

Our Reference: MCUI/2025/305  
CS Portal Reference: N/A  
Officer: James Leader  
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Email: [development@tr.qld.gov.au](mailto:development@tr.qld.gov.au)

**Development Application Decision Notice**  
**APPROVAL**  
*Planning Act 2016 Section 63*

Tunney Investments Pty Ltd  
C/- Nexus Urban  
PO Box 405  
CENTENARY HEIGHTS QLD 4350

Email: [nexusconnections@hotmail.com](mailto:nexusconnections@hotmail.com)

4 July 2025

Dear Sir/Madam

**Location:** Rielly Street, TORRINGTON QLD 4350  
**Property Description:** Part Lot 1 SP349893  
**Relevant Planning Scheme:** *Toowoomba Regional Planning Scheme 2012*

The Development Application for Material Change of Use – Impact – Low Impact Industry, for the abovementioned property has been assessed and approved in full with Conditions. It is considered that the approved development generally complies with the relevant assessment benchmarks or can be conditioned to comply. The decision was made on 1 July 2025. The following provides all the relevant details:

#### Details of Approval

Development Permit – Material Change of Use – Impact – Low Impact Industry

#### Referral Agencies

Concurrence Agencies Name & Address: N/A

Advice Agencies Name & Address: N/A

#### Conditions and Advices

Assessment Manager's Conditions: As per attached Schedule 1

Concurrence Agency Conditions: N/A

#### Currency Period

In accordance with section 85(1)(a)(ii) of the *Planning Act 2016* (Qld), this Development Approval lapses, to the extent the development is not completed, if the first material change of use under this Development Approval has not happened within six (6) years of this Development Approval starting to have effect.

#### Further Development Permits Required

- Building Work
- Operational Work

#### Further Plans/Documents for Endorsement

The following documents/plans require Endorsement:

- Landscape Plan
- Site Based Environmental Management Plan

#### Submissions

Not applicable – no part of the application required notification.

#### Rights of Appeal

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

The *Planning Act 2016* is available on the Office of the Queensland Parliamentary Counsel website via:

<https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2016-025>.

Yours faithfully



Richard Green  
Lead Senior Planner, Planning Branch



# TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

## SCHEDULE 1

### DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – IMPACT

<b>APPLICATION NUMBER:</b>	MCUI/2025/305
<b>APPLICANT:</b>	Tunney Investments Pty Ltd
<b>LOCATION:</b>	Rielly Street, TORRINGTON QLD 4350
<b>PROPERTY DESCRIPTION:</b>	Part Lot 1 SP349893
<b>APPROVED USE:</b>	Low Impact Industry
<b>ZONING / PRECINCT:</b>	Emerging Community / Nil

#### A. ASSESSMENT MANAGER'S CONDITIONS:

##### PLANNING

##### APPROVED USE

- This Development Approval is for a Material Change of Use for:
  - Low Impact Industry.

##### CARRY OUT & MAINTAIN DEVELOPMENT

- The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they are not varied by this Development Approval.
- Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
- Complete all building work associated with this Development Approval, including work required by any of the conditions of this Development Approval prior to the commencement of use. Such building work is to be carried out generally in accordance with the Approved Plans and Documents and, where the building work is assessable development, in accordance with a current Building Work approval.
- The development must be maintained generally in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.

##### APPROVED PLANS

- The development must be carried out generally in accordance with the Approved Plans listed below, subject to or modified by any conditions of this Development Approval:

**Plan No:** Drawing No SP-101, Revision B  
**Description:** Preliminary Site Plan, prepared by AM Civil and dated 4 April 2025.  
**Amendments:** Nil

**Plan No:** Drawing No SP-105, Revision A  
**Description:** Building Elevations, prepared by AM Civil and dated 20 February 2025.  
**Amendments:** Nil

#### **COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS (OPERATIONAL WORK)**

7. Prepare and submit applications to Council and obtain a Development Permit for Operational Work for the following:
  - 7.1 Bulk Earthworks (if required);
  - 7.2 Stormwater; and
  - 7.3 Vehicle Access.

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

8. Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:
  - 8.1 Site Based Environmental Management Plan; and
  - 8.2 Landscape Plan.

#### **AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS**

9. A legible copy of the Development Approval, including the Approved and Amended Plans and Documents bearing Council's approved stamp must be available on the subject land for inspection at all times during earthworks and construction.

#### **COMMENCEMENT OF USE**

10. Submit to Council a Notice of Intention to Commence the Approved Use. The notice must:
  - 10.1 Be submitted to the Manager, Planning within a minimum of ten (10) business days prior to commencement of the approved use;
  - 10.2 Nominate the day the approved use is intended to commence; and
  - 10.3 Include evidence (i.e. copies of decision notice(s), photographic proof, and statement(s) of compliance with the conditions of this approval from suitably qualified persons) which demonstrates that all conditions of this approval have been complied with.

#### **DEDICATIONS, AGREEMENTS & CONTRIBUTIONS**

11. Prior to obtaining a Development Permit for Building Work for the Low Impact Industry Use approved by this Development Approval, conditions for Development Approval RAL/2022/5361/C for Reconfiguring a Lot must be completed and the Plan of Subdivision must be registered with the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development.

#### **WORKS**

#### **ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS**

12. Plans and specifications for all works associated with car parking, vehicular access, stormwater, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland – Civil (RPEQ).

13. A RPEQ must submit to Council a copy of the:
  - 13.1 Design Certificate prior to commencement of the works; and
  - 13.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
14. Any works that have been certified by an RPEQ must be carried out under the supervision of an RPEQ with all executed works being detailed on a Construction Supervision Certificate.
15. Where any condition refers to or requires an Engineer to perform a task or function, the Engineer must hold professional indemnity insurance to the value of \$2,000,000. A Certificate of Currency must be submitted to Council with any Design Certificate or Construction Supervision Certificate.

### **STORMWATER DRAINAGE**

16. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.
17. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the internal and any external stormwater infrastructure. The design and the construction of the works must be certified by a RPEQ – Civil.
18. As part of a Development Application for a Development Permit for Operational Work submit to Council for approval, a Detailed Stormwater Management Plan prepared by a Registered Professional Engineer Queensland – Civil (RPEQ) in accordance with the relevant standards in *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* (PSP No.2) demonstrating the following:
  - 18.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval.

### **STORMWATER DISCHARGE**

19. Stormwater from the new roofed and sealed areas must be picked up and discharged to a legal point of discharge in accordance with the development permit for the operational works.

*Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*
20. Design and construction of all internal stormwater drainage works must comply with applicable section of *Australian and New Zealand Standard AS/NZS 3500 – Plumbing and Drainage Code* and the *Queensland Urban Drainage Manual*.

### **BULK EARTHWORKS**

21. Where earthworks are not assessed as part of a Development Application for a Development Permit for Building Work, prior to the commencement of any earthworks on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council.

### **AIR QUALITY IMPACT MITIGATION**

22. 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 place or commercial place must not be released to the atmosphere during building and operational work.

23. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during building works do not exceed the following levels when measured at any sensitive place or commercial place:

23.1 Dust deposition of 133 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air – Determination of particulate matter – Deposited matter – Gravimetric method*.

## VIBRATION IMPACT

24. Construction activities and equipment that produce vibrations must not impact upon the amenity of commercial and residential receptors or cause impacts to the structural integrity of the existing buildings/improvements, including foundations, on adjoining or nearby properties.

25. The resulting Peak Particle Velocity (PPV) from construction activities must not exceed the upper limits for the building/activity and during the timeframes listed in **Table 1**.

**Table 1 - Human comfort vibration limits to minimise nuisance**

Building/Activity	Work Period	Resultant PPV (mm/s)	
		Lower Limit	Upper Limit
Dwellings	Standard Hours	1.0	2.0
	Non-standard hours – evening (6pm to 10pm)	0.3	1.0
	Non-standard hours – night (10pm to 7am)		
Medical / health buildings (wards, surgeries, operating theatres, consulting rooms)	All	0.3	1.0
Educational facilities (rooms designed for teaching purposes)	While in use		
Court of Law (Court Rooms)			
Court of Law (Court reporting and transcription areas, Judges' chambers)			
Community Buildings (libraries, places of worship)	While in use	1.0	2.0
Commercial (offices) and retail areas			

Source: Table 3.3.1.1(a) of TMR Transport Noise Management Code of Practice Volume 2 – Construction Noise and Vibration (Code of Practice – Construction)

26. Where considered warranted and when requested by Council in writing, a vibration impact investigation must be undertaken to determine what level of vibration impact is occurring. In such circumstances, a suitably qualified person must monitor, interpret and record all parameters in order to determine whether or not vibration impacts exceed those stated in **Table 1**. The results of the investigation must be provided to Council within 14 days of the request or a longer period if specified in any such request.

## CONSTRUCTION WASTE MANAGEMENT & STORAGE

27. Waste generated during demolition, excavation and construction must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

28. The on-site storage and disposal of demolition, excavation and construction waste (including the storage and disposal of night soil) must comply with the *Environmental Protection Regulation 2019*.

29. Fires are not to be lit to dispose of demolition or construction waste.
30. No demolition, excavation or construction waste is to be used as fill or buried on-site (with the exception of cut material recycled from the subject land and used on the subject land), or be used as fill or buried elsewhere, unless otherwise permitted:
  - 30.1 Elsewhere within this Development Approval;
  - 30.2 In accordance with an associated Development Permit for Operational Work;
  - 30.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
  - 30.4 In accordance with either a general or specific approval of a resource for beneficial use (otherwise known as a beneficial use approval) issued under the *Waste Reduction and Recycling Act 2011*; or
  - 30.5 In accordance with a written approval issued by Council under the *Environmental Protection Regulation 2019* relating to the depositing or disposal of general waste from a premises not serviced by Council.
31. Demolition, excavation and construction waste (including night soil) must not be placed or stored within the road reserve at any time.

#### **CONSTRUCTION NOISE IMPACT MITIGATION**

32. Building work (as per the definition of the *Environmental Protection Act 1994*) that creates audible noise must be confined to the hours of 6:30 AM and 6:30 PM Monday to Saturday (excluding Public Holidays) unless otherwise approved by Council in an endorsed Construction Environmental Management Plan.

#### **EROSION & SEDIMENT CONTROL**

33. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths and not within the road reserve at any time.
34. Measures such as sediment fences, earth berms, temporary drainage, temporary sediment basins, dewatering or stormwater filtering devices to prevent eroded material, sediment or sediment laden water from being transported to adjoining properties, roads or stormwater drainage systems must be provided.
35. Where erosion and sediment control measures have been damaged, fail or are inadequate and erosion or the release of sediment or sediment laden stormwater has occurred from the subject land or associated works, any resultant property or environmental damage or interference caused must be repaired or cleaned up within 24 hours or upon the direction of Council, at no cost to the affected parties.
36. All disturbed areas must be mulched or turfed as soon as possible during construction.
37. Measures such as vehicle baths, wash-down and construction matting together with dust suppressants and wraps, exposed ground and stockpile sprinkling must be put in place to minimise site vehicles tracking sediment onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction and, where applicable the ensuing 'on-maintenance' period.

## **DAMAGE TO SERVICES & ASSETS**

38. Protect Council and public utility services and assets during construction of the development.
39. Any damage caused to existing services and assets as a result of the development works must be repaired at no cost to the asset owner in accordance with the following timing:
- 39.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
- 39.2 Where otherwise, as soon as reasonably possible, but no later than completion of the works associated with the development or prior to the commencement of use, whichever is the earlier.
40. Any repair work which includes alteration to the alignment or the level of existing services and assets must first be referred to the relevant service authority for approval.
41. Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with Council's relevant policies and requirements at no cost to Council.

*Note: Council must be notified of any damage to water and sewer immediately on Ph: 131 872.*

## **SERVICES & UTILITIES**

### **WASTEWATER INFRASTRUCTURE (GENERAL)**

42. The development must be connected to Council's existing wastewater reticulation system in Robson Hursley Road at no cost to Council.

*Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*

*Note: The connection point to Council's wastewater reticulation system must be via a new maintenance hole located at the north-east of the development site, to be constructed under Operational Works associated with RAL/2022/5361/C.*

43. The design and construction of the wastewater works must be in accordance with Council's *Wastewater Infrastructure Policy 2.04*.
44. Any compensation or costs associated with obtaining agreement from owners or trustees of properties affected by the construction of the works must be at no cost to Council.
45. Any new connection to, or modification of Council's live wastewater infrastructure must be undertaken by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.

*Note: Please note any new connection or reconnection to a Council wastewater system requires a Form 1 Plumbing approval prior to house drainage being installed.*

*Note: To arrange for a private works quotation for the required works contact Council's Water and Wastewater Department on Ph: 131 872.*

### **WATER SUPPLY**

46. The development must be connected to Council's reticulated water supply in accordance with Council's *Water Infrastructure Policy 2.03* at no cost to Council.

*Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*

Note: The connection point to Council's existing reticulation system must be via the new DN water main extension from Rielly Street to Robson Hursley Road through the proposed new road, to be constructed under Operational Works associated with RAL/2022/5361/C.

47. All water main fittings, services and meters must be located 1.0m clear of the driveway footpath crossover unless otherwise approved in writing by Council. Any relocation of fittings clear of driveways must be undertaken by Council at no cost to Council.
48. Any works on Council's 'live' water supply must be carried out by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.
49. Any proposed driveway cross over must provide a minimum of 0.9m cover to Councils existing water main otherwise it must be replaced with D1CL material extending either side at a minimum distance of 1.0m past the driveway.
50. The developments internal firefighting system must be designed and constructed in accordance with Council's *Water Infrastructure Policy 2.03* and relevant Australian Standards at no cost to Council. If the internal firefighting system is proposed to connect to Council's reticulation system, the applicant must confirm compliant performance in the existing Council system prior to making a request for any fire service connections. All pressure and flow tests within Council infrastructure must be undertaken by Council at no cost to Council.
51. Where the development needs higher fire flows than stated in *Council Water Infrastructure Policy 2.03* for the relevant land zone, the Council water reticulation network must be sufficiently upgraded, or fire break tanks must be used within the property at no cost to Council.

## **TELECOMMUNICATION**

52. Install telecommunications infrastructure to service the development which complies with the following:
  - 52.1 The requirements of the *Telecommunications Act 1997 (Cth)*;
  - 52.2 For a fibre ready facility, the standard specifications current at the time of installation; and
  - 52.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.
53. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.
54. Provide to Council written evidence from all relevant service providers that the telecommunications infrastructure is installed in accordance with the conditions of this Development Approval and all applicable legislation at the time of construction.

Note: The *Telecommunications Act 1997 (Cth)* specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required. For further information visit [www.infrastructure.gov.au/tind](http://www.infrastructure.gov.au/tind).

Note: For telecommunication services, written evidence must be in the form of either a "Telecommunications Infrastructure Provisioning Confirmation" where such services are provided by Telstra, or a "Notice of Practical Completion", "Confirmation of Payment" or "Post Execution of Development" Letter where such services are provided by NBN Co.

## **ELECTRICITY**

55. An electricity supply must be made available to service the development. This supply must be in accordance with the relevant standards of the electricity distributor.

## **AMENITY & OPERATION OF USE**

### **VISUAL AMENITY**

56. Any graffiti deterrent building design elements and surface treatments are to be maintained at all times.
57. All buildings, structures and fences as well as the subject land must be maintained in a clean and tidy manner at all times.
58. All fixed mechanical plant must be contained within the building or visually screened to all street frontages, public viewing locations and adjoining premises.
59. Open storage areas, loading areas, bin storage areas and other unsightly areas, must be screened from view from all street frontages and public places.

### **ACCESS FOR PEOPLE WITH DISABILITIES**

60. Access must be provided for people with disabilities in accordance with *Australian Standard AS1428.1: Design for Access and Mobility* by means of an unimpeded continuous path of travel from any disabled access car parking bay, to the principal building entrance.

### **SAFETY, SECURITY & PUBLICLY ACCESSIBLE FACILITIES**

61. The development must be designed and constructed to enhance community safety by ensuring:
- 61.1 Vandal proof fittings, fixtures and materials which are hardy and not easily removable are used in the construction and finishing of the development; and
  - 61.2 Ground level windows use toughened glass, screens or other protective measures to deter unlawful entry to the development.
62. The development and hard landscaping must not comprise of highly reflective materials that create slippery or otherwise hazardous conditions.
63. Safety and security lighting must be provided to the following areas of the subject land:
- 63.1 All entries and exits of buildings;
  - 63.2 All pathways linking car parking areas to the entrances and exits of buildings; and
  - 63.3 Throughout car parking areas.
64. Safety and security lighting must be designed, sited, and installed in accordance with *Australian Standard AS 1158.3.1 – Road Lighting - Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements*.
- Note: All lighting provided for safety and security purposes must also consider its impact on surrounding land uses and in accordance with the Outdoor Lighting Impact Mitigation Conditions must be designed, sited, installed and tested to comply with Australian Standard AS4282-2023 Control of the obtrusive effects of outdoor lighting.*
65. Pedestrian routes between car parking areas and buildings must be clearly signed and marked.

66. Parking spaces must be available for use by employees and visitors during the approved hours of operation for the business.

## **TRANSPORT, VEHICULAR ACCESS & PARKING**

### **ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY**

67. All works carried out on or near roadways must be adequately signed in accordance with the *Manual for Uniform Traffic Control Devices – Part 3, Works on Roads*.

*Note: Road or lane closures require approval from Council's Principal Engineer Road Operations, and all conditions of that approval complied with during construction of the works.*

68. Safe pedestrian access along Council's footpaths must be maintained at all times.

*Note: Should access to footpaths need to be restricted, a separate 'Temporary road or footpath closure' must be obtained from Council's Principal Engineer Road Operations, prior to the commencement of the works.*

### **PROVISION OF VEHICULAR ACCESS**

69. The vehicle accesses must be sealed from the kerb and channel to the property boundary. The accesses must be designed by a Registered Professional Engineer Queensland (RPEQ) – Civil and must include the provision of adequate access width and flares to suit the proposed entry and exit manoeuvres. Such works must be constructed generally in accordance with the requirements identified below:

- 69.1 The vehicle accesses must be located as shown on the Approved Plans listed within this Development Approval;
- 69.2 The vehicle accesses (crossing the verge) must be constructed generally in accordance with the Institute of Public Works Engineering Australasia *Drawing RSD-102 Heavy Duty Vehicle Crossing*, and in accordance with *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*;
- 69.3 Suitable safety measures, including warning signage, must be installed to improve driver awareness of pedestrians and enhance pedestrian safety. Warning signage must be provided near the entries, exits, and exit ramps to warn motorists of pedestrian movement along the new road;
- 69.4 The vehicle accesses (crossing of the verge) must align neatly on both sides with the pedestrian footpath and verge with a maximum cross fall of 2.5%. Where there is an existing pedestrian path, the existing footpath in the vicinity of the driveway must be saw cut, removed and replaced by the driveway crossover. The driveway is to be graded at not steeper than 2.5% for the width of the footpath;
- 69.5 The vehicle accesses (crossing of the verge) must be located a minimum of one (1) metre clear of existing power poles, streetlights or any signage;
- 69.6 The relocation of all existing services must be clear of the accesses that will serve the subject land; and
- 69.7 The relevant service authorities must be contacted and their requirements complied with;

70. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the vehicular accesses in accordance with the approved plans and documents of this Development Approval.

#### **ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING**

71. The premises must be provided with a minimum of six (6) on-site car parking spaces inclusive of one (1) PWD car parking space, together with standing and manoeuvring for Articulated service vehicles. Car parking and manoeuvring areas must be:
- 71.1 Constructed generally as shown on the Approved Plans listed within this Development Approval;
  - 71.2 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*;
  - 71.3 Designed and constructed in accordance with the requirements of AS2890;
  - 71.4 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;
  - 71.5 Accessible and available to the general public and staff during approved hours of operation;
  - 71.6 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the subject land;
  - 71.7 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring; and
  - 71.8 Designed to enable all vehicles to enter and leave the subject land in a forward gear.

#### **ENVIRONMENT & WASTE**

##### **ACOUSTIC AMENITY - GENERAL**

72. Unless otherwise approved in writing by Council or within an endorsed Site Based Management Plan, the approved use must not operate outside the hours of 7:00 PM to 10:00 PM Monday to Saturday.
73. Unless other approved by Council, service vehicle movements associated with the approved use (including loading and unloading) must occur only between the hours of 7:00 PM to 10:00 PM.
- Note: Service vehicles do not include waste collection vehicles or activities.*
74. The use must not operate on public holidays.
75. Drainage grating over trafficable areas must be well secured and maintained to prevent rattling.
76. Driveway areas are to be finished with a surface which prevent tyre squeal. An uncoated surface is acceptable.

### **ACOUSTIC AMENITY - NOISE LIMITS**

77. 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.
78. 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*.

*Note: Before investigation by the operator is required, Council completes its own consultation and preliminary investigation to confirm if a complaint is valid.*

### **ACOUSTIC AMENITY - MECHANICAL PLANT**

79. 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*.
80. Any fixed mechanical plant that causes either tonal ( $L_{eq}$ ) sound (e.g. from basement car-park or kitchen exhaust, air conditioning unit or pool filtration unit), or impulse ( $L_{max}$ ) sound, must be enclosed, shielded or positioned to ensure that noise emissions do not exceed the following noise limits when measured at any sensitive place or commercial place:
- 80.1 Before 7.00AM, if it makes a noise of more than 3dB(A) above the background noise level ( $L_{90}$ ); or
- 80.2 From 7.00AM to 10.00PM, if it makes a noise of more than 5dB(A) above the background noise level ( $L_{90}$ ); or
- 80.3 After 10.00PM, if it makes a noise of more than 3dB(A) above the background noise level ( $L_{90}$ ).

### **AIR QUALITY & AMENITY - AIR RELEASE LIMITS**

81. 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.

### **AIR QUALITY & AMENITY - AIR RELEASE LIMITS (DUST AND PARTICULATE MATTER)**

82. All reasonable and feasible avoidance and mitigation measures are employed so that dust and particulate matter emissions generated from activity associated with the use of the subject land do not exceed the following levels when measured at any sensitive place or commercial place:
- 82.1 Dust deposition of 133 milligrams per square metre per day averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1: Methods for sampling and analysis of ambient air – Determination of particulate matter – Deposited matter – Gravimetric method*; and

- 82.2 A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometres (PM<sub>10</sub>) suspended in the atmosphere of 50 micrograms per cubic metre over a 24-hour averaging time, for no more than 5 exceedances recorded each year, when monitored in accordance with the most recent version of either:
- i) *Australian Standard AS3580.9.6: Methods for sampling and analysis of ambient air—Determination of suspended particulate matter – PM<sub>10</sub> high volume sampler with size-selective inlet – Gravimetric method; or*
  - ii) *Australian Standard AS3580.9.9: Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – PM<sub>10</sub> low volume sampler - Gravimetric method.*
83. All areas of the site shown as 'Proposed Sealed Pavement' on the Approved Plans must be imperviously sealed.
84. 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.

#### **OUTDOOR LIGHTING IMPACT MITIGATION**

85. Outdoor lighting associated with the use must be designed, sited, and installed to comply with the relevant parameters of *Australian Standard AS4282-2023 Control of the obtrusive effects of outdoor lighting*.
86. 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).
87. 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.

*Note: Before investigation by the operator is required, Council completes its own consultation and preliminary investigation to confirm if a complaint is valid.*

#### **STORMWATER QUALITY**

88. Contaminants or contaminated water must not be directly or indirectly released from the subject land or to the ground or groundwater at the subject land at any time except:
- 88.1 Following treatment using an appropriate stormwater quality improvement device (SQID) as uncontaminated overland stormwater flow;
  - 88.2 Following treatment using an appropriate stormwater quality improvement device (SQID) as uncontaminated stormwater to the stormwater system; and
  - 88.3 Contaminants released to the wastewater system under and in accordance with a trade waste permit issued by Council under the *Water Supply (Safety and Reliability) Act 2008*.

### **WASTE MANAGEMENT (GENERAL)**

89. 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*.

### **WASTE MANAGEMENT (BIN PROVISION & STORAGE)**

90. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
- 90.1 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;
  - 90.2 Provision of a constructed bulk bin store with an impervious hardstand base for the permanent storage location and service collection of all bulk bins, having minimum dimensions which exceed the combined size of bins by at least 300mm at the rear and both sides and 600mm at the front and no closer than 2m to any fresh air intake of a habitable room;
  - 90.3 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built structure, enclosure or solid screen fencing;
  - 90.4 Provision of a grassed or landscaped area within the development site that is at least twice the size of the bin store and adjacent to a tap for the washing of bins; and
  - 90.5 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.

### **WASTE MANAGEMENT (REMOVAL)**

91. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
- 91.1 Collection by a refuse vehicle from within the site only, and not from the kerbside;
  - 91.2 Bins must be located in a manner that allows the refuse vehicle to pick them up automatically without the driver having to relocate them;
  - 91.3 General waste must be collected and removed at periods not exceeding seven (7) days;
  - 91.4 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal;
  - 91.5 Waste removal must not occur outside the hours of 6:00 AM to 6:00 PM; and
  - 91.6 The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.

### **STORAGE OF LIQUID CHEMICALS**

92. All liquid chemicals (including flammable liquids, agricultural and veterinary chemicals, waste oil, acid and lube oil) must be stored within dedicated impervious secondary containment stores, structures or devices and in a manner that complies with *Australian Standards AS1940 – The storage and handling of flammable and combustible liquids* and *AS 2507 – The storage and Handling of Agricultural and Veterinary Chemicals*.

## **SITE BASED ENVIRONMENTAL MANAGEMENT PLAN**

93. Prior to a Low Impact Industry or motor vehicle workshop use commencing within a tenancy, submit to Council for endorsement a Site Based Environmental Management Plan prepared by a qualified person that, at a minimum, includes the following:
- 93.1 Location of the site, including physical address, lot on plan and relevant scaled maps;
  - 93.2 Description of the site (infrastructure and features on or near the site and those requiring protection);
  - 93.3 Contact details and responsibilities for site representatives;
  - 93.4 Description of activities to be conducted on site and other relevant supporting information including:
    - Location of activity areas;
    - Employee, patron and vehicle numbers;
    - Operating hours;
    - Activity descriptions including plants and equipment to be used on site; and
    - When relevant, prohibited activities and prohibited areas;
  - 93.5 Site Plans clearly showing where proposed activities will occur, along with adequate notes for proposed environmental management measures that will be built into the site;
  - 93.6 Strategies to manage environmental impact:
    - Air Quality and Dust Management;
    - Noise Impact Management;
    - Water Quality;
    - Waste Management;
    - Lighting Management;
    - Hydrocarbon, Chemical and Dangerous Goods Management; and
    - Any other relevant topics;
  - 93.7 Complaints management procedure, including processes for recording details of and addressing complaints;
  - 93.8 Emergency response procedures; and
  - 93.9 Document Control and review procedures – internal review every 2 years or following any significant change or incident on site.
94. A separate Site Based Environmental Management Plan must be submitted and endorsed for each tenancy where a Low Impact Industry or Motor Vehicle Workshop use will occur.
95. The Site Based Environmental Management Plan must receive endorsement by Council prior to a Low Impact Industry use commencing.

96. The endorsed Site Based Environmental Management Plans must be implemented, maintained and modified where necessary to maintain compliance with the requirements of this Development Approval at all times.
97. Unless approved within an endorsed Site Based Environmental Management Plan, no spray painting (other than minor touch ups) is to be conducted at the premises.

## **LANDSCAPING**

### **LANDSCAPE PLAN**

98. Prior to the commencement of any works on site or the issue of a Development Permit for Operational Work or Building Work (whichever occurs first), submit to Council for endorsement a Landscape Plan prepared by a suitably qualified person (Landscape Architect or Landscape Designer) prepared generally in accordance with *Toowoomba Regional Council's Landscape Work Information Sheet 006* and the conditions of this Development Approval, including the landscaping shown on all Approved Plans listed in this Development Approval, that details in particular:
  - 98.1 Location and species of existing site vegetation to be removed and/or retained in accordance with this Development Approval, including adjacent street trees to be retained and/or removed;
  - 98.2 A detailed Planting Plan and Schedule that include species, stock sizes and quantities and the location;
  - 98.3 The typical planting detail including soil preparation, backfill, staking, mulching, irrigation, drainage and maintenance;
  - 98.4 Dimensions of all planting areas, type and location, taking into account orientation, shading and wind direction;
  - 98.5 All landscape planting must be contained within the property boundary, unless otherwise agreed with Council;
  - 98.6 Sightlines at entrance points (pedestrian and vehicle) must be maintained using tree stock with a minimum 1.8 metre high clean trunk;
  - 98.7 Location, height and finish of fencing fronting public land, verges and open space; and screening of communal bin stores including vegetative screening or landscape buffer planting where required; and
  - 98.8 Construction details of proposed surfaces, surface level changes and structures, must be wholly contained within the property boundary;

### **LANDSCAPING WORKS**

99. The development must be landscaped in accordance with the conditions of this Development Approval and the requirements listed in the Landscaping Code contained within the *Toowoomba Regional Planning Scheme 2012* in a manner that:
  - 99.1 Maximises the retention of existing site vegetation including street trees fronting the site that positively contribute to the site character and local area;
  - 99.2 Maintains or increases tree canopy cover;
  - 99.3 Maximises the extent of new site vegetation to define boundaries, create shade and contribute to the site character;

- 99.4 Plant species selection are to be characteristic of the local area and climate, and provide seasonal variation, colour and texture;
- 99.5 Provides irrigation or a water source to all planted areas; and
- 99.6 Where planting areas are intended to serve a stormwater function, sub soil drainage is installed and connected to the main system and soils and plant species are suited to the purpose.
100. All landscape works must be installed and established by a suitably qualified person (Landscape Architect, Horticulturalist or equivalent) that ensures healthy, sustained and vigorous plant growth. Where required plant material should be replaced or enhanced to ensure growth to full form and coverage of all dedicated landscape areas. Landscape planting is to be retained and maintained for the life of the development in accordance with the conditions of this Development Approval.
101. Certification must be submitted to Council from a suitably qualified person (Landscape Architect or Landscape Designer) that certifies landscaping works comply with the requirements of this Development Approval.

## **B. ADVICES:**

### **GENERAL ADVICES**

#### **SUBMISSION OF PLANS FOR ENDORSEMENT**

- 1) The conditions of this Development Approval require submission of plans and documents to Council for endorsement. Please address the plans and documents for endorsement to Council's Planning Branch with the Reference No. MCUI/2025/305 and send to [development@tr.qld.gov.au](mailto:development@tr.qld.gov.au).

#### **INFRASTRUCTURE CHARGES**

- 2) Infrastructure charges are levied by way of an Infrastructure Charges Notice, issued pursuant to Section 119 of the *Planning Act 2016*.

#### **OTHER LAWS & REQUIREMENTS**

- 3) This Development Approval relates to development requiring approval under the *Planning Act 2016* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
- 4) Carrying out works on a road or interfering with the road or its operation will require a permit under *Subordinate Local Law No. 1.15 (2020)*. The application form can be found on Council's website at [www.tr.qld.gov.au](http://www.tr.qld.gov.au). For further information contact the Road Operations Branch through Council's Customer Service Centre on Ph: 131 872.
- 5) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme 2012*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or the *Queensland Development Code*.

#### **WHEN APPROVAL STARTS TO HAVE EFFECT**

- 6) This Development Approval starts to have effect in accordance with the provisions of Section 71 of the *Planning Act 2016*.

## WHEN APPROVAL LAPSES

- 7) This Development Approval will lapse in accordance with the provisions contained in Sections 85 and 88 of the *Planning Act 2016*, unless otherwise stated elsewhere within this Development Approval.

## EXCAVATION & FILLING

- 8) The *Toowoomba Regional Planning Scheme 2012* (TRPS) declares excavation and filling activity involving less than 50m<sup>3</sup> of material and excavation and filling activity to a depth or height lower than 1m to be accepted development. Any combination of excavation or filling where 50m<sup>3</sup> or more of fill is deposited on, or 50m<sup>3</sup> or more of excavated material is removed from the premises and excavation or filling is not associated with 'Building Work' as defined under the *Planning Act 2016*, must obtain an Operational Work approval from Council before commencing site works.

## EQUITABLE ACCESS & FACILITIES

- 9) The plans for the proposed building work have NOT been assessed for compliance with the requirements of the *National Construction Code – Building Code of Australia (Volume 1)* as they relate to people with disabilities.

In addition to the requirements of the National Construction Code as they relate to people with disabilities, one or more of the following may impact on the proposed building work:

- 9.1 The *Disability Discrimination Act 1992* (Cth);  
9.2 The *Anti-Discrimination Act 1991* (Qld); and  
9.3 The *Disability (Access to Premises - Buildings) Standards*.

## ENVIRONMENTAL HARM

- 10) The *Environmental Protection Act 1994* (EP Act) states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.

Environmental harm includes environmental nuisance. In this regard persons and entities involved in the civil, earthworks, construction and operational phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the EP Act as any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Administering Authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

## ENVIRONMENTALLY RELEVANT ACTIVITIES

- 11) Should the premises, or any part of the premises, be used for an "Environmentally Relevant Activity" as defined under Schedule 2 the *Environmental Protection Regulation 2019*, separate approval is required by the relevant Administering Authority in accordance with the *Environmental Protection Act 1994* and where applicable the *Planning Act 2016* before such use commences.

## **WATER POLLUTION**

- 12) In accordance with the *Environmental Protection Act 1994*, all sand, silt, mud, paint, cement, concrete, construction material and demolition material, and other such waste material must not be deposited or placed where it could reasonably be expected to travel into a roadside gutter, stormwater drain or watercourse. On the spot fines apply for such offences.

## **ABORIGINAL CULTURAL HERITAGE ACT 2003**

- 13) There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003* ("ACH Act").

The ACH Act establishes a cultural heritage duty of care which provides that: "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage." It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the ACH Act may also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) Cultural Heritage Unit on 07 3247 6212 to discuss any obligations under the ACH Act.

## **FIRE ANTS**

- 14) The State of Queensland has been declared a quarantine area for the Red Imported Fire Ant. Should this approval involve the movement of restricted items from areas of known infestation the provisions of the *Biosecurity Act 2014* apply, compliance with statutory provisions must be achieved.

## **ADVERTISING SIGNS**

- 15) Placing an advertising device on premises is accepted development where complying with the assessment benchmarks that form the requirements for accepted development in the Advertising Devices Code in the *Toowoomba Regional Planning Scheme 2012*. A separate Operational Work approval will be required for any Advertising Devices not complying with the assessment benchmarks that form the requirements for accepted development in the Advertising Devices Code.

## **BUILDING OVER, OR NEAR, COUNCIL INFRASTRUCTURE**

- 16) Any construction carried out near or over existing Council services should be in accordance with Council's adopted Policy (*Queensland Development Code NMP 1.4 – Excavation and Piling Near Sewers, Stormwater Drains and Water Mains*) and Council's Planning Scheme Policy SC6.3 PSP No. 3– *Water and Wastewater Infrastructure*. A Concurrence Agency referral of the Building Work Application to Council's Water and Wastewater Services Branch may be required.

## **SUITABLY QUALIFIED PERSON**

- 17) For the purpose of preparing a Landscape Plan, a suitably qualified person is considered to be a Registered Landscape Architect or Landscape Designer with a minimum of five (5) years current experience in the field of landscape design

## **C. ATTACHMENTS:**

- Approved Development Plans
- 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—
- 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—
- (a) the adopted charge itself; or
- (b) 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—
- (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—
- 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.