

APPENDIX A – DECISION NOTICE

MCUI/2023/2779/A

Our Reference: MCUI/2023/2779/A
CS Portal Reference: N/A
Contact Officer: Rumpa Sarkar
Contact: 07 4695 5681
Email: development@tr.qld.gov.au

Decision Notice
CHANGE TO A DEVELOPMENT APPROVAL
Planning Act 2016 Section 83

Hometown Australia Communities
C/- Precinct Urban Planning
PO Box 3038
TOOWOOMBA QLD 4350

Email: scott@precinctplan.com.au

29 September 2025

Dear Sir/Madam

Development Approval: **Change Application (Minor Change) - Material Change of Use - Impact - Extension to Relocatable Home Park**
Location: **518-528 and 530-538 Bridge Street, WILSONTON QLD 4350**
Property Description: **Lot 3 RP118443, Lot 2 and 4 SP113679**
Relevant Planning Scheme: **Toowoomba Regional Planning Scheme 2012**

I refer to your application received on 15 August 2025 for a change to the development approval approved on 16 August 2024.

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

On 26 September 2025, the change application was approved as per the attached Schedule.

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



Jayden Forbes-Mitchell
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/2023/2779/A
APPLICANT:	Hometown Australia Communities
LOCATION:	518-528 and 530-538 Bridge Street, WILSONTON QLD 4350
PROPERTY DESCRIPTION:	Lot 3 RP118443, Lot 2 and 4 SP113679
APPROVED USE:	Extension to Relocatable Home Park
ZONING / PRECINCT:	Low Density Residential Zone / General Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

PLANNING

APPROVED USE

1. This Development Approval is for a Material Change of Use for an extension to Relocatable Home Park comprising:
 - 1.1 60 Dwelling Units of 2 and 3 bedroom configurations;
 - 1.2 Community building;
 - 1.3 Multi-purpose shed;
 - 1.4 Sports precinct; and
 - 1.5 Community facilities.
2. This development approval for a Relocatable Home Park is limited to the activities permitted pursuant to the definition contained in the *Toowoomba Regional Planning Scheme 2012* (Version 28). In particular, activities detailed on the approved plans and described as community building, multi-purpose shed, sports precinct and community facilities must remain ancillary to the approved Relocatable Home Park and made available only to residents, bona fide invitees of residents, and employees of the development.

Note: Standalone use of the community facilities onsite may constitute a Material Change of Use, requiring a separate Development Permit.

CARRY OUT & MAINTAIN DEVELOPMENT

3. 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.

4. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
5. 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 Building Works approval.
6. The development must be maintained in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.

APPROVED PLANS

7. 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: Drawing No. DA.04, Issue **A F**.
Description: Proposed Expansion Site Plan prepared by Hometown Australia Communities, dated ~~22 June 2023~~ **4 August 2025**.

Amendments: Nil

Plan No: Drawing No. DA.26, Issue **A B**.
Description: Staging Plan, prepared by Hometown Australia Communities, dated ~~24 September 2023~~ **15 August 2025**.

Amendments: Nil

Plan No: ~~WD41 DA01~~, Rev **B A**
Description: Crimson ~~Modified~~ Floor Plan, prepared by Ashcroft Architects, dated ~~12 September 2023~~ **10 July 2025**.

Amendments: Nil

Plan No: ~~WD43 DA03~~, Rev **B A**
Description: Crimson ~~Modified~~ Elevations, prepared by Ashcroft Architects, dated ~~12 September 2023~~ **10 July 2025**.

Amendments: Nil

Plan No: ~~DA01~~, Rev **A**
Description: Ascot Floor Plan, prepared by Ashcroft Architects, dated ~~10 July 2025~~.

Amendments: Nil

Plan No: ~~DA03~~, Rev **A**
Description: Ascot Elevations, prepared by Ashcroft Architects, dated ~~10 July 2025~~.

Amendments: Nil

Plan No: ~~DA01~~, Rev **A**
Description: Duchess Floor Plan, prepared by Ashcroft Architects, dated ~~10 July 2025~~.

Amendments: Nil

Plan No: ~~DA03~~, Rev **A**
Description: Duchess Elevations, prepared by Ashcroft Architects, dated ~~10 July 2025~~.

Amendments: Nil

Plan No: ~~DA01~~, Rev **A**
Description: Lot F2 Floor Plan, prepared by Ashcroft Architects, dated ~~10 July 2025~~.

Amendments: Nil

- Plan No:** DA03, Rev A
Description: Lot F2 Elevations, prepared by Ashcroft Architects, dated 10 July 2025.
Amendments: Nil
- Plan No:** DA01, Rev A
Description: Montrose Floor Plan, prepared by Ashcroft Architects, dated 10 July 2025.
Amendments: Nil
- Plan No:** DA03, Rev A
Description: Montrose Elevations, prepared by Ashcroft Architects, dated 10 July 2025.
Amendments: Nil
- Plan No:** ~~WD91~~ DA01, Rev B A
Description: Oakley ~~Modified~~ Floor Plan, prepared by Ashcroft Architects, dated ~~12 September 2023~~ 10 July 2025.
Amendments: Nil
- Plan No:** ~~WD93~~ DA03, Rev B A
Description: Oakley ~~Modified~~ Elevations, prepared by Ashcroft Architects, dated ~~12 September 2023~~ 10 July 2025.
Amendments: Nil
- Plan No:** DA.06, Issue A
Description: Altered Existing Community Building Floor Plan, prepared by Hometown Australia Communities, dated 22 June 2023.
Amendments: Nil
- Plan No:** DA.08, Issue A
Description: Proposed Community Building Floor Plan, prepared by Hometown Australia Communities, dated 22 June 2023.
Amendments: Nil
- Plan No:** DA.10, Issue A
Description: Proposed Community Building Elevations, prepared by Hometown Australia Communities, dated 22 June 2023 and received by Council on 29 June-2023.
Amendments: Nil
- Plan No:** DA.14, Issue A
Description: Proposed Manager Office Floor Plan, prepared by Hometown Australia Communities, dated 22 June 2023.
Amendments: Nil
- Plan No:** DA.11, Issue A
Description: Proposed Manager Office Elevations, prepared by Hometown Australia Communities, dated 22 June 2023.
Amendments: Nil
- Plan No:** DA.18, Issue A
Description: Proposed Men Shed Floor Plan and Elevations, prepared by Hometown Australia Communities, dated 22 June 2023.
Amendments: Nil
- Plan No:** Drawing No. DA.27, Issue D.
Description: Waste Management Plan, prepared by Hometown Australia Communities and dated 19 March 2024.
Amendments: Nil

APPROVED DOCUMENT

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

Document: Environmental Noise Impact Assessment, Revision 5

Description: Environmental Noise Impact Assessment, prepared by CRG Acoustics and dated 26 October 2023.

Amendments: Nil

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

9. Prepare and submit applications to Council and obtain a Development Permit for Operational Work for the following:
- 9.1 Bulk Earthworks (where required);
 - 9.2 Stormwater Infrastructure; and
 - 9.3 Vehicular Access.

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 Erosion and Sediment Control Plan;
 - 10.2 Construction Environmental Management Plan; and
 - 10.3 Detailed Landscape Plan.

STAGED DEVELOPMENT

11. Staging of the development is to occur in accordance with the staging indicated on the Approved Plans subject to and modified by any conditions of this Development Approval.
12. Stages must be completed in sequential order (i.e. Stage 1 must be completed before Stage 2) as identified on the Approved Plans, or may be combined and constructed at one time, subject to all conditions applicable to the relevant stages being complied with.
13. The development must be carried out in accordance with those conditions applicable to one or more of the stages of development as follows:
- 13.1 Additional Conditions Applicable to Stage 1 of Development:
Conditions 16-17, 29 and 102
 - 13.3 Conditions Applicable to all Stages of Development:
All other conditions of approval.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

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

COMMENCEMENT OF USE

15. Submit to Council a Notice of Intention to Commence the Approved Use. The notice must:
 - 15.1 Be submitted to the Manager, Planning within a minimum of ten (10) business days prior to commencement of the approved use;
 - 15.2 Nominate the day the approved use is intended to commence;
 - 15.3 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 person(s) which demonstrates that all conditions of this approval, relevant to any completed residential stages to date, have been complied with; and
 - 15.4 Following completion of construction of the development and prior to commencement of the approved use of the final stage (Stage 3), submit further evidence of compliance with the conditions from suitably qualified person(s) which demonstrates that all conditions of this approval have been complied with, where not already provided as part of 15.3 above for each stage.

DEDICATIONS, AGREEMENTS & CONTRIBUTIONS

AMALGAMATION OF LOTS

16. The subject land (Lot 3 on RP118443, Lot 2 on SP113679 and Lot 4 on SP113679) must be amalgamated to form a single allotment.
17. The Plan of Survey for amalgamation must be registered, and proof of registration provided to Council.

DEVELOPMENT CONSTRAINTS

AIRPORT ENVIRONS

18. No part of any building or structure may be constructed within the Obstacle Limitation Surface as shown on the Airport Environs Overlay Maps in the *Toowoomba Regional Planning Scheme 2012*. This restriction also applies to crane jibs, towers and any other temporary structures during or following the construction phase of the development unless otherwise approved by Council.
19. Where any building or structure is within five (5) metres of the Obstacle Limitation Surface, certification from an Engineering Surveyor registered with Surveyors Board of Queensland must be provided to Council which accurately identifies the highest point of the building or structure on Australian Height Datum (AHD) and confirms that the building or structure is clear of the Obstacle Limitation Surface.
20. Information on any building or structure referred to in Condition 19 above must be reported to the RAAF Aeronautical Information Service in the manner set down in CASA Advisory Circular AC139-08(0), April 2005.
21. Landscaping must not include any plants that at a mature height would intersect the Obstacle Limitation Surface
22. Any cleared vegetation must be mulched or removed from the subject land and not burnt on-site.
23. Landscaping does not include species that attract wildlife or increase wildlife hazards within a wildlife hazard buffer zone which could cause or contribute to bird-strike hazard.
24. Roofs of buildings must be a non-reflective colour or material.

25. Any outdoor lighting, including street lighting must comply with the requirements of Chapter 9 of the *CASA Manual of Standards Part 139 – Aerodromes*.

FLOOD IMMUNITY

26. All earthworks undertaken on land identified as high or medium flood hazard area on the Flood Hazard Overlay must be carried out in accordance with a Development Permit for Operational Work or the following where there is no requirement for a Development Permit for Operational Work:
- 26.1 Earthworks must not physically alter any watercourse or floodway and must not include vegetation clearing;
 - 26.2 Earthworks must not reduce on-site flood storage capacity, and contain within the subject land, any changes to depth, duration and velocity of flood waters of all floods up to and including the highest known flood event for the subject land; and
 - 26.3 Earthworks must not change the flood characteristics of the highest known flood event outside the subject land in ways that result in:
 - (a) loss of flood storage;
 - (b) loss of or changes to flow paths;
 - (c) acceleration or retardation of flows; and
 - (d) any reduction in flood warning times elsewhere.
27. Any fence traversing land identified as high or medium flood hazard area on the Flood Hazard Overlay must be constructed of wire strand or similar material that minimises disruption to flood flows.
28. No bulk storage of hazardous materials is to occur on land identified as high or medium flood hazard area on the Flood Hazard Overlay.

REMOVAL OF EXISTING BUILDINGS & STRUCTURES

29. Remove the existing dwelling and ancillary structures from Lot 3 RP1184 prior to the commencement of use of the first stage as approved by this Development Permit.

WORKS

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

30. Plans and specifications for all works associated with car parking, vehicular access, stormwater drainage, earthworks, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
31. A RPEQ must submit to Council a copy of the:
- 31.1 Design Certificate prior to commencement of the works; and
 - 31.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
32. 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.

33. 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

34. All private stormwater quality devices installed within the subject land as part of the development must be maintained for the life of the development, in accordance with the manufacturer's guidelines and to best management practice, to ensure continuing level of performance for water quality for stormwater discharged from the subject land.
35. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.
36. All stormwater infrastructure necessary to convey run-off from roof and developed surface areas, and any run-off onto the subject land from adjacent areas, must be provided in accordance with a Development Permit for Operational Work.

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

37. 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.
38. As part of a Development Application for a Development Permit for Operational Work 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)* and *State Planning Policy July 2017* demonstrating the following:
- 38.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval;
- 38.2 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;
- 38.3 No increase in flood levels external to the subject land;
- 38.4 No increase in duration of inundation external to the subject land that could cause loss or damage;
- 38.5 Appropriate inspection and maintenance of stormwater quality control infrastructure in accordance with a program; and
- 38.6 The achievement of Water Sensitive Urban Design objectives listed in PSP No. 2 and *State Planning Policy July 2017*.

BULK EARTHWORKS

39. Where earthworks are not assessed as part of a Development Application for a Development Permit for Building Work, prior to the commencement of any earthworks on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council.

AIR QUALITY IMPACT MITIGATION

40. 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 work.
41. 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:
- 41.1 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

42. 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 surrounding properties.
43. Where considered warranted by Council and when requested in writing to do so, a vibration impact investigation must be undertaken to determine extent of any impacts. In such circumstances, a suitably qualified person must monitor, interpret and record all parameters in order to determine whether or not vibration impacts are below those stated in Table 1. The results of the investigation must be provided to Council within 14 days of the request or a longer period if specified in any such request.

Table 1 - Human comfort vibration limits to minimize nuisance

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

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

CONSTRUCTION WASTE MANAGEMENT & STORAGE

44. 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*.
45. 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*.
46. Fires are not to be lit to dispose of demolition or construction waste.
47. 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:
 - 47.1 Elsewhere within this Development Approval;
 - 47.2 In accordance with an associated Development Permit for Operational Work;
 - 47.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*; and either
 - 47.4 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
 - 47.5 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.
48. 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

49. 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

50. 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.
51. 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.
52. 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.

53. All disturbed areas must be mulched or turfed as soon as possible during construction.
54. 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, where applicable the ensuing 'on-maintenance' period.

EROSION AND SEDIMENT CONTROL PLAN

55. An Erosion and Sediment Control Plan is to be prepared by a Certified Professional for Erosion and Sediment Control and submitted to Council for endorsement prior to construction commencing. This document is to include:
 - 55.1 site analysis of soils, slopes, wind and rainfall;
 - 55.2 plans showing the diversion of clean offsite water around the development and direction of site dirty water to retention dams or sedimentation ponds;
 - 55.3 Clearly defined water quality release parameters from retention ponds;
 - 55.4 Calculations for the appropriate sizing of retention or sedimentation ponds such that water quality release parameters can be met;
 - 55.5 Overflow and release points for new or existing structures with suitable erosion control measures and devices that limit scouring and transport of sediment.
 - 55.6 Clearly defined erosion and sediment control measures suitable for the soil type, wind and rainfall characteristics found on site throughout all stages of development.
56. The Erosion and Sediment Control Plan must receive endorsement by Council prior to issue of any Development Permit for Building Work or Development Permit for Operational Work.
57. Where the development is completed in Stages, an endorsed Erosion and Sediment Control Plan is required for each stage.
58. The Erosion and Sediment Control Plans must address both the internal works for the development and any associated external works.
59. The endorsed Erosion and Sediment Control Plans must be implemented and, maintained where necessary to maintain compliance with the requirements of this Development Approval.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

60. 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:
 - 60.1 Location of the site, including physical address, lot on plan and relevant scaled maps;
 - 60.2 Description of the site including infrastructure and features on or near the site and those areas requiring protection or avoidance;
 - 60.3 Contact details and responsibilities for site representatives;

- 60.4 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.
- 60.5 Site Plans clearly showing where proposed activities will occur, including sensitive receptors and areas where impacts on the environment may occur.
- 60.6 Strategies to manage the following environmental impacts;
- (a) Air quality and dust management;
 - (b) Noise and vibration management;
 - (c) Stormwater quality management;
 - (e) Erosion and sediment control;
 - (f) Waste management, storage and collection; and
 - (g) Complaint management procedures.
61. The Construction Environmental Management Plan must receive endorsement by Council prior to issue of any Development Permit for Building Work or Development Permit for Operational Work.
62. Where the development is completed in Stages, an endorsed Construction Environmental Management Plan is required for each stage.
63. The Construction Environmental Management Plans must address both the internal works for the development and any associated external works.
64. The endorsed Construction Environmental Management Plans must be implemented and, maintained where necessary to maintain compliance with the requirements of this Development Approval.

DAMAGE TO SERVICES & ASSETS

65. Protect Council and public utility services and assets during construction of the development.
66. 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:
- 66.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 66.2 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.

67. 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.
68. 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)

69. The development must be connected to existing internal wastewater reticulation system in accordance with Council Wastewater Infrastructure Policy 2.04 at no cost to Council.

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

Note: Where it is demonstrated that the new development cannot be compliantly drained to the existing internal wastewater reticulation system of Bridge Street Resort, Council may accept a new connection point from Council's existing wastewater reticulation system.

70. 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.

71. 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: 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.

72. 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.

73. 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.

74. 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.

WASTEWATER INFRASTRUCTURE (APPROVAL OF LAND OWNER)

75. 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 as part of any Development Application for a Development Permit for Operational Work to Council for the works or prior to any request for Council to prepare a quotation for works.

WATER SUPPLY

76. The development must be connected to existing internal water reticulation system of 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.

77. 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.
78. Each individual tenancy or residence must be provided with a separate system for the metering of water consumption in accordance with Council's *Water Infrastructure Policy 2.03 Sub metering Guidelines and Specifications*.

TELECOMMUNICATION

79. Install telecommunications infrastructure to service the development which complies with the following:
- 79.1 The requirements of the *Telecommunications Act 1997 (Cth)*;
- 79.2 For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- 79.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.
80. 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.
81. 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

82. An electricity supply must be made available to service the development. This supply must be in accordance with the relevant standards of the electricity distributor.

AMENITY & OPERATION OF USE

VISUAL AMENITY

83. Any graffiti on buildings, structures or fences on the subject land visible from public viewing locations must be removed within 24 hours or upon direction by Council and any graffiti deterrent building design elements and surface treatments are to be maintained at all times.
84. All buildings, structures and fences as well as the subject land must be maintained in a clean and tidy manner at all times.
85. Open storage areas, loading areas, and other unsightly areas, must be screened from view from all street frontages and public places and all fixed mechanical plant must be contained within the building/s or visually screened to all street frontages, public viewing locations and adjoining premises.

FENCING & WALLS (GENERAL)

86. 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.
87. Unless otherwise approved in writing by Council, 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.
88. 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.
89. Where there is a change in level between adjoining properties at the boundary that exceeds 1m, the overall total height of any combination of fence and wall must not exceed 3m from the lowest adjacent finished ground level.
90. Unless otherwise approved in writing by Council, all existing boundary fencing along the northern and southern boundaries of Lot 2 SP113679 must be retained. Where removal or modification occurs, replacement like for like fencing must be provided along all relevant property boundaries.
91. Unless otherwise approved in writing by Council, all existing boundary fencing along the northern, western and southern boundaries of Lot 4 SP113679 must be retained. Where removal or modification occurs, replacement like for like fencing must be provided along all relevant property boundaries.
92. Unless otherwise approved in writing by Council or specified elsewhere within this development Approval, a minimum 1.2m high chain link fence must be provided along the frontage of Lot 3 RP118443 of adjoining Freighter Avenue Park.

Note: Refer to Condition 109 for acoustic fencing requirements.

FENCING & WALLS - INTERFACE TO PUBLIC REALM

93. Fences and walls provided adjacent to public places (streets, laneways, public walkways and open space areas) must be constructed generally in accordance with the Approved Plans and Documents listed within this Development Approval and in particular must:
 - 93.1 Unless otherwise approved and erected for the purpose of acoustic attenuation, not exceed a maximum height of:

- (a) 2m where at least 50% of the fence or wall is transparent; or
- (b) 1.2m otherwise.

93.2 Maintain Safe Intersection Sight Distance (SISD) in accordance with the requirements of Austroads most recent version of its *Guide to Road Design Part 4A: Unsignalised and Signalised Intersections (AGRD04A-09)*.

STREET IDENTIFICATION

- 94. The street number of all buildings must be clearly identifiable and located in a prominent position near the site entry, either on the kerb or a letterbox, or viewable from the site entry and located by signage on buildings or the subject land.
- 95. The number of each dwelling must be displayed at the main entry to the dwelling, in such a way that it is clearly legible.

ACCESS FOR PEOPLE WITH DISABILITIES

- 96. Access must be provided for people with disabilities in accordance with *Australian Standard AS1428.1: Design for Access and Mobility* by means of an unimpeded continuous path of travel from any adjacent roadway, adjoining public open space and from any disabled access car parking bay, to all parts of the development that are normally open to the public.

SATELLITE DISHES

- 97. A maximum of one (1) satellite dish per dwelling may be provided on the subject land. The diameter of any satellite dish must not exceed one (1) metre.

Note: The installation of a satellite dish with a diameter greater than 900mm is assessable development under the Building Regulation 2006 and requires an approval from a private building certifier.

TRANSPORT, VEHICULAR ACCESS & PARKING

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

- 98. 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.

- 99. 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. Road Operations, prior to the commencement of the works.

REMOVAL OR MODIFICATION OF COUNCIL TRAFFIC SIGNS OR PARKING BAYS

- 100. 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.
- 101. 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

102. The vehicle access from the subject land to Freighter Avenue 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 generally in accordance with any requirements identified below:
- 102.1 The vehicle access must be located as shown on the Approved Plans listed within this Development Approval;
- 102.2 The vehicle access (crossing the verge) must be constructed generally in accordance with 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)*;
- 102.3 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%.
- 102.4 The vehicle access (crossing of the verge) must be located a minimum of one (1) metre clear of existing power poles, streetlights or any signage;
- 102.5 The relocation of all existing services must be clear of the access that will serve the subject land; and
- 102.6 The relevant service authorities must be contacted and their requirements complied with.

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

PROPERTY ACCESS

103. Direct access to and from Freighter Avenue through the development site must be made available at all times for waste collection and emergency service vehicles only.
104. Direct access to Freighter Avenue from the development is allowed for emergency purposes only, at all times following the commencement of the use.

ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING

105. The development must be provided with a minimum of 72 on-site car parking spaces (minimum of 1 space per dwelling and 1 visitor space per 5 dwellings) inclusive of 12 visitor and 2 PWD car parking spaces. Car parking and manoeuvring areas must be:
- 105.1 Constructed generally as shown on the Approved Plans listed within this Development Approval;
- 105.2 Provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in the *Toowoomba Regional Planning Scheme 2012 and Australian Standard AS2890 - Parking Facilities*;
- 105.3 Designed and constructed in accordance with the requirements of AS2890;
- 105.4 Provided with visitor parking with pavement markings that indicate 'visitor parking only';
- 105.5 Designed to enable all vehicles to enter and leave the subject land in a forward gear; and
- 105.6 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring.

ENVIRONMENT & WASTE

ACOUSTIC AMENITY - NOISE LIMITS

106. Noise from activity associated with the use of the common areas subject land must not exceed the Acoustic Quality Objectives listed in the *Environmental Protection (Noise) Policy 2019* when measured at any sensitive receptor.
107. Where considered warranted by Council and when requested in writing to do so, a noise investigation must be undertaken to investigate a complaint of noise nuisance. In such instances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Noise Emission Limits listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request. Measurement of noise emissions (adjusted for tonality and impulse) must be generally in accordance with the most recent version of *Australian Standard AS1055.1 Acoustics - Description and measurement of environmental noise - General procedures*.

ACOUSTIC AMENITY - MECHANICAL PLANT

108. All "refrigeration equipment", "pumps", "regulated devices", and "air conditioning equipment" as defined by *the Environmental Protection Act 1994* must be designed, installed, operated and maintained to comply with the noise standards as specified within the *Environmental Protection Act 1994*.

ACOUSTIC AMENITY - ACOUSTIC BARRIER(S)

109. Acoustic barriers must be constructed in accordance with the recommendations of the Approved Environmental Noise Impact Assessment and accordance with the following requirements:
 - 109.1 The barriers must be erected within the subject land;
 - 109.2 Erected to the heights and at the locations shown within Sketch 1 and Sketch 2 of the approved Noise Impact Assessment listed within this Development Approval. Heights are to be measured from the highest adjacent finished ground level where the barrier does not comprise of, or include, an earthen mound;
 - 109.3 Where the combined height of the barrier and any retaining wall or mound is greater than 2m in height, a Building Work approval is to be sought prior to commencement of construction;
 - 109.4 The barrier must be constructed using materials such as lapped timber fencing, FC sheet, masonry, plywood, glass, acrylic glass, or a combination of to achieve a minimum surface density of 12 kg/m²; and
 - 109.5 The barrier must have no gaps (i.e.is solid) including between partitions, between partitions and posts and between partitions and the finished ground level.

ACOUSTIC AMENITY - EXTERNAL BUILDING ENVELOPE

110. Residential and Community Buildings within the development must be designed and constructed in accordance with the requirements of Section 6.2 of the Approved Environmental Noise Impact Assessment listed within this Development Approval.
111. Certification must be submitted to Council from a suitably qualified person which certifies that buildings subject to shell treatment have been constructed in accordance with Condition 110.

AIR QUALITY & AMENITY - AIR RELEASE LIMITS

112. 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 receptor place must not be released to the atmosphere.
113. Where considered warranted by Council and when requested in writing to do so, an air quality investigation must be undertaken to investigate a complaint of air pollution, odour or dust nuisance. In such circumstances, a qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Air Release Limits listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

OUTDOOR LIGHTING IMPACT MITIGATION

114. Outdoor lighting associated with the use must be designed, sited, and installed to comply with the relevant parameters of *Australian Standard AS4282-2019 Control of the obtrusive effects of outdoor lighting*.
115. All flood lighting must be of a type that gives no upward component of light when mounted horizontally (i.e. a full cut off luminaire).
116. Where considered warranted by Council and when requested in writing to do so, a lighting impact investigation must be undertaken to investigate a complaint of light nuisance. In such circumstances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the lighting levels listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

WASTE MANAGEMENT (GENERAL)

117. 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*.
118. Waste generated by the development must be managed, stored and removed from the subject land in accordance with the Approved Waste Management Plan listed within this Development Approval.

WASTE MANAGEMENT (BIN PROVISION & STORAGE)

119. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
 - 119.1 The size, mix and capacity of bins provided must be sufficient to accommodate the type and level of waste likely to be generated from the development having regard to the frequency of disposal or collection;
 - 119.2 Bulk bin storage for recyclable waste must be provided at the locations nominated within the Approved Plans listed within this Development Approval;
 - 119.3 Provision of 1 x 240L wheelie bin for general waste for each dwelling;

- 119.4 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;
- 119.5 Provision of a constructed bulk bin store with an impervious hardstand base for the permanent storage locations and service collection of bulk bins for recyclable waste, having minimum dimensions which exceed the combined size of bins by at least 300mm at the rear and both sides and 600mm at the front and no closer than 2m to any fresh air intake of a habitable room;
- 119.6 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built structure, enclosure or solid screen fencing;
- 119.7 Provision of a grassed or landscaped areas within the development site that is at least twice the size of the bulk bin store and adjacent to a tap for the washing of bins;
- 119.8 Wheelie bin carting routes must allow bins to be easily manoeuvred, devoid of steps and steep rises and not extend through any habitable room or other room of a building other than a garage; and
- 119.9 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)

- 120. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
 - 120.1 Collection by a refuse vehicle from within the site only, and not from the kerbside;
 - 120.2 Provision of a level area at the frontage of each dwelling for the temporary storage of wheelie bins on collection days having minimum dimensions of 1m² (1,000mm x 1,000mm) per wheelie bin;
 - 120.3 Bins must be located in a manner that allows the refuse vehicle to pick them up automatically without the driver having to relocate them;
 - 120.4 General waste must be collected and removed at periods not exceeding seven days;
 - 120.5 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal;
 - 120.6 Waste removal must not occur outside the hours of 6:00 AM to 6:00 PM; and
 - 120.7 The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.

CONCRETE BIN PAD

- 121. A concrete bin pad for Sites 270 and 271 must be constructed at the location nominated within the Approved Plans listed within this Development Approval. The bin pad must be in accordance with any Development Permit for Operational Work applicable and sufficiently sized to wholly accommodate two wheelie bins.

LANDSCAPE & ECOLOGY

REMOVAL OR MODIFICATION OF EXISTING STREET TREES

122. The removal or modification (including any disturbance of the root system within the drip line) of a Council controlled tree must not be undertaken unless otherwise approved in writing by Council and in accordance with any conditions associated with the granted approval.

PARK ACCESS

123. Approval for park access (Freighter Avenue Park) must be sought from Council's Park and Recreation Services Branch via Council's Customer Service Centre prior to any works should the applicant wish to access the Park for any reason associated with the development.

Note: Should Parks and Recreation Services Branch be agreeable to park access, there will be a daily access fee and the requirement of a bond in accordance with Council's adopted fees and charges. There will also be conditions specific to the proposed works including but not limited to timing of works (to ensure minimal impact on park users) and the provision of public liability insurance for all contractors.

PROTECTION OF STREET TREES

124. 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:
- 124.1 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;
 - 124.2 Providing Council with one weeks' notice of any excavation works affecting the 'Precautionary Area' of a street tree so that a Council Arborist may be present during excavation works;
 - 124.3 During excavation works, where roots greater than 50mm diameter are uncovered that need to be severed, obtain approval from a Council Arborist to sever the root, and if granted, do so with a cutting device and not a ripping device; and
 - 124.4 Street tree protection is to be maintained until works are completed or accepted on maintenance.

LANDSCAPE PLAN

125. Prior to the commencement of any works on site or the issue of a Development Permit for Operational Work or Building Work (whichever occurs first), submit to Council for endorsement, a Detailed Landscape Plan prepared by a suitably qualified person prepared generally in accordance with *Toowoomba Regional Council's Landscape Work Information Sheet 006* and the conditions of this Development Approval, including the landscaping shown on all Approved Plans listed in this Development Approval, that details in particular:
- 125.1 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, and existing vegetation within the drainage corridor to be retained and/or removed including all proposed rehabilitation and enhancement planting works;
 - 125.2 A detailed Planting Plan and Schedule that include species, stock sizes and quantities and the location;

- 125.3 The typical planting detail including soil preparation, backfill, staking, mulching, irrigation, drainage, and maintenance;
- 125.4 Dimensions of all planting areas, type and location, taking into account orientation, shading and wind direction;
- 125.5 Landscape buffers are to be provided along the boundaries of Lot 3 RP118443 as follows:
- (a) A minimum 8 metre wide buffer along the southern boundary;
 - (b) A minimum 7 metre wider buffer along the eastern boundary (south of the Freighter Avenue access driveway);
 - (c) A minimum 3m wide buffer along eastern boundary (North of the Freighter Avenue access driveway); and
 - (d) A minimum 3.5m wide buffer along the northern boundary; and
 - (e) Buffers are to be in accordance with the Approved Plans listed within this Development Approval, exclusive of the access driveways, visitor parking, drainage corridor and generally uncompromised by infrastructure;
- 125.6 Location, height and finish of fencing and retaining walls fronting public land (including street frontages);
- 125.7 Location and dimensions of any communal bin stores requiring vegetative screening;
- 125.8 Construction details of proposed surfaces, surface level changes and structures;
- 125.9 Vegetated screening of the acoustic barriers, including trees and understorey planting of shrubs, grasses and groundcovers;
- 125.10 All site landscaping must be contained within the site boundaries;
- 125.11 Sight lines at pedestrian and vehicle entrance points must be maintained, tree stock to have a minimum 1.8m high clean trunk.
- 125.12 Control of all weed species listed in the following standards and legislation:
- (a) Declared plants under the *Biosecurity Act 2014* and subordinate regulation; and
 - (b) Toowoomba Region Biosecurity Plan (August 2020).
126. The Detailed Landscape Plan must receive endorsement by Council prior to lodgement of any Development Application for a Development Permit for Operational Work.

LANDSCAPING WORKS

127. The development must be landscaped in accordance with the conditions of this Development Approval and the requirements listed in the Landscape Code contained within the *Toowoomba Regional Planning Scheme 2012* in a manner that:
- 127.1 Maximises the retention of existing site vegetation which contributes to the site character, including rehabilitation works to the drainage corridor;
 - 127.2 Maintains or increases tree canopy cover;

- 127.3 Maximises the extent of new site vegetation to define boundaries, create shade and contribute to the site character;
- 127.4 Includes large scale canopy trees between buildings and along the northern, southern and eastern boundaries to visually fragment the views and provide shade to buildings and pavement;
- 127.5 All trees must be supplied in the following minimum container sizes:
- (a) 25 litre (minimum size 1.2m) for trees in private land; and
 - (b) 45 litre (minimum size 1.5m) or larger containers for trees in public land, including street trees;
- 127.6 Where required root barrier devices must be installed where tree plantings are sited within two (2) metres of any services and or structures unless varied within the approved Landscape Plan. Barriers must be fit for purpose and installed in accordance with the manufacturer's specification;
- 127.7 All other plant material must be supplied in 140mm or larger containers;
- 127.8 Provides screen planting along all boundaries capable of reaching a minimum of 1.8 metres in height;
- 127.9 Provides a minimum of 70% of the landscape area retained as a permeable surface;
- 127.10 Designates variation in pavement colours and/or materials to define safe pedestrian movement areas;
- 127.11 Utilises plant species which are characteristic of the local area and provides seasonal variation, colour and texture;
- 127.12 Provides irrigation to all planted areas;
- 127.13 Where planting areas are intended to serve a stormwater function, sub soil drainage is installed and connected to the main system and soils and plant species are suited to the purpose; and
- 127.14 Provide a high degree of shade (minimum of 25% canopy cover at maturity) over car park area and associated internal roadways. A minimum of 1 shade tree for every 8 visitor car parking bays must be provided.
128. 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.
129. A copy of as-constructed plans and certification must be submitted to Council from a suitably qualified person who verifies that landscaping established complies with the requirements of this Development Approval.

B. ADVICES:

GENERAL ADVICES

INFRASTRUCTURE CHARGES

- 1) 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

- 2) 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.
- 3) Carrying out works on a road or interfering with the road or its operation will require a permit under *Subordinate Local Law No. 1.15 (2020)*. The application form can be found on Council's website at www.tr.qld.gov.au. For further information contact the Road Operations Branch through Council's Customer Service Centre on 131 872.
- 4) 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

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

WHEN APPROVAL LAPSES

- 6) 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 PROTECTED PLANTS

- 7) 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

- 8) The planning scheme 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 exempt 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 *Sustainable Planning Act 2009*, must obtain an Operational Works approval from Council before commencing site works.

EQUITABLE ACCESS & FACILITIES

- 9) The plans for the proposed building work have NOT been assessed for compliance with the requirements of the *National Construction Code – Building Code of Australia (Volume 1)* as they relate to people with disabilities.

In addition to the requirements of the National Construction Code as they relate to people with disabilities, one or more of the following may impact on the proposed building work:

- 9.1 The *Disability Discrimination Act 1992* (Cth);
- 9.2 The *Anti-Discrimination Act 1991* (Qld); and
- 9.3 The *Disability (Access to Premises – Buildings) Standards*.

ENVIRONMENTAL HARM

- 10) 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.

TRADE WASTE APPROVAL

- 11) This Development Approval does not infer or give approval to the owners or occupiers of the subject land to discharge trade waste to Council's sewers. Council administers trade waste regulation as defined in the *Water Supply (Safety & Reliability) Act 2008* through its *Trade Waste Policy* and *Trade Waste Environmental Management Plan*. A separate Trade Waste Permit is required where trade waste is expected to be discharged to Council's sewers.

Please note that a Trade Waste Approval may require the installation of a pre-treatment arrestor and a metering device and it is suggested that where it is likely a sewer connection would be occurring in the near future, the final design of any wastewater treatment train give consideration to Council's Trade waste connection and discharge requirements. Please contact Council's Trade Waste Services from the Water Operations Branch via the Customer Service Centre for further information in respect of trade waste.

ENVIRONMENT PROTECTION & BIODIVERSITY CONSERVATION ACT 1999

- 12) 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.

WATER POLLUTION

- 13) 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.

WORKS WITHIN A WATERCOURSE

- 14) The development may involve works within a watercourse which will require referral to the Department of Resources under the *Water Act 2000* and *Planning Act 2016* at the time of making an application for Operational Work.

FIRE ANTS

- 15) 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.

ADVERTISING SIGNS

- 16) Placing an advertising device on premises is accepted development where complying with the assessment benchmarks that form the requirements for accepted development in the Advertising Devices Code in the *Toowoomba Regional Planning Scheme 2012*. A separate Operational Work approval will be required for any Advertising Devices not complying with the assessment benchmarks that form the requirements for accepted development in the Advertising Devices Code.

BUILDING APPROVAL REQUIRED FOR CERTAIN FENCES & RETAINING WALLS

- 17) A Development Approval for Building Work is required for the following:
- 17.1 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;
 - 17.2 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
 - 17.3 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).

QUALIFIED PERSON

- 18) 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 5 years current experience in the field of landscape design.

SUBMISSION OF PLANS FOR ENDORSEMENT

- 19) The conditions of this Development Approval require submission of plans to Council for endorsement. Please address the plans for endorsement to Council's Development Services Branch with the Reference No. MCUC/2022/4871 and send to development@tr.qld.gov.au.

SUBMISSION OF DOCUMENTS FOR ENDORSEMENT

- 20) The conditions of this Development Approval require submission of documents to Council for endorsement. Please address the documents for endorsement to Council's Development Services Branch with the Reference No. MCUI/2023/2779 and send to development@tr.qld.gov.au.

C. ATTACHMENTS:

- Approved Development Plans
- 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: 2307-35879 SRA
 Council reference: MCUI/2023/2779
 Applicant reference: 2022-205

6 September 2023

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

Attention: Katrina Christensen

Dear Mrs Christensen

SARA referral agency response—518-538 Bridge Street and 394 Boundary Street, Wilsonton

(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 3 August 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	6 September 2023
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development permit	Material Change of Use – Impact – Extension to Relocatable Home Park
SARA role:	Referral agency	
SARA trigger:	Schedule 10, part 10, division 3, subdivision 3, table 1, item 1 (Planning Regulation 2017) - Development interfering with koala habitat in koala habitat areas outside koala priority areas	

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 2, table 4, item 1 (Planning Regulation 2017) - Development near a state transport corridor

SARA reference: 2307-35879 SRA

Assessment manager: Toowoomba Regional Council

Street address: 518 Bridge Street, Wilsonton; 394 Boundary Street, Wilsonton; 394 Boundary Street, Wilsonton

Real property description: Lot 3 RP118443; Lot 4 SP113679; Lot 2 SP113679

Applicant name: Hometown Australia Communities
C/- Precinct Urban Planning

Applicant contact details: PO Box 3038
Toowoomba Qld 4350
scott@precinctplan.com.au

Human Rights Act 2019 considerations: A consideration of the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

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 4**.

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

For further information please contact Stephanie Brannock, Planning Officer, on (07) 3432 2414 or via email ToowoombaSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Kieran Hanna
A/Manager

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Documents referenced in conditions

cc Hometown Australia Communities, scott@precinctplan.com.au

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Development permit for a material change of use for extension to Relocatable home park		
Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 (Planning Regulation 2017) - Development near a state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>(a) Carry out the development generally in accordance with the report Environmental Noise Impact Assessment, prepared by CRG Acoustics dated 23 June 2023, and given reference number 22143 (Rev. 32). In particular –</p> <p>(i) Construct a noise barrier in the location shown on Sketch 1: Recommended Road Traffic Acoustic Barrier prepared by CRG Acoustics dated 23 June 2023, and given reference number 22143 (Rev. 32) as amended in red by SARA on 6 September 2023.</p> <p>(b) The noise barrier must be designed in accordance with:</p> <p>(i) the Department of Transport and Main Roads' Road Traffic Noise Management Code of Practice, Chapter 5' Specifications MRS15 and MRTS15.</p> <p>(c) RPEQ certification must be provided to the Department of Transport and Main Roads (Downs.South.West.IDAS@tmr.qld.gov.au) confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p>	(a) – (c) Prior to the commencement of use and to be maintained at all times.
2.	<p>(a) The existing vehicular property access located between Lot 3 on RP118443 and Bridge Street (residential dwelling access) must be permanently closed and removed.</p> <p>(b) The grass verge and swale between the pavement edge and the property boundary must be reinstated to match in with the road reserve, including removal of the existing culvert at no cost to the Department of Transport and Main Roads.</p>	(a) and (b) Prior to the commencement of use
Schedule 10, part 10, division 3, subdivision 3, table 1, item 1 (Planning Regulation 2017) - Development interfering with koala habitat in koala habitat areas outside koala priority areas—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
3.	<p>Clearing is limited to the removal of 146 non-juvenile koala habitat trees identified as 'Remove' on Vegetation Clearing Extents Plan, prepared by New Ground Environmental, dated 28 June 2023 as amended in red by SARA on 6 September 2023.</p> <p>(i). Root protection zones are to be established for any non-juvenile</p>	At all times

No.	Conditions	Condition timing
	koala habitat trees with roots inside the defined earthworks extent shown on Vegetation Clearing Extents Plan, prepared by New Ground Environmental, dated 28 June 2023.	
4.	<p>(a) All clearing and construction activities must be carried out in accordance with Koala Management Plan, prepared by New Ground Environmental, dated 28 June 2023 as amended by SARA in red on 6 September 23.</p> <p>(b) If a koala is killed or injured or a koala is identified as being sick or orphaned on the site, the following actions must occur:</p> <ul style="list-style-type: none"> (i) All construction and clearing works must cease immediately. (ii) The incident must be immediately reported to the RSPCA (1300 264 625) so that treatment can be given as required. (iii) The Department of Environment and Science (DES) must be contacted within 48 hours of the incident occurring (Phone: 1300 130 372 – press 4; or Email: koala.compliance@des.qld.gov.au). (iv) If a koala is injured, the koala spotter is to immediately organise treatment in accordance with advice provided by the RSPCA or the closest wildlife hospital that is part of the South East Queensland Wildlife Hospital Network. (v) Koala management protocols must be reviewed and revised to prevent future incidents from recurring prior to works recommencing. (vi) A register of all fauna incidents/interactions is to be maintained daily during clearing operations and provided to DES. (vii) Details of the closest South East Queensland Wildlife Hospital Network wildlife hospital must be kept on site during all clearing and construction activities. 	(a) and (b) At all times during clearing and construction activities
5.	<p>(a) Undertake rehabilitation and monitoring in accordance with Conceptual Rehabilitation Plan, prepared by New Ground Environmental Pty Ltd, dated 29 June 2023 as amended in red by SARA on 6 September 2023.</p> <p>(b) Provide certification by a suitably qualified ecologist that (a) has been fulfilled to: Koala.Compliance@des.qld.gov.au OR Koala Assessment and Compliance Department of Environment and Science GPO Box 2454 Brisbane Queensland 4001.</p>	<p>(a) To commence no more than one month after the completion of clearing works</p> <p>(b) Within three months from completion of the rehabilitation works</p>
6.	<p>Deliver an environmental offset in accordance with the <i>Environmental Offsets Act 2014</i> to counterbalance the significant residual impacts on the matter of state environmental significance being 146 non-juvenile koala habitat trees.</p> <p><i>Note: Section 16 of the Environmental Offsets Act 2014 provides that when an offset condition is imposed on an authority, a number of deemed conditions are taken to apply. These deemed conditions are detailed in sections 19B, 22, 24 and 25 of the Environmental Offsets Act 2014. Contravention of a deemed condition is taken to be contravention of an</i></p>	Prior to commencing any clearing works

No.	Conditions	Condition timing
	<p><i>imposed condition.</i></p> <p><i>More information on offset delivery can be found here:</i> https://www.qld.gov.au/environment/pollution/management/offsets/delivering.</p> <p><i>Please send the notice of election to ToowoombaSARA@dcdilgp.qld.gov.au.</i></p>	
7.	<p>Prior to the commencement of clearing activities, notify the Department of Environment and Science at Koala.Compliance@des.qld.gov.au of:</p> <ul style="list-style-type: none"> • the expected date the clearing activity will commence; • the expected duration of the clearing activity; • the name and contact details of the koala spotter that has been contracted for the clearing activity; and • the name, contact details and authority number of the spotter catcher that has been contracted for the clearing activity. 	72 hours prior to commencement of vegetation clearing
8.	<p>Where any new fencing is to be installed between the rehabilitation area and the development impact area, fencing must be constructed and maintained as koala-exclusion fencing in accordance with the Koala Sensitive Design Guideline, prepared by the Department of Environment and Science and dated December 2022.</p>	At all times

Attachment 2—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.
2.	<p>Transport noise corridor: Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the <i>Building Act 1975</i> as a transport noise corridor.</p> <p>A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available online at: http://spp.dsdip.esriaustraliaonline.com.au/geoviewer/map/planmaking. This tool allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land.</p>
3.	Terms defined in the Glossary of Terms found within the State code 25: Development in South East Queensland koala habitat areas are taken to have the same meaning in these conditions.
4.	A reference to state code 25 is a reference to the version of the State code 25: Development in South East Queensland koala habitat areas in effect as at the date of this development approval.
5.	<p>The Nature Conservation (Koala) Conservation Plan 2017 includes mandatory requirements that applies to all persons undertaking the clearing of koala habitat trees, including that clearing be undertaken sequentially and in the presence of a koala spotter.</p> <p>Penalties for non-compliance apply.</p> <p>For further information please contact the Department of Environment and Science at koala.compliance@des.qld.gov.au.</p>
6.	Despite this development approval, other permits or approvals may be required for the clearing of koala habitat. To determine if the proposed clearing requires other approvals under other local, State or federal laws go to www.qld.gov.au (search 'vegetation clearing requirements').
7.	<p>The development site contains habitat for threatened fauna species. If the development requires tampering with a protected animal breeding place, a species management program may be required.</p> <p>More information on protected animal breeding places and species management programs can be found here: https://environment.des.qld.gov.au/licences-permits/plants-animals/species-management-program.</p>

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

State code 1: Development in a state-controlled road environment

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

- does not increase the likelihood or frequency of accidents, fatalities, or serious injury for users of a state-controlled road
- does not adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure
- does not adversely impact the function efficiency of state-controlled roads or future state-controlled roads
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure
- does not significantly increase the cost to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure
- maintains access to public passenger transport infrastructure or active transport infrastructure
- does not adversely impact the state's ability to operate public passenger services on state-controlled roads
- protects community amenity from significant adverse impacts of environmental emissions generated by road transport infrastructure or vehicles using state-controlled roads

State code 6: Protection of state transport networks

The development complies with State code 6: Protection of state transport networks of SDAP, with conditions. Specifically, the development:

- does not compromise existing safe and direct access to public passenger transport infrastructure, including access by cycling and walking
- does not create a safety hazard for users of a state-controlled road
- 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.

State code 25: Development in South East Queensland koala habitat areas

The development complies with State code 25: Development in South East Queensland koala habitat areas, with conditions. Specifically, the development:

- does not cause an unacceptable impact on mapped koala habitat areas
- is designed and located to avoid impacts or, where the matters of state environmental significance cannot be reasonably avoided, impacts are reasonably minimised and mitigated
- does not result in a significant residual impact on a matter of state environmental significance unless the significant residual impact is acceptable, and an offset is provided.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- *Planning Regulation 2017*
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*.

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Documents referenced in conditions

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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.

List of Submitters:-

Graham Andrew Nielsen
7 Orford Court
WILSONTON QLD 4350
44 Nugent Pinch Road
COTSWOLD HILLS QLD 4350

Kellie Weston and Jason Weston
C/- Revolution Town Planning
PO Box 1978
TOOWOOMBA CITY QLD 4350

Fulton Hogan Industries Pty Ltd
Level 1, Building 8, 2404 Logan Road
EIGHT MILE PLAINS QLD 4113

Boral
PO Box 6041
NORTH RYDE NSW 2113

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3 Orford Court
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Diane Mathers
100/530 Bridge Street
WILSONTON QLD 4350

Geoffrey Joseph Wilkes
29 Velodrome Drive
KEARNEYS SPRING QLD 4350

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—
 - (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.