

Enquiries: Veronnica Harris
Phone: 07 4189 9100
IR1455008 VH:JT



SOUTH BURNETT
REGIONAL COUNCIL

IDAS Development Application Negotiated Decision Notice

Sustainable Planning Act 2009

Material Change of Use

(Special use – extensions to Nanango Court House)

South Burnett Regional Council

ABN 89 972 463 351

PO Box 336

Kingaroy QLD 4610

☎ 1300 789 279 or (07) 4189 9100

☎ (07) 4162 4806

✉ info@southburnett.qld.gov.au

■ www.southburnett.qld.gov.au

25 May 2015

Gibson Architects Pty Ltd
C/- Flinders Hyder
GPO Box 5093
BRISBANE QLD 4001

Attention: Jeff Nicholls

Dear Jeff

I refer to your correspondence dated 14 May 2015, seeking a Negotiated Decision Notice in respect of your approval for a Material Change of Use (Special use) at 30 Henry Street, Nanango, (and also described as Lot 185 on FY1534).

Your request was considered by Council and approved by Delegated Authority on Monday 25 May 2015.

The following schedule provides the nature of the changes:

Amend Conditions MCU 2, (Waste Storage) ENG1 (Property Access) and ENG 5 (Car Parking & Manoeuvrability) as outlined below (deleted text in strikethrough and new text in bold):

Waste Storage

MCU2. Provision must be made for the storage and removal of refuse in accordance with the ~~Environmental Protection (Waste Management) Regulation 2000~~ **Waste Reduction and Recycling Regulation 2011**.

Property Access

ENG1. ~~If the Queensland Department of Transport and Main Roads does not specify otherwise, property access shall be provided in accordance with the details in Table S2.7 – Design and Construction Standards of the Nanango Shire Council IPA Planning Scheme; and IPWEAQ standard Drawing No. SEQ R-051, Type A, with dimension W1 being the greatest of:~~

- a. ~~6.0m;~~
- b. ~~the minimum value necessary to meet the swept path requirements of the B99 Vehicle (SRV) as defined in AS/NZS 2890.~~

Property Access

ENG1. **Property access shall be provided in accordance with the Queensland Department of Transport and Main Roads' Concurrence Agency Response.**

Customer Service Centres

- ☐ **Blackbutt** 69 Hart Street
- ☐ **Kingaroy** 45 Glendon Street
- ☐ **Nanango** 48 Drayton Street

- ☐ **Murgon** 42 Stephens Street West
- ☐ **Wondai** Cnr Mackenzie & Scott Streets

Car Parking & Manoeuvrability

ENG5. Provide at least ~~ten (10)~~ **nine (9)** line-marked car parking spaces, comprising of at least ~~nine (9)~~ **seven (7)** for B99 vehicles and at least ~~one (1)~~ **two (2)** disabled bays in accordance with the requirements of Schedule 1 – *Parking and On-site Movement (Ratios, Design and Construction Standards)*; Table S1.1 of the Kingaroy Shire Council IPA Planning Scheme; and the current versions of the relevant parts of AS/NZS 2890.

1 REFERRAL AGENCIES**Concurrence Agencies:**

Agency	Decision	Date of Decision
Department of Transport & Main Roads	Approved subject to conditions	24 April 2015

Advice Agencies: Nil.

2 CONDITIONS

Assessment Manager's Conditions – See Attachment A.

Concurrence Agency Conditions – See Attachment B.

3 FURTHER DEVELOPMENT APPROVALS REQUIRED

Development Permit for Operational Works

Development Permit for Plumbing and Draining Work (including Trade Waste Licence)

Development Permit for Building Work

4 RIGHTS OF APPEAL

Details on rights of appeal are attached for your information and a Notice of Appeal can be accessed on <http://www.courts.qld.gov.au>

With a view to early completion of the appeal process, it is in your interest to advise Council of your acceptance of the approval and conditions or to lodge an Appeal at your earliest convenience – as pursuant to Division 5, s339 of the *Sustainable Planning Act 2009* the approval does not take effect until the completion of the applicants' Appeal Period.

5 ASSESSMENT MANAGER

South Burnett Regional Council.

Yours faithfully



Chris du Plessis

MANAGER – PLANNING & LAND MANAGEMENT

Enc

ATTACHMENT A
ASSESSMENT MANAGER'S REPORT
SOUTH BURNETT REGIONAL COUNCIL

General

GEN1 The subject site is to be developed generally in accordance with the plans and information submitted with the application unless otherwise amended by the following conditions:

- Drawing: Site Plan, Date 10 Dec 2014, Drawing No: 14210DD 01, Drawn: KTE
- Drawing: Floor Plan Existing and Demolition, Date 10 Dec 2014, Drawing No: 14210DD 02, Drawn: KTE
- Drawing: Floor Plan Proposed, Date 10 Dec 2014, Drawing No: 14210DD 03, Drawn: KTE
- Drawing: Ceiling Plans, Date 10 Dec 2014, Drawing No: 14210DD 04, Drawn: KTE
- Drawing: Roof Plans, Date 10 Dec 2014, Drawing No: 14210DD 05, Drawn: KTE
- Drawing: External Elevations, Date 10 Dec 2014, Drawing No: 14210DD 06, Drawn: KTE
- Drawing: Sections, Date 10 Dec 2014, Drawing No: 14210DD 07, Drawn: KTE

GEN2. The development herein approved may not start until the following development permits have been issued and complied with as required:

- Development Permit for Building Works;
- Development Permit for Plumbing and Drainage Work;
- Development Permit for Operational Works (Site Works, road widening, kerb and channel and associated drainage, landscaping, access driveways, water supply and sewerage discharge sludge collection and removal, stormwater disposal)

Development is authorised by the above permits has been completed to the satisfaction of the Council's Chief Executive Officer.

GEN3. All works, including the repair or relocation of services (Telstra, lighting) is to be completed at no cost to Council.

GEN4. Dust prevention measures must be undertaken to ensure that dust does not cause a nuisance to occupiers of adjacent properties.

GEN5. Maintain the site in a clean and orderly state at all times.

Particular Use

MCU1. This approval is for a Special Use (Extension/Refurbishment to existing Court House and a new Rotunda) with a maximum gross floor area of 333m² and a Rotunda with a maximum gross floor area of 41m² and does not imply approval for other similar uses. The subject site is not to be used for any other purpose unless in the opinion of Council is subservient to the predominant use of the site for a Special Use (Court House)

Waste Storage

MCU2. Provision must be made for the storage and removal of refuse in accordance with the ~~Environmental Protection (Waste Management) Regulation 2000~~ **Waste Reduction and Recycling Regulation 2011**.

Property Access

~~ENG1. If the Queensland Department of Transport and Main Roads does not specify otherwise, property access shall be provided in accordance with the details in Table S2.7 – Design and Construction Standards of the Nanango Shire Council IPA Planning Scheme; and IPWEAQ standard Drawing No. SEQ R-051, Type A, with dimension W1 being the greatest of:~~

~~c. 6.0m;~~

~~d. the minimum value necessary to meet the swept path requirements of the B99 Vehicle (SRV) as defined in AS/NZS 2890.~~

ATTACHMENT A
ASSESSMENT MANAGER'S REPORT
SOUTH BURNETT REGIONAL COUNCIL

Property Access

ENG1. Property access shall be provided in accordance with the Queensland Department of Transport and Main Roads' Concurrence Agency Response.

ENG2. Only one access to the site will be permitted.

ENG3. Remove all disused vehicle entrances and reinstate kerbing consistent with the adjacent kerb profile.

ENG4. Road works and entrances shall be constructed so as to:

- a. permit access to and egress from the site in a forward gear;
- b. avoid a trip hazard to pedestrians;
- c. ensure that low-clearance vehicles can clear the cross-over pavement upon entering and leaving the property; and
- d. ensure that fencing, landscaping and letterboxes do not to impede sight lines for vehicles entering or leaving the site or travelling along Henry Street.

Car Parking & Manoeuvrability

ENG5. Provide at least ~~ten (10)~~ **nine (9)** line-marked car parking spaces, comprising of at least ~~nine (9)~~ **seven (7)** for B99 vehicles and at least ~~one (1)~~ **two (2)** disabled bays in accordance with the requirements of Schedule 1 – *Parking and On-site Movement (Ratios, Design and Construction Standards)*; Table S1.1 of the Kingaroy Shire Council IPA Planning Scheme; and the current versions of the relevant parts of AS/NZS 2890.

ENG6. The disabled car park(s) shall be designed and constructed in accordance with the requirements of the current version of AS/NZS 2890.6.

ENG7. All driveways, vehicle manoeuvring areas and turning radii shall be designed and constructed in all other respects in accordance with the requirements of the current version of AS/NZS 2890.1 for a B99 vehicle.

ENG8. Kerbing associated with the car parking bays shall be low enough to provide for clearance under vehicles as the B99 swept vehicle path intrudes over them.

ENG9. Directional pavement markings must be provided at the property access to allow for two-way traffic movement.

ENG10. The car parking areas and internal driveways shall be constructed, drained and surfaced with either asphaltic concrete, bitumen or reinforced concrete so as to minimise dust emissions, erosion and sediment run-off. The construction and design shall be in accordance with the current version of AS/NZS 2890.1 and to the satisfaction of South Burnett Regional Council.

Stormwater

ENG11. The Applicant must submit an on-site Stormwater Management Plan (SMP) for Compliance Assessment by Council's General Manager of Infrastructure, indicating drainage paths for all roofed and impervious areas. The on-site SMP shall also detail the following:

- a. Hydraulic design for stormwater including sizing, levels and location of all proposed pipes and channels, on-site storage tanks, and pumps ;
- b. Location of gully pits, field inlets, etc.;
- c. Details of all pre and post development flows; and
- d. Details of any cut or fill required to direct stormwater to a legal point of discharge.

ATTACHMENT A
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- ENG12. All stormwater drainage systems, including all surface, underground and roof water components, shall effectively drain all stormwater falling onto the proposed development to Council's stormwater system, rain water tanks or other lawful point of discharge.
- ENG13. A stormwater drainage system draining to the street or stormwater network shall be installed to serve the site, designed in accordance with the provisions of the *Queensland Urban Drainage Manual* (QUDM), so that the post-development flows at the point of discharge to all downstream properties including road reserves remains consistent with the pre-developed case. [All engineering designs submitted to Council for engineering approval must be certified by an appropriate Registered Professional Engineer of Queensland].
- ENG14. Stormwater drainage shall be designed such that no restriction to existing or developed stormwater flow from upstream properties or ponding of stormwater within upstream properties occurs as a result of the development.
- ENG15. Heavy duty galvanized steel roof water kerb adaptors (Kacey or similar), shall be installed in the kerb and channelling during construction in all locations where inter-allotment drainage systems are not required, in accordance with South Burnett Regional Council requirements and to the satisfaction of Council. Stormwater socket reducers may be required to accommodate these, depending on the pipe diameters proposed.
- ENG16. Any damage to kerb and channelling or other Council infrastructure shall be repaired to the satisfaction of South Burnett Regional Council.
- ENG17. All stormwater systems must be constructed before commencing any approved use or building works.
- ENG18. Any new earthworks, landscaping, pavements or structures shall not concentrate or impede the natural flow of water across property boundaries and onto any other lots.

Water Supply

- ENG19. The proposed development shall connect to Council's reticulated water supply system in accordance with Schedule 2, Division 3.1 – *Design and Construction Standards*, Table S2.8 of the Nanango Shire IPA Planning Scheme at no cost to Council.

Sewerage

- ENG20. The proposed development shall connect to Council's sewerage system in accordance with Schedule 2, Division 3.1 – *Design and Construction Standards*, Table S2.9

Advice

- ADV1. Section 341(1)(a) of the *Sustainable Planning Act 2009* provides that, if this approval is not acted upon within the period of four (4) years the approval will lapse. Note that in accordance with section 341(7) a related approval may extend the relevant (currency) period.
- ADV2. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore,

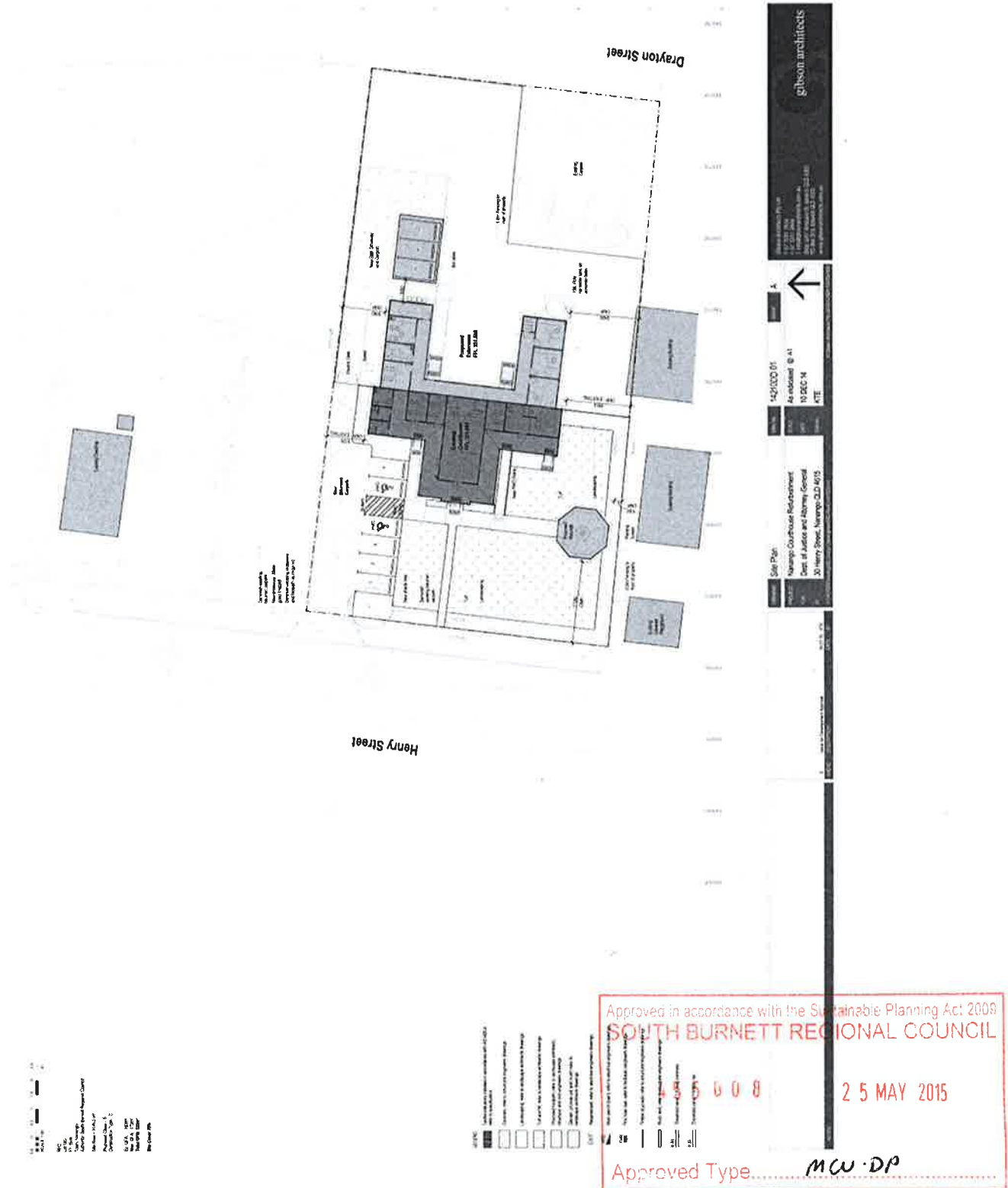
ATTACHMENT A
ASSESSMENT MANAGER'S REPORT
SOUTH BURNETT REGIONAL COUNCIL

be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

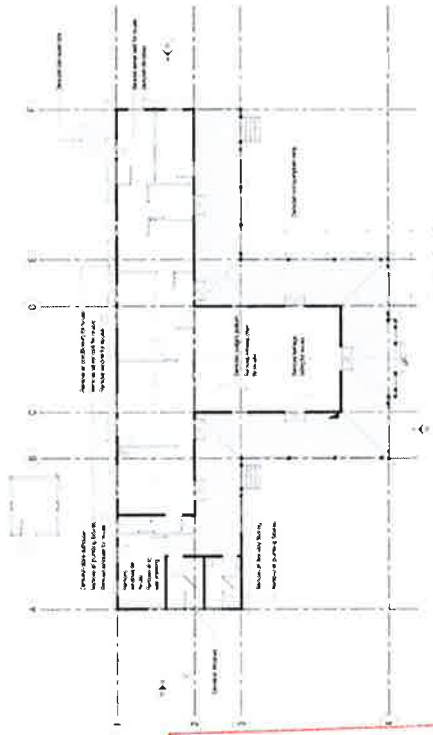
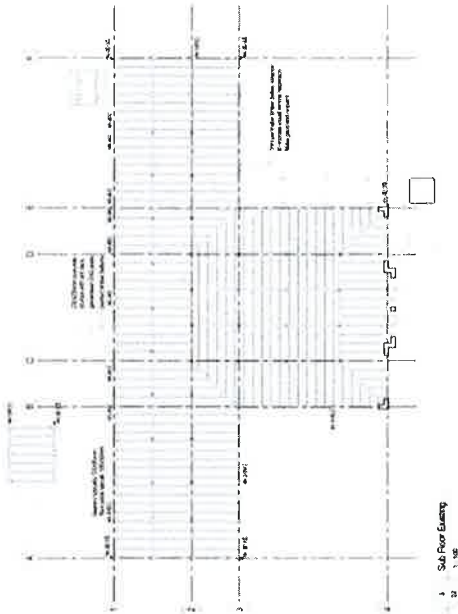
- ADV3. Attached for your information is a copy of Division 8 of the *Sustainable Planning Act 2009* as regards Rights of Appeal. With respect to Appeal Rights of Applicants, the following is drawn to your attention—
- a. the applicant's Appeal Period commences upon receipt of this advice and expires twenty (20) business days thereafter.
 - b. should the applicant notify the Assessment Manager (Council) in writing of acceptance of the conditions of approval and that it is not intended to make an appeal, the Applicant's Appeal Period is at an end.

ATTACHMENT A ASSESSMENT MANAGER'S REPORT SOUTH BURNETT REGIONAL COUNCIL

Approved Plans



ATTACHMENT A **ASSESSMENT MANAGER'S REPORT** **SOUTH BURNETT REGIONAL COUNCIL**

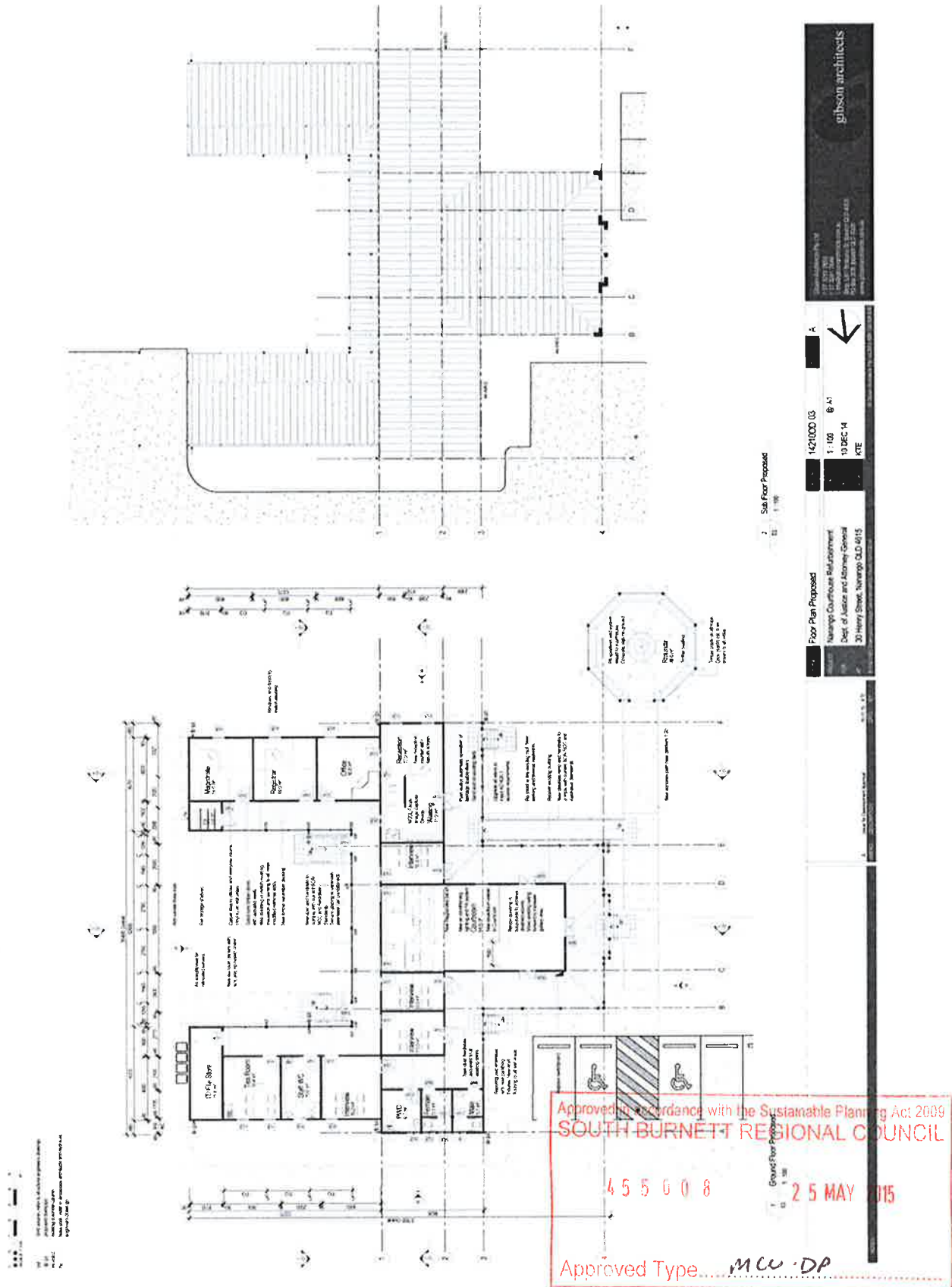


gibson architects
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Floor Plan Existing and Renovation
 Nanyang Commercial Restaurant
 30 Henry Street, Nanyang QLD 4013

Approved in accordance with the Sustainable Planning Act 2009
SOUTH BURNETT REGIONAL COUNCIL
 455008 25 MAY 2015
 Approved Type **MW-DP**

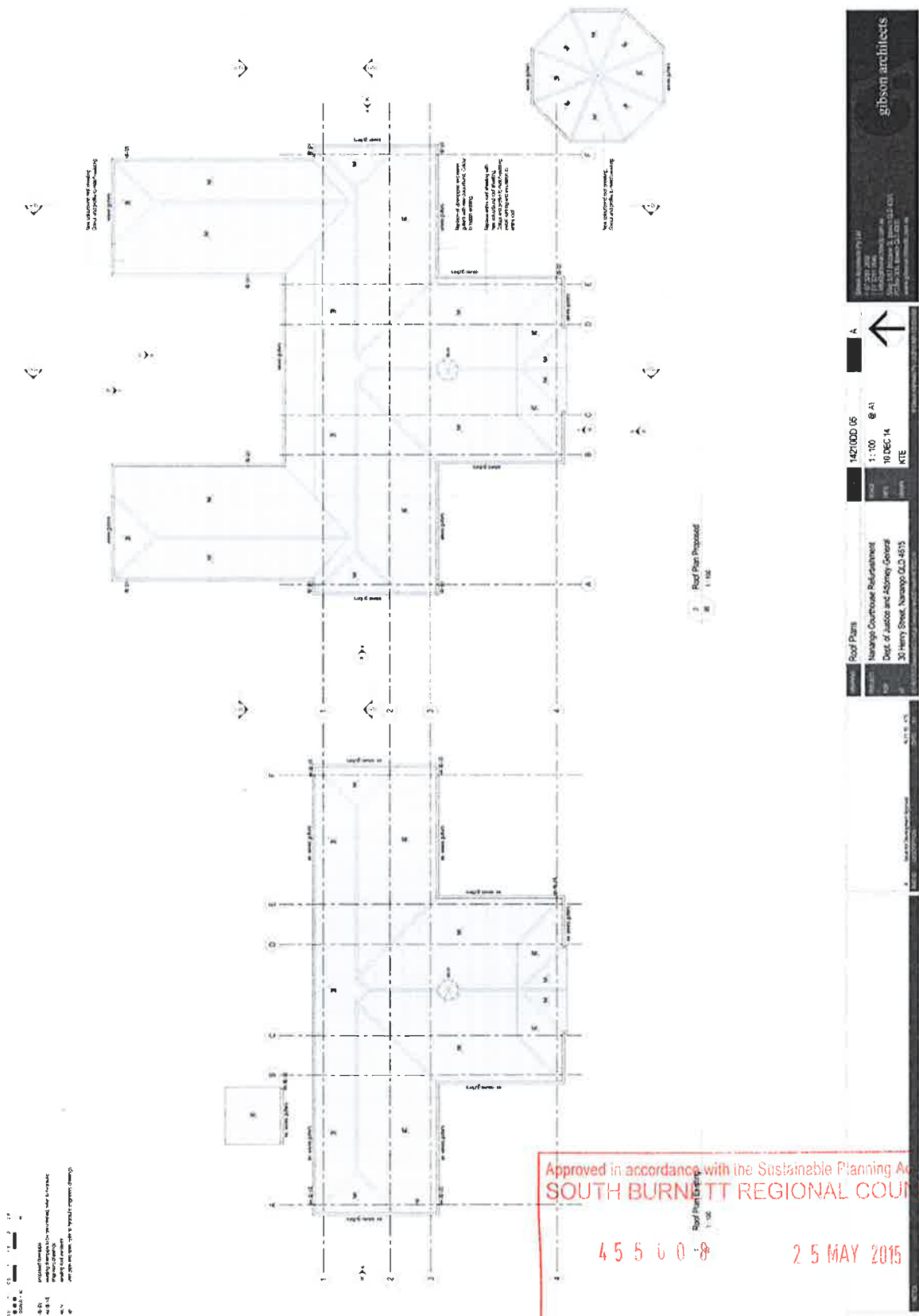
ATTACHMENT A ASSESSMENT MANAGER'S REPORT SOUTH BURNETT REGIONAL COUNCIL



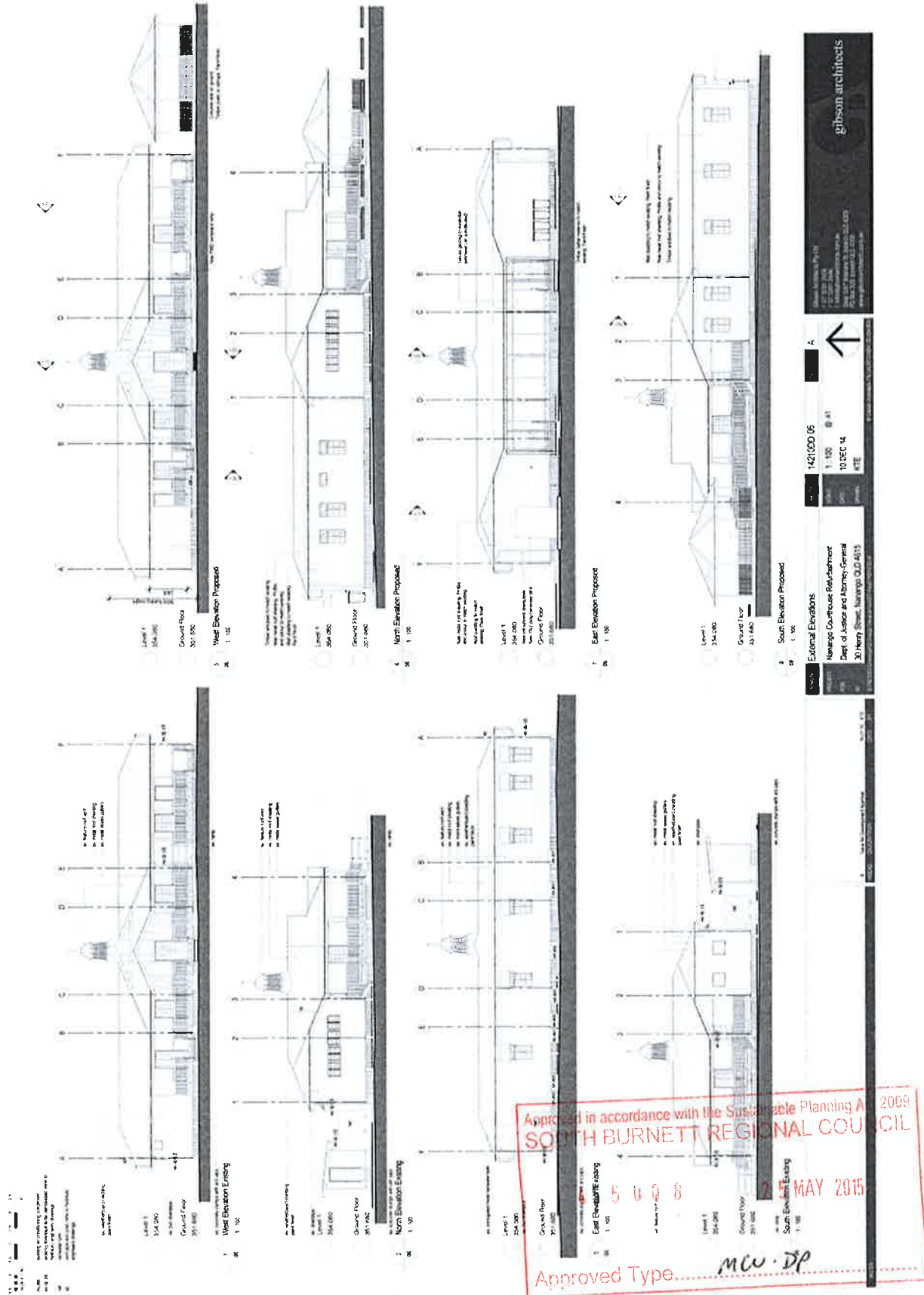
ATTACHMENT A **ASSESSMENT MANAGER'S REPORT** **SOUTH BURNETT REGIONAL COUNCIL**



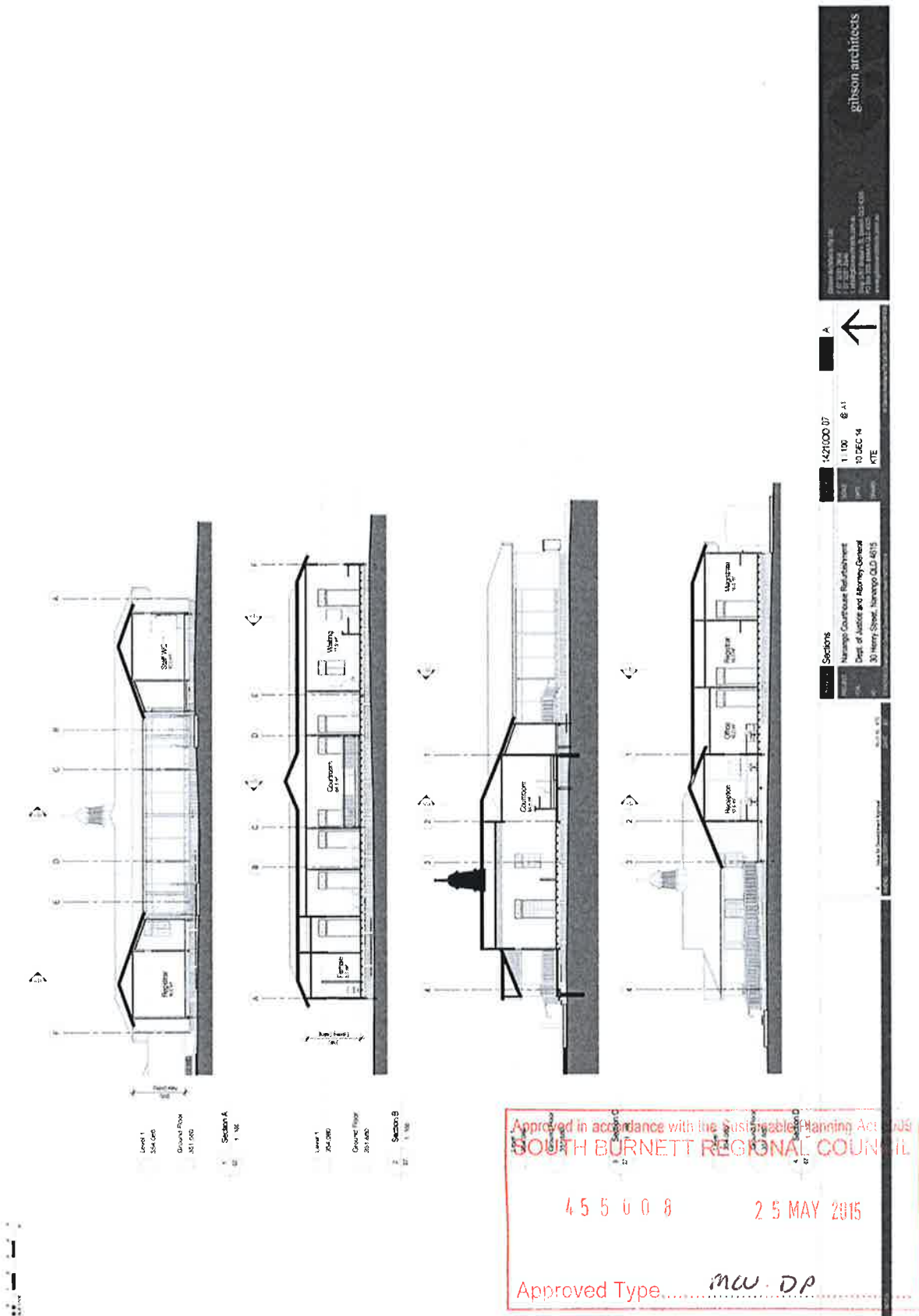
**ATTACHMENT A
ASSESSMENT MANAGER'S REPORT
SOUTH BURNETT REGIONAL COUNCIL**



ATTACHMENT A ASSESSMENT MANAGER'S REPORT SOUTH BURNETT REGIONAL COUNCIL



**ATTACHMENT A
ASSESSMENT MANAGER'S REPORT
SOUTH BURNETT REGIONAL COUNCIL**



ATTACHMENT B
DEPARTMENT OF TRANSPORT & MAIN ROADS
CONCURRENCE AGENCY



Department of
State Development,
Infrastructure and Planning

Our reference: SDA-0215-018060
Your reference: IR1412555

24 April 2015

Gary Wall
Chief Executive Officer
South Burnett Regional Council
PO Box 336
KINGAROY QLD 4610
info@southburnett.qld.gov.au

Dear Mr Wall

Amended concurrence agency response – with conditions

30 Henry Street, Nanango, South Burnett Regional Council, QLD 4615 - 185 FY1534
(Given under section 290(1)(b) of the *Sustainable Planning Act 2009*)

The Department of State Development Infrastructure and Planning issued a concurrence agency response under section 285 of the *Sustainable Planning Act 2009* on 21 April 2015. On 25 March 2015 the department received representations from the applicant under section 320(1) of the Act requesting that the department amend its concurrence agency response under section 290(1)(b)(i) of the Act.

The department has considered the written representations and agrees to issue the following amended concurrence agency response.

The applicant has provided written agreement to this amended concurrence agency response, as attached.

Applicant details

Applicant name: Gibson Architects Pty Ltd, C/- Flinders Hyder
Applicant contact details: GPO Box 5093

Page 1

Wide Bay - Burnett Region
Level 1, 7 Takalvan Street
PO Box 979
Bundaberg QLD 4670

ATTACHMENT B
DEPARTMENT OF TRANSPORT & MAIN ROADS
CONCURRENCE AGENCY

SDA-0215-018060

Brisbane QLD 4001
jeff.nicholls@hyderconsulting.com

Site details

Street address: 30 Henry Street, Nanango, QLD 4615
Lot on plan: 185 FY1534
Local government area: South Burnett Regional Council

Application details

Proposed development: Development Permit for Material Change of Use (Special use – extension to court house)

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	Extension the Nanango Court House (Special Use – extension to court house).	Code Assessment

Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger Schedule 7, table 3, item 1 - Making a material change of use of premises if any part of the land -
(a) is within 25m of a State-controlled road; or
(b) is future State-controlled road; or
(c) abuts a road that intersects with a State-controlled road within 100m of the land

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Material Change of Use				
Vehicle Manoeuvring Swept Path	Design Engineers Queensland	Jan 2015	SK04	A
Construction Details	Design Engineers	Jan 2015	SK05	B

ATTACHMENT B
DEPARTMENT OF TRANSPORT & MAIN ROADS
CONCURRENCE AGENCY

SDA-0215-018060

	Queensland			
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A copy of this response has been sent to the applicant for their information.

For further information, please contact Holly Sorohan, Senior Planning Officer, SARA Wide Bay Burnett on 07 4331 5605, or email WBBSARA@dsdip.qld.gov.au who will be pleased to assist.

Yours sincerely



Michelle Riley
Manager (Planning)

cc: Gibson Architects Pty Ltd,
C/- Flinders Hyder,
jeff.nicholls@hyderconsulting.com

enc: Attachment 1—Amended conditions to be imposed
Attachment 2—Amended reasons for decision to impose conditions
Attachment 3—Amended further advice
Applicant written agreement to amended concurrence agency response

ATTACHMENT B
DEPARTMENT OF TRANSPORT & MAIN ROADS
CONCURRENCE AGENCY

SDA-0215-018060

Our reference: SDA-0215-018060

Your reference: IR1412555

Attachment 1—Amended conditions to be imposed

No.	Conditions	Condition timing
Material Change of Use		
State Transport Infrastructure—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"><input type="checkbox"/> Vehicle Manoeuvring Swept Path, drawn by Design Engineers Queensland, dated Jan 2015, reference number SK05, Issue A<input type="checkbox"/> Construction Details, drawn by Design Engineers Queensland, dated Jan 2015, reference number SK05, issue B	At all times
2.	The permitted road access location, for which approval under section 62 of the Transport Infrastructure Act 1994 must be obtained, is to be located about 2.2 metres from the northern property boundary generally in accordance with Construction Details, drawn by Design Engineers Queensland, dated Jan 2015, reference number SK05, issue B.	Prior to the commencement of use and to be maintained at all times
3.	All vehicles must enter and exit the subject site at the permitted road access location (for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained) in a forward motion.	At all times

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DEPARTMENT OF TRANSPORT & MAIN ROADS
CONCURRENCE AGENCY

SDA-0215-018060

Our reference: SDA-0215-018060
Your reference: IR1412555

Attachment 2—Amended reasons for decision to impose conditions

The reasons for this decision are:

- Condition 1 - To ensure the development is carried out generally in accordance with the plans of development submitted with the application
- Condition 2 - To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- Condition 3 - To ensure the turning movements of vehicles entering and exiting the premises via the road access maintains the safety and efficiency of the state-controlled road.

ATTACHMENT B
DEPARTMENT OF TRANSPORT & MAIN ROADS
CONCURRENCE AGENCY

SDA-0215-018060

Our reference: SDA-0215-018060

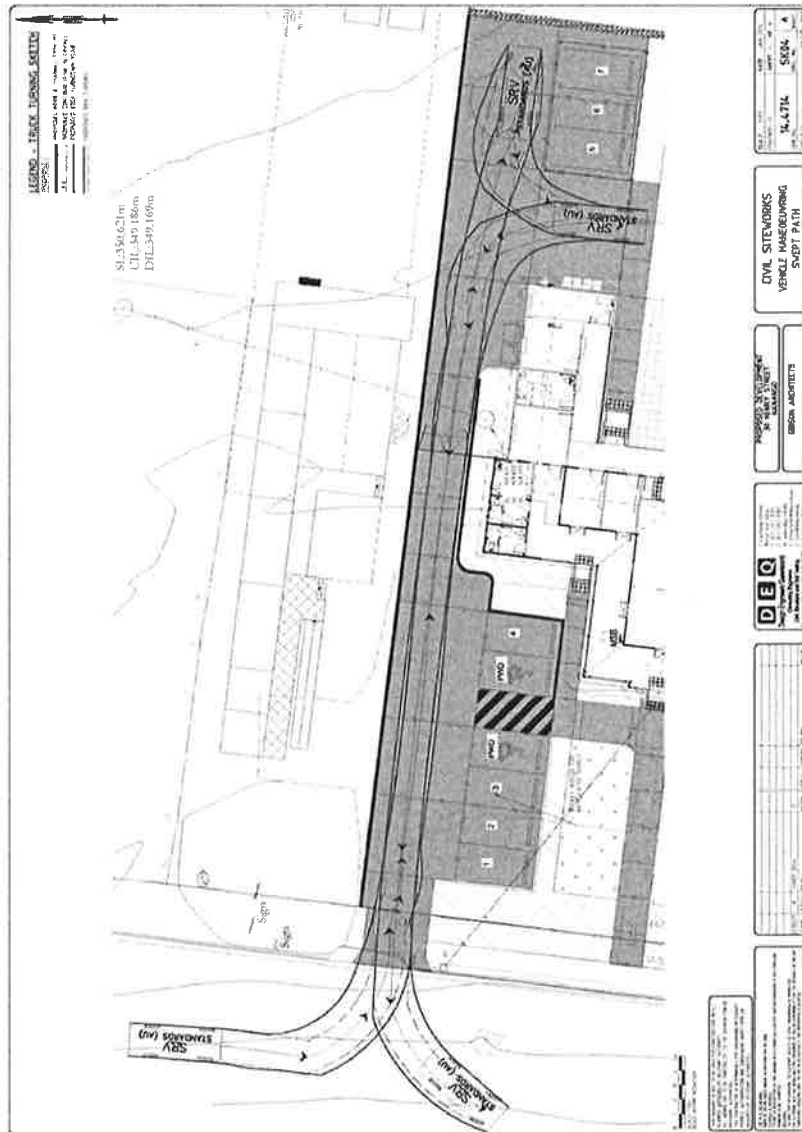
Your reference: IR1412555

Attachment 3—Amended further advice

General advice	
1.	<p>Under sections 62 and 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road.</p> <p>Please contact the Department of Transport and Main Roads' Bundaberg Office on 4154 0200 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The road access works approval process takes time – please contact Transport and Main Roads' Bundaberg Office as soon as possible to ensure that gaining approval does not delay construction.</p>

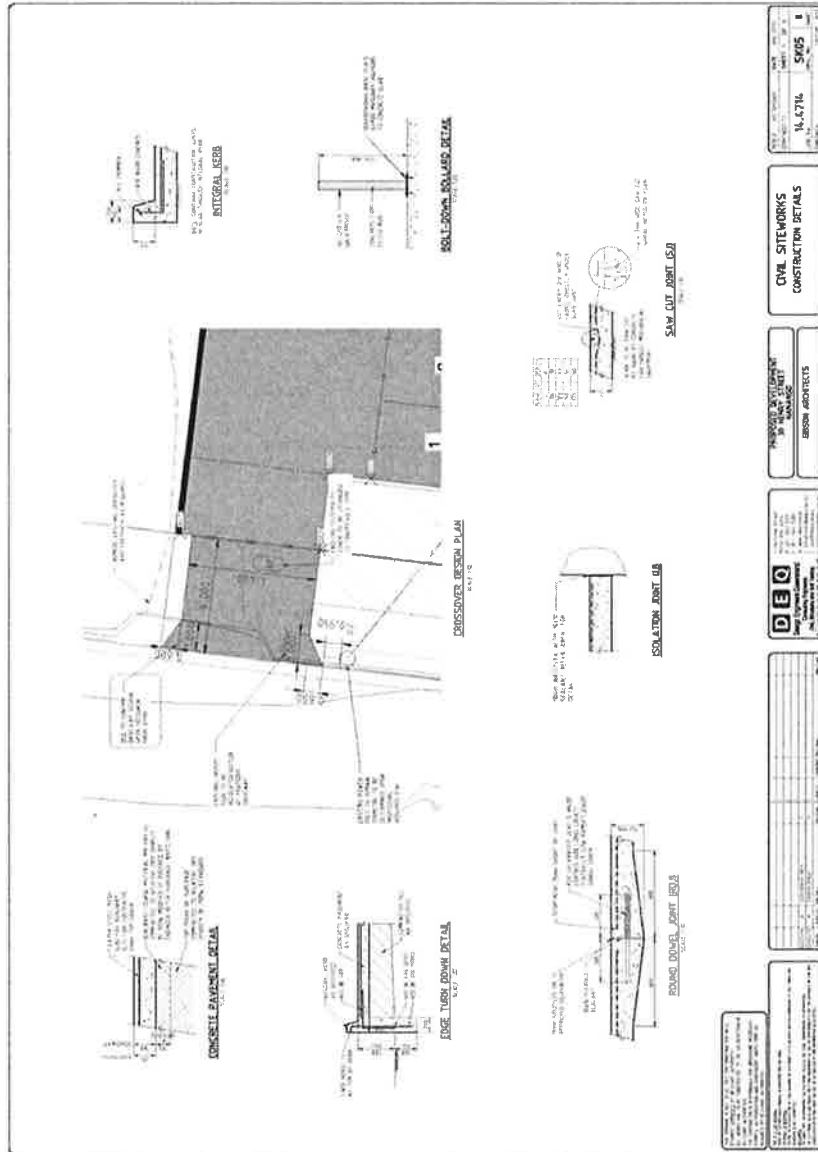
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Attachment 4—Approved plans and specifications



ATTACHMENT B
DEPARTMENT OF TRANSPORT & MAIN ROADS
CONCURRENCE AGENCY

SDA-0216-018060



ATTACHMENT B
DEPARTMENT OF TRANSPORT & MAIN ROADS
CONCURRENCE AGENCY

SDA-0215-018060

Your reference: **SDA-0215-018060**

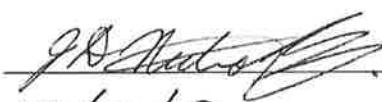
Attn: Holly Sorohan
WBBSARA@dilgp.qld.gov.au

**Written agreement for the Department of State Development, Infrastructure and Planning
to amend its concurrence agency response**
(Given under section 290(1)(b)(i) of the *Sustainable Planning Act 2009*)

Street address: 30 Henry Street, Nanango Qld 4615
Real property description: 185 FY1534
Assessment manager reference: IR1412555
Local government area: South Burnett Regional Council

As the applicant of the above development application, I hereby agree to the amended
concurrence agency response provided to me in the notice dated: 21 April 2015

Name of applicant: Gibson Architects Pty Ltd c/- Flinders
Hyder

Signature of applicant: 

Date: 22/04/15

Appeal Rights

Sustainable Planning Act 2009
IDAS Development Application

The following is an extract from the
Sustainable Planning Act 2009

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.

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.

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.