

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 07 4086 4658
F: 07 4092 3323

W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

Council Ref: OW/16/0006

Our Ref: BM:IA:nj

28 July 2016

Jim Papas Civil Engineering Designer Pty Ltd
PO Box 2347
MAREEBA QLD 4880

Decision Notice Approval

Sustainable Planning Act 2009 s334 and s335

Dear Applicant/s

***APPLICATION FOR OPERATIONAL WORKS (ROADWORKS, STORMWATER, WATER
INFRASTRUCTURE, DRAINAGE & EARTHWORKS)
LOT 72 ON RP903071
SITUATED AT 1593 KENNEDY HIGHWAY, KURANDA***

I wish to advise that, under Council's delegated authority on *28 July 2016*, the above development application was -

- Approved in full with conditions.

The conditions relevant to this approval are detailed in **section 4** of this notice. These conditions are clearly identified to indicate whether the Assessment Manager or a Concurrence Agency imposed them.

Approval under Section 331

This application **has not** been deemed to be approved under Section 331 of the Sustainable Planning Act 2009 (SPA).

1. Details of the approval –

Development Permit for Operational Works (Roadworks, Stormwater, Water Infrastructure, Drainage & Earthworks)

2. Other approvals required from Council

- Nil

3. Submissions -

Not applicable

4. Conditions –**(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)****(a) General**

- (i) All operational works must be designed and constructed in accordance with the procedures as set out in the FNQROC Development Manual.
- (ii) Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, and subject to any alterations:
 - found necessary by the Council's Delegated Officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements;
 - to ensure the works comply in all respects with the requirements and procedures of the FNQROC Development Manual and good engineering practice; and
 - to ensure compliance with the following conditions of approval.
- (iii) Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy. If during construction, inadequacies of the design are discovered, it is the responsibility of the Principal Consulting Engineer to resubmit amended plans to Council for approval and rectify works accordingly.
- (iv) The following plans are required to be submitted for approval by Council's Delegated Officer to complete the Operational Works Application;
 - Street lighting plans (note this has to be a separate Operational Works application).

(b) Pre-Start Meeting

- (i) In addition to the requirements of Clause CP1.07 and CP1.08 of the FNQROC Development Manual; after documentation has been approved by Council, a pre-start meeting is to be held on site prior to the commencement of work. Part 1 of the **attached** pre-start meeting pro-forma is to be completed and returned prior to the meeting including clause 1.u 'Request for Meeting' together with the prescribed Construction Monitoring Fee as set out in Council's Schedule of Fees.

(c) Inspections

- (i) Inspections are to be carried out as detailed in the FNQROC Manual unless advised otherwise at the pre-start meeting.

(d) Construction Security Bond and Defects Liability Bond

- (i) In addition to Clauses CP1.06 and CP1.20 of the FNQROC Development Manual; the Construction Security Bond and Defects Liability Bond shall each be a minimum of \$1000 and Bank Guarantees shall have no termination date.
- (ii) During the Defects Liability period, it is the responsibility of the developer to rectify any works found to be defective due to design faults and or found to exhibit faults attributed to the performance of the construction activities in terms of quality and conformance with design and specifications. The bond will be returned on satisfactory correction of any defective work and after expiration of the maintenance period. Failure to comply with a Council issued instruction to correct defective work may result in the call up of the bond to have the work completed.

(e) Hours of Work

- (i) Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:
 - 7.00am to 6.00pm, Monday to Friday;
 - 7.00am to 1.00pm Saturdays;
 - No work is permitted on Sundays or Public Holidays.
- (ii) No variation to the above working hours is allowed unless otherwise agreed in writing by Council.

(f) As Constructed Information

- (i) In addition to Clause CP1.21 of the FNQROC Development Manual; a materials listing and a bill of quantities are also required **prior to project being placed 'On Maintenance'**.
- (ii) Contrary to Clause CP1.25 of the FNQROC Development Manual; a digital copy of CCTV survey of stormwater drainage piped systems is to be submitted at 'Final Acceptance' stage on completion of the Defects Liability Period.

(g) Transportation of Soil

- (i) All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavement from works on the subject land, it must be removed no later than at the end of each working day. Sediment must not enter Council's stormwater drainage network.

(h) Permanent Survey Marks

- (i) Two permanent survey marks must be installed and connected to real property control unless otherwise advised at the pre-start meeting. Permanent survey marks must also be connected to two, Council established, AMG coordinated permanent survey marks, as directed by Council's Delegated Officer.
- (ii) All levels are to be related to Australian Height Datum.

5. IDAS referral agencies –

The application did not require referral to any Referral Agency.

6. Approved Plans

The approved plans and/or documents for this development approval are listed in the following table.

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1299-C01-B	Existing Site Plan	Jim Papas Drafting Pty Ltd	19.05.14
1299-C02-B	Typical Cross-Sections, Pavement Details, Set Out, Details and Notes	Jim Papas Drafting Pty Ltd	19.05.14
1299-C03-C	Earthworks Plan	Jim Papas Drafting Pty Ltd	19.05.14
1299-C04-D	Roadworks and Stormwater Drainage Plan	Jim Papas Drafting Pty Ltd	19.06.14
1299-C05-C	Soil and Water Management Plan	Jim Papas Drafting Pty Ltd	19.05.14
1299-C06-D	Water Reticulation Plan	Jim Papas Drafting Pty Ltd	19.06.14
1299-C07-C	Fallon Road - Longitudinal and Cross Sections, Intersection Detail	Jim Papas Drafting Pty Ltd	19.05.14
1299-C08-B	Road A - Longitudinal Section	Jim Papas Drafting Pty Ltd	19.05.14
1299-C09-C	Road A - Cross Sections (Sheet 1 of 2)	Jim Papas Drafting Pty Ltd	19.05.14
1299-C10-C	Road A - Cross Sections (Sheet 2 of 2)	Jim Papas Drafting Pty Ltd	19.05.14
1299-C11-B	Stormwater Drainage Longitudinal Sections, Pit Schedule and Set Out Data	Jim Papas Drafting Pty Ltd	19.05.14
1299-C12-B	Stormwater Drainage Catchment Plan	Jim Papas Drafting Pty Ltd	19.05.14
1299-C13-B	Stormwater Drainage Calculation Sheet	Jim Papas Drafting Pty Ltd	19.05.14

7. When approval lapses if development not started (s341)

This development approval will lapse in accordance with Section 341 of the Sustainable Planning Act 2009 if development does not start within relevant period as stated below:

- Any other development – two (2) years (starting the day the approval takes effect).

If there is one (1) or more subsequent related approvals for a development approval for a Material Change of Use or a reconfiguration, the relevant period for the approval will be taken to have started on the day the latest related approval takes effect.

8. Appeal rights –***Applicant may make representations about decision***

The applicant may make written representations to the assessment manager about: -

- (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
- (b) the standard conditions applying to a deemed approval.

However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

Attachment 2 is an extract from SPA which contains details regarding making representations about the decision.

Appeals by applicants

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

- the refusal, or refusal in part of the development application
- any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of SPA
- the decision to give a preliminary approval when a development permit was applied for
- the length of a period mentioned in section 341
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of SPA.

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

Appeals by submitters

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

- the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment
- the part of the approval relating to the assessment manager's decision under section 327.

Details about submitter appeal rights for the Planning and Environment Court are set out in sections 462, 463 and 464 of SPA.

Submitters may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

Attachment 3 is an extract from SPA which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

9. 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

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

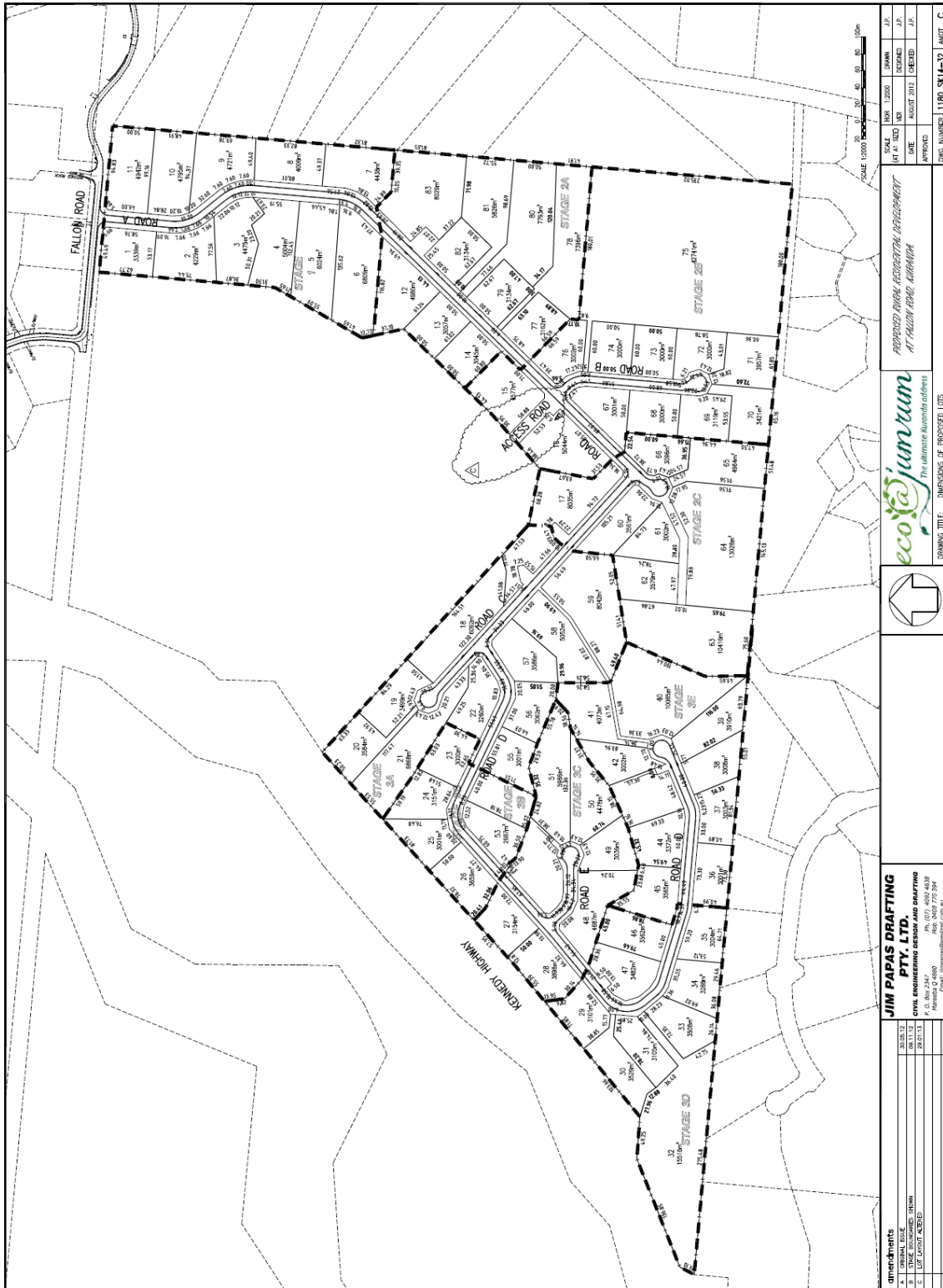
Should you require any further information please contact Council's **Technical Officer/Subdivisions, Italo Armenti** on the above telephone number.

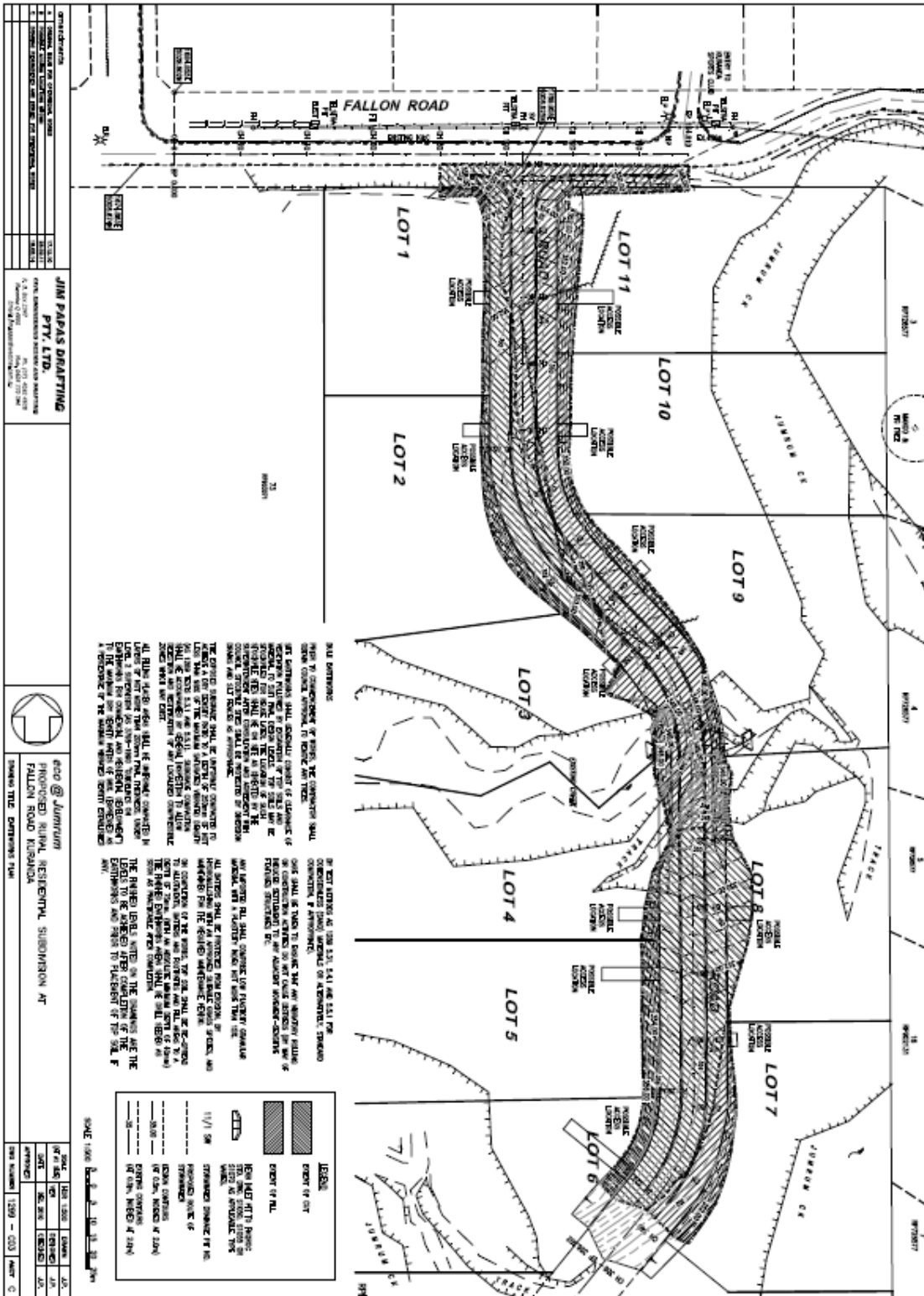
Yours faithfully

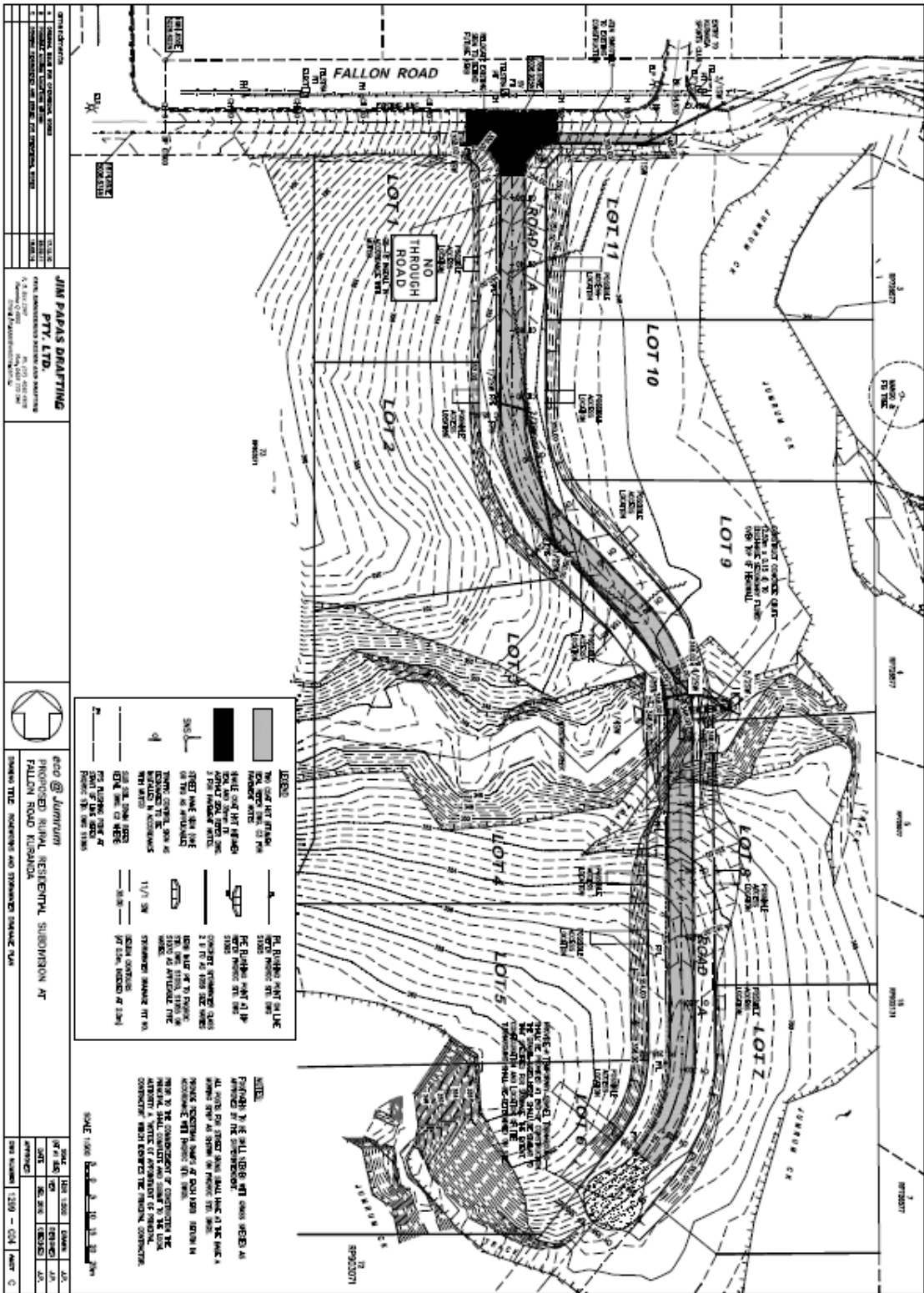
BRIAN MILLARD
SENIOR PLANNER

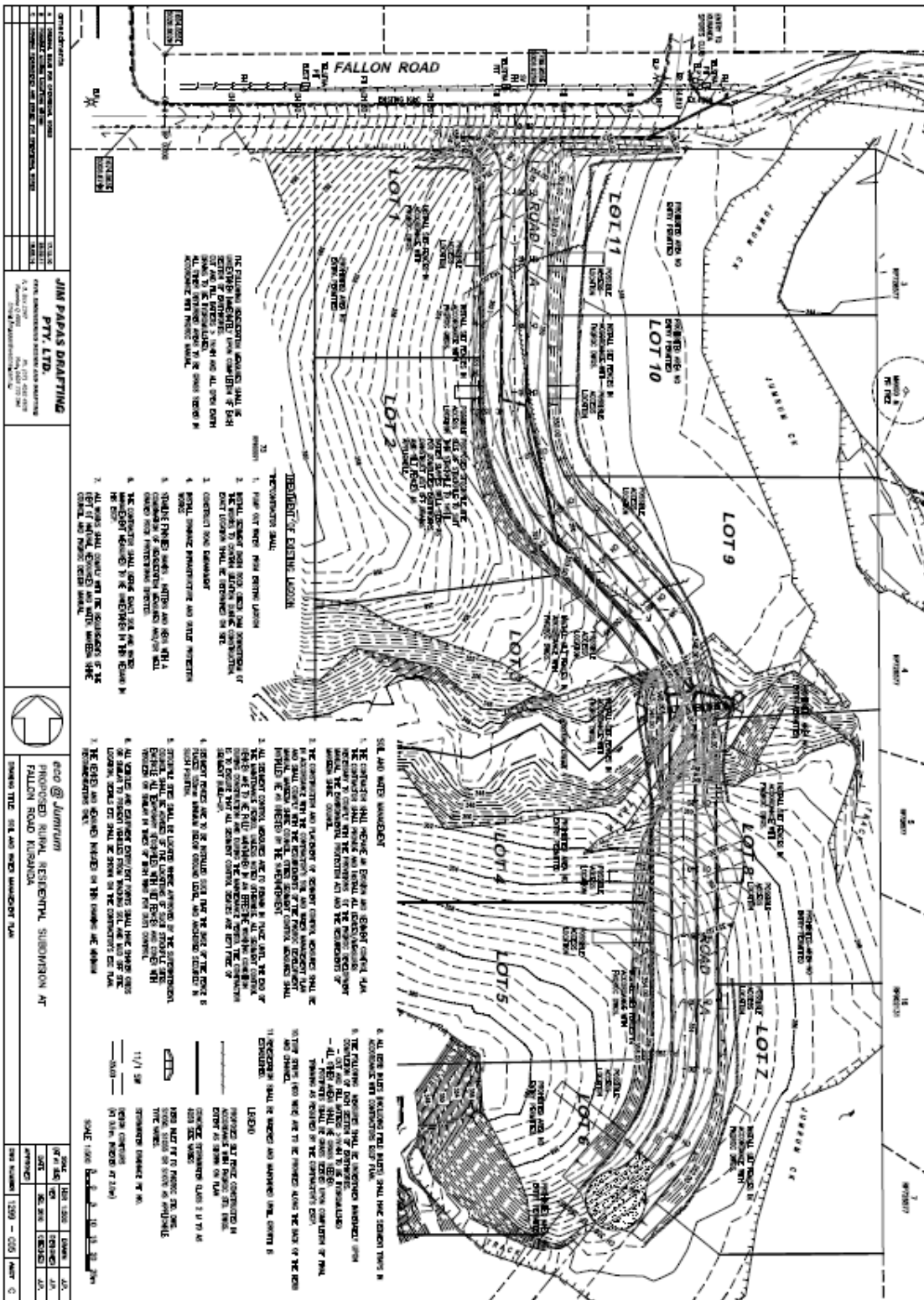
Enclosures: Attachment 1 - Approved Plans of Development
Attachment 2 - SPA Extract - Making Representations about Decision
Attachment 3 - SPA Extract on Appeal Rights

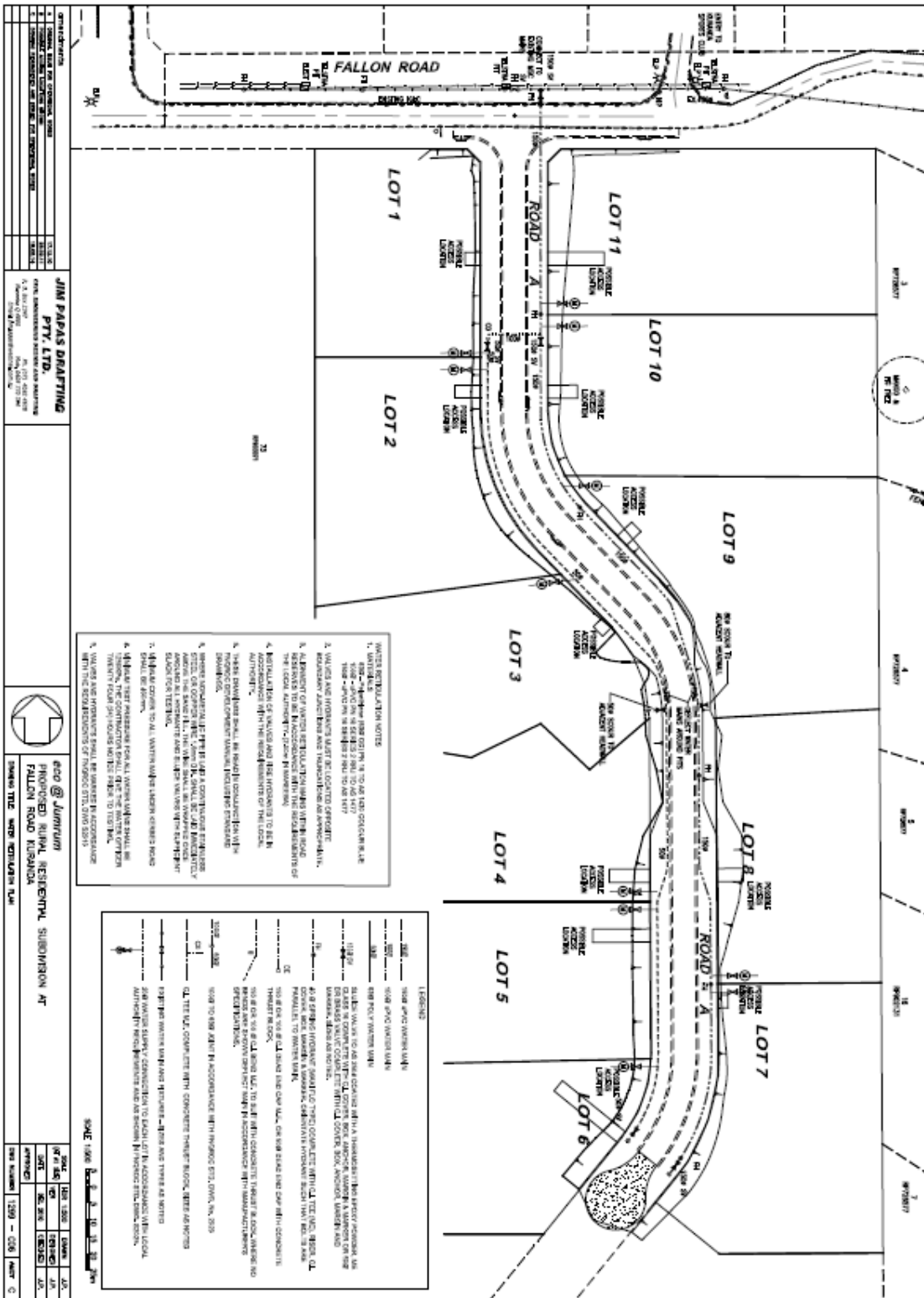
ATTACHMENT 1 - APPROVED PLANS OF DEVELOPMENT











INTERSECTION SET OUT TABLE			
Station	Existing	Existing	Proposed
21	2776.21	2622.00	2671.00
22	2786.91	2631.98	2681.00
23	2794.40	2632.92	2682.00
24	2798.11	2632.98	2682.00
25	2798.46	2632.92	2682.00
26	2798.41	2632.92	2682.00
27	2798.23	2632.85	2682.00
28	2798.41	2632.94	2682.00
29	2798.79	2632.95	2682.00
30	2802.71	2632.96	2682.00

LONGITUDINAL SECTION FALCON ROAD
SCALE: 1:200

CROSS SECTIONS FALCON ROAD
SCALE: 2:1

DETAILS

- DETAIL 1: DRIVEWAY DETAIL
- DETAIL 2: DRIVEWAY DETAIL
- DETAIL 3: DRIVEWAY DETAIL
- DETAIL 4: DRIVEWAY DETAIL

DETAILS

- DETAIL 1: DRIVEWAY DETAIL
- DETAIL 2: DRIVEWAY DETAIL
- DETAIL 3: DRIVEWAY DETAIL
- DETAIL 4: DRIVEWAY DETAIL

DETAILS

- DETAIL 1: DRIVEWAY DETAIL
- DETAIL 2: DRIVEWAY DETAIL
- DETAIL 3: DRIVEWAY DETAIL
- DETAIL 4: DRIVEWAY DETAIL

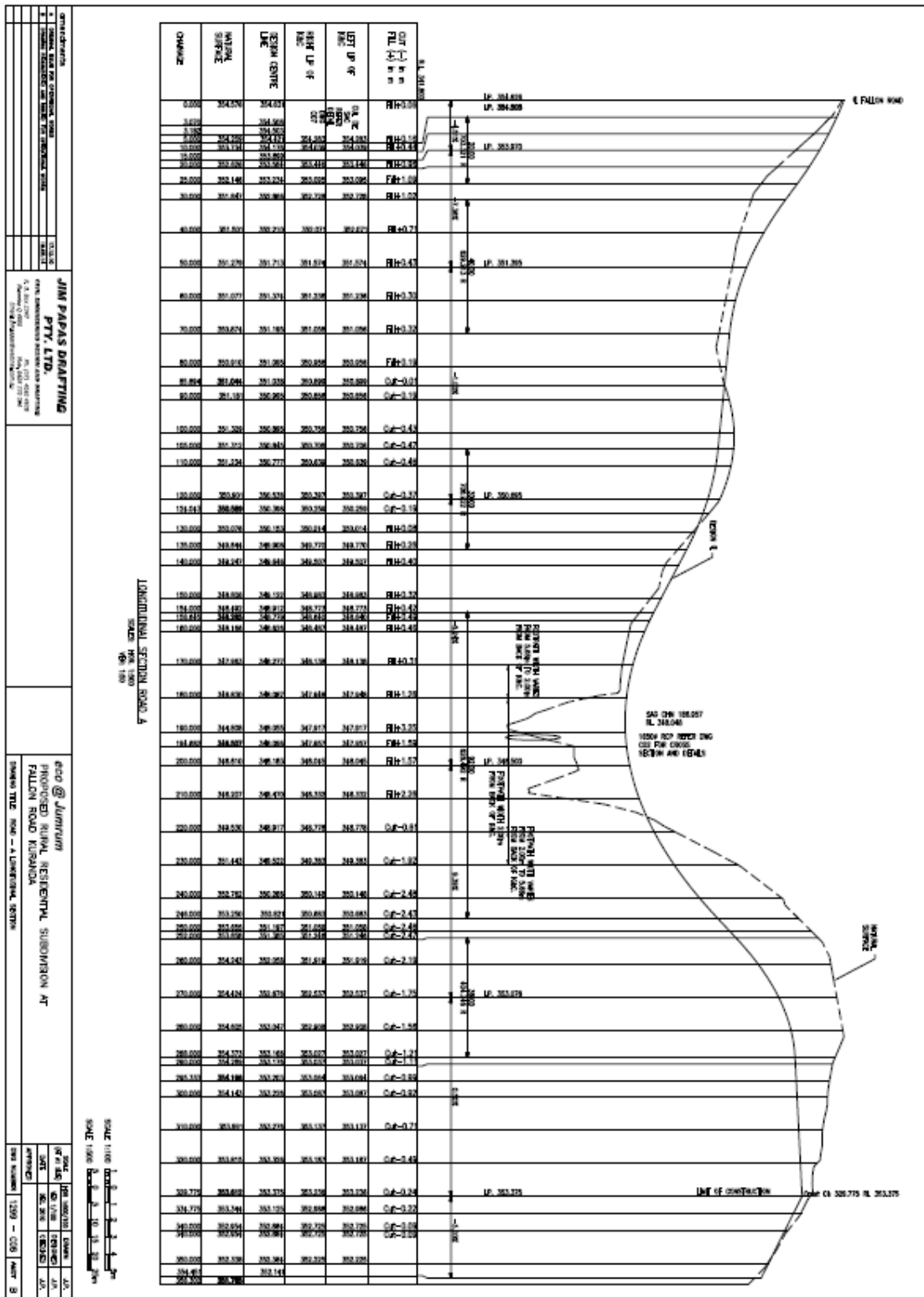
DETAILS

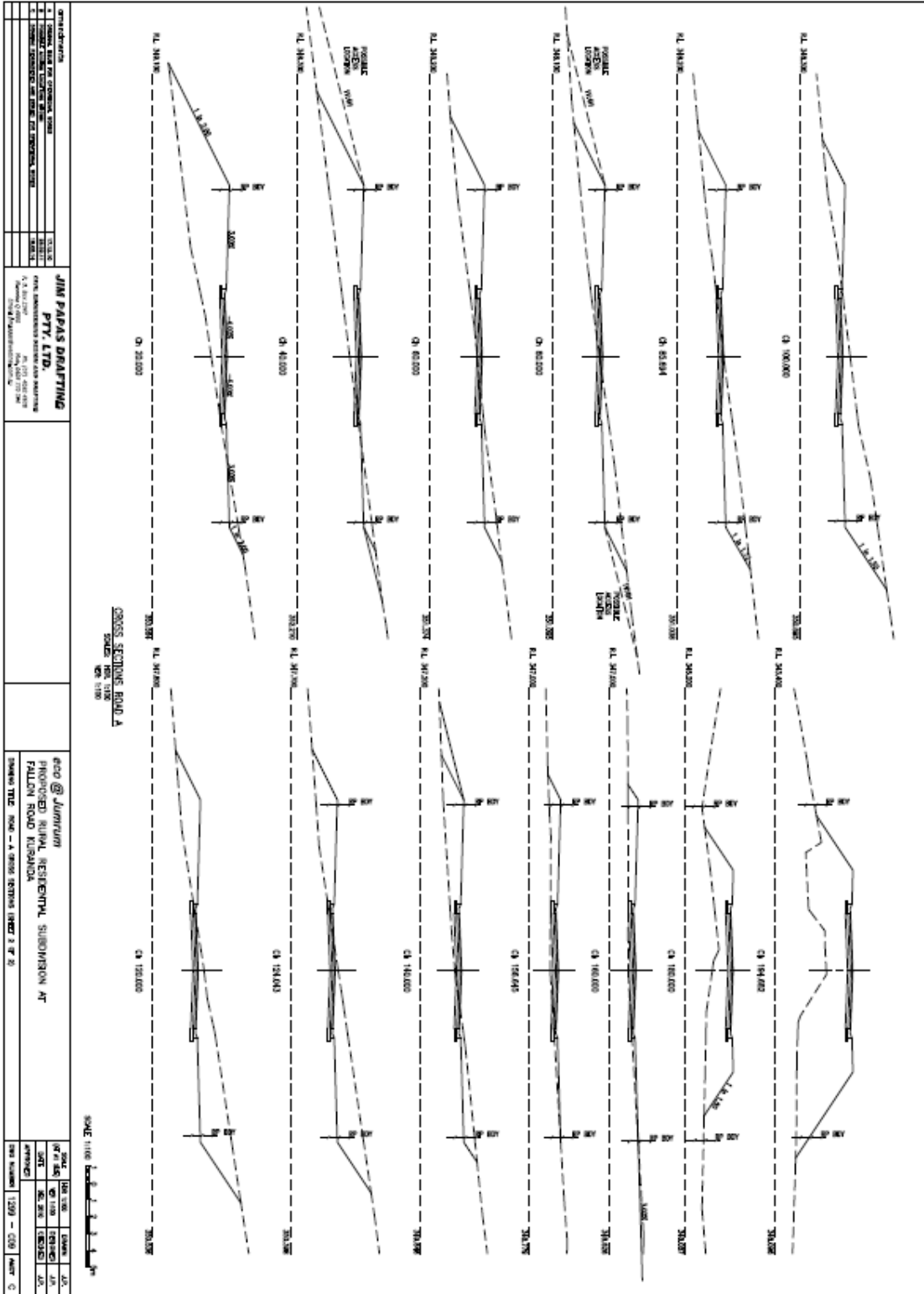
- DETAIL 1: DRIVEWAY DETAIL
- DETAIL 2: DRIVEWAY DETAIL
- DETAIL 3: DRIVEWAY DETAIL
- DETAIL 4: DRIVEWAY DETAIL

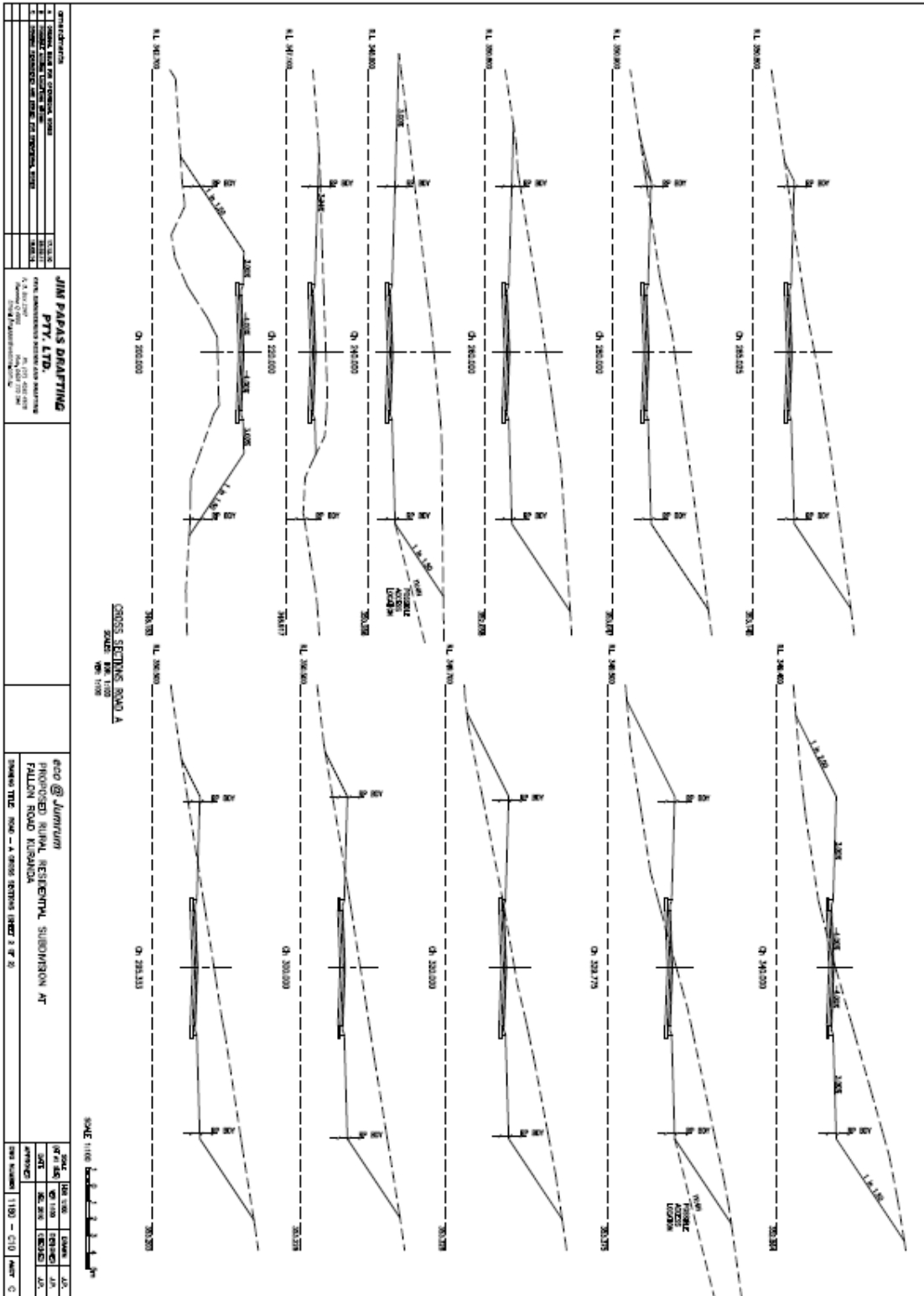
JIN PAPAS DRAFTING
PTV. LTD.

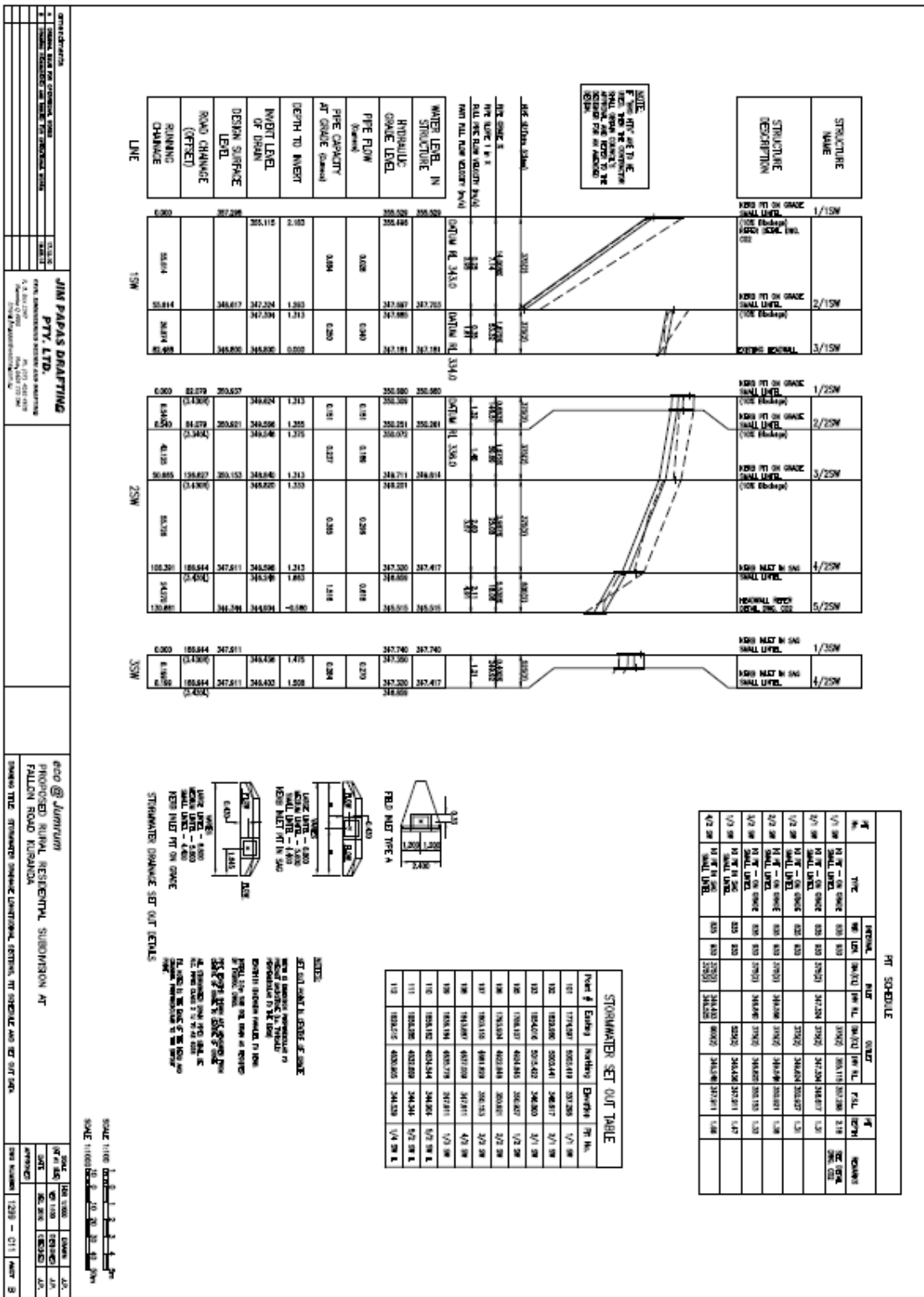
Proposed Rural Residential Subdivision at
FALCON ROAD KUNMINA

Scale: 1:200
Date: 28.07.16









DATE: 25/07/16
DRAWN BY: JIM PAPAS
CHECKED BY: JIM PAPAS
DATE: 25/07/16

JIM PAPAS DRAFTING
100/1000 South St
Melbourne, VIC 3048
Tel: 03 9594 2000
Fax: 03 9594 2001
Email: jim@papasdrafting.com.au

eco @ Junburra
PROPOSED RURAL RESIDENTIAL SUBDIVISION AT
FALLOON ROAD JUNBURRA
STORMWATER DRAINAGE LAYOUT, SET OUT LEVELS AND SET OUT PLAN

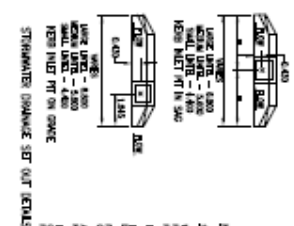
DATE	BY	REVISION
25/07/16	J.P.	ISSUED FOR APPROVAL
25/07/16	J.P.	ISSUED FOR APPROVAL
25/07/16	J.P.	ISSUED FOR APPROVAL

PIPE SCHEDULE

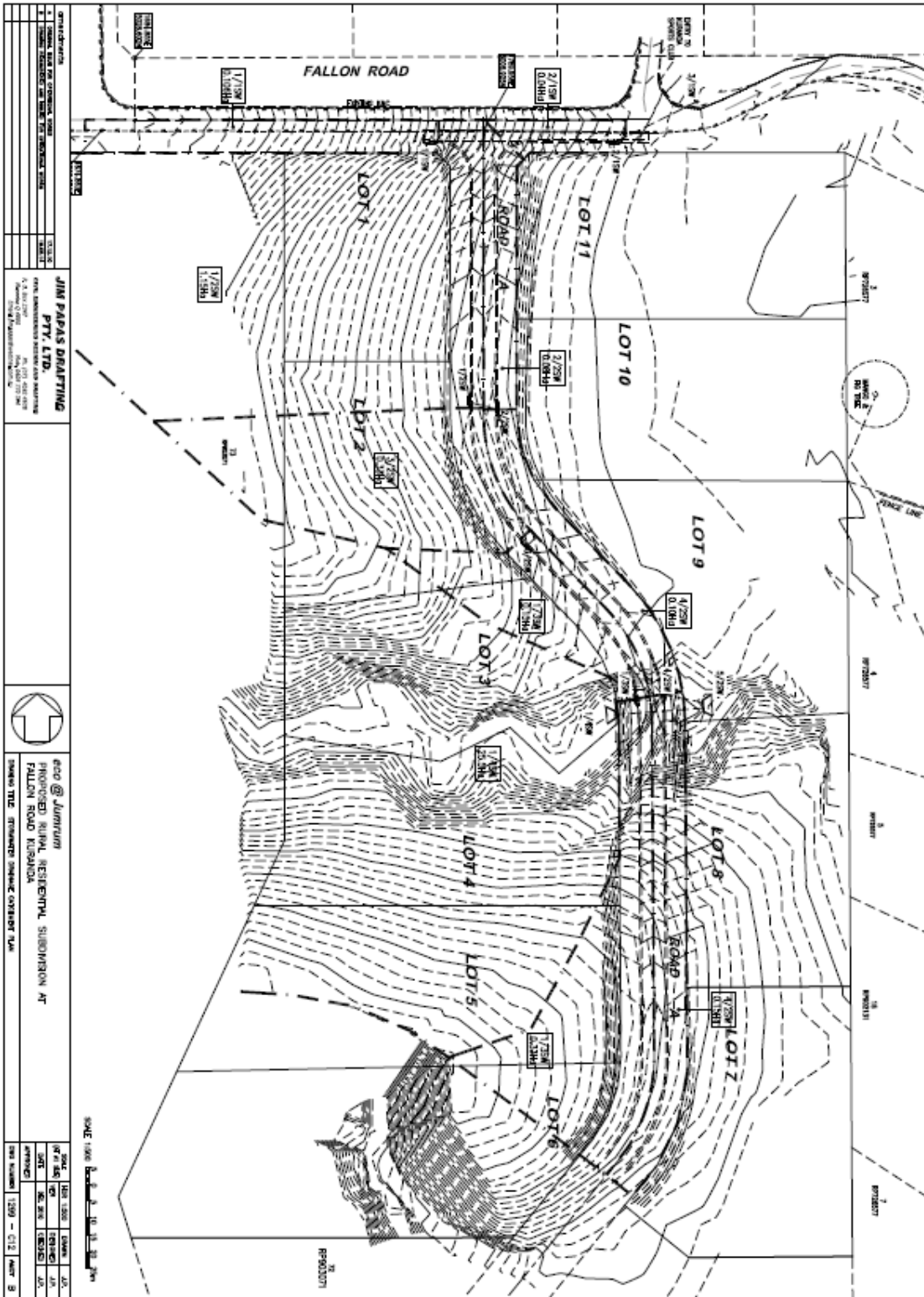
NO.	TYPE	INTERNAL DIA.	MATERIAL	MANHOLE	INVERT	OUTLET	PIPE DIA.	PIPE LENGTH	PIPE WEIGHT	MANHOLE WEIGHT	MANHOLE DIA.	MANHOLE WEIGHT	MANHOLE DIA.	MANHOLE WEIGHT	MANHOLE DIA.	MANHOLE WEIGHT	MANHOLE DIA.
1/1	150mm 1.0m GRACE SMALL LEVEL	150	HDPE	150	2100	150	150	1.0	10.0	150	150	150	150	150	150	150	150
2/1	150mm 1.0m GRACE SMALL LEVEL	150	HDPE	150	2100	150	150	1.0	10.0	150	150	150	150	150	150	150	150
3/1	150mm 1.0m GRACE SMALL LEVEL	150	HDPE	150	2100	150	150	1.0	10.0	150	150	150	150	150	150	150	150
4/1	150mm 1.0m GRACE SMALL LEVEL	150	HDPE	150	2100	150	150	1.0	10.0	150	150	150	150	150	150	150	150
5/1	150mm 1.0m GRACE SMALL LEVEL	150	HDPE	150	2100	150	150	1.0	10.0	150	150	150	150	150	150	150	150
6/1	150mm 1.0m GRACE SMALL LEVEL	150	HDPE	150	2100	150	150	1.0	10.0	150	150	150	150	150	150	150	150
7/1	150mm 1.0m GRACE SMALL LEVEL	150	HDPE	150	2100	150	150	1.0	10.0	150	150	150	150	150	150	150	150
8/1	150mm 1.0m GRACE SMALL LEVEL	150	HDPE	150	2100	150	150	1.0	10.0	150	150	150	150	150	150	150	150
9/1	150mm 1.0m GRACE SMALL LEVEL	150	HDPE	150	2100	150	150	1.0	10.0	150	150	150	150	150	150	150	150
10/1	150mm 1.0m GRACE SMALL LEVEL	150	HDPE	150	2100	150	150	1.0	10.0	150	150	150	150	150	150	150	150

STORMWATER SET OUT TABLE

Point #	Elevation	Manning	Diameter	Run
101	171.9307	0.0149	300.000	171.98
102	170.0000	0.0149	300.000	171.98
103	170.0000	0.0149	300.000	171.98
104	170.0000	0.0149	300.000	171.98
105	170.0000	0.0149	300.000	171.98
106	170.0000	0.0149	300.000	171.98
107	170.0000	0.0149	300.000	171.98
108	170.0000	0.0149	300.000	171.98
109	170.0000	0.0149	300.000	171.98
110	170.0000	0.0149	300.000	171.98
111	170.0000	0.0149	300.000	171.98
112	170.0000	0.0149	300.000	171.98



NOTES:
1. SET OUT LEVELS OF GRADE.
2. ALL CONSTRUCTION SHALL BE TO THE STANDARD SPECIFICATIONS FOR ROADWORK.
3. ALL CONSTRUCTION SHALL BE TO THE STANDARD SPECIFICATIONS FOR ROADWORK.
4. ALL CONSTRUCTION SHALL BE TO THE STANDARD SPECIFICATIONS FOR ROADWORK.
5. ALL CONSTRUCTION SHALL BE TO THE STANDARD SPECIFICATIONS FOR ROADWORK.
6. ALL CONSTRUCTION SHALL BE TO THE STANDARD SPECIFICATIONS FOR ROADWORK.
7. ALL CONSTRUCTION SHALL BE TO THE STANDARD SPECIFICATIONS FOR ROADWORK.
8. ALL CONSTRUCTION SHALL BE TO THE STANDARD SPECIFICATIONS FOR ROADWORK.
9. ALL CONSTRUCTION SHALL BE TO THE STANDARD SPECIFICATIONS FOR ROADWORK.
10. ALL CONSTRUCTION SHALL BE TO THE STANDARD SPECIFICATIONS FOR ROADWORK.



LINE NO.	DESCRIPTION	SUB-CATCHMENT		MATERIAL		DRAIN CENTER		DRAIN POINT	
		1	2	3	4	5	6	7	8
1	NEW ARI								
2	CONCRETE NO.								
3	MAN HOLE								
4	CONCRETE								
5	CONCRETE								
6	CONCRETE								
7	CONCRETE								
8	CONCRETE								
9	CONCRETE								
10	CONCRETE								
11	CONCRETE								
12	CONCRETE								
13	CONCRETE								
14	CONCRETE								
15	CONCRETE								
16	CONCRETE								
17	CONCRETE								
18	CONCRETE								
19	CONCRETE								
20	CONCRETE								
21	CONCRETE								
22	CONCRETE								
23	CONCRETE								
24	CONCRETE								
25	CONCRETE								
26	CONCRETE								
27	CONCRETE								
28	CONCRETE								
29	CONCRETE								
30	CONCRETE								
31	CONCRETE								
32	CONCRETE								
33	CONCRETE								
34	CONCRETE								
35	CONCRETE								
36	CONCRETE								
37	CONCRETE								
38	CONCRETE								
39	CONCRETE								
40	CONCRETE								
41	CONCRETE								
42	CONCRETE								
43	CONCRETE								
44	CONCRETE								
45	CONCRETE								
46	CONCRETE								
47	CONCRETE								
48	CONCRETE								
49	CONCRETE								
50	CONCRETE								
51	CONCRETE								
52	CONCRETE								
53	CONCRETE								
54	CONCRETE								
55	CONCRETE								
56	CONCRETE								
57	CONCRETE								
58	CONCRETE								
59	CONCRETE								
60	CONCRETE								
61	CONCRETE								
62	CONCRETE								
63	CONCRETE								
64	CONCRETE								
65	CONCRETE								
66	CONCRETE								
67	CONCRETE								
68	CONCRETE								
69	CONCRETE								
70	CONCRETE								
71	CONCRETE								
72	CONCRETE								
73	CONCRETE								
74	CONCRETE								
75	CONCRETE								
76	CONCRETE								
77	CONCRETE								
78	CONCRETE								
79	CONCRETE								
80	CONCRETE								
81	CONCRETE								
82	CONCRETE								
83	CONCRETE								
84	CONCRETE								
85	CONCRETE								
86	CONCRETE								
87	CONCRETE								
88	CONCRETE								
89	CONCRETE								
90	CONCRETE								
91	CONCRETE								
92	CONCRETE								
93	CONCRETE								
94	CONCRETE								
95	CONCRETE								
96	CONCRETE								
97	CONCRETE								
98	CONCRETE								
99	CONCRETE								
100	CONCRETE								

JIM PAPAS DRAFTING
 10/100 WILSON ST
 WILSON VIC 3177
 TEL: 03 9594 1111
 FAX: 03 9594 1112
 WWW.JIMPAPAS.COM.AU

Site @ **JUNTAI**
 PROPOSED RURAL RESIDENTIAL SUBDIVISION AT
 FALLOON ROAD KUSMANDA
 SHANGHAI VIC 3088

DATE: 28/07/2016
 DRAWN BY: JIM PAPAS
 CHECKED BY: JIM PAPAS
 APPROVED BY: JIM PAPAS
 PROJECT NUMBER: 1200 - 013
 SHEET 3

ATTACHMENT 2 - MAKING REPRESENTATIONS ABOUT DECISION**PART 8 - DEALING WITH DECISION NOTICES AND APPROVALS****DIVISION 1 CHANGING DECISION NOTICES AND APPROVALS DURING APPLICANT'S APPEAL PERIOD****360 APPLICATION OF DIV 1**

This division applies only during the applicant's appeal period.

361 APPLICANT MAY MAKE REPRESENTATIONS ABOUT DECISION

- (1) The applicant may make written representations to the assessment manager about—
 - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
 - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

362 ASSESSMENT MANAGER TO CONSIDER REPRESENTATIONS

The assessment manager must consider any representations made to the assessment manager under section 361.

363 DECISION ABOUT REPRESENTATIONS

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (***the negotiated decision notice***) to—
 - (a) the applicant; and
 - (b) each principal submitter; and
 - (c) each referral agency; and
 - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
 - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
 - (b) must comply with section 335; and
 - (c) must state the nature of the changes; and
 - (d) replaces—
 - (i) the decision notice previously given; or

- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

364 GIVING NEW INFRASTRUCTURE CHARGES NOTICE OR REGULATED INFRASTRUCTURE CHARGES NOTICE

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge or regulated infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633 or regulated infrastructure charges notice under section 643 to replace the original notice.

365 GIVING NEW REGULATED STATE INFRASTRUCTURE CHARGES NOTICE

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of a regulated State infrastructure charge.
- (2) The relevant State infrastructure provider may give the applicant a new regulated State infrastructure charges notice under section 669 to replace the original notice.

366 APPLICANT MAY SUSPEND APPLICANT'S APPEAL PERIOD

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
- (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
 - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
 - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal period starts again the day after the applicant receives the negotiated decision notice.

ATTACHMENT 3 - APPEAL RIGHTS**DIVISION 8 APPEALS TO COURT RELATING TO DEVELOPMENT APPLICATIONS AND APPROVALS****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 the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (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—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be 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—GENERAL

- (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.

463 ADDITIONAL AND EXTENDED APPEAL RIGHTS FOR SUBMITTERS FOR PARTICULAR DEVELOPMENT APPLICATIONS

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or
 - (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
 - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
 - (b) a referral agency's response mentioned in subsection (2).

464 APPEALS BY ADVICE AGENCY SUBMITTERS

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) 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.
- (3) 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.
- (4) 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.