

REPORT TITLE	Assessment of Change Representations (Negotiated Decision Notice) for Reconfiguring a Lot – Code – Two (2) Lots into 47 Lots located at 20-42 Dallang Road and 588-592 Hume Street, MIDDLE RIDGE QLD 4350
AUTHOR	Lead Senior Planner (Richard Green)
Application No.	RAL/2024/8363/A

PURPOSE OF REPORT

To consider change representations (Negotiated Decision Notice) regarding a development approval for Reconfiguring a Lot – Code – Two (2) Lots into 47 Lots located at 20-42 Dallang Road and 588-592 Hume Street, MIDDLE RIDGE QLD 4350.

EXECUTIVE SUMMARY

On 16 April 2025 Council issued a Decision Notice for Reconfiguring a Lot – Code – Two (2) Lots into 47 Lots located at 20-42 Dallang Road and 588-592 Hume Street, Middle Ridge.

On 8 May 2025 the applicant suspended their appeal period and submitted representations.

Representations concern the applicable timing for endorsement of the Construction Environmental Management Plan.

It is recommended that a Negotiated Decision Notice be issued in accordance with the assessment contained within this report.

RECOMMENDATION

APPROVED – Change Representations (Negotiated Decision Notice) regarding Development Approval RAL/2024/8363/A for Reconfiguring a Lot – Code – Two (2) Lots into 47 Lots, pursuant to the provisions of Section 76 of the *Planning Act 2016* and subject to the amendments listed below.

An amended Infrastructure Charges Notice is not required to be issued in relation to the changes to the development approval.

ASSESSMENT MANAGER CONDITIONS

PLANNING

APPROVED DEVELOPMENT

1. This Development Approval is for Reconfiguring a Lot, being the subdivision of Two (2) Lots into 47 Lots.
2. Proposed lots 1, 7, 10, 13, 19, 26, 29 and 47 on the Approved Plans listed within this development Approval are Designated Dual Occupancy Lots.

CARRY OUT AND MAINTAIN DEVELOPMENT

3. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by this Development Approval.
4. Unless otherwise stated, all conditions must be complied with prior to Council's approval of the Plan of Subdivision and at all times thereafter.
5. The development must be maintained generally in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.

APPROVED PLANS

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

Plan No: 22/221PP01, Revision F
Description: Proposal Plan – Master Plan, prepared by Byrne Surveyors, dated 3 October 2024 and received by Council 17 December 2024
Amendments: Nil

Plan No: 22/221PP02, Revision F
Description: Proposal Plan – Site Dimension, prepared by Byrne Surveyors, dated 3 October 2024 and received by Council 17 December 2024
Amendments: Nil

Plan No: 22/221PP03, Revision F
Description: Proposal Plan – Site Dimension, prepared by Byrne Surveyors, dated 3 October 2024 and received by Council 17 December 2024
Amendments: Nil

Plan No: 22/221PP05, Revision F
Description: Proposal Plan – Dual Occupancy Sites, prepared by Byrne Surveyors, dated 3 October 2024 and received by Council 17 December 2024
Amendments: Nil

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 (including Pedestrian Paths and Vehicle Crossovers);
 - 8.2 Bulk Earthworks;
 - 8.3 Wastewater Infrastructure;
 - 8.4 Water Infrastructure; and
 - 8.5 Stormwater Infrastructure.

Note: It is noted that an access restriction strip (Lot 22 RP899790) is located at the northern end of Parsley Drive. A request must be made to Council to obtain landowner's consent to provide for infrastructure connections through Lot 22 RP899790. The land will be required to be amalgamated into the adjoining road reserve at the developer's expense where landowner's consent is given by Council. This request can be made concurrently with an Operational Work application.

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; and
 - 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*. For the purposes of Section 1(4) of Schedule 18, the stated date by which the request must be made is the last date of the currency period of this approval.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

11. 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

12. The land area identified as Road Reserve 'New 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.

13. 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.
14. 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.
15. All land dedicated for Road Reserve must not be financially encumbered (e.g. mortgaged) unless otherwise approved by the conditions of this Development Approval.

FEES AND CHARGES

16. 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.

DEVELOPMENT CONSTRAINTS

REMOVAL OF EXISTING BUILDINGS & STRUCTURES

17. Demolish or relocate all buildings and structures on the subject land prior to Council's approval of the Plan of Subdivision.

WORKS

STREET NAMING

18. Forward a letter of Request for Street Naming to Council providing three (3) 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.

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

19. Plans and specifications for all works associated with vehicular access, stormwater drainage, wastewater, water, roadworks, earthworks, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland – Civil (RPEQ).
20. A RPEQ must submit to Council a copy of the:
 - 20.1 Design Certificate prior to commencement of the works; and
 - 20.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
21. 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.

22. 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

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

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

25. 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.
26. Submit to Council for approval, as part of the Development Application for a Development Permit for Operational Work, a Detailed Stormwater Management Plan prepared by a Registered Professional Engineer Queensland – Civil (RPEQ) in accordance with the relevant standards in *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)* and *State Planning Policy July 2017* demonstrating the following:
- 26.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval;
- 26.2 Appropriate inspection and maintenance of stormwater quality control infrastructure in accordance with a program; and
- 26.3 The achievement of Water Sensitive Urban Design objectives listed in PSP No. 2 and *State Planning Policy July 2017*.

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

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

27. 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

28. 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.
29. 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:
- 29.1 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

30. 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.

31. 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

32. 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*.
33. 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*.
34. Fires are not to be lit to dispose of demolition or construction waste.
35. 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:
- 35.1 Elsewhere within this Development Approval;
 - 35.2 In accordance with an associated Development Permit for Operational Work;
 - 35.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 35.4 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
 - 35.5 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.
36. 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

37. 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

38. 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.
39. 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.
40. 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.
41. All disturbed areas must be mulched or turfed as soon as possible during construction.
42. 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

43. 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:
- 43.1 Location of the site, including physical address, lot on plan and relevant scaled maps;
 - 43.2 Description of the site including infrastructure and features on or near the site and those areas requiring protection or avoidance;
 - 43.3 Contact details and responsibilities for site representatives;
 - 43.4 Description of construction activities to be conducted on site:
 - 43.4.1 Location of construction areas and adjacent operational / residential areas;
 - 43.4.2 Construction staff and vehicle numbers;
 - 43.4.3 Construction hours;
 - 43.4.4 Amenities; and
 - 43.4.5 When relevant, prohibited activities and prohibited areas where no work should be permitted;
 - 43.5 Site Plans clearly showing where proposed activities will occur, including sensitive receptors and areas where impacts on the environment may occur; and
 - 43.6 Strategies to manage the following environmental impacts:
 - 43.6.1 Air quality and dust management;

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- 43.6.2 Noise and vibration management;
 - 43.6.3 Stormwater quality management;
 - 43.6.4 Erosion and sediment control;
 - 43.6.5 Waste management, storage and collection; and
 - 43.6.6 Complaint management procedures.
44. 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~~ commencement of site works and any pre-start meeting for operational works.
45. The Construction Environmental Management Plan must address both the internal works for the development and any associated external works.
46. The endorsed Construction Environmental Management Plan must be implemented and, maintained where necessary to maintain compliance with the requirements of this Development Approval.

DAMAGE TO SERVICES & ASSETS

47. Protect Council and public utility services and assets during construction of the development.
48. 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:
- 48.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 48.2 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.
49. 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.
50. Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with Council's relevant policies and requirements at no cost to Council.

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

SERVICES & UTILITIES

WASTEWATER INFRASTRUCTURE (GENERAL)

51. The subdivision must be connected to Council's existing wastewater reticulation system at no cost to Council. This includes augmentation works external to the development as required to adequately service the development.
- Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*
52. The design and construction of the works must be in accordance with Council's *Wastewater Infrastructure Policy 2.04*.
53. Any compensation or costs associated with obtaining agreement from owners or trustees of properties affected by the construction of the works must be at no cost to Council.
54. Any works on Council's 'live' wastewater infrastructure must be carried out by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.
55. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted and be approved by Council for internal

and external wastewater reticulation works and in accordance with the approved plans and documents of this Development Approval.

56. Where it is necessary for any proposed wastewater infrastructure to be constructed through land not part of the development, obtain the written approval of the owner of that land and provide evidence of such written approval to Council prior to endorsement of engineering plans and specifications for the works or prior to any request for Council to prepare a quotation for works.

WATER SUPPLY

57. The subdivision must be provided with a water supply system capable of servicing each lot in accordance with Council's *Water Infrastructure Policy 2.03* at no cost to Council.

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

58. Council's existing 200mm reticulation water main along Hume Street must be relocated to ensure a minimum horizontal separation of 500mm between the water main alignment and the concrete footpath.

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

59. Any existing water supply connection traversing more than one approved lot must be disconnected and removed.
60. Certification must be provided to Council by RPEQ OR Licensed Plumber that the disconnection has been carried out.
61. 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.
62. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted and be approved by Council for internal and external water supply works and in accordance with the approved plans and documents of this Development Approval.

TELECOMMUNICATION

63. Install telecommunications infrastructure to service each approved lot which complies with the following:
- 63.1 The requirements of the Telecommunications Act 1997 (Cth);
- 63.2 For a fibre ready facility, the standard specifications current at the time of installation; and
- 63.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.
64. 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.
65. 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

66. 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.
67. 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)

68. Existing roads must be widened for the development frontage, as follows:

Street: Dallang Road

Classification: Local Access

Construction Standard: Widen to achieve an approximately 9m wide carriageway, continuing the existing kerb and channel alignment to the east.

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

Street: Hume Street

Classification: Distributor

Construction Standard: Widen to achieve a minimum 11m carriageway, continuing the existing kerb and channel alignment to the south.

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

69. The design and construction of all roads must comply with *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* (PSP No.2) and must include in particular:
- 69.1 Construction of road widening works generally in accordance with the Drawing 22-E0042 P-R0201, Issue 2. Concept Plan – Typical Road Cross Sections – 1, prepared by RMA Engineers and dated 10 October 2024;
- 69.2 Concrete kerbing and channelling;
- 69.3 Underground stormwater drainage;
- 69.4 Footpath works;
- 69.5 Relocation of utility and Council services; and
- 69.6 Street lighting.
70. 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.
71. All street surfacing must be in accordance with the pavement construction standards in PSP No. 2.
72. Verge widths, street reserve widths, intersection treatment, provision of parking and speed control devices must comply with Council's requirements in PSP No. 2.
73. 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. The design and construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil.

ROADWORKS (INTERNAL TO SUBDIVISION)

74. 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:
- 74.1 Road 1 must have an 18 m road reserve width with 7 m carriageway width measured between channel inverts; and
- 74.2 Road 2 must have a 17 m road reserve width with 6 m carriageway width measured between channel inverts.
- Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*
75. 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.
76. 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)*.
77. 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.
78. The design and the construction of the works must be certified by a RPEQ – Civil.

EXTERNAL PEDESTRIAN & CYCLE PATHS

79. The following works must be constructed in accordance with *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)*:
- 79.1 A 1.5m wide concrete pedestrian path for the pedestrian link from Road 2 to Dallang Road;
- 79.2 A 1.5m wide concrete pedestrian path from the end of the proposed shared driveway for proposed lots 41 and 42 to the constructed portion of Parsley Drive;
- 79.3 Bollards must be installed within the pedestrian links to restrict vehicular access;
- 79.4 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*;
- 79.5 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
- 79.6 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.*
80. 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

81. 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.

82. 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

83. 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

84. 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.

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

ACCESS (FOOTPATH CROSSOVERS AND DRIVEWAYS)

86. A vehicle crossover (crossing of the verge) from the kerb and channel to the property boundary must be constructed for proposed lots 22-23, 32-33 and 41-42 in accordance with the following requirements:

86.1 The Institute of Public Works Engineering Australasia *Drawings RS-049 Residential Driveways Plan 1 of 2* and *RS-050 Residential Driveways Plan 2 of 2*, and in accordance with *Australian Standard AS 2890 – Parking Facilities* (Part 1 and as relevant Part 2);

86.2 Council's standards;

86.3 The driveway surfacing must consist of an approved hot mixed asphaltic concrete, segmental clay/concrete pavers or patterned/plain concrete;

86.4 The driveway must be constructed so as not to concentrate stormwater runoff onto neighbouring properties;

86.5 Underground service conduits for water supply, electricity, house drainage and any other services must be provided as part of the access driveway; and

86.6 Where used for parking, the longitudinal gradient and crossfall of all driveways must comply with the requirements of AS2890.1.

LANDSCAPE & ECOLOGY

LANDSCAPE PLAN

87. Submit to Council for endorsement, a Landscape Plan prepared by a suitably qualified person that details in particular:

87.1 Street tree species to be planted and their location;

87.2 The number and container size of plants;

87.3 The typical planting detail including preparation, backfill, staking and mulching;

87.4 Internal dimensions of all planting areas;

87.5 Location and species of existing site vegetation including adjacent street trees; and

87.6 North point, scale and drawing number.

88. The Landscape Plan must be submitted to Council prior to, or in conjunction with, the lodgement of any Development Application for a Development Permit for Operational Work and receive endorsement by Council prior to commencement of any site works or earthworks.

LANDSCAPING WORKS (PROVISION OF STREET TREES)

89. Unless otherwise agreed by Council, plant and maintain for a period of 12 months, one (1) street tree for every 15 metres of new road reserve created as part of the development (both sides of the road) that is capable of reaching 12 metres in height at maturity.
90. Unless otherwise agreed by Council, plant and maintain for a period of 12 months, one (1) street tree for every 15 metres along the constructed development site frontage to Dallang Road.
91. Unless otherwise agreed by Council, plant and maintain for a period of 12 months, one (1) street tree for every 15 metres along the constructed development site frontage to Hume Street.
92. The selection and planting of any street tree, including any street tree required to replace a removed street tree must be in accordance with the requirements of Planning Scheme Policy No.8 - Street Trees, the Toowoomba Regional Council Street Tree Master Plan, and the approved Landscape Plan.
93. All landscape works must be established by a qualified person and maintained in accordance with the conditions of this Development Approval for the life of the development, and in a manner that ensures healthy, sustained and vigorous plant growth. All plant material must be allowed to grow to full form and be refurbished when its life expectancy is reached.
94. Certification must be submitted to Council from a qualified person who certifies that landscaping established complies with the requirements of this Development Approval.

REMOVAL OR MODIFICATION OF EXISTING STREET TREES

95. 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 associated with the granted approval.
96. Obtain the written approval of Parks and Recreation Services Branch for removal of the existing street trees in Hume Street identified as not compatible with retention prior to any site works. Where approval by Council is granted, all conditions of the written approval must be adhered to.

GENERAL ADVICES

SUBMISSION OF PLANS FOR ENDORSEMENT

- 1) The conditions of this Development Approval require submission of plans to Council for endorsement. Please address the plans for endorsement to Council's Development Services Branch with the Reference No. RAL/2024/8363/A, and send to development@tr.qld.gov.au.

INFRASTRUCTURE CHARGES

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

OTHER LAWS & REQUIREMENTS

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

- 4) Carrying out works on a road or interfering with the road or its operation will require a permit under *Subordinate Local Law 1.15 (2011)*. The application form can be found on Council's website at www.tr.qld.gov.au. For further information contact the Road Operations Branch through Council's Customer Service Centre on 131 872.
- 5) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or the *Queensland Development Code*.

WHEN APPROVAL STARTS TO HAVE EFFECT

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

WHEN APPROVAL LAPSES

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

EXCAVATION & FILLING

- 8) The *Toowoomba Regional Planning Scheme (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 Works approval from Council before commencing site works.

DEMOLITION OF BUILDING

- 9) 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

- 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, waste water, 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.

FIRE ANTS

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

QUALIFIED PERSON

- 12) 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 three (3) years current experience in the field of landscape design.

REASONS FOR RECOMMENDATION

The change representations have been assessed with regard to the applicable assessment framework as identified within this report. The proposed changes are considered to be generally acceptable. It is therefore recommended that the development approval be changed as identified above.

The attached Statement of Reasons (refer to Schedule 1) is not required to be amended.

DELEGATE'S DECISION:

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



Matthew Coleman
Principal Planner, Planning Branch

Decision Date: 4 June 2025

CORPORATE PLAN REFERENCE

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

BACKGROUND

SITE DETAILS				
Site Address	20-42 Dallang Road and 588-592 Hume Street, MIDDLE RIDGE QLD 4350			
Real Property Description	Lot 3 RP153091 and Lot 4 RP153091			
Site Area	4.001 hectares			
Owner	Jeteld Pty Ltd			
SITE CHARACTERISTICS				
Current Land Use	Single detached dwelling and ancillary structures on each lot.			
Site Frontage/s	Dallang Road (~260.63m), Hume Street (~147.2m) and Parsley Drive (~19m)			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Dallang Road	Local	~19m	~7.3m	Bitumen
Hume Street	Distributor	~20m	~8.9m	Bitumen
Parsley Drive	Local	~14m-19m	-	Unconstructed / Pedestrian Pathway
Easements	Nil			
Existing Structures	Mixture of established trees and smaller bushes/shrubs in a garden setting around the two (2) residences and ancillary structures (one dwelling on each lot).			
Infrastructure	Site has access to reticulated water, sewer, electricity, telecommunications and stormwater.			
Topography	The site has a gradual fall to the north-west			
Street Trees	Nil			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 28)		Adopted: 28 November 2022	
Zone	Low-medium Density Residential Zone			
Precinct	Urban Residential Precinct			
Overlays	Airport Environs Overlay - 13km Wildlife Hazard Buffer Zone			
Infrastructure Charges Resolution	Charges Resolution No. 6		Adopted: 10 December 2024	
SURROUNDS:				
Direction	Land Use	Zone/Precinct		
North	Dwelling Houses	Low-medium Density Residential Zone / Urban Residential Precinct, and Low Density Residential Zone / General Precinct		
East	Dwelling Houses and Dallang Road Park	Low-medium Density Residential Zone / Urban Residential Precinct, Low Density Residential Zone / General Precinct and Open Space Zone / No Precinct		
South	Dwelling Houses	Low-medium Density Residential Zone / Urban Residential Precinct, and Low Density Residential Zone / General		

		Precinct
West	Dwelling Houses	Low-medium Density Residential Zone / Urban Residential Precinct

APPLICATION HISTORY

<i>Application No.</i>	<i>Description</i>	<i>Decision Date</i>	<i>Decision</i>
RAL/2024/8363	Two (2) Lots into 47 Lots	16 April 2025	Approved
PREL/2018/529	Meeting held 20 February 2028		

APPROVED DEVELOPMENT

Type of Approval	Development Permit for Reconfiguring a Lot		
Approved Development	Reconfigure Two (2) Lots into 47 Lots		
Variations Sought	Not applicable		
Level of Assessment	Code		
Submissions Received	Objection:	N/A	
	Support:	N/A	
Decision Notice Issued	16 April 2025		

CHANGE REPRESENTATIONS

Applicant Name	Jeteld Pty Ltd, C/- Precinct Urban Planning		
Type of Application	Request for a Negotiated Decision Notice		
Appeal Period Suspended	8 May 2025		
Representations Received	8 May 2025		

CONSULTATION UNDERTAKEN**Internal Referrals**

Not Applicable

ISSUES, RISKS AND RESPONSES – ASSESSMENT**Assessment Framework**

Section 76 (1) of the *Planning Act 2016* establishes the following parameters in relation to the assessment of change representations made during the appeal period:

76 Deciding change representations

- (1) *The assessment manager must assess the change representations against and having regard to the matters that must be considered when assessing a development application, to the extent those matters are relevant.*

Assessment of Proposed Changes – Change to Conditions of the Development Approval

Changes to the conditions of approval have been proposed by the applicant. The following table identifies the relevant condition of approval, the applicant's proposed changes, any relevant representations made by the applicant, the officer's assessment of the proposed amendments and any recommend amendments to the condition.

Assessment of Proposed Changes – Change to Conditions of the Development Approval

No.	Original Condition	Proposed Amended Condition	Relevant Representation	Officer's Assessment	Condition to be Recommended
44.	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.	<p>The Applicant proposes:</p> <p>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 commencement of site works and any pre-start meeting for operational works.</p>	<p>The Applicant submits:</p> <p><i>"The applicant contends that the Construction Environmental Management Plan should not be endorsed at Operational Work stage, rather, it should be endorsed prior to pre-start meetings for construction given the development contractor that prepares this plan is usually not appointed until after Operational Work development approval has been issued. In this regard, the applicant agrees with the timing of the endorsement of this plan as described under Condition 43 but is of the view that the timing identified under Condition 44 is contradictory to Condition 43 and is not practical to achieve."</i></p>	<p>As noted by the Applicant, the Construction Environmental Management Plan is usually prepared by the development contractor after the Operational Work development approval has been issued. Condition 43 of this Development Approval already provides for this circumstance and accordingly, it is appropriate to amend the wording of Condition 44 to align with this approach.</p>	<p>Amend Condition 44 as follows:</p> <p>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 commencement of site works and any pre-start meeting for operational works.</p>

FINANCIAL / RESOURCE IMPLICATIONS

There is no financial or resource implication associated with this decision.

Human Rights Act 2019 CONSIDERATIONS

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

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

Section 15 – Recognition and equality before the law
Section 24 – Property rights

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

CONCLUSION

The change representations have been assessed with regard to the applicable assessment framework as identified within this report. The proposed changes are considered to be generally acceptable. It is therefore recommended that the development approval be changed as identified above.

The attached Statement of Reasons (refer to Schedule 1) is not required to be amended.

ATTACHMENT/S

Attachment	1	of	5	Aerial View of Subject Site
Attachment	2	of	5	Proposal Plan – Master Plan
Attachment	3	of	5	Proposal Plan – Site Dimension (Western Portion of Site)
Attachment	4	of	5	Proposal Plan – Site Dimension (Eastern Portion of Site)
Attachment	5	of	5	Proposal Plan – Dual Occupancy Sites

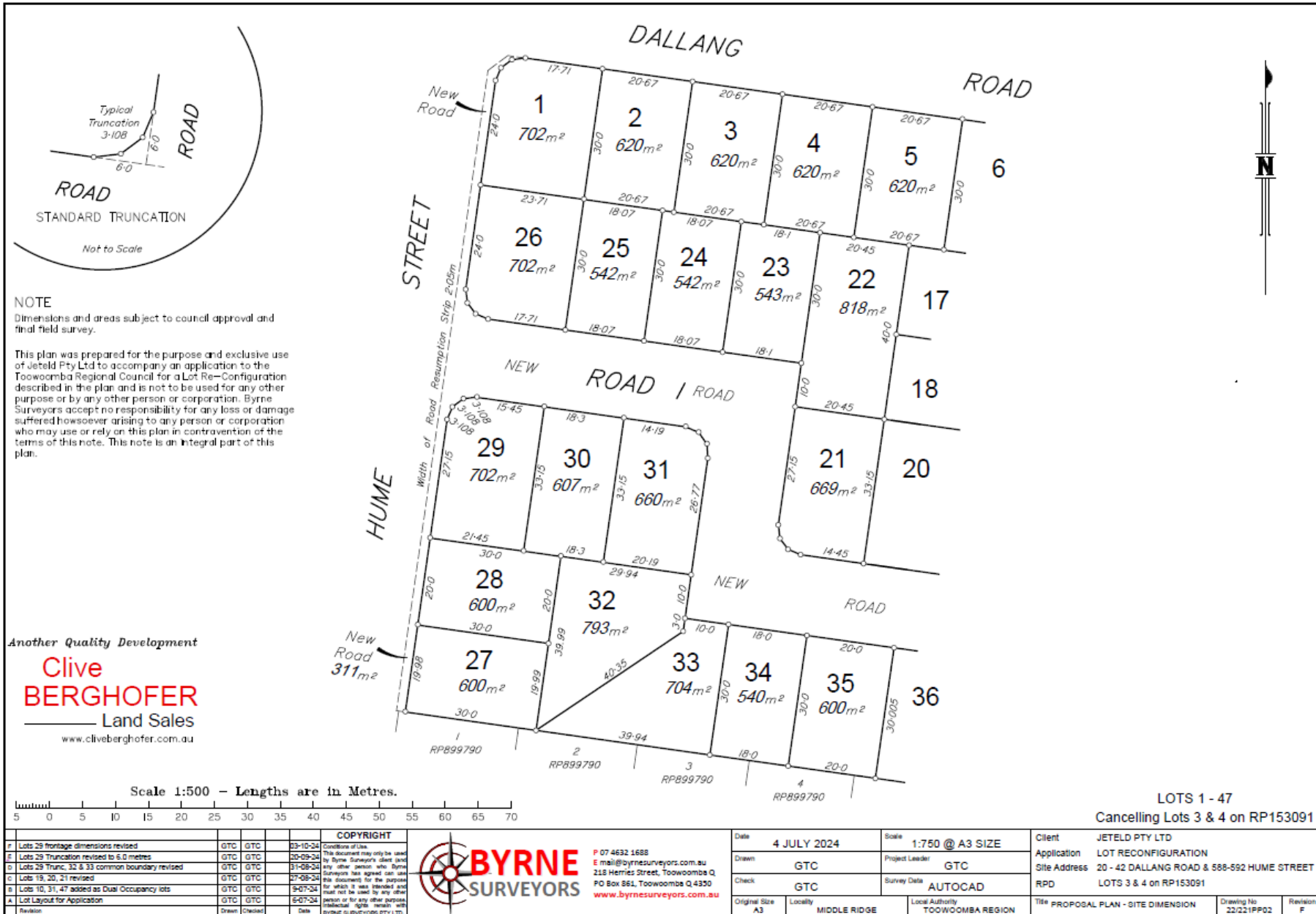
SCHEDULES

Schedule 1 Statement of Reasons

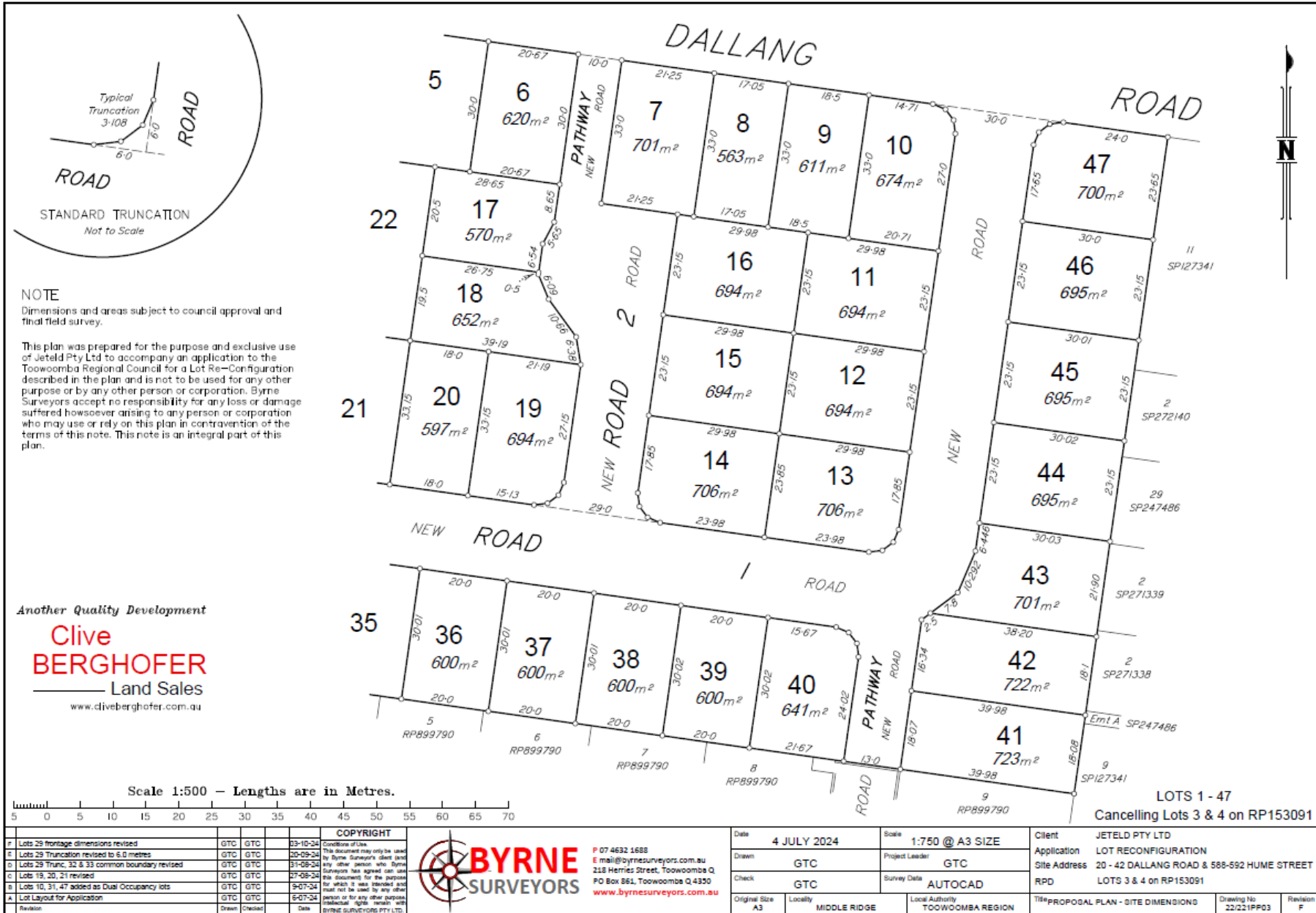
ATTACHMENTS



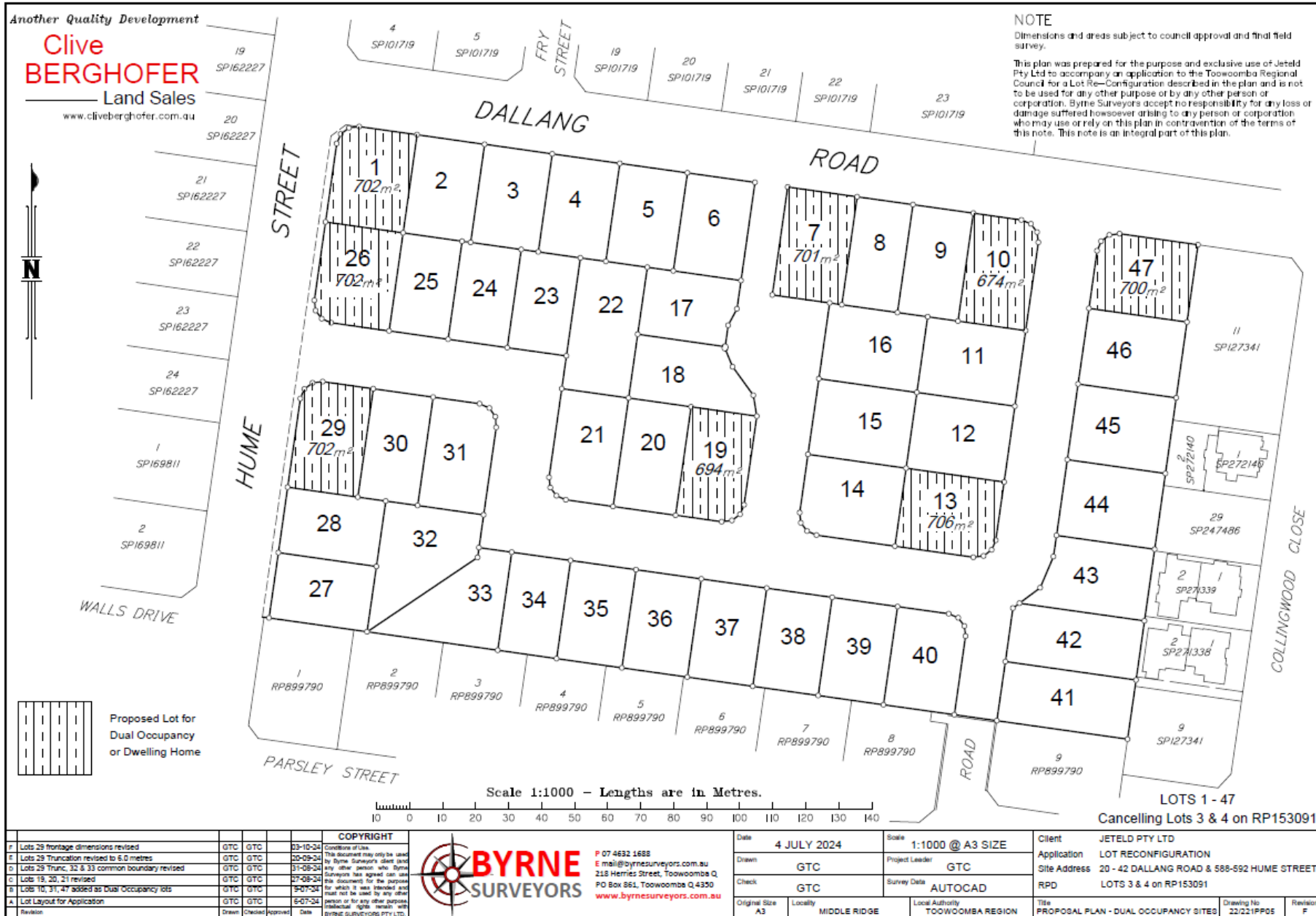
Attachment 1 of 5 – Aerial View of Subject Site



Attachment 3 of 5 – Proposal Plan – Site Dimension (Western Portion of Site)



Attachment 4 of 5 – Proposal Plan – Site Dimension (Eastern Portion of Site)



Attachment 5 of 5 – Proposal Plan – Dual Occupancy Sites

SCHEDULE 1

Statement of Reasons

Statement of ReasonsSection 83(8) and (9) of the *Planning Act 2016*

SITE DETAILS	
Site Address	20-42 Dallang Road and 588-592 Hume Street, MIDDLE RIDGE QLD 4350
Real Property Description	Lot 3 RP153091 and Lot 4 RP153091
Site Area	4.001 hectares
Owner	Jeteld Pty Ltd

PROPOSED DEVELOPMENT	
Name of Applicant	Jeteld Pty Ltd, C/- Precinct Urban Planning
Type of Application	Development Permit for Reconfiguring a Lot
Proposed Development	Two (2) Lots into 47 Lots
Level of Assessment	Code
Decision	Approval
Decision Date	4 June 2025 (Negotiated Decision Notice)

ASSESSMENT MATTERS	
Assessment benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Schedules 9 and 10 of the <i>Planning Regulation 2017</i> (as relevant); • <i>State Planning Policy July 2017</i> (as relevant); • South-east Queensland Regional Plan ShapingSEQ 2023 and Darling Downs Regional Plan (as relevant); • The Local Government Infrastructure Plan; and • <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28) <ul style="list-style-type: none"> ○ 6.2.2 Low-medium Density Residential Zone Code ○ 8.2.1 Airport Environs Overlay Code ○ 9.4.5 Reconfiguring a Lot Code
Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and complies, or can be conditioned to comply, without exception.

For further details on the assessment of this development application, please see the Delegated Report available for public viewing on the Toowoomba Regional Council Planning and Development Online website at: <https://developmenti.tr.qld.gov.au/>. When accessing Council's website please use the following Application Number: RAL/2024/8363/A