



DATE: 22 September 2025

Our Ref: P04-17
Enquire to: Connor Ahnfeldt
Telephone: (07) 4747 3200

Mount Isa City Council
PO Box 815
MOUNT ISA QLD 4825

Decision Notice – Minor Change

Given under section 83 of the Planning Act 2016

Details of the decision are as follows:

DATE OF DECISION

Council's Chief Executive Officer approved the Minor Change Application by delegated authority on 8 September 2025.

APPLICATION DETAILS

Application No:	P04-17
Approval Sought:	Minor Change to Development Permit for a Material Change of Use
Description of the Development	Waste Transfer Station, Material Recycling Facility and Sales Shop (Use Not Defined)
Planning Scheme:	<i>City of Mount Isa Planning Scheme 2020</i>

LOCATION DETAILS

Street Address:	Jessop Drive, Mount Isa
Real Property Description:	Lot 73 on plan SP265806

DECISION DETAILS

The original decision date was 13 June 2018, with the original Decision Notice dated 20 June 2018.
Mount Isa City Council, on 8 September 2025, decided to issue the following type of approval:

- Minor Change to Development Permit - Material Change of Use for Waste Transfer Station, Material Recycling Facility and Sales Shop.

Subject to the following:

A. That Conditions 1, 2, 3, 7 and 8 be replaced with the below:

NUMBER	CONDITION					TIMING
PLANNING						
General						
1.	The development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this approval;					At all times
	Drawing No.	Document Name	Revision	Date	Prepared by	
	AR-0102	Site Plan - Proposed	SB1	12.06.2023	Mode Design	
	AR-0104	Site Plan – Detail 1	SB1	12.06.2023	Mode Design	
	AR-0105	Site Plan – Detail 2	SB1	12.06.2023	Mode Design	
	AR-1000	MRF – Ground Floor Plan	SB1	19.06.2023	Mode Design	
	AR-2000	MRF – Elevations (North & South)	SB1	12.06.2023	Mode Design	
	AR-2001	MRF – Elevations (East & West)	SB1	12.06.2023	Mode Design	
	AR-3000	MRF Cross Sections	SB1	12.06.2023	Mode Design	
	AR-3001	MRF Long Sections	SB1	12.06.2023	Mode Design	
	AR-4104	MRF Building Details	SB1	12.06.2023	Mode Design	
2.	A set of fully dimensioned plans, including a Site Plan, and Floor and Elevations Plans for the Sales Shop are to be provided to Development and Land Use for approval prior to the commencement of work ;					Prior to commencement of works on the Sales Shop
3.	A dedicated pedestrian access, incorporating wayfinding signage, shall be provided between the entry to the Sales Shop and any parking area intended for use by shop patrons					Prior to the commencement of use of the Sales Shop
7.	All service utilities associated with the Sales Shop, including air-conditioning units, shall be screened to ensure they are not visible from the entry road;					At all times

8.	The developer is to provide, and maintain, the sixteen (16) sealed carparking bays to northern end of the Material Recycling Facility as illustrated in the approved Site Layout Plan;	<i>Prior to the commencement of use and to be maintained for the life of the development</i>
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B. That Condition 9 be deleted; and

C. That the remaining conditions of Council's Decision Notice dated: 26 May 2021 remain unchanged and that the condition numbers are amended accordingly.

ASSESSMENT MANAGER CONDITIONS

This approval is subject to the conditions in Attachment 1.

PROPERLY MADE SUBMISSIONS

Not applicable – no part of this minor change application required public notification.

REFERRAL AGENCIES

There were no referral agencies as part of this minor change application.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work; or alternatively Compliance Advice from a Building Certifier demonstrating compliance with the applicable provisions of the *National Construction Code*.
- Plumbing Permit

OTHER REQUIREMENTS UNDER SECTION 43 OF THE PLANNING REGULATION 2017

Not Applicable

APPROVED PLANS AND SPECIFICATIONS

The approved plans are attached to this Decision Notice (Attachment 2)

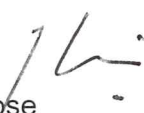
RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the Planning Act 2016 is attached (Attachment 4).

OTHER DETAILS

You are further advised that the truth and accuracy of the information provided in the application form and accompanying information is relied on when assessing and deciding this application. If you find an inaccuracy in any of the information provided above or have a query or need to seek clarification about any of these details, please contact Mount Isa City Council on (07) 4747 3200.

DELEGATED PERSON


Tim Rose
Chief Executive Officer

Enc. **Attachment 1** – Conditions imposed by the Assessment Manager
Attachment 2 – Approved Plans
Attachment 3 – Notice about a Decision Notice
Attachment 4 – Extract of Appeal Provisions (*Planning Act 2016*)

ATTACHMENT 1

CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

NUMBER	CONDITION	TIMING																																																		
PLANNING																																																				
General																																																				
1.	The development shall be carried out generally in accordance with the approved plans and drawings attached to this approval except where conditions of this approval dictate otherwise; 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' request under Chapter 3, Subdivision 2, Section 78 of the Planning Act 2016. <u>The development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this approval;</u> <table><tr><th>Drawing No.</th><th>Document Name</th><th>Revision</th><th>Date</th><th>Prepared by</th></tr><tr><td><u>AR-0102</u></td><td><u>Site Plan - Proposed</u></td><td><u>SB1</u></td><td><u>12.06.2023</u></td><td><u>Mode Design</u></td></tr><tr><td><u>AR-0104</u></td><td><u>Site Plan – Detail 1</u></td><td><u>SB1</u></td><td><u>12.06.2023</u></td><td><u>Mode Design</u></td></tr><tr><td><u>AR-0105</u></td><td><u>Site Plan – Detail 2</u></td><td><u>SB1</u></td><td><u>12.06.2023</u></td><td><u>Mode Design</u></td></tr><tr><td><u>AR-1000</u></td><td><u>MRF – Ground Floor Plan</u></td><td><u>SB1</u></td><td><u>19.06.2023</u></td><td><u>Mode Design</u></td></tr><tr><td><u>AR-2000</u></td><td><u>MRF – Elevations (North & South)</u></td><td><u>SB1</u></td><td><u>12.06.2023</u></td><td><u>Mode Design</u></td></tr><tr><td><u>AR-2001</u></td><td><u>MRF – Elevations (East & West)</u></td><td><u>SB1</u></td><td><u>12.06.2023</u></td><td><u>Mode Design</u></td></tr><tr><td><u>AR-3000</u></td><td><u>MRF Cross Sections</u></td><td><u>SB1</u></td><td><u>12.06.2023</u></td><td><u>Mode Design</u></td></tr><tr><td><u>AR-3001</u></td><td><u>MRF Long Sections</u></td><td><u>SB1</u></td><td><u>12.06.2023</u></td><td><u>Mode Design</u></td></tr><tr><td><u>AR-4104</u></td><td><u>MRF Building Details</u></td><td><u>SB1</u></td><td><u>12.06.2023</u></td><td><u>Mode Design</u></td></tr></table>	Drawing No.	Document Name	Revision	Date	Prepared by	<u>AR-0102</u>	<u>Site Plan - Proposed</u>	<u>SB1</u>	<u>12.06.2023</u>	<u>Mode Design</u>	<u>AR-0104</u>	<u>Site Plan – Detail 1</u>	<u>SB1</u>	<u>12.06.2023</u>	<u>Mode Design</u>	<u>AR-0105</u>	<u>Site Plan – Detail 2</u>	<u>SB1</u>	<u>12.06.2023</u>	<u>Mode Design</u>	<u>AR-1000</u>	<u>MRF – Ground Floor Plan</u>	<u>SB1</u>	<u>19.06.2023</u>	<u>Mode Design</u>	<u>AR-2000</u>	<u>MRF – Elevations (North & South)</u>	<u>SB1</u>	<u>12.06.2023</u>	<u>Mode Design</u>	<u>AR-2001</u>	<u>MRF – Elevations (East & West)</u>	<u>SB1</u>	<u>12.06.2023</u>	<u>Mode Design</u>	<u>AR-3000</u>	<u>MRF Cross Sections</u>	<u>SB1</u>	<u>12.06.2023</u>	<u>Mode Design</u>	<u>AR-3001</u>	<u>MRF Long Sections</u>	<u>SB1</u>	<u>12.06.2023</u>	<u>Mode Design</u>	<u>AR-4104</u>	<u>MRF Building Details</u>	<u>SB1</u>	<u>12.06.2023</u>	<u>Mode Design</u>	At all times
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2.	A set of fully dimensioned plans, including a Site Plan, and Floor and Elevations Plans for all buildings, are to be provided to Development and Land Use for approval <u>prior to the commencement of works;</u> <u>A set of fully dimensioned plans, including a Site Plan, and Floor and Elevations Plans for the Sales Shop are to be provided to Development and Land Use for approval prior to the commencement of work;</u>	Prior to commencement of works <u>Prior to commencement of works on the Sales Shop</u>																																																		
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3.	A dedicated pedestrian entry is to be provided on the western side of the Sales Shop. A dedicated pedestrian access, incorporating wayfinding signage, shall be provided between the entry to the Shop and the Shop customer parking; <u>A dedicated pedestrian access, incorporating wayfinding signage, shall be provided between the entry to the Sales Shop and any parking area intended for use by shop patrons;</u>	Prior to the commencement of use of the Sales Shop																																																		

4.	The display of goods for sale shall be confined within the Sales Shop and dedicated external Display Areas;	<i>At all times</i>
5.	A 2.0m high security fence shall be installed to the perimeter of all external Display Areas associated with the Sales Shop to prevent vandalism, thief and unauthorised entry;	<i>Prior to the commencement of use of the Sales Shop external Display Areas</i>
6.	Additional security measures such as sensor lighting are to be added to perimeter of the Sales Shop and external Display Areas;	<i>Prior to the commencement of use of the Sales Shop</i>
7.	All service utilities associated with the Sales Shop, including air-conditioning units, are to be installed on either the southern or western elevation and shall not be visible from the entry road; <u>All service utilities associated with the Sales Shop, including air-conditioning units, shall be screened to ensure they are not visible from the entry road;</u>	<i>At all times</i>
Carparking		
8.	The developer is to provide, and maintain, the thirty-three (33) sealed carparking bays to northern end of the Material Recycling Facility, and the fourteen (14) sealed carparking bays to the western side of the Sales Shop as illustrated in the approved Site Layout Plan; <u>The developer is to provide, and maintain, the sixteen (16) sealed carparking bays to northern end of the Material Recycling Facility as illustrated in the approved Site Layout Plan;</u>	<i>Prior to the commencement of use and to be maintained for the life of the development</i>
9.	Where it is identified that the fourteen (14) carparking spaces are not adequate to safely accommodate all patrons visiting the Sales Shop (i.e. customers regularly parking outside marked bays due to lack of space, congestion of roadways, increased hazard to pedestrians), the developer shall provide an additional twelve (12) sealed carparking spaces to service the Sales Shop. These spaces shall be provided in accordance with the applicable Australian Standards and located as close as possible to the Sales Shop. Dedicated pedestrian access shall be provided between the additional parking area and the Shop entrance;	<i>As required</i>
Landscaping		
9. 10.	All landscaping shall be installed in accordance with the approved Site Layout Plan <i>within 3 months of the commencement of use</i> All landscaped areas shall be adequately maintained to Council's satisfaction to ensure all landscaping is neat and tidy at all times and not overgrown and/or unsightly <i>for the life of the development.</i>	<i>Within 3 months of the commencement of use</i> <i>Ongoing</i>
10. 11.	<i>Within 3 months of the commencement of use</i> an automatic water irrigation system for all approved landscaping shall be installed to promote sustainability and shall be maintained by the owner <i>for the life of the development.</i>	<i>Within 3 months of the commencement of use and ongoing maintenance for the life of the development</i>

ENVIRONMENTAL HEALTH		
Areas of Interest - General		
11. 12.	All reasonable steps must be taken to ensure the activity complies with the eligibility criteria;	<i>At all times</i>
12. 13.	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>. (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. (b) there is no discharge to air of contaminants that may harm the environment or create a nuisance from the operation of the activity. (c) noise nuisance is prevented or minimised at noise sensitive places. (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;	<i>At all times</i>
13. 14.	The activity must be undertaken in accordance with written procedures that: (a) Identify potential risks to the environment from the activity during routine operations and emergencies. (b) Establish control measures that minimise the potential for environmental harm. (c) Ensure plant and equipment is maintained and operated in proper and effective condition. (d) Ensure that staff are trained and aware of their obligations under the <i>Environmental Protection Act 1994</i>. (e) Ensure that reviews of environmental performance are undertaken at least annually;	<i>At all times</i>
14. 15.	The activity must not cause environmental nuisance at a nuisance sensitive place;	<i>At all times</i>
15. 16.	Storage of chemicals and fuels in bulk or in containers of greater than 15 litres must be within a secondary containment system and releases from the containment system controlled in a manner that prevents environmental harm;	<i>At all times</i>
Areas of Interest – Air		
16. 17.	Emissions, including combustion gases, released from vents or stacks must achieve sufficient dispersion to prevent environmental harm;	<i>At all times</i>
Areas of Interest – Land		
17. 18.	Contaminants from the activity must not be released to land;	<i>At all times</i>
Areas of Interest – Waste		
18. 19.	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>At all times</i>
19. 20.	All waste generated in carrying out the activity must be reused, recycled or lawfully disposed of;	<i>At all times</i>

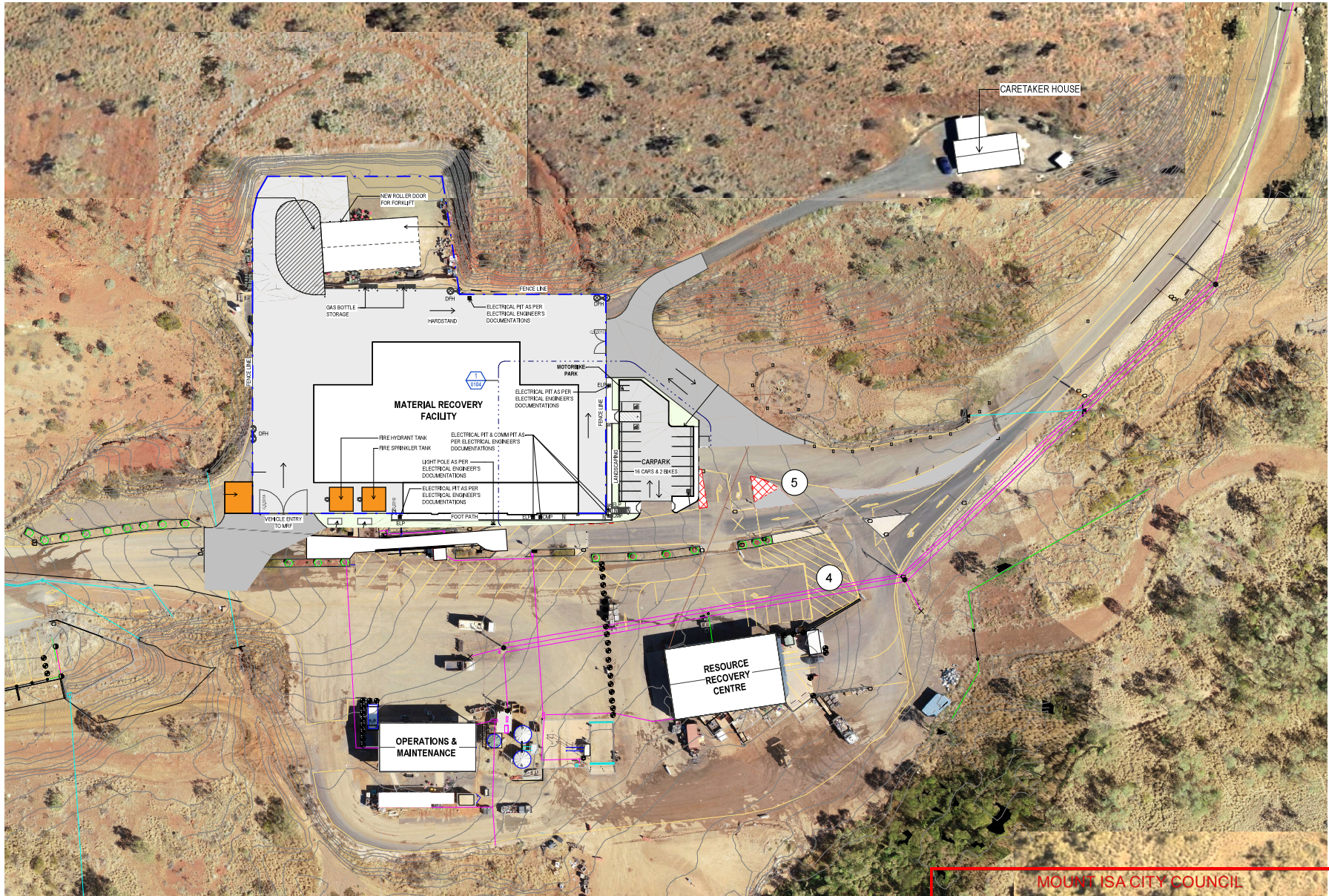
Areas of Interest – Noise		
20. 24.	The activity must not cause audible noise (a) On a business day or Saturday, before 7.00am or after 7.00pm (b) On any other day, before 8.00am or after 7.00pm At any of the following places: (a) A dwelling, mobile home or caravan park, residential marina, motel, hotel or hostel or other residential premises. (b) A kindergarten, school, university, library, childcare centre or other educational institution. (c) A medical centre or hospital;	<i>At all times</i>
Areas of Interest – Water		
21. 22.	Stormwater contaminated by the activity must be managed to minimise or prevent any adverse impacts on the values of the receiving environment;	<i>At all times</i>
ENGINEERING		
General		
22. 23.	Streetlighting is to comply with AS 1158 – The lighting of urban roads and other public thoroughfares.	<i>At all times</i>
23. 24.	External lighting within 6km of the runway at Mount Isa airport (as identified on the State Planning Policy Maps) does not involve lighting which shines light above the horizontal, or coloured or flashing lights, or sodium lights, or flare plumes, and does not involve configurations of lights in straight parallel lines 500m to 1000m long.	<i>At all times</i>
24. 25	The highest point on any building or structure or activity (such as the use of cranes) involved in construction is not to be above the obstacle limitation surface of 382m AHD for Mount Isa airport as shown on the State Planning Policy Interactive Mapping.	<i>At all times</i>
Filling and Excavation		
25. 26.	Prior to commencement of works, where there are planned earthworks which affect privacy (as described in the City of Mount Isa Planning Scheme) the developer is required to submit a detailed civil works plan checked and certified by a RPEQ and obtain Council's approval. Note: All fill material to be placed on the site is to comprise only natural earth and rock and is to be free of contaminants and noxious, hazardous, deleterious and organic materials.	<i>Prior to commencement of works</i>
26. 27.	Prior to the commencement of works, if applicable, submit RPEQ designed and certified plans for retaining structures over 1 meter in height and associated footings and seek Council approval; Prior to commencement of use, provide Council with RPEQ certification for the design and construction of all retaining walls including certified as-constructed plans.	<i>Prior to commencement of use</i>
Access, Grades, Manoeuvring, Carparks and Signs		
27. 28.	Prior to commencement of use, provide the following as indicated on the approved amended site plan: (a) A pavement (including associated drainage) to any new areas where motor vehicles will be driven or parked. Vehicle access and carpark areas are to have a durable, dust free surface in accordance with the Engineering Works and Services Policy. (b) The internal driveways and car parks are to be designed to comply with AS/NZS 2890.1 (Off-street Car Parking). (c) Maneuvering on-site for all vehicles utilising the site including service and maintenance vehicles.	<i>Prior to commencement of use</i>

	(d) The internal driveways and car parks are to be delineated and signed in accordance with the Manual of Uniform Traffic Control Devices and Austroads. (e) Traffic control devices such as pavement markings, signage medians and barriers. (f) Disabled car parking shall be provided in accordance with AS 1428.1-2009.	
28. 29.	Any circulation roadways must provide a minimum 1m clearance from any electricity poles.	<i>At all times</i>
29. 30.	Prior to commencement of use , provide RPEQ certification of compliance that the roadworks have been completed in accordance with the approved plans and Council's Engineering Works and Services Planning Scheme Policy.	<i>Prior to commencement of use</i>
Stormwater		
30. 31.	Prior to commencement of use and then to be maintained , stormwater runoff from roof and paved areas of the development site are to be collected internally and directed to a legal point of discharge. Ensure non-worsening of the existing flow regime to properties that are upstream and downstream of the site.	<i>Prior to commencement of use and then to be maintained</i>
Water		
31. 32.	At all times, any wastewater generated from the use and maintenance of the facility shall be captured on site and directed to a water treatment device or facility. Release of untreated waste water into the site specific stormwater system or off site is prohibited. Prior to the commencement of works, a separate Plumbing and Drainage Application and approval may be required for the wastewater system in accordance with the Plumbing and Drainage Act 2002.	<i>As specified</i>
COMPLIANCE WITH CONDITIONS		
32. 33.	Prior to the commencement of use the developer is to contact Council's Development and Land Use section to arrange a compliance inspection of the property to assess compliance with the Assessment Managers Conditions of Approval and the approved plans.	<i>Within 6 months of commencement of use</i>

ATTACHMENT 2

APPROVED PLANS

Attached under separate cover (this page has been intentionally left blank)



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Verify all dimensions on site prior to commencement of work.
DO NOT scale off these drawings.
Report any discrepancies to the architect before carrying out any work.

AMENDMENTS				
REV	DESCRIPTION	AUTH	CHK	DATE
A	FOR INFORMATION	MODE		31/08/22
B	FOR TENDER	MODE		30/06/22
1	FOR CONSTRUCTION	MODE		16/06/23

RPD:
LOT 73
SP265806

STATUS	NORTH
FOR CONSTRUCTION	
0m 5 10 15 20 25	

mode
BRISBANE
Plaza Level, Mosaic
826 Ann St
Fortitude Valley QLD 4006
T +61 7 3253 9900
bne@modedesign.com.au
ABN: 65 112 807 951

CLIENT	 23 West Street Mount Isa, QLD 4825 PO Box 815 Mount Isa, QLD 4825 T (07) 4747 3200 city@mountisa.qld.gov.au ABN 48 701 425 059
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PROJECT
MT ISA MATERIAL
RECOVERY FACILITY

LOT 73, JESSOP DRIVE, MT. ISA

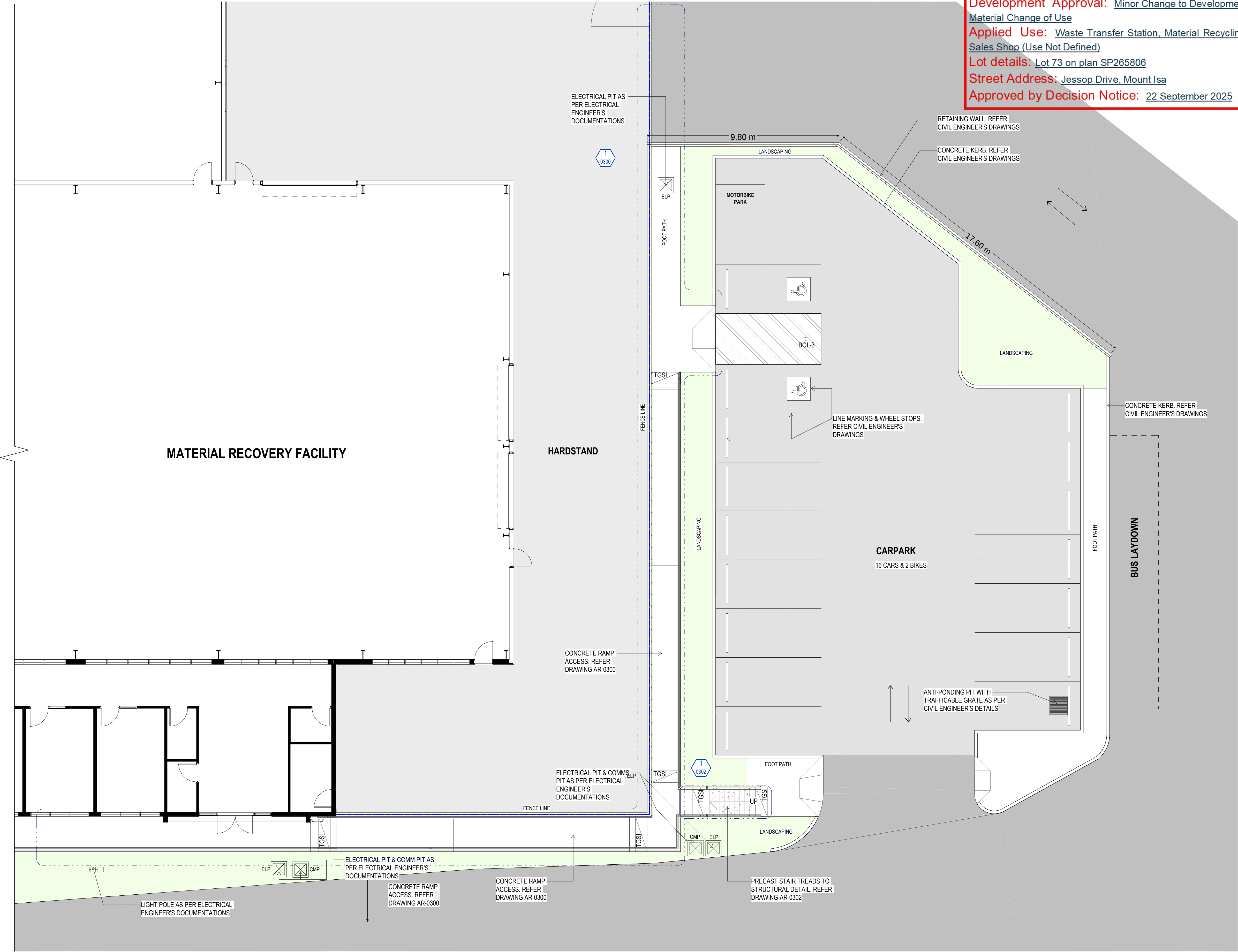
DRAWING TITLE
SITE PLAN - PROPOSED

DRAWN	CHKD	STAGE	REVISION
HT	28		
ISSUE	SCALE @ A1	SCALE @ A3	
12/06/2023 5:09:31 PM	1:500	1:1000	
PROJECT No	DRAWING No	STAGE	REVISION
21446	FC	AR-0102	SB1

MOUNT ISA CITY COUNCIL
DIGITAL STAMP
APPROVED PLAN
Application No.: [P04-17](#)
Development Approval: [Minor Change to Development Permit for a Material Change of Use](#)
Applied Use: [Waste Transfer Station, Material Recycling Facility and Sales Shop \(Use Not Defined\)](#)
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Street Address: [Jessop Drive, Mount Isa](#)
Approved by Decision Notice: [22 September 2025](#)

MOUNT ISA CITY COUNCIL
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1	FOR CONSTRUCTION	MODE		16/06/23

LEGEND	
CODE	DESCRIPTION
BOL-3	BOLLARD AS SCHEDULED
CMP	COMMS PIT. REFER ELECTRICAL DRAWINGS
ELP	ELECTRICAL PIT. REFER ELECTRICAL DRAWINGS
TGSi	TACTILE GROUND SURFACE INDICATOR AS SPECIFIED

STATUS
FOR CONSTRUCTION

0m 1 2 3 4 5

NORTH



BRISBANE
Plaza Level, Mosaic
826 Ann St
Fortitude Valley QLD 4006
T +61 7 3253 9900
bne@modedesign.com.au
ABN: 65 112 807 931

CLIENT



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city@mountisa.qld.gov.au
ABN 48 701 425 059

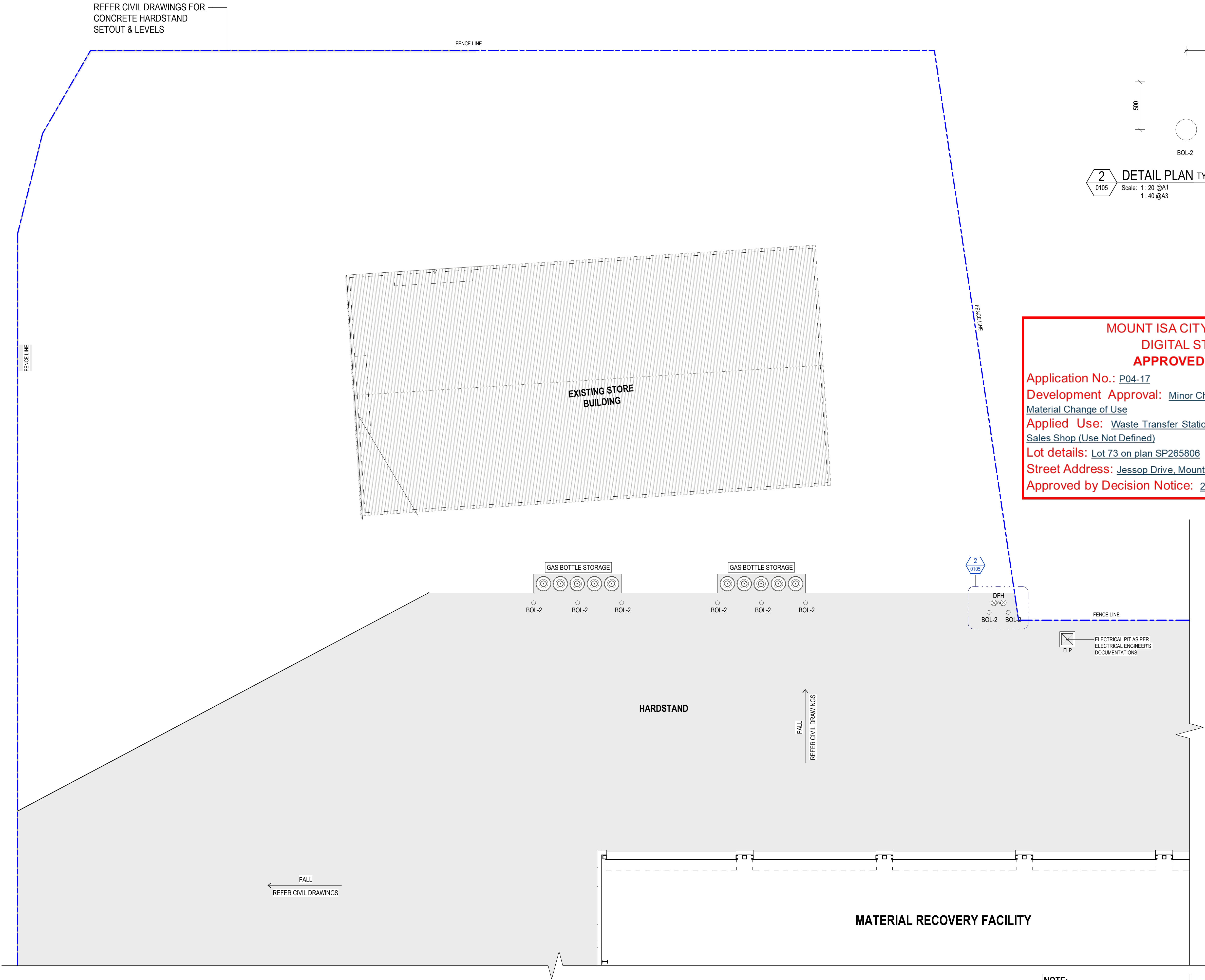
PROJECT

**MT ISA MATERIAL
RECOVERY FACILITY**

LOT 73, JESSOP DRIVE, MT. ISA

DRAWING TITLE
SITE PLAN - DETAIL 1

DRAWN HT	CHECKED GB
ISSUE 12/08/2023 5:10:10 PM	SCALE @ A1 1:100
PROJECT No 21446	SCALE @ A3 1:200
STAGE FC	DRAWING No AR-0104
	REVISION SB1



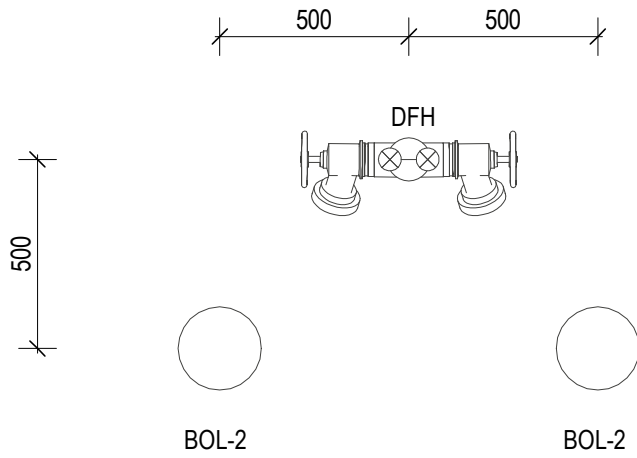
REFER CIVIL DRAWINGS FOR
CONCRETE HARDSTAND
SETOUT & LEVELS

FENCE LINE

EXISTING STORE
BUILDING

HARDSTAND

MATERIAL RECOVERY FACILITY



2 DETAIL PLAN TYPICAL FIRE HYDRANT PROTECTION
Scale: 1 : 20 @A1
1 : 40 @A3

**MOUNT ISA CITY COUNCIL
DIGITAL STAMP
APPROVED PLAN**

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LEGEND	
CODE	DESCRIPTION
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BOL-2	BOLLARD AS SCHEDULED
DFH	DUAL FIRE HYDRANT. REFER FIRE SERVICE DRAWINGS
ELP	ELECTRICAL PIT. REFER ELECTRICAL DRAWINGS

STATUS
FOR CONSTRUCTION

0m 1 2 3 4 5

NORTH

mode
BRISBANE
Plaza Level, Mosaic
826 Ann St
Fortitude Valley QLD 4006
T +61 7 3253 9900
bne@modedesign.com.au
ABN: 65 112 807 931

CLIENT

MOUNT ISA CITY COUNCIL
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Mount Isa, QLD 4825
T (07) 4747 3200
city@mountisa.qld.gov.au
ABN 48 701 425 059

PROJECT
**MT ISA MATERIAL
RECOVERY FACILITY**

LOT 73, JESSOP DRIVE, MT. ISA

DRAWING TITLE
SITE PLAN - DETAIL 2

DRAWN HT	CHECKED GB
ISSUE 12/08/2023 5:10:16 PM As indicated	SCALE @ A1 As indicated
PROJECT No 21446	STAGE FC
DRAWING No AR-0105	REVISION SB1

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AMENDMENTS				
REV	DESCRIPTION	AUTH	CHK	DATE
I	REVISED 100% CONCEPT DESIGN-SINGLE LEVEL	MODE		15/07/22
J	APPROVED 100% CONCEPT DESIGN	MODE		21/07/22
K	50% DETAILED DESIGN	MODE		08/08/22
L	FOR INFORMATION	MODE		31/08/22
M	FOR TENDER	MODE		30/09/22
N	FOR TENDER	MODE		25/10/22
1	FOR CONSTRUCTION	MODE		16/06/23

LEGEND	
CODE	DESCRIPTION
BOL-1	BOLLARD AS SCHEDULED
BOL-2	BOLLARD AS SCHEDULED
CMP	COMMS PIT. REFER ELECTRICAL DRAWINGS
DP	DOWNPIPE AS SPECIFIED
ELP	ELECTRICAL PIT. REFER ELECTRICAL DRAWINGS
FHR	FIRE HOSE REEL. REFER FIRE SERVICE DRAWINGS
FIP	FIRE INDICATOR PANEL. REFER FIRE SERVICE DRAWINGS
HT	HOSE TAP. REFER HYDRAULIC DRAWINGS

TILT-UP CONCRETE WALL PANELS.
REFER STRUCTURAL DRAWINGS

ROOMS SCHEDULE	
Number	Name
GROUND FLOOR	
G.001	LOBBY
G.002	CORRIDOR
G.003	CRIB ROOM
G.004	MALE AMBULANT WC
G.005	FEMALE AMBULANT WC
G.006	ACC. WC & SHOWER
G.007	OPEN OFFICE
G.008	MEETING
G.009	MANAGER OFFICE
G.010	COMMS
G.011	STORE 1
G.012	CLEANER
G.013	STORE 2
G.014	MULTI PURPOSE
G.015	COMPRESSOR
G.016	MCC ROOM
G.017	COMMINGLED
G.018	WORKSHOP
G.019	EXTERNAL WORKSHOP
Grand total	

STATUS
FOR CONSTRUCTION

0m 1 2 3 4 5

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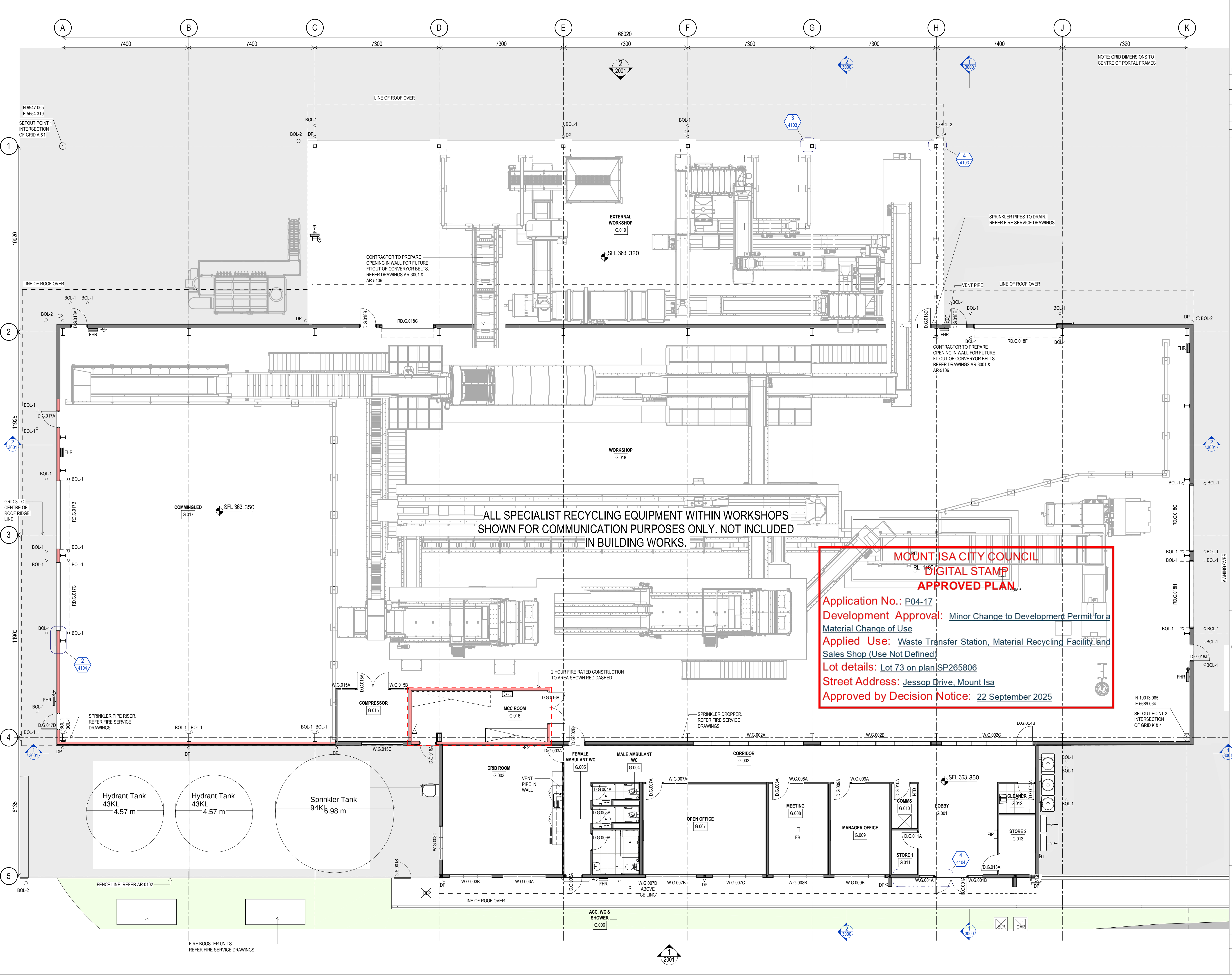
CLIENT
MOUNT ISA CITY COUNCIL

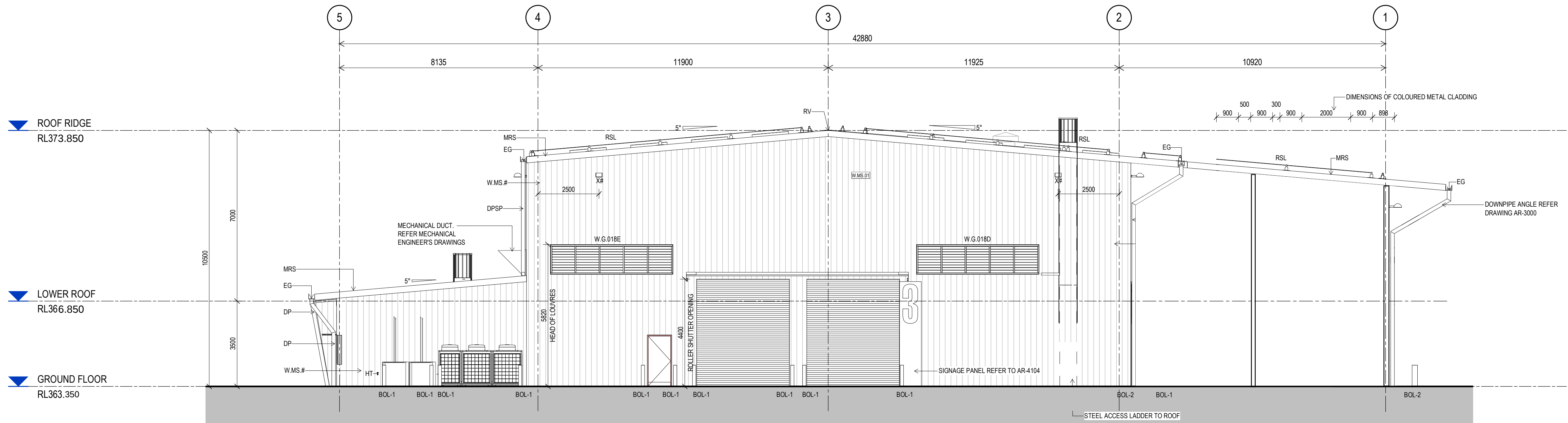
PROJECT
MT ISA MATERIAL RECOVERY FACILITY

LOT 73, JESSOP DRIVE, MT. ISA

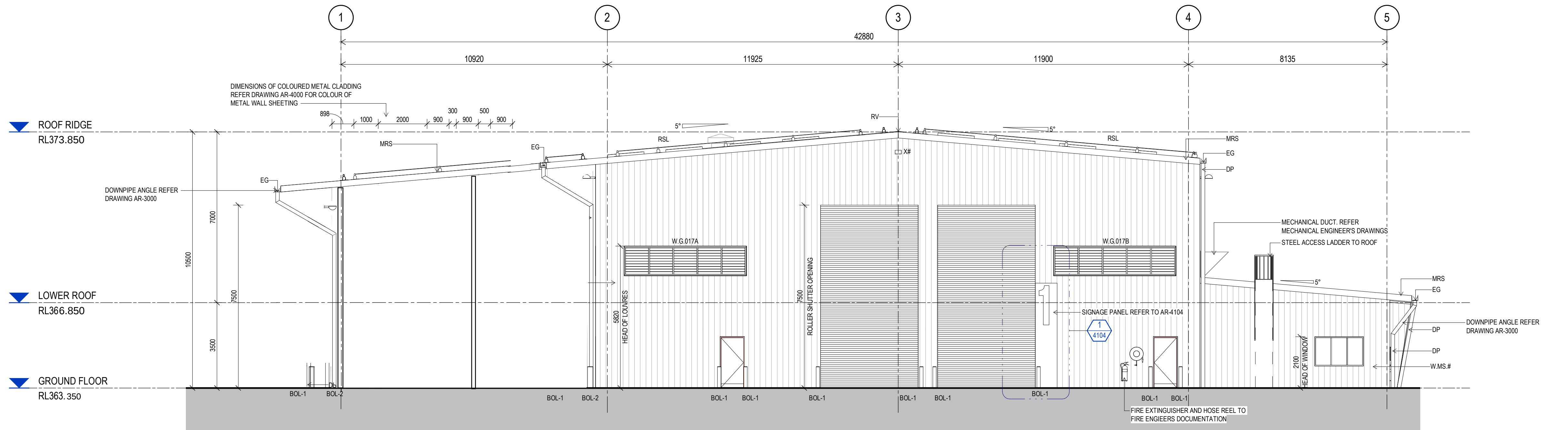
DRAWING TITLE
MRF - GROUND FLOOR PLAN

DRAWN
HT
ISSUE
19/06/2023 5:03:26 PM
PROJECT No
21446
STAGE
FC
CHECKED
GB
SCALE @ A1
1:100
SCALE @ A3
1:200
DRAWING No
AR- 1000
REVISION
SB1





1 ELEVATION NORTH ELEVATION
Scale: 1 : 100



2 ELEVATION SOUTH ELEVATION
Scale: 1 : 100

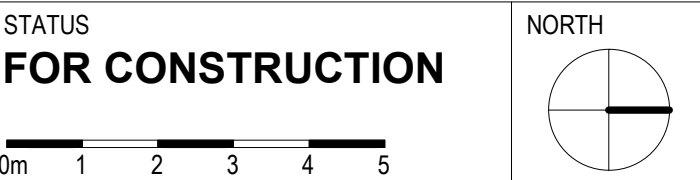
MOUNT ISA CITY COUNCIL
DIGITAL STAMP
APPROVED PLAN

Application No.: [P04-17](#)
Development Approval: [Minor Change to Development Permit for a Material Change of Use](#)
Applied Use: [Waste Transfer Station, Material Recycling Facility and Sales Shop \(Use Not Defined\)](#)
Lot details: [Lot 73 on plan SP265806](#)
Street Address: [Jessop Drive, Mount Isa](#)
Approved by Decision Notice: [22 September 2025](#)

LEGEND	
CODE	DESCRIPTION
BOL-1	BOLLARD AS SCHEDULED
BOL-2	BOLLARD AS SCHEDULED
DP	DOWNPIPE AS SPECIFIED
DPSP	PREFINISHED METAL DOWNPIPE SPREADER
EG	PREFINISHED METAL GUTTER AS SPECIFIED
MRS	PREFINISHED PROFILED METAL ROOF SHEETING AS SCHEDULED
RSL	ROOF SAFETY LINE SHOWN INDICATIVELY
RV	ROOF RIDGE VENT AS SPECIFIED
W.MS.#	PREFINISHED PROFILED METAL WALL CLADDING. REFER DRAWING AR-4000

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AMENDMENTS				
REV	DESCRIPTION	AUTH	CHK	DATE
G	REVISED 100% CONCEPT DESIGN-SINGLE LEVEL	MODE		15/07/22
H	APPROVED 100% CONCEPT DESIGN	MODE		21/07/22
I	50% DETAILED DESIGN	MODE		08/08/22
J	FOR INFORMATION	MODE		31/08/22
K	FOR TENDER	MODE		30/09/22
1	FOR CONSTRUCTION	MODE		16/06/23



PROJECT
MT ISA MATERIAL RECOVERY FACILITY

LOT 73, JESSOP DRIVE, MT. ISA

DRAWING TITLE
MRF - ELEVATIONS

DRAWN HT	CHECKED GB
ISSUE 12/06/2023 5:05:13 PM	SCALE @ A1 1:100
PROJECT No 21446	STAGE FC
DRAWING No AR-2000	REVISION 1



LEGEND	
CODE	DESCRIPTION
BF	PREFINISHED METAL BARGE FLASHING - FINISH TO MATCH ROOF SHEETING
BOL-1	BOLLARD AS SCHEDULED
BOL-2	BOLLARD AS SCHEDULED
DP	DOWNPIPE AS SPECIFIED
DSP	PREFINISHED METAL DOWNPIPE SPREADER
LV-1	ALUMINUM FRAMED METAL STAGED LOUVER AS SCHEDULED
MRS	PREFINISHED PROFILED METAL ROOF SHEETING AS SCHEDULED
RSL	ROOF SAFETY LINE SHOWN INDICATIVELY
RV	ROOF RIDGE VENT AS SPECIFIED
SR	SOLAR REFLECTOR TO ELECTRICAL ENGINEER'S DOCUMENTATIONS
TR	TRANSVERSE PROFILED ROOF SHEETING AS SCHEDULED
W-C-F-#	PREPARED FIBRE CEMENT SHEET CLADDING. REFER DRAWING 4000
W.M.S.#	PREFINISHED PROFILED METAL WALL CLADDING. REFER DRAWING AR-4000

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AMENDMENTS				
REV	DESCRIPTION	AUTH	CHK	DATE
A	FOR TENDER	MODE		30/09/22
1	FOR CONSTRUCTION	MODE		16/06/23

STATUS
FOR CONSTRUCTION



mode

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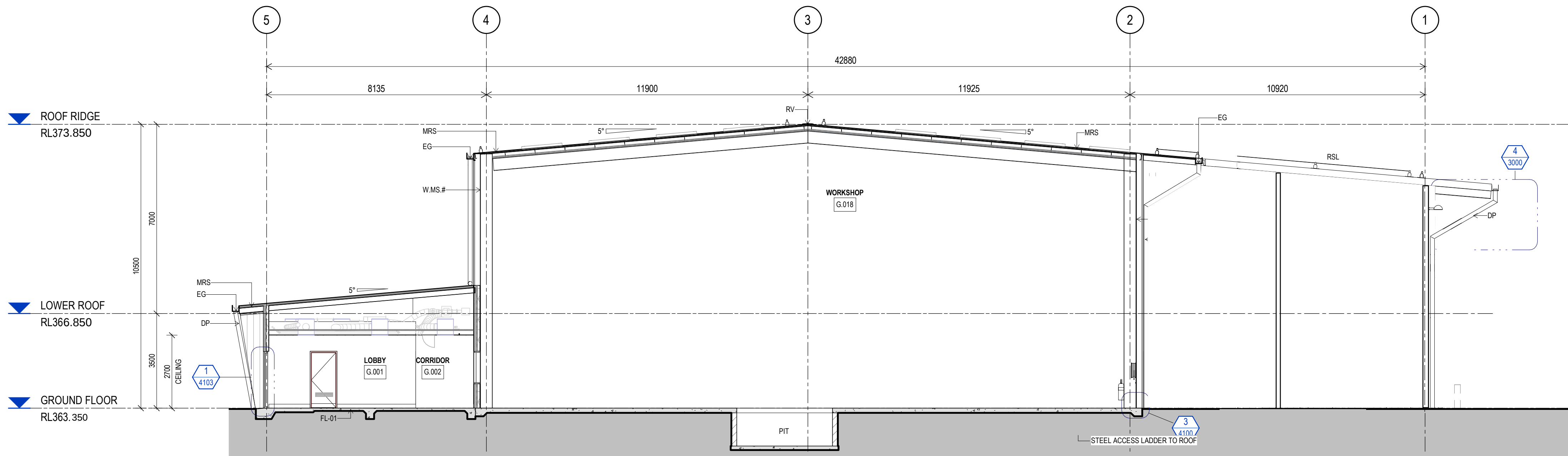
PROJECT

MT ISA MATERIAL RECOVERY FACILITY

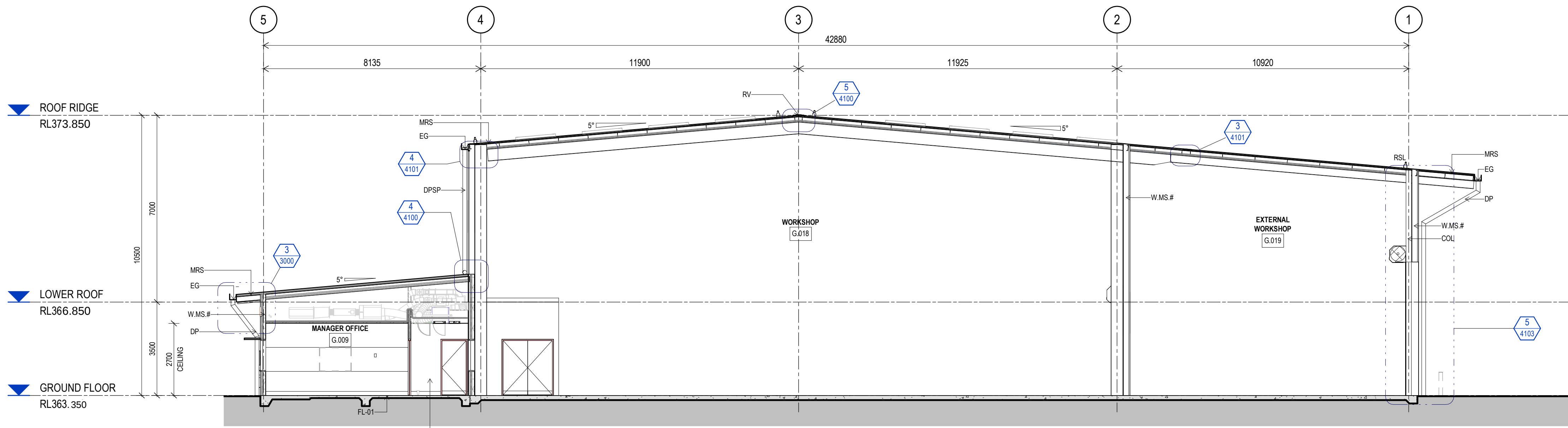
LOT 73, JESSOP DRIVE, MT. ISA

DRAWING TITLE
MRF - ELEVATIONS

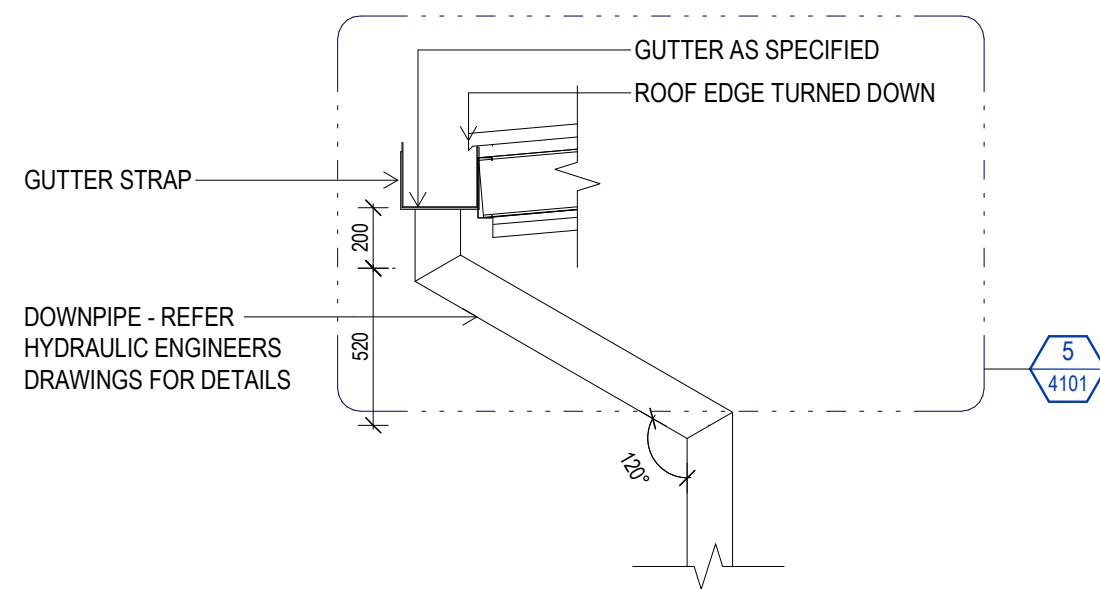
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ISSUE 12/06/2023 5:05:26 PM		SCALE @ A1 1 : 100	SCALE @ A3 1 : 200
PROJECT No 21446	STAGE FC	DRAWING No AR- 2001	REVISION SB2



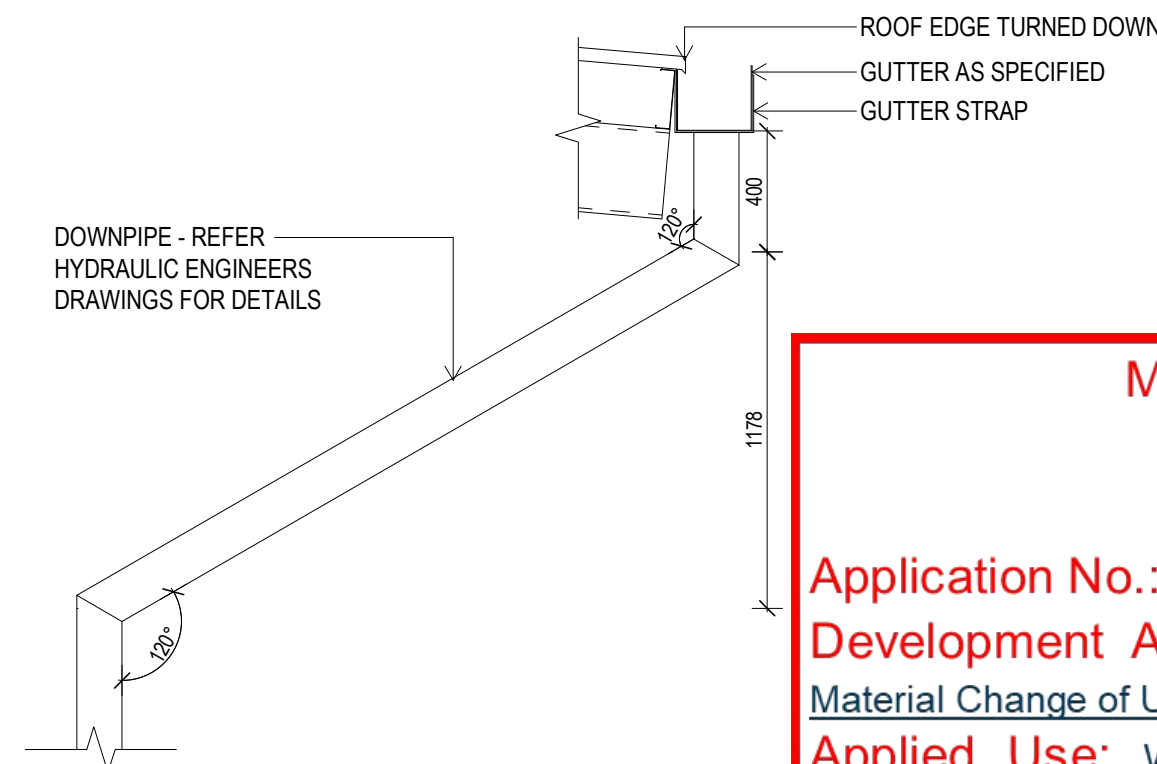
1 SECTION CROSS SECTION 1
1000 Scale: 1 : 100



2 SECTION CROSS SECTION 2
1000 Scale: 1 : 100



3 DETAIL SECTION GUTTER LOWER ROOF
3000 Scale: 1 : 25 @A1
1 : 50 @A3



4 DETAIL SECTION GUTTER LARGE ROOF
3000 Scale: 1 : 25 @A1
1 : 50 @A3

LEGEND	
CODE	DESCRIPTION
COL	STEEL COLUMN TO STRUCTURAL ENGINEER'S DETAILS
DP	DOWNPIPE AS SPECIFIED
DPSP	PREFINISHED METAL DOWNPIPE SPREADER
EG	PREFINISHED METAL GUTTER AS SPECIFIED
FL-01	CONCRETE FLOOR SLAB TO STRUCTURAL ENGINEER'S DETAILS
MRS	PREFINISHED PROFILED METAL ROOF SHEETING AS SCHEDULED
RSL	ROOF SAFETY LINE SHOWN INDICATIVELY
RV	ROOF RIDGE VENT AS SPECIFIED
W.M.S.#	PREFINISHED PROFILED METAL WALL CLADDING. REFER DRAWING AR-4000

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AMENDMENTS				
REV	DESCRIPTION	AUTH	CHK	DATE
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D	FOR INFORMATION	MODE		24/06/22
E	100% CONCEPT DESIGN	MODE		01/07/22
F	APPROVED 100% CONCEPT DESIGN	MODE		21/07/22
G	50% DETAILED DESIGN	MODE		08/08/22
H	FOR INFORMATION	MODE		31/08/22
I	FOR TENDER	MODE		30/09/22
1	FOR CONSTRUCTION	MODE		16/06/23

STATUS
FOR CONSTRUCTION

0m 1 2 3 4 5

mode
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PROJECT
MT ISA MATERIAL RECOVERY FACILITY

LOT 73, JESSOP DRIVE, MT. ISA

DRAWING TITLE
MRF - SECTIONS

DRAWN HT	CHECKED GB
ISSUE 12/06/2023 5:05:41 PM As indicated	SCALE @ A1 1 : 200
PROJECT No 21446	STAGE FC
DRAWING No AR-3000	REVISION SB1

MOUNT ISA CITY COUNCIL
DIGITAL STAMP
APPROVED PLAN

Application No.: [P04-17](#)
Development Approval: [Minor Change to Development Permit for a Material Change of Use](#)
Applied Use: [Waste Transfer Station, Material Recycling Facility and Sales Shop \(Use Not Defined\)](#)
Lot details: [Lot 73 on plan SP265806](#)
Street Address: [Jessop Drive, Mount Isa](#)
Approved by Decision Notice: [22 September 2025](#)

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AMENDMENTS

REV	DESCRIPTION	AUTH	CHK	DATE
A	FOR TENDER	MODE		30/09/22
B	FOR TENDER	MODE		25/10/22
1	FOR CONSTRUCTION	MODE		16/06/23

1
4102

BF
W.M.S.#
FL-01

STATUS

FOR CONSTRUCTION

0m 1 2 3 4 5



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ABN 48 701 425 059

PROJECT

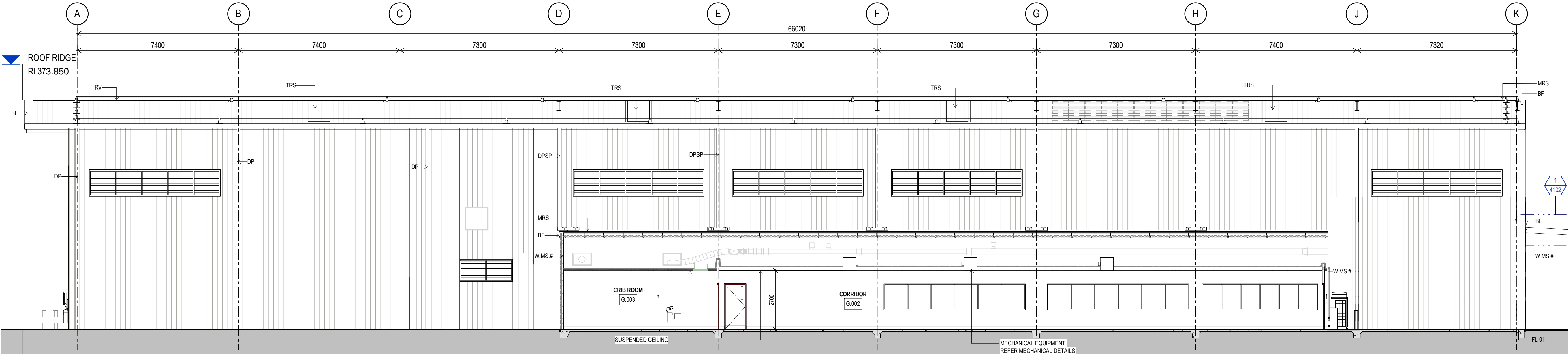
MT ISA MATERIAL
RECOVERY FACILITY

LOT 73, JESSOP DRIVE, MT. ISA

DRAWING TITLE

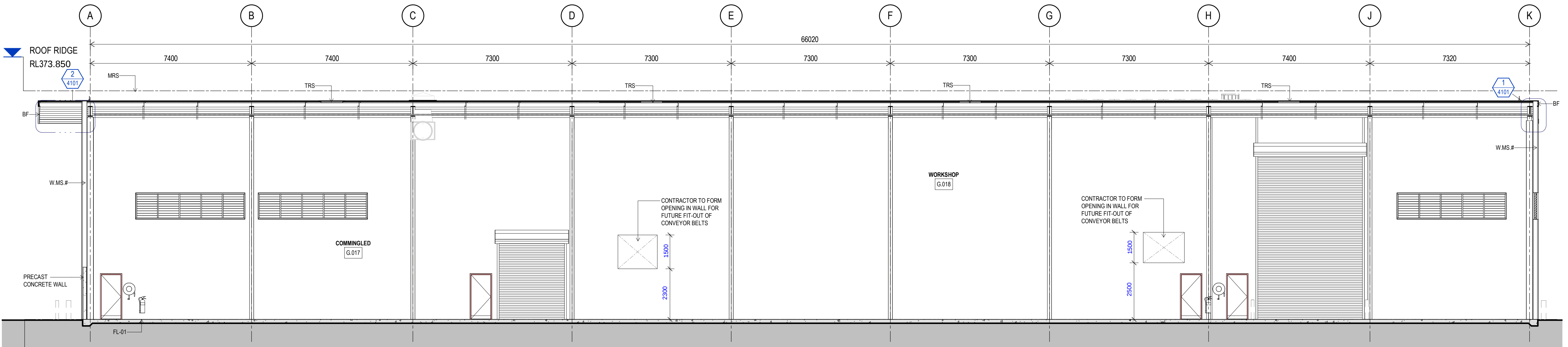
MRF - SECTIONS

DRAWN HT	CHECKED GB
ISSUE 12/06/2023 5:05:50 PM	SCALE @ A1 1:100
PROJECT No 21446	STAGE FC
DRAWING No AR-3001	REVISION SB1



1 SECTION LONGITUDINAL SECTION 1

1000 Scale: 1:100



2 SECTION LONGITUDINAL SECTION 2

1000 Scale: 1:100

MOUNT ISA CITY COUNCIL
DIGITAL STAMP
APPROVED PLAN

Application No.: P04-17

Development Approval: [Minor Change to Development Permit for a Material Change of Use](#)

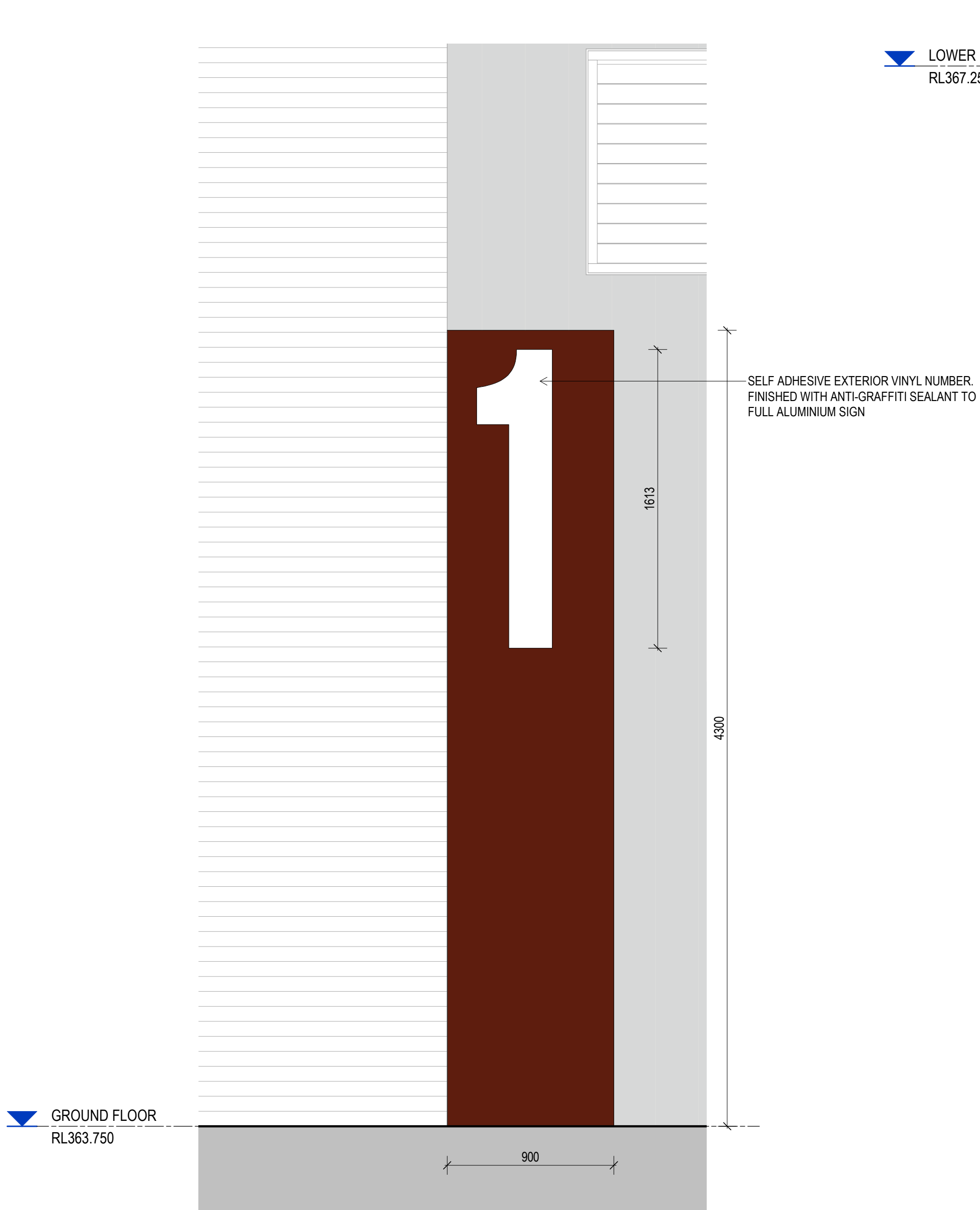
Applied Use: [Waste Transfer Station, Material Recycling Facility and Sales Shop \(Use Not Defined\)](#)

Lot details: [Lot 73 on plan SP265806](#)

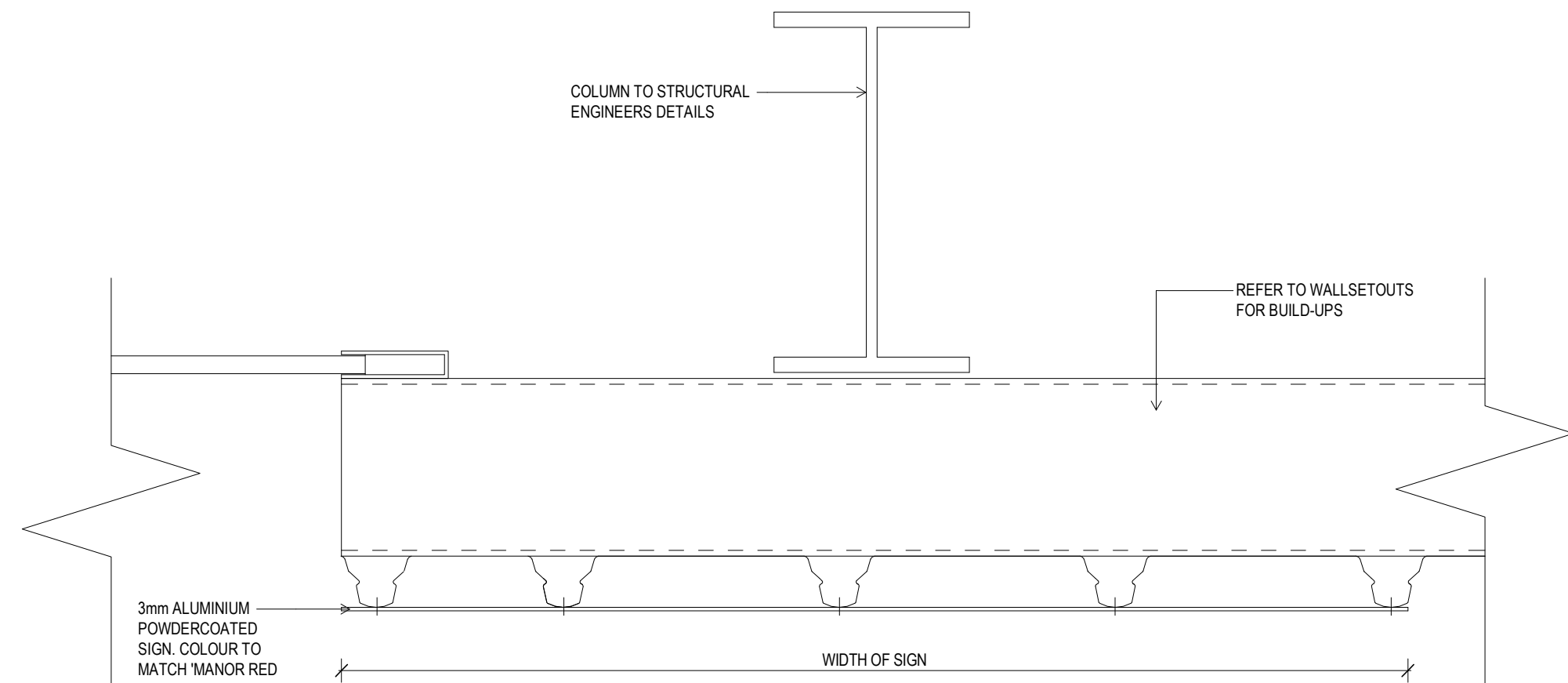
Street Address: [Jessop Drive, Mount Isa](#)

Approved by Decision Notice: [22 September 2025](#)

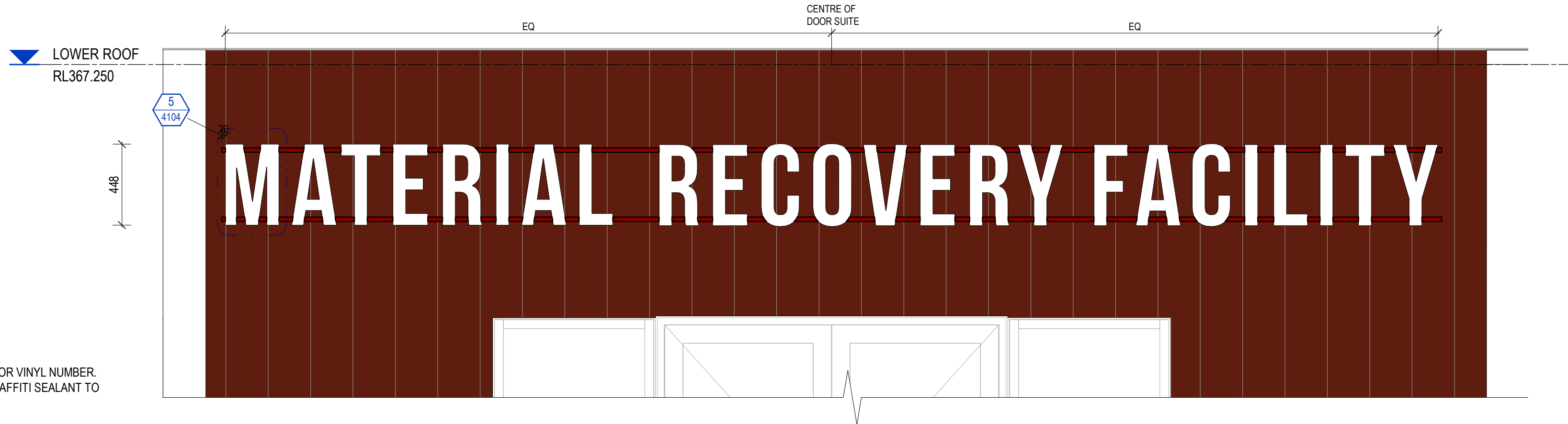
CODE	DESCRIPTION
BF	PREFINISHED METAL BARGE FLASHING - FINISH TO MATCH ROOF SHEETING
DP	DOWNPIPE AS SPECIFIED
DPSP	PREFINISHED METAL DOWNPIPE SPREADER
FL-01	CONCRETE FLOOR SLAB TO STRUCTURAL ENGINEERS' DETAILS
MRS	PREFINISHED PROFILED METAL ROOF SHEETING AS SCHEDULED
RV	ROOF RIDGE VENT AS SPECIFIED
TRS	TRANSLUCENT PROFILED ROOF SHEETING AS SCHEDULED
W.M.S.#	PREFINISHED PROFILED METAL WALL CLADDING. REFER DRAWING AR-4000



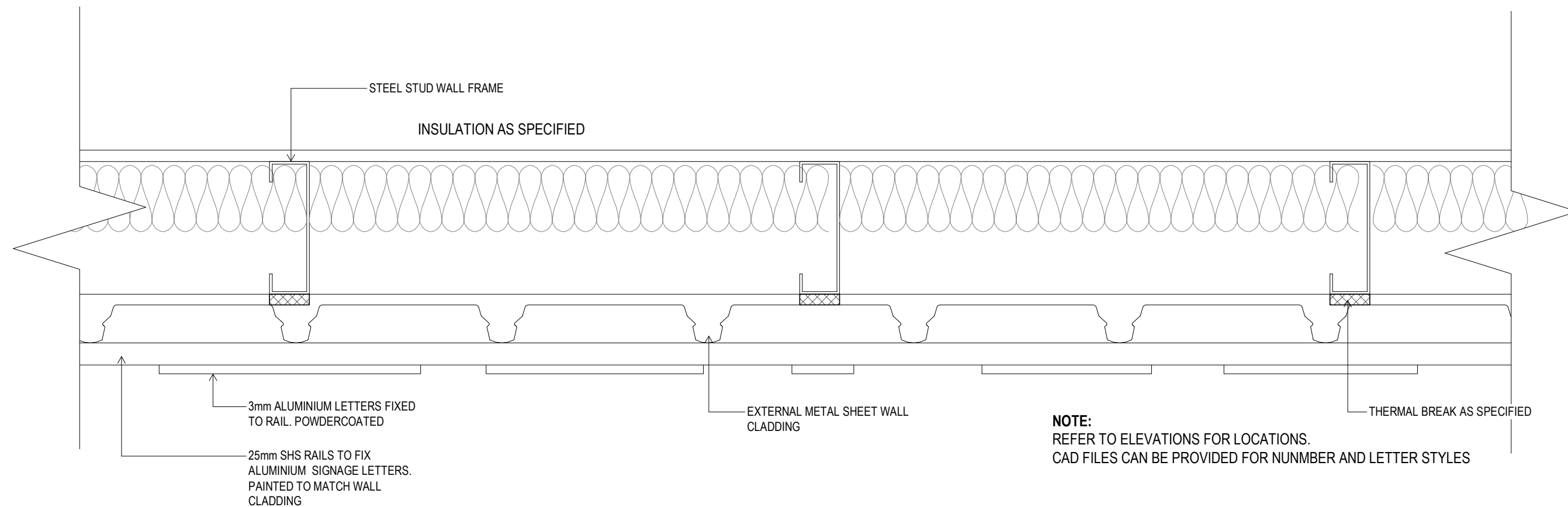
1 ELEVATION TYPICAL NUMBER SIGN
2000 Scale: 1 : 20



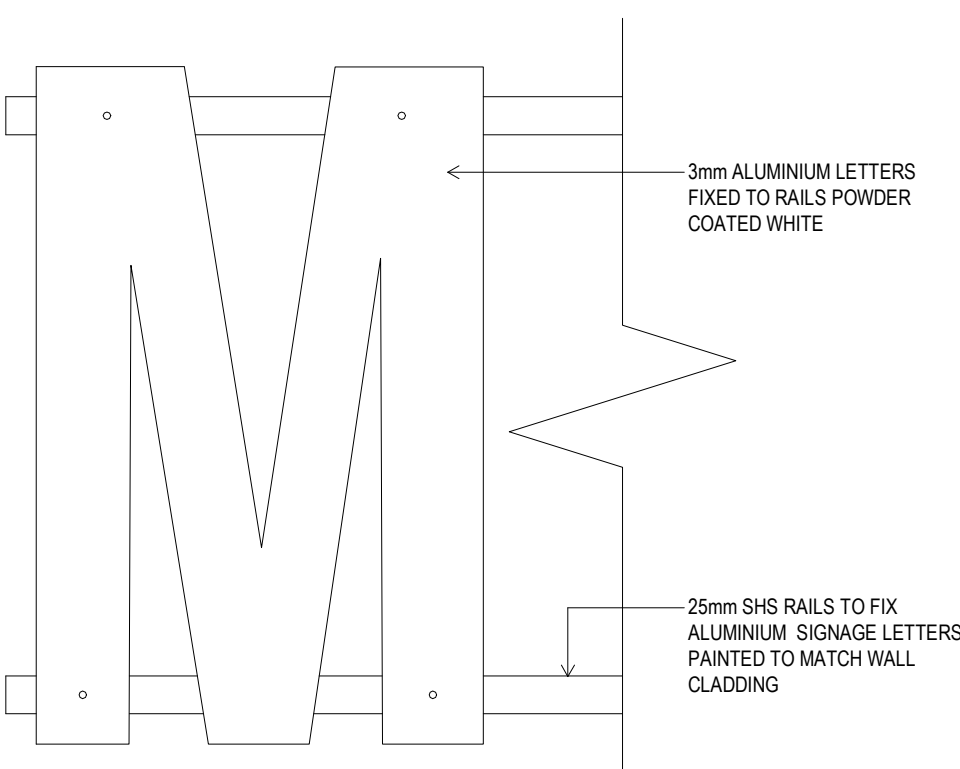
2 DETAIL PLAN TYPICAL NUMBER SIGN MOUNTING
1000 Scale: 1 : 5



3 ELEVATION ENTRY SIGN
2001 Scale: 1 : 20



4 DETAIL PLAN ENTRY SIGN MOUNTING
1000 Scale: 1 : 5



5 ELEVATION ENTRY SIGN MOUNTING DETAIL
4104 Scale: 1 : 5

MOUNT ISA CITY COUNCIL
DIGITAL STAMP
APPROVED PLAN

Application No.: [P04-17](#)
Development Approval: [Minor Change to Development Permit for a Material Change of Use](#)
Applied Use: [Waste Transfer Station, Material Recycling Facility and Sales Shop \(Use Not Defined\)](#)
Lot details: [Lot 73 on plan SP265806](#)
Street Address: [Jessop Drive, Mount Isa](#)
Approved by Decision Notice: [22 September 2025](#)

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AMENDMENTS				
REV	DESCRIPTION	AUTH	CHK	DATE
A	FOR TENDER	MODE		30/09/22
1	FOR CONSTRUCTION	MODE		16/06/23

STATUS
FOR CONSTRUCTION

0m 0.2 0.4 0.6 0.8 1

mode
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PROJECT
MT ISA MATERIAL RECOVERY FACILITY

LOT 73, JESSOP DRIVE, MT. ISA

DRAWING TITLE
MRF - BUILDING DETAILS

DRAWN HT	CHECKED GB	SCALE @ A1 As indicated	SCALE @ A3 1 : 40
ISSUE 12/06/2023 5:06:21 PM	PROJECT No 21446	STAGE FC	DRAWING No AR-4104
REVISION SB1			

ATTACHMENT 3

NOTICE ABOUT DECISION – STATEMENT OF REASONS

This Notice is prepared in accordance with s63(5) and s83(9) of the Planning Act 2016 to provide information about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

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

All terms used in this Notice have the meanings given them in the Planning Act 2016 or otherwise their ordinary meaning.

APPLICATION DETAILS

Application No:	P04-17
Applicant:	Mount Isa City Council
Proposal:	Minor Change to Development Permit for a Material Change of Use
Description of the Development:	Waste Transfer Station, Material Recycling Facility and Sales Shop (Use Not Defined)
Street Address:	Jessop Drive, Mount Isa
Real Property Description:	Lot 73 on plan SP265806
Planning Scheme:	<i>City of Mount Isa Planning Scheme 2020</i>

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Minor Change to Development Permit for Material Change of Use
Date of Decision:	8 September 2025

ASSESSMENT BENCHMARKS

The following Assessment Benchmarks applied to the development from the following Categorising Instruments:

Categorising Instrument (*Planning Regulation 2017*)

This application did not trigger any matters prescribed by the regulation

Categorising Instrument (State Planning Policy - July 2017)

This application did not trigger any matters prescribed by the policy.

Local Categorising Instrument (City of Mount Isa Planning Scheme 2006):

- Rural Planning Area Code
- Commercial Planning Area Code
- Carparking and Access Code
- Landscaping Code
- Scenic Rim Overlay Code
- Airport Overlay Code

Local Categorising Instrument (City of Mount Isa Planning Scheme 2020):

- Industry and Infrastructure Activities Code
- Parking, Access and Loading Code
- Landscaping Code

Local Categorising Instrument (Variation Approval)

- Not applicable.

Local Categorising Instrument (Temporary Local Planning Instrument)

- Not applicable.

PUBLIC NOTIFICATION

Not applicable – no part of the application required public notification.

REASONS FOR THE DECISION

The application is approved on the following grounds:

- The proposal is change is minor, does not trigger additional referrals, and does not result in any additional areas of non-compliance with the relevant assessment benchmarks under the *City of Mount Isa Planning Scheme 2020*.

REASONS FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS

Not applicable.

ADDITIONAL RELEVANT MATTERS FOR IMPACT ASSESSMENT

Not applicable.

OTHER MATTERS PRESCRIBED BY THE PLANNING REGULATION 2017

Not applicable.

OTHER DETAILS

If you wish to obtain more information about Council's decision, please refer to Council's webpage at <https://www.mountisa.qld.gov.au>

ATTACHMENT 4

APPEAL RIGHTS

(Planning Act 2016 & Planning Regulation 2017)

Attached under separate cover (this page has been intentionally left blank)

- (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.

Note—

For limitations on appeal rights in relation to a development approval
for development requiring social impact assessment, see section 106ZJ.

- (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.

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—

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.