

Our Reference: RAL/2024/1617/A
CS Portal Reference: N/A
Contact Officer: Krys den Hertog
Contact: 07 4688 6867
Email: development@tr.qld.gov.au

Negotiated Decision Notice
APPROVAL
Planning Act 2016 Section 76

Jeteld Pty Ltd
C/- Precinct Urban Planning
PO Box 3038
TOOWOOMBA QLD 4350

Email: paul@precinctplan.com.au

18 December 2024

Dear Sir

Location: Reis Road, HIGHFIELDS QLD 4352
Property Description: Lot 1 RP177108, Lot 2 SP274504, Emt C, D and E SP304253
Relevant Planning Scheme: Toowoomba Regional Planning Scheme 2012

Council received your change representations under section 75 of the *Planning Act 2016* 22 November 2024. A decision was made on 18 December 2024 to issue a Negotiated Decision Notice. This Negotiated Decision Notice replaces the Decision Notice previously issued and dated 10 October 2024.

Nature of Changes

All deletions are identified by **bolded strikethrough** of text in the attached Schedule/s.

All additions are identified by **bolded** text in the attached Schedule/s.

Details of Approval

Development Permit – Reconfiguring a Lot – Code – Reconfigure 2 into 46 Lots.

Referral Agencies

Concurrence Agencies Name & Address: N/A

Advice Agencies Name & Address: N/A

Conditions and Advices

Assessment Manager's Conditions: As per attached Schedule 1

Concurrence Agency Conditions: N/A

Currency Period

In accordance with section 85(1)(b)(ii) of the *Planning Act 2016* (Qld), this Development Approval lapses if a plan for the reconfiguration is not given to Council in accordance with the *Land Title Act 1994* (Qld) within four (4) years of this Development Approval starting to have effect.

Further Development Permits Required

- Operational Work

Further Plans/Documents for Endorsement

The following documents/plans require Endorsement:

- Landscape Plan
- Survey Plan
- Vegetation Protection Covenant

Submissions

Not applicable – no part of the application required notification.

Rights of Appeal

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

The *Planning Act 2016* is available via:

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

Yours faithfully



Kari Musgrove
Manager, Planning Branch

SCHEDULE 1

DEVELOPMENT PERMIT FOR RECONFIGURING A LOT

APPLICATION NUMBER:	RAL/2024/1617/A
APPLICANT:	Jeteld Pty Ltd
LOCATION:	Reis Road, HIGHFIELDS QLD 4352
PROPERTY DESCRIPTION:	Lot 1 RP177108, Lot 2 SP274504, Emt C, D and E SP304253
DECISION DATE:	17 December 2024
APPROVED USE:	Request for Negotiated Decision Notice Reconfigure 2 into 46 Lots
ZONING / PRECINCT:	Low Density Residential Zone / General Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

PLANNING

APPROVED DEVELOPMENT

1. This Development Approval is for Reconfiguring a Lot, being the subdivision of two (2) lots into forty-six (46) lots.
2. Approved lots 112 and 120 are Designated Dual Occupancy Lots.

CARRY OUT AND MAINTAIN DEVELOPMENT

3. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by this Development Approval.
4. Unless otherwise stated, all conditions must be complied with prior to Council's approval of the Plan of Subdivision.

Note: *Some conditions will require ongoing compliance beyond the date of Council's approval of the Plan of Subdivision. To remove any doubt, Conditions 84.3, 85, 87, 88 and 92 do not need to be complied with prior to Plan Sealing.*

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

APPROVED PLANS

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

Plan No: 15311_Proposal_Stage 4, Revision A
Description: Proposed Layout & Dimensions, Sheet 1, prepared by Parkinson Surveys Pty Ltd, dated 25 March 2024
Amendments: Nil

Plan No: 15311_Proposal_Stage 4, Revision A
Description: Proposed Layout & Dimensions, Sheet 2, prepared by Parkinson Surveys Pty Ltd, dated 25 March 2024
Amendments: Nil

APPROVED DOCUMENT

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

Document: J001796, Revegetation Management Plan, Version 2
Description: Revegetation Management Plan, prepared by Range Environmental Consultants and dated 17 May 2024
Amendments: Nil

Document: J001796, Covenant Management Plan, Version 2
Description: Covenant Management Plan, prepared by Range Environmental Consultants and dated 17 May 2024
Amendments: Nil

LOT NUMBERING

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

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

9. Prepare and submit applications to Council and obtain a Development Permit for Operational Work for the following:
- 9.1 Roadworks;
 - 9.2 Bulk Earthworks;
 - 9.3 Wastewater Infrastructure;
 - 9.4 Water Infrastructure; and
 - 9.5 Stormwater Infrastructure.

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

10. Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:
- 10.1 Landscape Plan; **and**
 - 10.2 Vegetation Protection Covenant.

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS

11. Prepare and submit for Council's approval, a Plan of Subdivision in accordance with Schedule 18 of the *Planning Regulation 2017*. For the purposes of Section (4) of Schedule 18, the stated date by which the request must be made is the Currency period of this approval.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

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

DEDICATIONS, AGREEMENT AND CONTRIBUTIONS

DEDICATION OF LAND

13. The land area identified as new road (including pathways) on the Approved Plans must be dedicated as road reserve in accordance with the requirements of the Department of Resources.

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

14. The transfer of land dedicated to Council must be at no cost to Council. All transfer documentation is to be prepared and submitted to Council, at no cost to Council.
15. All land dedicated for road reserve must not be encumbered by permanent structures, services such as pump stations, services easements or similar operational uses, unless otherwise approved by the conditions of this Development Approval.
16. All land dedicated for road reserve must not be financially encumbered (e.g. mortgaged) unless otherwise approved by the conditions of this Development Approval.

EASEMENTS

17. An easement for Temporary Access purposes must be registered in favour of Council against the title of Lot 300. The easement must be provided in accordance with the approved plans listed in this development approval and included on the Plan of Subdivision for Council's approval.

FEES AND CHARGES

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

WORKS

STREET NAMING

19. Forward a letter of Request for Street Naming to Council providing three alternative names for each new street.

Note: Street names must be in accordance with AS4819:2011 - Rural and Urban Addressing, and are subject to Council's requirements and payment of the applicable fees in accordance the Fees and Charges Schedule.

PERMANENT SURVEY MARKS

20. A Permanent Survey Mark (PSM) must be supplied and connected to Australian Height Datum and provided at the intersection of Yallambee Way and Road 5.
21. Documentation detailing placement of the PSM must be lodged with Council at the time of lodgement of the Plan of Subdivision.

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

22. Plans and specifications for all works associated with roadworks, stormwater drainage, water, wastewater, earthworks, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
23. A RPEQ must submit to Council a copy of the:
 - 23.1 Design Certificate prior to commencement of the works; and
 - 23.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
24. 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.
25. 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

26. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.
27. 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.

28. 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.
29. Submit to Council for approval, as part of the Development Application for a Development Permit for Operational Work, a Detailed Stormwater Management Plan prepared by a Registered Professional Engineer Queensland - Civil (RPEQ) in accordance with the relevant standards in *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)* and *State Planning Policy July 2017* demonstrating the following:
 - 29.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval; and
 - 29.2 The achievement of Water Sensitive Urban Design objectives listed in PSP No. 2 and *State Planning Policy July 2017*.

Note: Council will consider entering into an Infrastructure Agreement for contribution in lieu of constructing the required stormwater quality works. This will require a separate request to be made to Council.

BULK EARTHWORKS OVER 50M³ OR OVER 1M CUT OR FILL

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

AIR QUALITY IMPACT MITIGATION

31. 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 site works and throughout the life of this Development Approval.
32. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during site works do not exceed the following levels when measured at any sensitive place or commercial place:
 - 32.1 Dust deposition of 133 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method*.

VIBRATION IMPACT

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

Table 1 - Human comfort vibration limits to minimize nuisance

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

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

CONSTRUCTION WASTE MANAGEMENT & STORAGE

35. 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*.
36. 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*.
37. Fires are not to be lit to dispose of demolition or construction waste.
38. 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:
 - 38.1 Elsewhere within this Development Approval;
 - 38.2 In accordance with an associated Development Permit for Operational Work;
 - 38.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 38.4 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
 - 38.5 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.
39. 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

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

EROSION & SEDIMENT CONTROL

41. 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.
42. 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.
43. 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.

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

DAMAGE TO SERVICES & ASSETS

- 46. Protect Council and public utility services and assets during construction of the development.
- 47. 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:
 - 47.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 47.2 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.
- 48. 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.
- 49. Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with Council's relevant policies and requirements at no cost to Council.

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

SERVICES & UTILITIES

WASTEWATER INFRASTRUCTURE (GENERAL)

- 50. The subdivision must be connected to Council's existing wastewater reticulation system at no cost to Council. This includes augmentation works external to the development as required to adequately service the development.

Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.
- 51. The design and construction of the works must be in accordance with Council's *Wastewater Infrastructure Policy 2.04*.

Note: A separate Development Application for a Development Permit for Operational Work may be required to be lodged.
- 52. Any compensation or costs associated with obtaining agreement from owners or trustees of properties affected by the construction of the works must be at no cost to Council.
- 53. Any works on Council's 'live' wastewater infrastructure must be carried out by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.
- 54. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted and be approved by Council for internal and external wastewater reticulation works and in accordance with the approved plans and documents of this Development Approval.

WATER SUPPLY

55. The subdivision must be provided with a water supply system capable of servicing each lot 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.

56. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted and be approved by Council for internal and external water supply works and in accordance with the approved plans and documents of this Development Approval.

TELECOMMUNICATION

57. Install telecommunications infrastructure to service each approved lot which complies with the following:

57.1 The requirements of the *Telecommunications Act 1997* (Cth);

57.2 For a fibre ready facility, the standard specifications current at the time of installation; and

57.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.

58. 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.

59. 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

60. An electricity supply must be made available to service each approved lot within the subdivision. This supply must be in accordance with the relevant standards of the electricity distributor.

61. Written evidence must be submitted to Council from the electricity distributor advising that provision has been made for connection of reticulated electricity service for each approved lot in accordance with all applicable legislation at the time of construction.

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

TRANSPORT & ACCESS

ROADWORKS (INTERNAL TO SUBDIVISION)

62. Internal roads must generally be constructed as shown on the Approved Plans listed within this Development Approval.
63. The internal roads must be constructed to a sealed standard, including kerb and channel on both sides of the new roads. Such kerb and channelling must be an approved residential kerb and channel. The internal roads must be as follows:

63.1 New Road 4, 5, Amaroo Street & Yallambee Way must have an 18m road reserve width with 7m carriageway width measured between channel inverts.

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

64. All street surfacing must consist of an approved asphaltic concrete.
65. Verge widths, street reserve widths, intersection treatment, provision of parking, footpaths and speed control devices must comply with Council's requirements, as set out in *Planning Scheme Policy No. 2 - Engineering Standards - Roads and Drainage Infrastructure (PSP No.2)*.
66. 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 road works and in accordance with the approved plans and documents of this Development Approval. All approved road works must be completed and accepted on-maintenance prior to Council's approval of the Plan of Subdivision.
67. Where temporary dead ends are provided at stage boundaries, with a length greater than a single lot frontage, a temporary gravel surfaced turnaround area must be constructed to the geometry of Council's standard cul-de-sac turning areas.
68. The design and the construction of the works must be certified by a RPEQ – Civil.

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

69. 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.

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

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

STREET LIGHTING

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

REMOVAL OR MODIFICATION OF COUNCIL TRAFFIC SIGNS OR PARKING BAYS

72. 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.
73. The installation or modification of any street signs or line marking must be in accordance with the Manual of Uniform Traffic Control Device (MUTCD).

BOLLARDING FOR PEDESTRIAN LINK

74. Bollards are to be provided at a minimum at one end of the Footpath Link between Amaroo Street and Kuhls Road.

LANDSCAPE & ECOLOGY

LANDSCAPE PLAN

75. Submit to Council for endorsement, a Landscape Plan prepared by a suitably qualified person that details in particular:
 - 75.1 The species to be planted and their location (including street trees);
 - 75.2 The number and container size of plants;
 - 75.3 The typical planting detail including preparation, backfill, staking and mulching;
 - 75.4 Internal dimensions of all planting areas;
 - 75.5 Location and height of fencing in the property frontage;
 - 75.6 Location and species of existing site vegetation including adjacent street trees; and
 - 75.7 North point, scale and drawing number.
76. 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 or earthworks, whichever occurs first.

LANDSCAPING WORKS (PROVISION OF STREET TREES)

77. Unless otherwise agreed by Council, plant and maintain for a period of 12 months, 1 street tree within the road reserve for every 15 metres of road frontage, that is capable of reaching 10 metres in height at maturity.
78. A minimum space of 2.5 metres is to be provided between the back of curb and other infrastructure within the road reserve for tree planting.
79. The selection and planting of any street tree, including any street tree required to replace a removed street tree must be in accordance with the requirements of *Planning Scheme Policy No.8 - Street Trees*, *Planning Scheme Policy No. 2 - Engineering Standards - Roads and Drainage Infrastructure*, the Toowoomba Regional Council Street Tree Master Plan, and the approved Landscape Plan.
80. All landscape works must be established by a 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.

81. Certification must be submitted to Council from a qualified person who certifies that landscaping established complies with the requirements of this Development Approval.

REMOVAL OF EXISTING TREES AND VEGETATION

82. Clearing, including felling, pushing, lopping and grubbing of existing trees and vegetation not identified for retention must be undertaken by a suitably qualified person and must:
- 82.1 Retain old growth tree hollows and suitably relocate and distribute for nesting fauna;
 - 82.2 Mulch all other wood and leaf material (without root balls, soil or debris and minimising weed seeds) for re-usable mulch;
 - 82.3 Have mulch for re-use in landscape or rehabilitation stockpiled and aged for a minimum of three months;
 - 82.4 Have mulch stockpiles no larger than 1000m³, 2.5m in height and with 10m separation between piles;
 - 82.5 Allow for existing endemic ground flora to be translocated to suitable landscaping and rehabilitation areas; and
 - 82.6 Conclude with the area being stabilised against erosion and landscaped.
83. A legislative compliant Fauna Spotter Catcher must be engaged to manage fauna prior and during clearing to:
- 83.1 Ensure works are carried out in accordance with the *Nature Conservation Act 1992*;
 - 83.2 Undertake pre-clearing inspections including fauna relocation and removal or blocking of all vacant hollows;
 - 83.3 Ensure clearing works avoids nesting times of animals and birds;
 - 83.4 Co-ordinate staging and sequence of clearing with fauna protection;
 - 83.5 Protect and recover fauna during clearing operations (not previously removed); and
 - 83.6 Manage the translocation of animals and recovery procedures in accordance with relevant legislation.

MANAGEMENT AGREEMENT

84. The applicant must:
- 84.1 Cause the provision of the Compensatory Environmental Works as identified in the approved Revegetation Management Plan; ~~and~~
 - 84.2. Enter into a Management Agreement with Council that is generally consistent with the draft Management Agreement (Compensatory Environmental Works) 2024, version 1 dated 19 June 2024); ~~and~~

Note: The Management Agreement executed by Toowoomba Regional Council on 6 November 2024 is considered to comply with Condition 84.2.
 - 84.3 Comply with the Management Agreement at all times.

REVEGETATION WORKS

85. Revegetation activities must be carried out at the location specified in Figure 1 and in accordance with Sections 3 and 4 of the approved Revegetation Management Plan listed within this Development Approval and as detailed within the Management Agreement.
86. Revegetation activities must commence immediately upon the finalisation / signing of the Management Agreement by Council and the Applicant.
87. Reports on the progress of revegetation activities must be provided to Council in accordance with the schedule of works included in approved Revegetation Management Plan listed within this Development Approval.
88. Where revegetation works do not meet the performance criteria stated in Section 3.4 of the approved Revegetation Management Plan, rectification works must occur until the performance criteria are met.

VEGETATION PROTECTION COVENANT

89. A vegetation protection covenant must be registered against the title of the property over the land area identified in the approved Covenant Management Plan listed within this Development Approval. The covenant must be prepared pursuant to Section 97A(3)(b)(i) of the *Land Title Act 1994*. The covenant document and a survey plan must be submitted to Council for endorsement prior to lodgement with the relevant titles authority. The covenant document must:
 - 89.1 Incorporate the requirements of this Development Approval; and
 - 89.2 Be prepared and registered at no cost to Council and include Toowoomba Regional Council as Covenantee.
90. The Covenant must receive endorsement by Council prior to endorsement of the Plan of Survey.
91. If a provision included in the covenant document is requisitioned or refused registration by the relevant titles authority, a substitute provision must be included in the document which as nearly as practicable addresses the objective sought by the requisitioned or refused provision. The wording of the substitute provision must be agreed by Council.
92. The obligations of the registered covenant must be complied with by all successors in title.
93. The vegetation protection covenant must be submitted to Council for endorsement and lodged with the relevant titles authority prior to Council's approval of the Plan of Subdivision.

B. ADVICES:

GENERAL ADVICES

SUBMISSION OF PLANS/DOCUMENTS FOR ENDORSEMENT

- 1) The conditions of this Development Approval require submission of plans/documents to Council for endorsement. Please address the plans for endorsement to Council's Planning Branch with the Reference No. RAL/2024/1617 and send to development@tr.qld.gov.au.

INFRASTRUCTURE CHARGES

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

OTHER LAWS & REQUIREMENTS

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

EXCAVATION & FILLING

- 8) 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.

ENVIRONMENTAL HARM

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

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

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

STREET TREE DISTURBANCE & REMOVAL APPROVAL

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

WATER POLLUTION

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

FIRE ANTS

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

QUALIFIED PERSON

- 13) For the purpose of preparing a Landscape Plan, a suitably qualified person is considered to be a Registered Landscape Architect or Landscape Designer with a minimum of 3 years current experience in the field of landscape design.

C. ATTACHED POLICIES AND/OR STANDARDS:

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

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

229 Appeals to tribunal or P&E Court

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

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

230 Notice of appeal

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

appeal to—

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

231 Non-appealable decisions and matters

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

decision includes—

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

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

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

232 Rules of the P&E Court

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