



Our Ref: File: P32-22 & 06129-10000-000 CRCA:CRCA  
Your Ref: ---

## NEGOTIATED DECISION NOTICE APPROVAL

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

17 April 2024

The Grant Richardson Family Trust and  
Tully Investment Trust  
C/- CadCon Surveying and Town Planning  
PO Box 5774  
MAROOCHYDORE BC QLD 4588

### **Attention: Mr John Gillespie**

Dear Mr Gillespie,

I wish to advise that 16 April 2024, a decision was made to issue a Negotiated Decision Notice to amend Development Permit P32-22 under Section 76 (3) of the *Planning Act 2016*.

### **APPLICANT DETAILS\***

---

|                                   |   |
|-----------------------------------|---|
| <b>Applicant name:</b>            | The Grant Richardson Family Trust and<br>Tully Investment Trust<br>C/- CadCon Surveying and Town Planning |
| <b>Applicant contact details:</b> | cadcon@cadcon.com.au  |

### **APPLICATION DETAILS**

---

|   |  |
|---|--|
| <b>Application number:</b>                      | P32-22   |
| <b>Approval sought:</b>                         | Development Permit for a Material Change of Use                      |
| <b>Nature of development proposed:</b>          | Non-Resident Workforce Accommodation                                 |
| <b>Description of the development proposed:</b> | Thirteen (13) Single Bedroom Units with Communal Kitchen and Laundry |

### **LOCATION DETAILS**

---

|                                   |                         |
|-----------------------------------|-------------------------|
| <b>Street address:</b>            | 23 Camooweal Street     |
| <b>Real property description:</b> | Lot 14 on plan RP843255 |
| <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:** 16 April 2024

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

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

**NATURE OF CHANGES**

Council, on 16 April 2024, decided to issue the following type of approval:

Negotiated Approval for a Development Permit for a Material Change of Use for Non-Resident Workforce Accommodation.

In relation to representations, Council resolved to:

Amend Development Permit P32-22 to permit the retention of a 6.0m x 4.2m Storage Shed behind the existing Dwelling House.

**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 of 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 type="checkbox"/><br><input type="checkbox"/><br><input checked="" type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><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

**PROPERLY MADE SUBMISSIONS**

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

**REFERRAL AGENCY FOR THE APPLICATION**

The referral agencies for this application are:

| For an application involving  | Name of referral agency                | Advice agency or concurrence agency | Address   |
|---|--|-------------------------------------|---|
| Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorizing instrument, if all or part of the premises-<br>(a) are within 25m of a State transport corridor; or<br>(b) are-<br>(i) adjacent to a road that intersects with a State-controlled road; and<br>(ii) within 100m of the intersection. | Department of Transport and Main Roads | Concurrence Agency                  | C/- State Assessment and Referral Agency<br>Department of State Development,<br>Infrastructure, Local Government and Planning<br>PO Box 5666<br>TOWNSVILLE QLD 4810<br><br><a href="mailto:NQSARA@dsmip.qld.gov.au">NQSARA@dsmip.qld.gov.au</a> |

**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: Material Change of Use</b>                         |                                    |                                   |                                       |                |
| Planning Report  | CadCon Surveying & Town Planning   | June 2023                         | Ref 239841                            | 1              |
| Site Plan  | Southern Cross Design and Drafting | 26 March 2024                     | Project No. SCD 23-254, Sheet No. A01 | 5              |
| Units 1-5 Floor Plan<br>Units 1-10 Elevation A                               | Southern Cross Design and Drafting | 14 February 2024                  | Project No. SCD 23-254, Sheet No. A02 | 3              |
| Units 6-10 Floor Plan<br>Units 1-10 Elevation B & D                          | Southern Cross Design and Drafting | 14 February 2024                  | Project No. SCD 23-254, Sheet No. A03 | 3              |
| Units 1-10 Elevation C<br>Unit 11/Laundry Elevations A & B                   | Southern Cross Design and Drafting | 14 February 2024                  | Project No. SCD 23-254, Sheet No. A04 | 3              |
| Unit 11 Floor Plan<br>Laundry Floor Plan<br>Unit 11/Laundry Elevations C & D | Southern Cross Design and Drafting | 14 February 2024                  | Project No. SCD 23-254, Sheet No. A05 | 3              |
| Units 12-13 Floor Plan<br>Units 12-13 Elevations A, B, C & D                 | Southern Cross Design and Drafting | 14 February 2024                  | Project No. SCD 23-254, Sheet No. A06 | 3              |
| Proposed Fence Panel   | -                                  | Submitted on:<br>15 February 2024 | -                                     | -              |

**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 proposal to establish a Non-Resident Workforce Accommodation Facility at 23 Camooweal Street, Mount Isa, has been assessed against the below Assessment Benchmarks found in the *State Planning Policy, North West Regional Plan*, and the *City of Mount Isa Planning Scheme 2020*.

Assessment has concluded that the proposal was consistent with the applicable assessment 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>Airport Environs Overlay Code</i>                     | <i>Part 8.2.1, City of Mount Isa Planning Scheme 2020</i> |
| <i>Major Infrastructure Overlay Code</i>                 | <i>Part 8.2.8, City of Mount Isa Planning Scheme 2020</i> |
| <i>Mixed Use Zone Code</i>                               | <i>Part 6.7.2, City of Mount Isa Planning Scheme 2020</i> |
| <i>Residential Activities Code</i>                       | <i>Part 9.3.6, City of Mount Isa Planning Scheme 2020</i> |
| <i>Engineering Works and Services Code</i>               | <i>Part 9.4.2, City of Mount Isa Planning Scheme 2020</i> |
| <i>Excavation and Filling Code</i>                       | <i>Part 9.4.3, City of Mount Isa Planning Scheme 2020</i> |
| <i>Landscaping Code</i>                                  | <i>Part 9.4.5, City of Mount Isa Planning Scheme 2020</i> |
| <i>Parking, Access and Loading Code</i>                  | <i>Part 9.4.6, 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 3.2<br>Part 9.3.6, City of Mount Isa Planning Scheme 2020 | While the main accommodation building does not propose any windows on the street elevation, it is noted this reflects the buildings original form. Given the development does not propose to alter the external form of the building; and given the internal layout and external stairs on the eastern elevation largely preclude the installation of windows on the building frontage; it is assessed that the installation of additional windows is not appropriate in this instance. It is assessed that the frontage of the building may be more effectively enhanced through the use of additional landscaping. |

|  |   |
|--|---|
| <p>Acceptable Outcome 6.1<br/>Part 9.3.6, City of Mount Isa Planning Scheme 2020</p> | <p>While the development does not proposed sunhoods to all external windows, fixed window shades are proposed to the north facing windows of habitable rooms that are not otherwise shaded. This, combined with the lack of west facing windows, will ensure that interiors will still remain shaded during periods of maximum solar intensity. As such the proposed window shading is assessed as acceptable.</p>  |
| <p>Acceptable Outcome 7.1<br/>Part 9.3.6, City of Mount Isa Planning Scheme 2020</p> | <p>The development proposes a 1.8m high predominantly solid post-and-rail front boundary fence incorporating a Colorbond panel which extends above a height of 1.5m. While the fence is largely solid, and incorporates Colorbond elements above a height of 1.5m, it is noted the buildings are sufficiently tall to ensure they are not completely obscured by the fencing. Furthermore, the open gates and two-storey nature of the main accommodation building permit casual surveillance of the street despite the solid fencing. As such, the proposed front fencing design is assessed as acceptable.</p>  |
| <p>Acceptable Outcome 7.3<br/>Part 9.3.6, City of Mount Isa Planning Scheme 2020</p> | <p>While the development does not propose any solid fencing along the northern boundary, it is noted that solid fencing will have limited effect in screening the adjoining engineering workshop given the size of the building on the adjoining property; and the height of the main accommodation building which will allow occupants of the first floor to see over the top of any boundary fencing. Furthermore, it is assessed that the aesthetics of any solid boundary fencing will not be dissimilar to the existing rendered masonry wall of the adjoining building. As such, the proposed northern side boundary fencing is assessed as acceptable.</p> |

4. Relevant matters for Impact Assessable Development

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

| Other relevant matters to the assessment of the development under section 45(5)(b) | Benchmark reference | Assessment carried out against or assessment had regard to                                     |
|--|---------------------|--|
| <i>Mount Isa City Council Local Laws</i>   | N/A                 | <input type="checkbox"/> assessed against<br><input checked="" type="checkbox"/> had regard to |

5. Matters Raised in Submission for Impact Assessable Development

Nil.

6. 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**

CC: Department of Transport and Main Roads  
C/- State Assessment and Referral Agency  
Department of State Development, Infrastructure,  
Local Government & Planning  
PO Box 5666  
TOWNSVILLE QLD 4810

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

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

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

# ATTACHMENT 1

## PART 1

### CONDITIONS IMPOSED BY ASSESSMENT MANAGER (MOUNT ISA CITY COUNCIL)

Application: P32-22 for a Material Change of Use for Non-Resident Workforce Accommodation (Thirteen (13) Single Bedroom Units with Communal Kitchen and Laundry) at 23 Camooweal Street, 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 28 February 2024 for a Material Change of Use for Non-Resident Workforce Accommodation (Thirteen (13) Single Bedroom Units with Communal Kitchen and Laundry) at 23 Camooweal Street, Mount Isa, described as Lot 14 on plan RP843255, 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.<br><br><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.              | All buildings and structures, including fencing, shall be located wholly within the boundaries of Lot 14 on plan RP84325;   | <i>At all times</i> |
| 4.              | No access to the rear of the property is to be gained via Lot 1 on plan SP312347;   | <i>At all times</i> |
| <b>Amenity</b>  |   |                     |
| 5.              | Services and utilities such as air conditioner condensers and hot water systems shall be screened or otherwise obscured to ensure they are not visible from adjoining properties or the street;   | <i>At all times</i> |

|                    |  |  |
|--------------------|--|--|
| 6.                 | Security lighting, such as bollard lights or similar, shall be provide throughout the site to enable residents to safely navigate around the development after dark. Outdoor lighting shall comply with Australian Standard AS4282-1987 (Control of the Obtrusive Effects of Outdoor Lighting) and be designed in a way so as not to cause a nuisance to the surrounding properties and traffic;   | <i>Prior to the commencement of use and to be maintained for life of the development</i> |
| 7.                 | Refuse storage areas are to be screened from the street and adjoining properties, surfaced with an impervious material and are to be accessible by a tap for washing down;   | <i>Prior to the commencement of use and to be maintained for life of the development</i> |
| 8.                 | The owner / developer shall install solid 1.8m high fencing for the full length of the southern boundary to screen the development from the adjoining property and provide privacy to persons utilising the Outdoor Rec Area;  | <i>Prior to the commencement of use and to be maintained for life of the development</i> |
| 9.                 | Any gates along the front boundary shall be at least 50% visually permeable for their full height to reduce the visual bulk of the front boundary fencing and enable casual surveillance of the street. All gates shall slide or swing inwards onto the subject property and not outwards onto Council's road reserve/verge;   | <i>At all times</i>  |
| 10.                | The minimum dimension of the grassed Outdoor Recreation Area in the south-west corner of the site shall be increased to 6.0m in order to provide a minimum area of 10m <sup>2</sup> per room;  | <i>Prior to the commencement of use and to be maintained for life of the development</i> |
| <b>Carparking</b>  |  |  |
| 11.                | The fourteen (14) sealed onsite carparking spaces indicated on the approved Site Plan (Project No. SCD 23-254, Sheet No. A01, Rev. 5) shall be provided on site in accordance with the Australian Standards AS2890.1 (Off-street Car Parking). All fourteen (14) carparking bays shall be provided and maintained for the life of the development;   | <i>Prior to the commencement of use and to be maintained for life of the development</i> |
| 12.                | All carparking areas, vehicle access and manoeuvring areas, and pedestrian footpaths are to be clearly delineated and provided with a durable dust-free surface;   | <i>Prior to the commencement of use and to be maintained for life of the development</i> |
| <b>Landscaping</b> |  |  |
| 13.                | Landscaping is to be provided in accordance with the approved Site Plan (Project No. SCD 23-254, Sheet No. A01, Rev. 5) and is to be installed prior to the commencement of use. Landscaped areas shall incorporate a mix of trees, shrubs and groundcovers to provide visual interest and enhance the appearance of the development from the street. The owner/developer shall adequately maintain the landscaping to ensure it is neat and tidy at all times and not overgrown and/or unsightly; | <i>Prior to the commencement of use and to be maintained for life of the development</i> |



|                               |   |  |
|-------------------------------|---|--|
| 14.                           | Landscaping strips adjacent to the front boundary shall incorporate trees and shrubs of sufficient height at maturity to ensure they are visible from the street above the height of the front boundary fencing. This is to ensure front landscaping can continue to contribute to the streetscape despite the presence of the 1.8m high solid front boundary fencing;  | <i>Prior to the commencement of use and to be maintained for life of the development</i> |
| 15.                           | The full verge along Camooweal Street, excluding the established footpath, is to be grassed prior to the commencement of use and adequately maintained for the life of the development  | <i>Prior to the commencement of use and to be maintained for life of the development</i> |
| 16.                           | An automatic water irrigation system is to be installed to all landscaping provided, including the grassed verge. The automatic water irrigation system must be maintained to all landscaping to promote and sustain healthy robust growth for the life of the development.   | <i>Prior to the commencement of use and to be maintained for life of the development</i> |
| 17.                           | All areas of the site not occupied by buildings or paved areas shall be landscaped in accordance with the approved Site Plan with any remaining areas to be grassed;  | <i>At all times</i>  |
| <b>ENVIRONMENTAL SERVICES</b> |   |  |
| <b>General</b>                |   |  |
| 18.                           | <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>  |
| 19.                           | <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 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>   | <i>At all times</i>  |

| <b>Waste</b>                 |  |   |
|------------------------------|--|---|
| 20.                          | Any asbestos containing material handled during construction and demolition must be handled according to the provisions of the <b>"How to Manage and Control Asbestos in the Workplace Code of Practice 2011"</b> ;                                    | <i>During Construction/At all times</i> |
| <b>Air</b>                   |  |   |
| 21.                          | 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;   | At all times                            |
| 22.                          | The release of dust and particulate matter from parking and driveway from vehicle activities. Parking facilities and driveways access must be hard surface to avoid dust and particulate matter entering the air;                                      | At all times                            |
| <b>Water</b>                 |  |   |
| 23.                          | 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.e., Leichhardt River;  | At all times                            |
| <b>Noise</b>                 |  |   |
| 24.                          | Prevent/minimise the emission of noise that causes or is likely to cause environmental nuisance at sensitive or commercial place.<br>All work must be undertaken within the prescribed timeframe as per the <i>Environmental Protection Act 1994</i> ; | <i>During Construction/At all times</i> |
| <b>COMPLIANCE INSPECTION</b> |  |   |
| 25.                          | The owner/developer shall contact Council to arrange a compliance inspection of the development to assess compliance with the Assessment manager's Conditions of Approval and the approved plans.  | <i>Prior to 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.

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

ATTACHMENT 1  
PART 2  
CONDITIONS IMPOSED BY  
CONCURRENCE AGENCY  
(DEPARTMENT OF TRANSPORT AND  
MAIN ROADS)

Application: P32-22 for a Material Change of Use for Non-Resident Workforce Accommodation (Thirteen (13) Single Bedroom Units with Communal Kitchen and Laundry) at 23 Camooweal Street, Mount Isa.

(SARA letter dated 7 August 2023, Application/Reference No: 239841 refers, copy attached).



SARA reference: 2307-35603 SRA  
 Council reference: P32-22  
 Applicant reference: 239841

7 August 2023

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

Attention: Development and Land Use Section

Dear Sir/Madam

## SARA referral agency response—23 Camooweal Street, Mornington

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 11 July 2023.

### Response

---

|                   |  |
|-------------------|--|
| Outcome:          | Referral agency response – with conditions   |
| Date of response: | 7 August 2023  |
| Conditions:       | The conditions in <b>Attachment 1</b> must be attached to any development approval |
| Advice:           | Advice to the applicant is in <b>Attachment 2</b>                                  |
| Reasons:          | The reasons for the referral agency response are in <b>Attachment 3</b>            |

### Development details

---

|               |  |  |
|---------------|--|--|
| Description:  | Development permit   | Material change of use for non-resident workforce accommodation (13 units) |
| SARA role:    | Referral agency  |  |
| SARA trigger: | Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017) |  |

Development application for a material change of use within 25m of a state-controlled road corridor

SARA reference: 2307-35603 SRA

Assessment manager: Mount Isa City Council

Street address: 23 Camooweal Street, Mornington

Real property description: 14RP843255

Applicant name: The Grant Richardson Family Trust and Tully Investment Trust

Applicant contact details: PO Box 5774  
Maroochydore BC QLD 4558  
cadcon@cadcon.com.au

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: **TMR23-039757**
- Date: **3 August 2023**

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at [North.Queensland.IDAS@tmr.qld.gov.au](mailto:North.Queensland.IDAS@tmr.qld.gov.au)

*Human Rights Act 2019* considerations: Consideration of the 23 fundamental human rights protected under the Human Rights Act 2019 has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Helena Xu, Senior Planning Officer, on 073452 6724 or via email [NQSARA@dasilgp.qld.gov.au](mailto:NQSARA@dasilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Duncan Livingstone  
A/Manager (Planning)

cc The Grant Richardson Family Trust and Tully Investment Trust, [cadcon@cadcon.com.au](mailto:cadcon@cadcon.com.au)

enc    Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations about a referral agency response provisions  
Attachment 5 - Documents referenced in conditions

## Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at Attachment 5)

| No.  | Conditions  | Condition timing   |
|--|---|--|
| <b>Material change of use</b>  |   |  |
| 10.9.4.2.4.1 – Material Change of Use within 25m of a state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions: |   |  |
| 1.   | The road access location is to be located generally in accordance with the Site plan, prepared by Southern Cross Design and Drafting, dated 18/05/23, reference SCD 23-254 – A01, Revision 2, as amended in red by SARA.  | At all times   |
| 2.   | <p>(a) The existing southern vehicular access located approximately 18m from the southern boundary and providing access between Lot 14 on RP843255 and Mount Isa – Duchess Road must be permanently closed and removed.</p> <p>(b) The kerb and channelling between the pavement edge and the property boundary must be reinstated in accordance with the standards of the Mount Isa City Council at no cost to the Department of Transport and Main Roads’.</p>  | Prior to the commencement of use                                   |
| 3.   | Fencing must be extended across the existing southern vehicular access location so that only pedestrian access is accommodated.   | Prior to the commencement of use and to be maintained at all times |
| 4.   | <p>Stormwater management of the development must not cause worsening to the operating performance of the State-controlled road, such that any works on the land must not:</p> <ul style="list-style-type: none"> <li>(i) create any new discharge points for stormwater runoff onto the State-controlled Road.</li> <li>(ii) concentrate or increase the velocity of flows to State-controlled Road.</li> <li>(iii) interfere with and/or cause damage to the existing stormwater drainage on the State-controlled Road.</li> <li>(iv) surcharge any existing culvert or drain on the State-controlled Road.</li> <li>(v) reduce the quality of stormwater discharge onto the State-controlled Road.</li> </ul> | At all times   |

## Attachment 2—Advice to the applicant

| <b>General advice</b> |  |
|-----------------------|--|
| 1.                    | Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.   |
| 2.                    | <p><b>Works on a State-controlled Road</b></p> <p>Under section 33 of the Transport Infrastructure Act 1994, written approval is required from TMR in order to carry out road works on a State-controlled Road or to interfere with the State-controlled road or its operation. Please contact TMR at North.Queensland.IDAS@tmr.qld.gov.au to make an application for a road works approval.</p> <p>This approval must be obtained prior to commencing any works on the State-controlled Road or its associated road reserve. The approval process may require the review and approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road works approval process takes time – please contact TMR as soon as possible to ensure that gaining approval does not delay construction. Where works have been carried out within the road reserve, without prior approval from TMR, compliance action may be required.</p> |



## Attachment 3—Reasons for referral agency response

---

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

### The reasons for the SARA's decision are:

The proposed development is considered to achieve the relevant assessment benchmarks of State code 1 of SDAP. Specifically the development:

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of state-controlled road;
- does not adversely impact the structural integrity or physical condition of state-controlled road;
- does not adversely impact road transport infrastructure, public passenger transport infrastructure or active transport infrastructure;
- does not adversely impact the function and efficiency of state-controlled road;
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure; and,
- does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure.

### Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

## Attachment 4—Representations about a referral agency response provisions

---

(page left intentionally blank)

# Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding **representations about a referral agency response**

## Part 6: Changes to the application and referral agency responses

---

### 28 Concurrence agency changes its response or gives a late response

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

---

<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

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

## **Part 7: Miscellaneous**

### **30 Representations about a referral agency response**

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

---

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

## **Attachment 5—Documents referenced in conditions**

---

(page left intentionally blank)

**GENERAL NOTES**

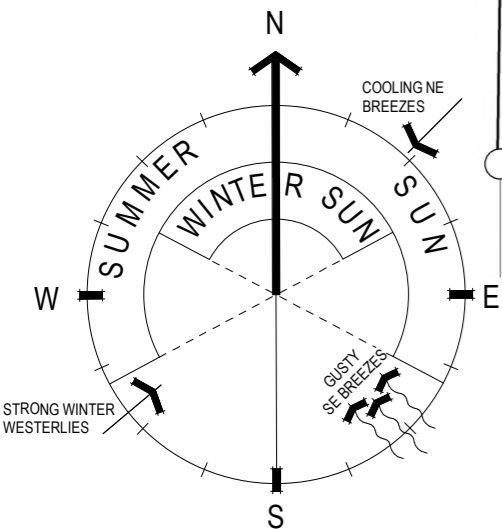
- NOTE: ANY DISCREPANCIES BETWEEN DRAWINGS ARE TO BE IMMEDIATELY VERIFIED.
- PROJECT PARTICULARS  
BUILDING CLASSIFICATION 1. (BCA part A3.2)  
DESIGN WIND SPEED N3  
CLIMATE ZONE 1
- ALL TIMBER CONSTRUCTION IN ACCORDANCE WITH AS1684.2 -1999 RESIDENTIAL TIMBER-FRAMED CONSTRUCTION.
- ALL STEELWORK TO 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.

**SITE NOTES:**

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

**RPD**

LOT 14 on RP843255  
LOCALITY of **Mornington**  
LOCAL GOVT **MICC**



1 A-1 Site Plan  
A02 1 : 200

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE  
SARA ref: 2307-35603 SRA  
Date: 07 August 2023

Amended in red by SARA on 07 August 2023

© Copyright.

Reproduction in part or in whole is forbidden without written permission.

DO NOT SCALE  
Written dimensions to have preference over scaled dimensions  
Any discrepancies between drawings are to be immediately verified.  
Builder to Confirm ALL Dimensions Prior to Construction.

IF IN DOUBT ASK

Lot on Plan: Lot 14 on RP843255  
Climate Zone: 3  
Wind Class: N2

Revision Schedule

| Rev. | Description           | Date       |
|------|-----------------------|------------|
| 1    | MCU Application Issue | 16/05/2023 |
| 2    | Revision 1            | 18/05/2023 |

Project Title  
**MCU APPLICATION**

Site Address  
**23 Camooweal St.  
Mount Isa QLD 4825**

Client  
**Grant Richardson Family Trust and Tully Investment Trust**  
Sheet Title  
**Site Plan**

Builder  
N/A

Engineer  
N/A



Design for a sustainable future

www.southerncrossdrafting.com.au

Email: ted@southerncrossdrafting.com.au  
79 Anne Street, Aitkenvale Q. 4814  
Ph: 0410 488 1765  
A.B.N. 42 054 834 038  
QBSA LIC. No. 733305 - BUILDING DESIGN MEDIUM RISE

Drawn by TL  
Original Issue Date May 2023

SIGNATURE OF BUILDING DESIGNER:  
*E.D. Larson*  
Scale (A3) As indicated

Project No. SCD 23-254  
Sheet No. A01

**MCU ISSUE**

Our ref TMR23-039757  
Enquiries Aidan Colahan



Department of  
**Transport and Main Roads**

3 August 2023

## **Decision Notice – Permitted Road Access Location (s62(1) *Transport Infrastructure Act 1994*)**

**This is not an authorisation to commence work on a state-controlled road<sup>1</sup>**

Development application reference number P32-22, lodged with Mount Isa City Council involves constructing or changing a vehicular access between Lot 14RP843255, the land the subject of the application, and Mount Isa – Duchess Road (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

### **Applicant Details**

Name and address The Grant Richardson Family Trust and Tully Investment Trust  
PO Box 5774  
Maroochydore BC QLD 4558

### **Application Details**

Address of Property 23 Camooweal Street, Mount Isa QLD 4825  
Real Property Description 14RP843255  
Aspect/s of Development Material change of use for non-resident workforce accommodation (13 units)

### **Decision (given under section 67 of TIA)**

It has been decided to approve the application, subject to the following conditions:

| <b>No.</b> | <b>Conditions of Approval</b>   | <b>Condition Timing</b> |
|------------|---|-------------------------|
| 1          | The Permitted Road Access Location is in accordance with the following plans:<br><br>(a) Site Plan prepared by Southern Cross Design and Drafting dated 18 May 2023, reference SCD 23-254 – A01, revision 2, as amended in red. | At all times.           |

<sup>1</sup> Please refer to the further approvals required under the heading 'Further approvals'

| No. | Conditions of Approval   | Condition Timing   |
|-----|--|--|
| 2   | <p>(a) The southern vehicular property access located approximately 18m from the southern boundary and providing access between Lot 14 on RP843255 and Mount Isa – Duchess Road must be permanently closed and removed.</p> <p>(b) The kerb and channelling between the pavement edge and the property boundary must be reinstated in accordance with the standards of the Mount Isa City Council at no cost to the Department of Transport and Main Roads’.</p> | Prior to completion of Road Access Works for new permitted road access location. |
| 3   | Direct access is prohibited between Mount Isa – Duchess Road and Lot 14 on RP843255 at any other location other than the Permitted Road Access Location described in Condition 1.  | At all times.  |
| 4   | The landowner will undertake responsibility of maintaining the crossover between the property boundary and the edge of the road pavement as required to continue safe and efficient access between the permitted road access point and the State-controlled Road.  | At all times.  |

### Reasons for the decision

The reasons for this decision are as follows:

- (a) To ensure access to the State-controlled Road from the proposed development does not compromise the safety and efficiency of the State-controlled Road network.
- (b) To provide safe access for all vehicles associated with the proposed use.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

### Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

### Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
  - a) starts to have effect when the development approval has effect; and
  - b) stops having effect if the development approval lapses or is cancelled; and
  - c) replaces any earlier decision made under section 62(1) in relation to the land.

2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

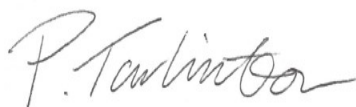
### **Further approvals**

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Under section 33 of the Transport Infrastructure Act 1994, written approval is required from TMR in order to carry out road works on a State-controlled Road or to interfere with the State-controlled road or its operation. Please contact TMR at [North.Queensland.IDAS@tmr.qld.gov.au](mailto:North.Queensland.IDAS@tmr.qld.gov.au) to make an application for a road works approval. This approval must be obtained prior to commencing any works on the State-controlled road or its associated road reserve. The approval process may require the review and approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road works approval process takes time – please contact TMR as soon as possible to ensure that gaining approval does not delay construction. Where works have been carried out within the road reserve, without prior approval from TMR, compliance action may be required.

If further information about this approval or any other related query is required, Mr Aidan Colahan, Planner (Corridor Management) should be contacted by email at [North.Queensland.IDAS@tmr.qld.gov.au](mailto:North.Queensland.IDAS@tmr.qld.gov.au) or on 4421 8708.

Yours sincerely



Peter Tarlinton  
A/Senior Town Planner

Attachments: Attachment A – Decision evidence and findings  
Attachment B - Section 70 of TIA  
Attachment C - Appeal Provisions  
Attachment D - Permitted Road Access Location Plan



## Attachment A

### Decision Evidence and Findings

Findings on material questions of fact:

- The objective of the Transport Infrastructure Act 1994 requires the establishment of a road regime that is safe and efficient.
- Section 62 of the Transport Infrastructure Act 1994 allows the Department of Transport and Main Roads to make decisions about permitted road access locations between particular/adjacent land and a State-controlled Road (**SCR**).
- The proposed development is a Material change of use for non-resident workforce accommodation (13 units) at 23 Camooweal Street, Mount Isa QLD 4825 and more particularly described as Lot 14 on RP843255.
- The subject site benefits from a primary frontage to the Mount Isa – Duchess Road (a State-controlled Road).
- Where proximate to the subject site, the Mount Isa – Duchess Road is not identified as a Limited Access Road.
- The development will operate using a single access point to the state-controlled road along the frontage.
- The vehicle movements expected are to be low in frequency due to the nature of the use and are expected to be light vehicle only.
- It is not foreseen that vehicles will queue within the boundaries of the SCR due to the low intensity of the use and the adequate provision of car parking.
- The location, design and operation of the proposed development is not foreseen to compromise the safety of users of the state-controlled road.
- The landowner shall be responsible for the maintenance of the crossover between the property boundary and the edge of the kerb as required to continue the safe and efficient access between the permitted road access location and Mount Isa – Duchess Road.
- The access has been assessed on the current conditions and not on any future planning within the area.

Evidence or other material on which findings were based:

| <b>Title of Evidence / Material</b> | <b>Prepared by</b>                 | <b>Date</b> | <b>Reference no.</b> | <b>Version/Issue</b> |
|-------------------------------------|------------------------------------|-------------|----------------------|----------------------|
| Site Plan                           | Southern Cross Design and Drafting | 18 May 2023 | SCD 23-254 – A01     | 2                    |

## Attachment B

### Section 70 of TIA

*Transport Infrastructure Act 1994*

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

---

#### **70 Offences about road access locations and road access works, relating to decisions under s 62(1)**

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
  - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
  - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
  - (c) obtain any other access between the land and the road contrary to the decision; or
  - (d) use a road access location or road access works contrary to the decision; or
  - (e) contravene a condition stated in the decision; or
  - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
  - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

**Attachment C**  
**Appeal Provisions**

*Transport Infrastructure Act 1994*  
Chapter 16 General provisions

---

**485 Internal review of decisions**

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
  - (a) applies to the review; and
  - (b) provides—
    - (i) for the procedure for applying for the review and the way it is to be carried out; and
    - (ii) that the person may apply to QCAT to have the original decision stayed.

**485B Appeals against decisions**

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
  - (a) applies to the appeal; and
  - (b) provides—
    - (i) for the procedure for the appeal and the way it is to be disposed of; and
    - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
  - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and
  - (b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

- (5) The court may order—
  - (a) the appeals to be heard together or 1 immediately after the other; or
  - (b) 1 appeal to be stayed until the other is decided.
- (6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.
- (7) In this section—

**original decision** means a decision described in schedule 3.

**reviewed decision** means the chief executive's decision on a review under section 485.

### **31 Applying for review**

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
  - (a) the notice did not state the reasons for the original decision; and
  - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

### **32 Stay of operation of original decision**

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
  - (a) may be given on conditions the relevant entity considers appropriate; and
  - (b) operates for the period specified by the relevant entity; and
  - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.
- (8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

**relevant entity** means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

### **35 Time for making appeals**

(1) A person may appeal against a reviewed decision only within—

- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

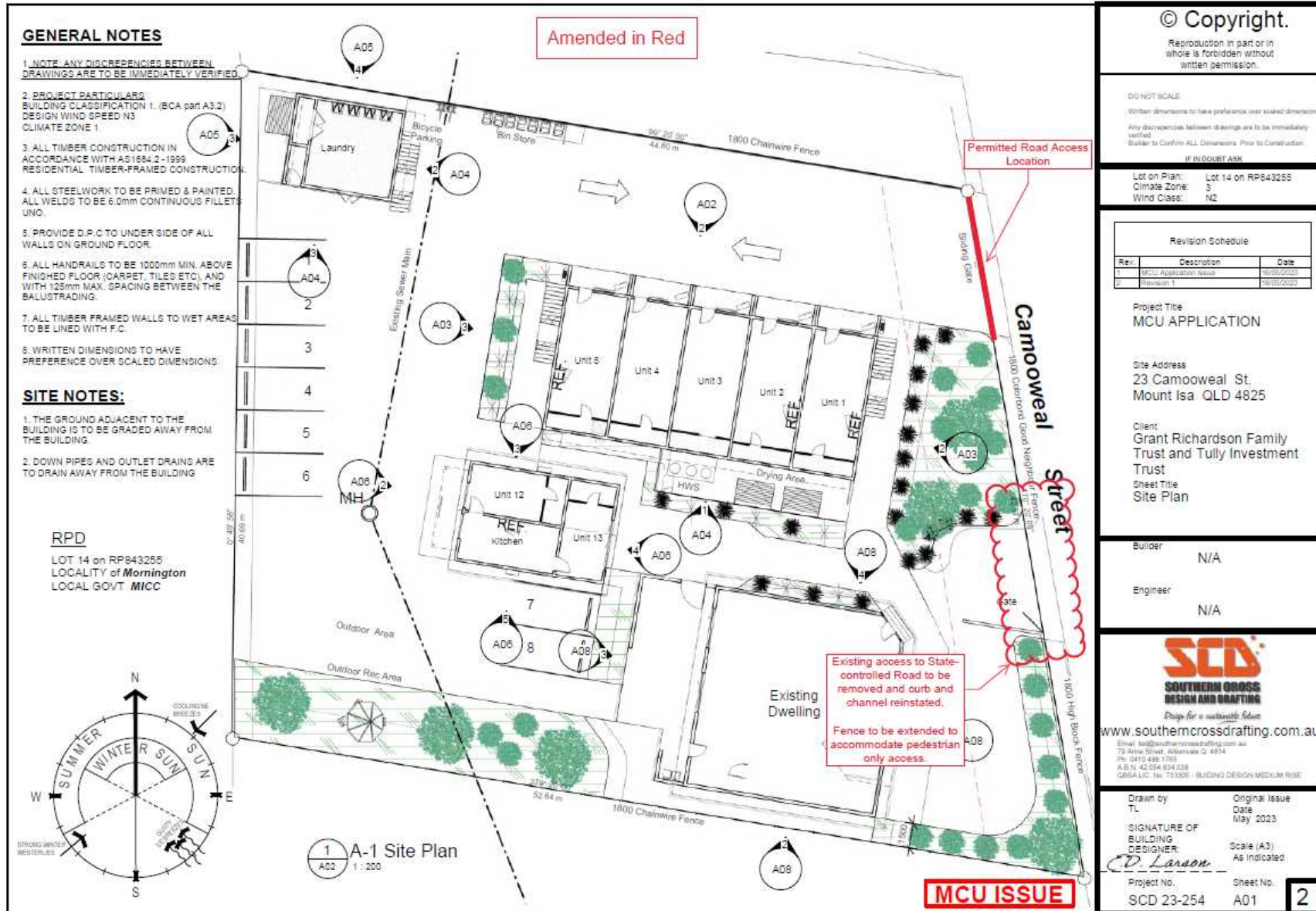
(2) However, if—

- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

## Attachment D Permitted Road Access Location



Program Delivery and Operations  
North Queensland Region  
445 Flinders Street Townsville QLD 4810  
PO Box 1089 Townsville QLD 4810

**Telephone** +61 7 4421 8708  
**Website** www.tmr.qld.gov.au  
**Email** North.Queensland.IDAS@tmr.qld.gov.au  
ABN: 39 407 690 291

## ATTACHMENT 2

# APPROVED PLANS





**Impact Assessable Development Application for**

**Material Change of Use**

**(Non-Resident Workforce Accommodation)**

over land at

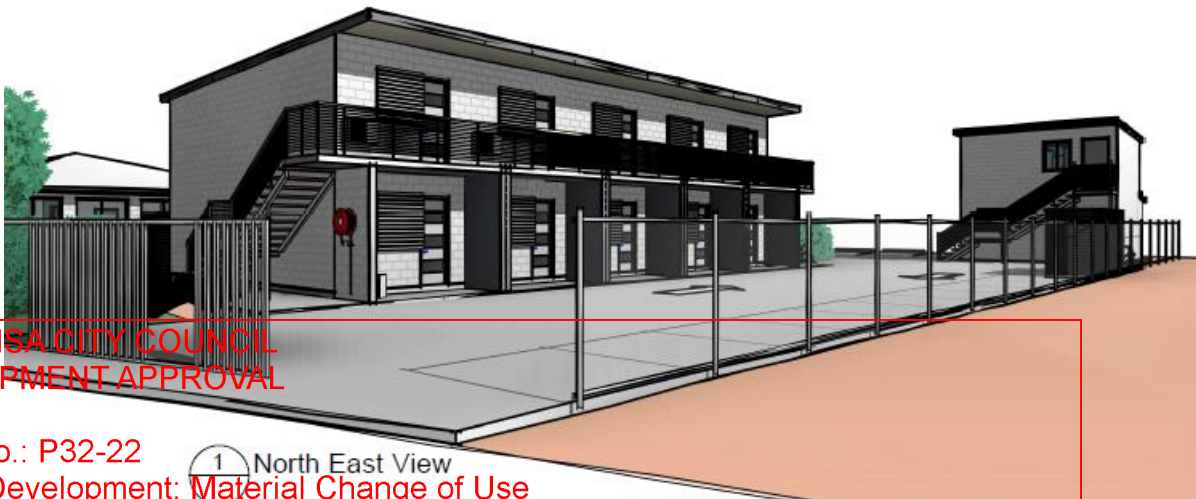
**23 Camooweal Street, Mornington**

**(Lot 14 on RP843255)**

**In the Mount Isa City Council Local Government Area**

on behalf of

***The Grant Richardson Family Trust & Tully Investment Trust***



**MOUNT ISA CITY COUNCIL  
 DEVELOPMENT APPROVAL**

Permit No.: P32-22

Type of Development: **Material Change of Use**

Approved Use: **Non-Resident Workforce Accommodation (13 Single Bedroom Units with Communal Kitchen and Laundry)**

Approved By: Tim Rose

Title: Acting Chief Executive Officer & s(d): 5/03/2024 **June 2023**

Sheet: 1 of 8

1 North East View



**GENERAL NOTES**

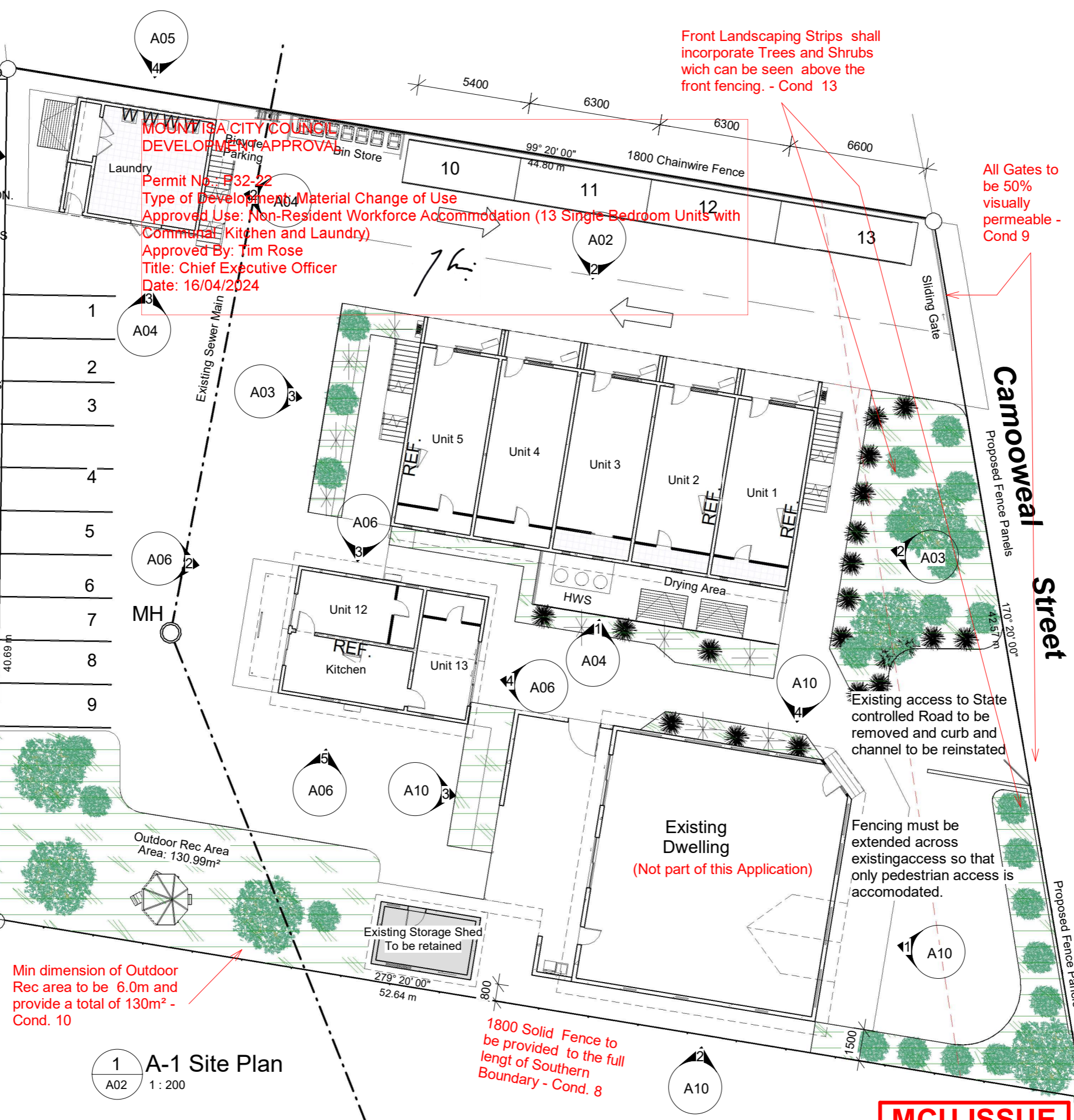
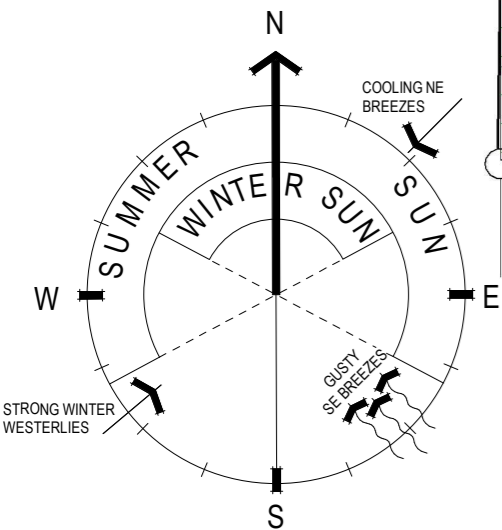
- NOTE: ANY DISCREPANCIES BETWEEN DRAWINGS ARE TO BE IMMEDIATELY VERIFIED.
- PROJECT PARTICULARS  
BUILDING CLASSIFICATION 1. (BCA part A3.2)  
DESIGN WIND SPEED N3  
CLIMATE ZONE 1
- ALL TIMBER CONSTRUCTION IN ACCORDANCE WITH AS1684.2 -1999 RESIDENTIAL TIMBER-FRAMED CONSTRUCTION.
- ALL STEELWORK TO 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.

**SITE NOTES:**

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

**RPD**

LOT 14 on RP843255  
LOCALITY of **Mornington**  
LOCAL GOVT **MICC**  
AREA: 1960.94 m<sup>2</sup>



**MOUNT ISA CITY COUNCIL DEVELOPMENT APPROVAL**  
Permit No.: P32-22  
Type of Development: Material Change of Use  
Approved Use: Non-Resident Workforce Accommodation (13 Single Bedroom Units with Communal Kitchen and Laundry)  
Approved By: Tim Rose  
Title: Chief Executive Officer  
Date: 16/04/2024

Front Landscaping Strips shall incorporate Trees and Shrubs which can be seen above the front fencing. - Cond 13

All Gates to be 50% visually permeable - Cond 9

Min dimension of Outdoor Rec area to be 6.0m and provide a total of 130m<sup>2</sup> - Cond. 10

1800 Solid Fence to be provided to the full length of Southern Boundary - Cond. 8

Existing access to State controlled Road to be removed and curb and channel to be reinstated

Fencing must be extended across existing access so that only pedestrian access is accommodated.

Existing Dwelling (Not part of this Application)

1 A-1 Site Plan  
A02 1 : 200

**MCU ISSUE**

© Copyright.

Reproduction in part or in whole is forbidden without written permission.

DO NOT SCALE  
Written dimensions to have preference over scaled dimensions  
Any discrepancies between drawings are to be immediately verified.  
Builder to Confirm ALL Dimensions Prior to Construction.

IF IN DOUBT ASK

Lot on Plan: Lot 14 on RP843255  
Climate Zone: 3  
Wind Class: N2

Revision Schedule

| Rev. | Description                     | Date       |
|------|---------------------------------|------------|
| 1    | MCU Application Issue           | 16/05/2023 |
| 2    | Revision 1                      | 18/05/2023 |
| 3    | RFI - SRA                       | 14/02/2024 |
| 4    | Revision 2                      | 05/03/2024 |
| 5    | Revision 3 - Council Conditions | 26/03/2024 |

Project Title  
**MCU APPLICATION**

Site Address  
23 Camooweal St.  
Mount Isa QLD 4825

Client  
Grant Richardson Family Trust and Tully Investment Trust  
Sheet Title  
Site Plan

Builder  
N/A  
Engineer  
N/A



Design for a sustainable future

www.southerncrossdrafting.com.au

Email: ted@southerncrossdrafting.com.au  
79 Anne Street, Aitkenvale Q. 4814  
Ph: 0410 488 1765  
A.B.N. 42 054 834 038  
QBSA LIC. No. 733305 - BUILDING DESIGN MEDIUM RISE

Drawn by TL  
Original Issue Date May 2023

SIGNATURE OF BUILDING DESIGNER:  
Scale (A3) As indicated

*C.D. Larson*

Project No. SCD 23-254  
Sheet No. A01

© Copyright.

Reproduction in part or in whole is forbidden without written permission.

DO NOT SCALE  
Written dimensions to have preference over scaled dimensions  
Any discrepancies between drawings are to be immediately verified.  
Builder to Confirm ALL Dimensions Prior to Construction.

IF IN DOUBT ASK

Lot on Plan: Lot 14 on RP843255  
Climate Zone: 3  
Wind Class: N2

Revision Schedule

| Rev. | Description           | Date       |
|------|-----------------------|------------|
| 1    | MCU Application Issue | 16/05/2023 |
| 2    | Revision 1            | 18/05/2023 |
| 3    | RFI - SRA             | 14/02/2023 |

Project Title  
**MCU APPLICATION**

Site Address  
**23 Camooweal St.  
Mount Isa QLD 4825**

Client  
**Grant Richardson Family  
Trust and Tully Investment  
Trust**  
Sheet Title  
**Units 1-5 Floor Plan**

Builder  
**N/A**  
Engineer  
**N/A**



Design for a sustainable future

www.southerncrossdrafting.com.au

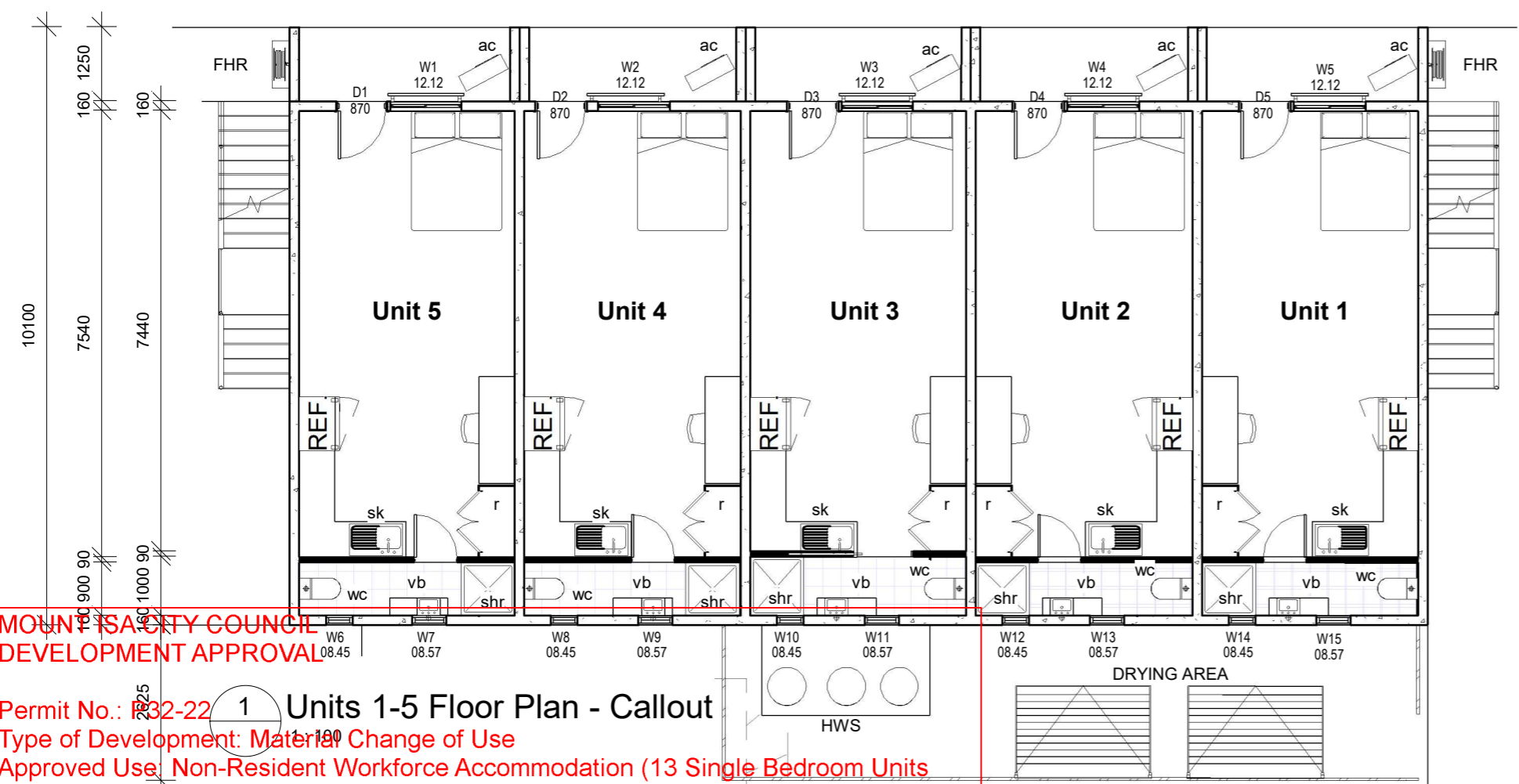
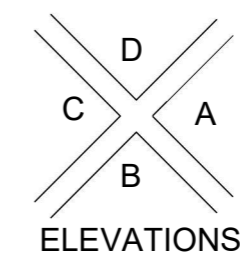
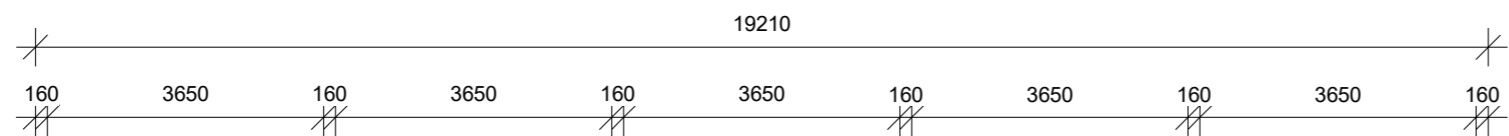
Email: ted@southerncrossdrafting.com.au  
79 Anne Street, Aitkenvale Q. 4814  
Ph: 0410 488 1765  
A.B.N. 42 054 834 038  
QBSA LIC. No. 733305 - BUILDING DESIGN MEDIUM RISE

Drawn by  
TL  
Original Issue  
Date  
May 2023

SIGNATURE OF  
BUILDING  
DESIGNER:  
*E.D. Larson*  
Scale (A3)  
As indicated

Project No.  
SCD 23-254  
Sheet No.  
A02

3



Area Schedule (Gross Building)

| Name           | Area                  |
|----------------|-----------------------|
| Laundry        | 36.87 m <sup>2</sup>  |
| Units 1-5      | 169.99 m <sup>2</sup> |
| Units 12 - 13  | 56.58 m <sup>2</sup>  |
| Dwelling       | 194.50 m <sup>2</sup> |
| Units 6-10     | 170.00 m <sup>2</sup> |
| Unit 11        | 30.47 m <sup>2</sup>  |
| Grand total: 6 | 658.41 m <sup>2</sup> |

NOTES

- Hatchings and fittings are indicative only. Refer Builders Specifications.
- Line underside of external covered areas with FC sheeting
- 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
- N2**
- Structural design based upon Non Cyclonic N2 for wind speeds to 40m/s.

**MOUNT ISA CITY COUNCIL  
DEVELOPMENT APPROVAL**

Permit No.: 23-22-1  
Type of Development: Material Change of Use  
Approved Use: Non-Resident Workforce Accommodation (13 Single Bedroom Units with Communal Kitchen and Laundry)  
Approved By: Tim Rose  
Title: Acting Chief Executive Officer&s(d): 5/03/2024  
Sheet: 3 of 8



2 Units 1-10 Elevation A  
A01 1:100

**MCU ISSUE**

© Copyright.

Reproduction in part or in whole is forbidden without written permission.

DO NOT SCALE  
Written dimensions to have preference over scaled dimensions  
Any discrepancies between drawings are to be immediately verified.  
Builder to Confirm ALL Dimensions Prior to Construction.

IF IN DOUBT ASK

Lot on Plan: Lot 14 on RP843255  
Climate Zone: 3  
Wind Class: N2

Revision Schedule

| Rev. | Description           | Date       |
|------|-----------------------|------------|
| 1    | MCU Application Issue | 16/05/2023 |
| 2    | Revision 1            | 18/05/2023 |
| 3    | RFI - SRA             | 14/02/2023 |

Project Title  
**MCU APPLICATION**

Site Address  
**23 Camooweal St.  
Mount Isa QLD 4825**

Client  
**Grant Richardson Family  
Trust and Tully Investment  
Trust**  
Sheet Title  
**Units 6-10 Floor Plan**

Builder  
N/A  
Engineer  
N/A



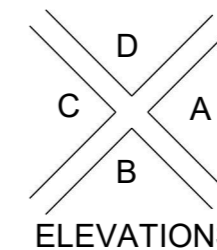
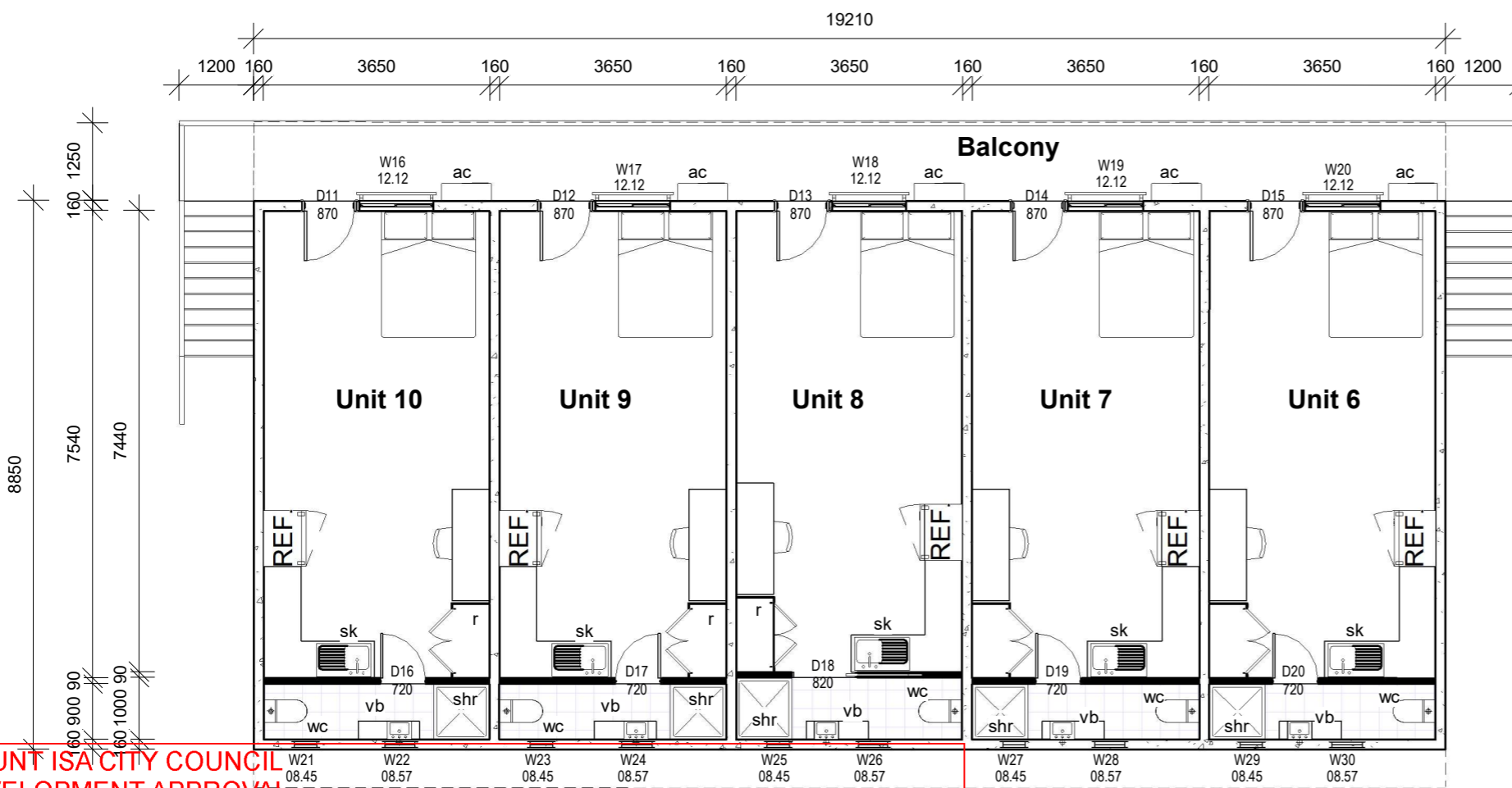
www.southerncrossdrafting.com.au

Email: ted@southerncrossdrafting.com.au  
79 Anne Street, Aitkenvale Q. 4814  
Ph: 0410 488 1765  
A.B.N. 42 054 834 038  
QBSA LIC. No. 733305 - BUILDING DESIGN MEDIUM RISE

Drawn by  
TL  
Original Issue  
Date  
May 2023

SIGNATURE OF  
BUILDING  
DESIGNER:  
*E.D. Larson*  
Scale (A3)  
1 : 100

Project No.  
SCD 23-254  
Sheet No.  
A03



NOTES

Hatchings and fittings are indicative only. Refer Builders Specifications.

Line underside of external covered areas with FC sheeting

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

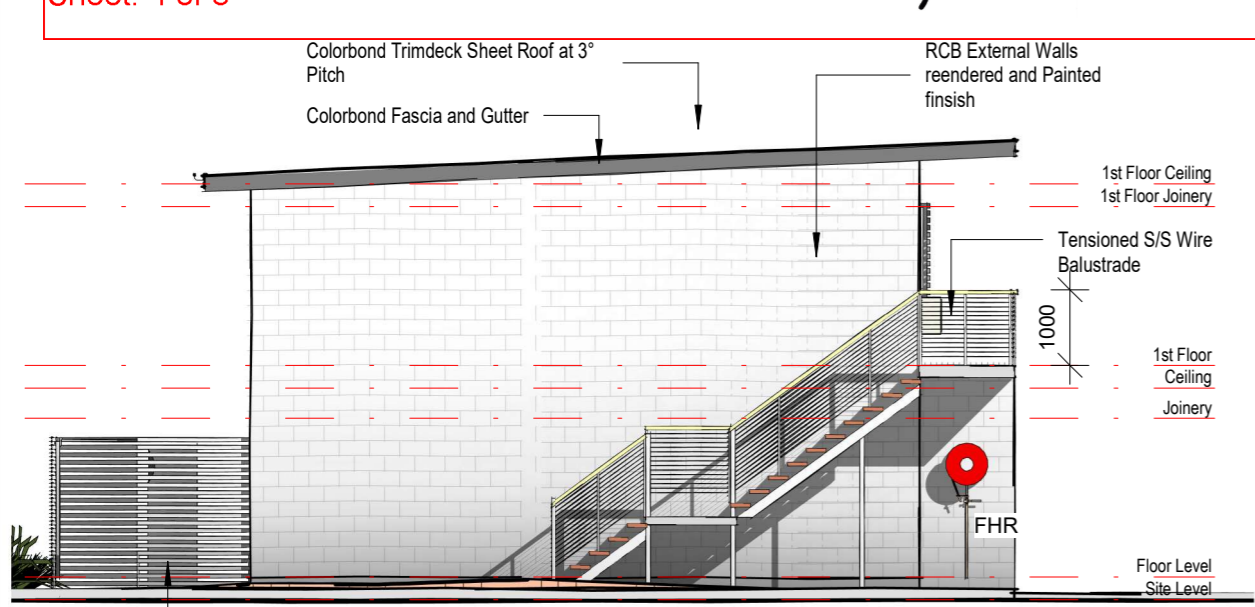
Stairs & Balustrades to be constructed in accordance with the current BCA Part 3.9.1- Stair Construction & Part 3.9.2 - Balustrades

**N2**  
Structural design based upon Non Cyclonic N2 for wind speeds to 40m/s.

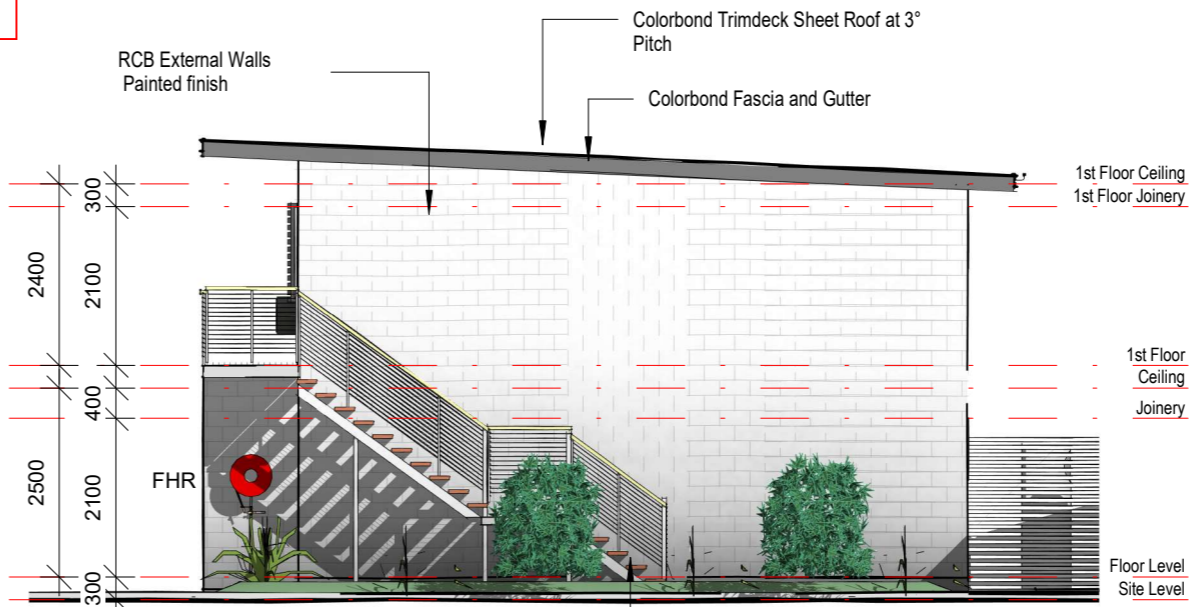
**MOUNT ISA CITY COUNCIL DEVELOPMENT APPROVAL**  
Permit No.: P32-22  
Type of Development: Material Change of Use  
Approved Use: Non-Resident Workforce Accommodation (13 Single Bedroom Units with Communal Kitchen and Laundry)  
Approved By: Tim Rose  
Title: Acting Chief Executive Officer&s(d): 5/03/2024  
Sheet: 4 of 8

1 Units 6-10 Floor Plan - Callout  
1 : 100

*Jh.*



2 Units 1-10 Elevation B  
A01 1 : 100



3 Units 1-10 Elevation D  
A01 1 : 100

**MCU ISSUE**

© Copyright.

Reproduction in part or in whole is forbidden without written permission.

DO NOT SCALE

Written dimensions to have preference over scaled dimensions

Any discrepancies between drawings are to be immediately verified.  
Builder to Confirm ALL Dimensions Prior to Construction.

IF IN DOUBT ASK

Lot on Plan: Lot 14 on RP843255  
Climate Zone: 3  
Wind Class: N2

Revision Schedule

| Rev. | Description           | Date       |
|------|-----------------------|------------|
| 1    | MCU Application Issue | 16/05/2023 |
| 2    | Revision 1            | 18/05/2023 |
| 3    | RFI - SRA             | 14/02/2023 |

Project Title  
**MCU APPLICATION**

Site Address  
**23 Camooweal St.  
Mount Isa QLD 4825**

Client  
**Grant Richardson Family  
Trust and Tully Investment  
Trust**  
Sheet Title  
**Units 1-10 Elevation C**

Builder  
**N/A**

Engineer  
**N/A**



www.southerncrossdrafting.com.au

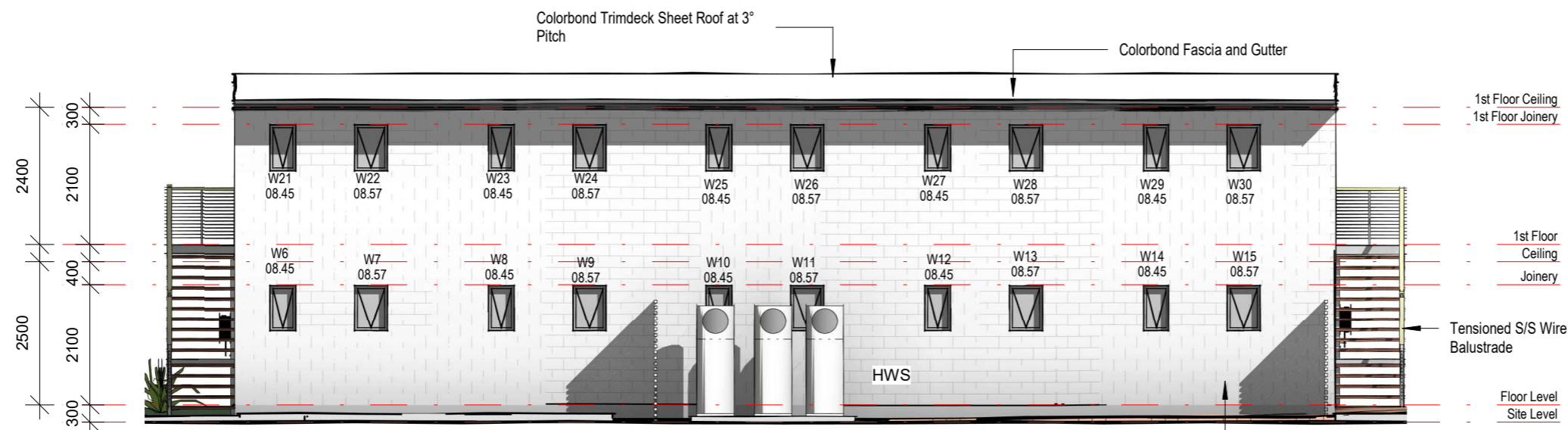
Email: ted@southerncrossdrafting.com.au  
79 Anne Street, Aitkenvale Q. 4814  
Ph: 0410 488 1765  
A.B.N. 42 054 834 038  
QBSA LIC. No. 733305 - BUILDING DESIGN MEDIUM RISE

Drawn by  
TL  
Original Issue  
Date  
May 2023

SIGNATURE OF  
BUILDING  
DESIGNER:  
*C.D. Larson*  
Scale (A3)  
1 : 100

Project No.  
SCD 23-254  
Sheet No.  
A04

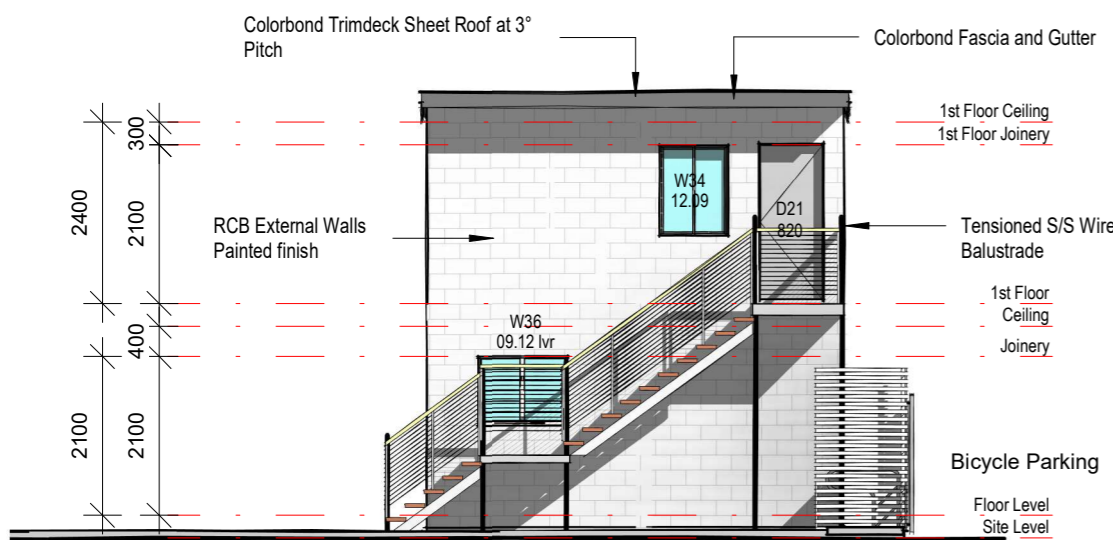
**3**



**1** Units 1-10 Elevation C  
A01 1 : 100

**NOTES**

- Hatchings and fittings are indicative only. Refer Builders Specifications.
- Line underside of external covered areas with FC sheeting
- 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
- N2**  
Structural design based upon Non Cyclonic N2 for wind speeds to 40m/s.

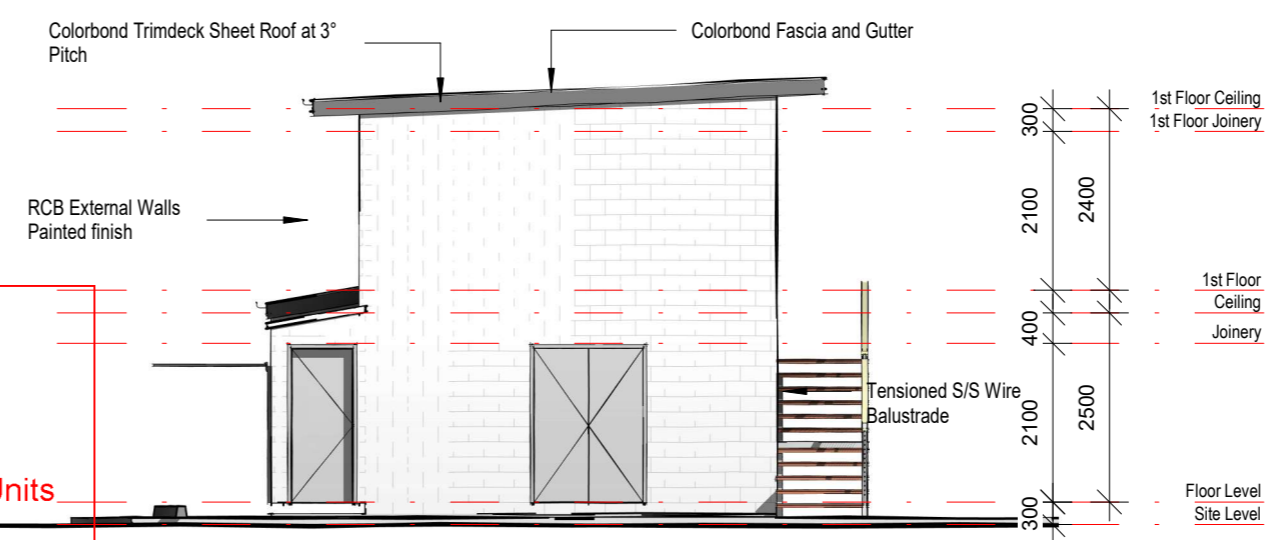


**2** Unit 11 / Laundry Elevation A  
A01 1 : 100

**MOUNT ISA CITY COUNCIL  
DEVELOPMENT APPROVAL**

Permit No.: P32-22  
Type of Development: Material Change of Use  
Approved Use: Non-Resident Workforce Accommodation (13 Single Bedroom Units with Communal Kitchen and Laundry)  
Approved By: Tim Rose  
Title: Acting Chief Executive Officer&s(d): 5/03/2024  
Sheet: 5 of 8

*Jh.*



**3** Unit 11 / Laundry Elevation B  
A01 1 : 100

**MCU ISSUE**

© Copyright.

Reproduction in part or in whole is forbidden without written permission.

DO NOT SCALE  
Written dimensions to have preference over scaled dimensions  
Any discrepancies between drawings are to be immediately verified.  
Builder to Confirm ALL Dimensions Prior to Construction.

IF IN DOUBT ASK

Lot on Plan: Lot 14 on RP843255  
Cimate Zone: 3  
Wind Class: N2

Revision Schedule

| Rev. | Description           | Date       |
|------|-----------------------|------------|
| 1    | MCU Application Issue | 16/05/2023 |
| 2    | Revision 1            | 18/05/2023 |
| 3    | RFI - SRA             | 14/02/2023 |

Project Title  
**MCU APPLICATION**

Site Address  
**23 Camooweal St.  
Mount Isa QLD 4825**

Client  
**Grant Richardson Family  
Trust and Tully Investment  
Trust**  
Sheet Title  
**Unit 11 Elevations C - D**

Builder  
**N/A**  
Engineer  
**N/A**



Design for a sustainable future

www.southerncrossdrafting.com.au

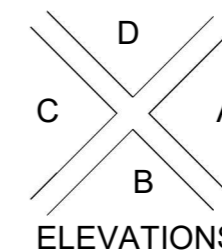
Email: ted@southerncrossdrafting.com.au  
79 Anne Street, Aitkenvale Q. 4814  
Ph: 0410 488 1765  
A.B.N. 42 054 834 038  
QBSA LIC. No. 733305 - BUILDING DESIGN MEDIUM RISE

Drawn by  
TL  
Original Issue  
Date  
May 2023

SIGNATURE OF  
BUILDING  
DESIGNER:  
*E.D. Larson*  
Scale (A3)  
As indicated

Project No.  
SCD 23-254  
Sheet No.  
A05

**3**



**NOTES**

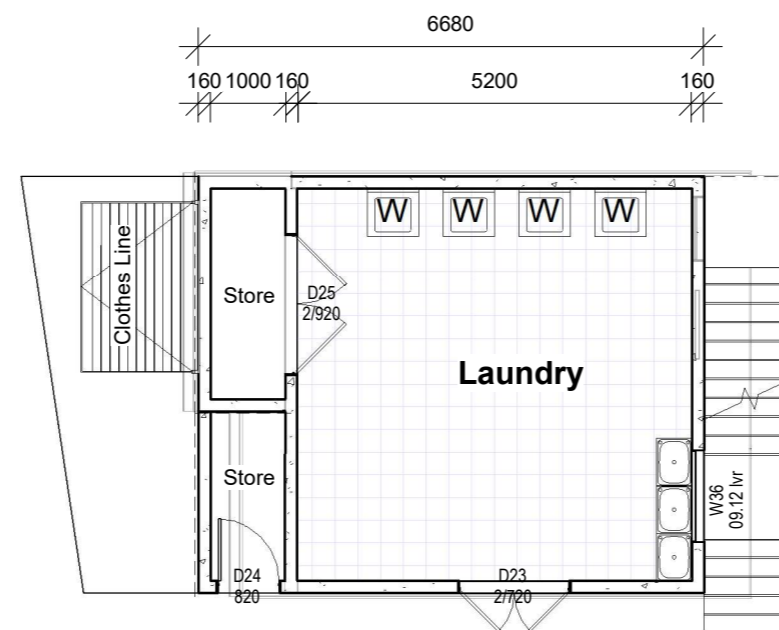
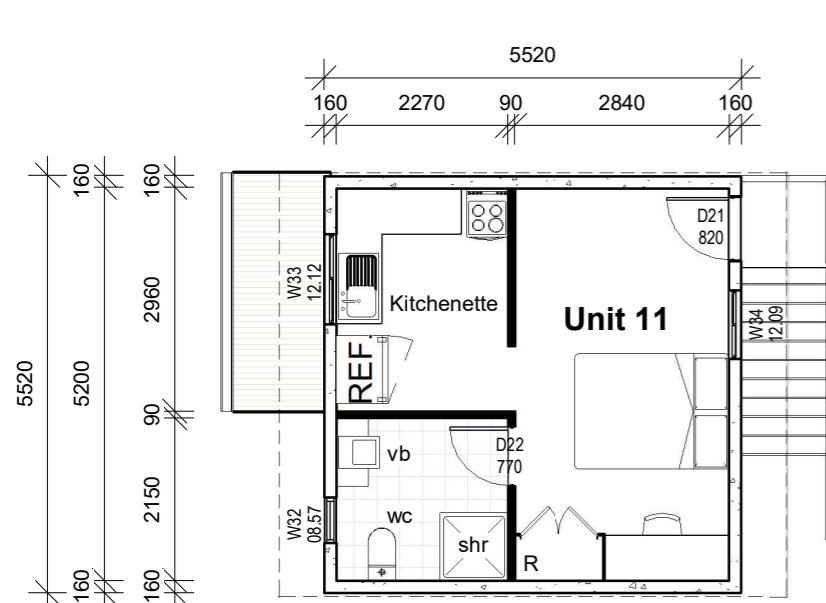
Hatchings and fittings are indicative only.  
Refer Builders Specifications.

Line underside of external covered areas  
with FC sheeting

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

**N2**  
Structural design based upon Non  
Cyclonic N2 for wind speeds to 40m/s.



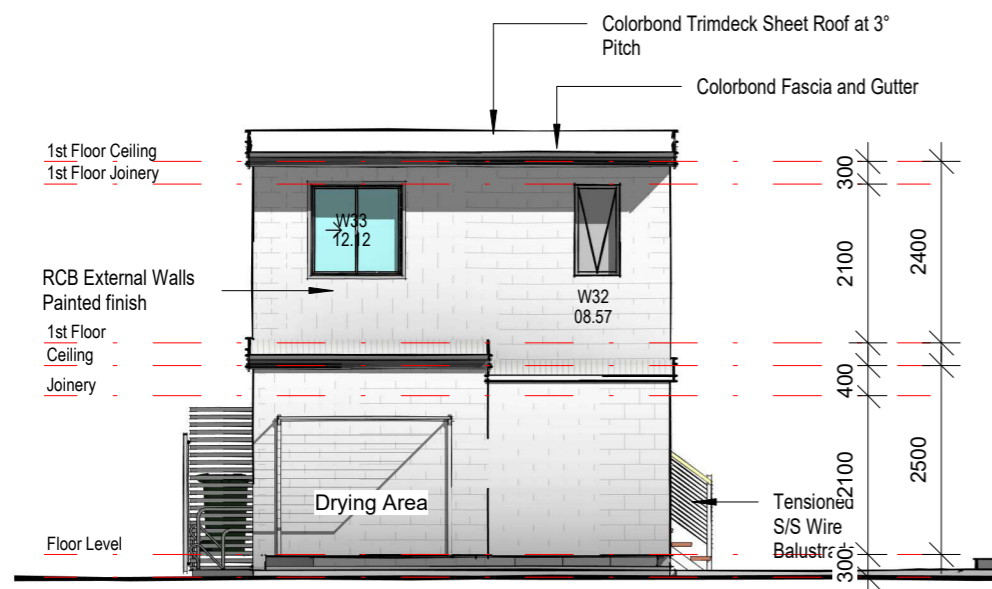
**MOUNT ISA CITY COUNCIL  
DEVELOPMENT APPROVAL**

**Unit 11 Floor Plan**  
1 : 100

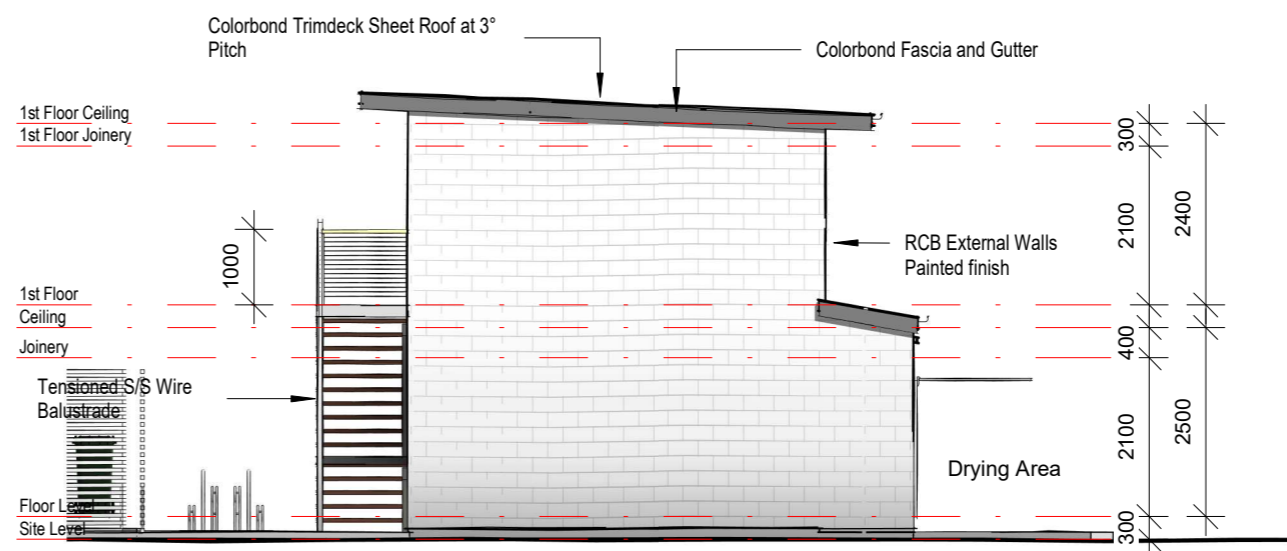
Permit No.: P32-22  
Type of Development: Material Change of Use  
Approved Use: Non-Resident Workforce Accommodation (13 Single Bedroom Units with Communal Kitchen and Laundry)  
Approved By: Tim Rose  
Title: Acting Chief Executive Officer&s(d): 5/03/2024  
Sheet: 6 of 8

*Jh.*

**2 Laundry**  
1 : 100



**3 Unit 11 / Laundry Elevation C**  
A01 1 : 100



**4 Unit 11 / Laundry Elevation D**  
A01 1 : 100

**MCU ISSUE**

© Copyright.

Reproduction in part or in whole is forbidden without written permission.

DO NOT SCALE  
Written dimensions to have preference over scaled dimensions  
Any discrepancies between drawings are to be immediately verified.  
Builder to Confirm ALL Dimensions Prior to Construction.

IF IN DOUBT ASK

Lot on Plan: Lot 14 on RP843255  
Climate Zone: 3  
Wind Class: N2

Revision Schedule

| Rev. | Description           | Date       |
|------|-----------------------|------------|
| 1    | MCU Application Issue | 16/05/2023 |
| 2    | Revision 1            | 18/05/2023 |
| 3    | RFI - SRA             | 14/02/2023 |

Project Title  
**MCU APPLICATION**

Site Address  
**23 Camooweal St.  
Mount Isa QLD 4825**

Client  
**Grant Richardson Family Trust and Tully Investment Trust**  
Sheet Title  
**Units 12-13 Elevations**

Builder  
N/A  
Engineer  
N/A



www.southerncrossdrafting.com.au

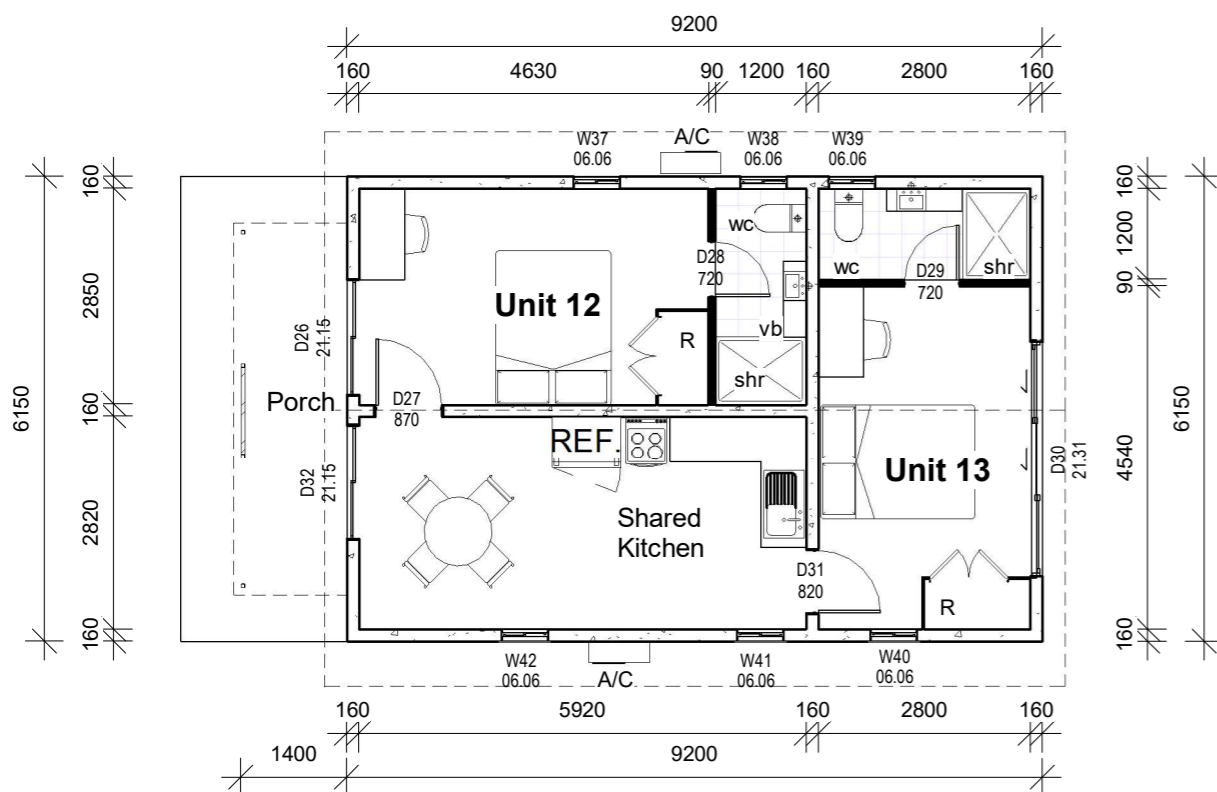
Email: ted@southerncrossdrafting.com.au  
79 Anne Street, Aitkenvale Q. 4814  
Ph: 0410 488 1765  
A.B.N. 42 054 834 038  
QBSA LIC. No. 733305 - BUILDING DESIGN MEDIUM RISE

Drawn by  
TL  
Original Issue Date  
May 2023

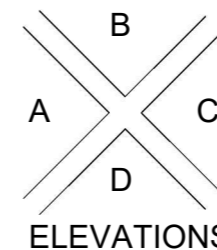
SIGNATURE OF BUILDING DESIGNER:  
*E.D. Larson*  
Scale (A3)  
As indicated

Project No.  
SCD 23-254  
Sheet No.  
A06

3



1 Units 12-13 Floor Plan  
1 : 100



NOTES

Hatchings and fittings are indicative only. Refer Builders Specifications.

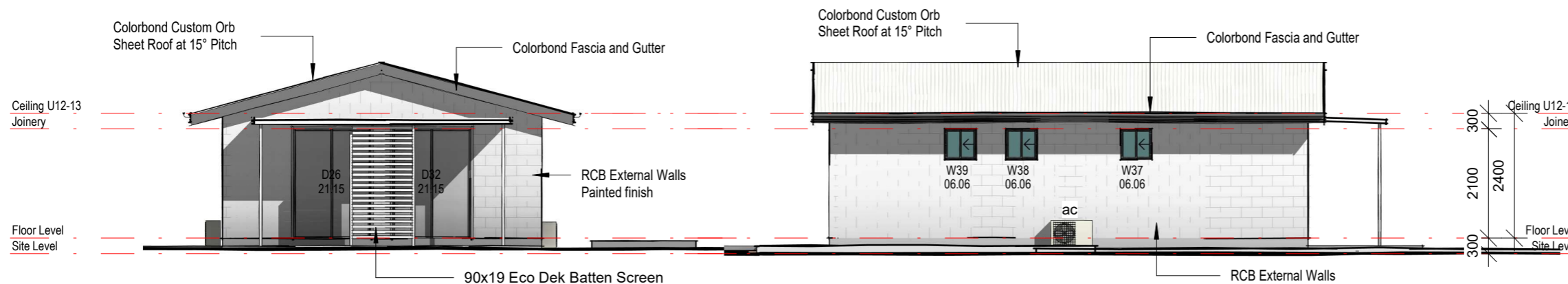
Line underside of external covered areas with FC sheeting

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

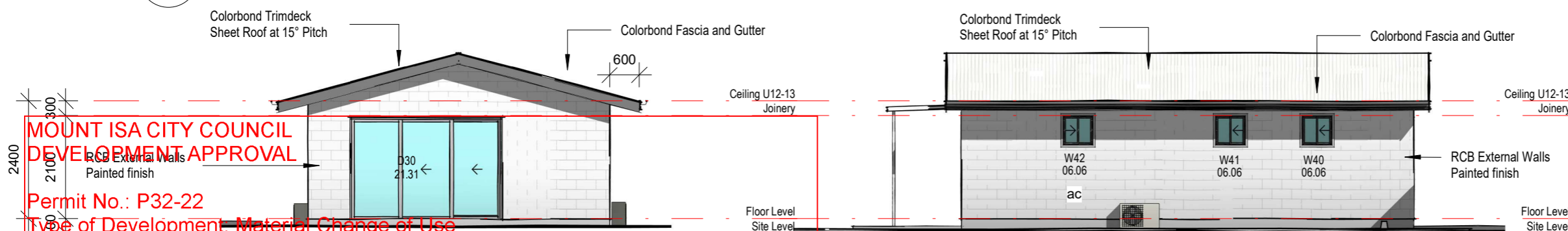
N2

Structural design based upon Non Cyclonic N2 for wind speeds to 40m/s.



2 Unit 12-13 Elevation A  
A01 1 : 100

3 Units 12-13 Elevation B  
A01 1 : 100



4 Units 12-13 - Elevation C  
A01 1 : 100

5 Unit 12-13 Elevation D  
A01 1 : 100

**MOUNT ISA CITY COUNCIL DEVELOPMENT APPROVAL**  
Permit No.: P32-22  
Type of Development: Material Change of Use  
Approved Use: Non-Resident Workforce Accommodation (13 Single Bedroom Units with Communal Kitchen and Laundry)  
Approved By: *Tim Rose*  
Title: Acting Chief Executive Officer & (d): 5/03/2024  
Sheet: 7 of 8

**MCU ISSUE**

**MOUNT ISA CITY COUNCIL  
DEVELOPMENT APPROVAL**

Permit No.: P32-22

Type of Development: Material Change of Use

Approved Use: Non-Resident Workforce Accommodation (13 Single Bedroom Units with Communal Kitchen and Laundry)

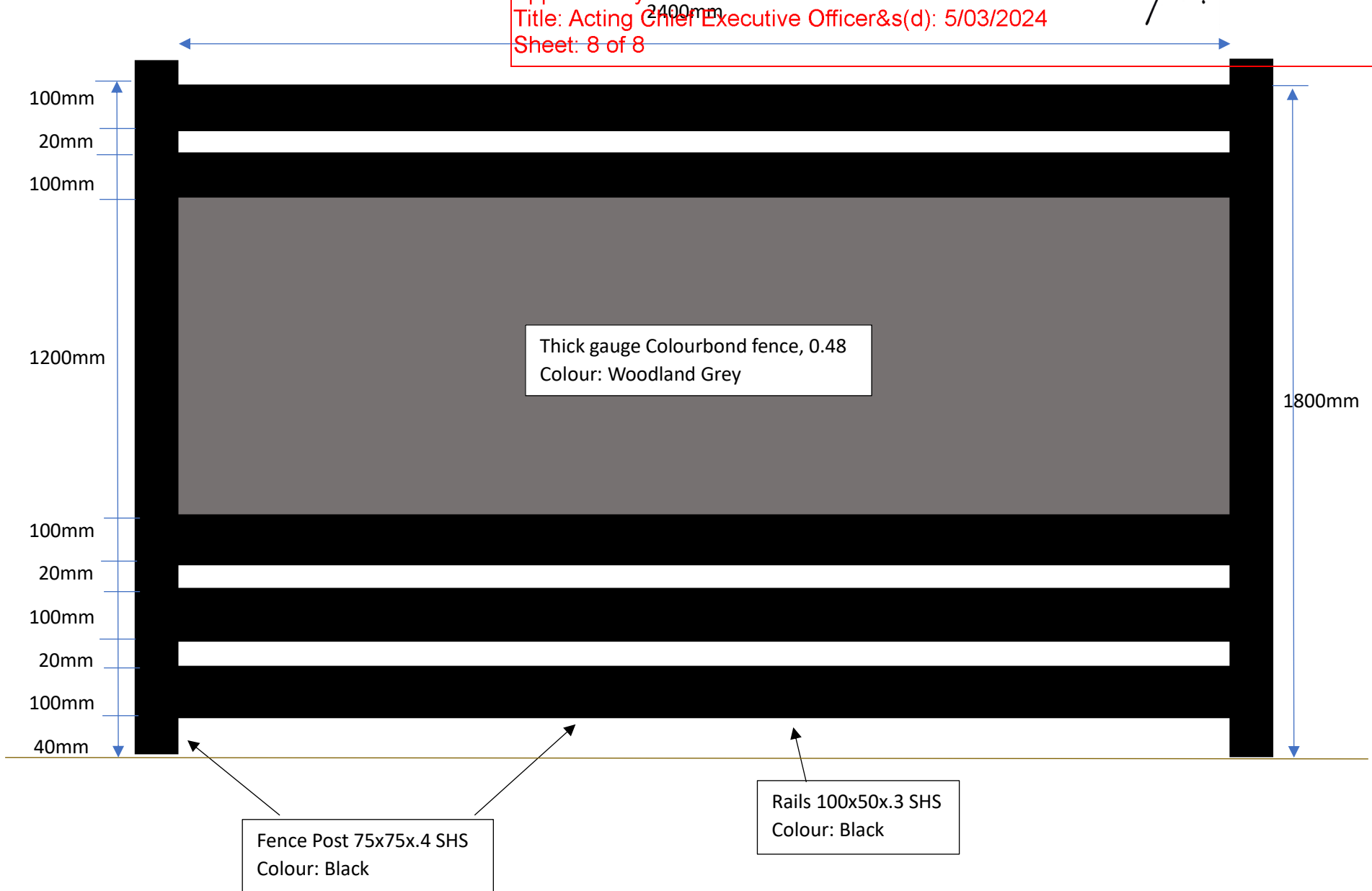
Approved By: Tim Rose

Title: Acting Chief Executive Officer & (d): 5/03/2024

Sheet: 8 of 8

*TR*

**Proposed Fence Panel.**







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.