

9 June 2020

Steve Mizen
Ref No: BA 7478

Mr Nicholas Swadling
235 Parry Street
CHARLEVILLE QLD 4470

Dear Sir

**RE: DECISION NOTICE
MATERIAL CHANGE OF USE – VETERAN'S RETREAT
30055 MITCHELL HIGHWAY CHARLEVILLE LOT 4 RP907311**

Murweh Shire Council has the pleasure of enclosing a Decision Notice for a material change of use for a Veteran's Retreat 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



MR NEIL POLGLASE
CHIEF EXECUTIVE OFFICER

Decision Notice
APPROVAL
Planning Act 2016 s 63

Our Ref: 7478

9 June 2020

Mr Nicholas Swadling
235 Parry Street
CHARLEVILLE QLD 4470

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 21 January 2020.

Applicant Details

Applicant name: Nicholas Swadling
Applicant contact details: 235 Parry Street
Charleville QLD 4470
0427 106 353
magpielanejns@outlook.com

Application Details

Application number: BA 7478
Approval sought: Material Change of Use – Short-term accommodation
Details of proposed development: Veterans retreat/respice (short-term accommodation) providing accommodation of less than 3 consecutive months to tourists or travellers.

Location Details

Street Address: 30055 Mitchell Highway, Charleville QLD 4470

Real Property Description: Lot 4 RP907311

Decision

Date of decision: 21 May 2020

Decision details: Approved in full with conditions. These conditions are set out in *Attachment 1*.

Details of the Approval

Development permit – Material change of use for a limited stay Veterans Retreat/Respite

Conditions

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

Properly Made Submissions

There were no properly made submissions for this application.

Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- Building works
- Plumbing and drainage works

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: Murweh Shire Council's Conditions of Approval

Statement of Reasons

Attachment 2: Approved Plans

Attachment 3: Appeal provisions (extracts from *Planning Act 2016*)

Attachment 1 – Murweh Shire Council’s Conditions of Approval

- That building and plumbing approvals be obtained
- That a maximum of two, single bedroom units, plus an amenity block be provided on site.
- That the maximum duration of time to stay on site be restricted to three (3) months.

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

- Rural Zone Code

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

Attachment 2 - Approved Plans

**PROPOSED ACCOMMODATION
& AMENITIES BLOCK
AT LOT 2 RP 907311
'MAGPIE LANE'
PERCIVAL ROAD
CHARLEVILLE. FOR
N. SWADLING**

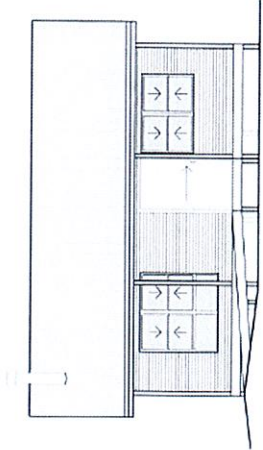


DRAFT
D+W

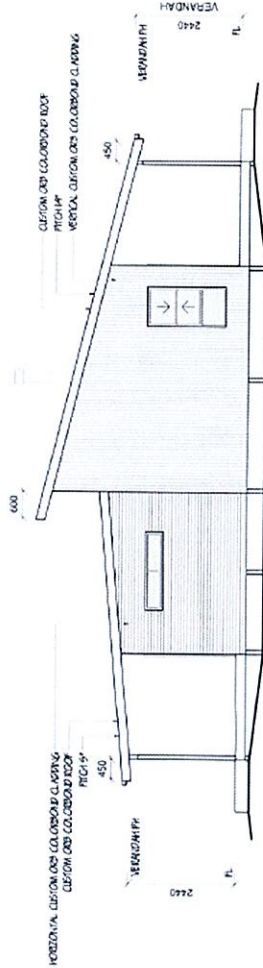
DAVY WATT & ASSOCIATES
1 Bonny Ridge
Bonny Hills NSW 2445
02 65 855 455
design@davywatt.com
www.davywatt.com

DRAFT BUILDING PLANS	17-12-2019
DATE	15
NUMBER OF SHEETS	CFW DWD
DRAWN BY	

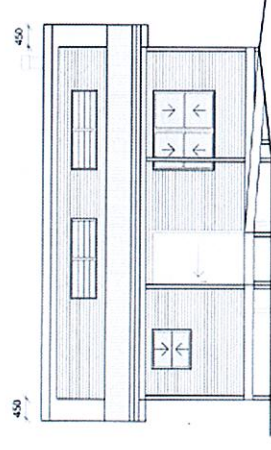
Building Designers Association of Australia
Membership No. 227 - 10/12/2019 - 10/12/2021



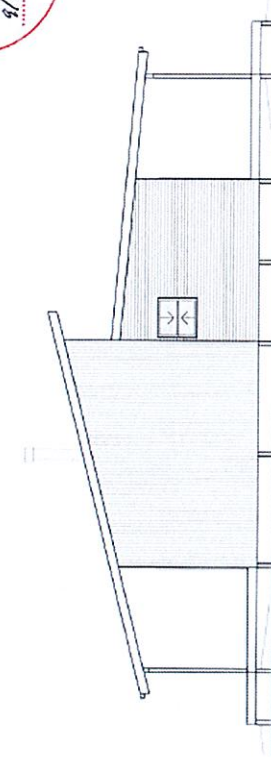
A NORTH ELEVATION ratio 1:100



C EAST ELEVATION ratio 1:100

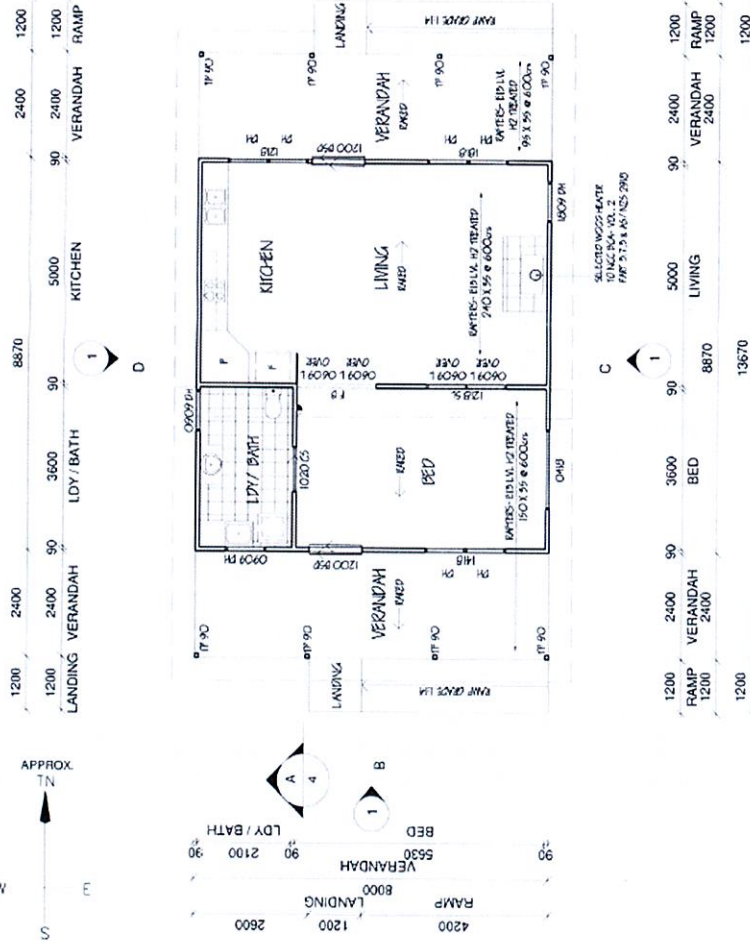


B SOUTH ELEVATION ratio 1:100



D WEST ELEVATION ratio 1:100





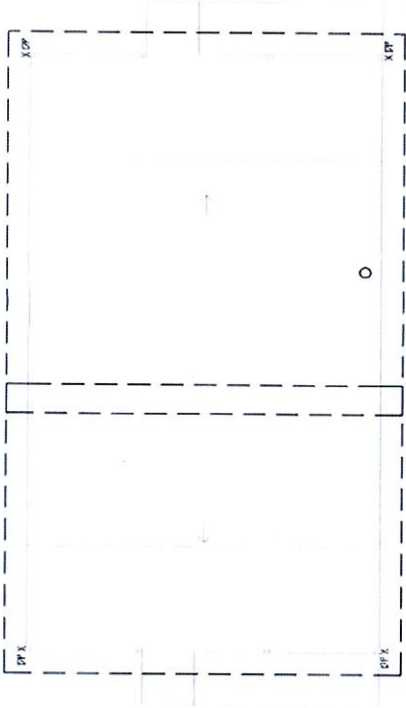
- NOTES
- WALL MOUNTED SMOKE ALARM TO AS 5786
 - 1" 90 - 90 X 90 HARDWOOD TIMBER FOST
 - F B - FEATHER DULHEAD
 - S - SELECTED LOUNGES

- WINDOWS & DOORS
- ALUMINIUM FRAMED WINDOWS TO MANUFACTURER'S SPECIFICATION AS PER ASD AS 2047
 - PH - DOUBLE HUNG WINDOW
 - L - LOUVER WINDOW
 - C 5 - CAVITY SLIDING DOOR
 - B 50 - DARK STAIN FACE MOUNTED SLIDING DOOR WITH FACE MOUNTED SCREEN INTERNALLY

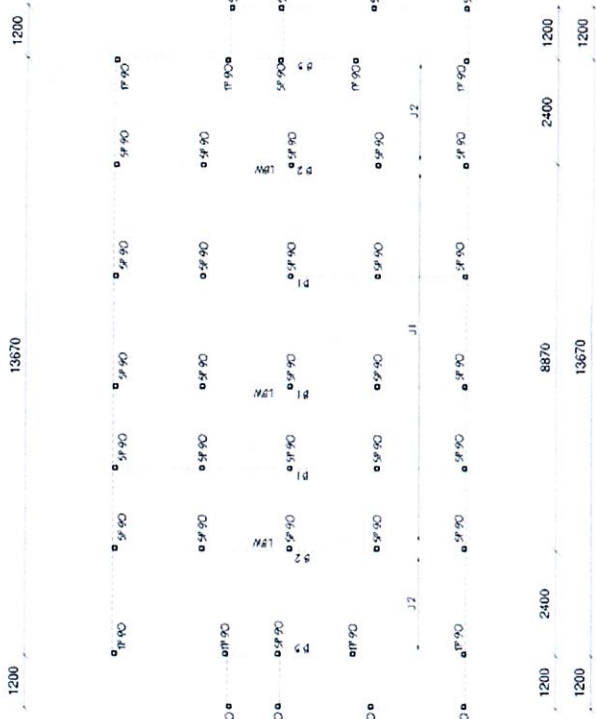
AREA	710 90P	504 90P	150 90P	1224 90P
LIVING				
VERANDAH				
RAMP & LANDING				
TOTAL				



NOTES
 DP X - DOWNPFE

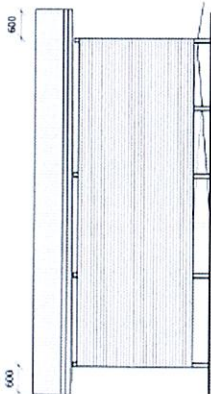


ONE BEDROOM: ROOF LAYOUT PLAN ratio 1:100

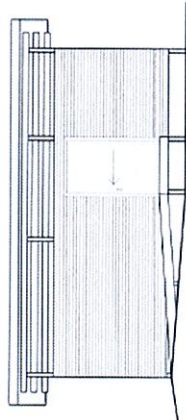


NOTES
 L/W - LOAD BEARING WALL OVER
 TP 90 - 90 X 90 HORIZONTAL TIMBER POST
 SP 90 - 90 X 90 STEEL POST TO ENGINEER'S SPECIFICATION
 J1 - JOIST: H/JOIST 45 TREATED 11200 X 45 @ 450cs
 B1 - BEARER: B1/LX - P2 TREATED 200 X 45
 B2 - BEARER: B2/LX - P2 TREATED 200 X 45
 J2 - JOIST: JT TREATED 190 X 45 @ 450cs OR
 ITT 10 H/JOIST 45 @ 450cs
 B5 - BEARER: B5 TREATED 27 190 X 45 OR
 ITT 10 H/JOIST 190 X 45

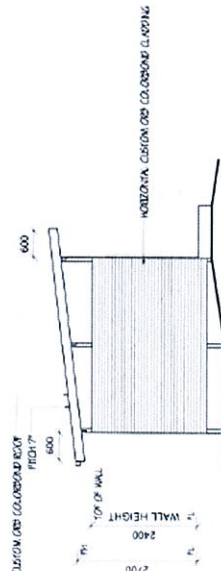




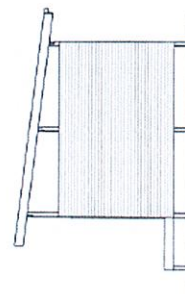
I SOUTH ELEVATION ratio 1:100



J NORTH ELEVATION ratio 1:100

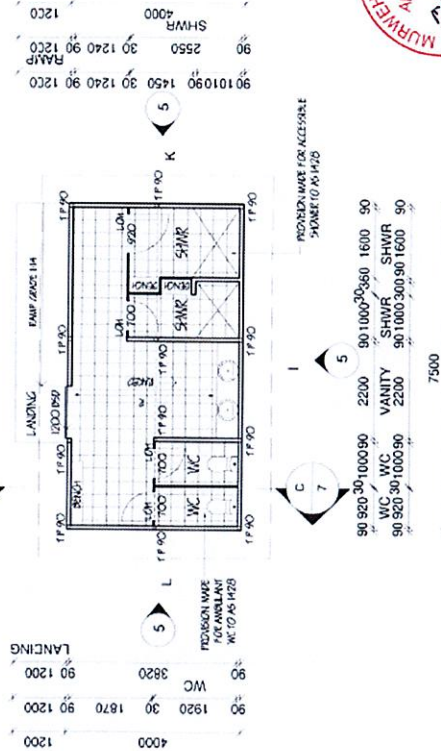
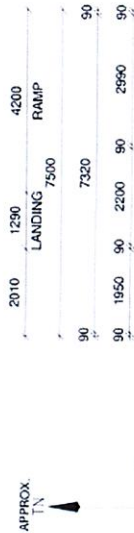


K EAST ELEVATION ratio 1:100



L WEST ELEVATION ratio 1:100

AMENITIES BLOCK: ELEVATIONS ratio 1:100



AMENITIES BLOCK: FLOOR PLAN ratio 1:100

NOTES

- TF 90 - 90 X 90 PARADOX NUMBER FOST OVER
- R - PARTS: EPS I.I.L. H2 INSATED 90 X 90 @ 600

DOORS

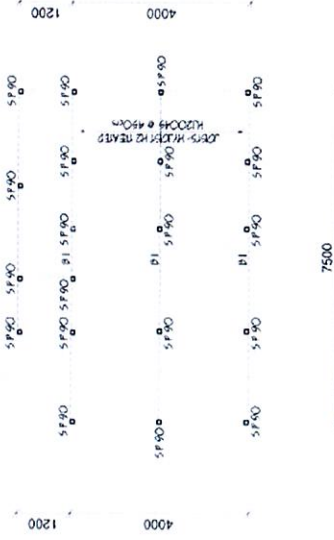
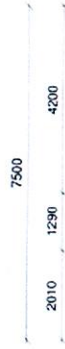
- PSO - DOWN STILE FACE MOUNTED
- SUNING DOOR
- LOH - LEFT OFF HAZE

AREA	AVENITY	50.0 sqm
	RAFF & LANDING	6.6 sqm
TOTAL		56.6 sqm

NOTES
DP X - DOWNPTE

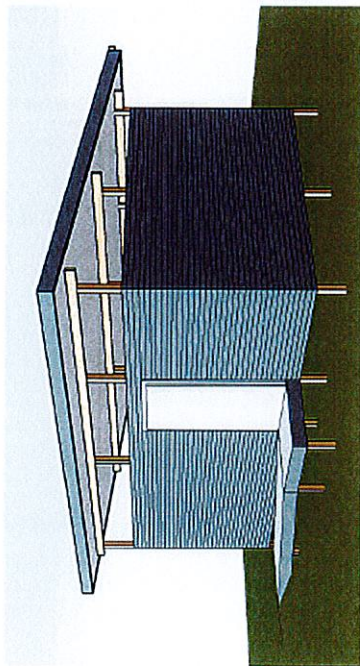
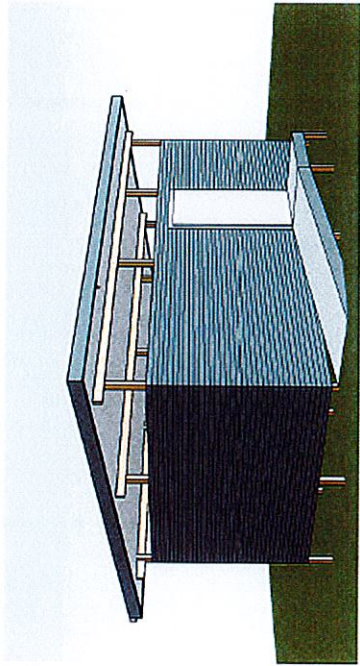


AMENITIES BLOCK: ROOF LAYOUT PLAN ratio 1:100



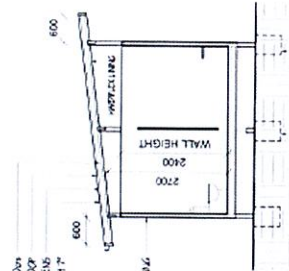
NOTES
50 X 50 - 50 X 50 STEEL POST TO ENANGER'S SPECIFICATION
PI - BEAMER EID.V.L. 10 TREATED 200 X 45





WALLS- 180 x 180 TIMBER JOIST @ 600mm
 CLADDING AND COLORBOND ROOF
 ANTI-ZINC SYSTEM AND PATENT
 FINISH

HORIZONTAL CLADDING OR COLORBOND CLADDING

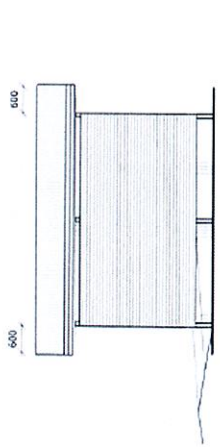


AC FOOTINGS TO ENGINEER'S SPECIFICATION

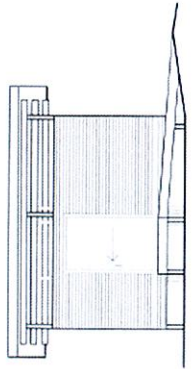
C SECTION ratio 1:100

NOTES
 TIMBER FRAME TO AS 1684.2

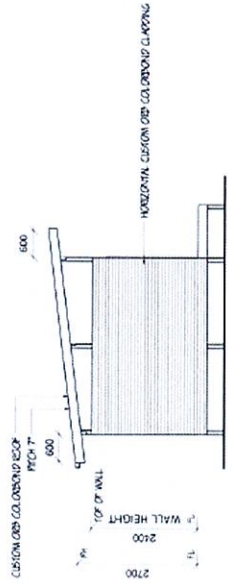




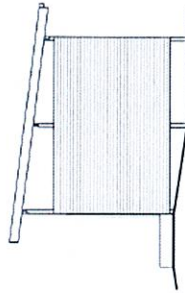
M SOUTH ELEVATION ratio 1:100



N NORTH ELEVATION ratio 1:100

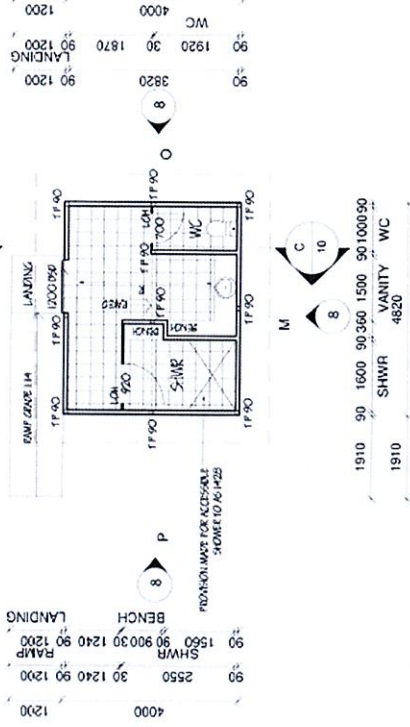


O EAST ELEVATION ratio 1:100



P WEST ELEVATION ratio 1:100

SMALL AMENITIES BLOCK: ELEVATIONS ratio 1:100



SMALL AMENITIES BLOCK: FLOOR PLAN ratio 1:100

NOTES

TF 90 - 90 X 90 HERRINGBONE TIMBER FLOOR COVER

R - RAFTERS E15 LVL 112 TREATED 90 X 55 @ 600cs

DOORS

PSO - PANEL STYLE FACE JOINED SLIDING DOOR

LO1 - LIFT OFF HURGE

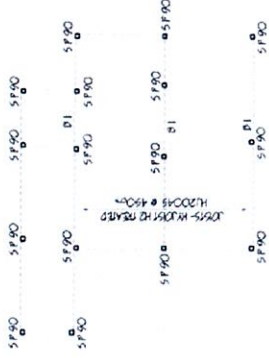
AREA	AMENITIES	19.5 sqm
ENRIP & LANDING		6.6 sqm
TOTAL		25.9 sqm

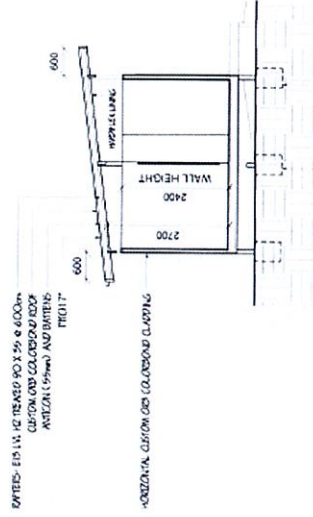
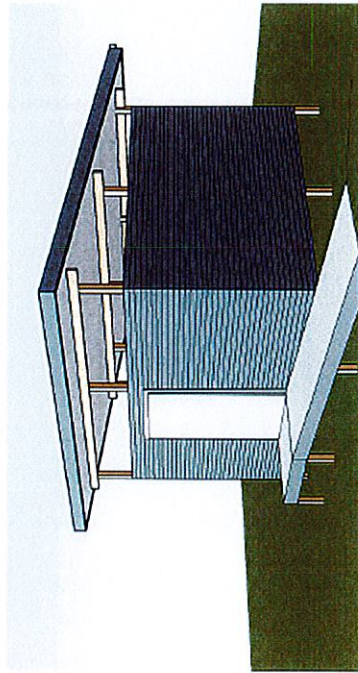
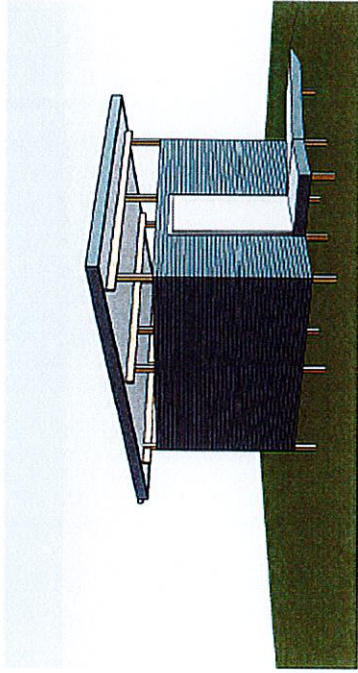
NOTES
DP 1 - DOMINPE



_____ SMALL AMENITIES BLOCK: ROOF LAYOUT PLAN ratio 1:100 _____

NOTES
S/P 90 - 90 X 90 STEEL POST TO ENGINEER'S SPECIFICATION
B1 - BEAMER BID 1.1.12 TREATED 200 X 45



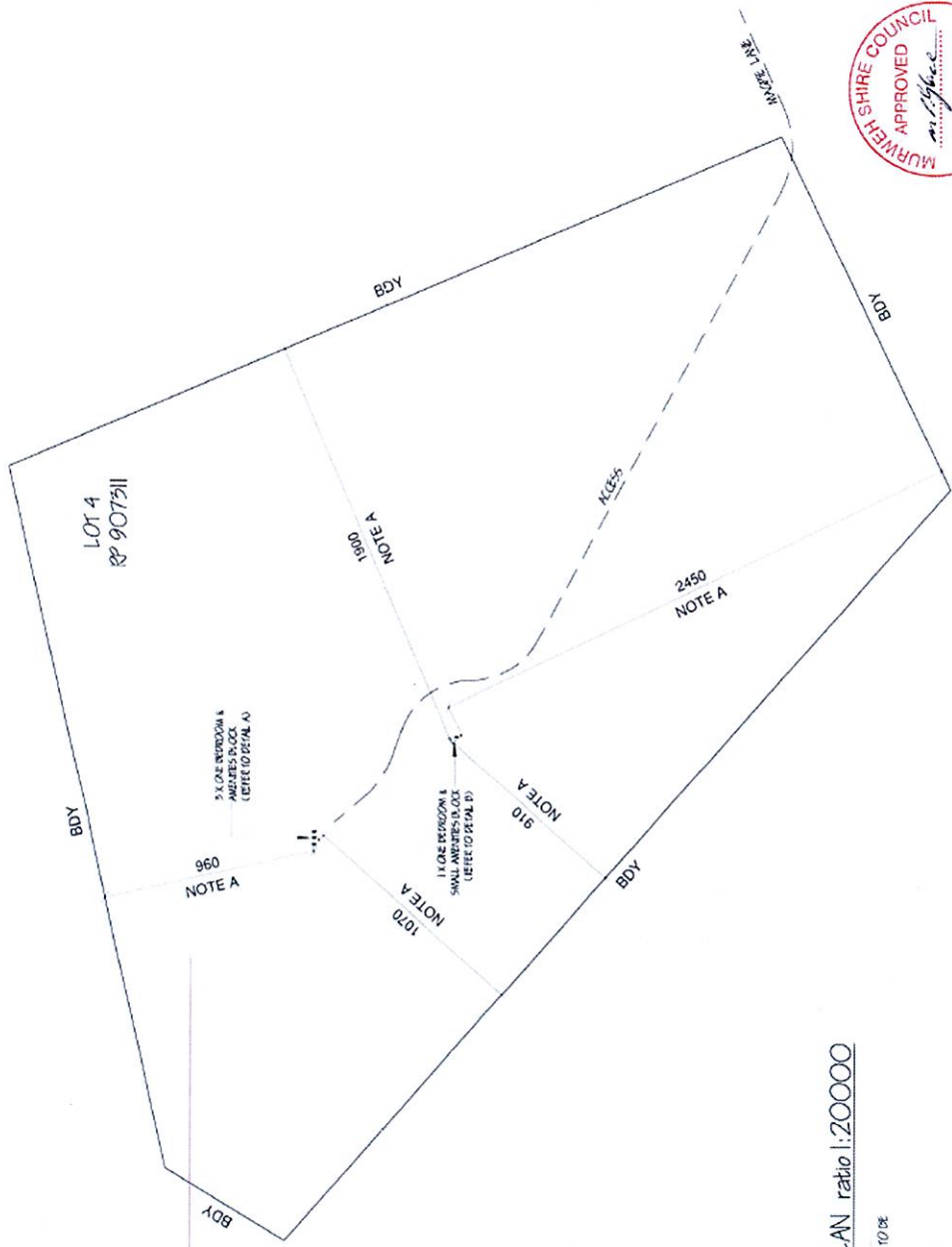


ROOFING TO NUNNET'S SPECIFICATION

ROOFING TO NUNNET'S SPECIFICATION

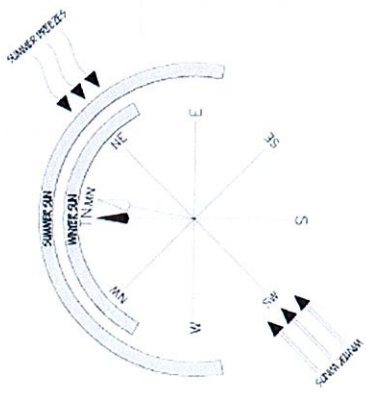
C SECTION ratio 1:100
 NOTES
 TIMBER FRAME TO AS 1684.2

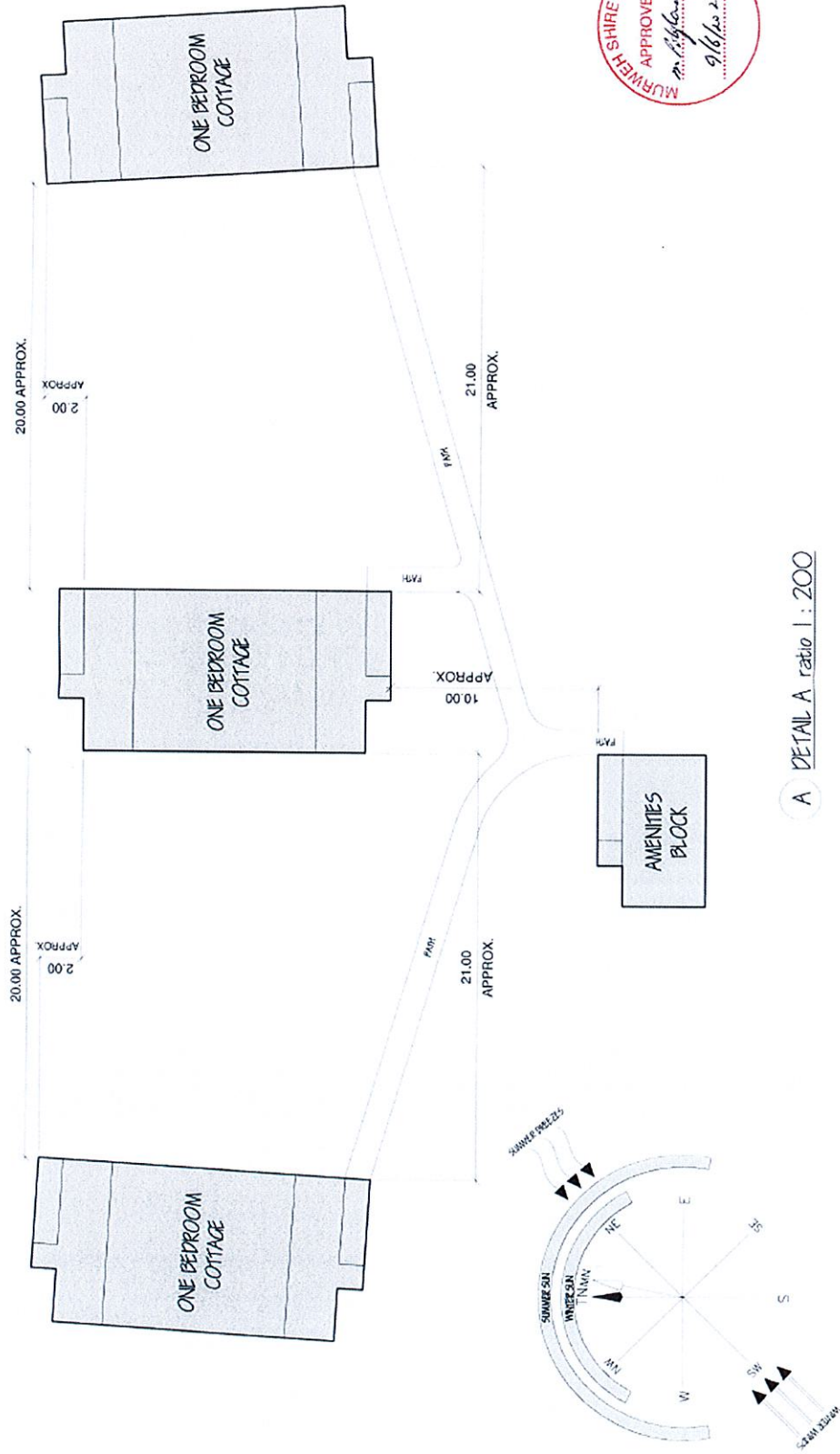




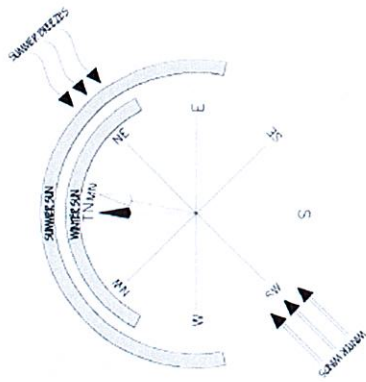
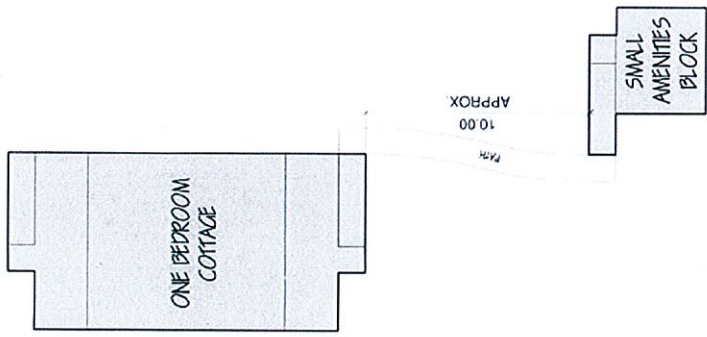
SITE PLAN ratio 1:20000

NOTES
NOTE A - APPROXIMATE SETBACK TO BE
CONFIRMED ON SITE





A DETAIL A ratio 1 : 200



B DETAIL B ratio 1 : 200



ATTACHMENT 3: 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