

Our Reference: MCUI/2025/5515  
& OW/2025/5517  
CS Portal Reference: N/A  
Officer: Emily Hinchliffe  
Contact: 07 4698 3876  
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**Development Application Decision Notice  
APPROVAL**

*Planning Act 2016 Section 63*

F K Gardner & Sons Pty Ltd  
C/- Property Projects Australia  
PO Box 3686  
TOOWOOMBA QLD 4350

Email: [marcus@propertyprojectsaustralia.com.au](mailto:marcus@propertyprojectsaustralia.com.au)  
[james@propertyprojectsaustralia.com.au](mailto:james@propertyprojectsaustralia.com.au)

26 November 2025

Dear Sir

**Location:** Vision Street, WELLCAMP QLD 4350  
**Property Description:** Part of Lot 4 SP353522  
**Relevant Planning Scheme:** *Toowoomba Regional Planning Scheme 2012*

The Development Application for Material Change of Use – Impact – High Impact Industry and Warehouse; Operational Works associated with a Material Change of Use – Stormwater; and Environmentally Relevant Activities ERA(7)(4)(a), ERA(7)(5)(a) and ERA61(4) , 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 21 November 2025. The following provides all the relevant details:

**Details of Approval**

Development Permit – Material Change of Use – Impact – High Impact Industry and Warehouse;

Development Permit – Operational Works associated with a Material Change of Use – Stormwater; and

Environmentally Relevant Activities ERA(7)(4)(a), ERA(7)(5)(a) and ERA61(4)

**Referral Agencies**

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

Advice Agencies Name & Address: N/A

## Conditions and Advices

Assessment Manager's Conditions: As per attached Schedule 1 & 2

Concurrence Agency Conditions: As per attached Schedule 3

## Currency Period

### Development Permit for Material Change of Use

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.

### Development Permit for Operational Works

In accordance with section 85(1)(c)(i) of the *Planning Act 2016* (Qld), this Development Approval lapses if the development does not substantially start within two (2) years of this Development Approval starting to have effect.

**Note:** Each currency period relates to the relevant part of the development specified.

## Further Development Permits Required

- Building Work
- Plumbing and Drainage Work

## Further Plans/Documents for Endorsement

- Nil.

## 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



Krys Den Hertog,  
Principal Planner, Planning Branch

## SCHEDULE 1

### DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – IMPACT

<b>APPLICATION NUMBER:</b>	MCUI/2025/5515
<b>APPLICANT:</b>	F K Gardner & Sons Pty Ltd
<b>LOCATION:</b>	Vision Street, WELLCAMP QLD 4350
<b>PROPERTY DESCRIPTION:</b>	Part of Lot 4 SP353522
<b>APPROVED USE:</b>	High Impact Industry and Warehouse
<b>ZONING / PRECINCT:</b>	Medium Impact Industry / Nil

#### A. ASSESSMENT MANAGER'S CONDITIONS:

##### PLANNING

##### APPROVED USE

1. This Development Approval is for a Material Change of Use in four (4) stages for:

1.1 High Impact Industry (Industry Biotechnology Centre); and

*Note: Toowoomba Regional Planning Scheme 2012 (Version 28) Schedule 1 defines High Impact Industry to include manufacturing soil conditioners by receiving, blending, storing, processing, drying or composting organic material or organic waste, including animal manures, sewage, septic sludges and domestic waste. Where the manufacture of fertiliser involves ammonia, the development is defined as Special Industry. Special Industry is not approved by this Development Permit.*

1.2 Warehouse with a maximum of six (6) Full-time Equivalent staff.

*Note: This maximum is imposed to ensure the development complies with assessment benchmarks for on-site car parking.*

*Note: Any intrusion into the operational airspace of Toowoomba Wellcamp Airport requires approval in accordance with the relevant federal legislation.*

2. The approved development must be staged in accordance with the approved plans and specifically as follows:

2.1 Stage 1 comprises:

- (a) Industry Biotechnology Centre (Maximum GFA of 3,270m<sup>2</sup>);
- (b) Warehouse Office (Maximum GFA of 161m<sup>2</sup>);
- (c) Warehouse (Maximum GFA of 2,116m<sup>2</sup>);
- (d) All driveways, vehicle manoeuvring areas and carparking areas; and
- (e) All landscaping areas.

- 2.2 Stage 2 comprises:
- (a) Warehouse and Loading Awning (Maximum GFA of 2,000m<sup>2</sup>);
- 2.2 Stage 3 comprises:
- (a) Warehouse and Loading Awning (Maximum GFA of 2,000m<sup>2</sup>); and
- 2.3 Stage 4 comprises:
- (a) Warehouse and Loading Awning (Maximum GFA of 2,000m<sup>2</sup>); and
  - (b) Storage Shed (Maximum GFA of 38m<sup>2</sup>).
3. Any office and storage shed/s must be ancillary to the approved use of the premises for High Impact Industry and Warehouse.
4. This Development Approval does not imply or comprise an approval for any uses other than those listed in Condition 1.

#### **CARRY OUT & MAINTAIN DEVELOPMENT**

5. 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.
6. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
7. 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.
8. 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**

9. 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:** 2481-001, Issue C

**Description:** Site Plan, prepared by FKG Group and dated 4 September 2025

**Amendments:** As amended by Council to identify extent of Stage 1 in accordance with Condition 2

**Plan No:** 2481-101, Issue B

**Description:** IBC Floor Plans, prepared by FKG Group and dated 4 August 2025

**Amendments:** Nil.

**Plan No:** 2481-201, Issue B

**Description:** IBC Elevations, prepared by FKG Group and dated 4 August 2025

**Amendments:** Nil.

**Plan No:** 2481-301, Issue B  
**Description:** IBC Building Sections, prepared by FKG Group and dated 4 August 2025  
**Amendments:** Nil.

**Plan No:** 2481.102, Issue B  
**Description:** Warehouse Office Floor Plan & Perspective, prepared by FKG Group and dated 4 August 2025  
**Amendments:** Nil.

**Plan No:** 2481.202, Issue B  
**Description:** Warehouse Office Elevations, prepared by FKG Group and dated 4 August 2025  
**Amendments:** Nil.

**Plan No:** 2481.103, Issue B  
**Description:** Stage 1 – Warehouse Floor Plan, prepared by FKG Group and dated 4 August 2025  
**Amendments:** Nil.

**Plan No:** 2481-203, Issue B  
**Description:** Stage 1 – Warehouse Section & Elevations, prepared by FKG Group and dated 4 August 2025  
**Amendments:** Nil.

**Plan No:** 2481.104, Issue B  
**Description:** Stage 2 – Warehouse Floor Plan, prepared by FKG Group and dated 4 August 2025  
**Amendments:** Nil.

**Plan No:** 2481-204, Issue B  
**Description:** Stage 2 – Warehouse Section & Elevations, prepared by FKG Group and dated 4 August 2025  
**Amendments:** Nil.

**Plan No:** 2481.105, Issue B  
**Description:** Stage 3 & 4 – Warehouse Floor Plan, prepared by FKG Group and dated 4 August 2025  
**Amendments:** Nil.

**Plan No:** 2481-205, Issue B  
**Description:** Stage 3 & 4 – Warehouse Section & Elevations, prepared by FKG Group and dated 4 August 2025  
**Amendments:** Nil.

**Plan No:** 2481-601  
**Description:** Stage 4 – Store Building Details, prepared by FKG Group and dated 15 September 2025  
**Amendments:** Nil.

**Plan No:** 2564-02, Issue B  
**Description:** Development Application Landscape Notes, prepared by Jackie Amos Landscape Architect and dated 13 August 2025  
**Amendments:** Nil.

**Plan No:** 2564-03, Issue B  
**Description:** Development Application Site Plan, prepared by Jackie Amos Landscape Architect and dated 13 August 2025  
**Amendments:** As amended in red to identify areas to be landscaped in accordance with Plans 2564-09 and 2564-10.

**Plan No:** 2564-04, Issue B  
**Description:** Development Application Landscape Plan, prepared by Jackie Amos Landscape Architect and dated 13 August 2025  
**Amendments:** Nil.

**Plan No:** 2564-05, Issue B  
**Description:** Development Application Landscape Plan, prepared by Jackie Amos Landscape Architect and dated 13 August 2025  
**Amendments:** Nil.

**Plan No:** 2564-06, Issue B  
**Description:** Development Application Landscape Plan, prepared by Jackie Amos Landscape Architect and dated 13 August 2025  
**Amendments:** Nil.

**Plan No:** 2564-07, Issue B  
**Description:** Development Application Plant Schedule, prepared by Jackie Amos Landscape Architect and dated 13 August 2025  
**Amendments:** As amended in Red to identify Plant Schedule associated with Plans 2564-04, 2564-05 and 2564-06.

**Plan No:** 2564-08, Issue B  
**Description:** Development Application Landscape Details, prepared by Jackie Amos Landscape Architect and dated 13 August 2025  
**Amendments:** Nil.

**Plan No:** 2564-09, Issue A  
**Description:** Development Application Screen Planting to Highway, prepared by Jackie Amos Landscape Architect and dated 19 September 2025.  
**Amendments:** Nil.

**Plan No:** 2564-10 Issue A  
**Description:** Development Application Screen Planting to Highway, prepared by Jackie Amos Landscape Architect and dated 19 September 2025.  
**Amendments:** Nil.

#### APPROVED DOCUMENTS

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

**Document:** Stormwater Management Plan, Issue 4  
**Description:** Stormwater Management Plan, Project No. C2425371, prepared by Kehoe Meyers Consulting Engineers and dated 22 October 2025  
**Amendments:** Nil.

**Document:** Site Based Management Plan, Version 1.  
**Description:** Site Based Management Plan, Project No. J002481, prepared by Range Environmental Consultants and dated 6 August 2025.  
**Amendments:** Nil.

#### STAGED DEVELOPMENT

11. Staging of the development is to occur in accordance with the staging indicated on the Approved Plans subject to and modified by any conditions of this Development Approval.

12. Stages must be completed in sequential order (i.e. Stage 1 must be completed before Stage 2) as identified on the Approved Plans, or may be combined and carried out at one time, subject to all conditions applicable to the relevant stages being complied with.

#### **AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS**

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

#### **DEDICATIONS, AGREEMENTS & CONTRIBUTIONS**

##### **REGISTRATION OF PLAN OF SURVEY**

14. Prior to the commencement of the use, Lot 8 of Development Permit RAL/2024/7202 must be sealed and registered in accordance with the requirements of Development Permit RAL/2024/7202. The Plan of Survey for subdivision must be registered with the Department of Resources and proof of registration provided to Council.

#### **DEVELOPMENT CONSTRAINTS**

##### **AIRPORT ENVIRONS**

15. Development and associated activities must not create a permanent or temporary physical or transient intrusion into a strategic airport's operational airspace unless the intrusion is approved in accordance with the relevant federal legislation.
16. All food and/or waste holding areas and receptacles must be contained and covered.
17. Roofs of buildings must be a non-reflective colour or material.
18. Any outdoor lighting, including street lighting must comply with the requirements of Chapter 9 of the *CASA Manual of Standards Part 139 – Aerodromes*.

#### **WORKS**

##### **ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS**

19. Plans and specifications for all works associated with car parking, vehicular access, stormwater drainage, earthworks, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
20. A RPEQ must submit to Council a copy of the:
  - 20.1 Design Certificate prior to commencement of the works; and
  - 20.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
21. 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.
22. 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**

23. All private stormwater quality devices installed within the subject land as part of the development must be maintained for the life of the development, in accordance with the manufacturer's guidelines and to best management practice, to ensure continuing level of performance for water quality for stormwater discharged from the subject land.
24. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.
25. All internal and external stormwater drainage works must be constructed generally in accordance with the stormwater management report listed within this Development Approval and in accordance with Development Approval OW/2025/5517.

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

## **STORMWATER DISCHARGE**

26. Stormwater from the new roofed and sealed areas must be picked up and discharged by way of sealed underground pipe to the lawful point of discharge, nominated as the 25m wide stormwater easement.  
  
*Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*
27. Design and construction of all internal stormwater drainage works must comply with applicable section of *Australian and New Zealand Standard AS/NZS 3500 - Plumbing and Drainage Code* and the *Queensland Urban Drainage Manual*.

## **BULK EARTHWORKS**

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 and operational work.
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 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**

31. 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.

32. 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**

33. 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*.
34. 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*.
35. Fires are not to be lit to dispose of demolition or construction waste.
36. 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:
- 36.1 Elsewhere within this Development Approval;
- 36.2 In accordance with an associated Development Permit for Operational Work;

- 36.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
  - 36.4 In accordance with either a general or specific approval of a resource for recycling (in accordance with the End of Waste Codes) issued under the *Waste Reduction and Recycling Act 2011*; or
  - 36.5 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.
37. 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**

38. 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**

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

#### **DAMAGE TO SERVICES & ASSETS**

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

- 45.2 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.
46. 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.
47. 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)**

48. The development must be connected to Council's existing wastewater reticulation system at no cost to Council.

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

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

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

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

50. All works requiring alteration or extension of infrastructure to be undertaken by Council must be completed under a private works agreement with Council and at no cost to Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.

### **WATER SUPPLY**

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

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

52. 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.

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

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

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

## TELECOMMUNICATION

56. Install telecommunications infrastructure to service the development which complies with the following:
- 56.1 The requirements of the *Telecommunications Act 1997* (Cth);
  - 56.2 For a fibre ready facility, the standard specifications current at the time of installation for a carrier under the *Telecommunications Act 1997*; and
  - 56.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.
57. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.
58. Provide to Council written evidence from all relevant service providers that the telecommunications infrastructure is installed in accordance with the conditions of this Development Approval and all applicable legislation at the time of construction.

*Note: The Telecommunications Act 1997 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required. For further information visit [www.infrastructure.gov.au/tind](http://www.infrastructure.gov.au/tind).*

*Note: For telecommunication services, written evidence must be in the form of either a "Telecommunications Infrastructure Provisioning Confirmation" where such services are provided by Telstra, or a "Notice of Practical Completion", "Confirmation of Payment" or "Post Execution of Development" Letter where such services are provided by NBN Co.*

## ELECTRICITY

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

## AMENITY & OPERATION OF USE

### VISUAL AMENITY

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

## **FENCING & WALLS (GENERAL)**

65. Any existing fence or wall not meeting the requirements of this Development Approval must be removed and replaced with a fence or wall that meets the requirements of this Development Approval.
66. Unless otherwise approved in writing by Council, boundary fences or walls must not be erected in a parallel arrangement with any existing fence or wall erected along the same boundary. The existing fence or wall is to be completely removed and replaced.
67. Unless otherwise specified elsewhere within this Development Approval, the required height of a fence or wall is measured from the highest adjacent finished ground level.
68. Fences and walls must be maintained in a good state of repair to ensure that their intended function (i.e. privacy, security, safety, acoustic, livestock, pest exclusion etc.) is maintained.
69. All costs associated with meeting the fencing requirements listed within this Development Approval must be borne by the developer.
70. Fences and walls provided adjacent to public places (streets, laneways, public walkways and open space areas) must be constructed generally in accordance with the Approved Plans listed within this Development Approval and in particular must:
  - 70.1 Unless otherwise approved and erected for the purpose of acoustic attenuation, not exceed a maximum height of:
    - (a) 2m where at least 50% of the fence or wall is transparent; or
    - (b) 1.2m otherwise; and
  - 70.2 Maintain Safe Intersection Sight Distance (SISD) in accordance with the requirements of Austroads most recent version of its *Guide to Road Design Part 4A: Unsignalised and Signalised Intersections (AGRD04A-09)*.

## **STREET IDENTIFICATION**

71. The street number of all buildings must be clearly identifiable and located in a prominent position near the site entry, either on the kerb or a letterbox, or viewable from the site entry and located by signage on buildings or the subject land.

## **ACCESS FOR PEOPLE WITH DISABILITIES**

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

## **SAFETY, SECURITY & PUBLICLY ACCESSIBLE FACILITIES**

73. The development must be designed and constructed to enhance community safety by ensuring:
  - 73.1 Vandal proof fittings, fixtures and materials which are hardy and not easily removable are used in the construction and finishing of the development; and
  - 73.2 Ground level windows use toughened glass, screens or other protective measures to deter unlawful entry to the development.

74. The development and hard landscaping must not comprise of highly reflective materials that create slippery or otherwise hazardous conditions.
75. Safety and security lighting must be provided to the following areas of the subject land:
- 75.1 All entries and exits of buildings;
  - 75.2 All pathways linking car parking areas to the entrances and exits of buildings; and
  - 75.3 Throughout car parking areas.
76. 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 AS4282-2023 Control of the obtrusive effects of outdoor lighting*
77. Pedestrian routes between car parking areas and buildings must be clearly signed and marked.
78. Parking spaces must be available for use by employees and visitors during the approved hours of operation for the business.

## **TRANSPORT, VEHICULAR ACCESS & PARKING**

### **ROADWORKS (INTERNAL TO DEVELOPMENT)**

79. Internal roads/driveways must generally be constructed as shown on the approved plans.
80. The internal roads/driveways must be constructed to a sealed standard, including kerb and channel on both sides of the new roads as shown on the approved plans.

### **ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY**

81. 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.*
82. 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.*

### **ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING**

83. The premises must be provided with a minimum of 60 on-site car parking spaces inclusive of one (1) PWD car parking spaces, together with standing and manoeuvring for B-Double service vehicles. Car parking and manoeuvring areas must be:
- 83.1 Constructed generally as shown on the Approved Plans listed within this Development Approval;

- 83.2 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*;
- 83.3 Designed and constructed in accordance with the requirements of AS2890;
- 83.4 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;
- 83.5 Accessible and available to the general public and staff during approved hours of operation;
- 83.6 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the subject land;
- 83.7 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring; and
- 83.8 Designed to enable all vehicles to enter and leave the subject land in a forward gear.

## ENVIRONMENT & WASTE

### SITE BASED ENVIRONMENTAL MANAGEMENT PLAN

- 84. The approved use must be carried out in accordance with the Management Actions included in the Site Based Management Plan listed within this Development Approval.
- 85. The endorsed Site Based Environmental Management Plan must be implemented, maintained and modified where necessary to maintain compliance with the requirements of this Development Approval at all times.

### ACOUSTIC AMENITY - GENERAL

- 86. Acoustic measures and treatments must be incorporated into the development in accordance Section ECP 1 of the Site Based Management Plan listed within this Development Approval.

### ACOUSTIC AMENITY - NOISE LIMITS

- 87. Noise from activity associated with the use of the subject land must not include substantial low frequency noise components and must not exceed the levels specified in **Table 2** when measured at any receptor.

**Table 2 – Noise Limits**

Noise level measured in dB(A)	Monday to Saturday			Sunday and Public Holidays		
	7am-6pm	6pm-10pm	10pm-7am	7am-6pm	6pm-10pm	10pm-7am
	Noise measured at a sensitive place					
L <sub>Aeq adj,1hr</sub>	42	42	37	42	42	37
L <sub>A1 adj,1hr</sub>	52	52	47	52	52	47
	Noise measured at a commercial place					
L <sub>Aeq adj,1hr</sub>	55	55	55	55	55	55

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

#### **ACOUSTIC AMENITY - MECHANICAL PLANT**

89. 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 - GENERAL**

90. Air pollution control measures must be incorporated into the development in accordance with Section ECP 1 of the Site Based Management Plan listed within this Development Approval.

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

91. All reasonable and feasible avoidance and mitigation measures are employed so that dust and particulate matter emissions generated from activity associated with the use of the subject land do not exceed the following levels when measured at any sensitive place or commercial place:
- 91.1 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*.
- 91.2 A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometres (PM<sub>10</sub>) suspended in the atmosphere of 50 micrograms per cubic metre over a 24-hour averaging time, for no more than 5 exceedances recorded each year, when monitored in accordance with the most recent version of either:
- (a) *Australian Standard AS3580.9.6: Methods for sampling and analysis of ambient air—Determination of suspended particulate matter - PM<sub>10</sub> high volume sampler with size-selective inlet – Gravimetric method*; or
  - (b) *Australian Standard AS3580.9.9: Methods for sampling and analysis of ambient air - Determination of suspended particulate matter - PM<sub>10</sub> low volume sampler - Gravimetric method*.
- 91.3 A concentration of particulate matter with an aerodynamic diameter of less than 2.5 micrometres (PM<sub>2.5</sub>) suspended in the atmosphere of 25 micrograms per cubic metre over a 24-hour averaging time, when monitored in accordance with the most recent version of *Australian AS3580.9.10 Methods for sampling and analysis of ambient air - Determination of suspended particulate matter - PM<sub>2.5</sub> low volume sampler - Gravimetric method*.
- 91.4 A concentration of particulate matter suspended in the atmosphere of 90 micrograms per cubic metre over a 1 year averaging time, when monitored in accordance with the most recent version of *AS/NZS3580.9.3: Methods for sampling and analysis of ambient air - Determination of suspended particulate matter - Total suspended particulate matter (TSP) - High volume sampler gravimetric method*.

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

#### **OUTDOOR LIGHTING IMPACT MITIGATION**

93. Outdoor lighting associated with the use must be designed, sited, and installed to comply with the relevant parameters of *Australian Standard AS4282-2023 Control of the obtrusive effects of outdoor lighting*.
94. All flood lighting must be of a type that gives no upward component of light when mounted horizontally (i.e. a full cut off luminaire).
95. 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**

96. 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:
- 96.1 Following treatment using an appropriate stormwater quality improvement device (SQID) as uncontaminated overland stormwater flow;
- 96.2 Following treatment using an appropriate stormwater quality improvement device (SQID) as uncontaminated stormwater to the stormwater system; and
- 96.3 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*.

#### **STORAGE OF LIQUID CHEMICALS**

97. 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*.

#### **WASTE MANAGEMENT (GENERAL)**

98. 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)**

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

- 99.1 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;
- 99.2 Provision of a constructed bulk bin store with an impervious hardstand base for the 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 2m to any fresh air intake of a habitable room;
- 99.3 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built structure, enclosure or solid screen fencing; and
- 99.4 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)**

- 100. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
  - 100.1 Disposal of waste generated must be undertaken in accordance with the *Environmental Protection Regulation 2019*;
  - 100.2 Collection by a refuse vehicle from within the site only, and not from the kerbside;
  - 100.3 Bins must be located in a manner that allows the refuse vehicle to pick them up automatically without the driver or any other person having to relocate them;
  - 100.4 General waste must be collected and removed at periods not exceeding seven days;
  - 100.5 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal; and
  - 100.6 The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.

## **LANDSCAPING**

### **LANDSCAPE PLAN**

- 101. The development site must be landscaped and maintained in accordance with works shown on the approved Landscape Plans listed within this Development Approval and the following:
  - 101.1 Planting areas must be friable, organic topsoil, cultivated to minimum 450mm depth and be clear of any rubbish, rocks or building rubble;
  - 101.2 All planting areas and individual trees must be mulched with minimum 100mm depth organic mulch;
  - 101.3 An irrigation system or watering points must be provided to all planting areas; and
  - 101.4 Where required, root barrier devices must be installed where tree plantings are sited within 2 metres of any services and or structures. Barriers must be fit for purpose and installed in accordance with the manufacturer's specification;

102. All landscape works must be installed and established by a suitably qualified person (Landscape Architect, Horticulturalist or equivalent) that ensures healthy, sustained and vigorous plant growth. Where required plant material should be replaced or enhanced to ensure growth to full form and coverage of all dedicated landscape areas. Landscape planting is to be retained and maintained for the life of the development in accordance with the conditions of this Development Approval.
103. Certification must be submitted to Council from a suitably qualified person (Landscape Architect or Landscape Designer) that certifies landscaping works comply with the requirements of this Development Approval.

## **B. ADVICES:**

### **ADVICES**

#### **INFRASTRUCTURE CHARGES**

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

#### **OTHER LAWS & REQUIREMENTS**

- 2) This Development Approval relates to development requiring approval under the *Planning Act 2016* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
- 3) Carrying out works on a road or interfering with the road or its operation will require a permit under *Subordinate Local Law No. 1.15 (2020)*. The application form can be found on Council's website at [www.tr.qld.gov.au](http://www.tr.qld.gov.au). For further information contact the Road Operations Branch through Council's Customer Service Centre on 131 872.
- 4) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme 2012*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or the *Queensland Development Code*.

#### **WHEN APPROVAL STARTS TO HAVE EFFECT**

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

#### **WHEN APPROVAL LAPSES**

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

#### **EXCAVATION & FILLING**

- 7) The *Toowoomba Regional Planning Scheme 2012* (TRPS) declares excavation and filling activity involving less than 50m<sup>3</sup> 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 50m<sup>3</sup> or more of fill is deposited on, or 50m<sup>3</sup> 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**

- 8) 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:

- 8.1 The *Disability Discrimination Act 1992* (Cth);
- 8.2 The *Anti-Discrimination Act 1991* (Qld); and
- 8.3 The *Disability (Access to Premises - Buildings) Standards*.

## **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.

## **ENVIRONMENTALLY RELEVANT ACTIVITIES**

- 10) Should the premises, or any part of the premises, be used for an "Environmentally Relevant Activity" as defined under Schedule 2 the *Environmental Protection Regulation 2019*, separate approval is required by the relevant Administering Authority in accordance with the *Environmental Protection Act 1994* and where applicable the *Planning Act 2016* before such use commences.

## **FIXED MECHANICAL PLANT NOISE**

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

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

## **WATER POLLUTION**

- 12) 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**

- 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.

### **ADVERTISING SIGNS**

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

### **BUILDING OVER, OR NEAR, COUNCIL INFRASTRUCTURE**

- 15) Any construction carried out near or over existing Council services should be in accordance with Council's adopted Policy (*Queensland Development Code NMP 1.4 – Excavation and Piling Near Sewers, Stormwater Drains and Water Mains*) and Council's Planning Scheme Policy SC6.3 PSP No. 3– *Water and Wastewater Infrastructure*. A Concurrence Agency referral of the Building Work Application to Council's Water and Wastewater Services Branch may be required.

### **TRADE WASTE APPROVAL**

- 16) This Development Approval does not imply 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 (131 872) for further information in respect of trade waste.



# TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

## SCHEDULE 2

### DEVELOPMENT PERMIT FOR OPERATIONAL WORKS

<b>APPLICATION NUMBER:</b>	OW/2025/5517
<b>APPLICANT:</b>	F K Gardner & Sons Pty Ltd
<b>LOCATION:</b>	Vision Street, WELLCAMP QLD 4350
<b>PROPERTY DESCRIPTION:</b>	Part of Lot 4 SP353522
<b>APPROVED DEVELOPMENT:</b>	Stormwater
<b>ZONING / PRECINCT:</b>	Medium Impact Industry / Nil

#### A. ASSESSMENT MANAGER'S CONDITIONS:

##### GENERAL

##### APPROVED DEVELOPMENT

- This Development Approval is for carrying out operational work for:
  - Stormwater Works.

##### CARRY OUT AND MAINTAIN DEVELOPMENT

- The development must comply with the provisions of Toowoomba Regional Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by this Development Approval.
- Unless otherwise stated, all conditions must be complied with prior to commencement of the use, and thereafter.
- All work associated with this Development Approval must be completed within two (2) years of this Development Approval starting to have effect.

##### APPROVED DRAWINGS

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

**Drawing No:** C2324371 GEN01, Issue P2

**Description:** Cover Sheet, prepared by Kehoe Myers Consulting Engineers, dated 14/08/2025

**Amendments:** Nil

**Drawing No:** C2425371 SWD01, Issue P3

**Description:** Stormwater Layout Plan, prepared by Kehoe Myers Consulting Engineers, dated 22/09/2025

**Amendments:** Nil

**Drawing No:** C2425371 SWD02, Issue P3  
**Description:** Stormwater Drainage Layout, prepared by Kehoe Myers Consulting Engineers, dated 22/09/2025

**Amendments:** Nil

**Drawing No:** C2425371 SWD03, Issue P2  
**Description:** Stormwater Notes & Details, prepared by Kehoe Myers Consulting Engineers, dated 14/08/2025

**Amendments:** Nil

**Drawing No:** C2425371 SWD04, Issue P2  
**Description:** Stormwater Longitudinal Sections, prepared by Kehoe Myers Consulting Engineers, dated 14/08/2025

**Amendments:** Nil

**Drawing No:** C2425371 SWD05, Issue P3  
**Description:** Detailed Stormwater Drainage Layout, prepared by Kehoe Myers Consulting Engineers, dated 22/09/2025

**Amendments:** Nil

**Drawing No:** C2425371 SWM01, Issue P3  
**Description:** Post-Development Stormwater Catchment, prepared by Kehoe Myers Consulting Engineers, dated 22/09/2025

**Amendments:** Nil

**Drawing No:** C2425371 SWM02, Issue P2  
**Description:** Stormwater Calculations Table, prepared by Kehoe Myers Consulting Engineers, dated 14/08/2025

**Amendments:** Nil

## COMPLETION PERIOD

6. In accordance with section 88(1) of the *Planning Act 2016* (Qld), this Development Approval lapses if the development is not completed within two (2) years of this Development Approval starting to have effect.

## CONSTRUCTION REQUIREMENTS

### HOURS OF CONSTRUCTION

7. Unless otherwise approved in writing by Council's Manager, Development Engineering and Plumbing Services, approved hours of construction are between the hours of 6.30 am to 6.30 pm Monday to Saturday.
8. Unless otherwise approved in writing by Council, no works are permitted on Public Holidays.
9. Any activities which cause noise nuisance must not be carried out on the subject land outside the approved hours of construction or on Sundays or Public Holidays.

### CONSTRUCTION WORKS

10. The construction works shall be in accordance with the requirements outlined in *Planning Scheme Policy No 2 SC6.2.7.7*.
11. During the course of construction works:
  - 11.1 Ensure that the works are carried out by a qualified contractor;

- 11.2 Accept responsibility for all aspects of the works, including public safety; and
- 11.3 Ensure adequate barricades, signage and other warning devices are in place at all times.
- 12. A minimum of \$10 million of Public Liability Insurance and Workers Compensation Insurance must be secured at all times throughout the construction and maintenance periods by the developer /contractor.

#### **VERGE WORKS**

- 13. All work carried out in the road reserve must be carried out during daylight hours only unless approved otherwise by Council's Manager, Development Engineering and Plumbing Services. No excavations, stockpiles of material or other hazards or obstructions are to be left on the verge during hours of darkness.

*Note: Should access to footpaths, verge or road 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.*

#### **DAMAGE TO SERVICES & ASSETS**

- 14. Protect Council and public utility services and assets during construction of the development.
- 15. 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:
  - 15.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
  - 15.2 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.
- 16. 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.
- 17. 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 131 872*

#### **PEDESTRIAN AND CYCLIST SAFETY**

- 18 Safe pedestrian and cyclist 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.*

#### **EROSION AND SEDIMENT CONTROL**

- 19. Erosion and sediment control measures in accordance with *Planning Scheme Policy PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure* must be implemented as necessary, and must be maintained at all times during the works period.
- 20. 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.

21. 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.
22. 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.

## **WORKS**

### **STORMWATER DRAINAGE**

23. All stormwater drainage works carried out under this Development Approval must comply with *PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure*
24. Stormwater from the subject land must be collected and discharged by way of sealed underground pipe in accordance with the approved plans listed within this Development Approval.
25. Stormwater quality must be ensured by the use of stormwater quality best management practice .
26. The private stormwater quality devices installed within the subject land as part of the development must be maintained for the life of the development (in accordance with the manufacturer's guidelines/to best management practice) to ensure continuing level of performance for water quality for stormwater discharged from the subject land.
27. All land adjoining the development must be protected at all times from ponding or nuisance from stormwater resulting from the development.

### **WASTEWATER INFRASTRUCTURE**

28. Where the location and levels of existing services are unknown, the contractor must pothole to establish the accurate location and level. The existing services must be included on amended detailed design drawings, which must be submitted to Council for approval a minimum of 5 days prior to the prestart meeting. Required clearances and cover to the existing wastewater infrastructure must be maintained unless otherwise approved by Council.
29. Any connection to or modification of Council's live wastewater infrastructure must be undertaken by Council.

*Note: For a private works quotation for the required works Council's Water & Wastewater Department can be contacted on ph 131 872. Subject to payment of the quotation, a suitable time for this work to be carried out must be agreed with Council.*

### **SIGNAGE AND LINEMARKING**

30. All works on or near roadways must be adequately signed in accordance with Toowoomba Regional Council Planning Scheme Policy *PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure* as well as the Manual of Uniform Traffic Control Devices (MUTCD) guidelines.

*Note: Any road or lane closures will require written application to Council, and all conditions of Council approval must be complied with throughout construction of the works.*

## **CERTIFICATION OF CONSTRUCTION WORKS**

31. A supervision certificate completed by a Registered Professional Engineer of Queensland – Civil must be provided upon completion of the works certifying that the works have been completed in accordance with the approved plans and specifications.
32. The Registered Professional Engineer of Queensland performing any task or function associated with the proposed works must hold professional indemnity insurance to the value of \$2 million.

## **B. ADVICES:**

### **RELIANCE ON ENGINEER'S CERTIFICATION**

- 1) In approving plans and specifications for this project, Council has carried out an audit check of information submitted by Kehoe Myers Consulting Engineers. Accordingly, Council has placed reliance on the certificate of design signed by the Registered Professional Engineer Queensland (RPEQ) that the Approved Plans and specifications are correct and in accordance with required engineering standards. The RPEQ bears full responsibility for all aspects of the engineering design. Council reserves the right to require further amendments and/or additions at a later stage, should design errors become apparent.

### **WHEN APPROVAL STARTS TO HAVE EFFECT**

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

### **WHEN APPROVAL LAPSES**

- 3) 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..

### **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) 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](http://www.tr.qld.gov.au).
- 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*.

### **ENVIRONMENTAL HARM**

- 7) 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.

#### **ENVIRONMENT PROTECTION & BIODIVERSITY CONSERVATION ACT 1999**

- 8) An additional approval from the Commonwealth Government under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) may be required in relation to the approved development. The EPBC Act relates to actions that may have a significant impact on matters of national environmental significance (NES) or the environment generally if on Commonwealth land. These matters of NES include nationally listed threatened and migratory species, Ramsar wetlands, World Heritage, Commonwealth marine and nuclear actions.

The EPBC Act provides that a person must not take an action that has, will have or is likely to have a significant impact on matters of NES, without the approval of the Commonwealth Environment Minister. Such actions should be referred to the Minister for a decision on whether or not approval is required under the EPBC Act.

Contact the Australian Government Department of Agriculture, Water and the Environment to discuss any obligations under the EPBC Act.

#### **WATER POLLUTION**

- 9) 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**

- 10) 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 Partnership (DATSIP) Cultural Heritage Unit to discuss any obligations under the ACH Act.

## **FIRE ANTS**

- 11) 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 *Nature Conservation (Plants) Regulation 2020* apply, compliance with statutory provisions must be achieved.

**C. ATTACHMENTS:**

- Concurrence Agency Conditions Schedule 3
- Approved Development Plans
- Approved Documents
- Appeal provisions pursuant to the *Planning Act 2016*.

**SCHEDULE 3**

**CONCURRENCE AGENCY (CONDITIONS AND COMMENTS)**

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

SARA reference: 2508-47782 SRA  
Council reference: MCUI/2025/5515 & OW/2025/5517  
Applicant reference: J002378

**RECEIVED**  
16/10/2025  
**TOOWOOMBA**  
**REGIONAL COUNCIL**

16 October 2025

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

Attention: Emily Hinchliffe

Dear Ms Hinchliffe

## SARA referral agency response— Vision Street, 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 27 August 2025.

### Response

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Outcome:	Referral agency response – with conditions
Date of response:	16 October 2025
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval
Advice:	Advice to the applicant is in <b>Attachment 2</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>

### Development details

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Description:	Development permit	Material Change of Use – High Impact Industry, Warehouse and Environmentally Relevant Activities ERA7(4)(a), ERA7(5)(a) & ERA61(4)  Operational Works associated with Material Change of Use – Stormwater
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SARA role:	Referral agency
SARA trigger:	Schedule 10, part 5 division 4, table 2, item 1 (Planning Regulation 2017)
	Environmentally relevant activity
	Schedule 10, part 9, division 4, subdivision 1, table 1, item 1 (Planning Regulation 2017)
	Development impacting on state transport infrastructure
	Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 (Planning Regulation 2017)
	Development near a state transport corridor
SARA reference:	2508-47782 SRA
Assessment manager:	Toowoomba Regional Council
Street address:	Vision Street, Wellcamp
Real property description:	Lot 4 on SP353522
Applicant name:	F K Gardner & Sons Pty Ltd
Applicant contact details:	C/- Property Projects Australia Level 1, 618 Brunswick Street NEW FARM QLD 4005 toby@propertyprojectsaustralia.com.au
Environmental Authority:	<p>This referral included an application for an environmental authority under section 115 of the <i>Environmental Protection Act 1994</i>. Below are the details of the decision:</p> <ul style="list-style-type: none"> <li>• Approved</li> <li>• Reference: P-EA-100940298</li> <li>• Effective date: Upon notification to the administering authority or on 1 January 2027, whichever occurs earlier.</li> <li>• Prescribed environmentally relevant activity (ERA): <ul style="list-style-type: none"> <li>o ERA 7 - Chemical manufacturing - 4(a) - Manufacturing, in a year, the following quantities of fertiliser - 200t to 5000t;</li> <li>o ERA 7 - Chemical manufacturing 5(a) - Manufacturing, in a year, the following quantities of organic chemicals, other than organic chemicals to which items 1 to 4 apply - 200t to 1000t</li> <li>o ERA 61 - Thermal waste reprocessing and treatment - 4 - Thermally reprocessing or treating clinical waste or biosecurity waste</li> </ul> </li> </ul> <p>If you are seeking further information on the environmental authority, the Department of Environment, Tourism, Science and Innovation's website includes a register. This can be found at: <a href="http://www.detsi.qld.gov.au">www.detsi.qld.gov.au</a></p>
<i>Human Rights Act 2019</i> considerations:	A consideration of the 23 fundamental human rights protected under the <i>Human Right Act 2019</i> has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

## Representations

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An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (section 30 of the Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Geoff Broadbent, Principal Planner, on (07) 4616 7302 or via email [ToowoombaSARA@dasilgp.qld.gov.au](mailto:ToowoombaSARA@dasilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Paul Gleeson  
A/Manager

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

cc       F K Gardner & Sons Pty Ltd, [toby@propertyprojectsaustralia.com.au](mailto:toby@propertyprojectsaustralia.com.au)

## Attachment 1—Referral agency conditions

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

No.	Conditions	Condition timing
<b>Material Change of Use – High Impact Industry &amp; Warehouse; and Operational Works associated with Material Change of Use – Stormwater</b>		
10.9.4.1.1.1 – Development impacting on state transport infrastructure & 10.9.4.2.4.1 – Development near a state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	Any excavation, filling/backfilling/compaction, retaining structures, building foundation structures and other works involving ground disturbance must not encroach upon or de-stabilise or cause damage to the state-controlled road, including all transport infrastructure or the land supporting this infrastructure, or cause similar adverse impact.	At all times.
2.	Stormwater from the development must be discharged to the stormwater easement generally in accordance with the location shown on the following plan: (a) Stormwater Layout Plan, prepared by Kehoe Myers Consulting Engineers, dated 15 August 2025, reference C2425371 Drawing No. SWD01, Issue P2.	At all times.

## Attachment 2—Advice to the applicant

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<b>General advice</b>	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.3). If a word remains undefined it has its ordinary meaning.

## Attachment 3—Reasons for referral agency response

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

### The reasons for the SARA's decision are:

- The development complies with the assessment benchmarks of State code 1 of SDAP in that the development:
  - o does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road
  - o does not adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure
  - o does not adversely impact the function and efficiency of state-controlled roads or future state-controlled roads
  - o does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure
  - o does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure.
  
- The development complies with the assessment benchmarks of State code 6 of SDAP in that the development:
  - o increase the likelihood or frequency of accidents, fatalities, or serious injury for users of a state-controlled road
  - o adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure
  - o adversely impact the function efficiency of state-controlled roads or future state-controlled roads
  - o adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure
  - o significantly increase the cost to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure.
  
- The development complies with the assessment benchmarks of State code 22 of SDAP in that the development:
  - o is located and designed to avoid or mitigate environmental harm on environmental values of the natural environment, adjacent sensitive land uses and sensitive receptors
  - o is designed and located to avoid impacts or, where the matters of state environmental significance cannot be reasonably avoided, impacts are reasonably minimised and mitigated
  - o does not result in a significant residual impact on a matter of state environmental significance.

### Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.3), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

## **Attachment 4—Representations about a referral agency response provisions**

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# 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 Rules<sup>1</sup> regarding **representations about a referral agency response**

## Part 6: Changes to the application and referral agency responses

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### 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.<sup>2</sup>
- 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.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> 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.<sup>3</sup>

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<sup>3</sup> 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.

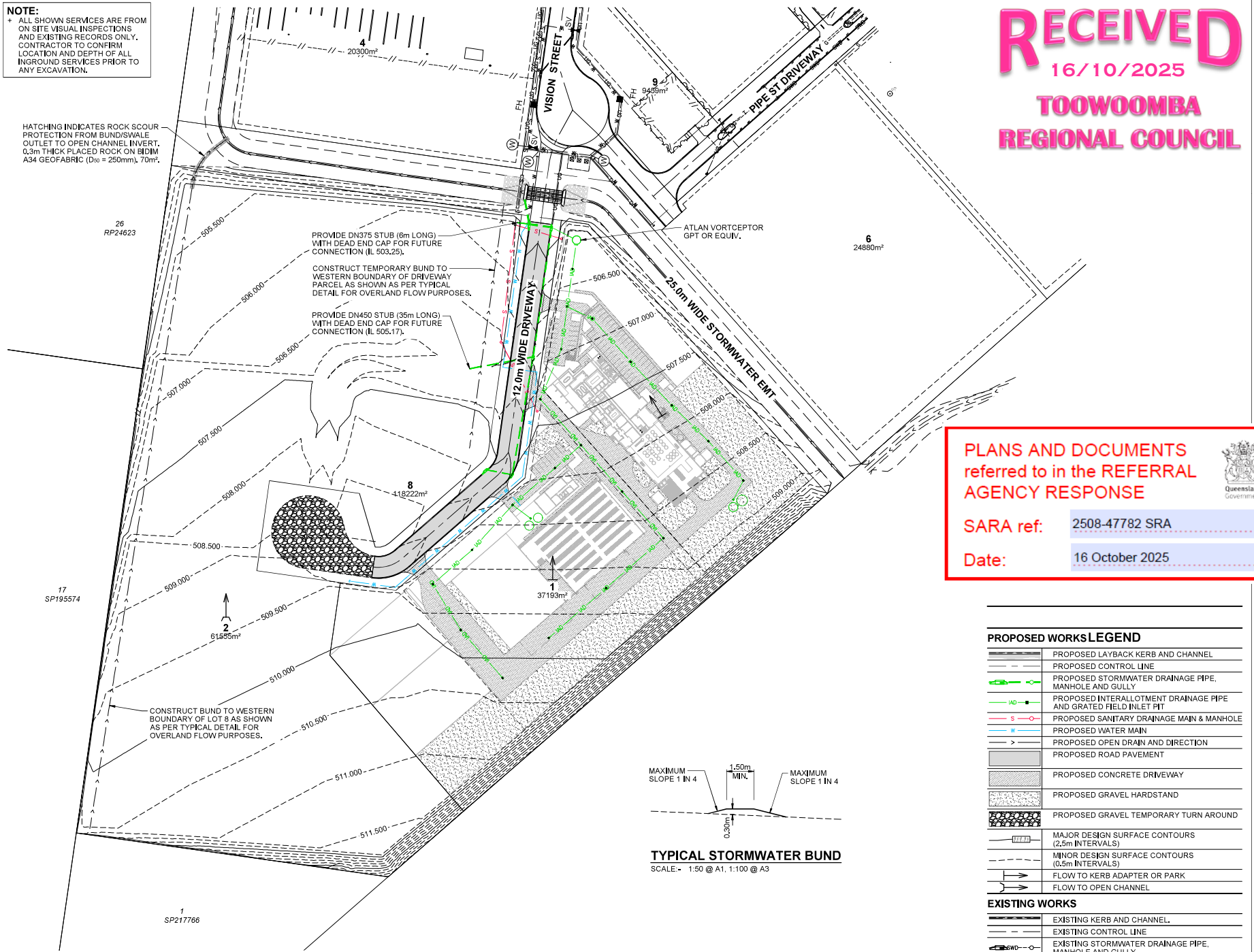
## **Attachment 5—Documents referenced in conditions**

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**NOTE:**  
 + ALL SHOWN SERVICES ARE FROM ON SITE VISUAL INSPECTIONS AND EXISTING RECORDS ONLY. CONTRACTOR TO CONFIRM LOCATION AND DEPTH OF ALL INGROUND SERVICES PRIOR TO ANY EXCAVATION.

HATCHING INDICATES ROCK SCOUR PROTECTION FROM BUND/SWALE OUTLET TO OPEN CHANNEL INVERT. 0.3m THICK PLACED ROCK ON BIDIM A34 GEOTEXTILE (D<sub>50</sub> = 250mm, 70m<sup>2</sup>).

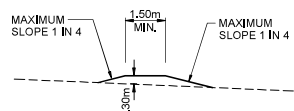


PROVIDE DN375 STUB (6m LONG) WITH DEAD END CAP FOR FUTURE CONNECTION (IL 503.25).

CONSTRUCT TEMPORARY BUND TO WESTERN BOUNDARY OF DRIVEWAY PARCEL AS SHOWN AS PER TYPICAL DETAIL FOR OVERLAND FLOW PURPOSES.

PROVIDE DN450 STUB (35m LONG) WITH DEAD END CAP FOR FUTURE CONNECTION (IL 505.17).

ATLAN VORTCEPTOR GPT OR EQUIV.



**TYPICAL STORMWATER BUND**  
 SCALE:- 1:50 @ A1, 1:100 @ A3

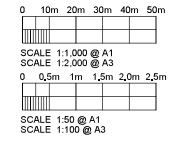
**STORMWATER LAYOUT PLAN**  
 SCALE:- 1:1000 @ A1, 1:2000 @ A3  
 + REFER DRAWING SWD03 FOR NOTES & DETAILS.

SITE AND BUILDING LAYOUT BASED ON FKJ DESIGN FILE: IBC\_DA\_Site Plan A.dwg (RECEIVED 30/07/2025)

**RECEIVED**  
 16/10/2025  
**TOowoomba REGIONAL COUNCIL**

**COPYRIGHT**  
 where there is any...  
 DATUM  
 PSM 201297  
 MINISTAFF SURVEY DWG NO.  
 M5154 3000 001 REV. C  
 MGA 2020, AHD

DRAWING ISSUE			
ISSUE	DATE	DETAILS	INITIAL
P1	14.08.25	FOR INFORMATION	PJS
P2	15.08.25	FOR APPROVAL	PJS



**PLANS AND DOCUMENTS** referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2508-47782 SRA

Date: 16 October 2025

**PRELIMINARY**  
 NOT FOR CONSTRUCTION  
 DATE 15.08.25 11:02 AM



PRINT IN COLOUR

**PROPOSED WORKS LEGEND**

- PROPOSED LAYBACK KERB AND CHANNEL
- PROPOSED CONTROL LINE
- PROPOSED STORMWATER DRAINAGE PIPE, MANHOLE AND GULLY
- PROPOSED INTERALLOTMENT DRAINAGE PIPE AND GRATED FIELD INLET PIT
- PROPOSED SANITARY DRAINAGE MAIN & MANHOLE
- PROPOSED WATER MAIN
- PROPOSED OPEN DRAIN AND DIRECTION
- PROPOSED ROAD PAVEMENT
- PROPOSED CONCRETE DRIVEWAY
- PROPOSED GRAVEL HARDSTAND
- PROPOSED GRAVEL TEMPORARY TURN AROUND
- MAJOR DESIGN SURFACE CONTOURS (2.5m INTERVALS)
- MINOR DESIGN SURFACE CONTOURS (0.5m INTERVALS)
- FLOW TO KERB ADAPTER OR PARK
- FLOW TO OPEN CHANNEL

**EXISTING WORKS**

- EXISTING KERB AND CHANNEL
- EXISTING CONTROL LINE
- EXISTING STORMWATER DRAINAGE PIPE, MANHOLE AND GULLY
- EXISTING SEWER MAIN AND MANHOLE
- EXISTING WATER MAIN
- EXISTING OVERHEAD ELECTRICAL LINES AND POWER POLES
- EXISTING TELECOMMUNICATION LINES

**Kehoe Myers**  
 CONSULTING ENGINEERS KEHOEMERS.COM.AU  
 PH 4617 4632 9100

CIVIL | STRUCTURAL | HYDRAULIC

CLIENT  
**FK GARDNER & SONS PTY LTD**

PROJECT  
**INDUSTRY BIOTECHNOLOGY CENTRE**

DRAWING TITLE  
**STORMWATER LAYOUT PLAN**

DESIGN	KZE	ORIGINAL SIZE	A1
DRAWN	KZE	PROJECT NUMBER	C2425371
CHECKED	PJS	DRAWING NUMBER	SWD01
APPROVED	PJS	DATE	14.08.25
		ISSUE	P2

*This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.*

## **Environmental authority number: P-EA-100940298**

**Environmental authority takes effect upon notification to the administering authority or on 1 January 2027, whichever occurs earlier.** This is the take effect date.

Within 5 business days of the environmental authority taking effect, the administering authority must be given written notice of the occurrence. Prior to the commencement of the activity, the administering authority must be given written notice of the proposed date of commencement.

The first annual fee is payable within 20 business days of the take effect date.

The anniversary date of this environmental authority is the same day each year as the take effect date. The payment of the annual fee will be due each year on this day.

## **Environmental authority holder(s)**

<b>Name(s)</b>	<b>Registered address</b>
WITMACK INDUSTRIAL PTY LTD	275 McDougall St TOOWOOMBA QLD 4350 AUSTRALIA

## **Environmentally relevant activity and location details**

<b>Environmentally relevant activity/activities</b>	<b>Location(s)</b>
ERA 07 - Chemical manufacturing - 4(a) - Manufacturing, in a year, the following quantities of fertiliser - 200t to 5000t	4/SP353522
ERA 07 - Chemical manufacturing 5(a) - Manufacturing, in a year, the following quantities of organic chemicals, other than organic chemicals to which items 1 to 4 apply - 200t to 1000t	4/SP353522
ERA 61 - Thermal waste reprocessing and treatment - 4 - Thermally reprocessing or treating clinical waste or biosecurity waste	4/SP353522

**Additional information for applicants**Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority (EA) is issued is a restatement of the ERA as defined by legislation at the time the EA is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an EA as to the scale, intensity or manner of carrying out an ERA, the conditions prevail to the extent of the inconsistency.

An EA authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the EA specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act).

Mobile and temporary activities

If you operate a mobile and temporary environmentally relevant activity (ERA), other than regulated waste transport, you are required to maintain a work diary. You must:

- use the approved form for a work diary (ESR/2015/1696);
- keep the work diary records for 2 years after the last entry;
- inform the administering authority within 7 days of the work diary being lost or stolen;
- record the information required in the work diary for each location within 1 day of leaving the location.

Contaminated land

It is a requirement of the EP Act that an owner or occupier of land give written notice to the administering authority if they become aware of the following:

- the presence of, or happening of an event involving, a hazardous contaminant on the land that is causing, or is reasonably likely to cause, serious or material environmental harm (notice must be given within 24 hours); or
- if the land is contaminated land – a change in the condition of the land that is causing, or is reasonably likely to cause, serious or material environmental harm (notice must be given within 24 hours); or
- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the land (notice must be given within 20 business days).

For further information, including the form for giving written notice, refer to the Queensland Government website [www.qld.gov.au](http://www.qld.gov.au), using the search term 'duty to notify'.

Take effect

Please note that, in accordance with section 200 of the EP Act, an EA has effect:

- a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority – on the nominated day; or
- b) if the authority states a day or an event for it to take effect – on the stated day or when the stated event happens; or
- c) otherwise – on the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the *Planning Act 2016* or an SDA Approval under the *State Development and Public Works Organisation Act 1971*), this EA will not take effect until the additional authorisation has taken effect.

Environmental authority P-EA-100940298

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If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

The anniversary day of this environmental authority is the same day each year as the effective date. The payment of the annual fee will be due each year on this day.

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.



Signature

16 October 2025

Date

Helena Braye

Department of the Environment, Tourism, Science and Innovation

Delegate of the administering authority

*Environmental Protection Act 1994*

**Enquiries:**

Energy and Extractive Resources

GPO Box 2454, BRISBANE QLD 4001

Phone: (07) 3330 5715

Email: [EnergyandExtractive@detsi.qld.gov.au](mailto:EnergyandExtractive@detsi.qld.gov.au)

**Obligations under the *Environmental Protection Act 1994***

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443).

**Other permits required**

This permit only provides an approval under the *Environmental Protection Act 1994*. In order to lawfully operate you may also require permits / approvals from your local government authority, other business units within the department, and other State and Federal Government agencies prior to commencing any activity at the site. For example, this may include permits / approvals with your local Council (for planning approval), the Department of Transport and Main Roads (to access State controlled roads), the Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development (to clear vegetation), and the Department of Primary Industries (to clear marine plants or to obtain a quarry material allocation).

**Obligations under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)***

Matters of national environmental significance (MNES) are regulated under the Commonwealth EPBC Act rather than under state legislation. You may need to submit a referral if your project potentially impacts any matters protected under the EPBC Act. For more information on self-assessments, and referral and assessment processes please visit the Department of Climate Change, Energy, the Environment and Water webpage, <https://www.dcceew.gov.au/environment/epbc/advice>.

**Development Approval**

This permit is not a development approval under the *Planning Act 2016*. The conditions of this environmental authority are separate, and in addition to, any conditions that may be on the development approval. If a copy of this environmental authority is attached to a development approval, it is for information only, and may not be current. Please contact the Department of the Environment, Tourism, Science and Innovation to ensure that you have the most current version of the environmental authority relating to this site.

**Obligations under the *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* (the Cultural Heritage Acts)**

The Cultural Heritage Acts require anyone who carries out a land-use activity to exercise a duty of care. This 'duty of care' means land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage, and applies to any activity where Aboriginal or Torres Strait Islander cultural heritage is located. For more information on your obligations under this legislation, please visit the Department of Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism webpage at, <https://www.dwatsipm.qld.gov.au/>.

## Conditions of environmental authority

Agency interest: General	
Condition number	Condition
<b>G1.0</b>	<p>Activities under this environmental authority must be conducted in accordance with the following limitations:</p> <ul style="list-style-type: none"> <li>a) The quantity of fertilisers permitted to be manufactured on site must not exceed 5,000 tonnes per year;</li> <li>b) The quantity of organic chemicals permitted to be manufactured on site must not exceed 1,000 tonnes per year;</li> <li>c) The quantity of biosecurity waste permitted to be treated on site must not exceed 40 tonnes per year;</li> <li>d) The site must be in accordance with the site plan included in <i>Appendix 1 – Site Plan</i>.</li> </ul>
<b>G2.0</b>	All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by the activities.
<b>G3.0</b>	<p>Unless specifically authorised by a condition of this environmental authority, this environmental authority does not authorise a relevant act which is:</p> <ul style="list-style-type: none"> <li>a) an act that causes serious or material environmental harm or an environmental nuisance; or</li> <li>b) an act that contravenes a noise standard; or</li> <li>c) a deposit of a contaminant, or release of stormwater run-off, mentioned in section 440ZG of the <i>Environmental Protection Act 1994</i>.</li> </ul>
<b>G4.0</b>	<p><b>Contravention of conditions</b></p> <p>Unless specifically authorised by a condition of this environmental authority, details of any contravention of a condition of this environmental authority must:</p> <ul style="list-style-type: none"> <li>a) be reported to the administering authority within 24 hours of becoming aware of the contravention; and</li> <li>b) include the nature and circumstances of the contravention and any immediate actions taken.</li> </ul>
<b>G4.1</b>	<p>As soon as reasonably practicable but no later than 20 business days of a report made under condition G4.0 (or a longer period agreed to in writing by the administering authority), an investigation must be undertaken to determine:</p> <ul style="list-style-type: none"> <li>a) the potential circumstances and actions that may have contributed to the contravention; and</li> <li>b) reasonable and practicable measures that will be implemented to address the cause of the contravention to prevent future contraventions of this nature.</li> </ul>
<b>G4.2</b>	As soon as reasonably practicable but no later than 20 business days of investigating a contravention under condition G4.1 (or a longer period agreed to in writing by the administering authority), the reasonable and practicable measures identified in the investigation must be implemented.
<b>G4.3</b>	The outcome of the investigation carried out under condition G4.1 and the reasonable and practicable measures implemented under condition G4.2 must be recorded.

<b>G5.0</b>	<p><b>Complaints</b></p> <p>The following details must be recorded for all complaints received and provided to the administering authority upon request:</p> <ul style="list-style-type: none"> <li>a) date and time the complaint was received; and</li> <li>b) if authorised by the person making the complaint, their name and contact details; and</li> <li>c) nature and details of the complaint.</li> </ul>
<b>G5.1</b>	<p>As soon as reasonably practicable but no later than 5 business days of receiving a complaint (or a longer period agreed to in writing by the administering authority), an investigation must be undertaken to determine:</p> <ul style="list-style-type: none"> <li>a) the potential circumstances and actions on site that may have contributed to the basis of the complaint; and</li> <li>b) reasonable and practicable measures that will be implemented to address the complaint.</li> </ul>
<b>G5.2</b>	<p>As soon as reasonably practicable but no later than 5 business days of investigating a complaint under condition G5.1 (or a longer period agreed to in writing by the administering authority), the reasonable and practicable measures identified in the investigation must be implemented.</p>
<b>G5.3</b>	<p>The outcome of the investigation carried out under condition G5.1 and the reasonable and practicable measures implemented under condition G5.2 must be recorded.</p>
<b>G6.0</b>	<p>When required by the administering authority, monitoring must be undertaken in the manner prescribed by the administering authority, to investigate a complaint of environmental nuisance arising from the activity. The monitoring results must be provided within 10 business days to the administering authority upon its request.</p>
<b>G7.0</b>	<p><b>Environmental risk management procedures</b></p> <p>Prior to the commencement of the activity, written procedures must be developed and implemented by an appropriately qualified person that ensure:</p> <ul style="list-style-type: none"> <li>a) all potential risks to the environment from the carrying out of the activity are identified and assessed, including: <ul style="list-style-type: none"> <li>i. during routine operations; and</li> <li>ii. outside routine operations (e.g., maintenance, start up and shut down); and</li> <li>iii. during preparation, rehabilitation, and closure; and</li> <li>iv. in an emergency (e.g., fire, flood or other natural disaster); and</li> </ul> </li> <li>b) for each potential risk identified, any necessary measures to prevent or minimise the potential for environmental harm are implemented; and</li> <li>c) staff understand their obligations under this environmental authority and the <i>Environmental Protection Act 1994</i>; and</li> <li>d) environmental risk management procedures are continually reviewed and improved, based on a reasonable risk-management approach.</li> </ul>
<b>G7.1</b>	<p>Written procedures required by condition G6.0 must be:</p> <ul style="list-style-type: none"> <li>a) implemented;</li> <li>b) kept in a location readily accessible to personnel carrying out the activity; and</li> </ul>

	c) reviewed at least annually or following any amendments made to the environmental authority.						
<b>G8.0</b>	<p><b>Plant and equipment</b></p> <p>An appropriately qualified person must install, operate, calibrate, and maintain the plant and equipment required to carry out the activity (including monitoring devices) in a proper and effective manner.</p>						
<b>G9.0</b>	<p><b>Record keeping</b></p> <p>Unless otherwise specified by a condition of this environmental authority, records must be:</p> <p>a) kept for the period outlined in <i>Table G1– Record keeping requirements</i>; and</p> <p>b) provided to the administering authority upon request and in the format requested.</p> <p style="text-align: center;"><b>Table G1– Record keeping requirements</b></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Description of records</th> <th>Retention requirement</th> </tr> </thead> <tbody> <tr> <td>Monitoring results</td> <td>Retain for 15 years</td> </tr> <tr> <td>All other records</td> <td>Retain for 5 years</td> </tr> </tbody> </table>	Description of records	Retention requirement	Monitoring results	Retain for 15 years	All other records	Retain for 5 years
Description of records	Retention requirement						
Monitoring results	Retain for 15 years						
All other records	Retain for 5 years						
<b>G10.0</b>	<p><b>Chemical storage</b></p> <p>Chemicals and fuels in containers of greater than 15 litres must be stored within a secondary containment system.</p>						
<b>G11.0</b>	<p><b>Monitoring and sampling</b></p> <p>All monitoring and sampling required by the conditions of this environmental authority must be carried out, interpreted, and recorded by an appropriately qualified person.</p>						
<b>G11.1</b>	<p>Unless otherwise authorised in writing by the administering authority, all laboratory analyses required under this environmental authority must be carried out by a laboratory that has National Association of Testing Authorities (NATA) accreditation for such analyses.</p> <p>The only exception to this condition is for <i>in situ</i> monitoring of pH and electronic conductivity.</p>						
<b>G11.2</b>	<p>When requested by the administering authority, monitoring must be undertaken in the manner prescribed by the administering authority to investigate potential or actual environmental harm arising from the activity. The results of monitoring must be provided to the administering authority within the timeframe and in the format specified in the request.</p>						
<b>Agency interest: Air</b>							
<b>Condition number</b>	<b>Condition</b>						
<b>A1.0</b>	Odours or airborne contaminants which are noxious or offensive or otherwise unreasonably disruptive to public amenity or safety must not cause nuisance to any sensitive place or commercial place						
<b>A2.0</b>	Contaminants must only be released to air from the point source specified in <i>Table A1 - Point source air release limits</i> , and as depicted in <i>Appendix 2: Contaminants release points to air</i> attached to this environmental authority and the associated requirements.						

Table A1 - Point source air release limits

Release point	Minimum release height above ground (metres)	Minimum velocity (m/sec)	Contaminant released	Maximum release limit	Monitoring frequency
LPG Boiler Exhaust Vent	15.6	3	Oxides of Nitrogen (as NO <sub>2</sub> )	350 mg/Nm <sup>3</sup> (dry) at 7% O <sub>2</sub>	All stacks must be monitored for the contaminants within three months of commissioning of new release points and six monthly thereafter.
			Total Volatile Organic Compounds (as n-propane equivalent)	40 mg/Nm <sup>3</sup> (dry) at 7% O <sub>2</sub>	
			Carbon monoxide (CO)	125 mg/Nm <sup>3</sup> (dry) at 7% O <sub>2</sub>	
Autoclave Condenser Vent	15.6	5	Total Volatile Organic Compounds (as n-propane equivalent)	40 mg/Nm <sup>3</sup> (dry)	
			Odour mass emission rate	400 ou.m <sup>3</sup> /sec	

**Associated requirements**

- 1) The release of contaminants from a point source must be directed vertically upwards without any impedence or hindrance.
- 2) Monitoring must be undertaken during a release and at the authorised release points, frequency and for the contaminants specified in Table A1.
- 3) Monitoring must be undertaken when emissions are expected to be representative of actual operating conditions for the sample period.
- 4) All monitoring devices must be effectively calibrated and maintained in accordance with the manufacturer's instructions and Australian and international standards.
- 5) Air Monitoring must be in accordance with the current edition of the administering authority's Air Quality Sampling Manual. If monitoring requirements are not described in the department's Air Quality Sampling Manual, monitoring protocols must be in accordance with a method as approved by New South Wales EPA, Victorian EPA or United States EPA.
- 6) Monitoring provision for the release points (stack) listed in Table A1 must comply with the *Australian Standard AS 4323.1 - 1995 "Stationary source emissions Method 1: Selection of sampling positions"*.
- 7) All air emission stack monitoring must be conducted by an experienced person or body which holds current National Association of Testing Authorities (NATA).
- 8) The following tests must be performed for each required determination specified in Table A1:
  - (i) gas velocity and volume flow rate;
  - (ii) temperature and oxygen content; and
  - (iii) water vapour concentration.
- 9) During the sampling period the following additional information must be gathered:
  - (i) plants throughput rate at the time of sampling;
  - (ii) any typical factors that may influence air pollutant emissions;
  - (iii) reference to the actual test methods and accuracy.

**A3.0**

The only type of fuel to be burnt in the boiler is Liquefied Petroleum Gas (i.e. industrial propane gas).

<b>A4.0</b>	<p>An Odour Management Plan must be developed prior to the activity commencing and implemented which includes:</p> <ul style="list-style-type: none"> <li>a) Identification of all potential odour emission sources including routine non-routine emission sources at the site;</li> <li>b) Description of the procedures to manage the odour from the sources identified;</li> <li>c) Contingency plans for minimisation of odour at the sources including management and control strategies;</li> <li>d) At a minimum, annual reviews of the effectiveness of the odour mitigation measures;</li> <li>e) A detailed complaints management procedure for nearby land users and residents affected by odour;</li> <li>f) Description of procedures to be undertaken if any non-compliance is detected; and</li> <li>g) At a minimum, annual reviews of the effectiveness of the odour mitigation measures.</li> </ul>
<b>A5.0</b>	<p>Dust and particulate matter emissions from the activity must not exceed the following concentrations at a sensitive place or a commercial place:</p> <ul style="list-style-type: none"> <li>a) dust deposition of 120 milligrams per square metre per day, averaged over 30 days, when monitored in accordance with the latest edition of Australian Standard AS/NZS 3580.10.1 <i>Methods for sampling and analysis of ambient air, Method 10.1: Determination of particulate matter – Deposited matter – Gravimetric method</i>; or</li> <li>b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (<math>\mu\text{m}</math>) (<math>\text{PM}_{10}</math>) suspended in the atmosphere of: <ul style="list-style-type: none"> <li>i. 50 micrograms per cubic metre over a 24-hour averaging time; and</li> <li>ii. 25 micrograms per cubic metre over one-year averaging time;</li> </ul> </li> </ul> <p>when monitored in accordance with the most current edition of the relevant Australian Standards.</p>
<b>A6.0</b>	<p>Air quality monitoring, including for dust and point source emissions from the activity, must be undertaken in accordance with the latest edition of:</p> <ul style="list-style-type: none"> <li>a) the relevant Australian Standards; or</li> <li>b) a method approved by any other Australian, European or North American jurisdiction/EPAs (if monitoring requirements are not described in the Australian Standards).</li> </ul>
<b>Agency interest: Land</b>	
<b>Condition number</b>	<b>Condition</b>
<b>L1.0</b>	Contaminants must not be released to land.
<b>L2.0</b>	Erosion and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment to waters.
<b>L3.0</b>	Before applying to surrender this environmental authority, the site must be rehabilitated to achieve a safe, stable, non-polluting landform and be suitable for the intended land use.
<b>Agency interest: Noise</b>	

Condition number	Condition																																																
N1.0	Other than as permitted within this environmental authority, noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place.																																																
N2.0	<p>Noise from the activity must not include substantial low frequency noise components and must not exceed the levels identified in <i>Table N1 - Noise limits</i> at any sensitive place or commercial place.</p> <p style="text-align: center;"><b>Table N1 - Noise limits</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="3">Noise level measured in dB(A)</th> <th colspan="3">Monday to Saturday</th> <th colspan="3">Sundays and public holidays</th> </tr> <tr> <th>7am - 6pm</th> <th>6pm - 10pm</th> <th>10pm - 7am</th> <th>7am - 6pm</th> <th>6pm - 10pm</th> <th>10pm - 7am</th> </tr> </thead> <tbody> <tr> <td colspan="7" style="text-align: center;"><b>Noise measured at a sensitive place</b></td> </tr> <tr> <td>L<sub>Aeq</sub>, adj, 1hr</td> <td>42</td> <td>42</td> <td>37</td> <td>42</td> <td>42</td> <td>37</td> </tr> <tr> <td>L<sub>A1</sub>, adj, 1hr</td> <td>52</td> <td>52</td> <td>47</td> <td>52</td> <td>52</td> <td>47</td> </tr> <tr> <td colspan="7" style="text-align: center;"><b>Noise measured at a commercial place</b></td> </tr> <tr> <td>L<sub>Aeq</sub>, adj, T</td> <td>55</td> <td>55</td> <td>55</td> <td>55</td> <td>55</td> <td>55</td> </tr> </tbody> </table>	Noise level measured in dB(A)	Monday to Saturday			Sundays and public holidays			7am - 6pm	6pm - 10pm	10pm - 7am	7am - 6pm	6pm - 10pm	10pm - 7am	<b>Noise measured at a sensitive place</b>							L <sub>Aeq</sub> , adj, 1hr	42	42	37	42	42	37	L <sub>A1</sub> , adj, 1hr	52	52	47	52	52	47	<b>Noise measured at a commercial place</b>							L <sub>Aeq</sub> , adj, T	55	55	55	55	55	55
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N3.0	<p><b>Noise monitoring</b></p> <p>When monitoring of noise emissions is required by conditions of this environmental authority or is requested by the administering authority, all monitoring of noise emissions from the activity must be undertaken when the activity is in operation.</p>																																																
N3.1	<p>The following must be recorded when undertaking monitoring of noise emissions from the activity:</p> <ol style="list-style-type: none"> <li>a) All equipment in operation at the time of the noise measurement; and</li> <li>b) The mode of operation at the time of the noise measurement.</li> </ol>																																																
N3.2	Noise measurements must be taken using a class 1 sound level meter as classified under AS IEC 61672.																																																
N3.3	All monitoring of noise emissions from the activity must be undertaken in accordance with the latest edition of the ' <i>Noise measurement manual</i> ' (available on the Queensland government website - ESR/2016/2195), the relevant Australian Standard and the <i>Environmental Protection Regulation 2019</i> (Chapter 5, Part 4).																																																
<b>Agency interest: Waste</b>																																																	
Condition number	Condition																																																
W1.0	All waste generated in carrying out the activity must be lawfully reused, recycled or removed to a facility that can lawfully accept the waste.																																																

<b>W2.0</b>	Incompatible wastes must not be mixed in the same container or waste storage area.
<b>Agency interest: Water</b>	
<b>Condition number</b>	<b>Condition</b>
<b>WT1.0</b>	Contaminants must not be released to any waters.
<b>WT2.0</b>	Contaminants must not be released to groundwater or at a location where they are likely to release to groundwater.
<b>WT3.0</b>	<p><b>Stormwater</b></p> <p>Stormwater must be managed to:</p> <ul style="list-style-type: none"> <li>a) prevent stormwater from being contaminated by the activity; or</li> <li>b) direct stormwater that is contaminated by the activity to stormwater treatment and retention measures.</li> </ul>
<b>WT3.1</b>	Stormwater that is not contaminated by the activity must be diverted away from areas where it may become contaminated by the activity and must be discharged to the existing drainage channel and easement as shown on the site plan included in <i>Appendix 1 – Site Plan</i> .

## Definitions

Key terms and/or phrases used in this document are defined in this section. Where a term is not defined, the definition in the *Environmental Protection Act 1994*, its regulations or environmental protection policies must be used. If a word remains undefined it has its ordinary meaning.

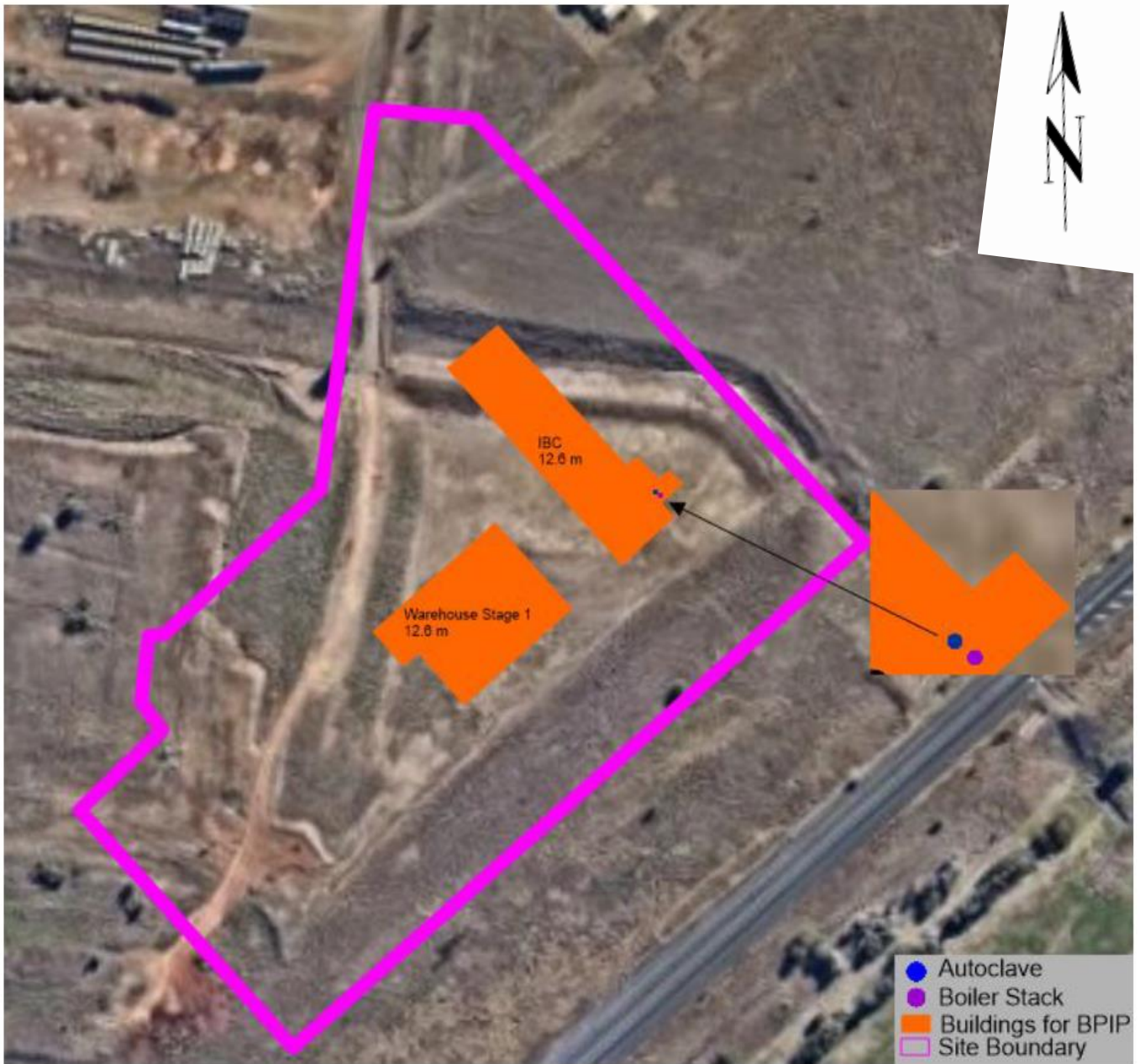
<p><b>Activity</b> means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.</p>
<p><b>Administering authority</b> means the Department of the Environment, Tourism, Science and Innovation or its successors or predecessors.</p>
<p><b>Appropriately qualified person(s)</b> means a person or persons who has professional qualifications, training, skills and experience relevant to the EA requirement and can give authoritative assessment, advice and analysis in relation to the EA requirement using the relevant protocols, standards, methods or literature.</p>
<p><b>Background</b> means noise, measured in the absence of the noise under investigation, as <math>L_{A90,T}</math> being the A-weighted sound pressure level exceeded for 90% of the time period of not less than 15 minutes, using Fast response.</p>
<p><b>Biosecurity waste</b> as defined in the Environmental Protection Regulation 2019.</p>
<p><b>Commercial place</b> means a place, or part of a place, used as a workplace, an office or for business or commercial purposes.</p>
<p><b>Cubic metre (m<sup>3</sup>)</b> means the volume of the dry gaseous contaminant which occupies one (1) cubic metre at a temperature of zero (0) degrees Celsius and at an absolute pressure of 101.3 kilopascals.</p>
<p><b>Declared pest species</b> means species listed as:</p> <ul style="list-style-type: none"> <li>• 'prohibited matter' or 'restricted matter' species under the <i>Biosecurity Act 2014</i>; or</li> <li>• 'Weeds of National Significance' under the Australian Weeds Strategy 2017–2027.</li> </ul>
<p><b>Environmental nuisance</b> as defined in Chapter 1 of the <i>Environmental Protection Act 1994</i>.</p>
<p><b>Environmental value</b> as defined in Chapter 1 of the <i>Environmental Protection Act 1994</i>.</p>
<p><b>GDA</b> means Geocentric Datum of Australia.</p>
<p><b>Groundwater</b> means water that occurs naturally in, or is introduced artificially into, an aquifer.</p>
<p><b>Incompatible waste</b> means waste that may chemically react when:</p> <ol style="list-style-type: none"> <li>a) placed in proximity to other wastes; and/or</li> <li>b) mixed with other wastes.</li> </ol>
<p><b><math>L_{Aeq, 1\text{ hr}}</math></b> means an A-weighted sound pressure level of a continuous steady sound, adjusted for tonal character, that within a 1-hour period has the same mean square sound pressure of a sound that varies with time.</p>
<p><b><math>L_{Amax, 1\text{ hr}}</math></b> means the maximum A-weighted sound pressure level over the 1-hour measurement period.</p>
<p><b><math>L_{A1, 1\text{ hr}}</math></b> means the A-weighted sound pressure level that is exceeded for 1% of a 1-hour period when measured using time-weighting 'F'.</p>

<b>LA<sub>10, 1 hr</sub></b> means the A-weighted sound pressure level that is exceeded for 10% of a 1-hour period when measured using time-weighting 'F'.
<b>Land</b> has the meaning in the meaning in the Macquarie Dictionary and does not include air or waters.
<b>Measures</b> have the broadest interpretation and includes plant, equipment, physical objects, monitoring, procedures, actions, directions and competency.
<b>NATA</b> means National Association of Testing Authorities.
<b>Normal cubic metre (Nm<sup>3</sup>)</b> means the volume of dry gaseous contaminant which occupies 1 cubic metre at a temperature of zero degrees Celsius and at an absolute pressure of 101.3 kilopascals.
<b>Noxious</b> means harmful or injurious to health or physical well-being.
<b>Offensive</b> means causing offence or displeasure, is unreasonably disagreeable to the sense, disgusting, nauseous or repulsive.
<b>Records</b> include breach notifications, written procedures, analysis results, monitoring reports and monitoring programs required under a condition of this authority.
<b>Regulated waste</b> as defined in the Environmental Protection Regulation 2019.
<b>Secondary containment system</b> means a system designed, installed and operated to prevent any release of contaminants from the system, or containers within the system, to land, groundwater, or surface waters.
<b>Sensitive place</b> is any part of the following: <ul style="list-style-type: none"> <li>a) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or</li> <li>b) a motel, hotel or hostel; or</li> <li>c) a kindergarten, school, university or other educational institution; or</li> <li>d) a medical centre or hospital; or</li> <li>e) a protected area under the <i>Nature Conservation Act 1992</i>, the <i>Marine Parks Act 2004</i> or a World Heritage Area; or</li> <li>f) a public park or garden; or</li> <li>g) for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2019.</li> </ul>
<b>Substantial low frequency noise</b> means a noise emission that has an unbalanced frequency spectrum shown in a one-third octave band measurements, with a predominant component within the frequency range 10 to 200 Hz. It includes any noise emission likely to cause an overall sound pressure level at a noise sensitive place exceeding 55 dB(Z).
<b>Vibration</b> is the oscillating or periodic motion of a particle, group of particles, or solid object about its equilibrium position.
<b>Volatile organic compounds (VOC)</b> means any chemical compound based on carbon chains or rings with a vapour pressure greater than 2mm of mercury (0.27 kPa) at 25°C), that participate in atmospheric photochemical reactions. The substances that are specifically excluded are: methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides and carbonate salts. This is according to the definition of VOC outlined in the Australian Government National's Pollutant Inventory.

**Waters** includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water, natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.



Appendix 2: Contaminants release points to air



**END OF ENVIRONMENTAL AUTHORITY**

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

### 229 Appeals to tribunal or P&E Court

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

Note— See the P&E Court Act for the court's power to extend the appeal period.

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

### 230 Notice of appeal

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