

Our Reference: RAL/2022/5193/A  
CS Portal Reference: N/A  
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**Decision Notice**  
**CHANGE TO A DEVELOPMENT APPROVAL**  
*Planning Act 2016 Section 83*

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

Email: [paul@precinctplan.com.au](mailto:paul@precinctplan.com.au)

4 November 2025

Dear Sir/Madam

**Development Approval:** Reconfiguring a Lot - Reconfigure 1 into 97 Lots  
**Location:** 49 Cawdor Road, HIGHFIELDS QLD 4352  
**Property Description:** Lot 1111 RP902333  
**Relevant Planning Scheme:** *Toowoomba Regional Planning Scheme 2012*

I refer to your application received on 15 September 2025 for a change to the development approval for Reconfiguring a Lot approved on 25 August 2023.

The change application was assessed against the relevant assessment benchmarks as identified in the *Toowoomba Regional Planning Scheme 2012* for the development.

On the 30 October 2025, the change application was approved as per the attached Schedule. The changes are considered to be consistent with the relevant assessment benchmarks.

All deletions are identified by **bolded** strikethrough of text and all additions are identified by **bolded** text.

### **Rights of Appeal**

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

Yours faithfully



Sophie Spencer  
Lead Senior Planner, Planning Branch



# TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

## SCHEDULE 1

### DEVELOPMENT PERMIT FOR RECONFIGURING A LOT

<b>APPLICATION NUMBER:</b>	RAL/2022/5193/A
<b>APPLICANT:</b>	Cawdor Developments Pty Ltd
<b>LOCATION:</b>	49 Cawdor Road, HIGHFIELDS QLD 4352
<b>PROPERTY DESCRIPTION:</b>	Lot 1111 RP902333
<b>APPROVED DEVELOPMENT:</b>	Reconfigure 1 into 97 Lots
<b>ZONING / PRECINCT:</b>	Low Density Residential Zone / Park Residential Precinct

#### A. ASSESSMENT MANAGER'S CONDITIONS:

##### PLANNING

##### APPROVED DEVELOPMENT

1. This Development Approval is for Reconfiguring a Lot, being the subdivision of land for subdivision of One (1) into Ninety-six (96) Lots – 93 Residential Lots, 1 Open Space Lot and 2 Drainage Reserves.

##### CARRY OUT AND 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 have not been varied by this Development Approval.
3. Unless otherwise stated, all conditions must be complied with prior to Council's approval of the Plan of Subdivision prior to registration with the Department of Resources.
4. 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

5. 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:** BRSS8198-000-6-13

**Description:** Proposed Reconfiguration of Lot 1111 on RP902333 (49 Cawdor Road Highfields) prepared by Land Partners and dated 17/08/2023

**Amendments:** Nil

*Note: In accordance with Condition 13.1 New Road 19m Wide connecting with Cawdor Road must be constructed as part of Stage 1A*

## **APPROVED DOCUMENT**

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

**Document:** B22173CR001 Issue B

**Description:** Conceptual Stormwater Management Plan 49 Cawdor Drive, Highfields – Rural Residential Subdivision prepared by Lambert & Rehbein and dated 26 July 2023.

**Amendments:** Nil.

*Note: The Concept Stormwater Management Plan is an approved concept document. Detailed design and/or the recommendations of a Failure Impact Assessment in an Operational Work application may require departure from this concept. Minor departures may be accepted without changes to this development approval RAL/2022/5193. Significant departures may require changes to this Development Approval RAL/2022/5193.*

## **LOT NUMBERING**

7. 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)**

8. Prepare and submit applications to Council and obtain a Development Permit for Operational Work for the following:

- 8.1 Roadworks;
- 8.2 Bulk Earthworks;
- 8.3 Water Infrastructure;
- 8.4 Stormwater Drainage;
- 8.5 Internal Pedestrian Paths; and
- 8.6 Park Works.

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

9. Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:

- 9.1 Construction Environmental Management Plan;
- 9.2 Landscape Plan.

## **COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS**

10. Prepare and submit for Council's approval a Plan of Subdivision in accordance with Schedule 18 of the *Planning Regulation 2017*.

## **STAGED DEVELOPMENT**

11. Staging of the development is to occur in accordance with the staging indicated on Approved Plan (as amended) subject to and modified by any conditions of this Development Approval.

12. Stages must be completed in sequential order (i.e., Stage 1 must be completed before Stage 2) as identified on Approved Plan or may be combined and carried out at one time, subject to all conditions applicable to the relevant stages being complied with.
13. The development must be carried out in accordance with those conditions applicable to one or more of the stages of development as follows:
  - 13.1 Conditions Applicable to all Stages of development:  
Conditions 1-14, 33-40, 43-46, 50-79, 81-91, 98-104 and 106-118
  - 13.2 Conditions Applicable to Stage 1A of development:  
Conditions 15-32, 41.1, 42, 47.1-47.2, 48, 49, 92-97, 105.1-105.2 and 119-122
  - 13.4 Conditions Applicable to Stage 1B of development:  
Nil.
  - 13.3 Conditions Applicable to Stage 2A of development:  
Condition 26-32, 41.2, 42 and 47.2
  - 13.4 Conditions Applicable to Stage 2B of development:  
Conditions 80.1 and 105.3
  - 13.4 Conditions Applicable to Stage 3 of development:  
Nil.

#### **AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS**

14. 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 - OPEN SPACE (PARK)**

15. The land area described as Park on the Approved Plan must be dedicated to Council in fee simple on trust for park and recreation purposes.  
*Note: This condition is imposed pursuant to Section 128 of the Planning Act 2016.*
16. Submit to Council a Solicitor's Undertaking to register the transfer of Lot to Council at the same time as the registration of the Survey Plan (SP) for Stage 1A.  
*Note: This condition is imposed pursuant to Section 128 of the Planning Act 2016.*
17. 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.
18. Obtain a valuation of the land from a registered land property valuer to determine payment of any applicable stamp duty payable upon registration of the transfer of the land to Council.

19. The land to be dedicated to Council must be identified as a lot on survey plan and must be submitted to Council with one original signed and 'stamped' *Queensland Land Registry Transfer of Ownership* and relevant forms for each lot dedicated, together with a copy of the land valuation. No other annotation of the purpose of the lot is to be made on the original survey plan submitted to Council for approval.
20. All land dedicated for park and recreation purposes 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.
21. All land dedicated for park and recreation purposes must not be financially encumbered (e.g. mortgaged) unless otherwise approved by the conditions of this Development Approval.

#### **DEDICATION OF LAND – ROAD RESERVE**

22. The following land areas as shown on the Approved Plan must be dedicated as road reserve in accordance with the requirements of the Department of Resources:
  - 22.1 The land area described as "New Road Widening" on the corner of Cawdor Drive and Cawdor Road. The dimensions of the widening must be as agreed by Council and be able to accommodate a single lane roundabout with an outer circulating radius of 17.9m and 6.5m wide verge adjacent to the detention basin;  
  
*Note: Land dedication requirements have been defined by Council on the layout plan 22016-600 Revision A prepared by Titec. Dimensions will be checked at the Stage 1A Operational Works stage.*
  - 22.2 The land area described as "Road Widening 2.5m Wide" or "2.5m Widening" along the development frontage to Cawdor Road; and
  - 22.3 The land area described as "Proposed Services 10m Wide Within Road Reserve" along the north-western boundary of existing Lot 1 RP160972, the northern boundary of the Park, and the northern and western boundary of Lot 93.  
  
*Note: This condition is imposed pursuant to Section 128 of the Planning Act 2016*
23. 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.
24. 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.
25. All land dedicated for road reserve must not be financially encumbered (e.g. mortgaged) unless otherwise approved by the conditions of this Development Approval.

#### **DEDICATION OF LAND – STORMWATER DRAINAGE**

26. The land area defined by "Detention Basin 9490m<sup>2</sup>" (Stage 1A) and "Detention Basin 1.384ha" (Stage 2A) on the Approved Plan must be dedicated to Council in fee simple on trust for stormwater drainage purposes.  
  
*Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*
27. Submit to Council a Solicitor's Undertaking to register the transfer of Lots to Council at the same time as the registration of the Survey Plan.
28. 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.

29. Obtain a valuation of the land from a registered land property valuer to determine payment of any applicable stamp duty payable upon registration of the transfer of the land to Council.
30. The land to be dedicated to Council must be identified as a lot on survey plan and must be submitted to Council with one original signed and 'stamped' *Queensland Land Registry Transfer of Ownership* and relevant forms for each lot dedicated, together with a copy of the land valuation. No other annotation of the purpose of the lot is to be made on the original survey plan submitted to Council for approval.
31. All land dedicated for stormwater drainage 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.
32. All land dedicated for stormwater drainage must not be financially encumbered (e.g., mortgaged) unless otherwise approved by the conditions of this Development Approval.

### **EASEMENTS**

33. An easement for stormwater drainage purposes must be registered in favour of Council against the title of all balance lots where stormwater is discharged to the balance lot at stage boundaries. The easement must be by design, extend to a lawful point of discharge, and be included on the Plan of Subdivision for Council's approval.
34. An easement for access purposes must be registered in favour of Council against the title of the balance lot where a temporary cul-de-sac treatment is required at stage boundaries. The easement must be by design and included on the Plan of Subdivision for Council's approval.
35. Where the Grantee is Council or a service authority, the easement documentation must be in accordance with the Grantee's standard easement terms and documents or any other terms and conditions as deemed necessary to fulfil the purpose of the easement.
36. Easement documentation must be prepared and submitted to Council, at no cost to Council, for endorsement where Council is the Grantee or review against conditions of approval otherwise.
37. Unless consistent with the terms of the easement and authorised under this Development Approval, any permanent works or structures must be kept clear of any proposed easements on the subject land.

*Note: Council will not take or purchase land in accordance with section 263 of the Planning Act 2016 in order to allow the construction of drainage infrastructure on adjoining land to facilitate the development.*

### **FEES AND CHARGES**

38. 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.

### **REMOVAL OF EXISTING BUILDINGS & STRUCTURES**

39. Demolish or relocated all buildings and structures from the subject land prior to Council's approval of the Plan of Subdivision for each stage.

## WORKS

### STREET NAMING

40. 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

41. A total of two Permanent Survey Marks (PSMs) must be supplied and connected to Australian Height Datum and provided in the following locations:
- 41.1 The intersection of New Road 20m Wide and New Road 30m Wide; and
  - 41.2 Where Fondulac Drive meets New Road 18m Wide.
42. Documentation detailing placement of the PSMs must be lodged with Council at the time of lodgement of the Plan of Subdivision.

### ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

43. Plans and specifications for all works associated with roadworks, stormwater drainage, wastewater, water supply earthworks, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
44. A RPEQ must submit to Council a copy of the:
- 44.1 Design Certificate prior to commencement of the works; and
  - 44.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
45. 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.
46. 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

47. All internal and external stormwater drainage works must be constructed generally in accordance with Conceptual Stormwater Management Plan listed within this Development Approval, with the addition of the following:
- 47.1 Prior to obtaining a Development Permit for Operational Work associated with stormwater, a Failure Impact Assessment of "Detention Basin 1.384 ha" must be undertaken in accordance with the Department of Natural Resources, Mines and Energy *Guideline for failure impact assessment of water dams November 2018*; and

*Note: Council will not accept construction of a detention basin that is a referable dam under the Water Supply (Safety and Reliability) Act 2008 and the Failure Impact Assessment will need to confirm there is no failure impact rating.*

*Note: Modification of the detention basin design and reconfiguration layout may be required to achieve a no failure impact rating.*

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

- 47.2 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 a financial contribution in lieu of constructing the entire bio-retention basin works and confining the extent of those works to half the floor area of each detention basin. This will require a separate request to be made to Council.*

48. The wall of the detention basin that extends into Cawdor Drive must be constructed in pavement material and to construction standards suitable for inclusion as the lower pavement layer of a distributor road. Geotechnical investigation and pavement design is required to confirm the existing subgrade strength and type of material for basin wall construction.

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

49. ~~The existing 2 x 600 diameter culverts on Cawdor Drive next to "Detention Basin 9490m<sup>2</sup>" must be upgraded to provide the required flood immunity for a distributor road, allow for future connection of a single lane roundabout at the Cawdor Road/Cawdor Drive/Woolmer Road/Kratzke Road intersection, and the connection of the detention basin low flow outlet.~~

~~*Note: This condition is imposed pursuant to Section 128 of the Planning Act 2016.*~~

~~*Note: The Highfields Urban Stormwater Master Plan July 2018 identifies SWC415 at Cawdor Road needing to be upgraded to 2/2.1 x 0.6m culverts. The operational works design will need to confirm the size of the cross-drainage infrastructure.*~~

50. 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 external stormwater infrastructure and in accordance with the approved plans and documents of this Development Approval. The design and the construction of the works must be certified by a RPEQ – Civil.

#### **BULK EARTHWORKS OVER 50 M<sup>3</sup> OR OVER 1M CUT OR FILL**

51. All assessable 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**

52. 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 works.

53. 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:

- 53.1 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**

- 54. 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.
- 55. 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**

- 56. 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*.
- 57. 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*.
- 58. Fires are not to be lit to dispose of demolition or construction waste.
- 59. 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:

- 59.1 Elsewhere within this Development Approval;
  - 59.2 In accordance with an associated Development Permit for Operational Work;
  - 59.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
  - 59.4 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
  - 59.5 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.
60. 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**

61. 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**

62. 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.
63. 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.
64. 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.
65. All disturbed areas must be mulched, turfed or seeded as soon as possible during construction, and:
- 65.1 Where grass seeding is undertaken, appropriate measures must be in place until the establishment of suitable ground cover.
66. 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.

## **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

67. Prior to commencement of site works and any pre-start meeting for operational works, submit to Council for endorsement a Construction Environmental Management Plan prepared by a qualified person that at a minimum includes the following:
- 67.1 Location of the site, including physical address, lot on plan and relevant scaled maps;
  - 67.2 Description of the site including infrastructure and features on or near the site and those areas requiring protection or avoidance;
  - 67.3 Contact details and responsibilities for site representatives;
  - 67.4 Description of construction activities to be conducted on site:
    - (i) Location of construction areas and adjacent operational / residential areas;
    - (ii) Construction staff and vehicle numbers;
    - (iii) Construction hours;
    - (iv) Amenities; and
    - (v) When relevant, prohibited activities and prohibited areas where no work should be permitted;
  - 67.5 Site Plans clearly showing where proposed activities will occur, including sensitive receptors and areas where impacts on the environment may occur; and
  - 67.6 Strategies to manage the following environmental impacts:
    - (i) Air quality and dust management;
    - (ii) Noise and vibration management;
    - (iii) Stormwater quality management;
    - (iv) Erosion and sediment control;
    - (v) Waste management, storage and collection; and
    - (vi) Complaint management procedures.
68. The Construction Environmental Management Plan must receive endorsement by Council prior to issue of any Development Permit for Building Work or Development Permit for Operational Work.
69. The Construction Environmental Management Plan must address both the internal works for the development and any associated external works.
70. The endorsed Construction Environmental Management Plan must be implemented and, maintained where necessary to maintain compliance with the requirements of this Development Approval.

## **REMOVAL OF EXISTING STREET TREES**

71. The removal or modification (including any disturbance of the root system within the drip line) of a street tree must not be undertaken unless otherwise approved in writing by Council and in accordance with any conditions of this Development Approval.

## **PROTECTION OF STREET TREES**

72. Unless otherwise approved by Council in writing or required by Conditions of this Development Approval street trees affected by works within the 'Precautionary Area' must be protected for the duration of construction. All works must be carried out in accordance with the relevant standards in *Planning Scheme Policy No.8 - Street Trees* and must include in particular:
- 72.1 Establishment of a work exclusion area around the street tree to be retained prior to commencement of construction to avoid damage and soil compaction from plant and machinery;

- 72.2 Provision of one weeks' notice to Council of any excavation works affecting the 'Precautionary Area' of a street tree so that a Council Arborist may be present during excavation works;
- 72.3 During excavation works, where roots greater than 50mm diameter are uncovered that need to be severed, obtaining approval from a Council Arborist to sever the root, and if granted, to do so with a cutting device and not a ripping device; and
- 72.4 Maintenance of street tree protection until works are completed or accepted on-maintenance.

### **PROVISION OF TREE PLANTING SPACE**

- 73. A minimum 2.5m tree planting space between back of kerb and footpath that is clear of services and other infrastructure is to be provided within road reserve of all new roads constructed as part of the development, and where possible on any roads upgraded as part of the development.

### **DAMAGE TO SERVICES & ASSETS**

- 74. Protect Council and public utility services and assets during construction of the development.
- 75. 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:
  - 75.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
  - 75.2 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.
- 76. 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.
- 77. 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**

### **SERVICES CORRIDOR (WATER)**

- 78. The subdivision services including Telstra, NBN, electricity, gas, roads, and footpaths must be located outside the area denoted as "Proposed Services 10m Wide within Road Reserve".

*Note: This corridor is reserved for the provision of subdivision water reticulation and future trunk water mains.*

### **WATER SUPPLY**

- 79. The subdivision must be provided with a water supply system capable of servicing each residential 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.*

- 80. Council's existing reticulation main must be upgraded in accordance with the following:

80.1 The existing DN100 water main in Steinberg Road, from Palmer Drive to the subdivision boundary at Lot 87 must be upgraded to DN150.

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

81. Unless able to be used as part of the development, any existing connection must be disconnected at no cost to Council.
82. Any existing water supply connection traversing more than one approved lot must be disconnected and removed.
83. Certification must be provided to Council by a Licenced Plumber that the disconnection has been carried out.
84. Where works have been carried out to disconnect or remove traversing pipes, certification must state that a separate water supply has been provided for all lots containing buildings which previously had a metered water supply, and that new water meters have been provided where necessary.
85. 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. Pressure zone boundaries must be accurately shown in the operational works drawings and closed valves must be provided between pressure zones with valve cover painted red at no cost to Council.

## **TELECOMMUNICATION**

86. Install telecommunications infrastructure to service each approved residential lot which complies with the following:
- 86.1 The requirements of the *Telecommunications Act 1997 (Cth)*;
- 86.2 For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- 86.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.
87. 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.
88. 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](http://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

89. An electricity supply must be made available to service each approved residential lot within the subdivision. This supply must be in accordance with the relevant standards of the electricity distributor.
90. The existing overhead electricity supply lines that traverse the site must be relocated within the subdivision streets and provided as underground electrical reticulation.
91. 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 (EXTERNAL TO SUBDIVISION)

92. Existing roads must be widened as follows:

**Street:** Cawdor Road (Kuhls Road to Cawdor Drive)  
**Classification:** Distributor  
**Construction Standard:** Widening on the south-western side of Cawdor Road to provide a 10m wide carriageway including kerb and channel, stormwater, paths and as outlined in Condition 93.

*Note: This condition is imposed pursuant to Section 128 of the Planning Act 2016.*

93. The design and construction of Cawdor Road widening must comply with *Planning Scheme Policy No. 2 - Engineering Standards - Roads and Drainage Infrastructure* (PSP No.2) and must include in particular:

- 93.1 The widening of the pavement to achieve a minimum 10m wide carriageway;

*Note: The carriageway width for a distributor road is reduced from 12m to 10m due to the location of existing power poles on the south-western side of Cawdor Road.*

- 93.2 Provision of a 2.5m wide shared path on the south-western verge. Unless otherwise agreed in writing by Council the path must include a raised priority crossing at the New Road 19m Wide intersection. Design standards must be as per the Department of Transport and Main Roads *Technical Requirements – Active Transport Investment Program and Guideline – Raised priority crossings for pedestrian and cycle paths*;

- 93.3 Provision of a pedestrian refuge (minimum width 3m) within the painted median just north-west of the Kuhls Road intersection **and associated pram ramps on both sides of Cawdor Road; and the provision of a pedestrian refuge (minimum width 2.4m) within Kuhls Road just north-east of the Cawdor Road intersection. 1.5m wide path connections linking the pedestrian refuges with the existing path on the south-eastern side of Kuhls Road and the new 2.5m wide path along Cawdor Road must be provided;**

- 93.4 Concrete kerbing and channelling including provision for a vehicle crossing to the existing dwelling at Lot 1 RP842342;

- 93.5 Removal of the existing property access for Lot 1111 on RP902333;

- 93.6 Underground stormwater drainage;
  - 93.7 Relocation of utility and Council services; and
  - 93.8 Street lighting.
94. Any pavement widening must join neatly to the existing pavement so that there are no specific irregularities in line or level resulting at or adjacent to the join for the length of the construction. Where necessary the existing pavement must be brought to a satisfactory standard in accordance with PSP No. 2 to allow for the above.
95. All street surfacing must be in accordance with the pavement construction standards in PSP No. 2.
96. 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 approved by Council for the road works external to the subject land 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 the endorsement of any Plan of Subdivision.
97. The design and construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil.

#### **ROADWORKS (INTERNAL TO SUBDIVISION)**

98. Internal roads must generally be constructed as shown on the Approved Plan.
99. The internal roads must be constructed to a sealed standard, including kerb and channel on both sides of the new roads. Such kerb and channeling must be an approved residential kerb and channel. The internal roads must be as follows:
- 99.1 All roads denoted as New Road 18m Wide must have a minimum 18m road reserve width with 7m wide carriageway width measured between channel inverts;
  - 99.2 The New Road 20m Wide must have a minimum 20m road reserve width with 7m wide carriageway width measured between channel inverts;
  - 99.3 The New Road 30m Wide must have a minimum 30m road reserve width with 7m wide carriageway width measured between channel inverts;
  - 99.4 The New Road 27m Wide must have a minimum 27m road reserve width with 6m wide carriageway width measured between channel inverts; and
  - 99.5 The New Road 19m Wide connecting with Cawdor Road must have a minimum 19m road reserve width with 7m wide carriageway width measured between channel inverts. Vehicular movements must be restricted to left in/left out at the intersection with Cawdor Road. All turns access must be retained for the existing Lot 16 RP203822.

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

100. All street surfacing must consist of an approved asphaltic concrete. Segmental clay, concrete pavers or patterned reinforced concrete is only to be used on feature areas of internal streets.
101. Unless otherwise noted in the conditions above, 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)*. The typical road section for a local access < 75 lots applies to all streets except for:

- 101.1 New Road 19m Wide (connecting with Cawdor Road is a Local Access 75-175 lots (footpaths both sides of the street); and
- 101.2 New Road 27m wide is a cul-de-sac.
102. 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.
103. 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.
104. The design and the construction of the works must be certified by a RPEQ – Civil.

### **INTERNAL PEDESTRIAN PATHS**

105. In addition to the footpaths required as part of the roadworks (internal to subdivision) the following works must be constructed in accordance with *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)*:
- 105.1 A 1.5m wide concrete pedestrian path from the cul-de-sac at New Road 27m Wide to Cawdor Road. The path must be located within the 4m of road reserve adjacent to Lot 13;
- 105.2 A 1.5m wide concrete pedestrian path from New Road 18m Wide to Cawdor Road through "Detention Basin 9490m<sup>2</sup>";
- 105.3 Unless otherwise agreed to in writing by Council a 1.5m wide concrete pedestrian path from New Road 18m Wide (adjacent to Lot 70 and 71) to New Road 18m Wide (adjacent to Lot 57) through "Detention Basin 1.384ha";
- 105.3 All pedestrian paths must provide for all abilities access and must not include stairs or result in access restrictions unless otherwise approved in writing by Council;
- 105.5 Provision must be made for wheelchair and pram access at all kerb crossings associated with pathways, in accordance with *IPWEA Standard Drawing RS-090 – Ramped Pedestrian Crossings*;
- 105.6 The required work includes any surface earthworks, grinding or saw cutting to ensure the footpath finishes flush with all service covers and the like, or alternatively these services are raised or altered, so as not to create a pedestrian safety hazard; and
- 105.7 Any concrete footpath or cycleway must comply with *IPWEA Standard Drawing RS-065 – Concrete Pathway*. Where necessary, reprofiling of the verge area must be undertaken to enable the construction of concrete pathways with a maximum cross fall of 2.5%.

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

106. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the construction of the concrete footpaths in accordance with the approved plans and documents of this Development Approval. The design and the construction of the works must be certified by a RPEQ – Civil.

## **ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY**

107. 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.*

108. 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**

109. 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**

110. 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.
111. The installation or modification of any street signs or line marking must be in accordance with the *Manual of Uniform Traffic Control Device (MUTCD)*.

## **PREMISES IDENTIFICATION**

112. Prior to off maintenance, reflective street numbers must be affixed to the kerb in front of each lot.

## **LANDSCAPE & ECOLOGY**

### **LANDSCAPE PLAN**

113. Prior to the commencement of any works on site or the issue of a Building Works approval (whichever occurs first) submit to Council for compliance assessment, a Landscape Plan prepared by a qualified person prepared generally in accordance with the conditions of this Development Approval, including the landscaping shown on all Approved Plans, that details in particular:
- 113.1 The species to be planted and their location;
  - 113.2 The number and container size of plants;
  - 113.3 The typical planting detail including preparation, backfill, staking and mulching;
  - 113.4 Internal dimensions of all planting areas;
  - 113.5 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;

113.6 Where trees are proposed or required as a condition of this Development Approval in land to be dedicated to Council, 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: Trees in Council land are required to be supplied as a condition if this Development Approval must be supplied in 45L containers or as otherwise specified.*

### **LANDSCAPING WORKS (PROVISION OF STREET TREES)**

114. Plant, and maintain for a period of 12 months, 1 street tree within new road reserves associated with the development and along the lot frontage in Cawdor Road, for every 15 metres of road frontage, capable of reaching 10-12 metres in height at maturity. An increase in the number and/or variation to the location of street trees may be agreed by Council or varied in an approved landscape plan.
115. Plant, and maintain for a period of 12 months, trees within the detention reserves where considered acceptable by Council. Trees are to be provided only on batters no steeper than 1:6 and appropriately sited to complement community use (e.g. pedestrian thoroughfares) and not adversely impact on functionality of any civil infrastructure.
116. The selection and planting of any 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.
117. 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.
118. Certification must be submitted to Council from a suitably qualified person who certifies that landscaping established complies with the requirements of this Development Approval.

### **PARK WORKS – GENERAL**

119. Timber bollards and an access lock and rail gate must be provided along the full length of the road reserve where adjoining the land to be dedicated to Council for park purposes.

*Note: This condition is imposed pursuant to Section 128 of the Planning Act 2016.*

120. Provide a footpath connection to the land to be dedicated to Council for park purposes from the new road frontage at a location approved by Council. This footpath connection needs to be a minimum of 2 (two) metres wide and in accordance with *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* (PSP No. 2).

*Note: This condition is imposed pursuant to Section 128 of the Planning Act 2016.*

121. A vehicle crossover (crossing of the verge) and a suitable sealed driveway must be constructed from the kerb and channel to the proposed Park lot in accordance with the following requirements:

- 121.1 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)*;
- 121.2 Council's standards including *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* (PSP No. 2); and
- 121.3 The driveway must be a minimum three (3) metres wide and extend to the boundary of the proposed water services corridor.

*Note: This condition is imposed pursuant to Section 128 of the Planning Act 2016.*

- 122. Submit to Council for approval, as part of the Development Application for a Development Permit for Operational Works, detail of the driveway crossover, footpath, bollards and access gate.

## **B. ADVICES:**

### **GENERAL ADVICES**

#### **RESUBMISSION OF PLANS REQUIRING AMENDMENT**

- 1) The conditions of this Development Approval require resubmission of plans to Council with amendments. Please address the amended plans to Council's Development Services Branch with the Reference No. RAL/2022/5193 and send to [development@tr.qld.gov.au](mailto:development@tr.qld.gov.au).

#### **RESUBMISSION OF DOCUMENTS REQUIRING AMENDMENT**

- 2) The conditions of this Development Approval require resubmission of documents to Council with amendments. Please address the amended documents to Council's Development Services Branch with the Reference No. RAL/2022/5193 and send to [development@tr.qld.gov.au](mailto:development@tr.qld.gov.au).

#### **SUBMISSION OF PLANS FOR ENDORSEMENT**

- 3) The conditions of this Development Approval require submission of plans to Council for endorsement. Please address the plans for endorsement to Council's Development Services Branch with the Reference No. RAL/2022/5193 and send to [development@tr.qld.gov.au](mailto:development@tr.qld.gov.au).

#### **SUBMISSION OF DOCUMENTS FOR ENDORSEMENT**

- 4) The conditions of this Development Approval require submission of documents to Council for endorsement. Please address the documents for endorsement to Council's Development Services Branch with the Reference No. RAL/2022/5193 and send to [development@tr.qld.gov.au](mailto:development@tr.qld.gov.au).

#### **INFRASTRUCTURE CHARGES**

- 5) 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**

- 6) 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.

- 7) 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](http://www.tr.qld.gov.au).
- 8) 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**

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

#### **WHEN APPROVAL LAPSES**

- 10) 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 NATIVE VEGETATION**

- 11) The subject land supports regulated vegetation under the *Vegetation Management Act 1999* (VM Act). The clearing of regulated vegetation can only be undertaken where associated with exempt clearing activities established under the VM Act. For further information regarding exempt clearing activities please contact your local office of the Department of Resources.

#### **CLEARING OF PROTECTED PLANTS**

- 12) 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**

- 13) The *Toowoomba Regional Planning Scheme 2012* (TRPS) declares excavation and filling activity involving less than 50m<sup>3</sup> 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 50m<sup>3</sup> or more of fill is deposited on, or 50m<sup>3</sup> 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.

#### **DEMOLITION OF BUILDING**

- 14) Any structures located on the subject land that are to be removed require the obtaining of any necessary building approvals, and certification by a Building Certifier that the resulting setbacks and/or fire rating of any remaining buildings comply with the Standard Building Regulations.

## **ENVIRONMENTAL HARM**

- 15) 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**

- 16) 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**

- 17) This Development Approval does not confer or imply 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**

- 18) 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.

## **WORKS WITHIN A WATERCOURSE**

- 19) The development may involve works within a watercourse which will require referral to the Department of Resources under the *Water Act 2000* and *Planning Act 2016* at the time of making an application for Operational Work.

### **ABORIGINAL CULTURAL HERITAGE ACT 2003**

- 20) 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**

- 21) 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.

### **STORMWATER DISCHARGE TO PARKLAND**

- 22) This Development Approval does not confer or imply 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.

### **QUALIFIED PERSON**

- 23) 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.

### **WASTEWATER TREATMENT & DISPOSAL SYSTEM**

- 24) The establishment of a wastewater treatment and disposal system for the site 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.

### **C. ATTACHMENTS:**

- Concurrence Agency Conditions Schedule 1
- Approved Development Plans
- Approved Development Documents
- Appeal provisions pursuant to the *Planning Act 2016*.

**SCHEDULE 1**

**Concurrence Agency Response/s**



SARA reference: 2210-31696 SRA  
Council reference: RAL/2022/5193

11 May 2023

Odd Lots (Highfields) Pty Ltd A.C.N 657 295 602  
C/- Land Partners  
PO Box 1399  
MILTON QLD 4064  
applications@landpartners.com.au

Attention: Mr Michael Rush

Dear Mr Rush

## SARA referral agency response—49 Cawdor Road, Highfields

(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 31 October 2022.

### Response

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Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	11 May 2023
Advice:	Advice to the applicant is in <b>Attachment 1</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 2</b>

### Development details

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Description:	Development permit      Reconfiguring a Lot – 1 into 97 Lots
SARA role:	Referral agency
SARA trigger:	Schedule 10, part 9, division 4, subdivision 1, table 1, item 1 - (Planning Regulation 2017)
	Development impacting on state transport infrastructure
SARA reference:	2210-31696 SRA
Assessment manager:	Toowoomba Regional Council
Street address:	49 Cawdor Road, Highfields

Real property description: Lot 1111 on RP902333  
Applicant name: Odd Lots (Highfields) Pty Ltd A.C.N 657 295 602  
Applicant contact details: PO Box 1399  
Milton QLD 4064  
applications@landpartners.com.au

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

## Representations

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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 Development Assessment Rules).

Copies of the relevant provisions are in **Attachment 3**.

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

For further information please contact Malcolm McDowell, Planning Officer, on (07) 3452 6897 or via email [lpwrichSARA@dssdilgp.qld.gov.au](mailto:lpwrichSARA@dssdilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Rodney O'Brien  
Principal Planning Officer

enc Attachment 1 - Advice to the applicant  
Attachment 2 - Reasons for referral agency response  
Attachment 3 - Representations about a referral agency response provisions  
cc Odd Lots (Highfields) Pty Ltd A.C.N 657 295 602, [applications@landpartners.com.au](mailto:applications@landpartners.com.au)

## Attachment 1—Advice to the applicant

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<b>General advice</b>	
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 2—Reasons for referral agency response**

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

### **The reasons for SARA's decision are:**

Without conditions, the development complies with State code 6: Protection of state transport networks of the SDAP version 3.0. Specifically, the development:

- provides safe and direct access to public passenger transport infrastructure, including access by cycling and walking
- does not create a safety hazard for users of a state-controlled road
- does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- does not 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 3— 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 Rules<sup>1</sup> regarding **representations about a referral agency response**

## Part 6: Changes to the application and referral agency responses

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### 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.<sup>2</sup>
- 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.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> 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.<sup>3</sup>

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<sup>3</sup> 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.

## 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.