

Our Reference: MCUI/2004/3675/A
CS Portal Reference: N/A
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Decision Notice
CHANGE TO A DEVELOPMENT APPROVAL
Planning Act 2016 Section 83

DHP Poultry Property Company Pty Ltd
C/- Property Projects Australia
PO Box 3686
TOOWOOMBA QLD 4350

Email: blake@propertyprojectsaustralia.com.au
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2 July 2026

Dear Sir/Madam

Application For: Change Application (Minor Change)
Development Approval: Material Change of Use – Impact – Intensive Animal Industry
Location: 2329 Millmerran-Cecil Plains Road, KURROWAH QLD 4357
Property Description: Lot 2 RP51323, Part Lot 10 SP343587 (Former Lot 1 RP51323) and Emt A SP343587
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012*

I refer to your application received on 22 August 2025 for a change to the development approval for Material Change of Use – Intensive Animal Industry approved on 21 April 2005.

The change application was assessed against the relevant assessment benchmarks as identified in the *Toowoomba Regional Planning Scheme 2012* for the development.

On the 30 June 2026, the change application was approved as per the attached Schedule. The changes are considered to be consistent with the relevant assessment benchmarks.

All deletions are identified by **bolded** strikethrough of text and all additions are identified by **bolded** text.

Rights of Appeal

Attached is an extract from the *Planning Act 2016* which details your appeal rights regarding this decision.

Yours faithfully



Richard Green
Lead Senior Planner, Planning Branch



TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – IMPACT

APPLICATION NUMBER:	MCUI/2004/3675/A
APPLICANT:	DHP Poultry Property Company Pty Ltd
LOCATION:	2329 Millmerran-Cecil Plains Road, KURROWAH QLD 4357
PROPERTY DESCRIPTION:	Lot 2 RP51323, Lot 10 SP343587 and Emt A SP343587
APPROVED USE:	Intensive Animal Industry
ZONING / PRECINCT:	Rural Zone / 200ha Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

ASSESSMENT MANAGER CONDITIONS

- ~~1. That the applicant obtain all necessary approvals and permits prior to the commencement of any work which may be required under any Acts, Regulations or Local Laws and further, that the applicant comply with the provisions of all other relevant Acts, Regulations and Local Laws and the provisions of the Town Planning Scheme for the whole of the Shire of Millmerran for the purpose required in the zone in which the land is situated.~~
- ~~2. That the permit shall lapse at the expiration of four years unless the development has been substantially commenced.~~
- ~~3. An authorised person within the meaning of that term as contained in the Local Government Act 1993, as amended, may enter upon the land the subject of this consent for the purpose of ascertaining whether the conditions of this consent have been or are being complied with or to inspect work carried out under the terms of this consent at any time between the hours of 5.00am and 10.00pm on any day during the period of the consent.~~
- ~~4. That the applicant complies with all concurrence conditions as required by the Main Roads Department.~~

PLANNING

- This Development Approval is for a Material Change of Use for Intensive Animal Industry (Poultry) on Lot 2 RP51323 and Part Lot 10 on SP343587, described as the 'Subject Site' on the Approved Plans, and consisting of the following:
 - 5.1 The maximum number of birds that may be kept on the subject site is as follows:

Stage 1		Stage 2		Stage 3	
Shed No.	Maximum Capacity Bird No:	Shed No.	Maximum Capacity Bird No:	Shed No.	Maximum Capacity Bird No:
Shed 1	100,000	Shed 1	100,000	Shed 1	54,000
Shed 2	100,000	Shed 2	100,000	Shed 2	54,000
Shed 3	100,000	Shed 3	100,000	Shed 3	82,000
Shed 4	100,000	Shed 4	100,000	Shed 4	59,998
Shed 5	100,000	Shed 5	100,000	Shed 5	70,000
Shed 6		Shed 6		70,000	
-	-	Shed 7	70,000	Shed 7	70,000
-	-	Shed 8	70,000	Shed 8	70,000
-	-	-	-	Shed 9	70,000
-	-	-	-	Shed 10	70,000
Maximum Constructed Capacity	500,000	Maximum Constructed Capacity	640,000	Maximum Constructed Capacity	669,998

Note: Birds must be pullets (being no older than approximately 20 weeks of age).

CARRY OUT & MAINTAIN DEVELOPMENT

6. 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.
7. Unless otherwise stated, all conditions must be complied with prior to the commencement of use of each stage and thereafter.
8. 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 for each stage. Such building work is to be carried out generally in accordance with the Approved Plans and Documents and, where the building work is assessable development, in accordance with a current Building Work approval.
9. 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

10. 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: J00993_2025_10_22

Description: "Site Plan" prepared by Property Projects Australia and received by Council 7 November 2025

Amendments: Plans to be amended as follows:

- Plan Name changed to "Site Plan";
- Approved capacity of all sheds struck through;
- Shed 3 capacity changed to 82,000 birds;
- "Shed 7 located in same location as Shed 5" struck through;
- "Shed 7 to be relocated" struck through;
- "No Approved location" struck through;
- "Approved Not Constructed" struck through;

- “Dwellings within 5km of the subject site” struck through;
- “Remove all reference to “Dwellings within 5km of the subject site” from Plan”;
- Plan No. Changed to “J00993_2025_10_22”;
- “Amend plans to show dimensions and setbacks of approved sheds from property boundaries”; and
- Nominate “Stage 1”, “Stage 2” and “Stage 3”.

Plan No: LBD 25-0404, Issue A

Description: Shed Floor Plan, prepared by Langton Building Designs and dated 19 August 2025

Amendments: As Amended in red as follows :

- Plan name changed to “Shed 7, 8, 9, & 10 Floor Plan”
- “Shed Floor Plan” struck through

Plan No: LBD 25-0404, Issue A

Description: Shed Elevations, prepared by Langton Building Designs and dated 19 August 2025

Amendments: As Amended in red as follows :

- Plan name changed to “Shed 7, 8, 9, & 10 Elevations”
- “Shed Elevations” struck through

Plan No: DOMQ-1, D03, Revision 5

Description: Broiler Shed Layout prepared by SANTREV and dated 4 March 2015.

Amendments: As Amended in red as follows :

- “This Plan relates to Shed 5 and Shed 6 only”

Plan No: DOMQ-1, D04, Revision 5

Description: Shed Elevations prepared by SANTREV and dated 4 March 2015

Amendments: As Amended in red as follows :

- “This Plan relates to Shed 5 and Shed 6 only”.

Plan No: Nil.

Description: Shed 1, 2, and 3 Floor Plan, approved by Council on 29 June 2026

Amendments: As Amended in red as follows :

- “This Plan relates to Sheds 1, 2, and 3 only”;
- “Does not form part of this approval”; and
- Plan Name changed to “Shed 1, 2, and 3 Floor Plan”.

Plan No: Nil.

Description: Shed 1, 2, and 3 Floor Plan, dated 17 January 2002.

Amendments: Plan to be amended as follows:

- Floor plans and elevation plans of Shed 4 drawn to scale and fully dimensioned.

11. Plans to be amended must only incorporate the amendments listed within this Development Approval and must be resubmitted to Council for approval prior to the issue of any Development Permit for Operational Work or Building Work for Stage 2, whichever occurs first.

APPROVED DOCUMENTS

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

Document: Sullivans Pullet Rearer Farm: Site Based Environmental Management Plan – Feb 2026

Description: Site Based Environmental Management Plan prepared by IntegrityAg and dated 19 February 2026

Amendments: As follows:

- Any reference to Sheds 7-10 forming part of a single stage must be removed, and any reference to staging within the report must reflect the staging indicated on the Approved Plans subject to and modified by any conditions of this development approval; and
- Table 6 must be updated to reflect approved shed capacities listed in Condition 5.

13. Documents to be amended must only incorporate the amendments listed within this Development Approval and must be resubmitted to Council for approval prior to the issue of any Development Permit for Operational Work or Building Work for Stage 2, whichever occurs first.

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

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

14.1 Bulk Earthwork (where required).

STAGED DEVELOPMENT

15. Staging of the development is to occur in accordance with the staging indicated on the Approved Plans subject to and modified by any conditions of this Development Approval.
16. Unless otherwise approved in writing by Council, stages must be completed in sequential order (i.e. Stage 1 must be completed before Stage 2) as identified on the Approved Plans.
17. The development must be carried out in accordance with those conditions applicable to one or more of the stages of development as follows:

17.1 Conditions Applicable to all Stages of development:

1-13, 15-17, 24-63, and 65-69

17.2 Additional Conditions applicable to Stage 1

Nil

17.2 Additional Conditions applicable to Stage 2

14, 18-23, and 64

17.2 Additional Conditions applicable to Stage 3

14, 18-23, and 64

COMPLETION PERIOD

18. Pursuant to Section 88 of the *Planning Act 2016*, the uncompleted aspects of this development approval lapse if the certificate of currency for works approved under each stage has not been issued by 1 June 2034.

FLOOD IMMUNITY

19. Proposed sheds within Stages 2 and 3 as identified on the approved plans must be resilient to flooding and must ensure that the safety and welfare of all animals and persons is maintained during any flooding events.
20. Design and install essential services infrastructure:
 - 20.1 to exclude floodwater intrusion; and
 - 20.2 to resist infiltration and resist hydrostatic and hydrodynamic forces as a result of inundation by flooding.
21. All bulk earthworks undertaken on land identified as Balance Flood Hazard area on the Flood Hazard Overlay must be carried out in accordance with a Development Permit for Operational Work or the following where there is no requirement for a Development Permit for Operational Work:
 - 21.1 Earthworks must not physically alter any watercourse or floodway and must not include vegetation clearing;
 - 21.2 Earthworks must not reduce on-site flood storage capacity, and contain within the subject land, any changes to depth, duration and velocity of flood waters.
22. Any fence traversing land identified as Balance flood hazard area on the Flood Hazard Overlay must ensure that the flow of water is not impeded or disturbed during any flood events.
23. No manufacture and/or storage in bulk of hazardous materials may occur on land identified as Balance flood hazard area on the Flood Hazard Overlay is to occur.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

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

WORKS

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

25. Plans and specifications for all works associated with earthworks, stormwater drainage, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland – Civil (RPEQ).
26. A RPEQ must submit to Council a copy of the:
 - 26.1 Design Certificate prior to commencement of the works; and
 - 26.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
27. 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.

28. 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

29. 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

30. 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.
31. 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.
32. Stormwater must be dispersed as sheet flow.
33. Design and construction of all internal stormwater drainage works must comply with each applicable section of *Australian and New Zealand Standard AS/NZS 3500 – Plumbing and Drainage Code* and the *Queensland Urban Drainage Manual*.

BULK EARTHWORKS

34. Where earthworks are not assessed as part of a Development Application for a Development Permit for Building Work, prior to the commencement of any earthworks on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council.

EROSION & SEDIMENT CONTROL

35. 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.
36. 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.
37. 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.
38. All disturbed areas must be mulched or turfed as soon as possible during construction.
39. 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 minimise site vehicles tracking sediment onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction and, where applicable the ensuing 'on-maintenance' period.

AIR QUALITY IMPACT MITIGATION

40. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the *Air Quality Objectives* listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive place or commercial place must not be released to the atmosphere during building and operational work.
41. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during building works do not exceed the following levels when measured at any sensitive place or commercial place:
 - 41.1 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 NOISE IMPACT MITIGATION

42. 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.

CONSTRUCTION WASTE MANAGEMENT & STORAGE

43. 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*.
44. 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*.
45. Fires are not to be lit to dispose of demolition or construction waste.
46. 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:
 - 46.1 Elsewhere within this Development Approval;
 - 46.2 In accordance with an associated Development Permit for Operational Work;
 - 46.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 46.4 In accordance with either a general or specific approval of a resource for recycling (in accordance with the End of Waste Codes) issued under the *Waste Reduction and Recycling Act 2011*; or
 - 46.5 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.
47. Demolition, excavation and construction waste (including night soil) must not be placed or stored within the road reserve at any time.

DAMAGE TO SERVICES & ASSETS

48. Protect Council and public utility services and assets during construction of the development.
49. Construction, alterations, and any repairs to Council infrastructure is undertaken in accordance with Council's relevant policies and requirements at no cost to Council.

SERVICES & UTILITIES

WATER SUPPLY

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

ENVIRONMENT & WASTE

SITE BASED ENVIRONMENTAL MANAGEMENT PLAN

51. The approved use must be carried out generally in accordance with the approved Site Based Environmental Management Plan listed within this Development Approval.
52. The approved Site Based Environmental Management Plan must be implemented, maintained, and modified where necessary to maintain compliance with the requirements of this Development Approval at all times.

ACOUSTIC AMENITY – GENERAL

53. Acoustic measures and treatments must be incorporated into the development in accordance with Section 5.2 of the approved Site Based Environmental Management Plan listed within this Development Approval.

ACOUSTIC AMENITY - NOISE LIMITS

54. Noise from activity associated with the use of the subject land must not exceed the Acoustic Quality Objectives listed in the *Environmental Protection (Noise) Policy 2019* when measured at any sensitive receptor.
55. Where considered warranted by Council and when requested in writing to do so, a noise investigation must be undertaken to investigate a complaint of noise nuisance. In such instances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Noise Emission Limits listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request. Measurement of noise emissions (adjusted for tonality and impulse) must be generally in accordance with the most recent version of *Australian Standard AS1055.1 Acoustics – Description and measurement of environmental noise – General procedures*.

Note: Before investigation by the operator is required, Council completes its own consultation and preliminary investigation to confirm if a complaint is valid.

ACOUSTIC AMENITY - MECHANICAL PLANT

56. All “refrigeration equipment”, “pumps”, “regulated devices”, and “air conditioning equipment” as defined by *the Environmental Protection Act 1994* must be designed, installed, operated and maintained to comply with the noise standards as specified within the *Environmental Protection Act 1994*.

AIR QUALITY & AMENITY - GENERAL

57. Air pollution control measures must be incorporated into the development in accordance with Section 5.2 of the approved Site Based Environmental Management Plan listed within this Development Approval.

AIR QUALITY & AMENITY - AIR RELEASE LIMITS

58. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the Air Quality Objectives listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive receptor place must not be released to the atmosphere.

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

59. All reasonable and feasible avoidance and mitigation measures are employed so that dust AND/OR particulate matter emissions generated from activity associated with the use of the subject land do not exceed the following levels when measured at any sensitive place or commercial place:
- 59.1 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*; and
- 59.2 A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometres (PM₁₀) suspended in the atmosphere of 50 micrograms per cubic metre over a 24-hour averaging time, for no more than 5 exceedances recorded each year, when monitored in accordance with the most recent version of either:
- i) *Australian Standard AS3580.9.6: Methods for sampling and analysis of ambient air—Determination of suspended particulate matter – PM₁₀ high volume sampler with size-selective inlet – Gravimetric method*; or
 - ii) *Australian Standard AS3580.9.9: Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – PM₁₀ low volume sampler – Gravimetric method*.
60. Where considered warranted by Council and when requested in writing to do so, an air quality investigation must be undertaken to investigate a complaint of air pollution, odour or dust nuisance. In such circumstances, a qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Air Release Limits listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

Note: *Before investigation by the operator is required, Council completes its own consultation and preliminary investigation to confirm if a complaint is valid.*

OUTDOOR LIGHTING IMPACT MITIGATION

61. Outdoor lighting associated with the use must be designed, sited, and installed to comply with the relevant parameters of *Australian Standard AS4282-2019 Control of the obtrusive effects of outdoor lighting*.
62. 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).
63. Where considered warranted by Council and when requested in writing to do so, a lighting impact investigation must be undertaken to investigate a complaint of light nuisance. In such circumstances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the lighting levels listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

Note: *Before investigation by the operator is required, Council completes its own consultation and preliminary investigation to confirm if a complaint is valid.*

STORMWATER QUALITY

64. Contaminants or contaminated water must not be directly or indirectly released from the subject land or to the ground or groundwater at the subject land at any time except:
 - 64.1 Following treatment using an appropriate stormwater quality improvement device (SQID) as uncontaminated overland stormwater flow;
 - 64.2 Following treatment using an appropriate stormwater quality improvement device (SQID) as uncontaminated stormwater to the stormwater system; and
 - 64.3 Contaminants released to the wastewater system under and in accordance with a trade waste permit issued by Council under the *Water Supply (Safety and Reliability) Act 2008*.

WASTE MANAGEMENT (GENERAL)

65. All waste generated on the subject land must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.
66. Waste generated by the development must be managed, stored and removed from the subject land in accordance with Section 5.1 of the approved Site Based Environmental Management Plan listed within this Development Approval.

WASTE MANAGEMENT (BIN PROVISION & STORAGE)

67. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
 - 67.1 The size, mix and capacity of bins provided must be sufficient to accommodate the type and level of waste likely to be generated from the development having regard to the frequency of disposal or collection; and
 - 67.2 Bins must be kept in a clean state and in good repair and fitted with tight-fitting lid assemblies designed to prevent ingress of pests and water.

WASTE MANAGEMENT (REMOVAL)

68. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
- 68.1 Disposal of waste generated must be undertaken in accordance with the *Environmental Protection Regulation 2019*;
 - 68.2 General waste must be collected and removed at periods not exceeding seven (7) days;
 - 68.3 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal; and
 - 68.4 The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.

STORAGE OF LIQUID CHEMICALS

69. All liquid chemicals (including flammable liquids, agricultural and veterinary chemicals, waste oil, acid and lube oil) must be stored within dedicated impervious secondary containment stores, structures or devices and in a manner that complies with *Australian Standards AS1940 – The storage and handling of flammable and combustible liquids* and *AS 2507 – The storage and Handling of Agricultural and Veterinary Chemicals*.

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) Carrying out works on a road or interfering with the road or its operation will require a permit under *Subordinate Local Law No. 1.15 (2020)*. The application form can be found on Council's website at www.tr.qld.gov.au. For further information contact the Road Operations Branch through Council's Customer Service Centre on 131 872.
- 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.

WASTEWATER TREATMENT & DISPOSAL SYSTEM

- 8) The establishment of a wastewater treatment and disposal system for the subject land 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 and Science will also be required.

EQUITABLE ACCESS & FACILITIES

- 9) The plans for the proposed building work have NOT been assessed for compliance with the requirements of the *National Construction Code – Building Code of Australia (Volume 1)* as they relate to people with disabilities.

In addition to the requirements of the National Construction Code as they relate to people with disabilities, one or more of the following may impact on the proposed building work:

- 9.1 The *Disability Discrimination Act 1992* (Cth);
9.2 The *Anti-Discrimination Act 1991* (Qld); and
9.3 The *Disability (Access to Premises - Buildings) Standards*.

ENVIRONMENTAL HARM

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

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

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, 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.

ENVIRONMENTALLY RELEVANT ACTIVITIES

- 11) 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 2019*, separate approval is required by the relevant Administering Authority in accordance with the *Environmental Protection Act 1994* and where applicable the *Planning Act 2016* before such use commences.

WATER POLLUTION

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

ABORIGINAL CULTURAL HERITAGE ACT 2003

- 13) There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003* ("ACH Act").

The ACH Act establishes a cultural heritage duty of care which provides that: "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage." It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the ACH Act may also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) Cultural Heritage Unit on 07 3247 6212 to discuss any obligations under the ACH Act.

FIRE ANTS

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

C. ATTACHMENTS:

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

Chapter 6, Part 1 of the Planning Act 2016 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (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) 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.