

REPORT TITLE	Material Change of Use - Code - Dual Occupancy located at Proposed Lot 5, 574-608 South Street, GLENVALE QLD 4350
AUTHOR	Planning Officer (Rumpa Sarkar)
Application No.	MCUC/2025/1342

## PURPOSE OF REPORT

To consider a Development Application for Material Change of Use - Code - Dual Occupancy located at Proposed Lot 5, 574-608 South Street, GLENVALE QLD 4350.

## EXECUTIVE SUMMARY

This report considers a Development Application for a Material Change of Use for a Dual Occupancy located at Proposed Lot 5, 574-608 South Street, Glenvale QLD 4350. The subject site is mapped within Precinct 2 – Low-medium Density Residential Estate of the Glenvale Willows Estate Variation Scheme Area (The Variation Scheme (Volume 2)) approved on 17 January 2020. The subject site is identified as a designated Dual Occupancy Lot within the Community Title Scheme development approved for combined application MCUI/2017/5690/D & RAL/2017/5693/F (“Community Title”).

The subject site is a rectangular shaped lot with sole frontage to Road 4 (Private Road) to the east. The site comprises an area of 531m<sup>2</sup> and is a currently a vacant lot. The proposed development seeks to establish a Dual Occupancy consisting of two (2) single-storey attached dwellings on the subject site. Each proposed unit features the following:

- Three (3) bedrooms;
- Two bathrooms (including ensuite), laundry and study;
- Open plan kitchen with living and dining;
- Single space garage (plus open carport);
- Covered alfresco area with private open space; and
- Combined vehicular access from Road 2 to the south.

The proposed Dual Occupancy will be connected to all required urban infrastructure including reticulated water, stormwater, wastewater, electricity and telecommunications networks.

Pursuant to Conditions 1.4.4 and 1.4.5 of MCUI/2017/5690/D Development Permit, the applicable assessment benchmarks have been varied accordingly to the following statements:

*1.4.4 In Table 1 Precinct 2 (Low-Medium Density Residential Estate) – In the section corresponding with the use ‘Dual Occupancy’ delete the following headings and associated criteria; Accepted Development, Accepted development subject to requirements and Code assessment; and*

*1.4.5 In Table 1 Precinct 2 (Low-Medium Density Residential Estate) – In the row corresponding with the use ‘Dual Occupancy’ include the following wording “Applicable Categories of development and assessment and Assessment Benchmarks for Dual Occupancy within the Low-medium Density Residential Estate Precinct and Assessment Benchmarks are as per the requirements for Low-medium Density Residential Zone outlined in the Temporary Local Planning Instrument 01/2018 (Dual Occupancy) commenced on 21 December 2018. Where this Instrument is no longer applicable, refer to the Planning Scheme in effect at the time.*

The current Planning Scheme in effect at the time of assessment is the *Toowoomba Regional Planning Scheme 2012 (Version 28)*. Accordingly, the proposed Dual Occupancy has been assessed against the current Planning Scheme as an Accepted Development subject to requirements within the Low-medium Density Residential Zone.

Pursuant to Section 2.4 and 2.6 of the Variation Scheme, the applicable categories of assessment for Overlays have been varied accordingly to the following statements:

*2.4 The provisions of the Toowoomba Regional Planning Scheme 2012 (version 17 commenced 3 July 2017) prevail in the absence of an equivalent provision in the Variation Scheme.*

- 2.6 *To remove any doubt, a reference to an assessment benchmark or other planning provision is a reference to the assessment benchmarks and provisions of the Toowoomba Regional Planning Scheme 2012 (version 17 commenced 3 July 2017) and those assessment benchmarks and provisions will continue to apply despite any subsequent amendment to those assessment benchmarks and provisions, the planning scheme or any planning instrument.*

The subject site is identified within the Bushfire Hazard Overlay and Environmental Significance Overlay of the *Toowoomba Regional Planning Scheme 2012 (Version 17)*. However, as the proposed Dual Occupancy is Accepted Development subject to requirements, the overlay codes are not applicable against the proposed development. Furthermore, the subject site has been previously cleared and levelled through bulk earthworks and other subdivision works, leaving no vegetation of environmental value on-site. Given the cleared nature of the site and surrounding residential development, there is negligible bushfire risk, the proposed development will have no impact on environmental values.

The proposed development does not comply with the nominated Acceptable Outcomes of the relevant assessment benchmarks. Pursuant to Section 5.3.3 of the *Toowoomba Regional Planning Scheme 2012 (Version 28)*, the proposed development will be subject to Limited Code assessment against the relevant Performance Outcomes of the Medium Density Residential Code and Transport, Access and Parking Code.

The proposed development has been assessed against the Variation Scheme and the Toowoomba Regional Planning Scheme 2012 (v.28) and is considered to comply with the relevant assessment benchmarks. Therefore, the development application is recommended for approval subject to reasonable and relevant conditions.

## RECOMMENDATION

**APPROVED** - Application No. MCUC/2025/1342 for a Development Permit for Material Change of Use - Code - Dual Occupancy, pursuant to the provisions of Section 60 of the *Planning Act 2016* and subject to the conditions listed below.

## ASSESSMENT MANAGER CONDITIONS

### PLANNING

#### APPROVED USE

1. This Development Approval is for a Material Change of Use for a Dual Occupancy (Two (2) x Three (3) Bedroom Units).

#### CARRY OUT & MAINTAIN DEVELOPMENT

2. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they are not varied by this Development Approval.
3. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
4. Complete all building work associated with this Development Approval, including work required by any of the conditions of this Development Approval prior to the commencement of use. Such building work is to be carried out generally in accordance with the Approved Plans and Documents and, where the building work is assessable development, in accordance with a current Building Work approval.
5. The development must be maintained generally in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.

#### APPROVED PLANS

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

**Plan No:** 159221, Sheet No. 03, Revision: Ver.02

**Description:** Site, prepared by Homecorp and dated 31 March 2025.

**Amendments:** Nil**Plan No:** 159221, Sheet No. 06, Revision: Ver.02**Description:** Ground Floor Plan, prepared by Homecorp and dated 31 March 2025.**Amendments:** Nil**Plan No:** 159221, Sheet No. 07, Revision: Ver.02**Description:** Elevation 1, prepared by Homecorp and dated 31 March 2025.**Amendments:** Nil**Plan No:** 159221, Sheet No. 16, Revision: Ver.02**Description:** Landscaping, prepared by Homecorp and dated 31 March 2025.**Amendments:** Nil**COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS (OPERATIONAL WORK)**

7. Prepare and submit an application to Council and obtain a Development Permit for Operational Work for the following:

7.1. Bulk Earthworks (where not appropriately assessed by a building certifier).

*Note: Within the CTS a driveway crossover to private road (common property) is not assessable Operational Work.*

**AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS**

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

**WORKS****STORMWATER DRAINAGE**

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

**STORMWATER DISCHARGE**

10. Stormwater from the new roofed and sealed areas must be picked up and discharged by way of sealed underground pipe to the internal stormwater drainage system of the community titled subdivision.

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

11. Design and construction of all internal stormwater drainage works must comply with applicable section of *Australian and New Zealand Standard AS/NZS 3500 - Plumbing and Drainage Code* and the *Queensland Urban Drainage Manual*.

**AIR QUALITY IMPACT MITIGATION**

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

13. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during building works do not exceed the following levels when measured at any sensitive place or commercial place:

13.1 Dust deposition of 133 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method*

**BULK EARTHWORKS**

14. Where earthworks are not assessed as part of a Development Application for a Development Permit for Building Work, prior to the commencement of any earthworks on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council

**CONSTRUCTION WASTE MANAGEMENT & STORAGE**

15. Waste generated during demolition, excavation and construction must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.
16. The on-site storage and disposal of demolition, excavation and construction waste (including the storage and disposal of night soil) must comply with the *Environmental Protection Regulation 2019*.
17. Fires are not to be lit to dispose of demolition or construction waste.
18. No demolition, excavation or construction waste is to be used as fill or buried on-site (with the exception of cut material recycled from the subject land and used on the subject land), or be used as fill or buried elsewhere, unless otherwise permitted:
  - 18.1 Elsewhere within this Development Approval;
  - 18.2 In accordance with an associated Development Permit for Operational Work;
  - 18.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
  - 18.4 In accordance with either a general or specific approval of a resource for beneficial use (otherwise known as a beneficial use approval) issued under the *Waste Reduction and Recycling Act 2011*; or
  - 18.5 In accordance with a written approval issued by Council under the *Environmental Protection Regulation 2019* relating to the depositing or disposal of general waste from a premises not serviced by Council.
19. Demolition, excavation and construction waste (including night soil) must not be placed or stored within the road reserve at any time.

**CONSTRUCTION NOISE IMPACT MITIGATION**

20. Building work (as per the definition of the *Environmental Protection Act 1994*) that creates audible noise must be confined to the hours of 6:30 am and 6:30 pm Monday to Saturday (excluding Public Holidays) unless otherwise approved by Council in an endorsed Construction Environmental Management Plan.

**EROSION & SEDIMENT CONTROL**

21. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths and not within the road reserve at any time.
22. Measures such as sediment fences, earth berms, temporary drainage, temporary sediment basins, dewatering or stormwater filtering devices to prevent eroded material, sediment or sediment laden water from being transported to adjoining properties, roads or stormwater drainage systems must be provided.
23. Where erosion and sediment control measures have been damaged, fail or are inadequate and erosion or the release of sediment or sediment laden stormwater has occurred from the subject land or associated works, any resultant property or environmental damage or interference caused must be repaired or cleaned up within 24 hours or upon the direction of Council, at no cost to the affected parties.

24. All disturbed areas must be grass seeded or turfed as soon as possible during construction.
25. Measures such as vehicle baths, wash-down and construction matting together with dust suppressants and wraps, exposed ground and stockpile sprinkling must be put in place to minimise site vehicles tracking sediment onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction and, where applicable the ensuing 'on-maintenance' period.

#### **DAMAGE TO SERVICES & ASSETS**

26. Protect Council and public utility services and assets during construction of the development.
27. Any damage caused to existing services and assets as a result of the development works must be repaired at no cost to the asset owner in accordance with the following timing:
  - 27.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
  - 27.2 Where otherwise, as soon as reasonably possible, but no later than completion of the works associated with the development or prior to the commencement of use, whichever is the earlier.
28. Any repair work which includes alteration to the alignment or the level of existing services and assets must first be referred to the relevant service authority for approval.
29. Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with Council's relevant policies and requirements at no cost to Council.

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

#### **SERVICES & UTILITIES**

##### **WASTEWATER INFRASTRUCTURE (GENERAL)**

30. The development must be connected to the internal wastewater reticulation system via the internal wastewater system of the community titled subdivision in Lot 5 on SP194434 in accordance with Councils *Wastewater Infrastructure Policy 2.04* at no cost to Council.

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

31. Any compensation or costs associated with obtaining agreement from owners or trustees of properties affected by the construction of the works must be at no cost to Council.
32. Any new connection to or modification of Council's live wastewater infrastructure must be undertaken by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.

*Note: Any new connection or reconnection to a Council wastewater system requires a Form 1 Plumbing approval prior to house drainage being installed.*

*Note: To arrange for a private works quotation for any required works contact Council's Water & Wastewater Department on Ph 131 872.*

##### **WATER SUPPLY**

33. The development must be connected to the internal water reticulation system via the internal wastewater system of the community titled subdivision in Lot 5 on SP194434 in accordance with Councils *Water Infrastructure Policy 2.03* at no cost to Council.

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

34. All water main fittings, services and meters must be located 1m clear of the proposed driveway footpath crossover. Any relocation of fittings clear of driveways must be undertaken by Council.

35. Any works on Council's 'live' water supply must be carried out by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.

## **AMENITY & OPERATION OF USE**

### **FENCING & WALLS (GENERAL)**

36. Unless otherwise approved in writing by Council, boundary fences or walls must not be erected in a parallel arrangement with any existing fence or wall erected along the same boundary.
37. Unless otherwise specified elsewhere within this Development Approval, the required height of a fence or wall is measured from the highest adjacent finished ground level.
38. Where there is a change in level between adjoining properties at the boundary that exceeds 1m, the overall total height of any combination of fence and wall must not exceed 3m from the lowest adjacent finished ground level.
39. Fences and walls must be maintained in a good state of repair to ensure that their intended function (i.e. privacy, security, safety, acoustic, livestock, pest exclusion etc.) is maintained.
40. All costs associated with meeting the fencing requirements listed within this Development Approval must be borne by the developer.
41. Fences and walls must be provided generally in accordance with the Approved Plans listed within this development approval.

### **STREET IDENTIFICATION**

42. The street number of all buildings must be clearly identifiable and located in a prominent position near the site entry, either on the kerb or a letterbox, or the building.
43. The unit number of each dwelling must be displayed on or adjacent to the entry to the unit, in such a way that it is clearly legible.

### **LETTERBOX**

44. A private letterbox for each dwelling unit which complies with the requirements of Australia Post must be provided adjacent to the road frontage.

## **TRANSPORT, VEHICULAR ACCESS & PARKING**

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

45. The premises must be provided with a total of four (4) on-site car parking spaces. Car parking and manoeuvring areas must be:
- 45.1 Constructed generally as shown on the Approved Plans listed within this Development Approval; and
- 45.2 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring.

## **ENVIRONMENT & WASTE**

### **WASTE MANAGEMENT (GENERAL)**

46. All waste generated on the subject land must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

### **WASTE MANAGEMENT (BIN PROVISION & STORAGE)**

47. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:

- 47.1 Provision of 1 x 240L wheelie bin for general waste and 1 x 240L wheelie bin for recyclable waste for each dwelling;
- 47.2 Provision of a hardstand impervious area within the curtilage of each dwelling for the permanent storage location of wheelie bins, having minimum dimensions of 0.36 m<sup>2</sup> (600mm x 600mm) per wheelie bin and located no closer than 2m to any fresh air intake of a habitable room;
- 47.3 Wheelie bin carting routes must allow bins to be easily manoeuvred, devoid of steps and steep rises and not extend through any habitable room or other room of a building other than a garage; and
- 47.4 Bins must be kept in a clean state and in good repair and fitted with tight-fitting lid assemblies designed to prevent ingress of pests and water.

### **WASTE MANAGEMENT (REMOVAL)**

- 48. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
  - 48.1 Collection by a refuse vehicle from the kerbside;
  - 48.2 Provision of a level area at the kerbside for the temporary storage of wheelie bins on collection days having minimum dimensions of 1m<sup>2</sup> (1,000mm x 1,000mm) per wheelie bin;
  - 48.3 General waste must be collected and removed at periods not exceeding seven days;
  - 48.4 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal; and
  - 48.5 The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.

### **LANDSCAPING**

- 49. Landscaping must be provided generally in accordance with the Approved Landscape Plan listed within this development approval.

### **GENERAL ADVICE**

#### **INFRASTRUCTURE CHARGES**

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

#### **LIMITED CODE ASSESSMENT**

- 2) In accordance with Section 5.3.3 of the *Toowoomba Regional Planning Scheme 2012* (TRPS) the proposed development has only been assessed against the subject matter of the assessment benchmarks that form the requirements for accepted development that were not complied with or were not capable of being complied with under subsection 5.3.3(2) of the TRPS. No assessment has been made in respect to other requirements of the TRPS.

#### **OTHER LAWS & REQUIREMENTS**

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

- 4) Carrying out works on a road or interfering with the road or its operation will require a permit under *Subordinate Local Law No. 1.15 (2020)*. The application form can be found on Council's website at [www.tr.qld.gov.au](http://www.tr.qld.gov.au). For further information contact the Road Operations Branch through Council's Customer Service Centre on 131 872.
- 5) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme 2012*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or the *Queensland Development Code*.

#### WHEN APPROVAL STARTS TO HAVE EFFECT

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

#### WHEN APPROVAL LAPSES

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

#### EXCAVATION & FILLING

- 8) The *Toowoomba Regional Planning Scheme 2012* (TRPS) declares excavation and filling activity involving less than 50m<sup>3</sup> of material and excavation and filling activity to a depth or height lower than 1m to be accepted development. Any combination of excavation or filling where 50m<sup>3</sup> or more of fill is deposited on, or 50m<sup>3</sup> or more of excavated material is removed from the premises and excavation or filling is not associated with 'Building Work' as defined under the *Planning Act 2016*, must obtain an Operational Work approval from Council before commencing site works.

#### ENVIRONMENTAL HARM

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

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

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

#### WATER POLLUTION

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

#### FIRE ANTS

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

**BUILDING APPROVAL REQUIRED FOR CERTAIN FENCES & RETAINING WALLS**

- 12) A Development Approval for Building Work is required for the following:
- 12.1) Fences where:
    - 12.1.1. The fence is part of a pool fence; or
    - 12.1.2. The fence is over 2m in height (from natural ground level); or
    - 12.1.3. The fence is attached to a retaining wall and the combined mean height is over 2.4m in height from natural ground level;
  - 12.2) Retaining walls where:
    - 12.2.1. The wall is retaining fill having a height greater than 1m in height above the wall's natural ground surface; or
    - 12.2.2. The wall is located within 1.5m of a building or another retaining wall; or
    - 12.2.3. There is a load or surcharge imposed above the retaining wall (i.e. driveway, batter, building or the like); and
  - 12.3) Retaining walls and/or fences are sited within 1.5m of a property boundary line and the combined height of the structures exceeds 2m (including where the retaining wall is less than 1m).
- 13) A siting discretion may be required from Council where a fence is proposed to be built atop the retaining wall and the combined height of the structure exceeds 2m above natural ground level.

**BUILDING OVER, OR NEAR, COUNCIL INFRASTRUCTURE**

- 14) Any construction carried out near or over existing Council services should be in accordance with Council's adopted Policy (*Queensland Development Code NMP 1.4 – Excavation and Piling Near Sewers, Stormwater Drains and Water Mains*) and Council's Planning Scheme Policy SC6.3 PSP No. 3– *Water and Wastewater Infrastructure*. A Concurrence Agency referral of the Building Work Application to Council's Water and Wastewater Services Branch may be required.

**REASONS FOR RECOMMENDATION**

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

**DELEGATE'S DECISION:**

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



Jayden Forbes-Mitchell  
A/ Principal Planner, Planning Branch

Decision Date: 20 May 2025

**BACKGROUND**

<b>SITE DETAILS</b>				
<b>Site Address</b>	Proposed Lot 5, 574-608 South Street, GLENVALE QLD 4350			
<b>Real Property Description</b>	Proposed Lot 5 (Part Lot 5 SP194434)			
<b>Site Area</b>	531 m <sup>2</sup>			
<b>Owner</b>	Tunney Investments Pty Ltd			
<b>SITE CHARACTERISTICS</b>				
<b>Current Land Use</b>	Vacant land			
<b>Site Frontage/s</b>	~17.36 m road frontage to Road 4 (Private Road)			
<b>Road/s</b>	<b>Order of Road</b>	<b>Width of Road Reserve</b>	<b>Width of Pavement</b>	<b>Road Material</b>
Road 4 (Private Road)	Private Road	12m	6m	To be Sealed
<b>Easements</b>	Nil			
<b>Existing Structures</b>	Nil			
<b>Infrastructure</b>	Internal sanitary drainage and internal water distribution passing through the front portion of subject site. All other infrastructure and services are outside subject site.			
<b>Topography</b>	Falls with a slope of ~1m from west to east			
<b>Street Trees</b>	Nil			
<b>Other Features</b>	Nil			
<b>PLANNING SCHEME SITE DATA</b>				
<b>Current Planning Scheme</b>	Toowoomba Regional Planning Scheme 2012 (Version 28)			Adopted: 28/11/2022
<b>Zone</b>	Low Density Residential Zone			
<b>Precinct</b>	General Precinct			
<b>Variation Scheme</b>	Glenvale Willows Estate Variation Scheme Area (The Variation Scheme – Volume 2) Zone/Precinct: Precinct 2 - Low-medium Density Residential Estate			
<b>Overlays</b>	<ul style="list-style-type: none"> <li>• Bushfire Hazard Overlay</li> <li>• Environmental Significance Overlay</li> </ul>			
<b>Infrastructure Charges Resolution</b>	Charges Resolution No. 6			Adopted: 10/12/2024
<b>SURROUNDS:</b>				
<b>Direction</b>	<b>Land Use</b>	<b>Zone/Precinct</b>		
<b>North</b>	Educational Establishment	Community Facilities / Education Precinct		
<b>East</b>	Dwelling Houses and Dual Occupancies	Low-medium Density Residential Zone (Precinct 2)		
<b>South</b>	Dwelling Houses and Dual Occupancies	Low-medium Density Residential Zone (Precinct 2)		
<b>West</b>	Dwelling Houses	Low-medium Density Residential Zone (Precinct 2)		
<b>Other Features</b>	Surrounding area is predominantly low density residential in nature.			

<b>APPLICATION HISTORY</b>			
<b>Application No.</b>	<b>Description</b>	<b>Decision Date</b>	<b>Decision</b>
OW/2014/6208	Earthworks Erosion and Sediment Control	17/12/2014	Approved
MCUI/2017/5690 and RAL/2017/5693	Combined MCU RAL Preliminary Approval for a Variation Request and Reconfiguring a Lot Community Title Subdivision 1 into 66 Lots and Reconfiguring a Lot 1 into 12 Lots	17/04/2019	Approved

MCUI/2017/5690/A and RAL/2017/5693/A	Request for Negotiated Decision Notice Combined MCU RAL Preliminary Approval for a Variation Request and Reconfiguring a Lot 2 into 77 Lots and Open Space and Drainage Reserve	17/01/2020	Approved
MCUI/2017/5690/B and RAL/2017/5693/B	Request for Negotiated ICN Combined MCU RAL Preliminary Approval for a Variation Request and Reconfiguring a Lot 2 into 77 Lots and Open Space and Drainage Reserve	27/02/2020	Withdrawn
RAL/2017/5693/C	Request for Trunk Infrastructure Conversion for Combined MCU RAL Preliminary Approval for a Variation Request and Reconfiguring a Lot Community Title Subdivision 1 into 66 Lots and Reconfiguring a Lot 1 into 12 Lots	-	Ongoing
OW/2022/108	Stormwater and Earthworks	23/12/2022	Approved
OW/2021/6130	Sewage infrastructure	27/06/2023	Approved
OW/2021/6849	Road Work Drainage Work Stormwater Earthworks Water infrastructure and Sewage infrastructure	27/06/2023	Approved
OW/2021/6130/A	Request for Negotiated Decision Sewage Infrastructure	22/09/2023	Approved
OW/2021/6849/A	Request for Negotiated Decision Road Work Drainage Work Stormwater Earthworks Water infrastructure and Sewage infrastructure	22/09/2023	Approved
MCUI/2017/5690/C and RAL/2017/5693/D	Request to Change Approval Combined MCU RAL Preliminary Approval for a Variation Request and Reconfiguring a Lot 2 into 76 Lots and Open Space and Drainage Reserve	5/12/2023	Approved
RAL/2017/5693/E	Request to Change Approval Reconfiguring Two Lots into Seventy-Six Lots including Sixty-Four Community Title Lots and Common Property Eleven Standard Format Lots and One Balance Lot and Open Space and Drainage Reserve	13/05/2024	Approved
MCUI/2017/5690/D and RAL/2017/5693/F	Request to Change Approval Combined MCU RAL Preliminary Approval for a Variation Request and Reconfiguring a Lot 2 into 76 Lots and Open Space and Drainage Reserve	23/09/2024	Approved
PREL/2014/5340	Meeting held 15 October 2014.		
Other	No further relevant details		

PROPOSED DEVELOPMENT	
<b>Name of Applicant</b>	Tunney Investments Pty Ltd
<b>Type of Application</b>	Material Change of Use
<b>Proposed Development</b>	Dual Occupancy
<b>Variations Sought</b>	No additional variation sought
<b>Level of Assessment</b>	Code Assessment (Limited)
<b>Gross Floor Area</b>	253.29m <sup>2</sup>
<b>Impervious Area</b>	60.17%

<b>Site Cover</b>	48.62%
<b>Car Parking Spaces</b>	Four (4) spaces
<b>Decision Making Period Ends</b>	20 May 2025

## CONSULTATION UNDERTAKEN

### Referral Agency/ies

Not Applicable.

### Internal Referrals

Internal Referral Partner	Referral / Response
Development Engineering and Plumbing	Reviewed the application and recommended approval subject to conditions.
Place Environmental	Reviewed the application and recommended approval subject to conditions.
Water and Waste	Reviewed the application and recommended approval subject to conditions.
Infrastructure Charges Unit	Prepared an Infrastructure Charges Notice in accordance <i>with Charges Resolution No. 6</i> to accompany an approval of the development.

## ISSUES, RISKS AND RESPONSES – ASSESSMENT

### Categorising Instrument – *Planning Regulation 2017*:

PLANNING REGULATION 2017	
<i>Prohibited Development</i>	The proposed development is not prohibited development in accordance with the <i>Planning Regulation 2017</i> .
<i>Infrastructure Charges</i>	The <i>Planning Regulation 2017</i> provides for the levying of infrastructure charges on development approvals.
<i>Schedules 9 and 10</i>	Schedules 9 and 10 categorises particular development and details the relevant assessment benchmarks for development as relevant.  The proposed development is a Dual Occupancy within an approved Community Title Subdivision, <b>MCUI/2017/5690/D</b> and <b>RAL/2017/5693/F</b> . There are no applicable assessment benchmarks for the proposed development.

REGIONAL PLANS	
<i>Shaping SEQ – South East Queensland Regional Plan 2023</i>	The subject site is mapped within the bounds of the <i>Shaping SEQ – South East Queensland Regional Plan 2023</i> (ShapingSEQ). ShapingSEQ identifies that the subject site is within the Urban Footprint area, which is intended to identify the land required for the region's urban development needs up to 2046.  The development application is consistent with the land use intent for the Urban Footprint area as it proposes an urban use within the bounds of the urban footprint.
<i>Darling Downs Regional Plan October 2013</i>	Not applicable

STATE PLANNING POLICY (SPP) July 2017	
Interests	Assessment Comments
Housing Supply and Diversity	No applicable assessment benchmarks.
Livable Communities	No applicable assessment benchmarks.

Agriculture	No applicable assessment benchmarks.
Development and Construction	No applicable assessment benchmarks.
Mining and Extractive Resources	No applicable assessment benchmarks.
Tourism	No applicable assessment benchmarks.
Biodiversity	No applicable assessment benchmarks.
Cultural Heritage	No applicable assessment benchmarks.
Water Quality	No applicable assessment benchmarks.
Emissions and Hazardous Activities	No applicable assessment benchmarks.
Natural Hazards, Risk and Resilience	No applicable assessment benchmarks.
Energy and Water Supply	No applicable assessment benchmarks.
Infrastructure Integration	No applicable assessment benchmarks.
Transport Infrastructure	No applicable assessment benchmarks.
Strategic Airports and Aviation Facilities	No applicable assessment benchmarks.

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

The proposed development was assessed against the following assessment benchmarks:

- Medium Density Residential Code
- Transport, Access and Parking Code

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

### OVERLAY CODE/S:

MEDIUM DENSITY RESIDENTIAL CODE	
Performance Outcome	Acceptable Outcome
<p><i>PO8</i>  <i>Side and rear building setbacks:</i>  <i>(a) are appropriate to the scale of the development and the intended character of the zone and/or precinct and local plan in which the site is located;</i>  <i>(b) provide for adequate daylight for habitable rooms and open space areas on and adjoining the site; and</i>  <i>(c) are sufficient to minimise overshadowing and overlooking of adjoining premises.</i></p>	<p><i>AO8.3</i>  <i>Buildings are set back from the rear boundary a minimum of 3m.</i></p>
Alternate Outcome	
<p>The applicant submits:</p> <p><i>“Nil Response”.</i></p>	
Officer Comment	
<p>Does not comply with AO8.3, as the rear setback provided is 2.255m which is less than the required 3m. However, the rear building wall that faces the rear boundary, forms part of the non-habitable room, an ensuite bathroom with a length of 3.095m. This non habitable room effectively separates the Master Bedroom from the rear boundary resulting in a setback of ~5.8m rear setback from the rear boundary wall.</p> <p>The reduced setback is considered appropriate to the scale of the development and context of the site. It does not result in any unreasonable impacts on daylight access to habitable rooms or open space area, either onsite or on adjoining premises. Furthermore, the rear boundary adjoins a large residential allotment</p>	

with an existing dwelling house located ~160m from the common boundary significantly reducing any risk overlooking and overshadowing. As such, the proposed development is deemed to comply with PO8 of the Code.	
Performance Outcome	Acceptable Outcome
PO12 Garages and carports (except those with frontage to a rear lane) do not dominate the street frontage.	AO12.1 Garages and/or carports facing a street make up no more than 30% of the width of the site.
Alternate Outcome	
The applicant submits:  <i>“The site has a width of 18.8m and the garages will have a combined width of 6.64m, resulting in garages facing the street making up 36.69% of the site width. The proposed garage design features roller doors in a different finish to the front walls. Together with porches and front façade cladding, there will be an appropriate mix of colours and finishes to ensure the garages do not dominate the street frontage. Note that only a single garage is proposed for each dwelling, and together the two garages resemble a conventional double garage. The garage doors are a combined width of 4.8m, which is also consistent with a conventional double garage.”</i>	
Officer Comment	
Site frontage width is ~17.36m. The proposed garages contribute to ~37.09% of site frontage and does not comply with AO12.1.  The panel face of the garages contributes to ~28.46% of the private road frontage. The garages are set back by 2.0m from the front building line. Front boundary landscaping and plantings are also proposed. These elements contribute towards reducing the visual impact and domination of the garages on the street frontage. Therefore, the proposed development is deemed to comply with PO12.	
Performance Outcome	Acceptable Outcome
PO19 The treatment of fencing and retaining walls in all situations reinforces the high quality, amenity and safety of the development.	AO19.1 The maximum total height of a combined fence and retaining wall is 2.1m, as measured from the base of the retaining wall to the top of the fence.
Alternate Outcome	
The applicant submits:  <i>“The maximum height of earthworks on the site will be 800mm, resulting in a combined retaining wall and fence height of 2.6m. The extent of cut is required due to the fall of the land, and 1.8m high boundary fencing is required due preserve privacy for both the site’s occupants and adjoining properties.”</i>	
Officer Comment	
Does not comply with AO19.1, as the proposed combined height of the retaining wall and fence is 2.6m which exceeds the prescribed 2.1m maximum fence height by 0.5m  However, the proposed height exceedance occurs along the rear boundary, which adjoins a residential property located at a significant distance from the common boundary. The increased retaining wall and fence height is due to the response to site’s natural topography which requires earthworks upto 800mm due to the natural fall of the land. The proposed retaining wall and fence maintains privacy for both onsite and adjoining premises. Given the location of the height exceedance is at the rear boundary and absence of significant adverse impacts on residential amenity, privacy or safety, the proposed development is deemed to comply with PO19 of the Code.	

**Local Categorising Instrument – Variation Approval:**

Glenvale Willows Estate Variation Scheme is in effect.

**Local Categorising Instrument – Temporary Local Planning Instrument:**

Not Applicable

**Local Categorising Instrument – Preliminary Approval:**

Not Applicable

**Local Categorising Instrument – Local Government Infrastructure Plan:**

The subject site is able to be connected to Council's LGIP network.

**Other Relevant Matters**

Not Applicable

**FINANCIAL / RESOURCE IMPLICATIONS**

Infrastructure charges will be applied in accordance with Council's *Charges Resolution No.6*.

**Human Rights Act 2019 CONSIDERATIONS**

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

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

Section 15 – Recognition and equality before the law  
Section 21 – Freedom of expression

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

**CONCLUSION**

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

**ATTACHMENT/S**

Attachment	1	of	7	Aerial Imagery
Attachment	2	of	7	Zoning, Infrastructure and Terrain
Attachment	3	of	7	Site
Attachment	4	of	7	Ground Floor Plan
Attachment	5	of	7	Elevations
Attachment	6	of	7	Landscaping
Attachment	7	of	7	Proposed Lot 5

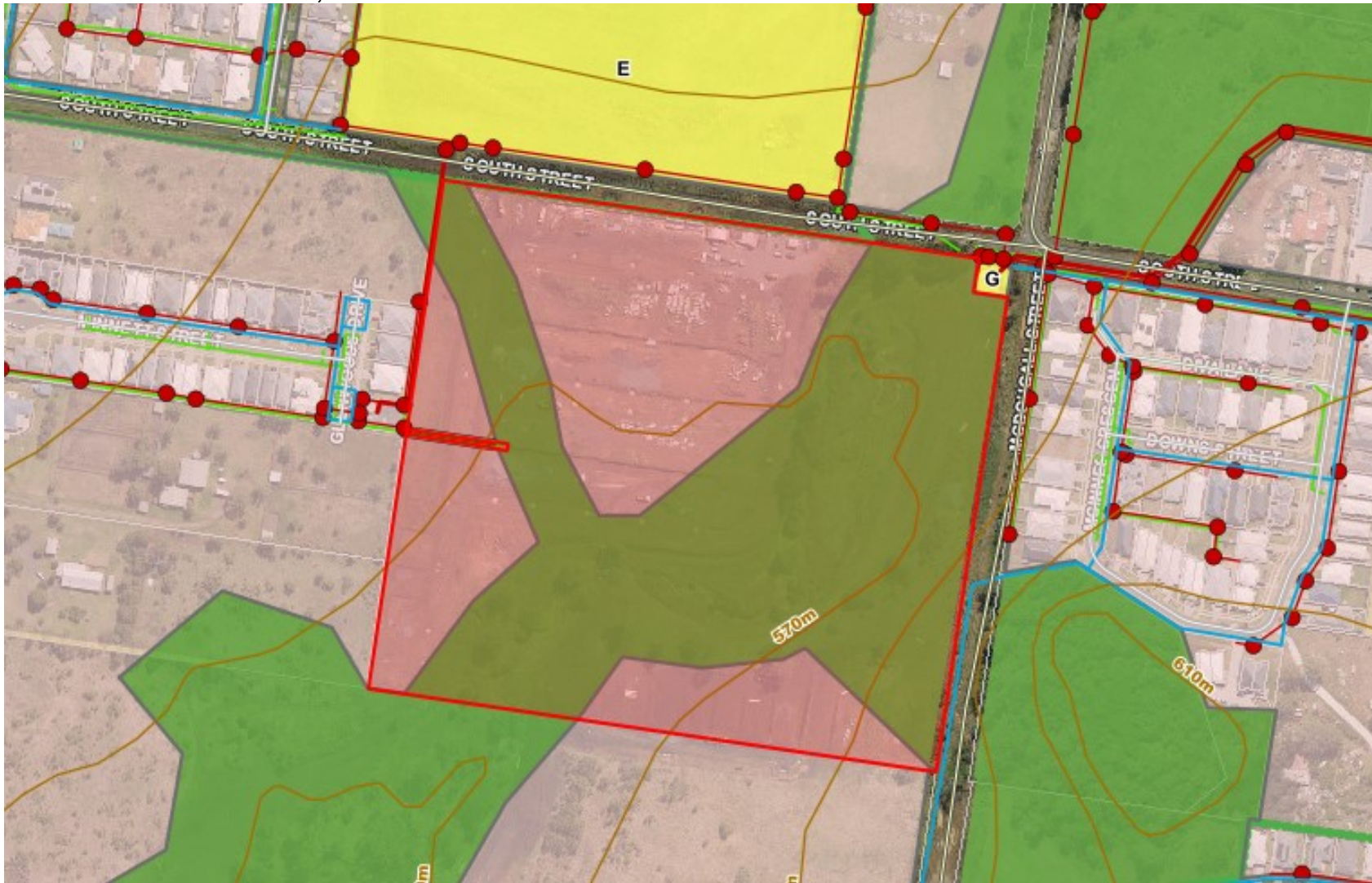
**SCHEDULES**

Schedule 1 Statement of Reason

**ATTACHMENT 1 OF 7 – AERIAL IMAGERY**



**ATTACHMENT 2 OF 7 – ZONING, INFRASTRUCTURE AND TERRAIN**



ATTACHMENT 3 OF 7 – SITE PLAN

MAX SITE COVER	SITE AREA	BUILDING AREA	SITE COVER ACHIEVED	LOCAL AUTHORITY	WIND RATING	NOISE CAT	BAL RATING	SOIL CLASS	GAS SOURCE	INTERNET	ROOF MATERIAL	SLAB THICKNESS	GF CEILING
50%	521m <sup>2</sup>	253.29m <sup>2</sup>	48.62%	TOOWOOMBA REGIONAL COUNCIL	N/A	N/A	LOW	N/A	N/A	NBN	COLORBOND	385	2440

COLOUR SCHEDULE	
	SEWER LINE
	STORMWATER LINE
	WATER LINE
	NBN LINE
	ELECTRICAL LINE
	EASEMENT

**STRUCTURAL FOOTINGS DISCLAIMER**

STRUCTURAL FOOTINGS ARE TO BE A MINIMUM 1200mm HORIZONTALLY FROM SEWER AND STORMWATER INFRASTRUCTURE INCLUDING HOUSE CONNECTION AND BE FOUNDED A MINIMUM 300mm BELOW THE ZONE OF INFLUENCE.

**FLOOR LEVELS**

ALL FLOOR LEVELS AND OTHER SITE SPECIFIC DETAILS ARE DESIGN DETAILS ONLY AND ARE SUBJECT TO CHANGE DUE TO CONSTRUCTION TOLERANCES AND SITE VARIABLES.

**NBN ESTATE**

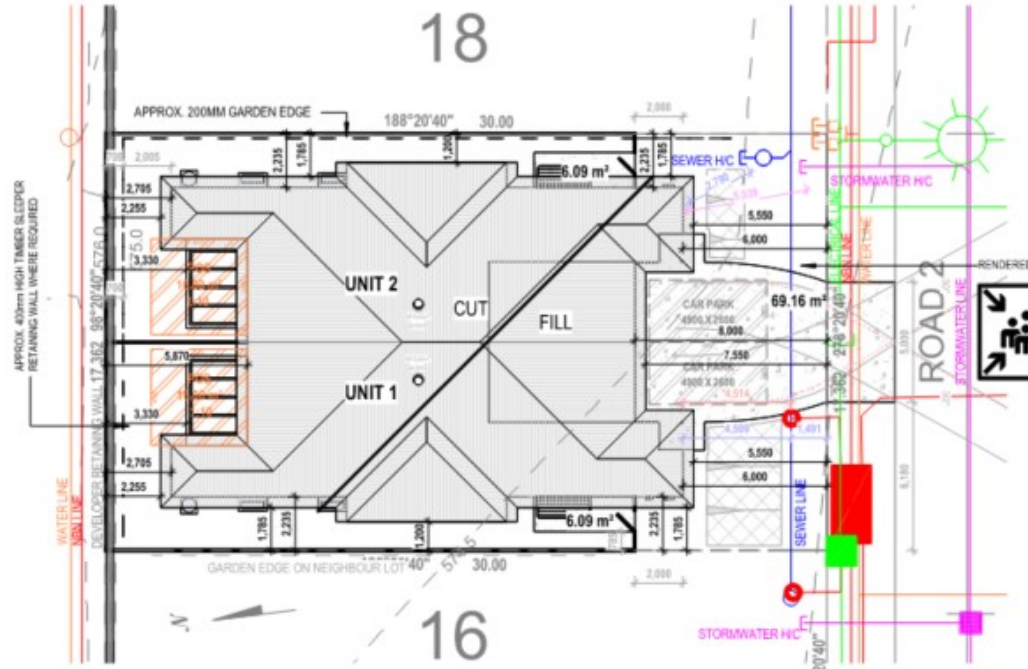
NBN ESTATE - NATIONAL BROADBAND NETWORK. PLEASE THE JOB SUPERVISOR TO ENSURE THE CORRECT METHOD OF INSTALLATION IS IMPLEMENTED.

**ROOFWATER DRAINAGE**

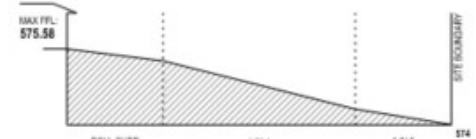
ALL ROOFWATER SHALL BE CONVEYED TO THE KERB AND CHANNEL OR INTER-ALLOTMENT DRAINAGE SYSTEM IN ACCORDANCE WITH THE LOCAL COUNCIL'S STORMWATER POLICY AND THE NCC VOLUME TWO.

**EXTERNAL CONCRETE CONTROL JOINTS**

EXTERNAL CONCRETE PLEASE PROVIDE CONTROL JOINTS IN ACCORDANCE WITH AUSTRALIAN STANDARDS. ALL CONTROL JOINTS TO BE CUT IN WITHIN 24HRS OF THE POUR.



ALL REQUIRED FENCING TO BE TIMBER RAIL & PALING 1800H WITH ACCESS GATES AS SHOWN.



PROPOSED  
RL: 574.6  
FFL: 574.985

ATTACHMENT 4 OF 7 – GROUND FLOOR PLAN

MAX SITE COVER:	SITE AREA:	BUILDING AREA:	SITE COVER ACHIEVED:	LOCAL AUTHORITY:	WIND RATING:	NOISE CAT:	BAL RATING:	SOIL CLASS:	GAS SOURCE:	INTERNET:	ROOF MATERIAL:	SLAB THICKNESS:	GF CEILING:
50%	521m <sup>2</sup>	253.29m <sup>2</sup>	48.62%	TOOWOOMBA REGIONAL COUNCIL	N/A	N/A	LOW	N/A	N/A	NBN	COLORBOND	385	2440

**LIVABLE HOUSING DESIGN STANDARD:**  
INTERNAL GROUND LEVEL, HABITABLE ROOMS, LAUNDRY, SANITARY, AND BATHROOM WITH SHOWER TO MAINTAIN ZERO THRESHOLDS AS PER PART 3.2 LIVABLE HOUSING DESIGN STANDARD.

HOBBLES AND STEP-FREE ENTRY TO SHOWER DESIGN AS PER PART 5.2 LIVABLE HOUSING DESIGN STANDARD.

BLOCKING LOCATIONS TO BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH PART 3.1 LIVABLE HOUSING DESIGN STANDARD.

REFER TO INTERNAL ELEVATIONS FOR LOCATION OF REINFORCEMENT NOGGING

**CENTER WINDOW**

UNLESS DIMENSIONED ALL WINDOWS ARE TO BE CENTERED TO THE ROOM IN WHICH THEY ARE LOCATED. IF A WINDOW IS NOT CENTERED OR DIMENSIONED - ASK THE JOB SUPERVISOR

**DOOR HINGES**

LIFT OFF DOOR HINGES TO WIC DOORS TO COMPLY WITH WITH 10.4.2 OF THE ABCB HOUSING PROVISIONS STANDARD 2022.

**GARAGE DOOR**

GARAGE DOORS TO COMPLY WITH 2.2.4 OF THE ABCB HOUSING PROVISIONS STANDARD 2022.

**NOTE:**

NON-COMBUSTIBLE VERTICAL LINING TO BE INSTALLED IN COMMON EAVES AS PER 9.3.1 OF THE ABCB HOUSING PROVISIONS STANDARD 2022.

**VANITY NOTE:**

PROVIDE SOLID BLOCKING TO FIX WALL HUNG VANITY

NOTE: WALL AND INSULATION MAY REFER TO THE INS



**ATTACHMENT 5 OF 7 – ELEVATIONS**

MAX SITE COVER:	SITE AREA:	BUILDING AREA:	SITE COVER ACHIEVED:	LOCAL AUTHORITY:	WIND RATING:	NOISE CAT:	BAL RATING:	SOIL CLASS:	GAS SOURCE:	INTERNET:	ROOF MATERIAL:	SLAB THICKNESS:	GF CEILING:
50%	521m <sup>2</sup>	253.29m <sup>2</sup>	48.62%	TOOWOOMBA REGIONAL COUNCIL	N/A	N/A	LOW	N/A	N/A	NBN	COLORBOND	385	2440

**TERMITE MANAGEMENT SYSTEM - ELEVATIONS**  
 SLAB PENETRATIONS SMARTFILM TERMP ANGE - PERIMETER SMARTFILM (UNLESS  
 UPGRADE TO TERMITE(SH) TERMITE MANAGEMENT TO BE IN ACCORDANCE WITH NCC PART  
 3.1.3 & AS 3603 PART 1 - 2000/2014.

**ELEVATION A**  
1 : 100



**ELEVATION C**  
1 : 100



**ELEVATION B**  
1 : 100



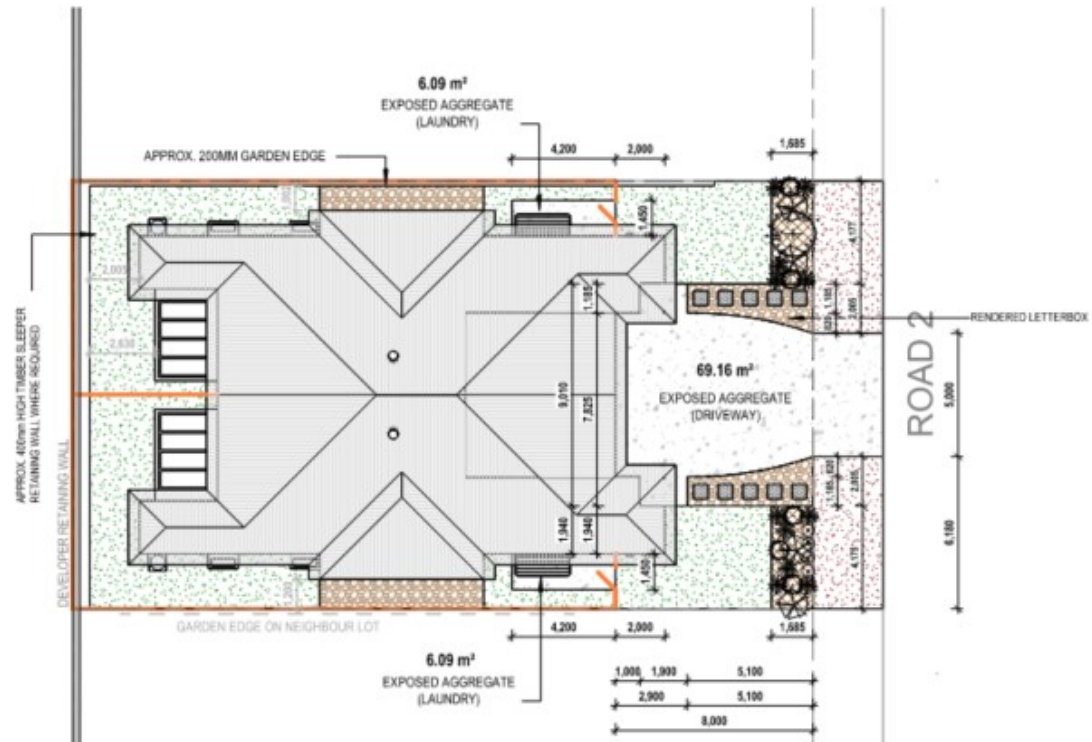
**ELEVATION D**  
1 : 100



ATTACHMENT 6 OF 7 – LANDSCAPING

LANDSCAPING			
LEGEND	TYPE	POT SIZE	COUNT
	Plant 1	300mm	4
	Plant 2	300mm	5
	Plant 3	140mm	11
	Plant 4	140mm	4
	Tree 1	206L	1

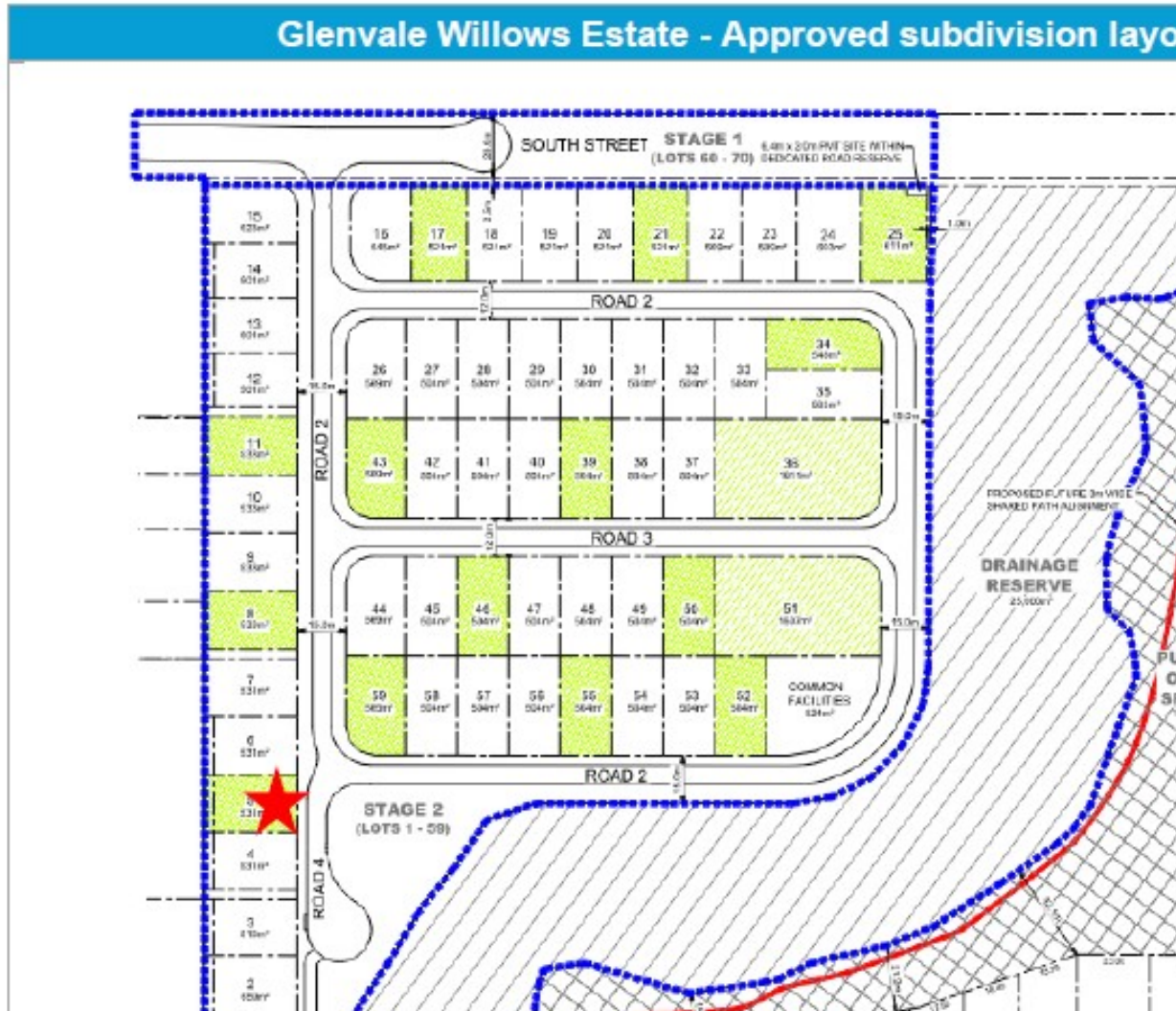
25



ALL REQUIRED FENCING TO BE TIMBER RAIL & PALING 1800H WITH ACCESS GATES AS SHOWN.

THE PROPOSED TREE MUST BE CAPABLE TO ACHIEVE A HEIGHT OF AT LEAST 6.0 METERS AND A CANOPY SPREAD OF AT LEAST 5.0 METERS AT MATURITY.

ATTACHMENT 7 OF 7 – PROPOSED LOT 5



**SCHEDULE 1**

**Statement of Reasons**

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

SITE DETAILS	
Site Address	Proposed Lot 5, 574-608 South Street, GLENVALE QLD 4350
Real Property Description	Proposed Lot 5 (Part Lot 5 SP194434)
Site Area	531 m <sup>2</sup>
Owner	Tunney Investments Pty Ltd

PROPOSED DEVELOPMENT	
Name of Applicant	Tunney Investments Pty Ltd
Type of Application	Material Change of Use
Proposed Development	Dual Occupancy
Level of Assessment	Code Assessment (Limited)
Gross Floor Area	253.29m <sup>2</sup>
Impervious Area	60.17%
Site Cover	48.62%
Car Parking Spaces	Four (4) Spaces
Decision	Approval
Decision Date	20 May 2025

ASSESSMENT MATTERS	
Assessment benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Schedules 9 and 10 of the <i>Planning Regulation 2017</i> (as relevant);</li> <li>• <i>State Planning Policy July 2017</i> (as relevant);</li> <li>• South-east Queensland Regional Plan ShapingSEQ 2023;</li> <li>• The Local Government Infrastructure Plan; and</li> <li>• <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28)</li> <li>• 'Glenvale Willows Estate Variation Scheme' Variation Approval <ul style="list-style-type: none"> <li>○ Medium Density Residential Code</li> <li>○ Transport, Access and Parking Code</li> </ul> </li> </ul>
Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and complies with all of these without any exception.

For further details on the assessment of this development application, please see the Delegated Report available for public viewing on the Toowoomba Regional Council Planning and Development Online website at: <https://developmenti.tr.qld.gov.au/>. When accessing Council's website please use the following Application Number: MCUC/2025/1342