



Our Ref: File: P15-23 & 00596-00000-000 CRCA:FRS  
Your Ref: F24/05

## DECISION NOTICE APPROVAL

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

1 November 2024

The Society for the Mount Isa Memorial Grden  
Settlement for the Aged  
C/- Freshwater Planning Pty Ltd  
17 Barron View Drive  
FRESHWATER QLD 4870

### **Attention: Mr. Matthew Andrejic**

Dear Mr. Andrejic

The development application described below was properly made to the Council on 26 June 2024.

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

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<b>Applicant name:</b>	The Society for the Mount Isa Memorial Garden Settlement for the Aged C/- Freshwater Planning Pty Ltd
<b>Applicant contact details:</b>	FreshwaterPlanning@outlook.com

### ***APPLICATION DETAILS***

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<b>Application number:</b>	P15-23
<b>Approval sought:</b>	Development Permit for a Material Change of Use
<b>Nature of development proposed:</b>	Multiple Dwellings
<b>Description of the development proposed:</b>	3 x 2 Bedroom Units

### ***LOCATION DETAILS***

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<b>Street address:</b>	94 Butler Street
<b>Real property description:</b>	Lot 818 on plan MPH14001
<b>Local government area:</b>	Mount Isa City

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

**DECISION**

**Date of decision:** 1 November 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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval 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"> <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
2. Plumbing Permit
3. Works on Council Property Approval for any works outside the property boundaries

**PROPERLY MADE SUBMISSIONS**

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

**REFERRAL AGENCY FOR THE APPLICATION**

The referral agencies for this application are:

Nil.

**APPROVED PLANS AND SPECIFICATIONS**

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

Drawing/report title	Prepared by	Date	Reference no.	Version /issue
<b>Aspect of development: Material Change of Use</b>				
Site Plan (as amended in red)	Gregory G Terzi Building Design & Drafting	27 May 2024	Job No. 0769, Sheet No. DA 01	D
Site Floor Plan (as amended in red)	Gregory G Terzi Building Design & Drafting	27 May 2024	Job No. 0769, Sheet No. DA 02	D
Floor Plan (Units A & B)	Gregory G Terzi Building Design & Drafting	27 May 2024	Job No. 0769, Sheet No. DA 03	D
Floor Plan (Unit C)	Gregory G Terzi Building Design & Drafting	27 May 2024	Job No. 0769, Sheet No. DA 04	D
Proposed Development External Elevations (as amended in red)	Gregory G Terzi Building Design & Drafting	27 May 2024	Job No. 0769, Sheet No. DA 05	A
Unit A & B External Elevations (as amended in red)	Gregory G Terzi Building Design & Drafting	27 May 2024	Job No. 0769, Sheet No. DA 06	A
Unit C External Elevations	Gregory G Terzi Building Design & Drafting	27 May 2024	Job No. 0769, Sheet No. DA 07	A

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

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

**STATEMENT OF REASONS**

1. Reasons for the Decision

The reasons for this decision are:

The proposal to establish Multiple Dwellings at 94 Butler Street, Mount Isa, has been assessed against the below Assessment Benchmarks found in the *State Planning Policy, North West Regional Plan* and the *City of Mount Isa Planning Scheme 2020*.

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

2. Assessment Benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
<i>State Interest Policies and Assessment Benchmarks</i>	<i>Part E, State Planning Policy</i>
<i>Regional Strategies and Policies</i>	<i>Part E, North West Regional Plan</i>
<i>Low Density Residential Zone Code</i>	<i>Part 6.2.1, City of Mount Isa Planning Scheme 2020</i>

Benchmarks applying for the development	Benchmark reference
<i>Airport Environs Overlay Code</i>	<i>Part 8.2.1, City of Mount Isa Planning Scheme 2020</i>
<i>Major Infrastructure Overlay Code</i>	<i>Part 8.2.8, City of Mount Isa Planning Scheme 2020</i>
<i>Residential Activities Code</i>	<i>Part 9.3.6, City of Mount Isa Planning Scheme 2020</i>
<i>Engineering Works and Services Code</i>	<i>Part 9.4.2, City of Mount Isa Planning Scheme 2020</i>
<i>Excavation and Filling Code</i>	<i>Part 9.4.3, City of Mount Isa Planning Scheme 2020</i>
<i>Landscaping Code</i>	<i>Part 9.4.5, City of Mount Isa Planning Scheme 2020</i>
<i>Parking, Access and Loading Code</i>	<i>Part 9.4.6, City of Mount Isa Planning Scheme 2020</i>

3. Compliance with Benchmarks

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
Acceptable Outcome 4.2 <i>Part 9.3.6, City of Mount Isa Planning Scheme 2020</i>	While the placement of Unit C will result in a 100mm encroachment into the rear boundary setback, given the development will remain under the maximum site coverage and building height prescribed under the Code, and given the distance between the proposed unit and the adjoining dwelling, the proposed setback is assessed as acceptable.
Acceptable Outcome 3.2 <i>Part 9.3.6, City of Mount Isa Planning Scheme 2020</i>	While the development proposes windows to the street elevation, these windows provide limited opportunities for casual surveillance and contribute to the creation of a blank façade to the street. The development has therefore been conditioned to replace one of the proposed windows with a larger 1.2m x 1.2m window. Subject to compliance with the condition, the windows are assessed as acceptable.
Acceptable Outcome 1.3 <i>Part 9.4.6, City of Mount Isa Planning Scheme 2020</i>	No confirmation was provided as part of Development Application that all vehicles can enter and exit the site in a forward motion. The development has therefore been conditioned to provide swept path drawings for each carparking space demonstrating all vehicle manoeuvring can achieve the requirements of the AO. Subject to compliance with the condition, the carparking arrangement is assessed as acceptable.
Acceptable Outcome 2.1 <i>Part 9.4.5, City of Mount Isa Planning Scheme 2020</i>	While the development proposes grass between the unit building and the internal driveway, this provides limited opportunity for screening of the building. The development has therefore been conditioned to replace the grass with shrubs. Subject to compliance with the condition, the landscaping is assessed as acceptable.

4. Relevant matters for Impact Assessable Development

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

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

5. Matters Raised in Submission for Impact Assessable Development

Nil.

6. Matters Prescribed by Regulation

Nil.

**APPEAL RIGHTS**

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

APPEAL BY AN APPLICANT

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

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

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

APPEAL BY A SUBMITTER

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

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

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

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

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

Yours faithfully



Chad King  
 Acting Chief Executive Officer

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

# ATTACHMENT 1

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

Application: P15-23 for a Material Change of Use for Multiple Dwellings (3 x 2 Bedroom Units) at 94 Butler Street, Mount Isa.

Council advise that the Development Application was approved by Mount Isa City Council's Acting Chief Executive Officer through Delegated Authority (Delegated Authority No. 2057) on 1 November 2024 for a Material Change of Use (3 x 2 Bedroom Units) at 94 Butler Street, Mount Isa, described as Lot 818 on plan MPH14001, subject to the following conditions:

NUMBER	CONDITION	TIMING
<b>PLANNING</b>		
<b>General</b>		
1.	The development shall be carried out generally in accordance with the approved plans and drawings attached to this approval except where conditions of this approval dictate otherwise.  <i>For clarity, any change to the development that is not generally in accordance with the approved plans and drawings must be approved by Council pursuant to a 'change application' under Chapter 3, Part 5, Division 2, Subdivision 2 of the Planning Act 2016;</i>	<i>At all times</i>
2.	The owner/developer shall bear the cost of all alterations necessary to public utility mains, services or installations necessitated by this approval and such works shall be to Council specifications and satisfaction;	<i>As specified</i>
3.	All buildings and structures, including fencing, shall be located wholly within the boundaries of Lot 818 on plan MPH14001. Any future gates shall open inwards onto the subject property and not outwards onto the road reserve/verge;	<i>At all times</i>
4.	Prior to the commencement of works, the owner/developer shall lodge a Plumbing Application for all plumbing and drainage permit work and obtain Council approval;	<i>Prior to the commencement of work</i>

Amenity		
5.	The owner/developer shall alter the window design for Bedroom 2 of Unit A to ensure the larger 1.20m x 1.20m is provided on the street elevation, while the smaller 1.81m x 0.61m is provided to the southern elevation. This is to avoid the creation of a blank façade and ensure adequate opportunities for casual surveillance of the street;	<i>At all times</i>
6.	All fencing proposed forward of the front building line and facing the street shall not exceed 1.8m in height, and shall not incorporate solid materials, such as Colorbond or Zincalume sheeting, above a height of 1.5m; Side and rear boundary fencing shall not exceed 1.8m in height. The total height of any boundary fence and retaining wall combination shall not exceed 2.4m above natural ground level;	<i>At all times</i>
7.	Services and utilities such as air conditioner condensers and hot water systems shall be screened or otherwise obscured to ensure they are not visible from adjoining properties or the street;	<i>At all times</i>
8.	The owner/developer shall provide covered private open space to each unit in accordance with the approved plans. Covered private open space areas shall remain free of all service utilities including air-conditioner condensers, hot-water systems, clothes lines and refuse storage areas;	<i>Prior to the commencement of use and to be maintained for life of the development</i>
9.	Mailboxes shall be provided in a single contained structure on the street frontage adjoining the main pedestrian entry to the site, clearly indicating the street number, and shall be maintained to Council satisfaction for the life of the development;	<i>Prior to the commencement of use and to be maintained for life of the development</i>
10.	Security lighting, such as bollard lights or similar, shall be provided throughout the site to enable residents to safely navigate around the development after dark. Outdoor lighting shall comply with Australian Standard AS4282-1997 (Control of the Obtrusive Effects of Outdoor Lighting) and be designed in a way so as not to cause a nuisance to the surrounding properties and traffic;	<i>Prior to the commencement of use and to be maintained for life of the development</i>
11.	Refuse storage areas are to be screened from the street and adjoining properties, surfaced with an impervious material and are to be accessible by a tap for washing down;	<i>Prior to the commencement of use and to be maintained for life of the development</i>
Carparking		
12.	The eight (8) sealed onsite carparking spaces indicated on the approved Site Plan (Job No. 0769, Sheet No. DA 01, Issue No. D) shall be provided on site in accordance with the Australian Standard AS2890.1:2004 (Off-street Car Parking). All eight (8) carparking bays shall be provided and maintained for the life of the development;	<i>Prior to the commencement of use and to be maintained for life of the development</i>



13.	Prior to the commencement of works, the owner/developer shall provide swept path drawings in accordance with Australian Standard AS2890.1:2004 for all parking spaces demonstrating that all vehicles are capable of entering and existing the site in a forward motion;	<i>Prior to the commencement of use</i>
<b>Landscaping</b>		
14.	Landscaping is to be provided in accordance with the approved Site Plan (Job No. 0769, Sheet No. DA 01, Issue No. D – as amended in red) and is to be installed prior to the commencement of use. Landscaped areas shall incorporate a mix of shrubs and groundcovers to provide visual interest and enhance the appearance of the development from the street. The owner/developer shall adequately maintain the landscaping to ensure it is neat and tidy at all times and not overgrown and/or unsightly;	<i>Prior to the commencement of use and to be maintained for life of the development</i>
15.	The full verge along Butler Street is to be grassed prior to the commencement of use and adequately maintained for the life of the development;	<i>Prior to the commencement of use and to be maintained for life of the development</i>
16.	An automatic water irrigation system is to be installed to all landscaping provided, including the grassed verge. The automatic water irrigation system must be maintained to all landscaping to promote and sustain healthy robust growth for the life of the development;	<i>Prior to the commencement of use and to be maintained for life of the development</i>
17.	The landscaping strips located between Units A and B, and the internal driveway shall not be turfed, but shall be planted with bushes, shrubs or similar. This is to soften the visual bulk of the building and enhance the appearance of the development from the street;	<i>Prior to the commencement of use and to be maintained for life of the development</i>
18.	All areas of the site not occupied by buildings or paved areas shall be landscaped in accordance with the approved Site Plan with any remaining areas to be grassed;	<i>At all times</i>
<b>ENVIRONMENTAL SERVICES</b>		
<b>General</b>		
19.	<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>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>

20.	Chemicals and other liquids such as fuels, solvents, oils, batteries, and coolants must be kept within a secondary containment system that is impervious to the materials stored within it and must be managed to prevent the release of contaminants to waters or land or air. Bunding must be installed for any liquid-based substances that is kept in a secondary containment system to prevent spilling.  Any release must be reported to the Department of Environment and Science (DES) Pollution Hotline or Council. Any such release must be reported as soon as practicable but no later than 24 hours, after becoming aware of the release;	<i>At all times</i>
<b>Waste</b>		
21.	Any asbestos containing material handled during construction and demolition must be handled according to the provisions of the <b><i>“How to Manage and Control Asbestos in the Workplace Code of Practice 2011”</i></b> ;	<i>During construction</i>
<b>Air</b>		
22.	The release of dust and/or particulate matter resulting from the activity must not cause environmental harm or cause environmental nuisance at any nuisance sensitive or commercial place;	<i>At all times</i>
23.	The release of dust and particulate matter from parking and driveway from vehicle activities. Parking facilities and driveways access must be hard surface to avoid dust and particulate matter entering the air;	<i>At all times</i>
<b>Water</b>		
24.	A contaminant must not be placed in a position where it could reasonably be expected to move or wash into a roadside gutter, stormwater drain or waters i.e., Leichhardt River;	<i>At all times</i>
<b>Noise</b>		
25.	Prevent/minimise the emission of noise that causes or is likely to cause environmental nuisance at sensitive or commercial place.  All work must be undertaken within the prescribed timeframe as per the <i>Environmental Protection Act 1994</i> ;	<i>At all times</i>
<b>COMPLIANCE INSPECTION</b>		
26.	The owner/developer shall contact Council to arrange a compliance inspection of the development to assess compliance with the Assessment Manager’s Conditions of Approval and the approved plans.	<i>Prior to commencement of use</i>

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

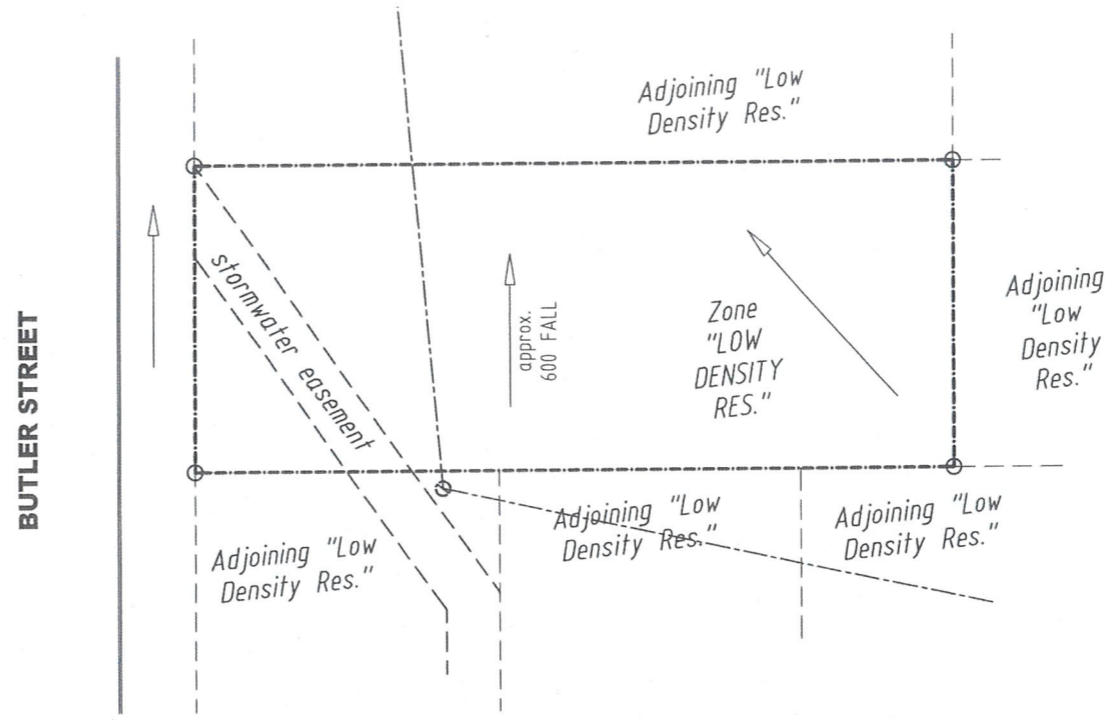
The assessment of this application has not included an examination of the compliance with applicable legislation, with the exception of those aspects which have been examined by any referral agency, and the issue of the permit is not to be taken as evidence or assertion of such compliance.

ATTACHMENT 2

**APPROVED PLANS**



Boundaries Plan overlay with Aerial View Extract from QLD Globe  
(approx. 1:400 ON A3)



**PROPERTY BOUNDARIES PLAN** LOT 818 on MPH 14001

**PLANNING SCHEME INFORMATION**

% in brackets refers to percentage of total site area

EXISTING ROOFED STRUCTURES DEMOLISHED:  
approx. 300 sqm

PROPOSED SITE BREAK DOWN:  
total site area = 1012 sqm (100%)

- IMPERVIOUS AREAS TOTALING 777 sqm (77%)
  - UNITS A, B & C = 382.5 sqm
  - UNITS EXTRA PATIO FLOOR = 10.5
  - LOCKABLE LAWN LOCKERS = 6 sqm
  - DRIVEWAY, REFUSE & MAIL = 378 sqm

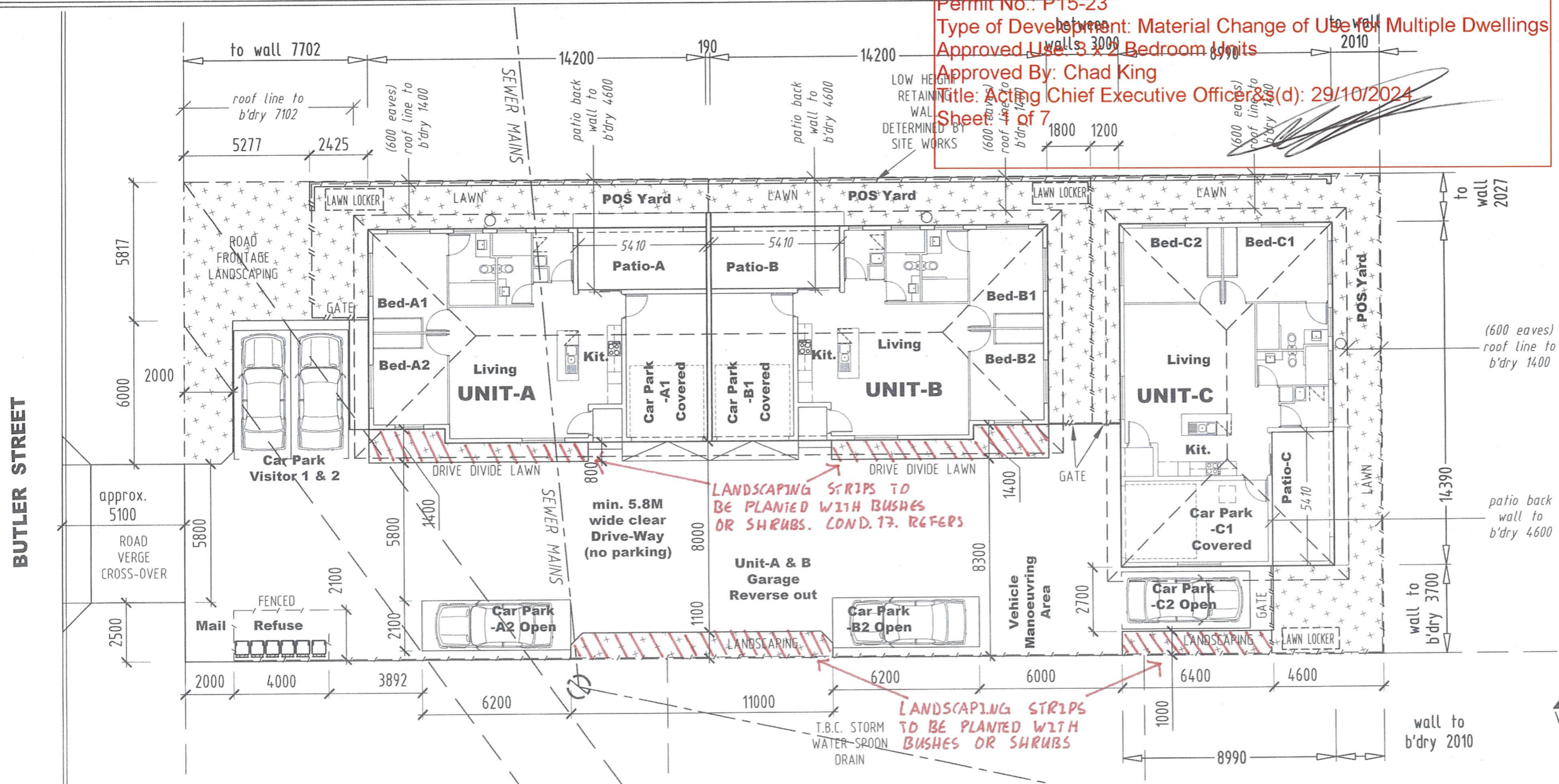
- NON-IMPERVIOUS AREAS TOTALING 235 sqm (23%)  
(includes minor footpaths or mowing strips)
  - Road Frontage LANDSCAPING = 42.5 sqm
  - Units A & B LAWN STRIP Dividing from Driveway = 19 sqm
  - Units A, B, & C POS REAR/SIDE YARDS = 155 sqm (includes retain wall)
  - South Boundary LANDSCAPING = 18.5 sqm

Permit No.: P15-23  
 Type of Development: Material Change of Use for Multiple Dwellings  
 Approved Use: 3 x 2 Bedroom Units  
 Approved By: Chad King  
 Title: Acting Chief Executive Officer  
 Date: (d): 29/10/2024  
 Sheet 1 of 7

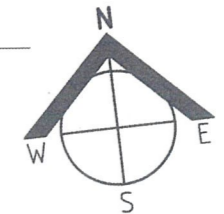
**PROPOSED SITE PLAN**

(1:200 ON A3)

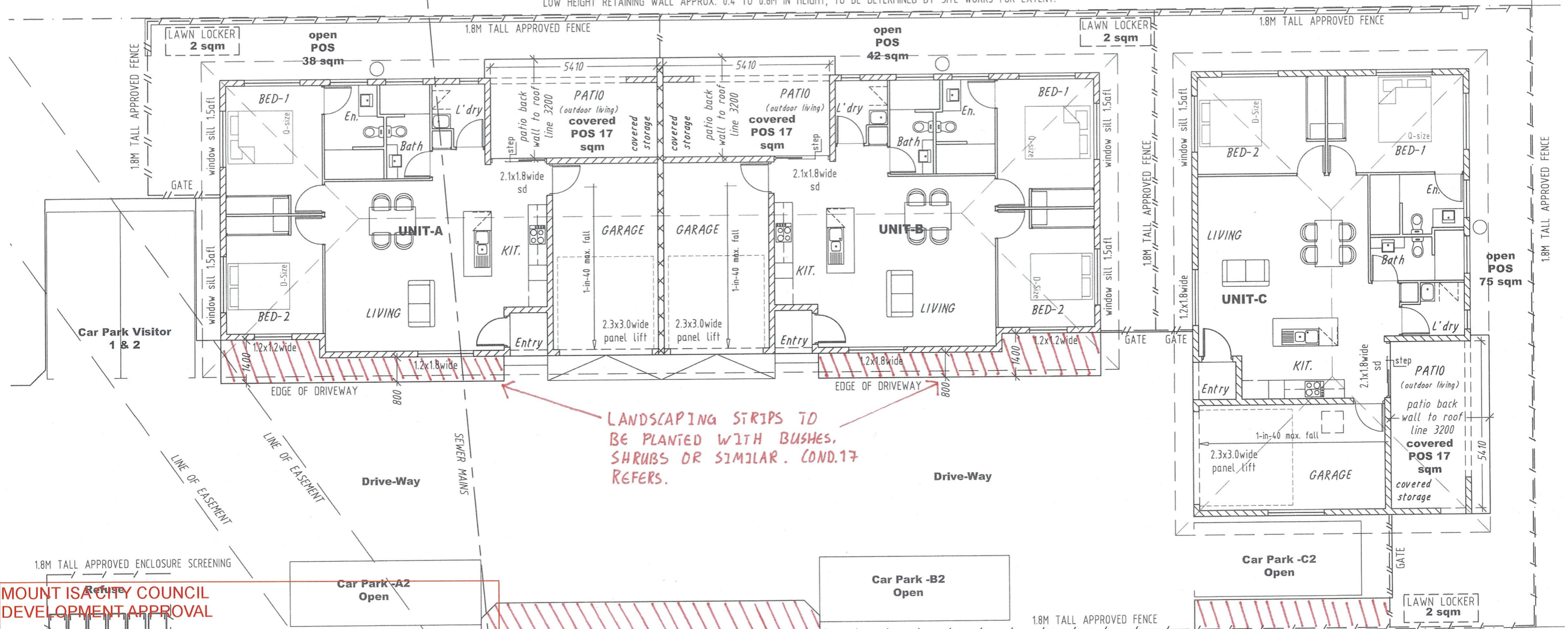
issue date:  
27/05/2024



phone: 0428 294 235 EDMONTON 4869. QUEENSLAND <b>GREGORY G TERZI</b> Associate Diploma Architectural Technology Building Designer - Medium Rise - QBCC LICENCE: 1117048-8	
PROJECT: <b>94 BUTLER STREET</b> Townview 4825 Mount Isa L818 MPH14001	DRAWING TITLE: <b>SITE PLAN</b>
DATE: OCT 2023 SCALE: AS SHOWN ON 'A3' SHEET	SHEET NO. <b>DA 01</b>
JOB NO. 0769	ISSUE <b>D</b>



LOW HEIGHT RETAINING WALL APPROX. 0.4 TO 0.6M IN HEIGHT, TO BE DETERMINED BY SITE WORKS FOR EXTENT.



LANDSCAPING STRIPS TO BE PLANTED WITH BUSHES, SHRUBS OR SIMILAR. COND.17 REFERS.

LANDSCAPING STRIPS TO BE PLANTED WITH BUSHES OR SHRUBS.

**MOUNT ISA CITY COUNCIL DEVELOPMENT APPROVAL**

Permit No.: P15-23  
 Type of Development: Material Change of Use for Multiple Dwellings  
 Approved Use: 3 x 2 Bedroom Units  
 Approved By: Chad King  
 Title: Acting Chief Executive Officer&s(d): 29/10/2024  
 Sheet: 2 of 7

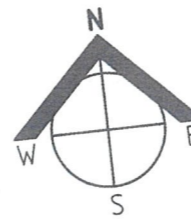
**BUILDING FLOOR AREAS (sqm)**

- Proposed Duplex Unit-A/B: 253 sqm (perimeter measure from outside face of walls)
- Proposed Detached Unit-C: 129 sqm (perimeter measure from outside face of walls)

**TOTAL FOOTPRINT AREA = 382 sqm**

**Unit-A, Unit-B, Unit-C SITE FLOOR PLAN**

(SCALE 1:125 ON A3)



issue date: 27/05/2024

phone: 0428 294 235 EDMONTON 4869, QUEENSLAND  
**GREGORY G TERZI** Associate Diploma Architectural Technology **Building Design & Drafting**  
 -Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-

PROJECT: <b>94 BUTLER STREET</b> Townview 4825 Mount Isa L818 MPH14001	DATE: OCT 2023 SCALE: AS SHOWN ON 'A3' SHEET DRAWING TITLE: <b>Units A, B, C</b> <b>SITE FLOOR PLAN</b>
-RESIDENTIAL- PROPOSED UNIT DEVELOPMENT	JOB No. 0769 SHEET No. <b>DA 02</b> ISSUE <b>D</b>

900φ	1200φ	1400φ	ROOM CEILING EXHAUST FAN	SMOKE ALARM
CEILING FAN	A/C	A/C WALL UNIT		
(820)	:DOOR LEAF SIZE		(CSD xxx) :CAVITY SLIDING DOOR LEAF SIZE.	
(X XX)	:EXTERIOR DOOR / WINDOW		(XX) :INTERNAL WINDOW	

PARKING SPACE OUTLINE 5.4x3.2M

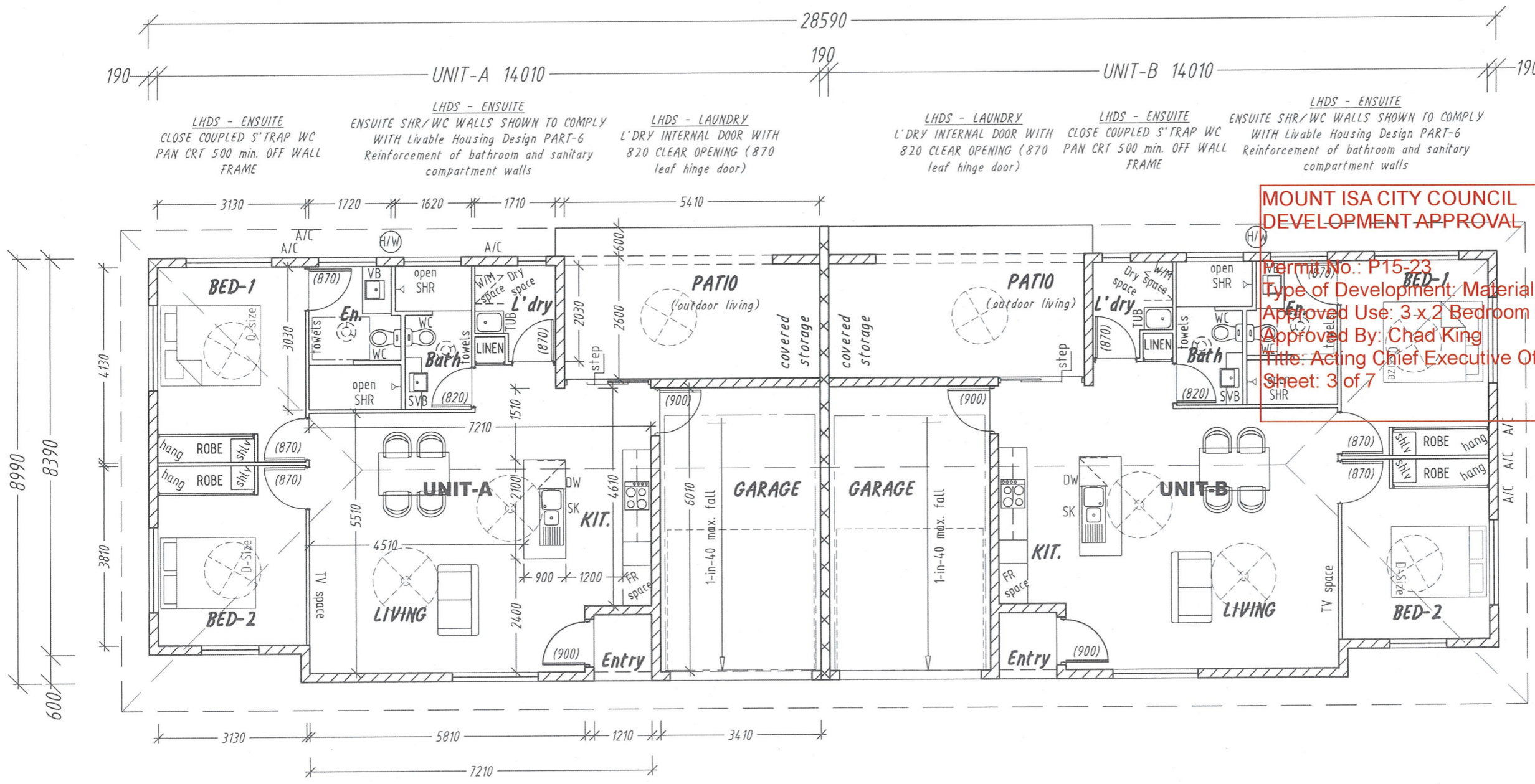
U.N.O. 1M CLEAR BETWEEN WALL FINISHES

1.2x1.2M floor rise or fall direction

WC 1.2x0.9M

LANDING 1.2x1.0M

**LIVABLE HOUSING DESIGN STANDARD**  
(abbreviated as LHDS)



**MOUNT ISA CITY COUNCIL DEVELOPMENT APPROVAL**

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 Approved By: Chad King  
 Title: Acting Chief Executive Officer & s(d): 29/10/2024  
 Sheet: 3 of 7

*[Signature]*

NOT FOR CONSTRUCTION

issue date:  
27/05/2024

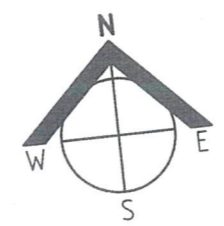
**LHDS - GARAGE UNIT A & B**  
 GARAGE PA DOOR NOMINATED TO COMPLY AS ENTRY INTO HOUSE FROM CAR PARK SPACE IN GARAGE. 820 CLEAR OPENING (870 leaf hinge door) WITH FLOOR FINISHES BE A FLUSH TRANSITION OR A 1-in-8 MAX. RAMPED THRESHOLD WITHIN DEPTH OF DOOR JAMB. (100 WIDE JAMB ALLOWS approx. 10-15mm RAMPED HEIGHT DIFFERENCE).

**LHDS - GARAGE UNIT A & B**  
 NOTE MAX. CROSS FALL TO GARAGE FOR CAR PARK SPACE NOMINATED AS STEP-FREE ENTRY ACCESS.

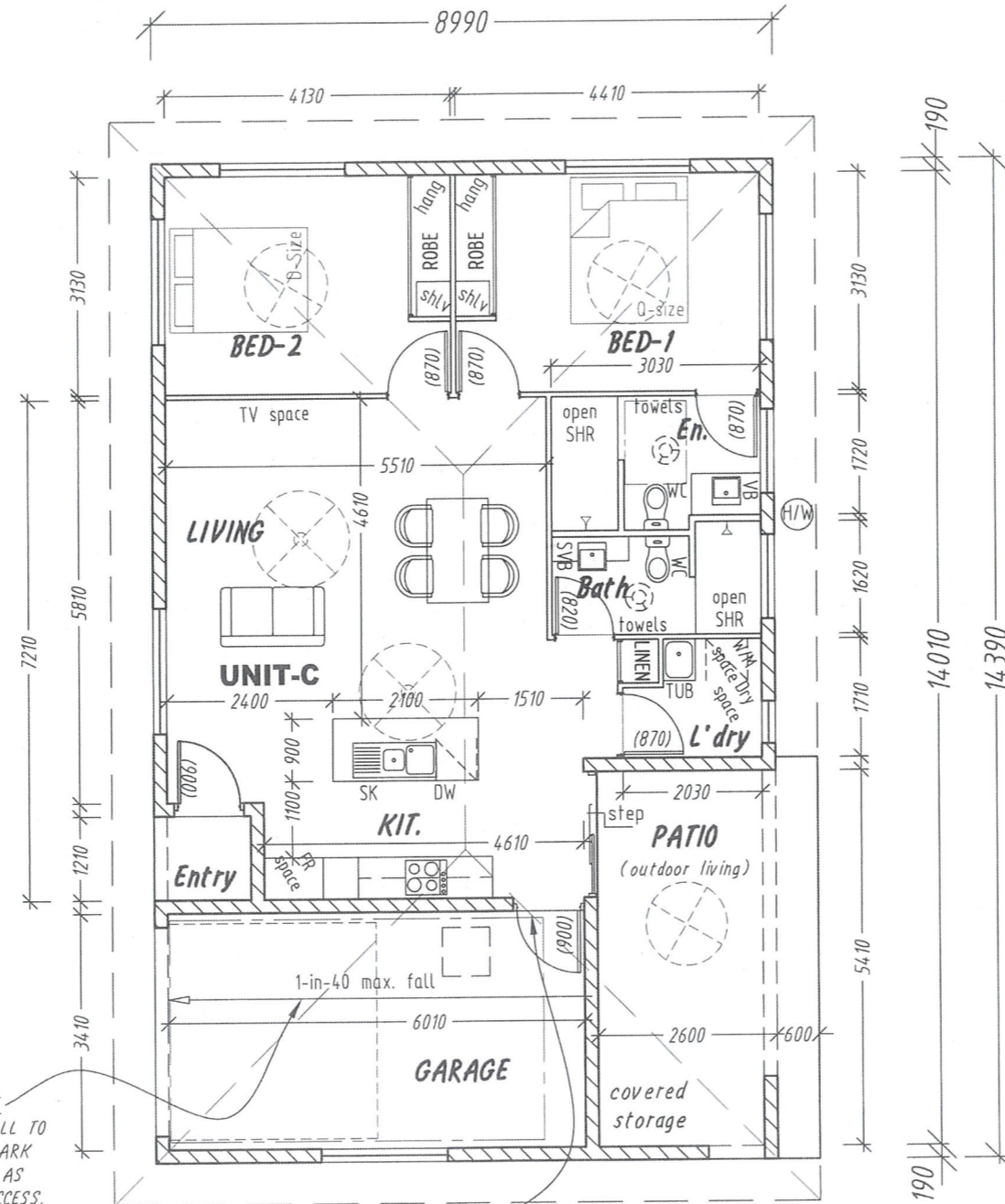
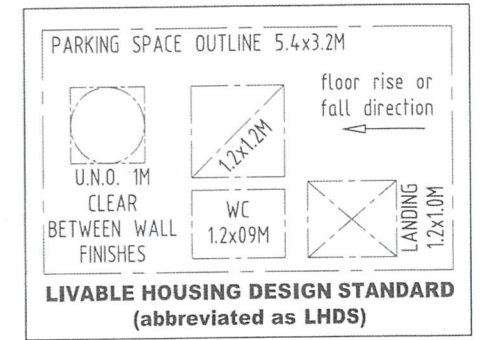
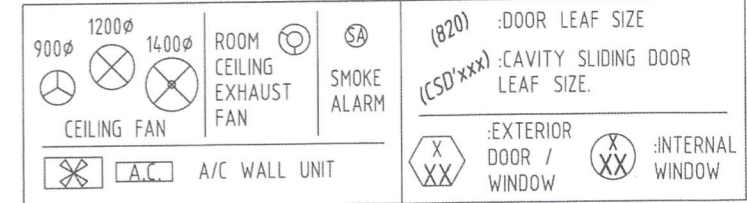
**BUILDING AREAS**

- **Footprint Area: 253 sqm**  
 ( A 125.5 + B 125.5 + Divide Wall 2 )
- Measure **includes** external walls & covered outdoor.
- Measure **excludes** area of floor slab/decks projecting past external wall or column face.
- Measure **excludes** roof eaves.

**Unit-A & Unit-B FLOOR PLAN**  
(1:100 ON A3)



<b>C.M.G. CONSULTING ENGINEERS Pty. Ltd.</b> 1208 BUCHAN ST. CARNES QLD. 4870 PH. (07) 4031 2775 FAX. (07) 4051 9013 A.C.N. 011 065 375	phone: 0428 294 235 EDMONTON 4869. QUEENSLAND	<b>GREGORY G TERZI</b> Associate Diploma Architectural Technology Building Design & Drafting -Building Designer - Medium Rise - QBCC LICENCE: 1117048-	PROJECT: <b>94 BUTLER STREET</b> <b>Townview 4825 Mount Isa</b> <b>L818 MPH14001</b> -RESIDENTIAL- PROPOSED UNIT DEVELOPMENT	DATE: OCT 2023 SCALE: AS SHOWN ON 'A3' SHEET DRAWING TITLE: <b>FLOOR PLAN</b>	SHEET No. <b>DA 03 D</b> JOB NO. 0769 ISSUE <b>D</b>
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**LHDS - GARAGE**  
 NOTE MAX. CROSS FALL TO GARAGE FOR CAR PARK SPACE NOMINATED AS STEP-FREE ENTRY ACCESS.

**LHDS - GARAGE**  
 GARAGE PA DOOR NOMINATED TO COMPLY AS ENTRY INTO HOUSE FROM CAR PARK SPACE IN GARAGE. 820 CLEAR OPENING (870 leaf hinge door) WITH FLOOR FINISHES BE A FLUSH TRANSITION OR A 1-in-8 MAX. RAMPED THRESHOLD WITHIN DEPTH OF DOOR JAMB. (100 WIDE JAMB ALLOWS approx. 10-15mm RAMPED HEIGHT DIFFERENCE).

**LHDS - ENSUITE**  
 ENSUITE SHR/WC WALLS SHOWN TO COMPLY WITH Livable Housing Design PART-6 Reinforcement of bathroom and laundry compartment walls

**LHDS - ENSUITE**  
 CLOSE COUPLED S'TRAP OFF CRT 500mm WALL FRAME

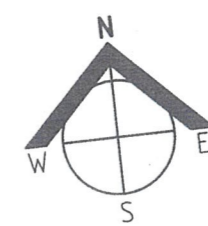
**LHDS - LAUNDRY**  
 L'DRY INTERNAL DOOR WITH 820 CLEAR OPENING (870 leaf hinge door)

**MOUNT ISA CITY COUNCIL DEVELOPMENT APPROVAL**  
 Permit No.: P15-23  
 Type of Development: Material Change of Use for Multiple Dwellings  
 Approved Use: 3 x 2 Bedroom Units  
 Approved By: Chad King  
 Title: Acting Chief Executive Officer&s(d): 29/10/2024  
 Sheet: 4 of 7



NOT FOR CONSTRUCTION

issue date:  
 27/05/2024



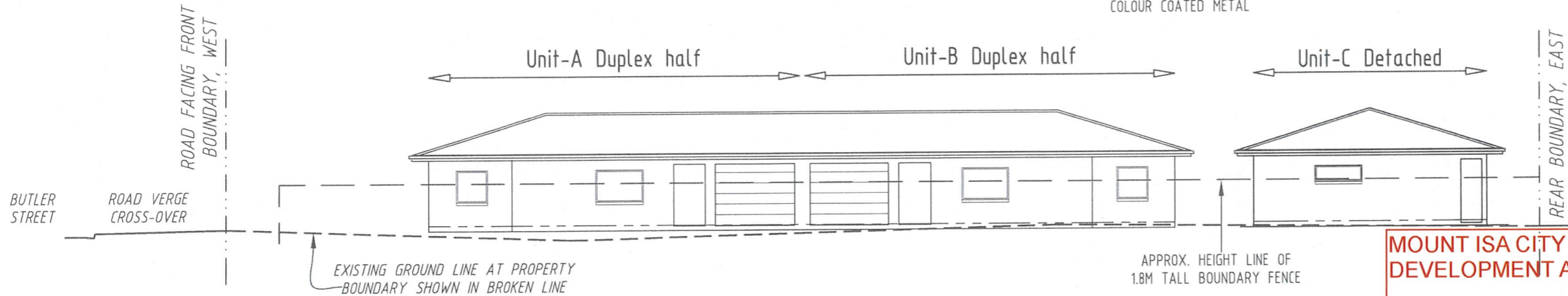
**BUILDING AREAS**

- **Footprint Area: 129 sqm**
- Measure includes external walls & covered outdoor.
- Measure excludes area of floor slab/decks projecting past external wall or column face.
- Measure excludes roof eaves.

**Unit-C FLOOR PLAN**  
 (1:100 ON A3)

<b>C.M.G. CONSULTING ENGINEERS PT. LM.</b> 208 BUCHAN ST. CAIRNS QLD. 4870 PH. (07) 4031 2775 FAX. (07) 4051 9013 A.C.N. 011 065 375	QUEENSLAND <b>Building Design &amp; Drafting</b> -Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-	DATE: OCT 2023 SCALE: AS SHOWN ON 'A3' SHEET DRAWING TITLE:	SHEET No. <b>DA 04</b> ISSUE <b>D</b>
	phone: 0428 294 235 EDMONTON 4869. <b>GREGORY G TERZI</b> Associate Diploma Architectural Technology -Building Designer-	PROJECT: <b>94 BUTLER STREET</b> <b>Townview 4825 Mount Isa</b> <b>L818 MPH14001</b> -RESIDENTIAL- PROPOSED UNIT DEVELOPMENT	FLOOR PLAN

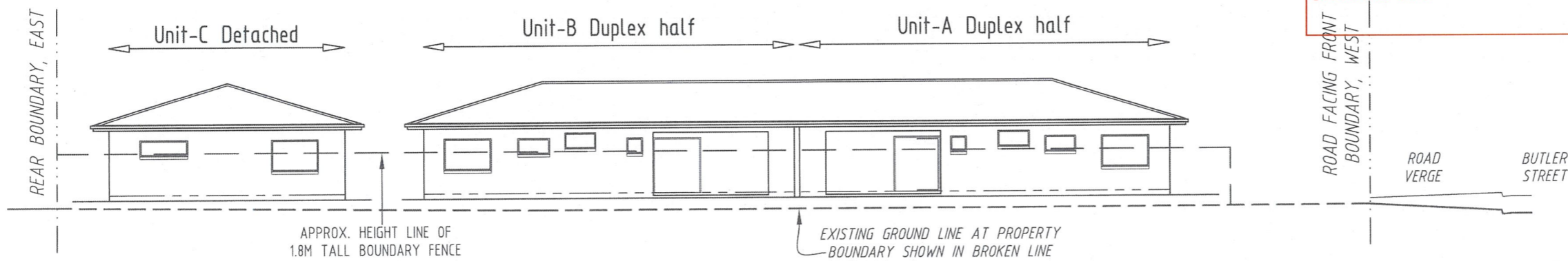
EXTERIOR REINF. CM WALLS FINISH: SELECTED TEXTURE COAT WITH MULTI-COAT PAINT FINISH.  
 ROOF CLADDING: COLOUR COATED METAL  
 GUTTERS & DP SPECIFICATION: COLOUR COATED METAL  
 GARAGE LARGE DOORS: COLOUR COATED METAL  
 EXTERNAL FACING GLAZED WINDOW & DOOR FRAMES: COLOUR COATED METAL



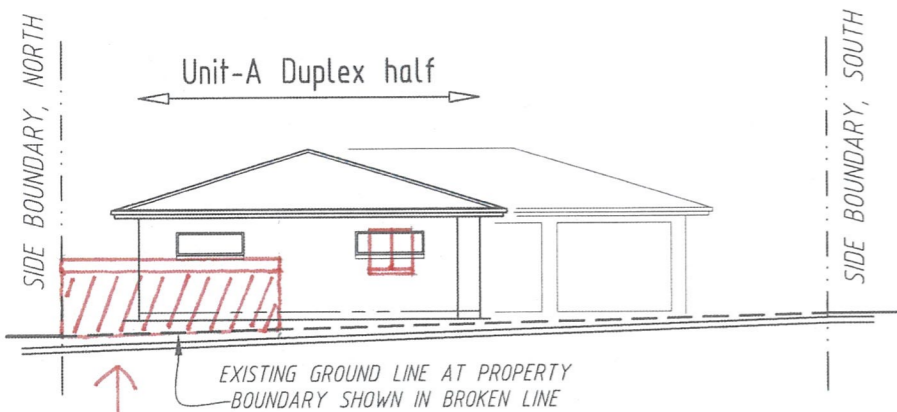
**INTERNAL DRIVEWAY VIEW -S facing (1:200 ON A3)**

**MOUNT ISA CITY COUNCIL  
DEVELOPMENT APPROVAL**

Permit No.: P15-23  
 Type of Development: Material Change of Use for Multiple Dwellings  
 Approved Use: 3 x 2 Bedroom Units  
 Approved By: Chad King  
 Title: Acting Chief Executive Officer&s(d): 29/10/2024  
 Sheet: 5 of 7

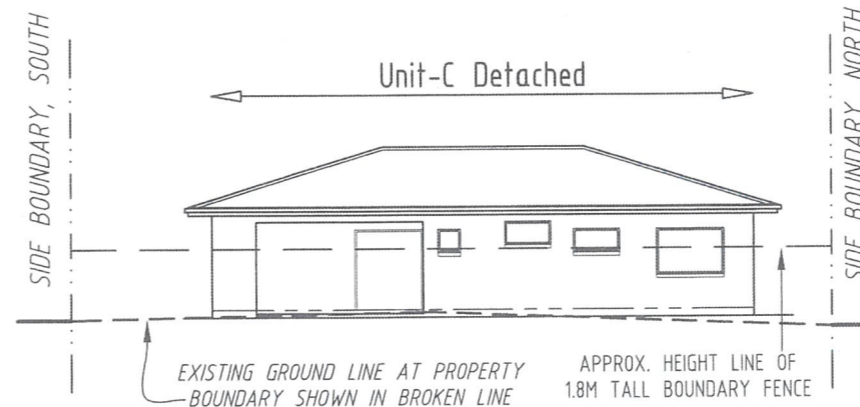


**SIDE BOUNDARY VIEW -N facing (1:200 ON A3)**



**STREET FRONTAGE VIEW -W facing (1:200 ON A3)**

FRONT FENCING SHALL NOT EXCEED 1.8m IN HEIGHT WITH NO SOLID MATERIAL TO BE USED ABOVE A HEIGHT OF 1.5m. COND.6 REFERS.

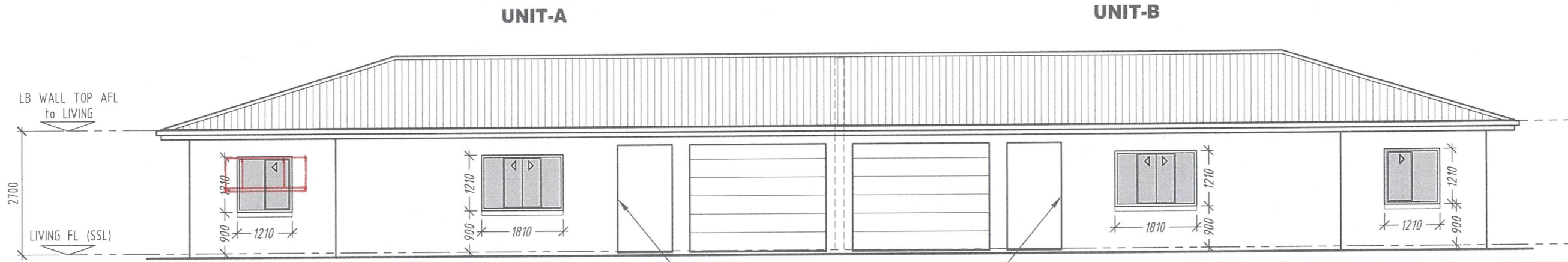


**REAR BOUNDARY VIEW -E facing (1:200 ON A3)**

issue date: 27/05/2024

phone: 0428 294 235 EDMONTON 4869. QUEENSLAND	
<b>GREGORY G TERZI</b> Associate Diploma Architectural Technology	<b>Building Design &amp; Drafting</b>
-Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-	
PROJECT: 94 BUTLER STREET Townview 4825 Mount Isa L818 MPH14001	DATE: OCT 2023 SCALE: AS SHOWN ON 'A3' SHEET DRAWING TITLE: Proposed Development ELEVATIONS -EXTERNAL
-RESIDENTIAL- PROPOSED UNIT DEVELOPMENT	JOB NO. 0769 SHEET No. DA 05 ISSUE A

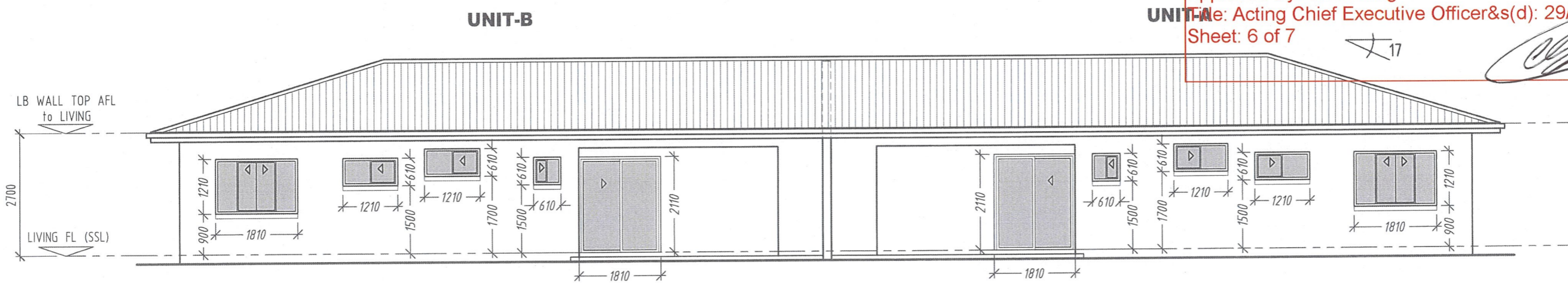




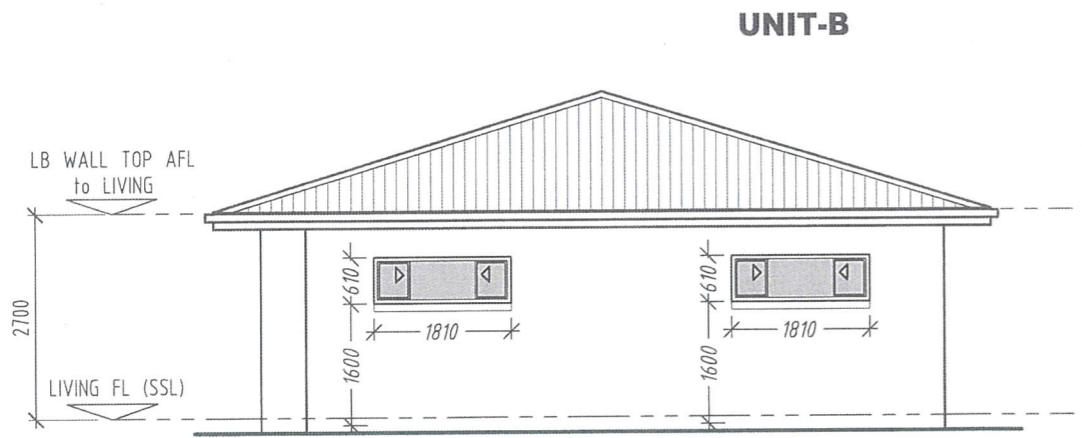
WINDOW TO BE SWAPED WITH FRONT ELEVATION

INTERNAL DRIVEWAY VIEW -S facing (1:100 ON A3)

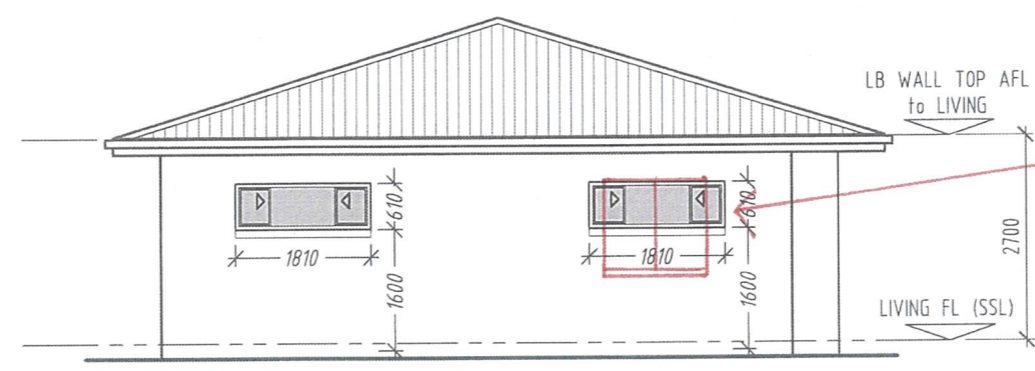
**MOUNT ISA CITY COUNCIL DEVELOPMENT APPROVAL**  
 Permit No.: P15-23  
 Type of Development: Material Change of Use for Multiple Dwellings  
 Approved Use: 3 x 2 Bedroom Units  
 Approved By: Chad King  
 Date: Acting Chief Executive Officer&s(d): 29/10/2024  
 Sheet: 6 of 7



REAR VIEW -N facing (1:100 ON A3)



ADJACENT UNIT-C VIEW -E facing (1:100 ON A3)

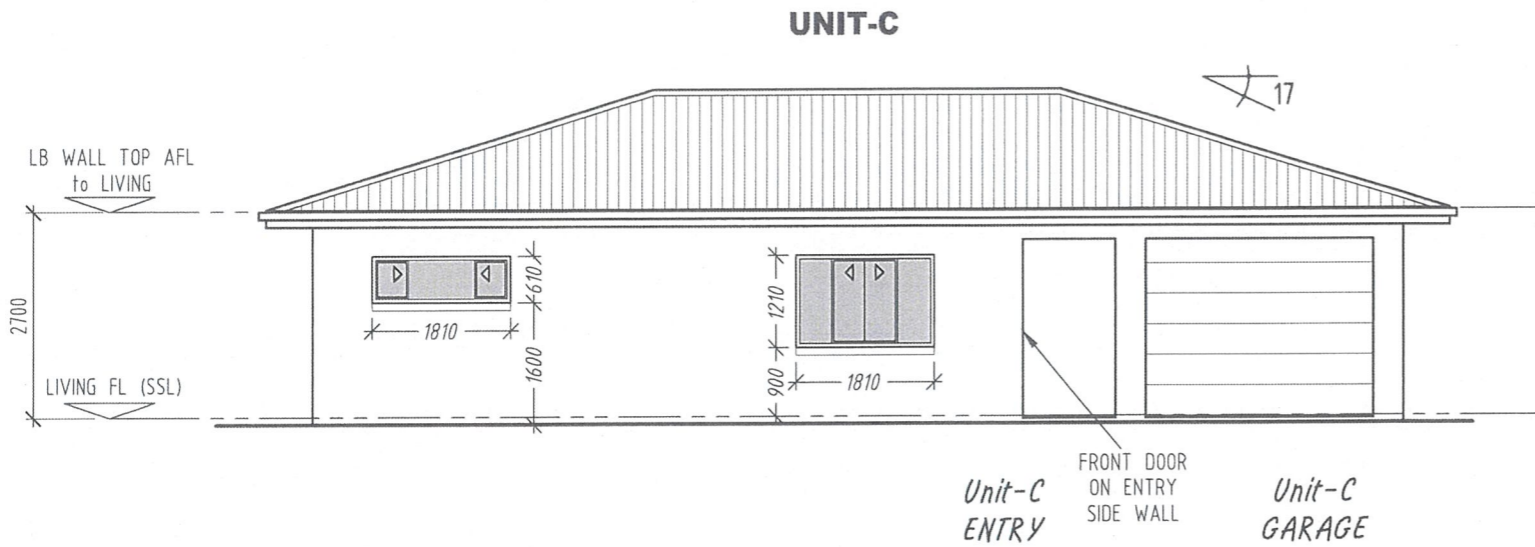


STREET FRONTAGE VIEW -W facing (1:100 ON A3)

UNIT A, BEDROOM 2 WINDOWS TO BE SWAPED TO ENSURE THE LARGER WINDOW FACES THE STREET. COND.5 REFERS

issue date: 27/05/2024

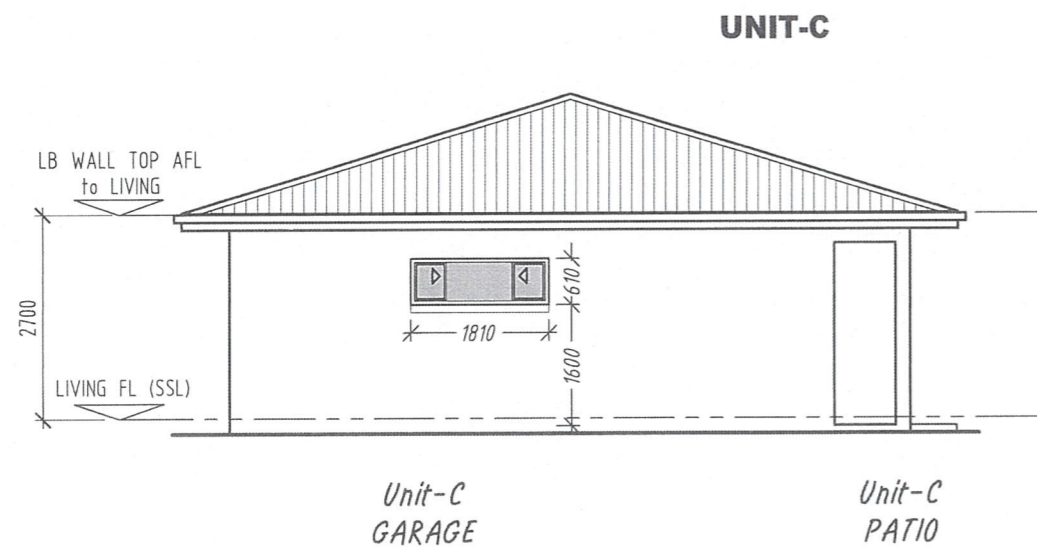
phone: 0428 294 235 EDMONTON 4869. QUEENSLAND	
<b>GREGORY G TERZI</b> Associate Diploma Architectural Technology	<b>Building Design &amp; Drafting</b>
-Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-	
PROJECT: 94 BUTLER STREET Townview 4825 Mount Isa L818 MPH14001	DATE: OCT 2023 SCALE: AS SHOWN ON 'A3' SHEET DRAWING TITLE: Proposed Units A & B ELEVATIONS -EXTERNAL
-RESIDENTIAL- PROPOSED UNIT DEVELOPMENT	JOB NO. 0769 SHEET No. DA 06 ISSUE A



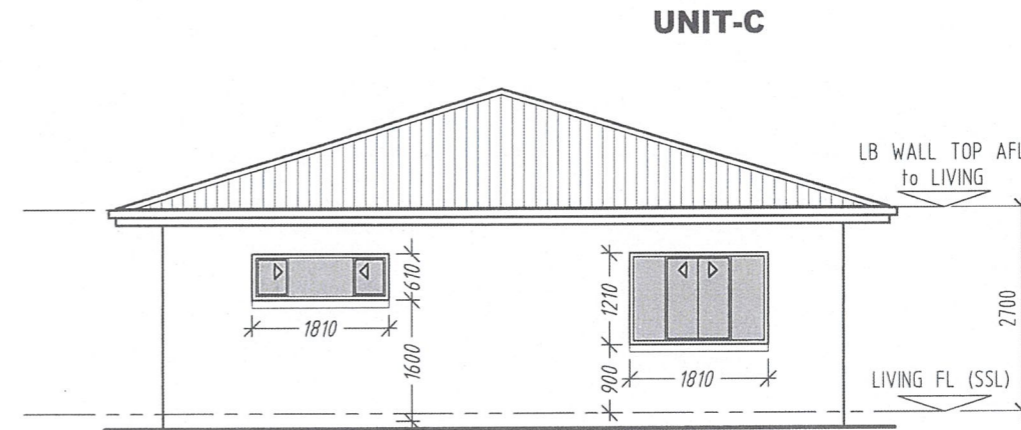
**MOUNT ISA CITY COUNCIL  
DEVELOPMENT APPROVAL**

Permit No.: P15-23  
 Type of Development: Material Change of Use for Multiple Dwellings  
 Approved Use: 3 x 2 Bedroom Units  
 Approved By: Chad King  
 Title: Acting Chief Executive Officer&s(d): 29/10/2024  
 Sheet: 7 of 7

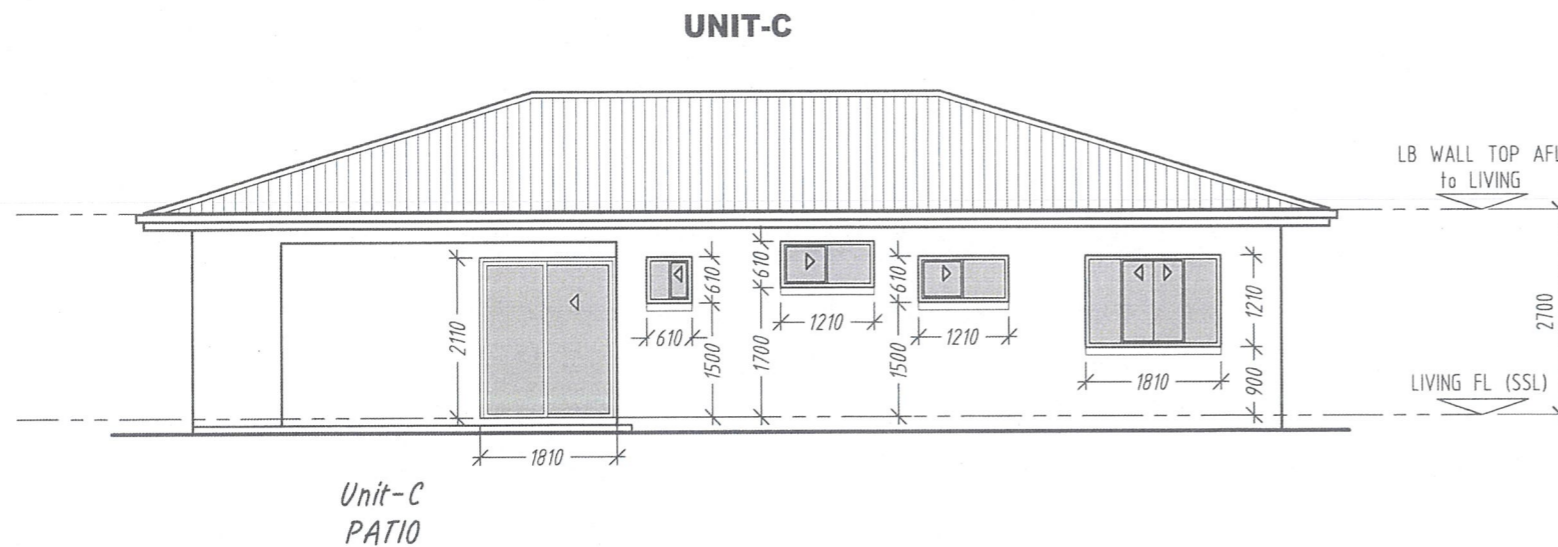
**ADJACENT UNIT-B & INTERNAL DRIVEWAY VIEW -W facing (1:100 ON A3)**



**END VIEW -S facing (1:100 ON A3)**



**END VIEW -N facing (1:100 ON A3)**



**REAR VIEW -E facing (1:100 ON A3)**

issue  
date:  
27/05/2024

phone: 0428 294 235 EDMONTON 4869, QUEENSLAND			
<b>GREGORY G TERZI</b> Associate Diploma Architectural Technology <b>Building Design &amp; Drafting</b>			
-Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-			
PROJECT:	94 BUTLER STREET	DATE: OCT 2023	SCALE: AS SHOWN ON 'A3' SHEET
	Townview 4825 Mount Isa		DRAWING TITLE:
	L818 MPH14001		<i>Proposed Units C</i> <b>ELEVATIONS -EXTERNAL</b>
-RESIDENTIAL- PROPOSED UNIT DEVELOPMENT	JOB NO. 0769	SHEET No. <b>DA 07</b>	ISSUE <b>A</b>



ATTACHMENT 3

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

(2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.

(3) In this section—

**conduct** means an act or omission.

**representative** means—

(a) of a corporation—an executive officer, employee or agent of the corporation; or

(b) of an individual—an employee or agent of the individual.

**state of mind**, of a person, includes the person's—

(a) knowledge, intention, opinion, belief or purpose; and

(b) reasons for the intention, opinion, belief or purpose.

## 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 a decision of the Minister, under chapter 7, part 4, to amend the registration of premises to include additional land in the affected area for the premises—20 business days after the day a notice is published under section 269A(2)(a); or
  - (e) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (f) 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
  - (g) 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
- (h) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note—*

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

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

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## 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
  - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
  - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
  - (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
  - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.

- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
  - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
  - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department’s website for this purpose.

## 231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—

**decision** includes—

  - (a) conduct engaged in for the purpose of making a decision; and
  - (b) other conduct that relates to the making of a decision; and



- 
- (c) the making of a decision or the failure to make a decision; and
  - (d) a purported decision; and
  - (e) a deemed refusal.

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

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

## **232 Rules of the P&E Court**

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

## **Part 2 Development tribunal**

### **Division 1 General**

#### **233 Appointment of referees**

- (1) The Minister, or chief executive, (the ***appointer***) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—

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

---

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

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

## **235 Establishing development tribunal**

- (1) The chief executive may at any time establish a tribunal, consisting of up to 5 referees, for tribunal proceedings.

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

## **236 Remuneration**

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

## **237 Tribunal proceedings**

- (1) A tribunal must ensure all persons before the tribunal are afforded natural justice.
- (2) A tribunal must make its decisions in a timely way.
- (3) A tribunal may—
  - (a) conduct its business as the tribunal considers appropriate, subject to a regulation made for this section; and
  - (b) sit at the times and places the tribunal decides; and
  - (c) hear an appeal and application for a declaration together; and
  - (d) hear 2 or more appeals or applications for a declaration together.
- (4) A regulation may provide for—
  - (a) the way in which a tribunal is to operate, including the qualifications of the chairperson of the tribunal for particular proceedings; or
  - (b) the required fee for tribunal proceedings.

---

## **238 Registrar and other officers**

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

## **Division 2 Applications for declarations**

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

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

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

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

- development assessment rules, that the development application is not properly made; or
- (b) the assessment manager within 10 business days after receiving the development application.
- (4) The registrar must, within 10 business days after the proceedings start, give notice of the proceedings to the respondent as a party to the proceedings.
- (5) In this section—
- respondent*** means—
- (a) if the applicant started the proceedings—the assessment manager; or
- (b) if the assessment manager started the proceedings—the applicant.

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

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

- (b) if the responsible entity started the proceedings—the applicant.

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

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

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

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

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

- (1) This section applies if—
  - (a) the registrar receives a document purporting to start tribunal proceedings, accompanied by the required fee; and
  - (b) the document does not comply with any requirement under this Act for validly starting the proceedings.
- (2) The chief executive must consider the document and decide whether or not it is reasonable in the circumstances to excuse the noncompliance (because it would not cause substantial injustice in the proceedings, for example).
- (3) If the chief executive decides not to excuse the noncompliance, the chief executive must give a notice stating that the document is of no effect, because of the noncompliance, to the person who filed the document.

- (4) The chief executive must give the notice within 10 business days after the document is given to the chief executive.
- (5) If the chief executive does excuse the noncompliance, the chief executive may act under section 242 as if the noncompliance had not happened.

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

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

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

- there are no qualified referees or insufficient qualified referees because of a conflict of interest
- the referees who are available will not be able to decide the proceedings in a timely way

- (2) If the chief executive considers a tribunal established for tribunal proceedings—

- (a) does not have the expertise to hear or decide the proceedings; or
- (b) is not able to make a decision for proceedings (because of a tribunal member's conflict of interest, for example);

the chief executive may decide to suspend the proceedings and establish another tribunal, complying with section 242(c), to hear or re-hear the proceedings.

- (3) However, the chief executive may instead decide to end the proceedings if the chief executive considers it is not reasonably practicable to establish another tribunal to hear or re-hear the proceedings.
- (4) If the chief executive makes a decision under subsection (1) or (3), the chief executive must give a decision notice about the decision to the parties to the proceedings.
- (5) Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts



again when the chief executive gives the decision notice to the party who started the proceedings.

- (6) The decision notice must state the effect of subsection (5).

## **245 Refunding fees**

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

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

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

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

*Examples of information that the registrar may require—*

- material about the proceedings (plans, for example)
  - information to help the chief executive decide whether to excuse noncompliance under section 243
  - for a deemed refusal—a statement of the reasons why the entity responsible for deciding the application had not decided the application during the period for deciding the application.
- (2) The person must give the information to the registrar within 10 business days after the registrar asks for the information.

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

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

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

A party to tribunal proceedings may appear—

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

## **249 Conduct of tribunal proceedings**

- (1) Subject to section 237, the chairperson of a tribunal must decide how tribunal proceedings are to be conducted.
- (2) The tribunal may decide the proceedings on submissions.
- (3) If the proceedings are to be decided on submissions, the tribunal must give all parties a notice asking for the submissions to be made to the tribunal within a stated reasonable period.
- (4) Otherwise, the tribunal must give notice of the time and place of the hearing to all parties.
- (5) The tribunal may decide the proceedings without a party's submission (written or oral) if—
  - (a) for proceedings to be decided on submissions—the party's submission is not received within the time stated in the notice given under subsection (3); or
  - (b) for proceedings to be decided by hearing—the person, or the person's agent, does not appear at the hearing.
- (6) When hearing proceedings, the tribunal—
  - (a) need not proceed in a formal way; and
  - (b) is not bound by the rules of evidence; and
  - (c) may inform itself in the way it considers appropriate; and
  - (d) may seek the views of any person; and
  - (e) must ensure all persons appearing before the tribunal have a reasonable opportunity to be heard; and
  - (f) may prohibit or regulate questioning in the hearing.
- (7) If, because of the time available for the proceedings, a person does not have an opportunity to be heard, or fully heard, the person may make a submission to the tribunal.

## 250 Tribunal directions or orders

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

*Examples of directions—*

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

## 251 Matters tribunal may consider

- (1) This section applies to tribunal proceedings about—
  - (a) a development application or change application; or
  - (b) an application or request (however called) under an applicable Act if—
    - (i) the application or request relates to a decision made under that Act, other than a decision made by the Queensland Building and Construction Commission; and
    - (ii) an information notice about the decision was given or was required to be given under that Act.
- (2) The tribunal must decide the proceedings based on the laws in effect when—
  - (a) the application or request was properly made; or
  - (b) if the application or request was not required to be properly made—the application or request was made.
- (3) However, the tribunal may give the weight that the tribunal considers appropriate, in the circumstances, to any new laws.
- (4) In this section—

*applicable Act* means—

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

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

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

## **253 Conduct of appeals**

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

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*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.