

Our Reference: RAL/2026/2448
CS Portal Reference: N/A
Officer: James Leader
Contact: (07) 4688 6664
Email: development@tr.qld.gov.au

Development Application Decision Notice
APPROVAL
Planning Act 2016 Section 63

Neue Projects Three Pty Ltd
C/- Property Projects Australia
PO Box 3686
TOOWOOMBA QLD 4350

Email: blake@propertyprojectsaustralia.com.au
alistair@propertyprojectsaustralia.com.au
ollie@propertyprojectsaustralia.com.au

25 September 2026

Dear Sir/Madam

Location: Old Homebush Road, GOWRIE JUNCTION QLD 4352
Property Description: Lot 7 SP311097
Relevant Planning Scheme: Toowoomba Regional Planning Scheme 2012

The Development Application for Reconfiguring a Lot – Impact – One (1) Lot into 15 Lots, for the abovementioned property has been assessed and approved in full with Conditions. It is considered that the approved development generally complies with the relevant assessment benchmarks or can be conditioned to comply. The decision was made on 25 September 2026. The following provides all the relevant details:

Details of Approval

Development Permit – Reconfiguring a Lot – Impact – One (1) Lot into 15 Lots

Referral Agencies

Concurrence Agencies Name & Address: N/A

Advice Agencies Name & Address: N/A

Conditions and Advices

Assessment Manager's Conditions: As per attached Schedule 1

Concurrence Agency Conditions: N/A

Currency Period

In accordance with section 85(1)(b)(ii) of the *Planning Act 2016* (Qld), this Development Approval lapses if a plan for the reconfiguration is not given to Council in accordance with the *Land Title Act 1994* (Qld) within four (4) years of this Development Approval starting to have effect.

Further Development Permits Required

- Operational Work

Further Plans/Documents for Endorsement

The following documents/plans require Endorsement:

- Landscape Plan
- Survey Plan

Submissions

There were no properly made submissions for this application.

Rights of Appeal

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

The *Planning Act 2016* is available on the Office of the Queensland Parliamentary Counsel website via:

<https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2016-025>.

Yours faithfully



Richard Green
Lead Senior Planner, Planning Branch

SCHEDULE 1

DEVELOPMENT PERMIT FOR RECONFIGURING A LOT – IMPACT

APPLICATION NUMBER:	RAL/2026/2448
APPLICANT:	Neue Projects Three Pty Ltd
LOCATION:	Old Homebush Road, GOWRIE JUNCTION QLD 4352
PROPERTY DESCRIPTION:	Lot 7 SP311097
APPROVED USE:	One (1) Lot into 15 Lots
ZONING / PRECINCT:	Rural Residential Zone / RR2 (10,000 min) Rosalie Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

PLANNING

APPROVED DEVELOPMENT

1. This Development Approval is for Reconfiguring a Lot, being the subdivision of one (1) lot into 15 lots.

CARRY OUT AND MAINTAIN DEVELOPMENT

2. Unless otherwise stated, all conditions must be complied with prior to Council's approval of the Plan of Subdivision and at all times thereafter.
3. 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

4. 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: File Ref: K4822, Version B2

Description: Plan of Proposed Subdivision, prepared by K.J. Wilson and dated 17 August 2026

Amendments: Nil

Plan No: Plan No. 1, Version B2

Description: "Staging Plan", prepared by K.J. Wilson and amended 7 September 2026

Amendments: As amended in red as follows:

- Plan Title changed to "Staging Plan";
- Plan No changed to "1";
- "Plan of Proposed Subdivision" Struck through;
- Date changed to "Amended 7 September 2026";
- "17/8/2026" Struck Through;
- "Red hatched area denotes extent of Stage 1"; and
- "Blue hatched area denotes extent of Stage 2".

Plan No: Project Number C2526271, Drawing Number PR04, Issue No. P3
Description: Preliminary Intersection Layout, prepared by Kehoe Myers Consulting Engineers and dated 21 August 2026
Amendments: Nil

LOT NUMBERING

5. The numbering of all approved lots must remain as indicated on the Approved Plan/s (unless otherwise amended/approved by Council).

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

6. Prepare and submit applications to Council and obtain a Development Permit for Operational Work for the following:
 - 6.1 Stormwater Infrastructure;
 - 6.2 Bulk Earthworks (if required);
 - 6.3 Water Infrastructure;
 - 6.4 Roadworks; and
 - 6.5 Driveway crossovers.

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

7. Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:
 - 7.1 Landscape Plan.

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS

8. Prepare and submit for Council's approval a Plan of Subdivision in accordance with Schedule 18 of the *Planning Regulation 2017*. For the purposes of Section 1(4) of Schedule 18, the stated date by which the request must be made is the last date of the currency period of this approval.

STAGED DEVELOPMENT

9. Staging of the development is to occur in accordance with the staging indicated on the Approved Plans listed within this Development Approval, subject to and modified by any conditions of this Development Approval.
10. Stages must be completed in sequential order (i.e. Stage 1 must be completed before Stage 2) as identified on the Approved Plans listed within this Development Approval, or may be combined and carried out at one time, subject to all conditions applicable to the relevant stages being complied with.
11. The development must be carried out in accordance with those conditions applicable to one or more of the stages of development as follows:
 - 11.1 Conditions Applicable to all Stages of development:
1-12, 15-18, 22-63 and 81-82.

11.2 Additional Conditions Applicable to Stage 1 of development:

13.

11.3 Additional Conditions Applicable to Stage 2 of development:

14, 19-21, 64-80 and 83-88.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

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

DEDICATIONS, AGREEMENT AND CONTRIBUTIONS

DEDICATION OF LAND

13. The land area identified as Lot 31 on the Approved Plans must be dedicated to Council in fee simple on trust for Water Supply purposes.

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

14. The land area identified as 'New Road' on the Approved Plans must be dedicated as road reserve to Council in accordance with the approved plans and in accordance with the requirements of the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development.

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

15. The process of legal transfer of land dedicated to Council must be at no cost to Council. All transfer documentation is to be prepared and submitted to Council, at no cost to Council.
16. All land dedicated for Water Supply and Road Reserve purposes must not be encumbered by permanent structures, services such as pump stations, services easements or similar operational uses, unless otherwise approved by the conditions of this Development Approval.
17. All land dedicated for Water Supply and Road Reserve purposes must not be financially encumbered (e.g. mortgaged) unless otherwise approved by the conditions of this Development Approval.

FEES AND CHARGES

18. All current and outstanding fees, rates, interest and other charges levied on the property, must be paid in accordance with the rate at the time of payment prior to Council's approval of the Plan of Subdivision.

WORKS

STREET NAMING

19. Forward a letter of Request for Street Naming to Council providing three alternative names for each new street.

Note: Street names must be in accordance with AS4819:2011 - Rural and Urban Addressing, and are subject to Council's requirements and payment of the applicable fees in accordance the Fees and Charges Schedule.

PERMANENT SURVEY MARKS

20. A total of one (1) Permanent Survey Mark (PSM) must be supplied and connected to Australian Height Datum and provided in the following location:
 - 20.1 Within the road reserve adjacent to the south-eastern corner of proposed Lot 45.
21. Documentation detailing placement of the PSM must be lodged with Council at the time of lodgement of the Plan of Subdivision.

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

22. Plans and specifications for all works associated with roadworks, stormwater drainage, water supply and any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland – Civil (RPEQ).
23. A RPEQ must submit to Council a copy of the:
 - 23.1 Design Certificate prior to commencement of the works; and
 - 23.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
24. 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.
25. 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

26. 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.

27. 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.
28. Submit to Council for approval, as part of the Development Application for a Development Permit for Operational Work, a Detailed Stormwater Management Plan prepared by a Registered Professional Engineer Queensland – Civil (RPEQ) in accordance with the relevant standards in *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* (PSP No.2) demonstrating the following:
 - 28.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval.

STORMWATER DISCHARGE

29. Stormwater from new roofed areas (including overflow pipes from rainwater tanks) is permitted to be discharged within the allotments, a minimum of 3 metres clear of any building foundations and any adjoining property boundary.

30. The act of on-site stormwater discharge must not cause erosion and scouring and must utilise appropriate control devices at outlets to prevent such erosion and scouring.
31. Stormwater must be dispersed as sheet flow within allotments.
32. Design and construction of all internal stormwater drainage works must comply with each applicable section of *Australian and New Zealand Standard AS/NZS 3500 – Plumbing and Drainage Code* and the *Queensland Urban Drainage Manual*.
33. Stormwater from the new road must be collected in kerb inlets, conveyed in stormwater pipes and discharged to the existing Old Homebush Road table drain.

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

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

34. All cut, fill and associated batters must be undertaken in accordance with a Development Permit for Operational Work and contained entirely within the subject land.

AIR QUALITY IMPACT MITIGATION

35. 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.
36. 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:
 - 36.1 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

37. 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.
38. 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

39. 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*.
40. 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*.
41. Fires are not to be lit to dispose of demolition or construction waste.
42. 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:
 - 42.1 Elsewhere within this Development Approval;
 - 42.2 In accordance with an associated Development Permit for Operational Work;
 - 42.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 42.4 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
 - 42.5 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.
43. 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

44. 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

45. 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.
46. 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.
47. 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.
48. All disturbed areas must be mulched or turfed as soon as possible during construction.

DAMAGE TO SERVICES & ASSETS

49. Protect Council and public utility services and assets during construction of the development.
50. 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:
 - 50.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 50.2 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.
51. 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.
52. 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

ON-SITE WASTEWATER TREATMENT & DISPOSAL

53. Future dwellings on all proposed lots must be provided with an on-site wastewater treatment and effluent disposal system having a capacity and land application area sufficient for the use. The area required for the wastewater treatment and effluent disposal, including irrigation areas, must be maintained for this purpose for the life of the approval.

54. The wastewater treatment and effluent disposal systems must comply with *Australian Standard AS3500.2 – National Plumbing and Drainage – Sanitary Plumbing and Drainage*; and *Australian Standard AS1547:2012 – On Site Domestic-Wastewater Management* where system size is not exceeded (ref. Part 1.2.1.2 of AS1547:2012).
55. All reasonable and practicable measures must be undertaken to prevent treated wastewater and effluent from overflowing or seeping onto adjoining properties.

WATER SUPPLY

56. The subdivision must be connected to Council's existing water supply reticulation 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.*

57. Council's existing reticulation main must be extended in accordance with the following:

- 57.1 A new water main must be constructed along proposed 'New Road' with a cul-de-sac arrangement. The water main is to extend from the existing DN150 water trunk main located on the eastern side of Old Homebush Road (Asset ID: 7W0119510000); and
- 57.2 The proposed water network shall be connected to the existing water main located in Sunrise Court via a new DN100 water main installed along Old Homebush Road.

Note: *The water main across Old Homebush Road must be constructed with DICL with 900mm cover.*

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

58. Prior to the commencement of any development works on the subject land, an Operational Works application must be submitted and be approved by Council for water reticulation works. The Operational Works application shall be in accordance with the approved plans and documents of this Development Approval.

TELECOMMUNICATION

59. Install telecommunications infrastructure to service each approved lot which complies with the following:
 - 59.1 The requirements of the *Telecommunications Act 1997* (Cth);
 - 59.2 For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - 59.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.
60. 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.
61. 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

62. An electricity supply must be made available to service each approved lot within the subdivision. This supply must be in accordance with the relevant standards of the electricity distributor.
63. Written evidence must be submitted to Council from the electricity distributor advising that provision has been made for connection of reticulated electricity service for each approved lot in accordance with all applicable legislation at the time of construction.

Note: In relation to reticulated electricity, written evidence must be in the form of a "Certificate of Supply" or "Supply is Available" supplied by the relevant service provider.

TRANSPORT & ACCESS

ROADWORKS (EXTERNAL TO SUBDIVISION)

64. Old Homebush Road must be widened along the development frontage, as follows:

Street:	Old Homebush Road
Classification:	Distributor
Construction Standard:	Pavement widening to achieve a 4.25m pavement width from the existing road centre line to the edge of formation on the western side of the road. The 3.5m wide traffic lane and 0.5m sealed shoulder on the western side of the road must be provided with a bitumen wearing surface.
	The internal access road intersection with Old Homebush Road shall include a Basic Auxiliary Left (BAL) turning treatment on Old Homebush Road, on the southern side of the intersection.

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

65. The design and construction of the road must comply with *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* (PSP No.2) and must include in particular:
- 65.1 The Old Homebush Road widening and the construction of the access road (Road 01) intersection with Old Homebush Road shall be generally as shown on Kehoe Myers Preliminary Intersection Layout drawing number PR04, issue P3 dated 21 August 2026;
- 65.2 Pavement cutback and widening including bitumen wearing surface;
- 65.3 Gravel shoulder where required;
- 65.4 Underground stormwater drainage where required;
- 65.5 Table drain works;
- 65.6 Relocation of utility and Council services if required; and
- 65.7 Street lighting.

66. 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 joint 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.
67. All street surfacing must be in accordance with the pavement construction standards in PSP No. 2.
68. Verge widths, street reserve widths, intersection treatment, provision of parking and speed control devices must comply with Council's requirements in PSP No. 2.
69. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and approved by Council for the roadworks external to the subject land and in accordance with the approved plans and documents of this Development Approval. All approved road works must be completed and accepted on-maintenance prior to the endorsement of the Plan of Subdivision.
70. The design and construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil.

ROADWORKS (INTERNAL TO SUBDIVISION)

71. Internal road must generally be constructed as shown on the Approved Plans listed within this Development Approval.
72. The internal road must be constructed to a sealed standard, including kerb and channel on both sides of the new roads. Such kerb and channeling must be an approved residential kerb and channel. The internal road must be as follows:
 - 72.1 The entrance road from the intersection with Old Homebush Road to the 90 degree bend in the road adjacent to proposed Lot 37 must have a 18m road reserve width with 7m carriageway width measured between channel inverts;
 - 72.2 The new cul-de-sac street from proposed Lot 37 must have a 17m road reserve width with 6m carriageway width measured between channel inverts;
 - 72.3 A 1.5m wide concrete path is required on the high side of the street; and
 - 72.4 The entrance from Old Homebush Road must generally be as per the Approved Plans in this Development Approval.

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

73. Verge widths, street reserve widths, intersection treatment, provision of parking, footpaths and speed control devices must comply with Council's requirements, as set out in *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)*.
74. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the road works and in accordance with the approved plans and documents of this Development Approval. All approved road works must be completed and accepted on-maintenance prior to Council's approval of the Plan of Subdivision.
75. The design and the construction of the works must be certified by a RPEQ – Civil.

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

76. 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.*

77. Safe pedestrian access along Council's footpaths must be maintained at all times.

Note: *Should access to footpaths need to be restricted, a separate 'Temporary road or footpath closure' must be obtained from Council's Principal Engineer Road Operations, prior to the commencement of the works.*

STREET LIGHTING

78. Provide street lighting in accordance with *PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure* and *Australian Standard AS/NZS 1158 - Lighting for roads and public spaces*.

ACCESS (FOOTPATH CROSSOVERS AND DRIVEWAYS)

79. A vehicle crossover (crossing of the verge) and a suitable sealed driveway must be constructed from the Old Homebush Road edge of bitumen to the property boundary for approved Lots 32 and 33, in accordance with the following requirements:

79.1 The Institute of Public Works Engineering Australasia *Drawing RS-056 Rural Driveways*, and in accordance with *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*;

79.2 Council's standards;

79.3 The driveway surfacing must consist of an approved hot mixed asphaltic concrete, segmental clay/concrete pavers or patterned/plain concrete;

79.4 The driveway must be constructed so as not to concentrate stormwater runoff onto neighbouring properties; and

79.5 Underground service conduits for water supply, electricity, house drainage and any other services must be provided as part of the access driveway.

PROPERTY ACCESS

80. Direct access to Old Homebush Road is not permitted from approved Lot 34 at any time.

LANDSCAPE & ECOLOGY

REMOVAL OR MODIFICATION OF EXISTING COUNCIL CONTROLLED TREE

81. The removal, modification or interference (including disturbance within the Notional Root Zone (NRZ) or Structural Root Zone (SRZ)) of a Council Controlled Tree must not be undertaken unless approved in writing by Council and in accordance with any conditions of this Development Approval.

PROTECTION OF COUNCIL CONTROLLED TREES

82. Council Controlled Trees affected by works within the Notional Root Zone (NRZ) as determined in accordance with *AS4970 Protection of Trees on Development Sites*, 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 *AS4970 Protection of Trees on Development Sites*, and must include in particular:
- 82.1 Establishment of a work exclusion area around the Council Controlled Tree to be retained prior to commencement of construction to avoid damage and soil compaction from plant and machinery;
 - 82.2 Providing Council with one (1) weeks' notice of any excavation works affecting the Notional Root Zone (NRZ) of a Council Controlled Tree so that a Council Arborist may choose to be present during excavation works;
 - 82.3 During excavation works, where roots greater than 50mm diameter are uncovered that need to be severed, obtain approval from a Council Arborist to sever the root, and if granted, do so with a cutting device and not a ripping device; and
 - 82.4 Tree protection measures are to be maintained until works are completed or accepted on-maintenance.

LANDSCAPE PLAN

83. Submit to Council for endorsement, a Landscape Plan prepared by a suitably qualified person that details in particular:
- 83.1 Street tree species to be planted and their location;
 - 83.2 The number and container size of plants;
 - 83.3 The typical planting detail including preparation, backfill, staking and mulching;
 - 83.4 Internal dimensions of all planting areas;
 - 83.5 Location and species of existing site vegetation including adjacent street trees;
 - 83.6 Maintenance schedule for the 12-month period; and
 - 83.7 North point, scale and drawing number.

Note: Unless otherwise approved, street trees required to be supplied as a condition of this Development Approval must be supplied in a minimum of 45L containers.

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

LANDSCAPING WORKS (PROVISION OF STREET TREES)

85. Unless otherwise agreed by Council, plant and maintain for a period of 12 months, one (1) street tree for every 15 metres of new road reserve created as part of the development (both sides of the road) that is capable of reaching 10 metres in height at maturity.

86. Unless otherwise agreed by Council, plant and maintain for a period of 12 months, one (1) street tree for every 15 metres along the constructed development site frontage to Old Homebush Road that is capable of reaching 10 metres in height at maturity.
87. The selection and planting of any street tree, including any street tree required to replace a removed street tree must be in accordance with the requirements of *Planning Scheme Policy No.8 – Street Trees*, *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* the *Toowoomba Regional Council Street Tree Master Plan*, and the endorsed Landscape Plan.
88. All landscape works must be established by a qualified person and maintained in accordance with the conditions of this Development Approval for the maintenance period, and in a manner that ensures healthy, sustained and vigorous plant growth.

B. ADVICES:

GENERAL ADVICES

SUBMISSION OF PLANS FOR ENDORSEMENT

- 1) 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. RAL/2026/2448 and send to development@tr.qld.gov.au.

INFRASTRUCTURE CHARGES

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

OTHER LAWS & REQUIREMENTS

- 3) This Development Approval relates to development requiring approval under the *Planning Act 2016* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
- 4) Any works impacting outside the property boundary will require a permit under Subordinate Local Law No. 1.15 (2020) (Carrying Out Works on a Road or Interfering with a Road or its Operation). Please contact Council's Road Operations Branch through our Customer Service Centre on 131 872. The application can be found on Council's website at www.tr.qld.gov.au.
- 5) 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

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

WHEN APPROVAL LAPSES

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

EXCAVATION & FILLING

- 8) 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.

ENVIRONMENTAL HARM

- 9) 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.

STREET TREE DISTURBANCE & REMOVAL APPROVAL

- 10) 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

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

ABORIGINAL CULTURAL HERITAGE ACT 2003

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

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

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

FIRE ANTS

- 13) 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.

WASTEWATER TREATMENT & DISPOSAL SYSTEM

- 14) The establishment of a wastewater treatment and disposal system for the site requires a Compliance Permit to be obtained from Council under the *Plumbing and Drainage Act 2018*. The system must be designed in accordance with the *Queensland Plumbing and Wastewater Code* (Department of State Development and Infrastructure & Planning, 2007) and the Australian & New Zealand Standard AS/NZS1547 On-site Domestic Wastewater Management.

Please contact Council's Plumbing and Drainage team via the Customer Service Centre for further information in respect of a Compliance Permit. Where a development exceeds the accommodation or use of 21 or more equivalent persons an Environmental Authority from the Department of Environment & Science will also be required.

C. ATTACHMENTS:

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

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—
- for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - 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
 - for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - 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
 - 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
 - for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - otherwise—20 business days after the day the notice is given; or
 - for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.
- Note— See the P&E Court Act for the court's power to extend the appeal period.
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
- the adopted charge itself; or
 - for a decision about an offset or refund—
 - the establishment cost of trunk infrastructure identified in a LGIP; or
 - the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

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

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

- (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
- (f) for an appeal to the P&E Court—the chief executive; and
- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
- if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2) schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
- decision** includes—
- conduct engaged in for the purpose of making a decision; and
 - other conduct that relates to the making of a decision; and
 - the making of a decision or the failure to make a decision; and
 - a purported decision; and
 - a deemed refusal.

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

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

232 Rules of the P&E Court

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