

MURWEH SHIRE COUNCIL

95-101 Alfred Street, Charleville
A.B.N. 98 117 909 303



31 October 2019

YOUR REF:

IN REPLY CONTACT:

RESPONDS TO: Steve Mizen

OUR REF: **SKM:/: BA: 7450**

Club of the South West

Charleville Pistol Club Inc
William Bryant
PO Box 40
CHARLEVILLE QLD 4470

ADDRESS ALL
COMMUNICATIONS
TO:
THE CHIEF
EXECUTIVE
OFFICER

Dear Sir

**RE: DECISION NOTICE
MATERIAL CHANGE OF USE – SHOOTING RANGE
30222 MITCHELL HIGHWAY CHARLEVILLE LOT 1 RP208647**

MURWEH
SHIRE
COUNCIL

Murweh Shire Council has the pleasure of enclosing a Decision Notice material change of use (shooting range) for the lot described above.

P.O. BOX 63
CHARLEVILLE
4470

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.

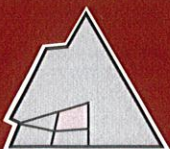
FACSIMILE
(07) 4656 8399

TELEPHONE
SHIRE OFFICE
(07) 4656 8355

Yours faithfully

E-MAIL
ceo@murweh.qld.gov.au

**MR NEIL POLGLASE
CHIEF EXECUTIVE OFFICER**



Decision Notice
APPROVAL
Planning Act 2016 s 63

Our Ref: 7450

31 October 2019

Charleville Pistol Club Inc
William Bryant
PO Box 40
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 12 September 2019.

Applicant Details

Applicant name:	Charleville Pistol Club Inc
Applicant contact details:	William Bryant PO Box 40 Charleville QLD 4470 0427 547 093

Application Details

Application number:	7450
Approval sought:	Material Change of Use – Outdoor Sport & Recreation
Details of proposed development:	Charleville Shooting Range (Outdoor Sport and Recreation) means – the use of premises for a recreation or sporting activity that is carried on outdoors and requires areas of open space.

Location Details

Street Address: 30222 Mitchell Highway, Charleville QLD 4470

Real Property Description: Lot 1 RP208647

Decision

Date of decision: 31 October 2019

Decision details: Approved in full with conditions.

Details of the Approval

Development permit – Material change of use for outdoor sport and recreation.

Conditions

This approval is subject to the conditions in *Attachment 3*.

Properly Made Submissions

There were no properly made submissions for this application.

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
CHIEF EXECUTIVE OFFICER

Attachments:

Attachment 1 – Advice to the Applicant

Attachment 2 – Reasons for Referral Agency Response

Attachment 3 – Murweh Shire Council's Conditions of Approval

Statement of Reasons

Approved site plan

Appeal provisions (extracts from *Planning Act 2016*)

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) (v2.5). If a word remains undefined it has its ordinary meaning. |
|----|---|

Attachment 2—Reasons for referral agency response

(Given under section 58(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 State Code 1 of the SDAP (v2.5)

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The SDAP (2.5), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 3 - Murweh Shire Council's Conditions of Approval

Reasons for Approval

- Council must be provided with a management plan to deal with any land contamination caused as a result of the activity on the site.
- Noise levels at the site must be maintained within the limits set under the Environmental Protection Agency (EWA).

Statement of Reasons

- The application was properly made.
- The use of the site for the approved activity is compliant with the Murweh Shire Planning Scheme.

New Charleville Range Satellite Map



Legend

- Reference Points
- Range Centre Line

Component

- 100 Metre Stand
- 150 Metre Stand
- 200 Metre Stand
- 50 Metre Stand
- Bullet Stop
- Dividing Wall
- Firing Line - Non-Roofed Area
- Firing Line - Roofed Area
- Pistol Range
- Range
- Lot Boundary
- DCDB

Point	X Coordinate	Y Coordinate
1	422288	7068700
2	422268	7068675
3	422284	7068664
4	422334	7068726
5	422498	7068603
6	422515	7068633
7	422514	7068559
8	422303	7068787
9	422270	7068744
10	422255	7068724

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