



**SHIRE OF MURWEH**

MORVEN - CHARLEVILLE - AUGATHELLA

Address all communications to the chief executive officer.

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[www.murweh.qld.gov.au](http://www.murweh.qld.gov.au)

22 July 2020

Steve Mizen

Ref No: BA 7487

Kate Percival  
105 Edward Street  
CHARLEVILLE QLD 4470

Dear Madam

**RE: DECISION NOTICE  
MATERIAL CHANGE OF USE – ART STUDIO  
65 PARRY STREET CHARLEVILLE LOT 2 RP78755**

Murweh Shire Council has the pleasure of enclosing a Decision Notice for a material change of use for an art studio 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: 7487**

22 July 2020

Kate Percival  
105 Edward Street  
CHARLEVILLE QLD 4470

Dear Madam

**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 March 2020.

**Applicant Details**

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Applicant name: Kate Percival  
Applicant contact details: 105 Edward Street  
Charleville QLD 4470  
0427 542 283  
[katepercy@bigpond.com](mailto:katepercy@bigpond.com)

**Application Details**

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Application number: BA 7487  
Approval sought: Material Change of Use – Educational Establishment  
Details of proposed development: Art Studio and self-contained accommodation (educational establishment) meaning the use of premises for –  
a. Training and instruction to impart knowledge and develop skills; or

b. Student accommodation before or after school care, or vacation care, if the use is ancillary to the use in paragraph (a).

### **Location Details**

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Street Address: 65 Parry Street, Charleville QLD 4470

Real Property Description: Lot 2 RP78755

### **Decision**

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Date of decision: 16 July 2020

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

### **Details of the Approval**

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Development permit – Material change of use for an art studio with self-contained accommodation for four (4) individuals.

### **Conditions**

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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**

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There were no properly made submissions for this application.

### **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: 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 on-site parking is provided and maintained in accordance with Council's Planning Scheme.
- That a maximum of four (4) people be permitted to reside on site at any one time.
- That smoke detectors be installed and maintained in the building to the current Australian Standards.

## **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**

- Township Zone Code

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

Attachment 2 - Approved Plans



Front and side of house. Disabled ramp and access.

MURWEEH SHIRE COUNCIL  
APPROVED  
22/7/20  
Mr. [Signature]



Lounge area that will be studio space. 6m x 3m aprox.



Kitchen

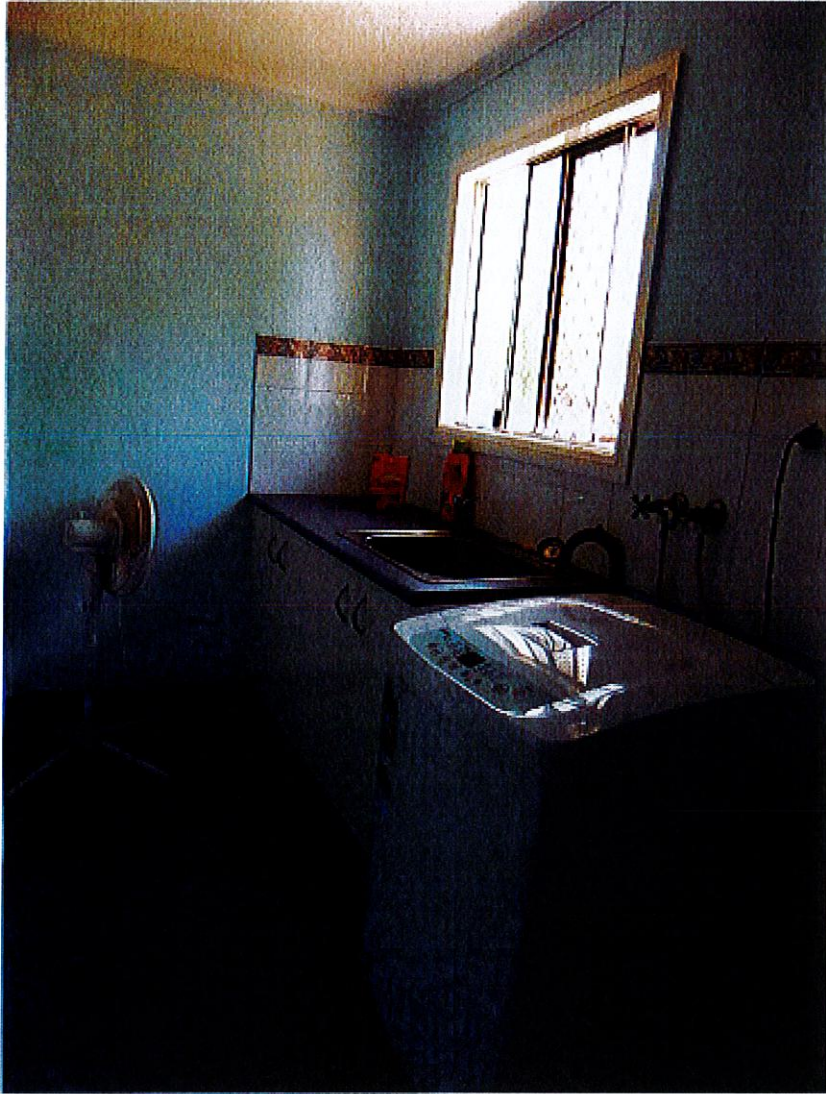




Disabled bath and shower toilet.

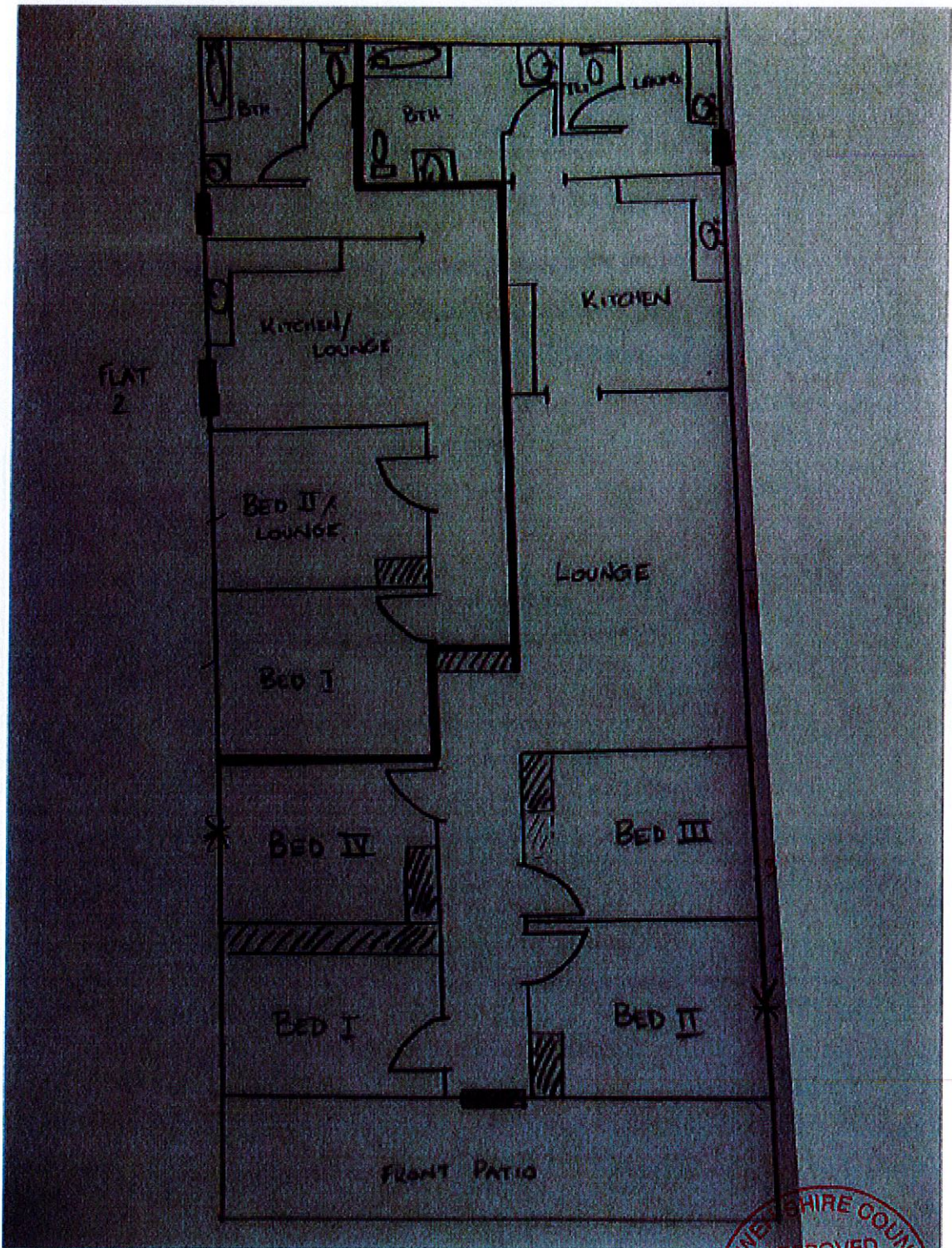






Laundry area.





Floor plan, Studio will be in the 4 bedroom side.

MURVELLSHIRE COUNCIL  
 APPROVED  
 22/7/20  
*m. h. glenn*

## **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