

#1862751: EC:ts GPC Ref.: DA2022/21/01 Your Ref AGI-006

14 April 2023

Australian Gas Networks Pty Ltd C/- Attexo Group Sue Walker TC Beirne Building Level 4, 315 Brunswick Street FORTITUDE VALLEY QLD 4006

Dear Ms Walker,

DECISION NOTICE - APPROVAL WITH CONDITIONS - DA2022/21/01

(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 **5 January 2023**.

Application Number:	DA2022/21/01
Applicant Name:	Australian Gas Networks Pty Ltd
Applicant Contact Details:	Sue Walker C/- Attexo Group TC Beirne Building Level 4, 315 Brunswick Street FORTITUDE VALLEY QLD 4006 Email: sue.walker@attexo.com.au
Approvals Sought (Land Use Plan):	Material Change of Use (Utility Installation) and Low Impact Industry (Hydrogen Production Facility); and Port Application for earthworks.
Approval Sought (Port Overlay):	MCU exceeding 500m² development footprint
Details of Proposed Development:	Material Change of Use of Premises for Utility Installation and Low Impact Industry (Hydrogen Production Facility, including blending into existing natural gas distribution network); and Port Application for earthworks.
Location Street Address:	31 Morgan Street, Gladstone Central



Location Real Property Description:	Part of Lot 258 CTN 1351 and Lot 900 SP159699		
Land Owner:	Gladstone Ports Corporation Limited		
Land Use Plan Precinct:	Light Industry and Commercial Precinct		
Port Overlay Precinct:	 Marine Services and Recreation Precinct Marine Services Sub Precinct 		

2. Details of Proposed Development

The Applicant is proposing to construct a hydrogen production facility that will use renewable electricity from the grid and water from the Gladstone reticulated water supply to produce hydrogen which will then be blended (up to 10%) into the existing natural gas distribution network.

3. Details of Decision

This development application was decided on 11 April 2023.

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:

- Material Change of Use for Utility Installation and Low Impact Industry on Strategic Port Land – (*Planning Regulation 2017*, Schedule 10, part 13, division 5, subdivision 3, table 1)
- Port application (earthworks) (GPC Land use plan 2012 v2)
- MCU exceeding 500m² development footprint in a priority port's master planned area (*Planning Regulation 2017*, Schedule 10, part 13, division 4, subdivision 2, Table 1)

5. Conditions

This development approval is subject to the conditions in Attachment 1 - Part 1 and Part 2.

6. Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- (a) Building and Plumbing Works
- (b) Works on road (landscaping within road area) and
- (c) Ergon Energy.



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
Australian Gas Networks Hydrogen Plant Gladstone Hydrogen Generation & Blending Facility – Bulk Earthworks & Overall Civil Foundation Plot Plan	Australian Gas Infrastructure Group	06/02/2023	GLA-C-001- 01	A4
Australian Gas Networks Hydrogen Plant Gladstone Hydrogen Generation & Blending Facility – Proposed Parking Layout – Plan	Australian Gas Infrastructure Group	08/02/2023	GLA-C-010- 01	0
Australian Gas Networks Hydrogen Plant Gladstone Hydrogen Generation & Blending Facility – Proposed Site layout, utilities and Services Plan	Australian Gas Infrastructure Group	06/02/2023	GLA-G-005- 01	9
Australian Gas Networks Hydrogen Plant Gladstone Hydrogen Generation & Blending Facility – Overall Site General Arrangement – Plot Plan	Australian Gas Infrastructure Group	08/02/2023	GLA-M-010- 01	A3
Australian Gas Networks Hydrogen Plant Gladstone Hydrogen Generation & Blending Facility – Site GA – Elevations A, B & C	Australian Gas Infrastructure Group	08/02/2023	GLA-M-011- 01	2
Australian Gas Networks HyP Gladstone – Hydrogen Generation & Blending Facility – Area 4 – Swale Drain Site General Arrangement	Australian Gas Infrastructure Group	08/02/2023	GLA-M-400- 01	A2
Australian Gas Networks GYP Gladstone – Hydrogen Generation & Blending Facility Area 5 – Amenities Building & Access Gates Site General Arrangement	Australian Gas Infrastructure Group	08/02/2023	GLA-M-500- 01	1
Australian Gas networks Hydrogen Plant Gladstone Compound Signage Details	Australian Gas Infrastructure Group	30/12/2022	GLA-G-006- 01	1
Dampier Bunbury natural Gas Pipeline Standard Drawing Typical – Station Site Fence Detail	Dampier Bunbury Pipeline	10/03/2020	GST-G- 1032-01	J



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 and Port Application 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 Trudi Smith, Planning Specialist on 07 4976 1314 or via email planning@gpcl.com.au.

Yours sincerely,

Craig Haymes

Chief Executive Officer

Cc: Gladstone 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 on Strategic Port Land, Material Change of Use in priority port's master planned area and Approval sought under Land Use Plan – (Port Application)

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.

PLANNING

- 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.
- Prior to the use commencing on site, an Emergency Management Plan is to be prepared by a suitably qualified professional and forwarded to the Assessment Manager (GPC) for their records. A copy of this plan is to be kept onsite and readily available at all times.

ENGINEERING

7. 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.



- 8. 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 associated with the activity
- 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
- 10. Any site lighting used during construction / development 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.
- 11. A stormwater drainage system connecting to a lawful point of discharge must be installed as indicated in the approved plans. Stormwater drainage must be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual and GPC.

INFRASTRUCTURE

- 12. 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, 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).
- 13. The applicant must notify the Assessment Manager (GPC) of damage caused to any port infrastructure or services e.g. roads, water mains etc. as a result of this activity. The applicant may undertake the repairs directly in consultation with the Assessment Manager and Gladstone Regional Council, however, depending upon the nature and location of the damage, the Assessment Manager retains the right to undertake the repairs at the expense of the proponent.
- 14. In the event that the facility is no longer required (within the next 25 years or less), all the above ground infrastructure and facility specific below ground infrastructure is to be removed from the lease area and the site rehabilitated to an appropriate standard for future use. Any underground gas network infrastructure is to be removed from the lease area and appropriately capped.

LIGHTING

- 15. 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.
- 16. 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.
- 17. Lighting must be designed to facilitate a safe and secure parking area, lit to a standard appropriate for safe night time operations.



LANDSCAPING

- 18. Prepare and submit for approval to the Assessment Manager (GPC) 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. 1 metre wide landscape strip along the full frontage of the Rooksby Street leased area (excluding the egress);
 - b. 2 metre wide landscape strip along the frontage of the site (Morgan Street) as depicted on Drawing No GLA-C-001-01 dated 06/02/2023;
 - c. Landscaping treatments proposed to be provided to soften the impacts of the transformer which is to be located on the frontage of Morgan Street; and
 - d. Proposed species to be planted, which should include plants that are long lived, hardy and require minimal maintenance.
- 19. Landscaping is to be carried out and maintained in accordance with the approved landscape plan. The proponent must maintain the property frontage in a clean and tidy manner, and mow any grassed areas regularly.

WASTE MANAGEMENT

- 20. At all times, 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.
- 21. Any spillage of sediment, wastes, fuels, chemicals, contaminants, or other materials at the storage site, on port roads or on the wharf 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

- 22. 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.
- 23. 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.
- 24. The proponent is required to apply for and obtain from GPC a Permit to Dig/Excavate prior to commencing works by contacting, GPC's Port Infrastructure Asset Manager, including for any landscaping, services or infrastructure outside of the lease area.
- 25. In the event works are required to be carried out outside the lease area, the proponent or their contractor must obtain a Consent to Enter from GPC's Property Advisor prior to works commencing.
- 26. In the event a construction compound is required on port land outside the project lease area for offices, laydown areas, employee car parking or stockpiling areas etc., the proponent or their contractor must obtain a Consent to Enter from the Assessment Manager's Property Specialist via 07 4976 1334 or prior to works commencing.



- 27. The construction compound, including offices, laydown areas and employee car parking, is to be contained within the nominated area unless otherwise approved in writing by the Assessment Manager.
- 28. No mud, dirt or other debris is to be tracked onto public roads during construction and operation of development.
- 29. Construction fill material must be uncontaminated and reused from onsite or sourced from a licensed quarry

ACID SULPHATE SOILS

30. 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 Plans

31. Prior to construction works commencing on site, a Construction Environmental Management Plan (CEMP) specific to these works, is to be submitted to the Assessment Manager for approval.

The construction must be undertaken in accordance with the approved CEMP that ensures:

- environmental risks, including but not limited to, waste, EMR requirements, air quality, spills, stormwater are identified, managed and continually assessed in relation to the construction activity;
- b) that staff are trained and aware of their obligations under the CEMP, including a copy of the management plan and development approval available on site at all times;
- c) that reviews of environmental performance are undertaken at least annually; and
- d) any amendments to the CEMP are to be submitted to the Assessment Manager for review and approval.

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

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

Operational Environmental Management Plan

- 32. At least 10 days prior to the commencement of the use, an Environmental Management Plan (EMP) is to be submitted to the Assessment Manager for approval, specific to the development that ensures:
 - a) environmental risks are identified, managed and continually assessed; and
 - b) that staff are trained and aware of their obligations under the EMP, including a copy of the management plan and development approval available on site at all times; and
 - c) that reviews of environmental performance are undertaken at least annually; and
 - d) any amendments to the EMP are to be submitted to the Assessment Manager for review and approval; and



e) any rehabilitation and decommissioning works where required.

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

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

INCIDENT NOTIFICATION

- 33. 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 20L 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.

Note: 'land' is to be defined as where not within a secondary containment system.

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

Part 1b. ADVICE NOTES

- 1. All other relevant approvals must be obtained before commencement of the development or operation of the development, including any other Operational works, Building works or Plumbing and drainage works, works on road permits and Ergon Energy.
- 2. This decision notice does not represent an approval to commence Building work.
- 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 <a href="mailto:barbore-
- 4. 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 property@gpcl.com.au prior to works commencing.
- 5. Where works are to be undertaken outside tenured areas, 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.
- 6. 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.
- 7. Connections to water and sewerage infrastructure will require Plumbing and Drainage works approvals from a suitably qualified person.
- 8. 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.



- 9. For the purpose of providing street addresses for deliveries and emergency vehicles, the street addresses for the premises are:
 - a) 31 Morgan Street, Gladstone Central
- 10. Where communication with GPC Port Security is required e.g. Emergency Management Plan, direct communication to the following: pfso@gpcl.com.au, contracted security@gpcl.com.au and gpcsupervisor@diamondprotection.com.
- 11. Management of the vegetated landscaping at the frontage of the site which is outside of the lease area must not impede safe pedestrian access.



PART 1c: THIRD PARTY ADVICE NOTES

Gladstone Regional Council - 23 January 2023.



REFERRAL AGENCY RESPONSE - DA/2/2023

Building, Plumbing and Drainage Works

- The Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the Planning Act 2016. Construction is to comply with the Building Act 1975, the National Construction Code and the requirements of other relevant authorities.
- The Applicant is required to obtain a Development Permit for Plumbing and Drainage Works and Plumbing and Drainage Final in accordance with the Planning Act 2016. Construction is to comply with the Plumbing and Drainage Act 2018 and the requirements of other relevant authorities.
- Prior to the commencement of the use, all plant and equipment (including air conditioners, exhaust fans and the like) are to be housed, screened and located so that these do not cause environmental nuisance or harm to residential uses in the surrounding area.
- 4. As part of Building Works, all outdoor lighting is to comply with Australian Standard AS4282 Control of the Obtrusive Effects of Outdoor Lighting.
- 5. Prior to the commencement of the use, all lighting at ground level and associated with illuminating ground level areas must be focused downwards and be provided with hoods, shades or other permanent devices to direct illumination downwards and not allow upward lighting to adversely affect the residential uses on this site and the adjoining the sites.
- 6. Any construction of a 2m or higher fence will require a Development Application for Building Works.

Transportation Services

7. Prior to the commencement of the use, the existing driveways accessing the proposed use are to be upgraded in accordance with Council's driveway, where applicable.

Advisory Note: Council's driveway standards are located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at http://www.cmdg.com.au/index.htm.

8. Prior to the construction of any works within Council's road reserve, the Applicant shall obtain a Works on a Council Road Approval in conformity with Council's Subordinate Local Law No. 1.15.

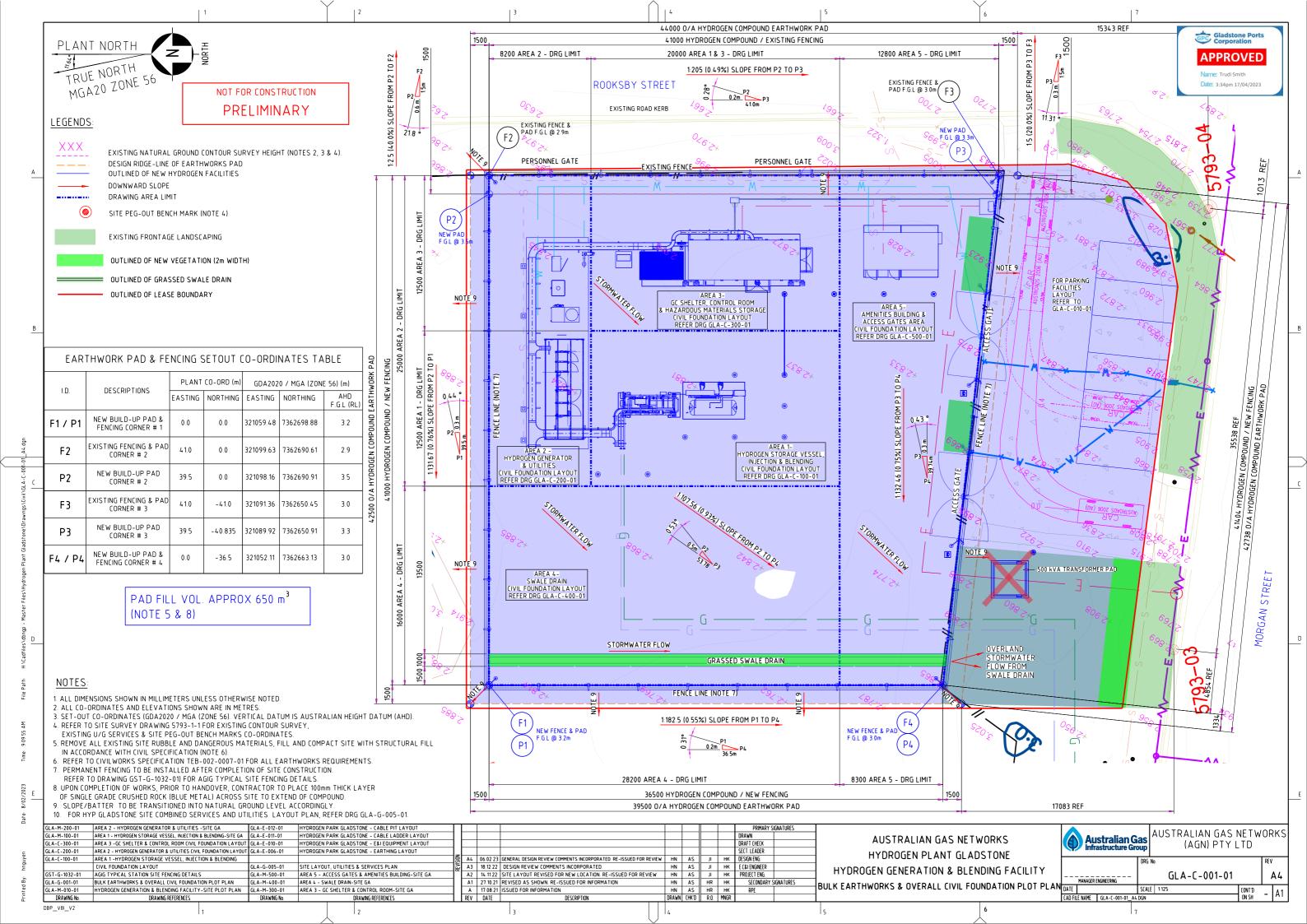
Advisory Note: Council's Local Law No. 1.15 - Application to Construct (and maintain) a Driveway (vehicle crossover) is found at http://www.gladstone.gld.gov.aw/forms.

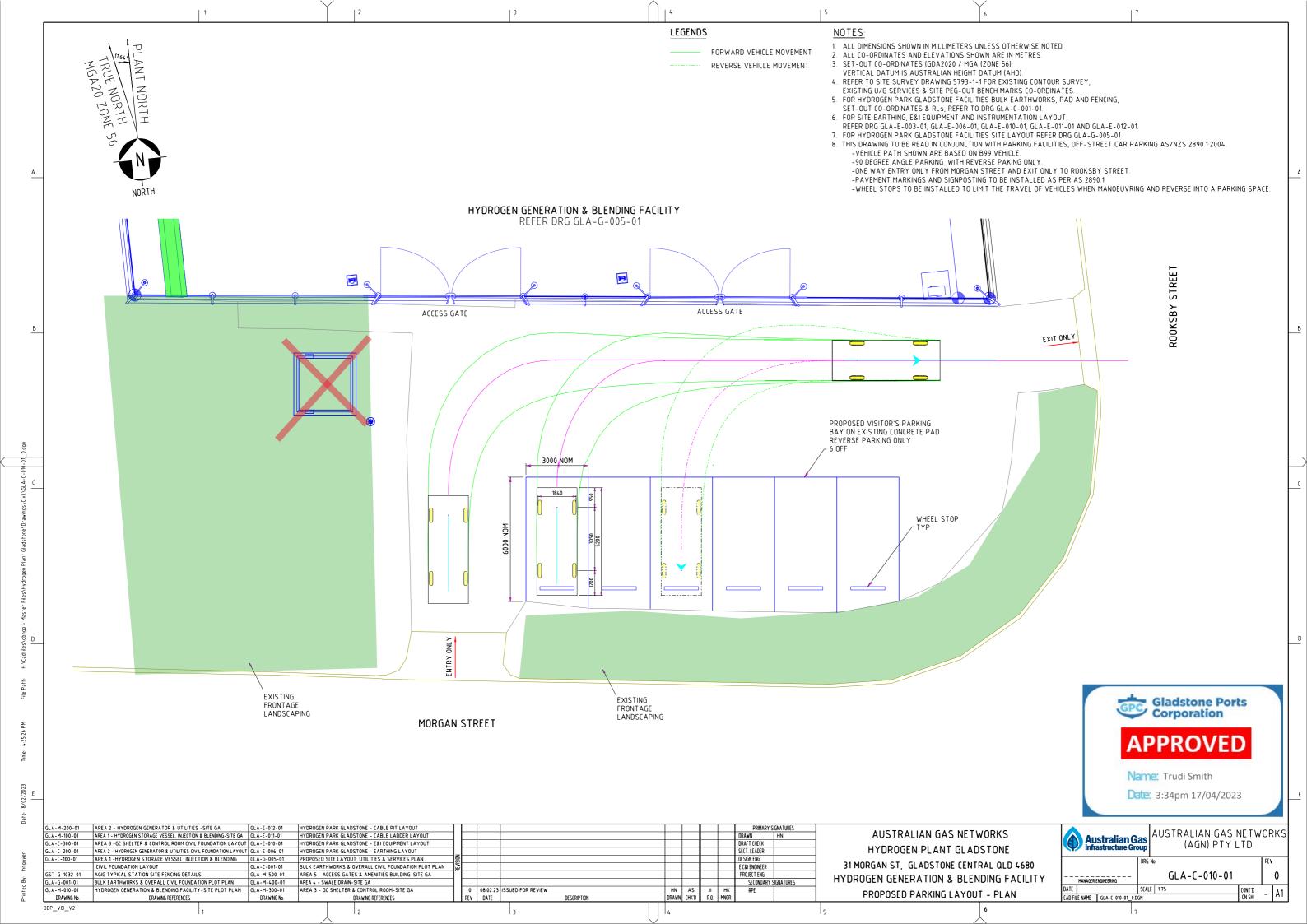
<u>Landscaping</u>

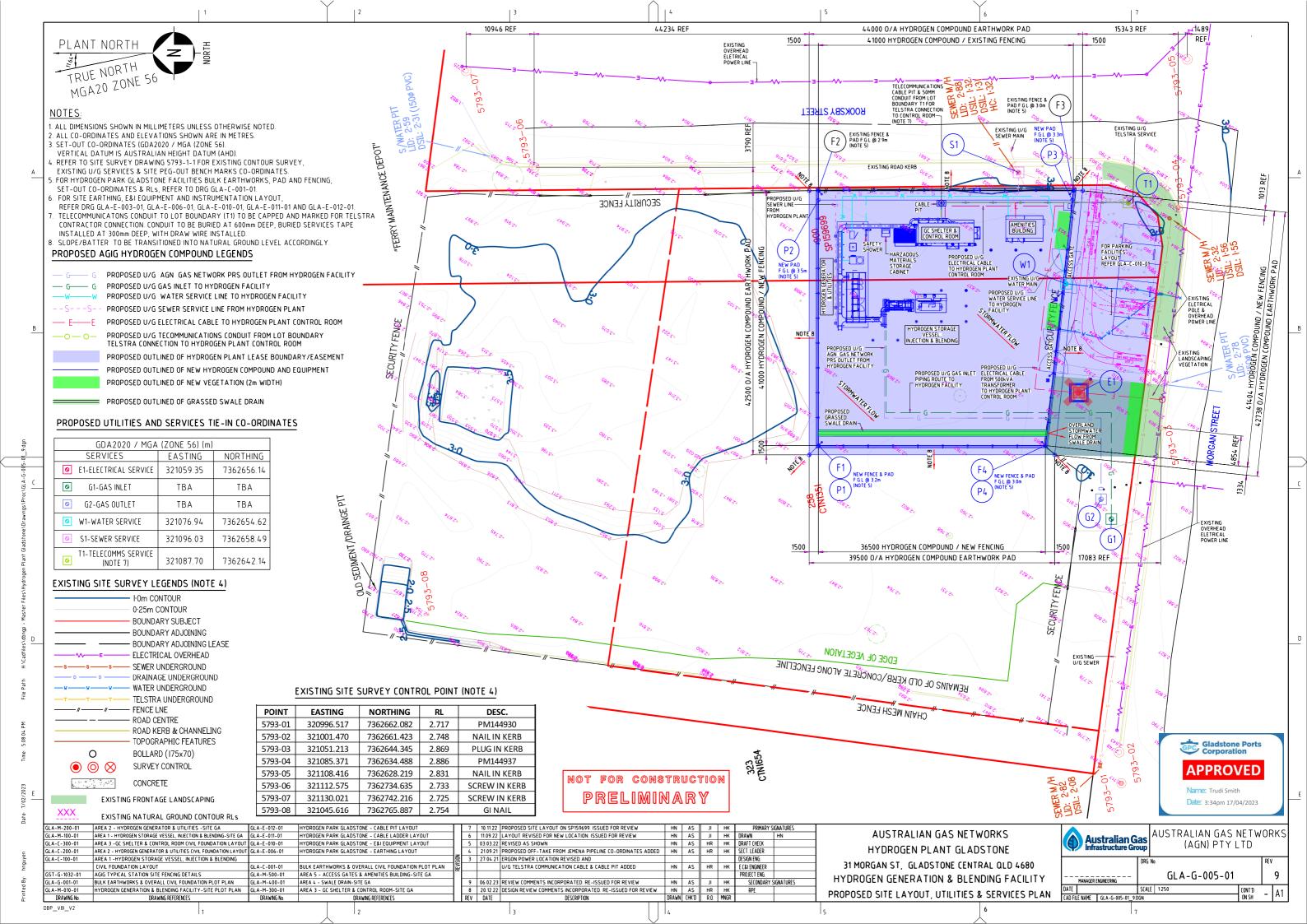
9. At all times, the Applicant must maintain vegetation along the frontage of the development footprint.

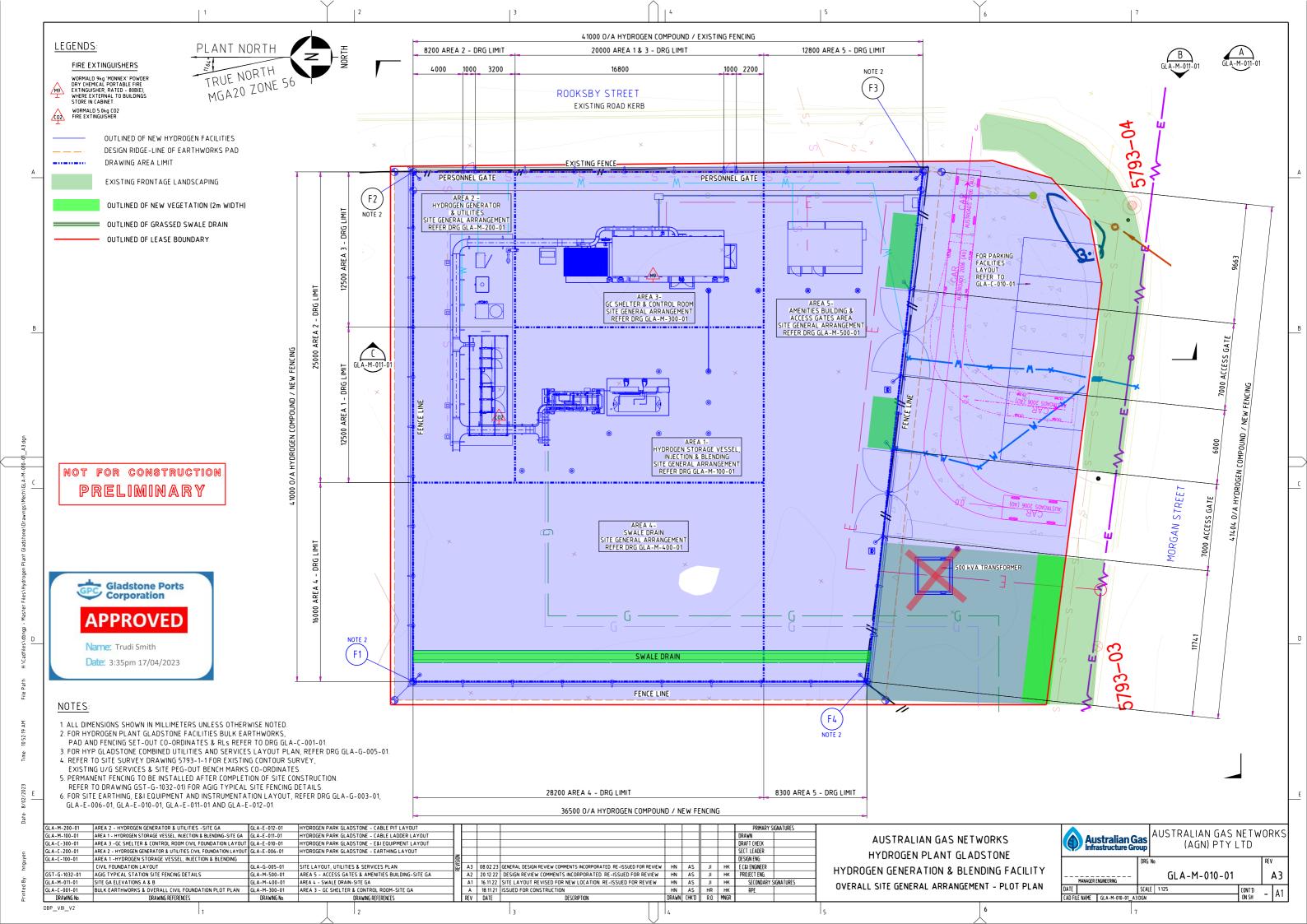


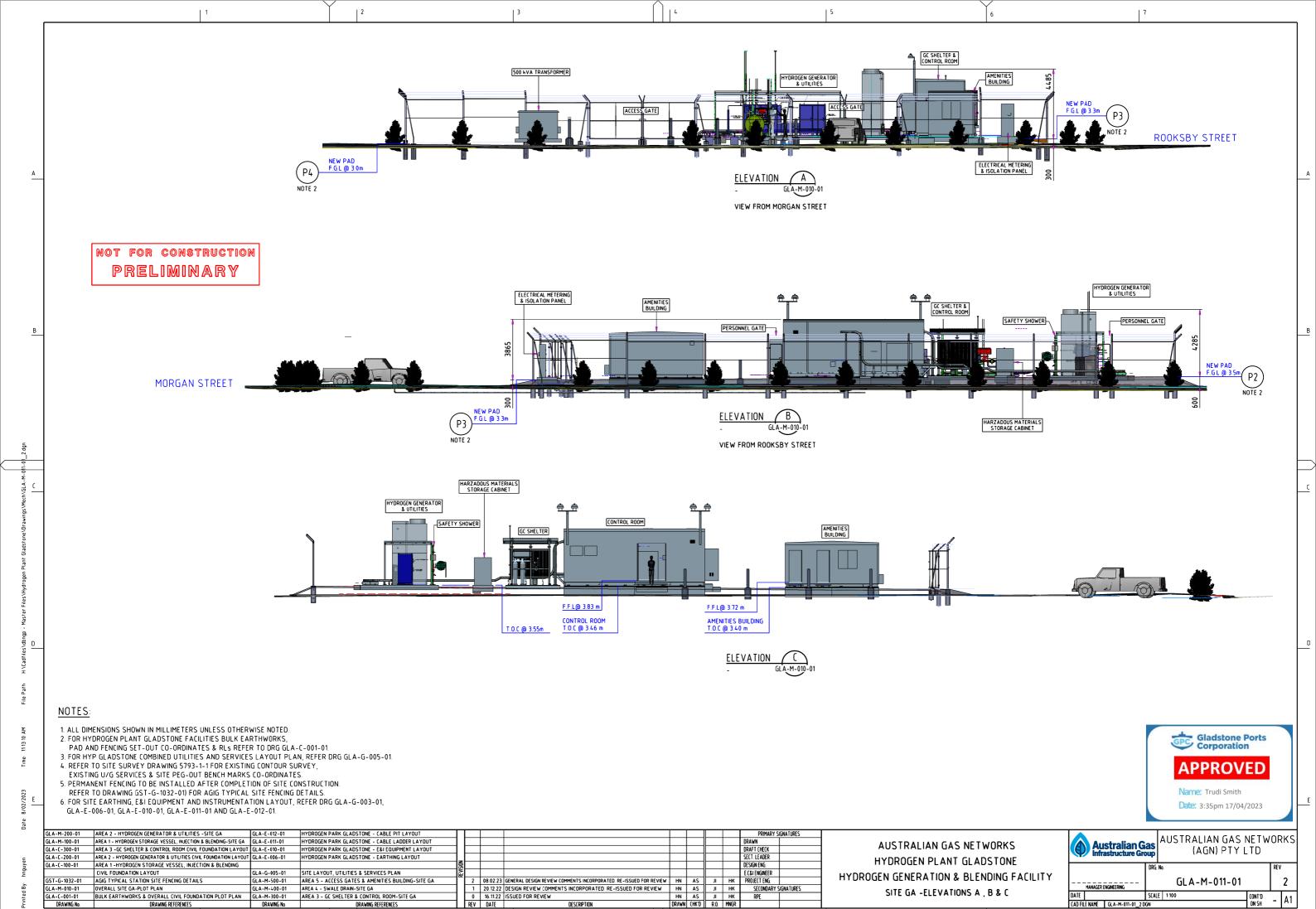
Attachment 2 Approved Plans and Specifications











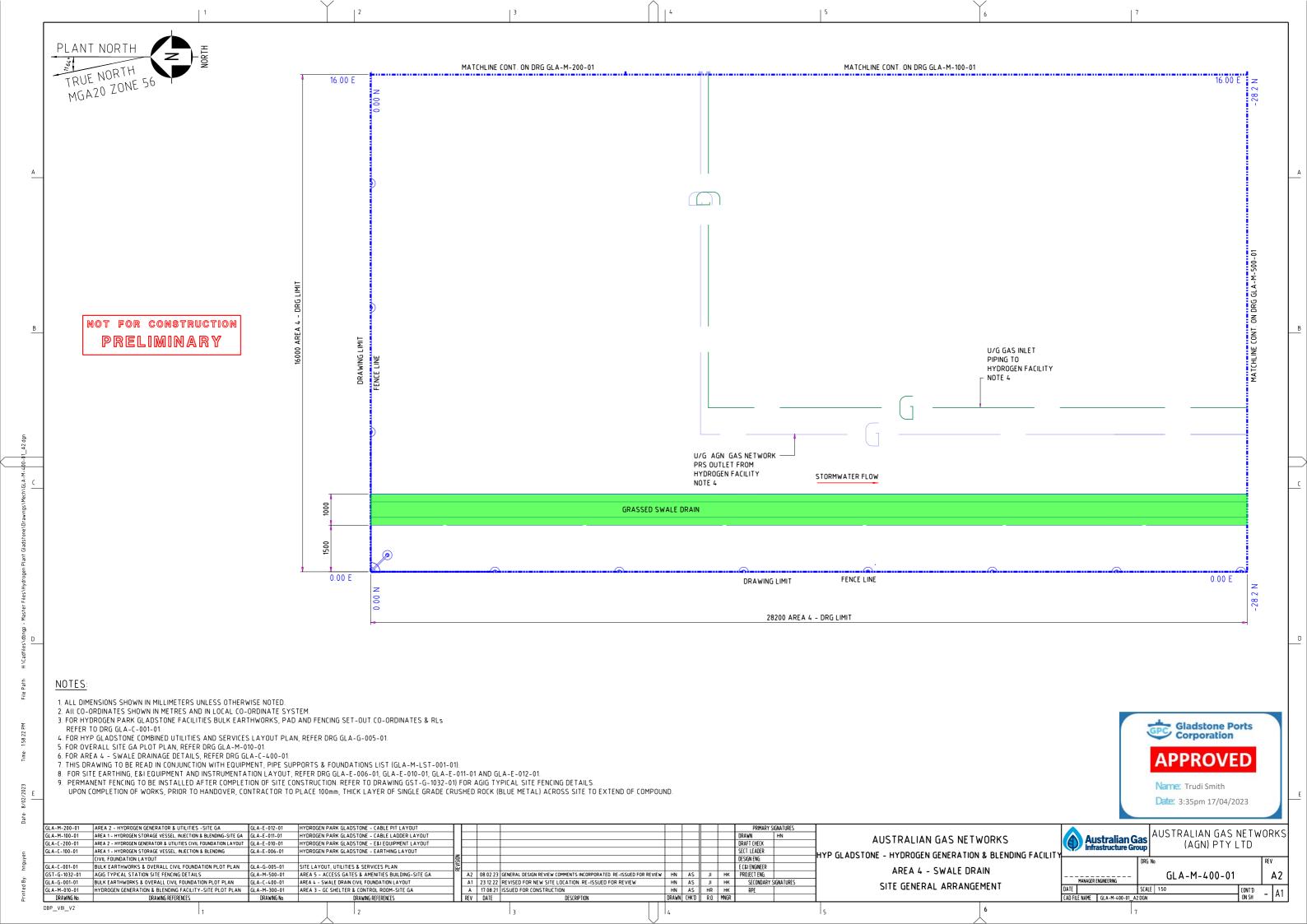
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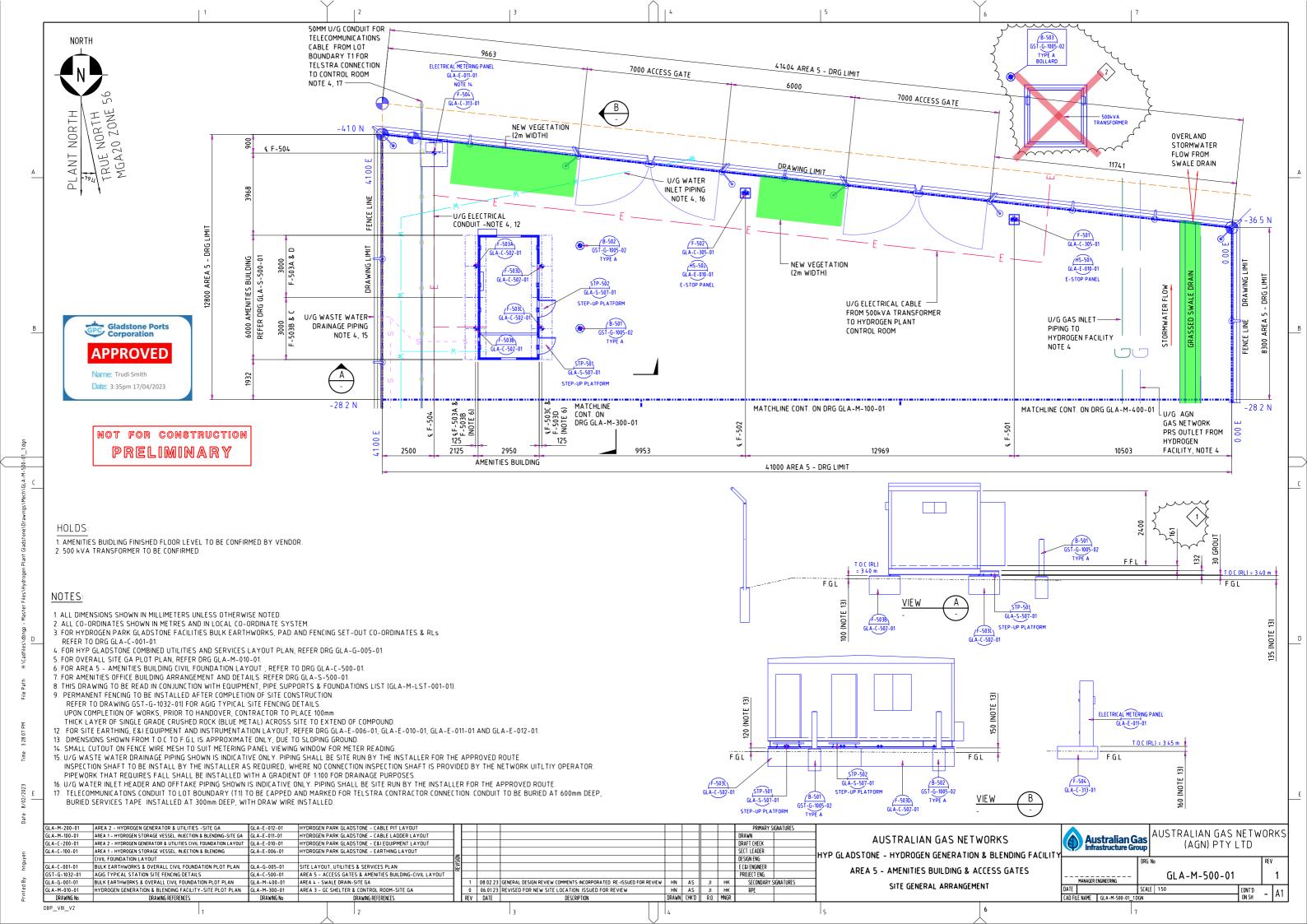
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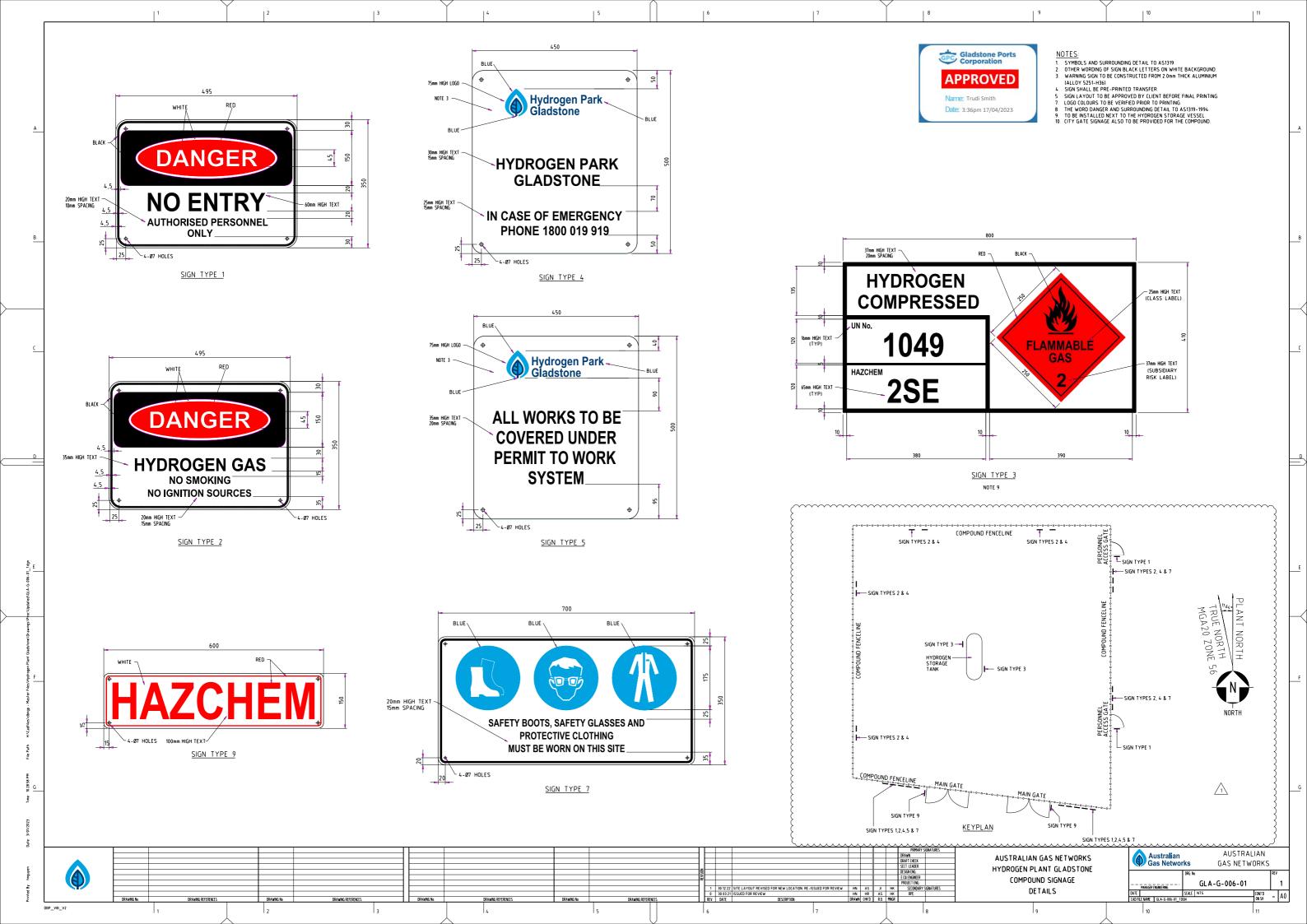
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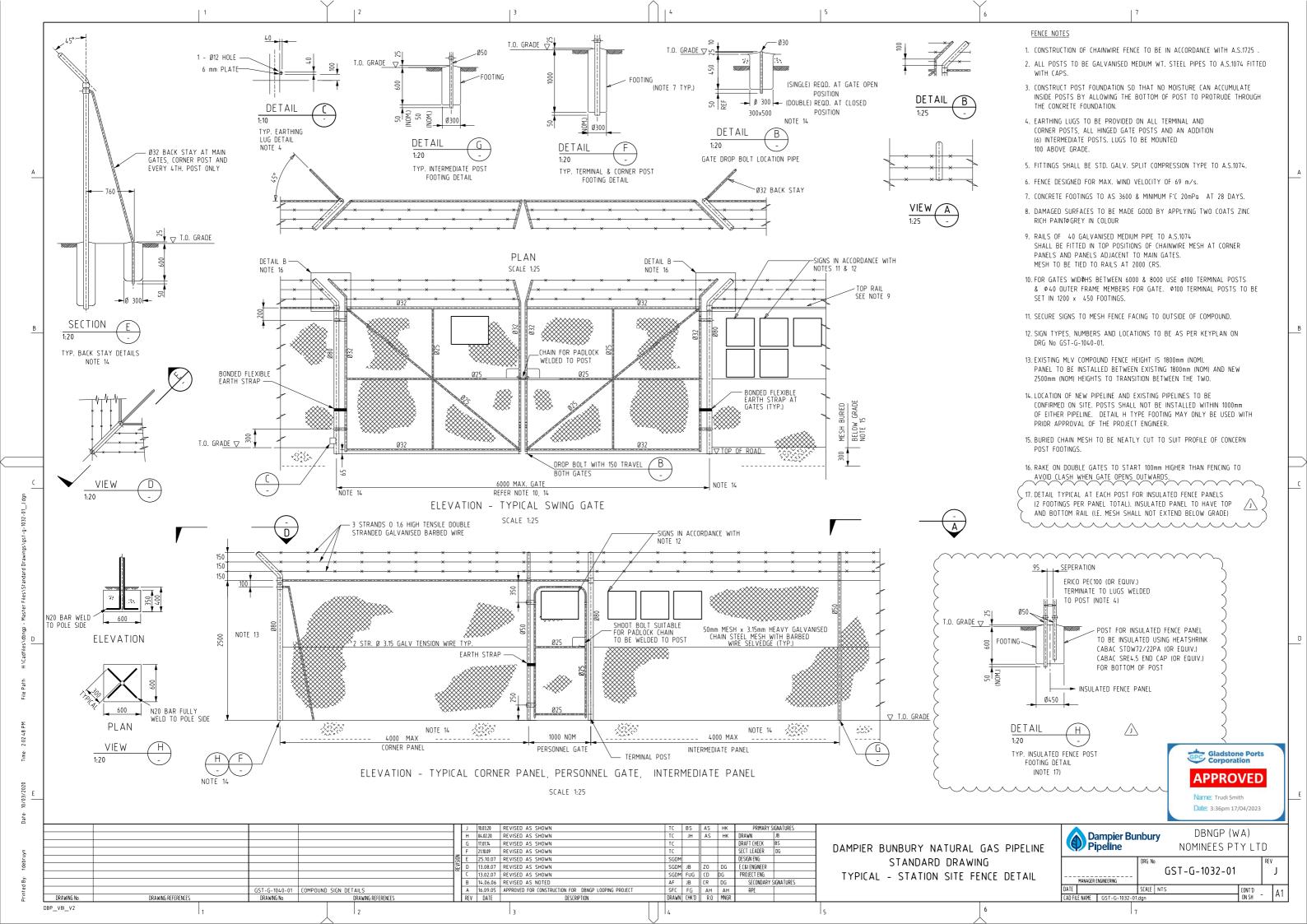
DRAWING REFERENCES

REV DATE











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
- (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			
Co	olumn 1	Column 2	Column 3	Column 4
Ap	ppellant	Respondent	Co-respondent	Co-respondent
			(if any)	by election (if any)
1 2	The applicant If the responsible entity is the	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application
	assessment manager—an affected entity that gave a pre-request notice or response notice			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

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			
	lumn 1 pellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent 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,	le 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 for 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			
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 3 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	5. Registered premises			
An appeal may be ma	de against a decision of	of the Minister under cl	napter 7, part 4.	
Column 1	Column 2	Column 3	Column 4	
Appellant	Respondent	Co-respondent (if any)	Co-respondent by election (if any)	
1 A person given a decision notice about the decision 2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision	The Minister		If an owner or occupier starts the appeal—the owner of the registered premises	

6. Local laws

An appeal may be made against a decision of a local government, or conditions applied, under a local law about—

- (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or
- (b) the erection of a building or other structure.

Table 2 Appeals to the P&E Court only			
Column 1	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	government		
(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.

		 	
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		