

RECEIVED
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REGIONAL COUNCIL****Rich traditions. Bold ambitions.**

Our Reference: MCUI/2021/1651/A
CS Portal Reference: N/A
Contact Officer: Sophie Spencer
Contact: (07) 4688 6808
Email: development@tr.qld.gov.au

Negotiated Decision Notice
APPROVAL
Planning Act 2016 Section 76

Novus Property Group Pty Ltd
C/- Property Projects Australia (James Juhasz)
PO Box 3686
TOOWOOMBA QLD 4350

Email: james@propertyprojectsaustralia.com.au
ppaprojects@emailworkflowmax.com

10 December 2024

Dear Sir/Madam

Location: 19-47 Vision Street, WELLCAMP QLD 4350
Property Description: Lot 103 SP322021, Lot 14 RP24627, Emt A SP285240
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012*

Council received your change representations under section 75 of the *Planning Act 2016* on 23 October 2024. A decision was made on 5 December 2024 to issue a Negotiated Decision Notice. This Negotiated Decision Notice replaces the Decision Notice previously issued and dated 12 September 2024.

Nature of Changes

All deletions are identified by **bolded strikethrough** of text in the attached Schedule/s.

All additions are identified by **bolded** text in the attached Schedule/s.

Details of Approval

Development Permit – Material Change of Use - Impact

Referral Agencies

Concurrence Agencies Name & Address: Department of State Development, Infrastructure,
Local Government and Planning
PO Box 825
TOOWOOMBA QLD 4350

Advice Agencies Name & Address: N/A

Conditions, Advices and Notices

Assessment Manager's Conditions: As per attached Schedule 1

Concurrence Agency Conditions: As per attached Schedule 2

Currency Period

In accordance with section 85(1)(a)(ii) of the *Planning Act 2016* (Qld), this Development Approval lapses, to the extent the development is not completed, if the first material change of use under this Development Approval has not happened within six (6) years of this Development Approval starting to have effect.

Further Development Permits Required

- Building Works
- Plumbing and Drainage Works
- Operational Works

Further Plans/Documents for Endorsement

The following documents/plans require Endorsement:

- Easement Documentation
- Landscape Plan

Submissions

No submissions were received.

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 via:

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

Yours faithfully



Jayden Forbes-Mitchell
Lead Senior Planner, Planning Branch

SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - IMPACT

APPLICATION NUMBER:	MCUI/2021/1651/A
APPLICANT:	Novus Property Group Pty Ltd
LOCATION:	19-47 Vision Street, WELLCAMP QLD 4350
PROPERTY DESCRIPTION:	Lot 103 SP322021, Lot 14 RP24627, Emt A SP285240
DECISION DATE:	5 December 2024
APPROVED USE:	Medium Impact Industry and High Impact Industry
ZONING / PRECINCT:	Medium Impact Industry Zone / General Industry Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

PLANNING

APPROVED USE

1. This Development Approval is for a Material Change of Use for Medium Impact Industry and High Impact Industry, carried out in two stages, and is limited as follows:
 - 1.1 Having a maximum gross floor area (GFA) of ~~17,522m²~~ **17,556.84m²** in two stages:
 - 1.1.1 Stage 1 comprising a maximum GFA of ~~5,272m²~~ **5,302.54m²**; and
 - 1.1.2 Stage 2 comprising a maximum GFA of ~~12,250m²~~ **12,254.3m²**;
 - 1.2 Concrete batching is limited to:
 - 1.2.1 Producing 150m³ concrete per calendar day equivalent to a maximum annual throughput of 54,750m³ concrete; and
 - 1.2.2 A maximum 148m² of Gross Floor Area (GFA);
 - 1.3 Any office must be ancillary and subordinate to the primary use of the premises for Medium Impact Industry and High Impact Industry; and
 - 1.4 This approval does not authorise the use of the Stage 1 balance area (labelled 'Existing Groundcover' on the Approved Plans) for vehicle manoeuvring, outdoor storage or as a laydown area.

Note: The conditions of this Development Approval limit the throughput (m³) and GFA of concrete batching, to ensure it results in an acceptable level for planned water demand in the area. Any changes to the throughput and/or GFA of the concrete batching component will require a re-assessment of water demand against Council's Water Infrastructure Policy 2.03.

CARRY OUT & MAINTAIN DEVELOPMENT

2. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they are not varied by this Development Approval.

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

APPROVED PLANS

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

Plan No: 2308.DA00 Revision ~~K~~ **N**
Description: Cover Sheet, prepared by Green Lion Design and dated ~~7/5/2024~~ **19/11/24**
Amendments: ~~Nil~~ **GFA table amended in red.**

Plan No: 2308.DA02 Revision ~~K~~ **Q**
Description: Site Plan Stage 1, prepared by Green Lion Design and dated ~~7/5/2024~~ **19/11/24**
Amendments: ~~Nil~~ **Including a notation in red that the MSB area is not included in GFA**

Plan No: 2308.DA01 Revision ~~J~~ **M**
Description: Site Plan Stage 2, prepared by Green Lion Design and dated ~~7/5/2024~~ **19/11/24**
Amendments: Including a notation in red that development must not occur within the future road reserve of Vision Street on the northern boundary (labelled on Approved Plans as Foundation Street) under existing approvals RAL/2022/2513/C and OW/2022/6363.

Plan No: 2308.DA03 Revision ~~D~~ **G**
Description: Car Parking Plan – Stage 2, prepared by Green Lion Design and dated ~~7/5/2024~~ **19/11/24**
Amendments: Nil

Plan No: 2308.DA04 Revision ~~E~~ **K**
Description: Car Parking Plan – Stage 1, prepared by Green Lion Design and dated ~~7/5/2024~~ **19/11/24**
Amendments: Nil

Plan No: 2308.DA011 Revision ~~G~~ **H**
Description: Floor Plan – Stage 2 – Foundation Street, prepared by Green Lion Design and dated ~~7/5/2024~~ **18/9/24**
Amendments: Nil

Plan No: 2308.DA012 Revision ~~G~~ **H**
Description: Upper Floor – Stage 2 – Foundation Street, prepared by Green Lion Design and dated ~~7/5/2024~~ **18/9/24**
Amendments: Nil

Plan No: 2308.DA013 Revision ~~H~~ **L**
Description: Floor Plan – Stage 1 – Vision Street, prepared by Green Lion Design and dated ~~7/5/2024~~ **19/11/24**
Amendments: Nil

Plan No: 2308.DA015 Revision A
Description: Upper Floor Plan – Stage 1, prepared by Green Lion Design and dated 19/11/24
Amendments: Nil

Plan No: 2308.DA014 Revision ~~E~~ F
Description: Roof Plan, prepared by Green Lion Design and dated ~~22/2/2024~~ 18/9/24
Amendments: Nil

Plan No: 2308.DA021 Revision ~~J~~ L
Description: Elevations – Frontages, prepared by Green Lion Design and dated ~~7/5/2024~~ 19/11/24
Amendments: Nil

Plan No: 2308.DA022 Revision ~~J~~ L
Description: Elevations, prepared by Green Lion Design and dated ~~7/5/2024~~ 19/11/24
Amendments: Nil

Plan No: 2308.DA031 Revision ~~E~~ G
Description: Sections, prepared by Green Lion Design and dated ~~22/2/2024~~ 19/11/24
Amendments: Nil

APPROVED DOCUMENTS

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

Document: 20-007, V 1
Description: Noise and Dust Impact Assessment, prepared by MWA Environmental and dated 28/07/2023
Amendments: Nil

Document: J001492, V 3
Description: Site Based Management Plan, V 3, prepared by Range Environmental and dated 10/08/2023
Amendments: Section 4.3 and Environmental Control Plan (ECP) 1 Air, Noise and Light amended to include the dust control measures in Section 3.3.3 of the Approved Noise and Dust Impact Assessment.

8. Documents to be amended must only incorporate the amendments listed within this Development Approval and must be resubmitted to Council for approval prior to commencement of use.

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 Roadwork;
 - 9.2 Bulk Earthwork (unless undertaken in conjunction with building works);
 - 9.3 Stormwater Infrastructure; and
 - 9.4 Vehicle Crossings.

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 Easement Documentation; and

10.2 Landscape Plan.

COMPLETION PERIOD

11. In accordance with section 88(1) of the *Planning Act*, this Development Approval lapses, to the extent the development is not completed, if all changes of use approved under this Development Approval have not happened within six years of the Development Approval starting to have effect.

STAGED DEVELOPMENT

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

All conditions.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

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

COMMENCEMENT OF USE

16. Submit to Council a Notice of Intention to Commence the Approved Use. The notice must:
- 16.1 Be submitted to the Manager, Planning within a minimum of ten (10) business days prior to commencement of the approved use;
- 16.2 Nominate the day the approved use is intended to commence; and
- 16.3 Include evidence (i.e. copies of decision notice(s), photographic proof, and statement(s) of compliance with the conditions of this approval from suitably qualified persons) which demonstrates that all conditions of this approval have been complied with.

DEDICATIONS, AGREEMENTS & CONTRIBUTIONS

EASEMENTS

17. An easement for drainage purposes must be registered in favour of Council against the title of Lot 14 RP24627 to convey stormwater from the development site to Dry Creek. The easement must be as required within Development Permit RAL/2022/2513/C and must be registered with the Titles Office prior to the issue of a Development Permit for Operational Work or Building Work (whichever occurs first).
18. Where the Grantee is Council or a service authority, the easement documentation must be in accordance with the Grantee's standard easement terms and documents or any other terms and conditions as deemed necessary to fulfil the purpose of the easement.
19. Easement documentation must be prepared and submitted to Council, at no cost to Council, for endorsement where Council is the Grantee or review against conditions of approval otherwise.
20. Unless consistent with the terms of the easement and authorised under this Development Approval, any permanent works or structures must be kept clear of any existing or proposed easements on the subject land.

Note: Council will not take or purchase land in accordance with section 263 of the Planning Act 2016 in order to allow the construction of drainage infrastructure on adjoining land to facilitate the development.

Note: The owner of Lot 14 RP24627 will be required to consent to the easement required by this condition. This condition cannot be taken to compel the owner of adjoining land to consent to the easement.

Note: The registration with the Titles Office of Stage 2 of RAL/2022/2513/C will allow this condition to be satisfied.

WORKS

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

21. Plans and specifications for all works associated with vehicular access, stormwater drainage, and earthworks, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
22. A RPEQ must submit to Council a copy of the:
 - 22.1 Design Certificate prior to commencement of the works; and
 - 22.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
23. Any works that have been certified by an RPEQ must be carried out under the supervision of an RPEQ with all executed works being detailed on a Construction Supervision Certificate.
24. Where any condition refers to or requires an Engineer to perform a task or function, the Engineer must hold professional indemnity insurance to the value of \$2,000,000. A Certificate of Currency must be submitted to Council with any Design Certificate or Construction Supervision Certificate.

STORMWATER DRAINAGE

25. All stormwater infrastructure necessary to convey run-off from roof and developed surface areas, and any run-off onto the subject land from adjacent areas, must be provided in accordance with a Development Permit for Operational Work.

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

26. Prior to the commencement of any works on the subject land **excluding building works (pile driving)**, 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.

27. 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:

- 27.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval;
- 27.2 For existing stormwater infrastructure in Vision Street no increase in peak flow rates (for the undeveloped state) 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;
- 27.3 For existing stormwater infrastructure in Vision Street, no increase in flood levels external to the subject land;
- 27.4 For existing stormwater infrastructure in Vision Street, no increase in duration of inundation external to the subject land that could cause loss or damage;
- 27.5 Stormwater not captured within existing infrastructure in Vision Street is conveyed to Dry Creek via piped infrastructure and the open channel through Lot 14 RP24627.
- 27.6 Appropriate inspection and maintenance of stormwater quality control infrastructure in accordance with a program; and
- 27.7 The achievement of Water Sensitive Urban Design objectives listed in PSP No. 2 and *State Planning Policy July 2017*.

Note: Council will not take or purchase land in accordance with section 263 of the Planning Act 2016 in order to allow the construction of drainage infrastructure on adjoining land to facilitate the development.

Note: The owner of Lot 14 RP24627 will be required to consent to the easement required by this condition. This condition cannot be taken to compel the owner of adjoining land to consent to the works or easements.

BULK EARTHWORKS

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

AIR QUALITY IMPACT MITIGATION

29. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the *Air Quality Objectives* listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive place or commercial place must not be released to the atmosphere during building work and throughout the life of this development .
30. 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:
 - 30.1 Dust deposition of 120 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method*.

CONSTRUCTION WASTE MANAGEMENT & STORAGE

31. 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*.
32. 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*.
33. Fires are not to be lit to dispose of demolition or construction waste.
34. 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:
 - 34.1 Elsewhere within this Development Approval;
 - 34.2 In accordance with an associated Development Permit for Operational Work;
 - 34.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 34.4 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
 - 34.5 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.
35. 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

36. 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

37. 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.
38. 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.
39. 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.
40. All disturbed areas must be mulched or turfed as soon as possible during construction.
41. Measures such as vehicle baths, wash-down and construction matting together with dust suppressants and wraps, exposed ground and stockpile sprinkling must be put in place to minimize site vehicles tracking sediment onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction and, where applicable the ensuing 'on-maintenance' period.

DAMAGE TO SERVICES & ASSETS

42. Protect Council and public utility services and assets during construction of the development.
43. 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:
 - 43.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 43.2 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.
44. 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.
45. 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)

46. The development must be connected to Council's existing ~~DN300 gravity main on the western verge of Vision Street~~ **sewer gravity main manhole S10419M01 via the existing sewer extension** at no cost to Council. This includes augmentation works external to the development as required to adequately service the development and connect with the existing wastewater reticulation system.

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

Note: This manhole was accepted on-maintenance within development permit OW/2022/6363 and approved as sewer manhole 1/2 within the approved drawings for development permit OW/2022/6363.

47. The design and construction of the wastewater works must be in accordance with Council's *Wastewater Infrastructure Policy 2.04*.
48. Prior to the commencement of any works on the subject land, an Operational Works application must be submitted to and be approved by Council for the wastewater works in accordance with the approved plans and documents of this Development Approval.
49. Any new 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.

50. Any maintenance hole covers located in trafficable areas and driveways must be upgraded to a heavy-duty trafficable system if not currently. This may include replacement of the Maintenance Holes' structure (or part of). Any such works must be undertaken by Council at no cost to Council.
51. Any wastewater property drainage connection points located in trafficable areas will require the vertical shaft to be capped with a heavy-duty trafficable system finished flush with the finished surface level.
52. Maintenance Holes (MH) are to be fully protected during the full construction period of the development. Protection must include spanning slabs or beams and matting to ensure direct loads from all heavy plant during construction are not transmitted onto the MH structure.
53. Structural protection for Council's wastewater infrastructure and clearance around maintenance holes must be incorporated for all designs in accordance with *the Queensland Development Code, Mandatory Policy 1.4 - Building Over or Near Relevant Infrastructure*.

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

WATER SUPPLY

54. 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.

Note: The size of any new service connection is to be determined during Plumbing approval.

55. All water main fittings, services and meters must be located 1.0m clear of the driveway footpath crossover unless otherwise approved in writing by Council. Any relocation of fittings clear of driveways must be undertaken by Council at no cost to Council.

56. 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.
57. Any proposed driveway cross over must provide a minimum of 0.9m cover to Council's existing water main otherwise it must be replaced with DICL material extending either side at a minimum distance of 1.0m past the driveway.
58. Any proposed tree plantings near water service connection points must have a minimum 1.5m clearance to the connection point.
59. Any proposed street tree plantings near Council's existing water main must have a minimum 2.0m clearance to the water main.
60. The developments internal firefighting system must be designed and constructed in accordance with Council 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 reticulation system, the applicant must confirm the compliant performance in the existing Council system prior to request for any fire service connections. All pressure and flow tests within Council infrastructure must be undertaken by Council at no cost to Council.
61. Where the development needs higher fire flows than stated in *Council Water Infrastructure Policy 2.03* for the relevant land zone, the Council water reticulation network must be sufficiently upgraded, or fire break tanks must be used within the property at no cost to Council.

ELECTRICITY

62. 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

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

ACCESS FOR PEOPLE WITH DISABILITIES

67. 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

68. Safety and security lighting must be provided to the following areas of the subject land:
 - 68.1 All entries and exits of buildings;

- 68.2 All pathways linking car parking areas to the entrances and exits of buildings; and
- 68.3 Throughout car parking areas.
69. 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*
70. Pedestrian routes between car parking areas and buildings must be clearly signed and marked.

TRANSPORT, VEHICULAR ACCESS & PARKING

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

71. 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.*
72. Safe pedestrian access along Council's footpaths must be maintained at all times.
- Note: Should access to footpaths need to be restricted, a separate 'Temporary road or footpath closure' must be obtained from Council's Principal Engineer Road Operations, prior to the commencement of the works.*

REMOVAL OR MODIFICATION OF COUNCIL TRAFFIC SIGNS OR PARKING BAYS

73. Obtain the written approval of Council's Coordinator Traffic Management for any works involving the removal or modification of existing Council traffic signs or parking bays prior to the works commencing. Where approved by Council such works are to be undertaken at no cost to Council.
74. The installation or modification of any street signs or line marking must be in accordance with the Manual of Uniform Traffic Control Device (MUTCD).

PROVISION OF VEHICULAR ACCESS

75. The vehicle accesses from the subject land to Vision Street (also labelled as Foundation Street on the Approved Plans) must be sealed from the kerb and channel to the property boundary. The accesses must be designed by a Registered Professional Engineer Queensland (RPEQ) – Civil and must include the provision of adequate access width and flares to suit the proposed entry and exit manoeuvres. Such works must be constructed as specifically required below:
- 75.1 The vehicle accesses must be located as shown on the Approved Plans listed within this Development Approval and must be provided for the applicable stage;
- 75.2 The vehicle accesses (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)*;

- 75.3 The vehicle accesses (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;
- 75.4 The vehicle accesses (crossing of the verge) must be located a minimum of one (1) metre clear of existing power poles, streetlights or any signage;
- 75.5 The relocation of all existing services must be clear of the access(es) that will serve the subject land;
- 75.6 The relevant service authorities must be contacted and their requirements complied with; and
- 75.7 The vehicle accesses (crossing of the verge) must include suitable tapers and flares to accommodate the required turning paths of an Articulated Vehicle.

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

- 76. The final design and layout of the vehicle accesses, or any modification of existing property accesses, must be in accordance with the accepted development assessment benchmarks in the Works and Services Code in the *Toowoomba Regional Planning Scheme 2012* prior to any construction works within the road reserve.

ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING

- 77. The premises must be provided with a total of one hundred and thirty (130) on-site car parking spaces including two spaces for people with disabilities (PWD), together with standing and manoeuvring for an Articulated service vehicle. Fifty-three (53) car spaces plus one PWD car space must be provided as part of Stage 1 and the balance provided as part of Stage 2. Car parking and manoeuvring areas must be:
 - 77.1 Constructed generally as shown on the Approved Plans listed within this Development Approval;
 - 77.2 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*;
 - 77.3 Designed and constructed in accordance with the requirements of AS2890;
 - 77.4 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;
 - 77.5 Accessible and available to the general public and staff during approved hours of operation;
 - 77.6 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the subject land;
 - 77.7 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring; and
 - 77.8 Designed to enable all vehicles to enter and leave the subject land in a forward gear.

ENVIRONMENT & WASTE

ACOUSTIC AMENITY - GENERAL

78. Drainage grating over trafficable areas must be well secured and maintained to prevent rattling.
79. Driveway areas are to be uncoated or finished with surface coatings which minimise the risk of tyre squeal.

ACOUSTIC AMENITY - NOISE LIMITS

80. Noise from activity associated with the use of the subject land must not exceed the levels specified in **Table 1** when measured at any sensitive receptor.

Table 1 - Noise Limits

	Noise level measured in dB(A) – measured externally at sensitive receptors	
	Variable noise assessment criteria $L_{Aeq\ adj,T}$	Continuous noise assessment criteria $L_{Aeq\ adj,T}$
Day (7am-6pm)	50	45
Evening (6pm-10pm)	42	37
Night (10pm-7am)	40	37
Sleep Disturbance	45 dB(A) L_{Amax} internal noise limits	

81. 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 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

82. 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*.

AIR QUALITY & AMENITY - AIR RELEASE LIMITS

83. 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.

AIR QUALITY & AMENITY - AIR RELEASE LIMITS (DUST AND PARTICULATE MATTER)

84. Dust and particulate matter emissions generated from activity associated with the use of the subject land do not exceed the levels in Table 2 when measured at any residential, commercial or industrial receptor:

Table 2 – Dust and Particulate Limits

	Averaging Period	Limit
TSP	Annual Average	90 µg/m ³
PM₁₀	Maximum 24 Hour Average	50 µg/m ³
	Annual Average	25 µg/m ³
PM_{2.5}	Maximum 24 Hour Average	25 µg/m ³
	Annual Average	8 µg/m ³
Dust Deposition	Annual Average	120 mg/m ² /day

85. 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 - DUST MITIGATION MEASURES

86. Cement and flyash storage silos must incorporate effective dust filter systems (e.g. reverse pulse bag filters) with filter medium breakthrough alarms, low level relief points and automatic cut-off and/or high level alarms to silos to prevent overfilling.
87. Aggregates and sands must be stored within the enclosed bulk storage building with no external stockpiles of raw materials kept on site.
88. The site is to be sealed and regularly cleaned to minimise silt loading and potential dust emissions from wind erosion and vehicle manoeuvring.
89. Cleaning of roadways and hardstand should be undertaken on a regular basis using sweeping or vacuum systems.

OUTDOOR LIGHTING IMPACT MITIGATION

90. 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*.
91. All outdoor flood lighting must be of a type that gives no upward component of light when mounted horizontally (i.e. a full cut off luminaire).
92. 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.

STORMWATER QUALITY

93. Contaminants or contaminated water must not be directly or indirectly released from the subject land or to the ground or groundwater at the subject land at any time except:
- 93.1 Following treatment using an appropriate stormwater quality improvement device (SQID) as uncontaminated overland stormwater flow;

- 93.2 Following treatment using an appropriate stormwater quality improvement device (SQID) as uncontaminated stormwater to the stormwater system; and
- 93.3 Contaminants released to the wastewater system under and in accordance with a trade waste permit issued by Council under the *Water Supply (Safety and Reliability) Act 2008*.

WASTE MANAGEMENT (GENERAL)

- 94. 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)

- 95. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
 - 95.1 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;
 - 95.2 Provision of separate bins for general waste, recyclable waste and regulated waste for the site;
 - 95.3 Provision of a constructed bin store with an impervious hardstand base for the:
 - 95.3.1 Permanent storage location of all wheelie bins, each having minimum dimensions of 1m² per bin, located no closer than 5m to any fresh air intake of a habitable room; and/or
 - 95.3.2 Permanent storage location and service collection of all bulk bins, having minimum dimensions which exceed the combined size of bins by at least 300mm at the rear and both sides and 600mm at the front and no closer than 5m to any fresh air intake of a habitable room;
 - 95.4 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built enclosure or solid screen fencing; and
 - 95.5 Bins must be kept in a clean state and in good repair and fitted with tight-fitting lid assemblies designed to prevent ingress of pests and water.

WASTE MANAGEMENT (REMOVAL)

- 96. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
 - 96.1 Disposal of waste generated must be undertaken in accordance with the *Environmental Protection Regulation 2019*;
 - 96.2 Collection by a refuse vehicle from within the site only, and not from the kerbside;
 - 96.3 Bins must be located in a manner that allows the refuse vehicle to pick them up automatically without the driver having to relocate them;
 - 96.4 General waste must be collected and removed at periods not exceeding seven days;
 - 96.5 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal; and

- 96.6 The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.

SITE BASED ENVIRONMENTAL MANAGEMENT PLAN

97. The approved use must be carried out in accordance with Section 4 of the Amended Site Based Environmental Management Plan as required by the conditions of this Development Approval.
98. The Amended Site Based Management Plan must be implemented, maintained and modified where necessary to maintain compliance with the requirements of this Development Approval at all times.

STORAGE OF LIQUID CHEMICALS

99. All liquid chemicals (including flammable liquids, agricultural and veterinary chemicals, waste oil, acid and lube oil) must be stored within dedicated impervious secondary containment stores, structures or devices and in a manner that complies with *Australian Standards AS1940 - The storage and handling of flammable and combustible liquids* and *AS 2507 - The storage and Handling of Agricultural and Veterinary Chemicals*.

LANDSCAPE PLAN

100. 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:
- 100.1 A Planting Plan and Schedule;
- 100.2 The typical planting detail including preparation, backfill, staking and mulching;
- 100.3 Internal dimensions of all planting areas;
- 100.4 Location, height and finish of fencing fronting public land (including street frontages);
- 100.5 Location and species of existing site vegetation to be removed and/or retained in accordance with this Development Approval, including adjacent street trees to be retained and/or removed;
- 100.6 Construction details of proposed surfaces, surface level changes and structures.
- 100.7 Location and dimensions of any communal bin stores requiring vegetative screening;
- 100.8 Provide a high degree of shade (minimum of 25% canopy cover at maturity) over car park area and associated internal roadways. A minimum of 43 shade trees must be provided over both stages 1 and 2;
- 100.9 Landscaping associated with each stage where relevant; and
- 100.10 North point, scale, title and drawing number.

LANDSCAPING WORKS

101. The development must be landscaped for each stage in accordance with the endorsed Landscape Plan and the requirements listed in the Landscape Code contained within the *Toowoomba Regional Planning Scheme 2012* in a manner that:

- 101.1 Maximises the retention of existing site vegetation which contributes to the site character;
 - 101.2 Maintains or increases tree canopy cover;
 - 101.3 Maximises the extent of new site vegetation to define boundaries, create shade and contribute to the site character;
 - 101.4 Includes large scale canopy trees between buildings and along boundaries to visually fragment the views and provide shade to buildings and pavement;
 - 101.5 Provides a minimum of 70% of the landscape area retained as a permeable surface;
 - 101.6 Designates variation in pavement colours and/or materials to define safe pedestrian movement areas;
 - 101.7 Utilises plant species which are characteristic of the local area and provides seasonal variation, colour and texture;
 - 101.8 Provides irrigation to all planted areas; and
 - 101.9 Where planting areas are intended to serve a stormwater function, sub soil drainage is installed and connected to the main system and soils and plant species are suited to the purpose.
102. 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:

GENERAL ADVICE

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. MCUI/2021/1651 and send to development@tr.qld.gov.au.

REQUEST FOR COUNCIL EASEMENT DOCUMENT(S) OR TERMS

- 2) The conditions of this Development Approval require the provision of easement(s) in favour of Council. Please address enquiries in relation to terms and/or wording of easement document(s) to Council's Property Services Branch including Applicant Contact Details, Property Address, Reference No. MCUI/2021/1651, Condition Nos 18-21, Purpose of the easement(s), Any Plan(s) and send to property@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.

DEFENCE AVIATION AREA REGULATIONS AND DECLARATIONS, 2018

- 9) Should the premises, or any part of the premises, be located within a 15km buffer of the Oakey Army Aviation Base known as the Defence Aviation Area (DAA), a separate approval is required from the Department of Defence in accordance with Part 11A of the *Defence Regulations, 2016* before any building works or uses commence. Further information on DAA and links to the declaration and map for Army Aviation Centre, Oakey can be found at <http://www.defence.gov.au/id/AviationAreas.asp>.

EXCAVATION & FILLING

- 10) 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

- 11) 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:

- 11.1 The *Disability Discrimination Act 1992* (Cth);

11.2 The *Anti-Discrimination Act 1991* (Qld); and

11.3 The *Disability (Access to Premises - Buildings) Standards*.

ENVIRONMENTAL HARM

- 12) 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.

WATER POLLUTION

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

FIRE ANTS

- 14) 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.

MANDATORY RAINWATER TANKS

- 15) 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>

SUITABLY QUALIFIED PERSON

- 16) For the purpose of preparing a Landscape Plan, a suitably qualified person is considered to be a Registered Landscape Architect or Landscape Designer with a minimum of 5 years current experience in the field of landscape design.

TRADE WASTE APPROVAL

- 17) 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.

FUTURE RECONFIGURATION

- 18) The original Approved Plan for Development Permit RAL/2009/5116 (Reconfiguring a Lot – 2 into 14 Allotment Subdivision in Two Stages) shows a future lot boundary, between Lots 7 and 8, in the area of the approved Stage 2 building of MCUI/2021/1651. However, the most recent plans accepted as 'generally in accordance with' (GIA) the approved plans of Development Permit RAL/2009/5116, indicate the development under MCUI/2021/1651 will occur within a singular lot (future lot 7). Lot 8 SP296133 has been created, in alignment with the GIA plans. Carrying out the development rights for Development Permit RAL/2009/5116 as per the GIA plans (as listed below) will ensure this approved development is not compromised.

Plans accepted as Generally In Accordance with Approved Plans of Development Approval RAL/2009/5116:

- *Drawing No. 16/186PP21 Revision C, titled Proposal Plan – Concept Plan, prepared by Byrne Surveyors and received by Council 9 June 2023*
- *Survey Plan SP321961 Sheet 1 of 3, titled Plan of Lots 7 and 103 Cancelling Lot 103 on SP322021, prepared by Byrne Surveyors, undated and received by Council 9 June 2023*

C. ATTACHED POLICIES AND/OR STANDARDS:

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

SCHEDULE 2

REFERRAL AGENCY (CONDITIONS AND COMMENTS)

**DEPARTMENT OF STATE DEVELOPMENT, INFRASTRUCTURE, LOCAL GOVERNMENT AND
PLANNING**



SARA reference: 2106-23206 SRA
 Council reference: MCUI/2021/1651
 Applicant reference: J000852

21 July 2021

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

Attention: Mr Geoff Broadbent



Dear Geoff

SARA response—28 Witmack Road, Wellcamp

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 1 July 2021.

Response

Outcome:	Referral agency response - No requirements
	Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	21 July 2021
Advice:	Advice to the applicant is in Attachment 1 .
Reasons:	The reasons for the referral agency response are in Attachment 2 .

Development details

Description:	Development permit	Material Change of Use – Medium Impact Industry (Steel Fabrication) and High Impact Industry (Concrete Batching and Producing Concrete Products)
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (10.9.4.1.1.1)—Aspect of development stated in schedule 20 (Planning Regulation 2017)	
SARA reference:	2106-23206 SRA	
Assessment Manager:	Toowoomba Regional Council	

Street address: 28 Witmack Road, Wellcamp
Real property description: Lot 103 on SP296133; Lot 14 on RP24627
Applicant name: Novus Property Group Pty Ltd
Applicant contact details: C/- Property Projects Australia
216 Herries Street
Toowoomba QLD 4350
marcus@propertyprojectsaustralia.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s. 30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 3**.

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

For further information please contact Danica Clark, Senior Planner, on (07) 4616 7305 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Darren Cooper
Manager - DDSW (Planning)

cc Novus Property Group Pty Ltd, C/- Property Projects Australia, marcus@propertyprojectsaustralia.com.au

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations about a referral agency response

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

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

The reasons for SARA's decision are:

The development complies with State Code 1: Development in a state-controlled road environment.

Specifically, the development:

- does not create a safety hazard for users of a state-controlled road
- does not compromise the structural integrity of state-controlled roads, road transport infrastructure or road works
- does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled road
- does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6)
- The Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*

Attachment 3—Representations about a referral agency response

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

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

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the **appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) 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
 - (iv) otherwise—20 business days after the day the notice is given; or
 - (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note— See the P&E Court Act for the court's power to extend the appeal period.
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

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

appeal to—

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

231 Non-appealable decisions and matters

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

decision includes—

 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

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

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

232 Rules of the P&E Court

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

REAL PROPERTY DESCRIPTION

PROPOSED LOT 7, VISION STREET, WELLCAMP
PART OF LOT 103 on SP322021
TOTAL - 3.56ha
TOOWOOMBA REGIONAL COUNCIL

GROSS FLOOR AREA	
NAME	AREA
STAGE 1 AMENITIES	93.89 m ²
STAGE 1 MOVEMENT	601.20 m ²
STAGE 1 OFFICE	122.57 m ²
STAGE 1 PROCESSING	4846.38 m ²
PROCESSING	5664.05 m ²
STAGE 1 MEZZANINE	50.28 m ²
STAGE 1 OFFICE	156.79 m ²
OFFICE UF	207.07 m ²
STAGE 1	5871.12 m²
STAGE 2 AMENITIES	154.29 m ²
STAGE 2 OFFICE	329.86 m ²
STAGE 2 PROCESSING	11682.82 m ²
PROCESSING	12166.98 m ²
STAGE 2 OFFICE	399.19 m ²
OFFICE UF	399.19 m ²
STAGE 2	12586.16 m²
GROSS FLOOR AREA	18437.28 m²

5,302.54m2

12,254.3m2

17,556.84m2

LOCALITY PLAN

1 : 8000



STAGE 1 PERSPECTIVE

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COPYWRITE: Green Lion Design (Zorak Pty Ltd ABN 77 121 709 000) QBCC LIC Number: 15153290 (BUILDING DESIGN - OPEN)
E: admin@greenliondesign P: 0405 196 652

TOOWOOMBA REGIONAL COUNCIL

APPROVED PLAN

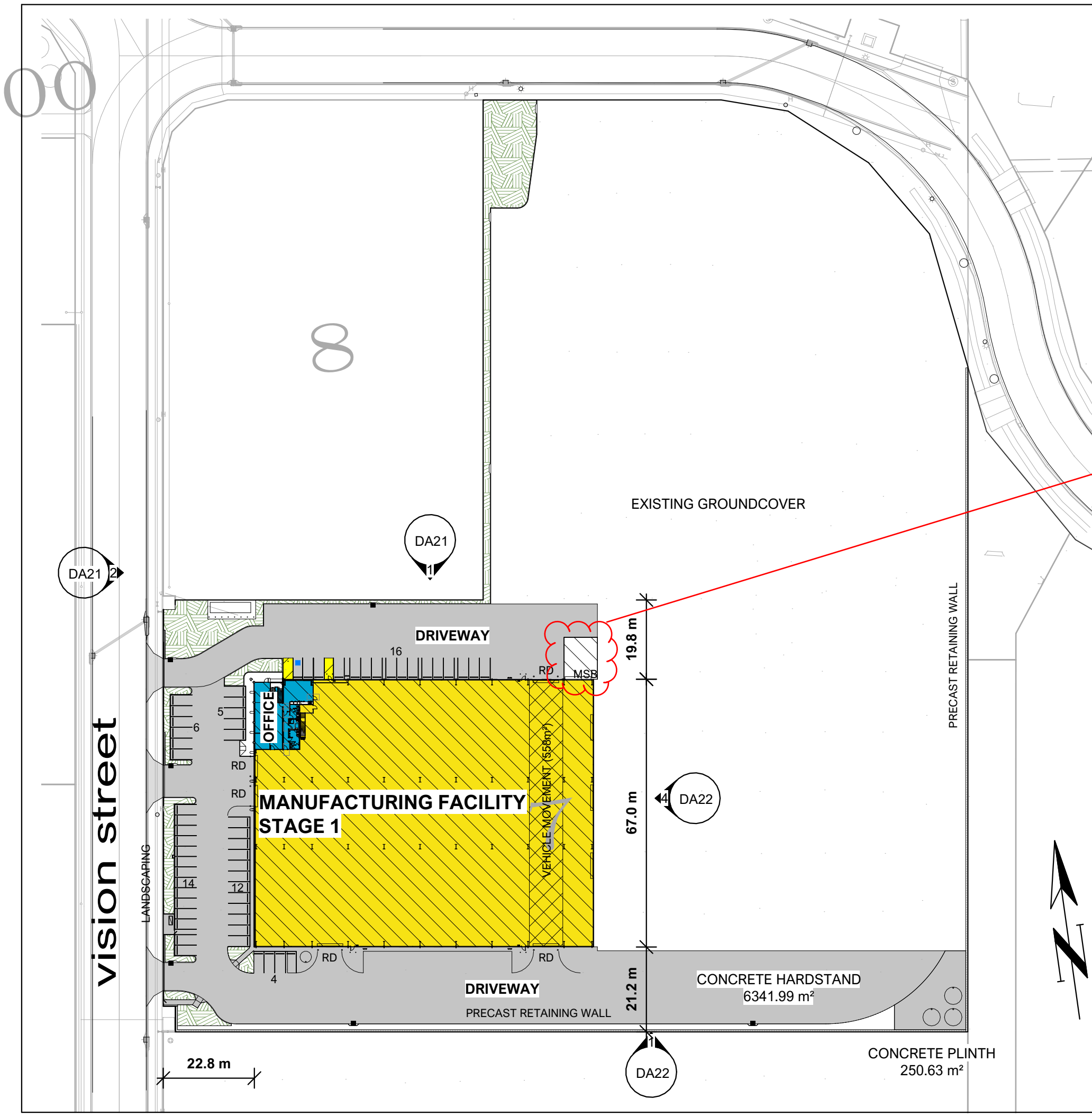
referred to in Council's Decision Notice dated

10 December 2024

This plan is subject to conditions of Approval Number

MCUI/2021/1651/A

Assessment Manager



TOWN PLANNING ASSESSMENT

SITE COVER:

SITE AREA 35600m²
BUILT FORM COVER: 5764m² (16%)
LANDSCAPING: 1048m² (2.9%)
IMPERVIOUS AREA: 6880m² (19.3%)

CAR PARKING:

REQUIRED:
2 PLUS 1/100m² GFA
55 SPACES

PROVIDED:
57 SPACES INC 1 PWD SPACES

The area labelled MSB is not included as GFA.

No.	Description	Date
H	DESIGN UPDATE	08/02/24
J	DESIGN / STAGING UPDATE	22/02/24
K	DESIGN UPDATE	07/05/24
L	UPDATED DA PLANS	17/09/24
M	REVIEW	18/09/24
N	REVIEW	18/09/24
P	UPDATED DA PLANS	18/09/24
Q	SITE UPDATE	19/11/24

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admin@greenlion.design

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PROPOSED INDUSTRIAL FACILITY

NOVUS PRECAST

PROPOSED LOT 7, VISION STREET
WELLCAMP
PART OF LOT 103 on SP322021
TOOWOOMBA REGIONAL COUNCIL

Site Details

SITE PLAN - STAGE 1

DETAILED DESIGN 50%

Status		
Date	19/11/24	
Checked	Drawn	LCH
Project No.	2308.DA02	Q
		Issue
Scale	1 : 1000@ A3	

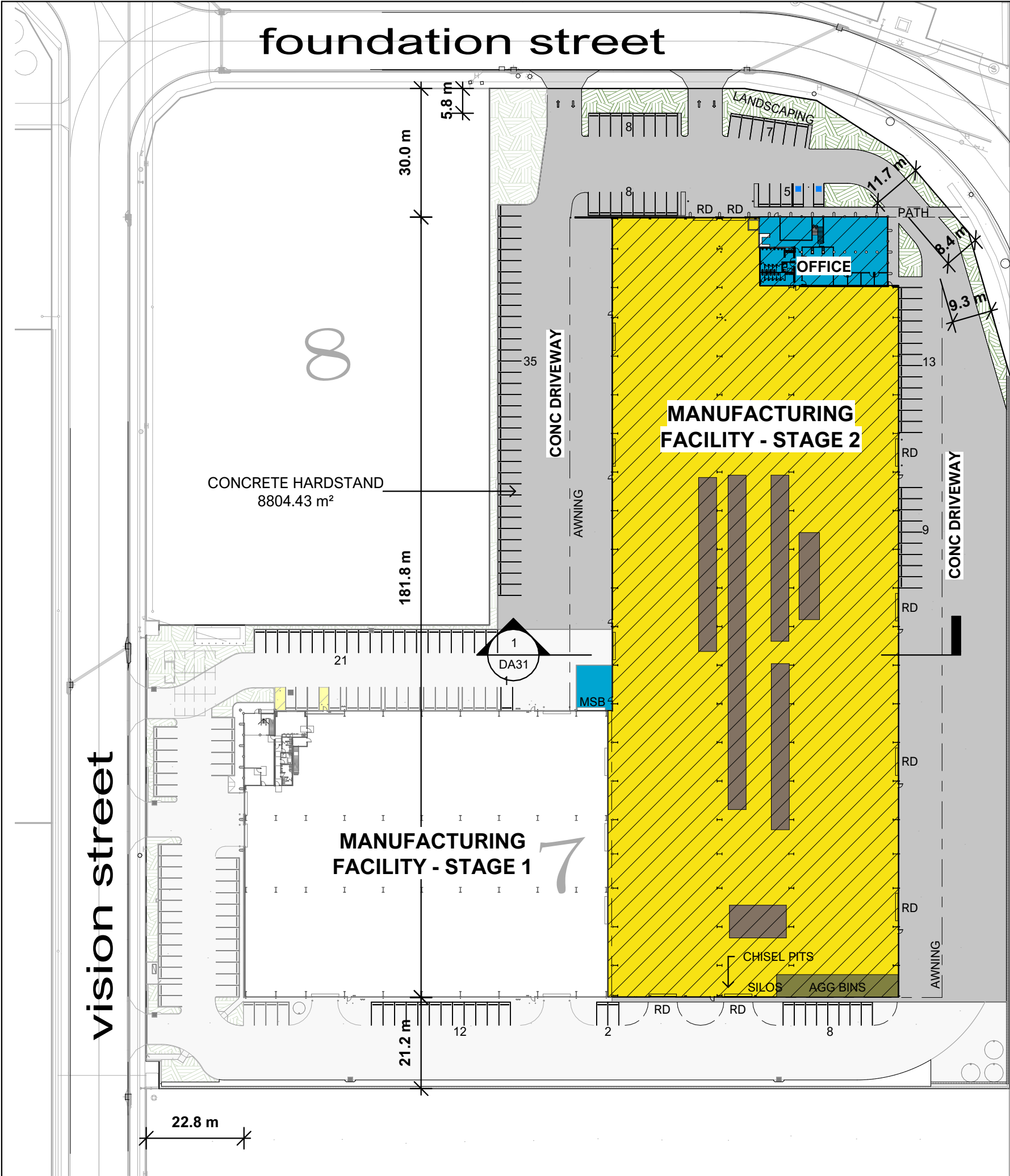
TOOWOOMBA REGIONAL COUNCIL

APPROVED PLAN

referred to in Council's Decision Notice dated
10 December 2024

This plan is subject to conditions of Approval Number
MCUI/2021/1651/A

Assessment Manager



TOWN PLANNING ASSESSMENT

SITE COVER:

SITE AREA 35600m²
BUILT FORM COVER: 12168m² (34%)
LANDSCAPING inc S1: 1744m² (4.9%)
IMPERVIOUS AREA: 8804m² (25%)

CAR PARKING:

REQUIRED:
2 PLUS 1/100m² GFA
186 SPACES

PROVIDED:
STAGE 1 57 SPACES INC 1 PWD SPACES
STAGE 2 129 SPACES INC 2 PWD SPACES

TOTAL SPACES 186 INCLUDE 3 PWD SPACES

Development must not
occur with the future road
reserve of Foundation
Street, under existing
approvals
RAL/2022/2513/C and
OW/2022/6363

PRECAST PRODUCTION AREA: 1020m²
CONCRETE BATCHING AREA: 148m²

No.	Description	Date
E	FOR APPROVAL	12/07/23
F	SITE PLAN UPDATE	04/09/23
G	DESIGN UPDATE	08/02/24
H	DESIGN / STAGING UPDATE	22/02/24
J	DESIGN UPDATE	07/05/24
K	UPDATED DA PLANS	17/09/24
L	UPDATED DA PLANS	18/09/24
M	SITE UPDATE	19/11/24

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**PROPOSED
INDUSTRIAL
FACILITY**

NOVUS PRECAST

PROPOSED LOT 7, VISION STREET
WELLCAMP
PART OF LOT 103 on SP322021
TOOWOOMBA REGIONAL COUNCIL
Site Details

SITE PLAN - STAGE 2

DETAILED DESIGN 50%

Status	
Date	19/11/24
Checked	Drawn LCH
Project No.	2308.DA01 M Issue

Scale 1 : 1000@ A3

TOOWOOMBA REGIONAL COUNCIL

APPROVED PLAN

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Assessment Manager

FOUNDATION STREET

TOOWOOMBA REGIONAL COUNCIL

APPROVED PLAN

referred to in Council's Decision Notice dated

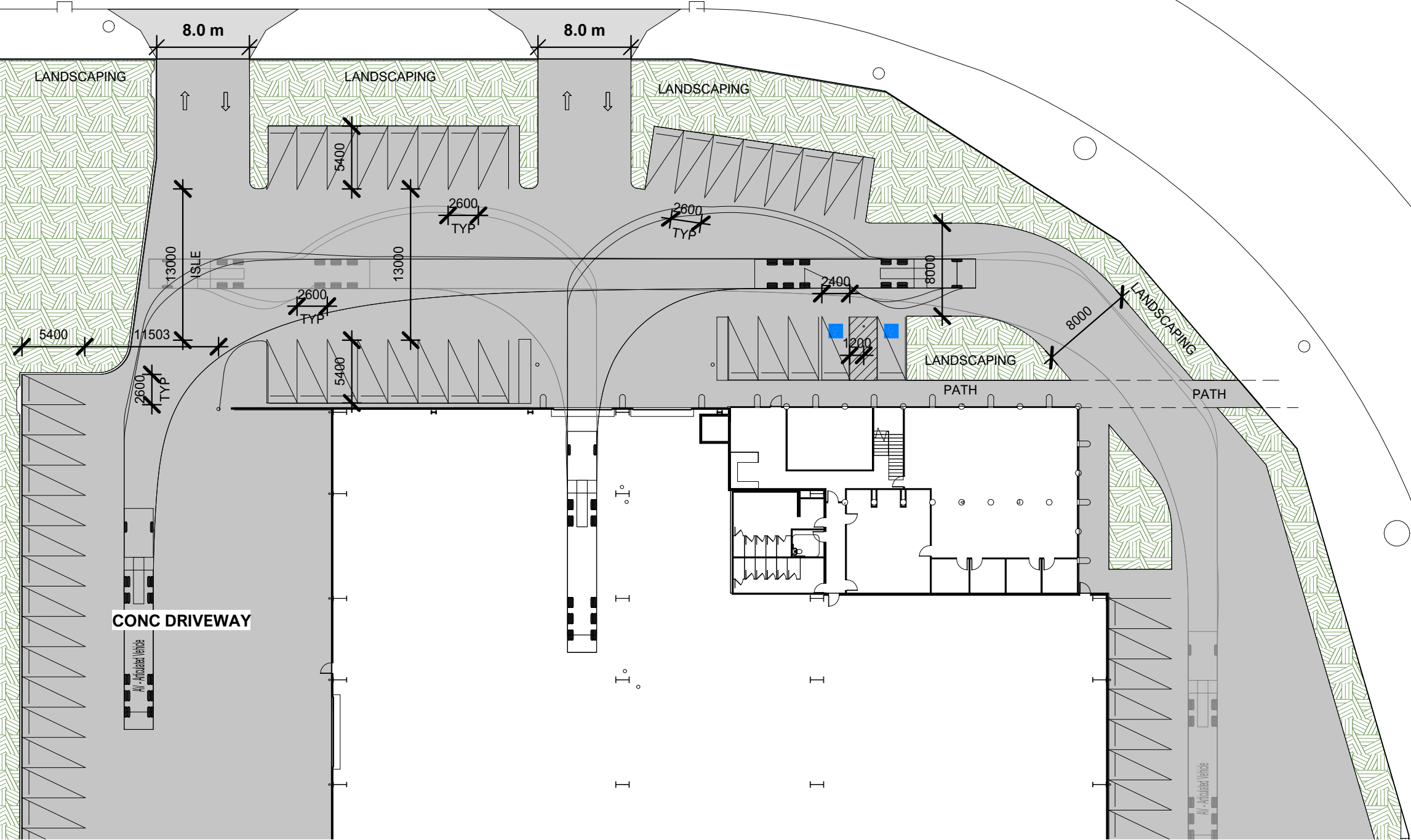
10 December 2024

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[Signature]

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A	FOR APPROVAL	12/07/23
B	ADDITIONAL INFORMATION	09/11/23
C	DESIGN / STAGING UPDATE	22/02/24
D	DESIGN UPDATE	07/05/24
E	UPDATED DA PLANS	17/09/24
F	UPDATED DA PLANS	18/09/24
G	SITE UPDATE	19/11/24

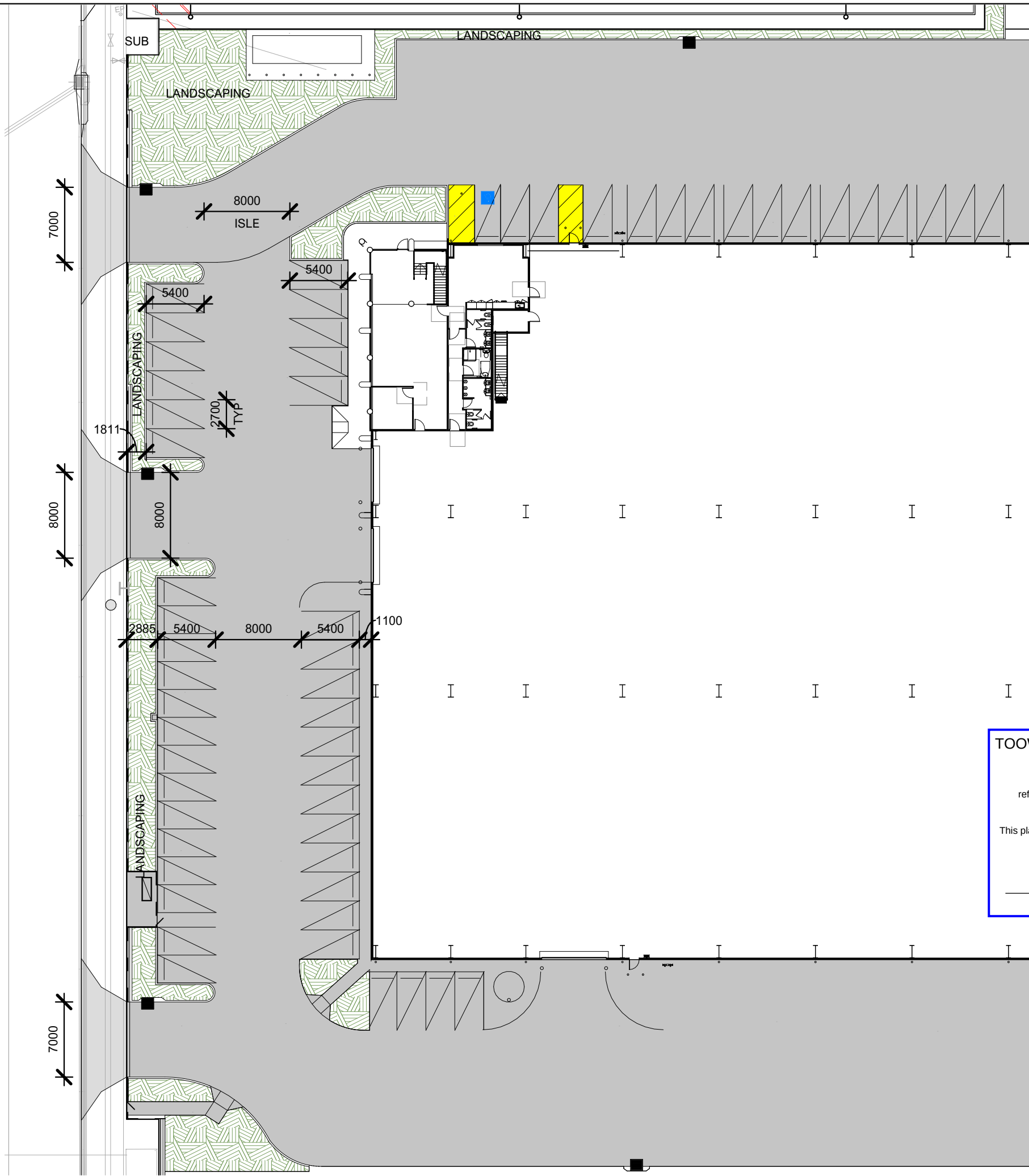
PROPOSED
INDUSTRIAL
FACILITY
NOVUS PRECAST

PROPOSED LOT 7, VISION STREET
WELLCAMP
PART OF LOT 103 on SP322021
TOOWOOMBA REGIONAL COUNCIL
Site Details

CAR PARKING PLAN -
STAGE 2

Status
DETAILED DESIGN 50%

Date	19/11/24
Checked	Drawn LCH
Project No.	2308.DA03 G Issue
Scale	1 : 400@ A3



No.	Description	Date
C	DESIGN UPDATE	08/02/24
D	DESIGN / STAGING UPDATE	22/02/24
E	DESIGN UPDATE	07/05/24
F	UPDATED DA PLANS	17/09/24
G	REVIEW	18/09/24
H	REVIEW	18/09/24
J	UPDATED DA PLANS	18/09/24
K	SITE UPDATE	19/11/24

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PROPOSED INDUSTRIAL FACILITY

NOVUS PRECAST

PROPOSED LOT 7, VISION STREET
WELLCAMP
PART OF LOT 103 on SP322021
TOOWOOMBA REGIONAL COUNCIL
Site Details

CAR PARKING PLAN - STAGE 1

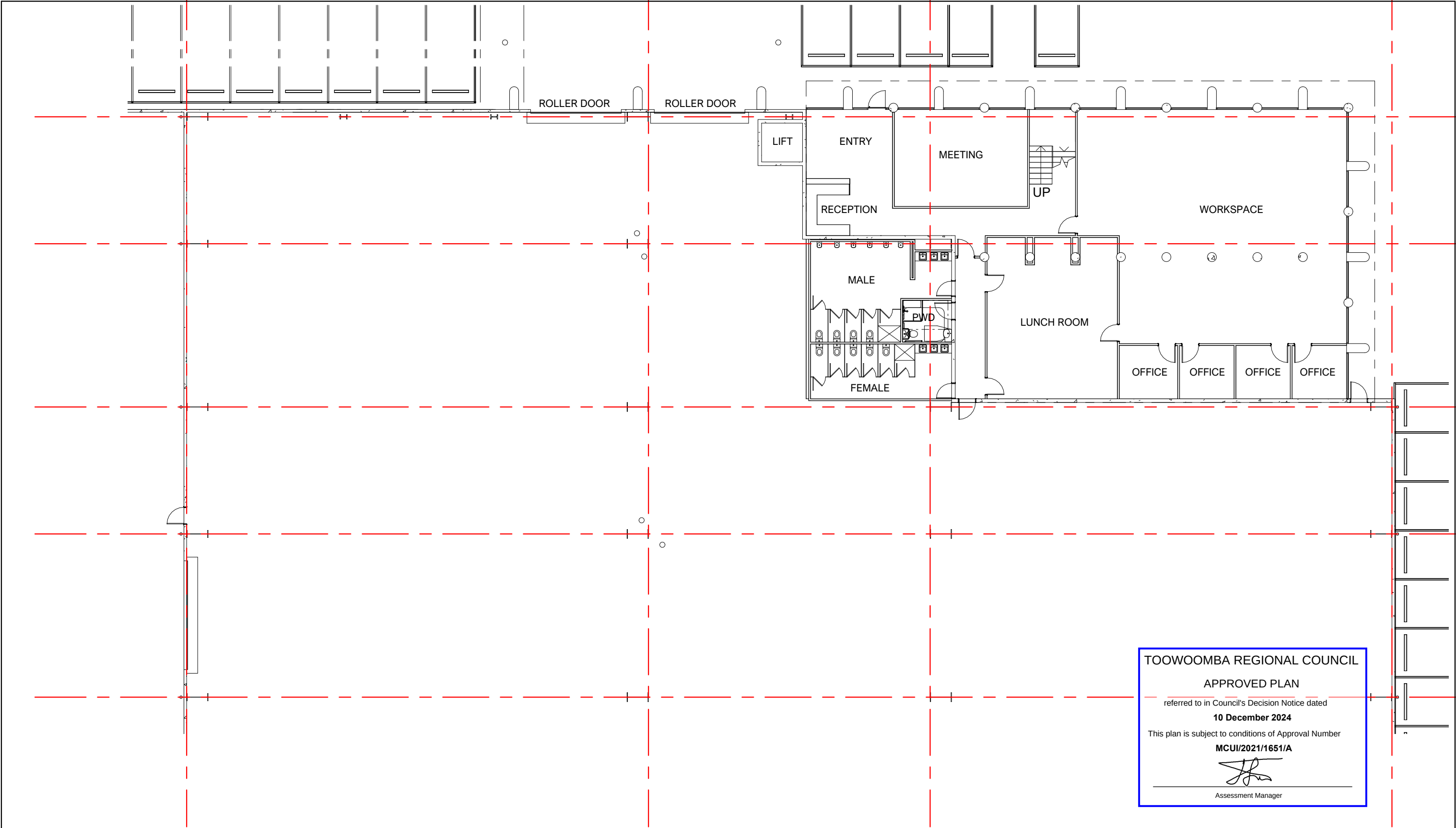
DETAILED DESIGN 50%

Status	
Date	19/11/24
Checked	Drawn LCH

Project No. 2308.DA04 K Issue

Scale 1 : 400@ A3

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Assessment Manager

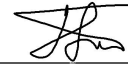


TOOWOOMBA REGIONAL COUNCIL

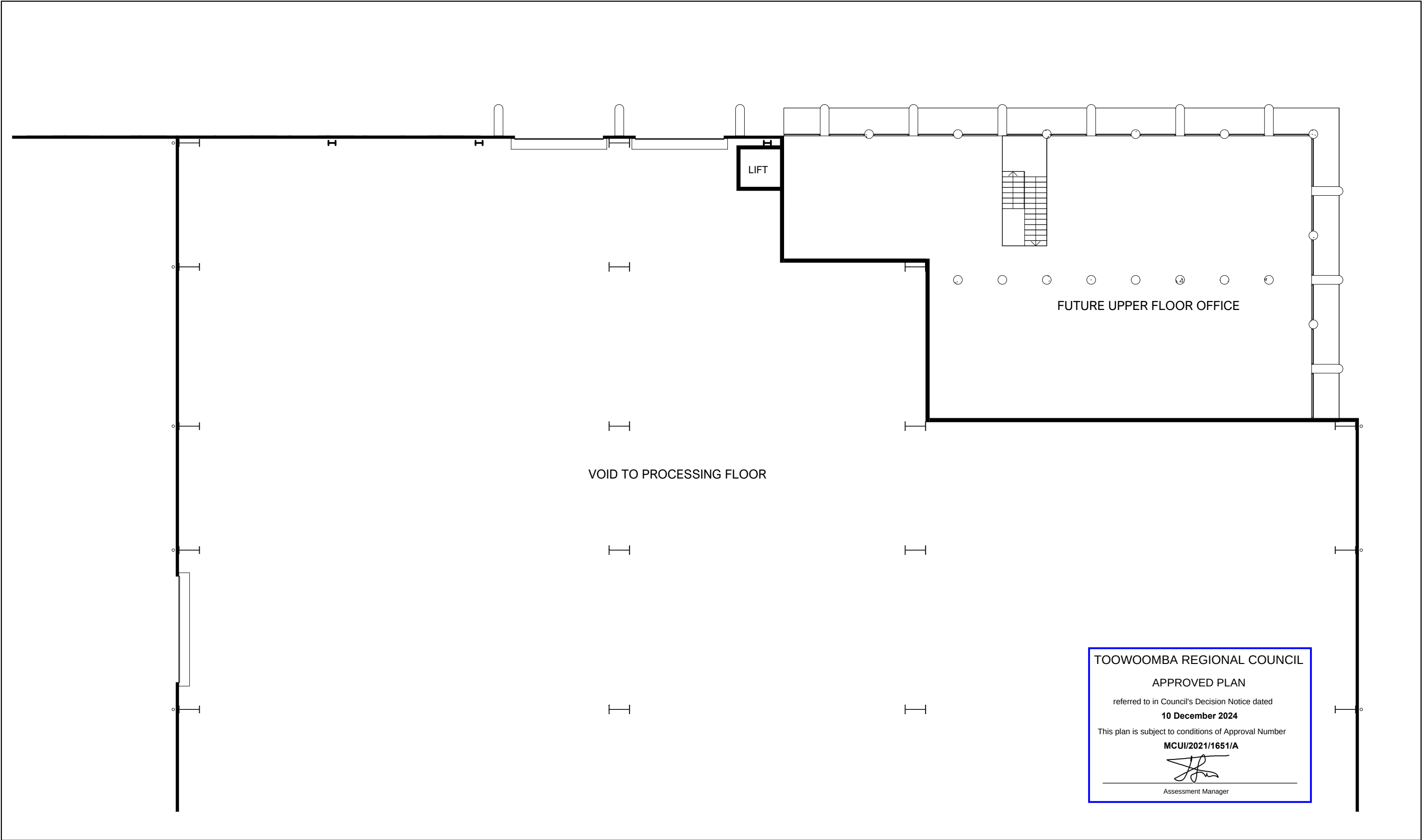
APPROVED PLAN

referred to in Council's Decision Notice dated
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							Checked Drawn LCH
							Project No. 2308.DA11 H Issue
							Scale 1 : 200@ A3



TOOWOOMBA REGIONAL COUNCIL

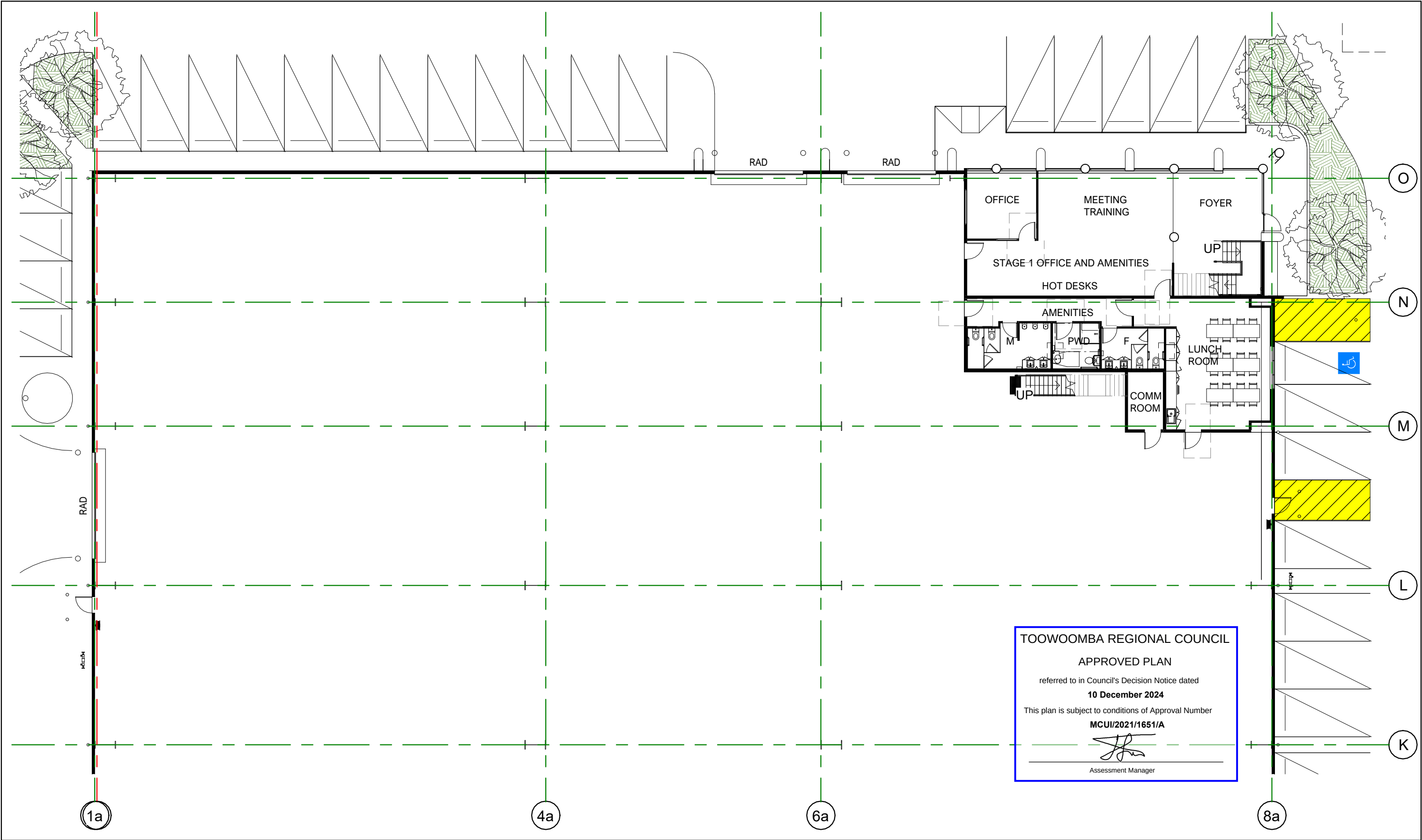
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						Checked Drawn LCH
						Project No. 2308.DA12 H Issue
						Scale 1 : 200@ A3



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No.	Description	Date
E	ADDITIONAL INFORMATION	09/11/23
F	DESIGN UPDATE	08/02/24
G	DESIGN / STAGING UPDATE	22/02/24
H	DESIGN UPDATE	07/05/24
J	UPDATED DA PLANS	17/09/24
K	UPDATED DA PLANS	18/09/24
L	SITE UPDATE	19/11/24

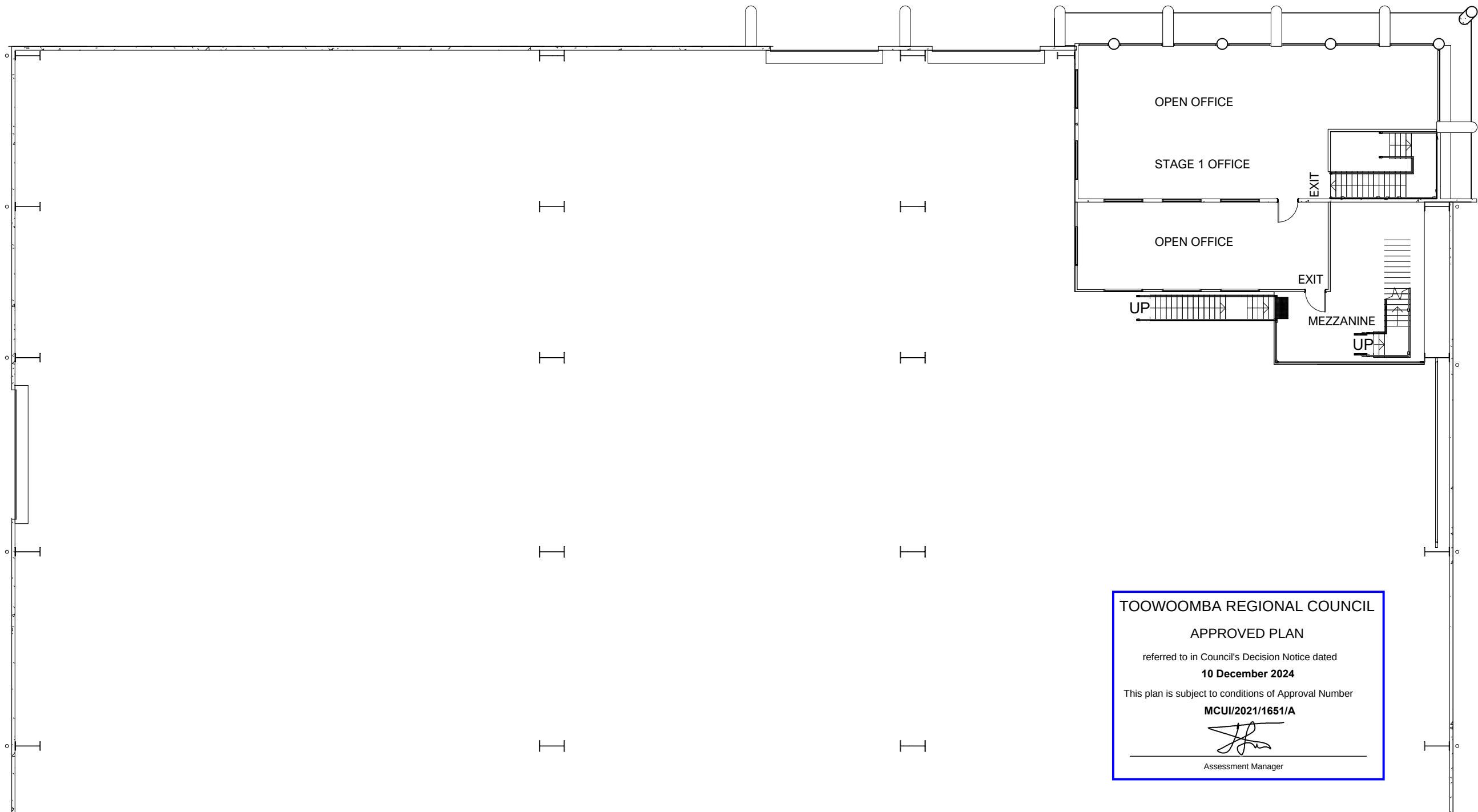
PROPOSED
INDUSTRIAL
FACILITY
NOVUS PRECAST

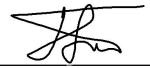
PROPOSED LOT 7, VISION STREET
WELLCAMP
PART OF LOT 103 on SP322021
TOOWOOMBA REGIONAL COUNCIL
Site Details

FLOOR PLAN - STAGE
1 - VISION ST

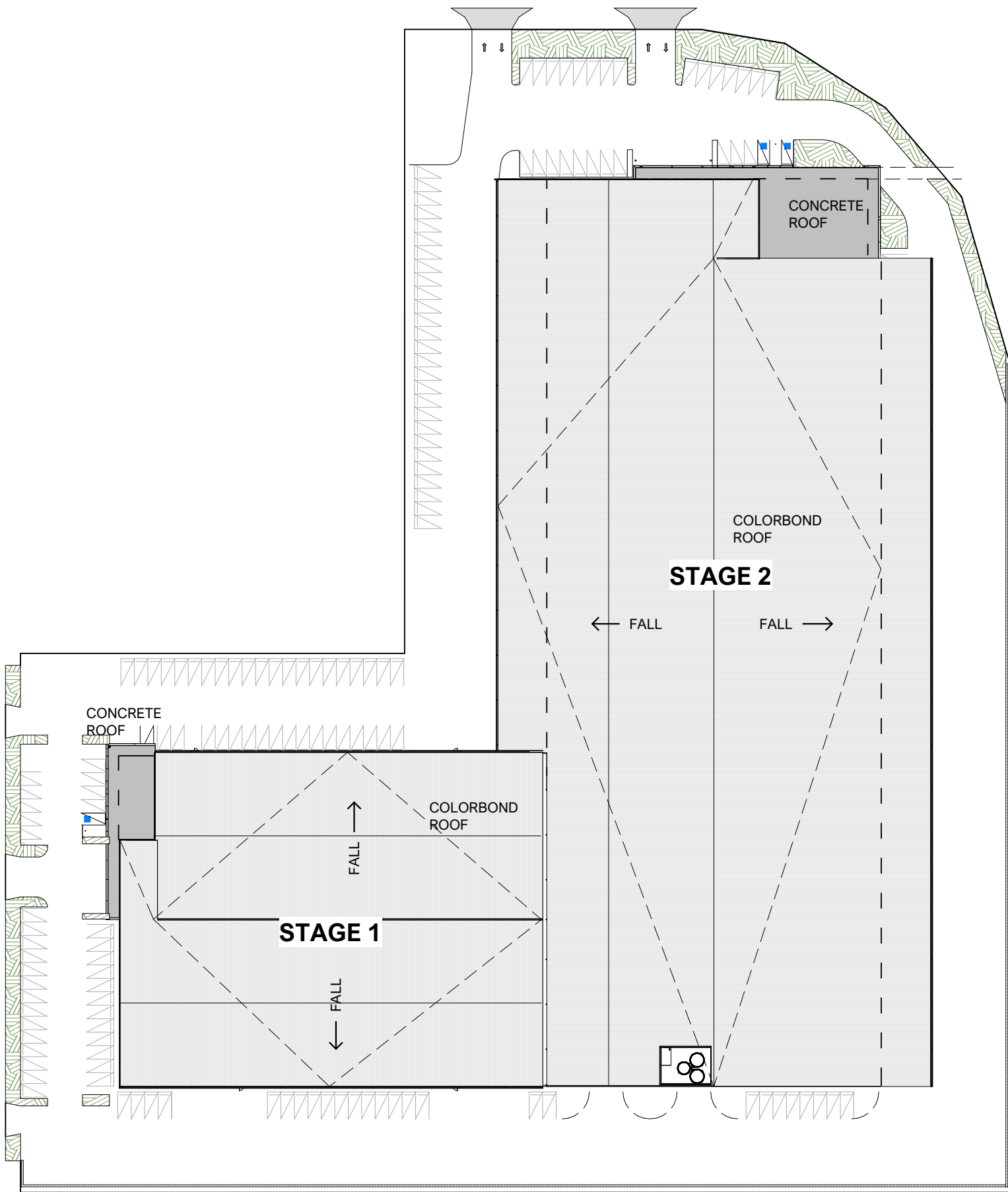
Status DETAILED DESIGN 50%

Date	19/11/24
Checked	Drawn LCH
2308.DA13 L	
Project No.	Issue
Scale	1 : 200@ A3



TOOWOOMBA REGIONAL COUNCIL
APPROVED PLAN
referred to in Council's Decision Notice dated
10 December 2024
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MCUI/2021/1651/A

Assessment Manager

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	A	SITE UPDATE	19/11/24			Checked	Drawn	LCH	
						Project No.		2308.DA15 A	Issue
						Status	DETAILED DESIGN 50%	Scale	1 : 200@ A3



No.	Description	Date
A	FOR APPROVAL	04/04/23
B	FOR APPROVAL	12/07/23
C	ADDITIONAL INFORMATION	09/11/23
D	DESIGN UPDATE	08/02/24
E	DESIGN / STAGING UPDATE	22/02/24
F	UPDATED DA PLANS	18/09/24

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**PROPOSED
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FACILITY**

NOVUS PRECAST

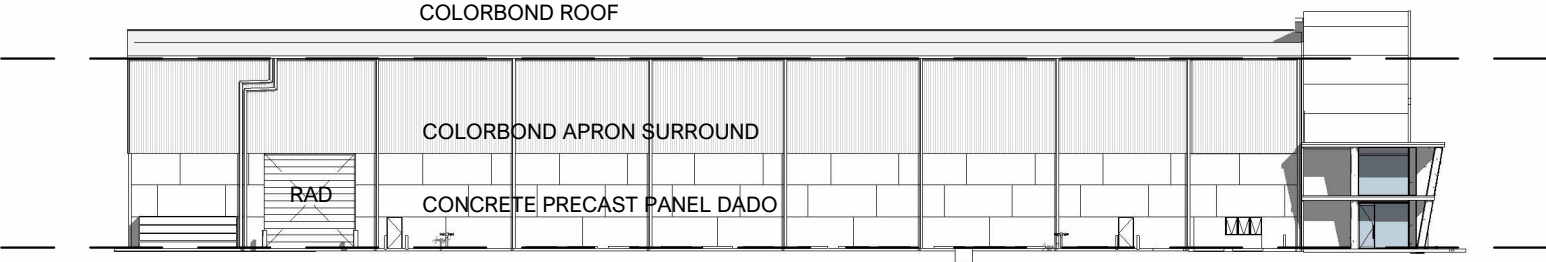
PROPOSED LOT 7, VISION STREET
WELLCAMP
PART OF LOT 103 on SP322021
TOOWOOMBA REGIONAL COUNCIL
Site Details

ROOF PLAN

TOOWOOMBA REGIONAL COUNCIL
APPROVED PLAN
referred to in Council's Decision Notice dated
10 December 2024
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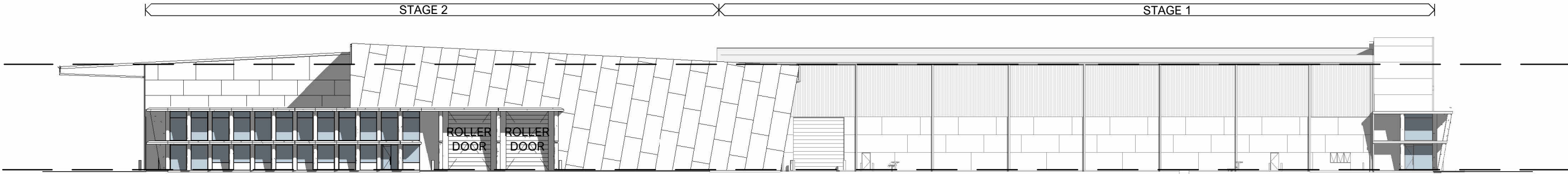
Assessment Manager

DETAILED DESIGN 50%		
Status		
Date	18/09/24	
Checked	Drawn	LCH
Project No.	2308.DA14	F
		Issue
Scale	1 : 1000@ A3	



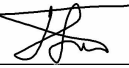
NORTH ELEVATION - STAGE 1

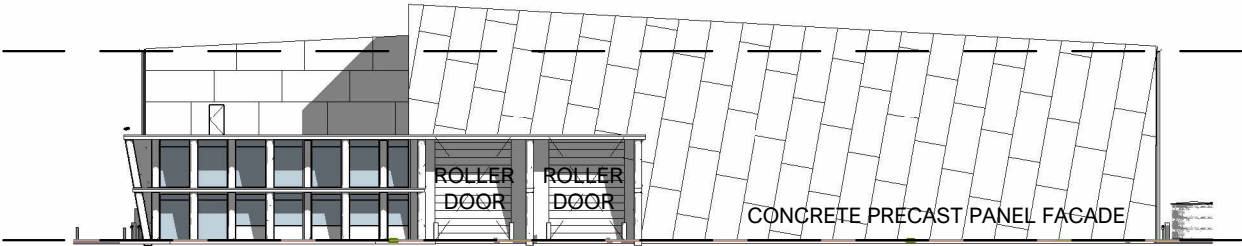
1 : 500



NORTH ELEVATION - STAGE 2

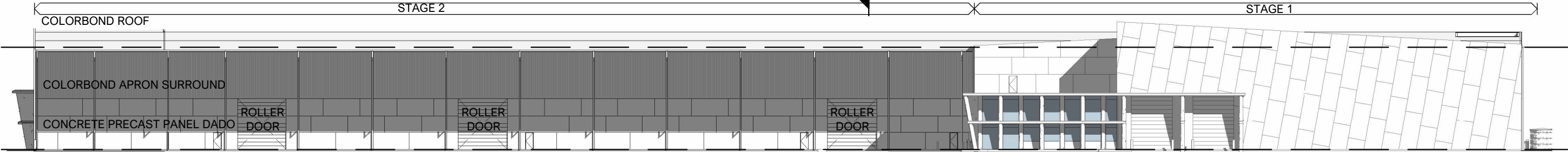
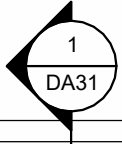
1 : 500

TOOWOOMBA REGIONAL COUNCIL
APPROVED PLAN
referred to in Council's Decision Notice dated
10 December 2024
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Assessment Manager



WEST ELEVATION - STAGE 1

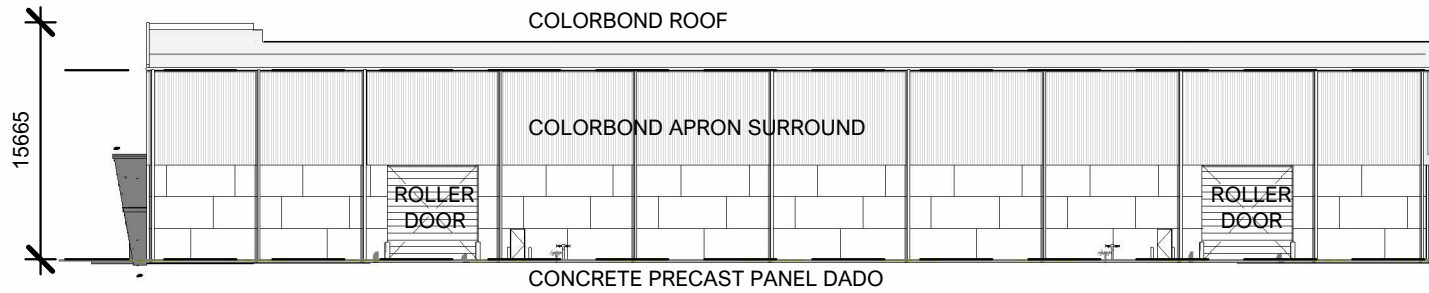
1 : 500



WEST ELEVATION - STAGE 2

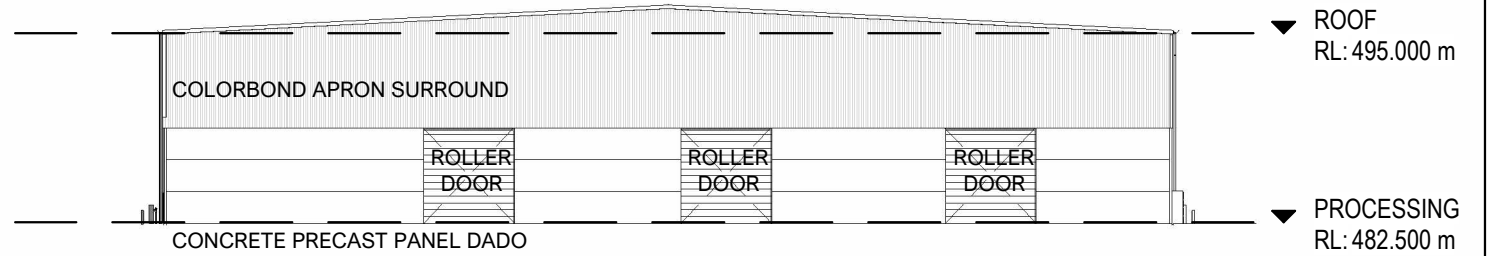
1 : 500

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			Status DETAILED DESIGN 50%				Scale 1 : 500@ A3		



SOUTH ELEVATION - STAGE 1

1 : 500



EAST ELEVATION - STAGE 1

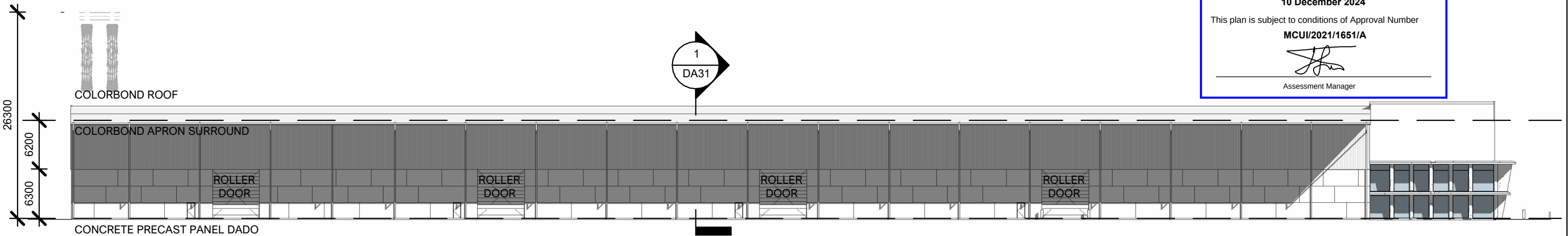
1 : 500

STAGE 1 STAGE 2



SOUTH ELEVATION - STAGE 2

1 : 500



EAST ELEVATION - STAGE 2

1 : 500

TOOWOOMBA REGIONAL COUNCIL
APPROVED PLAN
referred to in Council's Decision Notice dated
10 December 2024
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H	DESIGN / STAGING UPDATE	22/02/24
J	DESIGN UPDATE	07/05/24
K	UPDATED DA PLANS	18/09/24
L	SITE UPDATE	19/11/24

**PROPOSED
INDUSTRIAL
FACILITY**
NOVUS PRECAST

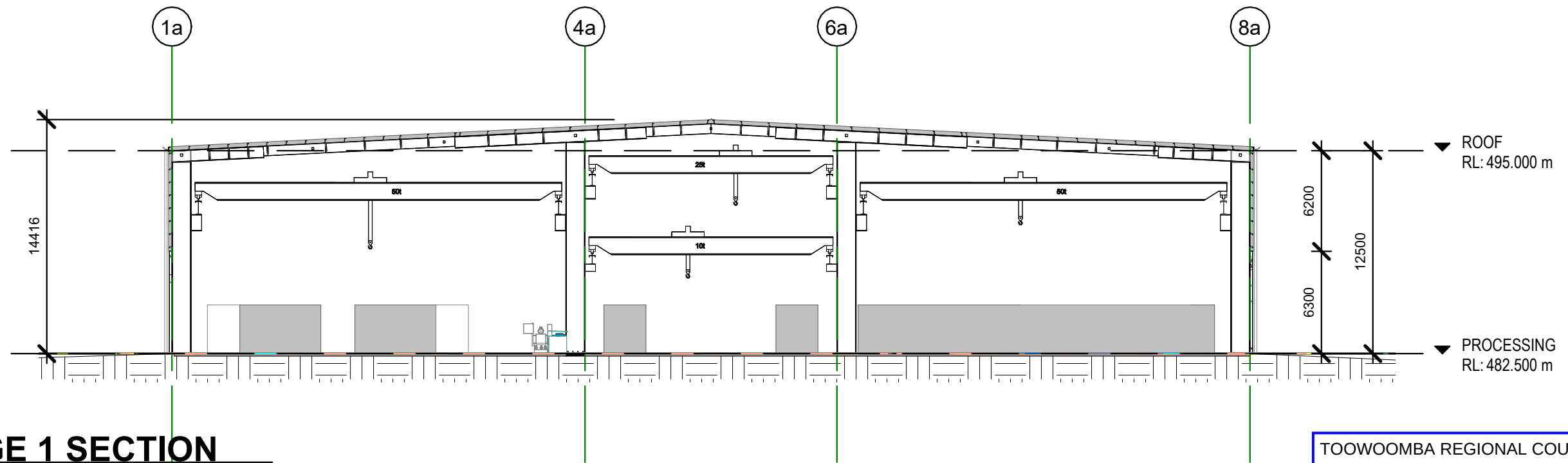
PROPOSED LOT 7, VISION STREET
WELLCAMP
PART OF LOT 103 on SP322021
TOOWOOMBA REGIONAL COUNCIL
Site Details

ELEVATIONS

Status DETAILED DESIGN 50%

Date	19/11/24
Checked	Drawn LCH
Project No.	2308.DA22 L Issue
Scale	1 : 500@ A3

19/11/2024 5:54:11 PM



STAGE 1 SECTION

1 : 300

TOOWOOMBA REGIONAL COUNCIL

APPROVED PLAN

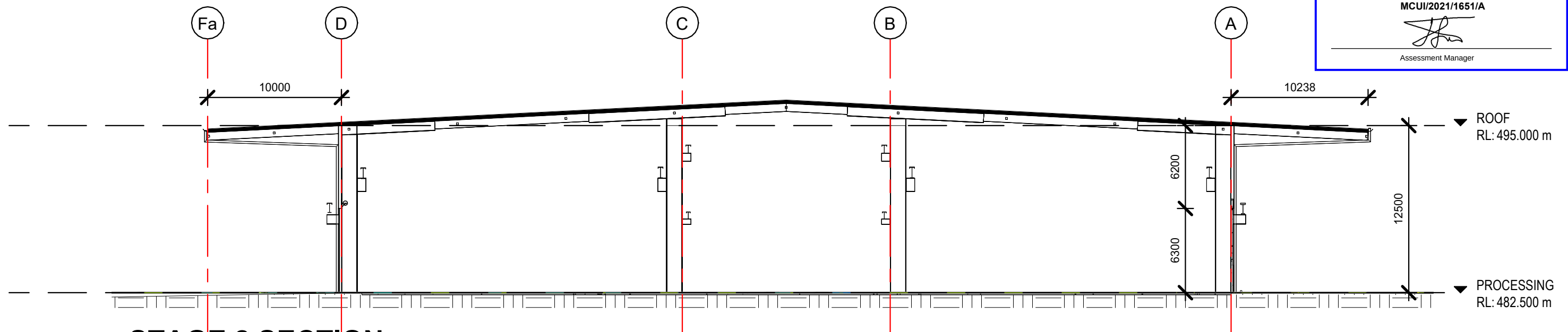
referred to in Council's Decision Notice dated

10 December 2024

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MCUI/2021/1651/A

Assessment Manager



STAGE 2 SECTION

1 : 300

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DESIGN

0405 196 652
Suite 5 / 4 Mylne Street
Toowoomba
admin@greenlion.design

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No.	Description	Date
A	FOR APPROVAL	04/04/23
B	FOR APPROVAL	12/07/23
C	ADDITIONAL INFORMATION	09/11/23
D	DESIGN UPDATE	08/02/24
E	DESIGN / STAGING UPDATE	22/02/24
F	UPDATED DA PLANS	18/09/24
G	SITE UPDATE	19/11/24

PROPOSED
INDUSTRIAL
FACILITY
NOVUS PRECAST

PROPOSED LOT 7, VISION STREET
WELLCAMP
PART OF LOT 103 on SP322021
TOOWOOMBA REGIONAL COUNCIL
Site Details

SECTIONS

Status DETAILED DESIGN 50%

Date	19/11/24
Checked	Drawn LCH
Project No.	2308.DA31 G Issue
Scale	1 : 300@ A3