

Our Reference: MCUI/2007/10724/A
Contact Officer: Jun Ong
Contact: 07 4688 9555
Email: development@tr.qld.gov.au

Decision Notice
CHANGE TO A DEVELOPMENT APPROVAL
Planning Act 2016 Section 83

Bunnyconnellen
C/- Precinct Urban Planning
PO Box 3038
TOOWOOMBA QLD 4350

Email: james@precinctplan.com.au

8 April 2026

Dear Sir

Development Approval: Material Change of Use - Impact - Refreshment Service & Tourist Attraction, Function Facility, Short-Term Accommodation
Location: 286 Swain Road, PLAINBY QLD 4355
Property Description: Lot 3 SP217770
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012*

I refer to your application received on 17 November 2025 for a change to the development approval for Material Change of Use - Tourist Attraction/Refreshment Service approved on 26 April 2007.

The change application was assessed against the relevant assessment benchmarks as identified in the *Toowoomba Regional Planning Scheme 2012* for the development.

On the 31 March 2026, the change application was approved as per the attached Schedule 1. The changes are not consistent with the relevant assessment benchmarks relating to the provision of on-site car parking. However, the inconsistency with the assessment benchmarks is considered acceptable due to the following reason:

- Overflow car parking spaces are proposed across grassed areas of the site. The proposed frequency of events is not anticipated to adversely damage the existing grass cover. Buses are also proposed for transporting guests associated with the Function Facility use, which will vary the carparking demand per event. The reduced carparking provision is considered acceptable for the proposed site activities and carparking management.

All deletions are identified by **bolded** strikethrough of text and all additions are identified by **bolded** text.

Rights of Appeal

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

Yours faithfully



Jayden Forbes-Mitchell
Lead Senior Planner, Planning Branch

SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - IMPACT

APPLICATION NUMBER:	MCUI/2007/10724/A
APPLICANT:	Bunnyconnellen c/- Precinct Urban Planning
LOCATION:	286 Swain Road, PLAINBY QLD 4355
PROPERTY DESCRIPTION:	Lot 3 SP217770
APPROVED USE:	Refreshment Service & Tourist Attraction, Function Facility, Short-Term Accommodation
ZONING / PRECINCT:	Rural Zone / 100 ha minimum Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

General

- ~~The special facility development shall be undertaken generally in accordance with the plans submitted with Development Application DA 661 (plans submitted by the applicant titled 'A', 'B' and 'C').~~ This Development Approval is for a Material Change of Use for Refreshment Service & Tourist Attraction, Function Facility and Short-Term Accommodation. The uses are subject to the following limitations:

Refreshment Service & Tourist Attraction ("Cellar Door"):

- 1.1 Maximum capacity of 20 patrons at any one time;

Short-Term Accommodation:

- 1.2 A maximum of six (6) persons may be accommodated at the 'Main Residence (Two Bedroom)' premises at any one time; and
- 1.3 A maximum of two (2) persons may be accommodated at the 'Existing Dwelling (One Bedroom)' premises at any one time;

Function Facility:

- 1.4 Maximum capacity of 120 patrons at any one time; and
- 1.5 Maximum frequency of 60 weddings and/or other events per year, with up to two (2) weddings/events per week.

- 1A. The development must be carried out generally in accordance with the Approved Plans listed below, subject to the conditions of this Development Approval and the amendments listed below:

Plan No: 250041-001, Issue D
Description: Site Plan, prepared by Ikai Design and dated 26 February 2026
Amendments: Amended as per the following

- Markups (Coloured) indicating the extent of approved uses.
- Siting of PWD parking to be relocated with CP 1&2

Plan No: 250041-101, Issue C
Description: Floor Plans, prepared by Ikai Design and dated 26 February 2026
Amendments: Nil.

Plan No: 250041-401, Issue B
Description: Elevations, prepared by Ikai Design and dated 6 November 2025
Amendments: Nil.

- 1B. The development must be carried out generally in accordance with the Approved Document listed below, subject to the conditions of this Development Approval and the amendments listed below:

Document: Complaints Management Procedure, Version 1
Description: Operating Statement - Complaints Management Procedure, prepared by Bunnyconnellen, dated December 2025 and received by Council on 8 December 2025
Amendments: Nil

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS (FOR ENDORSEMENT)

- 1C. Prepare and submit the following plans in accordance with the conditions of this Development Approval and obtain Council's endorsement:

1C.1 Vehicle Swept Paths (Bus Bay).

2. The ~~special facilities activity~~ development shall be conducted in accordance with the requirements of Council's Town Planning Scheme and Local Laws.

Building Permits

3. Building works associated with the development requires the submission and approval of a Development Application for Building Work by Council or Private Building Certifier in accordance with the provisions of the *Integrated Planning Act 1997* and payment of the relevant application fees. The building work is to comply with the *Building Act 1975* and *Building Regulations 2006*.

Sewerage / Waste Disposal

4. Provision of an onsite sewerage facility in accordance with the requirements of the *Plumbing and Drainage Act 2002*. The system is to adequately cater for all waste water from the development. **The wastewater treatment and effluent disposal system must comply with Australian Standard AS3500.2 – National Plumbing and Drainage - Sanitary Plumbing and Drainage; and Australian Standard AS1547:2012 - On Site Domestic-Wastewater Management where system size is not exceeded (ref. Part 1.2.1.2 of AS1547:2012) and must be maintained for the life of the approval.**
5. Plumbing and drainage work associated with the development requires the submission and approval of an Application for Compliance Assessment in accordance with the provisions of the *Plumbing and Drainage Act 2002* and payment of all relevant application fees.
- 5A. **All reasonable and practicable measures must be undertaken to prevent treated wastewater and effluent from overflowing or seeping onto adjoining properties.**

6. ~~Waste disposal facilities shall be provided to adequately cater for all solid waste generated on the site. All solid waste shall be disposed of at a Council approved refuse tip.~~ All waste generated on the subject land must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.
- 6A. Refuse storage facilities must be provided generally in accordance with the following:
- 6A.1 The size, mix and capacity of bins provided must be sufficient to accommodate the type and level of waste likely to be generated from the development having regard to the frequency of disposal or collection;
 - 6A.2 Provision of separate bins for general and recyclable waste for the site with an equal number of each being provided; and
 - 6A.3 Bins must be kept in a clean state and in good repair and fitted with tight-fitting lid assemblies designed to prevent ingress of pests and water.
- 6B. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal must be provided in accordance with the following requirements:
- 6B.1 Disposal of waste generated must be undertaken in accordance with the *Environmental Protection Regulation 2019*;
 - 6B.2 General waste must be collected and removed at periods not exceeding seven days;
 - 6B.3 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal; and
 - 6B.4 The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.
7. The proposed development shall be provided with an adequate potable water supply for human consumption and an adequate water supply for domestic purposes (i.e. storage tanks, dams, bores).

Car Parking / Access

8. ~~Provision of at least 10 car parking spaces in accordance with the plans submitted with the application.~~ The premises must be provided with a minimum of 19 car parking spaces, inclusive of one (1) PWD car parking space and adequate standing and manoeuvring areas for waste collection vehicles in accordance with the Approved Plans. Car parking and manoeuvring areas must be:
- 8.1 Constructed generally as shown on the Approved Plans listed within this Development Approval;
 - 8.2 PWD car parking spaces must be provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in the Toowoomba Regional Planning Scheme 2012 and Australian Standard AS2890 - Parking Facilities;
 - 8.3 On-site car parking spaces must be provided with a gravel surface and be delineated in accordance with the minimum required dimensions. in the *Toowoomba Regional Planning Scheme 2012 and Australian Standard AS2890 - Parking Facilities*;
 - 8.4 Designed and constructed in accordance with the requirements of AS2890;

- 8.5 **Designed to ensure disabled car parking spaces are located in close proximity to a primary building entrance and meet the requirements of AS2890.1 Clause 2.4.5 (1.3m high bollards), AS1428.1 and AS2890.6:2009;**
- 8.6 **Accessible and available to the general public and staff during approved hours of operation;**
- 8.7 **Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the subject land; and**
- 8.8 **Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring.**
- 8A. **Where grassed areas are used for overflow car parking, the grassed area must be maintained to ensure that the use does not unduly impact grass coverage or create nuisance.**
- 9. Access, car parking and manoeuvring areas shall be provided with an all-weather dust-free surface to Council's requirements.
- 10. Provision of practical access from Swain Road to Council's requirements.
- 11. Provision shall be made for all vehicles to turn within the site so that they can drive in forward gear when entering and leaving the site.

Stormwater management

- 12. Stormwater runoff is to be controlled so that no impact is caused to adjoining landholders or waterways.
- 12A. **Stormwater from new roofed areas is permitted to be discharged within the subject land, a minimum of 3 metres clear of any building foundations and any adjoining property boundary.**
- 12B. **The act of on-site stormwater discharge must not cause erosion and scouring and must utilise appropriate control devices at outlets to prevent such erosion and scouring.**
- 12C. **Stormwater must be dispersed as sheet flow.**
- 12D. **Design and construction of all internal stormwater drainage works must comply with each applicable section of *Australian and New Zealand Standard AS/NZS 3500 - Plumbing and Drainage Code*.**

Other

- 13. In carrying out the activity all reasonable and practicable measures shall be taken to ensure that it does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). The developer will comply with the cultural heritage duty of care if acting in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will help determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may also be obtained from www.nrme.qld.gov.au.
- 14. All advertising and directional signs to be designed and constructed so as to provide minimal impact on the environment.
- 15. The approved use shall be undertaken so that no undue disturbance is caused to neighbouring properties by virtue of noise and bright lights.

16. Any commercial food preparation areas are required to conform to the Food Hygiene Regulations and Council requirements.
17. Any use, additions to and further intensification of any part of the building or land (not the subject of this approval), will be subject to further application for development approval.
18. All works shall be undertaken at the developer's expense and to the satisfaction of Council.

Acoustic Amenity – General

19. Unless otherwise approved in writing by Council, the approved uses must not operate outside the hours of the following:
 - 19.1 Tourist Attraction & Refreshment Service: 10:00AM to 5:00PM, Monday to Sunday
 - 19.2 Function Facility: 10:00AM to 12:00AM, Monday to Sunday; and
 - 19.3 Short-Term Accommodation: 24 hours, Monday to Sunday.
20. Service vehicle movements associated with the approved use (including loading and unloading) must occur only between the hours of 7:00AM to 10:00PM Monday to Sunday.

Note: Service vehicles do not include waste collection vehicles or activities.

Acoustic Amenity – Noise Limits

21. Noise from activity associated with the use of the subject land must not exceed the Acoustic Quality Objectives listed in the *Environmental Protection (Noise) Policy 2019* when measured at any sensitive receptor.
22. Where considered warranted by Council and when requested in writing to do so, a noise investigation must be undertaken to investigate a complaint of noise nuisance. In such instances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Noise Emission Limits listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request. Measurement of noise emissions (adjusted for tonality and impulse) must be generally in accordance with the most recent version of *Australian Standard AS1055.1 Acoustics - Description and measurement of environmental noise - General procedures*.

Acoustic Amenity – Mechanical Plant

23. All “refrigeration equipment”, “pumps”, “regulated devices”, and “air conditioning equipment” as defined by the *Environmental Protection Act 1994* must be designed, installed, operated and maintained to comply with the noise standards as specified within the *Environmental Protection Act 1994*.

Acoustic Amenity – Complaints Management

24. The approved complaints management procedure for the subject land must be implemented generally in accordance with the Approved Document listed within this Development Approval. A record of all noise complaints and investigation results including corrective actions must be maintained and made available for inspection at any time upon request by Council.

Air Quality & Amenity – Air Release Limits

25. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the Air Quality Objectives listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive receptor place must not be released to the atmosphere.
26. Where considered warranted by Council and when requested in writing to do so, an air quality investigation must be undertaken to investigate a complaint of air pollution, odour or dust nuisance. In such circumstances, a qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Air Release Limits listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

Air Quality & Amenity – Kitchen Exhaust

27. Kitchen exhaust points for the development must be located and operated in accordance with *Australian Standard AS1668.2-2012 The use of ventilation and air-conditioning in buildings* (specifically Section 5.10 – Air Discharges).
28. Odour control measures such as, but not limited to, carbon adsorbers, electrostatic precipitators, high-energy wet scrubbers or flameless catalytic oxidisers are to be installed on any exhaust point such that no odour nuisance is experienced by any sensitive receptor.
29. Certification must be submitted to Council from a suitably qualified person who verifies that all odour control measures have been installed in accordance with the conditions of this Development Approval.

Outdoor Lighting Impact Mitigation

30. Outdoor lighting associated with the use must be designed, sited, and installed to comply with the relevant parameters of *Australian Standard AS4282-2019 Control of the obtrusive effects of outdoor lighting*.
31. All flood lighting must be of a type that gives no upward component of light when mounted horizontally (i.e. a full cut off luminaire).
32. Where considered warranted by Council and when requested in writing to do so, a lighting impact investigation must be undertaken to investigate a complaint of light nuisance. In such circumstances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the lighting levels listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

Landscaping Works

33. The development must maintain existing landscaped areas in accordance with the Approved Plans and in a manner that:
 - 33.1 Retains existing on-site vegetation, including significant shade or feature trees; and
 - 33.2 Landscape works are maintained for the life of the development, in a manner that ensures healthy and sustained plant growth and are replaced where removal is required and if plant failure occurs.

B. ADVICES:

Nil.

C. ATTACHMENTS:

- Approved Development Plans
- Approved Documents
- Appeal provisions pursuant to the *Planning Act 2016*.

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—
 - (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 an appeal relating to the Plumbing and Drainage Act 2018—
 - (i) 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
 - (ii) 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
 - (iii) 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—
 - (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, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
- (d) 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
- (e) 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
- (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 to an appeal by filing a notice of election in the approved form—
 - (a) 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
 - (b) 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—

 - (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, any tribunal or another entity; and
- (c) 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.