

Our Reference: RAL/2026/514
Officer: Davis Uhlmann
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**Development Application Decision Notice
APPROVAL**

Planning Act 2016 Section 63

Steinmuller Property Pty Ltd
C/- Alpha Planning Applications
PO Box 764
TOOWOOMBA QLD 4350

Email: andrew@alphaplanning.com.au

3 August 2026

Dear Sir/Madam

Location: 185 Postle Street, MOUNT RASCAL QLD 4350
Property Description: Lot 15 SP295684
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012 (Version 28)*

The Development Application for Reconfiguring a Lot – Impact – One (1) Lot into Three (3) Lots, for the abovementioned property has been assessed and approved in full with Conditions. It is considered that the approved development generally complies with the relevant assessment benchmarks or can be conditioned to comply. The decision was made on 31 July 2026. The following provides all the relevant details:

Details of Approval

Development Permit – Reconfiguring a Lot – Impact – One (1) Lot into Three (3) Lots

Referral Agencies

Concurrence Agencies Name & Address: N/A

Advice Agencies Name & Address: N/A

Conditions and Advices

Assessment Manager's Conditions: As per attached Schedule 1

Concurrence Agency Conditions: N/A

Currency Period

In accordance with section 85(1)(b)(ii) of the *Planning Act 2016* (Qld), this Development Approval lapses if a plan for the reconfiguration is not given to Council in accordance with the *Land Title Act 1994* (Qld) within four (4) years of this Development Approval starting to have effect.

Further Development Permits Required

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

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



Richard Green
Lead Senior Planner, Planning Branch

SCHEDULE 1

DEVELOPMENT PERMIT FOR RECONFIGURING A LOT – IMPACT

APPLICATION NUMBER:	RAL/2026/514
APPLICANT:	Steinmuller Property Pty Ltd
LOCATION:	185 Postle Street, MOUNT RASCAL QLD 4350
PROPERTY DESCRIPTION:	Lot 15 SP295684
APPROVED USE:	One (1) Lot into Three (3) Lots
ZONING / PRECINCT:	Rural Residential / 4,000m ² Minimum Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

ASSESSMENT MANAGER CONDITIONS

APPROVED DEVELOPMENT

1. This Development Approval is for Reconfiguring a Lot, being the subdivision of One (1) Lot into Three (3) Lots.

CARRY OUT AND MAINTAIN DEVELOPMENT

2. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by this Development Approval.
3. Unless otherwise stated, all conditions must be complied with prior to Council's approval of the Plan of Subdivision and at all times thereafter.
4. The development must be maintained generally in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.

APPROVED PLANS

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

Plan No: Drawing No. 15390, Revision A

Description: Site Layout and Dimensions, prepared by Parkinson Surveys and dated 25 March 2025

Amendments: Nil

Plan No: Drawings No. 28465, Amendment A

Description: Potential Driveway Cross Over Plan, prepared by Reid Consulting Engineers and dated 10 March 2026

Amendments: Amended in red as follows:

- New note: "This approval relates to the location and configuration of the driveway crossovers only".

APPROVED DOCUMENTS

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

Document: Bushfire Assessment Report, Version 4

Description: Bushfire Assessment Report prepared by Yarramine Environmental and dated 17 January 2026

Amendments: Nil

LOT NUMBERING

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

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

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

8.1 Water Infrastructure (if required);

8.2 Roadworks; and

8.3 Driveway Crossover.

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS

9. Prepare and submit for Council's approval a Plan of Subdivision in accordance with Schedule 18 of the *Planning Regulation 2017*. For the purposes of Section 1(4) of Schedule 18, the stated date by which the request must be made is the last date of the currency period of this approval.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

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

DEVELOPMENT CONSTRAINTS

REMOVAL OF EXISTING BUILDINGS AND STRUCTURES

11. With the exception of boundary fences, demolish or relocate all buildings and structures which cross the approved common property boundaries prior to Council's approval of the Plan of Subdivision, including the septic transpiration trench for the existing Dwelling House.

DEDICATIONS, AGREEMENT AND CONTRIBUTIONS

FEES AND CHARGES

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

WORKS

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

13. Plans and specifications for all works associated with roadworks, vehicular access, water, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland – Civil (RPEQ).
14. A RPEQ must submit to Council a copy of the:
 - 14.1 Design Certificate prior to commencement of the works; and
 - 14.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
15. 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.
16. 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

17. 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

18. Stormwater from the existing roofed and sealed areas of proposed Lot 15 (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.
19. 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.
20. Stormwater must be dispersed as sheet flow.

AIR QUALITY IMPACT MITIGATION

21. 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 works.
22. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during site works do not exceed the following levels when measured at any sensitive place or commercial place:
 - 22.1 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

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 2019*.
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 subject land and used on the subject land), 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 Development Permit for Operational Work;
 - 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 2019* 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 6:30 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

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 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.
32. All disturbed areas must be mulched or turfed as soon as possible during construction.

DAMAGE TO SERVICES & ASSETS

33. Protect Council and public utility services and assets during construction of the development.
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 or prior to the commencement of use, whichever is the earlier.
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.
36. 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 131 872.

SERVICES & UTILITIES

WASTEWATER INFRASTRUCTURE (GENERAL)

37. The existing Dwelling House on proposed Lot 15 must be provided with an on-site wastewater treatment and effluent disposal system having a capacity and land application area sufficient for the use and contained entirely within the bounds of proposed Lot 15. The area nominated for the wastewater treatment and effluent disposal, including irrigation areas, are to be maintained for this purpose for the life of the approval.
38. 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).
39. Any existing wastewater pipes, effluent disposal systems, trenches or land application areas traversing more than one approved lot must be disconnected and removed.
40. Where any alterations to the on-site treatment and disposal system are required, a separate plumbing permit must be obtained from Council and the Compliance Certificate submitted to Council prior to Council's approval of the Plan of Subdivision.
41. Certification must be provided to Council by a Licensed Plumber that any required disconnection has been carried out and that the effluent disposal system and land application area for proposed Lot 15 are fully contained within the proposed lot. Certification must state that the effluent disposal system for proposed Lot 15 complies with Conditions 37 – 40 of this Development Approval.
42. All reasonable and practicable measures must be undertaken to prevent treated wastewater and effluent from overflowing or seeping onto adjoining properties.

WATER SUPPLY INFRASTRUCTURE

43. The subdivision must be connected to Council's existing water supply reticulation in accordance with Council's *Water Infrastructure Policy 2.03* at no cost to Council.

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

Note: The size of any new service connection is to be determined during Plumbing approval.

44. All live connections to the existing water supply networks and water meter installations must be carried out by Council at no cost to Council.

Note: For a private works quotation for the required works Council's Water & Wastewater Department can be contacted on Ph: 131 872. Subject to payment of the quotation, a suitable time for this work to be carried out must be agreed with Council.

45. Where property service connections are required to cross the road, enveloping conduits must be installed fully extending from the water main across to the opposing front property boundary without any bends. The enveloping conduit installation must be installed in accordance with Council's Standard Drawing Number 101214-001. The service connection must be done by Council at no cost to the Council.
46. Unless able to be used as part of the development, any existing connection must be compliantly disconnected and meters recovered by Council at no cost to Council.
47. Any existing water supply connection traversing more than one approved lot must be compliantly disconnected and removed.
48. Certification must be provided to Council by Licensed Plumber that any necessary disconnections have been carried out.
49. Where works have been carried out to disconnect or remove traversing pipes, certification must state that a separate water supply has been provided for all lots containing buildings which previously had a metered water supply, and that new water meters have been provided where necessary.
50. Unless otherwise agreed by Council, prior to the commencement of any works on the subject land, an Operational Works application must be submitted and be approved by Council. This relates to both internal and external water supply works and in accordance with the approved plans and documents of this Development Approval.

TELECOMMUNICATION

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

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

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

ELECTRICITY

54. An electricity supply must be made available to service each approved lot within the subdivision. This supply must be in accordance with the relevant standards of the electricity distributor.
55. Written evidence must be submitted to Council from the electricity distributor advising that provision has been made for connection of reticulated electricity service for each approved lot in accordance with all applicable legislation at the time of construction.

Note: In relation to reticulated electricity, written evidence must be in the form of a "Certificate of Supply" or "Supply is Available" supplied by the relevant service provider.

TRANSPORT & ACCESS

ROADWORKS (EXTERNAL TO SUBDIVISION)

56. Existing roads must be widened to enable safe manoeuvring to the development site, as follows:

Street:	Postle Street
Classification:	Modified Rural Distributor Road
Construction Standard:	One half of the full width of the road from the centreline of road, sealed modified Rural Distributor Road Standard (4.25 metre pavement width), for the entire frontage of the development land to Postle Street and subject to Operational Works approval requirements.

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

57. The design and construction of the road must comply with *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* (PSP No.2) and must include in particular:
- 57.1 Concrete kerbing and channelling;
 - 57.2 Underground stormwater drainage;
 - 57.3 Relocation of utility and Council services where applicable; and
 - 57.4 Street lighting.
58. Any pavement widening must join neatly to the existing pavement so that there are no specific irregularities in line or level resulting at or adjacent to the join for the length of the construction. Where necessary the existing pavement must be brought to a satisfactory standard in accordance with *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* to allow for the above.
59. All street surfacing must be in accordance with the pavement construction standards in *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure*.

60. Verge widths, street reserve widths, intersection treatment, provision of parking and speed control devices must comply with Council's requirements in *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure*.
61. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and approved by Council for the road works external to the subject land and in accordance with the approved plans and documents of this Development Approval. All approved road works must be completed and accepted on-maintenance prior to the endorsement of any Plan of Subdivision.
62. The design and construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil.

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

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

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

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

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

STREET LIGHTING

65. Provide street lighting in accordance with *PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure* and *Australian Standard AS/NZS 1158 – Lighting for roads and public spaces*.

ACCESS (FOOTPATH CROSSOVERS)

66. Vehicle crossovers (crossing of the verge) from the road edge to the property boundary must be constructed for proposed Lots 16 and 17 in accordance with the following requirements:
 - 66.1 The vehicle accesses must be located as shown on the Approved Plans listed within this Development Approval;
 - 66.2 The Institute of Public Works Engineering Australasia *Drawing RSD-100 Residential Driveway Plan 1 of 2* and *RSD-101 Residential Driveway Plan 2 of 2*, and in accordance with *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*;
 - 66.3 Council's standards;
 - 66.4 The vehicle crossover must be constructed to a maximum width of 3 metres;
 - 66.5 The vehicle accesses must be constructed so as not to concentrate stormwater runoff onto neighbouring properties; and
 - 66.6 Underground service conduits for water supply, electricity, house drainage and any other services must be provided as part of the access driveway.

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

LANDSCAPE & ECOLOGY

PROTECTION OF STREET TREES

68. Street tree(s) protection within the 'Precautionary Area' (a protection and/or exclusion zone around tree(s) to prevent damage from heavy machinery and construction activities) as defined in *Planning Scheme Policy No.8 – Street Trees*, must be adhered to for the duration of all construction and development works, in accordance with the relevant Australian Standards in *Planning Scheme Policy No.8 – Council Controlled Trees* and must include:
- 68.1 Prior to commencement of any site works (including earthworks and construction) a work exclusion area must be established around the street tree(s) to be protected as determined by either TPZ (tree protection zone) or SRZ (structural root zone).
 - 68.2 The 'Precautionary Area' including protective barriers must be sufficient to prevent damage and/or soil compaction from all construction works including vehicle and machinery access, storage of building materials and supplies, etc;
 - 68.3 Root disturbance is not permitted within the SRZ (Structural Root Zone) of a Council controlled tree unless supervised by a Project Arborist (minimum AQF Level 5) or unless approved in writing by Council;
 - 68.4 Where roots greater than 50mm diameter are uncovered during excavation works, an approved cutting device must be used for severing roots, ripping devices are not permitted;
 - 68.5 Council's Arborist is required to supervise works within the 'Precautionary Area' of the street tree(s) to be protected. The applicant must advise Council of intended works and confirm Arborist availability to attend site prior to any works commencing; and
 - 68.6 Street tree protection measures within the 'Precautionary Area' must be maintained until all construction and development works are completed or accepted by Council.

BUSHFIRE MANAGEMENT – GENERAL

69. Subdivision works must be carried out in accordance with Section 7 of the approved Bushfire Assessment Report listed within this Development Approval.

BUSHFIRE MANAGEMENT – FUTURE DWELLING REQUIREMENTS

70. All future dwellings on proposed Lot 16 and Lot 17 must be wholly constructed within the Building Envelopes shown in Figure 12 of the approved Bushfire Assessment Report listed within this Development Approval.

B. ADVICES:

GENERAL ADVICES

INFRASTRUCTURE CHARGES

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

OTHER LAWS & REQUIREMENTS

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

WHEN APPROVAL STARTS TO HAVE EFFECT

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

WHEN APPROVAL LAPSES

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

EXCAVATION & FILLING

- 7) The *Toowoomba Regional Planning Scheme 2012* (TRPS) declares excavation and filling activity involving less than 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 Work approval from Council before commencing site works.

DEMOLITION OF BUILDING

- 8) Any structures located on the subject land that are to be removed require the obtaining of any necessary building approvals, and certification by a Building Certifier that the resulting setbacks and/or fire rating of any remaining buildings comply with the Standard Building Regulations.

ENVIRONMENTAL HARM

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

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

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

WATER POLLUTION

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

FIRE ANTS

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

WASTEWATER TREATMENT & DISPOSAL SYSTEM

- 12) The establishment of a wastewater 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.

C. ATTACHMENTS:

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

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the **appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) 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*—
 - (i) 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
 - (ii) 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
 - (iii) 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
 - (iv) 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—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) 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—
 - (a) is in the approved form; and
 - (b) 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—

 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) 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
- (c) 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.