

Our Reference: MCUI/2026/1261
Officer: Alice Pai
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**Development Application Decision Notice
APPROVAL**

Planning Act 2016 Section 63

Jai Anthony Phillips and Damon Anthony Phillips
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Level 32
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BRISBANE CITY QLD 4000

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17 September 2026

Dear Sir/Madam

Location: 31 Glenvale Road, NEWTOWN QLD 4350
Property Description: Lot 19-20 RP63458
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012*

The Development Application for Material Change of Use – Impact – Multiple Dwelling (Seven (7) x Two (2) Bedroom Units and One (1) x Three (3) Bedroom Unit), for the abovementioned property has been assessed and approved in full with Conditions. It is considered that the approved development generally complies with the relevant assessment benchmarks or can be conditioned to comply. The decision was made on 11 September 2026. The following provides all the relevant details:

Details of Approval

Development Permit – Material Change of Use – Impact – Multiple Dwelling (Seven (7) x Two (2) Bedroom Units and One (1) x Three (3) Bedroom Unit)

Referral Agencies

Concurrence Agencies Name & Address: N/A

Advice Agencies Name & Address: N/A

Conditions and Advices

Assessment Manager's Conditions: As per attached Schedule 1

Concurrence Agency Conditions: N/A

Currency Period

In accordance with section 85(1)(a)(ii) of the *Planning Act 2016* (Qld), this Development Approval lapses, to the extent the development is not completed, if the first material change of use under this Development Approval has not happened within six (6) years of this Development Approval starting to have effect.

Further Development Permits Required

- Building Work
- Operational Work

Further Plans/Documents for Endorsement

The following documents/plans require Endorsement:

- Landscape Plan
- Survey Plan

Submissions

Number of properly made submissions: 1 (see attached list of names and addresses)

Rights of Appeal

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

The *Planning Act 2016* is available on the Office of the Queensland Parliamentary Counsel website via:

<https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2016-025>.

Yours faithfully



Emily Hinchliffe
Lead Senior Planner, Planning Branch

SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - IMPACT

APPLICATION NUMBER:	MCUI/2026/1261
APPLICANT:	Jai Anthony Phillips and Damon Anthony Phillips
LOCATION:	31 Glenvale Road, NEWTOWN QLD 4350
PROPERTY DESCRIPTION:	Lot 19-20 RP63458
APPROVED USE:	Multiple Dwelling (Seven (7) x Two (2) Bedroom Units and One (1) x Three (3) Bedroom Unit)
ZONING / PRECINCT:	Low Density Residential / Clifford Park Stables Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

PLANNING

APPROVED USE

1. This Development Approval is for a Material Change of Use for a Multiple Dwelling (Seven (7) x Two (2) Bedroom Units and One (1) x Three (3) Bedroom Unit).

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 Work approval.
5. The development must be maintained generally in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.

APPROVED PLANS

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

Plan No: P0063307, Revision C

Description: Glenvale Road Site Plan Concept, prepared by Urbis, dated 13 August 2026.

Amendments: Council's markup in red.

Plan No: A-1
Description: Floor Plan, prepared by The Concept Group and dated 30 January 2026, received by Council 16 February 2026
Amendments: Nil.

Plan No: A-13
Description: Elevation (Front Elevation, Left Side Elevation, Rear Elevation, and Right Side Elevation), prepared by The Concept Group and dated 30 January 2026, received by Council 16 February 2026
Amendments: Nil.

Plan No: Project No. 26.038, Drawing No. 01, Issue 1
Description: Site Plan (Existing Residence), prepared by Draftit Building Design and dated 4 August 2026
Amendments: Markup in red to identify existing structures to be removed in accordance with Condition 12.

Plan No: Project No. 26.038, Drawing No. 02, Issue 1
Description: Existing Floor Plan, prepared by Draftit Building Design and dated 4 August 2026
Amendments: Nil.

Plan No: Project No. 26.038, Drawing No. 03, Issue 1
Description: Elevations, prepared by Draftit Building Design and dated 4 August 2026
Amendments: Nil.

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 Driveway Crossover (if required);
 - 7.2 Stormwater Infrastructure;
 - 7.3 Bulk Earthwork (if required); and
 - 7.4 Pedestrian footpath.

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.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

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

DEDICATIONS, AGREEMENTS & CONTRIBUTIONS

AMALGAMATION OF LOTS

10. The subject land must be amalgamated to form a single allotment.

11. The Plan of Survey for amalgamation must be registered, and proof of registration provided to Council prior to commencement of the use.

DEVELOPMENT CONSTRAINTS

REMOVAL OF EXISTING BUILDINGS & STRUCTURES

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

WORKS

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

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

STORMWATER DRAINAGE

17. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.
18. 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.

19. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the internal and any external stormwater infrastructure. The design and the construction of the works must be certified by a RPEQ – Civil.
20. As part of a Development Application for a Development Permit for Operational Work submit to Council for approval, a Detailed Stormwater Management Plan prepared by a Registered Professional Engineer Queensland - Civil (RPEQ) in accordance with the relevant standards in *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure* (PSP No.2) demonstrating the following:
 - 20.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval;

- 20.2 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;
- 20.3 No increase in flood levels external to the subject land; and
- 20.4 No increase in duration of inundation external to the subject land that could cause loss or damage.

STORMWATER DISCHARGE

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

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

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

AIR QUALITY IMPACT MITIGATION

- 23. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the *Air Quality Objectives* listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive place or commercial place must not be released to the atmosphere during building and operational work.
- 24. 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:
 - 24.1 Dust deposition of 133 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method*.

VIBRATION IMPACT

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

Table 01 - Human comfort vibration limits to minimise nuisance

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

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

CONSTRUCTION WASTE MANAGEMENT & STORAGE

27. 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*.
28. 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*.
29. Fires are not to be lit to dispose of demolition or construction waste.
30. 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:
 - 30.1 Elsewhere within this Development Approval;
 - 30.2 In accordance with an associated Development Permit for Operational Work;
 - 30.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 30.4 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
 - 30.5 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.
31. Demolition, excavation and construction waste (including night soil) must not be placed or stored within the road reserve at any time.

BULK EARTHWORKS

32. 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.

CONSTRUCTION NOISE IMPACT MITIGATION

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

EROSION & SEDIMENT CONTROL

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

DAMAGE TO SERVICES & ASSETS

39. Protect Council and public utility services and assets during construction of the development.
40. 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:
 - 40.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 40.2 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.
41. 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.

42. Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with Council's relevant policies and requirements at no cost to Council.

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

SERVICES & UTILITIES

BUILDING OVER OR NEAR COUNCIL SERVICES & ASSETS

43. Any construction carried out near or over existing Council services must be in accordance with the Queensland Development Code QDC MP1.4 - Building Over or Near Relevant Infrastructure, and be carried out at no cost to Council in accordance with the following requirements:

- 43.1 Any Council wastewater infrastructure that passes through the subject land must be replaced following removal of any existing infrastructures, but prior to the commencement of any new building works on the subject land;

Note: A 'Building Over or Near Water - Sewer - Stormwater Services Application', (Sewer Siting) application will be required to be submitted where building over or near the existing Council sewer infrastructure. Also, to arrange for a private works quotation for the required works, contact Council's Water & Wastewater Department on Ph 131 872.

- 43.2 All drainage connection points must be located or relocated a minimum distance of 1.0m clear of the proposed structure(s);

- 43.3 Any works on Council's existing '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;

- 43.4 Council wastewater and any inter-allotment stormwater drainage are to be located accurately prior to the commencement of building works and all piers or foundations for all new structures positioned in accordance with the *Queensland Development Code QDC MP1.4 - Building Over or Near Relevant Infrastructure*;

- 43.5 Where it is proposed to build over or near an existing Council infrastructure, structural protection must be provided in accordance with relevant Council Policies and a design certified by a Registered Professional Engineer of Queensland (RPEQ) must be submitted to and be approved by Council prior to commencement of the works;

- 43.6 Any alterations or adjustments required to existing wastewater or stormwater 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;

- 43.7 A minimum of 900mm of cover is to be maintained to the top of the Council's wastewater infrastructure upon completion of the development.

WASTEWATER INFRASTRUCTURE (GENERAL)

44. The development must be connected to Council's existing wastewater reticulation system 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 2016.

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

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

46. 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.
47. Any connection to or modification of Council's live wastewater infrastructure must be undertaken by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.

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

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

48. 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.
49. All wastewater house drainage connection points located in driveways will require the vertical shaft to be capped with a heavy duty, trafficable system finished flush with the finished surface level of the driveway.
50. Maintenance Holes (MH) are to be fully protected during the full construction period of the development. Protection must include spanning slabs or beams and matting to ensure direct loads from all heavy plant during construction are not transmitted onto the MH structure.
51. 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 Regulation 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.

52. If the development cannot be compliantly drained to the existing wastewater connection point but can be drained to the existing wastewater system, a new connection point must be installed. The new location must be as determined and agreed by Council's Coordinator Plumbing and Drainage and Council's Coordinator Water and Sewer Maintenance
53. All works requiring alteration or extension of infrastructure to be undertaken by Council must be completed under a private works agreement with Council and at no cost to Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.

WATER SUPPLY

54. 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.

Note: The size of any new service connection is to be determined during Plumbing approval.

55. All water main fittings, services and meters must be located 1.0m clear of the driveway footpath crossover unless otherwise approved in writing by Council.
56. 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.
57. 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*.

TELECOMMUNICATION

58. Install telecommunications infrastructure to service the development which complies with the following:
 - 58.1 The requirements of the *Telecommunications Act 1997* (Cth);
 - 58.2 For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - 58.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.
59. 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.
60. Provide to Council written evidence from all relevant service providers that the telecommunications infrastructure is installed in accordance with the conditions of this Development Approval and all applicable legislation at the time of construction.

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

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

ELECTRICITY

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

AMENITY

VISUAL AMENITY

62. Any graffiti deterrent building design elements and surface treatments are to be maintained at all times.
63. All buildings, structures and fences as well as the subject land must be maintained in a clean and tidy manner at all times.

- 64. All fixed mechanical plant must be contained within the building or visually screened to all street frontages, public viewing locations and adjoining premises.
- 65. Bin storage areas must be screened from view from all street frontages and public places.

FENCING & WALLS (GENERAL)

- 66. 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.
- 67. 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.
- 68. The required height of a fence or wall is measured from the highest adjacent finished ground level.
- 69. 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.
- 70. Side boundary fences must taper on an angle from the front building line to the front boundary to a maximum height of 1.2m or to the height of the highest existing or approved fences adjoining the front boundary.

Note: An existing fence may be replaced with a new fence at the same height.

- 71. 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.
- 72. All costs associated with meeting the fencing requirements listed within this Development Approval must be borne by the developer.
- 73. A minimum 1.8m high solid screen fence, which may be a 'butt-jointed' timber paling fence, must be erected along the full length of the side and rear boundary except where reduced in height to taper towards the frontage in accordance with Condition 70.

FENCING & WALLS - INTERFACE TO PUBLIC REALM

- 74. Fences and walls provided adjacent to public places (streets, laneways, public walkways and public open space areas) must be constructed generally in accordance with the Approved Plans listed within this Development Approval and in particular:
 - 74.1 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 (AGR04A-09)*; and
 - 74.2 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; and
 - 74.3 Unless otherwise approved and erected for the purpose of acoustic attenuation, 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.

FENCING & WALLS - PRIVATE OPEN SPACE

75. 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

76. 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.
77. The unit number of each dwelling must be displayed on or adjacent to the entry to the unit, in such a way that they are clearly legible.

LETTERBOX

78. A private letterbox for each dwelling which complies with the requirements of Australia Post must be provided adjacent to the road frontage.

TRANSPORT, VEHICULAR ACCESS & PARKING

EXTERNAL PEDESTRIAN FOOTPATH

79. The following works must be constructed in accordance with *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)*:
- 79.1 Construct a 1.5m wide concrete pedestrian footpath along the development frontage of Glenvale Road and extend along the frontage of Lot 1 AG4297 to connect to the existing footpath / edge of the existing driveway;
- Note: Ensure a smooth transition to the existing driveway on the western side of Lot 1 AG4297.*
- 79.2 The sealing of the footpath must be carried out following completion of all development works on the subject land, but prior to the commencement of the proposed use;
- 79.3 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
- 79.4 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 128 of the Planning Act 2016.*
80. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the construction of the concrete footpath 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

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

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

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

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

PROVISION OF VEHICULAR ACCESS

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

83.1 The vehicle access must be consolidated and located as shown on the Approved Plans listed within this Development Approval;

83.2 The vehicle access (crossing the verge) must be constructed generally in accordance with the Institute of Public Works Engineering Australasia *Drawing RSD-100 Residential driveway Plan 1 of 2 and Drawing RSD-101 Residential driveway Plan 2 of 2*, and in accordance with *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*;

83.4 The vehicle access (crossing of the verge) must align neatly on both sides with the pedestrian footpath and verge with a maximum cross fall of 2.5%. Where there is an existing pedestrian path, the existing footpath in the vicinity of the driveway must be saw cut, removed and replaced by the driveway crossover. The driveway is to be graded at not steeper than 2.5% for the width of the footpath;

83.5 The relocation of all existing services must be clear of the access that will serve the subject land;

83.6 The relevant service authorities must be contacted and their requirements complied with;

83.7 The vehicle access must be constructed to a minimum width of 5 m extending into the subject land generally in accordance with the Approved Plans listed within this Development Approval.

84. The final design and layout of the vehicle accesses, or any modification of existing property accesses, must be assessed and approved in an Operational Works approval for driveway crossover/s unless 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

85. Remove the existing redundant vehicle access to Glenvale Road. The works must include, but are not limited to:

- 85.1 Removal of the existing vehicle access and reinstatement of the concrete kerb to match the existing concrete kerb; and
- 85.2 Reinstatement of turfing to match the required verge profile.

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

ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING

- 86. The premises must be provided with a minimum of 18 on-site car parking spaces inclusive of two (2) visitor car parking spaces. Car parking and manoeuvring areas must be:
 - 86.1 Constructed generally as shown on the Approved Plans listed within this Development Approval;
 - 86.2 Provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in the *Toowoomba Regional Planning Scheme 2012 and Australian Standard AS2890 - Parking Facilities*;
 - 86.3 Designed and constructed in accordance with the requirements of AS2890;
 - 86.4 Visitor parking must be provided with pavement markings that indicate 'visitor parking only';
 - 86.5 Designed to enable all vehicles to enter and leave the subject land in a forward gear; and
 - 86.6 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring.

ENVIRONMENT & WASTE

ACOUSTIC AMENITY - GENERAL

- 87. Drainage grating over trafficable areas must be well secured and maintained to prevent rattling.
- 88. Driveway areas are to be finished with a surface which prevent tyre squeal. An uncoated surface is acceptable.

WASTE MANAGEMENT (GENERAL)

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

WASTE MANAGEMENT (BIN PROVISION & STORAGE)

- 90. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
 - 90.1 Provision of 1 x 240L wheelie bin for general waste and 1 x 240L wheelie bin for recyclable waste for each unit;
 - 90.2 Provision of a constructed communal bin store with an impervious hardstand base for the permanent storage location of all wheelie bins, each having minimum dimensions of 1m² per bin, located no closer than 2m to any fresh air intake of a habitable room;
 - 90.3 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built structure, enclosure or solid screen fencing; and

- 90.4 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)

91. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
- 91.1 Collection by a refuse vehicle from the kerbside;
 - 91.2 General waste must be collected and removed at periods not exceeding seven days; and
 - 91.3 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal.

LANDSCAPING

REMOVAL OR MODIFICATION OF EXISTING COUNCIL CONTROLLED TREE

92. The removal, modification or interference (including disturbance within the Notional Root Zone (NRZ) or Structural Root Zone (SRZ)) of a Street Tree must not be undertaken unless approved in writing by Council and in accordance with any conditions of this Development Approval.

PROTECTION OF COUNCIL CONTROLLED TREES

93. Street Trees affected by works within the Notional Root Zone (NRZ), as determined in accordance with AS4970-2009 *Protection of Trees on Development Sites*, must be protected for the duration of construction. All works must be carried out in accordance with the relevant standards in *Planning Scheme Policy No.8 - Street Trees* and AS4970-2009 *Protection of Trees on Development Sites*, and must include in particular:
- 93.1 Establishment of a work exclusion area around the Street Tree to be retained prior to commencement of construction to avoid damage and soil compaction from plant and machinery;
 - 93.2 Providing Council with one weeks' notice of any excavation works affecting Notional Root Zone of a Street Tree so that a Council Arborist may be present during excavation works;
 - 93.3 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; and
 - 93.4 Tree protection measures are to be maintained until works are completed or accepted on maintenance.
94. No new infrastructure is permitted to be constructed within 1.5 metres of the trunk of the existing Council controlled street trees.

LANDSCAPE PLAN

95. Prior to the commencement of any works on site or the issue of a Development Permit for Operational Work or Building Work (whichever occurs first), submit to Council for endorsement a Landscape Plan prepared by a suitably qualified person (Landscape Architect or Landscape Designer). The plan is to be 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:

- 95.1 A detailed Planting Plan and Schedule including stock sizes, quantities and location that includes species which are characteristic of the local area and climate, and provide seasonal variation, colour and texture;
- 95.2 The typical planting details including soil preparation, backfill, staking, mulching, irrigation, drainage and maintenance;
- 95.3 All landscape planting must be contained within the property boundary;
- 95.4 Location, height and finish of fencing fronting public land, verges and open space; and screening of communal bin stores including vegetative screening or landscape buffer planting where required;
- 95.5 Construction details of proposed surfaces, surface level changes and structures must be wholly contained within the property boundary;
- 95.6 Provision of an irrigation or water source to all planted areas;
- 95.7 Trees provided generally in accordance with layout provided in approved site plans;
- 95.8 A variation in pavement colours and/or materials to the pedestrian movement zone(s) to define legible safe pedestrian access egress (if applicable); and
- 95.9 All plan pages must include a legend or title block that includes: north point, scale, title and drawing number.

Note: Fees and charges are associated with lodging Landscape Plan(s) for endorsement and must be paid prior to Council undertaking assessment of the plans.

- 96. The Landscape Plans must receive endorsement by Council prior to lodgement of any Development Application for a Development Permit for Operational Work or commencement of any site works or earthworks or issue of any Development Permit for Building Work.

LANDSCAPING WORKS

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

B. ADVICES:

GENERAL ADVICES

INFRASTRUCTURE CHARGES

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

OTHER LAWS & REQUIREMENTS

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

WHEN APPROVAL STARTS TO HAVE EFFECT

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

WHEN APPROVAL LAPSES

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

EXCAVATION & FILLING

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

EQUITABLE ACCESS & FACILITIES

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

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

- 8.1 The *Disability Discrimination Act 1992* (Cth);

8.2 The *Anti-Discrimination Act 1991* (Qld); and

8.3 The *Disability (Access to Premises - Buildings) Standards*.

ENVIRONMENTAL HARM

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

Environmental harm includes environmental nuisance. In this regard persons and entities involved in the civil, earthworks, construction and operational phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.

Environmental harm is defined by the EP Act as any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

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

STREET TREE DISTURBANCE & REMOVAL APPROVAL

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

WATER POLLUTION

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

FIRE ANTS

- 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 *Biosecurity Act 2014* apply, compliance with statutory provisions must be achieved.

BUILDING OVER, OR NEAR, COUNCIL INFRASTRUCTURE

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

SUITABLY QUALIFIED PERSON

- 14) 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 5 years current experience in the field of landscape design.

C. ATTACHMENTS:

- Approved Development Plans
- Appeal provisions pursuant to the *Planning Act 2016*.

List of Submitters:-

Nathan Anthony Ennor
43 Glenvale Road
NEWTOWN QLD 4350

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
- (a) matters that may be appealed to—
- either a tribunal or the P&E Court; or
 - only a tribunal; or
 - only the P&E Court; and
- (b) the person—
- who may appeal a matter (the **appellant**); and
 - who is a respondent in an appeal of the matter; and
 - who is a co-respondent in an appeal of the matter; and
 - who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
- for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - 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
 - for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - 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
 - for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - otherwise—20 business days after the day the notice is given; or
 - 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—
- the adopted charge itself; or
 - for a decision about an offset or refund—
 - the establishment cost of trunk infrastructure identified in a LGIP; or
 - the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
- is in the approved form; and
 - succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
- the respondent for the appeal; and
 - each co-respondent for the appeal; and
 - 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—
- if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - 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—
- 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
 - otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

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

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

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

232 Rules of the P&E Court

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