

GPC Document No. 1619995 GPC Ref: DA2020/07/01 Your Ref.:1602795v1

23 June 2020

Owen Barton Gladstone Ports Corporation PO Box 259 **GLADSTONE QLD 4680**

Applicant email: bartono@gpcl.com.au

Dear Mr Barton

DECISION NOTICE - APPROVAL WITH CONDITIONS - DA2020/07/01

(GIVEN UNDER S63 PLANNING ACT 2016)

1. **Application Details**

This development application was properly made to the Gladstone Ports Corporation Limited on 26 May 2020.

| Application Number: | DA2020/07/01 |
|-------------------------------------|--|
| Applicant Name: | Gladstone Ports Corporation Limited |
| Applicant Contact Details: | Owen Barton Gladstone Ports Corporation PO Box 259 GLADSTONE QLD 4680 Email: bartono@gpcl.com.au |
| Approvals Sought: | Operational works that is tidal works |
| Details of Proposed Development: | Demolition of a building |
| Location Street Address: | Flinders Parade |
| Location Real Property Description: | Unallocated State Land adjacent to Lot 192 on SP239714 |
| Land Owner: | Department of Natural Resources, Mines and Energy |
| Present Zoning & Precinct | Strategic Port Land tidal area – adjacent to East Shores Precinct |

2. Details Of Proposed Development

Operational works that is tidal works for the demolition of a building.

3. Details Of Decision

This development application was decided on 23 June 2020.

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.

4. Details Of Approval

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

a) Operational works that is tidal works in accordance with *Planning Regulation 2017* reference Schedule 10, Part 17, Division 3, Tables 1 & 2, Item 1.

5. Conditions

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

6. Further Development Permits

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

1. Any approval required for Building works

7. Properly made submissions

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

8. Referral Agencies for the Application

The referral agencies for this application are:

| For an application involving | Name of referral agency | Advice agency or concurrence agency | Address |
|---------------------------------------|--|-------------------------------------|--|
| Operational works that is tidal works | Department State Development, Manufacturing, Infrastructure and Planning | Concurrence | State Assessment and Referral Agency PO Box 113 ROCKHAMPTON QLD 4700 |

9. Approved Plans and Specifications -

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

| Drawing/report title | Prepared by | Date | Reference no. | Version |
|--|--------------------------------|------------|-----------------|---------|
| Aspect of development: Operational works that is tidal works | | | | |
| Proposed handrail layout and elevations - sheet 1 of 2 | Gladstone Ports Corporation | 11/05/2020 | Draw. 284-00010 | Rev B |
| Details - sheet 2 of 2 | Gladstone Ports Corporation | 11/05/2020 | Draw. 284-00010 | Rev B |

10. Currency Period for the Approval

This development approval will lapse at the end of the periods set out below:

 For Operational Works this approval lapses 2 years after this approval decision date – reference section 85 of the Planning Act 2016.

11. 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 Judy Horsfall, Planning Officer, on 07 4976 1314 or the undersigned, on 07 4976 1287 or via email planning@gpcl.com.au.

Yours sincerely

Erin Clark Principal Planner 23 June 2020

Enc. Attachment 1: Conditions of Approval

Part 1 – Conditions imposed by the assessment manager Part 2 – Conditions required by the referral agency response

a) Department of Statement Development, Manufacturing, Infrastructure and Planning, 10 June 2020

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 on Strategic Port Land tidal area

GENERAL

- 1. The proposed development must be carried out generally in accordance with the plans as lodged with the application except where modified by conditions of this permit.
- 2. Unless otherwise stated, all conditions must be completed prior to the commencement of the use.
- 3. Where additional "approval" is required under these conditions by the Assessment Manager (GPC) for drawings or documentation, the proponent must submit for review, amend to the satisfaction of, and obtain written acceptance from GPC. Only in this manner can compliance with the condition be achieved.
- 4. All other relevant approvals/certification must be obtained before commencement of the development or operation of the development, including any Building works.
- 5. The proponent must at its cost and expense, keep and maintain the subject area, including existing services, in a state that is satisfactory to the Assessment Manager (GPC).

ENGINEERING

- 6. Upon completion of the works, the proponent must supply the Assessment Manager (GPC) 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. 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.
- 7. Any site lighting used during construction 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 with respect to navigation. Where an issue is identified or a validated complaint received, the proponent must immediately rectify to the satisfaction of GPC.

Tidal Works

- 8. 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 (GPC) if any material or debris is deposited.
- At the end of the construction, the applicant shall provide the Assessment Manager (GPC) with written confirmation that the seabed is clear of foreign materials upon completion of construction.
- 10. 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 Regional Harbour Master.

Construction Management

- 11. The hours for the construction of the facility (i.e. operation of any machinery and/or other equipment) shall be restricted to between 6.30am and 6:30pm Monday to Friday and 7.30am to 12.30pm 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 GPC.
- 12. 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 (GPC) for approval. The CTMP must provide appropriate continued safe vehicle and pedestrian access to the public carpark and Coal Exporters Maritime Precinct Parklands. All activities associated with construction must be carried out in accordance with the approved CTMP.
- 13. At all times, maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas and appropriate storage and disposal of regulated waste e.g. materials containing asbestos, so as not to cause an environmental nuisance or create a safety hazard to the public.

ENVIRONMENT

Construction Environmental Management Plans

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

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

- a) environmental risks, including but not limited to, asbestos, noise, odour, lighting, dust, are identified, managed and continually assessed in relation to the construction activity;
- b) spill management and prevention and emergency and cyclone management are documented and implemented;
- c) continued safe vehicle and pedestrian access via documented Construction Traffic Management Plans;
- d) 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;
- e) that reviews of environmental performance are undertaken at least annually; and
- f) any amendments to the EMP are to be submitted to GPC for review and approval.

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

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

Incident notification

- 15. 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.

PART 2: REFERRAL AGENCY CONDITIONS

Referral Agency Name: Department of Environmental Protection and Heritage



Queensland Treasury

SARA reference:

2005-16984 SRA DA2020/07/01

10 June 2020

Chief Executive Officer
Port of Gladstone Ports Corporation Limited
PO Box 259
Gladstone Qld 4680
planning@gpcl.com.au

Attention:

Erin Clark

Dear Sir/Madam

SARA response—O'Connell Wharf, Flinders Pde, Gladstone Central

(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 30 May 2020.

Response

Outcome:

Referral agency response – with conditions.

Date of response:

10 June 2020

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

Operational work for tidal works

(demolition of a building and installation of

a handrail).

SARA role:

Referral Agency.

SARA trigger:

Schedule 10, Part 17, div 3, table 1 (Planning Regulation 2017)— Development permit for operational work that is tidal works or work in

a coastal management district

Fitzroy/Central regional office Level 2, 209 Bolsover Street, Rockhampton

Page 1 of 8

PO Box 113, Rockhampton QLD 4700

Schedule 10, Part 17, div 3, table 2 (Planning Regulation 2017)— Development permit for operational work that is tidal works in tidal

waters

SARA reference:

2005-16984 SRA

Assessment Manager:

Port of Gladstone Ports Corporation Limited

Street address:

Flinders Pde, Gladstone Central

Real property description:

192SP239714

Applicant name:

Gladstone Ports Corporation

Applicant contact details:

PO Box 259

Gladstone QLD 4680 greerh@gpcl.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 Carl Porter, Principal Planning Officer, on 07 4924 2918 or via email RockhamptonSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely

Anthony Walsh Manager Planning

cc Gladstone Ports Corporation, greerh@gpcl.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 | Condition timing | | | |
|------------------|--|--|--|--|--|
| Opera | Operational work for tidal works in coastal management district | | | | |
| Planni be the | ule 10, Part 17, div 3, table 1 (Planning Regulation 2017)—The chief exing Act 2016 nominates the Director-General of the Department of Environment authority for the development to which this development a stration and enforcement of any matter relating to the following condition | onment and Science to approval relates for the | | | |
| 1. | The tidal works must be carried out generally in accordance with the following plans: | For the duration of the works | | | |
| - | Proposed Handrail Layout and Elevation prepared by Gladstone Ports Corporation dated 20/04/2020, reference 284-00010 and revision B Details prepared by Gladstone Ports Corporation dated 20/04/2020, reference 284-00010 and revision B | | | | |
| 2. | For the proposed works, only use clean materials and ensure that the works do not cause contamination. | For the duration of the works | | | |
| 3. | Should the O'Connell Wharf structure (piles, platform and/or handrails) collapse, fail or otherwise suffer structural consequences which impact their integrity or ability to function as intended, the works must be: | As soon as reasonably practicable subsequent to the damage | | | |
| | (a) reinstated in accordance with this development approval; or | | | | |
| | (b) removed and disposed of at an appropriately licensed facility. | | | | |
| 4. | Obtain RPEQ certification confirming that the tidal works, have been constructed in accordance with the Department of Environment and Heritage Protection guideline 'Building and engineering standards for tidal works'. | Within two (2) weeks of the completion of the works | | | |
| | A copy of the certification must be provided to palm@des.qld.gov.au or mailed to: | | | | |
| | Department of Environment and Science | | | | |
| | Permit and License Management | | | | |
| | Implementation and Support Unit | | | | |
| | GPO Box 2454 | | | | |
| . | Brisbane Qld 4001 | | | | |
| 5. | Submit "As Constructed drawings" to palm@des.qld.gov.au or mail to: | Within two (2) weeks of the completion of the works | | | |
| | Department of Environment and Science | | | | |
| | Permit and License Management | | | | |

Implementation and Support Unit **GPO Box 2454** Brisbane Qld 4001 Operational work for demolition of tidal works in coastal management district Schedule 10, Part 17, div 3, table 1 (Planning Regulation 2017)—The chief executive administering the Planning Act 2016 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): 6. For the proposed works, only use clean materials and ensure that the Prior to the commencement of the works do not cause contamination. To achieve this: works Submit a demolition management plan to palm@des.qld.gov.au or mail to: Department of Environment and Science Permit and License Management Implementation and Support Unit **GPO Box 2454** Brisbane Qld 4001 7. The O'Connell Wharf Building is to be removed and disposed of to an Within 2 months of the commencement of the appropriately licenced facility. demolition

Attachment 2—Advice to the applicant

General advice

1. Terms and phrases used in this document are defined in the *Planning Act 2016* 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 SARA's decision are, the proposed development:

- is to demolish a building on O'Connell Wharf and install a new handrail to the wharf to provide for public access
- is located in tidal waters
- complies with State code 7: Maritime safety
- complies with State code 8: Coastal development and tidal works, with the application of conditions

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 SARA
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 4—Change representation provisions

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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.

Pursuant to Section 68 of the *Planning Act 2016*

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

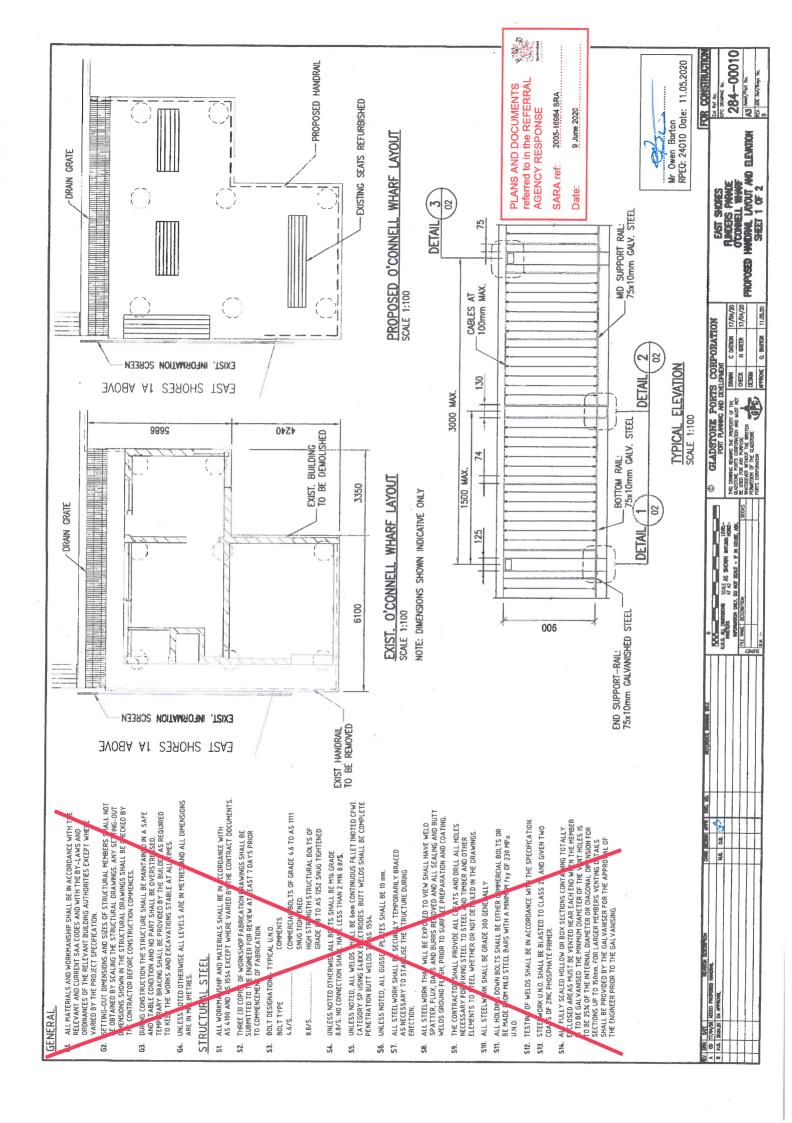
30 Representations about a referral agency response

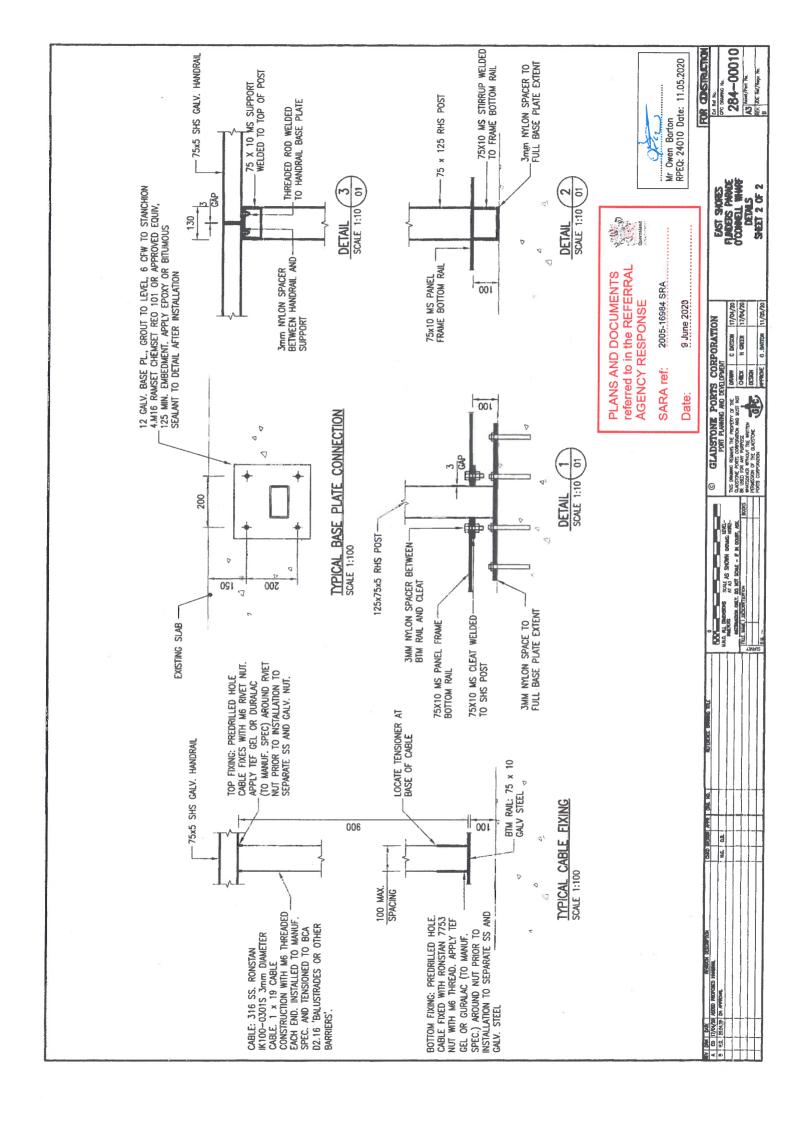
30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

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.

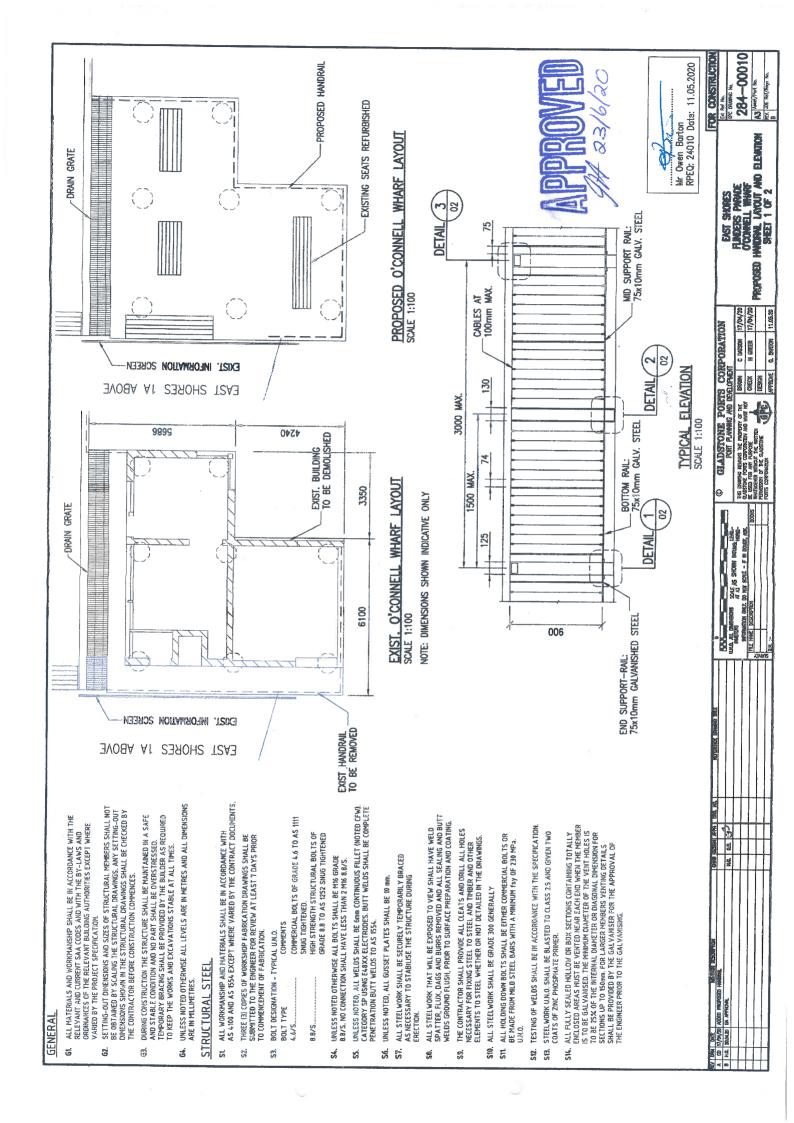
Attachment 5—Approved plans and specifications

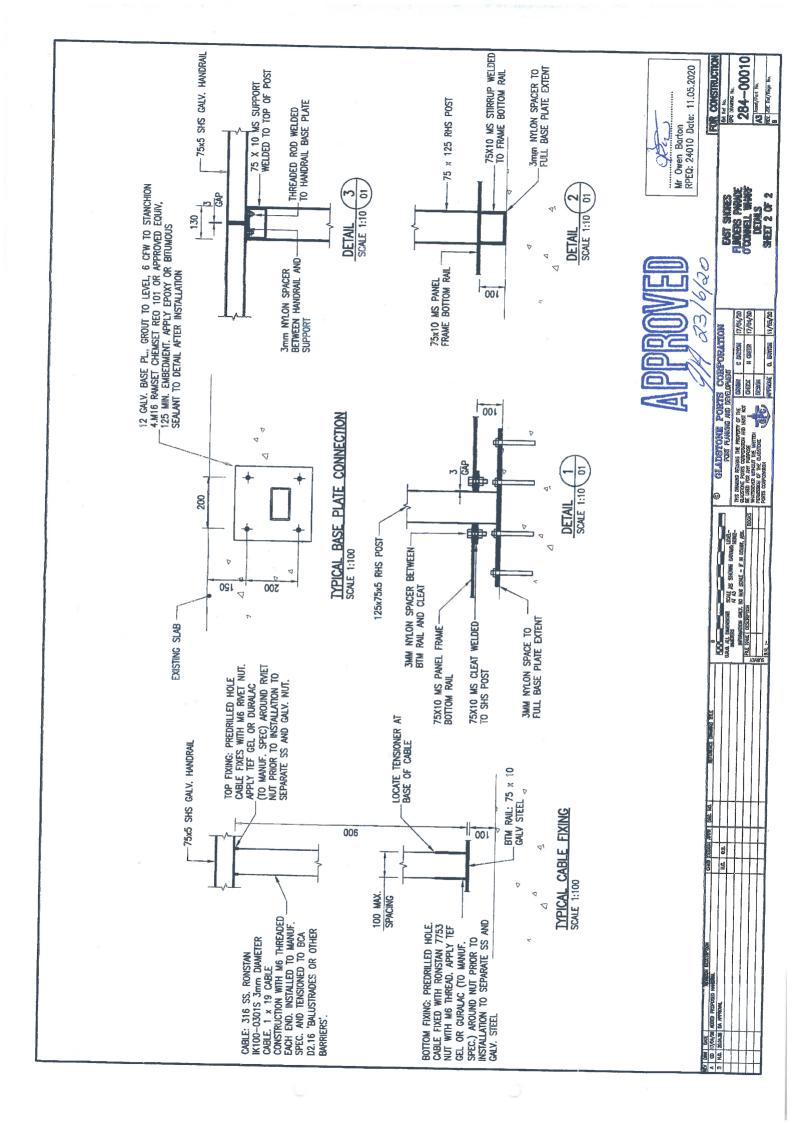
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ATTACHMENT 2: APPROVED PLANS AND SPECIFICATIONS





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
- (1) 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

1. Development applications

For a development application other than an excluded application, an appeal may be made against—

- (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 | Column 2 | Column 3 | Column 4 | |
| Appellant | Respondent | Co-respondent | Co-respondent | |
| | | (if any) | by election (if | |
| , , | 9 | | any) | |
| The applicant | The assessment manager | If the appeal is about a concurrence agency's referral response—the concurrence agency | agency that is not a co-respondent 2 If a chosen assessment | |
| 8 | | | manager is the respondent—the prescribed assessment manager | |
| | | * | 3 Any eligible advice agency for the application | |
| • | | | 4 Any eligible submitter for the application | |

2. Change applications

For a change application other than an excluded application, an appeal may be made against—

- (a) the responsible entity's decision on the change application; or
- (b) a deemed refusal of the change application.

| Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal | | | | |
|--|--------------------------|---|--|--|
| Column 1 | Column 2 | Column 3 | Column 4 | |
| Appellant | Respondent | Co-respondent | Co-respondent | |
| | | (if any) | by election (if | |
| | | | any) | |
| 1 The applican 2 If the responsible entity is the | t The responsible entity | If an affected entity starts the appeal—the applicant | 1 A concurrence agency for the development application | |
| assessment manager—ar affected entit that gave a pre-request notice or response noti | У | | 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 | |

3. Extension applications

For an extension application other than an extension application called in by the Minister, an appeal may be made against—

- (a) the assessment manager's decision on the extension application; or
- (b) a deemed refusal of the extension application.

| | Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal | | | |
|-----|--|------------------------|---|---|
| Col | umn 1 | Column 2 | Column 3 | Column 4 |
| Apj | pellant | Respondent | Co-respondent (if any) | Co-respondent by election (if any) |
| 1 2 | The applicant For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application | The assessment manager | If a concurrence agency starts the appeal—the applicant | If a chosen assessment manager is the respondent— the prescribed assessment manager |

4. Infrastructure charges notices

An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—

- (a) the notice involved an error relating to-
 - (i) the application of the relevant adopted charge; or

Examples of errors in applying an adopted charge—

- the incorrect application of gross floor area for a non-residential development
- applying an incorrect 'use category', under a regulation, to the development
- (ii) the working out of extra demand, for section 120; or
- (iii) an offset or refund; or
- (b) there was no decision about an offset or refund; or
- (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or
- (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.

| Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal | | | |
|--|---|------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| Appellant | Respondent | Co-respondent | Co-respondent |
| 1 N 12 | | (if any) | by election (if |
| | | | any) |
| The person given the infrastructure charges notice | The local government that gave the infrastructure charges notice | | _ |
| 5. Conversion applica | ations | | |
| An appeal may be ma | ade against— | | |
| (a) the refusal of a c | onversion application; | or | |
| (b) a deemed refusal | of a conversion applic | ation. | |
| Column 1 | Column 2 | Column 3 | Column 4 |
| Appellant | Respondent | Co-respondent | Co-respondent |
| | | (if any) | by election (if |
| | ş. | | any) |
| The applicant | The local government to which the conversion application was made | _ | |
| 6. Enforcement notice | es | | |
| An appeal may be ma | de against the decision | to give an enforcement | nt notice. |
| Column 1 | Column 2 | Column 3 | Column 4 |
| Appellant | Respondent | Co-respondent | Co-respondent |
| | | (if any) | 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

1. Appeals from tribunal

An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—

- (a) an error or mistake in law on the part of the tribunal; or
- (b) jurisdictional error.

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---------------|-----------------|
| Appellant | Respondent | Co-respondent | Co-respondent |
| 9 | | (if any) | by election (if |
| | | · | any) |
| A party to the proceedings for the decision | The other party to the proceedings for the decision | | |

2. Eligible submitter appeals

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—

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

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|--|--|
| Appellant | Respondent | Co-respondent (if any) | Co-respondent by election (if any) |
| 1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application | For a development application—the assessment manager For a change application—the responsible entity | 1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency | Another eligible submitter for the application |

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 | Column 2 | Column 3 | Column 4 |
|---|--|--|--|
| Appellant | Respondent | Co-respondent (if any) | Co-respondent by election (if any) |
| 1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application | 1 For a development application—the assessment manager 2 For a change application—the responsible entity | 1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency | Another eligible submitter for the application |
| An eligible advice agency for the development application or change application | 9 | <i>2</i> - | a a |

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).

| Table 2 Appeals to the P&E Court only | | | | |
|---|--|--------------------------|---|--|
| Column 1 | Column 2 | Column 3 | Column 4 | |
| Appellant | Respondent | Co-respondent | Co-respondent | |
| | | (if any) | by election (if | |
| | | | any) | |
| A person dissatisfied with the decision | The local government to which the claim was made | | | |
| 5. Registered premise | S | п | | |
| An appeal may be ma | de against a decision o | of the Minister under ch | napter 7, part 4. | |
| Column 1 | Column 2 | Column 3 | Column 4 | |
| Appellant | Respondent | Co-respondent | Co-respondent | |
| | | (if any) | by election (if | |
| 91 | | | any) | |
| 1 A person given a decision notice about the decision | The Minister | | If an owner or occupier starts the appeal—the owner of the registered | |
| 2 If the decision is to register premises or renew the registration of premises—an owner or | | | premises | |
| occupier of premises in the affected area for the registered premises who is dissatisfied with the decision | | | | |

6. Local laws

An appeal may be made against a decision of a local government, or conditions applied, under a local law about—

- (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or
- (b) the erection of a building or other structure.

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

Table 3 Appeals to a tribunal only

1. Building advisory agency appeals

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.

| | | -, | |
|--|------------------------|---------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| Appellant | Respondent | Co-respondent | Co-respondent |
| | c | (if any) | by election (if |
| | | | any) |
| A building advisory agency for the development application related to the approval | The assessment manager | The applicant | 1 A concurrence agency for the development application related to the approval |
| 1, | | _ | 2 A private certifier for the development application related to the approval |

Table 3 Appeals to a tribunal only

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.

| 1 | | 34 - 7 - 7 | |
|--|----------------------------------|---------------|-----------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| Appellant | Respondent | Co-respondent | Co-respondent |
| | ē. | (if any) | by election (if |
| | | | any) |
| The applicant for the development approval | The person who made the decision | | |

- 3. Certain decisions under the Building Act and the *Plumbing and Drainage Act 2018*An appeal may be made against—
- (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
- (b) a decision under the *Plumbing and Drainage Act 2018*, 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.

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|-----------------------------------|---------------|-----------------|
| Appellant | Respondent | Co-respondent | Co-respondent |
| . 0 | | (if any) | 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 | | |

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.

| Table 3 Appeals to a tribunal only | | | |
|--|--|--------------------------|------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| Appellant | Respondent | Co-respondent | Co-respondent |
| | | (if any) | by election (if |
| | | | any) |
| A person who was entitled to receive notice of the decision | The local government to which the application was made | | _ |
| 5. Failure to make a de Drainage Act 2018 | ecision about an applica | ation or other matter ur | nder the <i>Plumbing and</i> |
| 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. | | | |
| Column 1 | Column 2 | Column 3 | Column 4 |
| A mm allomt | Dagnandant | Co respondent | Co respondent |