



Our Ref: File: P14-22 & 05991-10000-000 & Magiq F/ID 149784 JMN
Your Ref: ---

DECISION NOTICE APPROVAL

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

16 February 2023

Telstra Corporation Ltd
PO Box 217
GOSFORD NSW 2250

Attention: Anthony Bell

Dear Mr Brown

The development application described below was properly made to the Council on 22 December 2022.

APPLICANT DETAILS*

Applicant name:	Telstra Corporation Ltd
Applicant contact details:	Anthony.brown@team.telsta.com

APPLICATION DETAILS

Application number:	P14-22
Approval sought:	Development Permit for Building Work Not Associated with a Material Change of Use
Nature of development proposed:	Building Work on a Local Heritage Place
Description of the development proposed:	Upgrade to Air-Conditioning System of existing Telephone Exchange

LOCATION DETAILS

Street address:	7C Isa Street
Real property description:	Lot 35 on plan RP719363 and Lot 45 on plan RP27010
Local government area:	Mount Isa City

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

DECISION

Date of decision: 31 January 2023

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

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

DETAILS OF APPROVAL

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

The following approvals are given:

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval 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

CONDITIONS

This approval is subject to the conditions in Attachment 1.

FURTHER DEVELOPMENT PERMITS

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

1. Building Permit

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: Building Work Not Associated with a Material Change of Use				
Mount Isa Telephone Exchange – Heritage Overlay Code	Building Consultancy Services	18/11/2023	07220444	1

Mount Isa – Telstra Mechanical Services Level 1 – VAC New Works	Telstra/Airmatrix	Project No.AM 022-01. Dwg No. M02	March 2022	2
Mount Isa – Telstra Mechanical Services Level 1 – VAC New Works	Telstra/Airmatrix	Project No.AM 022-01. Dwg No. M04	March 2022	4

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

Two (2) 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 a code-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 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
- A site inspection of the premise

2. Assessment Benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
<i>Heritage Overlay Code</i>	City of Mount Isa City Council Planning Scheme 2020 - Part 8 Overlay Codes – 8.2.6

3. Compliance with Benchmarks

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<i>Heritage Overlay Code</i>	
PO3	The work will be limited to the replacement of the existing air conditioning system which will not result in any increase in the scale of the existing telephone exchange.

	A Heritage Impact Statement or Conservation Management Plan was not considered necessary as the proposed works essentially constituted as building maintenance that is adequately documented throughout the building and planning approval process.
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4. Matters Prescribed by Regulation

- 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



Dale Dickson PSM
Chief Executive Officer

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

Part 1—Conditions imposed by the Assessment Manager (Mount Isa City Council)

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: P14-22 for a Building Work Not Associated with a Material Change of Use (Building Work on a Local Heritage Place) at 7C Isa Street, 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 31 January 2023 for Building Work Not Associated with a Material Change of Use (Building Work on a Local Heritage Place) at 7C Isa Street, Mount Isa, described as Lot 35 on plan RP719363 & Lot 45 on plan RP727010, subject to the following conditions:

NUMBER	CONDITION	TIMING
PLANNING		
General		
1.	The development shall be carried out generally in accordance with the approved plans and drawings attached to this approval except where conditions of this approval dictate otherwise. <i>For clarity, any change to the development that is not generally in accordance with the approved plans and drawings must be approved by Council pursuant to a 'change application' under Chapter 3, Part 5, Division 2, Subdivision 2 of the Planning Act 2016;</i>	<i>At all times</i>
2.	The owner/developer shall bear the cost of all alterations necessary to public utility mains, services or installations necessitated by this approval and such works shall be to Council specifications and satisfaction;	<i>At all times</i>
3.	The proposed external louvred discharged grilles shall be provided in accordance with the sketch plan included in the Heritage Overlay Submission prepared by Overall Building Consultancy Services Pty Ltd (Ref No. 07220444, Rev. 1 dated: 18 November 2022) and shall be of a style and material which matches the existing grilles and complements the existing building.	<i>At all times</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
- State Planning Policy 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.

The following list indicates some of the legislation which is commonly applicable to development. Whilst every endeavour has been made to make the list as complete as possible there may be other applicable legislation that has not been included.

- *Aboriginal Cultural Heritage Act 2003*
- *Biosecurity Act 2014*
- *Body Corporate and Community Management Act 1997*
- *Building Act 1975*
- *Building Units and Group Titles Act 1980*
- *Child Care Act 2002*
- *Dangerous Goods Safety Management Act 2001*
- *Disability Discrimination Act 1992* (Commonwealth)
- *Electrical Safety Act 2002*
- *Environmental Protection Act 1994*
- *Explosives Act 1999*
- *Fisheries Act 1994*
- *Food Act 2006*
- *Land Act 1994*
- *Land Protection (Pest and Stock Route) Act 2002*
- *Land Title Act 1994*
- *Native Title (Queensland) Act 1993* and Commonwealth native title legislation
- *Pest Management Act 2001*
- *Plumbing and Drainage Act 2002*
- *Public Health Act 2005*
- *Queensland Heritage Act 1992*
- *Radiation Safety Act 1999*
- *Recreational Areas Management Act 2006*
- *Regional Planning Interests Act 2014*
- *Residential Services (Accreditation) Act 2002*
- *Transport Infrastructure Act 1994*
- *Vegetation Management Act 1999*
- *Water Act 2000*



Building Consultancy Services

**MOUNT ISA CITY COUNCIL
DEVELOPMENT APPROVAL**

Permit No.: P14-22

Type of Development: Building Work Not Associated with a Material Change of Use

Approved Use: Building Work on a Local Heritage Place

Approved By: Mr Dale Dickson PSM

Title: Chief Executive Officer

Date: 16/02/2023



Mount Isa Telephone Exchange

HERITAGE OVERLAY CODE

Submission to Council Planner

Reference: 07220444

Date: 18-November 2022

Revision: 1

**Document Control Record**

Document prepared by:

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DISCLAIMER

The information contained in this document is given in good faith, based on information provided to Overall Building Consultancy Services P/L by third parties and from our site inspection. It is based on our teams experience and opinions.



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Executive Summary

Overview

Telstra Corporation is required to maintain buildings and facilities to ensure communications equipment continues to operate.

Most maintenance works are completed under the Telco Act and do not require statutory building approval. Notwithstanding Telstra has its own internal building works permit process using an accredited Building Surveyor. This ensures that work is assessed under the BCA, inspected and documented.

An independent third party provides a formal determination as to whether works require a statutory approval or not (fall under the Telco Act). This is commonly referred to as an ATL/BTL determination.

Norman Bergin is Telstra's nominated Building Surveyor for this project. Telstra's land access representative informed Norman Bergin (via DCE) that the Mt Isa Telephone Exchange is listed in the Local Heritage Register.

Consideration

Under the *City of Mount Isa Planning Scheme 2020*, 7C Isa Street, described as Lot 35 on plan RP719363 is nominated as a Local Heritage Place.

Building Work that is both within the Heritage Overlay and not associated with a Material Change of Use is nominated as a **Code Assessable Development**.

Norman Bergin has consulted with Mt Isa City Council Planning Officer Jason Newell regarding the scope of the Air Conditioning project, which is subject to the planning approval.

Scope

The scope includes the life cycle replacement of air conditioning plant and associated ductwork. The only changes to the external envelope include the replacement & alteration of the louvre arrangement as shown below.



Figure 1: Schematic mark-up of changes



Performance Outcomes

This submission includes the applicant's responses to the performance requirements PO 1 to PO 10 identified in **Table 8.2.6.1 – Heritage Overlay Code** from the City of Mount Isa Planning Scheme – 09 March 2020.

Copies of the local heritage register and the planning scheme overlay codes are provided in appendix A.

A copy of the current working drawings for the mechanical services is provided in appendix B.

A copy of the RPEQ design certification for the mechanical works is in appendix C.

Conclusion

The existing air flow louvres will be upgraded with new to improve air flow. Building approval will condition that all work to the louvres will match existing material and colour schemes. Other works are life cycle replacement of internal plant and ductwork.

The table provided on pages 6 - 12 inclusive includes the applicant's responses to the performance outcomes.

As a result it can be demonstrated through the responses/submissions provided in this document that the work meets the performance outcomes outlined in the Heritage Overlay Code.



HERITAGE OVERLAY CODE SUBMISSION

Performance Outcomes	Acceptable Outcomes	Applicants Submission/Responses
<p>Reconfiguring a lot involving a local heritage place</p> <p>PO 1 Reconfiguring a lot does not:</p> <ul style="list-style-type: none"> (a) reduce existing public access to the Local Heritage Place; or (b) result in the placement of a building or structure that would adversely change its setting or sever or obscure the Local Heritage Place from public view; or (c) obscure or destroy any of the following elements relating to the Local Heritage Place: <ul style="list-style-type: none"> (i) pattern of historic subdivision; or (ii) the landscape setting; or <p>the scale and consistency of the urban fabric.</p>	<p>AO 1.1 Development is undertaken in accordance with the Australia ICOMOS Charter for Places of Cultural Significance, (<i>The Burra Charter, 2013</i>).</p> <p>AO 1.2 A Statement of Impact is prepared by a suitably qualified professional that demonstrates how the proposed development will conserve and/or impact on the cultural heritage significance of the Local Heritage Place, including its setting and context.</p>	<p><u>Applicant Submission/Response to PO 1</u> Not applicable</p>



HERITAGE OVERLAY CODE SUBMISSION

Performance Outcomes	Acceptable Outcomes	Applicants Submission/Responses
<p>Material change of use involving a Local Heritage Place</p> <p>PO 2 Development of a Local Heritage Place is compatible with the conservation and management of the cultural heritage significance of the Local Heritage Place</p>	<p>Development is undertaken in accordance with the ICOMOS Charter for the Conservation of Places of Cultural Significance (<i>Burra Charter 1999</i>).</p> <p>AO 2.2 A Statement of Impact is prepared by a suitably qualified professional that demonstrates how the proposed development will conserve and/or impact on the cultural significance of the Local Heritage Place, including its setting and context.</p> <p>AO 2.3 Heritage interpretation materials or methods</p>	<p>Applicant Submission/Response to PO 2</p> <p>Not applicable</p>



HERITAGE OVERLAY CODE SUBMISSION

Performance Outcomes Building work or operational work on a Local Heritage Place	Acceptable Outcomes	Applicants Submission/Responses
<p>PO 3 Development:</p> <p>(a) does not adversely affect the character, setting or appearance of the Local Heritage Place; and</p> <p>(b) is subservient to the features and values of the Local Heritage Place that contribute to its cultural heritage significance.</p>	<p>AO 3.1 Development does not alter, remove or conceal significant features of the Local Heritage Place as identified by the applicable Place Card in the Mount Isa City Council Local Heritage Register.</p> <p>AO 3.2 The scale, location and design of the development is compatible with the character, setting and appearance of the Local Heritage Place.</p> <p>AO 3.3 A Statement of Impact is prepared by a suitably qualified professional that demonstrates how the proposed development will conserve and/or impact on the cultural significance of the Local Heritage Place, including its setting and context</p>	<p>Applicant Submission/Response to PO 3 (a) & (b) Criteria</p> <p>The plant room attached (as an extension) to the side of the main telephone exchange building is an existing development and existing use (estimate built date 1970's) The existing air flow louvres will be upgraded with new to improve air flow. All work to the louvres will match existing material and colour schemes. As a result it can be demonstrated that:</p> <p>(a) The development does <u>not adversely affect the character, setting or appearance</u> of the Local Heritage Place; and</p> <p>(b) The development is <u>subservient to the features and values</u> of the Local Heritage Place that contribute to its cultural heritage significance.</p>



HERITAGE OVERLAY CODE SUBMISSION

Performance Outcomes	Acceptable Outcomes	Applicants Submission/Responses
<p>PO 4</p> <p>Changes to a Local Heritage Place are appropriately managed and documented.</p>	<p>Where changes to a Local Heritage Place are proposed:</p> <p>(a) a Heritage Conservation Management Plan is prepared by a suitably qualified professional in accordance with the Australia ICOMOS Charter for Places of Cultural Significance, (<i>The Burra Charter, 2013</i>); and</p> <p>(b) development is undertaken in accordance with a Heritage Conservation Management Plan prepared by a suitably qualified professional in accordance with the Australia ICOMOS Charter for Places of Cultural Significance, (<i>The Burra Charter, 2013</i>); and</p> <p>(c) an archival quality photographic record is made of the features of the Place that will be altered or destroyed because of a development. The archival record must meet the standards outlined in the <i>Guideline: Archival Recording of Heritage Places</i> (Department of Environment and Heritage Protection).</p>	<p>Applicant Submission/Response to PO 4 Criteria</p> <p>The changes to the Local Heritage Place are being managed and appropriately documented through this DA submission (form 1 & supporting documents)</p>



HERITAGE OVERLAY CODE SUBMISSION

<p>Performance Outcomes PO 5 Vegetation that contributes to the cultural heritage significance of the Local Heritage Place is protected.</p>	<p>Acceptable Outcomes AO 5.1 Existing vegetation that forms part of the Local Heritage Place is retained and incorporated into the design and layout of development.</p>	<p>Applicants Submission/Responses Applicant Submission/Response to PO 5 Criteria Not applicable No disturbance to vegetation of cultural significance</p>
<p>Performance Outcomes PO 6 Operational work conserves the archaeological significance or potential archaeological significance of a Local Heritage Place.</p>	<p>Acceptable Outcomes AO 6.1 Where a Local Heritage Place has been identified as an archaeological place, or identified as having potential archaeological significance: (a) a suitably qualified and experienced archaeologist is appointed to assess the impact of the operational work on any identified and/or potential archaeological artifacts and/or features of local heritage significance; and if required by Council, the archaeologist must develop and submit to Council for approval an Archaeological Management Plan.</p>	<p>Applicants Submission/Responses Applicant Submission/Response to PO 6 Not applicable No Operational Work</p>



HERITAGE OVERLAY CODE SUBMISSION

<p>Performance Outcomes PO 7 Heritage Place are sited and designed in a manner that:</p> <p>(a) is compatible with the cultural heritage significance of the place; and does not obscure the appearance or prominence of the Local Heritage Place when viewed from the street or other public places.</p>	<p>Acceptable Outcomes AO 7.1 No acceptable outcome is prescribed,</p> <p>Note—where required Council, a Statement of Impact is prepared by a suitably qualified professional that demonstrates how the proposed development will conserve and/or impact the cultural heritage significance of the Place/Area, including its setting and context.</p>	<p>Applicants Submission/Responses <u>Applicant Submission/Response to PO 7</u></p> <p>Not applicable Existing siting & Design</p>
<p>Building work, material change of use or operational work involving advertising devices on a lot or premises adjoining a local heritage place</p>		
<p>Performance Outcomes PO 8 Material change of use and/or building work on a property adjoining a Local Heritage Place does not adversely affect the cultural heritage significance of the Local Heritage Place, including its context, setting, appearance and archaeology.</p>	<p>Acceptable Outcomes</p> <p>No acceptable outcome is prescribed</p>	<p>Applicants Submission/Responses <u>Applicant Submission/Response to PO 8</u></p> <p>Does not adversely affect adjoining properties Property facing proposed external works area is lot 45 - Telstra Corporation</p>
<p>Performance Outcomes PO 9 The scale, location and design of the development is compatible with the cultural heritage significance of the Local Heritage Place, including its context, setting, appearance and archaeology.</p>	<p>Acceptable Outcomes</p> <p>No acceptable outcome is prescribed</p>	<p>Applicants Submission/Responses <u>Applicant Submission/Response to PO 9</u></p> <p>Not applicable Existing location No design changes</p>



HERITAGE OVERLAY CODE SUBMISSION

Performance Outcomes	Acceptable Outcomes	Applicants Submission/Responses
<p>PO 10 <i>Advertising devices located on a lot or premises adjoining a Local Heritage Place are sited and designed in a manner that:</i></p> <ul style="list-style-type: none">(a) <i>is compatible with the cultural heritage significance of the place; and</i>(b) <i>does not obscure the appearance or prominence of the place when viewed from the street or other public places</i>	<p>AO 10.1 No acceptable outcome is prescribed.</p> <p>Note—where required by Council, a Statement of Impact is prepared by a suitably qualified professional that demonstrates how the proposed development will conserve and/or impact the cultural heritage significance of the Place, including its setting and context.</p>	<p>Applicant Submission/Response to PO 10 Criteria</p> <p>Not applicable</p> <p>No advertising devices are part of this project</p>



Appendix A - Heritage Register & Overlay Codes

Mount Isa City Council

Local Heritage Register



Mount Isa Telephone Exchange - ID:18



AHC Category	Archaeological	Historic	Indigenous	Landscape
Other Names		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Address/Location	N/A			
Title Details (GPs)	Isa Street	Mount Isa		
Place Category	35RP19363, 45RP727010	Easting	N/A	Northing
Historical Context	Communications			

Between 1962 and 1964 Mount Isa's population grew from 14,000 to 15,000, making the town the fastest growing in Queensland. New stores, small manufacturing and service businesses and factories were opening up and building approvals reached a record high. In April 1964 the Department of Works called for tenders to build a new automatic telephone exchange and trunk line building in Isa Street to cater for the ever increasing number of telephone subscribers. K.D.Morris and Sons Pty Ltd were awarded the contract and work started in July 1964. The building was designed to consist of two storeys, one on ground level and a second on a lower level taking advantage of the sloped site, constructed of concrete blocks with air-conditioning and a landscaped garden along the street front. The building was handed over on the 6 April 1965 at a cost of \$141,655. In May 1966 the installation of the equipment for the new exchange started under the supervision of E.G.P. Watson, with up to thirty technicians involved in the project. When the new exchange was switched over on Sunday 26 November 1967, it provided 2,000 lines and the total cost had amounted to \$600,000. The manual telephone trunk exchange was brought into service in early 1968. The official opening ceremony was held 13 December 1967, performed by Robert Cummin Katter, Federal Member for Kennedy.

The Mount Isa Telephone Exchange is located on the corner of Isa and Camooweal Streets in the centre of the city on a sloped site. The rectangular concrete block building has a low pitched 'flat' roof. Access is via an entrance from Isa Street which consists of a tall glass and timber door. This side of the building has a portico featuring eight rectangular pillars. The side facing Camooweal Street has several windows on the upper level and doors and loading bays on the lower level. Adjacent to the building in a fenced-off area is a large transmission tower and a carpark.

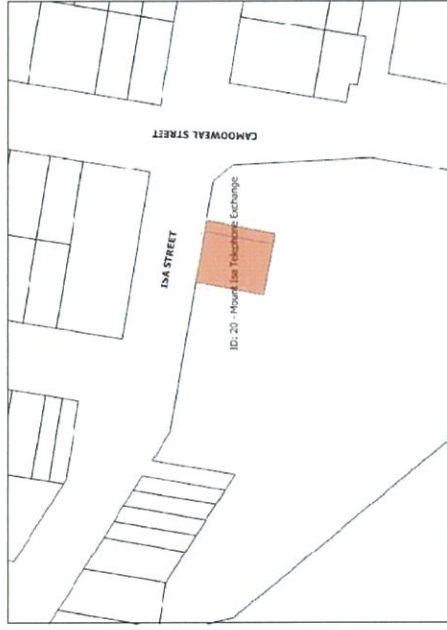
Integrity	Good	Condition	Good
Listings	Register of the National Estate	QLD Heritage Register	QLD National Trust
Inspection Date	01/12/2011		
References	Rea, M.M., An Australian Post Office History - Mt Isa, unpublished manuscript, 4.12.1987. Kirkman, N, Mount Isa : Oasis of the outback, Townsville, Qld. : School of History and Politics, James Cook University, 1998.		

Historical Theme(s)

Moving goods, people and information telecommunications

Heritage Significance						
A	B	C	D	E	F	G

Criteria	Description
A	The place is important in demonstrating the evolution or pattern of the region's history.
Statement	The Mount Isa Telephone Exchange is important in demonstrating the evolution of the region through the provision of telecommunication to cater for a rapidly growing town in the remote Queensland Outback.
D	The place is important in demonstrating the principal characteristics of a particular class of cultural places important to the region.
Statement	The Mount Isa Telephone Exchange is important in demonstrating continuous use of the site as a telephone exchange for more than 45 years.



Part 8 Overlays

8.1 Preliminary

- (1) Overlays identify areas in the planning scheme that reflect state and local level interests and that have one or more of the following characteristics:
 - (a) there is a particular sensitivity to the effects of development
 - (b) there is a constraint on land use or development outcomes
 - (c) there is the presence of valuable resources
 - (d) there are particular opportunities for development
- (2) Overlays are mapped and included in Schedule 2.
- (3) The changed category of development or assessment, if applicable, for development affected by an overlay are in Part 5.
- (4) Some overlays may be included for information purposes only. This should not result in a change to the level of assessment or any additional assessment benchmarks.
- (5) Assessment benchmarks for an overlay may be contained in one or both of the following:
 - (a) a map for an overlay
 - (b) a code for an overlay
 - (c) a zone code
 - (d) a local plan code
 - (e) a development code
- (6) Where development is proposed on premises partly affected by an overlay, the assessment benchmarks for the overlay only relate to the part of the premises affected by the overlay.
- (7) The overlays for the Planning Scheme with codes are:
 - (a) Airport environs overlay;
 - (b) Biodiversity overlay;
 - (c) Bushfire hazard overlay;
 - (d) Extractive resources overlay;
 - (e) Flood hazard overlay;
 - (f) Heritage overlay;
 - (g) Lake Moondara environs overlay;
 - (h) Major infrastructure overlay;
 - (i) Scenic amenity overlay; and
 - (j) Wetlands and waterway corridors overlay.
- (8) The overlays for the Planning Scheme without codes are:
 - (a) Principal bicycle network overlay.

8.2.6 Heritage overlay code

8.2.6.1 Application

This code applies to assessing a material change of use, reconfiguring a lot, operational work and building work in the Heritage overlay.

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

Land in the Heritage overlay is identified the **Heritage Overlay Maps 1 to 4 (OM-H-01 to OM-H-04)** which include the following sub-categories:

Note—for the purpose of this code a Place and Area are considered the same except where indicated otherwise.

- (1) Local Heritage Place and Area
- (2) Local Heritage Place Buffer
- (3) Local Heritage Area Buffer

Note—the Heritage overlay code only addresses Local Heritage Places and Areas, State and National Heritage Places are included for information purposes only.

8.2.6.2 Purpose

The purpose of the Heritage overlay code is to ensure development on, or adjoining, a Local Heritage Place is compatible with its cultural heritage significance of, as identified by the Mount Isa City Council's Local Heritage Register.

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

- (1) Development or re-use of a Local Heritage Place conserves its cultural heritage significance.
- (2) Heritage Places are protected from removal and demolition.
- (3) Archaeological features and artefacts are identified, managed and protected prior to and/or during development on a Local Heritage Place.
- (4) Development that occurs on properties adjoining a Local Heritage Place is compatible with, and does not adversely impact, the cultural heritage significance of the place.

Note—the Local Heritage Place Planning Scheme Policy in Schedule 6 provides guidance for satisfying certain outcomes in this code.

8.6.2.3 Assessment benchmarks

Table 8.2.6.1 – Heritage overlay code:

• **Assessment benchmarks for assessable development only**

Performance Outcomes	Acceptable Outcomes
Reconfiguring a lot involving a local heritage place on a lot adjoining a local heritage place	
<p>PO 1 Reconfiguring a lot does not:</p> <p>(a) reduce existing public access to the Local Heritage Place; or</p> <p>(b) result in the placement of a building or structure that would adversely change its setting or sever or obscure the Local Heritage Place from public view; or</p> <p>(c) obscure or destroy any of the following elements relating to the Local Heritage Place:</p> <p style="padding-left: 40px;">(i) pattern of historic subdivision; or</p> <p style="padding-left: 40px;">(ii) the landscape setting; or</p> <p style="padding-left: 40px;">(iii) the scale and consistency of the urban fabric.</p>	<p>AO 1.1 Development is undertaken in accordance with the Australia ICOMOS Charter for Places of Cultural Significance, (<i>The Burra Charter, 2013</i>).</p> <p>AO 1.2 A Statement of Impact is prepared by a suitably qualified professional that demonstrates how the proposed development will conserve and/or impact on the cultural heritage significance of the Local Heritage Place, including its setting and context.</p>
Material change of use involving a Local Heritage Place	
<p>PO 2 Development of a Local Heritage Place is compatible with the conservation and management of the cultural heritage significance of the Local Heritage Place.</p>	<p>AO 2.1 Development is undertaken in accordance with the ICOMOS Charter for the Conservation of Places of Cultural Significance (<i>Burra Charter 1999</i>).</p> <p>AO 2.2 A Statement of Impact is prepared by a suitably qualified professional that demonstrates how the proposed development will conserve and/or impact on the cultural significance of the Local Heritage Place, including its setting and context.</p> <p>AO 2.3 Heritage interpretation materials or methods (e.g signs and plaques) are provided, where appropriate</p>
Building work or operational work on a Local Heritage Place	
<p>PO 3 Development:</p> <p>(a) does not adversely affect the character, setting or appearance of the Local Heritage Place; and</p> <p>(b) is subservient to the features and values of the Local Heritage Place that contribute to its cultural heritage significance.</p>	<p>AO 3.1 Development does not alter, remove or conceal significant features of the Local Heritage Place as identified by the applicable Place Card in the Mount Isa City Council Local Heritage Register.</p> <p>AO 3.2 The scale, location and design of the development is compatible with the character, setting and appearance of the Local Heritage Place.</p> <p>AO 3.3 A Statement of Impact is prepared by a suitably qualified professional that demonstrates how the proposed development will conserve and/or impact on the cultural significance of the Local</p>

Table 8.2.6.1 – Heritage overlay code:

• **Assessment benchmarks for assessable development only**

Performance Outcomes	Acceptable Outcomes
	Heritage Place, including its setting and context.
<p>PO 4 Changes to a Local Heritage Place are appropriately managed and documented.</p>	<p>AO 4.1 Where changes to a Local Heritage Place are proposed:</p> <ul style="list-style-type: none"> (a) a Heritage Conservation Management Plan is prepared by a suitably qualified professional in accordance with the Australia ICOMOS Charter for Places of Cultural Significance, (<i>The Burra Charter, 2013</i>); and (b) development is undertaken in accordance with a Heritage Conservation Management Plan prepared by a suitably qualified professional in accordance with the Australia ICOMOS Charter for Places of Cultural Significance, (<i>The Burra Charter, 2013</i>); and (c) an archival quality photographic record is made of the features of the Place that will be altered or destroyed because of a development. The archival record must meet the standards outlined in the <i>Guideline: Archival Recording of Heritage Places</i> (Department of Environment and Heritage Protection).
<p>PO 5 Vegetation that contributes to the cultural heritage significance of the Local Heritage Place is protected.</p>	<p>AO 5.1 Existing vegetation that forms part of the Local Heritage Place is retained and incorporated into the design and layout of development.</p>
<p>PO 6 Operational work conserves the archaeological significance or potential archaeological significance of a Local Heritage Place.</p>	<p>AO 6.1 Where a Local Heritage Place has been identified as an archaeological place, or identified as having potential archaeological significance:</p> <ul style="list-style-type: none"> (a) a suitably qualified and experienced archaeologist is appointed to assess the impact of the operational work on any identified and/or potential archaeological artifacts and/or features of local heritage significance; and (b) if required by Council, the archaeologist must develop and submit to Council for approval an Archaeological Management Plan.

Table 8.2.6.1 – Heritage overlay code:

• **Assessment benchmarks for assessable development only**

Performance Outcomes	Acceptable Outcomes
<p>PO 7 <i>Advertising devices</i> located on a Local Heritage Place are sited and designed in a manner that:</p> <ul style="list-style-type: none"> (a) is compatible with the cultural heritage significance of the place; and (b) does not obscure the appearance or prominence of the Local Heritage Place when viewed from the street or other public places. 	<p>AO 7.1 No acceptable outcome is prescribed,</p> <p>Note—where required Council, a Statement of Impact is prepared by a suitably qualified professional that demonstrates how the proposed development will conserve and/or impact the cultural heritage significance of the Place/Area, including its setting and context.</p>

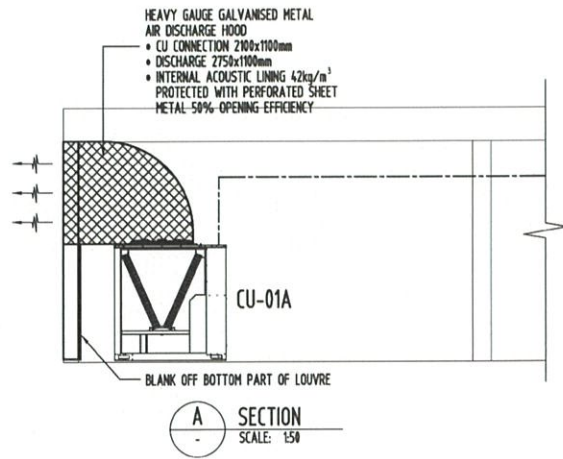
Table 8.2.6.1 – Heritage overlay code:

• **Assessment benchmarks for assessable development only**

Performance Outcomes	Acceptable Outcomes
Building work, material change of use or operational work involving <i>advertising devices</i> on a lot or premises adjoining a local heritage place	
<p>PO 8 Material change of use and/or building work on a property adjoining a Local Heritage Place does not adversely affect the cultural heritage significance of the Local Heritage Place, including its context, setting, appearance and archaeology.</p>	<p>No acceptable outcome is prescribed</p>
<p>PO 9 The scale, location and design of the development is compatible with the cultural heritage significance of the Local Heritage Place, including its context, setting, appearance and archaeology.</p>	<p>No acceptable outcome is prescribed</p>
<p>PO 10 <i>Advertising devices</i> located on a lot or premises adjoining a Local Heritage Place are sited and designed in a manner that:</p> <ul style="list-style-type: none"> (a) is compatible with the cultural heritage significance of the place; and (b) does not obscure the appearance or prominence of the place when viewed from the street or other public places. 	<p>AO 10.1 No acceptable outcome is prescribed.</p> <p>Note—where required by Council, a Statement of Impact is prepared by a suitably qualified professional that demonstrates how the proposed development will conserve and/or impact the cultural heritage significance of the Place, including its setting and context.</p>

REV	DATE	DESCRIPTION	BY
1	20/01/22	PRELIMINARY ISSUE	AM
2	18/02/22	TENDER ISSUE	AM
3	22/05/22	TENDER ISSUE	KS
4	02/06/22	TENDER ISSUE	KS

Note: All dimensions are subject to site measurement & verification prior to commencement of construction on site.

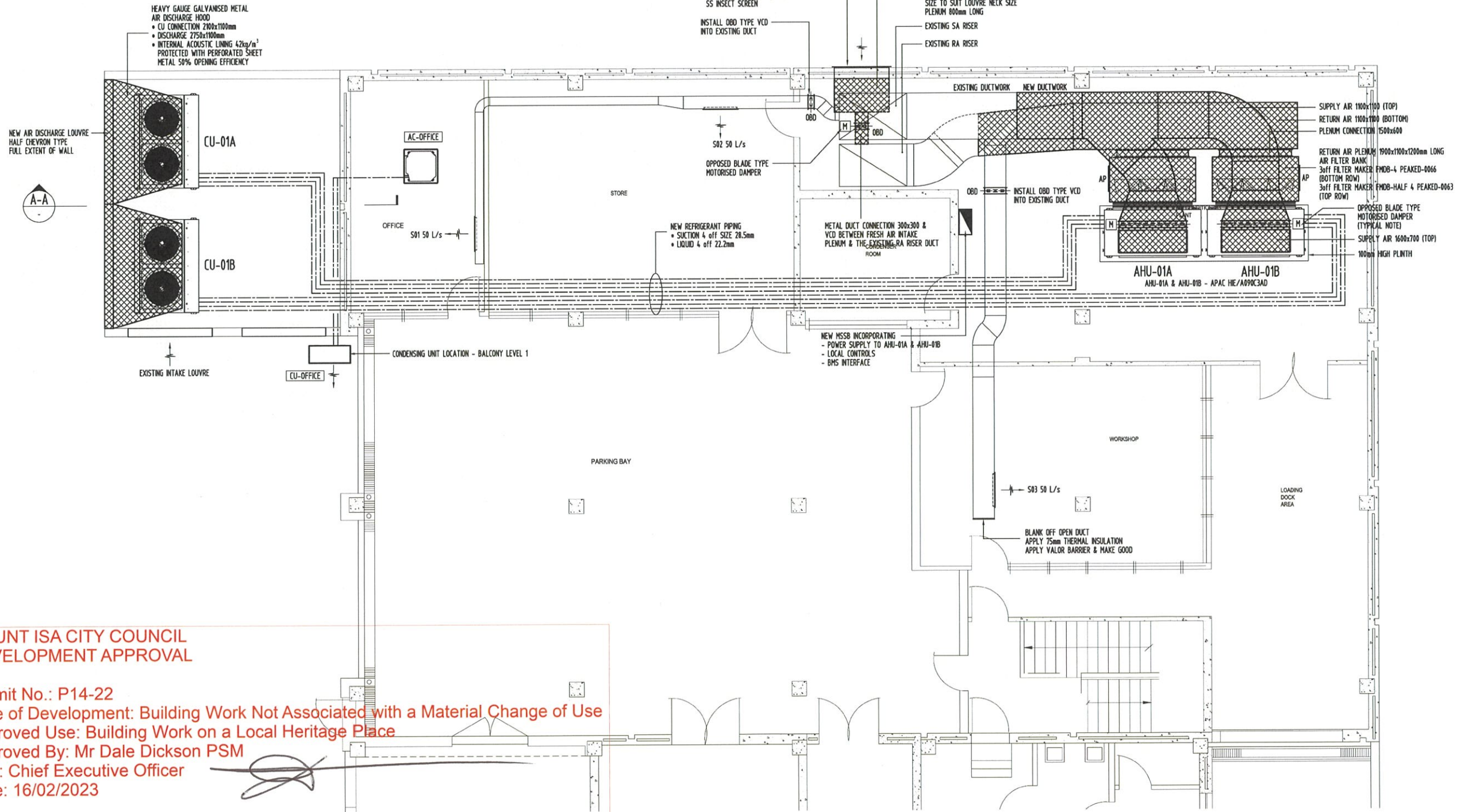


Air Conditioning Units AHU-1a and AHU-1b

Normal operation at Room Temp. 25 degC	C Coil TC (kW)	C Coil SC (kW)	Supply Air (l/s)	OA Supply (l/s)	Air On Coil (degC DB/WB)	Air Off Coil (degC DB/WB)	BF	ADP (degC)	Room RH (%)	Room Design Temp (degC)
AHU-1a / AHU-1b	61.8	53.9	4000	219.0	25.8 / 18.2	14.2 / 13.5	0.1	12.9	46.0	25.0
Emergency operation at Room at 33 degC	C Coil TC (kW)	C Coil SC (kW)	Supply Air (l/s)	OA Supply (l/s)	Air On Coil (degC DB/WB)	Air Off Coil (degC DB/WB)	BF	ADP (degC)	Room RH (%)	Room Design Temp (degC)
AHU-1a / AHU-1b	80.0	78.2	3709 - 4000	0.0	32.8 / 19.7	14.6 / 13.4	0.1	12.6	28.0	33.0

Gr Level Office – ceiling cassette split system

Normal operation at Room Temp. 25 degC	C Coil TC (kW)	C Coil SC (kW)	Supply Air (l/s)	OA Supply (l/s)	Air On Coil (degC DB/WB)	Air Off Coil (degC DB/WB)	BF	ADP (degC)	Room RH (%)	Room Design Temp (degC)
GL-AC-1	3.7	3.1	260	0.0	23.7 / 17.1	13.2 / 12.6	0.1	12.1	52.0	23.0



MOUNT ISA CITY COUNCIL DEVELOPMENT APPROVAL

Permit No.: P14-22
 Type of Development: Building Work Not Associated with a Material Change of Use
 Approved Use: Building Work on a Local Heritage Place
 Approved By: Mr Dale Dickson PSM
 Title: Chief Executive Officer
 Date: 16/02/2023

AIRMATRIX
 ENGINEERING EXCELLENCE

Chartered Mechanical Engineers & Project Managers

8 Tambourah Dr Brisbane QLD 4217 airmatrix@airmatrix.com +61488929082



DRAWING TITLE

MOUNT ISA - TELSTRA MECHANICAL SERVICES GROUND LEVEL VAC NEW WORK

• DRAWN	AM
• CHECKED	KS
• SCALE	1 : 50 @ A1
• DATE	March 2022
• PROJECT NO.	AM 022 - 01
• DRAWING NO.	M04
	ISSUE 4



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.

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- (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.

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- (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.