

GPC Document No.1827839: EC: TS GPC Ref.: DA2022/12/01

21 October 2022

Gladstone Ports Corporation C/- Kylee Lockwood 40 Goondoon Street GLADSTONE QLD 4680

Dear Ms Lockwood,

#### **DECISION NOTICE - APPROVAL WITH CONDITIONS - DA2022/12/01**

(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 **22 June 2022** and approved on **14 October 2022**.

Decision notice amended 21 October 2022 to fix a typographical error at Section 12 - Currency period '2 years'.

Application Number:	DA2022/12/01
Applicant Name:	Gladstone Ports Corporation
Applicant Contact Details:	Kylee Lockwood PO Box 259 GLADSTONE QLD 4680 Email: lockwoodk@gpcl.com.au
Approvals Sought (Land Use Plan):	Operational works for tidal work or work within a coastal management district – for installation of transformer on the RGT Wharf.
Approval Sought (Port Overlay):	Operational works that is tidal works in a priority port's master planned area
Approval Sought (SARA)	Operational works that is tidal work or work in a coastal management district.
Details of Proposed Development:	Installation of a new transformer on the wharf, including the construction of a smaller building in which to house the transformer. This improvement is required to provide the power for the recently upgraded Wharf Slurry system.
Location Street Address:	RG Tanna Coal Terminal, Bryan Jordan Drive GLADSTONE



Location Real Property Description:	Lot 250 ON SP178316
Land Owner:	Gladstone Ports Corporation Limited
Land Use Plan Precinct:	Strategic Port Land Wharves (Offshore) Precinct
Port Overlay Precinct:	Port, Industry and Commerce Precinct

#### 2. Details Of Proposed Development

This proposed development is for the installation of a new transformer on the wharf, including the construction of a smaller building in which to house the transformer. This improvement is required to provide the power for the recently upgraded Wharf Slurry system.

#### 3. Details Of Decision

This development application was decided on 14 October 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.

#### 4. Details Of Approval

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

(a) Operational works that is tidal works

#### 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 relevant Building and Plumbing Works

#### 7. Properly made submissions

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

#### 8. Referral Agencies for the Application

The referral agencies for this application are:



For an application involving	Name of referral agency	Address
Planning Regulation 2017 –  Schedule 10, Part 17, Division 3, Table 1 - Tidal works or work in a coastal management district – tidal works.	State Assessment Referral Agency - Department of State Development, Infrastructure, Local Government and Planning	Rockhampton State Assessment and Referral Agency (SARA) PO Box 113 ROCKHAMPTON QLD 4700  rockhamptonSARA@dsdmip.qld.gov.au

#### 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
R G Tanna Coal Terminal wharf – New Substation No. 16. Tidal Works Layout	Total Drafting Service	20/01/2022	103-01457	Rev 0A
RG Tanna Coal Terminal Substation No. 16 (Head End MCC) Building/Platform Structural Arrangement - Structural Arrangement Sections Sheet 1	Total Drafting Service	05/11/2021	102-15578	Rev B
RG Tanna Coal Terminal Substation No. 16 (Head End MCC) Building/Platform Structural Arrangement - Structural Arrangement Plan Views Sheet 2	Total Drafting Service	25/11/2021	102-15577	Rev B
RG Tanna Coal Terminal Substation No. 16 (Head End MCC) Building/Platform Structural General Arrangement	Total Drafting Service	25/11/2021	102-15575	Rev B
RG Tanna Coal Terminal Substation No. 16 (Head End MCC) Building/Platform Structural Arrangement - Structural Arrangement Isometric Views	Total Drafting Service	25/11/2021	102-15574	Rev B

#### 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 started 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 Trudi Smith, Planning Specialist 07 4976 1314 or the undersigned on 07 4976 1287 or via email <a href="mailto:planning@gpcl.com.au">planning@gpcl.com.au</a>.

Yours sincerely,

Erin Clark

**Principal Planner** 

Cc: Rockhampton State Assessment Referral Agency (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 - 25 August 2022)

Attachment 2: Approved plans and specifications

Attachment 3: Extract of appeal provisions



## **Attachment 1 Conditions of Approval**

#### PART 1: ASSESSMENT MANAGER CONDITIONS

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

Part 1a: Approval sought under Planning Act 2016 – Operational works that is Tidal Works

#### **CONDITIONS**

#### **GENERAL**

- 1. Development must be carried out generally in accordance with the Approved plans, except where modified by conditions of this permit.
- 2. Unless otherwise stated, all conditions must be complied with and completed prior to the commencement of the development.
- 3. Where additional "approval" is required under these conditions by the Assessment Manager (GPC) for drawings or documentation the proponent must submit for review, amend to the satisfaction of, and obtain written approval from the Assessment Manager.
  - Furthermore, the Assessment Manager will require no less than 20 business days, unless otherwise conditioned by the Assessment Manager, to initially assess the drawings or documentation provided prior to the commencement of the works. Should further information be required for assessment, the Assessment Manager will require a further 5 business days to complete the information request assessment and response.
- 4. The proponent must at its cost and expense, keep and maintain the development footprint, including existing services, in a state that is satisfactory to the Assessment Manager.

#### **INFRASTRUCTURE**

5. The applicant must notify the Assessment Manager (GPC) of damage caused to any port, or port user, infrastructure or services including, but not limited to, security related devices, buildings, structures, fences, lighting etc., roads, walkways and underground services or infrastructure, as a result of the approved use or during construction. The proponent must undertake necessary repairs at their expense and to the satisfaction of the Assessment Manager (GPC).

#### **TRAFFIC**

- 6. Prior to construction 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 Austroad's Guide to Temporary Traffic Management (AGTTGM) and where applicable, the amendments referenced in the Queensland Guide To Temporary Traffic Management (QGTTM). Works on roads, and works 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.
- 7. 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.



#### **WASTE MANAGEMENT**

8. At all times, maintain and operate an adequate waste disposal service so as not to cause an environmental nuisance.

#### **TIDAL WORKS**

- 9. Upon completion of the works, 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 or tidal waters associated with the activity unless otherwise approved in writing by the Assessment Manager
- 10. 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 and operations with respect to navigation. Where an issue is identified or a validated complaint received, the proponent must immediately rectify to the satisfaction of the Assessment Manager.
- 11. The proponent must ensure mitigation measure/s to reduce skyglow from all external lighting associated with the development where new permanent light infrastructure is to be installed on the tidal structures.
- 12. 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.
- 13. Upon completion of construction, the applicant shall provide the Assessment Manager with written confirmation that the seabed is clear of foreign materials.
- 14. If, as a result of the works, or other cause attributable to the proponent, any Port 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.

#### **ENVIRONMENT**

- 15. Prior to construction works commencing on site an Construction Environmental Management Plan (CEMP) specific to this application and its associated works must be submitted to the Assessment Manager (GPC) for approval, that ensures:
  - a. environmental risks, including but not limited to, noise, odour, lighting, dust, and waste is managed and continually assessed in relation to the construction activity;
  - b. that staff are trained and aware of their obligations under the CEMP, a copy of which must be kept and available on site at all times;
  - c. that 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, 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

16. Prior to the commencement of the use an Operational Environmental Management Plan (OEMP) (separate to the CEMP) is to be submitted to the Assessment Manager for approval, specific to the full operational development that ensures:



- a. Environmental risks are identified, managed and continually assessed with regard to oil/fuel and pollutant spill management; and
- b. That staff are trained and aware of their obligations under the OEMP, including a copy of the management plan and development approval available on site at all times; and
- c. That reviews of environmental performance are undertaken at least annually; and
- d. Any amendments to the EMP are to be submitted to the Assessment manager for review and approval; and
- e. Any decommissioning works, where required

Once approved by the Assessment manager, the approved development must be carried out in accordance with this EMP.

#### INCIDENT NOTIFICATION

- 17. 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.
- 18. Environmental incident notification must be included in any Environmental Management Plans for the development.



#### **ADVICE NOTES**

- 1. 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.
- 2. The proponent is required to comply with the requirements for excluded tidal works in relation to works on the existing wharf, where applicable.
- 3. Where a construction compound or laydown area is 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 <a href="mailto:property@gpcl.com.au">property@gpcl.com.au</a> prior to works commencing.
- 4. The Environmental Protection Act 1994 states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction, and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.
- 5. This decision notice does not represent an approval to commence Building work.
- 6. Any connections to water and sewerage infrastructure will require Plumbing and Drainage works approvals from a suitably qualified person.
- 7. Where the Applicant is required to submit further documentation to the Assessment Manager, this is to be directed to the Planning section at <a href="mailto:planning@gpcl.com.au">planning@gpcl.com.au</a>, including reference to the allocated development application number.
- 8. Where communication with GPC Port Security is required e.g. for schedules or service requests, direct communication to the following: <a href="mailto:pfso@gpcl.com.au">pfso@gpcl.com.au</a>, <a href="mailto:contracted\_security@gpcl.com.au">contracted\_security@gpcl.com.au</a> and <a href="mailto:gpcsupervisor@diamondprotection.com">gpcsupervisor@diamondprotection.com</a>.



## PART 2: REFERRAL AGENCY CONDITIONS

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

and Planning



SARA reference: 2207-29917 SRA Council reference: DA2022/12/01

Applicant reference:

25 August 2022

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

Dear Sir/Madam

## SARA response—Leo Zussino Drive, Callemondah

(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 26 July 2022.

#### Response

Outcome: Referral agency response – with conditions.

Date of response: 25 August 2022

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 work

(transformer and associated structures on

the RGT Wharf)

SARA role: Referral Agency.

SARA trigger: Schedule 10, Part 17, Division 3, Table 1, Item 1 (Planning Regulation

2017)

Tidal works or work in a coastal management district

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

2017)

Tidal works or work in a coastal management district

SARA reference: 2207-29917 SRA

Assessment Manager: Port of Gladstone Ports Corporation Limited
Street address: Adjoining Leo Zussino Drive, Callemondah

Real property description: Lot 250 on SP178316

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 07 3243 1664 or via email RockhamptonSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Graeme Kenna Manager (Planning)

gherma

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						
Opera	itional work							
2016 enforce	Schedule 10, Part 17, Division 3, Table 1, Item 1—The chief executive administering the <i>Planning Act</i> 2016 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 construction of the substation platform and building must be carried out generally in accordance with the following plans:	At all times.						
	(a) R.G. TANNA COAL TERMINAL WHARF NEW SUBSTATION NO.16 TIDAL WORKS LAYOUT, prepared by Gladstone Ports Corporation, dated 20.01.22, reference 103-01457, revision 0A, as amended in red by SARA on 25 August 2022.							
	(b) R.G. TANNA COAL TERMINAL SUBSTATION NO. 16 (HEAD END MCC) BUILDING/PLATFORM STRUCTURAL ARRANGEMENT GENERAL ARRANGEMENT, prepared by Gladstone Ports Corporation, dated 14.12.21, reference 102-15575, revision B.							
2.	For the proposed works, only use clean materials and ensure that the works do not cause contamination.	For the duration of the works.						
3.	Should the substation platform and/or building collapse, fail or otherwise suffer structural consequences which impact their integrity or ability to function as intended, the works must be:	As soon as reasonably practicable subsequent to the damage.						
	(a) reinstated in accordance with this development approval; or							
	(b) removed and disposed of at an appropriately licensed facility.							
4.	(a) Obtain certification from a Registered Professional Engineer of Queensland confirming that the tidal works, have been constructed in accordance with the Department of Environment and Heritage Protection guideline, "Building and engineering standards for tidal works".	Within two (2) weeks of the completion of the works.						
	(b) A copy of the certification must be provided to palm@des.qld.gov.au or mailed to:							
	Department of Environment and Science							
	Permit and License Management							
	Implementation and Support Unit							
	GPO Box 2454							
	BRISBANE QLD 4001							
5.	Submit "as constructed drawings" to palm@des.qld.gov.au or mail to:	Within two (2) weeks of						

Department of Environment and S  Permit and License Management	the completion of the works.
Implementation and Support Unit	
GPO Box 2454	
BRISBANE QLD 4001	

## Attachment 2—Advice to the applicant

#### **General advice**

1. Terms and phrases used in this document are defined in the *Planning Act 2016* its regulation or the State Development Assessment Provisions (SDAP) [v3.0]. 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 development is for the construction of a substation building, platform and transform on the RG Tanna Wharf located at Lot 250 on SP178316.
- The assessment benchmarks relevant to SARA's assessment are the State Development Assessment Provisions (SDAP):
  - State code 7: Maritime safety (State code 7).
  - State code 8: Coastal development and tidal works (State code 8).
- The development is considered to comply with SDAP State code 7 and can be supported without conditions.
- The development is considered to comply with SDAP State code 8 and can be supported with conditions.

#### Material used in the assessment of the application:

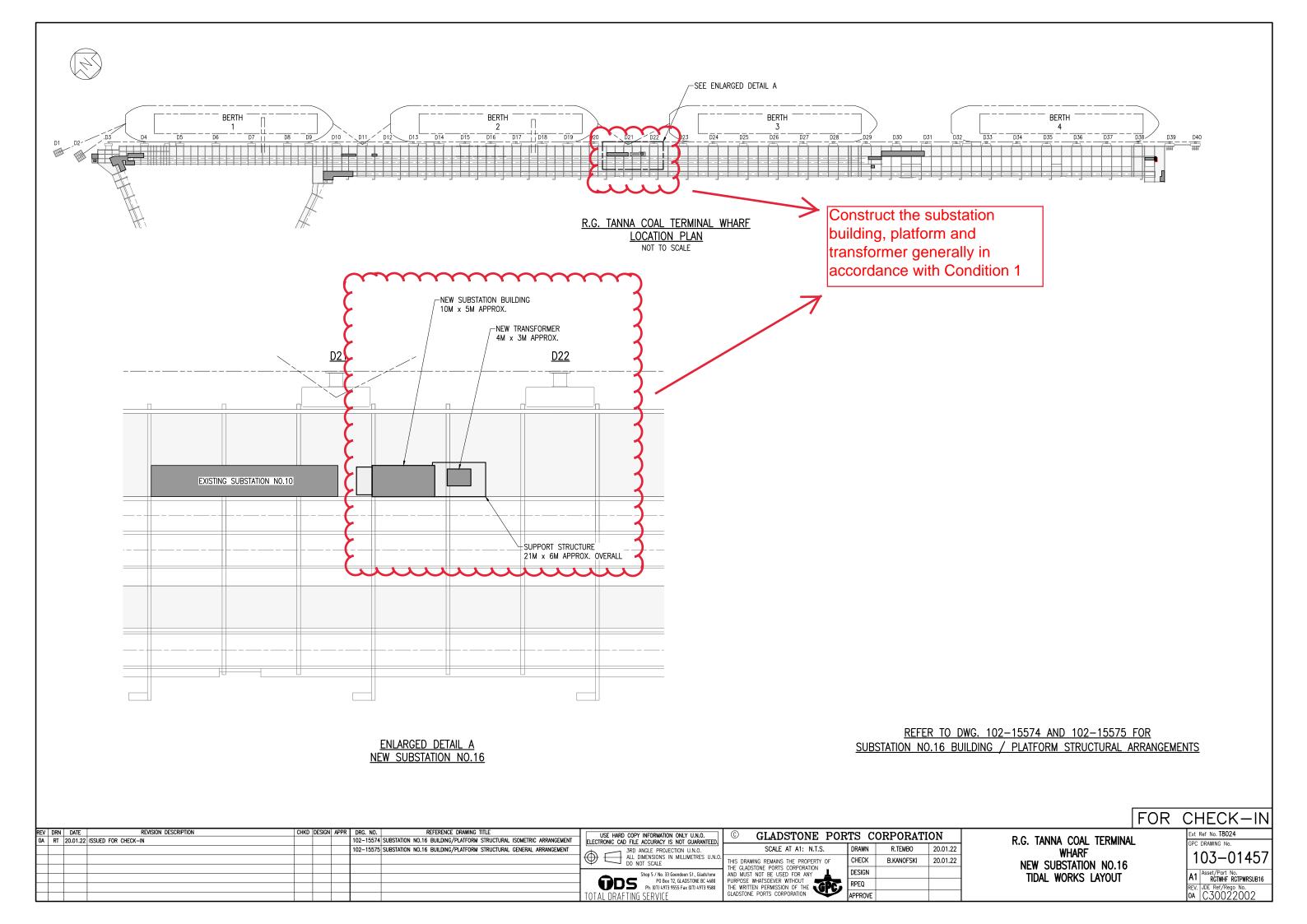
- The development application material and submitted plans
- Planning Act 2016
- Planning Regulation 2017
- The State Development Assessment Provisions (version [3.0]), as published by SARA
- The Development Assessment Rules
- SARA DA Mapping system
- Human Rights Act 2019

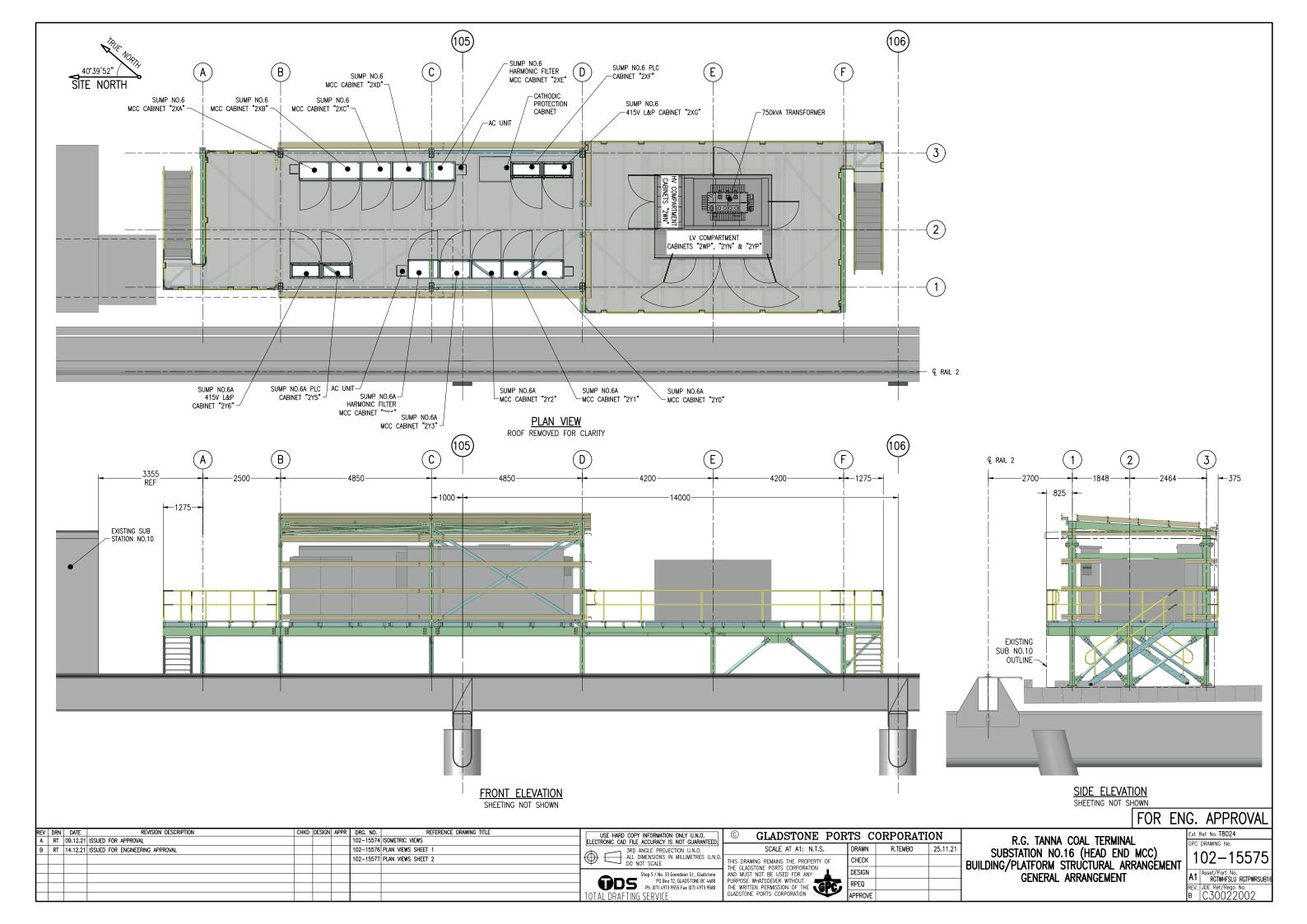
## **Attachment 4—Change representation provisions**

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## Attachment 5—Approved plans and specifications

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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 Rules<sup>1</sup> 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.<sup>2</sup>
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
  - (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
  - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

Pursuant to Section 68 of the *Planning Act 2016* 

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

## Part 7: Miscellaneous

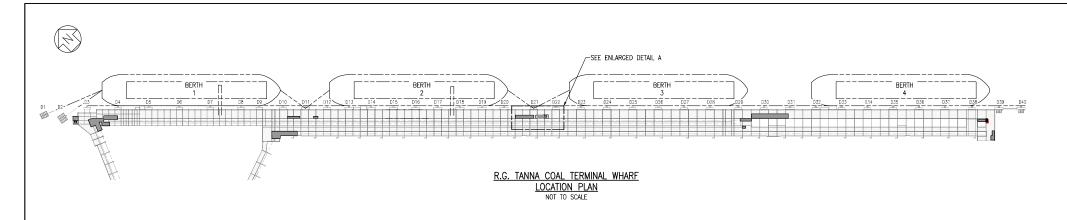
### 30 Representations about a referral agency response

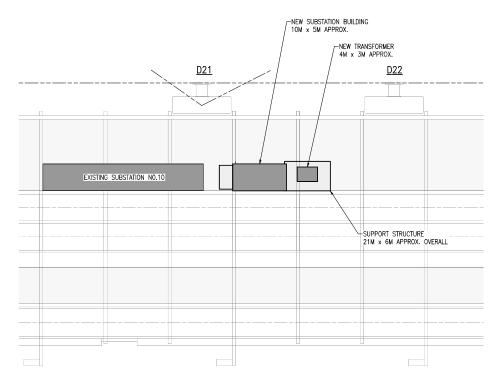
30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

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.



#### **Approved Plans and Specifications Attachment 2**





ENLARGED DETAIL A NEW SUBSTATION NO.16

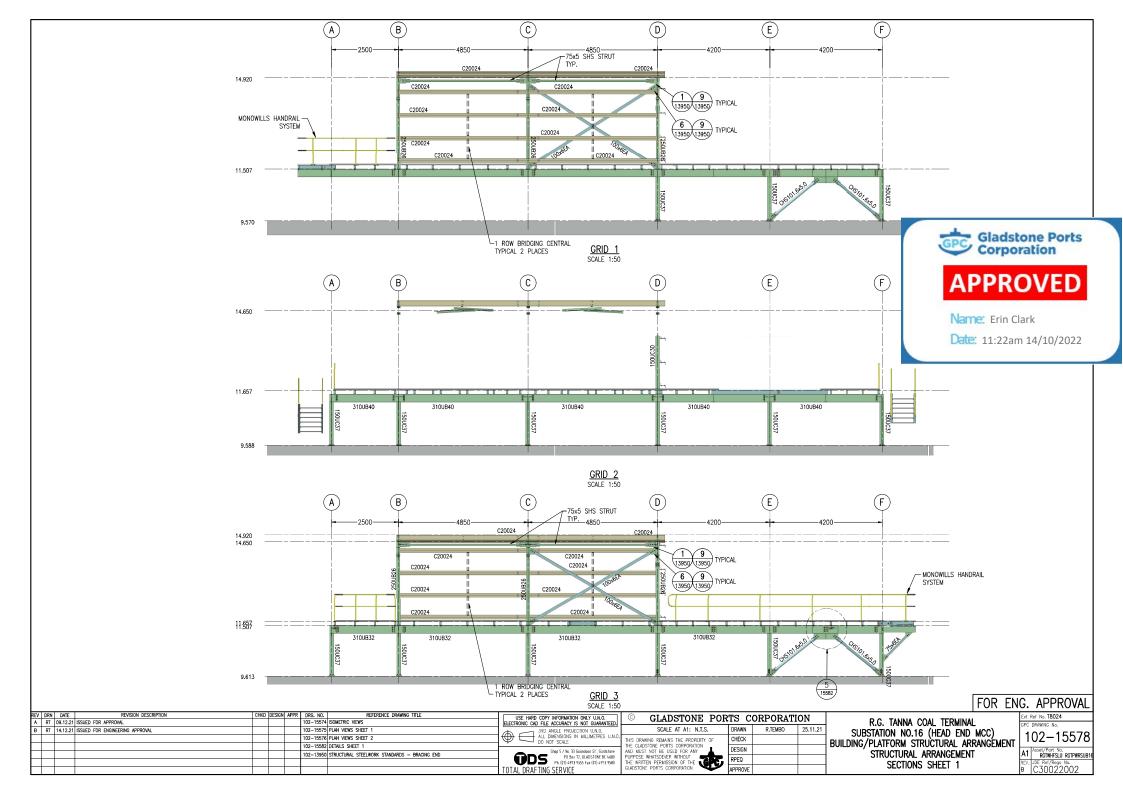


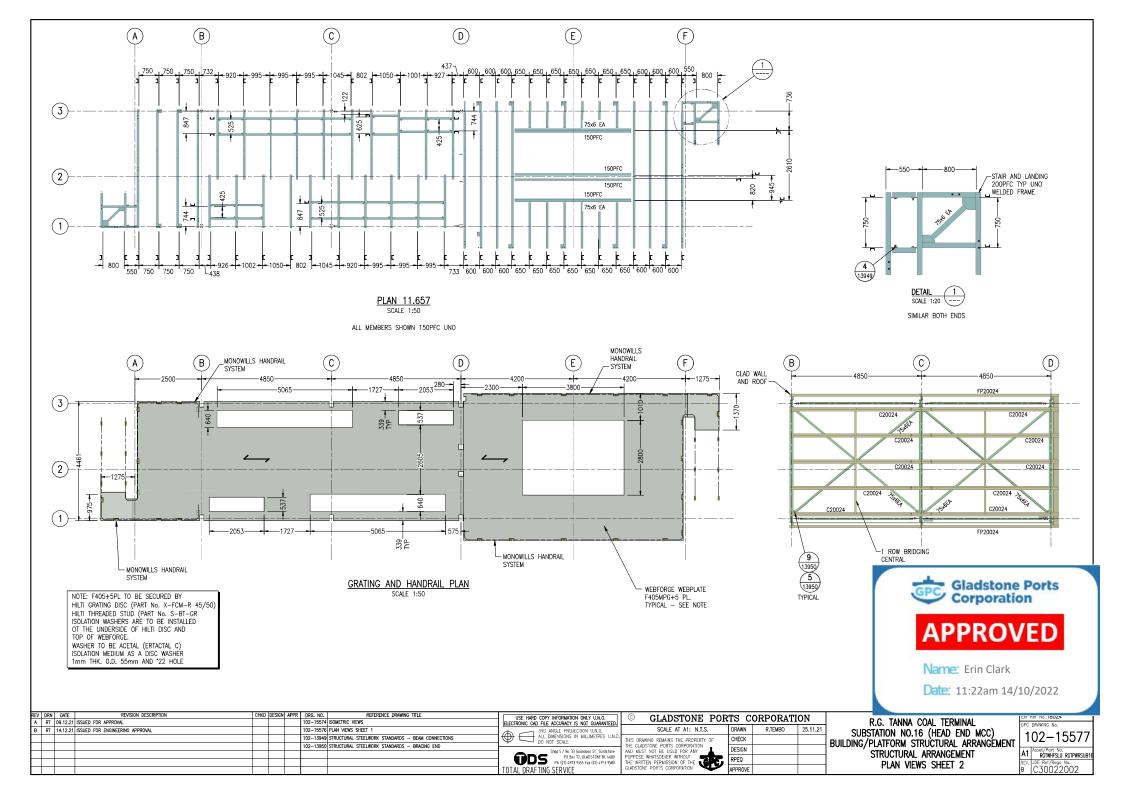
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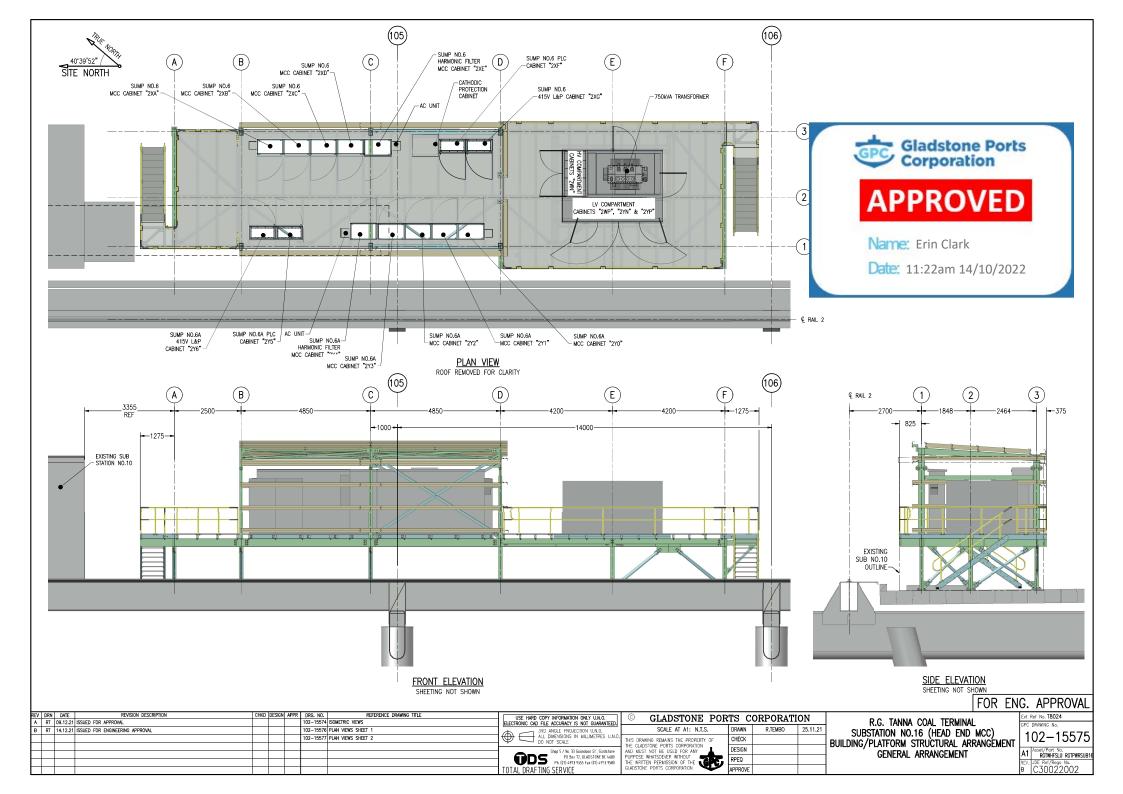
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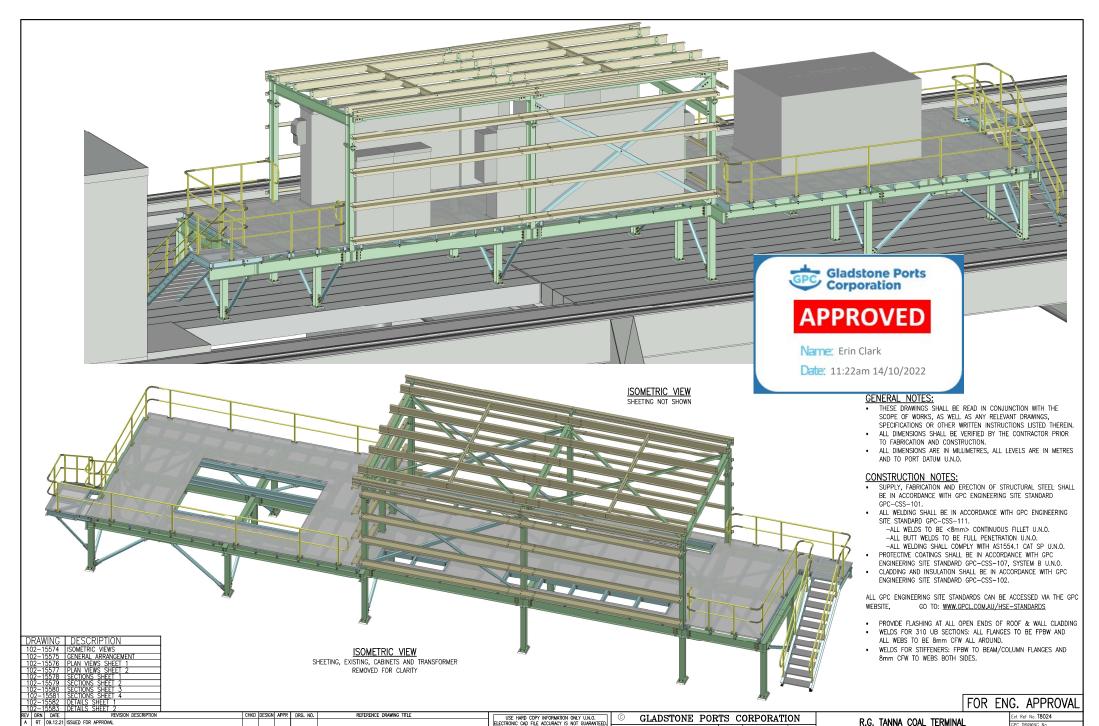
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\$\$ Shop 5 / No. 33 Geondoon St., Gladstone PO Box 72, GLADSTONE BC 4680 Ph. (07) 4973 9555 Fax (07) 4973 9580

TOTAL DRAFTING SERVICE

RT 09.12.21 ISSUED FOR APPROVAL

RT 14.12.21 ISSUED FOR ENGINEERING APPROVAL

R.G. TANNA COAL TERMINAL SUBSTATION NO.16 (HEAD END MCC) BUILDING/PLATFORM STRUCTURAL ARRANGEMENT STRUCTURAL ARRANGEMENT ISOMETRIC VIEWS

R.TEMBO 25.11.21

DRAWN

CHECK

SCALE AT A1: N.T.S.

THIS DRAWING REMAINS THE PROPERTY OF

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

102-15574

A1 Asset/Part No. RCTWHFSLU RCTPWRSUB16 C30022002



#### **Extract of Appeal Provisions Attachment 3**

## Schedule 1 Appeals

section 229

## 1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
  - (a) the P&E court; or
  - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
  - (a) the refusal, or deemed refusal of a development application, for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (b) a provision of a development approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (c) if a development permit was applied for—the decision to give a preliminary approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (d) a development condition if—
    - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and

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

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

storey see the Building Code, part A1.1.

## Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal

1. Development applications

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

- (a) the refusal of all or part of the development application; or
- (b) the deemed refusal of the development application; or
- (c) a provision of the development approval; or
- (d) if a development permit was applied for—the decision to give a preliminary approval.

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal						
Column 1	Column 2	Column 3	Column 4			
Appellant	Respondent	Co-respondent (if any)	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			

## 2. Change applications

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

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

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal						
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)			
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	<ol> <li>A concurrence agency for the development application</li> <li>If a chosen assessment manager is the respondent—the prescribed assessment manager</li> <li>A private certifier for the development application</li> <li>Any eligible advice agency for the change application</li> <li>Any eligible submitter for the change application</li> </ol>			

## 3. Extension applications

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

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

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

#### 4. Infrastructure charges notices

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

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

Examples of errors in applying an adopted charge—

- the incorrect application of gross floor area for a non-residential development
- applying an incorrect 'use category', under a regulation, to the development
- (ii) the working out of extra demand, for section 120; or
- (iii) an offset or refund; or
- (b) there was no decision about an offset or refund; or
- (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or
- (d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.

Appeals to t	Tab he P&E Court and,	ole 1 for certain matters	, to a tribunal
Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
		(if any)	by election (if
			any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	_	_
5. Conversion applica	ations		
An appeal may be ma	ide against—		
(a) the refusal of a co	onversion application;	or	
(b) a deemed refusal	of a conversion applic	ation.	
Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
		(if any)	by election (if
			any)
The applicant	The local government to which the conversion application was made	_	_
6. Enforcement notice	es		
An appeal may be ma	de against the decision	to give an enforceme	nt notice.
Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
		(if any)	by election (if
			any)
The person given the enforcement notice	The enforcement authority		If the enforcement authority is not the local government fo the premises in relation to which the offence is alleged to have happened—the local government

## Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal

7. Enforcement notices under the *Plumbing and Drainage Act 2018* 

An appeal may be made against the decision to give an enforcement notice.

Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
		(if any)	by election (if
			any)
The person given the enforcement notice	The local government that gave the enforcement notice		

## Table 2 Appeals to the P&E Court only

#### 1. Appeals from tribunal

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

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

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

#### 2. Eligible submitter appeals

For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to—

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

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)		
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application		

### 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.

	Table 2 Appeals to the P&E Court only			
	lumn 1 pellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
2 3	For a development application—an eligible submitter for the development application  For a change application—an eligible submitter for the change application  An eligible advice agency for the development application or change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application

#### 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).

Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
		(if any)	by election (if
			any)
A person dissatisfied with the decision	The local government to which the claim was made	_	_

Table 2 Appeals to the P&E Court only			
5. Registered premise	es .		
An appeal may be ma	de against a decision	of the Minister under cl	hapter 7, part 4.
Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
		(if any)	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	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
		(if any)	by election (if
			any)
A person who—	The local government	_	
(a) applied for the decision; and	6		
(b) is dissatisfied with the decision or conditions.			

## Table 3 Appeals to a tribunal only

## 1. Building advisory agency appeals

An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.

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

## Table 3 Appeals to a tribunal only

#### 2. Inspection of building work

An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.

		<del></del>	
Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
		(if any)	by election (if
			any)
The applicant for the development approval	The person who made the decision	_	

- 3. Certain decisions under the Building Act and the *Plumbing and Drainage Act 2018* An appeal may be made against—
- (a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or
- (b) a decision under the *Plumbing and Drainage Act 2018*, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act.

Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
		(if any)	by election (if
			any)
A person who received, or was entitled to receive, an information notice about the decision	The entity that made the decision		

4. Failure to decide an application or other matter under the Building Act

An appeal may be made against a failure to make a decision under the Building Act within the period required under that Act, other than a failure by the Queensland Building and Construction Commission to make a decision, if an information notice about the decision was required to be given under that Act.

Table 3 Appeals to a tribunal only				
Column 1 Column 2 Column 3 Column 4				
Appellant	Respondent	Co-respondent	Co-respondent	
		(if any)	by election (if	
			any)	
A person who was entitled to receive notice of the decision	The entity that failed to make the decision	_	_	

5. Failure to decide an application or other matter under the *Plumbing and Drainage Act* 2018

An appeal may be made against a failure to make a decision under the *Plumbing and Drainage Act 2018* within the period required under that Act, other than a failure by the Queensland Building and Construction Commission to make a decision, if an information notice about the decision was required to be given under that Act.

Column 1	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent	Co-respondent
		(if any)	by election (if
			any)
A person who was entitled to receive an information notice about the decision	The entity that failed to make the decision		