

Our Reference: MCUI/2017/1525 &
PSW/2017/1526
Contact Officer: Mary Partridge
Contact: 4688 6227
Email: development@tr.qld.gov.au

Development Application Decision Notice APPROVAL

Economic Development Act 2012 Section 89

Canberra District Rugby League Football Club Ltd
C/- ADAMS + SPARKES Town Planning + Development
PO Box 1000
BUDDINA QLD 4575

Email: cameron@astpd.com.au

14 September 2017

Dear Sir

Location: 348-360 Ruthven Street, TOOWOOMBA CITY QLD 4350
Property Description: Lot 8 RP5232, Lot 5 SP191223, Lot 1 SP117448, Lot 1 RP49868,
Lots 4 & 6 RP93677
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012*

The Combined Development Application for a Development Permit for a Material Change of Use for an Extension to an Existing Club and a Preliminary Approval for Planning Scheme Works for the Demolition of a Heritage Place, for the abovementioned property has been assessed and approved with Conditions. The decision was made on 13 September 2017. The following provides all the relevant details:

Details of Approval

Development Permit – Material Change of Use - Extensions to Existing Club; and
Preliminary Approval – Planning Scheme Works – Demolition of a Heritage Place.

Referral Agencies

Concurrence Agencies Name & Address: Dept Economic Development Qld
GPO Box 2202
Brisbane Qld 4001

Advice Agencies Name & Address: N/A

Conditions and Advices

Assessment Manager's Conditions: As per attached Schedule 1
Assessment Manager's Conditions: As per attached Schedule 2
Concurrence Agency Conditions: As per attached Schedule 3

Further Development Permits and/or Compliance Permits Required

- Building Works
- Plumbing and Drainage Works
- Operational Works

Endorsement Required Documents or Work in Relation to the Development

The following documents or works related to the development approved must be submitted to Council for Endorsement:

- Heritage Display.

Submissions

Number of properly made submissions: 0

Yours faithfully



Nikki Morrison
Senior Planner, Development Services



TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE

APPLICATION NUMBER:	MCUI/2017/1525
APPLICANT:	Canberra District Rugby League Football Club Ltd
LOCATION:	348-360 Ruthven Street, TOOWOOMBA CITY QLD 4350
PROPERTY DESCRIPTION:	Lot 8 RP5232, Lot 5 SP191223, Lot 1 SP117448, Lot 1 RP49868, Lots 4 & 6 RP93677
APPROVED USE:	Extension to Existing Club
ZONING / PRECINCT:	Precinct 2 – City Link Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

PLANNING

APPROVED USE

1. This Development Approval is for a material change of use for an extension to an existing Club (GFA 3,178m²).
2. This Development Approval does not imply or comprise an approval for any uses other than that listed in Condition 1.

CARRY OUT & MAINTAIN DEVELOPMENT

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

APPROVED PLANS

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

Plan No:	DA 001 Revision B
Description:	Cover prepared by Ultra Linea Architecture and dated 27/7/2017.
Amendments:	Nil
Plan No:	DA 101 Revision B
Description:	Site – Context Plan prepared by Ultra Linea Architecture and dated 27/7/2017.
Amendments:	Nil
Plan No:	DA 102 Revision B
Description:	Site – Site Plan prepared by Ultra Linea Architecture and dated 27/7/2017.
Amendments:	Nil
Plan No:	DA 201 Revision B
Description:	Plans – Ground Floor Demo Plan prepared by Ultra Linea Architecture and dated 27/7/2017.
Amendments:	Nil
Plan No:	DA 202 Revision B
Description:	Plans – Upper Floor Demo Plan prepared by Ultra Linea Architecture and dated 27/7/2017.
Amendments:	Nil
Plan No:	DA 203 Revision B
Description:	Plans – Ground Floor Proposed prepared by Ultra Linea Architecture and dated 27/7/2017.
Amendments:	As per Condition 54.
Plan No:	DA 204 Revision B
Description:	Plans – Upper Floor Proposed prepared by Ultra Linea Architecture and dated 27/7/2017
Amendments:	Nil
Plan No:	DA 403 Revision B
Description:	Elevations – Elevation Proposed (Ruthven Street Elevation) prepared by Ultra Linea Architecture and dated 27/7/2017.
Amendments:	Nil
Plan No:	DA 404 Revision B
Description:	Elevations – Elevation Proposed (Bowen Street Elevation & Western Lane Elevation) prepared by Ultra Linea Architecture and dated 27/7/2017.
Amendments:	Nil
Plan No:	DA 501 Revision B
Description:	Perspectives – Street Views 1 prepared by Ultra Linea Architecture and dated 27/7/2017.
Amendments:	Nil

8. Plans to be amended must be amended to only incorporate the amendments listed within this Development Approval and resubmitted and approved by Council for approval prior to the issue of any Operational Works approval, Building Works approval or Council's approval of plumbing and drainage works, or prior to commencement of use, whichever occurs first.

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

9. Prepare and submit applications to Council and obtain Operational Works approval for the following:
 - 9.1 Footpath works.

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

10. Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:
 - 10.1 Historical Display.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

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

DEDICATIONS, AGREEMENTS & CONTRIBUTIONS

DEDICATION OF LAND

12. The land area defined as a single chord truncation aligned with the proposed ground floor building line and on the corner of Ruthven Street and Bowen Street must be dedicated as road reserve in accordance with the requirements of the Department of Natural Resources and Mines.
13. Meet all costs associated with the transfer of land dedicated to Council.
14. Ensure that all land dedicated for road purposes is not encumbered by permanent structures, services such as pump stations, services easements or similar operational uses, unless otherwise approved by the conditions of this Development Approval.

COVENANT (RESTRICTION ON DISPOSAL OF LAND)

15. Amend the existing statutory covenant (705148908) in accordance with the requirements of the *Land Title Act 1994* to include Lot 8 RP5232 and Lot 5 SP191223. The statutory covenant must require that all the lots may only be held in ownership by the same person or entity and cannot be separately disposed of to another person or entity unless the approved use ceases to operate and all use rights are extinguished. The statutory covenant must be prepared/amended and registered with the Department of Natural Resources and Mines and a copy provided to Council.

DEVELOPMENT CONSTRAINTS

HERITAGE CONSERVATION

16. Prior to the commencement of any works onsite prepare and submit to Council for endorsement a visual display to be located in the new building that references the history and cultural significance of the Metropole Hotel. The information submitted to Council for endorsement must include at a minimum:
 - 16.1 Location of the display within the new building; and
 - 16.2 Details of the display design including a description of the items and information to be displayed.

WORKS

STORMWATER DISCHARGE

17. Stormwater from the new roofed and sealed areas must be picked and discharged directly to underground pipe.
18. Design and construction of all internal stormwater drainage works must comply with applicable section of *Australian and New Zealand Standard AS/NZS 3500 - Plumbing and Drainage Code* and the *Queensland Urban Drainage Manual*.

CONSTRUCTION WASTE MANAGEMENT & STORAGE

19. 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*.
20. 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 2008*.
21. Fires are not to be lit to dispose of demolition or construction waste.
22. 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 site and used on site), or be used as fill or buried elsewhere, unless otherwise permitted:
 - 22.1 Elsewhere within this Development Approval;
 - 22.2 In accordance with an associated Operational Works approval;
 - 22.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 22.4 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
 - 22.5 In accordance with a written approval issued by Council under the *Environmental Protection Regulation 2008* relating to the depositing or disposal of general waste from a premises not serviced by Council.
23. Demolition, excavation and construction waste (including night soil) must not be placed or stored within the road reserve at any time.

EROSION & SEDIMENT CONTROL

24. 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.
25. 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.
26. 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 site 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.

27. 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 prevent 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

28. Undertake all reasonable measures to protect Council and public utility services and assets during construction of the development.
29. 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:
 - 29.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 29.2 Where otherwise, as soon as reasonably possible, but no later than completion of the works associated with the development.
30. 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.
31. Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with the *Planning Scheme Policy PSP No. 4 – Development Near Utility Services*.

SERVICES & UTILITIES

SEWER

32. The existing sewer connection to 348 Ruthven Street (also described as lot 8 on RP5232) must be disconnected by a Licensed Plumber at no cost to Council. Form 4 must be submitted to Council.
33. The proposed extension must be connected to Council's existing sewerage reticulation system (via the existing internal sewer of the sports club at 352 Ruthven Street) in accordance with Council's Wastewater Infrastructure Policy 2.04 and at no cost to Council.
34. Any connection to or modification of Council's live sewerage 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.

WATER

35. The existing water connection to 348 Ruthven Street (also described as lot 8 on RP5232) must be disconnected and meter to be recovered by Council at no cost to Council.
36. The proposed extension must be connected to Council's reticulated water supply (via the existing water supply to the sports club at 352 Ruthven Street) in accordance with Council's Water Infrastructure Policy 2.03 and at no cost to Council.
37. Any connection to or modification of Council's live water supply 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.

BUILDING WORKS & ARCHITECTURE

ACTIVE FRONTAGES

38. Windows and glazed doors used within the approved uses must be clear to such a degree that visibility through windows and doors is not adversely affected.
39. The glazing along all active frontages and street frontages of the new extension must not be blocked off, obscured (in whole in part), painted over, or covered by shelving or the like.
40. Pedestrian pathways along the active frontages of buildings must be provided with a shade and weather protection awning generally in accordance with the Approved Plans listed within this Development Approval.
41. Pedestrian access must be provided at grade and comply with *Australian Standard AS1428 - Design for Access and Mobility*.

AMENITY & OPERATION OF USE

VISUAL AMENITY

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

STREET IDENTIFICATION

47. The street number of all buildings must be clearly identifiable and located in a prominent position near the building entry.

ACCESS FOR PEOPLE WITH DISABILITIES

48. 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

49. Safety and security lighting must be provided to the following areas of the site:
 - 49.1 All entries and exits of buildings;
 - 49.2 All pathways linking car parking areas to the entrances and exits of buildings; and
 - 49.3 Throughout car parking areas; and
 - 49.4 Within all internal stairwells of the car parking structure; and
 - 49.5 Along Western Lane

50. Where constructing an awning or other overhead device over a footpath, a lighting system must be installed to light the covered footpath to a minimum of 20 lux, when measured at the footpath level and plane.
51. 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
52. Pedestrian routes between car parking areas and buildings must be clearly signed and marked with appropriate wayfinding signage.
53. Parking spaces must be available for use by employees and visitors during the approved hours of operation for the business.

PEDESTRIAN & CYCLIST FACILITIES

54. Cyclist facilities must be provided for the development in accordance with the following:
 - 54.1 The provision of four (4) bicycle parking facilities designed to meet security level C requirements as defined within *AS/NZ 2890.3:2015 - Parking Facilities - Bicycle Parking Facilities*. Amend Plan *DA 203 Plans - Ground Floor Proposed* to show two bike parks in the car park clear of the existing stairs and two bike parks on Ruthven Street adjacent to the landscape build out area and close to the new building entrance.
55. Wayfinding signage must be provided which provides direction from the street network to the location of the bicycle parking facilities located in the car parking structure.

TRANSPORT, VEHICULAR ACCESS & PARKING

EXTERNAL PEDESTRIAN PATHS

56. Reconstruct the existing pedestrian footpath in Bowen Street from Ruthven Street to the eastern side of Western Lane to *City Frame* design standards (as per Toowoomba City Centre Public Realm Design Guidelines) following completion of all development works on the site, but prior to the commencement of the proposed use. The work must be carried out in accordance with the following requirements:
 - 56.1 The work must include any surface grinding or saw cutting to finish the works flush with all existing service covers and the like, or alternatively these services raised or altered as necessary, so as not to create any trip or other hazard to pedestrian movement;
 - 56.2 The footpath must be constructed from the property boundary to the street kerb with a maximum crossfall of 2.5%; and
 - 56.3 Provision must be made for wheelchair and pram access at all kerb crossings in accordance with SEQ R-065.
57. The following works must be constructed in accordance with *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)*:
 - 57.1 Reinstatement of the Ruthven Street footpath to *City Core* design standards (as per Toowoomba City Centre Public Realm Design Guidelines) and to match the new building line.

58. An Operational Works approval must be submitted to and be approved by Council for the construction of the concrete footpaths. The design and the construction of the works must be certified by a RPEQ - Civil as follows:

- 58.1 A Design Certificate must be submitted with the application; and
- 58.2 A Construction Supervision certificate must be submitted at the completion of the approved works.

ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING

59. The premises must be provided with a total of ninety six (96) on-site car parking spaces including two (2) spaces for people with disabilities, together with standing and manoeuvring for a SRV service vehicle. Car parking and manoeuvring areas must be:

- 59.1 Constructed generally as shown on the Approved Plans listed within this Development Approval;
- 59.2 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*;
- 59.3 Designed and constructed in accordance with the requirements of AS2890;
- 59.4 Designed to ensure car parking spaces for people with disabilities are located in close proximity to a primary building entrance and meet the requirements of AS2890.1, AS1428.1 and AS2890.6:2009;

Advice Note: The current car parking spaces for people with disabilities does not meet the AS2890.6 standard as there is no shared area

- 59.5 Accessible and available to the general public and staff during approved hours of operation;
- 59.6 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the site;
- 59.7 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring; and
- 59.8 Designed to enable all vehicles to enter and leave the site in a forward gear, unless otherwise agreed in writing by Council.

Advice Note: Removal of the bollards separating the service bay from Western Lane may allow the service vehicle to exit in the forward direction along Western Lane. Turning circles will be required to confirm this forward manoeuvre can occur.

ENVIRONMENT & WASTE

WASTE MANAGEMENT (GENERAL)

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

WASTE MANAGEMENT (BIN PROVISION & STORAGE)

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

- 61.1 The size, mix and capacity of bins provided must be sufficient to accommodate the type and level of waste likely to be generated from the development having regard to the frequency of disposal or collection;
- 61.2 Provision of a constructed bulk bin store with an impervious hardstand base for the permanent storage location and service collection of all bulk bins;

- 61.3 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built enclosure or solid screen fencing; and
- 61.4 Bins must be kept in a clean state and in good repair and fitted with tight-fitting lid assemblies designed to prevent ingress of pests and water.

WASTE MANAGEMENT (REMOVAL)

- 62. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
 - 62.1 General waste must be collected and removed at periods not exceeding seven days;
 - 62.2 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal; and
 - 62.3 The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.

LANDSCAPING

PROTECTION OF STREET LANDSCAPING

- 63. Existing landscaping within the road reserve must be protected for the duration of works onsite. All works must include in particular:
 - 63.1 Establishment of a work exclusion area around the landscaping to be retained prior to commencement of construction to avoid damage and soil compaction from plant and machinery;
 - 63.2 Providing Council with one weeks' notice of any excavation works affecting the 'Precautionary Area' of a street tree so that a Council Arborist may be present during excavation works;
 - 63.3 During excavation works, where roots greater than 50mm diameter are uncovered that need to be severed, obtain approval from a Council Arborist to sever the root, and if granted, do so with a cutting device and not a ripping device;
 - 63.4 Landscaping protection is to be maintained until works are completed or accepted on-maintenance; and
 - 63.5 Where any landscaping is damaged it must be replaced with a plant of equal quality, size, maturity and species unless otherwise agreed in writing by Council.

INFRASTRUCTURE CHARGES

- 64. The applicant must pay infrastructure charges in accordance with the Infrastructure Charges notice attached to the Decision Notice prior to the commencement of use.

B. ADVICES:

GENERAL ADVICES – MATERIAL CHANGE OF USE

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/2017/1525.

INFRASTRUCTURE CHARGES

- 2) Infrastructure charges are issued pursuant to Section 10 of the *Economic Development Act 2012*. Refer to the attached Infrastructure Charges Notice.

OTHER LAWS & REQUIREMENTS

- 3) This approval relates to development requiring approval under the *Economic Development Act 2012* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
- 4) Any works impacting outside the property boundary will require a permit under Subordinate Local Law 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011. Please contact Council's Road Operations Branch through our Customer Service Centre on 131 872. The application can be found on Council's website at www.tr.qld.gov.au.
- 5) The proposed development has only been assessed in accordance with the provisions of the *Toowoomba Railway Parklands Priority Development Area Development 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 TAKES EFFECT

- 6) This approval takes effect in accordance with the provisions of the *Economic Development Act 2012*.

WHEN APPROVAL LAPSES

- 7) This approval will lapse in accordance with the provisions contained in the *Economic Development Act 2012*, unless otherwise stated elsewhere within this Development Approval.

EQUITABLE ACCESS & FACILITIES

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

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

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

ENVIRONMENTAL HARM

- 9) The *Environmental Protection Act 1994* 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 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.

FIXED MECHANICAL PLANT NOISE

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

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

FOOD PREMISES

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

FIRE ANTS

- 12) The State of Queensland has been declared a quarantine area for the Red Imported Fire Ant. Should this approval involve the movement of restricted items from areas of known infestation the provisions of the *Plant Protection Act 1989* apply, compliance with statutory provisions must be achieved.

BUILDINGS

- 13) The proposed development has only been assessed in accordance with the provisions of the *Toowoomba Railway Parklands Priority Development Area Development Scheme*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or *Queensland Development Code*.

TRADE WASTE APPROVAL

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

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

C. ATTACHMENTS:

- Assessment Manager's Conditions Schedule 2
- Concurrence Agency Conditions Schedule 3
- Approved Development Plans

SCHEDULE 2

PRELIMINARY APPROVAL FOR PLANNING SCHEME WORKS

APPLICATION NUMBER:	PSW/2017/1526
APPLICANT:	Canberra District Rugby League Football Club Ltd
LOCATION:	348-360 Ruthven Street, TOOWOOMBA CITY QLD 4350
PROPERTY DESCRIPTION:	Lot 8 RP5232, Lot 5 SP191223, Lot 1 SP117448, Lot 1 RP49868, Lots 4 & 6 RP93677
APPROVED USE:	Demolition of a PDA Significant Heritage Site
ZONING / PRECINCT:	Precinct 2 – City Link Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

PLANNING

APPROVED DEVELOPMENT

1. This Preliminary Approval is for PDA Building Works – Demolition of a building listed as a PDA Significant Heritage Site which consists of the demolition of the building generally in accordance with the Approved Plan and conditions of this Preliminary Approval.
2. This Preliminary Approval does not imply or comprise an approval for any work other than that listed in Condition 1.
3. All conditions must be complied with for the duration of the work.

CARRY OUT & MAINTAIN DEVELOPMENT

4. The development must comply with the provisions of Council's Local Laws and the Priority Development Area Development Scheme to the extent they are not varied by this Development Approval.

APPROVED PLANS

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

Plan No: DA 201 Revision B
Description: Plans – Ground Floor Demo Plan prepared by Ultra Linea Architecture and dated 27/7/2017
Amendments: Nil

Plan No: DA 202 Revision B
Description: Plans – Upper Floor Demo Plan Plan prepared by Ultra Linea Architecture and dated 27/7/2017
Amendments: Nil

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

6. A legible copy of the Approved Plans and Approved bearing Council's approved stamp and this Development Approval must be available on the subject land and available for inspection at all times during the works.

DEVELOPMENT CONSTRAINTS

REMOVAL OF EXISTING BUILDINGS & STRUCTURES

7. Remove all existing structures identified for removal as shown on the Approved Plans listed within this Development Approval.

HERITAGE CONSERVATION

8. Prior to the commencement of any works onsite prepare and submit to Council for endorsement a visual display to be located within the new building on the subject site that references the history and cultural significance of the Metropole Hotel. The information submitted to Council for endorsement must include at a minimum:
 - 8.1 Location of the display within the new building; and
 - 8.2 Details of the display design including a description of the items and information to be displayed.

WORKS

CONSTRUCTION WASTE MANAGEMENT & STORAGE

9. Waste generated during demolition must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.
10. The on-site storage and disposal of demolition waste (including the storage and disposal of night soil) must comply with the *Environmental Protection Regulation 2008*.
11. Fires are not to be lit to dispose of demolition or construction waste.
12. No demolition waste is to be used as fill or buried on-site (with the exception of cut material recycled from the site and used on site), or be used as fill or buried elsewhere, unless otherwise permitted:
 - 12.1 Elsewhere within this Development Approval;
 - 12.2 In accordance with an associated Operational Works approval;
 - 12.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 12.4 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
 - 12.5 In accordance with a written approval issued by Council under the *Environmental Protection Regulation 2008* relating to the depositing or disposal of general waste from a premises not serviced by Council.

13. Demolition waste (including night soil) must not be placed or stored within the road reserve at any time.

EROSION & SEDIMENT CONTROL

14. 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.
15. 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.
16. 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 site 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.
17. 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 prevent 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

18. Undertake all reasonable measures to protect Council and public utility services and assets during demolition of the building.
19. Any damage caused to existing services and assets as a result of the demolition works must be repaired at no cost to the asset owner in accordance with the following timing:
 - 19.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 19.2 Where otherwise, as soon as reasonably possible, but no later than completion of the works associated with the demolition.
20. 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.
21. Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with the *Planning Scheme Policy PSP No. 4 – Development Near Utility Services*.

B. ADVICES:

GENERAL ADVICES – PLANNING SCHEME WORKS

WHEN APPROVAL TAKES EFFECT

- 1) This approval takes effect in accordance with the provisions of the *Economic Development Act 2012*.

WHEN APPROVAL LAPSES

- 2) This approval will lapse in accordance with the provisions contained in the *Economic Development Act 2012*, unless otherwise stated elsewhere within this Development Approval.

OTHER LAWS & REQUIREMENTS

- 3) This approval relates to development requiring approval under the *Economic Development Act 2012* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
- 4) Any works impacting outside the property boundary will require a permit under Subordinate Local Law 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011. Please contact Council's Road Operations Branch through our Customer Service Centre on 131 872. The application can be found on Council's website at www.tr.qld.gov.au.
- 5) The proposed development has only been assessed in accordance with the provisions of the *Toowoomba Railway Parklands Priority Development Area Development Scheme*. No assessment has been made in respect of the provisions of the Building Code of Australia and/or the Queensland Development Code.

ENVIRONMENTAL HARM

- 6) The *Environmental Protection Act 1994* 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 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.

C. ATTACHMENTS:

- Concurrence Agency Conditions Schedule 3
- Approved Development Plans

SCHEDULE 3

CONCURRENCE AGENCY (CONDITIONS AND COMMENTS)

DEPARTMENT OF INFRASTRUCTURE, LOCAL GOVERNMENT AND PLANNING

RECEIVED
20.04.2017
TOOWOOMBA
REGIONAL COUNCIL



Department of Infrastructure,
Local Government and Planning

Our ref: F17/4502
Your ref: MCUI/2017/1525 and PSW/2017/1526

19 April 2017

The Chief Executive Officer
Toowoomba Regional Council
PO Box 3021
TOOWOOMBA QLD 4350

Attention: Mary Partridge
Via email: Mary.Partridge@tr.qld.gov.au

Dear Mary

SECTION 87(1)(b) RELEVANT STATE INTERESTS FOR A PDA DEVELOPMENT APPLICATION FOR A PDA DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – EXTENSION TO CLUB AND PRELIMINARY APPROVAL FOR BUILDING WORKS – DEMOLITION AT 348-360 RUTHVEN STREET, TOOWOOMBA CITY DESCRIBED AS LOT 1 ON RP49868, LOT 4 & 6 ON RP93677, LOT 5 ON SP191223, LOT 8 ON RP5232 AND LOT 1 ON SP117428

After undertaking an assessment on the above PDA development application the Minister for Economic Development Queensland has determined that the State interests pursuant to s87(1)(b) of the *Economic Development Act 2012* (the Act) have been satisfactorily addressed.

Despite not being mapped as a state interest, EDQ acknowledges that the proposal includes a Preliminary Approval for Building Works to demolish the locally heritage listed Metropole Hotel. It is important to note that state interests, including heritage listings, were taken into consideration during the preparation of the Toowoomba Railway Parklands PDA Development Scheme. For this reason, we encourage Council to continue to pursue the achievement of the heritage outcomes identified in the Vision and PDA-wide criteria.

Please be advised that this advice relates to the application as currently proposed. Should the application change via an information request, a further issues request or a formal change made under s92 of the Act; another state interest check will be required, based on the changed proposal.

Minister for Economic Development
Queensland
GPO Box 2202
Brisbane Queensland 4001 Australia
Website www.edq.qld.gov.au
ABN 76 590 288 697

Should you have any queries in relation to this notice, please do not hesitate to contact Brianna Fyffe on 3452 7167.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Stone', written in a cursive style.

Jeanine Stone
Director – EDQ Development Assessment