

12 April 2022

Gladstone Ports Corporation Limited  
c/- BMT Commercial Australia Pty Ltd, Jeremy Visser  
PO Box 203  
SPRING HILL QLD 4004

Dear Mr Visser

## DECISION NOTICE – APPROVAL WITH CONDITIONS – DA2021/34/01

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

### 1. Application Details

This development application described below was **properly made** to the Gladstone Ports Corporation Limited on **17 December 2021**.

<b>Application Number:</b>	DA2021/34/01
<b>Applicant Name:</b>	Gladstone Ports Corporation Limited
<b>Applicant Contact Details:</b>	Jeremy Visser BMT Commercial Australia Pty Ltd PO Box 203 SPRING HILL QLD 4004 Email: <a href="mailto:Jeremy.Visser@bmtglobal.com">Jeremy.Visser@bmtglobal.com</a>
<b>Approval Sought (Land Use Plan):</b>	1. Material change of use for Port services - Dredging (capital dredging) 2. Operational works that is tidal works, where not excluded tidal work – capital dredging
<b>Approval Sought (SDAP):</b>	3. Material change of use for ERA 16 4. Operational work that is tidal work or work in a coastal management district
<b>Location Street Address:</b>	45 Wharf Drive, Burnett Heads QLD 4670
<b>Location Real Property Description:</b>	Lot 276 on SP128643 and adjacent unallocated state land
<b>Land Owner:</b>	Department of Resources
<b>Land Use Plan Precincts:</b>	Strategic Port Land – Wharves Precinct

	Port Limits
<b>Local Government Area:</b>	Bundaberg

## 2. Details Of Proposed Development

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The development is described as:

1. Material change of use for Port services – Dredging (capital dredging for insurance trench) and Environmentally Relevant Activity (ERA) 16; and
2. Operational work that is tidal work for capital dredging of an insurance trench.

Dredging of a new insurance trench inside the existing berth pocket and swing basin to capture moving sediment to reduce the frequency of maintenance dredging.

## 3. Details Of Decision

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This development application was **decided** on **12 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*.

## 4. Details Of Approval

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

- (a) Material Change of Use for Port services – Dredging (capital dredging for insurance trench) (*Planning Regulation 2017* reference Schedule 10, part 13, division 5, subdivision 1); and
- (b) Material Change of Use for Environmentally Relevant Activity 16 (*Planning Regulation 2017* reference Schedule 10, part 5, division 2).

## 5. Conditions

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

## 6. Further Development Permits

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

- (a) Not applicable

## 7. Referral Agencies for the Application

The referral agencies for this application are:

Referral Agency	For application involving
<p>Wide Bay Burnett State Assessment Referral Agency (SARA) PO Box 979 Bundaberg Qld 4670 <a href="mailto:WBBSARA@dsgmip.qld.gov.au">WBBSARA@dsgmip.qld.gov.au</a></p>	<p><i>Planning Regulation 2017:</i></p> <ul style="list-style-type: none"> <li>Schedule 10, Part 5, Division 4, Table 2 – Non-devolved environmentally relevant activity</li> <li>Schedule 10, Part 17, Division 3, Table 1 - Operational work that is tidal works or work in a coastal management district</li> <li>Schedule 10, Part 17, Division 3, Table 2 - Operational work that is tidal works or work in a coastal management district</li> </ul>

## 8. Environmental Authority

The Environmentally Authority No.P-EA-100195853 for ERA 16 is relevant to this development approval. A copy can be obtained from the relevant authority or is attached to this notice.

## 9. Approved Plans and Specifications

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

Drawing/report title	Prepared by	Date	Reference no.	Version	Approval subject to the following changes
<b>Aspect of development: Material Change of Use and Operational works that is tidal works</b>					
DA2021/34/01 – Development Plan – Insurance Plan	Lloyd Baker BMT/ Port of Bundaberg	12/04/2022 As Amended	120723	-	-
Port of Bundaberg SAP – dredge area	Australasian Marine Associates	07/03/18	GPC032018	A	-
Port of Bundaberg SAP – land placement area	Australasian Marine Associates	26/03/18	GPC032018	A	-

## 12. Currency Period for the Approval

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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

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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 Judy Horsfall, Planning Advisor, on 07 4976 1314 or the undersigned on 07 4976 1287 or via email [planning@gpcl.com.au](mailto:planning@gpcl.com.au) .

Yours sincerely,

**Erin Clark**  
**Principal Planner**

Cc: Wide Bay Burnett State Assessment Referral Agency  
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

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### **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 – Material Change of Use and Operational works that is tidal works 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.

Furthermore, the Assessment Manager will require no less than 5 business days, unless otherwise conditioned by the Assessment Manager, to initially assess the drawings or documentation provided prior to the commencement of the development or works. Should further information be required for assessment, the Assessment Manager will require a further 5 business days to complete the information request assessment and response.

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

#### **ENGINEERING & ENVIRONMENT**

5. Prior to the use commencing, the proponent must certify that the development is constructed as per design and that the development has been constructed generally in accordance with the Approved plans.
6. Any site lighting used during construction / development should not negatively impact on the visibility of Navigational Aids utilised for the primary shipping channels nor illuminate a landward glare beyond the site boundary. Lighting must be reviewed during construction and use of the development with respect to navigation. Where an issue is identified or a validated complaint received, the proponent must immediately rectify to the satisfaction of the Assessment Manager.
7. At all times, the development must be carried out in a manner that does not adversely impact upon port operations, and the provision of port functions and services, including dredging and dredge material management.

#### **Tidal Works and Dredge Management**

8. 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.
9. Upon completion of the works, the proponent must supply the Assessment Manager with RPEQ certified “As Constructed” plans in both hard copy (2 of) and electronic (CAD format) which illustrate all infrastructure and services installed on, under or over Port land

associated with the activity unless otherwise approved in writing by the Assessment Manager.

10. The proponent must also certify that the development is constructed as per design and that the development has been constructed generally in accordance with the approved plans prior to the use commencing.
11. Upon completion of the works, the proponent must supply the Assessment Manager with RPEQ certified "As Constructed" plans in both hard copy (2 of) and electronic (CAD format) which illustrate all infrastructure and services installed on, under or over port limits associated with the activity unless otherwise approved in writing by the Assessment Manager.
12. Any site lighting used during construction / works should not negatively impact on the visibility of Navigational Aids utilised for the primary shipping channels nor illuminate a landward glare beyond the site boundary. Lighting must be reviewed during construction and operations with respect to navigation. Where an issue is identified or a validated complaint received, the proponent must immediately rectify to the satisfaction of the Assessment Manager.
13. 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.
14. Upon completion of construction, the applicant shall provide the Assessment Manager with written confirmation that the seabed is clear of foreign materials.
15. 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.
16. The proponent must inform the Assessment Manager of completion of the dredging works within Port Limits within 14 days of practical completion and certify that the site is fit for purpose.
17. Prior to works within Port Limits commencing, supply to the Assessment Manager a Marine Execution Plan that has been approved by the Regional Harbour Master, where relevant.
18. Prior to marine works involving a vessel commencing, submit to the Assessment Manager for approval an Oil/fuel pollutant Spill Management and Prevention Plan and an Emergency Management Plan including a Cyclone Management Plan for the vessel.  
*Note: this can be included in a Marine Execution Plan.*
19. 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.
20. At least 5 days prior to the commencement of the use, a Dredge Management Plan (DMP) is to be submitted to the Assessment Manager (GPC) for approval, specific to the development that ensures:
  - a. environmental risks are identified, managed and continually assessed; and
  - b. that staff are trained and aware of their obligations under the DMP, including a copy of the management plan and development approval available on site at all times; and
  - c. that reviews of environmental performance are undertaken at least annually; and
  - d. any amendments to the DMP are to be submitted to GPC for review and approval; and
  - e. any rehabilitation and decommissioning works where required.

Once approved by the Assessment Manager, the approved development must be carried out in accordance with this DMP.

## Construction Management

21. The hours for the dredging or works shall not be restricted. However, the proponent must review processes/ works should a validated noise complaint be received.
22. Unless otherwise agreed to in writing by the Assessment Manager, prior to construction works commencing on site, a final Construction Traffic Management Plan (CTMP) 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. All activities associated with construction must be carried out in accordance with the approved CTMP.
23. Upon completion of the construction works, the proponent must reinstate the property to the same condition prior to the works being undertaken unless agreed to in writing by the Assessment Manager.
24. In the event a construction compound is required on port land outside the project lease area for offices, laydown areas, employee car parking or stockpiling areas etc., the proponent or their contractor must obtain a Consent to Enter from the Assessment Manager's Property Specialist via 07 4976 1334 or [property@gpcl.com.au](mailto:property@gpcl.com.au) prior to works commencing.
25. 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.
26. No mud, dirt or other debris is to be tracked onto public roads during construction and operation of development.

## Acid Sulphate Soils

27. In the event acid sulphate soils are disturbed/excavated and require treatment on site or any land owned by GPC, a site specific acid sulphate management plan, including treatment locality and volumes and disposal locality, must be submitted to the Assessment Manager for approval prior to such works commencing.

Upon approval of the management plan, the works must be carried out in accordance with this plan and the plan will form part of the Approved plans.

## Incident notification

28. 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 250L 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.
29. Environmental incident notification must be included in any Environmental or Dredge Management Plans for the premises/development.

## ADVICE NOTES

1. 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.
2. 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](mailto:bartono@gpcl.com.au).
3. 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](mailto:property@gpcl.com.au) prior to works commencing.
4. 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](mailto:property@gpcl.com.au) prior to works commencing.
5. 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.
6. 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](mailto:planning@gpcl.com.au), including reference to the allocated development application number.
7. Upon completion of any works, the proponent will be required to supply the Assessment Manager with RPEQ certified "As Constructed" plans in electronic (CAD format) which illustrate all infrastructure and services installed on Port land associated with the activity.



## **PART 2: REFERRAL AGENCY CONDITIONS**

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

Our reference: 2112-26541 SRA  
Your reference: DA2021/34/01  
Applicant reference: A10844

9 March 2022

The Chief Executive Officer  
Gladstone Ports Corporation Limited  
PO Box 259  
GLADSTONE QLD 4680  
[planning@gpcl.com.au](mailto:planning@gpcl.com.au)

**Attention: Ms Erin Clark**

Dear Ms Clark

## **SARA Response – 45 Wharf Drive, BURNETT HEADS and adjoining Unallocated State Land (USL)**

(Given under Section 56 of the *Planning Act 2016*)

The development application described below was confirmed as being properly referred to the State Assessment and Referral Agency (SARA) on 20 January 2022.

### **Response**

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Outcome:	Referral Agency Response under Section 56(1)(b) of the <i>Planning Act 2016</i> (with conditions)
Date of response:	9 March 2022
Conditions:	The approval is subject to the conditions in <b>Attachment 1</b>
Advice:	Advice to the applicant is in <b>Attachment 2</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>

### **Development Details**

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Description:	Development Permit for Material Change of Use – Port Services – Dredging (capital dredging)
	Development Permit for Operational Work – Tidal Works (capital dredging)
	Environmental Authority for Environmentally Relevant

Activity (ERA No. 16 Extractive and screening activities – dredging more than 10,000 tonnes but not more than 100,000 tonnes in a year)

SARA role: Referral agency

SARA triggers: Schedule 10, Part 5, Division 4, Table 2, Item 1 of the Planning Regulation 2017 – Non-devolved environmentally relevant activities

Schedule 10, Part 17, Division 3, Table 1, Item 1 of the Planning Regulation 2017 – Tidal works or work in a coastal management district

Schedule 10, Part 17, Division 3, Table 2, Item 1 of the Planning Regulation 2017 – Maritime safety

SARA reference: 2111-26541 SRA

Assessment Manager: Gladstone Ports Corporation Limited

Street address: 45 Wharf Drive, BURNETT HEADS and adjoining Unallocated State Land (USL)

Real property description: Lot 276 on SP128643 and adjoining Unallocated State Land (USL)

Applicant name: Gladstone Ports Corporation Limited

Applicant contact details: C/- BMT Commercial Australia Pty Ltd  
PO Box 203  
SPRING HILL QLD 4004  
[Jeremy.Visser@bmtglobal.com](mailto:Jeremy.Visser@bmtglobal.com)

## 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 (section 30 of the 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 Peter Mulcahy, Principal Planning Officer, on (07) 3307 6152 or via email [WBBSARA@dasilgp.qld.gov.au](mailto:WBBSARA@dasilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Luke Lankowski  
**Manager, Planning – Wide Bay Burnett**

enc Attachment 1 – Referral agency conditions  
Attachment 2 – Advice to the applicant  
Attachment 3 – Reasons for referral agency response  
Attachment 4 – Representations about a referral agency response

Attachment 5 – Approved plans and specifications

cc Gladstone Ports Corporation Limited  
C/- BMT Commercial Australia Pty Ltd  
[Jeremy.Visser@bmtglobal.com](mailto:Jeremy.Visser@bmtglobal.com)

Maritime Safety Queensland  
[MSQ\\_IDAS\\_Gladstone@msq.qld.gov.au](mailto:MSQ_IDAS_Gladstone@msq.qld.gov.au)

Department of Environment and Science  
[Sara.CoastalWetlands@des.qld.gov.au](mailto:Sara.CoastalWetlands@des.qld.gov.au)

Department of Agriculture and Fisheries  
[PlanningAssessment@daf.qld.gov.au](mailto:PlanningAssessment@daf.qld.gov.au)

## 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	Condition timing
<b>Development Permit for Material Change of Use – Port Services – Dredging (capital dredging)</b>		
Schedule 10, Part 5, Division 4, Table 2, Item 1 of the Planning Regulation 2017—The Chief Executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> <li>• <i>Bundaberg Assurance Dredging Trench</i>, prepared by Port of Bundaberg, dated 24 April 2009, Drawing No. 120723, Version 1</li> </ul>	At all times.
<b>Development Permit for Operational Works – Tidal Works (capital dredging)</b>		
Schedule 10, Part 17, Division 3, Table 1, Item 1 of the Planning Regulation 2017—The Chief Executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
2.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> <li>• <i>Bundaberg Assurance Dredging Trench</i>, prepared by Port of Bundaberg, dated 24 April 2009, Drawing No. 120723, Version 1</li> </ul>	For the duration of works.
3.	The volume (in cubic metres) of material disposed of in tidal water under this approval must be provided to <a href="mailto:palm@des.qld.gov.au">palm@des.qld.gov.au</a> or mailed to: <p style="margin-left: 40px;">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.
4.	A hydrographic survey must be prepared by a surveyor of the <b>dredge area</b> and the immediate adjacent area likely to be affected by the <b>dredging</b> , following the works being undertaken and submitted to <a href="mailto:palm@des.qld.gov.au">palm@des.qld.gov.au</a> or mailed to: <p style="margin-left: 40px;">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.



<b>Development Permit for Operational Works – Tidal Works (capital dredging)</b>		
Schedule 10, Part 17, Division 3, Table 2, Item 1 of the Planning Regulation 2017—The Chief Executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s): Maritime Safety Queensland		
5.	<p>(a) Provide written notice to the Regional Harbour Master Gladstone, when the development authorised under this approval is scheduled to commence.</p> <p>Each notice must state this application number (TMR22-035384), the location and name of the registered place and the condition number under which the notice is being given.</p> <p>(b) Provide written notice to <a href="mailto:Gladstone.RHM@msq.qld.gov.au">Gladstone.RHM@msq.qld.gov.au</a> when the development authorised under this approval has been completed.</p> <p>Each note must state this application number (TMR22-035384), the location and name of the registered place and the condition number under which the notice is being given.</p>	<p>(a) At least two (2) weeks prior to the commencement of works.</p> <p>(b) Within two (2) weeks of the completion of works.</p>
6.	<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>	While the works are occurring.
7.	<p>The structures 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>	At all times.
8.	<p>The construction, operation or maintenance of the structures, and any shipped moored at this structure, must not impede the safe navigation or other ships or restrict safe access to or from neighbouring structures.</p>	At all times.

## 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.
Marine plants	
2.	<p>Application material received by SARA indicates that marine plants would not be impacted by the works to dredge an insurance trench at the Port of Bundaberg.</p> <p>A response to the SARA Information Request (received on 14 February 2022) indicates that there is likely to be seagrass within and adjacent to the approved Sea Dumping Permit dredge spoil placement area (SD2012/2202).</p>
3.	<p>Work Type 4.10 within the Department of Agriculture and Fisheries <a href="#">Accepted development requirements for operational work that is the removal, destruction or damage of marine plants</a> allows for marine plant disturbance for ongoing use of a dredge material site in an agreed Dredge Management Plan or as specified in a current authority for the Environmentally Relevant Activity (ERA).</p> <p>The applicant will need to comply with all relevant sections of the ADR including the standards and notification under Section 3.</p>
4.	If works will remove, damage or destroy marine plants outside of the approved dredge spoil disposal area, and the applicant does not have a current and relevant marine plants approval for the permanent disturbance of marine plants, a development application for the removal, destruction or damage of marine plants will be required.
5.	Evidence of any applicable marine plant approval should be provided to SARA.



## Attachment 3—Reasons for referral agency response

(Given under Section 56(7) of the *Planning Act 2016*)

### The reasons for the SARA decision are:

The proposed development complies with the assessment benchmarks and purpose statement within State Code 7: Maritime safety of the State Development Assessment Provisions, as the proposed development:

- supports the viable operation of aids to navigation
- supports the safe operation of vessels in navigable waterways

Conditions have been applied to ensure compliance with State Code 7 where appropriate.

The proposed development complies with the assessment benchmarks and purpose statement within State Code 8: Coastal development and tidal works, as the proposed development:

- maintains coastal processes
- conserves coastal resources
- avoids impacts on Matters of State Environmental Significance (MSES)

Conditions have been applied to ensure compliance with State Code 8 where appropriate.

Conditions have been applied to ensure compliance with State Code 22 where appropriate.

The proposed development complies with the assessment benchmarks and purpose statement within State Code 22: Environmentally relevant activities, as the proposed development is:

- located and designed to avoid or mitigate environmental harm on environmental values
- avoids impacts on Matters of State Environmental Significance (MSES)

A condition has been applied to ensure compliance with State Code 22 where appropriate (the Environmental Authority will be issued under separate cover by the Department of Environment and Science pursuant to the *Environmental Protection Act 1994*).

### Material used in the assessment of the application:

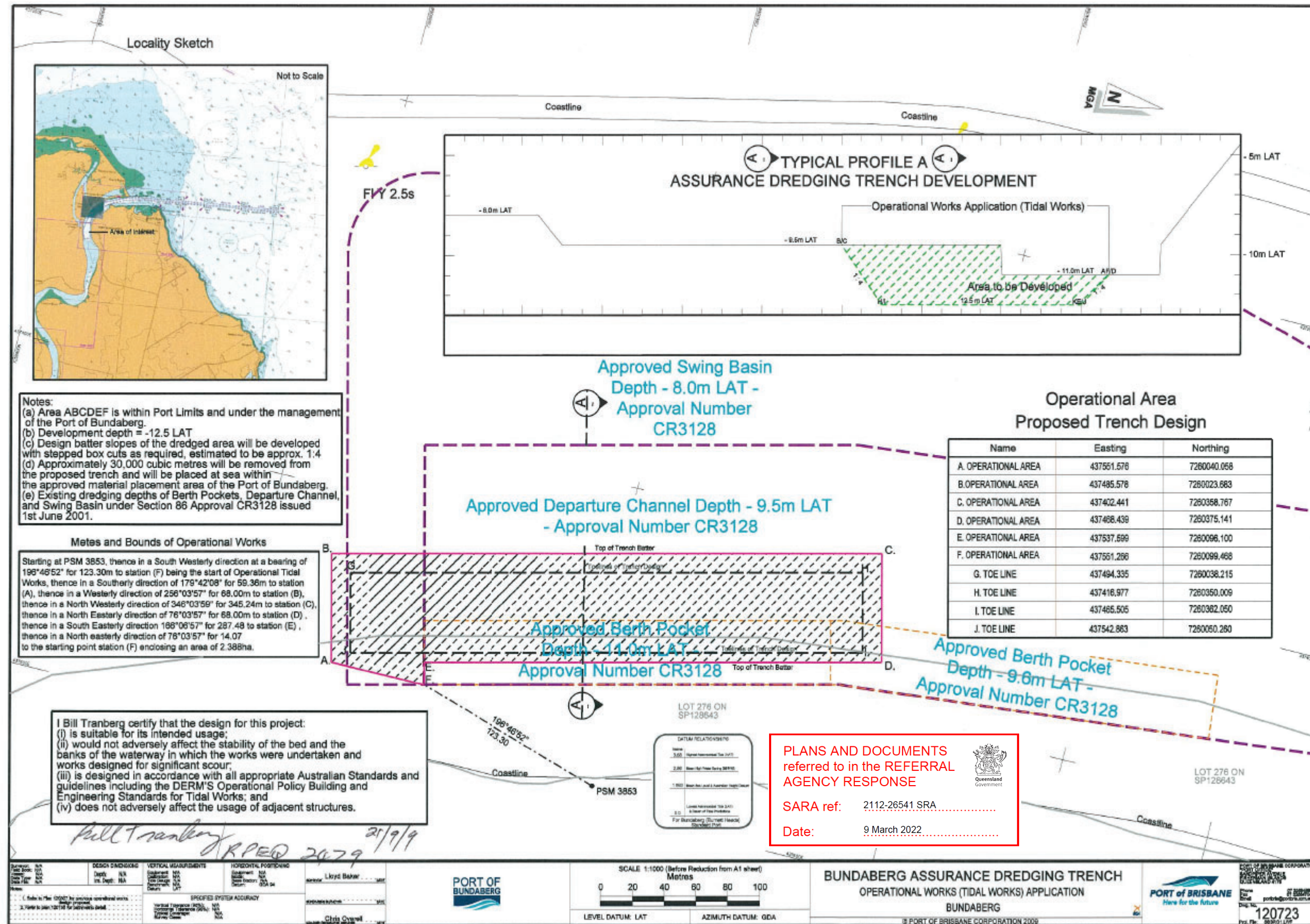
- The development application material (including applicant response to SARA Information Request received on 14 February 2022)
- *Planning Act 2016*.
- Planning Regulation 2017.
- The *State Development Assessment Provisions* (Version 2.6).
- The Development Assessment Rules (DA Rules).
- SARA DA Mapping system.
- *Human Rights Act 2019*.

## **Attachment 4—Representations about a referral agency response**

## **Attachment 5—Approved plans and specifications**

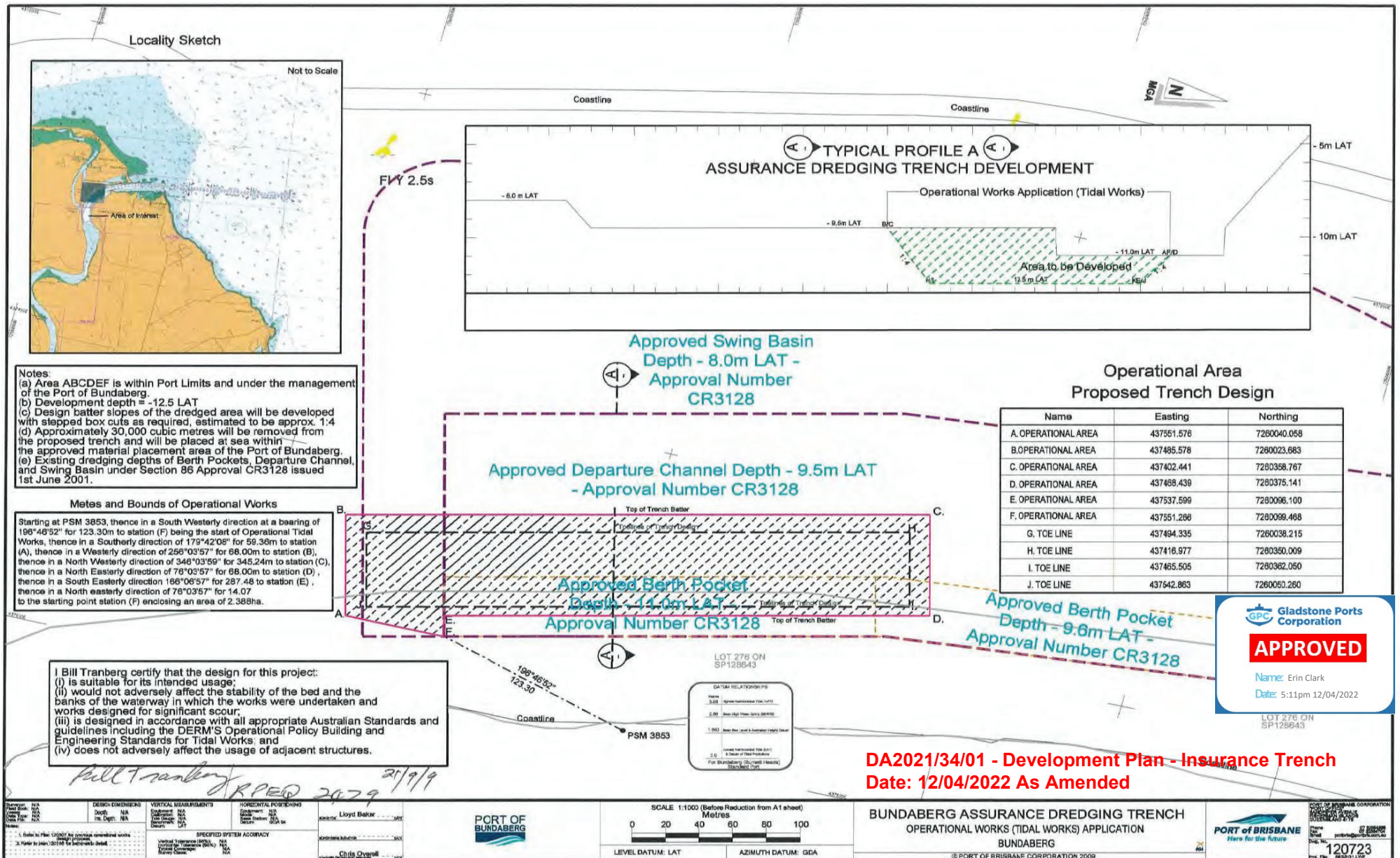
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# APPENDIX A – APPROVED ENGINEERING DRAWINGS OF INSURANCE TRENCH CAPTICAL DREDGING



## Attachment 2 Approved Plans and Specifications

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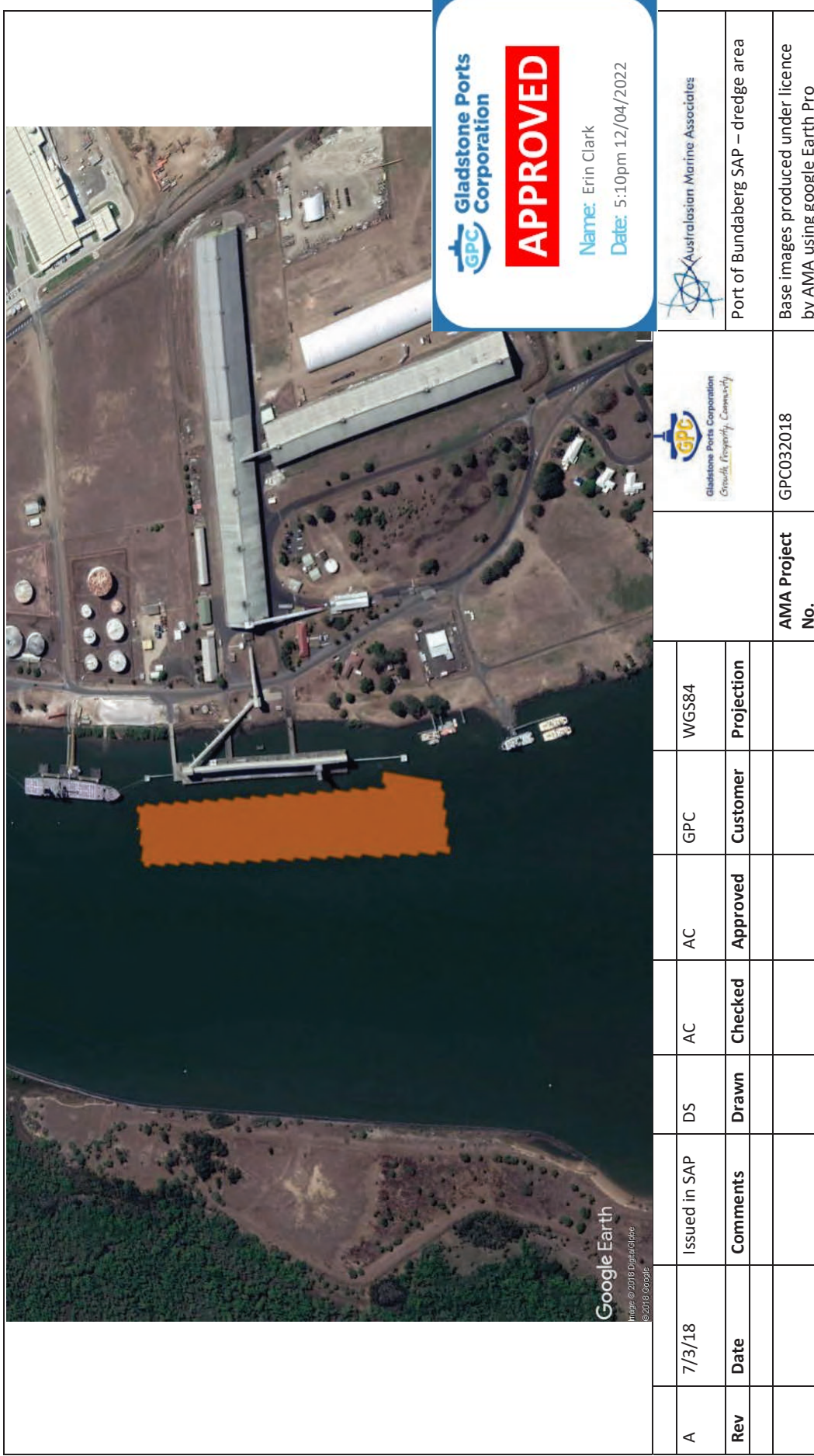




Figure 1. Dredge area for the Port of Bundaberg Insurance Trench Dredging Works.




**Gladstone Ports Corporation**  
APPROVED  
 Name: Erin Clark  
 Date: 5:10pm 12/04/2022

A	26/3/18	Issued in SAP	DS	AC	AC	GPC	WGS84	 Gladstone Ports Corporation <i>Empowering Community</i>	 Australasian Marine Associates
Rev	Date	Comments	Drawn	Checked	Approved	Customer	Projection		
								AMA Project No.	Port of Bundaberg SAP - land placement area
								GPC032018	Base images produced under licence by AMA using google Earth Pro

**Figure 2. Land based dredge material placement area.**



## Attachment 3 Extract of Appeal Provisions

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## **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.

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>
<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"><li>(a) the refusal of all or part of the development application; or</li><li>(b) the deemed refusal of the development application; or</li><li>(c) a provision of the development approval; or</li><li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li></ul>

<b>Table 1 Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
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><b>2. Change applications</b></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>			

<b>Table 1 Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
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><b>3. Extension applications</b> 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</p> <p>(b) a deemed refusal of the extension application.</p>			

<b>Table 1 Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
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><b>4. Infrastructure charges notices</b></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"> <li>• the incorrect application of gross floor area for a non-residential development</li> <li>• applying an incorrect ‘use category’, under a regulation, to the development</li> </ul> <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&amp;E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			

<b>Table 1 Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
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><b>5. Conversion applications</b>                      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><b>6. Enforcement notices</b>                      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



<b>Table 2 Appeals to the P&amp;E Court only</b>			
<p><b>1. Appeals from tribunal</b></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><b>2. Eligible submitter appeals</b></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**

**3. Eligible submitter and eligible advice agency appeals**

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—

- (a) any part of the development application or change application that required impact assessment; or
- (b) a variation request.

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>

**4. Compensation claims**

An appeal may be made against—

- (a) a decision under section 32 about a compensation claim; or
- (b) a decision under section 265 about a claim for compensation; or
- (c) a deemed refusal of a claim under paragraph (a) or (b).

<b>Table 2 Appeals to the P&amp;E Court only</b>			
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><b>5. Registered premises</b> 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><b>6. Local laws</b> 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>			

<b>Table 2 Appeals to the P&amp;E Court only</b>			
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	—	—

<b>Table 3 Appeals to a tribunal only</b>			
<p><b>1. Building advisory agency appeals</b></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>

<b>Table 3 Appeals to a tribunal only</b>			
<p><b>2. Inspection of building work</b></p> <p>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>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision	—	—
<p><b>3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i></b></p> <p>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>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision	The entity that made the decision	—	—
<p><b>4. Local government failure to decide application under the Building Act</b></p> <p>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>			

<b>Table 3 Appeals to a tribunal only</b>			
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	—	—