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ABN: 98 117 909 303

25 May 2022

Steve Mizen Ref No: PA 7602

Charleville Central Pty Ltd C/- Adapt Development Management Pty Ltd, Attn: Tiani Boulton PO Box 7618 Sippy Downs QLD 4556

Dear Sir

**RE: DECISION NOTICE** 

MATERIAL CHANGE OF USE – CHARLEVILLE CENTRAL EXTENSION 24 STURT STREET, 90 PARRY STREET, 88-91 KING STREET CHARLEVILLEQLD 4470, LOT 17 SP222240, LOT 4RP64631, LOT 7 C14030.

Murweh Shire Council has the pleasure of enclosing a Decision Notice for a material change of use for an extension to the existing abattoir 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 JAMIE GORRY** 

A/CHIEF EXECUTIVE OFFICER

#### **Decision Notice**

#### **APPROVAL**

# Planning Act 2016 s 63

Our Ref: PA 7602

25 May 2022

Charleville Central Pty Ltd C/- Adapt Development Management Pty Ltd, Attn: Tiani Boulton PO Box 7618 Sippy Downs QLD 4556

Dear Sir/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 11 March 2022.

# **Applicant Details:**

Applicant name:

Charleville Central Pty Ltd

C/- Adapt Development Management Pty Ltd,

Attn: Tiani Boulton PO Box 7618

Sippy Downs QLD 4556

Applicants contact details:

0404 924 160

Tiani.boulton@adaptplanning.com.au

**Application Details:** 

Application number:

PA 7602

Approval sought:

Material Change of Use

Details of proposed

development:

Charleville Central Extension

**Location Details:** 

Street Address:

24 Sturt Street, 90 Parry Street, 88-91 King Street Charleville

Qld 4470

Real Property Description:

Lot 17 SP222240, Lot 4 RP64631, Lot 7 C14030

# **Decision:**

Date of decision: 19 May 2022

Decision details:

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

# **Details of the Approval:**

Development permit Material Change of Use: Premises for a shopping centre at 22 Sturt Street, 90 Parry Street and 88-91 King Street Charleville.

# **Conditions**:

This approval is subject to the Council conditions in Attachment 1.

SARA Response Attachment 2.

# Attachment 1 - Murweh Shire Council's Conditions of Approval

- That the whole of the car parking area and roadways be bitumen or concrete sealed at the developer's expense,
- That a 1.8 metre high colorbond or similar type fence be constructed adjacent to all of the adjoining neighbours at the developer's expense,
- That landscaping as shown on the proposed site plan drawings be planted and maintained at the developer's expense,
- That noise and dust suppression be carried out on site during construction, and
- That crossovers from the roadways to the site be constructed in accordance with *Council's Planning Scheme* at the applicant's expense.

# 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**

- Urban Zone
- Residential and Industrial Precinct

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



SARA reference: Council reference:

2203-27848 SRA SKM:/:PA:7602 Applicant reference: 20210468

21 April 2022

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

Attention:

Steve Mizen

Dear Steve

# SARA response—22 Sturt Street, 90 Parry Street, 89-91 King Street, Charleville Qld 4470

(Referral agency response given under section 56 of the Planning Act 2016)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 15 March 2022.

# Response

Outcome:

Referral agency response - with conditions.

Date of response:

21 April 2022

Conditions:

The conditions in Attachment 1 must be attached to any

development approval.

Advice:

Advice to the applicant is in Attachment 2.

Reasons:

The reasons for the referral agency response are in Attachment 3.

# **Development details**

Description:

Development permit

Material Change of Use for extension to

**Shopping Centre** 

SARA role:

Referral Agency.

SARA trigger:

Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1

(10.9.4.2.4.1)—Development near a state transport corridor (Planning

Regulation 2017)

SARA reference:

2203-27848 SRA

Assessment Manager: Murweh Shire Council

Street address: 22 Sturt Street, 90 Parry Street, 89-91 King Street, Charleville Qld

4470

Real property description: Lot 17 on SP222240, Lot 4 on RP64631, Lot 7 on C14030

Applicant name: Charleville Central Pty Ltd

Applicant contact details: C/- Adapt Development Management Pty Ltd

PO Box 7618

SIPPY DOWNS QLD 4556

liam.pinese@adaptplanning.com.au and Tiani.boulton@adaptplanning.com.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 (section30 of the 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, A/Senior Planning Officer, on 07 4616 7332 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Alison Stevens A/Manager

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 provisions

cc Charleville Central Pty Ltd, liam.pinese@adaptplanning.com.au

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
Material change of use for extension to Shopping Centre		
10.9.4.2.4.1—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 conditions:		
1.	Any excavation, filling/backfilling/compaction, retaining structures and other works involving ground disturbance must not encroach or destabilise the state-controlled road or the land supporting this infrastructure, or cause similar adverse impacts.	At all times.
2.	The façade of the approved development facing Sturt Street must not incorporate materials with a light reflectivity greater than 20%.	At all times.
3.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.	(a) and (b) At all times.
	(b) Any works on the land must not:	
	(i) create any new discharge points for stormwater runoff onto the state-controlled road;     (ii) interfere with and/or cause damage to the existing	
	stormwater drainage on the state-controlled road;	
	(iii) surcharge any existing culvert or drain on the state- controlled road;	
	<ul><li>(iv) reduce the quality of stormwater discharge onto the state-controlled road.</li></ul>	

# Attachment 2—Advice to the applicant

# General advice

1. Terms and phrases used in this document are defined in the *Planning Act 2016* its regulation or the State Development Assessment Provisions (SDAP) (v3.0). If a word remains undefined it has its ordinary meaning.

# Attachment 3—Reasons for referral agency response

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

# The reasons for SARA's decision are:

The development complies with State code 1: Development in a state-controlled road environment of the SDAP. Specifically, the development:

- does not increase the likelihood or frequency of accidents, fatalities, or serious injury for users of a state-controlled road
- does not adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure
- does not adversely impact the function efficiency of state-controlled roads or future state-controlled roads
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate statecontrolled roads, future state-controlled roads or road transport infrastructure
- does not significantly increase the cost to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure
- does not adversely impact the state's ability to operate public passenger services on state-controlled roads
- protects community amenity from significant adverse impacts of environmental emissions generated by road transport infrastructure or vehicles using state-controlled roads.

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

- The development application material and submitted plans
- Planning Act 2016
- Planning Regulation 2017
- The State Development Assessment Provisions (v3.0), as published by SARA
- The Development Assessment Rules
- SARA DA Mapping system
- Human Rights Act 2019

# Attachment 4—Representations about a referral agency response provisions

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# **Further Development Permits:**

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

- 1. Building Approval
- 2. Plumbing Approval

#### **Properly Made Submissions:**

Properly made submissions were received from the following principal submitters: Peter & Jan Lucas, 90a Parry Street, Charleville, 4470.

# **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 Mr Steve Mizen, Planning Officer, on 0488 353 393 or via email <a href="mailto:ceo@murweh.qld.gov.au">ceo@murweh.qld.gov.au</a> who will be pleased to assist.

Yours faithfully

MR JAMIE GORRY

A/CHIEF EXECUTIVE OFFICER

#### Attachments:

Attachment 1: Murweh Shire Council's Conditions of Approval

Statement of Reasons

Attachment 2: SARA Referral Response

Attachment 3: Approved Plans

Attachment 4: Appeal provisions (extracts from *Planning Act 2016*)

#### **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



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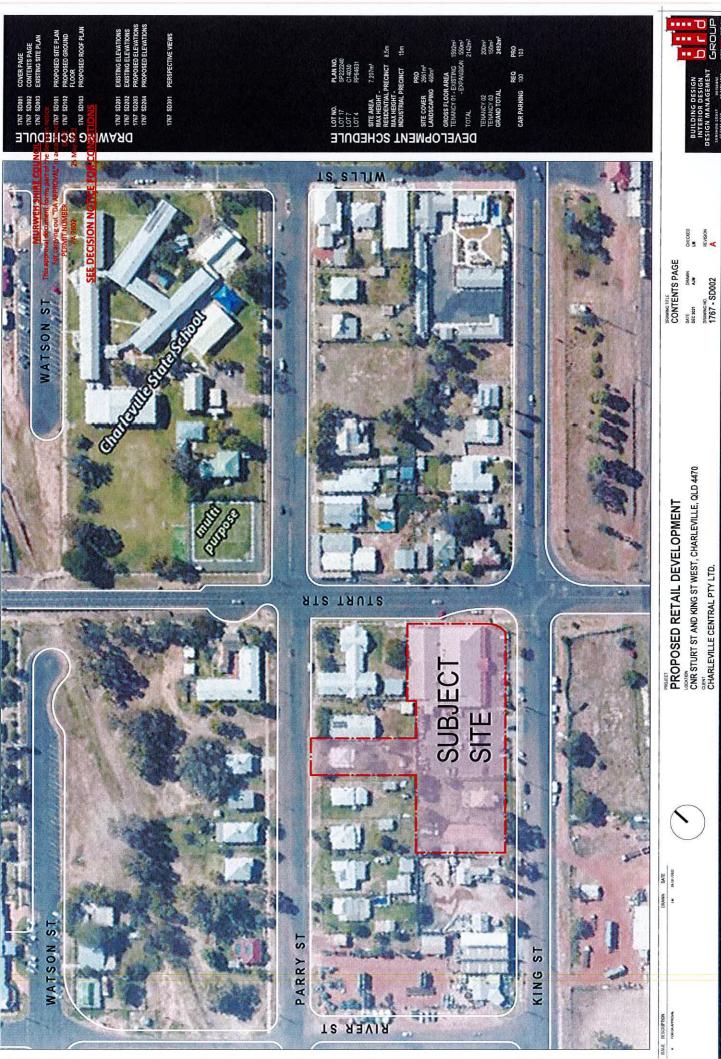
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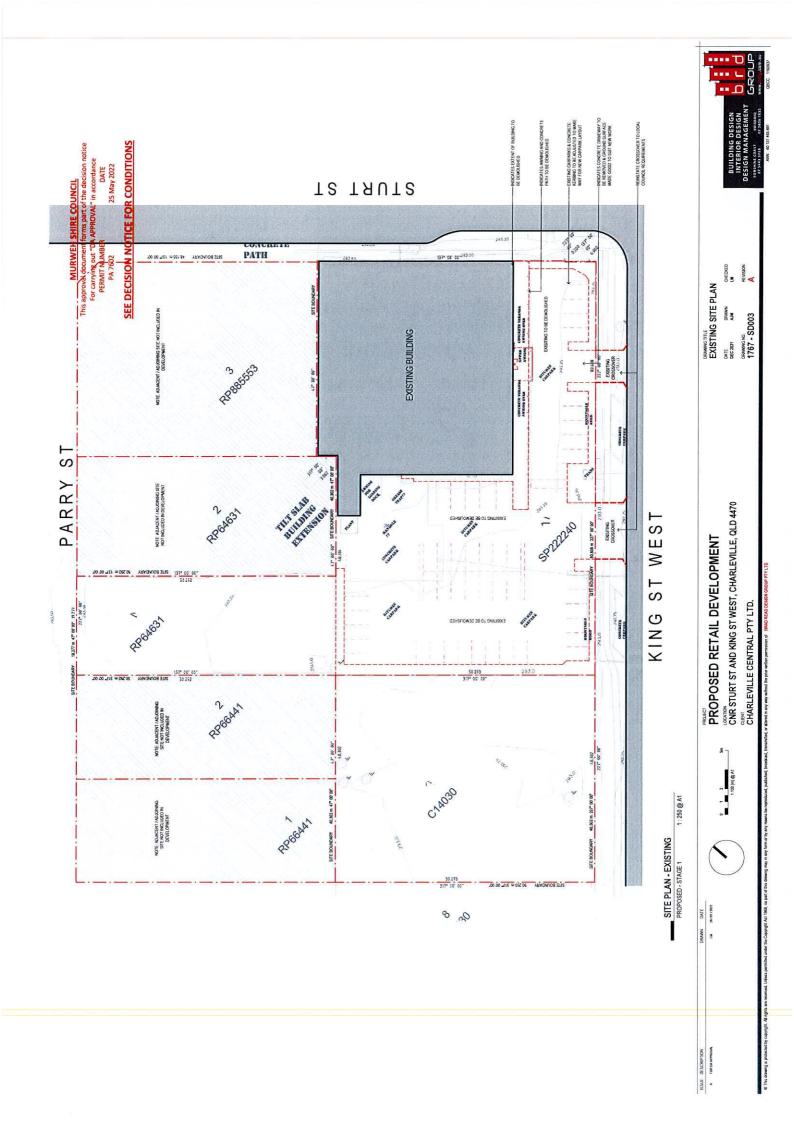
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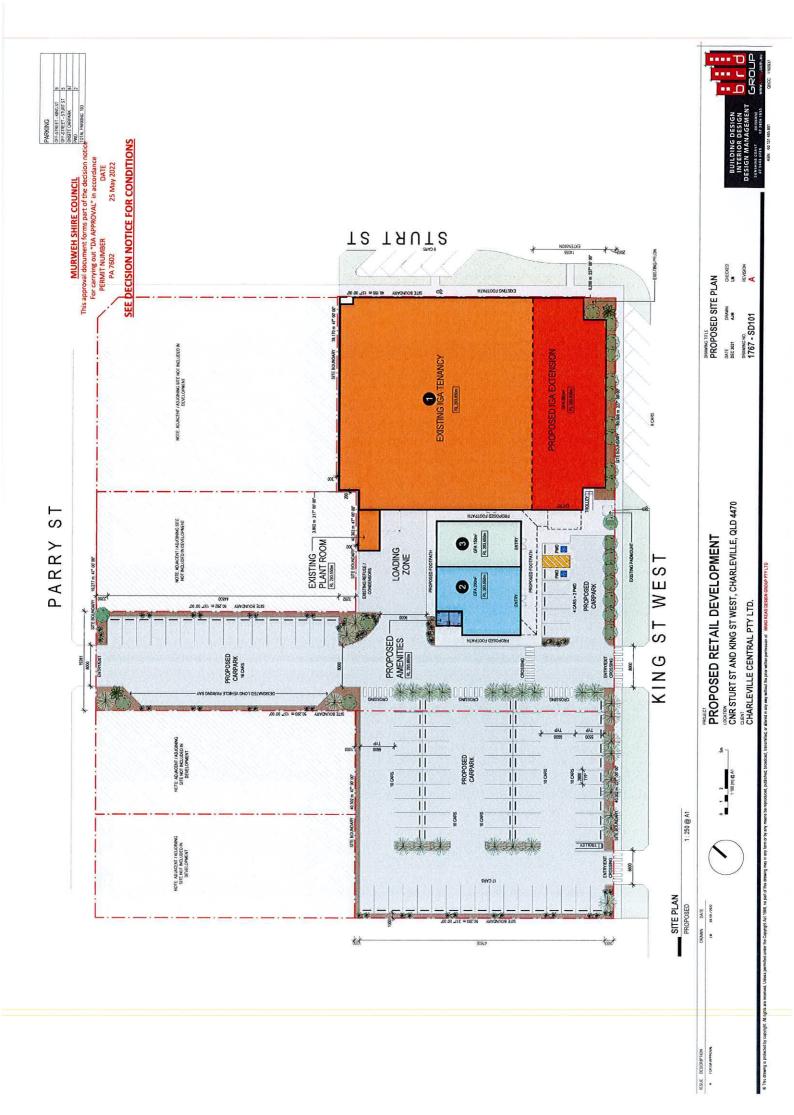
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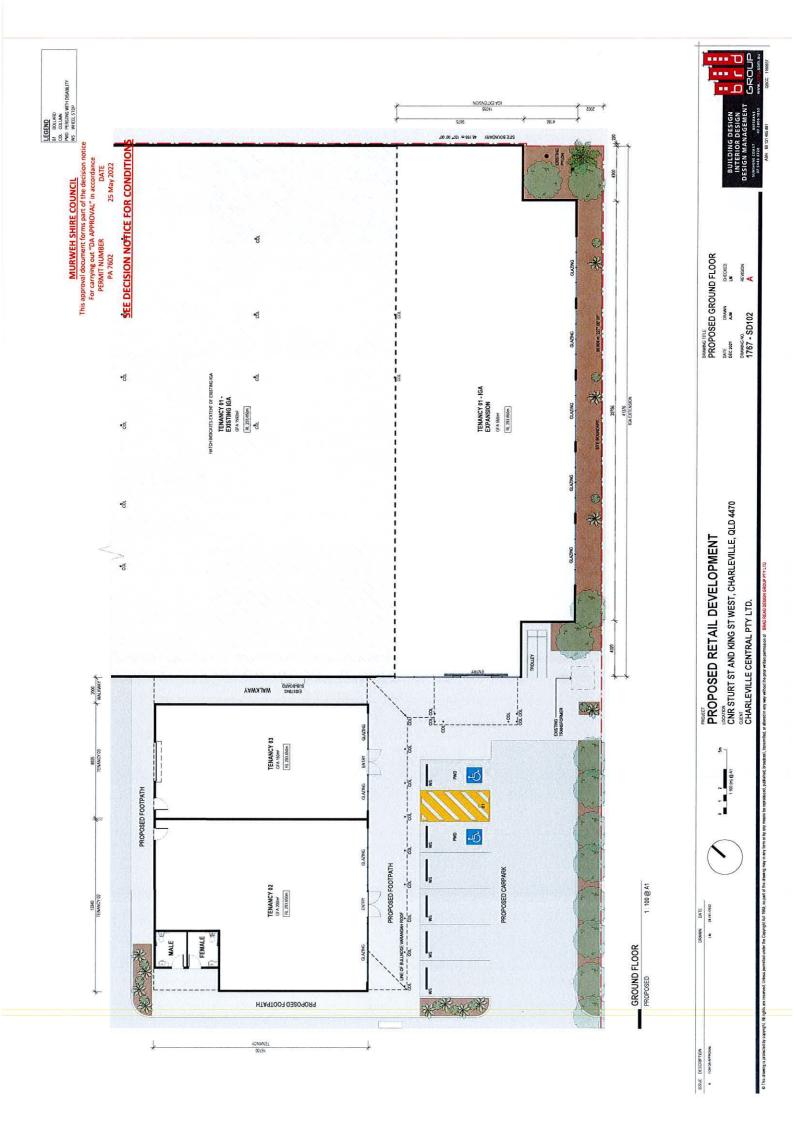
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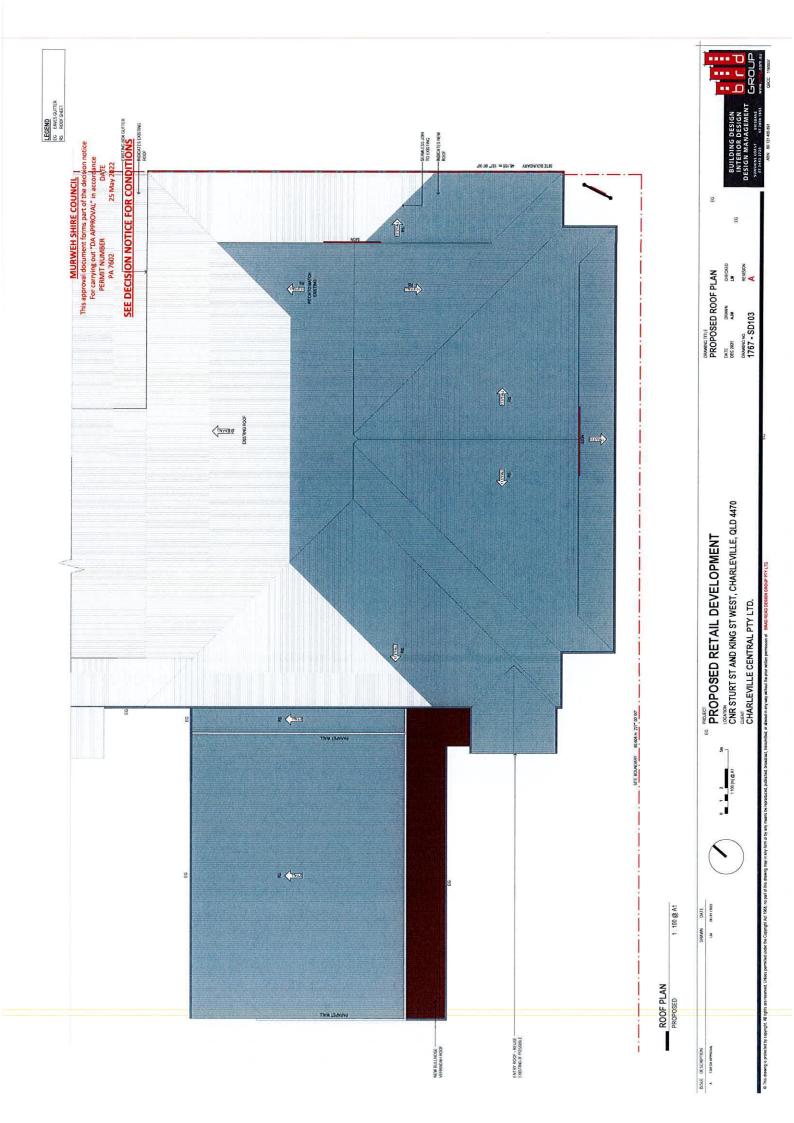


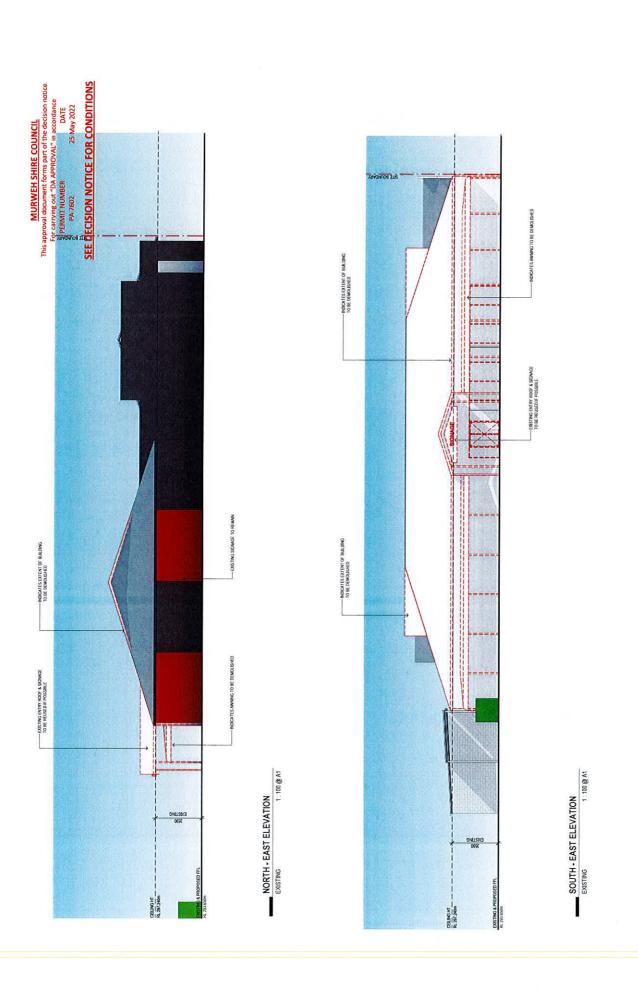
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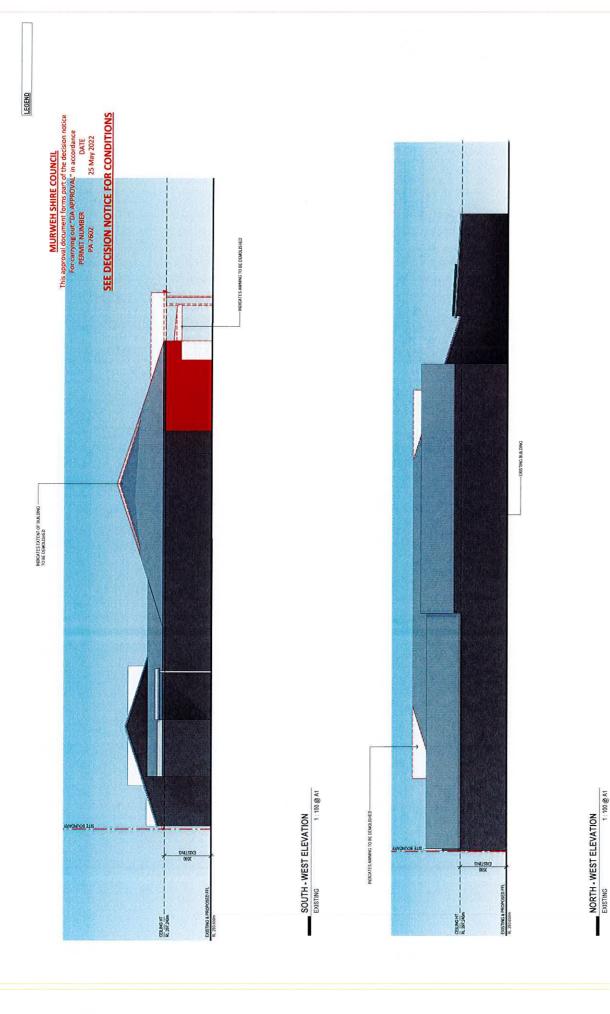




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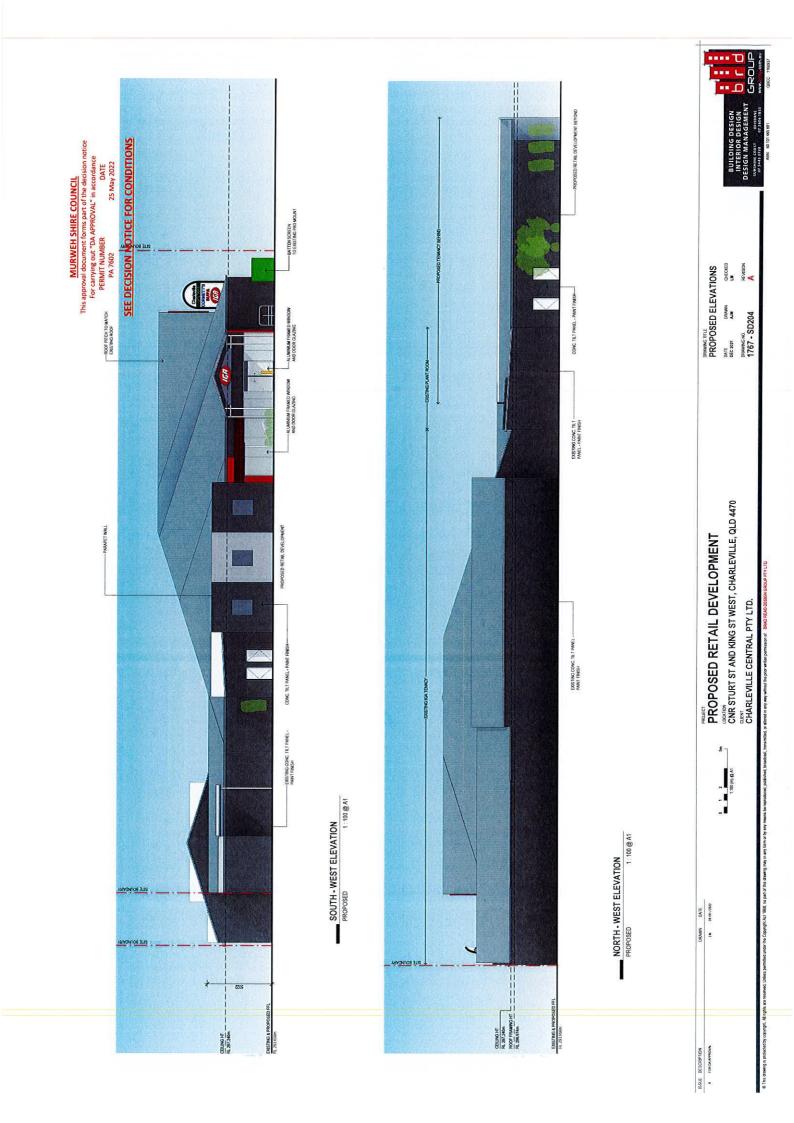
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SITE BOUNDARY 110 MURWEH SHIRE COUNCIL
This approval document forms part of the decision notice
For earlying out "DA APPROVAL" in accordance
FORMIT NUMBER
DATE
PA 7602
25 May 2022 SEE DECISION NOTICE FOR CONDITIONS TO MATCH EXISTING ROOF -ALUMINUM FRAMED WINDOW AND DOOR GLAZING IGA - CONC. TILT PANEL -PAINT FINISH ENTRY ROOF - REUSE EXISTING IF POSSIBLE IGH 119 CONC, TLT PANEL - PAINT FINISH TENACY SIGNAGE - BY OTHERS -ALUMINUM FRAMED WINDOW AND DOOR GLAZING ALUMINUM FRAMED WINDOW AND DOOR GLAZINS EXPANSION TO REPLICATE EXISTING PAINT FINISH TENACY SIGNAGE - BY OTHERS 1. 100 @ A1 NEW BULLNOSE VERANDAH ROOF SOUTH - EAST ELEVATION PROPOSED 1:1 NORTH - EAST ELEVATION
PROPOSED 1.1 EXISTING & PROPOSED FFL. CELLING HT Rt. 287,240m CELLNGHT RL 297.240m

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