



Document No. 1161608
GPC Ref: DA2015/08

Gladstone Ports Corporation
Growth, Prosperity, Community.

DECISION NOTICE – DA 2015/08

Application:	Port Application (Operational Works) for Log Marshalling Yard and Log Export Operations
Applicant Name and address:	HQPlantations Pty Ltd Red Road BEERBURRUM QLD 4617
Owner:	Gladstone Ports Corporation Limited
Subject Land:	Part of Lot 420 on SP120919 & Lot 1 on RP612441
Location:	Woodchip Stockpile Area Auckland Point PORT CENTRAL GLADSTONE
Present Zoning	Strategic Port Land
Proposed Use:	Woodchip storage and ship loading
Application Received:	20 June 2015

This development application was assessed on: 6 July 2015

1. Details Of The Approval

Development Permit:

Woodchip Stockpiling and Operations and Ship Loading.

2. Assessment Manager's Conditions

In general the facilities are in compliance with the requirements of Gladstone Ports Corporation. It is to be noted that the following conditions will be complied with in the granting of this Development Application.

GENERAL

1. The proposed development must be carried out generally in accordance with the plans as lodged with the application except where modified by conditions of this permit.
2. Unless otherwise stated, all conditions must be completed prior to the commencement of the use.
3. Where additional "approval" is required under these conditions by the Gladstone Ports Corporation for drawings or documentation, the proponent must submit for review, amend to the satisfaction of, and obtain written acceptance from the Gladstone Ports Corporation. Only in this manner can compliance with the condition be achieved.

4. The proponent must inform the GPC of completion of works within 14 days and undertake a site inspection with GPC.
5. The proponent must at its cost and expense, keep and maintain the subject area, including existing services, in a state that is satisfactory to the Port.
6. Stockpiling activities are not to commence until an approved community communication strategy including the action plan are implemented.

OPERATIONS

7. Site lighting should not impact on the visibility of Navigational Aids utilised for the primary shipping channels nor illuminate a landward glare beyond the site boundary. Lighting will be continually reviewed during construction and operations with respect to navigation and will be revised as required in response to negative impacts as they arise.
8. The proponent is to notify GPC of damage caused to any port roads in Port Central as a result of this activity. Depending upon the nature and location of the damage, GPC may undertake the repairs at the expense of the proponent or direct the proponent to undertake the repairs immediately at their expense.
9. A road maintenance contribution fee will be payable to GPC in accordance with the "Guidelines for assessment of road impacts of development – Transport & Main Road".
10. No loose materials are to be tracked onto the access road.
11. The proponent is to notify GPC of damage caused to any port roads in Port Central as a result of this activity. Depending upon the nature and location of the damage, GPC may undertake the repairs at the expense of the proponent or direct the proponent to undertake the repairs immediately at their expense.
12. The proponent must remove all remnant product spilt onto GPC's roads and wharf infrastructure. All remnant product collected is to be returned to a designated area within the stockpile area and containment until removed from site by the proponent.
13. Water charges will be issued by GPC which are subject to upstream changes made by the Gladstone Regional Council. The holder of this DA must install a water use meter on site in consultation with GPC.
14. The proponent must maintain the property in a clean and tidy manner, mowing any grassed areas regularly.
15. The proponent must rehabilitate the site upon cessation of activities. A rehabilitation plan will be submitted to GPC for approval at least prior to cessation of activities.
16. The proponent must submit to GPC for approval a lift plan for any cranes or abnormal loads proposed on any Auckland Point wharves.

ENVIRONMENT

17. Upon receipt of this Development Approval (DA), the holder must forward to GPC within 10 business days prior to operation of the activity, a copy of any other approvals, permits or licences issued for activities related to this land or DA, including those held by third parties e.g. an Environmental Authority, tidal works approval etc. Any permissible changes or amendments to these approvals, permits or licences must also be forwarded to GPC within 20 business days of the variation coming into effect.
18. The holder of this permit shall carry out site operations in accordance with the approved operations Environmental Management Plan including the approved documentation listed in Section 3.

19. GPC's Environment Manager is to be notified as soon as practical after the proponent has become aware of any non-compliance with any environmental approval conditions (including those of other regulatory agency approvals) specific to this approval and its associated works.
20. GPC's Environment Manager is to be notified of the occurrence of any incident resulting in environmental nuisance or harm (to air, land, water, flora or fauna) as a result of the activity/s specific to this approval and its associated works, according to the following methods and timeframes:
 - a. Verbal notification immediately after occurrence of incident
 - b. Written notification within 24 hours of occurrence of incident
21. GPC's Environment Manager is to be notified of the occurrence of any reportable release/spill of contaminants (e.g. fuels, oils, chemicals or other hazardous substance etc.), as a result of the activity/s specific to this consent and its associated works, according to the following methods and timeframes:
 - a. Verbal notification immediately after occurrence of incident
 - b. Written notification within 24 hours of occurrence of incident
22. Any spillage of wastes, contaminants or other materials must be cleaned immediately. Such spillage must not be cleaned up by hosing, sweeping or otherwise releasing such materials to any stormwater drainage system, roadside gutters or waters.
23. Fuel storage and vehicle refuelling must occur in one designated area on site for the duration of the approved operations. Fuel spills from storage or refuelling operations must be cleaned up immediately, including removal of contaminated soil to prevent contamination of stormwater.
24. Minor servicing (i.e. oil or greasing top-ups) of vehicles, plant, or other equipment must not occur in any area where resulting contaminants will or may be released to any external storm water drain, land or waters.
25. Spill kits must be located within ten meters of any loading/unloading points for fuel, oil, lubricants or similar material. All spill response materials must be disposed of in accordance with the sites Environmental Management Plan. All personnel involved with this activity are to be trained and competent in the proper use of these spill kits.
26. The Environmental Management Plan should ensure that management of stormwater on site and water quality leaving site is consistent with the requirements of the GPC Development Codes Port Code and Stormwater Management Guideline.
27. No ponding, concentration or redirection of stormwater may occur on adjoining land unless specifically agreed to with any relevant adjoining land owner. In the event that drainage is not collected onsite, the proponent must have measures in place to control stormwater quality.
28. Stormwater management is to be reviewed with GPC following a sufficient rainfall event to ensure that the development code outcomes and regulatory compliance is being achieved.
29. The holder of this permit will conduct an investigation in the event a noise complaint is received and implement any noise mitigation measures necessary to address the environment nuisance or harm.

3. The Approved Plans –

The approved plans and/or documents forming part of this decision notice are listed in the following table:

Document Reference	Plan / Document Name	Date
Appendix 1	Site Layout	-
Version 1	Environmental Management Plan (EMP) & Traffic Management Plan (TMP) for the storage of Woodchips at Auckland Point, within the Gladstone Port Area.	18/05/2015
Tracked Chip Dozer SOP v1.0	Safe Work on Stockpile (Tracked dozer Operations)	2 July 2015

4. When the Development Approval Takes Effect –

If the application is approved, or approved subject to conditions, the decision notice, or if a negotiated decision notice is given, the negotiated decision notice, is taken to be the development approval and has effect on the date that the notice is signed by an authorised delegate of the Gladstone Ports Corporation.

5. When Approval Lapses if Development Not Started

The relevant periods stated below apply to each aspect of development in this approval, as outlined below:-

- 4 years

6. Other Necessary Development Approvals

Listed below are the other development permits that are necessary to allow the development to be carried out:

- Nil

6. Appeal Rights


No legislated appeal rights are afforded with this decision notice as the application was not made under the provisions of The Sustainable Planning Act 2009.

If you have concerns or queries regarding the conditions, please contact GPC's Planning Officer.

7. Assessment Manager Certification



Sarah Hunter
Senior Planning Officer
7 July 2015

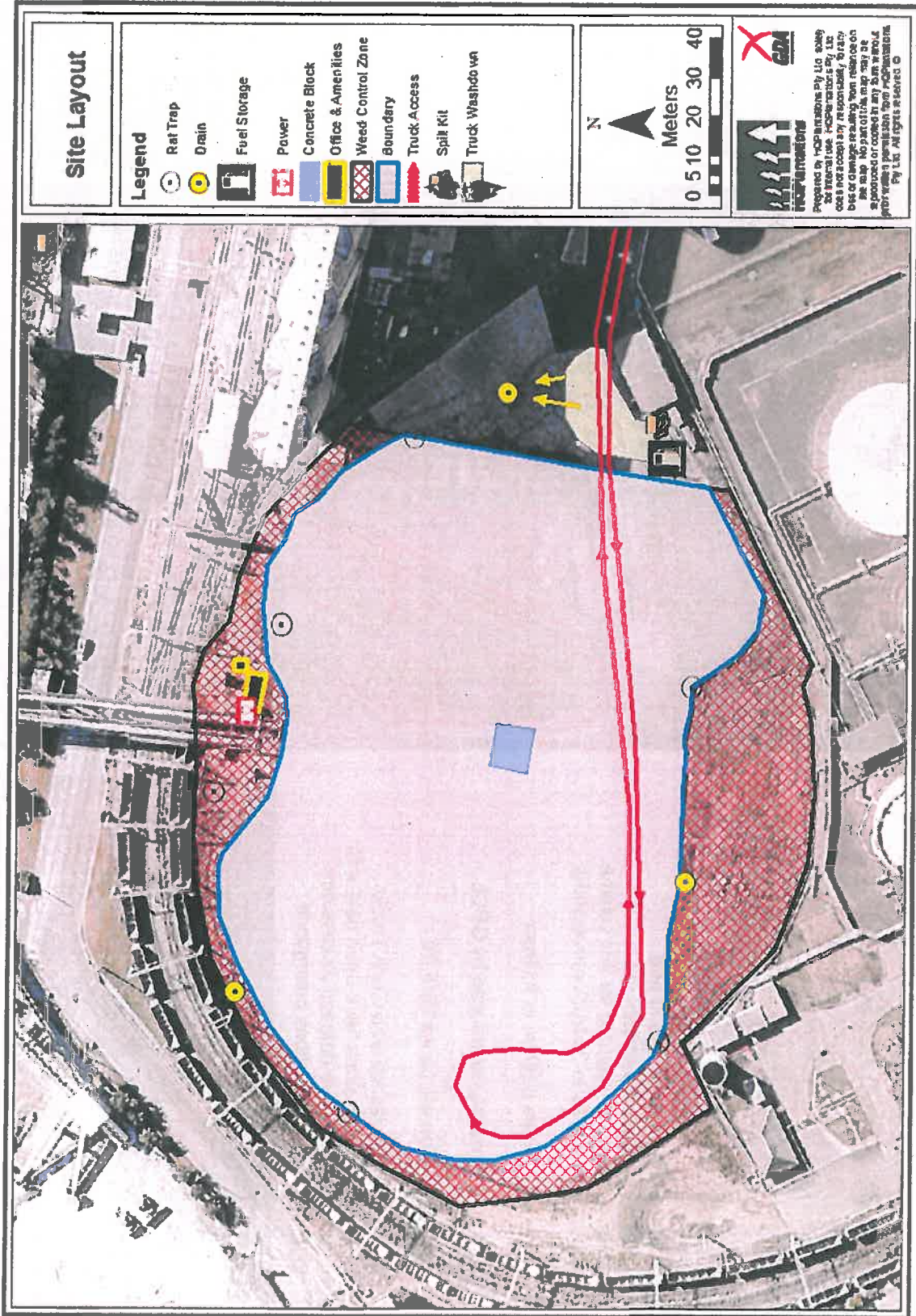
	STANDARD OPERATING PROCEDURE	<i>Standard:</i> Harvesting & Processing
	CHIP STOCKPILE DOZER	



SAFE WORK ON STOCKPILE (TRACKED DOZER OPERATIONS)

APPROVED

Appendix 1



APPROVED

**Environmental Management Plan (EMP)
& Traffic Management Plan (TMP) for
the storage of Woodchips at Auckland
Point, within the Gladstone Port Area.**



AMENDMENTS

Date	Change	Current Version
18/5/15	Presented Document	1

APPROVED



[s 461]

part of the local planning instrument, in force for the local government at a time stated in the document, the chief executive officer may so certify the document.

- (2) In a proceeding, a document certified under subsection (1) is admissible in evidence as if it were the original local planning instrument or part of the instrument.

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.

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- (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.

[s 463]

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.
- (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

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- (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;

[s 467]

- (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 9 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 the 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.

Division 10 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.

[s 473]

- (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.

474 Stay of operation of enforcement notice

- (1) The lodging of a notice of appeal about an enforcement notice stays the operation of the enforcement notice until—
 - (a) the court, on the application of the entity issuing the notice, decides otherwise; or
 - (b) the appeal is withdrawn; or
 - (c) the appeal is dismissed.
- (2) However, subsection (1) does not apply if the enforcement notice is about—
 - (a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or
 - (b) stopping the demolition of a work; or
 - (c) clearing vegetation on freehold land; or

- (d) the removal of quarry material allocated under the *Water Act 2000*; or
- (e) extracting clay, gravel, rock, sand or soil, not mentioned in paragraph (d), from Queensland waters; or
- (f) development the assessing authority reasonably believes is causing erosion or sedimentation; or
- (g) development the assessing authority reasonably believes is causing an environmental nuisance.

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.

475A Appeals against decisions under ch 8A

- (1) A person who has been given an information notice for a decision of the Minister under chapter 8A, part 3 may appeal to the court against the decision.
- (2) An appeal under subsection (1) must be started within 20 business days after the day the information notice is given.
- (3) If the Minister decides, under chapter 8A, part 3, to register premises or to renew the registration of premises, a relevant

[s 476]

person for the premises who is dissatisfied with the decision may appeal to the court against the decision.

- (4) An appeal under subsection (3) must be started within 20 business days after the day notice about the registration or renewal is published under section 680Y.
- (5) In this section—

relevant person, for premises, means any owner or occupier of land in the affected area for the premises.

476 Appeals against decisions on compensation claims

- (1) A person who is dissatisfied with a decision under section 710 or 716 for the payment of compensation may appeal to the court against—
 - (a) the decision; or
 - (b) a deemed refusal of the claim.
- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.
- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

477 Appeals against decisions on requests to acquire designated land under hardship

- (1) A person who is dissatisfied with a designator's decision to refuse a request made by the person under section 222 may appeal to the court against—
 - (a) the decision; or
 - (b) a deemed refusal of the request.
- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.

- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

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

[s 478A]

- (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.

480 Court may remit matter to building and development committee

If an appeal includes a matter within the jurisdiction of a building and development committee and the court is satisfied the matter should be dealt with by a building and development committee, the court must remit the matter to the committee for decision.

Division 11 Making an 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

[s 482]

- (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

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- (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.

483 Notice of appeals to other parties—compliance assessment

- (1) An appellant under division 9 must, within 10 business days after the day the appeal is started, give written notice of the appeal to—
 - (a) if the appellant is a person to whom an action notice, compliance permit or compliance certificate has been given—
 - (i) the compliance assessor who gave the notice, permit or certificate; and
 - (ii) if the compliance assessor was a nominated entity of a local government and a copy of the request for compliance assessment was given to the local government under section 402—the local government; or

[s 484]

- (b) if the appellant is a person to whom a notice mentioned in section 470(1) has been given—
 - (i) the entity that gave the notice; and
 - (ii) if the entity that gave the notice was a nominated entity of a local government and the written agreement of the local government was required to give the notice—the local government.
- (2) The notice must state the grounds of the appeal.

484 Notice of appeal to other parties—other matters

- (1) An appellant under division 10 must, within 10 business days after the day the appeal is started, give written notice of the appeal to—
 - (a) if the appeal is under section 472 or 475—the local government; or
 - (b) if the appeal is under section 475A(1)—the Minister; or
 - (c) if the appeal is under section 475A(3)—the Minister and the owner of the registered premises; or
 - (d) if the appeal is under section 478—the entity that gave the notice the subject of the appeal; or
 - (e) if the appellant is a person to whom an enforcement notice is given—the entity that gave the notice and if the entity is not the local government, the local government; or
 - (f) if the appellant is a person dissatisfied with a decision about compensation—the local government that decided the claim; or
 - (g) if the appellant is a person dissatisfied with a decision about acquiring designated land—the designator; or
 - (h) if the appellant is a party to a proceeding decided by a building and development committee—the other party

to the proceeding.

- (2) The notice must state the grounds of the appeal.

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—