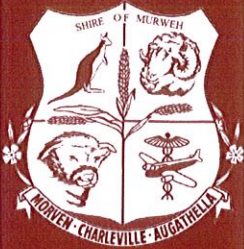


MURWEH SHIRE COUNCIL

95-101 Alfred Street, Charleville
A.B.N. 98 117 909 303



17 July 2019

YOUR REF:

IN REPLY CONTACT:

RESPONDS TO: Steve Mizen

OUR REF: **SKM:/: BA: 7448**

Hub of the South West

Graham Charles Reid
c/- Phil Ambridge
Inland Surveys
PO Box 184
BEAUDESERT QLD 4285

ADDRESS ALL
COMMUNICATIONS
TO:
THE CHIEF
EXECUTIVE
OFFICER

MURWEH
SHIRE
COUNCIL

P.O. BOX 63
CHARLEVILLE
4470

FACSIMILE
(07) 4656 8399

TELEPHONE
SHIRE OFFICE
(07) 4656 8355

E-MAIL
ceo@murweh.qld.gov.au

Dear Sir

**RE: DECISION NOTICE
RECONFIGURATION OF LOT (BOUNDARY REALIGNMENT)
75 ADAVALE ROAD CHARLEVILLE LOT 4 SP18181415
LOT 1 FRAWLEY STREET CHARLEVILLE LOT 1 RP228135**

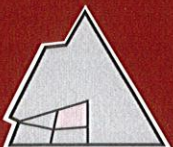
Murweh Shire Council has the pleasure of enclosing a Decision Notice reconfiguration of lot (boundary realignment) for the lots described above.

If there is any aspect of the decision notice that you are unclear of, or you wish to discuss anything in relation to this Development Application, please contact Murweh Shire Council or Steve Mizen on 0488 253 393.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Ken Timms', written over a dotted line.

**MR KEN TIMMS
A/CHIEF EXECUTIVE OFFICER**



Decision Notice
APPROVAL
Planning Act 2016 s 63

Our Ref: 7448

17 July 2019

Graham Charles Reid
c/- Phil Ambridge
Inland Surveys
PO Box 184
BEAUDESERT QLD 4285

Dear Sir

Decision Notice – approval (with conditions)
(Given under section 63 of the *Planning Act 2016*)

The development application described below was properly made to the Murweh Shire Council on 27 May 2019.

Applicant Details

Applicant name: Graham Charles Reid
Applicant contact details: c/- Phil Ambridge
Inland Surveys
PO Box 184
BEAUDESERT QLD 4285
(07) 5541 4877
phil@ambridge.net.au

Application Details

Application number: BA 7448
Approval sought: Reconfiguration of lot
Details of proposed development: Reconfiguration of 2 lots into 2 lots (boundary realignment)

Location Details

Street Address: 75 Adavale Road Charleville QLD 4470
Lot 1 Frawley Street Charleville QLD 4470

Real Property Description: Lot 4 SP181415
Lot 1 RP228135

Decision

Date of decision: 17 July 2019
Decision details: Approved in full

Details of the Approval

Development permit - Boundary Realignment

Properly Made Submissions

Not applicable – No part of the application required public notification.

Rights of Appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions 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*).

Commencement of Approval

This approval takes effect in accordance with section 71 of the *Planning Act 2016*.

The development approval does not have effect until the submitter's appeal period ends. To hasten the commencement of the submitter's appeal period, the applicant can notify Council in writing that they do not intend to request a negotiated decision or appeal the decision.

Yours faithfully



MR KEN TIMMS
A/CHIEF EXECUTIVE OFFICER

Attachments:

Attachment 1 – Approved site plan

Appeal provisions (extracts from *Planning Act 2016*)

Notes

This plan has been prepared for the exclusive use of the client as stated on the title page. It is not to be used for any other purpose. The client is responsible for the accuracy of the information provided for the purpose of this application to the relevant local authority. The client should ensure that the relevant local authority is notified of the proposed reconfiguration of the land as described and should not be used by any other person or corporation and for any other purpose.

All dimensions are approximate only and subject to survey. Property boundaries have not been defined by this survey and are shown as indicated on the title page. The client should ensure that the relevant local authority is notified of the proposed reconfiguration of the land as described and should not be used by any other person or corporation and for any other purpose.

Underground features and services have not been located by this survey. These are shown as indicated on the title page. The client should ensure that the relevant local authority is notified of the proposed reconfiguration of the land as described and should not be used by any other person or corporation and for any other purpose.

This plan may not be photocopied unless these notes are included. Ambridge and Associates Pty. Ltd. accepts no responsibility for any loss or damage caused in contravention of the above.

Client
CMCA

Project **CONCEPT PLAN**
of Lot Reconfiguration of
Lot 1 on RP228135 and
Lot 4 on SP181415
Frawley Street &
Charleville Adavale Road
CHARLEVILLE

Level Datum	Scale at A3
Origin	1:4000
Contour Interval:	Date 14-5-2019
Surveyed	Designed PRA
Drawn	Drawn PRA
Checked	Checked PRA

Ambridge and Associates Pty. Ltd. WA

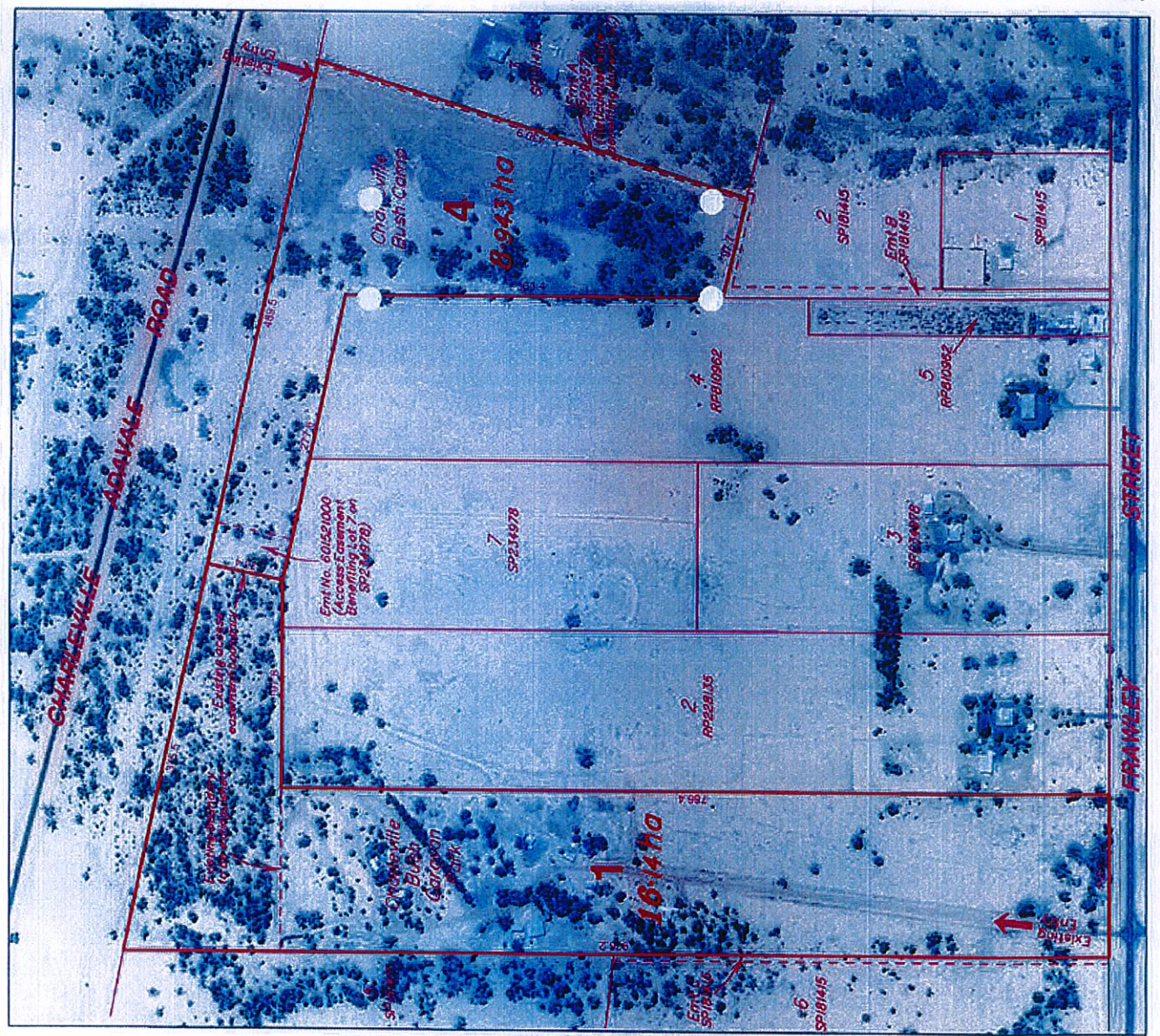
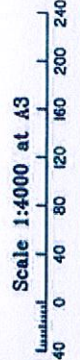


INLAND SURVEYS CONSULTING SURVEYORS
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Post: PO Box 18A, BEAUFORT QLD 4285
Tele: (07) 5541 4877
Fax: (07) 5541 4866
MOB: 0428 453 992
EMAIL: info@inlandsurveys.com.au

REFERENCE No. 19009
PLAN No. 19009-01



Total Area of Application
25.083 ha
Area to be exchanged
4.015 ha



RIGHTS OF APPEAL

If you are dissatisfied with any condition of this approval you may, within twenty (20) business days, make representation to the assessment manager about the condition/s of this approval or appeal to the Building and Development Tribunal in accordance with the Planning Act 2016.

EXTRACT FROM THE PLANNING ACT 2016

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 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.

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, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); 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 by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

(1) Subject to this chapter, 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, a tribunal or another entity; and

(c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a 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