

Our Reference: RAL/2021/6904
CS Portal Reference: N/A
Officer: Jayden Forbes-Mitchell
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**Development Application Decision Notice
APPROVAL**

Planning Act 2016 Section 63

Jeteld Pty Ltd
C/- Precinct Urban Planning
PO Box 3038
TOOWOOMBA QLD 4350

Email: paul@precinctplan.com.au

24 June 2022

Dear Sir/Madam

Location: Reis Road, HIGHFIELDS QLD 4352
Property Description: Lot 1 RP177108, Lot 2 SP274504, Emt C SP304253, Emt D SP304253 and Emt E SP304253
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012*

The Development Application for Reconfiguring a Lot – Code – Subdivision of Two (2) Lots into 45 Residential Lots, One (1) Utility Lot and Balance Lot, for the abovementioned property has been assessed and approved in full with Conditions. It is considered that the approved development generally complies with the relevant assessment benchmarks or can be conditioned to comply. The decision was made on 22 June 2022. The following provides all the relevant details:

Details of Approval

Development Permit – Reconfiguring a Lot – Code – Subdivision of Two (2) Lots into 45 Residential Lots, One (1) Utility Lot and Balance Lot

Referral Agencies

Concurrence Agencies Name & Address: N/A

Advice Agencies Name & Address: N/A

Conditions and Advices

Assessment Manager's Conditions: As per attached Schedule 1

Concurrence Agency Conditions: N/A

Further Development Permits Required

- Operational Work

Further Plans/Documents for Endorsement

The following documents/plans require Endorsement:

- Landscape Plan

Submissions

Not applicable – no part of the application required notification.

Rights of Appeal

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

The *Planning Act 2016* is available on the Office of the Queensland Parliamentary Counsel website via:
<https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2016-025>.

Yours faithfully



Richard Green
Senior Planner, Development Services

SCHEDULE 1

DEVELOPMENT PERMIT FOR RECONFIGURING A LOT – CODE

APPLICATION NUMBER:	RAL/2021/6904
APPLICANT:	Jeteld Pty Ltd
LOCATION:	Reis Road, HIGHFIELDS QLD 4352
PROPERTY DESCRIPTION:	Lot 1 RP177108, Lot 2 SP274504, Emt C SP304253, Emt D SP304253 and Emt E SP304253
APPROVED USE:	Subdivision of Two (2) Lots into 45 Residential Lots, One (1) Utility Lot and Balance Lot
ZONING / PRECINCT:	Low Density Residential Zone / General Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

PLANNING

APPROVED DEVELOPMENT

1. This Development Approval is for Reconfiguring a Lot, being the subdivision of Two (2) Lots into 45 Residential Lots, One (1) Utility Lot and Balance Lot.

CARRY OUT AND MAINTAIN DEVELOPMENT

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

APPROVED PLANS

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

Plan No: 16/174 PP930, Revision E

Description: Proposal Plan – Site Dimensions, Sheet 1 of 3, prepared by Byrne Surveyors, dated 23 April 2022 and received by Council 10 May 2022

Amendments: Nil

Plan No: 16/174 PP931, Revision E

Description: Proposal Plan – Site Dimensions, Sheet 2 of 3, prepared by Byrne Surveyors, dated 23 April 2022 and received by Council 10 May 2022

Amendments: Nil

Plan No: 16/174 PP932, Revision E
Description: Proposal Plan – Site Dimensions, Sheet 3 of 3, prepared by Byrne Surveyors, dated 23 April 2022 and received by Council 10 May 2022
Amendments: Nil

APPROVED DOCUMENTS

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

Document: BMR: 220315, Bushfire Management Report, Issue 2
Description: Bushfire Management Report, prepared by Aquila NRM, dated 8 May 2022 and received by Council 10 May 2022
Amendments: Nil

LOT NUMBERING

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

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

8. Prepare and submit applications to Council and obtain a Development Permit for Operational Work for the following:
- 8.1 Roadworks;
 - 8.2 Bulk Earthworks;
 - 8.3 Wastewater Infrastructure;
 - 8.4 Water Infrastructure;
 - 8.5 Stormwater Infrastructure; and
 - 8.6 Vehicular Access to proposed Lot 301.

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

9. Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:
- 9.1 Landscape Plan.

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS

10. Prepare and submit for Council's approval a Plan of Subdivision in accordance with Schedule 18 of the *Planning Regulation 2017*.

STAGED DEVELOPMENT

11. Unless otherwise approved in writing by Council, all requirements and conditions of Stages 1 and 2 of the preceding development approval (RAL/2017/4108/A) must be complied with prior to Council's approval of the Plan of Subdivision.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

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

DEDICATIONS, AGREEMENT AND CONTRIBUTIONS

DEDICATION OF LAND

13. The land area identified as proposed Lot 301 on the Approved Plans listed within this Development Approval must be dedicated to Council in fee simple on trust for sewerage (pump station) purposes.
14. Submit to Council a Solicitor's Undertaking to register the transfer of proposed Lot 301 to Council at the same time as the registration of the Survey Plan.

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

Note: Where proposed Lot 301 has been dedicated to Council as part of Development Permit RAL/2017/4108/A, Conditions 13 and 14 of this Development Approval are deemed to have been met.

15. The land area identified as 'New Road' and 'Pathway' on the Approved Plans listed within this Development Approval must be dedicated as road reserve in accordance with the requirements of the Department of Resources.

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

16. The transfer of land dedicated to Council must be at no cost to Council. All transfer documentation is to be prepared and submitted to Council, at no cost to Council.
17. With the exception of land to be dedicated as road reserve, obtain a valuation of the land from a registered land property valuer to determine payment of any applicable stamp duty payable upon registration of the transfer of the land to Council.
18. With the exception of land to be dedicated as road reserve, land to be dedicated to Council must be identified as a lot on survey plan and must be submitted to Council with one original signed and 'stamped' *Queensland Land Registry Transfer of Ownership* and relevant forms for each lot dedicated, together with a copy of the land valuation. No other annotation of the purpose of the lot is to be made on the original survey plan submitted to Council for approval.
19. All land dedicated must not be encumbered by permanent structures, services such as pump stations, services easements or similar operational uses, unless otherwise approved by the conditions of this Development Approval.
20. All land dedicated must not be financially encumbered (e.g. mortgaged) unless otherwise approved by the conditions of this Development Approval.

EASEMENTS

21. Easements for Right of Way purposes must be registered in favour of Toowoomba Regional Council against the title of proposed Lot 300 (Balance Lot). The easements must be located over the area identified as 'Emt B', 'Emt C' and 'Emt D' on the Approved Plans listed within this Development Approval and included on the Plan of Subdivision for Council's approval.

22. Where the Grantee is Council or a service authority, the easement documentation must be in accordance with the Grantee's standard easement terms and documents or any other terms and conditions as deemed necessary to fulfil the purpose of the easement.
23. Easement documentation must be prepared and submitted to Council, at no cost to Council, for endorsement where Council is the Grantee or review against conditions of approval otherwise.
24. Unless consistent with the terms of the easement and authorised under this Development Approval, any permanent works or structures must be kept clear of any existing or proposed easements on the subject land.

FEES AND CHARGES

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

WORKS

STREET NAMING

26. Forward a letter of Request for Street Naming to Council providing three alternative names for each new street.

Note: Street names must be in accordance with AS4819:2011 - Rural and Urban Addressing, and are subject to Council's requirements and payment of the applicable fees in accordance the Fees and Charges Schedule.

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

27. Plans and specifications for all works associated with stormwater drainage, wastewater, water, earthworks, roadworks or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
28. A RPEQ must submit to Council a copy of the:
 - 28.1 Design Certificate prior to commencement of the works; and
 - 28.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
29. 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.
30. 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

31. All stormwater infrastructure necessary to convey run-off from roof and developed surface areas, and any run-off onto the subject land from adjacent areas, must be provided in accordance with a Development Permit for Operational Work.

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

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

33. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the internal and any external stormwater infrastructure. The design and the construction of the works must be certified by a RPEQ – Civil.
34. Submit to Council for approval, as part of the Development Application for a Development Permit for Operational Work, a Detailed Stormwater Management Plan prepared by a Registered Professional Engineer Queensland - Civil (RPEQ) in accordance with the relevant standards in *Planning Scheme Policy No. 2 - Engineering Standards - Roads and Drainage Infrastructure* (PSP No.2) and *State Planning Policy July 2017* demonstrating the following:
- 34.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval; and
- 34.2 The achievement of Water Sensitive Urban Design objectives listed in PSP No. 2 and *State Planning Policy July 2017*.
- Note: Council may consider entering into an Infrastructure Agreement for contribution in lieu of constructing the required stormwater quality works. This will require a separate request to be made to Council.*

BULK EARTHWORKS OVER 50 M³ OR OVER 1M CUT OR FILL

35. All cut, fill and associated batters must be undertaken in accordance with a Development Permit for Operational Work and contained entirely within the subject land.

AIR QUALITY IMPACT MITIGATION

36. 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 site works and throughout the life of this Development Approval.
37. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during site works do not exceed the following levels when measured at any sensitive place or commercial place:
- 37.1 Dust deposition of 120 milligrams per square metre per day, averaged over one (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*.

VIBRATION IMPACT

38. Construction activities and equipment that produce vibrations must not impact upon the amenity of adjacent commercial and residential receptors or cause impacts to the structural integrity of the existing buildings/improvements, including foundations, on adjoining properties.
39. Where considered warranted by Council and when requested in writing to do so, a vibration impact investigation must be undertaken to determine what level of vibration impact is occurring. In such circumstances, a suitably qualified person must monitor, interpret and record all parameters in order to determine whether or not vibration impacts are below those stated in Table 1. The results of the investigation must be provided to Council within 14 days of the request or a longer period if specified in any such request.

Table 1 - Human comfort vibration limits to minimize nuisance

Building	Work Period	Resultant PPV (mm/s)	
		Lower Limit	Upper Limit
Dwellings	Standard Hours	1.0	2.0
	Non-standard hours – evening (6pm to 10pm)	0.3	1.0
	Non-standard hours – night (10pm to 7am)		
Medical / health buildings (wards, surgeries, operating theatres, consulting rooms)	All	0.3	1.0
Educational facilities (rooms designed for teaching purposes)	While in use		
Court of Law (Court Rooms)			
Court of Law (Court reporting and transcription areas, Judges’ chambers)			
Community Buildings (libraries, places of worship)	While in use	1.0	2.0
Commercial (offices) and retail areas			

Source: Table 3.3.1.1(a) of TMR Transport Noise Management Code of Practice Volume 2 – Construction Noise and Vibration (Code of Practice – Construction)

CONSTRUCTION WASTE MANAGEMENT & STORAGE

40. 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*.
41. 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*.
42. Fires are not to be lit to dispose of demolition or construction waste.
43. 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:
 - 43.1 Elsewhere within this Development Approval;
 - 43.2 In accordance with an associated Development Permit for Operational Work;
 - 43.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 43.4 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
 - 43.5 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.

44. Demolition, excavation and construction waste (including night soil) must not be placed or stored within the road reserve at any time.

EROSION & SEDIMENT CONTROL

45. 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.
46. 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.
47. 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.
48. All disturbed areas must be mulched or turfed as soon as possible during construction.

REMOVAL OF EXISTING STREET TREES

49. The removal or modification (including any disturbance of the root system within the drip line) of a street tree must not be undertaken unless otherwise approved in writing by Council and in accordance with any conditions of this Development Approval.

PROTECTION OF STREET TREES

50. Street trees affected by works within the 'Precautionary Area', must be protected for the duration of construction. All works must be carried out in accordance with the relevant standards in *Planning Scheme Policy No.8 - Street Trees* and must include in particular:
 - 50.1 Establishment of a work exclusion area around the street tree to be retained prior to commencement of construction to avoid damage and soil compaction from plant and machinery;
 - 50.2 Provision of one (1) weeks' notice to Council of any excavation works affecting the 'Precautionary Area' of a street tree so that a Council Arborist may be present during excavation works;
 - 50.3 During excavation works, where roots greater than 50mm diameter are uncovered that need to be severed, obtaining approval from a Council Arborist to sever the root, and if granted, to do so with a cutting device and not a ripping device; and
 - 50.4 Maintenance of street tree protection until works are completed or accepted on-maintenance.

DAMAGE TO SERVICES & ASSETS

51. Protect Council and public utility services and assets during construction of the development.
52. 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:
 - 52.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or

- 52.2 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.
53. 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.
54. 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

WASTEWATER INFRASTRUCTURE (GENERAL)

55. The subdivision must be connected to Council's existing wastewater reticulation system in accordance with Council's *Wastewater Infrastructure Policy 2.04* at no cost to Council.

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

56. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted and be approved by Council for internal and external wastewater reticulation works and in accordance with the approved plans and documents of this Development Approval.
57. Any compensation or costs associated with obtaining agreement from owners or trustees of properties affected by the construction of the works must be at no cost to Council.
58. Any works on Council's 'live' wastewater infrastructure must be carried out by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.

WATER SUPPLY

59. The subdivision must be provided with a water supply system capable of servicing each lot in accordance with Council's *Water Infrastructure Policy 2.03* at no cost to Council.

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

60. Unless able to be used as part of the development, any existing connection must be disconnected at no cost to Council.
61. Any existing water supply connection traversing more than one approved lot must be disconnected and removed.
62. Certification must be provided to Council by RPEQ that the disconnection has been carried out.
63. Where works have been carried out to disconnect or remove traversing pipes, certification must state that a separate water supply has been provided for all lots containing buildings which previously had a metered water supply, and that new water meters have been provided where necessary.
64. Any works on Council's 'live' water supply must be carried out by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.

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

TELECOMMUNICATION

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

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

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

ELECTRICITY

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

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

TRANSPORT & ACCESS

ROADWORKS (EXTERNAL TO SUBDIVISION)

71. Existing roads must be constructed for the frontage of the development of this stage, as follows:

Street:	Barracks Road
Classification:	Local Access
Construction Standard:	Sealed pavement width of 6.5m with kerb and channel along the development frontage, based on the ultimate design alignment (subject to detailed design).

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

Note: Barracks Road will become part of the Principal Cycle Network. Detailed design of the construction of Barracks Road should not compromise the ability for this network to be implemented. The developer is encouraged to coordinate with Council to achieve the ultimate Principal Cycle Network Design intent along Barracks Road.

72. The design and construction of the road must comply with *Planning Scheme Policy No. 2 - Engineering Standards - Roads and Drainage Infrastructure* (PSP No.2) and must include in particular:
- 72.1 Concrete kerbing and channelling;
 - 72.2 Temporary asphalt kerbing to tapers (where required);
 - 72.3 Underground stormwater drainage;
 - 72.4 Table drain works;
 - 72.5 Relocation of utility and Council services; and
 - 72.6 Street lighting.
73. Any pavement widening must join neatly to the existing pavement so that there are no specific irregularities in line or level resulting at or adjacent to the join for the length of the construction. Where necessary the existing pavement must be brought to a satisfactory standard in accordance with PSP No. 2 to allow for the above.
74. All street surfacing must be in accordance with the pavement construction standards in PSP No. 2.
75. Verge widths, street reserve widths, intersection treatment, provision of parking and speed control devices must comply with Council's requirements in PSP No. 2.
76. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and approved by Council for the road works external to the subject land and in accordance with the approved plans and documents of this Development Approval. All approved road works must be completed and accepted on-maintenance prior to the endorsement of any Plan of Subdivision.
77. The design and construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) - Civil.

ROADWORKS (INTERNAL TO SUBDIVISION)

78. Internal roads must generally be constructed as shown on the Approved Plans listed within this Development Approval.
79. The internal roads must be constructed to a sealed standard, including kerb and channel on both sides of the new roads. Such kerb and channeling must be an approved residential kerb and channel. The internal roads must be as follows:
- 79.1 Roads 2 & 3 must have an 18 metre road reserve width with a 7 metre carriageway width measured between channel inverts; and

- 79.2 Road 1 must have a 19 metre road reserve width with 7 metre carriageway width measured between channel inverts; and

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

80. All street surfacing must consist of an approved asphaltic concrete
81. Verge widths, street reserve widths, intersection treatment, provision of parking, footpaths and speed control devices must comply with Council's requirements, as set out in *Planning Scheme Policy No. 2 - Engineering Standards - Roads and Drainage Infrastructure (PSP No.2)*.
82. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the road works and in accordance with the approved plans and documents of this Development Approval. All approved road works must be completed and accepted on-maintenance prior to Council's approval of the Plan of Subdivision.
83. Where temporary dead ends are provided at stage boundaries, with a length greater than a single lot frontage, a temporary gravel surfaced turnaround area must be constructed to the geometry of Council's standard cul-de-sac turning areas.
84. The design and the construction of the works must be certified by a RPEQ - Civil.

EXTERNAL PEDESTRIAN & CYCLE PATHS

85. The following works must be constructed in accordance with *Planning Scheme Policy No. 2 - Engineering Standards - Roads and Drainage Infrastructure (PSP No.2)* and any current pedestrian and cycleway plans:
- 85.1 A 1.5m wide concrete pedestrian path for the length of the proposed Pathway, from Road 3 to Barracks Road;
- 85.2 Provision must be made for wheelchair and pram access at all kerb crossings associated with pathways, in accordance with *IPWEA Standard Drawing RS-090 – Ramped Pedestrian Crossings*; and
- 85.3 Any concrete footpath or cycleway must comply with *IPWEA Standard Drawing RS-065 – Concrete Pathway*. Where necessary, reprofiling of the verge area must be undertaken to enable the construction of concrete pathways with a maximum cross fall of 2.5%.

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

86. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the construction of the concrete footpaths in accordance with the approved plans and documents of this Development Approval. The design and the construction of the works must be certified by a RPEQ - Civil.

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

87. All works carried out on or near roadways must be adequately signed in accordance with the *Manual for Uniform Traffic Control Devices - Part 3, Works on Roads*.
- Note: Road or lane closures require approval from Council's Principal Engineer Road Operations, and all conditions of that approval complied with during construction of the works.

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

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

STREET LIGHTING

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

REMOVAL OR MODIFICATION OF COUNCIL TRAFFIC SIGNS OR PARKING BAYS

90. Obtain the written approval of Council's Coordinator Traffic Management for any works involving the removal or modification of existing Council traffic signs or parking bays prior to the works commencing. Where approved by Council such works are to be undertaken at no cost to Council.
91. The installation or modification of any street signs or line marking must be in accordance with the Manual of Uniform Traffic Control Device (MUTCD).

ACCESS (FOOTPATH CROSSOVERS AND DRIVEWAYS)

92. A vehicle crossover (crossing of the verge) and a suitable sealed driveway must be constructed from the kerb and channel to the property boundary for proposed Lot 301, Lot 1 RP198144 and Lot 1 RP151831 in accordance with the following requirements:
- 92.1 The Institute of Public Works Engineering Australasia *Drawing RS-051 Heavy Duty Vehicle Crossing*, and in accordance with *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*, as follows:
- 92.1.1 The vehicle crossover to proposed Lot 301 is to be constructed in accordance with *RS-051 Heavy Duty Vehicle Crossing*; and
- 92.1.2 The vehicle crossovers to Lot 1 RP198144 and Lot 1 RP151831, beyond the extent of the crossover required for proposed Lot 301, are to be constructed in accordance with *RS-049 Residential Driveways Plan 1 of 2* and *RS-050 Residential Driveways Plan 2 of 2*;
- 92.2 Council's standards;
- 92.3 The driveway surfacing must consist of an approved hot mixed asphaltic concrete or plain concrete; and
- 92.4 The driveway must be constructed so as not to concentrate stormwater runoff onto neighbouring properties.
93. A Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the vehicular crossovers (crossing of the verge).

LANDSCAPE & ECOLOGY

LANDSCAPING WORKS (GENERAL)

94. Submit to Council for endorsement, a Landscape Plan prepared by a suitably qualified person that details in particular:
- 94.1 The species to be planted and their location (including street trees);

- 94.2 The number and container size of plants;
 - 94.3 The typical planting detail including preparation, backfill, staking and mulching;
 - 94.4 Internal dimensions of all planting areas;
 - 94.5 Location and height of fencing in the property frontage;
 - 94.6 Location and species of existing site vegetation including adjacent street trees; and
 - 94.7 North point, scale and drawing number.
95. The Landscape Plan must receive endorsement by Council prior to lodgement of any Development Application for a Development Permit for Operational Work or commencement of any site works or earthworks, whichever occurs first.

LANDSCAPING WORKS (PROVISION OF STREET TREES)

96. Plant and maintain for a period of twelve (12) months, one (1) street tree within the road reserve for every 15 metres of road frontage, capable of reaching ten (10) metres in height at maturity. An increase in the number and/or variation to the location of street trees may be agreed by Council or varied in an approved landscape plan.
97. The selection and planting of any street tree, including any street tree required to replace a removed street tree must be in accordance with the requirements of *Planning Scheme Policy No.8 - Street Trees*, *Planning Scheme Policy No. 2 - Engineering Standards - Roads and Drainage Infrastructure*, the Toowoomba Regional Council Street Tree Master Plan, and the approved Landscape Plan.
98. All landscape works must be established by a suitably qualified person and maintained in accordance with the conditions of this Development Approval for the life of the development, and in a manner that ensures healthy, sustained and vigorous plant growth. All plant material must be allowed to grow to full form and be replaced when its life expectancy is reached.
99. Certification must be submitted to Council from a suitably qualified person who certifies that landscaping established complies with the requirements of this Development Approval.

REMOVAL OF EXISTING TREES AND VEGETATION

100. Clearing, including felling, pushing, lopping and grubbing of existing trees and vegetation not identified for retention must be undertaken by a suitably qualified person and must include:
- 100.1 Stump grinding to below finished surface level;
 - 100.2 Rectification to the finished surface levels and materials;
 - 100.3 No damage to other vegetation to be retained;
 - 100.4 No burning of removed vegetation and debris; and
 - 100.5 Conclude with the area being stabilised against erosion and vegetated.

FAUNA MANAGEMENT DURING REMOVAL OF EXISTING TREES AND VEGETATION

101. A legislative compliant Fauna Spotter Catcher must be engaged to manage fauna prior and during clearing to:
- 101.1 Ensure works are carried out in accordance with the *Nature Conservation Act 1992*;

- 101.2 Undertake pre-clearing inspections including fauna relocation and removal or blocking of all vacant hollows;
- 101.3 Ensure clearing works avoids nesting times of animals and birds;
- 101.4 Co-ordinate staging and sequence of clearing with fauna protection;
- 101.5 Protect and recover fauna during clearing operations (not previously removed); and
- 101.6 Manage the translocation of animals and recovery procedures in accordance with relevant legislation.

BUSHFIRE MANAGEMENT – GENERAL

- 102. Subdivision works must be carried out in accordance with Section 4 and Appendix 2 of the Approved Bushfire Management Report listed within this Development Approval.
- 103. A copy of the Approved Bushfire Management Report must be provided to the nearest fire authority.

B. ADVICES:

SUBMISSION OF PLANS/DOCUMENTS FOR ENDORSEMENT

- 1) The conditions of this Development Approval require submission of plans/documents to Council for endorsement. Please address the plans/documents for endorsement to Council's Development Services Branch with the Reference No. RAL/2021/6904 and send to development@tr.qld.gov.au.

INFRASTRUCTURE CHARGES

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

OTHER LAWS & REQUIREMENTS

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

WHEN APPROVAL STARTS TO HAVE EFFECT

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

WHEN APPROVAL LAPSES

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

EXCAVATION & FILLING

- 8) The *Toowoomba Regional Planning Scheme 2012* (TRPS) declares excavation and filling activity involving less than 50m³ of material and excavation and filling activity to a depth or height lower than 1m to be accepted development. Any combination of excavation or filling where 50m³ or more of fill is deposited on, or 50m³ or more of excavated material is removed from the premises and excavation or filling is not associated with 'Building Work' as defined under the *Planning Act 2016*, must obtain an Operational Work approval from Council before commencing site works.

ENVIRONMENTAL HARM

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

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

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

STREET TREE DISTURBANCE & REMOVAL APPROVAL

- 10) This Development Approval does not infer or give approval to the owners or occupiers of the subject land to disturb or remove street trees. A separate Street Tree Disturbance or Removal Approval is required where a street tree is expected to be disturbed or removed. Please contact Council's Parks and Recreation Services Branch via Council's Customer Service Centre for further information in respect of street trees.

WATER POLLUTION

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

FIRE ANTS

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

QUALIFIED PERSON

- 13) For the purpose of preparing a Landscape Plan, a suitably qualified person is considered to be a Registered Landscape Architect or Landscape Designer with a minimum of 3 years current experience in the field of landscape design.

C. ATTACHMENTS:

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

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the **appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) otherwise—20 business days after the day the notice is given; or
 - (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note— See the P&E Court Act for the court's power to extend the appeal period.
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and

- (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
- (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
- (f) for an appeal to the P&E Court—the chief executive; and
- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.

(4) The **service period** is—

- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
 - (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
 - (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2) schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—

decision includes—

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

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

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.