



28 July 2021

Great Barrier Reef Marine Park Authority
c/- Leigh Gray
PO Box 1379
TOWNSVILLE QLD 4810

Dear Mr Gray,

DECISION NOTICE – APPROVAL WITH CONDITIONS – DA2020/20/01

(GIVEN UNDER SECTION 63 PLANNING ACT 2016)

1. Application Details

This development application was **properly made** to the Gladstone Ports Corporation Limited on **11 February 2021**.

Application Number:	DA2020/20/01
Applicant Name:	Great Barrier Reef Marine Park Authority
Applicant Contact Details:	Leigh Gray Great Barrier Reef Marine Park Authority PO Box 1379 TOWNSVILLE QLD 4810 Email: douglas.shoal@gbmpa.gov.au
Approvals Sought (Land Use Plan):	1. Operational works that is tidal works or work in a coastal management district 2. Material change of use for Environmentally Relevant Activity
Approval Sought (Port Overlay):	3. Operational work for tidal work
Details of Proposed Development:	Douglas Shoal Remediation Project - temporary unloading / loading and storage infrastructure and activities
Location Street Address:	Ian Drury Drive Yarwun Qld 4680
Location Real Property Description:	Part of Lot 510 on SP305597 and adjacent unallocated state land
Land Owner:	Gladstone Ports Corporation Limited and Department of Resources
Land Use Plan Precinct:	Strategic Port Land – Port Industry Precinct Strategic Port Land tidal area
Port Overlay Precinct:	Port, Industry & Commerce Precinct Marine Infrastructure Precinct

2. Details Of Proposed Development

The development is described as:

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

- a) Operational works that is tidal works - establishment of pipelines and storage ponds and earthworks; and
- b) Material change of use for Environmentally Relevant Activity (ERA) 50(2) – loading or unloading 100t or more of bulk materials in a day, or storing bulk materials.

Assessable development in a priority port's master planned area:

- c) Operational work for tidal works.

3. Details Of Decision

This development application was **decided** on **10 August 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) Operational work that is tidal works within a priority port's master planned area and on strategic port land or in a strategic port land tidal area - *Planning Regulation 2017* reference Schedule 10:
 - i) part 13, division 4, subdivision 2, table 1;
 - ii) part 13, division 5, subdivision 2, table 1; and
- (b) Material Change of Use for Environmentally Relevant Activity on strategic port land and in a strategic port land tidal area - ERA 50 (2) loading or unloading 100t or more of bulk materials in a day or storing bulk materials - *Planning Regulation 2017* reference Schedule 10, part 13, division 5, subdivision 2, table 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:

- (a) Not applicable

7. Referral Agencies for the Application)

The referral agencies for this application are:

For an application involving	Name of referral agency	Address
<p><i>Planning Regulation 2017:</i></p> <p>Schedule 10, Part 17, Division 3, Table 1 - Operational work that is tidal works or work in a coastal management district</p> <p>Schedule 10, Part 17, Division 3, Table 2 - Operational work that is tidal works or work in a coastal management district</p> <p>Schedule 10 Part 5, Division 4, Table 2 - Material Change of Use for Environmentally Relevant Activity</p>	<p>Department of State Development, Infrastructure, Local Government and Planning</p>	<p>Rockhampton State Assessment and Referral Agency (SARA) PO Box 113 ROCKHAMPTON QLD 4700 rockhamptonSARA@dsgdmip.qld.gov.au</p>

8. Environmental Authority

Environmentally Authority No. EA0002862 for Material Change of Use for Environmentally Relevant Activity 50 (2) - loading or unloading 100t or more of bulk materials in a day or storing bulk materials.

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.	Version	Approval subject to the following changes
Aspect of development: Operational Works that is Tidal Works (Land Use Plan and Port Overlay) and Material Change of Use for Environmentally Relevant Activity (Land Use Plan)					
Area A/B and Area C	GPC	27/07/2021	Figure 1		As amended 28/07/2021
Area A and Area B, Construction Compound and laydown area, pipeline alignments	GBRMPA	15/03/2021	Figure 2		As amended 28/07/2021
Douglas Shoal Priority Areas A, C, E and F	GBRMPA	15/03/2021	Figure 3		As amended 28/07/2021

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.
- (b) For all other approvals excluding Reconfiguring a Lot, the approval lapses if the development does not substantially start within 2 years of this approval taking effect.

13. Rights of Appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

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

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

Yours sincerely,



Digitally signed by Erin
Clark
Date: 2021.07.28
13:10:51 +10'00'

Erin Clark
Principal Planner

Cc: Rockhampton SARA
Gladstone 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
(Rockhampton SARA, 3 June 2021)
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 and Operational Works that is Tidal Works on Strategic Port Land and Strategic Port Land tidal area and Operational Work for Tidal Work in a Master Planned Area

GENERAL

1. The 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 for drawings or documentation, the proponent must submit for review, amend to the satisfaction of, and obtain written acceptance from the Gladstone Ports Corporation. Only in this manner can compliance with the condition be achieved.

Furthermore, where additional approval is required “prior to works commencing”, for “amendments” or as otherwise required in this Decision, the Assessment Manager will require no less than the following assessment periods, or as agreed in writing by the proponent and Assessment Manager, to initially assess the drawings or documentation submitted:

- a. 20 business days for engineering and operational documents;
- b. 15 business days for management plans and reports; and
- c. 10 business days for proposals, including engineering drawings, relating to requests for retention of material, construction material or infrastructure on-site.

Should further information be required for assessment or to achieve compliance, the Assessment Manager will require a further 5 business days to complete each information request / amendment assessment and response.

Works are not to commence and are not deemed approved until any additional drawings or documents have been approved in writing by the Assessment Manager.

4. Water quality limits that must be complied with at all times or as required by this Approval are as follows (as updated or amended) or the baseline (as defined in Schedule 1) concentration (whichever is greater):

Parameter	Release Limit		Monitoring Location	Monitoring Frequency
	Minimum	Maximum		
Total Suspended Solids (TSS)		100 mg/L	In cell Discharge location from Areas A and B	Weekly during discharge events
NTU		62.5 ¹	In cell Discharge location from Areas A and B	Hourly during discharge events
pH	6.5	9.0	In cell Discharge location from Areas A and B	Hourly during discharge events*

Dissolved Oxygen (DO)		100% sat ²	In cell Discharge location from Areas A and B	Daily during discharge events
Ammonia (Nitrogen)		8 µg/L ²	In cell Discharge location from Areas A and B	Weekly during discharge events
Total Nitrogen (TN)		210 µg/L	In cell Discharge location from Areas A and B	Weekly during discharge events
Total Phosphorous (TP)		29 µg/L	In cell Discharge location from Areas A and B	Weekly during discharge events
Aluminium		24 µg/L	In cell Discharge location from Areas A and B	Weekly during discharge events
Arsenic (III) (filtered)		2.3 µg/L ³	In cell Discharge location from Areas A and B	Weekly during discharge events
Arsenic (IV) (filtered)		4.5 µg/L ³	In cell Discharge location from Areas A and B	Weekly during discharge events
Cadmium (filtered)		0.7 µg/L ⁵	In cell Discharge location from Areas A and B	Weekly during discharge events
Chromium (VI) (filtered)		4.4 µg/L ⁴	In cell Discharge location from Areas A and B	Weekly during discharge events
Copper (filtered)		1.3 µg/L ⁴	In cell Discharge location from Areas A and B	Weekly during discharge events
Diuron		0 µg/L	In cell Discharge location from Areas A and B	Weekly during discharge events
Lead (filtered)		4.4 µg/L ⁴	In cell Discharge location from Areas A and B	Weekly during discharge events
Mercury (filtered)		0.1 µg/L ⁵	In cell Discharge location from Areas A and B	Weekly during discharge events
Nickel (filtered)		7.0 µg/L ⁵	In cell Discharge location from Areas A and B	Weekly during discharge events
Silver (filtered)		1.4 µg/L ⁴	In cell Discharge location from Areas A and B	Weekly during discharge events

Table Notes

- i. The NTU release limit is based on the TSS and NTU relationship established within the Port of Gladstone during the Western Basin Dredging and Disposal Project (i.e. TSS = 1.6 x NTU)
- ii. Source: Table 2A MD2421 Western Basin, 80th percentile (DEHP 2014)
- iii. Source: Low reliability trigger value, Section 8.3.7 (ANZECC 2000 V2)
- iv. Source: ANZECC trigger values for marine waters 95th percentile (ANZECC 2000 V2)
- v. Source: ANZECC trigger values for marine waters 99th percentile (ANZECC 2000 V2)

Associated monitoring requirements:

- a. Monitoring must be in accordance with the methods prescribed in the latest version of the *Department of Environment and Science's Monitoring and Sampling Manual*.
 - b. The *Decision tree and explanatory note for assessment of tributyltin (TBT) in dredge spoil*, dated June 2021 must be implemented as relevant.
 - c. Samples must be representative of the general condition of the water body or sediments.
 - d. * While pH levels are outside the above range, monitoring for the above metal species is to be carried out daily.
5. Sediment quality limits that must be complied with at all times or as required by this Approval are as follows (as updated or amended) or the baseline concentration (whichever is greater):

Sediment Quality Characteristic	Maximum (units, dry weight)
Copper	65 mg/kg
Zinc	200 mg/kg
Tributyltin (as Sn, normalised to 1% TOC)	9 µg Sn/kg
Arsenic (AsIII) (AsV)	20 mg/kg
Cadmium	1.5 mg/kg
Chromium (CrIII) (CrVI)	80 mg/kg
Lead (Pb)	50 mg/kg
Nickel (Ni)	21 mg/kg

Associated monitoring requirements:

- a. Monitoring must be in accordance with the methods prescribed in the latest version of the *Department of Environment and Science's Monitoring and Sampling Manual*.
- b. The *Decision tree and explanatory note for assessment of tributyltin (TBT) in dredge spoil*, dated June 2021 must be implemented as relevant.
- c. Samples must be representative of the general condition of the water body or sediments.
- d. * While pH levels are outside the above range, monitoring for the above metal species is to be carried out daily.

Suitably Qualified Persons

6. All operational plans, management plans, and reports as defined in Schedule 1, must be prepared and implemented by suitably qualified persons as defined in Schedule 1. Identification of qualification and experience must be identified in documentation prepared by the suitably qualified person.
7. Certification, where required as a condition of the Decision, must be provided by suitably qualified persons.

Sampling and Analysis Methodology

8. Water and sediment sampling and analysis methods and reporting requirements must be compliant with Department of Environment and Science's *Monitoring and Sampling Manual*, the *National Environmental Protection (Assessment of Site Contamination) Measure (1999)* (NEPM), as amended in April 2013, *National Assessment Guidelines for Dredging (2009)* (NAGD) or/and any other requirements recommended by a suitably qualified person and approved by the Assessment Manager e.g. aspects of the *Queensland Auditor Handbook for Contaminated Land*

ENGINEERING & PLANNING

Drawings

9. Prior to works commencing, 'for construction' (100%) Registered Professional Engineer of Queensland (RPEQ) certified design drawings must be submitted to the Assessment Manager for approval for all works, including:
 - a. pipeline and associated anchorage systems;
 - b. pipeline cross over with a capacity to accommodate vehicles including; 25m B-doubles, 25m Semi (low loader), 40t tracked excavators and 45t articulated dump trucks;
 - c. bund Areas A and B proposed to be constructed by the contractor for the purpose of storing material or decant water, including layout and section plans providing details of dimensions, capacity, location, bund materials, bund lining, discharge points, weirs etc; and
 - d. truck loading facility for disposal off-site, as required, of material or decant water as defined in Schedule 1.

Note: any bunds proposed to be constructed in addition to Area A and Area B must be constructed within Area C. Upon approval of any additional bunds, the boundaries of Area C will be changed and approved accordingly.

10. At all times, all 'for construction' drawings must be RPEQ certified.
11. A final site layout plan for the development including all bunds to be erected, structures and activity areas including associated ancillary activities within the development footprint as defined in Schedule 1 and the adjacent unallocated state land must be approved by the Assessment Manager prior to works commencing. Any amendment to the approved Site Layout Plan must be submitted to the Assessment Manager for approval.

Note: The development footprint for infrastructure must not extend into the adjoining Lot 511 on SP305597.

Traffic Management

12. The proponent must provide vehicle parking space within the development footprint, in accordance with parking rates for Contractor's Depot in Table 1 of GPC's Car Parking & Access Guideline, unless otherwise approved in writing by the Assessment Manager.
13. Heavy vehicles must be able to enter, be accommodated and turned within the development footprint.
14. The proponent must maintain vehicle access to third parties around or outside the development footprint.
15. The proponent must maintain vehicle access to third parties to non-exclusive use areas within the development footprint, as defined in Schedule 1, e.g. via pipeline crossings.
16. Prior to any works commencing, submit to the Assessment Manager for approval, a Traffic Management Plan (TMP) specific to the works being undertaken during all phases of the development.

The TMP must include vehicle access/egress, proposed routes to and from the site on strategic port land, parking for all vehicles and equipment, movements, circulation and manoeuvring related to site construction and operations, loading/unloading activities including pipeline crossing, disposal of material or decant water off-site and decommissioning and rehabilitation activities on port land.

17. All activities associated with the development must be carried out in accordance with the approved TMP. Any amendments to the TMP must be submitted to the Assessment Manager for approval.

Material Handling Management

18. Material and decant water, as defined in Schedule 1, must be placed, stored and managed within areas illustrated in the approved Site Layout Plan, unless otherwise approved by the Assessment Manager.
19. Material, as defined in Schedule 1, sourced from Douglas Shoal Area A illustrated in Figure 2 Douglas Shoal priority areas (Advisian 2020) must be placed inside bunded Area A only.
20. Material, as defined in Schedule 1, sourced from Douglas Shoal Areas C, E and F illustrated in Figure 2 Douglas Shoal priority areas (Advisian 2020) must be placed inside bunded Area B only, unless otherwise approved in writing by the Assessment Manager.
21. The proponent or their contractor must report to the Assessment Manager any unauthorised placement of material within 24 hrs of the occurrence. Rectification of the unauthorised placement must then occur to the satisfaction of the Assessment Manager.
22. All material placed in Area A must be disposed of off-site, unless otherwise approved in writing by the Assessment Manager.
23. The storage, transport and disposal of material from Area A, or any other area as required in this Decision, must be in accordance with any relevant local government requirements and/or State legislation.
24. All bunded areas being constructed during this development must be designed and constructed in a manner that prevents leakage to the surrounding land and ground water, i.e. are impervious and retain material and decant water, and are of sufficient volume and capacity to prevent unauthorised discharges of material (as per Condition 25) or decant water (as per Conditions 28-31 inclusive).

Note: considerations for bund design and capacity should include, but not be limited to, non-compliant decant water quality, high rainfall, potential for structure failure in close proximity to Great Barrier Reef World Heritage Area etc.

25. Uncontrolled release or discharge of material placed within Area A and Area B is not permitted. The proponent or their contractor must report to the Assessment Manager any uncontrolled discharge of material within 24 hrs of the occurrence.
26. In the event the proponent or their contractor propose to extend approved bunded Areas A or B or construct an additional bunded area for the purpose of temporary storage of material, prior to commencing work, submit to and have approved by the Assessment Manager, proposal details and engineering drawings that are certified by a Registered Professional Engineer of Queensland.
27. In the event the proponent or their contractor propose to construct an additional bunded area for the purpose of receiving decant water, prior to commencing work prepare and submit to and have approved by the Assessment Manager proposal details and engineering drawings that are certified by a Registered Professional Engineer of Queensland.
28. Discharges of decant water from Area A or Area B to Area C, or some other bunded area proposed by the contractor for receiving decant water, are not permitted, unless water quality sampling and analysis reports are available prior to release, that verify the water is compliant with limits set out in this Approval as per Condition 4 and the discharge is controlled.

In the event the Assessment Manager approves another bunded area in accordance with this Approval, the construction of additional bunds, any subsequent discharge locations will also require approval. The release limits in Condition 4 will apply at the approved additional discharge location.

29. Controlled discharges of decant water must be via the approved discharge points only.
30. Continuous discharge of decant water from Area A or Area B, or any other bunded area proposed by the contractor to be used for placement and temporary storage of material, is not permitted.
31. Discharges (controlled or uncontrolled) of decant water from within any bunded areas to Gladstone Harbour are not permitted.

32. The proponent or their contractor must report to the Assessment Manager any unauthorised discharge of decant water within 24hrs of receipt of data.
33. Prior to works commencing, submit to the Assessment Manager for approval, a Material Handling Management Plan (MHMP). The MHMP must be prepared by a suitably qualified person and address construction of all infrastructure including bunds and associated works.
34. The MHMP must include details of machinery, plant and infrastructure including, but not limited to:
 - a. Vessel type, mooring and anchorage arrangements;
 - b. Pipelines (loading/unloading infrastructure) – type, size, location etc.;
 - c. Bunded Area B for temporary storage of low risk material – including engineering drawings;
 - d. Bunded Area A for temporary storage of high risk material – including engineering drawings;
 - e. Any other bunded area proposed by the contractor for the purpose of placement and temporary material storage or receiving decant water, including engineering drawings; and
 - f. Any other infrastructure associated with the unloading and placement of material, water quality monitoring and discharging decant waters, monitoring groundwater, and loading trucks with non-compliant decant water and material in Area A for disposal off-site, including outdoor lighting.
35. The MHMP must include management details specific to the pipelines, Area A, B, and C and any other bunded area proposed by the contractor, including but not limited to:
 - a. placement and management strategies and methodologies for material and decant waters in bunds, including provision for management / disposal off-site of non-compliant water quality and material in Area A;
 - b. proposed timing and frequency of vessel unloading and authorised decant water discharges from Areas A and B or other approved bunded areas;
 - c. decant water quality monitoring plan, including a sampling and analysis plan (SAP), for decant water quality in bunded areas used for placement and temporary storage of material, prior to proposed authorised discharge of decant water to Area C or other bunded area approved for receiving decant water; and
 - d. groundwater monitoring plan for bunded areas used for placement and temporary storage of material. The groundwater monitoring plan must include a groundwater SAP to be carried out in the vicinity of bunded Area A and B and any other bunded area approved for the placement and temporary storage of material at:
 - i. a suitable period before works commence;
 - ii. weekly for the duration of the development; and
 - iii. a suitable period after completion of the development.The subsequent groundwater quality must be compliant with water quality limits in Condition 4 and the applicant is to ensure this compliance during these periods. Any non-conformance during the development works must be notified to the Assessment Manager.

Note: The suitably qualified person on behalf on the applicant can nominate the suitable period referred to in this condition.
36. The development must be carried out in accordance with the approved MHMP including any associated plans e.g. monitoring plans for decant water and groundwater. Any future amendments to the MHMP are to be submitted to the Assessment manager for approval.

37. A copy of all decant water and groundwater monitoring data and reports collected during the implementation of the MHMP must be submitted, by the applicant or their contractor, to the Assessment Manager in an electronic format upon completion of the development, or upon request of the Assessment Manager.

Decommissioning and Rehabilitation

38. The development footprint, as defined in Schedule 1, must be decommissioned and rehabilitated in a manner such that the final landform is stable and protects public safety to the satisfaction of the Assessment Manager.
39. Prior to works commencing on site, submit to the Assessment Manager for approval, a Decommissioning and Rehabilitation Plan (DRP), as defined in Schedule 1, specific to the development.
40. The DRP must provide details of decommissioning and removal of all infrastructure including:
- Contractor construction site,
 - Mooring buoys, pipelines and pipeline crossings,
 - bunds and associated structures and materials including any linings,
 - proposed earthworks and final level and grade,
 - erosion and sedimentation controls,
 - all activities relating to the development; and
 - any other rehabilitation of any strategic port land as required in this Approval.
41. The DRP must provide details of rehabilitation of the development footprint including:
- Pre-development, post-development and validation sampling and analysis plans (SAP's) for decant water and material in bunded areas and truck unloading area;
 - Implementation of pre- and post-development SAP's, and reporting;
 - Removal of any decant water and/or material off-site from bunded areas other than Area A and truck unloading area, if it exceeds limits set in condition 4 or 5;
 - Removal of all material placed within Area A and disposal off-site, as required in this Approval; and
 - Implementation of validation SAP's upon completion of all removal activities, but prior to decommissioning activities commencing, and reporting;
 - Remediation of decant water, groundwater or material as required in the event the validation report finds water or sediment quality exceeds limits set in conditions 4 or 5.
42. The DRP SAP's must include:
- Pre-development SAP's for all areas to be used for bunded areas for receiving decant waters and/or temporary material storage and the truck loading area used for transferring material or decant water off-site to establish existing baseline contaminant concentrations in existing decant water and material;
 - Post-development SAP's for all bunded areas used for receiving decant water and/or temporary material storage, other than Area A, and the truck loading area to determine compliance with limits set in Conditions 4 and 5;
 - Validation SAP's for the following areas to determine compliance with limits set in Conditions 4 and 5:
 - Area A, after all material and any non-compliant decant water has been removed and disposed of off-site;
 - Area B and any other bunded area approved for placement of material after any non-compliant material and decant water has been removed;

- iii. Area C or any other bunded area approved for receiving decant water; and
 - iv. The truck loading area upon completion of removal of decant water or material off-site.
43. 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.
44. Upon completion of material placement and dewatering and implementation of the post-development SAP's, the SAP reports must be submitted to the Assessment Manager for approval.
- Sediment in Area B and any other approved bunded area (excluding Area A) is permitted to remain on site to be used as fill only if the compliance report submitted verifies that all the material is compliant with sediment quality limits set in Condition 5, the report is approved by the Assessment Manager and written consent is obtained from the Assessment Manager.
45. Upon completion of all removal of decant water and material as required in this Approval, the validation testing SAP must be implemented and the SAP report submitted to the Assessment Manager for approval.
- At all times and in accordance with the approved validation testing report, residual decant water and material located in Area A, B, any other bunded approved area, Area C (if relevant) and the truck loading area that is non-compliant with water and sediment quality limits set in Conditions 4 and 5 of this Approval must be disposed of off-site.
46. All construction material must be disposed of off-site, unless otherwise approved in writing by the Assessment Manager.
47. At the completion of the works, a suitably qualified person/s must evaluate the MHMP decant water and monitoring SAP's and report/s, groundwater monitoring SAP and report, DRP SAP's and reports, and submit to the Assessment for Approval a validation assessment report, including a professional recommendation as to whether the site: has:
- a. has been returned to its pre-existing condition with respect to its decant water, ground water and material (sediment) contamination levels; or
 - b. has decant water, ground water and material (sediment) contamination levels are within limits set in conditions 4 and 5; and
 - c. is fit for purpose for continued dredged material storage and management, including decanting water into the Gladstone Harbour without any treatment not previously required.

Infrastructure

48. Construction material, as defined in Schedule 1, must be uncontaminated and sourced from a licensed quarry.
49. 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.
- At the time the proponent requests written approval from the Assessment Manager for structures to remain on site, 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 Port land associated with the activity.
50. Any site lighting used in carrying out the development should not impact on the visibility of Navigational Aids utilised for the primary shipping channels nor illuminate a landward glare beyond the site boundary. Lighting must be continually reviewed during construction and operations with respect to navigation and will be revised as required in response to negative impacts as they arise.

Construction Management

51. The construction compound, including offices, laydown areas and employee car parking, is to be contained within the nominated area shown in licence #1718841 unless otherwise approved in writing by the Assessment Manager.
52. No mud, dirt or other debris is to be tracked onto publicly accessible roads during construction, operation and decommissioning and rehabilitation of development.

Marine Work

53. 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.
54. 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.
55. 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.
56. 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.

ENVIRONMENT

Environmental Management Plan

57. Prior to works commencing on site, an Environmental Management Plan (EMP) specific to these works (construction, operation and decommissioning / rehabilitation phases), is to be submitted to the Assessment Manager for approval.
58. The development must be undertaken in accordance with the approved EMP that ensures:
 - a. environmental risks, including but not limited to, noise, odour, lighting, waste, dust, erosion and sedimentation, and acid sulphate soils are identified, managed and continually assessed in relation to the construction activity ;
 - b. that staff are trained and aware of their obligations under the EMP, including a copy of the management plan and development approval available on site at all times;
 - c. that reviews of environmental performance are undertaken at least annually; and
 - d. any amendments to the EMP are to be submitted to GPC for review and approval.
59. Once approved by the Assessment Manager, the construction activity must be carried out in accordance with this EMP.
Note: GPC has a guideline for the development of environmental management plans that may be utilised in meeting the requirements of this condition.
60. Any amendments to the Environmental Management Plan (EMP) are to be submitted to the Assessment Manager for approval.

Stormwater Management

61. Prior to works commencing, submit to the Assessment Manager for approval, a Stormwater Management Plan for stormwater within the development footprint, as defined in Schedule 1. This plan may be submitted as part of the Environmental Management Plan (EMP) for the site.
62. Stormwater discharges from the development footprint are to be managed utilising Areas A, B and/or C. The proponent must not discharge stormwater unless the discharge complies with discharge criteria defined for this activity in the Stormwater Management Plan approved by the Assessment Manager. No stormwater from the development footprint is to be discharged directly to Gladstone Harbour.

63. The development footprint must be maintained and managed in a manner such that:
- erosion and sediment control measures are implemented in accordance with the Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association) and maintained to prevent the release of sediment and prevent erosion both on and off site; and
 - the quality of stormwater released from the development footprint, as defined in Schedule 1, does not cause environmental harm.

Acid Sulphate Soil Management Plan

64. In the event acid sulphate soils are disturbed/excavated and require treatment on site, a site specific Acid Sulphate Soil Management Plan must be prepared by a suitably qualified professional and submitted to the Assessment Manager for approval, prior to such works commencing. Once the management plan is approved, the works must be carried out in accordance with this plan.

Incident notification

65. Gladstone Ports Corporation Environment Hotline (07) 4976 1617 is to be notified of the occurrence of any:
- release / spill of contaminants (e.g. fuels / chemicals / sewerage) greater than 250L to land;
 - release / spill of contaminants (e.g. fuels / chemicals / sewerage) of any amount to water;
 - any environmental complaints received by the holder of this approval; and
 - non-compliance with conditions of this approval or any other environmental approval obtained in relation to the development.

Part 1b: Assessment Manager Advice Notes

- Where tenure is required for the development site, the proponent or their contractor must apply for and obtain appropriate tenure from GPC's Property Advisor via 07 4976 1334 or property@gpcl.com.au prior to works commencing.
- 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 Property Advisor via 07 4976 1334 or property@gpcl.com.au prior to works commencing.
- 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.
- This decision notice does not represent an approval to commence Building work.
- Where the Applicant is required to submit further documentation to the Assessment Manager, this is to be directed to the Planning section at planning@gpcl.com.au, including reference to the allocated development application number.

Part 1c: Schedule 1

Baseline means constituent or contaminant concentrations measured in water or material/sediment located within the development footprint prior to the development commencing.

Decant water means all water placed (from the vessel) or captured (from storms) within Areas A and B, or any other bunded area constructed for the purpose of receiving material or decant water.

Material means sediment and coral rubble/pieces imported from the Great Barrier Reef Marine Park.

Construction material means any material imported e.g. soil, clay, gravel or rock for the construction of development infrastructure e.g. bund walls, pipeline crossing, car park, truck unloading area etc.

Debris means any infrastructure, part or component of infrastructure e.g. piping, anchor etc.

Development footprint means the licenced area in licence #1718841 (including Areas A, B and C) and any other land within Lot 510 on SP305597 utilised for the development including pipelines, contractor construction site (laydown, office, car park) etc. Areas A and B and the contractor construction site are exclusive use areas. Area C and pipeline routes from the vessel to Areas A and B are non-exclusive use areas.

Material Handling Management Plan means a plan that provides a description of infrastructure to be constructed/used, equipment and plant to be used, activities to be carried out and the methodologies and procedures to be adopted to manage:

- unloading material from the vessel,
- placement of material into bunded areas, and
- managing decant water including monitoring of decant water, and monitoring ground water.

Decommissioning and Rehabilitation Plan means a plan that provides a description of infrastructure to be constructed/used, equipment and plant to be used, activities to be carried out and methodologies and procedures to be adopted to manage:

- potential contamination of decant water and material (including sampling and analysis plans);
- loading any residual non-compliant decant water and material onto trucks for disposal off-site,
- validation testing to ascertain whether or not residual decant water, material and ground water quality exceeds limits set in this Approval;
- removal and disposal off site of any water or material that exceeds limits set in this Approval.
- removal and disposal off site of any imported construction materials, if required,
- dismantling, temporarily storing and removing infrastructure from site,
- earthworks to grade and level temporary storage areas and pipeline crossings,
- other rehabilitation activities e.g. erosion and sedimentation controls to remain post development.

Operational Plans mean a Material Handling Management Plan or Decommissioning, Rehabilitation Plan, Marine Execution Plan, or similar. This includes associated plans e.g. monitoring plans, sampling and analysis plans and validation assessment.

Management Plans and Reports mean an Environmental Management Plan, Stormwater Management Plan, Acid Sulphate Soil Management Plan; Traffic Management Plan and reports of implemented operational plans e.g. monitoring, sampling and analysis or assessments.

Suitably qualified person (SQP) means a person that has qualifications and experience to ensure environmental risks are managed appropriately with regards to infrastructure and activities associated with:

1. dredge material handling and management including unloading vessels, placement, dewatering and environmental monitoring; and/or
2. management of material or decant water that is, or potentially is, contaminated; and/or
3. management of temporary storage of material and site rehabilitation where the material or site is, or potentially is, contaminated.

The SQP must have qualifications and experience relevant to the function/s being undertaken in relation to this Approval.

PART 2: REFERRAL AGENCY CONDITIONS

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



SARA reference: 2102-21135 SRA
 GPC reference: DA2020/20/01
 Applicant reference: -

3 June 2021

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

Attention: Judy Horsfall/Erin Clark

Dear Sir/Madam

SARA response—Douglas Shoal Environmental Remediation Project

(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 12 March 2021.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	3 June 2021
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 that is tidal works or work in a coastal management district (loading & unloading, temporary storage, earthworks & pipeline) Material change of use for an Environmentally Relevant Activity (ERA 50(2) – Mineral and bulk material handling)
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Fitzroy/Central regional office
 Level 2, 209 Bolsover Street,
 Rockhampton
 PO Box 113, Rockhampton QLD 4700

SARA role:	Referral Agency.
SARA trigger:	Schedule 10, Part 17, Division 3, Table 1 (Planning Regulation 2017) Development application for operational works that is tidal works or work in a coastal management district Schedule 10, Part 17, Division 3, Table 2 (Planning Regulation 2017) Development application for operational works that is tidal works or work in a coastal management district Schedule 10, Part 5, Division 4, Table 2 (Planning Regulation 2017) Development application for a material change of use for an environmentally relevant activity
SARA reference:	2102-21135 SRA
Assessment Manager:	Port of Gladstone Ports Corporation Limited
Street address:	Ian Drury Drive, Yarwun
Real property description:	Lot 510 on SP305597 and adjoining unallocated state land
Applicant name:	Australian Government - Great Barrier Reef Marine Park Authority
Applicant contact details:	PO Box 1379 Townsville QLD 4810 douglas.shoal@gbrmpa.gov.au
Environmental Authority:	This referral included an application for an environmental authority under section 115 of the <i>Environmental Protection Act 1994</i> . Below are the details of the decision: <ul style="list-style-type: none"> • Approved • Reference: EA0002862 • Effective date: The day the development application (DA2020/20/01) is approved • Prescribed environmentally relevant activity (ERA): ERA 50 Mineral and bulk handling (2) loading or unloading 100t or more of bulk materials in a day or stockpiling bulk materials <p>If you are seeking further information on the environmental authority, the Department of Environment and Science's website includes a register. This can be found at: www.des.qld.gov.au</p>

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 Tracey Beath, Senior Planning Officer, on (07) 4924 2917 or via email RockhamptonSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Australian Government - Great Barrier Reef Marine Park Authority, douglas.shoal@gbmpa.gov.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
Operational work		
Schedule 10, Part 17, Division 3, Table 1 (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 undertaken generally in accordance with the following plan: (i) Appendix 2 – WBE Gladstone Proposed Disposal Site Layout prepared by the Great Barrier Reef Marine Park Authority (undated).	For the duration of the works
2.	For the proposed works, materials from Douglas Shoal must only be placed in cells (Area A and Area B) as shown on the plan Appendix 2 – WBE Gladstone Proposed Disposal Site Layout prepared by the Great Barrier Reef Marine Park Authority (undated) and ensure that the works do not cause contamination.	For the duration of the works
3.	Erosion and sediment control measures which are in accordance with Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association), are to be installed and maintained to prevent the release of sediment to tidal waters.	For the duration of the works
4.	<p>(a) In the event that the works cause disturbance or oxidisation of acid sulfate soil, the affected soil must be treated and thereafter managed (until the affected soil has been neutralised or contained) in accordance with the current <i>Queensland Acid Sulfate Soil Technical Manual: Soil management guidelines</i>, prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014.</p> <p>(b) Certification by an appropriately qualified person(s), confirming that the affected soil has been neutralised or contained, in accordance with (a) above is to be provided to palm@des.qld.gov.au or mailed to: Department of Environment and Science Permit and Licence Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p> <p><i>Note: Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills and proven experience in soil science relevant to soil chemistry or acid sulfate soil management and can give authoritative assessment, advice and analysis in relation to acid sulfate soil management using the relevant protocols, standards, methods or literature.</i></p>	<p>(a) Upon disturbance or oxidisation until the affected soil has been neutralised or contained</p> <p>(b) At the time the soils have been neutralised or contained</p>

<p>Schedule 10, Part 17, Division 3, Table 2 (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):</p>		
5.	<p>(a) The construction, operation or maintenance of the approved development must not damage or interfere (physically or by electrical or electro-magnetic emissions) with any aid to navigation.</p> <p>(b) In the event that damage or interference is caused to any aid to navigation, the Harbour Master must be immediately contacted on (07) 49715200, or email Gladstone.maritime@msq.qld.gov.au and at the applicant's cost the damage or interference must be promptly repaired replaced or interference removed.</p>	<p>(a) At all times</p> <p>(b) As indicated</p>
6.	<p>Provide written notice to the Regional Harbour Master Gladstone (Gladstone.maritime@msq.qld.gov.au) when the development authorised under this approval is scheduled to commence.</p>	<p>At least two (2) weeks prior to the commencement of works</p>
7.	<p>All vessels, structures, plant and equipment associated with 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>(i) Any anchors deployed, or other devices/equipment/vessels that may be deemed an obstruction to navigation must be marked with yellow buoys and fitted with FL yellow lights. Lighting provided must not obscure, disguise or otherwise interfere with the effectiveness of navigational lighting.</p>	<p>While the works are occurring</p>
8.	<p>All vessels, structures, plant and equipment associated with the operation 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>(i) Any anchors deployed, or other devices/equipment/vessels that may be deemed an obstruction to navigation must be marked with yellow buoys and fitted with FL yellow lights. Lighting provided must not obscure, disguise or otherwise interfere with the effectiveness of navigational lighting.</p>	<p>At all times</p>
9.	<p>The construction, operation or maintenance of the structure, and any ship moored at this structure, must not impede the safe navigation of other ships or restrict safe access to or from neighbouring structures.</p>	<p>At all times</p>
<p>Material change of use</p>		
<p>Schedule 10, Part 5, Division 4, Table 2 (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):</p>		
10.	<p>The development must be undertaken generally in accordance with</p>	<p>Prior to the</p>

	<p>the following plan:</p> <p>(i) Appendix 2 – WBE Gladstone Proposed Disposal Site Layout prepared by the Great Barrier Reef Marine Park Authority (undated).</p>	<p>commencement of use and to be maintained at all times</p>
11.	<p>For the proposed works, materials from Douglas Shoal must only be placed in cells (Area A and Area B) as shown on the plan Appendix 2 – WBE Gladstone Proposed Disposal Site Layout prepared by the Great Barrier Reef Marine Park Authority (undated) and ensure that the works do not cause contamination.</p>	<p>For the duration of the works</p>

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

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

The reasons for SARA's decision are:

- the proposed development is part of the Douglas Shoal environmental remediation project. It involves the storage, dewatering and management of uncontaminated and contaminated rubble removed from Douglas Shoal.
- the storage and dewatering of material will occur in purpose-built areas within the Western Basin reclamation area in Gladstone Harbour
- the development is coastal-dependent development and has minimised impacts on coastal processes. The anchored floating pipeline used to transfer material from vessels to the treatment area will be a temporary structure
- contaminated material is to be managed to avoid contamination of waters adjoining the reclamation area
- the development is to be designed and operated so that it does not interfere with aids to navigation and safe navigation in surrounding waterways
- the development complies with relevant provisions of State codes 7, 8 and 22 of the State Development Assessment Provisions, version 2.6, subject to the implementation 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)
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy 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.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

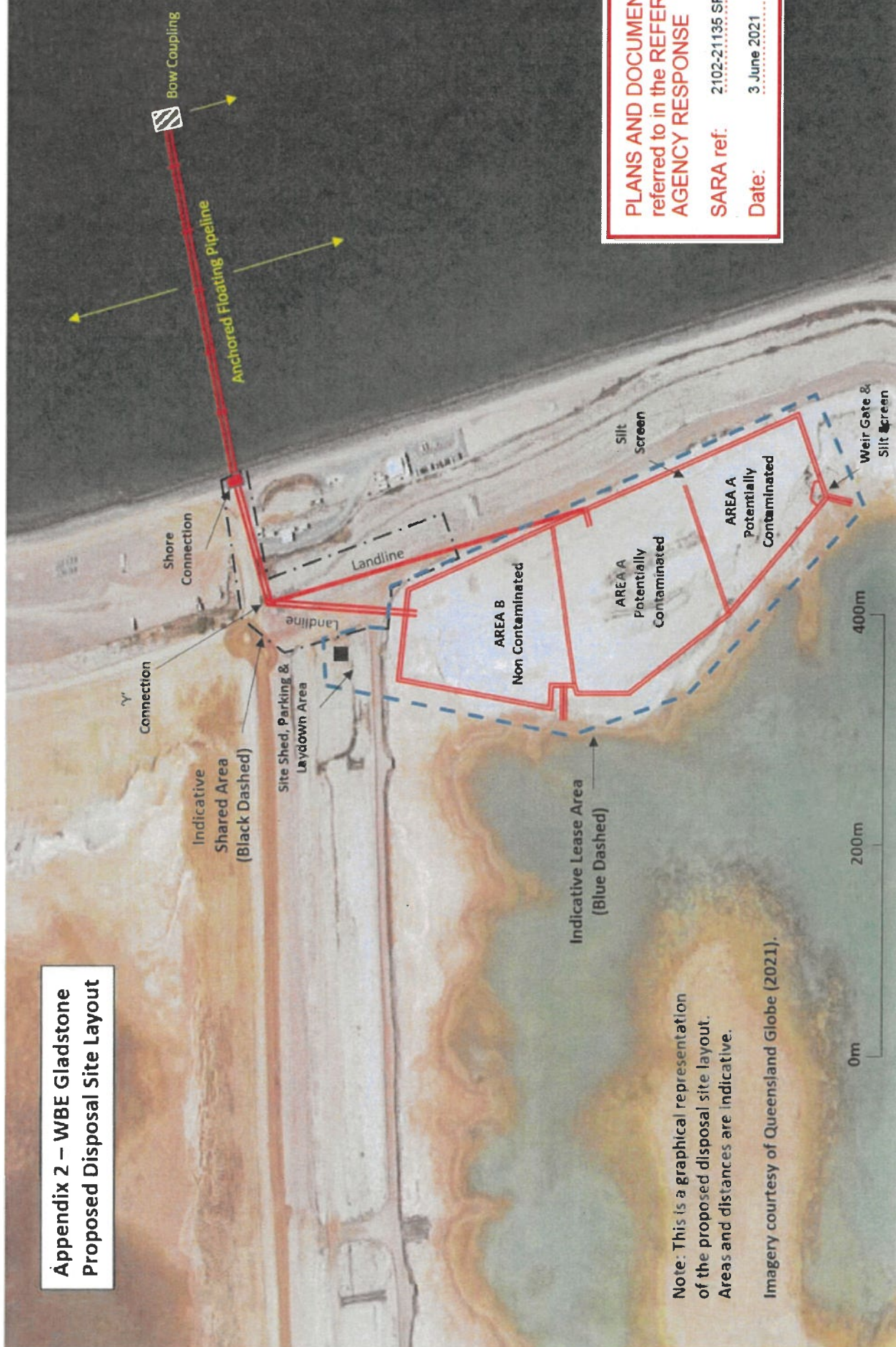
30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

Attachment 5—Approved plans and specifications


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**Appendix 2 – WBE Gladstone
Proposed Disposal Site Layout**

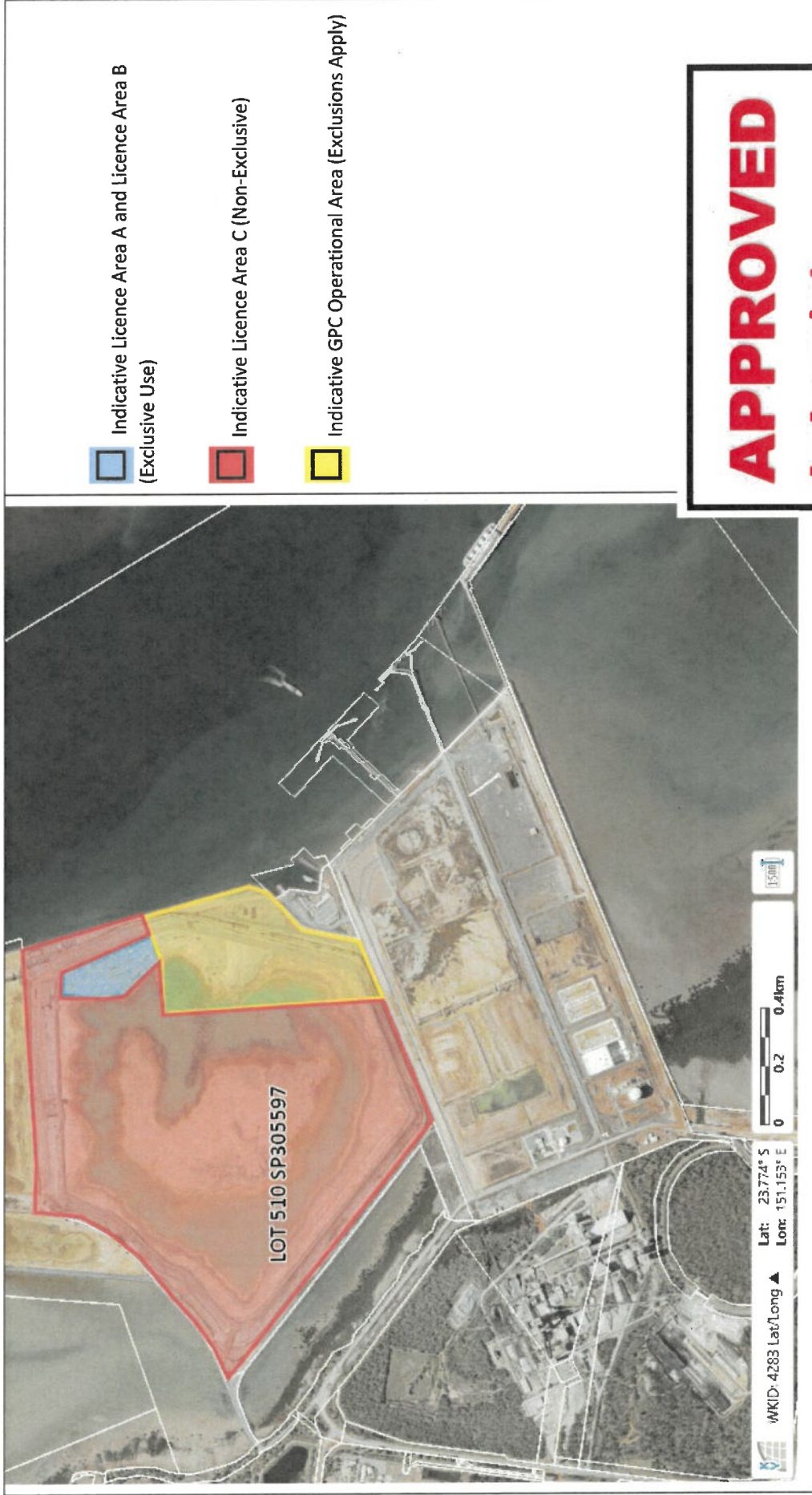


Note: This is a graphical representation of the proposed disposal site layout. Areas and distances are indicative.

Imagery courtesy of Queensland Globe (2021).


PLANS AND DOCUMENTS
 referred to in the REFERRAL
AGENCY RESPONSE
SARA ref: 2102-21135 SRA
Date: 3 June 2021

Attachment 2 Approved Plans and Specifications

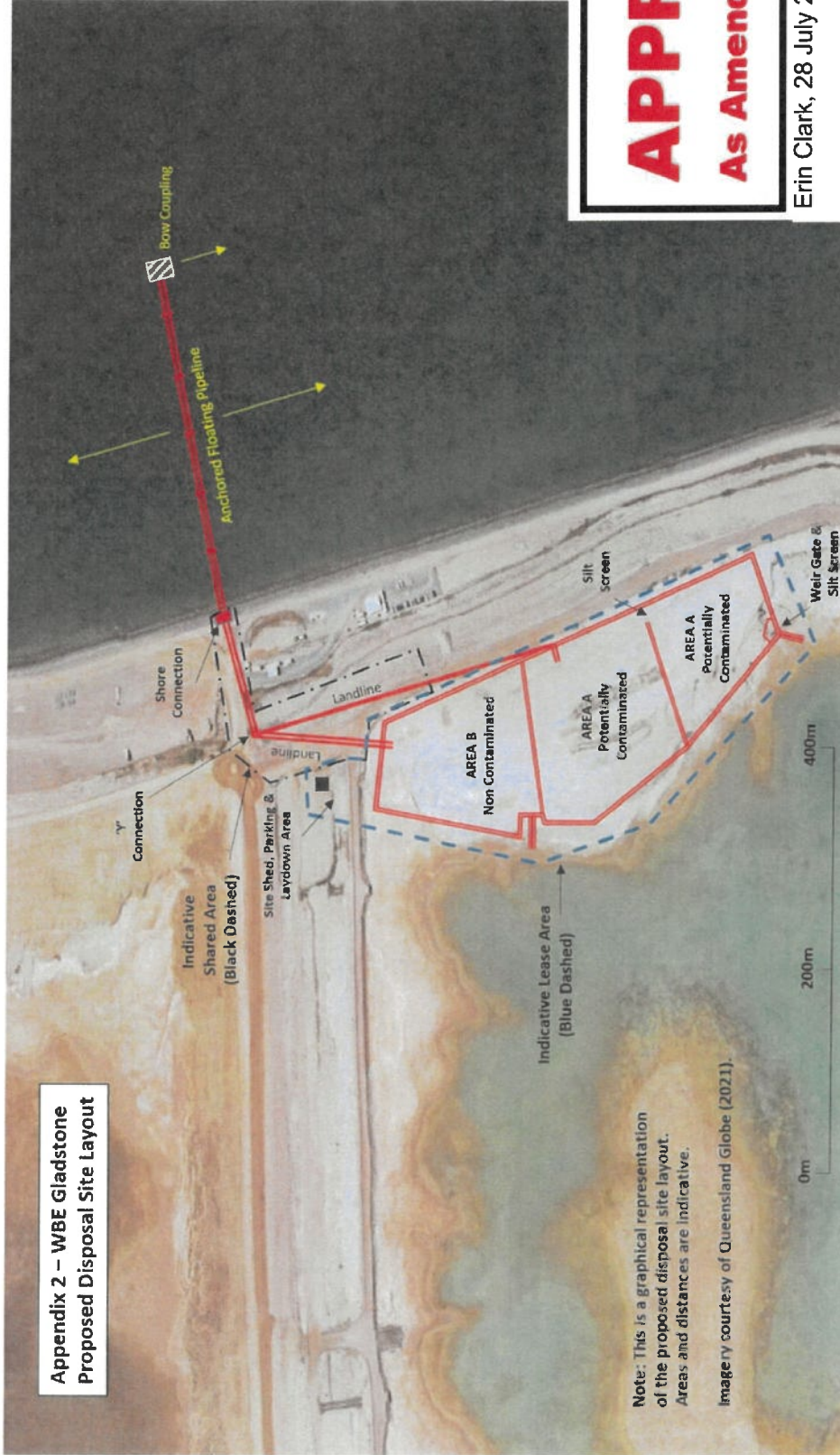


APPROVED
As Amended

Erin Clark, 28 July 2021 1:04pm

Figure 1: Area A/B and Area C – GPC, 27 July 2021

**Appendix 2 – WBE Gladstone
 Proposed Disposal Site Layout**



APPROVED
As Amended

Erin Clark, 28 July 2021 1:04pm

Figure 2: Area A and Area B, Construction Compound and laydown area, pipeline alignments – GBRMPA Information Request Response 15 March 2

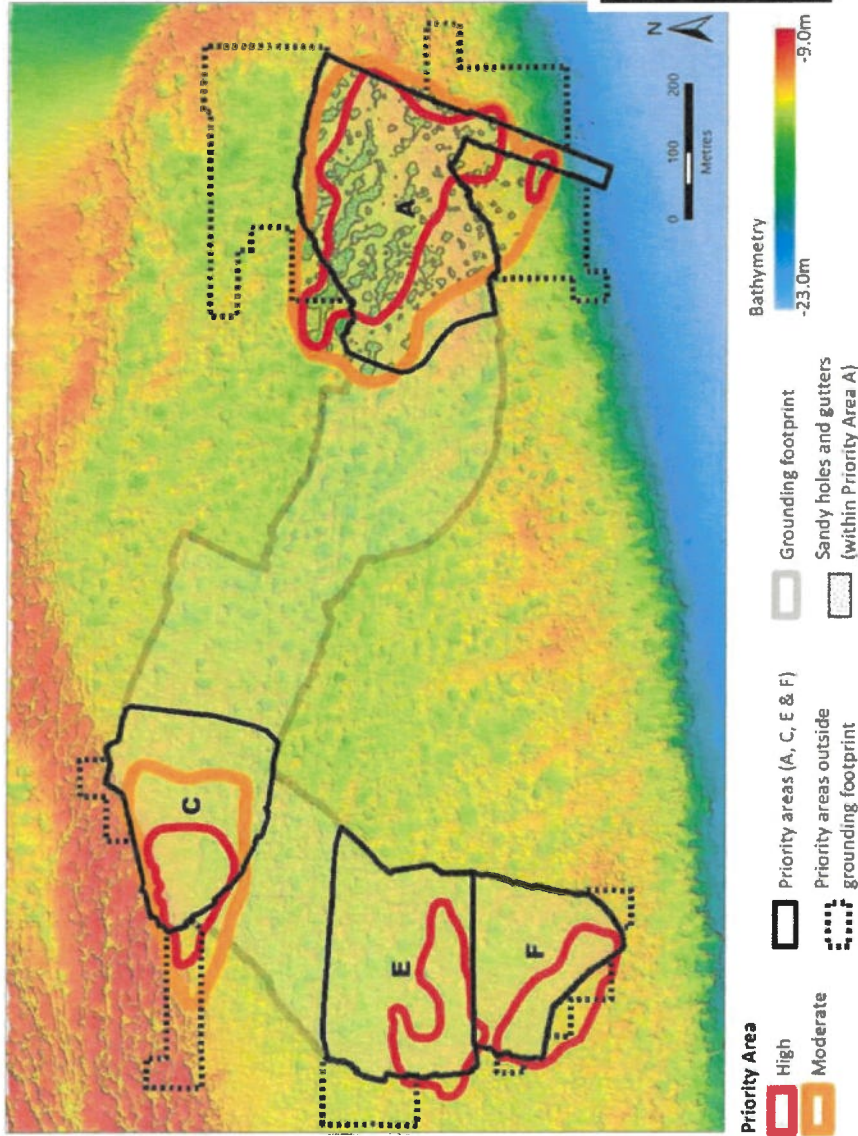


Figure 2 Douglas Shoal priority areas (Advisian 2020)

Figure 3: Douglas Shoal Priority Areas A, C, E and F – GBRMPA Information Request Response, 15 March 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

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

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

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal
<p>1. Development applications</p> <p>For a development application other than an excluded application, an appeal may be made against—</p> <ul style="list-style-type: none">(a) the refusal of all or part of the development application; or(b) the deemed refusal of the development application; or(c) a provision of the development approval; or(d) if a development permit was applied for—the decision to give a preliminary approval.

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

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 The applicant</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	—	—
5. Registered premises An appeal may be made against a decision of the Minister under chapter 7, part 4.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 A person given a decision notice about the decision 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	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises
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 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	—	—