

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 is 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 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.