

Our Reference: MCUI/2014/3744/A &
RAL/2014/3749/A
Contact Officer: Tammara Scott
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Decision Notice
CHANGE TO A DEVELOPMENT APPROVAL
Sustainable Planning Act 2009 Section 376

Renzo Gaggioli
C/- Canadian Solar (Australia) Pty Ltd
165 Cremorne Street
RICHMOND VIC 3121

Email: renzo.gaggioli@canadiansolar.com
cc. shane.melotte@gmail.com

18 October 2016

Dear Sir/Madam

Location: 12871 Warrego Highway, OAKEY QLD 4401
Property Description: Lot 1 RP48454 and Lots 7-9 RP36475
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012*

I refer to your request received on 17 August 2016 for a change to the development approval for Material Change of Use (Impact) and Reconfiguring a Lot (Code) approved on 21 April 2015.

On the 17 October 2016, the request for a change to the development approval was approved as per the attached Schedule. All deletions are identified by **bolded** strikethrough of text and all additions are identified by **bolded** text.

Rights of Appeal

Attached is an extract from the *Sustainable Planning Act 2009* which details your appeal rights regarding this decision.

Yours faithfully



Mark Westaway
Senior Planner, Development Services

SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - IMPACT

APPLICATION NUMBER:	MCUI/2014/3744/A
APPLICANT:	Renzo Gaggioli
LOCATION:	12871 Warrego Highway, OAKEY QLD 4401
PROPERTY DESCRIPTION:	Lot 1 RP48454 and Lots 7-9 RP36475
APPROVED USE:	Utility Installation
ZONING:	Rural - 100 ha

A. ASSESSMENT MANAGER'S CONDITIONS:

APPROVED USE AND INTENSITY

1. This Development Permit is for a Material Change of Use for a Utility Installation (maximum capacity of 80 megawatts) generally as per the Approved Plan.
2. The Plan of Survey for the lease areas as approved under the associated Reconfiguring a Lot must be registered, and proof of registration provided to Council, prior to the commencement of the use of the first stage of the Utility Installation.
3. The Utility Installation use must cease when the leases approved under the associated Reconfiguring a Lot expire, or after 35 years from the date of commencement of use of the first stage, whichever occurs first, unless otherwise approved by Council.
 - 3.1 The subject land must be rehabilitated in accordance with the End Use and Rehabilitation Plan as endorsed under this permit.
4. This Development Permit does not imply or comprise an approval for any use(s) other than those listed in Condition 1.

CARRY OUT AND MAINTAIN DEVELOPMENT

5. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they are not varied by this approval.
6. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
7. Complete all building work associated with this development approval, including work required by any of the conditions of this approval prior to the commencement of use. Such building work is to be carried out generally in accordance with the approved and amended plans and documents and, where the building work is assessable development, in accordance with a current development permit.
8. The development must be maintained in accordance with the Approved Plans and Approved Documents subject to or modified by any conditions of this approval.

APPROVED AND AMENDED PLANS

9. The development must be carried out generally in accordance with the Approved Plans listed below, subject to the conditions of this approval and the amendments listed below:

Plan No: ~~100124 Sheet A1 Revision 1.0~~ 1.6

Description: ~~Project Overview and PV Array Layout~~ Amended Site Layout, dated ~~15 June 2014~~ 9 August 2016, prepared by ~~Recurrent Energy~~ Canadian Solar and received by Council ~~25 July 2014~~ 17 August 2016.

Amendments: Nil

Plan No: ~~100124 Sheet A2 Revision 1.0~~

Description: ~~Project Phases~~, dated ~~15 June 2014~~, prepared by ~~Recurrent Energy~~ and received by Council ~~25 July 2014~~

Amendments: Nil

Plan No: ~~100124 Sheet A3 Revision 1.0~~ 1.1

Description: Tracker and Fence Elevations and Details, dated ~~15 June 2014~~ 29 July 2016, prepared by ~~Recurrent Energy~~ Canadian Solar and received by Council ~~25 July 2014~~ 17 August 2016.

Amendments: Nil

Plan No: 0195672 Issue D

Description: Landscape Concept Plan, dated 17 March 2015, prepared by ERM Landscape Architecture and Urban Design and received by Council 17 March 2015.

Amendments: Nil

APPROVED AND AMENDED DOCUMENTS

10. The development must be carried out generally in accordance with the Approved Document listed below, subject to the conditions of this approval and the amendments listed below:

Document: Conceptual Stormwater Management Plan

Description: Conceptual Stormwater Management Plan Issue No 1, dated 22 May 2014, prepared by Worley Parsons Services Pty Ltd and received by Council 25 July 2014

Amendments: Amend and have certified by Registered Professional Engineer of Queensland (RPEQ) from Conceptual to Final including detailed arrangements of the discharge points to Cockburn Road including provisions for the required road widening.

Document: -

Description: Overarching End Use and Rehabilitation Plan, dated February 2015, prepared by Recurrent Energy and received by Council 18 March 2015

Amendments: Nil

11. Amended Documents required by Condition 10 must be submitted to the Manager, Development Assessment for endorsement prior to the issuing of a Development Permit for Operational Works.

COUNCIL APPROVAL OF DOCUMENTS AND WORKS

12. Prepare and submit applications to Council and obtain Development Permits to carry out Operational Work for the following in accordance with the conditions of this approval:

12.1 Roadworks (External).

13. Prepare and submit the following documents to Council for Compliance Assessment in accordance with the conditions of this approval and prior to the issue of a Development Permit for Building Works for the proposed development:

- 13.1 Detailed Landscape Plan for assessment against the relevant standards and requirements in the Landscaping Code in the *Toowoomba Regional Planning Scheme 2012*. The Detailed Landscape Plan must be submitted to and approved by Council prior to the commencement of the landscape works on the subject land.
14. Prepare and submit to Council for endorsement the following in accordance with the conditions of this approval:
 - 14.1 Construction Environmental Management Plan; and
 - 14.2 End Use and Rehabilitation Plan.
15. Following further approval by the Council where required, carry out all works required by the conditions of this approval prior to the commencement of use.

APPROVED DOCUMENTATION

16. A legible copy of the Approved Plans and Approved Documents bearing Council's approved stamp endorsement and the Decision Notice must be available on the subject land and available for inspection at all times during construction and earthworks.

STAGED DEVELOPMENT

17. Staging of the development is to occur in accordance with the staging indicated on the Approved Plan subject to and modified by any conditions of this approval.
18. Stages must be completed in sequential order (i.e. Stage 1 must be completed before Stage 2) as identified on the Approved Plan, or may be combined and constructed at one time, subject to all conditions applicable to the relevant stage/s being complied with.
19. Stages must be completed within the following specified time periods:
 - 19.1 Stage 1 (Phase A) must be completed and the change of use commenced within six (6) years of this development approval taking effect; and
 - 19.2 Stage 2 (Phase B) must be completed and the change of use commenced within ten (10) years of this development approval taking effect.
20. The development must be carried out in accordance with those conditions applicable to one or more of the stages of development as follows:
 - 20.1 Conditions Applicable to all Stages of Development:

Conditions 1 – 91
 - 20.2 Additional Conditions Applicable to Stage 1 (Phase A) of Development:

Nil
 - 20.3 Additional Conditions Applicable to Stage 2 (Phase B) of Development:

Nil

WORKS

ENGINEER'S CERTIFICATION/SUPERVISION OF WORKS

21. Plans and specifications for all works associated with car parking and vehicular access, stormwater drainage or any works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland – Civil (RPEQ).

22. Any works that have been certified by an RPEQ must be carried out under the supervision of an RPEQ with all executed works being detailed on a Certificate of Supervision, and a copy of the Supervision Certificate must be submitted to Council upon completion of the works.
23. Where any condition refers to, or requires, an Engineer to perform a task or function, the Engineer must hold professional indemnity insurance to the value of \$2,000,000.

STORMWATER QUALITY AND FLOW MANAGEMENT

24. Stormwater run-off from roof and developed surface areas, and any run-off onto the site from adjacent areas, is to be collected internally and directed to a lawful point of discharge generally in accordance with the approved Stormwater Management Plan as amended by the conditions of this approval.
25. All internal and external stormwater drainage works must be completed generally in accordance with the:
 - 25.1 Stormwater Management Plan referred to in Condition 10; and
 - 25.2 Relevant standards and processes in PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure, and where applicable, SPP, Healthy Waters, other than where varied by the approved Stormwater Management Plan.
26. The design and the construction of the internal and external stormwater drainage works must be certified by a Registered Professional Engineer Queensland – Civil as follows:
 - 26.1 A Design Certificate must be submitted to the Council with the application for endorsement of the Amended Stormwater Management Plan referred to in Condition 10; and
 - 26.2 A Construction Supervision Certificate must be submitted to the Council at the completion of the approved works.
27. Contaminants or contaminated water must not be released from the subject land except for uncontaminated overland stormwater flow.
28. Ensure that:
 - 28.1 Maintenance and cleaning of equipment (including vehicles and plant) is carried out in an area where contaminants cannot be released into stormwater drainage, a roadside gutter, or onto unsealed ground;
 - 28.2 Any spillage or contaminates are cleaned up immediately by a method other than hosing, sweeping or otherwise releasing the contaminants into stormwater drainage, a roadside gutter or a water course;
 - 28.3 Incident rainfall and overland flow of stormwater does not contact contaminants (for example, areas with contaminants should be roofed or be protected by diversion drains); and
 - 28.4 Contaminants such as cigarette butts and other gross pollutants do not enter the stormwater drainage systems.

SITEWORKS / EARTHWORKS

29. All earthworks must be undertaken in accordance with the *Toowoomba Regional Planning Scheme* Works and Services Code and PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure.
30. All earthworks, including batters must be fully contained within the subject land and must not in any way impact on the properties or road reserve adjoining the subject land.

EROSION AND SEDIMENT CONTROL

31. All works necessary to control erosion and sedimentation and/or the loss and movement of soil during the period of construction must be provided. All disturbed areas must be mulched or turfed/grassed as soon as possible during construction.

Note: Such works may include, but may not necessarily be limited to, the construction of sediment fences, earth berms and temporary drainage designed to prevent sediment being transported to adjoining properties, roads and/or drainage systems.

32. Erosion and sedimentation controls must be implemented, maintained and adapted as necessary at all times during the course of the construction period generally in accordance with an Erosion and Sediment Control Management Plan. If at any time the proposed controls prove to be ineffective then Council requires the installation of additional erosion and sedimentation control measures.
33. Public roads must be safe for public use at all times. Protection of public roads and drainage systems from erosion, and removal of sediment immediately when it occurs, must occur at all times during the construction period. Any damage or interference due to erosion or sedimentation must be repaired or cleaned up immediately when it occurs at no cost to Council to remove potential hazard to pedestrians and/or passing traffic.
34. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths and not within the road reserve at any time.
35. Measures such as sediment fences, earth berms, temporary drainage, temporary sediment basins, dewatering or stormwater filtering devices to prevent eroded material, sediment or sediment laden water from being transported to adjoining properties, roads or stormwater drainage systems must be provided.
36. Where erosion and sediment control measures have been damaged, fail or are inadequate and erosion or the release of sediment or sediment laden stormwater has occurred from the site or associated works, any resultant property or environmental damage or interference caused must be repaired or cleaned up within twenty-four (24) hours or upon the direction of Council, at no cost to the affected parties.
37. Measures such as vehicle baths, wash-down and construction matting together with dust suppressants and wraps, exposed ground and stockpile sprinkling must be put in place to prevent site vehicles tracking sediment onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

38. Prior to the commencement of site works for each stage (phase) of the development, submit to Council for endorsement a stage (phase) specific Construction Environmental Management Plan prepared by a qualified person that, at a minimum, includes the following:
 - 38.1 Hours of building and operational work activity;
 - 38.2 Air quality management – emission monitoring;
 - 38.3 Noise and vibration management;
 - 38.4 Construction site lighting (where night works are proposed to occur);
 - 38.5 Stormwater quality management;
 - 38.6 Erosion and sediment control management;
 - 38.7 Waste management;
 - 38.8 Complaint management;
 - 38.9 Community awareness; and
 - 38.10 Preparation of site work plans.
39. The Construction Environmental Management Plans submitted for each stage (phase) must address both the internal works for the development and any associated external works.
40. The Construction Environmental Management Plans submitted for each stage (phase) must receive endorsement by Council prior to commencement of any site works relevant to each stage (phase).
41. The endorsed Construction Environmental Management Plan must be implemented, maintained and modified where necessary to maintain compliance with the requirements of this Development Approval at all times.

CONSTRUCTION WASTE MANAGEMENT & STORAGE

42. Waste generated during demolition, excavation and construction must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.
43. The on-site storage and disposal of demolition, excavation and construction waste (including the storage and disposal of night soil) must comply with the *Environmental Protection Regulation 2008*.
44. Fires are not to be lit to dispose of demolition or construction waste, including cleared vegetation.
45. No demolition, excavation or construction waste is to be used as fill or buried on-site (with the exception of cut material recycled from the site and used on site), or be used as fill or buried elsewhere, unless otherwise permitted:
 - 45.1 Elsewhere within this Development Approval;
 - 45.2 In accordance with an associated Operational Works approval;
 - 45.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 45.4 In accordance with either a general or specific approval of a resource for beneficial use (otherwise known as a beneficial use approval) issued under the *Waste Reduction and Recycling Act 2011*; or
 - 45.5 In accordance with a written approval issued by Council under the *Environmental Protection Regulation 2008* relating to the depositing or disposal of general waste from a premises not serviced by Council.
46. Demolition, excavation and construction waste (including night soil) must not be placed or stored within the road reserve at any time.

CONSTRUCTION NOISE IMPACT MITIGATION

47. Building work (as per the definition of the *Environmental Protection Act 1994*) that creates audible noise must be confined to the hours of 6:30am and 6:30pm Monday to Saturday (excluding Public Holidays) unless otherwise approved by Council in an endorsed Construction Environmental Management Plan.

CONSTRUCTION LIGHTING IMPACT MITIGATION

48. Where night works are permitted in accordance with an endorsed Construction Environmental Management Plan, lighting associated with demolition, construction and earthworks activities, including security lighting, must be designed, sited, installed and tested to comply with Table 2.1 & 2.2 of Australian Standard AS4282-1997 'Control of the obtrusive effects of outdoor lighting' using a control level of 1.

AIR QUALITY IMPACT MITIGATION

49. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the *Air Quality Objectives* listed in the *Environmental Protection (Air) Policy 2008* as measured at any sensitive place or commercial place must not be released to the atmosphere during building work.
50. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during works do not exceed the following levels when measured at any sensitive place or commercial place:
 - 50.1 Dust deposition of 133 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air – Determination of particulate matter – Deposited matter – Gravimetric method.

SERVICES AND UTILITIES

PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS

51. Undertake all reasonable measures to protect Council and public utility services infrastructure during construction of the development.
52. The alignment and level of any services/assets above or below ground, likely to be affected by the proposed development, must be identified prior to detailed design or building work. Any conflict between the development and an existing or proposed service must be referred to the relevant service authority for determination.
53. Meet any costs and repair damage to any Council and public utility services infrastructure and asset where damage is a result of the proposed development in accordance with the following requirements:
 - 53.1 Damage to infrastructure assets must be repaired immediately where it creates a hazard to the community, including a pedestrian or vehicular safety hazard or interrupts a service to the community; and
 - 53.2 In circumstances where the damage does not create a hazard or interrupt a service to the community, it must be repaired immediately on completion of the works associated with the development.

APPROVAL OF WORKS (COUNCIL INFRASTRUCTURE)

54. Where works affecting Council's infrastructure are to be carried out by an entity other than Council:
 - 54.1 All works must be designed and constructed in accordance with the relevant standards and requirements of:
 - (i) PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure;
 - (ii) PSP No. 3 – Engineering Standards – Water and Waste Water Infrastructure; and
 - (iii) PSP No. 4 – Development Near Utility Services;
 - 54.2 An application for the works must be submitted to and approved by Council prior to carrying out the works;
 - 54.3 The design and the construction of the works must be certified by a Registered Professional Engineer Queensland – Civil as follows:
 - (i) A Design Certificate must be submitted with the application; and
 - (ii) A Construction Supervision Certificate must be submitted at the completion of the approved works and prior to acceptance of the works on-maintenance;
 - 54.4 Pay all checking and inspection fees at the time of submitting the application for the works to Council;
 - 54.5 Be responsible for all aspects associated with carrying out the works including ensuring all work is carried out by a qualified contractor and ensuring public safety such as providing and maintaining during construction adequate barricades, signage and other warning devices to be detailed in the application to Council; and
 - 54.6 The works must be completed and accepted on-maintenance prior to the commencement of the use.
55. A defects liability security must be lodged for external works prior to Council accepting these works on-maintenance. The amount of security required will be advised by Council following submission of engineering drawings for Council approval. This security will be released upon Council accepting the external works off-maintenance, at the end of a minimum period of twelve (12) months defects liability period.

TRANSPORT, ACCESS AND PARKING

TRAFFIC CONTROL PLAN

56. Prior to commencement of any works affecting external roads, submit a traffic control plan to and obtain Council's approval for the relevant works, along with the submission of appropriate securities and a suitable form of indemnity for any claims against Council.

ROADWORKS (ROAD WIDENING AND RECONSTRUCTION)

57. Cockburn Road must be widened from the intersection with the Warrego Highway as shown on the Approved Plans and in accordance with the following requirements:

Street:	Cockburn Road
Classification:	Rural Local Access
Construction Standard:	Bitumen Sealed 8.0 metre formation in accordance with Council's Standard Drawing 101386-001 Rev B <ul style="list-style-type: none">• Stage 1 (Phase A) – from the intersection of the Warrego Highway extending to a point 20m south of the Phase A access point;• Stage 2 (Phase B) – from a point 20m south of the Phase A access point to a point 20m south of the Phase B access point.

58. The design and construction of the road widening works must be in accordance with Council's requirements as set out in the PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure. The works must include but are not limited to matters such as:

- 58.1 The construction of the road widening along the frontage of the site and tapers external to the frontage of the site;
- 58.2 Underground stormwater drainage for road crossings;
- 58.3 Table drain works;
- 58.4 Relocation of utility and Council services; and
- 58.5 Street lighting.

59. Any pavement widening must join neatly to the existing pavement so that there are no specific irregularities in line or level resulting at or adjacent to the join for the length of the construction. Where necessary the existing pavement must be brought to a satisfactory standard in accordance with PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure to allow for the above.
60. All street surfacing must be in accordance with the pavement construction standards in PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure.
61. Verge widths, street reserve widths and intersection treatment must comply with Council's requirements in PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure.
62. A Development Application for a Development Permit for Operational Works for the road widening and reconstruction works must be submitted to and approved by Council prior to the commencement of the works or as otherwise indicated. All approved road widening and reconstruction works must be completed and accepted on-maintenance prior to the commencement of the use.
63. The design and construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil as follows:
- 63.1 A Design Certificate must be submitted with the application; and
 - 63.2 A Construction Supervision Certificate must be submitted at the completion of the approved works.

REMOVAL OR MODIFICATION OF COUNCIL TRAFFIC SIGNS

64. Notify and obtain the written approval of Council's Regional Coordinator Traffic Management for any works involving the removal or modification of existing Council traffic signs prior to the works commencing. Where approved by Council such works are to be undertaken at no cost to Council.
65. The installation and/or modification of any street signs and/or line marking must be in accordance with the Manual of Uniform Traffic Control Device (MUTCD).

PROVISION OF VEHICULAR ACCESS

66. All proposed vehicle accesses from the site to Cockburn Road must be sealed from the sealed pavement to the property boundary. The accesses must be designed by a Registered Professional Engineer of Queensland (RPEQ) – Civil and must include the provision of adequate access width and flares to suit the proposed entry and exit manoeuvres. Such works must include any requirements identified as part of any traffic report for the development, or as specifically required below:
 - 66.1 The proposed accesses must be constructed generally as shown on the Approved Plan and in accordance with Australian Standard AS 2890.1 – Off Street Car Parking (and Australian Standard AS2890.2 where relevant);
 - 66.2 The property accesses must be located a minimum of one (1) metre clear of existing power poles, streetlights or other signage;
 - 66.3 Be responsible for any necessary relocation of all existing services clear of the accesses that will serve the property and is required to contact all relevant service authorities and comply with their requirements in relation to these works;
 - 66.4 The property accesses for the utility installation must include suitable tapers and flares to accommodate the required turning paths of a Articulated Vehicle (AV) service vehicle; and
 - 66.5 The existing and proposed accesses for the landowners must include suitable tapers and flares to accommodate the required road widening of Cockburn Road and be constructed as a standard rural crossover.
67. The final design and layout of the property accesses or any modification of existing property accesses must form part of the application for Operational Work for road widening. The design and the construction of the works must be certified by a RPEQ – Civil as follows:
 - 67.1 A design certificate must be submitted prior to the commencement of any works on site; and
 - 67.2 A construction supervision certificate must be submitted at the completion of the approved works.

ON-SITE CAR PARKING, SERVICE BAYS AND MANOEUVRING

68. The premises must be provided with a minimum of two (2) on-site car parking spaces. Carparking and manoeuvring areas must be:
 - 68.1 Provided with a minimum all-weather surface and be line marked or otherwise delineated to the minimum dimensions detailed in AS2890 – Parking Facilities. A serviceable gravel hardstand, including dust control, may be provided; and
 - 68.2 Designed to enable all vehicles to enter and leave the site in a forward gear.

AIR QUALITY & AMENITY – DUST SUPPRESSION TREATMENTS

69. All laydown and trafficable ground surfaces of the site must be covered with coarse gravel graded at between 16 – 32 millimetres, a medium gravel graded at between 8 – 16 millimetres or a fine gravel graded at 4 – 8 millimetres in diameter to create a gravel hardstand.
70. Where a medium or fine gravel is utilised for surface coverage, hardstand areas must be first treated prior to the commencement of use and then on an as needed basis thereafter, with a dust suppressant product (such as PetroTac) in accordance with the manufacturers specifications.

71. Where a dust suppressant is utilised, records documenting maintenance inspections and application history details must be maintained and made available for inspection at any time upon request by Council.

SURVEYOR'S CERTIFICATION

72. Provide certification from a Licensed Surveyor that the constructed accesses along Cockburn Road and roadworks (external) are fully contained within a dedicated reserve/registered easement.

ENVIRONMENT

ACOUSTIC AMENITY – NOISE LIMITS

73. Noise from activity associated with the use of the site must not exceed the Acoustic Quality Objectives listed in the *Environment Protection (Noise) Policy 2008* when measured at any sensitive place or commercial place.
74. When requested by Council, a noise investigation must be undertaken by a qualified person to investigate any complaint of noise nuisance, and the results notified within fourteen (14) days to Council. A qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Noise Limits within this Development Approval have been exceeded. Measurement of noise emissions (adjusted for tonality and impulse) must be in accordance with the most recent version of Australian Standard AS1055.1 Acoustics – Description and measurement of environmental noise – General procedures.

ACOUSTIC AMENITY – MECHANICAL PLANT

75. All regulated devices as defined by the *Environmental Protection Act 1994* must be installed, operated and maintained to comply with the noise limits as specified within the *Environmental Protection Act 1994*.

AIR QUALITY & AMENITY – AIR RELEASE LIMITS

76. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the Air Quality Objectives listed in the *Environmental Protection (Air) Policy 2008* as measured at any sensitive place or commercial place must not be released to the atmosphere.

AIR QUALITY & AMENITY – AIR RELEASE LIMITS (DUST)

77. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated from activity associated with the use of the site do not exceed the following levels when measured at any sensitive place or commercial place:
- 77.1 Dust deposition of 133 milligrams per square metre per day averaged over 1 month, when monitored in accordance with the most recent version of Australian Standard AS3580.10.1: Methods for sampling and analysis of ambient air – Determination of particulate matter – Deposited matter – Gravimetric method; and
- 77.2 A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometres (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24-hour averaging time, for no more than 5 exceedances recorded each year, when monitored in accordance with the most recent version of either:
- i) Australian Standard AS3580.9.6: Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – PM10 high volume sampler with size-selective inlet – Gravimetric method; or
 - ii) Australian Standard AS3580.9.9: Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – PM10 low volume sampler – Gravimetric method.

78. When requested by Council, an air quality investigation must be undertaken by a qualified person to investigate any complaint of air pollution, odour or dust nuisance, and the results notified within fourteen (14) days to Council. A qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Air Release Limits within this Development Approval have been exceeded.

OUTDOOR LIGHTING IMPACT MITIGATION

79. Outdoor lighting associated with the use must be designed, sited, installed and tested to comply with Table 2.1 & 2.2 of Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting using a control level of 1.
80. All lighting must be of a type that gives no upward component of light when mounted horizontally (i.e. a full cut-off luminaire).

ELECTROMAGNETIC RADIATION

81. Prior to the commencement of construction, submit to Council certification from a suitably qualified person that electromagnetic radiation levels from equipment and infrastructure will not exceed recommended levels specified in the *Australian Radiation Protection and Nuclear Safety Agency, International Commission of No-ionising Radiation Protection and Energy Networks Association Guidelines* when modelled at any sensitive place or commercial place.

WASTE MANAGEMENT

82. All waste generated on site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.
83. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
- 83.1 All waste generated during maintenance, cleaning and other operational activities must be removed from site at the conclusion of such activities; and
 - 83.2 Waste generated must be disposed of in accordance with the *Environmental Protection Regulation 2008*, that is waste must be disposed of at a lawful point of receipt or disposal.

END USE & SITE REHABILITATION

84. Post-operational rehabilitation of the site is to be carried out generally in accordance with the strategies identified in the approved Overarching End Use and Rehabilitation Plan. One (1) year prior to decommissioning, submit to Council for endorsement an End Use and Rehabilitation Plan prepared by a qualified person that at a minimum includes the following:
- 84.1 Identifies the final agricultural land use (e.g. grazing, cropping) following cessation of the approved use;
 - 84.2 Provides a description of the development process and how it will be integrated with rehabilitation, reinforcing effective management of rehabilitation resources;
 - 84.3 Clearly establishes the objectives of the Plan;
 - 84.4 Adopted performance criteria for rehabilitation efforts;
 - 84.5 Includes an Action Plan, with timing for remedial works such as, structure removal, removal of imported materials such as gravel, any soil erosion, drainage, and vegetation cover works, along with weed and pest animal control activities required to meet the adopted rehabilitation performance criteria;
 - 84.6 Outlines a program for monitoring rehabilitation success using appropriate indicators; and
 - 84.7 Includes an end-use Property Management Map, depicting the contents of the Plan.
85. Rehabilitation works must commence immediately upon cessation of the approved use and be carried out in accordance with the endorsed End Use and Rehabilitation Plan for the length of time included in the Action Plan.

AMENITY AND OPERATION OF USE

LANDSCAPING

86. Submit for Compliance Assessment a Detailed Landscape Plan for all landscaping associated with the development in accordance with the following requirements:
- 86.1 The Detailed Landscape Plan must be prepared by a suitably qualified and experienced Landscape Architect;
 - 86.2 The Detailed Landscape Plan must be generally in accordance with the approved Landscape Concept Plan;
 - 86.3 The Detailed Landscape Plan must address the Performance Outcomes of the Landscape Code and any other relevant landscaping requirements applicable to the development in the *Toowoomba Regional Planning Scheme*. In particular the Detailed Landscape Plan must include the following:
 - (i) Screen planting to property boundaries consisting of three (3) rows spaced at least 2.5 metres apart to form a planted buffer of at least five (5) metres wide;
 - (ii) Provision of adequate clearance from fences to allow periodic slashing and other maintenance;
 - (iii) Tree species with a broad and dense canopy are provided around stormwater structures to visually fragment the site; and
 - (iv) Sight lines at vehicle entrance points are maintained through the use of trees with a clean trunk to 1.8m height and shrubs to a maximum height of 0.75m; and
 - 86.4 Detail to be included on the Detailed Landscape Plan must include, but is not limited to:
 - (i) The species to be planted;
 - (ii) The number and container size of plants;
 - (iii) The typical planting detail including preparation, backfill, staking and mulching;
 - (iv) A schedule of maintenance detailing establishment and ongoing care of planted buffers;
 - (v) Typical planting set-out including dimensions;
 - (vi) Location and height of fencing to the property boundaries;
 - (vii) Location and species of existing site vegetation;
 - (viii) North point, scale and drawing number; and
 - (ix) Landscaping to be completed under each stage (phase) of the development.
- Note: Refer to Information Sheet INFO006 on Council's website for additional information on preparation of Landscape Plans.*
87. Planted landscape buffers with a minimum width of five (5) metres must be established in accordance with the approved Landscape Concept Plan. Landscaping along the eastern site boundary is to be in accordance with the approved staging for the development.
88. The Detailed Landscape Plan must be submitted to and approved by Council prior to the commencement of site works and planting must be completed prior to commencement of use.
89. Prepare and landscape the subject land in accordance with the approved Landscape Concept Plan, or as otherwise approved in writing by the Manager, Development Assessment.
90. All declared weeds must be removed from the subject land and the land maintained free of declared weeds at all times.
91. All landscape works are to be constructed and maintained in a healthy and tidy state in accordance with the approved landscape plans for the life of the use.

B. ADVICES:

Infrastructure Charges

- 1) Infrastructure charges are now levied by way of an Infrastructure Charges Notice, issued pursuant to Section 635 of the *Sustainable Planning Act 2009*.

Fire Ants

- 2) The State of Queensland has been declared a quarantine area for the Red Imported Fire Ant. Should this approval involve the movement of restricted items from areas of known infestation the provisions of the *Plant Protection Act 1989* apply. Compliance with statutory provisions must be achieved.

Disposal of Construction & Demolition Material

- 3) Construction and demolition material must be lawfully disposed of with regard to the *Environmental Protection (Waste Management) Regulation 2000*.

Advertising Signs

- 4) Placing an advertising device on premises is self assessable development where complying with the *Advertising Devices Code* in the *Toowoomba Regional Planning Scheme 2012*. A separate Development Permit for Operational Works will be required for any Advertising Signs not complying with the acceptable outcomes of the Advertising Devices Code.

When Approval Takes Effect

- 5) This approval takes effect in accordance with the provisions of Section 339 of the *Sustainable Planning Act 2009*.

When Approval Lapses

- 6) This approval will lapse in accordance with the provisions contained in Sections 341 and 342 of the *Sustainable Planning Act 2009*, unless otherwise stated in the conditions of Development Approval.

SCHEDULE 2

DEVELOPMENT PERMIT FOR RECONFIGURING A LOT - CODE

APPLICATION NUMBER:	RAL/2014/3749/A
APPLICANT:	Renzo Gaggioli
LOCATION:	12871 Warrego Highway, OAKEY QLD 4401
PROPERTY DESCRIPTION:	Lot 1 RP48454 and Lots 7-9 RP36475
APPROVED USE:	Dividing Land into Parts by Agreement (Five Lease Areas)
ZONING / PRECINCT:	Rural - 100 ha

A. ASSESSMENT MANAGER'S CONDITIONS:

GENERAL/PLANNING

APPROVED DEVELOPMENT AND INTENSITY

1. This Development Permit is for Reconfiguring a Lot to Divide the Land into Parts by Agreement (Five Lease Areas).
 - 1.1 The lease areas have a maximum duration of 35 years from the date this approval takes effect; and
 - 1.2 The Survey Plan for the lease areas must be sealed prior to the commencement of the first stage of the associated Material Change of Use.
2. The lease areas A to E (inclusive) are to be exclusively used for the associated Material Change of Use Approval – Utility Installation.
 - 2.1 The lease areas are to be rehabilitated to their former state at the expiry of the lease or at the cessation of the associated Material Change of Use Approval – Utility Installation, whichever occurs first. The rehabilitation must be in accordance with the End Use and Rehabilitation Plan as endorsed under the associated Material Change of Use Approval – Utility Installation.

CARRY OUT AND MAINTAIN DEVELOPMENT

3. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by this approval.
4. Unless otherwise stated, all conditions of this Development Permit for Reconfiguring a Lot must be complied with by the applicant prior to the issue of a Compliance Certificate for the Plan of Survey.

APPROVED AND AMENDED PLANS

5. The development must be carried out generally in accordance with the Approved Plan listed below, subject to and modified by the requirements listed below, and by other conditions of this approval:

Plan No: -

Description: ~~Plan of Leases Survey Plan Sheet 1 of 2, dated 19 June 2014~~ **10 August 2016**, prepared by the Applicant and received by Council ~~25 July 2014~~ **17 August 2016**.

Amendments: Nil

LOT NUMBERING

6. The numbering of all approved lots must remain as indicated on the Approved Plan (unless otherwise amended/approved by Council).

COUNCIL APPROVAL OF DOCUMENTS AND WORKS

7. Prepare and submit the following documents to Council for Compliance Assessment in accordance with the conditions of this approval:
 - 7.1 Plan of Survey for Subdivision in accordance with Schedule 19 of the *Sustainable Planning Regulation 2009*.
8. Following further approval by the Council where required, carry out all works required by the conditions of this approval prior to the issuing of a Compliance Certificate for the Plan of Survey.

LAND USE ASSURANCE AND AGREEMENTS

FEES AND CHARGES

9. All current and outstanding fees, rates, interest and other charges levied on the property, must be paid in accordance with the rate at the time of payment prior to the issuing of a Compliance Certificate for the Plan of Survey.

B. ADVICES:

Infrastructure Charges

- 1) Infrastructure charges are now levied by way of an Infrastructure Charges Notice, issued pursuant to Section 635 of the *Sustainable Planning Act 2009*.

Fire Ants

- 2) The State of Queensland has been declared a quarantine area for the Red Imported Fire Ant. Should this approval involve the movement of restricted items from areas of known infestation the provisions of the *Plant Protection Act 1989* apply. Ensure compliance with statutory provisions.

When Approval Takes Effect

- 3) This approval takes effect in accordance with the provisions of Section 339 of the *Sustainable Planning Act 2009*.

When Approval Lapses

- 4) This approval will lapse in accordance with the provisions contained in Sections 341 and 342 of the *Sustainable Planning Act 2009*, unless otherwise stated in the conditions of Development Approval.

C. ATTACHMENTS:

- Concurrence Agency Conditions Schedule 3
- Approved Development Plans
- Appeal provisions pursuant to the *Sustainable Planning Act 2009*

List of Submitters:-

Leigh Johnston and Marli Johnston
204 McKenzie Road
OAKEY QLD 4401

Maurice Kingston and Jeannette Kingston
PO Box 99
OAKEY QLD 4401

Trevor Prendergast
McKenzie Road
OAKEY QLD 4401

Ben Smart
PO Box 42
CECIL PLAINS QLD 4407

Jeannette Kingston
PO Box 99
OAKEY QLD 4401

SCHEDULE 3

CONCURRENCE AGENCY CONDITIONS

STATE ASSESSMENT AND REFERRAL AGENCY

Our reference: SPD-0816-029930

15 September 2016

Canadian Solar (Australia) Pty Ltd
165 Cremorne Street
RICHMOND VIC 3121
renzo.gaggioli@canadiansolar.com

Dear Renzo

**Notice of Decision— Changed Concurrence Agency Approval (responsible entity) –
Development Permit – Material Change of Use (Utility Installation) and Reconfiguring
a Lot (dividing land into parts by agreement – five lease areas)**

12871 Warrego Highway, Oakey 4401

(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning (DILGP) received representations under section 369 of the *Sustainable Planning Act 2009* on 24 August 2016 for the original decision described below.

Applicant details

Applicant name:	Canadian Solar (Australia) Pty Ltd
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Site details

Real property description:	Lots 7, 8 and Part of Lot 9 on RP36475, and Part of Lot 1 on RP48454
Local government area:	Toowoomba Regional Council

Application details

Proposed development:	Development Permit – Material Change of Use (Utility Installation) and Reconfiguring a Lot (dividing land into parts by agreement – five lease areas)
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Original decision

Date of original decision: 9 September 2014

Original decision details: Approved subject to conditions

A changed notice of decision for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the Act
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Josh Leddy, Senior Planning Officer, SARA Darling Downs South West on 4616 7303, or via email josh.leddy@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Ian McHugh
A/Manager (Planning)

enc: Changed Concurrence Agency Response
Attachment 1—Changed Concurrence agency conditions
Attachment 2—SPA appeal provisions
Attachment 3 - Approved plans and specifications

Our reference: SPD-0816-029930

Changed Concurrence Agency Response

(Given under section 376 of the *Sustainable Planning Act 2009*)

Applicant details

Applicant name: Canadian Solar (Australia) Pty Ltd
 Applicant contact details: 165 Cremorne Street
 RICHMOND VIC 3121

Application details

Level of assessment: Code assessment
 Original application properly made date: 22 August 2014
 Date of request for change: 24 August 2016

Site details

Street address: 12871 Warrego Highway, Oakey 4401
 Lot on plan: Lots 7, 8 and Part of Lot 9 on RP36475, and Part of Lot 1 on RP48454
 Name of owner: Toowoomba Regional Council

Nature of the changes

The nature of the changes agreed to are:

1. Reduction in development footprint, from approximately 290 hectares to 202 hectares
2. Amend solar facility layout
3. Staging

Original decision

Date of original decision: 9 September 2014
 Original decision details: Approved subject to conditions

Changed decision

Date of changed decision: 14 September 2016
 Changed decision details: Approved subject to conditions

Conditions

This approval is subject to:

- the changed concurrence agency conditions in Attachment 1

DILGP has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

Properly made submissions

Not applicable—No part of the application required impact assessment.

Conflicts with relevant instruments

This decision does not conflict with a relevant instrument.

Rights of appeal

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

Relevant period for the approval

This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.

Approved plans and specifications

Copies of the following approved plans and specifications are attached:

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Material Change of Use (Utility Installation)				
STAGES 1 & 2 - 80 MW AMENDED SITE LAYOUT Oakey Solar Farm	Canadian Solar	9/8/2016	-	Version 1.6

Our reference: SPD-0816-029930

Attachment 1 - Changed concurrence agency conditions

No.	Conditions of development approval	Condition timing
Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads (DTMR) 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 plan: • Site Plan prepared by Recurrent Energy dated 19/2/14 STAGES 1 & 2 - 80 MW AMENDED SITE LAYOUT Oakey Solar Farm, prepared by Canadian Solar, Version 1.6 and dated 9/8/2016	At all times
2.	Direct Access is not permitted between the Warrego Highway and the subject site	At all times
3.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state controlled road. (b) Any works on the land must not: i. create any new discharge points for stormwater runoff onto the state-controlled road; ii. interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; iii. surcharge any existing culvert or drain on the state controlled road; iv. reduce the quality of stormwater discharge onto the state-controlled road (c) A Registered Practicing Engineer of Queensland certification must be provided to DTMR, confirming that the development has been designed and constructed in accordance with parts (a) and (b) of this condition.	(a) and (b): at all times (c): Prior to commencement of use

Our reference: SPD-0816-029930

Attachment 2—SPA Appeal Provisions

Sustainable Planning Act 2009—Representation and appeal provisions

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

Chapter 6 Integrated development assessment system (IDAS)
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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 notice about charges for infrastructure

- (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, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F 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.

Chapter 7 Appeals, offences and enforcement

Part 1 Planning and Environment Court

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 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) development for an aquacultural ERA; or
 - (b) 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.
- (3) 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;
 - (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.
- (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.

Division 11 Making and appeal to Court

481 How appeals to the court are started

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

482 Notice of appeal to other parties—development applications and approvals

- (1) An appellant under division 8 must give written notice of the appeal to—
 - (a) if the appellant is an applicant—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any concurrence agency; and
 - (iv) any principal submitter whose submission has not been withdrawn; and
 - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
 - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—

- (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any referral agency; and
 - (iv) the applicant; or
 - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
 - (i) the chief executive; and
 - (ii) the assessment manager for the development application to which the notice relates; and
 - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
 - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
 - (d) if the appellant is a person mentioned in section 466(1)—
 - (i) the chief executive; and
 - (ii) the responsible entity for making the change to which the appeal relates; and
 - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
 - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
 - (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
- (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
- (a) the grounds of the appeal; and
 - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

485 Respondent and co-respondents for appeals under div 8

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
 - (a) the assessment manager is the respondent; and
 - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and

- (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
 - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
 - (b) if the responsible entity is the assessment manager—
 - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
 - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

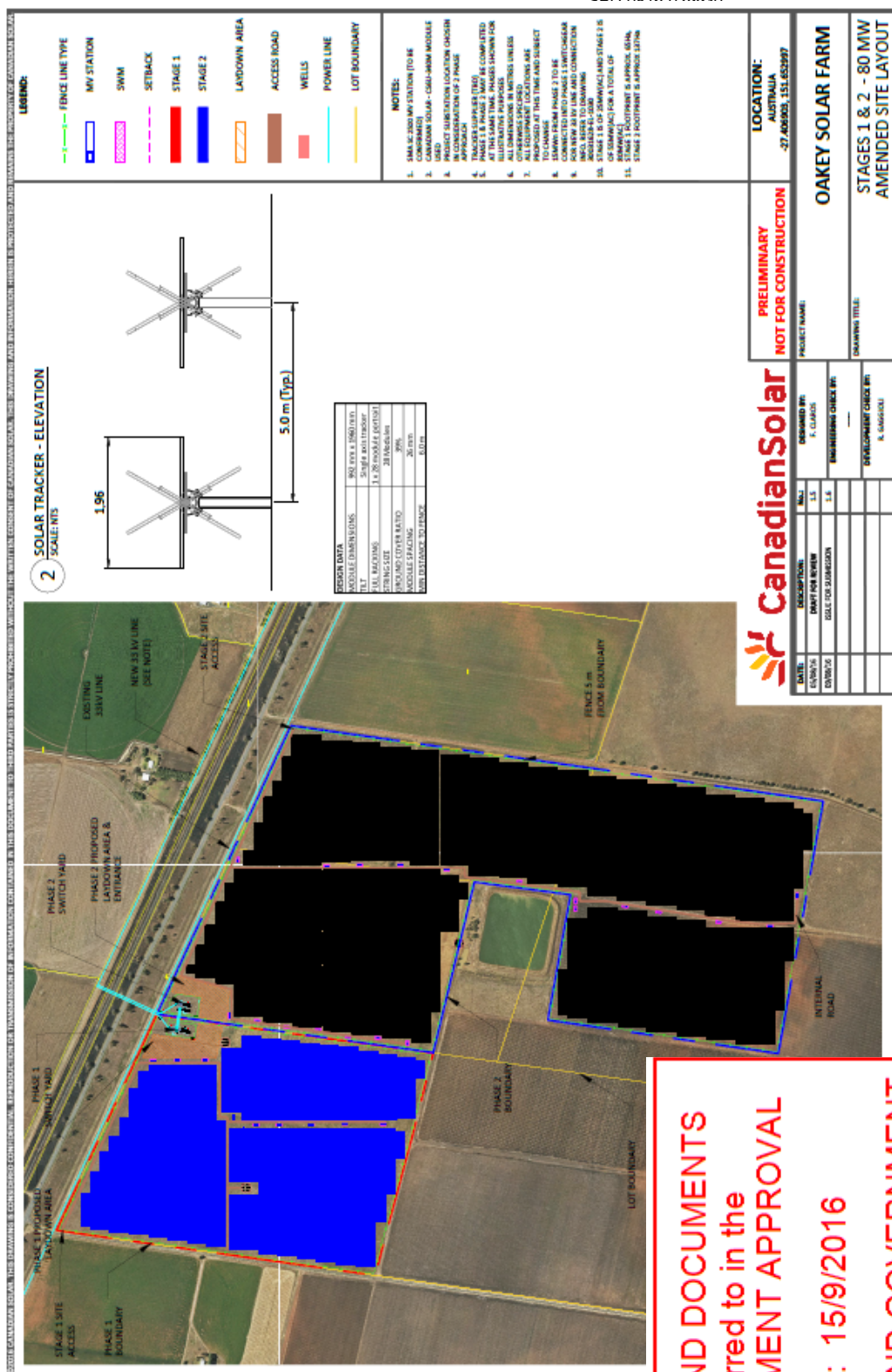
488 How an entity may elect to be a co-respondent

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

490 Lodging appeal stops particular actions

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

Attachment 3 - App



Chapter 7, Part 1, Division 8 of the Sustainable Planning Act 2009
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) development for an aquacultural ERA; or
 - (b) 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;
 - (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.
- (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.

Chapter 7, Part 1, Division 9 of the Sustainable Planning Act 2009
Appeals to court about compliance assessment

468 Appeals against decision on request for compliance assessment

- (1) A person to whom an action notice has been given under section 405(5) about a request for compliance assessment of development, a document or work may appeal to the court against a decision in the notice.
- (2) The appeal must be started within 20 business days after the notice is given to the person.

- 469 Appeals against condition imposed on compliance permit or certificate**
- (1) A person who is given a compliance permit or compliance certificate subject to any conditions may appeal to the court against the decision to impose the condition.
- (2) The appeal must be started within 20 business days after the day the compliance permit or compliance certificate is given to the person.

- 470 Appeals against particular decisions about compliance assessment**
- (1) A person to whom any of the following notices have been given may appeal to the court against the decision in the notice:
- (a) a notice of a decision on a request to change or withdraw an action notice;
- (b) a notice under section 413(2)(c) about a decision to refuse a request to change a compliance permit or compliance certificate.
- (2) The appeal must be started within 20 business days after the day the notice is given to the person.

Chapter 7, Part 1, Division 10 of the Sustainable Planning Act 2009 Appeals to court about other matters

- 472 Appeal about extension of period under s 98**
- (1) A person who has requested an extension under section 98(2) may appeal to the court against a refusal of the request.
- (2) An appeal under subsection (1) must be started within 20 business days after the day the person is given notice of the refusal.
- (3) Also, a person who has made a request under section 98(2) 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.
- (5) However, an appeal under this section may only be about whether the refusal is so unreasonable that no reasonable relevant local government could have refused the request.

- 473 Appeals against enforcement notices**
- (1) A person who is given an enforcement notice may appeal to the court against the giving of the notice.
- (2) The appeal must be started within 20 business days after the day notice is given to the person.

- 475 Appeals against local laws**
- (1) This section applies if—
- (a) an applicant is dissatisfied with a decision of a local government or the conditions applied under a local law about the use of premises or the erection of a building or other structure; and
- (b) the use is not prohibited development under the planning scheme or a temporary local planning instrument for the planning scheme area.
- (2) The applicant may appeal to the court against the decision or the conditions applied.
- (3) The appeal must be started within 20 business days after the day notice of the decision is given to the applicant.

- 478 Appeals about infrastructure charges notice**
- (1) The recipient of an infrastructure charges notice may appeal to the court about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
- (a) the charge in the notice is so unreasonable that no reasonable relevant local government could have imposed it;
- (b) the decision involved an error relating to—
- (i) the application of the relevant adopted charge; or
- (ii) the working out, for section 636, of additional demand; or
- (iii) an offset or refund;
- (c) there was no decision about an offset or refund;
- Examples of possible errors in applying an adopted charge—*
- *the incorrect application of gross floor area for a non-residential development*
 - *applying an incorrect 'use category' under an*

- SPRP (adopted charges) to the development*
- (d) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund—
- (i) the establishment cost of infrastructure identified in an LGIP; or
- (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

478A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to the court against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
- (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
- (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

479 Appeals from building and development committees

- (1) A party to a proceeding decided by a building and development committee may appeal to the court against the committee's decision, but only on the ground—
- (a) of an error or mistake in law on the part of the committee; or
- (b) that the committee had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.
- (2) An appeal against a building and development committee's decision must be started within 20 business days after the day notice of the committee's decision is given to the party.

Chapter 7, Part 2, Division 4 of the Sustainable Planning Act 2009 Appeals to committees about development applications and approvals

Subdivision 1 Appeals about particular material changes of use

- 519 Appeal by applicant—particular development application for material change of use of premises**
- (1) This section applies to a development application if the application is only for a material change of use of premises that involves the use of a prescribed building.
- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
- (3) The applicant for the development application may appeal to a building and development committee against any of the following—
- (a) the refusal, or the refusal in part, of the application;
- (b) any condition of the development approval and another matter, other than the identification or inclusion of a code under section 242, stated in the development approval;
- (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 application.
- (4) An appeal under subsection (3)(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.
- (5) An appeal under subsection (3)(e) may be started at any time after the last day a decision on the matter should have been made.

- 520 Appeal about decision relating to extension for development approval**
- (1) This section applies to a development approval if the approval is only for a material change of use of premises that involves the use of a prescribed building.
 - (2) A person to whom a notice is given under section 389 in relation to the development approval, other than a notice for a decision under section 386(2), may appeal to a building and development committee against a decision in the notice.
 - (3) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

521 Appeal about decisions relating to permissible changes

- (1) This section applies to a development approval if the approval is only for a material change of use of premises that involves the use of a prescribed building.
- (2) The following persons may appeal to a building and development committee against a decision on a request to make a permissible change to the development approval, other than a deemed refusal of the request—
 - (a) if the responsible entity for making the change is the assessment manager for the development application to which the approval relates—
 - (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 development application—the person who made the request.
- (3) 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.

Subdivision 2 Appeals about conditions of particular development approvals

522 Appeal by applicant—condition of particular development approval

- (1) This section applies to a development application if—
 - (a) the application is only for a material change of use that involves the use of a building classified under the BCA as a class 2 building; and
 - (b) the proposed development is for premises of not more than 3 storeys; and
 - (c) the proposed development is for not more than 60 sole occupancy units.
- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
- (3) The applicant for the development application may appeal to a building and development committee against a condition of the development approval.
- (4) The appeal 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.
- (5) In this section—

sole-occupancy unit, in relation to a class 2 building, means a room or other part of the building used as a dwelling by a person to the exclusion of any other person.

storey means a space within a building between 2 floor levels, or a floor level and a ceiling or roof, other than—
 - (a) a space containing only—
 - (i) a lift shaft, stairway or meter room; or
 - (ii) a bathroom, shower room, laundry, water closet or other sanitary compartment; or
 - (iii) accommodation for not more than 3 motor vehicles; or
 - (iv) a combination of any things mentioned in subparagraph (i), (ii) or (iii); or
 - (b) a mezzanine.

Division 5 Appeals to committees about compliance assessment

523 Appeal against decision on request for compliance assessment

- (1) A person who is given an action notice about a request for compliance assessment of development, a document or work may appeal to a building and development committee against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice is given to the person.

524 Appeal against condition imposed on compliance permit or certificate

- (1) A person who is given a compliance permit or compliance certificate subject to any conditions may appeal to a building and development committee against the decision to impose the condition.
- (2) The appeal must be started within 20 business days after the day the compliance permit or compliance certificate is given to the person.

525 Appeals against particular decisions about compliance assessment

- (1) A person who is given any of the following notices may appeal to a building and development committee against the decision in the notice—
 - (a) a notice of a decision on a request to change or withdraw an action notice;
 - (b) a notice under section 413(2)(c) about a decision to refuse to change a compliance permit or compliance certificate.
- (2) The appeal must be started within 20 business days after the day the notice is given to the person.

Division 6 Appeals to committees about building, plumbing and drainage and other matters

Subdivision 1 Preliminary

526 Matters about which a person may appeal under div 6

- An appeal to a building and development committee under this division may only be about—
- (a) a matter under this Act that relates to the Building Act, other than a matter under that Act that may or must be decided by the *Queensland Building and Construction Commission*, or the *Plumbing and Drainage Act 2002*; or
 - (b) a matter that under another Act may be appealed to a building and development committee; or
 - (c) a matter prescribed under a regulation.

Subdivision 2 Appeals about development applications and approvals

527 Appeals by applicants

- (1) An applicant for a development application may appeal to a building and development committee against any of the following—
 - (a) the refusal, or the refusal in part, of the application;
 - (b) any condition of the development approval and another matter, other than the identification or inclusion of a code under section 242, stated in the development approval;
 - (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 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.

528 Appeal by advice agency

- (1) An advice agency may, within the limits of its jurisdiction, appeal to a building and development committee about the giving of a development approval if the development

- application involves code assessment for the aspect of building work to be assessed against the Building Act.
- (2) The appeal must be started—
- (a) within 10 business days after the day the decision notice or negotiated decision notice is given to the advice agency; or
 - (b) for a deemed approval for which a decision notice or negotiated decision notice has not been given—within 20 business days after receiving a copy of the deemed approval notice for the application from the applicant.

529 Appeal about decision relating to extension for development approval

- (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 a building and development committee against a 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.

530 Appeal about decision relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to a building and development committee against a decision on a request to make a permissible change to the approval, other than a deemed refusal of the request—
 - (a) if the responsible entity for making the change is the assessment manager for the application to which the approval relates—
 - (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 to which the approval relates—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.

531 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 a building and development committee 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.

Subdivision 3 Other matters

532 Appeals for building and plumbing and drainage matters

- (1) If—
 - (a) a person has been given, or is entitled to be given—
 - (i) an information notice under the Building Act about a decision other than a decision under that Act made by the *Queensland Building and Construction Commission*; or
 - (ii) an information notice under the *Plumbing and Drainage Act 2002* about a decision under part 4 or 5 of that Act; or
 - (b) a person—
 - (i) was an applicant for a building development approval; and
 - (ii) is dissatisfied with a decision under the Building Act by a building certifier or referral agency about inspection of building work the subject of the approval;

the person may appeal against the decision to a building and development committee.

- (2) An appeal under subsection (1) must be started within 20 business days after the day the person is given notice of the decision.

- (3) If—
 - (a) under the Building Act, a person makes an application other than a building development application to a local government; and
 - (b) the period required under that Act for the local government to decide the application (the **decision period**) has passed; and
 - (c) the local government has not decided the application;

the person may appeal to a building and development committee against the lack of the decision and for the committee to decide the application as if it were the local government.

- (4) An appeal under subsection (3) must be started within 20 business days after the end of the decision period.

533 Appeals against enforcement notices

- (1) A person who is given an enforcement notice may appeal to a building and development committee against the giving of the notice.
- (2) The appeal must be started within 20 business days after the day the notice is given to the person.

Division 7 Appeals about particular charges

535 Appeals about infrastructure charges decisions

- (1) The recipient of an infrastructure charges notice may appeal to a building and development committee about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
 - (a) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (b) there was no decision about an offset or refund;
Examples of possible errors in applying an adopted charge—
 - the incorrect application of gross floor area for a non-residential development
 - applying an incorrect 'use category' under an SPRP (adopted charges) to the development
 - (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

535A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to a building and development committee against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.