

Negotiated Decision Notice APPROVAL

Sustainable Planning Act 2009 s.335



Internal Ref No: 1068555
File: S07-15, 06949-10000-000 & 00000-00007-000
Contact Name: Mr Jason Newell
Contact No: (07) 4747 3200

16 August 2016

Fulton Hogan Industries Pty Ltd
C/- Duggan & Hede Pty Ltd
PO Box 496
CLAYFIELD QLD 4011

Attention: Mr Michael McMahon

RE: Application to Negotiate Conditions of Approval for Material Change of Use for Asphalt Plant (Industry) and ERA 6 (Asphalt Manufacturing) off Commercial Road (former Abattoir Site), Mount Isa, described as part Lot 66 on plan SP214916

Dear Mr McMahon,

I wish to advise that on 10 August 2016, a decision was made to issue a negotiated decision notice to change the extent and timing of landscaping; the requirements and timing of irrigation installation and the timing maintenance for landscaping and irrigation, as permissible under Section s360 of the *Sustainable Planning Act 2009*.

This Negotiated Decision Notice now replaces the Decision Notice previously issued and dated 17 May 2016.

The above development application was:

- ☐ approved in full; or
- ☐ approved in part for the following; or
- ☒ approved in full with conditions. The conditions of this approval are set out in **Attachment 1**. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them; or
- ☐ approved in part for the following, with conditions. The conditions of this approval are set out in **Attachment 1**. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

1. Nature of Changes

The nature of changes are:

- Condition 7 revised to change the extent and timing of landscaping;
- Condition 9 revised to change the requirements and timing of irrigation installation;
- Condition 10 revised to change the timing maintenance for landscaping and irrigation

Approval under s331

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

2. Details of the approval

The following approvals are given:

	Sustainable Planning Regulation 2009, schedule 3 reference	Development Permit	Preliminary Approval
Making a material change of use assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		☒	☐
Making a material change of use for an environmentally relevant activity	Part 1, table 2, item 1	☒	☐

3. Codes for self-assessable development

The following codes must be complied with for self-assessable development related to the development approved:

- Industrial Planning Area Code
- Rural Planning Area Code
- Carparking and Access Code
- Airport Overlay Code
- Landscaping Code
- Scenic Rim Code
- Earthworks Code
- Engineering Works and Services Code

4. Details of any compliance assessment required for documents or work in relation to the development

Compliance assessment is required under chapter 6, part 10 of SPA for the following documents or works in relation to the development:

Documents or works requiring compliance assessment	Matters or things against which the document or work must be assessed	Compliance assessor	When the request for compliance assessment must be made
Landscaping	The requirements of Condition 7 and 9 of this development approval	Mount Isa City Council	<i>By 27 October 2017</i>
Current Licence Agreement to be Amended	The requirements of Condition 11 of this development approval	Mount Isa City Council	<i>Within three (3) months from date on this development approval</i>
Conservation	The requirements of Condition 13 of this development approval	Mount Isa City Council	<i>At the cessation of operations</i>
Development Permit Approved Plans and Conditions 1-25 (Refer pages 5-7 over)	The owner/developer shall contact Council to arrange a compliance inspection of the property to assess compliance with the Assessment Manager's Conditions of Approval and the approved plans	Mount Isa City Council	<i>Prior to the commencement of use</i>

5. Approved plans

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

Plan/Document number	Plan/Document name	Date
Duggan & Hede Pty Ltd, Fulton Hogan Industries Pty Ltd, Asphalt Plant, Ryan Road (off Commercial Road), Mt Isa, Drawn S.M. 10/15, Drg No. FH550-00-01, Sheet 01 of 05, Revision B	Site Layout	11.15
Duggan & Hede Pty Ltd, Fulton Hogan Industries Pty Ltd, Asphalt Plant, Ryan Road (off Commercial Road), Mt Isa, Drawn S.M. 10/15, Drg No. FH550-00-02, Sheet 02 of 05, Revision B	Plant Layout	11.15
Duggan & Hede Pty Ltd, Fulton Hogan Industries Pty Ltd, Asphalt Plant, Ryan Road (off Commercial Road), Mt Isa, Drawn S.M. 10/15, Drg No. FH550-00-03, Sheet 03 of 05, Revision B	Stormwater Details & Pavement Types	11.15
Duggan & Hede Pty Ltd, Fulton Hogan Industries Pty Ltd, Asphalt Plant, Ryan Road (off Commercial Road), Mt Isa, Drawn S.M. 10/15, Drg No. FH550-00-04, Sheet 04 of 05, Revision B	Water Management Plan	11.15
Duggan & Hede Pty Ltd, Fulton Hogan Industries Pty Ltd, Asphalt Plant, Ryan Road (off Commercial Road), Mt Isa, Drawn S.M. 10/15, Drg No. FH550-00-05, Sheet 05 of 05, Revision B	Sediment Basin Calculations & Operation Details	11.15

6. When approval lapses if development not started (s.341)

- Four years from the date of this Decision Notice

7. Appeal rights*Appeals by applicants*

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

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

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

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

Appeals by submitters

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

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

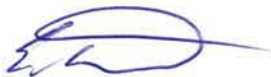
Details about submitter appeal rights for the Planning and Environment Court are set out in sections 462, 463 and 464 of SPA.

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

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

If you wish to discuss this matter further, please contact me on the above telephone number.

Yours sincerely,



Emilio Cianetti
Chief Executive Officer

CC Mount Isa City Council
C/- Environmental Health Department
PO Box 815
MOUNT ISA QLD 4825

Attachment 1—Conditions of the approval

Part 1—Conditions imposed by the assessment manager

Part 2— Environmental Authority ERA6~16

Attachment 2—Approved Plans**Attachment 3—SPA extract on appeal rights**

ATTACHMENT 1

PART 1

CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER (MOUNT ISA CITY COUNCIL)

Application: S07-15 Development Application for a Material Change of Use for an Asphalt Plant (Industry) and ERA 6 (Asphalt Manufacturing) off Commercial Road (former Abattoir Site), Mount Isa, described as part Lot 66 on plan SP214916

THAT Council APPROVE the development application for a Material Change of Use for Asphalt Plant (Industry) and ERA 6 (Asphalt Manufacturing) off Commercial Road, described part of Lot 66 on plan SP214916 subject to the following conditions:

NUMBER	CONDITION	TIMING
PLANNING		
General		
1.	The development shall be carried out generally in accordance with the approved plans and drawings attached to this approval except where conditions of this approval dictate otherwise. <i>For clarity, any change to the development that is not generally in accordance with the approved plans and drawings must be approved by Council pursuant to a 'permissible change' request under section 269 of the Sustainable Planning Act 2009;</i>	<i>At all times</i>
2.	The owner/developer shall bear the cost of all alterations necessary to public utility mains, services or installations necessitated by this approval and such works shall be to Council specification;	<i>At all times</i>
3.	All office or administration buildings shall be located at the front of the license area and a dedicated pedestrian entry shall be provided;	<i>At all times</i>
4.	The five (5) onsite carparking spaces as per Proposed Plant Layout by Duggan & Hede Pty Ltd, Drg No.FH550-00-0, Rev B, dated 11.15 are to be provided and maintained for the life of the development;	<i>At all times</i>
5.	Any gates situated along a road boundary must open inwards onto the subject property and not outwards onto Council's land/footpath/road reserve;	<i>At all times</i>
6.	Refuse storage areas are to be surfaced with an impervious material and must be accessible by a hose-cock for washing down;	<i>At all times</i>

Landscaping		
7.	The developer shall provide a total of 10% of landscaping of the site (license area) which incorporates a 2m densely planted landscaped strip along the western frontage of the license area. The landscaping can include a percentage of natural vegetation area(s);	<i>By 27 October 2017, or such other extended period as may be approved by Council</i>
8.	The landscaping shall be planted in accordance with the Acceptable Solutions of the Landscaping Code;	<i>At all times</i>
9.	Where a power connection to the site can reasonably be obtained, the developer shall install an automatic water irrigation system to all landscaping (with the exception of the natural vegetation areas) to promote healthy robust growth at their cost;	<i>By 27 October 2017, or such other extended period as may be approved by Council</i>
10.	The developer shall adequately maintain the landscaping and irrigation system and ensure it is neat and tidy at all times and not overgrown and/or unsightly;	<i>Once installed, at all times.</i>
LAND USE		
11.	The current license agreement shall be amended in accordance with the changed license area as indicated on approved plan "Contour survey over current batch plant site with License area over Lot 66 on SP214916 (15.046-02-b) prepared by M.H. Lodewyk Pty Ltd Geomatician, dated 31 July 2015";	<i>Within three (3) months from date on this development approval</i>
12.	All costs associated with amending license area and license agreement is to be at cost of the developer;	<i>At all times</i>
ENGINEERING		
Conservation		
13.	All areas are to be rehabilitated, at the cessation of operations of the plant, to ensure that the use does not degrade the land;	<i>At the cessation of operations</i>
Waste Management		
14.	Waste generated during the construction as well as operational phase of the development, is to be disposed of, in an adequate manner, as governed by relevant guideline(s) and/or legislation(s);	<i>At all times</i>
Operational Airspace		
15.	No machinery operated on site is to be above the Obstacle Limit Surface (OLS) of 370m AHD as per the requirements for Mount Isa Airport for the subject lot;	<i>At all times</i>
16.	Emission of gaseous plumes, smoke, dust, ash or steam in excess of 4.3m/s velocity is prohibited;	<i>At all times</i>

17.	External lighting is to be designed, installed and maintained in accordance with the requirements of the AS 4282-1997 <i>Control of the obstructive effects of outdoor lighting</i>; Note: External lighting must not involve lighting which shines light above the horizontal, or colours or flash lights, or sodium lights, or flare plumes, and does not involve configurations of lights in straight parallel lines 500m to 1000m long.	<i>Prior to the commencement of use and then to be maintained</i>
Access, Grades, Manoeuvring, Carparks and Signs		
18.	<i>Prior to the commencement of use (and then to be maintained)</i>, provide, construct and delineate or sign (as required) the following requirements as indicated on the approved plans of layout: a) Construct a compacted gravel access and hardstand for nominated areas where heavy vehicles and machinery will be driven or parked; b) Construct a pavement of minimum local access street classification standards (including associated drainage) to all areas where light motor vehicles will be driven or parked. Light vehicle access and carpark areas are to have a durable, dust free surface. This requires all surfaces to be sealed, concreted or paved; c) The internal driveways and car parks are to be designed to comply with AS/NZS 2890.1:2004 Parking facilities - Off-street car parking; d) Disabled car parking shall be provided in accordance with AS/NZS 2890.6:2009 (Off-street Parking for People with Disabilities); e) The design and operation of vehicle loading and unloading areas shall comply with AS 2890.2-2002 (Parking Facilities – Off-street Commercial Vehicle Facilities); f) Manoeuvring on-site for all vehicles utilising the site including service and maintenance vehicles;	<i>At all times</i>
Stormwater		
19.	Implement the stormwater management civil works in accordance with the following approved plans: 1) Water Management Plan prepared by Duggan & Hede Pty Ltd (referenced as Drg No. FH550-00-04 Revision B dated 11.15); 2) Sediment Basin Calculations & Operation Details prepared by Duggan & Hede Pty Ltd (referenced as Drg No. FH550-00-05 Revision B dated 11.15);	<i>Prior to the commencement of use</i>
20.	Provide RPEQ certification of compliance that the stormwater management civil works have been completed in accordance with the approved plans;	<i>Prior to the commencement of use</i>
Water		
21.	Any works on existing Council water mains shall be undertaken by Council at the applicant's expense;	<i>At all times</i>
Sewerage		
22.	Chemical toilets must be maintained in accordance with the manufacturer's specifications;	<i>At all times</i>

23.	Any works over or within 2m from the rising sewer main are to be approved by Council;	<i>Prior to the commencement of works</i>
24.	Any works on Council's rising sewer main shall be undertaken by Council at the developer's expense;	<i>At all times</i>
COMPLIANCE		
25.	The owner/developer shall contact Council to arrange a compliance inspection of the property to assess compliance with the Assessment Manager's Conditions of Approval and the approved plans;	<i>Prior to the commencement of use</i>

AND

The Environmental Authority for ERA6~16 (Asphalt Manufacturing) as prepared by Council's Senior Environmental Health Officer in accordance with s195 of the *Environmental Protection Act 1994* (refer Attachment 1, Part 2).

The applicant is reminded that, in addition to the conditions of this permit, compliance is required with all applicable Commonwealth and Queensland legislation.

The assessment of this application has not included an examination of the compliance with applicable legislation, with the exception of those aspects which have been examined by any referral agency, and the issue of the permit is not to be taken as evidence or assertion of such compliance.

The following list indicates some of the legislation which is commonly applicable to development. Whilst every endeavour has been made to make the list as complete as possible there may be other applicable legislation that has not been included.

- *Environmental Protection Act 1994*
- *Dangerous Goods Safety Management Act 2001*
- *Food Act 1981*
- *Vegetation Management Act 1999*
- *Water Act 2000*
- *Land Act 1994*
- *Body Corporate and Community Management Act 1997*
- *Native Title (Queensland) Act 1993* and Commonwealth native title legislation
- *Aboriginal Cultural Heritage Act 1993*
- *Transport Infrastructure Act 1994*
- *Disability Discrimination Act 1992* (Commonwealth)
- *Queensland Heritage Act 1992*
- *Child Care Act 2002*
- *Land Protection (Pest and Stock Route) Act 2002*
- *Electrical Safety Act 2002*
- *Fisheries Act 1994*
- *Plumbing and Drainage Act 2002*
- *Radiation Safety Act 1999*
- *Explosives Act 1999*

ATTACHMENT 2

**APPROVED
PLANS**

**MOUNT ISA CITY COUNCIL
APPROVED**

DA SOT-15, MCU Asphalt Plant
and ERA-6
Date: *Shirley Sherina 17/5/16*



REVISIONS	No.	BY	DATE	DESCRIPTION	DWG. CHK.	
	B	A.A.	11.15	DIVERSION BUND CHANGED	DRAWN	10/15
	A	N.B.	11.15	BASIN DESIGN	DES. CHK.	

TECHNICALLY APPROVED:		
PLOT FILE		DATE
DESIGN	R.D.	10/15
DRAWN	S.M.	10/15
DES. CHK.		
DWG. CHK.		

DUGGAN & HEDE PTY LTD
 ACN 077 618 663
 Professional Engineers, Planners and Environmental Consultants
 PO Box 496 Clayfield Qld 4011
 Telephone (07) 3357 3666
 Facsimile (07) 3857 6233
 e-mail dh@dhenv.com.au

FULTON HOGAN INDUSTRIES PTY LTD

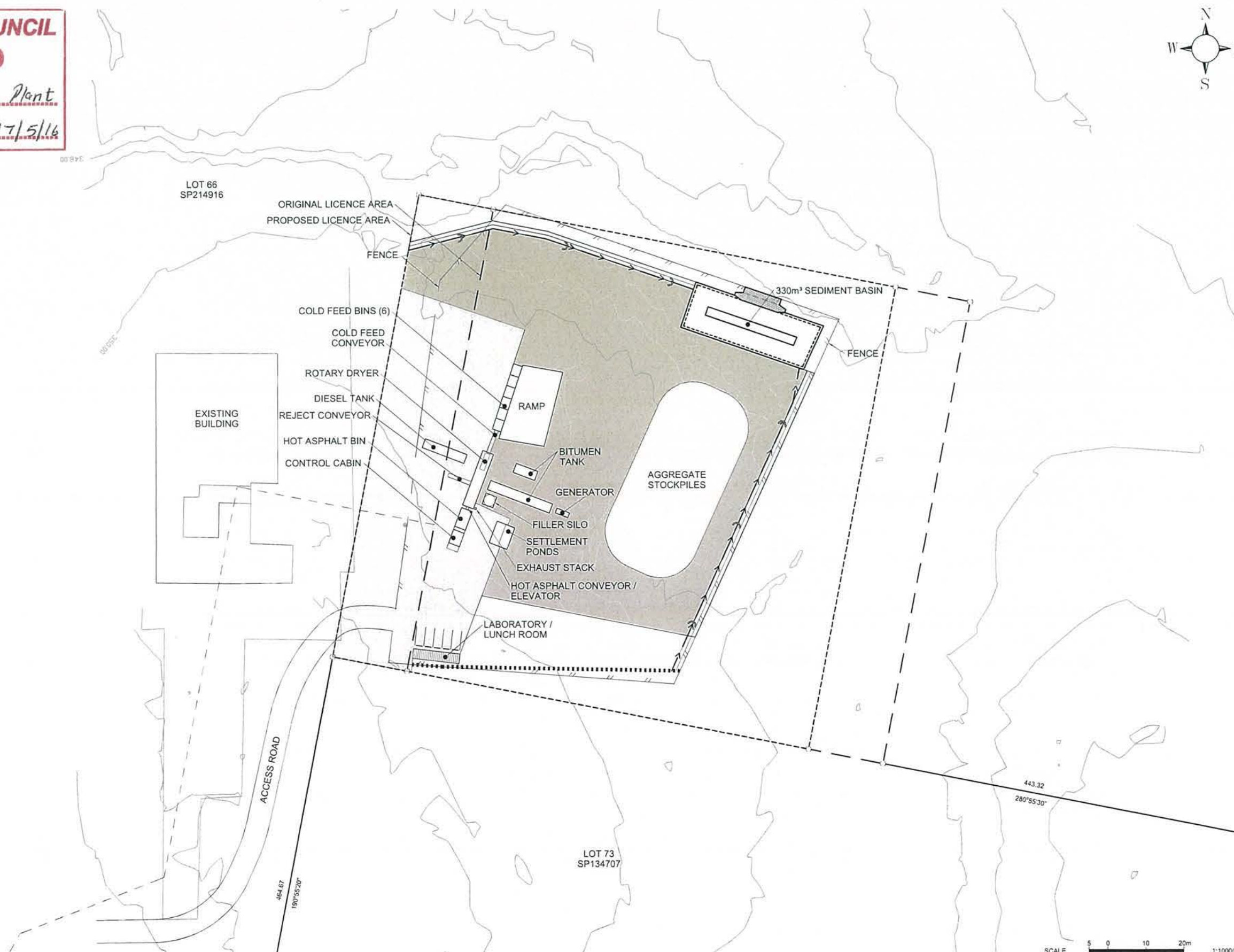
**ASPHALT PLANT
RYAN ROAD (OFF COMMERCIAL ROAD), MT ISA
SITE LAYOUT**

SCALE	AS SHOWN
SHEET	01 of 05
DRG No.	REVISION B FH550-00-01

**MOUNT ISA CITY COUNCIL
APPROVED**

DA S07-15 MCV Asphalt Plant
and FRA-6

Date: *Billy Phasing* 17/5/16



REVISIONS	No.	BY	DATE	DESCRIPTION	DWG. CHK.	
	B	A.A.	11.15	DIVERSION BUND CHANGED	DRAWN	R.D.
	A	N.B.	11.15	BASIN DESIGN	DES. CHK.	S.M.

TECHNICALLY APPROVED:		

DUGGAN & HEDE PTY LTD
ACN 077 618 663
Professional Engineers, Planners and Environmental Consultants
PO Box 496 Clayfield Qld 4011
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Facsimile (07) 3857 6233
e-mail dh@dhenv.com.au

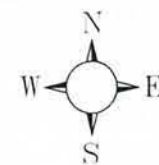
FULTON HOGAN INDUSTRIES PTY LTD	
ASPHALT PLANT RYAN ROAD (OFF COMMERCIAL ROAD), MT ISA PLANT LAYOUT	

SCALE	AS SHOWN
SHEET	02 of 05
DRG No.	REVISION B FH550-00-02

	REVISION	B
DRG No.	FH550-00-03	

**MOUNT ISA CITY COUNCIL
APPROVED**

DA SD7-15 MCV Asphalt Plant
and ERA-6
Date: *Shelly Sharma 17/5/16*



LOT 66
SP214916

DIRTY WATER CATCHMENT BOUNDARY

330m², 1.5m DEEP SEDIMENT BASIN. REFER DWG.
No. FH550-00-05 FOR BASIN OPERATION /
CALCULATION & TYPICAL SECTION DETAIL.

CLEAN WATER & DIRTY WATER DEFINITIONS:

CLEAN WATER RUNOFF IS IDENTIFIED AS WATER THAT HAS
NOT BEEN CONTAMINATED WITHIN THE PROPERTY OR BY
ACTIVITIES DIRECTLY ASSOCIATED WITH ASPHALTING
ACTIVITIES

DIRTY WATER RUNOFF IS WATER THAT HAS ORIGINATED
FROM OPERATIONAL OR STOCKPILE AREAS ASSOCIATED
WITH ASPHALTING ACTIVITIES.

LEGEND

- DIRTY WATER
FLOW ARROW
- CLEAN WATER
FLOW ARROW
- DIRTY WATER
CATCHMENT BOUNDARY

ACCESS ROAD

LOT 73
SP134707

SCALE 5 0 10 20m 1:1000(A3)

REVISIONS	No.	BY	DATE	DESCRIPTION	DWG. CHK.
	B	A.A.	11.15	DIVERSION BUND CHANGED	
	A	N.B.	11.15	BASIN DESIGN	

PLOT FILE	DATE
DESIGN	10/15
DRAWN	10/15
DES. CHK.	
DWG. CHK.	

TECHNICALLY APPROVED:



DUGGAN & HEDE PTY LTD
ACN 077 618 663
Professional Engineers, Planners and Environmental Consultants

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FULTON HOGAN INDUSTRIES PTY LTD

ASPHALT PLANT
RYAN ROAD (OFF COMMERCIAL ROAD), MT ISA
WATER MANAGEMENT PLAN

SCALE AS SHOWN

SHEET 04 of 05

DRG No. FH550-00-04

Sediment Basin Operation Overview

Wet basins are designed to retain sediment-laden water for extended periods allowing adequate time for the gravitational settlement of fine sediment particles. Operation of these basins maybe assisted through the use of chemical flocculants. Ideally these basins are not to be drained until a suitable water quality is obtained within the basin.

The proposed sediment basin is a Type C basin and is to be operated as a wet basin. This means that once suitable water quality has been achieved through self-settling or treatment using a flocculating agent, the basin is to be pumped to a dry bed or to a maximum depth of 0.6m above the basin floor. The level 0.9m above the basin floor is the top of the settling volume for the basin. That is the volume used to allow settling of the captured runoff.

Wet basins are designed for a maximum 5-day capture and release cycle i.e. following a rainfall event(s) the wet basin should be returned to empty or to the top of the settling volume within five days.



Sediment Basin Sizing Inaccordance with Best Practice Erosion & Sediment Control Book2 Appendix B			
Step 5a - Sizing Type C Basins			
Settling Zone Volume to equal 100% of Sediment Storage Volume			
He (Hydraulic efficiency correction factor)		1.1	
Q (design flow rate m³/s) (0.5 times 1 Year ARI)		0.060 m³/s	
As (Base of Settling Zone Surface Area)		225 m²	
Therefore adopt 1.5m deep 35.5mx12.5m sediment basin with 750mm deep settling and sediment storage zones			
Total Pond Volume 330m³			

SEDIMENT BASIN CALCULATIONS

Pond Dewatering:

1. Inspect the sediment basin 3 days after a rainfall event.
- a. If the water in the basin is reasonably clear, pump from the basin down to the top of the settling volume on day 5.
- b. If the water in the basin is not reasonably clear, add a flocculent as per Use of Flocculating Agents (right), then pump from the basin down to the top of the settling volume on day 5.

Pond Maintenance:

2. Inspect the sediment basin during the following periods:
- a. During construction to determine whether machinery, falling trees, or construction activity has damaged any components of the sediment basin. If damage has occurred, repair it.
- b. After each runoff event. Inspect the erosion damage at flow entry and exit point. If damage has occurred, make the necessary repairs.
- c. At least weekly during the nominated wet season (if any) otherwise at least fortnightly.
- d. Prior to, and immediately after, periods of "stop work" or site "shutdown".
3. Clean out accumulated sediment when it reaches the marker board/post, and restore the original storage volume. Place sediment in a disposal area or, if appropriate, mix with dry soil on site.
4. Do not dispose of sediment in a manner that will create an erosion or pollution hazard.
5. Check all visible pipe connections for leaks, and repair as necessary.
6. Check fill material in the dam for excessive settlement, slumping of the slopes or piping between the conduit and the embankment; make all necessary repairs.
7. Remove trash and other debris from the basin and riser.
8. Submerged inflow pipes must be inspected and de-silted (as required) after each inflow event.

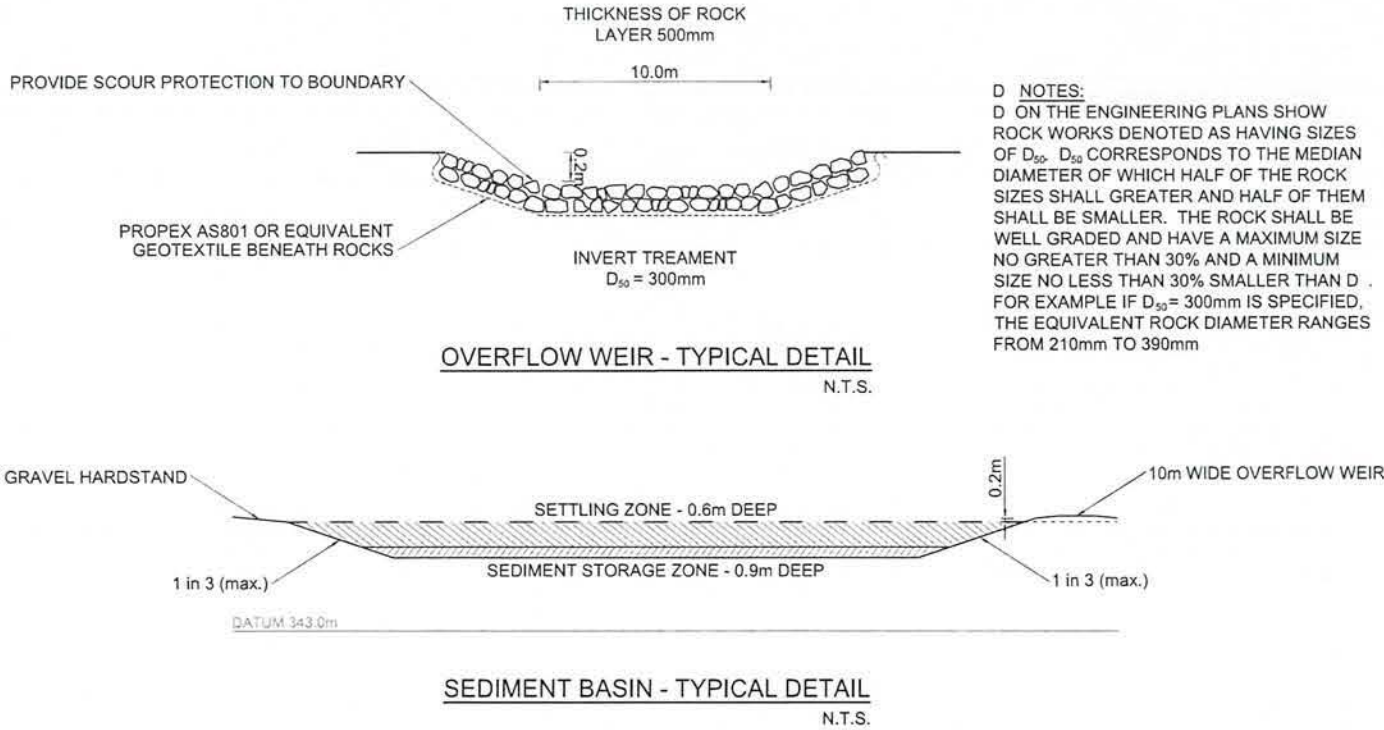
Use of Flocculating Agents

Flocculating agents must be spread evenly over the entire pond surface or otherwise incorporated uniformly throughout the settling pond. In some cases this may require the flocculent to be pre-mixed into a slurry, then sprayed over the water surface. In other cases the flocculent may be incorporated by automatic dosing systems.

Gypsum is often considered the least ecologically threatening flocculent; however, it is also one of the least effective flocculants and can be difficult to apply in a manner that will allow the flocculent to work effectively. It should be noted that if the application of gypsum regularly fails to achieve adequate settlement of the sediment, than the overall threat to receiving water may be significantly greater than if one of the more potentially threatening, but more effective, flocculants were used. In circumstances where high intensity storms are likely, it is recommended that gypsum dosage rates be increased to 70kg per 100m³. Depending on the clay mineralogy, this can achieve flocculation with 24 hours, allowing discharge within 2 days from the conclusion of a storm.

Technical Note B5 - Gypsum dosing

- Procedure for the manual dosing of gypsum (developed from Landcom, 2004):
1. Place required gypsum quantity (say 32kg/100m³ of water) in an approximately 50L drum perforated with 25mm holes at 150mm spacing.
 2. Suspend the screened, recirculating pump intake into the drum.
 3. Lift the drum into the basin such that basin water can enter and circulated through the drum.
 4. Using the pump, spray the gypsum-rich solution evenly over the surface of the basin until the gypsum is fully removed from drum. The pump outlet must spray the mixture over a wide area rather than discharging as a confined "jet".
 5. Alternatively, if two pumps are available, use two pumps to circulate basin water first to the on-shore tank, and then from the tank over the surface of the basin. A large mixing tank will usually be required.



REVISIONS					PLOT FILE		DATE	TECHNICALLY APPROVED:	 DUGGAN & HEDE PTY LTD ACN 077 618 663 <i>Professional Engineers, Planners and Environmental Consultants</i> PO Box 496 Clayfield Qld 4011 Telephone (07) 3357 3666 Facsimile (07) 3857 6233 e_mail dh@dhenv.com.au	FULTON HOGAN INDUSTRIES PTY LTD		SCALE	AS SHOWN	
					DESIGN	R.D.	10/15							
	B	A.A.	11.15	DIVERSION BUND CHANGED	DRAWN	S.M.	10/15				ASPHALT PLANT		SHEET	05 of 05
	A	N.B.	11.15	BASIN DESIGN	DES. CHK.						RYAN ROAD (OFF COMMERCIAL ROAD), MT ISA		DRG No.	REVISION B
	No.	BY	DATE	DESCRIPTION	DWG. CHK.						SEDIMENT BASIN CALCULATIONS & OPERATION DETAILS			FH550-00-05

ATTACHMENT 3

SPA EXTRACT ON APPEAL RIGHTS

Division 8 Appeals to court relating to development applications and approvals

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the *applicant's appeal period*) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—