

Our Reference: OW/2024/8014
CS Portal Reference: N/A
Officer: Samita Thapa
Contact: 07 4688 8379
Email: development@tr.qld.gov.au

Development Application Decision Notice APPROVAL

Planning Act 2016 Section 63

Toowoomba Acreage Development Pty Ltd
C/- Ensilon Pty Ltd
10 Drysdale Crescent
BROOKFIELD QLD 4069

Email: kevin.clancy@ensilon.com.au;
alancui87@gmail.com;

14 April 2025

Dear Sir/Madam

Location: Highgate Road, TOP CAMP QLD 4350
Property Description: Lot 11 SP304629
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012*

The Development Application for Operational Works Roadworks, Stormwater, Earthworks, and Water infrastructure for the abovementioned property has been assessed and approved with Conditions. The decision was made on 14 April 2025. The following provides all the relevant details:

Details of Approval

Development Permit – Operational Works - Roadworks, Stormwater, Earthworks, and Water infrastructure

Conditions and Advices

Assessment Manager's Conditions: As per attached Schedule 1

Currency Period

In accordance with section 85(1)(c)(i) of the *Planning Act 2016* (Qld), this Development Approval lapses if the development does not substantially start within two (2) years of this Development Approval starting to have effect.

Rights of Appeal

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

The *Planning Act 2016* is available on the Office of the Queensland Parliamentary Counsel website via: <https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2016-025>.

Yours faithfully



Michael Evans
Principal Engineer
Development Infrastructure and Growth



TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

SCHEDULE 1

DEVELOPMENT PERMIT FOR OPERATIONAL WORKS

APPLICATION NUMBER:	OW/2024/8014
APPLICANT:	Toowoomba Acreage Development Pty Ltd
LOCATION:	Highgate Road, TOP CAMP QLD 4350
REAL PROPERTY DESCRIPTION:	Lot 11 SP304629
APPROVED USE:	Roadworks, Stormwater, Earthworks, and Water infrastructure

A. ASSESSMENT MANAGER'S CONDITIONS:

GENERAL

APPROVED DEVELOPMENT

1. This Development Approval is for carrying out operational work for:
 - 1.1 Roadworks;
 - 1.2 Stormwater;
 - 1.3 Earthworks; and
 - 1.4 Water Infrastructure;

CARRY OUT AND MAINTAIN DEVELOPMENT

2. The development must comply with the provisions of Toowoomba Regional Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by this Development Approval.
3. Unless otherwise stated, all conditions must be complied with prior to acceptance of the works on maintenance, and thereafter.
4. All work associated with this Development Approval must be completed within two (2) years of this Development Approval starting to have effect.

APPROVED DRAWINGS

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

Drawing No: 22-031,1000, Revision A

Description: Drawing Index and Locality Plan, prepared by Epsilon Consulting and dated 27/11/2024

Amendments: Nil

Drawing No: 22-031,1001, Revision A
Description: Site Layout Plan, prepared by Epsilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1005, Revision A
Description: Safety in Design, prepared by Epsilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1010, Revision A
Description: Typical Sections and Details, prepared by Epsilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1100, Revision A
Description: Bulk Earthworks Layout Plan Sheet 1 of 2, prepared by Epsilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1101, Revision A
Description: Bulk Earthworks Layout Plan Sheet 2 of 2, prepared by Epsilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1120, Revision A
Description: Bulk Earthworks Sections, prepared by Epsilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1200, Revision B
Description: Roadworks and Drainage Layout Sheet 1 of 2, prepared by Epsilon Consulting and dated 26/02/2025
Amendments: Nil

Drawing No: 22-031,1201, Revision A
Description: Roadworks and Drainage Layout Plan Sheet 2 of 2, prepared by Epsilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1202, Revision B
Description: Roadworks and Drainage Notes and Details, prepared by Epsilon Consulting and dated 26/02/2025
Amendments: Nil

Drawing No: 22-031, 1210, Revision A
Description: Road Alignment Layout Plan, prepared by Epsilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1211, Revision A
Description: Road Alignment Setout Details, prepared by Epsilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1220, Revision A
Description: Road Long Sections Sheet 1 of 2, prepared by Epsilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1221, Revision A
Description: Road Long Sections Sheet 2 of 2, prepared by Ensilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1230, Revision A
Description: Road Cross Sections Sheet 1 of 4, prepared by Ensilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1231, Revision A
Description: Road Cross Sections Sheet 2 of 4, prepared by Ensilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1232, Revision A
Description: Road Cross Sections Sheet 3 of 4, prepared by Ensilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1233, Revision A
Description: Road Cross Sections Sheet 4 of 4, prepared by Ensilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1240, Revision B
Description: Intersection Details, prepared by Ensilon Consulting and dated 26/02/2025
Amendments: Nil

Drawing No: 22-031,1250, Revision B
Description: Signs and Linemarking Layout Plan, prepared by Ensilon Consulting and dated 26/02/2025
Amendments: Nil

Drawing No: 22-031,1300, Revision A
Description: Stormwater Catchment Layout Plan, prepared by Ensilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1320, Revision B
Description: Stormwater Drainage Long Sections, prepared by Ensilon Consulting and dated 26/02/2025
Amendments: Nil

Drawing No: 22-031,1340, Revision A
Description: Stormwater Drainage Calculation Tables, prepared by Ensilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1360, Revision A
Description: Stormwater Drainage Structure Details, prepared by Ensilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1370, Revision B
Description: Stormwater Channel Layout and Details, prepared by Ensilon Consulting and dated 26/02/2025
Amendments: Nil

Drawing No: 22-031,1371, Revision B
Description: Stormwater Drainage Channel Setout, prepared by Epsilon Consulting and dated 26/02/2025
Amendments: Nil

Drawing No: 22-031,1500, Revision B
Description: Water Reticulation Notes and Details, prepared by Epsilon Consulting and dated 26/02/2025
Amendments: Nil

Drawing No: 22-031,1501, Revision B
Description: Water Reticulation Layout Plan, prepared by Epsilon Consulting and dated 26/02/2025
Amendments: Nil

Drawing No: 22-031,1502, Revision B
Description: Water Reticulation Long Section, prepared by Epsilon Consulting and dated 26/02/2025
Amendments: Nil

Drawing No: 22-031,1610, Revision A
Description: Erosion and Sediment Control Management Plan Phase 1 Sheet 1 of 2, prepared by Epsilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1611, Revision A
Description: Erosion and Sediment Control Management Plan Phase 1 Sheet 2 of 2, prepared by Epsilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1620, Revision A
Description: Erosion and Sediment Control Management Plan Phase 2 Sheet 1 of 2, prepared by Epsilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1621, Revision A
Description: Erosion and Sediment Control Management Plan Phase 2 Sheet 2 of 2, prepared by Epsilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1630, Revision A
Description: Erosion and Sediment Control Management Plan Phase 3 Sheet 1 of 2, prepared by Epsilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1631, Revision A
Description: Erosion and Sediment Control Management Plan Phase 3 Sheet 2 of 2, prepared by Epsilon Consulting and dated 27/11/2024
Amendments: Nil

Drawing No: 22-031,1640, Revision A
Description: Erosion and Sediment Control Management Plan Notes and Details, prepared by Epsilon Consulting and dated 27/11/2024
Amendments: Nil

COMPLETION PERIOD

6. In accordance with section 88(1) of the *Planning Act 2016* (Qld), this Development Approval lapses if the development is not completed within 2 years of this Development Approval starting to have effect.

FEES, CHARGES AND SECURITIES

7. The following estimates of construction costs have been used to determine the amounts provided in the 'Request for Payment':

7.1	Roadworks;	\$936,245.05
7.2	Stormwater:	\$342,865.00
7.3	Water Infrastructure:	\$156,153.04

8. Following satisfactory inspection of the completed works, and acceptance of the works "on maintenance", a minimum of 12 month "defects liability period" will apply. During this time, a security will be retained to ensure correction of any defects in the constructed works. The fees, charges and securities detailed in the attached 'Statement of Fees' must be paid before and prior to Council accepting the works on-maintenance. The following security against defects will apply:

8.1	Roadworks;	\$93,625.00
8.2	Stormwater:	\$34,287.00
8.3	Water Infrastructure:	\$15,615.00

CONSTRUCTION REQUIREMENTS

PRE-START MEETING

9. A pre-start meeting as outlined in *Planning Scheme Policy No 2 SC6.2.7.9* attended by Council's officers, the Supervising Engineer and the Contractor, must be arranged by the Supervising Engineer and held at a time and place mutually convenient to all attendees.

Note: Pre-Start prerequisites include but are not limited to the provisions of Planning Scheme Policy No 2 SC6.2.7.9, 6.2.7.7.2 and the conditions of this approval.

10. At the pre-start meeting, the Supervising Engineer must provide to Council a Project Quality Plan and have received approval from Council prior to works commencing.

HOURS OF CONSTRUCTION

11. Unless otherwise approved in writing by Council approved hours of construction are between the hours of 6.30 am to 6.30 pm Monday to Saturday.
12. Unless otherwise approved in writing by Council no works are permitted on public holidays.
13. Any activities which cause noise nuisance must not be carried out on the subject land outside the approved hours of construction or on Sundays or Public Holidays.

CONSTRUCTION WORKS

14. The construction works shall be in accordance with the requirements outlined in *Planning Scheme Policy No 2 SC6.2.7.7*.
15. During the course of construction works:

- 15.1 Ensure that the works are carried out by a qualified contractor;
 - 15.2 Accept responsibility for all aspects of the works, including public safety; and
 - 15.3 Ensure adequate barricades, signage and other warning devices are in place at all times.
16. A minimum of \$10 million of Public Liability Insurance and Workers Compensation Insurance must be secured at all times throughout the construction and maintenance periods by the developer /contractor..

VERGE WORKS

17. All work carried out in the road reserve must be carried out during daylight hours only unless approved otherwise by Council. No excavations, stockpiles of material or other hazards or obstructions are to be left on the verge during hours of darkness.

Note: Should access to footpaths, verge or road 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.

DAMAGE TO SERVICES & ASSETS

18. Protect Council and public utility services and assets during construction of the development.
19. 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:
- 19.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 19.2 Where otherwise, as soon as reasonably possible, but no later than completion of the works associated with the development or prior to the commencement of use, whichever is the earlier.
20. Any repair work which includes alteration to the alignment or the level of existing services and assets must first be referred to the relevant service authority for approval.
21. Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with Council's relevant policies and requirements at no cost to Council.

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

PEDESTRIAN AND CYCLIST SAFETY

22. Safe pedestrian and cyclist 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.

EROSION AND SEDIMENT CONTROL

23. Erosion and sediment control measures in accordance with *Planning Scheme Policy PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure* must be implemented as necessary, and must be maintained at all times during the works period.

24. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths and not within the road reserve at any time.
25. Measures such as sediment fences, earth berms, temporary drainage, temporary sediment basins, dewatering or stormwater filtering devices to prevent eroded material, sediment or sediment laden water from being transported to adjoining properties, roads or stormwater drainage systems must be provided.
26. Where erosion and sediment control measures have been damaged, fail or are inadequate and erosion or the release of sediment or sediment laden stormwater has occurred from the 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.
27. Measures such as vehicle baths, wash-down and construction matting together with dust suppressants and wraps, exposed ground and stockpile sprinkling must be put in place to prevent site vehicles tracking sediment onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction and the ensuing 'on-maintenance' period.

WORKS

STORMWATER DRAINAGE

28. All stormwater drainage works carried out under this Development Approval must comply with *Planning Scheme Policy PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure*.
29. All land adjoining the development must be protected at all times from ponding or nuisance from stormwater resulting from the development.

WATER SUPPLY INFRASTRUCTURE

30. The design and construction of water supply reticulation systems must be carried out in accordance with Council's *Water Infrastructure Policy 2.03* at no cost to Council.
31. All live connections to the existing water supply networks must be carried out by Council at no cost to Council.

Note: For a private works quotation for the required works Council's Water & Wastewater Department can be contacted on ph 131 872. Subject to payment of the quotation, a suitable time for this work to be carried out must be agreed with Council. The request requires a copy of the corresponding Council approval including stamped approved drawings.

32. Fire Hydrants and Valves must be installed in accordance with the Water Services Association of Australia (WSAA) *WSA 03—2011-3.1, 8 Section APPURTENANCES* and *Council Addendum to WSA 03 – 2011*.

Note: Council's preference is that these colours be added during manufacture of these components.

33. Where property service connections are required to cross the road, enveloping conduits must be installed fully extending from the water main across to the opposing front property boundary without any bends. The enveloping conduit installation must be installed by the Contractor in accordance with Council's Standard Drawing Number 101214-001.

34. Retro-reflective pavement markers (RRPM) and kerb marker plates must be provided in accordance with the Eastern Downs Regional Organisation of Councils (EDROC) *Drawing Number EDROC-33*.
35. Brass or grade 304 stainless steel Indicator Discs must be accurately installed on the faces of opposing concrete kerbs to indicate the alignment of all crossings of roadways for water mains or water services, denoted as 'W'.
36. Where existing water main cover is less than the minimum required as per Council standards, suitable remedial action must be taken in consultation and agreement with Council.
37. The minimum required cover and clearances to new or Council's existing water infrastructure (including thrust blocks) must be maintained unless approved by Council. Where the location and levels of existing services are unknown, the contractor must pothole to establish the accurate location and level. Any existing services not previously identified must be included on amended detailed design drawings, which must be submitted to Council for approval a minimum of 5 business days prior to this Operational Works pre-start meeting.

EARTHWORKS

38. All earthworks must be undertaken and constructed in accordance with:
 - 38.1 the approved drawings and documents; and
 - 38.2 where not otherwise specified in the approved drawings and documents, in accordance with *Planning Scheme Policy SC6.2.5 – Earthworks* in the *Toowoomba Regional Planning Scheme*.
39. All earthworks, including batters, must be fully contained within the subject land and must not in any way impact on the properties adjoining the subject land.
40. The transport routes for the haulage of material between the subject land and land receiving or sourcing fill shall be identified and submitted to Council's Roads Operation Branch for approval prior to the commencement of transport operations.

SIGNAGE AND LINEMARKING

41. All works on or near roadways must be adequately signed in accordance with Toowoomba Regional Council Planning Scheme Policy *PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure* as well as the Department of Transport and Main Roads *Manual of Uniform Traffic Control Devices (MUTCD)*.

Note: Any road or lane closures will require written application to Council, and all conditions of Council approval must be complied with throughout construction of the works.
42. All street signs and line marking must be installed and/or modified to suit the new works in accordance with Toowoomba Regional Council Planning Scheme Policy *PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure* as well as the Department of Transport and Main Roads *Manual of Uniform Traffic Control Devices (MUTCD)* prior to acceptance of the works on-maintenance.
43. Any removal or modification of any existing Council traffic signs and/or parking bays will require the separate written approval of Council's Principal Engineer – Road Operations.

PAVEMENT DESIGN

44. The pavement design for all roads must be confirmed after in-situ subgrade testing prior to construction of the pavement. Pavement design details and test results must be submitted and

approved by Council a minimum of five (5) business days prior to the pre-start meeting **OR** commencement of pavement works on the subject land.

STREET LIGHTING

45. The street lighting design and installation must comply with *Planning Scheme Policy SC6.2.6 – Road and public space lighting*.

WORKS INSPECTIONS

46. During the construction phase, Council must be given at least 48 hours' notice to carry out the following joint inspections where applicable:

- 46.1 Proof rolling and profile of subgrade;
- 46.2 Proof rolling and profile of base course;
- 46.3 Pre-seal inspection of pavements;
- 46.4 Underground pipework and thrust blocks, prior to backfilling;
- 46.5 Pressure tests for water supply; and
- 46.6 Other inspections as deemed necessary by Council.

Note: No liability or warranty is implied or expressed by any inspection or the absence of any inspection, or by a Council decision relating thereto.

47. Prior to the on-maintenance inspection, the completed and signed Project Quality Plan and all construction test results for all works approved under this development approval must be lodged with Council for review and Council records. If the results are incomplete or unsatisfactory, the works (including any necessary remedial works as applicable) will not be accepted on maintenance until complete and satisfactory testing is undertaken and/or results are lodged with Council.

CERTIFICATION OF CONSTRUCTION WORKS

48. A supervision certificate completed by a Registered Professional Engineer of Queensland – Civil must be provided upon completion of the works certifying that the works have been completed in accordance with the approved plans and specifications.
49. The Registered Professional Engineer of Queensland performing any task or function associated with the proposed works must hold professional indemnity insurance to the value of \$2 million.

AS-CONSTRUCTED DRAWINGS & ACCOMPANYING ADAC XML DIGITAL FILE

50. The As-Constructed package of data consisting of the following, must be provided prior to acceptance of the works on-maintenance or before commencement of use:

- 50.1 Red-lined marked-up “Approved for Construction” Drawings showing changes to construction materials, design levels, locational details and other amendments from the approved design that may have occurred during the Operational Works phase.
 - Marked-up drawings to be submitted in PDF file format only and to be clear and legible when printed at A3 scale;
 - All pages are to include a signed Certification Block endorsed by:

- o an RPEQ Registered Engineer attesting to the accuracy of the engineering aspects and materials noted on the drawings; and
 - o Registered Surveyor verifying the accuracy of the locational details, relative levels, boundaries and alignments as shown on the drawings.
- 50.2 An accompanying compliant ADAC XML and DWG files to be submitted with all details and values (e.g. survey levels, material types) matching the associated marked-up As-Constructed drawings including details of any retired and/or removed existing assets.

Note: Further details, including a sample "Downloadable" drawing template and guidelines on the preparation of both the As-Constructed Drawings and accompanying ADAC XML files can be found on Councils website.

B. ADVICES:

RELIANCE ON ENGINEER'S CERTIFICATION

- 1) In approving plans and specifications for this project, Council has carried out an audit check of information submitted by Ensilon Pty Ltd. Accordingly, Council has placed reliance on the certificate of design signed by the Registered Professional Engineer Queensland (RPEQ) that the Approved Plans and specifications are correct and in accordance with required engineering standards. The RPEQ bears full responsibility for all aspects of the engineering design. Council reserves the right to require further amendments and/or additions at a later stage, should design errors become apparent.

WHEN APPROVAL TAKES EFFECT

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

WHEN APPROVAL LAPSES

- 3) 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.

OTHER LAWS & REQUIREMENTS

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

EXTRACTIVE ACTIVITIES

- 7) In accordance with the *Environmental Protection Act 1994*, a separate approval from the Department of Environment and Science (Department) to carry out Environmentally Relevant

Activity: ERA16 - Extractive and screening activities may be required prior to commencing earthworks. You should contact the Department on 1300 130 372 (select Option 4) to seek advice if such an approval is required based on the specifics of this 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.

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.

ENVIRONMENT PROTECTION & BIODIVERSITY CONSERVATION ACT 1999

- 10) 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.

STREET TREE DISTURBANCE & REMOVAL APPROVAL

- 11) 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

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

ABORIGINAL CULTURAL HERITAGE ACT 2003

- 13) 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 Partnership (DATSIP) Cultural Heritage Unit to discuss any obligations under the ACH Act.

FIRE ANTS

- 14) 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 *Nature Conservation (Plants) Regulation 2020* apply, compliance with statutory provisions must be achieved.

PROJECT QUALITY PLANS

- 15) Examples of typical Development Project Quality Plans are included in the Appendices of PSP No 2 Engineering Standards – Roads and Drainage Infrastructure. Please contact Council if you require assistance locating or compiling example Development Project Quality Plans for water and sewer.

C. ATTACHED POLICIES AND/OR STANDARDS:

- Approved Plans
- 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) 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.