



Our Ref: File: P05-24 & 06952-10000-000 CRCA:FRS  
Your Ref: 240573

## DECISION NOTICE APPROVAL

(Given under section 63 (2) of the *Planning Act 2016*)

30 January 2025

Isa Sheet Metal  
C/ - CadCon Surveying and Town Planning  
PO Box 5774  
MAROOCHYDORE QLD 4558

### Attention: Elise Winton

Dear Ms. Winton

The development application described below was properly made to the Council on 13 November 2024

### **APPLICANT DETAILS\***

<b>Applicant name:</b>	Isa Sheet Metal
<b>Applicant contact details:</b>	C/ - CadCon Surveying and Town Planning PO Box 5774 Maroochydore QLD 4885 elisew@cadcon.com.au

### **APPLICATION DETAILS**

<b>Application number:</b>	P05-24
<b>Approval sought:</b>	Development Permit for a Material Change of Use and Operational Work
<b>Nature of development proposed:</b>	Medium Impact Industry and Operational Work for Earthworks (retaining walls exceeding 1m)
<b>Description of the development proposed:</b>	Medium Impact Industry and retaining wall Exceeding 1m

### **LOCATION DETAILS**

<b>Street address:</b>	29 Ryan Road
<b>Real property description:</b>	Lot 1 on plan MPH8040
<b>Local government area:</b>	Mount Isa City

\*Mount Isa City Council is collecting your personal information on this form in order to comply with its responsibilities and obligations as a Local Government. The information will only be accessed by authorised Council employees who have a legitimate need for the information to process applications, requests etc. Your personal information will not be given to any other person or agency unless you have given us permission to do so or we are required to do so by law.

## DECISION

Date of decision: 17 January 2025

Decision details: ☒ approved in full with conditions\*  
(refer to the conditions contained in Attachment 1)

\*Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.

## DETAILS OF APPROVAL

This application is ☐ / is not ☒ taken to have been approved (a deemed approval) under section 64(5) of the *Planning Act 2016*.

The following approvals are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval			
<ul style="list-style-type: none"><li>• Building Work Not Associated with a Material Change or Use</li><li>• Plumbing or Drainage Work</li><li>• Material Change of Use</li><li>• Reconfiguration of a Lot</li><li>• Operational Work</li></ul>		<div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input checked="" type="checkbox"/></div>	<div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div>

## CONDITIONS

This approval is subject to the conditions in Attachment 1.

## FURTHER DEVELOPMENT PERMITS

Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Building Permit
2. Plumbing Permit
3. Works on Council Property Approval for all work on Council's Road Reserve / Verge

## REFERRAL AGENCY FOR THE APPLICATION

The referral agencies for this application are:

Nil.

**APPROVED PLANS AND SPECIFICATIONS**

Copies of the following plans, specifications and / or drawings are enclosed.

Drawing/report title	Prepared by	Date	Reference no.	Version /issue
<b>Aspect of development: Material Change of Use</b>				
Site Plan (as amended in red)	Southern Cross Design and Drafting	02 October 2024	Job No. SCD 24-293 Sheet No. A02	DA-OW
Floor Plans	Southern Cross Design and Drafting	02 October 2024	Job No. SCD 24-293 Sheet No. A03	DA-OW
Elevations A and B (North and West)	Southern Cross Design and Drafting	02 October 2024	Job No. SCD 24-293 Sheet No. A04	DA-OW
Elevations C and D (South and East) (as amended in red)	Southern Cross Design and Drafting	02 October 2024	Job No. SCD 24-293 Sheet No. A05	DA-OW
Landscaping Plan (as amended in red)	Southern Cross Design and Drafting	02 October 2024	Job No. SCD 24-293 Sheet No. A07	DA-OW
<b>Aspect of development: Operational Works</b>				
Retaining Wall (as amended in red)	Southern Cross Design and Drafting	September 2024	Job No. SCD 24-293 Sheet No. A06	DA-OW

**CURRENCY PERIOD FOR THE APPROVAL (Section 85 of the Planning Act 2016)**

For the Operational Works aspect of the Development Approval:

Two (2) years from the date of the Decision Notice.

For the Material Change of Use aspect of the Development Approval:

Six (6) years from the date of the Decision Notice.

**STATEMENT OF REASONS**

1. Reasons for the Decision

The reasons for this decision are:

The proposal to establish Medium Impact Industry, and undertake Operational Works for Earthworks, at 29 Ryan Road, Mount Isa, has been assessed against the below Assessment Benchmarks found in the *State Planning Policy*, *North West Regional Plan*, and the *City of Mount Isa Planning Scheme 2020*.

Assessment has concluded that the proposal is consistent with the applicable assessment benchmarks subject to compliance with a number of conditions of approval and the proposal has therefore been approved in full subject to conditions.

2. Assessment Benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
<i>State Interest Policies and Assessment Benchmarks</i>	<i>Part E, State Planning Policy</i>
<i>Regional Strategies and Policies</i>	<i>Part E, North West Regional Plan</i>
<i>Airport Environs Overlay Code</i>	<i>Part 8.2.1, City of Mount Isa Planning Scheme 2020</i>



Benchmarks applying for the development	Benchmark reference
<i>Major Infrastructure Overlay Code</i>	<i>Part 8.2.8, City of Mount Isa Planning Scheme 2020</i>
<i>Industry and Infrastructure Activities Code</i>	<i>Part 9.3.4, City of Mount Isa Planning Scheme 2020</i>
<i>Engineering Works and Services Code</i>	<i>Part 9.4.2, City of Mount Isa Planning Scheme 2020</i>
<i>Excavation and Filling Code</i>	<i>Part 9.4.3, City of Mount Isa Planning Scheme 2020</i>
<i>Landscaping Code</i>	<i>Part 9.4.5, City of Mount Isa Planning Scheme 2020</i>
<i>Parking, Access and Loading Code</i>	<i>Part 9.4.6, City of Mount Isa Planning Scheme 2020</i>

### 3. Compliance with Benchmarks

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
Acceptable Outcome 11.2 <i>Part 9.3.4, City of Mount Isa Planning Scheme 2020</i>	While the development proposes filling to a height greater than 1.0m, it is noted the proposed works will facilitate the further development of the site; provide the opportunity for further onsite landscaping; and replace an existing informal earthworks batter in this location. Furthermore, the proposed earthworks are located well away from property boundaries and will not impact existing drainage paths. As such, the proposed works are assessed as acceptable.
Acceptable Outcome 3.1 <i>Part 9.4.3, City of Mount Isa Planning Scheme 2020</i>	
Acceptable Outcome 4.1 <i>Part 9.4.6, City of Mount Isa Planning Scheme 2020</i>	While the development proposes a carparking shortfall of one space, based on the development's Gross Floor Area (GFA), it is noted that approximately 133m <sup>2</sup> of GFA is devoted to the existing storage building which will generate negligible parking demand. When this building is excluded, the development is able to provide the necessary carparking.

### 4. Matters Prescribed by Regulation

Nil.

## APPEAL RIGHTS

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

### APPEAL BY AN APPLICANT

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

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.



An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

APPEAL BY A SUBMITTER

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

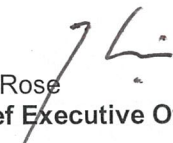
- any part of the development application for the development approval that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

**Attachment 3** is an extract from the *Planning Act 2016* that sets down the applicant's appeal rights and the appeal rights of a submitter.

Should you have any further queries, please contact Council's Development and Land Use section on (07) 4747 3200.

Yours faithfully



Tim Rose  
Chief Executive Officer

Encl:     Attachment 1—Conditions of the approval  
             Attachment 2 – Approved Plans  
             Attachment 3—Extract on Appeal Rights (*Planning Act 2016*)

# ATTACHMENT 1

## PART 1

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

Application: P05-24 for a Material Change of Use for Medium Impact Industry, and Operational Works for Earthworks, at 29 Ryan Road, Mount Isa.

Council advise that the Development Application was approved by Mount Isa City Council's Chief Executive Officer through Delegated Authority (Delegated Authority No. 2057) on 17 January 2025 for a Material Change of Use for Medium Impact Industry, and Operational Works for Earthworks, at 29 Ryan Road, Mount Isa, described as Lot 1 on plan MPH8040, subject to the following conditions:

NUMBER	CONDITION	TIMING
<b>PLANNING</b>		
<b>General</b>		
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 'change application' under Chapter 3, Part 5, Division 2, Subdivision 2 of the Planning Act 2016;</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 specifications and satisfaction;	<i>As specified</i>
3.	All buildings/structures are to be wholly contained within Lot 1 on Crown Plan MPH8040;	<i>At all times</i>
4.	Front boundary fencing shall consist of chainwire/cyclone wire or similar to ensure the full effect of the front landscaping is visible from the street. Any gates situated along the road boundary must open INWARDS onto the developer/owner's property and not OUTWARDS onto Council's Road reserve/verge;	<i>At all times</i>

5.	The development shall be provided with an appropriately sized refuse storage area which is screened from the street and adjoining properties; surfaced with an impervious material; and accessible by a tap for washing down. Refuse storage areas shall be located outside any proposed landscaping areas in a location capable of being serviced by the refuse collection vehicle;	<i>Prior to the commencement of use and to be maintained for life of the development</i>
<b>Carparking</b>		
6.	The developer shall provide the eleven (11) sealed onsite car parking bays indicated on the approved Site Plan (Job No. SCD 24-293, Sheet No. A02, Rev. No. DA-OW). All vehicle parking, manoeuvring, loading and unloading activities shall be confined the parking and loading areas nominated on the approved plans;	<i>At all times</i>
<b>Landscaping</b>		
7.	Landscaping is to be provided in accordance with the approved Landscape Plan (Job No. SCD 24-293, Sheet No. A07, Rev. No. DA-OW) and is to be installed prior to the commencement of use. The owner/developer shall adequately maintain the landscaping to ensure it is neat and tidy at all times and not overgrown and/or unsightly;	<i>Prior to the commencement of use and to be maintained for life of the development</i>
8.	In accordance with the approved Landscaping Plan (Job No. SCD 24-293, Sheet No. A07, Rev No. DA-OW) the full verge along Ryan Road is to be grassed prior to the commencement of use and adequately maintained for the life of the development;	<i>Prior to the commencement of use and to be maintained for life of the development</i>
9.	An automatic water irrigation system is to be installed to all landscaping provided, including the grassed verge. The automatic water irrigation system must be maintained to all landscaping to promote and sustain healthy robust growth for the life of the development;	<i>Prior to the commencement of use and to be maintained for life of the development</i>
10.	All areas of the site not occupied by buildings or paved areas shall be landscaped in accordance with the approved Landscaping Plan with any remaining areas to be grassed;	<i>At all times</i>
<b>PLUMBING</b>		
11.	Prior to the commencement of works, the owner/developer shall lodge a Plumbing Application for all plumbing and drainage permit work and obtain Council approval;	<i>Prior to the commencement of work</i>
<b>INFRASTRUCTURE SERVICES</b>		
12.	The owner/developer must submit a Works on Council Property Application for the proposed new crossovers for Council's approval and provision of specifications;	<i>Prior to commencement of works</i>
13.	Vehicle parking and access areas must comply with Australian Standard AS2890-1-2004 Parking Facilities – Offstreet Car Parking in relation to crossovers, queuing, circulation, gradient, overall design and operation. RPEQ design and certification will be required;	<i>Prior to commencement of works</i>



14.	The owner/developer must provide a separate plumbing application for the onsite septic disposals to the proposed two workshops at their cost;	<i>Prior to commencement of works</i>
15.	RPEQ certification is required for the proposed retaining wall;	<i>Prior to commencement of works</i>
16.	If secondary addresses are required for the two proposed workshops, the property owner must provide a written request to Mount Isa City Council;	<i>Prior to commencement of use</i>
<b>ENVIRONMENTAL SERVICES</b>		
<b>General</b>		
17.	<p>The operator must achieve the 'general environmental duty' to mitigate any environmental harm and/or nuisance described under the <i>Environmental Protection Act 1994</i>.</p> <p>(a) there is no discharge to land or water of contaminants that may harm the environment or create a nuisance from the operation of the activity</p> <p>(b) there is no discharge to air of contaminants that may harm the environment or create a nuisance from the operation of the activity</p> <p>(c) noise nuisance is prevented or minimised at noise sensitive places</p> <p>(d) Waste production and disposal must be minimised and waste must be managed so it does not harm the environment or create a nuisance from the operation of the activity;</p>	<i>At all times</i>
<b>Waste</b>		
18.	Construction/demolition waste – All waste generated because of the proposed development must be effectively controlled and contained entirely within the boundaries of the site before disposal. All waste is to be disposed of in accordance with the <i>Environmental Protection (Waste Management) Regulation 2000</i> ;	<i>During construction</i>
19.	Any asbestos containing material handled during construction/demolition must be handled according to the provisions of the " <i>How to Manage and Control Asbestos in the Workplace Code of Practice 2011</i> ";	<i>During construction</i>
<b>Noise</b>		
20.	<p>Prevent/ minimise the emission of noise that causes, or is likely to cause, environmental nuisance at any nuisance sensitive or commercial place.</p> <p>All work must be undertaken within the prescribed timeframe as mentioned in <i>Environmental Protection Act 1994</i>, i.e. on a business day or Saturday, between 6.30am and 6.30pm;</p>	<i>At all times</i>
<b>COMPLIANCE INSPECTION</b>		
21.	The owner/developer shall contact Council to arrange a compliance inspection of the development to assess compliance with the Assessment Manager's Conditions of Approval and the approved plans.	<i>Prior to commencement of use</i>

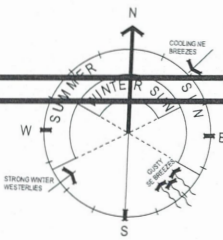
The applicant is reminded that, in addition to the conditions of this permit, compliance is required with all applicable Commonwealth and Queensland legislation.

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.

## ATTACHMENT 2

# APPROVED PLANS





#### GENERAL NOTES

1. NOTE: ANY DISCREPANCIES BETWEEN DRAWINGS ARE TO BE IMMEDIATELY VERIFIED.
2. PROJECT PARTICULARS  
BUILDING CLASSIFICATION 7b, (BCA part A3.2)  
DESIGN WIND SPEED N2  
CLIMATE ZONE 2
3. ALL STEELWORK TO BE PRIMED & PAINTED.  
ALL WELDS TO BE 6.0mm CONTINUOUS FILLETS UNO.
4. PROVIDE D.P.C TO UNDER SIDE OF ALL WALLS ON GROUND FLOOR.
5. ALL HANDRAILS TO BE 1000mm MIN. ABOVE FINISHED FLOOR (CARPET, TILES ETC), AND WITH 125mm MAX. SPACING BETWEEN THE BALUSTRADING.
6. ALL TIMBER FRAMED WALLS TO WET AREAS TO BE LINED WITH F.C.
7. WRITTEN DIMENSIONS TO HAVE PREFERENCE OVER SCALED DIMENSIONS.

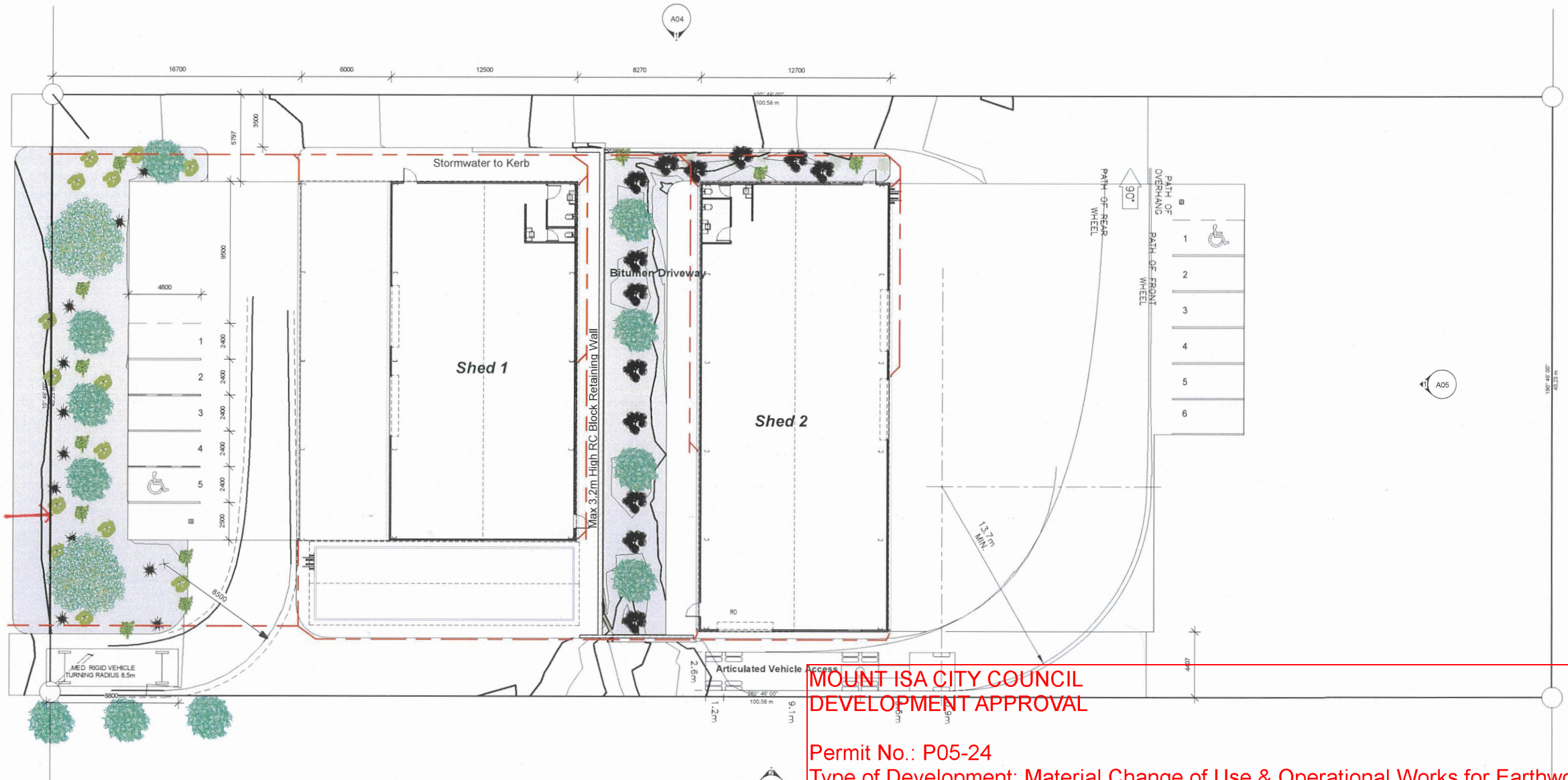
#### SITE NOTES:

1. THE GROUND ADJACENT TO THE BUILDING IS TO BE GRADED AWAY FROM THE BUILDING.
2. DOWN PIPES AND OUTLET DRAINS ARE TO DRAIN AWAY FROM THE BUILDING

#### RPD

LOT 1 on MPH 8040  
PARISH of HASLINGDEN  
COUNTY of ROCHEDALE  
AREA: 4046 m<sup>2</sup>

FRONT BOUNDARY FENCING TO CONSIST OF CHAINWIRE OR SIMILAR TO ENSURE FRONT LANDSCAPING REMAINS VISIBLE FROM THE STREET. COND. 4 REFERS.



Bitumen Driveway  
3 A-1 Site Plan  
A04 1:150

MOUNT ISA CITY COUNCIL  
DEVELOPMENT APPROVAL

Permit No.: P05-24

Type of Development: Material Change of Use & Operational Works for Earthworks

Approved Use: Medium Impact Industry

Approved By: Mr Tim Rose

Title: Chief Executive Officer&s(d): 30/01/2025

Sheet: 1 of 6

PRELIMINARY  
FOR MCU APPLICATION

#### ISSUES

Rev.	Date	Description
DA-01	28/07/2024	For MCU Application
DA-0W	02/10/2024	For OP Works DA Combined



79 Anne Street  
Aitkenvale, QLD  
Ph: 0410 488 165

QBSA: 733305

www.southerncrossdrafting.com.au

Scan here



QR Code

#### NOTES:

These drawings have been prepared for Building Permit application only. It is the Builders/owners responsibility to further interpret the design and drawings to detail the project for construction.  
Builder shall verify all locations of services, dimensions and levels prior to construction.  
Setout dimensions on site shall be confirmed by builder before commencement of construction & ordering.  
Amend setout if necessary to comply with council by-laws and setbacks distances.  
During construction the building shall be maintained and no part shall be overstressed.

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Drawn:  
TL

Job No:  
SCD 24-293

Date:  
Sept 2024

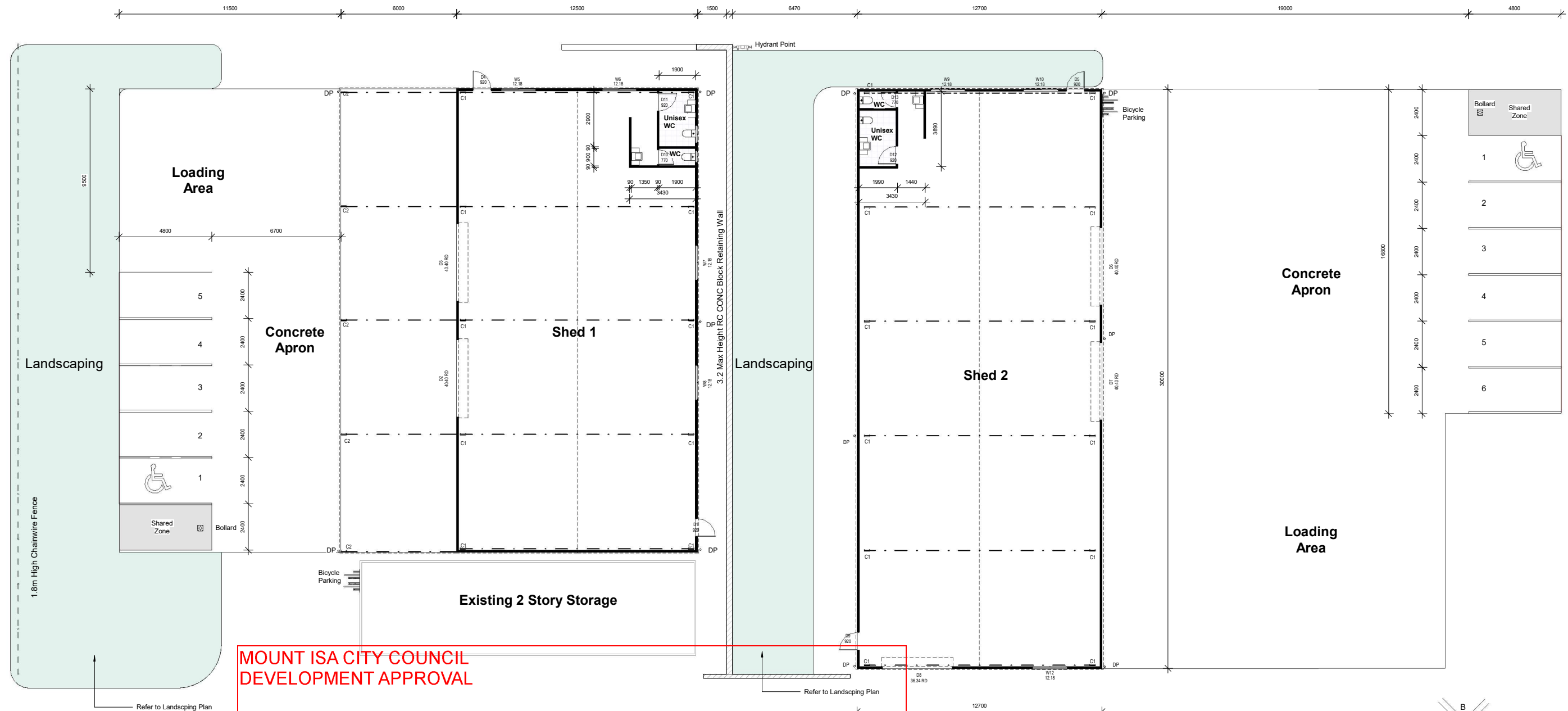
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JW

Sheet No:  
A02

Proposed Warehouse Development  
for

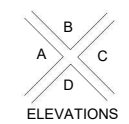
ISA SHEET METAL  
at  
31 RYAN RD  
RYAN, QLD 4825

Site Plan



**MOUNT ISA CITY COUNCIL  
DEVELOPMENT APPROVAL**

Permit No.: P05-24  
Type of Development: Material Change of Use & Operational Works for Earthworks  
Approved Use: Medium Impact Industry  
Approved By: Mr Tim Rose  
Title: Chief Executive Officer&s(d): 30/01/2025  
Sheet: 2 of 6



1 Floor Plans  
A04 1:100

ISSUES		
Rev.	Date	Description
DA 01	28/07/2024	For MCU Application
DA-OW	02/10/2024	For OP Works DA Combined



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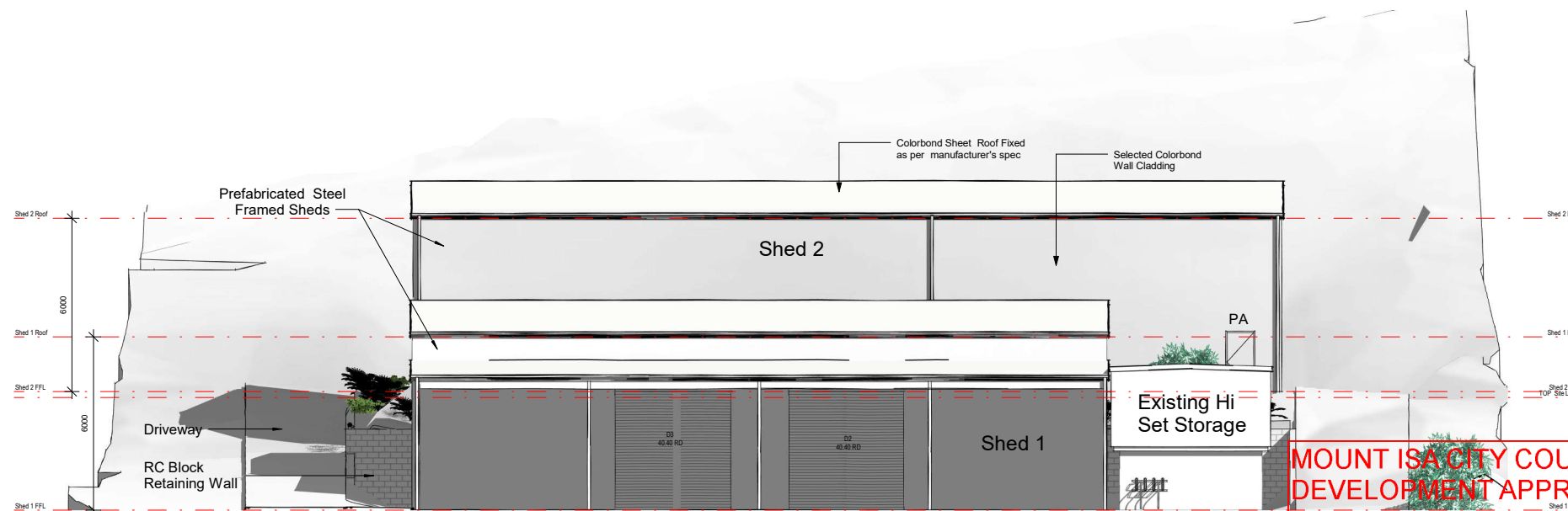
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Date: Sept 2024	Checked: JW	Sheet No: A03

Proposed Warehouse Development  
for  
ISA SHEET METAL  
at  
31 RYAN RD  
RYAN, QLD 4825

**Floor Plans**

**PRELIMINARY**  
FOR MCU APPLICATION



2 Elevation A  
A02 1:100

MOUNT ISA CITY COUNCIL  
DEVELOPMENT APPROVAL

Permit No.: P05-24

Type of Development: Material Change of Use & Operational Works for Earthworks

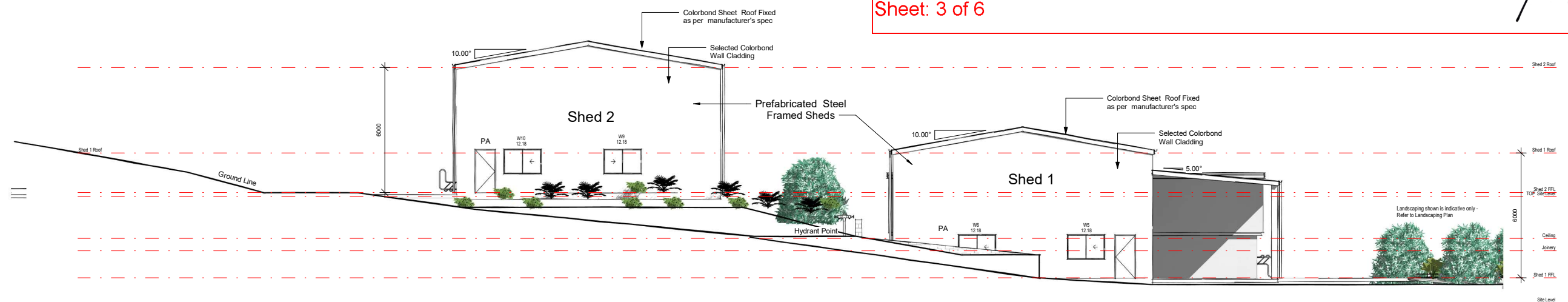
Approved Use: Medium Impact Industry

Approved By: Mr Tim Rose

Title: Chief Executive Officer&s(d): 30/01/2025

Sheet: 3 of 6

7h.



1 Elevation B  
A02 1:100

PRELIMINARY  
FOR MCU APPLICATION

#### ISSUES

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Job No:

SCD 24-293

Date:

Sept 2024

Checked:

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Sheet No:

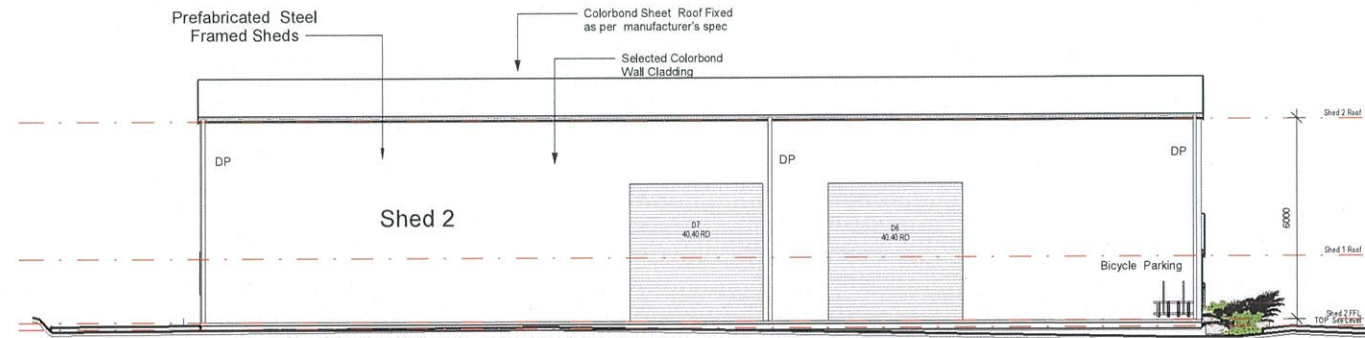
A04

Proposed Warehouse Development

at  
31 RYAN RD  
RYAN, QLD 4825

Elevations A and B





1 Elevation C  
A02 1:100

**MOUNT ISA CITY COUNCIL  
DEVELOPMENT APPROVAL**

Permit No.: P05-24

Type of Development: Material Change of Use & Operational Works for Earthworks

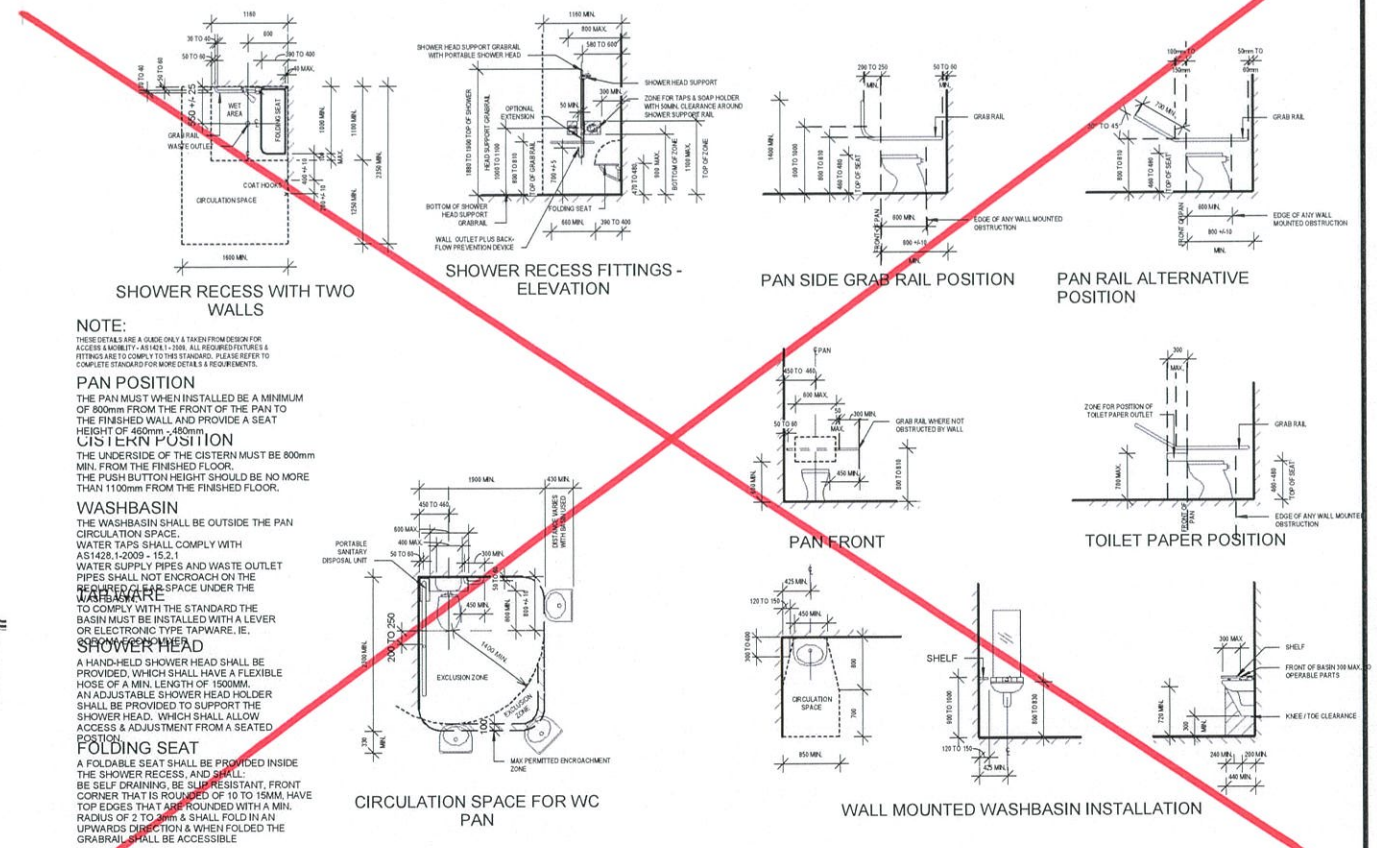
Approved Use: Medium Impact Industry

Approved By: Mr Tim Rose

Title: Chief Executive Officer&s(d): 30/01/2025

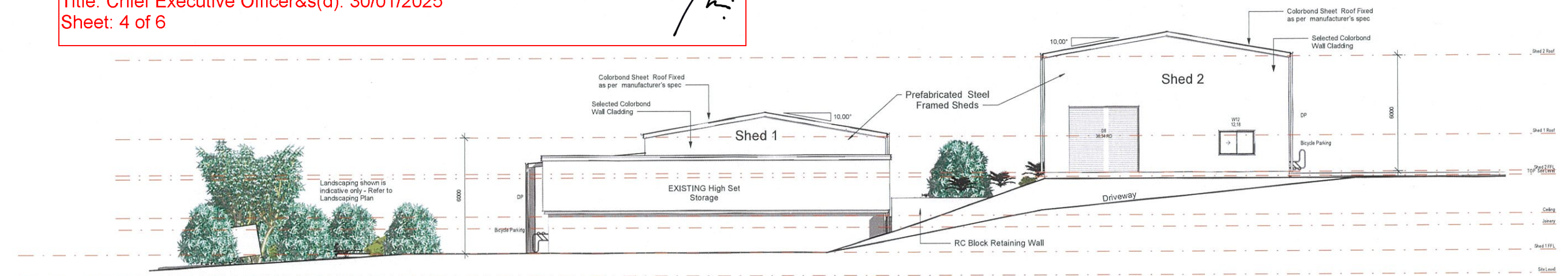
Sheet: 4 of 6

7h.



3 Disabled Details  
1:50

**ABLUTION DETAILS DO NOT FORM  
PART OF THIS APPROVAL**



2 Elevation D  
A02 1:100

**PRELIMINARY**  
FOR MCU APPLICATION

Rev.	Date	Description
DA 01	28/07/2024	For MCU Application
DA-OW	02/10/2024	For OP Works DA Combined



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QBSA: 733305

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Job No:  
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JW

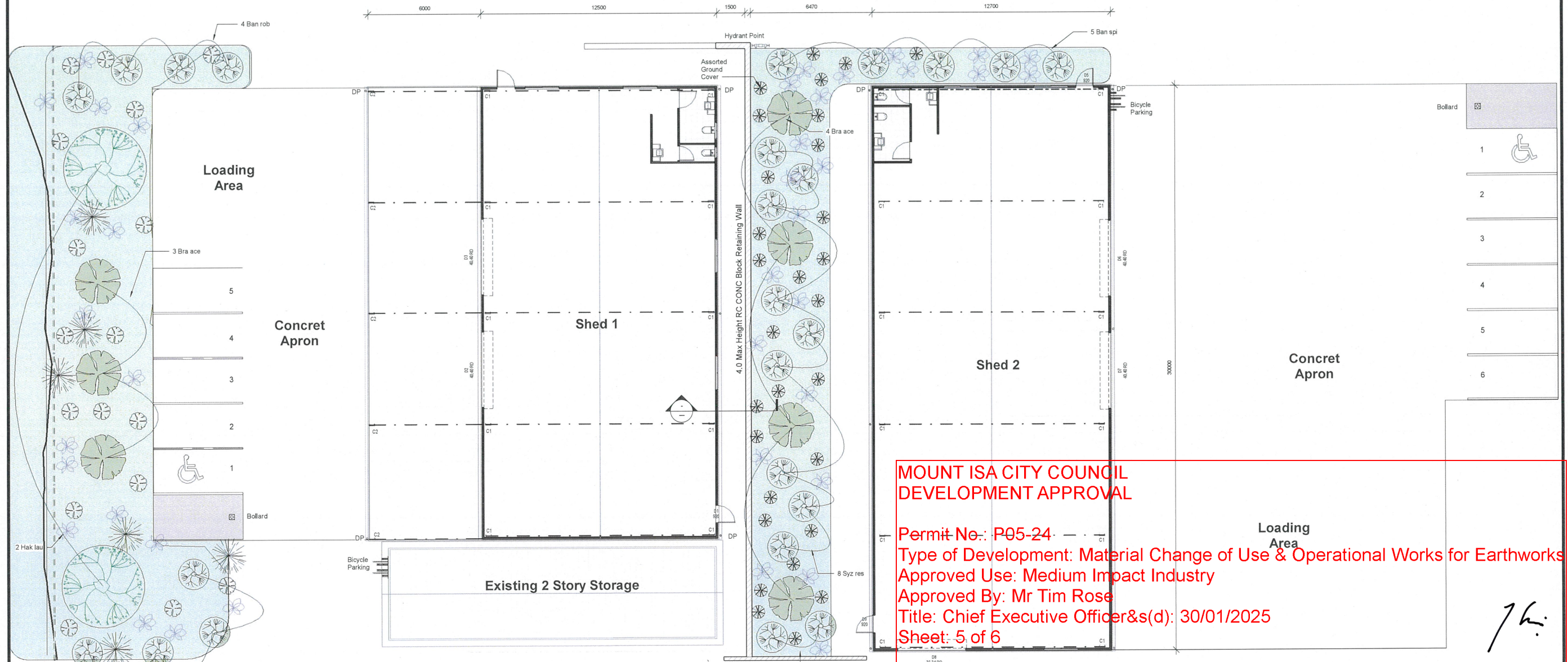
Sheet No:  
A05

Proposed Warehouse Development

ISA SHEET METAL  
at  
31 RYAN RD  
RYAN, QLD 4825

**Elevations C and D**





GRASS TO VERGE  
COND. 8 REFERS.

#### LANDSCAPING SPECIFICATION

##### EXTENT OF LANDSCAPING WORK

- PROTECTION OF EXISTING PLANTS
- POISON AND REMOVE FROM SITE ALL WEEDS
- EXCAVATION AND DRAINAGE OF ALL AREAS TO BE PLANTED
- EDGE ALL GARDEN BEDS
- SUPPLY AND INSTALLING OF ENRICHED TOPSOIL
- SUPPLY AND INSTALL ALL PLANTS AS SPECIFIED
- SUPPLY AND INSTALL BARK MULCH
- SUPPLY AND INSTALL TURF
- MAINTAIN THE LANDSCAPE FOR 90 DAYS FROM COMPLETION
- SEDIMENT CONTROL
- AUTOMATIC IRRIGATION SYSTEM

ALL PLANT STOCK SUPPLIED TO THE PROJECT WILL BE FRESH, VIGOROUS AND FREE OF DISEASE AND PESTS. THE PLANTS WILL BE ESTABLISHED, SUN HARDENED, OF GOOD FORM AND CONSISTENT OF THE SPECIES. ALL TREE STOCK USED WITHIN THE LANDSCAPE WORKS CONFORMS TO THE CRITERIA OUTLINED IN THE NATSPEC GUIDE SPECIFYING TREES. ROOT SYSTEMS SHOULD BE LARGE, HEALTHY, FREE FROM ROOT CIRCLING. APPROVAL OF THE PLANTS WILL BE GIVEN BY THE CLIENT PRIOR TO PLANTING IF ALL REQUIREMENTS ARE MET. INSTALLATION OF THE PLANT STOCK WILL BE IN GOOD ACCORDANCE WITH NURSERY PRACTICES WITH LARGER PLANTS BEING INSTALLED WITH STAKES AS PER THE ATTACHED DETAIL. SMALLER PLANTS CAN BE STAKED AS REQUIRED.

##### PROTECTION OF EXISTING PLANTS

PROTECT THE EXISTING PLANTS BY NOT EXCAVATING WITHIN THEIR DRIP LINE. ERECT BARRIERS TO MAINTAIN THIS AREA FROM ANY TRAFFIC OR DEBRIS. MULCH THE PLANTS WITH COMPOSTED BARK MULCH TO THE DRIP LINE. DO NOT ALTER THE FLOW AND DRAINAGE WITHIN THIS ZONE.

##### POISON AND REMOVE FROM SITE ALL WEEDS

POISON ALL WEEDS AND FOREIGN GRASSES USING ENVIRONMENTALLY ACCEPTABLE METHODS SUCH AS GLYPHOSATE HERBICIDE. REMOVE OFF SITE RUBBISH AND WEEDS FROM THE PLANTING AREAS.

##### EXCAVATION & DRAINAGE OF ALL AREAS TO BE PLANTED

EXCAVATE AREA TO BE PLANTED REMOVING ALL BUILDING MATERIALS AND CLODS. REMOVE MATERIAL TO A DEPTH OF 200mm AND BREAK UP SUB GRADE A FURTHER 100mm ENSURING DRAINAGE IS SUFFICIENT. RIP THIS SUB GRADE PARALLEL TO THE FINAL CONTOURS WHENEVER POSSIBLE. DO NOT RIP WITHIN THE DRIP LINE OF EXISTING TREES TO BE RETAINED. ALLOW GRAVEL DRAINS TO STORM WATER AS REQUIRED.

##### EDGE ALL GARDEN BEDS

EDGING TO FENCES AND STREET TREES ARE TO BE TREATED HARDWOOD TIMBER 100 x 50 SET WITH TREATED STAKES AT 1200mm CENTRES AND 400mm DEEP. GARDEN EDGES ARE TO BE 100 x 25mm TREATED PINE OR HARDWOOD WITH STAKES SET AT 2m CENTRES. STREET TREES SET IN MINIMUM 1.5 x 1.5m MULCHED GARDEN BEDS AND 1.5m FROM KERB.

1 Landscaping  
A04 1:100

##### SEDIMENT CONTROL

AT ALL TIMES DURING THE WORKS SEDIMENT AND EROSION CONTROL MUST BE IN ACCORDANCE WITH LOCAL AUTHORITY REQUIREMENTS.

##### SUPPLY AND INSTALL BARK MULCH

BARK MULCH IS TO BE COMPOSTED BUSH MULCH SPREAD OVER THE PLANTING AREAS 100mm THICK. CARE IS TO BE TAKEN NOT TO PLACE BARK THICKLY ON THE STEMS OF THE PLANTS.

##### SUPPLY AND INSTALLING OF ENRICHED TOPSOIL

SUPPLY A PREMIUM GRADE ORGANIC ENRICHED LANDSCAPE BLEND. INSTALL ORGANIC ADDITIVES AND A LOW RELEASE FERTILIZER TO MEET THE RELEVANT TEST CRITERIA AND AS4419. PROGRESSIVELY FILL THE PLANTER AREAS AND LIGHTLY COMPACT. MOUND THE FINISHED LEVEL TO IMPROVE DRAINAGE.

##### SUPPLY AND INSTALL ALL PLANTS AS SPECIFIED

ALL PLANT STOCK SUPPLIED TO THE PROJECT WILL BE FRESH, VIGOROUS AND FREE OF DISEASE AND PESTS. THE PLANTS WILL BE ESTABLISHED, SUN HARDENED, OF GOOD FORM AND CONSISTENT OF THE SPECIES. ROOT SYSTEMS SHOULD BE LARGE, HEALTHY, FREE FROM ROOT CIRCLING. APPROVAL OF THE PLANTS WILL BE GIVEN BY THE CLIENT PRIOR TO PLANTING IF ALL REQUIREMENTS ARE MET. INSTALLATION OF THE PLANT STOCK WILL BE IN ACCORDANCE WITH GOOD NURSERY PRACTICES WITH LARGER PLANTS BEING INSTALLED WITH STAKES AS PER THE ATTACHED DETAIL. SMALLER PLANTS CAN BE STAKED AS REQUIRED.

##### AUTOMATIC IRRIGATION SYSTEM

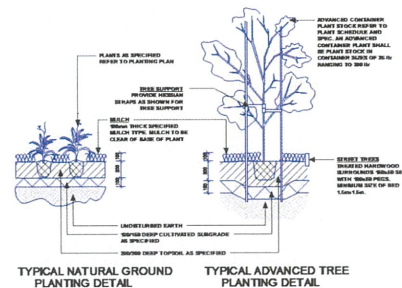
DESIGN, SUPPLY AND INSTALL A COMPLETE AUTOMATIC IRRIGATION SYSTEM IN ACCORDANCE WITH THE SPECIFICATIONS OF THE RELEVANT AUTHORITIES. THE SYSTEM WILL BE INSTALLED BY A SUITABLY QUALIFIED PERSON AND WILL COVER ALL GARDENS AND LAWN AREAS SEPARATELY. THE CONTROLLER WILL BE PLACED IN A SECURE AREA WITHIN THE COMPLEX AND ALL VALVES WILL BE INCONSPICUOUSLY INSTALLED WITHIN THE PLANTING AREAS.

##### SUPPLY AND INSTALL TURF

TURF IS TO BE SR WALTER (or similar) - A GRADE - AND INSTALLED INTO THE PROJECT WITHIN 24 HOURS FROM HARVEST. PREPARATION BENEATH THE TURF IS TO BE 50mm ENRICHED LANDSCAPE MIX WITH SLOW RELEASE FERTILIZER BLENDED. LAY AND MAINTAIN IN ACCORDANCE WITH ACCEPTED GREEN KEEPING PRACTICES.

##### MAINTAIN THE LANDSCAPE

MAINTAIN THE COMPLETE LANDSCAPE WORKS FOR 90 DAYS FROM COMPLETION OF THE PROJECT. KEEP DIARY NOTES REGARDING SITE VISITS AND OBSERVATIONS.



PRELIMINARY  
FOR MCU APPLICATION

#### PLANTS

25 Ltr	
Hakea laurina	Hak lau 2
Brachychiton Acerifolius	Bra ace 3
	Total 5

300mm	
Banksia robor	Ban rob 8
Banksia spinulosa (gold candles)	Ban spi 5
Syzgium Resilience	Syz res 8
	Total 21

#### 140mm Assorted Ground Covers and Grasses

May be subject to availability

Callistemon viminalis	Cal vim
Banksia oblongifolia	Ban obl
Baeckea virgata dwarf	Bae vir D
Callistemon Endeavour	Cal end
Gazania assorted	Gaz ass
Callistemon Citrinus	Cal cit

#### ISSUES

Rev.	Date	Description
DA 01	28/07/2024	For MCU Application
DA-0W	02/10/2024	For OP Works DA Combined



79 Anne Street  
Aitkenvale, QLD  
Ph: 0410 488 165

QBSA: 733305

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Scan here



QR Code

#### NOTES:

These drawings have been prepared for Building Permit application only. It is the Builders/owners responsibility to further interpret the design and drawings to detail the project for construction. Builder shall verify all locations of services, dimensions and levels prior to construction. Setout dimensions on site shall be confirmed by builder before commencement of construction & ordering. Amend setout if necessary to comply with council by-laws and setbacks distances. During construction the building shall be maintained and no part shall be overstressed.

Scale:  
1:100 @ A1

Drawn:  
TL

Job No:  
SCD 24-293

Date:  
Sept 2024

Checked:  
JW

Sheet No:  
A07

Proposed Warehouse Development

ISA SHEET METAL  
at  
31 RYAN RD  
RYAN, QLD 4825

Landscape Plan



## Retaining Wall Specifications

Retaining wall height 'H'	300 series block height	Foundation width 'W'	Starter bar reinforcement
600 to 1000	-	750	N12 at 600 ctrs
1001 to 1400	-	1100	N12 at 400 ctrs
1401 to 1800	-	1400	N16 at 400 ctrs
1801 to 2200	1000	2100	N16 at 400 ctrs
2201 to 2400	1000	2300	N16 at 400 ctrs
2401 to 2600	1200	2500	N16 at 200 ctrs
2601 to 2800	1400	2800	N16 at 200 ctrs
2801 to 3000	1400	3000	N20 at 200 ctrs
3001 to 3200	1800	3200	N20 at 200 ctrs

## Concrete Specifications

Location	Grade	Slump (mm)	Aggregate Size (mm)
Foundation	N25	80	20
Corefill	S20	230	10

- Wall to be fully core filled.
- Starter bars are to be hot dipped galvanised
- All cores to be cleaned out prior to pouring concrete
- Vibrate concrete at time of concrete pour.

LAP REQUIREMENTS	
N12	600mm LAP
N16	800mm LAP
N20	1000mm LAP

PLAN APPROVED FOR WALL HEIGHT AND TYPE ONLY. ALL DETAILS SUBJECT TO CERTIFICATION BY A RPEQ.

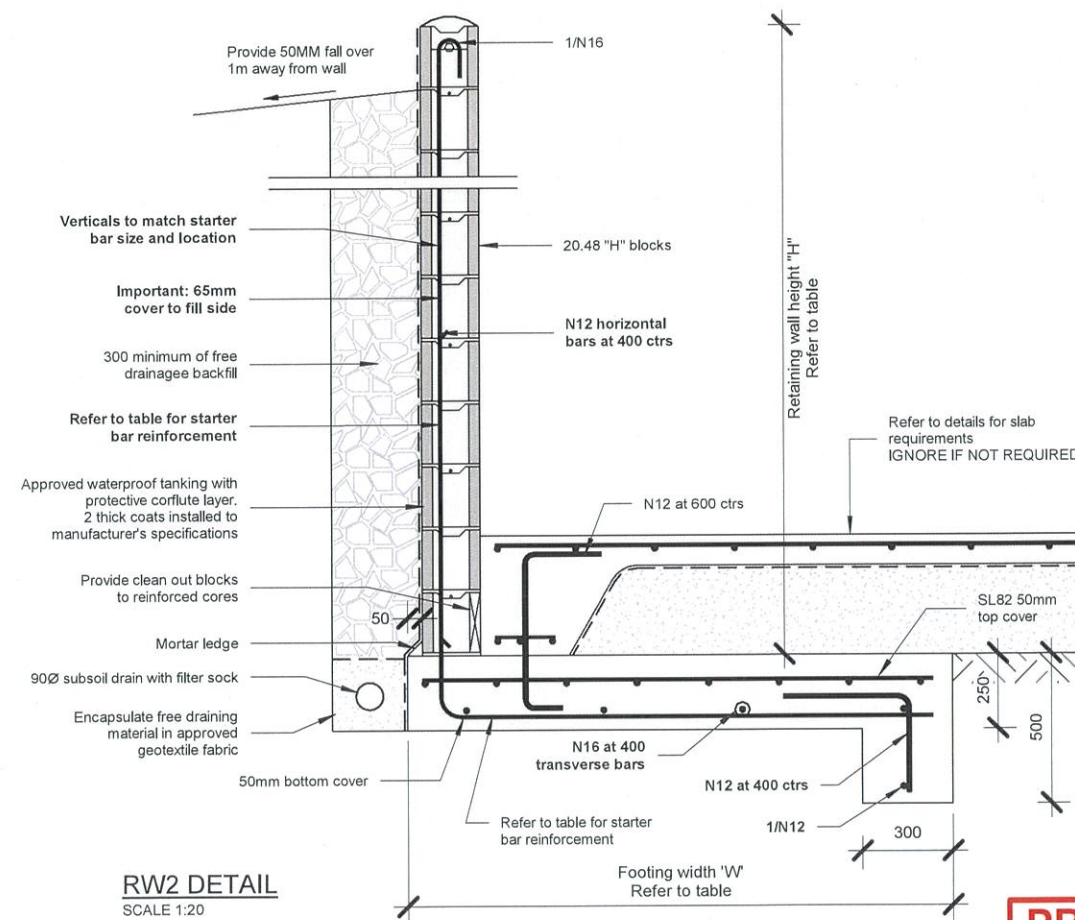
## Retaining Wall - Type 2 - Notes

## BLOCKWORK

1. All blockwork shall be in accordance with AS3700.
2. Concrete blocks shall be to AS2733. With a PUC=15MPa.
3. Clay blocks shall be to AS1225. With a PUC=20MPa.
4. Reinforcement and concrete core filling shall comply with the notes on "concrete and reinforcement"

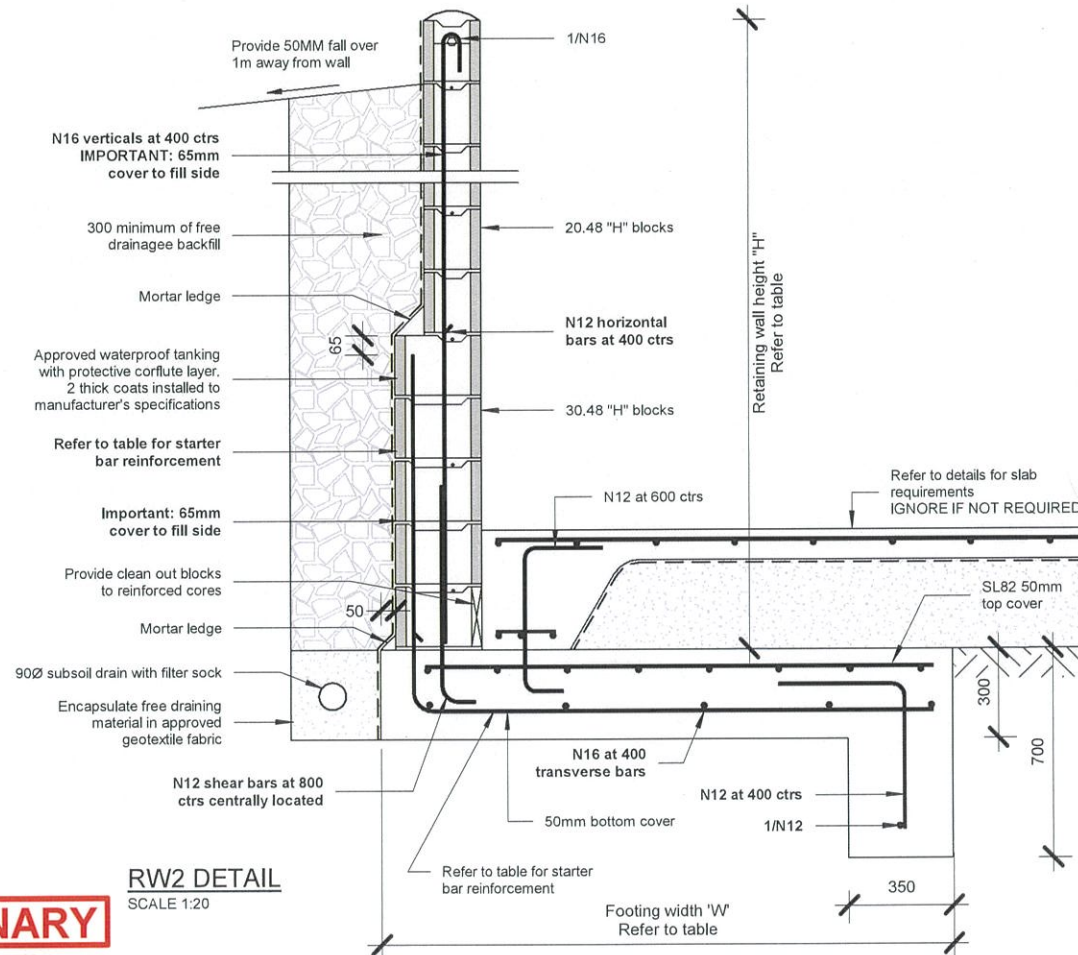
M3	Cement	Lime	Sand
1	1	0	5

5. Bond beam reinforcement shall be continuous at wall intersection and bars anchored and lapped to develop full tensile strength.
6. Cleanout blocks shall be provided at the base of all cores to be concrete filled. Alternatively, the builder shall open such cores for cleaning by an approved method.
7. All cores to be concrete filled shall be cleaned out by hosing prior to final setting of mortar, or by rodding prior to concrete filling.
8. A cantilever retaining wall shall be propped until core fill has attained its design strength. If back fill is to be placed behind the wall.
9. A propped cantilever retaining wall shall be propped until the supporting slab over has attained its design strength.



**PRELIMINARY**  
FOR MCU APPLICATION

**\*\* SUBJECT TO ENGINEERING CERTIFICATION**



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A.B.N. 42 054 834 038  
QBSA LIC. No. 733305 - BUILDING DESIGN MEDIUM RISE

Engineer

**TJP Structural**  
Engineering Consultants  
E: trent@tjpstructural.com.au  
Ph: 0439 963 023

Builder

TBA

Client  
ISA SHEET  
METAL

Site Address  
31 RYAN RD  
RYAN, QLD 4825

Sheet Title  
Retaining Wall

Drawn by  
TL  
Original Issue  
Date  
Sept 2024

SIGNATURE OF  
BUILDING  
DESIGNER:

Scale (A3)  
1:20

Project No.  
SCD 24-293

Sheet No.  
A06

3

**MOUNT ISA CITY COUNCIL  
DEVELOPMENT APPROVAL**

Permit No.: P05-24

Type of Development: Material Change of Use & Operational Works for Earthworks

Approved Use: Medium Impact Industry

Approved By: Mr Tim Rose

Title: Chief Executive Officer&s(d): 30/01/2025

Sheet: 6 of 6

7h:





ATTACHMENT 3

***PLANNING ACT 2016***  
**EXTRACT ON APPEAL RIGHTS**

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.

- (3) In this section—

**conduct** means an act or omission.

**representative** means—

- (a) of a corporation—an executive officer, employee or agent of the corporation; or
- (b) of an individual—an employee or agent of the individual.

**state of mind**, of a person, includes the person's—

- (a) knowledge, intention, opinion, belief or purpose; and
- (b) reasons for the intention, opinion, belief or purpose.

## Chapter 6 Dispute resolution

### Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
- (a) matters that may be appealed to—
- (i) either a tribunal or the P&E Court; or
- (ii) only a tribunal; or
- (iii) only the P&E Court; and
- (b) the person—
- (i) who may appeal a matter (the **appellant**); and
- (ii) who is a respondent in an appeal of the matter; and

- (iii) who is a co-respondent in an appeal of the matter; and
  - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The ***appeal period*** is—
  - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against a decision of the Minister, under chapter 7, part 4, to amend the registration of premises to include additional land in the affected area for the premises—20 business days after the day a notice is published under section 269A(2)(a); or
  - (e) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (f) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (g) for an appeal relating to the *Plumbing and Drainage Act 2018*—
    - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or

- (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
  - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
  - (iv) otherwise—20 business days after the day the notice is given; or
- (h) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note—*

See the P&E Court Act for the court’s power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency’s response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government’s charges resolution.



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## 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
  - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
  - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
  - (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
  - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.

- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
  - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
  - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department’s website for this purpose.

## **231 Non-appealable decisions and matters**

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—

**decision** includes—

  - (a) conduct engaged in for the purpose of making a decision; and
  - (b) other conduct that relates to the making of a decision; and

- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

***non-appealable***, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

## **232 Rules of the P&E Court**

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

# **Part 2 Development tribunal**

## **Division 1 General**

### **233 Appointment of referees**

- (1) The Minister, or chief executive, (the ***appointer***) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—



- (a) has the qualifications or experience prescribed by regulation; and
  - (b) has demonstrated an ability—
    - (i) to negotiate and mediate outcomes between parties to a proceeding; and
    - (ii) to apply the principles of natural justice; and
    - (iii) to analyse complex technical issues; and
    - (iv) to communicate effectively, including, for example, to write informed succinct and well-organised decisions, reports, submissions or other documents.
- (2) The appointer may—
- (a) appoint a referee for the term, of not more than 3 years, stated in the appointment notice; and
  - (b) reappoint a referee, by notice, for further terms of not more than 3 years.
- (3) If an appointer appoints a public service officer as a referee, the officer holds the appointment concurrently with any other appointment that the officer holds in the public service.
- (4) A referee must not sit on a tribunal unless the referee has given a declaration, in the approved form and signed by the referee, to the chief executive.
- (5) The appointer may cancel a referee's appointment at any time by giving a notice, signed by the appointer, to the referee.
- (6) A referee may resign the referee's appointment at any time by giving a notice, signed by the referee, to the appointer.
- (7) In this section—
- appointment notice*** means—
- (a) if the Minister gives the notice—a gazette notice; or
  - (b) if the chief executive gives the notice—a notice given to the person appointed as a referee.

---

## **234 Referee with conflict of interest**

- (1) This section applies if the chief executive informs a referee that the chief executive proposes to appoint the referee as a tribunal member, and either or both of the following apply—
  - (a) the tribunal is to hear a matter about premises—
    - (i) the referee owns; or
    - (ii) for which the referee was, is, or is to be, an architect, builder, drainer, engineer, planner, plumber, plumbing inspector, certifier, site evaluator or soil assessor; or
    - (iii) for which the referee has been, is, or will be, engaged by any party in the referee's capacity as an accountant, lawyer or other professional; or
    - (iv) situated or to be situated in the area of a local government of which the referee is an officer, employee or councillor;
  - (b) the referee has a direct or indirect personal interest in a matter to be considered by the tribunal, and the interest could conflict with the proper performance of the referee's functions for the tribunal's consideration of the matter.
- (2) However, this section does not apply to a referee only because the referee previously acted in relation to the preparation of a relevant local planning instrument.
- (3) The referee must notify the chief executive that this section applies to the referee, and on doing so, the chief executive must not appoint the referee to the tribunal.
- (4) If a tribunal member is, or becomes, aware the member should not have been appointed to the tribunal, the member must not act, or continue to act, as a member of the tribunal.

## **235 Establishing development tribunal**

- (1) The chief executive may at any time establish a tribunal, consisting of up to 5 referees, for tribunal proceedings.

- (2) The chief executive may appoint a referee for tribunal proceedings if the chief executive considers the referee has the qualifications or experience for the proceedings.
- (3) The chief executive must appoint a referee as the chairperson for each tribunal.
- (4) A regulation may specify the qualifications or experience required for particular proceedings.
- (5) After a tribunal is established, the tribunal's membership must not be changed.

## **236 Remuneration**

A tribunal member must be paid the remuneration the Governor in Council decides.

## **237 Tribunal proceedings**

- (1) A tribunal must ensure all persons before the tribunal are afforded natural justice.
- (2) A tribunal must make its decisions in a timely way.
- (3) A tribunal may—
  - (a) conduct its business as the tribunal considers appropriate, subject to a regulation made for this section; and
  - (b) sit at the times and places the tribunal decides; and
  - (c) hear an appeal and application for a declaration together; and
  - (d) hear 2 or more appeals or applications for a declaration together.
- (4) A regulation may provide for—
  - (a) the way in which a tribunal is to operate, including the qualifications of the chairperson of the tribunal for particular proceedings; or
  - (b) the required fee for tribunal proceedings.

---

## **238 Registrar and other officers**

- (1) The chief executive may, by gazette notice, appoint—
  - (a) a registrar; and
  - (b) other officers (including persons who are public service officers) as the chief executive considers appropriate to help a tribunal perform its functions.
- (2) A person may hold the appointment or assist concurrently with any other public service appointment that the person holds.

## **Division 2 Applications for declarations**

### **239 Starting proceedings for declarations**

- (1) A person may start proceedings for a declaration by a tribunal by filing an application, in the approved form, with the registrar.
- (2) The application must be accompanied by the required fee.

### **240 Application for declaration about making of development application**

- (1) The following persons may start proceedings for a declaration about whether a development application is properly made—
  - (a) the applicant;
  - (b) the assessment manager.
- (2) However, a person may not seek a declaration under this section about whether a development application is accompanied by the written consent of the owner of the premises to the application.
- (3) The proceedings must be started by—
  - (a) the applicant within 20 business days after receiving notice from the assessment manager, under the

- development assessment rules, that the development application is not properly made; or
- (b) the assessment manager within 10 business days after receiving the development application.
- (4) The registrar must, within 10 business days after the proceedings start, give notice of the proceedings to the respondent as a party to the proceedings.
- (5) In this section—
- respondent*** means—
- (a) if the applicant started the proceedings—the assessment manager; or
- (b) if the assessment manager started the proceedings—the applicant.

## **241 Application for declaration about change to development approval**

- (1) This section applies to a change application for a development approval if—
- (a) the approval is for a material change of use of premises that involves the use of a classified building; and
- (b) the responsible entity for the change application is not the P&E Court.
- (2) The applicant, or responsible entity, for the change application may start proceedings for a declaration about whether the proposed change to the approval is a minor change.
- (3) The registrar must, within 10 business days after the proceedings start, give notice of the proceedings to the respondent as a party to the proceedings.
- (4) In this section—
- respondent*** means—
- (a) if the applicant started the proceedings—the responsible entity; or



- (b) if the responsible entity started the proceedings—the applicant.

## **Division 3                      Tribunal proceedings for appeals and declarations**

### **242      Action when proceedings start**

If a document starting tribunal proceedings is filed with the registrar within the period required under this Act, and is accompanied by the required fee, the chief executive must—

- (a) establish a tribunal for the proceedings; and
- (b) appoint 1 of the referees for the tribunal as the tribunal’s chairperson, in the way required under a regulation; and
- (c) give notice of the establishment of the tribunal to each party to the proceedings.

### **243      Chief executive excusing noncompliance**

- (1) This section applies if—
  - (a) the registrar receives a document purporting to start tribunal proceedings, accompanied by the required fee; and
  - (b) the document does not comply with any requirement under this Act for validly starting the proceedings.
- (2) The chief executive must consider the document and decide whether or not it is reasonable in the circumstances to excuse the noncompliance (because it would not cause substantial injustice in the proceedings, for example).
- (3) If the chief executive decides not to excuse the noncompliance, the chief executive must give a notice stating that the document is of no effect, because of the noncompliance, to the person who filed the document.

- (4) The chief executive must give the notice within 10 business days after the document is given to the chief executive.
- (5) If the chief executive does excuse the noncompliance, the chief executive may act under section 242 as if the noncompliance had not happened.

## **244 Ending tribunal proceedings or establishing new tribunal**

- (1) The chief executive may decide not to establish a tribunal when a document starting tribunal proceedings is filed, if the chief executive considers it is not reasonably practicable to establish a tribunal.

*Examples of when it is not reasonably practicable to establish a tribunal—*

- there are no qualified referees or insufficient qualified referees because of a conflict of interest
  - the referees who are available will not be able to decide the proceedings in a timely way
- (2) If the chief executive considers a tribunal established for tribunal proceedings—
    - (a) does not have the expertise to hear or decide the proceedings; or
    - (b) is not able to make a decision for proceedings (because of a tribunal member's conflict of interest, for example);the chief executive may decide to suspend the proceedings and establish another tribunal, complying with section 242(c), to hear or re-hear the proceedings.
  - (3) However, the chief executive may instead decide to end the proceedings if the chief executive considers it is not reasonably practicable to establish another tribunal to hear or re-hear the proceedings.
  - (4) If the chief executive makes a decision under subsection (1) or (3), the chief executive must give a decision notice about the decision to the parties to the proceedings.
  - (5) Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts

again when the chief executive gives the decision notice to the party who started the proceedings.

- (6) The decision notice must state the effect of subsection (5).

## **245 Refunding fees**

The chief executive may, but need not, refund all or part of the fee paid to start proceedings if the chief executive decides under section 244—

- (a) not to establish a tribunal; or
- (b) to end the proceedings.

## **246 Further material for tribunal proceedings**

- (1) The registrar may, at any time, ask a person to give the registrar any information that the registrar reasonably requires for the proceedings.

*Examples of information that the registrar may require—*

- material about the proceedings (plans, for example)
  - information to help the chief executive decide whether to excuse noncompliance under section 243
  - for a deemed refusal—a statement of the reasons why the entity responsible for deciding the application had not decided the application during the period for deciding the application.
- (2) The person must give the information to the registrar within 10 business days after the registrar asks for the information.

## **247 Representation of Minister if State interest involved**

If, before tribunal proceedings are decided, the Minister decides the proceedings involve a State interest, the Minister may be represented in the proceedings.

## **248 Representation of parties at hearing**

A party to tribunal proceedings may appear—

- (a) in person; or
- (b) by an agent who is not a lawyer.

## **249 Conduct of tribunal proceedings**

- (1) Subject to section 237, the chairperson of a tribunal must decide how tribunal proceedings are to be conducted.
- (2) The tribunal may decide the proceedings on submissions.
- (3) If the proceedings are to be decided on submissions, the tribunal must give all parties a notice asking for the submissions to be made to the tribunal within a stated reasonable period.
- (4) Otherwise, the tribunal must give notice of the time and place of the hearing to all parties.
- (5) The tribunal may decide the proceedings without a party's submission (written or oral) if—
  - (a) for proceedings to be decided on submissions—the party's submission is not received within the time stated in the notice given under subsection (3); or
  - (b) for proceedings to be decided by hearing—the person, or the person's agent, does not appear at the hearing.
- (6) When hearing proceedings, the tribunal—
  - (a) need not proceed in a formal way; and
  - (b) is not bound by the rules of evidence; and
  - (c) may inform itself in the way it considers appropriate; and
  - (d) may seek the views of any person; and
  - (e) must ensure all persons appearing before the tribunal have a reasonable opportunity to be heard; and
  - (f) may prohibit or regulate questioning in the hearing.
- (7) If, because of the time available for the proceedings, a person does not have an opportunity to be heard, or fully heard, the person may make a submission to the tribunal.

## 250 Tribunal directions or orders

A tribunal may, at any time during tribunal proceedings, make any direction or order that the tribunal considers appropriate.

*Examples of directions—*

- a direction to an applicant about how to make their development application comply with this Act
- a direction to an assessment manager to assess a development application, even though the referral agency's response to the assessment manager was to refuse the application

## 251 Matters tribunal may consider

- (1) This section applies to tribunal proceedings about—
  - (a) a development application or change application; or
  - (b) an application or request (however called) under an applicable Act if—
    - (i) the application or request relates to a decision made under that Act, other than a decision made by the Queensland Building and Construction Commission; and
    - (ii) an information notice about the decision was given or was required to be given under that Act.
- (2) The tribunal must decide the proceedings based on the laws in effect when—
  - (a) the application or request was properly made; or
  - (b) if the application or request was not required to be properly made—the application or request was made.
- (3) However, the tribunal may give the weight that the tribunal considers appropriate, in the circumstances, to any new laws.
- (4) In this section—

***applicable Act*** means—

  - (a) the Building Act; or
  - (b) the *Plumbing and Drainage Act 2018*.



## **252 Deciding no jurisdiction for tribunal proceedings**

- (1) A tribunal may decide that the tribunal has no jurisdiction for tribunal proceedings, at any time before the proceedings are decided—
  - (a) on the tribunal's initiative; or
  - (b) on the application of a party.
- (2) If the tribunal decides that the tribunal has no jurisdiction, the tribunal must give a decision notice about the decision to all parties to the proceedings.
- (3) Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts again when the tribunal gives the decision notice to the party who started the proceedings.
- (4) The decision notice must state the effect of subsection (3).
- (5) If the tribunal decides to end the proceedings, the fee paid to start the proceedings is not refundable.

## **253 Conduct of appeals**

- (1) This section applies to an appeal to a tribunal.
- (2) Generally, the appellant must establish the appeal should be upheld.
- (3) However, for an appeal by the recipient of an enforcement notice, the enforcement authority that gave the notice must establish the appeal should be dismissed.
- (4) The tribunal must hear and decide the appeal by way of a reconsideration of the evidence that was before the person who made the decision appealed against.
- (5) However, the tribunal may, but need not, consider—
  - (a) other evidence presented by a party to the appeal with leave of the tribunal; or
  - (b) any information provided under section 246.
- (6) In this section—

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*enforcement notice* includes an enforcement notice under the *Plumbing and Drainage Act 2018*.

## **254 Deciding appeals to tribunal**

- (1) This section applies to an appeal to a tribunal against a decision.
- (2) The tribunal must decide the appeal by—
  - (a) confirming the decision; or
  - (b) changing the decision; or
  - (c) replacing the decision with another decision; or
  - (d) setting the decision aside, and ordering the person who made the decision to remake the decision by a stated time; or
  - (e) for a deemed refusal of an application—
    - (i) ordering the entity responsible for deciding the application to decide the application by a stated time and, if the entity does not comply with the order, deciding the application; or
    - (ii) deciding the application; or
  - (f) for a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—
    - (i) ordering the entity responsible for deciding the application or matter to decide the application or matter by a stated time and, if the entity does not comply with the order, deciding the application or matter; or
    - (ii) deciding the application or matter.
- (3) However, the tribunal must not make a change, other than a minor change, to a development application.
- (4) The tribunal's decision takes the place of the decision appealed against.

- (5) The tribunal's decision starts to have effect—
- (a) if a party does not appeal the decision—at the end of the appeal period for the decision; or
  - (b) if a party appeals against the decision to the P&E Court—subject to the decision of the court, when the appeal ends.

## **255 Notice of tribunal's decision**

A tribunal must give a decision notice about the tribunal's decision for tribunal proceedings, other than for any directions or interim orders given by the tribunal, to all parties to proceedings.

## **256 No costs orders**

A tribunal must not make any order as to costs.

## **257 Recipient's notice of compliance with direction or order**

If a tribunal directs or orders a party to do something, the party must notify the registrar when the thing is done.

## **258 Tribunal may extend period to take action**

- (1) This section applies if, under this chapter, an action for tribunal proceedings must be taken within a stated period or before a stated time, even if the period has ended or the time has passed.
- (2) The tribunal may allow a longer period or a different time to take the action if the tribunal considers there are sufficient grounds for the extension.

## **259 Publication of tribunal decisions**

The registrar must publish tribunal decisions under the arrangements, and in the way, that the chief executive decides.