

ATTACHMENT 2

Existing Approval (Council Reference: MCUI/2019/3685/A)

Our Reference: MCUI/2019/3685/A
CS Portal Reference: N/A
Contact Officer: Jayden Forbes-Mitchell
Contact: (07) 4688 6662
Email: development@tr.qld.gov.au

Decision Notice
CHANGE TO A DEVELOPMENT APPROVAL
Planning Act 2016 Section 83

Valdal Property Group Pty Ltd
C/- Property Projects Australia Pty Ltd
PO Box 3686
TOOWOOMBA QLD 4350

Email: james@propertyprojectsaustralia.com.au
Cc: blake@propertyprojectsaustralia.com.au

3 September 2021

Dear Sir/Madam

Development Approval: Material Change of Use – Impact – Function Facility, Food and Drink Outlet and Short-term Accommodation
Location: Lot 1 RP198147 13 Horrex Road and 51 Horrex Road, RAVENSBOURNE QLD 4352
Property Description: Lot 1 RP198147 & Lot 63 CA311028
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012*

I refer to your application received on 15 December 2020 for a change to the development approval for a Material Change of Use approved on 27 November 2020.

On the 2 September 2021, the change application was approved as per the attached Schedule. All deletions are identified by **bolded** strikethrough of text and all additions are identified by **bolded** text.

Rights of Appeal

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

Yours faithfully



Richard Green
Senior Planner, Development Services

SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – IMPACT

APPLICATION NUMBER:	MCUI/2019/3685/A
APPLICANT:	Valdal Property Group Pty Ltd
LOCATION:	Lot 1 RP198147 13 Horrex Road and 51 Horrex Road, RAVENSBOURNE QLD 4352
PROPERTY DESCRIPTION:	Lot 1 RP198147 & Lot 63 CA311028
APPROVED USE:	Function Facility, Food and Drink Outlet and Short-term Accommodation
ZONING:	Rural Zone / 100 ha minimum Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

PLANNING

APPROVED USE

1. This Development Approval is for a Material Change of Use for:
 - 1.1 Function Facility (maximum capacity of 200 guests and ~~670m²~~ **843m²** **915m²** GFA, which comprises the Function Centre (~~632m²~~ **740m²** GFA) and separate chapel building (~~244m²~~ **175m²** GFA));
 - 1.2 Food and Drink Outlet (36m² GFA); and
 - 1.3 Short-term Accommodation (2 x 2 Bedroom Cabins and 4 x 1 Bedroom Cabins).

CARRY OUT & MAINTAIN DEVELOPMENT

2. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they are not varied by this Development Approval.
3. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
4. Complete all building work associated with this Development Approval, including work required by any of the conditions of this Development Approval prior to the commencement of use. Such building work is to be carried out generally in accordance with the Approved Plans and Documents and, where the building work is assessable development, in accordance with a current Building Works approval.
5. The development must be maintained generally in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.

APPROVED PLANS

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

Plan No: DA-100-B, Issue 15
Description: Site Plan – Other Change, prepared by Marc & Co, dated 24 March 2021 and received by Council 30 March 2021
Amendments: As notated in RED on the Approved Plan

Plan No: DA-101, Issue 15
Description: Floor Plan, prepared by Marc & Co, dated 24 March 2021 and received by Council 30 March 2021
Amendments: Nil

Plan No: DA-200, Issue 15
Description: Elevations, prepared by Marc & Co, dated 24 March 2021 and received by Council 30 March 2021
Amendments: Nil

Plan No: DA-400, Issue 15
Description: Chapel, prepared by Marc & Co, dated 24 March 2021 and received by Council 30 March 2021
Amendments: Nil

~~**Plan No:** 100-A, Issue 6
Description: Site – Minor Change, prepared by Marc & Co, dated 15 September 2020
Amendments: As notated in RED on the Approved Plan~~

~~**Plan No:** 101, Issue 6
Description: Floor Plan, prepared by Marc & Co, dated 15 September 2020
Amendments: Nil~~

~~**Plan No:** 200, Issue 6
Description: Elevations, prepared by Marc & Co, dated 15 September 2020
Amendments: Nil~~

~~**Plan No:** 180043, A.001, Revision 1
Description: Site Plan, prepared by Building Design Professionals, dated 12 September 2019 and received by Council 17 September 2019
Amendments: As notated in RED on the Approved Plan~~

~~**Plan No:** 180043, A.100, Revision 1
Description: Function Centre Plans, prepared by Building Design Professionals, dated 12 September 2019 and received by Council 17 September 2019
Amendments: As notated in RED on the Approved Plan~~

~~**Plan No:** 180043, A.101, Revision 1
Description: Function Elevations, prepared by Building Design Professionals, dated 12 September 2019 and received by Council 17 September 2019
Amendments: Nil~~

~~**Plan No:** 180043, A.102, Revision 1
Description: Chapel Floor Plan, prepared by Building Design Professionals, dated 12 September 2019 and received by Council 17 September 2019
Amendments: As notated in RED on the Approved Plan~~

Plan No: 180043, A.103, Revision 1
Description: Cafe Floor Plan, prepared by Building Design Professionals, dated 12 September 2019 and received by Council 17 September 2019
Amendments: As notated in RED on the Approved Plan

Plan No: 180043, A.104, Revision 1
Description: Cabin Floor Plans, prepared by Building Design Professionals, dated 12 September 2019 and received by Council 17 September 2019
Amendments: Nil

Plan No: ~~18257-02, Revision A~~
Description: ~~Proposed Car Parking Layout, prepared by Rytenskild Traffic Engineering, dated 6 March 2020 and received by Council 20 April 2020~~
Amendments: ~~As notated in RED on the Approved Plan~~

Plan No: ~~18257-03, Revision A~~
Description: ~~Intersection Upgrade – Option 2, prepared by Rytenskild Traffic Engineering, dated 20 April 2020 and received by Council 20 April 2020~~
Amendments: ~~As notated in BLUE on the Approved Plan~~

APPROVED DOCUMENTS

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

Document: Other Change Noise Impact Assessment, Version 5
Description: Noise Impact Assessment, prepared by MWA Environmental, dated 18 June 2021 and received by Council 13 July 2021
Amendments: Attachment 1 removed

Document: Bushfire Management Report, BMR No: 190708, Issue 6
Description: Bushfire Management Report, prepared by Aquila NRM, dated 4 February 2021 and received by Council 30 March 2021
Amendments: As notated in RED on the Approved Document

Document: ~~Minor Change Noise Impact Assessment, Version 3~~
Description: ~~Noise Impact Assessment, prepared by MWA Environmental, dated 17 September 2020 and received by Council 24 September 2020 which was filed in the Planning and Environment Court on 9 October 2020~~
Amendments: Nil

Document: ~~Bushfire Management Report, BMR No: 190708, Issue 3-4~~
Description: ~~Bushfire Management Report, prepared by Designconxion, dated 16 September 2019 and received by Council 17 September 2019 9 October 2020 and received by Council 12 October 2020 which was filed in the Planning and Environment Court on 13 October 2020~~
Amendments: Nil 1. The Bushfire Attack Level (BAL) must be recalculated after updating the Fire Danger Index (FDI) in Table 5, Table 7 and Table 8 from FDI 40 to FDI 70. Additionally, the following sections of the report must be updated to reflect the recalculated BAL:

- ~~4.0 Determination of the Bushfire Attack Level;~~
- ~~4.1 Minimisation of risk – building;~~
- ~~5.0 Recommendations;~~
- ~~Appendix 3 – Calculation of Bushfire Hazard;~~
- ~~Appendix 4 – Summary of AS3959-2018; and~~

2. Figure 3, Figure 9 and Figure 11 must be updated to reflect the approved plans.

~~**Document:** Noise Impact Assessment, Version 2~~

~~**Description:** Noise Impact Assessment, prepared by MWA Environmental, dated 8 November 2019 and received by Council 13 November 2019~~

~~**Amendments:** Attachment 1 removed~~

~~**7A. Documents to be amended must only incorporate the amendments listed within this Development Approval and resubmitted to Council for approval prior to the issue of any Operational Works approval, Building Works approval or Plumbing and Drainage Works approval, or prior to commencement of use, whichever occurs first.**~~

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

8. Prepare and submit applications to Council and obtain a Development Permit for Operational Works for the following:

~~**8.1 Roadworks;**~~

8.2 Driveway Crossovers (if required); and

8.3 Bulk Earthworks.

~~**Note:** A Section 33 Approval from the Department of Transport and Main Roads (DTMR) will be required for roadworks (including any associated works) within the State-controlled road corridor.~~

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

9. Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:

9.1 Site Based Management Plan; and

9.2 Landscape Plan.

STAGED DEVELOPMENT

9A Staging of the development is to occur in accordance with the staging indicated on the Approved Plans listed within this Development Approval subject to and modified by any conditions of this Development Approval.

9B. Stages must be completed in sequential order (i.e. Stage 1 must be completed before Stage 2), or may be combined and constructed at one time, subject to all conditions applicable to the relevant stages being complied with.

9C. The development must be carried out in accordance with those conditions applicable to one or more of the stages of development as follows:

9C.1 Conditions Applicable to all Stages of Development:

1-107

9C.2 Conditions Applicable to Stage 1 of Development:

Nil

9C.3 Conditions Applicable to Stage 2 of Development:

Nil

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

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

COMMENCEMENT OF USE

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

DEVELOPMENT CONSTRAINTS

BUSHFIRE MANAGEMENT – SUPPLY OF WATER

12. The development must be provided with a water storage reservoir having a minimum 10,000 litres of water for each building on the site for emergency firefighting purposes. Such storage must be provided in addition to the water supply capacity required for any domestic or business use and must be provided in the form of either a dam, swimming pool, or rainwater tank located within 40m of a building.
13. Where water storage is provided by way of rainwater tank, separate water storage for firefighting purposes must be provided either in a separate rainwater tank or a reserve section in the main water supply tank on which:
 - 13.1 The domestic take off from the tank is at or above the 10,000 litre point; and
 - 13.2 Standard rural fire brigade fittings (a 50mm male camlock coupling and ball valve) are fitted to the tank outlet for access by four wheel drive rural services vehicles.
14. The development must be provided with an auxiliary power supply such as a petrol driven fire fighter pump (or generator), together with a hose of sufficient length to easily reach around to all sides of a building.
15. A hard stand area within 6m of the water storage reservoir must be provided to ensure accessibility for fire fighting vehicles.

WORKS

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

16. Plans and specifications for all works associated with ~~roadworks~~, car parking and 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).
17. A RPEQ must submit to Council a copy of the:
 - 17.1 Design Certificate prior to commencement of the works; and

- 17.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
18. 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.
19. 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

20. All land adjoining the development must be protected from nuisance from stormwater resulting from the development for the life of the development.
21. All stormwater infrastructure necessary to convey run-off from roof and developed surface areas must be designed and certified by an RPEQ.

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

STORMWATER DISCHARGE

22. The act of on-site stormwater discharge must not cause erosion and scouring and must utilise appropriate control devices at outlets to prevent such erosion and scouring.
23. Stormwater must be dispersed such that it does not cause an actionable nuisance to downstream properties.
24. Design and construction of all internal stormwater drainage works must comply with each applicable section of *Australian and New Zealand Standard AS/NZS 3500 – Plumbing and Drainage Code*.

BULK EARTHWORKS

25. Where earthworks are not assessed as part of a Building Works application, prior to the commencement of any earthworks on the subject land, an Operational Works application must be submitted to and be approved by Council.

AIR QUALITY IMPACT MITIGATION

26. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the *Air Quality Objectives* listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive place or commercial place must not be released to the atmosphere during building work and throughout the life of this development.
27. 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:
- 27.1 Dust deposition of 120 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air – Determination of particulate matter – Deposited matter – Gravimetric method*.

CONSTRUCTION WASTE MANAGEMENT & STORAGE

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 6:30AM and 6:30PM 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.

37.1 Where grass seeding is undertaken, appropriate measures must be in place until the establishment of suitable ground cover.

DAMAGE TO SERVICES & ASSETS

38. Protect Council and public utility services and assets during construction of the development.
39. 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:
- 39.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
- 39.2 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.
40. 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.
41. Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with Council's relevant policies and requirements at no cost to Council.

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

SERVICES & UTILITIES

ON-SITE WASTE WATER TREATMENT & DISPOSAL

42. The development must be provided with an on-site waste water treatment and effluent disposal system having a capacity and land application area sufficient for the use. An appropriately sized waste water treatment and effluent disposal area (including irrigation areas) is to be maintained for this purpose for the life of the approval.
43. The waste water treatment and effluent disposal system must comply with *Australian Standard AS3500.2 – National Plumbing and Drainage – Sanitary Plumbing and Drainage*; and *Australian Standard AS1547:2012 – On Site Domestic-Wastewater Management* where system size is not exceeded (ref. Part 1.2.1.2 of AS1547:2012).
44. All reasonable and practicable measures must be undertaken to prevent treated waste water and effluent from overflowing or seeping onto adjoining properties or a watercourse.

Note: ~~The proposed land application area shown on the submitted Onsite Sewerage Facility Report is located over a mapped watercourse. Endorsement of the submitted Onsite Sewerage Facility Report has not been provided.~~ The establishment of an on-site waste water treatment and effluent disposal system is subject to further plumbing approvals and an Environmental Authority issued by the State.

WATER SUPPLY

45. The development must be provided with a potable water supply having a capacity sufficient for the use that complies with the *Australian Drinking Water Guidelines (NHMRC, 2011)*.

ELECTRICITY

46. 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.

BUILDING WORKS & ARCHITECTURE

HIGHLY REFLECTIVE GLAZING

47. Any reflective glass material utilised in the development must not have a light reflectivity greater than 20%.

AMENITY & OPERATION OF USE

VISUAL AMENITY

48. All buildings, structures and fences as well as the subject land must be maintained in a clean and tidy manner at all times.
49. All fixed mechanical plant must be contained within the building or visually screened to all street frontages, public viewing locations and adjoining premises.
50. Open storage areas, loading areas, bin storage areas and other unsightly areas, must be screened from view from all street frontages and public places.

STREET IDENTIFICATION

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

LETTERBOX

52. A pPost boxes for each tenancy within the approved development is are to be provided in accordance with the requirements of Australia Post.

ACCESS FOR PEOPLE WITH DISABILITIES

53. 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

54. Pedestrian routes between car parking areas and the Food and Drink Outlet and Function Facility must be clearly signed and marked and be provided with a sealed surface.

TRANSPORT, VEHICULAR ACCESS & PARKING

ROADWORKS (EXTERNAL TO DEVELOPMENT) – COUNCIL CONTROLLED ROADS

- ~~55. Existing / new roads must be constructed / upgraded as follows:~~

~~Street: Horrex Road~~

~~Classification: Local Access Gravel~~

~~Construction Standard: In accordance with the following:~~

- ~~55.1 Horrex Road must be extended west to connect to Philp Road. The alignment of the new road must be generally in accordance with the Approved Plans listed within this Development Approval. The road extension must be constructed to a 'Local Access Gravel' standard (8m wide formation, 6m wide pavement) in accordance with Council's requirements, with an appropriate intersection treatment provided at the Horrex Road/Philp Road intersection;~~
- ~~55.2 Upon closure of the Horrex Road/Esk-Hampton Road intersection (subsequent to a DTMR Section 33 approval), Horrex Road must be reinstated within the vicinity of the Horrex Road/Esk-Hampton Road intersection to suit the new alignment. Reinstatement works must be carried out generally in accordance with the Approved Plans listed within this Development Approval.~~
- ~~55.3 A minimum of three (3) passing lanes must be constructed on Horrex Road, between the proposed driveway crossovers and the existing Horrex Road/Esk-Hampton Road intersection. Any required road widening adjacent to the proposed driveway crossovers must also be provided. The location of passing lanes and extent of road widening must be generally in accordance with Figure 7.4 from the submitted Traffic Impact Assessment, Version 1, prepared by Rytenskild Traffic Engineering and dated 30 August 2019; unless otherwise varied through an associated Operational Works approval; and~~
- ~~55.4 Sections of Horrex Road between the proposed driveway crossovers and the existing Horrex Road/Esk-Hampton Road intersection must be sealed to limit dust generation in proximity to sensitive receptors and ensure heavy vehicles can access the site. The location and extent of sealing is to be determined following detailed design 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.*
- ~~56. The design and construction of all Council-controlled roads must comply with Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure (PSP No.2) and must include in particular:~~
- ~~56.1 The construction of the works detailed above;~~
- ~~56.2 Any required signage;~~
- ~~56.3 Any required table drain works;~~
- ~~56.4 Any required relocation of utility and Council services; and~~
- ~~56.5 Any tree clearing required for sight distance (including SISD) purposes.~~
- ~~57. 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.~~
- ~~58. All street/road surfacing must be in accordance with the pavement construction standards in PSP No. 2.~~
- ~~59. Verge widths, street reserve widths, intersection treatment, provision of parking and speed control devices must comply with Council's requirements in PSP No. 2.~~

- ~~60. Where works on/for Council roads are within Council's existing road reserve, prior to the commencement of any works on the subject land, an Operational Works application must be submitted to and be approved by Council for the road works. The works must be completed in accordance with the conditions of that Operational Works approval, in addition to the conditions of this Development Approval.~~
- ~~61. Where works on/for Council roads are within a State-controlled road corridor, the works must be completed in accordance with a DTMR Section 33 approval prior to commencement of the use. The works must also satisfy the requirements of PSP No. 2 and be in accordance with the conditions of this Development Approval.~~

ROADWORKS (EXTERNAL TO DEVELOPMENT) – STATE-CONTROLLED ROADS

- ~~62. The Esk-Hampton Road/Horrex Road intersection must be closed in accordance with the Department of Transport and Main Roads requirements, in accordance with a DTMR Section 33 Roadworks approval. These works must be at no cost to Council or DTMR.~~

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

- ~~63. Unless otherwise approved in writing by the Department of Transport and Main Roads (to vary the standard of upgrade required), the Esk-Hampton Road/Philp Road intersection must be upgraded in accordance with a DTMR Section 33 Roadworks Approval to a CHR(S) standard, with ancillary works to satisfy the non-EDD SISD requirements of Austroads. All ancillary works requested by the Department of Transport and Main Roads must also be completed. All works must be at no cost to Council or DTMR.~~

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

- ~~64. Prior to the commencement of use, provide Council with a signed letter from the Department of Transport and Main Roads demonstrating that all road upgrade and road modification requirements required by DTMR as a result of Conditions 61, 62 and 63 of this Development Approval have been satisfied.~~

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

65. 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.

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

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

REMOVAL OR MODIFICATION OF COUNCIL TRAFFIC SIGNS OR PARKING BAYS

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

PROVISION OF VEHICULAR ACCESS

69. The vehicle accesses from the subject land to ~~Horrex Philp~~ Road must be sealed from the road pavement to the property boundary ~~in accordance with an Operational Works approval~~. The accesses must be designed by a Registered Professional Engineer Queensland (RPEQ) – Civil and must include the provision of adequate access width and flares to suit the proposed entry and exit manoeuvres. Such works must be constructed in accordance with the requirements identified below:
- 69.1 The vehicle accesses must be located as shown on the Approved Plans listed within this Development Approval, unless otherwise varied through an associated Operational Works approval;
- 69.2 The vehicle accesses (crossing the verge) must be constructed in accordance with *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*;
- 69.3 The vehicle accesses (crossing of the verge) must align neatly on both sides with the verge;
- 69.4 The vehicle accesses (crossing of the verge) must be located a minimum of one (1) metre clear of existing power poles, streetlights or any signage;
- 69.5 Any necessary relocation of all existing services clear of the accesses (crossing of the verge) that will serve the subject land must be undertaken, and all relevant service authorities must be contracted and their requirements complied with in relation to these works;
- 69.6 The vehicle accesses (crossing of the verge) must include suitable tapers and flares to accommodate the required turning paths of the relevant design vehicle; and
- 69.7 The vehicle accesses must extend into the subject land generally in accordance with the Approved Plans listed within this Development Approval.

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

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

REMOVAL OF UNNECESSARY VEHICLE ACCESSSES

71. Any existing redundant vehicle accesses in Horrex Road adjacent to the subject land must be removed. The works must include, but are not limited to the following:
- 71.1 Removal of the existing vehicle accesses; and
- 71.2 Reinstatement of the verge and turfing to match the required footpath profile.

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

ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING

72. The premises must be provided with a minimum of ~~82~~ 89 on-site car parking spaces, inclusive of two (2) PWD car parking spaces and three (3) staff car parking spaces, together with standing and manoeuvring for an SRV service vehicle. Car parking and manoeuvring areas must be:

- 72.1 Constructed generally as shown on the Approved Plans listed within this Development Approval, and in accordance with a design plan prepared and certified by an RPEQ;
 - 72.2 Provided with a sealed surface (PWD car parking spaces and shared area) and a minimum all-weather surface (all other car parking spaces) and be delineated to the minimum dimensions detailed in the *Toowoomba Regional Planning Scheme and Australian Standard AS2890 – Parking Facilities*;
 - 72.3 Designed and constructed in accordance with the requirements of AS2890;
 - 72.4 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;
 - 72.5 Accessible and available to the general public and staff during approved hours of operation;
 - 72.6 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the subject land;
 - 72.7 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring; and
 - 72.8 Designed to enable all vehicles to enter and leave the subject land in a forward gear.
73. The premises must be provided with a service bay for an SRV service vehicle. The premises must also be provided with a bus parking area generally in accordance with the Approved Plans listed within this Development Approval. The design and provision of manoeuvring areas and loading and unloading facilities for service vehicles and buses must be in accordance with AS 2890.2 – 1989 – *Off Street Parking – Commercial Vehicle Facilities*.
74. Where grassed areas adjacent to the sealed car parking area are used for overflow car parking, the grassed area must be maintained to ensure that the use does not unduly impact grass coverage or create nuisance.

ENVIRONMENT & WASTE

ACOUSTIC AMENITY – GENERAL

75. Unless otherwise approved in writing by Council, the approved uses must not operate outside of the following hours:
- 75.1 Food and Drink Outlet: 7:00AM to 6:00PM, Monday to Sunday
 - 75.2 Chapel: 7:00AM to 10:00PM, Monday to Sunday
 - 75.3 Function Centre: 7:00AM to 12:00AM, Monday to Sunday
 - 75.4 Short-term Accommodation: 24 hours / 7 days
76. Service vehicle movements (including loading and unloading) associated with the approved uses must not occur outside the hours of:
- 76.1 7:00AM to 10:00PM.
77. Drainage grating over trafficable areas must be well secured and maintained to prevent rattling.

78. Driveway areas are to be finished with surface coatings which prevent tyre squeal. An uncoated surface is acceptable.

ACOUSTIC AMENITY – NOISE LIMITS

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

Table 1: Noise Limits

	Day 7am to 6pm	Evening 6pm to 10pm	Night 10pm to 6am
Variable Noise $L_{Aeq}(1hr)$	37 dB(A)	36 dB(A)	36 dB(A)
Continuous Noise $L_{Aeq}(1hr)$ $L_{A90}(1hr)$	32 dB(A)	31 dB(A)	33 dB(A)
Sleep Disturbance L_{Amax}	-	-	52 dB(A)

* = **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.

^=**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.

80. 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

81. 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*.
82. Any fixed mechanical plant that causes either tonal (L_{eq}) sound (e.g. from basement car-park or kitchen exhaust, air conditioning unit or pool filtration unit), or impulse (L_{max}) sound, must be enclosed, shielded or positioned to ensure that noise emissions do not exceed the following noise limits when measured at any sensitive place or commercial place:
- 82.1 Before 7.00AM, if it makes a noise of more than 3dB(A) above the background noise level (L_{90}); or
- 82.2 From 7.00AM to 10.00PM, if it makes a noise of more than 5dB(A) above the background noise level (L_{90}); or
- 82.3 After 10.00PM, if it makes a noise of more than 3dB(A) above the background noise level (L_{90}).

ACOUSTIC AMENITY – ACOUSTIC BARRIER(S)

83. Acoustic barriers must be constructed on the subject land for noise attenuation. The barriers must be constructed in accordance with the following requirements:
- 83.1 The barrier must be erected within the subject land, in accordance with Figure 5 of the approved Noise Impact Assessment listed within this Development Approval;
 - 83.2 Erected to a minimum height of RL 2.0 metres;
 - 83.3 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;
 - 83.4 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; and
 - 83.5 Returns must be constructed at each end of the barrier for a length of 2 metres.
84. A continuous three (3) metre wide screening buffer must be planted in front of each acoustic barrier visible from Horrex Road and one (1) metre wide for all others, for the entire length of the barrier. The landscape works must meet or exceed the height of the acoustic barrier and incorporate sufficient plant foliage to fully conceal the barrier ~~from Horrex Road~~ at maturity.
85. 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 – AMPLIFIED MUSIC & LIVE ENTERTAINMENT

86. Unless otherwise permitted under an approved Noise Management Plan, amplified music and live entertainment must only occur in areas specified under Section 5.0 of the Noise Impact Assessment listed within this Development Approval and must not exceed the noise levels (as measured at the designated location from the amplified noise source) specified in Section 4.3.1 and Section 4.4 (CHAPEL NOISE IMPACT ASSESSMENT) of the Noise Impact Assessment listed within this Development Approval.

ACOUSTIC AMENITY – CERTIFICATION MEASUREMENT

87. Within six (6) months following commencement of use or upon direction from Council, submit to Council the following:
- 87.1 Certification from a suitably qualified person which certifies that operational noise emitted from the use of the development complies with the noise limits as specified in Section 3 and Section 4.3.1 of the Noise Impact Assessment listed within this Development Approval;
 - 87.2 Should the measured operational noise emissions exceed the noise limits listed within this Development Approval, submit to Council for approval, an amended Noise Impact Assessment Report demonstrating how the noise limits will be achieved with additional acoustic measures and treatment. If required, this amended Noise Impact Assessment Report must be provided within nine (9) months after the commencement of the approved use; and
 - 87.3 Within three (3) months of approval of the amended Noise Impact Assessment Report by Council, any additional or altered acoustic measures and treatment required to remedy compliance must be implemented.

AIR QUALITY & AMENITY – AIR RELEASE LIMITS

88. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the Air Quality Objectives listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive receptor place must not be released to the atmosphere.

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

89. 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:
- 89.1 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*.
- 89.2 A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometres (PM₁₀) 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:
- i) *Australian Standard AS3580.9.6: Methods for sampling and analysis of ambient air—Determination of suspended particulate matter – PM₁₀ high volume sampler with size-selective inlet – Gravimetric method*; or
 - ii) *Australian Standard AS3580.9.9: Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – PM₁₀ low volume sampler - Gravimetric method*.
90. 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

91. Kitchen exhaust points for the development must be located and operated in accordance with *Australian Standard AS1668.2-2002 The use of ventilation and air-conditioning in buildings* (specifically Section 5.10 – Air Discharges).

OUTDOOR LIGHTING IMPACT MITIGATION

92. Outdoor lighting associated with the use must be designed, sited, and installed to comply with the relevant parameters of *Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting*.
93. 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).

94. 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

95. 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:
- 95.1 Following treatment using an appropriate stormwater quality improvement device (SQID) as uncontaminated overland stormwater flow;
 - 95.2 Following treatment using an appropriate stormwater quality improvement device (SQID) as uncontaminated stormwater to the stormwater system; and
 - 95.3 Contaminants released to the wastewater system under and in accordance with a trade waste permit issued by Council under the *Water Supply (Safety and Reliability) Act 2008*.

WASTE MANAGEMENT (GENERAL)

96. 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)

97. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
- 97.1 Provision of a minimum of two (2) bulk bins for the site, each having a minimum capacity of 1.5 m³;
 - 97.2 Provision of separate bins for general and recyclable waste for the site;
 - 97.3 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built enclosure or solid screen fencing; and
 - 97.4 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)

98. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
- 98.1 Disposal of waste generated must be undertaken in accordance with the *Environmental Protection Regulation 2019*;
 - 98.2 Collection by a refuse vehicle from within the site only, and not from the road;
 - 98.3 Bins must be located in a manner that allows the refuse vehicle to pick them up automatically without the driver having to relocate them;
 - 98.4 General waste must be collected and removed at periods not exceeding seven (7) days;

- 98.5 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal;
- 98.6 Waste removal must not occur outside the hours of 7.00AM to 6.00PM; and
- 98.7 The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.

SITE BASED MANAGEMENT PLAN

- 99. Submit to Council for endorsement a Site Based Management Plan prepared by a suitably qualified person that, at a minimum, includes the following:
 - 99.1 Location of the site, including physical address, lot on plan and relevant scaled maps;
 - 99.2 Description of the site and relevant environmental features;
 - 99.3 Contact details and responsibilities for site representatives;
 - 99.4 Activities to be conducted on site including:
 - Location of activity areas;
 - Employee, patron and vehicle numbers;
 - Operating hours;
 - Amenities; and
 - When relevant, prohibited activities and prohibited areas;
 - 99.5 Operating procedures to prevent or minimise environmental harm, including but not limited to:
 - Air Quality and Dust Management;
 - Noise Impact Management;
 - Bushfire Management; and
 - Waste management;
 - 99.6 Maintenance practices, procedures and monitoring requirements to ensure the release of contaminants are within the parameters stated within the Approval or other relevant legislation;
 - 99.7 Contingency plans to deal with foreseeable risks and hazards including corrective responses to prevent and minimise environmental harm, including relevant emergency procedures;
 - 99.8 Communication of procedures, plans, incidents, potential environmental problems and results;
 - 99.9 Handling of environmental complaints;
 - 99.10 Production and storing of environmental records and reports;
 - 99.11 Staff training and awareness of environmental issues; and
 - 99.12 Schedule for periodic review and updating of environmental management practices and procedures commensurate to changes in site practices, new infrastructure or equipment or new legislative requirements.
- 100. The Site Based Management Plan must receive endorsement by Council prior to the commencement of the use.

101. The endorsed Site Based Management Plan must be implemented, maintained and modified where necessary to maintain compliance with the requirements of this Development Approval at all times.

LANDSCAPING

102. 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:
- 102.1 A Plant Plan and Schedule;
 - 102.2 The typical planting detail including preparation, backfill, staking and mulching;
 - 102.3 Internal dimensions of all planting areas;
 - 102.4 Location, height and finish of fencing fronting public land (including street frontages);
 - 102.4A Location, height and finish of vegetated screening, including but not limited to, acoustic barrier fences, between accommodation cabins, to adjoining Lot 4 SP286826, on the eastern side of the Function Facility building and along Zropf Rd;
 - 102.5 Location and species of existing site vegetation to be removed and/or retained in accordance with this Development Approval, including adjacent street trees to be retained and/or removed;
 - 102.6 Construction details of proposed surfaces, surface level changes and structures.
 - 102.7 North point, scale and drawing number; and
 - 102.8 Vegetated screening of the acoustic barriers in accordance with the conditions of this Development Approval.
103. The Landscape Plan must receive endorsement by Council prior to lodgement of any Development Application for a Development Permit for Operational Work or issue of any Development Permit for Building Work.
104. 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* in a manner that:
- 104.1 Maximises the retention of existing site vegetation which contributes to the site character;
 - 104.2 Maintains or increases tree canopy cover, including provision of a high degree of shade (minimum of 25% canopy cover at maturity) over car parking areas and associated internal roadways;
 - 104.3 Maximises the extent of new site vegetation to define boundaries, create shade and contribute to the site character;
 - 104.4 Designates variation in pavement colours and/or materials to define safe pedestrian movement areas; and
 - 104.5 Utilises plant species which are characteristic of the local area and provides seasonal variation, colour and texture.

105. 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.

ECOLOGICAL PRESERVATION & MANAGEMENT

REMOVAL OF EXISTING VEGETATION

106. Clearing, including felling, pushing, lopping and grubbing of existing trees and vegetation not identified for retention, including trees and vegetation required to be removed for external roadworks within a Council-controlled road, must be undertaken by a suitably qualified person and must include:

- 106.1 Stump grinding to below finished surface level;
- 106.2 Rectification to the finished surface levels and materials;
- 106.3 No damage to other vegetation for retention;
- 106.4 Legal disposal of all removed vegetation and debris; and
- 106.5 Conclude with the area being stabilised against erosion.

Note: The above condition does not apply to land within a State-controlled road corridor.

FAUNA MANAGEMENT DURING REMOVAL OF EXISTING VEGETATION

107. Prior to clearing, all trees to be removed are to be inspected for wildlife (i.e. koalas, possums, birds nests etc.). If wildlife is present, the tree must not be felled or pruned until the wildlife has left the tree or has been removed by a legislative compliant Fauna Spotter Catcher.

B. ADVICES:

GENERAL ADVICES

SUBMISSION OF PLANS / DOCUMENTS FOR ENDORSEMENT

- 1) The conditions of this Development Approval require submission of plans / documents to Council for endorsement. Please address the plans / documents for endorsement to Council's Development Services Branch with the Reference No. MCUI/2019/3685/A and send to development@tr.qld.gov.au.

INFRASTRUCTURE CHARGES

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

OTHER LAWS & REQUIREMENTS

- 3) This Development Approval relates to development requiring approval under the *Planning Act 2016* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.

- 4) Any works impacting outside the property boundary will require a permit under Subordinate Local Law 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011. Please contact Council's Road Operations Branch through our Customer Service Centre on 131 872. The application can be found on Council's website at www.tr.qld.gov.au.
- 5) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or the *Queensland Development Code*.

WHEN APPROVAL STARTS TO HAVE EFFECT

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

WHEN APPROVAL LAPSES

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

CLEARING OF NATIVE VEGETATION

- 8) The subject land supports regulated vegetation under the *Vegetation Management Act 1999* (VMA). The clearing of regulated vegetation can only be undertaken where associated with exempt clearing activities established under the VMA. For further information regarding exempt clearing activities please contact your local office of the Department of Natural Resources, Mines and Energy.

CLEARING OF PROTECTED PLANTS

- 9) In accordance with *Nature Conservation (Wildlife Management) Regulation 2006* you must check the flora survey trigger map, prior to the clearing of any native plants found on the subject land to determine if a flora survey must be undertaken and if a clearing permit for clearing endangered, vulnerable and near threatened plants ('EVNT plants') and their supporting habitat is required.

Under the Regulation, if a flora survey identifies that EVNT plants are not present or can be avoided by 100m, the clearing activity may be exempt from a permit, however an exempt clearing notification form must be submitted to the Department of Environment and Science. In an area other than a high risk area, a clearing permit is only required where a person is, or becomes, aware that EVNT plants are present, though a range of exemptions do apply. Clearing of least concern plants is generally exempt from requiring a clearing permit. For further information associated with the clearing of protected plants and to obtain flora survey trigger map for your site please refer to the Departmental website.

EXCAVATION & FILLING

- 10) The *Toowoomba Regional Planning Scheme* (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 Works approval from Council before commencing site works.

WASTE WATER TREATMENT & DISPOSAL SYSTEM

- 11) The establishment of a waste water treatment and disposal system for the subject land requires a Compliance Permit to be obtained from Council under the *Plumbing and Drainage Act 2002*. The system must be designed in accordance with the *Queensland Plumbing and Wastewater Code* (Department of State Development and Infrastructure & Planning, 2007) and the *Australian & New Zealand Standard AS/NZS1547 On-site domestic wastewater management*.

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

EQUITABLE ACCESS & FACILITIES

- 12) 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:

- 12.1 The *Disability Discrimination Act 1992* (Cth);
- 12.2 The *Anti-Discrimination Act 1991* (Qld); and
- 12.3 The *Disability (Access to Premises - Buildings) Standards*.

ENVIRONMENTAL HARM

- 13) 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, waste water, 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

- 14) 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 *Environment Protection and Biodiversity Conservation Act 1999* 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 *Environment Protection and Biodiversity Conservation Act 1999*.

Contact the Australian Government Department of the Environment and Energy 1800 803 772 to discuss any obligations under the EPBC Act.

DISPLACEMENT OF FAUNA SPECIES

- 15) The subject land may support native fauna species and other animals. Development activities must ensure negligent or willful harm to fauna does not occur. A site walk through prior to ground disturbance and tree clearing is advised to check for resident fauna species. Liaison with officers from the Queensland National Parks and Wildlife Service should be undertaken if native species are found on site. Consideration should also be given to the animal welfare provisions of the *Animal Care and Protection Act 2001*.

ENVIRONMENTALLY RELEVANT ACTIVITIES

- 16) 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.

WATER POLLUTION

- 17) 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.

FOOD PREMISES

- 18) The approved use includes a food premise. In accordance with the *Food Act 2006* and the *Food Standards Code* the premises must be registered and the operator licensed. Please contact Council's Environment & Health Services Branch via the Customer Service Centre for further information in respect of registration and a license.

FIRE ANTS

- 19) 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 *Plant Protection Act 1989* apply, compliance with statutory provisions must be achieved.

ADVERTISING SIGNS

- 20) 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*. A separate Operational Works 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

- 21) A Development Approval for Building Works is required for the following:
- 21.1 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;
 - 21.2 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
 - 21.3 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

- 22) 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:

<http://www.tr.qld.gov.au/environment-water-waste/water-supply-dams/rainwater-tanks/8352-info-026-requirements-for-installation-of-rainwater-tanks>.

SUITABLY QUALIFIED PERSON

- 23) 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 three (3) years current experience in the field of landscape design.
- 24) 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).
- 25) For the purpose of certifying operational noise for the development, a suitably qualified person is considered to be an environmental consultant with a minimum of three (3) years current experience in the field of acoustics.
- 26) For the purpose of certifying outdoor lighting devices for the development, a suitably qualified person is considered to be either:
- 26.1 A Registered Professional Engineer of Queensland (RPEQ); or
 - 26.2 An environmental or electrical design consultant with a minimum of three (3) years current experience in the field of outdoor lighting.
- 27) For the purpose of investigating a complaint of noise, air pollution, odour, dust or lighting nuisance arising from the operation of the approved development, a suitably qualified person is considered to be an environmental consultant with a minimum of three (3) years current experience in the relevant field.

C. ATTACHMENTS:

- Concurrence Agency Conditions Schedule 2
- List of Submitters
- Approved Development Plans
- Approved Documents
- Appeal provisions pursuant to the *Planning Act 2016*.

SCHEDULE 2

CONCURRENCE AGENCY (CONDITIONS AND COMMENTS)

STATE ASSESSMENT AND REFERRAL AGENCY (SARA)



Our reference: 2101-20538 SRA
Your reference: MCUI/2019/3685/A

###Secondary1###

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

Attention: Jayden Forbes-Mitchell

RECEIVED
10/8/2021
TOOWOOMBA
REGIONAL COUNCIL

Dear Jayden

Changed referral agency response—with conditions - 13 Horrex Road and 51 Horrex Road, Ravensbourne

(Given under section 28 of the Development Assessment Rules)

On 11 June 2021 the State Assessment and Referral Agency (SARA) received representations from the applicant requesting the department change its referral agency response. SARA has considered the representations and now provides this changed referral agency response which replaces the response dated 4 March 2021.

Response

Outcome:	Changed referral agency response – with conditions
Date of response:	9 August 2021
Conditions:	The changed conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Other change to approval:
	Development permit Material Change of Use – Function Facility Food and Drink Outlet and Short- Term Accommodation
SARA role:	Referral agency

SARA trigger: Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017) - Material change of use of premises near a state transport corridor and within 100m of a state-controlled intersection.

SARA reference: 2101-20538 SRA

Assessment Manager: Toowoomba Regional Council

Street address: 13 Horrex Road and 51 Horrex Road, Ravensbourne

Real property description: Lot 1 on RP198147 and Lot 63 on CA311028

Applicant name: Valdal Property Group Pty Ltd

Applicant contact details: C/- Property Projects Australia Ptd Ltd
216 Herries Street
Toowoomba QLD 4350
blake@propertyprojectsaustralia.com.au

Applicant details

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C/- Property Projects Australia Ptd Ltd

Applicant contact details: 216 Herries Street
Toowoomba QLD 4350
blake@propertyprojectsaustralia.com.au

Representations

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

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

For further information please contact Richard Webber, Principal Planning Officer, on (07) 4616 7304 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Susan Kidd
Manager (Program Improvement)

cc Valdal Property Group Pty Ltd, blake@propertyprojectsaustralia.com.au

enc Attachment 1—Changed conditions to be imposed
Attachment 2—Advice to the applicant
Attachment 3—Reasons for referral agency response
Attachment 4—Representations about a referral agency response provisions
Attachment 5—Approved plan

Attachment 1—Changed conditions to be imposed

(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) (A copy of the plan referenced below is found at Attachment 5)

No.	Conditions	Condition timing
Material change of use		
10.9.4.2.4.1 — Material change of use of premises near a state transport corridor and within 100m of the intersection with 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 conditions:		
1.	(a) Road works comprising a short channelised right turn treatment (CHR(s)) must be provided at the Philp Road/Esk-Hampton Road intersection with any ancillary works associated with the upgrade works. (b) The road works must be designed and constructed in accordance with Transport and Main Roads' Road Planning and Design Manual and Manual of Uniform Traffic Control Devices.	Prior to the commencement of use.
2.	Access is only permitted between Horrex Road and the subject site for emergency access, as shown on Site Plan – Other change prepared by Marc & Co, dated 24 March 2021, reference DA-100-B, revision 15, as amended in red by SARA on 9 August 2021	At all times.

Attachment 2— Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.
2.	Road works approval: Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road. Please contact the Department of Transport and Main Roads on to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction. <i>The applicant should note that road works conditions imply conceptual approval only. Further modifications and inclusions are likely to be required in order for submitted detailed designs to comply with TMR standards at the roadworks application (s33 TIA) stage. In particular, detailed designs may require, but should not limited to, necessary lane widening for provision of cycle lanes, lengthening of turn lanes, installation of lighting, signage and line marking, pavements, utilities and services, and roadsides and roadside furniture.</i>

Attachment 3—Reasons for referral agency response

The reasons for SARA's decision are:

With conditions, the development complies with State Code 1: Development in a state-controlled road environment of the SDAP. Specifically, the development:

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

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The SDAP (version 2.6), as published by SARA
- The *Development Assessment Rules*
- SARA DA Mapping system
- *Human Rights Act 2019*.

Attachment 4—Representations about a referral agency response provisions

(page left intentionally black)

Attachment 5—Approved plan

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List of Submitters:-

Mary-Jane Oliver
Lakeview
2951 Esk Hampton Road
RAVENSBOURNE QLD 4352

Errol Teichmann and Medeline Teichmann and Others.
Lot 117 Munro Road
PALMTREE QLD 4352

Victor James Braun
Lakeview
2951 Esk Hampton Road
RAVENSBOURNE QLD 4352

Brett Casey Purcell
124 Philp Road
RAVENSBOURNE QLD 4352

Louise Gunderson
3143 Esk Hampton Road
RAVENSBOURNE QLD 4352

Concrete Homes Australia Pty Ltd
C/- Robert L Dahl
PO Box 732
CLEVELAND QLD 4163

Amanda Hinds and Oliver Hinds
8616 New England Highway
HAMPTON QLD 4352

Robert Dahl
66 Case Road
RAVENSBOURNE QLD 4352

Brett John Gunderson
96 Philp Road
RAVENSBOURNE QLD 4352

Sally Ferguson
13 Horrex Road
RAVENSBOURNE QLD 4352

Mark Holdsworth
Mead Road
RAVENSBOURNE QLD 4352

Kate Ryan
Weller Road
RAVENSBOURNE QLD 4352

Precinct Urban Planning On Behalf of Robert Cameron
PO Box 280
CROWS NEST QLD 4355

Frederic Emile Brands
PO Box 1941
TOOWONG QLD 4066

William Francis Taylor
3178 Esk Hampton Road
RAVENSBOURNE QLD 4352

229 Appeals to tribunal or P&E Court

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

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

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

230 Notice of appeal

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

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

231 Non-appealable decisions and matters

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

decision includes—

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

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

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

232 Rules of the P&E Court

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

TOOWOOMBA REGIONAL COUNCIL

APPROVED PLAN

referred to in Council's Decision Notice dated

3 September 2021

This plan is subject to conditions of Approval Number

MCUI/2019/3685/A

[Signature]

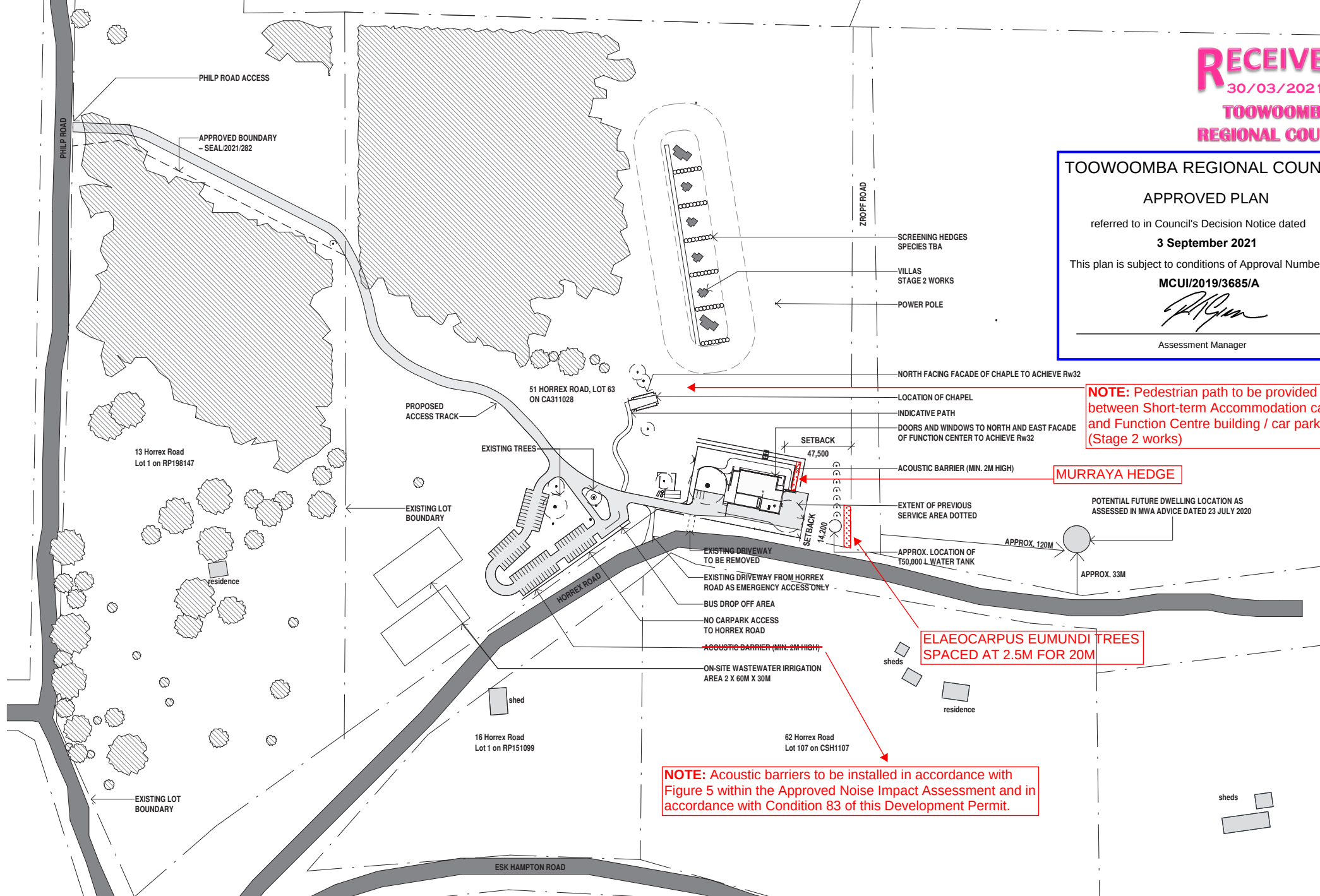
Assessment Manager

NOTE: Pedestrian path to be provided between Short-term Accommodation cabins and Function Centre building / car parking area (Stage 2 works)

MURRAYA HEDGE

ELAEOCARPUS EUMUNDI TREES SPACED AT 2.5M FOR 20M

NOTE: Acoustic barriers to be installed in accordance with Figure 5 within the Approved Noise Impact Assessment and in accordance with Condition 83 of this Development Permit.



1 SITE PLAN
SITE - OTHER CHANGES 1 : 2500



TOOWOOMBA REGIONAL COUNCIL

APPROVED PLAN

referred to in Council's Decision Notice dated

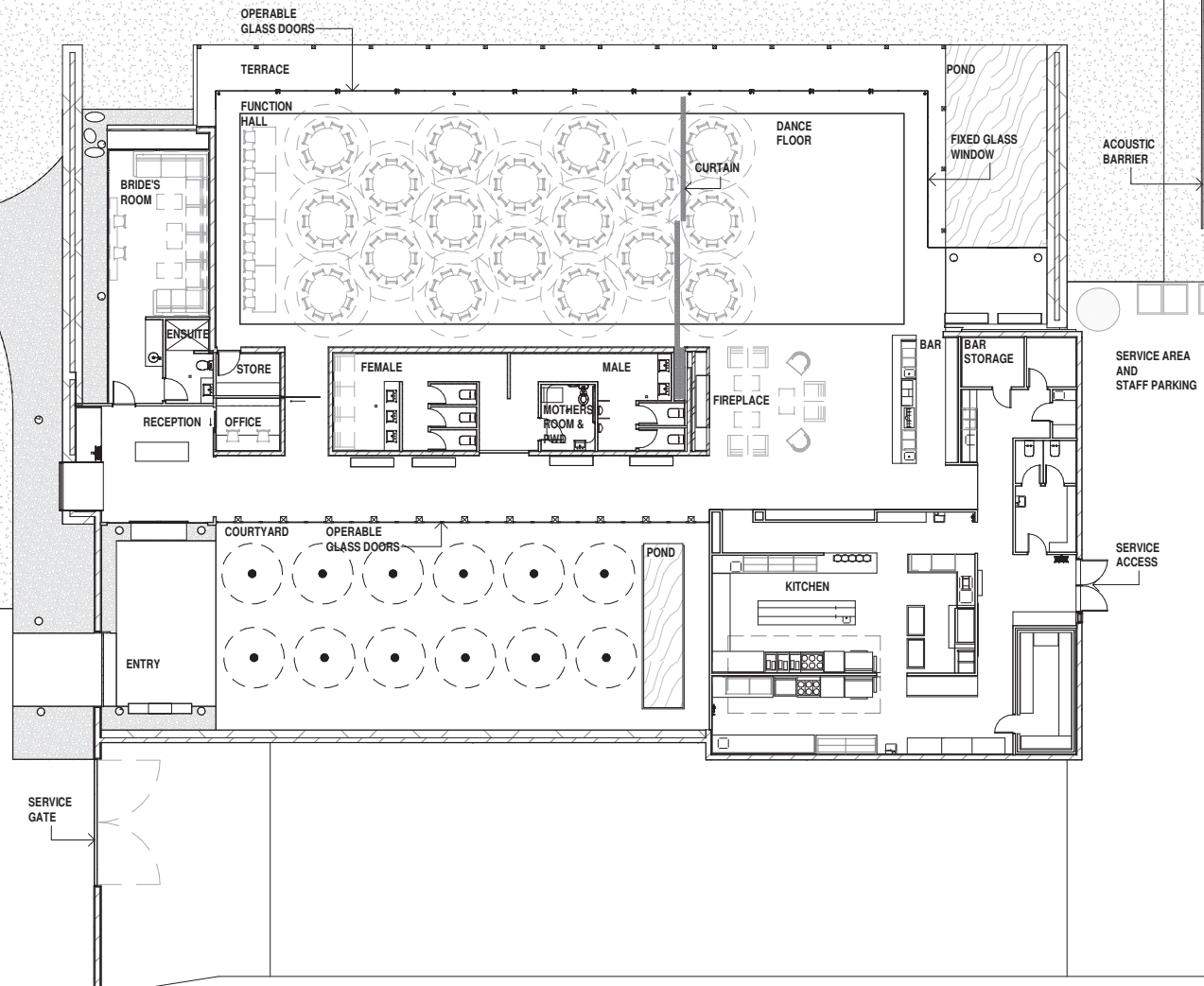
3 September 2021

This plan is subject to conditions of Approval Number

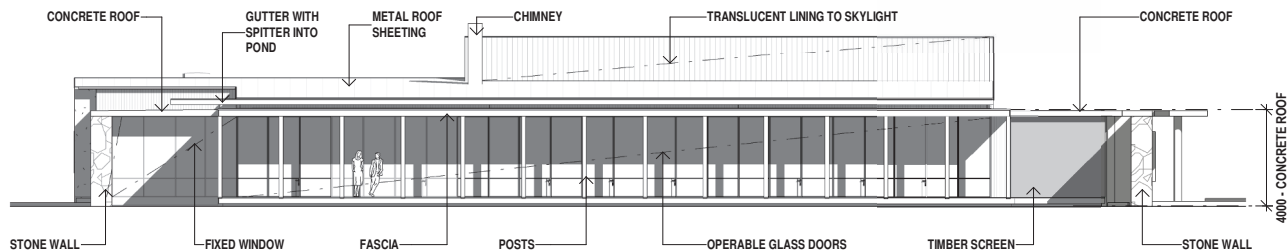
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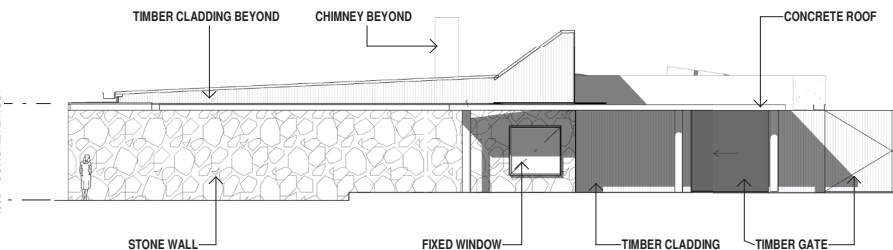
Assessment Manager



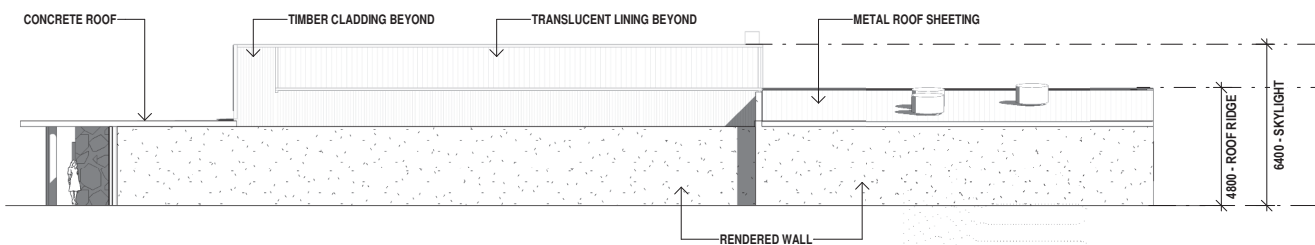
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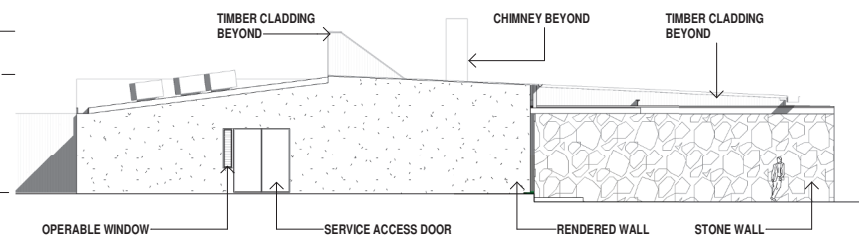
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ELEVATION - NORTH - DA 1 : 200



2 ELEVATION
ELEVATION - WEST - DA 1 : 200



3 ELEVATION
ELEVATION - SOUTH - DA 1 : 200



4 ELEVATION
ELEVATION - EAST - DA 1 : 200

TOOWOOMBA REGIONAL COUNCIL

APPROVED PLAN

referred to in Council's Decision Notice dated

3 September 2021

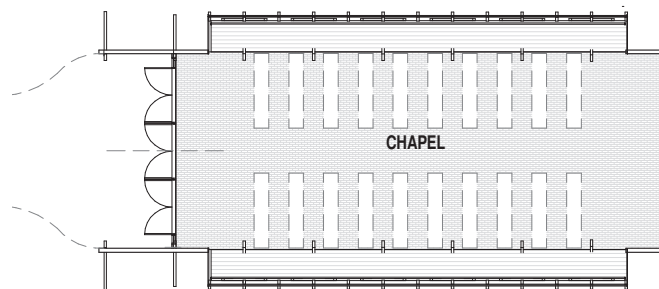
This plan is subject to conditions of Approval Number

MCUI/2019/3685/A

[Signature]

Assessment Manager

TOTAL GROSS FLOOR AREA: 175SQM



TOOWOOMBA REGIONAL COUNCIL

APPROVED PLAN

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3 September 2021

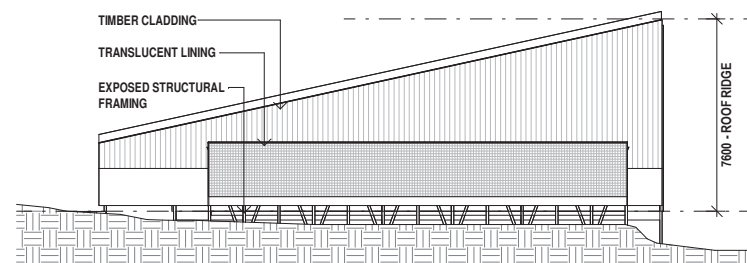
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MCUI/2019/3685/A

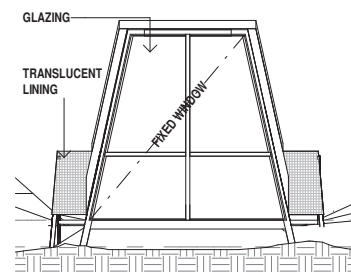
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Assessment Manager

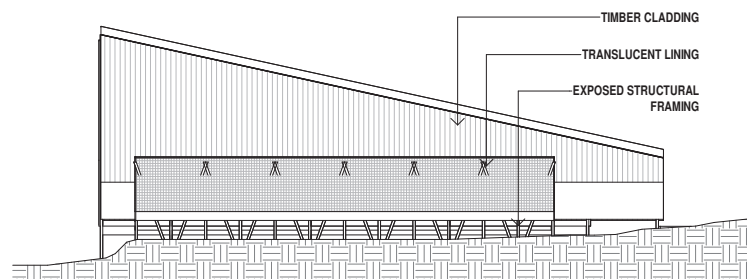
1 FLOOR PLAN
CHAPEL PLAN - DA 1 : 200



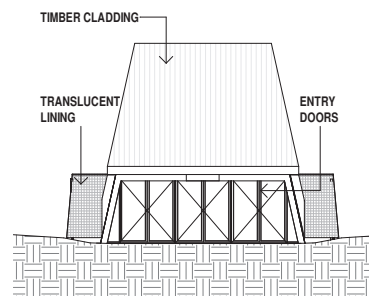
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CHAPEL ELEVATION SE - DA 1 : 200



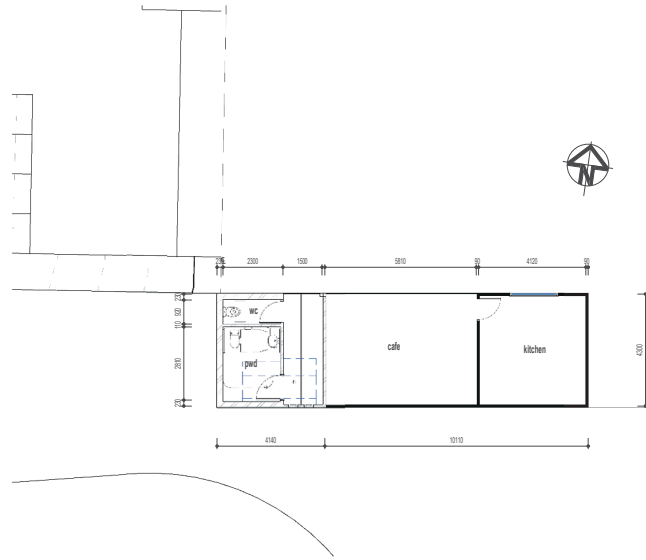
3 ELEVATION
CHAPEL ELEVATION NE - DA 1 : 200



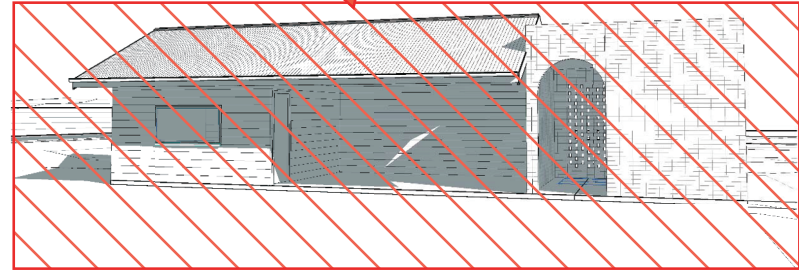
4 ELEVATION
CHAPEL ELEVATION NW - DA 1 : 200



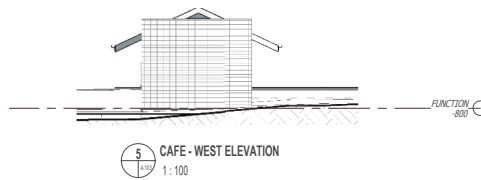
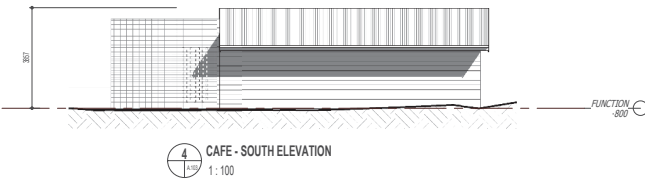
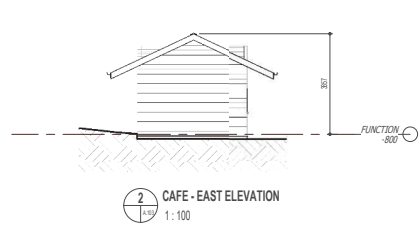
5 ELEVATION
CHAPEL ELEVATION SW - DA 1 : 200



NOTE: Perspective view does not form part of this Approved Plan



1 CAFE FLOOR PLAN
1:100



TOOWOOMBA REGIONAL COUNCIL

APPROVED PLAN

referred to in Council's Decision Notice dated

3 September 2021

This plan is subject to conditions of Approval Number

MCUI/2019/3685/A

[Signature]

Assessment Manager

bdp

BUILDING DESIGN PROFESSIONALS
QNSA 1100600
P.O. BOX 9074
FOX ST 4320 2008
dwp@toowoomba.com.au
PO Box 2207
Toowoomba QLD 4300

DESIGNER: bdp
DRAWN: bdp
CHECKED: bdp
DATE: 17/09/2019

VALIDAL PROJECTS

PROPOSED FUNCTION CENTRE

51 HORREX ROAD, RAVENSBORNE

SCALE: 1:100

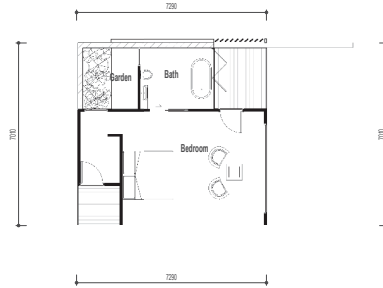
CAFE FLOOR PLAN

5

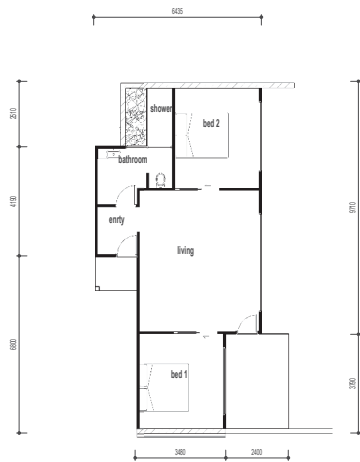
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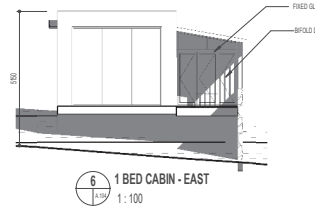
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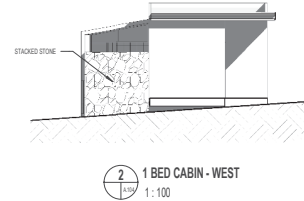
1.1 1 BED CABIN FLOOR PLAN
1:100



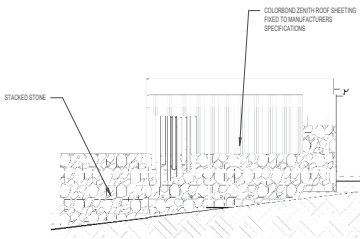
1 2 BED CABIN FLOOR PLAN
1:100



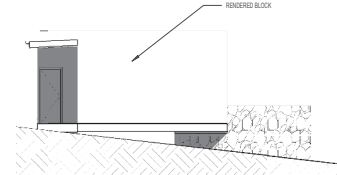
6 1 BED CABIN - EAST
1:100



2 1 BED CABIN - WEST
1:100



4 1 BED CABIN - NORTH
1:100



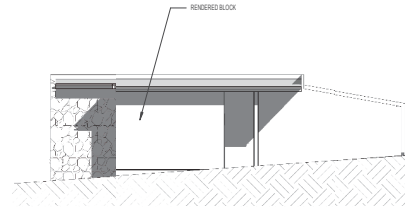
3 1 BED CABIN - SOUTH
1:100



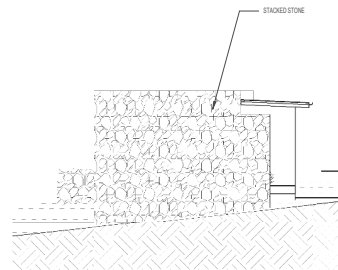
5 2 BED CABIN - EAST
1:100



8 2 BED CABIN - SOUTH
1:100



7 2 BED CABIN - WEST
1:100



9 2 BED CABIN - NORTH
1:100

TOOWOOMBA REGIONAL COUNCIL

APPROVED PLAN

referred to in Council's Decision Notice dated

3 September 2021

This plan is subject to conditions of Approval Number

MCUI/2019/3685/A

[Signature]

Assessment Manager

Our Reference: MCUI/2019/3685/A
CS Portal Reference: N/A

Officer: Maria Escañó
Contact: 131 872
Email: development@tr.qld.gov.au

AMENDED INFRASTRUCTURE CHARGES NOTICE

Planning Act 2016 Section 119

Valdal Property Group Pty Ltd
C/- Property Projects Australia Pty Ltd
PO Box 3686
TOOWOOMBA QLD 4350

Email: james@propertyprojectsaustralia.com.au
Cc: louise@propertyprojectsaustralia.com.au

23 September 2021

Dear Sir/Madam

Approved Development: Material Change of Use - Impact - Request to Change Approval Function Facility, Food and Drink Outlet and Short Term Accommodation
Location: Lot 1 RP198147 13 Horrex Road and 51 Horrex Road, RAVENSBORNE QLD 4352
Property Description: Lot 1 RP198147 & Lot 63 CA311028
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012*

I wish to advise that the attached Infrastructure Charges Notice for the above approved development has been issued by Council.

Rights of Appeal

Attached is an extract from Part 1 of Chapter 6 of the *Planning Act 2016* which details your appeal rights regarding the issue of this Notice.

The *Planning Act 2016* is available via:

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/P/PlanningA16.pdf>.

Yours faithfully



John Etherington
Coordinator Infrastructure Charges
Development Engineering & Plumbing Services



**TOOWOOMBA
REGION**

Rich traditions. Bold ambitions.

ABN 997 8830 5360

PO Box 3021 Toowoomba QLD 4350

Amended Infrastructure Charges Notice

To: Valdal Property Group Pty Ltd

Date of Issue: 23 September 2021

Application Number: MCUI/2019/3685/A

Type of Approval: Material Change of Use - Impact - Request to Change Approval Function Facility, Food and Drink Outlet and Short Term Accommodation

This Infrastructure Charges Notice is levied by the Toowoomba Regional Council.

The charge levied under this Infrastructure Charges Notice has been worked out by applying the Charges Resolution No. 3 (which took effect on 1 January 2020) and Charges Resolution No. 4 (which took effect on 25 August 2020). The charge was calculated as follows:

Charge Area Information:	Toowoomba Regional Council Charge Area:	Rural
	Number of networks servicing development:	One network
	Network items impacted by the development:	Transport

Notes on calculation of levied charge

In accordance with section 4(d)(iii) of Toowoomba Regional Council's Charges Resolution No. 3 and section 5(d)(iii) of Charges Resolution No. 4, a credit for the premises cannot exceed the adopted charge for the development.

Rounding may have been applied to the numbers stated on this notice.

Notes on the measurement of demand

Council measures demand for residential development, based on a per Bedroom, or per suite basis, subject to the terms of Charges Resolution No. 3 and Charges Resolution No. 4.

Otherwise, for non-residential development:

In accordance with Charges Resolution No. 3 and Charges Resolution No. 4, Council measures the demand placed upon the transport, water supply and sewerage networks for non-residential development via the application of a per metre squared of GFA approach – based on the material provided by the applicant and assessed, interrogated and approved as part of the development application. The units of measure for these networks is metres squared of GFA.

For the stormwater network, Council measures demand via the application of a per metre squared of impervious area approach – based on the material provided by the applicant and assessed, interrogated and approved as part of the development application. The unit of measure for this network is metres squared of impervious area.

Notes on working out the extra demand

Levied charges may only be for extra demand placed on trunk infrastructure that the development will generate. Council has worked out the extra demand in the manner shown below in the 'calculation of adopted charges for proposed development' table.

Calculation of Adopted Charges for proposed development - Land use					
Development type	Units of Measure	No. of Units	Charge Rate	Amount	Stage
Places of Assembly Charges Resolution No.3	m ² GFA	670	\$24.39	\$16,341.30	Stage 1
Indexation as per the automatic increase provision				\$225.75	Stage 1
Places of Assembly Charges Resolution No.4	m ² GFA	245	\$24.94	\$6,110.30	Stage 1
Commercial (Retail) Charges Resolution No.3	m ² GFA	36	\$62.71	\$2,257.56	Stage 1
Indexation as per the automatic increase provision				\$31.19	Stage 1
Short-term accommodation Charges Resolution No.4	Suite with 1 or 2 bedrooms	6	\$2,049.44	\$12,296.64	Stage 2
Indexation as per the automatic increase provision				\$169.87	Stage 2

TOTAL ADOPTED LAND USE CHARGES FOR PROPOSED DEVELOPMENT **\$37,432.61**

Calculation of Applicable Credits - Land use					
Development type	Units of Measure	No. of Units	Credit Unit Rate	Amount	Stage
Residential Charges Resolution No.3	3 or more bedroom dwelling	1	\$7,676.95	\$7,676.95	Stage 1
Indexation as per the automatic increase provision				\$106.05	Stage 1

TOTAL APPLICABLE LAND USE CREDITS **\$7,783.00**

Current Amount of the Total Levied Charge	\$29,649.61
--	--------------------

Notes on calculation of the current amount of the total levied charge
In Accordance with the Toowoomba Regional Council's Charges Resolution No. 3 (which took effect on 1 January 2020) and Charges Resolution No. 4 (which took effect on 25 August 2020), the current amount of the total levied charge has been worked out by subtracting the applicable credits from the adopted charges determined per the tables above.

Enquiries regarding this Infrastructure Charges Notice can be made by contacting Council's Coordinator Infrastructure Charges on 131 TRC (872).

Current Amount of the Total Levied Charge	Current Amount of the Total Levied Charge	\$29,649.61
	APPORTIONMENT BY STAGE:	
	Stage 1	\$17,183.10
	Stage 2	\$12,446.51

Premises to which the levied charge applies	Site Address	Lot 1 RP198147 13 Horrex Road and 51 Horrex Road, RAVENSBORNE QLD 4352
	Real Property Description	Lot 1 RP198147 & Lot 63 CA311028

Automatic increase provision	The amount of the levied charge is subject to automatic increases and will be escalated by the Producer Price Index from the date of the notice to the payment date in accordance with the Toowoomba Regional Council's Charges Resolution No. 3 (which took effect on 1 January 2020) and Charges Resolution No. 4 (which took effect on 25 August 2020).
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Payment date pursuant to section 122 of the <i>Planning Act 2016</i>	The levied charge here applies for Material change of use. As such, the levied charge becomes payable when the change happens.
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Offset/refund	Not Applicable.
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Rights of Appeal

Attached is an extract from Chapter 6, Part 1, and Schedule 1 of the *Planning Act 2016* which details your appeal rights regarding the issue of this Notice. The *Planning Act 2016* is available via:

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/P/PlanningA16.pdf>.

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

229 Appeals to tribunal or P&E Court

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

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

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 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 become 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 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, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.

- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section— decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

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

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

232 Rules of the P&E Court

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

Extract from Schedule 1 of the Planning Act 2016 (Appeals)

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (h) a decision to give an enforcement notice—
 - (i) in relation to a matter under paragraphs (a) to (g); or
 - (ii) under the *Plumbing and Drainage Act 2018*; or
 - (i) an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (k) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
 - (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—

storey see the Building Code, part A1.1.

Table 1
Appeals to the P&E Court and, for certain matters, to a tribunal

4, Infrastructure charges notices

An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds-

- (a) The notice involved an error relating to –
 - (i) The application of the relevant adopted charge; or
 - Examples of errors in applying an adopted charge –
 - The incorrect application of gross floor area for a non-residential development
 - Applying an incorrect 'use category', under a regulation, to the development
 - (ii) The working out of extra demand, for section 120; or
 - (iii) An offset or refund; or
- (b) There was no decision about an offset or refund; or
- (c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or
- (d) For an appeal to the P&E court – the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notices	The local government that gave the infrastructure charges notice		