

7 October 2026

EcoMarine Solutions Pty Ltd
c/- Dr Adam Cohen
41/35 Broadbeach Boulevard
BROADBEACH QLD 4218

Dear Adam,

DECISION NOTICE – APPROVAL WITH CONDITIONS - DA2026/07/01
(GIVEN UNDER SECTION 63 OF *THE PLANNING ACT 2016* and the PROVISIONS OF
PORT OF BUNDABERG LAND USE PLAN 2020)

1. Application Details

This development application was **properly made** to the Gladstone Ports Corporation Limited (GPC) on **18 August 2026**.

Application Number:	DA2026/07/01
Applicant Name:	EcoMarine Solutions Pty Ltd
Applicant Contact Details:	c/- Dr Adam Cohen 41/35 Broadbeach Boulevard BROADBEACH QLD 4218 Email: adam@marineassociates.com.au
Approval Sought (Land Use Plan):	Material Change of Use – • Bulk Storage Infrastructure and Activities; • Loading/unloading Infrastructure and Activities
Approval Sought (Port Overlay):	N/A
Approval Sought (SARA):	N/A
Proposed Development:	Stockpiling and screening of sand (500t to 1,000t / dredge event) associated with DA2020/19/01
Street Address:	Wharf Drive, Burnett Heads
Property Description:	Part Lot 501 SP279707
Land Owner:	Gladstone Ports Corporation Limited
Land Use Plan:	Port Industry Precinct
Port Overlay:	N/A
Local Government Area:	Bundaberg Regional Council

2. Details of Proposed Development

Material Change of Use for the stockpiling and screening of sand (500t to 1,000t / dredge event) associated with DA2020/19/01 (sand recovery) -

- Assessable development on Strategic Port land - Material Change of Use for:
 - Bulk Storage Infrastructure and Activities, and
 - Loading / Unloading Infrastructure and Activities

3. Details of Decision

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

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

4. Details of Approval

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

- (a) Material Change of Use for Bulk Storage Infrastructure and Activities and Loading and Unloading Infrastructure and Activities (*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 or Plumbing works for the Office/container;
- b. Operational works where not compliant with the 'Accepted subject to requirements' of the Port of Bundaberg Land Use Plan 2020.
- c. Operational works for tidal works where works are proposed below the Mean High Water Springs (MHWS).

7. Approved Plans and Specifications

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

Drawing/report title	Prepared by	Date	Reference no.	Version
Amended Site Plan	EcoMarine Solutions	30/09/2026	P00116072026	1

8. Currency Period for the Approval

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

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

9. Rights of Appeal

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

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

For further information please contact Trudi Smith, Planning Specialist, on 07 4976 1314 or via email planning@gpcl.com.au.

Yours sincerely


Dean O'Dowd (07/10/2026 17:36:24 GMT+10)

Dean O'Dowd

(Acting) Group Executive Terminal Operations

Enc. Attachment 1: Conditions of Approval
Part 1 - Conditions imposed by the assessment manager

Attachment 2: Approved plans and specifications

Attachment 3: Extract of appeal provisions

Attachment 4: Right of Appeal Waiver

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

General

1. Development/construction must be carried out generally in accordance with the Approved plans, except where modified by conditions of this permit.
2. Unless otherwise stated, all conditions must be complied with and completed prior to the commencement of the development/construction.

Where additional “approval” is required under these conditions by the Assessment Manager (GPC) for drawings or documentation, the Applicant must submit for review, amend to the satisfaction of, and obtain written approval from the Assessment manager.

Note: the Assessment manager will require no less than 10 business days, unless otherwise conditioned, to initially assess the drawings or documentation provided prior to the commencement of the development/construction.

3. The Applicant must at their cost and expense, keep and maintain the development footprint, including existing services, in a state that is satisfactory to the Assessment Manager.
4. The street address of the development must be clearly visible and discernible from the primary frontage of the site by the provision of a street name and number and, where appropriate, the building/business name.
5. The Office / container is to be located 3m from the side and rear boundary of the site (tenure boundary) and be contained within the nominated area, unless otherwise approved in writing by the Assessment Manager. The structure is to be securely tied down to the land to mitigate any impacts from unstable weather.
6. The Office / container is to be located and designed so that floor levels (except areas used for car parking) optimise flood resilience by ensuring that the structure is elevated above any potential flood event.

Lighting

7. Prior to the commencement of the use, design and install any external lighting in accordance with AS4282-1997 – Control of the obtrusive effects of outdoor lighting so as not to cause nuisance to residents, the airport, navigational aids or obstruct or distract pedestrian or vehicular traffic.
8. Lighting must be designed to facilitate a safe and secure parking area and lit to a standard appropriate for safe night time operations.
9. Prior to the development 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 if requested.
10. Any site lighting used during development should not negatively impact on the visibility of Navigational Aids utilised for the primary shipping channels nor illuminate a landward glare beyond the site boundary. Lighting must be reviewed during construction and use of the development with respect to navigation. Where an issue is identified or a validated complaint received, the Applicant must immediately rectify to the satisfaction of the Assessment Manager

Landscaping

11. Prepare and submit for approval to the Assessment Manager a landscape plan within three months of commencement of the use. The plan must be prepared in accordance with the applicable codes and guidelines of the land use plan, and the conditions of this approval. The plan is to include, but not be limited to the following:

- a) Location and name of proposed shrubs and understory plantings;
 - b) Minimum 2m wide landscaping strip to the rear boundary of the site adjacent to the proposed Office.
 - c) All landscaping must be carried out in accordance with an approved Landscaping plan.
12. Landscaping is to be provided along the boundary fence of the site adjacent to the proposed Office / container structure in accordance with the Landscape plan.
13. The Applicant must maintain the property frontage in a clean and tidy manner and mow any grassed areas regularly.
14. Prior to the commencement of use transparent site fencing must be provided to a minimum of 1.8m in height. Unless otherwise approved by the Assessment Manager, the fencing is to be black PVC plastic coated, chain wire mesh fence and black posts on the site boundary around the perimeter of the development site (excluding the rock wall). Provision of temporary fencing for a period of up to 12 months from commencement of use is permissible, if approved in writing by the Assessment Manager.

Waste management

15. 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.

Engineering

16. The Applicant is required to apply for and obtain from the Assessment manager a Permit to Dig/Excavate prior to commencing works/development (where excavations deeper than 300mm are to occur) by contacting, the Port Infrastructure Asset Manager. All reasonable measures must be taken to identify and protect existing services recorded or otherwise, and where necessary the applicant will submit a plan to the Assessment Manager for approval to adjust any existing services found during this excavation that was not originally shown on the proposed plans.
17. Prior to commencement of the use, the Applicant shall provide to the Assessment manager for approval, a scaled layout plan which accurately details general site layout, including boundary fenceline alignment, property accesses and swept paths for vehicles entering/exiting the site and onsite queuing areas. Vehicles accessing the site shall not queue outside of the lease area and block access for other vehicles entering the adjacent sites.

Note: Fenceline boundaries shall not encroach within 5m of the existing Wharf Drive pavement edge unless approved by the Assessment Manager.

18. Prior to commencement of construction/ site establishment, the Applicant shall provide to the Assessment Manager, for approval, detailed 'For Construction' Layout and General Arrangement plans indicating the barge landing location, including details of any modification works required to the revetment wall. The plans shall also indicate safe offset clearances to adjacent infrastructure and positioning of support vessel/tugs during manoeuvring to address risk of impact.
19. Within 24 months of the use commencing, the property accesses from/to Wharf Drive shall be constructed in accordance with Bundaberg Regional Council drawing R1011, with an appropriately sealed surface (concrete, asphalt or bitumen) and designed to accommodate the swept path of the worst-case vehicle intended to utilise the site.

Stormwater

20. The development shall be undertaken in accordance with the requirements of the latest edition of the International Erosion Control Association (IECA) – Best Practice Erosion & Sediment Control guideline. Development shall specifically address dust mitigation controls and entry exit controls to prevent dirt being tracked onto roadways external to the development footprint.
21. Prior to commencement of the use, the Applicant is to submit to the Assessment Manager a Stormwater Management Plan that demonstrates that no nuisance run-off will be generated from the development footprint, including sediments, hydrocarbons or other contaminants.
22. Uncontrolled discharges of contaminated stormwater including sediments, hydrocarbons or other contaminants to the adjoining premises or road network, including Wharf Drive, are not permitted.
23. Prior to works commencing, a lawful point/s of discharge, demonstrating no actionable nuisance, must be established within Lot 276 SP128643, for all stormwater overflow, exclusive of contaminants.

24. The stockpile area is to be bunded where required 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.

Infrastructure

25. The applicant must notify the Assessment Manager of any damage caused to any port or port user infrastructure or services including, but not limited to, security related devices, buildings, fences, lighting etc., roads, walkways and underground services or infrastructure, as a result of the approved use or during construction. The applicant must undertake necessary repairs at their expense and to the satisfaction of the Assessment Manager.
26. Prior to construction works commencing, the Applicant is to liaise with the asset authority and comply with the Telstra Duty of Care and where necessary, be responsible for the protection, repair or relocation of any services running through the development footprint.

Traffic

27. 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 the use. All activities associated with development must be carried out in accordance with the approved OTMP.
28. Any temporary construction works (i.e. property access construction) 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.
29. No mud, dirt or other debris is to be tracked onto public or port roads during construction and operation of development.

Acid Sulphate Soils

30. In the event acid sulphate soils are disturbed/excavated and require treatment on site or on any land owned by GPC, a Site Specific Acid Sulphate Management Plan, including treatment locality and volumes and disposal locality, must be submitted to the Assessment manager for approval prior to such works commencing.
31. Upon approval of the management plan, the works must be carried out in accordance with this plan and the plan.

Environment

Operational Environmental Management Plan

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

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

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

Incident notification

33. At all times, Gladstone Ports Corporation Environment Hotline (07) 4976 1617 is to be notified of the occurrence of any:

- a) release / spill of contaminants (e.g. fuels / chemicals / sewerage) greater than 20L to land;
- b) release / spill of contaminants (e.g. fuels / chemicals / sewerage) of any amount to water;
- c) any environmental complaints received by the holder of this approval; and
- d) non-compliance with environment related conditions of this approval, or any other environmental approval obtained in relation to the approved activity.

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

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

- 34. 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 tidal waters.

Vessel management

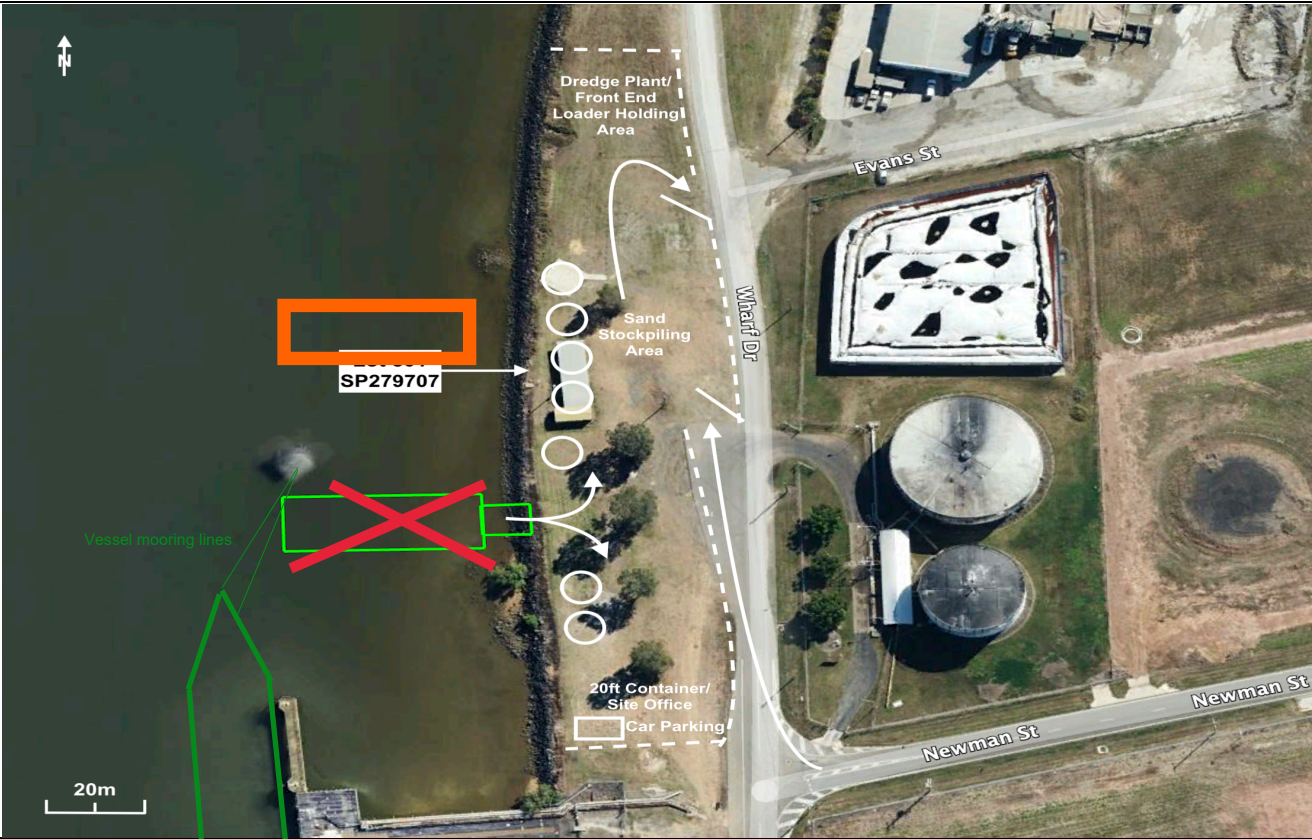
- 35. Prior to the use commencing, provide to the Assessment Manager a Marine Execution Plan that has been approved by the Regional Harbour Master.
- 36. All waste generated on vessels in carrying out the works must be disposed of at a proper and appropriate facility.

Advice

- a. The subject site is listed on the Environmental management Register (EMR) and as such, any material proposed to be removed from the site is to be undertaken in accordance with a site management plan and disposed of at an appropriately licensed waste disposal facility.
- b. Any amendments to the Dredge Environmental Management Plan – Sand Resource Recovery dated 15 July 2026 and the Sediment Sampling and Analysis Plan Implementation Report dated 20 January 2026 are to be provided to the Assessment Manager for their records.
- c. 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.
- d. 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.
- e. The Applicant is required to comply with the requirements for tidal works triggers in relation to works on the revetment wall i.e. lodgement of an Operational Works Tidal Works application where works are located below MHWS.
- f. The Applicant is required to comply with the requirements of the Operational works triggers (where not compliant with the 'Accepted subject to requirements') of the Port of Bundaberg Land Use Plan 2020.
- g. 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.
- h. 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 Team on property@gpcl.com.au prior to works commencing.
- i. 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.
- j. 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.
- k. Where communication with GPC Port Security is required e.g. for schedules or service requests, communication to the following should be undertaken securitydept@gpcl.com.au and gpcsupervisor@diamondprotection.com

Attachment 2: Approved Plans and Specifications

Barge landing position to be relocated downstream of the JT Fisher Mooring Dolphin to avoid impacting berthing operations on the wharf (exact location TBC by proponent)



0	16/7/2026	Issued to PoG	AC	AC	AC	Port of Bundaberg	WGS84	 EcoMarine Sand Facility Amended Site Plan	P00116072026	Base images referenced from Google Earth Pro 2026.
Rev	Date	Comment	Drawn	Checked	Approved	Customer	Projection			
1	30/09/26									
								EcoMarine Project No.		

Attachment 3: Extract of Appeal Provisions

Schedule 1 Appeals

section 229

1 Appeal rights and parties to appeals

(1) Table 1 states the matters that may be appealed to—

- (a) the P&E court; or
- (b) a tribunal.

Note—

For limitations on appeal rights in relation to a development approval for development requiring social impact assessment, see section 106ZJ.

(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	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
2. Change applications For a change application other than an excluded application, an appeal may be made against— (a) the responsible entity's decision on the change application; or (b) a deemed refusal of the change application.			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
3. Extension applications For an extension application other than an extension application called in by the Minister or made to the chief executive under section 87A, an appeal may be made against— (a) the assessment manager’s decision on the extension application; or (b) a deemed refusal of the extension application.			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager
4. Infrastructure charges notices An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds— (a) the notice involved an error relating to— (i) the application of the relevant adopted charge; or <i>Examples of errors in applying an adopted charge—</i> • the incorrect application of gross floor area for a non-residential development • applying an incorrect ‘use category’, under a regulation, to the development (ii) the working out of extra demand, for section 120; or (iii) an offset or refund; or (b) there was no decision about an offset or refund; or (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or (d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.			

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	—	—
5. Conversion applications An appeal may be made against— (a) the refusal of a conversion application; or (b) a deemed refusal of a conversion application.			
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	—	—
6. Enforcement notices An appeal may be made against the decision to give an enforcement notice.			

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 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
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.

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 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.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application

Table 2
Appeals to the P&E Court only

3. Eligible submitter and eligible advice agency appeals

For a development application or change application other than an excluded application, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to—

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

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

4. Compensation claims

An appeal may be made against—

- (a) a decision under section 32 about a compensation claim; or
- (b) a decision under section 265 about a claim for compensation; or
- (c) a deemed refusal of a claim under paragraph (a) or (b).

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	—	—
5. Registered premises An appeal may be made against a decision of the Minister under chapter 7, part 4.			

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 A person given a decision notice about the decision 2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision 3 If the decision is to amend the registration of premises to include additional land in the affected area for the premises—an owner or occupier of premises within the additional land who is dissatisfied with the decision	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises

Table 2
Appeals to the P&E Court only

6. Local laws

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

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

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

1. Building advisory agency appeals

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

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 building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval 2 A private certifier for the development application related to the approval
2. Inspection of building work An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.			
Column 1 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	—	—
3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i> An appeal may be made against— (a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or (b) a decision under the <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.			

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 received, or was entitled to receive, an information notice about the decision	The entity that made the decision	—	—
4. Failure to decide an application or other matter under the Building Act An appeal may be made against a failure to make a decision under the Building Act within the period required under that Act, other than a failure by the Queensland Building and Construction Commission to make a decision, if an information notice about the decision was required to be given under that Act.			
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	—	—
5. Failure to decide an application or other matter under the <i>Plumbing and Drainage Act 2018</i> 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.			

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 an information notice about the decision	The entity that failed to make the decision	—	—

Attachment 4: Right of Appeal Waiver

Mail to: Gladstone Ports Corporation Limited

Email address: planning@gpcl.com.au

Attention: Planning and Strategy (Planning)

GPC Reference: DA2026/07/01

Property Address: Part Lot 501 SP279707

I/We are the Applicant in this matter. I/We have received the above approval and agree to the conditions contained therein. I/We hereby waive the applicant appeal rights available under the provisions of the *Planning Act (Qld)* 2016.

Applicant's Name: _____

Signature: _____

Date: ____/____/____