



12 July 2021

Gladstone Ports Corporation
c/- Anthea Bennett
40 Goondoon Street
GLADSTONE QLD 4680

Dear Ms Bennett

DECISION NOTICE – APPROVAL WITH CONDITIONS – DA2021/06/01

(GIVEN UNDER SECTION 63 PLANNING ACT 2016 AND THE PROVISIONS OF GPC LAND USE PLAN 2012V2)

1. Application Details

This development application was **properly made** to the Gladstone Ports Corporation Limited on **19 April 2021**.

Application Number:	DA2021/06/01
Applicant Name:	Gladstone Ports Corporation Limited
Applicant Contact Details:	Gladstone Ports Corporation c/- Anthea Bennett 40 Goondoon Street GLADSTONE QLD 4680 Email: bennetta@gpcl.com.au
Approvals Sought (Land Use Plan):	Operational works that is tidal works on strategic port land.
Approvals Sought (SARA):	Operational works involving marine plants
Details of Proposed Development:	Operational works that is tidal works for demolition of marine facility, installation and demolition of temporary ramp, and associated temporary dismantling facility.
Location Street Address:	Macfarlan Drive GLADSTONE QLD 4680 and Noel Bowley Way YARWUN QLD 4680
Location Real Property Description:	Lot 305 on SP235961 (barge location) Lot 304 on SP231549 (pile set location) Lot 511 on SP305597 (ramp location)
Land Owner:	Gladstone Ports Corporation Limited and Department of Resources
Land Use Plan Precinct:	Strategic port land – <ul style="list-style-type: none">• Wharves (offshore) precinct• Port industry precinct

2. Details Of Proposed Development

Operational works that is tidal works for demolition of marine facility (2 barges, walkways and 2 pile sets), installation and demolition of temporary ramp, and associated temporary dismantling facility.

3. Details Of Decision

This development application was **decided** on **12 July 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 on strategic port land (*Planning Regulation 2017* reference Schedule 10, part 13, division 5, subdivision 2, table 1); and
- (b) Operational work that is tidal works or work in a coastal management district (*Planning Regulation 2017* reference Schedule 10, part 17, division 3, table 1); and
- (c) Operational work that is tidal works or work in a coastal management district (*Planning Regulation 2017* reference Schedule 10, part 17, division 3, table 2); and
- (d) Operational works involving marine plants (*Planning Regulation 2017* reference Schedule 10, part 6, division 3, subdivision 3, 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
Operational work that is tidal works or work in a coastal management district Operational works involving marine plants	Queensland Treasury	Rockhampton State Assessment and Referral Agency (SARA) PO Box 113 ROCKHAMPTON QLD 4700 rockhamptonSARA@dsgmip.qld.gov.au

8. Approved Plans and Specifications

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

Drawing/report title	Prepared by	Date	Reference no.	Version	Approval subject to the following changes
Aspect of development: Operational works that is tidal works (Land Use Plan)					
Site Plan of approved structures	Bonacci	22/10/2010	Draw. 25585-540-HC1-CM00-00005	Rev 1	
Remaining Infrastructure	GPC	03/02/2021	Draw. 407-00138	Rev 1	
Dismantling Facility – Site Layout Plan	GPC				
Slipway Design – general arrangement	Madsen Giersing	14/05/2020	Draw. 1656E-DWG-002	Rev B	
Methodology Management Plan	Hall Contracting	14/01/2021	BARG-F21D	Rev 2	
Contractor Environmental Management Plan	Hall Contracting	8/02/2021	BARG-F21D	Rev C	
Marine Execution Plan	Hall Contracting	12/01/2021	BARG-F21D	Rev 1	

12. Currency Period for the Approval

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

- (a) For approvals other than a Material Change of Use or 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,



Erin Clark
Principal Planner

Cc: RockhamptonSARA
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, 7 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* – Operational work that is tidal works on Strategic Port Land and Strategic Port Land tidal area

GENERAL

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

Tidal Works

6. 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.
7. Upon completion of construction, the applicant shall provide the Assessment Manager with written confirmation that the seabed is clear of foreign materials.
8. If, as a result of the works, or other cause attributable to the applicant, any bank or tidal structure is displaced, the applicant at its cost and expense shall restore the development footprint, bank or structure to its former condition and take such other action as is necessary to ensure the stability of the bank or structure and that the site is clear, to the satisfaction of the Assessment Manager, and where applicable, the Regional Harbour Master.

Note: this may be achieved by RPEQ certification that the restored bund wall is consistent with previous approvals for the tidal structure.

Lighting

9. Any site lighting used during construction / works should not negatively impact on the visibility of Navigational Aids utilised for the primary shipping channels nor illuminate a landward glare beyond the site boundary. Lighting must be reviewed during construction 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.

Works Management

10. Upon completion of the works, submit to the Assessment Manager in writing, confirmation that the marine facility structures have been removed, dismantled and disposed of in accordance with the Approved plans.
11. Waste generated by demolition activities must be disposed/recycled off-site at an appropriate facility, unless otherwise approved in writing by the Assessment Manager. Evidence of this being undertaken is permissible in the Environmental Management Plan.
12. Prior to the completion of works, any putrescible waste must be disposed of offsite, in accordance with any relevant local and State government requirements. The works must not result in permanent odour or visual impacts to the satisfaction of the Assessment Manager.
13. Unless otherwise agreed to in writing by the Assessment Manager, prior to construction works commencing on site, a final Construction Traffic Management Plan (CTMP) specific to the construction works being undertaken must be submitted to the Assessment Manager for approval.

The CTMP must be amended and approved by the Assessment Manager as necessary for any proposed or amended construction works. All activities associated with construction must be carried out in accordance with the approved CTMP.

ENVIRONMENT

14. The approved development must be undertaken in accordance with the approved Contractor Environmental Management Plan (EMP) – QGC Pontoon Decommissioning – Gladstone Ports Corporation Limited BARG-F21D – Hall Contracting Pty Ltd, revision C, dated 08/02/2021.
15. Any amendments to the EMP are to be submitted to the Assessment Manager for review and approval. Amendments must ensure:
 - 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.

Incident notification

16. At all times, Gladstone Ports Corporation Environment Hotline (07) 4976 1617 is to be notified of the occurrence of any:
 - a) release / spill of contaminants (e.g. fuels / chemicals / sewerage) greater than 250L to land;
 - b) release / spill of contaminants (e.g. fuels / chemicals / sewerage) of any amount to water;
 - c) any environmental complaints received by the holder of this approval; and
 - d) non-compliance with environment related conditions of this approval, or any other environmental approval obtained in relation to the approved activity.

ADVICE NOTES

1. 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.
2. This decision notice does not represent an approval to commence Building work.
3. 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.
4. 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 Specialist via 07 4976 1334 or property@gpcl.com.au prior to works commencing.

PART 2: REFERRAL AGENCY CONDITIONS

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



SARA reference: 2105-22318 SRA
 GPC reference: DA2021/06/01

7 June 2021

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

Attention: Anthea Barnett

Dear Sir/Madam

SARA response—Powe Street, Barney Point

(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 7 May 2021.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	7 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 for tidal works (demolition of marine facility, installation and demolition of temporary ramp and associated temporary dismantling facility)
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 17, Division 3, Table 1, Item 1 (Planning Regulation 2017)	

Development application for operational work involving tidal works or work in a coastal management district

Schedule 10, Part 17, Division 3, Table 2, Item 1 (Planning Regulation 2017)

Development application for operational work involving tidal works or work in a coastal management district

Schedule 10, Part 6, Division 3, Subdivision 3, Table 1, Item 1 (Planning Regulation 2017)

Development application for operational work involving marine plants

SARA reference: 2105-22318 SRA
Assessment Manager: Port of Gladstone Ports Corporation Limited
Street address: Powe Street, Barney Point
Real property description: Lot 304 on SP231549; Lot 305 on SP235961; Lot 511 on SP305597
Applicant name: Gladstone Ports Corporation Limited
Applicant contact details: 40 Goondoon Street, PO Box 259
Gladstone QLD 4680
LockwoodK@gpcl.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Thomas Gardiner, Principal Planning Officer, on 0749242916 or via email RockhamptonSARA@dasilp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Gladstone Ports Corporation Limited, LockwoodK@gpcl.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications

Attachment 1—Referral agency conditions

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

No.	Conditions	Condition timing
Operational Works		
Schedule 10, Part 17, Division 3, Table 1, Item 1 —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of 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:		
1.	The entire floating barge structure/s is to be removed and the site returned to a stable, non-polluting state.	Within six (6) months from commencement of the decommissioning.
Schedule 10, Part 6, Division 3, Subdivision 3, Table 1, Item 1 — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Agriculture and Fisheries to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
2.	Operational work for the removal, destruction or damage of marine plants being limited to 201.6m ² (permanent disturbance footprint of 118.3m ² and temporary disturbance footprint of 83.3 m ²) and shown in RO-RO Vessel Floating Dock Site Plan prepared by Bonacci, dated 04/10/2010, referenced 25585-540HC1-CM00-00005, version 1 and amended in red.	At all times.
3.	Spoil is not disposed of on tidal lands or within waterways and is managed to prevent acid soil development.	At all times.
4.	Tidal land profiles that are temporarily disturbed by the development works must be promptly restored to pre-work profiles.	Upon completion of the works the subject of this approval.
5.	This fisheries development (as defined by the <i>Fisheries Act 1994</i>) constitutes a place that is required to be open for inspection by an inspector at all times, pursuant to section 145 of the <i>Fisheries Act 1994</i> .	At all times.

Attachment 2—Advice to the applicant

General advice

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

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

- The proposal is for Operational Works for Tidal Works, involving the demolition and removal of a marine facility (two barges).
- The works which will cause a permanent impact to marine plants will not result in a significant residual impact.
- The proposal is unlikely to cause any long-term impacts on coastal processes, including potential erosion and sediment risks.
- The development complies with relevant provisions of State codes 7, 8 and 11 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

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

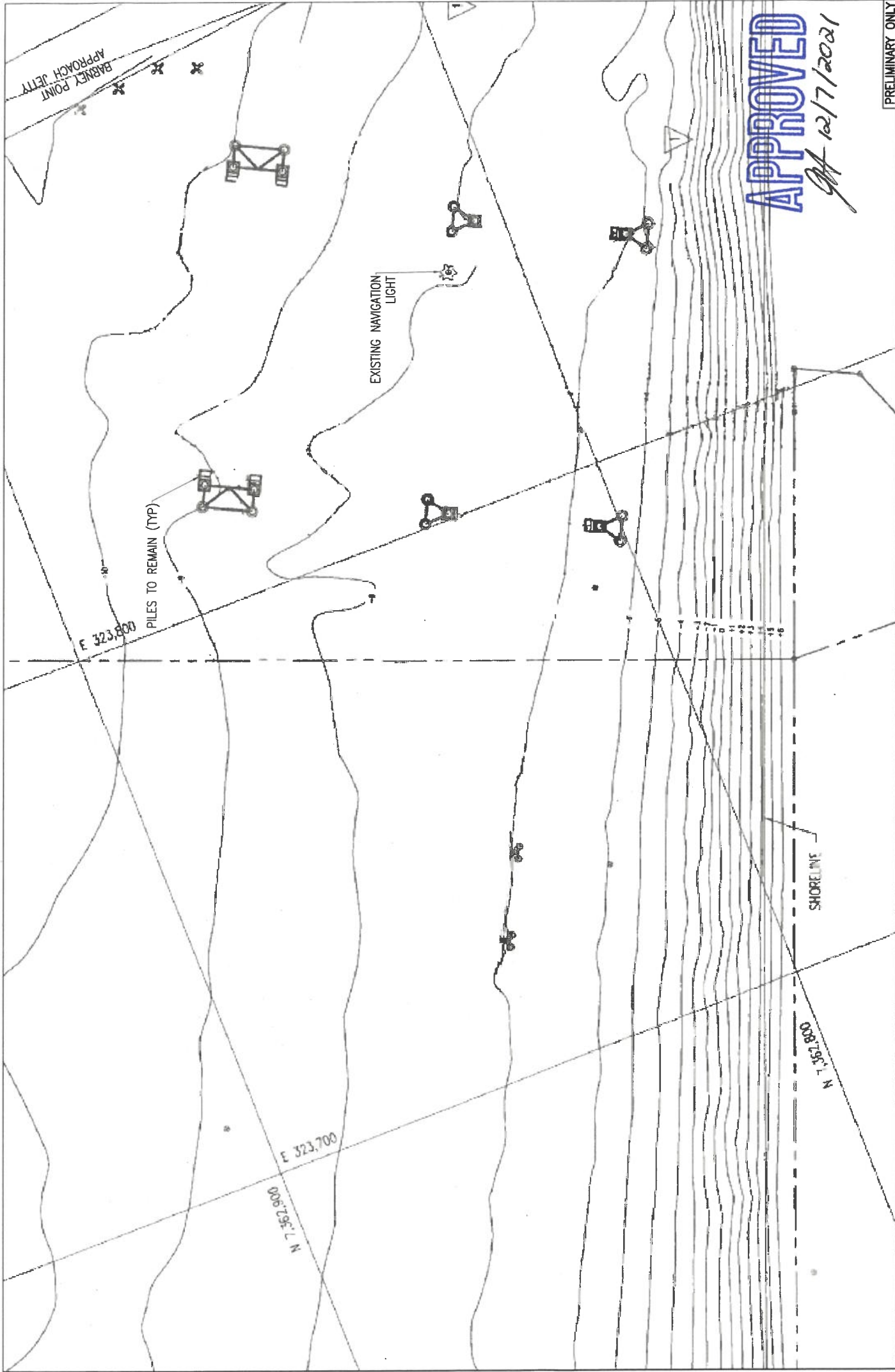
- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

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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Attachment 2 Approved Plans and Specifications



APPROVED
GM 12/17/2021

PRELIMINARY ONLY
 EST. SHEET NO. 407-00138
 DATE DRAWING 12/17/2021
 A1 12/17/2021
 REV. DATE/APP. NO. 1

**PORT CENTRAL
 OCLNG MANLAND FACILITIES
 SITE PLAN
 REMAINING INFRASTRUCTURE**

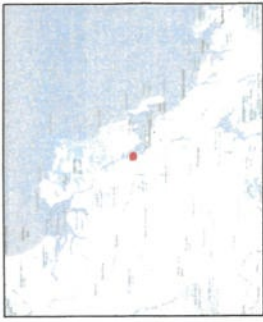
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 PORT PLANNING AND DEVELOPMENT
 DRAWN: C. DAWSON
 CHECK: []
 DESIGN: []
 APPROVE: []

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1	C.D. 03/22/21	REMOVED EXISTING STRUCTURE						

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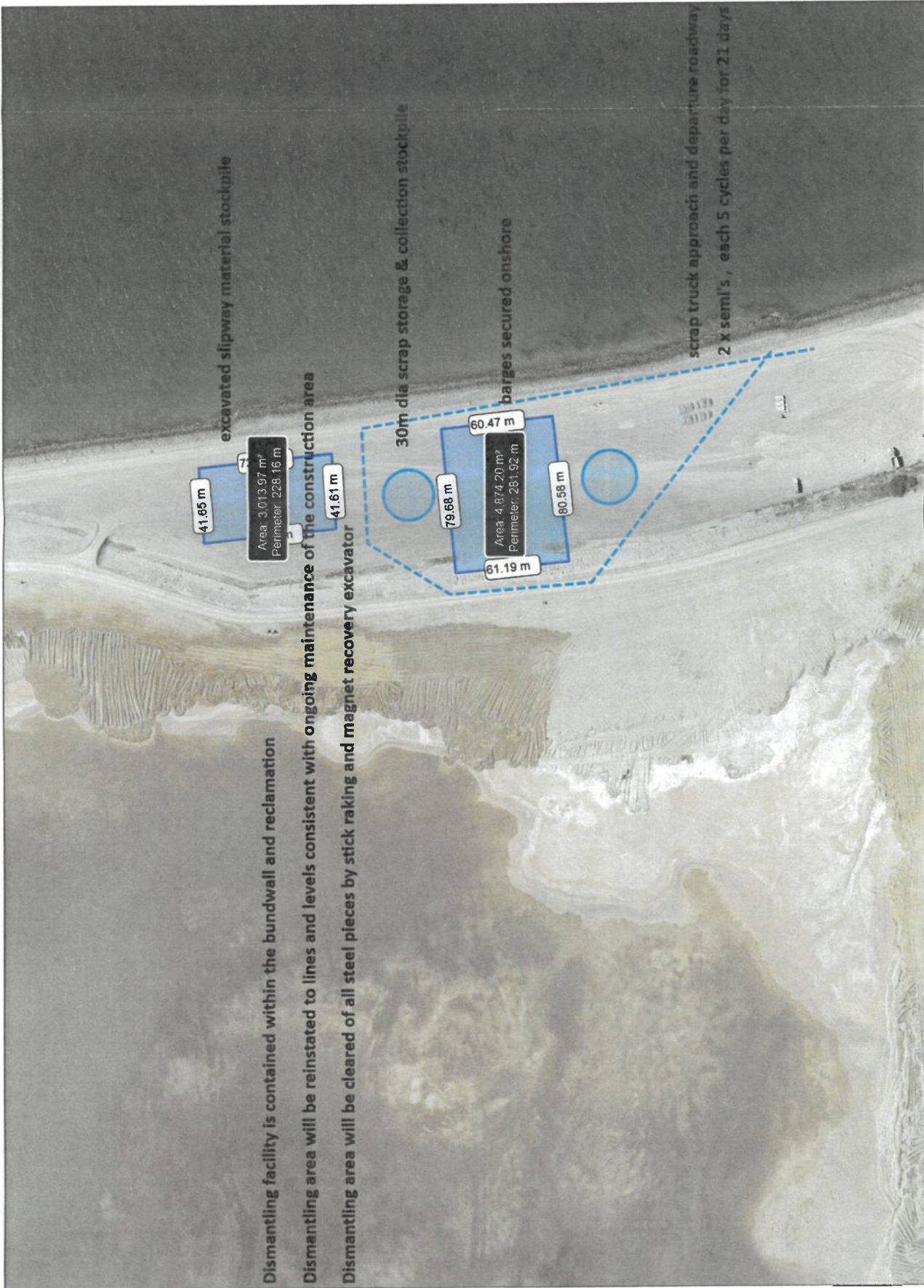




Legend

APPROVED

9/12/20



Dismantling facility is contained within the bundwall and reclamation
 Dismantling area will be reinstated to lines and levels consistent with ongoing maintenance of the construction area
 Dismantling area will be cleared of all steel pieces by stick raking and magnet recovery excavator

METHODOLOGY MANAGEMENT PLAN

GLADSTONE BARGE REMOVAL

**Gladstone Ports Corporation
Limited**

BARG-F21D

**CONTRACTOR ENVIRONMENTAL
MANAGEMENT PLAN**

QGC PONTOON DECOMMISSIONING

**Gladstone Ports Corporation
Limited**

BARG-F21D

HALL CONTRACTING PTY LTD

Marine Execution Plan

**GLADSTONE BARGE DECOMMISSION
2021**

Gladstone, Queensland

BARG-F21D

**HALL CONTRACTING PTY LTD
ABN: 55 009 786 065**

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	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>			

Schedule 1

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>			

Schedule 1

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	—	—

