



Decision Notice Approval

SUSTAINABLE PLANNING ACT 2009, SECTION 334 AND 335

Application number:	D/55-2015	Contact:	Thomas Gardiner
Date of Decision:	9 November 2018	Contact Number:	1300 22 55 77

1. APPLICANT DETAILS

Name:	Bowes Investments Pty Ltd		
Postal address:	C/- Reel Planning CQ		
Phone no:	Mobile no:	Email:	

2. PROPERTY DESCRIPTION

Street address:	265 Somerset Road, Gracemere		
Real property description:	Lot 2 on SP259555 Parish of Gracemere		

3. OWNER DETAILS

Name:	T L Bowes and R W Bowes		
Postal address:			

4. DEVELOPMENT APPROVAL

Development Permit for a Reconfiguring a Lot (one lot into nine lots)
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5. APPLICATION TYPE

	Development Permit	Preliminary Approval
• Reconfiguring a lot	Yes	No

6. THE RELEVANT PERIOD

This approval has a relevant period of four (4) years until 8 November 2022.

7. THE APPROVED PLANS

The approved development must be completed and maintained generally in accordance with the approved drawings and documents:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Preliminary Staging Lot Layout	R14205, Revision 1	-
Preliminary Sewer Layout	R14205, Revision 1	-
Water and Electrical Layout Plan	R14205, Revision 1	-

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Water Network Analysis Report	1335	13 July 2015
Stormwater Catchment Plan	R14205, Revision 1	-
Stormwater Basin Plan	R14205, Revision 1	-
Channel Cross Sections Plan	R14205, Revision 1	-
Stormwater Water Quality Catchment Plan	R14205	-
Stormwater Management Plan	R14205, Revision 1	-
Road Hierarchy Plan	R14205, Revision 1	-
Road Layout Plan	R14205-SK08, Revision 1	-
Intersection Details Plan	R14205, Revision 1	-
Intersection Sight Distance Plan	R14205, Revision 1	-
Vehicle Turnpath Plan	R14205, Revision 1	-
Regional Stormwater Management Plan	B13313.W.01D	March 2014

8. FURTHER DEVELOPMENT PERMITS REQUIRED

Type of development permit required	Subject of the required development permit
Operational Works	<i>Road Works</i> <i>Sewerage Works</i> <i>Water Works</i> <i>Stormwater Works</i> <i>Inter-allotment Drainage Works</i> <i>Site Works</i>

9. SUPERSEDED PLANNING SCHEME

NO

10. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

Referrals – Other development made assessable under schedule 3 (whether or not the development is also assessable under a planning scheme, temporary local planning instrument or preliminary approval to which section 242 of the Sustainable Planning Act applies)

	For an application involving	Name of agency	Status	Address
DEVELOPMENT IMPACTING ON A STATE-CONTROLLED ROAD				
2	An aspect of development identified in schedule 9 that— (a) is for a purpose mentioned in schedule 9, column 1; and (b) meets or exceeds the	Department of Infrastructure, Local Government and Planning	Concurrence Agency	Online: www.dilgp.qld.gov.au/MyDAS Postal: PO Box 113 Rockhampton Qld 4700

	For an application involving	Name of agency	Status	Address
	<p>threshold—</p> <p>(i) for development in LGA population 1—mentioned in schedule 9, column 2 for the purpose; or</p> <p>(ii) for development in LGA population 2—mentioned in schedule 9, column 3 for the purpose.</p> <p>However, if the development is for a combination of purposes mentioned in the same item of schedule 9, the threshold is for the combination of purposes and not for each purpose individually.</p>			

11. RIGHTS OF APPEAL

Rights of appeal in relation to this application are attached.

12. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

- From the time the decision notice is given – if there is no submitter and the applicant does not appeal the decision to the court.

Or

- When the submitter's appeal period ends – if there is a submitter and the applicant does not appeal the decision to the court.

Or

- Subject to the decision of the court, when the appeal is finally decided – if an appeal is made to the court.

This approval will lapse unless substantially commenced within the above stated relevant periods (refer to sections 339 and 340 of *Sustainable Planning Act 2009* for further details).

13. ASSESSMENT MANAGER

Name: Tarnya Fitzgibbon COORDINATOR DEVELOPMENT ASSESSMENT	Signature:	Date: 12 November 2018
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C/C. Department of Infrastructure, Local Government and Planning - RockhamptonSARA@dilgp.qld.gov.au

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the issue of the Survey Plan Approval Certificate, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the issue of the Survey Plan Approval Certificate, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 1.6.1 Operational Works:
- (i) Road Works;
 - (ii) Sewerage Works;
 - (iii) Water Works;
 - (iv) Stormwater Works;
 - (v) Inter-allotment Drainage Works; and
 - (vi) Site Works.
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Preliminary Staging Lot Layout	R14205, Revision 1	-
Preliminary Sewer Layout	R14205, Revision 1	-

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Water and Electrical Layout Plan	R14205, Revision 1	-
Water Network Analysis Report	1335	13 July 2015
Stormwater Catchment Plan	R14205, Revision 1	-
Stormwater Basin Plan	R14205, Revision 1	-
Channel Cross Sections Plan	R14205, Revision 1	-
Stormwater Water Quality Catchment Plan	R14205	-
Stormwater Management Plan	R14205, Revision 1	-
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Intersection Details Plan	R14205, Revision 1	-
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Vehicle Turnpath Plan	R14205, Revision 1	-
Regional Stormwater Management Plan	B13313.W.01D	March 2014

2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.

3.0 STAGED DEVELOPMENT

3.1 This approval is for a development to be undertaken in three discrete stages, namely:

3.1.1 Lot 1 and Lot 55 (Stage One);

3.1.2 Lot 2 and Lot 54 (Stage Two); and

3.1.3 Lots 3 and 4, Lots 52 and 53 plus the balance lot (Stage Three).

in accordance with the approved plan (refer to condition 2.1).

The stages are not required to be undertaken in any chronological order.

Note: Stages Four to Ten do not form part of this approval and will be assessed as part of a future Reconfiguring a Lot application as indicated on the approved plan.

3.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

4.0 ROAD WORKS

- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
- 4.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 4.3 Road 1 must be designed and constructed to an Industrial Access standard (expect where additional reserve width is required for the drainage swales), with kerb and channel and drainage infrastructure. The retaining structures along the edge of the swales must be wholly contained within the property boundaries.
- 4.4 The design and construction of all temporary terminating roads must include a temporary turning area which complies with the relevant performance and technical criteria, and facilitates suitable turning movements for an intended design vehicle. The temporary turning area must permit the unimpeded development of the adjacent allotments, and must be constructed of material to minimise the potential of material being dispersed onto Road 1. In the event the surface is not performing adequately, the turning area must be sealed.
- Note: This may require extensions to the road pavement, to the road reserves and/or provision of easements on the extensions of these roads.
- 4.5 An easement must be dedicated over the proposed turnaround area.
- 4.6 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 4.7 All new road infrastructure including any modifications to existing roads or intersections must be provided with road and public space lighting in accordance with the *Australian Standard AS1158 ‘Lighting for roads and public spaces’*.
- 4.8 All proposed roads including any extensions to the existing roads and associated stormwater systems must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines*.
- 4.9 Any application for a Development Permit for Operational Works (road works) must include details of the Council approved road names for all new roads.
- 4.10 Retaining walls must be wholly contained within the proposed private allotments and not be constructed as Council-owned infrastructure.
- 4.11 Any retaining structures above one (1) metre in height must be separately approved for structural adequacy by a Registered Professional Engineer of Queensland at design submission and certified on completion of construction for compliance with the design.

5.0 ACCESS WORKS

- 5.1 All vehicular access to and from proposed Lots 1 and 55, must be via Road 1 only. Direct vehicular access to Somerset Road is prohibited.

6.0 SEWERAGE WORKS

- 6.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 6.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).

- 6.3 All lots within the development must be connected to Council's reticulated sewerage network. Each of the proposed lots must be provided with its own separate sewer connection point, located wholly within its respective property boundary.
- 6.4 The provision of gravity sewerage to the development site must generally be in accordance with the approved plans (refer to condition 2.1).
- 6.5 Sewerage infrastructure(s) must be located outside of swales and drainage channels.
- 6.6 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 6.7 Any proposed sewerage access chambers located within a park or reserve, or below a ten (10) per cent Annual Exceedance Probability level, must be provided with bolt down lids.
- 6.8 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 6.9 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 7.0 WATER WORKS
- 7.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 7.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 7.3 All lots within the development must be connected to Council's reticulated water network. Each of the proposed lots must be provided with its own separate water connection point, located wholly within its respective property boundary.
- 7.4 Easements must be provided over all water infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 7.5 All proposed reticulation mains must be interconnected to eliminate dead ends.
Note: Looped mains are permitted in cul-de-sacs.
- 7.6 A 150 millimetre diameter non-trunk water main must be constructed along the eastern and western sides of proposed Road 1. These proposed mains must be interconnected at various locations as indicated in the water network analysis report dated 13 July 2015. This non-trunk infrastructure is conditioned under section 665 of the *Sustainable Planning Act 2009*.
- 7.7 Water Supply layout and sizing must be consistent with the findings of a completed Water Supply Network Analysis report dated 13 July 2015 prepared by Fitzroy River Water.
- 7.8 An easement, with a minimum width of five (5) metres, must be provided along the rear boundary of proposed balance lot for the future extension of trunk water supply infrastructure.
Note: This easement may be extinguished when a road reserve is established in this location in the future.
- 8.0 STORMWATER WORKS
- 8.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.

- 8.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 8.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development condition, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 8.4 Any application for a Development Permit for Operational Works (stormwater works) must include an assessment of how the development meets the stormwater management design objectives in *State Planning Policy 2014*.
- 8.5 Each allotment must be designed so as to be flood free in a one (1) per cent Annual Exceedance Probability defined flood event and self-draining.
- 8.6 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one (1) per cent Annual Exceedance Probability defined flood event, for the post development condition.
- 8.7 Design and construct a detention system sufficient to attenuate the peak discharge from the site to ensure non-worsening to the extent that an actionable nuisance could result, for a range of design rainfall events up to and including a one per cent (1%) Annual Exceedance Probability defined flood event, in accordance with the provisions of the *Queensland Urban Drainage Manual*.
- 8.8 Detailed design of the proposed detention basin and any cross drainage structures must include all required safety measures and facilities to ensure the safety of the public in accordance with the *Queensland Urban Drainage Manual*.
- 8.9 Design and construct the proposed swale drains to accommodate the peak discharge from the associated catchment(s).
- 8.10 All land proposed and dedicated as major overland flow path (Q100) must be able to contain all earthworks and batters including freeboard and access and maintenance provisions consistent with the *Queensland Urban Drainage Manual*.
- 8.11 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a management and maintenance plan for the proposed detention basin / retention systems.
- 8.12 Easements must be provided over all land assessed to be within a one (1) per cent Annual Exceedance Probability defined flood event.
- 8.13 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by updated Regional Stormwater Management Plan report with calculation based on appropriate fraction impervious value for catchment 506.
- 9.0 INTER-ALLOTMENT DRAINAGE
- 9.1 A Development Permit for Operational Works (inter-allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 9.2 All inter-allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (inter-allotment drainage works).
- 9.3 Inter-allotment drainage, must be designed and constructed in accordance with the *Queensland Urban Drainage Manual* and must be provided to any lot where it cannot be satisfactorily demonstrated that roof and allotment runoff associated with

development on that lot, could not reasonably be directed to the frontage kerb and channel or alternative lawful point of discharge.

- 9.4 Inter-allotment drainage systems and overland flow paths must be wholly contained within an easement, with a minimum width of three (3) metres. Easement documents must accompany the plan for endorsement by Council prior to the issue of the Survey Plan Approval Certificate.
- 10.0 SITE WORKS
- 10.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 10.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan which clearly identifies the following:
- 10.2.1 the location of cut and/or fill;
 - 10.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 10.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 10.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 10.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 10.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 10.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 10.5 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 10.6 Retaining structures close to or crossing sewerage infrastructure must comply with *Queensland Development Code, Mandatory Part 1.4 'Building over or near relevant infrastructure.'* The structure must be self-supporting and no additional load must be applied to Council's sewerage infrastructure.
- 10.7 A detailed inspection and as-constructed records must be provided to Council by the consultant Registered Professional Engineer of Queensland prior to acceptance of the works. The consultant must include in the certification confirmation that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction.
- 10.8 The approved design and/or the construction of the retaining walls must not be modified or altered without Council's prior written approval.
- 10.9 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
 - (ii) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt.
- 10.10 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 10.11 All site works must be undertaken to ensure that there is:

10.11.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one percent (1%) Annual Exceedance Probability defined flood event;

10.11.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and

10.11.3 a lawful point of discharge to which the developed flows from the land drain.

11.0 ELECTRICITY AND TELECOMMUNICATIONS

11.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

11.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities, prior to the issue of the Survey Plan Approval Certificate.

12.0 ASSET MANAGEMENT

12.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.

12.2 Any damage to existing kerb and channel, water supply and sewerage infrastructures, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired at full cost to the developer. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

12.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Survey Plan Approval Certificate. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

13.0 ENVIRONMENTAL

13.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:

- (i) objectives;
- (ii) site location and topography
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation,

for the construction and post construction phases of work.

13.2 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.

13.3 An Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be:

13.3.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and

13.3.2 available on-site for inspection by Council Officers whilst all works are being carried out.

14.0 OPERATING PROCEDURES

14.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Somerset Road.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Partnerships website www.datsip.qld.gov.au.

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

NOTE 3. General Safety Of Public During Construction

The *Work Health and Safety Act* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 4. Property Notes

All vehicular access to and from proposed Lots 1 and 55, must be via Road 1 only. Direct vehicular access to Somerset Road is prohibited.

NOTE 5. Stormwater Treatment

A Lot scale bio-retention basin with adequate filter area is required at Material Change of Use application for the individual lots.

NOTE 6. Infrastructure Charges Notice

This application is subject to infrastructure contributions in accordance with Council policies. The contributions are presented on an Infrastructure Charges Notice which has been supplied with this decision notice.



**Concurrence Agency Conditions -
Department of Infrastructure, Local
Government and Planning**

SUSTAINABLE PLANNING ACT 2009

The following is an extract from the *Sustainable Planning Act* (Chapter 7).

Division 8 Appeals to court relating to development applications

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 424;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the applicant's appeal period) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the submitter's appeal period) after the decision notice or negotiated decision notice is given to the submitter.

464 Appeals by advice agency submitters

- (1) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or

- (b) any part of the approval relating to the assessment manager's decision under section 327.

- (2) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (3) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
 - (a) if the responsible entity for making the change is the assessment manager for the application—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
 - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.