

12 November 2021

Steve Mizen
Ref No: BA 7574

David Ware
c/- Phil Ambridge
Inland Surveys
PO Box 184
BEAUDESERT QLD 4285

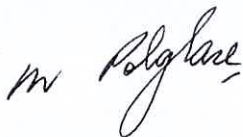
Dear Sir

**RE: DECISION NOTICE
RECONFIGURATION OF LOTS BY SUBDIVISION
'LORNE DOWNS' 9075 MT TABOR ROAD UPPER WARREGO LOT 1 ON
CHS18 AND LOT 3 ON CHS7**

Murweh Shire Council has the pleasure of enclosing a Decision Notice for the reconfiguration of 2 lots into 3 lots by subdivision 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: 7574

12 November 2021

David Ware
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 20 September 2021.

Applicant Details

Applicant Name:	David Ware
Applicant Contact Details:	c/- Phil Ambridge Inland Surveys PO Box 184 Beaudesert QLD 4285 0408 453 994 phil@ambridge.net.au

Application Details

Application Number:	BA 7574
Approval Sought:	Reconfiguration of a lot

Details of Proposed
Development:

Reconfiguration of 2 lots into 3 lots by subdivision
for family succession planning

Location Details

Street Address: 'Lorne Downs'
9075 Mt Tabor Road
Upper Warrego QLD 4477

Real Property Description: Lot 1 CHS18, Lot 3 CHS7

Decision

Date of Decision: 12 November 2021

Decision Details: Approved in full

Details of the Approval

Development permit – Reconfiguration of 2 lots into 3 lots by subdivision for family
succession planning

Properly Made Submissions

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

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*).

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*.

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 Statement of Reasons

Attachment 2: Approved Plans

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

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 3 - Approved Plans

ATTACHMENT 4: 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.

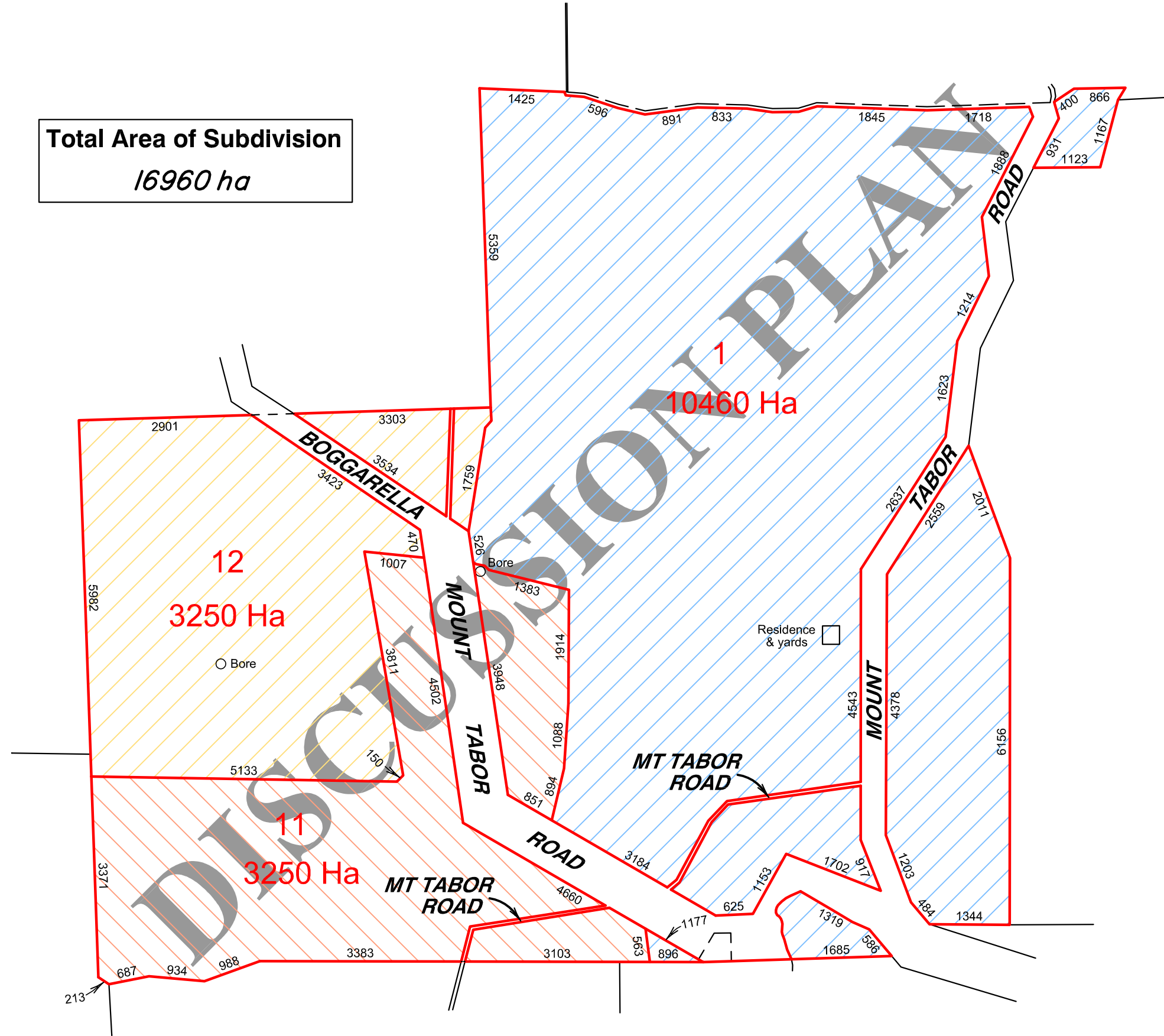
232 Rules of the P&E Court

(1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.

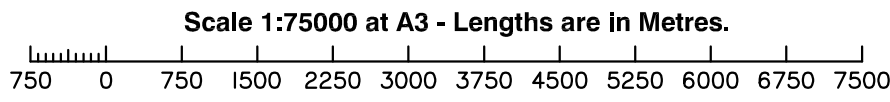
(2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court



Total Area of Subdivision
16960 ha



NOTE: New boundaries to generally follow existing fencing



MURWEH SHIRE COUNCIL
This approval document forms part of the relevant decision authority for the purpose of application to the relevant authority for reconfiguration of the land as described and should not be used by any other person or corporation and for any other purpose.
PERMIT NUMBER
BA 7574
17 November 2021
With the Building Act 1975 and the Building Regulations 2003
SEE DECISION NOTICE FOR CONDITIONS

Notes
This plan has been prepared for the exclusive use of the client as stated on this plan or for the purpose of application to the relevant authority for reconfiguration of the land as described and should not be used by any other person or corporation and for any other purpose.
Dimensions are approximate only and subject to survey. Property boundaries have not been defined by this survey and have been compiled from CHS7 & CHS18.
Underground features and services have not been located by this survey. Prior to any construction, demolition or excavation on the site, the relevant authority should be contacted for the location of any further underground services and detailed location of all services.
This plan may not be photocopied unless these notes are included.
Ambridge and Associates Pty. Ltd. accepts no responsibility for any loss or damages caused in contravention of the above.

Client
L. DENTON

Project DISCUSSION PLAN
of Lot Reconfiguration of
Lot 1 on CHS18
& Lot 3 on CHS7
LORNE DOWNS
9075 Mount Tabor Road
AUGATHELLA

Level Datum	Scale at A3
Origin	1:75000
Contours	Date 5-8-21
Surveyed	Designed PRA
Drawn	Drawn PRA
Checked	Checked PRA

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REFERENCE No. 21021
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