



Our Ref: File: P34-22 & 06018-80000-000 CRCA:SM
Your Ref: ---

DECISION NOTICE APPROVAL

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

4 September 2023

Paradise Outdoor Advertising
C/- BNC Planning
PO Box 5493
TOWNSVILLE QLD 4810

Attention: Benjamin Collings

Dear Mr Collings

The development application described below was properly made to the Council on 28 June 2023.

APPLICANT DETAILS*

Applicant name: Paradise Outdoor Advertising
C/- BNC Planning

Applicant contact details: enquire@bncplanning.com.au

APPLICATION DETAILS

Application number: P34-22

Approval sought: Development Permit for Operational Works

Nature of development proposed: Advertising Device

Description of the development proposed: 9.435m x 3.990m Single-Sided Digital Billboard and, Two (2) 6.000m x 1.000m Static Signs

LOCATION DETAILS

Street address: 41-43 Simpson Street

Real property description: Lot 2 on plan SP158996

Local government area: Mount Isa City

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DECISION

Date of decision: 23 August 2023

Decision details: approved in full with conditions*
 (refer to the conditions contained in Attachment 1)
 *Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.

DETAILS OF APPROVAL

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

The following approvals are given:

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval 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

CONDITIONS

This approval is subject to the conditions in Attachment 1.

FURTHER DEVELOPMENT PERMITS

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

1. Building Permit

REFERRAL AGENCY FOR THE APPLICATION

The referral agencies for this application are:

Nil.

APPROVED PLANS AND SPECIFICATIONS

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

Drawing/report title	Prepared by	Date	Reference no.	Version /issue
Aspect of development: Operational Works				
Planning Report	BNC Planning	June 2023	Report No. POA-MICC001-22-PR	1.0
Electronic Advertising Device – 41-43 Simpson Road, Mount Isa	Pekol Traffic & Transport	20 December 2022	Project No. 23-256	1
Proposed 22.1m ² LED SIGNAGE SITE PLAN <i>(as amended in red)</i>	Big Screen Video	8 September 2022	BSV_POA_MT_ISA_001	-

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

Two (2) years from the date of the Decision Notice.

STATEMENT OF REASONS

1. Reasons for the Decision

The reasons for this decision are:

The proposed Operational Works for a 9.435m x 3.990m Single-Sided Digital Billboard and, Two (2) 6.000m x 1.000m Static Signs at 41-43 Simpson Street, Mount Isa, has been assessed against the below Assessment Benchmarks found in the *State Planning Policy, North West Regional Plan* and *City of Mount Isa Planning Scheme 2020*.

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

2. Assessment Benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
<i>State Interest Policies and Assessment Benchmarks</i>	<i>Part E, State Planning Policy</i>
<i>Regional Strategies and Policies</i>	<i>Part E, North West Regional Plan</i>
<i>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>Advertising Devices Code</i>	<i>Part 9.4.1, 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 2.1 <i>Part 9.4.1, City of Mount Isa Planning Scheme 2020</i>	While the proposed digital billboard will incorporate third-party advertising, it is assessed that the digital nature of the proposed sign will actually improve the commercial streetscape by allowing the display of multiple adverts with the one device, thereby eliminating the visual clutter associated with installing multiple static signs.
Acceptable Outcome 4.1 <i>Part 9.4.1, City of Mount Isa Planning Scheme 2020</i>	While the proposed digital billboard will consist of an illuminated electronic display, the proposal can be conditioned to ensure the billboard can achieve the requirements of Australian Standard 4282: <i>Control of the Obtrusive Effects of Outdoor Lighting</i> as referenced in the Acceptable Outcome.
Acceptable Outcome 5.1 <i>Part 9.4.1, City of Mount Isa Planning Scheme 2020</i>	While the proposed digital billboard has ability to display a variety of advertisements in a range of different colours, shapes and styles, the proposal can be conditioned to ensure it does not resemble a warning signal or traffic control device.
Acceptable Outcome 6.1 <i>Part 9.4.1, City of Mount Isa Planning Scheme 2020</i>	While the proposed digital billboard will be visible from a State-controlled road, the proposal can be conditioned to ensure it can achieve the applicable Department of Transport and Main Roads requirements.

4. Matters Prescribed by Regulation

Nil.

APPEAL RIGHTS

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

APPEAL BY AN APPLICANT

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

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

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

APPEAL BY A SUBMITTER

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

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

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

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

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

Yours faithfully



Tim Rose
Acting Chief Executive Officer

Encl: **Attachment 1—Conditions of the approval**
 Attachment 2 – Approved Plans
 Attachment 3—Extract on Appeal Rights (*Planning Act 2016*)

ATTACHMENT 1

CONDITIONS IMPOSED BY ASSESSMENT MANAGER (MOUNT ISA CITY COUNCIL)

Application: P34-22 for Operational Works for an Advertising Device at 41-43 Simpson Street, Mount Isa.

Council advise that the Development Application was approved by Mount Isa City Council at its Ordinary Meeting on 23 August 2023 for Operational Works for a 9.435m x 3.990m Single-Sided Digital Billboard and Two (2) 6.000m x 1.000m Static Signs at 41-43 Simpson Street, Mount Isa, described as Lot 2 on plan SP158996 subject to the following conditions:

NUMBER	CONDITION	TIMING
1.	Council reserves the right to review the conditions, including traffic incidents and operational statistical data of the billboard.	<i>On the first anniversary of the installation of billboard</i>
2.	a) The advertising devices must not have any impact on vehicular sight distances. AND b) No part of the advertising devices may protrude beyond the property boundary and into the road reserve.	<i>At all times and for the life of the development</i>
3.	a) The Advertising Device must not contain flashing red, blue or amber point light sources which, when viewed from the road, could give the appearance of an emergency service or other special purpose vehicle warning light/s. b) The maximum luminance levels are to be: <ul style="list-style-type: none"> • Daytime – 6000 cd/m² • Dawn/ Dusk – 600 cd/m² • Night – 250 cd/m² c) Illuminance and/or digital animation of the sign must not occur between the hours of 8pm to 6am, 7 days a week. Subject to compliance with subsection b), the advertising device may operate 24 hours a day, 7 days a week. Illuminance and/or digital animation of the sign must not occur between the hours of 8pm to 6am, 7 days a week. d) When requested by council, a lighting investigation must be undertaken by a qualified person to investigate any compliant of light nuisance, and the results notified within twenty-eight (28) days to council.	<i>At all times and for the life of the development</i>

	<p><i>Note: The lighting investigation must be carried out generally in accordance with the relevant test methods contained within Section 5 of Australian Standard AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting and Appendix A of Australian Standard AS 4852.2:2009: Variable Message Signs Portable Signs as applicable to determine whether or not the illuminance and luminance levels listed in this Permit.</i></p>	
4.	<p>a) Changeover animation effects such as 'fade', 'zoom', or 'fly-in' between advertisements must not be used. b) A blank, black, white or any coloured screen must not be displayed between advertisements.</p>	<p><i>At all times and for the life of the development</i></p>
5.	<p>a) Advertisements must remain static for a minimum dwell time of twenty (20) seconds, and are not to include animations, videos, flashing, active display changes, etc. b) Advertisements that comprise of, or incorporate moving visual images, such as videos or animations must not be displayed.</p>	<p><i>At all times and for the life of the development</i></p>
6.	<p>Advertisements must not use colours in combinations or shapes that could be reasonably interpreted as a traffic control device. <i>Note: The Manual of Uniform Traffic Control Devices prescribes the basic design parameters of official traffic signs and includes standard legend/background colour combinations.</i></p>	<p><i>At all times and for the life of the development</i></p>
7.	<p>The display screen shall not be split to display multiple advertisements on the one electronic billboard display.</p>	<p><i>At all times and for the life of the development</i></p>
8.	<p>In the event of a malfunction or failure of either the advertising copy display, or hardware / system / software of the electronic billboard component, the device must display (default to) a blank screen.</p>	<p><i>At all times and for the life of the development</i></p>
9.	<p>A data record relating to the operational criteria of the electronic billboard component must be kept for a minimum of one (1) year after the erection of the advertising device. The data log must include a record of the electronic sign's activity and must be made available to the Department of Transport and Main Roads upon request to allow for a review of the device in the event of a compliant or other issue. Information must be kept about: a) How the advertising copy is displayed (i.e., dwell time); b) Luminance and illumination levels; c) Error log; d) Transition times between advertising display times. An advertising copy is not required as part of the data logging.</p>	<p><i>At all times and for the life of the development</i></p>

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 2

APPROVED PLANS



BNC PLANNING
town planning & property development consultants

PLANNING REPORT

DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT

PLANNING ACT 2016

CODE ASSESSABLE OPERATIONAL WORKS

41-43 SIMPSON STREET, MOUNT ISA QLD 4825
being
LOT 2 ON SP158996
for
ADVERTISING DEVICE (FREESTANDING SIGN)

**MOUNT ISA CITY COUNCIL
DEVELOPMENT APPROVAL**

Permit No.: P34-22

Type of Development: Operational Works

Approved Use: 9.435m x 3.990m Single-Sided Digital Billboard &

Two (2) 6.000m x 1.000m Static Signs

Approved By: Mr Tim Rose

Title: Chief Executive Officer

Date: 30/08/2023

Permit No.: P34-22

Type of Development: Operational Works
Approved Use: 9.435m x 3.990m Single-Sided Digital Billboard &
Two (2) 6.000m x 1.000m Static Signs

Approved By: Mr Tim Rose

Title: Chief Executive Officer

Date: 30/08/2023



Report Matrix

APPLICATION SUMMARY	
Applicant:	Paradise Outdoor Advertising C/- BNC Planning
Application Type:	Development Application for a Development Permit
Development Type:	Operational Works
Category of Development (Level of Assessment):	Code Assessable
Development Description:	Advertising device (digital billboard)
Assessment Manager:	Mount Isa City Council
Referral Agencies:	NA
Planning Scheme:	City of Mount Isa Planning Scheme
Planning Scheme Definition(s):	advertising device (digital billboard)
Zoning:	Mixed use zone
Precincts/Sub-Precincts:	NA
Overlays:	NA

SITE DESCRIPTION	
Property Address:	41-43 Simpson Street, Mount Isa QLD 4825
Real (Legal) Property Description:	Lot 2 on SP158996
Site Area:	1,411m ²
Landowner:	Diane Tracey Mears
Tenure:	Freehold
Relevant Encumbrances:	Easement B on SP158996
Local Government Area:	Mount Isa City Council
Road Frontage(s)	Simpson Street and Grace Street
Existing Use(s)	Commercial

DOCUMENT CONTROL

Prepared by		Client	File Ref.	Report
BNC Planning		Paradise Outdoor Advertising	MICC001-22	Report No. POA-MICC001-22-PR
Version	Date	Author		
1.0	June 2023	BNC:BNC		

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1. EXECUTIVE SUMMARY

This development application is made in accordance with the provisions of Chapter 3, Part 2 of the *Planning Act 2016* (the Act) and is seeking a development permit for an operational works to facilitate the installation of an advertising device, as defined by the City of Mount Isa Planning Scheme 2020 (the planning scheme). The subject premises is addressed as 41-43 Simpson Street, Mount Isa QLD 4825 more particularly described as Lot 2 on SP158996. The premises is within the Mixed use zone with the proposed development identified as *code assessable* under the relevant tables of assessment.

For the purpose of this development application *BNC Planning* act on behalf of the applicant *Paradise Outdoor Advertising*.

Following a detailed assessment of the proposal against the applicable local and state assessment benchmarks it has been determined that the development proposal is consistent with all applicable codes and policies. The development application is therefore required to be approved in accordance with rules of code assessment as established under Act, subject to the imposition of reasonable and relevant conditions. A summary of the development application is provided below:

Table 1.0: Development application summary

APPLICATION SUMMARY	
Applicant:	Paradise Outdoor Advertising C/- BNC Planning
Application Type:	Development Application for a Development Permit
Development Type:	Operational Works
Category of Development (Level of Assessment):	Assessable Development – Code Assessable
Development Description:	Advertising device (digital billboard)
Assessment Manager:	Mount Isa City Council
Referral Agencies:	NA
Planning Scheme:	City of Mount Isa Planning Scheme
SITE DESCRIPTION	
Property Address:	41-43 Simpson Street, Mount Isa QLD 4825
Legal Description:	Lot 2 on SP158996

2. INTRODUCTION

BNC Planning Pty Ltd has been commissioned by Paradise Outdoor Advertising (the Applicant) to prepare this town planning assessment report to support a development application which seeks Council approval for Operational Works for an Advertising Device.

The land subject of this development application is addressed as 41-43 Simpson Street, Mount Isa (the Site).

This report addresses the merits of the development with regard to the provisions of the Planning Scheme and relevant sections of the *Planning Act 2016* (the Act).

This report is to be read in conjunction with the drawings accompanying this development application.

The assessment of the application is to be undertaken in accordance with Section 45(3) of the Act and Sections 26 and 27 of the *Planning Regulation 2017*. This report provides the Applicant's assessment of the proposed development against these provisions.

3. SITE AND LOCALITY

The subject premises is a standard Freehold lot addressed as 41-43 Simpson Street, Mount Isa QLD 4825 more particularly described as Lot 2 on SP158996. The premises is within the Mixed use zone and is currently used as a food and drink outlet. The site forms part of the Mount Isa CBD locality with frontage to a State controlled road (Grace Street).

Any pertinent existing approvals which may affect the assessment of the proposal are identified in the table below:

APPLICATION REF.	DECISION AND DATE	ASSESSMENT MANAGER

The following table describes the key characteristics of the site:

Table 2.0: Site characteristics

SITE AND LOCALITY DESCRIPTION	
Property Address:	41-43 Simpson Street, Mount Isa QLD 4825
Real (Legal) Property Description:	Lot 2 on SP158996
Site Area:	1,411m ²
Landowner:	Diane Tracey Mears
Existing Use(s):	Food and drink outlet (Zambreno)
Road Frontage:	Simpson Street and Grace Street
Significant Site Features:	The site contains a single storey commercial building supported by existing site access, parking, landscaping and amenities.
Topography:	The site is fully developed and is generally flat with no notable topographic features or vegetation
Surrounding Land Uses	Commercial & Industry



4. PROPOSAL SUMMARY

This application is seeking approval to construct a new advertising device on the subject Mixed use zoned site. The proposal involves the construction of a new single-sided billboard, defined as digital free-standing billboard sign, attached to a steel frame podium structure which is predominantly hidden behind the sign faces. The proposal also involved the retrospective approval of two existing side mounted free-standing devices. The location, dimension, size and height of these devices is described in detail in the attached plans. Please note that the majority of this report is drafted in response to the new device with the existing devices considered objectively consistent with the planning scheme requirements and an accepted part of the established advertising landscape.

The following table describes the key development parameters for the proposal:

Table 3.0: Proposal summary

OPERATIONAL WORKS	DEVELOPMENT PARAMETRES
Established Land Use	Food and drink outlet
Proposed Device	Freestanding digital billboard sign
Sign Area	Sign Face: 3.84m x 5.76m
Device Dimensions	Overall: 3.99m x 9.435m
Building Height	9.435m, with sign face framing starting 3.0m above the ground level
Setbacks	<1m



Figure 2 – Example Site Render

5. STATUTORY ASSESSMENT

The proposed development is identified as *code assessable* in the operational works table of assessment for the Mixed use zone. There are no other components of the planning scheme or *Planning Regulation 2016* which effect the level of assessment for the proposal. The development application is therefore subject to a bound code assessment against the specific assessment benchmarks identified in the tables of assessment.

5.1 Assessment Benchmarks Pertaining to State Planning Instruments

Matters Prescribed by Regulation

There are no relevant assessment benchmarks prescribed by Regulation which are relevant to the assessment of this development application.

State Planning Policy

City of Mount Isa Planning Scheme confirms in section 2.1 *State planning policy* that it has ministerial approval as having adequately integrated the *State Planning Policy July 2014* into the planning scheme. There are no stand-alone components of the State planning policy which are relevant to the assessment of this development application.

Regional Plan

City of Mount Isa Planning Scheme confirms in section 2.2 *Regional plan* that it has ministerial approval as having adequately integrated the *North West Regional Plan* into the planning scheme. There are no stand-alone components of the Regional plan which are relevant to the assessment of this development application.

State Development Assessment Provisions

Under Schedule 10 of the *Planning Regulation 2017*, the development application does not trigger any referral agency assessment or assessment against the State development assessment provisions.

5.2 Assessment Benchmarks Pertaining to Local Planning Instruments

The applicable planning scheme for the application is the City of Mount Isa Planning Scheme and there are no other identified applicable local planning instruments.

City of Mount Isa Planning Scheme

The City of Mount Isa Planning Scheme (the planning scheme) includes tables of assessment which nominate the categories of development and assessment (levels of assessment) and nominate the assessment benchmarks for assessable development and the requirements for accepted development. The applicable tables of assessment for this development application are:

- Categories of development and assessment – Operational works

Local Government Infrastructure Plan

The development will not impact on the delivery of any planned trunk infrastructure in the immediate locality.

Assessment Benchmarks Summary

A summary of the relevant local level assessment benchmarks is provided in the table below:

Local Planning Instruments	
Planning Scheme	Advertising device code

The development application has been assessed against each of the applicable local level assessment benchmarks and found to be:

- compliant with the purpose and applicable outcomes from the relevant codes; and
- consistent with the strategic framework for the planning scheme.

Any pertinent issues arising from the assessment against the local level assessment benchmarks are addressed below. For clarity, any codes or outcomes not specifically addressed below or in the proposal justification report are considered to be objectively satisfied.

5.2.1 Advertising Device Code

5.2.1.1 Purpose

The proposed advertising device has been specifically designed to be consistent with the commercial setting of the site and hence the character and amenity of the Mount Isa region. All aspects of the operation of the device can be managed to avoid any adverse impacts on amenity, safety or visual clutter. The proposal supports the existing use, has the versatility to become a community asset and provides local businesses with a prestigious advertising medium not otherwise available in the region.

A summary of the key reasons for compliance with the Advertising devices code and the planning scheme in general is provided below:

- The attached Traffic Engineering (Safety) Assessment can be relied upon to confirm that the device will not result in any unacceptable safety concerns, especially with the attached draft conditions imposed.
- To provide further confidence to Council that the potential impacts of the device can be managed, we offer the attached set of vetted conditions of approval. By vetted I refer to the fact that these conditions are currently being used by other Councils to manage existing digital assets in a range of locations across Queensland. All of which have significantly higher traffic volumes.
- Of particular note is the intent to amend the standard conditions relating to dwell times to increase this from the standard 10 seconds to 20 seconds (see condition heading Display Movement – During Advertisement). A dwell time of 20 seconds, in a lot of instances, would mean the display won't change for the duration of time any one vehicle is within the intersection environment. Meaning it all but displays as a static device.

5.2.1.2 Assessment benchmarks

A response has been provided to all of the assessment criteria below to demonstrate the extent of which the proposal complies with the code.

Performance Outcomes	Acceptable Outcomes	Justification
Visual impact		
PO1	AO1.1	The site is not within the Rural zone. Complies with AO1.1.
PO2	AO2.1	AO2.1 is taken as a blanket deterrent to 3 rd party advertising in any form. This is not considered to be the single determining factor in whether a given device contributes to proliferation. The example renders attached show how the device sits within the landscape and, given the CBD locality, a 3 rd party advertising device of such high quality serves to improve visual amenity by mod the landscape. There are no other billboards within close proximity to the site. Complies with PO2.
PO3	AO3.1	Not applicable.
Amenity		
PO4	AO4.1	Compliance with AS4282 can be conditioned. The attached set of draft conditions establishes the parameters for regulation of elements such as luminance to suitable levels based on established industry standards. Complies with AO4.1
Traffic and pedestrian safety		
PO5	AO5.1	All of the required outcomes from AO5.1 can be achieved and formalised through conditions. The attached set of draft conditions establishes the parameters for regulation of elements such as luminance to suitable levels based on established industry standards. Complies with A5.1.
PO6	AO6.1	The attached Traffic Engineering (Safety) Assessment provides an assessment of the proposed device against the DTMR RAM and concludes that the device does/can comply with the policy subject to the imposition of certain conditions regulating aspects such as dwell times and luminance. These recommended

		<p>conditions have been reflected in the attached set of conditions. In fact, the attached draft conditions go beyond the recommendations from the assessment.</p> <p>Complies with A6.1.</p>
Safety		
PO7	A07.1	<p>The device will be free standing attached to a new mono-pole framing structure.</p> <p>Complies with A07.1.</p>
PO8	No acceptable outcome is prescribed.	<p>The device will be subject to engineering design certification, a building approval and design compliance auditing.</p> <p>Complies with PO8.</p>

As demonstrated by the above assessment, the development is able to objectively satisfy the outcomes and purpose of the Advertising devices code and consequently the planning scheme. Formalisation of compliance with the code can be ensured through the imposition of standard conditions of approval including the requirements for the development to occur generally in accordance with the plans of development.

5.3 Public Notification

The application is code assessable and will not be subject to public notification.

6. CONCLUSION

This development application is made in accordance with the provisions of Chapter 3, Part 2 of the *Planning Act 2016* (the Act) and is seeking a development permit for operational works to facilitate the installation of an advertising device, as defined by the planning scheme. The subject premises is addressed as 41-43 Simpson Street, Mount Isa QLD 4825, more particularly described as Lot 2 on SP158996. The device is specifically defined as a freestanding digital billboard sign.

An assessment of the proposal was undertaken against the applicable assessment benchmarks which confirms that it is consistent with the provisions of the applicable planning instruments, specifically the local government planning scheme. Council is therefore required to **approve** the development application pursuant to the rules of code assessment established under the Act and issue a development permit subject to the imposition of reasonable and relevant conditions.

STATEMENT OF REASONS

Subject to the imposition of reasonable and relevant conditions, the development is able to comply with the following applicable assessment benchmarks against which the application was required to be assessed. Sufficient justification has been provided and satisfactory grounds have been established to conclude that the proposed development remains consistent with the strategic intent and overall outcomes of the planning scheme. In substantive terms, this conclusion is based on the following reasons:

- The development allows the site to better contribute to the achievement of the Strategic Framework.
- The proposed advertising device directly aligns with the Purpose of the Advertising devices code.
- The development outcome reflects community expectation for land use and development as established by the planning scheme and past development decisions.
- The development can be adequately serviced.
- The development will maintain the existing level and standard of servicing provided by the relevant infrastructure networks.
- The site is not identified as being susceptible to any unacceptable or unmanageable natural hazard or infrastructure constraints.
- The development does not increase the susceptibility of people or property to safety risks, including traffic risk.
- The proposal addressed an established planning need for the development.
- The proposal does not undermine the planning scheme.
- The proposal does not establish precedence that could result in the future undermining of the planning scheme.
- The proposal provides a direct community benefit.

APPENDIX 1

DEVELOPMENT APPLICATION FORMS

DA Form 1 – Development application details

Approved form (version 1.3 effective 28 September 2020) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	Paradise Outdoor Advertising
Contact name <i>(only applicable for companies)</i>	C/- Benjamin Collings, BNC Planning
Postal address <i>(P.O. Box or street address)</i>	PO BOX 5493
Suburb	Townsville City
State	QLD
Postcode	4810
Country	Australia
Contact number	(07) 4724 1763
Email address <i>(non-mandatory)</i>	enquire@bncplanning.com.au
Mobile number <i>(non-mandatory)</i>	07 4724 1763
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	MICC001-22

2) Owner's consent

2.1) Is written consent of the owner required for this development application?

- Yes – the written consent of the owner(s) is attached to this development application
- No – proceed to 3)

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see DA Forms Guide: Relevant plans.

3.1) Street address and lot on plan

- Street address **AND** lot on plan (all lots must be listed), **or**
 Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		41-43	Simpson Street	Mount Isa
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4825	2	SP158996	Mount Isa City
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

- Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

- Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

3.3) Additional premises

- Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application
 Not required

4) Identify any of the following that apply to the premises and provide any relevant details

- In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer:

- On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

- In a tidal area

Name of local government for the tidal area (if applicable):

Name of port authority for tidal area (if applicable):

- On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*

Name of airport:

<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification: <input type="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

5) Are there any existing easements over the premises?
Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

Yes – All easement locations, types and dimensions are included in plans submitted with this development application

No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

a) What is the type of development? *(tick only one box)*

Material change of use Reconfiguring a lot Operational work Building work

b) What is the approval type? *(tick only one box)*

Development permit Preliminary approval Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Advertising Device – Digital billboard

e) Relevant plans
Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms guide: Relevant plans](#).

Relevant plans of the proposed development are attached to the development application

6.2) Provide details about the second development aspect

a) What is the type of development? *(tick only one box)*

Material change of use Reconfiguring a lot Operational work Building work

b) What is the approval type? *(tick only one box)*

Development permit Preliminary approval Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

e) Relevant plans
Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).

Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application

Not required

Section 2 – Further development details

7) Does the proposed development application involve any of the following?	
Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input checked="" type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

Note: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)

8.2) Does the proposed use involve the use of existing buildings on the premises?

Yes

No

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?	

9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)	
<input type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13))

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

10.2) Will the subdivision be staged?

Yes – provide additional details below

No

How many stages will the works include?	
What stage(s) will this development application apply to?	

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?

Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment

12.1) What are the current and proposed areas for each lot comprising the premises?

Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)

12.2) What is the reason for the boundary realignment?

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)

Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

Note: This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?

<input type="checkbox"/> Road work	<input type="checkbox"/> Stormwater	<input type="checkbox"/> Water infrastructure
<input type="checkbox"/> Drainage work	<input type="checkbox"/> Earthworks	<input type="checkbox"/> Sewage infrastructure
<input type="checkbox"/> Landscaping	<input checked="" type="checkbox"/> Signage	<input type="checkbox"/> Clearing vegetation
<input type="checkbox"/> Other – please specify:		

14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)

<input type="checkbox"/> Yes – specify number of new lots:	
<input checked="" type="checkbox"/> No	

14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)

\$400,000.00

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application

Mount Isa City Council

16) Has the local government agreed to apply a superseded planning scheme for this development application?

<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application
<input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
<input checked="" type="checkbox"/> No

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

Note: A development application will require referral if prescribed by the Planning Regulation 2017.

No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the Planning Act 2016:**

- Clearing native vegetation
- Contaminated land (*unexploded ordnance*)
- Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- Fisheries – aquaculture
- Fisheries – declared fish habitat area
- Fisheries – marine plants
- Fisheries – waterway barrier works
- Hazardous chemical facilities
- Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- Infrastructure-related referrals – designated premises
- Infrastructure-related referrals – state transport infrastructure
- Infrastructure-related referrals – State transport corridor and future State transport corridor
- Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- Infrastructure-related referrals – near a state-controlled road intersection
- Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- Koala habitat in SEQ region – key resource areas
- Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- Ports – Brisbane core port land – environmentally relevant activity (ERA)
- Ports – Brisbane core port land – tidal works or work in a coastal management district
- Ports – Brisbane core port land – hazardous chemical facility
- Ports – Brisbane core port land – taking or interfering with water
- Ports – Brisbane core port land – referable dams
- Ports – Brisbane core port land – fisheries
- Ports – Land within Port of Brisbane’s port limits (*below high-water mark*)
- SEQ development area
- SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- SEQ regional landscape and rural production area or SEQ rural living area – community activity
- SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- SEQ regional landscape and rural production area or SEQ rural living area – combined use
- Tidal works or works in a coastal management district
- Reconfiguring a lot in a coastal management district or for a canal
- Erosion prone area in a coastal management district
- Urban design
- Water-related development – taking or interfering with water
- Water-related development – removing quarry material (*from a watercourse or lake*)
- Water-related development – referable dams
- Water-related development – levees (*category 3 levees only*)
- Wetland protection area

Matters requiring referral to the **local government:**

- Airport land
- Environmentally relevant activities (ERA) (*only if the ERA has been devolved to local government*)

<input type="checkbox"/> Heritage places – Local heritage places
Matters requiring referral to the Chief Executive of the distribution entity or transmission entity:
<input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure
Matters requiring referral to:
<ul style="list-style-type: none"> • The Chief Executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual
<input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council:
<input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the Minister responsible for administering the Transport Infrastructure Act 1994:
<input type="checkbox"/> Ports – Brisbane core port land <i>(where inconsistent with the Brisbane port LUP for transport reasons)</i>
<input type="checkbox"/> Ports – Strategic port land
Matters requiring referral to the relevant port operator , if applicant is not port operator:
<input type="checkbox"/> Ports – Land within Port of Brisbane’s port limits <i>(below high-water mark)</i>
Matters requiring referral to the Chief Executive of the relevant port authority:
<input type="checkbox"/> Ports – Land within limits of another port <i>(below high-water mark)</i>
Matters requiring referral to the Gold Coast Waterways Authority:
<input type="checkbox"/> Tidal works or work in a coastal management district <i>(in Gold Coast waters)</i>
Matters requiring referral to the Queensland Fire and Emergency Service:
<input type="checkbox"/> Tidal works or work in a coastal management district <i>(involving a marina (more than six vessel berths))</i>

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application		
<input checked="" type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application <i>(if applicable)</i> .		

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application
<input type="checkbox"/> I do not agree to accept an information request for this development application
Note: <i>By not agreeing to accept an information request I, the applicant, acknowledge:</i>
<ul style="list-style-type: none"> • <i>that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties</i> • <i>Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</i>
<i>Further advice about information requests is contained in the DA Forms Guide.</i>

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)			
<input type="checkbox"/> Yes – provide details below or include details in a schedule to this development application <input checked="" type="checkbox"/> No			
List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)		
<input type="checkbox"/> Yes – a copy of the receipted QLeave form is attached to this development application <input type="checkbox"/> No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid <input checked="" type="checkbox"/> Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)		
Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?
<input type="checkbox"/> Yes – show cause or enforcement notice is attached <input checked="" type="checkbox"/> No

23) Further legislative requirements	
<u>Environmentally relevant activities</u>	
23.1) Is this development application also taken to be an application for an environmental authority for an Environmentally Relevant Activity (ERA) under section 115 of the <i>Environmental Protection Act 1994</i> ?	
<input type="checkbox"/> Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below <input checked="" type="checkbox"/> No <i>Note: Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.</i>	
Proposed ERA number:	Proposed ERA threshold:
Proposed ERA name:	
<input type="checkbox"/> Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.	
<u>Hazardous chemical facilities</u>	
23.2) Is this development application for a hazardous chemical facility ?	
<input type="checkbox"/> Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application <input checked="" type="checkbox"/> No <i>Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.</i>	

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

- Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)
- No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

- Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter
- No

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala habitat in SEQ Region

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the Planning Regulation 2017?

- Yes – the development application involves premises in the koala habitat area in the koala priority area
- Yes – the development application involves premises in the koala habitat area outside the koala priority area
- No

Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at www.des.qld.gov.au for further information.

Water resources

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000**?

- Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development
- No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au for further information.

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

Waterway barrier works

23.7) Does this application involve **waterway barrier works**?

- Yes – the relevant template is completed and attached to this development application
- No

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

Marine activities

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants**?

- Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*
- No

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?

- Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
 No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?

- Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
 No

Note: Contact the Department of Environment and Science at www.des.qld.gov.au for further information.

Referable dams

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the *Water Supply Act*)?

- Yes – the ‘Notice Accepting a Failure Impact Assessment’ from the chief executive administering the *Water Supply Act* is attached to this development application
 No

Note: See guidance materials at www.dnrme.qld.gov.au for further information.

Tidal work or development within a coastal management district

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- Yes – the following is included with this development application:
 Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
 A certificate of title
 No

Note: See guidance materials at www.des.qld.gov.au for further information.

Queensland and local heritage places

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government’s **Local Heritage Register**?

- Yes – details of the heritage place are provided in the table below
 No

Note: See guidance materials at www.des.qld.gov.au for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
-----------------------------	--	-----------	--

Brothels

23.14) Does this development application involve a **material change of use for a brothel**?

- Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*
 No

Decision under section 62 of the Transport Infrastructure Act 1994

23.15) Does this development application involve new or changed access to a state-controlled road?

- Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
 No

Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.16) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

- Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered
- No

Note: See guidance materials at www.planning.dsdmip.qld.gov.au for further information.

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17

Yes

Note: See the *Planning Regulation 2017* for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of [DA Form 2 – Building work details](#) have been completed and attached to this development application

Yes

Not applicable

Supporting information addressing any applicable assessment benchmarks is with the development application

Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning Report Template](#).

Yes

Relevant plans of the development are attached to this development application

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).

Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)

Yes

Not applicable

25) Applicant declaration

By making this development application, I declare that all information in this development application is true and correct

Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

Notification of engagement of alternative assessment manager	
Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

QLeave notification and payment			
<i>Note: For completion by assessment manager if applicable</i>			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

APPENDIX 2

SITE DETAILS



45

108

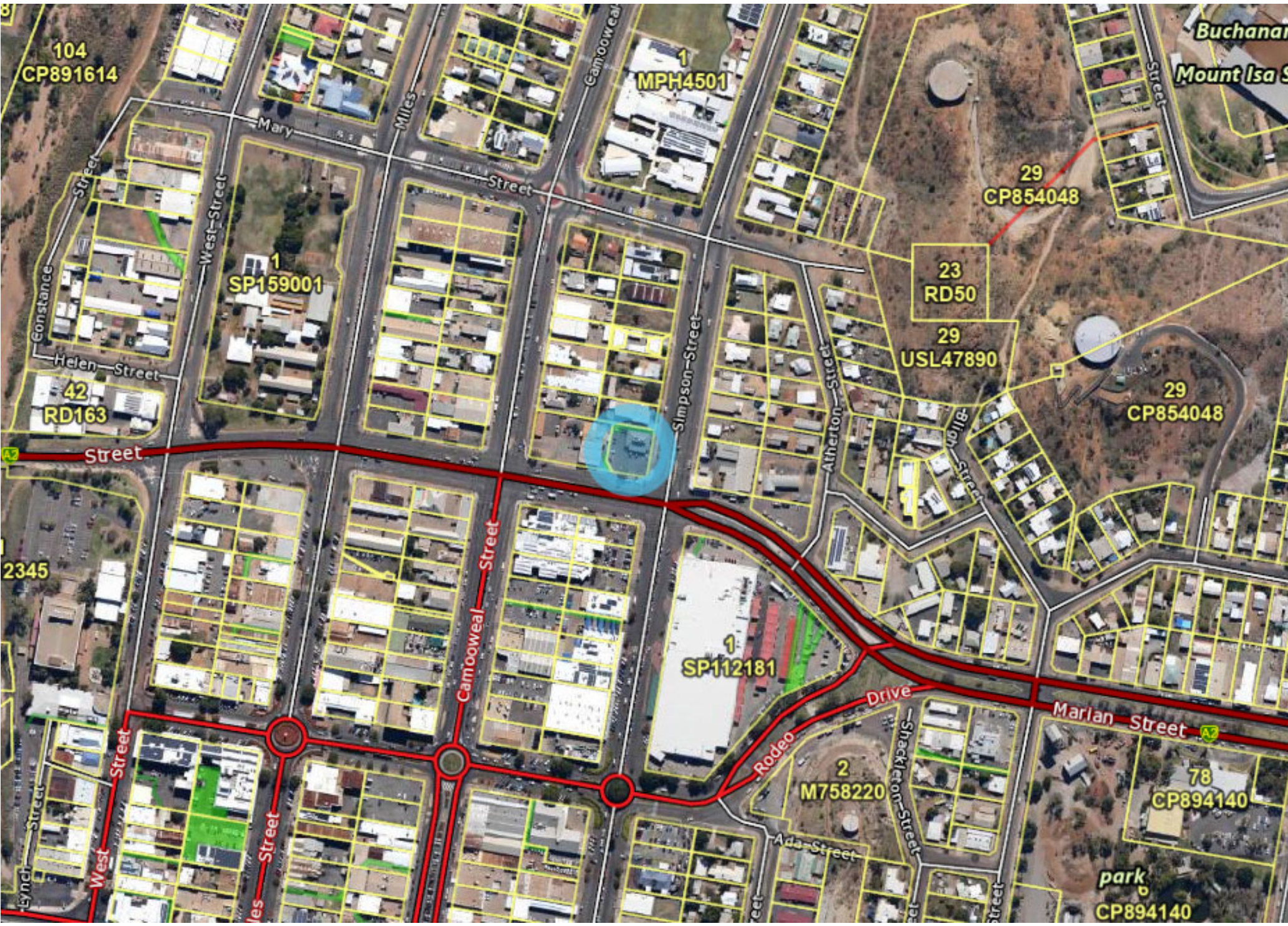
41-43

GDA2020LatLng
lat: -20.72395
long: 139.49495

1:453

2D 3D 360

< Previous Next >



104
CP891614

1
MPH4501

1
SP159001

29
CP854048

23
RD50

29
USL47890

29
CP854048

42
RD163

1
SP112181

2
M758220

78
CP894140

park
CP894140



City of Mount Isa Planning Scheme 2020

Mount Isa City Council

Interactive Scheme

State Planning Policy Interactive





Legend Layers Draw Ruler

Easements

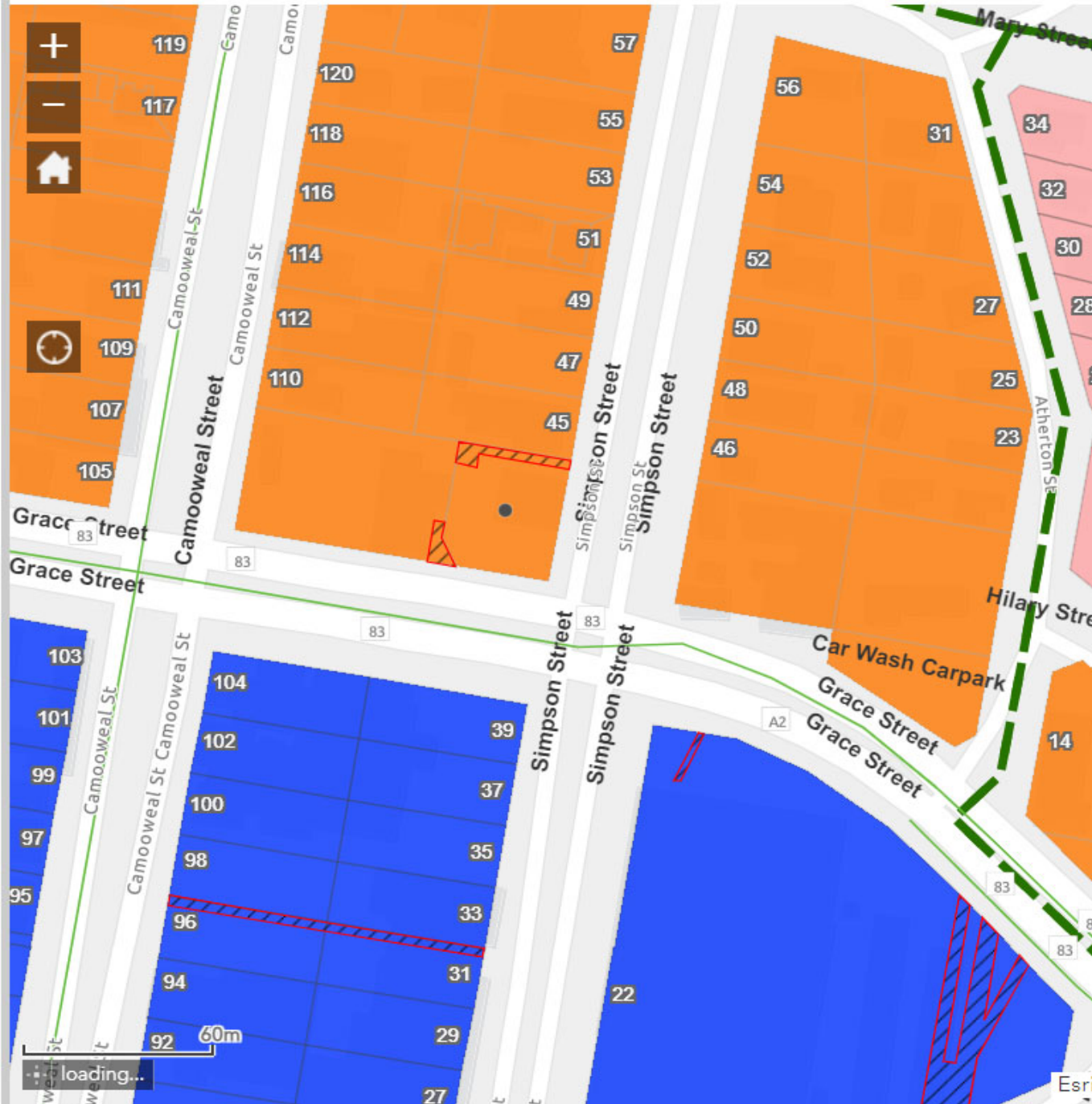
Zones

-  Community Facilities
-  Environmental Management and Conservation
-  Local Centre
-  Low Density Residential
-  Low Impact Industry
-  Medium Density Residential
-  Medium Impact Industry

Mixed Use

- Not applied
-  Open Space
-  Principal Centre
-  Rural
-  Rural Residential
-  Special Industry
-  Special Purpose
-  Sport and Recreation
-  Township

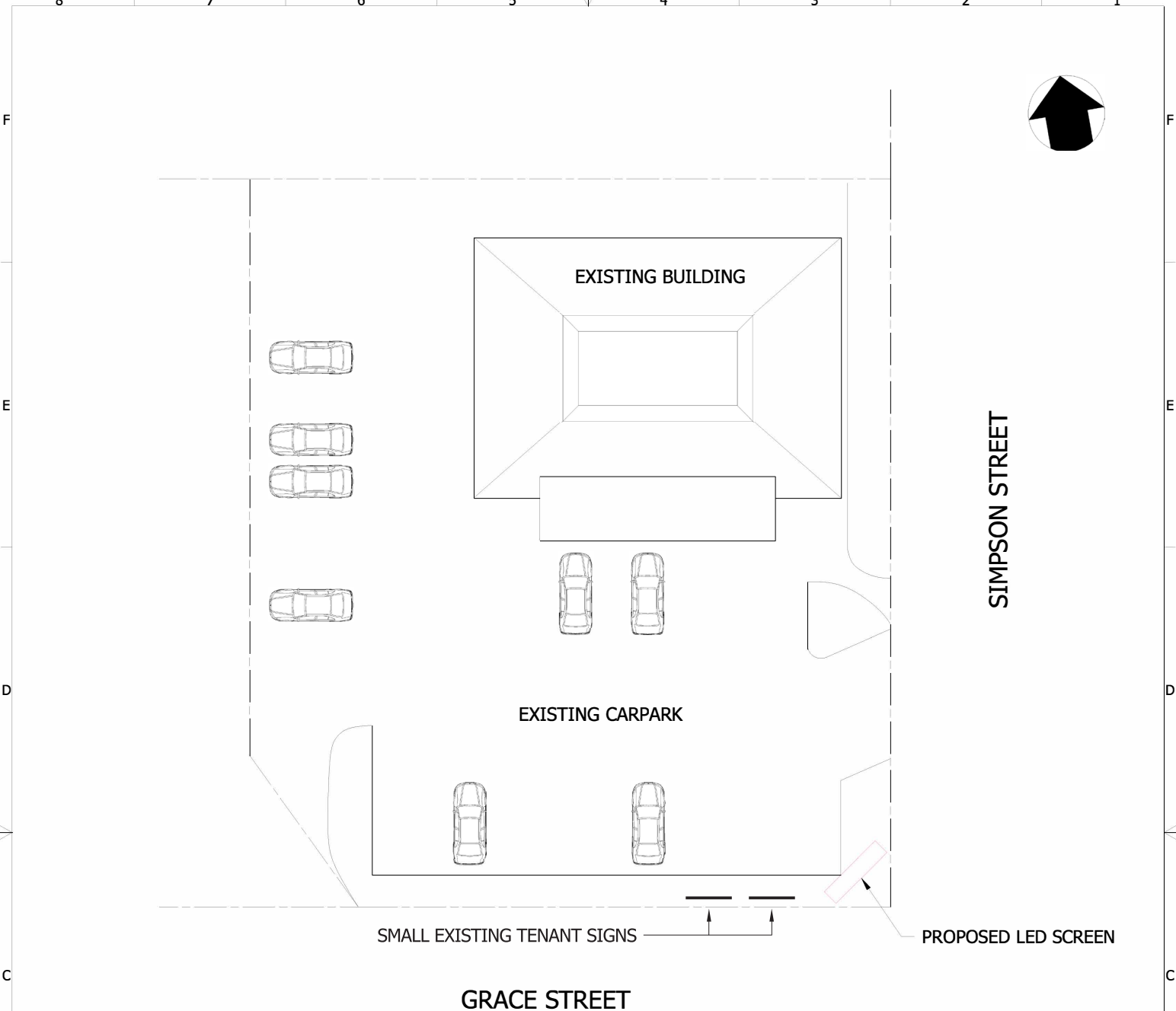
Localities



APPENDIX 3

PLANS OF DEVELOPMENT

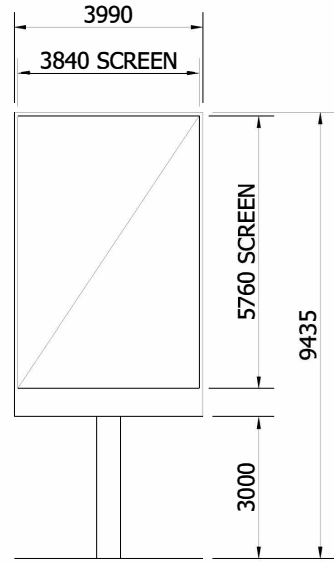




**MOUNT ISA CITY COUNCIL
DEVELOPMENT APPROVAL**

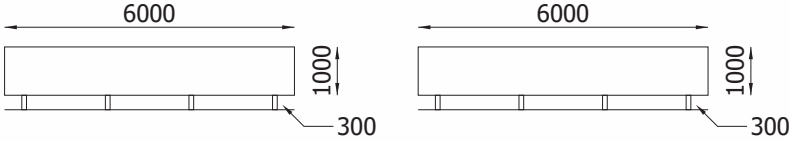
Permit No.: P34-22
 Type of Development: Operational Works
 Approved Use: 9.435m x 3.990m Single-Sided Digital Billboard &
 Two (2) 6.000m x 1.000m Static
 Approved By: Mr Tim Rose
 Title: Chief Executive Officer
 Date: 30/08/2023

Jh.



ELEVATION
(SCALE 2x)

SMALL EXISTING TENTANT SIGNS



TITLE
PROPOSED 22.1m² LED SIGNAGE SITE PLAN

SITE
41/43 SIMPSON STREET, MOUNT ISA QLD 4825

Designed by h.clifford	Checked by	Approved by	Date	Date 08/09/2022	
			10 Marlow Road KESWICK SA 5035 1300 BIG SCREEN Fax: +61 8 8239 1425 bigscreenvideo.com.au		
BSV_POA_MT_ISA_001				Edition	Sheet 1 / 1



BEST BURRITO
IN TOWN?
ZAM RIGHT



Zambrero
FEEL GOOD MEX

POA

The billboard is a vertical rectangular sign mounted on a traffic light pole. It features a black background with white and green text. The top text asks 'BEST BURRITO IN TOWN?' and 'ZAM RIGHT' in a stylized font. Below the text is a photograph of a hand holding a burrito. At the bottom, the Zambrero logo and tagline 'FEEL GOOD MEX' are displayed, along with the POA logo.

**PORTRAIT
DIGITAL.**

THE COFFEE LAB
ISA

TRY OUR
SIGNATURE
COLD BREW
COFFEE!

POA

**PORTRAIT
DIGITAL.**

APPENDIX 3.1

EXAMPLE DIGITAL DEVICES AT INTERSECTIONS



All Digital Specs.potx



384 px (w) x 576 px (h)
Digital



Inbound



Yes

CN207
Corner of Abbott and
Spence Street, Cairns
CBD

POA
PARADISE
OUTDOOR
ADVERTISING



672 px (w) x 1024 px (h)
Digital



Inbound



Yes

TV302

Cnr Sturt St and
Stokes St, Townsville
CBD

POA PARADISE
OUTDOOR
ADVERTISING



960 px (w) x 352 px (h)
Digital



Inbound



Yes

TV303
Cnr Flinders St and
Denham St, Townsville
CBD



512 px (w) x 768 px
(h)
Digital



Outbound, Left-hand



Yes

TV320

Saunders St, Railway
Estate, Townsville

ARTWORK DEADLINE TBC

POA PARADISE
OUTDOOR
ADVERTISING



608 px (w) x 304 px (h)
Digital



Inbound, Left-hand



Yes

TV500
Cnr Bundock St & Heatleys
Parade, Belgian Gardens,
Townsville

POA PARADISE
OUTDOOR
ADVERTISING



768 px (w) x 1152 px (h)
Digital



Inbound



Yes

MK171
Cnr Sydney St &
Victoria St, Mackay
CBD

POA PARADISE
OUTDOOR
ADVERTISING



1248 px (w) x 320 px (h)
Digital



Inbound



Yes

RK001
Cnr Fitzroy & Bolsover
Streets, Rockhampton
CBD



1600 px (w) x 416 px (h)
Digital



Inbound



Yes

TWB110
Cnr Margaret &
Ruthven Streets,
Toowoomba CBD

POA PARADISE
OUTDOOR
ADVERTISING

APPENDIX 4

DRAFT CONDITIONS

Exhibition of Advertisements

Condition

- a) The advertising devices must not have any impact on vehicular sight distances.
- b) No part of the advertising devices may protrude beyond the property boundary and into the road reserve.

Reason

To ensure that the Advertising Device is constructed and installed in accordance with relevant code/s and policy direction.

Timing

During the display and life of the device.

Illuminance and Luminance

Condition

a) The Advertising Device must not contain flashing red, blue or amber point light sources which, when viewed from the road, could give the appearance of an emergency service or other special purpose vehicle warning light/s.

b) The maximum luminance levels are to be:

- Daytime - 6000 cd/m²
- Dawn/ Dusk - 600 cd/m²
- **Night - 250 cd/m²**

c) Illuminance and/or digital animation of the sign must not occur between the hours of 8pm to 6am, 7 days a week. **Subject to compliance with subsection b), the advertising device may operate 24 hours a day, 7 days a week. Illuminance and/or digital animation of the sign must not occur between the hours of 8pm to 6am, 7 days a week.**

d) When requested by council, a lighting investigation must be undertaken by a qualified person to investigate any complaint of light nuisance, and the results notified within twenty-eight (28) days to council.

Note: The lighting investigation must be carried out generally in accordance with the relevant test methods contained within Section 5 of Australian Standard AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting and Appendix A of Australian Standard AS 4852.2:2009: Variable Message Signs Portable Signs as applicable to determine whether or not the illuminance and luminance levels listed in this Permit.

Reason

To ensure that the Advertising Device does not create a hazard to people or property, in particular pedestrians, cyclists and vehicular traffic.

Timing

During the display and life of the device.

Display Movement - Between Advertisements

Condition

Where the advertising device is electronic:

- a) Each change of advertisement is to be completed instantaneously, within 0.1 of a second.
- b) Changeover animation effects such as 'fade', 'zoom', or 'fly-in' between advertisements must not be used.
- c) A blank, black, white or any coloured screen must not be displayed between advertisements.

Reason

To ensure that the advertising device does not create hazard to people or property, in particular pedestrians, cyclists and vehicular traffic.

Timing

During the display and life of the device.

Display Movement - During Advertisement

Condition

Where the advertising device is electronic:

- a) Advertisements must remain static for a minimum dwell time of **twenty (20) seconds**, and are not to include animations, videos, flashing, active display changes, etc.
- b) Advertisements that comprise of, or incorporate moving visual images, such as videos or animations must not be displayed.

Reason

To ensure that the advertising device does not create a hazard to people or property, in particular pedestrians, cyclists and vehicular traffic.

Timing

During the display and life of the device.

Display Colours and Contrast

Condition

Advertisements must not use colours in combinations or shapes that could be reasonably interpreted as a traffic control device.

Note: The Manual of Uniform Traffic Control Devices prescribes the basic design parameters of official traffic signs and includes standard legend/background colour combinations.

Reason

To ensure that the advertising device does not obscure any road signs, traffic signals, direction signs, street numbers or street lighting.

Timing

During the display and life of the device.

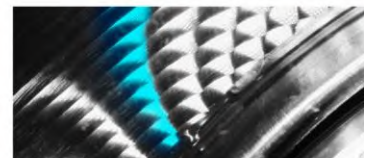
APPENDIX 5

TRAFFIC ENGINEERING (SAFETY) ASSESSMENT

**ELECTRONIC ADVERTISING DEVICE
41-43 SIMPSON STREET, MOUNT ISA
TRAFFIC ENGINEERING ASSESSMENT**

20 DECEMBER 2022

PREPARED FOR:



**MOUNT ISA CITY COUNCIL
DEVELOPMENT APPROVAL**

Permit No.: P34-22

Type of Development: Operational Works

Approved Use: 9.435m x 3.990m Single-Sided Digital Billboard &

Two (2) 6.000m x 1.000m Static


Approved By: Mr Tim Rose

Title: Chief Executive Officer

Date: 30/08/2023

A handwritten signature in black ink, appearing to be 'T. Rose'.

DOCUMENT CONTROL RECORD

DOCUMENT					
Report Title:	Electronic Advertising Device – 41-43 Simpson Road, Mount Isa				
Client:	Paradise Outdoor Advertising				
Project Number:	23-256				
VER	PURPOSE	DATE	AUTHOR	CHECKED	APPROVED
1	FINAL	DEC-22	BW	CG	AAP (5286) 

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**MOUNT ISA CITY COUNCIL
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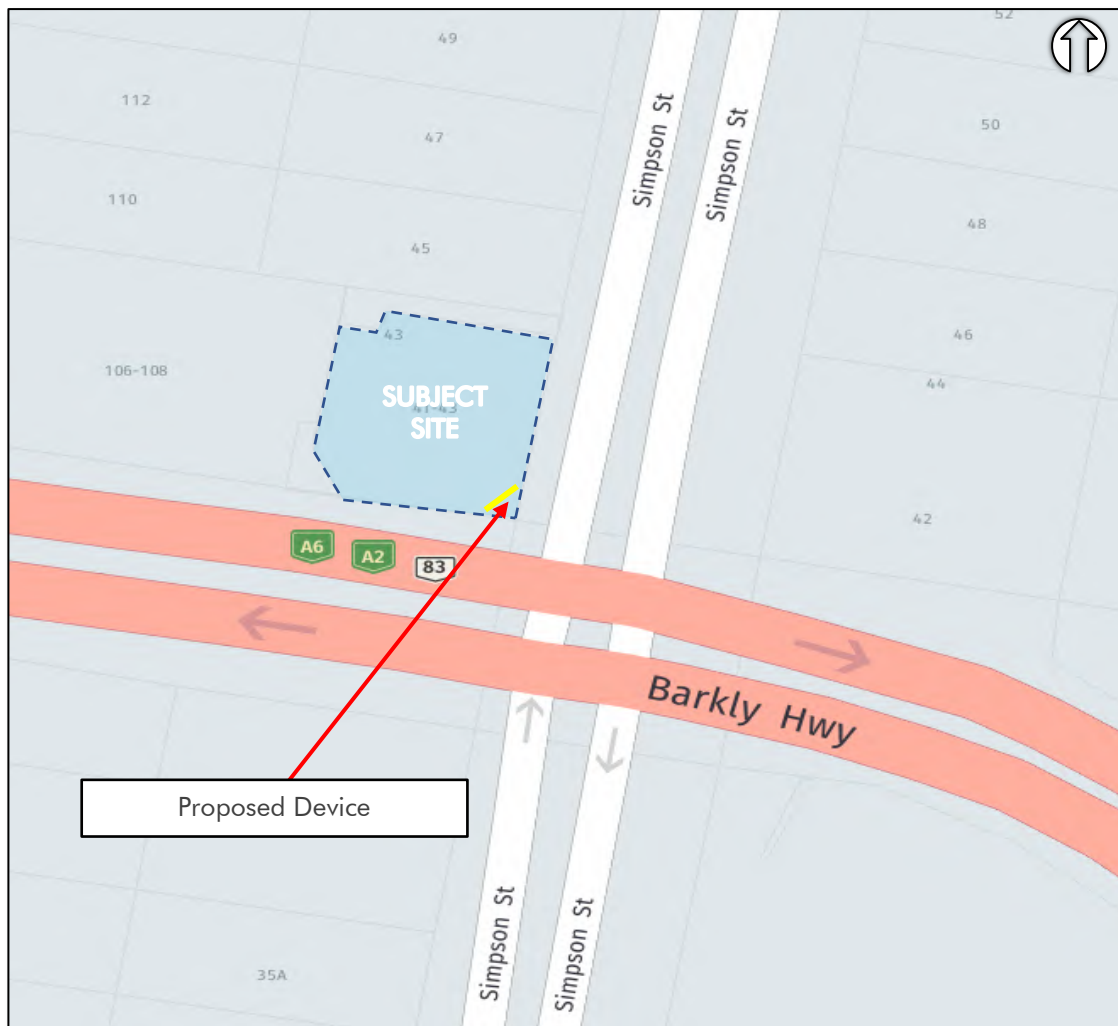
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1.0 INTRODUCTION

1.1 Background

In November 2022, PTT was commissioned by Paradise Outdoor Advertising to undertake a traffic engineering assessment for a proposed electronic advertising device. The subject site is located in proximity to the Barkly Highway / Simpson Road signalised intersection, as shown in Figure 1.1.

Figure 1.1: SITE LOCATION



1.2 Aim

The aim of this assessment is to evaluate the impact of the proposed electronic advertising device in terms of safety and driver distraction with respect to its location, design and operation.

1.3 Documents

The following documents were reviewed in the preparation of this report:

- Department of Transport and Main Roads (TMR) Roadside Advertising Manual (2019) (RAM)
- Yannis et al 'A Statistical Analysis of the Impact of Advertising Signs on Road Safety', International Journal of Injury Control and Safety Promotion (2013)
- Jurewicz, C and Bennett, P, 'Casualty Crash Rates for Australian Jurisdictions', Australasian Road Safety Research, Policing and Education Conference, Adelaide, South Australia (2008)
- Mount Isa City Council Subordinate Local Law (2018)

1.4 Methodology

In preparing this report, a desktop assessment has been conducted to determine the existing signage and traffic operations in the area as they apply to TMR's RAM and Council's Advertising Devices Code.

Consistent with TMR's RAM, this traffic impact assessment has considered the following criteria when assessing the proposed device:

- location of the device relative to restriction notice areas
- location of the device relative to official traffic signs
- location of the device relative to advance visibility requirements
- TMR's Queensland Risk Assessment Model (QRAM) crash priority review

In addition to TMR's criteria, this assessment also considers the following factors, as they apply to road safety:

- surrounding land uses and road environment
- surrounding speed environment
- potential driver distraction

1.5 Scope of Report

This report begins by summarising the characteristics of the subject site (Chapter 2), followed by an assessment of the proposed electronic advertising device (Chapter 3). The crash history for the relevant road section is then discussed (Chapter 4). The report concludes with a summary of key findings and recommendations (Chapter 5).

2.0 EXISTING CONDITIONS

2.1 Site Location

The subject site is located at 41-43 Simpson Street, Mount Isa and is formally identified as Lot 2 on SP158996. According to Council's Planning Scheme, the site is zoned as mixed use. The site comprises commercial uses and is bounded by:

- commercial uses to the north and west
- Simpson Street to the east
- Barkly Highway to the south

Figure 2.1: ROAD ENVIRONMENT



2.2 Road Network

Barkly Highway is a state-controlled road (SCR) and is under the jurisdiction of TMR. Key attributes of the surrounding road network in the vicinity of the site are summarised in Table 2.1.

The proposed device would be located proximate to the Barkly Highway / Simpson Road signalised intersection. Annual Average Daily Traffic (AADT) data from 2020 was obtained from TMR for the Barkly Highway from a nearby counter site (identification number 100063) which is attached in Appendix A. Site 100175 is located approximately 500m west (traveling westbound) of the subject site and recorded an AADT of 3,080 vehicles. Site 100063, which is located approximately 3.2km east (traveling westbound) of the subject site intersection, recorded an AADT of 580 vehicles.

Table 2.1: ROAD ATTRIBUTES

ATTRIBUTE	BARKLY HIGHWAY	SIMPSON STREET
Road Hierarchy	Highway	Sub-arterial road
Directionality	Two-way	Two-way
Number of Lanes	4	2
Speed Limit (Km/h)	60	60
Jurisdiction	TMR	Council

3.0 PROPOSED ELECTRONIC ADVERTISING DEVICE

3.1 Proposed Device

The proposed device is described as a single-sided billboard with a 5.8m by 3.8m (22.1m²) electronic display. The device has an approximate total height of 9.4m. The proposed device would face northbound traffic on Simpson Street and westbound traffic on the Barkly Highway, as indicated in Figure 3.1.

Dimensioned plans of the proposed device are attached in Appendix B.

Figure 3.1: PROPOSED ELECTRONIC ADVERTISING DEVICE

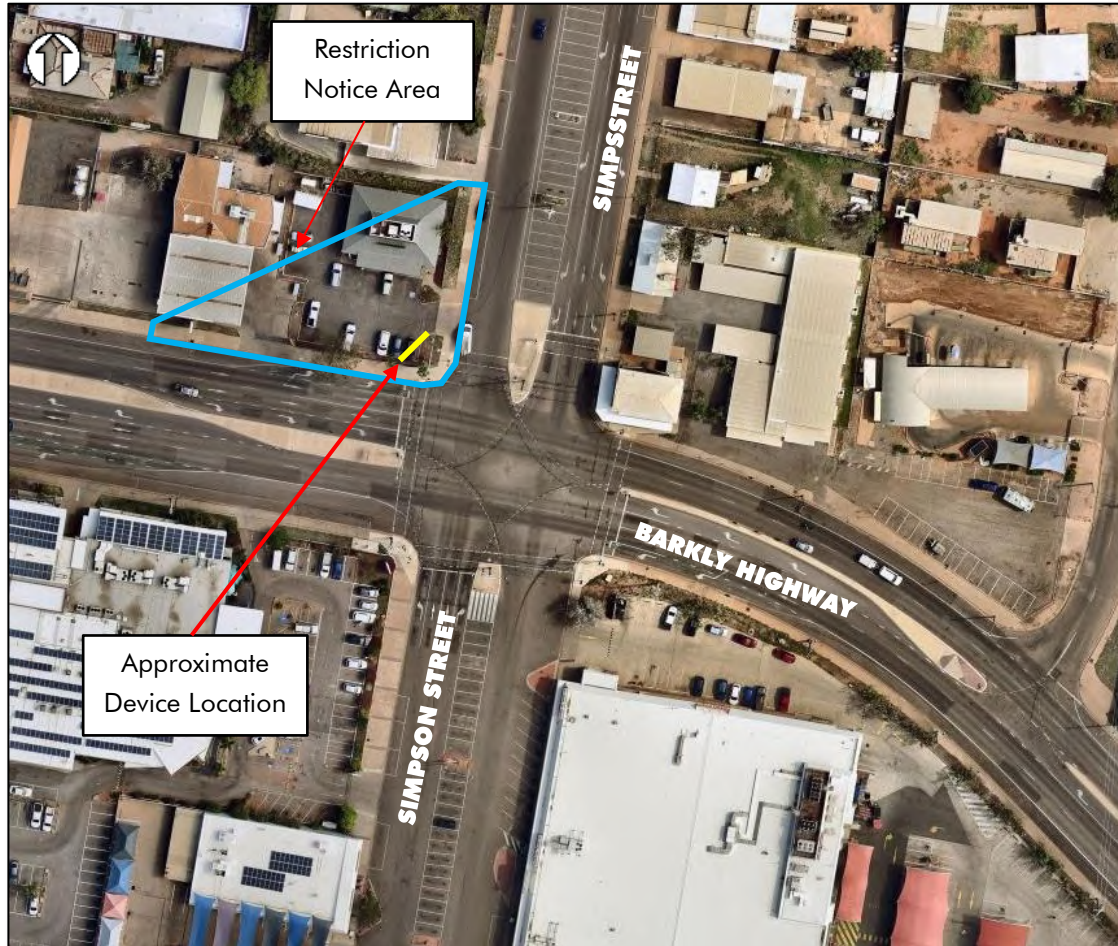


3.2 Restriction Notice Area

TMR's RAM designates a 'Restriction Notice Area' as a defined area outside the road reserve on a SCR where the Department has determined that the installation of an advertising device is not preferred. In the restriction notice area, TMR may only provide comment on the proposed device location, with the relevant local government being the controlling authority (ie Mount Isa City Council).

The proposed electronic device is located within the restriction notice area of the Barkly Highway / Simpson Road signalised intersection, as demonstrated in Figure 3.2.

Figure 3.2: RESTRICTION NOTICE AREA



As the electronic advertising device is located within a restriction notice area, an assessment of the advance visibility was carried out to determine if the advertising device would impede a driver’s vision to any official traffic signs or traffic signals and therefore to determine whether the advertising device poses as a hazard to traffic.

TMR’s RAM requires three seconds (ie approximately 50m at 60km/h) of advance visibility to view and read the proposed advertising device. Figure 3.3 shows the available advance visibility (ie in excess of 100m) to the proposed device from the northbound approach on Simpson Street and westbound approach on the Barkly Highway.

Figures 3.4 and 3.5 shows the view of the device approximately from the advance visibility distance (100m) on the northbound and westbound approaches respectively. As shown, the proposed device would not impede a driver’s vision of any official traffic signs or traffic signals and therefore provides adequate advanced visibility to view and read the advertising device.

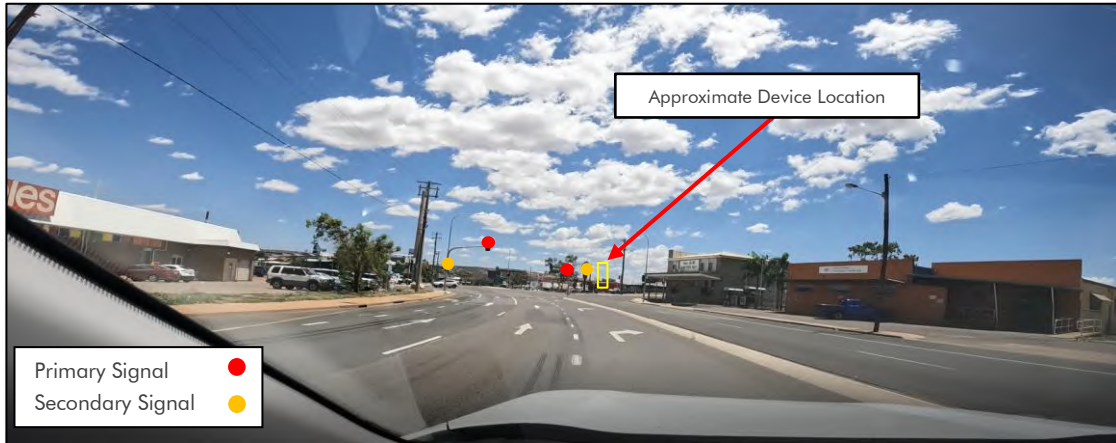
Figure 3.3: ADVANCE VISIBILITY



Figure 3.4: ADVANCE VISIBILITY ON NORTHBOUND APPROACH



Figure 3.5: ADVANCE VISIBILITY ON WESTBOUND APPROACH



We also note that TMR have recently approved large format electronic advertising devices at the following intersections throughout regional Queensland within restriction notice areas:

- Ross River Road / Aitken Street / Charlotte Street signalised intersection in Townsville, with the approved device facing westbound traffic on Ross River Road
- Bundock Street / Heatleys Parade signalised intersection in Townsville, with the approved device facing eastbound traffic on Bundock Street
- Fitzroy Street / Bolsover Street signalised intersection in Rockhampton, with the approved device facing westbound traffic on Fitzroy Street
- Gordon Street / Milton Street signalised intersection in Mackay, with the approved device facing westbound traffic on Gordon Street and southbound traffic on Milton Street
- Taklavan Street signalised pedestrian crossing in Bundaberg, with the approved device facing northbound traffic on Taklavan Street

Accordingly, the proposed device location (ie adjacent to a signalised intersection and within a restriction notice area) is consistent with other device locations recently approved by TMR throughout regional Queensland.

3.3 Line of Sight

TMR's RAM requires electronic devices do not obstruct a driver's line of sight to official traffic signs, exit ramps, on-ramps, intersections, other decision making / traffic conflict areas or road users. Further, if an electronic device is located where it will appear in the background of traffic signals, the traffic signals must be fitted with standard target boards applicable to all devices. All signal lanterns at the adjacent Barkly Highway / Simpson Street intersection have target boards in accordance with this requirement. As represented in Figure 3.4 and Figure 3.5, where the proposed advertising device does not obstruct a driver's line of sight to any official traffic signs, exit ramps, on-ramps or intersections. Therefore, the device is consistent with TMR's RAM line of sight criteria.

3.4 Council Requirements

Table 2 in Schedule 10 of the Mount Isa City Council Subordinate Local Law (2018) requires an Electronic Graphic Display Screen to be compliant with the following requirements:

- not to be displayed on a road
- when visible from a road (State-controlled or local government road) – be sited and displayed in accordance with the Queensland Government Roadside Advertising Manual
- not to project beyond the front alignment of a property
- not to expose an unsightly back view to a road or other public place
- the advertising device must be consistent with the design of the built environment where it will be displayed
- not interfere with access to any premises
- not be visible from premises used for residential purposes

The proposed device location is compliant or could be conditioned to be compliant with all of these requirements.

3.5 Operations

3.5.1 Brightness

It is recommended that the maximum luminance levels specified in TMR’s RAM be adopted, as this reflects current practices and state policies influencing the design of electronic advertising devices. Maximum luminance levels are specified for a range of ambient light levels, as summarised in Table 3.1.

Table 3.1: MAXIMUM LUMINANCE LEVELS

AMBIENT LIGHT LEVEL (LUX)	APPROXIMATE EQUIVALENT SCENARIO	LUMINANCE LEVEL (CD/M ²)
0 – 10	Night	150
101 – 400	Dusk / Dawn	400
1,001 – 4,000	Overcast	1,500
40,001 – 100,000	Direct Sunlight	6,000

It is recommended the proposed advertising device meet the following requirements, in line with TMR’s RAM:

- will be located at an angle such that luminance levels are as uniform as possible for the viewer
- will not contain flashing point sources
- all lighting associated with the advertising device will be directed solely on the advertising device and its immediate surroundings

3.5.2 Reflectance

TMR's RAM requires any advertising device containing retro-reflective material be rotated approximately five degrees away from the normal line of vehicle headlight beams in order to minimise specular reflection. The device is not expected to contain any retro-reflective material and is consistent with TMR's RAM requirements.

3.5.3 Timing

The proposed device should display one static advertisement at a time (ie no split screens) to reduce driver comprehension time and should be displayed for a minimum amount of time (dwell time). Consistent with section 3.6.1.4 of TMR's RAM, the minimum dwell time for a device visible from a state-controlled road with a speed limit less than 80 km/h (ie the Barkly Highway) is ten seconds.

TMR's RAM further requires changes in electronic advertising display to occur instantaneously in less than 0.5 seconds to limit driver distraction.

3.5.4 Display Content

Consistent with good roadside advertising practice, it is recommended that the displayed images:

- are directly and easily interpreted as to convey the required advertising message quickly
- do not give instructions to 'stop' or similar
- do not imitate traffic control devices
- will not go blank between advertisements
- minimise emotional content that may affect emotional biases

3.6 Design

As per TMR's RAM, there will be no impact or obstruction to other businesses, residents or the visual amenity of the surrounding area from the device. The device is proposed to have no movement or rotation. It is recommended that the electronic device support be certified as being structurally sufficient in accordance with the Building Act 1975. Therefore, the design is in accordance with TMR's RAM.

4.0 ROAD SAFETY ASSESSMENT

4.1 Approach

An assessment of the crash history of the Simpson Street / Barkly Highway signalised intersection and the section of the Barkly Highway adjacent to the proposed advertising device was conducted with respect to TMR's Queensland Risk Assessment Model (QRAM). The QRAM assesses the safety risk of the declared network by each intersection and 1km road segments to identify and prioritise high safety risk locations.

4.2 Analysis

Crash Priority

For each intersection, the individual crash priority is determined by the number of crashes on that road section. The collective crash priority is determined by the number of crashes at that intersection. For each 1km road section, the individual and collective crash priority is determined by the number of crashes on that road section.

Risk Priority

For each intersection, the individual risk priority is determined by the risk attributes of that intersection. The collective risk priority is determined by the same risk attributes, multiplied by the AADT. For each 1km road section, the individual and collective risk priority is determined by the risk attributes on that road section, multiplied by the AADT.

Priority Classification

For each intersection and 1km road section, the priorities are classified according to one of nine possible risk ratings, ranging from Low- to High+. A ranking matrix is then used to determine the rank for each crash and risk priority. The overall priority is determined through a comparison of the individual and collective ranks.

The QRAM was provided by TMR and included the most recent available crash data from 1 January 2017 to 31 December 2021. Table 4.1 summarises the QRAM priorities for the Simpson Street / Barkly Highway signalised intersection and the section of the Barkly Highway adjacent to the proposed advertising device.

As indicated in Table 4.1, the Simpson Street / Barkly Highway signalised intersection has been ascribed an overall priority of Medium (-) and the section of the Barkly Highway adjacent to the proposed device has been ascribed a risk rating of Low. Consistent with the methodology adopted by TMR for other electronic advertising devices located adjacent to the State-controlled road network, no further restrictions should apply to the proposed device, given that the adjacent intersection and road section do not exhibit a High overall priority.

Table 4.1: QRAM RISK PRIORITY

PRIORITY	CRASH PRIORITY	RISK PRIORITY	RANK	OVERALL PRIORITY
Simpson Street / Barkly Highway Signalised Intersection				
Individual	Low (-)	High	3	Medium (-)
Collective	Low (-)	Medium	4	
Barkly Highway Road Section				
Individual	Low (-)	Low	5	Low
Collective	Low (-)	Medium	4	

5.0 CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusions

We have undertaken a review of the proposed electronic advertising device located at 41-43 Simpson Street, Mount Isa. The impact of the proposed device has been assessed in terms of traffic safety and driver distraction. The main points to note are:

- the proposed device comprises a single-sided billboard with a 5.8m by 3.8m (22.1m²) electronic display
- the device would be located to face northbound traffic on Simpson Street and westbound on Barkly Highway
- the device would be located in a low-speed urban environment
- the device is located within a restriction notice area
- the device will not impede a driver's line of sight to any official traffic signs from the northbound approach on Simpson Street and the westbound approach on the Barkly Highway
- adequate advance visibility is provided to view the device from the northbound approach on Simpson Street and the westbound approach on the Barkly Highway
- no further restrictions should apply to the proposed device given that the adjacent intersection and road section do not exhibit a High overall priority

5.2 Recommendations

It is recommended that:

- luminance levels are consistent with TMR's RAM and the device is located at an angle such that luminance levels are as uniform as possible
- the device does not contain flashing point sources
- all lighting associated with the device be directed solely on the device and its immediate surroundings
- the device has a minimum dwell time of ten seconds
- the displayed images are easily interpreted
- the displayed images cannot be confused with any traffic signs or devices
- the displayed images do not direct traffic to 'stop' or similar

**APPENDIX A
TRAFFIC DATA**

AADT Segment Report

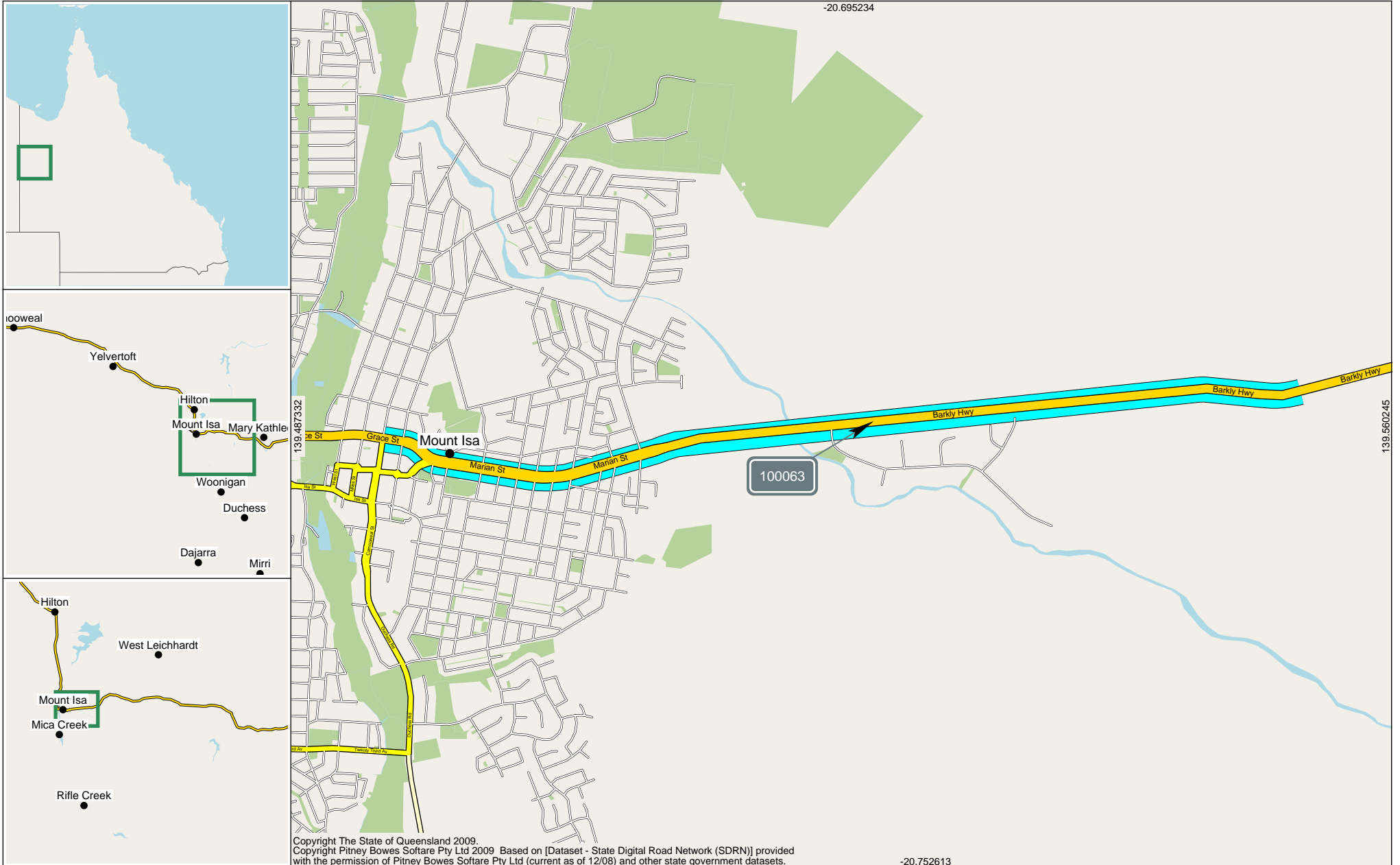
Area 409 - North West District
Road Segment from 114.050km to 120.550km

Road Section 15A - BARKLY HIGHWAY (CLONCURRY - MT ISA)

Segment Site 100063

Traffic Year 2020

Data Collection Year 2020



AADT Segment Report

Area 409 - North West District
Road Segment from 114.050km to 120.550km

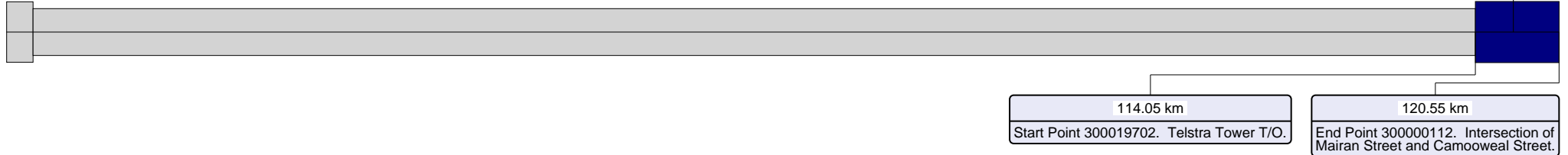
Road Section 15A - BARKLY HIGHWAY (CLONCURRY - MT ISA)
Segment Site 100063 Traffic Year 2020

Data Collection Year 2020

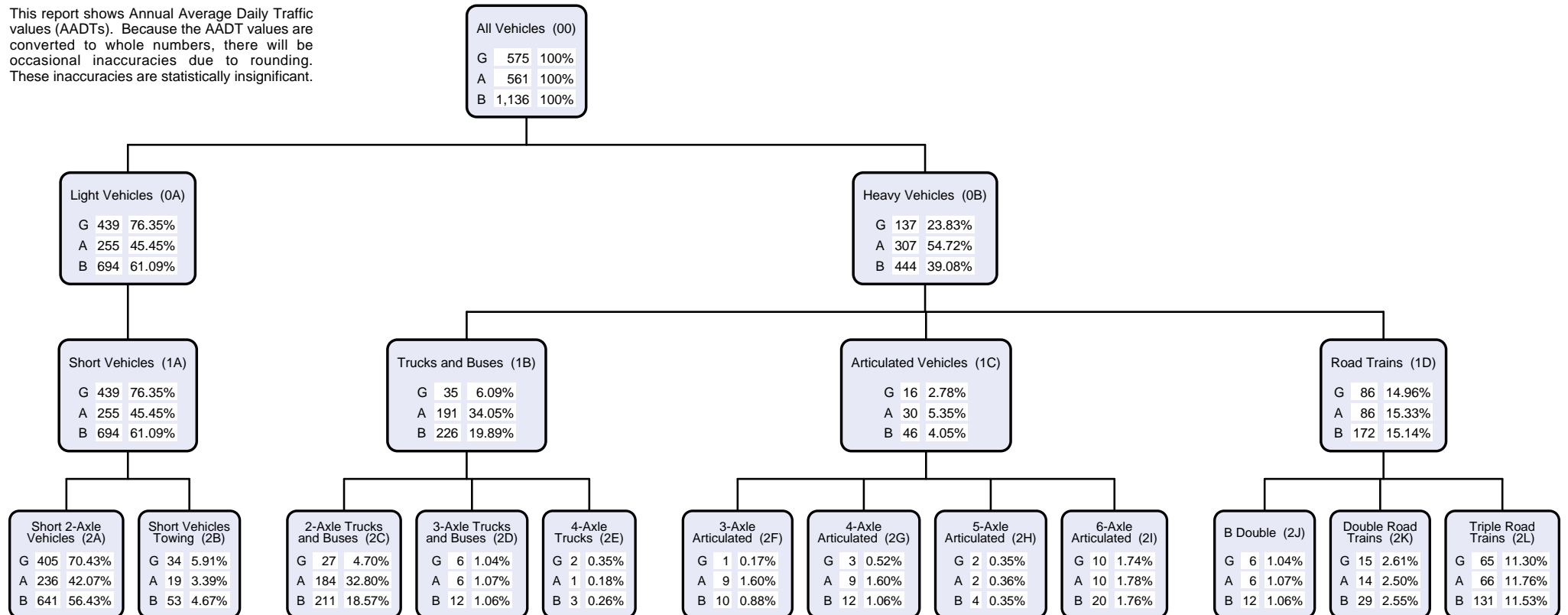
Site 100063. Point 300019676. Mt Isa east of urban area.

117.00 km

The width of each Road Segment is proportional to its AADT.



This report shows Annual Average Daily Traffic values (AADTs). Because the AADT values are converted to whole numbers, there will be occasional inaccuracies due to rounding. These inaccuracies are statistically insignificant.



AADT Segment Annual Volume Report

Provides summary data for the selected AADT Segment of a Road Section. Summary data is presented as both directional information and a combined bi-directional figure. The data is then broken down by Traffic Class, when available. The report also includes maps displaying the location of both the AADT Segment and the traffic count site.

Annual Average Daily Traffic (AADT)

Annual Average Daily Traffic (AADT) is the number of vehicles passing a point on a road in a 24 hour period, averaged over a calendar year.

AADT Segments

The State declared road network is broken into Road Sections and then further broken down into AADT Segments. An AADT Segment is a sub-section of the declared road network where traffic volume is similar along the entire AADT Segment.

Area

For administration purposes the Department of Transport and Main Roads has divided Queensland into 12 Districts. The Area field in TSDM reports displays the District Name and Number.

District Name	District
Central West District	401
Darling Downs District	402
Far North District	403
Fitzroy District	404
Mackay/Whitsunday District	405
Metropolitan District	406
North Coast District	407
North West District	409
Northern District	408
South Coast District	410
South West District	411
Wide Bay/Burnett District	412

AADT Values

AADT values are displayed by direction of travel as:

- G Traffic flow in gazetted direction
- A Traffic flow against gazetted direction
- B Traffic flow in both directions

Data Collection Year

Is the most recent year that data was collected at the data collection site.

Please Note:

Due to location and/or departmental policy, some sites are not counted every year.

Gazetted Direction

Is the direction of the traffic flow. It can be easily recognised by referring to the name of the road eg. Road Section: 10A Brisbane - Gympie denotes that the gazetted direction is from Brisbane to Gympie.

Maps

Display the selected location from a range of viewing levels, the start and end position details for the AADT Segment and the location of the traffic count site.

Road Section

Is the Gazetted road from which the traffic data is collected. Each Road Section is given a code, allocated sequentially in Gazetted Direction. Larger roads are broken down into sections and identified by an ID code with a suffix for easier data collection and reporting (eg. 10A, 10B, 10C). Road Sections are then broken into AADT Segments which are determined by traffic volume.

Segment Site

Is the unique identifier for the traffic count site representing the traffic flow within the AADT Segment.

Site

The physical location of a traffic counting device. Sites are located at a specified Through Distance along a Road Section.

Site Description

The description of the physical location of the traffic counting device.

Start and End Point

The unique identifier for the Through Distance along a Road Section.

Vehicle Class

Traffic is categorised as per the Austroads Vehicle Classification scheme. Traffic classes are in the following hierarchical format:

Volume or All Vehicles

00 = 0A + 0B

Light Vehicles

0A = 1A

1A = 2A + 2B

Heavy Vehicles

0B = 1B + 1C + 1D

1B = 2C + 2D + 2E

1C = 2F + 2G + 2H + 2I

1D = 2J + 2K + 2L

The following classes are the categories for which data can be captured:

Volume

00 All vehicles

2-Bin

0A Light vehicles

0B Heavy vehicles

4-Bin

1A Short vehicles

1B Truck or bus

1C Articulated vehicles

1D Road train

12-Bin

2A Short 2 axle vehicles

2B Short vehicles towing

2C 2 axle truck or bus

2D 3 axle truck or bus

2E 4 axle truck

2F 3 axle articulated vehicle

2G 4 axle articulated vehicle

2H 5 axle articulated vehicle

2I 6 axle articulated vehicle

2J B double

2K Double road train

2L Triple road train

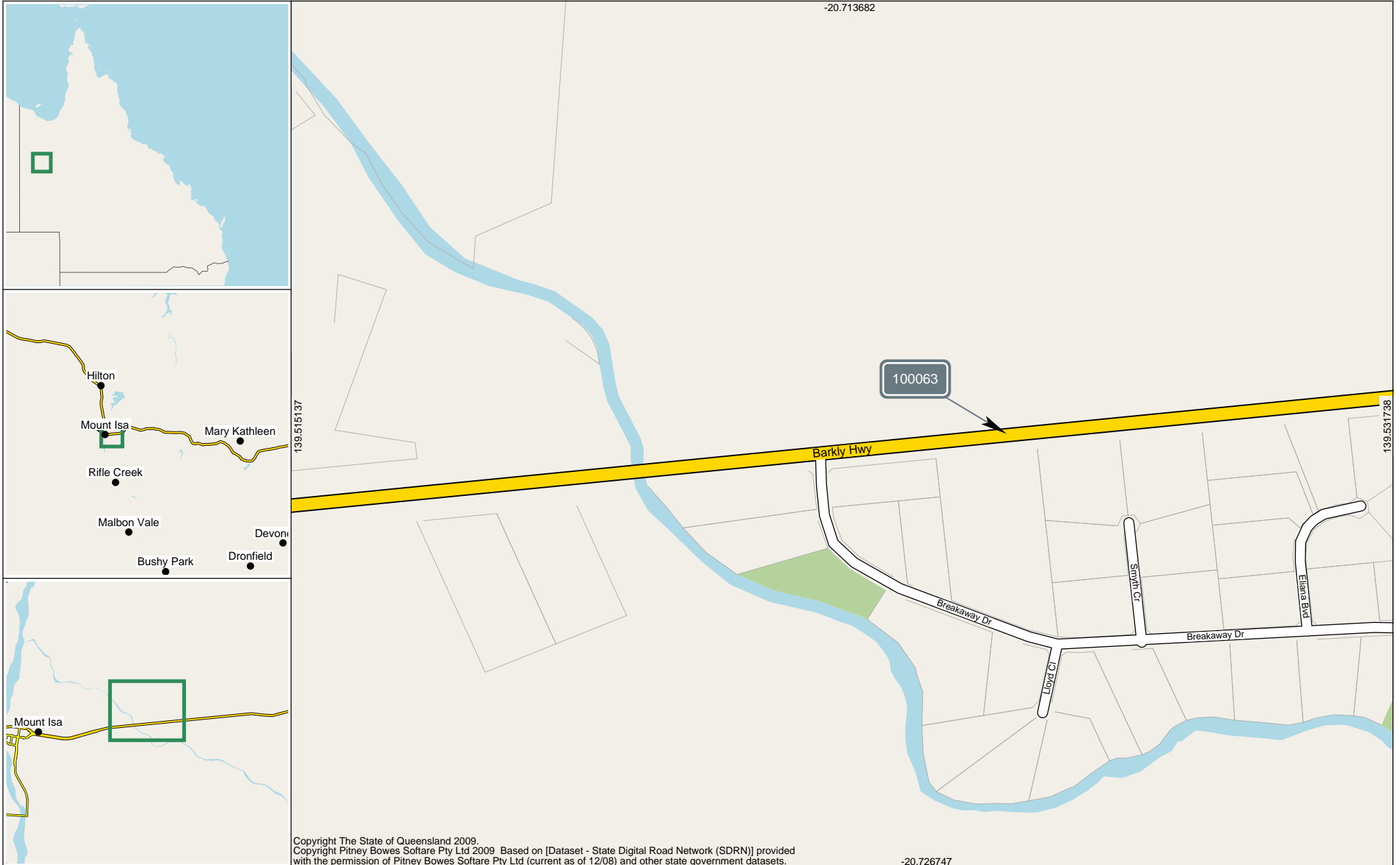
Copyright

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Licence

<http://creativecommons.org/licenses/by-nd/3.0/au>

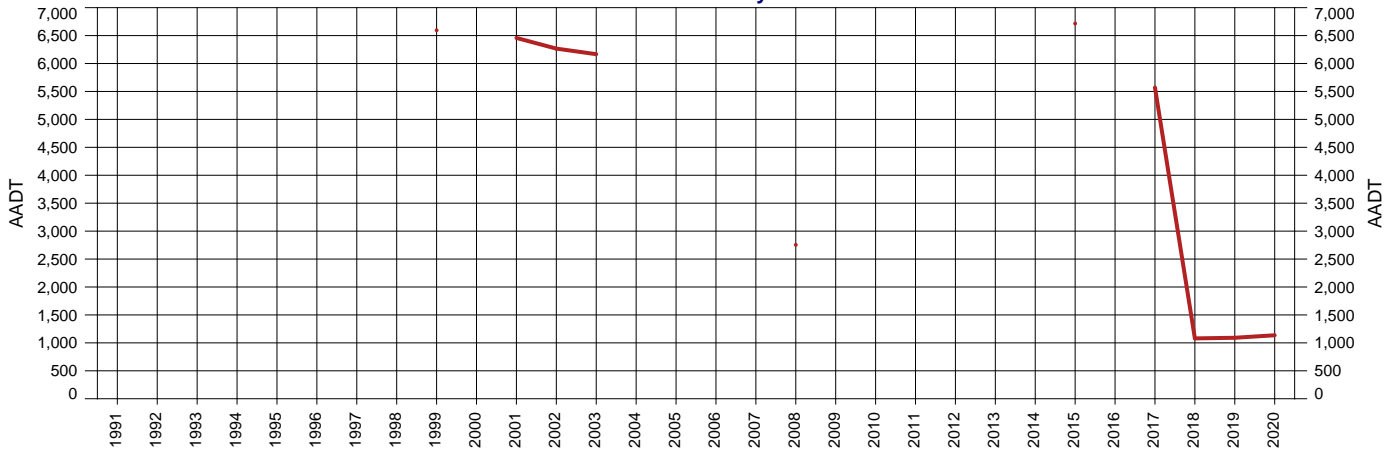
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Area 409 - North West District
 Road Section 15A - BARKLY HIGHWAY (CLONCURRY - MT ISA)
 Site 100063 - 15A Ch 117 - 0.5km East Breakaway dr T/O
 Thru Dist 117.0
 Type C - Coverage
 Stream TB - Bi-directional traffic flow

Year 2020
 AADT 1,136
 Avg Week Day 1,147
 Avg Weekend Day 1,170
 Growth last Year 4.12%
 Growth last 5 Yrs -29.28%
 Growth last 10 Yrs

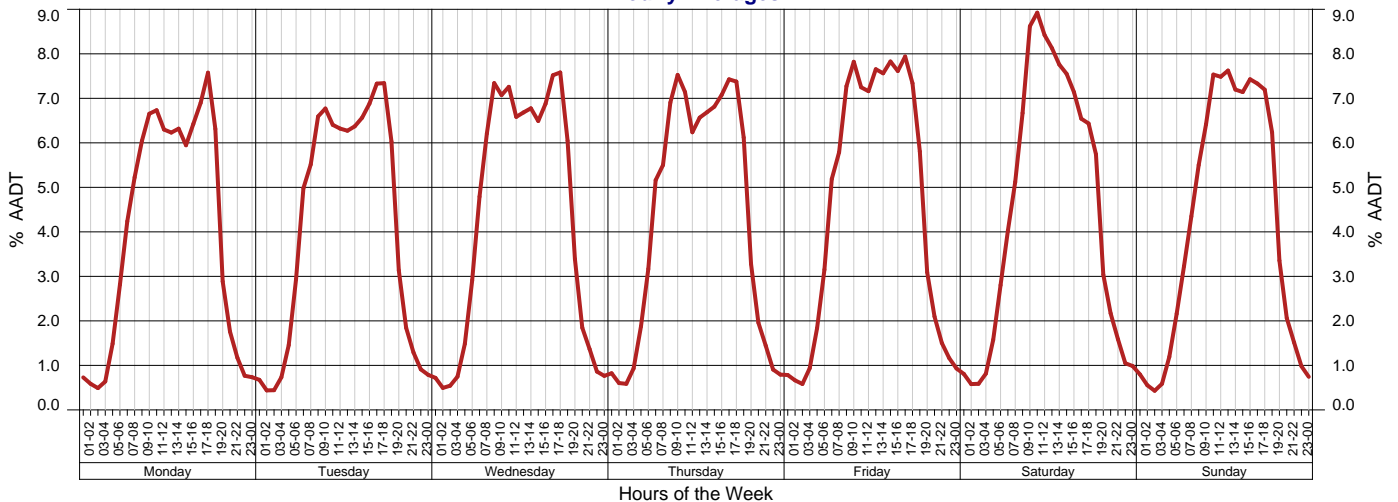
AADT History

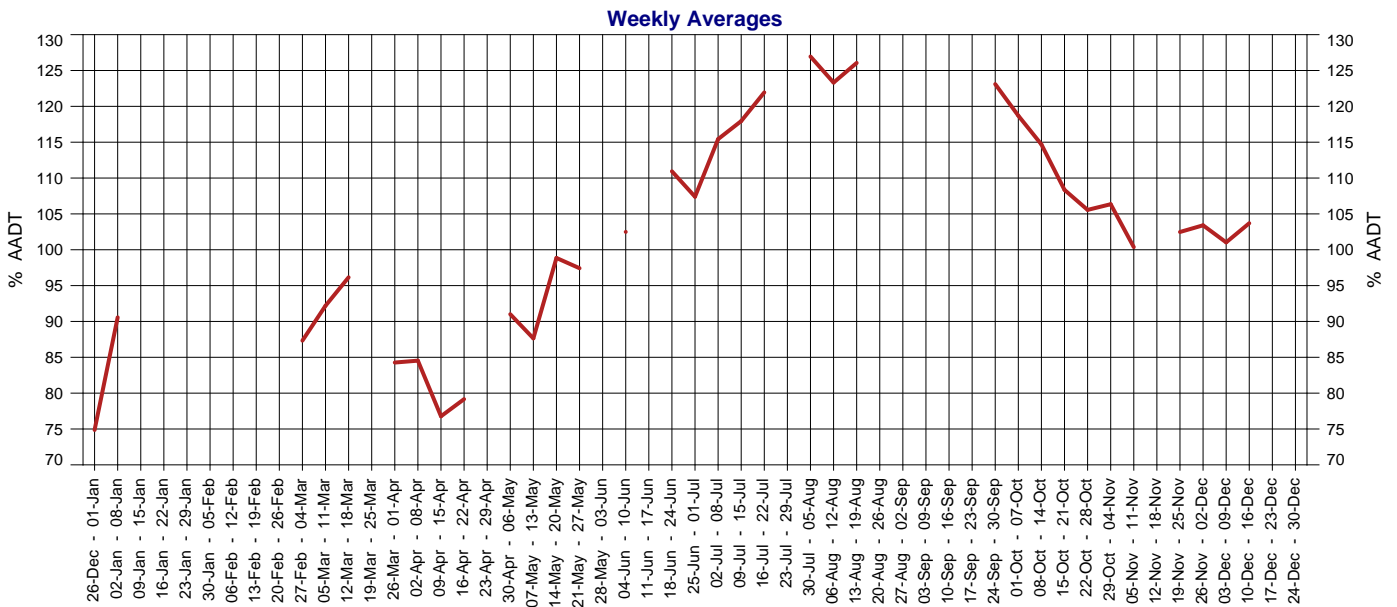
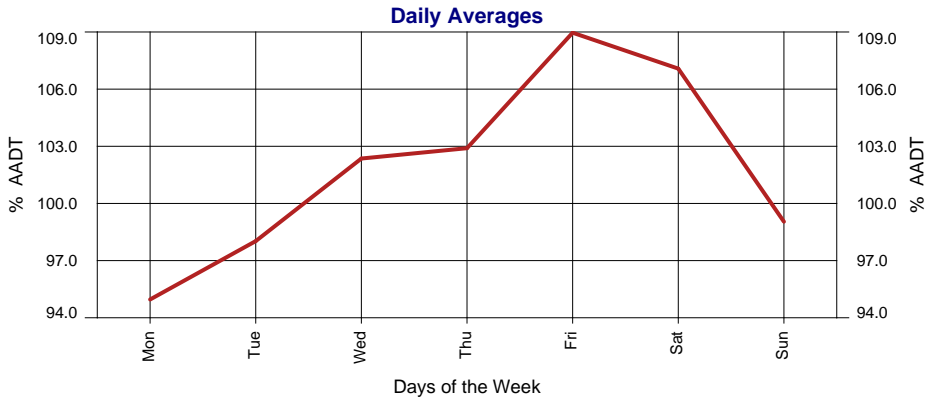


Year	AADT	1-Year Growth	5-Year Growth	10-Year Growth
2020	1,136	4.12%	-29.28%	
2019	1,091	1.02%		
2018	1,080	-80.61%		-13.92%
2017	5,571			
2016				
2015	6,716			
2014				
2013				
2012				
2011				
2010				
2009				
2008	2,754		-14.89%	
2007				
2006				

Year	AADT	1-Year Growth	5-Year Growth	10-Year Growth
2005				
2004				
2003	6,167	-1.60%		
2002	6,267	-2.96%		
2001	6,458			
2000				
1999	6,595			
1998				
1997				
1996				
1995				
1994				
1993				
1992				
1991				

Hourly Averages





2020 Calendar

January							February							March							April						
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
		1	2	3	4	5						1	2	30	31					1			1	2	3	4	5
6	7	8	9	10	11	12	3	4	5	6	7	8	9	2	3	4	5	6	7	8	6	7	8	9	10	11	12
13	14	15	16	17	18	19	10	11	12	13	14	15	16	9	10	11	12	13	14	15	13	14	15	16	17	18	19
20	21	22	23	24	25	26	17	18	19	20	21	22	23	16	17	18	19	20	21	22	20	21	22	23	24	25	26
27	28	29	30	31			24	25	26	27	28	29		23	24	25	26	27	28	29	27	28	29	30			

May							June							July							August						
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
				1	2	3	1	2	3	4	5	6	7			1	2	3	4	5	31					1	2
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4	5	6	7	8	9
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18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23
25	26	27	28	29	30	31	29	30						27	28	29	30	31			24	25	26	27	28	29	30

September							October							November							December						
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
					1	2				1	2	3	4	30						1			1	2	3	4	5
7	8	9	10	11	12	13	5	6	7	8	9	10	11	2	3	4	5	6	7	8	7	8	9	10	11	12	13
14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15	14	15	16	17	18	19	20
21	22	23	24	25	26	27	19	20	21	22	23	24	25	16	17	18	19	20	21	22	21	22	23	24	25	26	27
28	29	30					26	27	28	29	30	31		23	24	25	26	27	28	29	28	29	30	31			

Days on which traffic data was collected.

Annual Volume Report

Displays AADT history with hourly, daily and weekly patterns by Stream in addition to annual data for AADT figures with 1 year, 5 year and 10 year growth rates.

Annual Average Daily Traffic (AADT)

Annual Average Daily Traffic (AADT) is the number of vehicles passing a point on a road in a 24 hour period, averaged over a calendar year.

AADT History

Displays the years when traffic data was collected at this count site.

Area

For administration purposes the Department of Transport and Main Roads has divided Queensland into 12 Districts. The Area field in TSDM reports displays the District Name and Number.

District Name	District
Central West District	401
Darling Downs District	402
Far North District	403
Fitzroy District	404
Mackay/Whitsunday District	405
Metropolitan District	406
North Coast District	407
North West District	409
Northern District	408
South Coast District	410
South West District	411
Wide Bay/Burnett District	412

Avg Week Day

Average daily traffic volume during the week days, Monday to Friday.

Avg Weekend Day

Average daily traffic volume during the weekend, Saturday and Sunday.

Calendar

Days on which traffic data was collected are highlighted in green.

Gazettal Direction

The Gazettal Direction is the direction of the traffic flow. It can be easily recognised by referring to the name of the road eg. Road Section: 10A Brisbane - Gympie denotes that the gazettal direction is from Brisbane to Gympie.

- G Traffic flowing in Gazettal Direction
- A Traffic flowing against Gazettal Direction
- B The combined traffic flow in both Directions

Growth Percentage

Represents the increase or decrease in AADT, using a exponential fit over the previous 1, 5 or 10 year period.

Hour, Day & Week Averages

The amount of traffic on the road network will vary depending on the time of day, the day of the week and the week of the year. The ebb and flow of traffic travelling through a site over a period of time forms a pattern. The Hour, Day and Week Averages are then used in the calculation of AADT.

Road Section

Is the Gazetted road from which the traffic data is collected. Each Road Section is given a code, allocated sequentially in Gazettal Direction. Larger roads are broken down into sections and identified by an ID code with a suffix for easier data collection and reporting (eg. 10A, 10B, 10C). Road Sections are then broken into AADT Segments which are determined by traffic volume.

Site

The unique identifier and description of the physical location of a traffic counting device. Sites are located at a Through Distance along a Road Section.

Stream

The lane in which the traffic is travelling in. This report provides data for the combined flow of traffic in both directions.

Thru Dist or TDist

The distance from the beginning of the Road Section, in kilometres.

Type

There are two types of traffic counting sites, Permanent and Coverage. Permanent means the traffic counting device is in place 24/7. Coverage means the traffic counting device is in place for a specified period of time.

Year

Is the current year for the report. Where an AADT Year record is missing a traffic count has not been conducted, for that year.

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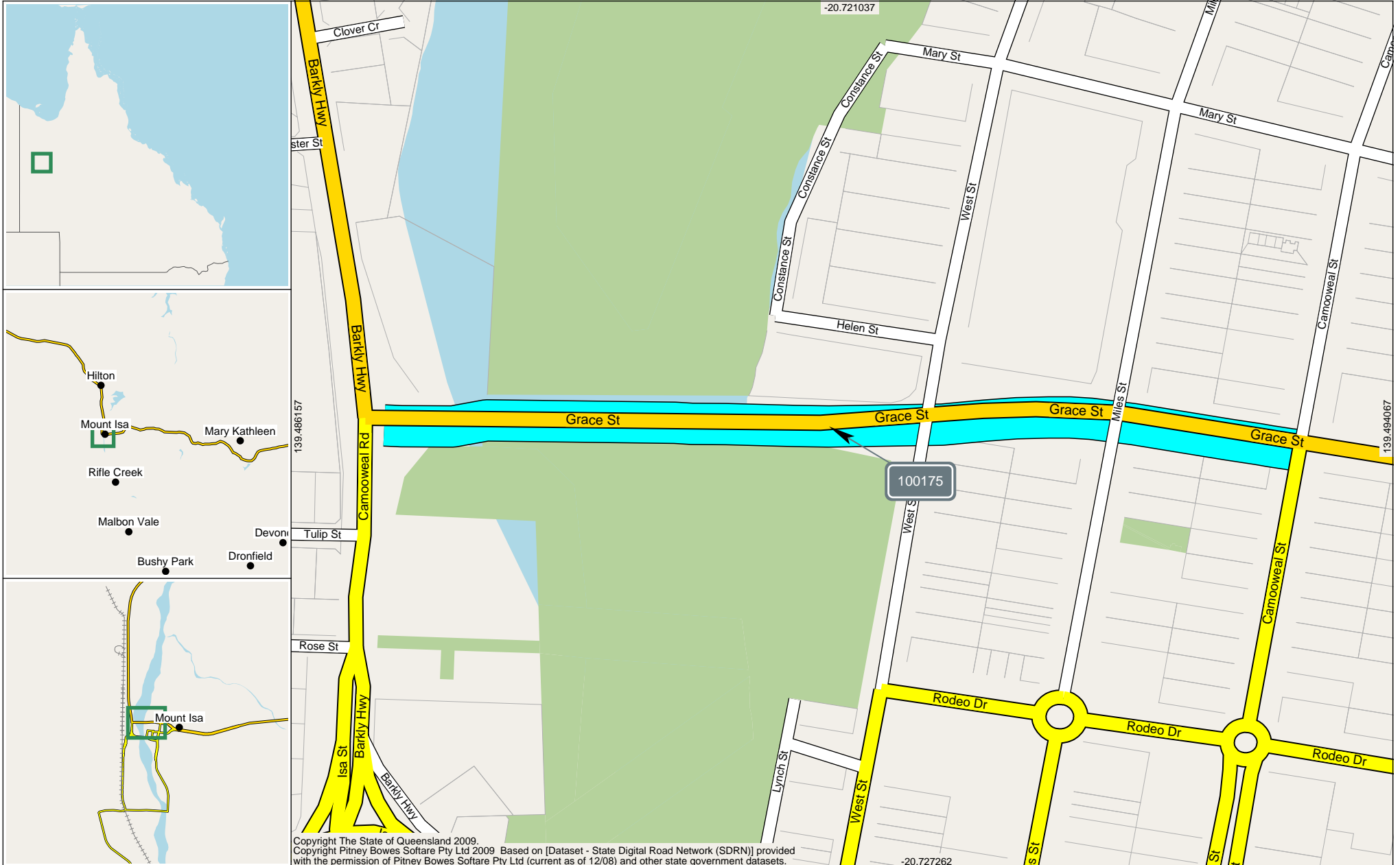
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AADT Segment Report

Area 409 - North West District
Road Segment from 0.000km to 0.670km

Road Section 15B - BARKLY HIGHWAY (MT ISA - CAMOOWEAL)
Segment Site 100175 Traffic Year 2020 Data Collection Year 2020



AADT Segment Report

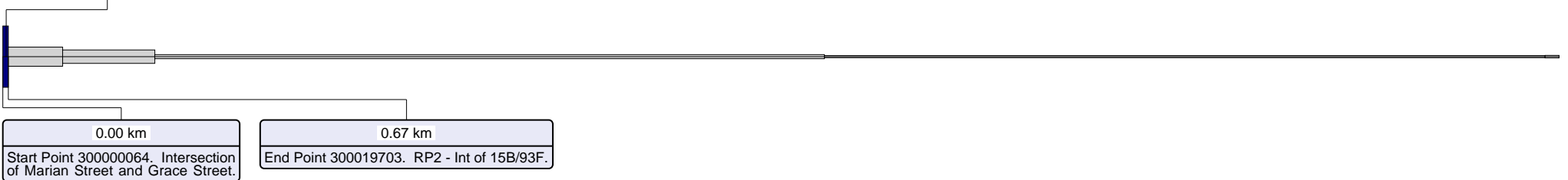
Area 409 - North West District
Road Segment from 0.000km to 0.670km

Road Section 15B - BARKLY HIGHWAY (MT ISA - CAMOOWEAL)
Segment Site 100175 Traffic Year 2020 Data Collection Year 2020

Site 100175. Point 300018644.
Leichhardt River Bridge.

0.41 km

The width of each Road Segment is proportional to its AADT.



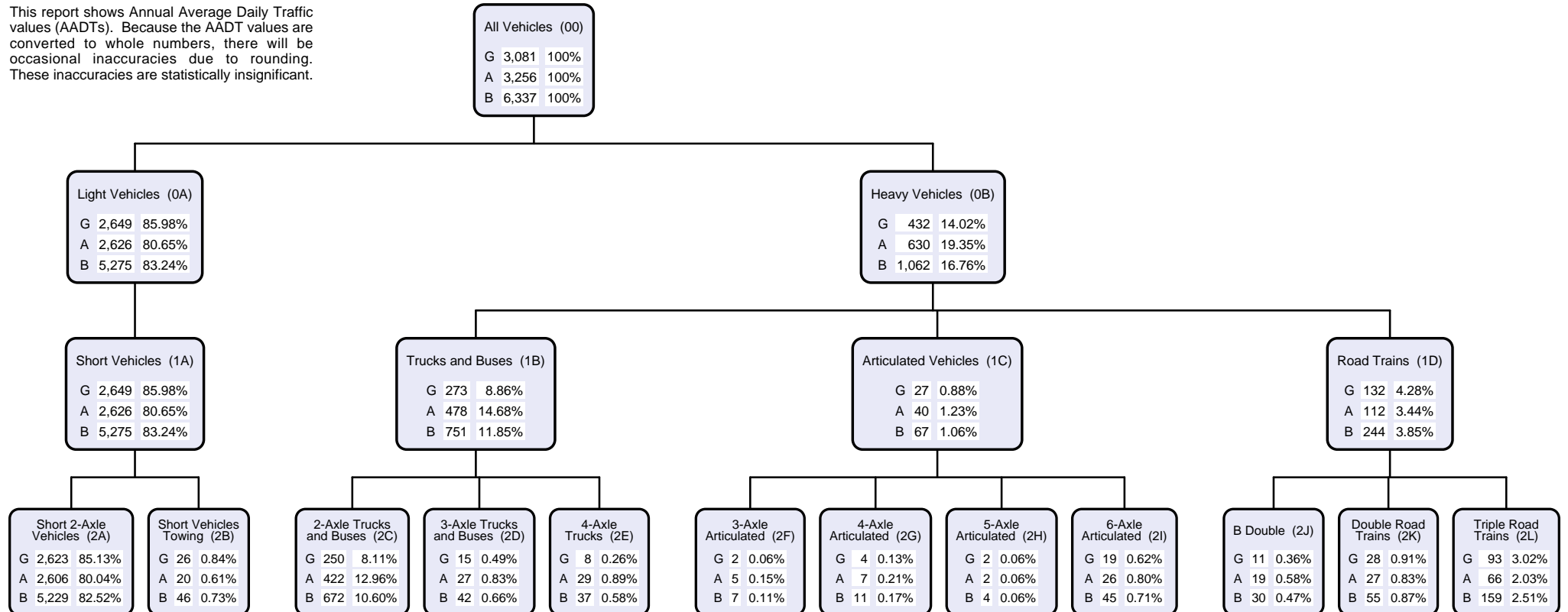
0.00 km

Start Point 300000064. Intersection of Marian Street and Grace Street.

0.67 km

End Point 300019703. RP2 - Int of 15B/93F.

This report shows Annual Average Daily Traffic values (AADTs). Because the AADT values are converted to whole numbers, there will be occasional inaccuracies due to rounding. These inaccuracies are statistically insignificant.



AADT Segment Annual Volume Report

Provides summary data for the selected AADT Segment of a Road Section. Summary data is presented as both directional information and a combined bi-directional figure. The data is then broken down by Traffic Class, when available. The report also includes maps displaying the location of both the AADT Segment and the traffic count site.

Annual Average Daily Traffic (AADT)

Annual Average Daily Traffic (AADT) is the number of vehicles passing a point on a road in a 24 hour period, averaged over a calendar year.

AADT Segments

The State declared road network is broken into Road Sections and then further broken down into AADT Segments. An AADT Segment is a sub-section of the declared road network where traffic volume is similar along the entire AADT Segment.

Area

For administration purposes the Department of Transport and Main Roads has divided Queensland into 12 Districts. The Area field in TSDM reports displays the District Name and Number.

District Name	District
Central West District	401
Darling Downs District	402
Far North District	403
Fitzroy District	404
Mackay/Whitsunday District	405
Metropolitan District	406
North Coast District	407
North West District	409
Northern District	408
South Coast District	410
South West District	411
Wide Bay/Burnett District	412

AADT Values

AADT values are displayed by direction of travel as:

- G Traffic flow in gazettal direction
- A Traffic flow against gazettal direction
- B Traffic flow in both directions

Data Collection Year

Is the most recent year that data was collected at the data collection site.

Please Note:

Due to location and/or departmental policy, some sites are not counted every year.

Gazettal Direction

Is the direction of the traffic flow. It can be easily recognised by referring to the name of the road eg. Road Section: 10A Brisbane - Gympie denotes that the gazettal direction is from Brisbane to Gympie.

Maps

Display the selected location from a range of viewing levels, the start and end position details for the AADT Segment and the location of the traffic count site.

Road Section

Is the Gazetted road from which the traffic data is collected. Each Road Section is given a code, allocated sequentially in Gazettal Direction. Larger roads are broken down into sections and identified by an ID code with a suffix for easier data collection and reporting (eg. 10A, 10B, 10C). Road Sections are then broken into AADT Segments which are determined by traffic volume.

Segment Site

Is the unique identifier for the traffic count site representing the traffic flow within the AADT Segment.

Site

The physical location of a traffic counting device. Sites are located at a specified Through Distance along a Road Section.

Site Description

The description of the physical location of the traffic counting device.

Start and End Point

The unique identifier for the Through Distance along a Road Section.

Vehicle Class

Traffic is categorised as per the Austroads Vehicle Classification scheme. Traffic classes are in the following hierarchical format:

Volume or All Vehicles

00 = 0A + 0B

Light Vehicles

0A = 1A

1A = 2A + 2B

Heavy Vehicles

0B = 1B + 1C + 1D

1B = 2C + 2D + 2E

1C = 2F + 2G + 2H + 2I

1D = 2J + 2K + 2L

The following classes are the categories for which data can be captured:

Volume

00 All vehicles

2-Bin

0A Light vehicles

0B Heavy vehicles

4-Bin

1A Short vehicles

1B Truck or bus

1C Articulated vehicles

1D Road train

12-Bin

2A Short 2 axle vehicles

2B Short vehicles towing

2C 2 axle truck or bus

2D 3 axle truck or bus

2E 4 axle truck

2F 3 axle articulated vehicle

2G 4 axle articulated vehicle

2H 5 axle articulated vehicle

2I 6 axle articulated vehicle

2J B double

2K Double road train

2L Triple road train

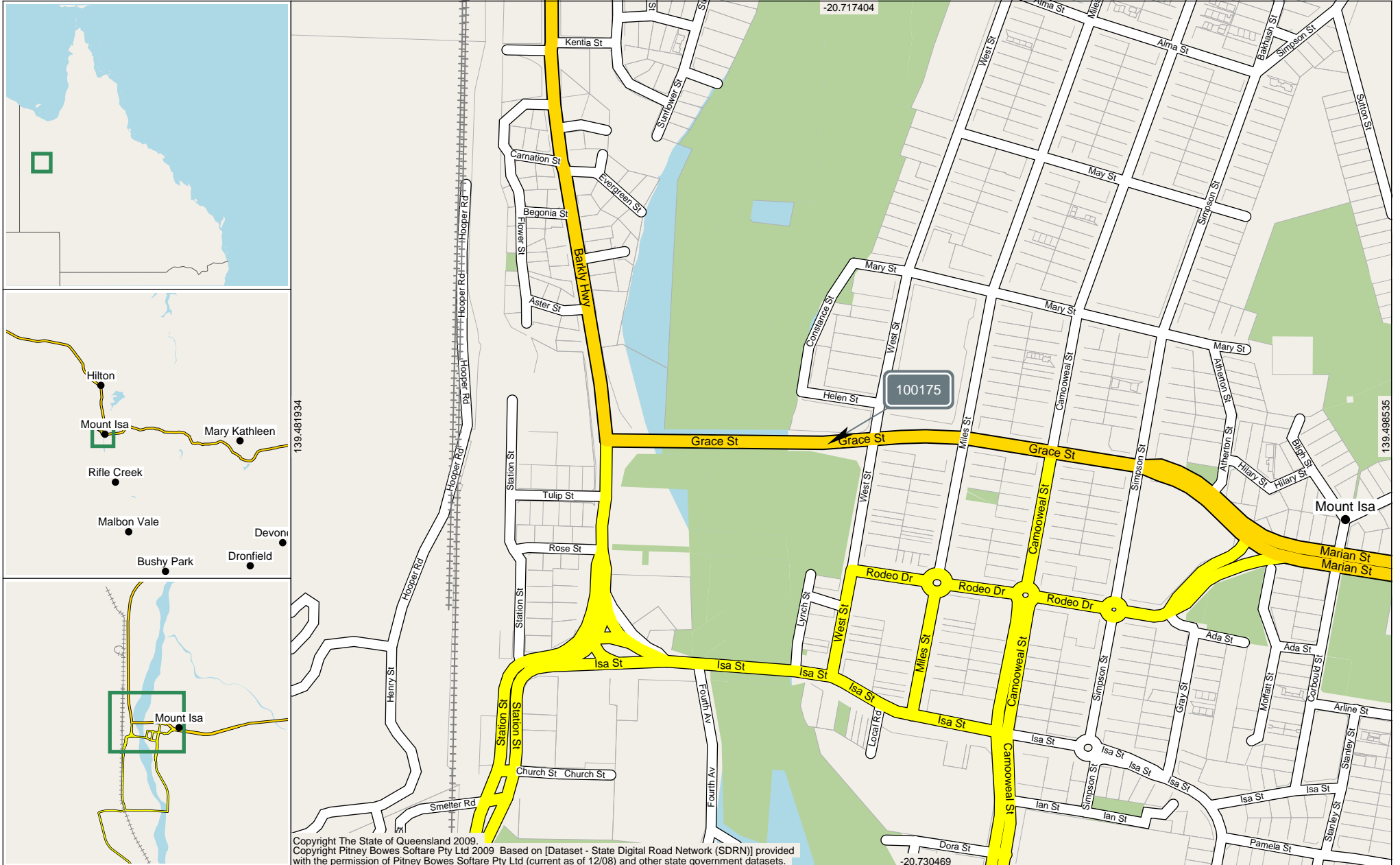
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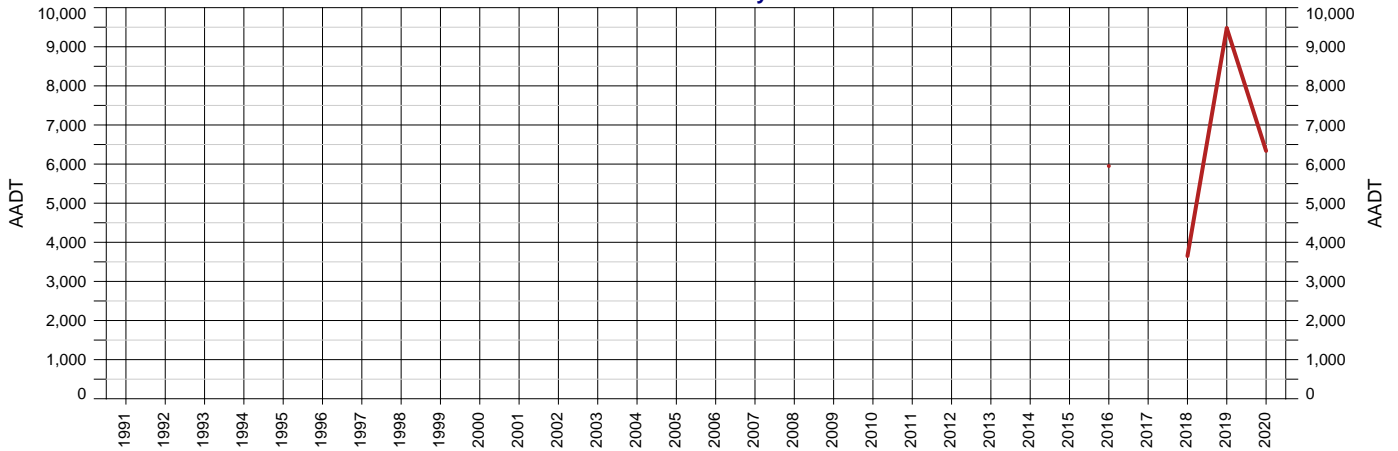
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Area 409 - North West District
 Road Section 15B - BARKLY HIGHWAY (MT ISA - CAMOOWEAL)
 Site 100175 - 15B Ch 0.41 - East Leichardt River Bdge
 Thru Dist 0.41
 Type C - Coverage
 Stream TB - Bi-directional traffic flow

Year 2020
 AADT 6,337
 Avg Week Day 5,069
 Avg Weekend Day 3,105
 Growth last Year -33.13%
 Growth last 5 Yrs
 Growth last 10 Yrs

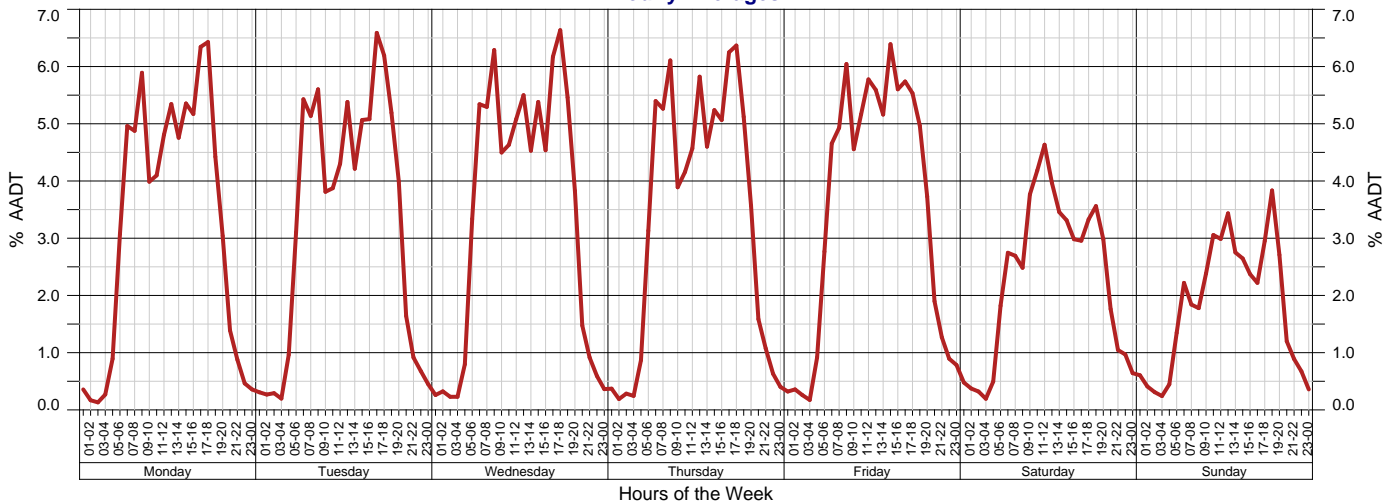
AADT History

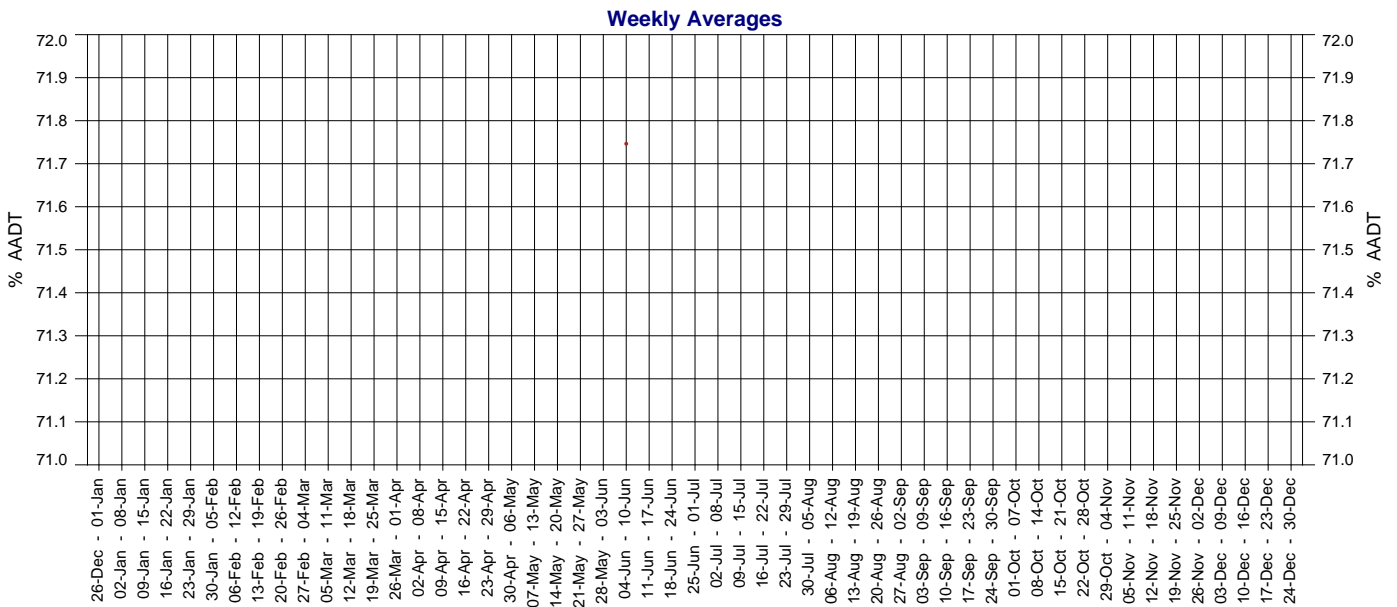
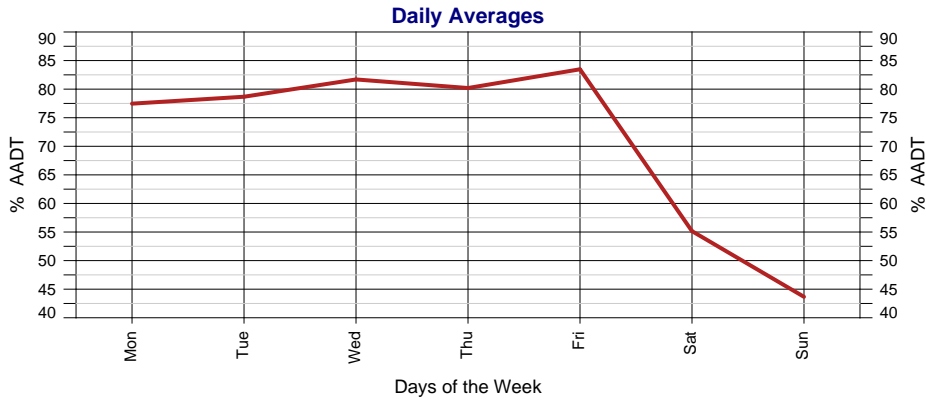


Year	AADT	1-Year Growth	5-Year Growth	10-Year Growth
2020	6,337	-33.13%		
2019	9,476	159.69%		
2018	3,649			
2017				
2016	5,951			
2015				
2014				
2013				
2012				
2011				
2010				
2009				
2008				
2007				
2006				

Year	AADT	1-Year Growth	5-Year Growth	10-Year Growth
2005				
2004				
2003				
2002				
2001				
2000				
1999				
1998				
1997				
1996				
1995				
1994				
1993				
1992				
1991				

Hourly Averages





2020 Calendar

January							February							March							April						
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
		1	2	3	4	5	3	4	5	6	7	8	9	30	31					1	6	7	8	9	10	11	12
6	7	8	9	10	11	12	10	11	12	13	14	15	16	2	3	4	5	6	7	8	13	14	15	16	17	18	19
13	14	15	16	17	18	19	17	18	19	20	21	22	23	9	10	11	12	13	14	15	20	21	22	23	24	25	26
20	21	22	23	24	25	26	24	25	26	27	28	29		16	17	18	19	20	21	22	27	28	29	30			
27	28	29	30	31										23	24	25	26	27	28	29							
May							June							July							August						
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
				1	2	3	1	2	3	4	5	6	7			1	2	3	4	5	31					1	2
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4	5	6	7	8	9
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23
25	26	27	28	29	30	31	29	30						27	28	29	30	31			24	25	26	27	28	29	30
September							October							November							December						
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
					1	2				1	2	3	4							1							
7	8	9	10	11	12	13	5	6	7	8	9	10	11	2	3	4	5	6	7	8	7	8	9	10	11	12	13
14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15	14	15	16	17	18	19	20
21	22	23	24	25	26	27	19	20	21	22	23	24	25	16	17	18	19	20	21	22	21	22	23	24	25	26	27
28	29	30					26	27	28	29	30	31		23	24	25	26	27	28	29	28	29	30	31			

Days on which traffic data was collected.

Annual Volume Report

Displays AADT history with hourly, daily and weekly patterns by Stream in addition to annual data for AADT figures with 1 year, 5 year and 10 year growth rates.

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Metropolitan District	406
North Coast District	407
North West District	409
Northern District	408
South Coast District	410
South West District	411
Wide Bay/Burnett District	412

Avg Week Day

Average daily traffic volume during the week days, Monday to Friday.

Avg Weekend Day

Average daily traffic volume during the weekend, Saturday and Sunday.

Calendar

Days on which traffic data was collected are highlighted in green.

Gazettal Direction

The Gazettal Direction is the direction of the traffic flow. It can be easily recognised by referring to the name of the road eg. Road Section: 10A Brisbane - Gympie denotes that the gazettal direction is from Brisbane to Gympie.

- G Traffic flowing in Gazettal Direction
- A Traffic flowing against Gazettal Direction
- B The combined traffic flow in both Directions

Growth Percentage

Represents the increase or decrease in AADT, using a exponential fit over the previous 1, 5 or 10 year period.

Hour, Day & Week Averages

The amount of traffic on the road network will vary depending on the time of day, the day of the week and the week of the year. The ebb and flow of traffic travelling through a site over a period of time forms a pattern. The Hour, Day and Week Averages are then used in the calculation of AADT.

Road Section

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Site

The unique identifier and description of the physical location of a traffic counting device. Sites are located at a Through Distance along a Road Section.

Stream

The lane in which the traffic is travelling in. This report provides data for the combined flow of traffic in both directions.

Thru Dist or TDist

The distance from the beginning of the Road Section, in kilometres.

Type

There are two types of traffic counting sites, Permanent and Coverage. Permanent means the traffic counting device is in place 24/7. Coverage means the traffic counting device is in place for a specified period of time.

Year

Is the current year for the report. Where an AADT Year record is missing a traffic count has not been conducted, for that year.

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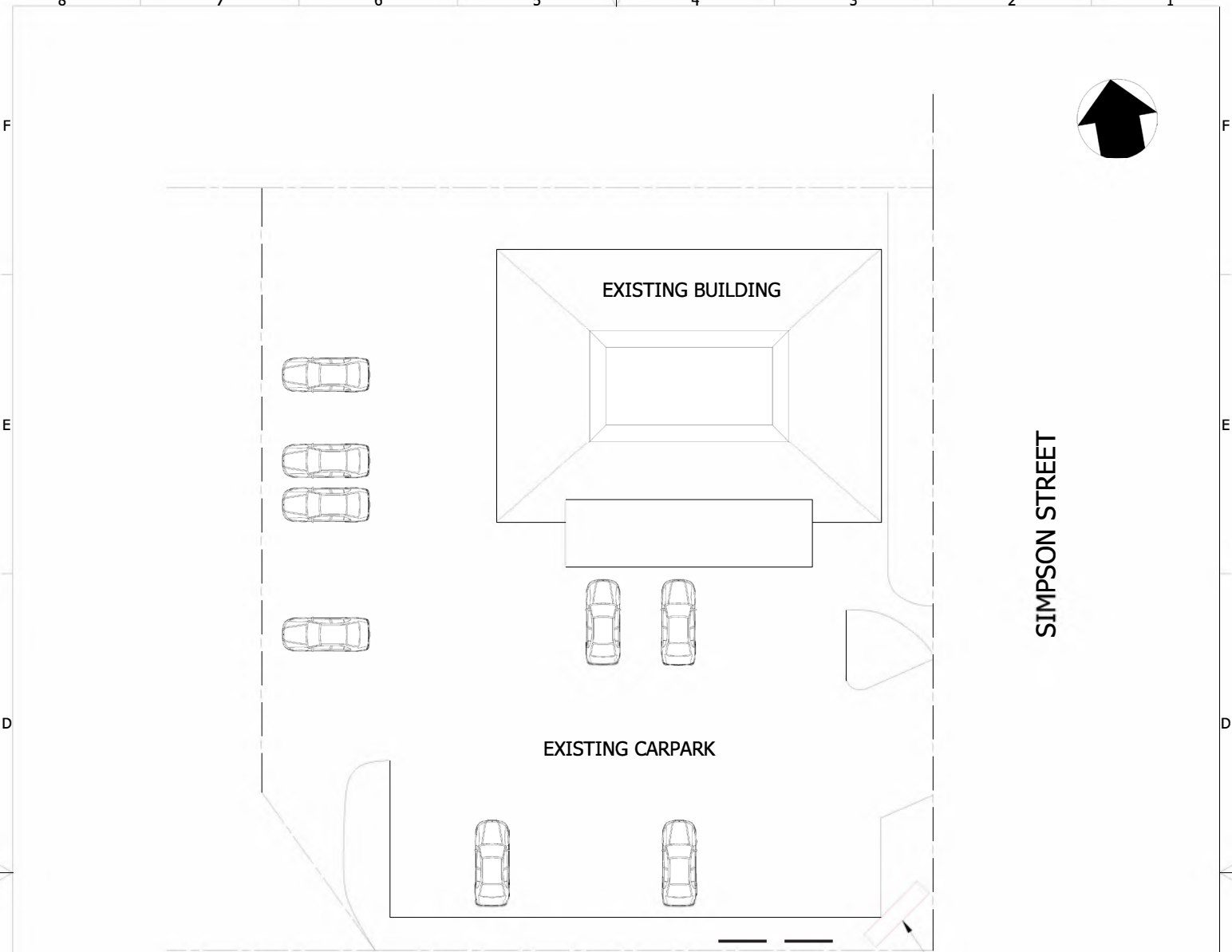
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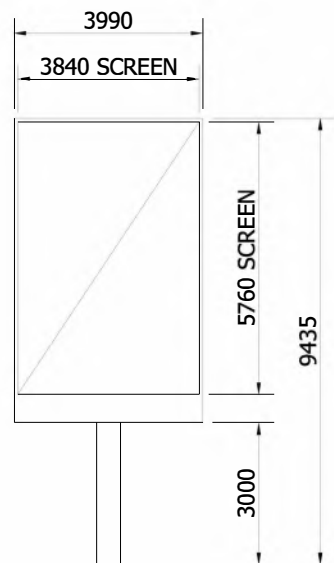
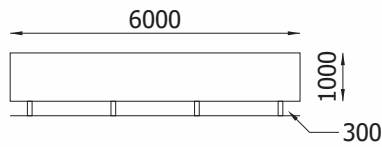
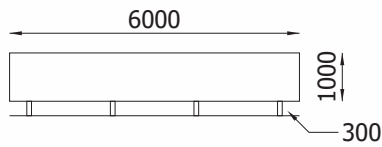
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APPENDIX B ADVERTISING DEVICE PLANS



GRACE STREET

SMALL EXISTING TENTANT SIGNS

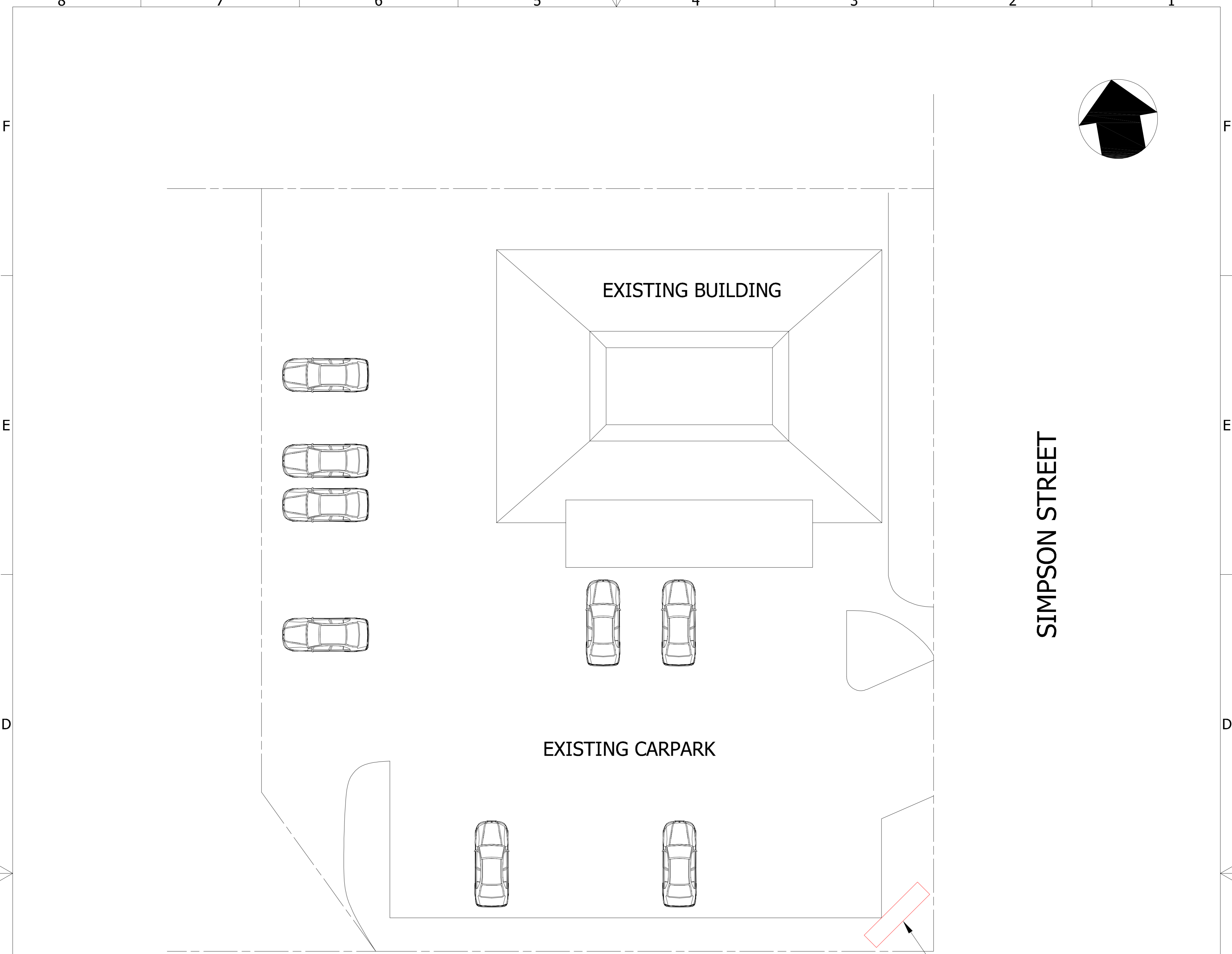


ELEVATION
(SCALE 2x)

TITLE
PROPOSED 22.1m² LED SIGNAGE SITE PLAN

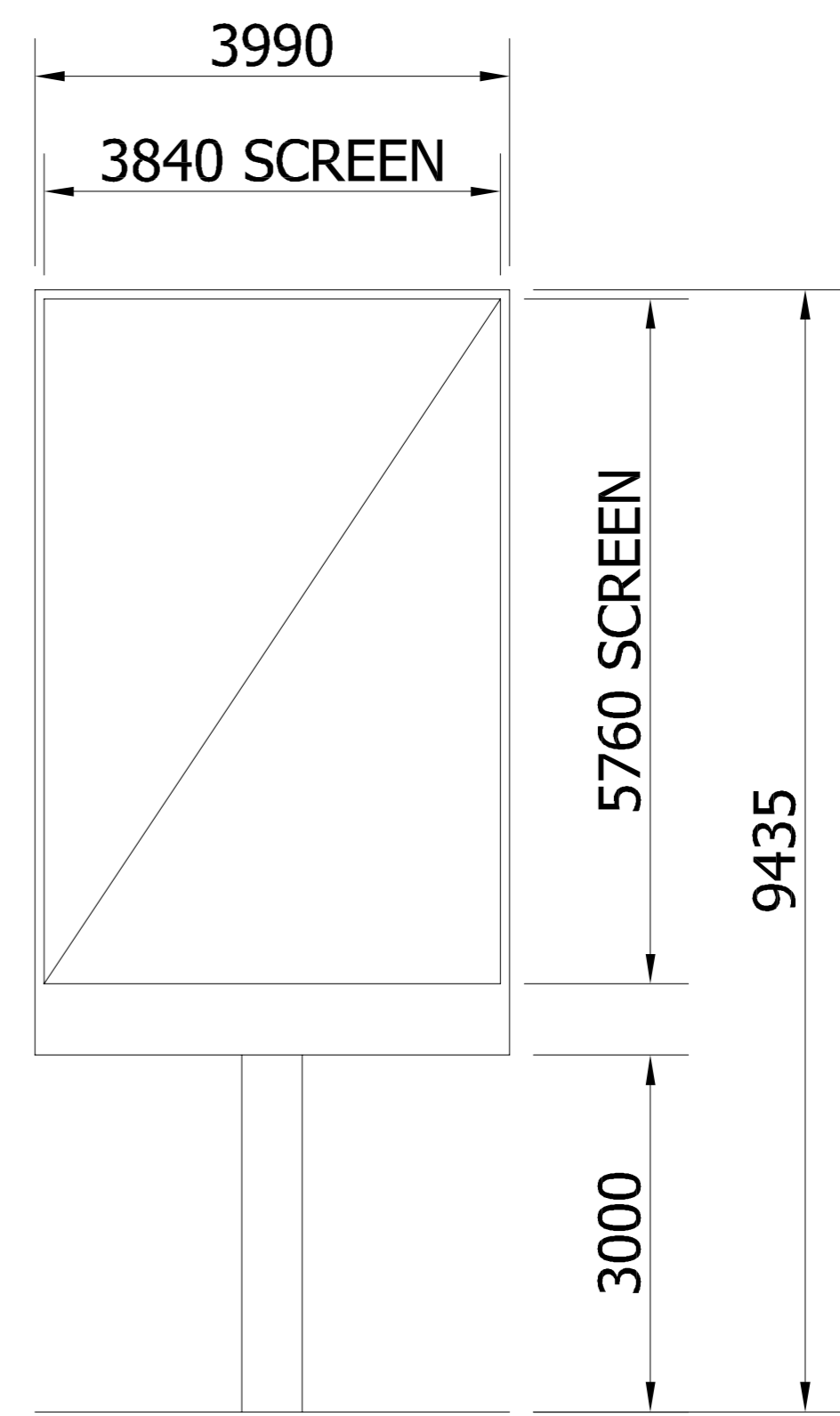
SITE
41/43 SIMPSON STREET, MOUNT ISA QLD 4825

Designed by h.clifford	Checked by	Approved by	Date	Date 08/09/2022
			10 Marlow Road KESWICK SA 5035 1300 BIG SCREEN Fax: +61 8 8239 1425 bigscreenvideo.com.au	
BSV_POA_MT_ISA_001			Edition	Sheet 1 / 1



GRACE STREET


SIMPSON STREET



ELEVATION (SCALE 2x)

TITLE
PROPOSED 22.1m² LED SIGNAGE SITE PLAN

SITE
41/43 SIMPSON STREET, MOUNT ISA QLD 4825

Designed by h.clifford	Checked by	Approved by	Date	Date 08/09/2022
 10 Marlow Road KESWICK SA 5035 1300 BIG SCREEN Fax: +61 8 8239 1425 blgscreevideo.com.au		BSV_POA_MT_ISA_001		Edition Sheet 1 / 1



ATTACHMENT 3

PLANNING ACT 2016
EXTRACT ON APPEAL RIGHTS

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

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

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.

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- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
 - (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department’s website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

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- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
- decision** includes—
- (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

- (1) The Minister, or chief executive, (the *appointer*) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—
 - (a) has the qualifications or experience prescribed by regulation; and
 - (b) has demonstrated an ability—
 - (i) to negotiate and mediate outcomes between parties to a proceeding; and
 - (ii) to apply the principles of natural justice; and
 - (iii) to analyse complex technical issues; and
 - (iv) to communicate effectively, including, for example, to write informed succinct and well-organised decisions, reports, submissions or other documents.
- (2) The appointer may—
 - (a) appoint a referee for the term, of not more than 3 years, stated in the appointment notice; and
 - (b) reappoint a referee, by notice, for further terms of not more than 3 years.
- (3) If an appointer appoints a public service officer as a referee, the officer holds the appointment concurrently with any other appointment that the officer holds in the public service.
- (4) A referee must not sit on a tribunal unless the referee has given a declaration, in the approved form and signed by the referee, to the chief executive.
- (5) The appointer may cancel a referee's appointment at any time by giving a notice, signed by the appointer, to the referee.

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- (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

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- (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

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- (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.