

Our Reference: MCUI/2024/5869
CS Portal Reference: N/A
Officer: Rumpa Sarkar
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Development Application Decision Notice
APPROVAL
Planning Act 2016 Section 63

Taylor Made Engineering Qld Pty Ltd
C/- Smk Qld
PO Box 422
GOONDIWINDI QLD 4390

Email: tom@smkqld.com.au

26 May 2026

Dear Sir/Madam

Location: 7852 Gore Highway, MILLMERRAN QLD 4357
Property Description: Lot 29 RP825872
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012*

The Development Application for Material Change of Use - Impact - Garden Centre, Short Term Accommodation and Market, 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 21 May 2026. The following provides all the relevant details:

Details of Approval

Development Permit – Material Change of Use - Impact - Garden Centre, Short Term Accommodation and Market

Referral Agencies

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

Advice Agencies Name & Address: N/A

Conditions and Advices

Assessment Manager's Conditions: As per attached Schedule 1

Concurrence Agency Conditions: As per attached Schedule 2

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
- Plumbing and Drainage Work
- Operational Work (if required)

Further Plans/Documents for Endorsement

The following documents/plans require Endorsement:

- Landscape Plan
- Flood Risk Management Plan

Submissions

There were no 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 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
Acting Manager, Planning Branch



TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - IMPACT

APPLICATION NUMBER:	MCUI/2024/5869
APPLICANT:	Taylor Made Engineering Qld Pty Ltd
LOCATION:	7852 Gore Highway, MILLMERRAN QLD 4357
PROPERTY DESCRIPTION:	Lot 29 RP825872
APPROVED USE:	Garden Centre, Short Term Accommodation and Market
ZONING / PRECINCT:	Rural Zone / 100 Hectares Minimum Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

PLANNING

APPROVED USE

1. This Development Approval is for a Material Change of Use for:
 - 1.1 Garden Centre with a total use area of 1,327m²;
 - 1.2 Short Term Accommodation for four (4) detached accommodation units; and
 - 1.3 Market with a total use area of 1,691m².
2. The Garden Centre use is limited as outlined below:
 - 2.1 Selling plants; and/or selling gardening and landscape products and supplies that are mainly in pre-packaged form;
 - 2.2 Must only operate between the hours of 5:00AM to 6:00PM, 7 days per week;
 - 2.3 Any Food and Drink outlet must be ancillary, subservient and subordinate to the predominant use of the premises for Garden Centre;
 - 2.4 Any Food and Drink Outlet must have a maximum Gross Floor Area of 158m²; and
 - 2.5 The Approved use does not include Bulk Landscape Supplies or Wholesale Nursery.
3. The market use is limited as outlined below:
 - 3.1 One (1) day per month, unless otherwise approved in writing by Council;
 - 3.2 The use is only operated and open to the public between the hours of 7:00AM to 6:00PM; and
 - 3.3 The setting up and removal of stalls does not occur outside the hours of 5:00AM to 7:00PM.

Note: Council may consider additional days of operation on request for special events subject to written approval.

4. This Development Permit does not imply or comprise an approval for any use(s) other than those listed in Condition 1.

CARRY OUT AND MAINTAIN DEVELOPMENT

5. 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 approval.
6. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
7. Complete all building work associated with this development approval, including work required by any of the conditions of this 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.
8. The development must be maintained in accordance with the Approved Plans and Approved Documents subject to or modified by any conditions of this approval.

APPROVED PLANS

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

Plan No: SD-00, Revision DA1

Description: Overall Site Plan prepared by Bill Robinson Drafting Services Pty Ltd and dated 10 July 2025

Amendments: As amended in RED. Marked as Overall Site Plan.

Plan No: 24082-2

Description: Site Plan prepared by Taylor Made Engineering and dated 15 May 2026.

Amendments: Nil

Plan No: 25-0206, Drawing No SD-02, Revision DA1

Description: Coffee Shop Floor Plan prepared by Bill Robinson Drafting Services Pty Ltd and dated 10 July 2025

Amendments: Nil

Plan No: 25-0206, Drawing No SD-03, Revision DA1

Description: Coffee Shop Elevations prepared by Bill Robinson Drafting Services Pty Ltd and dated 10 July 2025

Amendments: Nil

Plan No: 25-0206, Drawing No SD-04, Revision DA1

Description: Amenities Floor Plan prepared by Bill Robinson Drafting Services Pty Ltd and dated 10 July 2025

Amendments: Nil

Plan No: 25-0206, Drawing No SD-05, Revision DA1

Description: Amenities Elevations prepared by Bill Robinson Drafting Services Pty Ltd and dated 10 July 2025

Amendments: Nil

Plan No: 25-0206, Drawing No SD-08, Revision DA1
Description: Cabin Floor Plan & Elevations prepared by Bill Robinson Drafting Services Pty Ltd and dated 10 July 2025
Amendments: Nil

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

10. Prepare and submit applications to Council and obtain a Development Permit for Operational Work for the following:
 - 10.1 Bulk Earthwork (If required).

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

11. Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:
 - 11.1 Landscape Plan; and
 - 11.2 Flood Risk Management Plan.

STAGED DEVELOPMENT

12. Staging of the development is to occur in accordance with the Staging shown on the Site Plan listed within this development approval subject to and modified by any conditions of this Development Approval.
13. Stages must be completed in sequential order (i.e. Stage 1 must be completed before Stage 2) or may be combined and carried out at one time, subject to all conditions applicable to the relevant stages being complied with.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

14. 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.

DEVELOPMENT CONSTRAINTS

FLOOD IMMUNITY

15. Design and construct all proposed building pad levels, floor levels and ancillary structures to achieve a minimum habitable floor level of the defined flood event plus 0.5 metres. Alternatively, design and construct development:
 - 15.1 Outside land identified as high or medium flood hazard level on the Flood Hazard Overlay; or
 - 15.2 To be located above the highest known flood level for the site; and
 - 15.3 To minimise or avoid safety risk to persons and risk to property damage; and
 - 15.4 To resist hydrostatic and hydrodynamic forces as a result of inundation by flooding.
16. Design and install essential services infrastructure:
 - 16.1 Above the defined flood level; or

- 16.2 To exclude floodwater intrusion; and
 - 16.3 To resist infiltration and resist hydrostatic and hydrodynamic forces as a result of inundation by flooding.
17. Submit to Council 'as constructed' drawings prepared by a Registered Professional Engineer Queensland (RPEQ) certifying that the development has been constructed in accordance with Conditions 15 and 16 and provide confirmation that the development will not impact the flood characteristics.
18. All earthworks undertaken on land identified as high or medium flood hazard area on the Flood Hazard Overlay must be carried out in accordance with a Development Permit for Operational Work or the following where there is no requirement for a Development Permit for Operational Work:
- 18.1 Earthworks must not physically alter any watercourse or floodway and must not include vegetation clearing;
 - 18.2 Earthworks must not reduce on-site flood storage capacity, and contain within the subject land, any changes to depth, duration and velocity of flood waters of all floods up to and including the highest known flood event for the subject land; and
 - 18.3 Earthworks must not change the flood characteristics of the highest known flood event outside the subject land in ways that result in:
 - 18.3.1 Loss of flood storage;
 - 18.3.2 Loss of or changes to flow paths;
 - 18.3.3 Acceleration or retardation of flows; and
 - 18.3.4 Any reduction in flood warning times elsewhere.
19. Any fence traversing land identified as high or medium flood hazard area on the Flood Hazard Overlay must be constructed of wire strand or similar material that minimises disruption to flood flows.
20. No manufacture and/or storage in bulk of hazardous materials on land identified as high or medium flood hazard area on the Flood Hazard Overlay is to occur.

Flood Risk Management Plan

21. Prior to commencement of site works, submit to Council for endorsement a Flood Risk Management Plan prepared by a Registered Professional Engineer Queensland (RPEQ) that at a minimum includes the following:
- 21.1 A flood emergency management framework for the site, including:
 - 21.1.1 Triggers for site closure/evacuation;
 - 21.1.2 Nominated evacuation routes, flood hazard signage and evacuation procedures;
 - 21.1.3 Demonstration that access/egress arrangements do not create unacceptable risk to users;
 - 21.1.4 Procedures for management of occupants and visitors during a flood hazard event; and

- 21.1.5 Identification of a temporary on-site refuge area above the flood planning level capable of accommodating the likely site occupants and visitors during a flood event.
- 21.2 Risk management recommendations, which will form the basis of decision-making controls to guide the centre manager in making a decision of whether or not to hold an event, in consideration of potential flood risks.
- 22. The endorsed Flood Risk Management Plan must be implemented and, maintained where necessary to maintain compliance with the requirements of this Development Approval.

WORKS

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

- 23. Plans and specifications for all works associated with car parking, driveways, earthworks, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
- 24. A RPEQ must submit to Council a copy of the:
 - 24.1 Design Certificate prior to commencement of the works; and
 - 24.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
- 25. 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.
- 26. 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

- 27. 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

- 28. 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.
- 29. 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.
- 30. Stormwater must be dispersed as sheet flow.
- 31. 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*.

BULK EARTHWORKS

32. 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

33. 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.
34. 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:
- 34.1 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*.

CONSTRUCTION WASTE MANAGEMENT & STORAGE

35. 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*.
36. 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*.
37. Fires are not to be lit to dispose of demolition or construction waste.
38. 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:
- 38.1 Elsewhere within this Development Approval;
- 38.2 In accordance with an associated Development Permit for Operational Work;
- 38.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
- 38.4 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
- 38.5 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.
39. 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

40. 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

41. 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.
42. 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.
43. 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.
44. All disturbed areas must be mulched or turfed as soon as possible during construction.

DAMAGE TO SERVICES & ASSETS

45. Protect Council and public utility services and assets during construction of the development.
46. 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:
 - 46.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 46.2 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.
47. 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.
48. 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

ON-SITE WASTEWATER TREATMENT & DISPOSAL

49. The development must be provided with an on-site wastewater treatment and effluent disposal system having a capacity and land application area sufficient for the use. The nominated area for wastewater treatment and effluent disposal, including irrigation areas must be maintained for this purpose for the life of the approval.

50. The wastewater treatment and effluent disposal system must comply with *Australian Standard AS3500.2 – National Plumbing and Drainage - Sanitary Plumbing and Drainage*; and *Australian Standard AS1547:2012 - On Site Domestic-Wastewater Management* where system size is not exceeded (ref. Part 1.2.1.2 of AS1547:2012).
51. All reasonable and practicable measures must be undertaken to prevent treated wastewater and effluent from overflowing or seeping onto adjoining properties.

WATER SUPPLY

52. The development must be provided with a potable water supply having a capacity sufficient for the use that complies with the *Australian Drinking Water Guidelines (NHMRC, 2011)*.

ELECTRICITY

53. 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.

TRANSPORT, VEHICULAR ACCESS & PARKING

ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING

54. The premises must be provided with a minimum total of 70 on-site car parking spaces, together with standing and manoeuvring for HRV service vehicles. Car parking and manoeuvring areas must be:
- 54.1 Staged to provide the following:
 - 54.1.1 Stage 1: at least 26 spaces;
 - 54.1.2 Stage 2: at least 30 spaces in total (4 more); and
 - 54.1.3 Stage 3: at least 70 spaces in total (40 more);
 - 54.2 Constructed generally as shown on the Approved Plans listed within this Development Approval;
 - 54.3 For Stages 1 and 2, provided with a hardstand surface and delineated to the minimum dimensions detailed in the *Toowoomba Regional Planning Scheme 2012 and Australian Standard AS2890 - Parking Facilities*
 - 54.4 For Stage 3, parking may be provided with a gravel or a grassed surface to accommodate the market overflow;
 - 54.5 Designed and constructed in accordance with the requirements of AS2890;
 - 54.6 Accessible and available to the general public and staff during approved hours of operation;
 - 54.7 Provided with signage and/or markings that indicate the location of parking areas and the proposed flow of traffic through the subject land;
 - 54.8 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring; and
 - 54.9 Designed to enable all vehicles to enter and leave the subject land in a forward gear.

ENVIRONMENT & WASTE

ACOUSTIC AMENITY - GENERAL

55. Service vehicle movements associated with the approved use (including loading and unloading) must occur only between the hours of 7:00 AM to 6:00 PM, 7 days per week.
Note: Service vehicles do not include waste collection vehicles or activities.

ACOUSTIC AMENITY - NOISE LIMITS

56. Noise from activity associated with the use of the subject land must not exceed the levels specified in **Table 1**. when measured at any receptor.

Table 1 - Noise Limits

	Noise level measured in dB(A) - external
	Variable noise assessment criteria $L_{Aeq,adj,T}$
Night (10pm-7am)	38
Day (7am-6pm)	44
Evening (6pm-10pm)	44
Sleep Disturbance	55 dB(A) L_{Amax} external noise limits

* = **Adjusted A-weighted equivalent continuous sound pressure level** - Using time-weighting 'Fast Response', the constant equivalent of the instantaneous levels of existing environment plus noise of activity under consideration that would result in the same total sound energy being produced during the time period T , where T is measured for a period no less than 15 minutes, when the activity is causing a steady state noise, and no less than 1 hour when the activity is causing an intermittent noise, unaffected by extraneous noise and adjusted for tonality and impulsiveness.

^=**Adjusted A-weighted sound pressure level** - Obtained by using time-weighting 'Fast Response' and arithmetically averaging the visual maximum levels of the noise of activity under investigation, considering tonality and impulsiveness during the time period T , where T is measured for a period no less than 15 minutes.

57. 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

58. 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*.

AIR QUALITY & AMENITY - AIR RELEASE LIMITS

59. 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.
60. Where considered warranted by Council and when requested in writing to do so, an air quality investigation must be undertaken to investigate a complaint of air pollution, odour or dust nuisance. In such circumstances, a qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Air Release Limits listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

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

61. All reasonable and feasible avoidance and mitigation measures are employed so that dust 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:
- 61.1 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*;
- 61.2 A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometres (PM₁₀) 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:
- (a) *Australian Standard AS3580.9.6: Methods for sampling and analysis of ambient air—Determination of suspended particulate matter - PM₁₀ high volume sampler with size-selective inlet – Gravimetric method*; or
- (b) *Australian Standard AS3580.9.9: Methods for sampling and analysis of ambient air - Determination of suspended particulate matter - PM₁₀ low volume sampler - Gravimetric method*;
- 61.3 A concentration of particulate matter with an aerodynamic diameter of less than 2.5 micrometres (PM_{2.5}) suspended in the atmosphere of 25 micrograms per cubic metre over a 24-hour averaging time, when monitored in accordance with the most recent version of *Australian AS3580.9.10 Methods for sampling and analysis of ambient air - Determination of suspended particulate matter - PM_{2.5} low volume sampler - Gravimetric method*; and
- 61.4 A concentration of particulate matter suspended in the atmosphere of 90 micrograms per cubic metre over a 1 year averaging time, when monitored in accordance with the most recent version of *AS/NZS3580.9.3: Methods for sampling and analysis of ambient air - Determination of suspended particulate matter - Total suspended particulate matter (TSP) - High volume sampler gravimetric method*.
62. Where considered warranted by Council and when requested in writing to do so, an air quality investigation must be undertaken to investigate a complaint of air pollution, odour or dust nuisance. In such circumstances, a qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Air Release Limits listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

AIR QUALITY & AMENITY - DUST SUPPRESSION TREATMENTS

63. All hardstand areas and driveways within the site that are not imperviously sealed must be provided with a surface treatment that meets the following requirements:
- 63.1 Constructed using aggregate material with a minimum diameter of 20mm and constructed to a minimum depth of 40mm atop a compacted base;
 - 63.2 The minimum depth of 40mm must be maintained and augmented regularly so the running surface is free of dirt and air borne contaminants; and
 - 63.3 Records documenting maintenance activities, inspections and dust suppressant application details must be maintained and made available for inspection at any time upon request by Council.

AIR QUALITY & AMENITY - KITCHEN EXHAUST

64. Kitchen exhaust points for the development must be located and operated in accordance with *Australian Standard AS1668.2-2012 The use of ventilation and air-conditioning in buildings* (specifically *Section 5.10 – Air Discharges*).

OUTDOOR LIGHTING IMPACT MITIGATION

65. Outdoor lighting associated with the use must be designed, sited, and installed to comply with the relevant parameters of *Australian Standard AS4282-2019 Control of the obtrusive effects of outdoor lighting*.
66. 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).
67. 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.

WASTE MANAGEMENT (GENERAL)

68. 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)

69. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
- 69.1 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;
 - 69.2 Provision of separate bins for general and recyclable waste for the site with an equal number of each being provided;

- 69.3 Provision of a constructed bin store with an impervious hardstand base for the permanent storage location and service collection of all 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;
- 69.4 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built enclosure or solid screen fencing; and
- 69.5 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)

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

LANDSCAPE PLAN

- 71. 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). The plan is to be 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:
 - 71.1 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;
 - 71.2 A detailed Planting Plan and Schedule including stock sizes, quantities and location that includes species which are characteristic of the local area and climate, and provide seasonal variation, colour and texture;
 - 71.3 The typical planting details including soil preparation, backfill, staking, mulching, irrigation, drainage and maintenance;
 - 71.4 All landscape planting must be contained within the property boundary, unless otherwise agreed with Council;
 - 71.5 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;

- 71.6 Construction details of proposed surfaces, surface level changes and structures must be wholly contained within the property boundary;
- 71.7 Provision of an irrigation or water source to all planted areas;
- 71.8 Vegetated screening and/or landscape buffer planting capable of providing a visual screening as shown on approved site plan 24082-2;
- 71.9 Shade tree planting to carparking areas at a rate of 1 tree per 8 spaces;
- 71.10 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.

- 72. The Landscape Plan(s) must receive endorsement by Council prior to lodgement of any Development Application for a Development Permit for Operational Work, and commencement of any site works or earthworks, and issue of any Development Permit for Building Work, whichever occurs first.

LANDSCAPING WORKS

- 73. Carry out the landscape work in accordance with the above endorsed detailed Landscape Plan.
- 74. All landscape works must be installed and established by a suitably qualified person (Landscape, 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.
- 75. Landscape planting is to be retained and maintained for the life of the development in accordance with the conditions 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). 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

- 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 50m³ 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 50m³ or more of fill is deposited on, or 50m³ 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 2018*. 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 250m². Dwellings on lots less than 250m² 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:

<https://www.tr.qld.gov.au/environment-water-waste/water-supply-dams/water-restrictions-conservation/13320-rainwater-tanks>

C. ATTACHMENTS:

- Concurrence Agency Conditions Schedule 2
- Approved Development Plans
- Appeal provisions pursuant to the *Planning Act 2016*.

SCHEDULE 2

CONCURRENCE AGENCY (CONDITIONS AND COMMENTS)

DEPARTMENT OF STATE DEVELOPMENT, INFRASTRUCTURE AND PLANNING

SARA reference: 2410-43148 SRA
Council reference: MCUI/2024/5869

16 March 2026

Chief Executive Officer
Toowoomba Regional Council
PO Box 3021
TOOWOOMBA QLD 4350
development@tr.qld.gov.au

Attention: Rumpa Sarkar

Dear Ms Sarkar

SARA referral agency response—7852 Gore Highway, Millmerran

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 15 January 2025.

Response

Outcome:	Referral agency response – with conditions
Date of response:	16 March 2026
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development permit	Material change of use - Impact - Garden Centre, Market and Short-term Accommodation
SARA role:	Referral agency	
SARA trigger:	Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 (Planning Regulation 2017)	
SARA reference:	2410-43148 SRA	Development near state transport corridor

Assessment manager: Toowoomba Regional Council
 Street address: 7852 Gore Highway, Millmerran
 Real property description: Lot 29 on RP825872
 Applicant name: SMK QLD Pty Ltd for Taylor Made Engineering
 Applicant contact details: 9 Pratten Street
 Goondiwindi QLD 4390
 tom@smkqld.com.au

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR25-044751
- Date: 13 March 2026

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at Downs.South.West.IDAS@tmr.qld.gov.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the Human Rights Act 2019 has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Ian McHugh, Principal Planning Officer, on 07 4616 7320 or via email ToowoombaSARA@dssip.qld.gov.au who will be pleased to assist.

Yours sincerely



Paul Gleeson
 A/Manager

enc Attachment 1 - Referral agency conditions
 Attachment 2 - Advice to the applicant
 Attachment 3 - Reasons for referral agency response
 Attachment 4 - Representations about a referral agency response provisions
 Attachment 5 - Documents referenced in conditions

cc SMK QLD Pty Ltd for Taylor Made Engineering, tom@smkqld.com.au

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at **Attachment 5**)

No.	Conditions	Condition timing
Development Permit - Material change of use - Impact - Garden Centre, Market and Short-term Accommodation		
10.9.4.2.4.1 – Material change of use near a state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
Vehicular Access onto the state-controlled road		
1.	(a) Road access is located generally in accordance with Site Plan prepared by BILL ROBINSON DRAFTING SERVICES PTY LTD, dated February 2025, referenced Project No: 25-0206, Drawing No: SD-00. (b) Provide road access works comprising rural access, at the road access location(s) referred to in part (a) of this condition. (c) Design and construct the road access works, referred to in part (b) of this condition, in accordance: <ol style="list-style-type: none"> i. the Department of Transport and Main Roads' (DTMR) Road Planning and Design Manual, 2nd Edition ii. TMR Standard Drawing SD1807 Property Access - Rural Property Access Type B 	(a) At all times. (b) and (c) Prior to the commencement of use.
Road works on a state-controlled road		
2.	(a) Provide road works comprising a BAR/BAL turn treatment at the access referred to in condition 1. (b) Design and construct the road works, required in part (a) of this condition in accordance with: <ol style="list-style-type: none"> i. DTMR's Road Planning and Design Manual, 2nd Edition ii. DTMR's Standard Drawings Roads 	Prior to the commencement of use.
Stormwater Management		
3.	(a) Stormwater management of the development must not cause worsening to the operating performance of the Gore Highway, such that any works on the land must not: <ol style="list-style-type: none"> i. create any new discharge points for stormwater runoff onto the Gore Highway ii. concentrate or increase the velocity of flows to the Gore Highway iii. interfere with and/or cause damage to the existing stormwater drainage on the Gore Highway iv. surcharge any existing culvert or drain on the Gore Highway v. reduce the quality of stormwater discharge onto the Gore Highway vi. impede or interfere with any overland flow or hydraulic conveyance from the Gore Highway vii. reduce the floodplain immunity of the Gore Highway. 	(a) At all times. (b) Prior to obtaining development approval for operational work or building work, whichever occurs first. (c) Within 20 business days of the completion of works.

	<p>(b) Submit Registered Professional Engineer Queensland (RPEQ) certification with supporting documentation to Downs.South.West.IDAS@tmr.qld.gov.au within the DTMR, confirming that the development has been designed in accordance with part (a) of this condition.</p> <p>(c) Submit RPEQ certification with supporting documentation to Downs.South.West.IDAS@tmr.qld.gov.au within the DTMR, confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p>	
Vegetation trimming to remove sight distance obstruction		
4.	<p>(a) Trim and remove vegetation within the State-controlled road reserve, approximately 150m east of the proposed access, that is causing a sight distance obstruction for vehicles exiting the proposed access.</p> <p>(b) The DTMR Senior Environmental Officer must be contacted prior to vegetation trimming to confirm the extent of tree trimming. Please contact Peter Sparshot by phone (07) 4617 7418 or by email at: Peter.E.Sparshott@tmr.qld.gov.au</p>	<p>a) At all times</p> <p>b) A minimum of 10 business days prior to the commencement of the Road Works</p>

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.1). If a word remains undefined it has its ordinary meaning.
Road access works approval and roadworks approval	
2.	<p>Under sections 62 and 33 of the Transport Infrastructure Act 1994, written approval is required from DTMR to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact DTMR on 07 4639 0828 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a RPEQ. The road access works approval process takes time – please contact DTMR as soon as possible to ensure that gaining approval does not delay construction.</p> <p><i>The applicant should note that reference to the approved plans imply conceptual approval only. Further modifications and inclusions are likely to be required in order for submitted detailed designs to comply with DTMR standards at the roadworks application (s33 TIA) stage. In particular, detailed designs may require, but may not be limited to, necessary lane widening for provision of cycle lanes, lengthening of turn lanes, installation of lighting, signage and line marking, pavements, utilities and services, and roadsides and roadside furniture.</i></p>
Traffic management at special events	
3.	<p>An Event Management Plan will need to be prepared prior to any events being held on site. The Queensland Government's Events in Queensland handbook - Best practice guidelines for event delivery in Queensland, outlines the guiding principles for event organisers interacting with the Queensland Government to enable them to successfully plan and manage an event.</p> <p>If you anticipate your event will have an impact on traffic, you will be required to engage a Traffic Management Designer to develop a Traffic Management Plan (TMP) and supporting Traffic Guidance Scheme (TGS). QPS, local council and DTMR offices will advise accordingly.</p> <p>Further information regarding event planning can be found on DTMR's website at: https://www.tmr.qld.gov.au/Community-and-environment/Planning-and-development/Othermatters-requiring-approval/Traffic-management-at-special-events</p>

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA's decision are:

The development complies with the assessment benchmarks of State code 1 of SDAP in that the development:

- o does not adversely impact the structural integrity or physical condition of the state-controlled road or rail corridor
- o does not create a safety hazard for users of the state-controlled road
- o does not adversely impact the function and efficiency of the state-controlled road or state-controlled rail corridor

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.1), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Documents referenced in conditions

(page left intentionally blank)

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

Our ref TMR25-044751
Your ref 2410-43148 SRA
Enquiries Markus Dittmann

13 March 2026

Department of
Transport and Main Roads

Decision Notice – Permitted Road Access Location (s62(1) *Transport Infrastructure Act 1994*)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number 2410-43148 SRA, lodged with Toowoomba Regional Council involves constructing or changing a vehicular access between Lot 29RP825872 the land the subject of the application, and the Gore Highway (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address SMK QLD Pty Ltd for Taylor Made Engineering
9 Pratten Street
Goondiwindi QLD 4390

Application Details

Address of Property 7852 Gore Highway, Millmerran QLD 4357
Real Property Description 29RP825872
Aspect/s of Development Development Permit for Material Change of Use for Garden Centre, Market, and Short-term accommodation

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
Road Access Location		
A. General		
1	The Permitted Road Access Location is in accordance with Site Plan prepared by BILL ROBINSON DRAFTING SERVICES PTY LTD, dated February 2025, referenced Project No: 25-0206, Drawing No: SD-00. The site access must designed and constructed to safely accommodate the largest design vehicle permitted to access the site (Heavy Rigid Vehicle - HRV).	At all times.

¹ Please refer to the further approvals required under the heading 'Further approvals'

Reasons for the decision

The reasons for this decision are as follows:

- a) To maintain the safety, efficiency and operational performance of the state-controlled road network.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Markus Dittmann, Town Planner should be contacted by email at markus.s.dittmann@tmr.qld.gov.au or on (07) 4639 0739.

Yours sincerely

A handwritten signature in black ink, appearing to read 'SMC', with a long horizontal stroke extending to the right.

Scott McDonald
A/Senior Planner

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions

Attachment A

Decision Evidence and Findings

Evidence or other material on which findings were based:

- Material submitted in support of Toowoomba Regional Council development application MCUI/2024/5869.
- State Development Assessment Provisions – State Code 1 (Development in a State-controlled road environment)
- Department of Transport and Main Roads' Road Planning and Design Manual, 2nd Edition
- Planning Act (2016)
- Planning Regulations (2017)
- Transport Infrastructure Act (1997).

Attachment B

Section 70 of TIA

Transport Infrastructure Act 1994

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
 - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

(a) if the reviewed decision may be reviewed by QCAT—QCAT; or

(b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

(a) if a decision notice is given to the person—28 days after the notice was given to the person; or

(b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

(a) the decision notice did not state the reasons for the decision; and

(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

SITE CUT NOTE:

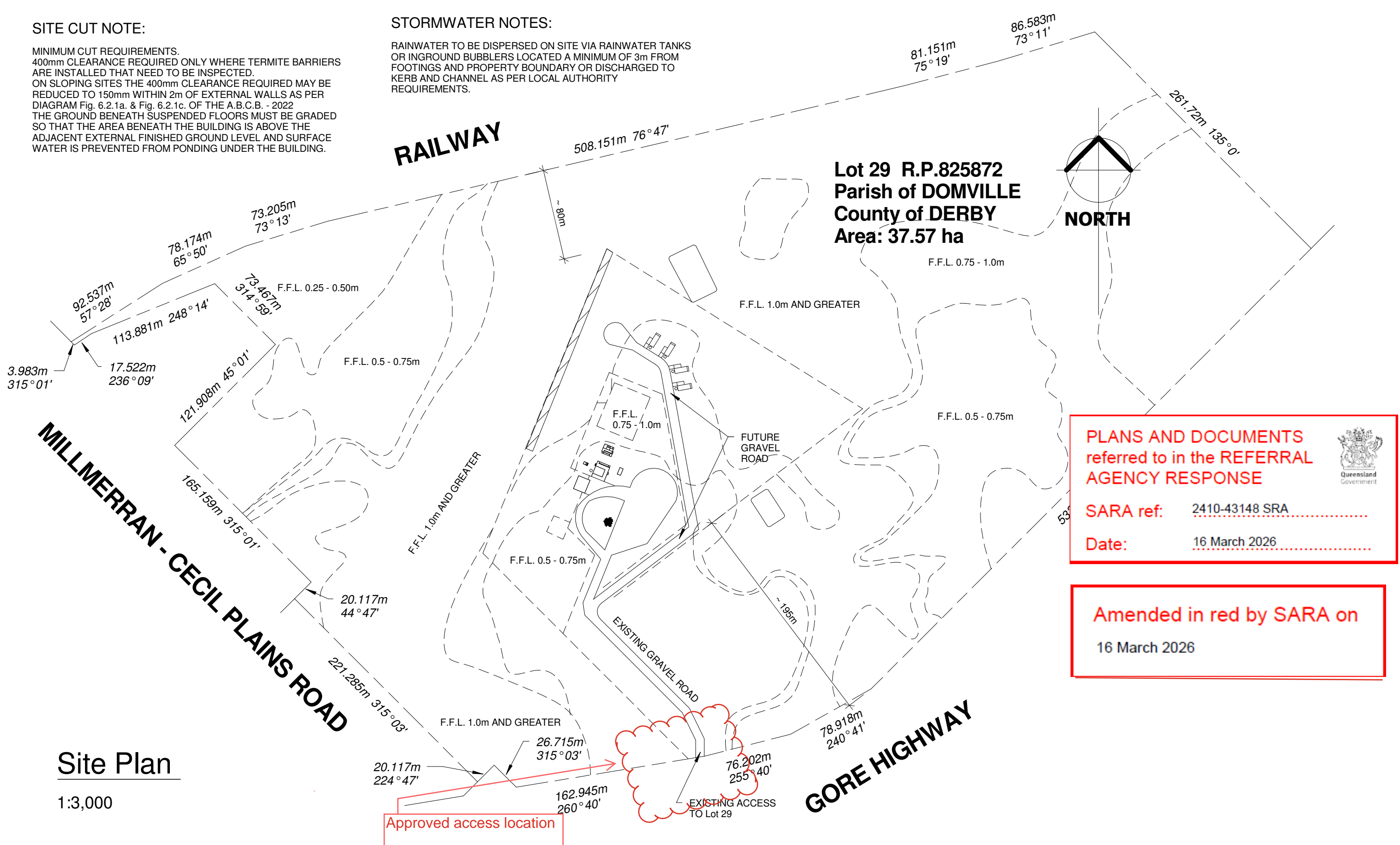
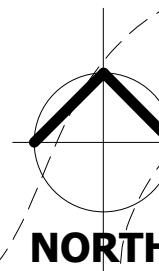
MINIMUM CUT REQUIREMENTS.
 400mm CLEARANCE REQUIRED ONLY WHERE TERMITE BARRIERS ARE INSTALLED THAT NEED TO BE INSPECTED.
 ON SLOPING SITES THE 400mm CLEARANCE REQUIRED MAY BE REDUCED TO 150mm WITHIN 2m OF EXTERNAL WALLS AS PER DIAGRAM Fig. 6.2.1a. & Fig. 6.2.1c. OF THE A.B.C.B. - 2022
 THE GROUND BENEATH SUSPENDED FLOORS MUST BE GRADED SO THAT THE AREA BENEATH THE BUILDING IS ABOVE THE ADJACENT EXTERNAL FINISHED GROUND LEVEL AND SURFACE WATER IS PREVENTED FROM PONDING UNDER THE BUILDING.

STORMWATER NOTES:

RAINWATER TO BE DISPERSED ON SITE VIA RAINWATER TANKS OR INGROUND BUBBLERS LOCATED A MINIMUM OF 3m FROM FOOTINGS AND PROPERTY BOUNDARY OR DISCHARGED TO KERB AND CHANNEL AS PER LOCAL AUTHORITY REQUIREMENTS.

RAILWAY


**Lot 29 R.P.825872
 Parish of DOMVILLE
 County of DERBY
 Area: 37.57 ha**



PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2410-43148 SRA

Date: 16 March 2026



Amended in red by SARA on 16 March 2026

Site Plan

1:3,000

<p>BILL ROBINSON DRAFTING SERVICES PTY LTD 30 SMYTHE DRIVE, HIGHFIELDS 4352 Mobile: 0448 178 101 Phone: (07) 4613 9210 mail: 30 Smythe Drive, Highfields 4352 E-mail: brdrafting@bigpond.com website: www.brdrafting.com.au</p>				<p>ALL DIMENSIONS MUST BE CHECKED ON SITE BY CONTRACTOR PRIOR TO COMMENCING ANY WORKS. WORK TO FIGURED DIMENSIONS.</p> <p>NOTIFY THE DESIGNER IMMEDIATELY OF ANY PERCEIVED ERRORS OR DISCREPANCIES. IN THE EVENT OF THE PLANS BEING FOUND TO BE IN ERROR, LIABILITY OF THE DESIGNER IS LIMITED TO THE COST OF ALTERATION OF THE PLANS.</p> <p>THIS DRAWING HAS COPYRIGHT AND MUST NOT BE USED WITHOUT FURTHER AUTHORITY FROM BILL ROBINSON.</p>				<p>PROJECT SHARNIE HENDERSON 7852 GORE HIGHWAY MILLMERRAN</p>			<p>TITLE PROPOSED MCU STRUCTURAL DRAWINGS SITE PLAN</p>			<p>DRAWING No: SD-00</p>
DA1	10/07/25	DEVELOPMENT APPROVAL	WJR	DATE	DRAWN	SCALE	PROJECT No:	REVISION						
REV	DATE	COMMENTS	CHK	Feb '25	WJR	1 : 3000 @ A3	25-0206	DA1						

List of Submitters:

Nil

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.