

Special Meeting Agenda

To be held at McKinlay Shire Council, Boardroom
29 Burke Street, Julia Creek, Queensland 4823

Tuesday 4 October 2022 at 9:00am

Notice is hereby given that a Special Meeting will be held at the Council Chambers,
Civic Centre, Julia Creek on Tuesday 4th October 9:00am.

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1. OPENING BUSINESS

All Councillors having signed the Attendance Book, the Mayor declared the meeting open at 9:00am.

2. ATTENDANCE

Mayor: Cr. P Curr

Members: Cr. J Fegan, Cr. S Royes, Cr. T Pratt, Cr. J Lynch (Teleconference)

Staff:

Chief Executive Officer, Trevor Williams

Director of Corporate and Community Services, Ms. Tenneil Cody

Director Engineering, Environment and Regulatory Services, Mr. Cameron Scott

Executive Assistant, Melissa Mussig

Apologies: Nil

3. DECLARATION OF CONFLICT OF INTEREST

Cr. P Curr inform this meeting that I have a declarable conflict of interest in this matter (as defined in section 150EN of the Local Government Act 2009). The nature of my interest is as follows:

This declarable conflict of interest arises because a person who is a related party of mine has an interest in this matter reference item 4.2 Tender T2223001 – Sale of Vacant Lots Particulars.

(i) Name of related party: Chloe Curr

(ii) The nature of my relationship with this related party is Chloe is my daughter.

(iii) The nature of the related party's interests in this matter, is that the successful applicant will be purchasing a block of land from Council.

I propose to leave and stay away from the meeting while this matter is discussed and voted on.

CLOSE



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4.1 Subject: Award of preferred contractor DRFA WP01 and WP02

Attachments: PDM evaluation reports

Author: Director Engineering and Regulatory Service

Date: 04 October 2022

Executive Summary:

Council's consultant, PDM(Project Delivery Managers) developed tender documents for the first 2 Work packages being WP01 South East and WP02 South. These were released to Council's prequalified suppliers for Road Construction and Maintenance on 17th August 2022 and closed on 14th September 2022. A tender meeting was held on 25 August 2022 with 2 contractors in attendance. 2 submissions were received for each package. PDM have undertaken a tender evaluation for each package and these are presented.

Recommendation:

That Council resolve to:

- a) *Award preferred contractor status for WP01 to KW Murphy Holdings and;*
- b) *Award preferred contractor status for WP02 to KW Murphy Holdings and;*
- c) *Delegate Council's Chief Executive Officer authority to finalise negotiations with KW Murphy Holdings for WP01 and WP02 and;*
- d) *Notify Alexander Plant Hire that their submissions were unsuccessful.*

Background:

Tender documents follow a SBPV(Scope Base Price Verification) method. As the pricing sought was based on the submission to QRA(Queensland Reconstruction Authority) scope may vary to the final approved works, also gravel and water sources are assumed to be all available. This reduces effort on contractor's behalf to prepare pricing once the preferred contractor is selected final scope and water and gravel pricing will be finalized.

Council's Local Prequalified Suppliers for Road Construction and Maintenance were offered Work Packages WP01 and WP02. KW Murphy Holdings and Alexander Plant Hire submitted prices for both packages.

PDM have supplied evaluation reports for both packages and they are attached to this report. In summary:

WP01

Alexander Plant Hire -	Score 79%	Price - \$6,884,738.40 Ex GST	Rank - 2
KW Murphy Holdings –	Score 90%	Price - \$4,151,222.36 Ex GST	Rank - 1



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WP02

Alexander Plant Hire - Score 70% Price - \$5,746,497.80 Ex GST Rank – 2

KW Murphy Holdings - Score 84% Price - \$3,608,654.45 Ex GST Rank – 1

It is recommended that KW Murphy be awarded preferred contractor status for WP01 and WP02.

Consultation:

Chief Executive Officer, PDM representatives Jim Sullivan and Brian Shephard

Legal Implications: Nil

Policy Implications: Nil.

Financial and Resource Implications:

Nil, costs are fully recoverable under DRFA arrangements

InfoXpert Document ID: 123860



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4.2 Subject: Tender T2223001 – Sale of Vacant Lots – Lots 5 & 6 on SP278219 & Lots 14 on SP247177

Attachments:

Author: Director Engineering and Regulatory Service

Date: 04 October 2022

Executive Summary:

Public tenders were invited, four Submissions were received for Lot 14 on SP247177. There were no tenders received for Lots 5 & 6 on SP278219.

Recommendation:

That Council resolve to:

- a. *To ballot the two highest tenders Chloe Curr and Phillip & Sarah Acton as they are both residents of McKinlay Shire and have tendered the same price of \$20,000.00 including gst.*
- b. *Award Lot 14 on SP247177 to _____*
- c. *Notify all unsuccessful tenderers.*

Background:

The Following tender were Received for Lot 14 on SP247177, It is recommended that council conduct a ballot for lot 14 on Sp247177 between the two Equal highest tenderers. There were no Tenders Received for Lots 5 & 6 on SP278219.

Name	Details	Amount (Inc GST)
Bradley & Elizabeth McCormick	Lot 14 on SP247177	\$18500.00
Philip & Sarah Acton	Lot 14 on SP247177	\$20000.00
Chloe Curr	Lot 14 on SP247177	\$20000.00
Khali Anderson	Lot 14 on SP247177	\$12546.00

Consultation: Debbie Godier, Cameron Scott and Taleah Rafter

Legal Implications: Nil

Policy Implications: Nil.

Financial and Resource Implications: Council Receive \$20,000 income from sale of this lot and ongoing rates Payments.

InfoXpert Document ID: 123859



- 4.3 Subject:** Development Application 2022-23_04 Code Assessable Material Change of Use – Shop
- Attachments:** 1. 4.3.1 Elders 40 Byrne St Assessment Benchmarks
2. 4.3.2 40 Byrne St Decision Notice - DRAFT
3. 4.3.3 Approved Plans
4. 4.4.4 Appeal Rights Extract
- Author:** Director Environment and Regulatory Services
- Date:** 04 October 2022
-

Executive Summary:

Elders Rural Services Australia LTD have made an application for a Code Assessable Development Approval for a Material Change of Use of Lot 31 on JC55710 also known as 40 Byrne Street, Julia Creek for a Shop.

Recommendation:

That Council in accordance with the Planning Act 2016 notify the applicant that their application for a Code Assessable Material Change of Use Development Permit for a Shop on Lot 31 on JC55710 also known as 40 Byrne Street, Julia Creek be approved subject to the schedule of conditions detailed below.

Approved Plans

1. The development is to occur generally in accordance with the supporting plans and reports/documents reference in the table below and as attached, except where conditions of approval dictate otherwise.

2.

Plan Title	Plan No. and Revision	Date
SITE PLAN	23206301, 1 of 4, Issue A	9/22
Floor Plan	A-100, Issue A	12/05/20
Elevations	A-200, Issue A	12/05/22
Report/Document		
NA		

General

3. The proposed development is to comply with all conditions of approval prior to commencement of use, unless stated otherwise.



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4. The developer shall bear the cost of all alterations necessary to public utility mains, services or installations necessitated by this approval with all works being undertaken to Council standard.
5. Hours of operation are limited to 8am to 5pm, Monday through Friday excluding public holidays.

Landscaping

6. A 1.8m high solid screen fence, or suitable alternative fencing solution agreed to in writing with council, is constructed/maintained along southern and western boundaries.
7. Landscaping in the form of native trees or shrubs is provided along the road frontages of the site with a minimum of two (2) planting along Byrne Street and five (5) plantings along Allison Street.

Infrastructure

8. The development is to be connected to councils reticulated sewerage and reticulated water supply networks.
9. The development is to be provided with a minimum of four (4) on-site car parks.
10. New vehicle crossovers, driveways, car parks and manoeuvring areas are designed in accordance with:
 - AS2890.1 – Parking Facilities;
 - AS2890.1 – Accessible (Disabled) Parking; and
 - Austroads AP-34/95 – Design Vehicles and Turning Path Templates.

Certification of compliance with these standards is to be obtained from an RPEQ Engineer prior to commencement of building works.

11. Stormwater drainage is provided in accordance with:
 - Queensland urban drainage manual, 3rd Edition, Queensland Department of Energy and Water Supply, 2013; and
 - Pilgrim, DH, (ed)., Australian Rainfall & Runoff – A Guide to Flood Estimation, Institution of Engineers, Australia, Barton, ACT, 1987.

Certification of compliance with these standards is to be obtained from an RPEQ Engineer prior to commencement of building works.

Health and Safety

12. Utilities, equipment and machinery is to be stored within appropriately covered storage areas so as not to be visible from the street or adjoining properties. Covered storage areas being any fixed structure which is either wholly or partly enclosed by walls and which is roofed.
13. Light emanating from any source complies with *Australian Standard AS4282 Control of the Obtrusive Effects of Outdoor Lighting*.



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14. Outdoor lighting is provided in accordance with *Australian Standard AS 1158.1.1 – Road Lighting – Vehicular Traffic (Category V) Lighting – Performance and Installation Design Requirement*.
15. Development is provided with a designated waste collection area that is:
 - located on a concrete slab;
 - located to the side or rear of the premises;
 - screened from public view.

Advice

1. Council would like to advise the applicant that provisions of the Aboriginal Cultural Heritage Act 2003 and the Queensland Heritage Act 1992 may apply to this development.
2. The developer/owner must demonstrate compliance with all conditions of approval prior to obtaining a certificate of classification for the use of any new buildings.
3. The developer may still require approval for plumbing and drainage works, building works or other works under other relevant legislation prior to commencement of works.

Background:

Elders Rural Services Australia LTD have made an application for a Material Change of Use (MCU) Development Permit on Lot 31 on JC55710 located at 40 Byrne, Julia Creek for a Shop.

The land is within the Residential zone of the McKinlay Shire Planning Scheme 2019 and is currently used for Residential Purposes. The proposed development Consist of a temporary office Building as found in attachment 6.1.3.

As part of the proposed development, a Code Assessable Material Change of Use (MCU) for a *Shop* was required in order to comply with the *Planning Act 2016* and Council's Planning Scheme. The development does not trigger referral agency assessment or public notification requirements.

The development was assessed against the Township and General Development code of the McKinlay Shire Planning Scheme 2019. A copy of the Planning Report outlining compliance with the codes can be found in attachment 6.1.1.

Consultation: (internal/External)

The Applicant, Town Planner and Council Staff

Legal Implications:

Compliance with the McKinlay Shire Council Planning Scheme, SPA 2009

Policy Implications:

Nil.



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Financial and Resource Implications:

Nil.

InfoXpert Document ID: 123859

Township Zone Code	
Performance outcomes	Acceptable outcomes
PO1 -Development is consistent with the existing built form in terms of size, design, siting and physical characteristics. The appearance and siting of buildings, other structures, car parking areas or signage is compatible with the local streetscape character, the style and design of nearby buildings, and is respectful and sympathetic to any heritage place or item identified in Schedule 3 – Local heritage register	The proposed transportable structure is consistent with existing built form in terms of size, siting and physical characteristics.
PO2 - Development with frontage to a State-controlled road must have safe access points that do not adversely impact on the safety and efficiency of the road	Vehicular access is provided from a local road.
PO3 - Commercial and industrial uses that support and service the residential areas are centrally located where they can be conveniently and safely accessed without having an adverse impact on residential amenity	Proposed commercial/industrial use supports and services the residential areas and can be safely accessed without an adverse impact on residential amenity.
PO4 - Industrial land uses are protected from encroachment by incompatible land uses	N/A
PO5 - Buildings and structures are setback from front, side and rear boundaries generally consistent with: • the intended form, function and character of development in the Township zone or precinct; and • prevailing setbacks of existing development in the zone or precinct in the locality; and • amenity outcomes for adjoining development, streetscapes and public spaces	Proposed structure complies with required setbacks.
PO6 - New buildings or structures present an articulated and traditional façade to the street featuring design elements that reduce the appearance of scale and bulk.	Door opening will open towards the Allison Street frontage.
PO15 - Buildings and other structures are consistent with the dominant density, type and scale of development in the residential area	Proposed structure is single storey.
PO16 - Dual occupancies and Multiple dwellings are located on appropriately sized lots to maintain a consistent scale, density and character that is complementary and compatible with the surrounding residential area and avoids impacts on the visual amenity of the streetscape and surrounding area	N/A
PO17 - Multiple dwellings and retirement villages are of a scale, density and character that is complementary and compatible with the surrounding residential area	N/A
PO18 - Where a non-residential use in the residential precinct or where adjoining a residential use; development is located and designed to avoid impacts on existing levels of residential amenity including privacy, safety, noise, odour and fumes, lighting and traffic generation	Proposed structure is setback 6 metres from Byrne Street. Hours of operation will be limited to 8am to 5pm. Light emanating from any source will comply with Australian Standard AS4282. There will be no outdoor lighting.
PO19 - Waste disposal and servicing areas are screened from public view and do not have adverse amenity impacts on adjoining properties	N/A

General Development Code	
Performance outcomes	Acceptable outcomes
PO1 - Development in flood hazard areas is designed and located to minimise susceptibility to and potential impacts of flooding and does not significantly impede the flow of flood waters through the site or worsen flood flows external to the site.	N/A
PO2 - The design, appearance and form of development for a Multiple Dwelling reflects a high standard and permanent form of accommodation that complements the character of existing residential development in the Shire	N/A
PO3 - Development provides private open space that is well-proportioned, appealing, functional and easily accessible, and promotes outdoor living as an extension of the dwelling	N/A
PO4 - The size and bulk of new buildings associated with development maintains and enhances the intended local character of the location (zone and/or precinct) by avoiding overdevelopment of the site, and allowing for development at a consistent scale, siting and intensity to nearby development	Proposed structure does not exceed maximum site coverage requirements in accordance with Table 6.3.1.4
PO5 - Landscaping is provided to enhance the visual appeal of development and soften the appearance of the built form. The majority of landscaping is to be undertaken on the principal street frontage of the development	Existing trees and landscaping to remain
PO6 - The height of development: <ul style="list-style-type: none"> • maintains the overall low rise scale and character of development in the Shire; • reflects the intended form, function and character of development in the respective zone or precinct; and • integrates with existing surrounding development without introducing adverse amenity impacts 	Proposed structure is single storey.
PO7 - New buildings or structures present an articulated and traditional façade to the street featuring design elements that reduce the appearance of scale and bulk	Door opening will open towards the Allison Street frontage.
PO8 - Buildings and structures are setback from the front, side and rear boundaries generally consistent with: <ul style="list-style-type: none"> • the intended form, function and character of development in the respective zone or zone precinct; and prevailing setbacks of existing development in the same zone or zone precinct in the locality; and • amenity outcomes for adjoining development, streetscapes and public spaces 	Proposed structure is setback 6 metres from Byrne Street.
PO9 - The proposed development accommodates sufficient car parking on site to meet the peak parking demand of the use at any point in time	There is significant car parking on the site to meet peak demand periods due to the site coverage being approximately 17% once the proposed structure has been added to the site.
PO10 - The proposed driveway is clear of all impediments	The existing driveway will be utilised and is clear of all impediments.

PO11 - The location of driveways does not create a danger to the safety and efficiency of existing intersections	The existing driveway will be utilised and does not create danger to the safety and efficiency of existing intersections.
PO12 - The design of access, parking and manoeuvring within the site: • is adequate for the type and volume of traffic generated by the use; • does not adversely impact on the traffic network external to the site; • caters for safe pedestrian access; and provides for disabled access	Existing cross overs and driveways will be utilised and are designed in accordance with council standards.
PO13 - The development is supplied with an appropriate level of infrastructure to service the intended use	Existing infrastructure services to be utilised.
PO14 - All development has an adequate supply of potable water and can provide for appropriate treatment and disposal of effluent and other waste water	The existing services provide an adequate supply of potable water and appropriate treatment and disposal of effluent and other waste water. This will remain unchanged.
PO15 - Stormwater is collected and discharged to ensure no impacts on adjoining land owners, Council or State infrastructure while also ensuring environmental values of waters in the Shire are maintained	Stormwater will be directed to the existing kerb and channel stormwater point.
PO16 - Wastewater discharge to a waterway is avoided or managed in a way that maintains ecological processes, riparian vegetation, waterway integrity, and downstream ecosystem health	Waste water will not be discharged to a waterway.
PO17 - Development does not adversely impact on essential infrastructure	The proposed structure will not hinder or interfere with the function and efficiency of necessary infrastructure.
PO18-PO38	N/A

{COUNCIL LETTERHEAD AND APPLICANT ADDRESS}

DECISION NOTICE

Planning Act 2016

This **decision notice** is issued pursuant to the *Planning Act 2016* and is associated with a development application seeking a development permit for a Material Change of Use (Shop). The development application was assessed and **approved in full subject to conditions**. The decision date being **XX October 2022**.

The following application details are provided:

DEVELOPMENT APPLICATION DETAILS

Application Reference No.	2022-23_XX
Applicant Details	ELDERS RURAL SERVICES AUSTRALIA LTD Contact: Paul Scrivener LVL 10, 80 Grenfell Street, ADELAIDE SA 5000 P. 0477 243 123 E. Paul.Scrivener@elders.com.au
Development Type	Development Permit – Material Change of Use
Development Proposal	Shop
Site Address	40 Byrne Street, JULIA CREEK QLD 4823
Real Property Description	Lot 31 on JC55710
Level of Assessment	Assessable Development – Code Assessable
Assessment Benchmarks	<i>Planning Act 2016</i> <i>Planning Regulation 2017</i> North West Regional Plan 2010 McKinlay Shire Planning Scheme 2019 <ul style="list-style-type: none">• Township zone code• General development code
Applicants Reference	NA

DEEMED APPROVAL

This development approval is **not** a *deemed approval* under section 64 of the *Planning Act 2016*.

CONDITIONS OF APPROVAL

The conditions of this approval are outlined in the below Schedule of Conditions and are distinguished as either assessment manager or referral agency conditions.

REFERRAL AGENCIES

Based on the common material included in the lodged development application, it was determined that referral was **not** required to any referral agencies.

ASSESSMENT BENCHMARKS/REASONS FOR DECISION

Pursuant to section 63(5) and section 83(7) of the *Planning Act 2017*, the following clarifications are provided as to the reasoning for the decision which has been made.

Subject to the imposition of the development conditions contained within the Decision Notice, the development is able to comply with the following applicable Assessment Benchmarks against which the application was required to be assessed, being:

- The *Planning Act 2016*
- The *Planning Regulation 2017*
- State Planning Policy 2017
- North West Regional Plan 2020
- The McKinlay Shire Council Planning Scheme 2019
 - Township zone code
 - General development code

CURRENCY PERIOD

The currency period set for this development approval is to be in accordance with section 85 of the *Planning Act 2016*, which establishes when an approval lapses.

RIGHTS OF APPEAL

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*.

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

{FILE OFFICER CONTACT DETAILS}

{CEO SIGNATURE BLOCK}

SCHEDULE OF CONDITIONS

Development Permit

Code Assessable Material Change of Use (Shop)

Assessment Manager Conditions of Approval

Approved Plans

1. The development is to occur generally in accordance with the supporting plans and reports/documents reference in the table below and as attached, except where conditions of approval dictate otherwise.

Plan Title	Plan No. and Revision	Date
SITE PLAN	23206301, 1 of 4, Issue A	9/22
Floor Plan	A-100, Issue A	12/05/20
Elevations	A-200, Issue A	12/05/22
Report/Document		
NA		

General

2. The proposed development is to comply with all conditions of approval prior to commencement of use, unless stated otherwise.
3. The developer shall bear the cost of all alterations necessary to public utility mains, services or installations necessitated by this approval with all works being undertaken to Council standard.
4. Hours of operation are limited to 8am to 5pm, Monday through Friday excluding public holidays.

Landscaping

5. A 1.8m high solid screen fence, or suitable alternative fencing solution agreed to in writing with council, is constructed/maintained along southern and western boundaries.
6. Landscaping in the form of native trees or shrubs is provided along the road frontages of the site with a minimum of two (2) planting along Byrne Street and five (5) plantings along Allison Street.

Infrastructure

7. The development is to be connected to councils reticulated sewerage and reticulated water supply networks.
8. The development is to be provided with a minimum of four (4) on-site car parks.
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 - located to the side or rear of the premises;
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Advice

1. Council would like to advise the applicant that provisions of the Aboriginal Cultural Heritage Act 2003 and the Queensland Heritage Act 1992 may apply to this development.
2. The developer/owner must demonstrate compliance with all conditions of approval prior to obtaining a certificate of classification for the use of any new buildings.
3. The developer may still require approval for plumbing and drainage works, building works or other works under other relevant legislation prior to commencement of works.

Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Applicants have appeal rights under Chapter 6, Part 1 of the *Planning Act 2016*. Information about how to proceed with an appeal to the Planning and Environment Court may be found on the Court's website:

Planning and Environment Court

website www.courts.qld.gov.au/courts/planning-and-environment-court

Planning and Environment Court (Townsville)

post PO Box 1032 Townsville Qld 4810

visit 31 Walker Street Townsville Qld 4810

telephone (07) 4799 7261 (general enquiries) / (07) 4799 7263 (registrar)

email townsville.hcregistry@justice.qld.gov.au

In addition, Chapter 6, Part 2 of the *Planning Act 2016* affords the opportunity to proceed to an appeal to the Development Tribunals. Appeals to the Development Tribunals may be addressed to:

Development Tribunals

post Department of Housing and Public Works, GPO Box 2457 Brisbane Qld 4001

visit Mineral House, 41 George Street, Brisbane

telephone 1800 804 833

facsimile +61 7 3237 1248

email registrar@hpw.qld.gov.au

website www.hpw.qld.gov.au/DevelopmentTribunals



Special Meeting of Council Tuesday 4 October 2022

CLOSE