

16 June 2022

Gladstone Ports Corporation
c/- Lewis McKee
45 Wharf Drive
Bundaberg QLD 4670

Dear Mr McKee,

DECISION NOTICE – APPROVAL WITH CONDITIONS – DA2022/06/01

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

1. Application Details

This development application was **properly made** to the Gladstone Ports Corporation Limited on **7 April 2022**.

Application Number:	DA2022/06/01
Applicant Name:	Gladstone Ports Corporation
Applicant Contact Details:	Gladstone Ports Corporation c/- Lewis McKee 45 Wharf Drive Bundaberg QLD 4670 Email: mckeel@gpcl.com.au
Approval Sought (Land Use Plan):	Material Change of Use for Warehouse infrastructure and activities
Location Street Address:	45 Wharf Drive BURNETT HEADS QLD 4670
Location Real Property Description:	Part of Lot 501 on SP279707
Land Owner:	Gladstone Ports Corporation Limited
Land Use Plan Precincts:	Strategic Port Land – Light Industry & Innovation Precinct
Local Government Area:	Bundaberg

2. Details Of Proposed Development

The development is described as:

1. Material Change of Use for Warehouse infrastructure and activities (storage shed)

3. Details Of Decision

This development application was **decided** on **15 June 2022**.

This development application is **approved in full with conditions**. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

This application **is not** taken to have been approved (a deemed approval) under section 64(5) of the *Planning Act 2016*.

4. Details Of Approval

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

- (a) Material Change of Use for Warehouse infrastructure and activities (*Planning Regulation 2017* reference Schedule 10, part 13, division 5, subdivision 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) Any Building and Plumbing works; and
- b) Any Operational Works, that do not comply with criteria for 'Accepted, subject to requirements'

7. Properly made submissions

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

8. 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: Material Change of Use (Land Use Plan)					
Layout Plan	GPC Port Planning & Development	29.03.2022	954-00002	A	As marked
Floor Plan & Elevation	Ascot Homes	15.06.2022	Q-ASC-09-0624 Page 1/1	-	-

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 Material Change of Use this approval lapses if the first change of use does not happen within 6 years after the approval has effect.

13. Rights of Appeal

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

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

For further information please contact the undersigned on 07 4976 1287 or via email planning@gpcl.com.au.

Yours sincerely,



Erin Clark
Principal Planner

Cc: Bundaberg Regional Council

Enc. Attachment 1: Conditions of Approval
Part 1 – Conditions imposed by the assessment manager
Attachment 2: Approved plans and specifications
Attachment 3: Extract of appeal provisions

Attachment 1 Conditions of Approval

PART 1: ASSESSMENT MANAGER CONDITIONS

In general the development proposal is in compliance with the requirements of Gladstone Ports Corporation Limited (GPC). This development approval is subject to each the following conditions which are stated by GPC, the Assessment Manager.

Part 1a: Approval sought under Planning Act 2016 – Material change of use

GENERAL

1. Development must be carried out generally in accordance with the Approved plans, except where modified by conditions of this permit.
2. Unless otherwise stated, all conditions must be complied with and completed prior to the commencement of the development.
3. Where additional “approval” is required under these conditions by the Assessment Manager for drawings or documentation, the proponent must submit for review, amend to the satisfaction of, and obtain written approval from the Assessment Manager.

Furthermore, the Assessment Manager will require no less than 20 business days, unless otherwise conditioned by the Assessment Manager, to initially assess the drawings or documentation provided prior to the commencement of the development or works.

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

Amended Plans

5. Prior to the submission of an Operational Works, Building work application, or commencement of use, whichever comes first, submit to and have approved by the Assessment Manager amended plans and/or documents which incorporate the following:
 - a. Fencing, as conditioned within the conditions of approval;
 - b. Landscaping in the required locations or as amended on Approved plans;
 - c. Any indicative parking or laydown on the ‘Concrete slab’ area (as applicable);
 - d. Connections with existing port facility on opposite side of road shown on the Approved plans, specifically noting pedestrian connections to proposed parking location; and
 - e. Services (water, electrical, other) design plans certified by an RPEQ ‘For Construction’.

Once approved, the amended plans will form part of the Approved plans.

ENGINEERING & PLANNING

General

6. Upon completion of the works and prior to the commencement of the use, the proponent must supply the Assessment Manager with RPEQ certified “As Constructed” plans in both hard copy (2 of) and electronic (CAD format) which illustrate all infrastructure and services installed on, under or over Port land associated with the activity.
7. Prior to the use commencing, the proponent must certify that the development is constructed as per design and that the development has been constructed generally in accordance with the Approved plans.
8. Where any excavation is being undertaken, the proponent is required to apply for and obtain from the Assessment Manager a Permit to Dig/Excavate prior to commencing works by contacting, Port Infrastructure Asset Manager on (07) 4976 1333. All reasonable measures must be taken to identify and protect existing services recorded or otherwise, and where necessary the proponent will submit a plan to the Assessment Manager for approval to adjust any existing services found during this excavation that was not originally shown on the proposed plans.
9. Within six (6) months of the allocation of a street number for the building, the street address of the development must be clearly visible and discernible from the primary frontage of the site by the provision of a street name and number and, where appropriate, the building/business name. *Note: Timing of this condition will be related to the formalising of the roadway to the front of the building, to allow the allocation of a street number.*

Building & Access

10. Provide a designated main entrance to the building with safe pedestrian access via a footpath between the proposed building and the designated car park to be utilised. Consideration must be given to the road way shown on the approved plans, including future road widening and drainage.
11. The approved development must be constructed of materials to minimise glare and reflection.
12. The sealed pavement surface must be constructed and sealed to an adequate standard for proposed use and vehicle type, being the Bundaberg Regional Council Standard Engineering drawings, or alternatively the Capricorn Municipal Development Guidelines (CMDG) and relevant Australian Standard/s.

Infrastructure

13. The applicant must notify the Assessment Manager of damage caused to any port or port user infrastructure or services including, but not limited to, security related devices, buildings, fences, lighting etc., roads, mains, walkways and underground services or infrastructure, as a result of the approved use or during construction. The proponent must undertake necessary repairs at their expense and in consultation with and to the satisfaction of, the Assessment Manager and the Gladstone Regional Council as applicable.
14. Prior to the commencement of the use, provision of a water connection to Gladstone Ports Corporations (GPC) existing water infrastructure is to be installed. The connection to GPC’s water infrastructure to the minimum standards stipulated, being

the being the Bundaberg Regional Council Standard Engineering drawings, or alternatively the Capricorn Municipal Development Guidelines (CMDG) and relevant Australian Standard/s.

15. Prior to the commencement of the use, infrastructure and services connections must be made for energy and telecommunications, and any associated conduits are to be installed.
16. Fire hydrants and boosters must be appropriately located and connected and associated building certification provided upon completion of construction.
17. Prior to commencement of the use, detailed traffic access/road layout plan/s for proposed vehicle use must be submitted to the Assessment Manager for review and approval, including vehicle types and associated swept paths.

Stormwater

18. Prior to the commencement of the use, a lawful point of discharge for storm water must be established, demonstrating no actionable nuisance.

Fencing

19. Install and maintain security fencing along the side and rear boundaries of the site shown on the approved plans. Fencing must be constructed of 1.8m high transparent black PVC plastic coated chain wire mesh with black posts, unless otherwise approved by the Assessment Manager.
20. Fencing shall be erected on the side and rear boundaries such that the required minimum building offset (3m) is maintained.

Screening

21. Any noise generating plant and equipment external to the Approved structure must be suitably enclosed, shielded or screened. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the building façade or as an architectural feature of and visually consistent with the profile of the building.

Hours of Operation

22. Unless otherwise approved in writing by the Assessment Manager, hours of operation for the approved commercial use is limited to 6.30am to 6.30pm Monday to Saturday.

Lighting

23. Prior to the commencement of the use, design and install all external lighting in accordance with *AS4282 – Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents, the airport, navigational aids or obstruct or distract pedestrian or vehicular traffic.
24. Lighting must be designed to facilitate a safe and secure parking area, lit to a standard appropriate for safe night time operations.
25. Any site lighting used during construction, or installed permanently, should not negatively impact on the visibility of Navigational Aids utilised for the primary shipping channels nor illuminate a landward glare beyond the site boundary. Lighting must be reviewed during construction and use of the development with respect to navigation. Where an issue is identified or a validated complaint received, the proponent must immediately rectify to the satisfaction of the Assessment Manager.

26. Prior to works commencing, the proponent must ensure all details of proposed mitigation measure/s to reduce skyglow from all external lighting associated with the development have been documented and are available for review by the Assessment Manager upon request.

Landscaping

27. Prior to the commencement of the associated works, prepare and submit for approval to the Assessment Manager a landscape plan. The plan must be prepared in accordance with the applicable codes and guidelines of the land use plan, and the conditions of this approval. The plan is to include, but not be limited to the following:
 - a) A minimum 1m wide landscaping strip to each side boundary to the extent shown on approved plan/s.
 - b) Details of species type and planting location; and
 - c) Details of irrigation system.

All landscaping must be carried out and maintained in accordance with an approved Landscaping plan.

Waste management

28. At all times during operation of the use, maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause an environmental nuisance.
29. Any spillage of sediment, wastes, fuels, chemicals, contaminants, or other materials at the storage site, on port roads or property must be cleaned immediately. Such spillage must not be cleaned up by hosing, sweeping or otherwise releasing such materials to any stormwater drainage system, roadside gutters or waters.

Construction Management

30. The hours for the construction of the facility (i.e. operation of any machinery and/or other equipment) shall be restricted to between 6.30am and 6:30pm Monday to Friday and 6.30am to 12.30pm Saturday. No works shall be undertaken on Sunday or on public holidays. Any variations to these times will be subject to the written approval of the Assessment Manager.
31. At all times, maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas and appropriate storage and disposal of regulated waste e.g. materials containing asbestos, so as not to cause an environmental nuisance or create a safety hazard to the public.
32. No mud, dirt or other debris is to be tracked onto public roads during construction and operation of development.
33. Prior to construction any works commencing on site, a Construction Traffic Management Plan (CTMP) and Traffic Guidance Scheme (TGS), designed and implemented in accordance with the current edition of the Manual of Uniform Traffic Control Devices, Part 3 – works on roads, and 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.

34. Once approved, the works must be carried out in accordance with the CTMP and TGS and the plan and scheme will form part of the approved plans.
35. Upon completion of the construction works, the proponent must reinstate the property to the same condition prior to the works being undertaken unless agreed to in writing by the Assessment Manager (GPC).
36. Any construction fill material used must be uncontaminated and reused from onsite or sourced from a licensed quarry.
37. Prior to works commencing, the proponent must ensure all details of proposed mitigation measures to reduce noise and vibration associated with construction of the Approved use have been documented and are available for review by the Assessment Manager upon request.

Acid Sulphate Soils

38. In the event acid sulphate soils are disturbed/excavated and require treatment on site or any land owned by GPC, a site specific acid sulphate management plan, including treatment locality and volumes and disposal locality, must be submitted to the Assessment Manager for approval prior to such works commencing. Upon approval of the management plan, the works must be carried out in accordance with this plan and the plan will form part of the Approved plans.

ENVIRONMENT

Construction Environmental Management Plan

39. Prior to works commencing on site, a Construction Environmental Management Plan (CEMP) specific to this application and its associated works, is to be submitted to the Assessment Manager (GPC) for approval, that ensures:
 - a. environmental risks, including but not limited to, noise, odour, lighting, dust, waste and potential and actual acid sulphate soils are identified, managed and continually assessed in relation to the construction activity;
 - b. staff are trained and aware of their obligations under the CEMP, including a copy of the management plan and development approval available on site at all times;
 - c. reviews of environmental performance are undertaken at least annually; and
 - d. any amendments to the CEMP are to be submitted to GPC for review and approval.

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

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

Environmental Management Plan

40. Prior to operations commencing on site, an Environmental Management Plan (EMP) specific to this application and its associated works, is to be submitted to the Assessment Manager (GPC) for approval, that ensures:

- a. environmental risks, including but not limited to, noise, odour, lighting, dust, waste and potential and actual acid sulphate soils are identified, managed and continually assessed in relation to the construction activity;
- b. 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. 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.

Once approved by the Assessment Manager (GPC), the operation of the 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.

Incident notification

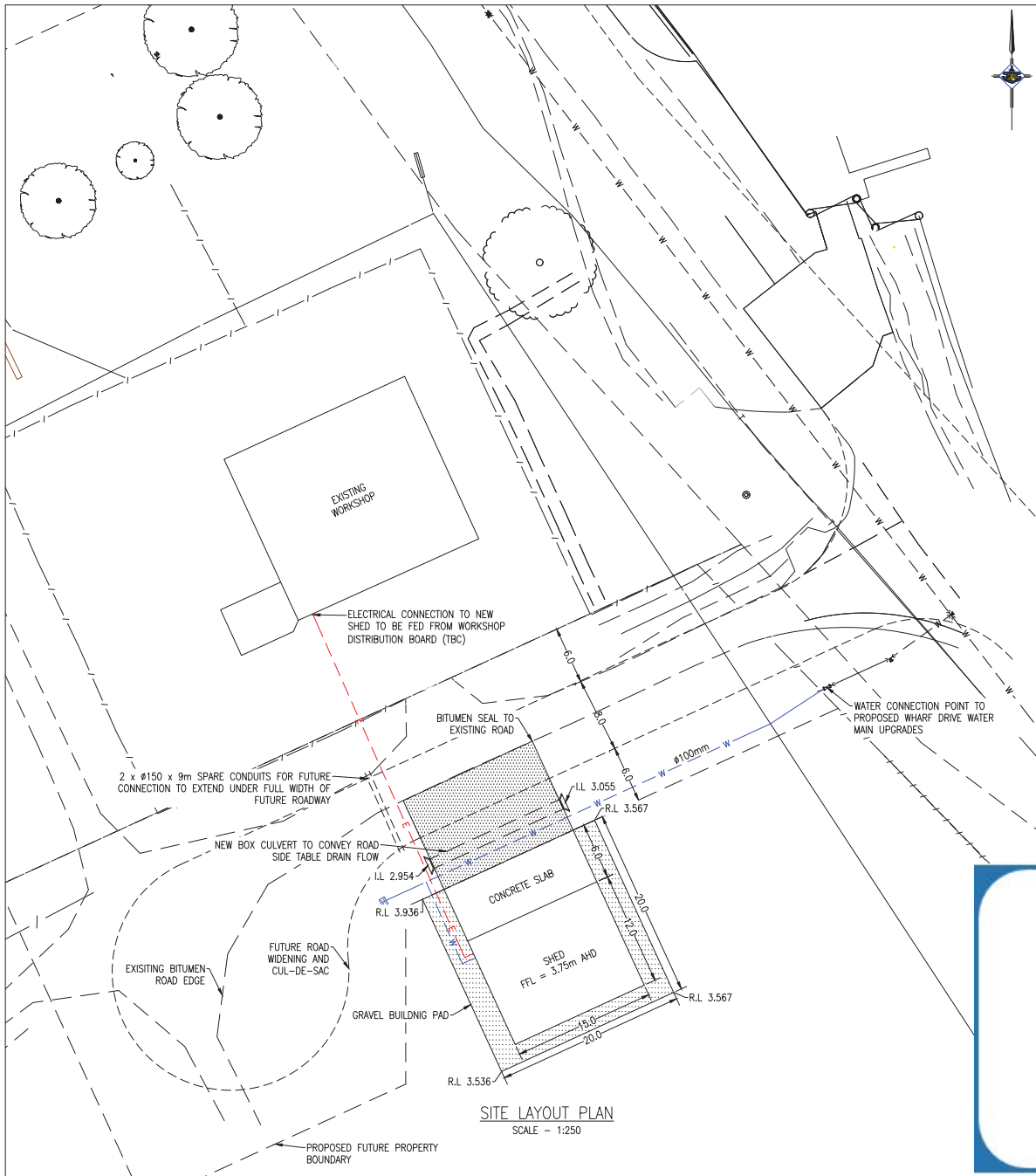
41. Gladstone Ports Corporation's Environmental Hotline (07) 4976 1617 must be notified of the occurrence of any;
 - a. release/spill of contaminants (e.g. fuels/chemicals/sewage) greater than 250L to land;
 - b. release/spill of contaminants (e.g. fuels/chemicals/sewage) to water;
 - c. environmental complaints received by the holder of this approval;
 - d. non-compliance with conditions of this approval or any other environmental approval obtained in relation to the approved activity.

42. Environmental incident notification must be included in any Environmental Management Plans for the premises/development.

Part 1b: ADVICE NOTES

1. The Operational works associated with this development may be subject to additional approvals. Refer to the Port of Bundaberg Land use plan 2020 levels of assessment tables to determine works that are 'Accepted, subject to requirements' of the relevant provisions.
2. All other relevant approvals must be obtained before commencement of the development or operation of the development, including any Building works or Plumbing and drainage works.
3. Where a Permit to Dig/Excavate prior to commencing excavation or digging for the development, the proponent or their contractor is required to apply for and obtain the permit by contacting the Port Infrastructure Asset Manager on 4976 1332 or bartono@gpcl.com.au.
4. Where a construction compound, laydown area, or works outside of a tenure area are required, the proponent or their contractor is required to apply for and obtain a Consent to Enter from the Assessment Manager's Property Specialist via 07 4976 1334 or property@gpcl.com.au prior to works commencing.
5. The *Environmental Protection Act* 1994 states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction, and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.
6. This decision notice does not represent an approval to commence Building work.
7. Any connections to water and sewerage infrastructure will require Plumbing and Drainage works approvals from a suitably qualified person.
8. Any future signage (advertising devices) is subject to assessment against the Land use plan. The signage must be located within the lease area and may require a development application to be lodged.
9. 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.

Attachment 2 Approved Plans and Specifications



SITE LAYOUT PLAN
SCALE = 1:250



LOCATION PLAN
NOT TO SCALE

GPC Gladstone Ports Corporation

APPROVED

Name: Erin Clark
Date: 12:19pm 16/06/2022

- GENERAL NOTES:
1. SHED SLAB 15.0M X 12.0M WITH FRONT SLAB BEING A 6.0M EXTENSION
 2. HAVE SHED 6.0M BACK FROM THE BOUNDARY LINE
 3. POSITIONING OF SLAB IS CONSIDERING FUTURE ROAD IMPROVEMENTS
 4. FRONT OF SHED POSITIONED SO ADJACENT WORKSHOP CAN HAVE EASE OF FORKLIFT ACCESSIBILITY
 5. 100# WATER MAIN TO EXTEND PAST SHED + CAPPED WITH HYDRANT (IN GROUND)
 6. PROVIDE 20# WATER CONNECTION TO SHED

REV	DRN	DATE	REVISION DESCRIPTION	CHKD	DESIGN	APPR	DRG. NO.	REFERENCE DRAWING TITLE
A	T.R	29.03.22	PROPOSAL ONLY					

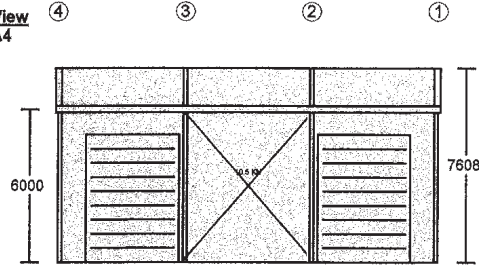
U.N.O. ALL DIMENSIONS SCALE : 1:250 DATUMS: LEVEL- A.H.D. IN METERS AT A1 HORIZ- -- INFORMATION ONLY. DO NOT SCALE - IF IN DOUBT, ASK.	
FILE NAME	DESCRIPTION

GLADSTONE PORTS CORPORATION PORT PLANNING AND DEVELOPMENT		
THIS DRAWING REMAINS THE PROPERTY OF THE GLADSTONE PORTS CORPORATION AND MUST NOT BE USED FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF THE GLADSTONE PORTS CORPORATION	DRAWN T.ROGERS 24.03.22	CHECK DESIGN APPROVE

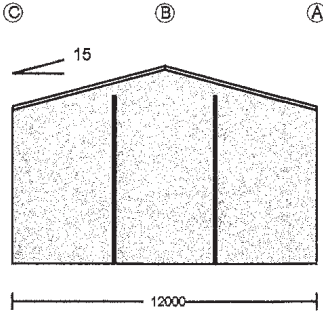
BUNDABERG BUILDINGS EMERGENCY RESPONSE EQ STORAGE SHED LAYOUT PLAN

PROPOSAL ONLY	
Ext Ref No.	
GPC DRAWING No.	954-00002
A1 Asset/Part No.	
REV. JDE Ref/Rego No.	
A	

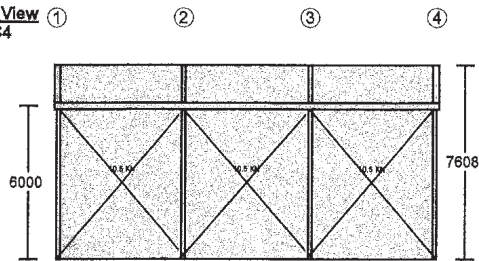
Left View
A1 - A4



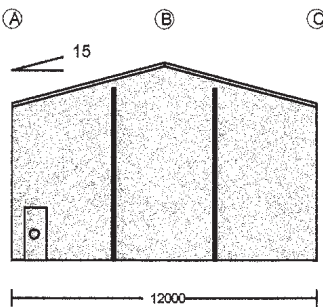
Rear View
C4 - A4



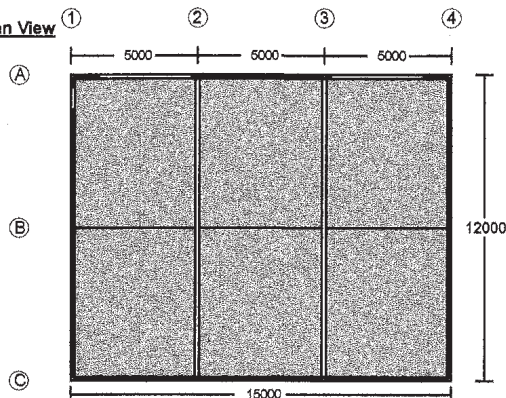
Right View
C1 - C4



Front View
A1 - C1



Plan View



Ascot Homes

8 Princess St
Bundaberg

Telephone: (07) 4152 9222
Facsimile: (07) 4152 0909

CLADDING

ITEM	FINISH	COLOUR
ROOF	COLORBOND	SURFMIST
WALLS	COLORBOND	SURFMIST
BARGE	COLORBOND	SURFMIST
GUTTER	COLORBOND	SURFMIST
DOWNPIPE	COLORBOND	SURFMIST

ACCESSORY SCHEDULE & LEGEND

QTY	MARK	DESCRIPTION
2	Roller Door	5000H x 3660W
1	PA Door	PA Door 2060 x 855 CB

ARCHITECTURAL DRAWING ONLY
NOT FOR CONSTRUCTION USE

WIND RATING
62C

CLIENT
Ascot Client

SITE
Port Bundaberg
4670

BUILDING
1 ASCOT PORTAL FRAME GARAGE
12m SPAN x 6m HIGH x 15m LONG

TITLE
FLOOR PLAN & ELEVATION

DRAWING NUMBER
Q-ASC-09-0624

PAGE
1 / 1

Date: 15.06.2022



APPROVED

Name: Erin Clark

Date: 12:19pm 16/06/2022

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 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice</p>	<p>The responsible entity</p>	<p>If an affected entity starts the appeal—the applicant</p>	<p>1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application</p>
<p>3. Extension applications 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 (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—</p> <p>(a) the refusal of a conversion application; or</p> <p>(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			
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>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—</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>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>
<p>4. Compensation claims</p> <p>An appeal may be made against—</p> <p>(a) a decision under section 32 about a compensation claim; or</p> <p>(b) a decision under section 265 about a claim for compensation; or</p> <p>(c) a deemed refusal of a claim under paragraph (a) or (b).</p>			

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	—	—
<p>5. Registered premises An appeal may be made against a decision of the Minister under chapter 7, part 4.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 A person given a decision notice about the decision</p> <p>2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision</p>	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises
<p>6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about—</p> <p>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or</p> <p>(b) the erection of a building or other structure.</p>			

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

Table 3 Appeals to a tribunal only			
<p>1. Building advisory agency appeals</p> <p>An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	<p>1 A concurrence agency for the development application related to the approval</p> <p>2 A private certifier for the development application related to the approval</p>

Table 3 Appeals to a tribunal only			
<p>2. Inspection of building work</p> <p>An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision	—	—
<p>3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i></p> <p>An appeal may be made against—</p> <p>(a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or</p> <p>(b) a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision	The entity that made the decision	—	—
<p>4. Local government failure to decide application under the Building Act</p> <p>An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.</p>			

Table 3 Appeals to a tribunal only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive notice of the decision	The local government to which the application was made	—	—
<p>5. Failure to make a decision about an application or other matter under the <i>Plumbing and Drainage Act 2018</i></p> <p>An appeal may be made against a failure to make a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a failure by the Queensland Building and Construction Commission to make a decision, within the period required under that Act, if an information notice about the decision was required to be given under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive an information notice about the decision	The entity that failed to make the decision	—	—