



27 July 2026

Toowoomba Regional Council
PO Box 3021
Toowoomba QLD 4350



Via Email: development@tr.qld.gov.au

Dear Madam/Sir,

Extension Application for Development Permit for a Material Change of Use for a Food and Drink Outlet and Development Permit for Operational Works for an Advertising Device at 10783 Warrego Highway, Charlton (Council Ref: MCUI/2015/393)

On behalf of *McDonald's Australia Limited* ('the Applicant'), please accept this extension application made pursuant to section 86 of the Planning Act 2016 to extend the currency period for the abovementioned development approval (Council Ref.: MCUI/2015/393) over land located at 10783 Warrego Highway, Charlton, formally described as Lot 1 on SP281378 (the Site).

The development approval subject to this extension request comprises:

- Development Permit for a Material Change of Use for a Food and Drink Outlet; and
- Development Permit for Operational Works for an Advertising Device (1 x Pylon Sign).

This extension request follows orders of the Planning and Environment Court restoring the effect of the approval pursuant to Originating Application No. 2048 of 2026.

This application is accompanied by, and should be read in conjunction with, the following:

- **Attachment A** – Development Approval (Council Ref.: MCUI/2015/393);
- **Attachment B** – Planning and Environment Court Order (Originating Application No. 2048 of 2026);
- **Attachment C** – Title Search and Owner's Consent; and
- **Attachment D** – Notice about making an extension application.

1 Approval History

1.1 Food and Drink Outlet

On 2 June 2015, Toowoomba Regional Council ('Council') granted a development approval (Council Ref.: MCUI/2015/393) over the site by way of a Decision Notice for a:

- Development Permit for a Material Change of Use for a Food and Drink Outlet; and
- Development Permit for an Operational Works for an Advertising Device (1x Pylon Sign);

This is the application to which this extension to currency period request relates to.

In particular, the Development Approval:

- was properly made on or about 3 February 2015;
- was made under *Toowoomba Regional Planning Scheme 2012* (Version 6, in effect 3 November 2014);
- required referral to the Department of State Development, Infrastructure and Planning pursuant to the *Sustainable Planning Regulation 2009* (Old), Schedule 7, Table 3, Item 1 – State-Controlled Road, as part of the land is within 25m of a State-controlled road.
- was subject to impact assessment in respect of the Food and Drink Outlet component and received 3 properly made submissions objecting to the Development Application;
- was subject to code assessment in respect of the Operational Works Permit;
- was assessed and decided pursuant to the provisions of the repealed *Sustainable Planning Act 2009* (Qld);
- by decision notice dated 23 April 2015, Council granted the Development Approval; and
- the Applicant received a notice dated 2 June 2015 from Council confirming the submitter appeal period had concluded. The notice also confirmed the Development Approval was now in effect.

1.2 Service Station

The development application for the Food and drink outlet was assessed in tandem with a separate development application on the site for a Development Permit for a Service station (Council Ref.: MCUI/2015/377/A). Approval for Service station was similarly issued by Council 2 June 2015.

The Food and drink outlet was indicated to co-exist within the built form of the Service station and form part of the broader development for a service centre.

Relevantly the Service station use commenced on 16 February 2016.

2 Application Context

Following approval of both development applications in 2015, construction commenced and was completed. The approval relating to the Service Station was taken to have commenced February 2016.

The approved built form relating to the Food and drink outlet (Council Ref.: MCUI/2015/393) has been constructed and forms part of the existing development footprint on the Site. The tenancy comprises approximately 202m² GFA and is supported by existing 8 car parking and servicing infrastructure established as part of the broader development.

Notwithstanding, the tenancy relating to the Food and drink outlet has never been occupied, and Infrastructure Charges have not been paid. It was therefore determined the development approval has since lapsed.

McDonald's Australia Limited are currently investigating the opportunity to lease the existing tenancy, however, would require a new development application for a Food and drink outlet to facilitate a fit out. This was confirmed via a pre-lodgement meeting with Toowoomba Regional Council on 17 April 2026.

As an alternative pathway, *McDonald's Australia Limited* engaged legal counsel to assist with the re-enlivenment of the development approval for a Food and Drink Outlet (Council Ref: MCUI/2015/393) via the Planning and Environment Court. Toowoomba Regional Council confirmed their support for this pathway via email on 5 June 2026.

2.1 Development Approval Re-enlivenment

On 23 July 2026, the Planning and Environment Court issued a Final Order (Originating Application No. 2048 of 2026), ordering the following:

Pursuant to section 37(1) of the Planning and Environment Court Act 2016 (Qld):

- a. *the Applicants' failure to lodge an extension application with the Respondent to extend the currency period for the Development Permit pursuant to section 86(1) of the Planning Act 2016 (Qld) (Planning Act) before it lapsed be excused; and*
- b. *any application to extend the currency period of the Development Permit made within 20 business days from the date of the final order in these proceedings be taken to have been made pursuant to section 86(1) of the Planning Act, as if the Development Permit had not lapsed.*

A copy of this Final Order is provided in **Attachment B**.

The development approval (Council Reference: MCUI/2015/393), is therefore taken to be re-enlivened and is current to 20 August 2026.

3 Extension Request

Pursuant to section 86 of the Planning Act 2016, the Applicant seeks an extension to the currency period of the development approval (Council Ref.: MCUI/2015/393) to **2 June 2029**.

3.1 Grounds for Extension

Section 87 of the Planning Act 2016 provides that an assessment manager may consider any matter it considers relevant in assessing and deciding an extension application. The following matters are relevant to Council's consideration of this request.

3.1.1 Continued Consistency with the Current Planning Framework

The original development application was assessed against and ultimately approved under the Toowoomba Regional Planning Scheme 2012 (Version 6). At this time, the site was located in the Medium Impact Industry Zone and the Charlton Wellcamp Enterprise Area Local Plan (Transport and Warehousing Precinct). These designations categorised the development application as impact assessable.

Under the current Toowoomba Regional Planning Scheme (Version 29), the site continues to be located within the Medium Impact Industry Zone and the Charlton Wellcamp Enterprise Area Local Plan (Transport and Warehousing Precinct). The level of assessment for a new development application for a Food and drink outlet would remain impact assessable.

Importantly, there has been no material shift in the strategic planning intent for the locality since the approval was originally granted.

The approved development also remains consistent with the key development metrics applying under both the superseded and current planning schemes, including:

- maximum building height;
- site coverage; and
- setback expectations to the Warrego Highway.

Accordingly, the approved development remains consistent with the planning intent and development expectations applying to the site under the current planning scheme framework.

3.1.2 Existing Built Form

Critically, the built form relating to the land use already exists on site. As noted above, the tenancy was lawfully constructed following approval of the development application and forms part of the established service centre development presently operating from the land.

As a consequence:

- the visual and built form outcomes associated with the approval are already established;
- the broader operational context has already materialised;
- infrastructure and traffic networks are already servicing the development; and
- activation of the tenancy would occur wholly within an existing and established development footprint.

The extension request therefore does not facilitate any new or unforeseen built form outcome. The Applicant intends to fit out the tenancy to suit national branding requirements.

3.1.3 Integrated Operation with Existing Service Station

The Development Application was assessed in tandem with a separate development application on the site for a Development Permit for a Service Station (Council Ref.: MCUI/2015/377/A). The proposed Food and Drink Outlet was indicated to co-exist within the built form of the Service Station and form part of the broader development for a service centre. Relevantly:

- the Service Station use commenced operating on 16 February 2016; and
- had the Food and Drink Outlet been included as part of the development application for the Service Station, the Development Approval would not have lapsed (as the first change of use would have commenced).

The approved Food and Drink Outlet is intended to co-exist with, and operate secondary to, the established Service Station activity already occurring on the Site. The extension request therefore facilitates continuation of the integrated development outcome originally contemplated and approved by Council.

3.1.4 No Material Change in Impacts

The extension request does not seek any increase in scale or intensity, modification to approved operational characteristics, additional built form, or altered access arrangements. The Applicant intends to fit out the tenancy to suit national branding requirements.

The original development application was publicly notified and attracted submissions relating to matters including traffic impacts, sequencing of development, drainage and water flow considerations, and earthworks associated with development of the Site.

Those matters have now largely been overtaken by events given:

- the approved built form has already been constructed; and
- the Service Station component of the broader development has operated from the Site since 2016.

There is no evidence of any material adverse planning consequence arising from the approved development outcome presently established on the Site.

3.1.5 Orderly and Efficient Planning Outcomes

Granting the requested extension would facilitate the orderly and efficient continuation of an already approved and constructed planning outcome.

Requiring a new impact assessable development application in circumstances where the approved tenancy already exists, the broader service centre development is operational, the planning framework has not materially changed, and the relevant development impacts have already substantially materialised would result in unnecessary duplication of assessment processes without any corresponding planning benefit.

A new development application would likely assess substantially the same built form, substantially the same operational context and substantially the same planning outcomes already existing on the Site.

In these circumstances, extending the currency period represents an efficient and appropriate planning outcome.

4 Summary

The approved Food and drink outlet forms part of an established and lawfully constructed service centre development that remains consistent with the current planning framework applying to the site.

The extension request does not seek any changes to the approved plans, conditions or operational characteristics of the development. Rather, it facilitates activation of an already approved and constructed tenancy within the existing development footprint.

Having regard to the matters outlined above, the requested extension to **2 June 2029** is considered appropriate and warrants favourable consideration.

In accordance with Council's Development Assessment and Compliance Fees 2026-2027, the Council application fee to extend a development approval is [REDACTED]. The relevant fee will be paid upon receipt of Council's fee quote.

Should you require any further clarification on this matter please do not hesitate to contact the undersigned of **Beth Foley (Senior Consultant)** on (07) 3007 3800.

Kind regards,

A handwritten signature in black ink, appearing to read "Cameron Stanley".

Cameron Stanley
Partner
+61 7 3007 3898
cstanley@urbis.com.au

Our Reference: MCUI/2015/393
& CWS/2015/394
Contact Officer: Nikki Morrison
Contact: Toowoomba Office, 4688 6857
Email: development@toowoombaRC.qld.gov.au

Sustainable Planning Act 2009 Section 334

Witmack Industrial Pty Ltd
C/- Property Projects Australia
PO Box 3686
TOOWOOMBA QLD 4350

23 April 2015

Dear Sir/Madam

Location: Lot 301 SP277666 Warrego Highway, CHARLTON QLD 4350
Property Description: Lot 301 SP277666 (formally Lot Lot 202 SP247509)
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012*

The Development Application for Material Change of Use – Impact – Food and Drink Outlet; and Operational Works – Code – Advertising Device (Pylon Sign), for the abovementioned property has been assessed and approved with Conditions. The decision was made on 23 April 2015. The following provides all the relevant details:

Details of Approval

Development Permit – Material Change of Use (Impact) for a Food and Drink Outlet; and Operational Works (Code) for a Advertising Device (Pylon Sign)

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 & 2

Concurrence Agency Conditions: As per attached Schedule 3

Further Development Permits and/or Compliance Permits Required

- Operational Works Permit
- Plumbing Works Permit
- Building Works Permit (where applicable)

Submissions

Number of properly made submissions: 3 (see attached list of names and addresses)

Rights of Appeal

Attached is an extract from the *Sustainable Planning Act 2009* which details your appeal rights regarding this decision.

Yours faithfully



Natalie Plumbe
Principal Planner, Development Assessment



TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - IMPACT

APPLICATION NUMBER:	MCUI/2015/393
APPLICANT:	Witmack Industrial Pty Ltd
LOCATION:	Lot 301 SP277666 Warrego Highway, CHARLTON QLD 4350
PROPERTY DESCRIPTION:	Lot 301 SP277666 (formally Lot Lot 202 SP247509)
APPROVED USE:	Food and Drink Outlet
ZONING / PRECINCT:	Medium Impact Industry Zone – Transport and Warehousing Precinct; Local Centre Zone; and Open Space Zone – Conservation Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

PLANNING

APPROVED USE

1. This Development Approval is for a Material Change of Use for a Food and Drink Outlet.
2. This Development Approval does not imply or comprise an approval for any use other than that listed in Condition 1.

CARRY OUT & MAINTAIN DEVELOPMENT

3. The development must not start until the development approved in accordance with MCU/2015/377 (Material Change of Use – Service Station and Operational Works – Advertising Device) has been completed.

Note: Should the development given Council's reference MCU/2015/377 not proceed, and the Food and Drink Outlet is to be developed, the applicant will need to make a request to change this approval with elevation plans depicting the Food and Drink Outlet alone. This advisory note is not to be construed as limiting, fettering or prejudicing in any way, the exercise of a discretion, responsibility, function, power, authority or duty of the Council.

4. 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.
5. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
6. 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 Building Works approval.
7. The development must be maintained in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.

APPROVED PLANS

8. 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: 1410.001, Issue D

Description: Site Plan, prepared by FKG and dated 25 February 2015.

Amendments: Nil

Plan No: 1410.003, Issue B

Description: Food and Drink Extension, prepared by FKG and dated 25 February 2015.

Amendments: The plan must be amended to reference a 12 metre Pylon Sign in accordance with MCUC/2015/377 instead of 20 metres.

Plan No: 1410.111, Issue B

Description: Proposed Food and Drink, prepared by FKG and dated 30 January 2015.

Amendments: Nil

Plan No: 1410.201, Issue B

Description: Elevations, prepared by FKG and dated 30 January 2015.

Amendments: Nil

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

9. Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:

9.1 Stormwater Management Plan.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

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

WORKS

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

11. Drawings and specifications for all works associated with the proposed development or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
12. 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. A copy of the Construction Supervision Certificate must be submitted to Council upon completion of the works.
13. A Construction Supervision Certificate must be provided by a RPEQ upon completion of the works certifying that works are in accordance with the approved plans and specifications.
14. 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 with any Design Certificate or Construction Supervision Certificate.

STORMWATER DRAINAGE

15. Submit to Council for approval, a Detailed Stormwater Management Plan that is general in accordance with the concept stormwater management plan submitted in support of the application. The detailed Stormwater Management Plan is to be prepared by a Registered Professional Engineer Queensland - Civil (RPEQ) in accordance with the relevant standards in *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure* (PSP No.2) and *State Planning Policy - July 2014*. The report must demonstrate the following:

- 15.1 Stormwater run-off from roof and developed surface areas, and any run-off onto the site from adjacent areas, is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval;
- 15.2 No increase in flood levels external to the site;
- 15.3 No increase in duration of inundation external to the site that could cause loss or damage;
- 15.4 Appropriate inspection and maintenance of stormwater quality control infrastructure in accordance with a program; and
- 15.5 The achievement of Water Sensitive Urban Design objectives listed in PSP No. 2 and *State Planning Policy - July 2014*.

Note: *It is noted that a Detailed Stormwater Management Plan is required as a condition of approval under MCUC/2015/377. Accordingly this report may include all impervious area for both applications (MCUC/2015/377 and MCUI/2015/393) or alternatively an addendum to that report be provided under MCUC/2015/377 should it only address MCUC/2015/377.*

- 16. A Design Certificate provided by a RPEQ must accompany the Detailed Stormwater Management Plan submitted to Council for endorsement.
- 17. All internal and external stormwater drainage works must be constructed generally in accordance with the approved Detailed Stormwater Management Plan referenced above.
- 18. At the completion of the approved internal and external stormwater drainage works for the development, a Construction Supervision Certificate prepared by an RPEQ certifying that the established works complies with the stormwater drainage and discharge conditions of this Development Approval must be lodged with Council.

STORMWATER DISCHARGE

- 19. 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.
- 20. 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.
- 21. Stormwater must be dispersed as sheet flow.
- 22. 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*.

CONSTRUCTION WASTE MANAGEMENT & STORAGE

- 23. 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*.
- 24. 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 2008*.
- 25. Fires are not to be lit to dispose of demolition or construction waste.
- 26. 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 site and used on site), or be used as fill or buried elsewhere, unless otherwise permitted:
 - 26.1 Elsewhere within this Development Approval;
 - 26.2 In accordance with an associated Operational Works approval;
 - 26.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 26.4 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

26.5 In accordance with a written approval issued by Council under the *Environmental Protection Regulation 2008* relating to the depositing or disposal of general waste from a premises not serviced by Council.

27. 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

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

EROSION & SEDIMENT CONTROL

29. 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.
30. 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.
31. 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 site 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.
32. 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 prevent site vehicles tracking sediment onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction and the ensuing 'on-maintenance' period.

DAMAGE TO SERVICES & ASSETS

33. All reasonable measures to protect Council and public utility services and assets during construction of the development must be taken.
34. 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:
- 34.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
- 34.2 Where otherwise, as soon as reasonably possible, but no later than completion of the works associated with the development.
35. 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.

AMENITY & OPERATION OF USE

SAFETY, SECURITY & PUBLICLY ACCESSIBLE FACILITIES

36. Safety and security lighting must be provided to the following areas of the site:
- 36.1 All entries and exits of buildings;
- 36.2 All pathways linking car parking areas to the entrances and exits of buildings; and
- 36.3 Throughout car parking areas; and

TRANSPORT, VEHICULAR ACCESS & PARKING

PROVISION OF VEHICULAR ACCESS

37. Access to the Food and Drink Outlet must be in accordance with the vehicle access depicted on the Approved Plans.

ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING

38. The development must be provided with a minimum of eight (8) on-site car parking spaces together with standing and manoeuvring for 1 service vehicle, generally as depicted on the Approved Plans. Vehicle parking and manoeuvring areas, including the drive through facility, must be:
- 38.1 Provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in the *Toowoomba Regional Planning Scheme and Australian Standard AS2890 - Parking Facilities*;
 - 38.2 Designed and constructed in accordance with the requirements of AS2890;
 - 38.3 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, AS1428.1 Clause 1.7.2 and AS2890.6:2009;
 - 38.4 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the site;
 - 38.5 Designed to enable all vehicles to enter and leave the site in a forward gear;
 - 38.6 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring; and
 - 38.7 Accessible and available to the general public and staff during approved hours of operation.
39. Certified drawings demonstrating compliance with the above condition and the following codes and policies in the *Toowoomba Regional Planning Scheme* must be submitted to Council for endorsement prior to the issue of a Building Works approval for the proposed development:
- 39.1 Works and Services Code;
 - 39.2 Traffic, Access and Parking Code; and
 - 39.3 Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure (PSP No.2).

ENVIRONMENT & WASTE

ACOUSTIC AMENITY - NOISE LIMITS

40. Noise from activity associated with the use of the site must not exceed the Acoustic Quality Objectives listed in the *Environment Protection (Noise) Policy 2008* when measured at any sensitive place or commercial place.
41. When requested by Council, a noise investigation must be undertaken by a qualified person to investigate any complaint of noise nuisance, and the results notified within 14 days to Council. A qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Noise Limits within this Development Approval have been exceeded. 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

42. All regulated devices as defined by the *Environmental Protection Act 1994* must be installed, operated and maintained to comply with the noise limits as specified within the *Environmental Protection Act 1994*.

43. 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:
- 43.1 Before 7.00AM, if it makes a noise of more than 3dB(A) above the background noise level (L_{90}); or
 - 43.2 From 7.00AM to 10.00PM, if it makes a noise of more than 5dB(A) above the background noise level (L_{90}); or
 - 43.3 After 10.00PM, if it makes a noise of more than 3dB(A) above the background noise level (L_{90}).

AIR QUALITY & AMENITY - AIR RELEASE LIMITS

44. 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 place or commercial place must not be released to the atmosphere.
45. When requested by Council, an air quality investigation must be undertaken by a qualified person to investigate any complaint of air pollution, odour or dust nuisance, and the results notified within 14 days to Council. 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.

AIR QUALITY & AMENITY - KITCHEN EXHAUST

46. Kitchen exhaust points for the development must be located and operated in accordance with *Australian Standard AS1668.2-2002 The use of ventilation and air-conditioning in buildings* (specifically *Section 5.10 – Air Discharges*).

OUTDOOR LIGHTING IMPACT MITIGATION

47. Outdoor lighting associated with the use must be designed, sited, and installed to comply with Table 2.1 & 2.2 of Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting* using a control level of 2.
48. 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).
49. When requested by Council, a lighting impact investigation must be undertaken by a qualified person to investigate any complaint of light nuisance, and the results notified within 14 days to Council. A qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not lighting levels listed within this Development Approval have been exceeded.

WASTE MANAGEMENT (GENERAL)

50. All waste generated on site 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)

51. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
- 51.1 Provision of a minimum of two (2) bulk bins for the site, each having a minimum capacity of 2 m³;
 - 51.2 Provision of separate bins for general and recyclable waste for the site with an equal number of each being provided; and
 - 51.3 Storage facilities must be constructed with an impervious base, contain screening so that bins are not able to viewed from any public vantage point and be located no closer than 2m to any fresh air intake to minimise the potential for odour within the building.

WASTE MANAGEMENT (REMOVAL)

52. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
- 52.1 Collection by a refuse vehicle from within the site only and not from the kerbside, and in a manner that ensures waste is adequately managed to prevent escape of contamination;
 - 52.3 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal;
 - 52.4 Waste removal must not occur outside the hours of 6.00AM to 6.00PM, Monday to Saturdays and not at all on Sundays and Public Holidays; and
 - 52.5 The removal of putrescible waste must be collected and removed at periods not exceeding seven (7) days.

STORMWATER QUALITY

53. Contaminants or contaminated water must not be directly or indirectly released from the site or to the ground or groundwater at the subject site at any time except contaminants released to sewer under and in accordance with a trade waste permit issued by Council under the *Water Supply (Safety and Reliability) Act 2008*.

B. ADVICES:

GENERAL ADVICES

INFRASTRUCTURE CHARGES

- 1) Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 635 of the *Sustainable Planning Act 2009*.

OTHER LAWS & REQUIREMENTS

- 2) This approval relates to development requiring approval under the *Sustainable Planning Act 2009* 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.

WHEN APPROVAL TAKES EFFECT

- 3) This approval takes effect in accordance with the provisions of Section 339 of the *Sustainable Planning Act 2009*.

WHEN APPROVAL LAPSES

- 4) This approval will lapse in accordance with the provisions contained in Section 341 and 342 of the *Sustainable Planning Act 2009*, unless otherwise stated elsewhere within this Development Approval.

EXCAVATION & FILLING

- 5) The planning scheme 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 exempt development. Any combination of excavation or filling of 50m³ or more of material or any excavation or filling involving depths or heights greater than 1m and not associated with 'Building Work' as defined under the *Sustainable Planning Act 2009*, must obtain an Operational Works approval from Council before commencing site works.

EQUITABLE ACCESS & FACILITIES

- 6) 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:

- 6.1 The *Disability Discrimination Act 1992* (Cth);
- 6.2 The *Anti-Discrimination Act 1991* (Qld); and
- 6.3 The *Disability (Access to Premises - Buildings) Standards*.

CONTAMINATED LAND

- 7) It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware that a Notifiable Activity (as defined by Schedule 2 of the *Environmental Protection Act 1994*) is being carried out on the land, or that the land is or has been affected by a hazardous contaminant, they must, within 22 business days after becoming so aware, give notice to the Department of Environment and Heritage Protection's Waste and Contaminated Land Assessment Unit.

ENVIRONMENTAL HARM

- 8) The *Environmental Protection Act 1994* 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 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.

ENVIRONMENTALLY RELEVANT ACTIVITIES

- 9) Should the premises, or any part of the premises, be used for an "Environmentally Relevant Activity" as defined under Schedule 2 the *Environmental Protection Regulation 2008*, separate approval is required by the relevant Administering Authority in accordance with the *Environmental Protection Act 1994* and where applicable the *Sustainable Planning Act 2009* before such use commences.

WATER POLLUTION

- 10) In accordance with the *Environmental Protection Act 1994*, all sand, silt, mud, paint, cement, concrete, construction and demolition, 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

- 11) 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 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 and Multicultural Affairs (DATSIMA) Cultural Heritage Unit on 07 3247 6212 to discuss any obligations under the ACH Act.

FIRE ANTS

- 12) The State of Queensland has been declared a quarantine area for the Red Imported Fire Ant. Should this approval involve the movement of restricted items from areas of known infestation the provisions of the *Plant Protection Act 1989* apply, compliance with statutory provisions must be achieved.

BUILDING APPROVAL REQUIRED FOR CERTAIN FENCES & RETAINING WALLS

- 13) A fence or retaining wall more than 2 metres in height from natural ground level may require a Development Approval for Building Work. This includes the total height of a fence erected on top of a retaining wall. Please contact Council's Building and Compliance Branch via the Customer Service Centre or a Private Certifier to determine any requirement for a Development Approval for Building Work.

BUILDINGS

- 14) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme 2012*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or *Queensland Development Code*.

TRADE WASTE APPROVAL

- 15) This Development Approval does not infer or give approval to the owners or occupiers of the subject land to discharge trade waste to Council's sewers. Council administers trade waste regulation as defined in the *Water Supply (Safety & Reliability) Act 2008* through its *Trade Waste Policy* and *Trade Waste Environmental Management Plan*. A separate Trade Waste Permit is required where trade waste is expected to be discharged to Council's sewers.

Please note that a Trade Waste Approval may require the installation of a pre-treatment arrestor and a metering device. Please contact Council's Trade Waste Services from the Water Operations Branch via the Customer Service Centre for further information in respect of trade waste.

QUALIFIED PERSON

- 16) For the purpose of preparing a Landscape Plan, a qualified person is considered to be a Registered Landscape Architect or Landscape Designer with a minimum of 3 years current experience in the field of landscape design.



TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

SCHEDULE 2

DEVELOPMENT PERMIT FOR OPERATIONAL WORKS SIGNAGE

APPLICATION NUMBER:	OWS/2015/394
APPLICANT:	Witmack Industrial Pty Ltd
LOCATION:	Lot 301 SP277666 Warrego Highway, CHARLTON QLD 4350
PROPERTY DESCRIPTION:	Lot 301 SP277666 (formally Lot 202 SP247509)
APPROVED USE:	Advertising Device (Pylon Sign)
ZONING / PRECINCT:	Medium Impact Industry Zone – Transport and Warehousing Precinct; Local Centre Zone; and Open Space Zone – Conservation Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

GENERAL

APPROVED DEVELOPMENT

1. This Development Approval is for Carrying out Operational Work to Place an Advertising Device (Pylon Sign) on Premises.

CARRY OUT AND MAINTAIN DEVELOPMENT

2. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by this approval.
3. All development under this approval must be completed within two (2) years of the date this approval takes effect. If the development is not completed within this period, this development permit will lapse.
4. The development must be maintained in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this approval.

APPROVED PLANS

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

Plan No: 2014068

Description: Proposed KFC Signage (12.0 M Pylon Sign) and dated 23 December 2014.

Amendments: Nil

Note: This approval does not imply approval of any other Advertising Devices on the subject land.

APPROVED ADVERTISING DEVICE

6. The dimensions of the Advertising Device (Pylon Sign) must not exceed those detailed in **Table 1** below.

Table 1: - Signage Dimensions

Plan Reference	Sign Description	Height	Width	Display Area m ²
2014068	Proposed KFC Signage (12.0 M Pylon Sign)	12 metres	4.2 metres	17m ² per side

Note: The width is measured to the outermost extremities of the sign and the height is measured from ground level.

7. Any illumination must only be by internal illumination or by baffled lamps/light-emitting diode (LED).

ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE

8. The Advertising Device (Pylon Sign) must be maintained in a safe, clean, tidy and sightly condition at all times.
9. The Advertising Device (Pylon Sign) must be designed and certified by a Registered Professional Engineer Queensland (RPEQ) and constructed in accordance with the requirements of the Queensland Development Code and the Building Code of Australia.

Note: The Advertising Device will be visible from a state controlled road and therefore is required to meet the guidelines set out in the Department of Transport and Main Roads Roadside Advertising Guide.

DAMAGE TO SERVICES & ASSETS

10. Undertake all reasonable measures to protect Council and public utility services and assets during erection/construction of the development.
11. 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:
- 11.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
- 11.2 Where otherwise, as soon as reasonably possible, but no later than completion of the works associated with the development.
12. 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.

B. ATTACHMENTS:

- Concurrence Agency Conditions Schedule 3
- Approved Development Plans
- Appeal provisions pursuant to the *Sustainable Planning Act 2009*.

List of Submitters:-

Lester Strasburg
3 Edmond Street
MARBURG QLD 4346

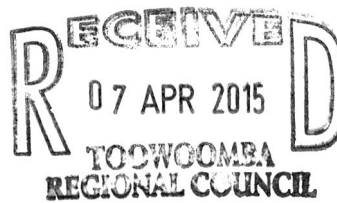
Ivan Deeth and Joy Deeth
101 Nass Road
CHARLTON QLD 4350

Tim Ford
10775 Warrego Highway
CHARLTON QLD 4350

SCHEDULE 3

CONCURRENCE AGENCY (CONDITIONS OR COMMENTS)

DEPARTMENT OF STATE DEVELOPMENT, INFRASTRUCTURE AND PLANNING



Queensland
Government

Department of
**State Development,
Infrastructure and Planning**

Our reference: SDA-0215-018172

Your reference: MCUC/2015/393

1 April 2015

The Chief Executive Officer
Toowoomba Regional Council
PO Box 3021
TOOWOOMBА QLD 4350

TOOWOOMBА MAIL ROOM

07 APR 2015

Attention: Ms Nikki Morrison

Dear Nikki

Concurrence Agency Response—with conditions-Development Permit for a Material Change of Use (Food and Drink Outlet)

Warrego Highway Charlton QLD 4350

(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning (DSDIP) under section 272 of the *Sustainable Planning Act 2009* on 9 February 2015.

Applicant details

Applicant name:	Witmack Industrial Pty Ltd
Applicant contact details:	C/ Property Projects Australia PO Box 3686 TOOWOOMBА QLD 4350

Site details

Street address:	Warrego Highway CHARLTON QLD 4350
Lot on plan:	Lot 207 on AG3720; Lot 202 on SP247509
Local government area:	Toowoomba Regional Council

Application details

Page1

Darling Downs South West Regional Office
128 Margaret Street
PO Box 825
Toowoomba QLD 4350

Proposed development: Development Permit for a Material Change of Use (Food and Drink Outlet)

Referral triggers

The development application was referred to DSDIP under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger 7.3.1 Making a material change of use of premises if any part of the land -
(a) is within 25m of a State-controlled road or
(b) is future State-controlled road or
(c) abuts a road that intersects with a State-controlled road within 100m of the land

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

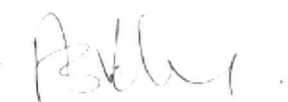
Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, DSDIP must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

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

For further information, please contact Ms Charmaine Aldridge, Principal Planning Officer on 4616 7305, or email charmaine.aldridge@dsdip.qld.gov.au who will be pleased to assist.

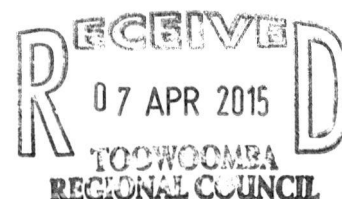
Yours sincerely



Andrew Foley
Manager Planning

cc: Witmack Industrial Pty Ltd
C/-Property Projects Australia
Attention: Mr James Juhasz
PO Box 3686
Toowoomba QLD 4350

enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions

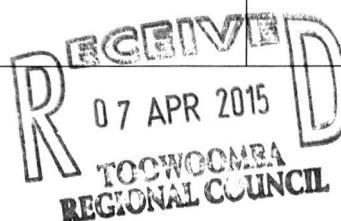


Our reference: SDA-0215-018172

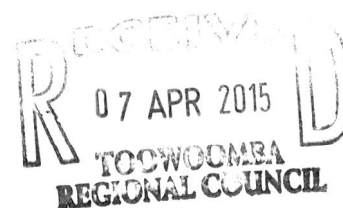
Your reference: MCUC/2015/393

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development Permit for a Material Change of Use (Food and Drink Outlet)		
Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
In accordance with approved plans		
1.	The development must be carried out generally in accordance with the following plans: <i>Site Plan prepared by FKG Group (Issue C dated 29/01/15)</i> <i>Project No. 1410.001</i>	At all times
Location of the direct vehicular access to the state-controlled road (SCR)		
2.	The permitted road access location, for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained, is to be located generally in accordance with: <i>Site Plan prepared by FKG Group (Issue C dated 29/01/15)</i> <i>Project No. 1410.001</i>	At all times
Stormwater and drainage impacts on the SCR		
3.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road. (b) Any works on the land must not: i. create any new discharge points for stormwater runoff onto the state-controlled road; ii. interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; iii. surcharge any existing culvert or drain on the state-controlled road; iv. reduce the quality of stormwater discharge onto the state-controlled road.	(a) and (b) At all times
Internal and external manoeuvring associated with direct vehicular access to the SCR		
4.	All vehicles must enter and exit the subject site at the permitted road access location (for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained) in a forward motion.	At all times
Design vehicle and traffic volume		
5.	Road access works comprising an AUL, and angled exit incorporating a suitable splitter island for which approval under section 33 of the <i>Transport Infrastructure Act 1994</i> must be obtained, at the permitted road access location must be provided generally in accordance with <i>Site Plan prepared by FKG Group (Issue C dated 29/01/15) Project No. 1410.001</i> .	Prior to the commencement of use and to be maintained at all times



No.	Conditions	Condition timing
	The road access works must be designed and constructed in accordance with DTMR's <i>Road Planning and Design Manual</i> (prepared by DTMR dated July 2013, Revision 2nd Edition) and the <i>Manual of Uniform Traffic Control Devices</i> (MUTCD) prepared by DTMR (dated 14 March 2014) Revision 2003 Edition (7th issue). Any shortfall in the required AUL length is to be certified as suitable by a Registered Professional Engineer of Queensland (RPEQ) Traffic Engineer.	



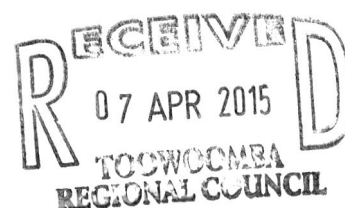
Our reference: SDA-0215-018172

Your reference: MCUC/2015/393

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application;
- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road;
- To ensure that the impacts of stormwater events associated with the development are minimised and managed to avoid creating any adverse impacts on the state transport corridor;
- To ensure the turning movements of vehicles entering and exiting the premises via the road access maintains the safety and efficiency of the state-controlled road; and
- To ensure the design of any road access maintains the safety and efficiency of the state-controlled road.



Chapter 7, Part 1, Division 8 of the Sustainable Planning Act 2009
Appeals to court relating to development applications and approvals

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

463 Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) development for an aquacultural ERA; or
 - (b) development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
 - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
 - (b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
 - (a) if the responsible entity for making the change is the assessment manager for the application—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
 - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

Chapter 7, Part 1, Division 9 of the Sustainable Planning Act 2009
Appeals to court about compliance assessment

468 Appeals against decision on request for compliance assessment

- (1) A person to whom an action notice has been given under section 405(5) about a request for compliance assessment of development, a document or work may appeal to the court against a decision in the notice.
- (2) The appeal must be started within 20 business days after the notice is given to the person.

- 469 Appeals against condition imposed on compliance permit or certificate**
- (1) A person who is given a compliance permit or compliance certificate subject to any conditions may appeal to the court against the decision to impose the condition.
 - (2) The appeal must be started within 20 business days after the day the compliance permit or compliance certificate is given to the person.

- 470 Appeals against particular decisions about compliance assessment**
- (1) A person to whom any of the following notices have been given may appeal to the court against the decision in the notice:
 - (a) a notice of a decision on a request to change or withdraw an action notice;
 - (b) a notice under section 413(2)(c) about a decision to refuse a request to change a compliance permit or compliance certificate.
 - (2) The appeal must be started within 20 business days after the day the notice is given to the person.

Chapter 7, Part 1, Division 10 of the Sustainable Planning Act 2009 Appeals to court about other matters

- 472 Appeal about extension of period under s 98**
- (1) A person who has requested an extension under section 98(2) may appeal to the court against a refusal of the request.
 - (2) An appeal under subsection (1) must be started within 20 business days after the day the person is given notice of the refusal.
 - (3) Also, a person who has made a request under section 98(2) may appeal to the court against a deemed refusal of the request.
 - (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.
 - (5) However, an appeal under this section may only be about whether the refusal is so unreasonable that no reasonable relevant local government could have refused the request.

- 473 Appeals against enforcement notices**
- (1) A person who is given an enforcement notice may appeal to the court against the giving of the notice.
 - (2) The appeal must be started within 20 business days after the day notice is given to the person.

- 475 Appeals against local laws**
- (1) This section applies if—
 - (a) an applicant is dissatisfied with a decision of a local government or the conditions applied under a local law about the use of premises or the erection of a building or other structure; and
 - (b) the use is not prohibited development under the planning scheme or a temporary local planning instrument for the planning scheme area.
 - (2) The applicant may appeal to the court against the decision or the conditions applied.
 - (3) The appeal must be started within 20 business days after the day notice of the decision is given to the applicant.

- 478 Appeals about infrastructure charges notice**
- (1) The recipient of an infrastructure charges notice may appeal to the court about the decision to give the notice.
 - (2) However, the appeal may be made only on 1 or more of the following grounds—
 - (a) the charge in the notice is so unreasonable that no reasonable relevant local government could have imposed it;
 - (b) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (c) there was no decision about an offset or refund;

Examples of possible errors in applying an adopted charge—

 - *the incorrect application of gross floor area for a non-residential development*
 - *applying an incorrect 'use category' under an*

- SPRP (adopted charges) to the development*
- (d) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
- (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure identified in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

478A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to the court against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

479 Appeals from building and development committees

- (1) A party to a proceeding decided by a building and development committee may appeal to the court against the committee's decision, but only on the ground—
 - (a) of an error or mistake in law on the part of the committee; or
 - (b) that the committee had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.
- (2) An appeal against a building and development committee's decision must be started within 20 business days after the day notice of the committee's decision is given to the party.

Chapter 7, Part 2, Division 4 of the Sustainable Planning Act 2009 Appeals to committees about development applications and approvals

Subdivision 1 Appeals about particular material changes of use

- 519 Appeal by applicant—particular development application for material change of use of premises**
- (1) This section applies to a development application if the application is only for a material change of use of premises that involves the use of a prescribed building.
 - (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
 - (3) The applicant for the development application may appeal to a building and development committee against any of the following—
 - (a) the refusal, or the refusal in part, of the application;
 - (b) any condition of the development approval and another matter, other than the identification or inclusion of a code under section 242, stated in the development approval;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the application.
 - (4) An appeal under subsection (3)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
 - (5) An appeal under subsection (3)(e) may be started at any time after the last day a decision on the matter should have been made.

- 520 Appeal about decision relating to extension for development approval**
- (1) This section applies to a development approval if the approval is only for a material change of use of premises that involves the use of a prescribed building.
- (2) A person to whom a notice is given under section 389 in relation to the development approval, other than a notice for a decision under section 386(2), may appeal to a building and development committee against a decision in the notice.
- (3) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

521 Appeal about decisions relating to permissible changes

- (1) This section applies to a development approval if the approval is only for a material change of use of premises that involves the use of a prescribed building.
- (2) The following persons may appeal to a building and development committee against a decision on a request to make a permissible change to the development approval, other than a deemed refusal of the request—
- (a) if the responsible entity for making the change is the assessment manager for the development application to which the approval relates—
- (i) the person who made the request; or
- (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
- (b) if the responsible entity for making the change is a concurrence agency for the development application—the person who made the request.
- (3) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.

Subdivision 2 Appeals about conditions of particular development approvals

522 Appeal by applicant—condition of particular development approval

- (1) This section applies to a development application if—
- (a) the application is only for a material change of use that involves the use of a building classified under the BCA as a class 2 building; and
- (b) the proposed development is for premises of not more than 3 storeys; and
- (c) the proposed development is for not more than 60 sole occupancy units.
- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
- (3) The applicant for the development application may appeal to a building and development committee against a condition of the development approval.
- (4) The appeal must be started within 20 business days (the **applicant's appeal period**) after—
- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
- (b) otherwise—the day a decision notice was required to be given to the applicant.
- (5) In this section—
- sole-occupancy unit**, in relation to a class 2 building, means a room or other part of the building used as a dwelling by a person to the exclusion of any other person.
- storey** means a space within a building between 2 floor levels, or a floor level and a ceiling or roof, other than—
- (a) a space containing only—
- (i) a lift shaft, stairway or meter room; or
- (ii) a bathroom, shower room, laundry, water closet or other sanitary compartment; or
- (iii) accommodation for not more than 3 motor vehicles; or
- (iv) a combination of any things mentioned in subparagraph (i), (ii) or (iii); or
- (b) a mezzanine.

Division 5 Appeals to committees about compliance assessment

523 Appeal against decision on request for compliance assessment

- (1) A person who is given an action notice about a request for compliance assessment of development, a document or work may appeal to a building and development committee against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice is given to the person.

524 Appeal against condition imposed on compliance permit or certificate

- (1) A person who is given a compliance permit or compliance certificate subject to any conditions may appeal to a building and development committee against the decision to impose the condition.
- (2) The appeal must be started within 20 business days after the day the compliance permit or compliance certificate is given to the person.

525 Appeals against particular decisions about compliance assessment

- (1) A person who is given any of the following notices may appeal to a building and development committee against the decision in the notice—
- (a) a notice of a decision on a request to change or withdraw an action notice;
- (b) a notice under section 413(2)(c) about a decision to refuse to change a compliance permit or compliance certificate.
- (2) The appeal must be started within 20 business days after the day the notice is given to the person.

Division 6 Appeals to committees about building, plumbing and drainage and other matters

Subdivision 1 Preliminary

526 Matters about which a person may appeal under div 6

- An appeal to a building and development committee under this division may only be about—
- (a) a matter under this Act that relates to the Building Act, other than a matter under that Act that may or must be decided by the *Queensland Building and Construction Commission*, or the *Plumbing and Drainage Act 2002*; or
- (b) a matter that under another Act may be appealed to a building and development committee; or
- (c) a matter prescribed under a regulation.

Subdivision 2 Appeals about development applications and approvals

527 Appeals by applicants

- (1) An applicant for a development application may appeal to a building and development committee against any of the following—
- (a) the refusal, or the refusal in part, of the application;
- (b) any condition of the development approval and another matter, other than the identification or inclusion of a code under section 242, stated in the development approval;
- (c) the decision to give a preliminary approval when a development permit was applied for;
- (d) the length of a period mentioned in section 341;
- (e) a deemed refusal of the application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
- (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

528 Appeal by advice agency

- (1) An advice agency may, within the limits of its jurisdiction, appeal to a building and development committee about the giving of a development approval if the development

application involves code assessment for the aspect of building work to be assessed against the Building Act.

(2) The appeal must be started—

- (a) within 10 business days after the day the decision notice or negotiated decision notice is given to the advice agency; or
- (b) for a deemed approval for which a decision notice or negotiated decision notice has not been given—within 20 business days after receiving a copy of the deemed approval notice for the application from the applicant.

529 Appeal about decision relating to extension for development approval

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to a building and development committee against a decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

530 Appeal about decision relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to a building and development committee against a decision on a request to make a permissible change to the approval, other than a deemed refusal of the request—
 - (a) if the responsible entity for making the change is the assessment manager for the application to which the approval relates—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
 - (b) if the responsible entity for making the change is a concurrence agency for the application to which the approval relates—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.

531 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b), giving a decision to change or cancel a condition of a development approval, has been given may appeal to a building and development committee against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

Subdivision 3 Other matters

532 Appeals for building and plumbing and drainage matters

- (1) If—
 - (a) a person has been given, or is entitled to be given—
 - (i) an information notice under the Building Act about a decision other than a decision under that Act made by the *Queensland Building and Construction Commission*; or
 - (ii) an information notice under the *Plumbing and Drainage Act 2002* about a decision under part 4 or 5 of that Act; or
 - (b) a person—
 - (i) was an applicant for a building development approval; and
 - (ii) is dissatisfied with a decision under the Building Act by a building certifier or referral agency about inspection of building work the subject of the approval;

the person may appeal against the decision to a building and development committee.

(2) An appeal under subsection (1) must be started within 20 business days after the day the person is given notice of the decision.

(3) If—

- (a) under the Building Act, a person makes an application other than a building development application to a local government; and
- (b) the period required under that Act for the local government to decide the application (the **decision period**) has passed; and
- (c) the local government has not decided the application;

the person may appeal to a building and development committee against the lack of the decision and for the committee to decide the application as if it were the local government.

(4) An appeal under subsection (3) must be started within 20 business days after the end of the decision period.

533 Appeals against enforcement notices

- (1) A person who is given an enforcement notice may appeal to a building and development committee against the giving of the notice.
- (2) The appeal must be started within 20 business days after the day the notice is given to the person.

Division 7 Appeals about particular charges

535 Appeals about infrastructure charges decisions

- (1) The recipient of an infrastructure charges notice may appeal to a building and development committee about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
 - (a) the decision involved an error relating to—
 - (i) the application of the relevant adopted charge; or
 - (ii) the working out, for section 636, of additional demand; or
 - (iii) an offset or refund;
 - (b) there was no decision about an offset or refund;
Examples of possible errors in applying an adopted charge—
 - the incorrect application of gross floor area for a non-residential development
 - applying an incorrect 'use category' under an SPRP (adopted charges) to the development
 - (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of infrastructure in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

535A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to a building and development committee against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
 - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
 - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

TOOWOOMBA REGIONAL COUNCIL

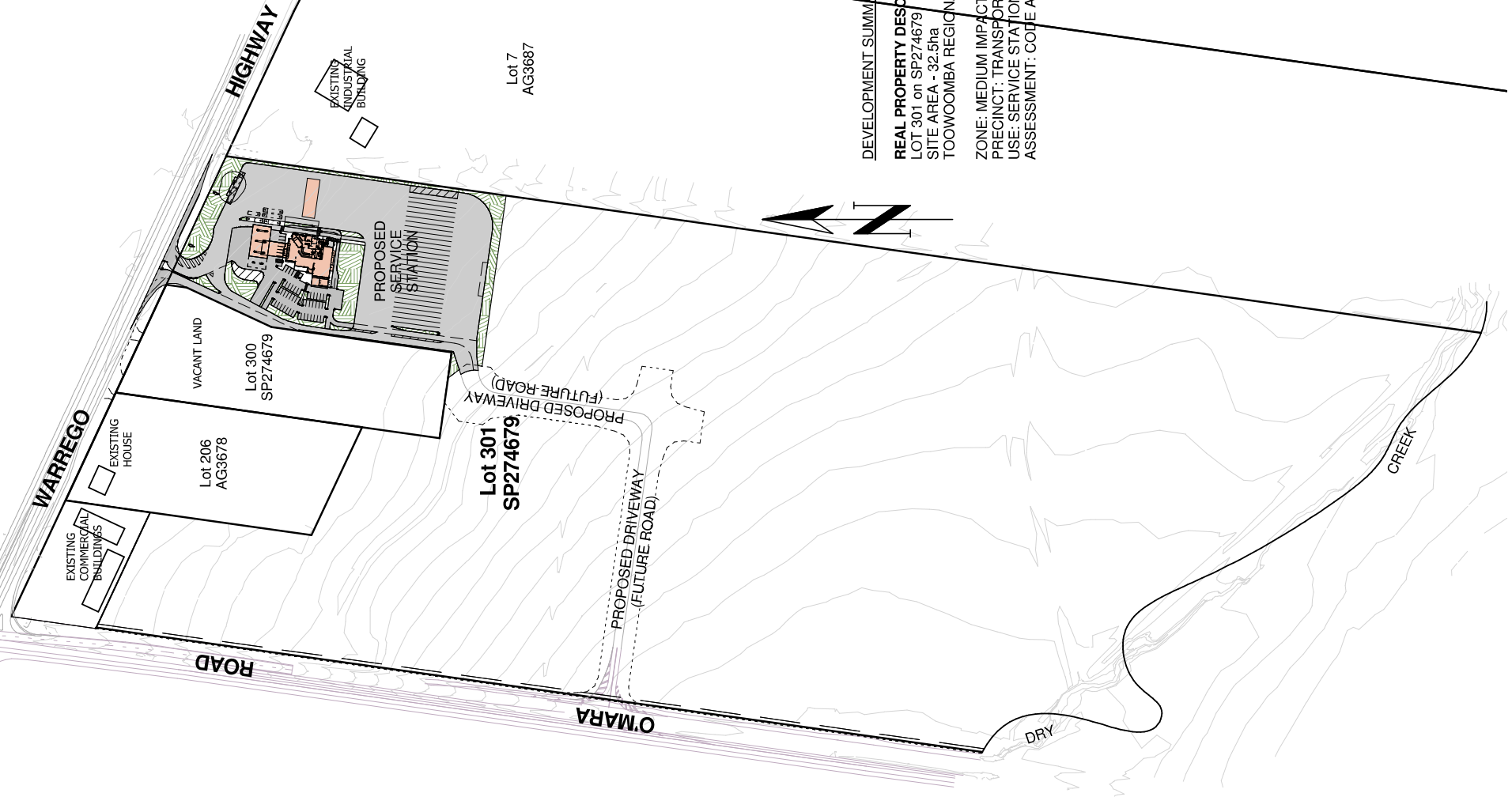
APPROVED PLAN

referred to in Council's Decision Notice dated
23 April 2015

This plan is subject to conditions of Approval Number
MCUI/2015/393

M. Plumbo

Assessment Manager



DEVELOPMENT SUMMARY

REAL PROPERTY DESCRIPTION

LOT 301 on SP274679
SITE AREA - 32.5ha
TOOWOOMBA REGIONAL COUNCIL

ZONE: MEDIUM IMPACT INDUSTRY
PRECINCT: TRANSPORT AND WAREHOUSING
USE: SERVICE STATION
ASSESSMENT: CODE ASSESSABLE



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PERFORMANCE BEYOND EXPECTATION

No.	Description	Date
A	Consultant Information	10/12/14
B	DA Application	12/12/14
C	ISSUE FOR COMMENT	29/01/15
D	INFORMATION REQUEST RESPONSE	25/02/15

PROPOSED SERVICE STATION

WARREGO HIGHWAY,
CHARLTONWITMACK
INDUSTRIAL Pty Ltd

SITE PLAN

APPROVAL		1410. 001	D
Status	25/02/15	Project No.	Issue
Checked	Drawn	Scale	1 : 3500 @ A3

DEVELOPMENT SUMMARY

REAL PROPERTY DESCRIPTION

LOT 301 on SP274679
 SITE AREA - 32.5ha
 TOOWOOMBA REGIONAL COUNCIL
 ZONE: MEDIUM IMPACT INDUSTRY
 PRECINCT: TRANSPORT AND WAREHOUSING
 USE: FOOD AND DRINK
 PROPOSED USE AREA 202m²

BUILDING AREA

TOTAL LINKS & CANOPIES - 1116m²
 TOTAL FOOD AND DRINK AND SERVICE STATION GFA - 1042m²

SITE COVERAGE - 2070m² = 6.3%
 LANDSCAPING - 4257m²
 MAX BUILDING HEIGHT - 7.25m

CAR PARKING REQUIREMENTS

REQUIRED BY SERVICE STATION - 40
 TOTAL SPACES REQUIRED = 62
 TOTAL SPACES PROVIDED = 62
 TOTAL SURPLUS SPACES = 22

FOOD AND DRINK

1 SPACE PER 25m² GFA + 1 SRV
 ADDITIONAL SPACES REQUIRED = 2
 TOTAL SPACES REQUIRED = 42
 TOTAL SPACES PROVIDED = 62

VACANT LAND

TOOWOOMBA REGIONAL COUNCIL

APPROVED PLAN

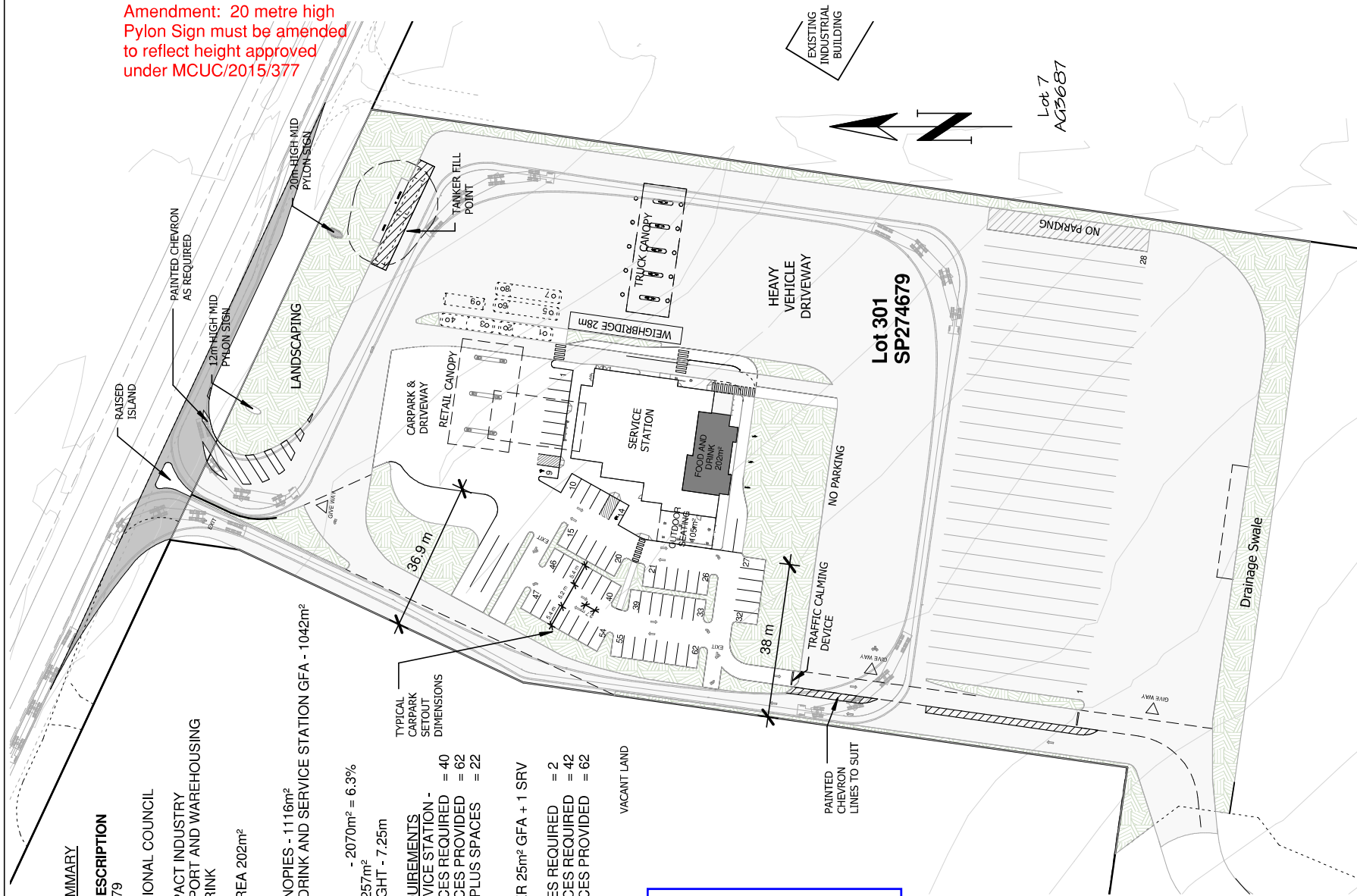
referred to in Council's Decision Notice dated
 23 April 2015

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 MCUI/2015/393

M. Plummer

Assessment Manager

Amendment: 20 metre high
 Pylon Sign must be amended
 to reflect height approved
 under MCUC/2015/377



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This drawing may only be issued for approvals or construction if signed by approved checker all dimension to be used over scaled dimensions contractor to confirm dimensions on site prior to commencement of work.

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PERFORMANCE BEYOND EXPECTATION

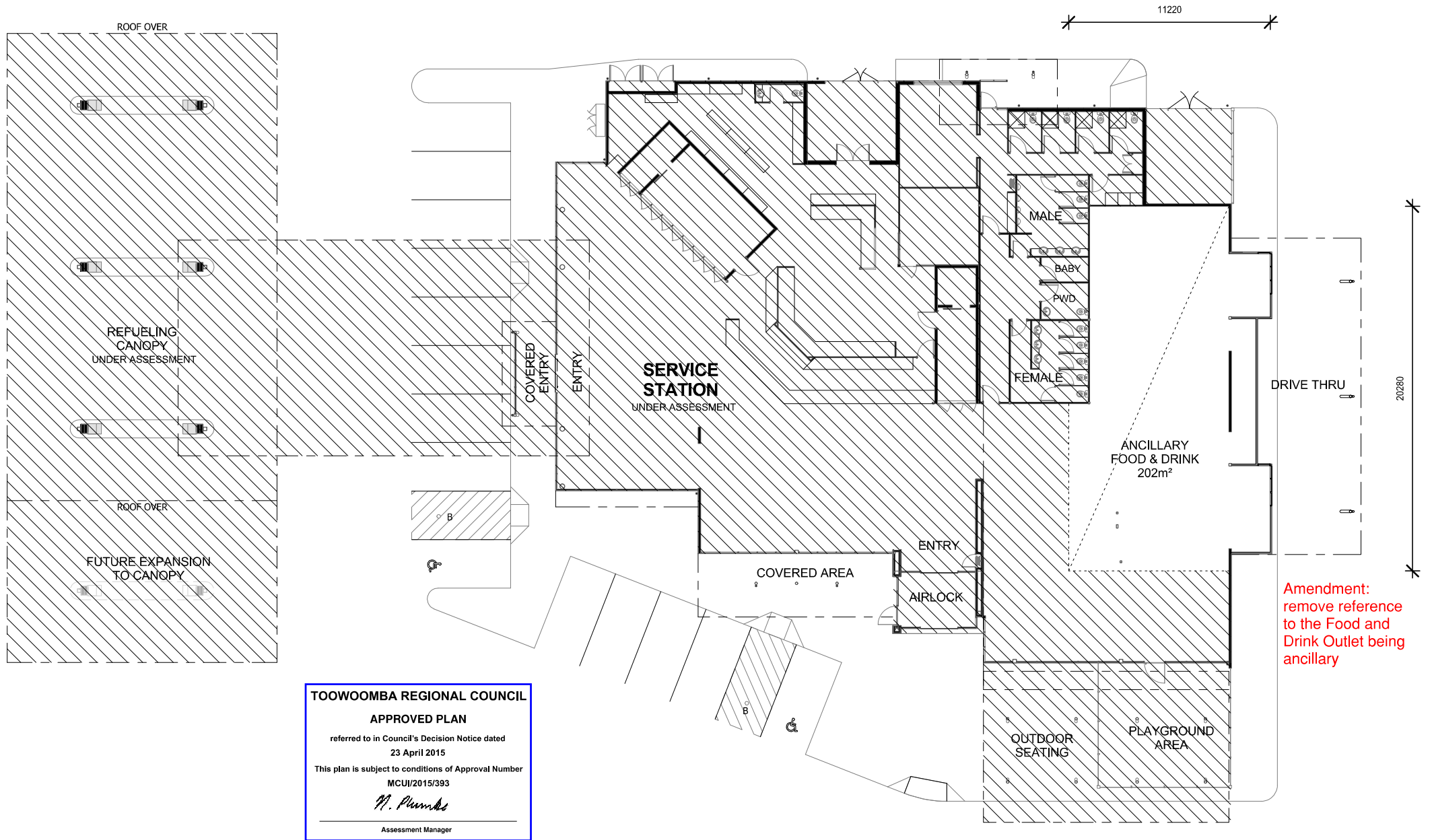
No.	Description	Date
A	ISSUE FOR COMMENT	29/01/15
B	INFORMATION REQUEST RESPONSE	25/02/15

PROPOSED SERVICE STATION

WARREGO HIGHWAY,
 CHARLTON
 WITMACK INDUSTRIAL
 Pty Ltd

FOOD AND DRINK EXTENSION

APPROVAL	
Status	
Date	25/02/15
Checked	Drawn JAJ
Project No.	1410.003
Scale	1 : 1000 @ A3
Issue	B



TOOWOOMBA REGIONAL COUNCIL

APPROVED PLAN

referred to in Council's Decision Notice dated
23 April 2015

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MCUI/2015/393

M. Plumb

Assessment Manager



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TOOWOOMBA QLD 4350

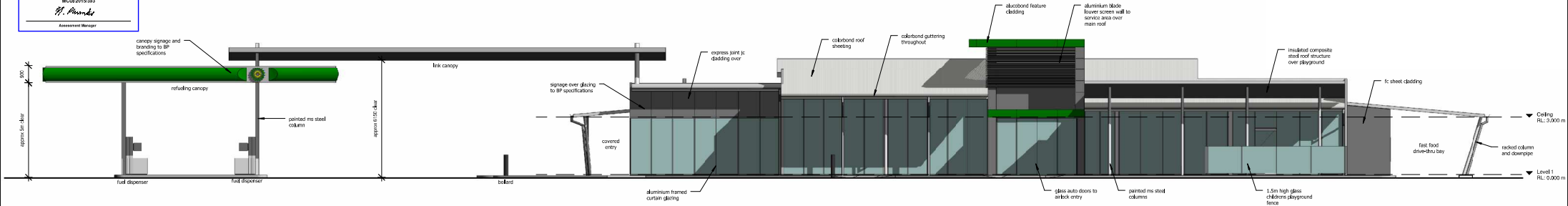
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PERFORMANCE BEYOND EXPECTATION

No.	Description	Date
A	ISSUE FOR COMMENT	29/01/15
B	ISSUE FOR APPROVAL	30/01/15

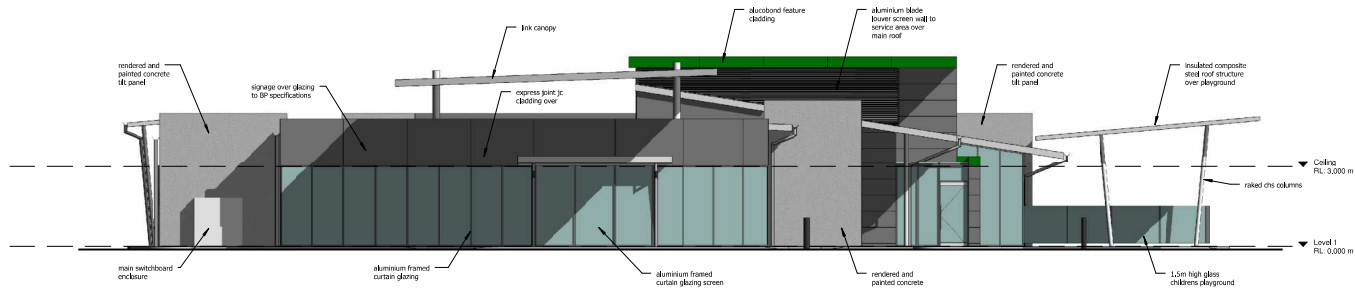
PROPOSED SERVICE STATION	
WARREGO HIGHWAY, CHARLTON	WITMACK INDUSTRIAL Pty Ltd

PROPOSED FOOD AND DRINK			
APPROVAL		1410. 111	B
Status	Date	Project No.	Issue
30/01/15	30/01/15		
Checked	Drawn	LCH	Scale
			1 : 200 @ A3



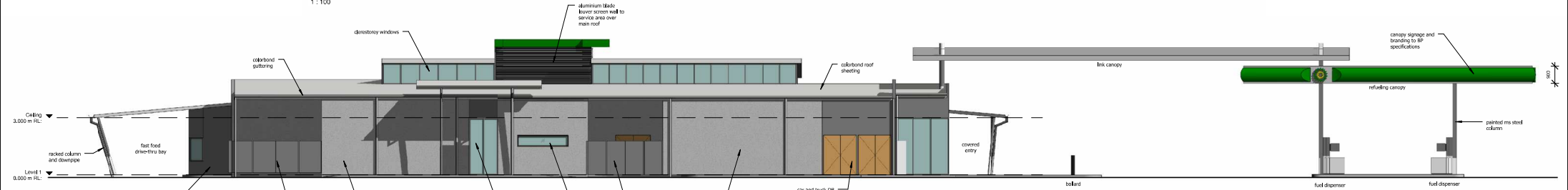
Elevation to West

1 : 100



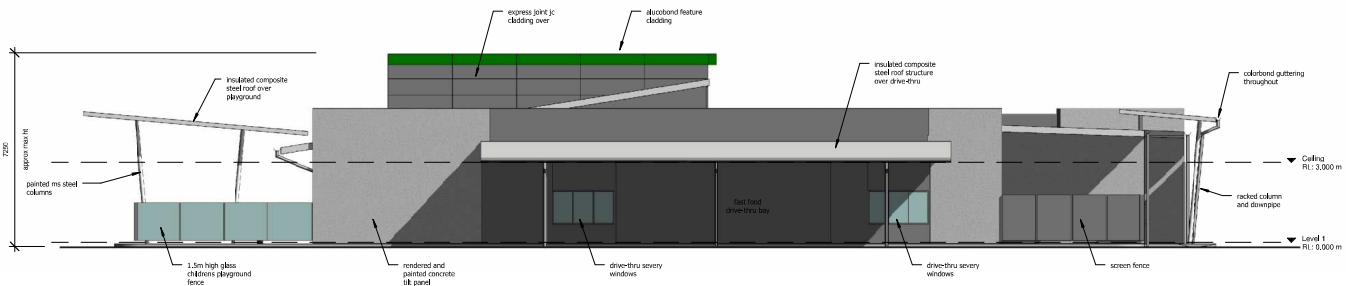
Elevation to North

1 : 100



Elevation to East

1 : 100



Elevation to South

1 : 100

APPROVED PLAN

referred to in Council's Decision Notice dated

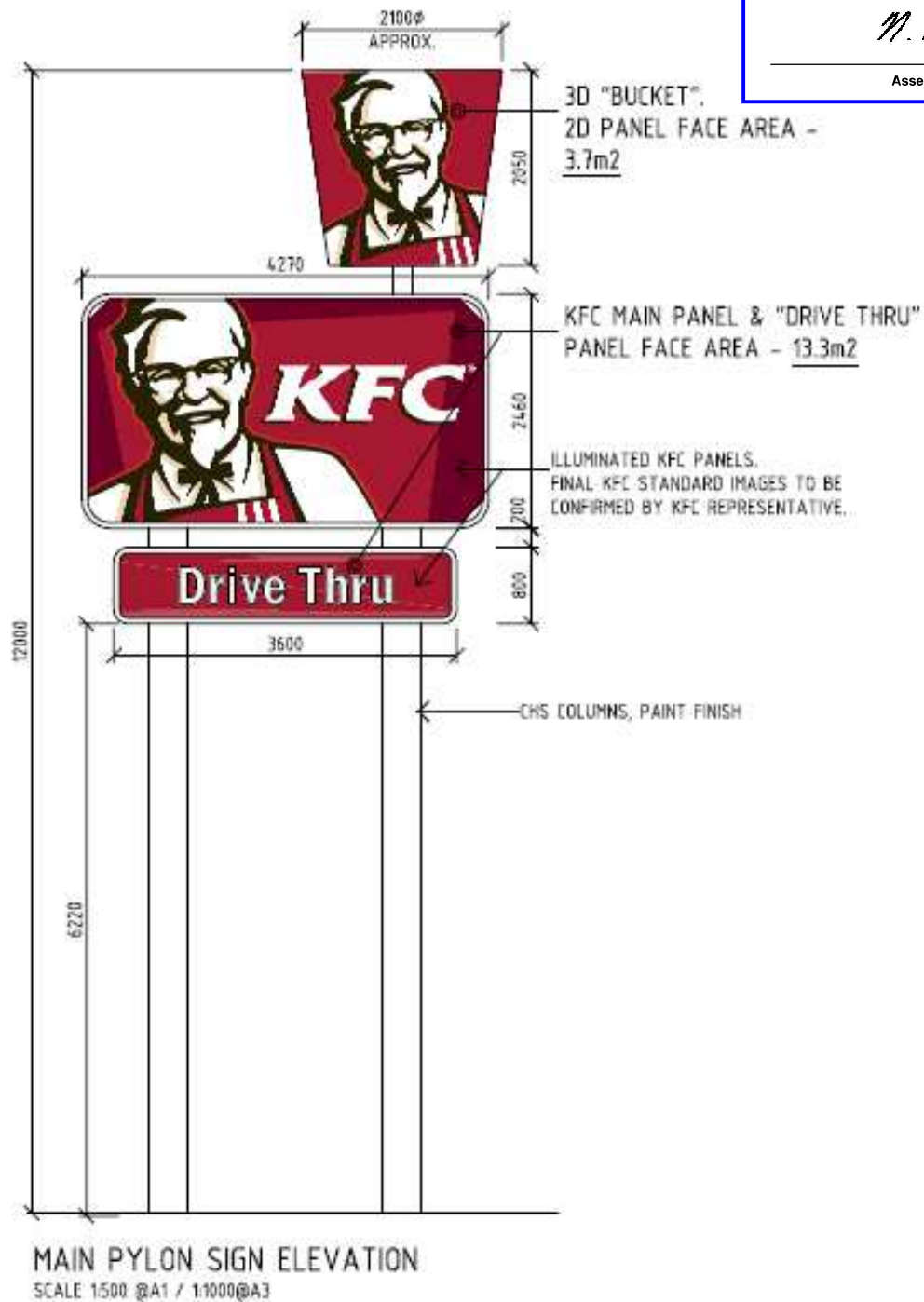
23 April 2015

This plan is subject to conditions of Approval Number

MCUI/2015/393

M. Plummer

Assessment Manager



Project:	Proposed BP Service Centre – Warrego Highway Charlton
Title:	Proposed KFC Signage (12.0 M Pylon Sign)
Date:	23 December 2014
Reference:	2014068