DIRECTOR-GENERAL – BRIEF FOR NOTING

Date: 8 February 2013

SUBJECT: Potential request for ministerial call in - Welcamp Public Airport

RECOMMENDATIONS:

That you:
- note the recommendation of the attached preliminary assessment report (Attachment 1)
- note that the Minister has until 4 March 2013 to decide whether or not to consider calling in the development application
- sign the attached letter to Mr Mike Mrdak, Chair, Aviation Policy Group, Australian Department of Infrastructure and Transport (DIT), acknowledging receipt of the letter, advising that all formal call in requests must be made to the Minister of State Development, Infrastructure and Planning and that the department is willing to facilitate a meeting between the commonwealth government, state agencies and Toowoomba Regional Council officials to discuss this issue. (Attachment 2).

BACKGROUND:

On 29 June 2012, Precinct Urban Planning, on behalf of Wagner Investments Pty Ltd (Wagner), lodged a development application with Toowoomba Regional Council seeking approval for a material change of use - code assessable - utilities public - public airport (including taxiway, apron, public terminal building and car park) over land at 1511 Toowoomba Cecil Plains Road, Wellcamp.

On 25 January 2013, council approved the development application subject to conditions.

On 30 January 2013 you received a letter from Mr Mrdak requesting that you review the current planning process and development approvals for this project. In addition, Mr Mrdak requested that you initiate discussions with commonwealth agencies on the planned airport development as a matter of priority.

Within the request, Mr Mrdak makes reference to the reserve powers of the Planning Minister under Part 11, Division 2 of the Sustainable Planning Act 2009 (SPA) to call in development applications where involving a state interest. While the letter is not addressed to the Minister and does not directly request that the development application be called in, it is considered that the purpose of the letter was to achieve this outcome.

KEY ISSUES:
Under section 424 of the SPA, the Minister may call in the development application only if it involves a state interest.

Mr Mrdak suggests the development application should be called in as it may potentially result in adverse impacts upon both Department of Defence aerodromes at Amberley and Oakey which are recognised in the SPP1/02 Development in the vicinity of certain airports and aviation facilities. Mr Mrdak also draws your attention to the National Airports Safeguarding Framework which was agreed to by the commonwealth, state and territory transport and planning ministers on 18 May 2012 (Attachment 3).
The key objective of the framework is to better integrate planning decisions and coordination of Australian airports. It contains overarching principles and guidelines that are to be used to inform reviews of state and territory land use and development assessment frameworks. Officers of the Department of Transport and Main Roads (DTMR) have advised that the framework broadly aligns with the current SPP1/02, although it does include a more refined focus on noise protection, wind farms and wind shear issues. A review of SPP1/02 is currently underway to reflect the Framework and will form part of the single SPP being prepared by the department. Until such time as this review is complete, SPP1/02 remains the relevant statutory instrument to assess development applications against.

The department has conducted a preliminary assessment of the development application and determined that there is not a sufficiently strong case for the Minister to consider calling in the application. The state interest in this development application largely relates to economic matters and the development’s contribution to the industrial and service sectors. However, the department considers that state interests will not be adversely affected by the proposed development application and that a Ministerial call in may not be the most appropriate avenue in this instance.

Until such time as a formal request has been made by DIT and considered by the Minister, it is recommended that you do not disclose the department’s recommendation at this stage. In the meantime, it is recommended that you advise DIT that the department is willing to facilitate a meeting between the commonwealth, state agencies and Toowoomba Regional Council officials to discuss this issue.

CONSULTATION:

Officers from the department’s Toowoomba Regional Office and DITMR were consulted in the preparation of this brief. Council officers were also contacted to ensure accuracy of information.

RIGHT TO INFORMATION: Contents/attachments suitable for publication □ Yes ☒ No

Received
11 FEB 2013
ESU
Our ref: DGC13/80

11 FEB 2013

Mr Mike Mrdak
Chair
Aviation Policy Group
Department of Infrastructure and Transport
GPO Box 594
CANBERRA ACT 2601

Dear Mr Mrdak

Thank you for your letter of 25 January 2013 about the development proposal to build a public airport at 1511 Toowoomba Cecil Plains Road, Wellcamp.

I understand the application was code assessable under the Jondaryan Planning Scheme 2005 and was approved by Toowoomba Regional Council on 25 January 2013.

Under the Sustainable Planning Act 2009 (SPA), only the Minister for the Department of State Development, Infrastructure and Planning may determine to call in a development application. It is important to note that a decision to exercise the Minister’s call in powers is rarely used and is reserved for circumstances where a state interest is at direct risk because of an individual development application.

Under the SPA, a state interest means: (a) an interest that the Minister considers affects an economic or environmental interest of the state or a part of the state, including sustainable development; or (b) an interest that the Minister considers affects the interest of ensuring that there is an efficient, effective and accountable planning and development assessment system. Therefore, if you are seeking the Minister to consider calling in the development application, then the request should be made in writing directly to him and clearly identify the relevant state interests you consider are being affected.

Under the SPA, the Minister has 25 business days after the day the decision notice is given to the applicant to consider the development application, give written notice of the potential call in and consult with affected parties. If you choose to pursue this option, given the timeframe constraints, a request would need to be received by the Minister as a matter of urgency.
In the meantime, the Department is willing to facilitate a meeting between the commonwealth, state agencies and Toowoomba Regional Council officials to discuss this issue. An officer from the Department will be in contact with you to organise the meeting requirements.

If you require any further information, please contact Mark Saunders, Acting Executive Director on 3222 2368 or Mark.Saunders@dsdip.qld.gov.au, who will be pleased to assist.

Yours sincerely

Kathy Saunders

David Edwards
Director-General
NATIONAL AIRPORTS SAFEGUARDING FRAMEWORK

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Purpose

1. The purpose of the National Airports Safeguarding Framework (the Safeguarding Framework) is to enhance the current and future safety, viability and growth of aviation operations at Australian airports, by supporting and enabling:

   - the implementation of best practice in relation to land use assessment and decision making in the vicinity of airports;
   - assurance of community safety and amenity near airports;
   - better understanding and recognition of aviation safety requirements and aircraft noise impacts in land use and related planning decisions;
   - the provision of greater certainty and clarity for developers and land owners;
   - improvements to regulatory certainty and efficiency; and
   - the publication and dissemination of information on best practice in land use and related planning that supports the safe and efficient operation of airports.

2. The Safeguarding Framework provides the opportunity to drive improvements in planning outcomes consistently across all jurisdictions, and to improve the safety and viability of operations at all Australian airports.

3. The Safeguarding Framework covers planning for the larger civilian airports subject to the Commonwealth Airports Act 1996 as well as military airports and smaller regional and general aviation airports. The Safeguarding Framework accommodates differences in size, use and local circumstances of individual airports in its application.
4. The Safeguarding Framework supports the integration and coordination of on-site and off-site planning relating to airport operations.¹

Context

5. Australian airports are significant contributors to jobs, economic development, national productivity and social connectivity.

6. Airports are important national infrastructure assets. They are essential transport hubs and contribute significantly to the national economy, as well as to the economies of the cities, regions, States and Territories where they are located.

7. Airports support trade and tourism and help to drive growth across the economy. They support the jobs of around 50,000 people directly employed in the air transport sector² and many more in the retail, hospitality and service industries on airport sites.

8. All sectors of the Australian economy rely directly or indirectly on the efficient movement of people and freight through airports. Over 120 million passengers pass through Australian airports annually. Domestic air travel has more than trebled over the last 20 years, with over 50 million passenger movements in 2008-09 through more than 180 domestic airports³.

9. Australia's annual international freight task comprises over $100 billion worth of air freight, over 20 per cent of the total value of Australia's international cargo trade.

10. Military airfields support both military operational and training activities, in order to fulfill critical national security requirements. They may also support general aviation when not in active military use. Military airfields also contribute significantly to the economies of the regions where they are located. References to airports in this Principles document, is intended to also include military airfields.

11. Sites for airports are scarce and finding new land to replace or expand existing airports is difficult. Existing sites in many cases pre-dated significant urban development. More recently, urban expansion and densification has increased tensions between residential and industrial development and airport operations.

¹ One of the specific goals identified in the Australian Government's National Aviation Policy White Paper (page 3) is that planning at Australia’s airports should facilitate effective integration and coordination with off-airport planning.
² ABS, Labour Force, Australia, Detailed, Quarterly, Aug 2009 (ABS cat. no. 6291.0.55.003, Table 6).
12. The Bureau of Infrastructure, Transport and Regional Economics has predicted that passenger movements though Australian airports will increase by 4 per cent per annum over the next twenty years resulting in a doubling of passenger movements over the period.

13. The main challenge is to balance growing demand for aviation services with urban growth pressures and the continued amenity and safety of residents in surrounding areas. Population growth, development demands and increased aviation activity will necessitate more complementary planning nationwide.

International Air Safety Requirements

14. Australia is a signatory to international civil aviation agreements that require all developments in the vicinity of airports to meet internationally agreed criteria for protecting low level airspace from tall buildings and other structures, smoke and plumes.

15. These international regulatory requirements are currently implemented by the Commonwealth Airports (Protection of Airspace) Regulations 1996 (Airspace Protection Regulations), Civil Aviation Safety Regulations 1998, the Civil Aviation (Building Control) Regulations 1988 and the Civil Aviation Safety Authority’s Manual of Standards Part 139.

Current regulatory and management arrangements in Australia

16. Regulatory and management arrangements for air safety and planning around airports are also addressed through a number of other Commonwealth, State and Territory legislative and regulatory provisions.

17. Under Part 12 of the Commonwealth Airports Act 1996, development on 19 federal airport sites is subject to Commonwealth planning controls. The operators of these airports are required to prepare 20 year Master Plans, and to update these Master Plans every five years. The Airports Act 1996 applies to the Darwin, Townsville and Canberra airports that are used jointly for civilian and defence purposes.

18. Planning for the areas surrounding these federal airports is subject to State, Territory and Local Government control, as the Australian Constitution establishes that State and Territory Governments have principal responsibility for planning and land management. State and Territory Governments also control “on-airport” development for the airports that they own and operate, whilst many smaller airports are owned by Local Governments or are privately owned.

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19. States and Territories generally work together with Local Governments in the implementation of their planning and urban development responsibilities. State and Territory Governments are able to control development around airports through legislation or policy. This may be, for example, through managing noise impacts, building height controls or environmental regulations.

20. State and Territory Governments in conjunction with Local Governments undertake strategic planning for urban and regional development with a typical timeframe for this planning being 30 years. Planning for transport infrastructure may be undertaken for 35-50 year timeframes. Review and updating of these strategic and transport infrastructure plans is generally undertaken every 4-10 years.

21. There is a need to maximise the alignment of airport Master Plans with these other planning processes and timeframes.

22. There is also a need to ensure the coordination of on-airport and off-airport planning for all airports. Regardless of who owns and operates an airport, planning on or in the vicinity of an airport needs to be conducted in a manner that is cognisant of all parties. For airports covered by the Airports Act 1996, there are regulatory provisions requiring this coordination. For other airports this coordination may not be mandated, but should be considered as part of the development of a "good neighbour" relationship.

National Airports Safeguarding Framework Guidelines

23. The National Airports Safeguarding Framework includes information to guide State, Territory and Local Governments in regulating and managing:

- measures for managing intrusion by aircraft noise (Attachment A);
- the risk of building generated windshear and turbulence at airports (Attachment B);
- the risk of wildlife strikes in the vicinity of airports (Attachment C);
- the risk of wind turbine farms as physical obstacles to air navigation (Attachment D);
- the risk of distractions to pilots from lighting in the vicinity of airports (Attachment E); and
- the risk of intrusions into the protected operational airspace of airports (Attachment F).

24. It is anticipated that Guidelines for Public Safety Zones, and the protection of Communications, Navigation and Surveillance infrastructure will also be considered at a later stage.
Implementation Plan

25. The National Airports Safeguarding Framework Implementation Plan will identify the processes through which jurisdictions will seek to implement the Guidelines in Attachments A to F taking into account:

- existing Commonwealth, State and Territory legislation and regulatory processes;
- responsibilities of each level of government;
- local conditions and circumstances;
- the need for efficiency, effectiveness and appropriate risk management; and
- provision for evaluation and review of regulatory arrangements over time to accommodate changing circumstances and technologies.
PRINCIPLES FOR A NATIONAL AIRPORTS SAFEGUARDING FRAMEWORK

26. The following Principles for a National Airports Safeguarding Framework (the Principles) have been prepared by Federal, State and Territory Government planning and transport officials with the shared objective of developing a consistent and effective national framework to safeguard both airports and communities from inappropriate on and off-airport developments. The principles have been prepared for the consideration of the Standing Council on Transport and Infrastructure (SCOTI).

27. While the Safeguarding Framework was formally endorsed by SCOTI on 28 May 2012, the need to engage airport operators, businesses and communities in the vicinity of airports in the development and implementation of improved arrangements is recognised as being crucial to the success of such arrangements. All governments will conduct public consultation as is appropriate to their jurisdiction.

28. The Principles recognise that responsibility for land use planning rests primarily with State, Territory and Local Governments, but that a national approach can assist in improving planning outcomes near airports and under flight paths. Responsibility for the regulation of flight safety, however, rests with the Commonwealth so the principles must involve a cooperative approach to land use planning. Agencies at both State and local level will work with airport operators and relevant Commonwealth agencies to achieve a satisfactory outcome for both communities and continuing airport operations.

29. The following seven principles have been identified as fundamental to an effective National Airports Safeguarding Framework.

Principle 1. The safety, efficiency and operational integrity of airports should be protected by all governments, recognising their economic, defence and social significance.

i. It is important that governments recognise the roles that various airports play within their cities, regions and States/Territories for economic, transport or social reasons or in the case of military airfields, for national security purposes.

ii. There is benefit in ensuring that the particular considerations that arise in relation to airport operations are recognised in planning around these airports. These considerations include protection of existing aircraft flight corridors through complementary land use planning. Inappropriate development can not only lead to disturbance for residents, but for future calls for airport curfews or operational constraints.
iii. Airports vary widely in usage from major international passenger airports, major military operational staging bases, domestic, commuter, training and general aviation airports. In each case both on and off-airport planning requirements vary considerably.

iv. While safety will always be considered a priority, protection of the efficiency and operational integrity of airports will also need to take into account both the relative economic, military and social significance of the airport and the impact of restrictions on surrounding land uses.

Principle 2. Airports, governments and local communities⁴ should share responsibility to ensure that airport planning is integrated with local and regional planning.

v. Responsibility for land use planning rests primarily with State, Territory and Local Governments. Responsibility for regulation of flight safety rests with the Australian Government as does airport planning for 19 leased federal airports. In carrying out respective planning responsibilities, a cooperative and collaborative approach will be taken by governments in the interests of achieving a balanced and integrated airport planning process and in achieving a satisfactory outcome for both local communities and continuing airport operations.⁷

vi. Operators of the larger airports are best placed to identify and document the airport’s strategic role, to prepare operational plans and undertake an initial assessment of airport–related environmental impacts. Some airport operators are already required by legislation to take on this role. The airport’s role within the region’s planning regime and the need for better integration of airport planning with broader metropolitan and regional planning needs to be recognised. Planning at Australia’s airports should also support effective integration and co-ordination with off-airport land use and transport network planning frameworks, and be undertaken in consultation with communities, State and local planning and transport agencies.

i. It is recognised that, while operators of major airports have the capacity to undertake airport planning and associated consultation processes, operators of smaller airports may require some assistance to achieve comparable outcomes.

Principle 3. Governments at all levels should align land use planning and building requirements in the vicinity of airports.

i. Governments recognise that harmonisation, as far as practicable, between State and Territory land use planning and building regimes and Commonwealth airport and aviation policy, planning and regulations, will assist in improving planning outcomes.

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⁴ Includes local residents, land owners, businesses and developers operating in the vicinity of airports.

⁷ Implementation of the Framework may also need to take into account a recent report from the Productivity Commission on Economic Regulation of Airport Services. This report includes examination of the effectiveness of arrangements for the control of planning, operation and service quality monitoring of land transport access to major airports.
near airports and under flight paths. It will help enhance aviation and community safety; raise awareness of, and compliance with, Commonwealth and State/Territory requirements within Local Government; provide greater certainty and clarity for proponents and Local Governments in dealing with development proposals; and reduce unnecessary delays in development processes. This harmonisation should include the alignment of timeframes for development and review of airport master planning with State and Territory strategic land use planning timeframes.

ii. Harmonisation will also be of benefit in circumstances where the impact of an airport extends beyond the jurisdictional boundaries of the State/Territory or Local Government where the airport is located.

iii. In harmonising land use planning and building policies, jurisdictions will seek to maintain protective measures already in place, for example, Queensland’s public safety zones.

**Principle 4. Land use planning processes should balance and protect both airport/aviation operations and community safety and amenity expectations.**

i. Governments at all levels will work cooperatively to ensure an appropriate balance is maintained between the social, economic and environmental needs of communities and the effective use of land on and around airports.

ii. This will be achieved through the adoption of a best practice, safety-related risk-based approach to land use planning on and in the vicinity of airports. All safety measures should be based on the reduction of risk, reducing the likelihood and impact of accidents. As noted above, protection of the efficiency and operational integrity of airports will also need to take into account both the relative economic, military and social significance of the airport and the impact of restrictions on surrounding land uses.

iii. In harmonising land use planning requirements, Governments will take into account that noise sensitive development proposed in zoning where it is currently permitted may be treated differently to such development in an area currently zoned for non-noise sensitive purposes.

**Principle 5. Governments will protect operational airspace around airports in the interests of both aviation and community safety.**

i. Whilst Australia has an excellent aviation safety record, there will always be an inherent risk associated with flying and the operation of aircraft at or around airports. State and Territory Government policies will support the Commonwealth’s responsibility in regulating aviation safety.

ii. There is a need to ensure Australia’s international obligations are understood, applied and incorporated in or linked to State, Territory and Local Government regulatory regimes.
iii. States and Territories can adopt a range of approaches for the protection of registered and certified airports and civil airfields that reinforce Commonwealth airspace protection provisions and improve developers', planners' and regulators' knowledge of them. Ideally, State and Territory planning regulations will formally reference or incorporate Commonwealth requirements and avoid duplicative processes or multiple approvals. The Commonwealth can assist by widely distributing information about Commonwealth regulatory requirements to State and Territory regulators, planners and the development community.

iv. It is important to ensure airspace protection at regional and general aviation airports that are not Registered or Certified. This can be implemented by State and Territory law or through State and Territory planning policies.

**Principle 6. Strategic and statutory planning frameworks should address aircraft noise by applying a comprehensive suite of noise measures.**

i. Substantial research is available through organisations including the World Health Organization (WHO) and the International Civil Aviation Organization (ICAO) indicating that aircraft noise affects sleep, health and cognitive performance. According to ICAO, aircraft noise is the most significant cause of adverse community reaction to the operation and growth of airports. Noise can impact adversely on residents, workers and visitors in the vicinity of airports.

ii. The ANEF contours are a well established land use planning tool recognised by most jurisdictions and incorporated into land use planning decisions. This practice should continue, but be supplemented by additional measures where appropriate (see iii below).

iii. Disturbance perceived by aircraft noise varies widely between individuals irrespective of the metric used. Use of a broader suite of assessment metrics will allow more informed strategic planning by State and Territory Governments. These measures are sensible additions to best practice major city planning to avoid zoning of inappropriate residential or other noise-sensitive developments in corridors under flight paths. Further detail about additional aircraft noise metrics is provided in the *Guidelines For Managing Impacts of Noise Disturbance From Airports* (Guideline A), which provides additional guidance to assist regulators and planners and in Attachment 2 to Guideline A, *Alternative Aircraft Noise Metrics*.

**Principle 7. Airports should work with governments to provide comprehensive and understandable information to local communities on their operations concerning noise impacts and airspace requirements.**

i. Comprehensive and understandable public information is a critical aspect of managing aircraft noise. Limitations should not be imposed on information provided for public disclosure to existing and prospective residents of areas which may be exposed to

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8 In this context "planners and regulators" should be taken to include related professions having regulatory roles.
aircraft noise. The Australian Noise Exposure Forecast (ANEF) system is the established land use planning tool for development around airports in Australia but is not designed for the purpose of public information on individual aircraft noise impacts and it will not provide the public, or those involved in development processes, with sufficient information to fully understand potential impacts. Airports, the broader aviation industry, the development industry and governments must encourage comprehensive and innovative approaches to providing aircraft noise information. This information should assist and inform planning by enabling the general public to clearly understand the impact of aircraft noise, and to inform their decision making.

ii. Airports and governments should provide clear information regarding airspace requirements in the interests of enhancing aviation and community safety and in providing greater certainty and clarity for proponents in dealing with development proposals.

iii. Transparency of information will assist Local Governments, businesses and residents to participate in an informed way in decision making processes, and assist confidence and goodwill associated with these processes.
Preliminary Assessment Report
Potential Call in – Wellcamp Airport

Site
1511 Toowoomba - Cecil Plains Road, Wellcamp
(Lot 1 on SP140293, Part Lot 12 on SP190236 & Easement A on SP140293)

Proposal
Development Application - Material Change of Use - Code Assessable - Utilities Public - Public Airport (including taxiway, apron, public terminal building and car park)

7 February 2013
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1. Introduction

This preliminary assessment report has been prepared to assist the Deputy Premier, Minister for State Development, Infrastructure and Planning (Planning Minister) in assessing the potential call in of a code assessable development application for a material change of use for a public airport (including taxiway, apron, public terminal building and car park) over land at 1511 Toowoomba Cecil Plains Road, Wellcamp.

The report will provide a summary of the development application from a local and state perspective, as well as an overview of the options available to the Planning Minister under the Sustainable Planning Act 2009 (SPA).
2. Development background

2.1 Charlton Wellcamp

The Department of State Development, Infrastructure and Planning (the department) has been working with local governments and land developers for the past 10 years to develop ‘Charlton Wellcamp’ as a major industrial and intermodal transport hub. The focus of the department’s efforts has been in relation to facilitating the industrial land development opportunities and development of state land in the area.

The Charlton Wellcamp Enterprise Area is located 13 kilometres west of Toowoomba at the junction of the Warrego, New England and Gore highways (refer to Figure 1 for locality plan). Covering an area of 2,000 hectares (ha), the Charlton Wellcamp Enterprise Area is destined to provide much needed industrial land for the region.

The Toowoomba Regional Council (Council) sees the area as having potential to be a key catalyst for business growth, leading to a more self-sustained economy. The Charlton Wellcamp Enterprise Area has the potential to provide employment for between 12,000 – 15,000 people and increase the Council’s gross regional product by about 30%. The rapid growth in the Coal Seam Gas and Coal sectors over the past few years has generated strong investment interest in the region.

The corridor for the proposed Toowoomba Second Range Crossing (TSRC) and the proposed Border Rail project from Moree to Toowoomba run along the eastern boundary of the site, while a major intermodal freight centre is proposed in to the northern end of this area at the junction of the Warrego Highway, the TSRC and the Border Rail and Western Rail lines.

The provision of vital infrastructure for the area has received a significant boost with the recent signing of an infrastructure agreement worth $7.6 million between FK Gardner & Sons and Council. This agreement paves the way for the construction of reticulated water and sewer systems, road works on Witmack and O’Mara Roads and improvements to the Dry Creek Stormwater system.

Stage 1 of the Charlton-Wellcamp Industrial Area (200 ha of the total 1,000 ha development) is zoned for transport, warehousing, rural, general and major industries; and is due to proceed with the provision of water and sewerage services. Preliminary approvals have been granted for a major Rail Transport Depot being planned in association with the Australian Inland Railway. These rail links will play pivotal roles in the national Melbourne to Brisbane and Gladstone Inland Rail Link.

The proposed Wellcamp Airport site is located on the western fringe of the Charlton Wellcamp Enterprise Area. The site is owned by Wagner Investments Pty Ltd (Wagner) and is currently being used for agricultural purposes. Wagner also owns a number of parcels of land to the east of the site which are being developed for industrial purposes.
Figure 1 Locality plan
2.2 Development Application

Proposed development
On 29 June 2012, Precinct Urban Planning on behalf of Wagner lodged a code assessable development application (Schedule 1) with Council for a public airport over land at 1511 Toowoomba Cecil Plains Road, Wellcamp. The development application was deemed properly made by Council on 2 July 2012.

The development application sought a material change of use - code assessable - utilities public - public airport (including taxiway, apron, public terminal building and car park). Specifically, as detailed in the development application, the Wellcamp Airport development comprises:

- a 2870m long x 45m wide runway (bearing 132 degrees) with associated turning nodes. The runway is serviced by aircraft apron and taxiways developed in a number of stages
- a runway end safety area at each end of the runway
- a public terminal building with a gross floor area of 194 squared metres incorporating an office, reception, foyer, meeting room and associated amenities
- access to the public terminal from the construction of a two lane carriageway from the Toowoomba - Cecil Plains Road
- a public carpark adjacent to the public terminal building with parking for 417 vehicles (developed in stages)
- decommissioning of the existing airstrip
- demolition of all existing buildings and structures on the site.

A copy of the proposed site layout is provided in Figure 2.

Figure 2 - Proposed site layout
Site Description
The site is described as Lot 11 on SP140293, Part Lot 12 on SP190236 and Easement A on SP140293, and comprises an area of approximately 519 ha. The property is located approximately 12km to the west of Toowoomba central business district (CBD) and 15km south-east of the Oakey town centre.

The site has primary road frontage to the Toowoomba Cecil Plains Road to the north, a secondary frontage to an unnamed road to the east and Westbrook Creek to the west (Figure 3). Part of Lot 12 contains road reserve dedicated for the proposed Toowoomba By-Pass and excludes the balance of Lot 12 south of this road reserve.

Figure 3 - Site

The site has been predominately cleared for the purposes of cultivation and grazing, with the exception of the southern portion of the site which has some areas of mature vegetation on sloping land. Other vegetation is also located along the bank of Westbrook Creek.

There is an existing airstrip which runs parallel on the inside eastern boundary of Lot 11. A shed is located on the western side of the airstrip. To the north-west of the existing airstrip are three dwellings and stables and associated structures, all of which are proposed to be demolished as part of the proposal. A further two dwellings are located to the south-east and north-east of the existing airstrip and are also proposed to be demolished.

To the immediate north of the airstrip is a track with associated private roads.

An aerial photograph of the site is provided in Figure 4.

Preliminary Assessment Report - DGC13/80
The site is located within the Charlton Wellcamp Enterprise Area under the superseded Jondaryan Shire Council Planning Scheme 2005 (Jondaryan Planning Scheme) and the new Toowoomba Regional Planning Scheme 2012 (Toowoomba Regional Planning Scheme). The land to the immediate north-east of the site is owned by Wagner. These sites are subject to ongoing development for a variety of industrial purposes, including a composite fibre technologies plant and concrete batching plants, both which are part of the Wellcamp Downs Estate which has access to the Toowoomba Cecil Plains Road via an unnamed private road.

Land surrounding the site consists primarily of rural farming land, while there is a cluster of rural residential properties to the north of the site on the northern side of the Toowoomba - Cecil Plains Road. The closest residential dwelling is located approximately 1km to the east of the site with other dwellings being scattered beyond this distance.

Figure 5 shows the surrounding land uses to the site including the Boral Quarry, the Oakey Army Aviation Centre, Toowoomba Airport and potential Toowoomba By-Pass.
Third party advice
In considering the application, Council took the opportunity to seek third party advice under section 256 of the SPA from the following parties:

- Air Services Australia (ASA)
- Australian Airports Association
- Australian Government Civil Aviation Safety Authority (CASA)
- Australian Government Department of Defence (DoD)
- Australian Government Department of Infrastructure and Transport (DIT)
- Australian Government Department of Sustainability, Environment, Water, Population and Communities (DSEWPC)
- Boral Quarry
- Helicopter Association of Australasia
- Queensland Ambulance
- Queensland Police
- Queensland Rural Fire Service
- Department of Environment and Heritage Protection
- Department of State Development, Infrastructure and Planning
- Royal Flying Doctors Service
- Toowoomba Airport.
Formal comments were only received back from the listed entities below (Schedule 2). A summary of the key issues raised in each response is detailed in Table 1.

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| Air Services Australia (ASA)                                         | • ASA advised they would provide further comments to the applicant in relation to undertaking a preliminary assessment of the Obstacle Limitation Surface (OLS) once they received final comments from the DoD and CASA.  
• Prior to any aeronautical design work/review on behalf of the applicant ASA further advised they would consider the outcomes of consultation with DoD and CASA. |
| Australian Government Civil Aviation Safety Authority (CASA)         | • Safety concerns in relation to the proximity of the proposed airport to the Oakey Army Aviation Centre, Toowoomba Airport and designated military airspace between Oakey and Amberley Royal Australian Air Force (RAAF) Base were raised. |
| Australian Government Department of Defence (DoD)                   | • Concerns about the impacts on operational efficiency and impacts on restricted military airspace were raised.  
• Flying and training schedules will be compromised if airspace is required to be cleared to allow aircraft to land at airport  
• Application is not properly made as it did not provide State Resource Entitlement for road access  
• Application does not comply with Jondaryan Planning Scheme with regards to Specific Outcome 4.2 Noise of the Charlton Wellcamp Regional Industry Zone Code  
• Application does not comply with the Toowoomba Regional Planning Scheme 2012 – particularly the Strategic Framework – Land Use Strategy - Incompatible Land Uses, Charlton Wellcamp Enterprise Area and the Airport Environs Overlay Code. |
| Australian Government Department of Infrastructure and Transport (DIT) | • Concerns about adverse impacts on the Defence operations at the Oakey Army Aviation Centre and Amberley RAAF Base and civil operations at the Toowoomba Airport were raised  
• In addition, noise implications and possible conflicts with any potential future growth west of Toowoomba were raised. |
| Australian Government Department of Sustainability, Environment, Water, Population and Communities (DSEWPC) | • Concerns about potential impact on matters of national environmental significance (NES) such as listed migratory species (no specific species is identified)  
• DSEWPC advised that there is a potential requirement for further approvals under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). |
| Toowoomba Airport                                                    | • Concerns about potential conflicts with existing procedures including safety, delays and operational efficiency issues.                                                                                                   |

Table 1 – Summary of responses received from third parties

Information and Referral Stage
On 19 July 2012, in accordance with section 276 of the SPA, Council requested further information from the applicant in relation to a number of matters. These included:
• intended public use of the airport  
• staging and general details of the proposal
• requirement to submit an airport master plan
• additional information in relation to State Planning Policy 1/02: Development in the vicinity of Certain Airports and Aviation Facilities (SPPI/02)
• traffic implications, implication on aircraft operations and safety of Toowoomba Airport and Oakey Army Aviation Centre Airport
• stormwater management
• excavation, fill and bulk earthworks
• demonstration of adequate water supply
• State Planning Policy 1/07: Protection of Extractive Resources
• environmental management
• State Planning Policy 1/03: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide as it relates to bushfire and flooding
• compliance with the conservation overlay code of the Jondaryan Shire Planning Scheme
• landscaping requirements for the development
• assessment against the Toowoomba Regional Planning Scheme.

On 22 October 2012, the applicant responded to the information request and changed the development application. The change to the development application included refining the scope to only seek a development permit for ‘Stage 1 - Start Up’. Council determined that the change to the development application was made in response to the Council’s information request for the purposes of section 354 of the SPA.

Referral agencies
The development application triggered referral to the Department of Transport and Main Roads (TMR) as a concurrence agency (for land relating to a state controlled road and public passenger transport).

On 20 November 2012, after extending its information request period, TMR issued its concurrence agency response in relation to the original development application (Schedule 3). The response advised of conditions to be attached to any development approval given.

Decision
On 25 January 2013, Council issued a decision notice for the development application, approving the proposed development subject to conditions (Schedule 4). The decision notice also attached the third party advice.

2.3 Request for Call In

On 25 January 2013, Mr Mike Mridak, Chair, Aviation Policy Group, DIT wrote to you requesting a review of the current planning process and development approvals for this project. In addition, Mr Mridak requested that the department initiate discussions with Commonwealth agencies on the planned airport development as a matter of priority (Schedule 5).

Within the request, Mr Mridak makes reference to the reserve powers of the Planning Minister under Part 11, Division 2 of the SPA to call in development applications where involving a state interest. While the letter is not addressed to the Minister and does not directly request that the development application by called in, it is considered that the purpose of the letter was to achieve this outcome.
Mr Mrdak believes the development application should be called in as it may potential result in adverse impacts upon both Defence aerodromes at Amberley and Oakey which are recognised in the SPP1/02.

2.4 Local Government Matters

The site is located west of Toowoomba CBD and is zoned under the superseded Integrated Planning Act 1997 (IPA) planning scheme (Jondaryan Shire Council Planning Scheme) as being within the ‘Charlton Wellcamp Regional Industry Zone’ classification.

A preliminary assessment of Council’s planning report has revealed a number of key issues relating to the development application, including the following:

Jondaryan Shire Planning Scheme – Charlton Wellcamp Industry Zone code

Council have identified in their planning report, dated 21 January 2013, concerns over whether the development met specific outcome SO4.2 of the Charlton Wellcamp Industry Zone Code in relation to the impact of noise for adjoining properties and other noise sensitive areas. Following the submission of additional information, Council engaged an independent peer review by Noise and Environment Pty Ltd (ANE). Council were satisfied that the development could meet the acceptable noise levels and that no noise sensitive receivers were located within the ANEC 15 or N70=10 contours.

Council provided a condition (Condition 57) that a Noise Management Plan should be submitted addressing the ongoing operation of the airport to ensure it does not have unreasonable impacts on surrounding noise sensitive receivers as defined in the acoustic report.

Third party comments from DoD raised concerns over the potential cumulative effects of both the operation of the Oakey Army Aviation Centre and the proposed Wellcamp Airport may have on
the surrounding properties. Council sought advice from ANE regarding this, who advised that they were unable to make an assessment of this matter without having DoD provide the data for the Oakey Army Aviation Centre. Council determined that an analysis of the combined impact of the two airports in relation to cumulative noise levels would be more appropriately undertaken as part of the CASA aerodrome certification.

New Toowoomba Regional Planning Scheme

Under the Jondaryan Shire Council Planning Scheme the proposed use is identified as being code assessable development and located within the Charlton Wellcamp Enterprise Area Local Plan (Figure 7).

The new Toowoomba Regional Planning Scheme which came into effect one day after lodgement, identifies the development as impact assessable and defines it as being ‘Air Services’. If the development application had been lodged under the Toowoomba Regional Planning Scheme, it would have allowed for properly made submissions, given third party appeal rights to submitters, and allowed Council to consider the entire planning scheme in assessing the application. Council have identified that the scope of assessment would therefore have been much broader if the application were lodged on or post 1 July 2012.

In accordance with the SPA, Council have therefore also undertaken an assessment against the relevant provisions of the Toowoomba Regional Planning Scheme. The key provisions are identified below:

Strategic framework - Settlement Patterns - Element - Incompatible land uses

Council raised concern that the development is likely to result in reverse amenity impacts for any future development in the future infrastructure networks (including the Toowoomba Cecil Plains Road) and other major roads between Wellcamp and Toowoomba. The proposed development intends to use the existing Toowoomba - Cecil Plains Road infrastructure. The majority of the site sits within the heavy industry precinct of the Charlton Wellcamp Enterprise Area with only the western boundary, along Westbrook Creek being located in the conservation corridor and the northern portion of the site, facing onto the Toowoomba Cecil Plain Road being general industry.

Council determined that the development is in keeping with the general intended uses for this area and can be appropriately managed with conditions, which Council have included in the development approval.
Theme – Economic Development

The applicant has not provided detail to demonstrate whether the development would be supported by an efficient, sustainable and responsive freight system. There has also been no consideration on whether the development is likely to restrict the development of future heavy industries within the Charlton Wellcamp Enterprise Area, particularly industry which may require stack emissions. The majority of the site is zoned for larger and noxious industries. The loss of the land for this purpose may require Council to seek further locations within the local government area in which to provide for this land use.

A copy of the Council’s planning report for the application is contained within (Schedule 6).

A detailed assessment of Council’s planning report and all other associated documentation will be required should the Minister decide to consider calling in the development application.

2.5 State Matters

SEQ Regional Plan
The subject site and surrounding land to the east and south is included within the Urban Footprint under the South East Queensland Regional Plan 2009 -2031 (SEQ Regional Plan). Surrounding land to
the north and west are contained within the Regional Landscape and Rural Production Area (Figure 6).

Figure 6 - SEQ Regional Plan land use category

The site is located on the western fringe of the Charlton Wellcamp Enterprise Area which is identified in the SEQ Regional Plan as a regionally significant employment hub. It covers approximately 1000 ha of mostly undeveloped land, but is anticipated to be the sub-region’s major industrial expansion area and multi-modal freight hub.

Council considered in their assessment that the Wellcamp Airport is essentially for an urban purpose and is broadly consistent with the SEQ Regional Plan which seeks to locate a range of urban and community infrastructure within the Urban Footprint.

State Planning Policy 3/02: Development in the Vicinity of Certain Airports and Aviation Facilities (SPP1/02)

Council undertook an assessment against SPP1/02. SPP1/02 has been appropriately reflected in the Jondaryan planning scheme, and therefore the provisions relating to this are within the Toowoomba Airport (and surrounding area) Overlay and the Army Aviation Centre (and surrounding areas) Overlay.

Council determined that the proposed development met the applicable criteria in the codes and noted that the codes do not seek to address the consideration of the impacts of proposed airport operations on existing airport operations. DoD provided third party advice to Council with concerns about the conflict between aircraft operations from the Oakey Army Aviation Centre and
the proposed airport, particularly in relation to restricted military airspace for both the Army Aviation Training Centre and the RAAF Base Amberley. CASA also raised concern that the development did not properly address the conflict of airport operations with other existing airport facilities within the area.

Council determined that the matter of conflicting airport operations was not a land use matter and that the development complied with the relevant overlay codes as they primarily seek to address potential wildlife and built form interference. The potential conflict between airspace is outside the jurisdiction of SPP1/02 and Council determined it a safety matter to be considered by CASA when assessing the proposal for Certification of the aerodrome. The SPP1/02 also identifies that the Commonwealth Defence Act 1903, the Defence Act (Areas of Control Regulation) 1989 and the Airports Act 1996 provide for the protection of operational airspace around the identified airports.

State Planning Policy 1/07: Protection of Extractive Resources (SPP1/07)

The proposed development adjoins the Wellcamp Downs Key Resource Area (KRA 3), which is not identified as being appropriately reflected in the Jondaryan Shire Planning Scheme. The Boral Quarry is located within this KRA and Council’s assessment has identified there may be occasional conflict between blasting at the quarry and scheduling of flights. Council determined that the potential for conflict could be addressed through appropriate management procedures at the airport to ensure that the operations are compatible with the quarry operations of blasting, extraction and processing and will not compromise the future expansion of the quarry.

Council has addressed this matter through the imposition of Condition 127 which requires the preparation and submission of an Airport Master Plan which is to include consultation with all major stakeholders including Boral Quarry. It is unclear from the information as to the extent of the potential conflict this may cause between both the operation of the quarry and the proposed airport.
3. State Interests

Under section 424 of the SPA, you may call in a development application only if it involves a state interest. It is open to you, as the Planning Minister, to consider whether the development application involves a state interest.

A state interest is defined in schedule 3 of the SPA as:

(a) an interest that the Minister considers affects an economic or environmental interest of the State or a part of the State, including sustainable development; or

(b) an interest that the Minister considers affects the interest of ensuring there is an efficient, effective and accountable planning and development assessment system.

A regional plan is also a state interest under section 25 of the SPA.

A preliminary assessment of the development application has identified the following state interests:

- The Wellcamp Airport would provide broad economic benefits to the state and the regional area, supporting employment growth and diversification, as well as competitive advantage in the industrial and services sector. As stated within the applicant’s Information Request Response Report - Volume 1, prepared by Precinct Urban Planning, dated October 2012, the establishment of a new regional airport would be consistent with the transport focussed land use intent applying to the Charlton Wellcamp Enterprise Area. The Wellcamp Airport will provide synergies with industrial and business activities where are directly related, to or benefited by, convenient access to passenger and freight air transport.

According to the SEQ Regional Plan, the future role of the Toowoomba Airport as a sub-regional aviation hub is constrained by numerous physical and spatial attributes, and the surrounding pattern of land use. The current Toowoomba Airport is only suitable for small and medium aircraft. Council recently undertook a minor expansion of the facility however further expansion is not possible as the area is landlocked. Council has recognised the need for a new Toowoomba Airport as the city continues to expand. To prepare for this the Council has undertaken planning studies on potential locations. The Council’s Transport Strategy Proposals to 2013, prepared by Brian Lister Planning and TransPosition, dated June 2012, did not look into the issue of airport facilities needs in great detail, it just noted the limitations of the existing Toowoomba Airport.

The Wellcamp Airport could provide an additional and alternate airport facility for the communities of Toowoomba and the greater Darling Downs Region. Companies who plan to set up service and manufacturing facilities (to service the Coal Seam Gas and Coal sectors) may see strategic advantage in being located in a large industrial area with airport facilities.

3.1 Discretionary Considerations

There are a number of discretionary matters set out below, which the Planning Minister should consider in any decision about whether to consider calling in the development application:

- whilst a development application may only be called in if it involves state interests, it does not mean that the state should become involved in the development. In this instance, the state interest in this development application largely relates to economic matters and the
development's contribution to the industrial and service sectors. However, the department considers that state interests will not be adversely affected by the proposed development application and that a Ministerial call in may not be the most appropriate avenue in this instance.

- the Wellcamp Airport development may have broad economic benefits to the state; however there are questions on whether the development would constrain the defence operations of the existing Oakey Army Aviation Centre, Amberley RAFF Base and civil operations at the Toowoomba Airport. These are matters that would require further consideration by an independent consultant, should the Planning Minister be minded to consider calling in the development application.

- Council approved the development application and there is significant political interest in the site. Council is responsible for assessing development applications against its planning scheme. Therefore given their strong interest in this case they may see state involvement as overstepping the Planning Minister’s jurisdiction.

- due to time constraints, only a preliminary assessment of the development application has been undertaken by the department at this stage. There is a risk that other state interests and/or procedural issues may emerge upon a more detailed assessment should the Planning Minister consider calling in the development application.

- a detailed review of Council’s assessment is required to be undertaken, particularly on areas of stated non-compliance, to ensure any unforeseen risks are identified should the Planning Minister be minded to consider calling in the development application.

4. Options

The following options are available to the Planning Minister, for consideration:

Option 1 - Consider a Ministerial call in
The Minister may call in a development application only if it involves a state interest. A preliminary assessment indicates that the proposed development involves state interests relating to economic state significance.

However, given that an airport at Wellcamp with adjoining industrial land may provide an economic boost for the region, it is considered that calling in the development application is not the most appropriate avenue in this instance. Further, Council is responsible for assessing development applications against its planning scheme which has resulted in approval. Given the political interest, Council may see Ministerial involvement as overstepping his jurisdiction.

Proposed call in notice
Before calling in a development application, the Minister must give a proposed call in notice to the assessment manager, the applicant, any submitters, and any concurrence agencies (the affected parties). Section 424A of the SPA outlines the timeframes for giving a proposed call in notice.

If the Minister decided to call in the development application, the Minister would become the assessment manager and be required to re-assess and re-decide the development application on either state interest grounds for which the development application was called in on, or against the normal assessment and decision rules.

State interest assessment
The normal assessment and decision provisions do not apply. The Minister may only have regard to the common material for the development application and any other matter considered relevant to the state interest.

**Full merit assessment**
The Minister re-assesses the development application on its merits against the relevant planning instruments. The state interest can only be considered where they arise for consideration under the relevant planning instruments.

**Proposed call in notice**
Should the Minister choose to call in the development application, the Minister must give a proposed call in notice to the original assessment manager, the application, any submitters, and each concurrence agency (the affected parties). The notice must be given at any time after the development application is made, until the latest of the following:

i. 15 business days after the day the chief executive receives notice of an appeal about the application;

ii. If there are any submitters for the application – 50 business days after the day the decision notice or negotiated decision notice is given to the applicant;

iii. If there are no submitters for the application and a decision notice or negotiated decision notice is given – 25 business days after the day the decision notice or negotiated decision notice is given to the applicant;

iv. If the application is taken to have been approved under section 331 and a decision notice or negotiated decision notice is not given – 25 business days after the day the decision notice was required to be given to the applicant.

**Advantages:**
- the DIT is supportive of the proposed development being called in
- if the Minister decides to consider calling in the development application, it would enable him to undertake a full re-assessment of the issues raised throughout the IDAS process.

**Disadvantages:**
- if the Minister decides to consider calling in the development application, it may lead to an expectation of similar development proposals also being called in
- if the Minister decides to consider calling in the development application, the department has determined that independent consultants will need to be engaged to provide advice on whether the development would constrain the defence operations of the existing Oakey Army Aviation Centre, Amberley RAFF Base and civil operations at the Toowoomba Airport. The department estimates that a full re-assessment, will cost between $60,000 and $100,000.
Option 2 - Decide not to consider a call in

The planning scheme gives Council the responsibility and autonomy for ensuring the good rule and government of the local government area with minimal intervention from the state. Council is required to assess development applications against the merits and requirements of its planning scheme.

Council has undertaken its assessment and decided to approve the development application, subject to conditions. Council also has a strong interest in the site, given they are responsible for assessing the development application against their planning scheme. Given Council's interests, they may see any state involvement as over stepping the Minister's jurisdiction.

Advantages:

- if the Minister decides not to call in the development application, the department will not incur any costs associated with re-assessing and re-deciding the development application, or legal costs
- if the Minister decides not to call in the development application, the Minister will not risk setting a perceived precedent for your involvement in similar development applications

Disadvantages:

- by choosing not to intervene in the matter, the state will have no statutory means of influencing the outcome of the development application
- by choosing not to intervene in this matter, the ability to ensure that state interests identified are not adversely affected is limited
5. Recommendation

A preliminary assessment of the development application has identified the Wellcamp Airport has the potential to impact upon state interests (which are open for the Minister to consider). However, it is recommended that Option 2 - Decide not to call in for the following reasons:

- whilst a development application may only be called in if it involves state interests, it does not mean that the state should become involved in the development. In this instance, the state interest in this development application largely relates to economic matters and the development’s contribution to the industrial and service sectors. However, the department considers that state interests will not be adversely affected by the proposed development application and that a Ministerial call in may not be the most appropriate avenue in this instance
- the Wellcamp Airport may provide an additional and alternate airport facility for the communities of Toowoomba and the greater Darling Downs Region. Companies who plan to set up service and manufacturing facilities (to service the Coal Seam Gas and Coal sectors) may see strategic advantage in being located in the Charlton Wellcamp Enterprise Area with convenient access to passenger and freight air transport
- Council approved the development application and the business community appears to be strong supporters of the Wellcamp Airport
- the potential conflict between operational airspace around the Oakey Army Aviation Centre, Amberley RAAF Base and Toowoomba Airport is outside the jurisdiction of SFP1/02 and is a safety matter to be considered by CASA when assessing the proposal for Certification of the aerodrome under the Commonwealth legislation
- Council is responsible for assessing development applications against its planning scheme. In undertaking its assessment, Council was satisfied that the Wellcamp Airport can generally address the requirements of the Jondaryan Shire Planning Scheme and the Toowoomba Regional Planning Scheme, or can do so through conditions of approval. Therefore given their strong interest in this case they may see state involvement as overstepping the Minister’s jurisdiction.
Schedule 1 - Development Application, dated 30 June 2012
Schedule 3 – TMR Concurrence Response, 20 November 2012
Schedule 4 – Council’s Decision Notice, date 25 January 2013
Schedule 5 - Request for Call In, dated 25 January 2013
Schedule 6 - Council's Delegated Authority Report, dated 21 January 2013
Pages 42 through 143 redacted for the following reasons:

s. 73(1) - Not relevant/ Out of scope
Attachment C – Third Party Advices

1. Air Services Australia

The Assessment Manager
Toowoomba Regional Council
PO Box 3021
TOOWOOMBA VILLAGE FAIR QLD 4350

Email: Rodney.O'Brien@toowoombaRC.qld.gov.au

Dear Mr O'Brien

Request for Third Party Comment – DA for Utilities Public – Public Airport (MCUC/2012/3399)
1511 Toowoomba Cecil Plains Road, Wellcamp QLD 4350 (Lot 11 SP140293, Part Lot 12 SP190236 & Easement A on SP140293)

Thank you for your letter dated 26 October 2012 seeking third party comment on the proposed development of Wellcamp Airport. Airservices Australia recently opened dialogue with the proponent Wagner Investments Pty Ltd and the group representing the proponent Aviation Projects Pty Ltd (collectively referred to as the proponent).

Last August (2012) the proponent requested a fee proposal from Airservices to perform a preliminary assessment of the Obstacle Limitation Surface (OLS), aeronautical procedures and other airspace operational and safety requirements associated with the proposed development of Wellcamp Airport.

After the initial review of the scope of works and material provided, Airservices advised the proponent (in our letter dated 23 August 2012) that we would provide the requested third party comment upon receiving final comments on the proposed Wellcamp Airport proposal from:

  a. The Department of Defence (Army) with respect to airspace and restricted areas associated with Oakey Army Aviation Centre (YBOK),
  b. The Department of Defence (Royal Australian Airforce - RAAF) with respect to airspace and restricted areas associated with and RAAF Base Amberley (YAMB) and
  c. The Civil Aviation Safety Authority (CASA) - to provide advice on any airspace and safety requirements.

Airservices would then consider the outcomes of any consultation with those agencies before any aeronautical design work/review would occur under contract with the proponent. Any advice provided by Airservices beforehand would be constrained to comments on airspace conflicts between existing aeronautical procedures for Toowoomba Airport (YTWB) and the proposed Wellcamp Airport design.

My point of contact for matters related to the proposed Wellcamp Airport is Steve Tattam, the Aviation Relations Manager for your region (02) 6268 4891 or via email (steve.tattam@airservicesaustralia.com).

Regards,

Sch. 4(4)(6) - Disclosing personal information

Andrew Sparrow
Manager of Airport Relations

November 2012
2. Australian Government Civil Aviation Safety Authority (CASA)

Australian Government
Civil Aviation Safety Authority

AIRSPACE AND AERODROME REGULATION
File Ref: EF-12/4559

19 November 2012

Mr Rodney O’Brien
Senior Planner
Toowoomba Regional Council
PO Box 3021
Toowoomba Village Fair QLD 4350

Dear Mr O’Brien

MCUC/2012/3399 - request for third party comment – Wellcamp airport proposal

Thank you for the opportunity to provide comment on the proposed airport development at Wellcamp (MCUC/2012/3399).

The Civil Aviation Safety Authority (CASA) has a number of significant safety concerns with the proposal, as detailed in the attached report.

CASA will continue to work with and provide advice to the proponent, Airservices Australia and the Department of Defence to address the issues relating to the proposed development. However, CASA can give no assurances as to the outcome of any safety work as required under its Regulatory authority.

CASA trusts that the Toowoomba Regional Council will find the information provided useful. However, if any points require clarification or further information, please do not hesitate to contact me by telephone (02) 6217 1414 or by email at cheryl.allman@casa.gov.au

Yours sincerely

Cheryl Allman
Acting Executive Manager
Airspace and Aerodrome Regulation Division

GPO Box 2005 Canberra ACT 2601 Telephone 131 757
Canberra, Brisbane, Darwin, Cairns, Townsville, Tamworth, Sydney, Melbourne, Adelaide, Perth
CASA Response to Request for Third Party Comment – Wellcamp Airport

Development Application for Public Airport (MCUC/2012/3399)

19 November 2012
Executive Summary

Toowoomba Regional Council sought third party comment from the Civil Aviation Safety Authority (CASA) regarding the Development Application (MCUC/2012/3399) for a proposed public airport at Wellcamp, west of Toowoomba.

CASA notes that there are significant safety concerns attributable to the development of Wellcamp Airport, specifically due to its proximity to existing infrastructure (Oakey Army Aviation Training Centre and Toowoomba Airport) as well as to designated airspace used for military flying activities from Oakey and the nearby RAAF Base Amberley. These concerns together with others regarding the complexity and mix of traffic, overlap of procedures, runway alignment, and interaction with transitting aircraft demonstrate that significant work will need to be undertaken by CASA in order to complete a comprehensive risk assessment to determine the appropriate safety mitigators required for the safe conduct of aviation operations in and around the proposed Wellcamp Airport development.

CASA has conducted a review of the Master Plan 2012-2031 prepared by Aviation Projects on behalf of Wagner Investments. A response has been provided to the various sections of the Master Plan that are within its Regulatory authority.

CASA is concerned over the aggressive timeframe proposed by the proponent which covers the start-up and commencement of operations and the associated comprehensive risk assessment that will be required to be conducted under the Airspace Act 2007. Furthermore, CASA is concerned that there is an over-reliance being placed on the conduct of an aeronautical study, the outcome of which will have no relationship to the issues of instrument procedure design or obstacle limitation surfaces which must be addressed by the proponent.

CASA considers that it is vitally important that the major stakeholders including Wellcamp Airport, Department of Defence (Defence), Toowoomba Regional Council (the Council), and Airservices Australia, together with CASA, collaboratively address their respective concerns with the development and its impact upon the airspace operations in order to ensure the safety of aviation operations. To this end, this issue will be raised with the Aviation Policy Group in order to determine an appropriate mechanism for the collaboration of the major stakeholders.

CASA will continue to monitor the progress of this Development Application and is committed to working with stakeholders to provide advice and information as appropriate, however, CASA can give no assurances as to the outcome of any safety work as required under its Regulatory authority.
Introduction

On 25 October 2012, the Toowoomba Regional Council (the Council) sought comment from the Civil Aviation Safety Authority (CASA) regarding the Development Application (MCUC/2012/3399) for a proposed new public airport at Wellcamp, west of Toowoomba. Third party comment was sought under Section 256 of the Sustainable Planning Act 2009 (Qld).

CASA conducted a review of documents posted on the Council’s web site pertaining to the Development Application reference provided. Particular emphasis was placed on the document Master Plan 2012-2031: Wellcamp Airport, prepared by Aviation Projects for the proponent Wagner Investments Pty Ltd. Comments have been provided against the relevant areas referenced in the Master Plan, and several important points have been clarified where Aviation Projects has made assumptions or incorrect statements in an attempt to provide the Council with the Regulator’s perspective.

CASA’s priorities and obligations

The Civil Aviation Act 1988 and supporting Civil Aviation Regulations are established as a regulatory framework for maintaining, enhancing and promoting the safety of civil air operations in Australia, with particular emphasis on preventing aviation accidents and incidents. In addition, under the Airspace Act 2007 and the associated Airspace Regulations, CASA must ensure that Australian-administered airspace is administered and used safely, taking into account protection of the environment, efficiency, equitable access and national security.

Furthermore, through the Australian Government’s National Aviation Policy White Paper (the White Paper) 2009 and the Australian Airspace Policy Statement1 (AAPS), CASA is directed that the safety of public transport services is the first priority in airspace administration.2

The AAPS, under the Airspace Act 2007, provides guidance to CASA on the administration of airspace as a national resource. The following sections of the AAPS are directly applicable to the proposed development of Wellcamp Airport and have been provided below for reference:

1. Paragraph 34: “The Government considers the safety of passenger transport services as the first priority in airspace administration and CASA should respond quickly to emerging changes in risk levels for passenger transport operations. Airspace administration should also seek to deliver good safety outcomes to all aviation participants."

2. Paragraph 40: “The Government is committed to ensuring that effective ATM [air traffic management] infrastructure and systems are used to protect and enhance air safety, with ATM services being extended to more regional areas as appropriate, where there has been or is likely to be growing passenger transport services.”

2 Page 20

CASA Response to Third Party Comment – Wellcamp Airport
3. Paragraph 41: “CASA should ensure that appropriate airspace arrangements are in place at all aerodromes regularly served by passenger transport services which respond to changes in aviation activity over time such as changes in traffic density, the mix of aircraft types and increases in passenger transport services.”

4. Paragraph 47: “The implementation of this [risk-based] strategy requires the identification of risks to aviation safety using both quantitative and qualitative analysis, and ultimately the safety judgement of CASA as the airspace regulator.”

5. Paragraph 48: “The Government expects CASA to adopt international best practice in airspace administration. This includes adopting proven international systems that meet our airspace requirements. The Government’s airspace strategy recognises that international airspace systems (such as the National Airspace System of the United States of America) include a range of characteristics that should be considered, and implemented as appropriate, by CASA.”

Safety concerns
CASA recognises the potential contribution that the proposed airport development is likely to provide to the Toowoomba region’s social and economic development. However, CASA has several areas of safety concern with the proposal that will be discussed below.

1. **Proximity to other aerodromes.** The proposed site is located approximately 9 nautical miles (NM) south of the Oakey Army Aviation Training Centre (Oakey) and 6 NM west of the Toowoomba aerodrome. CASA’s preliminary analysis indicates that there are significant airspace and traffic conflict issues to be considered, including:

   a. **Aircraft mix (types, performance, equipment, pilot training and experience).** The airspace would service an array of different aircraft types from light, medium and heavy military and civil helicopters, turbo prop and jet passenger and freight aircraft, single engine and twin engine light general aviation aircraft, and a variety of sports and recreation aircraft, to high performance, fast military jet fighter aircraft and large multi-engine military transport aircraft, all with varying levels of equipment carriage, pilot training and pilot experience.

   b. **Types of operations.** The airspace could be used for pilot training (civil and military), passenger transport, freight carriage, recreation including ballooning, gliding and hang gliding, sightseeing flights and military specific training including rappelling and winching from hovering helicopters, and parachuting day and night.

   c. **Overlap of procedures.** Potential conflicts due to the introduction of instrument approach and departure procedures at Wellcamp Airport and their close proximity to Oakey and Toowoomba have been considered. There are significant conflicts to be addressed for which the design of procedures into/from Wellcamp are unlikely to resolve.
The following procedures are expected to require redesign:

i. Oakey NDB\(^3\) Runway 09 and Runway 14 VOR\(^4\) missed approaches\(^5\);

ii. Toowoomba Runway 11 RNAV\(^6\) and Runway 29 RNAV missed approaches and the NDB approach;

iii. Toowoomba circling area will need restrictions to the southwest due to Category C circling area being within the circuit area for Wellcamp Airport; and

iv. Toowoomba Sector A Arrival missed approach.

d. Runway alignment. The proposed runway direction at Wellcamp (12/30) will impact upon aircraft operations within the Restricted Area R643A (surface to 6,500 feet (ft) Above Mean Sea Level (AMSL)) and the associated military control zone at Oakey. In order for air traffic controllers to establish separation assurance between aircraft landing on Runway 12 at Wellcamp, it is likely that all aircraft operating within those areas will need to be moved. This may be achieved by requiring all helicopters to land and any fixed wing aircraft to land or depart the area to achieve vertical or lateral separation. As Runway 12 is likely to be the preferred runway direction due to the prevailing easterly winds, this scenario is expected to occur each time an aircraft is inbound to Wellcamp Airport, or requires to depart in the direction of Runway 30. The third party comment from Defence is likely to address this issue in considerably more detail.

2. Proximity to Restricted and Danger Areas. Restricted Areas are established in the interests of public safety or the protection of the environment to restrict the flight of aircraft over the area to aircraft flown in accordance with specific conditions.\(^7\) Danger Areas are established where there exists within or over the area an activity that is a potential danger to aircraft flying over the area.\(^8\) Wellcamp Airport is located on land which is overlaid by:

a. Danger Area D614A, surface to 10,000 ft AMSL which is used by the military for low level fast jet (fighter) activity; and

b. Restricted Area R643A, surface to 4,500 ft AMSL which is used by the military for helicopter operations and training; and

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\(^3\) Non-Directional Beacon (ground based navigation aid)
\(^4\) VHF Omni-Directional Radio Range (ground based navigation aid)
\(^5\) A missed approach is a procedure which must be flown when an aircraft is unable to land from the instrument approach or loses visual reference while circling to land at an airport. All instrument approach procedures have an associated missed approach which is designed to ensure that the aircraft is kept clear of obstacles including terrain, both vertically and laterally. It is a procedure which ensures that the aircraft can be flown safely even in weather conditions which limit the pilot’s visibility from the cockpit.
\(^6\) Area Navigation (satellite based navigation)
\(^7\) subregulation 6(3) of Airspace Regulations 2007
\(^8\) subregulation 6(4) of Airspace Regulations 2007

CASA Response to Third Party Comment – Wellcamp Airport
c. Restricted Area R631A (which overlays D614A), 10,000 ft AMSL to a higher level as determined by the operations within the airspace, up to 60,000 ft AMSL. This area is used by the military for fast jet (fighter) activity out of nearby RAAF Base Amberley.

d. Situating a new public airport on land overlayed by existing Restricted and Danger Areas which, by the very nature of their activities, have been determined by CASA as requiring special airspace segregated for use by non-participating aircraft is a unique situation in Australia. The proponent intends to service the needs of the Toowoomba area by providing passenger transport and freight operations, however choosing to locate the airport underneath such airspace creates significant aviation hazards to operations. Ultimately it is the controlling authority’s (Defence) decision to allow access to the Restricted Areas and there are many areas throughout Australia to which civilian aircraft are rarely or never given clearance to access. The inevitable disruption to aircraft regularly operating in and out of Wellcamp Airport has been raised with the proponent through Aviation Projects. Various scenarios are feasible where, for example due to an emergency at Oakey, an arriving passenger transport aircraft is denied access to the Restricted Area in order to land at Wellcamp Airport which results in that aircraft having to hold in non-controlled airspace, subject to holding limitations based upon fuel reserves. Holding on the ground is the safest option, however, inevitably emergencies happen at short or no notice, resulting in delays and/or diversions for all airborne aircraft. Holding airborne is the least desirable situation from a safety perspective, particularly outside of controlled airspace. The third party comment from Defence is likely to address this issue in considerably more detail.

3. Interaction with transiting aircraft. The airspace south and west of Oakey and west of Toowoomba aerodrome is known to be busy due to the funnelling effect on the flow of general aviation aircraft operating to/from Toowoomba and Archerfield aerodromes avoiding the controlled airspace and Restricted Areas of Oakey and Amberley, as well as the nearby terrain. Of particular concern to CASA is the scenario of a passenger carrying aircraft on arrival to Wellcamp to land Runway 30 (in order to avoid descent through Oakey’s airspace) on a stabilised approach through non-controlled (Class G) airspace encountering a transiting low level general aviation aircraft crossing the approach path. This situation occurred in Victoria at Avalon aerodrome and was the subject of several aviation incidents reported to the Australian Transport Safety Bureau. CASA conducted an aeronautical study and determined that the collision risk at this location was unacceptable and issued a direction to Airservices Australia to provide air traffic control (ATC) services (including a tower) in controlled airspace at Avalon.

4. Unknown risks. Due to the unique situation posed by the development of the Wellcamp Airport in close proximity to other existing aerodromes and airspaces, there may be risks associated with the new operations that are yet to be fully realised or understood. An aeronautical study is the process that is usually undertaken by CASA to analyse and consider the treatment of risks posed to airspace users. However, as there are many variables.
and unknowns, many assumptions would need to be made in order to complete such a study. CASA has commenced collecting data on aircraft movements, types and tracks in the airspace in and around Toowoomba and Oakey in order to begin fast time simulation modelling of the current situation as a baseline. This in itself will be a significant body of work. The Wellcamp Airport Demand Forecast spreadsheet provide by Aviation Projects will then be used to attempt to model the impact of new operations at Wellcamp. However, CASA will require significant input from Defence as well as information from the proponent regarding the tracks of the new instrument procedures at Wellcamp and the modified procedures at Oakey and Toowoomba discussed previously in order to continue with the simulation. Any outcomes from the simulation will need to be treated cautiously given the nature and volume of assumptions made. In any case, CASA will need to consider the safety of passenger transport operations as the priority as required by Government policy. Also, the AAP and the White Paper require CASA to align with international best practice. By way of comparison, in the United States of America, a similar situation as that posed by the Wellcamp Airport development would require the containment of operations within controlled airspace and the aerodromes being serviced by a consolidated terminal radar control centre, such as a TRACON, with associated aerodrome control (tower) services at each location. This outcome would likely require significant input from and infrastructure investment by Defence and Airservices Australia, and potentially the Council. Early engagement between the major stakeholders will assist in the timely planning and decision making surrounding such infrastructure.

Certified aerodrome

Aviation Projects, on behalf of the proponent, has advised CASA that Wellcamp Airport is intended to be a Certified aerodrome in accordance with Civil Aviation Safety Regulation (CASR) Part 139. Wagner Investments lodged an Application for an Aerodrome Certificate with CASA on 24 September 2012.

Advice had previously been provided by CASA to the Wagner Investments group via email on 21 September 2012, subject – Wellcamp Aerodrome – Certification enquiry. This email discussed the process followed by CASA in Certifying aerodromes, which is also detailed in the public document – ‘Aerodrome certification, registration and approved person, manager (ACRAM). Additionally, CASA has produced an Advisory Circular (AC) titled, ‘AC 139-2(0) Applying for an Aerodrome Certificate’, to assist applicants in further understanding the application process.

It is noted within this AC, that a number of processes must be completed by the applicant prior to CASA being able to proceed with the certification process. In this regard, Wagner Investments was advised that section 7 of the AC, and the flow chart at section 2.3.1 of the ACRPM, provided a further overview of the certification process.

To summarise, it is not possible for CASA to proceed with assessing an application for Certification of the Wellcamp Airport until:

1. The aerodrome facility has been constructed in accordance with CASR Part 139 – Aerodromes and the Part 139 Manual of Standards (MOS);

CASA Response to Third Party Comment – Wellcamp Airport

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2. A management structure is in place;
3. A detailed Safety Management System (SMS) process is developed for the aerodrome’s operating procedures and processes, and
4. An Aerodrome manual (including facility plans) is presented along with an application for certification. The manual must be in accordance with CASR Part 139.B.2.

CASA comments on Master Plan 2012-2031: Wellcamp Airport

Airport master planning
Aviation Projects has developed an airport Master Plan which was designed to forecast growth and ensure that aviation in Toowoomba has a strong future. The airport Master Plan nominates how the Wellcamp airport will make a vital contribution to Toowoomba’s social and economic development.

Obstacle limitation surfaces (OLS)
The Master Plan included CASA’s comments on the Wellcamp OLS design and noted penetrations due to terrain and made recommendations in the letter of 25 September 2012, “Proposed Wellcamp Airport – proposed treatment of obstacle limitation surface (OLS) penetrations”. CASA commented that “it is to be noted that this is only a preliminary assessment based on the proposed plans for the aerodrome. Details may change when the final plans are available.”

It is important to note that the OLS for Wellcamp Airport may conflict with the OLS for Oakey and/or Toowoomba aerodromes. The proponent will need to identify all issues relating to the proposed OLS and facilitate the introduction of appropriate mitigators.

Lighting in the vicinity of an aerodrome
CASA notes that the issue of lighting that could cause confusion or distraction to pilots has been addressed. Mitigation measures have been proposed within the Wellcamp application to Council by developing an Airport Lighting Plan.

Temporary and transient obstacles
The Master Plan developed for the Wellcamp Airport has considered temporary obstacles and transient (mobile) obstacles, such as road vehicles, rail carriages, in close proximity to the aerodrome which may penetrate the OLS for a short duration. Existing and planned road and rail infrastructure development within the proximity of the proposed Wellcamp Airport would require the development to be designed to ensure that they have minimal impact on the aerodrome’s operations.

1.4 Planning horizon
CASA suggests that the timeframe to commence operations (2014) may be insufficient to adequately address all of the issues relating to airspace architecture, infrastructure and the likely air traffic service provision. Due to the complexities of the airspace and lead-in times required to source, install and commission surveillance and communications infrastructure, a commencement date of 2016 is likely to be more achievable.
In order to ensure the safety of aviation operations, CASA may need to consider other actions such as the capping of movement numbers at Wellcamp Airport, prior to medium to long term risk mitigators being implemented. These mitigators will need to be determined through the conduct of a comprehensive risk assessment such as an aeronautical study, as discussed previously.

1.10 Civil Aviation Safety legislation (Item 3 t)
The proponent is aware of the legislative requirements for the airport to be Certified by CASA. As the Wellcamp Airport is a greenfield site, the Certification process could be long and involved and, as previously stated, cannot commence until the aerodrome infrastructure has been constructed.

4.3 Conflicts or synergies with surrounding development
The Master Plan does not address issues such as dust and possible blasting activities at the adjacent quarry. (Refer to section: Other relevant items, below.)

4.4 Conflicts or synergies with surrounding development and other airports and related facilities
The Master Plan does not recognise other surrounding aerodromes such as Pittsworth (approximately 14 NM to the south west) and McCaffrey Field (approximately 19 NM to the north west). The proposed Required Navigation Performance (RNP) approaches and departures may conflict with aircraft operating into Pittsworth. Further analysis will be required prior to the approval of instrument procedures into Wellcamp Airport.

Gilding activities at McCaffrey Field may conflict with approaches from the north into Wellcamp Airport and departures to the north.

The Master Plan does not address potential issues related to skydiving operations or flying training activities undertaken by Toowoomba based operators. These issues will need to be addressed by CASA during the conduct of a risk assessment.

5.8 Freight/logistics
The Master Plan states "that there will be limited demand for air freight and/or logistics services in the short term, but increasing demand in the medium to longer term."

CASA believes that, due to the location of the proposed airport that air freight operations may have been under-estimated in the short-medium term and could significantly increase the number of aircraft movements at Wellcamp Airport. The projected and actual number of aircraft movements will be taken into consideration by CASA when determining the appropriate classification of the surrounding airspace and the corresponding level of air traffic service (ATS) required.

6.6 Aircraft types, scheduling and passenger movement forecast (Item 3 i and j)
The Master Plan states "Scheduling may be influenced by Oakey AATC airspace and operations". The proponent will need to ensure that they engage with Defence in order to gain a full appreciation of the nature and extent of military operations at Oakey. Due to the unpredictable nature of Defence operations, Oakey may be required to operate on weekends or to commence operations 24 hours per day to meet Government objectives. Any change to the current flying schedule at Oakey is
likely to have a significant impact on Wellcamp Airport operations. Defence will be able to provide greater detail on this topic.

8.6 Air traffic control service

The classification of Australian airspace and the corresponding type of ATS is based upon risk with the safety of passenger transport services being the most important consideration. The usual aeronautical study process undertaken by CASA considers actual aerodrome aircraft movement data together with other factors, using various risk assessment tools, to determine the level of risk of aircraft operations at a particular location.

It is acknowledged by CASA that an aeronautical study will be required at some stage, however, it is unlikely to occur prior to the commencement of operations at the proposed Wellcamp Airport. Therefore, the proponent cannot rely upon any outcomes from an aeronautical study before progressing their own safety critical work, particularly with respect to instrument procedures and CLS.

CASA’s letter to the consultant dated 4 October 2012 states that “CASA also notes that the proximity of the proposed Wellcamp aerodrome to Oakey and Toowoomba would be a unique situation in Australia. Therefore there may be risks associated with new operations that are yet to be fully realised.” It also states that “The AAPS and the National Aviation Policy (White Paper) 2009 require CASA to align with international best practice. By way of comparison, in the United States of America, a similar situation would require the containment of operations within controlled airspace and the aerodromes being serviced by a ‘Terminal Radar Approach Control (TRACON) with associated aerodrome control services.’”

The Master Plan states that freight operations to Singapore using B747 aircraft will commence in 2018. It is CASA’s experience that foreign heavy jet freight operators will not operate into a non-controlled aerodrome. If international freight operations commence earlier than scheduled, an ATC service (air traffic control tower) will likely need to be introduced regardless of the number of aircraft movements.

If CASA’s risk assessment recommends the introduction of a TRACON style ATS for aircraft operations at Oakey, Toowoomba and Wellcamp aerodromes (and possibly Amberley), then significant infrastructure investment at each of those locations may be required. For example communication and surveillance equipment, aerodrome control tower, etc. This will require stakeholders, including Defence, Airservices Australia and the Council to plan for potential expenditure on major infrastructure.

There are opportunities for either Defence or Airservices Australia to provide ATS at Wellcamp Airport. Again, early engagement between the major stakeholders will assist in the timely planning and decision making surrounding such a service and the associated infrastructure required.

14.2 Airspace and flight path considerations

CASA’s letter to the consultant dated 4 October 2012 states that “Potential conflicts due to the introduction of instrument approach and departure procedures at Wellcamp aerodrome and their close proximity to Oakey and Toowoomba have been considered... CASA notes that the designs provided are concept drawings only. However, there are significant issues to be addressed for which the design of

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2 Australian Airspace Policy Statement 2012

CASA Response to Third Party Comment – Wellcamp Airport
procedures into/from Wellcamp aerodrome are unlikely to assist in resolving the conflicts.

Approaches into Oakey and Toowoomba aerodromes will need to be redesigned and flight validated to prevent conflicts with approaches and departures from the proposed Wellcamp Airport.

The Master Plan document lists a number of “airspace and flight path considerations” that need to be considered, including the fact that the proposed airport will be located within Restricted airspace (R643A) which is surface to 6,500 ft AMSL. This would be a unique situation to locate a public, civil airport underneath a Restricted Area.

R643A is promulgated for military flying activity and the controlling authority is the Department of Defence (452 Squadron Oakey Flight – Oakey ATC). The hours of activity can vary and are notified to industry by a NOTAM. Defence have indicated that the airspace may be activated from 0800 hrs to 2359 hrs daily and is generally deactivated on weekends and public holidays. However, due to the unpredictable nature of Defence operations, Oakey may be required to operate on weekends or to commence operations 24 hours per day to meet Government objectives. Any change to the current flying schedule at Oakey is likely to have a significant impact on Wellcamp Airport operations.

When R643A is active, all aircraft operating in this airspace require a clearance from the controlling authority (Oakey ATC). Without this clearance, aircraft will need to either remain on the ground at Wellcamp Airport or hold airborne, potentially diverting to another airport subject to fuel holding limitations.

CASA does not regulate military ATS and is therefore unable to provide further comment relating to the air traffic management issues identified in the document. CASA suggests that advice should be sought from Defence.

CASA notes that there may be a “flow-on” effect due to the possible relocation of military aviation activities away from the airspace immediately around Wellcamp Airport to other airspace which may cause subsequent safety and environmental issues in that airspace. Further work would need to be conducted on this issue as the need arises.

14.3. Flight path preliminary design

As stated in response to Section 14.2, there are significant issues to be addressed for which the design of procedures into/from Wellcamp aerodrome are unlikely to resolve. Instrument procedures are intended to provide a safe (avoidance of terrain and obstacles) arrival and departure from the aerodrome in poor weather conditions. These procedures are not intended to keep aircraft clear of one another, although this outcome is a consideration during the design process. ATC procedures exist to separate aircraft from one another and from terrain and other obstacles.
The Required Navigation Performance – Authorisation Required (RNP-AR) procedures proposed by the proponent are not likely to be readily available in the short term due to equipment fitment limitations and pilot certification issues. These will need to be addressed by the proponent for the use of proposed RNP-AR approaches at Wellcamp Airport.

14.4. Preliminary Conclusion

CASA disagrees with the Master Plan’s preliminary Conclusion for the reasons provided previously in this document. The consultant appears to be reliant upon the “low number and type of aircraft movements expected in its first years of operation” and the deconfliction (through scheduling) of aircraft at Wellcamp Airport with movements at Oakey. Safety is not a function of the number of aircraft movements alone, but is also affected by factors such as complexity due to aircraft mix (performance), type of operations, equipment carriage, terrain, weather, etc.

CASA’s initial assessment of the airspace issues raised in the Master Plan, other referenced correspondence and those outlined above is that an ATC service with appropriate controlled airspace will likely be required in order to ensure the safe operation of aircraft in and around Oakey, Toowoomba and Wellcamp airports. However, as CASA has discussed above, a risk assessment must be conducted as required under the Australian Airspace Policy Statement, the Airspace Act 2007, and the associated Airspace Regulations, ensuring that the safety of passenger transport operations are the most important consideration.

14.5. CASA Office of Airspace Regulation position

CASA is concerned that the proponent appears to be relying on CASA conducting an aeronautical study prior to addressing issues relating to the airport development. As stated in CASA’s letter to the consultant, 4 October 2012 “An airspace determination considering all identified risks and relevant mitigators, will be made upon the completion of an aeronautical study, the timing of which will need to be determined at a later date.”

As stated above (Section 8.6) CASA acknowledges “that an aeronautical study will be required at some stage, however, that is unlikely to occur prior to the commencement of operations at the proposed airport. Therefore, the proponent cannot be reliant upon any outcomes from an aeronautical study before progressing safety critical work.”

14.6. Process for changing the classification of a volume of airspace at an aerodrome

As stated in CASA’s letter to the consultant, 4 October 2012, “the Airspace Criteria Thresholds published in the Australian Airspace Policy Statement (AAPS) 2012 are for guidance only and do not relieve CASA of the requirement to make airspace assessments based upon risk, as directed by the Airspace Act 2007, including such factors as complexity of aircraft operations, mix of aircraft types, terrain, weather and

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11 An RNP-AR approach is an International Civil Aviation Organization (ICAO) Performance Based Navigation (PBN) Manual navigation specification which supports Global Navigation Satellite System (GNSS) based lateral navigation (LNAV) and barometric vertical navigation (Baro-VNAV) instrument approach procedures. The Baro-VNAV accuracy requirements for an RNP-AR approach procedure are demanding and as such RNP-AR operations are applicable to aircraft equipped with GNSS and suitably capable Flight Management Systems, supported by advanced flight control and cockpit control and display systems. (CASA Advisory Circular AC 91U-11-6(0), September 2012.)
proximity of other aerodromes." Ultimately, it is CASA’s Office of Airspace Regulation (OAR) who will determine the class of airspace required in and around Wellcamp Airport, as a result of a comprehensive risk assessment.

14.8. Process for changing the class or designation of a volume of airspace

CASA’s usual process for determining a change of airspace classification due to any combination of risk factors is through the conduct of an aeronautical study by the OAR.

Further information about this process can be found in Chapter 4 of the OAR’s Operation Manual at:


14.10. Department of Defence position

The Master Plan states that “Informal discussions with representatives of Army Aviation Training Centre and operational units at RAAF Base Amberley highlighted a number of issues associated with airspace use. Some of these issues can be resolved through the aeronautical study and airspace determination process proposed by CASA, while some relate to operational capability requirements that will need to be negotiated separately.”

CASA is concerned that the proponent is placing reliance upon outcomes from an aeronautical study before progressing safety critical work and negotiating with Defence on operational issues. As stated in the letter to the consultant, dated 4 October 2012, the conduct of the aeronautical study has yet to be scheduled and as CASA’s usual processes are related to existing infrastructure, many assumptions will need to be made in order to complete a risk assessment.

Consequently, CASA will be adopting a conservative approach to this risk assessment activity. CASA is currently considering the conduct of an airspace risk assessment, incorporating last time simulation modelling, in order to examine future hazards resulting from the Wellcamp Airport development. However, this is a new body of work for CASA and will require considerable resourcing and cannot be achieved in a short period of time.

14.11. Proximity to Toowoomba Aerodrome re OLS (Item 7 a)

An aeronautical study is a process for determining airspace classification, as noted above. There is no direct dependency between an aeronautical study and any potential issues regarding OLS. OLS are not an airspace administration or classification issue and are not the topic of CASA aeronautical studies.

Due to the proximity and alignment of the proposed airport to Oakey, the OLS for the proposed airport and Oakey aerodrome will overlap. It is recommended that the proponent urgently engages in discussions with Defence to address these issues.

15.1. Protection of operational airspace

The Master Plan states that “A full set of PANS-OPS drawings will only be available once CASA’s aeronautical study and the design of instrument flight procedures are complete.”

There is no relationship between PANS-OPS drawings and CASA’s aeronautical study. An aeronautical study’s primary purpose is the review of airspace use to CASA Response to Third Party Comment – Wellcamp Airport
determine a suitable design and classification. Although Instrument Flight Procedures (IFP) may be reviewed to an extent in some studies and comments sought from stakeholders regarding published procedures, the OAR has no regulatory oversight of IFP design.

An aeronautical study is not used to design new approaches. Stakeholder comments received during a study regarding proposals for enhancements or additional procedures at existing sites may be passed to CASA IFP specialists and Airservices Australia for consideration.

CASA’s policy is that instrument approaches that finish in controlled airspace should be fully contained in controlled airspace. Therefore, flight procedures and PANS-OPS drawings will need to be designed prior to an assessment of airspace changes relating to the proposed airport. It is the proponent’s obligation to ensure that this work is completed.

15.3. Areas affected by significant aircraft noise

As a master plan the Wellcamp Airport Master Plan serves a particular purpose and does not form an environmental assessment for the project proposal. Information from the Toowoomba Regional Council was that the Wellcamp Airport Master Plan does not require an environmental assessment, such as pursuant to the Commonwealth Environment Protection and Biodiversity Conservation Act 1999, under the local, State or Federal legislation.

If an Airspace Change Proposal (ACP) pursuant to the Airspace Act 2007 is lodged with CASA in the future, an environmental assessment would need to be conducted as part of the ACP.

Residents living in the vicinity of Brimblecombe Road, Wellcamp will likely be subject to intense aircraft noise due to being directly under the final approach path to the airport (Runway 12) and the departure route for Runway 30. An Environmental Impact Assessment may be required to address noise issues affecting local residents.

Public sensitivity to noise caused by aviation activities continues to be a significant issue for all aviation agencies. Early engagement with the general community is strongly recommended.

15.7. Transient aviation activities

The Master Plan states that “it is proposed to fully investigate potential transient airspace users during the conduct of the aeronautical study proposed by CASA. During this study, full engagement with local airspace users is expected to reveal the scope and nature of all operations likely to affect the airport’s operational airspace.”

The consultant is relying upon CASA’s aeronautical study process to engage with local airspace users and to address all concerns and to mitigate risks caused by the development of the Wellcamp Airport. While this is appropriate, due to the timing of the development, CASA suggests that the proponent engage with local airspace users to identify potential operational issues at the proposed location as this information may assist in the design of instrument procedures and consideration of other factors.

16.4. Stage 2 – short term expansion

The Master Plan states that in 2018 “an air traffic control service may be required (subject to the results of CASA’s proposed aeronautical study)."
As mentioned previously, an ATC service may be required coincident with, or soon after, the commencement of operations at the airport due to the close proximity to Oakey and Toowoomba aerodromes, the complexity of the airspace, mix of aircraft, operations, terrain, weather, etc. The staging of demand as provided by the proponent will be considered in the risk assessment, from which a determination will be made regarding appropriate mitigators which may include the requirement for an ATS.

17. Stakeholder engagement

The Master Plan relies heavily on a proposed aeronautical study by CASA, although the study has not been scheduled. A normal part of the aeronautical study process is the identification of, and consultation with, stakeholders including airspace users. CASA suggests that, given the timeframe proposed by Wagner Investments for the commencement of activities at Welcamp Airport, the proponent should consider engaging with local residents and the users of the airspace around the proposed Welcamp Airport to identify relevant issues and develop procedures where possible, to address the concerns.

Other relevant items

Wildlife Hazard Management Plan

A plan which identifies the wildlife hazard risk in the vicinity of an aerodrome, and details the measures used to treat that risk has been identified within the application and will be required on development of the aerodrome. (Also referred to in the Manual of Standards Part 139 (MOS Part 139) as “bird or animal hazard management plan”.)

Gaseous Plume

Exhaust plumes can originate from any number of sources—chimneys, elevated smoke stacks at power generating stations, smelters, combustion sources, a flare created by an instantaneous release from pressurised gas systems—all create exhaust plumes to one degree or another. CASA has established that an exhaust plume with a vertical velocity in excess of 4.3 metres/second (m/s) may be hazardous to aircraft and should therefore be reported to CASA.

Control of Dust

Quarry sites are located within the vicinity of the proposed Welcamp Airport and have the ability to generate emission of airborne particulate which may impair visual flight in the vicinity of an aerodrome. This will require a management plan in consultation with the quarry operators to ensure the ongoing safety of aircraft operations at the proposed Welcamp Airport are maintained.

Conclusion

The Master Plan appears to adequately address the Certification issues relating to the proposed airport development. CASA has concerns over the aggressive timeframe which covers the start-up and commencement of operations and the associated comprehensive risk assessment that will be required to be conducted under the Airspace Act 2007.
CASA is concerned that the proponent is inappropriately relying on CASA to conduct an aeronautical study in order to address the issues associated with the development including:

- Public consultation with airspace users.
- Conflicts with instrument approaches and departure procedures at adjacent aerodromes.
- Conflicts with OLS at adjacent aerodromes.

The Master Plan does not adequately address other issues relating to:

- Airspace issues including the effect of operations on Defence and civilian airspace users.
- ATC issues including surveillance and communications infrastructure, staffing and funding.
- Environmental impact of the development including issues associated with aircraft noise for local residents.

Due to the complexities of the surrounding airspace, the possible introduction of a TRACON (a consolidated terminal radar control centre) and the lead-in times required to source, install and commission surveillance and communications infrastructure, a commencement date of 2016 is likely to be more achievable. This outcome would likely require significant input from and infrastructure investment by Defence and Airservices Australia, and potentially the Council. Early engagement between the major stakeholders will assist in the timely planning and decision making surrounding such infrastructure.

CASA will continue to monitor the progress of this Development Application and is committed to working with stakeholders to provide advice and information as appropriate, however, CASA can give no assurances as to the outcome of any safety work as required under its Regulatory authority.
3. Australian Government Department of Defence

Australian Government
Department of Defence
Defence Support and Reform Group

DGEP-ID.OUT/2012/AF7601257

The Assessment Manager
Toowoomba Regional Council
C/o Rodney O’Brien@toowoombaRC.qld.gov.au

Dear Mr O’Brien

RE: Development Application MCUC/2012/3399 for a Public Utility – Public Airport at 1511 Toowoomba Cecil Plains Road, Wellcamp.

Thank you for providing Defence with the opportunity to comment on the proposed airport at Wellcamp. Defence has reviewed the development application and has serious concerns about the following matters:

- the potential adverse impact of the proposed development on the aviation training and operational capability of the Army Aviation Training Centre (AAvnTC) at Oakey and the Royal Australian Air Force (RAAF) base at Amberley;
- the incorrect assumptions made by the applicant in preparing the proposed flying schedule;
- the conflicts between the proposed development and the Jondaryan Planning Scheme, the Toowoomba Regional Planning Scheme and State Planning Policy 1/02: Development in the vicinity of Certain Airports and Aviation Facilities; and
- the validity of the development application.

All of the above matters are addressed in detail below.

Impacts on Operational Efficiency

The proposed airport at Wellcamp has significant potential to affect aviation training and operational capability at both the AAvnTC at Oakey and the RAAF Base Amberley, as aircraft operating to and from the proposed airfield would need to access restricted military airspace.

RAAF Base Amberley is a major operational airfield supporting critical capabilities such as the F/A-18F Super Hornet aircraft, C-17A Globemaster aircraft, Heron UAS and the KC-30A air-to-air refuellers. RAAF Base Amberley is the major Defence transport hub for South East Queensland.

The AAvnTC at Oakey is the primary aviation training facility for the Australian Army and is home to a number of aviation training schools including the Army Helicopter School, Aviation Maintenance School and the School of Army Aviation. AAvnTC is also used by the Republic of Singapore Air Force as a helicopter training base.
It is also the second busiest Defence airfield in Australia with over 30,000 movements per year (which equals 125 per day or 2,500 per month).

AATnTC and RAAF Base Amberley are military airfields, surrounded by Military Restricted Airspace. The airspace is busy and complex and has been set up in such a manner so that the impost on or restrictions to Defence aviation training and operations are minimised.

For AATnTC, the airspace is structured to allow low level military rotary wing (helicopters) flying training by day and night. Freedom to manoeuvre is essential to AATnTC, flying sorties are regularly lost due to weather, training area availability, illnes and lack of access such as fire / rescue or medical personnel.

The proposed airfield at Wellcamp has the potential to cause further loss of training sorties. For example, an aircraft on the final leg of an instrument approach to the proposed airfield would be given an airspace clearance to ground level and includes a clearance for a missed approach potentially affecting airspace laterally to five (5) or ten (10) Nautical Miles (approximately 9-18km). This clearance would require any other airspace users to land or move out of the affected area. The AATnTC circuit area and airspace to the South and East would be unavailable to military traffic for up to 10 minutes every time an aircraft lands or departs from the proposed airfield at Wellcamp. A loss of 10 minutes of training due to the separation measures above will usually result in an incomplete training sortie, impacting on the training of our pilots and costing substantial amounts of tax payers’ money to undertake alternative or further training sorties.

Alternative and further training sorties are either completed on weekends or Defence programs a more intense flying schedule during the week. To accommodate this extra training, Defence would activate the airspace outside of normal flying hours and potentially at short notice.

**Flying Schedule**

The proposed flying schedule is based on a number of assumptions that are incorrect. The proposed schedule shows the restricted airspace active for seven (7) hours per day. The airspace is actually active for eight (8) hours during the day and for four (4) hours during the evening. The proposed schedule doesn’t account for seasonal variations of sunset and sunrise, which impacts on the flying schedule and when the airspace is deactivated for night time preparations. The proposed schedule doesn’t account for periods of restricted operations, where training is conducted without full air traffic services but the airspace is still active.

The airspace is activated daily from 0800 to 2359; there are normally helicopters in the air for the entire time. The airspace may be deactivated for up to 120 minutes (two hours) during the period surrounding last light for night flying preparations. However the time and duration varies depending on the season.

The airspace is generally deactivated on the weekends and public holiday, but can be activated to account for flying training and other activities as required to ensure the training program is completed on time.

Due to the nature of some military activities, there will be times when, aircraft wishing to operate to or from Wellcamp airfield would be denied access to restricted military airspace.

**Comments on Planning Application**

The development application was lodged with Toowoomba Regional Council on the 29 June 2012 under the Jondaryan Planning Scheme and is code assessable. There are a number of conflicts with the Planning Scheme which are outlined below.

*Defending Australia and its National Interests*
### Charlton / Wellcamp Regional Industry Code

<table>
<thead>
<tr>
<th>Specific Outcome 4.2 Noise:</th>
<th>Applicants Response to Criteria:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development and use must prevent or minimise the generation of any noise such that:</td>
<td>Complies. The proposed development will comply with applicable noise standards. The applicant is agreeable to the imposition of reasonable and relevant conditions which ensure such compliance is achieved.</td>
</tr>
<tr>
<td>- nuisance is not caused to adjoining properties or other noise sensitive areas; and</td>
<td></td>
</tr>
<tr>
<td>- applicable legislative requirements are met</td>
<td></td>
</tr>
</tbody>
</table>

The proposed development cannot meet this specific outcome as the proposed use will generate significant noise to surrounding residential properties, many of which are sensitive uses including a prominent horse stud business.

Defence has worked very hard over its many years of operating to be good neighbours and has implemented noise avoid areas, where we do not operate as a courtesy to those neighbours. In the Wellcamp area, we currently have eight noise avoid areas. Defence is concerned that additional aircraft noise caused by the proposed development will impact on our relationship with our neighbours through additional noise complaints and potentially an increase in the number of noise avoid areas, as it is often hard to determine which aircraft the noise is coming from.

### Major Infrastructure and Corridor Overlays Code

<table>
<thead>
<tr>
<th>Overall Outcome</th>
<th>Applicants Response to Criteria:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The overall outcomes sought for the areas subject to the Major Infrastructure and Corridor Overlays Code are:</td>
<td>Complies. The development site area is not located within the control zone of the operational airspace for the Oakey Army Aviation Centre</td>
</tr>
<tr>
<td>- Land use conflict on land near the Army Aviation Centre and the Toowoomba Airport is avoided by preventing inappropriate development.</td>
<td></td>
</tr>
</tbody>
</table>

The proposed development is located outside the Height Restriction Area, Wildlife Interference area and the Light Sensitive Zone on the Army Aviation Centre Overly map; however the proposed development will impact on the operational airspace for AAvnTC, which is not included in the Planning Scheme.

As soon as an aircraft departs or lands at the proposed airport, it will be within Defence’s restricted military airspace. If the aircraft depart or land to the east, the restricted airspace for RAAF Base Amberley is intruded upon. If aircraft depart or land to the west, the restricted airspace for AAvnTC at Oakey is intruded upon.
When the airspace is inactive, departing and arriving aircraft are able to transit through the airspace; however when the airspace is active, aircraft require permission from Defence and there will be times, when permission is not granted. Due to the dynamic nature of Defence flying, it is impossible to predict when permission will or will not be granted. Of note, permission is only granted on a case by case basis.

It should be further noted that if Defence is directed by the Australian Government to aid in domestic operations (for example cyclone aid) or to participate in global operations, the airspace may be totally closed to all civilian traffic at very short notice and for the duration of the relevant operation.

The proposed land use is outside of the control zones for AAvnTC at Oakey. However, the proposed use, being aircraft departing and arriving at the site, will impact on the operational effectiveness of AAvnTC and therefore is considered to be an inappropriate development on that site.

Toowoomba Regional Planning Scheme

Defence notes that the application is being assessed under the Jondaryan Planning Scheme; however Defence understands that Council is able to give weight to the Toowoomba Regional Planning Scheme as it is the current planning instrument for the region.

The proposed development is defined as Air Services under the scheme, which conflicts with the intended use of the land. The land is located within the Charlton Wellcamp Enterprise Area which is intended to accommodate a mix of business and industry activities. The proposed development does not fall within either of these definitions and is not an industrial use. Therefore is non-compliant with the intent of the Charlton Wellcamp Enterprise Area.

Furthermore the proposed development does not comply with the following provisions of the Toowoomba Regional Planning Scheme which relate directly to the AAvnTC at Oakey:

- Strategic Framework, Part 3, section 3.2.12.2 refers to protecting the existing and future operational and service requirements of the Army Aviation Centre (Oakey) by ensuring that development of land around the airport is compatible with the needs of the airport. It further states that incompatible land uses should avoid adversely affecting the safety and efficiency of the operational airspace of the Army Aviation Centre (Oakey) and the functioning of aviation facilities.

- The land is affected by the Airport Environments Overlay. The purpose of the Airport Environments Overlay Code is to protect the existing and future operational requirements of the Oakey Army Aviation Centre and to provide for the most appropriate and compatible development of surrounding lands. The purpose of the Code is achieved through, amongst other things, the avoidance of conflicts between the Oakey Army Aviation Centre and surrounding land uses.

The location of the proposed airport is not suitable and conflicts with the intent of both the Jondaryan Planning Scheme and the Toowoomba Regional Planning Scheme. The applicant has not provided sufficient justification as to why the Council should approve the development notwithstanding the conflicts.

Defending Australia and its National Interests
State Planning Policy 1/02: Development in the Vicinity of Certain Airports and Aviation Facilities

The RAAF Base Amberley and the AAvnTC at Oakey are identified in Annex 1 of the State Planning Policy as being of State significance. State Planning Policy 1/02: Development in the Vicinity of Certain Airports and Aviation Facilities, states that the Queensland Government considers development in the vicinity of those airports and aviation facilities essential for the State’s transport infrastructure or the national Defence system should avoid:

- adversely affecting the safety and operational efficiency of those airports and aviation facilities;
- large increases in the numbers of people adversely affected by significant aircraft noise; and
- increasing the risk to public safety near the ends of airport runways.

The proposed development conflicts with the position statement of the State Planning Policy, as it will affect the safety and operational efficiency of AAvnTC at Oakey as well as aircraft operating from the proposed airfield.

The applicant has not addressed the State Planning Policy in any detail and has not demonstrated how the proposed development meets the purpose statement.

Application Not Properly Made

On a technical planning matter, Defence notes that the development application states that access to the site is being gained from Toowoomba Cecil Plains Road and an unnamed road.

The public airport will be accessed via a seven (7) meter wide two land carriageway from the Toowoomba Cecil Plains Road. The road will comprise a southerly extension of the existing unnamed road within the existing road reserve from its intersection with Toowoomba Cecil Plains Road to a point adjacent to the south east perimeter of the runway strip. From this point the road will continue as a private road terminating in a vehicle turnaround area adjacent to the public terminal building.

The development application material does not make clear who is responsible for the construction of the new road. However, the road is clearly fundamental to the development. Therefore the road should have been included as land subject to the development application.

If this is the case then the development application should have been accompanied by the required State Resource evidence in order to be a ‘properly made application’.

Therefore, the application appears to be not properly made at the time it was lodged and should potentially be re-lodged with the Council under the Toowoomba Regional Planning Scheme.

Conclusion

Defence recognises the community’s desire to have access to enhanced air transport options. However, an airport in the proposed location has serious safety implications, as well as operational implications to both the civilian operators and Defence. Of note, the long term viability of the proposed airfield will be reliant upon access to restricted military airspace that cannot be guaranteed.

Due to Defence’s operational requirements, access to active restricted military airspace can only be granted on a case by case basis. Consequently, Defence recommends an airport of this nature be located further afield, where airspace is available.

Defending Australia and its National Interests
Should you wish to discuss the content of this submission further please contact Ms Natalie Clark on (02) 6266 8359 or email on lpsi.directorate@defence.gov.au.

Yours sincerely,

A.A. BRODERSEN
Air Commodore
Director General Estate Planning

19 November 2012
Mr Rodney O'Brien
The Assessment Manager
Toowoomba Regional Council
PO BOX 3021
Toowoomba Village Fair QLD 4350

Dear Mr O'Brien

Thank you for the opportunity to comment on the development application for a public airport at 1511 Toowoomba Cecil Plains Road (MCUC/2012/3399).

As you are aware, the proposed Wellcamp Airport is located close to the Oakey Army Aviation Centre and Toowoomba Airport and the flight paths serving those already established facilities. As such, the Department is very concerned about how the development of a new regular public transport airport in the region could adversely impact on Defence operations at Oakey and Amberley and on civil aircraft operations at Toowoomba Aerodrome.

I have been advised by both the Department of Defence (Defence) and the Civil Aviation Safety Authority (CASA) that there is a strong likelihood of operational conflicts that could arise from the siting of a new airport in the proposed location. We understand there are likely to be unacceptable conflicts when Oakey's controlled and military restricted airspace is active which would seriously impact on the operations of the proposed new airport.

These issues are of particular importance given that operations within the proposed new airport's 20 year master planning horizon involves twin-engine propeller and jet aircraft with annual passenger numbers forecast to exceed 500,000 toward the end of that period.

Recognising this, the Department does not, based on the information available to date support the proposal proceeding and strongly encourages the Council to consider the expert advice of Defence and CASA on the airspace management and operational compatibility issues raised by this proposal before any further consideration is given to approval of the Wellcamp project. I am sure you would agree that it would be a poor planning outcome for both the Council and the proponent if such a construction project were to proceed before significant possible constraints to the compatibility of its operations were resolved. We ask that the Council review the proposal in the light of the potential operational impacts and the opportunity for greater utilisation of existing aviation infrastructure in the region.

Additionally, we are concerned to ensure that further review is undertaken of potential environmental impacts. In May of this year, State and Commonwealth transport and planning Ministers agreed to the National Airports Safeguarding Framework, an important planning reform that seeks to improve community amenity by minimising aircraft noise-sensitive
developments near airports; and improve safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions.

You can find a range of important information about the Framework and associated guidelines on the Department’s web site at:

A key objective of the Framework is to better integrate planning decisions around Australia’s airports, recognising that airport infrastructure is scarce and very difficult to replace once it is compromised. The Queensland Government has agreed to the Framework, which applies to both civil and Defence airfields.

Consideration should also be given to the potential future aircraft noise impacts in the region given the forecast growth of operations for Wellcamp Airport and taking into account any future plans for the expansion of the City of Toowoomba further west. Although the projected ANEC chart for the airport currently indicates no noise sensitive areas within the 20 ANEC contour, experience has shown that most noise complaints come from areas beyond that contour.

Please contact me on telephone (02) 6274 7605 if you wish to discuss these matters further.

Yours sincerely

Sch. 4(4)(6) - Disclosing personal information

Scott Stone
General Manager
Aviation Environment
Department of Infrastructure and Transport

19 November 2012
Dear Mr O'Brien

Thank you for your email of 25 October 2012 regarding the proposed public airport at Wellcamp, Queensland. I appreciate the opportunity to provide comments on the Development Application.

The Australian Government's responsibilities under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) focus on matters of national environmental significance (NES). Matters of NES include World and National Heritage properties, wetlands of international importance, listed migratory species, nationally threatened species and ecological communities, the Great Barrier Reef Marine Park, nuclear actions, and commonwealth marine areas.

The Australian Government becomes involved in the assessment and approval of developments where they may significantly impact matters of NES. As such, proponents of any such developments are required to refer these actions to the minister, who will assess the action under the EPBC Act and make a decision on whether to grant approval. I have included a fact sheet about environmental assessments under the EPBC Act, which you may wish to forward to the proponent.

The department has reviewed the project documents and is of the opinion that further assessment of the environmental impacts of the project would be prudent as there is the potential to impact matters of NES. I understand that the proponent may have chosen to proceed with the council assessment process first and may wish to seek further approvals later.

For further information please feel free to contact the department by phone at 1800 803 772 or email cuv.environment.gov.au. I would appreciate being kept informed of the status of the project as it progresses.

Yours sincerely

David Calvert
A/g Assistant Secretary
Queensland and South Australia Assessment Branch
November 2012

GPO Box 787 Canberra ACT 2601 • Telephone 02 6274 1111 • Facsimile 02 6274 1666
www.environment.gov.au
NATIONAL ENVIRONMENT LAW

THE BASICS—ENVIRONMENTAL IMPACT ASSESSMENTS AND APPROVALS OF PROJECTS

This fact sheet aims to provide a basic overview of the federal environmental assessment process as it relates to projects. It should not be used to determine whether an activity requires assessment under national environment law. For more detailed information about referring activities to the department, go to www.environment.gov.au/epbc/publications/epbc-act-fact-sheet.html

What is national environment law?

Australia’s main national environment law is the Environment Protection and Biodiversity Conservation Act 1999 or EPBC Act.

This legislation is designed to protect and manage matters that are nationally significant.

These nationally protected matters are:

- world heritage properties
- national heritage places
- wetlands of international importance (Ramsar wetlands)
- nationally threatened species and ecological communities
- migratory species
- Commonwealth marine areas
- Great Barrier Reef Marine Park
- the environment where nuclear actions are involved (including uranium mines).

While all levels of government regulate activities to protect the environment, the federal government’s role is specifically focused on protecting these matters.

The whole of the environment (not just the above matters) must be considered when activities take place within the Great Barrier Reef Marine Park, on Commonwealth land or in Commonwealth marine areas, are carried out by Commonwealth agencies, or are nuclear actions.

environment.gov.au

Release in full
Who does this legislation affect?

The legislation applies to anyone whose activity is likely to have a significant impact on the nationally protected matters.

For example, land owners, developers, farmers, mining companies, councils and state, territory and Commonwealth agencies are all groups that may need to submit (refer) their project proposal to the federal environment minister to see whether their activity needs to undergo a federal assessment process.

Examples of project proposals submitted for assessment include clearing or developing land (residential and commercial), mining activities and port development activities.

There are policy statements on the department's website to help guide people on whether their activities' impacts are likely to be significant under the legislation.

How does the assessment process work?

When an activity is referred to the federal environment department, the details of the proposal are looked at to see whether or not it will have a significant impact on nationally protected matters.

All referrals to the department are published on the website to give the public an opportunity to provide comment.

The minister or a departmental delegate will then decide whether or not the activity will need to be further assessed—this is the 'referral decision'.

A referral decision will be one of the following:

**Controlled action:** this means that a significant impact on a nationally protected matter is likely, and the activity needs to undergo federal assessment. A method of assessment will then be chosen, which will vary depending on the scale and complexity of the activity.

**Not controlled action, particular manner:** this means the activity does not need to be further assessed but must be carried out in the manner described in the decision.

**Not controlled action:** this means the activity does not need further assessment because it is not likely to have a significant impact on nationally protected matters.

**Action clearly unacceptable:** this means the activity cannot proceed because it is clear it will have an unacceptable impact on nationally protected matters. This is essentially a decision to refuse approval for the project.

Activities may also need to be assessed under state and local government legislation. It is always best for people to check with the relevant state and local agencies if they are unsure.
The role of the federal environment minister in environmental assessments

The minister’s key decision-making role with federal environmental assessments is to ensure that matters covered by national environment law are protected. When making a decision, the minister cannot consider matters that fall outside this federal legislation.

State and local government approvals might cover different matters from those protected by national environment law under their relevant legislation, so an activity may need approval from all three levels of government.

The federal environment minister cannot intervene in matters that fall outside national environment law. The department works with its state and territory counterparts to ensure information is shared and to align assessment processes where possible.

More information

For more information go to www.environment.gov.au/epbc, email cuu@environment.gov.au or call 1800 803 772.

Disclaimer

This material is intended to provide general information about the environment. It is not financial, legal, cultural or social advice. You should consult qualified experts before taking any action based on this material. Any opinions, findings, conclusions, or recommendations expressed in this material do not necessarily reflect the views of the Australian Government. The Australian Government accepts no responsibility for the accuracy, currency, or completeness of information contained herein.

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EPBC ACT—FREQUENTLY ASKED QUESTIONS

Environment Protection and Biodiversity Conservation Act 1999

What is the EPBC Act?

The Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) is the Australian Government’s central piece of environmental legislation.

The EPBC Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places—defined in the EPBC Act as matters of national environmental significance.

The eight matters of national environmental significance to which the EPBC Act applies are:

- world heritage sites
- national heritage places
- wetlands of international importance (often called ‘Ramsar’ wetlands after the international treaty under which such wetlands are listed)
- nationally threatened species and ecological communities
- migratory species
- Commonwealth marine areas
- the Great Barrier Reef Marine Park
- nuclear actions.

In addition, the EPBC Act confers jurisdiction over actions that have a significant impact on the environment where the actions affect, or are taken on, Commonwealth land, or are carried out by a Commonwealth agency (even if that significant impact is not on one of the eight matters of ‘national environmental significance’). Information about this special Commonwealth category is not included in this fact sheet.

Why do we have the EPBC Act?

Matters of national environmental significance are important to all Australians and, given the interconnectedness of the global biosphere, internationally as well. The EPBC Act aims to balance the protection of these crucial environmental and cultural values with our society’s economic and social needs by creating a legal framework and decision-making process based on the guiding principles of ecologically sustainable development.
Specifically, the EPBC Act aims to:

- provide for the protection of the environment, especially matters of national environmental significance
- conserve Australia's biodiversity
- protect biodiversity internationally by controlling the international movement of wildlife
- provide a streamlined environmental assessment and approvals process where matters of national environmental significance are involved
- protect our world and national heritage
- promote ecologically sustainable development.

**Who does the EPBC Act affect?**

The EPBC Act affects any group or individual (including companies) whose actions may have a significant impact on a matter of national environmental significance. This includes:

- landowners
- developers
- industry
- farmers
- councils
- state and territory agencies
- Commonwealth agencies.

Example: If a developer was planning a new resort close to a wetland of international importance, the developer would need to find out if the action of designing and running that resort might have a significant impact on any matter of national environmental significance. In this instance, the matters the developer would need to carefully look into would include:

- whether the development would affect the wetland—as wetlands of international importance are matters of national environmental significance
- whether the development would affect any nationally threatened plants, animals or ecological communities
- whether the development would affect any migratory animals
- whether the development would affect any world or national heritage places.

If the developer concluded that the development might have a significant impact on any of these matters of national environmental significance, then he or she would need to apply for approval to proceed under the EPBC Act.

This approval process under the EPBC Act would be in addition to any state or local government approval that might be required.

Anyone unsure of whether the EPBC Act applies to them, or of what they need to do to comply with the EPBC Act, is strongly encouraged to seek further information. A good starting point is the website of the Department of Sustainability, Environment, Water, Population and Communities:

When does a project need to be assessed?

The EPBC Act comes into play when a proposal has the potential to have a significant impact on a matter of national environmental significance.

When a person (a proponent) wants an action (often called a 'proposal' or 'project') assessed for environmental impacts under the EPBC Act, he or she must refer the project to the Department of Sustainability, Environment, Water, Population and Communities. This 'referral' is then released to the public, as well as relevant state, territory and Commonwealth ministers, for comment on whether the project is likely to have a significant impact on matters of national environmental significance.

The minister or the minister's delegate will then decide whether the likely environmental impacts of the project are such that it should be assessed under the EPBC Act. Any relevant public comments are taken into consideration in making that decision.

What is involved in an environmental assessment under the EPBC Act?

There are five different levels of assessment, depending on the significance of the project and how much information is already available. Each level involves considering technical information assembled by the proponent and comments made by the public.

Who approves a project after it is assessed?

Once a project has been assessed by the Department of Sustainability, Environment, Water, Population and Communities, the department makes a recommendation to the minister or delegate about whether or not the project should be approved to proceed.

The minister assesses all the information provided by the department before making a decision about whether or not the project should proceed, and if so, whether any specific conditions need to be attached to that approval.

In addition to considering potential impacts on matters of national environmental significance, in making a decision the minister also considers the social and economic impact of the project.

What is the role of the Australian Government environment minister?

The Australian Government environment minister's primary role under the EPBC Act is to protect areas of national environmental significance in accordance with the guiding principles of the EPBC Act. This means that the minister will always consider these critical environmental decisions in the broader context of Australia's social and economic needs.

However, the minister cannot intervene in a proposal if it has no significant impact on one of the eight matters of national environmental significance, even though there may be other undesirable environmental impacts. This is not because these other environmental matters are not important.

It is because, under the division of powers between the Australian Government and the states under the Australian Constitution, it is the states that have the primary responsibility for environmental protection. In contrast, the Australian Government environment minister only has authority over the eight defined matters of national environmental significance.
Example: The minister does not have power under the EPBC Act to regulate a proposal that will have impacts on matters such as air quality, noise, odour, general amenity or animals that are not listed as threatened or endangered under the EPBC Act. These environmental matters are the responsibility of the relevant state government to consider during any state assessment and approval process.

The EPBC Act includes a mechanism to ensure that the two levels of government do not duplicate their environmental protection functions or otherwise create inefficiencies by both being closely involved in the assessment and approval process for a single project that includes matters of both local and national environmental significance. Under this mechanism, the Australian Government may enter into an agreement with a state or territory government, under which the state or territory may assess actions that may have an impact on matters of national environmental significance. These are matters that the Australian Government minister would otherwise have responsibility for under the EPBC Act.

**Can the Australian Government environment minister overturn a state decision?**

Because the Australian Government environment minister only has the power to make decisions in relation to matters of national environmental significance, the minister has no power to intervene in decisions of state or local governments that do not have an impact on these matters. Thus, the EPBC Act does not give the minister the power to act as a general "court of appeal" from any state or local government decision affecting the environment.

Example: In 2007 the Australian Government approved the Gunns Pulp Mill in Tasmania, imposing 48 conditions. The approval and the conditions related only to things within the Australian Government’s jurisdiction—matters of national environmental significance—such as nationally-listed threatened species and the marine environment outside the three nautical mile limit of state waters. Although not as well publicised, the Tasmanian Government issued under special legislation a permit running to hundreds of pages. This permit covered all other aspects of the environment, such as air quality, noise and the protection of state waters. It also covered non-environmental matters such as planning and safety.

Community members or groups who want the Australian Government to intervene in state or local government decisions on environmental issues that are not matters of national environmental significance under the EPBC Act are asking the minister to act beyond legal authority. This means that apart from projects having an impact on matters of national environmental significance (and projects having significant impacts on Commonwealth land or carried out by Commonwealth agencies), community concerns regarding government decisions affecting the environment should be taken up with the relevant state or territory government.
22 November 2012

Acting Chief Executive Officer
Toowoomba Regional Council
PO Box 3021
VILLAGE FAIR TOOWOOMBA QLD 4350

Attn: Mr Rodney O'Brien

Dear Mr O'Brien

Toowoomba Airport Third Party Comment – Proposed Wellcamp Airport

Thank you for the opportunity to provide a Third Party Comment in relation to the proposal to site a new airport at Wellcamp, west of Toowoomba.

We have been provided with a copy of the letter from Aviation Projects Pty Limited to Mr Malcolm McGregor at the Civil Aviation Safety Authority dated 4 September 2012, which sets out a proposed methodology to deal with identified issues.

The proposed methodology proceeds on the basis that the major potential for conflict which will arise is as a result of the introduction of instrument approach procedures at the new airport, in close proximity to both Oakey and Toowoomba. While we agree that design of instrument approach procedures that will not conflict with existing procedures at the other airports will be problematic, the methodology actually proceeds on the basis that it is the only issue requiring management. That premise is not accepted.

The Australian Airspace Policy Statement (AAPS) 2012 is referred to as a means of dismissing, without further assessment, the need for changes to airspace classification as a result of the proposed new aerodrome. The AAPS addresses only the circumstance of a single, isolated aerodrome when looking at movement figures that might trigger a change in airspace classification. In this case, the proposed new airport would bring to three the number of airports within close confines and the interaction of traffic at those airports ought to have as much bearing on an assessment as the individual traffic at each of them. The proposed methodology does not address that issue at all.

The focus on instrument approach procedure design also overlooks the workload on flight crews, particularly those in higher performance RPT or charter aircraft, in transitioning from controlled airspace at higher altitudes, through Class E airspace and into Class G airspace on approach to any

All correspondence should be addressed to the Chief Executive Officer, PO Box 3021, Toowoomba Village Fair Qld 4350, quoting our reference and marked for the attention of the contact officer shown above...ABN 997 888 5380
of the three airports and having to assimilate within a very short space of time the position and intentions of any number of VFR aircraft operating into or out of the three airports. Whether the inclusion of the proposed airport in the existing CTAF would alleviate or exacerbate that problem is something which requires assessment and that can only occur if changes to airspace classification are first found to be unnecessary.

Management of aircraft in VFR and IFR conditions should be addressed as potential difficulties are not confined to IFR operations during the performance of instrument approach procedures to the minima. Even if an aircraft conducts an instrument approach to descend through IFR conditions, it may break into VFR conditions at any stage of the approach and be faced with numerous VFR aircraft operating into or out of the various aerodromes.

In terms of instrument procedure design at the new airport, it may be possible to reduce the extent to which the various procedures cross over with existing procedures. At present, aircraft conducting an instrument approach procedure at one airport maintain situational awareness with aircraft operating at the same airport and at the present adjoining airport. It is however; a known factor and the location of the airports and their active runways with respect to each other probably impacts upon that process in a positive way. This would become significantly harder in the context of three airports where there inevitably will be some overlap.

For instance, an aircraft holding above one airport to conduct an approach will have to wait until any other traffic at that airport has completed the instrument part of the approach before commencing its own approach. However, it may also have to ensure that there are no aircraft conducting approaches at an adjoining airport because of the possibility that the missed approach for that other aircraft may lead to conflict with the approach, bearing in mind that crews may be unaware of the precise location of instrument approach fixes at the other airport relative to their own positions. This could create safety issues but at best could lead to operational delays. The methodology does not adequately address how this increase in overlapping procedures and associated crew workload could be managed.

The issue seems to be touched on in part by a suggestion that changes or modifications to existing procedures could be made to enhance safety. That, without more detailed consideration and assessment of the nature of these changes, is unsatisfactory. The existing procedures have been designed to achieve safe instrument approaches. Any changes to those procedures, with which pilots have become familiar, would introduce its own risks purely by virtue of the changed operational environment and these would be on top of the additional risk associated with the more complex airspace structure resulting from the new airport. The methodology should assess those risks against the need for or benefits of any change.

A number of Toowoomba Aerodrome users have also expressed concerns about operational delays and interruptions to the extensive training undertaken at the Toowoomba Aerodrome including circuit training and transits to and from designated training areas.

The Wellcamp Airport proposal was recently discussed at a RAPAC (Southern Queensland) Meeting. The above concerns were tabled for discussion/consideration at the meeting.

Council is currently undertaking master planning for the Toowoomba Airport, and a copy of the final report for the Phase 1 Scoping Study has been provided under separate cover.

The Master Plan will take into consideration the potential for a new jet regional airport, and envisages the existing airport will continue to provide complementary support for wide range of operations.

All correspondence should be addressed to the Chief Executive Officer, PO Box 3521, Toowoomba Village Fair QLD 4350, quoting our reference and marked for the attention of the contact officer shown above. ABN 997 8830 5360.
aviation activities, other than the larger Code 3 and Code 4 aircraft operations envisaged by the development proposal.

If you have any questions, please do not hesitate to contact Council’s Co-ordinator Aerodromes on telephone 4688 6752 or via e-mail at barry.wicks@toowoombarc.qld.gov.au.

Yours faithfully

Sch. 4(4)(6) - Disclosing personal information

Rodney Betts
Manager Transport and Draining Planning/Aerodrome Manager
20 November 2012

The Chief Executive Officer
Toowoomba Regional Council
PO Box 3021 - Village Fair
Toowoomba QLD 4350

Attention: Rodney O'Brien

Dear Sir/Madam

CONCURRENCE AGENCY RESPONSE – CONDITIONS

Proposed Development: Development Permit for Material Change of Use (Public Utilities – Public Airport)

Real Property Description: Lot 11SP140293, 12SP190238, EMT A SP140293

Street Address: 1511 Toowoomba Cecil Plains Road, Wellcamp QLD 4350

Assessment Manager ref.: MCUC/2012/3399

Local Government Area: Toowoomba Regional Council

Reference is made to the referral agency material for the development application described above which was received by the Department of Transport and Main Roads (the department) under section 272 of the Sustainable Planning Act 2009 (SPA) on 11 July 2012.

An assessment of the proposed development has been undertaken against the purposes of the Transport Infrastructure Act 1994 for state-controlled roads / the purpose mentioned in section 258(2) of the Transport Infrastructure Act 1994 for railways / land use and transport coordination under the Transport Planning and Coordination Act 1994. Based on this jurisdiction, the department provides this concurrence agency response under Section 285 of the SPA.

The department advises the assessment manager that it requires conditions to attach to any development approval for the application. The department would also like to provide advice about the application to the assessment manager under Section 287(6) of the SPA.

Under Section 325(1) of the SPA, the assessment manager must therefore attach this response, including the enclosed Department of Transport and Main Roads Concurrence Agency Conditions and Statement of Reasons, to any approval for the application.
The department may change its concurrence agency response in accordance with Section 290(1)(b) of the SPA.

The department must be provided with a copy of the assessment manager’s decision notice regarding the application within five (5) business days after the day the decision is made in accordance with Section 334 of the SPA.

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

If you have any questions or wish to seek clarification about any of the details in this response, please contact Andrew Watson, Town Planner (Network Planning and Performance) on 07 4639 0842.

Yours sincerely

Sch. 4(4)(6) - Disclosing personal information

Bruce Steele
Manager (Road System & Corridor)

Enc. (Department of Transport and Main Roads Agency Conditions and Statement of Reasons)

C/c Wagner Investments Pty Ltd
CI- Precinct Urban Planning
PO Box 3038
Toowoomba Village Fair, QLD 4350

RECEIVED
2 & NOV 2012
TOOWOOMBA
REGIONAL COUNCIL
**Department of Transport and Main Roads**

**Concurrence Agency Conditions and Statement of Reasons**

**Proposed Development:** Development Permit for Material Change of Use (Public Utilities – Public Airport)

**Real Property Description:** Lot 11SP140293, 12SP190236, EMT A SP140293

**Street Address:** 1511 Toowoomba Cecil Plains Road, Wellcamp QLD 4350

**Assessment Manager ref.:** MCUC/2012/3399

**Local Government Area:** Toowoomba Regional Council

<table>
<thead>
<tr>
<th>No.</th>
<th>Conditions of Development</th>
<th>Condition Timing</th>
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</tr>
</thead>
</table>
| 1   | (a) The development must be carried out generally in accordance with the following plans, except as modified by these concurrence agency conditions:  
• Master Plan – Stage 1: Start Up, Drawing No. P19, Issue A, dated 16/10/12 and prepared by Kehoe Myers Consulting Engineers Pty Ltd;  
• Overall Carpark & Terminal Layout Plan, Drawing No. C06, Issue C, dated 16/10/12 and prepared by Kehoe Myers Consulting Engineers Pty Ltd;  
• Carpark Layout Plan, Drawing No. C07, Issue B, dated 16/10/12 and prepared by Kehoe Myers Consulting Engineers Pty Ltd;  
• Terminal Layout & Cross Over Details, Drawing No. C09, Issue B, dated 16/10/12 and prepared by Kehoe Myers Consulting Engineers Pty Ltd; and  
• Proposed Site Layout, Drawing No. C01, Issue D, dated | (a) and (b) Prior to the commencement of use and to be maintained at all times. | Land Use and Transport Coordination under the Transport Planning and Coordination Act 1994 (TPCA).  
The Department of Transport and Main Roads' assessment of the development application was undertaken on the basis of the cited plan/s and report/s which depict how the proposed development will be carried out. |
(b) The development must only relate to Stage 1: Start Up, generally in accordance with that described on page 4 of
Precinct Urban Planning’s information request response to the
Department of Transport and Main Roads dated 23 October 2012.

2  (a) The applicant must provide an amended Overall Carpark &
Terminal Layout Plan, Drawing No. C06, Issue C and Terminal
Layout & Cross Over Details, Drawing No. C09, Issue B
prepared by Kehoe Myers Consulting Engineers Pty Ltd to the
Department of Transport and Main Roads showing the
following:
• an amended arrangement for bus parking so that parking
bays are parallel to kerb to avoid vehicles reversing into
traffic, the taxi and shuttle bus zone and other coaches;
• provision for at least two bus parking spaces suitable for
14.5 metre length buses.

The development must be in accordance with the amended
plans required in part (a) of this condition.

The applicant must provided RPEQ certification to the
Department of Transport and Main Roads that the development
has been designed and constructed in accordance with part (a)
of this condition.

(a) Prior to obtaining
development approval for
building work or operational
work, whichever occurs first

(b) Prior to the commencement
of use and to be maintained
at all times

(c) Prior to obtaining a final
inspection certificate or
certificate of classification,
whichever is applicable, or
prior to the commencement
of use, whichever occurs first

Land Use and Transport Coordination under the
Transport Planning and Coordination Act 1994
(TPCA).

The way the object of s.8A of the TPCA is to be
achieved includes ensuring as far as practicable
that public passenger transport offers an
attractive alternative to private transport. It also
seeks to promote development that maximises
the use of public passenger transport and ensure,
as far as practicable, the provision of public
passenger transport infrastructure to support
public passenger transport.
The development must make provision for a taxi facility and bus parking in accordance with the amended Overall Carpark & Terminal Layout Plan, Drawing No. C06, Issue C and Terminal Layout & Cross Over Details, Drawing No. C09, Issue B required in condition 2 of this concurrence agency response.

(b) The taxi facility must be in accordance with the following standards:
- AS2890.5 – Parking Facilities, Part 5: On-street parking

(c) The bus parking must:
- make provision for at least the parking and independent operation of two 14.5m length single unit rigid buses parallel to the kerb (with or without an indent bay), and
- be in accordance with the Bus Bay Length Requirements on page 164 of the Translink Transit Authority Public Transport Infrastructure Manual.

The applicant must provide RREQ certification to the Department of Transport and Main Roads that the development has been designed and constructed in accordance with parts (a) to (c) of this condition.

The ‘proposed private 7m wide sealed access road’, including the terminal access road/driveway, shown on the Proposed Site Layout, Drawing No. C01, Issue D, dated 16/10/12 and prepared by Kehoe Myers Consulting Engineers Pty Ltd must be in accordance with the Schedule – Code for IDAS, Part 2 – Development Standards of the Transport Planning and Coordination Regulation 2005 and designed to allow the

(a) Prior to the commencement of use and to be maintained at all times
(b) Prior to obtaining a final inspection certificate or certificate of classification, whichever is applicable, or prior to the commencement of use, whichever occurs first

Jurisdiction and Reasons:
Land Use and Transport Coordination under the Transport Planning and Coordination Act 1994 (TPCA).

The way the object of s.8A of the TPCA is to be achieved includes ensuring as far as practicable that public passenger transport offers an attractive alternative to private transport. It also seeks to promote development that maximises the use of public passenger transport and ensure, as far as practicable, the provision of public passenger transport infrastructure to support public passenger transport.
(b) The applicant must provide RPEQ certification to the Department of Transport and Main Roads that the development has been designed and constructed in accordance with part (a) of this condition.

5 (a) Pedestrian access from the terminal entry to the bus and taxi loading areas must be provided in accordance with:
- The Disability Standards for Accessible Public Transport 2002 made under subsection 31(1) of the Disability Discrimination Act 1992;
- AS1428.1 – Design for Access and Mobility, Part 1: General Requirements for Access – New Building Work;
- AS1428.2 – Design for Access and Mobility, Part 2: Enhanced and Additional Requirements – Building and Facilities;
- AUSTROADS Guide to Road Design – Part 6A: Pedestrian and Cyclist Paths 2009; and
- Crime Prevention through Environmental Design Guidelines for Queensland.

(b) Prior to obtaining a final inspection certificate or certificate of classification, whichever is applicable, or prior to the commencement of use, whichever occurs first

The applicant must provide RPEQ certification to the Department of Transport and Main Roads that the development has been designed and constructed in accordance with part (a) of this condition.

Development Permit for Material Change of Use (Public Utilities – Public Airport) – State-Controlled Road Requirements
<table>
<thead>
<tr>
<th>No.</th>
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<tbody>
<tr>
<td>6</td>
<td>(a) The development must be carried out generally in accordance with the following plans, except as modified by these concurrence agency conditions:</td>
<td>Prior to the commencement of use and to be maintained at all times</td>
<td>The purposes of the Transport Infrastructure Act 1994.</td>
</tr>
<tr>
<td></td>
<td>- Master Plan – Stage 1: Start Up, Drawing No. P19, Issue A, dated 16/10/12 and prepared by Kehoe Myers Consulting Engineers Pty Ltd;</td>
<td></td>
<td>The Department of Transport and Main Roads’ assessment of the development application was undertaken on the basis of the cited plan/s and/or report/s which depict how the proposed development will be carried out.</td>
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<tr>
<td></td>
<td>- Proposed Site Layout, Drawing No. C01, Issue D, dated 16/10/12 and prepared by Kehoe Myers Consulting Engineers Pty Ltd;</td>
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<td></td>
<td>- Wellcamp Aerodrome Obstacle Section – Runway 12, Drawing No. AG10017-SK01, Rev A dated 15 October 2012 and prepared by Airport Consultancy Group (ACG); and</td>
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<td></td>
<td>- Existing Site Layout, Project Number C1112195. Drawing Number C05, Issue B, dated 16 October 2012 and prepared by Kehoe Myers Consulting Engineers Pty Ltd;</td>
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<tr>
<td></td>
<td>(b) The development must only relate to Stage 1: Start Up, generally in accordance with that described on page 4 of Precinct Urban Planning’s information request response to the Department of Transport and Main Roads dated 23 October 2012.</td>
<td></td>
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<td>7</td>
<td>Direct access is not permitted between the development site and Toowoomba-C Cecil Plains road at any location other than the permitted road access location described as an “Auxiliary Access” in the submitted proposal plan titled “Proposed Site Layout”,</td>
<td>At all times</td>
<td>The purposes of the Transport Infrastructure Act 1994.</td>
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<td>Vehicular access at the permitted road access</td>
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<tr>
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<td>8</td>
<td>The &quot;Auxiliary Access&quot; identified in Condition 7 may only be used for emergency purposes. A physical barrier shall be installed preventing frequent vehicular movement at the permitted road access location.</td>
<td>Prior to the commencement of use and to be maintained at all times.</td>
<td>The purposes of the Transport Infrastructure Act 1994 (TIA).</td>
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<td></td>
<td>Restrictions and/or conditions on the use of vehicular access at the permitted road access location are required to minimise impacts on the safety and efficiency of the state-controlled road network.</td>
</tr>
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<td>This is a decision under section 62(1) of the TIA in conjunction with a development approval for conditions and restrictions on the use of a permitted road access location.</td>
</tr>
</tbody>
</table>

- All construction vehicles must enter and exit the site in a forward direction.

- The management of stormwater (quantity and quality) post development must achieve a no worsening impact (on the pre-development condition) calculated during a 100 year ARI.

- (a) & (b) Prior to the commencement of use and to be maintained at all times for the approved period.

To be maintained at all times for the approved period.

The purposes of the Transport Infrastructure Act 1994.

These movements will minimise impacts on the safety and efficiency of the state-controlled road network.

The purposes of the Transport Infrastructure Act 1994.
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<td>design event in accordance with the Department of Transport and Main Roads’ Road Drainage Manual. In particular, stormwater management for the development must ensure no worsening or actionable nuisance to the state-controlled road network caused by peak discharges, flood levels, frequency duration of flooding, flow velocities, water quality, sedimentation and scour effects.</td>
<td>at all times (c)</td>
<td>The safety and efficiency of state-controlled roads can be adversely affected by changes to stormwater runoff as a result of development.</td>
</tr>
<tr>
<td></td>
<td>(b) Any excavation, filling, paving, landscaping, construction or any other works to the land must not:</td>
<td></td>
<td>Additional comments or information:</td>
</tr>
<tr>
<td></td>
<td>i. create any new discharge points for stormwater runoff onto the state-controlled road;</td>
<td></td>
<td>Please refer to the Department of Transport and Main Roads’ Road Drainage Manual which can be accessed at <a href="http://www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx">http://www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx</a>.</td>
</tr>
<tr>
<td></td>
<td>ii. interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road;</td>
<td></td>
<td>Further guidance regarding stormwater management is also provided in the Queensland Urban Drainage Manual available at <a href="http://www.derm.qld.gov.au">www.derm.qld.gov.au</a> and in the Environmental Protection Act 1994 and Environmental Protection (Water) Policy 2009 which are available at <a href="http://www.legislation.qld.gov.au">www.legislation.qld.gov.au</a>.</td>
</tr>
<tr>
<td></td>
<td>iii. surcharge any existing culvert or drain on the state-controlled road;</td>
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<td></td>
<td>iv. reduce the quality of stormwater discharge onto the state-controlled road.</td>
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<td></td>
<td>(c) The applicant must provide RPEO certification to the Department of Transport and Main Roads that the development has been designed and constructed in accordance with parts (a) and (b) of this condition.</td>
<td>Prior to obtaining a final inspection certificate or certificate of classification, whichever is applicable, or prior to the commencement of use, whichever occurs first.</td>
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<tr>
<td>11</td>
<td>The applicant must provide an intersection located between the Toowoomba-Cecil Plains Road and the existing unnamed and unformed road corridor as shown in plan titled “Proposed Site</td>
<td>Prior to the commencement of use.</td>
<td>The purposes of the Transport Infrastructure Act 1994 (TIA).</td>
</tr>
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<tr>
<td>12</td>
<td>(a) The intersection must be designed and constructed generally in accordance with the Department of Transport and Main Roads' Road Planning and Design Manual including the Interim Guide to Road Planning and Design Practice including any manuals/standards referenced therein.</td>
<td>Prior to the commencement of use</td>
<td>The intersection works are required as a consequence of the development and its associated traffic impacts to ensure the safety and efficiency of the state-controlled road network. The purposes of the Transport Infrastructure Act 1994 (TIA). The intersection works are required as a consequence of the development and its associated traffic impacts to ensure the safety and efficiency of the state-controlled road network. In accordance with Section 33 of the TIA, you must have written approval to carry out road works, including road access works on a state-controlled road. These development conditions do not constitute such approval. You will need to contact the Department of Transport and Main Roads to make an application for approval under section 33 of the TIA to carry out road works. The Department of Transport and Main Roads' technical standards and publications can be</td>
</tr>
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<tr>
<td></td>
<td>(c) The intersection must be provided by the applicant at no cost to the Department of Transport and Main Roads.</td>
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</tbody>
</table>
### Advice for state controlled roads

Under section 43 of the *Transport Infrastructure Act 1994*, a local government must obtain the Department of Transport and Main Roads' approval if it intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be visible from a motorway; and beyond the boundaries of the motorway; and reasonably likely to create a traffic hazard for the motorway.

Under section 33 of the *Transport Infrastructure Act 1994*, written approval is required from the Department of Transport and Main Roads to carry out road works, including road access works, on a state-controlled road. Please contact the Department of Transport and Main Roads to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).

An application for a Road Corridor Permit is required for any ancillary works and encroachments on the state-controlled road under section 50(2) and Schedule 6 of the *Transport Infrastructure Act 1994* and Part 5 and Schedule 1 of the *Transport Infrastructure (State-Controlled Roads) Regulation 2006*. Please contact the Department of Transport and Main Roads to make an application for a Road Corridor Permit. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters, vegetation cleaning, landscaping and planting.

Mandatory Part (MP) 4.4 of the *Queensland Development Code* (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the *Building Act 1975* as a transport noise corridor. Information about transport noise corridors is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available at the Department of Local Government and Planning website (http://www.dgip.qld.gov.au/building/transport-noise-corridor-search-tool.html) and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land.
### Advice for state controlled roads

Pursuant to Section 580 of the Sustainable Planning Act 2009 it is a development offence to contravene a development approval, including any condition in the approval.

Pursuant to Section 80 of the Transport Infrastructure Act 1994, the construction, augmentation, alteration or maintenance of a public utility plant on a state-controlled road reserve, must be in accordance with the Department of Transport and Main Roads’ requirements.

### Advice for public passenger transport and railways


The applicant is responsible for obtaining any necessary approvals, permits and/or licences from any nearby airports, the Department of Defence, Air Services Australia, the Civil Aviation Safety Authority (CASA) and any other relevant authority in respect of the proposed development.

The department is not yet in a position to provide comment on whether the proposed airport would be serviced by regulated and/or subsidised air services.

Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the Building Act 1975 as a transport noise corridor. Information about transport noise corridors is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available at the Department of Local Government and Planning website (http://www.dlgp.qld.gov.au/building/transport-noise-corridor-search-tool.html) and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land.
Advice for public passenger transport and railways


The Transport Planning and Co ordination Regulation 2005 is available at: www.legislation.qld.gov.au


The Queensland Development Code (QDC), Mandatory Part 4.1 - Sustainable Buildings requires end of trip facilities (including bicycle parking and storage facilities, lockers and change rooms) to be provided for employees or occupants in Major Developments located in designated local government areas. Major Development includes commercial office buildings, shopping centres, tertiary education facilities or hospitals with a floor area greater than 2000m2 or development specified in a local government planning scheme for the purposes of QDC MP4.1. The applicant is responsible for achieving compliance with the QDC when obtaining any necessary development permits for building work for the proposed development.
INFORMATION ATTACHMENT TO CONCURRENCE AGENCY RESPONSE

Representations on Referral Agency Response
If the applicant intends to make a representation to the Department of Transport and Main Roads (the department) regarding the attached concurrence agency response, the applicant needs to do this before the assessment manager decides the application. The assessment manager cannot decide the application before 10 business days after receiving the final concurrence agency response, pursuant to section 318(5) of the Sustainable Planning Act 2009 (SPA).

The applicant will need to give the assessment manager written notice under section 320(1) of SPA to stop the decision-making period to make a representation to the department and subsequently contact the department to make the representation. The decision making period cannot be stopped for more than 3 months.

Planning and Environment Court Appeals
If an appeal is lodged in the Planning and Environment Court in relation to this application, the appellant must give written notice of the appeal to the department under Section 482(1) of the SPA. This notice should be forwarded to the Planning Law Team, Planning Management Branch, Department of Transport and Main Roads, GPO Box 213, Brisbane QLD 4001 within 2 days if the appeal is started by a submitter, or otherwise within 10 business days after the appeal is started.
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

25 January 2013

Dear Sir/Madam

Location: 1511 Toowoomba Cecil Plains Road, WELLCAMP QLD 4350
Property Description: Lot 11 SP140293, Part Lot 12 SP190236 and Easement A on SP140293
Relevant Planning Scheme: Jondaryan Shire Council Planning Scheme 2005 (as amended 2009)

The Development Application for Material Change of Use - Code for Utilities Public - Public Airport (including Taxiway, Apron, Public Terminal Building and Car Park) at the abovementioned property has been assessed and approved with Conditions. The decision was made on 25 January 2013. The following provides all the relevant details:

Details of Approval

Development Permit - Material Change of Use - Code - Utilities Public - Public Airport (including Taxiway, Apron, Public Terminal Building and Car Park)

Referral Agencies

Concurrence Agencies Name & Address: Department of Transport & Main Roads
Locked Bag 1,
WARWICK QLD 4370

Advice Agencies Name & Address: N/A

Conditions and Advices

Assessment Manager's Conditions: As per attached Schedule 1
Concurrence Agency Conditions: As per attached Schedule 2
Third Party Comments: As per attached Schedule 3
Further Development Permits and/or Compliance Permits Required

- Development Permit for Building Works (including demolition)
- Compliance Permit for Plumbing and Drainage Works
- Development Permit for Operational Works
- Compliance Assessment for Landscaping Plan and Carparking and Vehicle Manoeuvring

Rights of Appeal

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

Yours faithfully

Matthew Coleman
Principal Planner, Development Assessment
SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - CODE

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<th>APPLICATION NUMBER:</th>
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<td>APPLICANT:</td>
<td>Wagner Investments Pty Ltd</td>
</tr>
<tr>
<td>LOCATION:</td>
<td>1511 Toowoomba Cecil Plains Road, WELLCAMP QLD 4350</td>
</tr>
<tr>
<td>PROPERTY DESCRIPTION:</td>
<td>Lot 11 SP140293, Part Lot 12 SP190236 and Easement A on SP140293</td>
</tr>
<tr>
<td>APPROVED USE:</td>
<td>Utilities Public - Public Airport (including Taxiway, Apron, Public Terminal Building and Car Park)</td>
</tr>
<tr>
<td>ZONING / PRECINCT:</td>
<td>Regional Industry Zone - General and Rural Industries Precinct; Major Industry Precinct; and Open Space Buffer Precinct</td>
</tr>
</tbody>
</table>

A. ASSESSMENT MANAGER'S CONDITIONS:

PARAMETERS OF APPROVAL

1. 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.

2. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.

GENERAL

APPROVED AND AMENDED PLANS

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

Plan No: C1112195 C01 - D
Description: Proposed Site Layout prepared by Kehoe Myers Consulting Engineers dated 16/10/12.
Amendments:
- Delete all references to Stage 2 & 3 Taxiways and Stage 2 Apron.
- Delete car parking area for Stage 1A, 2 & 3.

Plan No: C1112195 C06 - C
Description: Overall Car Park and Terminal Layout Plan prepared by Kehoe Myers Consulting Engineers dated 16/10/12.
Amendments:
- Amend title to state 'Car Park (Stage 1) and Terminal Layout Plan'.
- Delete Car Rental and Company Storage and Washdown Areas.
- Delete car parking area for Stage 1A, 2 & 3 and associated notation.
- Delete table identifying car park staging.
- Delete notation 'Up to 117 carparks available for allocation to rental companies'.

Release in full
Amend the coach parking to satisfy Department of Transport and Main Roads requirements.

Plan No: C1112195 C07 - B
Description: Car Park Layout prepared by Kehoe Myers Consulting Engineers dated 16/10/12.
Amendments: Amend Title to state 'Stage 1 Car Park Layout Plan'.
Delete car parking area for Stage 1A, 2 & 3.

Plan No: C1112195 P19 - A
Description: Master Plan Stage 1: Start Up prepared by Kehoe Myers Consulting Engineers dated 16/10/12.
Amendments: Delete car parking area for Stage 1A, 2 & 3.

Plan No: 12-0617 A.100 - A
Description: Terminal Building Proposed Floor Plan prepared by Aspect Architects and Project Managers dated 27/06/12.
Amendments: Nil.

Plan No: 12-0617 A.200 - A
Description: Terminal Building Proposed Elevations prepared by Aspect Architects and Project Managers dated 27/06/12.
Amendments: Nil.

Plan No: 12-0617 A.201 - A
Description: Terminal Building Proposed Elevations prepared by Aspect Architects and Project Managers dated 27/06/12.
Amendments: Nil.

4. Amended plans which comply with the amendments required by Condition 3 above must be submitted to the Manager, Development Assessment prior to the issue of a Development Permit for Building Works or a Compliance Certificate/Permit for Plumbing and Drainage Works, whichever approval occurs first.

APPROVED AND AMENDED DOCUMENTS

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

Document: Report 00612 Version B
Description: Wellcamp Aerodrome Acoustic Assessment prepared by Wilkinson Murray Pty Ltd dated 29 November 2012.
Amendments: Nil.

Document: N/A
Description: Wellcamp Airport Site Based Management Plan prepared by The Long Group dated 16 October 2012.
Amendments: Amend to include revisions required by Condition 50.

6. Amended Documents must be submitted to the Manager, Development Assessment prior to the issue of a Development Permit for Building Works or a Compliance Certificate/Permit for Plumbing and Drainage Works, whichever approval occurs first unless otherwise stated by the conditions of this approval.
PARTICULAR USE

7. This Development Permit is for the particular use(s) stated as Utilities Public – Public Airport (including Taxiway, Apron, Public Terminal Building (Gross Floor Area 194m² and Carpark) as shown on the Approved Plans (as amended) and does not imply or comprise an approval for any other use(s).

8. The airport must be available and accessible at all times for the general public and of overall benefit to the general public.

9. The approved use is to be generally in accordance with proposed “Stage 1 – Start Up” description outlined in the TRC Information Request Response Volume 1 prepared by Precinct Planning and received by Council on 22 October 2012 unless modified by the conditions of this approval and must not include any of the following uses:
   a. Aircraft Hangars;
   b. Warehouse (as defined in the Jondaryan Shire Council Planning Scheme 2005 (amended 2009));
   c. Overnight storing of trucks, buses, taxis or other road transport vehicles, or aircraft; and
   d. Fuel Storage.

10. Remove all existing structures as noted on Plan No C1112195 C05–B, Existing Site Layout prepared by Kehoe Myers Consulting Engineers dated 16/10/12.

AMALGAMATION OF Lots

11. The subject land must be amalgamated to form a single allotment prior to the commencement of the use. The Plan of Survey for amalgamation must be registered, and proof of registration provided to Council prior to the commencement of the use.

APPROVED DOCUMENTATION

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

MAINTENANCE

13. The development must be maintained in accordance with the Approved Plans and Approved Documents subject to and modified by any conditions of this approval.

COMPLIANCE ASSESSMENT

14. Lodge and gain Council approval for Compliance Assessment for the following purposes/documents associated with the conditions of this development approval, prior to commencement of any works on the site:
   a) Landscape Plan; and
   b) Car parking and vehicle maneuvering areas.

AMENITY

VISUAL AND GENERAL AMENITY

15. Any graffiti on the buildings/structures/fences on the subject land must be immediately removed.

16. All buildings/structures and the subject land must be maintained in a clean and tidy manner, at all times.

17. Any plant located on the roof top of buildings/structures must be enclosed by visual screening devices equal to height of the highest part of that plant.
18. Open storage areas, loading areas, refuse storage areas and other unsightly areas, must be screened from view from all street frontages and public places.

FENCING

FENCING - COMMERCIAL AND INDUSTRIAL DEVELOPMENT ADJACENT TO PUBLIC PLACES

19. Provide security fencing generally in accordance with the approved plans.

20. Fencing adjacent to public places (streets, public walkways, laneways and open space areas) must maintain a minimum transparency of 50% of the surface of the fence above 1.2m in height, and is located so as not to prohibit views of entrances and exits to buildings.

21. Pay the total cost of the new fencing.

LANDSCAPING

LANDSCAPING – GENERAL

22. Submit for compliance assessment in accordance with Condition 14, a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect. The Landscape Plan must be submitted to Council prior to the commencement of any works on the subject land.

23. The Landscape Plan must address the performance criteria listed below and must show the information outlined in the relevant section of the Planning Scheme:
   a) To enhance the appearance of the development internally and externally; and
   b) To make a positive contribution to the streetscape; and
   c) To screen unsightly objects from public view; and
   d) To contribute to a comfortable living environment by providing shade to reduce glare, heat absorption and radiation; and
   e) To ensure private open space is useable; and
   f) To provide long term erosion protection; and
   g) To integrate with existing vegetation and other natural features of the site and adjoining lands;
   h) To provide adequate vehicle sightlines and road safety; and
   i) To minimise potential for attracting birds or bats that may interfere with aircraft operations.

24. The Landscape Plan must also cover the entire development site and include the following detail:
   a) The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site; and
   b) The number and container size of plants; and
   c) The typical planting detail including preparation, backfill, staking and mulching, irrigation and mulching.

25. 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.

LANDSCAPING – MISCELLANEOUS

26. All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times.

27. Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.

Release in full
28. 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:
   a) Using trees which have a clean trunk height of at least 1.8 metres (at maturity); and
   b) Using shrubs with a maximum height of 0.75 metres within 3.0 m either side of the entrance.

29. A planted landscape buffer having a minimum width of 10 metres must be provided along the full length of the frontage of the subject land (exclusive of vehicle and pedestrian access to the site) as per the following locations and timing:
   a) the Toowoomba Bypass – by no later than six (6) months after completion of that section of the Toowoomba Bypass which adjoins the subject land; and
   b) the Toowoomba Cecil Plains Road – prior to the commencement of use.

30. The planted landscape buffer required by Condition 29 must be planted with a minimum of two rows, diagonally offset with trees generally spaced a maximum of 8 -10 metres apart and to be of native tree and shrub species to be selected to achieve a continuous evergreen screen with vegetation from the ground generally to a minimum of 8.0m height at maturity, Note: A lower mature plant height is acceptable if demonstrated necessary to conform with the Obstacle Limitation Surface or other aircraft safety issues.

31. Screen planting of minimum height and width of 2.0m is to be provided to a minimum of 50 percent of the perimeter of the carpark areas and to the runway security fence to include a mix of species to be planted in intermittent groups to visually fragment views into and out of the site.

32. Street tree planting is to be provided along the length of the public unnamed road along the site frontage from the intersection of Toowoomba Cecil Plains Road to the southern edge of ‘Lot 1’ (shown on Proposed Site Layout prepared by Kehoe Myers Consulting Engineers dated 16/10/12 (as amended)) and the internal access road utilizing suitable native species of minimum of 1.5m height at planting stage that will achieve a clean trunk of 1.2 – 2.0m height at maturity.

33. Street trees must be selected from species that have low water requirements once established and be non-limb shedding varieties.

34. All street trees must be planted prior to commencement of use and be maintained for a minimum of two (2) years by the developer and handed over to Council in a sound and healthy condition.

35. A minimum of 70% of landscaped areas must be retained as a permeable surface.

36. 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.

LIGHTING

INDOOR AND OUTDOOR LIGHTING FOR SAFETY & SECURITY

37. Outdoor security lighting must ensure safety of users of the development by:
   a) Providing outdoor lighting in accordance with Australian Standard AS 1158.3.1 – Road Lighting – Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements; and
   b) The use of vandal resistant lighting in public or publicly accessible areas.

38. Lighting must be provided throughout the car parking areas and along pedestrian access paths in compliance with Australian Standard AS 1158.3.1 – Road Lighting – Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements.

39. Lighting must be provided to the following areas of the site:
   a) The entries and exits of the approved buildings;
   b) The pathways between the parking areas and the entrances/exits of the building/s; and
   c) Throughout car parking areas.
OUTDOOR LIGHTING – IMPACT MITIGATION

40. Subject to consistency with any Civil Aviation Safety Authority (CASA) requirements regarding lighting, the outdoor lighting of the development must mitigate adverse lighting and illumination impacts by:

   a) Providing Outdoor Lighting that is designed, installed and regulated in accordance with the parameters outlined in Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting; and

   b) Installation of outdoor lighting that:
      (i) Provides 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) Is directed onto the subject land and away from neighbouring properties; and
      (iii) Uses shrouding/baffling devices to preclude light overspill onto surrounding properties where necessary.

40.1 In the event of an inconsistency between any CASA requirements and (a) and (b) (above), the CASA requirements shall prevail.

REFUSE

WASTE MANAGEMENT

41. All waste generated from construction of the development must be effectively controlled on site before disposal. All waste must be disposed of in accordance with the Environmental Protection (Waste Management) Regulation 2000.

42. All waste generated on site must be managed in accordance with the waste management hierarchy as detailed in the Environmental Protection (Waste Management) Policy 2000.

REFUSE STORAGE AREA - GENERAL

43. 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 1.5m high solid fence or wall.

44. The size and capacity of the refuse storage areas must be sufficient to accommodate:
   a) The level of waste likely to be generated from the development having regard to the frequency of refuse collection;
   b) General refuse bins of an industrial type appropriate to the nature and scale of the use;
   c) Recycling bins appropriate to the nature and scale of the use; and
   d) 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.

45. The refuse storage area must have:
   a) An impervious floor, graded and drained through an approved sediment/silt trap to a legal sewer connection;
   b) Adequate bunding around its perimeter to prevent contaminate wastewater escaping to stormwater, and
   c) A tap and hose located within 5 metres.

WASTE COLLECTION

46. The refuse and recycling bins must be located in a manner that allows the refuse vehicle to pick them up automatically without the driver or any other person having to relocate them.

47. The collection of putrescible waste arising from the activities undertaken on this development must be collected and removed at periods not exceeding seven days.
48. The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.

49. Refuse and recycling bin collection areas must be maintained to ensure that:
   a) Waste containers are kept in a clean state and in good repair;
   b) Waste containers are provided with tight-fitting lid assemblies designed to prevent ingress of pests and water;
   c) All waste containers supplied are kept within the boundaries of the premises; and
   d) There is unobstructed access to the containers for the removal of waste.

ENVIRONMENTAL MANAGEMENT

SITE BASED ENVIRONMENTAL MANAGEMENT PLAN

50. Within six (6) months of approval, submit a revised Site Based Management Plan that includes the following:
   a) Operating procedures and record keeping templates associated with the ordering and delivery of aviation fuel to the aerodrome;
   b) Operating procedures and record keeping templates associated with refuelling of aircraft if and when required;
   c) Fuel spill and leak prevention and response procedures to prevent or minimise environmental harm;
   d) Contingency plans to deal with the possible need for any aviation fuel to be held on site for a period greater than 24 hrs including identifying how and where fuel will be held, and methods to secure surrounds and bunding (temporary or otherwise) to contain spills;
   e) Operating procedures and management strategies to deal with potential conflicts between airport operations and the Wellcamp Downs Key Resource Area (KRA3) including defined areas of responsibility;
   f) Communication of procedures, plans, incidents, potential environmental problems and results;
   g) Keeping and production of records and reports;
   h) Monitoring of the release of contaminants into the environment; and
   i) Staff training and awareness of environmental issues.

RIPARIAN REVEGETATION WORKS

51. Prior to the commencement of revegetation works, a Revegetation Plan must be submitted to and approved by Council for all revegetation associated with the development to the general extent as indicated on the approved Master Plan – Stage 1: Start Up prepared by Kehoe Myers Consulting Engineers and in accordance with the following requirements:
   a) The Revegetation Plan must be prepared by a suitably qualified and experienced environmental consultant;
   b) The Revegetation Plan must detail:
      i. The species to be planted;
      ii. An assessment of the suitability of species to be planted with a view to minimising attracting birds and bats to an area so close to the aerodrome;
      iii. The extent of the revegetation planting to occur;
      iv. The number and size of plants to be planted;
      v. The density of plantings proposed;
      vi. Typical revegetation detail including site preparation and plant maintenance methods; and
      vii. Any proposed reshaping of the land to be undertaken.

52. Prepare and revegetate the area for revegetation works in accordance with the approved Revegetation Plan required by condition 52 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 Revegetation Plan.
WILDLIFE HAZARD MANAGEMENT

53. Submit in conjunction with the Revegetation Plan (required by Condition 51) and receive Council approval for a Wildlife Hazard Management Plan prepared by an independent and appropriately qualified wildlife hazard consultant with aerodrome experience that includes:
   a) A broad assessment of the aerodrome’s hazard profile, including aircraft movements, the habitat and activities that attract wildlife both on and off Premises, the species most likely to be an issue;
   b) A risk assessment for each species and habitat/activities identified as hazardous;
   c) Details of wildlife management measures for reducing the risk of strikes on and surrounding the aerodrome, including wildlife monitoring and reporting procedures;
   d) Procedures for record keeping; and
   e) Management measures for keeping and production of records and reports, and staff training and awareness of wildlife hazard management issues.

ENVIRONMENTAL MANAGEMENT – AIR QUALITY

54. No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm or environmental nuisance as defined in the Environmental Protection Act 1994 must at any time emanate beyond the boundaries of the subject land.

ACOUSTIC / OPERATION

ACOUSTIC IMPACT MITIGATION – OPERATIONS

55. All “refrigeration equipment”, “pumps”, “regulated devices”, and “air-conditioning equipment” as defined by the Environmental Protection Act 1994 must be designed, installed, operated and maintained to comply with the noise standards as specified within the Environmental Protection Act 1994.

56. Any noise generated from the Premises including ground based activities such as taxiing or engine run ups associated with maintenance is to comply with the Environment Protection (Noise) Policy 2008.

57. Prior to commencement of use, submit to Council for approval, a Noise Management Plan prepared by a suitably qualified acoustic consultant that includes but is not limited to the following:
   a) A hierarchy of operational noise reduction and noise amelioration measures;
   b) A proposed acoustic monitoring program and methodology incorporating best practice that meets the requirements;
   c) Based on the most up to date proposed runway usage and flight path usage, an ANEC contour chart and peak noise level and frequency (N70 and N60) contours supplied as GIS files;
   d) Discussion of the extent of predicted noise impacts on surrounding noise-sensitive receivers as defined by the criteria used to develop the N70 and N60 Contours;
   e) Operating procedures and record keeping templates associated with receiving, investigating and responding to noise complaints made including:
      i. communication strategies and operating procedures for effective communication between airport management and residents and other sensitive noise receivers;
      ii. airport management responsibilities in relation to complaints investigations;
      iii. a process for validating noise complaints received to determine whether or not they are frivolous or vexatious in nature;
      iv. a process flow diagram outlining the steps and airport management responsibilities in relation to complaints investigations; and
v. a register (record) of all noise complaints received that, as a minimum is to provide an accurate record of:
   - Time, date, name and contact details of complainant;
   - Reason for complaint (issue);
   - Whether or not the complaint was determined to be valid;
   - Investigation including the results of any noise monitoring if undertaken to ensure compliance;
   - Conclusions formed; and
   - Operational noise reduction and/or amelioration actions taken (if any) to resolve the complaint.

f) Operating procedures and methodology for noise monitoring if undertaken to demonstrate the effectiveness of operational noise reduction and/or noise amelioration measures implemented.

g) A timeline for implementation and review of the plan.

58. A copy of the register of noise complaints (required by Condition 57) must be provided to the Manager, Development Assessment within seven (7) business days following a request made by Toowoomba Regional Council.

59. Manage noise impact arising from the airport in accordance with the approved Noise Management 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 Noise Management Plan.

60. Submit to Council for approval, any subsequent versions of the Noise Management Plan made following reviews undertaken in accordance with Condition 57g).

61. Within six (6) months of commencement of use, submit to Council a revised Acoustic Assessment Report to include Monitoring and Assessment prepared by an independent and appropriately qualified acoustic consultant that includes the following:
   a) Results of noise level monitoring undertaken at a minimum of 4 most sensitive noise sensitive receptors located within a 5km buffer of the Premises boundary and within 1km flight path corridors that demonstrates noise levels experienced at these locations confirms or otherwise the accuracy of the N70, N60 and ANEC contour charts developed in accordance with Condition 57;
   b) If results of the noise monitoring reveal inaccuracies with the N70, N60 and ANEC contour charts:
      i. an explanation describing why such inaccuracies have occurred (i.e. outdated/unsuitable modeling assumptions); and
      ii. revised predicted peak noise level and frequency (N70 and N60) and ANEC contour charts based on new information and understanding derived from monitoring undertaken;
      iii. revised contour charts, if required, are to be included a revised version of the Noise Management Plan and supplied as GIS files.

62. If and when an ANEF chart is developed for the Premises and once assessed and endorsed by Airservices Australia for adoption, provide to Council in GIS format a copy of the adopted chart.

COMMUNITY SAFETY

COMMUNITY SAFETY (BUILDING DESIGN)

63. The development must be designed and constructed to enhance community safety by ensuring:
   a) Vandal proof materials which are hardy and easily removable are used in the construction and finishing of the development;
   b) Ground level windows use toughened glass, screens or other protective measures to deter unlawful entry to the development; and
c) Security lighting is provided at entrances and exits to the subject land and along pathways in accordance with Australian Standard AS 1158.3.1 – Road Lighting – Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements.

64. The development and hard landscaping must not use/comprise highly reflective materials that create slippery or otherwise hazardous conditions.

COMMUNITY SAFETY (FACILITIES ACCESSIBLE TO THE PUBLIC)

65. Any automatic teller machines must be provided within the approved building/s and must not be accessible from outside of the building.

66. Public toilet and parent rooms entrances must be readily accessible to the public.

67. Vandal resistant light fittings must be provided within any new public toilets provided as part of the approved development.

COMMUNITY SAFETY (CAR PARKING AREAS)

68. Car parking areas open to the public at night must be provided with lighting that is vandal resistant and complies with Australian Standard AS 1158.3.1 – Road Lighting – Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements.

69. The design of car parking areas must allow casual surveillance of the subject land’s public access areas.

70. Pedestrian routes between car parking areas and buildings must be clearly signed and marked.

71. Car parking spaces allocation to employees and other must be physically separated, distinctly identified and adequately sign-posted to clearly direct vehicular traffic to these respective areas.

72. Parking spaces must be available for use during the business hours of the use.

ACCESS

ACCESS FOR PEOPLE WITH DISABILITIES

73. Access must be provided for people with disabilities 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.

PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS

74. Undertake all reasonable measures to protect Council and public utility services infrastructure during construction of the development.

75. 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.

76. Meet any costs to repair damage to any Council and public utility services infrastructure and asset where damage is a result of the proposed development. Damage to infrastructure assets must be repaired immediately where it creates a hazard to the community, including a pedestrian or vehicular safety hazard. In circumstances where the damage does not create a hazard to the community, it must be repaired immediately on completion of the works associated with the development.
UTILITIES

TELECOMMUNICATION

77. Install telecommunications infrastructure to service the development which complies with the following:
   i) the requirements of the Telecommunications Act 1997 (Cth);
   ii) for a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
   iii) for a line that is to connect a lot to telecommunications infrastructure external to the premises, is located underground.

78. Provide to the Council a written certification from a qualified installer that the telecommunications infrastructure is installed in accordance with condition 77.

Note: The Telecommunications Act 1997 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

SEWERAGE

INFRASTRUCTURE SEWERAGE (ON SITE WASTEWATER TREATMENT SYSTEM)

79. The applicant is to construct an on-site treatment system for the disposal of waste water for Stage 1 only, subject to:
   i) Suitable waste water treatment and disposal areas being identified on site;

Note: The on-site treatment system is to be used for the extent of waste water discharged by the Stage 1 Start-Up but will not be possible for any/all of the future stages.

STORMWATER

STORMWATER INFRASTRUCTURE DRAINAGE (QUALITY AND CAPACITY)

80. Construct a stormwater drainage system to service the development on the subject land which complies with the requirements of State Planning Policy 4/10 (Healthy Waters).

81. Design and construction of all internal and any external stormwater drainage works must comply with the relevant sections of AS/NZS 3500.3.2:1998 as well as the QUDM.

82. The stormwater drainage system must be designed so that peak flows from the developed site do not exceed pre-developed peak flows from the site for storm events with an ARI of 2 years, up to and including 100 years. That is, there is to be a "no-worsening" effect as a result of this development.

83. A Development Application for a Development Permit for Operational Works for the internal and external stormwater drainage works including internal stormwater quality works must be submitted to and approved by Council prior to the commencement of any works on site.

84. No works are to be constructed below the Q100 flood plain for Westbrook Creek unless otherwise approved in writing by the Manager Development Assessment.

85. No stormwater detention weirs or associated infrastructure are to be located within a distance of 70 metres from the Westbrook Creek unless otherwise approved in writing by the Manager Development Assessment.
86. 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.

WATER

WATER INFRASTRUCTURE SUPPLY (CONNECTION TO RETICULATED SYSTEM)

87. The development must be connected Council's reticulated water supply in accordance with Council's Water Infrastructure Asset Management Policy 2.03 and other Council standards.

88. Should the development require the provision of a new-metered water service, and/or upgrading or extension of Council's existing reticulation main, then the connection of this service, the disconnection of any existing services, and/or upgrading/extension of Council's existing reticulation mains will be at no cost to Council.

APPROVAL OF WORKS (COUNCIL INFRASTRUCTURE)

89. Where works affecting Council's infrastructure are to be carried out by an entity other than Council:
   i) All works must be designed and constructed in accordance with the requirements of Council's Water Infrastructure Asset Management Policy 2.03.
   ii) A Development Application for a Development Permit for Operational Works for the works must be submitted to and approved by Council.
   iii) The design and the construction of the works must be certified by a Registered Professional Engineer Queensland – Civil as follows:
       (a) A design certificate must be submitted with the application; and
       (b) A construction supervision certificate must be submitted at the completion of the approved works and prior to acceptance of the works on-maintenance.
   iv) Meet all checking and inspection fees at the time of submitting the Development Application to Council.
   v) The works must be completed and accepted on-maintenance prior to the commencement of the use.
   vi) 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 the defects liability period.
   vii) The defects liability period must be a minimum period of 12 months.

90. During the course of construction works, ensure that all works are carried out by a qualified contractor, be responsible for all aspects of the works, including public safety, and ensure adequate barricades, signage and other warning devices are in place at all times.

91. Prior to commencement of works the contractor must submit a traffic control plan for all works affecting external roads, along with the submission of appropriate securities and a suitable form of indemnity for any claims against Council.

ROADWORKS (EXTERNAL)

ROADWORKS (ROAD WIDENING AND RECONSTRUCTION)

92. Existing roads must be constructed as follows:

   Street: Unnamed Road shown on Keohoe Myers drawing titled, “PROPOSED SITE LAYOUT”, drawing number C01, dated 16/10/12, received by Council on 22 October 2012.

   Classification: Not less than, “Rural Roads – Bitumen Sealed”

   Construction Standard: Rural Roads – Bitumen Sealed, as shown on Council drawing numbered 101356-001.
93. The design and construction of the road widening works must be in accordance with Council's requirements current at the time of application for operational works approval.

94. The pavement must join neatly to the existing pavement so that there are no specific irregularities in line or level resulting at or adjacent to the join for the length of the construction. Where necessary the existing pavement must be brought to a satisfactory standard to allow for the above.

95. A Development Application for a Development Permit for Operational Works for the road widening and reconstruction works must be submitted to and approved by Council prior to the commencement of the works or as otherwise indicated:
   i) It is required that the design and the construction of the works be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil as follows:
      (a) A design certificate must be submitted with the application; and
      (b) A construction supervision certificate must be submitted at the completion of the approved works.

SIGNAGE AND LINEMARKING

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

CAR PARKING AND MANOEUVRING

TRAFFIC WITHIN SITE CAR PARKING AND MANOEUVRING

97. The premises must be provided with a total of 120 on-site car parking spaces, together with standing and manoeuvring for a 14.5 m single unit rigid bus. Carparking and manoeuvring areas must:
   i) Be provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in the Jondaryan Shire Council Planning Scheme and AS2890 - Parking Facilities;
   ii) Be 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;
   iii) Be provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the site;
   iv) Be designed to enable all vehicles to enter and leave the site in a forward gear (unless approved otherwise by Council);
   v) Be kept and used exclusively for vehicle parking and maneuvering.

98. Details demonstrating compliance with conditions i) – v) must be submitted to Council in accordance with Condition 14 prior to the issue of a Development Permit for Building Works for the proposed development.

99. The car parking and manoeuvring areas are to be maintained for the period of the use of the development site.

ENGINEER'S CERTIFICATION OF WORKS

ENGINEER'S CERTIFICATION/SUPERVISION OF WORKS

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

101. Where any condition refers to, or requires, an Engineer to perform task or function, the Engineer must hold professional indemnity insurance to the value of $2,000,000.
102. A copy of the ‘Certificate of Currency’ of Professional Indemnity Insurance must be submitted to Council prior to the commencement of the works and maintained during the development works.

EARTHWORKS

SITEWORKS / EARTHWORKS (BULK EARTHWORKS GREATER THAN 20 CUBIC METRES)

103. As earthworks for the development involve cut/fill greater than 1.0m in height and/or excavation of a quantity of material greater than 20 cubic metres is to be imported to or removed from the site, it is required that a Development Application for a Development Permit for Operational Works for bulk earthworks be submitted to and approved by Council.

104. All earthworks must be undertaken in accordance with the provisions of AS 3798 ‘Guidelines on Earthworks for Commercial and Residential Developments’, with Geotechnical Testing undertaken in accordance with Section 8 of the Standard, and to a minimum of ‘Level 2’ as defined in Appendix B. Test results as required by AS 3798, and a certificate of quality and uniformity of fill must be provided by a RPEQ and submitted to Council upon completion of the works on site.

105. The design and the construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil as follows:
(a) A design certificate shall be submitted with the application; and
(b) A construction supervision certificate shall be submitted at the completion of the approved works on the site.

106. Detailed plans of earthworks and associated baffers must be submitted with the Development Application for Development Permit for Operational Works.

107. Proposed earthworks and batter designs must take into account existing retaining walls, structures and services within the vicinity.

108. All earthworks, including baffers must be fully contained within the subject land and must not in any way impact on the properties or road reserve adjoinging the subject land.

109. Cut, fill and other stored material must be contained wholly within the subject land.

110. Contaminated material must not be used as fill on the subject land. Any filling must be undertaken using inert materials only.

111. 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.

112. 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.

113. A Development Application for a Development Permit for Operational Works for bulk earthworks must also be submitted to and approved by Council for any site proposed to source fill for, or receive fill from, the development.
In conjunction with an Operational Works application to Council, the following must be addressed:

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;

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.

RETTAINING WALLS AND BATTERS

115. Earthwork batters and retaining walls greater than 1.0m in height must be submitted as part of a Development Application for a Development Permit for Operational Works for bulk earthworks to Council for approval.

Advice: Retaining walls and earthworks batters designs shall take into account existing retaining walls, structures and services in the vicinity.

116. The design and the construction of the works must be certified by a RPEQ – Civil.

117. All components of retaining walls including subsoil drainage, drainage backfill material, ground/rock anchors, geogrid and footings must be fully contained within the subject land.

118. The construction of the retaining walls must not in any way impact or encroach on the properties adjoining the subject land or the road reserve.

EROSION AND SEDIMENT CONTROL

EROSION AND SEDIMENT CONTROL

119. An Erosion and Sediment Control Management Plan (E&SC) for the internal works for the development and associated external works to the site must be submitted to and approved by Council prior to commencement of the works. The submitted drawings and documentation must be certified by a Registered Professional Engineer Queensland – Civil.

120. Considerations that require addressing in the E&SC Management Plan include, but are 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.

121. The approved E&SC Management Plan must be implemented and modified as necessary to maintain compliance with the approval at all times during the period when land-disturbing activities commence to when all exposed soil areas are stabilised against erosion.
122. The previous conditions must be complied with during construction, while the works are on-maintenance and the establishment period of the landscaping or areas disturbed during following construction.

SITE MANAGEMENT

123. Measures must be put in place to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction and the ensuing 'on-maintenance' period.

CONSTRUCTION MANAGEMENT

124. Stockpiles of topsoil, sand, aggregate, spoil, or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths, with appropriate measures to prevent entry into either the road and/or drainage system.

REINSTATEMENT OF ROAD/DRAINAGE SYSTEM

125. Should it be necessary for the road and/or drainage system to be reinstated or cleaned up due to erosion and/or sedimentation from the site, then such works must undertaken at no cost to Council. Such works must be undertaken immediately where there is a potential hazard to pedestrians and/or passing traffic.

MISCELLANEOUS

INFORMATION FOR FUTURE LAND USE PLANNING

126. Unless otherwise modified by conditions of this approval, provide to Council as soon as reasonably possible and on an ongoing basis when details of operations and use of airspace are finalised and/or are significantly changed, the following plans, maps and charts in hard copy and GIS format:

i) Areas and vertical dimensions of the Obstacle Limitation Surface (OLS);
ii) Procedures for Air Navigation Services Aircraft Operational Surfaces (PANS-OPS) including PANS-OPS charts;
iii) Flight Paths;
iv) Public Safety Areas;
v) ANEC (Aircraft Noise Exposure Concept) Contour Charts;
vi) ANEF (Aircraft Noise Exposure Forecast) Contour Charts Bird and Bat Strike Zones;
vii) Dangerous Light Boundaries.

127. Prior to commencement of use provide to Council a current and comprehensive Airport Master Plan which is suitable for revision for future stages of development and demonstrates comprehensive stakeholder consultation with all major stakeholders including the Australian Government Department of Defence, Australian Government Civil Aviation Authority (CASA), Air Services Australia, Boral Quarry and Toowoomba Airport. The Airport Master Plan must include a documented process to satisfactorily manage air safety issues accounting for all airspace users including those related to transient airspace activities.

128. Prior to commencement of use of the airport as a CASA Certified Aerodrome, ensure that the CASA Certified Aerodrome is consistent with any documents provided to Council as required by this approval, where there are any inconsistencies identified, provide revised documents and demonstrate that the Aerodrome is consistent with the conditions of this approval.
B. ADVICES

GENERAL ADVICES – MATERIAL CHANGE OF USE

Third Party Advices

1) Third Party Advices in accordance with Section 256 of the Sustainable Planning Act 2009 (SPA) are attached to the Development Approval. It is acknowledged that the Third Party Advices indicate that there are practical constraints regarding the operational aspects of the airport. It is recommended that the applicant undertake further consultation with the major stakeholders and obtain all relevant/required approvals in relation to airport and airspace safety prior to commencement of any construction work.

Infrastructure Contributions / Charges

2) 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

3) 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.

Flammable and Combustible Liquids

4) Should flammable or combustible liquids be stored on the premises in quantities exceeding those deemed as a Minor Storage under Section 2 of AS 1940-1993 "The Storage and Handling of Flammable and Combustible Liquids", then the premises must be licensed in accordance with the Dangerous Goods Safety Management Regulation 2001.

Environmentally Relevant Activities

5) 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 Integrated Planning Act 1997 / Sustainable Planning Act 2009 before such use commences.

Disposal of Construction & Demolition Material

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

On-Site Construction Waste Management

7) On-site construction waste management (including the storage and disposal of nightsoil) must comply with the Environmental Protection (Waste Management) Regulation 2000.

Refuse Disposal – Human Waste

8) The storage and disposal of human waste must comply with the Environmental Protection (Waste Management) Regulation 2000.

Advertising Signs

9) A separate Development Permit for Operational Works may be required for Advertising Signs regulated under the relevant Planning Scheme.
10) Temporary signage is regulated separately under Local Law No.8 (Control of Advertising).

11) A sign more than 2.0 metres in height from natural ground level may require a Development Permit for Building Work. The applicant must liaise directly with Council's Building Services Section to determine any requirement for a Development Permit for Building Work.

When Approval Takes Effect

12) This approval takes effect in accordance with the provisions of Section 3.5.19 of the Integrated Planning Act 1997 / Section 339 of the Sustainable Planning Act 2009.

When Approval Lapses

13) This approval will lapse in accordance with the provisions contained in Section 3.5.21 of the Integrated Planning Act 1997 / Section 341 and 342 of the Sustainable Planning Act 2009, unless otherwise stated in the conditions of Development Approval.

Rainwater Tanks (Building Works and Operational Works)

14) Council has recognised the value of collecting rainwater as a supplementary water source. Therefore, while it is not a requirement for this development permit, it is highly recommended that an adequately sized rainwater tank/s is installed for the development.

Rainwater Tanks

15) The rainwater tanks must be constructed in accordance with Chapter 2 Part 1 and Part 8 of the Public Health Act 2005 (i.e. constructed in a way that prevents the harbourage of mosquitoes).

Building Approval Required for Certain Fences and Retaining Walls

16) A fence or retaining wall more than 2.0 metres in height from natural ground level may require a Development Permit for Building Work. This includes the total height of a fence erected on top of a retaining wall. Liaise directly with Council's Building Services Section to determine any requirement for a Development Permit for Building Work.

Construction Waste Management and Storage

17) Waste generated whilst undertaking works on the Site must be disposed of at an approved waste disposal facility either directly or via an approved waste receptacle and collection service. Under no circumstances are:

17.1 fires to be lit to dispose of waste; or
17.2 wastes to be used as fill or buried on-site, where waste materials include:
- regulated waste' (as defined for the purposes of the Environmental Protection Act 1994);
- construction/demolition waste;
- domestic clean-up waste;
- domestic waste;
- garden waste;
- concrete/builders rubble; and
- vegetation.

18) Goods and materials must not be placed or stored within the road reserve at anytime.

Aboriginal Cultural Heritage

19) It is advised that under Section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available from the Department of Environment and Resource Management.
Contaminated Land

20) 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:
   20.1 a notifiable activity is being carried out on the land; or
   20.2 the land has been, or is being, contaminated by a contaminant the owner or occupier knows is a hazardous contaminant.

21) 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.

22) 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.

23) Penalties exist with respect to a person’s non-compliance with these obligations.

Trade Waste Approval

24) This approval does not infer or give approval to the owners or occupiers of the subject land to discharge trade waste to Council’s sewers. Council administers trade waste regulations as defined in the Water Supply (Safety & Reliability) Act 2008 through its Trade Waste Policy and Trade Waste Environmental Management Plan.

25) By definition, 'trade waste' means "waterborne waste from a business, trade or manufacturing premises, other than:
   (i) waste that is a prohibited substance, and
   (ii) human waste; and
   (ii) stormwater."

26) A separate approval must be obtained from Council’s Trade Waste Services for such discharge from the proposed use/s. Each application will be assessed on the nature of the waste to be treated, the proposed treatment method and the site location. In general, a trade waste approval may require installation of:
   i) Separate trade waste drainage;
   ii) Pre-treatment equipment depending on the type of business to be operated; and
   iii) A sub meter or meters to measure all incoming water (town and rainwater) as a means of measuring the discharge to sewer.
   iv) Larger industries as defined in the Trade Waste Environmental Management Plan are subject to special requirements, e.g. supply of discharge flow meters, discrete sampling point, monitoring and sampling equipment at the cost of the Trade Waste Generator.
   v) Application forms and advice may be obtained from Council’s Trade Waste Services.

27) Trade waste and contaminated wastewater must not be permitted to drain into a stormwater drain or place where it may move into stormwater and impact on the environment. (see the Environmental Protection (Water) Policy 2009).

28) The following requirements will apply to applications for trade waste discharge from minor category/low risk businesses (commercial and retail shops):
   i) The trade waste drainage must be designed by a hydraulics engineer or hydraulics consultant. A copy of the hydraulics and floor plans must be submitted to Trade Waste Services for assessment;
   ii) The trade waste stream and domestic waste stream must discharge separately to the sewer;
   iii) The design, installation and capacity of grease arrestors, oily water separators and oil arrestors must be approved by Council.
   iv) Grease arrestors with a capacity of 2000 litres or greater must be lined with an impermeable coating or membrane that prevents corrosion of the concrete surface. (e.g epoxy lining);
   v) The maximum capacity of an individual grease arrestor must not exceed 2000 litres unless with the express written approval of Council. Where the capacity requirement is greater than 2000 litres, additional arrestors must be used with each arrestor acting as a discrete installation treating a defined waste stream;
vi) Pre-cast concrete arrestors must be fitted with full length and full width opening, gas tight covers and frames. A hose tap must be located within 5 metres of each trap; and
vii) Where it is intended that several generators share the use of a grease arrestor, the following information is required to be tabled on the plans submitted for approval:
   - size of arrestor;
   - total fixture loading in litres discharged by all generators (refer Trade Waste Pre-treatment Guidelines);
   - names of businesses and shop numbers sharing the grease arrestor.
   viii) A cleaner’s sink or an in-floor bucket trap must be installed in each tenancy or the tenant must have access to communal cleaners facilities for the purpose of disposing floor washing wastewater.

29) Bin Wash/Bin Storage Areas Where it is not possible to connect to the kitchen grease arrestor, the bin storage area must drain to a separate 550 litre capacity grease arrestor via an in-floor bucket trap:
   a) the bin store area must be bunded to capture spills and contaminated water as well as divert overland storm flows;
   b) the bin store area must also be roofed to prevent ingress of rainwater to the grease arrestor and sewer; and
   c) as an alternative to roofing, a “demand driven” stormwater diversion valve may be installed between the bucket trap and the grease arrestor.

30) Where there are multiple trade waste generators on one property, approved trade waste water meters must be installed for each generator’s premises. Meters must be located in a position that is easily accessed at all times (not in ceiling or roof cavity).

Buildings

31) 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.

Further Development Approvals - Sustainable Planning Act 2009

32) Further Development Permits, as required by the Sustainable Planning Act 2009 for work associated with this approval including Building Works, Compliance Assessment for Landscaping and Carparking, Operational Works, and Plumbing and Drainage Works, must be obtained and associated works completed in accordance with those development permits prior to the commencement of the use or as otherwise stated. The further development permits required are also referenced in Section 4 - Further Development Permits Required, of this Decision Notice.

Other Approvals Required

33) Obtain all other approvals and licences as required in accordance with Local Laws and other legislation relevant to the use.

Environmental Protection Act 1994 – Environmental Management of Use

34) The use must be carried out in accordance with the provisions of the Environmental Protection Act 1994, Environmental Protection Regulations 1998 and associated policies Environmental Protection Policies for Air, Water, Noise and Waste Management, to prevent the release of contaminants or environmental harm. The use must comply with the Environmental Protection Act 1994.

Food Premises

35) Prior to the operation of any Licensable food business an application must be submitted to Environment & Health Services to obtain a license under the Food Act 2006.

36) Further information regarding licensable food businesses is available at www.lgtoolbox.qld.gov.au or by contacting Council.
Environment Protection and Biodiversity Conservation Act 1999

37) You may be required to seek approval from the Commonwealth in relation to the proposal. The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) relates to actions that may have a significant impact on matters of National Environmental Significance (NES) or the environment generally. These matters of NES include nationally listed threatened and migratory species, Ramsar wetlands, World Heritage, Commonwealth marine and nuclear actions.

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

C. ATTACHMENTS:

- Concurrence Agency Conditions Schedule 2
- Third Party Comments Schedule 3
- Approved Development Plans and Documents
- Appeal provisions pursuant to the Sustainable Planning Act 2009.
SCHEDULE 2

CONCURRENCE AGENCY (CONDITIONS AND COMMENTS)

DEPARTMENT OF TRANSPORT AND MAIN ROADS
SCHEDULE 3

THIRD PARTY COMMENTS – SECTION 256 OF THE SUSTAINABLE PLANNING ACT 2009 (SPA)

AIRSERVICES AUSTRALIA

AUSTRALIAN GOVERNMENT CIVIL AVIATION SAFETY AUTHORITY (CASA)

AUSTRALIAN GOVERNMENT DEPARTMENT OF DEFENCE

AUSTRALIAN GOVERNMENT DEPARTMENT OF INFRASTRUCTURE AND TRANSPORT

AUSTRALIAN GOVERNMENT DEPARTMENT OF SUSTAINABILITY, ENVIRONMENT, WATER, POPULATION AND COMMUNITIES

TOOWOOMBA AIRPORT
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; or
(e) a deemed refusal of the development application.

(2) An appeal under subsection (1)(a) or (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.

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); and
(b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters

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

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.

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.

However, if the advice agency has given the assessment manager a notice under section 398(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

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 389(2), may appeal to the court against the decision in the notice.

The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.

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

466 Appeals about decisions relating to permissible changes

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.

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.

Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.

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

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

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.

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.

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.

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.

Release in full
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 notice of the decision is given to the person.
(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 unreasonable that no reasonable relevant local government could have refused the request.

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.

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 (c), 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.

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.

Appeals against decisions on compensation claims

(1) A person who is dissatisfied with a decision under section 710 or 718 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.

Appeals against decisions on requests to acquire designated land under hardship

(1) A person who is dissatisfied with a decision of a person'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.

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.

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.

Appeals about particular charges for infrastructure

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 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.
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.

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—
only against—
(a) 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.

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

How appeals to the court are started

(1) An appeal is started by lodging written notice of appeal with the registrar.
(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).

Notice of appeal to other parties—development applications and approvals

(1) An appellant under division 8 of an application notice of 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 principal 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 applicant 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 452]
(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 applicant; or
(d) if the applicant is a person mentioned in section 465(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 309, if the person is not the applicant; 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 applicant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.

The notice must be given within—
(a) if the applicant 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.

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 486—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.

Notice of appeals to other parties—compliance assessment

An applicant 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 applicant 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;
(b) if the applicant 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.

The notice must state the grounds of the appeal.

Notice of appeal to other parties—other matters

An applicant 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 applicant 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 applicant is a person dissatisfied with a decision about compensation—the local government that decided the claim; or
(f) if the applicant is a person dissatisfied with a decision about acquiring designated land—the designator; or
(g) if the applicant 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.

Respondent and co-respondents for appeals under div 8

Subsections (2) to (8) apply for appeals under sections 461 to 464.

The assessment manager is the respondent for the appeal. If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.

Any submitter may elect to become a co-respondent for the appeal.

If the appeal is about a concurrence agency’s response, the concurrence agency is a co-respondent for the appeal.

If the appeal is only about a concurrence agency’s response, the assessment manager may apply to the court to withdraw from the appeal.

The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.

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 466—
(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 of 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.

For an appeal under section 467, the respondent is the entity given notice of the appeal.

Respondent and co-respondents for appeals under div 9

For an appeal under section 468—
(a) the compliance assessor is the respondent; and
(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.

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.

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.

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.

Respondent and co-respondents for appeals under div 10

This section applies if an entity is required under section 484 to be given a notice of an appeal.

The entity given notice is the respondent for the appeal.

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.

The second entity mentioned in the provision may elect to be a co-respondent.
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.

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.

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

ADR process applies to proceedings started under this part

(1) The District Court of Queensland Act 1987, 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.

(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, 1987 and the Uniform Civil Procedure Rules, 1999 relevant to the ADR provisions apply.
Mr David Edwards  
Director-General  
Department of State Development, Infrastructure and Planning  
PO Box 15009  
CITY EAST  QLD  4002

Dear Mr Edwards,

I write to you as Chair of the Commonwealth Aviation Policy Group (APG) regarding the proposal to build a private airport at Wellcamp, near Toowoomba.

APG consists of the aviation agency heads of the Department of Infrastructure and Transport (the Department), Airservices Australia and the Civil Aviation Safety Authority (CASA), and the Chief of the Air Force, representing the Department of Defence (Defence). APG recently met and agreed I should write to you as a matter of urgency on the proposed airport.

As you may be aware, in December 2012 the Toowoomba Regional Council’s Development Assessment Panel recommended a land-use application by a private developer to build an airport at Wellcamp, near Toowoomba, be approved. The proposed airport would feature a jet-capable runway and the developer hopes to attract commercial flights servicing in excess of 500,000 passengers per year within the next 20 years.

While APG members would normally welcome any positive development of aviation infrastructure, we are particularly concerned about the Wellcamp proposal given its impact on Defence aerodromes at Oakey and Amberley, as well as the existing Toowoomba Airport. There is a strong likelihood of operational conflicts that could arise from the siting of the new airport in its proposed location. There are likely to be significant conflicts with Defence flying operations at Oakey and with other flying activities in the surrounding military restricted airspace. The resolution of these conflicts could disrupt the military flying or compromise the operations of the proposed new airport.

The Department and Defence have separately advised the Toowoomba Council of their concerns regarding the siting of the proposed airport. The Council has advised that while its processes required it to follow a defined set of assessment steps in considering the application, these did not include taking account of aviation concerns. Instead, the Council will simply offer “advice” to the applicant about meeting CASA and Defence requirements.

CASA has flagged concerns over the airport proponent’s short timeframes for the commencement of operations and comprehensive risk assessment that will be required under the Airspace Act 2007. There are also issues as to the extent to which the proponent appears to be relying on CASA to conduct an aeronautical study to address the many issues associated with the development, including public consultation with airspace users and potential conflicts with Obstacle Limitation Surfaces.
As you are aware, in May 2012, Commonwealth, state and territory transport and planning ministers agreed to the National Airports Safeguarding Framework. A key objective of the Framework is to better integrate planning decisions around Australia’s airports, recognising that airport infrastructure is scarce and very difficult to replace once it is compromised. The Queensland Government has agreed to the Framework, which applies to both civil and Defence aerodromes.

APG is not aware of any Queensland Government planning agencies' direct involvement in consideration of this project so far, but we understand there are powers available under Part 11, Division 2 of the Sustainable Planning Act 2009 (Qld) for the Minister for State Development, Infrastructure and Planning to “call in” a project application if it “involves a State interest”. Noting the inclusion of both Amberley and Oakey in the Queensland State Planning Policy 1/02, we urge you to review the current planning process and development approvals for this project and initiate discussions with Commonwealth agencies on the planned airport development.

We understand that these discussions should commence as a matter of priority, as it is understood that construction could begin as early as March 2013.

I am sure you would agree that it would be a poor planning outcome for both the Council and the developer if construction of a new airport were to commence before significant possible constraints on the feasibility of its operations were properly examined and the implications for Defence assets in the region are assessed fully. A coordinated discussion between Commonwealth and state officials about how existing aviation infrastructure in the Toowoomba region could be better used for both civil and Defence purposes would be beneficial in the circumstances.

Should your Department require any further information please do not hesitate to contact Mr Jim Wolfe, General Manager, Air Traffic Policy who can be contacted on 02 6274 7611 or by email at jim.wolfe@infrastructure.gov.au in this regard.

I look forward to your response.

Yours sincerely,

Mike Mrdak
Chair, Aviation Policy Group

27 January 2013

cc: Mr Jon Grayson, Director-General, Department of the Premier and Cabinet
Mr Neil Scales, A/g Director-General, Department of Transport and Main Roads
DELEGATED AUTHORITY REPORT
Code Assessment Exception Report

REPORT TITLE

AUTHOR
Rodney O’Brien – 3 December 2012 (Amended 21 January 2013)

PLANNING SCHEME AREA
Jondaryan Shire Council Planning Scheme 2005 (amended 2009)

PURPOSE OF REPORT
To consider a Development Application for Development Permit for Material Change of Use - Code for Utilities Public – Public Airport, the details of which are as follows:

Applicant: Wagner Investments Pty Ltd
Property Owner: Wagner Investments Pty Ltd
Location: 1511 Toowoomba Cecil Plains Road, WELLCAMP QLD 4350
Real Property Description: Lot 11 SP140293, Part Lot 12 SP190236 and Easement A on SP140293
Area: 133 Hectares (Lot 11 SP140293); Approximately 386 Hectares (Part Lot 12 SP190236) – 516 Hectares in Total.
Current Use: Rural
Proposed Use: Utilities Public - Public Airport (including Taxiway, Apron, Public Terminal Building and Car Park)
Structure Plan: Jondaryan Shire Structure Plan

Zoning/Precinct
- ZCM5: Charlton Wellcamp Regional Industry Zone - General and Rural Industries Precinct; Major Industry Precinct; and Open Space Buffer Precinct
- ZCM1: Charlton Wellcamp Regional Industry Zone Preferred Staging Plan - 0 – 15 Years Plus
- ZCM2: Charlton/Wellcamp Regional Industry Zone-Infrastructure
  o Proposed Toowoomba By-Pass (Indicative Only)
  o National Rail Freight Line
  o Mains
  o Intersection Works Required
  o Points at which stormwater flows need to be filtered/controlled to protect downstream water quality

Code Map
- CM1: Bushfire Prone Area

Overlay Maps
- OM1A: Remnant Vegetation and Riparian Corridors
  o Conservation Significance
    ▪ Regional Significance
    ▪ Riparian Corridors
- OM1C: Floodplain and Erosion Prone Areas
  o Erosion Prone Areas
- OM2A: Good Quality Agricultural Land
Decision Making Period Ends: 25 January 2013

CORPORATE PLAN REFERENCE
Strategic Action 3.1.4

Ensure development accords with the Toowoomba Regional Council's planning schemes, planning instruments, codes and legislation.

AMENDMENTS TO REPORT

This version of the Delegated Authority Report dated 21 January 2013 incorporates amendments made to the Delegated Authority Report dated 3 December 2012 that was presented to the Development Assessment Panel Meeting of 13 December 2012.

The Officer's Recommendation contained in the Delegated Authority Report dated 3 December 2012 was unanimously endorsed by the Development Assessment Panel with the allowance of further revision of the recommended conditions of approval to the satisfaction of Council's Delegate. This Report includes amended background material to clarify the nature and scope of the application, minor corrections to the body of the report, and amendments to recommended conditions of approval.

1.0 BACKGROUND

1.1. The Subject Land and Surrounding Land Use

Subject Land

The subject land is situated at 1511 Toowoomba Cecil Plains Road, Wellcamp and comprises Lot 11 SP140293, Part Lot 12 SP190236 and Easement A on SP140293. The site is located approximately 15 kilometres west of the Toowoomba Central Business District and 15 kilometres south-east of the Oakey Town Centre. Refer to Attachment A - Figure 1 Locality Plan.

The proposed site is within the Charlton Wellcamp Regional Industry Zone pursuant to the Jondaryan Shire Council Planning Scheme 2005 (amended 2009) (Jondaryan Planning Scheme). Refer to Attachment A - Figure 2 Locality Detail.

The subject land is bound by Toowoomba Cecil Plains Road (a State Controlled Road) to the north, Westbrook Creek and land within the Rural Zone to the west, the proposed Toowoomba By-Pass Corridor and land within the Rural Zone to the south and by a road reserve and land within the Charlton Wellcamp Regional Industry Zone - General Rural and Major Industry Precincts, to the east. Refer to Attachment A – Figure 3 Zonings.

The subject land has a frontage to Toowoomba Cecil Plains Road of approximately 1,315 kilometres and an approximate area of 516 hectares. Part Lot 12 (forming part of the subject land of this development application) is the area of Lot 12 to the north of the road reserve dedicated for the proposed Toowoomba By-Pass and excludes the balance of Lot 12 south of this road reserve. Refer to Attachment A - Figure 4 – Subject Land.
The majority of the site is relatively flat and drains towards Westbrook Creek in the west with an average slope of approximately 2-3 percent with elevation ranging from approximately 428m to 461m Australian Height Datum (AHD). Refer to Attachment A - Figure 5 Terrain.

Easement A on SP140293 is a drainage easement of approximately 30 metres wide and 2.282 hectares in area which is situated within Lot 11 along the frontage of Toowoomba Cecil Plains Road which leads to Westbrook Creek.

The southern portion of the site contains part of a hill which contains patches of mature vegetation. Vegetation is also present along the bank of Westbrook Creek and otherwise, the land has been predominantly cleared for cultivation and grazing. Refer to Attachment A – Figure 6 Aerial Image.

The existing property access to Lot 11 is located on Toowoomba Cecil Plains Road approximately 400 metres east of the north-west corner of the property. The unnamed road abutting the east of Lot 12 is currently under construction in conjunction with other development approvals over Lot 12 and adjoining land to the east.

Existing structures on the site are listed below. Refer to Attachment A – Figure 7 Existing Site Plan for details.

- **Lot 11**
  - Airstrip, three (3) dwellings, private roads and tracks, stables and associated structures and sheds.
- **Part Lot 12**
  - Two (2) dwellings and private roads and tracks.

**Surrounding Land Use**

The subject land is situated at the south-western end of the Chariton Wellcamp Enterprise Area (CWEA) as it is now known under the Toowoomba Regional Planning Scheme 2012 (TRPS). The CWEA lies outside of the western urban fringe of Toowoomba between Oakey and Toowoomba. The area surrounding the CWEA comprises rural and semi-rural land uses. The area between the CWEA and the edge of Toowoomba also includes industrial and transport related uses.

The site is situated with indirect connections to the Warrego Highway to the north and the Gore Highway to the south. Toowoomba Cecil Plains Road provides a direct link to Toowoomba. The proposed Toowoomba By-Pass is located directly adjacent to the south of the site.

The land surrounding the subject land mainly consists of rural farming land. The land immediately to the north-east of the site is subject to ongoing development for a variety of industrial purposes, including a composite fibre technologies plant and concrete batching plant which are part of the Wellcamp Downs Estate which gains access to Toowoomba Cecil Plains Road from the unnamed road reserve.

Properties to the north of the site, across from Toowoomba Cecil Plains Road contain a cluster of rural residences being the closest sensitive receivers. The closest residence is situated approximately one (1) kilometre to the east of the subject land with other residences dispersed at varying distances. Westbrook is situated approximately 9.5 kilometres to the south-west and contains the closest concentration of residences in the general locality. Refer to Attachment A – Figure 8 Surrounding Residential Receivers.

The subject land is within close proximity to the Boral Quarry which is located to the north-east of the site and is included in the CWEA.

The subject land is approximately 16 kilometres from the Oakey Army Aviation Centre and approximately 12 kilometres from Toowoomba Airport. Refer to Attachment A – Figure 9

Release in full
Oakey Army Aviation Centre (and surrounds) Overlay and Figure 10 Toowoomba Airport (and surrounds) Overlay.

**Planning Scheme Overlay and Other Maps**

The subject land is located within the following Planning Scheme Overlays and Maps:

- **OM1A: Remnant Vegetation and Riparian Corridors**
  
  An area of Conservation Significance – Regional Significance is identified on the southern portion of the site, coinciding with the existing vegetation and riparian corridor in that location. This designation aligns generally with an area of 'remnant vegetation' that is of least concern regional ecosystem' as identified on the Department of Environment and Heritage Protection (DEHP) Regional Ecosystem Map. The application does not require referral to the DEHP pursuant to the *Sustainable Planning Regulation 2009* (SPR) as no infrastructure is proposed within or near the area of regional ecosystem.

Westbrook Creek, which forms the western boundary of the subject land, is identified as a Riparian Corridor.

- **OM1C: Floodplain and Erosion Prone Areas**
  
  The majority of the subject land is identified as 'Erosion Prone Areas'.

- **OM2A: Good Quality Agricultural Land**
  
  The majority of the subject land is identified as Good Quality Agricultural Land (GQAL) (Agricultural Classification A & B) with some areas classified as Other Land (Agricultural Classification C & D). However, the subject land is no longer recognised as GQAL as evidenced by the *Toowoomba Regional Planning Scheme 2012* where the subject land is not within the GQAL Overlay.

- **OM3A: Major Transport and Energy Corridors**
  
  The subject land has a frontage to Toowoomba Cecil Plains Road which is identified as a Major Transport Corridor. Toowoomba Cecil Plains Road is also a State controlled road and under the jurisdiction of the Department of Transport and Main Roads (DTMR).

  Lot 12 is held in vinculum across Lot 8 on SP190236 (State owned land reserved for part of the future Toowoomba By-Pass Corridor). The proposed By-Pass Corridor abuts the southern edge of 'Part Lot 12' (part of the subject land).

- **OM2B: Major Hard Rock Quarries and Haul Routes**
  
  The subject land (Part Lot 12) adjoins the Wellcamp Downs Key Resource Area (KRA 3) also known as the Boral Quarry. Part of the north-eastern edge of Part Lot 12 is identified on the Planning Scheme Map as a Key Resource Area. The quarry has access directly onto Toowoomba Cecil Plains Road. In terms of KRA 3, as described in the State Planning Policy 2/07: Protection of Extractive Resources, the north-eastern edge of Part Lot 12 is within the Separation Area.

- **OM3B: Army Aviation Centre (and surrounding areas)**
  
  The subject land is not within the Army Aviation Centre (and surrounding areas) Overlay; however, the Toowoomba Cecil Plains Road site frontage is at the edge of 'Area E' being a 90 metre height restriction zone.

Refer to Attachment A – Figure 9 Oakey Army Aviation Centre (and surrounding areas) Overlay.

- **OM3C: Toowoomba Airport (and surrounding areas)**
The majority of the subject land is within the 13 kilometre Wildlife Interference Buffer of the Toowoomba Airport.

Refer to Attachment A – Figure 10 Toowoomba Airport (and surrounding areas) Overlay.

- CM1: Bushfire Prone Areas
  A small part of steeper land in the south-west corner of Part Lot 12 is identified as a Bushfire Prone Area on the Code Map.

- PSPM1: Groundwater Vulnerability
  The subject land is identified on the Planning Scheme Policy Map as having areas of low to medium groundwater vulnerability.

1.2. The Proposal

This Development Application seeks a Development Permit for Material Change of Use (Code) for Utilities Public - Public Airport (including Taxiway, Apron, Public Terminal Building and Car Park).

‘Utilities – Public’ is defined in the Planning Scheme as:

“All premises used or intended for use for any of the following undertakings, namely:

a) a railway, tramway, road or air transport, wharf, harbour, sea or river undertaking; or

b) major undertakings for the supply of water, hydraulic power, electricity or gas or the provision of radio broadcasting, television, sewage, or drainage services.”

The Development Application was changed in response to an information request made by the Council dated 19 July 2012. The change to the Development Application included refining the scope of the application to only seek a Development Permit for ‘Stage 1 – Start Up’ as described in the TRC Information Request Response Volume 1 prepared by Precinct Planning and received by the Council on 22 October 2012.

The Council’s delegate can be satisfied that the change to the Development Application was made in response to the Council’s information request for the purpose of section 354 (Effect on IDAS—charges about matters relating to submissions or information requests) of the Sustainable Planning Act 2009.

Future concepts for the ultimate development and staging of the Wellcamp Airport have been provided in the application material for consideration where relevant however, it is emphasised that the proposal is confined to Stage 1 – Start Up only.

General Details

- The proposed airport is intended to be developed as a public facility, accessible to the public and for the broader benefit of the community. The airport facility is intended to be operated as a Certified Aerodrome in accordance with the Civil Aviation Safety Regulations (CASR).

- The vehicle access is to be gained from Toowoomba Cecil Plains Road via a two lane carriageway and private road to be built as an extension to the existing unnamed public road.
The proposed runway is 2,870m long by 45m wide with the inclusion of turning nodes. The runway occupies most of the length of the site and is orientated in an approximate north-west to south-easterly direction. The runway can be used from either end being Runway 12 in the north-west and Runway 30 in the south-east. The runway will include Runway End Safety Areas (RESA) and provision for jet blast protection as required.

The proposal includes two taxiways and an aircraft apron to the north of the proposed terminal building and car parking areas which are located to the south-east of the runway.

The proposed public terminal building will have a Gross Floor Area (GFA) of 194m² and will include an office, reception, foyer, meeting rooms and amenities.

The proposal includes provision for future expansion and staging of aircraft aprons and taxiways which may be constructed in the initial phase.

Refer to Attachment A – Figure 11 Proposed Site Layout and Figure 12 Proposed Terminal Building Plans for further details.

Existing buildings and structures on site are to be demolished/removed and the existing airstrip is to be decommissioned.

The facility is to operate 24 hours per day, 7 days per week.

Car parking for Stage 1 is to be provided for 120 cars, with additional capacity to be provided as required for later stages of the development. There will be provision for passenger pick up and drop off, disability access pick up and drop off, taxi rank, shuttle bus and coach/bus parking, and car rental parking.

Proposed and Future Staging

The proposed and indicative stages of the development are as follows:

Short Term

Stage 1 – Start Up (the application)

This stage includes operations from commencement to mid-2019. This stage is intended to cater for:

- Up to 9 seater aircraft conducting private/charter operations to Roma, Injune, Miles and other locations in the Surat Basin;
- 50 seater aircraft such as Dash 8-300/ATR-42 conducting RPT (Regular Public Transport) operations to Sydney and possibly in support of the current regulated air services Western 1 and Western 2 (operated by Skytrans) from Toowoomba until at least April 2013; and
- some helicopter operations.

Annual Passengers for Stage 1 Start-up are expected to be 70,000 for the first six months (Dec 2014). A minimum of 120 car parks will be required.

The proposal does not include the following:

- Hangars (which means that aircraft will not be able to park overnight at the airport or undergo maintenance);
- Warehouses;
- Overnight storing of trucks, buses, taxis or other road transport vehicles, or aircraft; or
- Fuel storage.

Stage 1 A – Start Up Security Screening Operations, (not part of this application)
This stage will introduce larger aircraft and require security screening operations and associated upgrades to the terminal building. Operations at this stage will continue to utilise the Stage 1 runway, taxiway and apron.

This stage anticipates:

- Additional destinations to Bowen and Galilee Basins for the 9 seater aircraft;
- Small freight operations to Roma and Sydney; and
- Introduction of 76 seater aircraft such as Dash 8-400/ATR-72 conducting RPT operations to Sydney.

Annual Passengers for Stage 1 A are expected to be 135,000 at the end of the second year (2015) and 165,000 at the end of the third year (2016). A minimum of 270 car parks will be required.

Stage 2 – Short Term Expansion (not part of this application)

This expansion phase will include:

- Construction of corporate hangers;
- Construction of Stage 2 main apron;
- An air traffic control service (ATCS) if required;
- 170 seater aircraft such as A320/B737 conducting RPT operations to Sydney; and
- Ad-hoc B747 freighter operations from near-Asia (Singapore).

Annual Passengers for Stage 2 are expected to be 238,000 at the end of 2018. A minimum of 330 car parks will be required.

Stage 3 – Medium Term Consolidation (not part of this application)

This stage is envisaged to include a maintenance and repair organisation (MRO) and development of the Stage 3 Taxiway, Aviation rescue and fire fighting facilities as required. The applicant notes the expected expiration of leases at the Toowoomba Airport in 2023. A minimum of 417 car parks will be required.

20 Year Horizon (not part of this application)

Annual passenger numbers are expected to be approximately 530,000 at the end of the 20 year planning horizon.

Refer to Attachment A – Figure 13 Overall Development Concept Layout.

2.0 ISSUES AND RESPONSES

2.1. State Planning Policies

State Planning Policy 1/02: Development in the Vicinity of Certain Airports and Aviation Facilities

State Planning Policy 1/02: Development in the Vicinity of Certain Airports and Aviation Facilities (SPP 1/02) applies to this development as the majority of the site is contained within the 13 Kilometre Wildlife Interference Buffer of the Toowoomba Airport as identified on Planning Scheme Overlay Map OM3C: Toowoomba Airport (and surrounding area).

SPP 1/02 is identified as being appropriately reflected in the Planning Scheme by the (then) Minister for Local Government and Planning. Provisions relating to the assessment of code assessable development which is located within the Toowoomba Airport (and surrounding areas) Overlay Map and/or the Army Aviation Centre (and surrounding areas) Overlay Map are contained in the Major Infrastructure and Corridor Overlays Code. Similarly, the (TRPS) reflects SPP 1/02 through the Airport Environ Overlay Code which seeks to protect the
existing and future operational requirements of the Oakey Army Aviation Centre and the Toowoomba Airport and to provide for the most appropriate and compatible development of surrounding lands.

It is noted that the subject land is not within the Army Aviation Centre (and surrounding areas) Overlay, however, the northern site boundary at Toowoomba Cecil Plains Road is located adjacent to ‘Area E’ which is the 90 metre Height Restriction Zone.

The proposed development complies with the relevant probable solutions of the Major Infrastructure and Corridor Overlays Code (refer to Attachment B – Detailed Assessment against Applicable Codes). It is therefore concluded that the proposal complies with SPP1/02.

As noted, the SPP applies to assessment and planning for development within the vicinity of the Oakey Army Aviation Centre and the Toowoomba Airport. SPP 1/02 (as reflected in the Planning Scheme) only applies to this development in respect of any potential wildlife interference it may cause in relation to the Toowoomba Airport (which is unlikely). However, if the proposal is approved, Council would need to consider incorporating into the TRPS, the same or similar outcomes as required by SPP1/02, to apply to ongoing development within the vicinity of the airport.

Demonstration was requested from the applicant that surrounding development (and future development) is not likely to have adverse impacts on the proposed airport operations. Where any possible impacts on surrounding development and/or issues affecting future land use planning in the vicinity of the proposed airport were identified, then adequate proposed solutions or mitigation measures, and suitable arrangements for their implementation, were required to be demonstrated by the applicant.

Responses provided by the applicant are considered to have satisfactorily addressed the issue of compatibility with surrounding land uses to the extent that the adjoining rural land uses and ongoing development of the Charlton Wellcamp Enterprise Area are generally compatible. The proposal is also considered to be generally compatible with the adjoining Boral Quarry as discussed below in relation to SPP 1/07. However, compatibility with existing operations of the Toowoomba Airport and the Oakey Army Aviation Centre will require further assessment and review outside of this code assessment process. This aspect of the assessment of the application is discussed in more detail in Section 2.3 of this Report.

State Planning Policy 1/92: Development and Conservation of Agricultural Land

State Planning Policy 1/92: Development and Conservation of Agricultural Land (SPP 1/92) applies to this development as the majority of the site is classified as Good Quality Agricultural Land (GQAL) A Grade Classification A & B on Planning Scheme Overlay Map OM2A: Good Quality Agricultural Land.

SPP 1/02 is identified as being appropriately reflected in the Planning Scheme by the (then) Minister for Local Government and Planning. Provisions relating to the assessment of code assessable development located on land identified on Overlay Map 2A as containing GQAL, are contained in the Economic Resources Overlay Code. The proposed development demonstrates compliance with the Code (refer to Attachment C).

In addition, the Toowoomba Regional Planning Scheme 2102 (TRPS) reflects SPP 1/92 through relevant provisions including the Good Quality Agricultural Land Overlay Code. The subject land is no longer identified as GQAL by the relevant overlay mapping and therefore the proposal would not require assessment against the Code if the application were to be assessed under the TRPS.

State Planning Policy 1/03: Mitigating the Adverse Impact of Flood, Bushfire and Landslide

State Planning Policy 1/03: Mitigating the Adverse Impact of Flood, Bushfire and Landslide (SPP 1/03) applies to this development as a part of the subject land is identified as containing an area of Bushfire Prone Land on the Planning Scheme Code Map CM1: Bushfire Prone Land.
SPP 1/03 is not identified as being appropriately reflected in the Planning Scheme and there are no applicable provisions relating to the assessment of this code assessable development. Accordingly, assessment against SPP 1/03 is applicable.

The Natural Hazard Area (the mapped area of Bushfire Prone Land) comprises a relatively small area near the southern boundary of the subject land and located well away from proposed infrastructure. The proposal does not increase the number of people living or working within the Natural Hazard Area and therefore satisfies the relevant outcomes of the SPP 1/03 Guidelines.

The TRPS does reflect SPP 1/03 through provisions contained in the Bushfire Hazard Overlay Code. The area identified on the subject land as Medium Bushfire Hazard on the Bushfire Hazard Overlay Map is significantly reduced from that identified by the Jondaryan Planning Scheme in CM1. In summary, there are no significant issues relating to bushfire hazard and the application is consistent with SPP 1/03 regarding bushfire risk.

The Planning Scheme does not identify the subject land as a flood prone area which means there is no Natural Hazard Area which triggers assessment against SPP 1/03 for the issue of flooding. The application does however, identify an approximate 1 in 100 year flood level (or Q. 100) over part of the western area of the site near Westbrook Creek (Proposed Site Layout CO1 – C – Kehoe Myers Consulting Engineers). Information submitted by the applicant indicates that this approximate Q.100 level is likely to be higher than the actual level. The proposed infrastructure, including runway and terminal building, is located above the approximate Q.100 level; therefore the level of risk of damage to life or property from potential flooding of the site would be considered acceptable.

The site is relatively flat, particularly in the location of any proposed infrastructure and there are no known areas of landslide hazard.

State Planning Policy 1/07: Protection of Extractive Resources

The subject land (Part Lot 12) adjoins the Wellcamp Downs Key Resource Area (KRA 3) pursuant to State Planning Policy 1/07: Protection of Extractive Resources (SPP 1/07) which is not identified as being appropriately reflected in the Planning Scheme.

The Planning Scheme includes relevant provisions within the Economic Resources Overlays Code. An area of the north-eastern edge of Part Lot 12 is identified as a Key Resource Area on the Planning Scheme Overlay Map OM2B: Major Hard Rock Quarries and Haul Routes which triggers assessment against the Code.

The applicant has provided information to address the potential conflicts with the quarry. It is considered that the proposed airport can implement appropriate management procedures to ensure that operations are compatible with the quarry operations of blasting, extraction and processing and will not impede future expansion. This would require scheduling of flights to avoid occasional blasting activities. It is considered that the proposal can satisfy or be conditioned to satisfy the Code provisions and similarly, the proposal can satisfy the requirement of SPP 1/07.

State Planning Policy 4/10: Healthy Waters

State Planning Policy 4/10: Healthy Waters (SPP 4/10) applies to the development as the development is for an urban purpose with a site area exceeding the applicable land area threshold. A Stormwater Management Concept Report prepared by Kehoe Myers Consulting Engineers was submitted in response to Council’s Information Request. This report provides details on proposed stormwater management for quantity and quality. The proposed measures include a treatment train of bio-retention basins located downstream of the airport infrastructure and along the drainage corridor to achieve a no-worsening of stormwater run-off and the stormwater quality targets identified in SPP 4/10.

The recommended conditions of approval will seek to ensure that the development is constructed and operated to achieve the requirements of SPP 4/10.
2.2. South East Queensland Regional Plan (2009-2031)

The subject land is within the Urban Footprint of the South East Queensland Regional Plan (2009-2031) (SEQR) and the provisions of the SEQR are applicable to the proposal. The proposal is essentially for an urban purpose and is broadly consistent with the SEQR which seeks to locate a range of urban and community infrastructure within the Urban Footprint.

2.3. Third Party Comment - Section 256 of the Sustainable Planning Act 2009 (SPA)

The application is Code Assessable and accordingly, the application does not have a Public Notification Stage however, the proposal is a major undertaking and is of considerable public interest. In consideration, Council as the Assessment Manager for the Development Application took the opportunity pursuant to Section 256 of the Sustainable Planning Act 2009 (SPA) to seek comments from selected third parties.

In accordance with Section 256 of SPA, the Assessment Manager may ask any person for comment about the application and there is no particular way the comment is to be made or received. The third party referral process did not extend any stage of the assessment and any comment by a third party does not create any appeal rights for that party in respect of any decision about the application.

Council sought comments from the following third parties:

- Air Services Australia;
- Australian Airports Association;
- Australian Government Civil Aviation Safety Authority (CASA);
- Australian Government Department of Defence;
- Australian Government Department of Infrastructure and Transport;
- Australian Government Department of Sustainability, Environment, Water, Population and Communities;
- Boral Quarry;
- Helicopter Association of Australasia;
- Queensland Ambulance;
- Queensland Police;
- Queensland Rural Fire Service;
- Queensland Department of Environment and Heritage Protection;
- Queensland Department of State Development and Infrastructure;
- Royal Flying Doctor Service; and
- Toowoomba Airport.

Formal comments were received by Council from the following third parties:

- Air Services Australia;
- Australian Government Civil Aviation Safety Authority (CASA);
- Australian Government Department of Defence;
- Australian Government Department of Infrastructure and Transport;
- Australian Government Department of Sustainability, Environment, Water, Population and Communities; and
- Toowoomba Airport.

Third party comments are included in Attachment C – Third Party Comments. Discussion of the comments is as follows:

**Air Services Australia**

Air Services Australia advise of recent discussions with the proponent regarding a request made by the proponent for preliminary assessment of the Obstacle Limitation Surface (OLS), aeronautical procedures and other airspace operational and safety requirements associated with the proposed airport.
Air Services Australia advised the proponent that they would provide further comment upon receiving final comments from the Department of Defence (Army and Royal Australian Air Force (RAAF)) and CASA with regard to restricted airspace and airspace safety requirements. Prior to any aeronautical design work/review on behalf of the applicant, Air Services Australia would consider the outcomes of any consultation with the above agencies.

**Australian Government Civil Aviation Safety Authority (CASA)**

The Australian Government Civil Aviation Safety Authority (CASA) provided a 16 page document containing comments under the following headings:

- CASA’s priorities and obligations;
- Safety concerns (under the following sub headings):
  - Proximity to other aerodromes: Aircraft mix (types, performance, equipment, pilot training and experience); Types of operations; Overlap of procedures; and Runway alignment.
  - Proximity to Restricted and Danger Areas.
  - Interaction with transiting aircraft.
  - Unknown risks;
- Certified aerodrome;
- CASA comments on Master Plan 2012-2031: Wellomp Airport (under the following sub headings):
  - Airport master planning.
  - Obstacle limitation surfaces (OLS).
  - Lighting in the vicinity of an aerodrome.
  - Temporary and transient obstacles.
  - 1.4 Planning horizon.
  - 1.1 Civil Aviation Safety legislation (Item 3t).
  - 4.3 Conflicts or synergies with surrounding development and other airports and related facilities.
  - 5.8 Freight/logistics.
  - 6.6 Aircraft types, scheduling and passenger movement forecast (Item 3 I and j).
  - 8.6 Air traffic control service.
  - 14.2Airspace and flight path considerations.
  - 14.3 Flight path preliminary design.
  - 14.4 Preliminary Conclusion.
  - 14.5 CASA Office of Airspace Regulation position.
  - 14.6 Process for changing the classification of a volume of airspace at an aerodrome.
  - 14.8 Process for changing the class or designation of a volume of airspace.
  - 14.10 Department of Defence position.
  - 14.11 Proximity to Toowoomba Aerodrome re OLS (Item 7 a).
  - 15.1 Protection of operational airspace.
  - 15.3 Areas affected by significant aircraft noise.
  - 15.7 Transient aviation activities.
  - 16.4 Stage 2 – short term expansion.
  - 17. Stakeholder engagement; and
- Other relevant items (under the follow sub headings):
  - Wildlife Hazard Management Plan.
  - Gaseous Plume.
  - Control of Dust.

The CASA comments draw attention to significant safety concerns arising from the proposal due to the proximity of Oakey Army Aviation Centre, Toowoomba Airport and designated
military airspace for flying activities from Oakey and the nearby RAAF Base at Amberley. In addition, issues such as the complexity and mix of aircraft traffic overlap of procedures, runway alignment, and interaction with transiting aircraft will require significant work in conjunction with a comprehensive risk management assessment which will be required under the Airspace Act 2007 to determine appropriate safety mitigation measures for operations in and around the proposed airport.

CASA consider that the proposed Airport Master Plan does not adequately address:

- Impact of operations on Defence and other airspace users;
- Air Traffic Control (ATC) issues, including staffing and funding; and
- Environmental impact of the proposal, including the effects of aircraft noise on local residents.

CASA is concerned with the “aggressive” timeframe proposed for start up and commencement of operations. They indicate that given the possible introduction of a TRACON (a consolidated terminal radar control centre) and associated infrastructure, significant input and resources is likely required by Defence, Airservices Australia and potentially Council. A commencement date of 2016 is seen as more likely than that proposed given the complexities involved and they consider that early stakeholder collaboration will be essential for timeliness and safety.

CASA are also concerned with an over-reliance by the proponent on a proposed aeronautical study to resolve important safety issues. CASA advise that reliance on the aeronautical study is inappropriate to address public consultation with airspace users, conflicts with instrument approaches and departure procedures and conflicts with OLS at adjacent aerodromes.

CASA advise that Wagner Investments lodged an application for an Aerodrome Certificate with CASA on 24 September 2012. At this point, CASA can not proceed to assess the application for Certification until:

- the aerodrome facility has been constructed in accordance with CASR Part 139 – Aerodromes and the Part 139 Manual of Standards (MOS);
- a detailed management structure and Safety Management System is developed; and
- an appropriate Aerodrome Manual and facility plans are lodged with CASA.

CASA note that conflicts with surrounding development has not been properly addressed in regard to other airport related activities. In particular, there is no consideration of Pittsworth Aerodrome, McCaffrey Field including gliding activities, and other uses such as skydiving operations or flying training by Toowoomba based operations.

CASA advise that the proposed runway alignment will have major impacts and disruption on operation of restricted military airspace. They note that proximity to Restricted Danger Areas used by low level fast jet fighters and Restricted Areas used by military helicopters and high fast jet fighters is unique in Australia. CASA advise that the proposed public airport in restricted and dangerous airspace by nature, creates significant potential aviation hazards. However, the use of the air-space is ultimately a ‘Defence’ decision.

Officer’s Comment

CASA raise significant safety and other concerns, including issues left unaddressed by the Airport Master Plan however, the authority does not indicate that there are unresolvable issues. However, there is significant work yet to be undertaken in respect of the proponent’s aeronautical study and further consultation with major stakeholders, all of which may affect the potential functioning of the airport and requirements for managing the airspace and air-safety issues.

Full assessment of Wagner Investments application to CASA for Certification of the Aerodrome will not occur until the airport infrastructure is in place and safety management has been addressed, including collaborative design of procedures with Oakey Army
Aviation, RAAF Amberley and Toowoomba Airport and further consideration of the airspace issues.

Whilst the above issues are vitally important, they are not core land-use planning issues and are considerations beyond the expertise and/or jurisdiction of Council as the Assessment Manager of this Code Assessable Development Application. The procurement of the third party advice from CASA has nevertheless been extremely useful in elucidating the air safety issues involved.

CASA certification is required for aerodromes used by aircraft with more than 30 passenger seats conducting air transport operations or by aircraft with more than 30 passenger seats conducting charter operations, such as those used by mining companies. For aerodromes not covered by CASR Part 139, responsibility to ensure that aerodromes meet minimum safety standards rests with aircraft operators who use those aerodromes.

The applicant will be required to provide Council with OLS information to enable future land use planning around the airport. The OLS may not be able to be confirmed until further airspace study and consultation with the adjoining aerodromes. The applicant may also have to provide Council with revised OLS data and ANEC (Aircraft Noise Exposure Contours) and ANEF (Air Noise Exposure Forecast) data when these issues are resolved.

**Australian Government Department of Defence**

The Australian Government Department of Defence (Defence) – (Defence Support and Reform Group) provided comment and advise that they have serious concerns with the proposal. The Defence comments were provided under the following headings:

- Impacts on Operational Efficiency;
- Flying Schedule;
- Comments on Planning Application;
- Toowoomba Regional Planning Scheme;
- State Planning Policy 1/02: Development in the Vicinity of Certain Airports and Aviation Facilities; and
- Application Not Properly Made.

In summary, Defence have serious concerns about potential adverse impacts on aviation training and the operational capability of the Oakey Army Aviation Training Centre and the RAAF base at Amberley. Defence consider there are incorrect assumptions made by the applicant regarding proposed flying schedules as relating to potential conflicts with restricted airspace and operations. They submit that the proposal is in conflict with the Jondaryan Planning Scheme and the TRPS. They also suggest that the application is not properly made due to the need for a State Resource Entitlement in respect of the road access. Specific issues are discussed below:

**Impacts on Operational Efficiency**

Defence advise that aircraft operating to and from the proposed airport will need to access restricted military airspace of both the Army Aviation Training Centre (AAvNTC) and the Royal Australian Air Force (RAAF) Base Amberley. Respectively, these facilities are a primary aviation training facility for the Australian Army and a major Defence transport hub with the AAvNTC being the second busiest Defence airfield in Australia having over 30,000 annual movements (125 per day).

The proposed airport has potential to cause loss of training sorties. The clearance required for an aircraft landing at the proposed airport would necessitate movement of training craft out of the affected airspace. This would result in lost time and incomplete training sessions. It would lead to alternate use and activation of the airspace on weekends. In short, the freedom of helicopter movement is essential for operational efficiency which would be impacted by the proposal.
Flying Schedule

Defence note that the applicant’s flight schedule underestimates the amount of time the restricted airspace is active and does not account for seasonal and other issues. Defence advise that there will be times when aircraft wishing to operate from Wellcamp will be denied access to restricted airspace.

Comments on Planning Application

Defence submit that the application does not comply with Specific Outcome 4.2 Noise, of the Charlton Wellcamp Regional Industry Zone Code. This issue is discussed at Section 2.4 of this Report.

Defence submit that the application does not comply with a relevant Overall Outcome the Major Infrastructure and Corridor Overlays Code of the Jondaryan Planning Scheme being:

“Land use conflict on land near the Army Aviation Centre and Toowoomba Airport is avoided by preventing inappropriate development.”

Officer’s Comment

It can be argued, based on Defence advice, that the airport is an “inappropriate development” and does not meet the Overall Outcome.

However, the application is Code Assessable and pursuant to the Jondaryan Planning Scheme, the proposal needs only satisfy the Specific Outcomes to comply with the Code as can be seen from the following:

“5.20 Compliance with the Major Infrastructure and Corridor Overlays Code -

Development that is consistent with the Specific Outcomes in section 5.22 complies with the Major Infrastructure and Corridor Overlays Code.”

A detailed assessment against the Specific Outcomes of the Major Infrastructure and Corridor Overlays Code is contained in Attachment B – Assessment against Applicable Codes. This assessment demonstrates that the proposal can achieve the relevant Specific Outcomes.

It is considered that the proposal does not conflict with any Specific Outcomes of applicable codes. This does not mean that there are not conflicts between the proposed development and the Oakey Army Aviation Centre however, demonstrates that the proposal can meet the required criteria for code assessment.

The relevant parts of the Major Infrastructure and Corridor Overlays Code are set up to protect major infrastructure (such as Oakey Army Aviation or Toowoomba Airport) from incompatible land uses such as tall structures within the CLS or sensitive land uses within the 20 ANEC (Aircraft Noise Exposure Contour). The Code does not deal specifically with the possibility of another aerodrome within close proximity to existing airfields.

Toowoomba Regional Planning Scheme

Defence submit that the proposed development does not comply with the intent of the Charlton Wellcamp Enterprise Area, the Airport Enviros Overlay Code and the Strategic Framework 3.2.12.2. Defence submit that Council is able to give weight to the TRPS and that the applicant has not provided sufficient justification as to why Council should approve the development notwithstanding the conflict with the TRPS.

Comments regarding weight to be given to the TRPS and consideration of relevant aspects of the TRPS are provided in Section 2.5 of this Report. The specific issues raised by Defence are discussed below:
3.2.12.2 Land Use Strategies

Defence submit that the application does not meet the TRPS Land Use Strategy 3.2.12.2 which states:

(1) Protect the existing and future operational and service requirements of the Toowoomba Airport and the Army Aviation Centre (Oakey) by ensuring that development of land around the airport is compatible with the needs of the airport.

(2) Ensure that sensitive and incompatible land uses:

(a) avoid adversely affecting the safety and efficiency of the operational airspace of the Toowoomba Airport and Army Aviation Centre Oakey and the functioning of aviation facilities.”

The applicant addressed Land Use Strategy 3.2.12.2 in response to Council’s Information Request. The applicant’s response refers to Section 4 of the Airport Master Plan – this provides minimal information regarding potential conflict with operational airspace and refers to Section 14 of the Master Plan for airspace and flight path considerations in relation to existing aerodromes. The Master Plan (s14.10) discussion of the Department of Defence position is uninformative and the correspondence referred to by the applicant is not included in the Master Plan.

Advice from Defence and CASA indicate that the operations of the proposed airport may be limited or affected due to restricted airspace when active. It is also understood that Defence will have the ultimate say, on a case-by-case basis, as to whether the military airspace can be accessed by users of the proposed airport. In addition, it appears that there will be unavoidable disruptions to operations of Defence facilities and possible safety and resource issues.

Ultimately, these airspace issues are outside of the scope of Council’s considerations. Firstly, Council does not have the expertise to make decisions regarding these issues and secondly, external processes and legislation outside of Council’s jurisdiction exist which will determine access to the airspace and safe operating procedures.

The concerns of Defence are legitimate however, and are related to management of the proposed airport operations rather than the general land use itself. It is understood that further consultation between the proponent and Defence and other major stakeholders will inform a future aeronautical study and an impact assessment in conjunction with the CASA certification process. This means there are further processes which will consider the ultimate operational aspects of the proposed airport.

The ultimate airport may prove to be limited in terms of operational capacity due to the presence of restricted airspace. Accordingly, the applicant will be provided with all appropriate advice and upon further consultation with major stakeholders may be able to make a more informed decision as to the viability of the proposal, particularly for the long term planning horizon. Ultimately, the decision to allow access to military airspace lies with Defence. As such, Council would be unable to give significant weight to the TRPS on the basis of operational issues which are outside of Council’s jurisdiction.

Airport Environ Overlay TRPS

Defence submit that the application does not meet the purpose of the Airport Environ Overlay which is:

(1) … to protect the existing and future operational requirements of the Toowoomba Airport and the Oakey Army Aviation Centre and to provide for the most appropriate and compatible development of surrounding lands.

(2) The purpose of the code will be achieved through the following overall outcomes:

Release in full
a. conflicts between the Toowoomba airport, the Oakey Army Aviation Centre and surrounding uses are avoided;
b. development does not introduce or intensify uses which are sensitive to noise interference or nuisance unless, where practicable, adequate mitigation measures are incorporated into the development;
c. development mitigates impacts to ensure an appropriate level of amenity, and
d. safe and efficient airport operations are protected.

The Airport Environs Overlay Code contains similar provision to the Major Infrastructure and Corridor overlays Code of the Jondaryan Planning Scheme. The acceptable solutions refer to development within the mapped constraint areas. The code is set up to protect the existing airport facilities from intrusion from inappropriate development in line with the State Planning Policy 1/02: Development in the Vicinity of Certain Airports and Aviation Facilities which regulate land-based activities within the vicinity of airports. The Code is not structured to include consideration of a new airport within proximity of an existing airport. The proposed airport would need to comply with provisions relating to transient airspace intrusions such as hot air ballooning or parachuting and bird and bat strike issues in respect of the Toowoomba airspace only given the applicable overlay affecting the site (13km bird and bat strike of Toowoomba Airport). The proposal would meet the performance criteria of the TRPS Airport Environs Overlay Code therefore would meet the purpose of the code.

State Planning Policy 1/02: Development in the Vicinity of Certain Airports and Aviation Facilities

Refer to Section 2.1 of this Report – the application satisfies the applicable codes and therefore satisfies the SPP 1/02 as reflected in the Planning Schemes.

Application Not Properly Made

Defence state that the application should have been accompanied by a State Resource Entitlement in order for the application to be considered properly made in accordance with SPA due to the reliance on access from the unformed road reserve. It is considered that this is an incorrect assumption as the proposed use of the road in question is consistent with the purposes of the state resource being a road reserve for the purposes of a local government road. The proposal can gain legal access in accordance with conditions of an approval requiring the applicant to construct the section of road within the road reserve prior to use. In any event a recent amendment to Section 264 of SPA removes, including retrospectively, the requirement for the need for evidence of a State Resource Entitlement to accompany a development application.

Australian Government Department of Infrastructure and Transport

The Australian Government Department of Infrastructure and Transport comment that based on advice they have received from Defence and CASA, the Department is very concerned that a new Regular Public Transport (RPT) Airport in this location could adversely impact on Defence operations at Oakey and Amberley and civil operations at Toowoomba Airport.

The Department notes that the likely unacceptable conflicts with Defence operations when military airspace is active is particularly important given that annual passenger numbers are forecast to exceed 500,000 in the 20 year planning horizon.

The Department does not, on the information available, support the proposal and encourages Council to consider expert advice from Defence and CASA before considering an approval of the current proposal.

The Department also highlights concerns about noise, for instance, possible conflict with any future growth west of Toowoomba noting that experience has shown that most noise complaints come from the area outside of the 20 ANEC. Refer to Section 2.4 for discussion on noise.

The Department considers that it would be a poor planning outcome for Council and the proponent if construction was to proceed prior to important constraints being resolved.
Australian Government Department of Sustainability, Environment, Water, Population and Communities

The Australian Government Department of Sustainability, Environment, Water, Population and Communities (DSEWPC) advise that further assessment of the environmental impacts of the proposal would be prudent as the proposal has the potential to impact on matters of national environmental significance (NES) such as listed migratory species.

Approval under the Environment Protection and Biodiversity Conservation Act 1999 (EPBCA Act) may be required in addition to any State Government or Council approvals for the project. The advice provided by the Department includes a fact sheet for information purposes.

It is understood that it is the applicant’s responsibility to obtain any approvals which may be required under this Commonwealth legislation.

Toowoomba Airport

The Toowoomba Airport has provided advice which reiterates earlier consultation with the applicant. The advice focuses on the applicant’s proposed methodology to deal with possible conflicts with existing procedures including safety, delays and operational efficiency issues.

The advice indicates that Council is currently undertaking master planning for the Toowoomba Airport. The Master Plan will take into consideration, the proposed jet capable airport. It is envisaged that Toowoomba Airport would continue to provide complementary support and services for aviation activities other than for the larger aircraft facilitated by the proposed airport.

2.4. Assessment against the Jondaryan Shire Council Planning Scheme

The following Planning Scheme Codes are applicable to the proposed development:

Zone Codes

- Chariton Wellcamp Industry Zone Code

Overlay Codes

- Conservation Overlays Code;
- Economic Resources Overlays Code; and
- Major Infrastructure and Corridor Overlays Code.

The proposed development satisfies the acceptable and probable solutions of the applicable codes. Refer to Attachment B – ‘Assessment against Applicable Codes’ for a detailed assessment against relevant elements of the applicable codes. The issue of acoustic amenity is an important consideration of this application and is discussed below in relation to Specific Outcome SO4.2 of the Chariton Wellcamp Industry Zone Code:

Chariton Wellcamp Industry Zone Code

Specific Outcome SO4.2

Noise

Development and use must prevent or minimise the generation of any noise such that:

- nuisance is not caused to adjoining properties or other noise sensitive areas; and
- applicable legislative requirements are met.
Probable Solution PS4.2

Noise

Development and use protects the environmental values set out in the Environmental Protection (Noise) Policy.

Comment

In response to Council’s Information Request, the applicant provided an Acoustic Assessment prepared by Wilkinson Murray Pty Ltd. This Acoustic Assessment was based on predicted Annual Aircraft Movements by type, runway approaches and departures and flight paths for the 2032 planning horizon.

The Acoustic Assessment also provided an assessment of traffic related noise. Traffic noise assessment was based on the 10 year Horizon predictions in the Harrison Group Traffic Impact Study. It considered noise generated by the proposal including the increase due to development and total traffic road noise. Traffic noise is proposed to be within established criteria having regard to the Department of Transport and Main Roads, Road Traffic Management: Code of Practice.

Aircraft Noise Exposure Concept (ANEC) Contours were provided (refer to Attachment A - Figure 14 ANEC). The ANEC can be considered synonymous with the ANEF (Aircraft Noise Exposure Forecast) which can only be provided once the airport is established.

The ANEC is a contour map based on hypothetical conditions and is not intended for land use planning purposes. However, at this point the ANEC can serve a similar purpose to the ANEF and is appropriate for this assessment. For planning purposes, it is considered acceptable if a dwelling house, for example, is located within the ANEF 25 or higher. The initial Acoustic Assessment demonstrated that sensitive receivers including dwellings were located within acceptable contours.

Council requested a peer review of the Acoustic Report which was undertaken by Air Noise and Environment Pty Ltd (ANE). ANE are considered to have relevant experience in the assessment of aircraft noise issues. The peer review recommended that further information be provided in relation to ground based operations and maximum noise level and frequency contour charts (N.70 for general aviation and N.60 for training flights). This information would assist in determining if any sensitive receivers are likely to experience adverse effects from exposure to aircraft noise as it is known that sensitive receivers can be affected when situated outside of the ANEC 20.

The additional information recommended by ANE was provided by the applicant and subsequently reviewed by ANE to ensure the correct type of information was provided. The further review verified that the applicant had provided sufficient information.

The Acoustic Assessment concludes no noise-sensitive receivers were found to be located within the ANEC 15 or N70=10 contours and that the site represents a favourable location for a new aerodrome of the proposed size. Wilkinson Murray advise that it will be necessary to incorporate future aircraft noise levels into land use planning by means of an ANEF chart.

The issue of cumulative effects has been raised by Defence (in relation to the combined effect of the noise of their operations and possible Wellcamp Airport operations). The Acoustic Assessment does not specifically address this issue. The author of the ANE peer review was contacted about this issue and noted that such analysis would only be possible, if Defence would supply relevant information about their flight operations which may not be possible. It is considered that such a comprehensive analysis of the existing and possible cumulative noise levels would be more appropriate as part of a full impact assessment necessitated in conjunction with the CASA aerodrome certification.

It is considered that any future consideration of flight paths, aircraft types and operating times, must be undertaken within a framework to ensure that the use of the airport does not cause noise nuisance to any sensitive receivers therefore satisfying Specific Outcome SO4.2. Accordingly, suitable conditions are recommended requiring the applicant to submit
additional Acoustic Assessment for Council’s consideration prior to construction of the
facility. The information would need to be updated progressively and align with any details
submitted to CASA in conjunction with the certification process.

2.5. Toowoomba Regional Planning Scheme 2012

Council may give weight to the Toowoomba Regional Planning Scheme (TRPS) in deciding the
application pursuant to Section 317 of SPA as below:

“317 Assessment manager may give weight to later planning instrument, code, law or policy

(1) in assessing the application, the assessment manager may give the weight it is satisfied is
appropriate to a planning instrument, code, law or policy that came into effect after the application
was made, but—

(a) before the day the decision stage for the application started; or

(b) if the decision stage is stopped—before the day the decision stage is restarted ”

The TRPS came into effect on 1 July 2012 being one (1) business day after the application was
received by Council therefore Section 317 of SPA is applicable. Prior to the TRPS coming into effect,
the Draft TRPS had undergone public consultation including a public notification period. It is
reasonable that weight, as Council considers appropriate, should be given to the TRPS in deciding
this application.

To complicate matters, the application is code assessable pursuant to the Jondaryan Planning
Scheme and the proposed use, defined as ‘Air Services’ in the TRPS, would be impact assessable if
the application were to be lodged under the TRPS. This situation creates a level of uncertainty as to
the nature and degree to which weight should be given to the TRPS.

Notwithstanding Section 317 of SPA, the decision rules pursuant to Division 2 of SPA set out the
limits in which Council can make its decision for the code assessable application. Basically, Council
is limited to consideration of applicable planning scheme codes identified in the assessment tables
and other applicable State legislation and is not able to consider the Desired Environmental
Outcomes of the Jondaryan Planning Scheme.

An Impact Assessable application under the TRPS would allow for properly made submissions, the
Strategic Framework and any relevant part of the TRPS to be considered. Hence, there is a
significant difference in scope between the code and impact assessment process. It can be seen
that determination of appropriate weight to be given to the TRPS in this instance, needs to consider
that the actual application is code assessable.

The following provisions apply to the proposed use and the subject land pursuant to the TRPS:

Proposed Land Use Definition

The proposed use meets the definition of Air Services defined as:

“Premises used for the following:
(a) the arrival and departure of aircraft;
(b) the housing, servicing, maintenance and repair of aircraft;
(c) the assembly and dispersal of passengers and/or goods on or from an aircraft;
(d) any ancillary activities directly serving the needs of passengers and visitors to the use; and
(e) associated training and education facilities.”

Strategic Plan

- Economic Development – Charlton Wellcamp Enterprise Area

Zoning/Precinct

- Low Impact Industry
- Medium Impact Industry-General Industry Precinct
- High Impact Industry – Heavy Industry Precinct
- Open Space – Conservation Precinct

**Local Area Plan**

- Charlton Wellcamp Enterprise Area - General Industry Precinct; Heavy Industry Precinct; and Conservation Corridor.

**Overlay Maps**

- Airport Environments Overlay
  - 13 km Bird and Bat Strike Zone
- Biodiversity Areas Overlay
  - Areas of Ecological Significance
  - Areas of Ecological Significance Buffer
- Waterways and Wetlands Buffer
- Bushfire Hazard Overlay
  - Medium Fire Risk
- Extractive Resources Overlay
  - Separation Area

**Overlay Codes**

- Airport Environments Overlay Code
- Bushfire Hazard Overlay Code
- Biodiversity Areas Overlay Code
- Extractive Resources Overlay Code

**Local Plan Codes**

- Charlton Wellcamp Enterprise Area Local Plan Code

The following provides commentary on a selection of relevant aspects of the Strategic Framework of the TRPS:

### Strategic Framework

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<thead>
<tr>
<th>Theme/Element</th>
<th>Officer's Comment</th>
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<tbody>
<tr>
<td><strong>3.2 Settlement Pattern</strong></td>
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<tr>
<td><strong>3.2.1 Strategic Outcomes</strong></td>
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<tr>
<td>(3)</td>
<td>The scale of the proposed airport, including conceptual future stages is consistent with the primacy of Toowoomba</td>
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</tbody>
</table>

Toowoomba Regional Council area is a Region of approximately 13,000km², with dimensions of approximately 90km E/W and 185km N/S. The resident population of Toowoomba Regional Council at 30 June 2009 was 159,098. The City and its Region hold the mantle of
Australia's largest non-capital inland city. It is the principal regional centre for the whole of the Darling Downs and southern and western Queensland and northern and central rural New South Wales.

(4) Toowoomba plays an important role as a gateway city and plays a key role in connecting people and resources. Firstly as the eastern gateway to the communities and resource areas in the South-West Region and secondly as gateway from the South-West to South-East Queensland, the State's capital and the major international air and sea ports.

(5) The Region is experiencing significant growth (a projected increase of 93,043 people between 2006 and 2031 with an estimated population of 244,340 by 2031). This population growth is supported by the provision of a full spectrum of government, commercial, infrastructure and community services provided at intensities that give due regard to the needs of robust mixed use urban centres and vibrant rural towns.

<table>
<thead>
<tr>
<th>3.2.2 network of towns</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The Toowoomba Region is characterised by a range of attractive and vibrant rural towns that are connected through an integrated transport system which is focused to the key regional centre of the Toowoomba City Centre.</td>
</tr>
</tbody>
</table>

(1) The proposed airport may assist in providing an integrated transport system being reasonably close to Toowoomba City Centre.

<table>
<thead>
<tr>
<th>3.2.9 rural landscape</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The rural landscapes of the Toowoomba Region are a valued visual and economic asset which are managed through best practice in agricultural and conservation techniques.</td>
</tr>
</tbody>
</table>

(1) The proposal does not devalue the visual qualities of its rural landscape and offers some conservation potential along Westbrook Creek.

<table>
<thead>
<tr>
<th>3.2.1 natural places</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Natural places (areas of ecological significance, waterways, wetlands and ecological corridors) are the lungs, water source and ecological library that support the environmental, social and economic foundation to the sustainability of the Toowoomba Regional Council area. Without natural places the Toowoomba Regional Council area is diminished.</td>
</tr>
</tbody>
</table>

(1) The subject land is earmarked for industrial activities and there is limited natural attributes to be conserved on the site with the exception of the riparian corridor. The proposal includes rehabilitation of this corridor.

<table>
<thead>
<tr>
<th>3.2.12 Element - Incompatible Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The impacts of uses are contained within the site, designated area, estate or zoned area.</td>
</tr>
</tbody>
</table>

(1) The proposal can demonstrate that the on-ground impacts can be contained well within the site. Other impacts from the movement of aircraft, such as noise and safety are discussed in Section 2.3 and 2.4 of this...
(2) Land to accommodate population growth and future infrastructure networks is identified and potential impacts, including reverse amenity impacts, associated with noise, odour or visual amenity are mitigated or avoided.

(2) Future infrastructure networks include the Toowoomba Cecil Plains Road and other major roads between the Wellcamp and Toowoomba. The proposed airport will utilise this road infrastructure thus avoiding additional reverse amenity impacts.

There would be reverse amenity impacts to consider as a result of the proposal, especially regarding noise in respect of future development in the vicinity of the proposed airport site. Such issues would need to be dealt with through future planning controls such as amendments to the Airport Environ Overlay and Code.

3.2.12.1 Specific Outcome

(1) Appropriate separation is achieved between incompatible land uses by:

(a) ensuring that land accessible to the priority freight corridors is protected for industry, logistics and other low-density uses that require space or necessitate high volumes of commercial or freight trips.

3.2.12.2 Land Use Strategy

(1) Protect the existing and future operational and service requirements of the Toowoomba Airport and the Army Aviation Centre (Oakey) by ensuring that development of land around the airport is compatible with the needs of the airport.

(2) Ensure that sensitive and incompatible land uses:

(a) avoid adversely affecting the safety and efficiency of the operational airspace of the Toowoomba Airport and Army Aviation Centre (Oakey) and the functioning of aviation facilities;
(b) are compatible with forecast levels of aircraft noise within the 20 ANEF contour; and
(c) avoid increasing risks to public safety near the ends of airport runways.

(3) Maintaining the following separation distances between areas zoned for industrial development and areas zoned for sensitive land uses:

(a) medium impact industry – 250m;
(b) high impact industry – 500m; and

(1) Charlton Wellcamp Enterprise Area is purposefully located to take advantage of priority freight corridors. The proposal (Stage 1) will utilise these corridors and allow synergies with surrounding industry and logistics.

(1) This Land Use Strategy is discussed in Section 2.3 of this Report.

(2) As above.
(c) noxious and hazardous industry – 1,500m.

(4) Do not include land within proximity to land uses with potential off-site amenity impacts within a zone that would support the establishment of sensitive land uses.

3.6 Theme – Access and Mobility

3.6.1 Strategic Outcome

(1) Toowoomba Region is serviced by a road, rail and air network that provides practical transportation options which ensures the continuity and establishment of robust and complete communities by providing connection and mobility for all.

(2) A sustainable integrated transport system provides effective rural and urban road and rail as well as air connections for the safe and efficient movement of people, the provision of services and distribution of freight, within and beyond the Region, without significantly diminishing the amenity of the communities that transport networks transect.

(3) Investment in our future transport system is supported through the protection and preservation of transport infrastructure corridors from encroachment by incompatible uses. Protection of future transport corridors will assist in provision of the Toowoomba Bypass, Gowie-Grandchester rail project, Commonwealth Government’s Inland Rail Alignment Study and greater capacity within the Toowoomba Airport.

(4) The proposed airport will provide a significant transportation option increasing connections and mobility. Third party advice received, in particular from CASA and Defence, question the practicality of this proposed option (refer to Section 2.3 of this Report).

(5) The proposal has the potential to provide movement of people, the provision of services and distribution of freight, within and beyond the Region without significantly reducing existing amenity. Third party advice received, in particular from CASA and Defence, question the sustainability, safety and efficiency of the proposal (refer to Section 2.3 of this Report).

(6) The proposal is conveniently located to utilise the identified future transport corridors and will not encroach on these corridors.

The proposal anticipates a transfer of some passenger services from Toowoomba Airport to Wellcamp however, may allow greater capacity for specialised services at Toowoomba Airport.

(8) The proposal represents an option to land larger aircraft within the Region. The exploration of use of the Army Aviation Airfield as an alternative to this proposal was not discussed in the application material.

The Airport Master Plan
### 3.8 Theme - Economic Development

#### 3.8.1 Strategic Outcomes

| (8) | The Charlton Wellcamp Enterprise Area, located 13km west of Toowoomba at the junction of the Warrego, New England and Gore highways, provides much needed industrial land for the Region. The Toowoomba Regional Council sees the area as having potential to be a key catalyst for business growth, leading to a more self-sustained economy. |
| (9) | Economic development in the Region is supported by an efficient, sustainable and responsive freight system that meets the needs of the community and industry in the Region. |

| (8) | The proposal is not an industrial use however, has the potential to capitalise on the location of the CWVEA being a hub for key regional industry, transport and logistics. Accordingly, the proposal could be a key catalyst for business growth. |
| (9) | There are outstanding questions regarding the efficiency of the proposal. |

#### 3.8.2 Element – Economic Growth

| (1) | The economic diversity of the Region provides employment and investment opportunities for residents and contributes significantly to the stability and economic robustness of the regional economy. |

| (1) | The proposal has the potential to stimulate investment and employment through its construction and presence. The proposal may provide important linkages within and beyond the region for business, industry, tourism, freight and other air transport and aeronautical activities. Accordingly, the proposal could make a major contribution to the diversity and robustness of the regional economy. |

#### 3.8.2.1 Specific Outcome

| (5) | The Charlton Wellcamp Enterprise Area local plan identifies and addresses the opportunities and constraints presented by provision of intermodal facilities, transport and warehousing, general industry, extractive and heavy industry, commercial centres, the protection of conservation areas and the establishment of recreation areas, in a financially responsible manner that achieves the efficient sequencing of serviced industrial land on what is effectively a greenfield site. The following apply to this area: |

| (a) | Uses considered incompatible with and activities that could compromise the long term viability and continuity of the Charlton Wellcamp Enterprise Area are not supported and where appropriate are avoided; |
| (5) | The proposed airport in this location is generally compatible with most industries. |
The activities of one sector or use within the local plan area does not adversely impact on the amenity or viability of the other activities within the Charlton Wellcamp Enterprise Area local plan area;

Social infrastructure including appropriate retail, commercial, educational, and child care facilities are provided for in a manner that services the needs of employees without compromising the amenity or viability of the other activities within the Charlton Wellcamp Enterprise Area local plan area;

The local plan provides facilitates intergovernmental and cross sectoral interests to ensure that development does not compromise or negatively impact the current or future operation of the Warrego Highway, Western Railway, or the Proposed Toowoomba Bypass or Moree to Toowoomba section of the Melbourne to Brisbane inland rail line;

Environmental values are identified and protected; and

Land suitable for employee recreation activities and linear parkland adjacent riparian features are identified and utilised for relaxation and recreation purposes;

Consideration would be needed for heavy industries which may require stack emissions. The southern area of the site is zoned for larger and more noxious industries. The proposal would extinguish opportunity for heavy industries and land would need to be found elsewhere if these types of industries were to locate near Toowoomba.

Activities in other sectors of the Local Plan are unlikely to be adversely impacted by the proposal.

The proposal does not comprise any of these social infrastructure uses.

The proposal has been assessed and approved with conditions by the Department of Transport and Main Roads (DTMR) as the Concurrence Agency for the application.

The proposal includes intentions for rehabilitation of the riparian corridor and does not impact on existing remnant vegetation which is to the south of the proposed infrastructure.

The proposed airport is intended to have 20 staff (Stage 1). There would be options to provide staff recreation on balance area of the site.

The following provides commentary on relevant overall outcomes of the TRPS Charlton Wellcamp Regional Enterprise Area Local Plan:

Charlton Wellcamp Enterprise Area Local Plan

<table>
<thead>
<tr>
<th>The purpose of the code will be achieved through the following overall outcomes:</th>
<th>Officer's Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Charlton Wellcamp Enterprise Area is a regionally significant employment hub, serving as a major business and employment area for</td>
<td>a) The proposal has the potential to provide synergies with this</td>
</tr>
</tbody>
</table>
b) Charlton Wellcamp Enterprise Area accommodates a mix of regionally significant business and industry activities that capitalise on the area’s strategic location and competitive strengths, particularly proximity to regional transport networks and surrounding agricultural, energy and extractive industry activity. Accordingly, Charlton Wellcamp Enterprise Area will provide for transport and logistics and innovative major, high-impact and special industries providing high value-adding uses and employment opportunities.

Local Plan area and to provide additional transportation options for business and employees.

b) The proposed airport has the potential to assist in providing transport and logistics for regionally significant business and industry in the Local Plan area.

3.0 INTERNAL REFERRALS

The application was referred to various internal sections of Council for input and advice regarding the assessment of the application including, the information request, responses to information requests and outstanding issues, third party comments and final conditions. The following sections/areas of Council were consulted:

- Development Engineering (including additional referral to Water and Waste Water Services and Infrastructure Services);
- Environmental;
- Infrastructure Contributions;
- Landscape Architecture;
- Property Services; and
- Strategic Land Use.

The following is a brief outline of consultation with the above sections/areas of Council:

Development Engineering

Development Engineering has assessed the application and provided conditions relating to engineering issues including: Council infrastructure, sewer and water infrastructure, stormwater management, erosion control, the requirement for the applicant to upgrade the access road, design and construction requirements for car parking, electricity and telecommunications services, and requirements for operational works.

Specific issues are outlined as follows:

Traffic

The applicant provided a Traffic Impact Assessment Study prepared by the Harrison Group Queensland (THGQ). The report identified various aspects of the Council road network which require upgrading as a result of background growth over a 10 year horizon. The report indicated that the increase in traffic as a result of the development (in addition to the estimated background growth) did not trigger the need for any specific upgrades and/or exceed the threshold upon which any relevant local roads would require bitumen seal. The vast majority of traffic is estimated to use Toowoomba Cecil Plains Road in comparison to local roads.

The background growth rate was questioned by Development Engineering and the applicant was advised of the outstanding issue. The applicant provided further justification of the proposed background growth rates and this information was reviewed by engineering. The applicant will be required to pay infrastructure charges towards the transport network in accordance with the Priority Infrastructure Plan (PIP) and the Adopted Infrastructure Charges Resolution No. 2 and will be required to construct the access road from Toowoomba Cecil Plains Road.
Stormwater

This issue is discussed in Section 2.1 of this Report ‘State Planning Policy 4/10: Healthy Waters’.

Sewer

The applicant has proposed an on-site Sewerage Treatment Plant (STP). The STP is to be located at the north-east of the site (near Runway 12) and is to be developed in stages to cater for other developments within the Wellcamp Downs Estate on the subject land and adjoining land also being developed by the proponent of the proposed Airport. Stage 1 (the current development proposal) will pump effluent to the proposed STP. The applicant has advised Council that the site will not generate a demand over 20 equivalent persons (EPs) and does not require referral to the Department of Environment and Heritage Protection (DEHP) as it does not require a licence for an Environmentally Relevant Activity for Sewerage Treatment ERA 63 (2). The recommended condition relating to on-site sewer disposal limits the use of the system to 20 EP. If this level is exceeded, the applicant would have the option of upgrading the system and seeking approval from DEHP or connecting to Council’s reticulated sewerage network.

Water

The applicant proposes to provide the development with a connection to Council’s reticulated water network. It is proposed to connect to the water main at a point along the unnamed road. This connection point is to be provided in connection with other approved developments in the Wellcamp Downs Estate. The water supply to this point requires an extension of the existing service located in Wellcamp near the Witimack Industrial Estate on Witimack Road. A condition is recommended to require the applicant to construct the extension to the existing water service for the airport. The applicant would also have to pay infrastructure charges towards the water network in accordance with the Priority Infrastructure Plan (PIP) and the Adopted Infrastructure Charges Resolution No. 2.

Environmental

Council’s Environmental Consultant has provided draft conditions for an approval of the application for the issues including acoustic amenity, lighting, waste, environmental management, fuel handling and revegetation and wildlife management.

The applicant has provided a Site Based Management Plan (SBMP) prepared by The Long View Group. The SBMP includes a section on fuel management however, it is considered that additional spill containment procedures are required and a condition is recommended to require the submission of an amended SBMP.

The applicant has proposed to rehabilitate Westbrook Creek and this proposal aligns with the Planning Scheme requirements of the Conservation Overlays Code for rehabilitation of riparian corridors. A Revegetation Management Plan is required which considers appropriate species selection to ensure no interference is caused to aircraft operations, particularly from bird and bat strike and that appropriate restoration values are maintained. Conditions are recommended to require submission of appropriate Revegetation Management and Wildlife Management Plans.

Infrastructure Contributions

The application was referred to Council’s Infrastructure Charges Coordinator. An Adopted Infrastructure Charges Notice (AICN) will be issued in conjunction with the approval.

Landscape Architecture

The application was referred to Council’s Landscape Architect. Appropriate conditions have been recommended.

Property Services

The application was referred to Council’s Property Services Section which has no requirements.
Strategic Land Use Branch

The application was referred to Council’s Strategic Land Use Branch (SLUB) for comment. SLUB provided a recommendation that the proposal is not consistent with the strategic intent for the CWEA. SLUB note however, that the proposal will accommodate existing demand for air transport and provide a solution to the limited opportunities for expansion of the existing airport and will also serve to catalyse growth in the CWEA. Overall, SLUB supports the application.

4.0 REFERRAL AGENCIES

The application was referred to the Department of Transport and Main Roads (DTMR) as a Concurrence Agency pursuant to the Schedule 7 of the Sustainable Planning Regulation 2009 (SPR). DTMR provided a Concurrence Agency Response dated 20 October 2012 (refer to Attachment D). The Concurrence Agency Response includes conditions relating to:

- The approved plans;
- Limiting the approval to proposed Stage 1 – Start Up only;
- Revision of car parking layout to accommodate parallel parking of two (2) 14.5 metre length single unit rigid buses;
- Access, including safe and disability access for pedestrians between the terminal building and public transport facilities;
- Requirement for the access road to cater for movement of a 14.5m length single unit rigid buses;
- Requirement for the applicant to provide an intersection, including lighting and signage, and other works at the proposed main entry at Toowoomba Cecil Plains Road and the unnamed and unformed access road;
- Exclusion of any direct access from the site to Toowoomba Cecil Plains Road with the exception of emergency use only of the proposed auxiliary access; and
- Stormwater management in regard to the State controlled road network.

5.0 CONCLUSION

The Development Application seeks approval for Material Change of Use - Code for Utilities Public - Public Airport (including Taxiway, Apron, Public Terminal Building and Car Park) at 1511 Toowoomba Cecil Plains Road, WELLCAMP QLD 4350.

The proposed development has been assessed with regard to the applicable Codes contained in the Jondaryan Shire Council Planning Scheme 2005 (amended 2009). The proposed development generally complies with the applicable Codes of the Planning Scheme or alternate solutions are proposed. In the circumstances where the applicant has not provided sufficient information or the development does not comply, conditions have been imposed to ensure compliance.

The development has also been considered against relevant aspects of the Toowoomba Regional Planning Scheme 2012. Third party advice has also been considered in the assessment of the development and it is noted that concerns have been raised by some third parties regarding operational conflicts with existing airfields. On balance, it is considered that the proposed land use complies with applicable Codes of the Planning Scheme and that the relevant operational issues are largely outside the scope of this assessment or there is scope for further resolution under other relevant processes and legislation. It is recommended to include all third party advices in any decision notice so that the applicant is informed of the issues raised.

It is therefore recommended that the proposed development application be approved subject to reasonable and relevant conditions.
RECOMMENDATION

APPROVED WITH CONDITIONS - Application No. MCUC/2012/3399 for a Development Permit for Material Change of Use - Code - Utilities Public – Public Airport, pursuant to the provisions of Section 324 of the Sustainable Planning Act 2009 in accordance with the following details for the Decision Notice.

ASSESSMENT MANAGER CONDITIONS

PARAMETERS OF APPROVAL

1. 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.

2. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.

GENERAL

APPROVED AND AMENDED PLANS

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

   **Plan No:** C1112195 C01 - D
   **Description:** Proposed Site Layout prepared by Kehoe Myers Consulting Engineers dated 16/10/12.
   **Amendments:**
   - Delete all references to Stage 2 & 3 Taxiways and Stage 2 Apron.
   - Delete car parking area for Stage 1A, 2 & 3.

   **Plan No:** C1112195 C06 - C
   **Description:** Overall Car Park and Terminal Layout Plan prepared by Kehoe Myers Consulting Engineers dated 16/10/12.
   **Amendments:**
   - Amend title to state ‘Car Park (Stage 1) and Terminal Layout Plan’.
   - Delete Car Rental and Company Storage and Washdown Areas.
   - Delete car parking area for Stage 1A, 2 & 3 and associated notation.
   - Delete table identifying car park staging.
   - Delete notation ‘Up to 117 carparks available for allocation to rental companies’.
   - Amend the coach parking to satisfy Department of Transport and Main Roads requirements.

   **Plan No:** C1112195 C07 - B
   **Description:** Car Park Layout prepared by Kehoe Myers Consulting Engineers dated 16/10/12.
   **Amendments:**
   - Amend Title to state ‘Stage 1 Car Park Layout Plan’.
   - Delete car parking area for Stage 1A, 2 & 3.
Description: Master Plan Stage 1: Start Up prepared by Kehoe Myers Consulting Engineers dated 16/10/12.

Amendments:
- Delete car parking area for Stage 1A, 2 & 3.

Plan No: 12-0617 A.100 - A
Description: Terminal Building Proposed Floor Plan prepared by Aspect Architects and Project Managers dated 27/06/12.
Amendments: Nil.

Plan No: 12-0617 A.200 - A
Description: Terminal Building Proposed Elevations prepared by Aspect Architects and Project Managers dated 27/06/12.
Amendments: Nil.

Plan No: 12-0617 A.201 - A
Description: Terminal Building Proposed Elevations prepared by Aspect Architects and Project Managers dated 27/06/12.
Amendments: Nil.

4. Amended plans which comply with the amendments required by Condition 3 above must be submitted to the Manager, Development Assessment prior to the issue of a Development Permit for Building Works or a Compliance Certificate/Permit for Plumbing and Drainage Works, whichever approval occurs first.

APPROVED AND AMENDED DOCUMENTS

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

Document: Report 00612 Version B
Description: Wellcamp Aerodrome Acoustic Assessment prepared by Wilkinson Murray Pty Ltd dated 29 November 2012.
Amendments: Nil.

Document: N/A
Description: Wellcamp Airport Site Based Management Plan prepared by The Long Group Dated 16 October 2012.
Amendments: Amend to include revisions required by Condition 50.

6. Amended Documents must be submitted to the Manager, Development Assessment prior to the issue of a Development Permit for Building Works or a Compliance Certificate/Permit for Plumbing and Drainage Works, whichever approval occurs first unless otherwise stated by the conditions of this approval.

PARTICULAR USE

7. This Development Permit is for the particular use(s) stated as Utilities Public – Public Airport (including Taxiway, Apron, Public Terminal Building (Gross Floor Area 194m² and Carpark) as shown on the Approved Plans (as amended) and does not imply or comprise an approval for any other use(s).
8. The airport must be available and accessible at all times for the general public and of overall benefit
to the general public.

9. The approved use is to be generally in accordance with proposed “Stage 1 – Start Up” description
outlined in the TRC Information Request Response Volume 1 prepared by Precinct Planning and
received by Council on 22 October 2012 unless modified by the conditions of this approval and must
not include any of the following uses:
   a. Aircraft Hangars;
   b. Warehouse (as defined in the Jondaryan Shire Council Planning Scheme 2005 (amended
      2009));
   c. Overnight storing of trucks, buses, taxis or other road transport vehicles, or aircraft; and
   d. Fuel Storage.

10. Remove all existing structures as noted on Plan No C1112195 C05–8, Existing Site Layout prepared
    by Kehoe Myers Consulting Engineers dated 16/10/12.

AMALGAMATION OF LOTS

11. The subject land must be amalgamated to form a single allotment prior to the commencement of the
    use. The Plan of Survey for amalgamation must be registered, and proof of registration provided to
    Council prior to the commencement of the use.

APPROVED DOCUMENTATION

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

MAINTENANCE

13. The development must be maintained in accordance with the Approved Plans and Approved
    Documents subject to and modified by any conditions of this approval.

COMPLIANCE ASSESSMENT

14. Lodge and gain Council approval for Compliance Assessment for the following purposes/documents
    associated with the conditions of this development approval, prior to commencement of any works
    on the site:
    a) Landscape Plan; and
    b) Car parking and vehicle maneuvering areas.

AMENITY

VISUAL AND GENERAL AMENITY

15. Any graffiti on the buildings/structures/fences on the subject land must be immediately removed.

16. All buildings/structures and the subject land must be maintained in a clean and tidy manner, at all
times.

17. Any plant located on the roof top of buildings/structures must be enclosed by visual screening
devices equal to height of the highest part of that plant.

18. Open storage areas, loading areas, refuse storage areas and other unsightly areas, must be
    screened from view from all street frontages and public places.

FENCING
FENCING - COMMERCIAL AND INDUSTRIAL DEVELOPMENT ADJACENT TO PUBLIC PLACES

19. Provide security fencing generally in accordance with the approved plans.

20. Fencing adjacent to public places (streets, public walkways, laneways and open space areas) must maintain a minimum transparency of 50% of the surface of the fence above 1.2m in height, and is located so as not to prohibit views of entrances and exits to buildings.

21. Pay the total cost of the new fencing.

LANDSCAPING

LANDSCAPING – GENERAL

22. Submit for compliance assessment in accordance with Condition 14, a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect. The Landscape Plan must be submitted to Council prior to the commencement of any works on the subject land.

23. The Landscape Plan must address the performance criteria listed below and must show the information outlined in the relevant section of the Planning Scheme:
   a) To enhance the appearance of the development internally and externally; and
   b) To make a positive contribution to the streetscape; and
   c) To screen unsightly objects from public view; and
   d) To contribute to a comfortable living environment by providing shade to reduce glare, heat absorption and radiation; and
   e) To ensure private open space is useable; and
   f) To provide long term erosion protection; and
   g) To integrate with existing vegetation and other natural features of the site and adjoining lands;
   h) To provide adequate vehicle sightlines and road safety; and
   i) To minimise potential for attracting birds or bats that may interfere with aircraft operations.

24. The Landscape Plan must also cover the entire development site and include the following detail:
   a) The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site; and
   b) The number and container size of plants; and
   c) The typical planting detail including preparation, backfill, staking and mulching, irrigation and mulching.

25. 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.

LANDSCAPING – MISCELLANEOUS

26. All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times.

27. Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.

28. 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:
   a) Using trees which have a clean trunk height of at least 1.8 metres (at maturity); and
   b) Using shrubs with a maximum height of 0.75 metres within 3.0 m either side of the entrance.

29. A planted landscape buffer having a minimum width of 10 metres must be provided along the full length of the frontage of the subject land (exclusive of vehicle and pedestrian access to the site) as per the following locations and timing:
30. The planted landscape buffer required by Condition 29 must be planted with a minimum of two rows, diagonally offset with trees generally spaced a maximum of 8 -10 metres apart and to be of native tree and shrub species to be selected to achieve a continuous evergreen screen with vegetation from the ground generally to a minimum of 8.0m height at maturity. Note: A lower mature plant height is acceptable if demonstrated necessary to conform with the Obstacle Limitation Surface or other aircraft safety issues.

31. Screen planting of minimum height and width of 2.0m is to be provided to a minimum of 50 percent of the perimeter of the carpark areas and to the runway security fence to include a mix of species to be planted in intermittent groups to visually fragment views into and out of the site.

32. Street tree planting is to be provided along the length of the public unnamed road along the site frontage from the intersection of Toowoomba Cecil Plains Road to the southern edge of ‘Lot 1’ (shown on Proposed Site Layout prepared by Kehoe Myers Consulting Engineers dated 16/10/12 (as amended)) and the internal access road utilizing suitable native species of minimum of 1.5m height at planting stage that will achieve a clean trunk of 1.2 – 2.0m height at maturity.

33. Street trees must be selected from species that have low water requirements once established and be non-limb shedding varieties.

34. All street trees must be planted prior to commencement of use and be maintained for a minimum of two (2) years by the developer and handed over to Council in a sound and healthy condition.

35. A minimum of 70% of landscaped areas must be retained as a permeable surface.

36. 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.

**LIGHTING**

**INDOOR AND OUTDOOR LIGHTING FOR SAFETY & SECURITY**

37. Outdoor security lighting must ensure safety of users of the development by:
   a) Providing outdoor lighting in accordance with *Australian Standard AS 1158.3.1 – Road Lighting – Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements*; and
   b) The use of vandal resistant lighting in public or publicly accessible areas.

38. Lighting must be provided throughout the car parking areas and along pedestrian access paths in compliance with *Australian Standard AS 1158.3.1 – Road Lighting – Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements*.

39. Lighting must be provided to the following areas of the site:
   a) The entries and exits of the approved buildings;
   b) The pathways between the parking areas and the entrances/exits of the building/s; and
   c) Throughout car parking areas.

**OUTDOOR LIGHTING – IMPACT MITIGATION**

40. Subject to consistency with any Civil Aviation Safety Authority (CASA) requirements regarding lighting, the outdoor lighting of the development must mitigate adverse lighting and illumination impacts by:
   a) Providing Outdoor Lighting that is designed, installed and regulated in accordance with the parameters outlined in *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*; and
b) Installation of outdoor lighting that:
   (i) Provides 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) is directed onto the subject land and away from neighbouring properties; and
   (iii) Uses shrouding/baffling devices to preclude light overspill onto surrounding properties
       where necessary.

40.1 In the event of an inconsistency between any CASA requirements and of a) and b) (above), the
CASA requirements shall prevail.

REFUSE

WASTE MANAGEMENT

41. All waste generated from construction of the development must be effectively controlled on site
before disposal. All waste must be disposed of in accordance with the Environmental Protection

42. All waste generated on site must be managed in accordance with the waste management hierarchy

REFUSE STORAGE AREA - GENERAL

43. 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 1.5m high solid fence
or wall.

44. The size and capacity of the refuse storage areas must be sufficient to accommodate:
   a) The level of waste likely to be generated from the development having regard to the
      frequency of refuse collection;
   b) General refuse bins of an industrial type appropriate to the nature and scale of the use;
   c) Recycling bins appropriate to the nature and scale of the use; and
   d) 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.

45. The refuse storage area must have:
   a) An impervious floor, graded and drained through an approved sediment/silt trap to a legal
      sewer connection;
   b) Adequate bunding around its perimeter to prevent contaminate wastewater escaping to
      stormwater; and
   c) A tap and hose located within 5 metres.

WASTE COLLECTION

46. The refuse and recycling bins must be located in a manner that allows the refuse vehicle to pick
them up automatically without the driver or any other person having to relocate them.

47. The collection of non-recyclable waste arising from the activities undertaken on this development
must be collected and removed at periods not exceeding seven days.

48. The waste collection method must ensure that waste is adequately managed to prevent escape of
contamination.

49. Refuse and recycling bin collection areas must be maintained to ensure that:
   a) Waste containers are kept in a clean state and in good repair;
   b) Waste containers are provided with tight-fitting lid assemblies designed to prevent ingress of
      pests and water;
   c) All waste containers supplied are kept within the boundaries of the premises; and
   d) There is unobstructed access to the containers for the removal of waste.

ENVIRONMENTAL MANAGEMENT
SITE BASED ENVIRONMENTAL MANAGEMENT PLAN

50. Within six (6) months of approval, submit a revised Site Based Management Plan that includes the following:
   a) Operating procedures and record keeping templates associated with the ordering and delivery of aviation fuel to the aerodrome;
   b) Operating procedures and record keeping templates associated with refuelling of aircraft if and when required;
   c) Fuel spill and leak prevention and response procedures to prevent or minimise environmental harm;
   d) Contingency plans to deal with the possible need for any aviation fuel to be held on site for a period greater than 24 hrs including identifying how and where fuel will be held, and methods to secure surrounds and bunding (temporary or otherwise) to contain spills;
   e) Operating procedures and management strategies to deal with potential conflicts between airport operations and the Wellcamp Downs Key Resource Area (KRA3) including defined areas of responsibility;
   f) Communication of procedures, plans, incidents, potential environmental problems and results;
   g) Keeping and production of records and reports;
   h) Monitoring of the release of contaminants into the environment; and
   i) Staff training and awareness of environmental issues.

RIPARIAN REVEGETATION WORKS

51. Prior to the commencement of revegetation works, a Revegetation Plan must be submitted to and approved by Council for all revegetation associated with the development to the general extent as indicated on the approved Master Plan – Stage 1: Start-Up prepared by Kehoe Myers Consulting Engineers and in accordance with the following requirements:
   a) The Revegetation Plan must be prepared by a suitably qualified and experienced environmental consultant;
   b) The Revegetation Plan must detail:
      i. The species to be planted;
      ii. An assessment of the suitability of species to be planted with a view to minimising attracting birds and bats to an area so close to the aerodrome;
      iii. The extent of the revegetation planting to occur;
      iv. The number and size of plants to be planted;
      v. The density of plantings proposed;
      vi. Typical revegetation detail including site preparation and plant maintenance methods; and
      vii. Any proposed reshaping of the land to be undertaken.

52. Prepare and revegetate the area for revegetation works in accordance with the approved Revegetation Plan required by condition 52 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 Revegetation Plan.

WILDLIFE HAZARD MANAGEMENT

53. Submit in conjunction with the Revegetation Plan (required by Condition 51) and receive Council approval for a Wildlife Hazard Management Plan prepared by an independent and appropriately qualified wildlife hazard consultant with aerodrome experience that includes:
   a) A broad assessment of the aerodrome’s hazard profile, including aircraft movements, the habitat and activities that attract wildlife both on and off Premises, the species most likely to be an issue;
   b) A risk assessment for each species and habitat/activities identified as hazardous;
   c) Details of wildlife management measures for reducing the risk of strikes on and surrounding the aerodrome, including wildlife monitoring and reporting procedures;
   d) Procedures for record keeping; and
   e) Management measures for keeping and production of records and reports; and staff training and awareness of wildlife hazard management issues.
ENVIRONMENTAL MANAGEMENT – AIR QUALITY

54. No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm or environmental nuisance as defined in the Environmental Protection Act 1994 must at any time emanate beyond the boundaries of the subject land.

ACOUSTIC / OPERATION

ACOUSTIC IMPACT MITIGATION – OPERATIONS

55. All "refrigeration equipment", "pumps", "regulated devices", and "air-conditioning equipment" as defined by the Environmental Protection Act 1994 must be designed, installed, operated and maintained to comply with the noise standards as specified within the Environmental Protection Act 1994.

56. Any noise generated from the Premises including ground based activities such as taxiing or engine run ups associated with maintenance is to comply with the Environment Protection (Noise) Policy 2008.

57. Prior to commencement of use, submit to Council for approval, a Noise Management Plan prepared by a suitably qualified acoustic consultant that includes but is not limited to the following:

a) A hierarchy of operational noise reduction and noise amelioration measures;

b) A proposed acoustic monitoring program and methodology incorporating best practice that meets the requirements;

c) Based on the most up to date proposed runway usage and flight path usage, an ANEC contour chart and peak noise level and frequency (N70 and N60) contours supplied as GIS files;

d) Discussion of the extent of predicted noise impacts on surrounding noise-sensitive receivers as defined by the criteria used to develop the N70 and N60 Contours;

e) Operating procedures and record keeping templates associated with receiving, investigating and responding to noise complaints made including:

i. communication strategies and operating procedures for effective communication between airport management and residents and other sensitive noise receivers;

ii. airport management responsibilities in relation to complaints investigations;

iii. a process for validating noise complaints received to determine whether or not they are frivolous or vexatious in nature;

iv. a process flow diagram outlining the steps and airport management responsibilities in relation to complaints investigations; and

v. a register (record) of all noise complaints received that, as a minimum is to provide an accurate record of:

- Time, date, name and contact details of complainant;
- Reason for complaint (issue);
- Whether or not the complaint was determined to be valid;
- Investigation including the results of any noise monitoring if undertaken to ensure compliance;
- Conclusions formed; and
- Operational noise reduction and/or amelioration actions taken (if any) to resolve the complaint.

f) Operating procedures and methodology for noise monitoring if undertaken to demonstrate the effectiveness of operational noise reduction and/or noise amelioration measures implemented.

g) A timeline for implementation and review of the plan.
58. A copy of the register of noise complaints (required by Condition 57) must be provided to the Manager, Development Assessment within seven (7) business days following a request made by Toowoomba Regional Council.

59. Manage noise impact arising from the airport in accordance with the approved Noise Management 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 Noise Management Plan.

60. Submit to Council for approval, any subsequent versions of the Noise Management Plan made following reviews undertaken in accordance with Condition 57g).

61. Within six (6) months of commencement of use, submit to Council a revised Acoustic Assessment Report to include Monitoring and Assessment prepared by an independent and appropriately qualified acoustic consultant that includes the following:
   
a) Results of noise level monitoring undertaken at a minimum of 4 most sensitive noise sensitive receptors located within a 5km buffer of the Premises boundary and within 1km flight path corridors that demonstrates noise levels experienced at these locations confirms or otherwise the accuracy of the N70, N60 and ANEC contour charts developed in accordance with Condition 57;
   
b) If results of the noise monitoring reveal inaccuracies with the N70, N60 and ANEC contour charts:
      
i. an explanation describing why such inaccuracies have occurred (i.e. outdated/unsuitable modeling assumptions); and
   
   ii. revised predicted peak noise level and frequency (N70 and N60) and ANEC contour charts based on new information and understanding derived from monitoring undertaken;

   iii. revised contour charts, if required, are to be included a revised version of the Noise Management Plan and supplied as GIS files.

62. If and when an ANEF chart is developed for the Premises and once assessed and endorsed by Airservices Australia for adoption, provide to Council in GIS format a copy of the adopted chart.

COMMUNITY SAFETY

COMMUNITY SAFETY (BUILDING DESIGN)

63. The development must be designed and constructed to enhance community safety by ensuring:
   
a) Vandal proof materials which are hardy and easily removable are used in the construction and finishing of the development;
   
b) Ground level windows use toughened glass, screens or other protective measures to deter unlawful entry to the development; and
   
c) Security lighting is provided at entrances and exits to the subject land and along pathways in accordance with Australian Standard AS 1158.3.1 – Road Lighting – Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements.

64. The development and hard landscaping must not use/comprise highly reflective materials that create slippery or otherwise hazardous conditions.

COMMUNITY SAFETY (FACILITIES ACCESSIBLE TO THE PUBLIC)

65. Any automatic teller machines must be provided within the approved building/s and must not be accessible from outside of the building.

66. Public toilet and parent rooms entrances must be readily accessible to the public.

67. Vandal resistant light fittings must be provided within any new public toilets provided as part of the approved development.

COMMUNITY SAFETY (CAR PARKING AREAS)
68. Car parking areas open to the public at night must be provided with lighting that is vandal resistant and complies with Australian Standard AS 1158.3.1 – Road Lighting – Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements.

69. The design of car parking areas must allow casual surveillance of the subject land's public access areas.

70. Pedestrian routes between car parking areas and buildings must be clearly signed and marked.

71. Car parking spaces allocation to employees and other must be physically separated, distinctly identified and adequately sign-posted to clearly direct vehicular traffic to these respective areas.

72. Parking spaces must be available for use during the business hours of the use.

ACCESS

ACCESS FOR PEOPLE WITH DISABILITIES

73. Access must be provided for people with disabilities 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.

PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS

74. Undertake all reasonable measures to protect Council and public utility services infrastructure during construction of the development.

75. 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.

76. Meet any costs to repair damage to any Council and public utility services infrastructure and asset where damage is a result of the proposed development. Damage to infrastructure assets must be repaired immediately where it creates a hazard to the community, including a pedestrian or vehicular safety hazard. In circumstances where the damage does not create a hazard to the community, it must be repaired immediately on completion of the works associated with the development.

UTILITIES

TELECOMMUNICATION

77. Install telecommunications infrastructure to service the development which complies with the following:

   i) the requirements of the Telecommunications Act 1997 (Cth);
   ii) for a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
   iii) for a line that is to connect a lot to telecommunications infrastructure external to the premises, is located underground.

78. Provide to the Council a written certification from a qualified installer that the telecommunications infrastructure is installed in accordance with condition 77.

Note: The Telecommunications Act 1997 (Cth) specified where the deployment of optical fibre and the installation of fibre-ready facilities is required.
SEWERAGE

INFRASTRUCTURE SEWERAGE (ON SITE WASTEWATER TREATMENT SYSTEM)

79. The applicant is to construct an on-site treatment system for the disposal of waste water for Stage 1 only, subject to;

i) Suitable waste water treatment and disposal areas being identified on site;

Note: The on-site treatment system is to be used for the extent of waste water discharged by the Stage 1 Start-Up but will not be possible for any/all of the future stages.

STORMWATER

STORMWATER INFRASTRUCTURE DRAINAGE (QUALITY AND CAPACITY)

80. Construct a stormwater drainage system to service the development on the subject land which complies with the requirements of State Planning Policy 4/10 (Healthy Waters).

81. Design and construction of all internal and any external stormwater drainage works must comply with the relevant sections of AS/NZS 3500.3.2:1998 as well as the QUDM.

82. The stormwater drainage system must be designed so that peak flows from the developed site do not exceed pre-developed peak flows from the site for storm events with an ARI of 2 years, up to and including 100 years. That is, there is to be a "no-worsening" effect as a result of this development.

83. A Development Application for a Development Permit for Operational Works for the internal and external stormwater drainage works including internal stormwater quality works must be submitted to and approved by Council prior to the commencement of any works on site.

84. No works are to be constructed below the Q100 flood plain for Westbrook Creek unless otherwise approved in writing by the Manager Development Assessment.

85. No stormwater detention weirs or associated infrastructure are to be located within a distance of 70 metres from the Westbrook Creek unless otherwise approved in writing by the Manager Development Assessment.

86. 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.

WATER

WATER INFRASTRUCTURE SUPPLY (CONNECTION TO RETICULATED SYSTEM)

87. The development must be connected Council’s reticulated water supply in accordance with Council’s Water Infrastructure Asset Management Policy 2.03 and other Council standards.

88. Should the development require the provision of a new-metered water service, and/or upgrading or extension of Council’s existing reticulation main, then the connection of this service, the disconnection of any existing services, and/or upgrading/extension of Council’s existing reticulation mains will be at no cost to Council.
APPROVAL OF WORKS (COUNCIL INFRASTRUCTURE)

89. Where works affecting Council's infrastructure are to be carried out by an entity other than Council:
   i) All works must be designed and constructed in accordance with the requirements of Council's Water Infrastructure Asset Management Policy 2.03.
   ii) A Development Application for a Development Permit for Operational Works for the works must be submitted to and approved by Council.
   iii) The design and the construction of the works must be certified by a Registered Professional Engineer Queensland – Civil as follows:
   (a) A design certificate must be submitted with the application; and
   (b) A construction supervision certificate must be submitted at the completion of the approved works and prior to acceptance of the works on-maintenance.
   iv) Meet all checking and inspection fees at the time of submitting the Development Application to Council.
   v) The works must be completed and accepted on-maintenance prior to the commencement of the use.
   vi) 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 the defects liability period.
   vii) The defects liability period must be a minimum period of 12 months.

90. During the course of construction works, ensure that all works are carried out by a qualified contractor, be responsible for all aspects of the works, including public safety, and ensure adequate barricades, signage and other warning devices are in place at all times.

91. Prior to commencement of works the contractor must submit a traffic control plan for all works affecting external roads, along with the submission of appropriate securities and a suitable form of indemnity for any claims against Council.

ROADWORKS (EXTERNAL)

ROADWORKS (ROAD WIDENING AND RECONSTRUCTION)

92. Existing roads must be constructed as follows:

  Street: Unnamed Road shown on Keenue Myers drawing titled, "PROPOSED SITE LAYOUT", drawing number C01, dated 10/10/12, received by Council on 22 October 2012.

  Classification: Not less than "Rural Roads – Bitumen Sealed"

  Construction Standard: Rural Roads – Bitumen Sealed, as shown on Council drawing numbered 301386-001.

93. The design and construction of the road widening works must be in accordance with Council’s requirements current at the time of application for operational works approval.

94. The pavement must join neatly to the existing pavement so that there are no specific irregularities in line or level resulting at or adjacent to the join for the length of the construction. Where necessary the existing pavement must be brought to a satisfactory standard to allow for the above.

95. A Development Application for a Development Permit for Operational Works for the road widening and reconstruction works must be submitted to and approved by Council prior to the commencement of the works or as otherwise indicated:

   i) It is required that the design and the construction of the works be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil as follows:
   (a) A design certificate must be submitted with the application; and
   (b) A construction supervision certificate must be submitted at the completion of the approved works.
SIGNAGE AND LINEMARKING

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

CAR PARKING AND MANOEUVRING

TRAFFIC WITHIN SITE CAR PARKING AND MANOEUVRING

97. The premises must be provided with a total of 120 on-site car parking spaces, together with standing and manoeuvring for a 14.5 m single unit rigid bus. Carparking and manoeuvring areas must:

i) Be provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in the Jondaryan Shire Council Planning Scheme and AS2890 - Parking Facilities;

ii) Designed and constructed in accordance with the requirements of AS2890.1;

iii) Be 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;

iv) Be provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the site;

v) Be designed to enable all vehicles to enter and leave the site in a forward gear (unless approved otherwise by Council);

vi) Be kept and used exclusively for vehicle parking and manoeuvring.

98. Details demonstrating compliance with conditions i) – vi) must be submitted to Council in accordance with Condition 14 prior to the issue of a Development Permit for Building Works for the proposed development.

99. The car parking and manoeuvring areas are to be maintained for the period of the use of the development site.

ENGINEER’S CERTIFICATION OF WORKS

ENGINEER’S CERTIFICATION/SUPERVISION OF WORKS

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

101. Where any condition refers to, or requires, an Engineer to perform task or function, the Engineer must hold professional indemnity insurance to the value of $2,000,000.

102. A copy of the “Certificate of Currency” of Professional Indemnity Insurance must be submitted to Council prior to the commencement of the works and maintained during the development works.

EARTHWORKS

SITWORKS / EARTHWORKS (BULK EARTHWORKS GREATER THAN 20 CUBIC METRES)

103. As earthworks for the development involve cut/fill greater than 1.0m in height and/or excavation of a quantity of material greater than 20 cubic metres is to be imported to or removed from the site, it is required that a Development Application for a Development Permit for Operational Works for bulk earthworks be submitted to and approved by Council.

104. All earthworks must be undertaken in accordance with the provisions of AS 3798 ‘Guidelines on Earthworks for Commercial and Residential Developments’, with Geotechnical Testing undertaken in accordance with Section 8 of the Standard, and to a minimum of ‘Level 2’ as defined in Appendix B. Test results as required by AS 3798, and a certificate of quality and uniformity of fill must be provided by a RPEQ and submitted to Council upon completion of the works on site.
105. The design and the construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil as follows:
   (a) A design certificate shall be submitted with the application; and
   (b) A construction supervision certificate shall be submitted at the completion of the approved works on the site.

106. Detailed plans of earthworks and associated batter designs must be submitted with the Development Application for Development Permit for Operational Works.

107. Proposed earthworks and batter designs must take into account existing retaining walls, structures and services within the vicinity.

108. All earthworks, including batter designs must be fully contained within the subject land and must not in any way impact on the properties or road reserve adjoining the subject land.

109. Cut, fill and other stored material must be contained wholly within the subject land.

110. Contaminated material must not be used as fill on the subject land. Any filling must be undertaken using inert materials only.

111. 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.

112. 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.

113. A Development Application for a Development Permit for Operational Works for bulk earthworks must also be submitted to and approved by Council for any site proposed to source fill for, or receive fill from, the development.

114. In conjunction with an Operational Works application to Council, the following must be addressed:
   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;
   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.

RETAINING WALLS AND BATTERS

115. Earthwork batter designs and retaining walls greater than 1.0m in height must be submitted as part of a Development Application for a Development Permit for Operational Works for bulk earthworks to Council for approval.

Advice: Retaining walls and earthworks batter designs shall take into account existing retaining walls, structures and services in the vicinity.

116. The design and the construction of the works must be certified by a RPEQ – Civil.
117. All components of retaining walls including subsoil drainage, drainage backfill material, ground/rock anchors, geogrid and footings must be fully contained within the subject land.

118. The construction of the retaining walls must not in any way impact or encroach on the properties adjoining the subject land or the road reserve.

**EROSION AND SEDIMENT CONTROL**

**EROSION AND SEDIMENT CONTROL**

119. An Erosion and Sediment Control Management Plan (E&SC) for the internal works for the development and associated external works to the site must be submitted to and approved by Council prior to commencement of the works. The submitted drawings and documentation must be certified by a Registered Professional Engineer Queensland – Civil.

120. Considerations that require addressing in the E&SC Management Plan include, but are 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.

121. The approved E&SC Management Plan must be implemented and modified as necessary to maintain compliance with the approval at all times during the period when land-disturbing activities commence to when all exposed soil areas are stabilised against erosion.

122. The previous conditions must be complied with during construction, while the works are on-maintenance and the establishment period of the landscaping or areas disturbed during/following construction.

**SITE MANAGEMENT**

123. Measures must be put in place to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction and the ensuing 'on-maintenance' period.

**CONSTRUCTION MANAGEMENT**

124. Stockpiles of topsoil, sand, aggregate, spoil, or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths, with appropriate measures to prevent entry into either the road and/or drainage system.

**REINSTATEMENT OF ROAD/DRAINAGE SYSTEM**

125. Should it be necessary for the road and/or drainage system to be reinstated or cleaned up due to erosion and/or sedimentation from the site, then such works must undertaken at no cost to Council. Such works must be undertaken immediately where there is a potential hazard to pedestrians and/or passing traffic.
MISCELLANEOUS

INFORMATION FOR FUTURE LAND USE PLANNING

126. Unless otherwise modified by conditions of this approval, provide to Council as soon as reasonably possible and on an ongoing basis if/when details of operations and use of airspace are finalised and/or are significantly changed, the following plans maps and charts in hard copy and GIS format:
   i) Areas and vertical dimensions of the Obstacle Limitation Surface (OLS);
   ii) Procedures for Air Navigation Services-Aircraft Operational Surfaces (PANS-OPS) including PANS-OPS charts;
   iii) Flight Paths;
   iv) Public Safety Areas;
   v) ANEC (Aircraft Noise Exposure Concept) Contour Charts;
   vi) ANEF (Aircraft Noise Exposure Forecast) Contour Charts Bird and Bat Strike Zones;
   vii) Dangerous Light Boundaries.

127. Prior to commencement of use provide to Council a current and comprehensive Airport Master Plan which is suitable for revision for future stages of development and demonstrates comprehensive stakeholder consultation with all major stakeholders including the Australian Government Department of Defence, Australian Government Civil Aviation Authority (CASA), Air Services Australia, Boral Quarry and Toowoomba Airport. The Airport Master Plan must include a documented process to satisfactorily manage air safety issues accounting for all airspace users including those related to transient airspace activities.

128. Prior to commencement of use of the airport as a CASA Certified Aerodrome, ensure that the CASA Certified Aerodrome is consistent with any documents provided to Council as required by this approval, where there are any inconsistencies identified, provide revised documents and demonstrate that the Aerodrome is consistent with the conditions of this approval.

GENERAL ADVICE – MATERIAL CHANGE OF USE

Third Party Advices

1) Third Party Advices in accordance with Section 256 of the Sustainable Planning Act 2009 (SPA) are attached to the Development Approval. It is acknowledged that the Third Party Advices indicate that there are practical constraints regarding the operational aspects of the airport. It is recommended that the applicant undertake further consultation with the major stakeholders and obtain all relevant/required approvals in relation to airport and airspace safety prior to commencement of any construction work.

Infrastructure Contributions / Charges

2) 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

3) 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.

Flammable and Combustible Liquids

4) Should flammable or combustible liquids be stored on the premises in quantities exceeding those deemed as a Minor Storage under Section 2 of AS 1940-1993 “The Storage and Handling of Flammable and Combustible Liquids”, then the premises must be licensed in accordance with the Dangerous Goods Safety Management Regulation 2001.

Release in full
Environmentally Relevant Activities

5) 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 Integrated Planning Act 1997 / Sustainable Planning Act 2009 before such use commences.

Disposal of Construction & Demolition Material

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

On-Site Construction Waste Management

7) On-site construction waste management (including the storage and disposal of nightsoil) must comply with the Environmental Protection (Waste Management) Regulation 2000.

Refuse Disposal – Human Waste

8) The storage and disposal of human waste must comply with the Environmental Protection (Waste Management) Regulation 2000.

Advertising Signs

9) A separate Development Permit for Operational Works may be required for Advertising Signs regulated under the relevant Planning Scheme.

10) Temporary signage is regulated separately under Local Law No.8 (Control of Advertising).

11) A sign more than 2.0 metres in height from natural ground level may require a Development Permit for Building Work. The applicant must liaise directly with Council's Building Services Section to determine any requirement for a Development Permit for Building Work.

When Approval Takes Effect

12) This approval takes effect in accordance with the provisions of Section 3.5.19 of the Integrated Planning Act 1997 / Section 339 of the Sustainable Planning Act 2009.

When Approval Lapses

13) This approval will lapse in accordance with the provisions contained in Section 3.5.21 of the Integrated Planning Act 1997 / Section 341 and 342 of the Sustainable Planning Act 2009, unless otherwise stated in the conditions of Development Approval.

Rainwater Tanks (Building Works and Operational Works)

14) Council has recognised the value of collecting rainwater as a supplementary water source. Therefore, while it is not a requirement for this development permit, it is highly recommended that an adequately sized rainwater tank/s is installed for the development.

Rainwater Tanks

15) The rainwater tanks must be constructed in accordance with Chapter 2 Part 1 and Part 8 of the Public Health Act 2005 (ie: constructed in a way that prevents the harbourage of mosquitoes).

Building Approval Required for Certain Fences and Retaining Walls

16) A fence or retaining wall more than 2.0 metres in height from natural ground level may require a Development Permit for Building Work. This includes the total height of a fence erected on top of a retaining wall. Liaise directly with Council's Building Services Section to determine any requirement for a Development Permit for Building Work.
Construction Waste Management and Storage

17) Waste generated whilst undertaking works on the Site must be disposed of at an approved waste disposal facility either directly or via an approved waste receptacle and collection service. Under no circumstances are:

16.1 fires to be lit to dispose of waste; or
16.2 wastes to be used as fill or buried on-site, where waste materials include:
- regulated waste’ (as defined for the purposes of the Environmental Protection Act 1994);
- construction/demolition waste;
- domestic clean-up waste;
- domestic waste;
- garden waste;
- concrete/builders rubble; and
- vegetation.

18) Goods and materials must not be placed or stored within the road reserve at anytime.

Aboriginal Cultural Heritage

19) It is advised that under Section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the “cultural heritage duty of care”). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available from the Department of Environment and Resource Management.

Contaminated Land

20) 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:

19.1 a notifiable activity is being carried out on the land; or
19.2 the land has been, or is being, contaminated by a contaminant the owner or occupier knows is a hazardous contaminant.

21) 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.

22) 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.

23) Penalties exist with respect to a person’s non-compliance with these obligations.

Trade Waste Approval

24) This approval does not infer or give approval to the owners or occupiers of the subject land to discharge trade waste to Council’s sewers. Council administers trade waste regulation as defined in the Water Supply (Safety & Reliability) Act 2008 through its Trade Waste Policy and Trade Waste Environmental Management Plan.

25) By definition, ‘trade waste’ means “waterborne waste from a business, trade or manufacturing premises, other than:
(i) waste that is a prohibited substance; and
(ii) human waste; and
(iii) stormwater.”

26) A separate approval must be obtained from Council’s Trade Waste Services for such discharge from the proposed use/s. Each application will be assessed on the nature of the waste to be treated, the proposed treatment method and the site location. In general, a trade waste approval may require installation of:
- Separate trade waste drainage;
- Pre-treatment equipment depending on the type of business to be operated; and
iii) A sub water meter or meters to measure all incoming water (town and rainwater) as a means of measuring the discharge to sewer.
iv) Larger industries as defined in the Trade Waste Environmental Management Plan are subject to special requirements, e.g. supply of discharge flow meters, discrete sampling point, monitoring and sampling equipment at the cost of the Trade Waste Generator.
v) Application forms and advice may be obtained from Council's Trade Waste Services.

27) Trade waste and contaminated wastewater must not be permitted to drain into a stormwater drain or place where it may move into stormwater and impact on the environment. (see the Environmental Protection (Water) Policy 2009).

28) The following requirements will apply to applications for trade waste discharge from minor category/flow risk businesses (commercial and retail shops):
   i) The trade waste drainage must be designed by a hydraulics engineer or hydraulics consultant. A copy of the hydraulics and floor plans must be submitted to Trade Waste Services for assessment;
   ii) The trade waste stream and domestic waste stream must discharge separately to the sewer;
   iii) The design, installation and capacity of grease arrestors, oily water separators and oil arrestors must be approved by Council;
   iv) Grease arrestors with a capacity of 2000 litres or greater must be lined with an impermeable coating or membrane that prevents corrosion of the concrete surface, e.g. epoxy lining;
   v) The maximum capacity of an individual grease arrester must not exceed 2000 litres unless with the express written approval of Council. Where the capacity requirement is greater than 2000 litres, additional arrestors must be used with each arrester acting as a discrete installation treating a defined waste stream;
   vi) Pre-cast concrete arrestors must be fitted with full length and full width opening, gas tight covers and frames. A hose tap must be located within 5 metres of each trap; and
   vii) Where it is intended that several generators share the use of a grease arrester, the following information is required to be tabled on the plans submitted for approval:
       ▪ size of arrester;
       ▪ total fixture loading in litres discharged by all generators (refer Trade Waste Pre-treatment Guidelines);
       ▪ names of businesses and shop numbers sharing the grease arrester.
   viii) A cleaner's sink or an in-floor bucket trap must be installed in each tenancy or the tenant must have access to communal cleaners facilities for the purpose of disposing floor washing wastewater.

29) Bin Wash/Bin Storage Areas Where it is not possible to connect to the kitchen grease arrester, the bin storage area must drain to a separate 550 litre capacity grease arrester via an in-floor bucket trap:
a) the bin store area must be bunded to capture spills and contaminated water as well as divert overland storm flows;
b) the bin store area must also be roofed to prevent ingress of rainwater to the grease arrester and sewer; and
c) as an alternative to roofing, a “demand driven” stormwater diversion valve may be installed between the bucket trap and the grease arrester.

30) Where there are multiple trade waste generators on one property, approved trade waste water meters must be installed for each generator’s premises. Meters must be located in a position that is easily accessed at all times (not in ceiling or roof cavity).

Buildings

31) 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.

Further Development Approvals - Sustainable Planning Act 2009

32) Further Development Permits, as required by the Sustainable Planning Act 2009 for work associated with this approval including Building Works, Compliance Assessment for Landscaping and Carparking, Operational Works, and Plumbing and Drainage Works, must be obtained and associated works completed in accordance with those development permits prior to the commencement of the use or as
otherwise stated. The further development permits required are also referenced in Section 4 - Further Development Permits Required, of this Decision Notice.

Other Approvals Required

33) Obtain all other approvals and licences as required in accordance with Local Laws and other legislation relevant to the use.

Environmental Protection Act 1994 – Environmental Management of Use

34) The use must be carried out in accordance with the provisions of the Environmental Protection Act 1994, Environmental Protection Regulations 1998 and associated policies Environmental Protection Policies for Air, Water, Noise and Waste Management, to prevent the release of contaminants or environmental harm. The use must comply with the Environmental Protection Act 1994.

Food Premises

35) Prior to the operation of any Licensable food business an application must be submitted to Environment & Health Services to obtain a license under the Food Act 2006.

36) Further information regarding licensable food businesses is available at www.lgo toolbox.qld.gov.au or by contacting Council.

Environment Protection and Biodiversity Conservation Act 1999

37) You may be required to seek approval from the Commonwealth in relation to the proposal. The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) relates to actions that may have a significant impact on matters of National Environmental Significance (NES) or the environment generally. These matters of NES include nationally listed threatened and migratory species, Ramsar wetlands, World Heritage, Commonwealth marine and nuclear actions.

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

FURTHER DEVELOPMENT PERMITS, COMPLIANCE PERMITS AND/OR COMPLIANCE CERTIFICATES REQUIRED

- Development Permit for Building Works (including demolition)
- Compliance Permit for Plumbing and Drainage Works
- Development Permit for Operational Works
- Compliance Assessment for Landscaping Plan and Carparking and Vehicle Manoeuvring

ATTACHMENTS

Attachment A – Figures and Diagrams

Figure 1  Locality
Figure 2  Locality Detail
Figure 3  Subject Land
Figure 4  Zonings – Jordaryan Planning Scheme
Figure 5  Terrain
Figure 6  Aerial Image
Figure 7  Existing Site Plan
Figure 8  Surrounding Residential Receptors
Figure 9  Oakey Army Aviation (and surrounding areas) Overlay
Figure 10  Toowoomba Airport (and surrounding areas) Overlay
Figure 11  Proposed Site Layout
Figure 12  Proposed Terminal Building Plans
Figure 13  Overall Development Concept Layout
Figure 14  ANEC Chart
Attachment B - Detailed Assessment against Applicable Codes

Attachment C - Third Party Comments

1. Air Services Australia  
2. Australian Government Civil Aviation Safety Authority (CASA)  
3. Australian Government Department of Defence  
4. Australian Government Department of Infrastructure and Transport  
5. Australian Government Department of Sustainability, Environment, Water, Population and Communities  
6. Toowoomba Airport

Attachment D - Concurrence Agency Response – Department of Transport and Main Roads

Development Assessment Panel Comment – Thursday 13 December 2012

The Development Assessment Panel unanimously recommended that the development application be determined under delegation in accordance with the officer recommendation subject to minor changes to the recommended conditions.

| DOCUMENT STATUS |
|-----------------|-----------------|
| Rodney O'Brien, Senior Planner | Date |
| Development Assessment |

| Mathew Coleman, Principal Planner | Decision Date |
| Development Assessment |

Release in full
Figure 9 Oakley Army Aviation Centre (and surrounds) Overlay

Source: Jordanian Planning Scheme

Site
Figure 12.1: Proposed Terminal Building Plans (Floor Plan) (Source: Applicant)
### Specific Outcomes

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<th>Specific Outcomes</th>
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### Element (ii) : SITE SERVICES AND EXTERNAL WORKS

- **Element (ii) : RECONFIGURING A LOT (not applicable)**

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<td>Any development near an electricity line is to be in accordance with the standards for the line.</td>
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<td>Specifically, statements: No development is to occur within a registered electrical infrastructure is proposed to ensure this.</td>
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<td>The premises: Council or service authority standards. Necessary in accordance with the relevant Council or service authority standards. The specific measures must be implemented as detailed.</td>
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<td>Each new premises must provide for sufficient conditions.</td>
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Notes:

--On the corner of the carriageway, 8 meters.
- On the carriageway, the road is 20 meters. Each new premises must provide for sufficient conditions.
not interfere with the electricity infrastructure.

Trees planted adjacent to electrical infrastructure do

according with the "Electrical Safety Act 2002".
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**Probable Solution**

PS31

- NO Probable Solution is presented.

**Remarks**

- 292.
- On-site vehicle access, parking and manoeuvring
- AND
- General and rural industry, and
- Small scale industry, on sites ranging in size from 4000m² to 2ha may be established within the
- Small scale industry, or
- AND
- Delineated by Council
- Environmental Indicators, the area may be
- Industry, and
- General and rural industry, and
- Transport and warehousing and
- Precise Minimum Area, Minimum Average Width
- Less than or following:
- Premises are established on regular-shaped sites
- Subject to minimum area and dimensions to accommodate
- Premises must be established on a site having

**Element (III): SITE LAYOUT**
The site layout must contribute as much as possible to energy efficiency (in terms of heating and cooling, lighting and natural ventilation).

The building is intended to maximise the exposure of external users and external views.

The layout and building from each uses is appropriate for any adjoining uses.

The layout of element (y) below complements with the probable landscaping and provides views and external lighting accessed away from residential and secondary users and storage and other outdoor areas from public adverse impacts by having:

- Protection of surrounding sensitive uses from ground lighting, waste storage and noise impacts.
- Windbreaks to an extent by the placement of the building.
- The layout of building from external views.

The lộ may be ensured in an orderly and efficient manner. It is considered that there is no probable solution is proposed.

The terminal building is orientated in accordance with:

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**Wastewater Management**

- Thermal treatment
- Waste reclamation/reuse
- Waste prevention/waste reduction
- Waste to energy
- Waste recycling/reuse

To minimise the generation of waste and to maximise recycling and recovery, and to ensure proper disposal and treatment, all wastes are collected and disposed of in accordance with the applicable State and national regulations. Any applicable State and national regulations are complied with.

Development and use must provide for the treatment and disposal of solid and liquid wastes which are:

- In contact with the applicator's SMPs
- In contact with the applicator's SMPs.

These criteria can be achieved by induction of Council's standard waste management conditions in conjunction with the applicator's SMPs.
Surface and Groundwater

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Surface and Groundwater
<table>
<thead>
<tr>
<th>Specific Outcome in relation to the Proposed Management Measures.</th>
<th>P4.7</th>
</tr>
</thead>
<tbody>
<tr>
<td>The SMAP and other conditions of approval.</td>
<td></td>
</tr>
<tr>
<td>No Probable Solution is Proposed.</td>
<td></td>
</tr>
<tr>
<td>These criteria can be achieved through adherence with</td>
<td></td>
</tr>
<tr>
<td>Environmental Management Policies are</td>
<td></td>
</tr>
<tr>
<td>Adequate Management Technical and Financial Resources are</td>
<td></td>
</tr>
<tr>
<td>Provided to Effectively meet Environmental Management Policies are</td>
<td></td>
</tr>
<tr>
<td>Adequate</td>
<td></td>
</tr>
<tr>
<td>Environmental Management Policies are</td>
<td></td>
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<tr>
<td>met</td>
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<tr>
<td>existing water quality and flow conditions.</td>
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<td>or</td>
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<td>or</td>
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<tr>
<td>or</td>
<td></td>
</tr>
<tr>
<td>Hazard and Risk</td>
<td>Description</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------</td>
</tr>
<tr>
<td>No Probable Solution is Proposed.</td>
<td>From mosquito borne diseases. Breeding sites to protect residents and tourists. Measures are introduced that will minimise mosquito surrounding community. Minimising the potential for harm to the development by natural events and minimising the potential for harm to the community. The industry must continue to public safety.</td>
</tr>
<tr>
<td>The requirement is covered by suitable operational standards.</td>
<td>This requirement is covered by suitable operational standards. No Probable Solution is Proposed.</td>
</tr>
</tbody>
</table>

RTI RELEASE - DILGP

RTIP1516-057 Page Number 300
<table>
<thead>
<tr>
<th>Officers' Comment</th>
<th>Probable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>The recommended landscaping conditions will require approval which will be required to meet relevant criteria.</td>
<td>The provision of on-site landscaping: <strong>SOS 1</strong></td>
</tr>
</tbody>
</table>

**Element (v): LANDSCAPING**

- Ensure only suitable plants are planted in the waterproof or good quality agricultural land.
- Provide effective buffering to any adjoining^{-}\text{ing areas. and}}

| Provide visual relief and shade, particularly from views from outside the site. |
| Allow adequate lighting and pedestrian and vehicle access. |

Toombramba Creek: Existing vegetation.

- In a manner to:
- Be sustainable to the appropriate scale, relative both to the street reserve width and to the size and nature of the development.
- Incorporate significant existing vegetation.

- When possible:

| Incorporate significant existing vegetation. |
| Allow adequate lighting and pedestrian and vehicle access. |

- Where possible:

| Allow adequate lighting and pedestrian and vehicle access. |
| Incorporate significant existing vegetation. |

- Where possible:

| Allow adequate lighting and pedestrian and vehicle access. |
| Incorporate significant existing vegetation. |

- Where possible:
There is personal and vehicular access available.

not above or beyond, that said wall.

any part of the boundary, including their own, to, or

However, where a substantial has a solid wall along

When 0.6 metres of the subdivision boundary,

The vegetation along the boundary is not

on land adjoining an electrically supplied

maximum amount of mulch of the vegetation.

shadow of subdivision boundary then the exposed

is further from the nearest edge of the electric line

otherwise, vegetation is placed in a position that

height:

structures or works do not exceed 4.0 metres in

boundary, any vegetation along the boundary or

shadow of or within 0.6 metres of a subdivision

Cutting, mowing or other maintenance of private

on land, or within 0.6 metres of an electric line

designed and developed so that

whether for commercial or private purposes, is

landscape near electric lines of subdivisions.

PSS2

landscape

Completes with relevant standards in Schedule 2 of

AND

width and height of 2m.

view where such screen planting has a minimum

areas and other unsightly open areas from public

preservation on the site, is screen outdoor storage

side of the watercourse(s) and

visibility of infrastructure:

not interfere with a vehicle drives line of sight.
<table>
<thead>
<tr>
<th>Element (V): STORMWATER MANAGEMENT</th>
<th>Probable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specific Outcomes</td>
<td></td>
</tr>
<tr>
<td>The provision of upgrading of drainage system:</td>
<td></td>
</tr>
<tr>
<td>To prevent ponding for a prolonged period:</td>
<td></td>
</tr>
<tr>
<td>To ensure that existing downstream systems are not adversely affected:</td>
<td></td>
</tr>
<tr>
<td>To provide for the safety of pedestrians and vehicles:</td>
<td></td>
</tr>
<tr>
<td>To provide for the accessibility, drainage efficiency and ease of maintenance:</td>
<td></td>
</tr>
<tr>
<td>To prevent accumulation of slips and blockages:</td>
<td></td>
</tr>
<tr>
<td>To provide for the drainage of gutters or other points of lawful discharge:</td>
<td></td>
</tr>
<tr>
<td>To retain the form of any vegetated cover of the natural drainage system:</td>
<td></td>
</tr>
</tbody>
</table>

Councils, or the State of Regional Guidelines adopted by equivalent Provisions, are required to coordinate with the appropriate authorities to ensure the provision of stormwater systems comply with the requirements of Design and construction of roof and lot drainage.

The applicant's Stormwater Management Plan demonstrates that these requirements can be satisfied.

[Table with columns for specific outcomes and probable solutions related to stormwater management]
The applicant's Stormwater Management Plan demonstrates that these requirements can be satisfied, including satisfaction of the SP-P 7.0. Healthy Waters.

No Probable Solution is proposed. Ps 6.3

Westbrook Creek which adjoins the site.

No stormwater-discharge points or outlets of other points of unlawful discharge via street from the site is directed to the street.

No stormwater-discharge points or outlets of other points of unlawful discharge via street from the site is directed to the street.

Drainage must be designed to avoid environmental harm by not discharging to areas not native vegetation or permanently running waterways without prior treatment.

Levels that are ecologically sustainable.
<table>
<thead>
<tr>
<th>Proposal Solutions</th>
<th>Specific Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>All buildings are setback not less than:</td>
<td>SO21</td>
</tr>
<tr>
<td>40m from the Toowoomba Bypass controller.</td>
<td></td>
</tr>
<tr>
<td>20m from the Warrego Highway (other than in the Local Centre Functional Precinct) or the Toowoomba – Cellar Plains Road.</td>
<td></td>
</tr>
<tr>
<td>10m otherwise.</td>
<td></td>
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</tbody>
</table>

- Trees along the road finishes and driveways.
- The location of utility services and drainage service, storage or other use areas and buildings help to screen any unsightly outdoor character.
- Buildings contribute to an attractive streetscape.
- Trees at an easily visible location at or near the front of the site.
- Trees are visible screening is able to be provided at the front of the site.
- Significant landscaping is able to be provided.
- Significant landscaping work is undertaken.
The proposed terminal building will be oriented towards the principal road frontage of the site. The office space of each building is open and fronted of the building. The main entry to the building is easily identifiable and located to address the street. The front of the building must be designed and finished to help integrate the building into the environment and have a high quality, modern appearance that is in keeping with the following:

1. materials - brick, masonry, glass, colour, and architectural finish.

2. The building must be designed and finished to

3. The building must have a height and bulk that will not be visually intrusive.

4. The proposed terminal building is of a suitable standard of finish and modern appearance to meet the criteria.

5. Colour - earth tones, greens, blues, greys.

6. The terminal building will not be visually intrusive.

7. Having a height not greater than 25% of the area of the site (or 30% in the Major Industry Precinct) and occupying no more than 55% of the area of the site on land within 100 m of the Warren Road Highway.

Specific Outcomes

Element (VIII) : BUILDING SCALE AND APPEARANCE

Probable Solutions

PSB.1

PSB.2

PSB.3

SOE.3
<table>
<thead>
<tr>
<th>Can comply</th>
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<tbody>
<tr>
<td><strong>P58.4</strong></td>
<td></td>
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<tr>
<td><strong>S08.4</strong></td>
<td></td>
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</tbody>
</table>
### Specific Outcomes

<table>
<thead>
<tr>
<th>Officers' Comment</th>
<th>Probable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>TORQ 10: Suitable for commercial use and</td>
<td>Suitable for commercial use and</td>
</tr>
<tr>
<td>LODS 2: Suitable for commercial use and</td>
<td>Suitable for commercial use and</td>
</tr>
<tr>
<td>PS 9:</td>
<td>Suitable for commercial use and</td>
</tr>
</tbody>
</table>

### Probable Solutions

- **Building Scale and Appearance**
  - Screened: Designed to be visually attractive or
  - Suitable: Located for commercial use and
  - Be affected by: Screened and located for commercial use and
  - Must: Be affected by: Screened and located for commercial use and
  - Be affected by: Screened and located for commercial use and
  - Be affected by: Screened and located for commercial use and

- **Council’s Standards:**
  - These criteria can be satisfied through inclusion of:
  - These criteria can be satisfied through inclusion of:
  - These criteria can be satisfied through inclusion of:

- **Landscaping:**
  - Trees, hedges, and shrubs:
  - Trees, hedges, and shrubs:
  - Trees, hedges, and shrubs:

- **Building:**
  - Compliments with the buildings on the site:
  - Compliments with the buildings on the site:
  - Compliments with the buildings on the site:

- **Suitable:**
  - Suitable for commercial use and
  - Suitable for commercial use and
  - Suitable for commercial use and

- **SCENE:**
  - Designed to be visually attractive or
  - Suitable for commercial use and
  - Located for commercial use and
  - Located for commercial use and

- **Related:**
  - Located for commercial use and
  - Located for commercial use and
  - Located for commercial use and
  - Located for commercial use and

- **Provisions:**
  - Provisions must have:
  - Provisions must have:
  - Provisions must have:
  - Provisions must have:

### Element (VIII): BUILDING SCALE AND APPEARANCE

<table>
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<tr>
<th>Officers' Comment</th>
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<tr>
<td>PS 9:</td>
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### Probable Solutions

- **Building Scale and Appearance**
  - Screened: Designed to be visually attractive or
  - Suitable: Located for commercial use and
  - Be affected by: Screened and located for commercial use and
  - Must: Be affected by: Screened and located for commercial use and
  - Be affected by: Screened and located for commercial use and

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  - These criteria can be satisfied through inclusion of:
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  - Compliments with the buildings on the site:
  - Compliments with the buildings on the site:
  - Compliments with the buildings on the site:

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  - Suitable for commercial use and
  - Suitable for commercial use and

- **SCENE:**
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  - Suitable for commercial use and
  - Located for commercial use and
  - Located for commercial use and

- **Related:**
  - Located for commercial use and
  - Located for commercial use and
  - Located for commercial use and
  - Located for commercial use and

- **Provisions:**
  - Provisions must have:
  - Provisions must have:
  - Provisions must have:
  - Provisions must have:
96 Examples of preferred landscaping principles are illustrated in the following figures 24 and 32.

Development Areas:

96 To assist in achieving this specific outcome, Council recommends that a Guideline to Minimize Mosquito and Bird Bite Problems in New Physiological Design, material handling and storage, adopted site procedures and safety management systems. Have been prepared with conditions that a specific management philosophy, technical and financial resources, are to be developed to effectively meet environmental management

99 Development proposals require part of an information request that demonstrates that potential hazards have been considered through community consultation and the provision of the required resources.

94 Council may require all facilities, as a part of an information request, an Environmental Impact Study, management plan, and/or other suitable report or statement, has

93 A site analysis plan is required showing how the site layout takes into account topography, drainage patterns, utility services, vegetation and adjoining land

Planning Scheme Policy No. 1

91 One way to demonstrate compliance with this Policy is to prepare an Integrated Development Plan, prepared in accordance with Schedule 5.

Footnotes:

- Any adjoining incompatible use.

- Adjoining incompatible use, which accordingly, affect in height and

- Ensure in height and

- Can provide effective screening from any

- In height and

- Can provide effective screening from any.
101. Suitable types of climbing vegetation are nominated in Schedule 3.

100. Examples of preferred and undesirable uses of fencing are illustrated in Figure 6.

99. Examples of preferred uses of screen plantings are illustrated in Figure 4.
<table>
<thead>
<tr>
<th>Officer's Comment</th>
<th>Acceptable Solutions</th>
</tr>
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</table>

**LARGE BROADWATER (MAP OMIA)**

Element (i): Remnant vegetation, riparian corridors and the catchment area of

5.4 Conservation Overlay Code
<table>
<thead>
<tr>
<th>PS5</th>
<th>The proposal is not located in the vicinity of Lake Broadwater.</th>
</tr>
</thead>
<tbody>
<tr>
<td>PS4</td>
<td>No barriers are proposed which would restrict movement of aquatic species.</td>
</tr>
<tr>
<td>PS3</td>
<td>Reconfiguration of proposed development areas.</td>
</tr>
<tr>
<td>PS2</td>
<td>Development of riparian areas and adjacent wetland areas.</td>
</tr>
<tr>
<td>PS1</td>
<td>The ecological values and natural processes of the upper reaches and moor creeks are protected from development impacts to maintain or enhance pre-developed environmental quality and scale.</td>
</tr>
<tr>
<td>Element (iii): LANDSCAPE FEATURES OF SIGNIFICANCE (MAP OMIC)</td>
<td>OMIC(A) AND OMIC(B)</td>
</tr>
<tr>
<td>-------------------------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>VULNERABLE GROUNDWATER, FLOODPLAIN AND EROSION PRONE AREAS (MAP)</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>SO7_specific outcomes</th>
<th>OMIC(A) AND OMIC(B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development is carried out so as to maintain water quality by the appropriate design and location of waste disposal systems.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>SO8_specific solutions</th>
<th>OMIC(A) AND OMIC(B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development is designed and located to minimise adverse impacts on flow regimes on the floodplain.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>PS7_specific solutions</th>
<th>OMIC(A) AND OMIC(B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Probable Solution is prescribed.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PS8_specific outcomes</th>
<th>OMIC(A) AND OMIC(B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development is not on an identified floodplain.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>PS9_specific outcomes</th>
<th>OMIC(A) AND OMIC(B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development minimises impacts on the chemical and physical fertility of soil through erosion.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Specific outcomes</th>
<th>OMIC(A) AND OMIC(B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimising risk to adjacent natural resources.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>PS10 Specific solutions</th>
<th>OMIC(A) AND OMIC(B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stormwater management and relevant soil erosion measures at operational works stage will achieve these criteria.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Specific solutions</th>
<th>OMIC(A) AND OMIC(B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stormwater management and relevant soil erosion measures at operational works stage will achieve these criteria.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Office's comments</th>
<th>OMIC(A) AND OMIC(B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>These criteria can be satisfied with relevant conditions and a future plumbing approval.</td>
<td></td>
</tr>
</tbody>
</table>

Release in full
119 Where it is proposed to install a waste disposal system, Council may require as part of an Information Request an Environmental Management Plan or an Environmental Impact Assessment Report in accordance with Planning Scheme Policy No. 1.

Other matters across a waterway: Council will seek advice on any such application from the Department of Primary Industries (Fisheries).

118 Approval is required under the Fisheries Act (Section 126) for any waterway bank works including the building or modification to dams, weirs and

Scheme Policy No. 1.

117 One way to demonstrate compliance with this Specific Outcome is to provide an Environmental Management Plan prepared in accordance with Planning

Boundaries.

116 Compliance can be achieved by retaining or establishing native vegetation along major drainage lines or setbacks or vegetation buffers along property

and rehabilitation measures are undertaken.

Assessment Report in accordance with Planning Scheme Policy No. 1 in which the ecological attributes and values of the site, potential impacts, mitigation

Footnotes:
<table>
<thead>
<tr>
<th>Officer's Comment</th>
<th>Probable Solutions</th>
<th>Specific Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>This issue is discussed in the body of the report.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PS1.1</th>
<th>PS1.2</th>
<th>PS2.1</th>
<th>PS2.2</th>
</tr>
</thead>
<tbody>
<tr>
<td>The minimum lot size is 80ha in the Rural Zone.</td>
<td>Land does not result in agricultural lands that restrict farming losses on good quality agricultural land.</td>
<td>Land does not result in agricultural lands that restrict farming losses on good quality agricultural land.</td>
<td>Land does not result in agricultural lands that restrict farming losses on good quality agricultural land.</td>
</tr>
</tbody>
</table>

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<thead>
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</thead>
<tbody>
<tr>
<td>PS3</td>
<td>Agricultural land for commercial production.</td>
</tr>
<tr>
<td></td>
<td>The failure viability of achieving good quality structures and use areas to be shielded from noise.</td>
</tr>
<tr>
<td></td>
<td>Lot size and dimensions must enable buildings.</td>
</tr>
<tr>
<td>PS2.2</td>
<td>Lot is smaller than 50ha, and the management practices provide for the implementation of improved land access points to State Controlled roads, and would not create any additional lots or additional reconfinement.</td>
</tr>
<tr>
<td>Officers' Comment</td>
<td>Probable Solutions</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Section 2.1: This issue is discussed in the body of the report.</td>
<td></td>
</tr>
</tbody>
</table>

<p>| | | |</p>
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<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Increased. When recognizing two lots, the number of lots is not</td>
<td></td>
<td></td>
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</tbody>
</table>

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<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Ps 4.1</td>
<td>Development and land use in the vicinity of quarries are compatible with existing and future extractive operations and allow for the mining of extractive materials in an efficient and sustainable manner. A buffer between the development on land which is likely to be impacted upon by the extractive operations is provided.</td>
<td></td>
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<tr>
<td>Ps 5</td>
<td>Development is in accordance with Section 5.22, Chapter 2, Environmental Code. Major infrastructure and equipment (i) and (ii) of the Major Infrastructure and Equipment are constructed so as to minimize any constraint to the haul route.</td>
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<tr>
<td>Ps 5.5</td>
<td>Residential development on lots adjoining haul road.</td>
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<td>SOS</td>
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<tr>
<td>NOT APPLICABLE</td>
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<tr>
<td>Specific Outcomes</td>
<td>Probable Solutions</td>
<td>Officer's Comment</td>
</tr>
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**Element (i) : GENERAL PROVISIONS (SEE MAPS OMA, OMB AND OMC)**

**ASSESSABLE DEVELOPMENT**

**PART A : PROVISIONS APPLICABLE TO SELF-ASSESSABLE AND CODE AND IMPACT**

5.19 Major Infrastructure and Conductor Overlays Code
| The proposal is not within the Public Safety Area of the Tewantin Noosa Airport. | The proposal is not within the Public Safety Area of the asset. This is in the interest of the safety of the proposed operation. Plant species should be selected which are not susceptible to diseases and pests and to ensure that riparian corridor retention works and riparian corridor retention works will not result in any increased attraction of birds or pests with the airport. Conditions will be included to endorse the potential for birds or pests with the airport being attracted to the proposal site within the 1.5 km buffer and 500 m setback zone. |

| CASA guidelines: Lighting in the vicinity of aircraft operations must not exceed 0.0005 Lux outside the airport boundary. Aircraft lighting must not exceed 0.05 Lux outside the airport boundary. | The proposal is within the airport boundary and the airport is not an aviation centre (MAP OS30) and the development in the buffer/zone of the airport is not an aviation centre. Therefore, the airport must not exceed 0.0005 Lux outside the airport boundary. Aircraft lighting must not exceed 0.05 Lux outside the airport boundary. |
included in the development proposal to manage
aircraft noise from the airport runway unless measures are
in place to ensure that noise levels are avoided within
the parameters of drive-in residential areas avoided within
Killing schools, recreational areas, and outdoor
defence measures.

Concerns of potential residential sources and wildlife
within the avoidance zones included in development proposals 
9 and 10 of the airport runway measure that
where the uses in (b) are located between 3km
airport runway.

Processing plants are avoided within 3km of the
processing plants. "Processing plants, mill openings, and food
processing, winery, tourism, and leisure.
Comprehensive residential avoidance.

A57.3

residential facilities have been avoided. The
provided that the cornices of the operator of the
airport, with the potential to create or increase a
zone of the airport runway. Centre of town or major
in the case of development within the bird's eye
are not subject to heavy flowering or fruiting as
arable.
<table>
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<tr>
<th>Area of Consideration</th>
<th>Description</th>
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<tbody>
<tr>
<td>A2.2</td>
<td>20 metre separation distance for transmission lines up to 132 kV.</td>
</tr>
<tr>
<td>A2.3</td>
<td>The development will not cause a potential hazard to the operation of aircraft.</td>
</tr>
<tr>
<td>A2.4</td>
<td>The proposed development is not within the prescribed airports.</td>
</tr>
<tr>
<td>A2.5</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>A2.6</td>
<td>Vineyard and bushfire control.</td>
</tr>
<tr>
<td>A2.7</td>
<td>Environmental and natural resource values.</td>
</tr>
<tr>
<td>A2.8</td>
<td>Safety and amenity for residents, occupiers, and power network.</td>
</tr>
<tr>
<td>A2.9</td>
<td>The contribution of the transmission of bulk electricity.</td>
</tr>
<tr>
<td>A2.10</td>
<td>Electrically transmission line easements are managed to promote.</td>
</tr>
</tbody>
</table>

**Conclusion:**
- The proposed development is not within the prescribed areas of concern.
- The proposed development is not within the prescribed areas of concern.
- The proposed development is not within the prescribed areas of concern.
- The proposed development is not within the prescribed areas of concern.

**Recommendation:**
- The proposed development is not within the prescribed areas of concern.
| Substation site: Education facilities not located within 40 m of a Development for Residential purposes and residential uses. The operation of electric substation is not adjacent to them. |
| Substation site, corridor, transmission line, and trees or shrubs, a buffer of 20 meters is provided. In the rural zone where existing vegetation occurs. |
| A5.3 adjacent than 275kV. The line is greater than 133kV and 275kV. A40 meter separation distance for transmission lines between 133kV and 275kV and above. |

<p>| Release in full | DILGP |</p>
<table>
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<tr>
<th>Officers Comment</th>
<th>Stormwater Management Plan</th>
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<tbody>
<tr>
<td>The development will be in accordance with a Stormwater Manual, if development sites does not exceed the predeveloped Stormwater runoff from development sites, the development will need to ensure that the area of the development or major transport is not compromised by a Major Transport Conductor.</td>
<td></td>
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<tr>
<th>Probable Outcomes</th>
<th>Specific Outcomes</th>
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<tbody>
<tr>
<td>No Probable Solution is Proposed.</td>
<td>No Probable Solution is Proposed.</td>
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<tr>
<th>Major Transport Corridors (See Map O3A)</th>
<th>Major Transport and Energy Corridors (See Map O3A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Controlled roads and major road corridors do not produce traffic safety, speed, efficiency or access issues.</td>
<td>The storms and density of development aligns with the Master Plan.</td>
</tr>
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<tr>
<th>Roadside Advertising</th>
<th>Predominant views and visors from State-</th>
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<tbody>
<tr>
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</tr>
</tbody>
</table>
| PS7.3 | Buildings footprints are located and orientated to ensure that they are within any site boundaries and are accommodated into the residential design, including landscaping with a maximum height of no more than 1.5m. In some cases, a minimum of 1m above the site boundary is required for safety reasons.

PS7.2 | Transmission lines, including those for electricity, are to be located and orientated to avoid any conflict with the development footprint and to ensure safety and amenity.

SO7.1 | There are no relevant issues regarding the siting of transmission lines near residential or other outdoor areas.

SO6 | Roads

- Department of Main Roads: Roads are to be designed and located in accordance with Department of Main Roads requirements and the provisions of the Development and Housing Act.
- Provision is made to accommodate future road developments.
- The Department is responsible for designing and constructing roads to accommodate future development and to ensure safety and amenity.

SO5 | Parking

- Parking provided as required by the Development and Housing Act, satisfying planning requirements.

SO4 | The application has been assessed and approved by DMR.

SO3 | The development proposal is supported by DMR.

SO2 | The development will not significantly impact on the local area.

SO1 | The development is in accordance with all relevant planning and development requirements.

| Note | The application has been assessed and approved by DMR.

| Note | The development is in accordance with all relevant planning and development requirements.

Release in full
| 
|---|
| Not applicable. |

**Source:**
- Minimise openings in walls facing the noise
- Close to the substation site
- Positioning living areas away from the facade
- Installation of roof ceilings and walls
- Double glazing
- Trellis panels on windows facing the substation (ie.
- Soid barriers between the buildings and the substation site

**Conditions:**
- Providing noise attenuation methods are employed
- Residual buildings may be permitted at a distance
- Less than 10m from an electricly substation

**PS3:**

**Minimise visual exposure of the electricity transmission line.**

**SOP:**

**Release in full**
The noise levels shall be measured at 1 m from the internal fence closest to the subdivision.

The noise levels are obtained by averaging the noise levels between the hours of 0600 and 2200 (the L10 is the noise level exceeded 10 percent of the time) and the L90 is the noise level exceeded 90 percent of the time. The noise level is deemed excessive if the mean Campbell-Lodwig noise levels exceed a 63 dB (A) L10. This noise level is to be accompanied by an acoustic report

135 An application for assessment of development involving a building setback less than 40 m from a subdivision site is to be accompanied by an acoustic report

134 From Guidelines for Assessment of Road Impacts of Development Proposals

133 One way to demonstrate compliance with the Specific Outcome is to prepare an Acoustic Report in accordance with Planning Scheme Policy No. 1.

132 Amended 23/10/09 – Amendment No. 1.

131 Relevant applications will be referred to Toowoomba City Council for third party advice.

130 Any development that impacts on an oil or gas pipeline requires the consent of the pipeline owner.

129 One way to demonstrate compliance with the Specific Outcome is to prepare an Acoustic Report in accordance with Planning Scheme Policy No. 1.

Footnotes:
Attachment C – Third Party Advices

1. Air Services Australia

The Assessment Manager
Toowoomba Regional Council
PO Box 3021
TOOWOOMBA VILLAGE FAIR  QLD  4350

Email: Rodney.O'Brien@toowoombaRC.qld.gov.au

Dear Mr O'Brien

Request for Third Party Comment – DA for Utilities Public – Public Airport (MCUC/2012/3399)
1511 Toowoomba Cecil Plains Road, Wellcamp QLD 4350 (Lot 11 SP140293, Part Lot 12 SP190236 & Easement A on SP140293)

Thank you for your letter dated 26 October 2012 seeking third party comment on the proposed development of Wellcamp Airport. Airservices Australia recently opened dialogue with the proponent Wagner Investments Pty Ltd and the group representing the proponent Aviation Projects Pty Ltd (collectively referred to as the proponent).

Last August (2012) the proponent requested a fee proposal from Airservices to perform a preliminary assessment of the Obstacle Limitation Surface (OLS), aeronautical procedures and other airspace operational and safety requirements associated with the proposed development of Wellcamp Airport.

After the initial review of the scope of works and material provided, Airservices advised the proponent (in our letter dated 23 August 2012) that we would provide the requested third party comment upon receiving final comments on the proposed Wellcamp Airport proposal from:

a. The Department of Defence (Army) with respect to airspace and restricted areas associated with Oakey Army Aviation Centr (YBOK),

b. The Department of Defence (Royal Australian Air Force - RAAF) with respect to airspace and restricted areas associated with and RAAF Base Amberley (YAMB) and

c. The Civil Aviation Safety Authority (CASA) – to provide advice on any airspace and safety requirements.

Airservices would then consider the outcomes of any consultation with those agencies before any aeronautical design work review would occur under contract with the proponent. Any advice provided by Airservices beforehand would be constrained to comments on airspace conflicts between existing aeronautical procedures for Toowoomba Airport (YTWB) and the proposed Wellcamp Airport design.

My point of contact for matters related to the proposed Wellcamp Airport is Steve Tattam, the Aviation Relations Manager for your region (02) 6268 4891 or via email steve.tattam@airservicesaustralia.com).

Regards,

Sch. 4(4)(6) - Disclosing personal information

Andrew Sparrow
Manager of Airport Relations

November 2012
2. Australian Government Civil Aviation Safety Authority (CASA)

Australian Government
Civil Aviation Safety Authority

AIRSPACE AND AERODROME REGULATION
File Ref: EF12/4559

19 November 2012

Mr Rodney O'Brien
Senior Planner
Toowoomba Regional Council
PO Box 3021
Toowoomba Village Fair QLD 4350

Dear Mr O'Brien

MCUC/2012/3399 - request for third party comment –
Welligamp airport proposal

Thank you for the opportunity to provide comment on the proposed airport
development at Welligamp (MCUC/2012/3399).

The Civil Aviation Safety Authority (CASA) has a number of significant safety
concerns with the proposal, as detailed in the attached report.

CASA will continue to work with and provide advice to the proponent, Airservices
Australia and the Department of Defence to address the issues relating to the
proposed development. However, CASA can give no assurances as to the
outcome of any safety work as required under its Regulatory authority.

CASA trusts that the Toowoomba Regional Council will find the information
provided useful. However, if any points require clarification or further information,
please do not hesitate to contact me by telephone (02) 6217 1414 or by email at
cheryl.allman@casa.gov.au

Yours sincerely,

Cheryl Allman
Acting Executive Manager
Airspace and Aerodrome Regulation Division

GPO Box 2005 Canberra ACT 2601 Telephone 131 757
Canberra, Brisbane, Darwin, Cairns, Townsville, Tamworth, Sydney, Melbourne, Adelaide, Perth

Sch. 4(4)(8) – Disclosing personal
information
CASA Response to Request for Third Party Comment – Wellcamp Airport
Development Application for Public Airport (MCUC 2012/3399)

19 November 2012
Executive Summary

Toowoomba Regional Council sought third party comment from the Civil Aviation Safety Authority (CASA) regarding the Development Application (MCUC/2012/3399) for a proposed public airport at Wellcamp, west of Toowoomba.

CASA notes that there are significant safety concerns attributable to the development of Wellcamp Airport, specifically due to its proximity to existing infrastructure (Oakey Army Aviation Training Centre and Toowoomba Airport) as well as to designated airspace used for military flying activities from Oakey and the nearby RAAF Base Amberley. These concerns together with others regarding the complexity and mix of traffic, overlap of procedures, runway alignment, and interaction with transiting aircraft demonstrate that significant work will need to be undertaken by CASA in order to complete a comprehensive risk assessment to determine the appropriate safety mitigators required for the safe conduct of aviation operations in and around the proposed Wellcamp Airport development.

CASA has conducted a review of the Master Plan 2012-2031 prepared by Aviation Projects on behalf of Wagner Investments. A response has been provided to the various sections of the Master Plan that are within its Regulatory authority.

CASA is concerned over the aggressive timeframe proposed by the proponent which covers the start-up and commencement of operations and the associated comprehensive risk assessment that will be required to be conducted under the Airspace Act 2007. Furthermore, CASA is concerned that there is an over-reliance being placed on the conduct of an aeronautical study, the outcome of which will have no relationship to the issues of instrument procedure design or obstacle limitation surfaces which must be addressed by the proponent.

CASA considers that it is vitally important that the major stakeholders including Wellcamp Airport, Department of Defence (Defence), Toowoomba Regional Council (the Council), and Airservices Australia, together with CASA, collaboratively address their respective concerns with the development and its impact upon the airspace operations in order to ensure the safety of aviation operations. To this end, this issue will be raised with the Aviation Policy Group in order to determine an appropriate mechanism for the collaboration of the major stakeholders.

CASA will continue to monitor the progress of this Development Application and is committed to working with stakeholders to provide advice and information as appropriate, however, CASA can give no assurances as to the outcome of any safety work as required under its Regulatory authority.
Introduction

On 25 October 2012, the Toowoomba Regional Council (the Council) sought comment from the Civil Aviation Safety Authority (CASA) regarding the Development Application (MCUC/2012/3399) for a proposed new public airport at Wellcamp, west of Toowoomba. Third party comment was sought under Section 256 of the Sustainable Planning Act 2009 (Qld).

CASA conducted a review of documents posted on the Council’s web site pertaining to the Development Application reference provided. Particular emphasis was placed on the document Master Plan 2012-2031: Wellcamp Airport, prepared by Aviation Projects for the proponent Wagner Investments Pty Ltd. Comments have been provided against the relevant areas referenced in the Master Plan, and several important points have been clarified where Aviation Projects has made assumptions or incorrect statements in an attempt to provide the Council with the Regulator’s perspective.

CASA’s priorities and obligations

The Civil Aviation Act 1988 and supporting Civil Aviation Regulations are established as a regulatory framework for maintaining, enhancing and promoting the safety of civil air operations in Australia, with particular emphasis on preventing aviation accidents and incidents. In addition, under the Airspace Act 2007 and the associated Airspace Regulations, CASA must ensure that Australian-administered airspace is administered and used safely, taking into account protection of the environment, efficiency, equitable access and national security.

Furthermore, through the Australian Government’s National Aviation Policy White Paper (the White Paper) 2009 and the Australian Airspace Policy Statement¹ (AAPS), CASA is directed that the safety of public transport services is the first priority in airspace administration.²

The AAPS, under the Airspace Act 2007, provides guidance to CASA on the administration of airspace as a national resource. The following sections of the AAPS are directly applicable to the proposed development of Wellcamp Airport and have been provided below for reference:

1. Paragraph 34: “The Government considers the safety of passenger transport services as the first priority in airspace administration and CASA should respond quickly to emerging changes in risk levels for passenger transport operations. Airspace administration should also seek to deliver good safety outcomes to all aviation participants.”

2. Paragraph 40: “The Government is committed to ensuring that effective ATM [air traffic management] infrastructure and systems are used to protect and enhance air safety, with ATM services being extended to more regional areas as appropriate, where there has been or is likely to be growing passenger transport services.”

² Page 20

CASA Response to Third Party Comment – Wellcamp Airport
3. Paragraph 41: “CASA should ensure that appropriate airspace arrangements are in place at all aerodromes regularly served by passenger transport services which respond to changes in aviation activity over time such as changes in traffic density, the mix of aircraft types and increases in passenger transport services.”

4. Paragraph 47: “The implementation of this [risk-based] strategy requires the identification of risks to aviation safety using both quantitative and qualitative analysis, and ultimately the safety judgement of CASA as the airspace regulator.”

5. Paragraph 48: “The Government expects CASA to adopt international best practice in airspace administration. This includes adopting proven international systems that meet our airspace requirements. The Government's airspace strategy recognises that international airspace systems (such as the National Airspace System of the United States of America) include a range of characteristics that should be considered, and implemented as appropriate, by CASA.”

Safety concerns
CASA recognises the potential contribution that the proposed airport development is likely to provide to the Toowoomba region’s social and economic development. However, CASA has several areas of safety concern with the proposal that will be discussed below.

1. Proximity to other aerodromes. The proposed site is located approximately 9 nautical miles (NM) south of the Oakey Army Aviation Training Centre (Oakey) and 6 NM west of the Toowoomba aerodrome. CASA’s preliminary analysis indicates that there are significant airspace and traffic conflict issues to be considered, including:
   a. Aircraft mix (types, performance, equipment, pilot training and experience). The airspace would service an array of different aircraft types from light, medium and heavy military and civil helicopters, turbo-prop and jet passenger and freight aircraft, single engine and twin engine light general aviation aircraft, and a variety of sports and recreation aircraft, to high performance, fast military jet fighter aircraft and large, multi-engine military transport aircraft, all with varying levels of equipment carriage, pilot training and pilot experience.
   b. Types of operations. The airspace could be used for pilot training (civil and military), passenger transport, freight carriage, recreation including ballooning, gliding and hang gliding, sightseeing flights and military specific training including rappelling and winching from hovering helicopters, and parachuting day and night.
   c. Overlap of procedures. Potential conflicts due to the introduction of instrument approach and departure procedures at Wellcamp Airport and their close proximity to Oakey and Toowoomba have been considered. There are significant conflicts to be addressed for which the design of procedures into/from Wellcamp are unlikely to resolve.
The following procedures are expected to require redesign:

i. Oakey NDB\(^3\) Runway 09 and Runway 14 VOR\(^4\) missed approaches\(^5\);

ii. Toowoomba Runway 11 RNAV\(^6\) and Runway 29 RNAV missed approaches and the NDB approach;

iii. Toowoomba circling area will need restrictions to the southwest due to Category C circling area being within the circuit area for Wellcamp Airport; and

iv. Toowoomba Sector A Arrival missed approach.

d. Runway alignment. The proposed runway direction at Wellcamp (12/30) will impact upon aircraft operations within the Restricted Area R643A (surface to 6,500 feet \(ft\) Above Mean Sea Level (AMSL)) and the associated military control zone at Oakey. In order for air traffic controllers to establish separation assurance between aircraft landing on Runway 12 at Wellcamp, it is likely that all aircraft operating within those areas will need to be moved. This may be achieved by requiring all helicopters to land and any fixed wing aircraft to land or depart the area to achieve vertical or lateral separation. As Runway 12 is likely to be the preferred runway direction due to the prevailing easterly winds, this scenario is expected to occur each time an aircraft is inbound to Wellcamp Airport, or requires to depart in the direction of Runway 30. The third party comment from Defence is likely to address this issue in considerably more detail.

2. Proximity to Restricted and Danger Areas. Restricted Areas are established in the interests of public safety or the protection of the environment to restrict the flight of aircraft over the area to aircraft flown in accordance with specific conditions.\(^7\) Danger Areas are established where there exists within or over the area an activity that is a potential danger to aircraft flying over the area.\(^8\) Wellcamp Airport is located on land which is overlaid by:

a. Danger Area D6134A, surface to 10,000 \(ft\) AMSL which is used by the military for low level fast jet (fighter) activity; and

b. Restricted Area R643A, surface to 4,500 \(ft\) AMSL which is used by the military for helicopter operations and training; and

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\(^3\) Non-Directional Beacon (ground based navigation aid)

\(^4\) VHF Omni-Directional Radio Range (ground based navigation aid)

\(^5\) A missed approach is a procedure which must be flown when an aircraft is unable to land from the instrument approach or lose visual reference while circling to land at an airport. All instrument approach procedures have an associated missed approach which is designed to ensure that the aircraft is kept clear of obstacles including terrain, both vertically and laterally. It is a procedure which ensures that the aircraft can be flown safely even in weather conditions which limit the pilot’s visibility from the cockpit.

\(^6\) Area Navigation (satellite based navigation)

\(^7\) subregulation 6(3) of Airspace Regulations 2007

\(^8\) subregulation 6(4) of Airspace Regulations 2007

CASA Response to Third Party Comment – Wellcamp Airport
c. Restricted Area R631A (which overlays D614A), 10,000 ft AMSL to a higher level as determined by the operations within the airspace, up to 60,000 ft AMSL. This area is used by the military for fast jet (fighter) activity out of nearby RAAF Base Amberley.

d. Situating a new public airport on land overlayed by existing Restricted and Danger Areas which, by the very nature of their activities, have been determined by CASA as requiring special airspace segregated for use by non-participating aircraft is a unique situation in Australia. The proponent intends to service the needs of the Toowoomba area by providing passenger transport and freight operations, however choosing to locate the airport underneath such airspace creates significant aviation hazards to operations. Ultimately it is the controlling authority’s (Defence) decision to allow access to the Restricted Areas and there are many areas throughout Australia to which civilian aircraft are rarely or never given clearance to access. The inevitable disruption to aircraft regularly operating in and out of Wellcamp Airport has been raised with the proponent through Aviation Projects. Various scenarios are feasible where, for example due to an emergency at Oakey, an arriving passenger transport aircraft is denied access to the Restricted Area in order to land at Wellcamp Airport which results in that aircraft having to hold in non-controlled airspace, subject to holding limitations based upon fuel reserves. Holding on the ground is the safest option, however, inevitably emergencies happen at short or no notice, resulting in delays and/or diversions for all airborne aircraft. Holding airborne is the least desirable situation from a safety perspective, particularly outside of controlled airspace. The third party comment from Defence is likely to address this issue in considerably more detail.

3. Interaction with transiting aircraft. The airspace south and west of Oakey and west of Toowoomba aerodrome is known to be busy due to the funnelling effect on the flow of general aviation aircraft operating to/from Toowoomba and Archerfield aerodromes avoiding the controlled airspace and Restricted Areas of Oakey and Amberley, as well as the nearby terrain. Of particular concern to CASA is the scenario of a passenger carrying aircraft on arrival to Wellcamp to land on Runway 30 (in order to avoid descent through Oakey’s airspace) on a stabilised approach through non-controlled (Class G) airspace encountering a transiting low level general aviation aircraft crossing the approach path. This situation occurred in Victoria at Avalon aerodrome and was the subject of several aviation incidents reported to the Australian Transport Safety Bureau. CASA conducted an aeronautical study and determined that the collision risk at this location was unacceptable and issued a direction to Airservices Australia to provide air traffic control (ATC) services (including a tower) in controlled airspace at Avalon.

4. Unknown risks. Due to the unique situation posed by the development of the Wellcamp Airport in close proximity to other existing aerodromes and airspaces, there may be risks associated with the new operations that are yet to be fully realised or understood. An aeronautical study is the process that is usually undertaken by CASA to analyse and consider the treatment of risks posed to airspace users. However, as there are many variables
and unknowns, many assumptions would need to be made in order to complete such a study. CASA has commenced collecting data on aircraft movements, types and tracks in the airspace in and around Toowoomba and Oakey in order to begin fast time simulation modelling of the current situation as a baseline. This in itself will be a significant body of work. The Wellcamp Airport Demand Forecast spreadsheet provide by Aviation Projects will then be used to attempt to model the impact of new operations at Wellcamp. However, CASA will require significant input from Defence as well as information from the proponent regarding the tracks of the new instrument procedures at Wellcamp and the modified procedures at Oakey and Toowoomba discussed previously in order to continue with the simulation. Any outcomes from the simulation will need to be treated cautiously given the nature and volume of assumptions made. In any case, CASA will need to consider the safety of passenger transport operations as the priority as required by Government policy. Also, the AAPS and the White Paper require CASA to align with international best practice. By way of comparison, in the United States of America, a similar situation as that posed by the Wellcamp Airport development would require the containment of operations within controlled airspace and the aerodromes being serviced by a consolidated terminal radar control centre, such as a TRACON, with associated aerodrome control (tower) services at each location. This outcome would likely require significant input from and infrastructure investment by Defence and Airservices Australia and potentially the Council. Early engagement between the major stakeholders will assist in the timely planning and decision making surrounding such infrastructure.

Certified aerodrome

Aviation Projects, on behalf of the proponent, has advised CASA that Wellcamp Airport is intended to be a Certified aerodrome in accordance with Civil Aviation Safety Regulation (CASR) Part 139. Wagner Investments lodged an Application for an Aerodrome Certificate with CASA on 24 September 2012.

Advice had previously been provided by CASA to the Wagner Investments group via email on 21 September 2012, subject – Wellcamp Aerodrome – Certification enquiry. This email discussed the process followed by CASA in certifying aerodromes, which is also detailed in the public document – Aerodrome certification, registration and approved person manual (ACRPM). Additionally, CASA has produced an Advisory Circular (AC) titled, ‘AC 139-2’(0) Applying for an Aerodrome Certificate’, to assist applicants in further understanding the application process.

It is noted within this AC, that a number of processes must be completed by the applicant prior to CASA being able to proceed with the certification process. In this regard, Wagner Investments was advised that section 7 of the AC, and the flow chart at section 2.3.1 of the ACRPM, provided a further overview of the certification process.

To summarise, it is not possible for CASA to proceed with assessing an application for Certification of the Wellcamp Airport until:

1. The aerodrome facility has been constructed in accordance with CASR Part 139 – Aerodromes and the Part 139 Manual of Standards (MOS);
2. A management structure is in place;
3. A detailed Safety Management System (SMS) process is developed for the aerodrome’s operating procedures and processes, and
4. An Aerodrome manual (including facility plans) is presented along with an application for certification. The manual must be in accordance with CASR Part 139.B.2.

CASA comments on Master Plan 2012-2031: Wellcamp Airport

Airport master planning
Aviation Projects has developed an airport Master Plan which was designed to forecast growth and ensure that aviation in Toowoomba has a strong future. The airport Master Plan nominates how the Wellcamp airport will make a vital contribution to Toowoomba’s social and economic development.

Obstacle limitation surfaces (OLS)
The Master Plan included CASA’s comments on the Wellcamp OLS design and noted penetrations due to terrain and made recommendations in the letter of 25 September 2012, “Proposed Wellcamp Airport – proposed treatment of obstacle limitation surface (OLS) penetrations”. CASA commented that “It is to be noted that this is only a preliminary assessment based on the proposed plans for the aerodrome. Details may change when the final plans are available.”

It is important to note that the OLS for Wellcamp Airport may conflict with the OLS for Oakey and/or Toowoomba aerodromes. The proponent will need to identify all issues relating to the proposed OLS and facilitate the introduction of appropriate mitigators.

Lighting in the vicinity of an aerodrome
CASA notes that the issue of lighting that could cause confusion or distraction to pilots has been addressed. Mitigation measures have been proposed within the Wellcamp application to Council by developing an Airport Lighting Plan.

Temporary and transient obstacles
The Master Plan developed for the Wellcamp Airport has considered temporary obstacles and transient (mobile) obstacles, such as road vehicles, rail carriages, in close proximity to the aerodrome which may penetrate the OLS for a short duration. Existing and planned road and rail infrastructure development within the proximity of the proposed Wellcamp Airport would require the development to be designed to ensure that they have minimal impact on the aerodrome’s operations.

1.4 Planning horizon
CASA suggests that the timeframe to commence operations (2014) may be insufficient to adequately address all of the issues relating to airspace architecture, infrastructure and the likely air traffic service provision. Due to the complexities of the airspace and lead-in times required to source, install and commission surveillance and communications infrastructure, a commencement date of 2016 is likely to be more achievable.
In order to ensure the safety of aviation operations, CASA may need to consider other actions such as the capping of movement numbers at Wellcamp Airport, prior to medium to long term risk mitigators being implemented. These mitigators will need to be determined through the conduct of a comprehensive risk assessment such as an aeronautical study, as discussed previously.

1.10 Civil Aviation Safety legislation (Item 3 i)

The proponent is aware of the legislative requirements for the airport to be Certified by CASA. As the Wellcamp Airport is a greenfield site, the Certification process could be long and involved and, as previously stated, cannot commence until the aerodrome infrastructure has been constructed.

4.3 Conflicts or synergies with surrounding development

The Master Plan does not address issues such as dust and possible blasting activities at the adjacent quarry. (Refer to section: Other relevant Items, below.)

4.4 Conflicts or synergies with surrounding development and other airports and related facilities

The Master Plan does not recognise other surrounding aerodromes such as Pittsworth (approximately 14 NM to the south west) and McCaffrey Field (approximately 19 NM to the north west). The proposed Required Navigation Performance (RNP) approaches and departures may conflict with aircraft operating into Pittsworth. Further analysis will be required prior to the approval of instrument procedures into Wellcamp Airport.

Gliding activities at McCaffrey Field may conflict with approaches from the north into Wellcamp Airport and departures to the north.

The Master Plan does not address potential issues related to skydiving operations or flying training activities undertaken by Toowoomba based operators. These issues will need to be addressed by CASA during the conduct of a risk assessment.

5.8 Freight/logistics

The Master Plan states “that there will be limited demand for air freight and/or logistics services in the short term, but increasing demand in the medium to longer term.”

CASA believes that due to the location of the proposed airport that air freight operations may have been under-estimated in the short-medium term and could significantly increase the number of aircraft movements at Wellcamp Airport. The projected and actual number of aircraft movements will be taken into consideration by CASA when determining the appropriate classification of the surrounding airspace and the corresponding level of air traffic service (ATS) required.

6.6 Aircraft types, scheduling and passenger movement forecast (Item 3 i and j)

The Master Plan states “Scheduling may be influenced by Oakey AATC airspace and operations”. The proponent will need to ensure that they engage with Defence in order to gain a full appreciation of the nature and extent of military operations at Oakey. Due to the unpredictable nature of Defence operations, Oakey may be required to operate on weekends or to commence operations 24 hours per day to meet Government objectives. Any change to the current flying schedule at Oakey is
likely to have a significant impact on Wellcamp Airport operations. Defence will be able to provide greater detail on this topic.

8.6 Air traffic control service

The classification of Australian airspace and the corresponding type of ATS is based upon risk with the safety of passenger transport services being the most important consideration. The usual aeronautical study process undertaken by CASA considers actual aerodrome aircraft movement data together with other factors, using various risk assessment tools, to determine the level of risk of aircraft operations at a particular location.

It is acknowledged by CASA that an aeronautical study will be required at some stage, however, it is unlikely to occur prior to the commencement of operations at the proposed Wellcamp Airport. Therefore, the proponent cannot rely upon any outcomes from an aeronautical study before progressing their own safety critical work, particularly with respect to instrument procedures and OLS.

CASA's letter to the consultant dated 4 October 2012 states that “CASA also notes that the proximity of the proposed Wellcamp aerodrome to Oakey and Toowoomba would be a unique situation in Australia. Therefore there may be risks associated with new operations that are yet to be fully realised.” It also states that "The AAPS and the National Aviation Policy (White Paper) 2009 require CASA to align with international best practice. By way of comparison, in the United States of America, a similar situation would require the containment of operations within controlled airspace and the aerodromes being serviced by a Terminal Radar Approach Control (TRACON) with associated aerodrome control services."

The Master Plan states that freight operations to Singapore using B747 aircraft will commence in 2018. It is CASA’s experience that foreign heavy jet freight operators will not operate into a non-controlled aerodrome. If international freight operations commence earlier than scheduled, an ATC service (air traffic control tower) will likely need to be introduced regardless of the number of aircraft movements.

If CASA's risk assessment recommends the introduction of a TRACON style ATS for aircraft operations at Oakey, Toowoomba and Wellcamp aerodromes (and possibly Amberley), then significant infrastructure investment at each of those locations may be required. For example communication and surveillance equipment, aerodrome control tower, etc. This will require stakeholders, including Defence, Airservices Australia and the Council to plan for potential expenditure on major infrastructure.

There are opportunities for either Defence or Airservices Australia to provide ATS at Wellcamp Airport. Again, early engagement between the major stakeholders will assist in the timely planning and decision making surrounding such a service and the associated infrastructure required.

14.2 Airspace and flight path considerations

CASA's letter to the consultant dated 4 October 2012 states that “Potential conflicts due to the introduction of instrument approach and departure procedures at Wellcamp aerodrome and their close proximity to Oakey and Toowoomba have been considered. CASA notes that the designs provided are concept drawings only. However, there are significant issues to be addressed for which the design of
procedures into/from Welcamp aerodrome are unlikely to assist in resolving the conflicts:..."

Approaches into Oakey and Toowoomba aerodromes will need to be redesigned and flight validated to prevent conflicts with approaches and departures from the proposed Welcamp Airport.

The Master Plan document lists a number of airspace and flight path considerations that need to be considered, including the fact that the proposed airport will be located within Restricted airspace (R643A) which is surface to 6,500 ft AMSL. This would be a unique situation to locate a public, civil airport underneath a Restricted Area.

R643A is promulgated for military flying activity and the controlling authority is the Department of Defence (452 Squadron Oakey Flight – Oakey ATC). The hours of activity can vary and are notified to industry by a NOTAM. Defence have indicated that the airspace may be activated from 0800 hrs to 2359 hrs daily and is generally deactivated on weekends and public holidays. However, due to the unpredictable nature of Defence operations, Oakey may be required to operate on weekends or to commence operations 24 hours per day to meet Government objectives. Any change to the current flying schedule at Oakey is likely to have a significant impact on Welcamp Airport operations.

When R643A is active, all aircraft operating in this airspace require a clearance from the controlling authority (Oakey ATC). Without this clearance, aircraft will need to either remain on the ground at Welcamp Airport or hold airborne, potentially diverting to another airport subject to fuel holding limitations.

CASA does not regulate military ATS and is therefore unable to provide further comment relating to the air traffic management issues identified in the document. CASA suggests that advice should be sought from Defence.

CASA notes that there may be a 'flow-on' effect due to the possible relocation of military aviation activities away from the airspace immediately around Welcamp Airport to other airspace which may cause subsequent safety and environmental issues in that airspace. Further work would need to be conducted on this issue as the need arises.

14.3. Flight path preliminary design

As stated in response to Section 14.2, there are significant issues to be addressed for which the design of procedures into/from Welcamp aerodrome are unlikely to resolve. Instrument procedures are intended to provide a safe (avoidance of terrain and obstacles) arrival and departure from the aerodrome in poor weather conditions. These procedures are not intended to keep aircraft clear of one another, although this outcome is a consideration during the design phase. ATC procedures exist to separate aircraft from one another and from terrain and other obstacles.
The Required Navigation Performance – Authorisation Required (RNP-AR\textsuperscript{11}) procedures proposed by the proponent are not likely to be readily available in the short term due to equipment fitment limitations and pilot certification issues. These will need to be addressed by the proponent for the use of proposed RNP-AR approaches at Wellcamp Airport.

14.4. Preliminary Conclusion

CASA disagrees with the Master Plan’s preliminary Conclusion for the reasons provided previously in this document. The consultant appears to be reliant upon the “low number and type of aircraft movements expected in its first years of operation” and the deconfliction (through scheduling) of aircraft at Wellcamp Airport with movements at Oakey. Safety is not a function of the number of aircraft movements alone, but is also affected by factors such as complexity due to aircraft mix (performance), type of operations, equipment carriage, terrain, weather, etc.

CASA’s initial assessment of the airspace issues raised in the Master Plan, other referenced correspondence and those outlined above is that an ATC service with appropriate controlled airspace will likely be required in order to ensure the safe operation of aircraft in and around Oakey, Toowoomba and Wellcamp airports. However, as CASA has discussed above, a risk assessment must be conducted as required under the Australian Airspace Policy Statement, the Airspace Act 2007, and the associated Airspace Regulations, ensuring that the safety of passenger transport operations are the most important consideration.

14.5. CASA Office of Airspace Regulation position

CASA is concerned that the proponent appears to be relying on CASA conducting an aeronautical study prior to addressing issues relating to the airport development. As stated in CASA’s letter to the consultant, 4 October 2012 “An airspace determination considering all identified risks and relevant mitigators, will be made upon the completion of an aeronautical study, the timing of which will need to be determined at a later date.”

As stated above (Section 8.5) CASA acknowledges “that an aeronautical study will be required at some stage, however, that is unlikely to occur prior to the commencement of operations at the proposed airport. Therefore, the proponent cannot be reliant upon any outcomes from an aeronautical study before progressing safety critical work.”

14.6. Process for changing the classification of a volume of airspace at an aerodrome

As stated in CASA’s letter to the consultant, 4 October 2012, “the Airspace Criteria Thresholds published in the Australian Airspace Policy Statement (AAP) 2012 are for guidance only and do not relieve CASA of the requirement to make airspace assessments based upon risk, as directed by the Airspace Act 2007, including such factors as complexity of aircraft operations, mix of aircraft types, terrain, weather and

\textsuperscript{11} An RNP-AR approach is an International Civil Aviation Organization (ICAO) Performance Based Navigation (PBN) Manual navigation specification which supports Global Navigation Satellite System (GNSS) based lateral navigation (LNAV) and barometric vertical navigation (Baro-VNAV) instrument approach procedures. The Baro-VNAV accuracy requirements for an RNP-AR approach procedure are demanding and as such RNP-AR operations are applicable to aircraft equipped with GNSS and suitably capable Flight Management Systems, supported by advanced flight control and cockpit control and display systems. (CASA Advisory Circular AC 91U-II-C-6(0), September 2012.)

CASA Response to Third Party Comment – Wellcamp Airport
proximity of other aerodromes.” Ultimately, it is CASA’s Office of Airspace Regulation (OAR) who will determine the class of airspace required in and around Wellcamp Airport, as a result of a comprehensive risk assessment.

14.8. Process for changing the class or designation of a volume of airspace

CASA’s usual process for determining a change of airspace classification due to any combination of risk factors is through the conduct of an aeronautical study by the OAR.

Further information about this process can be found in Chapter 4 of the OAR’s Operation Manual at:


14.10. Department of Defence position

The Master Plan states that “Informal discussions with representatives of Army Aviation Training Centre and operational units at RAAF Base Amberley highlighted a number of issues associated with airspace use. Some of these issues can be resolved through the aeronautical study and airspace determination process proposed by CASA, while some relate to operational capability requirements that will need to be negotiated separately.”

CASA is concerned that the proponent is placing reliance upon outcomes from an aeronautical study before progressing safety-critical work and negotiating with Defence on operational issues. As stated in the letter to the consultant, dated 4 October 2012, the conduct of the aeronautical study has yet to be scheduled and as CASA’s usual processes are related to existing infrastructure, many assumptions will need to be made in order to complete a risk assessment.

Consequently, CASA will be adopting a conservative approach to this risk assessment activity. CASA is currently considering the conduct of an airspace risk assessment, incorporating fast time simulation modelling, in order to examine future hazards resulting from the Wellcamp Airport development. However, this is a new body of work for CASA and will require considerable resourcing and cannot be achieved in a short period of time.

14.11. Proximity to Toowoomba Aerodrome re OLS (Item 7 a)

An aeronautical study is a process for determining airspace classification, as noted above. There is no direct dependency between an aeronautical study and any potential issues regarding OLS. OLS are not an airspace administration or classification issue and are not the topic of CASA aeronautical studies.

Due to the proximity and alignment of the proposed airport to Oakey, the OLS for the proposed airport and Oakey aerodrome will overlap. It is recommended that the proponent urgently engages in discussions with Defence to address these issues.

15.1. Protection of operational airspace

The Master Plan states that “A full set of PANS-OPS drawings will only be available once CASA’s aeronautical study and the design of instrument flight procedures are complete.”

There is no relationship between PANS-OPS drawings and CASA’s aeronautical study. An aeronautical study’s primary purpose is the review of airspace use to
determine a suitable design and classification. Although Instrument Flight Procedures (IFP) may be reviewed to an extent in some studies and comments sought from stakeholders regarding published procedures, the OAR has no regulatory oversight of IFP design.

An aeronautical study is not used to design new approaches. Stakeholder comments received during a study regarding proposals for enhancements or additional procedures at existing sites may be passed to CASA IFP specialists and Airservices Australia for consideration.

CASA's policy is that instrument approaches that finish in controlled airspace should be fully contained in controlled airspace. Therefore, flight procedures and PANS-OPS drawings will need to be designed prior to an assessment of airspace changes relating to the proposed airport. It is the proponent's obligation to ensure that this work is completed.

15.3. Areas affected by significant aircraft noise

As a master plan the Wellcamp Airport Master Plan serves a particular purpose and does not form an environmental assessment for the project proposal. Information from the Toowoomba Regional Council was that the Wellcamp Airport Master Plan does not require an environmental assessment, such as pursuant to the Commonwealth Environment Protection and Biodiversity Conservation Act 1999, under the local, State or Federal legislation.

If an Airspace Change Proposal (ACP) pursuant to the Airspace Act 2007 is lodged with CASA in the future, an environmental assessment would need to be conducted as part of the ACP.

Residents living in the vicinity of Brimblecombe Road, Wellcamp will likely be subject to intense aircraft noise due to being directly under the final approach path to the airport (Runway 12) and the departure route for Runway 30. An Environmental Impact Assessment may be required to address noise issues affecting local residents.

Public sensitivity to noise caused by aviation activities continues to be a significant issue for all aviation agencies. Early engagement with the general community is strongly recommended.

15.7. Transient aviation activities

The Master Plan states that "it is proposed to fully investigate potential transient airspace users during the conduct of the aeronautical study proposed by CASA. During this study, full engagement with local airspace users is expected to reveal the scope and nature of all operations likely to affect the airport's operational airspace."

The consultant is relying upon CASA's aeronautical study process to engage with local airspace users and to address all concerns and to mitigate risks caused by the development of the Wellcamp Airport. While this is appropriate, due to the timing of the development, CASA suggests that the proponent engage with local airspace users to identify potential operational issues at the proposed location as this information may assist in the design of instrument procedures and consideration of other factors.

16.4. Stage 2 – short term expansion

The Master Plan states that in 2018 "an air traffic control service may be required (subject to the results of CASA's proposed aeronautical study)."
As mentioned previously, an ATC service may be required coincident with, or soon after, the commencement of operations at the airport due to the close proximity to Oakey and Toowoomba aerodromes, the complexity of the airspace, mix of aircraft operations, terrain, weather, etc. The staging of demand as provided by the proponent will be considered in the risk assessment, from which a determination will be made regarding appropriate mitigators which may include the requirement for an ATS.

17. Stakeholder engagement

The Master Plan relies heavily on a proposed aeronautical study by CASA, although the study has not been scheduled. A normal part of the aeronautical study process is the identification of and consultation with, stakeholders including airspace users. CASA suggests that, given the timeframe proposed by Wagner Investments for the commencement of activities at Wellcamp Airport, the proponent should consider engaging with local residents and the users of the airspace around the proposed Wellcamp Airport to identify relevant issues and develop procedures, where possible, to address the concerns.

Other relevant items

Wildlife Hazard Management Plan

A plan which identifies the wildlife hazard risk in the vicinity of an aerodrome, and details the measures used to treat that risk has been identified within the application and will be required on development of the aerodrome. (Also referred to in the Manual of Standards Part 139 (MOS Part 139) as “bird or animal hazard management plan.”)

Gaseous Plume

Exhaust plumes can originate from any number of sources—chimneys, elevated smoke stacks at power generating stations, smelters, combustion sources, a flare created by an instantaneous release from pressurised gas systems—all create exhaust plumes to one degree or another. CASA has established that an exhaust plume with a vertical velocity in excess of 4.3 metres/second (m/s) may be hazardous to aircraft and should therefore be reported to CASA.

Control of Dust

 Quarry sites are located within the vicinity of the proposed Wellcamp Airport and have the ability to generate emission of airborne particulate which may impair visual flight in the vicinity of an aerodrome. This will require a management plan in consultation with the quarry operators to ensure the ongoing safety of aircraft operations at the proposed Wellcamp Airport are maintained.

Conclusion

The Master Plan appears to adequately address the Certification issues relating to the proposed airport development. CASA has concerns over the aggressive timeframe which covers the start-up and commencement of operations and the associated comprehensive risk assessment that will be required to be conducted under the Airspace Act 2007.
CASA is concerned that the proponent is inappropriately relying on CASA to conduct an aeronautical study in order to address the issues associated with the development including:

- Public consultation with airspace users.
- Conflicts with instrument approaches and departure procedures at adjacent aerodromes.
- Conflicts with OLS at adjacent aerodromes.

The Master Plan does not adequately address other issues relating to:

- Airspace issues including the effect of operations on Defence and civilian airspace users.
- ATC issues including surveillance and communications infrastructure, staffing and funding.
- Environmental impact of the development including issues associated with aircraft noise for local residents.

Due to the complexities of the surrounding airspace, the possible introduction of a TRACON (a consolidated terminal radar control centre) and the lead-in times required to source, install and commission surveillance and communications infrastructure, a commencement date of 2016 is likely to be more achievable. This outcome would likely require significant input from and infrastructure investment by Defence and Airservices Australia, and potentially the Council. Early engagement between the major stakeholders will assist in the timely planning and decision making surrounding such infrastructure.

CASA will continue to monitor the progress of this Development Application and is committed to working with stakeholders to provide advice and information as appropriate, however, CASA can give no assurances as to the outcome of any safety work as required under its Regulatory authority.
Dear Mr O’Brien

RE: Development Application MCUC/2012/3399 for a Public Utility – Public Airport at 1511 Toowoomba Cecil Plains Road, Wellcamp.

Thank you for providing Defence with the opportunity to comment on the proposed airport at Wellcamp. Defence has reviewed the development application and has serious concerns about the following matters:

- the potential adverse impact of the proposed development on the aviation training and operational capability of the Army Aviation Training Centre (AAvTC) at Oakey and the Royal Australian Air Force (RAAF) base at Amberley;
- the incorrect assumptions made by the applicant in preparing the proposed flying schedule;
- the conflicts between the proposed development and the Jondaryan Planning Scheme, the Toowoomba Regional Planning Scheme and State Planning Policy 1/02: Development in the vicinity of Certain Airports and Aviation Facilities; and
- the validity of the development application.

All of the above matters are addressed in detail below.

Impacts on Operational Efficiency

The proposed airport at Wellcamp has significant potential to affect aviation training and operational capability at both the AAvTC at Oakey and the RAAF Base Amberley, as aircraft operating to and from the proposed airfield would need to access restricted military airspace.

RAAF Base Amberley is a major operational airfield supporting critical capabilities such as the F/A-18F Super Hornet aircraft, C-17A Globemaster aircraft, Heron UAS and the KC-30A air-to-air refuellers. RAAF Base Amberley is the major Defence transport hub for South East Queensland.

The AAvTC at Oakey is the primary aviation training facility for the Australian Army and is home to a number of aviation training schools including the Army Helicopter School, Aviation Maintenance School and the School of Army Aviation. AAvTC is also used by the Republic of Singapore Air Force as a helicopter training base.
It is also the second busiest Defence airfield in Australia with over 30,000 movements per year (which equals 125 per day or 2,500 per month).

AAvTC and RAAF Base Amberley are military airfields, surrounded by Military Restricted Airspace. The airspace is busy and complex and has been set up in such a manner so that the imposition of restrictions to Defence aviation training and operations is minimised.

For AAvTC, the airspace is structured to allow low level military rotary wing (helicopters) flying training by day and night. Freedom to manoeuvre is essential to AAvTC, flying sorties are regularly lost due to weather, training area availability, illness and lack of enablers such as fire/rescue or medical personnel.

The proposed airfield at Welcamp has the potential to cause further losses of training sorties. For example, an aircraft on the final leg of an instrument approach to the proposed airfield would be given an airspace clearance to ground level and includes a clearance for a missed approach potentially affecting airspace laterally to five (5) or ten (10) Nautical Miles (approximately 9-18km). This clearance would require any other airspace users to land or move out of the affected area. The AAvTC circuit area and airspace to the South and East would be unavailable to military traffic for up to 10 minutes every time an aircraft lands or departs from the proposed airfield at Welcamp. A loss of 10 minutes of training due to the separation measures above will usually result in an incomplete training sortie, impacting on the training of our pilots and costing substantial amounts of tax payer’s money to undertake alternative or further training sorties.

Alternative and further training sorties are either completed on weekends or Defence programs a more intense flying schedule during the week. To accommodate this extra training, Defence would activate the airspace outside of normal flying hours and potentially at short notice.

**Flying Schedule**

The proposed flying schedule is based on a number of assumptions that are incorrect. The proposed schedule shows the restricted airspace active for seven (7) hours per day. The airspace is actually active for eight (8) hours during the day and for four (4) hours during the evening. The proposed schedule doesn’t account for seasonal variations of sunset and sunrise, which impacts on the flying schedule and when the airspace is decativated for night time preparations. The proposed schedule doesn’t account for periods of restricted operations, where training is conducted without full air traffic services but the airspace is still active.

The airspace is activated daily from 0800 to 2359; there are normally helicopters in the air for the entire time. The airspace may be deactivated for up to 120 minutes (two hours) during the period surrounding last light for night flying preparations. However the time and duration varies depending on the season.

The airspace is generally deactivates on the weekends and public holiday, but can be activated to account for flying training and other activities as required to ensure the training program is completed.

Due to the nature of some military activities, there will be times when, aircraft wishing to operate to or from Welcamp airfield would be denied access to restricted military airspace.

**Comments on Planning Application**

The development application was lodged with Toowoomba Regional Council on the 29 June 2012 under the Jondaryan Planning Scheme and is code assessable. There are a number of conflicts with the Planning Scheme which are outlined below.
Charlton / Wellcamp Regional Industry Code

Specific Outcome 4.2 Noise:
Development and use must prevent or minimise the generation of any noise such that:
- nuisance is not caused to adjoining properties or other noise sensitive areas; and
- applicable legislative requirements are met

Applicants Response to Criteria:
Complies. The proposed development will comply with applicable noise standards. The applicant is agreeable to the imposition of reasonable and relevant conditions which ensure such compliance is achieved.

The proposed development cannot meet this specific outcome as the proposed use will generate significant noise to surrounding residential properties, many of which are sensitive uses including a prominent horse stud business.

Defence has worked very hard over its many years of operating to be good neighbours and has implemented noise avoid areas, where we do not operate as a courtesy to those neighbours. In the Wellcamp area, we currently have eight noise avoid areas. Defence is concerned that additional aircraft noise caused by the proposed development will impact on our relationship with our neighbours through additional noise complaints and potentially an increase in the number of noise avoid areas, as it is often hard to determine which aircraft the noise is coming from.

Major Infrastructure and Corridor Overlays Code

Overall Outcome
The overall outcomes sought for the areas subject to the Major Infrastructure and Corridor Overlays Code are:
- Land use conflict on land near the Army Aviation Centre and the Toowoomba Airport is avoided by preventing inappropriate development.

Applicants Response to Criteria:
Complies. The development site area is not located within the control zone of the operational airspace for the Oakey Army Aviation Centre.

The proposed development is located outside the Height Restriction Area, Wildlife Interference area and the Light Sensitive Zone on the Army Aviation Centre Overlay map; however, the proposed development will impact on the operational airspace for AAvnTC, which is not included in the Planning Scheme.

As soon as an aircraft departs or lands at the proposed airport, it will be within Defence’s restricted military airspace. If the aircraft depart or land to the east, the restricted airspace for RAAF Base Amberley is intruded upon. If aircraft depart or land to the west, the restricted airspace for AAvnTC at Oakey is intruded upon.

Defending Australia and its National Interests
When the airspace is inactive, departing and arriving aircraft are able to transit through the airspace; however when the airspace is active, aircraft require permission from Defence and there will be times, when permission is not granted. Due to the dynamic nature of Defence flying, it is impossible to predict when permission will or will not be granted. Of note, permission is only granted on a case by case basis.

It should be further noted that if Defence is directed by the Australian Government to aid in domestic operations (for example cyclone aid) or to participate in global operations, the airspace may be totally closed to all civilian traffic at very short notice and for the duration of the relevant operation.

The proposed land use is outside of the control zones for AAvntC at Oakey. However, the proposed use, being aircraft departing and arriving at the site, will impact on the operational effectiveness of AAvntC and therefore is considered to be an inappropriate development on that site.

**Toowoomba Regional Planning Scheme**

Defence notes that the application is being assessed under the Jondaryan Planning Scheme; however Defence understands that Council is able to give weight to the Toowoomba Regional Planning Scheme as it is the current planning instrument for the region.

The proposed development is defined as Air Services under the scheme, which conflicts with the intended use of the land. The land is located within the Charlton Wellecamp Enterprise Area which is intended to accommodate a mix of business and industry activities. The proposed development does not fall within either of these definitions and is not an industrial use. Therefore is non-compliant with the intent of the Charlton Wellecamp Enterprise Area.

Furthermore the proposed development does not comply with the following provisions of the Toowoomba Regional Planning Scheme which relate directly to the AAvntC at Oakey:

- Strategic Framework, Part 3, section 3.2.12.2 refers to protecting the existing and future operational and service requirements of the Army Aviation Centre (Oakey) by ensuring that development of land around the airport is compatible with the needs of the airport. It further states that incompatible land uses should avoid adversely affecting the safety and efficiency of the operational airspace of the Army Aviation Centre (Oakey) and the functioning of aviation facilities.

- The land is affected by the Airport Environ Overlay. The purpose of the Airport Environ Overlay Code is to protect the existing and future operational requirements of the Oakey Army Aviation Centre and to provide for the most appropriate and compatible development of surrounding lands. The purpose of the Code is achieved through, amongst other things, the avoidance of conflicts between the Oakey Army Aviation Centre and surrounding land uses.

The location of the proposed airport is not suitable and conflicts with the intent of both the Jondaryan Planning Scheme and the Toowoomba Regional Planning Scheme. The applicant has not provided sufficient justification as to why the Council should approve the development notwithstanding the conflicts.
State Planning Policy 1/02: Development in the Vicinity of Certain Airports and Aviation Facilities

The RAAF Base Amberley and the AAVnTC at Oakey are identified in Annex 1 of the State Planning Policy as being of State significance. State Planning Policy 1/02: Development in the Vicinity of Certain Airports and Aviation Facilities, states that the Queensland Government considers development in the vicinity of those airports and aviation facilities essential for the State's transport infrastructure or the national Defence system should avoid:

- adversely affecting the safety and operational efficiency of those airports and aviation facilities;
- large increases in the numbers of people adversely affected by significant aircraft noise; and
- increasing the risk to public safety near the ends of airport runways.

The proposed development conflicts with the position statement of the State Planning Policy, as it will affect the safety and operational efficiency of AAVnTC at Oakey as well as aircraft operating from the proposed airfield.

The applicant has not addressed the State Planning Policy in any detail and has not demonstrated how the proposed development meets the purpose statement.

Application Not Properly Made

On a technical planning matter, Defence notes that the development application states that access to the site is being gained from Toowoomba Cecil Plains Road and an unnamed road.

The public airport will be accessed via a seven (7) meter wide two land carriageway from the Toowoomba Cecil Plains Road. The road will comprise a southerly extension of the existing unnamed road within the existing road reserve from its intersection with Toowoomba Cecil Plains Road to a point adjacent to the south east perimeter of the runway strip. From this point the road will continue as a private road terminating in a vehicle turnaround area adjacent to the public terminal building.

The development application material does not make clear who is responsible for the construction of the new road. However, the road is clearly fundamental to the development. Therefore the road should have been included as land subject to the development application.

If this is the case then the development application should have been accompanied by the required State Resource evidence in order to be a 'properly made application'. Therefore, the application appears to be not properly made at the time it was lodged and should potentially be re-lodged with the Council under the Toowoomba Regional Planning Scheme.

Conclusion

Defence recognises the community's desire to have access to enhanced air transport options. However, an airport in the proposed location has serious safety implications, as well as operational implications to both the civilian operators and Defence. Of note, the long term viability of the proposed airfield will be reliant upon access to restricted military airspace that cannot be guaranteed.

Due to Defence's operational requirements, access to active restricted military airspace can only be granted on a case by case basis. Consequently, Defence recommends an airport of this nature be located further afield, where airspace is available.

Defending Australia and its National Interests

Release in full
Should you wish to discuss the content of this submission further please contact Ms Natalie Clark on (02) 6266 8359 or email on lpsi.directorate@defence.gov.au.

Yours sincerely,

A.A. BRODERSEN
Air Commodore
Director General Estate Planning

19 November 2012
Mr Rodney O'Brien  
The Assessment Manager  
Toowoomba Regional Council  
PO BOX 3021  
Toowoomba Village Fair  QLD  4350  

Dear Mr O'Brien  

Thank you for the opportunity to comment on the development application for a public airport at 1511 Toowoomba Cecil Plains Road (MCUC/2012/3399).  

As you are aware, the proposed Wellcamp Airport is located close to the Oakey Army Aviation Centre and Toowoomba Airport and the flight paths serving those already established facilities. As such, the Department is very concerned about how the development of a new regular public transport airport in the region could adversely impact on Defence operations at Oakey and Amberley and on civil aircraft operations at Toowoomba Aerodrome.  

I have been advised by both the Department of Defence (Defence) and the Civil Aviation Safety Authority (CASA) that there is a strong likelihood of operational conflicts that could arise from the siting of a new airport in the proposed location. We understand there are likely to be unacceptable conflicts when Oakey's controlled and military restricted airspace is active which would seriously impact on the operations of the proposed new airport.  

These issues are of particular importance given that operations within the proposed new airport's 20 year master planning horizon involves twin-engine propeller and jet aircraft with annual passenger numbers forecast to exceed 500,000 toward the end of that period.  

Recognising this, the Department does not, based on the information available to date support the proposal proceeding and strongly encourages the Council to consider the expert advice of Defence and CASA on the airspace management and operational compatibility issues raised by this proposal before any further consideration is given to approval of the Wellcamp project. I am sure you would agree that it would be a poor planning outcome for both the Council and the proponent if such a construction project were to proceed before significant possible constraints to the compatibility of its operations were resolved. We ask that the Council review the proposal in the light of the potential operational impacts and the opportunity for greater utilisation of existing aviation infrastructure in the region.  

Additionally, we are concerned to ensure that further review is undertaken of potential environmental impacts. In May of this year, State and Commonwealth transport and planning Ministers agreed to the National Airports Safeguarding Framework, an important planning reform that seeks to improve community amenity by minimising aircraft noise-sensitive
developments near airports; and improve safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions.

You can find a range of important information about the Framework and associated guidelines on the Department’s website at:

A key objective of the Framework is to better integrate planning decisions around Australia’s airports, recognising that airport infrastructure is scarce and very difficult to replace once it is compromised. The Queensland Government has agreed to the Framework, which applies to both civil and Defence airfields.

Consideration should also be given to the potential future aircraft noise impacts in the region given the forecast growth of operations for Wellcamp Airport and taking into account any future plans for the expansion of the City of Toowoomba further west. Although the projected ANEC chart for the airport currently indicates no noise sensitive areas within the 20 ANEC contour, experience has shown that most noise complaints come from areas beyond that contour.

Please contact me on telephone (02) 6274 7605 if you wish to discuss these matters further.

Yours sincerely

Scott Stone
General Manager
Aviation Environment
Department of Infrastructure and Transport

19 November 2012

Sch. 4(4)(6) - Disclosing personal information
Mr Rodney O'Brien
Senior Planner
Development Assessment
Toowoomba Regional Council
PO Box 3021
TOOWOOMBA VILLAGES FAIR QLD 4350

Dear Mr O'Brien

Thank you for your email of 25 October 2012 regarding the proposed public airport at Welcamp, Queensland. I appreciate the opportunity to provide comments on the Development Application.

The Australian Government's responsibilities under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) focus on matters of national environmental significance (NES). Matters of NES include World and National Heritage properties, wetlands of international importance, listed migratory species, nationally threatened species and ecological communities, the Great Barrier Reef Marine Park, nuclear actions, and commonwealth marine areas.

The Australian Government becomes involved in the assessment and approval of developments where they may significantly impact matters of NES. As such, proponents of any such developments are required to refer these actions to the minister, who will assess the action under the EPBC Act and make a decision on whether to grant approval. I have included a fact sheet about environmental assessments under the EPBC Act, which you may wish to forward to the proponent.

The department has reviewed the project documents and is of the opinion that further assessment of the environmental impacts of the project would be prudent as there is the potential to impact matters of NES. I understand that the proponent may have chosen to proceed with the council assessment process first and may wish to seek further approvals later.

For further information please feel free to contact the department by phone at 1800 803 772 or email cu@environment.gov.au. I would appreciate being kept informed of the status of the project as it progresses.

Yours sincerely

David Calvert
Ag Assistant Secretary
Queensland and South Australia Assessment Branch
November 2012

GPO Box 787 Canberra ACT 2601 • Telephone 02 6274 1111 • Facsimile 02 6274 1566
www.environment.gov.au
NATIONAL ENVIRONMENT LAW

THE BASICS—ENVIRONMENTAL IMPACT ASSESSMENTS AND APPROVALS OF PROJECTS

This fact sheet aims to provide a basic overview of the federal environmental assessment process as it relates to projects. It should not be used to determine whether an activity requires assessment under national environment law. For more detailed information about referring activities to the department, go to www.environment.gov.au/epbc/publications/epbc-act-fact-sheet.html.

What is national environment law?

Australia’s main national environment law is the Environment Protection and Biodiversity Conservation Act 1999 or EPBC Act.

This legislation is designed to protect and manage matters that are nationally significant. These nationally protected matters are:

- world heritage properties
- national heritage places
- wetlands of international importance (Ramsar wetlands)
- nationally threatened species and ecological communities
- migratory species
- Commonwealth marine areas
- Great Barrier Reef Marine Park
- the environment where nuclear actions are involved (including uranium mines).

While all levels of government regulate activities to protect the environment, the federal government’s role is specifically focused on protecting these matters.

The whole of the environment (not just the above matters) must be considered when activities take place within the Great Barrier Reef Marine Park, on Commonwealth land or in Commonwealth marine areas, are carried out by Commonwealth agencies, or are nuclear actions.
Who does this legislation affect?

The legislation applies to anyone whose activity is likely to have a significant impact on the nationally protected matters.

For example, land owners, developers, farmers, mining companies, councils and state, territory and Commonwealth agencies are all groups that may need to submit (refer) their project proposal to the federal environment minister to see whether their activity needs to undergo a federal assessment process.

Examples of project proposals submitted for assessment include clearing or developing land (residential and commercial), mining activities and port development activities.

There are policy statements on the department’s website to help guide people on whether their activities’ impacts are likely to be significant under the legislation.

How does the assessment process work?

When an activity is referred to the federal environment department, the details of the proposal are looked at to see whether or not it will have a significant impact on nationally protected matters.

All referrals to the department are published on the website to give the public an opportunity to provide comment.

The minister or a departmental delegate will then decide whether or not the activity will need to be further assessed—this is the ‘referral decision’.

A referral decision will be one of the following:

Controlled action: this means that a significant impact on a nationally protected matter is likely, and the activity needs to undergo federal assessment. A method of assessment will then be chosen, which will vary depending on the scale and complexity of the activity.

Not controlled action, particular manner: this means the activity does not need to be further assessed but must be carried out in the manner described in the decision.

Not controlled action: this means the activity does not need further assessment because it is not likely to have a significant impact on nationally protected matters.

Action clearly unacceptable: this means the activity cannot proceed because it is clear it will have an unacceptable impact on nationally protected matters. This is essentially a decision to refuse approval for the project.

Activities may also need to be assessed under state and local government legislation. It is always best for people to check with the relevant state and local agencies if they are unsure.
The role of the federal environment minister in environmental assessments

The minister's key decision-making role with federal environmental assessments is to ensure that matters covered by national environment law are protected. When making a decision, the minister cannot consider matters that fall outside this federal legislation.

State and local government approvals might cover different matters from those protected by national environment law under their relevant legislation, so an activity may need approval from all three levels of government.

The federal environment minister cannot intervene in matters that fall outside national environment law. The department works with its state and territory counterparts to ensure information is shared and to align assessment processes where possible.

More information

For more information go to www.environment.gov.au/epbc, email ciu@environment.gov.au or call 1800 803 772.

Disclaimer

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EPBC ACT—FREQUENTLY ASKED QUESTIONS

Environment Protection and Biodiversity Conservation Act 1999

What is the EPBC Act?

The Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) is the Australian Government’s central piece of environmental legislation.

The EPBC Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places—defined in the EPBC Act as matters of national environmental significance.

The eight matters of national environmental significance to which the EPBC Act applies are:

- world heritage sites
- national heritage places
- wetlands of international importance (often called ‘Ramsar’ wetlands after the international treaty under which such wetlands are listed)
- nationally threatened species and ecological communities
- migratory species
- Commonwealth marine areas
- the Great Barrier Reef Marine Park
- nuclear actions.

In addition, the EPBC Act confers jurisdiction over actions that have a significant impact on the environment where the actions affect, or are taken on, Commonwealth land, or are carried out by a Commonwealth agency (even if that significant impact is not on any of the eight matters of ‘national environmental significance’). Information about this special Commonwealth category is not included in this fact sheet.

Why do we have the EPBC Act?

Matters of national environmental significance are important to all Australians and, given the interconnectedness of the global biosphere, internationally as well. The EPBC Act aims to balance the protection of these crucial environmental and cultural values with our society’s economic and social needs by creating a legal framework and decision-making process based on the guiding principles of ecologically sustainable development.
Specifically, the EPBC Act aims to:

- provide for the protection of the environment, especially matters of national environmental significance
- conserve Australia’s biodiversity
- protect biodiversity internationally by controlling the international movement of wildlife
- provide a streamlined environmental assessment and approvals process where matters of national environmental significance are involved
- protect our world and national heritage
- promote ecologically sustainable development

**Who does the EPBC Act affect?**

The EPBC Act affects any group or individual (including companies) whose actions may have a significant impact on a matter of national environmental significance. This includes:

- landowners
- developers
- industry
- farmers
- councils
- state and territory agencies
- Commonwealth agencies

Example. If a developer was planning a new resort close to a wetland of international importance, that developer would need to find out if the action of building and running that resort might have a significant impact on any matter of national environmental significance.

In this instance, the matters the developer would need to carefully look into would include:

- whether the development would affect the wetland—as wetlands of international importance are matters of national environmental significance.
- whether the development would affect any nationally threatened plants, animals or ecological communities
- whether the development would affect any migratory animals
- whether the development would affect any world or national heritage places.

If the developer concluded that the development might have a significant impact on any of these matters of national environmental significance, then he or she would need to apply for approval to proceed under the EPBC Act.

This approval process under the EPBC Act would be in addition to any state or local government approval that might be required.

Anyone unsure of whether the EPBC Act applies to them, or of what they need to do to comply with the EPBC Act, is strongly encouraged to seek further information. A good starting point is the website of the Department of Sustainability, Environment, Water, Population and Communities:

When does a project need to be assessed?

The EPBC Act comes into play when a proposal has the potential to have a significant impact on a matter of national environmental significance.

When a person (a 'proponent') wants an action (often called a 'proposal' or 'project') assessed for environmental impacts under the EPBC Act, he or she must refer the project to the Department of Sustainability, Environment, Water, Population and Communities. This 'referral' is then released to the public, as well as relevant state, territory and Commonwealth ministers, for comment on whether the project is likely to have a significant impact on matters of national environmental significance.

The minister or the minister's delegate will then decide whether the likely environmental impacts of the project are such that it should be assessed under the EPBC Act. Any relevant public comments are taken into consideration in making that decision.

What is involved in an environmental assessment under the EPBC Act?

There are five different levels of assessment, depending on the significance of the project and how much information is already available. Each level involves considering technical information assembled by the proponent and comments made by the public.

Who approves a project after it is assessed?

Once a project has been assessed by the Department of Sustainability, Environment, Water, Population and Communities, the department makes a recommendation to the minister or delegate about whether or not the project should be approved to proceed.

The minister assesses all the information provided by the department before making a decision about whether or not the project should proceed, and if so, whether any specific conditions need to be attached to that approval.

In addition to considering potential impacts on matters of national environmental significance, in making a decision the minister also considers the social and economic impact of the project.

What is the role of the Australian Government environment minister?

The Australian Government environment minister's primary role under the EPBC Act is to protect areas of national environmental significance in accordance with the guiding principles of the EPBC Act. This means that the minister will always consider these critical environmental decisions in the broader context of Australia's social and economic needs.

However, the minister cannot intervene in a proposal if it has no significant impact on one of the eight matters of national environmental significance, even though there may be other undesirable environmental impacts. This is not because these other environmental matters are not important.

It is because, under the division of powers between the Australian Government and the states under the Australian Constitution, it is the states that have the primary responsibility for environmental protection. In contrast, the Australian Government environment minister only has authority over the eight defined matters of national environmental significance.
Example: The minister does not have power under the EPBC Act to regulate a proposal that will have impacts on matters such as air quality, noise, odour, general amenity or animals that are not listed as threatened or endangered under the EPBC Act. These environmental matters are the responsibility of the relevant state government to consider during any state assessment and approval process.

The EPBC Act includes a mechanism to ensure that the two levels of government do not duplicate their environmental protection functions or otherwise create inefficiencies by both being closely involved in the assessment and approval process for a single project that includes matters of both local and national environmental significance. Under this mechanism, the Australian Government may enter into an agreement with a state or territory government, under which the state or territory may assess actions that may have an impact on matters of national environmental significance. These are matters that the Australian Government minister would otherwise have responsibility for under the EPBC Act.

Can the Australian Government environment minister overrule a state decision?

Because the Australian Government environment minister only has the power to make decisions in relation to matters of national environmental significance, the minister has no power to intervene in decisions of state or local governments that do not have an impact on these matters. Thus, the EPBC Act does not give the minister the power to act as a general 'court of appeal' from any state or local government decision affecting the environment.

Example: In 2007 the Australian Government approved the Gunns Pulp Mill in Tasmania, imposing 48 conditions. The approval and the conditions related only to things within the Australian Government’s jurisdiction—matters of national environmental significance—such as nationally-listed threatened species and the marine environment outside the three nautical mile limit of state waters. Although not as well publicised, the Tasmanian Government issued under special legislation a permit running to hundreds of pages. This permit covered all other aspects of the environment, such as air quality, noise and the protection of state waters. It also covered non-environmental matters such as planning and safety.

Community members or groups who want the Australian Government to intervene in state or local government decisions on environmental issues that are not matters of national environmental significance under the EPBC Act are asking the minister to act beyond legal authority. This means that apart from projects having an impact on matters of national environmental significance (and projects having significant impacts on Commonwealth land or carried out by Commonwealth agencies), community concerns regarding government decisions affecting the environment should be taken up with the relevant state or territory government.

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Circles: Great Barrier Reef Marine Park (GBRMPA), Royal Exhibition Building and Carlton Gardens (National Trust of Australia), Southern right whale (Dave Watts, Australian War Memorial and the Memorial Parade (Steve Way), Numbat (Alexander Dudley).
22 November 2012

Acting Chief Executive Officer  
Toowoomba Regional Council  
PO Box 3021  
VILLAGE FAIR TOOWOOMBA QLD 4350

Attn: Mr Rodney O’Brien

Dear Mr O’Brien

Toowoomba Airport Third Party Comment – Proposed Welcamp Airport

Thank you for the opportunity to provide a Third Party Comment in relation to the proposal to site a new airport at Welcamp, west of Toowoomba.

We have been provided with a copy of the letter from Aviation Projects Pty Limited to Mr Malcolm McGregor at the Civil Aviation Safety Authority dated 4 September 2012, which sets out a proposed methodology to deal with identified issues.

The proposed methodology proceeds on the basis that the major potential for conflict which will arise is as a result of the introduction of instrument approach procedures at the new airport, in close proximity to both Oakey and Toowoomba. While we agree that design of instrument approach procedures that will not conflict with existing procedures at the other airports will be problematic, the methodology actually proceeds on the basis that it is the only issue requiring management. That premise is not accepted.

The Australian Airspace Policy Statement (AAPS) 2012 is referred to as a means of dismissing, without further assessment, the need for changes to airspace classification as a result of the proposed new aerodrome. The AAPS addresses only the circumstance of a single, isolated aerodrome when looking at movement figures that might trigger a change in airspace classification. In this case, the proposed new airport would bring to three the number of airports within close confines and the interaction of traffic at those airports ought to have as much bearing on an assessment as the individual traffic at each of them. The proposed methodology does not address that issue at all.

The focus on instrument approach procedure design also overlooks the workload on flight crews, particularly those in higher performance RPT or charter aircraft, in transitioning from controlled airspace at higher altitudes, through Class E airspace and into Class G airspace on approach to any.

All correspondence should be addressed to the Chief Executive Officer, PO Box 3021, Toowoomba Village Fair QLD 4350, quoting our reference and marked for the attention of the contact officer shown above... AEN 907 8850 5360

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of the three airports and having to assimilate within a very short space of time the position and
intentions of any number of VFR aircraft operating into or out of the three airports. Whether the
inclusion of the proposed airport in the existing CTAF would alleviate or exacerbate that problem is
something which requires assessment and that can only occur if changes to airspace classification
are first found to be unnecessary.

Management of aircraft under VFR and IFR conditions should be addressed as potential difficulties are
not confined to IFR operations during the performance of instrument approach procedures to the
minima. Even if an aircraft conducts an instrument approach to descend through IFR conditions, it
may break into VFR conditions at any stage of the approach and be faced with numerous VFR
aircraft operating into or out of the various aerodromes.

In terms of instrument procedure design at the new airport, it may be possible to reduce the extent
to which the various procedures cross over with existing procedures. At present, aircraft
conducting an instrument approach procedure at one airport maintain situational awareness with
aircraft operating at the same airport and at the present adjoining airport. It is however, a known
factor and the location of the airports and their active runways with respect to each other probably
impacts upon that process in a positive way. This would become significantly harder in the context
of three airports where there inevitably will be some overlap.

For instance, an aircraft holding above one airport to conduct an approach will have to wait until
any other traffic at that airport has completed the instrument part of the approach before
commencing its own approach. However, it may also have to ensure that there are no aircraft
conducting approaches at an adjoining airport because of the possibility that the missed approach
for that other aircraft may lead to conflict with the approach, bearing in mind that crews may be
unaware of the precise location of instrument approach fixes at the other airport relative to their
own positions. This could create safety issues but at best could lead to operational delays. The
methodology does not adequately address how this increase in overlapping procedures and
associated crew workload could be managed.

The issue seems to be touched on in part by a suggestion that changes or modifications to existing
procedures could be made to enhance safety. That, without more detailed consideration and
assessment of the nature of these changes, is unsatisfactory. The existing procedures have been
designed to achieve safe instrument approaches. Any changes to those procedures, with which
pilots have become familiar, would introduce its own risks purely by virtue of the changed
operational environment and these would be on top the additional risk associated with the more
complex airspace structure resulting from the new airport. The methodology should assess those
risks against the need for or benefits of any change.

A number of Toowoomba Aerodrome users have also expressed concerns about operational delays
and interruptions to the extensive training undertaken at the Toowoomba Aerodrome including
circuit training and transits to and from designated training areas.

The Wellcamp Airport proposal was recently discussed at a RAPAC (Southern Queensland) Meeting.
The above concerns were tabled for discussion/consideration at the meeting.

Council is currently undertaking master planning for the Toowoomba Airport, and a copy of the final
report for the Phase 1 Scoping Study has been provided under separate cover.

The Master Plan will take into consideration the potential for a new jet regional airport, and
envisages the existing airport will continue to provide complementary support for wide range of
All correspondence should be addressed to the Chief Executive Officer, PO Box 3021, Toowoomba Village Fair QLD 4350.
quote our reference and mark for the attention of the contact officer shown above... ABN 997 8830 3360

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aviation activities, other than the larger Code 3 and Code 4 aircraft operations envisaged by the development proposal.

If you have any questions, please do not hesitate to contact Council’s Co-ordinator Aerodromes on telephone 4688 6752 or via e-mail at barry.wicks@toowoombarc.qld.gov.au.

Yours faithfully

Sch. 4(4)(6) -
Disclosing personal information
Rodney Betts
Manager Transport and Draining Planning/Aerodrome Manager
20 November 2012

The Chief Executive Officer
Toowoomba Regional Council
PO Box 3021 - Village Fair
Toowoomba QLD 4350

Attention: Rodney O’Brien

Dear Sir/Madam

CONCURRENCE AGENCY RESPONSE – CONDITIONS

Proposed Development: Development Permit for Material Change of Use (Public Utilities – Public Airport)
Real Property Description: Lot 11SP140293, 12SP190236, EMT A SP140293
Street Address: 1511-Toowoomba-Cecil Plains Road, Welcamp QLD 4350
Assessment Manager ref.: MCUG/2012/3399
Local Government Area: Toowoomba Regional Council

Reference is made to the referral agency material for the development application described above which was received by the Department of Transport and Main Roads (the department) under section 272 of the Sustainable Planning Act 2009 (SPA) on 11 July 2012.

An assessment of the proposed development has been undertaken against the purposes of the Transport Infrastructure Act 1994 for state-controlled roads / the purpose mentioned in section 258(2) of the Transport Infrastructure Act 1994 for railways / land use and transport coordination under the Transport Planning and Coordination Act 1994. Based on this jurisdiction, the department provides this concurrence agency response under Section 285 of the SPA.

The department advises the assessment manager that it requires conditions to attach to any development approval for the application. The department would also like to provide advice about the application to the assessment manager under Section 287(6) of the SPA.

Under Section 325(1) of the SPA, the assessment manager must therefore attach this response, including the enclosed Department of Transport and Main Roads Concurrence Agency Conditions and Statement of Reasons, to any approval for the application.

Department of Transport and Main Roads
Program Delivery and Operations
Darling Downs Region
Floor 2 1-5 Philip Street Toowoomba Queensland 4350
Locked Bag 1 Warwick Queensland 4370

Our ref: TMR12-003332
Your ref: MCUG/2012/3399
Endorse: Andrew Watson
Telephone: +61 7 4639 0543
Facsimile: +61 7 4630 0750
Website: www.tmr.qld.gov.au
Email: Andrew.Watson@tmr.qld.gov.au

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The department may change its concurrence agency response in accordance with Section 290(1)(b) of the SPA.

The department must be provided with a copy of the assessment manager's decision notice regarding the application within five (5) business days after the day the decision is made in accordance with Section 334 of the SPA.

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

If you have any questions or wish to seek clarification about any of the details in this response, please contact Andrew Watson, Town Planner (Network Planning and Performance) on 07 4639 0842.

Yours sincerely

Sch. 4(4)(6) - Disclosing personal information

Bruce Steele
Manager (Road System & Corridor)

Enc. (Department of Transport and Main Roads Agency Conditions and Statement of Reasons)

C/c Wagner Investments Pty Ltd
C/c Precinct Urban Planning
PO Box 3038
Toowoomba Village Fair QLD 4350

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TOOWOOMBA REGIONAL COUNCIL
## Proposed Development

Development Permit for Material Change of Use (Public Utilities - Public Airport)

## Real Property Description

Lot 15SP140293, 12SP190236, EMT A SP140293

## Street Address

1511, Toowoomba Cecil Plains Road, Wellcamp QLD 4350

## Assessment Manager ref.

MCUC/2012/3399

## Local Government Area

Toowoomba Regional Council

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<tr>
<th>No.</th>
<th>Conditions of Development</th>
<th>Condition Timing</th>
<th>Jurisdiction and Reasons</th>
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<tr>
<td>1</td>
<td>Development Permit for Material Change of Use (Public Utilities - Public Airport) - Public Passenger Transport Requirements</td>
<td></td>
<td>Land Use and Transport Coordination under the Transport Planning and Coordination Act 1994 (TPCA).</td>
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<td></td>
<td>(a) The development must be carried out generally in accordance with the following plans, except as modified by these concurrence agency conditions:</td>
<td>(a) and (b) Prior to the commencement of use and to be maintained at all times</td>
<td>The Department of Transport and Main Roads' assessment of the development application was undertaken on the basis of the cited plan/s and report/s which depict how the proposed development will be carried out.</td>
</tr>
<tr>
<td></td>
<td>- Master Plan – Stage 1: Start Up, Drawing No. P19, Issue A, dated 16/10/12 and prepared by Kehoe Myers Consulting Engineers Pty Ltd;</td>
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<td></td>
<td>- Overall Carpark &amp; Terminal Layout Plan, Drawing No. C06, Issue C, dated 16/10/12 and prepared by Kehoe Myers Consulting Engineers Pty Ltd;</td>
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<td>- Carpark Layout Plan, Drawing No. C07, Issue B, dated 16/10/12 and prepared by Kehoe Myers Consulting Engineers Pty Ltd;</td>
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<td>- Terminal Layout &amp; Cross Over Details, Drawing No. C09, Issue B, dated 16/10/12 and prepared by Kehoe Myers Consulting Engineers Pty Ltd; and</td>
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<td>- Proposed Site Layout, Drawing No. C01, Issue D, dated</td>
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<td>16/10/12 and prepared by Kehoe Myers Consulting Engineers Pty Ltd.</td>
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| 2   | (a) The applicant must provide an amended Overall Carpark & Terminal Layout Plan, Drawing No. C06, Issue C; and Terminal Layout & Cross Over Details, Drawing No. C09, Issue B; prepared by Kehoe Myers Consulting Engineers Pty Ltd to the Department of Transport and Main Roads showing the following:  
|     | - an amended arrangement for bus parking so that parking bays are parallel to kerb to avoid vehicles reversing into traffic, the taxi and shuttle bus zone and other coaches;  
|     | - provision for at least two bus parking spaces suitable for 14.5 metre length buses.  
|     | The development must be in accordance with the amended plans required in part (a) of this condition.  
|     | The applicant must provided RPEQ certification to the Department of Transport and Main Roads that the development has been designed and constructed in accordance with part (a) of this condition.  
|     | (a) Prior to obtaining development approval for building work or operational work, whichever occurs first  
|     | (b) Prior to the commencement of use and to be maintained at all times  
|     | (c) Prior to obtaining a final inspection certificate or certificate of classification, whichever is applicable, or prior to the commencement of use, whichever occurs first  
|     | Land Use and Transport Coordination under the Transport Planning and Coordination Act 1994 (TPCA).  
<p>|     | The way the object of s.8A of the TPCA is to be achieved includes ensuring as far as practicable that public passenger transport offers an attractive alternative to private transport. It also seeks to promote development that maximises the use of public passenger transport and ensure, as far as practicable, the provision of public passenger transport infrastructure to support public passenger transport. |</p>
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<th>Condition Timing</th>
<th>Jurisdiction and Reasons</th>
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<tr>
<td>3(a)</td>
<td>The development must make provision for a taxi facility and bus parking in accordance with the amended Overall Carpark &amp; Terminal Layout Plan, Drawing No. C005, Issue C and Terminal Layout &amp; Cross Over Details, Drawing No. C009, Issue B required in condition 2 of this concurrence agency response.</td>
<td>(a) – (c) Prior to the commencement of use and to be maintained at all times</td>
<td>Land Use and Transport Coordination under the Transport Planning and Coordination Act 1994 (TPCA). The way the object of s.8A of the TPCA is to be achieved includes ensuring as far as practicable that public passenger transport offers an attractive alternative to private transport. It also seeks to promote development that maximises the use of public passenger transport and ensure, as far as practicable, the provision of public passenger transport infrastructure to support public passenger transport.</td>
</tr>
</tbody>
</table>
| 3(b) | The taxi facility must be in accordance with the following standards:  
- AS2890.5 – Parking Facilities, Part 3: On-street parking  
- AS2890.6 – Parking Facilities, Part 6: Off-street Parking for People with Disabilities. | (d) Prior to obtaining a final inspection certificate or certificate of classification, whichever is applicable, or prior to the commencement of use, whichever occurs first | |
| 3(c) | The bus parking must:  
- make provision for at least the parking and independent operation of two 14.5m length single unit rigid buses parallel to the kerb (with or without an indent bay); and  
- be in accordance with the Bus Bay Length Requirements on page 164 of the Translink Transit Authority Public Transport Infrastructure Manual. | | |
| | The applicant must provide RPEQ certification to the Department of Transport and Main Roads that the development has been designed and constructed in accordance with parts (a) to (c) of this condition | | |
| | The ‘proposed private 7m wide sealed access road’, including the terminal access road/driveway, shown on the Proposed Site Layout, Drawing No. C001, Issue D, dated 16/10/12 and prepared by Keohoe Myers Consulting Engineers Pty Ltd must be in accordance with the Schedule – Code for IDAS, Part 2 – Development Standards of the Transport Planning and Coordination Regulation 2005 and designed to allow the | (a) Prior to the commencement of use and to be maintained at all times  
(b) Prior to obtaining a final inspection certificate or | Land Use and Transport Coordination under the Transport Planning and Coordination Act 1994  
The way the object of s.8A of the TPCA is to be achieved includes ensuring as far as practicable that public passenger transport offers an attractive alternative to private transport. It also |
5 (a) Pedestrian access from the terminal entry to the bus and taxi loading areas must be provided in accordance with:

- The Disability Standards for Accessible Public Transport 2002 made under subsection 31(1) of the Disability Discrimination Act 1992;
- AS1428.1 – Design for Access and Mobility, Part 1: General Requirements for Access – New Building Work;
- AS1428.2 – Design for Access and Mobility, Part 2: Enhanced and Additional Requirements – Building and Facilities;
- AUSTROADS Guide to Road Design – Part 5A: Pedestrian and Cyclist Paths 2009; and
- Crime Prevention through Environmental Design Guidelines for Queensland.

(b) Prior to the commencement of use.

The applicant must provide RPEQ certification to the Department of Transport and Main Roads that the development has been designed and constructed in accordance with part (a) of this condition.

Development Permit for Material Change of Use (Public Utilities – Public Airport) – State-Controlled Road Requirements
The purpose of the Transport Infrastructure Act 1994 is to provide a framework for the development and management of transport infrastructure in a way that promotes the efficient and sustainable development of the region's economy and infrastructure.

Section 6 (a) of the Act requires that the development of transport infrastructure be carried out in accordance with the following principles:

1. The development must be carried out in accordance with the principles set out in the Transport Infrastructure Act 1994.
2. The development must be carried out in accordance with the principles set out in the Transport Infrastructure Act 1994, as modified by these regulations.
3. The development must be carried out in accordance with the principles set out in the Transport Infrastructure Act 1994, as modified by these regulations.

The Department of Transport and Main Roads has assessed the development application on the basis of the proposed development and the development approval was issued on the basis of the development approval and the development approval.
8 The "Auxiliary Access" identified in Condition 7 may only be used for emergency purposes. A physical barrier shall be installed preventing frequent vehicular movement at the permitted road access location.

Prior to the commencement of use and to be maintained at all times

The purposes of the Transport Infrastructure Act 1994 (TIA).

Restrictions and/or conditions on the use of vehicular access at the permitted road access location are required to minimise impacts on the safety and efficiency of the state-controlled road network.

This is a decision under section 62(1) of the TIA in conjunction with a development approval for conditions and restrictions on the use of a permitted road access location.

To be maintained at all times for the approved period

The purposes of the Transport Infrastructure Act 1994.

These movements will minimise impacts on the safety and efficiency of the state-controlled road network.

The purposes of the Transport Infrastructure Act 1994.
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<td></td>
<td>design event in accordance with the Department of Transport and Main Roads’ Road Drainage Manual. In particular, stormwater management for the development must ensure no worsening or actionable nuisance to the state-controlled road network caused by peak discharges, flood levels, frequency/duration of flooding, flow velocities, water quality, sedimentation and scour effects.</td>
</tr>
<tr>
<td></td>
<td>(b) Any excavation, filling, paving, landscaping, construction or any other works to the land must not:</td>
</tr>
<tr>
<td></td>
<td>i. create any new discharge points for stormwater runoff onto the state-controlled road;</td>
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<tr>
<td></td>
<td>ii. interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road;</td>
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<td></td>
<td>iii. surcharge any existing culvert or drain on the state-controlled road;</td>
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<td></td>
<td>iv. reduce the quality of stormwater discharge onto the state-controlled road.</td>
</tr>
<tr>
<td></td>
<td>(c) The applicant must provide RPEQ certification to the Department of Transport and Main Roads that the development has been designed and constructed in accordance with parts (a) and (b) of this condition.</td>
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<td>at all times</td>
<td>The safety and efficiency of state-controlled roads can be adversely affected by changes to stormwater runoff as a result of development.</td>
</tr>
<tr>
<td>Prior to obtaining a final inspection certificate or certificate of classification, whichever is applicable, or prior to the commencement of use, whichever occurs first</td>
<td>Additional comments or information: Please refer to the Department of Transport and Main Roads’ Road Drainage Manual which can be accessed at <a href="http://www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx">http://www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx</a>.</td>
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The applicant must provide an intersection located between the Toowoomba-Cecil Plains Road and the existing unnamed and unformed road corridor as shown in plan titled “Proposed Site
**No.** Conditions of Development

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<tr>
<td>12</td>
<td><strong>(a)</strong></td>
<td>The intersection works are required as a consequence of the development and its associated traffic impacts to ensure the safety and efficiency of the state-controlled road network.</td>
</tr>
<tr>
<td></td>
<td>Prior to the commencement of use, the works are to be carried out in accordance with the <a href="https://www.qld.gov.au/law/transport/infrastructure-acts/transport-infrastructure-act-1994">Transport Infrastructure Act 1994</a> (TIA).</td>
<td>The purposes of the Transport Infrastructure Act 1994 (TIA).</td>
</tr>
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(b) The intersection must be designed and constructed to include at minimum:

- The installation of category V5 lighting at the intersection in accordance with Chapter 17 of the Department of Transport and Main Roads' Road Planning and Design Manual including the *Interim Guide to Road Planning and Design Practice*;
- A Short Auxiliary Turn Lane (AUL(S)) and Basic Right Turn (BAR) intersection configuration in accordance with Chapter 13 of the Department of Transport and Main Roads' Road Planning and Design Manual including the *Interim Guide to Road Planning and Design Practice*;
- Traffic lane widths incorporating two 3.5 metres wide lanes with 1.0 metre wide shoulders in accordance with the Department of Transport and Main Roads' Road Planning and Design Manual including the *Interim Guide to Road Planning and Design Practice*;
- Aircraft warning signs (W5) and Airport guide signs (S11) in order to comply with [ANSI C37.24-1996](https://www.safety.com/standards/ansi-c37-24-1996-aircraft-warning-signs-and-airport-guide-signs) and [AS 1382-2001](https://www.iso.org/standard/15999.html) for airport works; and
- Any other standards or guidelines that are applicable and appropriate.
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<td>accordance with Parts 2 and 6 of the Department of Transport and Main Roads' Manual of Uniform Traffic Control Devices.</td>
<td></td>
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(c) The intersection must be provided by the applicant at no cost to the Department of Transport and Main Roads.

Advice for state-controlled roads

Under section 43 of the Transport Infrastructure Act 1994, a local government must obtain the Department of Transport and Main Roads' approval if it intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be visible from a motorway; and beyond the boundaries of the motorway; and reasonably likely to create a traffic hazard for the motorway.

Under section 33 of the Transport Infrastructure Act 1994, written approval is required from the Department of Transport and Main Roads to carry out road works, including road access works, on a state-controlled road. Please contact the Department of Transport and Main Roads to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).

An application for a Road Corridor Permit is required for any ancillary works and encroachments on the state-controlled road under section 50(2) and Schedule 6 of the Transport Infrastructure Act 1994 and Part 5 and Schedule 1 of the Transport Infrastructure (State-Controlled Roads) Regulation 2006. Please contact the Department of Transport and Main Roads to make an application for a Road Corridor Permit. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, pathways or bikeways, building/shelters, vegetation clearing, landscaping and planting.

Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP 4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the Building Act 1976 as a transport noise corridor. Information about transport noise corridors is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available at the Department of Local Government and Planning website (http://www.dlgp.qld.gov.au/building/transport-noise-corridor-search-tool.html) and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land.
Advice for state controlled roads

Pursuant to Section 580 of the Sustainable Planning Act 2009 it is a development offence to contravene a development approval, including any condition in the approval.

Pursuant to Section 80 of the Transport Infrastructure Act 1994, the construction, augmentation, alteration or maintenance of a public utility plant on a state-controlled road reserve, must be in accordance with the Department of Transport and Main Roads' requirements.

Advice for public passenger transport and railways


The applicant is responsible for obtaining any necessary approvals, permits and/or licences from any nearby airports, the Department of Defence, Air Services Australia, the Civil Aviation Safety Authority (CASA) and any other relevant authority in respect of the proposed development.

The department is not yet in a position to provide comment on whether the proposed airport would be serviced by regulated and/or subsidised air services.

Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the Building Act 1975 as a transport noise corridor. Information about transport noise corridors is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available at the Department of Local Government and Planning website (http://www.dlgp.qld.gov.au/building/transport-noise-corridor-search-tool.html) and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land.
Advice for public passenger transport and railways


The Transport Planning and Coordination Regulation 2005 is available at: www.legislation.qld.gov.au


The Queensland Development Code (QDC), Mandatory Part 4.1 - Sustainable Buildings requires end of trip facilities (including bicycle parking and storage facilities, lockers and change rooms) to be provided for employees or occupants in Major Developments located in designated local government areas. Major Development includes commercial office buildings, shopping centres, tertiary education facilities or hospitals with a floor area greater than 2000m2 or development specified in a local government planning scheme for the purposes of QDC MP4.1. The applicant is responsible for achieving compliance with the QDC when obtaining any necessary development permits for building work for the proposed development.
INFORMATION ATTACHMENT TO CONCURRENCE AGENCY RESPONSE

Representations on Referral Agency Response
If the applicant intends to make a representation to the Department of Transport and Main Roads (the department) regarding the attached concurrence agency response, the applicant needs to do this before the assessment manager decides the application. The assessment manager cannot decide the application before 10 business days after receiving the final concurrence agency response, pursuant to section 318(5) of the Sustainable Planning Act 2009 (SPA).

The applicant will need to give the assessment manager written notice under section 320(1) of SPA to stop the decision-making period to make a representation to the department and subsequently contact the department to make the representation. The decision making period cannot be stopped for more than 3 months.

Planning and Environment Court Appeals
If an appeal is lodged in the Planning and Environment Court in relation to this application, the appellant must give written notice of the appeal to the department under Section 482(1) of the SPA. This notice should be forwarded to the Planning Law Team, Planning Management Branch, Department of Transport and Main Roads, GPO Box 213, Brisbane QLD 4001 within 2 days if the appeal is started by a submitter, or otherwise within 10 business days after the appeal is started.
Hello everyone

Please find attached the relevant source link to the Wellcamp Airport potential call-in brief to the DG for your information.

Thank you very much for your prompt assistance in helping us to get a clearer understanding of the project.

The brief is now sitting with the DG for his approval.

It is anticipated that a meeting will be arranged between the relevant parties shortly after the letter is signed. I will be in contact with you should regional officer attendance be required.

If not, I will endeavour to keep you posted if/when this results in a formal ministerial call-in request.

Cheers

Alison Stevens
Ph: 3898 0558

--------< HP TRIM Record Information >--------

Record Number : DGC13/80
Title : "Proposal to build a private airport at Wellcamp near Toowoomba"
Dear Dy,

Please find attached a scanned copy of a letter sent by the Deputy Premier to Stephen Smith, MP, Minister for Defence in relation to the proposed airport development at Wellcamp. The letter was placed in the post yesterday.

OUT13 981 -
Deputy Premier ...

I also understand that the Mayor of Toowoomba Regional Council met with representatives from the Department of Defence in Canberra yesterday and this matter may have been discussed.

If Council is agreeable, the department is willing to facilitate a meeting between the parties to discuss the future planning for aviation and defence operations in the Toowoomba region. Ms Teresa Luck, Principal Executive Officer, Planning Group (Ph: 3247 3675) of the department can also arrange the meeting logistics based around Council's availability.

If you have any questions or concerns in relation to this matter, please do not hesitate to contact either Ms Amy Marsden, Director Planning Support (Ph: 3247 3085) or myself on the details below.

Kind regards

Alison Stevens
Principal Planner, Planning Support
Department of State Development, Infrastructure and Planning
Queensland Government

tel +61 7 3898 0558 (ext 10558)
post PO Box 15009 City East QLD 4002
visit Level 6, 63 George Street Brisbane
Alison.Stevens@dsip.qld.gov.au

Please consider the environment before printing this email

Great state. Great opportunity.
Hi - have confirmed with John Strano that the meeting offer is to remain.

Brief is now with Greg.

Cheers

Teresa

Teresa Luck
Principal Executive Officer
Planning Group
Department of State Development, Infrastructure and Planning Queensland Government

tel +61 7 3247 3675 (x73675)
mobile
post PO Box 18009 City East Qld 4002
visit Level 6, 63 George Street Brisbane Teresa Luck@dsdip.qld.gov.au

please note my telephone number has recently changed:
http://www.dsdp.qld.gov.au

P Please consider the environment before printing this email

-----Original Message-----
From: Alison Stevens
Sent: Thursday, 7 February 2013 3:46 PM
To: Mark Saunders
Cc: Simone Fletcher; Melissa Hector; Zoe Boal; Catherine Otto; Teresa Luck
Subject: HP TRIM CG/DG Incoming Correspondence : DGC13/80 : Proposal to build a private airport at Wellcamp near Toowoomba

Hi Mark

Please note that the brief, response letter and preliminary assessment report of Wellcamp Airport has been completed and ready for your review.
It was a real team effort (thanks girls) and hopefully addresses all the relevant considerations to the satisfaction of the DG.

The yellow highlighted bits in the brief and the letter are references to meeting being organised.
Yesterday, Mal Lane from the former DEEDI side of the department has written an email to John Strano (in DGs office) requesting that the response letter make an offer to meet.
If John's advice is still that we will not arrange one, then the yellow bits can be deleted.

Kind regards

Alison Stevens
Principal Planner, Planning Support
Department of State Development, Infrastructure and Planning Queensland Government
P Please consider the environment before printing this email

-----< HP TRIM Record Information >-----

Record Number: DGC13/80
Title: Proposal to build a private airport at Wellcamp near Toowoomba
Receiued

19 MAR 2013

DSDIP - BRIEF FOR DECISION

ESU

Date: 12 March 2013

NOTED or APPROVED/NOT APPROVED

Hon. Jeff Seeney
Deputy Premier, Minister for State Development, Infrastructure and Planning

Date: 19/3/13

SUBJECT: Potential request for ministerial call in - Wellcamp public airport

RECOMMENDATIONS:

That you:

- note that because the timeframe for calling in the Wellcamp airport development application has lapsed, the option of a ministerial call in is not available

- sign the attached letter to the Honourable Stephen Smith MP, Minister for Defence, advising that you are unable to call in the application (Attachment 1).

BACKGROUND:

On 29 June 2012, Precinct Urban Planning, on behalf of Wagner Investments Pty Ltd (Wagner), lodged a development application with Toowoomba Regional Council seeking approval for a material change of use - code assessable - utilities public - public airport (including taxiway, apron, public terminal building and car park) over land at 1511 Toowoomba Cecil Plains Road, Wellcamp.

On 25 January 2013, council approved the development application subject to various conditions.

On 30 January 2013, Mr David Edwards, Director-General, Department of State Development, Infrastructure and Planning (DSDIP), received a letter from Mr Mike Mrdak Chair, Aviation Policy Group, Australian Department of Infrastructure and Transport (DIT), requesting that DSDIP review the current planning process and development approvals for this project.

A brief and a preliminary assessment report on the development application (DGC13/80) was prepared and considered by the Director-General on the 11 February 2013. Consequently, the Director-General responded to Mr Mrdak advising that requests for a ministerial call in should be made in writing directly to you. In addition, the department made an offer to facilitate a meeting between the Commonwealth Government, state agencies and council officials to discuss the matter.

On 25 February 2013, a representative from the department contacted the relevant parties to organise meeting requirements. The meeting was tentatively scheduled for 1 March 2013 but was cancelled at the last minute at the request of DIT. The department is currently awaiting a response from the Commonwealth about an alternative meeting date.

On 5 March 2013, you received a letter from the Honourable Stephen Smith MP, Minister for Defence, seeking your support to exercise your reserve powers to call in the Wellcamp airport development.

KEY ISSUES:

The ministerial call in power is only available to you when the timeframes under the Sustainable Planning Act 2009 (SPA) allow it. In this instance, the timeframes lapsed on 4 March 2013 and there is no opportunity to extend them. The option of considering a call in is, therefore, unavailable.
Our ref: MC13/811
SS 050313

19 MAR 2013

The Honourable Stephen Smith MP
Minister for Defence
Parliament House
CANBERRA ACT 2600

Dear Minister

Thank you for your letter of 26 February 2013 about the development proposal to build an airport at 1511 Toowoomba Cecil Plains Road, Wellcamp.

I understand the application was code assessable under the Jondaryan Planning Scheme 2005 and was approved by Toowoomba Regional Council on 25 January 2013.

Under the Sustainable Planning Act 2009 (SPA), I may only call in a development application if it involves a state interest, and if the provisions of SPA allow me. According to the timeframe outlined in section 424 of SPA, the final day on which I could have elected to call in the development application was 4 March 2013.

Your letter was received by my office on 5 March 2013. The Act’s timeframe has therefore lapsed. There is no opportunity to extend this timeframe and I am accordingly unable to consider calling in the development application.

I understand my department has offered to facilitate a meeting between the Commonwealth Government, state agencies and Toowoomba Regional Council to discuss this matter. I also understand my department has been in contact with the Department of Infrastructure and Transport several times in an endeavour to arrange this meeting. I trust a mutually satisfactory position can be reached in relation to the future planning for aviation and defence operations in the Toowoomba region.

If you require any further information, Jeff Popp in my office will assist and can be contacted on (07) 3224 4600.

Yours sincerely

JEFF SEENEY MP
DEPUTY PREMIER
Minister for State Development, Infrastructure and Planning
Stephen Smith MP
Minister for Defence

The Hon Jeffery Seeney MLA
Deputy Premier of Queensland
PO Box 15009
CITY EAST QLD 4002

Dear Mr Seeney

I write seeking your support to exercise your Ministerial powers outlined in Division 2 of the Sustainable Planning Act 2009 and call in the Wagner Investments P/L Development Application regarding the proposed airport development at Welcamp.

The application was approved by resolution by the Toowoomba Regional Council on 13 December 2012, with the decision notice issued on 25 January 2013.

The proposed airport has significant potential to affect the Australian Defence Force and Republic of Singapore Air Force aviation training and operational capability at the Army Aviation Centre at Oakey and the Royal Australian Air Force (RAAF) Base at Amberley. As it stands, aircraft operating to and from the proposed Welcamp airport would require access to the controlled military restricted airspace surrounding these facilities.

The airspace surrounding the Defence airfields is busy, complex and structured to allow low-level military aircraft training both day and night. The proposed airport will cause considerable disruption to military traffic due to required separation measures for safety. Potentially, military flying activities would have to cease to provide the required safety separation assurance between military and civilian operations.

The Army Aviation Centre at Oakey is the primary facility in Australia for training Australian and Singaporean helicopter pilots as well as aircraft maintenance staff and instructor training.

RAAF Base Amberley is a major operational airfield supporting critical capabilities and is the major Defence transport hub for South East Queensland.

Both of these military airfields are identified as being of State significance in QLD State Planning Policy 1/02: Development in the Vicinity of Certain Airports and Aviation Facilities. The proposed development will have an adverse impact on both their operations.
Toowoomba Regional Council has made it very clear that the application was assessed only against the provisions of the planning scheme and was for land use only. The Council has not taken into consideration the State Planning Policy which states:

"The Queensland Government considers that development in the vicinity of those airports and aviation facilities essential for the State's transport infrastructure or the national defence system should avoid:

a. Adversely affecting the safety and operational efficiency of those airports and aviation facilities;

b. Large increases in the numbers of people adversely affected by significant aircraft noise; and

c. Increasing the risk to public safety near the ends of airport runways."

Given the circumstances of this matter, and noting the inclusion of both RAAF Base Amberley and Army Aviation Centre Oakey in the Queensland State Planning Policy 1/02, I urge you to exercise the Ministerial powers outlined in Division 2 of the Sustainable Planning Act 2009 and call in the application.

I look forward to your response.

Yours sincerely

[Signature]

Stephen Smith
Stephen Smith MP
Minister for Defence

The Hon Jeffery Seeney MLA
Deputy Premier of Queensland
PO Box 15009
CITY EAST QLD 4002

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I look forward to your response.

Yours sincerely

Best Wishes

Stephen Smith