



Our Ref: File: P27-22 & 01993-20600-000 JMN:SM
Your Ref: ---

DECISION NOTICE APPROVAL

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

20 July 2023

Custom Steel Fab
C/- CadCon Surveying & Town Planning
PO Box 5774
MAROOCHYDORE BC QLD 4558

Attention: Ms Elise Wilton

Dear Ms Wilton

The development application described below was properly made to the Council on 27 April 2023.

APPLICANT DETAILS*

Applicant name:	Custom Steel Fab C/- Cadcon Surveying & Town Planning
Applicant contact details:	elisew@cadcon.com.au

APPLICATION DETAILS

Application number:	P27-22
Approval sought:	Material Change of Use
Nature of development proposed:	Medium Impact Industry
Description of the development proposed:	Metal Fabrication Workshop and Ancillary Office and Amenities

LOCATION DETAILS

Street address:	8 Engineering Road
Real property description:	Lot 5 on plan SP242626
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: 14 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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval 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"> • 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 type="checkbox"/> <input type="checkbox"/> <input checked="" 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 Permits for the two (2) workshops, Administration Office and Amenities Building
2. Advertising Signage Approval for any proposed signage
3. Plumbing Permit for the Office and Amenities Building
4. Plumbing Permit for the Washdown Bay
5. Works on Council Property for New Driveways

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	Cadcon Surveying and Town Planning	April 2023	Ref 229689 0 Custom Steel Fab Pty Ltd	
Site Plan	Southern Cross Design and Drafting	05/04/2023	Job No. SCD 23-251 Sheet No. A02	2
Floor Plans	Southern Cross Design and Drafting	05/04/2023	Job No. SCD 23-251 Sheet No. A03	2
Elevations	Southern Cross Design and Drafting	05/04/2023	Job No. SCD 23-251 Sheet No. A04	2
Elevations 2	Southern Cross Design and Drafting	05/04/2023	Job No. SCD 23-251 Sheet No. A05	2
Landscape Plan (as amended in red)	Southern Cross Design and Drafting	05/04/2023	Job No. SCD 23-251 Sheet No. A06	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 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 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
Medium Impact Industry Zone	City of Mount Isa City Council Planning Scheme 2020 - Part 6 Zones – 6.6.2
Industry and Infrastructure Activities Code	City of Mount Isa City Council Planning Scheme 2020 - Part 9 Development Codes – 9.4.3
Parking, access and loading code	City of Mount Isa City Council Planning Scheme 2020 - Part 9 Development Codes – 9.4.6
Landscaping code	City of Mount Isa City Council Planning Scheme 2020 - Part 9 Development Codes – 9.4.5
Engineering works and services code	City of Mount Isa City Council Planning Scheme 2020 - Part 9 Development Codes – 9.4.2
Excavation and filling code	City of Mount Isa City Council Planning Scheme 2020 - Part 9 Development Codes – 9.4.3
Airport Environs Overlay Code	City of Mount Isa City Council Planning Scheme 2020 - Part 8 Overlay Codes – 8.2.1
Major Infrastructure Overlay Code	City of Mount Isa City Council Planning Scheme 2020 - Part 8 Overlay Codes – 8.2.8

3. Compliance with Benchmarks

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<i>Residential Activities Code</i>	
PO 4 Any office, administration or retail sales function that is conducted on the site is ancillary and subordinate to the primary use on the site.	<i>While office footprint exceeds the maximum of 10% if the site, it is still considered ancillary given the scale of the proposed development</i>
PO 7 For development within the Low impact, Medium Impact, Special industry and Special purpose zones: Fences must contribute positively to the character of the streetscape and enhance the amenity of the site	<i>Proposed fence is constructed of 50% transparent material that allows for the landscaping located along the front of the property to be visible which enhances the amenity of the site</i>
PO 14 The design and layout of vehicle parking, loading, crossover and access areas: a) provides safe and efficient vehicular and pedestrian movement; and	<i>Parking spaces in front of the building line are to be nominated as visitor only parking for improved and safety. Parking spaces are also screened by landscaping at the front of the development</i>

<p>b) enables the loading and unloading of goods and waste to occur wholly within the site; and c) (c) does not dominate the road frontage; and d) is visually unobtrusive from the street and complements the character and amenity of the area.</p>	
<p><i>Carparking, Access and Loading Code</i></p>	
<p>PO 1 The layout, design and construction of the access:</p> <p>a) is safe, convenient and legible for all users including people with disabilities, pedestrians and cyclists; and b) does not interfere with the planned function, safety, capacity and operation of the transport network; and c) includes appropriate and sufficient signage to ensure safe and convenient use.</p>	<p><i>Pathways are provided between the administration building and the amenities building to improve safety for users.</i></p>

4. 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

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: P27-22 for a Material Change of Use (Metal Fabrication Workshop & Ancillary Office and Amenities) at 8 Engineering 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 14 July 2023 for the Material Change of Use (Metal Fabrication Workshop & Ancillary Office and Amenities) at 8 Engineering Road, Mount Isa, described as Lot 5 on plan SP242626, subject to the following conditions:

MATERIAL CHANGE OF USE		
NUMBER	CONDITION	TIMING
PLANNING		
General / Amenity		
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>
3.	Any gates situated along the road boundary must open inwards onto the applicants/owner's property and not outwards onto Council's road reserve/verge	<i>At all times</i>
4.	Where barbed wire is proposed to be installed ontop of the fence, it must be located 2m above the natural ground level	<i>As specified</i>
5.	Front fencing and front gates are to remain constructed of a fencing material that is at a minimum of 50% transparent	<i>At all times</i>
6.	The fifteen (15) onsite carparking spaces shall be provided and maintained for the life of the development	<i>At all times</i>

7.	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>
8.	The steps of the amenities building are to be relocated so that the path towards them is not located in a parking bay	<i>Prior to commencement of use</i>
Landscaping		
9.	Landscaping is to be installed as per Landscaping Plan Revision DA 02 dated 18/04/2023, Job No. 23-251, Sheet No A06 with the following amendments: <ul style="list-style-type: none"> • <i>Ground cover landscaping at rear of the site is to be relocated to incorporate an additional 2m wide landscaping strip along the verge of Engineering Road</i> 	<i>Prior to commencement of use</i>
10.	Landscaping shall be in accordance with the Landscaping Code of the City of Mount Isa Planning Scheme 2020	<i>At all times</i>
11.	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>At all times</i>
10.	The owner shall provide ongoing maintenance of the landscaping to ensure it is neat and tidy and not overgrown and/or unsightly for the life of the development	<i>At all times</i>
11.	Where the owner/developer is proposing to landscape the verge with anything other than turf, a Landscaping Plan is required to be provided for Council approval prior to installation. Landscaping Plan(s) to include proposed species, pot sizes and areas of hard landscaping (if any)	<i>As specified</i>
ENVIRONMENTAL SERVICES		
General		
12.	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> . <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>
13.	Chemicals and other liquids such as fuels, solvents, oils, batteries and coolants must be kept within a secondary	<i>At all times</i>

	<p>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 soon as practicable but no later than 24 hours, after becoming aware of the release.</p>	
14.	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>
15.	Where it is determined that you are using/ or will be using 1t to 100t of surface coating materials in a year, you are required to contact Council's Environmental Service Department to obtain an Environmental Relevant Activity (ERA) for Surface Coating	<i>As specified</i>
Waste		
16.	General waste must not be disposed in a position where it could reasonably be expected to move or wash into the Leichhardt River.	<i>At all times</i>
17.	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 wash into the Leichhardt River.	<i>At all times</i>
Air		
18.	The release of dust and/or particulate matter resulting from the activity must not cause environmental harm or cause environmental nuisance at any nuisance sensitive or commercial place	<i>At all times</i>
19.	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>
Water		
20.	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 wash into the Leichhardt River.	<i>At all times</i>
Noise		
21.	<p>Prevent/ minimise the emission of noise that causes, or is likely to cause, environmental nuisance at sensitive or commercial places.</p> <p>All work must be undertaken within the prescribed timeframe as mentioned in <i>Environmental Protection Act 1994</i> and 440R - restrictions on the emission of audible noise within time limits for building work.</p> <p>If audible noise from building work can be heard at residential premises between the following hours, the person carrying out the building work may be issued with an on-the-spot fine.</p>	<i>At all times</i>

	<ul style="list-style-type: none"> 6:30pm to 6:30am – Monday to Saturday (business days) At any other time or day – Sundays and public holidays 	
ENGINEERING		
General		
22.	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>As specified</i>
Storage and Waste		
23.	Refuse container storage areas are: <ul style="list-style-type: none"> (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>Prior to commencement of use and then maintained</i>
24.	Other outdoor storage areas are: <ul style="list-style-type: none"> (a) Not located within any required setback (b) In an enclosed area or otherwise screened from view from the street, other public areas and adjoining properties 	<i>At all times</i>
25.	No exposed stockpiles of raw or processed materials greater than 30m ³ in total volume shall be stored onsite	<i>At all times</i>
26.	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>
27.	Any material discharged to sewer shall: <ul style="list-style-type: none"> (a) Comprise only normal domestic wastewater and (b) Is not greater in quantity than the design levels 	<i>At all times</i>
Filling and Excavation		
28.	<i>Prior to commencement of works</i> , undertake all civil works in general compliance with the approved plans ensuring: <ul style="list-style-type: none"> a) All fill material to be placed on the site is to comprise only natural earth and rock and is to be free of contaminants and noxious, hazardous, deleterious and organic materials. b) Filling does not exceed 0.3 metres above natural ground level at any point. 	<i>Prior to the commencement of works</i>

	<p>c) Excavation or filling does not change existing ground levels by 1 metre or more of any part of the land or where any drainage paths are affected.</p> <p>d) Where earthworks result in a ground surface level at the boundary of an allotment which differs by more than 100 millimetres from the ground surface level at the corresponding location on an adjoining lot, a retaining structure is to be provided, either to retain the new work to prevent collapse onto adjoining land, or to retain the pre-existing earth material on adjoining land to prevent collapse</p> <p>e) Retaining structures which are equal to or more than 1-metre-high are to be constructed in accordance with a design and construction certified by a RPEQ</p>	
29.	Any fill, including fill batters and earth bunds/diversion channels, must be solely contained within the development site. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s)	<i>At all times</i>
30.	While site/building works is occurring and until all exposed soil areas are permanently stabilised against erosion , minimise on-site erosion and the release of sediment or sediment laden stormwater from the site and works areas at all times in accordance with IECA Australasia Best Practice Erosion and Sediment Control Guidelines (November 2008) and to the satisfaction of Council	<i>While site/building works is occurring and until all exposed soil areas are permanently stabilised against erosion</i>
31.	Identify and locate other underground services through 'Dial Before You Dig 1100' for any relevant requirements. Do not bury any service pits under any circumstances	<i>Prior to commencement of works</i>
Access, Grades, Manoeuvring, Carparks and Signage		
32.	Car parking spaces 1-3 are to be nominated as dedicated visitor parking and are to be signed accordingly.	<i>Prior to commencement off use</i>
33.	Carpark 5 is to be converted in a shared bay for the PWD parking area	<i>Prior to commencement off use</i>
34.	The internal pedestrian path is to be extended to connect to ramp of the administration office and to the steps of the amenities building	<i>Prior to commencement off use</i>
35.	Provide, construct and delineate or sign (as required) the following requirements: <p>a) 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>b) Manoeuvring on-site for all vehicles utilising the site including service and maintenance vehicles</p>	<i>Prior to the commencement of use</i>

	<p>c) The internal driveways and car parks shall be provided in accordance with AS/NZS 2890.1 (Off-street Car Parking).</p> <p>d) Disabled car parking shall be provided in accordance with AS 1428.1-2009.</p> <p>e) 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>f) Provide Council with Registered Professional Engineer of Queensland (RPEQ) certified as constructed plans to demonstrate compliance with the access, grades, maneuvering, carparks and signs requirements above</p>	
36.	<p>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:</p> <p>(a) Any new crossovers/driveways must comply with regulations and permits in relation to works on Council 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 commercial driveways</p>	<i>Prior to the commencement of use</i>
37.	<p>Any damage to existing kerb and channel, footpath, stormwater reticulation, roadway or other public assets that may occur during any works associated with the approved development is to be reinstated by the applicant/developer/owner to Council's satisfaction at applicant's expense.</p>	<i>Prior to commencement of use</i>
Stormwater		
38.	<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>	<i>At all times</i>
39.	<p>The existing manhole shall be at the same level as the finished surface level and completed to Council satisfaction at the owner/developer's cost</p>	<i>Prior to the commencement of building works</i>
Water		
40.	<p>Any works on existing Council water network shall be undertaken by Council at the applicant/owner's expense</p>	<i>At all times</i>
41.	<p>The owner/developer shall ensure that the requirements of the Queensland Fire Service for provision of fire-fighting services for the development is met. All cost associated with this are to be at the owner/developer's expense. Location of any additional infrastructure that has not been identified on the approved plans will require Council's consent</p>	<i>Prior to the commencement of building works</i>

Sewerage		
42.	A separate Plumbing and Drainage Application and approval is required in accordance with the <i>Plumbing and Drainage Act 2002</i>	<i>Prior to commencement building works</i>
43.	All works located within close proximity of Council sewerage infrastructure shall comply with the Acceptable Outcomes of the Queensland Development Code MP1.4 for Building Over or Near Relevant Infrastructure	<i>As required</i>
44.	The existing manhole shall be at the same level as the finished surface level and completed to Council satisfaction at the owner/developer's cost	<i>Prior to commencement of use</i>
COMPLIANCE WITH CONDITIONS		
45.	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>Prior to the commencement of use</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 (SPP) 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*

ATTACHMENT 2

APPROVED PLANS



Code Assessable Development Application for

Material Change of Use

(Medium Impact Industry)

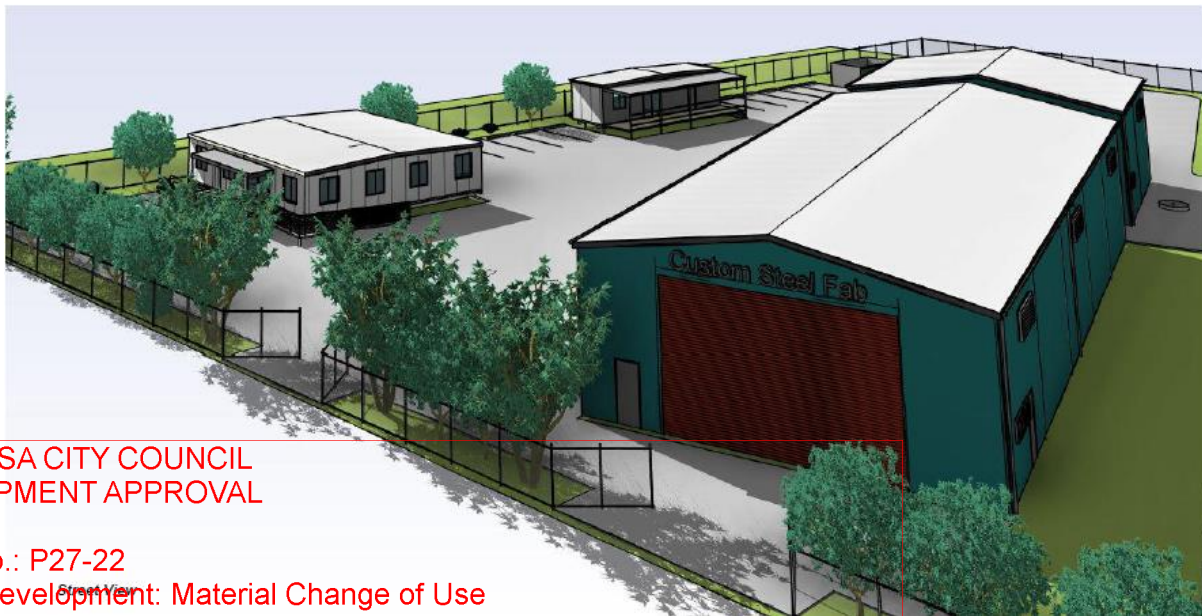
over land at

8 Engineering Road, Ryan

(Lot 5 on SP242626)

In the Mount Isa City Council Local Government Area

on behalf of *Custom Steel Fab Pty Ltd*



**MOUNT ISA CITY COUNCIL
 DEVELOPMENT APPROVAL**

Permit No.: P27-22

Type of Development: Material Change of Use

Approved Use: Metal Fabrication Workshop & Ancillary Office and Amenities

Approved By: Mr Tim Rose

Title: Acting Chief Executive Officer

Date: 20/07/2023

[Signature] April 2023

CadCon provides boundary, contour & detail and construction surveys, town planning applications, liaison & negotiation with Councils & Government, coordination and liaison with architects, engineers etc, coordination and management of development projects from start to finish.





Table of Contents

1	Summary	3
2	Site Details	4
2.1	Existing Use and Description	4
2.2	Surrounding Land Uses	4
3	Proposal	5
3.1	Built Form	5
3.2	Access and Parking	5
3.3	Landscaping	5
3.4	Services.....	6
4	Statutory Assessment – State Government.....	7
4.1	Referral and State Development Assessment Provisions	7
5	Statutory assessment – Local Government.....	7
5.1	Code Assessment	7
5.1.1	Medium Impact Industry Zone.....	7
5.1.2	Industry and Infrastructure Activities Code	7
5.1.3	Parking, Access and Loading Code	9
5.1.4	Landscaping Code	10
5.1.5	Engineering Works and Services Code	10
5.1.6	Excavation and Filling Code.....	10
5.1.7	Water Quality Code	10
6	Conclusion.....	11

Appendices

Appendix A	Land Owner’s Consent
Appendix B	Proposal Plans

CadCon provides boundary, contour & detail and construction surveys, town planning applications, liaison & negotiation with Councils & Government, coordination and liaison with architects, engineers etc, coordination and management of development projects from start to finish.





1 SUMMARY

This report has been prepared on behalf of Custom Steel Fab Pty Ltd and seeks approval for a code assessable development application for a Material Change of Use (Medium Impact Industry) over land at 8 Engineering Road, Ryan also described as Lot 5 on SP242626.

The development will involve the construction of 2 industrial sheds and 2 buildings for associated office/administration and amenities functions for a proposed medium impact industry use. The development will have a total gross floor area of 874.54m².

This report describes the site and surrounds of the proposed development which is consistent with the intent of the Medium Impact Industry zone. All applicable development requirements should be read in conjunction with the relevant attachments.

It is submitted that Council approval of the application is warranted, subject to reasonable and relevant conditions.

APPLICATION DETAILS	
Site Details	
Land Owner	Minister for Economic Development Queensland
Property Address	8 Engineering Road, Ryan QLD 4825
Real Property Description	Lot 5 on SP242626
Site Area	4004m ²
Local Authority	Mount Isa City Council
Current Land Use	Vacant Lot
Proposal	Material Change of Use (Medium Impact Industry)
STATUTORY DETAILS	
State Government Assessment	
State Referral Agencies	N/A
Local Government Assessment	
Planning Scheme	City of Mount Isa Planning Scheme 2020
Zone	Medium Impact Industry
Local Plan Area	N/A
Level of Assessment	Code
Overlays	None affecting the premises
Development Codes	<ul style="list-style-type: none"> • Industry and Infrastructure Activities Code • Parking, access and loading code • Landscaping code • Engineering works and services code • Excavation and filling code • Water quality code

CadCon provides boundary, contour & detail and construction surveys, town planning applications, liaison & negotiation with Councils & Government, coordination and liaison with architects, engineers etc, coordination and management of development projects from start to finish.





2 SITE DETAILS

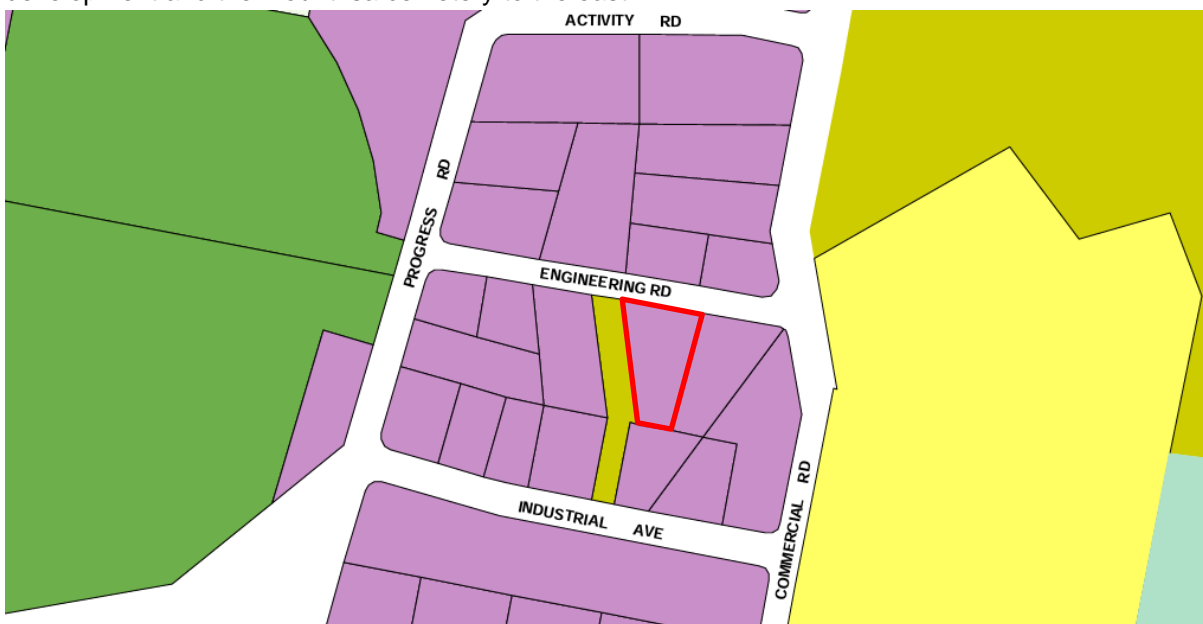
2.1 Existing Use and Description

The development site is a vacant lot and has a total area of 4004m². The site was formed as part of an overarching subdivision approval by Economic Development Queensland and is considered to be development ready with all services available to the site.



2.2 Surrounding Land Uses

The development site is adjoined by lots zoned Medium Impact Industry to the east and south, and a lot zoned Special Purpose to the west. The immediate surrounding area is characterised by industrial development and the Mount Isa cemetery to the east.



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3 PROPOSAL

The application seeks approval for a code assessable development permit for a Material Change of Use (Medium Impact Industry) at 8 Engineering Road, Ryan in accordance with the submitted plans (refer to Appendix B).

3.1 Built Form

The development will involve constructing 2 industrial sheds and 2 buildings for associated office/administration and amenities functions for a proposed medium impact industry use. Specifically, the development will include:

- Industrial Shed 1 with dimensions of 35m by 14m and a gross floor area of 490.7m²;
- Industrial Shed 2 with dimensions of 12m by 14m and a gross floor area of 168m²;
- Office building with dimensions of 12m by 11.85m and a gross floor area of 142.25m²; and
- Amenities building with dimensions of 12m by 3m and a gross floor area of 36.29m².

The overall building area for the development on site will be 874.54m² which equates to a site cover of 21.84%.

The office/administration functions of the site will comprise 16.3% of the development's total building area. This exceeds Council's prescribed 10% maximum. Despite this, administrative and office functions are associated with an industrial use on site and will be ancillary and subordinate to the primary function of the site for medium impact industry. The proposed office building will not impact the operation and function of the site to be primarily used for industrial activities.

3.2 Access and Parking

The development proposes two new vehicle access driveways from Engineering Road. One of the driveways will provide direct vehicle access for service vehicles into Industrial Shed 1. The other vehicle access driveway will provide access to the remainder of the site with two-way internal circulation around the carparking areas. Vehicle turnpaths for a HRV have been included on the proposal plans (refer to Appendix B).

The development will provide a total of 16 car parking spaces in accordance with Council's prescribed requirements of 1 car parking space per 50m² of gross floor area up to 500m² plus 1 car parking space per 100m² of gross floor area thereafter.

3.3 Landscaping

The development will provide a total of 401m² of landscaped areas comprising of a 2m wide landscape strip along the front boundary (excluding vehicle entry/exit points), eastern side boundary, rear boundary, and part of the western side boundary towards the rear of the site. All landscaping is located internal of the site.



A 1.8m high chainwire mesh fence is proposed along all site boundaries with two gates that will open into the development site.

3.4 Services

The development is located on a development ready site and will be connected accordingly to water, sewer, electrical and telecommunication services/infrastructure. Stormwater flows will be directed to a legal point of discharge.

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4 STATUTORY ASSESSMENT – STATE GOVERNMENT

4.1 Referral and State Development Assessment Provisions

A review of the State Assessment Referral Agency DA online mapping system and Schedule 10 of the Planning Regulation 2017 confirms that the development application does not require referral for matters of state interest.

5 STATUTORY ASSESSMENT – LOCAL GOVERNMENT

5.1 Code Assessment

The proposed development triggers code assessment as determined in accordance with Part 5 Tables of Assessment from the City of Mount Isa Planning Scheme 2020 as the development is for a material change of use involving medium impact industry not complying with the self-assessable assessment benchmarks.

In general this application complies with the acceptable outcomes from the applicable planning scheme codes. Commentary for a performance outcome satisfied by an alternative means is provided below.

5.1.1 Medium Impact Industry Zone

The proposed development satisfies the purpose and overall outcomes sought for the medium impact industry zone which is to provide for medium impact industry and other uses/activities that support industrial activities and do not compromise the future use of premises for industry activities.

5.1.2 Industry and Infrastructure Activities Code

Table 9.3.4.1 – Assessment benchmarks for assessable development and requirements for accepted development

Performance Outcomes	Acceptable Outcomes	Comment
PO 4 Any office, administration or retail sales function that is conducted on the site is ancillary and subordinate to the primary use on the site.	AO 4.1 The office and administration functions comprise an area not greater than 10 per cent of the use area.	Performance Solution The development proposes an office building with comprises 16.3% of the development's total building area which exceeds the prescribed 10% maximum. Despite this, administrative and office functions are associated with the industrial use and will be ancillary and subordinate to the primary function of the site for medium impact industry. The office building will have dimensions of 12m by 11.85m and a gross floor area of

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		<p>142.25m² which is significantly smaller than the 2 industrial sheds which will have combined dimensions of 50m by 14m and combined gross floor area of 658.7m². The proposed office building will not impact the operation and function of the site to be used for industrial activities.</p>
<p>PO7 For development within the Low impact, Medium Impact, Special industry and Special purpose zones:</p> <p>Fences must contribute positively to the character of the streetscape and enhance the amenity of the site.</p>	<p>AO7.1 A fence that is constructed forward of any building line that faces a road frontage (including building lines that face both road frontages on a corner lot) is located behind any landscaping strip required by this Planning Scheme, and within the lot (rather than between the landscaping strip and the road).</p>	<p>Performance Solution The development proposes to locate a fence directly along property boundaries resulting in front landscaping to be located behind the fence. The fence will be 1.8m high and made of chainwire mesh. Given the development proposes a chainwire mesh fence, it will be mostly transparent with site landscaping visible through it. The chainwire mesh fence along the front boundary satisfies corresponding performance outcome PO7 as landscaping along the front boundary internal of the site will remain visible to positively contribute to the character of the streetscape and enhance the amenity of the site.</p>
<p>PO14 The design and layout of vehicle parking, loading, crossover and access areas:</p> <ul style="list-style-type: none"> (a) provides safe and efficient vehicular and pedestrian movement; and (b) enables the loading and unloading of goods and waste to occur wholly within the site; and (c) does not dominate the road frontage; and (d) is visually unobtrusive from the street and complements the character and amenity of the area. 	<p>AO14.4 Vehicle parking areas are located at the side or the rear of the front building line on the site.</p>	<p>Comment The development has been designed with majority of vehicle car parking areas located to the side and rear of buildings. There are 3 car parking spaces located forward of the front building line of the proposed office building. Despite these 3 car parking spaces being located at the front of the site, there will be a 2m wide landscaping strip between them and the front property boundary to assist with screening and enhancing the streetscape amenity of the site. The development design satisfies corresponding PO14.</p>

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Table 9.3.4.2 – Assessment benchmarks for assessable development only

Performance Outcomes	Acceptable Outcomes	Comment
<p>PO 9 The traffic and parking generated by the proposed development does not:</p> <ul style="list-style-type: none"> (a) adversely affect the surrounding or future planned road network; and (b) adversely affect the amenity of the surrounding neighborhood; and (c) create safety conflicts with pedestrians; and (d) result in an increased demand for on-street parking. 	<p>AO 9.1 A traffic impact assessment report is prepared by a registered professional traffic engineer that:</p> <ul style="list-style-type: none"> (a) identifies the traffic impact, including any potential safety conflicts related to the development and on-street car parking demands; and (b) demonstrates the site has a safe and convenient vehicular and pedestrian access and parking layout; and (c) outlines mitigation measures to appropriately address the related traffic impacts. 	<p>Performance Solution No traffic impact assessment has been prepared as part of this development application. The proposal is for a medium impact industry use and provides compliant car parking and vehicle servicing as required by the City of Mount Isa Planning Scheme 2020. Given this it is unnecessary to provide a traffic impact assessment as the development will not adversely affect the surrounding road network and amenity of the area, will not create conflicts between vehicles and pedestrians, and will not result in increased demand for on-street parking. The development meets the expectations of the site's zoning for medium impact industrial uses.</p>

5.1.3 Parking, Access and Loading Code

Table 9.4.6.1 – Assessment benchmarks for assessable development and requirements for accepted development

Performance Outcomes	Acceptable Outcomes	Comment
<p>PO 1 The layout, design and construction of the access:</p> <ul style="list-style-type: none"> (a) is safe, convenient and legible for all users including people with disabilities, pedestrians and cyclists; and (b) does not interfere with the planned function, safety, capacity and operation of the transport network; and (c) includes appropriate and sufficient signage to ensure safe and convenient use. 	<p>AO 1.2 Dedicated pedestrian entry to the site and building is provided separately from vehicle entry and manoeuvring areas.</p>	<p>Performance Solution The development site does not provide dedicated pedestrian entry that is separate to the site's vehicle entries. Vehicle car parking areas and areas primarily trafficked by pedestrians are located along the eastern side of the site and pedestrian linemarking is proposed to minimise conflicts between users internal of the site.</p>

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5.1.4 Landscaping Code

No performance outcome from this code required satisfaction by alternative means. Compliance with acceptable outcomes can be conditioned as part of a development approval.

5.1.5 Engineering Works and Services Code

No performance outcome from this code requires satisfaction by alternative means. The development site has all services available to the site and is considered development ready. Compliance with acceptable outcomes can be conditioned as part of a development approval.

5.1.6 Excavation and Filling Code

No performance outcome from this code requires satisfaction by alternative means.

5.1.7 Water Quality Code

No performance outcome from this code requires satisfaction by alternative means.



6 CONCLUSION

This report has been prepared as part of a code assessable development application seeking approval for a Material Change of Use (Medium Impact Industry) over land at 8 Engineering Road, Ryan also described as Lot 5 on SP242626.

The development will involve the construction of 2 industrial sheds and 2 buildings for associated office/administration and amenities functions for a proposed medium impact industry use. The development will have a total gross floor area of 874.54m².

The proposed development is consistent with the Mount Isa City Council planning scheme and this report has demonstrated that the applicable codes have been satisfied. The proposal satisfies the applicable overall outcomes sought for the Medium Impact Industry Zone as it will provide for medium impact industry and other uses and activities that support industry activities.

Appendix B provides the required detail to demonstrate compliance with the applicable planning scheme codes. It is submitted that Council approval of the application is warranted subject to reasonable and relevant conditions.

Proposed New Industrial Shed - (Manufacturing) and Associated Office and Amenities

For
Travis McElligott - Custom Steel Fab

at
8 Engineering Road, Ryan Mount Isa

Lot 5 on SP242626



Street View

MOUNT ISA CITY COUNCIL DEVELOPMENT APPROVAL

Permit No.: P27-22
Type of Development: Material Change of Use
Approved Use: Metal Fabrication Workshop & Ancillary Office and Amenities
Approved By: Mr Tim Rose
Title: Acting Chief Executive Officer
Date: 20/07/2023

Jh.

Building Summary

Carparking: Office 1 space per 30m² - 4 reqd
4 Supplied
Workshop - Med Impact
1 space per 50m² up to 500m² then 1 per 100 m²
thereafter - 12 reqd
12 supplied
TOTAL 16 Spaces

Bicycle Parking Space: - 1 Required
- 1 Supplied

Building Use Classification: - Manufacturing Workshop **Class 8**
- Office **Class 5**
- Crib Room **Class 6(b)**

Rise in Storys: - 1

Construction Type - C

No of Fire Compartments - 4

Shed - Manufacturing 658.00 m²
Office 142.25 m²
Amenities Block 36.29 m²

GFA 874.54 m²

Site Area: 4003 m²
Site Cover: 21.84%

Landscaped Area Req'd 400 m²
Landscaped Area Supplied 401 m²

Amenities Male Toilet, Female Toilet and Unisex Disabled WC to have Mechanical Ventilation and LED Lights to be activated by switches and movement sensors. Exhaust vents to discharge to external walls. Do not penetrate and Fire Separation Walls.

Shed Mechanical Ventilation and LED Lights to be activated by switches and movement sensors. Exhaust vents to discharge to external walls. Do not penetrate and Fire Separation Walls.

Workshop Ventilation by Roller Shutter Doors, Fixed ventilation wall panels. Lighting by Translucent Roof Panels and High Bay LED Lights.

Office Areas Split System Air Conditioners to each room. Condenser locations to be determined prior to construction.

SCOPE OF WORK:

1. Prepare Architectural Plans for MCU Application
2. Working Drawings for BA Submission

Drawing List			
Number	Sheet Name	Issue Date	Rev
A01	Cover Page	05/04/2023	2
A02	Site Plan	05/04/2023	2
A03	Floor Plans	05/04/2023	2
A04	Elevations	05/04/2023	2
A05	Elevations 2	05/04/2023	2
A06	Landscape Plan	05/04/2023	2
A07	3D Views	05/04/2023	2

ISSUED FOR MCU Application

Rev.	Date	Description
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Scale: NTS	Drawn: TL	Job No: SCD 23 -251
Date: 05 March 2023	Checked: TL	Sheet No: A01

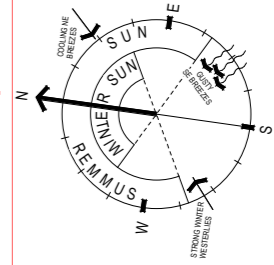
Proposed New Industrial Shed
for
CUSTOM STEEL FAB
at
Lot 5 Engineering Rd
Ryan QLD 4825

Cover Page

**MOUNT ISA CITY COUNCIL
DEVELOPMENT APPROVAL**

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 Approved By: Mr Tim Rose
 Title: Acting Chief Executive Officer
 Date: 20/07/2023

Jh:



RPD

LOT 5 on SP242626
 PARISH of **Haslingden**
 COUNTY of **Elphinstone**

AREA: 4003m²

PLANNING CONSTRAINTS

Carparking: Office 1 space per 30m² - 4 reqd
 4 Supplied
 Workshop - Med Impact
 1 space per 50m² up to 500m² then 1 per
 100 m² thereafter - 12 reqd
 12 supplied
TOTAL 16 Spaces

Landscaping: Min 10% - 400m² reqd
 401m² supplied

Service Vehicle: 1 HRV
 Bicycle Space: 1 reqd - 1 Supplied

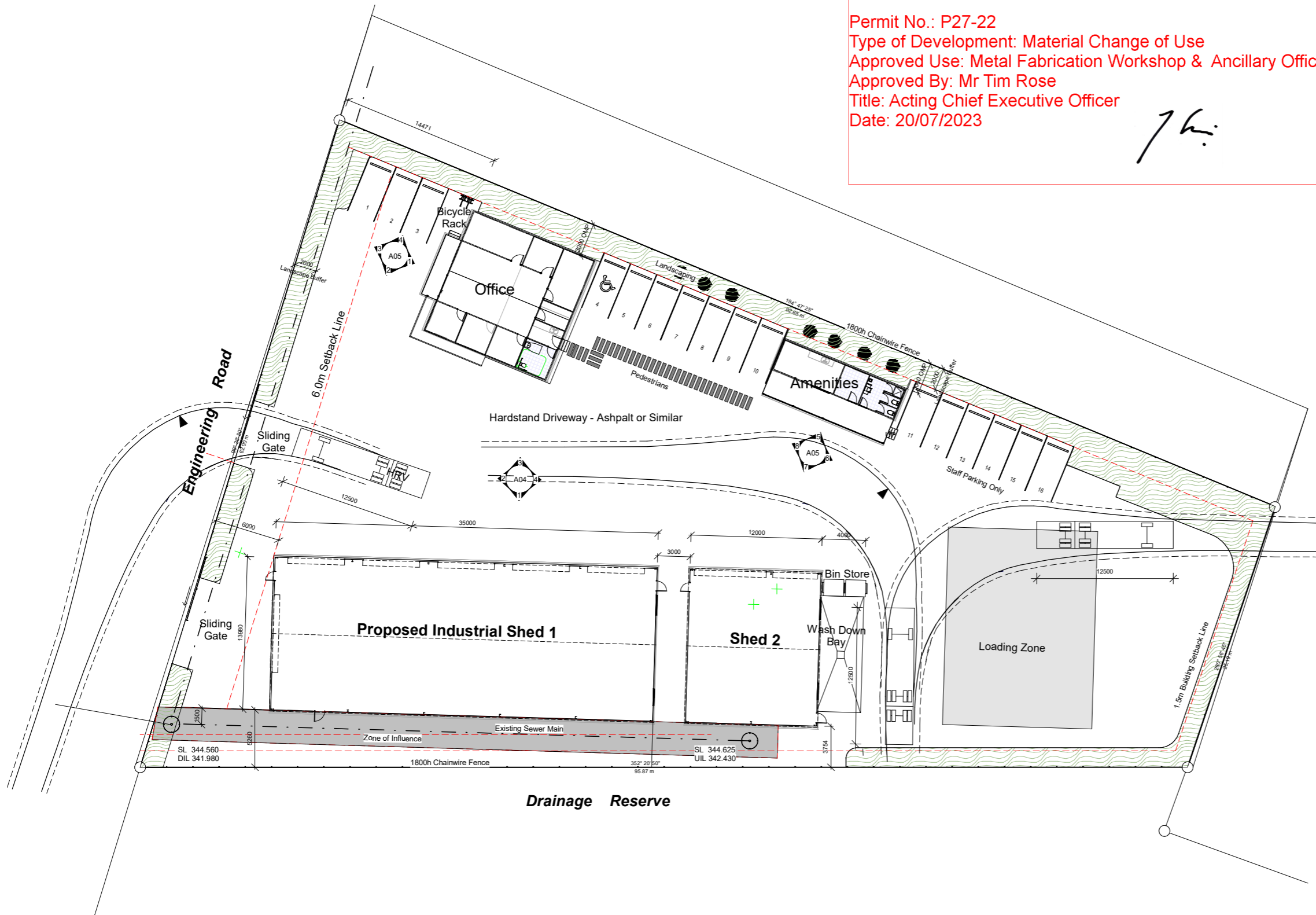
GFA: 874.54m²
 Site Cover: 21.84% (75% Max)

Heavy Rigid Vehicle
 Radius 12.5 metres
 Length 12.50 metres
 Width 2.50 metres
 Height 4.50 metres

Area Schedule (Gross Building)	
Name	Area
Office	142.25 m ²
Crib Room / Amenities	36.29 m ²
Shed 1	490.70 m ²
Shed 2	168.00 m ²
Deck	28.49 m ²
Porch	8.82 m ²
Grand total: 6	874.54 m ²

SITE NOTES:

1. THE GROUND ADJACENT TO THE BUILDING IS TO BE GRADED AWAY FROM THE BUILDING.
2. DOWN PIPES AND OUTLET DRAINS ARE TO DRAIN AWAY FROM THE BUILDING



2 Site Plan
 A04 1:200

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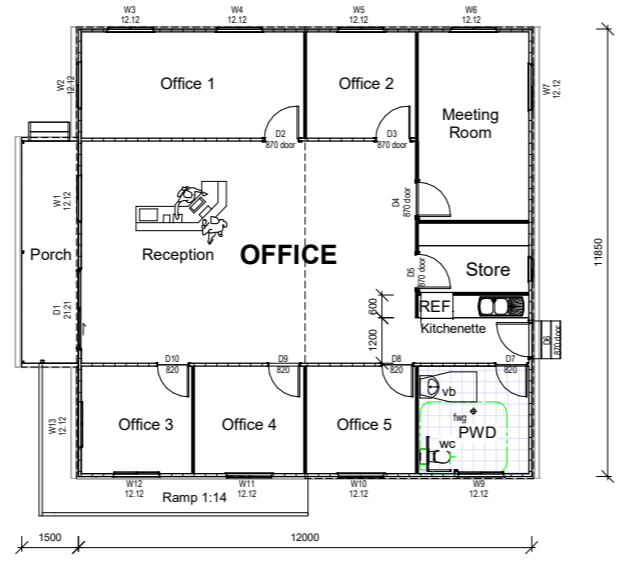
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Date: 05 March 2023	Checked: TL	Sheet No: A02

Proposed New Industrial Shed
 for
CUSTOM STEEL FAB
 at
 Lot 5 Engineering Rd
 Ryan QLD 4825

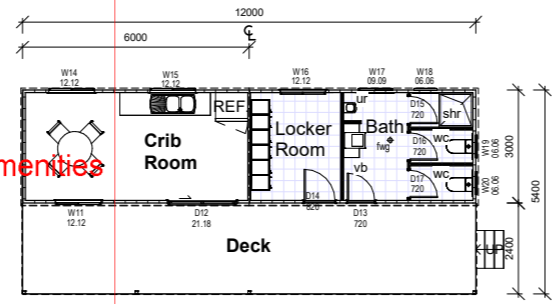
Site Plan

GENERAL NOTES

- NOTE: ANY DISCREPANCIES BETWEEN DRAWINGS ARE TO BE IMMEDIATELY VERIFIED.
- PROJECT PARTICULARS
BUILDING CLASSIFICATION 1. (BCA part A3.2)
DESIGN WIND SPEED N3
CLIMATE ZONE 1
- ALL TIMBER CONSTRUCTION IN ACCORDANCE WITH AS1684.3-1999
RESIDENTIAL TIMBER-FRAMED CONSTRUCTION.
- ALL STEELWORK TO BE PRIMED & PAINTED.
ALL WELDS TO BE 6.0mm CONTINUOUS FILLETS UNO.
- PROVIDE D.P.C TO UNDER SIDE OF ALL WALLS ON GROUND FLOOR.
- ALL HANDRAILS TO BE 1000mm MIN. ABOVE FINISHED FLOOR (CARPET, TILES ETC), AND WITH 125mm MAX. SPACING BETWEEN THE BALUSTRADING.
- ALL TIMBER FRAMED WALLS TO WET AREAS TO BE LINED WITH F.C.
- WRITTEN DIMENSIONS TO HAVE PREFERENCE OVER SCALED DIMENSIONS.



1 Office Floor Plan
A04 1:100

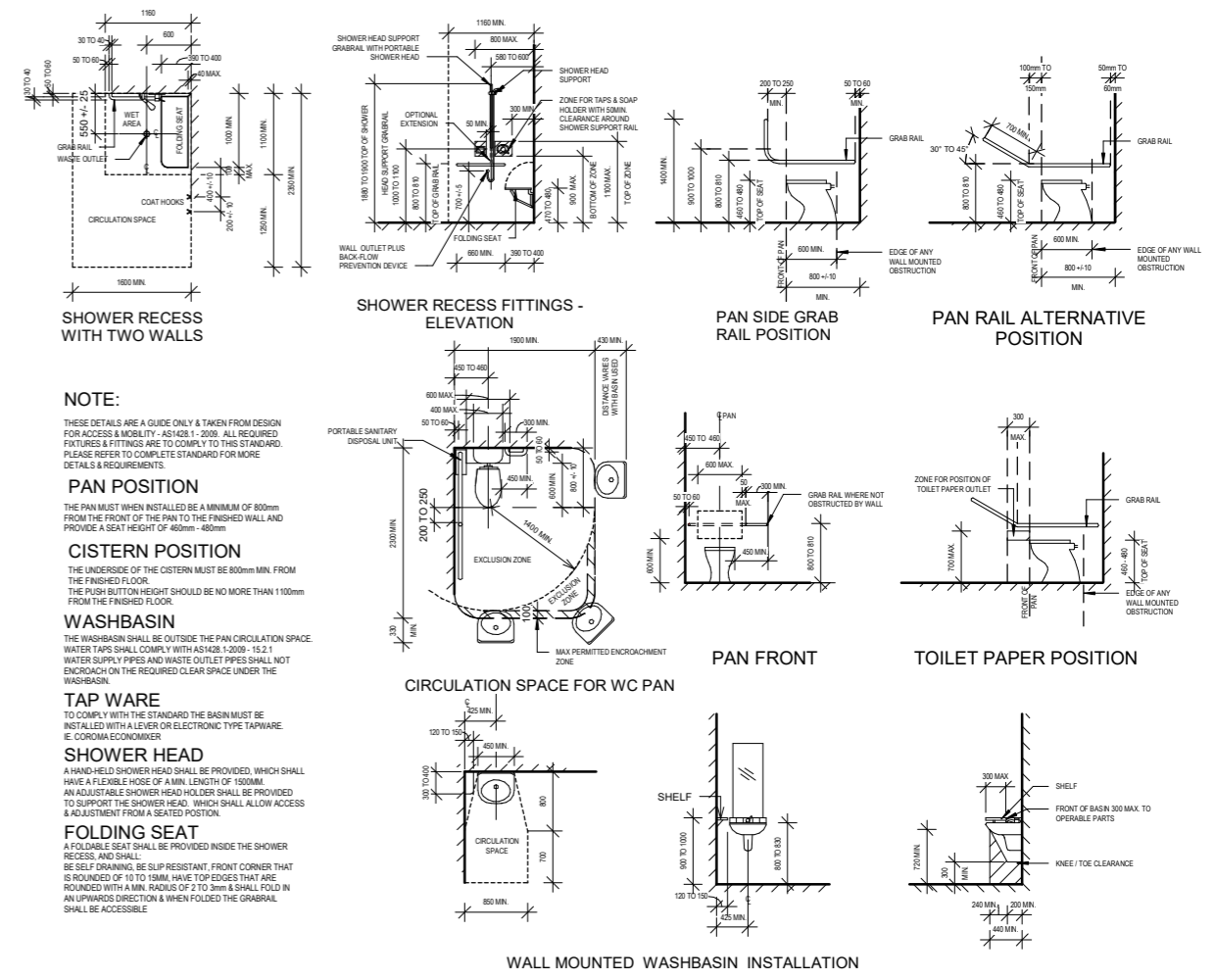


3 Amenities Block Floor Plan
A04 1:100

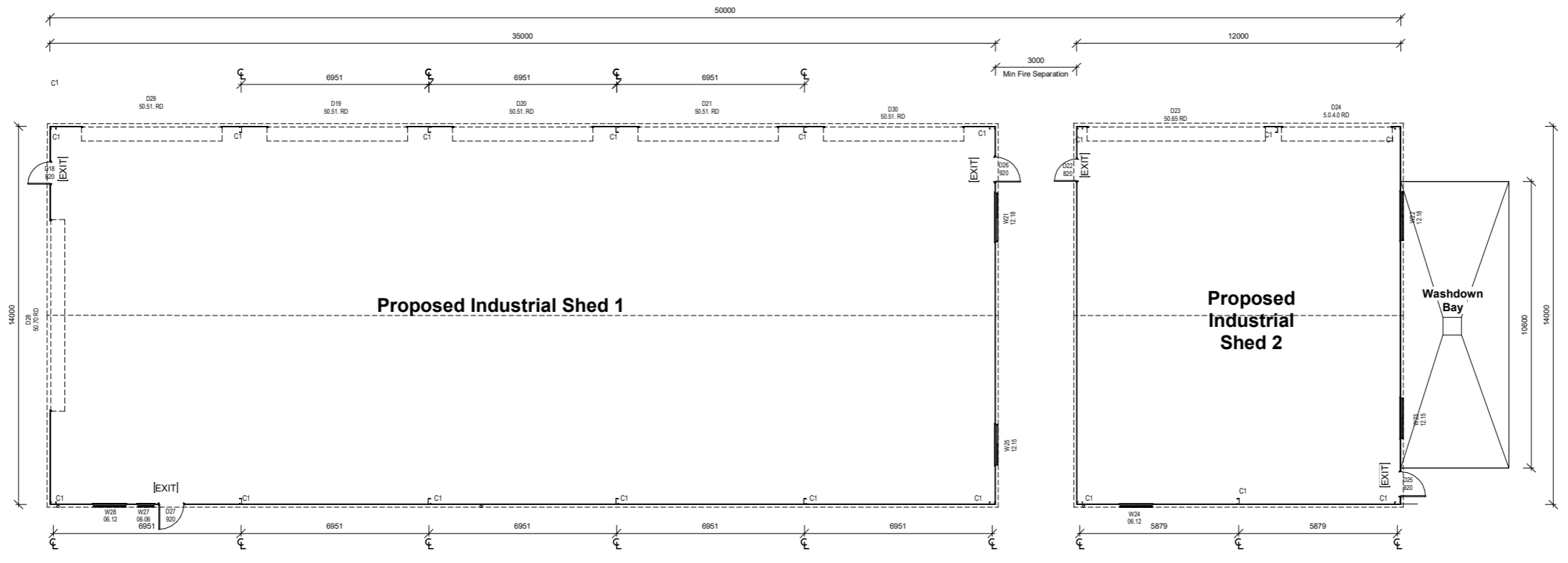
MOUNT ISA CITY COUNCIL
DEVELOPMENT APPROVAL

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Type of Development: Material Change of Use
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Approved By: Mr Tim Rose
Title: Acting Chief Executive Officer
Date: 20/07/2023

Jh.



4 PWD FACILITIES
1:50



2 Shed Floor Plan
A04 1:100

Area Schedule (Gross Building)	
Name	Area
Office	142.25 m ²
Crib Room / Amenities	36.29 m ²
Shed 1	490.70 m ²
Shed 2	168.00 m ²
Deck	28.49 m ²
Porch	8.82 m ²
Grand total: 6	874.54 m²

LEGEND

- fwg Floor Waste Gully
- shr Shower
- sk Sink
- vb Vanity Basin
- wc Water Closet
- C1 Column as per Shed Supplier
- C2 75x75 x 4.0 SHS Column

**ISSUED FOR
MCU Application**

ISSUES

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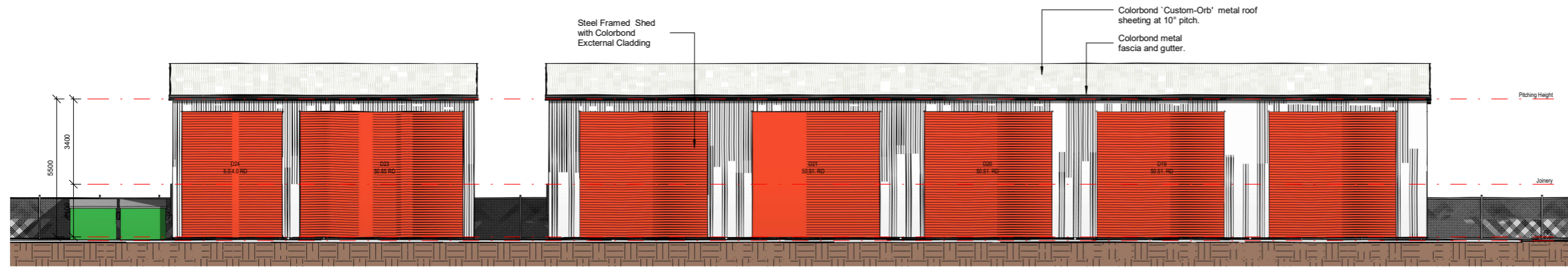
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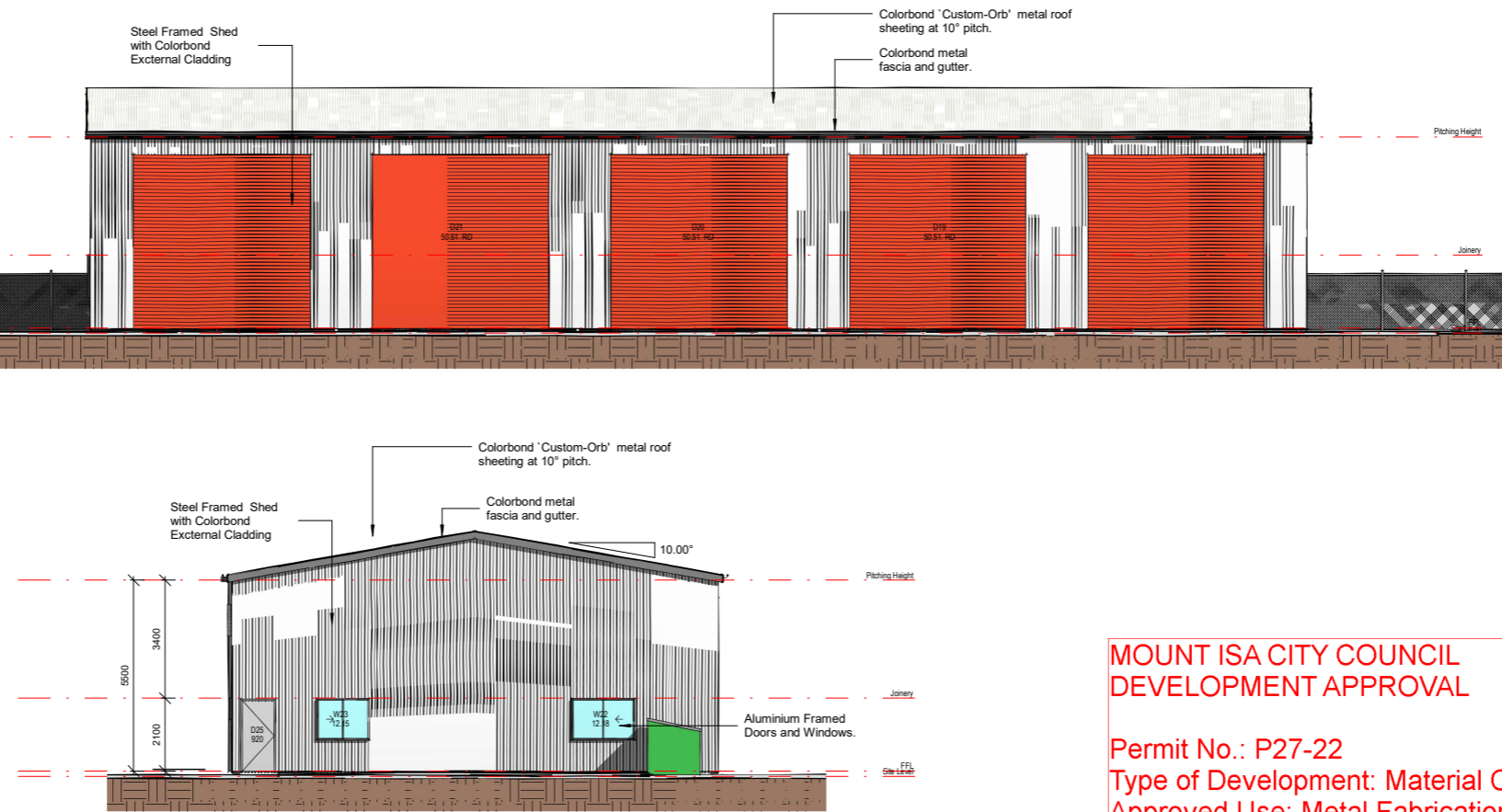
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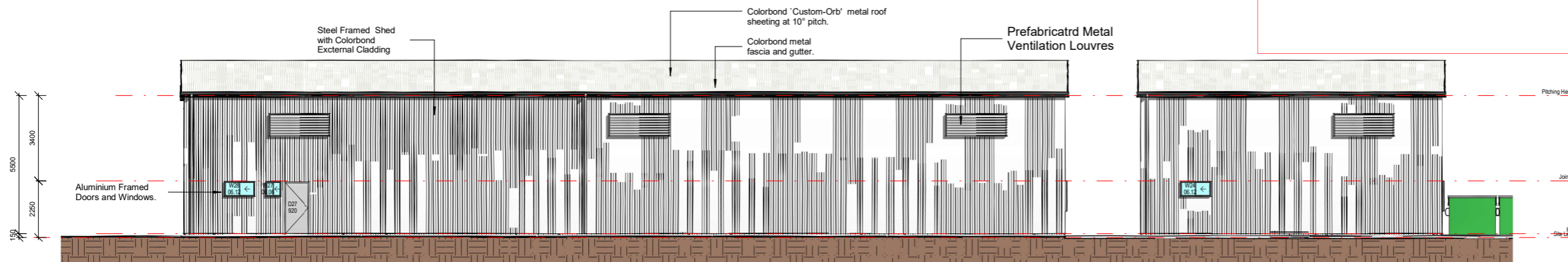
Floor Plans



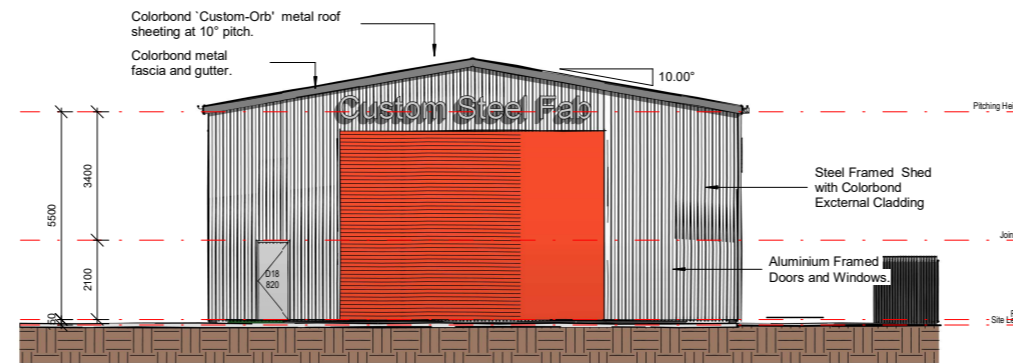
1 Elevation 1 - a
A02 1:100



2 Elevation 1 - b
A02 1:100



3 Elevation 1 - c
A02 1:100



4 Elevation 1 - d
A02 1:100

NOTES

Hatchings and fittings are indicative only. Refer Builders Specifications.

All doors and windows are to be Aluminium framed unless noted otherwise.

Stairs & Balustrades to be constructed in accordance with the current BCA Part 3.9.1- Stair Construction & Part 3.9.2 - Balustrades

N3

Structural design based upon Cyclonic N3 for wind speeds to 41m/s.

**MOUNT ISA CITY COUNCIL
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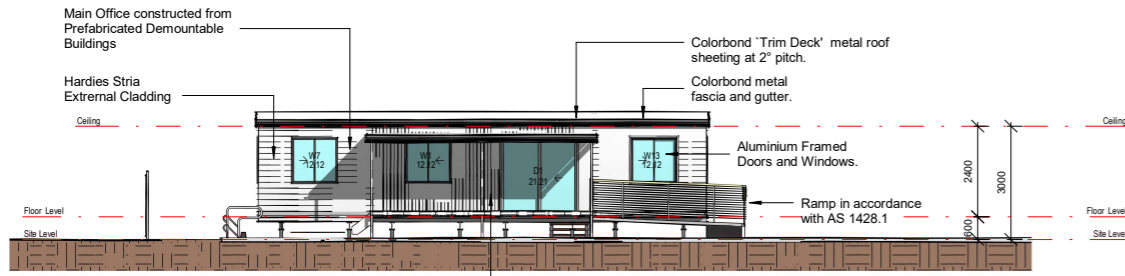
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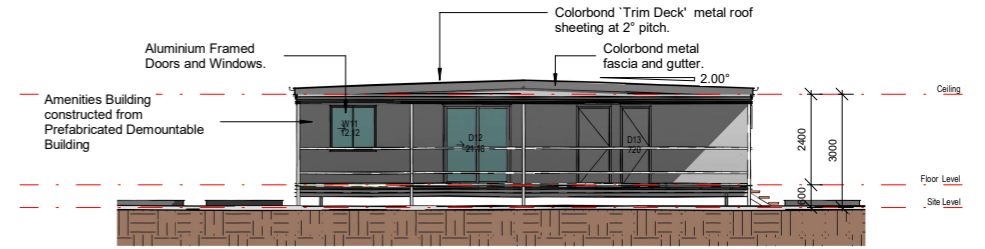
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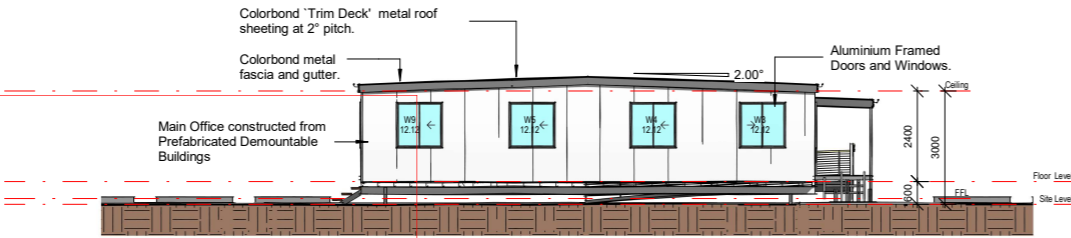
Elevations



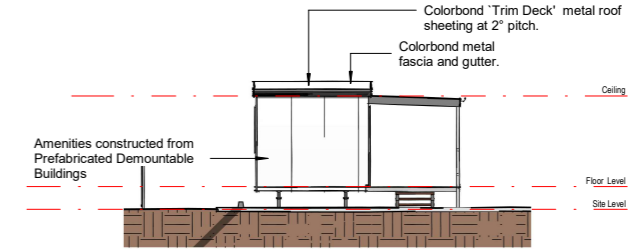
1 Elevation 2 - a
A02 1:100



5 Elevation 3 - a
A02 1:100



2 Elevation 2 - b
A02 1:100

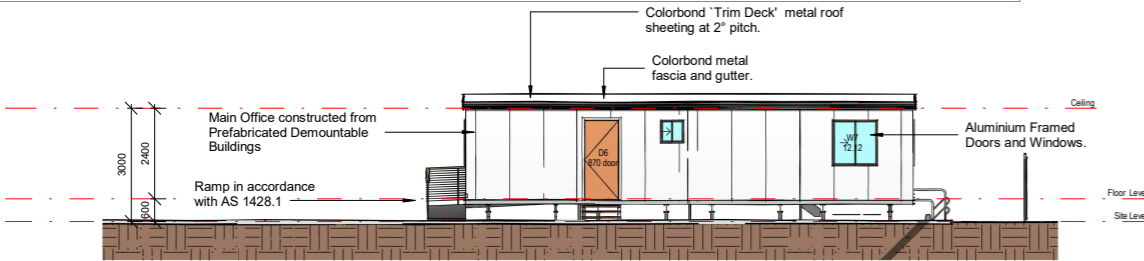


6 Elevation 3 - b
A02 1:100

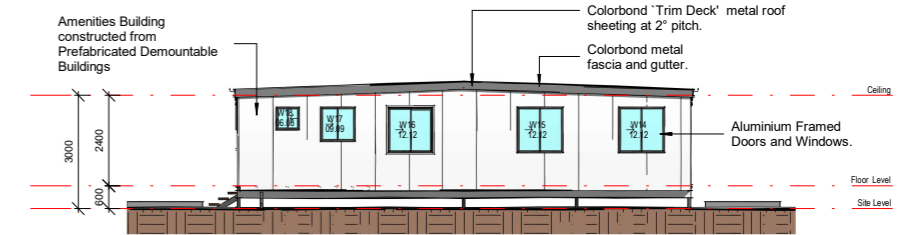
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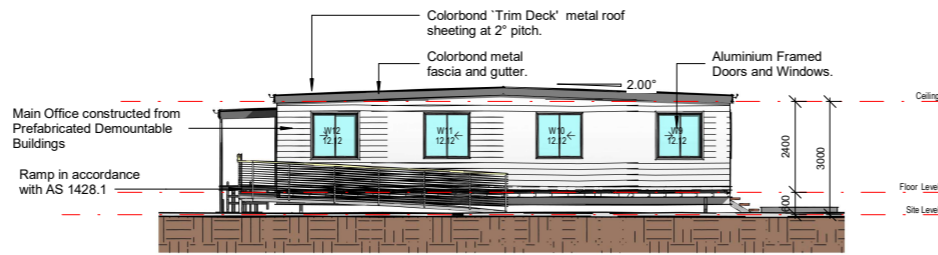
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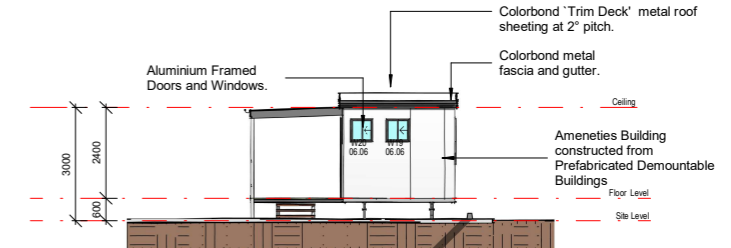
3 Elevation 2 - c
A02 1:100



7 Elevation 3 - c
A02 1:100



4 Elevation 2 - d
A02 1:100



8 Elevation 3 - d
A02 1:100

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 Builder shall verify all locations of services, dimensions and levels prior to construction.
 Setout dimensions on site shall be confirmed by builder before commencement of construction & ordering.
 Amend setout if necessary to comply with council by-laws and setbacks distances.
 During construction the building shall be maintained and no part shall be overstressed.

Scale:	Drawn: Author	Job No: SCD 23 -251
Date: 05 March 2023	Checked: Checker	Sheet No: A05

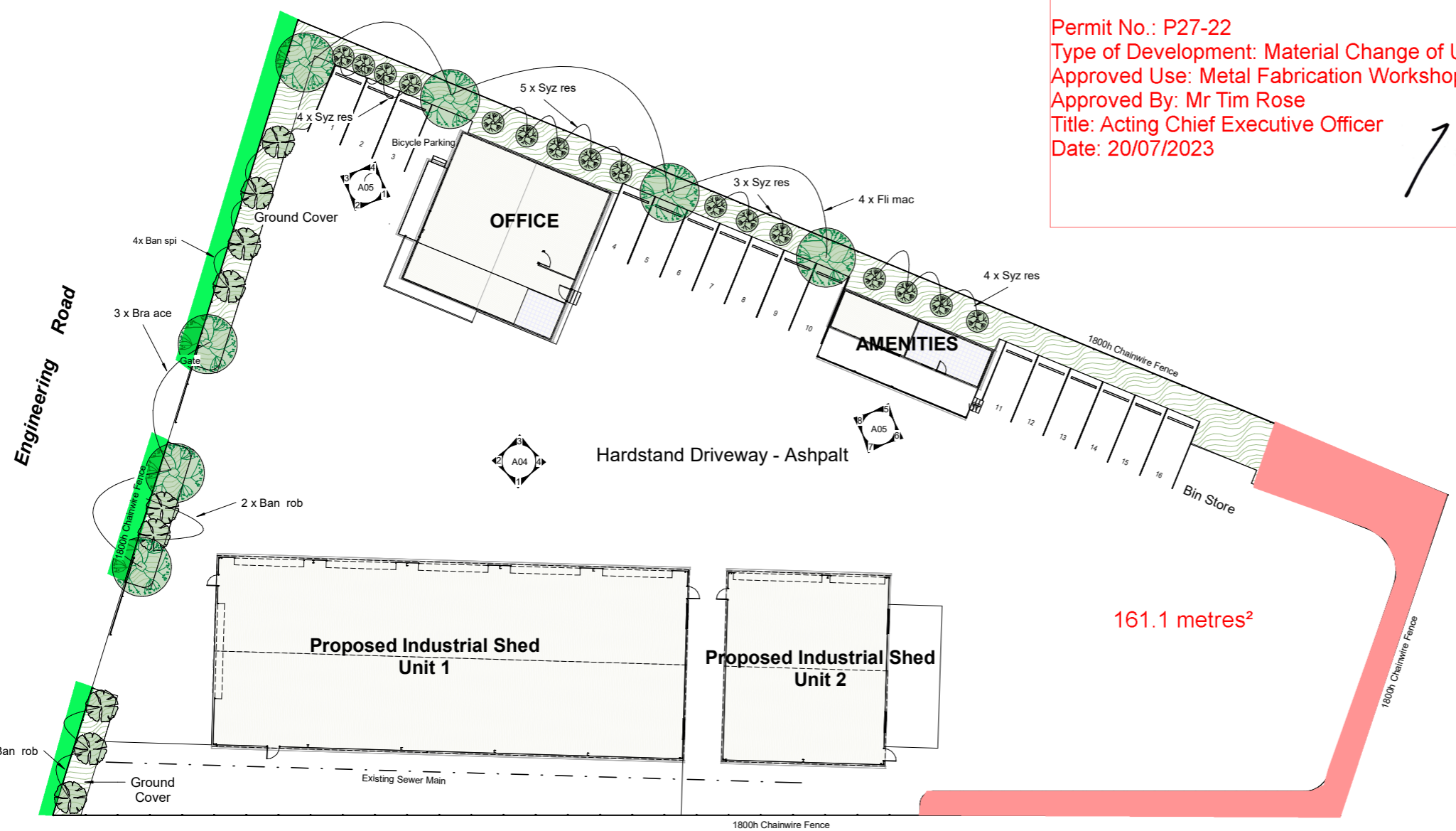
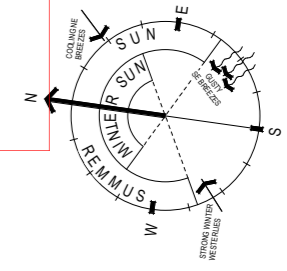
Proposed New Industrial Shed
 for
CUSTOM STEEL FAB
 at
 Lot 5 Engineering Rd
 Ryan QLD 4825

Elevations 2

**MOUNT ISA CITY COUNCIL
DEVELOPMENT APPROVAL**

Permit No.: P27-22
 Type of Development: Material Change of Use
 Approved Use: Metal Fabrication Workshop & Ancillary Office and Amenities
 Approved By: Mr Tim Rose
 Title: Acting Chief Executive Officer
 Date: 20/07/2023

Jhi



Highlighted landscaping area to be relocated to the verge in front of the property as a 2m wide landscaping strip

PLANTS	
25 Ltr	
Brachychiton acerifolius	Bra ace 3
Flindersia maculosa (australis)	Fli mac 4
	Total 7
300mm	
Banksia robur	Ban rob 5
Banksia spinulosa (gold candles)	Ban spi 4
Syzgium Resilience	Syz res 16
	Total 25
Assorted Ground Covers and Grasses	
May be subject to availability	
Callistemon viminalis	Cal vim
Banksia oblongifolia	Ban obl
Baeckea virgata dwarf	Bae vir D
Callistemon Endeavour	Cal end
Gazania assorted	Gaz ass
Callistemon Citrinus	Cal cit

Drainage Reserve

1 Landscaping Plan
A04 1:200

LANDSCAPING SPECIFICATION

- EXTENT OF LANDSCAPING WORK**
- PROTECTION OF EXISTING PLANTS
 - POISON AND REMOVE FROM SITE ALL WEEDS
 - EXCAVATION AND DRAINAGE OF ALL AREAS TO BE PLANTED
 - EDGE ALL GARDEN BEDS
 - SUPPLY AND INSTALLING OF ENRICHED TOPSOIL
 - SUPPLY AND INSTALL ALL PLANTS AS SPECIFIED
 - SUPPLY AND INSTALL BARK MULCH
 - SUPPLY AND INSTALL TURF
 - MAINTAIN THE LANDSCAPE FOR 90 DAYS FROM COMPLETION
 - SEDIMENT CONTROL
 - AUTOMATIC IRRIGATION SYSTEM

ALL PLANT STOCK SUPPLIED TO THE PROJECT WILL BE FRESH, VIGOROUS AND FREE OF DISEASE AND PESTS. THE PLANTS WILL BE ESTABLISHED, SUN HARDENED, OF GOOD FORM AND CONSISTENT OF THE SPECIES.
 ALL TREE STOCK USED WITHIN THE LANDSCAPE WORKS CONFORMS TO THE CRITERIA OUTLINED IN THE NATSPEC GUIDE SPECIFYING TREES.
 ROOT SYSTEMS SHOULD BE LARGE, HEALTHY, FREE FROM ROOT CIRCLING. APPROVAL OF THE PLANTS WILL BE GIVEN BY THE CLIENT PRIOR TO PLANTING IF ALL REQUIREMENTS ARE MET. INSTALLATION OF THE PLANT STOCK WILL BE IN GOOD ACCORDANCE WITH NURSERY PRACTICES WITH LARGER PLANTS BEING INSTALLED WITH STAKES AS PER THE ATTACHED DETAIL. SMALLER PLANTS CAN BE STAKED AS REQUIRED.

PROTECTION OF EXISTING PLANTS

PROTECT THE EXISTING PLANTS BY NOT EXCAVATING WITHIN THEIR DRIP LINE. ERECT BARRIERS TO MAINTAIN THIS AREA FROM ANY TRAFFIC OR DEBRIS. MULCH THE PLANTS WITH COMPOSTED BARK MULCH TO THE DRIP LINE. DO NOT ALTER THE FLOW AND DRAINAGE WITHIN THIS ZONE.

POISON AND REMOVE FROM SITE ALL WEEDS

POISON ALL WEEDS AND FOREIGN GRASSES USING ENVIRONMENTALLY ACCEPTABLE METHODS SUCH AS GLYPHOSATE HERBICIDE. REMOVE OFF SITE RUBBISH AND WEEDS FROM THE PLANTING AREAS.
EXCAVATION & DRAINAGE OF ALL AREAS TO BE PLANTED
 EXCAVATE AREA TO BE PLANTED REMOVING ALL BUILDING MATERIALS AND CLODS. REMOVE MATERIAL TO A DEPTH OF 200mm AND BREAK UP SUB GRADE A FURTHER 100mm ENSURING DRAINAGE IS SUFFICIENT. RIP THIS SUB GRADE PARALLEL TO THE FINAL CONTOURS WHENEVER POSSIBLE. DO NOT RIP WITHIN THE DRIP LINE OF EXISTING TREES TO BE RETAINED. ALLOW GRAVEL DRAINS TO STORM WATER AS REQUIRED.

EDGE ALL GARDEN BEDS

EDGING TO FENCES AND STREET TREES ARE TO BE TREATED HARDWOOD TIMBER 100 x 50 SET WITH TREATED STAKES AT 1200mm CENTRES AND 400mm DEEP. GARDEN EDGES ARE TO BE 100 x 25mm TREATED PINE OR HARDWOOD WITH STAKES SET AT 2m CENTRES. STREET TREES SET IN MINIMUM 1.5 x 1.5m MULCHED GARDEN BEDS AND 1.5m FROM HERE.

SEDIMENT CONTROL

AT ALL TIMES DURING THE WORKS SEDIMENT AND EROSION CONTROL MUST BE IN ACCORDANCE WITH LOCAL AUTHORITY REQUIREMENTS

SUPPLY AND INSTALL BARK MULCH

BARK MULCH IS TO BE COMPOSTED BUSH MULCH SPREAD OVER THE PLANTING AREAS 100mm THICK. CARE IS TO BE TAKEN NOT TO PLACE BARK THICKLY ON THE STEMS OF THE PLANTS.

SUPPLY AND INSTALLING OF ENRICHED TOPSOIL

SUPPLY A PREMIUM GRADE ORGANIC ENRICHED LANDSCAPE BLEND. INSTALL ORGANIC ADDITIVES AND A LOW RELEASE FERTILIZER TO MEET THE RELEVANT TEST CRITERIA AND AS4419. PROGRESSIVELY FILL THE PLANTER AREAS AND LIGHTLY COMPACT. MOUND THE FINISHED LEVEL TO IMPROVE DRAINAGE

SUPPLY AND INSTALL ALL PLANTS AS SPECIFIED

ALL PLANT STOCK SUPPLIED TO THE PROJECT WILL BE FRESH, VIGOROUS AND FREE OF DISEASE AND PESTS. THE PLANTS WILL BE ESTABLISHED, SUN HARDENED, OF GOOD FORM AND CONSISTENT OF THE SPECIES. ROOT SYSTEMS SHOULD BE LARGE, HEALTHY, FREE FROM ROOT CIRCLING. APPROVAL OF THE PLANTS WILL BE GIVEN BY THE CLIENT PRIOR TO PLANTING IF ALL REQUIREMENTS ARE MET. INSTALLATION OF THE PLANT STOCK WILL BE IN ACCORDANCE WITH GOOD NURSERY PRACTICES WITH LARGER PLANTS BEING INSTALLED WITH STAKES AS PER THE ATTACHED DETAIL. SMALLER PLANTS CAN BE STAKED AS REQUIRED.

AUTOMATIC IRRIGATION SYSTEM

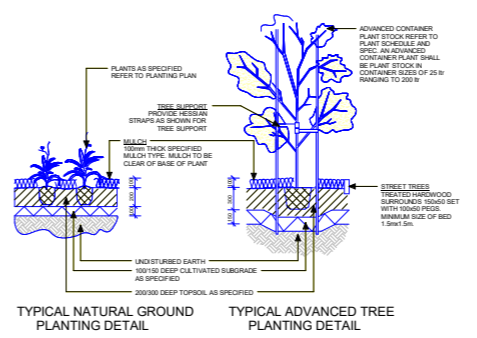
DESIGN, SUPPLY AND INSTALL A COMPLETE AUTOMATIC IRRIGATION SYSTEM IN ACCORDANCE WITH THE SPECIFICATIONS OF THE RELEVANT AUTHORITIES. THE SYSTEM WILL BE INSTALLED BY A SUITABLY QUALIFIED PERSON AND WILL COVER ALL GARDENS AND LAWN AREAS SEPARATELY. THE CONTROLLER WILL BE PLACED IN A SECURE AREA WITHIN THE COMPLEX AND ALL VALVES WILL BE INCONSPICUOUSLY INSTALLED WITHIN THE PLANTING AREAS.

SUPPLY AND INSTALL TURF

TURF IS TO BE SIR WALTER (or similar) - A GRADE - AND INSTALLED INTO THE PROJECT WITHIN 24 HOURS FROM HARVEST. PREPARATION BENEATH THE TURF IS TO BE 50mm ENRICHED LANDSCAPE MIX WITH SLOW RELEASE FERTILIZER BLENDED. LAY AND MAINTAIN IN ACCORDANCE WITH ACCEPTED GREEN KEEPING PRACTICES.

MAINTAIN THE LANDSCAPE

MAINTAIN THE COMPLETE LANDSCAPE WORKS FOR 90 DAYS FROM COMPLETION OF THE PROJECT. KEEP DIARY NOTES REGARDING SITE VISITS AND OBSERVATIONS



- Carparking: 16 reqd
16 Supplied
- Landscaping: **Min 10% - 400m² reqd**
401m² supplied
- Service Vehicle: 1 HRV
- Bicycle Space: 1 reqd - 1 Supplied
- GFA: 874.54m²
- Site Cover: 21.84% (75% Max)

**ISSUED FOR
MCU Application**

Rev.	Date	Description
PD 01	31 / 03 / 2023	Preliminary Drawings
DA 01	05 / 04 / 2023	Prelim DA
DA 02	18 / 04 / 2023	DA Issue

SCD
SOUTHERN CROSS DRAFTING AND DRAWING
Design for a sustainable future

79 Anne Street
Aitkenvale, QLD
Ph: 04 10 488 165

QBSA: 733305
www.southerncrossdrafting.com.au

NOTES:
 These drawings have been prepared for Building Permit application only. It is the Builders/owners responsibility to further interpret the design and drawings to detail the project for construction.
 Builder shall verify all locations of services, dimensions and levels prior to construction.
 Setout dimensions on site shall be confirmed by builder before commencement of construction & ordering.
 Amend setout if necessary to comply with council by-laws and setbacks distances.
 During construction the building shall be maintained and no part shall be overstressed.

Scale: 1:100 @ A1	Drawn: TL	Job No: SCD 23 -251
Date: 05 March 2023	Checked: TL	Sheet No: A06

Proposed New Industrial Shed for
CUSTOM STEEL FAB
 at
 Lot 5 Engineering Rd
 Ryan QLD 4825

Landscape Plan



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.