



SHIRE OF MURWEH

MORVEN - CHARLEVILLE - AUGATHELLA

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www.murweh.qld.gov.au

26 May 2020

Steve Mizen

Ref No: BA 7490

Maria Bryan
c/- Phil Ambridge, Inland Surveys
PO Box 184
BEAUDESERT QLD 4285

Dear Sir

**RE: DECISION NOTICE
RECONFIGURING A LOT – BOUNDARY REALIGNMENT
31 MITCHELL STREET CHARLEVILLE LOT 4 RP806459
129 LITTLE PAGE STREET CHARLEVILLE LOT 14 C14035**

Murweh Shire Council has the pleasure of enclosing a Decision Notice for reconfiguring a lot – boundary realignment on 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

**MR NEIL POLGLASE
CHIEF EXECUTIVE OFFICER**

Decision Notice
APPROVAL
Planning Act 2016 s 63

Our Ref: 7490

26 May 2020

Maria Bryan
c/- Phil Ambridge, Inland Surveys
PO Box 184
BEAUDESERT QLD 4285

Dear Sir

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

The development application described below was properly made to the Murweh Shire Council on 1 May 2020.

Applicant Details

Applicant name: Maria Bryan
Applicant contact details: c/- Phil Ambridge
Inland Surveys
PO Box 184
Beaudesert QLD 4285
(07) 5541 4877

Application Details

Application number: BA 7490
Approval sought: Reconfiguring a Lot - Boundary Realignment
Details of proposed development: Realignment of the boundaries of two existing rural residential properties, owned by common family

members, to better use the land in accord with both owners current and future requirements.

Location Details

Street Address: 31 Mitchell Street Charleville QLD 4470
129 Little Page Street Charleville QLD 4470
Real Property Description: Lot 4 RP806459
Lot 14 C14035

Decision

Date of decision: 26 May 2020
Decision details: Approved in full

Details of the Approval

Development permit – Reconfiguring a Lot – Boundary Realignment

Properly Made Submissions

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

Currency Period for the Approval

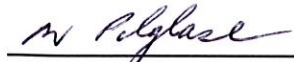
This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*.

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*).

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

Yours faithfully

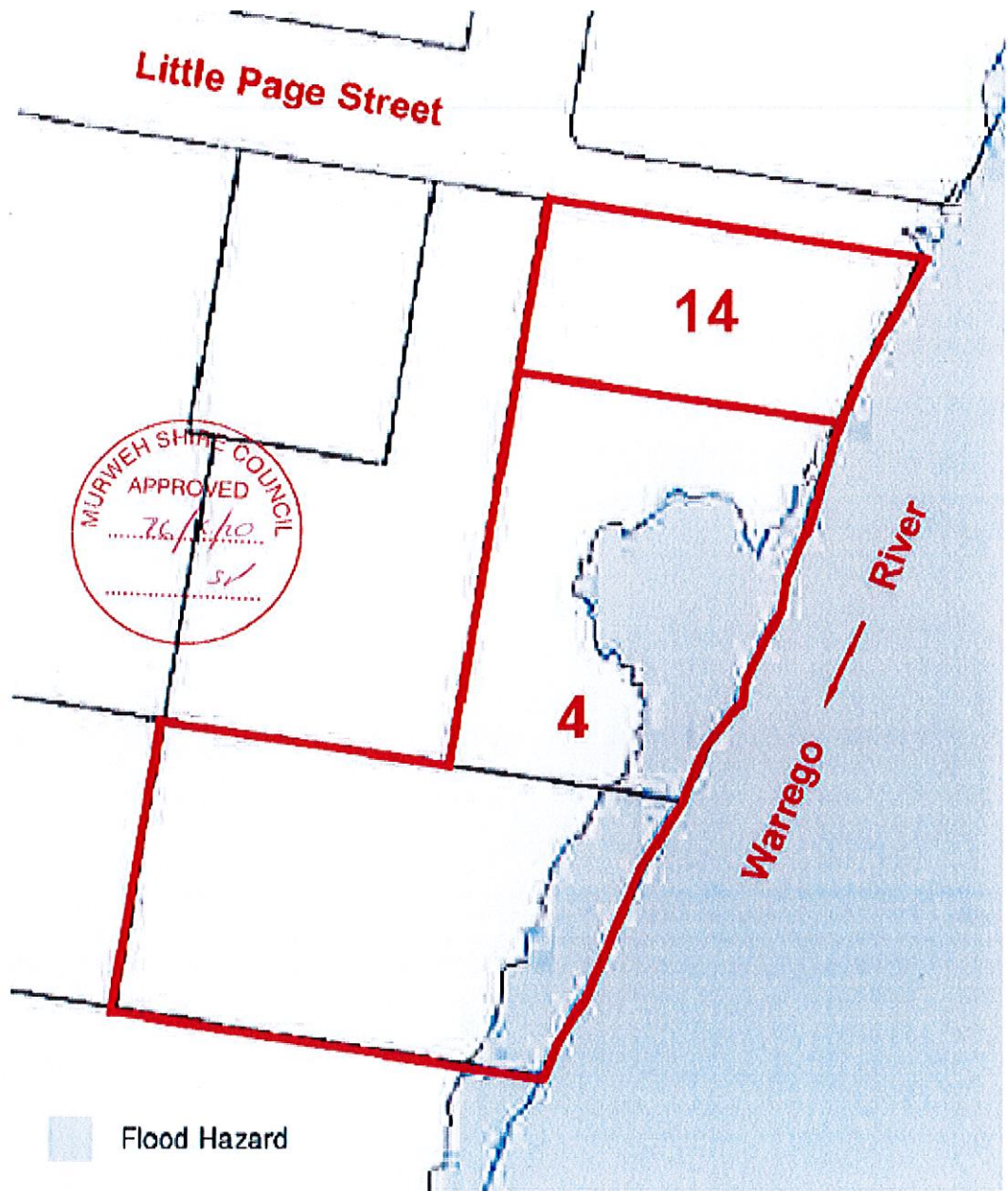


MR NEIL POLGLASE
ASSESSMENT MANAGER

Attachment 1: Approved Plans

Attachment 2: Appeal provisions (extracts from *Planning Act 2016*)

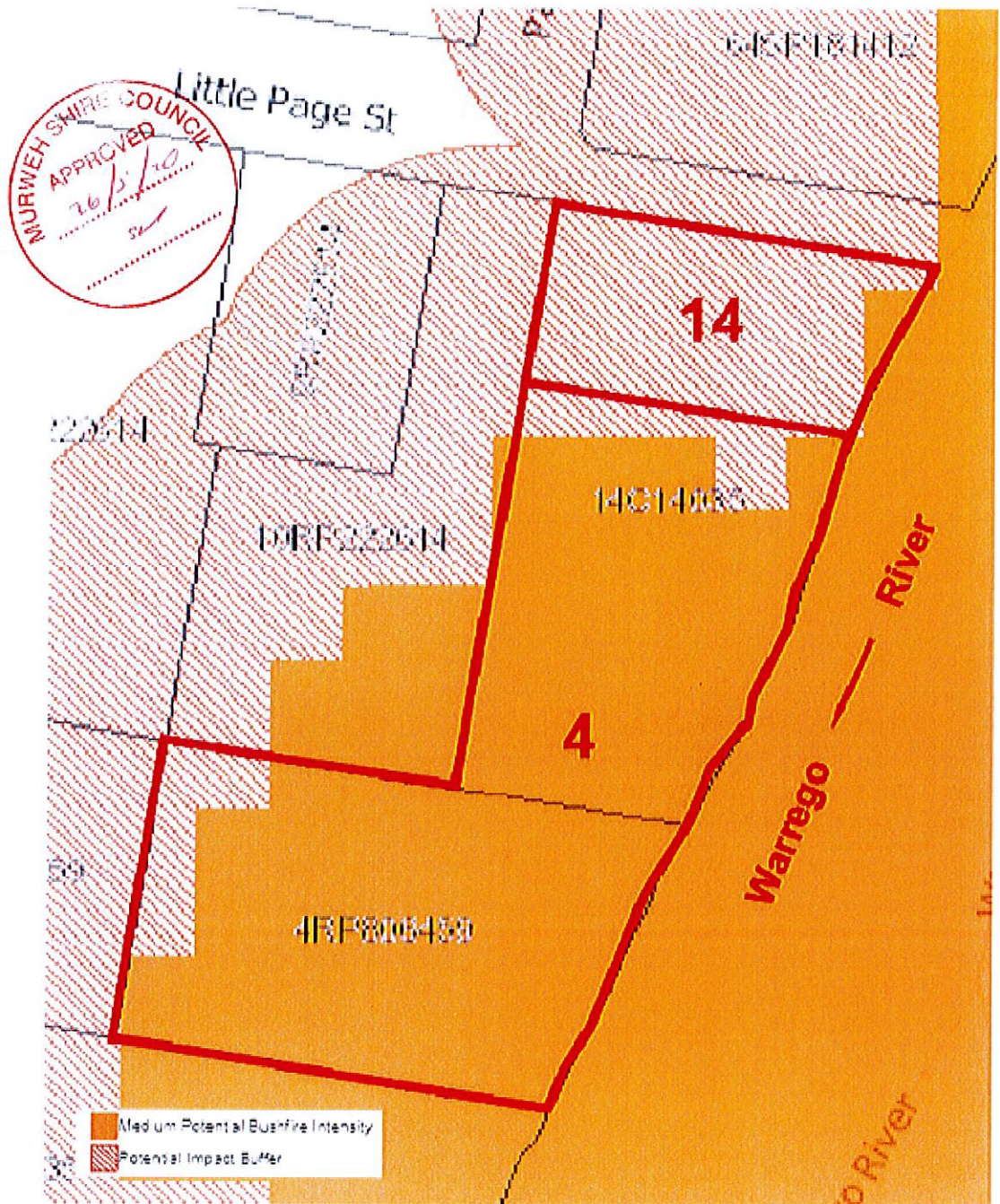
Attachment 1 - Approved Plans



Extract:

Murweh Shire Council Planning Scheme
Flood Hazard Map - Charleville

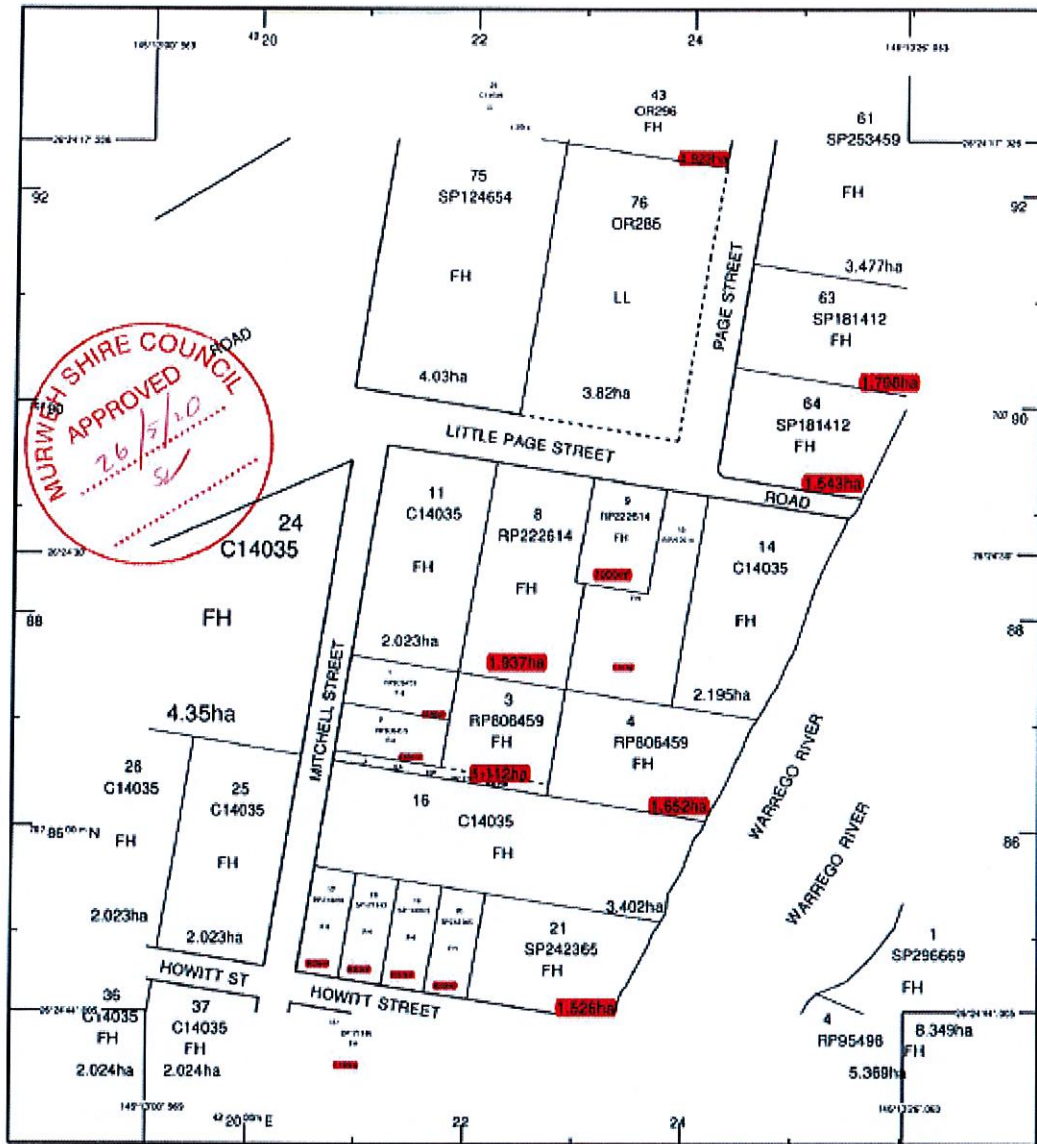
APPENDIX 1



Extract:

**State Planning Policy Mapping
Bushfire Prone Areas**

APPENDIX 2



STANDARD MAP NUMBER
B145-32124



SmartMap

An Extensive Product of
SmartMap Information Services
Based upon an extraction from the
Digital Cadastral Data Base



SUBJECT PARCEL DESCRIPTION

DCDG 18/02/2020
Lot Plan 8 RP222614
Area/Volume 1.837ha
Tenure FREEHOLD
Local Government MULWIYAH SHIRE
Locality CHARLEVILLE
Segment/Piece 4281118

CLIENT SERVICE STANDARDS

PRINTED (d/m/yyyy) 26/05/2020

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Queensland Government
(c) The State of Queensland,
(Department of Natural Resources,
Mines and Energy) 2020.

**DNRME - Smartmap
Neighbouring properties**

APPENDIX 3

Notes
 This plan has been prepared for the purpose of the proposed reconfiguration of the land as described in the relevant local authority for the person or corporation and for any other purpose.
 All dimensions are approximate only and have not been defined by this survey and have been computed from RP806459 and plan C14035.
 Underground features and services have been indicated by this survey. Those shown are based on the records of the relevant authority where available. Prior to any excavation, the relevant authority should be contacted for the location of any further underground services and detailed location of all services.
 Contours have been compiled from 1:25000 Topographic Maps.
 This plan may not be photocopied unless these notes are included.
 Ambidge and Associates Pty. Ltd. accepts no responsibility for any loss or damage caused in contravention of the above.

Client
M. BRYAN

Project
CONCEPT PLAN
 of Lot Reconfiguration
 Lot 4 on RP806459
 & Lot 14 on C14035
 Little Page Street
 CHARLEVILLE

Level Datum	Scale at A3
Origin	1:1500
Contour Interval:	Date 20-02-2020
Surveyed	Designed PRA
Drawn	Drawn PRA
Checked	Checked PRA

Ambidge and Associates Pty. Ltd. t/a

INLAND SURVEYS
CONSULTING SURVEYORS
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 Post: PO Box 184, BEAUCHESTER Q 4285
 TEL: (07) 5541 4877
 FAX: (07) 5541 4856
 Email: inland@inlandsurveys.com.au

REFERENCE No. 20007
PLAN No. 20007-01



Total Area of Subdivision
3.847 ha
Area to be excised from 14/C14035
1.489 ha



Scale 1:1500 at A3 - Lengths are in Metres.
 15 0 15 30 45 60 75 90 105 120 135 150

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