

Our Reference: MCUI/2019/3145/B
Contact Officer: Davis Uhlmann
Contact: (07) 4688 9516
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Decision Notice
CHANGE TO A DEVELOPMENT APPROVAL
Planning Act 2016 Section 83

Dash House Pty Ltd
C/- Property Projects Australia
123 Margaret Street
TOOWOOMBA QLD 4350

Email: francisco@propertyprojectsaustralia.com.au
blake@propertyprojectsaustralia.com.au

30 June 2026

Dear Sir/Madam

Development Approval: Material Change of Use – Impact – Dwelling House
Location: 1F Alderley Street, RANGEVILLE QLD 4350
Property Description: Lot 62 CC555
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012 (Version 28)*

I refer to your application received on 21 May 2026 for a change to the Development Approval for Material Change of Use – Impact – Dwelling House approved on 5 November 2019

The change application was assessed against the relevant assessment benchmarks as identified in the *Toowoomba Regional Planning Scheme 2012* for the development.

On the 25 June 2026, the change application was approved as per the attached Schedule. The changes are considered to be consistent with the relevant assessment benchmarks.

All deletions are identified by **bolded** strikethrough of text and all additions are identified by **bolded** text.

Rights of Appeal

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

Yours faithfully



Richard Green
Lead Senior Planner, Planning Branch



TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – IMPACT

APPLICATION NUMBER:	MCUI/2019/3145/B
APPLICANT:	Dash House Pty Ltd
LOCATION:	1F Alderley Street, RANGEVILLE QLD 4350
PROPERTY DESCRIPTION:	Lot 62 CC555
APPROVED USE:	Dwelling House
ZONING / PRECINCT:	Limited Development (Constrained Land) Zone

A. ASSESSMENT MANAGER'S CONDITIONS:

PLANNING

APPROVED USE

1. This Development Approval is for a material change of use for a Dwelling House.

CARRY OUT & 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 are not varied by this Development Approval.
3. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
4. Complete all building work associated with this Development Approval, including work required by any of the conditions of this Development Approval prior to the commencement of use. Such building work is to be carried out generally in accordance with the Approved Plans and Documents and, where the building work is assessable development, in accordance with a current Building Works approval.
5. 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

6. 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: ~~190036~~ Sheet A.001 Rev 4

Description: ~~Site Plan, prepared by Building Design Professionals and dated 29 April 2019~~

Amendments: ~~Nil~~

~~Plan No: 190036 Sheet A.100 Rev 1~~
~~Description: Proposed Floor Plan – Basement Plan, prepared by Building Design Professionals and dated 29 April 2019~~
~~Amendments: Nil~~

~~Plan No: 190036 Sheet A.101 Rev 1~~
~~Description: Floor Plan, prepared by Building Design Professionals and dated 29 April 2019~~
~~Amendments: Nil~~

~~Plan No: 190036 Sheet A.200 Rev 1~~
~~Description: West and South Elevations, prepared by Building Design Professionals and dated 29 April 2019~~
~~Amendments: Nil~~

~~Plan No: 190036 Sheet A.201 Rev 1~~
~~Description: East and North Elevations, prepared by Building Design Professionals and dated 29 April 2019~~
~~Amendments: Nil~~

~~Plan No: 1099.21035-001, Issue 5~~
~~Description: Site Plan, prepared by VHD Studio and dated 30 May 2023~~
~~Amendments: Nil~~

Plan No: 260019-001, Issue A
Description: Site Plan, prepared by Ikai Design and dated 11 May 2026
Amendments: Amended in red as follows:

- Labels describing “existing” site features struck through.

Plan No: 1099.21035-101, Issue 5
Description: Basement Floor Plan, prepared by VHD Studio and dated 30 May 2023
Amendments: Nil

~~Plan No: 1099.21035-102, Issue 8~~ **102, Issue 6**
Description: Ground Floor Plan, prepared by VHD Studio and dated 30 May 2023 17 December 2024
Amendments: Nil

~~Plan No: 1099.21035-103, Issue 7~~ **103, Issue 6**
Description: Upper Floor Plan, prepared by VHD Studio and dated 30 May 2023 17 December 2024
Amendments: Nil

~~Plan No: 1099.21035-401, Issue 5~~ **401, Issue 4**
Description: Building Elevations, prepared by VHD Studio and dated 30 May 2023 17 December 2024
Amendments: Nil

Plan No: 260019-101, Issue A
Description: Floor Plan, prepared by Ikai Design and dated 11 May 2026
Amendments: Amended in red as follows:

- Labels describing “existing” site features struck through.

Plan No: 260019-401, Issue A
Description: Elevations, prepared by Ikai Design and dated 11 May 2026
Amendments: Amended in red as follows:

- Labels describing “existing” site features struck through.

APPROVED DOCUMENT

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

Document: Bushfire Management Report, Issue 3.
Description: Assessment of Bushfire Attack Levels and mitigation measures, prepared by Designconxion and dated 04/09/2019.
Amendment: Nil.

~~Document: Landslide Risk Assessment – 1F Alderley Street Rangeville, Project 97226.00, R.001 Revision 0~~

~~Description: Geotechnical Report, prepared by Douglas Partners and dated 29 August 2019~~

~~Amendments: Amend in accordance with Conditions 8 and 9~~

Document: Geotechnical Investigation, 1-24866, 2022-03-02, BR VER 1, Version 2
Description: Geotechnical Investigation – Proposed Residence, prepared by Soil Surveys Engineering Pty Limited and dated 10 May 2023
Amendments: Nil

8. ~~Provide an updated Geotechnical Report prepared by an RPEQ which assesses land stability for the proposed development. The Geotechnical Report must address the requirements for Geotechnical Reports as outlined in Planning Scheme Policy SC6.1 PSP No. 1 – Development Application Requirements SC6.1.6 Additional Information Required by Development and Overlay Codes and includes the following information:~~

~~8.1 Conduct the further investigative drilling noted in section 4.3.1 of the submitted geotechnical report and include any findings and recommendations resulting from this investigation.~~

~~8.2 Provide an assessment of the proposed (or required) earthworks (excavation and filling) and retaining walls.~~

~~8.3 Provide an assessment of the stormwater impacts of the proposed development on slope stability, and of the proposed stormwater design in minimising the impact on slope stability.~~

~~8.4 Provide an assessment of the landscaping and/or erosion and sediment control measures proposed on site.~~

~~8.5 Provide an assessment of the impacts the proposed development would have on the stability of the site and adjacent land (this should also include an assessment of the future driveway crossover).~~

~~8.6 Detail any requirements that must be incorporated into the development to reduce the level of risk to people and property to an acceptable or tolerable level.~~

~~8.7 Include the registration number of the certifying RPEQ.~~

9. ~~Documents to be amended must only incorporate the amendments listed within this Development Approval and must be resubmitted to Council for approval prior to lodgement of an Operational Works application, the issue of any Building Works approval or Council's approval of plumbing and drainage works, or prior to the commencement of works on the subject land, whichever occurs first.~~

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

10. Prepare and submit applications to Council and obtain Operational Works approval for the following:
- 10.1 Driveway Crossover;

- 10.2 Bulk Earthworks (if required, refer to Conditions 14 and 38);
- 10.3 Stormwater Infrastructure; ~~and~~
- 10.4 Water Infrastructure; and
- 10.5 Land Stability Rectification Works.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

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

COMMENCEMENT OF USE

- 12. Submit to Council a Notice of Intention to Commence the approved use. The notice must be provided to the Manager, Development Services, as follows:
 - 12.1 Provide to the Manager, Development Services a minimum of ten (10) business days prior to commencement of the approved use;
 - 12.2 The notice must nominate the day the approved use is intended to commence; and
 - 12.3 The notice must include evidence (i.e. copies of decision notice(s), photographic proof, and statement(s) of compliance with the conditions of this approval from suitably qualified persons) which demonstrates that all conditions of this approval have been complied with.

DEDICATIONS, AGREEMENTS & CONTRIBUTIONS

EASEMENTS

- 13. 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.

DEVELOPMENT CONSTRAINTS

LANDSLIDE MITIGATION

- 14. Unless otherwise approved by Council in an Operational Works approval for bulk earthworks, works involving filling or excavation within land identified as a landslide hazard area on the Landslide Hazard Overlay must not:
 - 14.1 Involve a total change in site levels of more than 1.5m relative to natural ground level at any point;
 - 14.2 Involve filling or excavation within 1.5m of any site boundary other than filling or excavation associated with access and services infrastructure serving the premises;
 - 14.3 Necessitate the construction of retaining walls exceeding 1.2m in height; or
 - 14.4 Exceed 50m³ of cut, 50m³ of fill or 50m³ of cut and fill in total.

BUSHFIRE MANAGEMENT - GENERAL

15. The development must be carried out in accordance with Section 4, 5 and Appendix 2 of the Bushfire Management Report listed within this Development Approval.
16. A copy of the approved Bushfire Management Plan must be provided to the nearest fire authority.

BUSHFIRE MANAGEMENT - SUPPLY OF WATER

17. Where water storage is provided by way of rainwater tank, separate water storage for firefighting purposes must be provided either in a separate rainwater tank or a reserve section in the main water supply tank on which:
 - 17.1 The domestic take off from the tank is at or above the 10,000 litre point; and
 - 17.2 Standard rural fire brigade fittings (a 50mm male camlock coupling and ball valve) are fitted to the tank outlet for access by four wheel drive rural services vehicles.
18. The development must be provided with an auxiliary power supply such as a petrol driven fire fighter pump (or generator), together with a hose of sufficient length to easily reach around to all sides of the dwelling.
19. A hard stand area within 6m of the water storage reservoir must be provided to ensure accessibility for fire fighting vehicles.

BUSHFIRE MANAGEMENT - ASSET PROTECTION ZONE

20. The asset protection zones outlined in Section 5 and Appendix 2 of the Bushfire Management Report listed within this Development Approval must be prepared and maintained for the life of this development.

WORKS

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

21. Plans and specifications for all works associated with, stormwater drainage, water infrastructure, slope stability, earthworks, retaining walls, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
22. A RPEQ must submit to Council a copy of the:
 - 22.1 Design Certificate prior to commencement of the works; and
 - 22.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
23. 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.
24. 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

25. 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 an Operational Works approval.

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

26. Prior to the commencement of any works on the subject land, an Operational Works application 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.
27. As part of the Operational Works application submit to Council for approval, 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) demonstrating the following:
- 27.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval;
 - 27.2 That the post development peak flows do not exceed the capacity of downstream infrastructure;
 - 27.3 That stormwater from the proposed development will not have negative impacts on slope stability;
 - 27.4 That the stormwater impacts of the proposed internal driveway and driveway crossover have been appropriately considered; and
 - 27.5 That there is a “non-worsening” effect or actionable nuisance as a result of this development on upstream, downstream, or adjoining properties.
28. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.

STORMWATER DISCHARGE

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

GEOTECHNICAL STABILITY

34. ~~The approved use must be carried in accordance with the Geotechnical Report, prepared by Douglas Partners and dated 29 August 2019 listed within this Development Approval, with the addition of the following:~~

~~34.1 The report must be amended in accordance with Condition A and submitted to Council for approval.~~

The design of earthworks, retaining walls, access driveway, platform to provide access to heavy machinery and vehicles to the site, stormwater drainage works, any other site works and the removal of identified uncontrolled fill must be in accordance with the Approved Geotechnical Investigation listed within this Development Approval.

~~35. The amended Geotechnical Report must be approved by Council prior to commencement of any site works or earthworks.~~

36. The approved Geotechnical Report Investigation listed within this Development Approval must be implemented and the requirements met and maintained during the design, and subsequent to site works or earthworks and post construction phase.

37. An RPEQ experienced in geotechnical engineering, or engineering geology, must supervise the construction of the development to ensure that the works are undertaken in accordance with the approved Geotechnical Report Investigation listed within this Development Approval.

37.1 All executed works must be detailed by an RPEQ experienced in geotechnical engineering, on a Certificate of Supervision.

37A. 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 Land Stability Rectification Works. The design and the construction of the works must be certified by a RPEQ – Civil.

37B. As part of a Development Application for a Development Permit for Operational Work (Land Stability Rectification Works) submit to Council for approval, a design to rectify the failure to the west of the platform as identified in Section 3.5.2 of the approved Geotechnical Investigation listed within this Development Approval.

37C. Where required rectification works require entry onto land not forming part of this Development Approval, submit to Council as part of a Development Application for a Development Permit for Operational Work, the written consent of any impacted property owner.

37D. As part of a Development Application for a Development Permit for Operational Work (Land Stability Rectification Works) submit to Council an estimation of the volume of uncontrolled fill to be removed from the premises as recommended within the approved Geotechnical Investigation listed within this Development Approval.

37E. As part of a Development Application for a Development Permit for Operational Work (Land Stability Rectification Works) submit to Council plans/documents detailing the following:

37E.1 Proposed transport routes for the haulage of material from the uncontrolled fill at the subject site and a receiving site;

37E.2 Truck sizes for the carting of material; and

37E.3 Number of trips required to remove material from the site.

37F. Land Stability Rectification Works must be undertaken in accordance with a Development Permit for Operational Work.

BULK EARTHWORKS

38. Where earthworks are not assessed as part of a Building Works application, prior to the commencement of any earthworks on the subject land, an Operational Works application must be submitted to and be approved by Council.

EROSION & SEDIMENT CONTROL

39. 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.
40. 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.
41. 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.
42. All disturbed areas must be mulched or turfed as soon as possible during construction.
43. 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 minimize site vehicles tracking sediment onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction and, where applicable the ensuing 'on-maintenance' period.

DAMAGE TO SERVICES & ASSETS

44. Protect Council and public utility services and assets during construction of the development.
45. 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:
- 45.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
- 45.2 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.
46. 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.
47. 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 131 872.

AIR QUALITY IMPACT MITIGATION

48. 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 2008* as measured at any sensitive place or commercial place must not be released to the atmosphere during building work and throughout the life of this development .
49. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during building works do not exceed the following levels when measured at any sensitive place or commercial place:
 - 49.1 Dust deposition of 120 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method*.

CONSTRUCTION WASTE MANAGEMENT & STORAGE

50. 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*.
51. 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 2008*.
52. Fires are not to be lit to dispose of demolition or construction waste.
53. 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:
 - 53.1 Elsewhere within this Development Approval;
 - 53.2 In accordance with an associated Operational Works approval;
 - 53.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 53.4 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
 - 53.5 In accordance with a written approval issued by Council under the *Environmental Protection Regulation 2008* relating to the depositing or disposal of general waste from a premises not serviced by Council.
54. 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

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

SERVICES & UTILITIES

WASTEWATER INFRASTRUCTURE (GENERAL)

56. The development must be connected to Council's existing wastewater reticulation system {existing Council maintenance hole S2482M08 in western property boundary} in accordance with Council Waste Water Infrastructure Policy 2.04 at no cost to Council.

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

Note: Applicant is to investigate whether a compliant gravity connection could be achieved during detail design stage. Otherwise a private low pressure sewerage system must be provided.

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 connection to or modification of Council's live wastewater infrastructure must be undertaken by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.

Note: Please note any new connection or reconnection to a Council wastewater system requires a Form 1 Plumbing approval prior to house drainage being installed.

Note: To arrange for a private works quotation for the required works contact Council's Water & Wastewater Department on Ph 131 872.

- 58A. Maintenance hole (MH) lids located in driveways must be upgraded to a heavy duty trafficable system. This may include replacement of the MH (or part of) structure. Any such works must be undertaken by Council at no cost to Council.

- 58B. Maintenance Holes (MH) are to be fully protected during the full construction period of the development. Protection must include spanning slabs or beams and matting to ensure direct loads from all heavy plant during construction are not transmitted onto the MH structure.

- 58C. Structural protection for Council's wastewater infrastructure and clearance around maintenance holes must be incorporated for all designs in accordance with *the Queensland Development Code, Mandatory Policy 1.4 - Building Over or Near Relevant Infrastructure*.

Note: A Development Application for a Development Permit for Building Work will require referral to Council as a Concurrence Agency under the Planning Regulation 2017. RPEQ certified design plans for the structural protection for the wastewater system must be submitted to Council for approval as part of a Building Over or Near Water/Sewer/Stormwater Services application prior to the commencement of works for the development.

- 58D. Any alterations or adjustments required to wastewater maintenance holes to comply with the finished levels for the development 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 development must be connected to Council's reticulated water supply 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. Council's existing reticulation main must be extended in accordance with the following at no cost to Council:
- 60.1 A DN100 water main extension must be constructed from the existing water main in Alderley Street up to the south-western property boundary of development site in accordance with Council Water Infrastructure Policy 2.03.
- Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*
61. Prior to the commencement of any works on the subject land an Operational Works application must be submitted and be approved by Council for water reticulation works in accordance with the approved plans and documents of this Development Approval.
62. All water main fittings, services and meters must be located 1m clear of the proposed driveway footpath crossover. Any relocation of fittings clear of driveways must be undertaken by Council.
63. 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.

TRANSPORT, VEHICULAR ACCESS & PARKING

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

64. 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.*
65. 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.*

REMOVAL OR MODIFICATION OF COUNCIL TRAFFIC SIGNS OR PARKING BAYS

66. 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.
67. The installation or modification of any street signs or line marking must be in accordance with the Manual of Uniform Traffic Control Device (MUTCD).

PROVISION OF VEHICULAR ACCESS

68. The vehicle access from the subject land to Alderley Street must be sealed from the kerb and channel to the property boundary. The access must be designed by a Registered Professional Engineer Queensland (RPEQ) – Civil and must include the provision of adequate access width and flares to suit the proposed entry and exit manoeuvres. Such works must be constructed as required below:
- 68.1 The vehicle access must be located as shown on the Approved Plans listed within this Development Approval;

- 68.2 The vehicle access (crossing the verge) must be constructed generally in accordance with 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)*;
- 68.3 The vehicle access (crossing of the verge) must align neatly on both sides with the pedestrian footpath and verge with a maximum cross fall of 2.5%. Where there is an existing pedestrian path, the existing footpath in the vicinity of the driveway must be saw cut, removed and replaced by the driveway crossover. The driveway is to be graded at not steeper than 2.5% for the width of the footpath;
- 68.4 The vehicle access (crossing of the verge) must be located a minimum 1 metre clear of existing maintenance holes, fire hydrants, power poles, streetlights, or signage (unless otherwise approved herein);
- 68.5 Undertake any necessary relocation of all existing services clear of the access (crossing of the verge) that will serve the subject land and contact all relevant service authorities and comply with their requirements in relation to these works; and
- 68.6 The vehicle access must be constructed to a minimum width of 3.0 metres extending into the subject land generally in accordance with the Approved Plans listed within this Development Approval.

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

ENVIRONMENT & WASTE

WASTE MANAGEMENT (GENERAL)

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

WASTE MANAGEMENT (BIN PROVISION & STORAGE)

- 70. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
 - 70.1 Provision of 1 x 240L wheelie bin for general waste and 1 x 240L wheelie bin for recyclable waste for the dwelling;
 - 70.2 Provision of a hardstand impervious area within the curtilage of each dwelling for the permanent storage location of wheelie bins, having minimum dimensions of 0.36 m² (600mm x 600mm) per wheelie bin and located no closer than 2m to any fresh air intake of a habitable room;
 - 70.3 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built enclosure or solid screen fencing;
 - 70.4 Wheelie bin carting routes must allow bins to be easily maneuvered, devoid of steps and steep rises and not extend through any habitable room or other room of a building other than a garage; and
 - 70.5 Bins must be kept in a clean state and in good repair and fitted with tight-fitting lid assemblies designed to prevent ingress of pests and water.

WASTE MANAGEMENT (REMOVAL)

71. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
- 71.1 Collection by a refuse vehicle from the kerbside;
 - 71.2 Provision of a level area at the kerbside for the temporary storage of wheelie bins on collection days having minimum dimensions of 1m² (1,000mm x 1,000mm) per wheelie bin;
 - 71.3 Bins must be located in a manner that allows the refuse vehicle to pick them up automatically without the driver having to relocate them; and
 - 71.4 The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.

B. ADVICES:

GENERAL ADVICES

~~RESUBMISSION OF DOCUMENTS REQUIRING AMENDMENT~~

- 1) ~~The conditions of this Development Approval require resubmission of documents to Council with amendments. Please address the amended plans and documents to Council's Development Services Branch with the Reference No. MCUC/2018/3560, 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 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011. 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*. 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.

STREET TREE DISTURBANCE & REMOVAL APPROVAL

- 8) 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 Branch via Council's Customer Service Centre for further information in respect of street trees.

FIRE ANTS

- 9) 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 *Plant Protection Act 1989* apply, compliance with statutory provisions must be achieved.

EXCAVATION & FILLING

- 10) The *Toowoomba Regional Planning Scheme (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 Works approval from Council before commencing site works.

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.

BUILDING APPROVAL REQUIRED FOR CERTAIN FENCES & RETAINING WALLS

- 12) A Development Approval for Building Works is required for the following:
- 12.1 Fences where:
- The fence is part of a pool fence; or
 - The fence is over 2m in height (from natural ground level); or
 - The fence is attached to a retaining wall and the combined mean height is over 2.4m in height from natural ground level;
- 12.2 Retaining walls where:
- The wall is retaining fill having a height greater than 1m in height above the wall's natural ground surface; or
 - The wall is located within 1.5m of a building or another retaining wall; or
 - There is a load or surcharge imposed above the retaining wall (i.e. driveway, batter, building or the like); and

- 12.3 Retaining walls and/or fences are sited within 1.5m of a property boundary line and the combined height of the structures exceeds 2m (including where the retaining wall is less than 1m).
- 13) A siting discretion may be required from Council where a fence is proposed to be built atop the retaining wall and the combined height of the structure exceeds 2 m above natural ground level.

BUILDING OVER, OR NEAR, COUNCIL INFRASTRUCTURE

- 14) Any construction carried out near or over existing Council services should be in accordance with Council's adopted Policy (Queensland Development Code NMP 1.4 – Excavation and Piling Near Sewers, Stormwater Drains and Water Mains) and Council's Planning Scheme Policy SC4.4 PSP No. 4 – Development Near Utility Services. A Concurrence Agency referral of the Building Works Application to Council's Water and Waste Water Services Branch may be required.

C. ATTACHMENTS:

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

Chapter 6, Part 1 of the Planning Act 2016 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
- (a) matters that may be appealed to—
- either a tribunal or the P&E Court; or
 - only a tribunal; or
 - only the P&E Court; and
- (b) the person—
- who may appeal a matter (the appellant); and
 - who is a respondent in an appeal of the matter; and
 - who is a co-respondent in an appeal of the matter; and
 - 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—
- 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
 - 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
 - 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—
- the adopted charge itself; or
 - for a decision about an offset or refund—
 - the establishment cost of trunk infrastructure identified in a LGIP; or
 - 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—
- is in the approved form; and
 - 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—
- the respondent for the appeal; and
 - 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—
- if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - 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—
- 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
 - 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—
- conduct engaged in for the purpose of making a decision; and
 - other conduct that relates to the making of a decision; and
 - the making of a decision or the failure to make a decision; and
 - a purported decision; and
 - a deemed refusal.

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

- is final and conclusive; and
- 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
- 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.