

APPENDIX A – DECISION NOTICE

MCUI/2014/716/B

Our Reference: MCUI/2014/716/B
Contact Officer: Nikki Morrison
Contact: Toowoomba Office, 4688 6857
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Sustainable Planning Act 2009 Section 376

Wagners Investments Pty Ltd
C/- Andrew Bullen - Precinct Urban Planning
PO Box 3038
TOOWOOMBA QLD 4350

15 June 2015

Dear Sir

Location: 1511 Toowoomba Cecil Plains Road, WELLCAMP QLD 4350
Property Description: Lot 12 SP272150
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012*

I refer to your request received on 7 May 2015 for a change to the development approval for Material Change of Use – Air Services (Hanger Complex) approved on 11 September 2014.

On the 15 June 2015, the request for a change to the development approval 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 *Sustainable Planning Act 2009* which details your appeal rights regarding this decision.

Yours faithfully

W. Plumb

Natalie Plumbe
Principal Planner (Appeals Management & Major Projects), Development Assessment



TOOWOOMBA REGIONAL COUNCIL
A.B.N. 997 8830 5360

SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - IMPACT

APPLICATION NUMBER:	MCUI/2014/716/B
APPLICANT:	Wagners Investments Pty Ltd
LOCATION:	1511 Toowoomba Cecil Plains Road, WELLCAMP QLD 4350
PROPERTY DESCRIPTION:	Lot 12 SP272150
APPROVED USE:	Air Services – Hangar Complex (3840m ² GFA)
ZONING:	Medium Impact Industry Zone – General Industry Precinct Low Impact Industry Zone High Impact Industry Zone –Heavy Industry and Quarry Precinct Open Space Zone – Conservation Precinct Rural Zone

A. ASSESSMENT MANAGER'S CONDITIONS:

APPROVED USE AND INTENSITY

1. This development permit is for a material change of use for Air Services (Hangar Complex).
2. This Development Permit does not imply or comprise an approval for any use(s) other than those listed in Condition 1.

CARRY OUT AND 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 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 approval prior to the commencement of use. Such building work is to be carried out generally in accordance with the approved and amended plans and documents and, where the building work is assessable development, in accordance with a current development permit.
6. The development must be maintained in accordance with the Approved Plans and Approved Documents subject to or modified by any conditions of this approval.

APPROVED AND AMENDED PLANS

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

Plan No: 12/064 PP61

Description: Airport Hangar Lot, Revision B, prepared by Byrne Surveyors, dated 11 February 2014 and received by Council 14 February 2014.

Amendments: Remove reference to Lot 57

Plan No: DA-101

Description: Locality Plan, Revision A, prepared by I³ Consulting Pty Ltd, dated 31 January 2014 and received by Council 14 February 2014.

Amendments: Nil

Plan No: DA-102

Description: Site Plan, Revision A, prepared by I³ Consulting Pty Ltd, dated 31 January 2014 and received by Council 14 February 2014.

Amendments: Amend carparking layout to include a heavy vehicle un/loading area as per condition 56.

Plan No: DA-103

Description: Ground Floor Plan, Revision A, prepared by I³ Consulting Pty Ltd, dated 31 January 2014 and received by Council 14 February 2014.

Amendments: Nil

Plan No: DA-104

Description: Elevations, Revision A, prepared by I³ Consulting Pty Ltd, dated 31 January 2014 and received by Council 14 February 2014.

Amendments: Nil

Plan No: DA-107

Description: Architectural Illustrations, Revision A, prepared by I³ Consulting Pty Ltd, dated 31 January 2014 and received by Council 14 February 2014.

Amendments: Nil

8. Amended Plans required by Condition 7 must be submitted to the Manager, Development Assessment for endorsement prior to the issuing of a development permit for building works.

COUNCIL APPROVAL OF DOCUMENTS AND WORKS

9. Prepare and submit applications to Council and obtain development permits to carry out operational work for the following in accordance with the conditions of this approval:
 - 9.1 Roadworks (External);
 - 9.2 Stormwater Drainage; and
 - 9.3 Bulk Earthworks (including erosion and sedimentation control).
10. Following further approval by the Council where required, carry out all works required by the conditions of this approval prior to the commencement of use.
11. Prepare and submit the following documents to Council for compliance assessment in accordance with the conditions of this approval and prior to the issue of a Development Permit for Building Works for the proposed development:
 - 11.1 Landscape Plan for assessment against the relevant standards and requirements in:
 - (i) Landscaping Code in the Toowoomba Regional Planning Scheme; and
 - (ii) Conditions 61-66.
 - 11.2 The Landscape Plan must be submitted to and approved by Council prior to the commencement of the landscape works on the subject land.
12. Following further approval by the Council where required, carry out all works required by the conditions of this approval prior to the commencement of use.

STAGED DEVELOPMENT

13. 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 approval.

14. 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 stage/s being complied with.

APPROVED DOCUMENTATION

15. A legible copy of the Approved Plans and Approved Documents bearing Council's approved stamp of endorsement and the Decision Notice must be available on the subject land and available for inspection at all times during construction and earthworks.

WORKS

ENGINEER'S CERTIFICATION/SUPERVISION OF WORKS

16. Plans and specifications for all works associated with car parking and vehicular access, stormwater drainage, sewer protection, or any works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland – Civil (RPEQ).
17. 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 Certificate of Supervision, and a copy of the Supervision Certificate must be submitted to Council upon completion of the works.
18. 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.

STORMWATER QUALITY AND FLOW MANAGEMENT

19. Prepare and submit to Council for endorsement, a Site Based Stormwater Management Plan for the proposed development site in accordance with the relevant standards in PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure and the water quality elements of the State Planning Policy, demonstrating the following:
 - 19.1 The collection and direction internally of stormwater run-off from roof and developed surface areas, and any run-off onto the site from adjacent areas, to a lawful point of discharge;
 - 19.2 The achievement of water quality objectives determined and adopted in accordance with the relevant standards and processes in PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure, and the water quality elements of the *State Planning Policy July 2014*
 - 19.3 No increase in peak flow rates downstream from the site for storm events with an ARI of 2 years, up to and including 100 years;
 - 19.4 Flood levels for the major design storm and the adequate provision of freeboard to the airport buildings and internal roads;
 - 19.5 No increase in flood levels external to the site;
 - 19.6 No increase in duration of inundation external to the site that could cause loss or damage; and
 - 19.7 Appropriate inspection and maintenance of stormwater quality control infrastructure in accordance with a program.

Advice Note: The Wellcamp Business Park Stormwater Management Plan produced by Kehoe Myers and dated May 2014 may form the basis of the Site Based Management Plan once endorsed by Council. Additional details are required to show how the aircraft hanger will connect into the precinct stormwater system.

20. All internal and external stormwater drainage works (including detention basin(s)) must be completed generally in accordance with the:
 - 20.1 Endorsed Site Based Stormwater Management Plan referred to in the above conditions; and

20.2 Relevant standards and processes in PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure, and the water quality elements of the *State Planning Policy July 2014*, other than where varied by the endorsed Site Based Stormwater Management Plan.

Note: This Condition is imposed pursuant to Section 665 of the Sustainable Planning Act 2009.

21. The design and the construction of the internal and external stormwater drainage works must be certified by a Registered Professional Engineer Queensland – Civil as follows:

21.1 A design certificate must be submitted to the Council with the application for operational works referred to in the above conditions; and

21.2 A construction supervision certificate must be submitted to Council at the completion of the approved works.

STORMWATER QUALITY MANAGEMENT – TREATMENT FACILITIES

22. Any on-site litter baskets or swales identified in the Site Based Stormwater Management Plan must be constructed on-site by the applicant, upstream of the connection to drainage system external to the subject site in accordance with, and supported by, the following requirements:

22.1 On-site litter baskets and swales must be incorporated into the subject site for all stages of the development to achieve stormwater quality management targets as outlined in the water quality elements of the *State Planning Policy July 2014*; and

22.2 Works must be completed prior to the commencement of use of the development.

23. Contaminants or contaminated water must not be released from the subject land except for:

23.1 Uncontaminated overland stormwater flow;

23.2 Uncontaminated stormwater to the stormwater system; and/or

23.3 Contaminants released to sewer in accordance with a trade waste permit granted by Council under the *Water Supply (Safety and Reliability) Act 2008*.

24. Ensure that:

24.1 Maintenance and cleaning of equipment (including vehicles and plant) is carried out in an area where contaminants cannot be released into stormwater drainage, a roadside gutter, or onto unsealed ground;

24.2 Any spillage or contaminates are cleaned up immediately by a method other than hosing, sweeping or otherwise releasing the contaminants into stormwater drainage, a roadside gutter or a water course;

24.3 Incident rainfall and overland flow of stormwater does not contact contaminants (for example, areas with contaminants should be roofed or be protected by diversion drains); and

24.4 Contaminants such as cigarette butts and other gross pollutants do not enter the stormwater drainage systems.

BULK EARTHWORKS (BULK EARTHWORKS GREATER THAN 50 CUBIC METRES)

25. Prepare and submit to Council an application for a development permit to carry out operational work for filling and excavation for bulk earthworks, and obtain Council's approval for all bulk earthworks for the development in accordance with the following requirements:

25.1 The earthworks and any associated batter/s and retaining wall/s must be designed in accordance with the relevant standards in PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure with detailed plans submitted;

25.2 Proposed earthworks, batter and retaining walls must be designed to:

- (i) Avoid any adverse impacts on existing retaining walls, structures and services within the vicinity;
 - (ii) Be fully contained within the subject land (including any associated subsoil drainage, drainage backfill material, ground/rock anchors, geogrid and footings) and must not in any way impact on the properties or road reserve adjoining the subject land; and
 - (iii) Ensure any proposed retaining walls do not impede, concentrate or pond stormwater from adjoining properties;
- 25.3 Provide details of the source and location of material to be imported or removed from the site including:
- (i) Details of the location of any material to be sourced for fill, including the volume of fill to be moved from any particular source site;
 - (ii) Details of the final location for any material to be exported from the site from excavations;
 - (iii) The haulage route/s that will be used. Approval for the haulage truck sizes and the final haul route(s) is to be obtained prior to works commencing; and
 - (iv) Details identifying the source/disposal site(s) for material imported/exported as part of the development. The site(s) must have a current development approval enabling them to export/accept any material; and
- 25.4 The design of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil and a design certificate must be submitted with the application.
26. The construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil and a construction supervision certificate must be submitted at the completion of the approved works on the site.
27. Cut, fill and other stored material must be contained wholly within the subject land.
28. Contaminated material must not be used as fill on the subject land. Any filling must be undertaken using inert materials only.
29. Waste material as a result of demolition works and excavation works must not be used as fill where the material includes the following as defined within the *Environmental Protection (Waste Management) Regulation 2000*:
- 29.1 Commercial waste;
 - 29.2 Construction or demolition waste;
 - 29.3 Domestic clean-up waste;
 - 29.4 Domestic waste;
 - 29.5 Garden waste;
 - 29.6 Industrial waste;
 - 29.7 Interceptor waste;
 - 29.8 Recyclable biodegradable waste;
 - 29.9 Recyclable waste; and
 - 29.10 Regulated waste.
30. All waste material above as defined within the *Environmental Protection (Waste Management) Regulation 2000* must only be disposed at a waste facility approved for the receipt of waste.

EROSION AND SEDIMENT CONTROL

31. Prepare and submit an Erosion and Sediment Control (E&SC) Management Plan and submit in conjunction with the operational works application for earthworks. The E&SC Management Plan must address the following requirements:

- 31.1 The E&SC Management Plan must be prepared in accordance with PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure;
- 31.2 The E&SC Management Plan must address both the internal works for the development and any associated external works;
- 31.3 The drawings and documentation submitted for the E&SC Management Plan must be certified by a Registered Professional Engineer Queensland – Civil;
- 31.4 The scope of the E&SC Management Plan includes, but not necessarily limited to the following:
- (i) Construction of sediment fences, earth berms, temporary drainage, temporary sediment basins and stormwater filtering devices designed to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems;
 - (ii) Dewatering method and treatment of subsurface and stormwater runoff from the basement during excavation and construction to prevent sediment laden water being released into the roads and/or stormwater drainage systems;
 - (iii) Identification of high and extreme erosion risk areas and treatments to be employed to manage these areas during construction and re-establishment of the areas post construction and during any relevant on-maintenance period;
 - (iv) Measures to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the construction period;
 - (v) Identification of areas to be utilised on the site for stockpiling of materials capable of being moved by the action of wind or running water. The materials must be stored clear of drainage paths, and appropriate measures implemented to prevent entry of such materials into either the road or drainage system;
 - (vi) Inspection regime of the sediment and erosion controls; and
 - (vii) Response times to events where controls have been damaged or are inadequate and erosion or the release of sediment or sediment laden stormwater has occurred from the site or associated works.
- 31.5 The E&SC Management Plan must be implemented, maintained and modified where necessary to maintain compliance with the approval at all times during the period when land-disturbing activities commence to the completion of the establishment period of landscaping or other areas disturbed during/following construction when all exposed soil areas are stabilised against erosion.

ENVIRONMENTAL MANAGEMENT – AIR QUALITY

32. No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm or environmental nuisance as defined in the *Environmental Protection Act 1994* must at any time emanate beyond the boundaries of the subject land.

SERVICES AND UTILITIES

INFRASTRUCTURE SEWERAGE (ON SITE WASTEWATER TREATMENT SYSTEM)

33. Provide a wastewater treatment and disposal system for waste water subject to:
- 33.1 Confirmation of peak design capacity;
 - 33.2 The identification of suitable waste water treatment and disposal areas;

- 33.3 Compliance with *AS3500.2:2003 Plumbing and drainage Part 2: Sanitary plumbing and drainage*, *AS1547:2012 On-site domestic wastewater management*, the *Queensland Plumbing and Wastewater Code* and the *Plumbing and Drainage Act 2002*; and
- 33.4 Design certification by a Registered Professional Engineer Queensland (RPEQ).
34. If the peak design capacity is 21 equivalent persons or more, obtain a licence to operate the treatment plant in accordance with the *Environmental Protection Regulation 2008*.
35. The proposed treatment plant must operate on the basis of private ownership. Council will take no responsibility for any operation and maintenance of the system and/or any associated costing in relation to wastewater treatment and discharge.
36. All internal sewerage reticulation network must remain as private property. All associated cost for design, construction, operation and maintenance and management will be at no cost to Council.

WATER INFRASTRUCTURE SUPPLY (CONNECTION TO RETICULATED SYSTEM)

37. The development must be connected to Council's reticulated water supply at Toowoomba-Cecil Plain Road in accordance with PSP No. 3 – Engineering Standards – Water and Waste Water Infrastructure.

Note: This Condition is imposed pursuant to Section 665 of the Sustainable Planning Act 2009.

38. Should the development require the provision of a new-metered water service, and/or upgrading or extension of Council's existing reticulation main, then the connection of this service, the disconnection of any existing services, and/or upgrading/extension of Council's existing reticulation mains will be at no cost to Council. Any external works will require the lodgement of an operational works application.
39. Construct an internal water reticulation system to serve the development site. The internal system must be connected to Council's existing water reticulation system located in Toowoomba-Cecil Plains Road or at another location approved by Council. The works must:
- 39.1 Include connection to the existing reticulation system and the provision of all necessary valves, fittings and fire hydrants prior to any building works on the relevant lot/s; and
- 39.2 Be constructed within the development site.
40. Any construction works to be undertaken in the vicinity of Council's existing water supply infrastructure must not adversely affect the integrity of the infrastructure. The repair, replacement or alteration of existing infrastructure must be undertaken by Council at no cost to Council.

TELECOMMUNICATION

41. Install telecommunications infrastructure to service the premises which complies with the following:
- 41.1 The requirements of the *Telecommunications Act 1997* (Cth);
- 41.2 For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- 41.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.
42. 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.
43. Provide to the Council a written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with conditions 41 and 42, 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.

ELECTRICITY SUPPLY

44. The premises must be connected to an electricity supply in accordance with the standards and an agreement with the relevant energy regulatory authority.

APPROVAL OF WORKS (COUNCIL INFRASTRUCTURE)

45. Where works affecting Council's infrastructure are to be carried out by an entity other than Council:
- 45.1 All works must be designed and constructed in accordance with the relevant standards and requirements of:
- (i) PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure;
 - (ii) PSP No. 3 – Engineering Standards – Water and Waste Water Infrastructure; and
 - (iii) PSP No. 4 - Development Near Utility Services;
- 45.2 An application for the works must be submitted to and approved by Council prior to carrying out the works;
- 45.3 The design and the construction of the works must be certified by a Registered Professional Engineer Queensland – Civil as follows:
- (i) A design certificate must be submitted with the application; and
 - (ii) A construction supervision certificate must be submitted at the completion of the approved works and prior to acceptance of the works on-maintenance;
- 45.4 Pay all checking and inspection fees at the time of submitting the application for the works to Council;
- 45.5 Be responsible for all aspects associated with carrying out the works including ensuring all work is carried out by a qualified contractor and ensuring public safety such as providing and maintaining during construction adequate barricades, signage and other warning devices to be detailed in the application to Council; and
- 45.6 The works must be completed and accepted on-maintenance prior to the commencement of the use.
46. A defects liability security must be lodged for external works prior to Council accepting these works on-maintenance. The amount of security required will be advised by Council following submission of engineering drawings for Council approval. This security will be released upon Council accepting the external works off-maintenance, at the end of a minimum period of twelve (12) months defects liability period.

TRANSPORT, ACCESS AND PARKING

TRAFFIC CONTROL PLAN

47. Prior to commencement of any works affecting external roads, submit a traffic control plan to, and obtain Council's approval, for the relevant works, along with the submission of appropriate securities and a suitable form of indemnity for any claims against Council.

ROADWORKS (EXTERNAL)

48. Existing unformed roads must be constructed for the entire frontage of the development site, as follows:

Street: Unnamed Road 409359 (approximately 2.5km long) connecting Toowoomba-Cecil Plains Road with the private airport road.

Classification: Sub-arterial.

Construction Standard (Minimum): Rural sub-arterial with 3.5m traffic lanes and 1m sealed shoulders (9m seal width in total) as defined on Toowoomba Regional Council standard drawing 101386-001 Revision B. Vertical alignment must be designed to facilitate future upgrading of the road to urban industrial standards.

Note: This Condition is imposed pursuant to Section 665 of the Sustainable Planning Act 2009.

49. The design and construction of the road works must be in accordance with Council's requirements as set out in the PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure. The works must include but are not limited to matters such as:
 - 48.1 Pavement;
 - 48.2 Transverse stormwater drainage;
 - 48.3 Table drain works;
 - 48.4 Relocation of utility and Council services; and
 - 48.5 Street Lighting.
50. A Development Application for a Development Permit for Operational Works for the external road works must be submitted to and approved by Council prior to the commencement of the works or as otherwise indicated. All approved works must be completed and accepted on-maintenance prior to the commencement of the use.
51. The design and construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil as follows:
 - 51.1 A design certificate must be submitted with the application; and
 - 51.2 A construction supervision certificate must be submitted at the completion of the approved works.

ROADWORKS (INTERNAL)

52. Provide a minimum 12m wide industrial local access street to connect the aircraft hangar with the external access road (unnamed road 409359) to the south of the development site.

Note: This Condition is imposed pursuant to Section 646 of the Sustainable Planning Act 2009.
53. The internal road must be constructed to a sealed standard, including kerb and channel on both sides of the new road and street lighting.
54. The proposed vehicle access/es from the site to the internal access road must be sealed from the street kerb to the site boundary. The access/es must be designed as specifically required below:
 - 54.1 The property accesses must include suitable tapers and flares to accommodate the required turning paths of an articulated vehicle (AV) service vehicle.

ON-SITE CAR PARKING, SERVICE BAYS AND MANOEUVRING

55. The premises must be provided with 68 car parking spaces including four (4) car spaces for people with disabilities together with standing and manoeuvring for an articulated vehicle (AV) service vehicle. **Twenty two (22) car parking spaces including one (1) space for people with disabilities (PWD) must be provided at Stage 1, and forty six (46) car parking spaces including three (3) PWD spaces must be provided at Stage 3.** Carparking and manoeuvring areas must be:
 - 55.1 Provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions for User Class 2 parking as defined in AS 2890.1:2004 Parking facilities – Off-street car parking;

- 55.2 Designed and constructed in accordance with the requirements of AS2890.1:2004;
 - 55.3 Designed to ensure disabled car parking spaces are located in close proximity to a primary building entrance and meet the requirements of AS2890.1, AS 1428.1:2009 Design for access and mobility – General requirements for access - New building work and AS 2890.6:2009 Parking facilities – Off-street parking for people with disabilities
 - 55.4 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the site;
 - 55.5 Designed to enable all vehicles to enter and leave the site in a forward gear
 - 55.6 Kept and used exclusively for vehicle parking and manoeuvring; and
 - 55.7 Accessible and available to the general public and staff during approved hours of operation.
56. The premises must be provided with a services bay/s for ~~a B-Double~~ **an articulated vehicle (AV)**. The design and provision of manoeuvring areas and loading/unloading facilities for service vehicles is in accordance with *AS 2890.2:2002 Parking facilities – Off-street commercial vehicle facilities*.

ACCESS FOR PEOPLE WITH DISABILITIES

57. 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.

REFUSE STORAGE AREA

58. ~~The bin storage area shown on the approved plans must be provided and must:~~
- ~~58.1 Have an impervious floor, graded and drained through an approved sediment/silt trap to a legal sewer connection;~~
 - ~~58.2 Have adequate bunding around its perimeter to prevent contaminated wastewater escaping to stormwater;~~
 - ~~58.3 Have a tap and hose located within 5 metres; and~~
 - ~~58.4 Be designed to enable bins to be washed out within the storage area and drained to:~~
 - ~~(i) A sewer system (requiring trade waste approval from Council) within sewered areas;~~
 - ~~or~~
 - ~~(ii) An area of significant landscaping, a water treatment device or water quality improvement system e.g. Bioretention in non-sewered areas.~~

Refuse storage facilities must be provided within a dedicated waste storage room located within the Hangar building that is:

- 58.1 In a location with carting routes devoid of steps and steep rises that allows bins to be easily maneuvered to their place of collection;**
 - 58.2 Fly and vermin proof; and**
 - 58.3 Refrigerated or otherwise ventilated in accordance with the Building Code of Australia and *Australian Standard 1668.2 The use of Ventilation and Air Conditioning in Buildings*.**
- 58.4 Be designed to enable bins to be washed out within the storage area and drained to:
- (i) A sewer system (requiring trade waste approval from Council) within sewered areas; or
 - (ii) An area of significant landscaping, a water treatment device or water quality improvement system e.g. Bioretention in non-sewered areas.
59. Refuse storage areas must be provided on the premises within a building, outbuilding or other enclosed structure so that they are screened from public view with a minimum 1.5m high solid fence or wall.

60. The size and capacity of the refuse storage areas must be sufficient to accommodate:
- 60.1 The level of waste likely to be generated from the development having regard to the frequency of refuse collection;
 - 60.2 General refuse bins of an industrial type appropriate to the nature and scale of the use;
 - 60.3 Recycling bins appropriate to the nature and scale of the use; and
 - 60.4 A floor area with dimensions which exceed the size of the nominated bin size by at least 300mm at the rear and both sides and 600mm at the front.

LANDSCAPING

61. Submit for compliance assessment in accordance with Condition 11, a Landscape Plan for all landscaping associated with the development in accordance with the following requirements:
- 61.1 The landscape plan must be prepared by a suitably qualified and experienced Landscape Architect, horticulturist, or other person experienced in landscape design and construction in accordance with the applicable requirements in table 9.3.4:7 of the Landscape Code in the Toowoomba Regional Planning Scheme;
 - 61.2 The Landscape Plan must address the applicable acceptable outcomes or performance outcomes of the Landscape Code and any other relevant landscaping requirements applicable to the development in the Toowoomba Regional Planning Scheme; and
 - 61.3 The Landscape Plan must detail:
 - (i) The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site;
 - (ii) The number and size of plants; and
 - (iii) The typical planting detail including preparation, backfill, staking and mulching.
62. All declared weeds must be removed from the subject land and the land maintained free of declared weeds at all times.
63. All trees, shrubs or landscaped areas (excluding declared weeds) identified for retention must be maintained and disturbance avoided from construction work.
64. Landscaping provided around car parking areas within the subject land must allow visibility into the site by:
- 64.1 Using trees which have a clean trunk height of at least 1.8 metres (at maturity); and
 - 64.2 Using shrubs with a maximum height of 0.75 metres, in order to retain sight lines.
65. A minimum of 70% of landscaped areas must be retained as a permeable surface.
66. Landscape areas must be maintained as per the approved Landscape Plan, and the site must remain in a clean and tidy state at all times.

OUTDOOR LIGHTING – IMPACT MITIGATION

67. Lighting associated with the use must be designed, sited, installed and tested to comply with Table 2.1 & 2.2 of Australian Standard AS4282-1997 *“Control of the obtrusive effects of outdoor lighting”* using a control level of 1 **and the relevant Civil Aviation Safety Authority (CASA) lighting standards and requirements. Where there is a conflict between the above standards the CASA lighting standards will take precedence.**

68. Any outdoor lighting must not comprise of configurations of lights in straight parallel lines 500m to 1,000m long, lighting that shines light above the horizontal, coloured or flashing lights, sodium lights or flare plumes **unless there is a conflict with the CASA lighting standards in which case the CASA lighting standards will take precedence.**

COMMUNITY SAFETY (CAR PARKING AREAS)

- ~~69. Car parking areas open to the public at night must be provided with lighting that is vandal resistant and complies with Australian Standard AS 1158.3.1 – Road Lighting – Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements.~~
70. Pedestrian routes between car parking areas and buildings must be clearly signed and marked.
71. Car parking spaces allocation to employees and visitors must be physically separated, distinctly identified and adequately sign-posted to clearly direct vehicular traffic to these respective areas.
72. Parking spaces must be available for use by employees and visitors during the business hours of the use.

NOISE IMPACT MITIGATION

73. Unless otherwise approved in writing by Council, building work (as per the definition of the *Environmental Protection Act 1994*) that creates audible noise must be confined to:
- 73.1 Monday to Saturday: 6.30 AM to 6.30 PM; and
- 73.2 Sundays and Public Holidays: NIL.
74. 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*.
75. Any noise generated from the subject site is to comply with the *Environment Protection (Noise) Policy 2008*. Activities (e.g. material delivery, rubbish removal) conducted on the site must not cause significant adverse noise impacts on neighbouring residents through the generation of excessive noise.

AIR QUALITY / ODOUR MANAGEMENT

76. Odours or airborne contaminants, including dust, smoke fumes and aerosols which are noxious or offensive to public amenity or safety, likely to cause environmental harm or nuisance or exceed the air quality objectives in the *Environmental Protection (Air) Policy 2008* must not be released to any sensitive receptor or commercial place as defined in the *Environmental Protection Act 1994*.

AIRCRAFT MAINTENANCE

77. ~~Prior to the issue of any Operational Works approval or Building Works approval~~ **commencement of aircraft maintenance activities within the facility**, submit to Council for endorsement a Site Based Management Plan prepared by a qualified person that, at a minimum, includes the following:
- 77.1 Operating procedures to prevent or minimise environmental harm;
- 77.2 Aircraft maintenance practices and procedures;
- 77.3 Contingency plans to deal with foreseeable risks and hazards including corrective responses to prevent and minimise environmental harm;
- 77.4 Emergency procedures;
- 77.5 Communication of procedures, plans, incidents, potential environmental problems and results;

- 77.6 Handling of environmental complaints;
 - 77.7 Keeping and production of environmental records and reports;
 - 77.8 Monitoring of the release of contaminants into the environment; and
 - 77.9 Staff training and awareness of environmental issues.
78. The Site Based Management Plan must receive endorsement by Council prior to commencement of **use any aircraft maintenance activities**.
79. The endorsed Site Based Management Plan must be implemented, maintained and modified where necessary to maintain compliance with the requirements of this Development Approval at all times **after the commencement of aircraft maintenance activities within the facility**.
80. No spray painting (other than minor touch ups) is to be conducted within the Hangars.
81. The floor of hangars must not be hosed down or cleaned with the use of emulsifying detergents. Dry cleaning methods appropriate for the floor include:
- 81.1 Industrial class brooming;
 - 81.2 Mechanical or powered sweepers;
 - 81.3 Industrial vacuum units; and
 - 81.4 Industrial absorbents.
82. All liquid chemicals (including flammable liquids), agricultural and veterinary chemicals, waste oil, acid and lube oil) must be stored within dedicated impervious secondary containment stores, structures or devices and in a manner that complies with *Australian Standards AS1940 - The storage and handling of flammable and combustible liquids* and *AS 2507 - The storage and Handling of Agricultural and Veterinary Chemicals*.
- ~~83. A register (record) of all noise complaints received must be maintained and kept on the premises. As a minimum, the register is to provide an accurate record of:~~
- ~~83.1 Time, date, name and contact details of complainant;~~
 - ~~83.2 Reason for complaint (issue);~~
 - ~~83.3 Investigation undertaken;~~
 - ~~83.4 Conclusions formed; and~~
 - ~~83.5 Actions taken to resolve complaint and mitigate nuisance.~~
- ~~84. A copy of the register of complaints referred to in Condition 83 must be provided to the Manager, Development Assessment within seven (7) days of the request of the Toowoomba Regional Council.~~

B. ADVICES:

Infrastructure Charges

- 1) Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 635 of the *Sustainable Planning Act 2009*.

Fire Ants

- 2) The State of Queensland has been declared a quarantine area for the Red Imported Fire Ant. Should this approval involve the movement of restricted items from areas of known infestation the provisions of the *Plant Protection Act 1989* apply. Compliance with statutory provisions must be achieved.

Environmentally Relevant Activities

- 3) Should the premises, or any part of the premises, be used for an "Environmentally Relevant Activity" as defined under the provisions of the *Environmental Protection Regulations 1998*, separate approval is required by the relevant Administering Authority in accordance with the *Environmental Protection Act 1994* and the *Sustainable Planning Act 2009* before such use commences.

Disposal of Construction & Demolition Material

- 4) Construction and demolition material must be lawfully disposed of with regard to the *Environmental Protection (Waste Management) Regulation 2000*.

Advertising Signs

- 5) Placing an advertising device on premises is self assessable development where complying with the *Advertising Devices Code* in the *Toowoomba Regional Planning Scheme 2012*. A separate Development Permit for Operational Works will be required for any Advertising Signs not complying with the acceptable outcomes of the *Advertising Devices Code*.

When Approval Takes Effect

- 6) This approval takes effect in accordance with the provisions of Section 339 of the *Sustainable Planning Act 2009*.

When Approval Lapses

- 7) This approval will lapse in accordance with the provisions contained in Sections 341 and 342 of the *Sustainable Planning Act 2009*, unless otherwise stated in the conditions of Development Approval.

Aboriginal Cultural Heritage

- 8) It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available from the Department of Environment and Heritage Protection.

Trade Waste Approval

- 9) This 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.

Buildings

- 10) The proposed development has only been assessed in accordance with the provisions of the Planning Scheme. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or *Queensland Development Code*.

Environment Protection and Biodiversity Conservation Act 1999

- 11) You may be required to seek approval from the Commonwealth in relation to the proposal. The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) relates to actions that may have a significant impact on matters of National Environmental Significance (NES) or the environment generally. 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 the environment or matters of NES, without the approval of the Minister for the Environment, Heritage and the Arts. Such actions should be referred to the Minister for a decision on whether, or not, approval is required under the EPBC Act.

C. ATTACHMENTS:

- Approved Development Plans
- Appeal provisions pursuant to the *Sustainable Planning Act 2009*.

List of Submitters:-

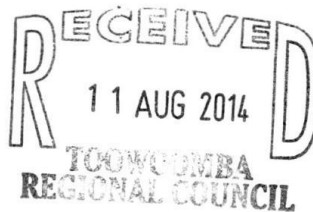
Peter Brownhalls
1719 Toowoomba Cecil Plains Road
BIDDESTON QLD 4401

Jennifer Brownhalls
1719 Toowoomba Cecil Plains Road
BIDDESTON QLD 4401

SCHEDULE 2

CONCURRENCE AGENCY CONDITIONS/ADVICES

**DEPARTMENT OF STATE DEVELOPMENT
INFRASTRUCTURE & PLANNING**



Department of
**State Development,
Infrastructure and Planning**

Our reference: SDA-0314-008488

4 August 2014

Chief Executive Officer
Toowoomba Regional Council
PO Box 3021
TOOWOOMBA QLD 4350

Dear Sir/Madam

**Amended Concurrence agency response - with conditions - Development Permit –
Material Change of Use – Air Services (Hanger Complex)**
1511 Toowoomba Cecil Plains Road - Wellcamp - QLD
(Given under section 290 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning (DSDIP) under section 272 of the *Sustainable Planning Act 2009* on 10 March 2014.

Applicant details

Applicant name:	Wagners Investments Pty Ltd
Applicant contact details:	C/ Precinct Urban Planning PO Box 3038 TOOWOOMBA VILLAGE FAIR QLD 4350

Site details

Street address:	1511 Toowoomba Cecil Plains – Wellcamp - QLD
Real property description:	Lot 12 on SP190236; Lot 11 on SP140293
Local government area:	Toowoomba Regional Council

Application details

Proposed development:	Development Permit – Material Change of Use – Air Services (Hanger Complex)
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Referral triggers

The development application was referred to DSDIP under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger

7.3.1 Making a material Change of Use of premises where the land;
 (a) is within 25m of a state-controlled road;
 (b) is future state-controlled road; or
 (c) abuts a road that intersects with a state-controlled road within 100m of the land.

7.3.2 An aspect of development identified in schedule 9 that –
 (a) is for a purpose mentioned in schedule 9, column 1; and
 (b) meets or exceeds the threshold –

I for development in LGA population 1 – mentioned in schedule 9, column 2 for the purpose; or

II for development in LGA population 2 – mentioned in schedule 9, column 3 for the purpose.

However, if the development is for a combination of purposes mentioned in the same item of schedule 9, the threshold is for the combination of purposes and not for each purpose individually.

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, DSDIP requires that the conditions set out in Attachment 1 attach to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, DSDIP is required to set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

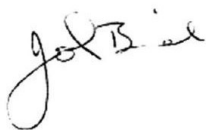
Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, DSDIP offers advice about the application to the assessment manager—see Attachment 3.

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

If you require any further information, please contact Isaac Harslett, Senior Planning Officer, on 4616 7303, or via email isaac.harslett@dsdip.qld.gov.au who will be pleased to assist.

Yours sincerely



John Bird
Regional Director

cc: Wagners Investments Pty Ltd
 C/- Precinct Urban Planning
 PO Box 3038
 TOOWOOMBA VILLAGE FAIR QLD 4350

enc: Attachment 1—Conditions to be imposed
 Attachment 2—Reasons for decision to impose conditions
 Attachment 3—Further advice

Our reference: SDA-0314-008488

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
	Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of Department of Transport and Main Roads (DTMR) to be the assessing 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.	The development must be carried out generally in accordance with the following plans: Site Plan, Drawing No. DA-102, Revision A, prepared by i ³ Consulting Pty Ltd and dated 05/02/14; and Locality Plan, Drawing No. DA-101, Revision A, prepared by i ³ Consulting Pty Ltd and dated 05/02/14.	Prior to the commencement of use and to be maintained at all times.
2.	(a) The management of stormwater (quantity and quality) post development must achieve a no worsening impact (on the pre-development condition) calculated during a 100 year Average Recurrence Interval (ARI) design event in accordance with: # DTMR's Road Drainage Manual; # the Queensland Urban Drainage Manual; # <i>Environmental Protection Act 1994</i>; and # <i>Environmental Protection (Water) Policy 2009</i>. In particular, stormwater management for the development must ensure no worsening or actionable nuisance to the state-controlled road network caused by peak discharges, flood levels, frequency/duration of flooding, flow velocities, water quality, sedimentation and scour effects. AND (b) Any excavation, filling, paving, landscaping, construction or any other works to the land must not: i. create any new discharge points for stormwater runoff onto the state-controlled road; ii. interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; iii. surcharge any existing culvert or drain on the state-controlled road; iv. reduce the quality of stormwater discharge onto the state-controlled road. AND (c) The applicant must provide Registered Practicing Engineer Queensland certification to DTMR that the development has been designed and constructed in accordance with parts (a) and (b) of this condition.	(a) & (b) Prior to the commencement of use and to be maintained at all times. (c) Prior to the commencement of use.

3.	(a) Vehicular access between the Toowoomba-Cecil Plains Road and the development site is not permitted. (b) The applicant must provide a vehicle proof barrier along the state-controlled road frontage of Toowoomba Cecil Plains Road	(a) At all times. (b) Prior to commencement of use and to be maintained at all times.
4.	(a) The Toowoomba-Cecil Plains Road and the 'Unnamed Road' intersection must be upgraded to a Channelised Right Turn (CHR) and Auxiliary Left Turn (AUL) type intersection in accordance with the roadwork approval issued by DTMR dated 30 June 2014. The intersection must be designed and constructed in accordance with DTMR's Road Planning and Design Manual (Latest Edition); (b) The intersection upgrade must be designed and constructed to include: The installation of lighting in accordance with Chapter 17 of DTMR's Road Planning and Design Manual including the Interim Guide to Road Planning and Design Practice; AND (c) The intersection must be provided by the applicant at no cost to DTMR; AND (d) All adjustments and/or relocations to existing services within the state-controlled road as a result of the development are at the applicant's expense.	(a) – (d) Prior to the commencement of use.

Our reference: SDA-0314-008488

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- # The Department of Transport and Main Roads' assessment of the development application was undertaken on the basis of the cited plans which depict how the proposed development will be carried out.
- # The way the object of section 8A of the *Transport Planning and Coordination Act 1994* is to be achieved includes ensuring as far as practicable that public passenger transport offers an attractive alternative to private transport. It also seeks to promote urban development that maximises the use of public passenger transport and ensure, as far as practicable, the provision of public passenger transport infrastructure to support public passenger transport.
- # Section 62 of the *Transport Infrastructure Act 1994* allows DTMR to control access between private property and the state-controlled road network to ensure the safety and efficiency of the road network.
- # Stormwater flows from private property can impact on the safety and efficiency of the state-controlled road network.
- # Work within a state-controlled road shall be completed in accordance with the DTMR's requirements/standards to ensure the safety and efficiency of the state-controlled road network.

Findings on material questions of fact

- # The proposal will require access via the proposed unnamed road intersection which has been issued with conditional design acceptance for road work to commence;
- # Due to the multiple approvals being applied for at the same time, it is appropriate to place a performance based condition regarding stormwater impacts; and
- # Minimising access points between private land and a state-controlled road network reduces the conflict points on the state-controlled road network.

Evidence or other material on which the findings were based

- # State Development Assessment Provisions (SDAP)
- # *The Transport Infrastructure Act 1994*
- # *The Sustainable Planning Act 2009*
- # DTMR's Design Acceptance and Condition Approval to Upgrade Intersection approved by Harvey Campbell and dated 30 June 2014

Attachment 3—Further advice**General advice**

- | | |
|----|---|
| 1. | Prior to work commencing in a state-controlled road reserve, approval shall be requested in accordance with section 33 of the <i>Transport Infrastructure Act 1994</i> . In this regard please contact DTMR via email at downsswr.office@tmr.qld.gov.au . |
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