

Our Reference: RAL/2025/5915
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Development Application Decision Notice
REFUSAL
Planning Act 2016 Section 63

CPLK Property Pty Ltd
C/- Property Projects Australia
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TOOWOOMBA QLD 4350

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20 August 2026

Dear Sir/Madam

Location: 2A & 2B Rifle Range Road, MOUNT LOFTY QLD 4350
Property Description: Lot 1 RP177105, Lot 2 RP177105
Relevant Planning Scheme: Toowoomba Regional Planning Scheme 2012

The Development Application for Reconfiguring a Lot - Reconfigure 2 Lots into 50 Lots at the abovementioned property has been refused. The decision was made on 18 August 2026 at the Ordinary Meeting of Council. The following provides all the relevant details:

Details of Refusal

The assessment manager was not directed to refuse the application by a referral agency.

Conflict with a relevant instrument and reasons for the decision despite the conflict

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

Reasons for Refusal

The reasons for refusal are:

1. The development does not comply with the below listed assessment benchmarks, and cannot otherwise be conditioned to comply:
 - a. Conflicts with 8.2.2 Bushfire Hazard Overlay Code, specifically:
 - i. Overall outcome 8.2.2.2(a) – “development does not increase the exposure of people and property to an unacceptable bushfire hazard risk”
 - ii. Overall outcome 8.2.2.2(f) – “the reconfiguration of land appropriately responds to bushfire hazard having regard to the appropriate siting of future development and access for evacuation”; and

2. The consequences of approving the development are not in the public's interest to advance the purpose of the *Planning Act 2016*; and
3. There are no relevant matters which warrant approving the development despite these conflicts.

Referral Agencies

Referral Agencies Name & Address: Department of State Development, Infrastructure,
Local Government and Planning
PO Box 825
TOOWOOMBA QLD 4350

Submissions

Number of properly made submissions: 207 (see attached list of names and addresses).

Rights of Appeal

Attached is an extract from the *Planning Act 2016* which details your appeal rights regarding this decision.

The *Planning Act 2016* via:

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/P/PlanningA16.pdf>.

Yours faithfully



Joseph Kirkwood
Manager, Planning Branch

List of Submitters:-

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27 Martini Street
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Chris Meibusch
4 Rifle Range Road
TOOWOOMBA QLD 4350

Emma May Wheeler
9 Beechcraft Court
WILSONTON QLD 4350

Jake Michael Duffus
6 Rifle Range Road
MOUNT LOFTY QLD 4350

Maree Elizabeth Briggs
4 Roderic Court
MOUNT LOFTY QLD 4350

Chloe Deborah Hockey
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MOUNT LOFTY QLD 4350

Stephen Jones
6 Alfred Street
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Wendy Elizabeth Strachan
3/81 Ramsay Street
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Jan Maree Mosler
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Juliana McLaren
2 Buena Vista Crescent
BLUE MOUNTAIN HEIGHTS QLD 4350

Kaye Patricia Wood-Riley
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Kristy Linnan
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GLENORE GROVE QLD 4342

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NEWTOWN QLD 4350

Lilly Reinhard
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HARLAXTON QLD 4350

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21 Mabel Street
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21 Jellicoe Street
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Chapter 6, Part 1 of the Planning Act 2016 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
- (a) matters that may be appealed to—
- either a tribunal or the P&E Court; or
 - only a tribunal; or
 - only the P&E Court; and
- (b) the person—
- who may appeal a matter (the **appellant**); and
 - who is a respondent in an appeal of the matter; and
 - who is a co-respondent in an appeal of the matter; and
 - 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 an appeal relating to the *Plumbing and Drainage Act 2018*—
- for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018* – at anytime after the period within which the application or matter was required to be decided ends; or
 - otherwise—20 business days after the day the notice is given; or
- (g) 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—
- the adopted charge itself; or
 - for a decision about an offset or refund—
 - the establishment cost of trunk infrastructure identified in a LGIP; or
 - 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—
- is in the approved form; and
 - 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—
- the respondent for the appeal; and

- each co-respondent for the appeal; and
- for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
- for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
- each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
- for an appeal to the P&E Court—the chief executive; and
- 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 to an appeal by filing a notice of election in the approved form—
- if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2) 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—
- conduct engaged in for the purpose of making a decision; and
 - other conduct that relates to the making of a decision; and
 - the making of a decision or the failure to make a decision; and
 - a purported decision; and
 - a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- is final and conclusive; and
- 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, any tribunal or another entity; and
- is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any 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.