

REPORT TITLE	Reconfiguring a Lot – Code – Staged Subdivision - Two (2) into Fifty-four (54) Lots – 53 Residential Lots, 1 Drainage Reserve Lot and Temporary Access Easement located at 22 Katrina Court and 34 Crockers Road, WESTBROOK QLD 4350
AUTHOR	Planning Officer (Katrina Christensen)
Application No.	RAL/2023/1511

PURPOSE OF REPORT

To consider a Development Application for Reconfiguring a Lot – Code – Staged Subdivision Two (2) into Fifty-four (54) Lots – 53 Residential Lots, 1 Drainage Reserve Lot and Temporary Access Easement located at 22 Katrina Court and 34 Crockers Road, WESTBROOK QLD 4350

EXECUTIVE SUMMARY

This report considers a development application for Reconfiguring a Lot for a Staged subdivision being for Two (2) into Fifty-four (54) Lots – 53 Residential Lots, 1 Drainage Reserve Lot and Temporary Access Easement located at 22 Katrina Court and 34 Crockers Road, WESTBROOK QLD 4350 described as Lot 27 on RP856503 and Lot 31 on RP856503 respectively. Existing Lot 31 on RP856503 has been applied over as part of this application to establish a proposed easement for sewer and stormwater connections to service the proposed subdivision. The subject site is identified within the Low Density Residential Zone (General precinct) under the *Toowoomba Regional Planning Scheme 2012 (Version 28)*. The primary land parcel (Lot 27 on RP856503) contains an existing dwelling house and ancillary outbuildings which are proposed to be retained as part of the development. Lot 31 on RP856503 also contains an existing dwelling house and ancillary outbuildings.

The proposed development seeks to reconfigure the site resulting in 52 residential lots, Drainage Reserve, new road, services easement and temporary access easement delivered over two stages. The proposed residential lots range in size from 501m² -5487m². Stage 1 proposes to create a 5487m² lot containing the existing dwelling house, as well as provide a temporary access easement through the balance land to provide the dwelling access to Katrina Court. Stage 2 involves the subdivision of the balance land creating 51 additional residential lots, new road and drainage reserve. The access easement required at Stage 1 will be extinguished at Stage 2 following construction of the new road. Seven proposed lots have also been identified for future dual occupancy development, all in excess of 750m².

The adjoining land to the north and west of the subject land (Lot 2 on RP190446 & Lot 258 on D361234) is identified as Agricultural Land within the Rural Zone and currently contains existing rural uses. The proposed development results in sixteen (16) lots directly adjoining these existing rural uses. A 10m wide buffer along the northern and western boundaries which precludes the construction of habitable buildings is recommended to be conditioned requiring a covenant be registered over Lots 1 and 20-35 until such time that the adjoining northern and western lots are redeveloped for residential uses. Additionally, it has been considered reasonable and relevant to recommend conditions be included requiring the construction of an acoustic fence along the full extent of the northern and western boundaries. The acoustic fence has been conditioned as a mechanism to limit spray drift and reduce air quality and acoustic impacts from the existing cropping activities and stables on the adjoining land.

A temporary turnaround has been conditioned over proposed future Lot 1 to facilitate waste vehicle turnaround for bin collection. A cul-de-sac end has not been sought as it is anticipated that the proposed road would be required to be extended into any future residential subdivision of the northern lot establishing through connectivity.

The application was supported by a number of technical documents which demonstrated compliance with the relevant assessment benchmarks was achieved or is able to be achieved with the imposition of reasonable and relevant conditions.

The submitted Stormwater Management Plan (version 2.1) is recommended for endorsement formalising the intended future development of the proposed Drainage Lot as part of Stage 2 and to further streamline future Operational Works applications.

The proposed development is considered to integrate into the existing development pattern of the locality and provide lots which are able to be appropriately serviced and developed in future for the intended purpose within the zone. Under the *Toowoomba Regional Planning Scheme 2012 (Version 28)* the

proposed reconfiguration requires code assessment against the relevant codes of the Planning Scheme. The proposal has been assessed against the applicable codes in the Planning Scheme as outlined in this report and is considered to comply or be able to be conditioned to comply with all relevant assessment benchmarks. Therefore, the development application is recommended for approval subject to the recommended reasonable and relevant conditions.

RECOMMENDATION

APPROVED - Application No. RAL/2023/1511 for a Development Permit for Reconfiguring a Lot – Code – Staged Subdivision - Two (2) into Fifty-four (54) Lots – 53 Residential Lots, 1 Drainage Reserve Lot and Temporary Access Easement, pursuant to the provisions of Section 60 of the *Planning Act 2016* and subject to the conditions listed below.

ASSESSMENT MANAGER CONDITIONS

PLANNING

APPROVED DEVELOPMENT

1. This Development Approval is for Reconfiguring a Lot, being the staged subdivision of land being Two (2) into Fifty-four (54) Lots – 53 Residential Lots, 1 Drainage Reserve Lot and Temporary Access Easement.

CARRY OUT AND MAINTAIN DEVELOPMENT

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

APPROVED PLANS

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

Plan No: C2223184, DA01, Issue B

Description: Stage 1 Allotment Layout, prepared by Kehoe Myers and dated 9 August 2023 and received by Council on 20 September 2023.

Amendments: Nil.

Plan No: C2223184, DA02, Issue D

Description: Stage 2 Allotment Layout, prepared by Kehoe Myers and dated 19 September 2023 and received by Council on 20 September 2023.

Amendments: Marked Up to identify conditioned acoustic barrier.

Plan No: C2223184, DA03, Issue C

Description: Dual Occupancy Lots Layout, prepared by Kehoe Myers and dated 19 September 2023 and received by Council on 20 September 2023.

Amendments: Nil.

Plan No: C2223184:VM01, Issue B

Description: Vehicle Manouvring Layout, prepared by Kehoe Myers and dated 9 August 2023.

Amendments: Nil.

APPROVED DOCUMENT

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

Document: C2223184, Issue 2.1

Description: Stormwater Management Plan, Katrina Court, Westbrook, Subdivision, prepared by Kehoe Myers Consulting Engineers, dated 19 September 2023

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 footpaths);
 - 8.2 Bulk Earthworks;
 - 8.3 Stormwater Infrastructure;
 - 8.4 Vehicular Access;
 - 8.5 Wastewater Infrastructure; and
 - 8.6 Water Infrastructure.

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

9. Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:
 - 9.1 Construction Environmental Management Plan;
 - 9.2 Erosion and Sediment Control Plan; and
 - 9.3 Landscape Plan.

STAGED DEVELOPMENT

10. The development must be carried out in accordance with those conditions applicable to one or more of the stages of development as follows:
 - 10.1 Conditions Applicable to all Stages of development:

Conditions 1-5, 7-12, 25-28, 43 – 57 and 63 – 66
 - 10.2 Conditions Applicable to Stage 1 of development:

Condition 22
 - 10.3 Conditions Applicable to Stage 2 of development:

Conditions 6,13-20, 23-24, 29, 30-42, 58 – 62 and 67-103

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*.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

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

DEDICATIONS, AGREEMENT AND CONTRIBUTIONS

COVENANT (RESTRICTION ON LAND)

13. Prepare a statutory building covenant in accordance with the requirements of the *Land Title Act 1994*, prohibiting habitable buildings from being constructed or located within the 10m buffer shown on the approved plans. The covenant document must be prepared and registered against the titles of the properties over the land area identified on the Approved Plans and be submitted to Council for endorsement prior to lodgement with the relevant titles authority. The statutory covenant must be prepared and registered with the Department of Resources with a copy provided to Council.
 - 13.1 The covenants must remain in effect until such time that all adjoining land to the north and west of the subject land is subdivided or developed for residential purposes, or developed for other compatible land uses as agreed to in writing by Council.

Note: The covenants must remain in effect where Rural Activities (as defined under SC1.1.2 Defined activity groups of the Toowoomba Regional Planning Scheme 2012) are operating or are permitted to operate on adjoining land.
 - 13.2 Non-habitable buildings and structures are permitted to be constructed and located within the nominated 10m wide buffer area shown on the approved plans.
 - 13.3 If a provision included in the covenant documents is requisitioned or refused registration by the relevant titles authority, a substitute provision must be included in the document which as nearly as practicable addresses the objective sought by the requisitioned or refused provision. The wording of the substitute provision must be agreed by Council.
 - 13.4 The obligations of the registered covenants must be complied with by all successors in title.

DEDICATION OF LAND

14. The land area identified as Drainage on the Approved Plans listed within this Development Approval must be dedicated for drainage purposes in accordance with the requirements of the Department of Resources.

Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.
15. Submit to Council a Solicitor's Undertaking to register the transfer of the drainage lot to Council at the same time as the registration of the Survey Plan.

Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.
16. The land area identified as Internal Road extend to Katrina Court on the Approved Plans listed within this Development Approval 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.
17. The transfer of land dedicated to Council must be at no cost to Council. All transfer documentation is to be prepared and submitted to Council, at no cost to Council.
18. Obtain a valuation of the land from a registered land property valuer to determine payment of any applicable stamp duty payable upon registration of the transfer of the land to Council.
19. The land to be dedicated to Council must be identified as a lot on survey plan and must be submitted to Council with one original signed and 'stamped' *Queensland Land Registry Transfer of Ownership* and relevant forms for each lot dedicated, together with a copy of the land valuation. No

other annotation of the purpose of the lot is to be made on the original survey plan submitted to Council for approval.

20. All land dedicated for 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.
21. 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

22. As part of Stage 1, an easement for Right of Way (access) purposes must be registered in favour of Lot 27 RP 856503 (proposed Lot 52) against the title of all lots (nominally the balance Lot). The easement must be a minimum 18 metre wide and included on the Plan of Subdivision for Council's approval.
23. As part of Stage 2, an easement for drainage purposes must be registered in favour of Toowoomba Regional Council against the title of all lots (nominally Lot 31 RP856503 and proposed Lot 1) which convey stormwater from the development to a lawful point of discharge. The easement must be located over any overland flow paths or underground stormwater infrastructure connecting the exciting infrastructure at Crockers Road and must be at a minimum of 6 meters and included on the Plan of Subdivision for Council's approval.
24. As part of Stage 2, an easement for Right of Way (access) purposes must be registered in favour of Toowoomba Regional Council against the title of proposed lot 1 which allow the Refuse Collection Vehicle (RCV) to collect the bin from Proposed Lot 1. The easement must be minimum 6 metre wide and included on the Plan of Subdivision for Council's approval.
25. 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.
26. 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.
27. 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.

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

Note: The owner of the Lot 31 RP856503 will be required to consent to the easements required by this condition. This condition cannot be taken to compel the owner of adjoining land to consent to the works or easements.

FEES AND CHARGES

28. 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

29. 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

30. A total of 1 Permanent Survey Marks (PSMs) must be supplied and connected to Australian Height Datum and provided in the following locations:
 - 30.1 Intersection of Katrina Court and New Internal Road.
31. 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

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

36. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.
37. 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.

38. 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.
39. 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) designed in accordance with the approved Stormwater Management Plan (Issue 2.1), prepared by Kehoe Myers Consulting Engineers, dated 19 September 2023 and 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:
 - 39.1 Stormwater discharge points and flow rates to be generally in accordance with the approved Stormwater Management Plan (Issue 2.1), prepared by Kehoe Myers Consulting Engineers, dated 19 September 2023.

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.

STORMWATER DISCHARGE

40. Stormwater from the new roofed and sealed areas must be picked up and discharged by way of sealed underground pipe to the legal point of discharge.

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

STORMWATER – CONVEYANCE OF STORMWATER VIA DRAINAGE EASEMENT

41. 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

42. 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

43. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the *Air Quality Objectives* listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive place or commercial place must not be released to the atmosphere during site works.

44. 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:

- 44.1 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

45. 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.
46. Where considered warranted by Council and when requested in writing to do so, a vibration impact investigation must be undertaken to determine what level of vibration impact is occurring. In such circumstances, a suitably qualified person must monitor, interpret and record all parameters in order to determine whether or not vibration impacts are below those stated in Table 1 The results of the investigation must be provided to Council within 14 days of the request or a longer period if specified in any such request.

Table 1 - Human comfort vibration limits to minimize nuisance

Building	Work Period	Resultant PPV (mm/s)	
		Lower Limit	Upper Limit
Dwellings	Standard Hours	1.0	2.0
	Non-standard hours – evening (6pm to 10pm)	0.3	1.0
	Non-standard hours – night (10pm to 7am)		

Medical / health buildings (wards, surgeries, operating theatres, consulting rooms)	All		
Educational facilities (rooms designed for teaching purposes)	While in use	0.3	1.0
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

47. 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*.
48. 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*.
49. Fires are not to be lit to dispose of demolition or construction waste.
50. 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:
 - 50.1 Elsewhere within this Development Approval;
 - 50.2 In accordance with an associated Development Permit for Operational Work;
 - 50.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*; and either
 - 50.4 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
 - 50.5 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.
51. 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

52. 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

53. 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.

54. 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.
55. 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.
56. All disturbed areas must be mulched or turfed as soon as possible during construction.
57. 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.

EROSION & SEDIMENT CONTROL PLAN

58. 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:
 - 58.1 site analysis of soils, slopes, wind and rainfall;
 - 58.2 plans showing the diversion of clean offsite water around the development and direction of site dirty water to retention dams or sedimentation ponds;
 - 58.3 Clearly defined water quality release parameters from retention ponds;
 - 58.4 Calculations for the appropriate sizing of retention or sedimentation ponds such that water quality release parameters can be met;
 - 58.5 Overflow and release points for new or existing structures with suitable erosion control measures and devices that limit scouring and transport of sediment; and
 - 58.6 Clearly defined erosion and sediment control measures suitable for the soil type, wind and rainfall characteristics found on site throughout all stages of development.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

59. 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:
 - 59.1 Location of the site, including physical address, lot on plan and relevant scaled maps;
 - 59.2 Description of the site including infrastructure and features on or near the site and those areas requiring protection or avoidance;
 - 59.3 Contact details and responsibilities for site representatives;
 - 59.4 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.
- 59.5 Site Plans clearly showing where proposed activities will occur, including sensitive receptors and areas where impacts on the environment may occur;
- 59.6 Strategies to manage the following environmental impacts;
- (a) Air quality and dust management;
 - (b) Noise and vibration management;
 - (c) Stormwater quality management;
 - (d) Waste management, storage and collection; and
 - (e) Complaint management procedures.
60. 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.
61. The Construction Environmental Management Plan must address both the internal works for the development and any associated external works.
62. 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

63. Protect Council and public utility services and assets during construction of the development.
64. 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:
- 64.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 64.2 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.
65. 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.
66. 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)

67. 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.

68. The design and construction of the works must be in accordance with Council's *Wastewater Infrastructure Policy 2.04*.

Note: A separate Development Application for a Development Permit for Operational Work may be required to be lodged.

69. 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.
70. 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.
71. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted and be approved by Council for internal and external wastewater reticulation works and in accordance with the approved plans and documents of this Development Approval.

WATER SUPPLY

72. 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.

73. Existing connection must be disconnected at no cost to Council.
74. Any existing water supply connection traversing more than one approved lot must be disconnected and removed.
75. Certification must be provided to Council by RPEQ OR Licensed Plumber that the disconnection has been carried out.
76. 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.
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 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

78. Install telecommunications infrastructure to service each approved lot which complies with the following:
 - 78.1 The requirements of the *Telecommunications Act 1997 (Cth)*;
 - 78.2 For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - 78.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.
79. 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.
80. 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

81. 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.
82. Written evidence must be submitted to Council from the electricity distributor advising that provision has been made for connection of reticulated electricity service for each approved lot in accordance with all applicable legislation at the time of construction.

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

TRANSPORT & ACCESS

ROADWORKS (INTERNAL TO SUBDIVISION)

83. Proposed new roads must generally be constructed as shown on Stage 2 Allotment Layout Approved Plan.
84. Proposed new 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:
 - 84.1 Proposed new Road must have an 18.00 m road reserve width with 7.00m carriageway width measured between channel inverts;
 - 84.2 The entrance from Katrina Court must generally be as detailed on the approved Stage 2 Allotment Layout.

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

85. 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.
86. 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)*.
87. 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.
88. The design and the construction of the works must be certified by a RPEQ – Civil.

EXTERNAL PEDESTRIAN & CYCLE PATHS

89. 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:
 - 89.1 A 1.5m wide concrete pedestrian path for the full length of the proposed new roads as well as along the southern verge of the extension to Katrina Court in accordance with Stage 2 Allotment Layout Approved Plan.

- 89.2 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*;
- 89.3 The sealing of paths must be carried out following completion of all development works on the subject land, but prior to Council's approval of the Plan of Subdivision;
- 89.4 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
- 89.5 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.

- 90. 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

- 91. 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.

- 92. 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

- 93. 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

- 94. 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.
- 95. 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)

- 96. A vehicle crossover (crossing of the verge) and a suitable sealed driveway must be constructed from the kerb and channel to the property boundary, for proposed Lot 1 and the proposed Drainage lot in accordance with the following requirements:
 - 96.1 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)*;
 - 96.2 Council's standards;

- 96.3 The driveway surfacing must consist of an approved hot mixed asphaltic concrete, segmental clay/concrete pavers or patterned/plain concrete;
- 96.4 The driveway must be constructed so as not to concentrate stormwater runoff onto neighbouring properties;
- 96.5 Underground service conduits for water supply, electricity, house drainage and any other services must be provided as part of the access driveway; and
- 96.6 Where used for parking, the longitudinal gradient and crossfall of all driveways must comply with the requirements of AS2890.1.

ENVIRONMENT & WASTE

ACOUSTIC AMENITY - ACOUSTIC BARRIERS

- 97. Acoustic barriers must be constructed on the subject land for noise attenuation in accordance with the following requirements:
 - 97.1 The barrier must be erected within the subject land, along the entirety of the western and northern boundary of the development in accordance with the Approved Plans listed within this Development Approval;
 - 97.2 Erected to 1.8 metres high, measured from the highest adjacent finished ground level where the barrier does not comprise of, or include, an earthen mound;
 - 97.3 The barrier must be constructed using materials such as lapped timber fencing, FC sheet, masonry, plywood, glass, acrylic glass, or a combination thereof, to achieve a minimum surface density of 10 kg/m²; and
 - 97.4 The barrier must have no gaps (i.e. is solid) including between partitions, between partitions and posts and between partitions and the finished ground level.
- 98. Certification must be submitted to Council from a suitably qualified person which certifies that the acoustic barriers have been constructed in accordance with the acoustic barrier conditions of this Development Approval.

LANDSCAPE & ECOLOGY

LANDSCAPING WORKS (GENERAL)

- 99. Submit to Council for endorsement, a Landscape Plan prepared by a suitably qualified person that details in particular:
 - 99.1 The species to be planted and their location (including street trees);
 - 99.2 The number and container size of plants;
 - 99.3 The typical planting detail including preparation, backfill, staking and mulching;
 - 99.4 Internal dimensions of all planting areas; and
 - 99.5 North point, scale and drawing number.

LANDSCAPING WORKS (PROVISION OF STREET TREES)

- 100. Plant and maintain for a period of 12 months, 1 street tree within the road reserve for every 15 metres of road frontage, capable of reaching 12 metres in height at maturity. An increase in the number and/or variation to the location of street trees may be agreed by Council.
- 101. The selection and planting of any street tree, including any street tree required to replace a removed street tree must be in accordance with the requirements of Planning Scheme Policy No.8 - Street Trees, Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage

Infrastructure, the Toowoomba Regional Council Street Tree Master Plan, and the approved Landscape Plan.

102. All landscape works must be established by a suitably qualified person and maintained in accordance with the conditions of this Development Approval for the life of the development, and in a manner that ensures healthy, sustained and vigorous plant growth. All plant material must be allowed to grow to full form and be replaced when its life expectancy is reached.
103. Certification must be submitted to Council from a suitably qualified person who certifies that landscaping established complies with the requirements of this Development Approval.

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 Development Services Branch with the Reference No. RAL/2023/708 and send to development@tr.qld.gov.au.

INFRASTRUCTURE CHARGES

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

OTHER LAWS & REQUIREMENTS

- 3) This Development Approval relates to development requiring approval under the *Planning Act 2016* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
- 4) Any works impacting outside the property boundary will require a permit under Subordinate Local Law No. 1.15 (2020) (Carrying Out Works on a Road or Interfering with a Road or its Operation). Please contact Council's Road Operations Branch through our Customer Service Centre on 131 872. The application can be found on Council's website at www.tr.qld.gov.au.
- 5) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme 2012*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or the *Queensland Development Code*.

WHEN APPROVAL STARTS TO HAVE EFFECT

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

WHEN APPROVAL LAPSES

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

CLEARING OF NATIVE VEGETATION

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

CLEARING OF PROTECTED PLANTS

- 9) In accordance with *Nature Conservation (Animals) Regulation 2020* you must check the flora survey trigger map, prior to the clearing of any native plants found on the subject land to determine

if a flora survey must be undertaken and if a clearing permit for clearing endangered, vulnerable and near threatened plants ('EVNT plants') and their supporting habitat is required.

Under the Regulation, if a flora survey identifies that EVNT plants are not present or can be avoided by 100m, the clearing activity may be exempt from a permit, however an exempt clearing notification form must be submitted to the Department of Environment and Science. In an area other than a high risk area, a clearing permit is only required where a person is, or becomes, aware that EVNT plants are present, though a range of exemptions do apply. Clearing of least concern plants is generally exempt from requiring a clearing permit. For further information associated with the clearing of protected plants and to obtain flora survey trigger map for your site please refer to the Departmental website.

EXCAVATION & FILLING

- 10) 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.

BUSHFIRE BUILDING STANDARD

11. This Development Approval has not considered any building assessment provisions under the *Building Code of Australia*. Lots 5, 6 and 12 are identified in the *Toowoomba Regional Planning Scheme 2012* as bushfire prone and the bushfire provisions of the *Building Code of Australia* will need to be considered for any building work being undertaken the subject land.

ENVIRONMENTAL HARM

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

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

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

ENVIRONMENT PROTECTION & BIODIVERSITY CONSERVATION ACT 1999

- 13) An additional approval from the Commonwealth Government under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) may be required in relation to the approved development. The *EPBC Act* relates to actions that may have a significant impact on matters of national environmental significance (NES) or the environment generally if on Commonwealth land. These matters of NES include nationally listed threatened and migratory species, Ramsar wetlands, World Heritage, Commonwealth marine and nuclear actions.

The EPBC Act provides that a person must not take an action that has, will have or is likely to have a significant impact on matters of NES, without the approval of the Commonwealth Environment Minister. Such actions should be referred to the Minister for a decision on whether or not approval is required under the EPBC Act.

Contact the Australian Government Department of Agriculture, Water and the Environment to discuss any obligations under the EPBC Act.

STREET TREE DISTURBANCE & REMOVAL APPROVAL

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

WATER POLLUTION

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

ABORIGINAL CULTURAL HERITAGE ACT 2003

- 16) There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003* ("ACH Act").

The ACH Act establishes a cultural heritage duty of care which provides that: "*A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.*" It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the ACH Act may also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) Cultural Heritage Unit on 07 3247 6212 to discuss any obligations under the ACH Act.

FIRE ANTS

- 17) 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

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

WASTEWATER TREATMENT & DISPOSAL SYSTEM

- 19) The establishment of a wastewater treatment and disposal system for the Lots requires a Compliance Permit to be obtained from Council under the *Plumbing and Drainage Act 2018*. The system must be designed in accordance with the *Queensland Plumbing and Wastewater Code* (Department of State Development and Infrastructure & Planning, 2007) and the Australian & New Zealand Standard AS/NZS1547 On-site Domestic Wastewater Management.

Please contact Council's Plumbing and Drainage team via the Customer Service Centre for further information in respect of a Compliance Permit. Where a development exceeds the accommodation or use of 21 or more equivalent persons an Environmental Authority from the Department of Environment & Science will also be required.

REASONS FOR RECOMMENDATION

The proposed development has been assessed with regard to the applicable assessment benchmarks as identified within this report and the attached Statement of Reasons (refer to Schedule 1). The proposed development generally complies with the assessment benchmarks or it can be conditioned to comply. Where the applicant has not provided sufficient information, conditions have been imposed to ensure compliance.

DELEGATE'S RECOMMENDATION:

I have reviewed the report for this application 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 application be approved subject to the conditions contained in the recommendation. I exercise delegation in accordance with the delegations adopted by the Toowoomba Regional Council.



Kasey McKillop, Acting Principal Planner
Development Services

Decision Date: 20 October 2023

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	22 Katrina Court & 34 Crockers Road, WESTBROOK QLD 4350			
Real Property Description	Lot 27 on RP856503 (primary site) & Lot 31 on RP856503 (Services Easement)			
Site Area	56380m ²			
Owner	Glen R Holmes and Lorraine P Holmes			
SITE CHARACTERISTICS				
Current Land Use	Large Residential Block			
Primary Site Frontage/s	Katrina Court – 22m			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Katrina Court	Local	20m	8.5m	Asphalt
Easements	Nil			
Existing Structures	Existing Dwelling and Ancillary Structures			
Infrastructure	Water main traverses the Katrina court road reserve ending on the subject site boundary.			
Topography	The sit slopes form approximately 565m ahd along the western boundary down to approximately 557m ahd along the eastern boundary.			
Street Trees	Nil			
Other Features	Rural zoned land and uses to the north and west of the subject site.			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 28)			Adopted: 28/11/2022
Zone	Low Density Residential			
Precinct	General Precinct			
Overlays	Airport Environs Overlay Code <ul style="list-style-type: none"> 13km Wildlife Hazard Buffer Zone 			
Infrastructure Charges Resolution	Charges Resolution No. 5			Adopted: 01/03/22
SURROUNDS:				
Direction	Land Use	Zone/Precinct		
North	Rural	Rural Zone / 100 ha minimum Precinct		
East	Residential & Katrina Court	Low Density Residential / General Precinct		
South	Residential	Low Density Residential / General Precinct		
West	Rural	Rural Zone / 100 ha minimum Precinct		
Other Features	NA			
APPLICATION HISTORY				
Application No.	Description	Decision Date	Decision	
Nil				

PROPOSED DEVELOPMENT	
Name of Applicant	Vanderbilt Land 22 Pty Ltd
Type of Application	Reconfiguring a Lot
Proposed Development	Staged Subdivision Two (2) into Fifty-four (54) Lots – 53 Residential Lots, 1 Drainage Reserve Lot and Temporary Access Easement
Variations Sought	Not Applicable
Level of Assessment	Code
Decision Making Period Ends	20 October 2023

CONSULTATION UNDERTAKEN

Referral Agency

Referral Agency (Technical Agency)	Referral Role	Aspect of Development Requiring Referral	Response
Department of State Development, Manufacturing, Infrastructure and Planning	Referral agency	Schedule 10, part 9, division 4, subdivision 1, table 1 (Planning Regulation 2017)	Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advised of no requirements relating to the application – response received 2 June 2023

Internal Referrals

Internal Referral Partner	Referral / Response
Development Engineering and Plumbing	Reviewed application and provided draft conditions for approval.
Development Services Environmental	Reviewed application and provided draft conditions for approval.
Water and Waste	Reviewed application and provided draft conditions for approval.
Parks	Reviewed application and provided draft conditions for approval.
Strategic Planning and Economic Development	Reviewed application and provided draft conditions for approval.
Infrastructure Charges Unit	To prepare an Infrastructure Charges Notice in accordance with <i>Charges Resolution No. 5</i> to accompany an approval of the development.
Waste Collection	Reviewed application and advised that “waste services do not support this design” regarding the temporary turnaround on Lot 1. The proposed temporary turn around shown on the plans has been considered suitable to enable the turnaround of vehicles such as the waste collection vehicle by Development Engineering and Planning. The temporary turn around will be conditioned to be removed at the time the through road connection is facilitated.

ISSUES, RISKS AND RESPONSES – ASSESSMENT

Categorising Instrument – *Planning Regulation 2017*:

PLANNING REGULATION 2017	
<i>Prohibited Development</i>	The proposed development is not prohibited development in accordance with the <i>Planning Regulation 2017</i> .
<i>Infrastructure Charges</i>	The <i>Planning Regulation 2017</i> provides for the levying of infrastructure charges on development approvals.

<i>Schedules 9 and 10</i>	<p>Schedules 9 and 10 categorises particular development and details the relevant assessment benchmarks for development as relevant.</p> <p>Schedule 10, Part 14 of the <i>Planning Regulation 2017</i> prescribes that Reconfiguring a Lot as defined in Part 1 of Schedule 12A (Walkable Neighbourhoods) of the Regulation is assessable development and must be assessed against the Assessment Benchmarks prescribed in Part 2 of Schedule 12A.</p> <p>The proposed development is a Reconfiguring a Lot as defined in Schedule 12A of the Regulation and has been assessed against the relevant Assessment Benchmarks. The proposed reconfiguring a Lot is considered to comply with the relevant Assessment Benchmarks</p>
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REGIONAL PLANS

<i>Shaping SEQ – South East Queensland Regional Plan 2017</i>	<p>The subject site is mapped within the bounds of the <i>Shaping SEQ –South East Queensland Regional Plan 2017</i> (SEQRP). The SEQRP identifies that the subject site is within the Urban Footprint, which is intended to identify the land required for the region’s urban development needs up to 2041.</p> <p>The development application is consistent with the land use intent for the Urban Footprint as it proposes an urban use within the bounds of the urban footprint.</p>
<i>Darling Downs Regional Plan October 2013</i>	Not applicable

STATE PLANNING POLICY (SPP) July 2017

Interests	Assessment Comments
Housing Supply and Diversity	<p>The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP does not include mapping associated with this State Interest.</p> <p>However, the policies identified for this interest in Part E of the SPP generally apply to development proposing the establishment of land for residential development, particularly large subdivisions.</p> <p>Given, that the proposal involves the creation of 53 residential lots the policies identified in Part E of the SPP for this interest apply to the proposed development.</p> <p>the proposed development provides for additional land for housing in an area that is accessible and well-connected to services, employment and infrastructure. The proposed subdivision provides for an appropriate mix of lot sizes consistent with the zoning of the land.</p>
Livable Communities	<p>The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property. However, the assessment benchmarks identified in Part E of the SPP for this interest do not apply to the proposed development.</p> <p>While the assessment benchmarks are not applicable, the State interest policies identified in Part E of the SPP are considered to be relevant to the proposed development. Therefore, the policies have been given due regard as follows:</p> <p>The proposed development consolidates urban development in and around existing settlements and represents the efficient use of established infrastructure and services. The proposed subdivision layout values and nurtures the local landscape character and natural environment and provides for connected pedestrian, cycling and public transport infrastructure networks. Therefore, the proposed development is consistent</p>

	to comply with the State Interest.
Agriculture	The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is not applicable to the subject property.
Development and Construction	<p>The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive (DAMS) mapping which accompanies the SPP does not specifically identify that this interest is applicable to the subject property or identify the subject property as being located with a Priority Development Area.</p> <p>However, the proposed development contributes to a sufficient supply of suitable land for residential development on appropriately zoned land that considers the physical constraints of the land and availability of and proximity to existing essential infrastructure. Therefore, the proposed development complies with the State Interest.</p>
Mining and Extractive Resources	No applicable assessment benchmarks or State interest policies.
Tourism	No applicable assessment benchmarks or State interest policies.
Biodiversity	No applicable assessment benchmarks or State interest policies.
Cultural Heritage	No applicable assessment benchmarks or State interest policies.
Water Quality	No applicable assessment benchmarks or State interest policies.
Emissions and Hazardous Activities	The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is not applicable to the subject property.
Natural Hazards, Risk and Resilience	The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is not applicable to the subject property.
Energy and Water Supply	The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is not applicable to the subject property.
Infrastructure Integration	The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is not applicable to the subject property.
Transport Infrastructure	The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is not applicable to the subject property.
Strategic Airports and Aviation Facilities	The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is not applicable to the subject property.

Local Categorising Instrument – *Toowoomba Regional Planning Scheme 2012*:

- Low Density Residential Zone Code;
- Airport Environs Overlay Code; and
- Reconfiguring a Lot Code.

The development was assessed against all of the assessment benchmarks listed above and is considered to comply except as follows:

ZONE CODE/S:

Low Density Residential Zone Code	
Performance Outcome	Acceptable Outcome
<p><i>PO₁₄</i> <i>The site layout responds sensitively to adjoining land uses as well as on-site and surrounding topography, drainage patterns, utility services, access, built forms and vegetation such that:</i></p>	<p><i>No acceptable outcome is nominated.</i></p>

<p>(a) any hazards or nuisance to people or property on the site or offsite are avoided;</p> <p>(b) any earthworks are minimised and design alternatives are prioritised over earthworks;</p> <p>(c) natural drainage lines are retained;</p> <p>(d) existing vegetation is retained or replaced;</p> <p>(e) damage or disruption to sewer, stormwater and water infrastructure is avoided; and</p> <p>(f) there is adequate buffering, screening a separation to adjoining development.</p>	
<p>Alternate Outcome</p>	
<p>The applicant submits:</p> <p>“Complies: This development application for Reconfiguring a Lot has been designed to address surrounding topography, drainage patterns, utility services, access, built form and vegetation. Refer to the Engineering Infrastructure Report at Appendix D. With respect to the latter, it is noted that mature vegetation will be removed from the development site area and will be compensated through the establishment of street trees along all new and existing roads.”</p>	
<p>Officer Comment</p>	
<p>The adjoining land to the north and west of the subject site is identified as Agricultural Land within the Rural Zone under the <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28) and currently contains existing rural uses. The proposed development results in sixteen (16) lots directly adjoining these existing rural uses which are not identified within the Priority Infrastructure Area (PIA). The application material did not clearly demonstrate how the proposed site layout responds sensitivity to adjoining land uses, as well as on-site and surrounding topography.</p> <p>In response to Council’s Information Request the applicant provided an amended site layout plan that detailed a 10m wide buffer along the northern and western boundaries which precludes the construction of habitable buildings. Conditions have been recommended requiring a covenant be registered over Lots 1 and 20-35 until such time that the adjoining northern and western lots are subdivided or developed for residential purposes, or developed for other compatible land uses as agreed to in writing by Council.</p> <p>Additionally, it has been considered reasonable and relevant to recommend conditions requiring the construction of an acoustic fence along the full extent of the northern and western boundaries. The acoustic fence has been conditioned as a mechanism to limit spray drift, and reduce air quality and acoustic impacts from the existing cropping activities and stables on the adjoining land.</p> <p>The proposed development is recommended to be conditioned in a manor that is anticipated to achieve compliance with the outcomes sought in Performance Outcome PO₁₄ of the Low Density Residential Zone Code.</p>	
<p>Performance Outcome</p>	<p>Acceptable Outcome</p>
<p>PO₁₅ Development maintains a high level of residential amenity within the site and for surrounding areas, having regard to noise, odour, lighting, access to sunlight, privacy and outlook.</p>	<p>No acceptable outcome is nominated.</p>
<p>Alternate Outcome</p>	
<p>The applicant submits:</p> <p>“N/A: The development application is for Reconfiguring a Lot and does not include new buildings or structures.”</p>	
<p>Officer Comment</p>	
<p>Refer to the above Officer Oomment in response to to Performance outcome PO₁₄ of the Low Density Residential Zone Code.</p>	

DEVELOPMENT CODE:

Reconfiguring a Lot Code	
Performance Outcome	Acceptable Outcome
<p>PO₄ <i>All new lots provide sufficient area, frontage and dimensions, and road access that enable their future development to achieve relevant outcomes in applicable Use, Zone, Overlay, and Other Development Codes in relation to:</i></p> <ul style="list-style-type: none"> (a) dwellings, buildings and/or other structures (b) setbacks ; (c) landscaping; (d) on site car parking and vehicle access; (e) recreation areas (private open space); (f) cultural heritage and character streetscape values; (g) other design criteria. <p>Editors note:</p> <ul style="list-style-type: none"> (a) Setback considerations include solar access, privacy and amenity of residents and adjoining neighbours, on-site effluent disposal. (b) A building envelope may demonstrate suitability to accommodate future development. 	<p>AO_{4.1} <i>All lots are rectangular and have minimum width to depth ratios, areas, dimensions and frontages as prescribed in Table 9.4.5:4.</i></p>
Alternate Outcome	
<p>The applicant submits:</p> <p>“Complies: All lots are rectangular and generally have minimum width to depth ratios, areas, dimensions and frontages as prescribed in Table 9.4.5:4.”</p>	
Officer Comment	
<p>All proposed residential lots achieve the minimum lot size prescribed in Table 9.4.5:4 for lots in the Low Density Residential Zone however, owing to the irregular shape of proposed lot 52 being the excerpt of the existing dwelling house not all of the created lots will be rectangular in shape. As full compliance with Acceptable Outcome AO_{4.1} is not achieved assessment against the corresponding Performance Outcome has been undertaken below.</p> <p>In response to Council’s Further Advice amended site layout plans were submitted which included indicative building envelope locations and identified the conditioned 10m wide buffer for proposed lots 1 and 20 – 35. It is considered that the proposed allotments are able to cater for the future development of a dwelling house, associated ancillary structures.</p> <p>The proposed development is considered to integrate into the existing development pattern of the local and provide lots which are able to be developed in future for the intended purpose within the zone. Therefore, the development is considered to comply with Performance Outcome PO₄ of the Reconfiguring a Lot Code. In addressing the above the development is also considered to comply with Performance Outcomes PO₂, PO₃ and PO₂₆ of the Reconfiguring a Lot Code.</p>	
Performance Outcome	Acceptable Outcome
<p>PO₄ <i>Street blocks and lot types are generally rectilinear and arranged to provide:</i></p> <ul style="list-style-type: none"> (a) an efficient neighbourhood pattern, that supports walking cycling and public transport use; (b) the highest densities are located around open space, amenity 	<p><i>In partial fulfilment of the performance outcome</i></p> <p>AO_{4.3} <i>Street blocks fronting local streets do not exceed 100m in length.</i></p>

<p><i>features or other focal points; and</i></p> <p><i>(c) a mix of lot sizes which provide a wide choice in affordable and accessible housing and achieve streetscape variety.</i></p>	
<p>Alternate Outcome</p>	
<p>The applicant submits:</p> <p>“Complies: <i>The proposed development complies with the requirements of AO4.1-4.3.”</i></p>	
<p>Officer Comment</p>	
<p>The proposed site layout results in a street block which exceeds 100m in length. Specifically, the layout of Lot 52 results in block lengths with no change of direction or variation in elements with a maximum length of approximately 169.6m. As such, assessment against the corresponding Performance Outcome PO₄ has been undertaken below.</p> <p>The proposed development including the lot design, yield and layout results in a logical pattern and sequence of development in keeping with the established character of the locale and zone.</p> <p>Despite the proposed street block lengths which exceed 100m in length, due to the topography of the site and new road layout there are considered to be noticeable changes in direction or variation of elements throughout the development achieving the intended outcome.</p> <p>Therefore, the proposed development is considered to comply with Performance Outcome PO₄ of the Reconfiguring a Lot Code.</p>	
<p>Performance Outcome</p>	<p>Acceptable Outcome</p>
<p>PO₂₈ <i>Reconfiguration caters for the extension of public transport routes by locating the highest likely public transport ‘trip generating’ land uses in the vicinity of existing or potential public transport routes, where this is consistent with the intended character of the zone or precinct in which the land is located.</i></p>	<p>AO_{28.1} <i>Except in the rural zone and the rural residential zone, at least 90% of proposed lots are within 400m safe walking distance from an existing or potential bus route or 500m walking distance of an identified bus stop.</i></p>
<p>Alternate Outcome</p>	
<p>The applicant submits:</p> <p>“Performance Solution: <i>The subject land is not in an area serviced by public transport with the closest public bus stop located near the Westbrook Central shopping centre, approximately 600 metres to the south-east of the site.”</i></p>	
<p>Officer Comment</p>	
<p>The existing residential suburb of Westbrook is not serviced by public transport therefore, the proposed development is not able to comply with the requirements sought in Acceptable Outcome AO_{28.1}. Consideration has been given to the existing suburb and it is deemed that the proposed development does not require public transport access given the nature of the existing residential area.</p> <p>Despite the above, it is considered that the proposed development has been designed in a manner that would allow for future public transport in the event this is made available to the area.</p> <p>Therefore, the proposed development is considered to meet the outcome sought by Performance Outcome PO₂₈ of the Reconfiguring a Lot code being consistent with the intended character of the land.</p>	
<p>Performance Outcome</p>	<p>Acceptable Outcome</p>
<p>PO₃₃ <i>Reconfiguration provides for sufficient buffering to minimise impacts on accommodation activities and other sensitive land uses from nearby incompatible uses.</i></p>	<p><i>No acceptable outcome is nominated.</i></p>
<p>Alternate Outcome</p>	
<p>The applicant submits:</p> <p>“Complies: <i>The proposed residential lots will not be in proximity to incompatible land uses. It is noted the small rural holding to the north at 75 Crockers Road (6.4ha) used for agricultural purposes and the rural</i></p>	

*land to the west at 28 Bunkers Hill School Road used for horse grazing purposes, are located in the Urban Footprint designation of the South East Queensland Regional Plan; refer to **Figure 5**. This designation indicates the State's intention that the adjoining land is to be developed for urban purposes in the future."*

Officer Comment

Refer to the above Officer Comment regarding Performance outcome PO₁₄ of the Low Density Residential Zone Code.

Local Categorising Instrument – Variation Approval:

Not Applicable

Local Categorising Instrument – Temporary Local Planning Instrument:

Not Applicable

Local Categorising Instrument – Preliminary Approval:

Not Applicable

Local Categorising Instrument – Local Government Infrastructure Plan:

The site is located within Council's identified Priority Infrastructure Area. The proposed development is consistent with the planning assumptions in the LGIP.

Other Relevant Matters

Not Applicable

FINANCIAL / RESOURCE IMPLICATIONS

Infrastructure charges will be applied in accordance with *Council's Charges Resolution No.5*.

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 sections of the *Human Rights Act 2019*:

Section 15 – Recognition and equality before the law

Section 24 – Property rights

Section 25 – Privacy and reputation

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

CONCLUSION

The development has been assessed with regard to the applicable assessment benchmarks as identified within this report and the attached Statement of Reasons (refer to Schedule 1). The proposed development generally complies with the assessment benchmarks or it can be conditioned to comply. Where the applicant has not provided sufficient information, conditions have been imposed to ensure compliance. It is therefore recommended that the development application be approved subject to the conditions identified above.

ATTACHMENT/S

Attachment 1 of 8 Stage 1 Allotment Layout

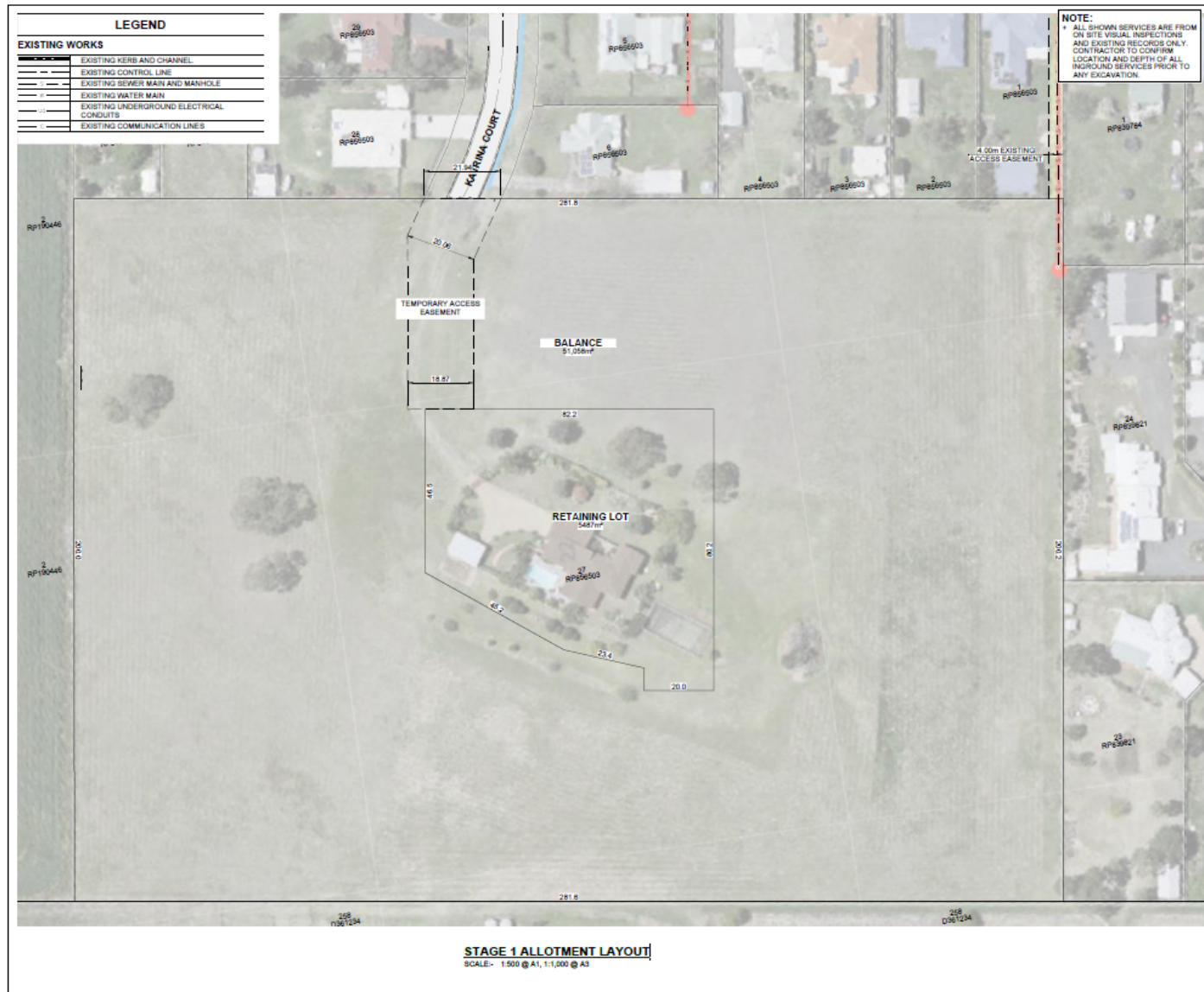
Attachment 2 of 8 Stage 2 Allotment Layout

Attachment 3 of 8 Dual Occupancy Lots Layout

SCHEDULES

- Schedule 1 Concurrence Agency Response
- Schedule 2 Statement of Reasons

ATTACHMENT 1



NOTE:
 ALL SHOWN SERVICES ARE FROM ON SITE VISUAL INSPECTIONS AND EXISTING RECORDS ONLY. CONTRACTOR TO CONFIRM LOCATION AND DEPTH OF ALL INGROUND SERVICES PRIOR TO ANY EXCAVATION.

LEGEND
EXISTING WORKS
 - - - - - EXISTING KERB AND CHANNEL
 - - - - - EXISTING CONTROL LINE
 - - - - - EXISTING SEWER MAIN AND MANHOLE
 - - - - - EXISTING WATER MAIN
 - - - - - EXISTING UNDERGROUND ELECTRICAL CONDUITS
 - - - - - EXISTING COMMUNICATION LINES

DATEM
 PSM
 RL

DRAWING ISSUE

ISSUE	DATE	DETAILS	INITIAL
P1	13.04.23	FOR APPROVAL	
A	13.04.23	FOR APPROVAL	PJS
B	09.08.23	SP1 RESPONSE	GSP



PRELIMINARY
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 DATE 09.08.23 03:21 PM

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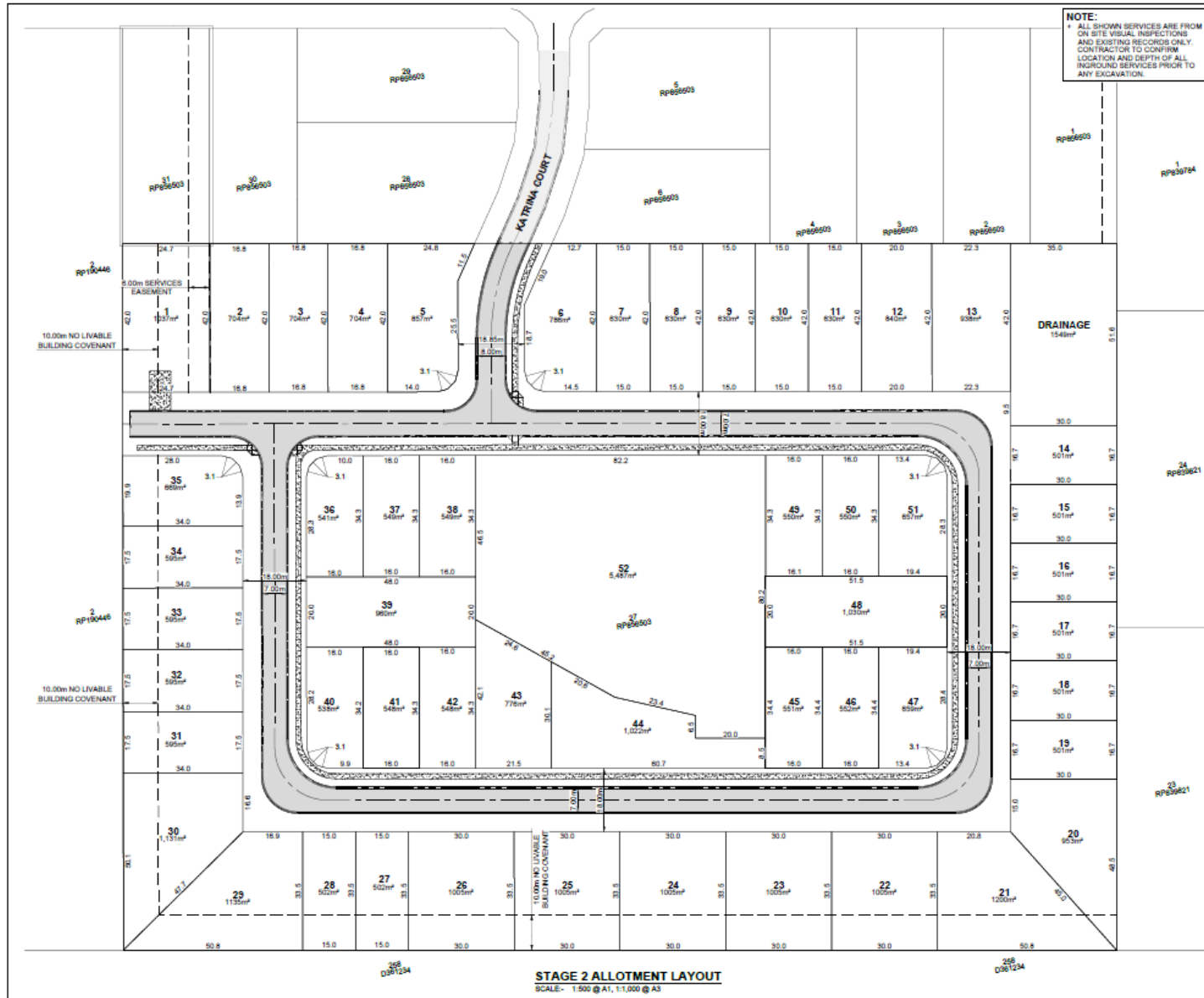
CLIENT
 VANDERBILT LAND 22 PTY LTD

PROJECT
 KATRINA COURT SUBDIVISION

DRAWING TITLE
 STAGE 1 ALLOTMENT LAYOUT

DESIGN	20P	ORIGINAL SIZE	A1
DRAWN	20P	PROJECT NUMBER	C223164
CHECKED	60P	DRAWING NUMBER	DA01
APPROVED	RPE0 # 0200	DATE	09.08.23
		ISSUE	B

ATTACHMENT 2



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DATUM
 PGM
 RL

ISSUE	DATE	DETAILS	INITIAL
A	13.04.22	FOR APPROVAL	PLB
B	09.06.23	RPI RESPONSE	GRP
C	07.08.23	FOR INFORMATION	---
D	19.09.23	RPI RESPONSE	GRP

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 SCALE 1:1,000 @ A3

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PROJECT
 KATRINA COURT SUBDIVISION

DRAWING TITLE
 STAGE 2 ALLOTMENT LAYOUT

DESIGN	jsh*	ORIGINAL SIZE	A1
DRAWN	jsh*	PROJECT NUMBER	C2223184
CHECKED	gr*	DRAWING NUMBER	DA02
APPROVED	gr*	ISSUE	D
DATE	19/09/23		

ATTACHMENT 3



LEGEND

PROPOSED WORKS

- PROPOSED LAYBACK KERB AND CHANNEL
- PROPOSED ROAD CONTROL LINE
- PROPOSED LOT FOR DUAL OCCUPANCY OR DWELLING HOUSE

DATE:
PSM
RL

ISSUE	DATE	DETAILS	INITIAL
P1	13.04.23	FOR APPROVAL	
A	13.04.23	FOR APPROVAL	PJS
B	16.08.23	R1 RESPONSE	GSP
C	19.09.23	R1 RESPONSE	GSP

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PROJECT
KATRINA COURT SUBDIVISION

DRAWING TITLE
DUAL OCCUPANCY LOTS LAYOUT

DESIGN	shp	ORIGINAL SIZE	A1
DRAWN	shp	PROJECT NUMBER	C2223184
CHECKED	gsp	DRAWING NUMBER	DAD3
APPROVED	RPG # GSP	DATE	19/09/23
DATE	19/09/23	ISSUE	C

SCHEDULE 1

Concurrence Agency Response/s



SARA reference: 2305-34438 SRA
 Council reference: RAL/2023/1511
 Applicant reference: 2022-508

2 June 2023

Chief Executive Officer
 Toowoomba Regional Council
 PO Box 3021
 TOOWOOMBA QLD 4350
 development@tr.qld.gov.au

Attention: Katrina Christensen

Dear Ms Christensen

SARA referral agency response— 22 Katrina Court and 34 Crockers Road, Westbrook

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 3 May 2023.

Response

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

Development details

Description:	Development permit	Reconfiguring a lot – Staged subdivision for 52 lots and access easement
SARA role:	Referral agency	
SARA trigger:	Schedule 10, part 9, division 4, subdivision 1, table 1 (Planning Regulation 2017)	
	Development impacting on state transport infrastructure	
SARA reference:	2305-34438 SRA	

Assessment manager: Toowoomba Regional Council
Street address: 22 Katrina Court and 34 Crockers Road, Westbrook
Real property description: Lot 27 on RP856503 and Lot 31 on RP856503
Applicant name: Vanderbilt Land 22 Pty Ltd, C/- Precinct Urban Planning
Applicant contact details: PO Box 3038
Toowoomba QLD 4350
paul@precinctplan.com.au

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

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (section 30 of the Development Assessment Rules). Copies of the relevant provisions are in **Attachment 3**.

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

For further information please contact Judy Sandmann, Senior Planning Officer, on (07) 3432 2405 or via email lpswichSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Kieran Hanna
A/Manager

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations about a referral agency response provisions

cc Vanderbilt Land 22 Pty Ltd, C/- Precinct Urban Planning, paul@precinctplan.com.au

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP), (version 3.0). If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

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

The reasons for SARA's decision are:

The development complies with State code 6: Protection of state transport networks of the SDAP (version 3.0). Specifically, the development:

- does not compromise existing safe and direct access to public passenger transport infrastructure, including access by cycling and walking.
- does not create a safety hazard for users of a state-controlled road
- does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The SDAP (v3.0), as published by SARA
- The Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*

Attachment 3— Representations about a referral agency response provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

SCHEDULE 2

Statement of Reasons

Statement of Reasons
Section 63(4) and (5) of the *Planning Act 2016*

SITE DETAILS	
Site Address	22 Katrina Court and 34 Crockers Road, WESTBROOK QLD 4350
Real Property Description	Lot 27 on RP856503 & Lot 31 on RP856503
Site Area	56380m ² & 1507m ²
Owner	Glen R Holmes and Lorraine P Holmes

PROPOSED DEVELOPMENT	
Name of Applicant	Vanderbilt Land 22 Pty Ltd
Type of Application	Reconfiguring a Lot
Proposed Development	Staged Subdivision being Two (2) into Fifty-four (54) Lots – 53 Residential Lots, 1 Drainage Reserve Lot and Temporary Access Easement
Level of Assessment	Code
Decision	Approval
Decision Date	20 October 2023

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 (as relevant); • The Local Government Infrastructure Plan; and • <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28) <ul style="list-style-type: none"> ○ Low Density Residential Zone Code ○ Airport Environs Overlay Code ○ Reconfiguring a Lot Code
Relevant matters	The development was assessed against all of the assessment benchmarks listed above and complies with all of these 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: <http://www.tr.qld.gov.au/payments-self-service-laws/web-apps/pdonline/8892-planning-and-development-online>. When accessing Council's website please use the following Application Number: RAL/2023/1511