

REPORT TITLE	Assessment of Change Application for Material Change of Use – Impact – Child Care Centre located at 24 Kleinton Road, HIGHFIELDS QLD 4352
AUTHOR	Planning Officer (Jun Ong)
Application No.	MCUI/2023/2589/D

PURPOSE OF REPORT

To consider a change application regarding a development approval for Material Change of Use - Impact - Child Care Centre located at 24 Kleinton Road, HIGHFIELDS QLD 4352.

EXECUTIVE SUMMARY

The subject application seeks to facilitate a Minor Change to Development Approval MCUI/2023/2589/C being for a Material Change of Use – Impact – Child Care Centre located at 140 Kleinton Road, Kleinton previously described as Lot 1 SP320057. Specifically, the Child Care Centre is located on Lot 151 of an overarching Development Permit for Reconfiguring a Lot – Code – Two (2) lots into 154 Lots (RAL/2021/3552) approved over Lot 1 SP320057. Since the original approval was given, Lot 151 has been sealed under SEAL/2024/1167 and is now registered on plan SP332451 cancelling Lot 1 SP320057.

The originating approval had undergone multiple iterations of change applications detailed as follows:

- The original Development Approval for a Material Change of Use for Child Care Centre was determined on 31 January 2024 and an associated decision notice was issued on 2 February 2024 (re-issued on 27 February 2024 (**Amended Decision Notice**)).
- A minor change to the development approval sought to incorporate changes to the internal layout of the development and reductions in the enrollment capacity, number of full-time equivalent staff and on-site carparking numbers. The Minor Change was approved on 26 June 2024 and the associated decision notice issued 27 June 2024 (**MCUI/2023/2589/A**);
- A subsequent minor change to the development approval sought to incorporate the relocation of the acoustic barrier to the top of an existing retaining wall constructed 300mm within the residential lots adjoining Lot 151 to the east/south-east. Service easements (Easements N, O, P and Q SP346976) along the common boundary of Lots 1-4 SP346976 and Lot 151 have been registered to ensure the responsibility to construct and maintain the required acoustic barrier is solely on the owner of the land of the approved Child Care Centre. The Minor Change was approved and the associated decision notice issued on 12 December 2024 (**MCUI/2023/2589/B**);
- A subsequent minor change to the approval sought changes to Condition 1 of the Development Approval. Specifically, the changes seek to increase the number of Full-time Equivalent Staff from 21 to 24 and decrease the number of Children from 132 to 127 to ensure that the Child Care Centre can operate in accordance with the prospective operator's requirements. The Minor Change was approved on 4 December 2025 and the associated decision notice issued 5 December 2025 (**MCUI/2023/2589/C**).

This change application was received by Council on 9 July 2026, seeking to amend Condition 1 of the Development Approval. Specifically, the applicant seeks to remove the prescribed maximum number of Full-Time Equivalent staff. No change is proposed to the maximum capacity of child spaces. A traffic assessment report is submitted as part of the application.

The request for a Minor Change to Development Approval has been assessed with regard to the applicable assessment framework as identified within this report. The proposed changes are considered to be generally acceptable and it is recommended that the change application be approved subject to reasonable and relevant amendments to conditions of approval. Accordingly, amendments to Conditions 1, 10 and 91 and inclusion of Condition 91A are recommended.

RECOMMENDATION

APPROVED – Change Application regarding Development Approval MCUI/2023/2589/C for Material Change of Use – Impact – Child Care Centre, pursuant to the provisions of Section 81 of the *Planning Act 2016* and subject to the amendments listed below.

ASSESSMENT MANAGER CONDITIONS

PLANNING

APPROVED USE

1. This Development Approval is for a Material Change of Use for Child Care Centre as follows:
 - 1.1 Maximum of ~~440-432~~ 127 Children; ~~and~~
 - ~~1.2~~ **Maximum of 23-21-24 Full-time Equivalent Staff.**
2. This Development Approval does not imply or comprise an approval for any uses other than that listed in Condition 1.

CARRY OUT & MAINTAIN DEVELOPMENT

3. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they are not varied by this Development Approval.
4. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
5. Complete all building work associated with this Development Approval, including work required by any of the conditions of this 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.
6. 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

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

Plan No: 1184.22040-001, Issue ~~K-M~~ Q

Description: Site Plan, prepared by VHD Studio and dated ~~5 September 2023~~ 10 May 2024 6 September 2024

Amendments: As amended in red/orange.

Plan No: 1184.22040-101, Issue ~~F-H~~

Description: Floor Plan, prepared by VHD Studio and dated ~~14 April 2023~~ 10 May 2024

Amendments: Nil.

Plan No: 1184.22040-400, Issue ~~E-G~~

Description: Elevations, prepared by VHD Studio and dated ~~14 April 2023~~ 10 May 2024

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

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

9. Prepare and submit applications to Council and obtain a Development Permit for Operational Work for the following:
 - 9.1 Stormwater Infrastructure;
 - 9.2 Bulk Earthwork;

- 9.3 Wastewater Infrastructure (where applicable);
- 9.4 Roadworks; and
- 9.5 Driveway Crossovers.

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

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

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

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

DEDICATIONS, AGREEMENTS & CONTRIBUTIONS

REGISTRATION OF PLAN OF SURVEY

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

EASEMENTS

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

WORKS

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

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

STORMWATER DRAINAGE

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

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

18. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the internal and any external stormwater infrastructure. The design and the construction of the works must be certified by a RPEQ – Civil.

19. As part of a Development Application for a Development Permit for Operational Work submit to Council for approval, a Detailed Stormwater Management Plan prepared by a Registered Professional Engineer Queensland – Civil (RPEQ) in accordance with the relevant standards in *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* (PSP No.2) and *State Planning Policy July 2017* demonstrating the following:

- 19.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval;
- 19.2 No increase in peak flow rates downstream from the subject land for storm events as nominated in PSP 6.2 Table SC6.2.7. Major events exceeding ARI of 100 years must be considered in accordance with the requirements of the *Queensland Urban Drainage Manual*;
- 19.3 No increase in flood levels external to the subject land; and
- 19.4 No increase in duration of inundation external to the subject land that could cause loss or damage.

STORMWATER DISCHARGE

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

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

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

BULK EARTHWORKS

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

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

AIR QUALITY IMPACT MITIGATION

24. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the *Air Quality Objectives* listed in

the *Environmental Protection (Air) Policy 2019* as measured at any sensitive place or commercial place must not be released to the atmosphere during building and operational work.

25. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during building works do not exceed the following levels when measured at any sensitive place or commercial place:

- 25.1 Dust deposition of 133 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air – Determination of particulate matter – Deposited matter – Gravimetric method*.

VIBRATION IMPACT

26. Construction activities and equipment that produce vibrations must not impact upon the amenity of adjacent commercial and residential receptors or cause impacts to the structural integrity of the existing buildings/improvements, including foundations, on surrounding properties.
27. Where considered warranted by Council and when requested in writing to do so, a vibration impact investigation must be undertaken to determine extent of any impacts. In such circumstances, a suitably qualified person must monitor, interpret and record all parameters in order to determine whether or not vibration impacts are below those stated in **Table 1**. The results of the investigation must be provided to Council within 14 days of the request or a longer period if specified in any such request.

Table 1 - Human comfort vibration limits to minimise nuisance

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

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

CONSTRUCTION WASTE MANAGEMENT & STORAGE

28. Waste generated during demolition, excavation and construction must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.
29. The on-site storage and disposal of demolition, excavation and construction waste (including the storage and disposal of night soil) must comply with the *Environmental Protection Regulation 2019*.
30. Fires are not to be lit to dispose of demolition or construction waste.

31. No demolition, excavation or construction waste is to be used as fill or buried on-site (with the exception of cut material recycled from the subject land and used on the subject land), or be used as fill or buried elsewhere, unless otherwise permitted:
- 31.1 Elsewhere within this Development Approval;
 - 31.2 In accordance with an associated Development Permit for Operational Work;
 - 31.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 31.4 In accordance with either a general or specific approval of a resource for beneficial use (otherwise known as a beneficial use approval) issued under the *Waste Reduction and Recycling Act 2011*; or
 - 31.5 In accordance with a written approval issued by Council under the *Environmental Protection Regulation 2019* relating to the depositing or disposal of general waste from a premises not serviced by Council.
32. Demolition, excavation and construction waste (including night soil) must not be placed or stored within the road reserve at any time.

CONSTRUCTION NOISE IMPACT MITIGATION

33. Building work (as per the definition of the *Environmental Protection Act 1994*) that creates audible noise must be confined to the hours of 6:30 AM and 6:30 PM Monday to Saturday (excluding Public Holidays) unless otherwise approved by Council in an endorsed Construction Environmental Management Plan.

EROSION & SEDIMENT CONTROL

34. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths and not within the road reserve at any time.
35. Measures such as sediment fences, earth berms, temporary drainage, temporary sediment basins, dewatering or stormwater filtering devices to prevent eroded material, sediment or sediment laden water from being transported to adjoining properties, roads or stormwater drainage systems must be provided.
36. Where erosion and sediment control measures have been damaged, fail or are inadequate and erosion or the release of sediment or sediment laden stormwater has occurred from the subject land or associated works, any resultant property or environmental damage or interference caused must be repaired or cleaned up within 24 hours or upon the direction of Council, at no cost to the affected parties.
37. All disturbed areas must be mulched or turfed as soon as possible during construction.
38. Measures such as vehicle baths, wash-down and construction matting together with dust suppressants and wraps, exposed ground and stockpile sprinkling must be put in place to minimise site vehicles tracking sediment onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction and, where applicable the ensuing 'on-maintenance' period.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

39. Prior to commencement of site works and any pre-start meeting for operational works, submit to Council for endorsement a Construction Environmental Management Plan prepared by a qualified person that at a minimum includes the following:
- 39.1 Location of the site, including physical address, lot on plan and relevant scaled maps;

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

DAMAGE TO SERVICES & ASSETS

- 43. Protect Council and public utility services and assets during construction of the development.
- 44. Any damage caused to existing services and assets as a result of the development works must be repaired at no cost to the asset owner in accordance with the following timing:
 - 44.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 44.2 Where otherwise, as soon as reasonably possible, but no later than completion of the works associated with the development or prior to the commencement of use, whichever is the earlier.
- 45. Any repair work which includes alteration to the alignment or the level of existing services and assets must first be referred to the relevant service authority for approval.
- 46. Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with Council's relevant policies and requirements at no cost to Council.

Note: Council must be notified of any damage to water and sewer immediately on Ph: 131 872.

SERVICES & UTILITIES

WASTEWATER INFRASTRUCTURE (GENERAL)

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

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

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

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

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

49. Any compensation or costs associated with obtaining agreement from owners or trustees of properties affected by the construction of the works must be at no cost to Council.

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

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

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

WATER SUPPLY

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

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

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

53. Any works on Council's 'live' water supply must be carried out by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.

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

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

TELECOMMUNICATION

56. Install telecommunications infrastructure to service the development which complies with the following:

56.1 The requirements of the *Telecommunications Act 1997* (Cth);

56.2 For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and

56.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.

57. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.
58. Provide to Council written evidence from all relevant service providers that the telecommunications infrastructure is installed in accordance with the conditions of this Development Approval and all applicable legislation at the time of construction.

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

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

ELECTRICITY

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

AMENITY & OPERATION OF USE

VISUAL AMENITY

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

FENCING & WALLS (GENERAL)

65. Any existing fence or wall not meeting the requirements of this Development Approval must be removed and replaced with a fence or wall that meets the requirements of this Development Approval.
66. Unless otherwise approved in writing by Council, boundary fences or walls must not be erected in a parallel arrangement with any existing fence or wall erected along the same boundary. The existing fence or wall is to be completely removed and replaced.
67. Unless otherwise specified elsewhere within this Development Approval, the required height of a fence or wall is measured from the highest adjacent finished ground level.
68. Fences and walls must be maintained in a good state of repair to ensure that their intended function (i.e. privacy, security, safety, acoustic, livestock, pest exclusion etc.) is maintained.
69. All costs associated with meeting the fencing requirements listed within this Development Approval must be borne by the developer.

70. ~~Solid screen fencing, which may be a 'butt jointed' timber paling fence, must be erected along the full length of the northern and south eastern boundaries of the subject land (proposed Lot 151) to a minimum height of 1.8m.~~

FENCING & WALLS - INTERFACE TO PUBLIC REALM

71. Fences (including acoustic barriers) and retaining walls provided adjacent to public places (streets, laneways, public walkways and open space areas) must be constructed generally in accordance with the Approved Plans listed within this Development Approval and in particular must:
- 71.1 Be recessed at least 1m from the Kleinton Road frontage;
 - 71.2 Be located behind and screened by at least a 1m wide landscaping strip; and
 - 71.3 Maintain Safe Intersection Sight Distance (SISD) in accordance with the requirements of Austroads most recent version of its *Guide to Road Design Part 4A: Unsignalised and Signalised Intersections (AGRD04A-09)*.

ACCESS FOR PEOPLE WITH DISABILITIES

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

SAFETY, SECURITY & PUBLICLY ACCESSIBLE FACILITIES

73. Safety and security lighting must be provided to the following areas of the subject land:
- 73.1 All entries and exits of buildings; and
 - 73.2 All pathways linking car parking areas to the entrances and exits of buildings; and
 - 73.3 Throughout car parking areas.
74. Safety and security lighting must be designed, sited, and installed in accordance with *Australian Standard AS 1158.3.1 – Road Lighting – Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements*.
- Note: All lighting provided for safety and security purposes must also consider its impact on surrounding land uses and in accordance with the Outdoor Lighting Impact Mitigation Conditions must be designed, sited, installed and tested to comply with Australian Standard AS4282-2019 Control of the obtrusive effects of outdoor lighting.*
75. Pedestrian routes between car parking areas and buildings must be clearly signed and marked.
76. The allocation of car parking spaces between staff and visitors as applicable, must be physically separated, distinctly identified and adequately sign-posted to clearly direct vehicular traffic to these respective areas.
77. Tandem car parking spaces must only be used for staff parking.
78. Parking spaces must be available for use by staff and visitors during the approved hours of operation for the business.

TRANSPORT, VEHICULAR ACCESS & PARKING

ROADWORKS (EXTERNAL TO DEVELOPMENT)

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

Street:	Kleinton Road
Classification:	Distributor Road

Construction Standard: In accordance with *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* (PSP No.2) and conditions 80 – 85 of this Development Approval.

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

80. The design and construction of Kleinton Road must comply with *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* (PSP No.2) and must include in particular:
 - 80.1 Pavement widening;
 - 80.2 Concrete kerbing and channelling;
 - 80.3 Underground stormwater drainage as applicable;
 - 80.4 Works required for Table drain to kerb and channel transition;
 - 80.5 Relocation of utility and Council services; and
 - 80.6 Street lighting.
 81. Any pavement widening must join neatly to the existing pavement so that there are no specific irregularities in line or level resulting at or adjacent to the join for the length of the construction. Where necessary the existing pavement must be brought to a satisfactory standard in accordance with PSP No. 2 to allow for the above.
 82. All street/road surfacing must be in accordance with the pavement construction standards in PSP No. 2.
 83. The vehicular access to the Child Care Centre must be provided with a CHR(S) and BAL configuration. Details must be lodged to Council as part of a Development Application for a Development Permit for Operational Works.
- Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*
84. Verge widths, street reserve widths, intersection treatment, provision of parking and speed control devices must comply with Council's requirements in PSP No. 2.
 85. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the road works.

EXTERNAL PEDESTRIAN & CYCLE PATHS

86. The following works must be constructed in accordance with *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* (PSP No.2) and any current pedestrian and cycleway plans:
 - 86.1 A 2.0m wide concrete shared pedestrian path and cycle way for the development frontage along Kleinton Road;

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

 - 86.2 The sealing of paths must be carried out following completion of all development works on the subject land, but prior to the commencement of the proposed use;
 - 86.3 The required work includes any surface earthworks, grinding or saw cutting to ensure the footpath finishes flush with all existing service covers and the like, or alternatively these services are raised or altered, so as not to create a pedestrian safety hazard; and

- 86.4 Any concrete footpath or cycleway must comply with SEQ RS-065. Where necessary, reprofiling of the verge area must be undertaken to enable the construction of concrete pathways with a maximum cross fall of 2.5%.
87. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the footpath in accordance with the approved plans and documents of this Development Approval.

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

88. All works carried out on or near roadways must be adequately signed in accordance with the *Manual for Uniform Traffic Control Devices – Part 3, Works on Roads*.

Note: Road or lane closures require approval from Council's Principal Engineer Road Operations, and all conditions of that approval complied with during construction of the works.

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

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

PROVISION OF VEHICULAR ACCESS

90. The vehicle access from the subject land to Kleinton Road must be sealed from the kerb and channel to the property boundary. The access must be designed by a Registered Professional Engineer Queensland (RPEQ) – Civil and must include the provision of adequate access width and flares to suit the proposed entry and exit manoeuvres. Such works must be constructed generally in accordance with the requirements specifically required below:

- 90.1 The vehicle access must be located as shown on the Approved Plans listed within this Development Approval;
- 90.2 The vehicle access (crossing the verge) must be constructed generally in accordance with the Institute of Public Works Engineering Australasia *Drawing RS-051 Heavy Duty Vehicle Crossing*, and in accordance with *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*;
- 90.3 Suitable safety measures, including warning signage, must be installed to improve driver awareness of pedestrians and enhance pedestrian safety;
- 90.4 The vehicle access (crossing of the verge) must align neatly on both sides with the pedestrian footpath and verge with a maximum cross fall of 2.5%. Where there is an existing pedestrian path, the existing footpath in the vicinity of the driveway must be saw cut, removed and replaced by the driveway crossover. The driveway is to be graded at not steeper than 2.5% for the width of the footpath;
- 90.5 The vehicle access (crossing of the verge) must be located a minimum of one (1) metre clear of existing power poles, streetlights or any signage;
- 90.6 The relevant service authorities must be contacted and their requirements complied with; and
- 90.7 The vehicle access (crossing of the verge) must include suitable tapers and flares to accommodate the required turning paths of a B99.

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

ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING

91. The premises must be provided with a minimum of ~~43~~40 on-site car parking spaces, comprising of a minimum of ~~23~~21 staff parking spaces and ~~20~~19 visitor car parking spaces including, one (1) person with disability parking space. Car parking and **vehicle** manoeuvring areas must be:

- 91.1 Constructed generally as shown on the Approved Plans except as altered by conditions of this Development Approval;
 - 91.2 Provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in the *Toowoomba Regional Planning Scheme 2012* and *Australian Standard AS2890 – Parking Facilities*;
 - 91.3 Designed and constructed in accordance with the requirements of AS2890;
 - 91.4 Designed to ensure disabled car parking spaces are located in close proximity to a primary building entrance and meet the requirements of AS2890.1 Clause 2.4.5 (1.3m high bollards), AS1428.1 and AS2890.6:2009;
 - 91.5 Accessible and available to the general public and staff during approved hours of operation;
 - 91.6 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the subject land;
 - 91.7 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring **generally in accordance with an endorsed Car Parking Management Plan; and**
 - 91.8 Designed to enable all vehicles to enter and leave the subject land in a forward gear; **and**
 - 91.9 **Tandem car parking spaces must be clearly marked and signed for Staff car parking use only.**
- 91A. Within 6 months of the date of this Change Application Decision Notice, submit to Council for endorsement, a Car Parking Management Plan. The Car Parking Management Plan must provide information including but not limited to staff numbers, management of on-site tandem staff parking, management of visitor parking during peak periods and appropriate signage for compliance.**

ENVIRONMENT & WASTE

ACOUSTIC AMENITY - GENERAL

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

Note: Service vehicles do not include waste collection vehicles.

- 94. Use of the outdoor play areas must occur only between the hours of 7:00 AM to 6:00 PM.
- 95. The number of children using the outdoor play areas is limited to 116 children at any one time.
- 96. Drainage grating over trafficable areas must be well secured and maintained to prevent rattling.
- 97. Driveway areas are to be finished with a surface which prevent tyre squeal. An uncoated surface is acceptable.

ACOUSTIC AMENITY - NOISE LIMITS

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

Table 2 - Noise Limits

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

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

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

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

ACOUSTIC AMENITY - MECHANICAL PLANT

100. All "refrigeration equipment", "pumps", "regulated devices", and "air conditioning equipment" as defined by the *Environmental Protection Act 1994* must be designed, installed, operated and maintained to comply with the noise standards as specified within the *Environmental Protection Act 1994*.

ACOUSTIC AMENITY - ACOUSTIC BARRIER(S)

101. Acoustic barriers must be constructed in the locations shown on the Approved Plans and in accordance with the following requirements:

101.1 The 2.0m barrier and barrier along the northern boundary of Lot 151 SP332451 must be erected within the subject land in the locations shown on the Approved Plans. All other barriers must be erected in the locations shown on the Approved Plans;

101.2 Erected to 2.0 and 2.4 metres high as shown on the Approved Plans, measured from the finished site level;

Note: Where the combined height of the barrier and any retaining wall or mound is greater than 2m in height, a Building Work approval is to be sought prior to commencement of construction.

101.3 The barrier must be constructed using materials such as lapped timber fencing, FC sheet, masonry, plywood, glass, acrylic glass, or a combination of to achieve a minimum surface density of 12.5 kg/m²; ~~and~~

101.3A The barriers must be constructed from a solid screening material to a minimum of height of 1.8m;

101.4 The barrier must have ~~no gaps (i.e. is solid) including between partitions, between partitions and posts and between partitions and the finished ground level~~ an opening with a width,

height and location determined by an RPEQ Civil at the uphill ground level of the acoustic fence for stormwater overland flow management. The opening must be designed to provide the required acoustic noise reduction during ordinary operations and to convey overland stormwater flow during events greater than a 2-year ARI. An RPEQ – Civil certified drawing and design certificate must be submitted to Council for endorsement prior to the issue of any Development Permit for Operational Work, Building Work or Development Permit for Plumbing and Drainage Work, or prior to commencement of use, or prior to Council's approval of the Plan of Subdivision, whichever occurs first;

- 101.5 An RPEQ – Civil certified design certificate for modifications to existing retaining walls must be submitted to Council for endorsement prior to the issue of any Development Permit for Operational Work, Building Work or Development Permit for Plumbing and Drainage Work, or prior to commencement of use, or prior to Council's approval of the Plan of Subdivision, whichever occurs first. The design certificate must certify the design of the existing retaining wall to accept live and dead load as a result of the proposed acoustic fence including hydrostatic and hydrodynamic water loading (overland flow) and wind loading; and
- 101.6 All costs associated with meeting the acoustic barrier requirements listed within this Development Approval must be borne by the developer.
- 102. Certification must be submitted to Council from a suitably qualified person who certifies that the acoustic barriers have been constructed in accordance with the acoustic barrier conditions of this Development Approval.

ACOUSTIC AMENITY - COMPLAINTS MANAGEMENT

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

AIR QUALITY & AMENITY - AIR RELEASE LIMITS

- 106. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the Air Quality Objectives listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive receptor place must not be released to the atmosphere.
- 107. Where considered warranted by Council and when requested in writing to do so, an air quality investigation must be undertaken to investigate a complaint of air pollution, odour or dust nuisance. In such circumstances, a qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Air Release Limits listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

AIR QUALITY & AMENITY - KITCHEN EXHAUST

- 108. Kitchen exhaust points for the development must be located and operated in accordance with *Australian Standard AS1668.2-2012 The use of ventilation and air-conditioning in buildings* (specifically *Section 5.10 – Air Discharges*).

109. Odour control measures such as, but not limited to, carbon adsorbers, electrostatic precipitators, high-energy wet scrubbers or flameless catalytic oxidisers are to be installed on any exhaust point such that no odour nuisance is experienced by any sensitive receptor.
110. Certification must be submitted to Council from a suitably qualified person who verifies that all odour control measures have been installed in accordance with the conditions of this Development Approval.

OUTDOOR LIGHTING IMPACT MITIGATION

111. Outdoor lighting associated with the use must be designed, sited, and installed to comply with the relevant parameters of *Australian Standard AS4282-2019 Control of the obtrusive effects of outdoor lighting*.
112. All flood lighting must be of a type that gives no upward component of light when mounted horizontally (i.e. a full cut off luminaire).
113. Where considered warranted by Council and when requested in writing to do so, a lighting impact investigation must be undertaken to investigate a complaint of light nuisance. In such circumstances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the lighting levels listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

WASTE MANAGEMENT (GENERAL)

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

WASTE MANAGEMENT (BIN PROVISION & STORAGE)

115. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
 - 115.1 The size, mix and capacity of bins provided must be sufficient to accommodate the type and level of waste likely to be generated from the development having regard to the frequency of disposal or collection;
 - 115.2 Provision of a constructed communal bin store with an impervious hardstand base for the permanent storage location of all wheelie bins, each having minimum dimensions of 1m² per bin, located no closer than 2m to any fresh air intake of a habitable room;
 - 115.3 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built structure, enclosure or solid screen fencing;
 - 115.4 Provision of a grassed or landscaped area within the development site that is at least twice the size of the bin store and adjacent to a tap for the washing of bins;
 - 115.5 Wheelie bin carting routes must allow bins to be easily maneuvered, devoid of steps and steep rises and not extend through any habitable room or other room of a building other than a garage; and
 - 115.6 Bins must be kept in a clean state and in good repair and fitted with tight-fitting lid assemblies designed to prevent ingress of pests and water.

WASTE MANAGEMENT (REMOVAL)

116. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
 - 116.1 Collection by a refuse vehicle from the kerbside;

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

LANDSCAPING

REMOVAL OF EXISTING STREET TREES

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

PROTECTION OF STREET TREES

- 118. Street trees affected by works within the 'Precautionary Area', must be protected for the duration of construction. All works must be carried out in accordance with the relevant standards in *Planning Scheme Policy No.8 – Street Trees* and must include in particular:
 - 118.1 Establishment of a work exclusion area around the street tree to be retained prior to commencement of construction to avoid damage and soil compaction from plant and machinery;
 - 118.2 Provision of one (1) weeks' notice to Council of any excavation works affecting the 'Precautionary Area' of a street tree so that a Council Arborist may be present during excavation works;
 - 118.3 During excavation works, where roots greater than 50mm diameter are uncovered that need to be severed, obtaining approval from a Council Arborist to sever the root, and if granted, to do so with a cutting device and not a ripping device; and
 - 118.4 Maintenance of street tree protection until works are completed or accepted on-maintenance.

LANDSCAPE PLAN

- 119. Prior to the commencement of any works on site or the issue of a Development Permit for Operational Work or Building Work (whichever occurs first), submit to Council for endorsement, a Landscape Plan prepared by a suitably qualified person prepared generally in accordance with *Toowoomba Regional Council's Landscape Work Information Sheet 006* and the conditions of this Development Approval, including the landscaping shown on all Approved Plans listed in this Development Approval, that details in particular:
 - 119.1 A Planting Plan and Schedule;
 - 119.2 The typical planting detail including preparation, backfill, staking and mulching;
 - 119.3 Internal dimensions of all planting areas;
 - 119.4 Location, height and finish of fencing fronting public land (including street frontages);
 - 119.5 Location and species of existing site vegetation to be removed and/or retained;
 - 119.6 Construction details of proposed surfaces, surface level changes and structures;

- 119.7 Location and dimensions of any communal bin stores requiring vegetative screening;
- 119.8 North point, scale, title and drawing number; and
- 119.9 Vegetated screening of acoustic barriers which comprises of plants capable of reaching the combined height of the adjacent acoustic barriers and retaining walls.

Note: Vegetated screening may incorporate climbing plants.

- 120. The development must be landscaped in accordance with the conditions of this Development Approval and the requirements listed in the Landscape Code contained within the *Toowoomba Regional Planning Scheme 2012* in a manner that:
 - 120.1 Maximises the retention of existing site vegetation which contributes to the site character;
 - 120.2 Maintains or increases tree canopy cover;
 - 120.3 Maximises the extent of new site vegetation to define boundaries, create shade and contribute to the site character;
 - 120.4 Designates variation in pavement colours and/or materials to define safe pedestrian movement areas;
 - 120.5 Utilises plant species which are characteristic of the local area and provides seasonal variation, colour and texture;
 - 120.6 Provides a 1m wide landscaping strip along the Kleinton Road frontage, comprising planting which creates an attractive screen;
 - 120.7 Provides irrigation to all planted areas; and
 - 120.8 Provide a high degree of shade over car park area and associated internal roadways.
- 121. All landscape works must be established by a suitably qualified person and maintained in accordance with the conditions of this Development Approval for the life of the development, and in a manner that ensures healthy, sustained and vigorous plant growth. All plant material must be allowed to grow to full form and be replaced when its life expectancy is reached.

B. ADVICES:

ADVICES

RESUBMISSION OF PLANS REQUIRING AMENDMENT

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

SUBMISSION OF PLANS FOR ENDORSEMENT

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

INFRASTRUCTURE CHARGES

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

OTHER LAWS & REQUIREMENTS

- 4) This Development Approval relates to development requiring approval under the *Planning Act 2016* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or

permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.

- 5) Carrying out works on a road or interfering with the road or its operation will require a permit under *Subordinate Local Law No. 1.15 (2020)*. The application form can be found on Council's website at www.tr.qld.gov.au. For further information contact the Road Operations Branch through Council's Customer Service Centre on 131 872.
- 6) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme 2012*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or the *Queensland Development Code*.

WHEN APPROVAL STARTS TO HAVE EFFECT

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

WHEN APPROVAL LAPSES

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

EXCAVATION & FILLING

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

EQUITABLE ACCESS & FACILITIES

- 10) The plans for the proposed building work have NOT been assessed for compliance with the requirements of the *National Construction Code – Building Code of Australia (Volume 1)* as they relate to people with disabilities.

In addition to the requirements of the National Construction Code as they relate to people with disabilities, one or more of the following may impact on the proposed building work:

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

ENVIRONMENTAL HARM

- 11) The *Environmental Protection Act 1994* (EP Act) states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.

Environmental harm includes environmental nuisance. In this regard persons and entities involved in the civil, earthworks, construction and operational phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the EP Act as any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Administering Authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

FIXED MECHANICAL PLANT NOISE

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

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

STREET TREE DISTURBANCE & REMOVAL APPROVAL

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

WATER POLLUTION

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

FIRE ANTS

- 15) The State of Queensland has been declared a quarantine area for the Red Imported Fire Ant. Should this approval involve the movement of restricted items from areas of known infestation the provisions of the *Biosecurity Act 2014* apply, compliance with statutory provisions must be achieved.

ADVERTISING SIGNS

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

BUILDING APPROVAL REQUIRED FOR CERTAIN FENCES & RETAINING WALLS

- 17) A Development Approval for Building Work is required for the following:
- 17.1 Fences where:
- The fence is part of a pool fence; or
 - The fence is over 2m in height (from natural ground level); or
 - The fence is attached to a retaining wall and the combined mean height is over 2.4m in height from natural ground level;
- 17.2 Retaining walls where:
- The wall is retaining fill having a height greater than 1m in height above the wall's natural ground surface; or
 - The wall is located within 1.5m of a building or another retaining wall; or
 - There is a load or surcharge imposed above the retaining wall (i.e. driveway, batter, building or the like); and

- 17.3 Retaining walls and/or fences are sited within 1.5m of a property boundary line and the combined height of the structures exceeds 2m (including where the retaining wall is less than 1m).

MANDATORY RAINWATER TANKS

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

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

TRADE WASTE APPROVAL

- 19) This Development Approval does not infer or give approval to the owners or occupiers of the subject land to discharge trade waste to Council's sewers. Council administers trade waste regulation as defined in the *Water Supply (Safety & Reliability) Act 2008* through its *Trade Waste Policy* and *Trade Waste Environmental Management Plan*. A separate Trade Waste Permit is required where trade waste is expected to be discharged to Council's sewers.

Please note that a Trade Waste Approval may require the installation of a pre-treatment arrestor and a metering device. Please contact Council's Trade Waste Services from the Water Operations Branch via the Customer Service Centre for further information in respect of trade waste.

SUITABLY QUALIFIED PERSON

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

REASONS FOR RECOMMENDATION

The change application has been assessed with regard to the applicable assessment framework as identified within this report. The proposed changes are considered to be generally acceptable. It is therefore recommended that the development approval be changed as identified above.

The attached Statement of Reasons is not required to be amended.

DELEGATE'S DECISION:

I have reviewed the report for this application in accordance with the Relevant Instruments, Statutory and Non-Statutory Provisions and in accordance with Council's process and procedures. I agree with the responsible officer's recommendation that the request be approved subject to the conditions contained in the recommendation. I exercise delegation in accordance with the delegations adopted by the Toowoomba Regional Council.



Emily Hinchliffe
Lead Senior Planner, Planning Branch

Decision Date: 3 September 2026

BACKGROUND

SITE DETAILS				
Site Address	24 Kleinton Road, HIGHFIELDS QLD 4352			
Real Property Description	Lot 151 SP332451			
Site Area	4,070m ²			
Owner	Wirraglen Holdings Pty Ltd			
SITE CHARACTERISTICS				
Current Land Use	Dwelling House			
Site Frontage/s	Kleinton Road – 91.224m			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Kleinton Road	Distributor	20m – 58m	7m – 10m	Asphalt
Easements	Easements N, O, P and Q SP346976 – Easements which burden Lots 1-4 SP332451 in favour of Lot 151 SP332451 (Child Care Centre Lot) for the purpose of constructing, using and maintaining a solid acoustic barrier type structure to a height of 2.4m above the retained height of the retaining wall constructed within the easement.			
Existing Structures	Dwelling House and associated structures.			
Infrastructure	The site has access to Council's reticulated Water Infrastructure from its Kleinton Road frontage. Council's sewer and stormwater infrastructure is also located within Kleinton Road however is located on the opposite side of the street from the subject site.			
Topography	The extent of the site on which the development is proposed falls by approximately 3m to the north-west.			
Street Trees	Street trees have been conditioned to be provided along the Kleinton Road frontage of the subject site as part of an overarching subdivision approved over the site (Council Reference RAL/2021/3552).			
Other Features	The subject site is located within a Greenfield Area. Child Care Centre appears to have been constructed generally in accordance with the approved plans of MCUI/2023/2589/C.			
PLANNING SCHEME SITE DATA				
Applicable Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 28)			Adopted: 28/11/2022
Current Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 29)			Adopted: 21/07/2026
Zone	Low Density Residential			
Precinct	General Precinct			
Local Plan	Highfields, Meringandan and Meringandan West Local Plan Area			
Overlays	Airport Environs Overlay - 13km Wildlife Hazard Buffer Water Resource Catchment Overlay - Water Resources Catchment			
Infrastructure Charges Resolution	Charges Resolution No. 7			Adopted: 19/08/2025
SURROUNDS:				
Direction	Land Use	Zone/Precinct		
North	Dwelling House	Low Density Residential / General Precinct		
East	Dwelling House	Low Density Residential / General Precinct		
South	Dwelling House	Low Density Residential / General Precinct		
West	Dwelling House	Low Density Residential / General Precinct		

Other Features	Nothing to note
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APPLICATION HISTORY			
Application No.	Description	Decision Date	Decision
RAL/2020/5855	Development Permit for Reconfiguring a Lot for Boundary Re-Alignment (2 into 2 Lots)	27 January 2021	Approved
RAL/2021/3552	Development Permit for Reconfiguring a Lot – Code – Two (2) Lots into 154 Lots	4 January 2022	Approved
OW/2022/1290	Development Permit for Operational Works – Road Work, Stormwater, Water Infrastructure, Drainage Work, Earthworks, Sewage Infrastructure, Landscaping and Clearing Vegetation	28 June 2022	Approved
OW/2022/1290/A	Request to Change Development Approval for Operational Works – Road Work, Stormwater, Water Infrastructure, Drainage Work, Earthworks, Sewage Infrastructure, Landscaping and Clearing Vegetation	21 December 2022	Approved
OW/2022/1628	Development Permit for Operational Works – Stormwater and Clearing Vegetation	7 June 2022	Approved
MCUI/2023/2589	Development Permit for Material Change of Use – Impact – Child Care Centre	31 January 2024	Approved
RAL/2021/3552/A	Request to Change Development Approval for Reconfiguring a Lot – Code – Two (2) Lots into 154 Lots	1 May 2024	Refused
MCUI/2023/2589/A	Request to Change Development Permit for Material Change of Use – Impact – Child Care Centre	26 June 2024	Approved
MCUI/2023/2589/B	Request to Change Development Permit for Material Change of Use – Impact – Child Care Centre	12 December 2024	Approved
OW/2024/8312	Development Permit for Operational Works – Stormwater	25 March 2025	Approved
OW/2024/8512	Development Permit for Operational Works – Road Works and Driveway Crossover	4 April 2025	Approved
MCUI/2023/2589/C	Request to Change Development Permit for Material Change of Use – Impact – Child Care Centre	4 December 2025	Approved
PREL/2022/4316	Meeting held 5 September 2022.		
Other	The Child Care Centre the subject of this application is located on part Lot 1 SP320057, approved under RAL/2020/5855 and sealed under SEAL/2021/721 on 11 March 2023. Specifically, the Child Care Centre is located on Lot 151 of an overarching Development Permit for Reconfiguring a Lot – Code – Two (2) lots into 154 Lots (RAL/2021/3552) approved over Lot 1 SP320057. Since the original approval was given, Lot 151 has been sealed under SEAL/2024/1167 and is now registered on plan SP332451 cancelling Lot 1 SP320057. Operational Works for Stormwater Infrastructure, Roadworks and the Driveway Crossover associated with the Child Care Centre the subject of this application have been approved under OW/2024/8312 & OW/2024/8512.		

APPROVED DEVELOPMENT	
Type of Approval	Development Permit for a Material Change of Use
Approved Development	Child Care Centre
Variations Sought	Not applicable.
Level of Assessment	Impact

Gross Floor Area	1,055m ²	
Impervious Area	2,301m ²	
Car Parking Spaces	40 spaces including one (1) PWD car parking space	
Service Vehicle Provision	N/A	
Submissions Received	Objection:	Two (2)
	Support:	Nil.
Decision Notice Issued	4 December 2025 (MCUI/2023/2589/C)	

CHANGE APPLICATION	
Applicant Name	Una Highfields Pty Ltd C/- ADAMS + SPARKES Town Planning
Type of Application	Change Application
Type of Change	Minor Change
Public Notification	Not required for a Minor Change.
Application Received	8 July 2026

CONSULTATION UNDERTAKEN

Internal Referrals

Internal Referral Partner	Referral / Response
Development Engineering and Plumbing	Reviewed and recommended requested changes be approved subject to amendments.
Water and Waste	Reviewed with no further requirements.
Infrastructure Charges Unit	Reviewed with no further requirements.

Public Notification

Public notification was carried out for the original development application MCUI/2023/2589. During the notification period, two (2) submissions were accepted by the assessment manager and considered during the assessment of the application.

The Notice of Compliance was received by Council on 2 November 2023. The information attached to the notice confirms that the public notification of the application was undertaken in accordance with the requirements of Part 4 of the *Planning Act 2016*. The Notice of Compliance states the public notification included:

- Publishing a notice in the High Country Herald on 10 October 2023;
- Placing a notice on the land from 10 October 2023 until 1 November 2023; and
- Notifying owners of all land adjoining the site on 6 October 2023.

Two (2) submissions were received in relation to the application, both of which opposed the development.

A summary of the matters raised in the submissions and Council officer responses are reproduced below:

Issue	How matter was dealt with
Road/Intersection Safety The Child Care Centre will be located almost on top of the intersection of Charmaine Court and Kleinton Road and is located on a blind corner. When travelling south this presents high accident potential at any speed.	The proposed development application was supported by a Traffic Impact Assessment signed by a RPEQ which demonstrated that appropriate sight lines had been provided for the access of the Child Care Centre. However, upon review by Council's assessing Engineer, conditions of approval have been recommended requiring a

The centre will significantly increase the traffic in the area which will increase the risk of harm to residents exiting Charmaine Court and on children attending the centre. The centre is located a short distance from the intersection of Meringandan Road and Kleinton Road which can get extremely busy. Kleinton Road is a busy thoroughfare which will only get busier with the new appalling housing developments taking place. The speed of the traffic using Kleinton Road and the blind corner location of the proposed centre plus the winding section of the road places increased risk of vehicular accidents upon residents and children/parents/caregivers accessing the centre. Study of the intersection of Sportsman Drive and Kleinton Road has not been included in the Traffic Impact Assessment.	channelised right turn (CHR) and Basic Left Turn (BAL) treatment to be provided to Kleinton Road to facilitate safe vehicular access to the Child Care Centre. It is considered that where these conditions are proposed, the development will not result in adverse traffic impacts or the safety of Kleinton Road.
No safe child drop-off/pick-up parking. No provision has been made for safe child drop-off/ pick-up parking, which cannot reasonably be accommodated along Kleinton Road, the major thoroughfare for multiple residential areas.	The applicant has provided a total of 43 on-site car parking spaces. Of these 43 spaces, 23 spaces will be used for staff parking and the remaining 20 spaces will be used for patrons of the Child Care Centre to drop-off/pick up their children. The proposed car parking arrangements are consistent with the car parking rates identified under the <i>Toowoomba Regional Planning Scheme 2012</i> for a Child Care Centre with a total enrolment capacity of 140 spaces and 23 full-time staff. It is also noted that pedestrian pathways, including through the internal car parking aisle, have been provided between all patron car parking spaces and the entrance to the Child Care Centre to ensure pedestrian safety throughout the site. Conditions of approval will be imposed on the Child Care Centre to ensure all 43 car parking spaces are provided and that enrolment capacity and full-time staff employment are not altered to ensure the centre continues to meet the car parking requirements of the Planning Scheme.
No nearby Parkland The Child Care Centre is not located near any parkland that could facilitate or complement any Child Care Centre, with no evidence of the Open Space Network items identified within item 10.1 of Council's Information Request issued for RAL/2021/3552, dated 23 July 2021 being met by the development to date.	Whether a Child Care Centre is located near parkland is not a matter that is addressed or resolved by the Planning Scheme or considered a relevant matter under the <i>Planning Act 2016</i>. Further, the proposed Child Care Centre has been applied for separately to the Development Approval for Reconfiguring a Lot for subdividing two (2) lots into 154 Lots (RAL/2021/3552) in which issues relating to provision of Open Spaces were raised in Council's Information Request. As part of the approval for RAL/2021/3552, land for open space was provided within proposed Lot 150 of the development. This land was conditioned to be dedicated as park / public open space within the approval. At the time of assessment of this application, no lots subject to RAL/2021/3552 have been sealed and therefore this land has not yet been dedicated for park / public open space. The Child Care Centre the subject of this application is proposed to be located on Lot 151 of RAL/2021/3552 and therefore does not limit the ability for the park / public open

	space area to be provided. Further, approval of the Child Care Centre does not result in any changes to the requirements of RAL/2021/3552 which will continue to require the land within Lot 150 of the approval to be dedicated to Council for park / public open space. It is noted that conditions of approval have been recommended to ensure that Lot 151 of RAL/2021/3552 is sealed and registered with the Department of Resources prior to the Child Care Centre use commencing on the site.
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These submissions have been considered to the extent relevant to the proposed changes as per the assessment within this report.

ISSUES, RISKS AND RESPONSES – ASSESSMENT

Assessment Framework

Section 81 of the *Planning Act 2016* establishes the following parameters in relation to the assessment of change applications for minor changes:

- (2) *In assessing the change application, the responsible entity must consider—*
 - (a) *the information the applicant included with the application; and*
 - (b) *if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; and*
 - (c) *any pre-request response notice or response notice given in relation to the change application; and*
 - (d) *if the responsible entity is, under section 78A(3), the Minister—all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and*
 - (da) *if paragraph (d) does not apply—all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and*
 - (e) *another matter that the responsible entity considers relevant.*
- (3) *Subsections (4) and (5) apply if the responsible entity must, in assessing the change application under subsection (2)(d) or (da), consider—*
 - (a) *a statutory instrument; or*
 - (b) *another document applied, adopted or incorporated (with or without changes) in a statutory instrument.*
- (4) *The responsible entity must consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made.*
- (5) *However, the responsible entity may give the weight the responsible entity considers is appropriate, in the circumstances, to—*
 - (a) *the statutory instrument or other document as in effect when the change application was made; or*
 - (b) *if the statutory instrument or other document is amended or replaced after the change application is made but before it is decided—the amended or replacement instrument or document; or*
 - (c) *another statutory instrument—*
 - (i) *that comes into effect after the change application is made but before it is decided; and*
 - (ii) *that the responsible entity would have been required to consider if the instrument had been in effect when the development application for the development approval was properly made.*

Assessment of Proposed Changes – Change to Development Approval

Changes to the conditions of approval have been proposed by the applicant. The following table identifies the relevant condition of approval, the applicant's proposed changes, any relevant representations made by the applicant, the officer's assessment of the proposed amendments and any recommend amendments to the condition.

Assessment of Proposed Changes – Change to Conditions of the Development Approval

No.	Original Condition	Proposed Amended Condition	Relevant Representation	Officer's Assessment	Condition to be Recommended
1.	<i>This Development Approval is for a Material Change of Use for Child Care Centre as follows:</i> 1.1 Maximum of 140—132—127 Children; and 1.2 Maximum of 23—21 24 Full-time Equivalent Staff.	This Development Approval is for a Material Change of Use for Child Care Centre as follows: 1.1 Maximum of 440 432—127 Children; and 1.2 Maximum of 23-21 24 Full-time Equivalent Staff	Please find attached a Traffic Advice Letter prepared by Jalahawi Consulting in Attachment 1, which provides justification for the existing onsite car parking supply based on the approved child capacity of the centre, rather than by applying a separate staff parking rate. This approach is consistent with contemporary traffic engineering advice for child care centres in South East Queensland, which commonly assesses parking demand by reference to the approved child capacity rather than applying a separate staff parking rate.	The applicant has submitted a Traffic Assessment Report to support the request to remove Condition 1.2. No reduction in staff or visitor parking spaces are proposed. The proposed change to remove the limit on staff numbers does not remove a component that is integral to the operation of the development. The removal of staff numbers in itself is not reasonably anticipated to increase the severity of known impacts, in this case the anticipated parking demand. As such, the proposed change does not result in a ‘substantially different’ development per the DA rules and is determined as a Minor Change to the the development approval. The carparking rate prescribed in <i>Toowoomba Reigonal Planning Scheme 2012</i> relies upon the maximum number of children enrolled and the anticipated staff numbers. At the time of this change application, the car parking area has been constructed and is currently in operation.	This Development Approval is for a Material Change of Use for Child Care Centre as follows: 1.1 Maximum of 440—132—127 Children; and 1.2 Maximum of 23-21 24 Full-time Equivalent Staff
10.	<i>Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:</i> 10.1 Construction Environmental Management Plan; 10.2 Landscape Plan.	N.A.	N.A.	The carparking rate prescribed in <i>Toowoomba Reigonal Planning Scheme 2012</i> relies upon the maximum number of children enrolled and the anticipated staff numbers. At the time of this change application, the car parking area has been constructed and is currently in operation.	Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement: 10.1 Construction Environmental Management Plan; 10.2 Landscape Plan; and 10.3 Car Parking Management Plan.
91	The premises must be provided with a minimum of 43-40 on-site car parking spaces, comprising of a minimum of 23—21 staff parking spaces and 20 19 visitor car parking spaces including, one (1) person with disability parking space. Car parking and manoeuvring areas must be: 91.1 Constructed generally as shown on the Approved Plans except as altered by conditions of this Development Approval; 91.2 Provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in the <i>Toowoomba Regional Planning Scheme 2012</i> and <i>Australian Standard AS2890 – Parking Facilities</i>; 91.3 Designed and constructed in accordance with the requirements of AS2890; 91.4 Designed to ensure disabled car parking spaces are located in close proximity to a primary building entrance and meet the	N.A.	N.A.	The change application has retained the maximum number of child spaces which requires 18 car parking spaces. In that regard, the current provision for non-staff car parking spaces is anticipated to meet the demand likely generated and avoids on-street parking. Where staff parking demand is subject to change overtime, the development is anticipated to be capable of managing their staffing arrangements (through staff numbers and shift frequencies) to ensure all staff parking car occur on site and not on the street. This can be detailed in a Car Parking Management Plan that appropriately reflects the staff parking demand. Having regard to the number of constructed car parking spaces and the submitted Traffic Advice Letter, Council's engineer consider the existing provision of car parking spaces to be acceptable. The change therefore does not conflict with the PO₂ of the	The premises must be provided with a minimum of 43—40 on-site car parking spaces, comprising of a minimum of 23—21 staff parking spaces and 20—19 visitor car parking spaces including, one (1) person with disability parking space. Car parking and vehicle manoeuvring areas must be: 91.1 Constructed generally as shown on the Approved Plans except as altered by conditions of this Development Approval; ... (not replicated in full) ... 91.7 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring generally in accordance with an endorsed Car Parking Management Plan; and 91.8 Designed to enable all vehicles to enter and leave the subject land in a forward gear; and 91.9 Tandem car parking spaces must be clearly marked and signed for Staff car parking use only. 91A. Within 6 months of the date of this Change Application Decision Notice, submit to Council for endorsement, a Car Parking Management

	requirements of AS2890.1 Clause 2.4.5 (1.3m high bollards), AS1428.1 and AS2890.6:2009; 91.5 Accessible and available to the general public and staff during approved hours of operation; 91.6 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the subject land; 91.7 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring; and 91.8 Designed to enable all vehicles to enter and leave the subject land in a forward gear.			Transport, Access and Parking Code of the Planning Scheme and is recommended for approval. Amendments to Condition 91 and the addition of Condition 91A are recommended to ensure the demand for staff and non-staff car parking spaces can be appropriately met to avoid on-street parking, particularly noting the provision of tandem staff car parking spaces. As such, the proposed removal of Condition 1.2 is supported where the development approval is subject to the recommended amendments to Conditions 10, 91 and inclusion of condition 91A.	Plan. The Car Parking Management Plan must provide information including but not limited to staff numbers, management of on-site tandem staff parking, management of visitor parking during peak periods and appropriate signage for compliance.
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FINANCIAL / RESOURCE IMPLICATIONS

There is no financial or resource implication associated with this decision.

***Human Rights Act 2019* CONSIDERATIONS**

The *Human Rights Act 2019* provides that it is unlawful for a public agency to act or make a decision in a way that is not compatible with human rights, or to fail to give proper consideration to a human right. This necessitates understanding the human rights that are protected. When making decisions or taking actions, consideration needs to be given to how that may impact on a person's human rights. Where there is a restriction on a person's human rights the restriction must be no greater than is justifiable to protect the rights of others or the community at large.

In assessing this application consideration has been given to the following sections of the *Human Rights Act 2019*:

Section 15 – Recognition and equality before the law
Section 24 – Property rights
Section 25 – Privacy and reputation

It is the opinion of the decision maker that no human rights have been limited.

CONCLUSION

The change application has been assessed with regard to the applicable assessment framework as identified within this report. The proposed changes are considered to be generally acceptable. It is therefore recommended that the development approval be changed as identified above.

The Statement of Reasons is not required to be amended.