

6 December 2021

EcoMarine Solutions Pty Ltd
c/- Dr Daniel Spooner
42 Barkly Street
ST KILDA VIC 3182

Dear Dr Spooner

DECISION NOTICE – APPROVAL WITH CONDITIONS – DA2020/19/01

(GIVEN UNDER SECTION 63 *PLANNING ACT 2016*)

1. Application Details

This development application was **properly made** to the Gladstone Ports Corporation Limited on **7 October 2021**.

Application Number:	DA2020/19/01
Applicant Name:	EcoMarine Solutions Pty Ltd
Applicant Contact Details:	Dr Daniel Spooner EcoMarine Solutions Pty Ltd 43 Barkly Street ST KILDA VIC 3182 Email: daniel@marineassociates.com.au
Approval Sought (Land Use Plan):	1. Material change of use for Unloading and loading infrastructure and activities; 2. Material change of use for Extractive industry.
Approval Sought (TIA):	3. Prescribed assessable development within limits of a port;
Details of Proposed Development:	Sand resource recovery project
Location Street Address:	45 Wharf Drive BURNETT HEADS QLD 4670
Location Real Property Description:	Unallocated state land adjacent to Lot 276 on SP128643, Lot 501 on SP279707, Lot 1 on SP308111, Lot 3 on SP133687
Land Owner:	Gladstone Ports Corporation Limited and Department of Resources
Land Use Plan Precinct:	Strategic Port Land – Wharves Precinct, Port Industry Precinct Strategic Port Land tidal area
Local Government Area:	Bundaberg

2. Details Of Proposed Development

Material change of use for loading and unloading sand, which has been extracted from the Burnett River seabed for the purpose of sale, from the dredge to a fixed pipeline, from the pipeline to an export vessel and unloading water (dewatering) from the vessel to port land.

3. Details Of Decision

This development application was **decided** on **30 November 2021**.

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

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

- (a) Material Change of Use for Loading and unloading infrastructure and activities and Extractive Industry (*Planning Regulation 2017* reference Schedule 10, part 13, division 5, subdivision 2).

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:

- (a) Operational work that is tidal works, where not excluded tidal works - for dredged material and dewatering pipelines;
- (b) Operational work not otherwise specified in Table 4.2 – for installation of dewatering pipeline and treatment of tail waters in the GPC Material Relocation Area (MRA);
- (c) Prescribed assessable development within limits of a port.

Development that is potentially accepted, subject to requirements (depending upon compliance with relevant provisions) includes:

- a) Temporary construction hardstand or laydown area.

7. Referral Agencies for the Application

Not applicable.

8. Environmental Authority

Not applicable.

9. 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.
Aspect of development: Material Change of Uses (Land Use Plan)			
Sand Resource Recovery Pipeline	Ecomarine Solutions	31/05/2021	
Sand Resource Recovery submerged pipeline route	Ecomarine Solutions	31/05/2021	
Overland Pipeline to Material Rehandling Area	Ecomarine Solutions	31/05/2021	

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.

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

Yours sincerely,

Erin Clark
Principal Planner

Cc: relevant local government

Enc. Attachment 1: Conditions of Approval
Part 1 – Conditions imposed by the assessment manager
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 – Material Change of Use 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 (GPC) 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 10 business days, unless otherwise conditioned by the Assessment Manager, to initially assess the drawings or documentation provided prior to the commencement of the development. 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

5. Prior to the use commencing, vessel size and shipment volumes must be consistent with the capacity of existing port facilities and infrastructure.
6. 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.
7. Submit to the Assessment Manager for approval, a schedule of use for the Material Relocation Area, with any subsequent development application relating to this development. The schedule must be prepared in consultation with the land owner.
8. Submit to the Assessment Manager for approval, final alignments for all pipelines relating to the use, with any subsequent development application relating to this development. The alignment and details must be finalised in consultation with the land owner.
9. Prepare and submit to the Assessment Manager for approval, with any subsequent development application relating to this development, a Dredge and Dewatering Management Plan prepared by a suitably qualified professional.
10. Prepare and submit to the Assessment Manager for approval, with any subsequent development application, a Marine Execution Plan and Emergency Management Plan, or similar documents.

11. Prior to the use or any associated works commencing, prepare and submit to the Assessment Manager for approval, a risk assessment and, where relevant, a management plan for potential ASS and contamination including PFAS contamination of groundwater, associated with any proposed excavation on land, including under road boring.
12. Prior to the use commencing, prepare and submit to the Assessment Manager for approval, a site locality plan and site layout plan for proposed employee parking during operation of the use.

Infrastructure

13. At all times, loading and unloading infrastructure must be located, constructed and operated in a manner that does not adversely impact upon port and port user facilities and operations.
14. Prepare and submit to the Assessment Manager for approval with any subsequent development application relating to this development, RPEQ certified 'for construction' drawings for loading/unloading infrastructure, including under road boring.
15. Prepare and submit to the Assessment Manager for approval with any subsequent development application relating to this development, a port infrastructure capacity assessment, prepared by a suitability qualified professional, that demonstrates the existing port infrastructure is structurally sound for the proposed uses, including but not limited to vessel size, shipment volume and loading/unloading infrastructure and activities.
16. Any site lighting used must 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.
17. The applicant must notify the Assessment Manager of damage caused to any port or port user infrastructure or services including, but not limited to, security related devices, buildings, fences, lighting etc., roads, walkways and underground services or infrastructure, as a result of the approved use or during construction. The proponent must undertake necessary repairs at their expense and to the satisfaction of the Assessment Manager.

Marine Work

18. 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.
19. At the end of the development, the applicant shall submit to the Assessment Manager written confirmation that the seabed is clear of foreign materials upon completion of construction.
20. If, as a result of the works, or other cause attributable to the proponent any bank or tidal structure is displaced or damaged, 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.
21. 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.

Construction Management

22. 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 6.30am 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.
23. Prior to works commencing, prepare and submit to the Assessment Manager for approval, a site locality plan and site layout plan for the proposed construction compound.
24. 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.
25. Prior to any works commencing on site, a Construction Traffic Management Plan (CTMP) for vehicles and pedestrians 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.
26. No mud, dirt or other debris is to be tracked onto publicly accessible roads during construction, operation and decommissioning and rehabilitation of development.
27. Upon completion of any associated 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.
28. At least 10 days prior to the commencement of the works, an Construction Environmental Management Plan (CEMP) is to be submitted to the Assessment Manager 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 CEMP, 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 CEMP are to be submitted to the Assessment Manager 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 CEMP.

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

29. Prior to the completion of the development, the proponent must obtain from the Assessment Manager, approval in writing for any structures or infrastructure to remain on site post completion of the works.

If applicable, at the time the proponent requests written approval from the Assessment Manager for any structures to remain on site, the proponent must 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.

Decommissioning and Rehabilitation

30. At least 3 months prior to the use ceasing, submit to the Assessment Manager for approval, a Decommissioning and Rehabilitation Plan (DRP) specific to the development.
31. The DRP must provide details of decommissioning and removal of all infrastructure, unless otherwise approved in writing by the Assessment Manager, including:
 - a. Mooring buoys, pipelines, pipeline crossings and associated infrastructure,
 - b. Loading and unloading infrastructure,
 - c. Any new bunds and associated structures,
 - d. all activities relating to the development; and
 - e. any other rehabilitation of any strategic port land as required in this Approval.
32. All decommissioning and rehabilitation activities of the development must be carried out in accordance with the approved DRP. Any amendments to the DRP are to be submitted to the Assessment Manager for approval.

ENVIRONMENT

33. At least 10 days prior to the commencement of the use, an Environmental Management Plan (EMP) is to be submitted to the Assessment Manager 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 EMP, 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 EMP are to be submitted to the Assessment Manager 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 EMP at all times.

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

34. 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 conditions of this approval or any other environmental approval obtained in relation to the development.
 - e. Environmental incident notification must be included in any Environmental Management Plans for the development.
35. Environmental incident notification must be included in any Environmental Management Plans for the development.

PART 1b: ASSESSMENT MANAGER ADVICE NOTES

1. All other relevant regulatory approvals must be obtained before commencement of works or operation of the facility.
2. Where tenure is required for the development site, the proponent or their contractor must apply for and obtain appropriate tenure from GPC's Port of Bundaberg Manager prior to works commencing.
3. Where a construction compound, laydown area or acid sulphate soil treatment site is required, the proponent or their contractor is required to apply for and obtain a Consent to Enter from GPC's Port of Bundaberg Manager prior to works commencing.

Note: a Temporary construction hardstand or laydown area is a defined use in the Port of Bundaberg Land use plan 2020, however, the development is Accepted, Subject to Requirements in accordance in Table 4.1 of the Land use plan. The applicant is responsible for ensuring the construction site is compliant with the relevant provisions.

4. 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.
5. Updated legislation should be included in all documentation, including relevant DWMP and EMP's.
6. For clarification, Lot 501 on SP279707 is listed on the Environmental Management Register and any excavation carried out within the premises must be managed accordingly.
7. 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.
8. 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.

Attachment 2 Approved Plans and Specifications

Sand Resource Recovery Pipeline



Legend

GPC Lands Holdings Designation:

- Storage
- Value Strategy
- Non Strategy
- DCDE

Proposed pipeline route (floating)

Exposed pipeline route (submerged)

Junction point between floating and submerged

Easting: 437476
Northing: 7260019

APPROVED
6/12/2021 *AS*

Approved by:
Damian Sheil

RPEC No. 18007
Date: 31 May 2021

Sand Resource Recovery submerged pipeline route



Legend
 GPC Land Holdings Designation
 Heritage
 Public Strategy
 Non Heritage
 DCCB

--- Proposed pipeline route
 All pipeline placed within Lot 276 SP 128643 (tidal area)

● Junction point - floating pipe fixed point

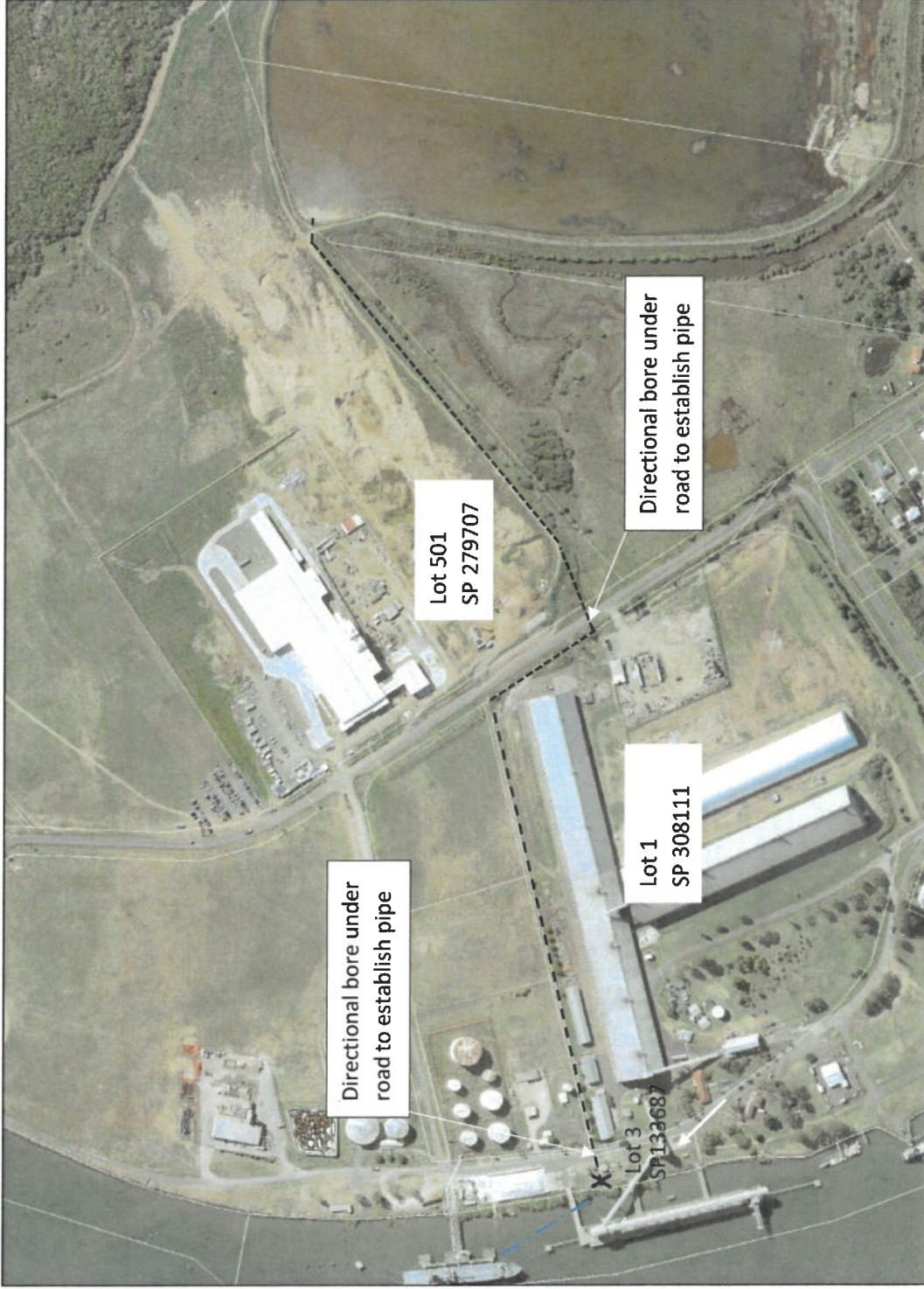
APPROVED
 6/12/2021 *JS*

Approved by:
 Damian Shell

 RPEQ No. 18007
 Date: 31 May 2021



Overland Pipeline to Material Rehandling Area



Reference Scale Page Size: A3 1:4,514



This map is a public document and should not be used for navigation purposes or other purposes. THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

GPC Land Holdings Designation

- Strategic
- Public Strategic
- Non Strategic
- DCDB

Submerged pipeline Lot 276 SP 128643 (tidal area)

Overland pipeline

X Booster Location

APPROVED
6/12/2021 *gjt*

Approved By:
Dennis Snel

RPEO No. 18007
Date: 31 May 2021

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

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- (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	<ol style="list-style-type: none"> 1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
<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</p> <p>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</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 A private certifier for the development application</p> <p>4 Any eligible advice agency for the change application</p> <p>5 Any eligible submitter for the change application</p>
<p>3. Extension applications</p> <p>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>			

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**

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).

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>

Table 3 Appeals to a tribunal only			
<p>2. Inspection of building work</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>3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i></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>4. Local government failure to decide application under the Building Act</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>			

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	—	—