



Our Ref: File: PP03-23 & 06969-50000-000 JN:SM  
Your Ref: M2145

## DECISION NOTICE APPROVAL

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

5 February 2024

G & L Huddy Holdings Pty Ltd  
C/- Milford Planning  
PO Box 5463  
TOWNSVILLE CITY QLD 4810

### Attention: Mr Lachlan Pether

Dear Mr Pether

The development application described below was properly made to the Council on 15 December 2023.

### ***APPLICANT DETAILS\****

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**Applicant name:** G & L Huddy Holdings  
**Applicant contact details:** info@milfordplanning.com.au

### ***APPLICATION DETAILS***

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**Application number:** P03-23  
**Approval sought:** Material Change of Use  
**Nature of development proposed:** Medium Impact Industry  
**Description of the development proposed:** Three (3) sheds and yard to be used for storage

### ***LOCATION DETAILS***

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**Street address:** 7-9 Richardson Road  
**Real property description:** Lot 4 on plan SP112175  
**Local government area:** Mount Isa City

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**DECISION**

**Date of decision:** 5 February 2024  
**Decision details:**  approved in full with conditions\*  
 (refer to the conditions contained in Attachment 1)

**DETAILS OF APPROVAL**

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

The following approvals are given:

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval 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

**CONDITIONS**

This approval is subject to the conditions in Attachment 1.

**FURTHER DEVELOPMENT PERMITS**

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

1. Building Permit for New Sheds (Class 7b)
2. Retrospective Plumbing Permit for Existing Septic and Plumbing Connections
3. Works on Council Property Application for New Crossover

**APPROVED PLANS AND SPECIFICATIONS**

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

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
<b>Aspect of development: Material Change of Report</b>				
Planning Report	Milford Planning	03.08.2023	M2145	1

Site Layout Plan (as amended in red)	Milford Planning	21.07.2023	M2145-SK-03	
Floor Plan – Sheds 1 & 2	Downright Carpentry		M2145-SK-02	
Elevations – Sheds 1 & 2	Downright Carpentry		M2145-SK-03	
Floor Plan – Sheds 3	Downright Carpentry		M2145-SK-04	
Elevations – Shed 3	Downright Carpentry		M2145-SK-05	

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

Six (6) years from the date of the Decision Notice.

**STATEMENT OF REASONS**

1. Reasons for the Decision

The reasons for this decision are:

- The proposed development was a code assessable development for the zone; and
- The proposed development has been staged in such a way, that even if the site
- Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity, or can be conditioned to comply with the relevant code requirements; and

The evidence or other material on which the findings were based are:

- The development application material; and
- The City of Mount Isa Planning Scheme 2020; and
- State Planning Policy; and
- North Queensland Regional Plan; and
- Observations made by Council officers on a site inspection of the property.

2. Assessment Benchmarks

The following are the benchmarks applying for this development:

<b>Benchmarks applying for the development</b>	<b>Benchmark reference</b>
Medium Impact Industry Zone	City of Mount Isa City Council Planning Scheme 2020 - Part 6 Zones – 6.6.2
Industry and Infrastructure Activities Code	City of Mount Isa City Council Planning Scheme 2020 - Part 9 Development Codes – 9.4.3
Parking, access and loading code	City of Mount Isa City Council Planning Scheme 2020 - Part 9 Development Codes – 9.4.6

Benchmarks applying for the development	Benchmark reference
Landscaping code	City of Mount Isa City Council Planning Scheme 2020 - Part 9 Development Codes – 9.4.5
Engineering works and services code	City of Mount Isa City Council Planning Scheme 2020 - Part 9 Development Codes – 9.4.2
<i>Bushfire Overlay Code</i>	City of Mount Isa City Council Planning Scheme 2020 - Part 8 Overlay Codes – 8.2.3
<i>Biodiversity Overlay Code</i>	City of Mount Isa City Council Planning Scheme 2020 - Part 8 Overlay Codes – 8.2.2
<i>Flood Hazard Overlay Code</i>	City of Mount Isa City Council Planning Scheme 2020 - Part 8 Overlay Codes – 8.2.5

3. Compliance with Benchmarks

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<b>Industry and Infrastructure Activities Code</b>	
<p>PO 1</p> <p><i>Development addresses the street, facilitates casual surveillance of the street and provides for safe pedestrian access.</i></p>	<p>It is not practical for the site office of the development to front Richardson Road due to the site configuration, where its placement would negatively impact site access.</p> <p>Visitor parking to be provided adjacent to the administrative area to ensure site safety</p>
<p>PO 10</p> <p><i>Landscaping:</i></p> <ul style="list-style-type: none"> <li>a) <i>provides an attractive streetscape; and</i></li> <li>b) <i>enhances the amenity of the zone; and</i></li> <li>c) <i>reduces the visual and environmental impact of hard surface areas; and</i></li> <li>d) <i>achieves maximum on-site rainwater infiltration; and</i></li> <li>e) <i>minimises additional burden on stormwater drainage infrastructure.</i></li> </ul>	<p>Prior to the commencement of the use for Stage 1, the applicant is required to install landscaping along both boundaries of the access strip and to the southeast of the administrative area to both improve the streetscape (as landscaping will be visible from the street) and enhance the amenity of the zone/</p> <p>A landscaping plan is required to lodged prior to the commencement of Stage 2, detailing where the remaining landscaping will be located.</p>
<p>PO 12</p> <p><i>Storage areas for equipment, goods, materials, and refuse containers are:</i></p> <ul style="list-style-type: none"> <li>a) <i>located on-site; and</i></li> <li>b) <i>screened from the street and any adjoining land that is located in a Low density residential zone,</i></li> </ul>	<p>Outside storage areas are to be kept in a neat and tidy condition at all times and have been conditioned accordingly.</p>

<p><i>Medium density residential zone, Mixed use zone or Rural residential zone; and</i></p> <ul style="list-style-type: none"> <li>c) <i>adequately sized to accommodate the refuse generated on-site; and</i></li> <li>d) <i>conveniently accessible to collection and delivery vehicles; and</i></li> <li>e) <i>designed and equipped to kept clean and dust free at all times.</i></li> </ul>	
<p><i>PO 14 (Assessable Development Only)</i></p> <p><i>The design and layout of vehicle parking, loading, crossover and access areas:</i></p> <ul style="list-style-type: none"> <li>a) <i>provides safe and efficient vehicular and pedestrian movement; and</i></li> <li>b) <i>enables the loading and unloading of goods and waste to occur wholly within the site; and</i></li> <li>c) <i>does not dominate the road frontage; and</i></li> <li>d) <i>is visually unobtrusive from the street and complements the character and amenity of the area.</i></li> </ul>	<p>Given the anticipated low scale of Stage 1 of the development, a Traffic Impact Assessment is not considered to be necessary, however the owner/applicant is required to be provided 18 parking spaces compliant with the Carparking, Access and Loading Code, prior to the commencement of Stage 2.</p>
<p><b>Carparking, Access and Loading Code</b></p>	
<p><i>PO 4</i></p> <p><i>Sufficient parking spaces are provided for the number and type of vehicles likely to be associated with the development.</i></p>	<p>As Stage 1 will be very low impact/scale, the allowance of a one (1) car parking space is considered acceptable.</p> <p>Additional parking is required to be provided as per the code prior to commencement is Stage 2</p>
<p><i>PO 5</i></p> <p><i>Vehicle parking areas are designed, constructed and maintained so as to provide safe and efficient parking and circulation for vehicles, cyclists and pedestrians.</i></p>	<p>All vehicle movement are to be suppressed to reduce dust.</p> <p>The owner/developer is required to be submit a detailed Traffic Management Plan prior to the commencement of Stage 2 to ensure safe and compliant vehicle and pedestrian interaction.</p>
<p><b>Engineering Works and Service Code</b></p>	
<p><i>PO 9</i></p> <p><i>Stormwater drainage systems or networks have the capacity to control stormwater flows so that:</i></p> <ul style="list-style-type: none"> <li>a) <i>overland runoff is directed to areas where there is no damage to property or hazards for motorists; and</i></li> </ul>	<p>The owner/developer is required to provide a Stormwater Management Plan for assessment prior to commencement of Stage 2.</p> <p>The Stormwater Management Plan must ensure that no contaminants leave the site, no matter the operations/scale of the development occurring</p>

<p>b) runoff is directed to a lawful point of discharge through controlled outlet structures; and</p> <p>c) development retains the existing hydrological regime (surface and groundwater cycle and flow) to protect vegetation and habitats in and adjoining watercourses.</p>	
<b>Bushfire Hazard Overlay Code</b>	
<p>PO 8</p> <p><i>Development establishes safe evacuation routes to achieve an acceptable or tolerable risk to people.</i></p>	<p>Site egress/Ingress to be upgraded to comply with Council Standards and 'access strip' is to be surfaced in a dust free material such as concrete, bitumen or chemical suppressed gravel.</p>
<b>Flood Hazard Overlay Code</b>	
<p>PO 2</p> <p><i>Development is resilient to flood events by ensuring design and built form take appropriate account of the potential risks of flooding.</i></p>	<p>Any potential hazardous materials are to be stored in Shed 3 to reduce risk of contaminants entering the waterways in flood events.</p>
<b>Biodiversity Overlay Code</b>	
<p>PO 1</p> <p><i>Development that may result in impacts on Matters of State Environmental Significance (MSES) is avoided or where disturbance cannot be avoided the loss or decrease of values is minimised.</i></p>	<p>Online mapping for the Biodiversity Overlay is not reflective of actual onsite vegetation.</p>

#### 4. Matters Prescribed by Regulation

- The State Planning Policy - Part E
- North Queensland Regional Plan
- City of Mount Isa Planning Scheme 2020

### **APPEAL RIGHTS**

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

#### **APPEAL BY AN APPLICANT**

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

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

- a deemed refusal of the development application.

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

APPEAL BY A SUBMITTER

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

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

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

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

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

Yours faithfully



Tim Rose  
**Acting Chief Executive Officer**

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

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

**Attachment 2 – Approved Plans**

**Attachment 3—Extract on Appeal Rights (Planning Act 2016)**

**ATTACHMENT 1**  
**PART 1**  
**CONDITIONS IMPOSED BY**  
**ASSESSMENT MANAGER**  
**(MOUNT ISA CITY COUNCIL)**


Application: P03-23 for a Material Change of Use for Medium Impact Industry (Storage Sheds and Yard) at 7-9 Richardson Road, Mount Isa.

Council advise that the Development Application was approved by Mount Isa City Council's Chief Executive Officer through Delegated Authority (Delegated Authority No. 2057) on 5 February 2024 for the Material Change of Use Medium Impact Industry – Storage Shed and Yards at 7-9 Richardson Road, Mount Isa, described as Lot 4 on plan SP112175, subject to the following conditions:

**Stage 1**

NUMBER	CONDITION	TIMING
<b>PLANNING</b>		
<b>General</b>		
1.	The development shall be carried out generally in accordance with the approved documents, plans and drawings attached to this approval except where conditions of this approval dictate otherwise  <i>For clarity, any change to the development that is not generally in accordance with the approved plans and drawings must be approved by Council pursuant to a 'change application' under Chapter 3, Part 5, Division 2, Subdivision 2 of the Planning Act 2016</i>	<i>At all times</i>
2.	The owner/developer shall bear the cost of all alterations necessary to public utility mains, services or installations necessitated by this approval and such works shall be to Council specifications and satisfaction	<i>At all times</i>



3.	<p>The applicant/owner is required to lodge an amended site plan detailing the following:</p> <ul style="list-style-type: none"> <li>• proposed structures;</li> <li>• existing structures being retained;</li> <li>• landscaping required to Stage 1</li> <li>• Refuse area</li> <li>• One (1) carpark space required for Stage 1</li> </ul>	<p><i>Within one (1) month time after the development approval has taken effect or otherwise approved</i></p>
4.	<p>Where hazardous material is proposed to be stored onsite, it must be contained within Shed 3 only.</p> <p>Reason: Shed 3 is not located in the Flood Hazard Overlay</p>	<p><i>At all times</i></p>
5.	<p>Any gates situated along the road boundary must open inwards and NOT outwards onto Council's road reserve/verge</p>	<p><i>At all times</i></p>
6.	<p>All structures including fencing is to be located within the real property boundaries</p>	<p><i>At all times</i></p>
<p><b>Amenity</b></p>		
7.	<p>The front gates are to remain constructed of a 50% material for the life of the development.</p>	<p><i>At all times</i></p>
8.	<p>All outside storages areas are to be kept in a neat and tidy condition</p>	<p><i>At all times</i></p>
9.	<p>All lighting is to be designed in accordance with AS 4282: Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance to the surrounding sensitive uses.</p>	<p><i>At all times</i></p>
<p><b>Landscaping</b></p>		
10.	<p>The applicant/owner is required to install landscaping along both sides of the 'access handle and along eastern boundary and maintained for the life of the development similar to below:</p>  <p>Reason: To ensure that established landscaping is already onsite at such at time that Stage 2 is enacted. Additionally, given the lack of street frontage, its inclusion improves the streetscape as it is visible through chainmesh fence.</p>	<p><i>Prior to commencement of use of the Sheds or otherwise approved</i></p>

11.	An automatic water irrigation system for all landscaping shall be installed to promote sustainability and shall be maintained by the owner for the life of the development	<i>At all times</i>
<b>Environmental</b>		
12.	<p>The operator must achieve the 'general environmental duty' to mitigate any environmental harm and/or nuisance described under the <i>Environmental Protection Act 1994</i>.</p> <p>(a) there is no discharge of contaminants to land or water that may harm the environment or create a nuisance from the operation of the activity.</p> <p>(b) there is discharge of contaminants to air that may harm the environment or create a nuisance from the operation of the activity.</p> <p>(c) noise nuisance is prevented or minimised at noise sensitive places.</p> <p>(d) Waste production and disposal must be minimised, and waste must be managed so it does not harm the environment or create a nuisance from the operation of the activity</p>	<i>At all times</i>
13.	<p>Chemicals and other liquids such as fuels, solvents, oils, batteries and coolants must be kept within a secondary containment system that is impervious to the materials stored within it and must be managed to prevent the release of contaminants to waters or land.</p> <p>Any release must be reported by telephone to the Department of Environment and Science (DES) Pollution Hotline or Council. Any such release must be reported as soon as practicable but no later than 24 hours, after becoming aware of the release.</p>	<i>At all times</i>
14.	Any asbestos containing material handled during construction and demolition must be handled according to the provisions of the " <i>How to Manage and Control Asbestos in the Workplace Code of Practice 2011</i> "	<i>During Construction</i>
15.	A contaminant must not be placed in a position where it could reasonably be expected to move or wash into a roadside gutter, stormwater drain or waters.	<i>At all times</i>
16.	<p>Prevent/ minimise the emission of noise that causes, or is likely to cause, environmental nuisance at sensitive or commercial places.</p> <p>All work must be undertaken within the prescribed timeframe as mentioned in <i>Environmental Protection Act 1994</i>.</p>	<i>At all times</i>
17.	The release of dust and/or particulate matter resulting from the activity must not cause environmental nuisance at any nuisance sensitive or commercial place.	<i>At all times</i>

18.	The release of dust and particulate matter from parking and driveway from vehicle activities. Parking facilities and driveways must be hard surface to avoid dust and particulate matter entering the air.	<i>At all times</i>
<b>ENGINEERING</b>		
<b>General</b>		
19.	<p>Refuse container storage areas are:</p> <ul style="list-style-type: none"> <li>(a) located on-site; and</li> <li>(b) screened from public view, by a solid fence or wall that is 1.8 metres in height, measured from finished ground level; and</li> <li>(c) provided on an imperviously sealed pad that drains to an approved waste disposal system; and</li> <li>(d) provided with a tap; and</li> <li>(e) large enough to accommodate at least one standard industrial refuse bin of a size appropriate to the nature and scale of the refuse generated by the use</li> </ul>	<i>Prior to commencement of use of the sheds or otherwise approved</i>
<b>Access, Grades, Maneuvering, Carparks and Signs</b>		
20.	<p>The applicant/owner is to provide one (1) car space for the development.</p> <p>All vehicle parking areas are to have a durable and dust free surface. This requires all surfaces to be sealed, concreted or paved.</p>	<i>Prior to commencement of use of the sheds or otherwise approved</i>
21.	<p>A dedicated access between the road carriageway and the property boundary (crossovers) shall be provided on Richardson Road. The crossover shall be installed as per the following:</p> <ul style="list-style-type: none"> <li>a) The crossovers/driveways must comply with regulations and permits in relation to works on Council property and the developer shall obtain a 'Works on Council Property' approval;</li> <li>b) Driveway must not exceed 8m in width;</li> <li>c) The driveway/crossover must provide a minimum 1.0m clearance from any electricity poles</li> <li>d) The crossovers shall be designed and constructed in accordance with the IPWEAQ standard drawings for commercial driveways</li> </ul>	<i>Prior to commencement of use of the sheds or otherwise approved</i>
22.	<p>The 'access handle' portion of the allotment (other than the landscaped area) is to be surfaced in dust free material, such as concrete, bitumen or chemical suppressed gravel.</p> <p>Reason: Fire Hazard Overlay requires the site to be readily accessible by emergency vehicles in case of a fire.</p>	<i>Prior to commencement of use of the sheds or otherwise approved</i>
23.	All vehicles associated with the development are to leave the site in a forward gear	<i>At all times</i>
24.	All vehicle movement areas are to be suppressed with water or a chemical compound to reduce dust.	<i>At all times</i>
<b>Stormwater</b>		
25.	Stormwater is to be discharge to lawful point of discharge – either kerbside at Richardson Road or the stormwater easement to the north	<i>At all times</i>

<b>Works on Footpath</b>		
26.	Any disturbance or damage to Council's infrastructure including, but not limited to, water services, sewer services, stormwater infrastructure, footpath, road pavement including road furnishings or to other public assets (electricity, telecommunications etc.) is to be reinstated by the applicant to Council's satisfaction at applicant's expense.	<i>Prior to commencement of use of sheds or otherwise approved</i>
<b>Sewerage</b>		
27.	The development must be connected to Council's Reticulated Sewerage system at such a time that the lot is serviced.	As specified
<b>COMPLIANCE WITH CONDITIONS</b>		
28.	The owner/developer is to contact Council to arrange a compliance inspection of the property to assess compliance with the Assessment Manager's Conditions of Approval and the approved plans.	<i>Prior to commencement of use of the Sheds or otherwise approved</i>

AND

**Stage 2**

NUMBER	CONDITION	TIMING
<b>PLANNING</b>		
<b>General</b>		
1.	Stage 2 is required to be enacted either when the site is used for commercial purposes or within six (6) years that the development approval takes effect	As specified
<b>Landscaping</b>		
2.	Prior to Commencement of Stage 2, a detailed landscaping plan, including species, is to be prepared in accordance with the Landscaping Code of the City of Mount Isa Planning Scheme, and shall be submitted to Council and approved by Council. This is to include a reticulated irrigation system.  The plan must indicate the required 10% of onsite landscaping	<i>Prior to Commencement of Stage 2</i>
3.	Landscaping and irrigation are to be installed as per the approved Landscaping Plan and maintained for the life of the development	<i>Prior to Commencement of Stage 2 and At all times</i>

<b>Access, Grades, Maneuvering, Carparks and Signs</b>		
4.	The applicant/owner is required to provide eighteen (18) car spaces. All vehicle parking areas are to have a durable and dust free surface. This requires all surfaces to be sealed, concreted or paved.	<i>Prior to Commencement of Stage 2</i>
5.	<p>Provide, construct and delineate or sign (as required) the following requirements:</p> <p>a) Construct a pavement (including associated drainage) to any new areas where motor vehicles will be driven or parked. Vehicle access and carpark areas are to have a durable, dust free surface. This requires all surfaces to be sealed, concreted or paved; or where an alternative surface method is proposed, prior approval from Council <u>must</u> be obtained.</p> <p>Where a coarse, medium or fine gravel is utilised for surface coverage, hardstand areas must either be mechanically stabilised or chemically stabilised. If a chemical stabilisation method is proposed, it must be treated with an appropriate dust suppressant product prior to the commencement of use and then on an as needed basis thereafter, in accordance with the manufacturer's specifications.</p> <p>Where a dust suppressant is utilised, records documenting maintenance inspections and application history details must be maintained and made available for inspection at any time upon request by Council.</p> <p>b) Manoeuvring on-site for all vehicles utilising the site including service and maintenance vehicles</p> <p>c) The internal driveways and car parks shall be provided in accordance with AS/NZS 2890.1 (Off-street Car Parking).</p> <p>d) Disabled car parking shall be provided in accordance with AS 1428.1-2009.</p> <p>e) The internal paved areas are to be signed and delineated in accordance with the approved plans and Manual of Uniform Traffic Control Devices.</p> <p>f) Provide Council with Registered Professional Engineer of Queensland (RPEQ) certified as constructed plans to demonstrate compliance with the access, grades, maneuvering, carparks and signs requirements above</p>	<i>Prior to Commencement of Stage 2</i>
<b>Stormwater</b>		
6.	Prior to commencement of Stage 2, the applicant/owner is required to lodge a Stormwater Management Plan for approval	<i>Prior to Commencement of Stage 2</i>
7.	Install and maintain <b>Stormwater Quality Controls</b> generally in accordance with the approved Stormwater Management Plan;	<i>At all times</i>

COMPLIANCE WITH CONDITIONS		
8.	The owner/developer is to contact Council to arrange a compliance inspection of the property to assess compliance with the Assessment Manager's Conditions of Approval and the approved plans.	<i>Prior to Commencement of Stage 2</i>
9.	<b>Prior to commencement of use</b> provide RPEQ certification of compliance that the stormwater management civil works have been completed in accordance with the approved plans.	<i>Prior to Commencement of Stage 2</i>
10.	<b>Prior to commencement of use</b> provide Council with Registered Professional Engineer of Queensland (RPEQ) certified as constructed plans to demonstrate compliance with the access, grades, manoeuvring, carparks and signs of the approved plans;	<i>Prior to Commencement of Stage 2</i>

The applicant is reminded that, in addition to the conditions of this permit, compliance is required with all applicable Commonwealth and Queensland legislation.

*Materials used in the assessment of the application included:*

- The development application material and submitted plans
- Information Request Response and Further Advice Response
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.4), as published by the department
- The Development Assessment Rules
- SSP Interactive Mapping System

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

**ATTACHMENT 2**  
**APPROVED PLANS**

Applicant **G & L Holdings Pty Ltd**  
Reference **M2145**  
Date **August 2023**

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# Development Application

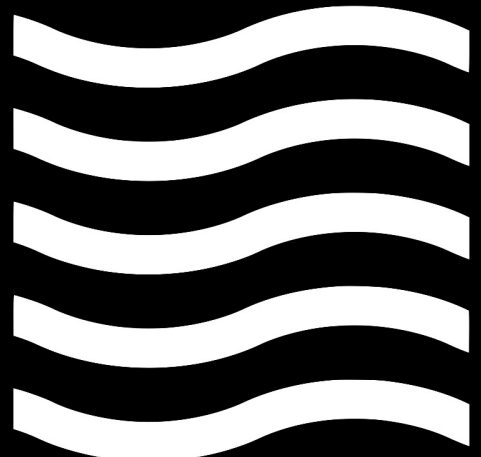
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Proposed  
Development **Material Change of Use –  
Medium Impact Industry  
(Warehouse)**

Property  
Details **Lot 4 on SP112175  
7-9 Richardson Road,  
Ryan**

**MOUNT ISA CITY COUNCIL  
DEVELOPMENT APPROVAL**

Permit No.: P03-22  
Type of Development: Material Change of Use  
Approved Use: Medium Impact Industry -Storage (Over Two Stages)  
Approved By: Mr Tim Rose  
Title: Acting Chief Executive Officer  
Date: 05/02/2024









## DOCUMENT CONTROL

<b>Applicant</b>	G & L Holdings Pty Ltd
<b>Proposed Development</b>	Material Change of Use – Medium Impact Industry (Warehouse)
<b>Contact</b>	Paul Cohen

### Quality Assurance

<b>Date</b> 3.8.23	 Lachlan Pether GRADUATE TOWN PLANNER	 Paul Cohen SENIOR TOWN PLANNER
<b>Version</b> 1		
<b>Issue</b> Final		
<b>Template</b> DA-STN-1		
	<b>Author</b>	<b>Reviewer</b>

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## APPENDICES

<b>Appendix 1</b>	DA Form 1; and land owner's consent
<b>Appendix 2</b>	SmartMap; and site aerial plan of the subject site
<b>Appendix 3</b>	State Assessment Referral Agency mapping
<b>Appendix 4</b>	Proposed development plans prepared by Milford Planning and D&G Steel Sheds



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## 1.0 INTRODUCTION

### 1.1 Purpose

The purpose of this development application is to seek approval for a Material Change of Use – Medium Impact Industry (Warehouse) (the proposed development) under the provisions of the *Planning Act 2016* (the Act).

The purpose of this report is to provide information about the site on which the subject development is proposed, detail of the proposed development, and an assessment against the relevant assessment benchmarks. The assessment detailed in this report has been undertaken in accordance with the provisions and subordinate planning controls under the Act.

### 1.2 Structure

This report provides the following information with respect to the assessment of the proposed development:

- overview of the site and surrounding area;
- description of the proposed development;
- overview of the relevant assessment framework;
- assessment of the proposed development against the relevant assessment benchmarks;
- and
- conclusion and recommendation.

This development application is made in accordance with Section 51 of the Act and contains the mandatory supporting information specified in the applicable DA Form. **Appendix 1** comprises DA Form 1 and the accompanying land owner's consent.



## 2.0 SUBJECT SITE

### 2.1 Site Parameters

The following parameters are applicable to the site of the proposed development (the subject site).

<b>Property Owner</b>	G & L Holdings Pty Ltd (refer <b>Appendix 1</b> )
<b>Street Address</b>	7-9 Richardson Road, Ryan
<b>Formal Description</b>	Lot 4 on SP112175
<b>Site Area</b>	8,731 m <sup>2</sup> (refer <b>Appendix 2</b> )
<b>Easements</b>	The land is not burdened by any easements.
<b>Street Frontage</b>	Richardson Road
<b>Topography</b>	The site has generally even topography.
<b>Existing Use</b>	Medium Impact Industry
<b>Existing Infrastructure</b>	The site is serviced by the following infrastructure: <ul style="list-style-type: none"><li>▪ reticulated water (Council);</li><li>▪ reticulated sewer (Council);</li><li>▪ electricity (Ergon); and</li><li>▪ telecommunications (NBN).</li></ul>
<b>Local Heritage Register</b>	The site is not listed on the Local Heritage Register.
<b>Contaminated Land</b>	The land is not known to be included on the State Environmental Management Register or Contaminated Land Register.
<b>Relevant State Interests</b>	The following State interests are relevant to the proposed development as detailed in the State Assessment Referral Agency (SARA) mapping (refer <b>Appendix 3</b> ): <ul style="list-style-type: none"><li>▪ Water resource planning area boundaries; and</li><li>▪ Regulated vegetation management map (Category A and B extract).</li></ul>



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## 2.2 Surrounding Area

<b>North</b>	JJ's Waste & Recycling Mount Isa, Ezyfix Engineering, Kev Brogdens Automotive Engineer, Mount Isa Veterinary Surgery
<b>East</b>	Bridgestone Earthmover Tyres, Wide Span Sheds Mount Isa, DSI Underground Australia, Schmider Engineering Group, Mount Isa Cemetery
<b>South</b>	BlueScope Distribution Mount Isa, JDR Mining & Civil Pty, Bluezone Gas Cylinders and Appliances, Furry Friends Pet Stays
<b>West</b>	Leichhardt River, Low Density Residential Development (Erap Street, Gazelle Street, Kandan Street), Gallipoli Park



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## 3.0 PROPOSED DEVELOPMENT

### 3.1 Description of Proposed Development

The proposed development involves a Material Change of Use – Medium Impact Industry. Specific detail of the proposed development is provided below.

#### Purpose of Development

The proposed development seeks to intensify this site's capacity for medium impact industry operations, increasing the industrial space on site, and introducing three buildings that will support greater productivity in any given industrial activity of a nature that is supportive of advancing the purpose of the medium impact industry zone. It is intended that the development occurs over two stages:

- **Stage 1** is to deliver three buildings that are of sufficient size to be able to tidy up the site and enable the safe storage of machinery and equipment that already occurs on the site; and
- **Stage 2** is to enable other medium impact industries to establish on the land when its current utilisation by the owner is no longer at the same intensity or scale.

The proposed development will contribute to the diversity of industrial trades operating in the area, while ensuring that the use is appropriate for the site's context.

#### Design Overview

The first stage of the proposed development will involve the establishment of three shed buildings. These will primarily be used for vehicle and equipment storage. The second stage of development will see the commencement of a medium impact industry activity that will utilise these buildings as part of their operations. This stage will also involve the establishment of a parking area and some landscaping works which are detailed below.

#### Operational Overview

Initial operations will be minimal, as the first stage will largely function as a storage compound. A medium impact industry use will subsequently commence operations on the site. The proposed industrial use will maintain standard hours of operation, between the hours of 6am and 6pm from Monday through to Friday, in order to adhere to noise restriction guidelines.

#### Scale and Intensity

The scale of operations on site is proposed to be maintained largely in what currently exists on site, whereas the proposed future operations are expected to be more in line with the scale and intensity of surrounding industrial uses. It is considered that a medium impact industry use is the



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highest and best use of the site, and it is intended that this approval provide a pathway to obtain that use over time.

### **Access and Parking**

Existing site access will be retained, however on-site parking and vehicle manoeuvring arrangements will change to suit the new site layout. These elements are largely informal in the initial stage of development, but will be designed and appropriately treated in accordance with Australian standard specifications to comply with planning scheme requirements prior to the commencement of any medium impact industry use which signals the second (and final stage) of the use of the site.

Given the industrial nature of the proposed use, large load-carrying vehicles are expected to enter and exit the site. Access and manoeuvring areas will be appropriately devised to accommodate these vehicles. There is ample manoeuvring area around and between the buildings on the site to be able to accommodate the intended trucks that will attend the site. Traffic generated from the proposed use is considered to be compatible with anticipated traffic associated with industrial uses in the locality.

### **Water and Sewer**

Development will maintain the site's existing connection to Council's reticulated water system, which is considered to have sufficient capacity to service a future medium impact industry use. The area is not connected to Council's reticulated wastewater system. Wastewater will be instead managed onsite.

### **Stormwater**

Stormwater drainage will be devised to direct runoff to the lawful point of discharge on Richardson Road in a way that is responsive to site layout and does not adversely affect surrounding properties.

### **Electricity and Communications**

The subject site is currently serviced by electricity and communication services which remain suitable to service the requirements of the proposed development.

### **Landscaping**

What greenery currently exists on site is informal and will not be maintained. As part of the proposed development, some minor landscaping will be incorporated in Stage 2 of the development, depending on the need of the operator and any formalised access and visitor/customer car parking areas. Given this site does not have a strong frontage onto Richardson Road, the needs for streetscape improvements is considered to be superfluous to maintain consistency with the existing streetscape.





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### 3.2 Development Plans

The proposed development is detailed in the plans provided at **Appendix 4** and listed below. In addition, the proposed development is further detailed in the associated reports listed below and appended as referenced.

<b>Title</b>	<b>Number</b>	<b>Issue</b>	<b>Date</b>
Site Layout Plan	M2145-SK-03	A	21.7.23
Typical Flood Plan – Sheds 1 and 2	M2145-SK-04	-	16.2.23
Typical Elevation – Sheds 1 and 2	M2145-SK-05	-	16.2.23
Floor Plan – Shed 3	M2145-SK-06	-	16.2.23
Elevations – Shed 3	M2145-SK-07	-	16.2.23



## 4.0 ASSESSMENT FRAMEWORK

### 4.1 Planning Act 2016

The *Planning Act 2016* (the Act) provides the framework for Queensland’s planning system and coordinates local, regional, and State planning. The Act allows for the establishment and is supported by subordinate planning legislation and instruments such as planning schemes. The provisions of the Act are therefore applicable to the proposed development.

### 4.2 Planning Regulation 2017

The *Planning Regulation 2017* (the Regulation) is established under the Act and provides support to the Act by detailing how it functions at a practical level. The Regulation determines the Assessment Manager and Referral Agencies relevant to assessable development, and relevant State interests through the State Planning Policy (SPP) and State Development Assessment Provisions (SDAP). The provisions of the Regulation are therefore applicable to the proposed development.

### 4.3 Approval Sought

<b>Approval Type</b>	Development Permit
<b>Development Type</b>	Material Change of Use
<b>Definition or General Description</b>	Medium Impact Industry
<b>Specific Description</b>	Warehouse

### 4.4 Assessment Manager Assessment Parameters

<b>Assessment Manager</b>	Mount Isa City Council
<b>Planning Instrument</b>	<i>Mount Isa Planning Scheme 2020</i> (the planning scheme)
<b>Zone and Precinct</b>	Medium Impact Industry Zone
<b>Triggered Overlays</b>	Flood Hazard Overlay (1 in 100-year Annual Recurrence Interval (ARI))
<b>Category of Assessment</b>	Code
<b>Table of Assessment Reference</b>	Table 5.5.9 – Medium Impact Industry Zone



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<b>Assessment Manager Assessment Benchmarks</b>	<ul style="list-style-type: none"><li>▪ Medium Impact Industry Zone Code</li><li>▪ Industry and Infrastructure Activities Code</li><li>▪ Parking, Access and Loading Code</li><li>▪ Landscaping Code</li><li>▪ Engineering Works and Services Code</li><li>▪ Excavation and Filling Code</li><li>▪ Flood Hazard Overlay Code</li></ul>
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#### 4.5 Referral Agency Assessment Parameters

<b>Referral Agencies</b>	State Assessment Referral Agency
<b>Planning Instrument</b>	<i>Planning Regulation 2017</i> (the Regulation)
<b>Referral Triggers</b>	The proposed development triggers the following referrals: <ul style="list-style-type: none"><li>▪ Schedule 10, Part 3, Division 4, Table 4 – Material Change of Use – clearing native vegetation on prescribed land.</li></ul>
<b>Referral Agency Assessment Benchmarks</b>	<ul style="list-style-type: none"><li>▪ State code 16 – Native vegetation clearing</li></ul>



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## **5.0 ASSESSMENT MANAGER CONSIDERATIONS**

### **5.1 State Planning Policy**

The *State Planning Policy* (the SPP) is a State planning instrument established under the Act and is designed to ensure the State's interests in planning are protected and delivered as part of local government planning across Queensland. Local government use the SPP when making or amending its planning scheme. Local government will also assess aspects of development applications using the SPP if their local planning scheme has not integrated certain State interests.

In accordance with Section 2.1 – State Planning Policy (SPP) of the planning scheme, the Minister has identified that all relevant State interests as outlined in the SPP dated April 2016 have been integrated into the planning scheme.

For the purpose of the proposed development, we consider that assessment against the provisions of the SPP is not required, and all relevant matters will be dealt with under the provisions of the planning scheme.

### **5.2 Planning Scheme Purpose and Overall Outcomes**

The proposed development is considered to further the purpose and overall outcomes sought by the relevant planning scheme codes by demonstrating compliance with the relevant performance and accepted outcomes.



### 5.3 Planning Scheme Assessment Matrix

The assessment matrix below summarises the outcome of an assessment of the proposed development against the relevant performance and accepted outcomes of the applicable Assessment Manager assessment benchmarks. The assessment matrix identifies the level of compliance of the proposed development in accordance with the legend below.

Legend	
<span style="color: green;">■</span>	Criteria is clearly met and no further assessment is required.
<span style="color: orange;">■</span>	Criteria is met and further explanation is provided for clarity.
<span style="color: red;">■</span>	Criteria is not met and further performance assessment is required.
<span style="color: gray;">■</span>	Not applicable or no criteria prescribed.

Outcome PO or AO	Medium Impact Industry Zone Code	Industry and Infrastructure Activities Code		Parking, Access and Loading Code		Landscaping Code		Engineering Works and Services Code		Excavation and Filling Code		Flood Hazard Overlay	
	Overall Outcomes	PO	AO	PO	AO	PO	AO	PO	AO	PO	AO	PO	AO
1	Green	Green	Gray	Green	Gray	Green	Gray	Green	Green	Gray	Gray	Orange	Red
2	Green	Green	Green	Green	Green	Green	Gray	Green	Green	Gray	Gray	Green	Green
3	Gray	Green	Green	Green	Green	Gray	Gray	Green	Gray	Gray	Gray	Gray	Gray
4	Gray	Green	Green	Green	Gray	Green	Green			Gray	Gray	Green	Green
5	Green	Green	Green	Gray	Gray	Gray	Gray			Gray	Gray	Green	Green
6	Green	Gray	Gray	Green	Green					Gray	Gray	Green	Green
7	Green	Gray	Gray	Green	Green					Gray	Gray	Green	Green
8	Green	Green	Green	Green	Green					Gray	Gray	Green	Green
9	Green	Green	Gray	Orange	Orange					Gray	Gray	Gray	Gray
10	Green	Green	Gray							Gray	Gray		
11	Green	Gray	Gray							Gray	Gray		
12	Green	Gray	Gray										
13	Green	Gray	Gray										
14	Green	Gray	Gray										

Criteria identified in the assessment matrix as requiring further explanation or further assessment is addressed in the following subsection.



## 5.4 Planning Scheme Detailed Assessment

### Parking, Access and Loading Code

<p><b>PO 9</b> Development provides appropriate on-site end of trip facilities including bicycle parking, shower and change rooms to encourage walking and cycling as an alternative to private car travel.</p>	<p><b>AO 9.1</b> Development provides on-site bicycle parking spaces at the minimum rates specified in <b>Table 9.4.6.3(a) and Table 9.4.6.3(b) Minimum on-site parking requirements</b></p> <p><b>AO 9.2</b> Development provides bicycle parking and storage that:</p> <ul style="list-style-type: none"> <li>(a) is identifiable, convenient and safely accessible; and</li> <li>(b) does not adversely impact on visual amenity; and</li> <li>(c) does not impede the movement of pedestrians or other vehicles.</li> </ul> <p><b>AO 9.3</b> Development provides bicycle end of trip facilities including:</p> <ul style="list-style-type: none"> <li>(a) shower facilities; and</li> <li>(b) bicycle storage; and</li> <li>(c) personal storage.</li> </ul> <p>For <i>long-stay</i> bicycle parking, facilities are provided in accordance with <b>Table 9.4.6.4 Minimum standards for bicycle long-stay end of trip facilities.</b></p>
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**Alternative Outcome for PO9**

While bicycle parking will be provided in accordance with the minimum standards, end of trip facilities are not expected to be sufficiently utilised given the location of the site in an industrial park. Furthermore, with large load-carrying vehicles frequently accessing the area, it is not considered appropriate to encourage the use of bicycles in the area as well.



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## Flood Hazard Overlay Code

**PO 1**

Development is compatible with the level of risk associated with the natural hazard, such that:

- (a) urban development in *flood hazard areas* is avoided; and
- (b) community infrastructure is located to minimise risk.

**AO 1.1**

Development in a *flood hazard area* is limited to non-urban uses.

**AO 1.2**

Community infrastructure is located in accordance with the community infrastructure flood immunity standards specified in **table 8.2.5.3**.

**Complies with PO1**

Proposed development has been designed with consideration for the flood hazard on site. Where possible, permanent structures, particularly those which could be used to store hazardous materials, have been placed towards the front of the lot, which is not impacted by flood hazard. Given that the proposed development will be consistent with other industrial uses on surrounding lots, it is considered to be compatible with the level of risk associated with the flood hazard.







## 6.0 REFERRAL AGENCY CONSIDERATIONS

### 6.1 State Code Purpose and Overall Outcomes

The proposed development is considered to further the purpose and overall outcomes sought by the relevant State Codes by demonstrating compliance with the relevant performance and accepted outcomes.

### 6.2 State Code Assessment Matrix

The assessment matrix below summarises the outcome of an assessment of the proposed development against the relevant performance and accepted outcomes of the applicable Referral Agency assessment benchmarks. The assessment matrix identifies the level of compliance of the proposed development in accordance with the legend below.

<b>Legend</b>		Criteria is clearly met and no further assessment is required.
		Criteria is met and further explanation is provided for clarity.
		Criteria is not met and further performance assessment is required.
		Not applicable or no criteria prescribed.

Outcome PO or AO	State Code 16		State Code 16 (no land clearing)	
	PO	AO	PO	PO
1	Green	Grey	Grey	Grey
2	Green	Grey	Grey	Grey
3	Green	Grey	Grey	Grey
4-79	Grey	Grey	Grey	Grey
80	Green	Grey	Grey	Grey
81	Grey	Grey	Grey	Grey
82	Grey	Grey	Grey	Grey
83	Green	Green	Grey	Grey
84	Grey	Grey	Grey	Grey
85	Green	Green	Grey	Grey
86	Green	Green	Grey	Grey
87	Grey	Grey	Grey	Grey
88	Green	Green	Grey	Grey





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Outcome PO or AO	State Code 16		State Code 16 (no land clearing)	
	PO	AO	PO	PO
89				
90				
91				
92				
93				
94-155				



## 7.0 CONCLUSION

### 7.1 Assessment Summary

The assessment of the proposed development against the relevant assessment benchmarks detailed in this development application supports a recommendation for approval based on the following reasons:

- the proposed development complies with the relevant assessment benchmarks; and
- compliance with the relevant assessment benchmarks can be managed through reasonable and relevant conditions.

### 7.2 Recommended Conditions of Approval

Given the above facts and circumstances presented in this development application, we recommend that Council **approve** the proposed development subject to the following reasonable and relevant conditions that are considered specifically relevant to the proposed development.

#### Condition 1 – Approved Plans and Supporting Documentation

- (a) The development must generally comply with the plan(s) referenced in the table below and attached as stamped "Approved Subject to Conditions" which forms part of this approval, unless otherwise specified by any condition of this approval.

Title	Number	Issue	Date
Site Layout Plan	M2145-SK-03	A	21.7.23
Typical Floor Plan - Sheds 1 and 2	M2145-SK-04		July 2023
Typical Elevation - Sheds 1 and 2	M2145-SK-05		July 2023
Floor Plan - Shed 3	M2145-SK-06		July 2023
Elevations - Shed 3	M2145-SK-07		July 2023

(b)

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# Attachment 1

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# 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) (individual or company full name)	G & L Huddy Holdings Pty Ltd c/- Milford Planning
Contact name (only applicable for companies)	Paul Cohen
Postal address (P.O. Box or street address)	PO Box 5463
Suburb	Townsville City
State	Queensland
Postcode	4810
Country	Australia
Contact number	(07) 4724 0095
Email address (non-mandatory)	info@milfordplanning.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	M2145

### 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
		7-9	Richardson Road	Ryan
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4825	4	SP112175	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):*

Material Change of Use – Medium Impact Industry (Warehouse)

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 checked="" 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 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 <i>(include each definition in a new row)</i>	Number of dwelling units <i>(if applicable)</i>	Gross floor area (m <sup>2</sup> ) <i>(if applicable)</i>
Warehouse	Medium Impact Industry	N/A	Warehouse 1: 486 m <sup>2</sup>  Warehouse 2: 486 m <sup>2</sup>  Warehouse 3: 260 m <sup>2</sup>

8.2) Does the proposed use involve the use of existing buildings on the premises?	
<input type="checkbox"/> Yes	
<input checked="" type="checkbox"/> 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? <i>(tick all applicable boxes)</i>	
<input type="checkbox"/> Subdivision <i>(complete 10)</i>	<input type="checkbox"/> Dividing land into parts by agreement <i>(complete 11)</i>
<input type="checkbox"/> Boundary realignment <i>(complete 12)</i>	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road <i>(complete 13)</i>

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?	
<input type="checkbox"/> Yes – provide additional details below	
<input type="checkbox"/> 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 <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )
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"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
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 type="checkbox"/> No	
14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)	
\$	

**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



- The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- 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*)

<input type="checkbox"/> Wetland protection area
Matters requiring referral to the <b>local government</b> : <input type="checkbox"/> Airport land <input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA has been devolved to local government)</i> <input type="checkbox"/> Heritage places – Local heritage places
Matters requiring referral to the <b>Chief Executive of the distribution entity or transmission entity</b> : <input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> <li>• The <b>Chief Executive of the holder of the licence</b>, if not an individual</li> <li>• The <b>holder of the licence</b>, if the holder of the licence is an individual</li> </ul> <input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the <b>Brisbane City Council</b> : <input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the <b>Minister responsible for administering the Transport Infrastructure Act 1994</b> : <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 <b>relevant port operator</b> , 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 <b>Chief Executive of the relevant port authority</b> : <input type="checkbox"/> Ports – Land within limits of another port <i>(below high-water mark)</i>
Matters requiring referral to the <b>Gold Coast Waterways Authority</b> : <input type="checkbox"/> Tidal works or work in a coastal management district <i>(in Gold Coast waters)</i>
Matters requiring referral to the <b>Queensland Fire and Emergency Service</b> : <input type="checkbox"/> Tidal works or work in a coastal management district <i>(involving a marina (more than six vessel berths))</i>

<b>18) Has any referral agency provided a referral response for this development application?</b>		
<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

<b>19) Information request under Part 3 of the DA Rules</b>
<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
<b>Note:</b> <i>By not agreeing to accept an information request I, the applicant, acknowledge:</i>
<ul style="list-style-type: none"> <li>• <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></li> <li>• <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></li> </ul>
<i>Further advice about information requests is contained in the <a href="#">DA Forms Guide</a>.</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			
<b>Environmentally relevant activities</b>			
23.1) Is this development application also taken to be an application for an environmental authority for an <b>Environmentally Relevant Activity (ERA)</b> 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 <a href="http://www.qld.gov.au">www.qld.gov.au</a>. An ERA requires an environmental authority to operate. See <a href="http://www.business.qld.gov.au">www.business.qld.gov.au</a> 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.			
<b>Hazardous chemical facilities</b>			
23.2) Is this development application for a <b>hazardous chemical facility</b> ?			
<input type="checkbox"/> Yes – <i>Form 69: Notification of a facility exceeding 10% of schedule 15 threshold</i> is attached to this development application <input checked="" type="checkbox"/> No <i>Note: See <a href="http://www.business.qld.gov.au">www.business.qld.gov.au</a> 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](http://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](http://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](http://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](http://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](http://www.dnrme.qld.gov.au) and [www.business.qld.gov.au](http://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](http://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](http://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](http://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](http://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.qld.gov.au](http://www.planning.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			

MP ref: M2145  
QA: lp.pc.ap

21 July 2023

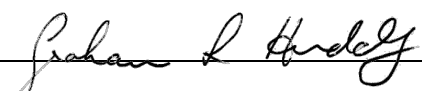
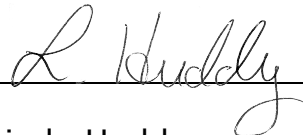
Chief Executive Officer  
Mount Isa City Council  
PO Box 815  
MOUNT ISA QLD 4825

**Attention: Development and Land Use**

Dear Sir/ Madam,

**Re: Land Owner Consent**

Under the provisions of the *Planning Act 2016*, we **G & L HUDDY HOLDINGS PTY LTD** **ACN 010 365 956** being the registered owner of land described as **Lot 4 on SP112175** and located at **7-9 Richardson Road, Ryan**, do hereby authorise and confirm the engagement and appointment of Milford Planning to act on our behalf with respect to the procurement of all development approvals for the aforementioned land.

<b>Date</b>	24	July	2023
	Day	Month	Year
<b>Signature</b>			
<b>Name</b>	Graham Huddy	Linda Huddy	
<b>Position</b>	Director	Director	

**Note**

Where registered owner is a company the ACN must be included and accompanied by:

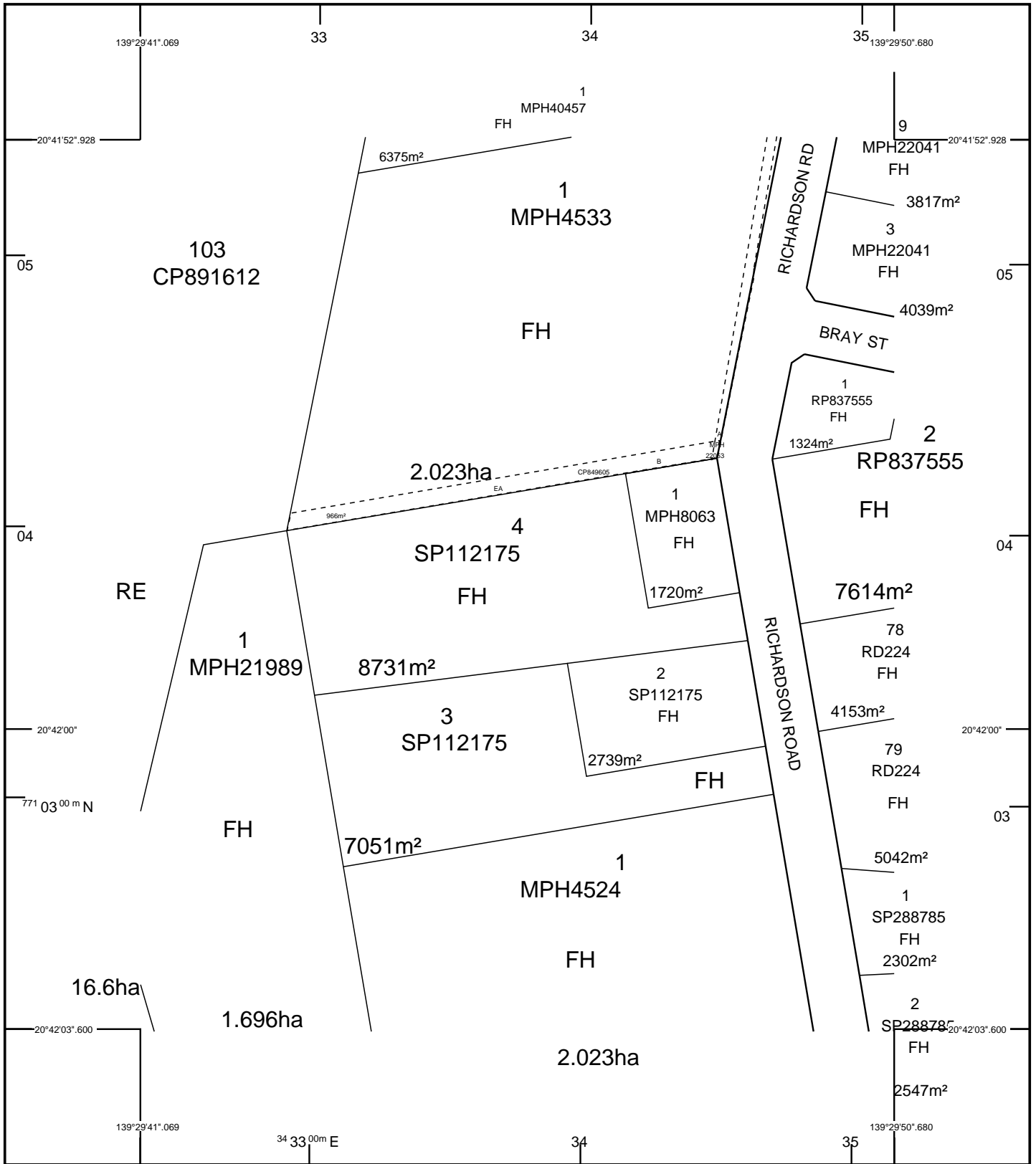
- (a) the signature of either:
- two directors of the company;
  - a director and a company secretary of the company; or
  - if a proprietary company that has a sole director who is also the sole company secretary, that director; **or**
- (b) the company seal (if the company has a common seal) witnessed by:
- two directors of the company;
  - a director and a company secretary of the company; or
  - for a proprietary company that has a sole director who is also the sole company secretary, that director.



---

# Attachment 2

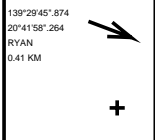
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STANDARD MAP NUMBER  
6756-12211



MAP WINDOW POSITION &  
NEAREST LOCATION



**SUBJECT PARCEL DESCRIPTION**

DCDB	
Lot/Plan	4/SP112175
Area/Volume	8731m <sup>2</sup>
Tenure	FREEHOLD
Local Government	MOUNT ISA CITY
Locality	RYAN
Segment/Parcel	47810/39

**CLIENT SERVICE STANDARDS**

PRINTED	01/03/2023
DCDB	28/02/2023
Users of the information recorded in this document (the Information) accept all responsibility and risk associated with the use of the Information and should seek independent professional advice in relation to dealings with property.	
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For further information on SmartMap products visit <a href="https://www.qld.gov.au/housing/buying-owning-home/property-land-valuations/smartmaps">https://www.qld.gov.au/housing/buying-owning-home/property-land-valuations/smartmaps</a>	

**SmartMap**

An External Product of  
SmartMap Information Services  
Based upon an extraction from the  
Digital Cadastral Data Base



**Queensland  
Government**




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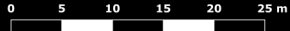
**Drawing**  
Site Aerial

**Property**  
7-9 Richardson Road, Ryan  
Lot 4 on SP112175

Drawing Number	Issue	Sheet
M2145-SK-01	A	1
Date	Author	Reviewer
6.4.23	RS	PC

- Legend**
-  Subject Site
  -  Easements
  -  Cadastre

**Scale (A3 Original)**  
1:750



**Sources**  
Milford Planning GIS (2023)  
DCDB extract - State of Queensland (2023)  
Aerial imagery - QLDGlobe (2023)

**Disclaimer**  
Areas and dimensions are approximate only  
and are subject to site survey.



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# Attachment 3

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# State Assessment and Referral Agency

Date: 01/03/2023

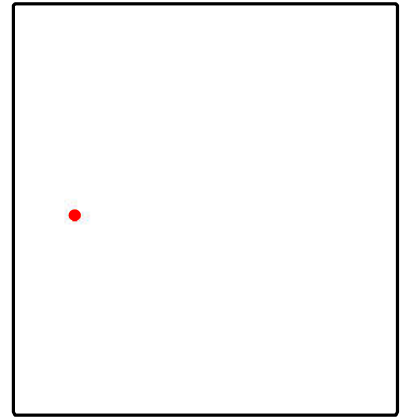


Queensland Government

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## Matters of Interest for all selected Lot Plans

*Water resource planning area boundaries*  
*Regulated vegetation management map (Category A and B extract)*

## Matters of Interest by Lot Plan

**Lot Plan: 4SP112175 (Area: 8731 m<sup>2</sup>)**  
*Water resource planning area boundaries*  
*Regulated vegetation management map (Category A and B extract)*



## State Assessment and Referral Agency

Date: 01/03/2023



Queensland Government

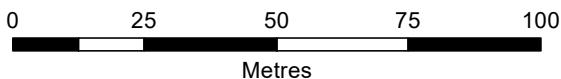
© The State of Queensland 2023.

### Legend

Water resource planning area boundaries

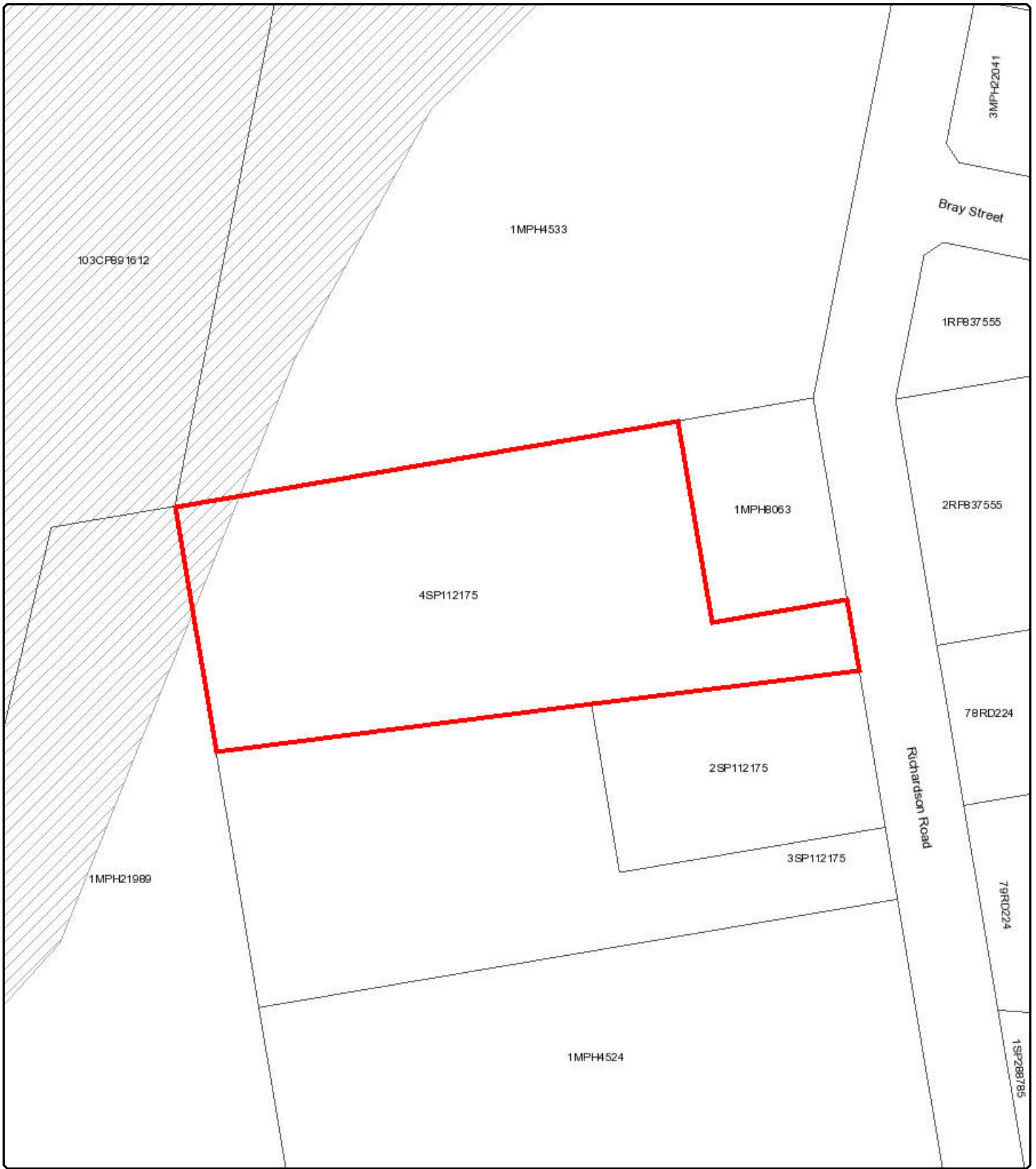


Water resource planning area boundaries



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## State Assessment and Referral Agency

Date: 01/03/2023



Queensland Government



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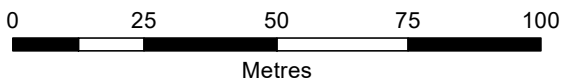
Queensland  
Government



### Legend

Regulated vegetation management map  
(Category A and B extract)

-  Category A on the regulated vegetation management map
-  Category B on the regulated vegetation management map



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# Attachment 4

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**MOUNT ISA CITY COUNCIL  
DEVELOPMENT APPROVAL**

Permit No.: P03-22  
Type of Development: Material Change of Use  
Approved Use: Medium Impact Industry -Storage (Over Two Stages)  
Approved By: Mr Tim Rose  
Title: Acting Chief Executive Officer  
Date: 05/02/2024



**Drawing**  
Site Layout Plan

**Property**  
7-9 Richardson Road, Ryan  
Lot 4 on SP112175

Drawing Number	Issue	Sheet
M2145-SK-03	A	1
Date	Author	Reviewer
21.7.23	LP	PC

**Legend**

- Igloo Roof
- Proposed Sheds
- Easements
- Subject Site
- Cadastre

**Scale** (A3 Original)

1:750

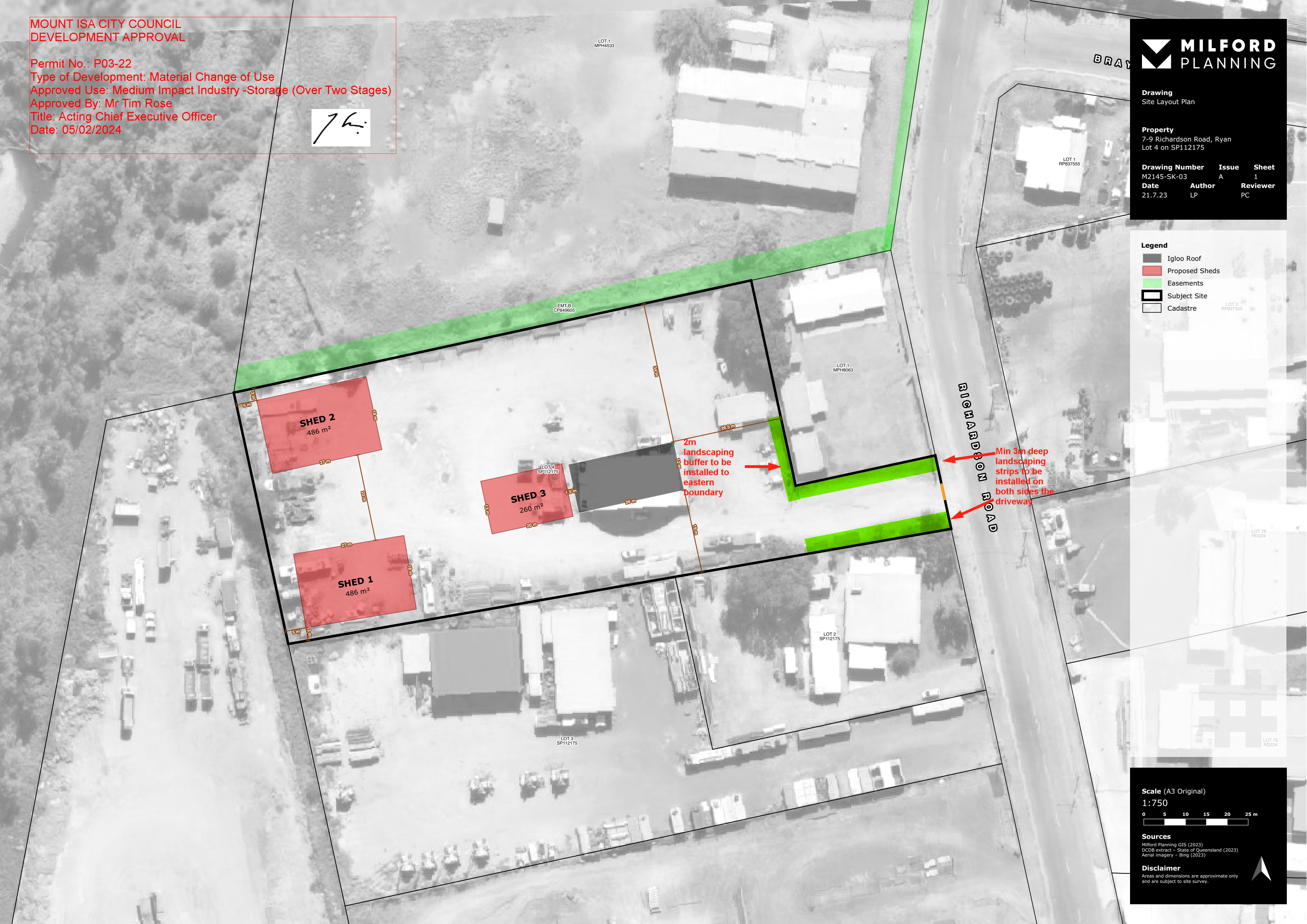


**Sources**

Milford Planning GIS (2023)  
DCDB extract - State of Queensland (2023)  
Aerial imagery - Bing (2023)

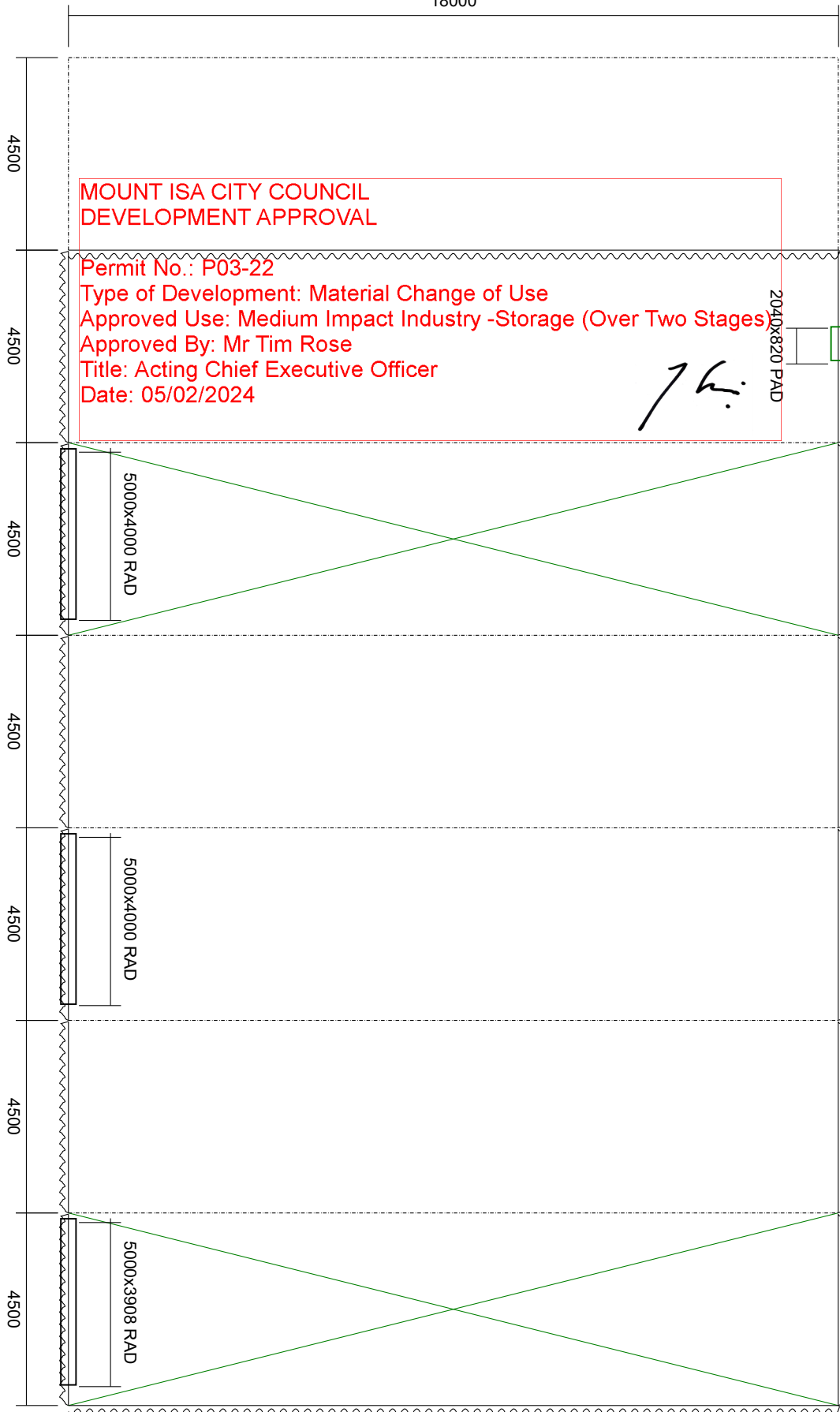
**Disclaimer**

Areas and dimensions are approximate only  
and are subject to site survey.



Rear Elevation

18000



Left Elevation

Right Elevation

M2145-SK-02 - Typical Floor Plan - Sheds 1 and 2

Building Plan	Downright Carpentry	

**Elevations**

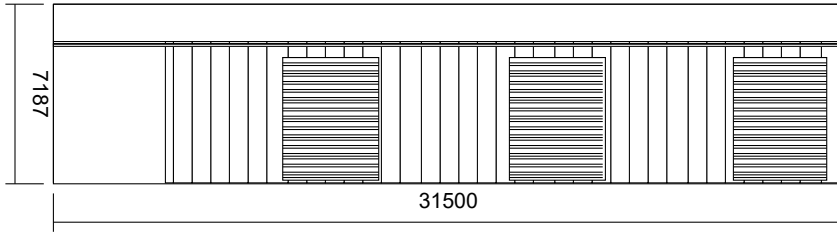
M2145-SK-03 - Typical Elevation - Sheds 1 and 2

Downright Carpentry

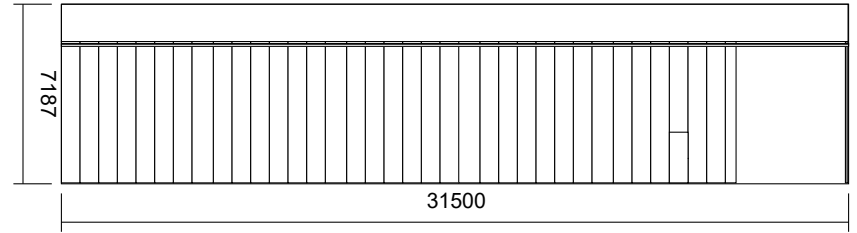
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Building Type: Shed

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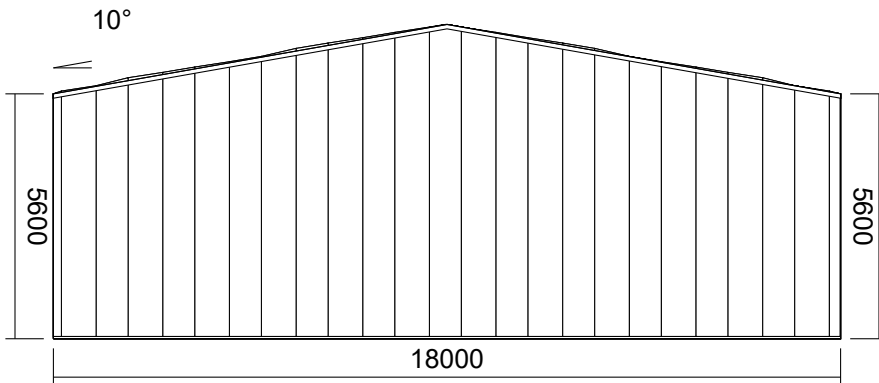
Left Elevation



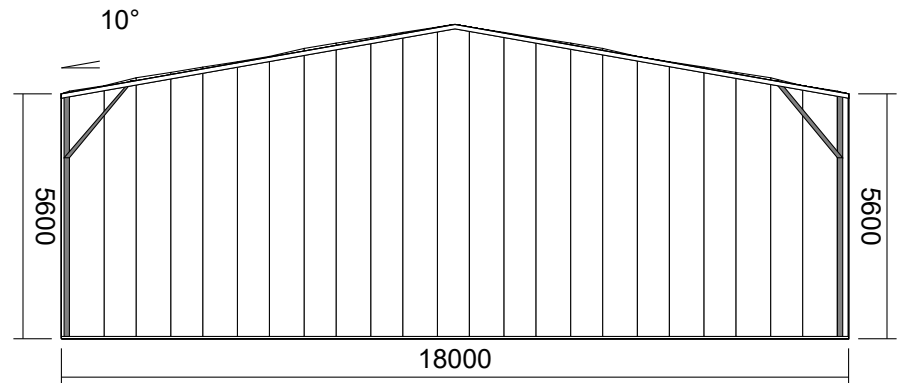
Right Elevation

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Front Elevation



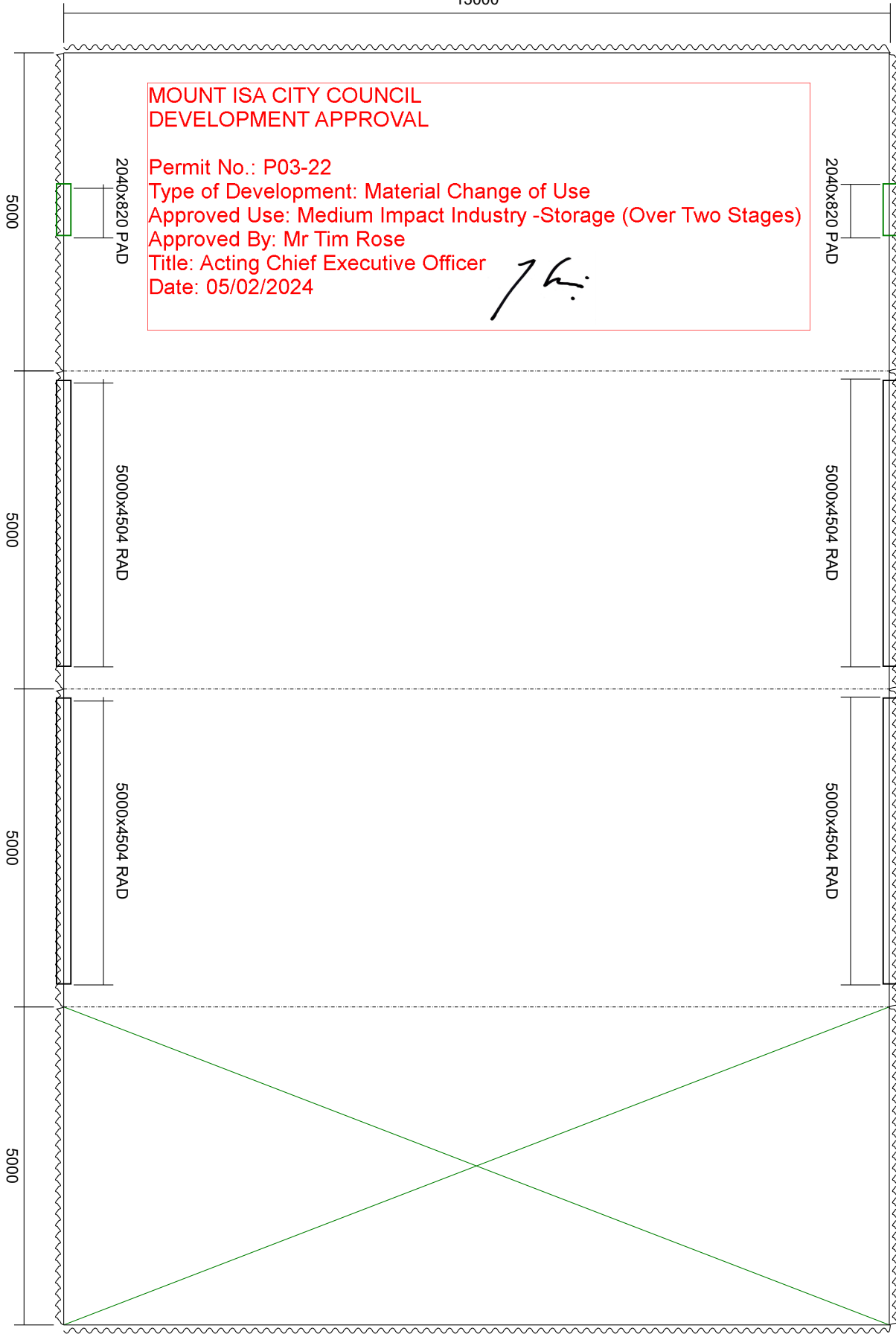
Rear Elevation

Rear Elevation

13000

Left Elevation

Right Elevation



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*J.R.*

M2145-SK-04 - Floor Plan - Shed 3

<b>Building Plan</b>	Downright Carpentry	

**Elevations**

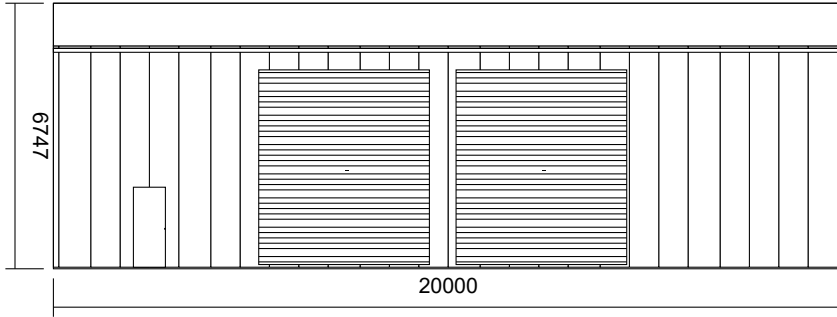
M2145-SK-05 - Elevations - Shed 3

Downright Carpentry

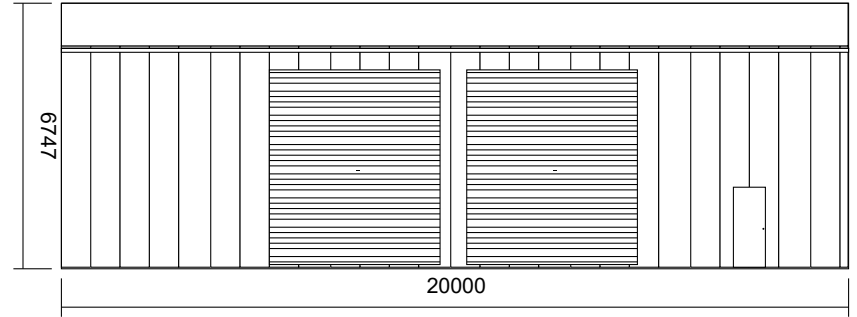
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Building Type: Shed

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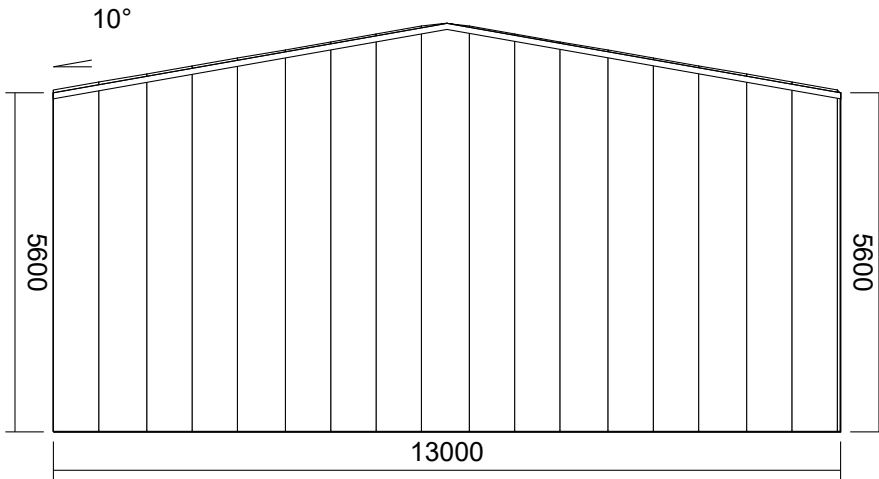
Left Elevation



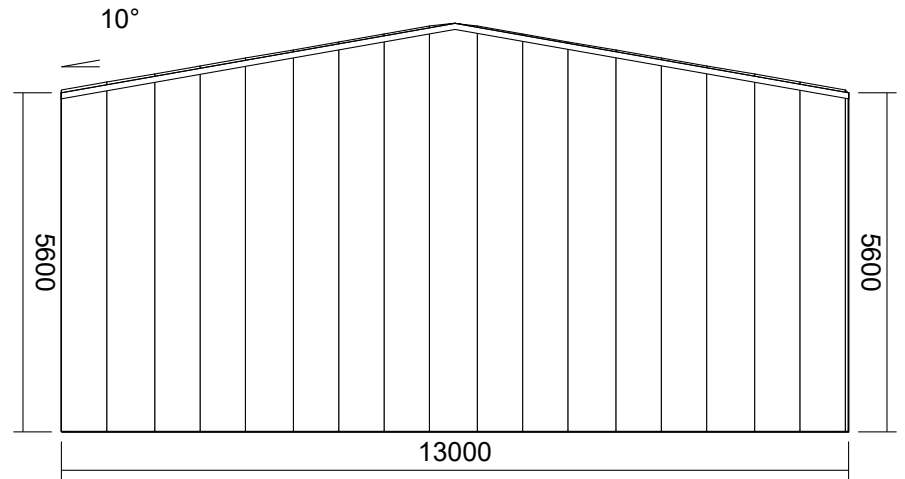
Right Elevation

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Front Elevation



Rear Elevation



ATTACHMENT 3

***PLANNING ACT 2016***  
**EXTRACT ON APPEAL RIGHTS**

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## Chapter 6 Dispute resolution

### Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

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

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

*Note—*

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

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



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

### **230 Notice of appeal**

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

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

## **231 Non-appealable decisions and matters**

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

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

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

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

## 232 Rules of the P&E Court

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

## Part 2                      Development tribunal

### Division 1                  General

#### 233      Appointment of referees

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

- 
- (6) A referee may resign the referee's appointment at any time by giving a notice, signed by the referee, to the appointer.
  - (7) In this section—
    - appointment notice* means—
      - (a) if the Minister gives the notice—a gazette notice; or
      - (b) if the chief executive gives the notice—a notice given to the person appointed as a referee.

### **234 Referee with conflict of interest**

- (1) This section applies if the chief executive informs a referee that the chief executive proposes to appoint the referee as a tribunal member, and either or both of the following apply—
  - (a) the tribunal is to hear a matter about premises—
    - (i) the referee owns; or
    - (ii) for which the referee was, is, or is to be, an architect, builder, drainer, engineer, planner, plumber, plumbing inspector, certifier, site evaluator or soil assessor; or
    - (iii) for which the referee has been, is, or will be, engaged by any party in the referee's capacity as an accountant, lawyer or other professional; or
    - (iv) situated or to be situated in the area of a local government of which the referee is an officer, employee or councillor;
  - (b) the referee has a direct or indirect personal interest in a matter to be considered by the tribunal, and the interest could conflict with the proper performance of the referee's functions for the tribunal's consideration of the matter.
- (2) However, this section does not apply to a referee only because the referee previously acted in relation to the preparation of a relevant local planning instrument.

- (3) The referee must notify the chief executive that this section applies to the referee, and on doing so, the chief executive must not appoint the referee to the tribunal.
- (4) If a tribunal member is, or becomes, aware the member should not have been appointed to the tribunal, the member must not act, or continue to act, as a member of the tribunal.

### **235 Establishing development tribunal**

- (1) The chief executive may at any time establish a tribunal, consisting of up to 5 referees, for tribunal proceedings.
- (2) The chief executive may appoint a referee for tribunal proceedings if the chief executive considers the referee has the qualifications or experience for the proceedings.
- (3) The chief executive must appoint a referee as the chairperson for each tribunal.
- (4) A regulation may specify the qualifications or experience required for particular proceedings.
- (5) After a tribunal is established, the tribunal's membership must not be changed.

### **236 Remuneration**

A tribunal member must be paid the remuneration the Governor in Council decides.

### **237 Tribunal proceedings**

- (1) A tribunal must ensure all persons before the tribunal are afforded natural justice.
- (2) A tribunal must make its decisions in a timely way.
- (3) A tribunal may—
  - (a) conduct its business as the tribunal considers appropriate, subject to a regulation made for this section; and

- (b) sit at the times and places the tribunal decides; and
  - (c) hear an appeal and application for a declaration together; and
  - (d) hear 2 or more appeals or applications for a declaration together.
- (4) A regulation may provide for—
- (a) the way in which a tribunal is to operate, including the qualifications of the chairperson of the tribunal for particular proceedings; or
  - (b) the required fee for tribunal proceedings.

### **238 Registrar and other officers**

- (1) The chief executive may, by gazette notice, appoint—
  - (a) a registrar; and
  - (b) other officers (including persons who are public service officers) as the chief executive considers appropriate to help a tribunal perform its functions.
- (2) A person may hold the appointment or assist concurrently with any other public service appointment that the person holds.

## **Division 2 Applications for declarations**

### **239 Starting proceedings for declarations**

- (1) A person may start proceedings for a declaration by a tribunal by filing an application, in the approved form, with the registrar.
- (2) The application must be accompanied by the required fee.

## **240 Application for declaration about making of development application**

- (1) The following persons may start proceedings for a declaration about whether a development application is properly made—
  - (a) the applicant;
  - (b) the assessment manager.
- (2) However, a person may not seek a declaration under this section about whether a development application is accompanied by the written consent of the owner of the premises to the application.
- (3) The proceedings must be started by—
  - (a) the applicant within 20 business days after receiving notice from the assessment manager, under the development assessment rules, that the development application is not properly made; or
  - (b) the assessment manager within 10 business days after receiving the development application.
- (4) The registrar must, within 10 business days after the proceedings start, give notice of the proceedings to the respondent as a party to the proceedings.
- (5) In this section—

*respondent* means—

  - (a) if the applicant started the proceedings—the assessment manager; or
  - (b) if the assessment manager started the proceedings—the applicant.

## **241 Application for declaration about change to development approval**

- (1) This section applies to a change application for a development approval if—
  - (a) the approval is for a material change of use of premises that involves the use of a classified building; and



- 
- (b) the responsible entity for the change application is not the P&E Court.
- (2) The applicant, or responsible entity, for the change application may start proceedings for a declaration about whether the proposed change to the approval is a minor change.
- (3) The registrar must, within 10 business days after the proceedings start, give notice of the proceedings to the respondent as a party to the proceedings.
- (4) In this section—
- respondent* means—
- (a) if the applicant started the proceedings—the responsible entity; or
- (b) if the responsible entity started the proceedings—the applicant.

## **Division 3                      Tribunal proceedings for appeals and declarations**

### **242      Action when proceedings start**

If a document starting tribunal proceedings is filed with the registrar within the period required under this Act, and is accompanied by the required fee, the chief executive must—

- (a) establish a tribunal for the proceedings; and
- (b) appoint 1 of the referees for the tribunal as the tribunal's chairperson, in the way required under a regulation; and
- (c) give notice of the establishment of the tribunal to each party to the proceedings.

### **243      Chief executive excusing noncompliance**

- (1) This section applies if—

- (a) the registrar receives a document purporting to start tribunal proceedings, accompanied by the required fee; and
  - (b) the document does not comply with any requirement under this Act for validly starting the proceedings.
- (2) The chief executive must consider the document and decide whether or not it is reasonable in the circumstances to excuse the noncompliance (because it would not cause substantial injustice in the proceedings, for example).
- (3) If the chief executive decides not to excuse the noncompliance, the chief executive must give a notice stating that the document is of no effect, because of the noncompliance, to the person who filed the document.
- (4) The chief executive must give the notice within 10 business days after the document is given to the chief executive.
- (5) If the chief executive does excuse the noncompliance, the chief executive may act under section 242 as if the noncompliance had not happened.

## **244 Ending tribunal proceedings or establishing new tribunal**

- (1) The chief executive may decide not to establish a tribunal when a document starting tribunal proceedings is filed, if the chief executive considers it is not reasonably practicable to establish a tribunal.

*Examples of when it is not reasonably practicable to establish a tribunal—*

  - there are no qualified referees or insufficient qualified referees because of a conflict of interest
  - the referees who are available will not be able to decide the proceedings in a timely way
- (2) If the chief executive considers a tribunal established for tribunal proceedings—
  - (a) does not have the expertise to hear or decide the proceedings; or

- 
- (b) is not able to make a decision for proceedings (because of a tribunal member's conflict of interest, for example); the chief executive may decide to suspend the proceedings and establish another tribunal, complying with section 242(c), to hear or re-hear the proceedings.
- (3) However, the chief executive may instead decide to end the proceedings if the chief executive considers it is not reasonably practicable to establish another tribunal to hear or re-hear the proceedings.
- (4) If the chief executive makes a decision under subsection (1) or (3), the chief executive must give a decision notice about the decision to the parties to the proceedings.
- (5) Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts again when the chief executive gives the decision notice to the party who started the proceedings.
- (6) The decision notice must state the effect of subsection (5).

## **245 Refunding fees**

The chief executive may, but need not, refund all or part of the fee paid to start proceedings if the chief executive decides under section 244—

- (a) not to establish a tribunal; or
- (b) to end the proceedings.

## **246 Further material for tribunal proceedings**

- (1) The registrar may, at any time, ask a person to give the registrar any information that the registrar reasonably requires for the proceedings.

*Examples of information that the registrar may require—*

- material about the proceedings (plans, for example)
- information to help the chief executive decide whether to excuse noncompliance under section 243

- for a deemed refusal—a statement of the reasons why the entity responsible for deciding the application had not decided the application during the period for deciding the application.
- (2) The person must give the information to the registrar within 10 business days after the registrar asks for the information.

## **247 Representation of Minister if State interest involved**

If, before tribunal proceedings are decided, the Minister decides the proceedings involve a State interest, the Minister may be represented in the proceedings.

## **248 Representation of parties at hearing**

A party to tribunal proceedings may appear—

- (a) in person; or
- (b) by an agent who is not a lawyer.

## **249 Conduct of tribunal proceedings**

- (1) Subject to section 237, the chairperson of a tribunal must decide how tribunal proceedings are to be conducted.
- (2) The tribunal may decide the proceedings on submissions.
- (3) If the proceedings are to be decided on submissions, the tribunal must give all parties a notice asking for the submissions to be made to the tribunal within a stated reasonable period.
- (4) Otherwise, the tribunal must give notice of the time and place of the hearing to all parties.
- (5) The tribunal may decide the proceedings without a party's submission (written or oral) if—
  - (a) for proceedings to be decided on submissions—the party's submission is not received within the time stated in the notice given under subsection (3); or

- 
- (b) for proceedings to be decided by hearing—the person, or the person’s agent, does not appear at the hearing.
- (6) When hearing proceedings, the tribunal—
- (a) need not proceed in a formal way; and
  - (b) is not bound by the rules of evidence; and
  - (c) may inform itself in the way it considers appropriate; and
  - (d) may seek the views of any person; and
  - (e) must ensure all persons appearing before the tribunal have a reasonable opportunity to be heard; and
  - (f) may prohibit or regulate questioning in the hearing.
- (7) If, because of the time available for the proceedings, a person does not have an opportunity to be heard, or fully heard, the person may make a submission to the tribunal.

## **250 Tribunal directions or orders**

A tribunal may, at any time during tribunal proceedings, make any direction or order that the tribunal considers appropriate.

*Examples of directions—*

- a direction to an applicant about how to make their development application comply with this Act
- a direction to an assessment manager to assess a development application, even though the referral agency’s response to the assessment manager was to refuse the application

## **251 Matters tribunal may consider**

- (1) This section applies to tribunal proceedings about—
- (a) a development application or change application; or
  - (b) an application or request (however called) under an applicable Act if—
    - (i) the application or request relates to a decision made under that Act, other than a decision made by

the Queensland Building and Construction Commission; and

- (ii) an information notice about the decision was given or was required to be given under that Act.
- (2) The tribunal must decide the proceedings based on the laws in effect when—
    - (a) the application or request was properly made; or
    - (b) if the application or request was not required to be properly made—the application or request was made.
  - (3) However, the tribunal may give the weight that the tribunal considers appropriate, in the circumstances, to any new laws.
  - (4) In this section—

*applicable Act* means—

    - (a) the Building Act; or
    - (b) the *Plumbing and Drainage Act 2018*.

## **252 Deciding no jurisdiction for tribunal proceedings**

- (1) A tribunal may decide that the tribunal has no jurisdiction for tribunal proceedings, at any time before the proceedings are decided—
  - (a) on the tribunal's initiative; or
  - (b) on the application of a party.
- (2) If the tribunal decides that the tribunal has no jurisdiction, the tribunal must give a decision notice about the decision to all parties to the proceedings.
- (3) Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts again when the tribunal gives the decision notice to the party who started the proceedings.
- (4) The decision notice must state the effect of subsection (3).
- (5) If the tribunal decides to end the proceedings, the fee paid to start the proceedings is not refundable.

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## 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.



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**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.