

Our Reference: MCUC/2012/6228 &  
RAL/2012/6226  
Contact Officer: Nikki Morrison  
Contact: Oakey Office, (07) 4692 0122

**Development Application Decision Notice  
APPROVAL**

*Sustainable Planning Act 2009 Section 334*

Wagner Investments Pty Ltd  
C/- Precinct Urban Planning  
PO Box 3038  
TOOWOOMBA VILLAGE FAIR QLD 4350

4 November 2013

Dear Sir/Madam

**Location:** 1215 and 1511 Toowoomba Cecil Plains Road, WELLCAMP QLD 4350  
**Property Description:** Lot 17 SP190234 and EMT J SP244216  
**Relevant Planning Scheme:** Toowoomba Regional Planning Scheme 2012

The Development Application for Material Change of Use (Code) for a Warehouse; and Reconfiguring a Lot (Code) for a One (1) into Two (2) Lot Subdivision, for the abovementioned property has been assessed and approved with Conditions. The decision was made on 1 November 2013. The following provides all the relevant details:

**Details of Approval**

Development Permit – Material Change of Use – Code – Warehouse; and  
Development Permit – Reconfiguring a Lot – Code – One (1) into Two (2) Lots

**Referral Agencies**

Concurrence Agencies Name & Address: Department of Transport and Main Roads  
Program Delivery and Operations  
Locked Bag 1  
WARWICK QLD 4370

Advice Agencies Name & Address: N/A

**Conditions and Advices**

Assessment Manager's Conditions: As per attached Schedule 1 & 2

Concurrence Agency Conditions: As per attached Schedule 3

**Further Development Permits and/or Compliance Permits Required**

- Building Works Permit
- Plumbing and Drainage Permit
- Operational Works Permit
- Compliance Certificate for Survey Plan

**Rights of Appeal**

Attached is an extract from the *Sustainable Planning Act 2009* which details your appeal rights regarding this decision.

Yours faithfully

.....  
Richard Green  
Senior Planner, Development Assessment



# TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

## SCHEDULE 1

### DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE (CODE)

<b>APPLICATION NUMBER:</b>	MCUC/2012/6228 & RAL/2012/6226
<b>APPLICANT:</b>	Wagner Investments Pty Ltd
<b>LOCATION:</b>	1215 and 1511 Toowoomba Cecil Plains Road, WELLCAMP
<b>PROPERTY DESCRIPTION:</b>	Lot 17 SP190234 and EMT J SP244216
<b>APPROVED USE:</b>	Warehouse
<b>ZONING / PRECINCT:</b>	Low Impact Industry/Medium Impact Industry/High-Impact Industry

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

##### GENERAL/PLANNING

##### APPROVED USE AND INTENSITY

1. This development permit is for a Material Change of Use for a Warehouse for the outdoor storage of shipping containers and general storage as shown on the Site Plan, prepared by Aspect Architects and Project Managers and dated 1 May 2012. The use also includes 162m<sup>2</sup> of ancillary office space and staff amenity buildings.
2. This Development Permit does not imply or comprise an approval for any use(s) other than those listed in Condition 1.
3. The approved use must not commence prior to the issue of a Compliance Certificate for the Plan of Survey as required by conditions of this approved (Schedule 2).

##### CARRY OUT AND MAINTAIN DEVELOPMENT

4. 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 are not varied by this approval.
5. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
6. Complete all building work associated with this development approval, including work required by any of the conditions of this approval prior to the commencement of use. Such building work is to be carried out generally in accordance with the approved and amended plans and documents and, where the building work is assessable development, in accordance with a current development permit.
7. The development must be maintained in accordance with the Approved Plans and Approved Documents subject to or modified by any conditions of this approval.

## APPROVED AND AMENDED PLANS

8. The development must be carried out generally in accordance with the Approved Plans listed below, subject to the conditions of this approval and the amendments listed below:

**Plan No:** 12-0906

**Description:** Site Plan, sheet A.000, prepared by Aspect Architects and Project Managers, dated 1 May 2013 and received by Council on 10 September 2013.

**Amendments:** Nil

**Plan No:** 12-0906

**Description:** Site Locality Plan, sheet A.001, prepared by Aspect Architects and Project Managers, dated 1 May 2013 and received by Council on 10 September 2013.

**Amendments:** Nil

**Plan No:** 12-0906

**Description:** Site Coverage Plan, sheet A.002, prepared by Aspect Architects and Project Managers, dated 1 May 2013 and received by Council on 10 September 2013.

**Amendments:** Nil

**Plan No:** 12-0906

**Description:** Office, Lunchroom & Amenity Floor Plan, sheet A.100, prepared by Aspect Architects and Project Managers, dated 8 May 2013 and received by Council on 10 September 2013.

**Amendments:** Nil

**Plan No:** 12-0906

**Description:** Elevations – North and West, sheet A.200, prepared by Aspect Architects and Project Managers, dated 8 May 2013 and received by Council on 10 September 2013.

**Amendments:** Nil

**Plan No:** 12-0906

**Description:** Elevations – South and East, sheet A.201, prepared by Aspect Architects and Project Managers, dated 8 May 2013 and received by Council on 10 September 2013.

**Amendments:** Nil

## COUNCIL APPROVAL OF DOCUMENTS AND WORKS

9. Prepare and submit applications to Council and obtain development permits to carry out operational work for the following in accordance with the conditions of this approval:

9.1 Bulk Earthworks, including erosion and sediment control measures;

9.2 Water Supply; and

9.3 Waste Water Management.

## APPROVED DOCUMENTATION

10. A legible copy of the Approved Plans and Approved Documents bearing Council's approved stamp of endorsement and the Decision Notice must be available on the subject land and available for inspection at all times during construction and earthworks.

## ENGINEER'S CERTIFICATION/SUPERVISION OF WORKS

11. Plans and specifications for all works associated with car parking and vehicular access, stormwater drainage, sewer protection, or any works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland – Civil (RPEQ).

12. 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 Certificate of Supervision, and a copy of the Supervision Certificate must be submitted to Council upon completion of the works.
13. 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.

#### **STAGED DEVELOPMENT**

14. Staging of the development is to occur in accordance with the staging indicated on the approved Site Plan prepared by Aspect Architects and Project Managers, and dated 1 May 2013 subject to and modified by any conditions of this approval.
15. Stages must be completed in sequential order (i.e. Stage 1 must be completed before Stage 2) as identified on the approved Site Plan prepared by Aspect Architects and Project Managers, and dated 1 May 2013, or may be combined and constructed at one time, subject to all conditions applicable to the relevant stage/s being complied with.
16. All stages must be completed within four (4) years of the development approval taking effect.

#### **EROSION AND SEDIMENT CONTROL**

17. All works necessary to control erosion and sedimentation and/or the loss and movement of soil during the period of construction must be provided. All disturbed areas must be mulched or turfed/grassed as soon as possible during construction.

*Note: Such works may include, but may not necessarily be limited to, the construction of sediment fences, earth berms and temporary drainage designed to prevent sediment being transported to adjoining properties, roads and/or drainage systems.*

18. Erosion and sedimentation controls must be implemented, maintained and adapted as necessary at all times during the course of the construction period generally in accordance with an E&SC Management Plan. If at any time the proposed controls prove to be ineffective then Council requires the installation of additional erosion and sedimentation control measures.
19. Public roads and footpaths must be safe for public use at all times. Protection of public roads, footpaths and drainage systems from erosion, and removal of sediment immediately when it occurs, must occur at all times during the construction period. Any damage or interference due to erosion or sedimentation must be repaired or cleaned up immediately when it occurs at no cost to Council to remove potential hazard to pedestrians and/or passing traffic.

#### **SEWERAGE INFRASTRUCTURE**

20. Prior to, or at the time of lodgement, of the Operational Works application for the proposed development, a Waste Water Management Plan, prepared by a registered professional engineer, must be lodged with Council for review and endorsement. The report must include:
  - 20.1 A preliminary design for sewers, to Council's sewer reticulation standards, for lots in the proposed cul-de-sac;
  - 20.2 The intended portion/extent of the Wellcamp Business Park to be serviced by the proposed Utility Installation (Sewerage Treatment Plant); and
  - 20.3 A strategy for the connection of the whole of the subject land (i.e., the Wellcamp Business Park) to Council's sewerage system/relevant sewage treatment facility.
21. Construct an internal waste water drainage (sewerage reticulation) system to serve the proposed lots in accordance with the requirements of Council's Waste Water Infrastructure Policy 2.04 and other relevant standards:

- 21.1 The internal system must be connected to Council's existing sewerage reticulation system or to a holding tank/pump-out system (of a size determined appropriate by Council) for decanting to tanker and disposal offsite;
- 21.2 If disposal to a Council waste water receiving facility is proposed, then monitoring and testing of the collected waste water effluent must be provided. A monitoring and testing program must be lodged as part of the operational works application for the proposed development;
- 21.3 All works and operations relating to the collection and disposal of the waste water must be undertaken at no cost to Council; and
- 21.4 The waste water drainage system must be installed to a design and standard to suit future connection to a reticulated sewerage system, compliant with the requirements set out under Council's Waste Water Infrastructure Policy 2.04, the Plumbing and Drainage Act and subsequent legislation adopted by Council for the disposal of waste water by reticulated systems.

*Note: On-site waste water treatment and disposal is not approved for this location. This is consistent with the original approval for the site (MCU/06/037) which required disposal of waste water to a reticulated sewerage system. Waste water disposal to a reticulated sewerage system must ultimately be provided to each site within this development at no cost to Council.*

*Council's waste water priority infrastructure plan (PIP) currently indicates infrastructure priority between 2026 and 2031 for the area. Further, there has been no determination in relation to the private waste water treatment plant application to service sections of the land to the west of the subject site(s).*

*When a reticulated waste water system (Council or otherwise approved by Council) is available provided for connection/drainage of waste water from the site, the development must be connected to that system at no cost to Council. Council will determine the point of connection for the site.*

22. All trade waste must be collected independently of the above waste water and delivered to a separate storage facility. Monitoring, testing and volume measurement (metering) will be required by Council for all trade waste proposed for disposal to a Council receiving facility and that may ultimately intend to discharge trade waste to future private or Council sewers.

*Note: Council's Trade Waste Section will provide additional information in relation to trade waste requirements.*

## **WATER SUPPLY INFRASTRUCTURE**

23. All water supply work must be carried out in accordance with Council's Water Infrastructure Policy 2.03.
24. The proposed development must be connected to Council's reticulated water supply in accordance with Council's Planning Scheme and Planning Scheme Policy requirements.
25. Water mains must be designed and constructed to a size not less than DN150 in accordance with the minimum requirement for industrial subdivisions.
26. Network capacity to fight fires must be provided in accordance with Council Policy including the DNRM/DERM Guidelines, Chapters 5/6 - Network Modelling. Provision for fire flow must be made in accordance with 'Flow Provision - General Urban Category' (Section 5.7.6) for commercial/industrial buildings (30L/s for a 4 hour duration with required residual pressures).
27. A water main, not smaller than DN150, must be provided to complete a loop main to service the development on proposed Lot 75. The loop must include mains along each cul-de-sac street proposed east of the entry road, connection between the mains at each cul-de-sac head and connections to the water main in the entry road at each proposed cul-de-sac intersection.

Note: *This condition is imposed because initial assessment of the water supply indicates that the required supply performance cannot be achieved with a water main terminating in the cul-de-sac. A (future) pathway will be required on proposed Lot 17, generally along the western side of proposed Lot 75, to the proposed (future) cul-de-sac road north of Lot 75. Refer other conditions relating to layout amendments and easements.*

28. A minimum DN300 water main must be provided along the entry road from the Toowoomba-Cecil Plains Road to at least the southern side of proposed Lot 1 shown on Kehoe Myers plan C1213050 Dwg No P01A. A minimum DN250 water main must be provided south of this point.
29. A new metered water service connections must be provided to proposed Lot 75, and provision made for a future connection to proposed Lot 1, in accordance with the requirements for development set out under Council's Water Infrastructure Policy 2.03. The work must be undertaken by Council at no cost to Council.
30. As part of the operational works application for the proposed development, design of all water mains for the provision of water along the entry road, cul-de-sac and easement (for loop connection) and connection to the main in Toowoomba-Cecil Plains Road (refer OW/2012/6066) must be lodged for approval. The design must include all necessary calculations/modeling to establish fire fighting capacity in the system. All water mains infrastructure must be designed and constructed in accordance with Council's Water Infrastructure Policy 2.03 at no cost to Council.

Note: *Connection of the entry road main to the Toowoomba-Cecil Plains Road main will not be made until the water main construction approved under Op Works application OW/2012/6066; has been approved and accepted on maintenance by Council.*

31. Ensure that any barricades constructed on the footpath do not impede the access of water or fire personnel to vital control structures (e.g. valves, fire hydrants and sewer access chambers).
32. Unless able to be used as part of the development, any existing connection must be disconnected at the applicant's expense.
33. Design details for the internal and external water supply works, must be submitted to, and approved by, Council prior to the works being carried out. The design and the construction of the works must be certified by a Registered Professional Engineer Queensland – Civil with the following provided:
  - 33.1 Design Certificate must be submitted with the application; and
  - 33.2 A Construction Supervision Certificate must be submitted at the completion of the approved works.

## **STORMWATER QUALITY AND FLOW MANAGEMENT**

34. Stormwater run-off from roof and developed surface areas, and any run-off onto the site from adjacent areas, is to be collected internally and directed to the underground stormwater drainage system in the proposed cul-de-sac and/or other suitable discharge point subject of design in accordance with the relevant standards in PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure, and where applicable, SPP 4/10 Healthy Waters.

## **BULK EARTHWORKS**

35. Prepare and submit to Council an application for a development permit to carry out operational work for filling and excavation for bulk earthworks, and obtain Council's approval for all bulk earthworks for the development in accordance with the following requirements:
  - 35.1 The earthworks and any associated batter/s and retaining wall/s must be designed in accordance with the relevant standards in PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure with detailed plans submitted;

- 35.2 Proposed earthworks, batter and retaining walls must be designed to:
- (i) Avoid any adverse impacts on existing retaining walls, structures and services within the vicinity;
  - (ii) Be fully contained within the subject land (including any associated subsoil drainage, drainage backfill material, ground/rock anchors, geogrid and footings) and must not in any way impact on the properties or road reserve adjoining the subject land; and
  - (iii) Ensure any proposed retaining walls do not impede, concentrate or pond stormwater from adjoining properties;
- 35.3 Provide details of the source and location of material to be imported or removed from the site including:
- (i) Details of the location of any material to be sourced for fill, including the volume of fill to be moved from any particular source site;
  - (ii) Details of the final location for any material to be exported from the site from excavations;
  - (iii) The haulage route/s that will be used. Approval for the haulage truck sizes and the final haul route(s) is to be obtained prior to works commencing; and
  - (iv) Details identifying the source/disposal site(s) for material imported/exported as part of the development. The site(s) must have a current development approval enabling them to export/accept any material; and
- 35.4 The design of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil and a design certificate must be submitted with the application.
- Note: Council's approval is required on the basis of the higher risk earthworks involving cut/fill varying the existing ground level greater than 1.0 metre in height and/or involving a volume of cut or fill greater than 50 cubic metres which is assessable operational work under the Toowoomba Regional Planning Scheme.*
36. The construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil and a construction supervision certificate must be submitted at the completion of the approved works on the site.
37. Contaminated material must not be used as fill on the subject land. Any filling must be undertaken using inert materials only.

#### **ACCESS FOR PEOPLE WITH DISABILITIES**

38. Access must be provided for people with disabilities in accordance with *Australian Standard AS1428.1: Design for Access and Mobility* by means of an unimpeded continuous path of travel from any adjacent roadway, adjoining public open space and from any disabled access car parking bay, to all parts of the development that are normally open to the public.

#### **PROVISION OF VEHICULAR ACCESS**

39. The proposed vehicle access from the site to the cul-de-sac carriageway must be sealed from the street kerb to the property boundary. The access must be designed by a Registered Professional Engineer Queensland (RPEQ) – Civil and must include the provision of adequate access width and flares to suit the proposed entry and exit manoeuvres. Such works must include any requirements identified as part of any traffic report for the development, or as specifically required below:
- 39.1 The proposed access must be constructed in accordance with Council's PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure *and Australian Standard AS 2890.1 – Off Street Car Parking* (and *Australian Standard AS2890.2* where relevant);
  - 39.2 The property access must align neatly on both sides with the pedestrian footpath and verge with a maximum cross fall of 2.5%. Where there is an existing pedestrian path, a matching crossfall must be provided; and

- 39.3 The property access must be located a minimum of one (1) metre clear of streetlight poles or other signage.
- 40. The design and the construction of the works must be certified by a RPEQ – Civil as follows:
  - 40.1 A design certificate must be submitted prior to the commencement of any works on site; and
  - 40.2 A construction supervision certificate must be submitted at the completion of the works.

#### **ON-SITE CAR PARKING, SERVICE BAYS AND MANOEUVRING**

- 41. The premises must be provided with a minimum of three (3) on-site car parking spaces, together with standing and manoeuvring for the design service vehicles. Car parking and manoeuvring areas must be:
  - 41.1 Provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in Council's PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure and AS2890 - *Parking Facilities*;
  - 41.2 Designed and constructed in accordance with the requirements of AS2890.1;
  - 41.3 Designed to ensure disabled car parking spaces are located in close proximity to a primary building entrance and meet the requirements of AS2890.1 Clause 2.4.5 and AS1428.1 Clause 1.7.2 and AS2890.6:2009 as applicable;
  - 41.4 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the site;
  - 41.5 Designed to enable all vehicles to enter and leave the site in a forward gear (unless approved otherwise by Council);
  - 41.6 Kept and used exclusively for vehicle parking and manoeuvring; and
  - 41.7 Accessible and available to staff (and the general public as applicable) during approved hours of operation.
- 42. The premises must be provided with a services bay/s for the relevant design service vehicles required for the site. The design and provision of manoeuvring areas and loading/unloading facilities for service vehicles is to be in accordance with *AS 2890.2 – 1989 – Off Street Parking – Commercial Vehicle Facilities*.
- 43. Certified drawings demonstrating compliance with the above conditions and the relevant codes in the Toowoomba Regional Planning Scheme must be submitted to Council for endorsement prior to the issue of a Development Permit for Building Works for the proposed development.
- 44. The car parking and manoeuvring areas are to be maintained for this purpose for the duration of the use approved by this application.
- 45. All shipping container and outdoor storage areas must be provided with a sealed surface.

#### **AMENITY**

##### **LANDSCAPING**

- 46. Submit for compliance assessment in accordance with Conditions 46-49, a Landscape Plan for all landscaping associated with the development in accordance with the following requirements:
  - 46.1 The landscape plan must be prepared by a suitably qualified and experienced Landscape Architect, horticulturist, or other person experienced in landscape design and construction in accordance with the applicable requirements in table 9.3.4:7 of the Landscape Code in the *Toowoomba Regional Planning Scheme*;

- 46.2 The Landscape Plan must address the applicable acceptable outcomes or performance outcomes of the Landscape Code and any other relevant landscaping requirements applicable to the development in the *Toowoomba Regional Planning Scheme*;
- 46.3 The Landscape Plan must detail:
- (i) The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site;
  - (ii) The number and size of plants; and
  - (iii) The typical planting detail including preparation, backfill, staking and mulching;
- 46.4 The Landscape Plan must be submitted to and approved by Council prior to the commencement of the landscape works on the subject land; and
- 46.5 The Landscape Plan must nominate the applicable landscaping to be completed in accordance with each stage of the development.
47. Prepare and landscape the subject land in accordance with the approved Landscape Plan or as otherwise approved in writing by the Manager, Development Assessment. Any amendments approved in writing by the Manager, Development Assessment are taken to be a part of the approved Landscape Plan.
48. Landscaping provided within the front boundary setback of the subject land and around car parking areas within the subject land must allow visibility into the site by:
- 48.1 Using trees which have a clean trunk height of at least 1.8 metres (at maturity);
  - 48.2 Using shrubs with a maximum height of 0.75 metres, in order to retain sight lines; and
  - 48.3. A landscape strip having a minimum width of three (3) metres must be provided along the full length of the frontage of the subject land (exclusive of vehicle and pedestrian access to the site).
49. A minimum of 70% of landscaped areas must be retained as a permeable surface.
50. Landscape areas must be maintained as per the approved Landscape Plan, and the site must remain in a clean and tidy state at all times.

#### **REFUSE STORAGE AREA**

51. Refuse storage areas must be provided on the premises within a building, outbuilding or other enclosed structure so that they are screened from public view with a minimum 1.8m high solid fence or wall.
52. The size and capacity of the refuse storage areas must be sufficient to accommodate:
- 52.1 The level of waste likely to be generated from the development having regard to the frequency of refuse collection;
  - 52.2 General refuse bins of an industrial type appropriate to the nature and scale of the use;
  - 52.3 Recycling bins appropriate to the nature and scale of the use; and
  - 52.4 A floor area with dimensions which exceed the size of the nominated bin size by at least 300mm at the rear and both sides and 600mm at the front.

#### **PREMISES IDENTIFICATION**

53. The street number of all buildings must be clearly identified in a prominent location near the site entry on the kerb and/or letterbox, or by signage on the building/s or the subject land.

## **VISUAL AND GENERAL AMENITY**

54. Any graffiti on the buildings/structures/fences on the subject land must be immediately removed. Any graffiti deterrent building design elements and surface treatments are to be maintained at all times.
55. All buildings/structures and the subject land must be maintained in a clean and tidy manner, at all times.

## **OUTDOOR LIGHTING – IMPACT MITIGATION**

56. Any outdoor lighting must mitigate adverse lighting and illumination impacts in accordance with the following requirements:
  - 56.1 Outdoor Lighting is designed, installed and regulated in accordance with the parameters outlined in *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting* including impact mitigation measures such as:
    - (i) Providing graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land;
    - (ii) Directing lighting onto the subject land and away from neighbouring properties; and
    - (iii) Using shrouding/baffling devices to preclude light overspill onto surrounding properties where necessary; and
  - 56.2 Outdoor lighting is provided in accordance with *Australian Standard AS 1158.1.1 – Road Lighting – Vehicular Traffic (Category V) Lighting – Performance and Installation Design Requirements* to avoid creating a traffic hazard on adjacent roads.

## **B. ADVICES:**

### **Adopted Infrastructure Charges**

- 1) With the introduction of the *Sustainable Planning (Housing Affordability and Infrastructure Charges Reform) Amendment Act 2011*, an applicant's obligations with respect to infrastructure contributions/charges is now contained in a separate adopted infrastructure charges notice rather than in this development approval.

### **Fire Ants**

- 2) 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 *Plant Protection Act 1989* apply. Compliance with statutory provisions must be achieved.

### **Environmentally Relevant Activities**

- 3) Should the premises, or any part of the premises, be used for an "Environmentally Relevant Activity" as defined under the provisions of the *Environmental Protection Regulations 1998*, separate approval is required by the relevant Administering Authority in accordance with the *Environmental Protection Act 1994* and the *Sustainable Planning Act 2009* before such use commences.

### **Disposal of Construction & Demolition Material**

- 4) Construction and demolition material must be lawfully disposed of with regard to the *Environmental Protection (Waste Management) Regulation 2000*.

### **When Approval Takes Effect**

- 5) This approval takes effect in accordance with the provisions of Section 339 of the *Sustainable Planning Act 2009*.

### **When Approval Lapses**

- 6) This approval will lapse in accordance with the provisions contained in Sections 341 and 342 of the *Sustainable Planning Act 2009*, unless otherwise stated in the conditions of Development Approval.

### **Contaminated Land**

- 7) Under Section 371 of the *Environmental Protection Act 1994* there is an obligation on the owner or occupier of land to notify the administering authority if the owner or occupier of land becomes aware that:
  - 7.1 a notifiable activity is being carried out on the land; or
  - 7.2 the land has been, or is being, contaminated by a contaminant the owner or occupier knows is a hazardous contaminant.
- 8) The owner or occupier must, within 22 business days after becoming aware the activity is being carried out, give notice under the subsection to the administering authority in the approved form.
- 9) Alternatively, the owner or occupier must, within 22 business days after becoming aware the land has been, or is being, contaminated, give notice under the subsection to the administering authority in the approved form.
- 10) Penalties exist with respect to a person's non-compliance with these obligations.

### **Buildings**

- 11) The proposed development has only been assessed in accordance with the provisions of the Planning Scheme. No assessment has been made in respect of the provisions of *the Building Code of Australia* and/or *Queensland Development Code*.

## SCHEDULE 2

### DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (CODE)

<b>APPLICATION NUMBER:</b>	MCUC/2012/6228 & RAL/2012/6226
<b>APPLICANT:</b>	Wagner Investments Pty Ltd
<b>LOCATION:</b>	1215 and 1511 Toowoomba Cecil Plains Road, WELLCAMP
<b>PROPERTY DESCRIPTION:</b>	Lot 17 SP190234 and EMT J SP244216
<b>APPROVED USE:</b>	One (1) into Two (2) Lot Subdivision
<b>ZONING / PRECINCT:</b>	Low Impact Industry/Medium Impact Industry/High-Impact Industry

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

##### GENERAL/PLANNING

##### APPROVED DEVELOPMENT AND INTENSITY

1. This development permit is for Reconfiguring a Lot, being the subdivision of One (1) Lot into Two (2) Lots.

##### 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 approval.
3. Unless otherwise stated, all conditions of this Development Permit for Reconfiguring a Lot must be complied with by the applicant prior to the issue of a Compliance Certificate for the Plan of Survey.

##### APPROVED AND AMENDED PLANS

4. The development must be carried out generally in accordance with the Approved Plan listed below, subject to and modified by the requirements listed below, and by other conditions of this approval:

**Plan No:** 12/064 PP41 Revision B

**Description:** Lot Reconfiguration, prepared by Byrne Surveyors, dated 6 September 2013 and received by Council on 10 September 2013.

- Amendments:**
1. As required, to provide a minimum 5 metres wide easement from the cul-de-sac head to the future cul-de-sac north of proposed Lot 75 for the provision of a future water main connection and for access by emergency vehicles as per Conditions 16, 17 and 42 of approval. Also refer to Clause SC4.2.2.9 (6) of Council's Planning Scheme Policy No 2; and
  2. As required, to provide for stormwater management devices and structures in accordance with the endorsed findings of the Stormwater Management Plan referenced in the conditions of this approval.

**Plan No:** C1213050 Issue A

**Description:** Proposed Lot Layout, prepared by Kehoe Myers, dated 10 September 2013 and received by Council on 10 September 2013.

**Amendments:** Nil

5. Amended plans which comply with the amendments required by Condition 4 above must be submitted to the Manager, Development Assessment prior to the earlier of:

- 5.1 The issuing of a Development Permit for Operational Works; or
- 5.2 Compliance Certificate for the Plan of Survey.

## **STREET NAMING**

6. Forward a letter of Request for Street Naming to Council providing three alternative names for each new street.

## **COUNCIL APPROVAL OF DOCUMENTS AND WORKS**

7. Prepare and submit applications to Council and obtain development permits to carry out operational work for the following in accordance with the conditions of this approval:
  - 7.1 Bulk Earthworks;
  - 7.2 Roadworks (External);
  - 7.3 Roadworks (Internal);
  - 7.4 Stormwater Drainage incorporating detention and treatment and erosion and sediment control;
  - 7.5 Water Supply; and
  - 7.6 Waste Water Management.
8. Prepare and submit the following documents to Council for compliance assessment in accordance with the conditions of this approval:
  - 8.1 Plan of Survey for Subdivision in accordance with Schedule 19 of the *Sustainable Planning Regulation 2009*.
9. Following further approval by the Council where required, carry out all works required by the conditions of this approval prior to the issuing of a Compliance Certificate for the Plan of Survey.

## **ENGINEER'S CERTIFICATION/SUPERVISION OF WORKS**

10. Drawings and specifications for all works associated with the proposed development must be prepared and certified by a Registered Professional Engineer Queensland – Civil (RPEQ).
11. 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 Certificate of Supervision, and a copy of the Supervision Certificate must be submitted to Council upon completion of the works.
12. 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.

## **LAND DEDICATION REQUIREMENTS**

13. Dedicate as road:
  - 13.1 An area not less than the area shown on the Kehoe Myers Drawing 'Proposed Lot Layout', Project Number C1213050, Drawing Number P01 Issue A dated 10 September 2013;
  - 13.2 The corners of the cul-de-sac intersection with the entry road, minimum 12m x 12m x 3 chord truncations; and
  - 13.3 Any additional area required along the road corridors in accordance with the endorsed findings of the Stormwater Management Plan referenced in other conditions of this approval.
14. Ensure that all land transferred for road reserve purposes is not encumbered by permanent structures, services such as pump stations, services easements or similar operational uses, unless otherwise approved by the conditions of this approval.
15. Dedicate as Drainage Reserve all land identified in the endorsed findings of the Stormwater Management Plan (referenced in other conditions of this approval) as required for the proper provision of stormwater treatment and detention devices and other relevant stormwater drainage structures.

## EASEMENTS

16. Easements for stormwater drainage (where required for conveyance of stormwater, and drainage reserve dedication is not required) must be registered with the Department of Natural Resources and Mines in favour of Council. The easements must be located to fully contain the proposed stormwater management devices and structures and any surrounding areas required for proper access and maintenance purposes.
17. Easement(s) for utility services (ie water main) and access purposes (eg. emergency services) must be registered with the Department of Natural Resources and Mines in favour of Council. The easement(s) must be a minimum width of 5 metres and located on an alignment to suit future road dedication (cul-de-sac) north of the Lot 75 cul-de-sac, referred to in other conditions of this approval.
  - 17.1 The easement must be constructed to a four (4) metre all weather pavement.
18. Easements must comply with the following:
  - 18.1 The wording of easement documentation must be in accordance with Council's standard easement document and schedule;
  - 18.2 The easement documents must be lodged with Council for checking prior to being registered with the Department of Natural Resources and Mines;
  - 18.3 The easements must be registered on the survey plan and on the property title with the Department of Natural Resources and Mines at the time of lodgment of the plan of survey for registration; and
  - 18.4 Easements must be provided at no cost to Council.
19. Unless consistent with the terms of the easements and authorised under this approval, any permanent works, structures, or substantial landscaping, are to be kept clear of the existing/proposed Council easements. Any fencing of the easements is to be double gated to facilitate service vehicle access.

## STREET TREES

20. Provide street trees to the entry road and the proposed cul-de-sac in accordance with the relevant requirements and standards in *PSP No. 8 – Street Trees* in the *Toowoomba Regional Planning Scheme*.

*Note:* In lieu of the provision of street trees, Council may consider the payment of a monetary contribution.

## EROSION AND SEDIMENT CONTROL

21. As part of the operational works application for the proposed development, prepare, and submit to Council for approval, an Erosion and Sediment Control (E&SC) Plan and address the following requirements:
  - 21.1 The Plan must be prepared in accordance with PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure;
  - 21.2 The Plan must address both the internal works for the development and any associated external works;
  - 21.3 The drawings and documentation submitted for the Plan must be certified by a Registered Professional Engineer Queensland – Civil;

- 21.4 The scope of the Plan may include, but subject to the Council's discretion and not necessarily limited to, the following:
- (i) Construction of sediment fences, earth berms, temporary drainage, temporary sediment basins and stormwater filtering devices designed to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems;
  - (ii) Dewatering method and treatment of subsurface and stormwater runoff from the basement during excavation and construction to prevent sediment laden water being released into the roads and/or stormwater drainage systems;
  - (iii) Identification of high and extreme erosion risk areas and treatments to be employed to manage these areas during construction and re-establishment of the areas post construction and during any relevant on-maintenance period;
  - (iv) Measures to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the construction period;
  - (v) Identification of areas to be utilised on the site for stockpiling of materials capable of being moved by the action of wind or running water. The materials must be stored clear of drainage paths, and appropriate measures implemented to prevent entry of such materials into either the road or drainage system;
  - (vi) Inspection regime of the sediment and erosion controls; and
  - (vii) Response times to events where controls have been damaged or are inadequate and erosion or the release of sediment or sediment laden stormwater has occurred from the site or associated works;
- 21.5 The Plan must be approved by Council prior to commencement of any site works; and
- 21.6 The approved E&SC Management Plan must be implemented, maintained and modified where necessary to maintain compliance with the approval at all times during the period when land-disturbing activities commence to the completion of the establishment period of landscaping or other areas disturbed during/following construction when all exposed soil areas are stabilised against erosion.
22. High and extreme erosion risk areas must be identified, and these in addition to any disturbed areas must be mulched or turfed/grassed as soon as possible during construction.
23. During the undertaking of works on the subject land ensure:
- 23.1 Erosion and sedimentation controls are implemented as necessary, and maintained at all times during the course of the construction period. Should the proposed controls prove to be ineffective then Council will require installation of additional measures;
  - 23.2 Measures are put in place to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the construction period;
  - 23.3 Stockpiles of topsoil, sand, aggregate, spoil, or other material capable of being moved by the action of wind or running water are stored clear of drainage paths, and appropriate measures implemented to the prevent entry of such materials into either the road or drainage system; and
  - 23.4 Where it is necessary for the road and/or drainage system to be reinstated or cleaned up as a result of erosion and/or sedimentation from the subject land, such works must be undertaken at no cost to Council. Such works must be undertaken immediately where there is a potential hazard to pedestrians and/or passing traffic.

## **STORMWATER QUALITY AND FLOW MANAGEMENT**

24. Prior to, or at the time of lodgement of an Operational Works application for the proposed development, a Stormwater Management Plan, prepared by a registered professional engineer, must be lodged with Council for review and endorsement. The report must include a stormwater management concept and strategy for the future development of the whole parcel of land (at least Lot 17 SP190234 and preferably the whole business park) and demonstrate how proposed stormwater management for proposed Lot 75 is compatible with this overall stormwater concept and strategy. The Plan must also include modeling and calculations for the treatment and detention of stormwater for the whole parcel to establish land requirements for the necessary stormwater management devices and structures.
25. As part of the operational works application for the proposed development, prepare, and submit to Council for approval, a detailed engineering design for proposed stormwater drainage infrastructure in accordance with the relevant standards in PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure, and SPP 4/10 Healthy Waters. The design must be based on the endorsed findings of the Stormwater Management Plan for the site and must include the following:
  - 25.1 The collection and direction of stormwater run-off from site surface areas and any external catchments, to a lawful point of discharge;
  - 25.2 The achievement of water quality objectives determined and adopted in accordance with the relevant standards and processes in PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure, and SPP 4/10 Healthy Waters;
  - 25.3 No increase in peak flow rates downstream from the site for storm events with an ARI of 2 years, up to and including 100 years;
  - 25.4 No increase in flood levels external to the site; and
  - 25.5 No increase in duration of inundation external to the site that could cause loss or damage; and
  - 25.6 Appropriate inspection and maintenance of stormwater quality control infrastructure in accordance with a program.
26. All internal and external stormwater drainage works must be completed generally in accordance with:
  - 26.1 The approved Stormwater Management Plan and design referred to in the above conditions; and
  - 26.2 The relevant standards and processes in PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure, and SPP 4/10 Healthy Waters, other than where varied by the approved Stormwater Management Plan and design.
27. The design and the construction of the internal and external stormwater drainage works must be certified by a Registered Professional Engineer Queensland – Civil as follows:
  - 27.1 A design certificate must be submitted to the Council with the Stormwater Management Plan referred to in the above conditions; and
  - 27.2 A construction supervision certificate must be submitted to the Council at the completion of the approved works.

## **STORMWATER – CONVEYANCE OF STORMWATER VIA DRAINAGE EASEMENT**

28. 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 legal point of discharge and the following must be provided to Council with the operational works application:

- 28.1 written permission from all affected landowner's to discharge stormwater onto any property outside the land subject to this approval; and
  - 28.2 the survey plan/s and associated easement documentation where applicable.
29. Where it is necessary for stormwater to be conveyed through a drainage easement, the easement must be registered with the Department of Natural Resources and Mines prior to the issue of a Compliance Certificate for the Plan of Survey.

## **BULK EARTHWORKS**

30. As part of the operational works application for the proposed development, prepare, and submit to Council for approval, a design for all bulk earthworks for the development in accordance with the following requirements:
- 30.1 The earthworks and any associated batter/s and retaining wall/s must be designed in accordance with the relevant standards in PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure with detailed plans submitted;
  - 30.2 Proposed earthworks, batter and retaining walls must be designed to:
    - (i) avoid any adverse impacts on existing retaining walls, structures and services within the vicinity;
    - (i) be fully contained within the subject land (including any associated subsoil drainage, drainage backfill material, ground/rock anchors, geogrid and footings) and must not in any way impact on the properties or road reserve adjoining the subject land; and
    - (ii) ensure any proposed retaining walls do not impede, concentrate or pond stormwater from adjoining properties;
  - 30.3 Provide details of the source and location of material to be imported or removed from the site including:
    - (i) Details of the location of any material to be sourced for fill, including the volume of fill to be moved from any particular source site;
    - (ii) Details of the final location for any material to be exported from the site from excavations;
    - (iii) The haulage route/s that will be used. Approval for the haulage truck sizes and the final haul route(s) is to be obtained from Council prior to works commencing; and
    - (iv) Details identifying the source/disposal site(s) for material imported/exported as part of the development. The site(s) must have a current development approval enabling them to export/accept any material; and
  - 30.4 The design of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil and a design certificate must be submitted with the application.  
  
*Note: Council's approval is required on the basis of the higher risk earthworks involving cut/fill varying the existing ground level greater than 1.0 metre in height and/or involving a volume of cut or fill greater than 50 cubic metres which is assessable operational work under the Toowoomba Regional Planning Scheme.*
31. Undertake the approved siteworks/earthworks in accordance with the following requirements:
- 31.1 The construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil and a construction supervision certificate must be submitted at the completion of the approved works on the site;
  - 31.2 Cut, fill and other stored material must be contained wholly within the subject land;
  - 31.3 Contaminated material must not be used as fill on the subject land. Any filling must be undertaken using inert materials only;

31.4 Waste material as a result of demolition works and excavation works must not be used as fill where the material includes the following as defined within the *Environmental Protection (Interim Waste) Regulation 1996*:

- (i) Commercial waste;
- (ii) Construction or demolition waste;
- (iii) Domestic clean-up waste;
- (iv) Domestic waste;
- (v) Garden waste;
- (vi) Industrial waste;
- (vii) Interceptor waste;
- (viii) Recyclable biodegradable waste;
- (ix) Recyclable waste; and
- (x) Regulated waste; and

31.5 All waste material above as defined within the *Environmental Protection (Interim Waste) Regulation 1996* must only be disposed at a waste facility approved for the receipt of waste.

### **COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS**

- 32. Undertake all reasonable measures to protect Council and public utility services infrastructure during construction of the development.
- 33. The alignment and level of any services/assets above or below ground, likely to be affected by the proposed development, must be identified prior to detailed design or building work. Any conflict between the development and an existing or proposed service must be referred to the relevant service authority for determination.
- 34. Meet any costs and repair damage to any Council and public utility services infrastructure and asset where damage is a result of the proposed development in accordance with the following requirements:
  - 34.1 Damage to infrastructure assets must be repaired immediately where it creates a hazard to the community, including a pedestrian or vehicular safety hazard or interrupts a service to the community;
  - 34.2 In circumstances where the damage does not create a hazard or interrupt a service to the community, it must be repaired immediately on completion of the works associated with the development; and
  - 34.3 In the case of Council assets, repairs must be undertaken by Council at no cost to Council.

### **WASTE WATER INFRASTRUCTURE**

- 35. Prior to, or at the time of lodgement of the Operational Works application for the proposed development, a Waste Water Management Plan, prepared by a registered professional engineer, must be lodged with Council for review and endorsement. The report must include:
  - 35.1 A preliminary design for sewers, to Council's sewer reticulation standards, for lots (including proposed Lot 75) in the proposed cul-de-sac;
  - 35.2 The intended portion/extent of the Wellcamp Business Park to be serviced by the proposed Utility Installation (Sewerage Treatment Plant); and
  - 35.3 A strategy for the connection of the whole of the subject land (ie, the Wellcamp Business Park) to Council's sewerage system/relevant sewage treatment facility.
- 36. Design and construct an internal waste water drainage (sewerage reticulation) system to serve the proposed lots in accordance with the requirements of Council's Waste Water Infrastructure Policy 2.04 and other relevant standards:

- 36.1 The internal system must be connected to Council's existing sewerage reticulation system or to a holding tank/pump-out system (of a size determined appropriate by Council) for decanting to tanker and disposal offsite at no cost to Council;
- 36.2 If disposal to a Council waste water receiving facility is proposed, then monitoring and testing of the collected waste water effluent must be provided. A monitoring and testing program must be lodged as part of the operational works application for the proposed development;
- 36.3 All collection and disposal of the waste water must be undertaken at no cost to Council; and
- 36.4 The waste water drainage system must be installed to a design and standard to suit future connection to a reticulated sewerage system, compliant with the requirements set out under Council's Waste Water Infrastructure Policy 2.04, the Plumbing and Drainage Act and subsequent legislation adopted by Council for the disposal of waste water by reticulated systems.

*Note: On-site waste water treatment and disposal is not approved for this location. This is consistent with the original approval for the site (MCU/06/037) which required disposal of waste water to a reticulated sewerage system. Waste water disposal to a reticulated sewerage system must ultimately be provided to each site within this development at no cost to Council.*

*Council's waste water priority infrastructure plan (PIP) currently indicates infrastructure priority between 2026 and 2031 for the area. Further, there has been no determination in relation to the private waste water treatment plant application to service sections of the land to the west of the subject site(s).*

*When a reticulated waste water system (Council or otherwise approved by Council) is provided for connection/drainage of waste water from the site, the development must be connected to that system at no cost to Council. Council will determine the point of connection for the site.*

37. All trade waste must be collected independently of the above waste water and delivered to a separate storage facility. Monitoring, testing and volume measurement (metering) will be required by Council for all trade waste proposed for disposal to a Council receiving facility and that may ultimately intend to discharge trade waste to future private or Council sewers.

*Note: Council's Trade Waste Section will provide additional information in relation to trade waste requirements.*

## **WATER SUPPLY INFRASTRUCTURE**

38. All water supply work must be carried out in accordance with Council's Water Infrastructure Policy 2.03.
39. The proposed development must be connected to Council's reticulated water supply in accordance with Council's Planning Scheme and Planning Scheme Policy requirements.
40. Water mains must be designed and constructed to a size not less than DN150 in accordance with the minimum requirement for industrial subdivisions.
41. Network capacity to fight fires must be provided in accordance with Council Policy including the DNRM/DERM Guidelines, Chapters 5/6 - Network Modelling. Provision for fire flow must be made in accordance with 'Flow Provision - General Urban Category' (Section 5.7.6) for commercial/industrial buildings (30L/s for a 4 hour duration with required residual pressures).
42. A water main, not smaller than DN150, must be provided to complete a loop main to service the development on proposed Lot 75. The loop must include mains along each cul-de-sac street proposed east of the entry road, connection between the mains at each cul-de-sac head and connections to the water main in the entry road at each proposed cul-de-sac intersection.

Note: *This condition is imposed because initial assessment of the water supply indicates that the required supply performance cannot be achieved with a water main terminating in the cul-de-sac.*

43. A minimum DN300 water main must be provided along the entry road from the Toowoomba-Cecil Plains Road to at least the southern side of proposed Lot 1 shown on Kehoe Myers plan C1213050 Dwg No P01A. A minimum DN250 water main must be provided south of this point.
44. A new metered water service connections must be provided to proposed Lot 75, and provision made for a future connection to proposed Lot 1, in accordance with the requirements for development set out under Council's Water Infrastructure Policy 2.03. The work must be undertaken by Council at no cost to Council.
45. As part of the operational works application for the proposed development, design of all water mains for the provision of water along the entry road, cul-de-sac and easement (for loop connection) and connection to the main in Toowoomba-Cecil Plains Road (refer OW/2012/6066) must be lodged for approval. The design must include all necessary calculations/modeling to establish fire fighting capacity in the system. All water mains infrastructure must be designed and constructed in accordance with Council's Water Infrastructure Policy 2.03 at no cost to Council.

Note: *Connection of the entry road main to the Toowoomba-Cecil Plains Road main will not be made until the water main construction approved under Op Works application OW/2012/6066; has been approved and accepted on maintenance by Council.*

46. Ensure that any barricades constructed on the footpath do not impede the access of water or fire personnel to vital control structures (e.g. valves, fire hydrants and sewer access chambers).
47. Design details for the internal and external water supply works, must be submitted to, and approved by, Council prior to the works being carried out. The design and the construction of the works must be certified by a Registered Professional Engineer Queensland – Civil with the following provided:
  - 47.1 Design Certificate must be submitted with the application; and
  - 47.2 A Construction Supervision Certificate must be submitted at the completion of the approved works.

## **TELECOMMUNICATIONS**

48. Install telecommunications infrastructure to service each lot in the development which complies with the following:
  - 48.1 the requirements of the *Telecommunications Act 1997* (Cth);
  - 48.2 for a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
  - 48.3 for a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.
49. 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.
50. Provide to the Council a written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the Condition 48 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.*

## **ELECTRICITY**

51. Underground power/connection to the existing electricity infrastructure, must be provided to service each lot within the development, in accordance with an approved electricity reticulation plan with the full capital cost for all services being met by the applicant.
52. Lodge electricity reticulation plans showing the proposed electricity services and receive the verification of the Regional Coordinator Traffic Management.
53. Enter into an agreement with an electricity supplier to provide underground electricity services and/or connection to the existing overhead electricity infrastructure in accordance with the approved electricity reticulation plans. A copy of the agreement with the electricity supplier is to be provided to the Development Assessment Branch.

## **APPROVAL OF WORKS (COUNCIL INFRASTRUCTURE)**

54. Where works affecting Council's infrastructure are to be carried out by an entity other than Council:
  - 54.1 All works must be designed and constructed in accordance with the relevant standards and requirements of:
    - (i) PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure;
    - (ii) PSP No. 3 – Engineering Standards – Water and Waste Water Infrastructure; and
    - (iii) PSP No. 4 - Development Near Utility Services;
  - 54.2 An application for the works must be submitted to and approved by Council prior to carrying out the works;
  - 54.3 The design and the construction of the works must be certified by a Registered Professional Engineer Queensland – Civil as follows:
    - (i) A design certificate must be submitted with the application; and
    - (ii) A construction supervision certificate must be submitted at the completion of the approved works and prior to acceptance of the works on-maintenance;
  - 54.4 Pay all checking and inspection fees at the time of submitting the application for the works to Council;
  - 54.5 Ensure all work is carried out by a qualified contractor and ensure public safety such as providing and maintaining during construction adequate barricades, signage and other warning devices; and
  - 54.6 The works must be completed and accepted on-maintenance prior to the commencement of the use.
55. A defects liability security must be lodged for external works prior to Council accepting these works on-maintenance. The amount of security required will be advised by Council following submission of engineering drawings for Council approval. This security will be released upon Council accepting the external works off-maintenance, at the end of a minimum period of twelve (12) months defects liability period.

## **ENTRANCE FEATURES**

56. Any entrance features or statements for the development must:
  - 56.1 Feature vegetation in preference to built form;
  - 56.2 Integrate with the landscape design for the balance of the development;
  - 56.3 Be constructed with durable and low maintenance materials; and

- 56.4 Allow unrestricted pedestrian access.
57. Details of the entry feature or statement to the development (including any structures and landscaping) must be submitted for Council's approval prior to commencement of any works on the entry statement. All entrance features or 'statements' (including fencing) must be located on private land and not within road reserve.

#### **ROADWORKS (ROAD WIDENING AND RECONSTRUCTION)**

58. The existing un-named road (Entry Road) must be constructed for the frontage of the development site from the southern tangent point of the proposed cul-de-sac to Toowoomba-Cecil Plains Road, as follows:

**Street:** Entry Road

**Classification:** Industrial Sub-Arterial

**Construction Standard:** Minimum Industrial Sub-Arterial

59. The design and construction of the entry road must be undertaken to a standard not less than the requirements as set out in the *PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure* in the *Toowoomba Regional Planning Scheme 2012*. The works must include but are not limited to matters such as:

- 59.1 full construction of the section of the entry road from Toowoomba-Cecil Plains Road to the southern tangent point of the proposed cul-de-sac;
- 59.2 concrete kerb and channel to each carriageway;
- 59.3 temporary asphalt kerbing to tapers external to frontage, as may be applicable;
- 59.4 underground stormwater drainage;
- 59.5 table drain works, as applicable;
- 59.6 verge and median works;
- 59.7 smooth connection to the intersection with Toowoomba-Cecil Plains Road; and
- 59.8 street lighting.

60. The proposed cul-de-sac must be constructed for its full length as follows:

**Street:** Cul-de-sac

**Classification:** Industrial Local Access

**Construction Standard:** Minimum Industrial Local Access

61. The design and construction of the proposed cul-de-sac must be undertaken to a standard not less than the requirements as set out in the *PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure* in the *Toowoomba Regional Planning Scheme 2012*. The works must include but are not limited to matters such as:

- 61.1 full construction from the entry road;
- 61.2 concrete kerb and channel;
- 61.3 underground stormwater drainage;
- 61.4 verge works; and
- 61.5 street lighting.

62. Any pavement works 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 in the construction. Where necessary the existing pavement must be brought to a satisfactory standard in accordance with PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure to allow for the above.
63. All street surfacing must be in accordance with the pavement construction standards in PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure.
64. Verge widths, street reserve widths, intersection treatment, provision of parking and speed control devices as applicable must comply with Council's requirements in PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure.
65. The installation and/or modification of any street signs and/or line marking must be undertaken in accordance with the Manual of Uniform Traffic Control Device (MUTCD) and Council's PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure.
66. The design and construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil as follows:
  - 66.1 A design certificate must be submitted with the application; and
  - 66.2 A construction supervision certificate must be submitted at the completion of the approved works.

#### **PEDESTRIAN AND CYCLE PATHS**

67. The following works must be constructed in accordance with PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure and Council's Pedestrian and Cycleway:
  - 67.1 A minimum 2.5 metres wide concrete pedestrian path on each side, and for the entire length of the entry road;
  - 67.2 A minimum 1.5 metres wide concrete pedestrian path on one side, and for the full length of the cul-de-sac; and
  - 67.3 The concrete paths must be constructed in accordance with TRC Standard Drawing 18392A/18393A, and with a maximum cross fall of 2.5%.

#### **ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY**

68. 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". Any road or lane closures must be applied for in writing to Council's Regional Coordinator Traffic Management, and all conditions of that approval complied with during construction of the works.
69. Safe pedestrian access along Council's footpath/s must be maintained at all times. Should access to the footpath/s need to be restricted, a separate Hoarding Permit must be obtained from Council's Regional Coordinator Traffic Management, prior to the commencement of the works.

#### **STREET LIGHTING**

70. Streetlighting must be installed along the proposed entry road and cul-de-sac as part of the development works in accordance with the requirements in *PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure* in the *Toowoomba Regional Council 2012*, and with the following requirements:
  - 70.1 The street lighting design plans must be submitted to Council showing the proposed public lighting system and approval received from the Regional Coordinator Traffic Management prior to the commencement of the works; and

- 70.2 The applicant must enter into an agreement with an electricity supplier to provide ongoing public lighting system in accordance with the approved street lighting design plans. A copy of the agreement with the electricity supplier is to be provided to the Development Assessment Branch.

#### **SURVEYOR'S CERTIFICATION**

71. Provide certification from a Licensed Surveyor that:
- 71.1 The constructed access/es to each lot and roadworks (external) are fully contained within a dedicated reserve/registered easement; and
- 71.2 The boundary clearances for any existing buildings retained in the development comply with any development approval, the *Queensland Development Code* and/or *The Building Act 1975*.

#### **B. ADVICES:**

##### **Adopted Infrastructure Charges**

- 1) With the introduction of the *Sustainable Planning (Housing Affordability and Infrastructure Charges Reform) Amendment Act 2011*, an applicant's obligations with respect to infrastructure contributions/charges is now contained in a separate adopted infrastructure charges notice rather than in this development approval.

##### **Fire Ants**

- 2) 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 *Plant Protection Act 1989* apply. Ensure compliance with statutory provisions.

##### **Disposal of Construction & Demolition Material**

- 3) Construction and demolition material must be lawfully disposed of with regard to the *Environmental Protection (Waste Management) Regulation 2000*.

##### **When Approval Takes Effect**

- 4) This approval takes effect in accordance with the provisions of Section 339 of the *Sustainable Planning Act 2009*.

##### **When Approval Lapses**

- 5) This approval will lapse in accordance with the provisions contained in Sections 341 and 342 of the *Sustainable Planning Act 2009*, unless otherwise stated in the conditions of Development Approval.

#### **C. ATTACHMENTS:**

- Concurrence Agency Conditions Schedule 3
- Approved Development Plans
- Appeal provisions pursuant to the *Sustainable Planning Act 2009*

**SCHEDULE 3**

**CONCURRENCE AGENCY CONDITIONS**

**DEPARTMENT OF TRANSPORT AND MAIN ROADS**

## Division 8 Appeals to court relating to development applications and approvals

### 461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

### 462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

### 463 Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or
  - (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
  - (b) a referral agency's response mentioned in subsection (2).

### 464 Appeals by advice agency submitters

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.

- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

### 465 Appeals about decisions relating to extensions for approvals

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

### 466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

### 467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

## Division 10 Appeals to court about other matters

### 471 Appeal by applicant for approval of a proposed master plan

- (1) A person who has applied for an approval of a proposed master plan may appeal to the court against—
  - (a) the refusal, or the refusal in part, to give the approval; or
  - (b) a matter stated in the notice of decision about the application; or
  - (c) a deemed refusal of the master plan application.
- (2) An appeal under subsection (1)(a) or (b) must be started within 20 business days (the **applicant's appeal period**) after the day the applicant is given notice of the decision.
- (3) An appeal under subsection (1)(c) may be started at any time after the last day a decision on the matter should have been made.

#### **472 Appeal about extension of period under s 98**

- (1) A person who has requested an extension under section 98(2) may appeal to the court against a refusal of the request.
- (2) An appeal under subsection (1) must be started within 20 business days after the day the person is given notice of the refusal.
- (3) Also, a person who has made a request under section 98(2) may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.
- (5) However, an appeal under this section may only be about whether the refusal is so unreasonable that no reasonable relevant local government could have refused the request.

#### **473 Appeals against enforcement notices**

- (1) A person who is given an enforcement notice may appeal to the court against the giving of the notice.
- (2) The appeal must be started within 20 business days after the day notice is given to the person.

#### **474 Stay of operation of enforcement notice**

- (1) The lodging of a notice of appeal about an enforcement notice stays the operation of the enforcement notice until—
  - (a) the court, on the application of the entity issuing the notice, decides otherwise; or
  - (b) the appeal is withdrawn; or
  - (c) the appeal is dismissed.
- (2) However, subsection (1) does not apply if the enforcement notice is about—
  - (a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or
  - (b) stopping the demolition of a work; or
  - (c) clearing vegetation on freehold land; or
  - (d) the removal of quarry material allocated under the *Water Act 2000*; or
  - (e) extracting clay, gravel, rock, sand or soil, not mentioned in paragraph (d), from Queensland waters; or
  - (f) development the assessing authority reasonably believes is causing erosion or sedimentation; or
  - (g) development the assessing authority reasonably believes is causing an environmental nuisance.

#### **475 Appeals against local laws**

- (1) This section applies if—
  - (a) an applicant is dissatisfied with a decision of a local government or the conditions applied under a local law about the use of premises or the erection of a building or other structure; and
  - (b) the use is not prohibited development under the planning scheme or a temporary local planning instrument for the planning scheme area.
- (2) The applicant may appeal to the court against the decision or the conditions applied.
- (3) The appeal must be started within 20 business days after the day notice of the decision is given to the applicant.

#### **476 Appeals against decisions on compensation claims**

- (1) A person who is dissatisfied with a decision under section 710 or 716 for the payment of compensation may appeal to the court against—
  - (a) the decision; or
  - (b) a deemed refusal of the claim.
- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.
- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

#### **477 Appeals against decisions on requests to acquire designated land under hardship**

- (1) A person who is dissatisfied with a designator's decision to refuse a request made by the person under section 222 may appeal to the court against—
  - (a) the decision; or
  - (b) a deemed refusal of the request.

- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.

- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

#### **478 Appeals about particular charges for infrastructure**

- (1) This section applies to a person who has been given, and is dissatisfied with—
  - (a) an infrastructure charges notice, regulated infrastructure charges notice or regulated State infrastructure charges notice; or
  - (b) a negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice or negotiated regulated State infrastructure charges notice.
- (2) The person may appeal to the court against the notice.
- (3) An appeal against a notice mentioned in subsection (1) must be started within 20 business days after the day the notice is given to the person.
- (4) An appeal under this section may only be about—
  - (a) whether a charge in the notice is so unreasonable that no reasonable relevant local government, State infrastructure provider or coordinating agency could have imposed it; or
  - (b) an error in the calculation of the charge.
- (5) To remove any doubt, it is declared that an appeal under this section can not be about the methodology used to establish the charge in the relevant infrastructure charges schedule, regulated infrastructure charges schedule or regulated State infrastructure charges schedule.

#### **479 Appeals from building and development committees**

- (1) A party to a proceeding decided by a building and development committee may appeal to the court against the committee's decision, but only on the ground—
  - (a) of an error or mistake in law on the part of the committee; or
  - (b) that the committee had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.
- (2) An appeal against a building and development committee's decision must be started within 20 business days after the day notice of the committee's decision is given to the party.

#### **480 Court may remit matter to building and development committee**

If an appeal includes a matter within the jurisdiction of a building and development committee and the court is satisfied the matter should be dealt with by a building and development committee, the court must remit the matter to the committee for decision.

### **Division 11 Making an appeal to court**

#### **481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

#### **482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and

- (ii) the assessment manager; and
  - (iii) any referral agency; and
  - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and [s 482]
    - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
    - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
  - (d) if the appellant is a person mentioned in section 466(1)—
    - (i) the chief executive; and
    - (ii) the responsible entity for making the change to which the appeal relates; and
    - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
    - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
  - (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
- (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
- (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to [s 483] become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

**483 Notice of appeals to other parties—compliance assessment**

- (1) An appellant under division 9 must, within 10 business days after the day the appeal is started, give written notice of the appeal to—
- (a) if the appellant is a person to whom an action notice, compliance permit or compliance certificate has been given—
    - (i) the compliance assessor who gave the notice, permit or certificate; and
    - (ii) if the compliance assessor was a nominated entity of a local government and a copy of the request for compliance assessment was given to the local government under section 402—the local government; or
  - (b) if the appellant is a person to whom a notice mentioned in section 470(1) has been given—
    - (i) the entity that gave the notice; and
    - (ii) if the entity that gave the notice was a nominated entity of a local government and the written agreement of the local government was required to give the notice—the local government.
- (2) The notice must state the grounds of the appeal.

**484 Notice of appeal to other parties—other matters**

- (1) An appellant under division 10 must, within 10 business days after the day the appeal is started, give written notice of the appeal to—
- (a) if the appeal is under section 471—the local government and coordinating agency for the application for approval of the master plan; or
  - (b) if the appeal is under section 472 or 475—the local government; or
  - (c) if the appeal is under section 478—the entity that gave the notice the subject of the appeal; or
  - (d) if the appellant is a person to whom an enforcement notice is given—the entity that gave the notice and if the entity is not the local government, the local government; or

- (e) if the appellant is a person dissatisfied with a decision about compensation—the local government that decided the claim; or
- (f) if the appellant is a person dissatisfied with a decision about acquiring designated land—the designator; or
- (g) if the appellant is a party to a proceeding decided by a building and development committee—the other party to the proceeding.

(2) The notice must state the grounds of the appeal.

**485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.[s 486]
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent. For an appeal under section 465—
- (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (9) For an appeal under section 466—
- (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 467, the respondent is the entity given notice of the appeal.

**486 Respondent and co-respondents for appeals under div 9**

- (1) For an appeal under section 468 or 469—
- (a) the compliance assessor is the respondent; and [s 487]
  - (b) if the compliance assessor is a nominated entity of a local government and the appeal relates to a matter required by a local government—the local government is a co-respondent.
- (2) However, if the appeal is only about a matter required by the local government, the compliance assessor may apply to the court to withdraw from the appeal.
- (3) For an appeal under section 470—
- (a) the entity that gave the notice to which the appeal relates is the respondent; and
  - (b) if the entity mentioned in paragraph (a) is a nominated entity of a local government and the local government did not agree to the request mentioned in section 470(1)—the local government is a co-respondent.
- (4) However, if the appeal is only about the local government's refusal of the request, the entity that gave the notice to which the appeal relates may apply to the court to withdraw from the appeal.

**487 Respondent and co-respondents for appeals under div 10**

- (1) This section applies if an entity is required under section 484 to be given a notice of an appeal.
- (2) The entity given notice is the respondent for the appeal.
- (3) However, if under a provision of the section more than 1 entity is required to be given notice, only the first entity mentioned in the provision is the respondent.
- (4) The second entity mentioned in the provision may elect to be a co-respondent.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the [s 489] appeal is given to the entity, by following the rules of court for the election.

#### **489 Minister entitled to be party to an appeal involving a State interest**

If the Minister is satisfied an appeal involves a State interest, the Minister may, at any time before the appeal is decided, elect to be a party to the appeal by filing in the court a notice of election in the approved form.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

### **Division 12 Alternative dispute resolution**

#### **491 ADR process applies to proceedings started under this part**

- (1) The *District Court of Queensland Act 1967*, part 7 and the *Uniform Civil Procedure Rules 1999*, chapter 9, part 4, other than section 321, (together, the **ADR provisions**), apply to proceedings started under this part.[s 492]
- (2) To the extent there is any inconsistency between the cost provisions of the ADR provisions and the cost provisions of this Act, the cost provisions of the ADR provisions prevail.
- (3) If a dispute in a proceeding under this part is referred to a dispute resolution process under the ADR provisions—
  - (a) the proceeding is not stayed unless the court orders otherwise; and
  - (b) the court must not decide the proceeding until the dispute resolution process under the ADR provisions has been finalised.
- (4) In applying the ADR provisions to a proceeding under this part—
  - (a) a reference to the court or the District Court is taken to be a reference to the Planning and Environment Court; and
  - (b) a reference to a District Court judge is taken to be a reference to a judge constituting the Planning and Environment Court; and
  - (c) definitions and other interpretative provisions of the *District Court of Queensland Act 1967* and the *Uniform Civil Procedure Rules 1999* relevant to the ADR provisions apply.