

Our Reference: RAL/2024/8165
CS Portal Reference: N/A
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**Development Application Decision Notice
APPROVAL**

Planning Act 2016 Section 63

Gowrie Junction Land Company
C/- Property Projects Australia Pty Ltd
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25 July 2025

Dear Sir/Madam

Location: 178 Gowrie-Tilgonda Road, GOWRIE JUNCTION QLD 4352
Property Description: Lot 1323 A34805
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012*

The Development Application for Reconfiguring a Lot (Impact Assessable) for the abovementioned property has been assessed and approved with Conditions. It is considered that the approved development generally complies with the relevant assessment benchmarks or can be conditioned to comply. The decision was made on 16 July 2025 at the Special Meeting of Council. The following provides all the relevant details:

Details of Approval

Development Permit – Reconfiguring a Lot – Impact - Reconfigure One (1) into 46 Lots

Referral Agencies

Concurrence Agencies Name & Address: N/A

Advice Agencies Name & Address: N/A

Conditions and Advices

Assessment Manager's Conditions: As per attached Schedule 1

Concurrence Agency Conditions: N/A

Currency Period

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

Further Development Permits Required

- Plumbing and Drainage Work
- Operational Work

Further Plans/Documents for Endorsement

The following documents/plans require Endorsement:

- Landscape Plan
- Survey Plan
- Construction Environmental Management Plan
- Erosion and Sediment Control Plan

Submissions

Number of properly made submissions: 18 (see attached list of names and addresses)

Rights of Appeal

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

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

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

Yours faithfully



Jayden Forbes-Mitchell
Lead Senior Planner, Planning Branch



TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

SCHEDULE 1

DEVELOPMENT PERMIT FOR RECONFIGURING A LOT

APPLICATION NUMBER:	RAL/2024/8165
APPLICANT:	Gowrie Junction Land Company
LOCATION:	178 Gowrie-Tilgonda Road, GOWRIE JUNCTION QLD 4352
PROPERTY DESCRIPTION:	Lot 1323 A34805
APPROVED USE:	Reconfigure One (1) into 46 Lots
ZONING / PRECINCT:	Rural Residential Zone / 4,000m ² Minimum Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

PLANNING

APPROVED DEVELOPMENT

1. This Development Approval is for Reconfiguring a Lot, being the subdivision of one (1) lot into 46 residential lots and one (1) drainage lot.

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.
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 and the amendments listed below:

Plan No: AU15462 – 05, Revision D

Description: Plan of Subdivision over Lot 1323 on A34805, prepared by RPS and dated 28 April 2025.

Amendments: Amend as follows:

- Amalgamate proposed Lots 1, 2 and 3 into a single allotment and number this amalgamated Lot as 3. Retain the numbering of the remaining proposed lots; and

- Realign the common boundary of proposed Lots 3 and 900 to ensure proposed Lot 900 complies with the following requirements:
 - Sufficiently sized to accommodate 1:6 batters fronting internal roads and maximum 1:4 batters on all other sides in accordance with the Queensland Urban Drainage Manual requirements;
 - No reduction in detention basin capacity following amendments to batter slopes; and
 - A design compliant with the requirements in Conditions 40.2 – 40.4.

Plan No: 2488, Drawings 01-07, Issue A

Description: Landscape Plan, prepared by Jackie Amos Landscape Architect and dated 13 December 2024

Amendments: Amend as follows:

- Trees at 15m spacings to Gowrie-Tilgonda Rd frontage planted with *Ulmus parviflora* 'Todd' or *Melaleuca viminalis*; and
- For internal roads, substitute *Pyrus calleryana* 'Bradford', *Acer* 'October Glory', *Tristanopsis laurina* and *Melaleuca squarrosa* with *Lophostemon confertus*, *Melaleuca styphelioides*, *Ulmus parviflora* and *Acer beurgerianum*.

6. Plans to be amended must only incorporate the amendments listed within this Development Approval and must be resubmitted to Council for approval prior to the issue of any Development Permit for Operational Work or Plumbing and Drainage Work, whichever occurs first.

APPROVED DOCUMENTS

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

Document: Ecological Assessment Report, Version 1.

Description: Ecological Assessment Report, prepared by Range Environmental Consultants and dated 22 November 2024.

Amendments: Nil

Document: Bushfire Management Report, Version 1

Description: Bushfire Management Report, prepared by Range Environmental Consultants and dated 21 November 2024.

Amendments: Nil

LOT NUMBERING

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

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

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

9.1 Roadworks;

9.2 Bulk Earthworks;

9.3 Water Infrastructure;

9.4 Stormwater; and

9.5 Vehicular crossover.

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

10. Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:
 - 10.1 Construction Environmental Management Plan;
 - 10.2 Landscape Plan; and
 - 10.3 Erosion and Sediment Control Plan.

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS

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

STAGED DEVELOPMENT

12. Staging of the development is to occur in accordance with the staging indicated on the Approved Plan subject to and modified by any conditions of this Development Approval.
13. 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.
14. The development must be carried out in accordance with those conditions applicable to each relevant stage of the development.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

15. 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

16. The area of land fronting Gowrie-Tilgonda Road for a width of 5 metres must be dedicated as road reserve in accordance with the requirements of the Department of Resources.
Note: This condition is imposed pursuant to Section 128 of the Planning Act 2016.
17. The land area identified as '18m wide New Rural Road' on the Approved Plans must be dedicated as road reserve in accordance with the requirements of the Department of Resources.
Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.
18. The land area identified as proposed Lot 900 on the Approved Plans (as amended) must be dedicated to Council in fee simple on trust for drainage purposes as part of Stage 1.
Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.
19. Submit to Council a Solicitor's Undertaking to register the transfer of proposed Lot 900 to Council at the same time as the registration of the Survey Plan for Stage 1.

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

20. 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.
21. 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.
22. All land dedicated for drainage and 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.
23. All land dedicated for drainage and road reserve must not be financially encumbered (e.g. mortgaged) unless otherwise approved by the conditions of this Development Approval.

EASEMENTS

24. An easement for drainage purposes must be registered in favour of Lot 1739 A34971 against the title of proposed Lots 35 and 37 to convey stormwater from the existing stormwater channel to the lawful point of discharge at the new internal road. The easement must be of sufficient width to accommodate Q100 flow width as defined through an Operational Work Approval and included on the Plan of Subdivision for Council's approval.
25. Easements for drainage purposes to accommodate overland stormwater flow must be registered as shown on the Approved Plans (as amended) in favour of upstream lots and burdening downstream lots. Easements must be included on the Plan of Subdivision for Council's approval. The width of easements is to be determined through an Operational Work Approval.
26. 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.
27. 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.
28. 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 existing or proposed easements on the subject land.

FEES AND CHARGES

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

WORKS

STREET NAMING

30. 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

31. One (1) Permanent Survey Mark (PSM) must be supplied and connected to Australian Height Datum and provided in the north-west corner of proposed Lot 10.
32. 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

33. Plans and specifications for all works associated with roadworks, bulk earthworks, water infrastructure, stormwater and vehicle access, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
34. A RPEQ must submit to Council a copy of the:
 - 34.1 Design Certificate prior to commencement of the works; and
 - 34.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
35. 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.
36. 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

37. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.
38. All stormwater infrastructure necessary to convey run-off from developed surface areas, and any run-off onto the subject land from adjacent areas, must be provided in accordance with a Development Permit for Operational Work.

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

39. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the internal and any external stormwater infrastructure. The design and the construction of the works must be certified by a RPEQ – Civil.
40. Submit to Council for approval, as part of the Development Application for a Development Permit for Operational Work, a Detailed Stormwater Management Plan prepared by a Registered Professional Engineer Queensland - Civil (RPEQ) in accordance with the relevant standards in *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure* (PSP No.2) demonstrating the following:
 - 40.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval;
 - 40.2 No increase in peak flow rates downstream from the subject land for storm events as nominated in PSP 6.2 Table SC6.2.7. Major events exceeding ARI of 100 years must be considered in accordance with the requirements of the Queensland Urban Drainage Manual;

- 40.3 No increase in flood levels external to the subject land;
- 40.4 No increase in duration of inundation external to the subject land that could cause loss or damage; and
- 40.5 No prolonging of the duration of flooding or inundation of Gowrie-Tilgonda Road.

STORMWATER DISCHARGE

- 41. Stormwater from new roofed and sealed areas must be picked up and discharged by way of sealed underground pipe in accordance with an operational work approval.

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

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

STORMWATER – CONVEYANCE OF STORMWATER VIA DRAINAGE EASEMENT

- 43. Drainage easements must be registered over all drainage structures and concentrated flow paths on private land, including on adjoining land where required to connect to a lawful point of discharge, in accordance with the relevant requirements in *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure*.

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

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

AIR QUALITY IMPACT MITIGATION

- 45. 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.
- 46. 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:
 - 46.1 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

- 47. 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.
- 48. 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 minimise nuisance

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

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

CONSTRUCTION WASTE MANAGEMENT & STORAGE

- 49. 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*.
- 50. 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*.
- 51. Fires are not to be lit to dispose of demolition or construction waste.
- 52. 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:
 - 52.1 Elsewhere within this Development Approval;
 - 52.2 In accordance with an associated Development Permit for Operational Work;
 - 52.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;

- 52.4 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
 - 52.5 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.
53. 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

- 54. 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

- 55. 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.
- 56. 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.
- 57. 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.
- 58. All disturbed areas must be mulched or turfed as soon as possible during construction.
- 59. Measures such as vehicle baths, wash-down and construction matting together with dust suppressants and wraps, exposed ground and stockpile sprinkling must be put in place to minimise site vehicles tracking sediment onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction and the ensuing 'on-maintenance' period where applicable.

DAMAGE TO SERVICES & ASSETS

- 60. Protect Council and public utility services and assets during construction of the development.
- 61. 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:
 - 61.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 61.2 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.

62. 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.
63. 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.

EROSION & SEDIMENT CONTROL PLAN

64. An Erosion and Sediment Control Plan is to be prepared by a Certified Professional for Erosion and Sediment Control and submitted to Council for endorsement prior to construction commencing. This document is to include:
 - 64.1 Site analysis of soils, slopes, wind and rainfall;
 - 64.2 Plans showing the diversion of clean offsite water around the development and direction of site dirty water to retention dams or sedimentation ponds;
 - 64.3 Clearly defined water quality release parameters from retention ponds;
 - 64.4 Calculations for the appropriate sizing of retention or sedimentation ponds such that water quality release parameters can be met;
 - 64.5 Overflow and release points for new or existing structures with suitable erosion control measures and devices that limit scouring and transport of sediment; and
 - 64.6 Clearly defined erosion and sediment control measures suitable for the soil type, wind and rainfall characteristics found on site throughout all stages of development.
65. The Erosion and Sediment Control Plan must receive endorsement by Council prior to issue of any Development Permit for Building Work or Development Permit for Operational Work.
66. The Erosion and Sediment Control Plan must address both the internal works for the development and any associated external works.
67. The endorsed Erosion and Sediment Control Plan must be implemented and, maintained where necessary to maintain compliance with the requirements of this Development Approval.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

68. 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:
 - 68.1 Location of the site, including physical address, lot on plan and relevant scaled maps;
 - 68.2 Description of the site including infrastructure and features on or near the site and those areas requiring protection or avoidance;
 - 68.3 Contact details and responsibilities for site representatives;
 - 68.4 Description of construction activities to be conducted on site;
 - (a) Location of construction areas and adjacent operational / residential areas;
 - (b) Construction staff and vehicle numbers;

- (c) Construction hours;
 - (d) Amenities; and
 - (e) When relevant, prohibited activities and prohibited areas where no work should be permitted;
- 68.5 Site Plans clearly showing where proposed activities will occur, including sensitive receptors and areas where impacts on the environment may occur; and
- 68.6 Strategies to manage the following environmental impacts;
- (a) Air quality and dust management;
 - (b) Noise and vibration management;
 - (c) Stormwater quality management;
 - (d) Erosion and sediment control;
 - (e) Waste management, storage and collection; and
 - (f) Complaint management procedures.
69. 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.
70. The Construction Environmental Management Plan must address both the internal works for the development and any associated external works.
71. The endorsed Construction Environmental Management Plan must be implemented and, maintained where necessary to maintain compliance with the requirements of this Development Approval.

SERVICES & UTILITIES

WATER SUPPLY

72. The subdivision must be connected to Council's reticulation system 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.*
73. Council's existing DN150 water main located in the northern verge of Gowrie-Tilgonda Road must be extended through the proposed north-south internal road and connect to the existing DN100 water main at the cul-de-sac of Panorama Crescent. Extensions from the north-south internal road must be provided to the existing reticulation mains at the cul-de-sacs of Fellmonger Street (DN150), and Commonwealth Crescent (DN100) via the respective adjoining internal roads.
- Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*
74. Any works on Council's 'live' water supply must be carried out by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.

75. Prior to the commencement of any works on the subject land, an Operational Works application must be submitted and be approved by Council. This relates to both internal and external water supply works and in accordance with the approved plans and documents of this Development Approval.

TELECOMMUNICATION

76. Install telecommunications infrastructure to service each approved lot which complies with the following:
- 76.1 The requirements of the *Telecommunications Act 1997* (Cth);
 - 76.2 For a fibre ready facility, the standard specifications current at the time of installation for a carrier under the *Telecommunications Act 1997*; and
 - 76.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.
77. 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.
78. Provide to Council written evidence from all relevant service providers that the telecommunications infrastructure is installed in accordance with the conditions of this Development Approval and all applicable legislation at the time of construction.

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

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

ELECTRICITY

79. An electricity supply must be made available to service each approved lot within the subdivision. This supply must be in accordance with the relevant standards of the electricity distributor.
80. 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)

81. Existing roads must be constructed as follows:

Street:	Gowrie-Tilgonda Road
Classification:	Regional Arterial
Construction Standard:	The section of Gowrie-Tilgonda Road fronting the development must be constructed and widened to provide a 3.5-metre-wide sealed pavement with kerb and channel for the eastbound lane and demonstrate a minimum 3.0-metre-wide traffic lane for westbound traffic. A 0.5-metre-wide unsealed shoulder must be provided on the opposite side. The intersection of Gowrie-Tilgonda Road and the development access must be constructed with Basic Left Turn (BAL) and Basic Right Turn (BAR) treatments in accordance with Austroads Guide to Road Design – Part 4 (AGRD).

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

82. The design and construction of the road must comply with *Planning Scheme Policy No. 2 - Engineering Standards - Roads and Drainage Infrastructure* (PSP No.2) and must include in particular:
- 82.1 Concrete kerbing and channelling;
 - 82.2 Temporary asphalt kerbing to tapers;
 - 82.3 Underground stormwater drainage;
 - 82.4 Table drain works;
 - 82.5 Relocation of utility and Council services; and
 - 82.6 Street lighting.
83. 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.
84. All street surfacing must be in accordance with the pavement construction standards in PSP No. 2.
85. Verge widths, street reserve widths, intersection treatment, provision of parking and speed control devices must comply with Council's requirements in PSP No. 2.
86. 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.
87. The design and construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil.

EXTERNAL PEDESTRIAN & CYCLE PATHS

88. The following works must be constructed in accordance with *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)* and any current pedestrian and cycleway plans:
- 88.1 A 1.5m wide concrete pedestrian path for the Gowrie-Tilgonda Road development frontage;
 - 88.2 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*;
 - 88.3 The required work includes any surface earthworks, grinding or saw cutting to ensure the footpath finishes flush with all existing service covers and the like, or alternatively these services are raised or altered, so as not to create a pedestrian safety hazard; and
 - 88.4 Any concrete footpath or cycleway must comply with SEQ RS-065. Where necessary, reprofiling of the verge area must be undertaken to enable the construction of concrete pathways with a maximum cross fall of 2.5%.
- Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*
89. 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 footpath in accordance with the approved plans and documents of this Development Approval. The design and the construction of the works must be certified by a RPEQ – Civil.

ROADWORKS (INTERNAL TO SUBDIVISION)

90. Internal roads must generally be constructed as shown on the Approved Plans listed within this Development Approval.
91. The internal roads must be constructed to a sealed standard, including kerb and channel on both sides of the new roads. Such kerb and channelling must be an approved residential kerb and channel. The internal roads must be as follows:
- 91.1 Through roads must have an 18m road reserve with 7m carriageway width measured between channel inverts; and
 - 91.2 The cul-de-sac must have a minimum 18m road reserve width with 6m carriageway width measured between channel inverts.
- Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*
92. All street surfacing must consist of an approved asphaltic concrete.
93. 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)*.
94. 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.

95. Where internal roads connect to an external road that currently terminates in a cul-de-sac, provide a through-road connection and undertake all works necessary to clearly identify safe and effective traffic flow. If affecting any existing property access, undertake all works necessary to meet Council's standards at no cost to Council and at no cost to affected property owner/s.

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

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 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.
97. The design and construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil.

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

98. 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.

99. 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

100. 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*.

ACCESS (FOOTPATH CROSSOVERS AND DRIVEWAYS)

101. A vehicle crossover (crossing of the verge) from the kerb and channel to the property boundary must be constructed for proposed Lot 900 in accordance with the following requirements:

101.1 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)*; and

101.2 The driveway must be constructed so as not to concentrate stormwater runoff onto neighbouring properties.

LANDSCAPE & ECOLOGY

LANDSCAPING WORKS (PROVISION OF STREET TREES)

102. Street trees must be planted in accordance with the approved Landscape Plan (as amended) listed within this Development Approval and the following:

102.1 Planting areas must be friable, organic topsoil, cultivated to minimum 450mm depth and be clear of any rubbish, rocks or building rubble;

102.2 All tree stock to be supplied in 45 litre or larger containers and be a minimum height of 1.5 metres;

102.3 All planting areas and individual trees must be mulched with minimum 100mm depth organic mulch; and

102.4 Where required, root barrier devices must be installed where tree plantings are sited within 2 metres of any services and or structures. Barriers must be fit for purpose and installed in accordance with the manufacturer's specification.

103. Street trees must be maintained for a period of 12 months.
104. The selection and planting of any street tree, including any tree removal and replacement, must be in accordance with the requirements of the *Planning Scheme Policy No.8 – Council Controlled Trees*, *2.68 Council Controlled Tree Management Policy*, *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* and the approved Landscape Plan.
105. Certification must be submitted to Council from a suitably qualified person who certifies that landscaping established complies with the requirements of this Development Approval.

REMOVAL OF EXISTING TREES AND VEGETATION

106. Clearing, including felling, pushing, lopping and grubbing of existing trees and vegetation not identified for retention must be undertaken by a suitably qualified person and must include:
- 106.1 Stump grinding to below finished surface level;
 - 106.2 Rectification to the finished surface levels and materials;
 - 106.3 No damage to other vegetation to be retained;
 - 106.4 No burning of removed vegetation and debris; and
 - 106.5 Conclude with the area being stabilised against erosion.
107. Vegetation must only be removed or disturbed in accordance with Section 7 and Figure 10 of the Approved Ecological Assessment Report listed within this Development Approval.

FAUNA MANAGEMENT DURING REMOVAL OF EXISTING TREES AND VEGETATION

108. A legislative compliant Fauna Spotter Catcher must be engaged to manage fauna prior to and during clearing to:
- 108.1 Ensure works are carried out in accordance with the amended Ecological Assessment Report listed within the Development Approval and the *Nature Conservation Act 1992*;
 - 108.2 Undertake pre-clearing inspections including fauna relocation and removal or blocking of all vacant hollows;
 - 108.3 Ensure clearing works avoids nesting times of animals and birds;
 - 108.4 Co-ordinate staging and sequence of clearing with fauna protection;
 - 108.5 Protect and recover fauna during clearing operations (not previously removed); and
 - 108.6 Manage the translocation of animals and recovery procedures in accordance with relevant legislation.

BUSHFIRE MANAGEMENT - GENERAL

109. Subdivision works must be carried out in accordance with Section 6.1 of the Approved Bushfire Management Report listed within this Development Approval.

BUSHFIRE MANAGEMENT - FUTURE DWELLING REQUIREMENTS

110. All future dwellings on bushfire prone lots that are not within 40m of a water supply outlet must be provided with a water storage reservoir having a minimum 10,000 litres of water for emergency firefighting purposes. Such storage must be provided in addition to the water supply capacity required for domestic use and must be provided in the form of either a dam, swimming pool, or rainwater tank located within 40m of the dwelling.
111. Where water storage is provided by way of rainwater tank, separate water storage for firefighting purposes must be provided either in a separate rainwater tank or a reserve section in the main water supply tank on which:
- 111.1 The domestic take off from the tank is at or above the 10,000 litre point; and
- 111.2 Standard rural fire brigade fittings (a 50mm male camlock coupling and ball valve) are fitted to the tank outlet for access by four wheel drive rural services vehicles.
112. The water storage reservoir must be provided with a water delivery mechanism that will function during an emergency event (such as an electric pump with auxiliary power supply or a petrol driven pump) and hose of sufficient length to easily reach around to all sides of the dwelling.
113. A hard stand area within 6m of the water storage reservoir must be provided to ensure accessibility for fire fighting vehicles.

B. ADVICES:

GENERAL ADVICES

SUBMISSION OF DOCUMENTS FOR ENDORSEMENT

- (1) The conditions of this Development Approval require submission of documents to Council for endorsement. Please address the documents for endorsement to Council's Planning Branch with the Reference No. RAL/2024/8165 and send to development@tr.qld.gov.au.

SUBMISSION OF PLANS FOR ENDORSEMENT

- (2) 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/2024/8165 and send to development@tr.qld.gov.au.

INFRASTRUCTURE CHARGES

- 3) 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

- 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*.

WHEN APPROVAL STARTS TO HAVE EFFECT

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

WHEN APPROVAL LAPSES

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

EXCAVATION & FILLING

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

ENVIRONMENTAL HARM

- 10) 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.

WATER POLLUTION

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

FIRE ANTS

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

ADVERTISING SIGNS

- 13) Placing an advertising device on premises is accepted development where complying with the assessment benchmarks that form the requirements for accepted development in the Advertising Devices Code in the Toowoomba Regional Planning Scheme 2012. A separate Operational Work approval will be required for any Advertising Devices not complying with the assessment benchmarks that form the requirements for accepted development in the Advertising Devices Code.

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.

C. ATTACHMENTS:

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

List of Submitters:-

Shane Victor Mogg and Joann Maree Mogg
8 Calcutt Road
GOWRIE JUNCTION QLD 4352

Jessica Kate Van Den Berg and Others.
7 Commonwealth Crescent
GOWRIE JUNCTION QLD 4352

Don Desmond Riley
9 Commonwealth Crescent
GOWRIE JUNCTION QLD 4352

Bruce Marcus Alcorn
747 Toowoomba-Athol Road
WESTBROOK QLD 4350

Bernadette Louise Spies
13 Commonwealth Crescent
GOWRIE JUNCTION QLD 4352

Troy Baden Evans
6 Commonwealth Crescent
GOWRIE JUNCTION QLD 4352

Mona Elizabeth Baker
3 Commonwealth Crescent
GOWRIE JUNCTION QLD 4352

Peter James Delima
4 Calcutt Road
GOWRIE JUNCTION QLD 4352

Melanie Ann Belton
11 Panorama Crescent
GOWRIE JUNCTION QLD 4352

Anika Jane Cameron
13 Panorama Crescent
GOWRIE JUNCTION QLD 4352

Craig Russell Skuse
10 Commonwealth Crescent
GOWRIE JUNCTION QLD 4352

Anthony Gerard Sheldon
14 Panorama Crescent
GOWRIE JUNCTION QLD 4352

Anita Jane Farrell
9 Panorama Crescent
GOWRIE JUNCTION QLD 4352

Alexander Craige Marstella
2 Calcutt Road
GOWRIE JUNCTION QLD 4352

Shiree Vivian Woodbury
2 Calcutt Road
GOWRIE JUNCTION QLD 4352

Colin Edward Jones
6 Calcutt Road
GOWRIE JUNCTION QLD 4352

Wendy Anne Sheldon
14 Panorama Crescent
GOWRIE JUNCTION QLD 4352

Valerie May Timms
12 Calcutt Road
GOWRIE JUNCTION QLD 4352

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

229 Appeals to tribunal or P&E Court

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

Note— See the P&E Court Act for the court's power to extend the appeal period.

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

230 Notice of appeal

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

- (b) each co-respondent for the appeal; and
- (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
- (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
- (f) for an appeal to the P&E Court—the chief executive; and
- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.

(4) The **service period** is—

- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

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

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

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

232 Rules of the P&E Court

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