



DATE: 28 January 2026

Our Ref: P18-22
Enquire to: Connor Ahnfeldt
Telephone: (07) 4747 3200

IOR Pty Ltd
C/- TFA Project Group
PO Box 2339
FORTITUDE VALLEY QLD 2339

damien.mackay@tfa.com.au

Dear Mr Mackay,

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 27 January 2026.

APPLICATION DETAILS

Application No:	P18-22
Approval Sought:	Development Permit for a Material Change of Use for Service Station
Description of the Development	Unmanned Refuelling Facility
Planning Scheme:	<i>City of Mount Isa Planning Scheme 2020</i>

LOCATION DETAILS

Street Address:	3 Kolongo Crescent, Kalkadoon
Real Property Description:	Lots 41 and 43 on plan MPH40048

DECISION DETAILS

The following type of approval has been issued:

- Development Permit for a Material Change of Use for Unmanned Refuelling Facility (Service Station).

CURRENCY PERIOD

The use of the subject land must be commenced within a period of six (6) 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

Properly made submissions were received from the following principal submitters:

Submitter Name	Submitter Address	Submitter Email
Laurelle Goulding Economic Development Queensland	Level 17, 1 William Street BRISBANE QLD 4000	Laurelle.Goulding@edq.qld.gov.au

REFERRAL AGENCIES

There were no referral agencies as part of this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work.
- Development Permit for Plumbing and Drainage Work
- Works on Council Property Approval for all works outside the property boundaries.

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 3).

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																																			
General																																					
1.	<p>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;</p> <table border="1"> <thead> <tr> <th>Drawing No.</th> <th>Document Name</th> <th>Revision</th> <th>Date</th> <th>Prepared by</th> </tr> </thead> <tbody> <tr> <td>KADA25-001</td> <td>Site Locality</td> <td>F</td> <td>08.09.2025</td> <td>IOR Pty. Ltd.</td> </tr> <tr> <td>KADA25-002</td> <td>Site Layout</td> <td>F</td> <td>08.09.2025</td> <td>IOR Pty. Ltd.</td> </tr> <tr> <td>KADA25-003</td> <td>Swept Path Layout</td> <td>F</td> <td>08.09.2025</td> <td>IOR Pty. Ltd.</td> </tr> <tr> <td>KADA25-004</td> <td>Fuel Dispensing Area</td> <td>F</td> <td>08.09.2025</td> <td>IOR Pty. Ltd.</td> </tr> <tr> <td>KADA25-006</td> <td>East to West Elevation</td> <td>F</td> <td>08.09.2025</td> <td>IOR Pty. Ltd.</td> </tr> <tr> <td>TfA Ref: 18198</td> <td>Oily Water Management Statement</td> <td>-</td> <td>23/09/2025</td> <td>TfA Project Group</td> </tr> </tbody> </table>	Drawing No.	Document Name	Revision	Date	Prepared by	KADA25-001	Site Locality	F	08.09.2025	IOR Pty. Ltd.	KADA25-002	Site Layout	F	08.09.2025	IOR Pty. Ltd.	KADA25-003	Swept Path Layout	F	08.09.2025	IOR Pty. Ltd.	KADA25-004	Fuel Dispensing Area	F	08.09.2025	IOR Pty. Ltd.	KADA25-006	East to West Elevation	F	08.09.2025	IOR Pty. Ltd.	TfA Ref: 18198	Oily Water Management Statement	-	23/09/2025	TfA Project Group	<i>At all times</i>
Drawing No.	Document Name	Revision	Date	Prepared by																																	
KADA25-001	Site Locality	F	08.09.2025	IOR Pty. Ltd.																																	
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KADA25-006	East to West Elevation	F	08.09.2025	IOR Pty. Ltd.																																	
TfA Ref: 18198	Oily Water Management Statement	-	23/09/2025	TfA Project Group																																	
2.	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;	<i>At all times</i>																																			
3.	The owner/developer shall bear the cost of all alterations necessary to public utility mains, services or installations necessitated by this approval and such works shall be to Council specifications and satisfaction;	<i>As specified</i>																																			
4.	All buildings/structures are to be wholly contained within Lots 41 and 43 on plan MPH40048;	<i>At all times</i>																																			
5.	Outdoor lighting shall comply with Australian Standard AS4282-2023 (Control of the Obtrusive Effects of Outdoor Lighting) and be designed in a way so as not to cause a nuisance to the surrounding properties and traffic;	<i>At all times</i>																																			
6.	The proposed 1.8m double lapped timber fence shall be provided to the western boundary of the site in the vicinity of the refuelling station as illustrated on the approved Site Layout and shall be maintained for the life of the development;	<i>Within six (6) months of the date of this approval and to be maintained for life of the development</i>																																			
7.	Appropriately sized waste bins shall be provided to the refuelling area for the receipt of general customer waste. Bin locations must be surfaced with an impervious material and be accessible by a tap for washing down;	<i>Within six (6) months of the date of this approval and to be maintained for life of the development</i>																																			
Land Use																																					
8.	Any gates situated along the road boundary must open inwards onto the applicant/owner's property and not outwards onto Council's road reserve/verge;	<i>At all times</i>																																			

Vehicle Parking and Stormwater		
9.	All access crossovers, driveways and internal roadways shall be sealed as detailed on the approved Site Plan. Sealed areas shall be maintained for the life of the development to ensure dust generated by the proposed activity does not extend beyond the boundaries of the site;	<i>Within six (6) months of the date of this approval and to be maintained for life of the development</i>
10.	Appropriate signage shall be provided onsite to identify entry and exist points and direct patrons through the site. Signage shall be maintained in a neat and legible condition at all times;	<i>Within six (6) months of the date of this approval and to be maintained for life of the development</i>
11.	All vehicle parking, loading, unloading and queuing shall be contained wholly within the boundaries of the subject site;	<i>At all times</i>
12.	All stormwater generated by the development shall be directed to a lawful point of discharge and shall not cause pounding or nuisance to adjoining properties;	<i>At all times</i>
13.	The Enviro OE30 oily water separator unit shall be installed and operated in accordance with the approved Oily Water Management Statement. The unit shall be maintained in accordance with the manufacturer's instructions to ensure effective and reliable service for the life of the development;	<i>Within six (6) months of the date of this approval and to be maintained for life of the development</i>

PART 2 - ADVICE NOTE

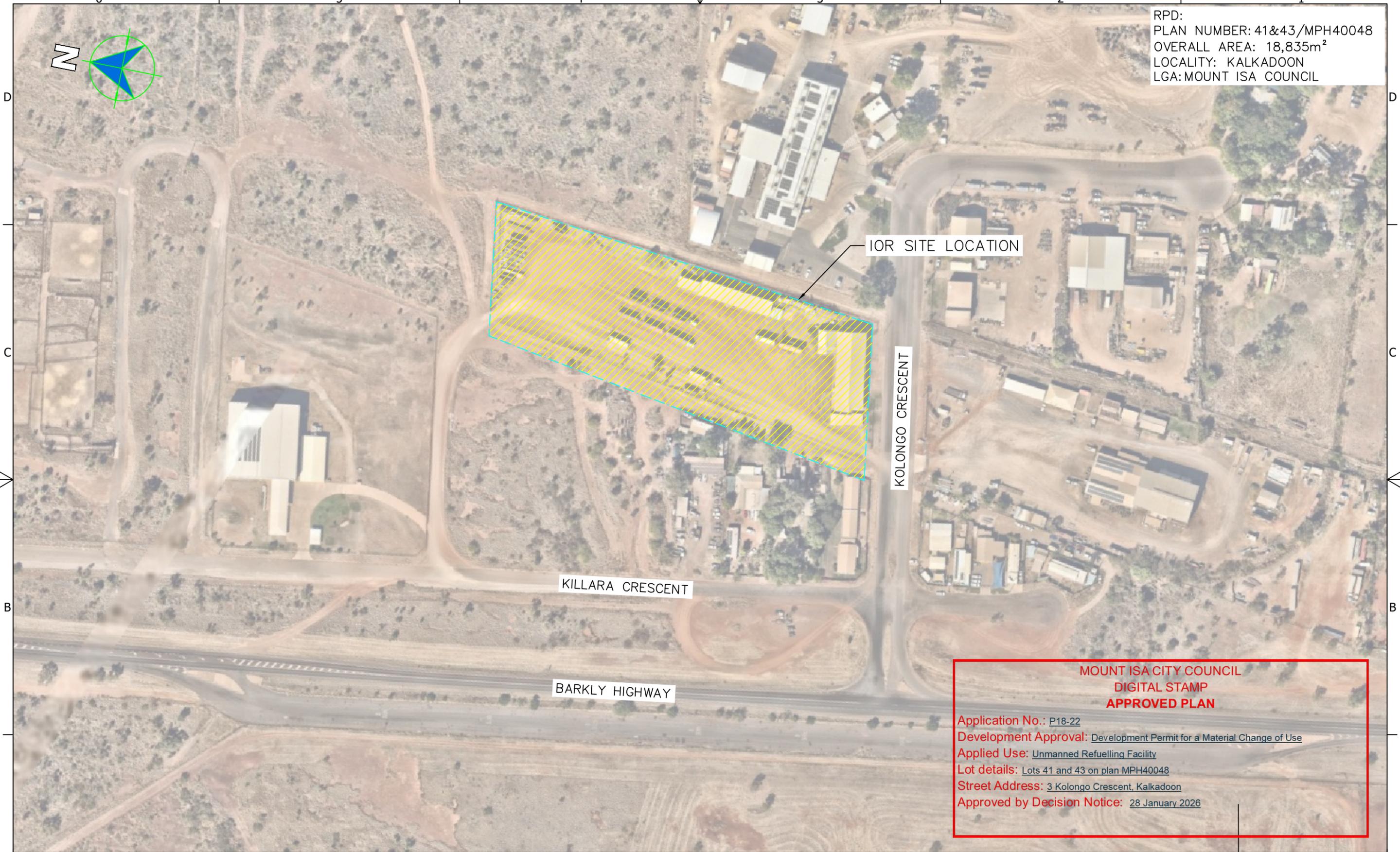
1.	Ongoing use of the land is subject to tenure being granted over both lots. Where the developer is unable to retain tenure over Lot 41 on MPH40048, the approved Service Station use shall cease Alternatively, the developer shall lodge a Change Application to Council for approval to redesign the development to ensure it is located wholly over Lot 43 on MPH40048.
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ATTACHMENT 2

APPROVED PLANS

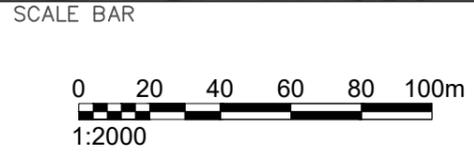
Attached under separate cover (this page has been intentionally left blank)

RPD:
 PLAN NUMBER: 41&43/MPH40048
 OVERALL AREA: 18,835m²
 LOCALITY: KALKADOON
 LGA: MOUNT ISA COUNCIL



MOUNT ISA CITY COUNCIL
DIGITAL STAMP
APPROVED PLAN

Application No.: P18-22
 Development Approval: Development Permit for a Material Change of Use
 Applied Use: Unmanned Refuelling Facility
 Lot details: Lots 41 and 43 on plan MPH40048
 Street Address: 3 Kolongo Crescent, Kalkadoon
 Approved by Decision Notice: 28 January 2026



DESCRIPTION

IOR UNMANNED TRUCKSTOP

3 KOLONGO CRESCENT,
 KALKADOON, QLD 4825

DRAWING TITLE

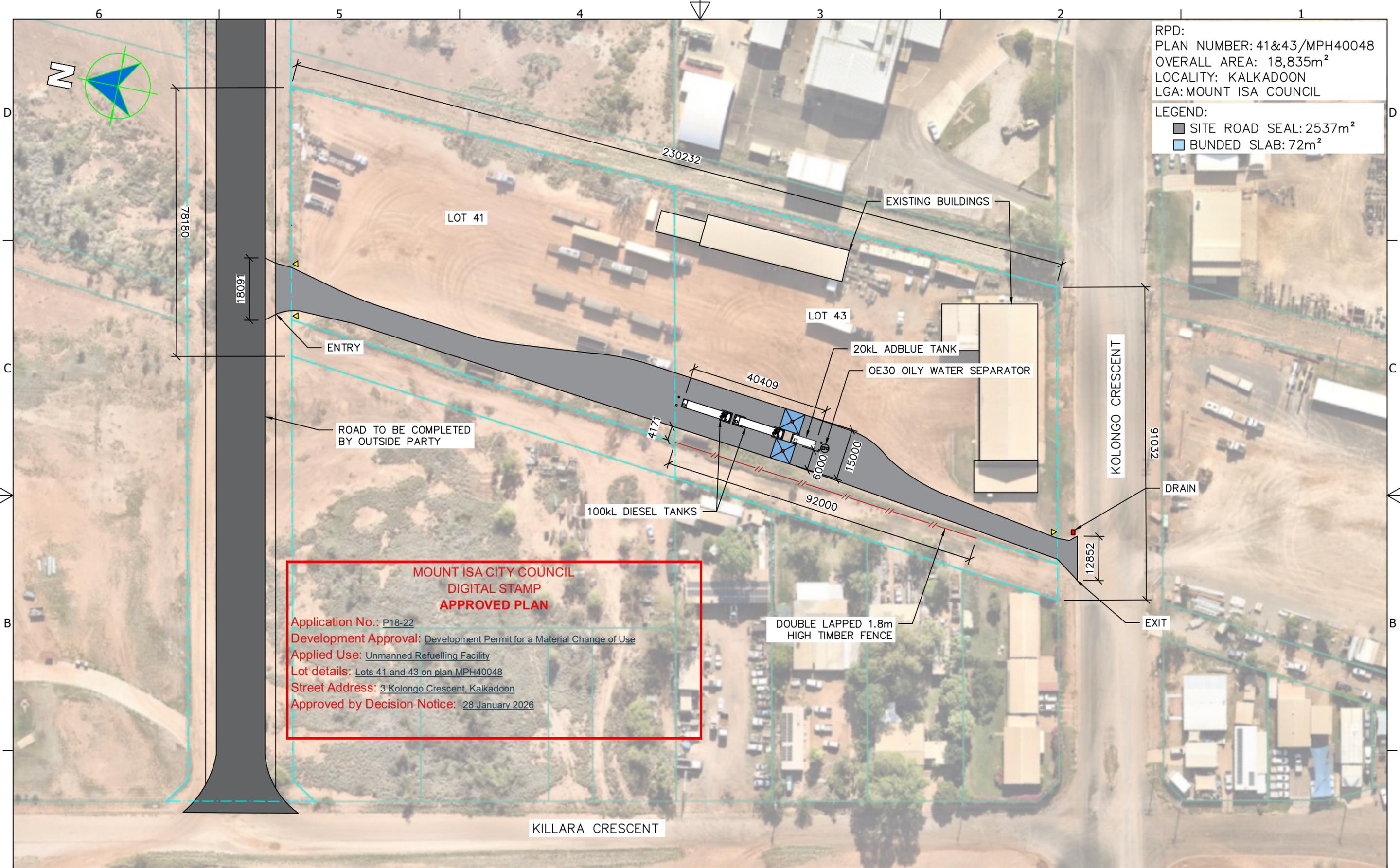
SITE LOCALITY

STATUS				DA ISSUE	
DRAWN	DATE	DRAWING NO.		REV	
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A1 SCALE	1:250	A3 SCALE	1:500	SHEET	



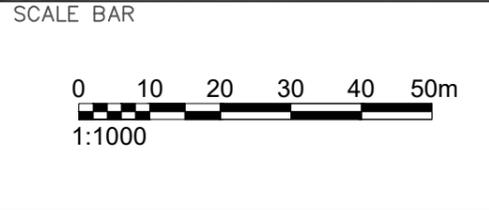
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LEGEND:
 ■ SITE ROAD SEAL: 2537m²
 ■ BUNDED SLAB: 72m²



**MOUNT ISA CITY COUNCIL
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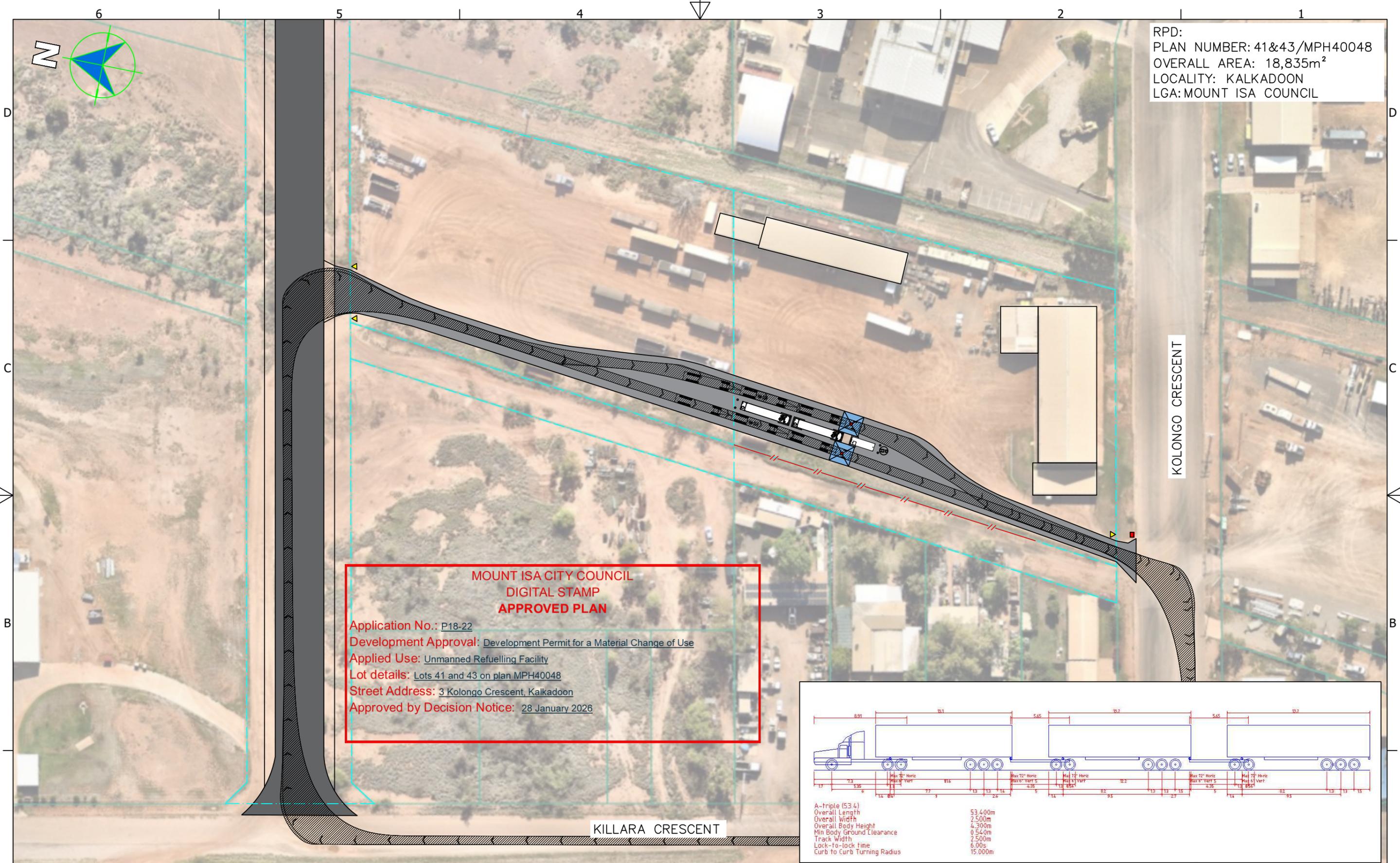
DRAWING TITLE

SITE LAYOUT

STATUS				DA ISSUE			
DRAWN	DATE	DRAWING NO.		REV			
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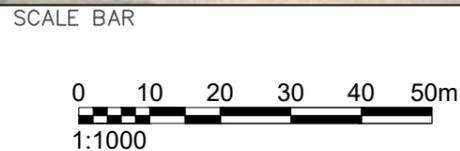
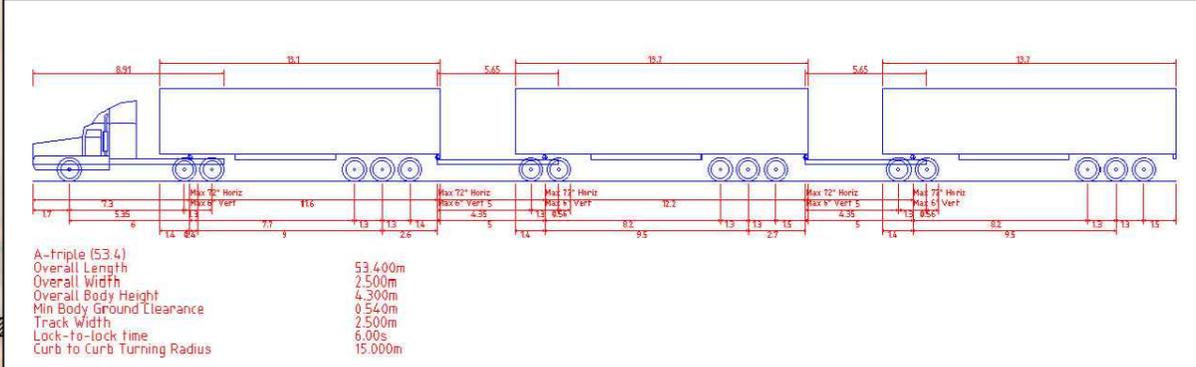


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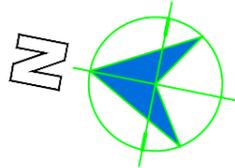
IOR UNMANNED TRUCKSTOP

3 KOLONGO CRESCENT,
 KALKADOON, QLD 4825

DRAWING TITLE

SWEPT PATH LAYOUT

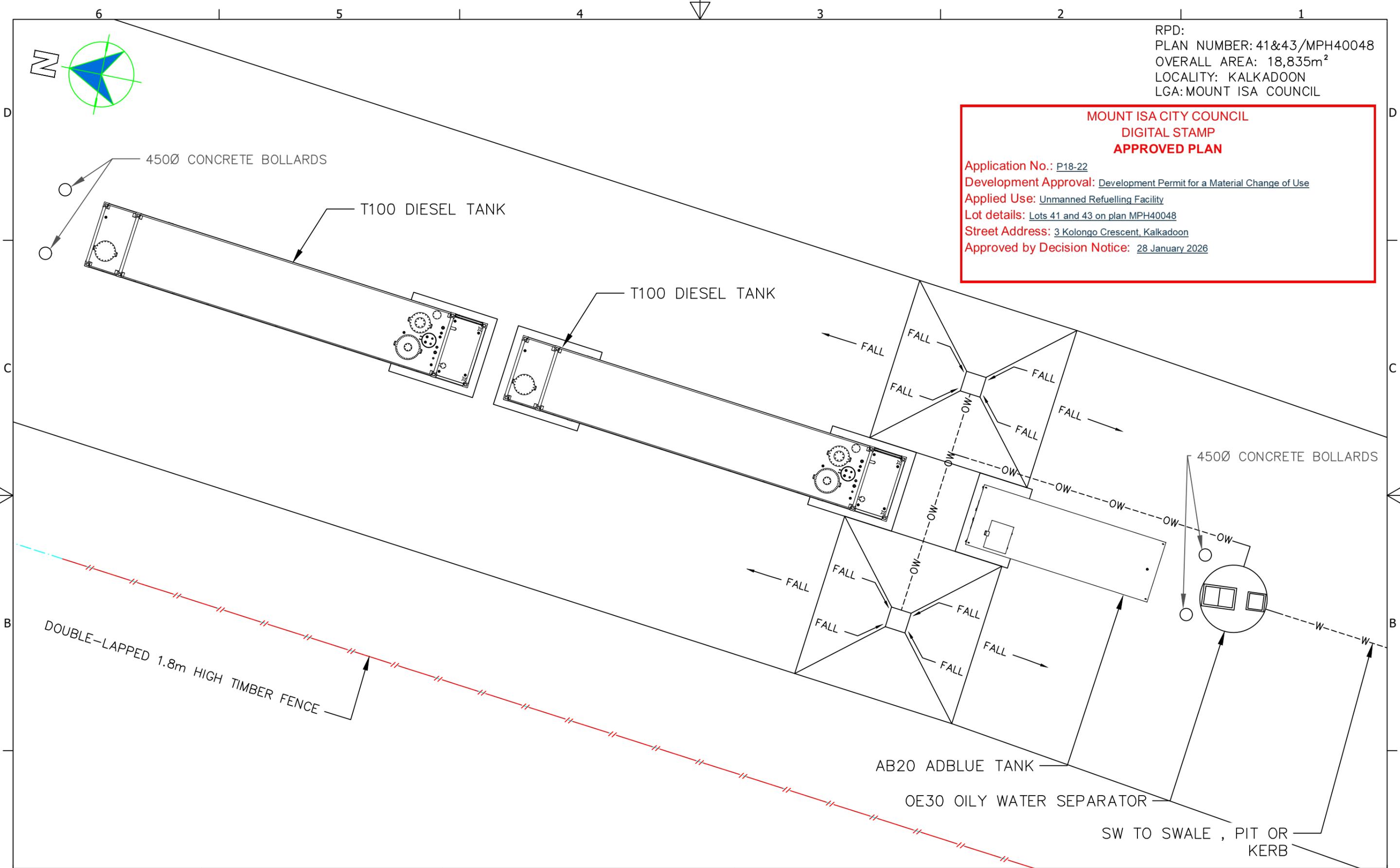
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SHEET			



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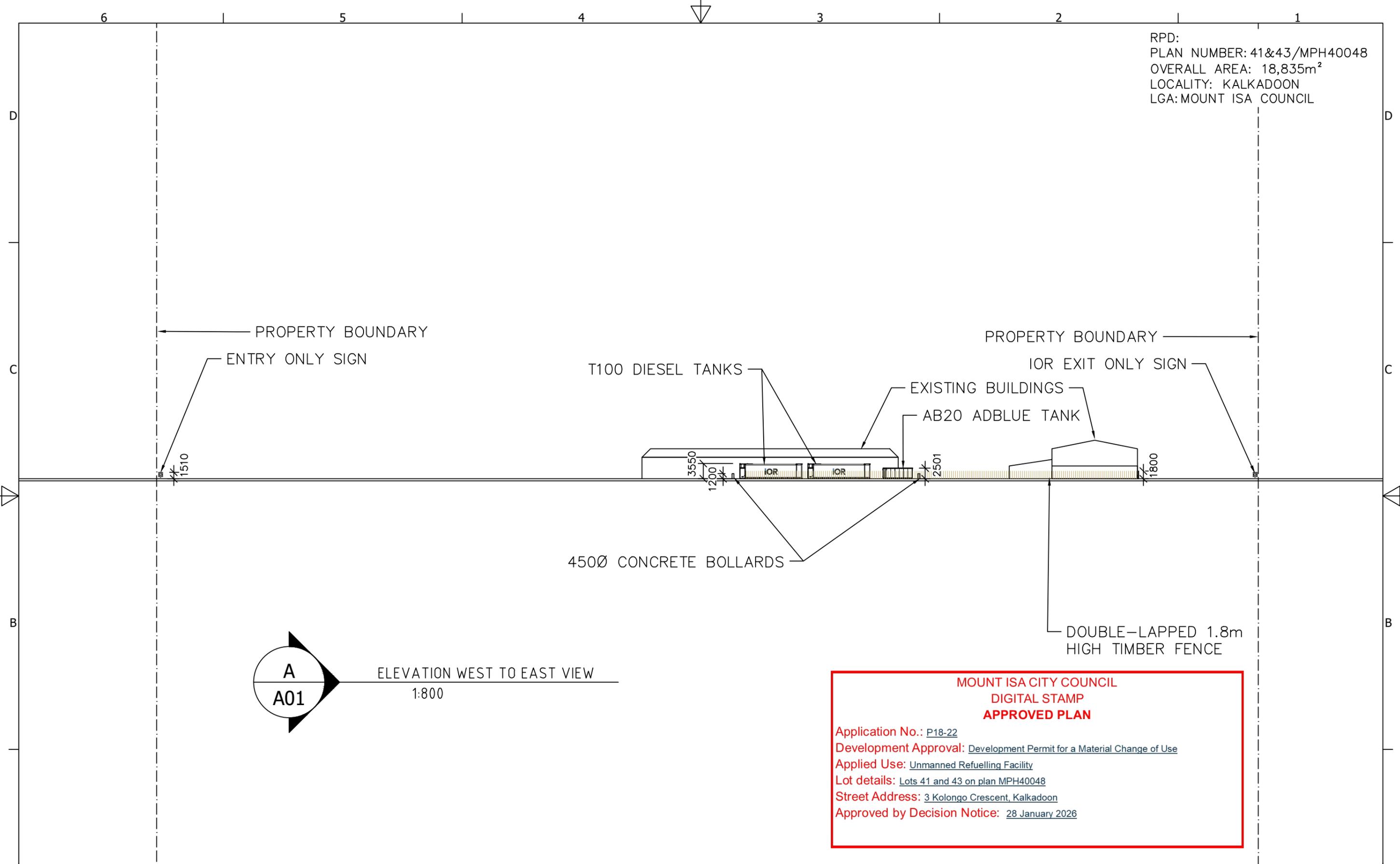
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	SCALE BAR	DESCRIPTION	DRAWING TITLE	STATUS							
		IOR UNMANNED TRUCKSTOP 3 KOLONGO CRESCENT, KALKADOON, QLD 4825	FUEL DISPENSING AREA	DA ISSUE							
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DRAWN	DATE	DRAWING NO.	REV								
JDM	08.09.2025	KADA25-004	F								
				A1 SCALE 1:250	A3 SCALE 1:500	SHEET					

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Application No.: [P18-22](#)
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	SCALE BAR	DESCRIPTION	DRAWING TITLE	STATUS				
		IOR UNMANNED TRUCKSTOP	EAST TO WEST ELEVATION	DA ISSUE				
		3 KOLONGO CRESCENT, KALKADOON, QLD 4825		DRAWN	DATE	DRAWING NO.	REV	
				JDM	08.09.2025	KADA25-006	F	
				A1 SCALE	1:250	A3 SCALE	1:500	SHEET

TfA Ref: 18198

23 September 2025

Oily Water Management Statement

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

Application No.: [P18-22](#)Development Approval: [Development Permit for a Material Change of Use](#)Applied Use: [Unmanned Refuelling Facility](#)Lot details: [Lots 41 and 43 on plan MPH40048](#)Street Address: [3 Kolongo Crescent, Kalkadoon](#)Approved by Decision Notice: [28 January 2026](#)**Proposed 24 hour Truck Refuelling Facility at 3 Kolongo Crescent, Kalkadoon Qld 4825**

This oily water management statement has been prepared with respect to the proposed unmanned truck refuelling facility located at the abovementioned site formally described as Lots 41 and 43 on MPH400448. The purpose of this statement is to summarise the proposed oily water management strategy for the development.

All areas of the facility where transfer of hydrocarbons occur (unloading/loading) and/or potential spills may occur will be managed as follows:

- Dispensing of fuel for the trucks will occur in concrete bunded areas. Stormwater runoff and any spillage that may occur during the dispensing of fuel will be captured by grated gully pits located at the centre of the bunded areas and directed to an Enviro OE30 full retention oily water separator via underground pipe network for hydrocarbon removal. This unit is compliant with the requirements of EN-858-1 "Class 1" oil/water separators. Treated water from the Enviro OE30 unit will be then discharged to the site's stormwater network.
- The Enviro OE30 device is a fully integrated in-line device capable of removing pollutants including oils from run-off. The device does not require any power, utilising the energy of the water flow to separate and contain pollutants for periodical removal by evacuation equipment. The internal surface can be inspected and washed as required, whilst screens can be removed and cleaned if and as required.
- The device has a design service life of 100 years for fixed parts and 25 years for replacement parts. The Enviro OE30 unit claims a performance which can reach reductions of 95% for Gross Pollutants (GP), a 90% of Suspended Solids (TSS), a 97% of Total Phosphorous (TP), a 85% of total Nitrogen (TN), a 99.95% of total Hydrocarbons and 8,000 litres of Oil containment capacity. Hydrocarbon retention occurs in a separate chamber which operates as a best practice oil and grease arrestor.
- The OE30 will be fitted with an oil alert probe for oil spill detection and maintenance monitoring which includes an alarm panel for remote mounting. The alarm is triggered when hydrocarbon build-up accumulates, allowing the removal by a licensed contractor when required.
- Under normal operation, the Enviro OE30 unit will discharge treated stormwater with a total petroleum hydrocarbons (TPH) content below 5ppm (mg/L).

The treated water from the oily-water separator will be discharged into the Council's stormwater drainage network located within the Kolongo Crescent road reserve.

Stormwater runoff from the proposed driveways will sheet flow towards the Kolongo Crescent road reserve as it currently occurs, where it will drain into the Council's stormwater drainage network. The balance of the site (eastern half) will continue to drain as per existing conditions.

We believe that the proposed oily water and stormwater treatment systems will ensure the highest level of protection against fuel spills and incorporate water sensitive urban design measures to significantly improve the quality of the stormwater discharged from the site. To clarify the operation of the proposed system, refer to **Appendix A** for the proposed site plan, **Appendix B** for the fuel dispensing layout plan, and to **Appendix C** for the Enviro OE30 unit details.



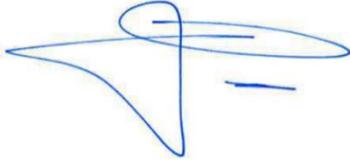
**BRISBANE
(HEAD OFFICE)**
166 Knapp Street
Fortitude Valley QLD 4006
H/O Phone: +61 7 3854 2900
Fax: +61 7 3854 2999

SYDNEY
Suite 19, Level 13
465 Victoria Avenue
Chatswood NSW 2067
NSW Phone: +61 2 8814 5219
Australia Wide: 1300 794 300

MELBOURNE
Suite 125
757 Bourke Street
Docklands VIC 3008
VIC Phone: +61 3 9640 0206
Website: www.tfa.com.au

PERTH
Level 3
1060 Hay Street
West Perth WA 6005
WA Phone: +61 8 9480 0430
ABN: 34 612 132 233

Kind regards,



Juan D. Avella

Director – Civil/ Structural Engineering
(BEng MBA MIEAust CPEng NER RPEQ)

For and on behalf of TfA Group Pty Ltd.

Appendices A- Site Layout Plan – Drwg No. KADA25-002_F
 B- Fuel Dispensing Layout - Drwg No. KADA25-004_F
 C- Enviro OE30 information

APPENDIX A – SITE LAYOUT PLAN



**BRISBANE
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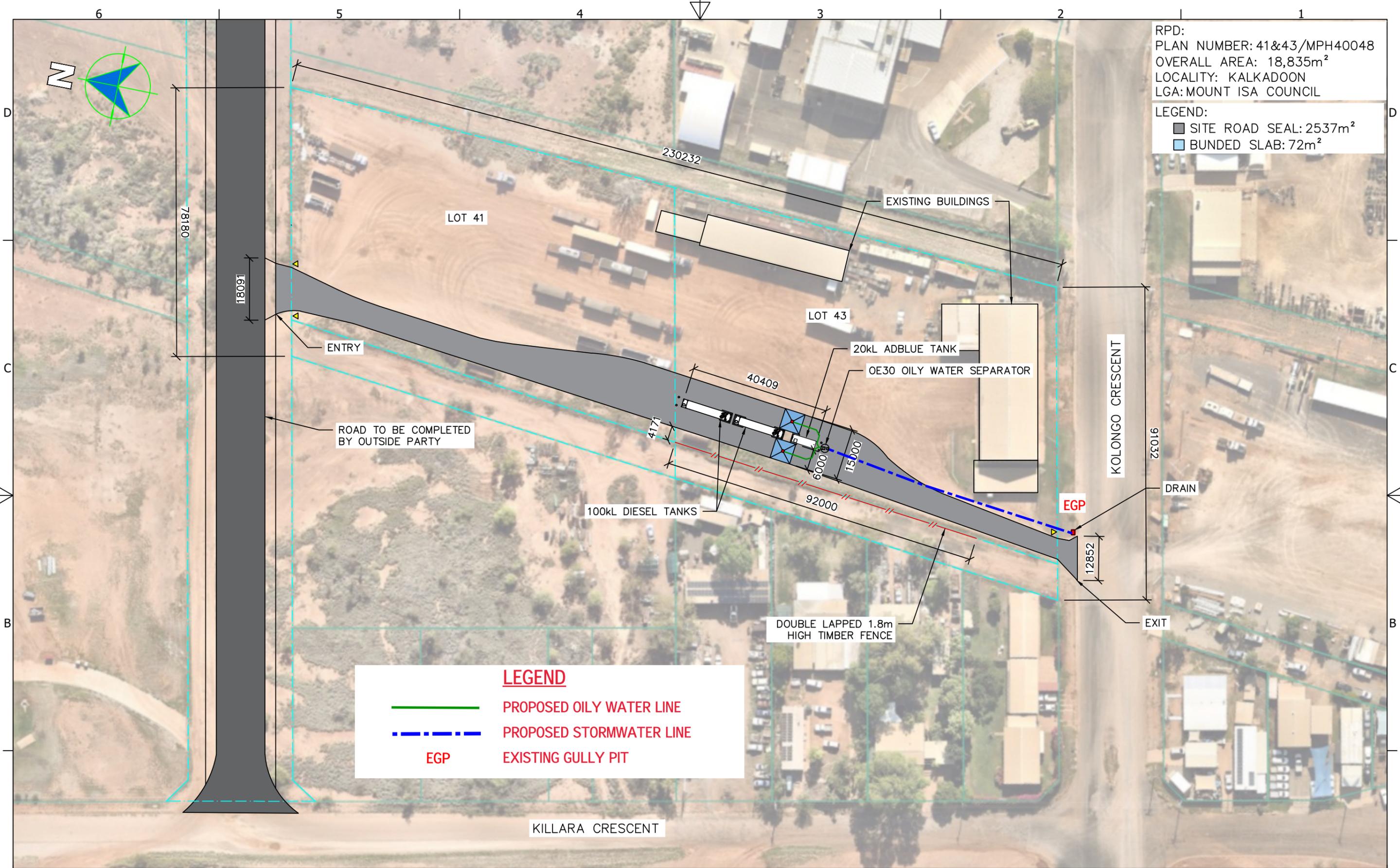
PERTH
Level 3
1060 Hay Street
West Perth WA 6005

WA Phone: +61 8 9480 0430
ABN: 34 612 132 233

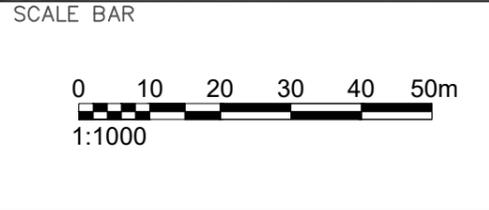


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 LGA: MOUNT ISA COUNCIL

LEGEND:
 SITE ROAD SEAL: 2537m²
 BUNDED SLAB: 72m²



LEGEND
— PROPOSED OILY WATER LINE
- - - PROPOSED STORMWATER LINE
● EXISTING GULLY PIT



DESCRIPTION
 IOR UNMANNED TRUCKSTOP
 3 KOLONGO CRESCENT,
 KALKADOON, QLD 4825

DRAWING TITLE
 SITE LAYOUT

STATUS		DA ISSUE		
DRAWN JDM	DATE 08.09.2025	DRAWING NO. KADA25-002	REV F	
A1 SCALE 1:250	A3 SCALE 1:500	SHEET		

APPENDIX B – FUEL DISPENSING LAYOUT



**BRISBANE
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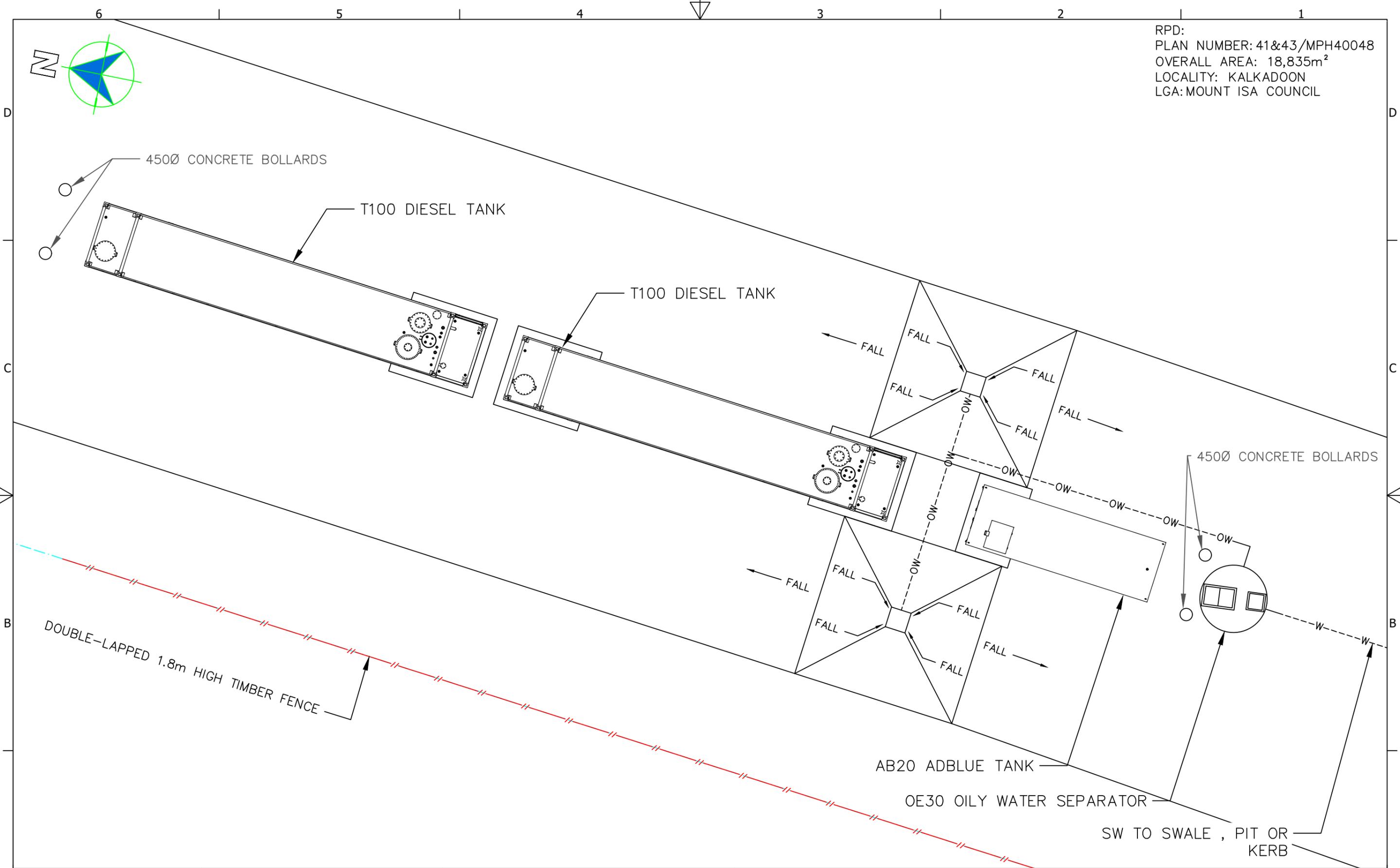
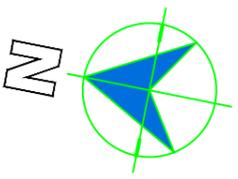
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	SCALE BAR	DESCRIPTION	DRAWING TITLE	STATUS									
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JDM	08.09.2025	KADA25-004	F										
				A1 SCALE 1:250	A3 SCALE 1:500	SHEET							

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APPENDIX C – ENVIRO OE30 INFORMATION



**BRISBANE
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CHAMBER LID TO SUIT 'D' LOAD RATINGS

CAST IRON COVERS 'D' DUTY COMPLIANT WITH AS3996

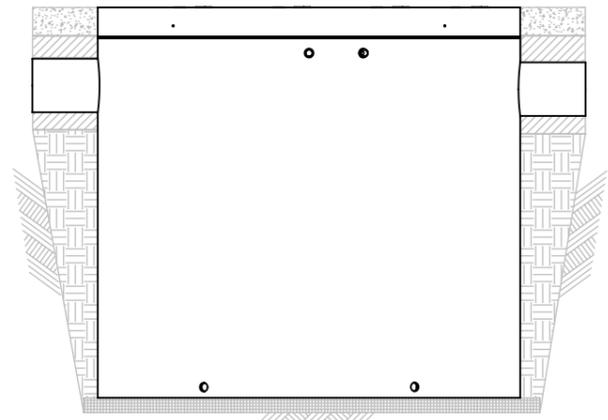
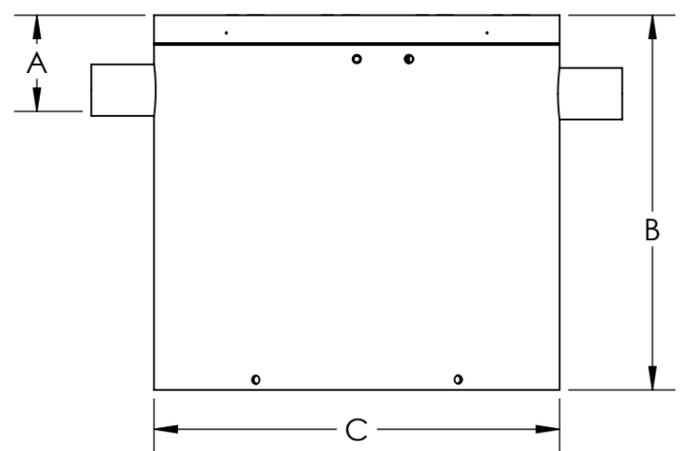


The **Enviro OE-SERIES** range which is recommended for high impact catchments where pollutant load is very high which includes emulsified oils, bulk spill, more suitable for fuel, mining and energy sectors. The Emergency bulk spill holding capacity ranges between 8,000 to 19,000 Litres. The benefits of Enviro Systems are :-

1. Australia Designed and Manufactured Device
2. Complies with all relevant codes including AS3600:2009
3. Installed in-line within new or existing drainage pipes and can be adapted to open channel
4. Does not require any power, the unique hydraulic separation utilises the energy in the water flow
5. Serviced by Local Licensed Waste Management Contractor
6. No consumables
7. No confined space entry required
8. Manufactured from sustainable materials such as 'green concrete' and stainless steel
9. Low carbon footprint, service life exceeds 100 years
10. Hydraulic Impedence $k = 0.425$
11. Built-in 25mm in/out flow differential
12. Storage capacity in accordance with ARQ Section 3.7 provides 12 month service interval
13. Treated flow based in 1 year 5 min. IFD, national average
14. 90% removal of particles > 100microns

OE-SERIES	NOMINAL PIPE SIZE	TREATED FLOW @ 1% PIPE GRADIENT (L/SEC)	COVER CLASS	TOTAL MASS (TONNES)	MIN. DPETH TO INVERT (A)	MIN. OVER ALL HEIGHT (B)	CHAMBER DIAMETER (C)	BULK OIL SPILL CAPACITY	TOTAL EXCAVATION VOLUME (D) (M ³)
OE30.8	Ø 160	22	"D" CLASS	7.000	550	2,720	Ø 2,440	8,000	37.00
OE30.10	Ø 160	22	"D" CLASS	9.000	550	2,700	Ø 2,870	10,000	45.00
OE45.8	Ø 225	66	"D" CLASS	7.200	580	2,720	Ø 2,440	8,000	37.00
OE45.10	Ø 225	66	"D" CLASS	9.200	580	2,700	Ø 2,870	10,000	45.00
OE60.10	Ø 315	142	"D" CLASS	9.400	680	2,700	Ø 2,870	10,000	45.00
OE30.20	Ø 160	22	"D" CLASS	12.800	550	3,000	Ø 3,450	19,100	67.00
OE45.20	Ø 225	66	"D" CLASS	13.100	580	3,000	Ø 3,450	18,900	67.00
OE60.20	Ø 315	142	"D" CLASS	13.400	680	3,000	Ø 3,450	18,000	67.00

POLLUTANTS	MINIMUM REDUCTION REQUIRED	TEST REDUCTION ACHIEVED
Total Suspended Solids	80%	90%
Total phosphorus	60%	97%
Total Nitrogen	45%	85%
Gross Pollutants	90%	95%
Total Hydrocarbons	99.95%	99.95%



TOTAL EXCAVATION VOLUME - "D" m³



ENVIRO

OE SERIES



- Design service life of **100 years** for fixed parts + 25 years for servicable parts
- Made using 'green concrete' **reducing carbon emission by more than 80%** when compared to other materials
- Internal components manufactured from **high grade stainless steel**, complying with International Corrosion Standards. No welding necessary
- The safest solution with **no confined space entry** required
- Installation is simple and prompt without the need for site closure + with minimal disruption
- Enviro systems are self ballasting + are fully structural

Speak to one of Enviro's friendly Engineers today



Shone +61 427 648 489
Digin +61 419 785 289



info@enviroaustralis.com.au



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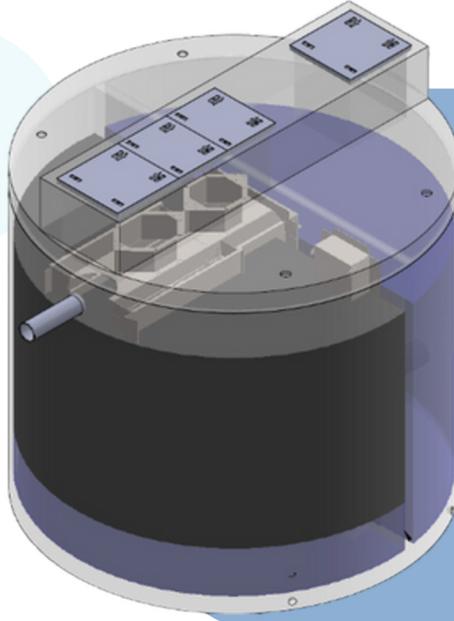
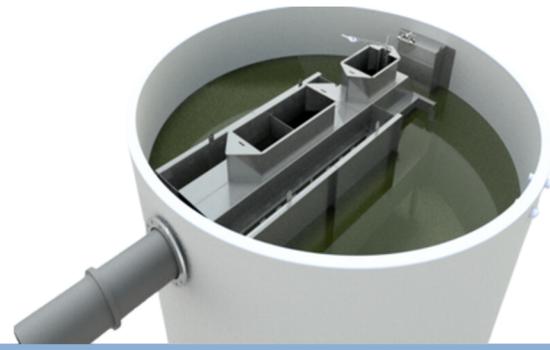


**GOOD
DESIGN
AWARD®
WINNER**



ENVIRO

OE SERIES



The OE Series enhances the **accredited oil/water separation** capabilities of the H Series by incorporating a secondary chamber capable of **containing emergency oil spills**, with a capacity of **up to 10,000 litres**.

Engineered for high-risk environments, such as airports, marinas, oil storage facilities, and petrol stations, it provides a robust solution for mitigating the risk of large-scale oil spills.

"Enviro systems ensure the highest compliance at the lowest cost."

Enviro systems are:

- 45% lower cost to install
- 87% lower cost to maintain
- 77% lower cost to own over 25 years compared to alternative systems.

Performance testing verifies pollutant removal rates:

Pollutants Reduction Claim	% Reduction (minimum requirement)	% Reduction (as tested)
Total Suspended Solids (TSS)	85%	94%
Total Phosphorous (TP)	60%	97%
Total Nitrogen (TN)	45%	85%
Free Oils Removal	99.95%	99.95%
Gross Pollutants	90%	100%

Enviro's 'green concrete' chambers, reduce carbon emissions by **more than 80%** when compared to other materials.

During recent years Enviro has *reduced CO2 emissions* by an estimated **300 tonnes** and *removed over 10 tonnes of plastic* from the waste stream.



Hydraulic Resistance K Factor = 0.425
Inlet to outlet differential = 25mm

BP independently collected samples from the BP Morkooka site after 3 months of operation. The sample was collected from the processing insert (unique to Enviro) with obvious 1-2mm hydrocarbon sheen on the influent with lots of solids present. The sample was tested by ALS with results in the table to the right. **The Enviro OE systems effectively removes 100% of all pollutants.**

Samples collected by BP, analysed by ALS (Australian Laboratory Services) results:

Pollutant	UOM	Acceptable	LOR	Effluent	Reduction
TPH, C10 - C36	µg/L	5,000	50	50	100%
C6 - C9 Fraction	µg/L	5,000	20	20	100%
C10 - C14 Fraction	µg/L	5,000	50	50	100%
C15 - C28 Fraction	µg/L	5,000	100	100	100%
C29 - C36 Fraction	µg/L	5,000	50	50	100%
Suspended Solids	mg/L	25	5	5	100%
Nitrogen as TKN	mg/L	0.5	0.1	0.1	100%
Total Phosphorous (TP)	mg/L	0.05	0.01	0.01	100%



Processing insert, Moorooka Station BP

Speak to one of Enviro's friendly Engineers today



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Digin +61 419 785 289



info@enviroaustralis.com.au

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:	P18-22
Applicant:	IOR Pty Ltd C/- TFA Project Group
Proposal:	Development Permit for a Material Change of Use for a Service Station
Description of the Development:	Unmanned Refuelling Facility
Street Address:	3 Kolongo Crescent, Kalkadoon
Real Property Description:	Lots 41 and 43 on plan MPH40048
Planning Scheme:	<i>City of Mount Isa Planning Scheme 2020</i>
Land Zoning:	Medium Impact Industry
Assessment Type:	Impact Assessable

DECISION DETAILS

Type of Decision:	Approved in Full with Condition
Type of Approval:	Development Permit for a Material Change of Use
Date of Decision:	27 January 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)

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

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

- Medium Impact Industry Zone Code
- Centre and Entertainment Activities Code
- Parking, Access and Loading Code
- Engineering Works and Services Code
- Excavation and Filling Code
- Landscaping Code
- Airport Environs Overlay Code
- Major Infrastructure Overlay Code

Local Categorising Instrument (Variation Approval)

- Not applicable.

Local Categorising Instrument (Temporary Local Planning Instrument)

- Not applicable.

PUBLIC NOTIFICATION

A review of Council's records has determined one (1) properly made submission was received.

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

- (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.