DATE: 14 September 2026

Our Ref: P17-25
Enquire to: Connor Ahnfeldt
Telephone: (07) 4747 3200

Mr Joseph Sette
UGL Engineering Pty Ltd
Level 6, 199 Grey Street
SOUTH BRISBANE QLD 4101

joseph.sette@ugllimited.com

Dear Mr Sette,

Decision Notice – Approval

Given under section 63 of the Planning Act 2016

I wish to advise that Council has approved the development application in full.

Details of the decision are as follows:

DATE OF DECISION

Council's Chief Executive Officer approved the Development Application by delegated authority on 11 September 2026.

APPLICATION DETAILS

Application No:	P17-25
Approval Sought:	Development Permit for Operational Works for Earthworks
Description of the Development	Earthworks associated with the construction of a Renewable Energy Facility
Planning Scheme:	*City of Mount Isa Planning Scheme 2020*

LOCATION DETAILS

Street Address:	Moran Road, Mount Isa
Real Property Description:	Lots 1 and 2 on plan SP222005

DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Operational Works for Earthworks.

CURRENCY PERIOD

The use of the subject land must be commenced within a period of two (2) years from the date, unless otherwise stated, the approval takes effect in accordance with section 71 of the *Planning Act 2016*. Should the subject use not be commenced prior to the expiry of such period, this approval will lapse.

ASSESSMENT MANAGER CONDITIONS

This approval is subject to the conditions in Attachment 1.

PROPERLY MADE SUBMISSIONS

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

REFERRAL AGENCIES

There were no referral agencies as part of this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Not applicable

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

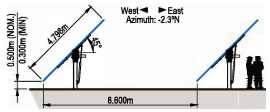
<table>
<tr><th>NUMBER</th><th>CONDITION</th><th>TIMING</th></tr>
<tr><td colspan="3">PLANNING</td></tr>
<tr><td colspan="3">General</td></tr>
<tr><td>1.</td><td>The development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this approval.
<table>
<tr><th>Drawing No.</th><th>Document Name</th><th>Revision</th><th>Date</th><th>Prepared by</th></tr>
<tr><td>0733-PLN-004</td><td>Construction Environmental Management Plan - CEMP</td><td>Version E</td><td>30/05/2026</td><td>UGL Contractors</td></tr>
<tr><td>0733-PLN-007</td><td>Bushfire Management Plan</td><td>Version E</td><td>29/05/2026</td><td>UGL Contractors</td></tr>
<tr><td>TC-16621-E3-DRG-0001</td><td>Sybella Creek Solar Farm Electrical Site Layout</td><td>D</td><td>20/03/2025</td><td>UGL Contractors</td></tr>
<tr><td>-</td><td>Sybella Creek Solar Farm Earthworks Heatmap</td><td>-</td><td>8/04/2026</td><td>UGL Contractors</td></tr>
</table></td><td>At all times</td></tr>
<tr><td>2.</td><td>Where there is a conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.</td><td>At all times</td></tr>
<tr><td>3.</td><td>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;</td><td>As specified</td></tr>
<tr><td>4.</td><td>An Erosion and Sediment Control Plan (ESC) certified by a Registered Professional Engineer of Queensland (RPEQ), or Certified Professional in Erosion and Sediment Control (CPESC) shall be provided to Council prior to the commencement of works;</td><td>Prior to the commencement of works</td></tr>
<tr><td>5.</td><td>Erosion and sediment control works shall be implemented in accordance with the certified final Erosion and Sediment Control Plan;</td><td>For the life of the development</td></tr>
</table>

ATTACHMENT 2

APPROVED PLANS

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

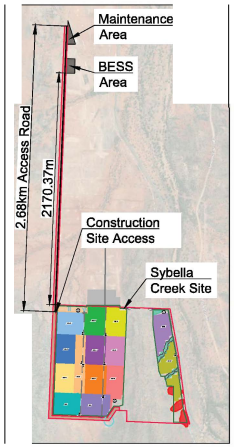




1 CONCEPTUAL DISTANCE SCHEME WEST AREA

CONCEPTUAL DISTANCE SCHEME EAST AREA

	Works Boundary
	Access Gate
	Install Perimeter
	Disturbance Area
	Tracker 2P56
	Tracker 2P28
	Solar Farm
	Power Station (2/1 x INV)
	Gazetted Road - Zone to be Cleared
	Access Track - 4.00 m width
	Creek with 10m buffe
	Drainage area with 5m buffer
	Tracker Preferred Drainage Boundary
	Rocky Area
	Cultural Heritage - Exclusion Areas
	20kL Fire Water Tank
	Laydown and Offices Area
MET	MET Station



3 PV PLANT OVERVIEW

MOUNT ISA CITY COUNCIL
DIGITAL STAMP
APPROVED PLAN

Application No.: P17-25
Development Approval: Development Permit for Operational Works
Approved Use: Earthworks involving a change of land level greater than 1.0rn and cutting and filling in excess of 50m^3
Lot details: Lots 1 & 2 on plan SP222005 and Lot 10 on plan SP293341
Street Address: 2 Moran Road, Duchess, Mount Isa
Approved Amended Plan: 14 September 2026

This drawing is the exclusive property of UGL Limited there & after UGLJ and must not be copied or reproduced in any way whatsoever without the express content in writing of UGL. The drawing is to be used only for the purpose for which it is supplied & must be returned on demand. The contents of the drawing must moreover be treated as strictly confidential & must not be disclosed to any third party without the express consent in writing of UGL.

AMDT	
D	FOR TENDER - 82MWdc
C	FOR TENDER - 82MWdc
B2	FOR TENDER
A	FOR TENDER

DESIGN	CHK'D	DRAWN	CHK'D	APP'D	DATE
V.Z	T.H.	S.Q.	T.Y.	A.B.	20/03/2025
V.B.	T.H.	S.Q.	V.Z.	T.H.	25/06/2024
V.Z.	A.G.	S.Q.	-	T.H.	28/07/2023
V.Z.	A.G.	S.Q.	A.S.	T.H.	19/05/2022

UGL
20 MAR 2025
FOR TENDER

CLIENT	
CLIENT PROJECT No	TC-16621
CLIENT	TC-16621
DRAWING STATUS	

UGL
ABN 96 096 365 972
40 Miller Street
North Sydney NSW 2060
www.uglimited.com

DOCUMENT STATUS UNLESS THIS DOCUMENT BEARS A RED STAMP IT IS UNCONTROLLED AND MAY NOT BE THE LATEST ISSUE. THEREFORE, VERIFY STATUS BEFORE USE.

DESIGNED	V.ZHANG
CHECKED	T.HOFFMANN
DRAWN	S.QUIGLEY
CHECKED	T.YALCINKAYA
APPROVED	A.BHARDWAJ

UGL

SYBELLA CREEK SOLAR FARM
ELECTRICAL
SITE LAYOUT

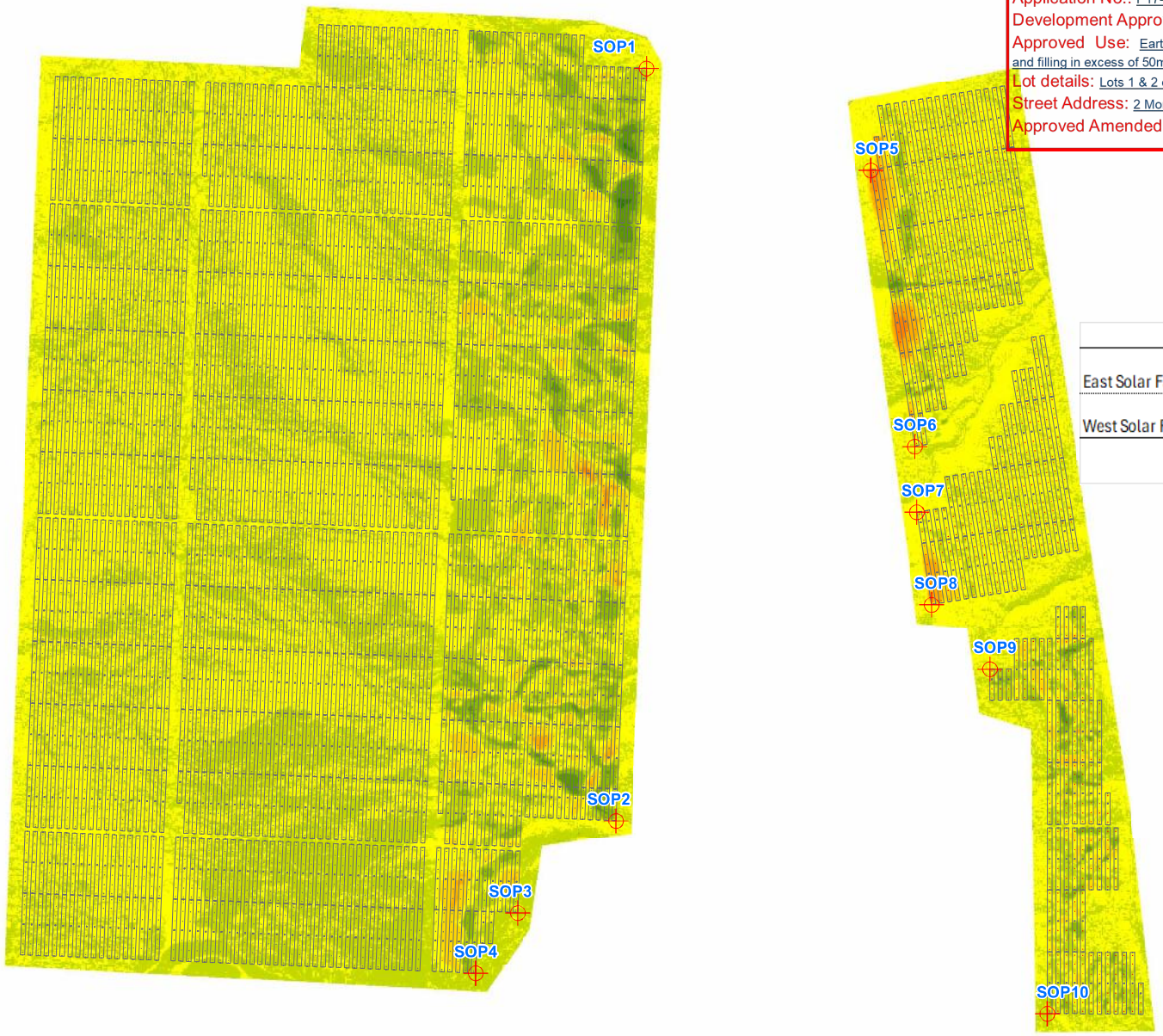
SCALE @ A1	CLIENT	UGL DRAWING No.	SHEET	AMDT
A1 / S SHOWN	PA	TC-16621-E3-DRG-0001	01	D

Sybella Creek Solar Farm Earthworks Heatmap

Showing difference between design and existing ground surface

MOUNT ISA CITY COUNCIL
DIGITAL STAMP
APPROVED PLAN

Application No.: P17-25
Development Approval: Development Permit for Operational Works
Approved Use: Earthworks involving a change of land level greater than 1.0rn and cutting and filling in excess of 50m^3
Lot details: Lots 1 & 2 on plan SP222005 and Lot 10 on plan SP293341
Street Address: 2 Moran Road, Duchess, Mount Isa
Approved Amended Plan: 14 September 2026



Legend

- SurveyPoints
- R09_750,255 Frame West
- R09_750,255 Frame East

Difference to existing
-ve cut (m), +ve is fill (m)

- Edges
- -14.99 - -2
- -1.99 - -1
- -0.99 - -0.5
- -0.49 - -0.15
- -0.14 - 0
- 0.01 - 0.15
- 0.16 - 0.5
- 0.51 - 1
- 1.01 - 2
- 2.01 - 50

N

	Cut (m3)	Fill (m3)	Delta (m3)	Comments
East Solar Farm	- 13,468	6,650	- 6,818	Surplus cut material is planned to be used as site or road fill in areas where unsuitable base material is
West Solar Farm	- 14,763	9,344	- 5,419	If further surplus material becomes available, it will remain on-site, within the site boundaries.
	- 28,231	**15,994**	**- 12,237**	The gazetted road will be cleared at the commencement of works and left as is at the completion of works.

Point	Easting (m)	Northing (m)	LiDAR Elevation (m)
SOP1	343484.7	7696183.5	379.5
SOP2	343451.9	7695365.0	391.3
SOP3	343344.6	7695265.0	382.6
SOP4	343298.9	7695199.0	379.7
SOP5	343729.2	7696073.0	383.0
SOP6	343776.8	7695772.5	379.8
SOP7	343779.3	7695701.0	381.9
SOP8	343795.3	7695600.0	386.9
SOP9	343858.6	7695530.5	381.3
SOP10	343921.6	7695155.0	381.7

Point	Easting (m)	Northing (m)	LiDAR Elevation (m)
SOP1	343484.7	7696183.5	379.5
SOP2	343451.9	7695365.0	391.3
SOP3	343344.6	7695265.0	382.6
SOP4	343298.9	7695199.0	379.7
SOP5	343729.2	7696073.0	383.0
SOP6	343776.8	7695772.5	379.8
SOP7	343779.3	7695701.0	381.9
SOP8	343795.3	7695600.0	386.9
SOP9	343858.6	7695530.5	381.3
SOP10	343921.6	7695155.0	381.7

0 50 100 200 300 400
Meters

EIC
FOR INFORMATION ONLY
8 APRIL 2026

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:	P17-25
Applicant:	UGL Engineering Pty Ltd
Proposal:	Development Permit for Operational Work for Earthworks
Description of the Development:	Earthworks associated with the construction of a Renewable Energy Facility
Street Address:	Moran Road, Mount Isa
Real Property Description:	Lots 1 and 2 on plan SP222005
Planning Scheme:	*City of Mount Isa Planning Scheme 2020*
Land Zoning:	Medium Impact Industry
Assessment Type:	Code Assessable

DECISION DETAILS

Type of Decision:	Approved in Full with Conditions
Type of Approval:	Development Permit for Operational Works
Date of Decision:	11 September 2026

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 2020):

- Excavation and Filling Code
- Airport Environs Overlay Code
- Biodiversity Overlay Code
- Bushfire Hazard Overlay Code
- Flood Hazard Overlay Code
- Major Infrastructure Overlay Code
- Wetlands and Waterway Corridors Overlay 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:

a) The proposal is compliant with the assessment benchmarks and consistent with 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

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(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*

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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.

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(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

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(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—

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(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.

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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.

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(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.

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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

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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

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(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.

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(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

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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—

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(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.

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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*.

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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.

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(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.

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