



**HINCHINBROOK  
SHIRE COUNCIL**

Our Ref: MCU17/0006

02 November 2017

Hinchinbrook Pharmaceuticals Pty Ltd  
1/38 Macrossan Street  
Halifax QLD 4850

Email: [hinchinbrookpharmacy01@gmail.com](mailto:hinchinbrookpharmacy01@gmail.com)

**Attention: Andrew Giliberto**

Dear Sir,

**DECISION NOTICE**  
*Sustainable Planning Act 2009 S.335*

In relation to your recent request for material change of use, Council have assessed your application and it was APPROVED SUBJECT TO CONDITIONS. The decision was made on 31 OCTOBER 2017.

**APPLICATION DETAILS**

Application Number: MCU17\0006  
Property ID Number: 105759

Applicant Details: Hinchinbrook Pharmaceuticals Pty Ltd  
Andrew Giliberto  
1/38 Macrossan Street  
Halifax QLD 4850

Owner Details: Giliberto Pharmaceuticals PtyLtd  
Andrew Giliberto Family Trust  
1/38 Macrossan Street  
Halifax QLD 4850

Property Description: 38 Macrossan Street, Halifax, Queensland, 4850  
Lot 1 on RP714795, Parish of Cordelia



Proposal: Material Change of Use - Pharmacy, Doctors Surgery & Caretaker's Residence

Level of Assessment: Code Assessment

Assessment Benchmarks: Village Zone Code

### CONDITIONS OF APPROVAL

The conditions of this approval are set out in the Schedule of Conditions. The conditions are identified to indicate whether the Assessment Manager or a referral agency (if any) imposed them.

### REFERRAL AGENCIES

Referral Agency and Address	Referral Trigger
Department of Infrastructure, Local Government and Planning State Assessment and Referral Agency PO Box 5666 Townsville QLD 4810  Email: <a href="mailto:nqsara@dilgp.qld.gov.au">nqsara@dilgp.qld.gov.au</a>	<b>State-controlled Road</b>  <i>Sustainable Planning Regulation 2009</i> <i>Schedule 7, Table 3, Item 1</i>

### INFRASTRUCTURE CHARGES

An adopted infrastructure charges notice **will** be issued for this development approval.

### FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable

### RIGHTS OF APPEAL

Appeals by Applicants –

An Applicant for a development application may appeal to the Planning & Environment Court against the following:

- The refusal, or refusal in part of the development application;
- Any conditions of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of the *Sustainable Planning Act 2009*;
- The decision to give a preliminary approval when a development permit was applied for;
- The length of a period mentioned in section 341; or
- A deemed refusal of the development application.



### APPROVAL CURRENCY PERIOD

The relevant periods stated in section 341 of the *Sustainable Planning Act 2009* apply to each aspect of development in this approval (unless stated otherwise within the conditions of approval), as outlined below –

- Material Change of Use– Four (4) years

### 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;
- If there is a submitter, when the submitters appeal period ends or when the last submitter provides written notice that they will not be appealing the decision; OR
- Subject to the decision of the court, when the appeal is finally decided, if appeal is made to the court.

### APPROVED PLANS & SPECIFICATIONS

In accordance with the *Sustainable Planning Act 2009*, a copy of the approved plans and specifications (if relevant) are attached.

### FURTHER INFORMATION

The development must be carried out in accordance with the approved plans and specifications and the requirements of all relevant laws, and any deviation there from must have the prior approval of the Chief Executive Officer.

This approval does not authorise any building work, any works within Council's Road Reserve (e.g. new/additional accesses, repair/modifications to existing accesses or works to footpaths), or any filling of land permits.

Should you have any questions or seek clarification with regard to any aspect of this notice, I encourage you to contact Council's Development, Planning and Environmental Services on telephone (07) 4776 4609.

Yours sincerely,

Gerhard Visser  
Planning & Development Manager

Enclosed:      Approved Plans/Documents  
                    Concurrence Agency Response/Conditions  
                    Appeal Rights



**CONDITIONS OF APPROVAL****Conditions of Development**

The conditions of development for this development permit are as follows

**Approved Plans**

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
  - a) The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within technical reports; and
  - b) The following conditions of approval and the requirements of Council's Planning Scheme.

**Timing of Effect**

2. Conditions of the Development Permit must be satisfied prior to the use being commenced, except where specified otherwise in these conditions of approval;

**Lawful Point of Discharge**

3. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

**Access**

4. Construction of a commercial invert access as per Council's standard engineering specifications (Drawing A0001) and the satisfaction of the Chief Executive Officer, which is to include the construction of a concrete driveway up to the property boundary.  
  
Future maintenance of all accesses is the responsibility of the landowner.
5. Construction of a sealed turnout between Alma Street and the kerb as per Council's standard engineering specifications (Drawing A006) and the satisfaction of the Chief Executive Officer.

**Carpark**

6. Construction of a commercial carpark with the allotment to Council's standard engineering specifications and constructed to a sealed standard e.g. spray seal, asphalt, concrete etc.

**Footpath**

7. Construction of a concrete footpath, linking the proposed disabled car park, along Alma Street to join onto the existing footpath on Macrossan Street in accordance with Council's standard engineering specifications (Drawing R007).

This footpath will become Council's asset following a twelve (12) month defect liability period.



### **Existing Services**

8. Written confirmation of the location of existing electrical, water, sewer and telecommunication services for the land must be provided by either the applicant or a licensed surveyor. In any instance where existing services are contained within another lot, relocate the services to be contained within each respective lot or to within a reciprocal services easements.

### **Medical Waste**

9. All medical waste must be dealt with in a responsible and legal manner.

### **Damage to Infrastructure**

10. In the event that any part of Council's infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced by Council, at no cost to Council. All works must be completed prior to the issue of a Compliance Certificate or Plan of Survey.

### **Concurrence Agency Conditions**

11. Development must be carried out in accordance with any referral agency conditions. To the extent any inconsistencies applicable, the referral agency conditions prevail.



## NOTICE ABOUT DECISION – STATEMENT OF REASONS

### *SUSTAINABLE PLANNING ACT 2009*

This Notice is prepared in accordance with the *Sustainable Planning Act 2009* to inform the public about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and
- any other information, documents or other material Council was either required to, or able to, consider in its assessment.

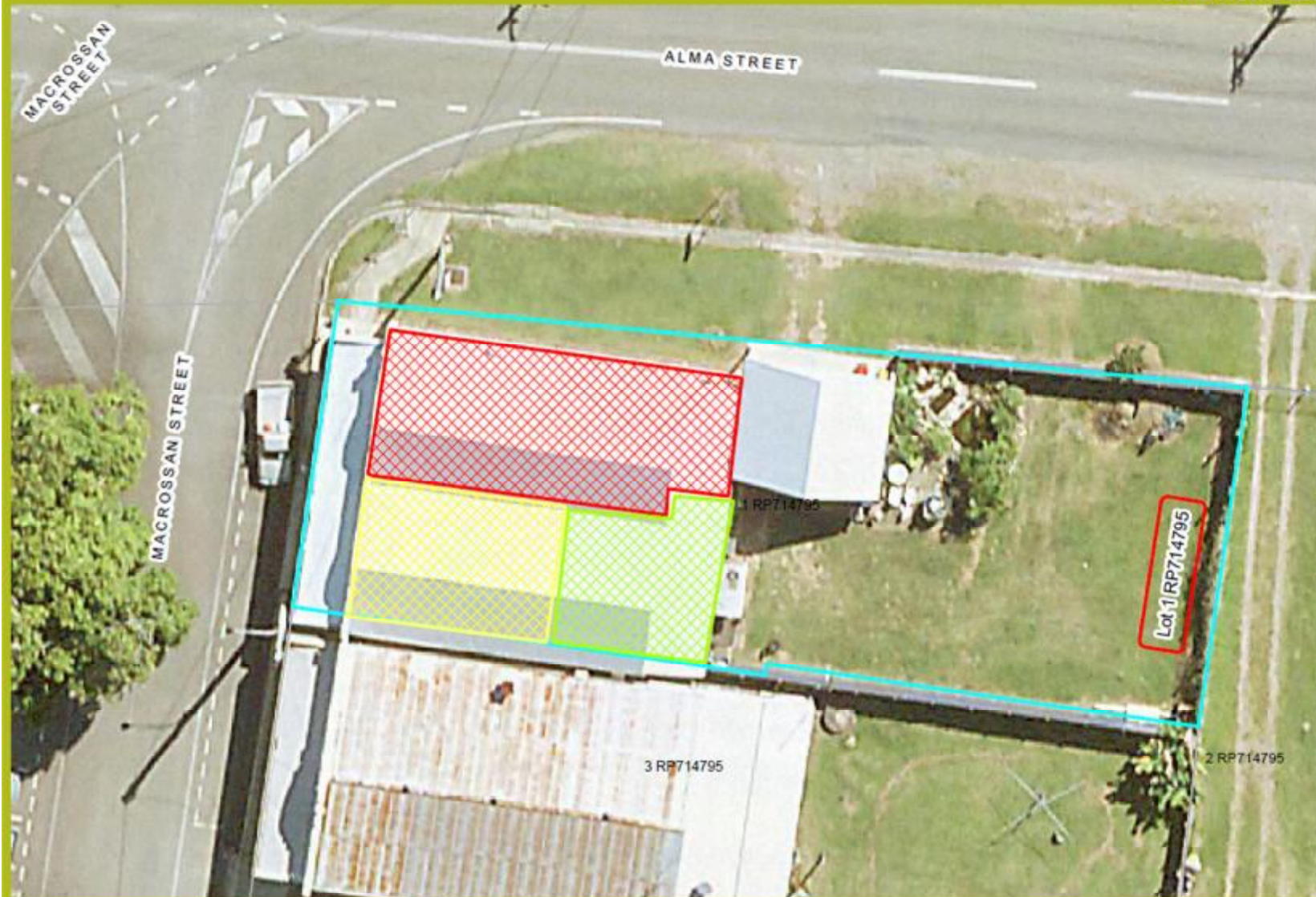
### REASONS FOR THE DECISION

The proposed development is considered to be consistent with the relevant overall outcomes of the planning scheme, in particular:

- The location of the proposed site is well suited to the use given the location in the commercial area at Halifax.
- The proposed development is residential in scale and will not detract from the streetscape or amenity of the surrounding locality.
- The proposed development is an undefined use that is of the scale and nature that aligns with the land use intent for the site in the context of the zone designation.







- Legend
- Road Names
  - Cadastre
  - Halifax 10cm
  - RGB
  - Red: Red
  - Green: Green
  - Blue: Blue

- Proposed Shop
- Proposed Local Surgery
- Proposed Caretaker's Residence
- Site Location



Data Sources & Acknowledgements  
 All maps used in this document are the property of the State of Queensland. The Council has no liability for any errors or omissions in this document. The Council is not responsible for any damage or loss of property or liability for any injuries, losses, damages or costs which you might incur as a result of the use of this map. The Council is not responsible for any damage or loss of property or liability for any injuries, losses, damages or costs which you might incur as a result of the use of this map.

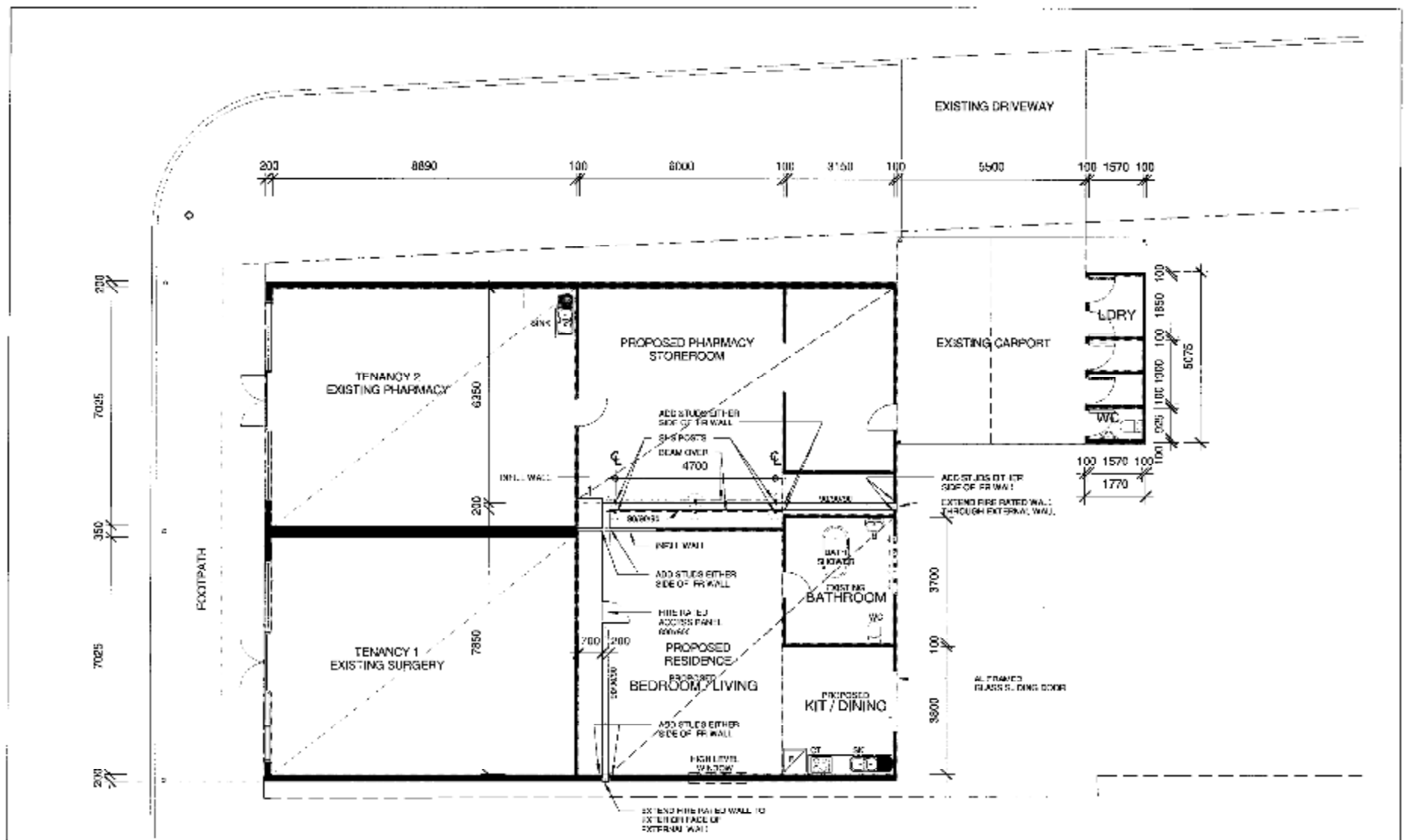
This map is not to be resold or retrade as part of a commercial product



Application for Material Change of Use - Local Surgery, Shop & Caretaker's Residence







**HUGH MARKWELL ARCHITECT**  
 Reg. No. 2684

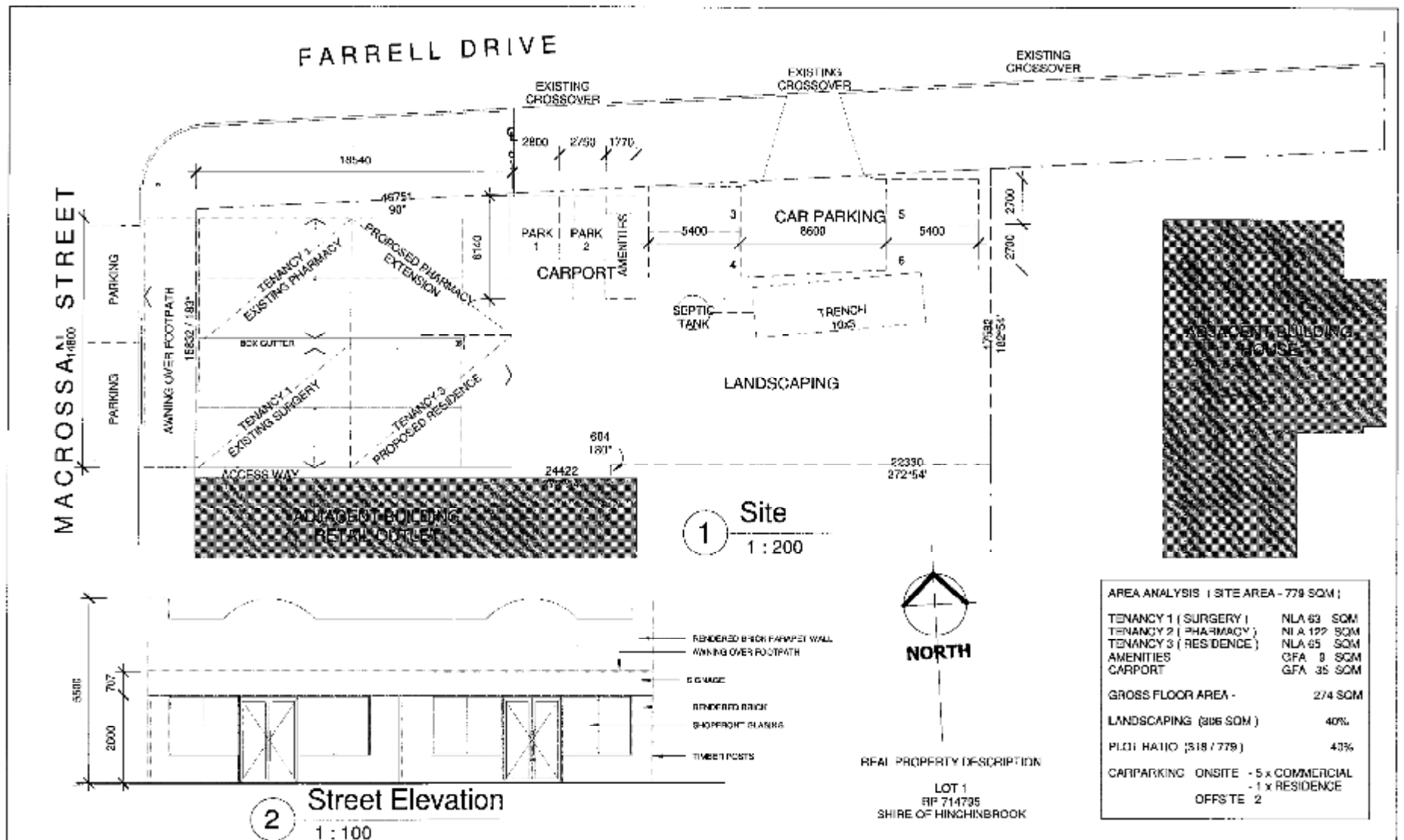
94 CARTWRIGHT STREET  
 INGHAM 4S2C  
 Mob - 0402274577 Fax - 07 4776 1002  
 hughmarkwell@gmail.com

1. CONTRACTOR TO VERIFY DIMENSIONS AND LEVELS ON-SITE.  
 2. IF DIMENSIONS OR LEVELS ARE DIFFERENT TO SHOWN, NOTIFY ARCHITECT IMMEDIATELY BY PHONE OR EMAIL.  
 3. NOTIFY THE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES.  
 4. ALL WORK TO BE DONE IN ACCORDANCE WITH ALL STANDARDS AND ALL BUILDING CODES.  
 5. THESE DRAWINGS AND DIMENSIONS ARE GOVERNED BY THE BUILDING CODES AND MAY NOT BE REPRODUCED IN ANY MANNER.

No.	Description	Date
B	Updated	June 8
C	DR Submit	15/06/2017

**Andrew Giliberto**  
**Pharmacy Refurbishment**  
**38 Macrossan St Halifax**

Floor Plans		Proj. no.	DWG.	REV.
Date	2017	1717	A02	C
Drawn by	Author	Checked by	Checker	Scale
				1:100



<p><b>HUGH MARKWELL ARCHITECT</b> Reg. No. E584</p> <p>94 CARTWRIGHT STREET HNS-AN 4830 M&amp;B - 0408274972 Ph - 07 4776 1032 hughmarkwell@gmail.com</p>	<p>1. CONFORM WITH ALL RELEVANT REGULATIONS AND LEVELS ON SITE. 2. THIS DRAWING IS PREPARED TO BE APPROVED TO SCALE. 3. REVIEW AND APPROVE THE DRAWING FOR ANY DISCREPANCIES. 4. ALL WORK TO BE CONSIDERED IN COMPLIANCE WITH ALL STANDARDS AND ALL RELEVANT LEGISLATION. 5. THESE DESIGN AND DRAWINGS ARE SUPPLIED UNLESS OTHERWISE INDICATED BY ANY MARKING.</p>	<table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>Project</td> <td>1.10.2017</td> </tr> <tr> <td>C</td> <td>DA Submit</td> <td>15.05.2017</td> </tr> </tbody> </table>	No.	Description	Date	A	Project	1.10.2017	C	DA Submit	15.05.2017	<p><b>Andrew Giliberto</b></p> <p><b>Pharmacy Refurbishment</b> <b>38 Macrossan St Halifax</b></p>	<p><b>Site Plan</b></p> <table border="1"> <tr> <td>Project number</td> <td>1717</td> <td>DWG.</td> <td>Rev.</td> </tr> <tr> <td>Date</td> <td>2017</td> <td><b>A01</b></td> <td><b>C</b></td> </tr> <tr> <td>Drawn by</td> <td>Author</td> <td></td> <td></td> </tr> <tr> <td>Checked by</td> <td>Checker</td> <td></td> <td>Scale Indicated</td> </tr> </table>	Project number	1717	DWG.	Rev.	Date	2017	<b>A01</b>	<b>C</b>	Drawn by	Author			Checked by	Checker		Scale Indicated
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**CONCURRENCE AGENCY RESPONSE/CONDITIONS**

Department of Infrastructure,  
Local Government and Planning

Our reference: SDA-0717-040824  
Your reference: MCU17/0006

12 September 2017

Hinchinbrook Shire Council  
Po Box 366  
Ingham QLD 4850

Dear Gerhard Visser

**Concurrence agency response—with conditions**

38 Macrossan Street - Halifax, Hinchinbrook Shire - QLD – Lot 1 on RP714795 – Development Permit for a Material Change of Use for a Local Surgery, Shop and Caretaker's Residence (Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 26 July 2017.

**Applicant details**

Applicant name:	Hinchinbrook Pharmaceuticals Pty Ltd Andrew Giliberto Family Trust
Applicant contact details:	1/38 Macrossan St Halifax QLD 4850 hinchinbrookpharmacy01@gmail.com

**Site details**

Street address:	38 Macrossan Street - Halifax, Hinchinbrook Shire - QLD
Lot on plan:	Lot 1 on RP714795
Local government area:	Hinchinbrook Shire Council

**Application details**

Proposed development:	Development Permit for a Material Change of Use for a Local Surgery, Shop and Caretaker's Residence
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**Aspects of development and type of approval being sought**

Page 1

North Queensland Regional Office  
Floor 4, Verde Building,  
445 Flinders Street,  
PO Box 5666 Townsville Qld 4810

SDA-0717-040824

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	Local Surgery, Shop and Caretaker's Residence	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 – State-Controlled Road

#### 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.

#### Relevant period

The relevant period for the development approval is to be in accordance with section 287(1)(d) of the *Sustainable Planning Act 2009*.

#### Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

#### 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
<b>Aspect of development: Material Change of Use</b>				
Floor Plans	Hugh Markwell Architect	15/06/2017	A02	C
Site Plan	Hugh Markwell Architect	15/06/2017	A01	C

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

For further information, please contact Sian Roberts, Planning Officer, SARA North QLD on 4758 3423, or email [sian.roberts@dilgp.qld.gov.au](mailto:sian.roberts@dilgp.qld.gov.au) who will be pleased to assist.





Our reference: SDA-0717-040824  
Your reference: MCU17/0006

### Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development Permit for a Material Change of Use for Local Surgery, Shop and Caretaker's Residence		
Schedule 7, Table 3, Item 1 – State-Controlled Road - Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General 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.	<p>The development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>• Floor Plans, prepared by Hugh Markwell Architect, dated 15/08/2017, drawing number A02 and revision C; and</li> <li>• Site Plan, prepared by Hugh Markwell Architect, dated 15/08/2017, drawing number A01 and revision C.</li> </ul>	Prior to the commencement of use and to be maintained at all times.
2.	<p>a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.</p> <p>b) Any works on the land must not:</p> <ul style="list-style-type: none"> <li>i. create any new discharge points for stormwater runoff onto the state-controlled road;</li> <li>ii. interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road;</li> <li>iii. surcharge any existing culvert or drain on the state-controlled road;</li> <li>iv. reduce the quality of stormwater discharge onto the state-controlled road.</li> </ul>	<p>(a) At all times.</p> <p>(b) At all times.</p>
3.	<p>a) The road access locations, are to be located generally in accordance with the plan titled: Site Plan, prepared by Hugh Markwell Architect, dated 15/08/2017, reference number A01 and revision C.</p> <p>b) Road access works comprising widening of kerb, (at the eastern road access location) must be provided generally in accordance with Hinchinbrook Shire Council's standard crossover drawings.</p> <p>c) The road access works must be designed and constructed in accordance with Hinchinbrook Shire Council's standard crossover drawings.</p>	<p>(a) At all times.</p> <p>(b) and (c): Prior to the commencement of use.</p>



Your reference: MCU17/0006

**Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.
- 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.

SDA-0717-040824

Our reference: SDA-0717-040824

Your reference: MCU17/0006

**Attachment 3—Further advice**

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**General advice**

**Road access works approval:**

Under sections 62 and 33 of the *Transport Infrastructure Act 1994*, 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. Please contact the Department of Transport and Main Roads on 4421 8700 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).

**The road access works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.**

SDA-0717-040824

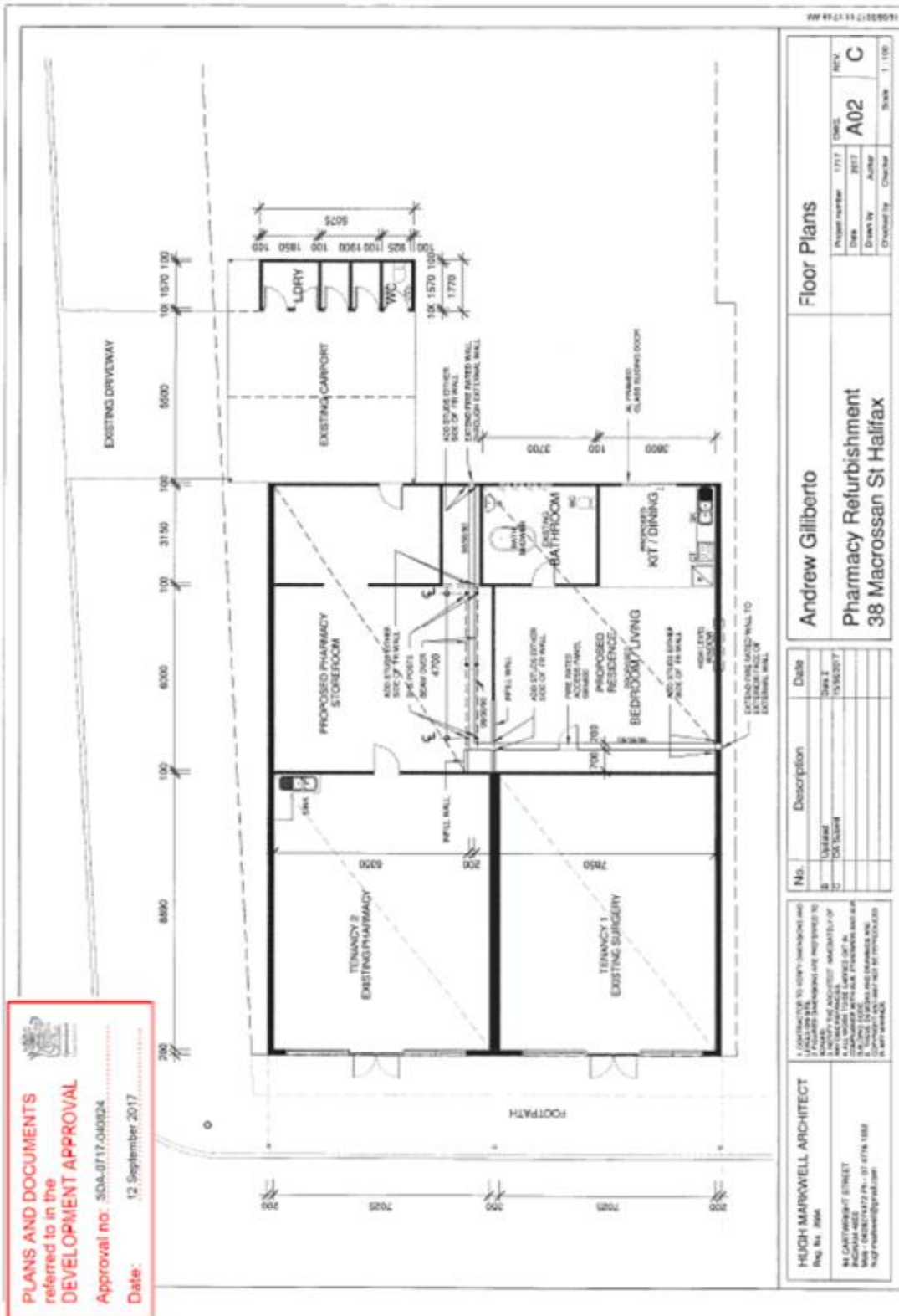
Our reference: SDA-0717-040824

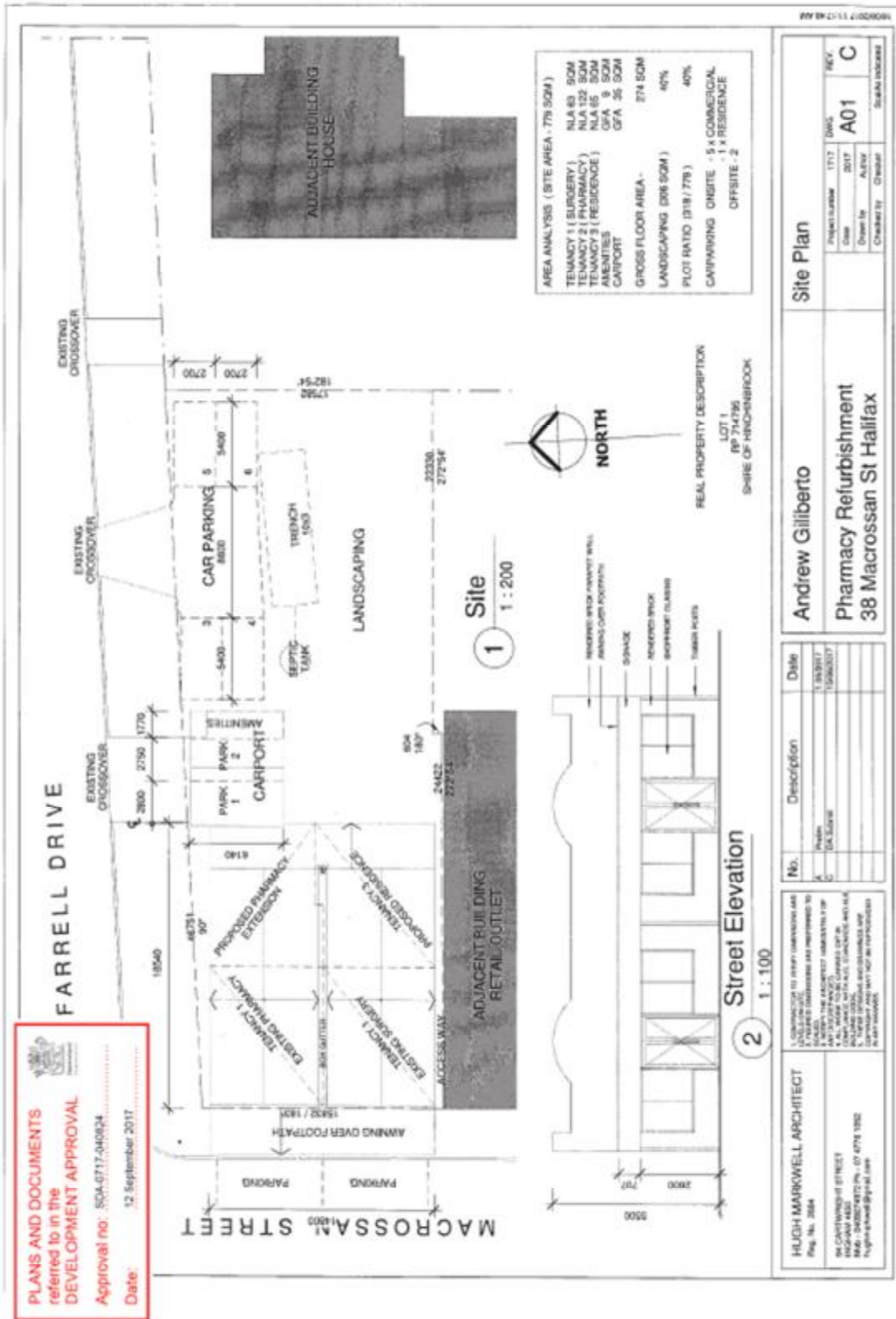
Your reference: MCU17/0006

**Attachment 4—Approved plans and specifications**

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**APPEAL RIGHTS****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 applicant a new regulated State infrastructure charges notice the 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 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.

**The following is an extract from the Sustainable Planning Act 2009 (Chapter 7, Part 1)****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.

#### **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.

