

Our Reference: MCUI/2017/6050/I  
CS Portal Reference: N/A  
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**Negotiated Decision Notice**  
**APPROVAL**  
*Planning Act 2016 Section 76*

Min-Chieh Wang  
C/- Alpha Planning Applications  
PO Box 764  
TOOWOOMBA CITY QLD 4350

Email: [andrew@alphaplanning.com.au](mailto:andrew@alphaplanning.com.au)

8 June 2026

Dear Sir/Madam

**Location:** 125 Kudo-Silverleigh Road, GOOMBUNGEE QLD 4354  
**Property Description:** Lot 2 RP50559  
**Relevant Planning Scheme:** *Toowoomba Regional Planning Scheme 2012*

Council received your change representations under section 75 of the *Planning Act 2016* on 2 April 2026. A decision was made on 1 June 2026 to issue a Negotiated Decision Notice. This Negotiated Decision Notice replaces the Decision Notice previously issued and dated 9 February 2026.

#### Nature of Changes

All deletions are identified by **bolded strikethrough** of text in the attached Schedule/s.

All additions are identified by **bolded** text in the attached Schedule/s.

#### Details of Approval

Development Permit – Material Change of Use – Impact – Rooming Accommodation and Food & Drink Outlet

#### Referral Agencies

Concurrence Agencies Name & Address: N/A

Advice Agencies Name & Address: N/A

#### Conditions, Advices and Notices

Assessment Manager's Conditions: As per attached Schedule 1

#### 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 Works
- Plumbing and Drainage Works
- Operational Works

### Further Plans/Documents for Endorsement

The following documents/plans require Endorsement:

- Landscape Plan

### Variation Approval

Not Applicable

### Submissions

There were four (4) properly made submissions for this application.

### 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 via:

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

Yours faithfully



Kasey McKillop  
Lead Senior Planner, Planning Branch

## SCHEDULE 1

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

<b>APPLICATION NUMBER:</b>	MCUI/2017/6050/1
<b>APPLICANT:</b>	Min-Chieh Wang
<b>LOCATION:</b>	125 Kudo-Silverleigh Road, GOOMBUNGEE QLD 4354
<b>PROPERTY DESCRIPTION:</b>	Lot 2 RP50559
<b>DECISION DATE:</b>	1 June 2026
<b>APPROVED USE:</b>	Rooming Accommodation and Food and Drink Outlet
<b>ZONING / PRECINCT:</b>	Rural Zone / 100-hectare minimum Precinct

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

##### PLANNING

##### APPROVED USE

1. This development Approval is for material change of use for:
  - 1.1 Rooming Accommodation for ~~eight (8) six (6)~~ Thirty (30) bedrooms;
  - 1.2 Maximum of ~~one two~~ guests per room, ~~eight (8) twelve (12)~~ sixty (60) guests in total; ~~and~~
  - 1.3 Guest can stay for a maximum of 3 months at a time; and
  - 1.4 Food and Drink Outlet accommodating a maximum of 102 persons at any one time.

- 1A. **Guests of the Rooming Accommodation must be transported to and from the development by Minibus/Van in accordance with the endorsed transport mode share in the approved Traffic Impact Statement listed within this Development Approval.**

**Note:** *This condition is imposed to support reduced road construction standards for Gordon Smith Road due to limited vehicle movements associated with a Monastery.*

**Note:** *A change application may be required where seeking to alter the endorsed transport mode split.*

##### CARRY OUT & 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 are not varied by this Development Approval.
3. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.

4. 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 Works approval.
5. 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

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

**Plan No.:** 240205, AA05-074, Rev E-I  
**Description:** Overall Site Plan, prepared by Aspect and dated ~~17 May 2024~~ ~~20 November 2024~~ 21 August 2025.  
**Amendments:** Nil

**Plan No.:** ~~14689-DA01, Revision 1~~ 14689-A101 Amend ~~1 2 3~~ 22-0617, Rev E 240205, AA05-08 2, Revision D-H F.  
**Description:** Enlarged Site Plan, ~~Sheet 1 of 5~~, prepared by ~~Leroy Palmer Consulting Engineers Pty Ltd~~ Aspect and dated ~~15 October 2017~~ ~~7 July 2020~~ ~~2 December 2020~~ 4 March 2021 ~~9 November 2022~~ ~~17 May 2024~~ ~~20 November 2024~~ 21 August 2025.  
**Amendments:** ~~As notated in RED~~ Nil

**Plan No.:** 240205, AA05-095, Revision D G  
**Description:** Enlarged Car Parking Plan, prepared by Aspect and dated ~~20 November 2024~~ 20 August 2025.  
**Amendments:** ~~As notated in RED~~ Nil

~~Plan No.:~~ ~~14689-DA02, Revision 2~~  
~~Description:~~ ~~Floor Plan, Sheet 2 of 5, prepared by Leroy Palmer Consulting Engineers Pty Ltd and dated 19 October 2017~~  
~~Amendments:~~ Nil

**Plan No.:** 14689-A02, Amend G J K  
**Description:** Floor Plan Accommodation Building, prepared by Leroy Palmer Consulting Engineers Pty Ltd and dated ~~25 October 2019~~ ~~4 June 2020~~ 30 November 2020  
**Amendments:** Nil

**Plan No.:** ~~14689-A102, Amend 3 8 9~~ 22-0617, Rev D 240205, B10-01, Revision F  
**Description:** Floor Plan Concept – Dining Hall Fitout ~~Proposed Floor Plan Kitchen/Dining~~, prepared by ~~Leroy Palmer Consulting Engineers Pty Ltd~~ Aspect and dated ~~7 July 2020~~ ~~4 December 2020~~ ~~4 March 2021~~ ~~10 October 2022~~ 17 May 2024  
**Amendments:** Nil

**Plan No.:** ~~14689-DA03, Revision 2~~ 14689-A03 Amend D E  
**Description:** Building Elevations Accommodation Building, ~~Sheet 3 of 5~~, prepared by Leroy Palmer Consulting Engineers Pty Ltd and dated ~~19 October 2017~~ ~~4 June 2020~~ 30 November 2020  
**Amendments:** Nil

**Plan No.:** ~~14689-A103, Amend 3-5-7-22-0617~~ A40-01, Rev D K  
**Description:** ~~Building Proposed Elevations – Outdoor Kitchen & Food and Drink Outlet Building and 3D Views Kitchen/Dining, prepared by Leroy Palmer Consulting Engineers Pty Ltd Aspect and dated 7 July 2020 30 November 2020 4 March 2021 10 October 2022-20 March 2023~~

**Amendments:** Nil

**Plan No.:** 14689-DA05, Revision 1  
**Description:** Typical Section Accommodation Building ~~Floor Plan, Sheet 5 of 5~~, prepared by Leroy Palmer Consulting engineers Pty Ltd and dated 16 October 2017

**Amendments:** Nil

~~Plan No.:~~ ~~14689-A201, Amend 2~~  
~~Description:~~ ~~Carport Roof, Floor Plan, and Elevations prepared by Leroy Palmer Consulting Engineers Pty Ltd and dated 4 March 2021~~

~~Amendments:~~ Nil

**Plan No:** 240205, C10-01, Revision ~~C I~~  
**Description:** Concept Plan – Ground Floor Plan – Proposed Enclosed Activities Building, prepared by Aspect and dated ~~15 November 2024~~ 22 May 2025.

**Amendments:** ~~As notated in RED~~ Nil

**Plan No:** 240205, C10-04, Revision ~~C I~~  
**Description:** Concept Plan - Elevations – Proposed Enclosed Activities Building, prepared by Aspect and dated ~~15 November 2024~~ 22 May 2025.

**Amendments:** ~~As notated in RED~~ Nil

**Plan No:** 240205, C10-05, Revision ~~C I~~  
**Description:** Concept Plan - Elevations – Proposed Enclosed Activities Building, prepared by Aspect and dated ~~15 November 2024~~ 22 May 2025.

**Amendments:** ~~As notated in RED~~ Nil

**Plan No:** PST1 – 1101, Revision B  
**Description:** PVC Single Bay Car Park Type 1, prepared by MakMax Australia and dated 4 November 2021

**Amendments:** Nil

**Plan No:** 240205, A05-06, Revision C  
**Description:** Proposed Accommodation Plan, prepared by Aspect and dated 13 February 2025.

**Amendments:** Nil

**Plan No:** 240205, A10-01A, Revision D  
**Description:** Floor Plan – BLDG A, prepared by Aspect and dated 13 February 2025.

**Amendments:** Nil

**Plan No:** 240205, A10-01B, Revision D  
**Description:** Floor Plan – BLDG B, prepared by Aspect and dated 13 February 2025.

**Amendments:** Nil

**Plan No:** 240205, A25-01A, Revision C  
**Description:** Building Elevations BLDG A, prepared by Aspect and dated 13 February 2025.

**Amendments:** Nil

**Plan No:** 240205, A25-01B, Revision C  
**Description:** Building Elevations BLDG B, prepared by Aspect and dated 13 February 2025.

**Amendments:** Nil

**Plan No:** 240205, D-A10-01, Revision E  
**Description:** Floor Plan – Activities Room, prepared by Aspect and dated 13 February 2025.  
**Amendments:** Nil

**Plan No:** 240205, D-A25-01, Revision E  
**Description:** Elevations – Activities Room, prepared by Aspect and dated 13 February 2025.  
**Amendments:** Nil

**Plan No:** 240205, D-B10-01, Revision D  
**Description:** Floor Plan – Activities Room Toilet 1, prepared by Aspect and dated 13 February 2025.  
**Amendments:** Nil

**Plan No:** 240205, D-B25-01, Revision D  
**Description:** Elevations – Activities Room Toilet 1, prepared by Aspect and dated 13 February 2025.  
**Amendments:** Nil

**Plan No:** 240205, D-C10-01, Revision D  
**Description:** Floor Plan – Activities Room Toilet 2, prepared by Aspect and dated 13 February 2025.  
**Amendments:** Nil

**Plan No:** 240205, D-C25-01, Revision D  
**Description:** Elevations – Activities Room Toilet 2, prepared by Aspect and dated 13 February 2025.  
**Amendments:** Nil

#### APPROVED DOCUMENTS

- 6A. The development must be carried out generally in accordance with the Approved Documents listed below, subject to the conditions of this Development Approval:

**Document:** YEP2025052\_R1Fv5  
**Description:** Environmental Noise Impact Assessment, prepared by Yarramine Environmental and dated 26 August 2025  
**Amendments:** Nil

**Document:** YEP2025052\_R3Fv4  
**Description:** Lighting Impact Assessment, prepared by Yarramine Environmental and dated 26 August 2025  
**Amendments:** Nil

**Document:** Noise Management Plan  
**Description:** Rooming Accommodation (Monastery) Noise Management Plan & Complaints Register - 125 Kudo Silverleigh Road, Goombungee, prepared by Alpha Planning Applications and dated 23 July 2018  
**Amendments:** Document to be amended as outlined within Condition 43.

**Document:** BE250269, Revision A  
**Description:** Traffic Impact Statement prepared by Burchills Engineering Solutions dated 11 May 2026 and received by Council on 18 May 2026.  
**Amendments:** Nil

**Note:** *This document is approved to the extent of the endorsed vehicle mode share only.*

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

7. 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.

## **WORKS**

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

- 7A. Prepare and submit applications to Council and obtain a Development Permit for Operational Work for the following:

7A.1 Roadwork

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

8. Plans and specifications for all works associated with any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
9. A RPEQ must submit to Council a copy of the:
  - 9.1 Design Certificate prior to commencement of the works; and
  - 9.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
10. 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.
11. 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**

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

### **STORMWATER DISCHARGE**

13. Stormwater from new roofed areas (including overflow pipes from rainwater tanks) is permitted to be discharged within the subject land, a minimum of 3 metres clear of any building foundations and any adjoining property boundary.
14. 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.
15. Stormwater must be dispersed as sheet flow.
16. 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* and the *Queensland Urban Drainage Manual*.

## **EROSION & SEDIMENT CONTROL**

17. 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.
18. 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.
19. 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.
20. All disturbed areas must be mulched or turfed as soon as possible during construction.
21. 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 minimize 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.

## **DAMAGES TO SERVICES & ASSETS**

22. Protect Council and public utility services and assets during construction of the development.
23. 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:
  - 23.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
  - 23.2 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.
24. 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.
25. Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with the *Planning Scheme Policy PSP No. 4 – Development Near Utility Services*.

## **SERVICES & UTILITIES**

### **ON-SITE WASTE WATER TREATMENT & DISPOSAL**

26. The development must be provided with an on-site waste water treatment and effluent disposal system having a capacity and land application area sufficient for the use. The area nominated on the Approved Plans for the waste water treatment and effluent disposal, including irrigation areas, are maintained for this purpose for the life of the approval.
27. The waste water 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).

28. All reasonable and practicable measures must be undertaken to prevent treated waste water and effluent from overflowing or seeping onto adjoining properties.

## **BUILDING WORKS & ARCHITECTURE**

### **SCHEDULE OF EXTERNAL FINISHES**

29. Prior to the issue of a Development Permit for Building Works or Operational Works, submit to Council for endorsement a detailed Schedule of External Finishes, demonstrating compliance with the following requirements:
- 29.1 Provision of a high degree of visual articulation in the elevations of the building;
  - 29.2 Identification of each of the materials used in the elevations of the approved building;
  - 29.3 Identification of durability of materials giving consideration to vandal resistance and low maintenance regimes;
  - 29.4 Identification of suitability of materials and configuration to minimise noise and air borne pollutant transmission; and
  - 29.5 Identification of the colour of each of the materials used in the elevations of the approved building.

*Note: Submit rendered and labelled elevations of the approved development with a list describing the following for each material employed in the facades:*

- *The common name of each material (e.g. aluminium, frosted glass, painted concrete tilt-up panel);*
- *The manufacturer's name for each material (it may be useful to include internet addresses to the manufacturer's internet site that provides a pictorial representation of the nominated material);*
- *The common name for the proposed colour of the material;*
- *The manufacturers name for the proposed colour (whether paint or pre-finished material); and*
- *A description of surface texture, where relevant (smooth finish rendered face brick).*

*The above information may be presented in a table format, including a legend to indicate the area of the elevation drawing of the building that will use that specific material and colour. In addition, it may be useful to provide a sample board to illustrate each of the materials used in the external finishes.*

## **AMENITY & OPERATION OF USE**

### **STREET IDENTIFICATION**

30. The street number of all buildings must be clearly identifiable and located in a prominent position near the site entry, either on the kerb or a letterbox, or viewable from the site entry and located by signage on buildings or the subject land.
31. The room number of each room must be displayed on or adjacent to the entry to the room, in such a way that they are clearly legible.

## SATELLITE DISHES

32. A maximum of one (1) satellite dish per building may be provided on the subject land. The diameter of any satellite dish must not exceed one (1) metre.

*Note: The installation of a satellite dish with a diameter greater than 900mm is assessable development under the Building Regulation 2006 and requires an approval from a private building certifier.*

## ACCESS FOR PEOPLE WITH DISABILITIES

33. 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 adjacent roadway, adjoining public open space and from any disabled access car parking bay, to all parts of the development that are normally open to the public.

## TRANSPORT AND VEHICULAR ACCESS

### ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

34. 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.*

35. 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.*

### ROADWORKS (EXTERNAL TO DEVELOPMENT)

- 35A. Existing roads must be upgraded for as follows:

*Street:* Gordon Smiths Road

*Classification:* Local Access Rural

*Construction Standard:* The road must be upgraded to 3.5m seal on 6.5m formation as per *IPWEA Low Order Road Design Guidelines*. The road must be upgraded from Kingsthorpe-Haden Road/Gordon Smiths Road intersection to the ~~driveway crossover of the property~~ **north-eastern corner of property boundary of Lot 2 RP156504 (approximately 200 metres)**. Appropriate intersection treatment must be provided, in accordance with Toowoomba Regional Councils PSP2.

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

- 35B. The design and construction of the road must comply with *Planning Scheme Policy No. 2 - Engineering Standards - Roads and Drainage Infrastructure* (PSP No.2) and must include in particular:

35B.1 Table drain works;

- 35B.2 Relocation of utility and Council services;
- 35B.3 Appropriate street signs
- 35C. Any pavement widening must join neatly to the existing pavement so that there are no specific irregularities in line or level resulting at or adjacent to the join for the length of the construction. Where necessary the existing pavement must be brought to a satisfactory standard in accordance with PSP No. 2 to allow for the above.
- 35D. All street/road surfacing must be in accordance with the pavement construction standards in PSP No. 2.
- 35E. Verge widths, street reserve widths, intersection treatment, provision of parking and speed control devices must comply with Council's requirements in PSP No. 2.
- 35F. 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 road works.

### **PROVISION OF VEHICULAR ACCESS**

- 36. An all-weather driveway must be constructed from the existing road to the property boundary. The following requirements apply:
  - 36.1 The vehicle access must be located as shown on the Approved Plans listed within the Development Approval;
  - 36.2 The vehicle access (crossing the verge) must be constructed generally in accordance with the Institute of Public Works Engineering Australasia Drawing RS-056 Rural Driveways, and in accordance with Australian Standard AS 2890 – Parking Facilities 9Part 1 and as relevant Part 2);
  - 36.3 The vehicle access (crossing the verge) must be located a minim of one (1) metre clear of power poles, streetlights or any signage;
  - 36.4 Undertake any necessary relocation of all existing services clear of the access that will serve the subject land and contact all relevant service authorities and comply with their requirement in relation to these works; and
  - 36.5 The driveway must be constructed so as to not concentrate stormwater runoff onto neighbouring properties.

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

- 36A. The premises must be provided with minimum of forty-three (43) ~~thirty (30)~~ on-site car parking spaces inclusive of ~~One (1)~~ three (3) PWD car parking space, together with standing and manoeuvring for SRV service vehicles. Car parking and manoeuvring areas at a minimum must be:
  - 36A.1 Constructed generally as shown on the Approved Plans listed within this Development Approval;
  - 36A.2 Provided with a gravel hardstand surface and delineated to the minimum dimensions detailed in the *Toowoomba Regional Planning Scheme 2012 and Australian Standard AS2890 - Parking Facilities*;
  - 36A.3 Designed and constructed in accordance with the requirements of AS2890;

- 36A.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;
- 36A.5 Accessible and available to the general public and staff during approved hours of operation;
- 36A.6 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the subject land;
- 36A.7 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring; and
- 36A.8 Designed to enable all vehicles to enter and leave the subject land in a forward gear.

## **ENVIRONMENT & WASTE**

### **ACOUSTIC AMENITY – GENERAL**

- 37. Service vehicle movements (including loading and unloading) associated with the approved uses must not occur outside the hours of:
  - 37.1 7am to 7pm Monday to Saturday; and
  - 37.2 9am to 7pm Sunday or any Public Holiday.
- 38. No activity associated with the approved uses must occur outside prior to 7am or after 5pm
- 38A. Unless otherwise approved in writing by Council, the approved Food and Drink Outlet must not operate outside the hours of 7:00 am to 2:00 pm Monday to Friday.

### **ACOUSTIC AMENITY – NOISE LIMITS**

- 39. Noise from activity associated with the use of the subject land must not exceed the Acoustic Quality Objectives listed in the *Environment Protection (Noise) Policy 2008* when measured at any sensitive receptor.
- 40. 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**

- 41. 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*.
- 42. 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:

- 42.1 Before 7.00AM, if it makes a noise of more than 3dB(A) above the background noise level ( $L_{90}$ ); or
- 42.2 From 7.00AM to 10.00PM, if it makes a noise of more than 5dB(A) above the background noise level ( $L_{90}$ ); or
- 42.3 After 10.00PM, if it makes a noise of more than 3dB(A) above the background noise level ( $L_{90}$ ).

#### **ACOUSTIC AMENITY – NOISE MANAGEMENT PLAN**

- 43. Prior to the issue of any Development Permit for Operational Works or Building Works, submit to Council for endorsement an amended Noise Management Plan prepared by a suitably qualified person that, at a minimum, includes the following:
  - 43.1 Descriptions of specific mitigation treatments, management methods and procedures that will be implemented to control noise during site activity and operations;
  - 43.2 Justification of any proposed activities outside the approved operating hours listed within this Development Approval or relevant licenses issued within the jurisdiction of any other authority;
  - 43.3 Procedures for notifying neighbouring residents of activities that is likely to affect their amenity through noise or vibration;
  - 43.4 A complaints management procedure that must include the following:
    - i) a contact person with whom complaints can be lodged;
    - ii) a clearly defined procedure for responding to and investigating complaints; and
    - iii) a notification protocol to all complainants of the outcome of complaint investigations.
- 44. The endorsed amended Noise Management Plan must be implemented, maintained and modified where necessary to maintain compliance with the requirements of this Development Approval at all times.

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

- 45. 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 2008* as measured at any sensitive receptor place must not be released to the atmosphere.

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

- 46. Outdoor lighting associated with the use must be designed, sited, and installed to comply with the relevant parameters of *Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting*.
- 47. 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).

48. 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.*

- 48A. Driveway lighting must be switched off after 10:00 PM daily, except where required for emergency or essential safety purposes.
- 48B. Certification must be submitted to Council from a suitably qualified person who verifies that all outdoor lighting devices comply with the requirements of this Development Approval.
- 48C. Lighting impact mitigation measures must be incorporated into the development in accordance with Section 4 of the Light Impact Assessment listed within this Development Approval.

### **STORMWATER QUALITY**

49. 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:
- 49.1 Following treatment using an appropriate stormwater quality improvement device (SQID) as uncontaminated overland stormwater flow;
- 49.2 Following treatment using an appropriate stormwater quality improvement device (SQID) as uncontaminated stormwater to the stormwater system; and
- 49.3 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)**

- 50 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*.

### **LANDSCAPE PLAN**

51. 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:
- 51.1 Location and species of existing site vegetation to be removed and/or retained in accordance with this Development Approval;
- 51.2 A detailed Planting Plan and Schedule that include species which are characteristic of the local area and climate and provide seasonal variation, colour and texture, stock sizes and quantities and the location;
- 51.3 The typical planting detail including soil preparation, backfill, staking, mulching, irrigation, drainage and maintenance;

- 51.4 Dimensions of all planting areas, type and location, taking into account orientation, shading and wind direction;
- 51.5 All landscape planting must be contained within the property boundary, unless otherwise agreed with Council;
- 51.6 Construction details of proposed surfaces, surface level changes and structures, must be wholly contained within the property boundary;
- 51.7 Provision of an irrigation or water source to all planted areas;
- 51.8 Vegetated screening and/or landscape buffer planting must be provided in the areas identified as 'Landscape buffer' on the approved enlarged site plan listed within this development approval. This buffer is to be provided with a minimum 3 metres width with planting capable of providing a minimum 3m high landscape buffer at maturity;
- 51.9 Provision of landscaping around the new accommodation Type A and B buildings and Activities Room buildings to enhance amenity and assist in screening from the adjoining properties; and
- 51.10 All plan pages must include a legend or title block that includes: north point, scale, title and drawing number.

*Note: Fees and charges are associated with lodging Landscape Plan(s) for endorsement and must be paid prior to Council undertaking assessment of the plans.*

- 52. The Landscape Plan(s) must receive endorsement by Council prior to lodgement of any Development Application for a Development Permit for Operational Work OR commencement of any site works or earthworks AND/OR issue of any Development Permit for Building Work.

#### **LANDSCAPING WORKS**

- 53. Carry out the landscape work in accordance with the endorsed Landscape Plan.
- 54. 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.
- 55. 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**

##### **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 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011. 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)<<http://www.tr.qld.gov.au>>.
- 4) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme*. 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 (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 Works approval from Council before commencing site works.

#### **WASTE WATER TREATMENT & DISPOSAL SYSTEM**

- 8) The establishment of a waste water treatment and disposal system for the site requires a Compliance Permit to be obtained from Council under the *Plumbing and Drainage Act 2002*. The system must be designed in accordance with the *Queensland Plumbing and Wastewater Code* (Department of State Development and Infrastructure & Planning, 2007) and the Australian & New Zealand Standard AS/NZS1547 On-site Domestic Wastewater Management.

Please contact Council's Plumbing and Drainage team via the Customer Service Centre for further information in respect of a Compliance Permit. Where a development exceeds the accommodation or use of 21 or more equivalent persons an Environmental Authority from the Department of Environment & Science will also be required.

#### **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, waste water, 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.

## **ABORIGINAL CULTURAL HERITAGE ACT 2003**

- 12) 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.-11-

## **FIRE ANTS**

- 13) 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 *Plant Protection Act 1989* apply, compliance with statutory provisions must be achieved.

## **MANDATORY RAINWATER TANKS**

- 14) Toowoomba Regional Council requires mandatory rainwater tanks and water saving measures on new dwellings and commercial buildings. Queensland Development Code (QDC) 4.2 is now applicable to any new class 1 (a)(i) buildings (single detached dwellings) on blocks greater than 250m<sup>2</sup>. Dwellings on lots less than 250m<sup>2</sup> are exempt. Queensland Development Code 4.3 is applicable for any new commercial buildings (class 5 to 9). Please note that Multiple Dwellings are exempt. Further information can be found at:

<http://www.tr.qld.gov.au/environment-water-waste/water-supply-dams/rainwater-tanks/8352-info-026-requirements-for-installation-of-rainwater-tanks>

### **C. ATTACHED POLICIES AND/OR STANDARDS:**

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

**List of Submitters:-**

**Change Application - MCUI/2017/6050/H**

Jessica Russell  
15 Gordon Smiths Road  
GOOMBUNGEE QLD

Stephen James Nicol & Sonya Maree Nicol  
111 Gordon Smiths Road  
GOOMBUNGEE QLD 4354

Kenneth Smith  
93 Gordon Smiths Road  
GOOMBUNGEE QLD 4354

Jared Lester Tonscheck  
PO Box 31  
GOOMBUNGEE QLD 4354

**Change Application - MCUI/2017/6050/F**

Stephen James Nicol & Sonya Maree Nicol  
111 Gordon Smiths Road  
GOOMBUNGEE QLD 4354

Jessica and Tyler Russell  
15 Gordon Smiths Road  
GOOMBUNGEE QLD 4354

Ian Donald Norgaard  
186 Norgaards Road  
GOOMBUNGEE QLD 4354

Courtney and Jack Passier  
224 Gordon Smiths Road  
GOOMBUNGEE QLD 4354

Kenneth and Robyn Smith  
93 Gordon Smiths Road  
GOOMBUNGEE QLD 4354

**Original Application MCUI/2017/6050**

Steve, Sonya and Hayden Nicol  
111 Gordon Smiths Road  
GOOMBUNGEE QLD 4354



## 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—
- for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - 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
  - for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - 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
  - 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
  - for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.
- Note— See the P&E Court Act for the court's power to extend the appeal period.
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
- the adopted charge itself; or
  - for a decision about an offset or refund—
    - the establishment cost of trunk infrastructure identified in a LGIP; or
    - the cost of infrastructure decided using the method included in the local government's charges resolution.

### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
- is in the approved form; and
  - succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of

appeal to—

- the respondent for the appeal; and
  - each co-respondent for the appeal; and
  - for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
  - for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
  - each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
  - for an appeal to the P&E Court—the chief executive; and
  - for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
- if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - 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.