



Our Ref: **Maqig ID: 156306 & File: P14-23 & 06249-00000-000 & 10082501 JMN**
Your Ref: SLR Project No.:630.031284.00001

DECISION NOTICE APPROVAL

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

19 July 2024

david.cant@slrconsulting.com

Westpac
C/-SLR Consulting Australia Pty Ltd
10/8-14 Kings Road
NEW LAMBTON NSW 2305

Attention: David Cant – Project Consultant

Dear Mr Cant

The development application described below was properly made to the Council on 28 June 2024.

APPLICANT DETAILS*

Applicant name: Westpac
C/-SLR Consulting Australia Pty Ltd

Applicant contact details: david.cant@slrconsulting.com

APPLICATION DETAILS

Application number: P14-23

Approval sought: Operational Works

Nature of development proposed: Advertising Signage

Description of the development proposed: New signs to the facia of building and under awning

LOCATION DETAILS

Street address: 23-25 Simpson Street

Real property description: Lot 138 on plan SP168569

Local government area: Mount Isa City

**Mount Isa City Council is collecting your personal information on this form in order to comply with its responsibilities and obligations as a Local Government. The information will only be accessed by authorised Council employees who have a legitimate need for the information to process applications, requests etc. Your personal information will not be given to any other person or agency unless you have given us permission to do so or we are required to do so by law.*

DECISION

Date of decision: 18 July 2024

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

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

DETAILS OF APPROVAL

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

The following approvals are given:

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval 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

CONDITIONS

This approval is subject to the conditions in Attachment 1.

APPROVED PLANS AND SPECIFICATIONS

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

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Operational Works for Advertising Signage				
Planning Report	SLR Consulting Australia	13 June 2024	SLR Project No.: 630.031284.00001	
Proposed Plan & Signage Schedule for DA Issue	rfa architects	27/05/2024	Drawing No. A002	A

Proposed Elevation for DA Issue	rfa architects	27/05/2024	Drawing No. A003	A
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CURRENCY PERIOD FOR THE APPROVAL (Section 85 of the Planning Act 2016)

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

STATEMENT OF REASONS

1. Reasons for the Decision

The reasons for this decision are:

- The proposed development was a code-assessable development for the zone; and
- Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity, or can be conditioned to comply with the relevant code requirements; and
- The proposed development complies or can be conditioned to comply with the relevant State Planning Policy and the North Queensland Regional Plan.

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

- The development application material; and
- The City of Mount Isa Planning Scheme 2020; and
- State Planning Policy; and
- North Queensland Regional Plan; and
- Observations made by Council officers through a desktop exercise.

2. Assessment Benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Advertising Devices Code	<i>City of Mount Isa Planning Scheme 2020- Other Development Codes – 9.4.1 -</i>

3. 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
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: P14-23 for a Operational Works for Advertising Signage at 23-25 Simpson Street, 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 18 July 2024 for the Operational Works for Advertising Signage at 23-25 Simpson Street, Mount Isa, described as Lot 138 on plan SP168569, subject to the following conditions:

NUMBER	CONDITION	TIMING
PLANNING		
All Signs		
General		
1.	The development shall be carried out generally in accordance with the approved plans and drawings attached to this approval except where conditions of this approval dictate otherwise. <i>For clarity, any change to the development that is not generally in accordance with the approved plans and drawings must be approved by Council pursuant to a 'change application' under Chapter 3, Part 5, Division 2, Subdivision 2 of the Planning Act 2016;</i>	<i>At all times</i>
2.	The applicant is to ensure that at all times during its existence, the advertising signage complies in all respects with all relevant town planning and/or building approvals. Where no building permit is required, the advertising signage must at all times comply with manufacturer's specifications/standards;	As specified
3.	The advertising devices must be affixed to a structure with fixtures and fittings that are of sound construction, durable and of sufficient inherent strength to ensure that the device does not become a danger to persons or property and will accommodate wind loadings for the area.	<i>As specified.</i>
4.	The applicant is to ensure that at all times during its existence, the advertising signage is maintained in good repair and sightly appearance;	<i>As specified</i>
5.	Prior approval is to be sought from the Council for any changes to the advertising sign;	<i>As specified</i>

6.	Where the Advertising Signage is damaged beyond repair or where it is stolen or becomes illegible, the applicant shall take immediate action to remove or make good the signage, upon written notice to that effect by the Mount Isa City Council;	<i>At all times</i>
7.	Upon cessation of the business or activity to which the advertisement refers, the advertisement must be removed and the site made good within thirty (30) days of the last day on which the business or activity operated.	<i>As directed</i>
Under Awning Sign		
8.	The applicant shall maintain (and provide evidence of) insurance to include the Advertising Signage in their public liability policy of insurance and it is the responsibility of the applicant to ensure this policy is kept current for the life of the Advertising Signage;	<i>As specified</i>
9.	There is to be a minimum vertical clearance of 2400mm under the Advertising Signage.	<i>At all times</i>

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

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
- State Planning Policy Interactive Mapping System

ATTACHMENT 2
APPROVED PLANS

13 June 2024

SLR Ref No.: Planning Report - 23-25 Simpson Street, Mount Isa City, KY.docx

Attention: The General Manager
 Mount Isa City Council
 PO Box 815
 Mount Isa QLD 4825

SLR Project No.: 630.031284.00001

**RE: Development Application
 Operational Work (Advertising Devices)
 23-25 Simpson Street, Mount Isa City QLD 4825**

**MOUNT ISA CITY COUNCIL
 DEVELOPMENT APPROVAL**

Permit No.: P14-23
 Type of Development: Operational Works
 Approved Use: Advertising Signage
 Approved By: Mr Tim Rose
 Title: Chief Executive Officer
 Date: 18/07/2024



1.0 Introduction

This planning report is submitted to Mount Isa City Council (Council) in support of a Development Application (DA) for Operational Work (Advertising Devices) associated with external signage works at the existing Westpac tenancy at 23-25 Simpson Street, Mount Isa City QLD 4825, formally known as Lot 138 on SP168569.

This planning report describes the site, its environs, the proposed development and provides an assessment of the proposal in relation to the applicable Local planning provisions, being the *City of Mount Isa Planning Scheme 2020* (the Planning Scheme).

The proposed works do not meet the accepted development requirements under the Planning Scheme, specifically the relevant requirements for operational work. As such, the proposed signage works are subject to code assessment against the Advertising Devices Code.

The report should be read in conjunction with the Development Plans prepared within **Attachment B. Table 1** below provides a summary of the key site and application details.

Table 1 Application Details

Site and Applicant Details	
Site Address	23-25 Simpson Street, Mount Isa City QLD 4825
Real Property Descriptions	Lot 138 on SP168569
Site Area	3,035m ²
Assessment Manager	Mount Isa City Council
Planning Scheme	City of Mount Isa Planning Scheme 2020
Zone	Principal Centre
Overlays	Nil
Aspects of Development	Development Permit for Operational Work (Advertising Devices)
Category of Assessment	Code Assessment
Referrals	Nil

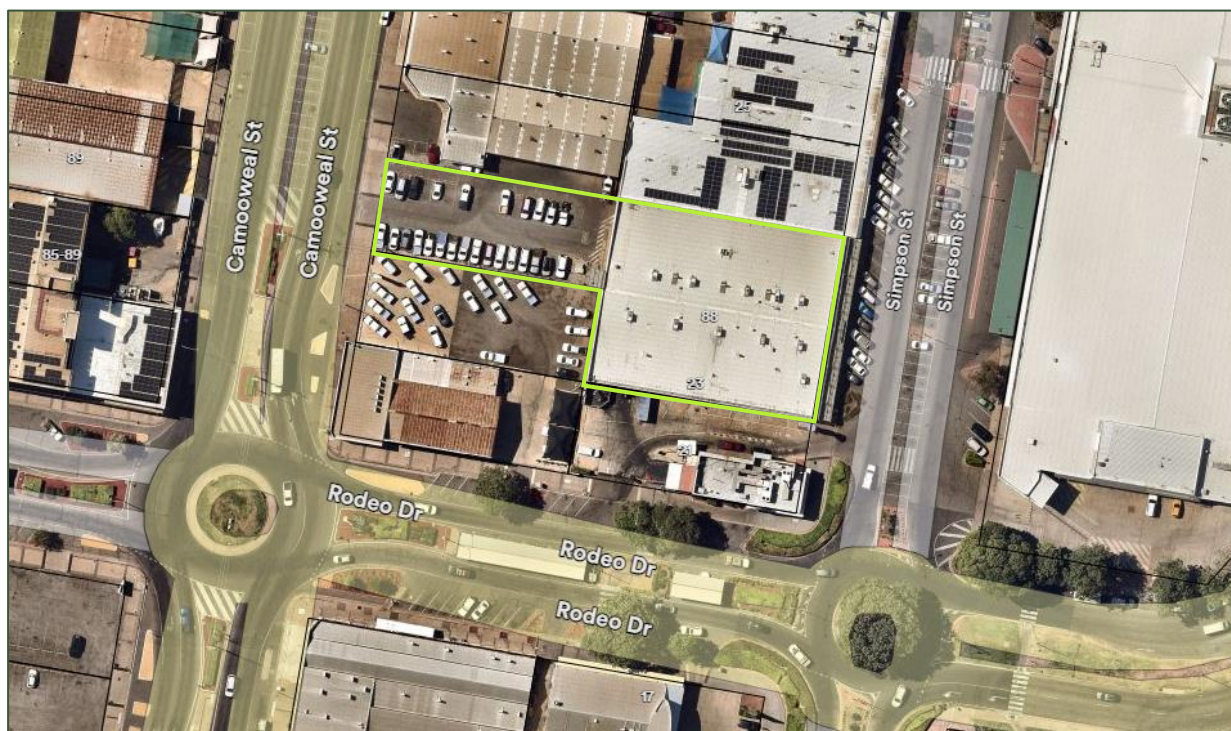
Site and Applicant Details	
Land Owner	Bell and Moir Corp Pty Ltd
Applicant	Westpac
Applicant's Representative	David Cant – Project Consultant SLR Consulting Australia Pty Ltd 10/8-14 Kings Road New Lambton NSW 2305 E: david.cant@slrconsulting.com Ph: 0437568628

2.0 Site Details

The subject site is located at 23-25 Simpson Street, Mount Isa City QLD 4825, which is formally known as Lot 138 on SP168569. The site is located within the City of Mount Isa Local Government Area (LGA), and the total site comprises an area of 3,035m². The surrounding area predominately consists of commercial uses, including several retail stores, food and drink premises and shopping centres. The Leichardt River is located approximately 530m west of the site, and Mount Isa station is located approximately 950m west of the site.

The site is subject to the provisions of the City of Mount Isa Planning Scheme 2020. In accordance with the planning scheme, the site is zoned Principal Centre.

Figure 1 Site Aerial (Source: Nearmap, dated 26 September 2023)



3.0 Proposal

The applicant seeks Council’s approval of a Development Permit for Operational Work (Advertising Devices) at the site in accordance with the proposal plans in **Attachment B**. The works requiring approval under this operational work application include:

- Replacement of internal transom sign with illuminated transom sign;
- Replacement of external transom sign with illuminated transom sign;
- Replacement of under-awning sign with illuminated under-awning sign;
- Installation of new 65” digital screen within shopfront; and
- Other minor works specified on the Proposal Plans within **Attachment B**.

Refer to **Figure 2** and **Figure 3** for plan extracts of the proposed development.

Figure 2 Proposed Shopfront Elevation

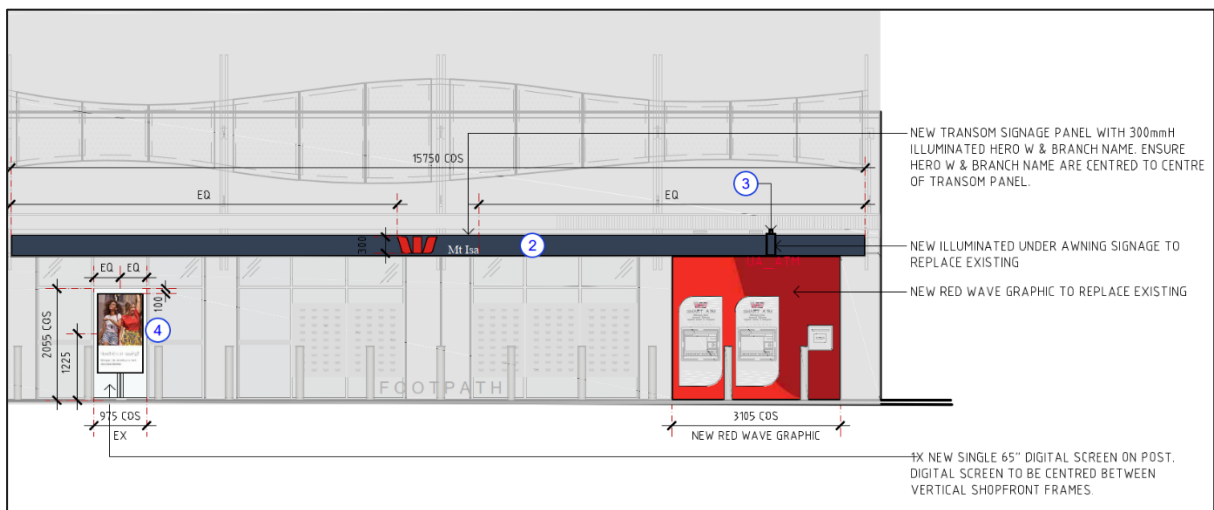
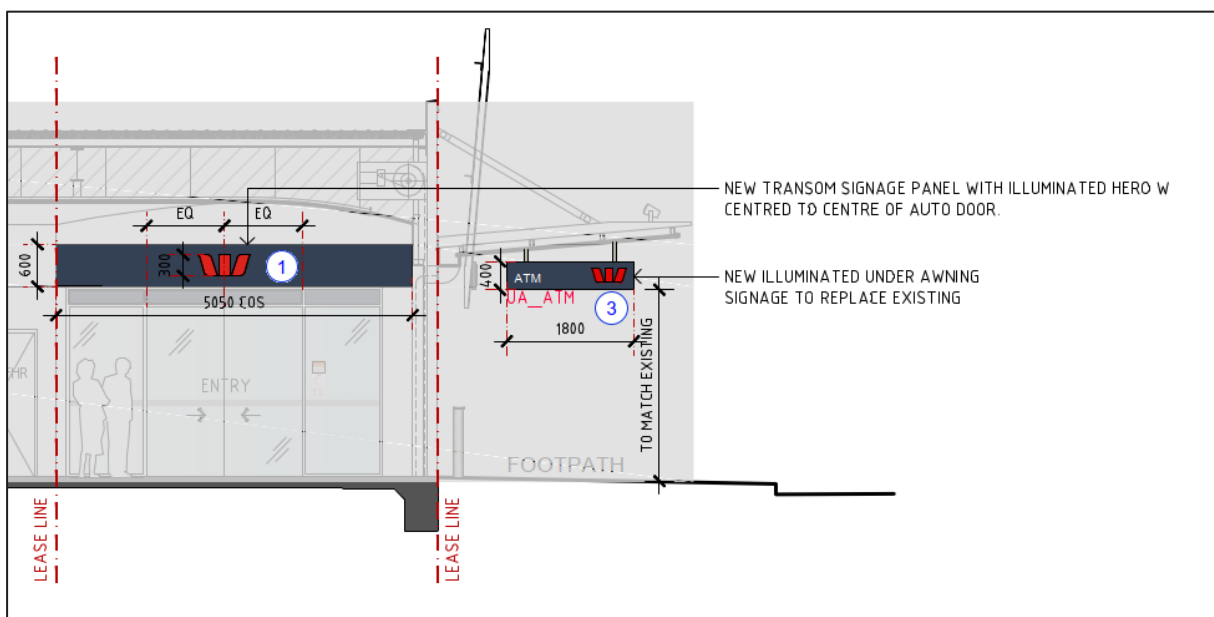


Figure 3 Proposed Entry Elevation



4.0 Statutory Town Planning Framework

This section of the report addresses the applicable components of the statutory town planning framework and their relevance to the proposed development.

4.1 Planning Act 2016

The *Planning Act 2016* is the statutory planning instrument for the State of Queensland under which, amongst other matters, development applications are assessed by local governments.

The categorising instrument (*City of Mount Isa Planning Scheme 2020*) identifies the proposed development as Code Assessment.

Section 45(3) of the *Planning Act 2016* outlines the matters the assessment manager must give regard to when assessing a Code Assessable application.

“(3) A **code assessment** is an assessment that must be carried out only –

(a) against the assessment benchmarks in a categorising instrument for the development; and

(b) having regard to any matters prescribed by regulation for this paragraph.”

Identification of the relevant assessment benchmarks and a planning assessment against each of these is provided within **Attachment C**.

4.2 Planning Regulation 2017

The *Planning Regulation 2017* supports and provides the mechanics for the operation of the *Planning Act*, enabling the planning system to function as intended. The *Planning Regulation 2017* outlines the triggers and thresholds for when development applications require assessment by the State and identifies what development is assessable, accepted and prohibited.

Following a review of the *Planning Regulation 2017* the proposed development requires assessment against the relevant assessment benchmarks within the local categorising instrument, being the *City of Mount Isa Planning Scheme 2020*.

4.2.1 Referral Triggers

No referrals are triggered as a result of the proposed development.

4.3 State Planning Instruments

Section 26(2)(a) of the *Planning Regulation 2017* outlines that for a Code Assessable application, the assessment must be carried out against:

“(a) the assessment benchmarks stated in –

(i) the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and



- (ii) *the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
- (iii) *any temporary State planning policy applying to the premises”*

An assessment of the proposed development against the relevant State Planning Instruments is provided within this section. Please note that Section 26(2)(a)(iii) of the *Planning Regulation 2017* is not applicable as there are no temporary State Planning Policies applying to the premises.

4.3.1 State Planning Policy

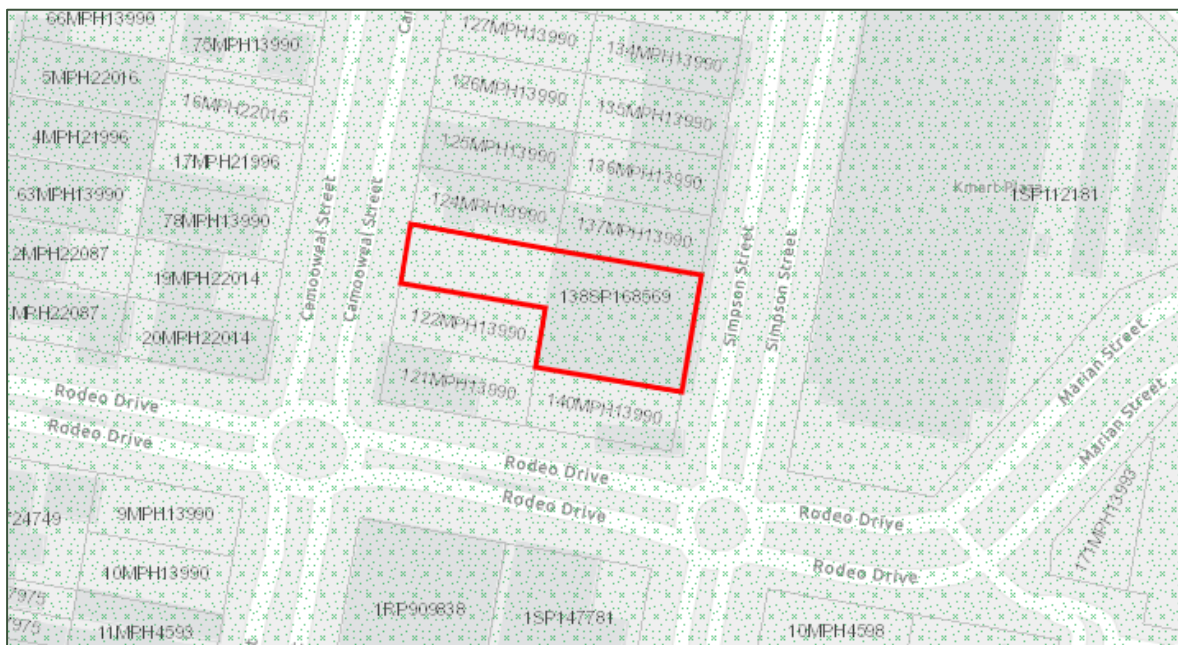
The *State Planning Policy 2017* (SPP) articulates the State interests that have been identified as critical to protecting and enhancing Queensland and delivering responsible development.

Part B of the State Planning Policy recognises that the SPP applies as a ‘matter to have regard to under the *Planning Regulation 2017*, only if the relevant State interests in the SPP are identified as having not been appropriately integrated in a local planning instrument, and only to the extent of any inconsistency.

Consideration has been given to the *State Planning Policy 2017* as the July 2017 SPP has not been identified in the City of Mount Isa Planning Scheme 2020. The proposal involves development assessable by the Local Government.

SPP Mapping indicates that the subject site is affected by the Natural Hazards Risk and Resilience, and Strategic Airports and Aviation Facilities State Interests. Refer to **Figure 4**.

Figure 4 State Planning Policy (SPP) Assessment Benchmark Mapping



The following table comprises an assessment of the proposed development against each of the State Interests.



Table 2 SPP State Interest Assessment

State Interest	Comment
Liveable Communities	Not Applicable as the proposed development does not involve a material change of use or reconfiguring a lot. Additionally, the road widths and built form are not being altered as part of the proposed works, ensuring that fire emergency vehicle access is not impacted.
Mining and Extractive Resources	Not Applicable as the SPP mapping does not identify the site as being located within any Key Resource Areas (KRAs).
Water Quality	Not Applicable as the proposed development does not involve material change of use, reconfiguring a lot or operational works for an urban purpose that involves disturbing a land area 2500m ² or greater in size.
Natural Hazards, Risk and Resilience	Applicable – refer Section 4.3.1.1 below for assessment.
Strategic Airports and Aviation Facilities	Not Applicable as the proposed development does not involve any work encroaching into the operational airspace of a strategic airport.

4.3.1.1 Natural Hazards Risk and Resilience

SPP Mapping indicates that the subject site is affected by the Natural Hazards, Risk and Resilience State Interest. The development involves Operational Works on land within flood hazard areas.

With reference to Part E of the State Planning Policy July 2017, the following table identifies the assessment benchmarks that the development is to be assessed against and the response to the assessment benchmarks.

Table 3 SPP State Interest – Natural Hazards, Risk and Resilience

Assessment Benchmark	Response
Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district	
(3) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.	Complies The proposed development relates to a site located within a flood hazard area. The proposed development relates to signage and does not alter the built form or structure of the building.
All natural hazard areas	
(4) Development supports and does not hinder disaster management response or recovery capacity and capabilities.	Complies The proposed development relates to signage and does not hinder response and recovery capabilities in the area.
(5) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.	Complies The proposed development does not affect the potential for damage on the site or to other properties. It relates only to signage at the site and does not alter the built form.



Assessment Benchmark	Response
(6) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.	Complies The proposed development does not increase the risk to public safety and the surrounding environment as there are no works involving hazardous materials proposed.
(7) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.	Complies The proposed development relates only to signage for the existing building and does not affect the function of landforms and vegetation associated with the flood hazard area.

4.4 Local Categorising Instrument – City of Mount Isa Planning Scheme 2020

The subject site is located within the City of Mount Isa LGA, therefore the *City of Mount Isa Planning Scheme 2020* (the Planning Scheme) is the applicable Local Categorising Instrument in this instance. This section addresses the applicable provisions of the Planning Scheme as they relate to the proposed development and the subject site.

4.4.1 Zoning

The site is identified as being within a Principal Centre Zone under the Planning Scheme, refer to **Figure 5** below.

Figure 5 Site Zoning (Source: City of Mount Isa Planning Scheme 2020)



4.4.2 Category of Assessment

The category of assessment for this development application has been determined with reference to Part 5 of the Planning Scheme. The proposal has a single category of assessment trigger which has been considered and is listed in **Table 3** below. Accordingly, the proposed development is subject to Code Assessment.

4.4.3 Code Compliance

The application seeks approval of a Development Permit for Operational Work as outlined in Section 3 of this Planning Report as the scope listed triggers the works of an operational nature. A Material Change of Use is not triggered as an office use continues within the existing bounds of the tenancy.

The following table outlines the Planning Scheme categories of assessment triggers relevant to the proposal. The table also lists the applicable assessment benchmarks that the proposal will be assessed against.

Table 4 City of Mount Isa Planning Scheme 2020 – Assessment Criteria

Trigger	Category of Assessment	Assessment Benchmarks
OPERATIONAL WORK – Advertising Device		
All zones	Code Assessment <i>Table 5.8.1 – City of Mount Isa Planning Scheme 2020</i>	Advertising devices code

The proposal has been assessed in relation to the above-mentioned Code. Detailed responses to the Advertising Devices Code are contained within **Attachment C**. The following is a summary of the key code compliance matters identified as part of this assessment.

4.4.3.1 Advertising Devices Code

The assessment of the proposal against the advertising code did not trigger any performance solutions, and the proposed operational work complies with all assessment benchmarks.

Based on the above, the proposed operational work complies with the assessment benchmarks, demonstrating an appropriate level of compliance with all prescribed codes.

5.0 Conclusion

This development application seeks approval for a Development Permit for Operational Works (Advertising Devices) at 23-25 Simpson Street, Mount Isa City QLD 4825 (Lot 138 on SP168569). The proposed works are considered conducive with the building and area and can be reasonably expected at the site.

The development application is subject to Code Assessment and this Town Planning Report has included the detailed assessment of the proposal in relation to the applicable Local planning provisions. Based on this assessment, the proposal complies with the applicable planning provisions. On this basis, the proposed application for Operational Work is recommended for approval from City of Mount Isa subject to reasonable and relevant conditions.



Yours sincerely,



David Cant
Project Consultant - Planning
david.cant@slrconsulting.com

SLR Consulting Australia Pty Ltd

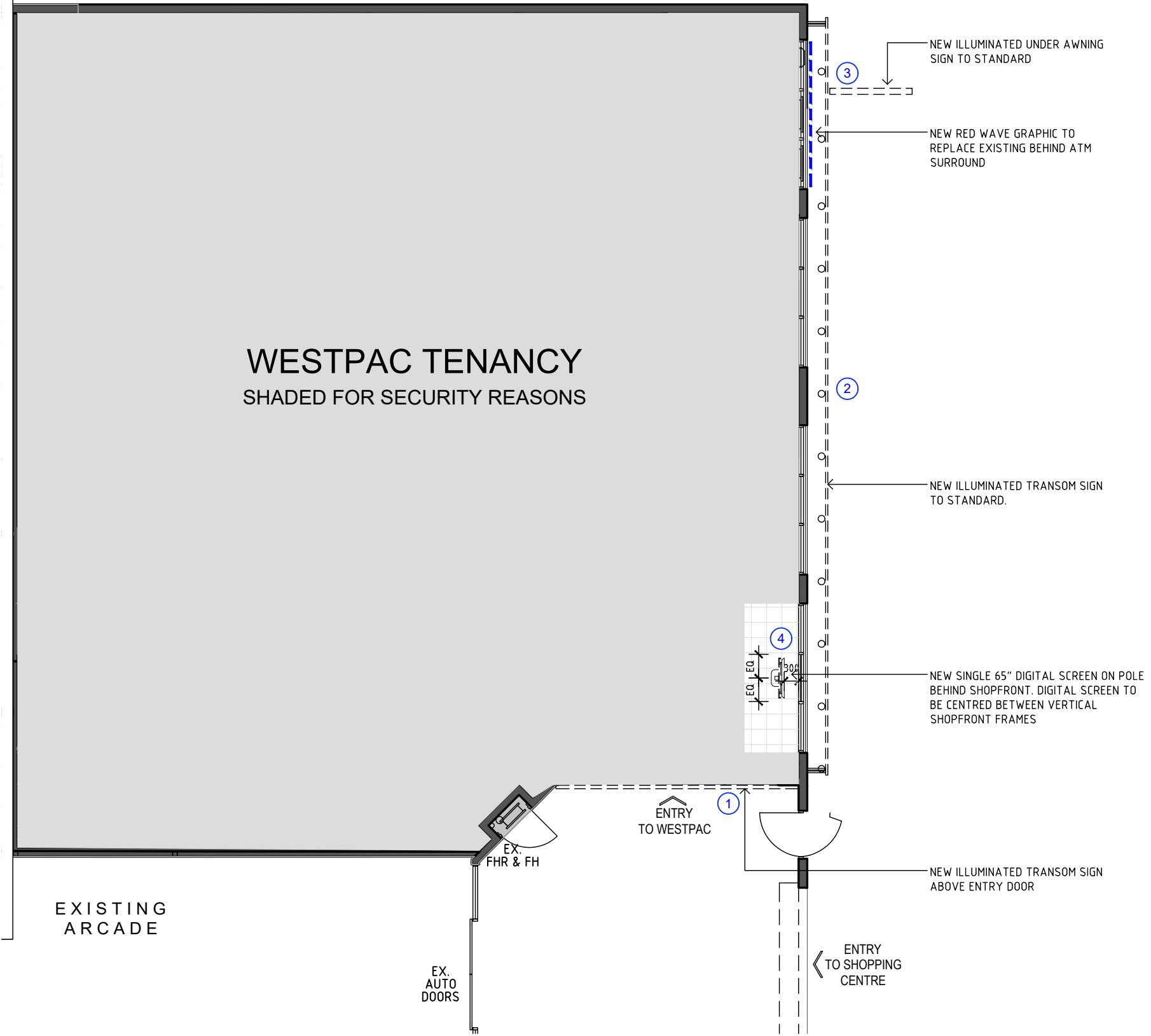
Attachments

Application A – Application Forms

Attachment B – Proposal Plans

Attachment C – Code Responses





SCHEDULE OF SIGNAGE				
NO.	SIGNAGE / GRAPHIC NAME.	AREA	DIMENSIONS	DESCRIPTIONS
INTERNALLY ILLUMINATED SIGN:				
1.	TRANSOM SIGNAGE ABOVE ENTRY DOOR (INSIDE SHOPPING CENTRE)	3.03m ²	5050mm COS (w) x 600mm (h)	INTERNALLY ILLUMINATED HERO W SIGN (CODE: HERO_W_TR) ON TRANSOM PANEL
2.	TRANSOM SIGNAGE ABOVE SHOPFRONT (FACING SIMPSON STREET)	6.3m ²	15750mm COS (w) x 400mm (h)	INTERNALLY ILLUMINATED HERO W SIGN & BRANCH NAME (CODE: HERO_W_TR & FA_BN_L) ON TRANSOM PANEL
3.	UNDERAWNING ILLUMINATED SIGN	0.65m ²	1800mmCOS (w) x 360mm (h)	UNDERAWNING DOUBLE SIDED LIGHTBOX WITH WESTPAC LOGO
GENERAL BUSINESS SIGNS:				
4.	NEW 65 INCH DIGITAL SCREEN	0.83m ²	840mm (w) x 1460mm (h)	DIGITAL SCREEN ON POLE BEHIND GLASS SHOPFRONT

LEGEND

REFER TO CORRESPONDING SIGNAGE REFERENCE IN SIGNAGE SCHEDULE FOR DETAIL AND SPECIFICATION

NEW RED WAVE GRAPHIC BEHIND ATM

NOTES:

- ALL SIGNAGE IS TO COMPLY WITH RELEVANT CONTROLS OF SECTION 3 (ADVERTISEMENT AND ROAD SAFETY) OF THE NSW DEPARTMENT OF PLANNING AND ENVIRONMENT TRANSPORT, CORRIDOR OUTDOOR ADVERTISING AND SIGNAGE GUIDELINES (NOVEMBER 2017).
- ILLUMINATED SIGNAGE ELEMENTS TO BE INSTALLED IN ACCORDANCE WITH AUSTRALIAN STANDARD (AS4282:1997) CONTROL OF OBTRUSIVE EFFECTS OF OUTDOOR LIGHTING.

**MOUNT ISA CITY COUNCIL
DEVELOPMENT APPROVAL**

Permit No.: P14-23
 Type of Development: Operational Works
 Approved Use: Advertising Signage
 Approved By: Mr Tim Rose
 Title: Chief Executive Officer
 Date: 18/07/2024

J.R.

NOTE: CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING CONSTRUCTION. DO NOT SCALE FROM THIS DRAWING.

CLIENT GROUP PROPERTY WESTPAC GROUP PROPERTY RETAIL PROJECTS & CORPORATE WORKS Level 8, 55 Market Street, Sydney NSW 2000 Responsible Design Manager : Nadine Samwell	PROJECT MANAGER Triple H Building the Future Unit 2, 23 Waratah St Kirrawee NSW 2232 M +61 423 606 823 E james@tripleh.com.au	ARCHITECT rfa architects Level 1, 121 Alexander Street Crows Nest NSW 2065 T 02 9901 4422 W www.rfaarchitects.com.au	REVISIONS Rev. Date Description A 27/05/24 DA ISSUE	By CW	DRAWN CW	PROPERTY ID -	PROJECT NO -	PROJECT WESTPAC MOUNT ISA 23 - 25 SIMPSON STREET MOUNT ISA CITY, QLD 4825
					MANAGER MM	WBC PROJECT ID -	DRAWING NO A002	DRAWING PROPOSED PLAN & SIGNAGE SCHEDULE FOR DA ISSUE
					REVISION A	BRANCH BSB -	PJT COMMENCEMENT DATE APR 2024	SCALE 1: 100 @A3

MOUNT ISA CITY COUNCIL DEVELOPMENT APPROVAL

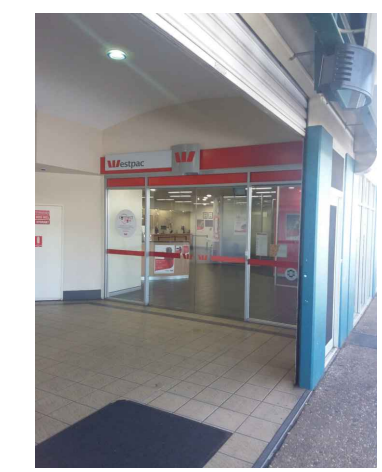
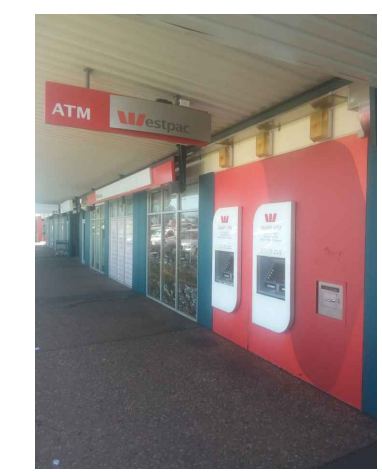
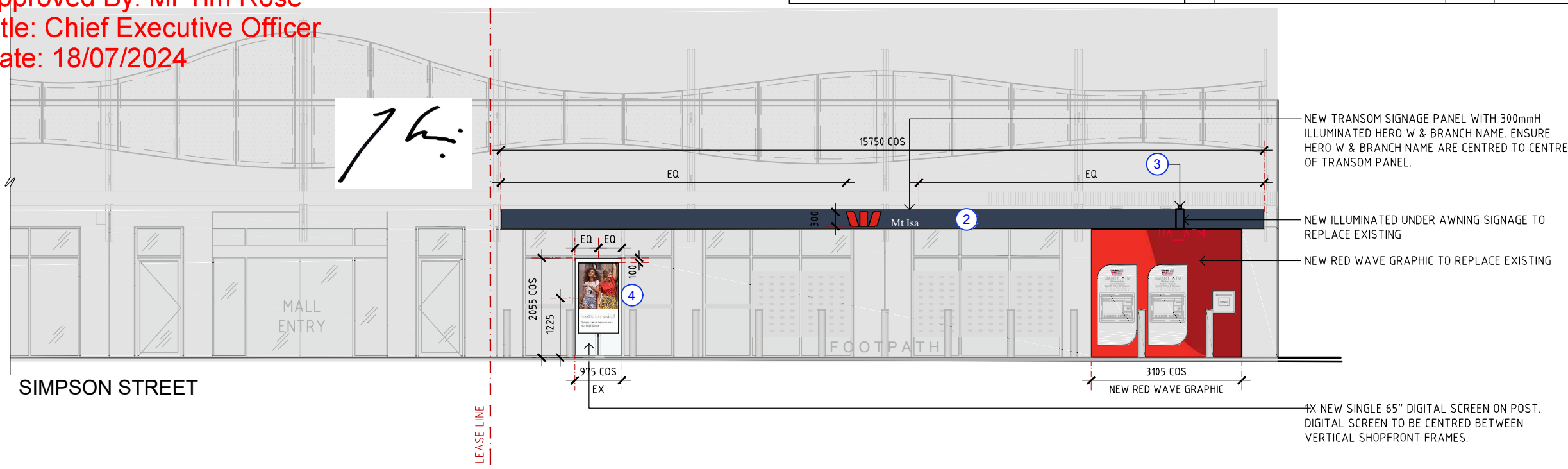
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LEGEND

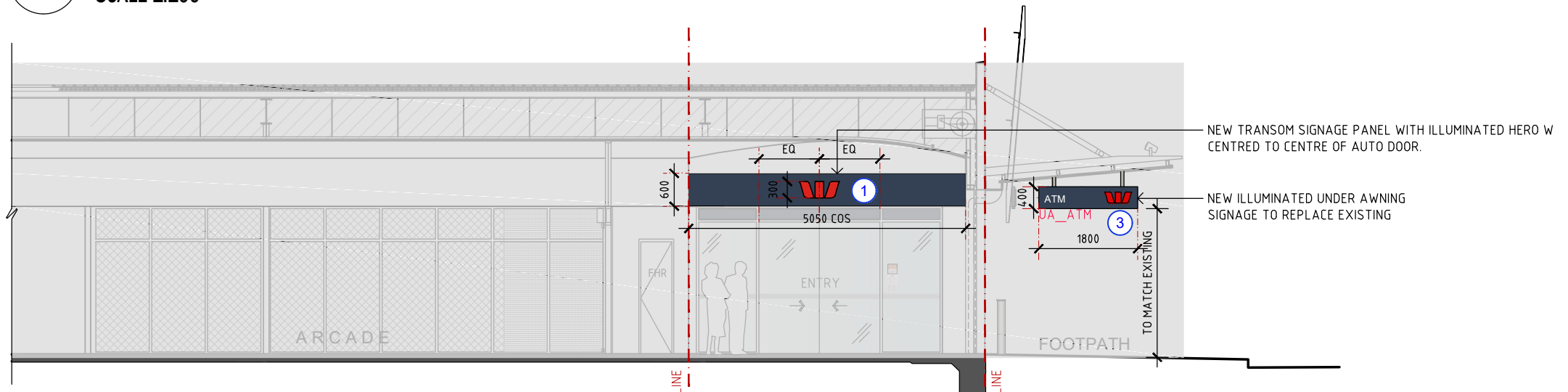
REFER TO CORRESPONDING SIGNAGE REFERENCE IN SIGNAGE SCHEDULE FOR DETAIL AND SPECIFICATION

SCHEDULE OF SIGNAGE				
NO.	SIGNAGE / GRAPHIC NAME.	AREA	DIMENSIONS	DESCRIPTIONS
INTERNALLY ILLUMINATED SIGN:				
1.	TRANSOM SIGNAGE ABOVE ENTRY DOOR (INSIDE SHOPPING CENTRE)	0.21m ²	5050mm COS (w) x 600mm (h)	INTERNALLY ILLUMINATED HERO W SIGN (CODE: HERO_W_TR) ON TRANSOM PANEL
2.	TRANSOM SIGNAGE ABOVE SHOPFRONT (FACING SIMPSON STREET)	0.21m ²	15750mm COS (w) x 400mm (h)	INTERNALLY ILLUMINATED HERO W SIGN & BRANCH NAME (CODE: HERO_W_TR & FA_BN_L) ON TRANSOM PANEL
3.	UNDERAWNING ILLUMINATED SIGN	0.65m ²	1800mmCOS (w) x 360mm (h)	UNDERAWNING DOUBLE SIDED LIGHTBOX WITH WESTPAC LOGO
GENERAL BUSINESS SIGNS:				
4.	NEW 65 INCH DIGITAL SCREEN	0.83m ²	840mm (w) x 1460mm (h)	DIGITAL SCREEN ON POLE BEHIND GLASS SHOPFRONT



EXISTING SHOPFRONT IMAGES

1 PROPOSED SHOPFRONT ELEVATION
SCALE 1:100



2 PROPOSED ENTRY ELEVATION
SCALE 1:100

NOTE: CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING CONSTRUCTION. DO NOT SCALE FROM THIS DRAWING.

CLIENT WESTPAC GROUP PROPERTY RETAIL PROJECTS & CORPORATE WORKS Level 8, 55 Market Street, Sydney NSW 2000 Responsible Design Manager : Nadine Samwell	PROJECT MANAGER Triple H Building the Future Unit 2, 23 Waratah St Kirrawee NSW 2232 M +61 423 606 823 E james@tripleh.com.au	ARCHITECT rfa architects Level 1, 121 Alexander Street Crows Nest NSW 2065 T 02 9901 4422 W www.rfaarchitects.com.au	REVISIONS Rev. Date Description A 27/05/24 DA ISSUE	By CW	DRAWN CW	PROPERTY ID -	PROJECT NO -	PROJECT WESTPAC MOUNT ISA 23 - 25 SIMPSON STREET MOUNT ISA CITY, QLD 4825
					MANAGER MM	WBC PROJECT ID -	DRAWING NO A003	DRAWING RPROPOSED ELEVATION FOR DA ISSUE
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ATTACHMENT 3

PLANNING ACT 2016
EXTRACT ON APPEAL RIGHTS

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

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

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

Note—

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

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

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

230 Notice of appeal

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

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

231 Non-appealable decisions and matters

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

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

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

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

232 Rules of the P&E Court

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

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

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

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

234 Referee with conflict of interest

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

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

235 Establishing development tribunal

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

236 Remuneration

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

237 Tribunal proceedings

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

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

238 Registrar and other officers

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

Division 2 Applications for declarations

239 Starting proceedings for declarations

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

240 Application for declaration about making of development application

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

respondent means—

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

241 Application for declaration about change to development approval

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

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

Division 3 Tribunal proceedings for appeals and declarations

242 Action when proceedings start

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

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

243 Chief executive excusing noncompliance

- (1) This section applies if—

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

244 Ending tribunal proceedings or establishing new tribunal

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

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

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

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

245 Refunding fees

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

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

246 Further material for tribunal proceedings

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

Examples of information that the registrar may require—

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

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

247 Representation of Minister if State interest involved

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

248 Representation of parties at hearing

A party to tribunal proceedings may appear—

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

249 Conduct of tribunal proceedings

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

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

250 Tribunal directions or orders

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

Examples of directions—

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

251 Matters tribunal may consider

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

the Queensland Building and Construction Commission; and

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

applicable Act means—

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

252 Deciding no jurisdiction for tribunal proceedings

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

253 Conduct of appeals

- (1) This section applies to an appeal to a tribunal.
- (2) Generally, the appellant must establish the appeal should be upheld.
- (3) However, for an appeal by the recipient of an enforcement notice, the enforcement authority that gave the notice must establish the appeal should be dismissed.
- (4) The tribunal must hear and decide the appeal by way of a reconsideration of the evidence that was before the person who made the decision appealed against.
- (5) However, the tribunal may, but need not, consider—
 - (a) other evidence presented by a party to the appeal with leave of the tribunal; or
 - (b) any information provided under section 246.
- (6) In this section—

enforcement notice includes an enforcement notice under the *Plumbing and Drainage Act 2018*.

254 Deciding appeals to tribunal

- (1) This section applies to an appeal to a tribunal against a decision.
- (2) The tribunal must decide the appeal by—
 - (a) confirming the decision; or
 - (b) changing the decision; or
 - (c) replacing the decision with another decision; or
 - (d) setting the decision aside, and ordering the person who made the decision to remake the decision by a stated time; or
 - (e) for a deemed refusal of an application—
 - (i) ordering the entity responsible for deciding the application to decide the application by a stated

- time and, if the entity does not comply with the order, deciding the application; or
- (ii) deciding the application; or
- (f) for a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—
- (i) ordering the entity responsible for deciding the application or matter to decide the application or matter by a stated time and, if the entity does not comply with the order, deciding the application or matter; or
 - (ii) deciding the application or matter.
- (3) However, the tribunal must not make a change, other than a minor change, to a development application.
- (4) The tribunal's decision takes the place of the decision appealed against.
- (5) The tribunal's decision starts to have effect—
- (a) if a party does not appeal the decision—at the end of the appeal period for the decision; or
 - (b) if a party appeals against the decision to the P&E Court—subject to the decision of the court, when the appeal ends.

255 Notice of tribunal's decision

A tribunal must give a decision notice about the tribunal's decision for tribunal proceedings, other than for any directions or interim orders given by the tribunal, to all parties to proceedings.

256 No costs orders

A tribunal must not make any order as to costs.

257 Recipient's notice of compliance with direction or order

If a tribunal directs or orders a party to do something, the party must notify the registrar when the thing is done.

258 Tribunal may extend period to take action

- (1) This section applies if, under this chapter, an action for tribunal proceedings must be taken within a stated period or before a stated time, even if the period has ended or the time has passed.
- (2) The tribunal may allow a longer period or a different time to take the action if the tribunal considers there are sufficient grounds for the extension.

259 Publication of tribunal decisions

The registrar must publish tribunal decisions under the arrangements, and in the way, that the chief executive decides.

Chapter 7 Miscellaneous

Part 1 Existing uses and rights protected

260 Existing lawful uses, works and approvals

- (1) If, immediately before a planning instrument change, a use of premises was a lawful use of premises, the change does not—
 - (a) stop the use from continuing; or
 - (b) further regulate the use; or
 - (c) require the use to be changed.