



SHIRE OF MURWEH

MORVEN - CHARLEVILLE - AUGATHELLA

Address all communications to the chief executive officer.

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19 February 2020

Steve Mizen
SKM / BA 7479

Mr Ken Timms
Murweh Shire Council
PO Box 63
CHARLEVILLE QLD 4470

Dear Mr Timms

**RE: DECISION NOTICE - MATERIAL CHANGE OF USE BRISBANE LINE
BUILDING
CNR QANTAS DRIVE & JOHN FLYNN WAY CHARLEVILLE LOT 53
SP253460**

Murweh Shire Council has the pleasure of enclosing a Decision Notice material change of use for Brisbane Line Building (community use) 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: 7479

19 February 2020

Mr Ken Timms
Murweh Shire Council
PO Box 63
CHARLEVILLE QLD 4470

Dear Mr Timms

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 16 January 2020.

Applicant Details

Applicant name: Murweh Shire Council
Applicant contact details: Ken Timms
PO Box 63
Charleville QLD 4470
(07) 4656 8355

Application Details

Application number: BA 7479
Approval sought: Material Change of Use – Community Use
Details of proposed development: Brisbane Line Building (Community Use) means the use of premises for providing artistic, social or cultural facilities or community services to the public.

Location Details

Street Address: Cnr Qantas Drive and John Flynn Way
Charleville QLD 4470

Real Property Description: Lot 53 SP253460

Decision

Date of decision: 19 February 2020

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 for Brisbane Line Building (community use)

Conditions

This approval is subject to the conditions in *Attachment 4*. The conditions indicate whether they were imposed by the Assessment Manager (Murweh Shire Council) or a Concurrence Agency.

Properly Made Submissions

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

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

Referral Agencies

The following referral agency applies to this application:

State Assessment and Referral Agency

Department of State Development, Manufacturing, Infrastructure & Planning

PO Box 825, Toowoomba QLD 4350

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: Referral Agency Response

Attachment 2: Approved Plans

Attachment 3: Murweh Shire Council's Conditions of Approval

Statement of Reasons

Appeal provisions (extracts from *Planning Act 2016*)

Attachment 1 – Referral Agency Response

RA6-N



Department of
State Development,
Manufacturing,
Infrastructure and Planning

SARA reference: 2001-15153 SRA
Council reference: SKM:/: BA 7479

30 January 2020

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

Attention: Millie Smith

Dear Millie

SARA response—Warrego Highway, Charleville

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

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning (the department) on 28 January 2020.

Response

Outcome:	Referral agency response – no requirements. Under section 56(1)(a) of the <i>Planning Act 2016</i> , the department advises it has no requirements relating to the application.
Date of response:	30 January 2020
Advice:	Advice to the applicant is in Attachment 1 .
Reasons:	The reasons for the referral agency response are in Attachment 2 .

Development details

Description:	Development permit	Material change of use for a community use (Brisbane Line Building)
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1)—Material change of use of premises within 25m of a state transport corridor (Planning Regulation 2017)	
SARA reference:	2001-15153 SRA	
Assessment Manager:	Murweh Shire Council	
Street address:	Warrego Highway, Charleville	

Real property description: Lot 53 on SP253460
Applicant name: Murweh Shire Council
Applicant contact details: PO Box 63
CHARLEVILLE QLD 4470
millee_smith@murweh.qld.gov.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 (s.30 Development Assessment Rules) Copies of the relevant provisions are in Attachment 3.

A copy of this response has been sent to the applicant for their information.

For further information please contact Brittany Hughes, Planning Officer, on (07) 4616 7332 or via email ToowoombaSARA@dcdmp.qld.gov.au who will be pleased to assist.

Yours sincerely



Bernadette Plummer
A/Manager - DDSW Planning

cc: Murweh Shire Council, millee_smith@murweh.qld.gov.au
enc: Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations about a referral agency response

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

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

The reasons for the department's decision are:

- The development will not interfere with or result in damage to, infrastructure or services in the state transport corridor.
- the development does not propose new access to the state-controlled road.
- the proposed development does not include works within 25 metres of a state transport corridor or in a future state transport corridor.
- The development complies with the FastTrack 5 qualifying criteria checklist 1, of the SDAP.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- *Planning Regulation 2017*
- The SDAP v2.5, as published by the department
- The Development Assessment Rules
- SARA DA Mapping system.

Attachment 3—Representations about a referral agency response

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Development Assessment Rules—Representations about a referral agency response (concurrency)

The following provisions are those set out in sections 28 and 30 of the *Development Assessment Rules*¹ regarding representations about a referral agency response (concurrency).

Part 6: Changes to the application and referral agency responses and Part 7: Miscellaneous

28 Concurrency agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrency agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrency agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrency agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrency agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrency agency proposes to change its referral agency response under section 28.2(a), the concurrency agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrency agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrency agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrency agency under section 30, and the concurrency agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

30 Representations about a referral agency response

30.1. 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.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

Attachment 2 - Approved Plans

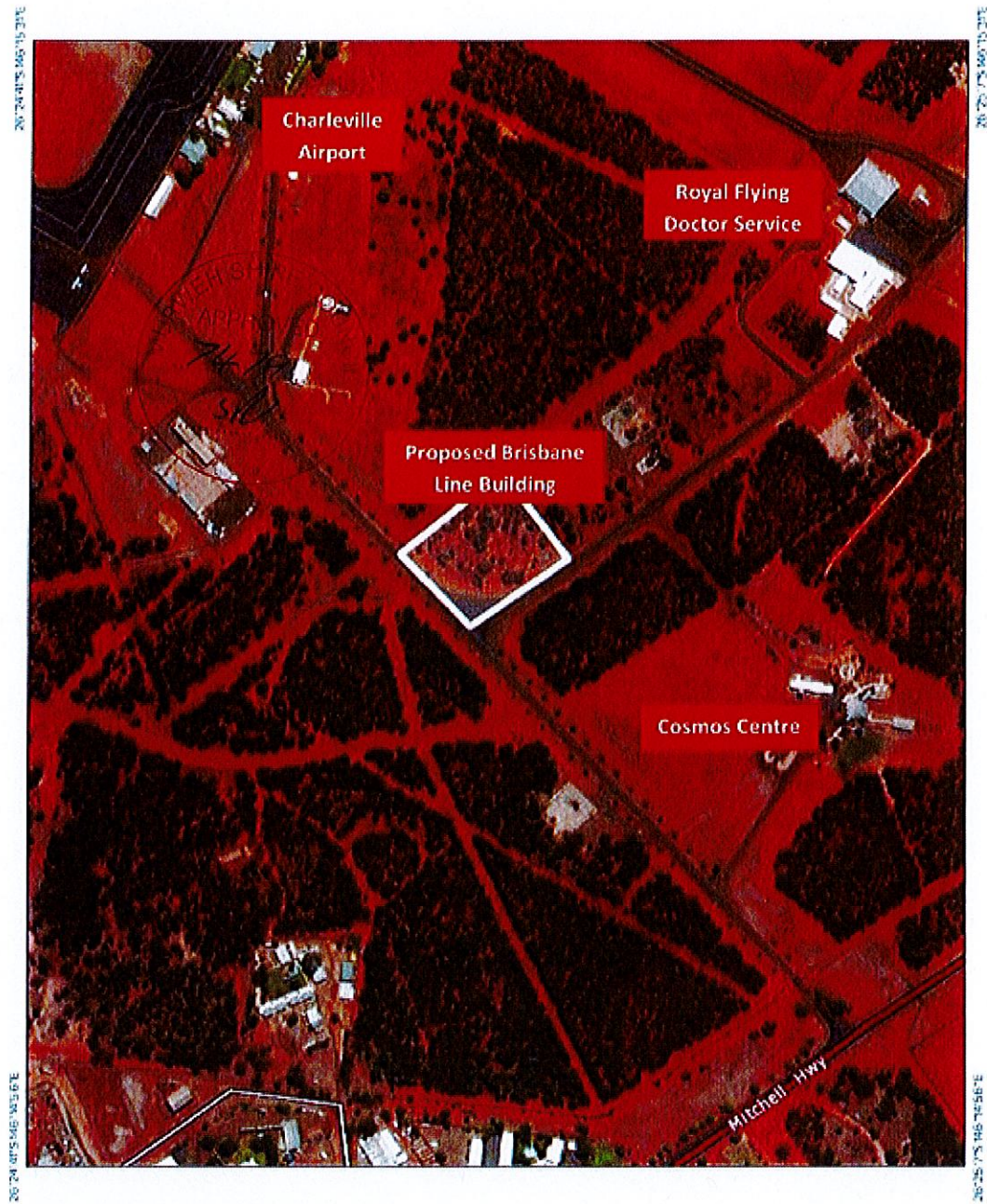
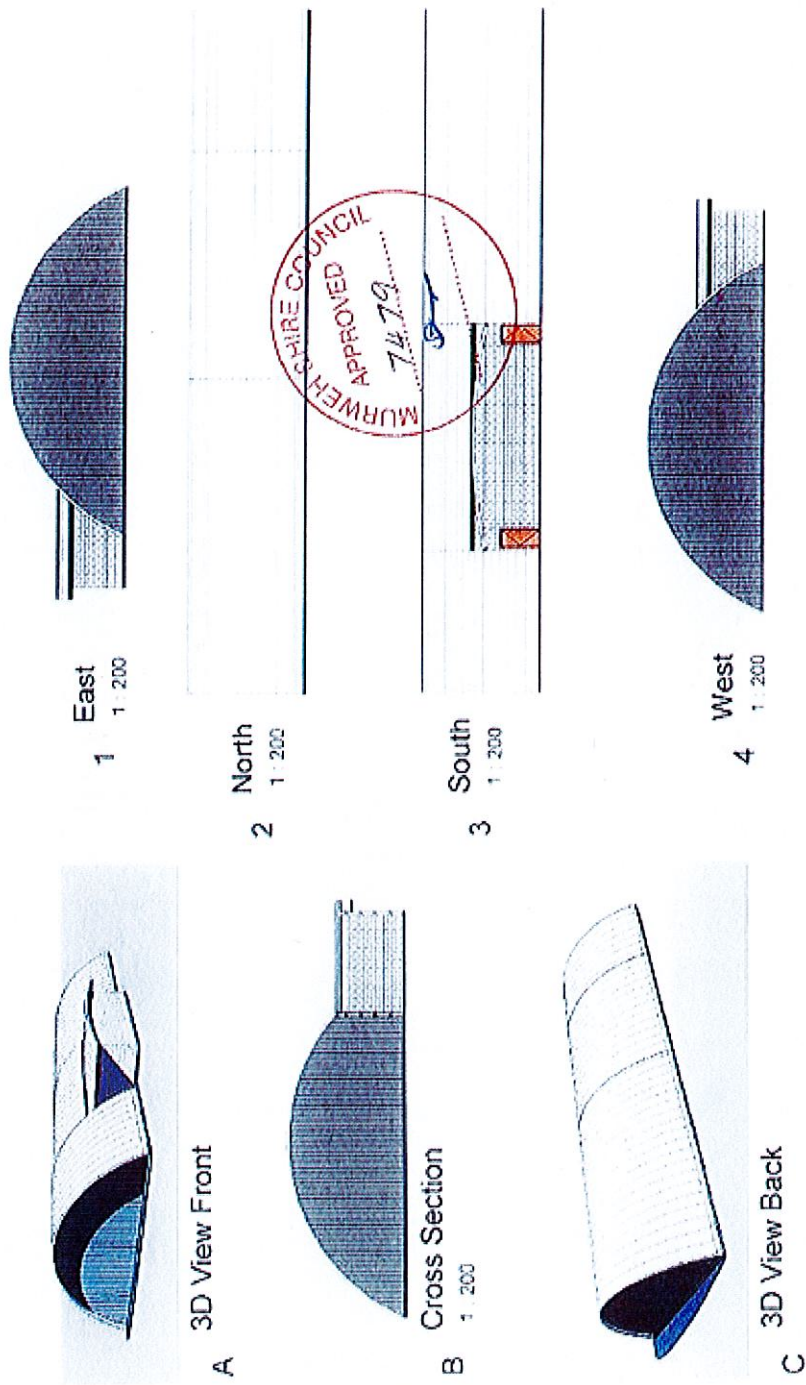


Figure 1: Satellite View of Site




 SPANTECH
 Structural Technology

Project: 3D-Concepts and Elevation-2
 Date: 11/11/19
 Scale: 1:200
 Status: Preliminary

Drawing No.: 2560-A-0.2
 Date: 11/11/19

Figure 4: Concepts and Elevations

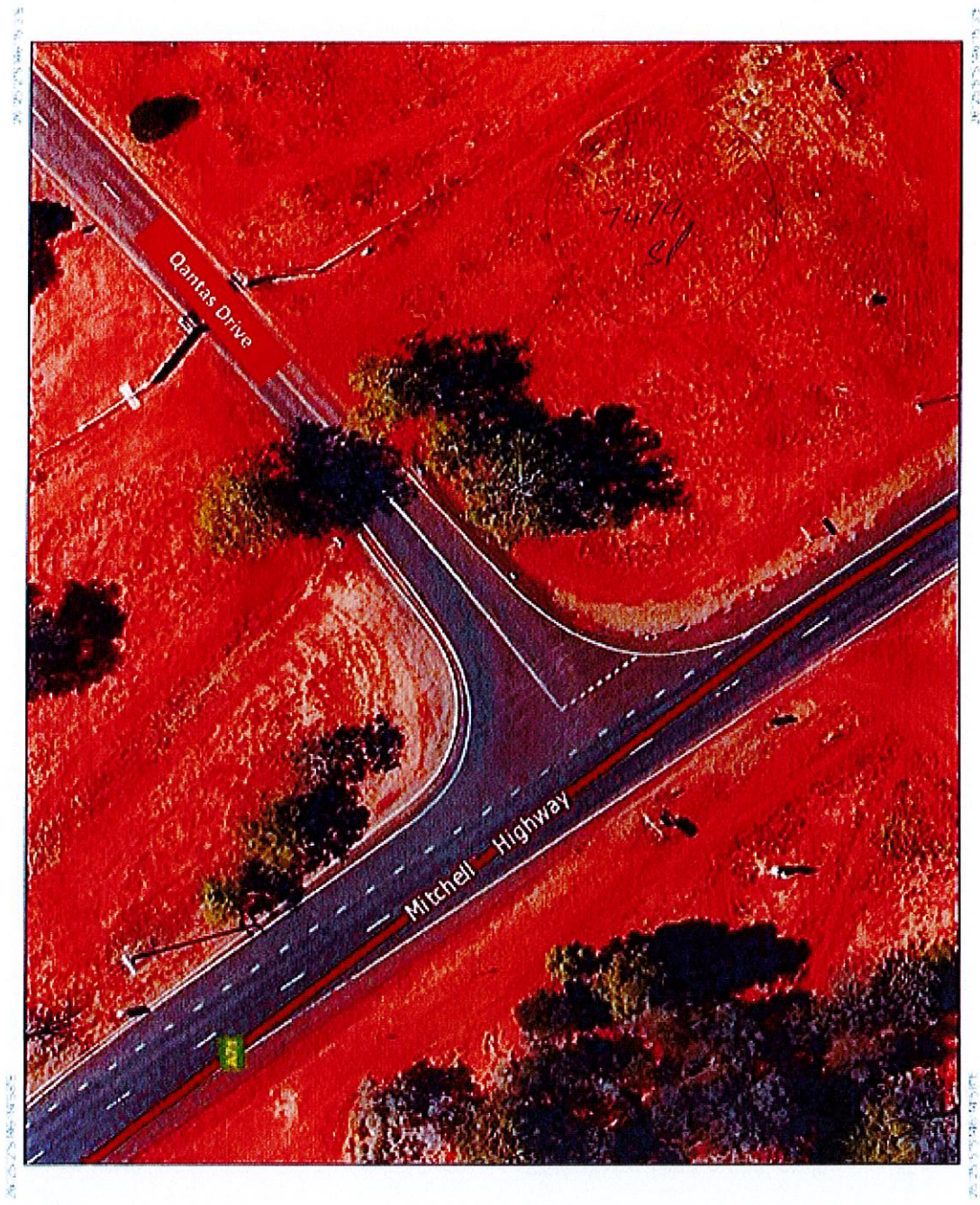


Figure 5: Satellite View of Mitchell Highway entrance onto Qantas Drive

Attachment 3 – Murweh Shire Council’s Conditions of Approval

Preamble

The relevant planning scheme for this development is the *Murweh Planning Scheme 2015*. All references to the “Planning Scheme” and “Planning Scheme Schedules” within these conditions refer to the above Planning Scheme.

General

- Complete and maintain the approved development as follows: (i) in accordance with development approval documents and (ii) strictly in accordance with those parts of the approved development that have been specified in detail by the Council unless the Council agrees in writing that those parts will be adequately complied with by amended specifications.
- All services installation, including onsite sewerage, water, electricity and telecommunications connections to the respective networks, must comply with:
 - a/ the development approval conditions;
 - b/ the relevant service providers requirements and specifications;
 - c/ any relevant provisions in the planning scheme for the area;
 - d/ Council's standard designs for such work where such designs exist;
 - e/ any relevant Australian Standard that applies to that type of work; and
 - f/ any alternative specifications that the Council has agreed to in writing and which the developer must ensure do not conflict with any requirements imposed by any applicable laws and standards.
- Any conflicts associated with proposed and existing services shall be forwarded by the developer to the appropriate controlling authority for approval for any proposed changes.

Avoiding Nuisance

- During the establishment of the approved development, no nuisance is to be caused to adjoining properties and occupiers by way of smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time, including non-working hours.

Repair Damaged Infrastructure

- The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets. Any damage to existing infrastructure (kerb, road pavement, existing underground assets, etc) shall be immediately rectified in accordance with the asset owners' requirements and specifications and to the satisfaction of the asset owners' representatives.
- Any civil engineering and related work shall be designed and supervised by Registered Professional Engineers of Queensland (RPEQ) who are competent in the construction of the works.

Stormwater and Drainage

- Post-development stormwater runoff flows, the characteristics of which include volume, concentration and velocities, from the development site, are not to exceed pre-development stormwater runoff flows to adjoining properties.
- Stormwater must not be allowed to pond on the property being developed during the development process and after the development has been completed unless the type and size of ponding has been agreed in writing by the Council or as a specific development approval condition.
- There must be no increases in any silt loads or contaminants in any overland flow from the property being developed during the development process and after the development has been completed.

Erosion

- If there is a possibility of erosion or silt or other materials being washed off the property being developed during the development process, the developer must document and implement a management plan in accordance with the CMDG Design Guidelines – D7, to prevent this from occurring.
- Any construction works on site are to undertaken in accordance with the Soil Erosion and Sediment Control Engineering Guidelines for Queensland Construction sites (IE Aust – or later versions).
- The developer shall immediately clean up and satisfactorily remove any deposited construction material or silt runoff from the development site.

Access & Roads

- The developer/landowner is responsible for the construction and maintenance of all internal vehicle access ways and crossovers from the road carriageway to the property boundary, and for obtaining any approvals that may be required and for complying with the applicable designs and standards.

No Cost to Council

- All costs associated with the approved development are to be met by the developer, including costs of survey, easement preparation and registration, document lodgement, plan sealing and land transfers, unless there is specific agreement by other parties, including the Council, to meeting those costs.

Latest Versions

- Where another condition refers to a specific published standard, manual or guideline, including specifications, drawings, provisions and criteria within those documents, that condition shall be deemed as referring to the latest versions of those publications that are publicly available at the time the first operational works or compliance approval is lodged with the assessment manager or approved agency for those types of works to be performed or approved, unless a regulation or law requires otherwise.

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.

State Interests

These have been addressed via the State Assessment and Referral Agencies. Their decision is attached.

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