

Our Reference: MCUI/2020/1802/D
& RAL/2020/1808/D
Contact Officer: Emily Hinchliffe
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Decision Notice
CHANGE TO A DEVELOPMENT APPROVAL
Planning Act 2016 Section 83

Gemstone Lifestyle No. 8 Pty Ltd
C/- Innovative Planning Solutions
PO Box 1043
MAROOCHYDORE QLD 4558

Email: info@ipsptyltd.com.au

12 August 2026

Dear Sir/Madam

Development Approval:	Request to Change – Material Change of Use – Impact – Retirement Facility; and
Location:	Reconfiguring a Lot – Reconfigure 4 into 5 Lots
Property Description:	25 Tall Oak Drive, COTSWOLD HILLS QLD 4350
Relevant Planning Scheme:	Lot 1 SP330786
	<i>Toowoomba Regional Planning Scheme 2012</i>

I refer to your application received on 11 May 2026 for a change to the development approval for Material Change of Use – Impact – Retirement Facility; and Reconfiguring a Lot – Reconfigure 4 into 5 Lots approved on 3 February 2025.

The change application was assessed against the relevant assessment benchmarks as identified in the *Toowoomba Regional Planning Scheme 2012* for the development.

On the 7 August 2026, the change application was approved as per the attached Schedules. The changes are considered to be consistent with the relevant assessment benchmarks.

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



Krys Den Hertog,
Principal Planner, Planning Branch

SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - IMPACT

APPLICATION NUMBER:	MCUI/2020/1802/D
APPLICANT:	Gemstone Lifestyle No. 8 Pty Ltd
LOCATION:	25 Tall Oak Drive, COTSWOLD HILLS QLD 4350
PROPERTY DESCRIPTION:	Lot 1 SP330786
APPROVED USE:	Retirement Facility
ZONING / PRECINCT:	Emerging Community / Nil.

A. ASSESSMENT MANAGER'S CONDITIONS:

PLANNING

APPROVED USE

1. This Development Approval is for a Material Change of Use for a Retirement Facility (up to ~~183~~ **205 207** units), in ~~Six (6)~~ Two (2) Stages and ~~183 Sub Stages~~, and is limited as outlined below:
 - 1.1 ~~129~~ **143 x Two (2) bedroom Units; and**
 - 1.2 ~~54 62~~ **207 x Three (3) Bedroom Units; and**
 - 1.3 Development in ~~Six (6)~~ Two (2) Stages as follows, ~~and 183 Sub Stages~~:
 - 1.3.1 Stage 1 comprising:
 - ~~129 28~~ **131** dwellings; and
 - Pickleball Court; **and**
 - **Entry**
 - ~~Ancillary Caravan Store; and~~
 - ~~Ancillary Community Facilities including Hobby Workshop, Spike Bar, golf, croquet and tennis areas, and the private internal road connecting Stage 1 dwellings to Community Facilities;~~
 - 1.3.2 Stage 2 comprising;
 - ~~76 44~~ dwellings; and
 - ~~Ancillary Community Facilities including Community Centre and bowls areas;~~
 - 1.3.3 ~~Stage 3 comprising 43 dwellings;~~
 - 1.3.4 ~~Stage 4 comprising 31 dwellings;~~
 - 1.3.5 ~~Stage 5 comprising 37 dwellings;~~

1.3.6 ~~Stage 6 comprising an ancillary Golf Course (3.937ha);~~

1.4 Any Community Facilities ~~and the Golf Course (3.937ha)~~ must be ancillary, subservient and subordinate to the predominant use of the premises for Retirement Facility; and

1.5 The limitation that no more than three (3) of the same dwelling typology adjoin each other.

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.
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: 146500-05

Description: Plan of Subdivision Over Lot 990 on SP290343, prepared by RPS Urban Design and dated 8/5/2020

Amendments: Nil

~~**Plan No:** 146500-06 Revision C~~

~~**Description:** Site Plan, prepared by RPS Urban Design and dated 9/11/2020~~

~~**Amendments:** Amended in red to:~~

- ~~• Remove the 'indicative connection to golf course' on Council drainage / park lot (Lot 999 SP290343); and~~
- ~~• Identify suitable emergency vehicle access to the development, unless a plan of an alternative location is endorsed by Council.~~

Plan No: BP1495/1.01 Revision ~~K-V~~

Description: Master Plan, prepared by Virage Architects and dated ~~4 September 2024~~ **1 May 2026**

Amendments: As amended in "RED" by Council.

~~Contain all earthworks, retaining structures, buildings, fences and landscaping entirely outside of Council land and Council's services easement at the eastern part of the subject land adjoining Council's drainage land in accordance with conditions of approval;~~

~~Identify the location of sealed emergency access; and~~

~~Identify the locations of acoustic barriers in accordance with conditions of approval.~~

~~**Plan No:** 146500-06 Revision C~~

~~**Description:** Titled in red 'Waste Management Plan - Shared Refuse Collection Points', prepared by RPS Urban Design and dated 9/11/2020~~

~~**Amendments:** Amended in red to show shared refuse collection points. This plan is approved to the extent of showing the shared refuse collection points.~~

Plan No: ~~146500-07 Revision A~~

Description: ~~Staging Plan, prepared by RPS Urban Design and dated 9/11/2020~~

Amendments: ~~Amended in red to remove the 'indicative connection to golf course' on Council drainage / park lot (Lot 999 SP290343).~~

Plan No: **BP1495/1.03 Revision A**

Description: **Refuse Vehicle Details, prepared by Virage Architects and dated 1 May 2026**

Amendments: Nil

Plan No: ~~BP1495/1.034~~ **Revision C G**

Description: ~~Staging Plan, prepared by Virage Architects and dated 4 September 2024~~ **1 May 2026**

Amendments: Nil

Plan No: C-CCL

Description: Jasmine – Preliminary – Proposed Floor Plan, prepared by Ausmar Commercial and undated

Amendments: Nil

Plan No: C-CCL Issue C Sheet 4 of 1

Description: Jasmine – Preliminary – Elevations, prepared by Ausmar Commercial and dated 13/7/2020

Amendments: Nil

Plan No: C-CCL Issue C Sheet 5 of 1

Description: Jasmine – Preliminary – Elevations, prepared by Ausmar Commercial and dated 13/7/2020

Amendments: Nil

Plan No: C-CCL

Description: Kingston – Preliminary – Proposed Floor Plan, prepared by Ausmar Commercial and undated

Amendments: Nil

Plan No: C-CCL Issue C Sheet 4 of 1

Description: Kingston – Preliminary – Elevations, prepared by Ausmar Commercial and dated 13/7/2020

Amendments: Nil

Plan No: C-CCL Issue C Sheet 5 of 1

Description: Kingston – Preliminary – Elevations, prepared by Ausmar Commercial and dated 13/7/2020

Amendments: Nil

Plan No: C-CCL

Description: Links – Preliminary – Proposed Floor Plan, prepared by Ausmar Commercial and undated

Amendments: Nil

Plan No: C-CCL Issue C Sheet 4 of 1

Description: Links – Preliminary – Elevations, prepared by Ausmar Commercial and dated 13/7/2020

Amendments: Nil

Plan No: C-CCL Issue C Sheet 5 of 1

Description: Links – Preliminary – Elevations, prepared by Ausmar Commercial and dated 13/7/2020

Amendments: Nil

Plan No: C-CCL
Description: Moonah – Preliminary – Proposed Floor Plan, prepared by Ausmar Commercial and undated
Amendments: Nil

Plan No: C-CCL Issue C Sheet 4 of 20
Description: Moonah – Preliminary – Elevations, prepared by Ausmar Commercial and dated 13/7/2020
Amendments: Nil

Plan No: C-CCL Issue C Sheet 5 of 20
Description: Moonah – Preliminary – Elevations, prepared by Ausmar Commercial and dated 13/7/2020
Amendments: Nil

Plan No: C-CCL
Description: Nelson – Preliminary – Proposed Floor Plan, prepared by Ausmar Commercial and undated
Amendments: Nil

Plan No: C-CCL Issue C Sheet 4 of 1
Description: Nelson – Preliminary – Elevations, prepared by Ausmar Commercial and dated 13/7/2020
Amendments: Nil

Plan No: C-CCL Issue C Sheet 5 of 1
Description: Nelson – Preliminary – Elevations, prepared by Ausmar Commercial and dated 13/7/2020
Amendments: Nil

~~**Plan No:** TP01
Description: Country Club Living Community Centre Ground Floor Plan, prepared by Select Architects Pty Ltd and dated 21/05/2020
Amendments: Nil~~

~~**Plan No:** TP02
Description: Country Club Living Community Centre Proposed Elevations, prepared by Select Architects Pty Ltd and dated 21/05/2020
Amendments: Nil~~

~~**Plan No:** BP1495/3.01 Revision B
Description: Lower Floor Plan, prepared by Virage Architects and dated 8 September 2024
Amendments: Nil~~

~~**Plan No:** BP1495/3.02 Revision C
Description: Upper Floor Plan, prepared by Virage Architects and dated 4 September 2024
Amendments: Nil~~

~~**Plan No:** BBP1495/3.03 Revision A
Description: Clubhouse Elevations, prepared by Virage Architects and dated 9 September 2024
Amendments: Nil~~

~~Plan No: BP1495/3.04 Revision A~~

~~Description: Clubhouse Elevations, prepared by Virage Architects and dated 9 September 2024~~

~~Amendments: Nil~~

Plan No: PD002, Revision AA

Description: Ground Floor Plan, prepared by Phillip Nielsen and dated 23 March 2026

Amendments: As amended in "RED" by Council.

Plan No: PD003, Revision AA

Description: First Floor Plan, prepared by Phillip Nielsen and dated 23 March 2026

Amendments: As amended in "RED" by Council.

Plan No: PD005, Revision AA

Description: Elevations 1-2, prepared by Phillip Nielsen and dated 23 March 2026

Amendments: Nil

Plan No: PD006, Revision AA

Description: Elevations 3-4, prepared by Phillip Nielsen and dated 23 March 2026

Amendments: Nil

Plan No: PD002, Revision AA

Description: Ground Floor Plan (Tennis and Workshop Pavilion), prepared by Phillip Nielsen and dated 6 March 2026

Amendments: Nil

Plan No: PD004, Revision AA

Description: Elevations, prepared by Phillip Nielsen and dated 6 March 2026

Amendments: Nil

~~Plan No: Not described~~

~~Description: Hobby Workshop, and undated~~

~~Amendments: Nil~~

~~Plan No: 15-018~~

~~Description: Spike Bar, prepared by DR-Design Drafting Service and dated 20/05/2016~~

~~Amendments: Nil~~

~~Plan No: 2020-01 Issue B~~

~~Description: Landscape Plan - Overall Site, prepared by Jacki Amos Landscape Architects and dated 11/5/2020~~

~~Amendments: Amended in red to remove the 'indicative connection to golf course' on Council drainage / park lot (Lot 999 SP290343). This plan is approved to the extent of showing conceptual landscaping works which are to be shown on the Landscape Plan to be submitted to Council for endorsement, as required by the Conditions of this Development Approval.~~

Plan No: L240885 Revision A Q

Description: Statement of Landscape Intent (Site context, landscape design, dwelling design, site sections. Fencing & walls and planting palettes), prepared by Zone Landscape and dated ~~21 August 2024~~ 27 April 2026

Amendments: As amended in "RED" by Council.

~~-Contain all earthworks, retaining structures, buildings, fences and landscaping entirely outside of Council land and Council's services easement at the eastern part of the subject land adjoining Council's drainage land in accordance with conditions of approval;~~

~~-Identify the location of sealed emergency access; and~~

~~-Identify the locations of acoustic barriers in accordance with conditions of approval.~~

Plan No: DA10 Revision A
Description: Conceptual Pump Station Access Arrangement, prepared by ADG and dated 17/8/2020
Amendments: Nil

~~7. Plans to be amended must only incorporate the amendments listed within this Development Approval and must be resubmitted to Council for approval prior to the issue of any Development Permit for Operational Work, Building Work or Development Permit for Plumbing and Drainage Work, or prior to commencement of use, or prior to Council's approval of the Plan of Subdivision, whichever occurs first.~~

7. No earthworks, retaining structures, buildings, fences or landscaping to be located within Easement SC SP290343 and Easement WB SP290343.

Note: Council does not consent to any building work within these Easements.

8. The approved landscape plans must be read in conjunction with the following limitations ~~as marked in red on the plans:~~

8.1 The approved landscape plans do not constitute detailed landscape approval and will be subject to further assessment as part of the endorsement process required by the Conditions of this Development Approval; ~~and~~

8.2 The approved landscape plans are approved to the extent of showing conceptual landscaping works which must be generally shown on the Landscape Plan to be submitted to Council for endorsement as required by the Conditions of this Development Approval;

~~8.3 The following must be removed from the landscaping plans:~~

~~8.3.1 All depicted or implied earthworks, retaining structures, buildings, fences and landscaping within Council land and Council's services easement at the eastern part of the subject land adjoining Council's drainage land; and~~

~~8.4 The following must be identified on the landscaping plans:~~

~~8.4.1 The location of the sealed emergency access; and~~

~~8.4.2 The location of acoustic barriers in accordance with Condition 138.~~

Note: The approved landscape plans do not imply or confer any right to undertake development within Council land or Council easements.

9. Additional Dwelling Typology Floor Plans and Elevations may be submitted to Council for endorsement. Where endorsed by Council the additional Dwelling Typology Floor Plans and Elevations will form part of the Approved Plans for this Development Permit and be subject to the conditions of this Development Approval.

APPROVED DOCUMENT

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

~~Document:~~ Project Number J000353, Noise Impact Assessment, V 1-2

~~Description:~~ Noise Impact Assessment, prepared by Range Environmental and dated 08/05/2020-8 November 2024

~~Amendments:~~ Nil Include a road traffic noise assessment and a SPS reverse amenity impact assessment as recommended within Section 6.2 and 6.3.

Document: Waste Management Plan, Version **2 4**

Description: Waste Management Plan, prepared by Range Environmental Consultants and dated ~~8 November 2024~~ **6 May 2026**

Amendments: ~~Nil. Include RPEQ-certified manoeuvring diagrams demonstrating that the relevant Refuse Collection Vehicle can traverse the site to service all bins, and demonstrating sufficient horizontal and vertical clearances for lift arms to clear all landscaping, fences, walls and fixtures.~~

~~10A. Documents to be amended must only incorporate the amendments listed within this Development Approval and must be resubmitted to Council for approval and receive endorsement prior to the issue of any Development Permit for Operational Work, Building Work or Development Permit for Plumbing and Drainage Work, or prior to commencement of use, whichever occurs first.~~

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

11. Prepare and submit applications to Council and obtain a Development Permit for Operational Work for the following:
 - 11.1 Roadwork;
 - 11.2 Bulk Earthwork;
 - 11.3 Stormwater Infrastructure;
 - 11.4 Wastewater Infrastructure; and
 - 11.5 Water Infrastructure.

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

12. Prepare and submit the following plans and/or documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:
 - 12.1 Additional Dwelling Typology Floor Plans and Elevations (where applicable);
 - 12.2 Erosion and Sediment Control Plan;
 - 12.3 Construction Environmental Management Plan;
 - 12.4 Schedule of External Finishes;
 - 12.5 ~~Golf Course Safety Plan;~~
 - 12.6 ~~Waste Management Plan;~~ and
 - 12.7 Landscape Plan.

STAGED DEVELOPMENT

13. Staging of the development is to occur in accordance with the staging indicated on the Approved Staging Plan subject to and modified by any conditions of this Development Approval.
14. 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.

Note: The Approved Plans identifies the approved Stages. ~~Each approved Stage includes a number of sub-stages. For clarification, any reference to a Stage within this development approval is to a Stage and not an individual sub-stage.~~

~~Unless otherwise specified within the conditions of approval, all conditions of approval applying to a Stage must be complied with prior to the commencement of use of a sub-stage within that Stage.~~

15. All stages must be completed within ten (10) years of the Development Approval starting to have effect.

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

16.1 Conditions Applicable to all stages of development:

All conditions apply to all stages of development.

16.2 Additional conditions only applicable to Stage 2 of development:

No conditions apply only to Stage 2 of development.

~~16.1 Conditions Applicable to Stages 1 and 6 of Development:~~

~~107 & 108~~

~~16.2 Conditions Applicable to Stage 2 of Development:~~

~~81-83~~

~~16.3 Conditions Applicable to Stage 5 of Development:~~

~~138~~

~~16.4 Conditions Applicable to Stage 6 of Development:~~

~~110, 124 & 125~~

~~16.5 Conditions Applicable to all Stages of Development:~~

~~All other conditions~~

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

17. 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

18. Submit to Council a Notice of Intention to Commence the Approved Use for each stage of the development. The notice must:

18.1 Be submitted to the Manager, Development Services within a minimum of ten (10) business days prior to commencement of the approved use for each stage;

18.2 Nominate the day the approved use for that stage is intended to commence; and

- 18.3 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 relevant to that stage have been complied with.

DEDICATIONS, AGREEMENTS & CONTRIBUTIONS

INFRASTRUCTURE AGREEMENT

19. The development must be carried out in accordance with the Infrastructure Agreement titled 'Infrastructure Agreement – Gowrie Junction Road' between Harmony Glades Pty Ltd and Toowoomba Regional Council dated 20 November 2015 with reference RAL/2014/708 applicable to the subject land, and the Deed of Variation to the Infrastructure Agreement – Gowrie Junction Road between Harmony Glades Pty Ltd and Toowoomba Regional Council dated 8 March 2021 applicable to the subject land as further varied or novated by deed.

DEDICATION OF LAND

20. The land area located between the northern end of Tall Oak Drive and the entrance of the proposed development on the subject land for a minimum width of 23m must be dedicated as road reserve in accordance with the requirements of the Department of Natural Resources, Mines and Energy.

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

21. The transfer of land dedicated to Council must be at no cost to Council.

EASEMENTS

22. Unless consistent with the terms of the easement and authorised under this Development Approval, any permanent works or structures must be kept clear of any existing or proposed easements on the subject land.
- 22A. An easement for drainage purposes must be registered in favour of Council against the title of Lot 1 SP330786. The easement must be a minimum 6 metres wide and must be located over proposed stormwater pipe conveying stormwater from Tall Oak Drive to the legal point of discharge.
- 22B. Where the Grantee is Council or a service authority, the easement documentation must be in accordance with the Grantee's standard easement terms and documents or any other terms and conditions as deemed necessary to fulfil the purpose of the easement.
- 22C. All documentation must be prepared and submitted to Council, at no cost to Council, for endorsement where Council is the Grantee or review against conditions of approval otherwise.

DEVELOPMENT CONSTRAINTS

FLOOD IMMUNITY

23. Design and construct all proposed building pad levels, floor levels and ancillary structures to the flood planning level. Alternatively, design and construct development:
- 23.1 outside land identified as high or medium flood hazard level on the Flood Hazard Overlay; or
 - 23.2 above the highest known flood level for the site; and
 - 23.3 so as to minimise or avoid safety risk to persons and risk to property damage; and
 - 23.4 so as to resist hydrostatic and hydrodynamic forces as a result of inundation by flooding.

24. Design and install essential services infrastructure:
 - 24.1 above the defined flood level; or
 - 24.2 to exclude floodwater intrusion; and
 - 24.3 so as to prevent infiltration and resist hydrostatic and hydrodynamic forces as a result of inundation by flooding.
25. Submit to Council 'as constructed' drawings certified by a Registered Surveyor and Registered Professional Engineer of Queensland confirming that the development has been constructed in accordance with Conditions 23 and 24.
26. All earthworks undertaken on land identified as high or medium flood hazard area on the Flood Hazard Overlay must be carried out in accordance with a Development Permit for Operational Work or the following where there is no requirement for a Development Permit for Operational Work:
 - 26.1 Earthworks must not physically alter any watercourse or floodway and must not include vegetation clearing;
 - 26.2 Earthworks must not reduce on-site flood storage capacity, and contain within the subject land, any changes to depth, duration and velocity of flood waters of all floods up to and including the highest known flood event for the subject land; and
 - 26.3 Earthworks must not change the flood characteristics of the highest known flood event outside the subject land in ways that result in:
 - i) loss of flood storage;
 - ii) loss of or changes to flow paths;
 - iii) acceleration or retardation of flows; and
 - iv) any reduction in flood warning times elsewhere.
27. Manufacture and/or bulk storage of hazardous goods or materials must not occur at any time on land identified as high or medium flood hazard area on the Flood Hazard Overlay.

WORKS

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

28. Plans and specifications for all works associated with car parking, vehicular access, stormwater drainage, wastewater, water supply, earthworks, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
29. A RPEQ must submit to Council a copy of the:
 - 29.1 Design Certificate prior to commencement of the works; and
 - 29.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
30. 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.

31. 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

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

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

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

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

- 34.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval;
- 34.2 No increase in peak flow rates downstream from the subject land for storm events as nominated in PSP 6.2 Table SC6.2.7. Major events exceeding ARI of 100 years must be considered in accordance with the requirements of the *Queensland Urban Drainage Manual*;
- 34.3 No increase in flood levels external to the subject land;
- 34.4 No increase in duration of inundation external to the subject land that could cause loss or damage;
- 34.5 Appropriate inspection and maintenance of stormwater quality control infrastructure in accordance with a program; and
- 34.6 The achievement of Water Sensitive Urban Design objectives listed in PSP No. 2 and *State Planning Policy July 2017*.

Note: The Infrastructure Agreement – Gowrie Junction Road referenced in Condition 19 at Schedule 2 – 3 Stormwater Infrastructure – Item 3 provides the obligations associated with providing a contribution for the development of the land towards regional stormwater quality works in lieu of any stormwater quality works required by this condition.

- 34A. Stormwater flows from Tall Oak Drive and the internal catchment must not be conveyed over the top of retaining walls for all events up to and beyond the ARI of 100 years.

Note: Maximum 45-degree bends will be required (instead of 90-degree bends as depicted) to convey stormwater from Tall Oak Drive to the lawful point of discharge.

STORMWATER DISCHARGE

35. 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.

36. Design and construction of all internal stormwater drainage works must comply with each applicable section of *Australian and New Zealand Standard AS/NZS 3500 - Plumbing and Drainage Code* and the *Queensland Urban Drainage Manual*.

BULK EARTHWORKS

37. Where earthworks are not assessed as part of a Development Application for a Development Permit for Building Work, prior to the commencement of any earthworks on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council.
38. All earthworks and retaining walls, including batters, must be fully contained within the development site and must not in any way impact on the Council drainage / park lot (Lot 999 SP290343).

EROSION & SEDIMENT CONTROL

39. An Erosion and Sediment Control Plan must be prepared by a Certified Professional for Erosion and Sediment Control and submitted to Council for endorsement, and must be endorsed, prior to commencing any site works. This document must include:
- 39.1 Site analysis of soils, slopes, wind and rainfall;
 - 39.2 Plans showing the diversion of clean offsite water around the development and direction of site dirty water to retention dams or sedimentation ponds;
 - 39.3 Clearly defined water quality release parameters from retention ponds;
 - 39.4 Calculations for the appropriate sizing of retention or sedimentation ponds such that water quality release parameters can be met;
 - 39.5 Overflow and release points for new or existing structures with suitable erosion control measures and devices that limit scouring and transport of sediment; and
 - 39.6 Clearly defined erosion and sediment control measures suitable for the soil type, wind and rainfall characteristics found on site throughout all stages of development.
40. 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.
41. 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.
42. 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.
43. All disturbed areas must be mulched or turfed as soon as possible during construction. Where grass seeding is undertaken, appropriate measures must be in place until the establishment of suitable ground cover.

44. Measures such as vehicle baths, wash-down and construction matting together with dust suppressants and wraps, exposed ground and stockpile sprinkling must be put in place to minimize site vehicles tracking sediment onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction and, where applicable the ensuing 'on-maintenance' period.

DAMAGE TO SERVICES & ASSETS

45. Protect Council and public utility services and assets during construction of the development.
46. 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:
 - 46.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 46.2 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.
47. 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.
48. 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 131 872.

AIR QUALITY IMPACT MITIGATION

49. 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.
50. 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:
 - 50.1 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

51. 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*.
52. 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*.
53. Fires must not be lit to dispose of demolition or construction waste.
54. 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:

- 54.1 Elsewhere within this Development Approval;
 - 54.2 In accordance with an associated Operational Works approval;
 - 54.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 54.4 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
 - 54.5 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.
55. 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

56. 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.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

57. Prior to the commencement of any Operational Works, submit to Council for endorsement a Construction Environmental Management Plan prepared by a qualified person for those works. Prior to the commencement of any Building Works, submit to Council for endorsement a Construction Environmental Management Plan prepared by a qualified person for those works. The Construction Environmental Management Plan/s must, at a minimum, include the following:
- 57.1 Hours of building and operational work activity (as relevant);
 - 57.2 Air quality management – emission monitoring;
 - 57.3 Noise and vibration management;
 - 57.4 Construction site lighting (where night works are proposed to occur);
 - 57.5 Stormwater quality management;
 - 57.6 Erosion and sediment control management;
 - 57.7 Waste management;
 - 57.8 Construction traffic management;
 - 57.9 Complaint management;
 - 57.10 Community awareness; and
 - 57.11 Preparation of site work plans.
58. Each Construction Environmental Management Plan must address both the internal works for the development and any associated external works.

59. Each Construction Environmental Management Plan must receive endorsement by Council prior to issue of any Building Works approval or Operational Works approval, whichever is relevant to the Construction Environmental Management Plan.
60. The endorsed Construction Environmental Management Plan/s must be implemented and updated where necessary to maintain compliance with the requirements of this Development Approval.

SERVICES & UTILITIES

WASTEWATER INFRASTRUCTURE (GENERAL)

61. The development must be connected to Council's existing wastewater reticulation system (existing Council sewer manhole (asset ID S9827M01) located in north eastern corner of retirement facility lot) in accordance with Council Waste Water Infrastructure Policy 2.04 at no cost to Council. This includes augmentation works external to the development as required to adequately service the development and connect with the existing wastewater reticulation system.

Note: This condition is imposed pursuant to Section 145 of the Planning Act 202016.

62. Any compensation or costs associated with obtaining agreement from owners or trustees of properties affected by the construction of the works must be at no cost to Council.
63. Any connection to or modification of Council's live wastewater infrastructure must be undertaken by Council. A Private Works Quotation must be requested` from Council, payment made for the works, and the works completed by Council.

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

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

64. Maintenance hole (MH) lids located in driveways must be upgraded to a heavy duty trafficable system. This may include replacement of the MH (or part of) structure. Any such works must be undertaken by Council at no cost to Council.
65. Maintenance Holes (MH) are to be fully protected during the full construction period of the development. Protection must include spanning slabs or beams and mattressing to ensure direct loads from all heavy plant during construction are not transmitted onto the MH structure.
66. Structural protection for Council's wastewater infrastructure and clearance around maintenance holes must be incorporated for all designs in accordance with the *Queensland Development Code, Mandatory Policy 1.4 - Building Over or Near Relevant Infrastructure*.

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

67. Any alterations or adjustments required to wastewater maintenance holes to comply with the finished levels for the development must be carried out by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.

WASTEWATER INFRASTRUCTURE (PUMPING STATION)

68. A new all-weather access road must be provided to existing Essence Estate Sewer Pump Station (SPS) from Hermitage Road in consultation and agreement with Council. The access road must be wide enough to accommodate a HRV in all-weather conditions and must be capable of entering and exiting the SPS in forward motion. Detailed design drawings (including turning paths) must be submitted to Council for approval during detailed design stage of the Development Application for Operational Works.
69. A 15kL emergency storage tank must be provided to Essence Estate SPS at no cost to Council. Detailed design drawings for the storage tank must be submitted to Council for approval during detailed design stage
70. Prior to the commencement of any works on or for the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the wastewater infrastructure work (pump station) in accordance with the Approved Plans and Documents of this Development Approval.

WATER SUPPLY

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

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

72. The applicant must prepare and submit a Detailed Water Analysis Report (with full network modelling) for the proposed development for Council endorsement prior to detailed design stage for a Development Application for Operational Works. The analysis must be undertaken in accordance with Council's *Water Infrastructure Policy 2.03* and provide assessment of Council's existing system adequacy for the proposed development.
 - 72.1 If the existing Council reticulated water supply system unable to provide required domestic and fire demands, details of any augmentation to the existing water network to achieve compliant performance for the development must be demonstrated.

Note: The applicant will need to liaise with Council's Water Network Planning section to obtain data relating to the local water supply network (model boundary conditions, etc.).

73. Any works on Council's 'live' water supply must be carried out by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.
74. Each individual tenancy or residence must be provided with a separate system for the metering of water consumption in accordance with Council's *Water Infrastructure Policy 2.03* Sub metering Guidelines and Specifications.
75. The development's internal firefighting system must be designed and constructed in accordance with Council's *Water Infrastructure Policy 2.03* and relevant Australian Standards at no cost to Council. If the internal firefighting system is proposed to connect to Council's reticulation system, confirm the compliant performance in existing Council system prior to requesting any fire service connections.
76. Where the development requires higher fire flows than listed in Council's *Water Infrastructure Policy 2.03* for the relevant land zone, the Council water reticulation network must be upgraded or fire break tanks must be provided at no cost to Council.

TELECOMMUNICATION

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

Note: The Telecommunications Act 1997 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

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

ELECTRICITY

80. 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

81. Any reflective glass material utilised in the development must not have a light reflectivity greater than 20% and heat reflectivity transmission of greater than 20%.

SCHEDULE OF EXTERNAL FINISHES

82. Prior to the issue of a Development Permit for Building Work for the Community Centre, submit to Council for endorsement a detailed Schedule of External Finishes of the Community Centre, demonstrating compliance with the following requirements:
- 82.1 Identification of each of the materials used in the elevations of the building;
 - 82.2 Identification of durability of materials giving consideration to vandal resistance and low maintenance regimes;
 - 82.3 Identification of suitability of materials and configuration to minimise noise and air borne pollutant transmission; and
 - 82.4 Identification of the colour of each of the materials used in the elevations of the approved building.

Note: Submit rendered and labelled elevations of the approved development with a list describing the following for each material employed in the facades:

- *The common name of each material (e.g. aluminium, frosted glass, painted concrete tilt-up panel);*
- *The manufacturer's name for each material (it may be useful to include internet addresses to the manufacturer's internet site that provides a pictorial representation of the nominated material);*
- *The common name for the proposed colour of the material;*
- *The manufacturers name for the proposed colour (whether paint or pre-finished material); and*
- *A description of surface texture, where relevant (smooth finish rendered face brick).*

The above information may be presented in a table format, including a legend to indicate the area of the elevation drawing of the building that will use that specific material and colour. In addition, it may be useful to provide a sample board to illustrate each of the materials used in the external finishes.

83. The Schedule of External Finishes must receive endorsement by Council prior to issue of any Development Permit for Building Work for the Community Centre.

AMENITY & OPERATION OF USE

VISUAL AMENITY

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

Note: For clarification, bin storage areas do not include bin presentation areas or refuse collection points.

FENCING & WALLS (GENERAL)

89. Any existing fence or wall not meeting the requirements of this Development Approval must be removed and replaced with a fence or wall that meets the requirements of this Development Approval.
90. Unless otherwise approved in writing by Council, boundary fences or walls must not be erected in a parallel arrangement with any existing fence or wall erected along the same boundary. The existing fence or wall is to be completely removed and replaced.
91. Unless otherwise specified elsewhere within this Development Approval, the required height of a fence or wall is measured from the highest adjacent finished ground level.

92. Where there is a change in level between adjoining properties at the boundary that exceeds 1m, the overall total height of any combination of fence and wall must not exceed 3m from the lowest adjacent finished ground level, unless otherwise required in the Conditions of this Development Approval.
93. A minimum 1.8m high solid screen fence, which may be a 'butt-jointed' timber paling fence or equivalent material, must be erected along the full length of the southern boundary of the development along the drainage swale. Despite any other condition restricting fences in Council land or Council easements, this fence may cross Council's easement at the south-eastern corner of the development site adjacent to Council's drainage land.
94. Fencing adjoining the 3m wide mid-block pedestrian link between dwelling sites ~~14, 15, 24 and 25~~ 11, 12, 21 and 22 must ~~be a maximum 1.8m high and at least 80% transparent (e.g. pool fence)~~ **not exceed a maximum height of 1.5m if solid or 1.8m where any part above 1.5m is at least 50% transparent.**
95. Fences and walls must be maintained in a good state of repair to ensure that their intended function (i.e. privacy, security, safety, acoustic, livestock, pest exclusion etc.) is maintained.
96. All costs associated with meeting the fencing requirements listed within this Development Approval must be borne by the developer.

FENCING & WALLS - INTERFACE TO PUBLIC REALM

97. Fences and walls provided adjacent to public places (streets, laneways, public walkways and public open space areas), including the Council drainage / park lot (Lot 999 SP290343), Gowrie Junction Road and former Lot 4 RP22818 (Hermitage Road), must be constructed generally in accordance with the Approved and Amended Plans listed within this Development Approval and in particular:
 - 97.1 Fencing adjacent to, or fronting, the Council drainage / park lot (Lot 999 SP290343):
 - 97.1.1 Must not exceed a maximum height of 1.2m if solid or 1.8m where any part above 1.2 m is at least 50% transparent when viewed from a 90 degree angle; and
 - 97.1.2 Retaining walls must not exceed one (1) metre in height except where, ~~with any need for~~ retaining beyond one (1) metre high is terraced with a minimum one (1) metre wide landscaped planting area between walls, all contained entirely within the development land (nominally Lot 1 SP330786), and all contained entirely outside of Council land and Council easements, unless explicitly approved within a Council easement in an Operational Work approval; and
 - 97.1.3 Must not exceed 50m in length without articulation or detailing such as panel inserts, recessed planter beds, and changes in material, colours or textures to provide visual interest and visual breaks in the appearance of the fence or wall;
 - 97.2 Fencing adjacent to, or fronting, Gowrie Junction Road and former Lot 4 RP22818 (Hermitage Road):
 - 97.2.1 Unless otherwise approved and erected for the purpose of acoustic attenuation or for the purpose of private open space fencing, must not exceed a maximum height of 1.2m if solid or 1.8m where any part above 1.2m is at least 50% transparent when viewed from a 90 degree angle; and
 - 97.2.2 Must not exceed a maximum total height of a combined fence and retaining wall of 2.1m;

97.2.3 Must not exceed 15m in length without articulation or detailing such as panel inserts, recessed planter beds, and changes in material, colours or textures to provide visual interest and visual breaks in the appearance of the fence or wall;

97.2.4 Where approved/erected for the purpose of acoustic attenuation, must not exceed a maximum height of 2.1m where solid/opaque or 3.5m where any part above 2.1m is at least 50% transparent;

Note: Where retaining walls are set off the property boundary by a minimum of 600mm, they are not considered to be combined with the fencing.

And for all fencing required above in this Condition of the Development Approval:

97.3 Maintain Safe Intersection Sight Distance (SISD) in accordance with the requirements of Austroads most recent version of its *Guide to Road Design Part 4A: Unsignalised and Signalised Intersections (AGRD04A-09)*; and

97.4 Where the fence has panels, palings or the like on one face and framing on the other, framing must be located on the side of the fence that faces away from the public place.

FENCING & WALLS - PRIVATE OPEN SPACE

98. A 1.8m high solid screen fence or wall which contains no gaps with the exception of a maximum 50mm drainage gap at the bottom, must be provided between and around all private open space areas provided for the development, except for that part of the fence or wall adjacent to public places (streets, laneways, public walkways and public open space areas if approved by the conditions of this Development Approval).

STREET IDENTIFICATION

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

100. The unit number of each dwelling must be displayed on or adjacent to the entry to the unit, in such a way that it is clearly legible.

LETTERBOX

101. A private letterbox for each unit which complies with the requirements of Australia Post must be provided for each unit at a location/s permanently accessible by the general public.

SATELLITE DISHES

102. A maximum of one (1) satellite dish per dwelling may be provided on the subject land. The diameter of any satellite dish must not exceed one (1) metre.

Note: The installation of a satellite dish with a diameter greater than 900mm is assessable development under the Building Regulation 2006 and requires an approval from a building certifier.

ACCESS FOR PEOPLE WITH DISABILITIES

103. 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

104. Safety and security lighting must be provided to the following areas of the subject land:

104.1 All entries and exits of Community Facility buildings; and

104.2 All pathways linking car parking areas to the entrances and exits of Community Facility buildings; and

104.3 Throughout car parking areas of Community Facility buildings.

105. Safety and security lighting must be designed, sited, and installed in accordance with *Australian Standard AS 1158.3.1 - Road Lighting - Pedestrian Area (Category P) Lighting - Performance and Installation Design Requirements*.

Note: All lighting provided for safety and security purposes must also consider its impact on surrounding land uses and in accordance with the Outdoor Lighting Impact Mitigation Conditions must be designed, sited, installed and tested to comply with Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting.

106. Pedestrian routes between car parking areas and Community Facility buildings must be clearly signed and marked.

107. ~~A Golf Course Safety Plan must be provided to Council for endorsement, and be endorsed, to identify any potential risk to people and property (including nearby retirement facility dwellings, and the Council drainage / park Lot 999 SP290343) in relation to the golf course, particularly through stray golf balls, and include any recommended mitigation measures.~~

108. ~~The development must carry out the recommendations of the endorsed Golf Course Safety Plan, relevant to that Stage of the development.~~

TRANSPORT, VEHICULAR ACCESS & PARKING

ROADWORKS (EXTERNAL TO DEVELOPMENT)

109. Proposed roads must be constructed, as follows:

Street: Tall Oak Drive

Classification: Local Access

Construction Standard: Construct to the full road width (7m total carriageway width), and 1.5m wide footpath and kerb & channel on western side to match with the existing to the south, from the development access to connect with the existing road to the south.

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

110. ~~Proposed roads must be constructed, as follows:~~

~~**Street:** Unnamed Road (From Ryans Drive to approximately 200m to the north to provide access to the Stage 6 Golf Course)~~

~~**Classification:** Local Access~~

~~**Construction Standard:** Construct to the full road width (7m total carriageway width) and kerb & channel on western side from Ryans Drive to the vehicle access to the Stage 6 Golf Course.~~

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

111. The design and construction of all roads must comply with *Planning Scheme Policy No. 2 - Engineering Standards - Roads and Drainage Infrastructure* (PSP No.2) and must include in particular:
- 111.1 The construction of road works;
 - 111.2 Concrete kerbing and channelling;
 - 111.3 Temporary asphalt kerbing to tapers;
 - 111.4 Underground stormwater drainage;
 - 111.5 Table drain works;
 - 111.6 Relocation of utility and Council services; and
 - 111.7 Street lighting.
112. Any pavement widening/construction 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.
113. All street/road surfacing must be in accordance with the pavement construction standards in PSP No. 2.
114. Verge widths, street reserve widths, intersection treatment, provision of parking and speed control devices must comply with Council's requirements in PSP No. 2.
115. Prior to the commencement of any works on or for the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the road works.

ROADWORKS (INTERNAL TO DEVELOPMENT)

116. Internal roads / driveways must generally be constructed as shown on Approved Plans.
117. The internal roads / driveways must be constructed to a sealed standard, may including kerb and channel on both sides of the new roads, may include a central inverted profile, and must be designed to manage stormwater in accordance with an approved Stormwater Management Plan. Where provided, ~~Such~~ kerb and channeling must be an approved residential kerb and channel. The internal roads / driveways must be as follows:
- 117.1 The circulating roadways must have a minimum of 6m carriageway width measured between channel inverts or equivalent edges unless shown otherwise in the Approved Plan;
 - 117.2 All internal roads / driveways that will be used by a refuse collection vehicle must be designed to accommodate the swept paths of a Refuse Collection Vehicle; and
 - 117.3 The internal road / driveway from the development access (the end of the Tall Oak Drive extension) to the western internal roundabout and from the western internal roundabout to the Community Facilities ~~and between the two Community Facilities~~ must generally be as detailed on Approved Plan with minimum widths of 20m ~~22m~~ and 21.5m ~~19.2m~~ respectively.

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

118. All internal road / driveway surfacing must consist of an approved asphaltic concrete, segmental clay, concrete pavers or patterned reinforced concrete and is only to be used on feature areas of internal roads / driveways.
119. Where temporary dead ends are provided at stage boundaries, with a length greater than a single lot frontage, a temporary gravel surfaced turnaround area must be constructed to the geometry of Council's standard cul-de-sac turning areas.

EXTERNAL PEDESTRIAN & CYCLE PATHS

120. The following works must be constructed in accordance with *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)* generally as shown on the Approved Plans:
 - 120.1 A 1.5m wide concrete pedestrian path on the western side of the proposed extension of Tall Oak Drive from the development access to connect with the existing to the south;
 - 120.2 A 2m wide concrete pedestrian path on the eastern side of Gowrie Junction Road connecting the internal pedestrian access to the existing path fronting the development;
 - 120.3 Provision must be made for wheelchair and pram access at all kerb crossings associated with pathways, in accordance with *IPWEA Standard Drawing RS-090 – Ramped Pedestrian Crossings*;
 - 120.4 The required work includes any surface earthworks, grinding or saw cutting to ensure the footpath finishes flush with all existing service covers and the like, or alternatively these services are raised or altered, so as not to create a pedestrian safety hazard; and
 - 120.5 Any concrete footpath or cycleway must comply with SEQ RS-065. Where necessary, reprofiling of the verge area must be undertaken to enable the construction of concrete pathways with a maximum cross fall of 2.5%.
- Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*
121. Prior to the commencement of any works on or for the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the footpath in accordance with the approved plans and documents of this Development Approval.

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

122. 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.
123. Safe pedestrian access along Council's footpaths must be maintained at all times.

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

PROVISION OF VEHICULAR ACCESS

124. ~~The vehicle access from the Golf Course (3.937ha) land to Unnamed Road must be sealed from the kerb and channel to the property boundary. The access must be designed by a Registered Professional Engineer Queensland (RPEQ) – Civil and must include the provision of adequate access width and flares to suit the proposed entry and exit manoeuvres. Such works must be constructed as specifically required below:~~
- 124.1 ~~The vehicle access (crossing the verge) must be constructed generally in accordance with the Institute of Public Works Engineering Australasia Drawing RS-051 Heavy Duty Vehicle Crossing, and in accordance with Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2);~~
- 124.2 ~~Suitable safety measures, including warning signage, must be installed to improve driver awareness of pedestrians and enhance pedestrian safety. Warning signage must be provided near the entries, exits, and exit ramps to warn motorists of pedestrian movement along Unnamed Road;~~
- 124.3 ~~The vehicle access (crossing of the verge) must align neatly on both sides with the pedestrian footpath and verge with a maximum cross fall of 2.5%. Where there is an existing pedestrian path, the existing footpath in the vicinity of the driveway must be saw cut, removed and replaced by the driveway crossover. The driveway is to be graded at not steeper than 2.5% for the width of the footpath;~~
- 124.4 ~~The vehicle access(es) (crossing of the verge) must be located a minimum of one (1) metre clear of existing power poles, streetlights or any signage;~~
- 124.5 ~~The relocation of all existing services must be clear of the access that will serve the subject land;~~
- 124.6 ~~The relevant service authorities must be contacted and their requirements complied with; and~~
- 124.7 ~~The vehicle access (crossing of the verge) must include suitable tapers and flares to accommodate the required turning paths of a suitable design vehicle.~~

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

125. The final design and layout of the vehicle access, or any modification of existing property access, 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 ACCESS

126. Remove the existing redundant vehicle access in Gowrie Junction Road adjacent to the north-western corner of the subject land and reinstate the verge to match the required footpath profile, table drain and turf.

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

ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING

127. The premises must be provided with a ~~total minimum of 183~~ **total minimum of 205** on-site car parking spaces and a minimum of ~~65~~ **41** visitor car parking spaces, delivered in proportion to the number of units in each stage, together with standing and manoeuvring for Refuse Collection Vehicles. Car parking and vehicle manoeuvring areas must be:

- 127.1 Constructed generally as shown on the Approved Plans listed within this Development Approval;
 - 127.2 Provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in the *Toowoomba Regional Planning Scheme and Australian Standard AS2890 - Parking Facilities*;
 - 127.3 Designed and constructed in accordance with the requirements of AS2890;
 - 127.4 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;
 - 127.5 Accessible and available to the visitors and staff during approved hours of operation.
 - 127.6 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the subject land;
 - 127.7 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring; and
 - 127.8 Designed to enable all vehicles to enter and leave the subject land in a forward gear.
128. A minimum of one (1) car parking space, in the form of a carport or garage, must be provided to each unit.

INTERNAL PEDESTRIAN & CYCLE PATHS

129. Pedestrian paths internal to the development site must be constructed generally in the locations on the Approved Plans, and:
- 129.1 The internal pedestrian paths must be 1.2m wide and connect with Gowrie Junction Road and to both Community Facilities, and extend to the development access (from the Tall Oak Drive extension), generally at those locations as shown on the Approved Plans for each stage as relevant;
 - 129.2 The pedestrian links to the external road reserves (those being Gowrie Junction Road and Tall Oak Drive) must be able to be utilised 24hrs per day, 7 days per week by residents of the approved Retirement Facility without assistance; and
 - 129.3 The pedestrian links to the external road reserves may be gated and/or lockable.

ENVIRONMENT & WASTE

ACOUSTIC AMENITY - GENERAL

130. Unless otherwise approved in writing by Council, the approved use must not operate outside the hours of:
- 130.1 Community Centre - 7:00am to 10:00pm;
 - 130.2 Hobby Workshop - 7:00am to 6:00pm;
 - 130.3 ~~Spike Bar - 7:00am to 10:00pm;~~
 - 130.4 Outdoor sporting areas such as ~~Golf~~, croquet, tennis and bowls areas - 7:00am to 6:00pm; and

- 130.5 The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject land.
131. Service vehicle movements (including loading and unloading) associated with the approved use must not occur outside the hours of:
- 131.1 7:00AM to 6:00PM Monday to Sunday; and
- 131.2 The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject land.
132. Drainage grating over trafficable areas must be well secured and maintained to prevent rattling.
133. Driveway areas are to be finished with surface coatings which prevent tyre squeal. An uncoated surface is acceptable.
134. ~~Acoustic measures and treatments must be incorporated into the development in accordance with Section 5.5 and Figure 5 of the Noise Impact Assessment listed within this Development Approval.~~

ACOUSTIC AMENITY - NOISE LIMITS

135. Noise from activities associated with the use of the subject land must not exceed the **Acoustic Quality Objectives listed in the *Environmental Protection (Noise) Policy 2019* when measured at any sensitive receptor. ~~Noise Assessment Criteria included in Section 4 of the Noise Impact Assessment listed within this Development Approval; and~~**
- ~~135.1 All dwellings and private open space must be designed and constructed to achieve the noise limit criteria within Section 4.2.1 of the amended approved Noise Impact Assessment report listed within this Development Approval.~~
136. 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

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

ACOUSTIC AMENITY - ACOUSTIC BARRIER(S)

138. An acoustic barrier must be constructed on the subject land for noise attenuation. The barrier must be constructed in accordance with the following requirements and a Building Works approval:
- 138.1 Erected within the subject land along the entirety of the northern property boundary **as shown on the Approved Plans and ~~or in accordance with Figure 5 of the recommendations of the amended approved Noise Impact Assessment report listed within this Development Approval and in both cases~~** entirely outside of Council land and Council's services easement adjoining Council's drainage land east of the development area;
 - 138.2 Erected to ~~1.8~~ **2 3.5** metres high, measured from the highest adjacent finished ground level;
 - 138.3 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;
 - 138.4 Having no gaps (i.e. is solid) including between partitions, between partitions and posts and between partitions and the finished ground level; and
 - 138.5 Returns must be constructed at each end of the barrier for a length of two (2) metres.

ACOUSTIC AMENITY - AMPLIFIED MUSIC & LIVE ENTERTAINMENT

139. The Community Facilities ~~and golf course (3.937ha)~~ must not involve amplified music and live entertainment at any time.

AIR QUALITY & AMENITY - AIR RELEASE LIMITS

140. 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.
141. 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

142. 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

143. 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*.
144. 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).

145. The vertical illumination resulting from direct, reflected or other incidental light emanating from the tennis court or bowling green must not exceed 8 lux when measured at any point 1.5 metres outside the boundary, and at any level from ground level upward.
146. Where considered warranted by Council and when requested in writing to do so, a lighting impact investigation must be undertaken to investigate a complaint of light nuisance. In such circumstances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the lighting levels listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

WASTE MANAGEMENT (GENERAL)

147. 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*.
148. ~~Prior to any application for an Operational Works approval or Building Works approval, submit to Council for endorsement, and have endorsed, a Waste Management Plan prepared by a suitably qualified person that, at a minimum, includes the following:~~
 - 148.1 ~~Likely waste quantity and waste type to be generated on site on a weekly basis;~~
 - 148.2 ~~Likely recycling quantities to be generated on a weekly basis;~~
 - 148.3 ~~Waste storage area locations for Community Facilities;~~
 - 148.4 ~~Collection arrangements, locations and swept path manoeuvring diagrams (including overhead and side clearances for lift arms holding bins and vehicle bodies) and vertical clearance from landscaping, fences, walls and fixtures adjacent to internal roads, including shared refuse collection points for dwellings generally as shown in red on the Approved Plan titled 'Waste Management Plan – Shared Refuse Collection Points;~~
 - 148.5 ~~Waste minimisation practices;~~
 - 148.6 ~~Use of compactors if applicable;~~
 - 148.7 ~~An impacts assessment of waste management practices on any surrounding sensitive land uses; and~~
 - 148.8 ~~Waste management practices for the golf course (3.937ha).~~
149. ~~The Waste Management Plan must receive endorsement by Council prior to issue of any Building Works approval or Operational Works approval.~~
150. The endorsed Waste Management Plan must be implemented, maintained and modified where necessary to maintain compliance with the requirements of this Development Approval at all times.

LANDSCAPING

PROVISION OF STREET TREES

151. Unless otherwise agreed by Council, plant and maintain for a period of 12 months, one (1) street tree within the road reserve for every 15 metres of new road frontage (Tall Oak Drive extension) and to Gowrie Junction Road, capable of reaching 12 metres in height at maturity.

152. The selection and planting of any street tree, including any street tree required to replace a removed street tree must be in accordance with the requirements of *Planning Scheme Policy No.8 - Street Trees*, the *Toowoomba Regional Council Street Tree Master Plan*, and the approved Landscape Plan.

LANDSCAPING WORKS

153. Prior to the commencement of any works on or for the 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:

153.1 A Plant Plan and Schedule;

153.2 The typical planting detail including preparation, backfill, staking and mulching;

153.3 Internal dimensions of all planting areas;

153.4 Location, height and finish of fencing fronting public land (including street frontages) including fencing as required elsewhere in the Conditions of this Development Approval;

153.5 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;

153.6 Where street tree(s) are proposed or required as a condition of this Development Approval, the Landscape Plan must include the following additional information:

i) Location and species of the proposed or required street tree(s);

ii) Typical cross section through each street typology indicating clearance of street trees from underground services, kerbs and footpaths in accordance with PSP2 Engineering Standards; and

iii) A planting schedule indicating the number of each species type;

Note: Street trees required to be supplied as a condition of this Development Approval must be supplied in 45L containers or as otherwise specified. Proposed street trees, if approved, are expected to be supplied in 45L containers.

153.7 Construction details of proposed surfaces, surface level changes and structures;

153.8 Detailed plans at a suitable scale for the following areas:

153.8.1 ~~Gated Entry Road Area;~~

153.8.2 ~~Communal Building Landscape Treatment;~~

153.8.3 ~~Caravan Storage Area, including screen planting of a minimum 4m width on the northern and western side of the Caravan Storage Area and capable of having a mature height equal to or above the height of the adjoining fence;~~

153.8.4 ~~Buffer/Drainage Swale along the southern boundary of the development;~~

153.8.5 ~~Golf Course including the retention of existing native vegetation wherever possible and rejuvenation of native vegetation;~~

- 153.8.6 ~~Edge Treatments for the development where fronting Gowrie Junction Road, Lot 4 RP22818 (Hermitage Road), Council parkland / drainage lot (Lot 999 SP290343), and on the southern boundary of the development facing future residential lots (Stage 2 of Essence Estate); and~~
- 153.8.7 ~~Mid-Block Pedestrian Link (3m wide) between proposed dwelling sites 14, 15, 24 and 25, which showing fencing on sites 14, 15, 24 and 25 facing the pedestrian link as per the Conditions of this Development Approval, lighting, and which shows retaining walls and considers Crime Prevention Through Environmental Design (CPTED) principals ensuring appropriate surveillance and avoid potential entrapment locations;~~
- 153.9 Internal pedestrian paths, including connection to Gowrie Junction Road and the Tall Oak Drive extension, and the connection between the Community Facilities, as required by the Conditions of this Development Approval;
- 153.10 Location and dimensions of any communal bin stores requiring vegetative screening; and
- 153.11 Landscaping associated with each stage.
154. The Landscape Plan must receive endorsement by Council prior to the commencement of any site works or earthworks.
155. The development must be landscaped and maintained in accordance with the works shown on the endorsed Landscape Plan.
156. Certification must be submitted to Council from a qualified person who certifies that street trees established comply with the requirements of this Development Approval.
157. ~~The development must not use potable water for the irrigation of the golf course, including the initial filling and any short-fall in any proposed water storage tank.~~

B. ADVICES:

MATERIAL CHANGE OF USE - ADVICES

RESUBMISSION OF PLANS REQUIRING AMENDMENT

- 1) The conditions of this Development Approval require resubmission of plans to Council with amendments. Please address the amended plans to Council's Development Services Branch with the Reference No. MCUI/2020/1802/C, and send to development@tr.qld.gov.au.

SUBMISSION OF PLANS FOR ENDORSEMENT

- 2) The conditions of this Development Approval require submission of plans to Council for endorsement. Please address the plans for endorsement to Council's Development Services Branch with the Reference No. MCUI/2020/1802/C, and send to development@tr.qld.gov.au.

INFRASTRUCTURE CHARGES

- 3) Infrastructure charges are levied by way of an infrastructure charges notice, issued pursuant to section 119 of the *Planning Act 2016*.

OTHER LAWS & REQUIREMENTS

- 4) This Development Approval relates to development requiring approval under the *Planning Act 2016* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
- 5) 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.
- 6) 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

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

WHEN APPROVAL LAPSES

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

EXCAVATION & FILLING

- 9) The *Toowoomba Regional Planning Scheme* (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.

EQUITABLE ACCESS & FACILITIES

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

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

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

ENVIRONMENTAL HARM

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

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

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, 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.

WATER POLLUTION

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

BUILDING APPROVAL REQUIRED FOR CERTAIN FENCES & RETAINING WALLS

- 13) A Development Approval for Building Works is required for the following:

13.1 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;

13.2 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

- 13.3 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).

- 14) A siting discretion may be required from Council where a fence is proposed to be built atop the retaining wall and the combined height of the structure exceeds 2 m above natural ground level.

BUILDING OVER, OR NEAR, COUNCIL INFRASTRUCTURE

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

MANDATORY RAINWATER TANKS

- 16) 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>.

TRADE WASTE APPROVAL

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

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

STORMWATER DISCHARGE TO PARKLAND

- 18) This Development Approval does not confer or imply approval to the owners or occupiers of the subject land to discharge stormwater to Council's parkland. Separate, written approval is required where stormwater is expected to be discharged to Council parkland. Please contact Council's Parks and Recreation Branch via the Customer Service Centre for further information in respect of approval for stormwater discharge to parkland.

SUITABLY QUALIFIED PERSON

- 19) 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 3 years current experience in the field of landscape design.

SCHEDULE 2

DEVELOPMENT PERMIT FOR RECONFIGURING A LOT

APPLICATION NUMBER:	RAL/2020/1808/D
APPLICANT:	Gemstone Lifestyle No. 8 Pty Ltd
LOCATION:	25 Tall Oak Drive, COTSWOLD HILLS QLD 4350
PROPERTY DESCRIPTION:	Lot 1 SP330786
APPROVED USE:	Reconfigure 4 into 5 Lots
ZONING / PRECINCT:	Emerging Community / Nil.

A. ASSESSMENT MANAGER'S CONDITIONS:

PLANNING

APPROVED DEVELOPMENT

1. This Development Approval is for Reconfiguring a Lot, being the subdivision of land for Four (4) Lots into Five (5) Lots.

CARRY OUT AND 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 have not been varied by this Development Approval.
3. Unless otherwise stated, all conditions must be complied with prior to Council's approval of the Plan of Subdivision prior to registration with the Department of Natural Resources, Mines and Energy.
4. 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

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

Plan No: 146500-05

Description: Plan of Subdivision Over Lot 990 on SP290343, prepared by RPS Urban Design and dated 8/5/2020

Amendments: Nil

LOT NUMBERING

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

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

7. Prepare and submit applications to Council and obtain a Development Permit for Operational Work for the following:
 - 7.1 Roadworks;
 - 7.2 Bulk Earthworks;
 - 7.3 Water Infrastructure; and
 - 7.4 Stormwater Infrastructure.

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

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

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS

9. Prepare and submit for Council's approval a Plan of Subdivision in accordance with Schedule 18 of the *Planning Regulation 2017*.

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 subdivision earthworks and construction.

DEDICATIONS, AGREEMENT AND CONTRIBUTIONS

DEDICATION OF LAND

11. The land area located between northern end of Tall Oak Drive and entrance of the proposed development on the subject land for a minimum width of 23m must be dedicated as road reserve in accordance with the requirements of the Department of Natural Resources, Mines and Energy.

Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.
12. Meet all costs associated with the transfer of land dedicated to Council.

EASEMENTS

13. An easement for water supply purposes must be registered in favour of Toowoomba Regional Council against the title of all lots (nominally Lot 990 of SP290343) necessary to supply water to proposed Lot 1 (proposed retirement facility lot). The easement must be a minimum 4.0 metres wide and must be included on the Plan of Subdivision for Council's approval.
14. Where the Grantee is Council or a service authority, the easement documentation must be in accordance with the Grantee's standard easement terms and documents or any other terms and conditions as deemed necessary to fulfil the purpose of the easement.
15. Easement documentation must be prepared and submitted to Council, at no cost to Council, for endorsement where Council is the Grantee or review against conditions of approval otherwise.

16. Unless consistent with the terms of the easement and authorised under this Development Approval, any permanent works or structures must be kept clear of any existing or proposed easements on the subject land.

FEES AND CHARGES

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

WORKS

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

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

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

Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.
23. Prior to the commencement of any works on or for the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the internal and any external stormwater infrastructure. The design and the construction of the works must be certified by a RPEQ – Civil.
24. Submit to Council for approval, as part of the Development Application for a Development Permit for Operational Work, a Detailed Stormwater Management Plan prepared by a Registered Professional Engineer Queensland - Civil (RPEQ) in accordance with the relevant standards in *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure* (PSP No.2) demonstrating the following:
 - 24.1 That stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval.

STORMWATER DISCHARGE

25. 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.

STORMWATER – CONVEYANCE OF STORMWATER VIA DRAINAGE EASEMENT

26. Drainage easements must be registered over all drainage structures and concentrated flow paths on private land, including on adjoining land where required to connect to a lawful point of discharge, in accordance with the relevant requirements in *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure*.

BULK EARTHWORKS OVER 50m³ OR OVER 1M CUT OR FILL

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

EROSION & SEDIMENT CONTROL

28. 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.
29. 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.
30. 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.
31. All disturbed areas must be mulched or turfed as soon as possible during construction. Where grass seeding is undertaken, appropriate measures must be in place until the establishment of suitable ground cover.
32. Measures such as vehicle baths, wash-down and construction matting together with dust suppressants and wraps, exposed ground and stockpile sprinkling must be put in place to minimise site vehicles tracking sediment onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction and the ensuing 'on-maintenance' period where applicable.

DAMAGE TO SERVICES & ASSETS

33. Protect Council and public utility services and assets during construction of the development.
34. 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:
- 34.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
- 34.2 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.

35. 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.
36. 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 131 872.

SERVICES & UTILITIES

WASTEWATER INFRASTRUCTURE (GENERAL)

37. The subdivision must be connected to Council's existing wastewater reticulation system's existing sewer maintenance hole (asset ID S9827M01) which is located on the north-eastern corner of the Proposed Lot 1 (Retirement Facility Lot) in accordance with Council *Waste Water Infrastructure Policy 2.04* at no cost to Council. This includes augmentation works external to the development as required to adequately service the development.

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

Note: Only a single sewer connection will be permitted.

38. Any compensation or costs associated with obtaining agreement from owners or trustees of properties affected by the construction of the works must be at no cost to Council.
39. Any works on Council's 'live' wastewater infrastructure must be carried out by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.

WATER SUPPLY

40. The proposed retirement facility lot must be provided with a connection to Council's reticulated water supply system in accordance with Council's *Water Infrastructure Policy 2.03* at no cost to Council.

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

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

- 41.1 The existing DN150 water main in Tall Oak Drive must be extended with DN150 pipes & fittings up to proposed Lot 1 (proposed Retirement Village lot). The subject work must include provision of all necessary valves, hydrants and the like in accordance with Council *Water Infrastructure Policy 2.03*, including live water main connections.

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

42. Unless able to be used as part of the development, any existing connection must be disconnected at no cost to Council.
43. Any existing water supply connection traversing more than one approved lot must be disconnected and removed.
44. Certification must be provided to Council by a RPEQ that the disconnection has been carried out.
45. Prior to the commencement of any works on or for the subject land, a Development Application for a Development Permit for Operational Work must be submitted and be approved by Council for water supply works and in accordance with the approved plans and documents of this Development Approval.

WATER INFRASTRUCTURE (APPROVAL OF LAND OWNER)

46. Where it is necessary for any proposed water infrastructure to be constructed through land not part of the development, obtain the written approval of the owner of that land and provide evidence of such written approval to Council prior to endorsement of engineering plans and specifications for the works.

TELECOMMUNICATION

47. Install telecommunications infrastructure to service each approved lot which complies with the following:
- 47.1 The requirements of the *Telecommunications Act 1997* (Cth);
 - 47.2 For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - 47.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.
48. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.
49. Provide to Council written evidence from all relevant service providers that the telecommunications infrastructure is installed in accordance with the conditions of this Development Approval and all applicable legislation at the time of construction.

Note: The Telecommunications Act 1997 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

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

ELECTRICITY

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

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

TRANSPORT & ACCESS

ROADWORKS (EXTERNAL TO SUBDIVISION)

52. Proposed roads must be constructed, as follows:

Street: Tall Oak Drive

Classification: Local Access

Construction Standard: Construct to the full road width (7m total carriageway width), and 1.5m wide footpath and kerb & channel on western side to match with the existing to the south, from proposed Lot 1 (proposed Retirement Facility lot) to connect with the existing road to the south.

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

53. The design and construction of all roads must comply with *Planning Scheme Policy No. 2 - Engineering Standards - Roads and Drainage Infrastructure* (PSP No.2) and must include in particular:
- 53.1 The construction of road works;
 - 53.2 Concrete kerbing and channelling;
 - 53.3 Temporary asphalt kerbing to tapers;
 - 53.4 Underground stormwater drainage;
 - 53.5 Table drain works;
 - 53.6 Relocation of utility and Council services; and
 - 53.7 Street lighting.
54. Any pavement widening/construction 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.
55. All street/road surfacing must be in accordance with the pavement construction standards in PSP No. 2.
56. Verge widths, street reserve widths, intersection treatment, provision of parking and speed control devices must comply with Council's requirements in PSP No. 2.
57. Prior to the commencement of any works on or for the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and approved by Council for the road works external to the subject land and in accordance with the approved plans and documents of this Development Approval. All approved road works must be completed and accepted on-maintenance prior to the endorsement of any Plan of Subdivision.
58. The design and construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil.

EXTERNAL PEDESTRIAN & CYCLE PATHS

59. The following works must be constructed in accordance with *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure* (PSP No.2):
- 59.1 A 1.5m wide concrete pedestrian path on the western side of the proposed extension of Tall Oak Drive from the development access to connect with the existing to the south;
 - 59.2 Provision must be made for wheelchair and pram access at all kerb crossings associated with pathways, in accordance with *IPWEA Standard Drawing RS-090 – Ramped Pedestrian Crossings*;

- 59.3 The required work includes any surface earthworks, grinding or saw cutting to ensure the footpath finishes flush with all existing service covers and the like, or alternatively these services are raised or altered, so as not to create a pedestrian safety hazard; and
- 59.4 Any concrete footpath or cycleway must comply with SEQ RS-065. Where necessary, reprofiling of the verge area must be undertaken to enable the construction of concrete pathways with a maximum cross fall of 2.5%.

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

60. Prior to the commencement of any works on or for the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the construction of the concrete footpaths in accordance with the approved plans and documents of this Development Approval. The design and the construction of the works must be certified by a RPEQ – Civil.

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

61. 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.

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

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

STREET LIGHTING

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

PROPERTY ACCESS

64. Direct vehicle access is not permitted at any time between proposed Lot 1 and Gowrie Junction Road and/or Hermitage Road, except for emergency vehicle access purposes.

LANDSCAPE & ECOLOGY

LANDSCAPING WORKS (PROVISION OF STREET TREES)

65. Plant and maintain for a period of 12 months, one (1) street tree within the road reserve for every 15 metres of road frontage (Tall Oak Drive extension), capable of reaching 12 metres in height at maturity.
66. The selection and planting of any street tree, including any street tree required to replace a removed street tree must be in accordance with the requirements of *Planning Scheme Policy No.8 - Street Trees*, *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure*, the *Toowoomba Regional Council Street Tree Master Plan*, and the approved Landscape Plan.

67. Prior to the issue of a Building Works or Operational Works approval, or any works commencing on site (whichever occurs first), submit to Council for endorsement, and have endorsed, a Landscape Plan (Street Trees) prepared by a qualified person prepared generally in accordance with the conditions of this Development Approval, that details in particular:
- i) Location and species of the proposed or required street tree(s);
 - ii) Typical cross section through each street typology indicating clearance of street trees from underground services, kerbs and footpaths in accordance with PSP2 Engineering Standards; and
 - iii) A planting schedule indicating the number of each species type; and
- Note: Street trees required to be supplied as a condition if this Development Approval must be supplied in 45L containers or as otherwise specified.*
- iv) North point, scale and drawing number.
68. Certification must be submitted to Council from a qualified person who certifies that street trees established comply with the requirements of this Development Approval.

B. ADVICES:

RECONFIGURING A LOT - ADVICES

INFRASTRUCTURE CHARGES

- 1) Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 119 of the *Planning Act 2016*.

OTHER LAWS & REQUIREMENTS

- 2) This Development Approval relates to development requiring approval under the *Planning Act 2016* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
- 3) 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.
- 4) 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

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

WHEN APPROVAL LAPSES

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

EXCAVATION & FILLING

- 7) The Toowoomba Regional Planning Scheme (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.

ENVIRONMENTAL HARM

- 8) 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.

WATER POLLUTION

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

SUITABLY QUALIFIED PERSON

- 10) 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 3 years current experience in the field of landscape design.

C. ATTACHMENTS:

- Original Approval Concurrence Agency Response: Schedule 3
- Change Application Affected Entity Response: Schedule 4
- Approved Development Plans
- Approved Documents
- Appeal provisions pursuant to the *Planning Act 2016*.

SCHEDULE 3

ORIGINAL APPROVAL REFERRAL AGENCY RESPONSE

QUEENSLAND TREASURY



Queensland Treasury

SARA reference: 2005-17048 SRA
Council reference: MCUI/2020/1802 & RAL/2020/1808
Applicant reference: J00873

31 July 2020

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



Attention: James Juhasz and Louise Macpherson

Dear James and Louise

SARA response—Gowrie Junction Road, 1-11 Tallowwood Boulevard, and Morris Court, Cotswold Hills

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 29 May 2020.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	31 July 2020
Conditions:	The 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:	Development permit	Material change of use for Retirement Facility (185 Units), Subdivision (4 into 5 Lots) and Operational Works (Raising Waterway Barrier Works).
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SARA role: Referral Agency.

SARA trigger: Schedule 10, Part 6, Division 4, Subdivision 3, Table 1, Item 1 (10.6.4.3.1.1) (Planning Regulation 2017) - Raising waterway barrier works

Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (10.9.4.1.1.1) (Planning Regulation 2017) – State transport infrastructure generally

Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (10.9.4.2.1.1) (Planning Regulation 2017) – Reconfiguring a lot within 25m of a State transport corridor

Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 (10.9.4.2.3.1) (Planning Regulation 2017) – Reconfiguring a lot on premises adjacent to a road that intersects with a State-controlled intersection within 100m of the intersection

Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1) Planning Regulation 2017) – Material change of use within 25m of a State transport corridor

SARA reference: 2005-17048 SRA

Assessment Manager: Toowoomba Regional Council

Street address: Gowrie Junction Road, 1-11 Tallowood Boulevard, and Morris Court, Cotswold Hills

Real property description: Lot 4 on RP22818, Lot 904 on SP263388 and Lots 990 & 999 on SP290343

Applicant name: CCL Toowoomba Pty Ltd

Applicant contact details: C/- Property Projects Australia
216 Herries Street
Toowoomba QLD 4350
info@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 Ian McHugh, Principal Planning Officer, on (07) 4616 7320 or via email ToowoombaSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Darren Cooper
Manager - DDSW (Planning)

cc CCL Toowoomba Pty Ltd, info@propertyprojectsaustralia.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications

Attachment 1—Referral agency conditions

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

No.	Conditions	Condition timing
Operational Works - Constructing or raising waterway barrier works in Fish Habitats		
10.6.4.3.1.1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Agriculture and Fisheries 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.	Development authorised under this approval is limited as follows: The operational works to raise or construct a waterway barrier works that is the permanent filling of a mapped waterway within the western boundary of Lot 990 on SP290343 for the purpose of residential development and within the “Site Boundary” as shown in Gowrie Junction Road, Cotswold Hills Site Plan, prepared by Urban Design, dated 11 May 2020, reference 146500, revision 06.	At all times.
2.	Provide written notice to notifications@daf.qld.gov.au, when the development authorised under this approval: (a) will start, and (b) when it has been completed. These notices must state this permit number 2005-17048 SRA.	a) At least 5 business days but no greater than 20 business days prior to the commencement of the works b) Within 15 business days of the completion of the fisheries development works.
3.	Spoil is not disposed of within waterways.	At all times.
4.	This fisheries development (as defined by the <i>Fisheries Act 1994</i>) constitutes a place that is required to be open for inspection by an inspector at all times, pursuant to section 145 of the <i>Fisheries Act 1994</i> .	At all times.
5.	The area shown as “Site Boundary” in Gowrie Junction Road, Cotswold Hills Site Plan, prepared by Urban design, dated 11 May 2020, reference 146500, revision 06, is to be clearly marked to prevent development works and associated activities (storage, parking, runoff, access) from occurring outside of the approved area, specifically to maintain a buffer zone to and protect the waterway within Lot 999 on SP290343.	For the duration of the works the subject of this approval.
6.	Land profiles that are temporarily disturbed by the development works (other than those within the permanent development footprint within Lot 990 on SP290343, and shown as “Site Boundary” in Gowrie Junction Road, Cotswold Hills Site Plan, prepared by Urban design, dated 11 May 2020, reference 146500, revision 06, must be restored to pre-work profiles.	Upon completion of the works the subject of this approval.

Material change of use – Retirement Facility		
10.9.4.1.1.1, 10.9.4.2.1.1, 10.9.4.2.3.1 and 10.9.4.2.4.1 — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of 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:		
7.	Any excavation, filling/backfilling/compaction, retaining structures, stormwater management measures, batters and other works involving ground disturbance must not encroach or de-stabilise the state-controlled road or the land supporting this infrastructure, or cause similar adverse impacts.	At all times.
8.	The development must be generally in accordance with the Noise Impact Assessment prepared by Range Environmental Consultants dated 8 May 2020, reference Project No. J000353, in particular: - the facades of all dwellings fronting the northern boundary of the site shall be designed and constructed in accordance with the relevant QDC Categories to provide the required noise attenuation in accordance with Performance Outcome 23 of State Code 1 - Development in a state-controlled road environment (State Development Assessment Provisions).	Prior to the commencement of use and to be maintained at all times.
9.	The development must be in accordance with the Conceptual Site Based Stormwater Management Plan prepared by ADG dated 14 May 2020, reference Job No. 23602.	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.	The applicant is advised that a mapped waterway is present within Lot 999 on SP290343. Works under this development approval do not authorise operational work that is constructing or raising waterway barrier works within the waterway on Lot 999 on SP290343. The applicant should refer to the following factsheets for more information on waterway barrier works: - What is a waterway? - What is a waterway barrier work? - What is not a waterway barrier work? Any proposed works within Lot 999 on SP290343 may constitute waterway barrier works. Under the Planning Regulation 2017, works involving constructing or raising waterway barrier works must be undertaken in accordance with the relevant <u>accepted development requirements</u> or under a development approval (assessable development). Pre-lodgement advice should be sought through SARA before any development application for constructing or raising waterway barrier works within Lot 999 on SP290343 is applied for.

Attachment 3—Reasons for referral agency response

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

The reasons for SARA's decision are:

The development complies with the provisions of *State Code 1: Development in a state-controlled road environment* and *State Code 6: State transport infrastructure generally*. Specifically, the development:

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

The development complies with the provisions of *State Code 18: Constructing or raising waterway barrier works in fish habitats*. Specifically, the development:

- The waterway subject to this application and upstream of Hermitage Road, is unlikely to provide for fish passage due to past uses of the land and infrastructure downstream.
- There is little to no habitat upstream of Hermitage Road within the waterway proposed to be impacted.
- Fish passage is not required within the waterway on Lot 990 on SP290343.

Material used in the assessment of the application:

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

Attachment 4—Change representation provisions

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Attachment 5—Approved plans and specifications

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SCHEDULE 4

CHANGE APPLICATION AFFECTED ENTITY RESPONSE

EGRON ENERGY



420 Flinders Street, Townsville QLD 4810
PO Box 1090, Townsville QLD 4810
ergon.com.au

15 May 2026

RECEIVED
15/05/2026
TOOWOOMBA
REGIONAL COUNCIL

Chief Executive Officer
Toowoomba Regional Council

Attention: *Emily Hinchliffe*
Via email: development@tr.qld.gov.au

cc Gemstone Lifestyle No. 8 Pty Ltd
c/- Innovation Planning Solutions
Attention: *James Brownsworth*
Via email: info@ipsptyltd.com.au

Dear Sir/Madam,

Affected Entity (Ergon) Response Notice - Minor Change to Material Change of Use for Retirement Facility and Reconfiguring a Lot for 4 Lots into 5 Lots
Council Ref: MCUI/2020/1802/D
Applicant Ref: 449Z3-1-5-2
Our Ref: ECM 22178696 - 40181493

As an Affected Entity to the below referenced Minor Change application the following response is provided in accordance with Section 80 of the *Planning Act 2016*.

Development Details	
Applicant	Gemstone Lifestyle No. 8 Pty Ltd c/- Innovation Planning Solutions
Assessment Manager	Toowoomba Regional Council
Council Application No.	MCUI/2020/1802/D
Street Address	25 Tall Oak Drive, Cotswold Hills
RPD	1SP330786
Development Type	Minor Change to Material Change of Use for Retirement Facility and Reconfiguring a Lot for 4 Lots into 5 Lots

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website
www.ergon.com.au/referralagency

Referral Trigger ☒ Schedule 10, Part 9, Division 2, Table 1, Item 1 (10.9.2.1.1) – Reconfiguring a lot subject to an easement for the benefit of a distribution entity under the Electricity Act for a supply network;
☒ Schedule 10, Part 9, Division 2, Table 2, Item 1 (10.9.2.2.1) – Material Change of use of premises subject to an easement for the benefit of a distribution entity under the Electricity Act and the easement is for a supply network

Impacted Electrical Infrastructure Easement EA on SP298062 – 11kV/500kVA Pad Mount Transformer (ID: GE768549)

Ergon provides the following response to the application in accordance with Section 80(4) of the *Planning Act 2016*.

Component of Development	Advice Agency direction
MCU/ ROL	☒ S80(4)(a)– no objection

Ergon's assessment of the Minor Change request has been made relative to the following submitted material.

Table 1			
Plans forming part of this Approval			
<i>Title</i>	<i>Plan No.</i>	<i>Issue</i>	<i>Date</i>
<i>Master Plan</i>	<i>BP1495/1.01</i>	<i>V</i>	<i>1 May 2026</i>

Ergon's original Referral Response dated 1 June 2020 reference number HBD 6952297 remains relevant to the application.

General Advice:

- Compliance with the Electrical Safety Act 2002, including any Code of Practice under the Act and the Electrical safety Regulation 2013 including any safety exclusion zones defined in the Regulation is mandatory

Should any doubt exist in maintaining the prescribed clearance to the overhead conductors and electrical infrastructure then the applicant is obliged under the Act to seek advice from Ergon.

- Any costs incurred by Ergon as a result of the works on the easement are to be met by the property Developer / owner.

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website www.ergon.com.au/referralagency

- This response does not constitute an approval to commence any works within the easement. Consent to commence works relevant to the conditions of the easement is required. All works on easement (including but not limited to earthworks, drainage and detention basins, road construction, underground and overhead services installation) require detailed submissions, assessment, and consent (or otherwise) by Ergon.
- All works proposed to be undertaken in close proximity to overhead or underground electrical lines are to be undertaken in accordance with Ergon's Works Practice Manual WP1323. This document refers to various standards, guidelines, calculations, legal requirements, technical details, and other information relevant to working near high voltage infrastructure. A copy of WP1323 can be found online via Ergon's document library ([Document library | Ergon](#)).

Should you require any further information on the above matter, please contact Tammara Scott on 0492 137 878 or via email at townplanning@ergon.com.au.

Yours faithfully,



Tammara Scott
Town Planner

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website www.ergon.com.au/referralagency

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, 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.