

REPORT TITLE	Material Change of Use - Impact - Garden Centre, Short Term Accommodation and Market located at 7852 Gore Highway, MILLMERRAN QLD 4357
AUTHOR	Planning Officer (Rumpa Sarkar)
Application No.	MCUI/2024/5869

PURPOSE OF REPORT

To consider a development application for Material Change of Use - Impact - Garden Centre, Short Term Accommodation and Market located at 7852 Gore Highway, MILLMERRAN QLD 4357

EXECUTIVE SUMMARY

This report considers a development application for a Material Change of Use for Garden Centre, Short-term Accommodation and Market on land located at 7852 Gore Highway, Millmerran and described as Lot 29 RP825872.

The subject site has a total area of 37.57 hectares and is located within the Rural Zone (100-hectare Minimum Precinct) under the Toowoomba Regional Planning Scheme. The site is bounded by the Gore Highway to the south, Millmerran Cecil Plains Road, an unformed road (Unnamed Road 500806) and rural land to the west, Millmerran Branch Railway Corridor to the north and rural land to the east. The site is affected by the Flood Hazard Overlay, Environmental Significance Overlay, and Agricultural Overlay.

The site contains environmental features which includes a waterway (Back Creek) running through the northern and northwestern portion of the site. The site is currently improved by existing rural sheds, cattle yards and agricultural dams. Vehicle access to the site will be provided via an existing vehicle crossover from Gore Highway.

The proposed development seeks to establish a Garden Centre with an ancillary Food and Drink Outlet (i.e Coffee Shop), Short Term Accommodation and Market which will be delivered across three (3) stages as follows:

- Stage 1: Establishment of the Garden Centre (with a total use area of 1,327m²), including an ancillary Food and Drink Outlet (Coffee Shop) and a standalone amenities block. No permanent structures are proposed for the Garden Centre and the nominated area will predominantly be open-air, fenced area, incorporating sections of shaded cloth for plant display and protection. An existing shed will be retained and converted into the Coffee shop. Initial operating hours are proposed from 5:00am to 2:00pm (closed Wednesdays and Thursdays), increasing to 6:00am to 5:00pm, seven days a week once all stages are established..
- Stage 2: Establishment of Short Term Accommodation, comprising of four (4) single-storey, elevated modular cabins. Each cabin will have a GFA of approximately 46.5m² and include a bedroom, bathroom, and open-plan kitchenette and living area. A small entry porch and an adjacent 18m² carport are proposed for each cabin. The accommodation will operate 24 hours 7 days a week on the basis to allow flexible guest access. An internal access track will be constructed to service the cabins.
- Stage 3: Establishment of Monthly Outdoor Market comprising temporary stalls only, with no permanent structures. The market will operate with early morning setup from 5:00am until approximately 6:00pm.

Suitability of the proposed Land uses

Garden Centre:

A Garden Centre is identified as an inconsistent use within the Rural Zone. However, the proposed Garden Centre is considered to align with the purpose of the Rural Zone where non rural uses are compatible with the agriculture and rural landscape character of the rural area and do not compromise the long term use of the land for rural purposes. The proposed Garden Centre is low-scale, consolidated and sensitively located, maintaining setbacks exceeding 200 metres from boundaries and avoiding disturbance to existing vegetation and natural features. Landscaping is proposed to protect visual amenity and integrate of the development into the rural landscape. The use is proposed to operate in a manner that minimises impacts on surrounding rural activities, consistent with the outcomes of the Rural Zone, particularly in relation to amenity, land use conflict, and environmental protection.

The proposed Garden Centre is intended to operate with a product range consistent with the planning scheme definition (e.g. plants, seedlings and associated items). While future expansion to include bulk materials (such as soil, gravel and potting mixes) has been indicated, this would fall outside the scope of the current application and may constitute a different use. Any such expansion would require further assessment through a new or amended development application.

Short-term Accommodation

The proposed short-term accommodation comprises four (4) small-scale, self-contained cabins that are sensitively sited to maintain separation from rural activities and environmental features. The use is consistent with the intent of the Rural Zone as a low-intensity, eco-tourism facility which allow guest to experience rural farm life and remain subordinate to rural production. The development preserves the site's productive capacity, avoids fragmentation, and maintains the rural character and amenity of the locality.

Market

The proposed outdoor market is a low-scale, monthly activity involving temporary stalls only, with no permanent structures. It is consistent with the Rural Zone intent as it represents a rural-supporting use that will involve local and agricultural produce and small-scale economic activity. The limited frequency and temporary nature of the market ensure that it does not compromise the ongoing rural use of the land or adversely impact the character and amenity of the area.

Overall, the proposed development will comprise three (3) staff during normal operations and four (4) staff on plus stall holders on market days. This limited staffing level reflects the low-scale nature of the use and represents its compatibility with the rural character and amenity of the locality.

The site is not serviced by Council's reticulated water or sewer infrastructure. A new on-site wastewater treatment system is proposed to service the development, including the amenities block and cabins. The proposed cabins will be provided with individual rainwater tank for potable water supply.

Under the *Toowoomba Regional Planning Scheme 2012* (Version 28), the proposed Material Change of Use for a Garden Centre, Short Term Accommodation and Market within the Rural Zone is subject to Impact Assessment. The application was publicly notified and no submission were received.

The application required referral to the State Assessment and Referral Agency (SARA) that issued a response with conditions. This referral included an application for a road access location, undersection 62A(2) of *Transport Infrastructure Act 1994* (Approval No. TMR25-044751).

The proposed development has been assessed against and having regard to the applicable assessment framework as identified within this report. The proposal is considered to comply with relevant Planning Scheme provisions or, to the extent of noncompliance, is considered capable of being conditioned to comply. Therefore, the development application is recommended for approval subject to relevant and reasonable conditions.

RECOMMENDATION

APPROVED - Application No. MCUI/2024/5869 for a Development Permit for Material Change of Use - Impact - Garden Centre, Short Term Accommodation and Market, pursuant to the provisions of Section 60 of the *Planning Act 2016* and subject to the conditions listed below.

ASSESSMENT MANAGER CONDITIONS

PLANNING

APPROVED USE

1. This Development Approval is for a Material Change of Use for:
 - 1.1 Garden Centre with a total use area of 1,327m² ;
 - 1.2 Short Term Accommodation for four (4) detached accommodation units; and
 - 1.3 Market with a total use area of 1,691m².
2. The Garden Centre use is limited as outlined below:

- 2.1 Selling plants; and/or selling gardening and landscape products and supplies that are mainly in pre-packaged form;
 - 2.2 Must only operate between the hours of 5:00AM to 6:00PM, 7 days per week;
 - 2.3 Any Food and Drink outlet must be ancillary, subservient and subordinate to the predominant use of the premises for Garden Centre;
 - 2.4 Any Food and Drink Outlet must have a maximum Gross Floor Area of 158m²; and
 - 2.5 The Approved use does not include Bulk Landscape Supplies or Wholesale Nursery.
3. The market use is limited as outlined below:
- 3.1 One (1) day per month, unless otherwise approved in writing by Council;
 - 3.2 The use is only operated and open to the public between the hours of 7:00AM to 6:00PM; and
 - 3.3 The setting up and removal of stalls does not occur outside the hours of 5:00AM to 7:00PM.
- Note: Council may consider additional days of operation on request for special events subject to written approval.*
4. This Development Permit does not imply or comprise an approval for any use(s) other than those listed in Condition 1.

CARRY OUT AND MAINTAIN DEVELOPMENT

5. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they are not varied by this approval.
6. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
7. Complete all building work associated with this development approval, including work required by any of the conditions of this approval prior to the commencement of use. Such building work is to be carried out generally in accordance with the Approved Plans and Documents and, where the building work is assessable development, in accordance with a current Building Work approval.
8. The development must be maintained in accordance with the Approved Plans and Approved Documents subject to or modified by any conditions of this approval.

APPROVED PLANS

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

Plan No: SD-00, Revision DA1

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

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

Plan No: 24082-2

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

Amendments: Nil

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

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

Amendments: Nil

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

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

Amendments: Nil

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

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

Amendments: Nil

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

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

Amendments: Nil

Plan No: 25-0206, Drawing No SD-08, Revision DA1

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

Amendments: Nil

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

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

10.1 Bulk Earthwork (If required).

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

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

11.1 Landscape Plan; and

11.2 Flood Risk Management Plan.

STAGED DEVELOPMENT

12. Staging of the development is to occur in accordance with the Staging shown on the Site Plan listed within this development approval subject to and modified by any conditions of this Development Approval.

13. Stages must be completed in sequential order (i.e. Stage 1 must be completed before Stage 2) or may be combined and carried out at one time, subject to all conditions applicable to the relevant stages being complied with.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

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

DEVELOPMENT CONSTRAINTS

FLOOD IMMUNITY

15. Design and construct all proposed building pad levels, floor levels and ancillary structures to achieve a minimum habitable floor level of the defined flood event plus 0.5 metres. Alternatively, design and construct development:

15.1 Outside land identified as high or medium flood hazard level on the Flood Hazard Overlay; or

15.2 To be located above the highest known flood level for the site; and

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

Flood Risk Management Plan

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

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

WORKS

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

- 23. Plans and specifications for all works associated with car parking, driveways, earthworks, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
- 24. A RPEQ must submit to Council a copy of the:
 - 24.1 Design Certificate prior to commencement of the works; and
 - 24.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
- 25. Any works that have been certified by an RPEQ must be carried out under the supervision of an RPEQ with all executed works being detailed on a Construction Supervision Certificate.
- 26. Where any condition refers to or requires an Engineer to perform a task or function, the Engineer must hold professional indemnity insurance to the value of \$2,000,000. A Certificate of Currency must be submitted to Council with any Design Certificate or Construction Supervision Certificate.

STORMWATER DRAINAGE

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

STORMWATER DISCHARGE

- 28. Stormwater from new roofed areas (including overflow pipes from rainwater tanks) is permitted to be discharged within the subject land, a minimum of 3 metres clear of any building foundations and any adjoining property boundary.
- 29. The act of on-site stormwater discharge must not cause erosion and scouring and must utilise appropriate control devices at outlets to prevent such erosion and scouring.
- 30. Stormwater must be dispersed as sheet flow.
- 31. Design and construction of all internal stormwater drainage works must comply with each applicable section of *Australian and New Zealand Standard AS/NZS 3500 - Plumbing and Drainage Code* and the *Queensland Urban Drainage Manual*.

BULK EARTHWORKS

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

AIR QUALITY IMPACT MITIGATION

33. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the *Air Quality Objectives* listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive place or commercial place must not be released to the atmosphere during building and operational work.
34. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during building works do not exceed the following levels when measured at any sensitive place or commercial place:
 - 34.1 Dust deposition of 133 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method*.

CONSTRUCTION WASTE MANAGEMENT & STORAGE

35. Waste generated during demolition, excavation and construction must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.
36. The on-site storage and disposal of demolition, excavation and construction waste (including the storage and disposal of night soil) must comply with the *Environmental Protection Regulation 2019*.
37. Fires are not to be lit to dispose of demolition or construction waste.
38. No demolition, excavation or construction waste is to be used as fill or buried on-site (with the exception of cut material recycled from the subject land and used on the subject land), or be used as fill or buried elsewhere, unless otherwise permitted:
 - 38.1 Elsewhere within this Development Approval;
 - 38.2 In accordance with an associated Development Permit for Operational Work;
 - 38.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 38.4 In accordance with either a general or specific approval of a resource for beneficial use (otherwise known as a beneficial use approval) issued under the *Waste Reduction and Recycling Act 2011*; or
 - 38.5 In accordance with a written approval issued by Council under the *Environmental Protection Regulation 2019* relating to the depositing or disposal of general waste from a premises not serviced by Council.
39. Demolition, excavation and construction waste (including night soil) must not be placed or stored within the road reserve at any time.

CONSTRUCTION NOISE IMPACT MITIGATION

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

EROSION & SEDIMENT CONTROL

41. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths and not within the road reserve at any time.
42. Measures such as sediment fences, earth berms, temporary drainage, temporary sediment basins, dewatering or stormwater filtering devices to prevent eroded material, sediment or sediment laden

water from being transported to adjoining properties, roads or stormwater drainage systems must be provided.

43. Where erosion and sediment control measures have been damaged, fail or are inadequate and erosion or the release of sediment or sediment laden stormwater has occurred from the subject land or associated works, any resultant property or environmental damage or interference caused must be repaired or cleaned up within 24 hours or upon the direction of Council, at no cost to the affected parties.
44. All disturbed areas must be mulched or turfed as soon as possible during construction.

DAMAGE TO SERVICES & ASSETS

45. Protect Council and public utility services and assets during construction of the development.
46. Any damage caused to existing services and assets as a result of the development works must be repaired at no cost to the asset owner in accordance with the following timing:
 - 46.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 46.2 Where otherwise, as soon as reasonably possible, but no later than completion of the works associated with the development or prior to the commencement of use, whichever is the earlier.
47. Any repair work which includes alteration to the alignment or the level of existing services and assets must first be referred to the relevant service authority for approval.
48. Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with Council's relevant policies and requirements at no cost to Council.

Note: Council must be notified of any damage to water and sewer immediately on Ph: 131 872.

SERVICES & UTILITIES

ON-SITE WASTEWATER TREATMENT & DISPOSAL

49. The development must be provided with an on-site wastewater treatment and effluent disposal system having a capacity and land application area sufficient for the use. The nominated area for wastewater treatment and effluent disposal, including irrigation areas must be maintained for this purpose for the life of the approval.
50. The wastewater treatment and effluent disposal system must comply with *Australian Standard AS3500.2 – National Plumbing and Drainage - Sanitary Plumbing and Drainage*; and *Australian Standard AS1547:2012 - On Site Domestic-Wastewater Management* where system size is not exceeded (ref. Part 1.2.1.2 of AS1547:2012).
51. All reasonable and practicable measures must be undertaken to prevent treated wastewater and effluent from overflowing or seeping onto adjoining properties.

WATER SUPPLY

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

ELECTRICITY

53. An electricity supply must be made available to service the development. This supply must be in accordance with the relevant standards of the electricity distributor.

TRANSPORT, VEHICULAR ACCESS & PARKING

ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING

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

ENVIRONMENT & WASTE

ACOUSTIC AMENITY - GENERAL

55. Service vehicle movements associated with the approved use (including loading and unloading) must occur only between the hours of 7:00 AM to 6:00 PM, 7 days per week.

Note: Service vehicles do not include waste collection vehicles or activities.

ACOUSTIC AMENITY - NOISE LIMITS

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

Table 1 - Noise Limits

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

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

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

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

ACOUSTIC AMENITY - MECHANICAL PLANT

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

AIR QUALITY & AMENITY - AIR RELEASE LIMITS

59. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the Air Quality Objectives listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive receptor place must not be released to the atmosphere.
60. Where considered warranted by Council and when requested in writing to do so, an air quality investigation must be undertaken to investigate a complaint of air pollution, odour or dust nuisance. In such circumstances, a qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Air Release Limits listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

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

61. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated from activity associated with the use of the subject land do not exceed the following levels when measured at any sensitive place or commercial place:
- 61.1 Dust deposition of 133 milligrams per square metre per day averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1: Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method*;
- 61.2 A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometres (PM_{10}) suspended in the atmosphere of 50 micrograms per cubic metre over a 24-hour averaging time, for no more than 5 exceedances recorded each year, when monitored in accordance with the most recent version of either:
- (a) *Australian Standard AS3580.9.6: Methods for sampling and analysis of ambient air—Determination of suspended particulate matter - PM_{10} high volume sampler with size-selective inlet – Gravimetric method*; or
- (b) *Australian Standard AS3580.9.9: Methods for sampling and analysis of ambient air - Determination of suspended particulate matter - PM_{10} low volume sampler - Gravimetric method*;

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

AIR QUALITY & AMENITY - DUST SUPPRESSION TREATMENTS

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

AIR QUALITY & AMENITY - KITCHEN EXHAUST

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

OUTDOOR LIGHTING IMPACT MITIGATION

65. Outdoor lighting associated with the use must be designed, sited, and installed to comply with the relevant parameters of *Australian Standard AS4282-2019 Control of the obtrusive effects of outdoor lighting*.
66. All flood lighting must be of a type that gives no upward component of light when mounted horizontally (i.e. a full cut off luminaire).
67. Where considered warranted by Council and when requested in writing to do so, a lighting impact investigation must be undertaken to investigate a complaint of light nuisance. In such circumstances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the lighting levels listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

WASTE MANAGEMENT (GENERAL)

68. All waste generated on the subject land must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

WASTE MANAGEMENT (BIN PROVISION & STORAGE)

69. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
- 69.1 The size, mix and capacity of bins provided must be sufficient to accommodate the type and level of waste likely to be generated from the development having regard to the frequency of disposal or collection;
 - 69.2 Provision of separate bins for general and recyclable waste for the site with an equal number of each being provided;
 - 69.3 Provision of a constructed bin store with an impervious hardstand base for the permanent storage location and service collection of all bins, having minimum dimensions which exceed the combined size of bins by at least 300mm at the rear and both sides and 600mm at the front and no closer than 2m to any fresh air intake of a habitable room;
 - 69.4 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built enclosure or solid screen fencing; and
 - 69.5 Bins must be kept in a clean state and in good repair and fitted with tight-fitting lid assemblies designed to prevent ingress of pests and water.

WASTE MANAGEMENT (REMOVAL)

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

LANDSCAPE PLAN

71. Prior to the commencement of any works on site or the issue of a Development Permit for Operational Work or Building Work (whichever occurs first), submit to Council for endorsement a Landscape Plan prepared by a suitably qualified person (Landscape Architect or Landscape Designer). The plan is to be prepared generally in accordance with *Toowoomba Regional Council's Landscape Work Information Sheet 006* and the conditions of this Development Approval, including the landscaping shown on all Approved Plans listed in this Development Approval, that details in particular:
- 71.1 Location and species of existing site vegetation to be removed and/or retained in accordance with this Development Approval, including adjacent street trees to be retained and/or removed;
 - 71.2 A detailed Planting Plan and Schedule including stock sizes, quantities and location that includes species which are characteristic of the local area and climate, and provide seasonal variation, colour and texture;
 - 71.3 The typical planting details including soil preparation, backfill, staking, mulching, irrigation, drainage and maintenance;

- 71.4 All landscape planting must be contained within the property boundary, unless otherwise agreed with Council;
- 71.5 Location, height and finish of fencing fronting public land, verges and open space; and screening of communal bin stores including vegetative screening or landscape buffer planting where required;
- 71.6 Construction details of proposed surfaces, surface level changes and structures must be wholly contained within the property boundary;
- 71.7 Provision of an irrigation or water source to all planted areas;
- 71.8 Vegetated screening and/or landscape buffer planting capable of providing a visual screening as shown on approved site plan 24082-2;
- 71.9 Shade tree planting to carparking areas at a rate of 1 tree per 8 spaces;
- 71.10 All plan pages must include a legend or title block that includes: north point, scale, title and drawing number.

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

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

LANDSCAPING WORKS

- 73. Carry out the landscape work in accordance with the above endorsed detailed Landscape Plan.
- 74. All landscape works must be installed and established by a suitably qualified person (Landscape, Horticulturalist or equivalent) that ensures healthy, sustained and vigorous plant growth. Where required, plant material should be replaced or enhanced to ensure growth to full form and coverage of all dedicated landscape areas.
- 75. Landscape planting is to be retained and maintained for the life of the development in accordance with the conditions of this Development Approval.

REASONS FOR RECOMMENDATION

The proposed development has been assessed with regard to the applicable assessment benchmarks as identified within this report and the attached Statement of Reasons (refer to Schedule 2). The proposed development generally complies with the assessment benchmarks or it can be conditioned to comply. Where the applicant has not provided sufficient information, conditions have been imposed to ensure compliance.

DELEGATE'S DECISION:

I have reviewed the report for this application in accordance with the Relevant Instruments, Statutory and Non-Statutory Provisions and in accordance with Council's process and procedures. I agree with the responsible officer's recommendation that the application be Approved subject to the conditions contained in the recommendation. I exercise delegation in accordance with the delegations adopted by the Toowoomba Regional Council.



Krys den Hertog
Acting Manager, Planning Branch

Decision Date: 21 May 2026

BACKGROUND

SITE DETAILS				
Site Address	7852 Gore Highway, MILLMERRAN QLD 4357			
Real Property Description	Lot 29 RP825872			
Site Area	37.57 hectares			
Owner	Taylor Made Engineering Qld Pty Ltd			
SITE CHARACTERISTICS				
Current Land Use	Rural activities for grazing purposes			
Site Frontage/s	~850m road frontage to Gore Highway ~4m road frontage to Millmerran Cecil Plains Road ~190m frontage to Unnamed Road 500806			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Gore Highway	Highway (State-Controlled Road)	40m	8m	Asphalt
Millmerran Cecil Plains Road	Highway (State-Controlled Road)	40m	8m	Asphalt
Unnamed Road 500806	Local Road	40m	0	Unformed Road
Easements	Nil			
Existing Structures	Rural sheds			
Infrastructure	The site is not within Council's reticulated infrastructure network.			
Topography	The site experiences a gentle cross-fall of approximately 3m from the northwestern corner to the southeastern corner of the lot.			
Street Trees	Presence of many natural trees along the frontage of Gore Highway			
Other Features	The site adjoins a State-controlled road (Gore Highway) along its full southern boundary. Back Creek traverses the site entering from the southwestern corner of the allotment flowing in a north easterly direction existing midway along the northern boundary of the site. The land also contains dams for agricultural use and is largely open, consisting of rural buildings and grassy paddocks interspersed with scattered canopy trees.			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	<i>Toowoomba Regional Planning Scheme 2012 (Version 28)</i>			Adopted: 28/11/2022
Zone	Rural Zone			
Precinct	100 Hectares Minimum Precinct			
Overlays	Agricultural Land Overlay Environmental Significance Overlay <ul style="list-style-type: none"> • Areas of Ecological Significance Buffer • Areas of Ecological Significance • Waterways and Wetlands Buffer Flood Hazard Overlay <ul style="list-style-type: none"> • Overland Flow Low • Overland Flow High • Extreme Flood Risk • High Flood Risk • Medium Flood Risk • Low Flood Risk • Vulnerable Uses Restriction Area • Flood Plain Area 			
Infrastructure Charges Resolution	<i>Charges Resolution No. 7</i>			Adopted: 19/8/2025
SURROUNDS:				
Direction	Land Use	Zone/Precinct		
North	Railway Corridor	Community Facilities Zone / Government		

		Precinct
East	Rural and Agricultural activities	Rural Zone / 100 ha Minimum Precinct
South	Gore Highway and further south Rural and Agricultural activities	Rural Zone / 100 ha Minimum Precinct
West	Rural and Agricultural activities	Rural Zone / 100 ha Minimum Precinct
Other Features	The surrounding area is predominantly rural in nature. The site is located in the north-eastern fringe, approximately 1km from the Millmerran Town Centre.	

APPLICATION HISTORY

<i>Application No.</i>	<i>Description</i>	<i>Decision Date</i>	<i>Decision</i>
PREL/2012/4648	Advice provided on 12/09/2012		

PROPOSED DEVELOPMENT

Name of Applicant	Taylor Made Engineering Qld Pty Ltd		
Type of Application	Material Change of Use - Impact		
Proposed Development	Garden Centre, Short Term Accommodation and Market		
Variations Sought	Not Applicable		
Level of Assessment	Impact Assessment		
Gross Floor Area	478 m ² (Short Term Accommodation, Coffee Shop and Amenities Block)		
Use Area	3,018 m ² (Garden Centre and Market)		
Impervious Area	2,025 m ²		
Site Cover	3.26%		
Car Parking Spaces	70 Spaces		
Service Vehicle Provision	HRV		
Submissions Received	Objection:	Nil	
	Support:	Nil	
Decision Making Period Ends	22 May 2026		

CONSULTATION UNDERTAKEN**Referral Agency/ies**

Referral Agency (Technical Agency)	Referral Role	Aspect of Development Requiring Referral	Response
Department of State Development, Infrastructure and Planning	Referral Agency	Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 (Planning Regulation 2017) - Development near state transport corridor	Referral agency response provided on 16 March 2026 with Conditions. This referral included an application for a road access location, under section 62A(2) of <i>Transport Infrastructure Act 1994</i> . Below are the details of the decision: <ul style="list-style-type: none"> • Approved • Reference: TMR25-044751 • Date: 13 March 2026

Internal Referrals

Internal Referral	Referral / Response
--------------------------	----------------------------

Partner	
Development Engineering and Plumbing	Reviewed the application, provided input for an Information Request and recommended conditions for approval.
Place Environmental	Reviewed the application, provided input for an Information Request and recommended conditions for approval.
Water and Waste	Reviewed the application and had no requirements.
Place – Landscape	Reviewed the application, provided input for an Information Request and recommended conditions for approval.
Infrastructure Charges Unit	To prepare an Infrastructure Charges Notice in accordance with <i>Charges Resolution No. 7</i> to accompany an approval of the development.

Public Notification

The Notice of Compliance was received by Council on 9 March 2026. The information attached to the notice confirms that the public notification of the application was undertaken in accordance with the requirements of Part 4 of the *Planning Act 2016*. The Notice of Compliance states the public notification included:

- Publishing a notice in the Chronicle on 12 February 2026;
- Placing a notice on the land from 13 February 2026 until 6 March 2026; and
- Notifying owners of all land adjoining the site on 11 February 2026.

No submissions were received.

ISSUES, RISKS AND RESPONSES – ASSESSMENT

Categorising Instrument – *Planning Regulation 2017*:

PLANNING REGULATION 2017	
<i>Prohibited Development</i>	The proposed development is not prohibited development in accordance with the <i>Planning Regulation 2017</i>
<i>Infrastructure Charges</i>	The <i>Planning Regulation 2017</i> provides for the levying of infrastructure charges on development approvals.
<i>Schedules 9 and 10</i>	Schedules 9 and 10 categorises particular development and details the relevant assessment benchmarks for development as relevant.

REGIONAL PLANS	
<i>Shaping SEQ – South East Queensland Regional Plan 2017</i>	Not applicable
<i>Darling Downs Regional Plan October 2013</i>	<p>The Darling Downs Regional Plan 2013 (DDRP) is a statutory regional plan that is intended to provide planning policy to address planning matters that are of State interest and specific to the Darling Downs region.</p> <p>The DDRP identifies that the subject site is mapped within a Priority Living Area. The proposed short-term accommodation (four units), garden centre, and monthly market are low scale in nature and do not represent an urban or intensive non-rural land use. The proposed garden centre and market use will operate on-site on nominated areas without involving any establishment of permanent buildings/structures. The scale and form of the proposed short-term accommodation will remain low-impact, single-storey and compatible with the rural character and landscape of the locality.</p> <p>Accordingly, the proposal is consistent with the intent of Priority Living Areas.</p>

STATE PLANNING POLICY (SPP) <i>July 2017</i>	
Interests	Assessment Comments
Housing Supply and Diversity	No applicable assessment benchmarks.

Livable Communities	No applicable assessment benchmarks.
Agriculture	<p>The interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property.</p> <p>The subject site is mapped as containing Important Agricultural Areas and Agricultural Land Classification (Class A and B).</p> <p>The proposed development is not considered to compromise this state interest. The proposed garden centre and market use will operate on-site on nominated areas without involving any establishment of permanent buildings/structures. The garden centre will involve sales and distribution associated with plants and gardening supplies, while the market use will operate once monthly providing opportunities for the sale and distribution of agricultural and local goods. Collectively, these uses will support and promote agricultural activities and are considered to be compatible with the Rural Zone without comprising the ongoing rural amenity and character of the locality.</p> <p>The proposed short-term accommodation is relatively small and will occupy a very minor portion of the site and does not result in any fragmentation or permanent alienation of agricultural land. Due to its low intensity, the accommodation use is not expected to generate land use conflicts or adversely impact the agricultural productivity of the site or surrounding properties.</p>
Development and Construction	No applicable assessment benchmarks.
Mining and Extractive Resources	No applicable assessment benchmarks.
Tourism	No applicable assessment benchmarks.
Biodiversity	<p>The interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property.</p> <p>The subject site is mapped as containing:</p> <ul style="list-style-type: none"> • MSES - Regulated vegetation (intersecting a watercourse); • MSES - Regulated vegetation (category B); and • Queensland waterways for waterway barrier works. <p>All buildings and areas associated with the proposed uses are designed and sited outside of the mapped environmental areas and waterway corridor. Accordingly, the proposed development will not impact these mapped features, and further assessment against the State interest policies in Part E of the SPP is not required.</p>
Cultural Heritage	No applicable assessment benchmarks.
Water Quality	No applicable assessment benchmarks.
Emissions and Hazardous Activities	No applicable assessment benchmarks.
Natural Hazards, Risk and Resilience	<p>The interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property.</p> <p>The subject site is affected by the 'Flood hazard area - Local Government flood mapping area', Bushfire prone area and Flood hazard area - Level 1 - Queensland floodplain assessment overlay.</p> <p>In accordance with Part 2, Table 2.1:2 in the Planning Scheme, the Minister has identified that the SPP July 2017 State interest – Natural hazards, Risk and Resilience (those parts related to flooding) have been appropriately reflected in the Planning Scheme and no further assessment against the SPP is required.</p>
Energy and Water Supply	No applicable assessment benchmarks.
Infrastructure Integration	No applicable assessment benchmarks.
Transport Infrastructure	The interactive mapping (DAMS) which accompanies the SPP identifies that

	<p>this interest is applicable to the subject property.</p> <p>The subject site adjoins a state-controlled corridor to the south and railway corridor to the north. The site contains area within 25m of a State Transport Corridor (Area within 25m of a State-controlled road and Area within 25m of a railway corridor).</p> <p>The proposed development has been referred to Department of State Development, Infrastructure and Planning. Conditions of approval have been imposed. Further, assessment against the State interest policies in Part E of the SPP is not required.</p>
Strategic Airports and Aviation Facilities	No applicable assessment benchmarks.

Local Categorising Instrument – Toowoomba Regional Planning Scheme 2012:

The proposed development was assessed against the following assessment benchmarks:

- Strategic Framework
- Rural Zone Code
- Agricultural Land Overlay Code
- Environmental Significance Overlay Code
- Flood Hazard Overlay Code
- Rural Uses Code
- Market Code
- Medium Density Residential Code
- Environmental Standards Code
- Integrated Water Cycle Management Code
- Landscaping Code
- Transport, Access and Parking Code and
- Works and Services Code.

The development was assessed against all of the assessment benchmarks listed above and is considered to comply except as follows:

RURAL ZONE CODE:

Purposes and overall outcomes of Rural Zone
<p><i>Purpose and overall outcomes of Rural Zone</i></p> <p><i>(1) The purpose of the zone is to:</i></p> <p><i>(a) provide for a wide range of rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities;</i></p> <p><i>(b) provide opportunities for non rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long term use of the land for rural purposes; and</i></p> <p><i>(c) protect or manage significant natural features, resources, and processes, including the capacity for primary production.</i></p> <p><i>In addition, the zone code aims to:</i></p> <p><i>(a) protect the productive capacity of all rural land for rural use;</i></p> <p><i>(b) protect water quality and the ecological and hydrological processes of waterways and wetlands;</i></p> <p><i>(c) protect the landscape character and its associated visual and scenic amenity;</i></p> <p><i>(d) minimise the potential for conflict between rural uses and other uses;</i></p> <p><i>(e) provide for the establishment of appropriately scaled agri- and eco-tourism activities that are based on farm life or primary production in the locality, or on the scenic or environmental values of the locality;</i></p> <p><i>(f) provide for intensive animal industries including feedlots, piggeries and poultry farms; and</i></p> <p><i>(g) protect rural land from fragmentation that diminishes its productive capacity.</i></p> <p><i>(2) The overall outcomes sought for the zone code are as follows:</i></p> <p><i>(a) areas used or suitable for primary production are conserved and are not further fragmented;</i></p>

- (b) the establishment of a wide range of rural pursuits is facilitated, including cropping, intensive horticulture, intensive animal industries, animal husbandry and animal keeping and other compatible primary production uses;
- (c) uses that require isolation from urban areas as a consequence of their impacts, such as noise or odour, may be appropriate where land use conflicts are minimised;
- (d) development incorporates sustainable land management and other sustainable practices that maximise energy efficiency, water conservation and encourages sustainable transport use;
- (e) development contributes to the amenity and landscape character of the area;
- (f) the establishment of non rural activities that are directly associated with and subordinate to rural production, natural resources and landscape amenity is facilitated in a manner that minimises land use conflicts and is compatible with the character and environmental values of the locality. Suitable activities may include small-scale outdoor recreation, tourism facilities, short-term accommodation, home based businesses, and produce sales;
- (g) rural industries are facilitated where:
- (i) associated with rural production in the immediate vicinity;
 - (ii) avoiding or minimising adverse impacts on the amenity of the locality; and
 - (iii) compatible with the infrastructure in the locality.
- (h) natural features such as creeks, gullies, waterways, wetlands and bushland are retained, managed, enhanced and provided with appropriate buffers from development;
- (i) adverse impacts of land use, both on-site and on adjoining areas, are avoided and any unavoidable impacts are minimised through location, design, operation and management;
- (j) existing intensive animal industries are protected from the intrusion of non rural activities such as small-scale outdoor recreation and tourism facilities;
- (k) the viability of both existing and future rural uses and activities are protected from the intrusion of incompatible uses; and
- (l) development has access to development infrastructure including utility installations and essential services.

Alternate Outcome

The applicant submits:

“This proposal occurs within the Rural Zone, the proposed development will utilise the existing building and would only include further development in close proximity to the town of Millmerran. The proposal include a number of uses that will utilise the existing site and will not have an adverse impact on the use of the site for the purpose of the Rural zone.”

Officer Comment:

A Garden Centre is defined under the Planning Scheme as the use of premises for the sale of plants and gardening or landscaping products (primarily in pre-packaged form), with any food and drink outlet being ancillary to that use. The use is classified as a business activity and is not identified as a consistent use within the Rural Zone.

However, the proposed Garden Centre, as applied for, is considered acceptable as it will have a small use area and will involve products like plants, seedlings and associated items. As such, the proposed non-rural use will function and operate at a low scale, and is not considered to adversely impact the rural character, amenity, or primary production potential of the land.

The applicant has indicated a potential future expansion to include materials (such as bulk quantities of soil, gravel, rocks and potting mix) and a broader retail offering. Such activities would fall outside the Planning Scheme definition of a Garden Centre and would more closely align with a bulk landscape supplies use, which is not appropriate within the Rural Zone. This assessment is therefore based solely on the use as defined and applied for. A condition limiting the development to the approved definition of a Garden Centre is recommended, and any future intensification or change in use would require a further development application.

The proposed Short-term Accommodation comprises four (4) detached cabins, occupying a minor portion of the site. The use is low intensity and designed to facilitate small-scale, eco-tourism opportunities associated with rural living and the natural environment. The development remains subordinate to the primary rural use of the land and is consistent with the Rural Zone outcomes, particularly those supporting appropriately scaled tourism activities that are compatible with rural production and landscape values.

The proposed Market is to operate on a monthly basis within a designated grassed area and does not involve permanent structures. Stallholders will set up and pack down within the same day. Given its low frequency, temporary nature, and focus on local and agricultural produce, the market is considered a

compatible, rural-supporting activity that does not compromise the ongoing rural use, character, or amenity of the locality.

The site is affected by flood. The proposed development has been appropriately sited on the higher portions of the land, and conditions are recommended to ensure compliance with applicable flood immunity requirements for habitable structures.

The proposed development maintains appropriate setbacks from natural features, including the waterway traversing the site, and avoids disturbance to mapped environmental areas.

Overall, the proposed Garden Centre (as defined and recommended to be conditioned), Short-term Accommodation, and monthly Market are considered to achieve the purpose and overall outcomes of the Rural Zone. The development provides for compatible, small-scale non-rural uses that support rural diversification while maintaining the productive capacity, environmental values, and landscape character of the land.

Performance Outcome	Acceptable Outcome
<p><i>PO4 The zone primarily accommodates rural activities and related ancillary uses or compatible uses consistent with the values and features of the zone including its rural production capacity, natural resources and scenic landscape amenity.</i></p>	<p><i>AO4.1 Uses which are consistent with the intent of the zone include:</i> (a) rural activities; (b) Dwelling house where associated with rural activities; (c) Caretaker's accommodation; (d) Emergency services; (e) home based business; (f) Major electricity infrastructure; (g) Nature-based tourism; (h) outstation; (i) rural works' accommodation; (j) substation; and (k) Warehouse (where in the Heinemann Road Transport Precinct and for the overnight storage of trucks and other road transport vehicles and the temporary storage of goods awaiting reshipment).</p> <p><i>AO4.2 Uses which are inconsistent with the intent of the zone include:</i> (a) business activities; (b) accommodation activities (other than Dwelling houses and Short-term accommodation); (c) entertainment activities; (d) industry activities other than Rural industry and Extractive industry activities and industries requiring isolation from urban areas; and (e) recreation activities.</p>
<p>Alternate Outcome</p>	
<p>The applicant submits:</p> <p><i>“The proposed uses included in this development will allow for the continued use of the Rural zone for rural activities. The proposed development includes uses that are not considered inconsistent and the proposed uses will link the town of Millmerran to the Rural zone.”</i></p>	
<p>Officer Comment</p>	
<p>The proposed Garden Centre is identified as a business activity and is an inconsistent use under AO4.2. Notwithstanding this, the use is low-scale, will operate within a defined area, and is limited to activities associated with plants and gardening supplies. Subject to reasonable and relevant conditions limiting the scale and nature of the use, it is considered compatible with the rural setting and does not compromise rural production capacity, natural features, or landscape amenity.</p> <p>The proposed Market is a low-intensity, monthly activity involving temporary stalls only. Its infrequent operation and focus on local and agricultural produce ensure it remains compatible with the rural function of the land and does not adversely impact rural character or amenity.</p> <p>The proposed Short-term Accommodation is an anticipated use within the zone and is appropriately limited in scale and extent.</p>	

Given the above, the proposed development is deemed to comply with PO4.

OVERLAY CODE/S:

FLOOD HAZARD OVERLAY	
Performance Outcome	Acceptable Outcome
<p><i>PO2 Development is compatible with the level of risk associated with the natural hazard, such that:</i></p> <p><i>(a) vulnerable uses are not located in the Vulnerable Uses Restriction Area;</i></p> <p><i>(b) all other uses within the:</i></p> <p><i>(i) FR4 flood risk area are limited to non-urban uses;</i></p> <p><i>(ii) FR3 flood risk area are consistent with the intent of any underlying Flood Management Precinct or otherwise are limited to non-urban uses;</i></p> <p><i>(iii) FR2 flood risk area, FR1 flood risk area, Balance (mixed) flood risk area or OFP1(low) overland flow path area are consistent with the overall outcomes of the relevant zone or any Flood Management Precinct.</i></p>	<p><i>No acceptable outcome provided.</i></p>
Alternate Outcome	
<p>The applicant submits:</p> <p><i>“The proposed development is located on the highest part of the site practicable and does not occur in the Vulnerable Uses Restriction Area, the development occurs in the FR2 flood risk area and will be consistent with the overall outcomes of the Rural zone code.”</i></p>	
Officer Comment	
<p>The proposed development is located within the Medium Flood Risk Area and has been sited on the highest portion of the site. The proposed cabins and amenities block are elevated, and conditions are recommended to ensure all structures achieve the required flood immunity levels. As such, subject to reasonable and relevant conditions, the development is deemed to comply with PO2.</p>	
Performance Outcome	Acceptable Outcome
<p><i>PO7 Development in a flood risk area is sited and designed such that:</i></p> <p><i>(a) road layout avoids isolation in a flood hazard event and does not impede evacuation;</i></p> <p><i>(b) vehicular access during a flood hazard event is enabled;</i></p> <p><i>(c) provision is made for on-site sheltering during a flood event; and</i></p> <p><i>(d) signage is utilised to ensure that community members have a clear understanding of the nature of the flood risk in the area.</i></p>	<p><i>AO7.1 Road and/or pathway layout within the development provides a safe and clear evacuation path:</i></p> <p><i>(a) to ensure persons are not physically isolated from an adjacent flood-free urban area;</i></p> <p><i>(b) by locating entry points into the reconfiguration above the Defined Flood Event and avoiding cul-de-sacs or other non-permeable layouts; and</i></p> <p><i>(c) in the form of at least one (1) evacuation route that meets the requirements of Table 8.2.3.6 during floods up to the Defined Flood Event.</i></p> <p><i>AO7.2 An area is available within the development site at or above the flood planning level with sufficient space to accommodate the likely population of the development in safety for a relatively short time until flash flooding subsides or people can be evacuated.</i></p> <p><i>AO7.3 Development ensures that:</i></p> <p><i>(a) signage is provided on a road or pathway indicating the position and path of all safe evacuation routes off the premises;</i></p> <p><i>(b) if the premises contains or is within 100m of a waterway, hazard warning signage and depth</i></p>

	indicators are provided at each key hazard point, such as at a waterway crossing or an entrance to a low-lying reserve.
Alternate Outcome	
The applicant submits:	
<i>Nil</i>	
Officer Comment	
<p>Adequate information has not been provided to demonstrate how the proposed development complies with the relevant Acceptable Outcomes AO7.1, AO7.2 and AO7.3 of the Code. Council issued an Information Request seeking further details to demonstrate compliance with the evacuation, on-site refuge and flood signage requirements of PO7.</p> <p>In response, the applicant submitted amended plans identifying the proposed finished floor levels across the site. This information alone does not adequately address the broader flood risk management outcomes required by the Code. In particular, the submitted material does not adequately demonstrate:</p> <ul style="list-style-type: none"> • how the internal road and/or pathway layout provides a safe and clear evacuation route to a flood-free urban area during a Defined Flood Event; • whether vehicular and pedestrian access can be maintained during a flood hazard event; • the availability of a suitable on-site refuge area at or above the flood planning level capable of accommodating the likely occupants and visitors of the development during a flood event; and • the provision and location of flood hazard signage, evacuation route signage, hazard warning signage and depth indicators. <p>Notwithstanding the above, it is considered that the development can achieve compliance with Performance Outcome PO7, subject to conditions requiring the submission of a Flood Risk Management Plan prepared by a Registered Professional Engineer Queensland (RPEQ). The Flood Risk Management Plan is to include evacuation procedures, routes and signage, identification of safe refuge areas, flood hazard signage and emergency management measures to minimise flood risk impacts on occupants and visitors during a flood hazard event. Accordingly, subject to the relevant and reasonable conditions, the proposed development is considered capable of complying with the requirements of PO7.</p>	

AGRICULTURAL LAND OVERLAY CODE	
Performance Outcome	Acceptable Outcome
<i>PO2 Non-rural uses, and rural uses which are not dependent on the agricultural quality of the land, do not compromise the long term productive capacity of agricultural land.</i>	<i>AO2.1 Non-rural uses, and rural uses which are not dependent on the agricultural quality of the land, are not located on agricultural land.</i>
Alternate Outcome	
The applicant submits:	
<i>“The location of the proposed development will be compatible with agricultural production and the design and location of the proposed buildings and structures will Be located in a way that does no prevent normal farming practices.”</i>	
Officer Comment	
<p>Does not comply with AO2.1, however, the proposed development has been sensitively sited and designed to minimise impacts on the ongoing rural productive use of the land. The proposed development in consolidated within a relatively small portion of the site and maintains setbacks exceeding 200m from site boundaries, thereby minimising impacts on the surrounding rural activities. Importantly, it is noted that the existing cattle yards and rural sheds will be retained, which will allow the existing agricultural and rural operations to continue on-site.</p> <p>The proposed development only involves built forms for the proposed short-term accommodation and does not propose any permanent structures for the proposed garden centre and market use. An existing shed will be repurposed and utilised as coffee shop ancillary to the proposed garden centre. As such the proposed development is not considered to compromise the long-term productive capacity of agriculture land. As such, the proposed development is deemed to comply with PO2 of the Code.</p>	

DEVELOPMENT CODES:**ENVIRONMENTAL STANDARDS CODE**

Performance Outcome	Acceptable Outcome
<i>PO19 - Any parking, access and any other vehicle access/manoeuvring areas incorporate design measures to avoid dust nuisance to surrounding properties.</i>	<i>AO19.1 Car parking, access and any other vehicle access/manoeuvring areas are imperviously sealed.</i>
Alternate Outcome	
The applicant submits: <i>“The proposed short-term accommodation use will not create dust nuisance.”</i>	
Officer Comment	
<p>The proposal does not comply with AO19.1, as the proposed parking areas and internal driveways are not proposed to be imperviously sealed. However, having regard to the rural location and the low-scale nature of the proposed development, the level of vehicle movement generated by the development is expected to be low. On typical operating days, excluding the market, the development is anticipated to have 12 vehicle movements per hour (6 arrivals and 6 departures) which does not necessitate to seal the internal driveway and manoeuvring areas. Also, the surrounding sensitive receptors are located at a setback of more than 200m from the proposed internal driveway and manoeuvring areas. As such the potential dust nuisance on the surrounding properties is considered to be minimal.</p> <p>Furthermore, Council's Environmental Officer has reviewed the proposed development and recommended reasonable and relevant conditions requiring the implementation of appropriate dust suppression measures and the ongoing maintenance of all accessways and hardstand surfaces to minimise any potential dust emissions that could be caused.</p> <p>On balance, while the proposal does not strictly comply with AO19.1, recommended conditions are considered reasonable and sufficient to ensure any dust impacts are appropriately managed. Accordingly, the proposal is considered to achieve the intent of PO19.</p>	

TRANSPORT, ACCESS AND PARKING CODE	
Performance Outcome	Acceptable Outcome
<i>PO16 Car parking and associated access arrangements are located and designed to avoid dominating the road frontage of the site or otherwise detracting from streetscape character.</i>	<i>AO16.1 Car parking is provided either at the rear of the development or beneath buildings.</i>
Alternate Outcome	
The applicant submits: <i>“Car parking will be provided on site to avoid dominating the road frontage.”</i>	
Officer Comment	
<p>The proposal does not comply with AO16.1 as car parking is not located to the rear of the development. However, the parking area is setback more than 100 metres from Gore Highway and is screened through proposed landscaping along the internal access alignment.</p> <p>Given the substantial setback and visual screening, the car parking will not dominate the road frontage or detract from the rural streetscape character. Accordingly, the proposal is considered to comply with PO16.</p>	
Performance Outcome	Acceptable Outcome
<i>PO2 Provision is made for on-site vehicle parking to meet the demand likely to be generated by the development and to avoid on-street parking where that would adversely impact on the safety or capacity of the road network or unduly impact on local amenity.</i>	<i>AO2.2 Where not in the Principal Centre Zone or Mixed Use Zone Car parking is provided at the rates set out in Table 9.4.6:3 to this Code.</i>
Alternate Outcome	
The applicant submits: <i>“The proposal does not occur within the Principal Centre Zone or Mixed-Use Zone, the proposed parking will meet the demand of the proposed development.</i>	
Officer Comment	
Does not comply with AO2.2, as the proposed development does not provide the parking rates in accordance with minimum rates prescribed in Table 9.4.6:3 of the Transport, Access and Parking Code.	

Based on these rates, the development is required to provide a total of 179 spaces.

Council Engineers have reviewed the submitted Traffic Impact Statement (TIS) and are satisfied with the assumptions and conclusions in relation to parking demand. The TIS estimates that the based on the nature, scale, and rural location of the development provision of 70 parking spaces would be sufficient to accommodate peak parking demand. Accordingly, subject to relevant and reasonable conditions, the proposed development is deemed to comply with PO2 of the Code.

LANDSCAPING CODE	
Performance Outcome	Acceptable Outcome
<i>PO1 Landscape design is developed by a suitably qualified landscape professional and demonstrates an integrated approach to planning/development issues and documents both hard and soft works proposed for the development.</i>	<i>AO1.1 Landscape documentation is prepared by the landscape professional identified in Table 9.4.4:2.</i>
Alternate Outcome	
The applicant submits:	
<i>"Landscaping will be provided by a suitably qualified person."</i>	
Officer Comment	
Does not comply with AO1.1 as a formalised Landscape Plan has not been submitted to Council. However, subject to relevant and reasonable conditioning a formal landscape plan will be required to be submitted demonstrating that the existing landscape will be retained, and the proposed landscape works complies the relevant assessment benchmarks of the Landscaping Code. As such, the proposed development is deemed to comply with PO1.	

Local Categorising Instrument – Variation Approval:

Not Applicable

Local Categorising Instrument – Temporary Local Planning Instrument:

Not Applicable

Local Categorising Instrument – Preliminary Approval:

Not Applicable

Local Categorising Instrument – Local Government Infrastructure Plan:

The subject site is not within Council's Priority Infrastructure Area (PIA).

Other Relevant Matters

The subject site is located at the edge of the Low-medium Density Residential Zone. The site can appropriately function as transitional interface between established rural production land to the east and residential zoned land to the west. It will maintain a rural character and low built form while enabling compatible, non-rural use that does not compromise either the ongoing use of adjoining rural land or the amenity expectations of nearby residential areas within the Low-medium Density Zone.

Accordingly, the proposed development is considered to provide a logical and compatible interface between rural and residential areas, supporting orderly land use transition while maintaining the productivity and character of the Rural Zone.

FINANCIAL / RESOURCE IMPLICATIONS

Infrastructure charges will be applied in accordance with Council's *Charges Resolution No.7*.

Human Rights Act 2019 CONSIDERATIONS

The *Human Rights Act 2019* provides that it is unlawful for a public agency to act or make a decision in a way that is not compatible with human rights, or to fail to give proper consideration to a human right. This necessitates understanding the human rights that are protected. When making decisions or taking actions, consideration needs to be given to how that may impact on a person's human rights. Where there is a restriction on a person's human rights the restriction must be no greater than is justifiable to protect the rights of others or the community at large.

In assessing this application consideration has been given to the following section/s of the *Human Rights Act 2019*:

Section 15 – Recognition and equality before the law
 Section 21 – Freedom of expression
 Section 24 – Property rights
 Section 25 – Privacy and reputation

It is the opinion of the decision maker that no human rights have been limited.

CONCLUSION

The development has been assessed with regard to the applicable assessment framework as identified within this report and the attached Statement of Reasons (refer to Schedule 2). The proposed development generally complies with the assessment benchmarks or it can be conditioned to comply. Where the applicant has not provided sufficient information, conditions have been imposed to ensure compliance. It is therefore recommended that the development application be approved subject to the conditions identified above.

ATTACHMENT/S

Attachment	1	of	9	Aerial Imagery
Attachment	2	of	9	Zone Mapping
Attachment	3	of	9	Overall Site Plan
Attachment	4	of	9	Site Plan
Attachment	5	of	9	Coffee Shop Floor Plan
Attachment	6	of	9	Coffee Shop Elevations
Attachment	7	of	9	Amenities Block Floor Plan
Attachment	8	of	9	Amenities Block Elevation
Attachment	9	of	9	Cabins Floor Plan and Elevations

SCHEDULES

Schedule	1	Referral Agency Response
Schedule	2	Statement of Reasons

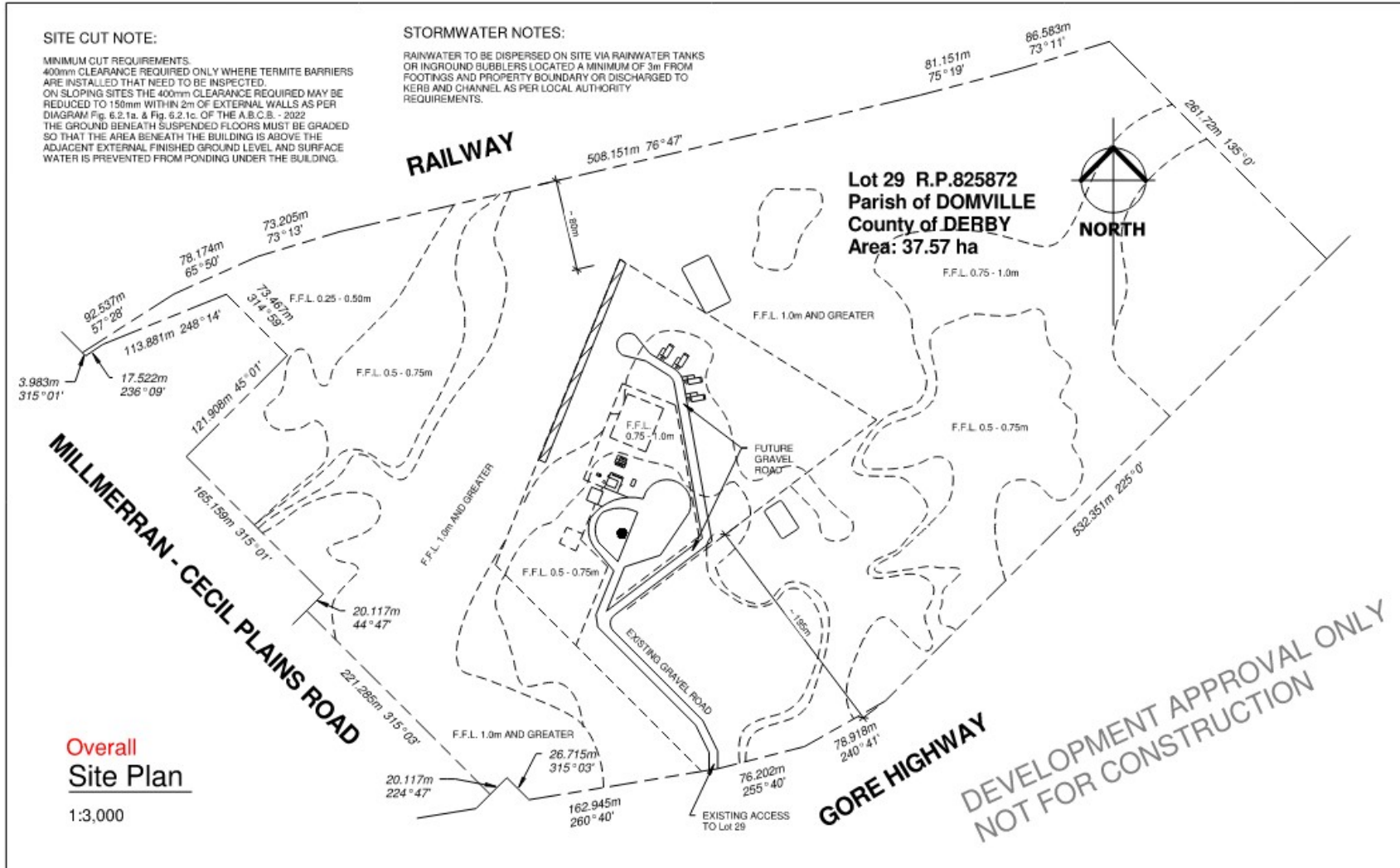
ATTACHMENT 1 OF 9 – AERIAL IMAGERY



ATTACHMENT 2 OF 9 – ZONE MAPPING

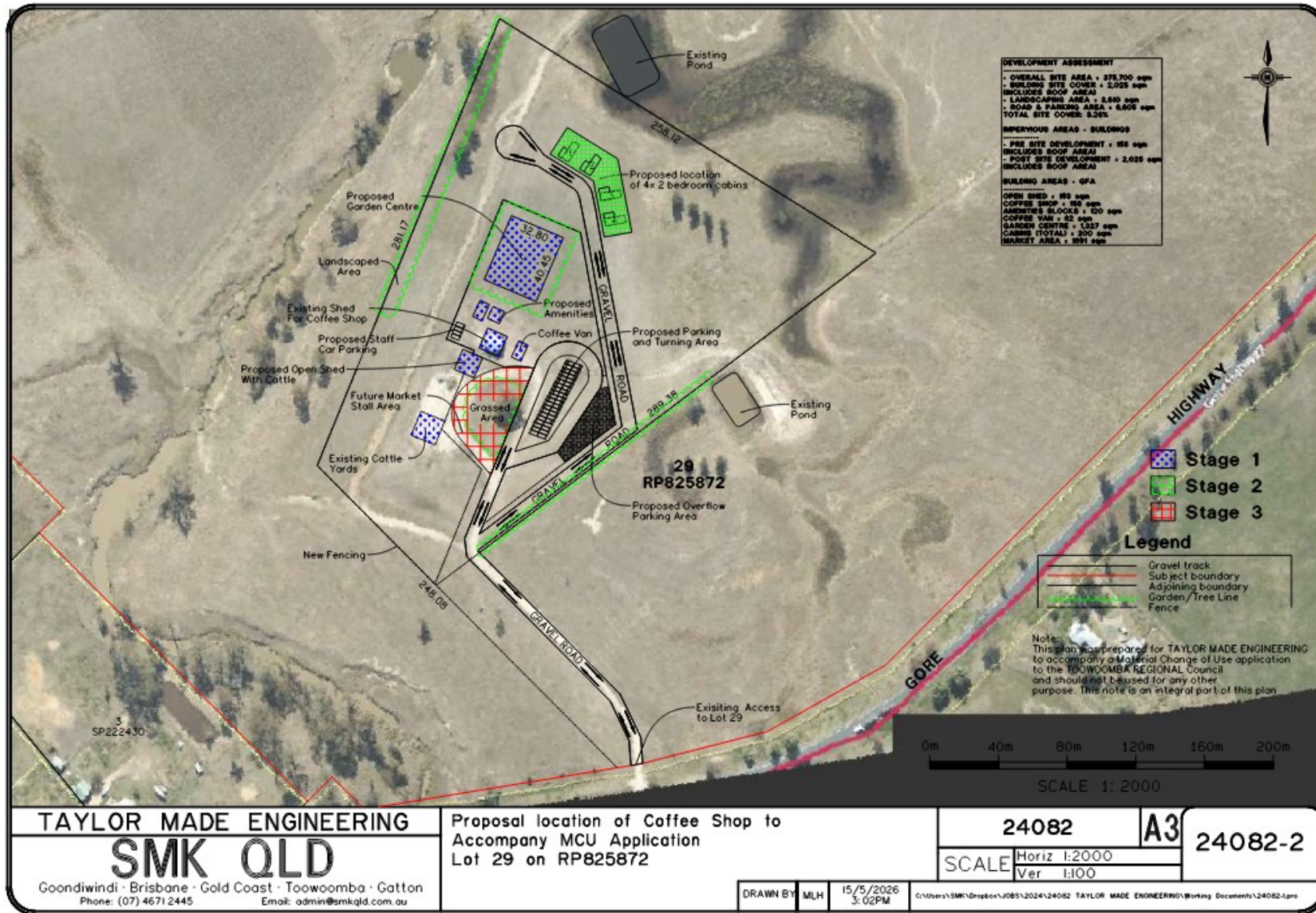


ATTACHMENT 3 OF 9 – OVERALL SITE PLAN

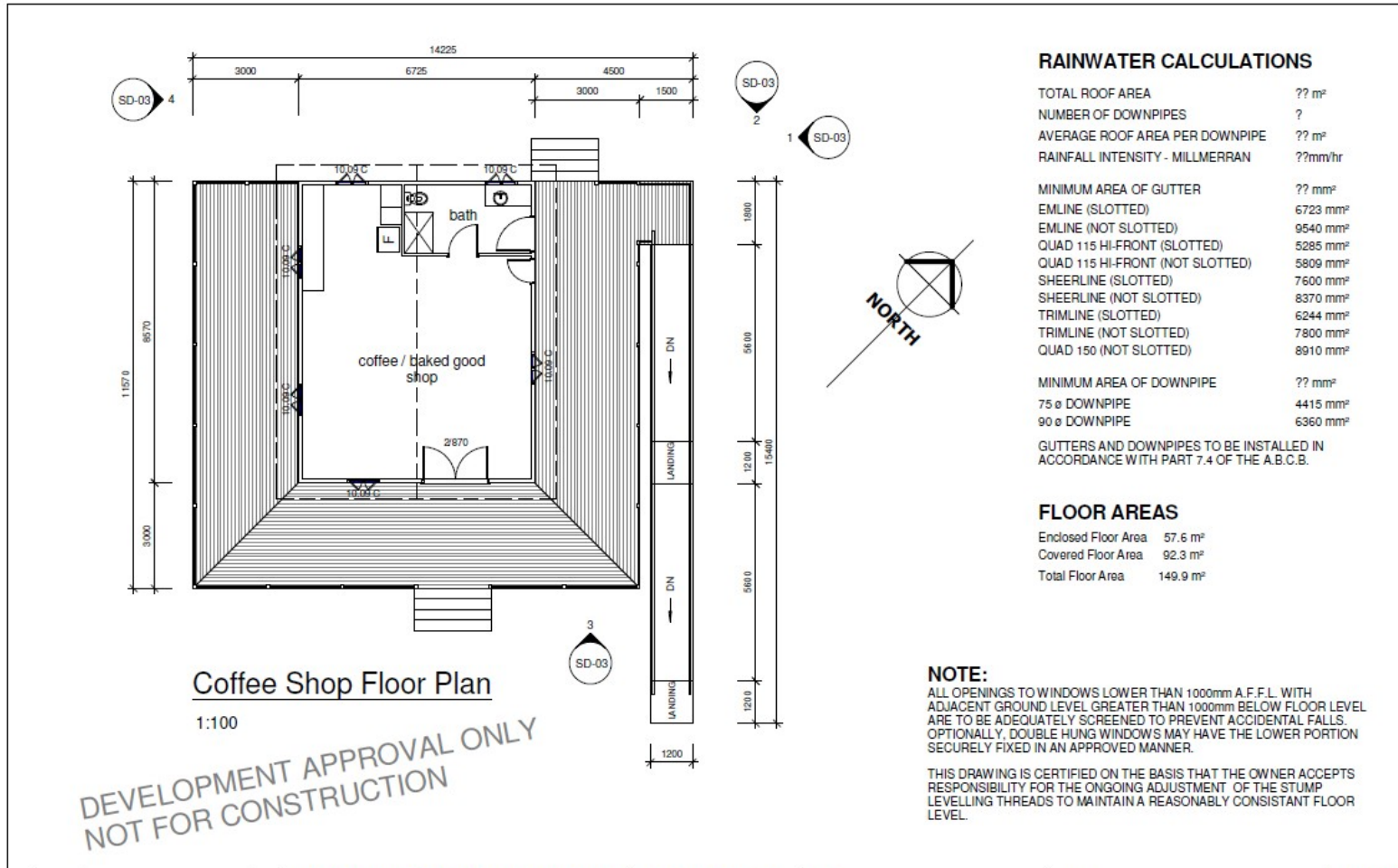


BILL ROBINSON DRAFTING SERVICES PTY LTD 30 SMYTHE DRIVE, HIGHFIELDS 4352 Mobile: 0448 178 101 Phone: (07) 4613 9210 mail: 30 Smythe Drive, Highfields 4352 E-mail: brdrafting@bigpond.com website: www.brdrafting.com.au A.B.N. 63 145 131 782 Q.B.C.C. Lic. No. 1191806			ALL DIMENSIONS MUST BE CHECKED ON SITE BY CONTRACTOR PRIOR TO COMMENCING ANY WORKS. WORK TO FIGURED DIMENSIONS. NOTIFY THE DESIGNER IMMEDIATELY OF ANY PERCEIVED ERRORS OR DISCREPANCIES. IN THE EVENT OF THE PLANS BEING FOUND TO BE IN ERROR, LIABILITY OF THE DESIGNER IS LIMITED TO THE COST OF ALTERATION OF THE PLANS. THIS DRAWING HAS COPYRIGHT AND MUST NOT BE USED WITHOUT FURTHER AUTHORITY FROM BILL ROBINSON			PROJECT SHARNIE HENDERSON 7852 GORE HIGHWAY MILLMERRAN		TITLE PROPOSED MCU STRUCTURAL DRAWINGS SITE PLAN		DRAWING No: SD-00	
DA1	10/07/25	DEVELOPMENT APPROVAL	WJR	DATE	DRAWN	SCALE	PROJECT No:	REVISION			
REV	DATE	COMMENTS	CHK	Feb '25	WJR	1 : 3000	@ A3 25-0206	DA1			

ATTACHMENT 4 OF 9 – SITE PLAN



ATTACHMENT 5 OF 9 – COFFEE SHOP FLOOR PLAN



RAINWATER CALCULATIONS

TOTAL ROOF AREA	?? m ²
NUMBER OF DOWNPIPES	?
AVERAGE ROOF AREA PER DOWNPIPE	?? m ²
RAINFALL INTENSITY - MILLMERRAN	??mm/hr
MINIMUM AREA OF GUTTER	?? mm ²
EMLINE (SLOTTED)	6723 mm ²
EMLINE (NOT SLOTTED)	9540 mm ²
QUAD 115 HI-FRONT (SLOTTED)	5285 mm ²
QUAD 115 HI-FRONT (NOT SLOTTED)	5809 mm ²
SHEERLINE (SLOTTED)	7600 mm ²
SHEERLINE (NOT SLOTTED)	8370 mm ²
TRIMLINE (SLOTTED)	6244 mm ²
TRIMLINE (NOT SLOTTED)	7800 mm ²
QUAD 150 (NOT SLOTTED)	8910 mm ²
MINIMUM AREA OF DOWNPIPE	?? mm ²
75 ø DOWNPIPE	4415 mm ²
90 ø DOWNPIPE	6360 mm ²

GUTTERS AND DOWNPIPES TO BE INSTALLED IN ACCORDANCE WITH PART 7.4 OF THE A.B.C.B.

FLOOR AREAS

Enclosed Floor Area	57.6 m ²
Covered Floor Area	92.3 m ²
Total Floor Area	149.9 m ²

NOTE:

ALL OPENINGS TO WINDOWS LOWER THAN 1000mm A.F.F.L. WITH ADJACENT GROUND LEVEL GREATER THAN 1000mm BELOW FLOOR LEVEL ARE TO BE ADEQUATELY SCREENED TO PREVENT ACCIDENTAL FALLS. OPTIONALLY, DOUBLE HUNG WINDOWS MAY HAVE THE LOWER PORTION SECURELY FIXED IN AN APPROVED MANNER.

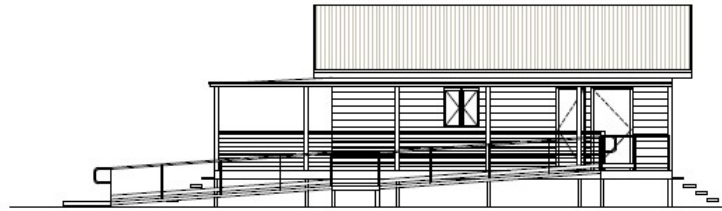
THIS DRAWING IS CERTIFIED ON THE BASIS THAT THE OWNER ACCEPTS RESPONSIBILITY FOR THE ONGOING ADJUSTMENT OF THE STUMP LEVELLING THREADS TO MAINTAIN A REASONABLY CONSISTANT FLOOR LEVEL.

<p>BILL ROBINSON DRAFTING SERVICES PTY LTD 30 SMYTHE DRIVE, HIGHFIELDS 4352 Mobile: 0448 178 101 Phone: (07) 4613 9210 mail: 30 Smythe Drive, Highfields 4352 E-mail: brdrafting@bigpond.com website: www.brdrafting.com.au</p>		<p>ALL DIMENSIONS MUST BE CHECKED ON SITE BY CONTRACTOR PRIOR TO COMMENCING ANY WORKS. WORK TO FIGURED DIMENSIONS.</p> <p>NOTIFY THE DESIGNER IMMEDIATELY OF ANY PERCEIVED ERRORS OR DISCREPANCIES IN THE EVENT OF THE PLANS BEING FOUND TO BE IN ERROR. LIABILITY OF THE DESIGNER IS LIMITED TO THE COST OF ALTERATION OF THE PLANS.</p> <p>THIS DRAWING IS COPYRIGHT AND MUST NOT BE USED WITHOUT FURTHER AUTHORITY FROM BILL ROBINSON.</p>	<p>PROJECT SHARNIE HENDERSON 7852 GORE HIGHWAY MILLMERRAN</p>	<p>TITLE PROPOSED MCU STRUCTURAL DRAWINGS COFFEE SHOP FLOOR PLAN</p>	<p>DRAWING No: SD-02</p>			
DA1	10/07/25	DEVELOPMENT APPROVAL	WJR	DATE Feb '25	DRAWN WJR	SCALE 1 : 100	PROJECT No: 25-0206	REVISION DA1
REV	DATE	COMMENTS	CHK					

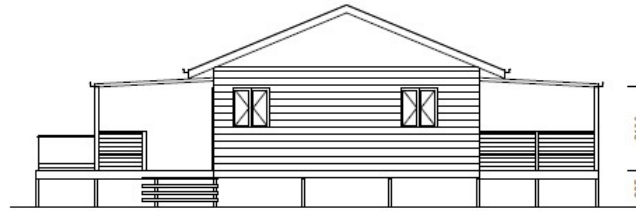
C:\01 Projects\2025\16 February 2025\25-0206 - Henderson\Drawings\25-0206.rvt

ATTACHMENT 6 OF 9 – COFFEE SHOP ELEVATIONS

NOTE:
BALUSTRADING TO BE INSTALLED IN ACCORDANCE WITH A.B.C.C. REQUIREMENTS IF DECK LEVEL IS GREATER THAN 1000mm ABOVE FINISHED ADJACENT GROUND LEVEL.



1 North/East Elevation
1 : 100

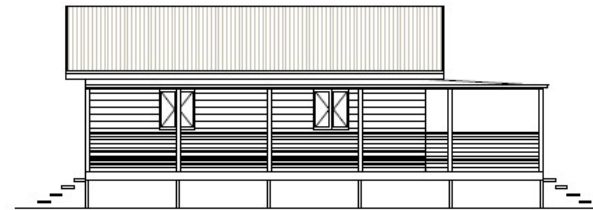


2 North/West Elevation
1 : 100

DEVELOPMENT APPROVAL ONLY
NOT FOR CONSTRUCTION



3 South/East Elevation
1 : 100

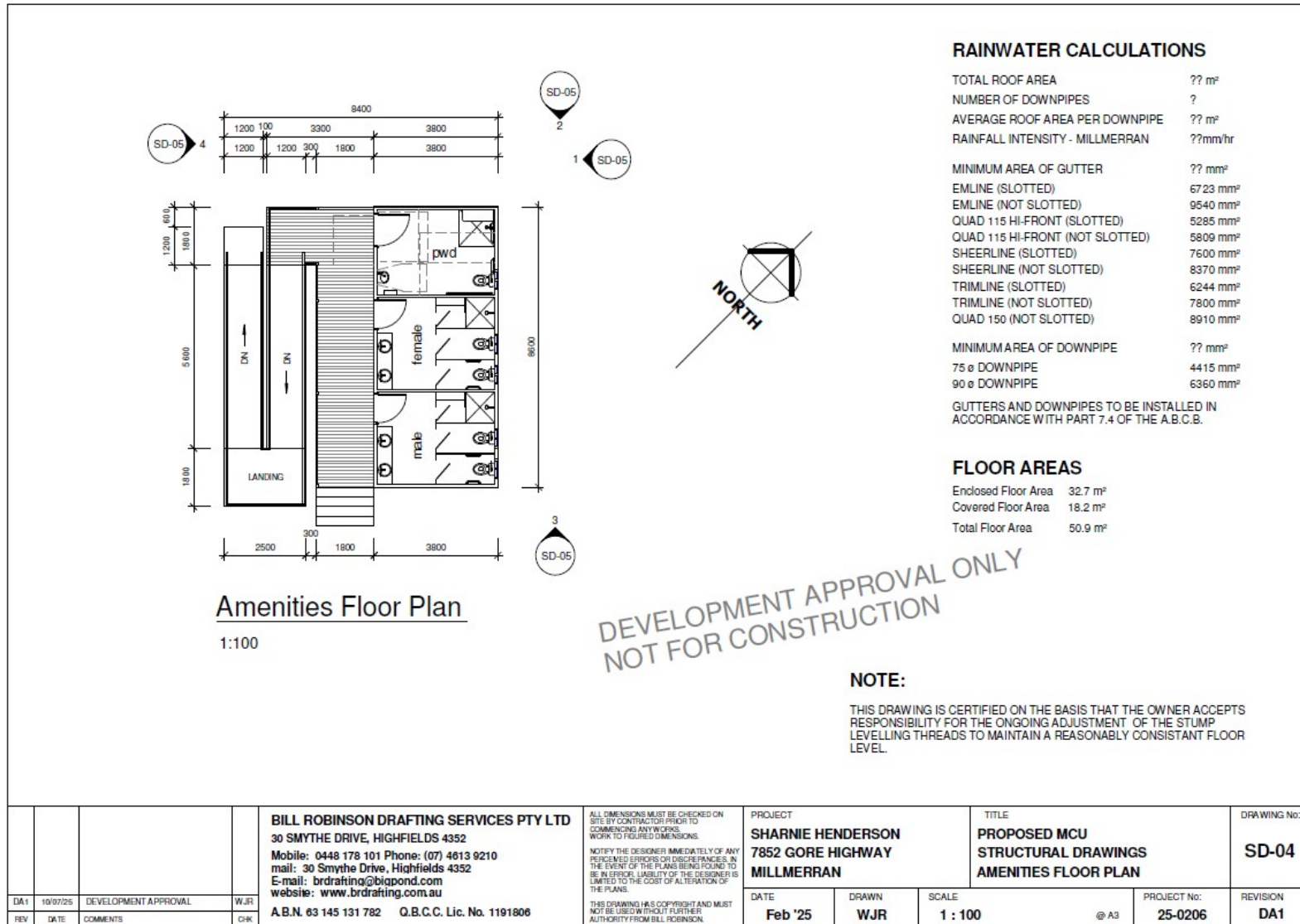


4 South/West Elevation
1 : 100

		BILL ROBINSON DRAFTING SERVICES PTY LTD 30 SMYTHE DRIVE, HIGHFIELDS 4352 Mobile: 0448 178 101 Phone: (07) 4613 9210 mail: 30 Smythe Drive, Highfields 4352 E-mail: brdrafting@bigpond.com website: www.brdrafting.com.au		ALL DIMENSIONS MUST BE CHECKED ON SITE BY CONTRACTOR PRIOR TO COMMENCING ANY WORKS. WORK TO FIGURED DIMENSIONS. NOTIFY THE DESIGNER IMMEDIATELY OF ANY PERCEIVED ERRORS OR DISCREPANCIES. IN THE EVENT OF THE PLANS BEING FOUND TO BE IN ERROR, LIABILITY OF THE DESIGNER IS LIMITED TO THE COST OF ALTERATION OF THE PLANS. THIS DRAWING IS HIS COPYRIGHT AND MUST NOT BE USED WITHOUT FURTHER AUTHORITY FROM BILL ROBINSON.		PROJECT SHARNIE HENDERSON 7852 GORE HIGHWAY MILLMERRAN		TITLE PROPOSED MCU STRUCTURAL DRAWINGS COFFEE SHOP ELEVATIONS		DRAWING No: SD-03	
DA1	10/07/25	DEVELOPMENT APPROVAL	WJR	DATE	DRAWN	SCALE	PROJECT No:	REVISION			
REV	DATE	COMMENTS	CHK	Feb '25	WJR	1 : 100	25-0206	DA1			

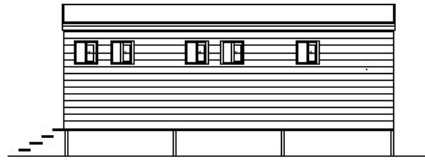
C:\011 - Develop\020206\03 Feb 25\100 - Millmerran\Struct Drawings\SD-03.dwg

ATTACHMENT 7 OF 9 – AMENITIES FLOOR PLAN

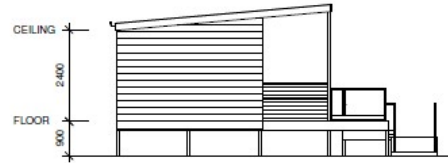


C:\01 Projects\2025\02 February 2025\25-0206 - Henderson\Drawings\25-0206-04.dwg

ATTACHMENT 8 OF 9 – AMENITIES ELEVATIONS

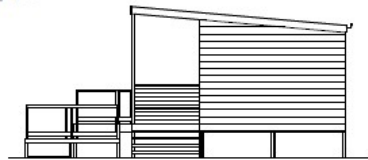


1 Amenities N/E Elevation
1 : 100

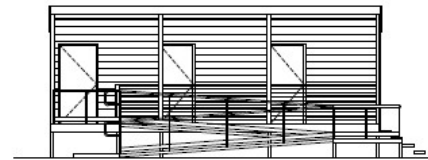


2 Amenities N/W Elevation
1 : 100

DEVELOPMENT APPROVAL ONLY
NOT FOR CONSTRUCTION



3 Amenities S/E Elevation
1 : 100

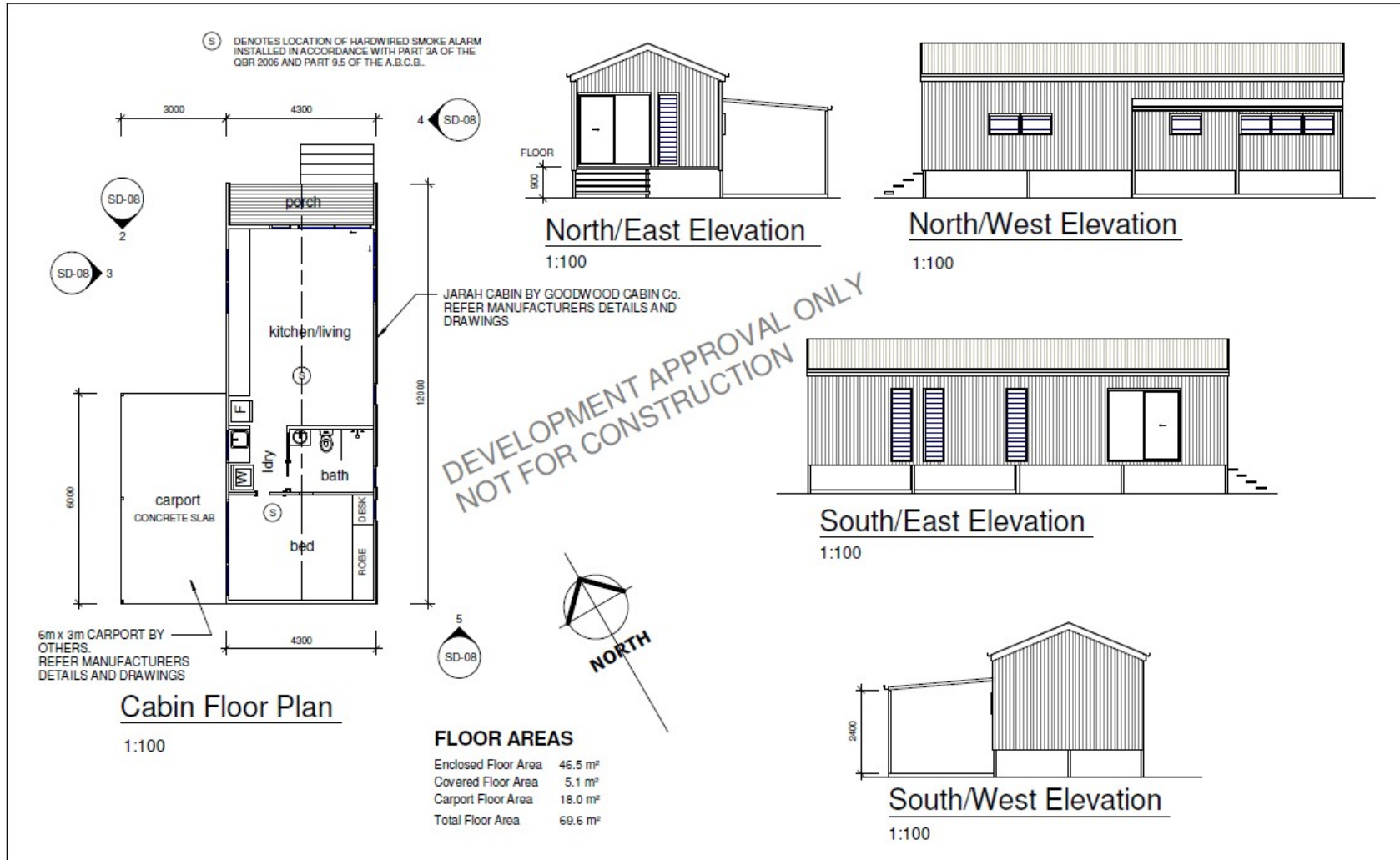


4 Amenities S/W Elevation
1 : 100

		BILL ROBINSON DRAFTING SERVICES PTY LTD 30 SMYTHE DRIVE, HIGHFIELDS 4352 Mobile: 0448 178 101 Phone: (07) 4613 9210 mail: 30 Smythe Drive, Highfields 4352 E-mail: brdrafting@bigpond.com website: www.brdrafting.com.au		ALL DIMENSIONS MUST BE CHECKED ON SITE BY CONTRACTOR PRIOR TO COMMENCING ANY WORKS. WORK TO FIGURED DIMENSIONS. NOTIFY THE DESIGNER IMMEDIATELY OF ANY PERCEIVED ERRORS OR DISCREPANCIES. IN THE EVENT OF THE PLANS BEING FOUND TO BE IN ERROR, LIABILITY OF THE DESIGNER IS LIMITED TO THE COST OF ALTERATION OF THE PLANS. THIS DRAWING HAS COPYRIGHT AND MUST NOT BE USED WITHOUT FURTHER AUTHORITY FROM BILL ROBINSON.		PROJECT SHARNIE HENDERSON 7852 GORE HIGHWAY MILLMERRAN		TITLE PROPOSED MCU STRUCTURAL DRAWINGS AMENITIES ELEVATIONS		DRAWING No: SD-05	
DA 1	19/07/25	DEVELOPMENT APPROVAL		WJR	DATE		DRAWN	SCALE	PROJECT No:	REVISION	
REV	DATE	COMMENTS		CHK	Feb '25		WJR	1 : 100	@ A3 25-0206	DA1	

C:\01 Projects\2025\05 February 2025\05 0206 - Henderson\Drawings\25-0206.rvt

ATTACHMENT 8 OF 9 – PROPOSED CABINS FLOOR PLAN AND ELEVATIONS



<p>BILL ROBINSON DRAFTING SERVICES PTY LTD 30 SMYTHE DRIVE, HIGHFIELDS 4352 Mobile: 0448 178 101 Phone: (07) 4613 9210 mail: 30 Smythe Drive, Highfields 4352 E-mail: brdrafting@bigpond.com website: www.brdrafting.com.au</p>		<p>ALL DIMENSIONS MUST BE CHECKED ON SITE BY CONTRACTOR PRIOR TO COMMENCING ANY WORKS. WORK TO FIGURED DIMENSIONS.</p> <p>NOTIFY THE DESIGNER IMMEDIATELY OF ANY PERCEIVED ERRORS OR DISCREPANCIES. IN THE EVENT OF THE PLANS BEING FOUND TO BE IN ERROR, LIABILITY OF THE DESIGNER IS LIMITED TO THE COST OF ALTERATION OF THE PLANS.</p> <p>THIS DRAWING HAS COPYRIGHT AND MUST NOT BE USED WITHOUT FURTHER AUTHORITY FROM BILL ROBINSON.</p>		<p>PROJECT SHARNIE HENDERSON 7852 GORE HIGHWAY MILLMERRAN</p>		<p>TITLE PROPOSED MCU STRUCTURAL DRAWINGS CABIN FLOOR PLAN & ELEVATIONS</p>		<p>DRAWING No: SD-08</p>	
DA1	10/07/25	DEVELOPMENT APPROVAL	WJR	DATE	DRAWN	SCALE	PROJECT No:	REVISION	
REV	DATE	COMMENTS	CHK	Feb '25	WJR	1 : 100	@ A3 25-0206	DA1	

C:\01 Projects\2025\02 February 2025\25-0206 - Henderson Drawings\25-0206 CA BINS.rvt

SCHEDULE 1

Concurrence Agency Response/s

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

16 March 2026

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

Attention: Rumpa Sarkar

Dear Ms Sarkar

SARA referral agency response—7852 Gore Highway, Millmerran

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

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

Response

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

Development details

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

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

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

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

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

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

Representations

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

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

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

Yours sincerely



Paul Gleeson
 A/Manager

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

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

Attachment 1—Referral agency conditions

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

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

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

Attachment 2—Advice to the applicant

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

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

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

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

Material used in the assessment of the application:

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

Attachment 4—Representations about a referral agency response provisions

(page left intentionally blank)

Attachment 5—Documents referenced in conditions

(page left intentionally blank)

Development Assessment Rules—Representations about a referral agency response

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

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

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

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

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

Part 7: Miscellaneous

30 Representations about a referral agency response

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

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

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

13 March 2026

Department of
Transport and Main Roads

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

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

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

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

Applicant Details

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

Application Details

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

Decision (given under section 67 of TIA)

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

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

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

Reasons for the decision

The reasons for this decision are as follows:

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

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

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

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

Further information about the decision

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

Further approvals

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

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

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

Yours sincerely

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

Scott McDonald
A/Senior Planner

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

Attachment A

Decision Evidence and Findings

Evidence or other material on which findings were based:

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

Attachment B

Section 70 of TIA

Transport Infrastructure Act 1994

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

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

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

Maximum penalty—200 penalty units.

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

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

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

485B Appeals against decisions

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

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

(5) The court may order—

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

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

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

(7) In this section—

original decision means a decision described in schedule 3.

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

31 Applying for review

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

32 Stay of operation of original decision

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

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

(9) In this section—

relevant entity means—

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

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

35 Time for making appeals

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

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

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

(2) However, if—

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

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

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

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

SITE CUT NOTE:

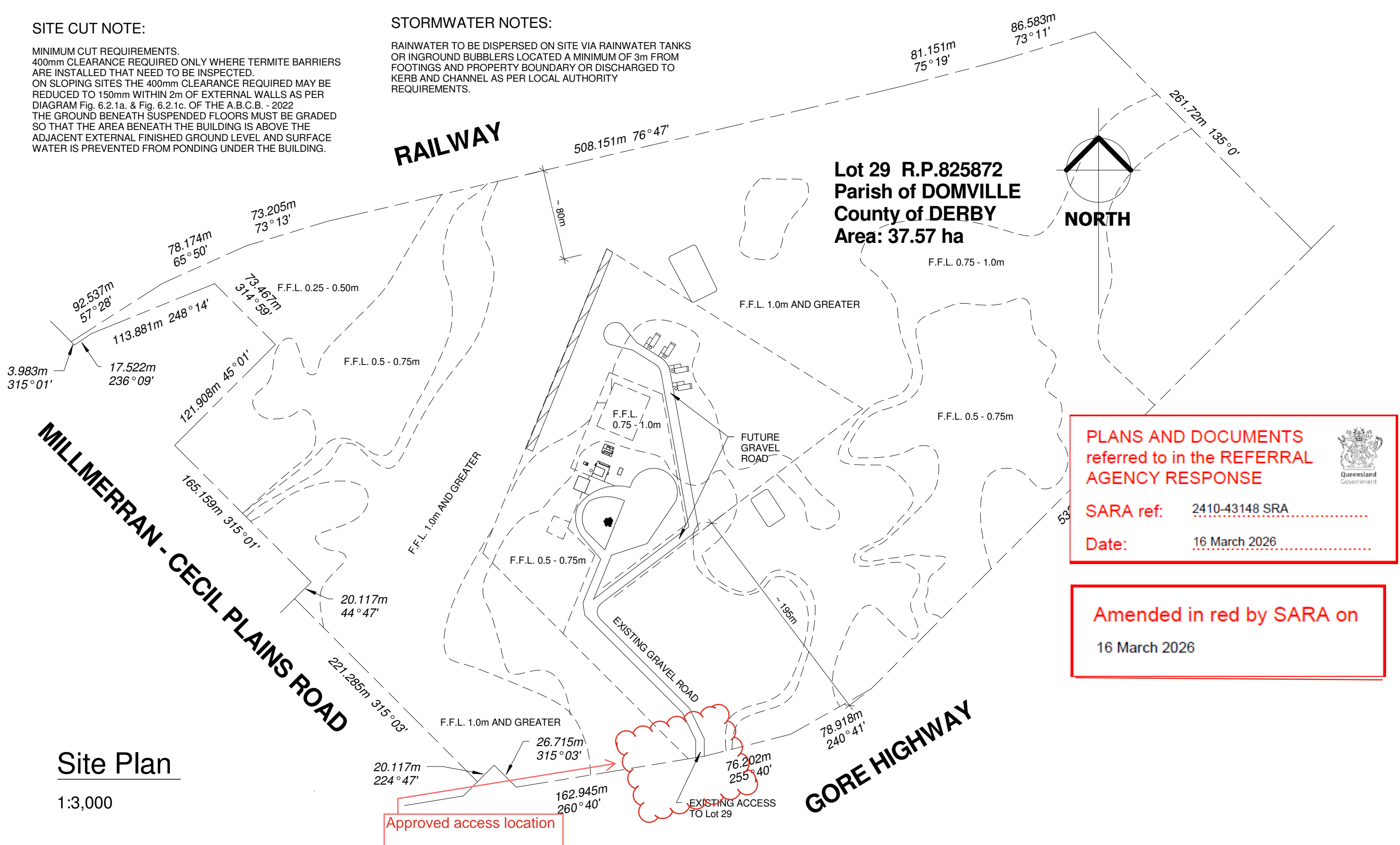
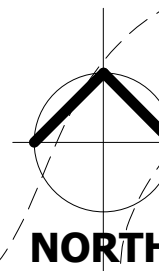
MINIMUM CUT REQUIREMENTS.
 400mm CLEARANCE REQUIRED ONLY WHERE TERMITE BARRIERS ARE INSTALLED THAT NEED TO BE INSPECTED.
 ON SLOPING SITES THE 400mm CLEARANCE REQUIRED MAY BE REDUCED TO 150mm WITHIN 2m OF EXTERNAL WALLS AS PER DIAGRAM Fig. 6.2.1a. & Fig. 6.2.1c. OF THE A.B.C.B. - 2022
 THE GROUND BENEATH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

STORMWATER NOTES:

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

RAILWAY


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



PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2410-43148 SRA

Date: 16 March 2026



Amended in red by SARA on 16 March 2026

Site Plan

1:3,000

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

SCHEDULE 2

Statement of Reasons

Statement of Reasons
Section 63(4) and (5) of the *Planning Act 2016*

SITE DETAILS	
Site Address	7852 Gore Highway, MILLMERRAN QLD 4357
Real Property Description	Lot 29 RP825872
Site Area	37,700 ha.
Owner	Taylor Made Engineering Qld Pty Ltd

PROPOSED DEVELOPMENT	
Name of Applicant	Taylor Made Engineering Qld Pty Ltd
Type of Application	Material Change of Use
Proposed Development	Garden Centre, Short Term Accommodation and Market
Level of Assessment	Impact Assessment
Gross Floor Area	478 m ² (Short Term Accommodation, Coffee Shop and Amenities Block)
Use Area	3,018 m ² (Garden Centre and Market)
Impervious Area	2,025 m ²
Site Cover	3.26%
Car Parking Spaces	70 Spaces
Service Vehicle Provision	HRV
Submissions Received	Objection: Nil
	Support: Nil
Decision	Approval
Decision Date	21 May 2026

ASSESSMENT MATTERS	
Assessment benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Strategic Framework • Rural Zone Code • Agricultural Land Overlay Code • Environmental Significance Overlay Code • Flood Hazard Overlay Code • Rural Uses Code • Market Code • Medium Density Residential Code • Environmental Standards Code • Integrated Water Cycle Management Code • Landscaping Code • Transport, Access and Parking Code and • Works and Services Code.
Relevant Matters	<p>The subject site is located at the edge of the Low-medium Density Residential Zone. The site can appropriately function as transitional interface between established rural production land to the east and residential zoned land to the west. It will maintain a rural character and low built form while enabling compatible, non-rural use that does not compromise either the ongoing use of adjoining rural land or the amenity expectations of nearby residential areas within the Low-medium Density Zone.</p> <p>Accordingly, the proposed development is considered to provide a logical</p>

	<p>and compatible interface between rural and residential areas, supporting orderly land use transition while maintaining the productivity and character of the Rural Zone.</p>	
<p>Reasons for decision</p>	<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception listed below.</p>	
	<p>Assessment benchmark</p>	<p>Reasons for the approval despite non-compliance with benchmark</p>
	<p>Purposes and overall outcomes of Rural Zone</p>	<p>A Garden Centre is defined under the Planning Scheme as the use of premises for the sale of plants and gardening or landscaping products (primarily in pre-packaged form), with any food and drink outlet being ancillary to that use. The use is classified as a business activity and is not identified as a consistent use within the Rural Zone.</p> <p>However, the proposed Garden Centre, as applied for, is considered acceptable as it will have a small use area and will involve products like plants, seedlings and associated items. As such, the proposed non-rural use will function and operate at a low scale, and is not considered to adversely impact the rural character, amenity, or primary production potential of the land.</p> <p>The applicant has indicated a potential future expansion to include materials (such as bulk quantities of soil, gravel, rocks and potting mix) and a broader retail offering. Such activities would fall outside the Planning Scheme definition of a Garden Centre and would more closely align with a bulk landscape supplies use, which is not appropriate within the Rural Zone. This assessment is therefore based solely on the use as defined and applied for. A condition limiting the development to the approved definition of a Garden Centre is recommended, and any future intensification or change in use would require a further development application.</p> <p>The proposed Short-term Accommodation comprises four (4) detached cabins, occupying a minor portion of the site. The use is low intensity and designed to facilitate small-scale, eco-tourism opportunities associated with rural living and the natural environment. The development remains subordinate to the primary rural use of the land and is consistent with the Rural Zone outcomes, particularly those supporting appropriately scaled tourism activities that are compatible with rural production and landscape values.</p> <p>The proposed Market is to operate on a monthly basis within a designated grassed area and does not involve permanent structures. Stallholders will set up and pack down within the same day. Given its low frequency, temporary nature, and focus on local and agricultural produce, the market is considered a compatible, rural-supporting activity that does not compromise the ongoing rural use, character, or amenity of the locality.</p> <p>The site is affected by flood. The proposed development has been appropriately sited on the higher portions of the land, and conditions are recommended to ensure compliance with applicable flood immunity requirements for habitable structures.</p>

		<p>The proposed development maintains appropriate setbacks from natural features, including the waterway traversing the site, and avoids disturbance to mapped environmental areas.</p> <p>Overall, the proposed Garden Centre (as defined and recommended to be conditioned), Short-term Accommodation, and monthly Market are considered to achieve the purpose and overall outcomes of the Rural Zone. The development provides for compatible, small-scale non-rural uses that support rural diversification while maintaining the productive capacity, environmental values, and landscape character of the land.</p>
	<p>PO4 of Rural Zone Code</p>	<p>The proposed Garden Centre is identified as a business activity and is an inconsistent use under AO4.2. Notwithstanding this, the use is low-scale, will operate within a defined area, and is limited to activities associated with plants and gardening supplies. Subject to reasonable and relevant conditions limiting the scale and nature of the use, it is considered compatible with the rural setting and does not compromise rural production capacity, natural features, or landscape amenity.</p> <p>The proposed Market is a low-intensity, monthly activity involving temporary stalls only. Its infrequent operation and focus on local and agricultural produce ensure it remains compatible with the rural function of the land and does not adversely impact rural character or amenity.</p> <p>The proposed Short-term Accommodation is an anticipated use within the zone and is appropriately limited in scale and extent.</p> <p>Given the above, the proposed development is deemed to comply with PO4.</p>
	<p>PO2 of Flood Hazard Overlay</p>	<p>The proposed development is located within the Medium Flood Risk Area and has been sited on the highest portion of the site. The proposed cabins and amenities block are elevated, and conditions are recommended to ensure all structures achieve the required flood immunity levels. As such, subject to reasonable and relevant conditions, the development is deemed to comply with PO2.</p>
	<p>PO7 of Flood Hazard Overlay</p>	<p>Adequate information has not been provided to demonstrate how the proposed development complies with the relevant Acceptable Outcomes AO7.1, AO7.2 and AO7.3 of the Code. Council issued an Information Request seeking further details to demonstrate compliance with the evacuation, on-site refuge and flood signage requirements of PO7.</p> <p>In response, the applicant submitted amended plans identifying the proposed finished floor levels across the site. This information alone does not adequately address the broader flood risk management outcomes required by the Code. In particular, the submitted material does not adequately demonstrate:</p>

		<ul style="list-style-type: none"> • how the internal road and/or pathway layout provides a safe and clear evacuation route to a flood-free urban area during a Defined Flood Event; • whether vehicular and pedestrian access can be maintained during a flood hazard event; • the availability of a suitable on-site refuge area at or above the flood planning level capable of accommodating the likely occupants and visitors of the development during a flood event; and • the provision and location of flood hazard signage, evacuation route signage, hazard warning signage and depth indicators. <p>Notwithstanding the above, it is considered that the development can achieve compliance with Performance Outcome PO7, subject to conditions requiring the submission of a Flood Risk Management Plan prepared by a Registered Professional Engineer Queensland (RPEQ). The Flood Risk Management Plan is to include evacuation procedures, routes and signage, identification of safe refuge areas, flood hazard signage and emergency management measures to minimise flood risk impacts on occupants and visitors during a flood hazard event. Accordingly, subject to the relevant and reasonable conditions, the proposed development is considered capable of complying with the requirements of PO7.</p>
	<p>PO2 of Agricultural Overlay Code</p>	<p>Does not comply with AO2.1, however, the proposed development has been sensitively sited and designed to minimise impacts on the ongoing rural productive use of the land. The proposed development in consolidated within a relatively small portion of the site and maintains setbacks exceeding 200m from site boundaries, thereby minimising impacts on the surrounding rural activities. Importantly, it is noted that the existing cattle yards and rural sheds will be retained, which will allow the existing agricultural and rural operations to continue on-site.</p> <p>The proposed development only involves built forms for the proposed short-term accommodation and does not propose any permanent structures for the proposed garden centre and market use. An existing shed will be repurposed and utilised as coffee shop ancillary to the proposed garden centre. As such the proposed development is not considered to compromise the long-term productive capacity of agriculture land. As such, the proposed development is deemed to comply with PO2 of the Code.</p>
	<p>PO19 of Environmental Standard Code</p>	<p>The proposal does not comply with AO19.1, as the proposed parking areas and internal driveways are not proposed to be imperviously sealed. However, having regard to the rural location and the low-scale nature of the proposed development, the level of vehicle movement generated by the development is expected to be low. On typical operating days, excluding the market, the development is anticipated to have 12 vehicle movements per hour (6 arrivals and 6 departures) which does not necessitate to seal the internal driveway and manoeuvring areas. Also, the</p>

		<p>surrounding sensitive receptors are located at a setback of more than 200m from the proposed internal driveway and manoeuvring areas. As such the potential dust nuisance on the surrounding properties is considered to be minimal.</p> <p>Furthermore, Council's Environmental Officer has reviewed the proposed development and recommended reasonable and relevant conditions requiring the implementation of appropriate dust suppression measures and the ongoing maintenance of all accessways and hardstand surfaces to minimise any potential dust emissions that could be caused.</p> <p>On balance, while the proposal does not strictly comply with AO19.1, recommended conditions are considered reasonable and sufficient to ensure any dust impacts are appropriately managed. Accordingly, the proposal is considered to achieve the intent of PO19.</p>
	<p>PO16 of Transport, Access and Parking Code</p>	<p>The proposal does not comply with AO16.1 as car parking is not located to the rear of the development. However, the parking area is setback more than 100 metres from Gore Highway and is screened through proposed landscaping along the internal access alignment.</p> <p>Given the substantial setback and visual screening, the car parking will not dominate the road frontage or detract from the rural streetscape character. Accordingly, the proposal is considered to comply with PO16.</p>
	<p>PO2 of Transport, Access and Parking Code</p>	<p>Does not comply with AO2.2, as the proposed development does not provide the parking rates in accordance with minimum rates prescribed in Table 9.4.6:3 of the Transport, Access and Parking Code. Based on these rates, the development is required to provide a total of 179 spaces.</p> <p>Council Engineers have reviewed the submitted Traffic Impact Statement (TIS) and are satisfied with the assumptions and conclusions in relation to parking demand. The TIS estimates that the based on the nature, scale, and rural location of the development provision of 70 parking spaces would be sufficient to accommodate peak parking demand. Accordingly, subject to relevant and reasonable conditions, the proposed development is deemed to comply with PO2 of the Code.</p>
	<p>PO1 of the Landscaping Code</p>	<p>Does not comply with AO1.1 as a formalised Landscape Plan has not been submitted to Council. However, subject to relevant and reasonable conditioning a formal landscape plan will be required to be submitted demonstrating that the existing landscape will be retained, and the proposed landscape works complies the relevant assessment benchmarks of the Landscaping Code. As such, the proposed development is deemed to comply with PO1.</p>

For further details on the assessment of this development application, please see the Delegated Report available for public viewing on the Toowoomba Regional Council Planning and Development Online website

at: <https://developmenti.tr.qld.gov.au/>. When accessing Council's website please use the following Application Number: MCUI/2024/5869.