



**SHIRE OF MURWEH**

MORVEN - CHARLEVILLE - AUGATHELLA

Address all communications to the chief executive officer.

**Mail to:** PO Box 63 Charleville Q 4470

**E:** mail@murweh.qld.gov.au

**P:** (07) 4656 8355 | **F:** (07) 4656 8399

**www.murweh.qld.gov.au**

1 April 2020

Steve Mizen

Ref No: BA 7473

Mr Neil Polglase  
Murweh Shire Council  
PO Box 63  
CHARLEVILLE QLD 4470

Dear Mr Polglase

**RE: DECISION NOTICE – INDUSTRIAL ESTATE  
RECONFIGURING A LOT, MATERIAL CHANGE OF USE – VARIATION  
REQUEST AND OPERATIONAL WORKS  
BOLLON ROAD CHARLEVILLE LOT 99 SP305929 & LOT 1-8 SP305929**

Murweh Shire Council has the pleasure of enclosing a Decision Notice for reconfiguring a lot, material change of use – variation request and operational works for the Industrial Estate on the lot 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

  
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**MR NEIL POLGLASE  
CHIEF EXECUTIVE OFFICER**

**Decision Notice**  
**APPROVAL**  
***Planning Act 2016 s 63***

**Our Ref: 7473**

1 April 2020

Mr Neil Polglase  
Murweh Shire Council  
PO Box 63  
CHARLEVILLE QLD 4470

Dear Mr Polglase

**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 16 January 2020.

**Applicant Details**

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Applicant name: Murweh Shire Council  
Applicant contact details: Neil Polglase  
PO Box 63  
Charleville QLD 4470  
(07) 4656 8355

**Application Details**

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Application number: BA 7473  
Approval sought: Reconfiguring a Lot  
Material Change of Use – Variation Request  
Operational Works – Road Work, Drainage Work,  
Stormwater and Earthworks

Details of proposed development:

Reconfiguring a Lot (1 lot into 16 lots)

Material Change of Use – Variation Request to change lots from Township Zone to Industrial Zone

Operational Works – Earthworks required to construct internal roads, water supply, and stormwater drainage system.

### Location Details

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Street Address: Bollon Road Charleville QLD 4470

Real Property Description: Lot 99 SP305929

Lot 1-8 SP305929

### Decision

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Date of decision: 1 April 2020

Decision details: Approved in full with conditions. These conditions are set out in *Attachment 1* and *Attachment 3* and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

### Details of the Approval

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Development permit –

Reconfiguring a Lot (1 lot into 16 lots)

Material Change of Use – Variation Request to change lots from Township Zone to Industrial Zone

Operational Works – Earthworks required to construct internal roads, water supply, and stormwater drainage system.

### Conditions

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This approval is subject to the conditions in *Attachment 1* and *Attachment 3*. The conditions indicate whether they were imposed by the Assessment Manager (Murweh Shire Council) or a Concurrence Agency.

## Properly Made Submissions

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

## Referral Agencies

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The following referral agency applies to this application:

State Assessment and Referral Agency

Department of State Development, Manufacturing, Infrastructure & Planning

PO Box 825, Toowoomba QLD 4350

## Currency Period for the Approval

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This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*.

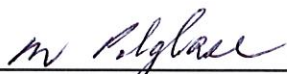
## Rights of Appeal

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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*).

For further information please contact Stephen Kenneth Mizen, Murweh Shire Council Planning Officer, on 0488 253 393 or via email [themizens@bigpond.com](mailto:themizens@bigpond.com) who will be pleased to assist.

Yours faithfully



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**MR NEIL POLGLASE**  
**ASSESSMENT MANAGER**

Attachment 1: Referral Agency Response

Attachment 2: Approved Plans

Attachment 3: Murweh Shire Council's Conditions of Approval

Statement of Reasons

Appeal provisions (extracts from *Planning Act 2016*)

## Attachment 1 – Referral Agency Response

RA6-N



Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

SARA reference: 2001-15174 SRA  
Council reference: SKM/: BA 7473

28 February 2020

Chief Executive Officer  
Murweh Shire Council  
PO Box 63  
CHARLEVILLE QLD 4470  
ceo@murweh.qld.gov.au

Attention: Steve Mizen

Dear Steve

### **SARA response—Bollon Charleville Road, Charleville**

(Referral agency response given under section 58 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning (the department) on 24 January 2020.

### **Response**

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Outcome:	Referral agency response – with conditions.
Date of response:	28 February 2020
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval.
Advice:	Advice to the applicant is in <b>Attachment 2</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b> .

### **Development details**

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Description:	Development permit	Reconfiguring a Lot (1 Lot into 16 Lots)  Material Change of Use - Variation request to change lots from Township Zone to Industrial Zone.  Operational Works - Earthworks required to construct internal roads, water supply, and stormwater drainage system.
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SARA role: Referral Agency.

SARA trigger: Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1  
(10.9.4.1.1.1) (Planning Regulation 2017)  
Development impacting on state transport infrastructure

Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1  
(10.9.4.2.1.1) (Planning Regulation 2017)  
Reconfiguring a lot near a state transport corridor

Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1  
(10.9.4.2.4.1) (Planning Regulation 2017)  
Material change of use of premises near a state transport corridor or  
that is a future state transport corridor

SARA reference: 2001-15174 SRA

Assessment Manager: Murweh Shire Council

Street address: Bollon Charleville Road, Charleville

Real property description: Lot 99 on SP305929 and Lots 1 – 8 SP on 305929

Applicant name: Murweh Shire Council

Applicant contact details: PO Box 63  
CHARLEVILLE QLD 4470  
millee\_smith@murweh.qld.gov.au

## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in Attachment 4.

A copy of this response has been sent to the applicant for their information.

For further information please contact Brittany Hughes, Planning Officer, on (07) 4616 7332 or via email ToowoombaSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Bernadette Plummer  
A/Manager - DDSW Planning

cc Murweh Shire Council, millee\_smith@murweh.qld.gov.au

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant

Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations about a referral agency response

## Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions	Condition timing
<b>Reconfiguring a Lot (1 Lot into 16 Lots)</b>		
10.9.4.2.1.1—Reconfiguring a lot near a state transport corridor—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 condition:		
1.	<p>(a) Road works comprising of the following must be provided at the Mitchell Highway/Bollon Charleville Road intersection:</p> <ul style="list-style-type: none"> <li>• Basic Right Turn Treatment</li> <li>• Basic Left Turn Treatment</li> <li>• Widening of Bollon Charleville Road juncture to Mitchell Highway to cater for the swept path of a Type 1 Road Train.</li> </ul> <p>(b) The road works must be designed and constructed in accordance with the Department of Transport and Main Roads Road Planning and Design Manual (latest edition) and Manual of Uniform Traffic Devices, and any material referenced therein.</p>	Prior to submitting the Plan of Survey to the local government for approval.



## Attachment 2—Advice to the applicant

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<b>General advice</b>	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) (v2.5). If a word remains undefined it has its ordinary meaning.
2.	<b>Road access works approval:</b> Under sections 62 and 33 of the <i>Transport Infrastructure Act 1994</i> , written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads on (07) 4639 0828 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland. Please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.

### **Attachment 3—Reasons for referral agency response**

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

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#### **The reasons for the department's decision are:**

The development complies with SDAP, *State Code 1: Development in a state-controlled road environment* and *State Code 6: Protection of state transport networks*, were conditioned to comply. The development is appropriately designed and located to:

- not interfere with, or result in damage to, infrastructure or services in a state-controlled road as a result of the minor earthworks
- not result in an actionable nuisance, or worsening of, stormwater, flooding or drainage impacts in a state-controlled road
- not create a safety hazard for users of a state-controlled road
- not result in a worsening of operating conditions on the state-controlled road
- mitigate significant adverse impacts resulting from environmental emissions generated by vehicles on the state-controlled road.

#### **Material used in the assessment of the application:**

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The SDAP (v2.5), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system.

## **Attachment 4—Representations about a referral agency response**

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**Attachment 2 - Approved Plans**



**Figure 1: Aerial View of Proposed Site**



Figure 2: Satellite View of Proposed Site

THE COUNTY OF  
APPROVED  
1-6-20  
S.W.

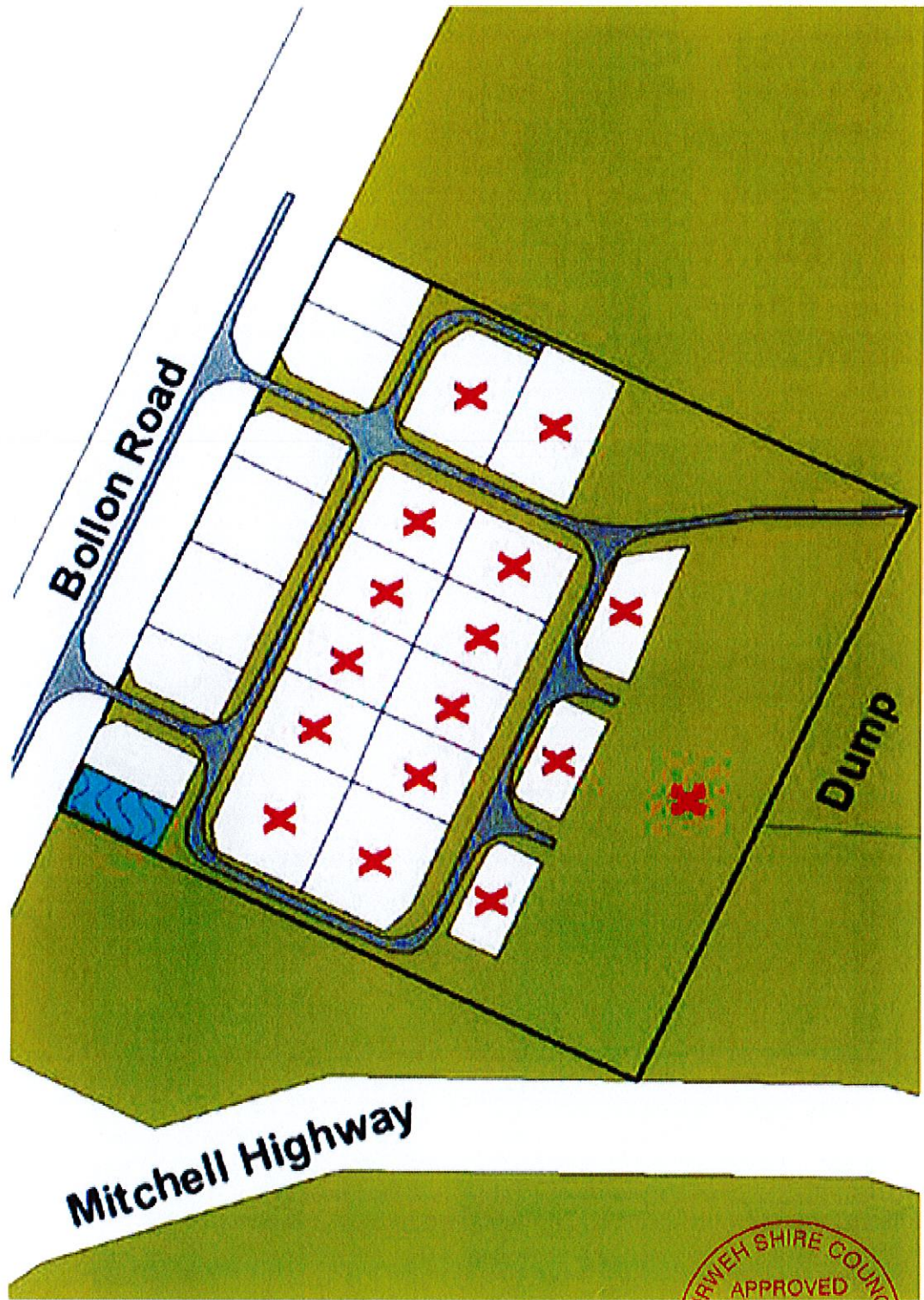


Figure 3: Proposed Layout of 16 New Industrial Lots





Murrumbidgee Council  
 Planning Scheme  
 Charlton Precincts Map 2

**Precincts**

- Commercial
- Industrial
- Residential

**Zones**

- Recreation and Open Space
- Rural
- Rural Residential
- Township

Map users should be aware that the boundaries of the planning scheme are not necessarily the same as the boundaries of the local government area. The map is intended to provide a general guide to the planning scheme boundaries and should not be used as a legal document. For more information, please contact the Council's Planning Department.

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 Government of South Australia 2014  
 Government of South Australia

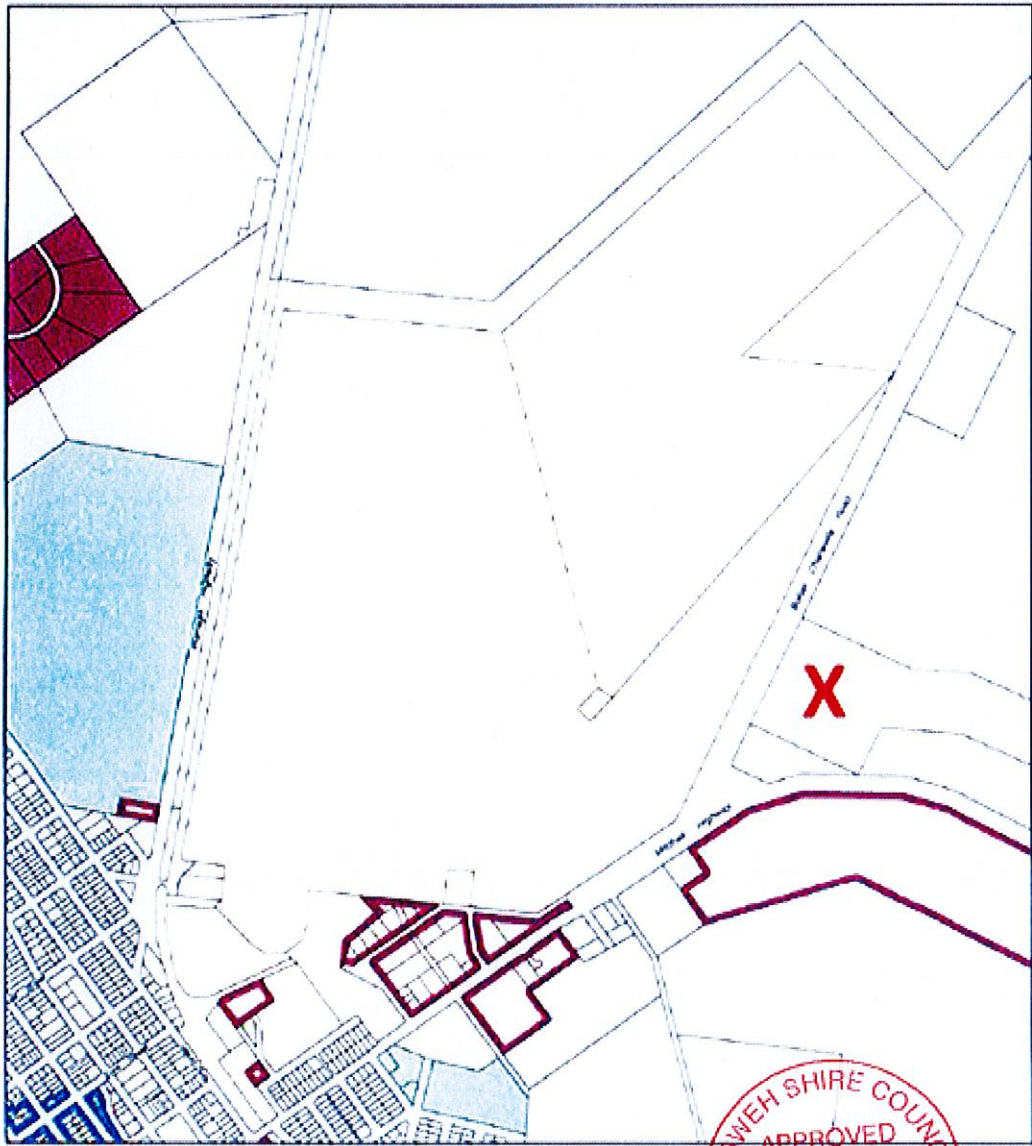
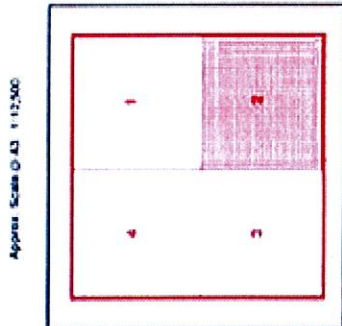


Figure 4: Zoning on Town Planning Map

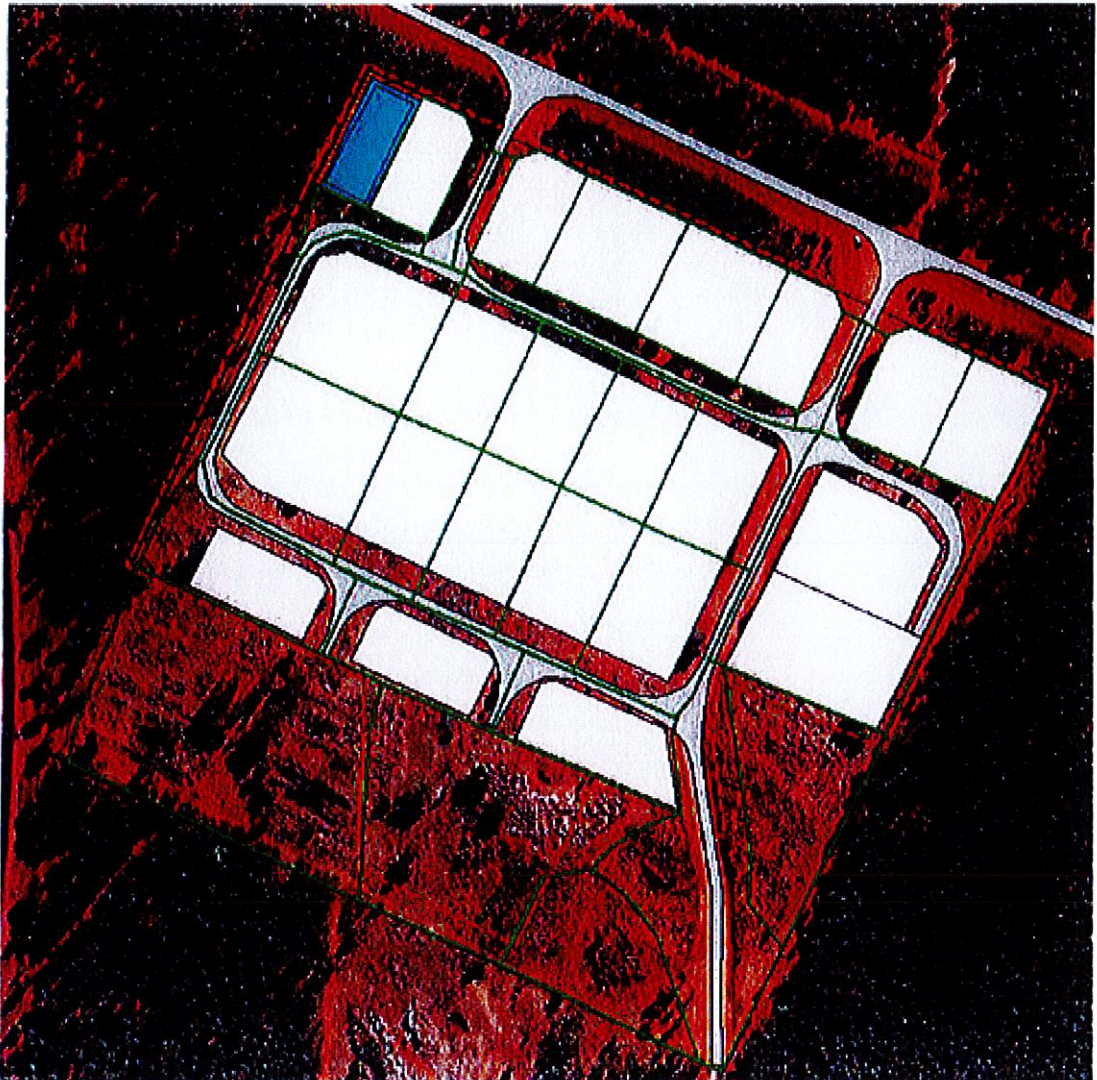


Figure 5: Proposed Stormwater Layout into Retention Basin





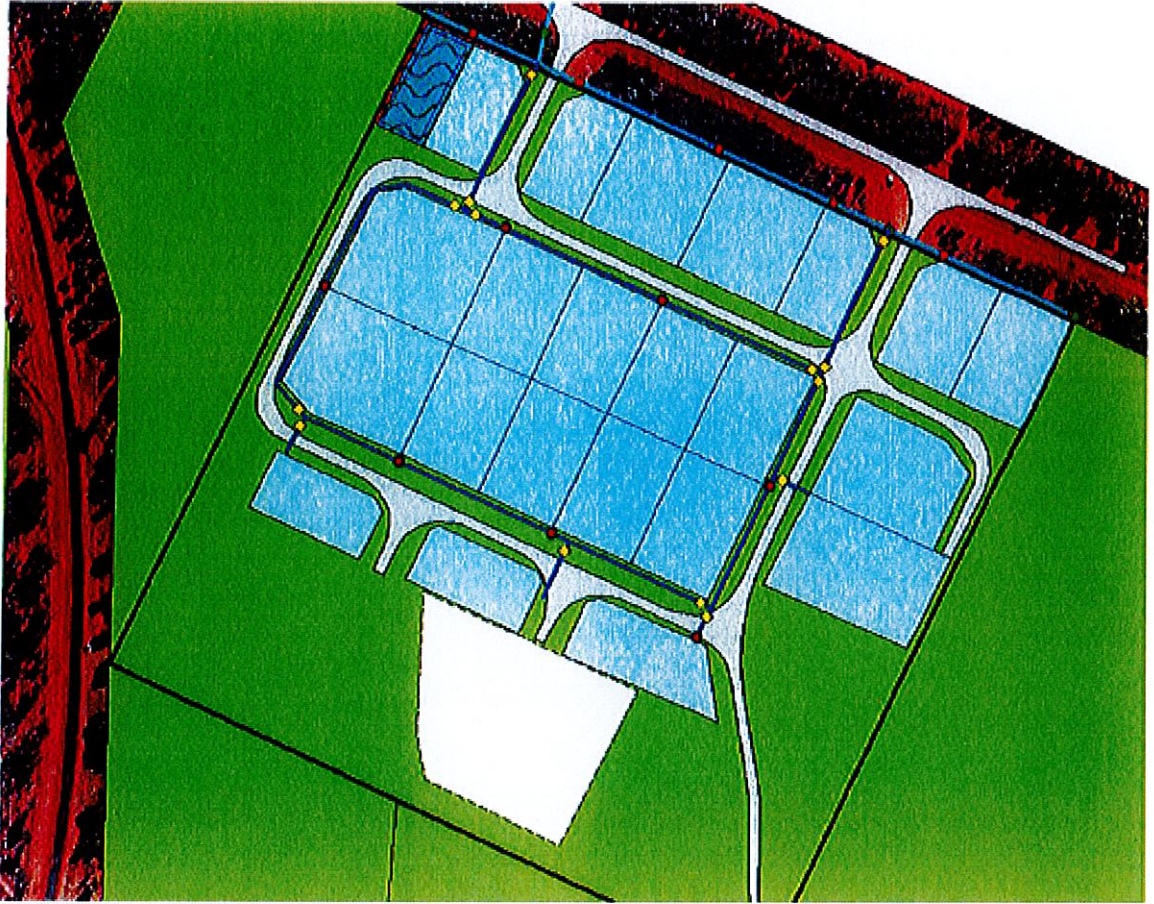


Figure 6: Proposed Water Reticulation



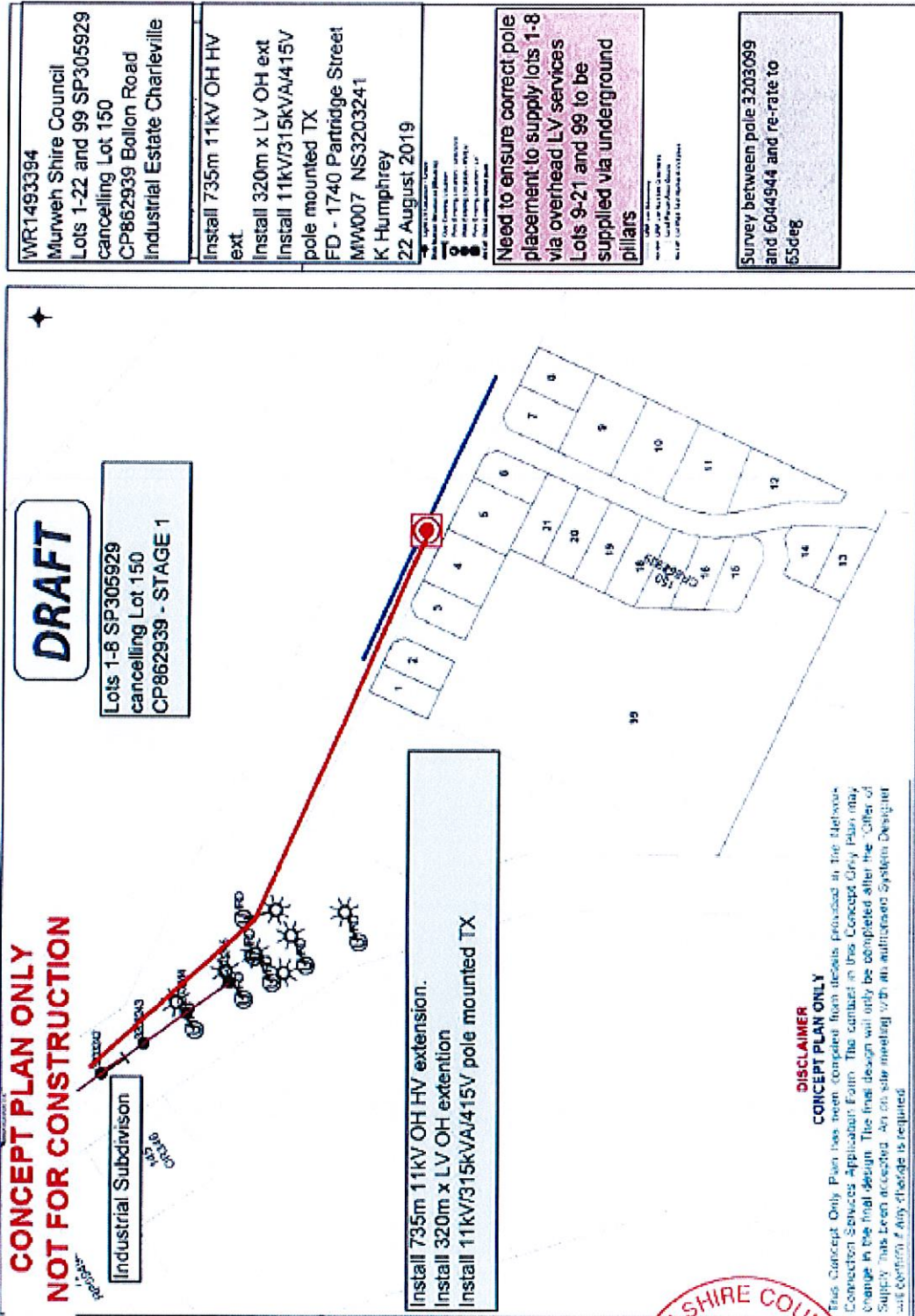


Figure 7: Proposed Power Connection 1



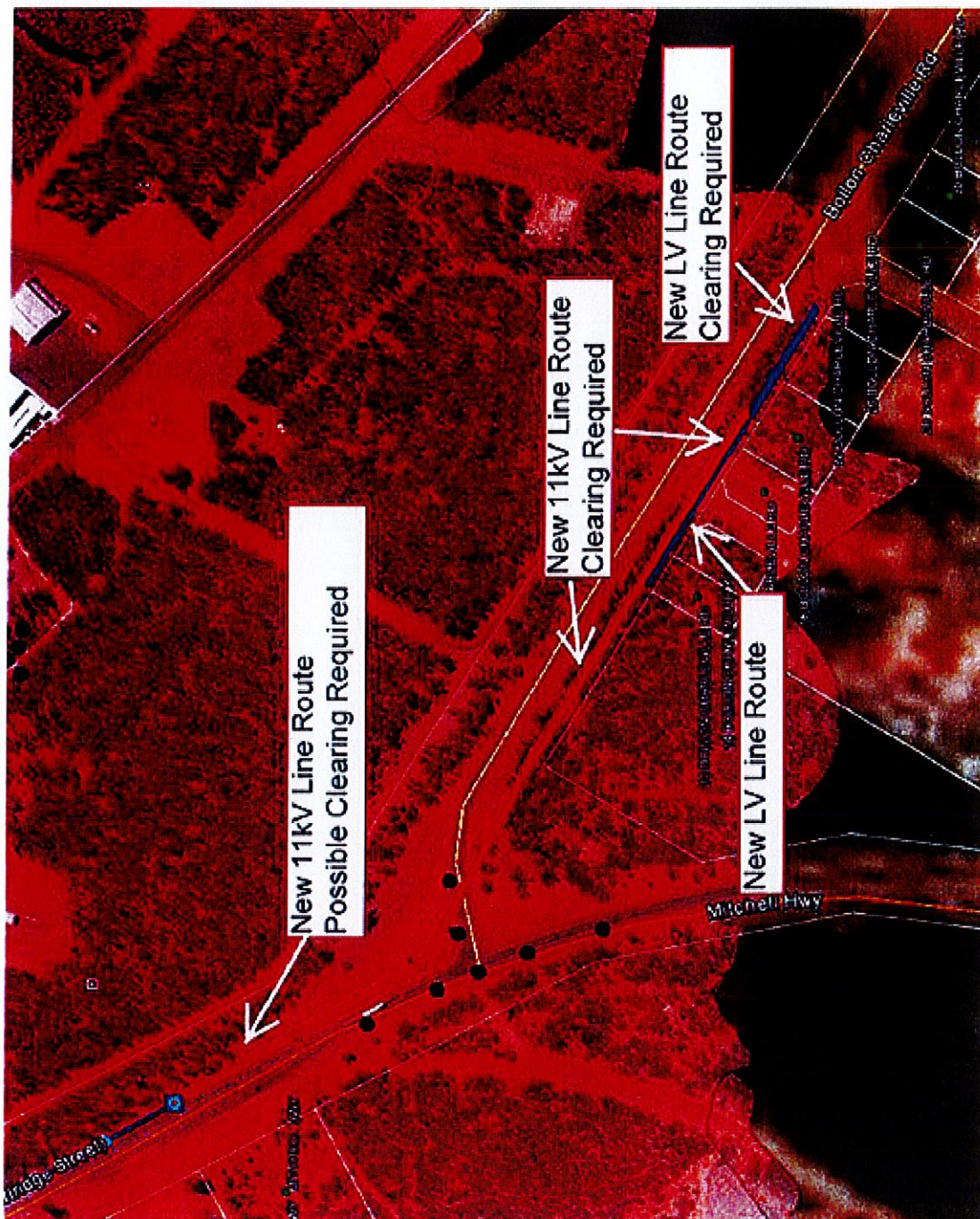


Figure 8: Proposed Power Connection 2



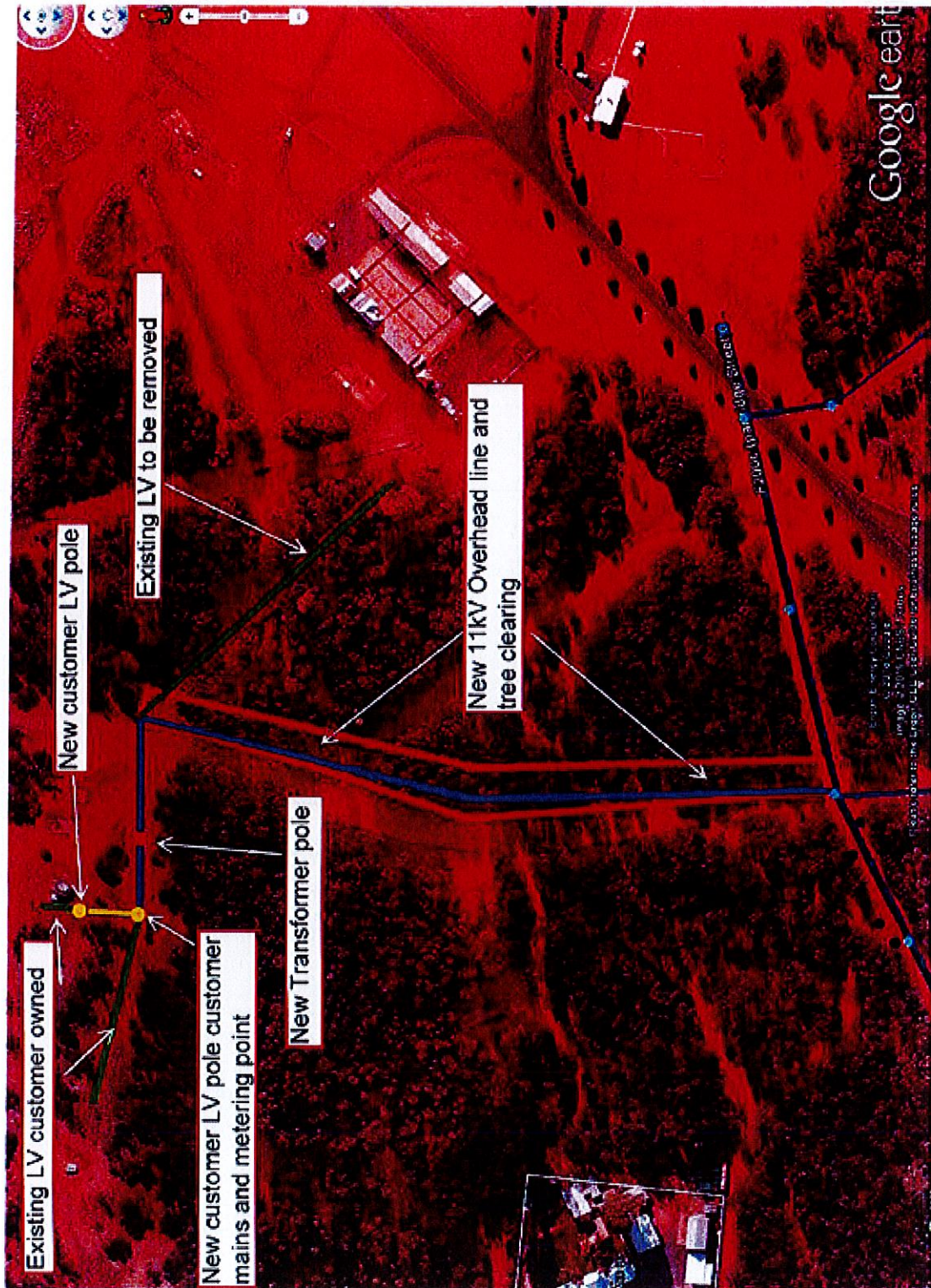


Figure 9: Proposed Power Connection 3



## **Attachment 3 – Murweh Shire Council’s Conditions of Approval**

### **Preamble**

The relevant planning scheme for this development is the *Murweh Planning Scheme 2015*. All references to the “Planning Scheme” and “Planning Scheme Schedules” within these conditions refer to the above Planning Scheme.

### **General**

- Complete and maintain the approved development as follows: (i) in accordance with development approval documents and (ii) strictly in accordance with those parts of the approved development that have been specified in detail by the Council unless the Council agrees in writing that those parts will be adequately complied with by amended specifications.
- All services installation, including water, electricity and telecommunications connections to the respective networks, must comply with:
  - a/ the development approval conditions;
  - b/ the relevant service providers requirements and specifications;
  - c/ any relevant provisions in the planning scheme for the area;
  - d/ Council’s standard designs for such work where such designs exist;
  - e/ any relevant Australian Standard that applies to that type of work; and
  - f/ any alternative specifications that the Council has agreed to in writing and which the developer must ensure do not conflict with any requirements imposed by any applicable laws and standards.
- Any conflicts associated with proposed and existing services shall be forwarded by the developer to the appropriate controlling authority for approval for any proposed changes.
- That a reticulated water and electricity supply be provided to each allotment.
- That each allotment be provided with access to a bitumen sealed road.

### **Avoiding Nuisance**

- During the establishment of the approved development, no nuisance is to be caused to adjoining properties and occupiers by way of smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time, including non-working hours.

### **Repair Damaged Infrastructure**

- The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets. Any damage to existing infrastructure (kerb, road pavement, existing underground assets, etc) shall be immediately rectified in accordance with the asset owners’ requirements and specifications and to the satisfaction of the asset owners’ representatives.

- Any civil engineering and related work shall be designed and supervised by Registered Professional Engineers of Queensland (RPEQ) who are competent in the construction of the works.

### **Stormwater and Drainage**

- Post-development stormwater runoff flows, the characteristics of which include volume, concentration and velocities, from the development site, are not to exceed pre-development stormwater runoff flows to adjoining properties.
- Stormwater must not be allowed to pond on the property being developed during the development process and after the development has been completed unless the type and size of ponding has been agreed in writing by the Council or as a specific development approval condition.
- There must be no increases in any silt loads or contaminants in any overland flow from the property being developed during the development process and after the development has been completed.

### **Erosion**

- If there is a possibility of erosion or silt or other materials being washed off the property being developed during the development process, the developer must document and implement a management plan in accordance with the CMDG Design Guidelines – D7, to prevent this from occurring.
- Any construction works on site are to undertaken in accordance with the Soil Erosion and Sediment Control Engineering Guidelines for Queensland Construction sites (IE Aust – or later versions).
- The developer shall immediately clean up and satisfactorily remove any deposited construction material or silt runoff from the development site.

### **Access & Roads**

- The developer/landowner is responsible for the construction and maintenance of all internal vehicle access ways and crossovers from the road carriageway to the property boundary, and for obtaining any approvals that may be required and for complying with the applicable designs and standards.

### **No Cost to Council**

- All costs associated with the approved development are to be met by the developer, including costs of survey, easement preparation and registration, document lodgement, plan sealing and land transfers, unless there is specific agreement by other parties, including the Council, to meeting those costs.

## **Latest Versions**

- Where another condition refers to a specific published standard, manual or guideline, including specifications, drawings, provisions and criteria within those documents, that condition shall be deemed as referring to the latest versions of those publications that are publicly available at the time the first operational works or compliance approval is lodged with the assessment manager or approved agency for those types of works to be performed or approved, unless a regulation or law requires otherwise.

## **Murweh Shire Council's Statement of Reasons**

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

### **Assessment Benchmark**

The proposed development was assessed against the following benchmark

- The Murweh Shire Council Planning Scheme 2015

### **Relevant Matters**

- Industrial Zone Code

The assessment benchmarks have been complied with or suitable conditions imposed.

### **State Interests**

These have been addressed via the State Assessment and Referral Agencies. Their decision is attached.

## **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