

REPORT TITLE	Material Change of Use – Impact – Transport Depot located at 2 McCartin Court, Torrington
AUTHOR	Plan A Town Planning Pty Ltd (Georgina McNee)
Application No.	MCUI/2023/3530

PURPOSE OF REPORT

To consider a Development Application for Material Change of Use – Impact – Transport Depot located at 2 McCartin Court, Torrington

EXECUTIVE SUMMARY

The applicant seeks approval of a Development Application for a Material Change of Use for a Transport Depot on land at 2 McCartin Court, Torrington (formally described as Lot 7 on SP166685).

The land (4,001sqm in area) is located in the Rural Residential Zone, specifically within the 4,000sqm Precinct, under the *Toowoomba Regional Planning Scheme 2012* (Version 28) (the Planning Scheme). The site currently contains a dwelling house, associated ancillary structures, and a large shed.

The Planning Scheme specifies that the proposed development is subject to Impact Assessment in accordance with Table 5.5:18. Whilst the proposed use is not listed in the Planning Scheme as a consistent use for the Rural Residential Zone, the proposed use is not considered to be incompatible with rural residential land uses or the rural residential landscape.

The proposal is for a Transport Depot which will accommodate a maximum of four (4) Medium Rigid Vehicles in the form of removalist vehicles. The proposed design includes use of the existing shed for parking of two (2) of the vehicles, with the additional two (2) vehicles to be parked outside on the southern side of the shed. The applicant notes that no heavy vehicles or trailers are proposed to be stored on site.

The proposal also includes include four (4) shipping containers, to be located in the south-eastern corner of the site. These shipping containers are to be used for the purposes of storage which is to be ancillary to the Transport Depot.

The shed (existing) comprises of 162.5m² of GFA, and the shipping containers comprise of approximately 60m² of GFA, totalling 222.5m² of GFA.

The use is proposed to operate 6:00am to 7:00pm Monday to Friday, and 7:00am to 5:00pm on Saturdays. The applicant has indicated that the use is not intended to operate on Sundays or public holidays. In terms of staff, the use is proposed to operate with four (4) drivers and four (4) on-site staff. Staff car parking is provided on-site in the form of seven (7) parking spaces located in the northern part of the site.

The proposal is to provide a 1.5m landscape buffer to the eastern boundary, 3m landscape buffer to the Carrington Road frontage, and an approximately 3m wide landscape buffer to the McCartin Court frontage.

Access to the portion of the site to be utilised as the Transport Depot is to be provided via a crossover to McCartin Court on the western boundary. Access to the dwelling house is to be provided via the existing crossover on the southern side of the site to McCartin Court.

It is noted that this application does not include an operational works component. Any operational works are to be subject to a separate approval.

Three (3) submissions were received in relation to the proposed development. The submitters' concerns related to the suitability of the proposed use, traffic impacts, and amenity concerns. Advice from internal Council departments indicates that the issues can be addressed through the imposition of relevant conditions.

The proposed development has been assessed against the Planning Scheme and found to generally comply with the applicable assessment benchmarks. Despite non-compliance with the abovementioned assessment benchmarks, the proposed development is considered to comply with the purpose and overall

outcomes of each respective Planning Scheme Code where noncompliance was identified. On this basis, the proposed development is recommended for approval subject to the conditions in the recommendation.

RECOMMENDATION

APPROVED - Application No. MCUI/2023/3530 for a Development Permit for Material Change of Use – Transport Depot, pursuant to the provisions of Section 60 of the *Planning Act 2016* and subject to the conditions listed below.

ASSESSMENT MANAGER CONDITIONS

PLANNING

APPROVED USE

1. This Development Approval is for a Material Change of Use for a Transport Depot as follows:
 - 1.1 Transport Depot for use by a maximum of four (4) vehicles, each no larger than a medium rigid vehicle (MRV);
 - 1.2 The existing shed (162.5m² GFA) is to be utilised for the storage of approved vehicles;
 - 1.3 Provision of a maximum of four (4) shipping containers (approximately 60m² GFA) for the purposes of storage ancillary to the Transport Depot;
 - 1.4 A maximum of four (4) drivers and four (4) on-site staff are permitted onsite at any one time; and
 - 1.5 The area of the Transport Depot is limited to the area identified for the use on the approved plan.

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 Plan listed below, subject to the conditions of this Development Approval:

Plan No: Drawing No. 23-221: A003, Issue 3C.

Description: Proposed Site Plan, prepared by Designer Planning and dated 11 December 2023.

Amendments: As marked up in red by Council. An amended plan is not required to be submitted.

Plan No: Drawing No. 23-221: A004, Issue 3C.

Description: Proposed Floor Plan, prepared by Designer Planning and dated 11 December 2023

Amendments: Nil

Plan No: Drawing No. 23-221: A005, Issue 3C.
Description: Left Side Elevation, prepared by Designer Planning and dated 11 December 2023
Amendments: Nil

Plan No: Drawing No. 23-221: A006, Issue 3C.
Description: Right Side Elevation, prepared by Designer Planning and dated 11 December 2023
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;
 - 7.2 Bulk Earthwork; and
 - 7.3 Stormwater Infrastructure.

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

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

COMMENCEMENT OF USE

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

DEVELOPMENT CONSTRAINTS

AIRPORT ENVIRONS

11. Any cleared vegetation must be mulched or removed from the subject land and not burnt on-site.
12. Landscaping does not include species that attract wildlife or increase wildlife hazards within a wildlife hazard buffer zone which could cause or contribute to bird-strike hazard.

WORKS

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

13. Plans and specifications for all works associated with car parking, vehicular access, stormwater drainage, earthworks, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).

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) and *State Planning Policy July 2017* 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 Appropriate inspection and maintenance of stormwater quality control infrastructure in accordance with a program; and
 - 20.3 The achievement of Water Sensitive Urban Design objectives listed in PSP No. 2 and *State Planning Policy July 2017*.

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 existing underground stormwater infrastructure in McCartin Court.

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

BULK EARTHWORKS

22. 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.

EROSION & SEDIMENT CONTROL

23. 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.
24. 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.
25. 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.
26. All disturbed areas must be mulched or turfed as soon as possible during construction.
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 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

28. 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 or prior to the commencement of use, whichever is the earlier.
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 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.

AIR QUALITY IMPACT MITIGATION

32. 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.
33. 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:
 - 33.1 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*.

CONSTRUCTION WASTE MANAGEMENT & STORAGE

34. 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*.
35. 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*.
36. Fires are not to be lit to dispose of demolition or construction waste.
37. 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:
 - 37.1 Elsewhere within this Development Approval;
 - 37.2 In accordance with an associated Development Permit for Operational Work;
 - 37.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 37.4 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
 - 37.5 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.
38. Demolition, excavation and construction waste (including night soil) must not be placed or stored within the road reserve at any time.

CONSTRUCTION NOISE IMPACT MITIGATION

39. 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.

SERVICES & UTILITIES

WATER SUPPLY

40. 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.
41. All water main fittings, services and meters must be located 1m clear of the proposed driveway footpath crossover. Any relocation of fittings clear of driveways must be undertaken by Council.
42. 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.
43. 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*.
44. The development's internal firefighting system must be designed and constructed in accordance with Council's *Water Infrastructure Policy 2.03* and relevant Australian Standards at no cost to Council. If the internal firefighting system is proposed to connect to Council's reticulation system, confirm the compliant performance in existing Council system prior to requesting any fire service connections. All pressure and flow tests within Council infrastructure must be undertaken by Council at no cost to Council.

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

TELECOMMUNICATION

46. Install telecommunications infrastructure to service the development which complies with the following:
- 46.1 The requirements of the *Telecommunications Act 1997* (Cth);
 - 46.2 For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - 46.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.
47. 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.
48. 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

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

AMENITY & OPERATION OF USE

VISUAL AMENITY

50. Any graffiti deterrent building design elements and surface treatments are to be maintained at all times.
51. All buildings, structures and fences as well as the subject land must be maintained in a clean and tidy manner at all times.
52. All fixed mechanical plant must be contained within the building or visually screened to all street frontages, public viewing locations and adjoining premises.
53. Open storage areas, loading areas, bin storage areas and other unsightly areas, must be screened from view from all street frontages and public places.

TRANSPORT, VEHICULAR ACCESS & PARKING

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

54. 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.

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

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

REMOVAL OR MODIFICATION OF COUNCIL TRAFFIC SIGNS OR PARKING BAYS

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

PROVISION OF VEHICULAR ACCESS

58. The vehicle access from the subject land to McCartin Court 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 as specifically required below:

- 58.1 The vehicle access must be located as shown on the Approved Plans listed within this Development Approval;
- 58.2 The vehicle access (crossing the verge) must be constructed generally in accordance with the Institute of Public Works Engineering Australasia *Drawing RS-051 Heavy Duty Vehicle Crossing*, and in accordance with *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*;
- 58.3 The vehicle access (crossing of the verge) must align neatly on both sides with the pedestrian footpath and verge with a maximum cross fall of 2.5%.
- 58.4 The vehicle access (crossing of the verge) must include suitable tapers and flares to accommodate the required turning paths of an MRV service vehicle.

ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING

59. The premises must be provided with a total of 7 on-site car parking spaces inclusive of 1 PWD car parking space, together with standing and manoeuvring for MRV service vehicles. 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 2012 and Australian Standard AS2890 - Parking Facilities*;
- 59.3 Designed and constructed in accordance with the requirements of AS2890;
- 59.4 Designed to ensure disabled car parking spaces are located in close proximity to a primary building entrance and meet the requirements of AS2890.1 Clause 2.4.5 (1.3m high bollards), AS1428.1 and AS2890.6:2009;
- 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 subject land;

- 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 subject land in a forward gear.

ENVIRONMENT & WASTE

ACOUSTIC AMENITY - GENERAL

60. Unless otherwise approved in writing by Council, the approved use must not operate outside the hours of:
- 60.1 6:00 AM to 7:00 PM Monday to Friday;
- 60.2 7:00 AM to 5:00 PM Saturday; and
- 60.3 No operations on Sunday or Public Holidays.
- Note: The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject land.*
61. Service vehicle movements associated with the approved use (including loading and unloading) must occur only between the hours of:
- 61.1 6:00 AM to 7:00 PM Monday to Friday;
- 61.2 7:00 AM to 5:00 PM Saturday; and
- 61.3 No servicing on Sunday or Public Holidays.
- Note: The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.*
- Note: Service vehicles do not include waste collection vehicles or activities.*
62. The use must not operate on Sundays or public holidays.
63. Drainage grating over trafficable areas must be well secured and maintained to prevent rattling.
64. Driveway areas are to be finished with a surface which prevent tyre squeal. An uncoated surface is acceptable.

ACOUSTIC AMENITY - NOISE LIMITS

65. Noise from activity associated with the use of the subject land must not exceed the Acoustic Quality Objectives listed in the *Environmental Protection (Noise) Policy 2019* when measured at any sensitive receptor.
66. Where considered warranted by Council and when requested in writing to do so, a noise investigation must be undertaken to investigate a complaint of noise nuisance. In such instances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Noise Emission Limits listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request. Measurement of noise emissions (adjusted for tonality and impulse) must be generally in accordance with the most recent version of *Australian Standard AS1055.1 Acoustics - Description and measurement of environmental noise - General procedures*.

ACOUSTIC AMENITY - MECHANICAL PLANT

67. All "refrigeration equipment", "pumps", "regulated devices", and "air conditioning equipment" as defined by *the Environmental Protection Act 1994* must be designed, installed, operated and

maintained to comply with the noise standards as specified within the *Environmental Protection Act 1994*.

AIR QUALITY & AMENITY - AIR RELEASE LIMITS

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

AIR QUALITY & AMENITY - AIR RELEASE LIMITS (DUST)

69. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated from activity associated with the use of the subject land do not exceed the following levels when measured at any sensitive place or commercial place:

69.1 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*.

69.2 A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometres (PM₁₀) suspended in the atmosphere of 50 micrograms per cubic metre over a 24-hour averaging time, for no more than 5 exceedances recorded each year, when monitored in accordance with the most recent version of either:

- i) *Australian Standard AS3580.9.6: Methods for sampling and analysis of ambient air—Determination of suspended particulate matter - PM₁₀ high volume sampler with size-selective inlet – Gravimetric method*; or
- ii) *Australian Standard AS3580.9.9: Methods for sampling and analysis of ambient air - Determination of suspended particulate matter - PM₁₀ low volume sampler - Gravimetric method*.

70. Where considered warranted by Council and when requested in writing to do so, an air quality investigation must be undertaken to investigate a complaint of air pollution, odour or dust nuisance. In such circumstances, a qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Air Release Limits listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

AIR QUALITY & AMENITY - DUST SUPPRESSION TREATMENTS

71. Vehicle manoeuvring areas are to be provided with a surface that prevents tyre squeal that causes environmental nuisance at any receptor.

72. Where a gravel below 16 millimetres in diameter is utilised for the surface of the gravel hardstand:

72.1 Hardstand areas must be first treated with a dust suppressant product (such as PetroTac) in accordance with the manufacturers specifications; and

72.2 Records documenting maintenance inspections and dust suppressant application history details must be maintained and made available for inspection at any time upon request by Council.

OUTDOOR LIGHTING IMPACT MITIGATION

73. Outdoor lighting associated with the use must be designed, sited, and installed to comply with the relevant parameters of *Australian Standard AS4282-2019 Control of the obtrusive effects of outdoor lighting*.

74. All flood lighting must be of a type that gives no upward component of light when mounted horizontally (i.e. a full cut off luminaire).

75. Where considered warranted by Council and when requested in writing to do so, a lighting impact investigation must be undertaken to investigate a complaint of light nuisance. In such circumstances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the lighting levels listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

WASTE MANAGEMENT (GENERAL)

76. 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)

77. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
- 77.1 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;
 - 77.2 Provision of a hardstand impervious area within the curtilage of the site for the permanent storage location of wheelie bins, having minimum dimensions of 0.36 m² (600mm x 600mm) per wheelie bin and located no closer than 2m to any fresh air intake of a habitable room;
 - 77.3 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built structure, enclosure or solid screen fencing.
 - 77.4 Provision of a grassed or landscaped area within the development site that is at least twice the size of the bin store and adjacent to a tap for the washing of bins.
 - 77.5 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)

78. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
- 78.1 Collection by a refuse vehicle from the kerbside.
 - 78.2 Provision of a level area at the kerbside for the temporary storage of wheelie bins on collection days having minimum dimensions of 1m² (1,000mm x 1,000mm) per wheelie bin;
 - 78.3 General waste must be collected and removed at periods not exceeding seven days;
 - 78.4 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal;
 - 78.5 The waste collection method must ensure that waste is adequately managed to prevent escape of contamination;

SITE BASED ENVIRONMENTAL MANAGEMENT PLAN

79. Submit to Council for endorsement a Site Based Environmental Management Plan prepared by a suitably qualified person that, at a minimum, includes the following:
- 79.1 Location of the site, including physical address, lot on plan and relevant scaled maps
 - 79.2 Description of the site (infrastructure and features on or near the site and those requiring protection)

- 79.3 Contact details and responsibilities for site representatives
- 79.4 Description of activities to be conducted on site and other relevant supporting information including:
- Location of activity areas;
 - Employee, patron and vehicle numbers;
 - Operating hours;
 - Activity descriptions including plants and equipment to be used on site; and
 - When relevant, prohibited activities and prohibited areas.
- 79.5 Site Plans clearly showing where proposed activities will occur, along with adequate notes for proposed environmental management measures that will be built into the site.
- 79.6 Strategies to Manage Environmental Impact:
- Air Quality and Dust Management;
 - Noise Impact Management;
 - Water Quality;
 - Waste Management;
 - Hydrocarbon, Chemical and Dangerous Goods Management; and
 - Any other relevant topics.
- 79.7 Complaints management procedure, including processes for recording details of and addressing complaints;
- 79.8 Emergency procedures;
- 79.9 Document Control and review procedures – internal review every 2 years or following any significant change or incident on site.
80. The Site Based Environmental Management Plan must receive endorsement by Council prior to the commencement of the Approved Use.
81. The endorsed Site Based Environmental Management Plan must be implemented, maintained and modified where necessary to maintain compliance with the requirements of this Development Approval at all times.
82. No spray painting (other than minor touch ups) is to be conducted at the premises.

STORAGE OF LIQUID CHEMICALS

83. All liquid chemicals (including flammable liquids, agricultural and veterinary chemicals, waste oil, acid and lube oil) must be stored within dedicated impervious secondary containment stores, structures or devices and in a manner that complies with *Australian Standards AS1940 - The storage and handling of flammable and combustible liquids* and *AS 2507 - The storage and Handling of Agricultural and Veterinary Chemicals*.

TRUCK WASHING AND STORMWATER QUALITY

84. Vehicle washing activities must be undertaken in a manner described with the endorsed Site Based Environmental Management Plan.
85. Contaminants or contaminated water must not be directly or indirectly released from the subject land or to the ground or groundwater at the subject land at any time except:
- 85.1 Following treatment using an appropriate stormwater quality improvement device (SQID) as uncontaminated overland stormwater flow;
- 85.2 Following treatment using an appropriate stormwater quality improvement device (SQID) as uncontaminated stormwater to the stormwater system; and
- 85.3 Contaminants released to the wastewater system under and in accordance with a trade waste permit issued by Council under the *Water Supply (Safety and Reliability) Act 2008*.

86. Any material (fuel, solvents, coolants, degreasing agents etc.) likely to pollute water must be stored within a bunded compound or area to prevent it escaping into surface or underground water resources.
87. All wastewater and cleaning liquids associated with any vehicle wash down activity undertaken on the subject land must be collected or contained on site and regularly removed by a contractor licensed to transport the waste or treated and disposed of to an appropriate and approved stormwater quality improvement device (SQID) to remove all water contaminants, particularly hydrocarbons, prior to releasing stormwater to land or a lawful point of discharge.

LANDSCAPING

LANDSCAPE PLAN

88. Prior to the commencement of any works on site or the issue of a Development Permit for Operational Work or Building Work (whichever occurs first), submit to Council for endorsement, a Landscape Plan prepared by a suitably qualified person prepared generally in accordance with *Toowoomba Regional Council's Landscape Work Information Sheet 006* and the conditions of this Development Approval, including the landscaping shown on all Approved Plans listed in this Development Approval, that details in particular:
- 88.1 North point, scale, title and drawing number.
- 88.2 A Planting Plan and Schedule including quantities and nominated species in situ;
- 88.3 The typical planting detail including preparation, backfill, staking and mulching;
- 88.4 Internal dimensions of all planting areas, including all containerised planters;
- 88.5 Location and species of existing site vegetation to be removed and/or retained in accordance with this Development Approval, including adjacent street trees to be retained and/or removed;
- 88.6 Construction details of proposed surfaces, surface level changes and structures, including indicative locations of signage, services and infrastructure within the site and public verge.
- 88.7 All trees must be supplied in the following minimum container sizes:
- i) 25 litre (minimum size 1.2m) for trees in private land; and
 - ii) 45 litre (minimum size 1.5m) or larger containers for trees in public land, including street trees;
- 88.8 Root barrier devices must be installed where tree plantings are sited within 2 metres of any services and or structures unless varied within the approved Landscape Plan. barriers must be fit for purpose and installed in accordance with the manufacturer's specification;
- 88.9 All other plant material must be supplied in 140mm or larger containers;
- 88.10 Location, height and finish of fencing fronting public land (including street frontages);
- 88.11 Sight lines at pedestrian and vehicle entrance points must be maintained through the use of trees with a clean trunk to 1.8m height and shrubs to a maximum height of 0.75m.
- 88.12 Densely vegetated screening of all acoustic barriers in accordance with the conditions of this Development Approval (where required).
- 88.13 A minimum of 5 street trees are required within the McCartin Court and Carrington Road verges fronting the site. The Landscape Plan must include the following additional information:
- i) Location and species of the proposed or required street tree(s);

- ii) Typical cross section through each street typology indicating clearance of street trees from underground services, kerbs and footpaths in accordance with PSP2 Engineering Standards; and
- iii) A planting schedule indicating the number of each species type;

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

88.14 Control of all weed species listed in the following standards and legislation:

- i) Declared plants under the *Biosecurity Act 2014* and subordinate regulation.
- ii) Toowoomba Region Biosecurity Plan (August 2020)

89. The Landscape Plan 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.

LANDSCAPING WORKS

90. The development must be landscaped in accordance with the conditions of this Development Approval and the requirements listed in the Landscape Code contained within the *Toowoomba Regional Planning Scheme 2012* in a manner that:

- 90.1 Maximises the extent of new site vegetation to define boundaries, create shade and contribute to the site character;
- 90.2 Includes large scale canopy trees between buildings and along boundaries to visually fragment the views and provide shade to buildings and pavement;
- 90.3 Provides tiered screen planting that includes trees, and understory planting of shrubs, grasses and groundcovers along boundaries (where required).
- 90.4 Planting areas must be a friable, organic topsoil, cultivated to minimum 450mm depth and be clear of any rubbish, rocks or building rubble;
- 90.5 All planting areas and individual trees must be mulched with minimum 100mm depth organic mulch;
- 90.6 An irrigation system or watering points must be provided to all planting areas;
- 90.7 Provides a minimum of 70% of the landscape area retained as a permeable surface;
- 90.8 Designates variation in pavement colours and/or materials to define safe pedestrian movement areas;
- 90.9 Utilises plant species which are characteristic of the local area and provides seasonal variation, colour and texture;
- 90.10 Where planting areas are intended to serve a stormwater function, sub soil drainage is installed and connected to the main system and soils and plant species are suited to the purpose; and
- 90.11 Provide a minimum of 2 shade trees over car park areas.

91. All landscape works must be established by a suitably qualified person and maintained in accordance with the conditions of this Development Approval for the life of the development, and in a manner that ensures healthy, sustained, and vigorous plant growth. All plant material must be allowed to grow to full form and be replaced when its life expectancy is reached.

92. A copy of as-constructed drawings and certification must be submitted to Council from a suitably qualified person who verifies that landscaping established complies with the requirements of this Development Approval.

ADVICES

SUBMISSION OF PLANS FOR ENDORSEMENT

- 1) The conditions of this Development Approval require submission of plans to Council for endorsement.
Please address the plans for endorsement to Council's Planning Branch with the Reference No. MCUI/2023/3530 and send to development@tr.qld.gov.au.

INFRASTRUCTURE CHARGES

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

OTHER LAWS & REQUIREMENTS

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

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

WHEN APPROVAL LAPSES

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

CLEARING OF PROTECTED PLANTS

- 8) In accordance with *Nature Conservation (Animals) Regulation 2020* you must check the flora survey trigger map, prior to the clearing of any native plants found on the subject land to determine if a flora survey must be undertaken and if a clearing permit for clearing endangered, vulnerable and near threatened plants ('EVNT plants') and their supporting habitat is required.

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

EXCAVATION & FILLING

- 9) The *Toowoomba Regional Planning Scheme 2012* (TRPS) declares excavation and filling activity involving less than 50m³ of material and excavation and filling activity to a depth or height lower

than 1m to be accepted development. Any combination of excavation or filling where 50m³ or more of fill is deposited on, or 50m³ or more of excavated material is removed from the premises and excavation or filling is not associated with 'Building Work' as defined under the *Planning Act 2016*, must obtain an Operational Work approval from Council before commencing site works.

WASTEWATER TREATMENT & DISPOSAL SYSTEM

- 10) The establishment of a wastewater treatment and disposal system for the subject land requires a Compliance Permit to be obtained from Council under the *Plumbing and Drainage Act 2018*. The system must be designed in accordance with the *Queensland Plumbing and Wastewater Code* (Department of State Development and Infrastructure & Planning, 2007) and the *Australian & New Zealand Standard AS/NZS1547 On-site domestic wastewater management*.

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

EQUITABLE ACCESS & FACILITIES

- 11) 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:

- 11.1 The *Disability Discrimination Act 1992* (Cth);
- 11.2 The *Anti-Discrimination Act 1991* (Qld); and
- 11.3 The *Disability (Access to Premises - Buildings) Standards*.

CLINICAL WASTE

- 12) The management, treatment and disposal of clinical waste must be conducted in accordance with the provisions of Part 5B and Part 7B of the *Waste Reduction and Recycling Regulation 2011*.

ENVIRONMENTAL HARM

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

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

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

ENVIRONMENT PROTECTION & BIODIVERSITY CONSERVATION ACT 1999

- 14) An additional approval from the Commonwealth Government under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) may be required in relation to the approved development. The EPBC Act relates to actions that may have a significant impact on matters of national environmental significance (NES) or the environment generally if on Commonwealth land.

These matters of NES include nationally listed threatened and migratory species, Ramsar wetlands, World Heritage, Commonwealth marine and nuclear actions.

The EPBC Act provides that a person must not take an action that has, will have or is likely to have a significant impact on matters of NES, without the approval of the Commonwealth Environment Minister. Such actions should be referred to the Minister for a decision on whether or not approval is required under the EPBC Act.

Contact the Australian Government Department of Agriculture, Water and the Environment to discuss any obligations under the EPBC Act.

ENVIRONMENTALLY RELEVANT ACTIVITIES

- 15) Should the premises, or any part of the premises, be used for an "Environmentally Relevant Activity" as defined under Schedule 2 the *Environmental Protection Regulation 2019*, separate approval is required by the relevant Administering Authority in accordance with the *Environmental Protection Act 1994* and where applicable the *Planning Act 2016* before such use commences.

FIXED MECHANICAL PLANT NOISE

- 16) 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.

WATER POLLUTION

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

ABORIGINAL CULTURAL HERITAGE ACT 2003

- 18) There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003* ("ACH Act").

The ACH Act establishes a cultural heritage duty of care which provides that: "*A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.*" It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the ACH Act may also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) Cultural Heritage Unit on 07 3247 6212 to discuss any obligations under the ACH Act.

FIRE ANTS

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

ADVERTISING SIGNS

- 20) Placing an advertising device on premises is accepted development where complying with the assessment benchmarks that form the requirements for accepted development in the Advertising Devices Code in the *Toowoomba Regional Planning Scheme 2012*. A separate Operational Work

approval will be required for any Advertising Devices not complying with the assessment benchmarks that form the requirements for accepted development in the Advertising Devices Code.

BUILDING APPROVAL REQUIRED FOR CERTAIN FENCES & RETAINING WALLS

21) A Development Approval for Building Work is required for the following:

21.1 Fences where:

- The fence is part of a pool fence; or
- The fence is over 2m in height (from natural ground level); or
- The fence is attached to a retaining wall and the combined mean height is over 2.4m in height from natural ground level;

21.2 Retaining walls where:

- The wall is retaining fill having a height greater than 1m in height above the wall's natural ground surface; or
- The wall is located within 1.5m of a building or another retaining wall; or
- There is a load or surcharge imposed above the retaining wall (i.e. driveway, batter, building or the like); and

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

BUILDING OVER, OR NEAR, COUNCIL INFRASTRUCTURE

22) 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.

MANDATORY RAINWATER TANKS

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

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

STORMWATER DISCHARGE TO PARKLAND

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

SUITABLY QUALIFIED PERSON

25) 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.

26) For the purpose of certifying acoustic treatments for the development, a suitably qualified person is considered to be either:

- 26.1 A Registered Professional Engineer of Queensland (RPEQ); or
 - 26.2 An environmental consultant with a minimum of 3 years current experience in the field of acoustics.
- 27) For the purpose of certifying acoustic barrier construction for the development, a suitably qualified person is considered to be a Registered Professional Engineer of Queensland (RPEQ).
- 28) For the purpose of certifying outdoor lighting devices for the development, a suitably qualified person is considered to be either:
- 28.1 A Registered Professional Engineer of Queensland (RPEQ); or
 - 28.2 An environmental or electrical design consultant with a minimum of 3 years current experience in the field of outdoor lighting.

REASONS FOR RECOMMENDATION

The proposed development has been assessed with regard to the applicable assessment benchmarks as identified within this report and the attached Statement of Reasons (refer to Schedule 1). While it is noted that the proposed development does not comply with all the relevant assessment benchmarks, it is considered that there exists sufficient reason to approve the development despite the conflict as discussed in the Statement of Reasons.

Where the applicant has not provided sufficient information, conditions have been imposed to ensure compliance.

DELEGATE'S RECOMMENDATION:

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



Kasey McKillop, Senior Planner
Planning Branch

Decision Date: 7 May 2024

CORPORATE PLAN REFERENCE

Strategic Action 2.3.3 Ensure development aligns with community sentiment, through effective and efficient assessment, with the planning scheme, planning instruments, codes and legislation.

BACKGROUND

SITE DETAILS				
Site Address	2 McCartin Court, Torrington			
Real Property Description	Lot 7 on SP166685			
Site Area	4,001m ²			
Owner	Ronel Genis and Michiel Gerhardus Genis			
SITE CHARACTERISTICS				
Current Land Use	Dwelling House			
Site Frontage/s	McCartin Court (80m approximately) and Carrington Road (50m approximately)			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
McCartin Court	Council controlled (Local)	18m (approximately)	5.5m (approximately)	Bitumen
Carrington Road	State controlled (Regional Arterial)	28m (approximately)	11m (approximately)	Bitumen
Easements	A 35 metre wide noise amelioration covenant is registered over the portion of the site fronting Carrington Road, preventing the construction of a dwelling in that part of the site.			
Existing Structures	Dwelling house, car port, shed			
Infrastructure	The site is serviced by reticulated water and stormwater.			
Topography	The site slopes towards the Carrington Road frontage.			
Street Trees	Nil			
Other Features	Nil			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 28)			Adopted: 28/11/22
Zone	Rural Residential Zone			
Precinct	RR1 4,000sqm Precinct			
Overlays	Airport Environs Overlay			
Infrastructure Charges Resolution	Charges Resolution No. 5			Adopted: 01/03/22
SURROUNDS:				
Direction	Land Use	Zone/Precinct		
North	Dwelling House	Emerging Community (No Precinct)		
East	Educational Establishment and Caretakers Residence	Rural Residential (RR1 4,000sqm Precinct)		
South	Educational Establishment and Caretakers Residence	Rural Residential (RR1 4,000sqm Precinct)		
West	Dwelling House	Rural Residential (RR1 4,000sqm Precinct)		
Other Features	Nothing to note			

APPLICATION HISTORY			
Application No.	Description	Decision Date	Decision
MCUC/2007/12644	Ancillary structure exceeding 108m ²	15/8/2007	Approved
Other	No further relevant details.		

PROPOSED DEVELOPMENT	
Name of Applicant	Genius Removals Pty Ltd C/- ONF Surveyors
Type of Application	Material Change of Use
Proposed Development	Transport Depot
Variations Sought	Not Applicable
Level of Assessment	Impact
Gross Floor Area	222.5m ²
Impervious Area	222.5m ²
Car Parking Spaces	7
Service Vehicle Provision	Medium Rigid Vehicle
Submissions Received	Objection: 3
	Support: Nil
Decision Making Period Ends	7 May 2024

CONSULTATION UNDERTAKEN

Referral Agency

Referral Agency (Technical Agency)	Referral Role	Aspect of Development Requiring Referral	Response
Department of State Development, Manufacturing, Infrastructure and Planning	Concurrence	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material Change of Use for Development near a state transport corridor or that is a future state	Received 11 October 2023. Refer to Schedule 1.

Internal Referrals

Internal Referral Partner	Referral / Response
Place Environmental	Reviewed application and recommended conditions.
Water and Waste	Reviewed application and recommended conditions.
Place – Landscape	Reviewed application and recommended conditions.
Strategic Planning	Provided items for Information Request. The applicant addressed the items in the response provided.
Infrastructure Charges Unit	Prepared an Infrastructure Charges Notice in accordance <i>with Charges Resolution No. 5</i> to accompany an approval of the development.

Public Notification

The Notice of Compliance was received by Council on 12/03/2024. The information attached to the notice confirms that the public notification of the application was undertaken in accordance with the requirements of Part 4 of the *Planning Act 2016*. The Notice of Compliance states the public notification included:

- Publishing a notice in the Chronicle on 15/02/2024;
- Placing a notice on the land from 15/02/2024 until 09/03/24; and
- Notifying owners of all land adjoining the site on 14/02/2024.

3 were received opposing the development.
0 were received supporting the development.

A summary of the matters raised in the submission/s and Council officer responses are outlined in the Table below:

Issue	How matter was dealt with
Traffic	Council's Senior Development Engineer has reviewed the material provided by the applicant and confirmed that the recommended conditions provided can suitably manage any impacts.
Noise	<p>The proposal is for a small scale Transport Depot providing for the storage of four (4) vehicles. The use is not considered to involve any hazardous processes and is considered to be low impact uses that would contain all dust, noise and outdoor lighting emissions on-site.</p> <p>The proposed design includes fencing and landscape buffering to maintain an appropriate level of amenity. The provision of a condition requiring a Site Based Environmental Management Plan, which will be assessed and approved by Council, is considered sufficient to meet the requirements</p> <p>Council's Senior Environmental Officer has reviewed the material provided by the applicant and confirmed that the recommended conditions provided can suitably manage any impacts.</p>

ISSUES, RISKS AND RESPONSES – ASSESSMENT

Categorising Instrument – *Planning Regulation 2017*:

PLANNING REGULATION 2017	
<i>Prohibited Development</i>	The proposed development is not prohibited development in accordance with the <i>Planning Regulation 2017</i> .
<i>Infrastructure Charges</i>	The <i>Planning Regulation 2017</i> provides for the levying of infrastructure charges on development approvals.
<i>Schedules 9 and 10</i>	The proposed development is not for Reconfiguring a Lot as defined in Part 1 of Schedule 12A of the Regulation.

REGIONAL PLANS	
<i>Shaping SEQ – South East Queensland Regional Plan 2017</i>	<p>The subject site is mapped within the bounds of the <i>Shaping SEQ – South East Queensland Regional Plan 2023</i> (ShapingSEQ). ShapingSEQ identifies that the subject site is within the Urban Footprint which is intended to identify the land required for the region's urban development needs up to 2046.</p> <p>The development application is consistent with the land use intent for the Urban Footprint as it proposes an urban use within the bounds of the urban footprint.</p>
<i>Darling Downs Regional Plan October 2013</i>	<p>The <i>Darling Downs Regional Plan 2013</i> (DDRP) is a statutory regional plan that is intended to provide planning policy to address planning matters that are of State interest and specific to the Darling Downs region.</p> <p>The DDRP identifies that the subject site is mapped within a Priority Agricultural Area (PAA) and Priority Living Area (PLA). However, the development application does not conflict with the intent for a PAA or PLA because the subject site is located within an established urban area and it is considered that the development application is consistent with the regional policies included within the DDRP.</p>

STATE PLANNING POLICY (SPP) <i>July 2017</i>	
Interests	Assessment Comments

Housing Supply and Diversity	No applicable assessment benchmarks
Livable Communities	No applicable assessment benchmarks
Agriculture	<p>The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property.</p> <p>The subject site is mapped as containing [Important Agricultural Areas or Agricultural Land Classification (Class A and B) etc].</p> <p>The subject site is located in a zone intended for rural residential purposes and it is considered that the location and size of the site would not likely support rural uses. Therefore, it is considered that the state interest policies are not relevant to this application.</p>
Development and Construction	No applicable assessment benchmarks
Mining and Extractive Resources	No applicable assessment benchmarks
Tourism	No applicable assessment benchmarks
Biodiversity	No applicable assessment benchmarks
Cultural Heritage	No applicable assessment benchmarks
Water Quality	The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property. However, the assessment benchmarks identified in Part E of the SPP do not apply to the proposed development.
Emissions and Hazardous Activities	No applicable assessment benchmarks
Natural Hazards, Risk and Resilience	The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property. However, the assessment benchmarks identified in Part E of the SPP do not apply to the proposed development.
Energy and Water Supply	No applicable assessment benchmarks
Infrastructure Integration	No applicable assessment benchmarks
Transport Infrastructure	The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property. However, the state interest policies identified in Part E of the SPP are not considered to be relevant to the proposed development.
Strategic Airports and Aviation Facilities	The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping which accompanies the SPP identifies that this interest is applicable to the subject property. However, the assessment benchmarks identified in Part E of the SPP do not apply to the proposed development.

Local Categorising Instrument – *Toowoomba Regional Planning Scheme 2012*:

The proposed development was assessed against the following assessment benchmarks:

- Strategic Framework
- Rural Residential Zone Code
- Environmental Standards Code
- Integrated Water Cycle Management Code
- Transport, Parking and Access Code
- Works and Services Code
- Landscaping Code
- Airport Environs Overlay Code

The development was assessed against all of the assessment benchmarks listed above and is considered to comply without exception as follows:

STRATEGIC FRAMEWORK:

Theme	Assessment Comments
Settlement Pattern	<p>The following specific outcomes are applicable to the proposed development:</p> <p><i>Element 3.3.12– incompatible land uses, Specific Outcomes 3.3.12.1</i></p> <p>(1) <i>Appropriate separation is achieved between incompatible land uses by:</i></p> <p>(a) <i>ensuring that land accessible to the priority freight corridors is protected for industry, logistics and other low-density uses that require space or necessitate high volumes of commercial or freight trips.</i></p> <p><i>3.3.12.2 Land use strategies</i></p> <p>(3) <i>Maintaining the following separation distances between areas zoned for industrial development and areas zoned for sensitive land uses:</i></p> <p>(a) <i>medium impact industry – 250m;</i> (b) <i>high impact industry – 500m; and</i> (c) <i>noxious and hazardous industry – 1,500m.</i></p> <p>The subject site is located on the periphery of the mapped Rural Residential area, and is located within the mapped Urban Areas. The site is located in proximity to industrial zoned land to the east, as such providing a suitable location for the proposal, small-scale Transport Depot. The site is considered to be located in a buffer or gateway area to the industrial land, as such the proposal provides a low intensity industrial use as a buffer to the higher intensity industrial land to the east.</p> <p>The proposed use does not involve any hazardous process and is considered to be low impact and that would contain dust, noise and outdoor lighting emissions on-site.</p> <p>It is noted that the subject site does not directly adjoin land containing a dwelling house.</p> <p>The proposed use will be serviced by a crossover from McCartin Court. The crossover is to be located approximately 30m from the intersection with Carrington Road, which is identified as a State-controlled road, a regional Arterial road, and a heavy vehicle route. The front portion of the site is subject to a transport noise corridor, which limits the use of that part of the site for residential purposes due to road noise. It is noted that the access to the site is located within this noise impacted area, which is considered to be the most suitable location for access and further limits noise and traffic impacts on adjoining properties.</p> <p>The proposed use is considered to be comparable to surrounding uses. Further, the conditions provided will allow for any adverse impacts to be suitably managed on-site.</p>
Natural Environment	<p>The subject site is located within a modified landscape and is not identified as containing ecologically significant features that will be impacted by the proposal.</p>
Natural Resources	<p>The subject site is located within an area of mapped Agricultural Land. It is noted that the site is located within a modified environment with a lot area which is not conducive to agricultural land uses.</p>
Access and Mobility	<p>The site is located on a heavy vehicle route, and as such the subject is considered to be suitable for the purposes of a Transport Depot. The following specific outcomes are applicable to the proposed development:</p>

	<p>3.7.5 Element – road network <i>A safe and functional road network is created that connects to and enhances state and national transport networks while providing a safe and attractive local street network and balancing the needs of all road users.</i></p> <p>3.7.5.1 Specific outcomes (3) <i>Higher order roads, including State-controlled roads, are preserved as through routes for inter-regional and intra-regional vehicle movements.</i> (4) <i>Local street networks are designed and constructed to offer high levels of connectivity between higher order roads while at the same time being of a configuration that promotes slow traffic speeds where pedestrians and cyclists take precedence.</i></p> <p>The proposed Transport Depot is located with frontage to a State-controlled road which provides convenient access to the region. It is also noted that access to the site, which is taken from a local road, is located in proximity to the State-controlled road, being Carrington Road. This limits the distance travelled on local roads. Further, the front portion of the site (comprising of approximately 1,740m²) is subject to a covenant which limits the use of that part of the site for residential purposes due to road noise. It is noted that the access to the site is located within this covenant area which is considered to limit noise and traffic impacts on adjoining properties.</p>
Infrastructure and Services	The proposed development is to be connected to existing services as required.
Economic Development	The proposed development serves to establish a business to serve the region.

RURAL RESIDENTIAL ZONE CODE:

Assessment Criteria	Assessment Comments
<i>The purpose of the zone is to provide for residential development on large lots where Local Government infrastructure and services may not be provided and where the intensity of residential development is generally dispersed. Development for large residential lots provides for a range of residential housing styles to meet the needs of the community. Development maintains a semi-rural landscape character and expansion of these localities does not occur.</i>	The development is for a Transport Depot within the Rural Residential Zone. It is noted that the Transport Depot is of a small scale, utilising only four medium rigid vehicles. The proposed development involves the separation of the residential and non-residential areas of the site but does not formally subdivide the land. The proposal includes fencing and landscape buffering to suitably maintain the semi-rural character of the area. It is also noted that the site is located in proximity to a larger pocket of industrial zoned land to the east. The proposal for a low intensity, small scale Transport Depot provides a gateway / transition to the more intense industrial uses to the east. The development complies with the purpose of the zone code.
<i>The overall outcomes for this precinct are: a) provide for a very low density residential character located accessible and near to urban areas; and b) facilitate lots with a minimum lot size of 4,000m².</i>	The proposal does not provide for higher intensity residential development or changes to the existing lot size. The proposal is for a low intensity industrial use, which, through the implementation of the relevant conditions, can suitably manage impacts on-site and is not anticipated to adversely impact on the character of the area. The development achieves compliance with the Overall Outcomes of the zone code.
Performance Outcome	Acceptable Outcome
PO9 <i>The non-residential use is of a scale and intensity that: a) is compatible with the character of the streetscape and the residential appearance of the locality; and b) does not undermine the viability of other centres or services/facilities.</i>	AO9.1 <i>The use: a) is carried out in an existing building; b) only increases the Gross Floor Area of the building by a maximum of 25m²; c) is a single tenancy only; and d) does not involve outdoor dining.</i>

Alternate Outcome	
The applicant submits: <i>"The proposal will not undermine the viability of other centres as the proposed use is not for centre uses."</i>	
Officer Comment	
The proposed development is to be contained within the existing shed on the site. In addition to four (4) shipping containers to be located on the site for the purposes of ancillary storage, which equates to approximately 60m ² of GFA. As such, the proposal results in an increase in GFA of approximately 60m ² , exceeding the maximum increase of 25m ² of GFA. The proposal is for a small scale Transport Depot providing for the storage of four (4) vehicles. The use is not considered to involve any hazardous processes and is considered to be low impact uses that would contain all dust, noise and outdoor lighting emissions on-site. Therefore, the development complies with Performance Outcome PO ₉ .	
Performance Outcome	Acceptable Outcome
PO ₁₅ Non-residential uses are located on major roads and do not introduce non-residential traffic into local streets.	AO _{15.1} Non-residential uses have frontage and vehicle access to a Regional Arterial, Sub-Arterial or Distributor Road and vehicle access to the development does not occur from a local street.
Alternate Outcome	
The applicant submits: <i>"The proposal will have direct access to the Carrington Road via the existing intersection with McCartin Court avoiding the introduction of non-residential traffic into a local street."</i>	
Officer Comment	
The proposed use takes access from McCartin Court, which is identified as a Local Road. Access directly from Carrington Road is not considered to be a suitable access location in this instance given its classification as a State-controlled road. The proposed crossover location is sited within the transport noise corridor, which is identified over the front portion of the site. The location of the crossover is considered to be suitable in limiting the extent in which larger vehicles are required to travel on McCartin Court, and limits access to an area already impacted by road noise. Therefore, the development complies with Performance Outcome PO ₁₅ .	

DEVELOPMENT CODES:

Environmental Standards Code	
Performance Outcome	Acceptable Outcome
PO ₈ The generation of noise from the premises does not cause Environmental Harm or Nuisance to adjoining properties or other noise sensitive land uses. (a) Development: i) is located in an appropriate zone; ii) proposes best practice design and construction materials (in relation to noise attenuation); and iii) proposes operational practices that will minimise noise nuisance for adjoining sensitive land uses.	AO _{8.1} The development will achieve the following noise levels (when measured at the nearest sensitive receiver): (a) Background (L90) + 5dB(A) for variable noise between the hours of 7:00 am to 10:00 pm (measured at the facade of the sensitive land use); (b) Background (L90) + 3dB(A) for variable noise between the hours of 10:00 pm and 7:00 am (measured within bedrooms assuming open windows); (c) Background (L90) for continuous noise sources (measured at the facade of the sensitive land use between 7:00 am and 10:00 pm and within bedrooms assuming open windows from 10:00 pm – 7:00 am); and (d) maximum limit L _{Amax} 45dB(A) inside dwellings; and The development will achieve the Acoustic Quality Objectives listed within the Environmental

<i>Protection (Noise) Policy 2008</i>	
Alternate Outcome	
<p>The applicant submits:</p> <p><i>“The proposed development will not result in the creation of noise that may cause a nuisance or harm to the adjoining properties. The hours of operation of the proposal will be restricted to daylight hours and no work is proposed for Sundays or Public Holidays. In addition, the proposal will be sited over the part of the subject site that is within the Transport Noise Corridor.”</i></p>	
Officer Comment	
<p>The applicant has not provided an acoustic assessment to confirm compliance with Acceptable Outcome AO₈. The provision of a condition requiring a Site Based Environmental Management Plan, which will be assessed and approved by Council, is considered sufficient to meet the requirements.</p> <p>Therefore, the development is able to comply with Performance Outcome PO₈ subject to the imposition of conditions.</p>	
Performance Outcome	Acceptable Outcome
<p>PO₁₇ <i>The construction phase of the development prevents or mitigates (to an acceptable level) the release of dust particles which have potential to cause environmental nuisance to adjoining sensitive receivers (including sensitive receivers along haulage routes during excavation and filling operations).</i></p>	<p>AO_{17.1} <i>Off-site release of dust particles will be strictly managed to ensure that dust emissions do not travel beyond the property boundary and environmental nuisance does not occur.</i></p> <p>AO_{17.2} <i>Areas of exposed fill, excavation and unsealed accesses on the site are watered regularly (particularly during periods of high or constant wind) to reduce dust generation.</i></p> <p>AO_{17.3} <i>Areas of fill and excavation are graded, compacted and planted and/or mulched immediately after the dumping operation is complete.</i></p>
Alternate Outcome	
<p>The applicant submits:</p> <p><i>“Dust control measures can be conditioned in approval of the application. It is not anticipated that significant traffic volumes will be generated by the proposal given that it is not available to the general public.”</i></p>	
Officer Comment	
<p>The provision of a condition requiring a Site Based Environmental Management Plan, which will be assessed and approved by Council, is considered sufficient to meet the requirements.</p> <p>Therefore, the development is able to comply with Performance Outcome PO₁₇ subject to the imposition of conditions.</p>	

Local Categorising Instrument – Variation Approval:

Not Applicable

Local Categorising Instrument – Temporary Local Planning Instrument:

Not Applicable

Local Categorising Instrument – Preliminary Approval:

Not Applicable

Local Categorising Instrument – Local Government Infrastructure Plan:

The proposal is considered to satisfy the relevant parts of the Local Government Infrastructure Plan.

Other Relevant Matters

Not Applicable

FINANCIAL / RESOURCE IMPLICATIONS

Infrastructure charges will be applied in accordance with Council's *Charges Resolution No.5*.

Human Rights Act 2019 CONSIDERATIONS

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

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

Section 24 – Property rights
Section 25 – Privacy and reputation

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

CONCLUSION

The development has been assessed with regard to the applicable assessment benchmark as identified within this report and the attached Statement of Reasons (refer to Schedule 1). The proposed development generally complies with the assessment benchmarks or it can be conditioned to comply. Where the applicant has not provided sufficient information, conditions have been imposed to ensure compliance. It is therefore recommended that the development application be approved subject to the conditions identified above.

ATTACHMENT/S

Attachment	1	of	4	Aerial Imagery
Attachment	2	of	4	Zoning Map
Attachment	3	of	4	Infrastructure Map
Attachment	4	of	4	Approved Plans

SCHEDULES

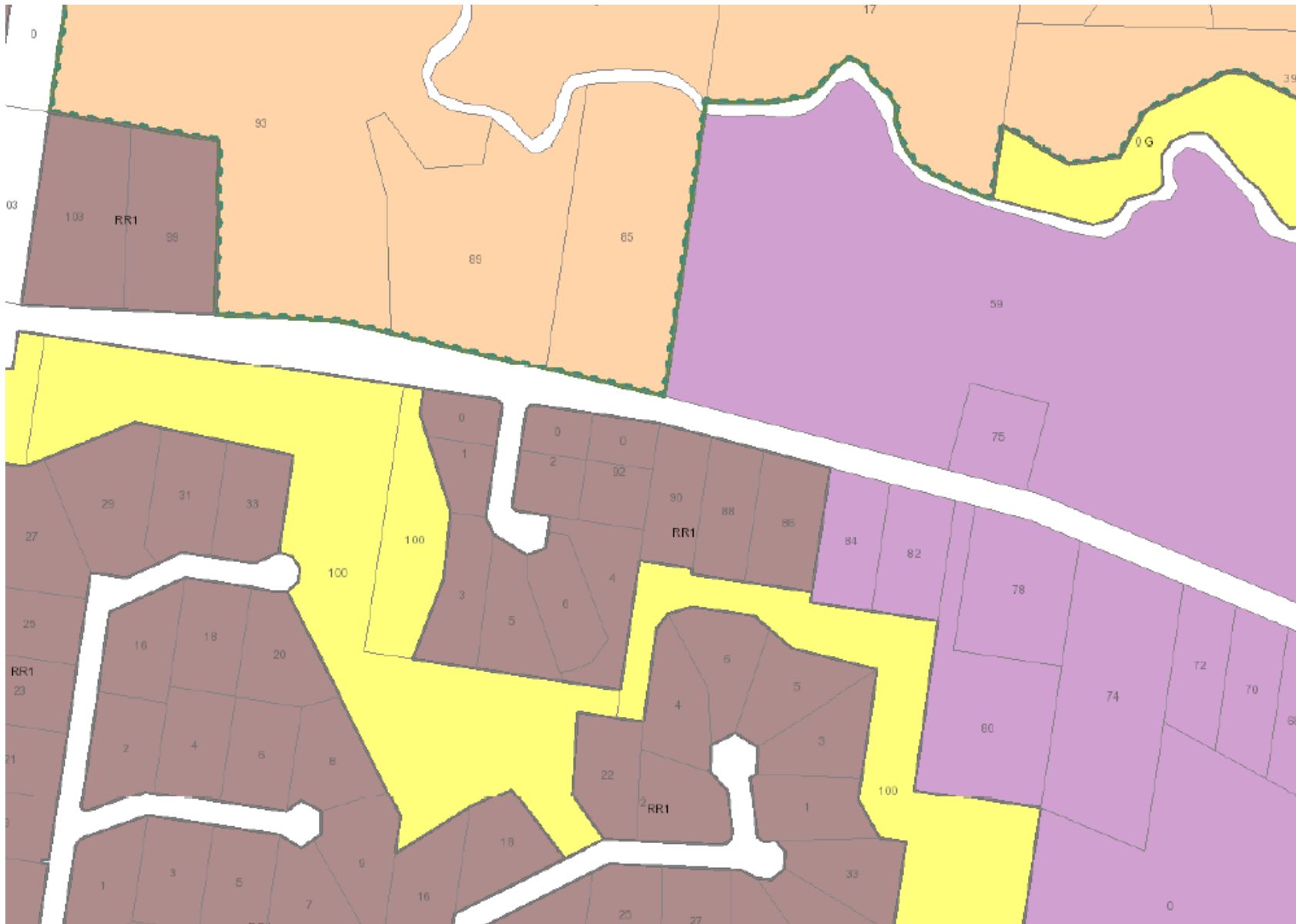
Schedule	1	Referral Agency Response
Schedule	2	Statement of Reasons

ATTACHMENTS

Attachment 1 of 4 - Aerial Imagery



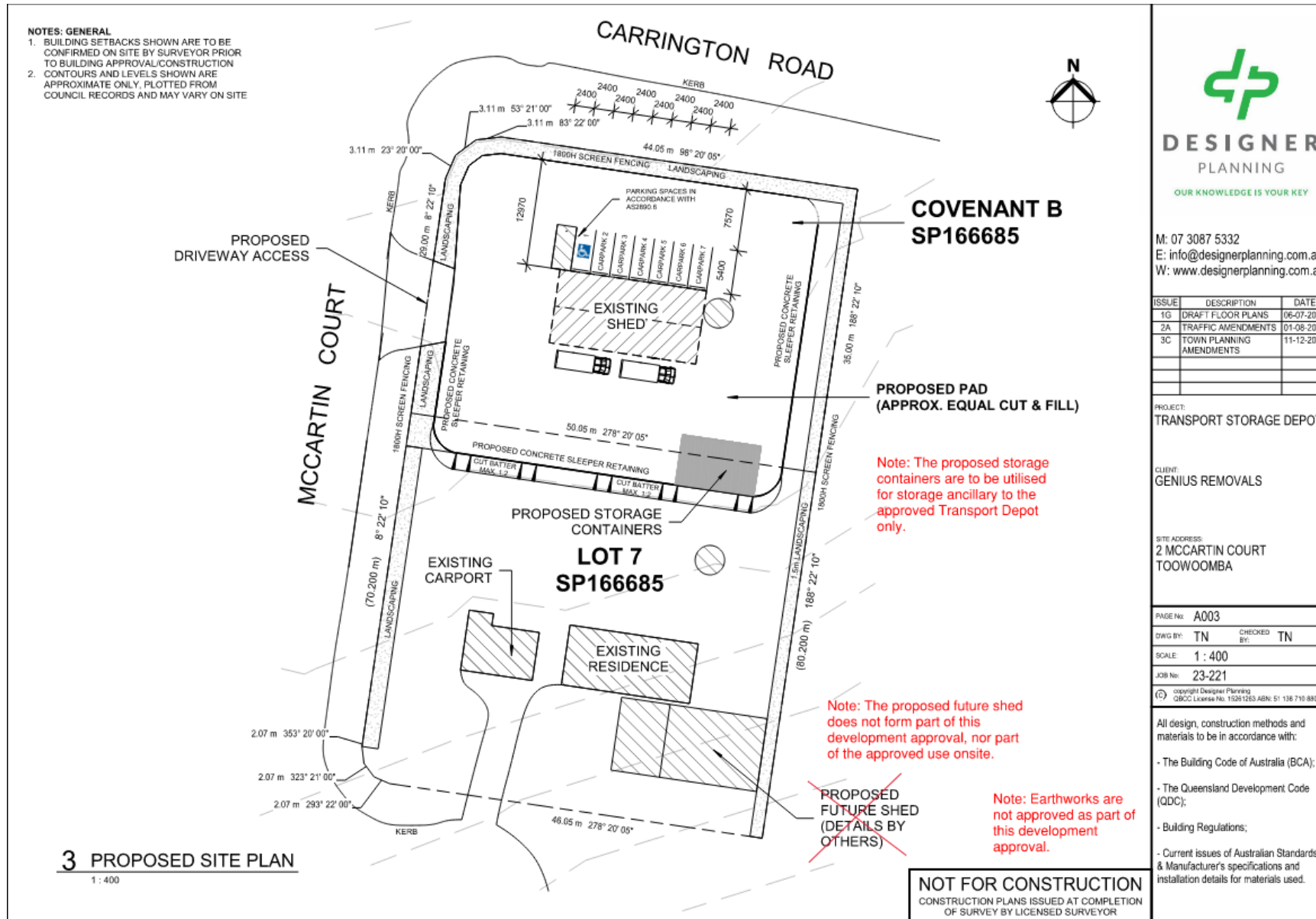
Attachment 2 of 4 - Zoning Map



Attachment 3 of 4 – Infrastructure Mapping



Attachment 4 of 4 – Approved Plans



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W: www.designerplanning.com.au

ISSUE	DESCRIPTION	DATE
1G	DRAFT FLOOR PLANS	06-07-2023
2A	TRAFFIC AMENDMENTS	01-08-2023
3C	TOWN PLANNING AMENDMENTS	11-12-2023

PROJECT:
TRANSPORT STORAGE DEPOT

CLIENT:
GENIUS REMOVALS

SITE ADDRESS:
2 MCCARTIN COURT
TOOWOOMBA

PAGE No: A003

DWG BY: TN CHECKED BY: TN

SCALE: 1 : 400

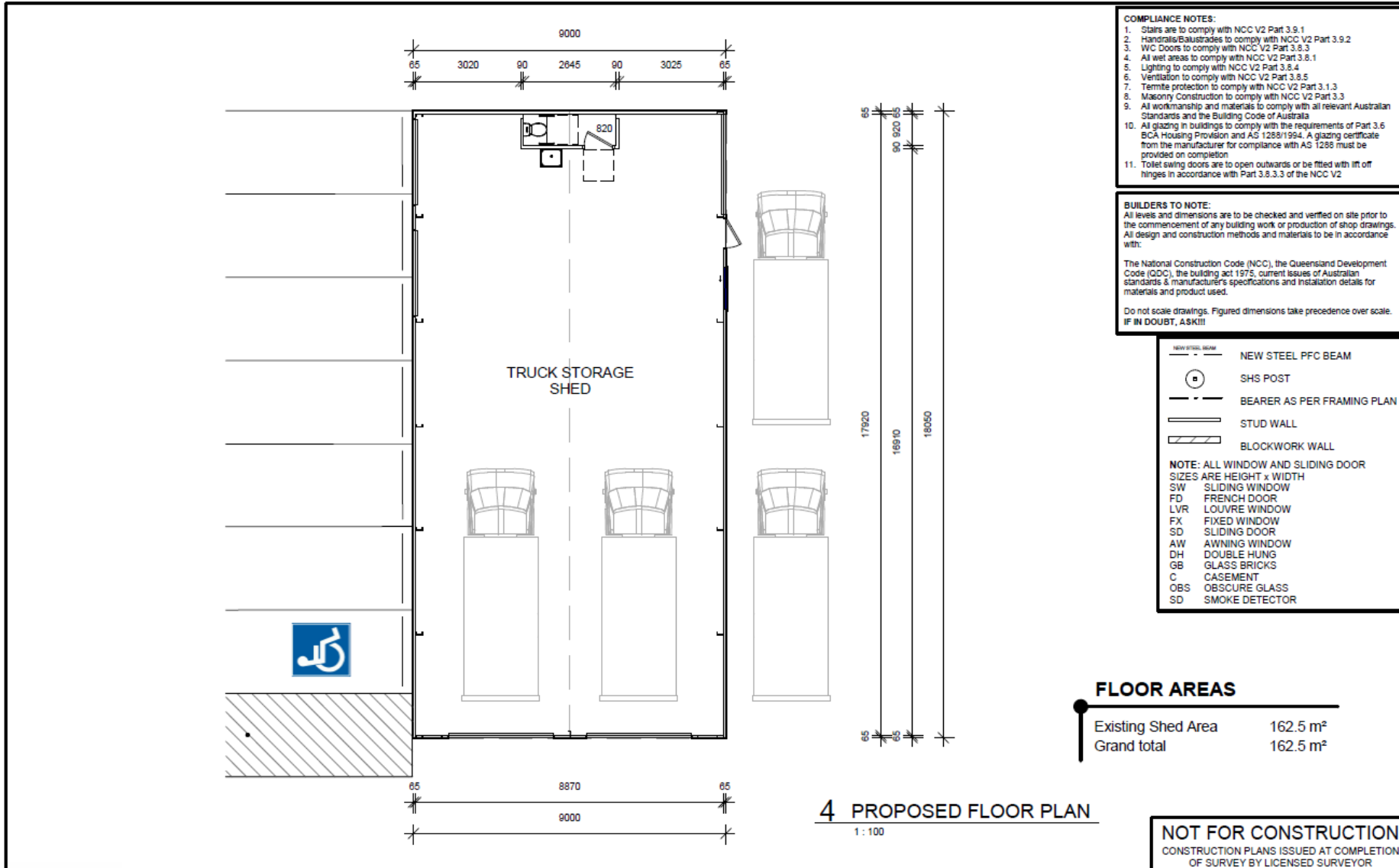
JOB No: 23-221

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All design, construction methods and materials to be in accordance with:

- The Building Code of Australia (BCA);
- The Queensland Development Code (QDC);
- Building Regulations;
- Current issues of Australian Standards & Manufacturer's specifications and installation details for materials used.

11/12/2023 9:56:51 AM



- COMPLIANCE NOTES:**
1. Stairs are to comply with NCC V2 Part 3.9.1
 2. Handrails/Balustrades to comply with NCC V2 Part 3.9.2
 3. WC Doors to comply with NCC V2 Part 3.8.3
 4. All wet areas to comply with NCC V2 Part 3.8.1
 5. Lighting to comply with NCC V2 Part 3.8.4
 6. Ventilation to comply with NCC V2 Part 3.8.5
 7. Termite protection to comply with NCC V2 Part 3.1.3
 8. Masonry Construction to comply with NCC V2 Part 3.3
 9. All workmanship and materials to comply with all relevant Australian Standards and the Building Code of Australia
 10. All glazing in buildings to comply with the requirements of Part 3.6 BCA Housing Provision and AS 1288/1994. A glazing certificate from the manufacturer for compliance with AS 1288 must be provided on completion
 11. Toilet swing doors are to open outwards or be fitted with lift off hinges in accordance with Part 3.8.3.3 of the NCC V2

BUILDERS TO NOTE:
 All levels and dimensions are to be checked and verified on site prior to the commencement of any building work or production of shop drawings. All design and construction methods and materials to be in accordance with:
 The National Construction Code (NCC), the Queensland Development Code (QDC), the building act 1975, current issues of Australian standards & manufacturer's specifications and installation details for materials and product used.
 Do not scale drawings. Figured dimensions take precedence over scale. IF IN DOUBT, ASK!!!

- LEGEND:**
- NEW STEEL PFC BEAM
 - SHS POST
 - BEARER AS PER FRAMING PLAN
 - STUD WALL
 - BLOCKWORK WALL
- NOTE: ALL WINDOW AND SLIDING DOOR SIZES ARE HEIGHT x WIDTH**
- SW SLIDING WINDOW
 - FD FRENCH DOOR
 - LVR LOUVRE WINDOW
 - FX FIXED WINDOW
 - SD SLIDING DOOR
 - AW AWNING WINDOW
 - DH DOUBLE HUNG
 - GB GLASS BRICKS
 - C CASEMENT
 - OBS OBSCURE GLASS
 - SD SMOKE DETECTOR

FLOOR AREAS

Existing Shed Area	162.5 m ²
Grand total	162.5 m ²

4 PROPOSED FLOOR PLAN
 1 : 100

NOT FOR CONSTRUCTION
 CONSTRUCTION PLANS ISSUED AT COMPLETION OF SURVEY BY LICENSED SURVEYOR



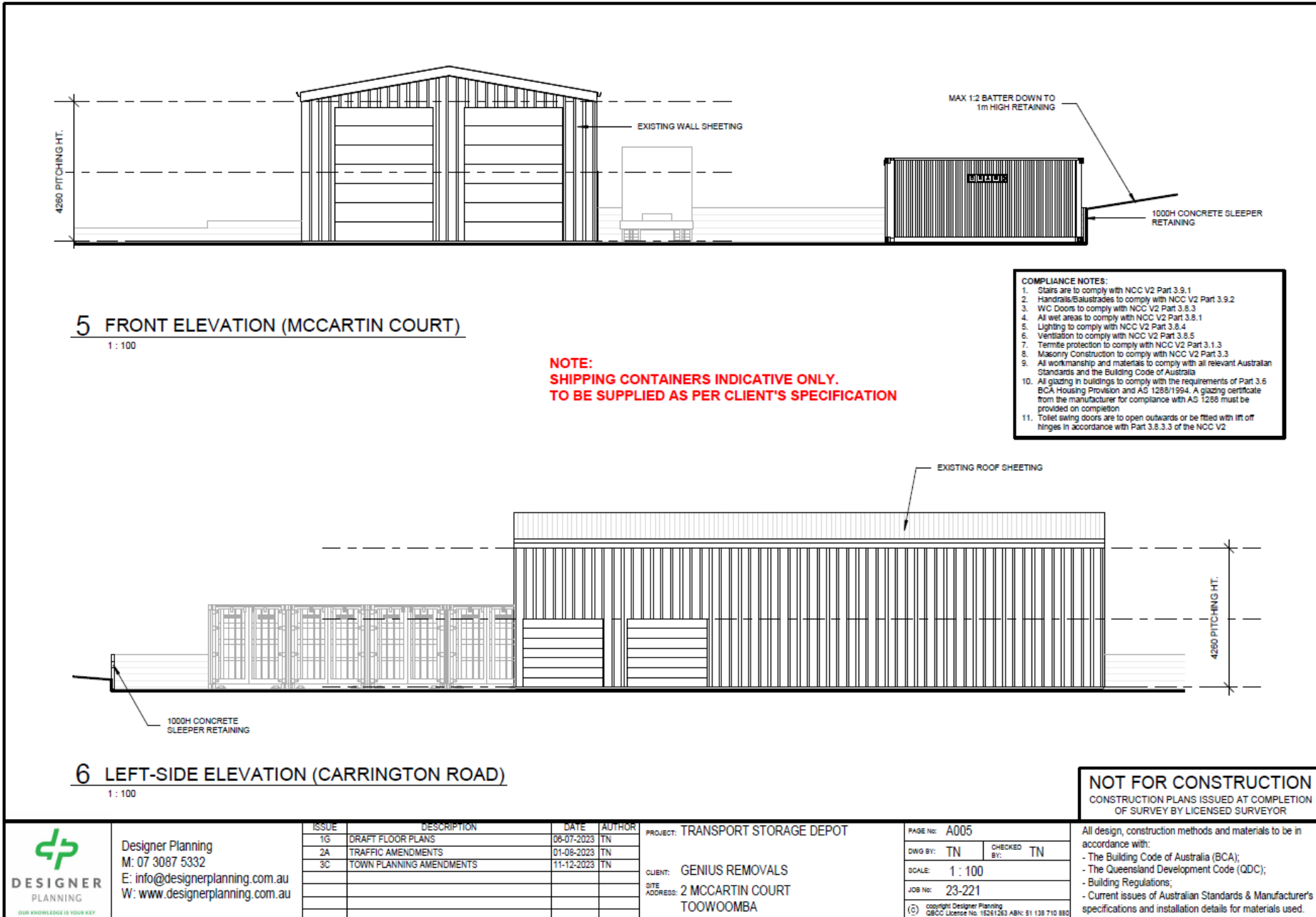
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ISSUE	DESCRIPTION	DATE	AUTHOR
1G	DRAFT FLOOR PLANS	06-07-2023	TN
2A	TRAFFIC AMENDMENTS	01-08-2023	TN
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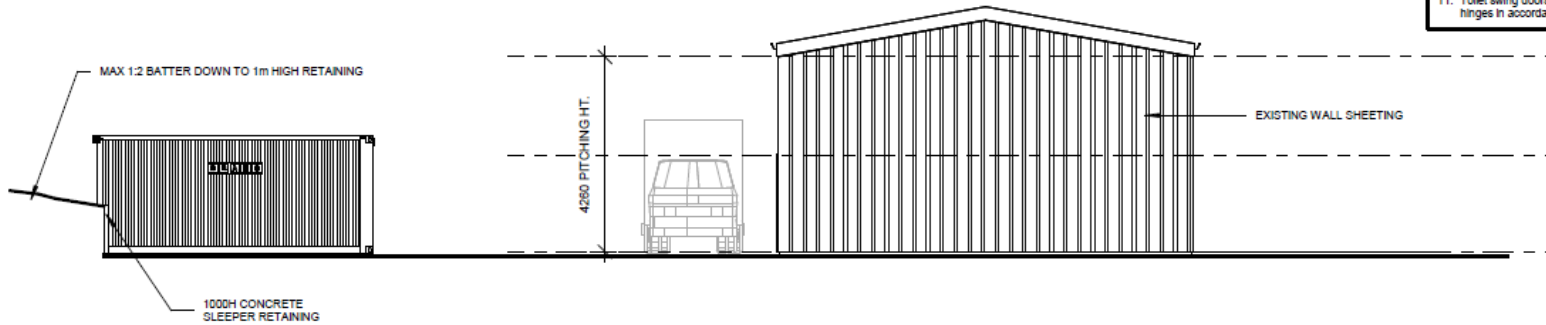
PROJECT: TRANSPORT STORAGE DEPOT
 CLIENT: GENIUS REMOVALS
 SITE ADDRESS: 2 MCCARTIN COURT TOOWOOMBA

PAGE No: A004
 DWG BY: TN CHECKED BY: TN
 SCALE: As indicated
 JOB No: 23-221
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All design, construction methods and materials to be in accordance with:
 - The Building Code of Australia (BCA);
 - The Queensland Development Code (QDC);
 - Building Regulations;
 - Current issues of Australian Standards & Manufacturer's specifications and installation details for materials used.

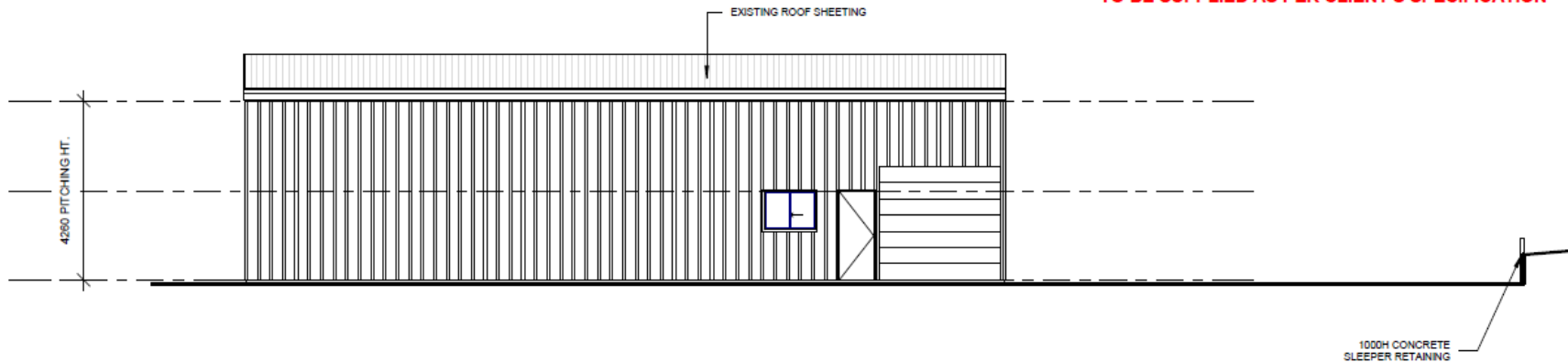


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 11. Toilet swing doors are to open outwards or be fitted with lift off hinges in accordance with Part 3.8.3.3 of the NCC V2



7 REAR ELEVATION
1 : 100

NOTE:
SHIPPING CONTAINERS INDICATIVE ONLY.
TO BE SUPPLIED AS PER CLIENT'S SPECIFICATION



8 RIGHT-SIDE ELEVATION
1 : 100

NOT FOR CONSTRUCTION
CONSTRUCTION PLANS ISSUED AT COMPLETION
OF SURVEY BY LICENSED SURVEYOR



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ISSUE	DESCRIPTION	DATE	AUTHOR
1G	DRAFT FLOOR PLANS	06-07-2023	TN
2A	TRAFFIC AMENDMENTS	01-08-2023	TN
3C	TOWN PLANNING AMENDMENTS	11-12-2023	TN

PROJECT: TRANSPORT STORAGE DEPOT
CLIENT: GENIUS REMOVALS
SITE ADDRESS: 2 MCCARTIN COURT
TOOWOOMBA

PAGE No:	A006
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CHECKED BY:	TN
SCALE:	1 : 100
JOB No:	23-221
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All design, construction methods and materials to be in accordance with:
- The Building Code of Australia (BCA);
- The Queensland Development Code (QDC);
- Building Regulations;
- Current issues of Australian Standards & Manufacturer's specifications and installation details for materials used.

SCHEDULE 1

Concurrence Agency Response/s



SARA reference: 2309-36567 SRA
 Council reference: MCUI/2023/3530
 Applicant reference: 11426M

11 October 2023

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

Attention: Bevan Koelmeyer

Dear Mr Koelmeyer

SARA referral agency response—2 McCartin Court, Torrington

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 7 September 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	11 October 2023
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development permit	Material change of use for Transport Depot
SARA role:	Referral agency	
SARA trigger:	Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 (Planning Regulation 2017)	
	Development near a state transport corridor or that is a future state	

transport corridor

SARA reference: 2309-36567 SRA

Assessment manager: Toowoomba Regional Council

Street address: 2 McCartin Court, Torrington

Real property description: Lot 7 on SP166685

Applicant name: Genius Removals Pty Ltd

Applicant contact details: C/- ONF Surveyors
PO Box 3044
Darra QLD 4076
admin@onfsurveyors.com.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Right Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

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

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

For further information please contact Stephanie Brannock, Planning Officer, on (07) 3432 2414 or via email ToowoombaSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Kieran Hanna
Manager (Planning)

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions

cc Genius Removals Pty Ltd, admin@onfsurveyors.com.au

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions	Condition timing
Development Permit - Material Change of Use for a Transport Depot		
Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 (Planning Regulation 2017) - Development near a state transport corridor or that is a future state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
1.	<p>Stormwater management of the development must not cause worsening to the operating performance of the state-controlled road, such that any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled road (ii) concentrate or increase the velocity of flows to state-controlled road (iii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road (iv) surcharge any existing culvert or drain on the state-controlled road (v) reduce the quality of stormwater discharge onto the state-controlled road (vi) impede or interfere with any overland flow or hydraulic conveyance from the state-controlled road. 	At all times.

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

The development complies with State code 1: Development in a state-controlled road environment of the SDAP version 3.0 subject to a condition. Specifically, the development does not:

- create a safety hazard for users of a state-controlled road
- result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

SCHEDULE 2

Statement of Reasons

Statement of Reasons
Section 63(4) and (5) of the *Planning Act 2016*

SITE DETAILS	
Site Address	2 McCartin Court, Torrington
Real Property Description	Lot 7 on SP166685
Site Area	4,001m ²
Owner	Ronel Genis and Michiel Gerhardus Genis

PROPOSED DEVELOPMENT	
Name of Applicant	Genius Removals Pty Ltd C/- ONF Surveyors
Type of Application	Material Change of Use
Proposed Development	Transport Depot
Level of Assessment	Impact
Gross Floor Area	222.5 m ²
Impervious Area	222.5 m ²
Car Parking Spaces	7
Service Vehicle Provision	MRV
Submissions Received	Objection: 3
	Support: Nil
Decision	Approval
Decision Date	7 May 2024

ASSESSMENT MATTERS					
Assessment benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Schedules 9 and 10 of the <i>Planning Regulation 2017</i>; • <i>State Planning Policy July 2017</i>; • ShapingSEQ 2023 and Darling Downs Regional Plan; • The Local Government Infrastructure Plan; and • <i>Toowoomba Regional Planning Scheme 2012 (Version 28)</i> <ul style="list-style-type: none"> ○ Strategic Framework ○ Rural Residential Zone ○ Industry Uses Code ○ Airport Environs Overlay Code ○ Environmental Standards Code ○ Integrated Water Cycle Management Code ○ Transport, Parking and Access Code ○ Works and Services Code ○ Landscaping Code 				
Relevant matters	N/A				
Matters raised in submissions	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Issue</th> <th style="width: 50%;">How matter was dealt with</th> </tr> </thead> <tbody> <tr> <td>Traffic</td> <td>Council's Senior Development Engineer has reviewed the material provided by the applicant and confirmed that the recommended conditions provided can suitably manage any impacts.</td> </tr> </tbody> </table>	Issue	How matter was dealt with	Traffic	Council's Senior Development Engineer has reviewed the material provided by the applicant and confirmed that the recommended conditions provided can suitably manage any impacts.
Issue	How matter was dealt with				
Traffic	Council's Senior Development Engineer has reviewed the material provided by the applicant and confirmed that the recommended conditions provided can suitably manage any impacts.				

	<p>Amenity (noise)</p>	<p>The proposal is for a small scale Transport Depot providing for the storage of four (4) vehicles. The use is not considered to involve any hazardous processes and is considered to be low impact uses that would contain all dust, noise and outdoor lighting emissions on-site.</p> <p>The proposed design includes fencing and landscape buffering to maintain an appropriate level of amenity. The provision of a condition requiring a Site Based Environmental Management Plan, which will be assessed and approved by Council, is considered sufficient to meet the requirements</p> <p>Council's Senior Environmental Officer has reviewed the material provided by the applicant and confirmed that the recommended conditions provided can suitably manage any impacts.</p>
<p>Reasons for decision</p>	<p>The development was assessed against all of the assessment benchmarks listed above and complies without exception.</p>	

For further details on the assessment of this development application, please see the Delegated Report available for public viewing on the Toowoomba Regional Council Planning and Development Online website at: <https://developmenti.tr.qld.gov.au/>. When accessing Council's website please use the following Application Number: MCUI/2023/3530