

MURWEH SHIRE COUNCIL

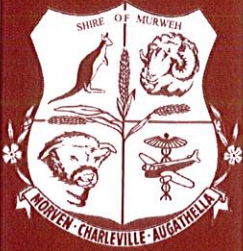
95-101 Alfred Street, Charleville
A.B.N. 98 117 909 303

YOUR REF:

IN REPLY CONTACT:

RESPONDS TO: Steve Mizen

OUR REF: **SKM:/: BA: 7442**



22 May 2019

Hub of the South West

CEO
Murweh Shire Council
PO Box 63
CHARLEVILLE QLD 4470

ADDRESS ALL
COMMUNICATIONS
TO:
THE CHIEF
EXECUTIVE
OFFICER

Dear Sir

**RE: DECISION NOTICE
MCU MORVEN VISITOR INFORMATION CENTRE
ALBERT STREET MORVEN LOT 47 SP136831**

MURWEH
SHIRE
COUNCIL

Murweh Shire Council has the pleasure of enclosing a Decision Notice Material Change of Use for the proposed Morven Visitor Information Centre at Albert Street Morven.

P.O. BOX 63
CHARLEVILLE
4470

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.

FACSIMILE
(07) 4656 8399

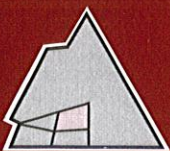
TELEPHONE
SHIRE OFFICE
(07) 4656 8355

Yours faithfully

E-MAIL

ceo@murweh.qld.gov.au

**MR NEIL W POLGLASE
CHIEF EXECUTIVE OFFICER**



Decision Notice
APPROVAL
Planning Act 2016 s 63

Our Ref: 7442

22 May 2019

CEO
Murweh Shire Council
PO Box 63
CHARLEVILLE QLD 4470

Dear Sir

Development Approval – Morven Visitor Information Centre

Applicant: CEO Murweh Shire Council
Owner: Murweh Shire Council
Property Address: Albert Street Morven QLD 4468
RPD: Lot 47 SP136831
Proposal: Morven Visitor Information Centre

I wish to advise that the above described application was approved subject to conditions by Murweh Shire Council on 22 May 2019. This application has been deemed to be approved under section 64 (5) of the *Planning Act 2016*.

Conditions

The conditions of this approval are attached. The conditions ***Attachment 1- Referral Agency Conditions, Attachment 2 – Advice to the Applicant and Attachment 3 - Reasons for Referral Agency Response*** were imposed by the Director General of the Department of Transport and Main Roads.

The conditions of approval that were imposed by the assessment manager are attached (***Attachment 4 - Murweh Shire Council's Conditions of Approval***).

Currency Period

Unless otherwise stated in the conditions of approval, the standard currency period stated in section 85 of *Planning Act 2016* applies to each aspect of development in this approval. The approval will lapse at the end of the currency period.

Related Development Approvals and Other Approvals

A Development Permit must be obtained for the following works associated with this development, prior to the development being carried out:

- Building and plumbing work

Statement of Reasons

In accordance with section 63(5) of the *Planning Act 2016*, Council provides the following reason for this decision:

The application was assessed under the *Murweh Shire Planning Scheme* and was found to be consistent with the Scheme.

The Department of Transport and Main Roads have conditionally approved the application.

Appeals Rights


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*. Attached is an extract from the *Planning Act 2016* which details your appeal rights regarding this decision.

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 NEIL POLGLASE
CHIEF EXECUTIVE OFFICER

Attachments:

Attachment 1 – Referral Agency Conditions

Attachment 2 – Advice to the Applicant

Attachment 3 – Reasons for Referral Agency Response

Attachment 4 – Murweh Shire Council's Conditions of Approval

Approved site plan

Appeal provisions (extracts from *Planning Act 2016*)

Attachment 1—Referral agency conditions

(Under section 58(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material change of use – Visitor Information Centre		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	<p>The visitor information centre must have a 3 metre minimum setback from the railway corridor generally in accordance with the following plan:</p> <ul style="list-style-type: none"> • Site Plan, prepared by KMK Drafting Pty Ltd, dated 11 December 2018, drawing number 022-18, sheet KMK-01. 	At all times.
2.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the railway corridor.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff, including roof water runoff, onto the railway corridor; (ii) interfere with and/or cause damage to the existing stormwater drainage on the railway corridor; (iii) surcharge any existing culvert or drain on the railway corridor; (iv) reduce the quality of stormwater discharge onto the railway corridor. 	<p>(a) At all times.</p> <p>(b) At all times.</p>
3.	<p>(a) The existing safety bollards along the site boundary of Lot 47 on SP136831 with the railway corridor must be retained.</p> <p>(b) If the car parking is located as proposed on Lot 48 on SP136831, fencing or bollards sufficient to prevent unauthorised access by people and vehicles must be provided along the site boundary of where car parking is provided for the visitor information centre.</p>	(a) & (b) Prior to the commencement of use and to be maintained at all times.

Attachment 2—Advice to the applicant

General advice	
Railway corridor	
1.	Vehicular and pedestrian access to any car parking provided on Lot 48 on SP136831 for the visitor information centre should be via the Albert Street road reserve and not the railway corridor (Lot 45 on SP136831).
2.	<p>Works on a railway</p> <p>Pursuant to section 255 of the Transport Infrastructure Act 1994, the railway manager's written approval is required to carry out works in or on a railway corridor or otherwise interfere with the railway or its operations.</p> <p>Please be advised that this concurrence agency response does not constitute an approval under section 255 of the Transport Infrastructure Act 1994 and that such approvals need to be separately obtained from the relevant railway manager.</p> <p>The applicant should contact the Queensland Rail Property Team at: developmentequeries@qr.com.au or on telephone number (07) 3072 1229 in relation to this matter.</p>

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the department's decision are:

- The proposed location of the Visitor Information Centre reflected on the site plan, does not create a safety hazard in a railway corridor.
- The development prevents unauthorised access to the railway corridor with the existing bollards.
- The development does not obstruct existing access to the railway corridor.
- The two access points into the park do not create a safety hazard of users of the SCR.
- The vehicles expected to be generated as a result of the development will have a negligible impact on the SCR.
- The development complies with State codes 1 and 2 of the State Development Assessment Provisions (SDAP) where conditioned to comply.
- The conditions imposed ensure that the development is carried out in accordance with the site plan, ensures no worsening to the railway corridor caused by stormwater runoff and ensures the development prevents unauthorised access to the railway corridor with the existing bollards.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The SDAP (version 2.4), as published by DSDMIP
- The Development Assessment Rules
- SARA DA Mapping system

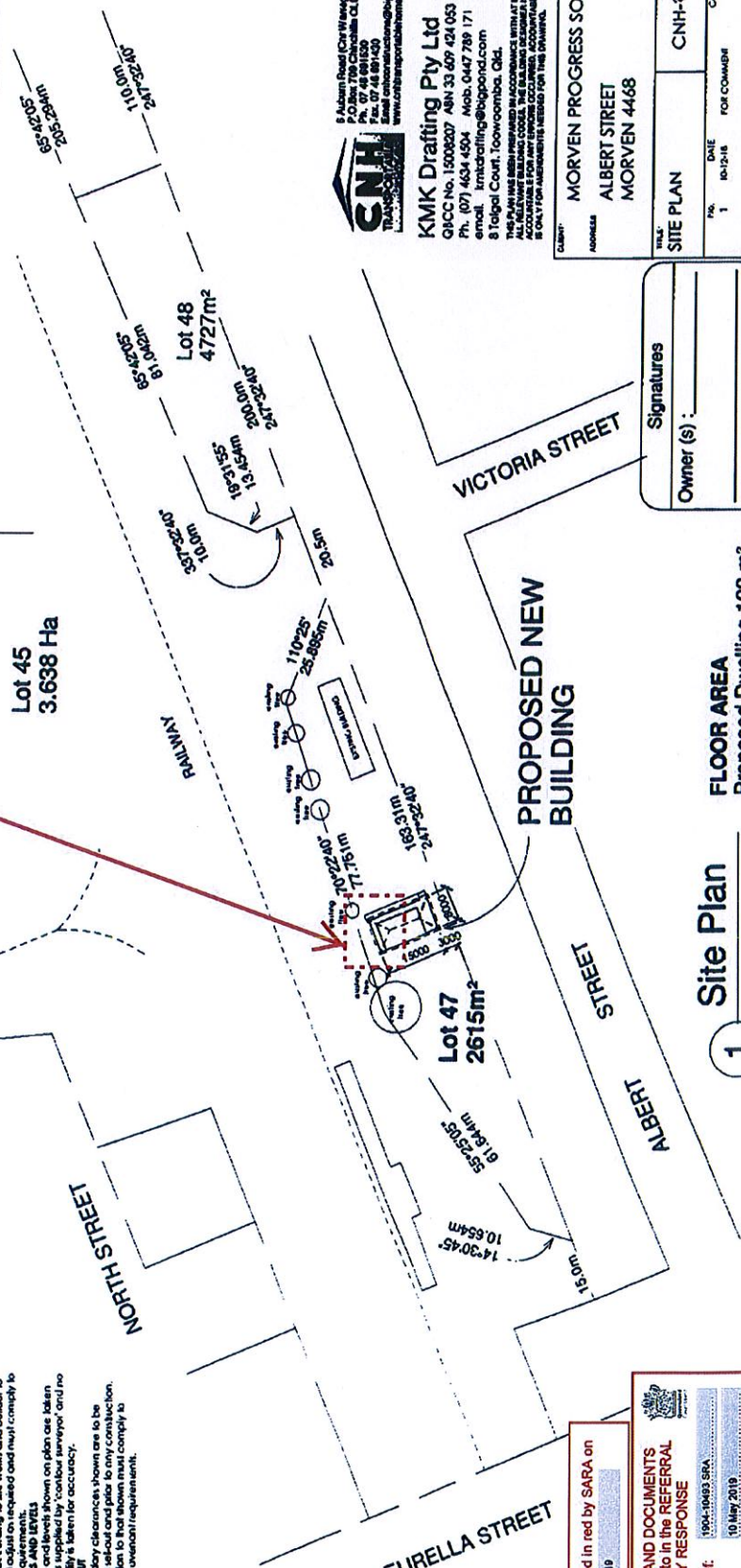
Attachment 4: Murweh Shire Council's Conditions of Approval

- The proposed Information Centre must be situated no closer than 3 metres from the boundary of the railway reserve.
- The car parking area must be adequately signed.
- Any lighting associated with the proposed development must not spill onto any adjoining land.
- Pedestrian access to the proposed development must be from Albert Street and not from the railway reserve.

The Visitor Information Centre must have a 3 metre minimum setback from the railway corridor as per Condition 1.

- SITE WORKS**
- sewerage plan to be in accordance with council prepared plan.
 - stormwater
 - to be discharged to approved discharge point.
 - to be contained in appropriate
 - only position to be contained per PL
 - commencement of site works.
- EMERGENCIES**
- CUE/E indicated on plan may vary at
 - any variations to comply to council's policy on
 - earthworks/drainage for residential sites.
 - site work on this plan are for construction
 - purposes only. final levels, landscaping and
 - phasing is the responsibility of the owner/builder.
 - to fall away from the building at a slope of 1:20
 - minimum to a yard gully pit as indicated on plan.
 - the service drainage to discharge evenly within
 - the site and visitor/receiver to the adjoining
 - properties.
 - CUE/E generally not to exceed a gradient of 1:4
 - unless noted on the plans.
 - all retaining walls and embankments shown are
 - to comply to council/ consent/regulation.
 - position of retaining walls and embankments
 - may vary according to site works and builder to
 - early and design, required and must comply to
 - CONTOURS AND LEVELS
 - contours and levels shown on plan are taken
 - from levels supplied by 'contour surveyor' and no
 - site surveyor is taken for accuracy.
 - all boundary clearances shown are to be
 - verified at setback and prior to any construction.
 - Any variation to that shown must comply to
 - council/ consent requirement.

PROJECT DETAILS	
R.P.D	47
Lot No	SP136831
Reg. Plan	Murweh Shire Council
L/Authority	Morven
Parish	Ortery
County	2615m ²
Site Area	
Wind Classification	N3



CNH
TRANSPORT & INFRASTRUCTURE
8 Auburn Road (City Westgate Highway)
MORVEN QLD 4413
Ph. 07 46 891330
Fax. 07 46 891330
Email: cnh@transportinfrastructure.com.au
www.transportinfrastructure.com.au

KMK Drafting Pty Ltd
QBCC No. 15008207 ABN 33 609 424 053
Ph. (07) 4634 4504 Mob. 0447 789 171
email: kmkdrafting@bigpond.com
8 Telgal Court, Toowoomba, Qld.
THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH AT LEAST
ONE OF THE PROFESSIONAL STANDARDS OF THE BUILDING DEPARTMENT IS NOT
ACCURATE FOR ANY OTHER PURPOSES. THE BUILDING DEPARTMENT IS NOT
RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THIS PLAN IS ONLY FOR INFORMATION
AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.

CUSTOMER	MORVEN PROGRESS SOCIETY
ADDRESS	ALBERT STREET MORVEN 4468
TITLE	SITE PLAN
NO.	1
DATE	10/12/18
FOR COMMENT	Comments
SCALE	1:1000
DATE	11/12/2018
TIME	5:45:30 AM
FILE NO.	022-18
SHEET	KMK-01

Signatures

Owner (s) : _____

Builder : _____

Date : _____

Site Plan
1 : 1000

FLOOR AREA
Proposed Dwelling 123 m²

Amended in red by SARA on
10 July 2019

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 1904-10493 SRA
Date: 10 July 2019

FOR COMMENT

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