



Our Ref: File: P08-22 & 04327-92200-000 JMN:RAMW
Your Ref: ---

DECISION NOTICE APPROVAL

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

11 April 2024

S & A Property Holdings (QLD) Pty Ltd
T/A Calibre Engineering
C/- Locality Planning & Consulting
PO Box 481
MOFFAT BEACH QLD 4551

Attention: Jason Hague

Dear Mr Hague

The development application described below was properly made to the Council on 17 August 2023.

APPLICANT DETAILS*

Applicant name:	S & A Property Holding (QLD) Pty Ltd T/A Calibre Engineering C/- Locality Planning & Consulting
Applicant contact details:	Jhague@localityplanning.com.au

APPLICATION DETAILS

Application number:	P08-22
Approval sought:	Material Change of Use
Nature of development proposed:	Medium Impact Industry
Description of the development proposed:	Fabrication Workshop & Contractors Depot

LOCATION DETAILS

Street address:	46-48 Old Mica Creek Road
Real property description:	Lot 5 on plan MPH26478
Local government area:	Mount Isa City

Date of decision: 4 April 2024

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

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

DETAILS OF APPROVAL

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

The following approvals are given:

CONDITIONS

This approval is subject to the conditions in Attachment 1.

FURTHER DEVELOPMENT PERMITS

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

1. Operational Works Advertising Signage
2. Works on Council Property (New Crossover)
3. Existing Class 10 Shed (22.4m x 10m) to reclassified as Class 8 (Workshop)
4. New Building Permit for Office with verandah (17.7m x 16m))
5. New Permit for Office (12m x 3.5m)
6. New Permit for Office (6m x 3m)
7. New Permit for Workshop Extension (16m x 10m)
8. New Permit for Sign
9. New Permit for Storage Buildings x 2 (12m x 2.4m)
10. New Permit for Storage Buildings x 2 (14.4m x 3.3m)
11. New Permit for Shed (9.7m x 6m)
12. New Permit for Shed (12m x 13m)
13. New Permit for Shed (10.5m x 9m)
14. New Permit for Front Fence (Exceeds 2m in total height)
15. Retrospective Plumbing Permit for all unlawful plumbing works
16. Retrospective Plumbing Permit for Onsite Septic System (Amended Application required to reflect removal of onsite accommodation component as not approved as part of this approval)

GENERAL ADVICE (to the Applicant)

1. No Infrastructure Charges are levied for this development as subject property is located outside the Priority Infrastructure Area (PIA).

PROPERLY MADE SUBMISSIONS

Properly made submissions were / were not made in relation to the application.

REFERRAL AGENCY FOR THE APPLICATION

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
Development within 25m of State Infrastructure Corridor (Rail)	Department of Transport and Main Roads C/- State Assessment Referral Agency	Concurrency	Po Box 5667, Townsville QLD 4810 nqsara@dasilgp.qld.gov.au

APPROVED PLANS AND SPECIFICATIONS

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

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material Change of Use				
Planning Report	Locality Planning & Consulting	August 2022	August 2022: 46-48 Old Mica Creek Road	
Response to Request for Further Information	Locality Planning & Consulting	26.04.2023		
Site Identification Plan (as amended in red)	Campbell Construction Co	03.04.2023	Project No. CCC37162 WD.02	2
Item 1 -Demountable Building	Campbell Construction Co	03.04.2023	Project No. CCC37162 WD.03	2
Item 2 -Main Office Building	Campbell Construction Co	03.04.2023	Project No. CCC37162 WD.05	2
Item 2 -Office	Campbell Construction Co	03.04.2023	Project No. CCC37162 WD.07	2
Item 2 -2 x Storage Buildings (as amended in red)	Campbell Construction Co	03.04.2023	Project No. CCC37162 WD.08	2

Item 2- 2x Demountable Buildings as amended in red)	Campbell Construction Co	03.04.2023	Project No. CCC37162 WD.10	2
Item 3 – Rural Shed Building	Campbell Construction Co	03.04.2023	Project No. CCC37162 WD.13	2
Item 4 -Shed Extension	Campbell Construction Co	03.04.2023	Project No. CCC37162 WD.16	2
Item 5 -Southeast Corner Rural Shed	Campbell Construction Co	03.04.2023	Project No. CCC37162 WD.19	2
Item 6 – Southeast Corner Shed 2	Campbell Construction Co	03.04.2023	Project No. CCC37162 WD.21	2

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

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

STATEMENT OF REASONS

1. Reasons for the Decision

The reasons for this decision are:

- The proposed development was an impact assessable development for the zone; and
- Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity, or can be conditioned to comply with the relevant code requirements; and
- The proposed development complies or can be conditioned to comply with the relevant State Planning Policy and the North Queensland Regional Plan.

The evidence or other material on which the findings were based are:

- The development application material; and
- The City of Mount Isa Planning Scheme 2020; and
- State Planning Policy; and
- North Queensland Regional Plan; and
- Observations made by Council officers on a site inspection of the property.

2. Assessment Benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
<i>Industry and Infrastructure Activities Code</i>	<i>City of Mount Isa Planning Scheme 2020 Part 9 - Use Codes - 9.3.6 –</i>
<i>Engineering Works and Services Code</i>	<i>City of Mount Isa Planning Scheme 2020 Part 9 -Other Development Codes – 9.4.2 -</i>
<i>Excavation and Filling Code</i>	<i>City of Mount Isa Planning Scheme 2020 Part 9 -Other Development Codes – 9.4.3 -</i>
<i>Landscaping Code</i>	<i>City of Mount Isa Planning Scheme 2020-Part 9 -Other Development Codes – 9.4.5 -</i>
<i>Parking, Access and Loading Code</i>	<i>City of Mount Isa Planning Scheme 2020 – Part 9 -Other Development Codes – 9.4.6 -</i>
<i>Bushfire Hazard Overlay Code</i>	<i>City of Mount Isa Planning Scheme 2020 Part 8 -Overlay Codes – 8.2.3 –</i>
<i>Flood Hazard Overlay Code</i>	<i>City of Mount Isa Planning Scheme 2020 Part 8 - Overlay Codes – 8.2.5 –</i>
<i>Biodiversity Overlay Code</i>	<i>City of Mount Isa Planning Scheme 2020 Part 8 -Overlay Codes – 8.2.2 –</i>
<i>Airport Environs Overlay Code</i>	<i>City of Mount Isa Planning Scheme 2020 Part 8 -Overlay Codes – 8.2.1</i>
<i>Major Infrastructure Code</i>	<i>City of Mount Isa Planning Scheme 2020 Part 8 -Overlay Codes – 8.2.4</i>

3. Compliance with Benchmarks

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<i>Industry and Infrastructure Activities Code</i>	
PO 10 Landscaping: <ul style="list-style-type: none"> a) provides an attractive streetscape; and b) enhances the amenity of the zone; and c) reduces the visual and environmental impact of hard surface areas; and d) achieves maximum on-site rainwater infiltration; and e) minimises additional burden on stormwater drainage infrastructure. 	<i>Council has conditioned that landscaping is predominantly located on along the frontage and on the verge to provide an attractive streetscape that also screens the parking area from the street</i>
<i>Parking, Access and Loading Code</i>	
PO 4 Sufficient parking spaces are provided for the number and type of vehicles likely to be associated with the development.	<i>Sufficient parking is provided for the proposed use</i>

PO 8 Parking areas located external to a building and ancillary to the development provide shade by way of mature trees or shade structures.	<i>Shade for parking areas is not considered to be required given the industrial zoning</i>
Biodiversity Overlay Code	
PO 1 Development that may result in impacts on Matters of State Environmental Significance (MSES) is avoided or where disturbance cannot be avoided the loss or decrease of values is minimised.	<i>Historical aerial imaging indicates that the rear of the subject the site has been cleared a number of times, therefore it is considered there will be limited impacts of Matters of State Environmental Significance (MSES)</i>
Flooding Overlay Code	
PO 4 Development siting and layout responds to flooding potential and maintains personal safety at all times.	<i>As the bulk of the operations occur outside the flood impacted area of the site, there limited to risks to personnel from being able to escape the site in a flood event</i>
Bushfire Hazard Overlay Code	
PO 13 Development is located and designed to incorporate a bushfire defendable space which achieves separation between buildings and hazardous vegetation necessary to reduce risk to an acceptable or tolerable level.	<i>The rear of the site is only be used for storage and is separated from the main operating areas of the operation by a significant distance which allows for a defendable area is a fire was to occur.</i>

4. Relevant matters for Impact Assessable Development

The following matters were given regard to or assessment carried out against, in undertaking the assessment of this development application.

Other relevant matters to the assessment of the development under section 45(5)(b)	Benchmark reference	Assessment carried out against or assessment had regard to
<i>Surface Coating Threshold</i>	<i>Environmental Protection Regulation 2019</i>	<input type="checkbox"/> assessed against <input checked="" type="checkbox"/> had regard to

5. Matters Prescribed by Regulation

- The State Planning Policy - Part E
- North Queensland Regional Plan
- City of Mount Isa Planning Scheme 2020

APPEAL RIGHTS

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

APPEAL BY AN APPLICANT

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

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

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

APPEAL BY A SUBMITTER

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

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

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

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

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

Yours faithfully



Tim Rose
Acting Chief Executive Officer

CC: NQSARA@dcdilgp.qld.gov.au

Encl: **Attachment 1—Conditions of the approval**

Part 1—Conditions imposed by the Assessment Manager (Mount Isa City Council)
Part 2—Conditions required by the referral agency response

Attachment 2 – Approved Plans
Attachment 3—Extract on Appeal Rights (Planning Act 2016)

ATTACHMENT 1

PART 1

CONDITIONS IMPOSED BY ASSESSMENT MANAGER (MOUNT ISA CITY COUNCIL)

Application: P08-22 for a Material Change of Use for Fabrication Workshop and Contractors Depot (Medium Impact Industry) at 46-48 Old Mica Creek Road, Mount Isa.

Council advise that the Development Application was approved by Mount Isa City Council's Chief Executive Officer through Delegated Authority (Delegated Authority No. 2057) on 4 April 2024 for the Material Change of Use for Fabrication Workshop & Contractors Depot (Medium Impact Industry) at 46-48 Old Mica Creek Road, Mount Isa, described as Lot 5 on plan MPH26478, subject to the following conditions:

NUMBER	CONDITION	TIMING
PLANNING		
General		
1.	The development shall be carried out generally in accordance with the approved documents, plans and drawings attached to this approval except where conditions of this approval dictate otherwise <i>For clarity, any change to the development that is not generally in accordance with the approved plans and drawings must be approved by Council pursuant to a 'change application' under Chapter 3, Part 5, Division2, Subdivision 2 of the Planning Act 2016</i>	<i>At all times</i>
2.	The owner/developer shall bear the cost of all alterations necessary to public utility mains, services or installations necessitated by this approval and such works shall be to Council specifications and satisfaction	<i>At all times</i>
Amenity		
3.	Any gates situated along the road boundary must open inwards onto the property and not outwards onto Council's road reserve/verge	<i>At all times</i>
4.	Front fencing and front are to remain constructed of a fencing material that is at a minimum of 50% transparent	<i>At all times</i>
5.	Fifty-two (52) onsite carparking spaces shall be provided in in accordance with the approved plans.	<i>At all times</i>
6.	At no time will vehicles (including trailers) associated with the uses occurring onsite be permitted to be parked, stored or operated on or within the road reserve	<i>At all times</i>

Landscaping		
7.	<p>Landscaping is to be installed as per the <i>Approved Site Identification Plan dated 03/04.2023 Rev 2 – Project No CCC37162 –WD.02 with the following amendments:</i></p> <ul style="list-style-type: none"> • <i>Landscaping buffers for the north and south boundaries to be removed</i> • <i>Existing landscaping east and south of the administrative building to be retained</i> • <i>Landscaping to be increased in the north west corner of the allotment</i> • <i>Landscaping along the frontage to be reduced to 1.5m and 2.5m to be installed in the road reserve</i> 	<i>In six (6) months of the Decision unless otherwise approved</i>
8.	An automatic water irrigation system for all approved landscaping (including the verge) shall be installed to promote sustainability and shall be maintained by the owner for the life of the development	<i>In six (6) months of the Decision unless otherwise approved</i>
Environmental		
9.	Where surface coating is carried out within the threshold for anodising, electroplating, enamelling or galvanizing exceeds 1t per annual, the applicant will be required to obtain an Environmental Relevant Activity Approval from Mount Isa City Council	<i>Where required</i>
10.	<p>The operator must achieve the ‘general environmental duty’ to mitigate any environmental harm and/or nuisance described under the <i>Environmental Protection Act 1994</i>.</p> <ul style="list-style-type: none"> (a) there is no discharge to land or water of contaminants that may harm the environment or create a nuisance from the operation of the activity (b) there is no discharge to air of contaminants that may harm the environment or create a nuisance from the operation of the activity (c) noise nuisance is prevented or minimised at noise sensitive places (d) Waste production and disposal must be minimised, and waste must be managed so it does not harm the environment or create a nuisance from the operation of the activity. 	<i>At all times</i>
11.	The operator is required to have a Site Based Management Plan covering all aspects of the activities proposed on site.	<i>At all times</i>
12.	Storage of fuels in bulk or in containers greater than 15 litres must be within a secondary containment system and releases from the containment system controlled in a manner that prevents environmental harm.	<i>At all times</i>
13.	Noise impact from the proposed use of facility is prevented/maintained at required standard level at any nuisance sensitive or commercial place.	<i>At all times</i>

14.	Emissions, including combustion gases, released from vents or stacks must achieve sufficient dispersion to prevent environmental harm.	At all times
15.	The storage and incineration of carcasses must be managed to ensure there is no adverse effects of odour impacts to surrounding aesthetic and environmental values.	<i>At all times</i>
16.	A contaminant must not be placed in a position where it could reasonably be expected to move or wash into a roadside gutter, stormwater drain or waterways.	<i>At all times</i>
17.	Any asbestos containing material handled during construction and demolition must be handled according to the provisions of the <i>“How to Manage and Control Asbestos in the Workplace Code of Practice 2011”</i>	<i>During Construction</i>
ENGINEERING		
General		
18.	Any washdown activities shall require a separate Plumbing and Drainage Application and approval for the washdown bay water treatment system in accordance with the <i>Plumbing and Drainage Act 2002</i>	<i>Where required</i>
Storage and Waste		
19.	Refuse container storage areas are: (a) located on-site; and (b) not located within any required setback or landscaping areas; and (c) not located within a <i>flood hazard area</i> ; and (d) screened from public view, by a solid fence or wall that is 1.8 metres in height, measured from finished ground level; and (e) provided on an imperviously sealed pad that drains to an approved waste disposal system; and (f) provided with a tap; and (g) large enough to accommodate at least one standard industrial refuse bin of a size appropriate to the nature and scale of the refuse generated by the use	<i>At all times</i>
20.	Development provides for the on-site collection, treatment and disposal of liquid waste and other potential contamination sources and provides for spills to be wholly contained and retained on-site for subsequent removal and disposal by an approved means	<i>At all times</i>
Access, Grades, Maneuvering, Carparks and Signs		
21.	Interactions between the public’s private vehicles and the operator’s fleet vehicles are to be minimised	<i>As specified</i>
22.	A dedicated access between the road carriageway and the property boundary (crossover) shall be provided for the proposed development. Crossovers shall be installed as per the following: (a) Any new crossovers/driveways must comply with regulations and permits in relation to works on Council	<i>In six (6) months of the Decision unless otherwise approved</i>

	<p>property and the developer shall obtain a 'Works on Council Property' approval</p> <p>(b) Any driveway/crossover must provide a minimum 1.0m clearance from any electricity poles</p> <p>(c) Crossovers shall be installed at all approved accesses to each created allotment. All crossovers shall be designed and constructed in accordance with the IPWEAQ standard drawings for Heavy Duty Driveways</p>	
23.	<p>Provide, construct and delineate or sign (as required) the following requirements:</p> <p>a) The approved carpark between the Old Mica Creek Road and the main administrative building is to be sealed and maintained in either concrete or bitumen;</p> <p>b) Construct a pavement (including associated drainage) to any new areas where motor vehicles will be driven or parked. Vehicle access and carpark areas are to have a durable, dust free surface. This requires all surfaces to be sealed, concreted or paved; or where an alternative surface method is proposed, prior approval from Council <u>must</u> be obtained.</p> <p>Where a coarse, medium or fine gravel is utilised for surface coverage, hardstand areas must either be mechanically stabilised or chemically stabilised. If a chemical stabilisation method is proposed, it must be treated with an appropriate dust suppressant product prior to the commencement of use and then on an as needed basis thereafter, in accordance with the manufacturer's specifications.</p> <p>Where a dust suppressant is utilised, records documenting maintenance inspections and application history details must be maintained and made available for inspection at any time upon request by Council.</p> <p>c) Manoeuvring on-site for all vehicles utilising the site including service and maintenance vehicles</p> <p>d) The internal driveways and car parks shall be provided in accordance with AS/NZS 2890.1 (Off-street Car Parking).</p> <p>e) Disabled car parking shall be provided in accordance with AS 1428.1-2009.</p> <p>f) The internal paved areas are to be signed and delineated in accordance with the approved plans and Manual of Uniform Traffic Control Devices.</p>	<p><i>In six (6) months of the Decision unless otherwise approved</i></p>
Stormwater		
24.	<p>Stormwater runoff is to be collected internally and directed to a lawful point of discharge. Ensure a non-worsening of the existing flow regime to properties that are upstream and downstream of the site</p>	<p><i>At all times</i></p>
Sewerage		
25.	<p>The development must be connected to Council's Reticulated Sewerage system at such a time that the lot is serviced.</p>	<p><i>As specified</i></p>

COMPLIANCE WITH CONDITIONS		
26.	The owner/developer is to contact Council to arrange a compliance inspection of the property to assess compliance with the Assessment Manager's Conditions of Approval and the approved plans.	<i>In twelve (12) months of the Decision unless otherwise approved</i>
27.	<i>Prior to commencement of use</i> provide Council with Registered Professional Engineer of Queensland (RPEQ) certified as constructed plans to demonstrate compliance with the access, grades, manoeuvring, carparks and signs of the approved plans;	<i>In twelve (12) months of the Decision unless otherwise approved</i>

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

Materials used in the assessment of the application included:

- The development application material and submitted plans
- Information Request Response and Further Advice Response
- *Planning Act 2016*
- Planning Regulation 2017
- *The State Development Assessment Provisions* (version 2.4), as published by the department
- The Development Assessment Rules
- SSP Interactive Mapping System

The assessment of this application has not included an examination of the compliance with applicable legislation, with the exception of those aspects which have been examined by any referral agency, and the issue of the permit is not to be taken as evidence or assertion of such compliance.

ATTACHMENT 1
Part 2
CONDITIONS IMPOSED BY
CONCURRENCE AGENCY
(Housing, Local Government and Planning and
Public Works)

Application: P08-22 for a Material Change of Use for Fabrication Workshop and Contractors Depot (Medium Impact Industry) at 46-48 Old Mica Creek Road, Mount Isa.
(DHLPPW letter dated 29 November 2022, Application/Reference No: 2210-31536 SRA refers, copy attached).



SARA reference: 2210-31536 SRA
 Council reference: P08-22 & 04327-92200-000

28 November 2022

Chief Executive Officer
 Mount Isa City Council
 PO Box 815
 MOUNT ISA QLD 4825
 city@mountisa.qld.gov.au

Attention: Gayle Houston

Dear Ms Houston

SARA response—46-48 Mica Creek Road, Mica Creek

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 30 September 2022.

Response

Outcome:	Referral agency response – with a condition
Date of response:	28 November 2022
Conditions:	The condition in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development Permit for Material Change of Use for Medium Impact Industry (Fabrication and Transport Depot)
SARA role:	Referral agency
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1) – Material change of use of premises near a state transport corridor
SARA reference:	2210-31536 SRA

North and North West regional office
 Level 4, 445 Flinders Street, Townsville
 PO Box 5666, Townsville QLD 4810

Assessment manager: Mount Isa City Council
Street address: 46-48 Mica Creek Road, Mica Creek
Real property description: Lot 5 on MPH26476
Applicant name: S & A Property Holdings (QLD) Pty Ltd T/A Calibre Engineering
C/- Locality Planning & Consulting
Applicant contact details: PO Box 481
MOFFAT BEACH QLD 4551
jhague@localityplanning.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules).

Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Lydia Summers, Senior Planning Officer, on 07 5644 3217 or via email NQSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc S & A Property Holdings (QLD) Pty Ltd T/A Calibre Engineering c/- Locality Planning & Consulting,
jhague@localityplanning.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following condition must be attached to any development approval relating to this application)

No.	Conditions	Condition timing
	<p>10.9.4.2.4.1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:</p>	
1.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the railway corridor.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the railway corridor; (ii) interfere with and/or cause damage to the existing stormwater drainage on the railway corridor; (iii) surcharge any existing culvert or drain on the railway corridor; (iv) reduce the quality of stormwater discharge onto the railway corridor; (v) impede or interfere with overland flow or hydraulic conveyance on the site including upstream flows from the railway corridor; and (vi) reduce the floodplain storage capacity of the site. 	At all times

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) version 3.0. If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for SARA's decision are:

The development complies with State code 2: Development in a railway environment of SDAP. Specifically, the development:

- does not result in an increase in the likelihood or frequency of accidents, fatalities or serious injury for users of a railway
- does not adversely impact the structural integrity or physical condition of railways, rail transport infrastructure or other rail infrastructure within a railway corridor
- does not compromise the operating performance of railway corridors
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate railway corridors, future railway corridors and associated rail transport infrastructure or other rail infrastructure
- does not significantly increase the cost to the state to plan, construct, maintain, upgrade or operate railway corridors, future railway corridors, rail transport infrastructure or other rail infrastructure
- does not compromise pedestrian or cycle access to public passenger transport infrastructure or active transport infrastructure associated with railways.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*.

Attachment 4—Representations about a referral agency response provisions

(page left intentionally blank)

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

ATTACHMENT 2
APPROVED PLANS

DEVELOPMENT APPLICATION:
MCU – MEDIUM IMPACT INDUSTRY
(FABRICATION & TRANSPORT DEPOT)



46-48 OLD MICA CREEK ROAD

MOUNT ISA

LOT 5 MPH 26476

AUGUST 2022



MOUNT ISA CITY COUNCIL
DEVELOPMENT APPROVAL

Permit No.: P08-22

Type of Development: Material Change of Use

Approved Use: Fabrication Workshop & Contractors Depot (Industry)

Approved By: Mr Tim Rose

Title: Acting Chief Executive Officer

Date: 11/04/2024

Contents

1.0	Introduction.....	6
1.1	Subject Site Location.....	6
1.2	Surrounding Uses.....	7
1.3	Site Suitability	7
2.0	The Proposal.....	8
2.1	Access and Traffic.....	9
2.2	Vegetation retention.....	9
2.3	Site topography and dimensions.....	12
3.0	Planning Context & Assessment.....	12
3.1	Mount Isa Planning Scheme 2020.....	13
3.1.1	Mount Isa Planning Scheme 2020 – Planning Scheme Overlay Codes	16
4.0	Conclusion.....	17

TABLE OF FIGURES

FIGURE 1 – LOCALITY MAP

FIGURE 2 – PLAN OF DEVELOPMENT (EXISTING)

FIGURE 3 – EXISTING ENTRANCE OFF OLD MICA CREEK ROAD

FIGURE 4 – PROTECTED PLANTS AND FLORA SURVEY TRIGGER MAP

FIGURE 5 – KOALA PRIORITY AREA, KOALA HABITAT AREA AND IDENTIFIED KOALA BROAD-HECTARE AREA MAP

FIGURE 6 – REGULATED VEGETATION MANAGEMENT MAP

FIGURE 7 – VEGETATION MANAGEMENT SUPPORTING MAP

FIGURE 8 – IMAGE LOOKING OVER THE FLAT TERRAIN OF THE SITE

FIGURE 9 – LOW IMPACT INDUSTRY ZONE

TABLE OF ATTACHMENTS

ATTACHMENT 1 – OWNERS CONSENT

ATTACHMENT 2 – NOTICE OF ADVICE (COPY)

ATTACHMENT 3 – 46-48 OLD MICA CREEK ROAD PLANS

ATTACHMENT 4 – 46-48 OLD MICA CREEK ROAD PHOTO SCHEDULE

ATTACHMENT 5 – REGULATED VEGETATION MANAGEMENT MAP

ATTACHMENT 6 – VEGETATION MANAGEMENT MAP

ATTACHMENT 7(A TO J) – PLANNING SCHEME CODES

REPORT SUMMARY

DEVELOPMENT APPLICATION – RECONFIGURATION OF A LOT (1 INTO 2)

DEVELOPMENT APPLICATION

APPLICANT: S & A PROPERTY HOLDINGS (QLD) PTY LTD T/A CALIBRE ENGINEERING

CONSULTANT: LOCALITY PLANNING & CONSULTING PTY LTD

PROPOSAL: MCU–MEDIUM IMPACT INDUSTRY (FABRICATION & TRANSPORT DEPOT)

LEVEL OF ASSESSMENT: IMPACT ASSESSABLE

SITE DESCRIPTION

LOCATION: 46-48 OLD MICA CREEK ROAD

LOCAL AUTHORITY: MOUNT ISA CITY COUNCIL

RPD: LOT 5 MPH 26476

AREA OF LAND: 14,400M²

CURRENT USE OF LAND: MEDIUM IMPACT INDUSTRY (FABRICATION & TRANSPORT DEPOT)

MOUNT ISA PLANNING SCHEME 2020

ZONE: LOW IMPACT INDUSTRY ZONE

RELEVANT CODES:

- i. LOW IMPACT INDUSTRY ZONE CODE
- ii. INDUSTRY AND INFRASTRUCTURE ACTIVITIES CODE
- iii. PARKING, ACCESS, AND LOADING CODE
- iv. LANDSCAPING CODE
- v. ENGINEERING WORKS AND SERVICES CODE
- vi. EXCAVATION AND FILLING CODE
- vii. WETLANDS AND WATERWAYS CORRIDORS OVERLAY CODE
- viii. AIRPORT ENVIRONS OVERLAY CODE
- ix. FLOODING OVERLAY CODE
- x. BUSHFIRE HAZARD OVERLAY CODE
- xi. BIODIVERSITY OVERLAY CODE

1.0 Introduction

This Town Planning Report has been prepared to support a Development Application for Material Change of Use – Medium Impact Industry (Fabrication & Transport Depot) on behalf of S & A Property Holdings (QLD) Pty Ltd (site owner) and trading as Calibre Engineering. Owners Consent is attachment 1.

The applicant proposes formalising the existing land use after receiving a letter – *Notice of Advice Assessable Development without an Effective Development Permit for the Development 46-48 Old Mica Creek Road, Mount Isa* from Mount Isa City Council.

The main operations on the site are fabrication for mining activities and storage of the fleet and plant, there will be also other ancillary activities of administration and servicing of vehicles/plant (in connection with Calibre Engineering). This is called Calibre Automotive and Diesel Pty Ltd and operate from the site so that motor vehicles and equipment linked to Calibre Engineering are being serviced.

The existing layout design (refer Attachment 3) has been reflected and prepared by Campbell Constructions to describe the existing character of the site, location of infrastructure, and dimensions of the infrastructure. A photo gallery of the site infrastructure is also included so that Council gets a full perspective of the business operations that are existing on site and the importance of this approval to maintain the operations of this local business.

The purpose of this town planning report is to best describe the characteristics of the land use including an assessment of specific codes from the *Mount Isa Planning Scheme 2020* and how the development meets either the performance or acceptable outcomes of these codes.

1.1 Subject Site Location

The subject site is situated at 46-48 Old Mica Creek Road, Mount Isa and is legally described as Lot 5 MPH 26476. The development site has a total site area of 14,400m². The site has the ability to accommodate the existing industrial activity. The site is easily accessible from the existing entrance from Old Mica Creek Road, is ideally located in the appropriately zone site and has limited traffic movements other than the specific industry traffic for the area.

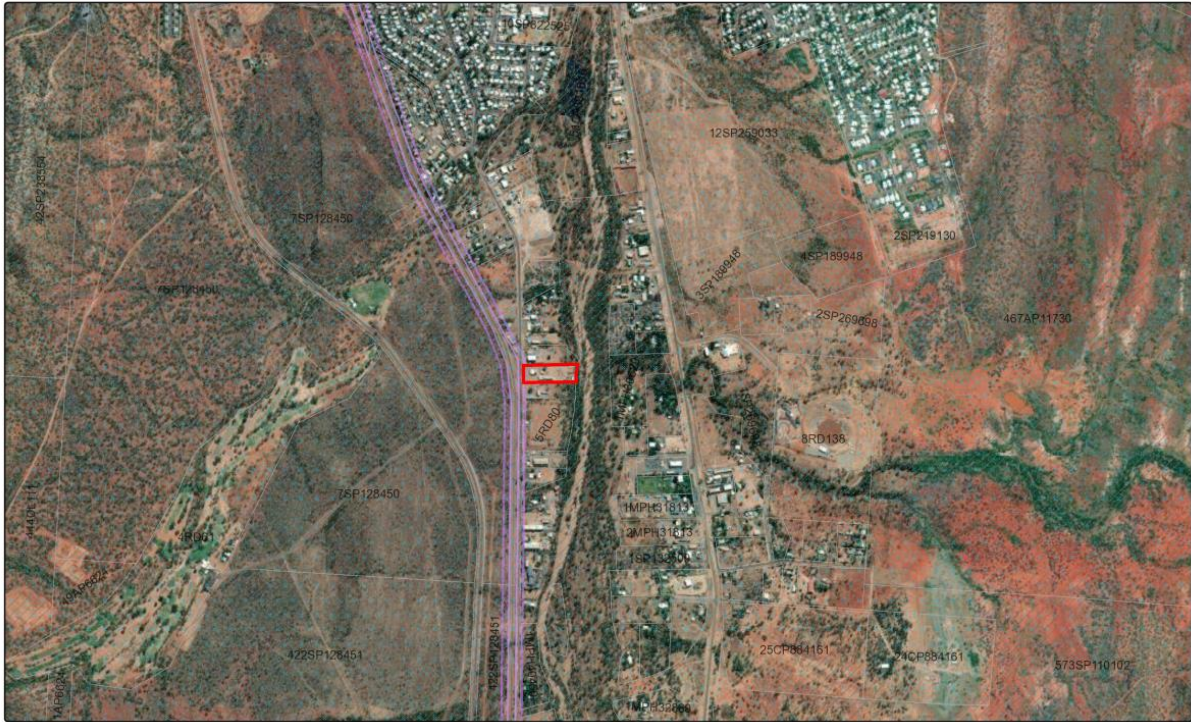


FIGURE 1 - LOCALITY MAP

1.2 Surrounding Uses

The site is South of Mount Isa in an existing industrial area with predominately low to medium impact industrial uses on various sized allotments. The subject site is adjoining a large stormwater channel that runs to the rear of the site that facilitates the whole industrial area. The existing proposal (existing operating business) supports the planning intent for the area and is an ideal location to achieve this aspiration and not diminish any residential amenity to the North.

1.3 Site Suitability

The subject site is considered suitable for a medium impact industrial use based on the following:

- The proposal is existing and is to formalise the existing successful operations of Calibre Engineering.
- The existing land use, is within close (but separate) proximity to existing residential amenities which provide access for staff to live and be part of the Mount Isa community and facilities
- The site adheres to the strategy and intent of the *Mount Isa Planning Scheme 2020* for the low impact industry zoning;
- Safe and efficient parking and access provisions can be established onsite;
- The design of the existing site layout is sympathetic to the natural features of the site including topography and orientation;
- The subject site's location, size and shape are considered well suited to meeting Council outcomes for this area;
- It is also noted that the proposal will not result in the any direct or indirect impacts on ecologically important areas and does not result in clearing of native vegetation.

2.0 The Proposal

The applicant proposes formalising the existing land use after receiving a letter – Notice of Advice Assessable Development without an Effective Development Permit for the Development 46-48 Old Mica Creek Road, Mount Isa from Mount Isa City Council.

The main operations on the site are fabrication for mining activities and storage of the fleet and plant, there will be also other ancillary activities of administration and servicing of vehicles/plant (in connection with Calibre Engineering). This is called Calibre Automotive and Diesel Pty Ltd and operates from the site so that motor vehicles and equipment linked to Calibre Engineering, can and are being serviced. This onsite servicing of vehicles associated with the engineering business is important for efficiency and reduces additional trips to other service providers that would be required if, this ancillary activity was not in place.

The existing layout design (refer Attachment 3) has been reflected and prepared by Campbell Constructions to describe the existing character of the site, location of infrastructure, and dimensions of the infrastructure. A photo gallery included as attachment 4 (of the site infrastructure) is provided so that Council gets a full perspective of the business operations that are existing on site on the importance of this approval to maintain the operations of this local business.

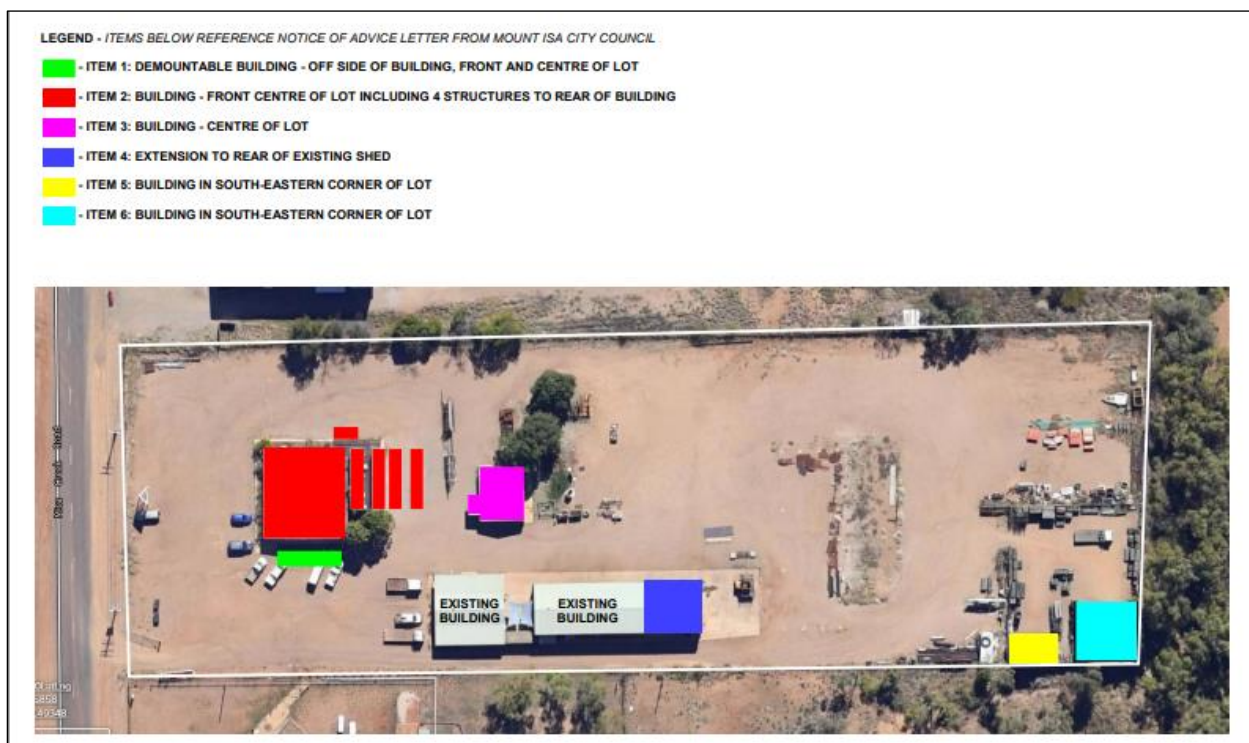


FIGURE 2 – PLAN OF DEVELOPMENT (EXISTING)

Fabrication – means the use of premises for – the process of bending, cutting, and modelling steel/aluminium to form a structure. For structural fabrication pieces of steel/aluminium are put together to make different structures that are usually of predefined sizes and shapes engineered for the mining industry.

Transport Depot - means the use of premises for –
(a) storing vehicles, or machinery, that are used for a commercial or public purpose; or
(b) cleaning, repairing or servicing vehicles or machinery, if the use is ancillary to the use in paragraph (a).

2.1 Access and Traffic

Access to the existing business at 46-48 Old Mica Creek Road is achieved from the all-weather Road that fronts the site. There is sufficient sight lines and width of the road to facilitate adequate manoeuvrability for this industrial site from Old Mica Creek Road. The site has existing provision of onsite car parking, for both employees and visitors to the site. This includes loading and unloading areas which adhere to the requirements of the *Mount Isa Planning Scheme 2020*.



FIGURE 3 – EXISTING ENTRANCE OFF OLD MICA CREEK ROAD

2.2 Vegetation retention

In accordance with the Department of Resource – Vegetation management framework the site has been identified as free of assessable vegetation present on the property. There is no wetlands present on the property as identified on the vegetation management mapping.

The mapping has also not identified areas for Koala protection, the mapping is clear from Koala Priority Area, Koala Habitat Area and identified koala broad-hectare area of Koala habitat (refer Attachments 5 & 6). An area to the east of the site is identified as showing least

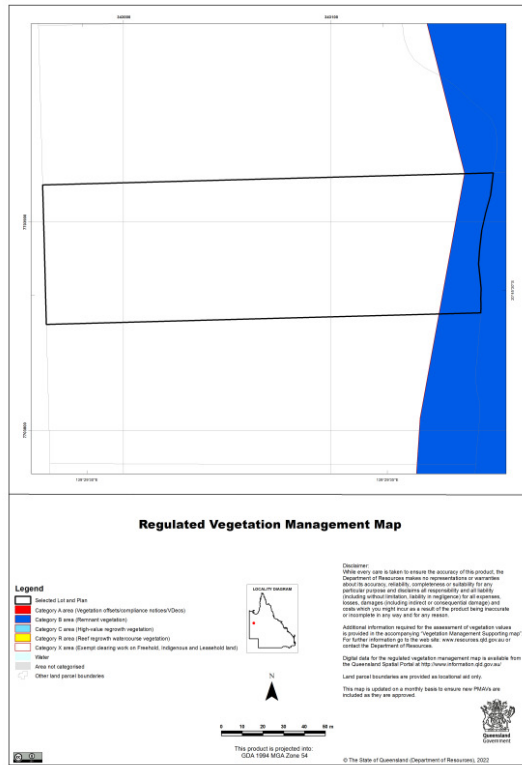


FIGURE 6 – REGULATED VEGETATION MANAGEMENT MAP

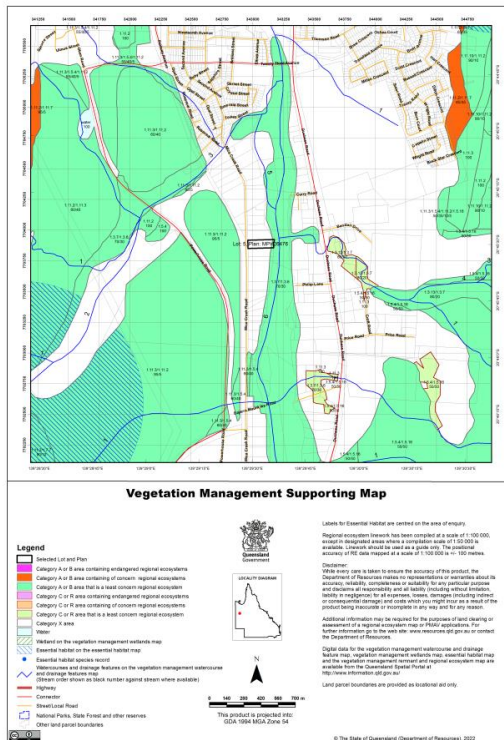


FIGURE 7 – VEGETATION MANAGEMENT SUPPORTING MAP

2.3 Site topography and dimensions


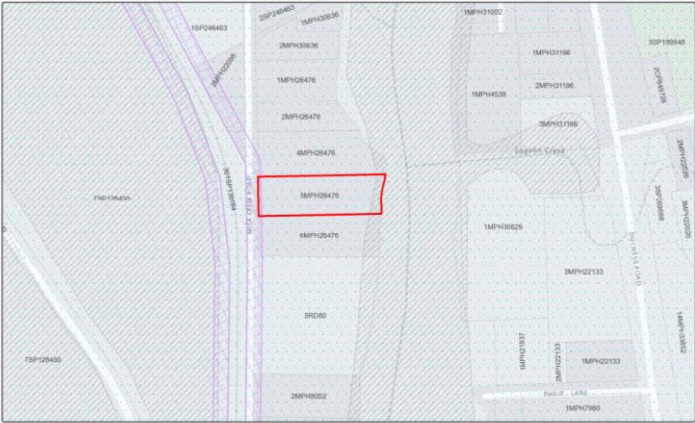
The proposed site layout can accommodate the existing operations. The site infrastructure has been located to suit the best flat terrain and shading on the site, with the development area designating specific on site uses within separate building envelopes.



FIGURE 8 – IMAGE LOOKING OVER THE FLAT TERRAIN OF THE SITE

3.0 Planning Context & Assessment

The State Planning Regulation (2017) schedule 10 specify the assessment benchmarks for the relevant referral trigger. The subject site may require referral to the State in respect to the railway corridor and the site within 25m of the corridor.

Overlay Area	Comment
<p data-bbox="193 232 1136 266">Land Subject to Category B on the regulated vegetation management map</p> 	<p data-bbox="1136 322 1433 488">The site has a small section that is identifiable on this map - Category B on the regulated vegetation management map</p>
<p data-bbox="193 752 1136 786">Land Area within 25m of a railway corridor</p>  <p data-bbox="507 1263 719 1283">DA Manning System – Print Screen</p>	<p data-bbox="1136 842 1433 954">The site on the western side of the property has a land area within 25m of a railway corridor</p>

3.1 Mount Isa Planning Scheme 2020

The subject site is located within the local government boundary of Mount Isa City Council and as such is subject to the provisions contained in the *Mount Isa Planning Scheme 2020*.

This following assessment demonstrates that the existing land use subject to this application is suitable for the zoning and within the intent of the planning scheme.

As a consistent industrial use, having a fabrication and transport depot that maintains the existing character and intent created by the *Mount Isa Planning Scheme 2020*. With the purpose of the Low Impact Industry Zone Code being:

6.6.1 Low impact industry zone code

6.6.1.1 Application

This code applies to assessing material change of use, reconfiguring a lot, and building work development in the Low impact industry zone.

When using this code, reference should be made to section 5.3.2 and, where applicable, section 5.3.3, in Part 5.

6.6.1.2 Purpose

The purpose of the Low impact industry zone is to provide for—

- (a) service industry and low impact industry; and
- (b) other uses and activities that—
 - (i) support industry activities; and
 - (ii) do not compromise the future use of premises for industry activities.

The purpose of the code will be achieved through the following overall outcomes:

- (1) Where possible, the Low impact industry zone will provide a buffer between higher impact industry zones, and sensitive land uses and zones that permit sensitive land uses.
- (2) A range of low impact industry and service industry uses that satisfy the purpose of the Zone are facilitated.
- (3) Small-scale non-industry activities that support low impact industry or service industry uses or that are more suitable to an industrial area than other parts of the City are supported where appropriate.
- (4) On-site non-industry activities that support the primary low impact industry or service industry use on the site, such as office and sales areas:
 - (a) are of a scale that is ancillary to the primary use on the site; and
 - (b) do not compromise the ongoing operation and viability of surrounding uses in the Zone; and
 - (c) do not compromise the integrity of the Zone.
- (5) The viability of existing and future low impact industry and service industry uses is protected from the intrusion of incompatible uses, including, but not limited to, sensitive land uses, medium impact industry uses and special industry uses.
- (6) The scale, character and built form of development contributes to a high standard of amenity on-site and off-site.
- (7) Development is located, designed, operated and managed to:
 - (a) maintain or enhance the safety of people and integrity of infrastructure; and
 - (b) not result in environmental harm; and
 - (c) avoid adverse impacts on the surrounding area, including, but not limited to, adverse impacts caused by traffic generation, or emissions of noise, odour, lighting, dust or smoke; and
 - (d) avoid adverse impacts on nearby non-industrial zoned land; and
 - (e) provide safe vehicle, cyclist and pedestrian access to, and egress from, the site; and
 - (f) avoid adverse on-site and off-site impacts on natural features and processes, including, but not limited to, creeks, gullies, waterways, wetlands and vegetation; and

- (g) avoid, or where avoidance is not practicable, minimise, any risk of air pollution or contamination of land or water.
- (8) Development is appropriately designed and located to be responsive to the environmental constraints of the land, including, but not limited to, natural topography, bushfire and flooding.
- (9) Development incorporates and facilitates sustainable practices including maximising energy efficiency and water conservation appropriate to Mount Isa's semi-arid environment.
- (10) Development maximises the use of existing transport infrastructure and has access to an appropriate level of transport infrastructure, including, but not limited to, railways, airports and highways.
- (11) Development is supported by appropriately designed transport infrastructure that facilitates efficient and safe transport use, safe cycling and walking.
- (12) Development is to be functional, and attractively designed and presented.
- (13) Development is supported by appropriately designed transport infrastructure that facilitates efficient transport use, safe cycling and walking.
- (14) Natural features such as creeks, gullies, waterways, wetlands and vegetation are protected from the impacts of development.
- (15) Development is provided with appropriate infrastructure and services.

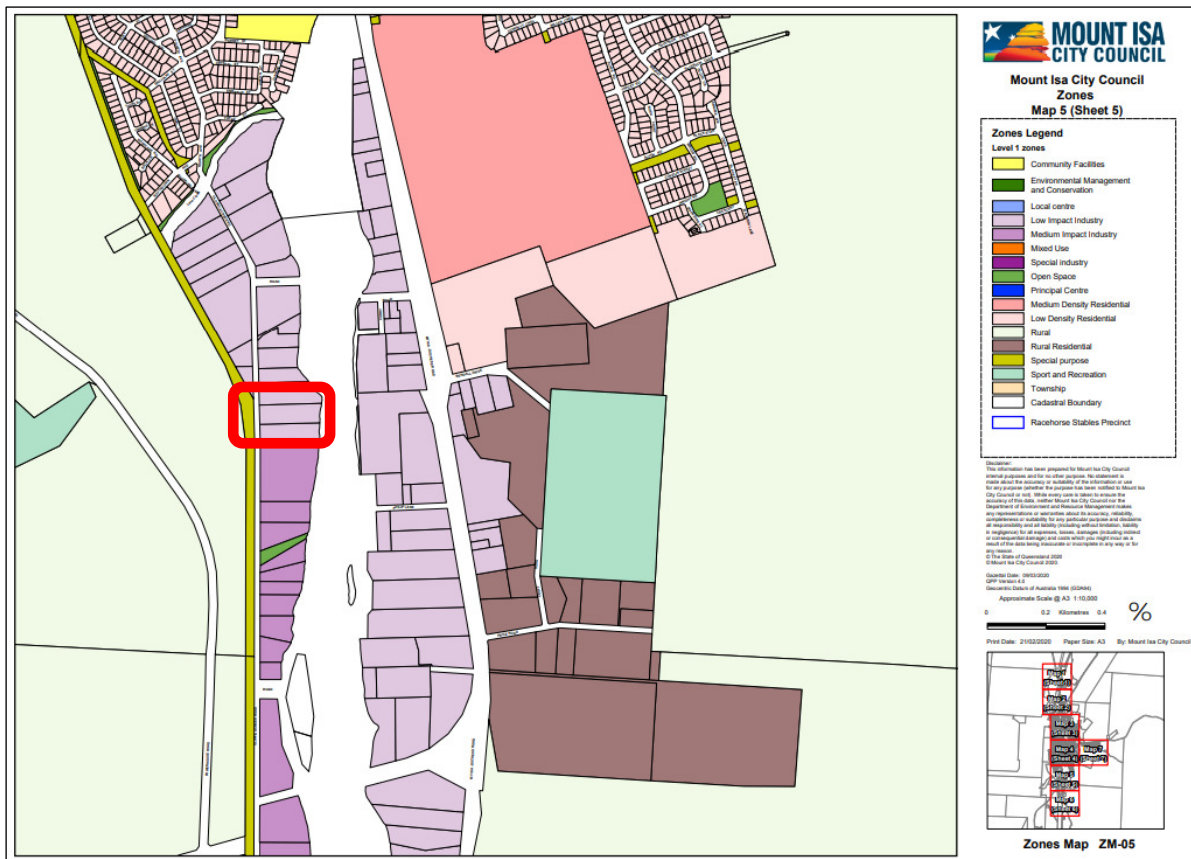


FIGURE 9 – LOW IMPACT INDUSTRY ZONE

Codes that have been looked at in attachment 7 (A to J) are:

- Industry and infrastructure activities code
- Parking, access and loading code
- Landscaping code
- Engineering works and services code
- Excavation and filling code

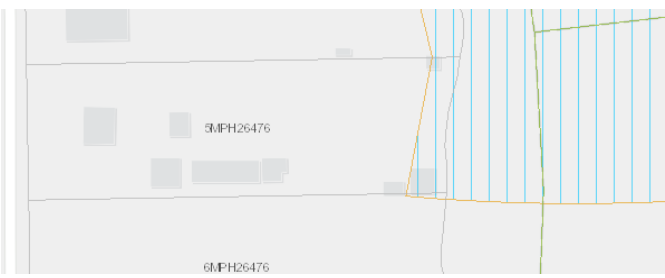
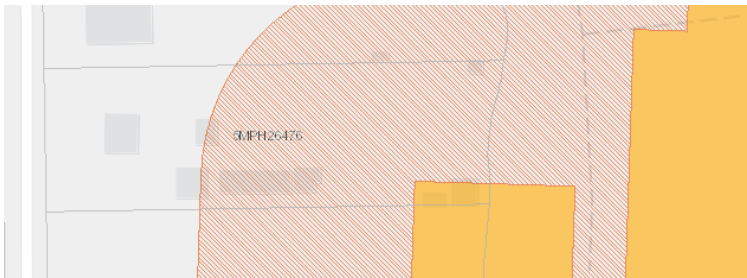
3.1.1 Mount Isa Planning Scheme 2020 – Planning Scheme Overlay Codes

In-line with the above envisaged outcomes of the planning scheme the development site trigger particular overlays.

Overlay Codes that have been looked at in attachment 7 (A to J) are:

- Wetlands and waterway corridors overlay code
- Airport environs overlay code
- Flooding Overlay Code
- Bushfire hazard Overlay Code
- Biodiversity Overlay Code

The codes applicable to this application include:

Overlay Area	Comment
<p data-bbox="193 1122 1136 1155">Land Subject to Biodiversity, Waterways and Wetlands Overlay</p> 	<p data-bbox="1136 1205 1431 1323">The constructed waterbody has become a feature of the property and is to be kept.</p>
<p data-bbox="193 1525 1136 1559">Land Subject to Bushfire Hazard Overlay</p> 	<p data-bbox="1136 1615 1431 1809">The stream order 1 – 2 on the western side of the property is among the vegetated areas. These areas are not to be disturbed in this application.</p>
<p data-bbox="193 1973 1136 2007">Land Subject to Flood Hazard Overlay</p>	



The bushfire area have been identified and the building envelope outside the area indicated in the mapping.

4.0 Conclusion

This Town Planning Report has been prepared to support a Development Application for Material Change of Use – Medium Impact Industry (Fabrication & Transport Depot) on behalf of S & A Property Holdings (QLD) Pty Ltd (site owner) and trading as Calibre Engineering.

The main operations of fabrication for mining activities and storage of the fleet and plant, should be considered consistent land uses in the Low Impact Industry Zone. The subject site is considered suitable for a medium impact industrial use based on the following:

- The proposal is existing and is to formalise the existing successful operations of Calibre Engineering.
- The existing land use, is within close (but separate) proximity to existing residential amenities which provide access for staff to live and be part of the Mount Isa community and facilities
- The site adheres to the strategy and intent of the *Mount Isa Planning Scheme 2020* for the low impact industry zoning;
- Safe and efficient parking and access provisions can be established onsite;
- The design of the existing site layout is sympathetic to the natural features of the site including topography and orientation;
- The subject site's location, size and shape are considered well suited to meeting Council outcomes for this area;
- It is also noted that the proposal will not result in the any direct or indirect impacts on ecologically important areas and does not result in clearing of native vegetation.

In summary, the report finds the proposal to be consistent with the intent of the precinct which allows development when achieving performance outcomes and consistent with the residential amenity of the surrounding properties.

On this basis, we request that the application for the Reconfiguration of a lot (1 into 2) be approved subject with reasonable and relevant conditions.

Yours faithfully

A handwritten signature in black ink that reads "Hague". The signature is written in a cursive, flowing style.

JASON HAGUE
LOCALITY PLANNING & CONSULTING

**MOUNT ISA CITY COUNCIL
DEVELOPMENT APPROVAL**

Permit No.: P08-22

Type of Development: Material Change of Use

Approved Use: Fabrication Workshop & Contractors Depot (Industry)

Approved By: Mr Tim Rose

Title: Acting Chief Executive Officer

Date: 11/04/2024



26 April 2023

The Chief Executive Officer
Mount Isa City Council
Development, Assessment
23 West Street
Mount Isa QLD 4825

Submitted online lodgement form city@mountisa.qld.gov.au

Dear Development Assessment Team,

RE: P08-22 FABRICATION WORKSHOP AND TRANSPORT DEPOT (FLEET & PLANT EQUIPMENT)

Please find enclosed, on behalf of our client, S & A Property Holdings (QLD) Pty Ltd T/A Calibre Engineering, an information response to letter from Mount Isa City Council dated 28 October 2022.

We believe the information and supporting materials provided are sufficient to enable satisfactory assessment of this development proposal and subsequent conditioned approval.

Council issue: Non Residential Workforce Accommodation Component

The existing structure plan shows four (4) structures at the rear of the office that are used for “sleeping”. The report makes no reference to a Non Residential Workforce Accommodation use being applied for as part of this development application. Either lodge an amended development application including the Non Residential Workforce Accommodation component and pay the additional fee or provide amended plans detailing their removal from the premise.

Please note: Non Residential Workforce Accommodation is not a preferred use within the Low Impact Industry Zone and you are required to provide significant justification demonstrating why a workforce accommodation component could be considered suitable for the zone. This was advised to you on 22 August 2022.

Response:

The subject site is located within the Low Impact Industry Zone. Currently the business owner provides a comprehensive service to the mining industry, where the mining industry is undergoing a shortage of skilled labour and residential accommodation is in short supply within the LGA of Mount Isa.

The accommodation service provided by the business owner is sporadic in nature and fully dependent on work contracts at the time and doesn't involve REIQ contracts. The business owner is not providing a residential service that provides accommodation in return for payment of rent, where residents, who occupy 1 or more rooms are required to pay individually rent and share facilities.

The current non-specific accommodation arrangements are very much auxiliary to the land use of the site of fabrication and transport depot. The accommodation services we consider, are not and/or should not be considered to be a residential service. It is asked of the Council that the accommodation for employees in connection with their work, or contractors in connection with their service contracts be considered 'accommodation services' in line with the QLD Government Industries sector (department) <https://www.business.qld.gov.au/industries/service-industries-professionals/housing-accommodation/residential-service/definition>

The above seeks justification of this definition and both its , importance to the viability of workforce participation and the benefits this can bring to the LGA of Mount Isa. By adopting this interpretation, the accommodation is not an incompatible use, as it is not a residential activity, but is a small scale non-industry activity that supports medium impact industry uses whilst not diminishing the potential and viability of low impact industry uses in the area.

Council issue: Missing Information Required for Assessment

A review of the development application has revealed missing key information required to assess the application.

You are required to provide additional plans detailing the following:

- Buildings to be retained as part of the development/ Buildings to be removed
- Location of individual parking spaces. All parking areas are to be sealed in dust free surface and delineated
- Location of the required 10% onsite landscaping or proposed landscaping for the development
- Details of which areas will be used for laydown
- Details of areas that will be sealed in a dust free surface. Note all vehicle movement areas must be sealed
- Proposed access to the site, including location and width
- Location of refuse waste areas
- Vehicle turning and vehicle movement plan ensuring that there is limited interactions between heavy and light vehicles
- Details how onsite stormwater is collected and discharged to lawful point of discharge.

Response:

The previously lodged plans as attachment 3 (original application) have been upgraded and re-lodged as attachment 2. The plans show car parking areas and increased landscaping areas. The laydown areas on the map are at the rear of the site so as not to reduce visual amenity. The access to the site is shown in the map and has the dimensions of 13m across as its width. The location of waste areas varies but wheelie bins are located around the office covered areas and a commercial skip bin is in the workshop zone. Stormwater is sent to Mica Creek Road.

Council issue: Code Assessment

A number of times you have stated that the development complies with the Acceptable Outcome (AO) of the Codes; however, in most instances it would appear that the comments provided are more in line with the broader requirement of the Performance Outcomes (PO).

Please amend your code assessment tables to clarify whether the development can comply with the AO, or provide an alternative solution/justification that's complies with the associated PO.

Response:

Attachment 5 includes an updated version of the applicable codes, specifically reviewing compliance with AO and if an alternative solution is used so as to meet the PO. All codes have been reviewed including:

- Industry and Infrastructure activities code
- Parking, access and loading code
- Landscaping code
- Engineering works and services code
- Excavation and filling code
- Wetlands and waterway corridors overlay code
- Airport environs overlay code
- Flood hazard overlay code
- Bushfire hazard overlay code
- Biodiversity overlay code

Council issue: Flood Hazard Overlay Code

PO 4

The planning report indicates that proposed development cannot comply with the Acceptable Outcome AO 4.1. As the premise is located both in the flood zone of City of Mount Isa Planning Scheme 2020 and the State Planning Policy Interactive Mapping provide further justification in line with PO4 as to why this development is suitable at this location.

Response:

The updated responses to Council planning Scheme codes responds to PO4 in Table 8.2.5.1 – *Development siting and layout responds to flooding potential and maintains personal safety at all times*. The Comment in the Table states: The development is industrial in nature and compatible with the flooding mapping where specific structures are outside the flood areas identified. The development has areas on the site that can be used for gathering of staff and visitors to maintain safety of the personal at all times.

Council issue: Bushfire Hazard Overlay Code

Provide justification in line with the Performance Outcomes of the Code. Your statement “*The development is not residential or reconfiguration in nature*” is not considered to be sufficient
Provided new justifications for following Acceptable Outcomes:

- AO 5.1
- AO 8.1
- AO 9.1
- AO 11.1

Response:

The following responses have been made:

AO 5.1 – *Development minimises the length of the development perimeter and number of lots exposed to or adjoining hazardous vegetation.*

Comment: The development is on land previously approved by Council for Industrial Use and is not residential or a lot reconfiguration in nature.

The development has not over developed the site and allows for personal safety should a Bushfire approach the site. Direct access to escape routes is available from the site.

AO 8.1 – *Development:*

- (a) *avoids the creation of bottle-neck points in the movement network within the development; and*
- (b) *establishes direct access to a safe assembly/evacuation area in the event of an approaching bushfire; and*
- (c) *ensures roads internal and external to the development are designed to have sufficient capacity for the evacuating population, and minimise traffic congestion in the event of a bushfire; and*
- (d) *ensures access routes do not expose occupants to bushfire hazard.*

Comment: The development has existing access to escape routes from the Industrial area as it is at the moment. The development is not creating new lots.

AO 9.1 – *Access and egress routes are:*

- (a) *public roads; and*
- (b) *sealed and designed to be used in all weather conditions; and*
- (c) *designed in accordance with vehicle access requirements in Fire Hydrant and Vehicle Access Guidelines for residential, commercial and industrial lots, Queensland Fire and Emergency Services, 2015.*

Comment:

The development is not residential or reconfiguration in nature. The existing development site has road frontage to a constructed, all-weather public road capable of carrying emergency service vehicles. Access internally to the site can accommodate a fire truck if required.

Response:

AO 11.1 – Lot boundaries or building envelopes are separated from hazardous vegetation by a public road which:

- (a) has a two-lane sealed carriageway clear of hazardous vegetation; and
- (b) contains a reticulated water supply; and
- (c) is connected to public roads at both ends and at intervals of no more than 500 metres; and
- (d) is designed in accordance with the geometry, turning radii and vertical clearing provision in the Fire Hydrant and Vehicle Access Guidelines for residential, commercial and industrial lots, Queensland Fire and Emergency Services, 2015, and the Road Planning and Design Manual 2nd edition, Department of Transport and Main Roads, 2013; and
- (e) does not impede access for fire-fighting and maintenance for fire-fighting purposes.

Comment: The development is not residential or reconfiguration in nature. The existing development site has road frontage to a constructed, all-weather public road capable of carrying emergency service vehicles. The development site can accommodate a fire truck if access is needed.

Council issue: Landscaping Code

AO2.2

You have stated that the landscaping complies with AO2.2, however have not provided any evidence. Provide the evidence how the development complies on the new plans or provide a suitable alternative solution in line with PO2

Response:

AO2.2 – *For activities other than residential activities, landscaping includes:*

- (a) *large trees that achieve a canopy spread at maturity over a minimum of 40 per cent of the perimeter of the site; and*
- (b) *at least 25 per cent of trees that achieve a height at maturity above the level of the building parapet or eave; and*
- (c) *spreading trees and shrubs to maximise the screening effect of vegetation; and*
- (d) *1 spreading canopy tree with mulched surround and groundcover for every 6 car parking spaces; and*
- (e) *at least 10 per cent of the area of the allotment is landscaped in such a way that the full effect of the landscaping is visible from the street.*

Comment: The development site has been operating consistently with the existing landscaping which is undergoing improvement. Landscaping areas have been included on an upgraded site plan that demonstrates increased landscaping areas around the perimeter of the development site that can accommodate larger trees to increase landscape buffers and improve amenity. Further landscaping details can be conditioned.

Council issue: Code Access

As part of the application, you have not provided any details on the following if even though you have stated that the development complies with the AO

The following information is missing from the planning report

- No details on access location, width and construction material
- No details on proposed parking numbers, location or surfacing material
- No details on location of PWD parking area
- No details of Loading/Unloading Areas
- No details if any landscaping buffers are proposed

Provide assessment against the AOs in accordance with the required new plans or provide solutions/justifications that comply with the associated POs.

Council also require clarification on your comments for AO8.1, in which you have stated that the development complies as there is no external parking areas for this site.

Please be advised that, under the PO, external parking refers to onsite parking located external to any buildings. As all the proposed parking will be external (located outside), provide further justification as to why no shaded parking is being provided as part of this development.

Response:

A complete review of the Parking, access and loading code. It has been noted that external parking refers to onsite parking located external to any buildings, and not external to the development site as previously understood.

Council issue: Industry and Infrastructure Activities Code

PO3

46-48 Old Mica Creek Road is located 138m from the property boundary of 16 Phillip Lane which, while located within the Low Impact Industry Zone, incorporates a sensitive use. Please provide confirmation that the proposed use can comply with AO 3.7 or alternatively provided justification as to how the development can comply with PO3

Response:

PO3 – *Development does not adversely impact on the amenity of adjoining and nearby sensitive land uses, including, but not limited to the impacts of:*

- (a) *air pollution; and*
- (b) *noise; and*
- (c) *vibration; and*
- (d) *odour; and*
- (e) *dust; and*
- (f) *heat and light; and*
- (g) *lack of privacy; and*
- (h) *other emissions.*

Comment: The land use is within the parameters set out in AO3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 2.7 & 3.8. There are no ERA activities requiring licensing and any dust suppression options have been improved through hard stand parking areas. Additional landscaping will enable improved amenity policy objectives can also be conditioned.

Council issue: Industry and Infrastructure Activities Code

P10

You have not provided any details as to how the development complies with AO10.1 & AO10.2

You are required provide an alternative solution if landscaping is not proposed to be provided as per the AO in line with PO.

Council would consider a dense landscaping strip along the frontage, around the administrative buildings and Non Residential Workforce Accommodation (if proposed) as an alternative to providing the required 10% of onsite landscaping.

Response:

P10 – *Landscaping:*

- (a) *provides an attractive streetscape; and*
- (b) *enhances the amenity of the zone; and*
- (c) *reduces the visual and environmental impact of hard surface areas; and*
- (d) *achieves maximum on-site rainwater infiltration; and*
- (e) *minimises additional burden on stormwater drainage infrastructure.*

The site incorporates landscaping to reduce heat and act as shading to both buildings and staff. Increased landscape buffers have been incorporated in the site plans. 5m along the frontage and 2m buffers around the site perimeters.

Council issue: Signage

Council records indicate that the current operation has never sought, nor has Council ever issued, approval for the advertising signage currently located on the premise.

The owner is required to lodge a separate Advertising Signage Application and obtain Council approval.

Response:

The business owner will lodge a separate Advertising Signage Application once approval is given for the parent land use as seeking approval for this prior to gaining approval for the fabrication and transport land use would be pre-emptive.

Council issue: Onsite Septic

You have stated that there is an onsite septic system on the property, however no details of the existing septic system can be found on Council's records.

Provided details of the onsite septic system that is installed the premise and its capacity.

Response:

A complete new septic system has been installed at 46-48 Old Mica Creek Road, the Council approval has been included as attachment 2.

Council issue: Washdown Bay

Provide further details on the existing washdown bay. Does it have an oil water separator? If so, provide service records and the design type to Council.

Response:

Currently most wash downs occur off site at the various mining sites where most engineering services are provided by Calibre. On the small amount o times that vehicles are washed then they are washed in the area where there is existing oil bunds.

Council issue: Regulated Waste

Provide details of the regulated waste that is generated from the operation. How is this waste disposed of? Provide confirmation through disposal/pickup receipts.

Provide details where the regulated waste is stored.

Response:

Regulated waste from the operations of Calibre Engineering includes general waste and scrap metal. The identified waste streams are collected in two ways either through a skip bin or a general waste collection from JJ Richards. These services are contracted for regular weekly collections. The general waste is stored in a designated area besides the main work shed.

Council issue: Operational Hours

Provide details on the current operating hours of the operation and the proposed operating hours moving forward.

Response:

The existing business offers a comprehensive service to the mining industry and Mount Isa as a whole. Servicing these industries provides a key platform to the Mount Isa economy by enabling high employee industries maintain their machinery and production outputs. To offer this service Calibre Engineering has the hours of 5am to 10pm five days a week with sporadic weekend work if needed to provide a high level of service delivery of engineering services.

Council issue: Stormwater Management Plan

Provide details how stormwater will be collected and discharged to lawful point of discharge

Response:

Stormwater is harvested on site with discharge being sent to Old Mica Creek Road.

Council issue: Dust Suppression

Provide details on dust suppression methods that are proposed to be/are being used as part of the operation.

Response:

The existing dust suppression comes in two forms:

1. A new car parking area has been created that is 20m X 8m and is hardstand to minimise dust from vehicle movements; and
2. Existing sprinklers are spread out through the site to spray water onto the ground to minimise dust from vehicle movements.

Council issue: Environmental Relevant Activity

Response:

Reviewing the attached ERA list whilst carrying out:

ERA 19 – Metal forming, the business doesn't exceed the threshold of 10,000t/yr.

ERA 63 – 1(a)(ii) Sewage treatment: 21-100EP with treated effluent discharged other than as in 1(a)(i) the business doesn't exceed the threshold as identified.

Does the business conduct any activities that may require an environmental authority licence? Please see attachment.

Once received as properly made we understand referral to the State maybe required. In the meantime, should you have any queries, do not hesitate to contact the writer on 0429933452. Application fees will be paid upon Mount Isa City Council confirmation and issue of payment advice.

Yours faithfully



JASON HAGUE
LOCALITY PLANNING & CONSULTING

LEGEND - ITEMS BELOW REFERENCE NOTICE OF ADVICE LETTER FROM MOUNT ISA CITY COUNCIL

- ITEM 1: DEMOUNTABLE BUILDING - OFF SIDE OF BUILDING, FRONT AND CENTRE OF LOT
- ITEM 2: BUILDING - FRONT CENTRE OF LOT INCLUDING 4 STRUCTURES TO REAR OF BUILDING
- ITEM 3: BUILDING - CENTRE OF LOT
- ITEM 4: EXTENSION TO REAR OF EXISTING SHED
- ITEM 5: BUILDING IN SOUTH-EASTERN CORNER OF LOT
- ITEM 6: BUILDING IN SOUTH-EASTERN CORNER OF LOT

- LANDSCAPE BUFFER ZONES
(2m TO SIDE BOUNDARIES AND 5m TO FRONT BOUNDARY AS SHOWN)
- NEW ASPHALT CAR PARKING AREA ON SITE.
THIS IS TO MITIGATE DUST.

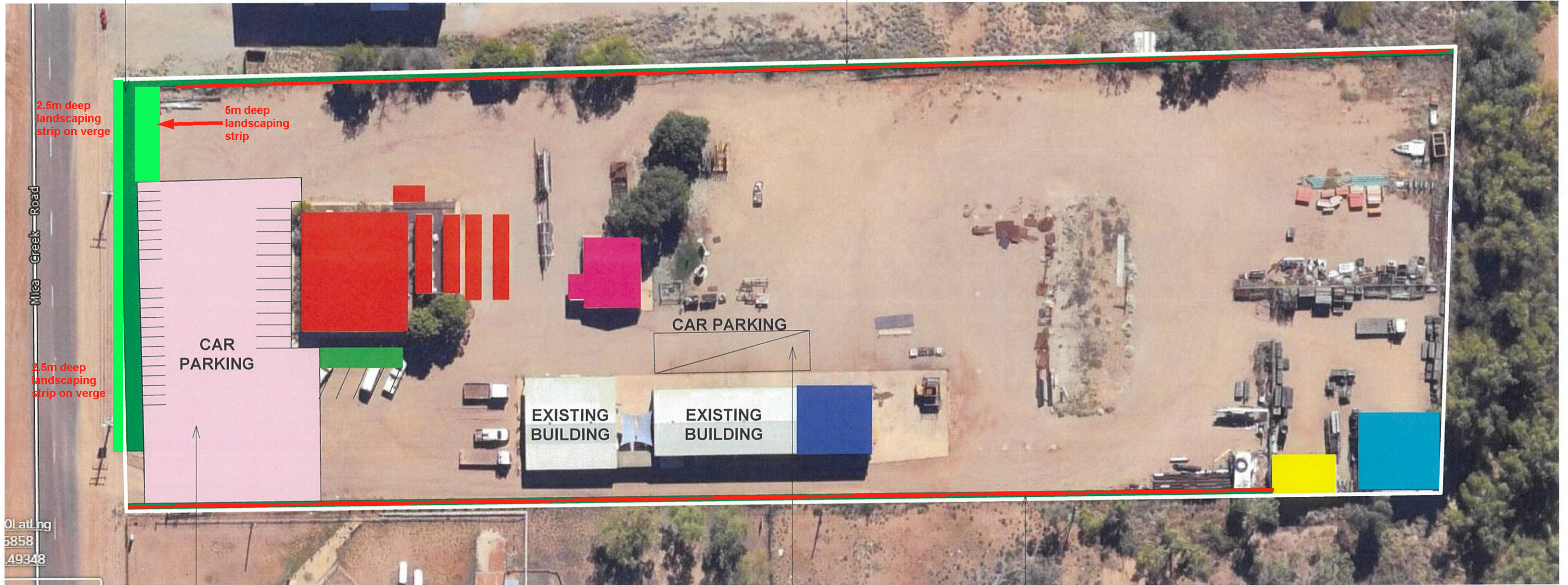
MOUNT ISA CITY COUNCIL
DEVELOPMENT APPROVAL

Permit No.: P08-22
Type of Development: Material Change of Use
Approved Use: Fabrication Workshop & Contractors Depot (Industry)
Approved By: Mr Tim Rose
Title: Acting Chief Executive Officer
Date: 11/04/2024

J.R.

PROVIDE 1.5m WIDE LANDSCAPE BUFFER TO FRONT BOUNDARY.

PROVIDE 2m WIDE LANDSCAPE BUFFER.



2.5m deep landscaping strip on verge

5m deep landscaping strip

2.5m deep landscaping strip on verge

CAR PARKING

CAR PARKING

EXISTING BUILDING

EXISTING BUILDING

0Lat lng
5858
49348

ASPHALT CAR PARKING SECTION TO FRONT OF LOT.

APPROX. 10m WIDE X 40m LONG CONCRETE SLAB.

PROVIDE 2m WIDE LANDSCAPE BUFFER.



ABN: 96151 257 582
QBCC: 121 0678 / NSW Lic: 255 182C
www.campbellconstructionco.com.au

No.	Description	Date
1	INITIAL ISSUE	26.07.2022
2	GENERAL REVISIONS	03.04.2023

Project Description
EXISTING STRUCTURE

Project Address
46-48 MICA CREEK ROAD, MICA CREEK
QLD 4825

Client Name
CALIBRE ENGINEERING PTY LTD

SITE IDENTIFICATION PLAN

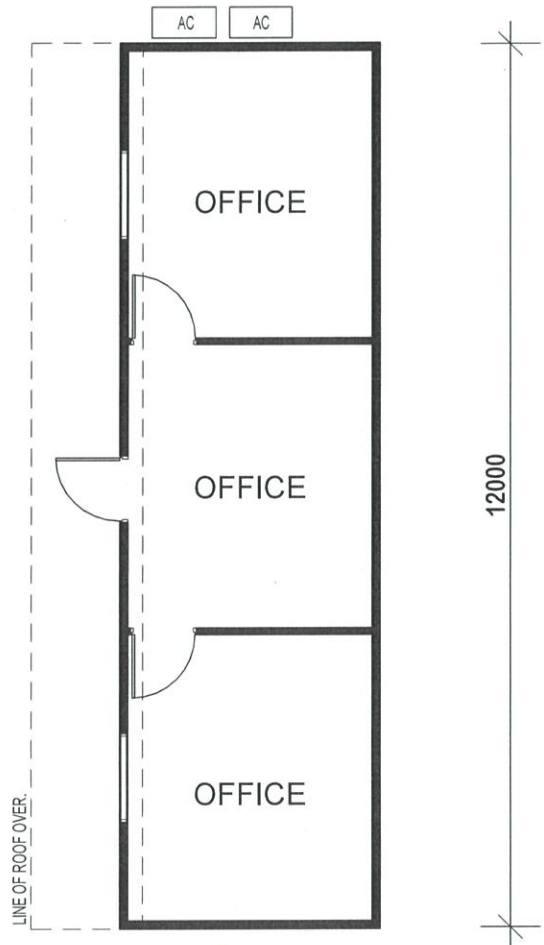
Project number	CCC37162	WD.02	2 of 23
Date	03.04.2023		
Drawn by	AG	Sheets in Set	
Checked by	BC		
Scale	1 : 100	Wind Category	-

**MOUNT ISA CITY COUNCIL
DEVELOPMENT APPROVAL**

Permit No.: P08-22
 Type of Development: Material Change of Use
 Approved Use: Fabrication Workshp & Contractors Depot (Industry)
 Approved By: Mr Tim Rose
 Title: Acting Chief Executive Officer
 Date: 11/04/2024

J.R.

PHOTO 4



PLAN VIEW



PHOTO 1

DEMOUNTABLE BUILDING.
 CONSTRUCTED FROM FIBRO
 AND CUSTOM ORB SHEETING.
 ELEVATED OFF THE GROUND
 ON STEEL POSTS AND SUB-
 FLOOR STRUCTURE.



PHOTO 2



PHOTO 3

CANTILEVERED ROOF
 STRUCTURE OVER.

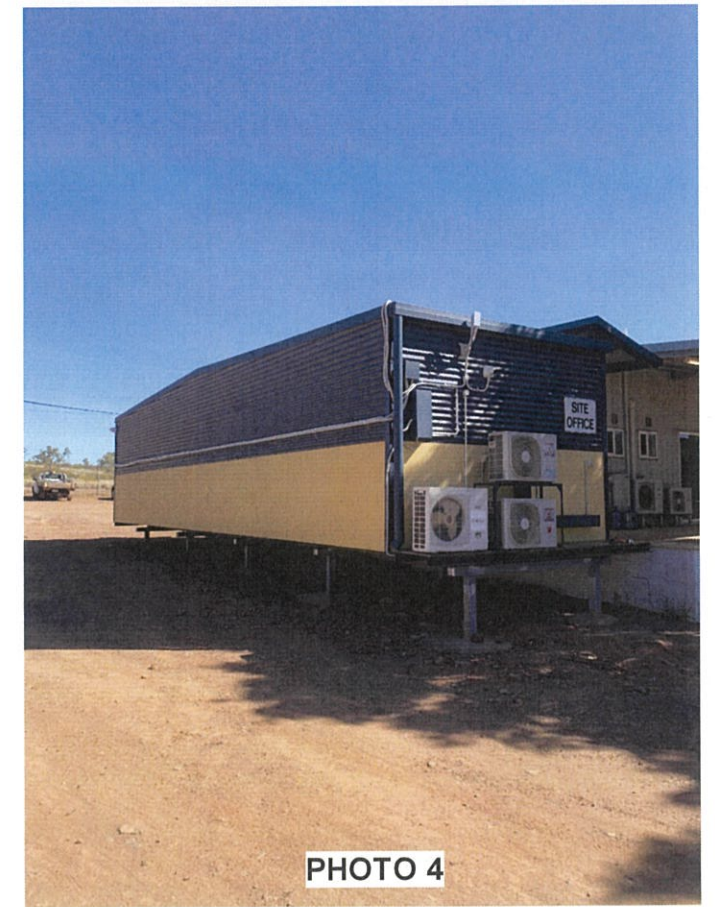


PHOTO 4

CAMPBELL
 CONSTRUCTIONco

ABN: 96151 257 582
 QBCC: 121 0678 / NSW Lic: 255 182C
 www.campbellconstructionco.com.au

No.	Description	Date
1	INITIAL ISSUE	26.07.2022
2	GENERAL REVISIONS	03.04.2023

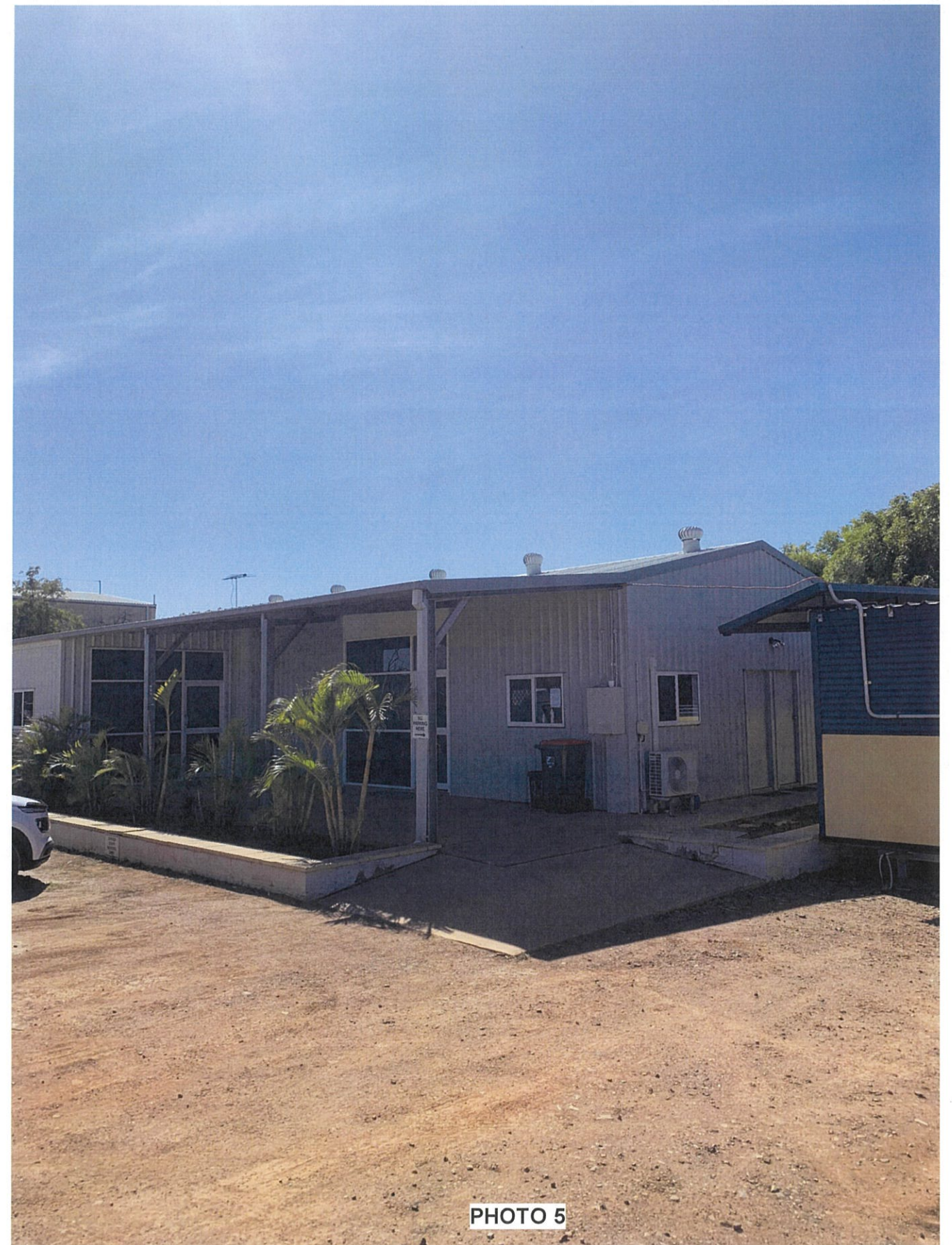
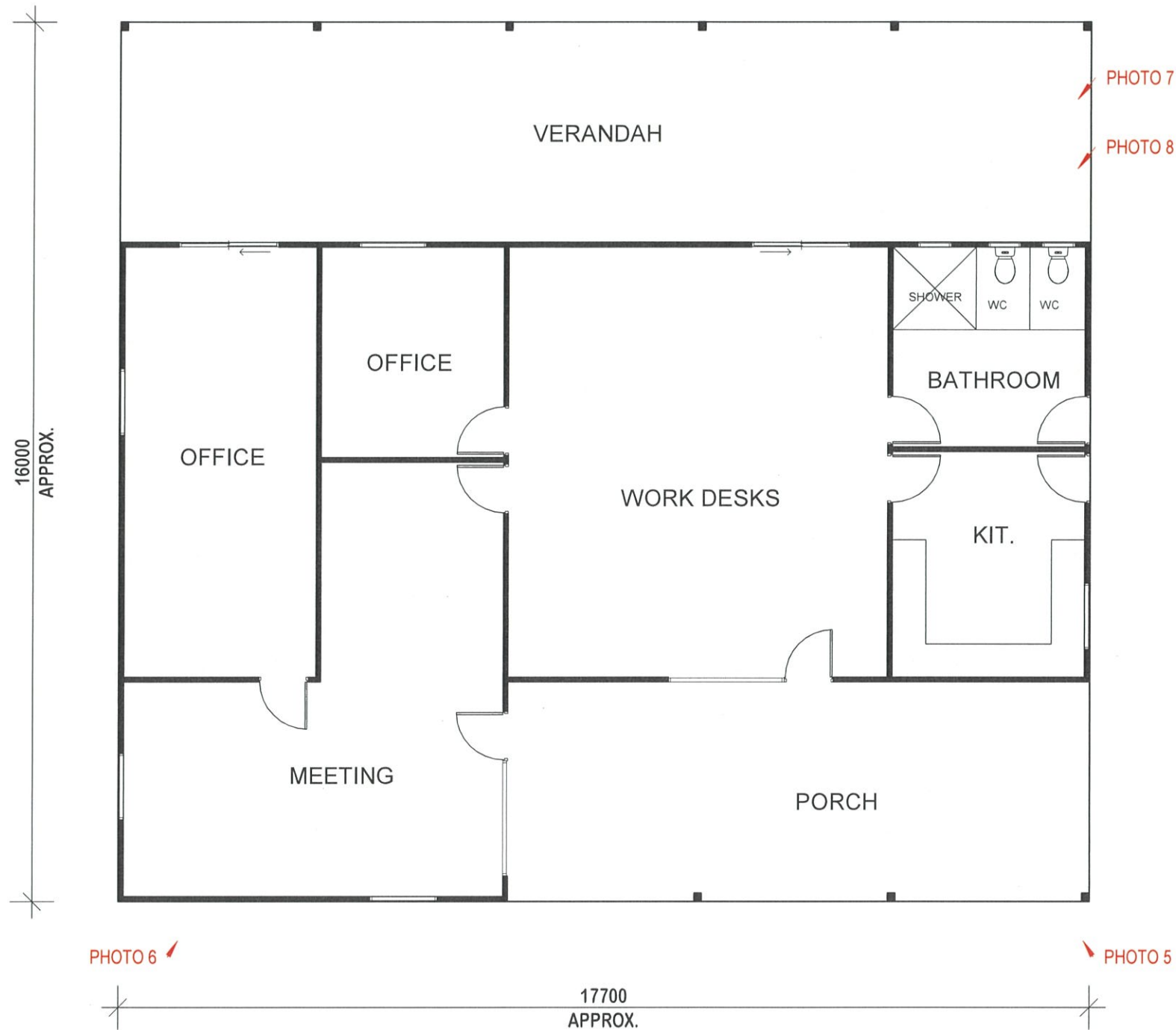
Project Description
EXISTING STRUCTURE

Project Address
 46-48 MICA CREEK ROAD, MICA CREEK
 QLD 4825

Client Name
 CALIBRE ENGINEERING PTY LTD

ITEM 1 - DEMOUNTABLE BUILDING

Project number	CCC37162	WD.03	3 of 23 Sheets in Set
Date	03.04.2023		
Drawn by	AG	Scale	1 : 100
Checked by	BC	Wind Category	-



**MOUNT ISA CITY COUNCIL
DEVELOPMENT APPROVAL**

Permit No.: P08-22
 Type of Development: Material Change of Use
 Approved Use: Fabrication Workshp & Contractors Depot (Industry)
 Approved By: Mr Tim Rose
 Title: Acting Chief Executive Officer
 Date: 11/04/2024

TR

CAMPBELL
CONSTRUCTIONco

ABN: 96151 257 582
 QBCC: 121 0678 / NSW Lic: 255 182C
 www.campbellconstructionco.com.au

No.	Description	Date
1	INITIAL ISSUE	26.07.2022
2	GENERAL REVISIONS	03.04.2023

Project Description
EXISTING STRUCTURE

Project Address
 46-48 MICA CREEK ROAD, MICA CREEK
 QLD 4825

Client Name
 CALIBRE ENGINEERING PTY LTD

ITEM 2 - MAIN OFFICE BUILDING

Project number	CCC37162	WD.05	5 of 23 Sheets in Set
Date	03.04.2023		
Drawn by	AG	Scale 1 : 100	Wind Category -
Checked by	BC		

**MOUNT ISA CITY COUNCIL
DEVELOPMENT APPROVAL**

Permit No.: P08-22
 Type of Development: Material Change of Use
 Approved Use: Fabrication Workshp & Contractors Depot (Industry)
 Approved By: Mr Tim Rose
 Title: Acting Chief Executive Officer
 Date: 11/04/2024

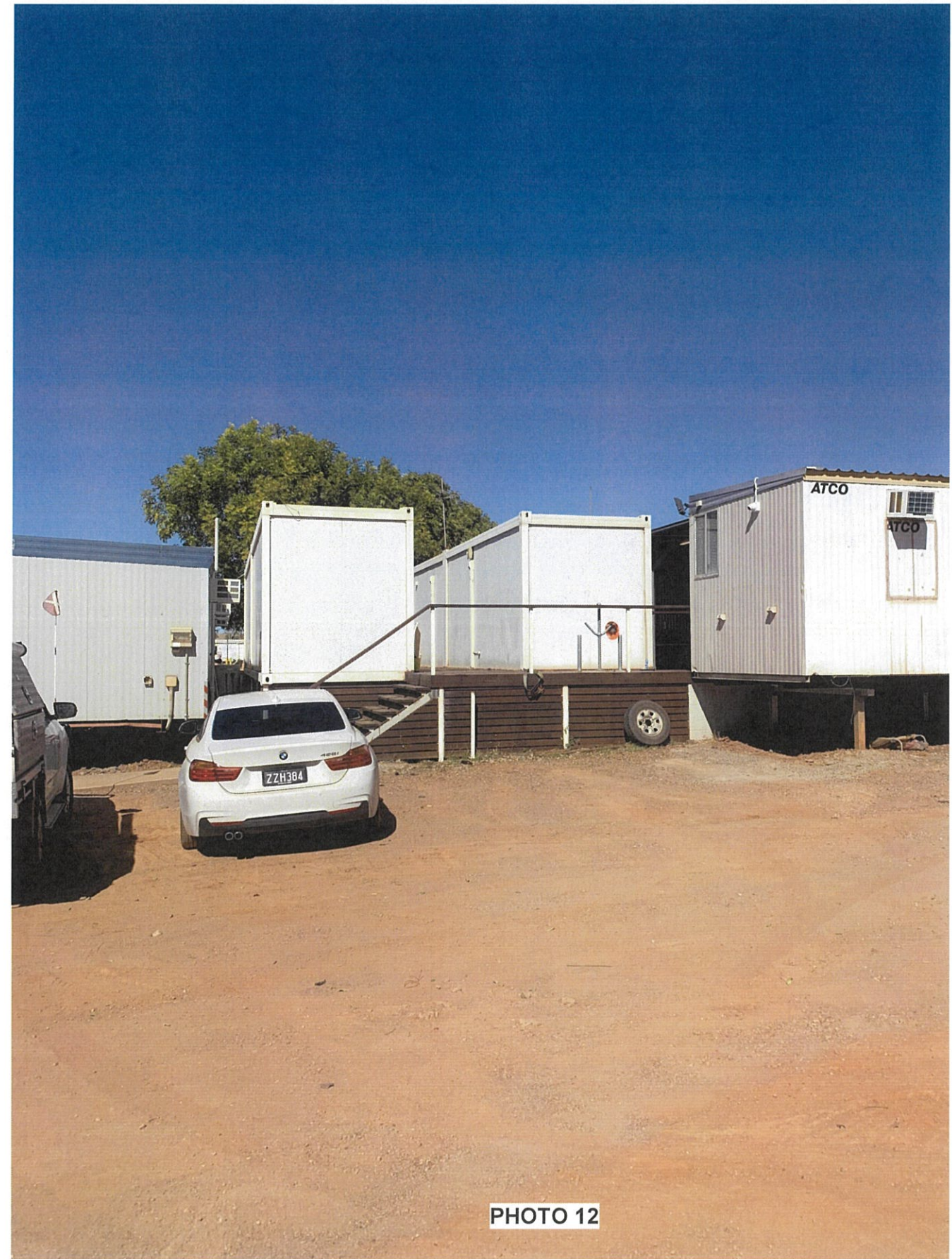
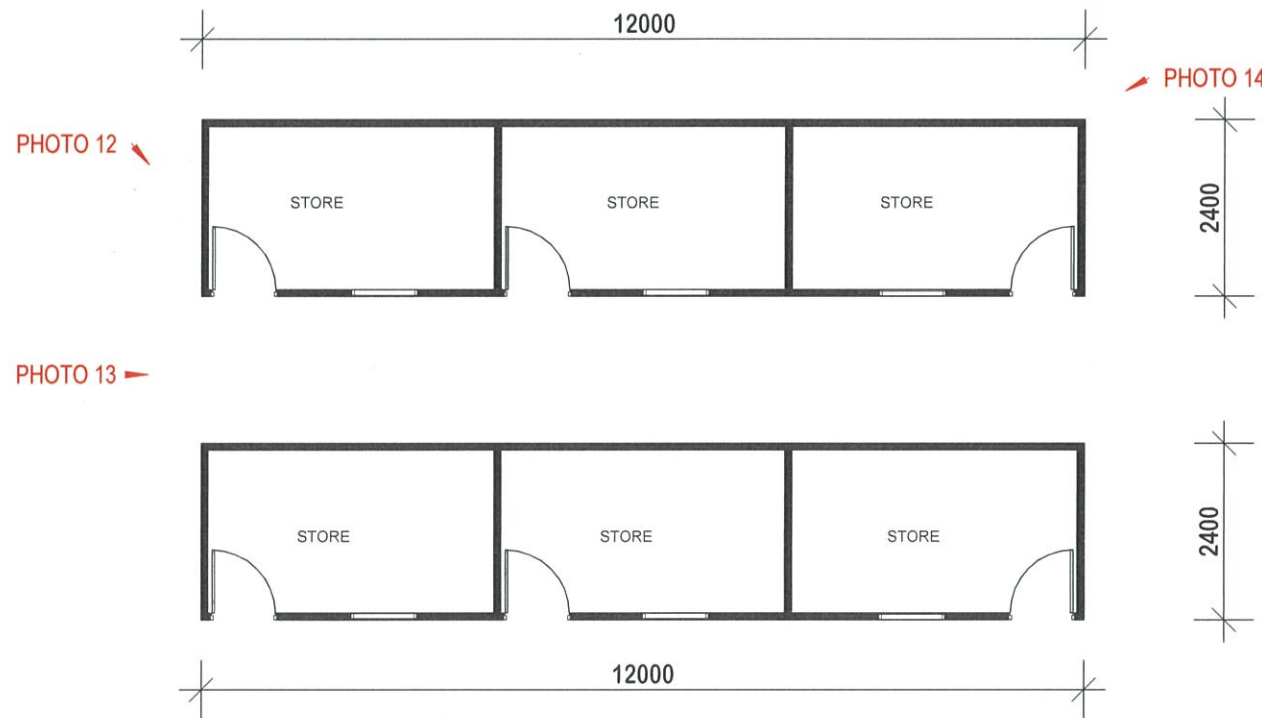


PHOTO 12

**Not Permitted
for Habitation**



ABN: 96151 257 582
 QBCC: 121 0678 / NSW Lic: 255 182C
www.campbellconstructionco.com.au

No.	Description	Date
1	INITIAL ISSUE	26.07.2022
2	GENERAL REVISIONS	03.04.2023

Project Description
EXISTING STRUCTURE

Project Address
 46-48 MICA CREEK ROAD, MICA CREEK
 QLD 4825

Client Name
 CALIBRE ENGINEERING PTY LTD

ITEM 2 - 2 x STORAGE BUILDINGS			
Project number	CCC37162	WD.08	8 of 23 Sheets in Set
Date	03.04.2023		
Drawn by	AG	Scale 1 : 100	Wind Category -
Checked by	BC		

Permit No.: P08-22
 Type of Development: Material Change of Use
 Approved Use: Fabrication Workshp & Contractors Depot (Industry)
 Approved By: Mr Tim Rose
 Title: Acting Chief Executive Officer
 Date: 11/04/2024

J.R.

PHOTO 18 ↘

↙ PHOTO 19

PHOTO 15 ↘

↙ PHOTO 17

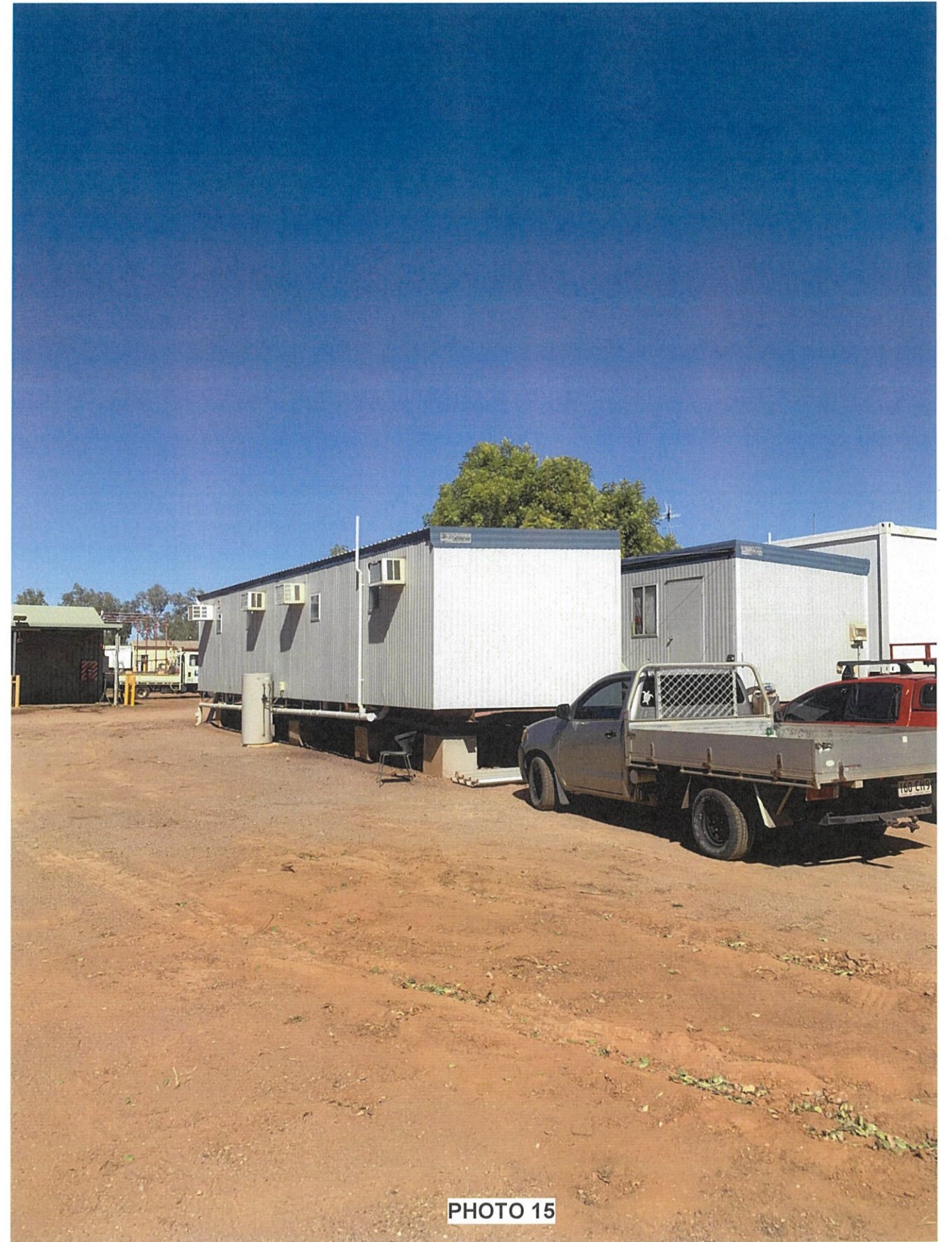
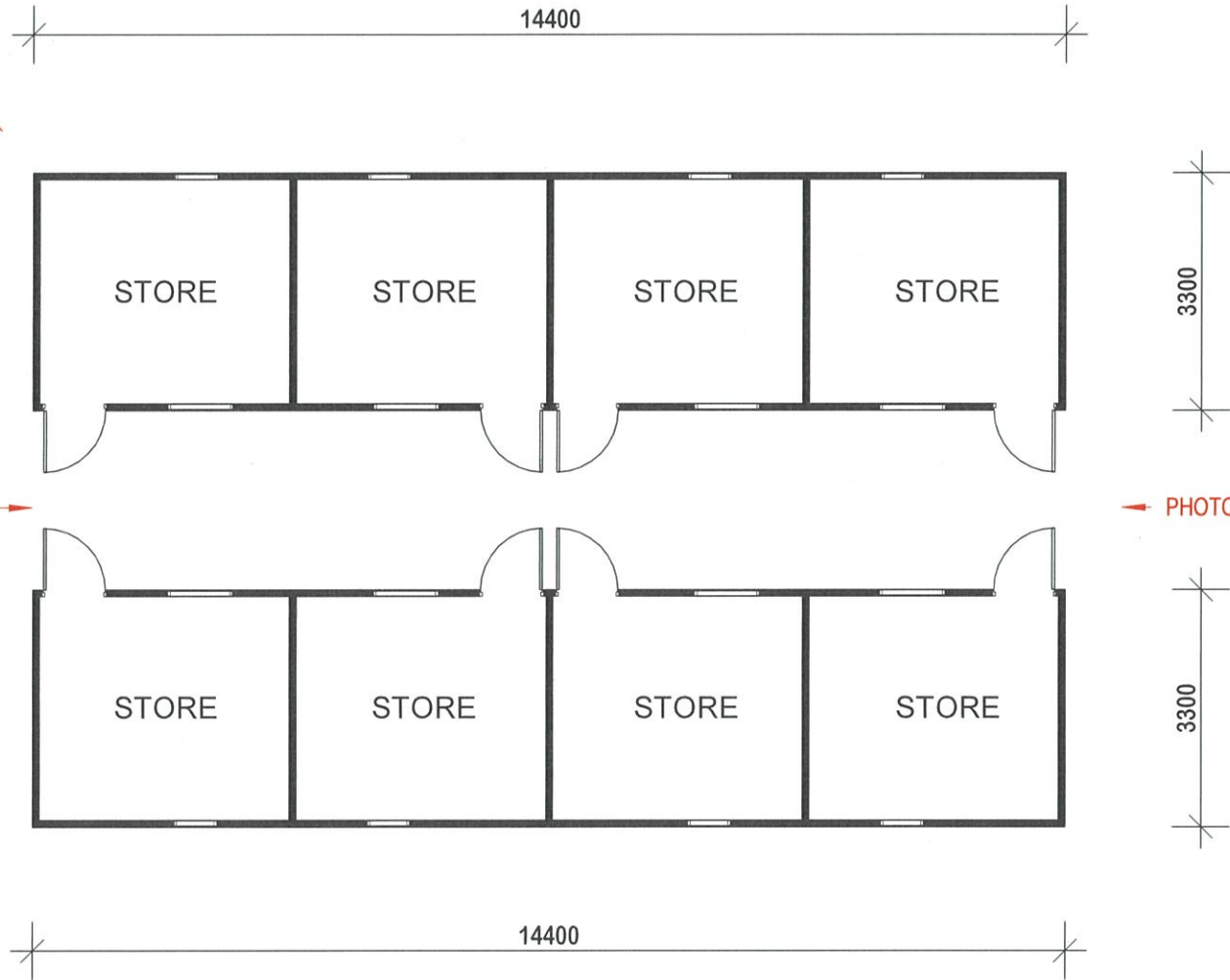


PHOTO 15

**Not Permitted
for Habitation**



ABN: 96151 257 582
 QBCC: 121 0678 / NSW Lic: 255 182C
www.campbellconstructionco.com.au

No.	Description	Date
1	INITIAL ISSUE	26.07.2022
2	GENERAL REVISIONS	03.04.2023

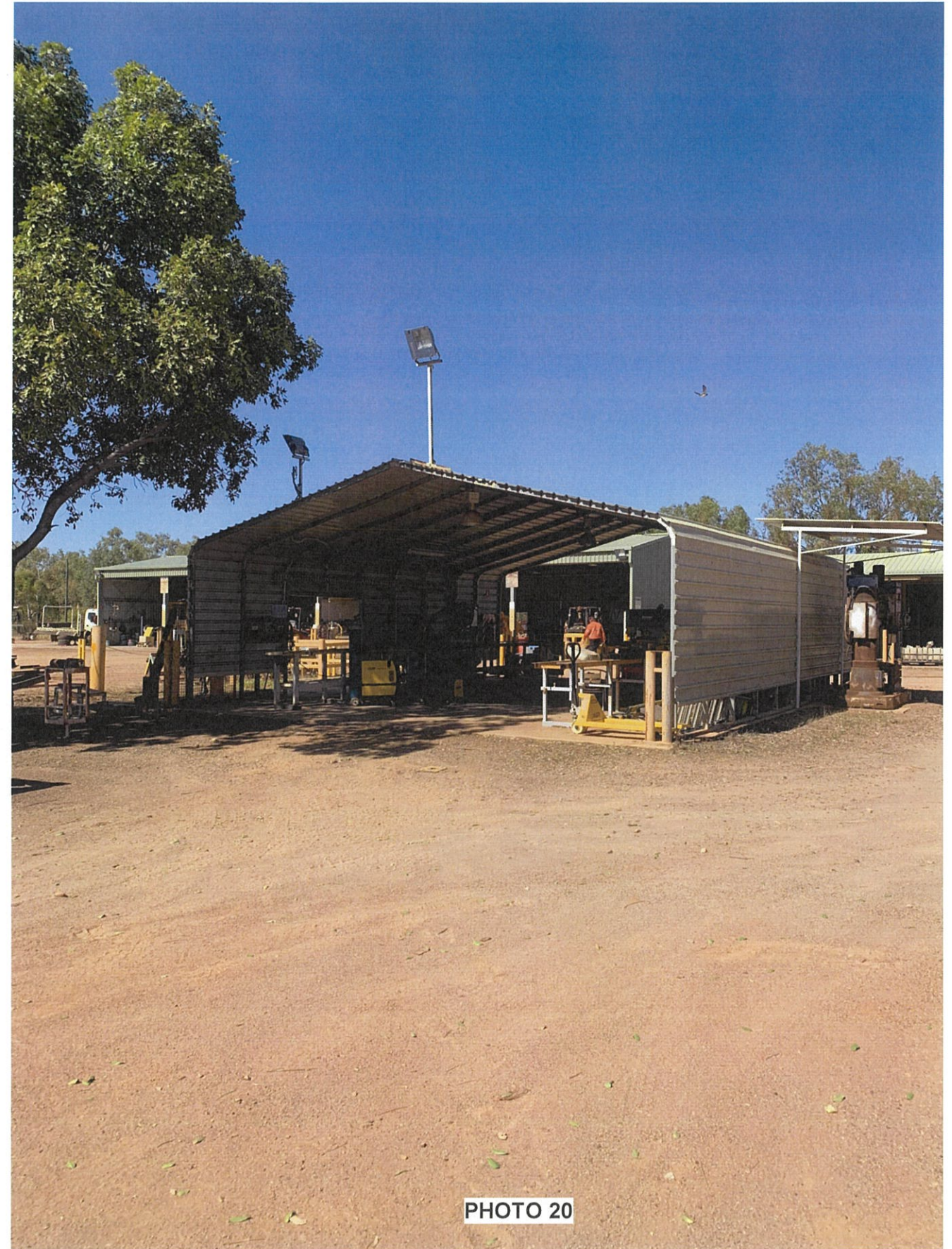
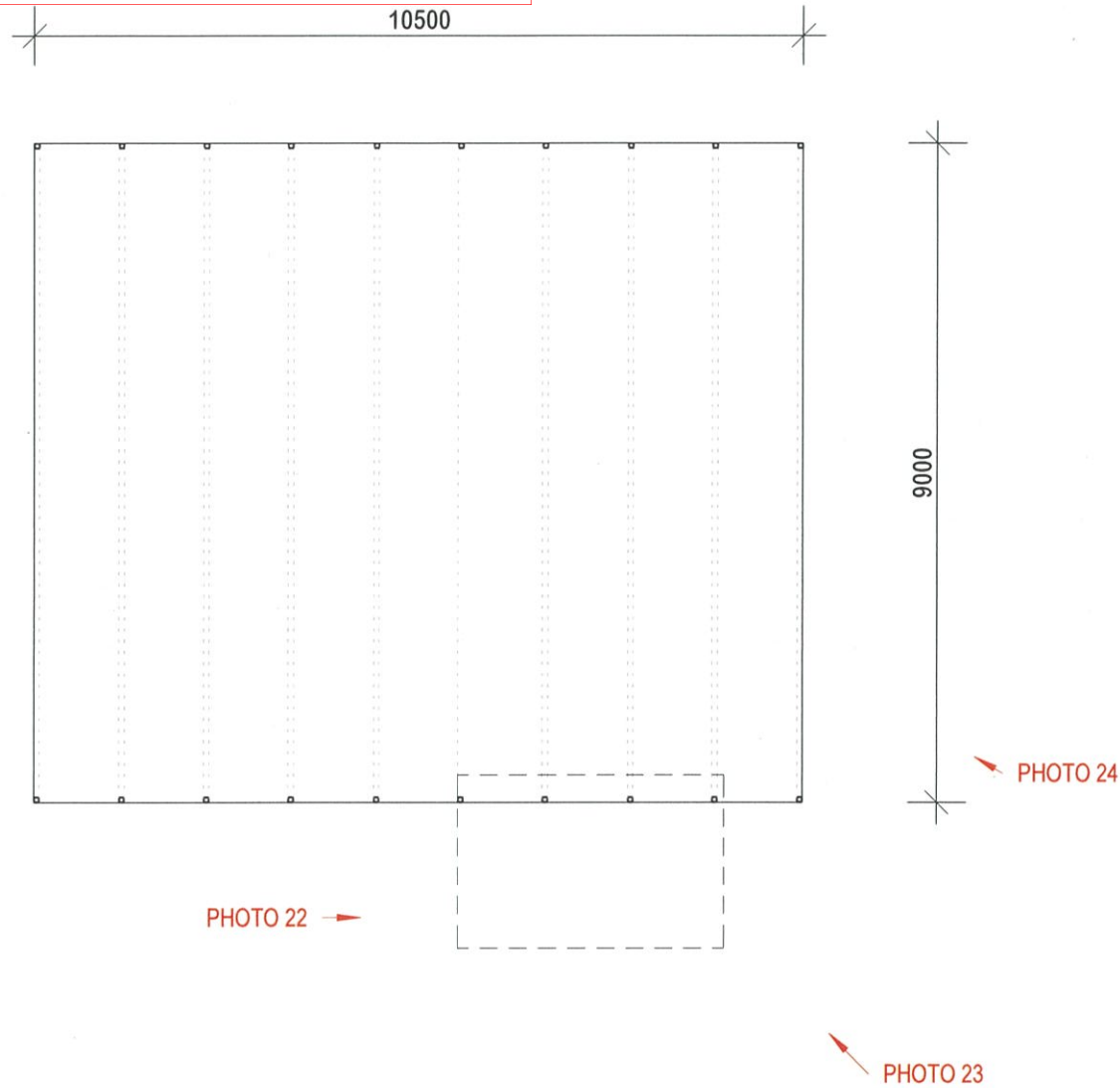
Project Description EXISTING STRUCTURE	
Project Address 46-48 MICA CREEK ROAD, MICA CREEK QLD 4825	
Client Name CALIBRE ENGINEERING PTY LTD	

ITEM 2 - 2 x DEMOUNTABLE BUILDINGS			
Project number	CCC37162	WD.10	10 of 23 Sheets in Set
Date	03.04.2023		
Drawn by	AG	Scale 1 : 100	Wind Category -
Checked by	BC		

**MOUNT ISA CITY COUNCIL
DEVELOPMENT APPROVAL**

Permit No.: P08-22
 Type of Development: Material Change of Use
 Approved Use: Fabrication Workshp & Contractors Depot (Industry)
 Approved By: Mr Tim Rose
 Title: Acting Chief Executive Officer
 Date: 11/04/2024

Jh



ABN: 96151 257 582
 QBCC: 121 0678 / NSW Lic: 255 182C
www.campbellconstructionco.com.au

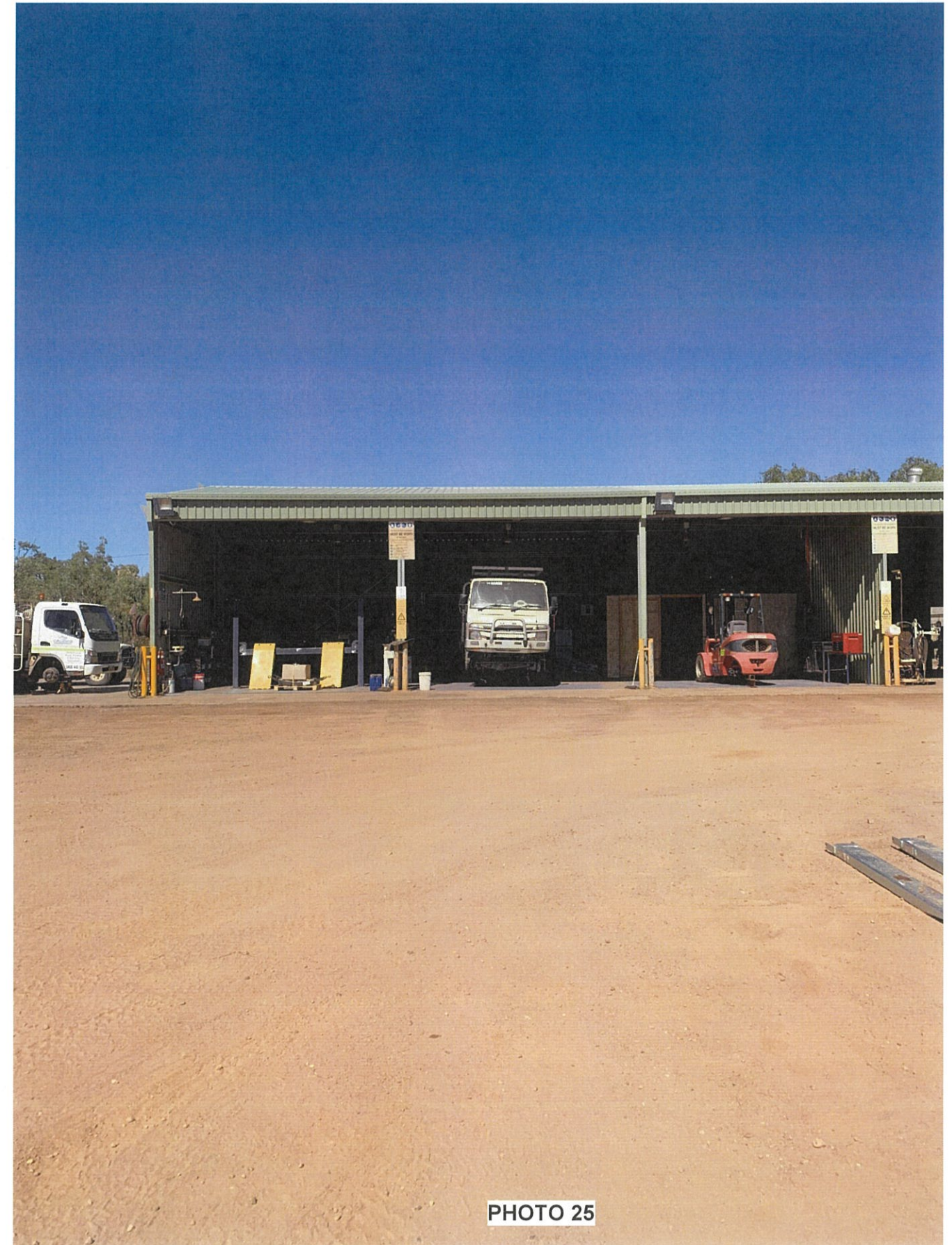
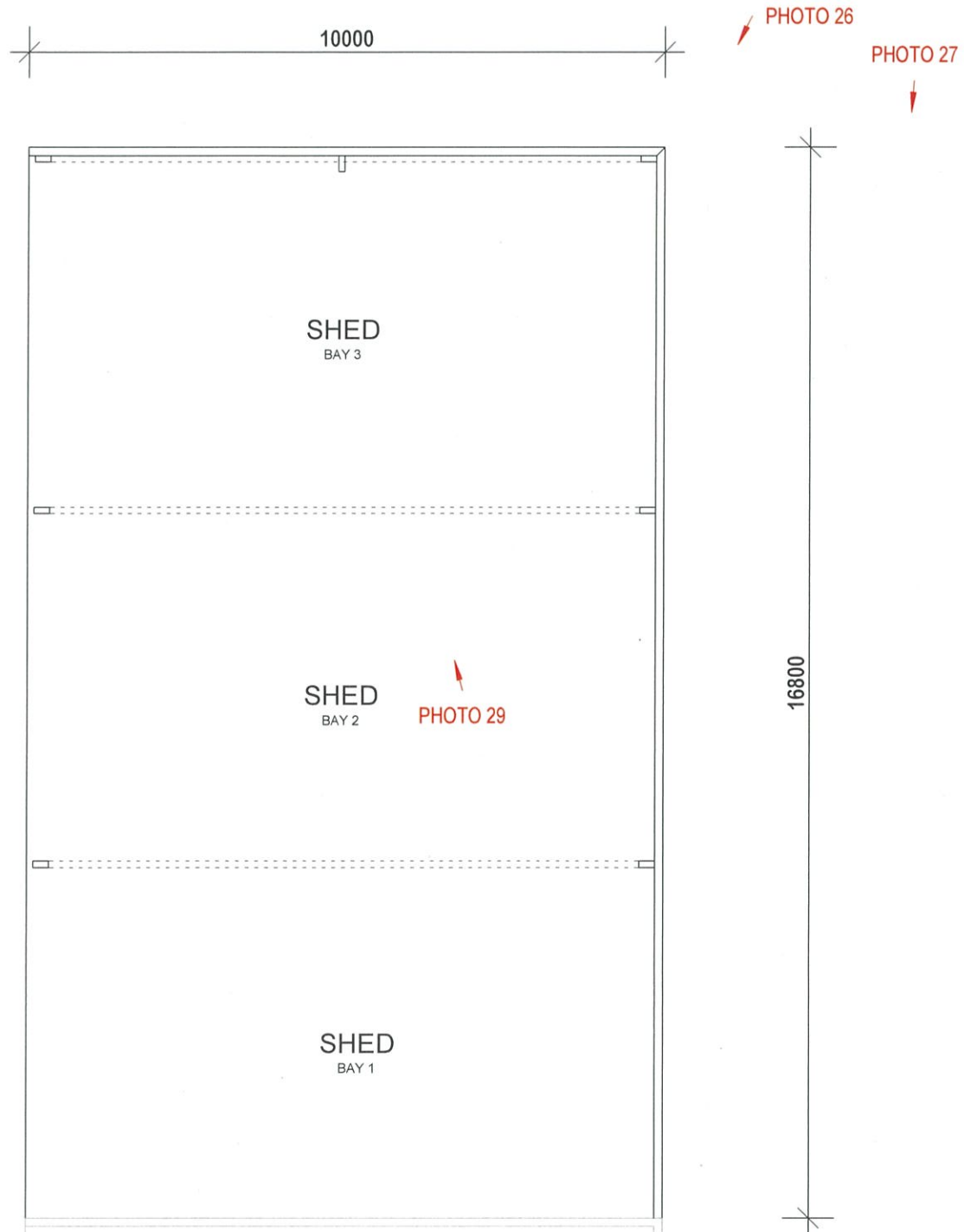
No.	Description	Date
1	INITIAL ISSUE	26.07.2022
2	GENERAL REVISIONS	03.04.2023

Project Description
EXISTING STRUCTURE

Project Address
**46-48 MICA CREEK ROAD, MICA CREEK
 QLD 4825**

Client Name
CALIBRE ENGINEERING PTY LTD

ITEM 3 - RURAL SHED BUILDING			
Project number	CCC37162	WD.13	13 of 23 Sheets in Set
Date	03.04.2023		
Drawn by	AG	Scale 1 : 100	Wind Category -
Checked by	BC		



**MOUNT ISA CITY COUNCIL
DEVELOPMENT APPROVAL**

Permit No.: P08-22
 Type of Development: Material Change of Use
 Approved Use: Fabrication Workshop & Contractors Depot (Industry)
 Approved By: Mr Tim Rose
 Title: Acting Chief Executive Officer
 Date: 11/04/2024

Jh

CAMPBELL
CONSTRUCTION_{co}

ABN: 96151 257 582
 QBCC: 121 0678 / NSW Lic: 255 182C
www.campbellconstructionco.com.au

No.	Description	Date
1	INITIAL ISSUE	26.07.2022
2	GENERAL REVISIONS	03.04.2023

Project Description
EXISTING STRUCTURE

Project Address
**46-48 MICA CREEK ROAD, MICA CREEK
QLD 4825**

Client Name
CALIBRE ENGINEERING PTY LTD

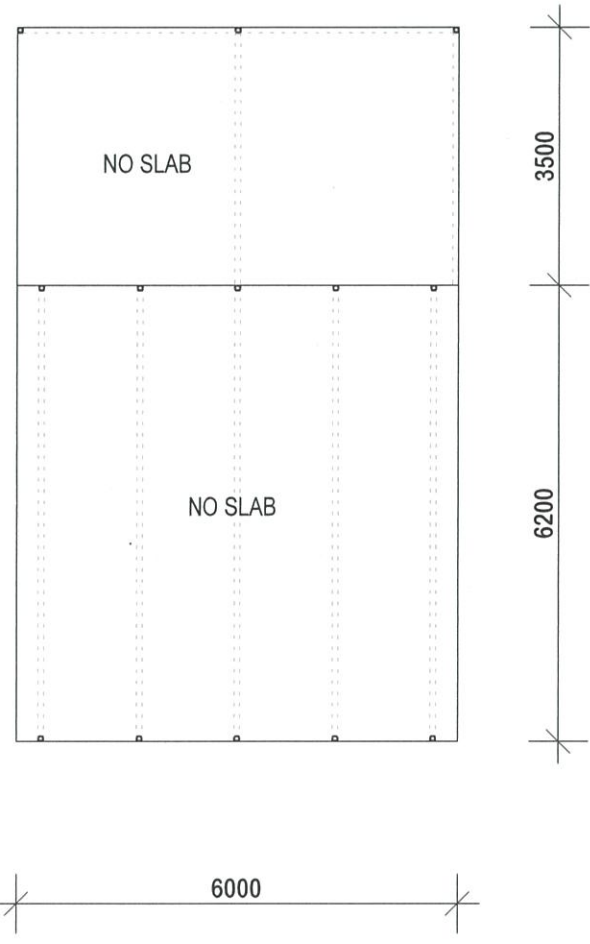
ITEM 4 - SHED EXTENSION			
Project number	CCC37162	WD.16	16 of 23 Sheets in Set
Date	03.04.2023		
Drawn by	AG	Scale 1 : 100	Wind Category -
Checked by	BC		

**MOUNT ISA CITY COUNCIL
DEVELOPMENT APPROVAL**

Permit No.: P08-22
 Type of Development: Material Change of Use
 Approved Use: Fabrication Workshp & Contractors Depot (Industry)
 Approved By: Mr Tim Rose
 Title: Acting Chief Executive Officer
 Date: 11/04/2024

J.R.

PHOTO 31 →



↖ PHOTO 30



PHOTO 30



ABN: 96151 257 582
 QBCC: 121 0678 / NSW Lic: 255 182C
www.campbellconstructionco.com.au

No.	Description	Date
1	INITIAL ISSUE	26.07.2022
2	GENERAL REVISIONS	03.04.2023

Project Description
EXISTING STRUCTURE

Project Address
**46-48 MICA CREEK ROAD, MICA CREEK
 QLD 4825**

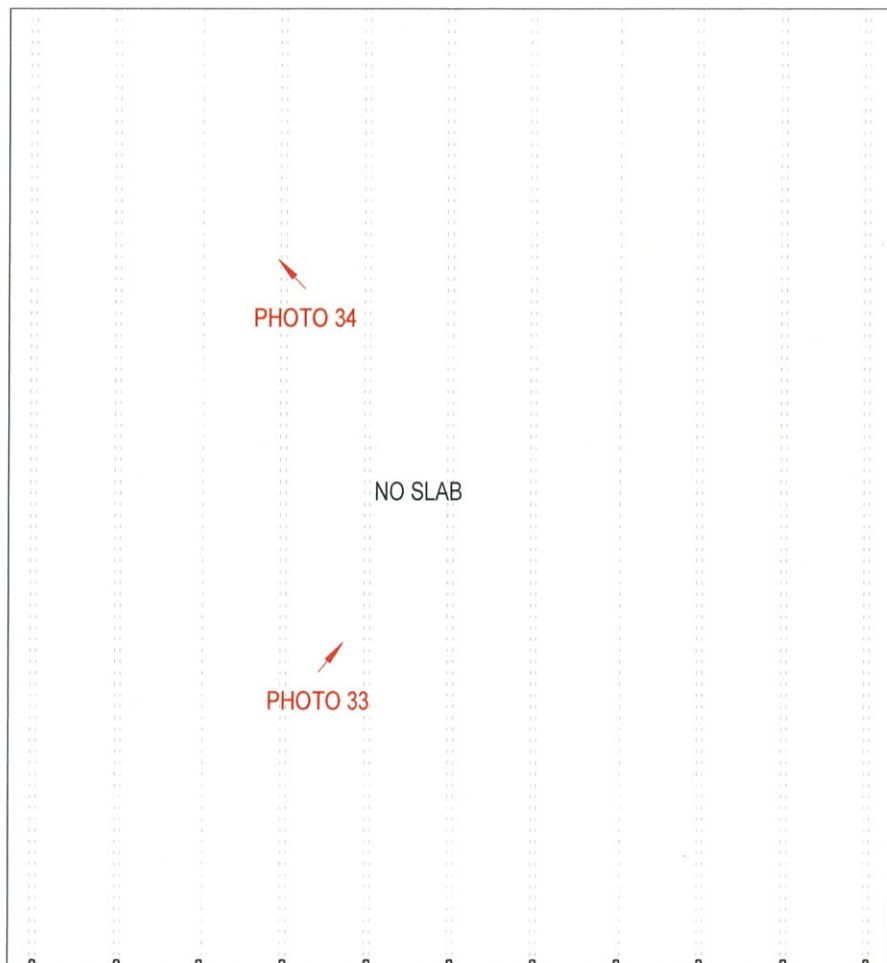
Client Name
CALIBRE ENGINEERING PTY LTD

ITEM 5 - SOUTH EAST CORNER RURAL SHED 1			
Project number	CCC37162	WD.19	19 of 23 Sheets in Set
Date	03.04.2023		
Drawn by	AG	Scale 1 : 100	Wind Category -
Checked by	BC		

Permit No.: P08-22
 Type of Development: Material Change of Use
 Approved Use: Fabrication Workshp & Contractors Depot (Industry)
 Approved By: Mr Tim Rose
 Title: Acting Chief Executive Officer
 Date: 11/04/2024

Jh:

12000



13000



PHOTO 32



ABN: 96151 257 582
 QBCC: 121 0678 / NSW Lic: 255 182C
 www.campbellconstructionco.com.au

No.	Description	Date
1	INITIAL ISSUE	26.07.2022
2	GENERAL REVISIONS	03.04.2023

Project Description
EXISTING STRUCTURE

Project Address
**46-48 MICA CREEK ROAD, MICA CREEK
 QLD 4825**

Client Name
CALIBRE ENGINEERING PTY LTD

ITEM 6 - SOUTH EAST CORNER RURAL SHED 2	
Project number	CCC37162
Date	03.04.2023
Drawn by	AG
Checked by	BC
WD.21	21 of 23 Sheets in Set
Scale 1 : 100	Wind Category -



ATTACHMENT 3

PLANNING ACT 2016
EXTRACT ON APPEAL RIGHTS

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) 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
- (f) 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
- (g) 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.

Chapter 7 Miscellaneous

Part 1 Existing uses and rights protected

260 Existing lawful uses, works and approvals

- (1) If, immediately before a planning instrument change, a use of premises was a lawful use of premises, the change does not—
 - (a) stop the use from continuing; or
 - (b) further regulate the use; or
 - (c) require the use to be changed.