



2 February 2021

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ABN: 23 439 388 197  
Your Reference: GC20-254-T02  
Our Reference: DA200171

Ironbark Citrus Pty Ltd as trustee for the A & S  
Jenkin Family Trust c/- InsiteSJC  
PO Box 1688  
BUNDABERG QLD 4670  
Via email: [admin@insitesjc.com.au](mailto:admin@insitesjc.com.au)

Dear Sir / Madam

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR LOW IMPACT  
INDUSTRY (CITRUS PACKING SHED) AT JACK PARR STREET, MUNDUBBERA; LAND  
DESCRIBED AS LOT 13 & 14 ON RP883244**

Thank you for your Development Application for Material Change of Use for Low Impact Industry (Citrus Packing Shed) at Jack Parr Street, Mundubbera; land described as lot 13 and 14 on RP883244 lodged with Council on 1 December 2020.

Please find attached the Decision Notice for the above-mentioned development application.

Sections 71 and 72 of the Planning Act 2016 identifies when a development approval has effect and the development may start. In summary, a development approval generally has immediate effect, except when—

- if there is an appeal, after the appeal has ended;
- if there is no appeal but there was a submitter, all submitters have notified the Council that they will not appeal the decision, or when the last appeal period ends.

Please quote Council's application number: DA200171 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact Council's Development Services team on telephone 1300 696 272.

Yours sincerely

Jeff Miles  
Planning & Environment Manager

## Decision notice — approval (with conditions)

(Given under section 63 of the Planning Act 2016)

Thank you for your development application detailed below which was properly made on 18 October 2019. The North Burnett Regional Council has assessed your application and decided it as follows:

### 1. Applicant's details

Name: Ironbark Citrus Pty Ltd as trustee for the A & S Jenkin Family Trust c/- InsiteSJC  
 Postal Address: PO Box 1688  
 BUNDABERG QLD 4670  
 Email: admin@insitesjc.com.au

### 2. Location details

Street address: Jack Parr Street  
 MUNDUBBERA QLD 4626  
 Real property description: Lots 13 and 14 on RP883244

### 3. Details of the proposed development

Application number: DA200170  
 Approval sought: Development permit  
 Nature of development: Material change of use—Low impact industry (Washing, packing and distributing fruit)

### 4. Decision

Date of decision: 1 February 2021  
 Decision details: Approved in full subject to 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.

	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval – Material change of use	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operational work assessable under the planning scheme—landscaping	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operational work assessable under the planning scheme—driveways	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 5. Approved plans

Copies of the following plans are enclosed in [Attachment 2](#).

Document title	Prepared by	Reference no.	Date	Rev.
Locality & Site plan	Design Direct	200706 DA01	15.12.2020	A
Floor plan	Design Direct	200706 DA02	18.11.2020	*
Elevations	Design Direct	200706 DA03	18.11.2020	*
3D views	Design Direct	200706 DA04	18.11.2020	*
Ironback Citrus Packing Shed – Jack Parr St Mundubbera Engineering Report	RMA Engineers	15821	19.11.2020	
Development application report	Insite SJC	GC20-254-T02	01.12.2020	0

## 6. Conditions

This approval is subject to the conditions in [Attachment 1](#).

## 7. Further development permits

The following development permits are required to be obtained before the development can be carried out—

- All building work
- All plumbing and drainage work

## 8. Properly made submissions

Not applicable.

## 9. Referral agencies for the application

Not applicable.

## 10. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*.

- (1) A part of a development approval lapses at the end of the following period (the **currency period**)—
  - (a) for any part of the development approval relating to a material change of use—if the first change of use does not happen within—
    - (i) the period stated for that part of the approval; or
    - (ii) if no period is stated—6 years after the approval starts to have effect;

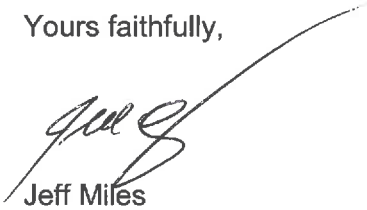
## 11. Rights of appeal

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*).

A copy of the relevant appeal provisions is included in [Attachment 3](#).

Should you require any further assistance in process, please contact Council's Development Services Department on 1300 696 272.

Yours faithfully,



Jeff Miles  
**Planning & Environment Manager**

Enc: Attachment 1 – Conditions imposed by the assessment manager  
Attachment 2 – Approved plans  
Attachment 3 – Appeal rights

## Attachment 1 – Conditions Imposed by the Assessment Manager

### General

- 1) Carry out the approved development in accordance with the approved plans and documents identified in section 5 “Approved plans” of the decision notice approval, except as modified by the conditions of this approval as relevant.
- 2) Where there is any conflict between conditions of this approval and details shown on the approved plans and documents, the conditions prevail.
- 3) Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.
- 4) Comply with all the conditions of this development permit prior to commencement of the use, and maintain compliance whilst the use continues.
- 5) Amalgamate lots 13 and 14 on RP883244 to create one lot.

### Engineering Works

- 6) Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Works Policy and Standard Drawings, and relevant Australian Standards.
- 7) Be responsible for the full cost of any alterations necessary, to easements and/or other public utility installations in connection with the development.
- 8) Where the earthworks for the site trigger assessment as per Table 5.8.1 of the NBRC Planning Scheme, an Operational Work application is required.
- 9) Undertake earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.

### Acoustics

- 10) Heavy vehicle (greater than 4.5t) movements to and from the site associated with the land use is restricted to the following daily frequency between 7pm and 5am in accordance the table below:

Outside Citrus Packing Season	Early Season	Mid-Season (season peak)	End of Season
1	2	3	2

- 11) Noise from the use must not exceed the levels identified in *Table - Noise limits* when measured in accordance with the associated monitoring requirements.

Table - Noise limits

Time period	Noise level at a 'Noise sensitive place' measured as the Adjusted Maximum Sound Pressure level $L_{A,max adj T}$ <sup>Note 1</sup>
7am-6pm	Background noise level plus 5dB(A)
6pm-10pm	Background noise level plus 5dB(A)
10pm-7am	Background noise level plus 3dB(A)

Time period	Noise level at a 'Commercial place' measured as the Adjusted Maximum Sound Pressure level $L_{A,max,adj,T}$ <sup>Note 1</sup>
5am-7pm	Background noise level plus 10dB(A)
7pm-5am	Background noise level plus 8dB(A)

Note 1:  $L_{A,10,adj,15\text{ mins}}$  levels may be substituted for  $L_{A,max,adj,15\text{ mins}}$  levels if evidence is provided that  $L_{A,10,adj,15\text{ mins}}$  levels are representative of components noise levels from source(s)/premises under investigation.

#### Associated monitoring requirements

- a) All monitoring devices must be calibrated and maintained according to the manufacturer's instruction manual.
  - b) Any monitoring must be in accordance with the most recent version of the *Noise Measurement Manual* by Queensland Department of Environment and Science [https://environment.des.qld.gov.au/data/assets/pdf\\_file/0027/88560/eis-tm-noise-measurement-manual.pdf](https://environment.des.qld.gov.au/data/assets/pdf_file/0027/88560/eis-tm-noise-measurement-manual.pdf).
  - c) Any monitoring of noise emissions from the use must be undertaken when the use is in operation.
- 12) When required by Council, noise monitoring must be undertaken, in accordance with the associated monitoring requirements of *Table - Noise limits* in condition 11, and the results notified within 14 days to Council. Monitoring must include:
- a)  $L_{Aeq,adj,T}$
  - b) Background noise (Background) as  $L_{A90,adj,T}$
  - c)  $MaxL_{pA,T}$
  - d) the level and frequency of occurrence of any impulsive or tonal noise
  - e) atmospheric conditions including wind speed and direction
  - f) effects due to extraneous factors such as traffic noise
  - g) location, date and time of recording.

#### **General**

- 13) No processing, packing, storage, repair, maintenance or like activities are to be conducted outside of the buildings shown on the approved plan of development.
- 14) All chemicals are to be stored and/or used on the site in accordance with relevant Australian Standards or Legislation.

#### **Construction management**

- 15) Unless otherwise approved in writing by the Assessment manager, do not carry out building work in a way that makes audible noise—
  - a) on a business day or Saturday, before 6:30am or after 6:30pm
  - b) on any other day, at any time.
- 16) Contain all litter, building waste, and sediment on the building site by the use of a skip and any other reasonable means during construction to prevent release to neighbouring properties or public spaces.
- 17) Remove any spills of soil or other material from the road or gutter upon completion of each day's work, during construction.

- 17) Remove any spills of soil or other material from the road or gutter upon completion of each day's work, during construction.
- 18) Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
- 19) Repair all damage incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damage immediately upon completion of work associated with the development.

#### **Erosion and sediment control**

- 20) Implement and maintain erosion and sediment control (ESC) measures on-site, in accordance with the recommendations contained within the Environment 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 & Sediment Control' and 'Queensland Urban Drainage Manual' (QUDM) for the duration of the operational and building work, and until all exposed and disturbed soil areas are permanently stabilised, to prevent the release of sediment or sediment laden stormwater from the site.
- 21) Ensure that all reasonable action is taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.
- 22) Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

#### **Landscaping**

- 23) Provide landscaping in the areas shown as landscaped on the approved plans prior to commencing the use, and maintain such landscaping while the use continues.
- 24) Provide and maintain a minimum 2m wide planter bed adjacent to the Jack Parr Street frontage.
- 25) Landscaping is not to include any species identified as an unacceptable species in planning scheme policy SC6.5 Landscaping, section SC6.5.5 Unacceptable plant species for landscaping or are otherwise known to be toxic to people or animals.
- 26) Provide wheel stops, bollards, kerbs or other barriers provide protection along the boundaries between landscape areas and parking, manoeuvring and utility spaces.
- 27) Landscaping is not to cause ponding of water on the premises or adjoining land.
- 28) Landscaping, including any structures, provides visibility for traffic at intersections, access points, and locations where there is likely to be significant pedestrian activity.
- 29) Incorporate water conservation measures appropriate to the site.
- 30) Install root barriers to minimise the risk of intrusion to and damage to services and utilities where planting is in the vicinity of any such services or utilities.
- 31) Landscape areas are to include a diverse range of plant species that provide variation in colour, texture and form.

#### **Pedestrian Access**

- 32) Provide footpath from Jack Parr Street to the building that is easily identifiable and directly accessible from the street.



- 35) Provide vehicle bollards or tyre stops to control vehicular access and to protect pedestrian areas where appropriate.

### **Vehicle access and parking**

- 36) Design and construct off-street car parking, access, and manoeuvring areas in accordance with the approved plans and the North Burnett Regional Planning Scheme Policy SC6.2 *Design and construction standards for development works policy*.
- 37) Provide a minimum of twenty-five (25) parking spaces, including a minimum of (1) people with a disability parking space in accordance with the Building Code of Australia, AS2890.6 Off-street parking for people with disabilities and AS1428 Design for access and mobility; and one (1) bus drop off zone.
- 38) Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways are available and used for their intended purpose during the hours of operation.
- 39) Parking is to be designed, constructed and delineated in accordance with AS2890 Parking facilities – off-street car parking.
- 40) Construct two commercial crossovers between the property boundary and the edge of the Jack Parr Street road pavement, having a minimum width of 8.4m for the eastern crossover, and 9.0m for the western crossover, generally in accordance with Council's Standard Drawing No. R1011, Revision A. Ensure that crossover splay is designed to accommodate turning movements of an articulated vehicle as shown on *design direct* drawing DA01 A dated 15/12/20.
- 41) Construct any new crossovers such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure, including any stormwater gully pit, manhole, service infrastructure (eg power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc).
- 42) Provide loading bay facilities for an Articulated Vehicle in the location generally shown on the *design direct* drawing DA01 A dated 15/12/20.
- 43) Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.
- 44) Surface treatments for the access, parking, circulation areas shall be generally in accordance with *design direct* drawing DA01 A dated 15/12/20. Other than the areas indicated on the approved plans as 'gravel', be constructed and sealed with concrete, pavers or asphalt— unless otherwise approved in writing.
- 45) Maintain dust suppression treatment to all internal roadways, and vehicle manoeuvring areas ensuring not to have an adverse impact on adjoining properties.
- 46) All vehicles must be able to enter and exit the premises in a forward gear.
- 47) Access to McIndoes Road is not permitted.

### **Stormwater Management**

- 48) Provide stormwater management generally in accordance with the Engineering Assessment Report prepared by RMA Engineers Rev 0, dated 19/11/20, subject to detailed design and except as altered by conditions of this development approval.
- 49) Design and implement a stormwater drainage system connecting to a lawful point of discharge in accordance with the North Burnett Regional Planning Scheme Policy SC6.2 *Design and construction standards for development works policy*.



- 49) Design and implement a stormwater drainage system connecting to a lawful point of discharge in accordance with the North Burnett Regional Planning Scheme Policy SC6.2 *Design and construction standards for development works policy*.
- 50) Design and construct stormwater drainage to ensure that there is no nuisance or interference to the current use or potential future use of all downstream properties including road reserves and the like, for design storms up to ARI100.
- 51) A nominal amount of stormwater detention shall be designed into the landscaping areas to slow runoff from site, and reduce peak stormwater discharge rates. Sealed, hardstand, and tank overflow shall be graded to allow stormwater to flow to grassed or landscaped areas as much as possible.
- 52) Provide overland flow paths that do not alter the characteristics of existing overland flows or create an increase in flood damage on other properties.
- 53) Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.
- 54) At the post-construction phase works achieve—
  - a) the applicable stormwater management design objectives on-site, as identified in the planning scheme at Table 9.4.9—Post-construction phase: stormwater management design objectives; or
  - b) an alternative locally appropriate solution off-site with an equivalent or improved water quality outcome to the relevant stormwater management design objectives in the Planning scheme at Table 9.4.9—Post-construction phase: stormwater management design objectives.

### **Waste management**

- 55) Provide either an internal area for storing refuse bins or an external impervious bin storage area for the storage of refuse bins in accordance with the following—
  - a) in the location shown on the approved plans
  - b) designed so as to prevent the release of contaminants into the environment
  - c) sufficiently sized to accommodate all refuse bins
  - d) screened from the road frontage or other public space by landscaping or constructed screening
  - e) a suitable hose cock (with backflow prevention) and hoses must be provided at the bin storage area, and wash down to be drained to the sewer and fitted with an approved stormwater diversion valve arrangement
  - f) must be maintained in a clean and sanitary manner.
- 56) 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.
- 57) All reject fruit is to be transported in enclosed containers and disposed of daily, such actions are to be done at no cost to Council.

### **Water Supply**

- 58) Connect the development to Council's reticulated water supply system via a single connection.

## **Sewerage**

- 59) Connect the development to Council's reticulated sewerage network via a single connection. The connection must be designed in accordance with Council's standards and be approved by Council's Water and Waste Water Team.
- 60) Prior to discharging to Council's sewerage network, a Trade Waste Permit shall be obtained from the North Burnett Regional Council.
- 61) Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.

## **Electricity and Telecommunications**

- 62) Connect the development to electricity and telecommunication services.

## **Lighting**

- 63) Lighting to be used within the development is to be designed and installed in accordance with AS4282-1997: "Control of the Obtrusive Effects of Outdoor Lighting" so as not to cause nuisance to occupants, nearby residents or passing motorists.

## **Advice to the applicant**

- This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage." Council does not warrant that the approved development avoids affecting Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain the presence or otherwise of Aboriginal cultural heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.
- This approval relates to development requiring approval under the *Planning Act 2016* only. It is the applicant's responsibility to obtain any other necessary approvals, licences or permits required under State and Commonwealth legislation or council local law, prior to carrying out the development. Information with respect to other council approvals, licences or permits may be found on the North Burnett Regional Council website ([www.northburnett.qld.gov.au](http://www.northburnett.qld.gov.au)). For information about State and Commonwealth requirements please consult with these agencies directly.
- Inspect the vegetation prior to clearing for the presence of nesting birds, koalas, and other fauna, including habitat hollows. No clearing of vegetation which may disturb nesting birds is permitted until the birds have fledged and left the nest. Removal of trees with koalas and other fauna must be carried out under the supervision of a Department of Environment and Heritage Protection registered fauna management spotter-catcher who will be responsible for dealing with native fauna present as required under the Queensland Nature Conservation Act 2002.
- Trade waste discharge shall comply with legislation and any trade waste policy that Council may adopt from time to time. Quarterly trade waste testing and reporting to Council will likely be conditioned as part of the trade waste permit.

## Attachment 2 – Approved Plans

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Please refer to the following pages for the approved plans

## Attachment 3 – Appeal Rights Planning Act 2016

### CHAPTER 6, PART 1 APPEAL RIGHTS

#### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
  - (a) matters that may be appealed to—
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the appellant); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
  - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) ...
  - (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note — See the P&E Court Act for the court's power to extend the appeal period.*
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

#### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
  - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).

- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

## SCHEDULE 1 APPEALS

### 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—
    - (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
    - (ii) the Plumbing and Drainage Act, part 4 or 5; or
  - (h) a decision to give an enforcement notice in relation to—
    - (i) a matter under paragraphs (a) to (g); or
    - (ii) under the *Plumbing and Drainage Act 2018*; or
  - (i) a decision to give an infrastructure charges notice; or
  - (j) the refusal, or deemed refusal, of a conversion application; or
  - (k) a matter that, under another Act, may be appealed to the tribunal; 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.

**Extract of Schedule 1 of the Planning Act 2016**

<b>Table 1</b>			
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
<p>1. Development applications                      An appeal may be made against—</p> <ul style="list-style-type: none"> <li>(a) the refusal of all or part of the development application; or</li> <li>(b) the deemed refusal of the development application; or</li> <li>(c) a provision of the development approval; or</li> <li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li> </ul>			
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	<ul style="list-style-type: none"> <li>1 A concurrence agency that is not a co-respondent</li> <li>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</li> <li>3 Any eligible advice agency for the application</li> <li>4 Any eligible submitter for the application</li> </ul>
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	—	—

<b>Table 2</b>			
<b>Appeals to the P&amp;E Court only</b>			
<p>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—</p> <ul style="list-style-type: none"> <li>(a) an error or mistake in law on the part of the tribunal; or</li> <li>(b) jurisdictional error.</li> </ul>			
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	—	—