

13 February 2024

Gladstone Ports Corporation
C/- Aurecon
Hannah Niland-Rowe
Locked Bag 331
BRISBANE QLD 4001

Dear Hannah,

DECISION NOTICE – APPROVAL WITH CONDITIONS – DA2023/01/01

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

1. Application Details

This development application was **properly made** to the Gladstone Ports Corporation Limited on **30 January 2023**.

Application Number:	DA2023/01/01
Applicant Name:	Gladstone Ports Corporation
Applicant Contact Details:	C/- Auercon Hannah Niland-Rowe Locked Bag 331 BRISBANE QLD 4001 Email: Hannah.nilandrowe@aurecongroup.com
Approvals Sought (Land Use Plan):	Development Permit for Material Change of Use for Stage 1 for Bulk storage infrastructure and activities and Loading and unloading infrastructure and activities Temporary Use for Mobile unloading facility (Stage 1A(i))
Approval Sought (Port Overlay):	ERA 50(1)(a) & ERA 50(2) non-devolved environmentally relevant activity (mineral and bulk material handling)
Details of Proposed Development:	Dry Bulk Storage Facilities and temporary mobile unloading facility
Location Street Address:	Cnr Wharf Drive and Newman Street, Burnett Heads
Location Real Property Description:	Part of Lot 1 RP122698

Land Owner:	Gladstone Ports Corporation Limited
Land Use Plan Precinct:	Strategic Port Land – Port Industry Precinct
Port Overlay Precinct:	N/a

2. Details of Proposed Development

Material Change of Use – Stage 1

1. Bulk storage infrastructure and activities and
2. Loading and unloading infrastructure and activities

Temporary Development – Stage 1A(i)

1. Temporary mobile unloading facility

3. Details of Decision

This development application was **decided** on **13 February 2024**.

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) Material Change of Use (Stage 1) for Bulk Storage Infrastructure & Activities and Loading and Unloading Facility (*Planning Regulation 2017* - Schedule 10, part 13, division 5, subdivision 1); and
- (b) Temporary Development (Stage 1A(i)) -Temporary mobile unloading facility (*Planning Regulation 2017* - 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 relevant Building and Plumbing works;
- (b) Any relevant Operational Works; and
- (c) Any relevant works on roads as required by Bundaberg Regional Council.

7. Referral Agencies for the Application

The referral agencies for this application are:

Referral Agency	Referral Agency Requirement
Wide Bay Burnett State Assessment Referral Agency (SARA) PO Box 979 BUNDABERG QLD 4670 WBBSARA@dsdmip.qld.gov.au	<i>Planning Regulation 2017</i> – Material Change of Use (MCU) Schedule 10, part 5, division 4, table 2, item 1 – Non-devolved environmentally relevant activities ERA 50(1)(a) & ERA 50(2)

8. Environmental Authority

Environmentally Authority No. P-EA-100388452 for –

- ERA 50 Mineral and bulk material handling – (1)(a) and
- ERA 50 Mineral and bulk material handling – (2)

9. Approved Plans and Specifications

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

Drawing/report title	Prepared by	Date	Reference no.	Version
Bundaberg Unloading and Stockpiling Dry Bulk Storage Facility (DBSF) Temporary Loading Facility Layout Plan & Details	Gladstone Ports Corporation Limited	18/01/2024	951-00028	0
Bundaberg Unloading and Stockpiling Multiuser Stockyard Stage 1A and 1B Concept Site Plan	Gladstone Ports Corporation	13/08/2023	951-00027	C

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:

- 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.
- For Temporary Development (temporary mobile unloading facility) lapses within 12 months of the commencement of the use. Further extensions may be requested if required.

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*

Gladstone Ports Corporation Limited

T: +61 7 4976 1333 • Fax: +61 7 4972 3045 • 40 Goondoon St/PO Box 259, Gladstone QLD, 4680, AUSTRALIA • www.gpcl.com.au
ACN 131 965 896 ABN 96 263 788 242

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 4 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: WWB SARA
Bundaberg 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

- WWB SARA 19 January 2024

Attachment 2: Approved plans and specifications

Attachment 3: Third Party Advice

- Bundaberg Regional Council dated 18 April 2023

Attachment 4: 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

CONDITIONS
ALL DEVELOPMENT
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 each respective stage of the development.
3. Where additional “approval” is required under these conditions by the Assessment Manager (Gladstone Ports Corporation Limited [GPC]) for drawings or documentation the Applicant must submit for review, amend to the satisfaction of, and obtain written approval from the Assessment Manager. Furthermore, the Assessment Manager will require no less than 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 Applicant 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.
5. Upon completion of the works for each stage, sub-stage and Temporary Development, the Applicant must provide 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.
6. Prior to each of the approved Stages, sub-stages and Temporary Development commencing, the Applicant must certify that the development is constructed as per design and that the development has been constructed generally in accordance with the Approved plans for each stage.
Product
7. Records must be kept for each product and tonnes exported per annum and made available to the Assessment Manager upon request.

Amended Plans

8. Prior to commencement of the use, the following plans must be resubmitted to the Assessment Manager for approval and must incorporate the approved layout plan for the Temporary Development (mobile unloading facility) use –
 - a. Temporary Load-Out Facility Erosion and Sediment Control Plan'
 - b. The Common User Infrastructure Storage Facility – Temporary Loading Facility Construction Environmental Management Plan and
 - c. The Common User Infrastructure Storage Facility – Temporary Loading Facility Operational Environmental Management Plan.
9. In conjunction with the submission of any Operational Works application or Building work application for Stage 1A, or prior to the commencement of the use for Stage 1A, whichever occurs first, submit to and have approved by the Assessment Manager drawings/plans and/or documents as follows:
 - a. Overall staging plan that encompasses Stage 1A, 1B and 1C;
 - b. Site plans and/or elevations for the Stage 1A start-up that gives consideration to the following –
 - i. Minimum 6m building setback from any road frontage;
 - ii. Stormwater management system;
 - iii. Location of wheel wash and capture system;
 - iv. Roadways and aprons and
 - v. Proposed landscaping and fencing.
 - c. Site plans and/or elevations for the Stage 1B permanent covering for Stockpile 1 that gives consideration to the following –
 - i. Elevations for the permanent cover for Stockpile 1;
 - ii. Modifications to the stormwater and drainage system.
 - d. Site plans and/or elevations for the Stage 1C duplication of stockpile 1 and site office that gives consideration to the following –
 - i. Minimum 6m building setback from any road frontage;
 - ii. Details of materials and external finishes and colouring for site office;
 - iii. Landscaping and fencing;
 - iv. Pedestrian path of travel that ensures safe access/egress to the site;
 - v. Building entry to be oriented towards the primary road frontage;
 - vi. Any proposed signage (dimensions and location);
 - vii. Location of waste bins including swept path plans for waste collection vehicle;
 - viii. Vehicle parking, manoeuvring and access for administration staff and visitor car parking that complies with the standards for access manoeuvring, circulation and parking areas in accordance with GPC's

<p>Transport, Access and Car Parking Guideline, including Table 1 Vehicle Parking Rates; and</p> <p>ix. Stormwater management system.</p>
<p>10. In conjunction with the submission of any Operational Works application or Building work application for Stage 1A, provide site plans highlighting proposed internal pavement surfacing treatments for each stage and sub-stages of the development.</p>
<p>11. Prepare and submit to the Assessment Manager for approval as part of Stage 1A development and prior to the commencement of the use, a Landscape Plan for the full development. The plan must be prepared in accordance with the Port of Bundaberg Land Use Plan 2020 – Landscaping Guideline, and the conditions of this approval. The plan is to include, but not be limited to the following:</p> <ul style="list-style-type: none"> a. Minimum 2m wide landscaping strip along the front boundary (Wharf Drive and Newman Street) excluding access/egress points; b. Provision of mature trees and/or species to a minimum 3m height to the Newman Street frontage of the site; c. Details of any proposed irrigation systems; and d. Provision of shade trees in car parking areas at a minimum ratio of one (1) tree for every six (6) parking spaces.
<p>12. Landscaping is to be carried out and maintained in accordance with approved plans. The Applicant must maintain the property frontage in a clean and tidy manner at all times, including during the operation of the temporary development.</p>
<p>Staging</p>
<p>13. Prior to works commencing for each relevant stage or sub-stage, the proponent must supply to the Assessment Manager for approval 100% design 'for construction' plans, (signed by an RPEQ Engineer) in electronic CAD format which illustrate all infrastructure and services installed on, under or over Port land associated with the development.</p>
<p>14. The proposed Staged development is to be undertaken in sequential order i.e. Stage 1A(i), Stage 1A, Stage 1B, and Stage 1C.</p>
<p>15. Prior to the commencement of use of Stage 1A, install a wheel wash facility at the access/egress to the material storage area/s of the site. The wheel wash facility must be connected to suitable infrastructure and services.</p>
<p>16. Prior to the commencement of Stage 1A(i), the street address and appropriate signage is to be provided to the primary frontage of the site (Wharf Drive). Signage to the Newman Street access is to be amended at Stage 1C to ensure the general public does not enter the site from Newman Street.</p>
<p>17. In conjunction with Stage 1C, install and maintain suitable screening to all air conditioning, waste service facilities or equipment located on an external face of the building. 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.</p>

18. For each stage of development, install and maintain security fencing along external boundaries of the premises as indicated on 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. The provision of mesh cloth screening to the security fence may be provided as an alternative for the Temporary Development activity.

Construction

19. The hours for the construction of the facility (i.e. operation of any machinery and/or other equipment) is to be restricted to between 6.30am and 6:30pm Monday to 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

20. Unless otherwise agreed to in writing by the Assessment Manager, prior to construction works commencing on site for any stage, including the Temporary Development, a 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

21. Upon completion of the construction works for any stage, including the Temporary Development, the Applicant must reinstate the property to the same condition prior to the works being undertaken unless agreed to in writing by the Assessment Manager.

22. In the event works are required to be carried out outside the lease area, the Applicant or their contractor must obtain a Consent to Enter from GPC's Property team prior to works commencing via 07 4976 1334 or property@gpcl.com.au.

23. 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.

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 Applicant or their contractor must also obtain a Consent to Enter from the GPC's Property team via 07 4976 1334 or property@gpcl.com.au prior to works commencing.

24. At all times, no product, materials, minerals, mud, dirt or other debris is to be tracked onto port roads and / or public roads during construction and operation of all stages development.

25. Construction fill material must be uncontaminated and reused from onsite or sourced from a licensed quarry unless otherwise approved by the Assessment Manager.

26. 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

<p>validated complaint received, the Applicant must immediately rectify to the satisfaction of the Assessment Manager.</p>
<p>27. Lighting must be designed to facilitate a safe and secure parking area, lit to a standard appropriate for safe night time operations.</p>
<p>28. Prior to each stage and sub-stage of the use commencing, the Applicant must ensure all details of proposed mitigation measure/s to reduce skyglow from all external lighting associated with the development has been documented and are available for review by the Assessment Manager for review.</p>
<p>29. The Applicant is required to apply for and obtain from the Assessment Manager, a Permit to Dig/Excavate prior to commencing works by contacting GPC's 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 Applicant must 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.</p>
<p>Traffic</p>
<p>30. Prior to the commencement of the use for Stage 1A, the Applicant must provide a sealed pavement for the access and egress driveway approved by the Bundaberg Regional Council.</p>
<p>31. An Operational Traffic Management Plan (OTMP) must be provided to the Assessment Manager for approval at least 10 business days prior to the commencement of each stage, sub-stage and Temporary Development. All activities associated with the operation must be carried out in accordance with the approved OTMP.</p> <p>The Operational Traffic Management Plan is to include the following but not limited to -</p> <ol style="list-style-type: none"> a. Type of controls that are in place to ensure truck queuing does not occur or result in blocking the ability for traffic to flow freely along Newman Street or Wharf Drive; b. Details of proposed traffic controls (i.e. advanced signage "road closed ahead" etc). Note: Any signage placed on publicly accessible roads must comply with the Austroad's Guide to Temporary Traffic Management (AGTTM). And where applicable, the amendments referenced in the Queensland guide to Temporary Traffic management (QGTTM).
<p>32. The OTMP is to be prepared by a suitably qualified Traffic Management Designer in accordance with the requirements of the AGTTM where condition 31. b. applies.</p>
<p>33. Any works occurring on or adjacent to publicly accessible roadways shall be undertaken in compliance with the Austroad's Guide to Temporary Traffic Management (AGTTM) and where applicable, the amendments referenced in the Queensland Guide to Temporary Traffic Management (QGTTM). These documents can be accessed via Austroads, and the Department of Transport & Main Roads Qld https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Queensland-Guide-to-Temporary-Traffic-Management</p>
<p>ENVIRONMENT</p>

Construction Environmental Management Plan

34. Prior to the commencement of construction for any stage or temporary development, an Construction Environmental Management Plan (CEMP) 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, aware and competency assessed of their obligations under the CEMP, 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 CEMP are to be submitted to the Gladstone Ports Corporation for review and approval; and
- e. any rehabilitation and decommissioning works occur where required.

Once approved the construction of the approved development 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.

35. Prior to work commencing on the site, for any stage of development or the temporary development, the CEMP is to be updated and submitted to the Assessment Manager for approval, to include the following amendments –

- a. Section 1.5 – Gladstone Ports Corporation Limited Contact – Environmental Specialist Ph 4976 1255, to be replaced with Gladstone Ports Corporation Environmental Hotline (07) 4676 1617.
- b. Section 2.8 – Emergency preparedness and response – Please include the requirements of DA condition with regards to notification of GPC
- c. Section 3 - Table 6 - Contaminated Land – Earthworks – Disturbance of PFAS Contamination – specifics as to how any intercepted groundwater is proposed to be managed. If specific detail is not proposed to be included, then a more detailed management strategy is to be provided.

36. The CEMP must address the management of land with regard to the Environmental Management Register (EMR) as Lot 1 RP122698 is listed for Notifiable Activity 29 (petroleum product or oil storage). Removal of any fill from the lot will be required to done so in accordance with the *Environmental Protection Act 1994* (Qld).

Operational Environmental Management Plan

37. Prior to the commencement of each Stage, sub stage and temporary development, an Operational Environmental Management Plan (EMP) is to be submitted to the Assessment Manager for approval, specific to the operations aspect of the development that ensures:

- a. environmental risks are identified, managed and continually assessed; and

- b. that staff are trained, aware and competency assessed 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 occur where required and
- f. any relevant air quality objectives for dust or airborne contaminants are achieved.

Once approved by the Assessment Manager, the approved development 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.

Acid Sulphate Soils

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

Sediment control

39. A Sediment and Erosion Control Plan in accordance with the Environmental Protection Agency's (EPA – guideline – *EPA Best Practice Urban Stormwater Management – Erosion and Sediment Control* and *International Erosion control Association's (IECA) – Best Practice Erosion and Sediment control*, and the *Queensland Urban Drainage manual (QUDM)* is to be prepared by a suitably qualified expert for each sub-stages of the proposed construction works to ensure landscaping and bio-retention areas are suitable protected from sediment inundation.

40. The design of the site drainage system, filling of the site, car parking and accesses must be undertaken so that flows from adjacent properties will not be impeded by the development.

41. Uncontrolled discharges of contaminated washdown water or contaminated stormwater to the adjoining premises or road network, including Wharf Drive, are not permitted.

42. Prior to works commencing for the relevant stage, a lawful point/s of discharge, demonstrating no actionable nuisance, must be established within Lot 276 on SP128643, for all stormwater overflow, exclusive of contaminants.

43. Prior to the commencement of each Stage and Sub stage, a Stormwater Management Plan is to be submitted to the Assessment Manager for approval, specific to the development.

At all times, all construction and operational activities must be managed in accordance with the approved Stormwater Management Plan and any stormwater management

strategies in relation to the management of groundwater with regard to per-and poly-fluoroalkyl substances (PFAS) are to be included within the Environmental Management Plan (OEMP and CEMP).

PFAS contaminated water (surface or groundwater) is to be managed in accordance with the *Environmental Protection Act 1994* (Qld), and its supporting regulations and policies, unless a separate management plan has been developed in consultation with and agreed to by the Department of Environment, Science and Innovation, and the Assessment Manager.

The Stormwater Management Plan must demonstrate that no nuisance run-off will be generated, including sediments, hydrocarbons or other contaminants.

44. Prior to disposal of groundwater (on or offsite), a copy of the sampling and analysis report for any groundwater testing must be provided to the Assessment Manager for review and approval.

Incident Notification

45. 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 conditions of this approval or any other environmental approval obtained in relation to the development.

46. The stockpile area is to be bunded to prevent contaminants being released into the environment or beyond the site boundary. Details of containment of stockpiles shall be included in the "For Construction" and "As Constructed" drawings approved as part of any Operational Works or Building Works applications for any stage.

Ground water

47. Unless otherwise approved in writing by the Queensland Government Department of Environment and Science (DES), or subsequent equivalent State agency administering the relevant legislation, any groundwater intercepted during construction activities is deemed to be a regulated waste contaminated with PFAS and must be managed and disposed of in accordance with the *Environmental Protection Act 1994* (Qld) and its regulations and policies, unless the proponent has undertaken sampling and testing of the groundwater that has determined per-and poly-fluoroalkyl substances (PFAS) levels are below the regulated waste threshold in the *Environmental Protection Regulation 2019* (Qld).

Any written approval received from the Department of Environment and Science (DES), or subsequent equivalent State agency, must be submitted to the Assessment Manager and be approved by the Assessment Manager in writing

INFRASTRUCTURE

48. The applicant must notify the Assessment Manager of damage caused to any port infrastructure, port user infrastructure or services including, but not limited to, security related devices, buildings, fences, lighting, roads, underground services or infrastructure as a result of the approved use or during construction. The applicant may undertake the repairs directly in consultation with the Assessment Manager or Bundaberg Regional Council where Council's infrastructure, 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 Applicant.

49. Prior to the commencement of Stage 1A, provision of a new water connection to Gladstone Ports Corporation, and/or Bundaberg Regional Council existing water infrastructure is to be installed by the Applicant with the cost borne by the applicant.

Prior to connection, the Applicant is to provide a Network Analysis Report to Bundaberg Regional Council demonstrating that the proposed service provides compliant pressures and capacity to satisfy the demands of the development.

Note: For further information contact Council's Water Services Department on 1300 883 699.

50. An appropriate fire service must be established and maintained to the satisfaction of the relevant authority.

51. An adequate connection to Bundaberg Regional Council's sewer infrastructure must be established prior to Stage 1C use commencing.

Note: For further information about these requirements, contact Bundaberg Regional Council's Water and Wastewater Infrastructure Planning Technical Support Section on 1300 883 699.

WASTE MANAGEMENT

52. 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.

53. At all times, 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.

Contamination

54. At all times, construction, operations and associated works are not to be conducted in such a manner that would environmentally degrade Gladstone Ports Corporation land or infrastructure. This includes but is not limited to:

- a. Contamination of the land
- b. Encouragement of pest and weed incursion
- c. Loss of land through poor sediment and erosion controls; and
- d. Localised flooding from poor stormwater management practices/controls.

Any such degradation in or caused by the works or operations must be rectified in a timely manner to the satisfaction of the Assessment Manager and measures implemented to prevent further degradation.

TEMPORARY DEVELOPMENT (Mobile unloading facility)

55. The temporary development (mobile unloading facility) Stage 1A(i) is approved for 12 months from commencement of its use.

Note: Further extensions to the temporary development may be sought, prior to the expiry of the granted 12 month period.

56. Prior to the commencement of Stage 1A(i), install and maintain security fencing along the external boundaries of the premises. Fencing should be constructed of 1.8m high chain wire mesh with galvanised posts (or similar), unless otherwise approved by the Assessment Manager. The provision of mesh cloth screening is to be attached to the security fence for the boundary of the site as an alternative to the provision of landscaping.

ADVICE NOTES – WHEN RELEVANT

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. Where a Permit to Dig/Excavate prior to commencing excavation or digging for the development, the Applicant 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.
3. Where a construction compound or laydown area is required, the Applicant 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.
4. Where works are to be undertaken outside tenured areas, the Applicant 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.
5. All development should proceed in accordance with the duty of care guidelines under the *Aboriginal Cultural Heritage Act 2003*. Penalties may apply where duty of care under that Act has been breached.
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. All development should proceed in accordance with the duty of care guidelines under the *Aboriginal Cultural Heritage Act 2003*. Penalties may apply where duty of care under that Act has been breached.
8. This decision notice does not represent an approval to commence Building work.
9. Connections to water and sewerage infrastructure will require Plumbing and Drainage works approvals from a suitably qualified person.
10. 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.

11. Where communication with GPC Port Security is required e.g. for schedules or service requests, direct communication to the following: pfso@gpcl.com.au, contracted_security@gpcl.com.au and gpcsupervisor@diamondprotection.com.

PART 2: REFERRAL AGENCY CONDITIONS

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



SARA reference: 2302-33137 SRA
 Assessment manager reference: DA2023/01/01
 Applicant reference: P520196

19 January 2024

Chief Executive Officer
 Gladstone Ports Corporation Limited
 PO Box 259
 GLADSTONE QLD 4680
 planning@gpcl.qld.gov.au

Attention: Ms Trudi Smith

Dear Ms Smith

SARA referral agency response—Wharf Drive, Burnett Heads

(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 13 February 2023.

Response

Outcome:	Referral agency response – No requirements. Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	19 January 2024
Advice:	Advice to the applicant is in Attachment 1
Reasons:	The reasons for the referral agency response are in Attachment 2

Development details

Description:	Development Permit	Material Change of Use for Bulk Storage Infrastructure and Activities (multi-product facility), Loading and Unloading Infrastructure and Activities and Temporary Unloading Facility
	Development Permit	Environmentally Relevant Activity (ERA) 50(1)(a) and ERA 50(2)
SARA role:	Referral Agency	

SARA trigger:	Schedule 10, Part 5, Division 4, Table 2, Item 1 (10.5.4.2.1) – Non-devolved environmentally relevant activities (Planning Regulation 2017)
SARA reference:	2302-33137 SRA
Assessment manager:	Gladstone Ports Corporation Limited
Street address:	Wharf Drive, Burnett Heads
Real property description:	Lot 1 on RP122698
Applicant name:	Gladstone Ports Corporation C/- Aurecon
Applicant contact details:	PO Box 1060 MACKAY QLD 4740 planning.mackay@aurecongroup.com
Environmental Authority:	<p>This referral included an application for an environmental authority under section 115 of the <i>Environmental Protection Act 1994</i>. Below are the details of the decision:</p> <ul style="list-style-type: none"> • Approved • Reference: P-EA-100388452 • Effective date: In accordance with Section 200 of the <i>Environmental Protection Act 1994</i> • Prescribed environmentally relevant activity (ERA): <ul style="list-style-type: none"> - ERA 50 - Mineral and bulk material handling - 1(a) - Loading or unloading 100t or more of minerals in a day, other than loading or unloading mentioned in item 3, or storing 50,000t or more of minerals - within 5km of the highest astronomical tide or 1km of a watercourse - ERA 50 - Mineral and bulk material handling - 2 - Loading or unloading 100t or more of bulk materials in a day, other than loading or unloading mentioned in item 3, or storing bulk materials. <p>If you are seeking further information on the environmental authority, the Department of Environment and Science's website includes a register. This can be found at: www.des.qld.gov.au.</p>
<i>Human Rights Act 2019</i> considerations:	A consideration of the 23 fundamental human rights protected under the <i>Human Right Act 2019</i> has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

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 3**.

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

For further information please contact Jackie Larrarte, Senior Planning Officer, on 07 4122 0407 or via email WBBSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
Manager, Planning – Wide Bay Burnett

cc Gladstone Ports Corporation C/- Aurecon, planning.mackay@arecongroup.com

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations about a referral agency response provisions

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP), (version 3.0). If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

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

The reasons for SARA's decision are:

The development complies with State code 22: Environmentally relevant activities of SDAP. Specifically, the environmentally relevant activities:

- are located and designed to avoid or mitigate environmental harm on environmental values of the natural environment, adjacent sensitive land uses and sensitive receptors
- are designed and located to avoid impacts or, where the matters of state environmental significance cannot be reasonably avoided, impacts are reasonably minimised and mitigated
- do not result in a significant residual impact on a matter of state environmental significance.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP, version 3.0, as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- section 58 of the *Human Rights Act 2019*.

Attachment 3— Representations about a referral agency response provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

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

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

Part 7: Miscellaneous

30 Representations about a referral agency response

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

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

Permit

Environmental Protection Act 1994

Environmental authority P-EA-100388452

This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Environmental authority number: P-EA-100388452

Environmental authority takes effect on the date that your related development approval DA202/01/01 takes effect. This is the take effect date.

Within 5 business days of the environmental authority taking effect, the administering authority must be given written notice of the occurrence. Prior to the commencement of the activity, the administering authority must be given written notice of the proposed date of commencement.

The first annual fee is payable within 20 business days of the take effect date.

The anniversary date of this environmental authority is the same day each year as the take effect date. The payment of the annual fee will be due each year on this day.

Environmental authority holder

Name	Registered address
GLADSTONE PORTS CORPORATION LIMITED	Kullaroo House 40 Goondoon Street GLADSTONE DC QLD 4680

Environmentally relevant activity and location details

Environmentally relevant activities	Location
ERA 50 - Mineral and bulk material handling - 1(a) - Loading or unloading 100t or more of minerals in a day, other than loading or unloading mentioned in item 3, or storing 50,000t or more of minerals - within 5km of the highest astronomical tide or 1km of a watercourse	1/RP122698 Lot 1 Wharf Drive, BURNETT HEADS QLD 4670
ERA 50 - Mineral and bulk material handling - 2 - Loading or unloading 100t or more of bulk materials in a day, other than loading or unloading mentioned in item 3, or storing bulk materials	

Additional information for applicantsEnvironmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority (EA) is issued is a restatement of the ERA as defined by legislation at the time the EA is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an EA as to the scale, intensity or manner of carrying out an ERA, the conditions prevail to the extent of the inconsistency.

An EA authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the EA specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act).

Contaminated land

It is a requirement of the EP Act that an owner or occupier of contaminated land give written notice to the administering authority if they become aware of the following:

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or
- a change in the condition of the contaminated land (notice must be given within 24 hours); or
- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days)

that is causing, or is reasonably likely to cause, serious or material environmental harm.

For further information, including the form for giving written notice, refer to the Queensland Government website www.qld.gov.au, using the search term 'duty to notify'.

Take effect

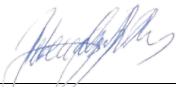
Please note that, in accordance with section 200 of the EP Act, an EA has effect:

- a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority - on the nominated day; or
- b) if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or
- c) otherwise - on the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the *Planning Act 2016* or an SDA Approval under the *State Development and Public Works Organisation Act 1971*), this EA will not take effect until the additional authorisation has taken effect.

If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.



Signature

19/01/2023

Date

Rebecca Griffiths
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Utilities and Government Organisations Assessment
GPO Box 2454, Brisbane QLD 4001
Phone: 1300 130 372
Email: palm@des.qld.gov.au

Obligations under the *Environmental Protection Act 1994*

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Other permits required

This permit only provides an approval under the *Environmental Protection Act 1994*. In order to lawfully operate you may also require permits / approvals from your local government authority, other business units within the department and other State Government agencies prior to commencing any activity at the site. For example, this may include permits / approvals with your local Council (for planning approval), the Department of Transport and Main Roads (to access State controlled roads), the Department of Resources (to clear vegetation), and the Department of Agriculture and Fisheries (to clear marine plants or to obtain a quarry material allocation).

Development Approval

This permit is not a development approval under the *Planning Act 2016*. The conditions of this environmental authority are separate, and in addition to, any conditions that may be on the development approval. If a copy of this environmental authority is attached to a development approval, it is for information only, and may not be current. Please contact the Department of Environment and Science to ensure that you have the most current version of the environmental authority relating to this site.

Conditions of environmental authority

Environmentally relevant activities	Location
<p>ERA 50 - Mineral and bulk material handling - 1(a) - Loading or unloading 100t or more of minerals in a day, other than loading or unloading mentioned in item 3, or storing 50,000t or more of minerals - within 5km of the highest astronomical tide or 1km of a watercourse</p> <p>ERA 50 - Mineral and bulk material handling - 2 - Loading or unloading 100t or more of bulk materials in a day, other than loading or unloading mentioned in item 3, or storing bulk materials</p>	<p>1/RP122698 Lot 1 Wharf Drive, BURNETT HEADS QLD 4670</p>

The environmentally relevant activity conducted at the location as described above must be conducted in accordance with the following site-specific conditions of the approval.

Ref	Condition
Schedule: General	
G1	<p>Activities under this environmental authority must be undertaken in accordance with <i>Appendix 1: Site Layout</i>. The only exception to this is the temporary activity which must be undertaken in accordance with the following:</p> <ol style="list-style-type: none"> 1. Operated in accordance with <i>Appendix 2: Temporary Activity</i>, and 2. The temporary activity must not be operated for more than 28 days per calendar year; and 3. The temporary activity must only be operated for a maximum of two calendar years from the take effect date.
G2	<p>Activities under this environmental authority must be undertaken in accordance with the following:</p> <ol style="list-style-type: none"> 1. The activity must not accept Silica Sand that has a respirable crystalline silica content of 10% or higher; and 2. The amount of bulk materials and minerals handled under this environmental authority must not exceed 475,000 tonnes per year; and 3. Records must be kept of the daily quantity of material or minerals handled; and 4. The commodities that are authorised to be stored and handled under this environmental authority are: <ol style="list-style-type: none"> (a) Silica sand; and (b) Kaolin; and (c) Feldspar; and (d) Ilmenite; and (e) Organic Soils; and (f) Wood pellets and chips; and

Ref	Condition
	<ul style="list-style-type: none"> (g) Feed Grains; and (h) Sorghum; and (i) Maize; and (j) Corn.
G3	All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused, or likely to be caused, by the activity .
G4	Any contravention of a condition of this environmental authority must be reported to the administering authority as soon as practicable and within 24 hours of becoming aware of the contravention.
G5	<p>Within 14 days of providing the notification under condition G4, or a longer period agreed to in writing by the administering authority, an investigation must be completed into any contravention of a condition of the environmental authority to determine:</p> <ul style="list-style-type: none"> a) the potential circumstances and actions that may have contributed to the contravention; and b) the environmental impact of the contravention; and c) reasonable measures that could be implemented to address the cause of the contravention to prevent future contraventions of this nature.
G6	<p>Measures identified under condition G5 must be implemented within:</p> <ul style="list-style-type: none"> a) 28 days of the investigation required by condition G5 being completed; or b) a longer period agreed to in writing by the administering authority.
G7	<p>The following details must be recorded for all contraventions of conditions within the environmental authority:</p> <ul style="list-style-type: none"> (a) date and time the contravention occurred; and (b) nature and details of the contravention; and (c) investigations carried out in response to the contravention as required by condition G5; and (d) the results of investigations; and (e) measures implemented under condition G5.
G8	Other than as permitted by this environmental authority, the release of a contaminant into the environment must not occur.
G9	All records required by the conditions of this environmental authority must be kept for a minimum of five years, and all monitoring results and raw data must be kept until surrender of this environmental authority.

Ref	Condition
G10	<p>All records required by the conditions of this environmental authority must be provided to the administering authority:</p> <ul style="list-style-type: none"> a) within the timeframe specified by the administering authority; and b) in the format requested by the administering authority.
G11	<p>An appropriately qualified person(s) must monitor, record and interpret all parameters that are required to be monitored by this environmental authority.</p>
G12	<p>The following details must be recorded for all environmental complaints received:</p> <ul style="list-style-type: none"> (a) date and time the complaint was received; and (b) if authorised by the person making the complaint, their name and contact details; and (c) nature and details of the complaint; and (d) investigations carried out in response to the complaint as required by condition G13; and (e) the results of investigations; and (f) measures implemented under condition G14.
G13	<p>An investigation must be undertaken within 28 days (or a longer period agreed to in writing by the administering authority) into all environmental complaints received to determine:</p> <ul style="list-style-type: none"> (a) the potential circumstances and actions on site that may have contributed to the basis of the complaint; and (b) reasonable measures that could be implemented to address the complaint.
G14	<p>Measures identified under condition G13 must be implemented within:</p> <ul style="list-style-type: none"> (a) 28 days of the investigation required by condition G13 being completed; or (b) a longer period agreed to in writing by the administering authority.
G15	<p>When requested by the administering authority, monitoring must be undertaken in the manner and within the timeframe prescribed by the administering authority, to investigate any alleged environmental harm caused by the activity.</p>
G16	<p>The results, including an analysis of the results, of monitoring required by condition G15 must be provided to the administering authority:</p> <ul style="list-style-type: none"> (a) within 10 days after receipt of monitoring results; or (b) a longer period agreed to in writing by the administering authority.
G17	<p>Written procedures must be developed which:</p> <ul style="list-style-type: none"> (a) identify all potential risks to the environment from the activity, including:

Ref	Condition
	<ul style="list-style-type: none"> (i) during routine operations; and (ii) outside routine operations; and (iii) during closure; and (iv) in an emergency; and <p>(b) identify measures to prevent or minimise the potential for environmental harm for each of the potential risks identified; and</p> <p>(c) establish an inspection and maintenance program for plant and equipment including calibration and servicing that is in accordance with manufacturer's instructions; and</p> <p>(d) establish a staff training program on obligations under this environmental authority and the <i>Environmental Protection Act 1994</i> to be conducted as part of staff inductions and at least annually thereafter; and</p> <p>(e) establish processes to review environmental risks, incidents, performance, and environmental complaints.</p>
G18	<p>Written procedures required by condition G17 must be:</p> <ul style="list-style-type: none"> (a) implemented; and (b) reviewed at least every two years; and (c) provided to the administering authority upon request and within a timeframe specified by the administering authority.
G19	<p>Plant and equipment necessary to comply with the conditions of this environmental authority must be installed, operated, calibrated and maintained:</p> <ul style="list-style-type: none"> (a) in a proper and effective manner; and (b) in accordance with the written procedures developed under condition G17 for the plant and equipment.
G20	<p>Chemicals and fuels in containers of greater than 15 litres must be stored within a secondary containment system.</p>
Schedule: Air	
A1	<p>Other than as approved in this environmental authority, odours or airborne contaminants from the activity must not cause environmental harm or environmental nuisance at any sensitive place or commercial place.</p>
A2	<p>Dust and particulate matter emissions from the activity must not exceed the following concentrations at any sensitive place or commercial place:</p> <ul style="list-style-type: none"> a) dust deposition of 120 milligrams per square metre per day, averaged over 30 days, when monitored in accordance with the latest edition of Australian Standard AS/NZS 3580.10.1 <i>Methods for sampling and analysis of ambient air, Method 10.1</i>:

Ref	Condition																																																
	<p><i>Determination of particulate matter – Deposited matter – Gravimetric method; or</i></p> <p>b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometres (µm) (PM₁₀) suspended in the atmosphere of 50 micrograms per cubic metre over a 24-hour averaging time, when monitored in accordance with the latest edition of the relevant Australian Standards.</p>																																																
A3	When requested by the administering authority , dust, particulate matter and/or odour monitoring and investigation must be undertaken by an appropriately qualified person(s) to investigate a complaint of environmental nuisance caused by dust, particulate matter and/or odour.																																																
Schedule: Land																																																	
L1	Contaminants from the activity must not be released to land .																																																
L2	Any spillage of wastes, contaminants, products or other materials must be cleaned up immediately. Such spillages must be cleaned up using methods that prevent the release of waste, contaminants, products or other materials to air and waters .																																																
Schedule: Waste																																																	
W1	All waste generated by the activity must be lawfully reused, recycled or removed to a facility that can lawfully accept the waste.																																																
Schedule: Noise																																																	
N1	Other than as approved in this environmental authority, noise generated by this activity must not cause environmental harm or environmental nuisance at any sensitive place or commercial place .																																																
N2	<p>Noise from the activity must not include substantial low frequency noise components and must not exceed the levels identified in <i>Table 3 – Noise limits</i> at any sensitive place or commercial place.</p> <p>Table 3 – Noise limits</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Noise level measured in dB(A)</th> <th colspan="3">Monday to Saturday</th> <th colspan="3">Sunday and Public Holidays</th> </tr> <tr> <th>7am–6pm</th> <th>6pm–10pm</th> <th>10pm–7am</th> <th>9am–6pm</th> <th>6pm–10pm</th> <th>10pm–9am</th> </tr> </thead> <tbody> <tr> <td colspan="7" style="text-align: center;">Noise measured at a sensitive place</td> </tr> <tr> <td>L_{Aeq} adj, 1 hr</td> <td>40</td> <td>40</td> <td>40</td> <td>40</td> <td>40</td> <td>40</td> </tr> <tr> <td>L_{Amax}, 1 hr</td> <td>not applicable</td> <td>not applicable</td> <td>49</td> <td>not applicable</td> <td>not applicable</td> <td>49</td> </tr> <tr> <td colspan="7" style="text-align: center;">Noise measured at a commercial place</td> </tr> <tr> <td>L_{Aeq} adj, 1 hr</td> <td>50</td> <td>50</td> <td>50</td> <td>50</td> <td>50</td> <td>50</td> </tr> </tbody> </table>	Noise level measured in dB(A)	Monday to Saturday			Sunday and Public Holidays			7am–6pm	6pm–10pm	10pm–7am	9am–6pm	6pm–10pm	10pm–9am	Noise measured at a sensitive place							L_{Aeq} adj, 1 hr	40	40	40	40	40	40	L_{Amax}, 1 hr	not applicable	not applicable	49	not applicable	not applicable	49	Noise measured at a commercial place							L_{Aeq} adj, 1 hr	50	50	50	50	50	50
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L_{Aeq} adj, 1 hr	50	50	50	50	50	50																																											

Ref	Condition
	<p>Associated Requirements</p> <ol style="list-style-type: none"> 1. All monitoring devices must be correctly calibrated and maintained. 2. All monitoring of noise emissions from the activity must be undertaken when the activity is in operation. 3. All monitoring of noise emissions from the activity must be undertaken in accordance with the latest edition of the <i>Noise measurement manual</i> (available on the Queensland government website), the relevant Australian Standard and the <i>Environmental Protection Regulation 2019</i> (Chapter 5, Part 4).
N3	<p>The following must be recorded when undertaking monitoring of noise emissions from the activity:</p> <ol style="list-style-type: none"> a) All equipment in operation at the time of the noise measurement; and b) The mode of operation of all active equipment at the time of the noise measurement. <p><i>Note: results and monitoring reports are records that must be kept in accordance with condition G8.</i></p>
N4	<p>When requested by the administering authority, noise monitoring must be undertaken by appropriately qualified person(s) in the manner prescribed by the administering authority, to investigate a complaint of environmental nuisance arising from the activity. The noise monitoring data must be provided within 10 days to the administering authority upon request.</p>
Schedule: Water	
WT1	Contaminants must not be released to waters .
WT2	<p>Stormwater runoff must be managed to:</p> <ol style="list-style-type: none"> a) prevent stormwater from entering disturbed areas; or b) direct stormwater that has entered disturbed areas or a first flush diversion system, to stormwater treatment and retention measures.
WT3	<p>Stormwater contained within stormwater treatment and retention measures, may only be released to surface waters where:</p> <ol style="list-style-type: none"> a) beneficial reuse of contained stormwater runoff on site is not viable; and b) first flush diversion systems are installed, operated and maintained in a proper and effective manner; and c) the release is necessary to prevent an exceedance of the stormwater retention capacity required by condition WT6; and d) the release complies with conditions WT4 and WT5.
WT4	Releases of contained stormwater in accordance with condition WT3 must not:

Ref	Condition
	<ul style="list-style-type: none"> a) produce any slick or other visible evidence of oil or grease; and/or b) contain visible floating oil, grease, scum, litter, or other visually objectionable matter; and/or c) contain any other properties at a concentration capable of causing environmental harm.
WT5	<p>Releases of contained stormwater in accordance with condition WT3 must not cause:</p> <ul style="list-style-type: none"> a) erosion of the bed and banks of the receiving waters; and/or b) disturbance to vegetation; and/or c) a build-up of sediment.
WT6	<p>Stormwater treatment and retention measures must have capacity to retain stormwater runoff from disturbed areas generated by a rainfall event up to and including a 24-hour rainfall event with an Annual Exceedance Probability (AEP) of 10%.</p>

Definitions

Where a word or phrase in this document is defined in this Schedule or within the document, it has its corresponding meaning. Where a word or phrase in this document is not defined in this Schedule, it has the meaning given to it in (in order of priority):

- the *Environmental Protection Act 1994* (EP Act), its regulations or its environmental protection policies;
- the *Acts Interpretation Act 1954*;
- the Macquarie Dictionary (taking account of the context in which the word or phrase is used in this document).

For example, environmental value, **environmental harm**, **environmental nuisance**, material environmental harm, serious environmental harm and relevant act are defined in the EP Act and groundwater is defined in the *Environmental Protection Regulation 2019*.

Defined words or phrases in the singular include the plural and vice versa.

24-hour rainfall event with an Annual Exceedance Probability of 10% means the maximum Design Rainfall Depth (mm) from a 24-hour duration precipitation event with an annual exceedance probability of 10%.

The Design Rainfall Depth (mm) for an AEP probability of 10% over a 24-hour duration can be calculated for your location using the Intensity–Frequency–Duration (IFD) Design Rainfall Data System on the Bureau of Meteorology website.

Activity means the environmentally relevant activities to which this environmental authority relates and, unless otherwise stated, includes both the **activity** as shown in *Appendix 1: Site Layout* and the **temporary activity** as shown in *Appendix 2: Temporary Activity*.

Administering authority means the Chief Executive administering the *Environmental Protection Act 1994*.

Appropriately qualified person(s) means a person (or persons) who has professional qualifications, training, skills or experience relevant to the environmental authority (EA) requirements and can give authoritative assessment, advice and analysis in relation to the EA requirements using the relevant protocols, standards, methods or literature.

Commercial place means a place, or part of a place, used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

Day(s) means any 24-hour period of a calendar day.

Disturbed areas means areas disturbed by the carrying out of the **activity** including areas:

- a) that are susceptible to erosion; and/or
- b) that are contaminated by the **activity**; and/or
- c) upon which stockpiles of soil, minerals, or other materials are located.

Environmental complaints means an expression of dissatisfaction, concern or report, whether written or verbal, about the **activity** and/or its impact on the environment.

Environmental harm as defined in Section 14 of the *Environmental Protection Act 1994*.

Environmental nuisance as defined in Section 15 of the *Environmental Protection Act 1994*.

First flush diversion system means a system that diverts the initial 10mm of rainfall from roofed structures to the **stormwater treatment and retention measures**.

L_{Aeq adj, 1 hr} means an A-weighted sound pressure level of a continuous steady sound, adjusted for tonal character, that within a 1-hour period has the same mean square sound pressure of a sound that varies with time.

L_{Amax, 1 hr} means the maximum A-weighted sound pressure level over the 1-hour measurement period.

Land means land excluding **waters** and the atmosphere.

Measures has the broadest interpretation and includes plant, equipment, physical objects, **monitoring**, procedures, actions, directions and competency.

Mode of operation means a condition or manner in which a unit may operate or function while on location or in transit.

Monitoring results includes analysis results (laboratory and in situ) and **monitoring** reports.

Monitor, monitored and monitoring means monitoring the impact of an **activity** on the receiving environment and includes analysing, assessing, examining, inspecting, measuring, modelling or reporting any of the following matters—

- (a) the quantity, quality, characteristics, timing and variability of the release of any contaminant; and
- (b) the effectiveness of any control measure; and
- (c) the characteristics of, and impact on, the receiving environment; and
- (d) the effectiveness of remedial or rehabilitation **measures** (if applicable to the relevant monitoring requirement).

Raw data means primary data collected from a source that has not been processed and includes **monitoring** sheets, **monitoring** device readings, laboratory analysis results and certificate of analysis.

Records include any written procedures, plans, **monitoring** results, and **monitoring** programs required under a condition of this environmental authority.

Release of a contaminant into the environment means to:

- (a) deposit, discharge, emit or disturb the contaminant; or
- (b) cause or allow the contaminant to be deposited, discharged, emitted or disturbed; or
- (c) fail to prevent the contaminant from being deposited, discharged emitted or disturbed; or
- (d) allow the contaminant to escape; or
- (e) fail to prevent the contaminant from escaping.

Secondary containment system means a system designed, installed and operated to prevent any release of contaminants from the system, or containers within the system, to **land** or **waters**.

Sensitive place is any part of the following:

- a) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- b) a motel, hotel or hostel; or
- c) a kindergarten, school, university or other educational institution; or
- d) a medical centre or hospital; or

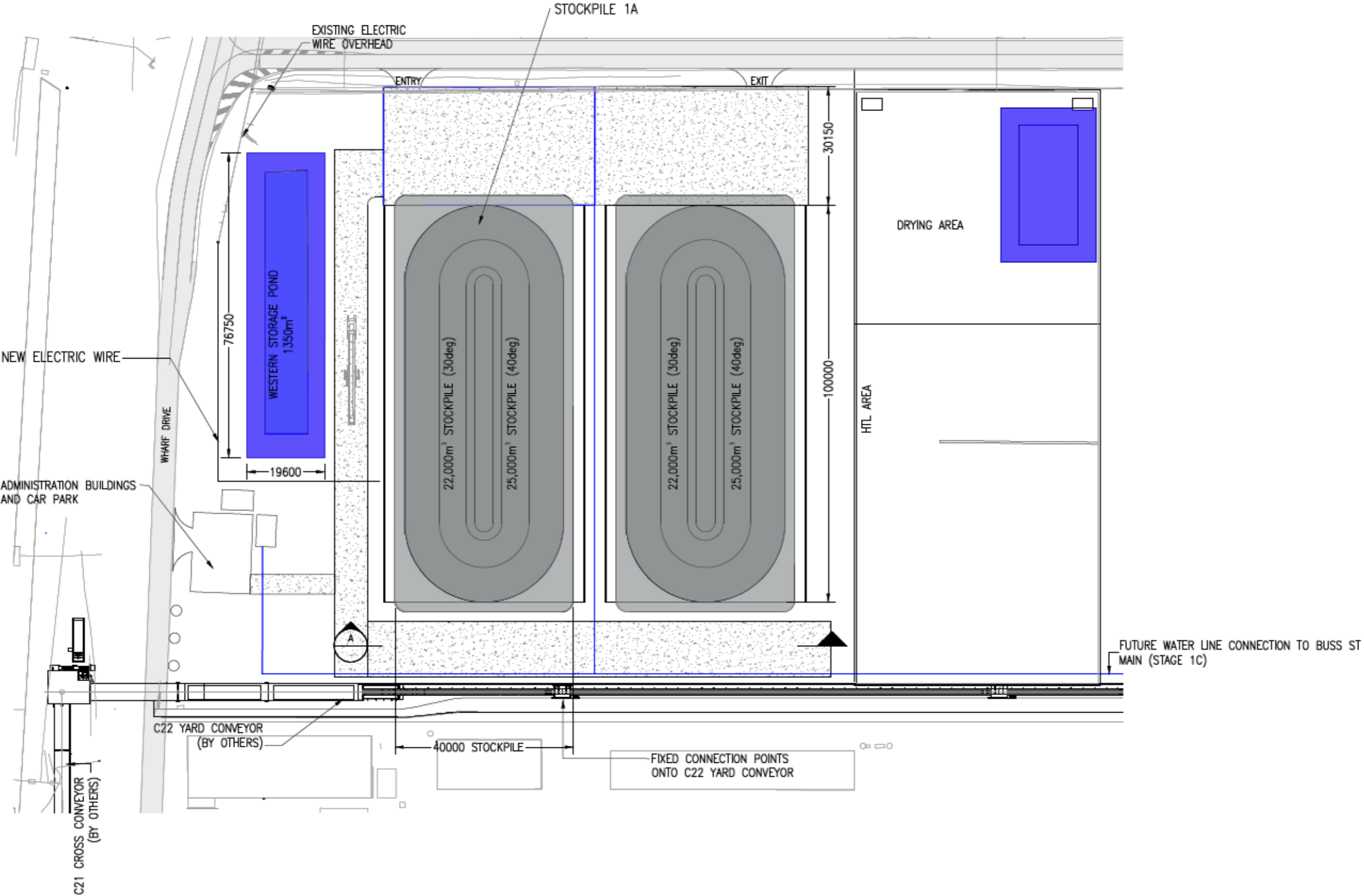
- e) a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 2004* or a World Heritage Area; or
- f) a public park or garden; or
- g) for noise, a place defined as a sensitive receptor for the purposes of the *Environmental Protection (Noise) Policy 2019*; or
- h) the area within the curtilage of any of the above places.

Stormwater treatment and retention measures include stormwater dams/ponds and sediment dams/ponds, and other sediment management infrastructure both temporary and permanent, operated as part of the **activity**.

Temporary activity means the **activity** undertaken in accordance with the site layout shown in *Appendix 2: Temporary Activity*, which is authorised to be operated for no more than **28 days** per calendar year.

Waters includes a river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water, natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

Appendix 1: Site Layout



Appendix 2: Temporary Activity



END OF ENVIRONMENTAL AUTHORITY

Attachment 2 Approved Plans and Specifications

GENERAL NOTES:

1. THIS PLAN INDICATES A PROPOSED SUB-STAGE OF THE DRY BULK STORAGE FACILITY (DBSF) DEVELOPMENT (DA2023/01/01) TO ENABLE QUICK ESTABLISHMENT OF TEMPORARY BULK MATERIAL LOADING AT THE SITE. STORAGE OF MATERIALS WOULD BE LOCATED OFFSITE AT AN ALTERNATIVE FACILITY AND TRANSPORTED TO SITE AT TIME OF VESSEL LOADING ONLY WITH NO ONSITE STORAGE.

TRAFFIC MANAGEMENT:

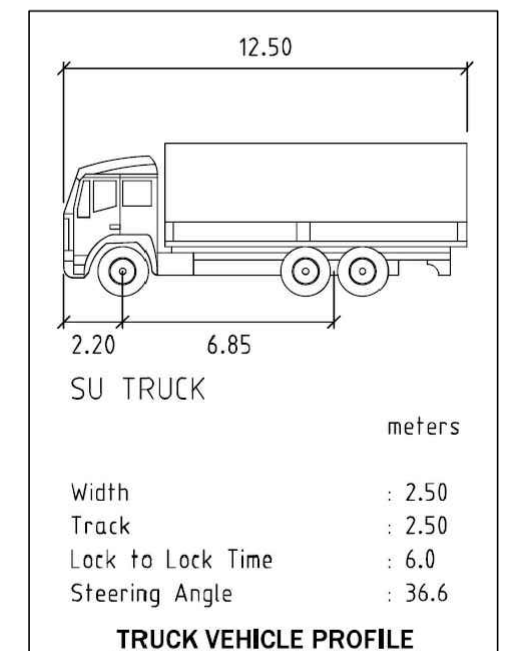
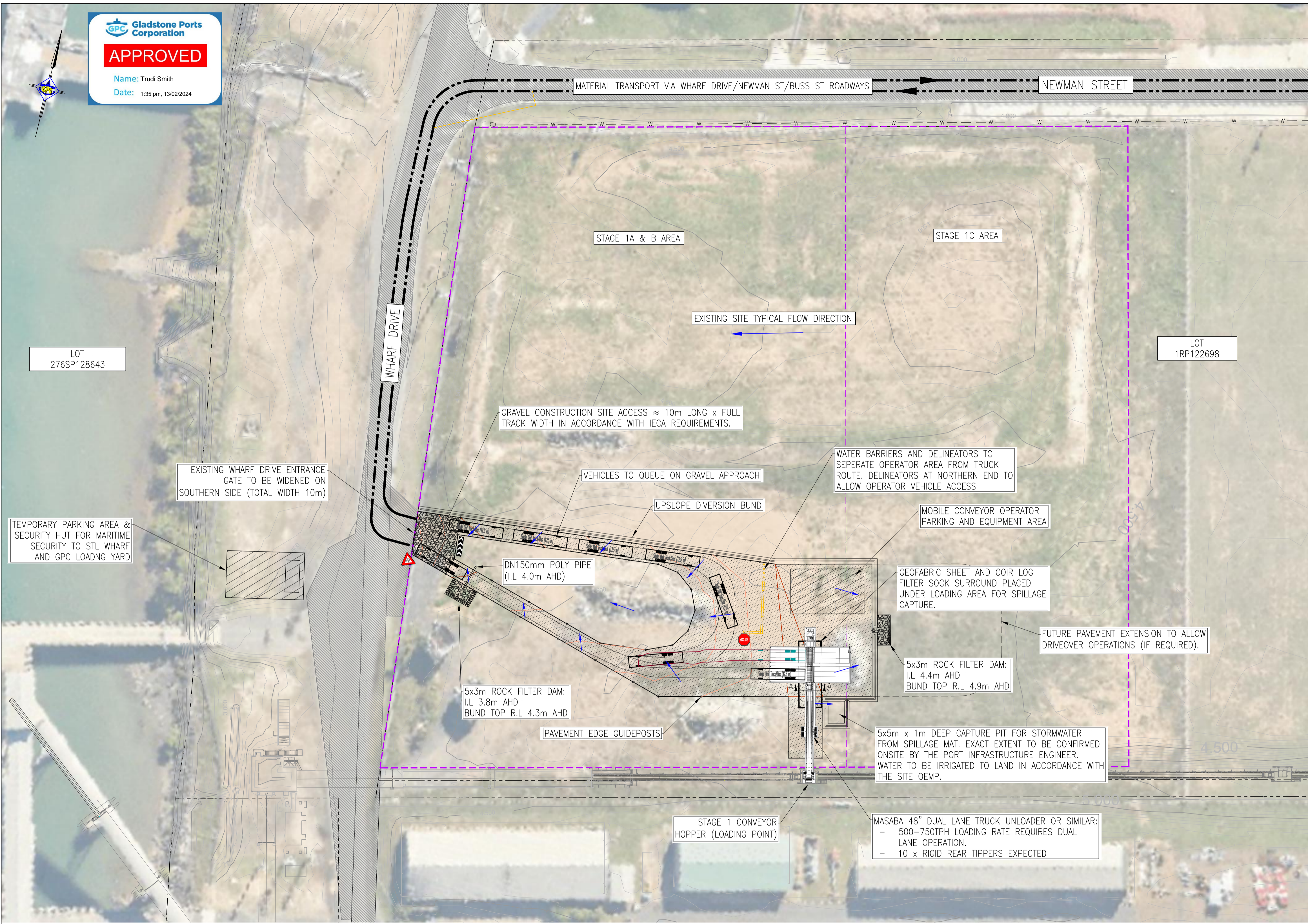
2. MATERIAL TRANSPORT ROUTES WITHIN THE PORT AREA ARE VIA EXISTING SEALED ROADWAYS.
3. SITE ACCESS IS VIA THE EXISTING WHARF DRIVE PROPERTY ACCESS.
4. GUIDE POSTS SHALL BE INSTALLED ON PAVEMENT EDGES AT 10m NOMINAL SPACING ON STRAIGHTS AND 5m ON CURVES.
5. WATER BARRIERS & TEMPORARY T-BOLLARD DELINEATORS TO SEPERATE OPERATOR AREAS FROM INTERNAL TRUCK ROUTE.
6. EXACT OPERATIONAL TRAFFIC MANAGEMENT ONSITE SHALL BE DETERMINED BY THE SITE OPERATOR.
7. TEMPORARY ONSITE LIGHTING FOR NIGHT HOURS OPERATIONS TO BE CONFIRMED BY THE OPERATOR.
8. IF REQUIRED, PENDING SITE MONITORING OF TRAFFIC OPERATIONS, ANY TRAFFIC MANAGEMENT CONTROLS REQUIRED ON PUBLICLY ACCESSIBLE ROADS IS TO BE IMPLEMENTED IN ACCORDANCE WITH AUSTRROADS GUIDE TO TEMPORARY TRAFFIC MANAGEMENT (AGTM) & THE QLD GUIDE TO TEMPORARY TRAFFIC MANAGEMENT (QGTMM).

EARTHWORKS:

9. PAVEMENT CONSTRUCTION SHALL BE UNDERTAKEN IN ACCORDANCE WITH THE REQUIREMENTS DETAILED IN THE PROJECT DRAWINGS AND CMDG CONSTRUCTION SPECIFICATION C242 - FLEXIBLE PAVEMENTS, UNLESS APPROVED OTHERWISE ONSITE BY THE PORT INFRASTRUCTURE ENGINEER.
10. PAVEMENTS SHALL BE COMPACTED TO A MINIMUM 100% MDD (STANDARD, AS1289.5.1.1). TESTING REQUIREMENTS & FREQUENCY SHALL BE AT THE DISCRETION OF THE PORT INFRASTRUCTURE ENGINEER, AND SHALL TO BE PERFORMED BY AN APPROPRIATE GEOTECHNICAL TESTING AUTHORITY (LEVEL 2 TESTING & SAMPLING).
11. BULK EARTHWORKS VOLUMES:
 - 11.1. CUT ≈ 225m³
 - 11.2. FILL ≈ 130m³
12. PAVEMENT VOLUMES (TYPE 2.1):
 - 12.1. FILL ≈ 425m³
13. ROCK GABION VOLUMES:
 - 13.1. FILL ≈ 100m³

STORMWATER MANAGEMENT:

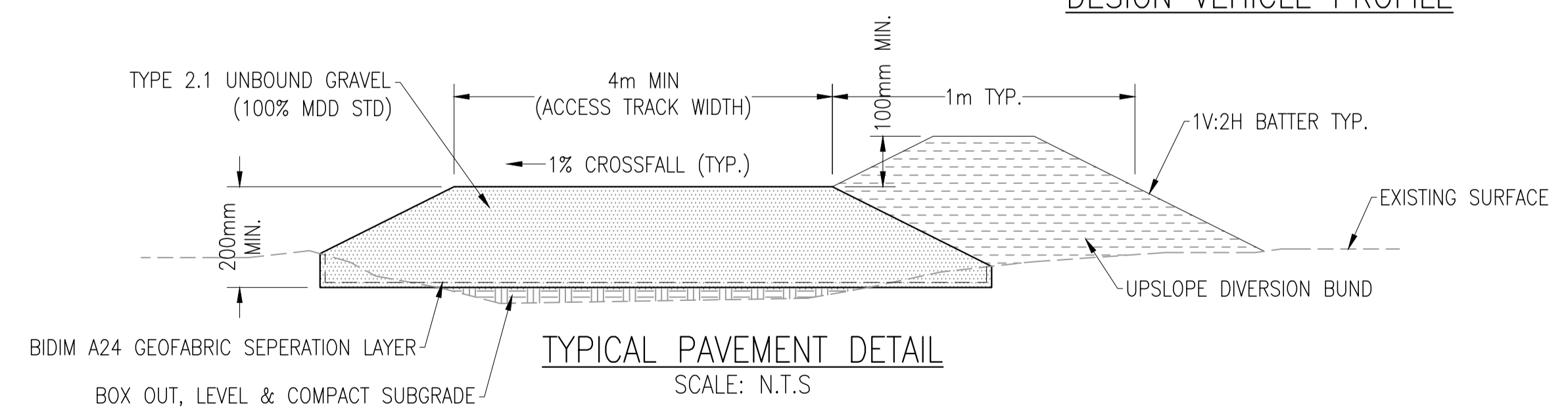
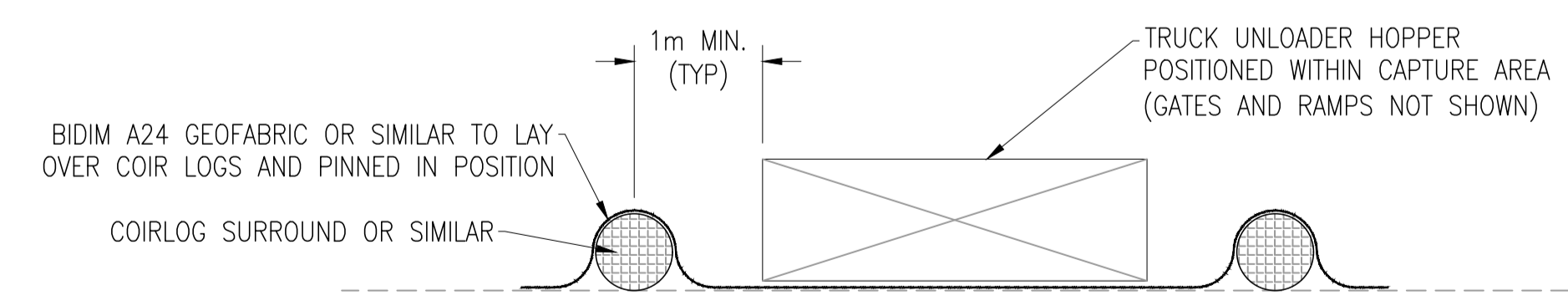
14. EROSION & SEDIMENT CONTROLS (IN ACCORDANCE WITH IECA BEST PRACTICE GUIDELINES) TO BE PROVIDED - REFER TO ES&C PLAN #P520196 FOR FURTHER DETAILS. EXACT CONFIGURATION OF ES&C CONTROLS TO BE CONFIRMED ONSITE BY THE PORT INFRASTRUCTURE ENGINEER.
15. A SACRIFICIAL GEOFABRIC AND FILTER SOCK MAT IS TO BE PLACED UNDERNEATH THE LOADING AREA TO CAPTURE SPILLAGE. CLEANUP AND REMOVAL OFFSITE IS REQUIRED FOLLOWING COMPLETION OF LOADING.
16. STORMWATER CATCHMENT PIT TO BE CONSTRUCTED TO HOLD A 1 IN 10 AEP 24HR EVENT FOR 'DISTURBED AREA' RUNOFF. THE DISTURBED AREA IS CONSIDERED TO BE THE SPILLAGE CAPTURE MAT AREA UNDER THE MOBILE TRUCK UNLOADER.
17. REFER TO THE SITE CEMP & OEMP (#P520196) FOR FURTHER DETAILS.



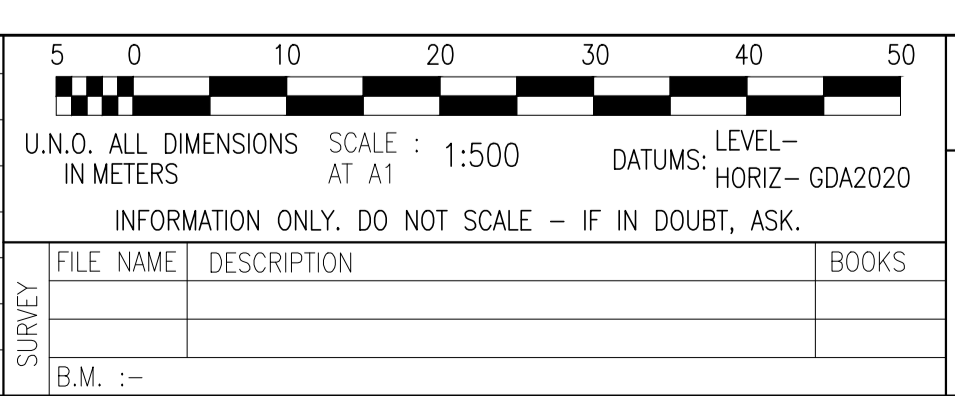
DESIGN VEHICLE PROFILE

LEGEND

GEOFABRIC SPILLAGE CAPTURE MAT	
TYPE 2.1 GRAVEL PAVEMENT (AREA ≈ 2125m ²)	
INDICATIVE STAGE 1 AREA	
ROCK GABION	
STORMWATER FLOW ARROW	
EXISTING CONTOURS	
DESIGN CONTOURS	



REV	DRN	DATE	REVISION DESCRIPTION	CHKD	DESIGN	APPR	DRG. NO.	REFERENCE DRAWING TITLE
H	M.K	18.01.24	LAYOUT UPDATED					
O	MK	24.01.24	FOR CONSTRUCTION ISSUE					
C	MK	24.11.23	LAYOUT UPDATED					
D	MK	27.11.23	OPTION #2 LAYOUT					
E	MK	30.11.23	MODIFIED TO SUIT REVERSE IN FOR SILICA SAND LOADING					
F	MK	04.12.23	DETAILS UPDATED					
G	MK	06.12.23	STAGE 1 UNDERLAY ADDED FOR REFERENCE					



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	M.KENNEDY	22.11.23
CHECK	P. RASMUSSEN	25.01.24
DESIGN	M.KENNEDY	25.01.24
APPROVE	O.BARTON	25.01.24

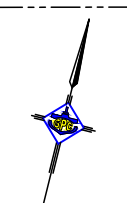
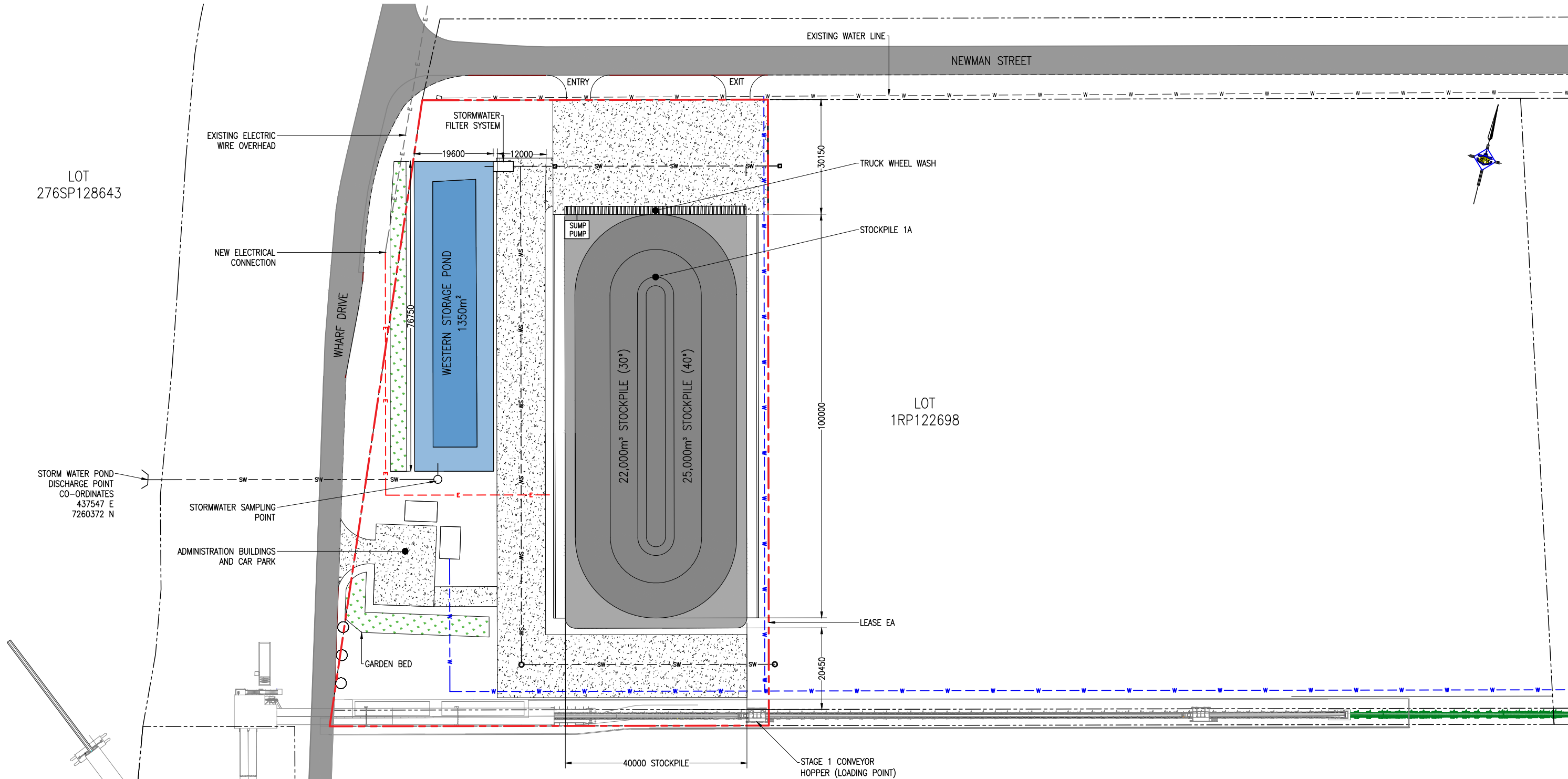
FOR CONSTRUCTION

BUNDABERG UNLOADING AND STOCKPILING DRY BULK STORAGE FACILITY (DBSF) TEMPORARY LOADING FACILITY LAYOUT PLAN & DETAILS

Ext Ref No.	951-00028
Asset/Part No.	A1
REV. JDE Ref/Rego No.	0

LOT
276SP128643

LOT
1RP122698



LEGEND	
SEALED PAVEMENT	
STORMWATER	
PROPERTY BOUNDARY	
EXISTING POTABLE WATER	
NEW POTABLE WATER	
EXISTING ELECTRICAL	
PROPOSED ELECTRICAL	
PROPOSED GARDEN BED	

- NOTES**
- THIS PLAN IS A SUMMARY OF THE LINEAR ENGINEERING CONCEPT DRAWINGS FOR THE MULTIUSER STOCKYARD (STAGE 1A AND 1B ONLY)
 - REFER TO DRAWINGS 951-00001 TO 951-00022 FOR DETAILED INFORMATION
 - IF STORM WATER TEST IS OK, THEN DISCHARGE TO RIVER. IF MEETS IRRIGATION REQUIREMENTS THEN USED ONSITE ON GARDENS.

GPC Gladstone Ports Corporation

APPROVED

Name: Trudi Smith
Date: 1:35 pm, 13/02/2024

SKETCH

REV	DRN	DATE	REVISION DESCRIPTION	CHKD	DESIGN	APPR	DRG. NO.	REFERENCE DRAWING TITLE
A	T.R	13.09.23	CONCEPT ONLY					
B	T.R	18.09.23	CORRECTED NOTES					
C	T.R	18.09.23	INDICATIVE WHEEL WASH LOCATION IMPLEMENTED					

5 0 10 20 30 40 50

U.N.O. ALL DIMENSIONS IN METERS SCALE : 1:500 AT A1 DATUMS: LEVEL- GDA2020 HORIZ- GDA2020

INFORMATION ONLY. DO NOT SCALE - IF IN DOUBT, ASK.

FILE NAME	DESCRIPTION	BOOKS

B.M. :-

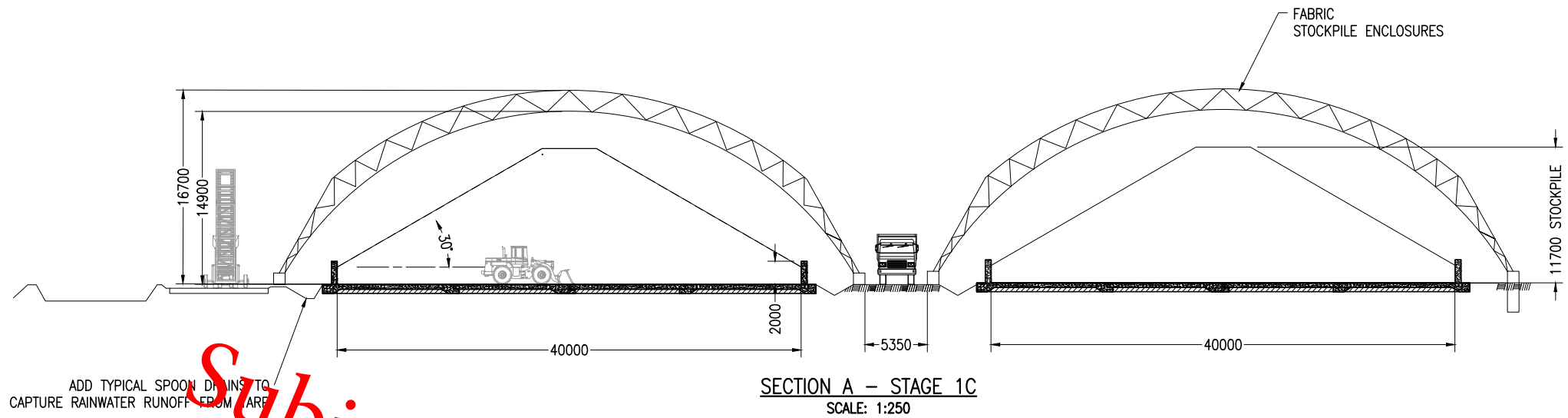
GLADSTONE PORTS CORPORATION
PORT PLANNING AND DEVELOPMENT

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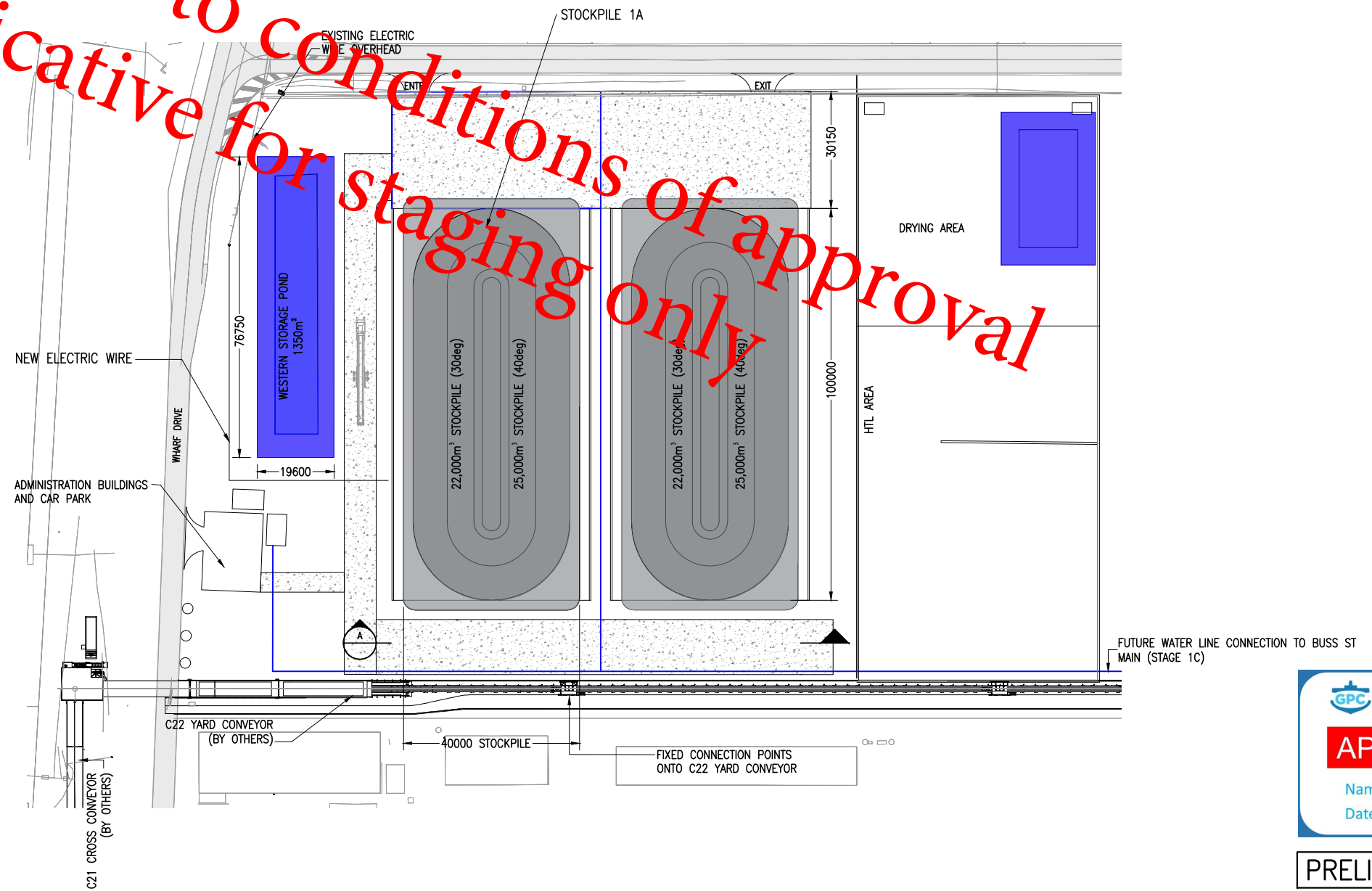
DRAWN	T.R	13.09.23
CHECK		
DESIGN		
APPROVE		

BUNDABERG UNLOADING AND STOCKPILING MULTIUSER STOCKYARD STAGE 1A AND 1B CONCEPT SITE PLAN

Ext Ref No.	951-00027
GPC DRAWING No.	
Asset/Part No.	A1
REV. JDE Ref/Rego No.	C



Subject to conditions of approval
Indicative for staging only



Gladstone Ports Corporation

APPROVED

Name: Trudi Smith
Date: 1:35 pm, 13/02/2024

PRELIMINARY ONLY

REV	DRN	DATE	REVISION DESCRIPTION	CHKD	DESIGN	APPR	DRG. NO.	REFERENCE DRAWING TITLE
A	N.M.	30.11.21	DRAFT FOR CLIENT REVIEW					

USE HARD COPY INFORMATION ONLY U.N.O.
ELECTRONIC CAD FILE ACCURACY IS NOT GUARANTEED.

3RD ANGLE PROJECTION U.N.O.
ALL DIMENSIONS IN MILLIMETRES U.N.O.
DO NOT SCALE.

LINEAR
ENGINEERING

GLADSTONE PORTS CORPORATION

SCALE AT A1: 1:700

DRAWN	N.MOBSBY	30.11.21
CHECK	C.GOODRICH	30.11.21
DESIGN	T. SWANBOROUGH	
RPEQ		
APPROVE		

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

PORT OF BUNDABERG
MULTIUSER STOCKYARD
STAGE 1C
SITE PLAN AND ELEVATIONS

Ext. Ref No. POB-GG-03	
GPC DRAWING No.	
951-00003	
A1	Asset/Part No.
REV.	JDE Ref/Rego No.
A	

Attachment 3 Third Party Advice

18 April 2023

Gladstone Ports Corporation
via email: planning@gpcl.com.au

Attn: Ms Trudi Smith

Dear Ms Smith

RE: – Invitation to provide third party advice – Material Change of Use for Dry Bulk Export Facility at Wharf Drive BURNETT HEADS 4670, land described as Lot 1 on RP122698.

Thank you for your email dated 7 March 2023 requesting the Bundaberg Regional Council (Council) for third party advice in relation to the above-described development application. I understand your request relates to the Council's role as a service provider for water, sewer, stormwater, and road infrastructure within the area covered by Port of Bundaberg Land Use Plan.

With regard to the use of and access to Council's infrastructure, please be advised:

Transport infrastructure

Council recommends the following conditions be imposed to ensure the development appropriately connects with the road network.

ROADWORKS AND ACCESS		
1.	Design and construct the site access and driveways in accordance with the Approved plans, and Council's standard drawing Industrial and Commercial Driveway Slab, Drawing No. R1011, Revision A.	Prior to the commencement of the use and then to be maintained
2.	Submit a completed copy of Council's 'FM-7-003 Application to carry out works within Council's Road Reserve' form for approval prior to work within the road reserve being undertaken.	Prior to the commencement of work
3.	Remove all disused or redundant vehicular crossings, kerb drainage outlets, and footpath crossovers and reinstate kerb and channel, and footpaths as required.	Prior to the commencement of the use

4.	Repair any damaged kerb and channel, footpath, or road (including removal of concrete slurry from footpath, roads, kerb and channel, and stormwater gullies and drainlines) and reinstate existing traffic signs and pavement markings that have been removed or damaged during any works carried out in association with the approved development.	Prior to the commencement of the use
----	---	--------------------------------------

Stormwater infrastructure

Council recommends the following condition be imposed.

STORMWATER		
5.	Design and implement a stormwater drainage system connecting to the lawful point of discharge at the Burnett River generally in accordance with Site Plan GPC Drawing No. 951-00001, Revision A, dated 30 November 2021. Note: <i>Discharge to Council’s stormwater infrastructure in Newman Street is not permitted unless otherwise approved in writing by Council.</i>	Prior to site work commencing and at all times during construction

Water infrastructure

Prior to Council accepting and approving access to its water infrastructure the applicant must provide a Network Analysis Report to demonstrate that the proposed service provides compliant pressures and capacity to satisfy the demands of the development. Council’s Water Services Department can provide boundary conditions for Water Modelling purposes. This data attracts a fee.

Should the modelling demonstrate the existing water network has insufficient pressure and capacity the applicant may need to undertake work to upgrade the network. All work on Council’s network must first be approved by Council.

Please contact Council’s Water Services Department on 1300 883 699 for further information.

Wastewater infrastructure

Initial investigations show that the Marina Drive Sewage Pump Station has insufficient capacity to service the proposed development. Prior to Council accepting and approving access to its wastewater infrastructure the applicant must provide and submit a network design to Council for approval. The design is to consider:

Proposed Pump Station

- Provision of a new pump station.

- The pump station should be located on a land parcel with a minimum area of 400m² with minimum dimensions of 20m x 20m in accordance with WBBROC standard drawing WBB-SPS-1102-1.
- The land parcel is to be dedicated to Council prior to Council accepting on maintenance.
- The location of the pump station must be approved by the Gladstone Port Authority and Council.
- The pump station is to be designed in accordance with WBBROC standard drawings.
- The pump station should be located with direct access to a road reserve (i.e. not accessed via an easement or access handle).
- The applicant is to submit to Council a report which details the design of the pump station.

Proposed Rising Main

- The new pump station is to discharge to the existing pump station located at the corner of Rowlands Road and Canefields Drive via a rising main.
- The size of the rising main is to be determined by the pump station designer.
- The designer is to undertake an investigation to determine the optimum route. Moffatt Street seems like the best starting point however there are challenges with existing services. A dial before you dig is advised.
- The applicant shall submit to Council a report which details the design of the rising main.

Proposed Servicing Extents

- The pump station is to be designed to a depth that will enable the remaining vacant land identified in figure 1 below via gravity reticulation.
- The applicant is to submit a design of a gravity sewer network which demonstrates that all land identified in figure 1 can be serviced.

All design work must be certified by a suitably qualified engineer (RPEQ).



Figure 1 - Proposed Pump Station Service Area

Please quote Council's application number: 329.2023.1683.1 in all subsequent correspondence relating to this matter. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact me on telephone 1300 883 699.

Yours faithfully

Hugh Byrnes
Principal Planner

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

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 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	<ol style="list-style-type: none"> 1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
<p>2. Change applications</p> <p>For a change application other than an excluded application, an appeal may be made against—</p> <p>(a) the responsible entity's decision on the change application; or</p> <p>(b) a deemed refusal of the change application.</p>			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 The applicant</p> <p>2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice</p>	<p>The responsible entity</p>	<p>If an affected entity starts the appeal—the applicant</p>	<p>1 A concurrence agency for the development application</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 A private certifier for the development application</p> <p>4 Any eligible advice agency for the change application</p> <p>5 Any eligible submitter for the change application</p>
<p>3. Extension applications</p> <p>For an extension application other than an extension application called in by the Minister, an appeal may be made against—</p> <p>(a) the assessment manager’s decision on the extension application; or</p> <p>(b) a deemed refusal of the extension application.</p>			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 The applicant</p> <p>2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application</p>	<p>The assessment manager</p>	<p>If a concurrence agency starts the appeal—the applicant</p>	<p>If a chosen assessment manager is the respondent—the prescribed assessment manager</p>
<p>4. Infrastructure charges notices</p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—</p> <p>(a) the notice involved an error relating to—</p> <p style="padding-left: 20px;">(i) the application of the relevant adopted charge; or</p> <p><i>Examples of errors in applying an adopted charge—</i></p> <ul style="list-style-type: none"> • the incorrect application of gross floor area for a non-residential development • applying an incorrect ‘use category’, under a regulation, to the development <p style="padding-left: 20px;">(ii) the working out of extra demand, for section 120; or</p> <p style="padding-left: 20px;">(iii) an offset or refund; or</p> <p>(b) there was no decision about an offset or refund; or</p> <p>(c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or</p> <p>(d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—
<p>5. Conversion applications An appeal may be made against—</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 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
7. Enforcement notices under the <i>Plumbing and Drainage Act 2018</i>			
An appeal may be made against the decision to give an enforcement notice.			
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 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 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	—	—
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)
<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>
<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>			

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)
<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>			
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	—	—

Table 2 Appeals to the P&E Court only			
<p>5. Registered premises</p> <p>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>	<p>The Minister</p>	<p>—</p>	<p>If an owner or occupier starts the appeal—the owner of the registered premises</p>
<p>6. Local laws</p> <p>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. Failure to decide an application or other matter under the Building Act</p> <p>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.</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 entity that failed to make the decision	—	—
<p>5. Failure to decide 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> 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.</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	—	—