

Our Reference: MCUI/2023/2589/D
Contact Officer: Jun Ong
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Decision Notice
CHANGE TO A DEVELOPMENT APPROVAL
Planning Act 2016 Section 83

Una Highfields Pty Ltd
C/- ADAMS + SPARKES Town Planning
PO Box 1000
BUDDINA QLD 4575

Email: admin@astpd.com.au

8 September 2026

Dear Sir/Madam

Development Approval: Material Change of Use - Impact - Child Care Centre
Location: 24 Kleinton Road, HIGHFIELDS QLD 4352
Property Description: Lot 151 SP332451
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012*

I refer to your application received on 8 July 2026 for a change to the development approval for Material Change of Use – Impact – Child Care Centre approved on 4 December 2025 and the associated decision notice issued on 5 December 2025.

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

On the 3 September 2026, the change application was approved as per the attached Schedule. The changes are considered to be consistent with the relevant assessment benchmarks.

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

Rights of Appeal

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

Yours faithfully



Emily Hinchliffe
Lead Senior Planner, Planning Branch

SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - IMPACT

APPLICATION NUMBER:	MCUI/2023/2589/D
APPLICANT:	Una Highfields Pty Ltd
LOCATION:	24 Kleinton Road, HIGHFIELDS QLD 4352
PROPERTY DESCRIPTION:	Lot 151 SP332451
APPROVED USE:	Child Care Centre
ZONING / PRECINCT:	Low Density Residential / General Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

PLANNING

APPROVED USE

- This Development Approval is for a Material Change of Use for Child Care Centre as follows:
 - Maximum of ~~140-132-127~~ Children; ~~and~~
 - ~~Maximum of 23-21-24 Full-time Equivalent Staff.~~
- This Development Approval does not imply or comprise an approval for any uses other than that listed in Condition 1.

CARRY OUT & MAINTAIN DEVELOPMENT

- 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.
- Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
- Complete all building work associated with this Development Approval, including work required by any of the conditions of this Development Approval prior to the commencement of use. Such building work is to be carried out generally in accordance with the Approved Plans and Documents and, where the building work is assessable development, in accordance with a current Building Work approval.
- The development must be maintained generally in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.

APPROVED PLANS

- 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: 1184.22040-001, Issue ~~K-M~~ Q
Description: Site Plan, prepared by VHD Studio and dated ~~5 September 2023~~ 10 May 2024 6 September 2024
Amendments: As amended in red/orange.

Plan No: 1184.22040-101, Issue ~~F-H~~
Description: Floor Plan, prepared by VHD Studio and dated ~~14 April 2023~~ 10 May 2024
Amendments: Nil.

Plan No: 1184.22040-400, Issue ~~E-G~~
Description: Elevations, prepared by VHD Studio and dated ~~14 April 2023~~ 10 May 2024
Amendments: Nil.

8. Plans to be amended must only incorporate the amendment(s) listed within this Development Approval and must be resubmitted to Council for approval prior to the issue of any Development Permit for Operational Work, Building Work or Development Permit for Plumbing and Drainage Work, or prior to commencement of use, whichever occurs first.

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

9. Prepare and submit applications to Council and obtain a Development Permit for Operational Work for the following:
 - 9.1 Stormwater Infrastructure;
 - 9.2 Bulk Earthwork;
 - 9.3 Wastewater Infrastructure (where applicable);
 - 9.4 Roadworks; and
 - 9.5 Driveway Crossovers.

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

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

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

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

DEDICATIONS, AGREEMENTS & CONTRIBUTIONS

REGISTRATION OF PLAN OF SURVEY

12. Prior to the commencement of the use, Lot 151 of Development Permit RAL/2021/3552 must be sealed and registered in accordance with the requirements of Development Permit RAL/2021/3552. The Plan of Survey for subdivision must be registered with the Department of Resources and proof of registration provided to Council.

EASEMENTS

- 12A. Easements for purposes described by the applicant as proposed structures, access and maintenance in accordance with the Land Title Practice Manual must be registered in favour of proposed lot 151 of development permit RAL/2021/3552/A against the title of proposed lots 1 – 4 of development permit RAL/2021/3552/A. The easements must be located over the proposed acoustic wall within proposed lots 1 – 4 of development permit RAL/2021/3552/A.

WORKS

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

13. Plans and specifications for all works associated with car parking, vehicular access, stormwater drainage, water, wastewater and earthworks, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
14. A RPEQ must submit to Council a copy of the:
 - 14.1 Design Certificate prior to commencement of the works; and
 - 14.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
15. 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.
16. 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

17. 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.

18. 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.
19. 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:

- 19.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval;
- 19.2 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*;
- 19.3 No increase in flood levels external to the subject land; and
- 19.4 No increase in duration of inundation external to the subject land that could cause loss or damage.

STORMWATER DISCHARGE

- 20. Stormwater from the new roofed and sealed areas must be picked up and discharged by way of sealed underground pipe to the legal point of discharge. The works must be constructed in accordance with the current version of the Institute of Public Works Engineering Australasia standard drawing titled *Kerb and Channel Residential Drainage Connections, drawing number RS-081*.

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

- 21. Outlets to the street channel must be limited to a maximum discharge of 50 litres per second at any one point of discharge, and where practical, spread across the street frontage so as not to concentrate the discharge to any one location.
- 22. Design and construction of all internal stormwater drainage works must comply with applicable section of *Australian and New Zealand Standard AS/NZS 3500 – Plumbing and Drainage Code* and the *Queensland Urban Drainage Manual*.

BULK EARTHWORKS

- 23. 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.

~~*Note: All retaining walls and/or acoustic fences must be contained wholly within the development site.*~~

AIR QUALITY IMPACT MITIGATION

- 24. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the *Air Quality Objectives* listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive place or commercial place must not be released to the atmosphere during building and operational work.
- 25. 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:
 - 25.1 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

26. 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.
27. 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 minimise nuisance

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

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

CONSTRUCTION WASTE MANAGEMENT & STORAGE

28. 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*.
29. 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*.
30. Fires are not to be lit to dispose of demolition or construction waste.
31. 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:
 - 31.1 Elsewhere within this Development Approval;
 - 31.2 In accordance with an associated Development Permit for Operational Work;

- 31.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 31.4 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
 - 31.5 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.
32. 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

33. 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

34. 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.
35. 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.
36. 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.
37. All disturbed areas must be mulched or turfed as soon as possible during construction.
38. 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.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

39. 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:
- 39.1 Location of the site, including physical address, lot on plan and relevant scaled maps;
 - 39.2 Description of the site including infrastructure and features on or near the site and those areas requiring protection or avoidance;

- 39.3 Contact details and responsibilities for site representatives;
- 39.4 Description of construction activities to be conducted on site;
- Location of construction areas and adjacent operational / residential areas;
 - Construction staff and vehicle numbers;
 - Construction hours;
 - Amenities; and
 - When relevant, prohibited activities and prohibited areas where no work should be permitted;
- 39.5 Site Plans clearly showing where proposed activities will occur, including sensitive receptors and areas where impacts on the environment may occur; and
- 39.6 Strategies to manage the following environmental impacts:
- Air quality and dust management;
 - Noise and vibration management;
 - Stormwater quality management;
 - Erosion and sediment control;
 - Waste management, storage and collection; and
 - Complaint management procedures.
40. 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.
41. The Construction Environmental Management Plan must address both the internal works for the development and any associated external works.
42. The endorsed Construction Environmental Management Plan must be implemented and, maintained where necessary to maintain compliance with the requirements of this Development Approval.

DAMAGE TO SERVICES & ASSETS

43. Protect Council and public utility services and assets during construction of the development.
44. 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:
- 44.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
- 44.2 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.
45. 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.
46. 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)

47. The development must be connected to Council's wastewater reticulation system as approved under Operational Works OW/2022/1290/A and in accordance with Council's *Wastewater Infrastructure Policy 2.04* at no cost to Council.

47.1. Where the works referenced under Condition 47 have not been constructed, an Operational Works application will be required. The Operational Works application will be required to adopt a similar design and alignment to the wastewater infrastructure approved under OW/2022/1290/A.

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

48. The design and construction of the works must be in accordance with Council's *Wastewater Infrastructure Policy 2.04*.

Note: A Development Application for a Development Permit for Operational Work may be required to be lodged.

49. 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.

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

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

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

WATER SUPPLY

51. The development must be connected to Council's reticulated water supply in accordance with Council's *Water Infrastructure Policy 2.03* at no cost to Council.

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

52. All water main fittings, services and meters must be located 1m clear of the proposed driveway footpath crossover. Any relocation of fittings clear of driveways must be undertaken by Council.

53. 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.

54. The development's internal firefighting system must be designed and constructed in accordance with Council's *Water Infrastructure Policy 2.03* and relevant Australian Standards at no cost to Council. If the internal firefighting system is proposed to connect to Council's reticulation system, confirm compliant performance in Council's existing system prior to requesting any fire service connections. All pressure and flow tests within Council infrastructure must be undertaken by Council at no cost to Council.

55. Where the development requires higher fire flows than listed in Council's *Water Infrastructure Policy 2.03* for the relevant land zone, the Council water reticulation network must be upgraded or fire break tanks must be provided at no cost to Council.

TELECOMMUNICATION

56. Install telecommunications infrastructure to service the development which complies with the following:
- 56.1 The requirements of the *Telecommunications Act 1997* (Cth);
- 56.2 For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- 56.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.
57. 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.
58. 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

59. 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

60. 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.
61. Any graffiti deterrent building design elements and surface treatments are to be maintained at all times.
62. All buildings, structures and fences as well as the subject land must be maintained in a clean and tidy manner at all times.
63. All fixed mechanical plant must be contained within the building or visually screened to all street frontages, public viewing locations and adjoining premises.
64. Open storage areas, loading areas, bin storage areas and other unsightly areas, must be screened from view from all street frontages and public places.

FENCING & WALLS (GENERAL)

65. 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.
66. Unless otherwise approved in writing by Council, boundary fences or walls must not be erected in a parallel arrangement with any existing fence or wall erected along the same boundary. The existing fence or wall is to be completely removed and replaced.
67. 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.
68. Fences and walls must be maintained in a good state of repair to ensure that their intended function (i.e. privacy, security, safety, acoustic, livestock, pest exclusion etc.) is maintained.
69. All costs associated with meeting the fencing requirements listed within this Development Approval must be borne by the developer.
70. ~~Solid screen fencing, which may be a 'butt-jointed' timber paling fence, must be erected along the full length of the northern and south-eastern boundaries of the subject land (proposed Lot 151) to a minimum height of 1.8m.~~

FENCING & WALLS - INTERFACE TO PUBLIC REALM

71. Fences (including acoustic barriers) and retaining walls provided adjacent to public places (streets, laneways, public walkways and open space areas) must be constructed generally in accordance with the Approved Plans listed within this Development Approval and in particular must:
 - 71.1 Be recessed at least 1m from the Kleinton Road frontage;
 - 71.2 Be located behind and screened by at least a 1m wide landscaping strip; and
 - 71.3 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)*.

ACCESS FOR PEOPLE WITH DISABILITIES

72. 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.

SAFETY, SECURITY & PUBLICLY ACCESSIBLE FACILITIES

73. Safety and security lighting must be provided to the following areas of the subject land:
 - 73.1 All entries and exits of buildings; and
 - 73.2 All pathways linking car parking areas to the entrances and exits of buildings; and
 - 73.3 Throughout car parking areas.
74. Safety and security lighting must be designed, sited, and installed in accordance with *Australian Standard AS 1158.3.1 – Road Lighting – Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements*.

Note: All lighting provided for safety and security purposes must also consider its impact on surrounding land uses and in accordance with the Outdoor Lighting Impact Mitigation Conditions must be designed, sited, installed and tested to comply with Australian Standard AS4282-2019 Control of the obtrusive effects of outdoor lighting.

- 75. Pedestrian routes between car parking areas and buildings must be clearly signed and marked.
- 76. The allocation of car parking spaces between staff and visitors as applicable, must be physically separated, distinctly identified and adequately sign-posted to clearly direct vehicular traffic to these respective areas.
- 77. Tandem car parking spaces must only be used for staff parking.
- 78. Parking spaces must be available for use by staff and visitors during the approved hours of operation for the business.

TRANSPORT, VEHICULAR ACCESS & PARKING

ROADWORKS (EXTERNAL TO DEVELOPMENT)

- 79. Kleinton Road must be upgraded along the frontage of the development, as follows:

Street:	Kleinton Road
Classification:	Distributor Road
Construction Standard:	In accordance with <i>Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure</i> (PSP No.2) and conditions 80 – 85 of this Development Approval.

Note: Unless otherwise stated below, this condition is imposed pursuant to Section 128 of the Planning Act 2016.

- 80. The design and construction of Kleinton Road must comply with *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* (PSP No.2) and must include in particular:
 - 80.1 Pavement widening;
 - 80.2 Concrete kerbing and channelling;
 - 80.3 Underground stormwater drainage as applicable;
 - 80.4 Works required for Table drain to kerb and channel transition;
 - 80.5 Relocation of utility and Council services; and
 - 80.6 Street lighting.
- 81. Any pavement widening must join neatly to the existing pavement so that there are no specific irregularities in line or level resulting at or adjacent to the join for the length of the construction. Where necessary the existing pavement must be brought to a satisfactory standard in accordance with PSP No. 2 to allow for the above.
- 82. All street/road surfacing must be in accordance with the pavement construction standards in PSP No. 2.

83. The vehicular access to the Child Care Centre must be provided with a CHR(S) and BAL configuration. Details must be lodged to Council as part of a Development Application for a Development Permit for Operational Works.

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

84. Verge widths, street reserve widths, intersection treatment, provision of parking and speed control devices must comply with Council's requirements in PSP No. 2.
85. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the road works.

EXTERNAL PEDESTRIAN & CYCLE PATHS

86. The following works must be constructed in accordance with *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)* and any current pedestrian and cycleway plans:

- 86.1 A 2.0m wide concrete shared pedestrian path and cycle way for the development frontage along Kleinton Road;

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

- 86.2 The sealing of paths must be carried out following completion of all development works on the subject land, but prior to the commencement of the proposed use;

- 86.3 The required work includes any surface earthworks, grinding or saw cutting to ensure the footpath finishes flush with all existing service covers and the like, or alternatively these services are raised or altered, so as not to create a pedestrian safety hazard; and

- 86.4 Any concrete footpath or cycleway must comply with SEQ RS-065. Where necessary, reprofiling of the verge area must be undertaken to enable the construction of concrete pathways with a maximum cross fall of 2.5%.

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

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

88. 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.

89. 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.

PROVISION OF VEHICULAR ACCESS

90. The vehicle access from the subject land to Kleinton Road 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 the requirements specifically required below:
- 90.1 The vehicle access must be located as shown on the Approved Plans listed within this Development Approval;
 - 90.2 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)*;
 - 90.3 Suitable safety measures, including warning signage, must be installed to improve driver awareness of pedestrians and enhance pedestrian safety;
 - 90.4 The vehicle access (crossing of the verge) must align neatly on both sides with the pedestrian footpath and verge with a maximum cross fall of 2.5%. Where there is an existing pedestrian path, the existing footpath in the vicinity of the driveway must be saw cut, removed and replaced by the driveway crossover. The driveway is to be graded at not steeper than 2.5% for the width of the footpath;
 - 90.5 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;
 - 90.6 The relevant service authorities must be contacted and their requirements complied with; and
 - 90.7 The vehicle access (crossing of the verge) must include suitable tapers and flares to accommodate the required turning paths of a B99.

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

ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING

91. The premises must be provided with a minimum of ~~43~~40 on-site car parking spaces, comprising of a minimum of ~~23~~21 staff parking spaces and ~~20~~19 visitor car parking spaces including, one (1) person with disability parking space. Car parking and **vehicle** manoeuvring areas must be:
- 91.1 Constructed generally as shown on the Approved Plans except as altered by conditions of this Development Approval;
 - 91.2 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*;
 - 91.3 Designed and constructed in accordance with the requirements of AS2890;
 - 91.4 Designed to ensure disabled car parking spaces are located in close proximity to a primary building entrance and meet the requirements of AS2890.1 Clause 2.4.5 (1.3m high bollards), AS1428.1 and AS2890.6:2009;
 - 91.5 Accessible and available to the general public and staff during approved hours of operation;

- 91.6 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the subject land;
 - 91.7 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring **generally in accordance with an endorsed Car Parking Management Plan; and**
 - 91.8 Designed to enable all vehicles to enter and leave the subject land in a forward gear; **and**
 - 91.9 **Tandem car parking spaces must be clearly marked and signed for Staff car parking use only.**
- 91A. Within 6 months of the date of this Change Application Decision Notice, submit to Council for endorsement, a Car Parking Management Plan. The Car Parking Management Plan must provide information including but not limited to staff numbers, management of on-site tandem staff parking, management of visitor parking during peak periods and appropriate signage for compliance.**

ENVIRONMENT & WASTE

ACOUSTIC AMENITY - GENERAL

- 92. Unless otherwise approved in writing by Council, the approved use must not operate outside the hours of 6:30 AM to 6:30 PM Monday to Friday. The use must not operate on public holidays.
- 93. Service vehicle movements associated with the approved use (including loading and unloading) must occur only between the hours of 7:00 AM to 6:00 PM.

Note: Service vehicles do not include waste collection vehicles.
- 94. Use of the outdoor play areas must occur only between the hours of 7:00 AM to 6:00 PM.
- 95. The number of children using the outdoor play areas is limited to 116 children at any one time.
- 96. Drainage grating over trafficable areas must be well secured and maintained to prevent rattling.
- 97. Driveway areas are to be finished with a surface which prevent tyre squeal. An uncoated surface is acceptable.

ACOUSTIC AMENITY - NOISE LIMITS

- 98. Noise from activity associated with the use of the subject land must not exceed the levels specified in **Table 2** when measured at the façade of any receptor.

Table 2 - Noise Limits

	Noise level measured in dB(A)	
	Variable noise assessment criteria $L_{Aeq\ adj,T}^*$	Continuous noise assessment criteria $L_{Aeq\ adj,T}^*$
Day (7:00 AM- 6:00 PM)	43	38
Evening (6:00 PM- 6:30 PM)	43	31
Night (10:00 PM- 7:00 AM)	45	27
Sleep Disturbance	55 dB(A) $L_{Amax}^{\wedge}$	

* = **Adjusted A-weighted equivalent continuous sound pressure level** - Using time-weighting 'Fast Response', the constant equivalent of the instantaneous levels of existing environment plus noise of activity under consideration that would result in the same total sound energy being produced during the time period T , where T is measured for a period no less than 15 minutes, when the activity is causing a steady state noise, and no less than 1 hour when the activity is causing an intermittent noise, unaffected by extraneous noise and adjusted for tonality and impulsiveness.

$\wedge$ = **Adjusted A-weighted sound pressure level** - Obtained by using time-weighting 'Fast Response' and arithmetically averaging the visual maximum levels of the noise of activity under investigation, considering tonality and impulsiveness during the time period T , where T is measured for a period no less than 15 minutes.

99. 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

100. 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)

101. Acoustic barriers must be constructed in the locations shown on the Approved Plans and in accordance with the following requirements:
- 101.1 The 2.0m barrier and barrier along the northern boundary of Lot 151 SP332451 must be erected within the subject land in the locations shown on the Approved Plans. All other barriers must be erected in the locations shown on the Approved Plans;
 - 101.2 Erected to 2.0 and 2.4 metres high as shown on the Approved Plans, measured from the finished site level;
- Note: 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.*

- 101.3 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 12.5 kg/m²; ~~and~~
- 101.3A The barriers must be constructed from a solid screening material to a minimum of height of 1.8m;
- 101.4 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~~ an opening with a width, height and location determined by an RPEQ Civil at the uphill ground level of the acoustic fence for stormwater overland flow management. The opening must be designed to provide the required acoustic noise reduction during ordinary operations and to convey overland stormwater flow during events greater than a 2-year ARI. An RPEQ – Civil certified drawing and design certificate must be submitted to Council for endorsement prior to the issue of any Development Permit for Operational Work, Building Work or Development Permit for Plumbing and Drainage Work, or prior to commencement of use, or prior to Council's approval of the Plan of Subdivision, whichever occurs first;
- 101.5 An RPEQ – Civil certified design certificate for modifications to existing retaining walls must be submitted to Council for endorsement prior to the issue of any Development Permit for Operational Work, Building Work or Development Permit for Plumbing and Drainage Work, or prior to commencement of use, or prior to Council's approval of the Plan of Subdivision, whichever occurs first. The design certificate must certify the design of the existing retaining wall to accept live and dead load as a result of the proposed acoustic fence including hydrostatic and hydrodynamic water loading (overland flow) and wind loading; and
- 101.6 All costs associated with meeting the acoustic barrier requirements listed within this Development Approval must be borne by the developer.
102. Certification must be submitted to Council from a suitably qualified person who certifies that the acoustic barriers have been constructed in accordance with the acoustic barrier conditions of this Development Approval.

ACOUSTIC AMENITY - COMPLAINTS MANAGEMENT

103. A noise complaints management procedure for the subject land must be prepared and submitted to Council for endorsement. The complaints management procedure must include the following:
- 103.1 A process for communicating to employees their responsibility to minimise their noise impacts on nearby receptors;
- 103.2 Contact details and name of person with whom complaints can be lodged;
- 103.3 A clearly defined procedure for responding to and investigating complaints; and
- 103.4 A notification protocol to all complainants of the outcome of complaint investigations.
104. The noise complaints management procedure must receive endorsement by Council prior to issue of any Development Permit Building Work or Operational Work.
105. A record of all noise complaints and investigation results including corrective actions must be maintained and made available for inspection at any time upon request by Council.

AIR QUALITY & AMENITY - AIR RELEASE LIMITS

106. 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.
107. 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.

AIR QUALITY & AMENITY - KITCHEN EXHAUST

108. Kitchen exhaust points for the development must be located and operated in accordance with *Australian Standard AS1668.2-2012 The use of ventilation and air-conditioning in buildings* (specifically *Section 5.10 – Air Discharges*).
109. Odour control measures such as, but not limited to, carbon adsorbers, electrostatic precipitators, high-energy wet scrubbers or flameless catalytic oxidisers are to be installed on any exhaust point such that no odour nuisance is experienced by any sensitive receptor.
110. Certification must be submitted to Council from a suitably qualified person who verifies that all odour control measures have been installed in accordance with the conditions of this Development Approval.

OUTDOOR LIGHTING IMPACT MITIGATION

111. 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*.
112. 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).
113. 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)

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

WASTE MANAGEMENT (BIN PROVISION & STORAGE)

115. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
 - 115.1 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;

- 115.2 Provision of a constructed communal bin store with an impervious hardstand base for the permanent storage location of all wheelie bins, each having minimum dimensions of 1m² per bin, located no closer than 2m to any fresh air intake of a habitable room;
- 115.3 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built structure, enclosure or solid screen fencing;
- 115.4 Provision of a grassed or landscaped area within the development site that is at least twice the size of the bin store and adjacent to a tap for the washing of bins;
- 115.5 Wheelie bin carting routes must allow bins to be easily maneuvered, devoid of steps and steep rises and not extend through any habitable room or other room of a building other than a garage; and
- 115.6 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)

- 116. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
 - 116.1 Collection by a refuse vehicle from the kerbside;
 - 116.2 Provision of a level area at the kerbside for the temporary storage of wheelie bins on collection days having minimum dimensions of 1m² (1,000mm x 1,000mm) per wheelie bin;
 - 116.3 Bins must be located in a manner that allows the refuse vehicle to pick them up automatically without the driver or any other person having to relocate them;
 - 116.4 General waste must be collected and removed at periods not exceeding seven (7) days;
 - 116.5 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal; and
 - 116.6 The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.

LANDSCAPING

REMOVAL OF EXISTING STREET TREES

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

PROTECTION OF STREET TREES

- 118. 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:
 - 118.1 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;

- 118.2 Provision of one (1) weeks' notice to Council of any excavation works affecting the 'Precautionary Area' of a street tree so that a Council Arborist may be present during excavation works;
- 118.3 During excavation works, where roots greater than 50mm diameter are uncovered that need to be severed, obtaining approval from a Council Arborist to sever the root, and if granted, to do so with a cutting device and not a ripping device; and
- 118.4 Maintenance of street tree protection until works are completed or accepted on-maintenance.

LANDSCAPE PLAN

- 119. 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 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:

- 119.1 A Planting Plan and Schedule;
- 119.2 The typical planting detail including preparation, backfill, staking and mulching;
- 119.3 Internal dimensions of all planting areas;
- 119.4 Location, height and finish of fencing fronting public land (including street frontages);
- 119.5 Location and species of existing site vegetation to be removed and/or retained;
- 119.6 Construction details of proposed surfaces, surface level changes and structures;
- 119.7 Location and dimensions of any communal bin stores requiring vegetative screening;
- 119.8 North point, scale, title and drawing number; and
- 119.9 Vegetated screening of acoustic barriers which comprises of plants capable of reaching the combined height of the adjacent acoustic barriers and retaining walls.

Note: Vegetated screening may incorporate climbing plants.

- 120. 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:

- 120.1 Maximises the retention of existing site vegetation which contributes to the site character;
- 120.2 Maintains or increases tree canopy cover;
- 120.3 Maximises the extent of new site vegetation to define boundaries, create shade and contribute to the site character;
- 120.4 Designates variation in pavement colours and/or materials to define safe pedestrian movement areas;
- 120.5 Utilises plant species which are characteristic of the local area and provides seasonal variation, colour and texture;

- 120.6 Provides a 1m wide landscaping strip along the Kleinton Road frontage, comprising planting which creates an attractive screen;
 - 120.7 Provides irrigation to all planted areas; and
 - 120.8 Provide a high degree of shade over car park area and associated internal roadways.
121. 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.

B. ADVICES:

ADVICES

RESUBMISSION OF PLANS REQUIRING AMENDMENT

- 1) The conditions of this Development Approval require resubmission of plans to Council with amendments. Please address the amended plans to Council's Planning Branch with the Reference No. MCUI/2023/2589 and send to development@tr.qld.gov.au.

SUBMISSION OF PLANS FOR ENDORSEMENT

- 2) The conditions of this Development Approval require submission of plans to Council for endorsement. Please address the plans for endorsement to Council's Planning Branch with the Reference No. MCUI/2023/2589 and send to development@tr.qld.gov.au.

INFRASTRUCTURE CHARGES

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

OTHER LAWS & REQUIREMENTS

- 4) This Development Approval relates to development requiring approval under the *Planning Act 2016* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
- 5) 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.
- 6) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme 2012*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or the *Queensland Development Code*.

WHEN APPROVAL STARTS TO HAVE EFFECT

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

WHEN APPROVAL LAPSES

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

EXCAVATION & FILLING

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

EQUITABLE ACCESS & FACILITIES

- 10) 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:

- 10.1 The *Disability Discrimination Act 1992* (Cth);
- 10.2 The *Anti-Discrimination Act 1991* (Qld); and
- 10.3 The *Disability (Access to Premises – Buildings) Standards*.

ENVIRONMENTAL HARM

- 11) 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.

FIXED MECHANICAL PLANT NOISE

- 12) Ensure that during the detailed building design and construction phase, including the design, selection and installation of fixed plant and equipment, A/C units and refrigeration plant, mechanical exhausts, acoustic enclosures/plant rooms and the like, that the ongoing advice and design input of a qualified acoustic consultant is sought and implemented to ensure that the operation of such plant and equipment complies with statutory and planning noise limits.

Mechanical plant and equipment should be provided with appropriate acoustic enclosures or screening and located away from adjacent noise sensitive premises.

STREET TREE DISTURBANCE & REMOVAL APPROVAL

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

WATER POLLUTION

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

FIRE ANTS

- 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).

MANDATORY RAINWATER TANKS

- 18) Toowoomba Regional Council requires mandatory rainwater tanks and water saving measures on new dwellings and commercial buildings. Queensland Development Code (QDC) 4.2 is now applicable to any new class 1 (a)(i) buildings (single detached dwellings) on blocks greater than 250m². Dwellings on lots less than 250m² are exempt. Queensland Development Code 4.3 is applicable for any new commercial buildings (class 5 to 9). Please note that Multiple Dwellings are exempt. Further information can be found at:

<https://www.tr.qld.gov.au/environment-water-waste/water-supply-dams/water-restrictions-conservation/13320-rainwater-tanks>

TRADE WASTE APPROVAL

- 19) 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. 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.

SUITABLY QUALIFIED PERSON

- 20) For the purpose of preparing a Landscape Plan, a suitably qualified person is considered to be a Registered Landscape Architect or Landscape Designer with a minimum of five (5) years current experience in the field of landscape design.
- 21) For the purpose of certifying acoustic barrier construction for the development, a suitably qualified person is considered to be a Registered Professional Engineer of Queensland (RPEQ).

C. ATTACHMENTS:

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

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

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
- (a) matters that may be appealed to—
- either a tribunal or the P&E Court; or
 - only a tribunal; or
 - only the P&E Court; and
- (b) the person—
- who may appeal a matter (the appellant); and
 - who is a respondent in an appeal of the matter; and
 - who is a co-respondent in an appeal of the matter; and
 - who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The appeal period is—
- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the Plumbing and Drainage Act 2018—
- for an appeal against an enforcement notice given because of a belief mentioned in the Plumbing and Drainage Act 2018, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - for an appeal against a decision of a local government or an inspector to give an action notice under the Plumbing and Drainage Act 2018—5 business days after the notice is given; or
 - otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.
- Note— See the P&E Court Act for the court's power to extend the appeal period.
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund—
- the establishment cost of trunk infrastructure identified in a LGIP; or
 - the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

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

schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and

- (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
- (f) for an appeal to the P&E Court—the chief executive; and
- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The service period is—
- (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—
- conduct engaged in for the purpose of making a decision; and
 - other conduct that relates to the making of a decision; and
 - the making of a decision or the failure to make a decision; and
 - a purported decision; and
 - a deemed refusal.

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

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

232 Rules of the P&E Court

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