

REPORT TITLE	Assessment of Change Representations for Reconfiguring a Lot – Impact – Reconfigure One (1) into 46 Lots located at 178 Gowrie-Tilgonda Road, GOWRIE JUNCTION QLD 4352
AUTHOR	Planning Officer (Rumpa Sarkar)
Application No.	RAL/2024/8165/A

PURPOSE OF REPORT

To consider change representations regarding a development approval for Reconfiguring a Lot - Impact - Reconfigure One (1) into 46 Lots located at 178 Gowrie-Tilgonda Road, GOWRIE JUNCTION QLD 4352.

EXECUTIVE SUMMARY

The applicant seeks to negotiate the conditions attached to the Development Permit for a Reconfiguring a Lot – One (1) into 46 lots on land located at 178 Gowrie-Tilgonda Road, Gowrie Junction described as Lot 1323 A34805.

On 7 August 2025, the applicant suspended the appeal period pursuant to section 75(2) of the *Planning Act 2016* until 5 Spetember 2025.

On 3 September 2025, change representations were submitted to Council seeking amendments to Conditions 1, 5, 81 and 88.1. The proposed changes are as follows:

- Condition 1 – To increase the number of approved lots from 46 to 48 lots and amend the condition to obtain approval for 48 lots as applied for instead of the 46 lots permitted through the development approval.
- Condition 5 – To remove the Plan of Subdivision condition and its related amendments; and to replace with a new amended plan to obtain approval for 48 lots instead of the 46 approved lots.
- Conditions 81 – To condition the road widening of Gowrie-Tilgonda Road along the development frontage including the land and part of the works component (excluding the BAR and BAL) as trunk infrastructure under Section 128 of the *Planning Act 2016*.
- Condition 88.1 – To amend this condition to reflect a 2.5m footpath instead of 1.5m footpath that meets Planning Scheme Policy No. 2 - Engineering Standards - Roads and Drainage Infrastructure (PSP No.2) and to state roadworks along the frontage are trunk infrastructure.

The change representations are recommended to be refused, as outlined in the below recommendation and detailed within this report.

RECOMMENDATION

REFUSED - Change Representations regarding Development Approval RAL/2024/8165 for Reconfiguring a Lot – Impact – Reconfigure One (1) into 46 Lots, pursuant to the provisions of Section 76 of the *Planning Act 2016*.

No negotiated decision notice to be issued.

REASONS FOR RECOMMENDATION

The change representations have been assessed with regard to the applicable assessment framework as identified within this report. The proposed changes are not considered to be acceptable. It is therefore recommended that no changes be made to the development approval as per the reasons identified within this report.

DELEGATE'S DECISION:

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



Jayden Forbes-Mitchell
Lead Senior Planner, Planning Branch

Decision Date: 20 March 2026

BACKGROUND

SITE DETAILS				
Site Address	178 Gowrie-Tilgonda Road, GOWRIE JUNCTION QLD 4352			
Real Property Description	Lot 1323 A34805			
Site Area	16.187 hectares			
Owner	Gowrie Junction Land Company Pty Ltd			
SITE CHARACTERISTICS				
Current Land Use	Dwelling House and Animal Husbandry			
Site Frontage/s	<p>~291m frontage to Gowrie-Tilgonda Road. Frontage to four (4) cul-de-sacs to adjoining rural residential developments which includes</p> <ul style="list-style-type: none"> • ~20m to Fahy Court and ~28.5m to Fellmonger Street to the West; and • ~25m to Panorama Crescent and ~26m to Commonwealth Crescent to the East 			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Gowrie-Tilgonda Road	Regional Arterial	19.8m	4m	Asphalt
Easements	Nil			
Existing Structures	Dwelling House and associated outbuildings located on the southern extent of the subject site.			
Infrastructure	Council reticulated water mains run along Gowrie Tilgonda Road and along the adjoining roads to the east and west and terminating at the site boundary. A stormwater pipe to the south-east within Gowrie-Tilgonda Road conveys stormwater from the adjoining development to the east. Additionally, a stormwater pipe terminates at Panorama Drive, which has frontage to the eastern boundary of the subject site. The site is not serviced by Council's sewer infrastructure.			
Topography	Slopes from north to south with a fall of approximately 40m across the site.			
Street Trees	Nil			
Other Features	The site contains a first order unnamed mapped drainage feature that runs north-south. No waterways or wetlands occur at the site.			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 28)			Adopted: 26 Nov 2022
Zone	Rural Residential Zone			
Precinct	4,000m ² Minimum Precinct			
Overlays	<ul style="list-style-type: none"> • Airport Environs Overlay <ul style="list-style-type: none"> ▪ 8km Wildlife Hazard Buffer Zone ▪ 13km Wildlife Hazard Buffer Zone • Bushfire Hazard Overlay <ul style="list-style-type: none"> ▪ Medium Fire Risk • Landslide Hazard Overlay • Environmental Significance Overlay <ul style="list-style-type: none"> ▪ Areas of Ecological Significance Buffer ▪ Areas of Ecological Significance 			
Infrastructure Charges Resolution	Charges Resolution No 7			Adopted: 19/08/2025
SURROUNDS:				
Direction	Land Use	Zone/Precinct		
North	Dwelling House and rural activities	Rural Zone / 100 hectare Minimum Precinct		
East	Rural Residential Estate	Rural Residential Zone / 4,000m ² Minimum Precinct		
South	Dwelling House and rural activities	Rural Land / 100-hectare Minimum Precinct		

West	Rural Residential Estate	Rural Residential Zone / 4,000m ² Minimum Precinct
Other Features	The northern extent of the site contains native vegetation while the remainder of the land is largely cleared, consisting of a grassy paddock with scattered canopy trees. Surrounding development to the east, west and further north is predominantly rural residential in nature. Lands to the south are predominantly used for rural purposes. Birdwood Conservation Park is located north-west of the subject site.	

APPLICATION HISTORY			
Application No.	Description	Decision Date	Decision
RAL/2024/8165	Reconfigure 1 into 46 Lots	16/07/2025	Approved
PREL/2024/3852	Reconfigure 1 into 47 Lots and New Road Meeting held 16/07/2024		
Other	No further relevant details.		

APPROVED DEVELOPMENT		
Type of Approval	Development Permit for Reconfiguring a Lot	
Approved Development	One (1) into 46 Lots	
Variations Sought	Not Applicable	
Level of Assessment	Impact Assessment	
Submissions Received	Objection:	Nineteen (19) properly made submissions and two (2) not properly made submissions received
	Support:	Nil
Decision Notice Issued	25 July 2025	

CHANGE REPRESENTATIONS	
Applicant Name	Gowrie Junction Land Company
Type of Application	Request for a Negotiated Decision Notice
Appeal Period Suspended	07/08/2025
Representations Received	03/09/2025

CONSULTATION UNDERTAKEN

Internal Referrals

Internal Referral Partner	Referral / Response
Development Engineering and Plumbing	Provided advice. Advised that further modelling of stormwater was required to be provided to Council demonstrating no actionable nuisance would occur to downstream properties and to confirm appropriate detention basin sizing.

ISSUES, RISKS AND RESPONSES – ASSESSMENT

Assessment Framework

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

76 Deciding change representations

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

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

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

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

No.	Original Condition	Relevant Representation	Officer's Assessment	Condition to be Recommended
1.	<p>This Development Approval is for Reconfiguring a Lot, being the subdivision of one (1) lot into 46 residential lots and one (1) drainage lot.</p>	<p><i>Condition 1 of the Decision notice outlines that the Approved Development is for reconfiguring the subject allotment into 46 residential allotments and one (1) drainage lot.</i></p> <p><i>The provision of 46 residential lots, as opposed to the 48 residential lots originally proposed, is a result of Council considering it necessary to amalgamate proposed Lot 1, 2 and 3 into a single allotment in order to accommodate stormwater detention basin infrastructure.</i></p> <p><i>The representation to Condition 5 (refer below) demonstrates that the amalgamation of proposed Lots 1, 2 and 3 is not required, and as such, 48 residential allotments and one (1) drainage lot can be safely facilitated over the subject premises.</i></p>	<p>Disagree to amend this condition.</p> <p>The development approval RAL/2025/8165 approves 46 residential lots and included amendments to amalgamate the proposed Lots 1, 2 and 3 into a single allotment as "Proposed Lot 3" to accommodate an appropriate sized detention basin infrastructure within proposed Lot 900 to achieve compliance with Queensland Urban Drainage Manual (QUDM) and address the potential stormwater issues to ensure public safety.</p> <p>The change representations included civil, detention basin and earthworks plan. Council Engineers have reviewed the plans and acknowledged that the proposed footprint, batter grades and general arrangement of the basin are acceptable, however material provided to date does not demonstrate that no actionable nuisance will be caused to downstream properties, with detention basin sizing potentially required to increase to assist in managing downstream flows.</p> <p>As such, it is recommended that Condition 1 be retained given the uncertainty around detention basin sizing and the ability to accommodate an additional 2 lots adjacent to the proposed detention basin.</p> <p>Further consideration may be given in a future change application to the reinstatement of the lots originally applied for once detailed stormwater modelling has been provided and assessed by Council as adequately managing stormwater.</p>	<p>Not recommended to be amended.</p>
5.	<p>The development must be carried out generally in accordance with the Approved Plan listed below, subject to the conditions of this Development Approval and the amendments listed below:</p> <p>Plan No: AU15462 – 05, Revision D Description: Plan of Subdivision over Lot 1323 on A34805, prepared by RPS and dated 28 April 2025. Amendments: Amend as follows:</p> <ul style="list-style-type: none"> • Amalgamate proposed Lots 1, 2 and 3 into a single allotment and number this amalgamated Lot as 3. Retain the numbering of the remaining proposed lots; and • Realign the common boundary of proposed Lots 3 and 900 to ensure proposed Lot 900 complies with the following requirements: <ul style="list-style-type: none"> ○ Sufficiently sized to accommodate 1:6 batters fronting internal roads and maximum 1:4 batters on all other sides in accordance with the Queensland Urban Drainage Manual requirements; ○ No reduction in detention basin capacity following amendments to batter slopes; and ○ A design compliant with the requirements in Conditions 40.2 – 40.4. 	<p><i>Condition 5 of the Decision Notice requires the Approved Plan of Subdivision be amended to amalgamate proposed Lots 1, 2 and 3 into a single allotment number as 'proposed Lot 3'.</i></p> <p><i>This condition also requires the common boundary between 'proposed Lot 3' and proposed Lot 900 be realigned to accommodate sufficiently sized batters, maintain detention basin capacity, and have a non-worsening effect on external flood hazards / impacts.</i></p> <p><i>The enclosed engineering plans (provided at Error! Reference source not found.) clearly demonstrates that the proposed detention basin, and associated batter slopes, can be accommodated entirely within the drainage reserve (Proposed Lot 900) without the need for amalgamating proposed Lots 1, 2 and 3.</i></p> <p><i>The detention basin will occupy the majority of proposed Lot 900. It features a 732.80m² filter media surface area at surface level 478.090. The filter media area is surrounded by max 1:4 batter slopes in all directions and a low boulder retaining wall stacked around the southern and western boundaries of the basin area. A 6.0m wide driveway crossover is proposed to provide maintenance access to the eastern frontage of proposed Lot 900 via Proposed Road No. 1.</i></p> <p><i>The enclosed engineering drawings have been prepared as part of the detailed design phase, in anticipation of the submission of an Operational Works application.</i></p> <p><i>In addition, a peer review of the detention basin design has been commissioned and that review will be submitted under separate cover shortly.</i></p>	<p>Same as Condition 1.</p>	<p>Not recommended to be amended.</p>

		<p><i>The submission of detailed engineering documentation and a peer review document demonstrate that the design outcome is acceptable and that the basin can be established, as was proposed in the course of the application material.</i></p> <p><i>As such, the requirement to amalgamate proposed Lots 1,2 and 3 and realign the common boundary between 'proposed Lot 3' and 900 is no longer relevant to this approval.</i></p>		
81.	<p>Existing roads must be constructed as follows: Street: Gowrie-Tilgonda Road Classification: Regional Arterial Construction Standard: The section of Gowrie-Tilgonda Road fronting the development must be constructed and widened to provide a 3.5-metre-wide sealed pavement with kerb and channel for the eastbound lane and demonstrate a minimum 3.0-metre-wide traffic lane for westbound traffic. A 0.5-metre-wide unsealed shoulder must be provided on the opposite side. The intersection of GowrieTilgonda Road and the development access must be constructed with Basic Left Turn (BAL) and Basic Right Turn (BAR) treatments in accordance with Austroads Guide to Road Design – Part 4 (AGRD).</p> <p>Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.</p>	<p><i>Condition 81 of the Decision Notice describes the external road widening works to Gowrie-Tilgonda Road as a non-trunk infrastructure development condition.</i></p> <p><i>However, at Condition 16, Council has recognised the dedication of land to widen the road reserve as trunk infrastructure.</i></p> <p><i>Under Condition 81, the applicant is conditioned to provide general road widening works along the length of the frontage, in addition to BAL and BAR, that are conditioned to facilitate access to the internal road. Gowrie-Tilgonda Road is identified as a Regional Arterial Road under Council's road hierarchy and, under the Adopted Infrastructure Charges Resolution No. 7, arterial roads are identified as an example of trunk infrastructure.</i></p> <p><i>On this basis, the road widening of Gowrie-Tilgonda Road along the development frontage, including the land and part of the works component (excluding the BAR and BAL) should be conditioned as trunk infrastructure under s.128 of the Planning Act 2016.</i></p>	<p>Council's officers disagree to amend this Condition.</p> <p>The proposed road upgrades for Gowrie-Tilgonda Road do not meet Council's Regional Arterial Road standards.</p> <p>Furthermore, the development introduces lot frontages to Gowrie-Tilgonda Road, which conflict with Planning Scheme Policy No. 2 (PSP2), undermines the intended function of the road, and compromises the long-term performance of the trunk system.</p> <p>For these reasons, it is recommended that Condition 81 be retained.</p> <p>Accordingly, the request to amend this condition cannot be supported, and it is recommended that the original condition be retained.</p>	Not recommended to be amended.
88.1	<p>A 1.5m wide concrete pedestrian path for the Gowrie-Tilgonda Road development frontage;</p> <p>Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.</p>	<p><i>Condition 88 of the Decision Notice describes the external pedestrian and cycle path works to Gowrie-Tilgonda Road as a non-trunk infrastructure development condition and states the required pedestrian path is 1.5 metres wide.</i></p> <p><i>PSP No .2 Engineering Standards — Roads and Drainage Infrastructure (Drawing 101384, Revision D) indicates that a 2.5 metre wide path is required within the cross-section. However, Condition 88.1 states a 1.5 metre wide path is required. To this end, it appears that there is a conflict between Condition 88 and 88.1.</i></p> <p><i>Further, Gowrie-Tilgonda Road is identified as a Regional Arterial Road under Council's road hierarchy. Table 4 of the Adopted Infrastructure Charges Resolution No. 7 states an arterial road is an example of trunk infrastructure. Further, the same table states standard items, including pedestrian and cycle paths, are examples of works for trunk transport infrastructure.</i></p> <p><i>On this basis, it is:-</i></p> <ul style="list-style-type: none"> <i>• Queried whether Council has varied the requirement to provide a 1.5m wide pedestrian and cycle path or whether this is an error requiring correction;</i> <i>• Requested that the condition is amended to state roadworks along the frontage are trunk infrastructure.</i> 	<p>Council's officers disagree to amend this Condition.</p> <p>The applicant has requested a change to the footpath width to align with Council's Regional Arterial Road standards. However, this outcome cannot be achieved where the existing road is not constructed to Council's standards. Achieving a compliant frontage would require full delivery of the arterial road cross section, including removal of lot frontages to Gowrie-Tilgonda Road.</p> <p>Accordingly, the request to amend this condition cannot be supported, and it is recommended that the original condition be retained.</p>	Not recommended to be amended.

FINANCIAL / RESOURCE IMPLICATIONS

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

***Human Rights Act 2019* CONSIDERATIONS**

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

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

Section 15 – Recognition and equality before the law
Section 21 – Freedom of expression
Section 24 – Property rights
Section 25 – Privacy and reputation

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

CONCLUSION

The change representations have been assessed with regard to the applicable assessment framework as identified within this report. The proposed changes are not considered to be acceptable. It is therefore recommended that no changes be made to the development approval as per the reasons identified within this report.