

Our Reference: RAL/2025/7762  
Officer: Alice Ssu-Chieh Pai  
Contact: 07 4688 6455  
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**Development Application Decision Notice**  
**APPROVAL**

*Planning Act 2016 Section 63*

Gary Hayes & Partners Pty Ltd  
PO Box 656  
WARWICK QLD 4370

Email: [info@ghpsurveyors.com](mailto:info@ghpsurveyors.com)

25 March 2026

Dear Sir/Madam

**Location:** 61 Coupe Road, SANDY CAMP QLD 4361  
**Property Description:** Lot 115 & Lot 117 AG594  
**Relevant Planning Scheme:** *Toowoomba Regional Planning Scheme 2012*

The Development Application for Reconfiguring a Lot - Impact - Boundary Realignment Two (2) into Two (2) Lots, 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 19 March 2026. The following provides all the relevant details:

**Details of Approval**

Development Permit – Reconfiguring a Lot - Impact - Boundary Realignment Two (2) into Two (2) Lots

**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)(b)(ii) of the *Planning Act 2016* (Qld), this Development Approval lapses if a plan for the reconfiguration is not given to Council in accordance with the *Land Title Act 1994* (Qld) within four (4) years of this Development Approval starting to have effect.

**Submissions**

No submissions were received by the Assessment Manager opposing or supporting the development.

**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



Krys den Hertog  
Principal Planner, Planning Branch



# TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

## SCHEDULE 1

### DEVELOPMENT PERMIT FOR RECONFIGURING A LOT

<b>APPLICATION NUMBER:</b>	RAL/2025/7762
<b>APPLICANT:</b>	Gary Hayes & Partners Pty Ltd
<b>LOCATION:</b>	61 Coupe Road, SANDY CAMP QLD 4361
<b>PROPERTY DESCRIPTION:</b>	Lot 115 & Lot 117 AG594
<b>APPROVED USE:</b>	Boundary Realignment Two (2) into Two (2) Lots
<b>ZONING / PRECINCT:</b>	Rural Zone / 100ha minimum Precinct

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

##### PLANNING

##### APPROVED DEVELOPMENT

1. This Development Approval is for Reconfiguring a Lot, being the boundary realignment of Two (2) Lots into Two (2) lots.

##### CARRY OUT AND MAINTAIN DEVELOPMENT

2. 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 have not been varied by this Development Approval.
3. Unless otherwise stated, all conditions must be complied with prior to Council's approval of the Plan of Subdivision prior to registration with the Department of Resources.
4. 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

5. The development must be carried out generally in accordance with the Approved Plan listed below, subject to the conditions of this Development Approval

**Plan No:** Drawing Number W6435-01

**Description:** Proposed Lots 3 & 4, prepared by Gary Hayes & Partners Pty Ltd, dated 23 June 2025

**Amendments:** Nil

##### LOT NUMBERING

6. The numbering of all approved lots must remain as indicated on the Approved Plan (unless otherwise amended/approved by Council).

## **COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS**

7. Prepare and submit for Council's approval a Plan of Subdivision in accordance with Schedule 18 of the *Planning Regulation 2017*. For the purposes of Section (4) of Schedule 18, the stated date by which the request must be made is the Currency period of this approval.

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

8. 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 subdivision earthworks and construction.

## **DEDICATIONS, AGREEMENT AND CONTRIBUTIONS**

### **FEES AND CHARGES**

9. All current and outstanding fees, rates, interest and other charges levied on the property, must be paid in accordance with the rate at the time of payment prior to Council's approval of the Plan of Subdivision.

## **WORKS**

### **STORMWATER DRAINAGE**

10. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.

## **LANDSCAPE & ECOLOGY**

### **REMOVAL OF EXISTING TREES AND VEGETATION**

11. Clearing, including felling, pushing, lopping and grubbing of existing trees and vegetation not identified for retention must be undertaken by a suitably qualified person and must:
  - 11.1 Retain old growth tree hollows and suitably relocate and distribute for nesting fauna;
  - 11.2 Mulch all other wood and leaf material (without root balls, soil or debris and minimising weed seeds) for re-usable mulch;
  - 11.3 Have mulch for re-use in landscape or rehabilitation stockpiled and aged for a minimum of three months;
  - 11.4 Have mulch stockpiles no larger than 1000m<sup>3</sup>, 2.5m in height and with 10m separation between piles.
  - 11.5 Allow for existing endemic ground flora to be translocated to suitable landscaping and rehabilitation areas; and
  - 11.6 Conclude with the area being stabilised against erosion and vegetated.
12. Any processing of trees or vegetation must be carried out in a safe manner and without exceeding the noise and air emission levels listed or prescribed in this Development Approval.

### **FAUNA MANAGEMENT DURING REMOVAL OF EXISTING TREES AND VEGETATION**

13. A legislative compliant Fauna Spotter Catcher must be engaged to manage fauna prior and during clearing to:
  - 13.1 Ensure works are carried out in accordance with (the *Nature Conservation Act 1992*).
  - 13.2 Undertake pre-clearing inspections including fauna relocation and removal or blocking of all vacant hollows;
  - 13.3 Ensure clearing works avoids nesting times of animals and birds;
  - 13.4 Provide a written report to Council prior to the commencement of clearing works detailing pre-clearing activities and initiatives;
  - 13.5 Co-ordinate staging and sequence of clearing with fauna protection;
  - 13.6 Protect and recover fauna during clearing operations (not previously removed);
  - 13.7 Manage the translocation of animals and recovery procedures in accordance with relevant legislation; and
  - 13.8 Undertake protection works for mulching of any stockpiled vegetation.

### **ECOLOGICAL PRESERVATION - FAUNA MANAGEMENT**

14. Vegetation is only to be cleared along the new boundary as shown on the approved plan listed within the Development Approval.
15. Any proposed new fencing to delineate boundary alignments must be constructed to allow for the movement of fauna. Such fencing must:
  - 15.1 allow adequate clearance at ground level for macropods;
  - 15.2 not include any use of barbed wire or similar materials;
  - 15.3 provide regular opportunities for passage over and through; and
  - 15.4 be agreed by Council.

### **BUSHFIRE MANAGEMENT - FUTURE DWELLING REQUIREMENTS**

*Note: Conditions 16 to 19 apply for future dwellings subject to bushfire hazard. These conditions do not need to be complied with prior to plan sealing or titles registration.*

16. All future dwellings on bushfire prone lots must be provided with a water storage reservoir having a minimum 10,000 litres of water for emergency firefighting purposes. Such storage must be provided in addition to the water supply capacity required for domestic use and must be provided in the form of either a dam, swimming pool, or rainwater tank located within 40m of the dwelling.
17. Where water storage is provided by way of rainwater tank, separate water storage for firefighting purposes must be provided either in a separate water tank or a reserve section in the main water supply tank on which:
  - 17.1 The domestic take off from the tank is at or above the 10,000 litre point; and
  - 17.2 Standard rural fire brigade fittings (a 50mm male camlock coupling and ball valve) are fitted to the tank outlet for access by four wheel drive rural services vehicles.

18. The water storage reservoir must be provided with a water delivery mechanism that will function during an emergency event (such as an electric pump with auxiliary power supply or a petrol driven firefighting pump) and hose of sufficient length to easily reach around to all sides of the dwelling.
19. A hard stand area within 6m of the water storage reservoir must be provided to ensure accessibility for fire fighting vehicles.

## **B. ADVICES:**

### **GENERAL ADVICES**

#### **INFRASTRUCTURE CHARGES**

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

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

- 2) 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.
- 3) Any works impacting outside the property boundary will require a permit under Subordinate Local Law No. 1.15 (2020) (Carrying Out Works on a Road or Interfering with a Road or its Operation). Please contact Council's Road Operations Branch through our Customer Service Centre on 131 872. The application can be found on Council's website at [www.tr.qld.gov.au](http://www.tr.qld.gov.au).
- 4) 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**

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

#### **WHEN APPROVAL LAPSES**

- 6) 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**

- 7) 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.

## **CLEARING OF NATIVE VEGETATION**

- 8) The subject land supports regulated vegetation under the *Vegetation Management Act 1999* (VM Act). The clearing of regulated vegetation can only be undertaken where associated with exempt clearing activities established under the VM Act. For further information regarding exempt clearing activities please contact your local office of the Department of Resources.

## **BUSHFIRE BUILDING STANDARD**

- 9) This Development Approval has not considered any building assessment provisions under the *Building Code of Australia*. Subject site is identified in the *Toowoomba Regional Planning Scheme 2012* as bushfire prone and the bushfire provisions of the *Building Code of Australia* will need to be considered for any building work being undertaken the subject land.

## **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.

## **WATER POLLUTION**

- 11) 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.

## **FIRE ANTS**

- 12) 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.

## **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—
- (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—
- 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.