

Council File Reference: DA121718
Council Contact: Brett Walsh
Council Contact Phone: (07) 4651 5600

19 January 2018

Pacific Petroleum
P O Box 988
ARCHERFIELD QLD 4108

Attention: Martin Leishman

Development Application for:

Development Permit: Material Change of Use: "Industrial Activity" –
Unmanned Truck Refuelling Facility
Preliminary Approval: Building Work
Street Address: 13 Needlewood Road and 16 Ironwood Drive,
Barcardine Qld 4725
Real Property Lot 2 on SP249547 and Lot 21 on SP249547
Description:
Relevant Planning Barcardine Shire Planning Scheme (V2 Effective 29
Scheme: November 2013)

I refer to your development application as described above and advise your development application has been approved in the form and manner as proposed.

Pursuant to section 63(2) of the *Planning Act 2016*, please find attached the **Decision Notice**.

If you have any queries please do not hesitate to contact Brett Walsh at the Barcardine Administration Office.

Yours Faithfully



D A Howard
Chief Executive Officer

Encl

DECISION NOTICE APPROVAL

(Pursuant to section 63(2) of the *Planning Act 2016*)

Council File Reference: DA121718
Council Contact: Brett Walsh
Council Contact Phone: 07 4651 5600

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Pacific Petroleum
P O Box 988
ARCHERFIELD QLD 4108

Attention: Martin Leishman

Development Application for:

Development Permit: Material Change of Use: "Industrial Activity" –
Unmanned Truck Refuelling Facility
Preliminary Approval: Building Work
Street Address: 13 Needlewood Road and 16 Ironwood Drive,
Barcardine Qld 4725
Real Property Description: Lot 2 on SP249547 and Lot 21 on SP249547
Relevant Planning Scheme: Barcardine Shire Planning Scheme (V2 Effective 29
November 2013)

I advise that, on 8 January 2018 the above development application was:

- approved in full
- approved in part
- approved in full with conditions (refer to the conditions contained in **Attachment A – Assessment Manager Conditions**)
- approved in part with conditions (refer to the conditions contained in **Attachment A**)

DETAILS OF THE APPROVAL:

Development Permit for Material Change of Use: "Industrial Activity" – Unmanned
Truck Refuelling Facility; and

Preliminary Approval for Building Work.

VARIATION APPROVAL DETAILS:

Not applicable

ALPHA OFFICE
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Fax: 07 4985 1162

ARAMAC OFFICE
Phone: 07 4652 9999
Fax: 07 4652 9990

BARCARDINE OFFICE
Phone: 07 4651 5600
Fax: 07 4651 1778

CONDITIONS:

This approval is subject to the conditions in **Attachment A – Assessment Manager Conditions**.

APPROVED PLANS:

The following development plan is an approved plan for the development and a copy is in **Attachment B – Approved Plan**.

Drawing Title	Prepared By	Date	Reference No:	Version
Lots 2 & 21 on SP 249547	Martin Leishman	11/10/2017	-	v.1

FURTHER DEVELOPMENT PERMITS REQUIRED:

Development Permit for Building Work.

PROPERLY MADE SUBMISSIONS:

Not applicable

REFERRAL AGENCIES:

Not applicable.

ENVIRONMENTAL AUTHORITY:

Not applicable.

CURRENCY PERIOD FOR THE APPROVAL:

The currency period for this development approval is six (6) years starting the day this development approval first took effect (refer to section 85 "Lapsing of approval at end of currency period") of the *Planning Act 2016*.

APPEAL RIGHTS:

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision 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*).

Appeal by an applicant

ALPHA OFFICE

Phone: 07 4985 1166

Fax: 07 4985 1162

ARAMAC OFFICE

Phone: 07 4652 9999

Fax: 07 4652 9990

BARCALDINE OFFICE

Phone: 07 4651 5600

Fax: 07 4651 1778

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

Appeal by a submitter

A submitter for a development application may appeal to the Planning and Environment Court against:

- any part of the development application for the development approval that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

An extract from the *Planning Act 2016* that sets down the applicant's appeal rights and the appeal rights of a submitter is in **Attachment C – Extract from the *Planning Act 2016* Relating to Appeal Rights**.

ADVISORY NOTES:

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions.

1. Other Laws and Requirements

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.

2. Multi-combination Vehicle Routes

Given the nature of the proposed development, the applicant may wish to obtain written advices from Department of Transport and Main Roads confirming the subject site may be lawfully accessed by multi-combination vehicles.

Barcaldine Regional Council

Signature



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Phone: 07 4985 1166
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ARAMAC OFFICE

Phone: 07 4652 9999
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BARCALDINE OFFICE

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Attachment A – Assessment Manager Conditions

Attachment B – Approved Plan

Attachment C – Extract from the *Planning Act 2016* Relating to Appeal Rights

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Attachment A

Assessment Manager Conditions

ALPHA OFFICE
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ARAMAC OFFICE
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Fax: 07 4652 9990

BARCALDINE OFFICE
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Attachment A

– Assessment Manager Conditions

NO.	CONDITION	TIMING
Approved Use		
1.	Approval is granted for the purposes of Material Change of Use for: "Industrial Activity" – Unmanned Truck Refuelling Facility	At all times while the use continues.
Approved Plans and Supporting Documents		
2.	The development shall be undertaken generally in accordance with the Approved Plan, listed within this development approval, and with the common material for the development application.	At all times while the use continues.
Amalgamation of Lots		
3.	Lot 2 and Lot 21 on SP249547 shall be amalgamated. The Plan of Survey of the amalgamation shall retain and incorporate Easement A on SP233105.	Prior to commencement of any works on the subject site.
4.	A Plan of Survey of the amalgamation of Lot 2 and Lot 21 on SP249547, prepared by a licensed surveyor, shall be lodged with the Registrar of Titles for registration and issuing of title in respect of the amalgamated lot. On completion of registration of the survey plan, a copy of the survey plan and title shall be provided to Council.	Prior to commencement of any works on the subject site.
Works During Construction		
5.	Best practice soil erosion control techniques shall be used at the location of all works on the subject site, in accordance with Schedule 1, Division 1: Standards for Construction Activities, Section 1.1 of the Barcaldine Shire Planning Scheme or to other accepted and Council endorsed engineering standards, and <i>State Planning Policy, July 2017, Part G, Appendix 2 – Stormwater management design objectives, Table A: Construction phase – stormwater management design objectives.</i>	Prior to the commencement of any works on the subject site and maintained at all times during construction.
6.	All reasonable measures shall be taken to protect Council and utility assets during construction. Any damage must be repaired at no cost to the asset provider. Any repair work shall first be submitted to the provider for approval.	Prior to the commencement of the use.
Stormwater and Drainage		
7.	The subject site shall be adequately drained and all stormwater shall be disposed of in accordance with Schedule 1, Division 5: Standards for Stormwater Drainage, Section 5.1 of the Barcaldine Shire Planning Scheme or to other accepted and Council endorsed engineering standards.	At all times while the use continues.

NO.	CONDITION	TIMING
Stormwater Quality Management Plan		
8.	<p>A detailed Stormwater Quality Management Plan, prepared by a Registered Professional Engineer Queensland – Civil (RPEQ), or other suitably qualified and experienced person, shall be submitted to and for the endorsement of Council. The Stormwater Quality Management Plan shall address, but is not limited to:</p> <ul style="list-style-type: none"> - Stormwater run-off from the site and any run-off from adjacent areas, is conveyed to a lawful point of discharge - Discharges from the site will not cause damage external to the site - Appropriate control devices are installed to ensure no transport of sediment or pollutants external to the site - Bulk fuel delivery and fuel dispensing areas are protected from the intrusion of stormwater flows. 	Prior to the commencement of any works on the subject site.
9.	Stormwater works shall be constructed and operated in accordance with the Stormwater Quality Management Plan endorsed by Council.	Prior to the commencement of any works on the subject site and maintained at all times while the use continues.
Property Access and Driveways		
10.	One (1) industrial vehicle access crossover shall be provided from the subject site to Needlewood Road and one (1) industrial vehicle access crossover shall be provided from the subject site to Ironwood Drive, as indicated on the approved plans.	Prior to the commencement of the use and maintained at all times while the use continues.
11.	The vehicle crossovers shall be constructed of concrete, shall extend from the existing edge of pavement to the property boundary and shall be of sufficient width and configuration to accommodate Type 2 road train manoeuvring. The vehicle crossovers shall be constructed in accordance with Schedule 1, Division 2: Standards for Roads, Carparking, Manoeuvring Areas and Access, Section 2.2(1)(b) of the Barcaldine Shire Planning Scheme or to other accepted and Council endorsed engineering standards	Prior to the commencement of the use and maintained at all times while the use continues.
12.	All internal driveways and areas where vehicles regularly manoeuvre and park shall be constructed of suitable material to facilitate all weather operation and shall be designed and constructed in accordance with Schedule 1, Division 2: Standards for Roads, Carparking, Manoeuvring Areas and Access, Section 2.2(1)(b) of the Barcaldine Shire Planning Scheme or to other accepted and Council endorsed engineering standards.	Prior to the commencement of the use and maintained at all times while the use continues.
13.	Vehicle manoeuvring areas shown as "pavement area" and as "hardstand area" on the approved plans shall be constructed of gravel having minimum depths of 200 mm and 150 mm respectively to satisfy WQ35 and shall be maintained to minimise generation of dust.	Prior to the commencement of the use and maintained at all times while the use continues.
14.	Vehicle manoeuvring areas shall be provided to ensure all vehicles associated with the use can enter and leave the subject site in a forward direction.	At all times while the use continues.

NO.	CONDITION	TIMING
Traffic Directional Signage		
15.	Traffic directional signage shall be erected at the Ironwood Drive and Needlewood Road site access points, to ensure the one-way operation of vehicles, entering from Needlewood Road and exiting to Ironwood Drive. Signage shall be Type B and shall be in accordance with the Manual of Uniform Traffic Control Devices.	Prior to the commencement of the use and maintained at all times while the use continues.
Design of Property Access, Driveways and Signage		
16.	Detailed design of all vehicle crossovers, driveways, vehicle manoeuvring areas ("pavement area" and "hardstand area") and directional signage shall be prepared by a Registered Professional Engineer Queensland – Civil (RPEQ) and shall be submitted to and for the endorsement of Council.	Prior to commencement of any works on the subject site.
17.	All vehicle crossovers, driveways, vehicle manoeuvring areas ("pavement area" and "hardstand area") and directional signage shall be constructed in accordance with the design, endorsed by Council	Prior to the commencement of the use and maintained at all times while the use continues.
Loading and Unloading of Goods		
18.	All loading and unloading of goods shall be carried out within the subject site. No loading or unloading of goods shall occur external to the subject site.	At all times while the use continues.
19.	Loading and unloading of goods (including fuel delivery) shall occur only between the hours of 7:00 am to 6:00 pm, Monday to Friday and 7:00 am to 12:00 noon, Saturday. No loading and unloading of goods shall occur on Sundays or public holidays	At all times while the use continues.
Landscaping		
20.	Landscaping, with a minimum width of two (2) metres, shall be provided along the entire length of the Ironwood Drive and Needlewood Road frontages (other than the vehicle crossovers).	Prior to the commencement of the use and maintained at all times while the use continues.
21.	A landscaping plan shall be prepared by a suitably qualified and experienced person and shall be submitted to and for the endorsement of Council.	Prior to the commencement of the use.
22.	All landscaping areas shall be planted with screening and shade trees, shrubs and ground cover in accordance with the endorsed landscaping plan.	Prior to the commencement of the use and maintained at all times while the use continues.
Water Supply		
23.	The subject site shall be connected to Council's reticulated water supply system in accordance with Schedule 1, Division 3: Standards for Water Supply, Section 3.1 of the Barcaldine Shire Planning Scheme or to other accepted and Council endorsed engineering standards.	Prior to the commencement of the use and maintained at all times while the use continues.

NO.	CONDITION	TIMING
Effluent Disposal		
24.	The abluent building shall be connected to an on-site effluent management, treatment and disposal system in accordance with Schedule 1, Division 4: Standards for Sewerage, Section 4.2 of the Barcaldine Shire Planning Scheme or to other accepted and Council endorsed engineering standards.	Prior to the giving of Certificate of Classification by the Building Certifier and maintained at all times while the use continues.
25.	Reporting and design of the proposed on-site effluent management, treatment and disposal system shall be prepared by a Registered Professional Engineer Queensland (RPEQ)-Civil or other suitably qualified and experienced person and shall be submitted by the applicant to and for the endorsement of Council. This reporting shall detail the design and capacity of the on-site effluent management, treatment and disposal system, including any disposal areas or transpiration trenches.	Prior to lodgement of development application for building works.
26.	All components of the on-site effluent management, treatment and disposal system shall be located clear of all vehicle movement areas and shall be delineated and signed to prevent vehicle movement onto any component of the system.	Prior to the giving of Certificate of Classification by the Building Certifier and maintained at all times while the use continues.
27.	The on-site effluent collection, treatment and disposal system shall be constructed in accordance with the design endorsed by Council.	Prior to the giving of Certificate of Classification by the Building Certifier and maintained at all times while the use continues.
Electricity and Telecommunication Services		
28.	The subject site shall be connected to the reticulated electricity supply and to telecommunication services in accordance with relevant standards required by the service providers.	Prior to the commencement of the use and maintained at all times while the use continues.
Lighting		
29.	Safety and security lighting shall be provided at the site entry and exit and at the fuel dispensing area.	Prior to the commencement of the use and maintained at all times while the use continues.
30.	Lighting of the subject site, including any security lighting, shall be such that the lighting intensity does not exceed 8.0 lux at a distance of 1.5 metres from the subject site at any property boundary. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties or the operational safety of Needlewood Road or Ironwood Drive.	At all times while the use continues.
Noise and Air Emissions		

NO.	CONDITION	TIMING
31.	The operation and use of the premises, and of all plant and equipment, shall ensure compliance with <i>Environmental Protection (Noise) Policy 2008</i> and <i>Environmental Protection (Air) Policy 2008</i> .	At all times while the use continues.
32.	Appropriate dust suppression measures shall be incorporated into all site operations to ensure all site operations are conducted to appropriate standards relating to air quality. Measures may include the watering of driveway areas, where necessary.	At all times while the use continues.
33.	Dust and/or particulate matter resulting from activities on the premises shall not be visible at the property boundary.	At all times while the use continues.
Refuse		
34.	Provision shall be made for the on-site collection of general refuse in covered waste containers with a capacity sufficient for the use. Waste containers shall be maintained in a clean and tidy state and shall be emptied and the waste removed from the site on a regular basis.	Prior to the commencement of the use and maintained at all times while the use continues.
Amenities Block		
35.	The amenities block and environs shall be maintained in a clean and tidy state.	At all times while the use continues.
Fuel Delivery, Storage and Dispensing		
36.	On-site fuel storage shall be limited to Class C1 Combustible Liquid with a total volume not exceeding 85,000 litres.	At all times while the use continues.
37.	On-site fuel storage tanks shall be self-bunded with a volume sufficient to contain any leakage of stored liquids.	At all times while the use continues.
38.	Fuel delivery and dispensing equipment shall comply with all relevant standards and specifications, including AS/NZ 2229:2004 and AS 1940-2004.	At all times while the use continues.
39.	The bulk fuel delivery and fuel dispensing areas shall be bunded, designed to ensure no intrusion of stormwater into the delivery and dispensing areas, constructed of impervious material, and drain via a central collection point to a fuel/oil interceptor.	Prior to the commencement of the use and maintained at all times while the use continues.
40.	Reporting regarding the design of the proposed fuel/oil interceptor system shall be prepared by a suitably qualified and experienced person and shall be submitted to and for the endorsement of Council. This reporting shall detail the design and capacity of the interceptor, the proposed method of collection and disposal of intercepted fuel/oil and the method of disposal of collected clean water.	Prior to commencement of any works on the subject site.
41.	All components of the fuel/oil interceptor system shall be located clear of all vehicle movement areas and shall be delineated and signed to prevent vehicle movement onto any component of the system.	Prior to the commencement of the use and maintained at all times while the use continues.

NO.	CONDITION	TIMING
42.	A spill kit of a size and type and containing appropriate equipment to manage identified hazards shall be provided at the fuel dispensing area.	At all times while the use continues.
Notification of Incidents		
43.	<p>The operator of the site must immediately notify Council of any incident where serious or material environmental harm is caused or threatened such as a spill, leak or other unauthorised release of contaminants to the environment. The notification to Council must include the following information:</p> <ul style="list-style-type: none"> (a) the site address (b) site manager details including telephone numbers and other contact details (c) the nature of the unauthorised release, incident or emergency including the nature of the contaminants involved (d) the expected time to the event or since the event (e) the suspected cause (f) the possible effects on the environment and the actions taken to address the occurrence. 	At all times while the use continues.
Advertising Devices		
44.	<p>All advertising devices shall be licensed in accordance with the requirements of <i>Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011</i>.</p> <p>Regard shall be had to the requirements of <i>Roadside Advertising Guide</i>, edition 1.2, Department of Transport and Main Roads, 2 August 2013, and of section 43(1) of the <i>Transport Infrastructure Act 1994</i>.</p>	Prior to the erection of any advertising device.
Site Based Management Plan		
45.	<p>A detailed Site Based Management Plan shall be prepared by a suitably qualified and experienced person and shall be submitted to and for the endorsement of Council. The Site Based Management Plan shall address, but is not limited to:</p> <ul style="list-style-type: none"> - The "general environmental duty" pursuant to the <i>Environmental Protection Act 1994</i> - Operating procedures to prevent or minimise environmental harm - Maintenance practices and procedures - Contingency plans to deal with foreseeable risks and hazards - Emergency procedures - Communication of procedures, plans, incidents and results - Handling of complaints - Production and keeping of records and reports - Monitoring of release of contaminants - Staff training and awareness of environmental issues 	Prior to commencement of the use and maintained at all times while the use continues.

NO.	CONDITION	TIMING
Work Health and Safety Act 2011		
46.	The use must comply with all relevant requirements of the <i>Work Health and Safety Act 2011</i> and the <i>Work Health and Safety Regulation 2011</i> .	At all times while the use continues.
Provision of Documents to Council		
47.	The applicant shall provide Council with documentation confirming all conditions of this decision notice have been complied with and all works and/or other requirements of each condition have been completed.	Prior to the commencement of the use.
48.	Drawings and specifications for all works shall be prepared and certified by a Registered Professional Engineer Queensland – Civil (RPEQ). All certified works shall be carried out under the supervision of an RPEQ who shall submit a Construction Supervision Certificate to Council at the completion of the works.	
Cost of Works and Services		
49.	The cost of carrying out works and providing services to the subject site, as required by the conditions of approval, shall be at the expense of the applicant and at no cost to the local government.	
Payment of Rates and Charges		
50.	All outstanding rates and charges shall be paid to Council.	Prior to the lodgement of the survey plan for the amalgamation of the subject site with the Registrar of Titles.

Attachment B

Approved Plan

Drawing Title	Prepared By	Date	Reference No:	Version
Lots 2 & 21 on SP 249547	Martin Leishman	11/10/2017	-	v.1

ALPHA OFFICE
Phone: 07 4985 1166
Fax: 07 4985 1162

ARAMAC OFFICE
Phone: 07 4652 9999
Fax: 07 4652 9990

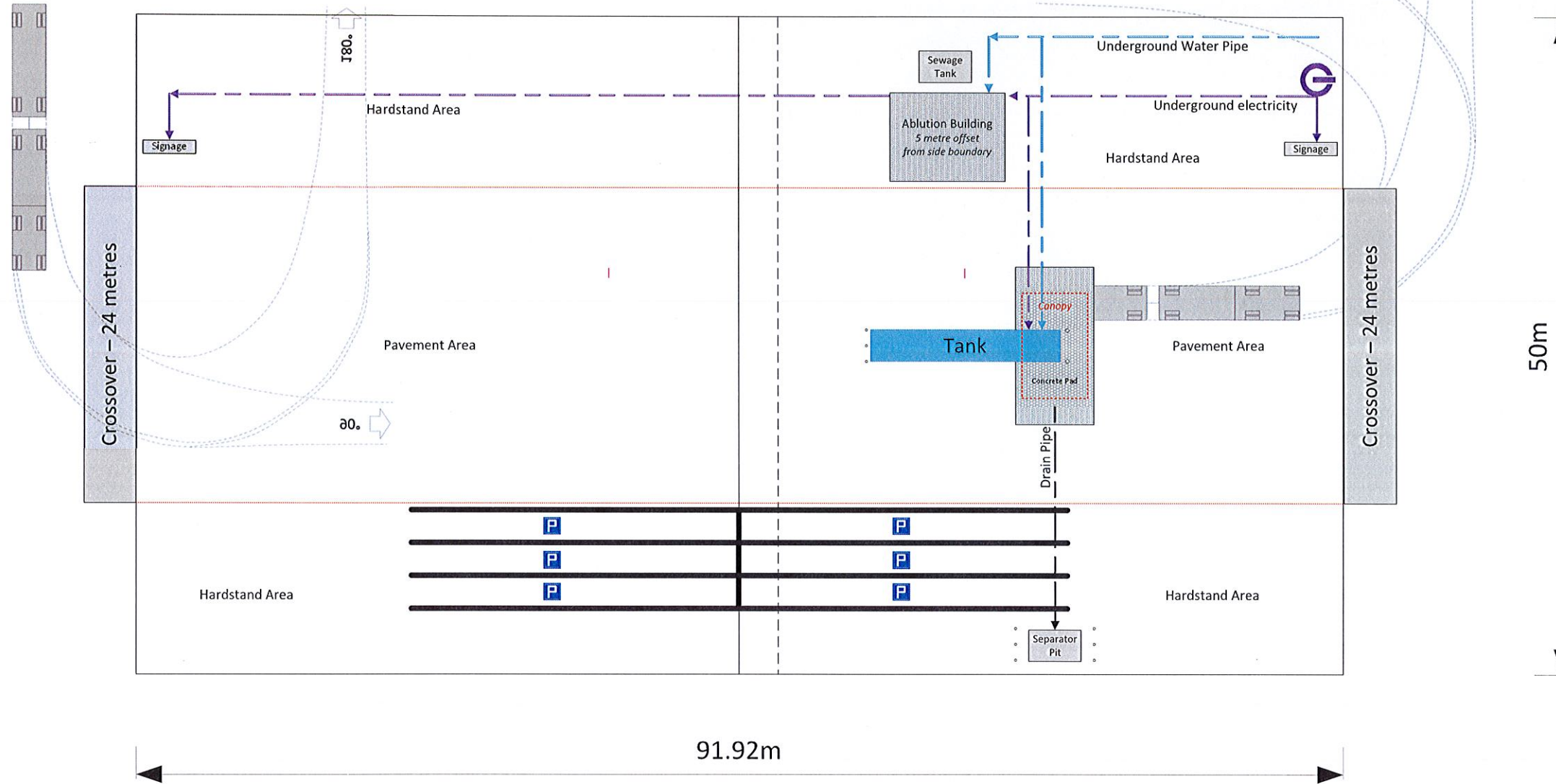
BARCALDINE OFFICE
Phone: 07 4651 5600
Fax: 07 4651 1778

BARCALDINE REGIONAL COUNCIL

**DIGITALLY STAMPED
APPROVED PLAN**

Development Permit – Material Change of Use for:
 "Industrial Activity" – Unmanned Truck Refuelling Facility
 referred to in and subject to the conditions in Council's
 Decision Notice

Approval Date: 8 January 2018
 Application Number: DA121718



- Concrete:**
 Pad (12m x 6m x 300mm) with drain grate to pit
 Crossovers 24 metres wide. Depth as advised
 by Council
- Aboveground Tank (AS1940):**
 85,000 litre diesel with 4 x high flow dispensers
 7,000 litre AdBlue with 2 x dispensers
- Canopy:**
 8 metres x 5 metres (Height 5 metres)
 Secured to tank
- Pavement:**
 Compacted blue metal 200mm deep
- Hardstand:**
 Compacted blue metal 150mm deep
- Electrical:**
 Underground connection to tank
 240v - 40amp
 Three (3) Phase
- Lighting:**
 2 x LED lights under canopy on PE Cell
- Water:**
 Underground connection to point beside tank
- Telecommunications:**
 Underground or 4G connection to tank
- Ablution Building:**
 12 metre x 2.4 metre
 Connected to water and sewer
- Signage:**
 3.5 metre high, single pole
 2m x 0.4m footings

Title: Lots 2 & 21 on SP 249547
Date: 11 / 10 / 2017
Drawn By: Marty Leishman
Version: v.1

Scale: 1:200
Sheet Size: A1
Page: 1 of 1



Client: Pacific Petroleum Products Pty Ltd
Address: 1628 Ipswich Road, Rocklea, Qld, 4106
Contact: Marty Leishman
Email: mleishman@pacificpetroleu.com.au
Phone: 0438 826 690

COPYRIGHT: The contents of this drawing remains
 the property of Pacific Petroleum Products Pty Ltd
 and must not be copied or reproduced without
 express authority.

Attachment C

Extract from the *Planning Act 2016* Relating to Appeal Rights

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BARCALDINE OFFICE
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Chapter 6 Dispute resolution

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
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.
 - (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) 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.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—

decision includes—