

**Statement of Reasons**  
Section 83(8) and (9) of the *Planning Act 2016*

SITE DETAILS	
Site Address	125 Kudo-Silverleigh Road, GOOMBUNGEE QLD 4354
Real Property Description	Lot 2 RP50559
Site Area	161.958 ha
Owner	Min-Chieh Wang

PROPOSED DEVELOPMENT	
Name of Applicant	Min-Chieh Wang C/- Alpha Planning Applications
Type of Application	Change Application (Other change) for a Development Permit for a Material Change of Use
Proposed Development	Rooming Accommodation & Food & Drink Outlet
Level of Assessment	Impact Assessment
Gross Floor Area	1,200.13 m <sup>2</sup>
Impervious Area	1,420.13 m <sup>2</sup> (includes Rooming Accommodation, 'outdoor' kitchen and dining building, and carport)
Site Cover	1%
Car Parking Spaces	Forty-three (43) Car parking spaces
Service Vehicle Provision	One (1) SRV
Submissions Received	Objection: 4
	Support: 0
Decision	Approval
Original Decision Date	3 February 2026
Negotiated Decision Date	1 June 2026

ASSESSMENT MATTERS								
Assessment benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Schedules 9 and 10 of the <i>Planning Regulation 2017</i> (as relevant);</li> <li>• <i>State Planning Policy July 2017</i> (as relevant);</li> <li>• Darling Downs Regional Plan</li> <li>• The Local Government Infrastructure Plan (LGIP); and</li> <li>• <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28) <ul style="list-style-type: none"> <li>▪ Strategic Framework,</li> <li>▪ Rural Zone Code</li> <li>▪ Centre Activities Code</li> <li>▪ Medium Density Residential Code</li> <li>▪ Environmental Standards Code</li> <li>▪ Integrated Water Cycle Management Code</li> <li>▪ Landscaping Code</li> <li>▪ Transport, Access and Parking Code</li> <li>▪ Works and Services Code</li> <li>▪ Airport Environs Overlay Code</li> <li>▪ Flood Hazard Overlay Code</li> <li>▪ Agricultural Land Overlay Code</li> </ul> </li> </ul>							
Relevant matters	The proposed development was assessed against the following relevant matters:							
Matters raised in submissions	<table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 50%;">Issue</th> <th style="width: 50%;">How matter was dealt with</th> </tr> </thead> <tbody> <tr> <td colspan="2" style="text-align: center;"><b>Change Application MCUI/2017/6050/H</b></td> </tr> <tr> <td><b><u>Issue 1 – Current activity and use</u></b></td> <td rowspan="2">The concern regarding incremental growth has been addressed through the detailed assessment of the proposed expansion and the imposition of reasonable and relevant</td> </tr> <tr> <td>Concerns were raised</td> </tr> </tbody> </table>	Issue	How matter was dealt with	<b>Change Application MCUI/2017/6050/H</b>		<b><u>Issue 1 – Current activity and use</u></b>	The concern regarding incremental growth has been addressed through the detailed assessment of the proposed expansion and the imposition of reasonable and relevant	Concerns were raised
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	<p>regarding the incremental growth of the facility over time.</p>	<p>conditions to manage its scale, intensity and visual impact.</p> <p>The proposed changes involve expansion of the rooming accommodation use. This includes 6 new accommodation buildings (24 rooms for 48 additional guests), along with 6 activity buildings and 2 shower/toilet buildings. In total, the development will comprise approximately 22 structures ranging from 12m<sup>2</sup> to 700m<sup>2</sup>. All buildings are setback more than 800m from adjacent public roads.</p> <p>The built form of the rooming accommodation use has been broken into smaller, low-scale structures to limit its bulk, size and scale. All buildings are one storey and below 4.552 in height. This dispersed layout will reduce the visual bulk and impact of the proposed extension and ensures the development remains consistent with the surrounding rural setting.</p> <p>In addition, 3-metre-wide densely planted landscape strip is proposed, along the southern, western and eastern boundaries combined with retention of existing vegetation. This landscaping will provide visual screening and ensure that views from neighbouring properties and public roads are appropriately mitigated, maintaining the rural landscape character.</p> <p>All proposed buildings are located outside the Agricultural Overlay Mapping, ensuring that no sensitive agricultural land is affected and that the ongoing agricultural and rural productivity of the land is not compromised.</p> <p>Having regard to the scale, siting, design, setbacks and landscaping of the proposed extension, Council is satisfied that the incremental growth of the facility will be appropriately managed and that the proposed built form will result in negligible visual impacts, without adversely affecting rural amenity or character.</p> <p>The incremental growth of the facility has been taken into consideration. Conditions of approval are recommended to be imposed:</p> <ul style="list-style-type: none"> <li>• limit the number of rooms and guest numbers for the rooming accommodation use;</li> <li>• approve buildings as shown on the plans to manage size, bulk, height and visual impact; and</li> <li>• require the submission of a detailed landscape plan, including the delivery of the 3-metre-wide landscape strip and the retention and enhancement of existing vegetation as shown on the submitted plans for approval.</li> </ul>
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		<p>These conditions will ensure the proposed change remains compatible with the rural context of the site and that the visual and amenity impacts of incremental development are appropriately managed and mitigated.</p>
	<p><b><u>Issue 2 – History of Non-compliance</u></b></p> <p>Concerns were raised regarding the history of non-compliance with TRC approvals and permits, including unauthorised roadworks, culvert and access installation, road markers, and exceeding approved accommodation limits.</p>	<p>While these compliance issues are noted, they cannot be considered in the assessment of this change application as valid planning grounds. Any non-compliance matters has to be raised with Council's compliance team for action/investigations.</p>
	<p><b><u>Issue – 3 Wastewater Management System Environment Risks</u></b></p> <p>Concerns were raised regarding the location, setback, and operational efficiency of the proposed on-site effluent disposal system/methods and its potential to cause environmental (odour and contamination of water) and health impacts.</p>	<p>Council's plumbing team has reviewed the plumbing application, which included decommissioning of the existing on-site facilities and associated works, and the installation of the proposed new greywater treatment facility to service the proposed development. The onsite effluent system has been designed and will be constructed in accordance with Council's relevant codes and standards. The proposed onsite treatment facility has been approved in 2025 by both Council (PDAF/2024/6529) and the State (ERA-Environmental Authority Number: P-EA-100696477).</p> <p>Furthermore, conditions of approval have been imposed previously for on-site wastewater treatment and disposal which will be retained for the proposed change.</p>
	<p><b><u>Issue 4 - Water Supply</u></b></p> <p>Concerns were raised regarding the water demand of the development is significantly higher than what can be supplied by existing bore (licensed for stock and domestic use) and rainwater storages. High extractions volumes may be non-compliant, insufficient to meet operational demands and could impact neighbouring bores and the local aquifer.</p>	<p>In Queensland, the <i>Department of Regional Development, Manufacturing and Water (DRDMW)</i> is the agency responsible for regulating water bores, groundwater take, bore licensing, and bore construction standards. DRDMW administers the requirements for taking groundwater, including the circumstances in which a water licence is required and the operational and construction standards for bores. DRDMW resources also outline compliance obligations for bore owners, including groundwater extraction volumes, monitoring, and responsibilities for stock and domestic bores.</p> <p>Given this, the assessment of groundwater extraction volumes, bore licensing requirements, and any potential impacts on the aquifer or neighbouring bores is primarily a matter regulated by DRDMW rather than Council. Any required licensing, management statements, or extraction limits fall within DRDMW jurisdiction, and the development</p>

	<p><b><u>Issue 5 – Traffic Impact Assessments</u></b></p> <p>Concerns were raised that the Traffic Impact Assessment does not accurately reflect existing or potential traffic volumes and fails to consider the limited width, poor condition and wet-weather performance of Gordon Smiths Road. Increased traffic from the development may exceed the road’s capacity, create safety risk and require upgrades that have not been assessed or addressed.</p>	<p>remains responsible for ensuring ongoing compliance with State groundwater regulations.</p> <p>The submitted TIS originally submitted with the change application (MCUI/2017/6050/H) indicated that the traffic generation from the proposed development is 56 vpd in addition to 24 vpd from the existing development, which totals to 80 from the development. Based on these assumptions, relevant and reasonable conditions were imposed on the development approval.</p> <p>The applicant appealed the decision and provided change representations on Conditions 7A and 35A-35E.</p> <p>A meeting was held on 28<sup>th</sup> April 2026 with the applicant to discuss the change representations for the proposed Negotiated Decision Notice (NDN). During this meeting, Council confirmed that the traffic generation rate of 80 vehicle movements per day, as identified in the originally submitted Traffic Impact Statement (TIS), was accepted and remained unchanged.</p> <p>The applicant advised that transportation for monks would primarily be undertaken via buses, particularly for trips to the airport and university for English language classes. On this basis, the applicant indicated that actual traffic volumes are likely to be lower than those predicted in the TIS. However, as this information was not included in the submitted TIS, Council recommended that an updated TIS be provided to formally incorporate and assess this change.</p> <p>An updated TIS was subsequently submitted on 18 May 2026. Council’s Engineer has reviewed the updated TIS, which confirms that the development will include the provision and operation of vans/minibuses for transporting guests associated with the Rooming Accommodation. Based on this revised transport arrangement, the estimated traffic generation has been reduced to approximately 60 vehicle movements per day, which remains well below the relevant threshold of 100 vehicle movements per day.</p> <p>Council’s Engineer is satisfied with the findings of the updated TIS and accordingly, the condition 37A has been amended.</p>
	<p><b><u>Issue 6 – Dust and Noise due to Traffic</u></b></p> <p>Concerns were raised that the traffic generated by the proposed development creates significant dust, noise, and safety</p>	<p>Council’s environmental officer has reviewed the issues raised.</p> <p><b>Noise Assessment:</b>  A detailed noise assessment report was submitted and reviewed by Council. The report assessed noise impacts at the nearest sensitive receptor (964 m away) and found the following:</p> <ul style="list-style-type: none"> <li>• Background levels: Day 29 dB(A),</li> </ul>

	<p>impacts on nearby residents particularly those living very close to the Gordon Smith Road.</p>	<p>Evening 23 dB(A), Night 20 dB(A).</p> <ul style="list-style-type: none"> <li>• Adopted criteria: LAeq (15 min) ≤ 29/23/20 dB(A); LMax ≤ 55 dB(A) outdoors.</li> <li>• Predicted noise at nearest receptor (964 m):</li> <li>• LAeq: 3–12 dB(A) (well below criteria).</li> <li>• LMax: 29–42 dB(A) (below 55 dB(A) limit).</li> </ul> <p>The expanded development therefore complies with all adopted noise criteria without mitigation due to significant separation distances and rural context. To ensure ongoing compliance and address submitter’s concerns:</p> <ul style="list-style-type: none"> <li>• A Noise Management Plan is recommended to be amended and endorsed, incorporating updated amendments including noise from Food and Drink Outlet activities.</li> <li>• Service vehicle movements remain restricted to:             <ul style="list-style-type: none"> <li>○ 7:00 am–7:00 pm (Mon–Sat)</li> <li>○ 9:00 am–7:00 pm (Sundays/Public Holidays)</li> </ul> </li> <li>• Council may require noise investigations if complaints arises.</li> <li>• All mechanical plant (e.g., air conditioning) must be shielded or positioned to ensure no increase in background noise at sensitive receptors.</li> </ul> <p><b>Road Upgrade:</b>                  Gordon Smith Road is recommended to be upgraded to Council’s <i>Local Access Rural Standard</i> from Kingsthorpe-Haden Road/Gordon Smiths Road intersection to the north-eastern corner of property boundary of Lot 2 RP156504 (approximately 200 metres). This upgrade will further reduce potential dust and noise impacts associated with traffic generated by the development on the nearby sensitive receptor located on 2 RP156504.</p> <p>Council’s environmental officer is satisfied that the submitted Noise Assessment Report demonstrates the proposed change complies with all relevant acoustic criteria. Additional acoustic amenity conditions have been included and existing conditions amended to ensure ongoing compliance.</p> <p>Accordingly, the proposed change is not expected to create unacceptable noise or dust</p>
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		<p>impacts, and the risk of adverse impact from the proposed expansion is considered low.</p>
	<p><b><u>Issue 7 – Inadequate Lighting</u></b></p> <p>Concerns were raised that the artificial lighting from the proposed development is excessive, unshielded and cause residential amenity impacts on adjoining properties (sleep disturbance, glare, reduced usability of property windows) environmental impacts on local wildlife and ecological processes.</p> <p>The lighting intensity, duration, and placement do not comply with relevant environmental standards and are incompatible with the rural setting and surrounding biodiversity.</p>	<p>Council’s environmental officer has reviewed the issues raised.</p> <p>A Light Impact assessment report was submitted and reviewed by Council. The assessment concluded the following:</p> <ul style="list-style-type: none"> <li>• Lighting design complies with AS/NZS 4282:2023 and the Environmental Standards Code.</li> <li>• Modelled vertical illuminance at site boundaries ranges from 0.004–0.086 lux, which is well below the allowable 1 lux limit.</li> <li>• There is no measurable impact on ecologically significant areas, with the nearest mapped ecological overlay located approximately 220m away.</li> </ul> <p>A further response (Environmental Consultant’s response) prepared by Yarramine Environmental dated 20 October 2025 was submitted to Council addressing submitter concerns regarding lighting impacts. This response recommended additional measures to ensure ongoing compliance and mitigate perceived effects, including:</p> <ul style="list-style-type: none"> <li>• All luminaires be installed in accordance with AS/NZS 4282:2023, including driveway lighting.</li> <li>• Driveway lighting be switched off after 10:00 pm.</li> <li>• Certification of lighting installations be provided to Council upon completion.</li> </ul> <p>As such, the existing lighting conditions have been retained and amended where necessary, and new conditions outlined above are recommended to be imposed. Collectively, these measures will ensure lighting remains low-impact, appropriately shielded, and compatible with rural amenity and environmental protection objectives.</p>
	<p><b><u>Issue 8 – Built Form</u></b></p> <p>Concerns were raised that the proposed change to the development has significantly greater built form, bulk, scale, size and height.</p>	<p>This issue is similar to issue 1 raised above (refer to Issue 1).</p>
<p><b>Change Application - MCUI/2017/6050/F</b></p>		
	<p><b><u>Issue 1 - Road Trip Generation</u></b></p>	<p>Council Engineers have reviewed the submitted Traffic Generation Assumptions. The traffic</p>

	<p><u>Assumptions</u></p> <p>Concerns in relation to the adverse impacts from the estimated traffic movements that would be triggered from the proposed Food and Drink Outlet.</p>	<p>generation rates are based on Road Traffic Authority (RTA) NSW "Guide to Traffic Generating Developments" (Version 2.2, October 2002).</p> <p>A thorough assessment in relation to the "Estimated Highly conservative Trip rates for a 'restaurant' in rural Area" included the estimated trips per day based on different percentages (i.e. 80% of RTA Predicted Maximum Rates, 60% of Patrons/customers from off-site sources and 40% of Patrons from off-site sources). Council Engineer's assessment has determined that these rates are conservative and acceptable for modelling traffic impacts. Adopting these traffic generation rates; the proposed development will not result in significant additional traffic impacts or cause adverse traffic impacts on the existing road networks.</p>
	<p><u>Issue 2: Kitchen and Dining Area Provision and Potential Capacity/ Usage</u></p> <p>Concerns that the proposed Food and Drink / outlet has greater capacity to accommodate potentially large number of people than the current proposal numbers.</p>	<p>Although the proposed Food and Drink Outlet building has a greater capacity to accommodate potentially larger number of people, this can be appropriately addressed with relevant conditions.</p> <p>Condition of approval are recommended to be imposed to limit the number of people to have a maximum of 102 people at any one time between the hours of operation from 7am to 2pm, consistent with the application material which Council's assessment has been undertaken against.</p> <p>It is considered that the above condition will appropriately address the submitter's concerns.</p>
	<p><u>Issue 3 – Potential Facility Growth and Dining Hall Demand</u></p> <p>Concerns on the potential growth of the facility over time and demand of dining hall to increase the number of patronages from the proposed number of patronage.</p>	<p>The proposed development does not involve construction of any new/additional buildings on the subject site. The proposed Food and Drink Outlet use will be established within an existing ancillary 'outdoor' kitchen and dining building operating only during the daytime from 7am to 2pm, Monday to Friday and limited to a maximum of 102 persons at any one time.</p> <p>Any future increase in capacity, operating hours or size of the Food and Drink Outlet would require a change application or development application for a Development Permit for a Material Change of Use to be lodged with Council.</p>
	<p><u>Issue 4 – Trafficability of Gordon Smiths Road.</u></p> <p>Concerns on the width of the Gordon Smiths Road under wet weather conditions.</p>	<p>The pavement width of Gordon Smiths Road has been measured to be approximately 5.5 m, noting that there is a level of varying width along the existing road. Based on the assessment of the Traffic Generation Assumptions, it is determined that the traffic generated from the proposed use is 42 trips per day for 'Estimated Highly conservative Trip Rates' and 28 trips per day for Estimated Conservative Trip rates. These traffic generations rates will not result in</p>

	<p>Additionally, the road is an unsealed road which is deemed to be not of suitable standards to accommodate additional traffic.</p>	<p>the overall traffic volumes along Gordon Smiths Road to exceed from that of Council's expected traffic volumes for the hierarchy and constructed standard of the road. Furthermore, the additional traffic volumes would not result in a threshold that would mandate the requirement of a sealed pavement to be provided.</p> <p>In addition, the traffic volumes were considered against the requirements of the Austroads lower order road design guidelines which determines that the existing pavement width is suitable.</p> <p>As such, Council is satisfied with width and standards of the Road and deems that the additional traffic will not have an adverse impact on the existing Gordon Smiths Road.</p>
	<p><u>Issue 5: Dust and Noise Due to Traffic.</u></p>	<p>Council's environmental officer has reviewed the submitted materials and has assessed the concerns around dust and noise from the additional road traffic.</p> <p>Dust deposition modelling was undertaken based on 40 light vehicles and 4 heavy vehicle movements per day on Gordon Smiths Road, consistent with conservative estimates of additional traffic volumes provided by the applicant and deemed reasonable by Council's Engineers.</p> <p>The model included conservative factors such as moderate to high silt content of the road surface and low moisture. A background concentration of dust was also included based on the default model data; this was deemed sufficient to account for dust due to road traffic of vehicles associated with the current rural dwellings.</p> <p>The results showed that deposition was above the compliance limit within 50m of the road. It is noted that this is the minimum setback for dwellings within the Rural Zone and there is only one dwelling at 15 Gordon Smiths Road which is within this separation distance, having a setback of 20m. It is deemed that this dwelling is unlikely to achieve the dust deposition limit of 133mg/m<sup>2</sup>/day (averaged over one month) regardless of the change to the development approval, unless vegetated buffering is provided within or adjacent to the road reserve.</p> <p>Notwithstanding the above, the likely impacts on the road network are deemed to be minimal as a result of the proposed change. Existing conditions have been reviewed and retained in response to issues such as noise nuisance from the existing use, and additional conditions have been recommended to be included:</p> <ul style="list-style-type: none"> <li>To limit the total capacity of the Food and Drink Outlet to 102 persons at any one time which includes both onsite</li> </ul>

		<p>boarders and external customers.</p> <ul style="list-style-type: none"> <li>To limit the hours of operation of the proposed Food and Drink Outlet use from 7am to 2pm.</li> </ul> <p>It is also noted there is a significant amount of separation of more than 1 km from the nearby sensitive receptors in all directions and as the proposed use is to be operated only during the day hours, the risk of adverse impact from the proposed change is deemed to be low.</p>
<b>Original Application MCUI/2017/6050</b>		
	<p>Expected increase and frequency of noise impacts, particularly at night/early morning over and above the already unacceptable levels at and within neighbouring properties and residences.</p>	<p>It is noted that the closest sensitive receptor is located approximately 1 km to the south of the proposed development. Given the separation distance and residential nature of the use, noise impacts are expected to be minimal. However conditions have been recommended to ensure noise levels are managed, including conditioned requiring:</p> <ul style="list-style-type: none"> <li>Impacts must not exceed the Acoustic Quality Objectives listed in the <i>Environment Protection (Noise) Policy 2008</i> when measured at any sensitive receptor;</li> <li>A Noise Management Plan to be provided has been recommended to mitigate excessive noise levels, and outline a complaints management procedure. 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;</li> <li>Service vehicle movements to be limited to between the hours of 7am to 7pm (Monday to Saturday) and 9am to 7pm (Sunday or any Public Holiday); and</li> </ul> <p>No activity associated with the approved use must occur outdoors prior to 7am or after 5pm.</p>
	<p>Expected continued/increased use of excessive lighting levels which have an adverse off-property impact including on neighbouring properties and residences.</p>	<p>The lighting associated with the use will be similar to a residential dwelling. However, conditions have been recommended that will ensure outdoor lighting complies with the relevant parameters of <i>Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting</i>.</p> <p>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.</p>
	<p>Expected increase in vehicle movements (on a single lane</p>	<p>The road network is of a sufficient standard for the current and expected traffic volumes. The proposed development is also proposing the</p>

	<p>gravel road) associated with the proposed changes in use causing an increase in noise and dust levels and risks associated with vehicle interaction.</p>	<p>use of a small bus to collect guests, limiting the amount of vehicle trips along the road and therefore the uplift in dust.</p> <p>Given the above, it is considered that the anticipated number of traffic volumes impacts to surrounding sensitive receptors will be negligible.</p>
	<p>Expected further reduction of internet speeds due to the increased number of users generating an increased level of demand on the current ADSL2 system or future NBN system.</p>	<p>Council is not responsible for the provision of internet speeds.</p>
	<p>The individual and collective (negative) impact of the factors above will measurably and detrimentally affect the health and overall quality of life for neighbouring residents living in close proximity to the facility and its associated activities.</p>	<p>There is a significant amount of separation of at least 1km between the proposed development and the nearest sensitive receptor. Therefore it is anticipated that noise impacts to surrounding residents will be minimal. However, as previously mentioned, a number of conditions have been recommended to ensure that noise impacts are adequately addressed.</p> <p>As identified above, the road network is of a sufficient standard to handle the current and expected traffic volumes. In addition, it is noted that the development is proposing the use a small bus to collect guests, limiting the amount of vehicle trips along the road and therefore the uplift in dust.</p> <p>A condition has also been recommended to manage odours and airborne contaminants should materials, such as putrescible wastes, be stockpiled and cause odours emissions beyond the confines of the site.</p>
<p><b>Reasons for decision</b></p>	<p>The development was assessed against and having regard to the assessment framework for the application including the assessment benchmarks, submissions and approved development on the land. The development was considered to be acceptable having regard to all of these matters. Subject to reasonable and relevant conditions the development is able to comply with the applicable assessment framework.</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: <http://www.tr.qld.gov.au/payments-self-service-laws/web-apps/pdonline/8892-planning-and-development-online>. When accessing Council's website please use the following Application Number: MCUI/2017/6050/H.