neutralised or contained, in accordance with above is to be provided to planning@gpcl.com.au.

Construction Environmental Management Plans

34. Prior to construction works commencing on site for either use, a Construction Environmental Management Plan (CEMP) specific to these works, is to be submitted to the Assessment Manager (the Assessment Manager) for approval.

The construction must be undertaken in accordance with the approved CEMP that ensures:

- a. environmental risks, including but not limited to, noise, odour, lighting, dust, are identified, managed and continually assessed in relation to the construction activity ;
- b. that staff are trained and aware of their obligations under the EMP, including a copy of the management plan and development approval available on site at all times;
- c. that reviews of environmental performance are undertaken at least annually; and
- d. any amendments to the EMP are to be submitted to the Assessment Manager for review and approval.

Once approved by the Assessment Manager, the construction activity must be carried out in accordance with this CEMP.

Note: the Assessment Manager has a guideline for the development of environmental management plans that may be utilised in meeting the requirements of this condition.

Incident notification

35. At all times, Gladstone Ports Corporation Environment Hotline (07) 4976 1617 is to be notified of the occurrence of any:
- a. release / spill of contaminants (e.g. fuels / chemicals / sewerage) greater than 20L to land;
 - b. release / spill of contaminants (e.g. fuels / chemicals / sewerage) of any amount to water;
 - c. any environmental complaints received by the holder of this approval; and
 - d. non-compliance with environment related conditions of this approval, or any other environmental approval obtained in relation to the approved activity.
36. Environmental incident notification must be included in any Environmental Management Plans for the premises/development.

Part 1b: Advice notes

ADVICE NOTES

- A. All other relevant approvals must be obtained before commencement of the development or operation of the development, including any Building works or Plumbing and drainage works.
- B. All future advertising devices are subject to relevant assessment provisions of the Port of Bundaberg Land use plan 2020.
- C. Where a Permit to Dig/Excavate prior to commencing excavation or digging for the development, the proponent or their contractor is required to apply for and obtain the permit by contacting the Port Infrastructure Asset Manager on 4976 1332 or bartono@gpcl.com.au.
- D. Where a construction compound or laydown area is required, the proponent or their contractor is required to apply for and obtain a Consent to Enter from the Assessment Manager's Property Specialist via 07 4976 1334 or property@gpcl.com.au prior to works commencing.
- E. Where works are to be undertaken outside tenured areas, the proponent or their contractor is required to apply for and obtain a Consent to Enter from GPC's Property Specialist via 07 4976 1334 or property@gpcl.com.au prior to works commencing.
- F. Any driveway works that extend beyond the lease area into the road reserve are subject to an approval from the Bundaberg Regional Council.
- G. The *Environmental Protection Act* 1994 states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction, and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.
- H. Where the Applicant is required to submit further documentation to the Assessment Manager, this is to be directed to the Planning section at planning@gpcl.com.au, including reference to the allocated development application number.

PART 2: REFERRAL AGENCY CONDITIONS

Referral Agency Name: Department of State Development, Infrastructure, Local Government and Planning



SARA reference: 2201-26879 SRA
 GPC reference: DA2021/30/01
 Applicant reference: GC21-334-T01

22 February 2022

Port of Gladstone Ports Corporation Limited
 PO Box 259
 GLADSTONE QLD 4680
planning@gpcl.com.au

Attention: Ms Judy Horsfall

Dear Ms Horsfall

SARA response—Marina Drive, Burnett Heads

(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 19 January 2022.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	22 February 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 Marina (additional 27 berths) Material change of use for Marina services (car park) Operational work that is tidal works, where not excluded tidal works
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 17, Division 3, Table 1, Item 1 (Planning Regulation	

2017) – Operational works that is tidal works or work in a Coastal management district – assessable development under section 28

Schedule 10, Part 17, Division 3, Table 2, Item 1 (Planning Regulation 2017) – Operation works that is tidal works or work in a coastal management district – assessable development under section 28 in tidal waters

SARA reference: 2201-26879 SRA
 Assessment Manager: Gladstone Ports Corporation Limited
 Street address: Marina Drive, Burnett Heads
 Real property description: Lot 275 on SP133684 and Lot 299 on SP268506
 Applicant name: Ocean Pacific Marina Pty Ltd atf Ocean Pacific Marina Unit Trust
 Applicant contact details: PO Box 1688
 BUNDABERG QLD 4670
chris@insitesjc.com.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 Hugh Byrnes, Principal Planning Officer, on 07 4331 5619 or via email WBBSARA@dcdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
Manager, Planning – Wide Bay Burnett

cc Ocean Pacific Marina Pty Ltd atf
 Ocean Pacific Marina Unit Trust
chris@insitesjc.com.au; randall@insitesjc.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 and specifications

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions of Development Approval	Condition Timing
<p>Schedule 10, Part 17, Division 3, Table 2, Item 1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
<p>General</p>		
1	<p>(a) Provide written notice to Regional Harbour Master Gladstone, when the development authorised under this approval is scheduled to commence.</p> <p>Each notice must state this application number, the location and name of registered place and the condition number under which the notice is being given.</p> <p>(b) Provide written notice to Gladstone.RHM@msq.qld.gov.au when the development authorised under this approval has been completed.</p> <p>Each notice must state this application number, the location and name of 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.</p> <p>(b) Within two (2) weeks of the completion of works.</p>
<p>Lighting - construction</p>		
2	<p>All vessels, structures, plant and equipment associated with the construction of the approved works must be lit/marked in accordance with the following specifications and requirements such that undertaking the construction works does not cause a risk to the safe navigation of ships:</p> <p>(a) So that they will be readily identified by other waterway users.</p> <p>Lighting provided must not obscure, disguise or otherwise interfere with the effectiveness of navigational lighting.</p>	<p>For the duration of the works</p>
<p>Lighting - operation</p>		
3	<p>The structure must be lit/marked in accordance with the following specifications, such that it does not cause a risk to the safe navigation of other ships.</p> <p>Lighting provided must not obscure, disguise or otherwise interfere with the effectiveness of navigational lighting.</p>	<p>At all times</p>
<p>Protection of navigable waterways</p>		
4	<p>The construction, operation or maintenance of the structure, and any ship moored at this structure, must not impede the safe navigation of other ships or restrict safe access to or from neighbouring structures.</p>	<p>At all times</p>

No.	Conditions of Development Approval	Condition Timing
Schedule 10, Part 17, Division 3, Table 1, Item 1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of 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(s):		
Tidal works		
5	The marina must be carried out generally in accordance with the following plans: (a) Proposed Marina Extension General Arrangement Plan prepared by Superior Jetties dated 01/09/2021, reference 18389-D01, revision D (b) Proposed Marina Extension Approximate River Bank and Riverbed Profile prepared by Superior Jetties, dated 16/03/2021, reference 17914- RBP-1, revision A	For the duration of the works
6	For the proposed works, only use clean materials and ensure that the works do not cause contamination.	For the duration of the works
7	Erosion and sediment control measures which are in accordance with Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association) are to be installed and maintained to prevent the release of sediment to tidal waters.	For the duration of the works
8	Should the marina collapse, fail or otherwise suffer structural consequences which impact their integrity or ability to function as intended, the works must be: (a) reinstated in accordance with this development approval; or (b) removed and disposed of at an appropriately licenced facility.	As soon as reasonably practicable subsequent to the damage
9	Submit “As Constructed drawings” to palm@des.qld.gov.au or mail to: Department of Environment and Science Permit and Licence Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001	Within two (2) weeks of the completion of the works

No.	Conditions of Development Approval	Condition Timing
Coastal Management District		
10	<p>The carpark must be carried out generally in accordance with the following plans:</p> <p>(a) Plan of Proposed Material Change of Use for Marina Services (Carpark) Over Part of Lot 299 on SP268506 (Sheet 1 of 2) prepared by Insite SJC dated 29/11/2021, reference GC21-199-P2, revision A</p> <p>(b) Plan of Proposed Material Change of Use for Marina Services (Carpark) Over Part of Lot 299 on SP268506 (Sheet 2 of 2) prepared by Insite SJC dated 29/11/2021, reference GC21-199-P2, revision A</p>	Prior to the commencement of use and to be maintained at all times
11	For the proposed works, only use clean materials and ensure that the works do not cause contamination.	For the duration of the works
12	Erosion and sediment control measures which are in accordance with Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association) are to be installed and maintained to prevent the release of sediment to tidal waters.	For the duration of the works
13	<p>Submit "As Constructed drawings" to palm@des.qld.gov.au or mail to:</p> <p>Department of Environment and Science Permit and Licence Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p>	Within two (2) weeks of the completion of the works

No.	Conditions of Development Approval	Condition Timing
14	<p>(a) In the event that the works cause disturbance or oxidisation of acid sulfate soil, the affected soil must be treated and thereafter managed (until the affected soil has been neutralised or contained) in accordance with the current <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) Certification by an appropriately qualified person, confirming that the affected soil has been neutralised or contained, in accordance with (a) above is to be provided to palm@des.qld.gov.au or mailed to:</p> <p 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: Appropriately qualified person means a person or persons who has professional qualifications, training, skills and experience relevant to soil chemistry or acid sulfate soil management and can give authoritative assessment, advice and analysis in relation to acid sulfate soil management using the relevant protocols, standards, methods or literature.</p>	<p>(a) Upon disturbance or oxidisation until the affected soil has been neutralised or contained</p> <p>(b) At the time the soils have been neutralised or contained</p>

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.

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 proposed development complies with the assessment benchmarks and purpose statement within the relevant State Codes, as the proposed development is:

- not considered to result in safety and efficiency impacts on maritime safety (State Code 7)
- not considered to result in significant residual impacts within the Erosion prone area or on Coastal processes (State Code 8)

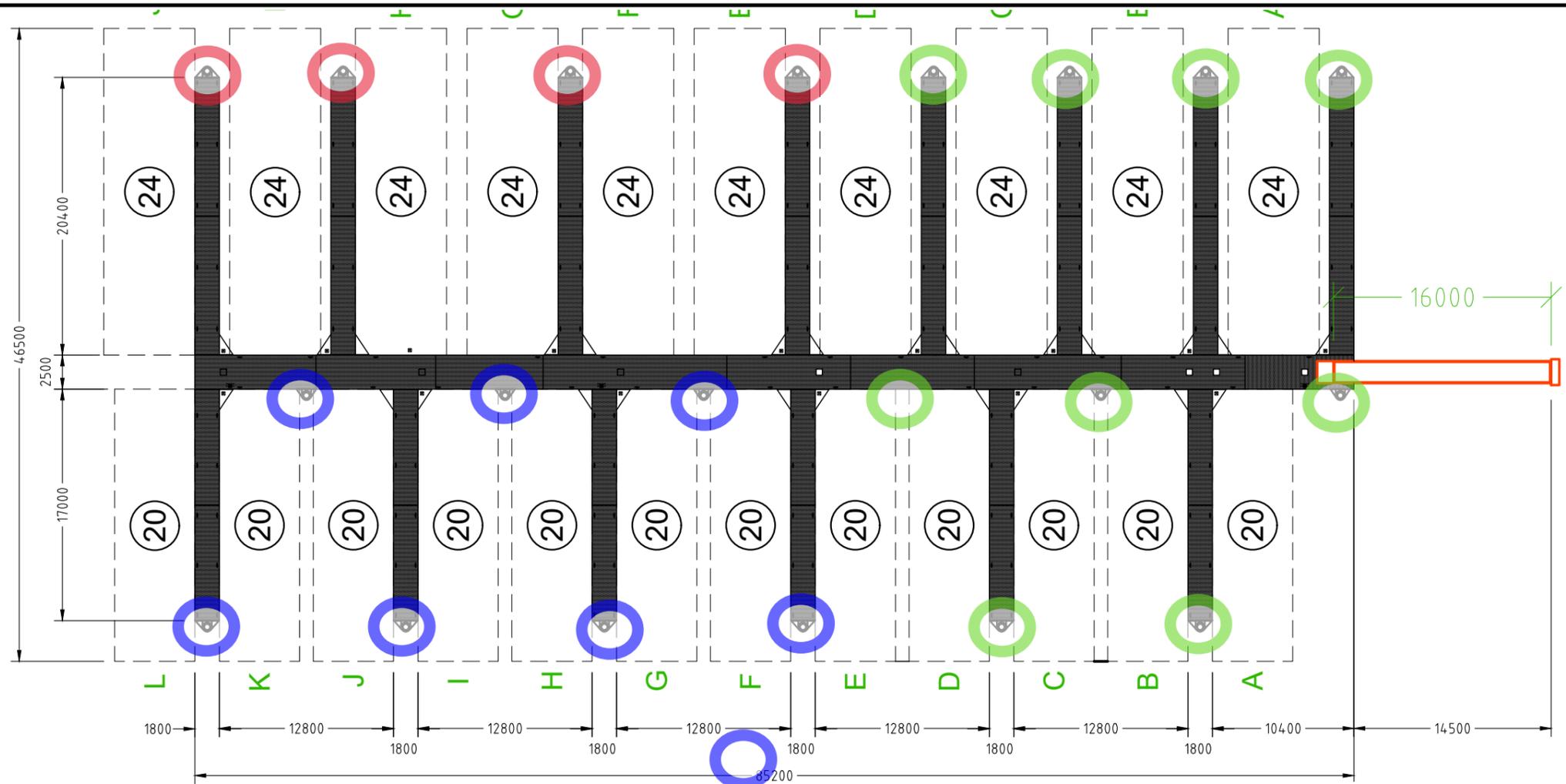
Material used in the assessment of the application:

- 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
- SARA DA Mapping system

Attachment 4—Change representation provisions

Attachment 5—Approved plans and specifications

PROPOSED NEW ARM

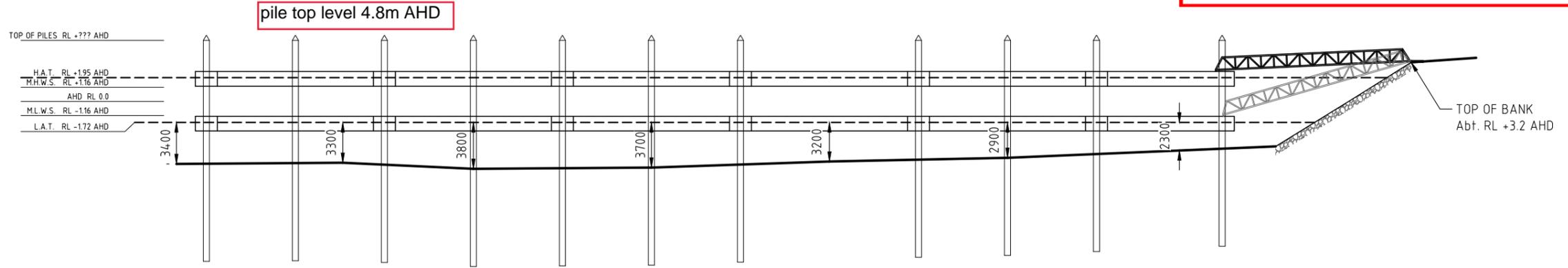


-  610 x 15.9mm x 19m Gr 350 steel piles
-  610 x 12.7mm x 18m Gr 350 steel piles
-  610 x 12.7mm x 19m Gr 350 steel piles

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2201-26879 SRA

Date: 22 February 2022

No:	DATE	REVISION	DRAWN BY

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TRADING AS
SUPERIOR JETTIES

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Mail Address: P.O. Box 202 Labrador 4215

Ph: (07) 5594 8200
Fax: (07) 5594 8222
Email: info@superiorjetties.com

DATE
16/03/21

DRAWING NO:
17914-RBP-1

REVISION NO:

PROJECT
PROPOSED MARINA EXTENSION

DRG. TITLE
APPROXIMATE RIVER BANK AND RIVERBED PROFILE

CLIENT
BUNDABERG PORT MARINA

ADDRESS
**MARINA DRIVE
PORT BUNDABERG**

DRAWN BY: M.W. DESIGNED: M.W. CHECKED BY: PAPER SIZE: A3 SCALE: 1:400

CERTIFIED
MARK WICHLINSKI
CONSULTING ENGINEERS PTY LTD

NPER No 832296
RPEQ: 1643, RPB: EC36234

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

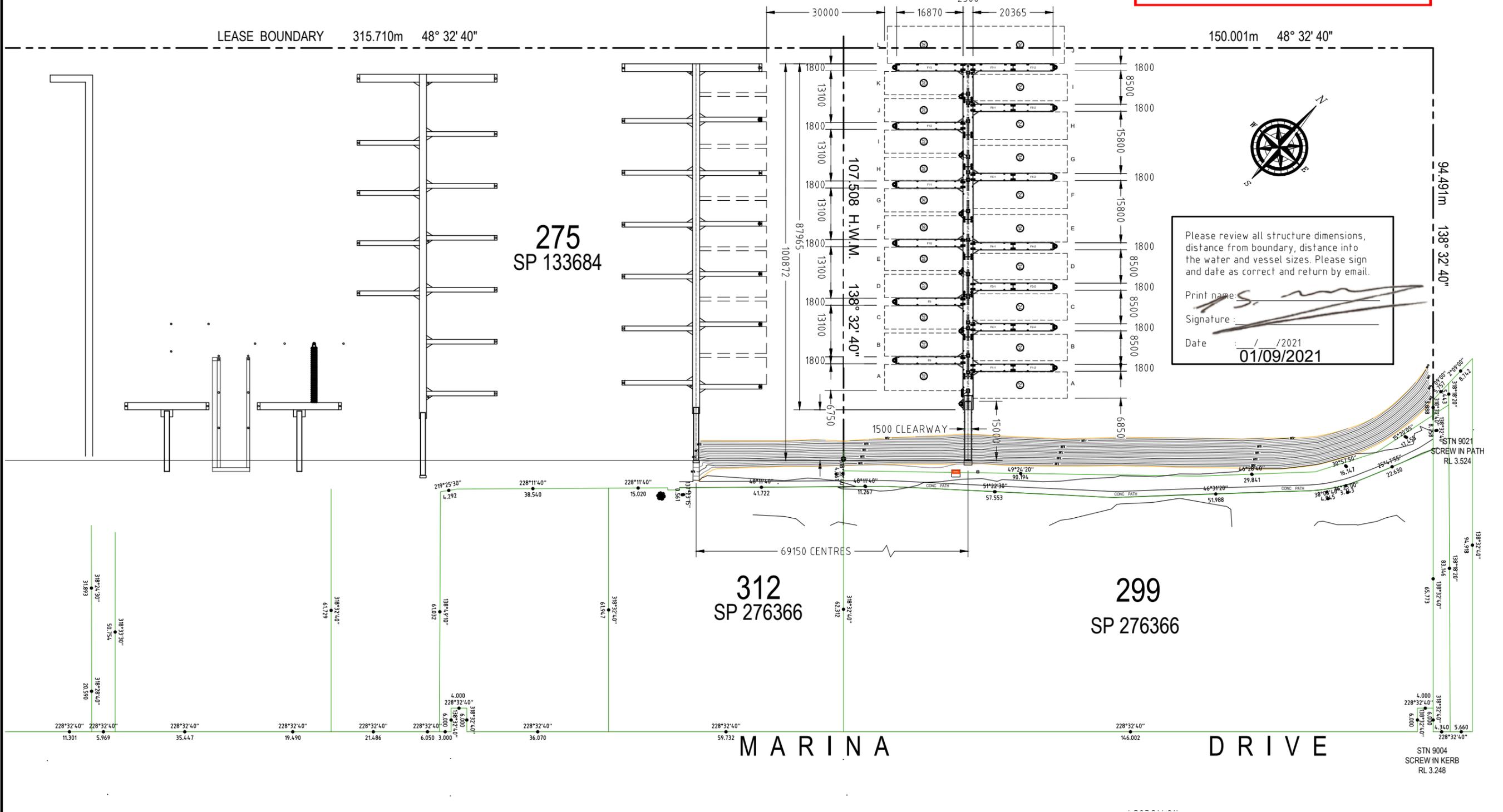
SARA ref: 2201-26879 SRA

Date: 22 February 2022



APPROXIMATE LOCATION OF EXISTING MARINA ARMS

PROPOSED NEW ARM



No:	DATE	REVISION	DRAWN BY
A	16/07/21	REVISED 20m BERTH SPACINGS	DG
B	23/07/21	REVISED CLEAT LOCATIONS.	DG
C	20/08/21	AMENDED FINGER LOCATIONS.	DG
D	01/09/21	PEN 20A WIDENED TO 6.6m.	

SHOREWISE
ENGINEERING CONSULTANTS

Chartered Professional Engineer
(Civil/Structural)
CPEng, CMEngNZ, RPEQ
Ph: +64 27 20 50 452

SUPERIOR

Mail Address: P.O. Box 202 Labrador 4215

Ph: (07) 5594 8200
Fax: (07) 5594 8222
Email: info@superiorjetties.com

DATE
04/02/21

DRAWING NO:
18389-D01

REVISION NO:
D

PROJECT
PROPOSED MARINA EXTENSION

DRG. TITLE
GENERAL ARRANGEMENT PLAN

CLIENT
BUNDABERG PORT MARINA

ADDRESS
**MARINA DRIVE
PORT BUNDABERG**

DRAWN BY
D.G.G.

DESIGNED
M.W.

CHECKED BY

PAPER SIZE
A3

SCALE
AS SHOWN

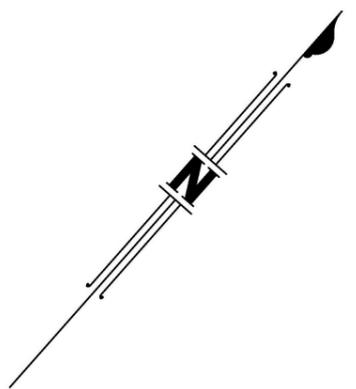
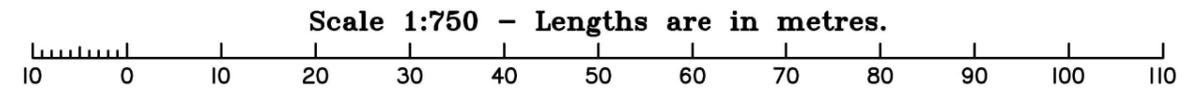




PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2201-26879 SRA

Date: 22 February 2022



Insite SJC
Town Planning | Surveying | Projects

67 Barolin Street
PO Box 1688
BUNDABERG QLD 4670

ABN 62 329 746 562
Phone: 07 4151 6677

admin@insitesjc.com.au
www.insitesjc.com.au

PROPOSAL PLAN ONLY
Not to be used for contractual purposes.

Areas & Dimensions are approximate only & subject to Council's Conditions of approval & final survey.

PLAN OF PROPOSED MATERIAL CHANGE OF USE

For Marina Services (Carpark)
Over Part of Lot 299 on SP268506,
located at Marina Drive, Burnett Heads

PARISH of **BAROLIN**
LOCALITY of **Burnett Heads**

PLANNING SCHEME:
BUNDABERG 2015
COUNTY: COOK
GOVERNMENT: BUNDABERG R.C.

CLIENT:
Bundaberg Port Marina Pty Ltd

SCALE
1:750 at A3

DESIGN PM	DRAWN JR	CHECKED PM
DATE Nov.2021	DATE 29/11/21	DATE 29/11/21

PLAN REFERENCE No.
GC21-199
-P2

Burnett

River

275

SPI33684

Tidal

Boundary

EMT CN
SP272224

EMT CP

SP272224

Existing

Footpath

Proposed concrete footpath

Proposed concrete footpath

Scale 1:200 - Lengths are in metres.



312
SP276366

299
SP268506

318°32'40" 64.203

138°32'40" 71.999

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE



SARA ref: 2201-26879 SRA

Date: 22 February 2022

32.75 O/A Carpark width

52.45 O/A Carpark Length

0.13 Boundary clearance (Back of Kerb to Bdy)

0.13 Boundary clearance (Back of Kerb to Bdy)

LEASE

2281 m²

228°32'40" 12.0

318°32'40" 7.2

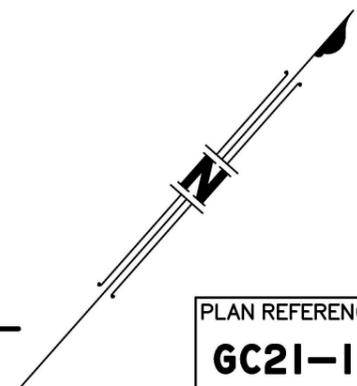
EMTEB
SP276429

21.01
228°32'40"

MARINA

DRIVE

PLAN REFERENCE No.
GC21-199
-P2



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.



Queensland Government

Queensland Fire and
Emergency Services

Warren McKean
Ph: 07 4122 0326
Our Ref: 22-00380
Your Ref: DA # 2021/30/01

3 February 2022

Mr Randall Barrington
Ocean Pacific Marina Pty Ltd atf Ocean Pacific Marina Unit Trust
C/- InsiteSJC
PO Box 1688
BUNDABERG QLD 4670

Dear Sir/Madam

Queensland Fire and Emergency Services (QFES) has assessed the referral for the Marina listed below. The attached report provides QFES advice regarding the degree to which the referral meets the requirements of QFES Guidelines for Fire Safety Systems in Marinas.

Bundaberg Port Marina
Lot 275
Marina Drive
BURNETT HEADS QLD 4670

QFES request that our response be treated as a *'properly made submission'*.

Where applicable, an invoice for the fees for this assessment will be forwarded to the person nominated as the billing customer at the time of application.

The invoice must be paid within fourteen (14) days from the date of the invoice.

If you have any questions regarding this report please contact the Building Approval Officer nominated below.

Yours sincerely

Warren McKean
Building Approval Officer

Enc.

Assessment/Marina

Job Details

Job Name: Marina Expansion/New Carpark
Address: Marina Drive, BURNETT HEADS QLD 4670

Drawings

17914-D02 Revision	18389-D01 REVISION D	20H356-00-0000 REVISION A
20H356-00-0001 REVISION A	20H356-00-0100 REVISION A	20H356-00-0101 REVISION A
20H356-00-0200 REVISION A	20H356-00-0201 REVISION A	BPM-E-01 REV 0
BPM-E-20 REV 0	BPM-E-30 REV 0	GC21-199-P2 Sheets 1 & 2

General Comments

In conducting this assessment the "Guidelines for Fire Safety System in Marinas" was considered having regard for:

- the safety of persons using the facility if there is a fire
- the suppression of fire
- the prevention of the spread of fire

All installed fire safety installations must be protected from aggressive environments and be maintained in accordance with the requirements of Queensland Development Code MP 6.1, other than the flow and pressure performance requirements for fire hydrant systems which should be maintained in accordance with the requirements indicated in this guideline.

NOTE: To assist emergency services personnel who attend the site, QFES recommends that signage be provided at the new marina arm shore entrance (and existing arms) in the form of a diagram/sign which clearly indicates:

- Layout of the Marina development and associated buildings
- Location of Fire services infrastructure
- Site hazards

A copy of the site Fire and Evacuation signage, that is suitable for installation in an outdoor location, may be appropriate if it contains the above information.

Components

Type of Special Fire Service

Fire Mains (including booster and/or pumps)

Assessment

Suitable

Comments:

Required flow and pressure is 10 L/s @ 200 kPa (unassisted) and 10 L/s @ 700 kPa (boosted).

QFES recommends that the new marina arm landside fire system connection to the existing Marina boosted fire system, incorporate an isolation valve to facilitate isolation of the new

marina arm - in case of failure or maintenance - whilst maintaining fire service to other areas of the Marina.

- *Ensure isolation valves are clearly marked and identified in accordance with AS2419.1-2005 and are numbered on the Block Plan*

Certification indicating compliance of system performance with QFES Guidelines for Fire Safety Systems in Marinas and pertinent sections of AS2419 is to be provided prior to/at QFES' inspection.

A Form 71 (fire hydrant commissioning) is to be provided prior to/at QFES' inspection.

The nominated fire hydrants appear to be provided with satisfactory access in relation to the pedestrian entry details provided on the drawings. However, practical coverage may be subject to the installation of landscaping/ fencing and will be checked at QFES' inspection.

The hydrant booster assembly and associated hydrants must not be located less than ten (10) metres from any high voltage main electrical distribution equipment such as transformers and distribution boards or storage facilities for liquified petroleum gas and other combustible storage, as required by AS2419.1.

QFES requires block plans for hydrant booster cabinets to be:

- Etched, engraved or printed on metal or plastic that is suitable for installation in an outdoor location (paper enclosed within a plastic or laminated cover is not acceptable);
- A minimum of A3 in size;
- Mechanically secured in the required location;
- Correctly orientated to the building/site;
- Hydrant Block Plans to be in "plan view". This meets the intent of AS2419.1 - 2005 Clause 7.11 (a) "The block plan shall display a **diagrammatic layout** of the protected buildings and Marina";
- Meet all of the other requirements of Australian Standard 2419.1 - 2005 including the features identified on the plans; and
- Meet the applicable QFES guidelines available at <https://www.qfes.qld.gov.au/planning-and-compliance/referral-agency-advice/referral-agency-advice-guidelines>.

All on-shore pillar hydrants are to have a concrete surround installed at the base as per Figure 3.2.2.1 of AS2419-2005.

QFES requires on-shore pillar hydrants to be protected by bollards if they are in a location that exposes them to possible damage by vehicles, as per QFES' Guideline available at <https://www.qfes.qld.gov.au/planning-and-compliance/referral-agency-advice/referral-agency-advice-guidelines>.

Hardstand must be provided as per AS2419 s.2.1.3 and defined in AS2419 s.1.4.12. near the shore entrance to the walkway of the new marina arm.

The associated carpark should provided a suitable hardstand if it meets the following requirements:

- Hardstand is an identifiable and clearly marked trafficable all-weather pavement providing access and capable of supporting a fire brigade pumping appliance during firefighting operations.
- Examples of pavements are bituminous concrete, compacted aggregate, concrete or similar surfaces.
- The existing Hydrant Booster hardstand should be checked to ensure it is accessible and

suitable for Fire appliance utilisation.

Fire Detection and Alarm Systems

Not Suitable

Comments:

Certification indicating compliance of system performance with QFES Guidelines for Fire Safety Systems in Marinas is to be provided prior to/at QFES' inspection.

QFES requires Fire Alarms to comply with the "Guidelines for Fire Safety Systems in Marinas"

- A manually activated electric fire alarm that is audible throughout the marina and is distinguishable from any other signal should be provided. This alarm should be interfaced with any installed fire alarm monitoring system and have a battery back-up system as an integral component.
- Sounders should be installed at each hose reel or at any other location that is deemed suitable so that the warning signal is audible throughout the marina.
- Manual Call Points (MCPs) to activate the alarm system should be located adjacent to each fire hose reel and at the shore entrance to each walkway of the marina. Each MCP to have a sign advising: "Not connected to fire brigade. In the event of fire DIAL 000".
- The system should also activate an alarm at any shore based marina management office.

NOTE: The documentation provided did not provide sufficient information to assess the above highlighted items. Designers and Installers should ensure these are provided where required.

The proposed Fire Alarm System does not comply with the QFES Guidelines for "Fire Safety Systems in Marinas" for the following reason(s):-

- Manual Call Point (MCP) to activate the alarm system *is not located at the shore entrance to each walkway of the marina.*

Type of Fire Safety Installations

Assessment

Fire Hose Reels

Not Suitable

Comments:

Certification indicating compliance of system performance with QFES Guidelines for Fire Safety Systems in Marinas is to be provided prior to or at QFES' inspection.

The QFES requires fire hose reels which comply with Australian Standard 1221 to be provided and located so that:

- No part of a berth is beyond the reach of the nozzle end of two fully extended reels; and
- The maximum length of hose on any reel is 36 metres; and
- At least one reel is located on the shoreline side of the first berth on each main walkway, at the seaward end of each walkway, and at each intersection of each secondary walkway and main walkway; and
- Additional hose reels are spaced along each walkway that provides berth facilities, and be spaced so that the nozzle from two hose reels are capable of serving each berth; and
- The two most hydraulically disadvantaged reels (operated simultaneously) each provide a minimum water flow rate of 0.63 L/sec at a running pressure of not less than 275 kPa.

These hose reel provisions are in line with those in Australian Standard 3962-2001.

Protection for fire hose reels from aggressive environments should be considered as per Australian

Standard 1221.

The proposed Fire Hose Reel System does not comply with the "QFES Guidelines for Fire Safety Systems in Marinas" for the following reason(s):-

- At least one reel is located on the shoreline side of the first berth on each main walkway

Fire and Evacuation Plan

Suitable

Comments:

The Bundaberg Port Marina Fire & Emergency Plan shall be reviewed and updated to incorporate the new marina arm.

All staff should receive adequate instruction in the use of fire fighting equipment and the procedures to be followed in the event of a fire.

QFES requests a copy of the updated Fire & Emergency Plan for our records.

Evacuation Diagram

Suitable

Comments:

The existing Fire and Emergency signs/diagrams shall be updated to indicate the new marina arm facility.

Certification may be required for each Special Fire Service/ Fire Safety Installation. This Certification is to be provided prior to or at the time of inspection.

Attachment 2 Approved Plans and Specifications



Gladstone Ports Corporation
APPROVED
 Name: Erin Clark
 Date: 9:13am 14/04/2022

SITE PLAN SCALE 1:750

No.	DATE	REVISION	DRAWN BY

PROJECT PROPOSED MARINA EXTENSION GENERAL ARRANGEMENT PLAN (SITE IMAGE OVERLAY)	
CLIENT BUNDABERG PORT MARINA MARINA DRIVE PORT BUNDABERG	CHECKED BY M.W. DESIGNED BY M.W.
DRAWN BY M.W.	PAPER SIZE A3 SCALE AS SHOWN

DATE 05/02/21	DRAWING NO. 17914-D02
REVISION NO. 17914-D02	

SUPERIOR® ATLAS MARINE INTERNATIONAL TRADING AS SUPERIOR JETTIES	Mail Address: P.O. Box 202 Labrador 4215 Ph: (07) 5594 8200 Fax: (07) 5594 8222 Email: info@superiorjetties.com
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APPROXIMATE LOCATION OF EXISTING MARINA ARMS

PROPOSED NEW ARM

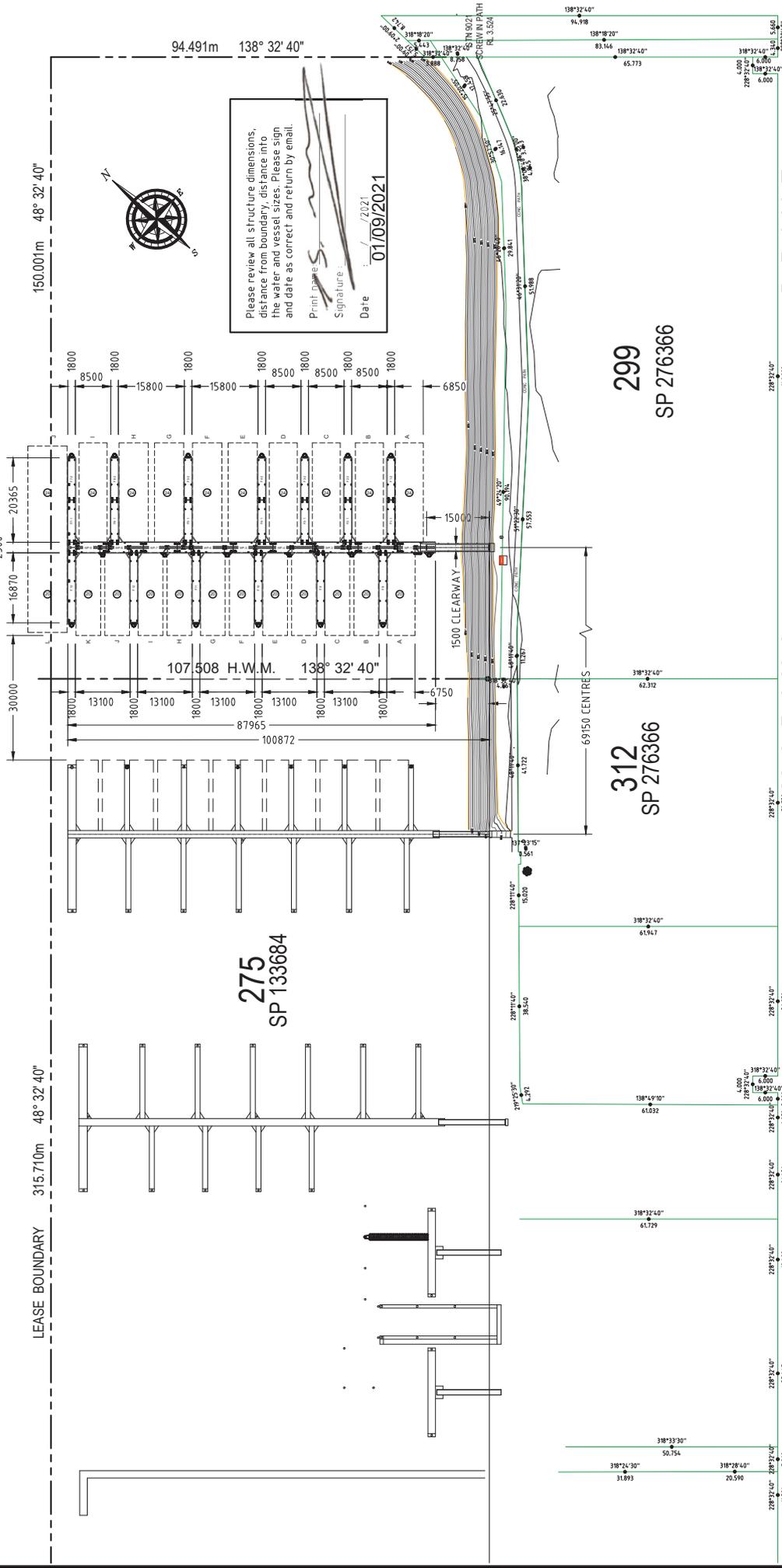
LEASE BOUNDARY 315.710m 48° 32' 40"

150.001m 48° 32' 40"

94.491m 138° 32' 40"



Please review all structure dimensions, distance from boundary, distance into the water and vessel sizes. Please sign and date as correct and return by email.
 Print Name: _____
 Signature: _____
 Date: 01/09/2021



DRIVE

MARINA

Gladstone Ports Corporation

APPROVED

Name: Erin Clark
 Date: 9:14am 14/04/2022

Scale: AS SHOWN
 Paper Size: A3

PROJECT	PROPOSED MARINA EXTENSION
DRG TITLE	GENERAL ARRANGEMENT PLAN
CLIENT	BUNDABERG PORT MARINA
ADDRESS	MARINA DRIVE PORT BUNDABERG
DRAWN BY	D.G.G.
DESIGNED	M.W.
CHECKED BY	A.3
PAPER SIZE	A3
SCALE	AS SHOWN

DATE	04/02/21
DRAWING NO.	18389-D01
REVISION NO.	D

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 Fax: (07) 5594 8222
 Email: info@superior-jet-ties.com

SHOREWISE
ENGINEERING CONSULTANTS

Chartered Professional Engineer
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No.	DATE	REVISION	DRAWN BY
A	16/07/21	REVISED 20m BERTH SPACINGS	DG
B	23/07/21	REVISED CLEAT LOCATIONS	DG
C	20/08/21	AMENDED FINGER LOCATIONS	DG
D	01/09/21	PEN 20A WIDENED TO 6.6m	

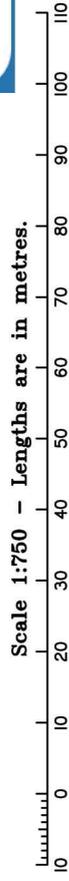




APPROVED

 Name: Erin Clark

 Date: 9:14am 14/04/2022



CLIENT: Bundaberg Port Marina Pty Ltd	SCALE	1:750 at A3	
	CHECKED	PM	DATE
DESIGN PM	DRAWN	JR	DATE
	DATE	Nov.2021	29/11/21
PLANNING SCHEME: BUNDABERG 2015 COUNTY: COOK GOVERNMENT: BUNDABERG R.C.		PLAN REFERENCE No. GC21-199 -P2	

PLAN OF PROPOSED MATERIAL CHANGE OF USE

For Marina Services (Carpark)
Over Part of Lot 299 on SP268506,
located at Marina Drive, Burnett Heads

PROPOSAL PLAN ONLY
Not to be used for contractual purposes.

Areas & Dimensions are approximate only & subject to Council's Conditions of approval & final survey.



 Town Planning | Surveying | Projects

 67 Barolin Street
 PO Box 1688
 BUNDABERG QLD 4670

 admin@insitesjc.com.au
 www.insitesjc.com.au

 ABN 62 329 746 562
 Phone: 07 4151 6677

Burnett

River

275

SP133684

Tidal

Boundary

EMT CN
SP272224

EMT CP

SP272224

Existing

Footpath

Proposed concrete footpath

Proposed concrete footpath

312
SP276366

299
SP268506

318°32'40" 64.203

138°32'40" 71.999

32.75 O/A Carpark width

52.45 O/A Carpark Length

0.13
Boundary
clearance
(Back of
Kerb to Bdy)

0.13
Boundary cl
(Back of Ker)

LEASE

2281 m²

228°32'40" 12.0

EMT EB
SP276429

318°32'40" 7.2

21.01
228°32'40"

MARINA

DRIVE

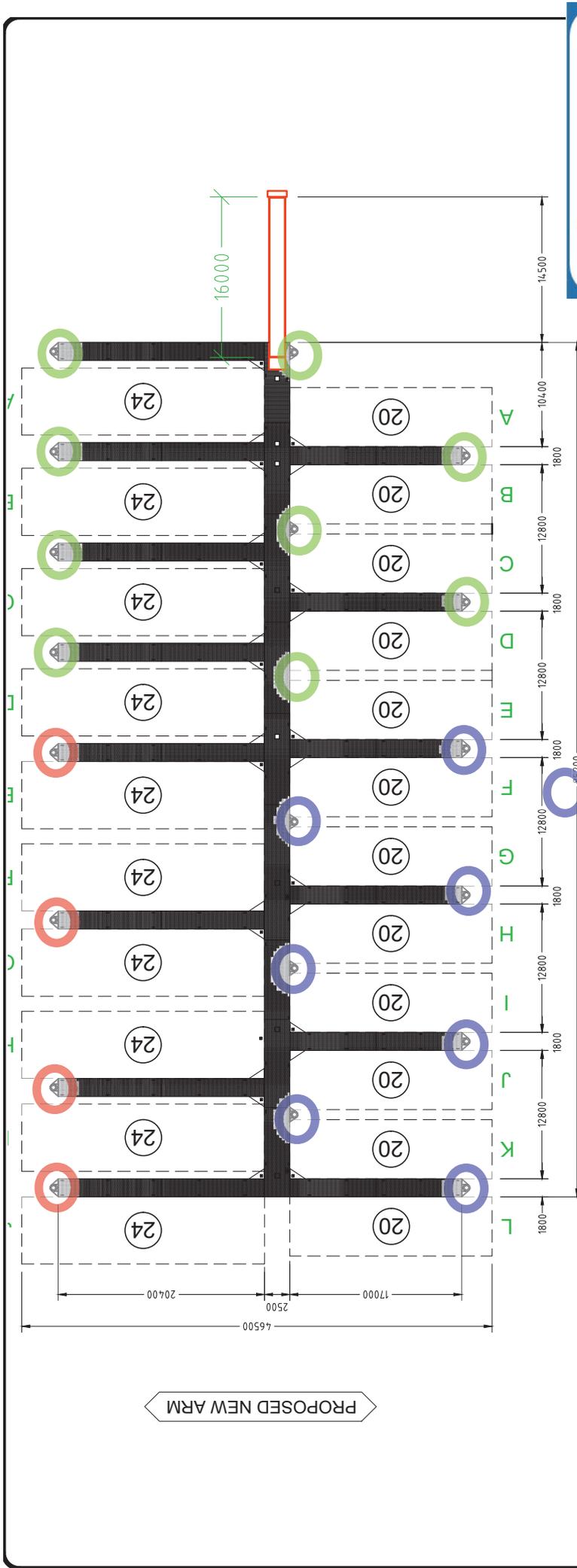
Scale 1:200 - Lengths are in metres.



DA2021/30/01 - Car park
layout plan
As Amended 13.04.2021

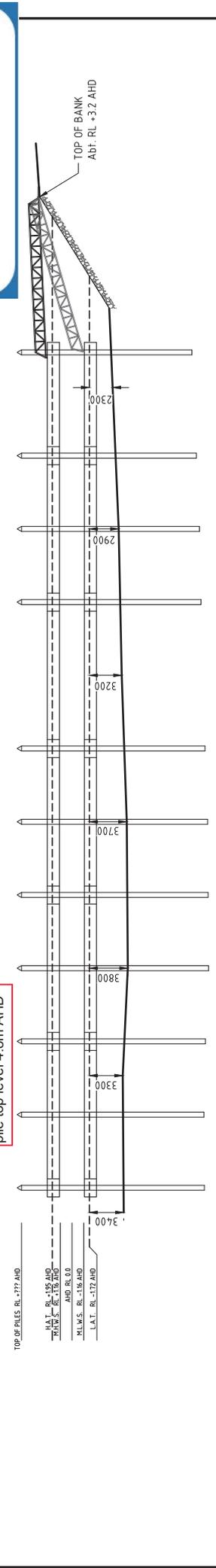
Gladstone Ports Corporation
APPROVED
Name: Erin Clark
Date: 9:14am 14/04/2022

PLAN REFERENCE No.
GC21-199
-P2



- 610 x 15.9mm x 19m Gr 350 steel piles
- 610 x 12.7mm x 18m Gr 350 steel piles
- 610 x 12.7mm x 19m Gr 350 steel piles


APPROVED
 Name: Erin Clark
 Date: 1:48pm 14/04/2022



CERTIFIED
MARK WICHLINSKI
 CONSULTING ENGINEERS PTY. LTD
 NPER No 832296
 RPEQ: 1643, RPB: EC36234

PROJECT PROPOSED MARINA EXTENSION
DRG TITLE APPROXIMATE RIVER BANK AND RIVERBED PROFILE
CLIENT BUNDABERG PORT MARINA
ADDRESS MARINA DRIVE
PORT BUNDABERG
DRAWN BY M.W.
DESIGNED BY M.W.
CHECKED BY A.3
PAPER SIZE A3
SCALE 1:400

DATE 16/03/21
DRAWING NO 17914-RBP-1
REVISION NO


 Mail Address: P.O. Box 202 Labrador 4215
 Ph: (07) 5594 8200
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 Email: info@superior-jetties.com

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No.	DATE	REVISION	DRAWN BY

Attachment 3 Extract of Appeal Provisions

Schedule 1 Appeals

section 229

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.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and

-
- (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (h) a decision to give an enforcement notice—
 - (i) in relation to a matter under paragraphs (a) to (g); or
 - (ii) under the *Plumbing and Drainage Act 2018*; or
 - (i) an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—
storey see the Building Code, part A1.1.

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.

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 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	<p>1 A concurrence agency that is not a co-respondent</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 Any eligible advice agency for the application</p> <p>4 Any eligible submitter for the application</p>
<p>2. Change applications</p> <p>For a change application other than an excluded application, an appeal may be made against—</p> <p>(a) the responsible entity's decision on the change application; or</p> <p>(b) a deemed refusal of the change application.</p>			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice</p>	<p>The responsible entity</p>	<p>If an affected entity starts the appeal—the applicant</p>	<p>1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application</p>
<p>3. Extension applications For an extension application other than an extension application called in by the Minister, an appeal may be made against—</p> <p>(a) the assessment manager’s decision on the extension application; or (b) a deemed refusal of the extension application.</p>			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 The applicant</p> <p>2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application</p>	<p>The assessment manager</p>	<p>If a concurrence agency starts the appeal—the applicant</p>	<p>If a chosen assessment manager is the respondent—the prescribed assessment manager</p>
<p>4. Infrastructure charges notices</p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—</p> <p>(a) the notice involved an error relating to—</p> <p style="padding-left: 20px;">(i) the application of the relevant adopted charge; or</p> <p><i>Examples of errors in applying an adopted charge—</i></p> <ul style="list-style-type: none"> • the incorrect application of gross floor area for a non-residential development • applying an incorrect ‘use category’, under a regulation, to the development <p style="padding-left: 20px;">(ii) the working out of extra demand, for section 120; or</p> <p style="padding-left: 20px;">(iii) an offset or refund; or</p> <p>(b) there was no decision about an offset or refund; or</p> <p>(c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or</p> <p>(d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—
<p>5. Conversion applications An appeal may be made against— (a) the refusal of a conversion application; or (b) a deemed refusal of a conversion application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	—	—
<p>6. Enforcement notices An appeal may be made against the decision to give an enforcement notice.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	—	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

Table 2 Appeals to the P&E Court only			
<p>1. Appeals from tribunal</p> <p>An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—</p> <p>(a) an error or mistake in law on the part of the tribunal; or</p> <p>(b) jurisdictional error.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—
<p>2. Eligible submitter appeals</p> <p>For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>

Table 2 Appeals to the P&E Court only			
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>For a development application or change application other than an excluded application, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>
<p>4. Compensation claims</p> <p>An appeal may be made against—</p> <p>(a) a decision under section 32 about a compensation claim; or</p> <p>(b) a decision under section 265 about a claim for compensation; or</p> <p>(c) a deemed refusal of a claim under paragraph (a) or (b).</p>			

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	—	—
<p>5. Registered premises An appeal may be made against a decision of the Minister under chapter 7, part 4.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 A person given a decision notice about the decision</p> <p>2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision</p>	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises
<p>6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about—</p> <p>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or</p> <p>(b) the erection of a building or other structure.</p>			

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	—	—

Table 3 Appeals to a tribunal only			
<p>1. Building advisory agency appeals</p> <p>An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	<p>1 A concurrence agency for the development application related to the approval</p> <p>2 A private certifier for the development application related to the approval</p>

<p align="center">Table 3 Appeals to a tribunal only</p>			
<p>2. Inspection of building work An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.</p>			
<p>Column 1 Appellant</p>	<p>Column 2 Respondent</p>	<p>Column 3 Co-respondent (if any)</p>	<p>Column 4 Co-respondent by election (if any)</p>
<p>The applicant for the development approval</p>	<p>The person who made the decision</p>	<p>—</p>	<p>—</p>
<p>3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i> An appeal may be made against—</p> <p>(a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or</p> <p>(b) a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act.</p>			
<p>Column 1 Appellant</p>	<p>Column 2 Respondent</p>	<p>Column 3 Co-respondent (if any)</p>	<p>Column 4 Co-respondent by election (if any)</p>
<p>A person who received, or was entitled to receive, an information notice about the decision</p>	<p>The entity that made the decision</p>	<p>—</p>	<p>—</p>
<p>4. Local government failure to decide application under the Building Act An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.</p>			

Table 3 Appeals to a tribunal only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive notice of the decision	The local government to which the application was made	—	—
<p>5. Failure to make a decision about an application or other matter under the <i>Plumbing and Drainage Act 2018</i></p> <p>An appeal may be made against a failure to make a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a failure by the Queensland Building and Construction Commission to make a decision, within the period required under that Act, if an information notice about the decision was required to be given under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive an information notice about the decision	The entity that failed to make the decision	—	—