



Our Ref: File: P17-22 & 06841-00000-000 CRCA:SM  
Your Ref: ---

## DECISION NOTICE APPROVAL

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

4 July 2023

Vance & Gayle Martin  
C/- GMA Certification Group  
PO Box 2760  
NERANG QLD 4211

### **Attention: Rebecca Page**

Dear Mrs Page

The development application described below was properly made to the Council on 3 February 2023.

### **APPLICANT DETAILS\***

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<b>Applicant name:</b>	Vance and Gayle Martin C/- GMA Certification Group
<b>Applicant contact details:</b>	adminmi@gmacert.com.au

### **APPLICATION DETAILS**

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<b>Application number:</b>	P17-22
<b>Approval sought:</b>	Retrospective Development Permit for Building Work Not Associated with a Material Change of Use
<b>Nature of development proposed:</b>	Building Work for As-Built Open Carport
<b>Description of the development proposed:</b>	8.23m x 6.38m Open Carport

### **LOCATION DETAILS**

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<b>Street address:</b>	39 Paterson Crescent
<b>Real property description:</b>	Lot 3 on plan MPH40111
<b>Local government area:</b>	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:** 4 July 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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval			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"> <li>• Building Work Not Associated with a Material Change or Use</li> <li>• Plumbing or Drainage Work</li> <li>• Material Change of Use</li> <li>• Reconfiguration of a Lot</li> <li>• Operational Work</li> </ul>		<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
<b>Aspect of development: Building Work Not Associated with a Material Change of Use</b>				
Site Plan (as amended in red)	GMA Certification Group	Submitted with Development Application: 3 February 2023	-	-

**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 Building Work Not Associated with a Material Change of Use for an Open Carport at 39 Paterson Crescent, Mount Isa, has been assessed against the below Assessment Benchmarks found in the *State Planning Policy, North West Regional Plan* and *City of Mount Isa Planning Scheme 2020*.

Assessment has concluded that the proposal is consistent with the applicable benchmarks, subject to compliance with a number of conditions of approval, and the proposal has therefore been approved in full subject to conditions.

2. Assessment Benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
<i>State Interest Policies and Assessment Benchmarks</i>	<i>Part E, State Planning Policy</i>
<i>Regional Strategies and Policies</i>	<i>Part E, North West Regional Plan</i>
<i>Residential Activities Code</i>	<i>Part 9.3.6, City of Mount Isa Planning Scheme 2020</i>

3. Compliance with Benchmarks

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
Acceptable Outcome 23.2 Part 9.3.6, <i>City of Mount Isa Planning Scheme 2020</i>	<p>While the carport opening exceeds the 6.0m maximum prescribed in the Code, it is noted the structure will be open and present minimal visual bulk to the streetscape. Additionally, the split-level nature of the dwelling ensures it is not dominated by the carport and remains visible from the street. Despite the carport's width, there remains considerable opportunity for landscaping forward of the front building line and significant established landscaping is provided at the front of the property.</p> <p>While the carport has been constructed within the 1.5m side boundary setback; given the structure will be open and non-habitable; and given it is located some distance from the dwelling and private open space areas of the adjoining property; the proposed location is assessed as acceptable.</p>

4. Matters Prescribed by Regulation

*Nil.*

## **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**

Encl:     **Attachment 1—Conditions of the approval**  
          **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: P17-22 for Building Work Not Associated with a Material Change of Use for an Open Carport at 39 Paterson Crescent, Mount Isa.

Council advise that the Development Application was approved by Mount Isa City Council's Acting Chief Executive Officer through Delegated Authority (Delegated Authority No. 2057) on 4 July 2023 for Building Work Not Associated with a Material Change of Use for a 8.23m x 6.38m Open Carport at 39 Paterson Crescent, Mount Isa, described as Lot 3 on plan MPH40111, subject to the following conditions:

NUMBER	CONDITION	TIMING
<b>PLANNING</b>		
<b>General</b>		
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>As specified</i>
3.	Where building regulations require additional fire-separation measures for this structure due to its proximity to the boundary, be advised that Council does not consider the construction of fire-rated walls on property boundary to be acceptable within a residential area and other means of achieving the require fire-separation must be utilised;	<i>At all times</i>
4.	Ensure water run-off from the roof of the carport is directed into own property, or alternatively a lawful point of discharge, and does not cause ponding or a nuisance to adjoining properties;	<i>At all times</i>

5.	The carport is to remain open, without walls or doors, and shall not be enclosed at any time;	<i>At all times</i>
6.	The outermost projection point of the roofline of the 8.23m x 6.38m open carport is to terminate at least 2.0m from the front boundary and 350mm from the western side boundary;	<i>At all times</i>
7.	The owner is responsible for ensuring that the structure and all overhangs, gutters and downpipes are contained entirely within Lot 3 on plan MPH40111;	<i>At all times</i>
8.	Where any new fencing is proposed along the road boundary, such fencing shall not exceed 1.80m in total height and shall be at least 50% visually permeable above a height of 1.50m. Any proposed gates along the road boundary shall swing inwards onto the owner's property and <b>not</b> outwards onto Council's road reserve/verge.	<i>At all times</i>
9.	The owner 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's satisfaction;	<i>At all times</i>
10.	The owner is to be aware that, in granting this approval, Council has not taken into account the location of the subject property's internal house drainage; this is the owner's responsibility;	<i>At all times</i>
<b>ENVIRONMENTAL SERVICES</b>		
<b>General</b>		
11.	<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> <p>(a) there is no discharge of contaminants to land or water that may harm the environment or create a nuisance from the operation of the activity.</p> <p>(b) there is discharge of contaminants to air that may harm the environment or create a nuisance from the operation of the activity.</p> <p>(c) noise nuisance is prevented or minimised at noise sensitive places.</p> <p>(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.</p>	<i>At all Times</i>
12.	<p>Chemicals and other liquids such as fuels, solvents, oils, batteries and coolants must be kept within a secondary containment system that is impervious to the materials stored within it and must be managed to prevent the release of contaminants to waters or land or air. Bunding must be installed for any liquid-based substances that is kept in a secondary containment system to prevent spilling.</p> <p>Any release must be reported by telephone to the Department of Environment and Science (DES) Pollution Hotline or Council. Any such release must be reported as</p>	<i>At all times</i>

	soon as practicable but no later than 24 hours, after becoming aware of the release.	
<b>Water</b>		
13.	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 waters;	<i>At all times</i>
<b>Air</b>		
14.	The release of dust and/or particulate matter resulting from the activity must not cause environmental nuisance at any nuisance sensitive or commercial place;	<i>At all times</i>
15.	The release of dust and particulate matter from parking and driveway from vehicle activities. Parking facilities and driveways must be hard surface to avoid dust and particulate matter entering the air.	<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.

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*

ATTACHMENT 2  
**APPROVED PLANS**





ATTACHMENT 3

***PLANNING ACT 2016***

**EXTRACT ON APPEAL RIGHTS**