

Our Reference: RAL/2022/4965
CS Portal Reference: N/A
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**Development Application Decision Notice
APPROVAL**

Planning Act 2016 Section 63

Marbig Pty Ltd ATF The Alkon Trust
C/- Saunders Havill Group
9 Thompson Street
BOWEN HILLS QLD 4006

Email: liamwiley@saundershavill.com

15 September 2023

Dear Sir/Madam

Location: Lots 5-8 & 20-24 A341, Lot 279 AG3110 and Lot 280 AG3111, 689 Toowoomba Cecil Plains Road, WELLCAMP QLD 4350
Property Description: Lots 5-8 & 20-24 A341, Lot 279 AG3110 and Lot 280 AG3111
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012*

The Development Application for Reconfiguring a Lot – Code – Two (2) Lots into 340 Residential Lots, Three (3) Balance Lots and One (1) Drainage 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 14 September 2023. The following provides all the relevant details:

Details of Approval

Development Permit – Reconfiguring a Lot – Code – Two (2) Lots into 340 Residential Lots, Three (3) Balance Lots and One (1) Drainage Lot

Referral Agencies

Concurrence Agencies Name & Address: Department of State Development, Infrastructure,
Local Government and Planning
PO Box 825
TOOWOOMBA QLD 4350

Advice Agencies Name & Address: N/A

Conditions and Advices

Assessment Manager's Conditions: As per attached Schedule 1

Concurrence Agency Conditions: As per attached Schedule 2

Currency Period

In accordance with section 85(1)(b)(ii) of the *Planning Act 2016* (Qld), this Development Approval lapses if a plan for the reconfiguration is not given to Council in accordance with the *Land Title Act 1994* (Qld) within six (6) years of this Development Approval starting to have effect.

Further Development Permits Required

- Operational Work

Further Plans/Documents for Endorsement

The following documents/plans require Endorsement:

- Landscape Plan
- Survey Plan
- Construction Environmental Management 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



Krys den Hertog
Principal Planner, Planning

SCHEDULE 1

DEVELOPMENT PERMIT FOR RECONFIGURING A LOT – CODE

APPLICATION NUMBER:	RAL/2022/4965
APPLICANT:	Marbig Pty Ltd ATF The Alkon Trust
LOCATION:	Lots 5-8 & 20-24 A341, Lot 279 AG3110 and Lot 280 AG3111, 689 Toowoomba Cecil Plains Road, WELLCAMP QLD 4350
PROPERTY DESCRIPTION:	Lots 5-8 & 20-24 A341, Lot 279 AG3110 and Lot 280 AG3111
APPROVED USE:	Reconfigure Two (2) Lots into 340 Residential Lots, Three (3) Balance Lots and One (1) Drainage Lot
ZONING / PRECINCT:	<i>Toowoomba Regional Planning Scheme 2012</i> Emerging Community Zone and Rural Zone / No Precinct and 100 ha minimum Precinct <i>Gainsborough Lodge Variation Scheme Document</i> Rural Zone and Low Density Residential Zone / No Precinct and 100 ha minimum Precinct and Hilltop Residential 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 340 Residential Lots, Three (3) Balance Lots and One (1) Drainage 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 Plan listed below, subject to the conditions of this Development Approval and the amendments listed below:

Plan No: 136664-33, Revision H

Description: Gainsborough Lodge – Overall Proposal Plan, prepared by RPS and dated 1 August 2023.

Amendments: Plan to be resubmitted to include the following amendments:

- 'New 16m Wide Esplanade Road' adjacent the 'Balance Parcel 2001' and between proposed Lots 119 to 163 must be widened to a minimum road reserve width of 19m.

Note: The provision and location of paths on the Approved Plan is indicative and subject to design at the Operational Works stage.

6. Plans to be amended must only incorporate the amendment listed within this Development Approval and must be resubmitted to Council for approval prior to the issue of any Development Permit for Operational Work, or prior to Council's approval of the Plan of Subdivision for any stage of this Development Approval, whichever occurs first.

APPROVED DOCUMENTS

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

Document: 17162, Revision 1

Description: Stormwater Management Plan – Gainsborough Lodge, prepared by RMA Engineers and dated 17 March 2023.

Amendments: Nil

LOT NUMBERING

8. 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)

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

- 9.1 Roadworks;
- 9.2 Bulk Earthworks (including retaining wall structures);
- 9.3 Stormwater Infrastructure;
- 9.4 Vehicular Access;
- 9.5 Wastewater Infrastructure; and
- 9.6 Water Infrastructure.

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

10. Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:
 - 10.1 Construction Environmental Management Plan; and
 - 10.2 Landscape Plan.

PREREQUISITE APPROVAL

11. The Plan of Subdivision for Development Approval RAL/2020/5054/A must be registered with the Queensland Titles Registry and proof provided to Council, prior to lodgement of the Plan of Subdivision for any stage of this Development Approval.

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS

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

COMPLETION PERIOD

13. In accordance with section 88(1) of the *Planning Act 2016* (Qld), this Development Approval lapses, to the extent the development is not completed, if plans of subdivision for all stages of the development have not been registered within six (6) years of this Development Approval starting to have effect.

STAGED DEVELOPMENT

14. Staging of the development is to occur in accordance with the staging indicated on the Approved Plans (as amended) listed within this Development Approval, subject to and modified by any conditions of this Development Approval.
15. Stages must be completed in sequential order (i.e. Stage 2 must be completed before Stage 3) as identified on the Approved Plans (as amended) listed within this Development Approval, or may be combined and carried out at one time, subject to all conditions applicable to the relevant stages being complied with.
16. The development must be carried out in accordance with those conditions applicable to one or more of the stages of development as follows:
 - 16.1 Conditions Applicable to all Stages of development:
1-17, 20-25, 28-39, 41-76, 78-93 and 102-140.
 - 16.2 Additional Conditions Applicable to Stage 2 of development:
Nil
 - 16.3 Additional Conditions Applicable to Stage 3 of development:
Nil
 - 16.4 Additional Conditions Applicable to Stage 4 of development:
Nil

- 16.5 Additional Conditions Applicable to Stage 5 of development:
18-19, 26, 40 and 77.
- 16.6 Additional Conditions Applicable to Stage 6 of development:
27.
- 16.7 Additional Conditions Applicable to Stage 7 of development:
Nil
- 16.8 Additional Conditions Applicable to Stage 8 of development:
Nil
- 16.9 Additional Conditions Applicable to Stage 9 of development:
94-101.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

17. 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

18. The land area identified as proposed Lot 1000 on the Approved Plans (as amended) must be dedicated to Council in fee simple on trust for drainage purposes as part of Stage 5.
- Note: This condition is imposed pursuant to Section 128 of the Planning Act 2016.*
19. Submit to Council a Solicitor's Undertaking to register the transfer of proposed Lot 1000 to Council at the same time as the registration of the Survey Plan for Stage 5.
- Note: This condition is imposed pursuant to Section 128 of the Planning Act 2016.*
20. The land area identified as 'Road' and 'Pedestrian Linkage / Landscaping' on the Approved Plans (as amended) 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.*
21. 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.
22. 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.
23. The land to be dedicated to Council for drainage purposes 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.

24. All land dedicated for drainage purposes and road reserve 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.
25. All land dedicated for drainage purposes and road reserve must not be financially encumbered (e.g. mortgaged) unless otherwise approved by the conditions of this Development Approval.

EASEMENTS

26. An easement for drainage purposes must be registered in favour of Council against the interim balance lot (created at the completion of Stage 5 and prior to the completion of Stages 6-9). The easement must be by design and include the pipe or overflow path from Stage 5 to the proposed detention basin on proposed Lot 1000. The easement must be included on the Plan of Subdivision for Council's approval.
27. An easement for right of way purposes must be registered in favour of Council against the title of the balance of Lot 279 AG3110 where a temporary cul-de-sac treatment is required at the western end of 'New 25m Wide Road' in Stage 6. The easement must be by design and included on the Plan of Subdivision for Council's approval.
28. 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.
29. 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.
30. 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

31. 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

32. 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.

PERMANENT SURVEY MARKS

33. A total of two Permanent Survey Marks (PSMs) must be supplied and connected to Australian Height Datum and provided in the following locations:
 - 33.1 Corner of 'New 23m Wide Road' and 'New 18m Wide Road' in the vicinity of proposed Lots 70, 83, and 119; and
 - 33.2 Corner of 'New 25m Wide Road' and 'New 18m Wide Road' in the vicinity of proposed Lots 254 and 256.

34. Documentation detailing placement of the PSMs must be lodged with Council at the time of lodgement of the Plan of Subdivision.

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

35. Plans and specifications for all works associated with roadworks, stormwater drainage, wastewater, water, earthworks, retaining wall structures and vehicular accesses, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
36. A RPEQ must submit to Council a copy of the:
- 36.1 Design Certificate prior to commencement of the works; and
- 36.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
37. 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.
38. 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

39. All internal and external stormwater drainage works must be constructed generally in accordance with the Approved Stormwater Management Plan listed within this Development Approval, with the exception of the following:

- 39.1 Stormwater quality treatment must be provided as per Condition 41.

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

40. Detention Basin MB01 as identified within the Approved Stormwater Management Plan listed within this Development Approval must be constructed as part of Stage 5. Unless otherwise agreed in writing by Council, batters on the detention basin must be 1 on 6.

Note: This condition is imposed pursuant to Section 128 of the Planning Act 2016.

41. Unless otherwise agreed in writing by Council, the stormwater quality treatment requirements for Stages 5, 6, 7, 8 and 9 (i.e., bio-retention basin) for the development are to be constructed within the regional detention basin adjacent Drayton Wellcamp Road constructed under Development Approval OW/2018/6192/A.

Note: Works associated with Development Approval OW/2018/6192/A are still subject to on-maintenance provisions.

Note: Council acknowledges that there is a portion of catchment within Stage 5 that falls towards the Stage 1 detention basin (MB02). Condition 41 is not applicable to that portion of catchment within Stage 5.

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

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

43. 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.
44. Submit to Council for approval, as part of the Development Application for a Development Permit for Operational Work, detailed stormwater design plans 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:
 - 44.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval;
 - 44.2 No increase in peak flow rates downstream from the subject land for storm events as nominated in PSP 6.2 Table SC6.2.7. Major events exceeding ARI of 100 years must be considered in accordance with the requirements of the Queensland Urban Drainage Manual;
 - 44.3 No increase in flood levels external to the subject land;
 - 44.4 No increase in duration of inundation external to the subject land that could cause loss or damage;
 - 44.5 Appropriate inspection and maintenance of stormwater quality control infrastructure in accordance with a program; and
 - 44.6 The achievement of Water Sensitive Urban Design objectives listed in PSP No. 2 and *State Planning Policy July 2017*.

STORMWATER – CONVEYANCE OF STORMWATER VIA DRAINAGE EASEMENT

45. Drainage easements must be registered over all drainage structures and concentrated flow paths on private land, including on adjoining land where required to connect to a lawful point of discharge, in accordance with the relevant requirements in *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure*.

GEOTECHNICAL STABILITY

46. Development must be carried out generally in accordance with the Approved Slope Stability Risk Assessment listed within Development Approval RAL/2020/5054/A, with additional testing as required to confirm Stages 2 to 9 soils are consistent with the assumptions in the Slope Stability Risk Assessment.
47. A RPEQ experienced in geotechnical engineering, or engineering geology, must supervise the construction of the development to ensure that the works are undertaken generally in accordance with the Approved Slope Stability Risk Assessment listed within Development Approval RAL/2020/5054/A.
48. All executed works must be detailed by a RPEQ experienced in geotechnical engineering on a Certificate of Supervision.

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

49. 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

50. 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 works.
51. 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:
 - 51.1 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*.

VIBRATION IMPACT

52. 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.
53. 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 minimise 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

54. 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*.
55. 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*.
56. Fires are not to be lit to dispose of demolition or construction waste.
57. 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:
 - 57.1 Elsewhere within this Development Approval;
 - 57.2 In accordance with an associated Development Permit for Operational Work;
 - 57.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 57.4 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
 - 57.5 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.
58. 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

59. 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

60. 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.
61. 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.
62. 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.

- 63. All disturbed areas must be mulched or turfed as soon as possible during construction.
- 64. Measures such as vehicle baths, wash-down and construction matting together with dust suppressants and wraps, exposed ground and stockpile sprinkling must be put in place to minimise site vehicles tracking sediment onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction and the ensuing 'on-maintenance' period where applicable.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- 65. Prior to commencement of site works and any pre-start meeting for operational works, submit to Council for endorsement a Construction Environmental Management Plan prepared by a qualified person that at a minimum includes the following:
 - 65.1 Location of the site, including physical address, lot on plan and relevant scaled maps;
 - 65.2 Description of the site including infrastructure and features on or near the site and those areas requiring protection or avoidance;
 - 65.3 Contact details and responsibilities for site representatives;
 - 65.4 Description of construction activities to be conducted on site;
 - (a) Location of construction areas and adjacent operational / residential areas;
 - (b) Construction staff and vehicle numbers;
 - (c) Construction hours;
 - (d) Amenities; and
 - (e) When relevant, prohibited activities and prohibited areas where no work should be permitted.
 - 65.5 Site Plans clearly showing where proposed activities will occur, including sensitive receptors and areas where impacts on the environment may occur.
 - 65.6 Strategies to manage the following environmental impacts;
 - (a) Air quality and dust management;
 - (b) Noise and vibration management;
 - (c) Stormwater quality management;
 - (d) Erosion and sediment control;
 - (e) Waste management, storage and collection; and
 - (f) Complaint management procedures.
- 66. The Construction Environmental Management Plan must receive endorsement by Council prior to issue of any Development Permit for Operational Work.
- 67. The Construction Environmental Management Plan must address both the internal works for the development and any associated external works.
- 68. The endorsed Construction Environmental Management Plan must be implemented and, maintained where necessary to maintain compliance with the requirements of this Development Approval.

REMOVAL OF EXISTING STREET TREES

- 69. 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

70. 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:
- 70.1 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;
 - 70.2 Provision of one 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;
 - 70.3 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
 - 70.4 Maintenance of street tree protection until works are completed or accepted on-maintenance.

DAMAGE TO SERVICES & ASSETS

71. Protect Council and public utility services and assets during construction of the development.
72. 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:
- 72.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 72.2 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.
73. 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.
74. 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)

75. Construct an internal sewerage reticulation system capable of servicing each lot in accordance with the requirements of *Planning Scheme Policy No. 3 – Engineering Standards – Water and Waste Water Infrastructure* (PSP No. 3) and other relevant standards at no cost to Council

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

76. The internal sewerage reticulation system which services Stages 2, 3, 4 and the northern part of Stage 5 of the Approved Development must be connected to Stage 1 of Development Approval RAL/2020/5054/A, in accordance with Council's *Wastewater Infrastructure Policy 2.04* and at no cost to Council.

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

Note: The DN450 gravity sewer main approved under Development Approval OW/2018/6323/A must be constructed and be on-maintenance prior to the Stage 2 internal sewerage being accepted on-maintenance.

Note: The sewerage reticulation approved under Development Approval OW/2022/5330 must be constructed and be on-maintenance prior to the Stage 2 internal sewerage being accepted on-maintenance.

77. Construct an external gravity sewer main extension to service the southern part of Stage 5 and Stages 6, 7, 8 and 9 of the Approved Development in accordance with the requirements of Planning Scheme Policy No. 3 – Engineering Standards – Water and Waste Water Infrastructure (PSP No. 3) and other relevant standards at no cost to Council. Unless otherwise agreed in writing by Council, the sewer extension must be constructed from the internal sewerage reticulation system of the development across Devine Road and into the sewerage infrastructure provided and conditioned as part of Development Approval RAL/2015/1869/A. For works within private property, approval of the landowner is required as per Condition 81.

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

Note: Any sewerage infrastructure greater than DN225, which traverses through private properties shall be located in an easement in favour of Council. The width of the easement will be determined during detailed design (OW) stage.

Note: The trunk rising main, DN450 gravity sewer main and pump station approved under Development Approval OW/2018/6323/A must be constructed and be on-maintenance prior to the Stage 5 internal sewerage being accepted on-maintenance.

Note: Any sewerage reticulation constructed conditioned as part of Development Approval RAL/2015/1869/A and used as the connection point for the proposed subdivision must be constructed and be on-maintenance prior to the Stage 5 internal sewerage being accepted on-maintenance.

78. 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.
79. 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.
80. 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.

WASTEWATER INFRASTRUCTURE (APPROVAL OF LAND OWNER)

81. Where it is necessary for any proposed wastewater infrastructure to be constructed through land not part of the development, obtain the written approval of the owner of that land and provide evidence of such written approval to Council prior to endorsement of engineering plans and specifications for the works.

WATER SUPPLY

82. 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. Primary connection must be made to the existing water main in Hursley Road and Stage 1 of Development Approval RAL/2020/5054/A, at locations agreed by Council.

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

Note: *The water reticulation approved under Development Approval OW/2022/5330 and used as a connection point must be constructed and be on-maintenance prior to the Stage 2 internal water reticulation being accepted on-maintenance.*

83. Unless able to be used as part of the development, any existing connection must be disconnected at no cost to Council.
84. Any existing water supply connection traversing more than one approved lot must be disconnected and removed.
85. Certification must be provided to Council by a Licenced Plumber that the disconnection has been carried out.
86. 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.
87. 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 water reticulation works and in accordance with the approved plans and documents of this Development Approval.

TELECOMMUNICATION

88. Install telecommunications infrastructure to service each approved lot which complies with the following:
- 88.1 The requirements of the *Telecommunications Act 1997* (Cth);
- 88.2 For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- 88.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.
89. 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.
90. 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

91. 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.
92. The location of any PMT facilities required to service the development must be agreed by Council.
93. 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)

94. Existing roads must be constructed as follows:

Street:	Devine Road (adjacent proposed Lots 380-387)
Classification:	Cul-de-sac – maximum 12 lots
Construction Standard:	6m carriageway width with kerb and channel both sides and per Condition 96

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

95. Extinguish all or part of the land lease area within Devine Road as required to accommodate the minimum 17m road reserve and additional turning area at the head of the cul-de-sac.

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

96. 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:

- 96.1 Concrete kerbing and channelling;
- 96.2 1.5m footpath that extends to the detention basin (proposed Lot 1000);
- 96.3 Underground stormwater drainage;
- 96.4 Relocation of utility and Council services; and
- 96.5 Street lighting.

97. 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.

98. All street surfacing must be in accordance with the pavement construction standards in PSP No. 2.

99. Verge widths, street reserve widths, intersection treatment, provision of parking and speed control devices must comply with Council's requirements in PSP No. 2.
100. 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.
101. The design and construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil.

ROADWORKS (INTERNAL TO SUBDIVISION)

102. Internal roads must generally be constructed as shown on the Approved Plans (as amended).
103. The internal roads must be constructed to a sealed standard, including kerb and channel on both sides of the new roads. Such kerb and channelling must be an approved residential kerb and channel. The internal roads must be as follows:
 - 103.1 The 'New 25m Wide Roads' must be constructed to a Distributor standard with a minimum 25m road reserve width and a 12m carriageway width measured between channel inverts. A minimum 2.0m wide path is required on both sides of the street. A sealed turn around area must be provided at the western end of the east-west section of sufficient width and diameter to accommodate a waste collection vehicle;
 - 103.2 The 'New 23m Wide Road' must be constructed to a Collector standard with a minimum 23m road reserve width and a 11m carriageway width measured between channel inverts. A minimum 1.5m wide path is required on both sides of the street;
 - 103.3 The 'New 16m Wide Esplanade Road' (as amended by Condition 5) adjacent the 'Balance Parcel 2001' and between proposed Lots 119 to 163 must be constructed to a Local Access 75-175 lots standard with a minimum road reserve width of 19m and a 7m carriageway width measured between channel inverts. A minimum 1.5m wide path is required on both sides of the street;
 - 103.4 The 'New 18m Wide Roads' must be constructed to a Local Access (<75 lots) standard with a minimum 18m road reserve width and a 7m carriageway width measured between channel inverts. A minimum 1.5m wide path is required on one side of the street. The intersection angle between 'New 18m Wide Road' and 'New 16m Wide Esplanade Road' between proposed Lots 334 and 365 must be no less than seventy degrees;
 - 103.5 The 'New 17m Wide Roads' (including that adjacent to proposed Lots 92-95 and Lot 103) must be constructed to a cul-de-sac standard with a minimum 17m road reserve width and a 6m carriageway width measured between channel inverts. A minimum 1.5m wide path is required on one side of the street:
 - 103.5.1 Where the cul-de-sac ends adjacent another road reserve the footpath is required to extend beyond the cul-de-sac and connect into the adjoining roads footpath; and
 - 103.5.2 Where the cul-de-sac ends adjacent another road reserve bollards are to be installed;
 - 103.6 The 'New 16m Wide Esplanade Road' adjacent the 'Balance Parcel 2001' and between proposed Lots 209 and 349 must be constructed with a minimum 16m road reserve width and a 7m carriageway width measured between channel inverts. A minimum 1.5m wide path is required on one side of the street;

- 103.7 The intersection of 'New 25m Wide Road' and 'New 18m Wide Road' must be a single lane roundabout with pedestrian refuges on each leg;
- 103.8 The 'New 25m Wide Road' must connect to Devine Road at Stage 8 in accordance with the following requirements:
- 103.8.1 Where Road A, which is conditioned for construction by the subdivision to the south under Development Approval RAL/2015/1869/A, has been constructed and connected to Devine Road, the 'New 25m Wide Road' must be matched into the vertical and horizontal alignment of Road A. A residential vehicle crossing must be provided for the existing dwelling on Lot 124 DAR6218 with the section of Devine Road serving Lots 60-80 of Development Approval RAL/2015/1869/A teeing into 'New 25m Wide Road' at an offset to the new vehicle crossing; and
- 103.8.2 Where Road A, which is conditioned for construction by the subdivision to the south under Development Approval RAL/2015/1869/A, has not been constructed and connected to Devine Road, the 'New 25m Wide Road' must be extended to the southern boundary of Devine Road. A residential vehicle crossing must be provided for the existing dwelling on Lot 124 DAR6218 and a sealed temporary turnaround facility constructed within the road reserve of Devine Road. No access to Drayton Wellcamp Road is permitted along Devine Road from the development. Barriers to prohibit access must be constructed on the western side of New 25m Wide Road. Additionally, consultation must be undertaken with the existing users of Devine Road (namely the owners of Lot 124 DAR6218) and wherever possible and reasonable, their access requirements accommodated. Written evidence of this consultation must be provided as part of an Operational Works application for Stage 8.

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

104. All street surfacing must consist of an approved asphaltic concrete.
105. 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)* unless otherwise varied by Condition 103. Traffic calming devices must be deflected tee intersections with pavement marking in the centre of the road instead of traffic islands.
106. 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.
107. A minimum 2.5m tree planting space between back of kerb and footpath that is clear of services and other infrastructure is to be provided within the road reserve of all new roads constructed as part of the Approved Development and the road reserve adjacent to proposed Lots 70 and 208, and where practically achievable, on any roads upgraded as part of the Approved Development.

PEDESTRIAN & CYCLE PATHS

108. The following works must be constructed in accordance with *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)*:
- 108.1 A 1.5m wide concrete pedestrian path the length of the 10m wide road reserve between Hursley Road and 'New 18m Wide Road' (i.e., between proposed Lots 138-139 and proposed Lots 146-147);

- 108.2 A 1.5m wide concrete pedestrian path within the 12m wide road reserve between Hursley Road and 'New 18m Wide Road' between proposed Lots 154-155. The path must connect the Hursley Road path with the northern end of the driveway;
- 108.3 A 1.5m wide concrete pedestrian path within the 24m wide road reserve between proposed Lots 106 and 132. The path must connect the Stage 1 'New 25m Wide Road' path created under Development Approval RAL/2020/5054/A and the western end of the driveway;
- 108.4 A 1.5m wide concrete pedestrian path within the 12m wide road reserve between 'New 25m Wide Road' and 'New 18m Wide Road' (i.e., between proposed Lots 297-298). The path must connect the 'New 25m Wide Road' path with the western end of the driveway;
- 108.5 A 1.5m wide concrete pedestrian path within the road reserve between 'New 23m Wide Road' and 'New 18m Wide Road' (i.e., between proposed Lots 70 and 208 and the 'Balance Parcel 2001');
- 108.6 A 1.5m wide concrete pedestrian path within proposed Lot 1000 between 'New 18m Wide Road' and 'New 17m Wide Road' (i.e., adjacent to proposed Lots 379 and 380);
- 108.7 Unless otherwise agreed in writing by Council, footpaths must be provided on the low side of the street in instances where a footpath is required to be provided on one side of a street only;
- 108.8 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*;
- 108.9 The required work includes any surface earthworks, grinding or saw cutting to ensure the footpath finishes flush with all existing service covers and the like, or alternatively these services are raised or altered, so as not to create a pedestrian safety hazard; and
- 108.10 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.

- 109. 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

- 110. 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.

- 111. 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

112. 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

113. 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.
114. 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)

115. 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 Lots 91, 94, 95, 132, 133, 155, 156, 280, 298 and 299 in accordance with the following requirements:
- 115.1 The Institute of Public Works Engineering Australasia Drawings *RS-049 Residential Driveways Plan 1 of 2* and *RS-050 Residential Driveways Plan 2 of 2*, and in accordance with *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*, for proposed Lots 91, 94, 95 and 280;
 - 115.2 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)* where access is via shared driveway for proposed Lots 132, 133, 155, 156, 298 and 299. The width of the shared driveway must be a minimum of 6m;
 - 115.3 Council's standards including *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)*;
 - 115.4 The driveway surfacing must consist of concrete;
 - 115.5 The driveway must be constructed so as not to concentrate stormwater runoff onto neighbouring properties; and
 - 115.6 Bollards are to be installed at the end of the driveway of proposed Lots 132 and 133, 155 and 156, and 298 and 299 to prevent through movement of vehicles using the adjoining driveway.
116. A vehicle crossover (crossing of the verge) must be constructed from the kerb and channel to the proposed road reserve (identified as 'Pedestrian Linkage / Landscaping' on the Approved Plans (as amended)) adjacent to proposed Lots 70 and 208 to facilitate maintenance access in accordance with the following requirements:
- 116.1 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)*; and
 - 116.2 Council's standards including *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)*.

117. Timber bollards and an access lock and rail gate must be provided at one end of the proposed road reserve (identified as 'Pedestrian Linkage / Landscaping' on the Approved Plans (as amended)) adjacent to proposed Lots 70 and 208.
118. Submit to Council for approval, as part of a Development Application for a Development Permit for Operational Works, detail of the driveway crossover, bollards and access gate.

PROPERTY ACCESS

119. Direct access to Hursley Road is not permitted from proposed Lots 132 to 155 at any time.
120. Direct access to Devine Road is not permitted from proposed Lot 388 at any time.
121. Direct access to 'New 25m Wide Road' is not permitted from proposed Lots 57, 71, 95, 103-106, 132, 194, 223, 225, 254, 267, 279, 280, 287-298 or from the eastern boundary of proposed Lots 256 and 265 at any time.

PREMISES IDENTIFICATION

122. Prior to off maintenance, reflective street numbers must be affixed to the kerb in front of each lot.

LANDSCAPE & ECOLOGY

123. Submit to Council for endorsement, a Landscape Plan prepared by a suitably qualified person that details in particular:
 - 123.1 The species to be planted and their location (including street trees and tree planting within road reserve and drainage reserve);
 - 123.2 The number and container size of plants;
 - 123.3 The typical planting detail including preparation, backfill, staking and mulching;
 - 123.4 Internal dimensions of all planting areas;
 - 123.5 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:
 - 123.6 Location, height and finishes of fencing and retaining walls fronting public land at the following locations:
 - 123.6.1 Hursley Road;
 - 123.6.2 All land to be dedicated as road reserve identified as 'Pedestrian Linkage / Landscaping' on the Approved Plans (as amended); and
 - 123.6.3 Fencing at the rear of proposed Lots 288-297 fronting 'New 25m Wide Road';
 - 123.7 Fencing and retaining walls required to be detailed in Condition 123.6 must be continuous and uniform and include appropriate articulation and screening with landscaping. Individual retaining walls fronting public places greater than 1m in height should be terraced;
 - 123.8 Where trees are proposed or required as a condition of this Development Approval in land to be dedicated to Council, the Landscape Plan must include the following additional information:

- i) Location and species of the proposed or required trees;
- ii) Typical cross section through each street typology indicating clearance of street trees from underground services, kerbs and footpaths in accordance with PSP2 Engineering Standards; and
- iii) A planting schedule indicating the number of each species type; and

Note: *Trees in Council land are required to be supplied as a condition if this Development Approval must be supplied in 45L containers or as otherwise specified.*

Note: *Landscaping other than trees is not supported within existing public land (e.g. road reserves) or land to be dedicated to Council as future public land (e.g. park, road reserves or drainage land) unless agreed to by Council.*

123.9 North point, scale and drawing number.

124. The Landscape Plan must be submitted to Council prior to the lodgement of any Development Application for a Development Permit for Operational Work and receive endorsement by Council prior to commencement of any site works or earthworks.

LANDSCAPING WORKS (PROVISION OF TREES)

125. Plant and maintain for a period of 12 months, one (1) street tree for every 15 metres of road frontage at the following locations:
- 125.1 Along both sides of the road for all new internal roads;
 - 125.2 Along Hursley Road (fronting proposed Lots 132-155); and
 - 125.3 Within the road reserve (identified as 'Pedestrian Linkage / Landscaping' on the Approved Plans (as amended)) adjacent to proposed Lots 70 and 208.
126. Trees provided to satisfy Condition 125 must be capable of reaching 10-12 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.
127. Plant and maintain for a period of 12 months, trees within the detention basin (proposed Lot 1000) where considered acceptable by Council. Trees are to be provided only on batters no steeper than 1:6 and appropriately sited to complement community use (e.g. pedestrian desire lines) and not impact on functionality of any civil infrastructure.
128. The selection and planting of any 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.
129. 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.
130. Certification must be submitted to Council from a suitably qualified person who certifies that landscaping established complies with the requirements of this Development Approval.

LANDSCAPING WORKS (CONSTRUCTION OF BOUNDARY FENCING)

131. Fences and walls provided adjacent to public places (streets, laneways, public walkways and open space areas) must be constructed generally in accordance with an approved Landscape Plan.
132. Individual retaining walls fronting public places are to be no higher than 1m, unless otherwise varied in an approved Landscape Plan.
133. Fencing and associated footings fronting public land must be located wholly within private lots.
134. Any existing fence or wall not meeting the requirements of this Development Approval must be removed and replaced with a fence or wall that meets the requirements of this Development Approval.
135. Unless otherwise approved in writing by Council, boundary fences or walls must not be erected in a parallel arrangement with any existing fence or wall erected along the same boundary. The existing fence or wall is to be completely removed and replaced.
136. Unless otherwise specified elsewhere within this Development Approval, the required height of a fence or wall is measured from the highest adjacent finished ground level.
137. Fences and walls must be maintained in a good state of repair to ensure that their intended function (i.e. privacy, security, safety, acoustic, livestock, pest exclusion etc.) is maintained.
138. All costs associated with meeting the fencing requirements listed within this Development Approval must be borne by the developer.

REMOVAL OF EXISTING TREES AND VEGETATION

139. 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:
 - 139.1 Stump grinding to below finished surface level;
 - 139.2 Rectification to the finished surface levels and materials;
 - 139.3 No damage to other vegetation to be retained;
 - 139.4 No burning of removed vegetation and debris; and
 - 139.5 Conclude with the area being stabilised against erosion and rehabilitated.

FAUNA MANAGEMENT DURING REMOVAL OF EXISTING TREES AND VEGETATION

140. Prior to clearing, all trees to be removed are to be inspected for wildlife (i.e. koalas, possums, birds nests etc.). If wildlife is present, the tree must not be felled or pruned until the wildlife has left the tree or has been removed by a legislative compliant Fauna Spotter Catcher.

B. ADVICES:

GENERAL ADVICES

RESUBMISSION OF PLANS REQUIRING AMENDMENT

- 1) The conditions of this Development Approval require resubmission of plans to Council with amendments. Please address the amended plans to Council's Planning Branch with the Reference No. RAL/2022/4965 and send to development@tr.qld.gov.au.

SUBMISSION OF PLANS / DOCUMENTS FOR ENDORSEMENT

- 2) 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 Planning Branch with the Reference No. RAL/2022/4965 and send to development@tr.qld.gov.au.

INFRASTRUCTURE CHARGES

- 3) 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

- 4) 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.
- 5) 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.
- 6) 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

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

WHEN APPROVAL LAPSES

- 8) 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.

CLEARING OF NATIVE VEGETATION

- 9) The subject land supports regulated vegetation under the *Vegetation Management Act 1999* (VM Act). The clearing of regulated vegetation can only be undertaken where associated with exempt clearing activities established under the VM Act. For further information regarding exempt clearing activities please contact your local office of the Department of Resources.

CLEARING OF PROTECTED PLANTS

- 10) In accordance with *Nature Conservation (Animals) Regulation 2020* you must check the flora survey trigger map, prior to the clearing of any native plants found on the subject land to determine if a flora survey must be undertaken and if a clearing permit for clearing endangered, vulnerable and near threatened plants ('EVNT plants') and their supporting habitat is required.

Under the Regulation, if a flora survey identifies that EVNT plants are not present or can be avoided by 100m, the clearing activity may be exempt from a permit, however an exempt clearing notification form must be submitted to the Department of Environment and Science. In an area other than a high risk area, a clearing permit is only required where a person is, or becomes, aware that EVNT plants are present, though a range of exemptions do apply. Clearing of least concern plants is generally exempt from requiring a clearing permit. For further information associated with the clearing of protected plants and to obtain flora survey trigger map for your site please refer to the Departmental website.

EXCAVATION & FILLING

- 11) 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.

BUSHFIRE BUILDING STANDARD

- 12) This Development Approval has not considered any building assessment provisions under the *Building Code of Australia*. Lots 5-8 and 23-24 on Plan A341 and Lot 280 on Plan AG3111 are identified in the *Toowoomba Regional Planning Scheme 2012* as bushfire prone and the bushfire provisions of the *Building Code of Australia* will need to be considered for any building work being undertaken the subject land.

DEMOLITION OF BUILDING

- 13) Any structures located on the subject land that are to be removed require the obtaining of any necessary building approvals, and certification by a Building Certifier that the resulting setbacks and/or fire rating of any remaining buildings comply with the Standard Building Regulations.

ENVIRONMENTAL HARM

- 14) 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.

ENVIRONMENT PROTECTION & BIODIVERSITY CONSERVATION ACT 1999

- 15) An additional approval from the Commonwealth Government under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) may be required in relation to the approved development. The *EPBC Act* relates to actions that may have a significant impact on matters of national environmental significance (NES) or the environment generally if on Commonwealth land. These matters of NES include nationally listed threatened and migratory species, Ramsar wetlands, World Heritage, Commonwealth marine and nuclear actions.

The EPBC Act provides that a person must not take an action that has, will have or is likely to have a significant impact on matters of NES, without the approval of the Commonwealth Environment Minister. Such actions should be referred to the Minister for a decision on whether or not approval is required under the EPBC Act.

Contact the Australian Government Department of Agriculture, Water and the Environment to discuss any obligations under the EPBC Act.

STREET TREE DISTURBANCE & REMOVAL APPROVAL

- 16) 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

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

ABORIGINAL CULTURAL HERITAGE ACT 2003

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

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

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

FIRE ANTS

- 19) 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

- 20) 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:

- Concurrence Agency Conditions Schedule 2
- Amended Plans Required to be Submitted for Approval
- Approved Documents
- Appeal provisions pursuant to the *Planning Act 2016*.

SCHEDULE 2

CONCURRENCE AGENCY (CONDITIONS AND COMMENTS)

**DEPARTMENT OF STATE DEVELOPMENT, INFRASTRUCTURE, LOCAL GOVERNMENT AND
PLANNING**



SARA reference: 2211-32073 SRA
Council reference: RAL/2022/4965
Applicant reference: 11122

20 December 2022

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

Attention: Mr Jayden Forbes-Mitchell

Dear Mr Forbes-Mitchell

SARA response—689 Toowoomba Cecil Plains Road, Wellcamp and 689 Toowoomba Cecil Plains Road, Glenvale

(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 23 November 2022.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	20 December 2022
Advice:	Advice to the applicant is in Attachment 1 .
Reasons:	The reasons for the referral agency response are in Attachment 2 .

Development details

Description:	Development permit	Reconfiguring a lot -two lots into 342 residential lots, three balance lots and one drainage lot
SARA role:	Referral agency	
SARA trigger:	Schedule 10, part 9, division 4, subdivision 1, table 1, item 1 (Planning Regulation 2017)	Development impacting on state transport infrastructure Schedule 10, part 9, division 4, subdivision 1, table 2, item 1 (Planning

Regulation 2017)
 Reconfiguring a lot near a State transport corridor
 Schedule 10, part 9, division 4, subdivision 1, table 3, item 1 (Planning
 Regulation 2017)
 Reconfiguring a lot near a State-controlled road intersection

SARA reference: 2211-32073 SRA

Assessment Manager: Toowoomba Regional Council

Street address: 689 Toowoomba Cecil Plains Road, Wellcamp and 689 Toowoomba
 Cecil Plains Road, Glenvale

Real property description: Lot 20 on A341; Lot 21 on A341; Lot 22 on A341; Lot 23 on A341;
 Lot 24 on A341; Lot 279 on AG3110; Lot 280 on AG3111; Lot 5 on
 A341; Lot 6 on A341; Lot 7 on A341; Lot 8 on A341

Applicant name: Marbig Pty Ltd ATF The Alkon Trust
 C/- Saunders Havill Group

Applicant contact details: 9 Thompson Street
 Bowen Hills QLD 4006
 liamwiley@saundershavill.com

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 (section 30 of the Development Assessment Rules). Copies of the relevant provisions are in **Attachment 3**.

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

For further information please contact Judy Sandmann, Senior Planning Officer, on (07) 3432 2405 or via email lpsswichSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Kieran Hanna
 A/Manager

enc Attachment 1 - Advice to the applicant
 Attachment 2 - Reasons for referral agency response
 Attachment 3 – Representations about a referral agency response

cc Marbig Pty Ltd ATF The Alkon Trust, C/- Saunders Havill Group, liamwiley@saundershavill.com

Attachment 1—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 3.0. If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

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

The reasons for the SARA's decision are:

The proposed development complies with State code 1: Development in a state-controlled road environment of SDAP. Specifically, the development:

- does not create a safety hazard for users of a state-controlled road
- does not compromise the structural integrity of state-controlled roads, road transport infrastructure or road works
- does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads
- does not compromise the structural integrity of public passenger transport infrastructure or compromise the operating performance of public passenger transport services
- avoids or mitigates significant adverse impacts resulting from environmental emissions generated by vehicles on the state-controlled road.

The development complies with State code 6 Protection of state transport networks of the SDAP. Specifically, the development does not:

- create a safety hazard for users of state transport infrastructure or public passenger services by increasing the likelihood or frequency of a fatality or serious injury;
- result in a worsening of the physical condition or operating performance of the state transport network;
- compromise the state's ability to cost-effectively construct, operate and maintain state transport infrastructure.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The SDAP (v3.0), as published by SARA
- The Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*

Attachment 3—Representations about a referral agency response

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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.

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.