

REPORT TITLE	Reconfiguring a Lot – Code – Three (3) Lots into Ninety-six (96) Lots located at 30 Talisker Street, KINGSTHORPE QLD 4400
AUTHOR	Senior Planner (Elliott Barber)
Application No.	RAL/2024/5769

**PURPOSE OF REPORT**

To consider a Development Application for Reconfiguring a Lot – Code – Three (3) Lots into Ninety-six (96) Lots located at 30 Talisker Street, KINGSTHORPE QLD 4400

**EXECUTIVE SUMMARY**

This report considers a Development Permit for Reconfiguring a Lot – Code – Three (3) Lots into Ninety-six (96) Lots located at 30 Talisker Street, KINGSTHORPE QLD 4400. The application proposes to reconfigure Lots 1 & 2 RP114715 and Lot 72 RP199369 into Ninety-six (96) Lots. The proposed Lots will have site areas ranging from 600m<sup>2</sup> to 1,476m<sup>2</sup>. The proposed lot areas comply with the minimum lot size requirements for the Township Zone.

The land surrounding the subject site is currently developed for residential activities, predominately dwelling houses. The site adjoins Rosalie Walk open space to the north. Road access to the subject site is provided from Talisker Street which will be required to be constructed as part of the development.

The proposed development will be connected Council reticulated infrastructure networks. Existing electricity infrastructure is available within the vicinity of the site, and the network will be extended (underground) to all lots. The site will be serviced by telecommunications services.

The proposed development is considered to comply with all relevant assessment benchmarks within the *Toowoomba Regional Planning Scheme 2012*, or it can be conditioned to comply. Therefore, it is recommended the development application be approved subject to reasonable and relevant conditions as identified below.

**RECOMMENDATION**

**APPROVED** - Application No. RAL/2024/5769 for a Development Permit for Reconfiguring a Lot – Code – Three (3) Lots into Ninety-six (96) Lots, pursuant to the provisions of Section 60 of the *Planning Act 2016* and subject to the conditions listed below.

**ASSESSMENT MANAGER CONDITIONS**

**PLANNING**

**APPROVED DEVELOPMENT**

1. This Development Approval is for Reconfiguring a Lot, being the subdivision of three (3) lots into ninety-six (96) lots.

**CARRY OUT AND MAINTAIN DEVELOPMENT**

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

**APPROVED PLANS**

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

**Plan No:** MP-01, Revision B  
**Description:** Preliminary Lot Layout Plan Staging, prepared by AM Civil Design Pty Ltd, dated 22 May 2025 and Received by Council 10 September 2025.  
**Amendments:** Nil

**Plan No:** SK-01, Revision C  
**Description:** Preliminary Site Plan, prepared by AM Civil Design Pty Ltd, dated 19 September 2025 and Received by Council 23 September 2025.  
**Amendments:** Nil

**Plan No:** SK-012, Revision C  
**Description:** Lots 33 – 39 Retaining Wall Setout, prepared by AM Civil Design Pty Ltd, dated 19 September 2025 and Received by Council 23 September 2025.  
**Amendments:** Nil

**Plan No:** 24-161-1-1  
**Description:** Plan Showing Proposed Lots 1-96, prepared by SMK Land Surveyors, dated 28 May 2025 and received 30 May 2025.  
**Amendments:** Nil.

**Plan No:** 24-161-2-2  
**Description:** Plan Showing Proposed Lots 1-96, prepared by SMK Land Surveyors, dated 28 May 2025 and received 30 May 2025.  
**Amendments:** Nil.

**Plan No:** 24-161-2-3  
**Description:** Plan Showing Proposed Lots 1-96, prepared by SMK Land Surveyors, dated 28 May 2025 and received 30 May 2025.  
**Amendments:** Nil.

**Plan No:** 24-161-2-4  
**Description:** Plan Showing Proposed Lots 1-96, prepared by SMK Land Surveyors, dated 28 May 2025 and received 30 May 2025.  
**Amendments:** Nil.

**Plan No:** 24-161-2-5  
**Description:** Plan Showing Proposed Lots 1-96, prepared by SMK Land Surveyors, dated 28 May 2025 and received 30 May 2025.  
**Amendments:** Nil.

## APPROVED DOCUMENT

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

**Document:** Traffic Impact Assessment  
**Description:** Traffic Impact Assessment report prepared by Bitzios Consulting, dated 29 May 2025 received by Council 30 May 2025.

**Amendments:** Amended as follows

- The Traffic impact assessment (TIA) to be prepared in accordance with Department of Transport and Main Roads Guide to Traffic Impact Assessment (GTIA) or Austroads, 'Guide to Traffic Management Part 12: Traffic Impacts of Development'
- The submitted TIA must include detailed intersection analysis of the following intersections, if the development traffic is increased by more than the 5% of the base traffic for any movement in the year of opening:
  - Queen St/East St, Queen St/King St, Queen St/Goombungee St;
  - Talisker St/Gowrie St;
  - Gowrie St/East St, Gowrie St/King St, Gowrie St/Goombungee St;
- The TIA must propose required upgrades for each intersection listed above ensuring their operation within all relevant acceptable performance outcomes;

- The TIA must include a safety assessment of the above intersections; and
  - Provision of a priority road crossing across the proposed Road 3 along the frontage of Talisker Road.
7. Documents to be amended must only incorporate the amendments listed within this Development Approval and resubmitted to Council for approval prior to the issue of any Development Permit for Operational Work, Development Permit for Building Work or Development Permit for Plumbing and Drainage Work, or prior to commencement of use, or prior to Council's approval of the Plan of Subdivision, whichever occurs first.

#### **LOT NUMBERING**

8. The numbering of all approved lots must remain as indicated on the Approved Plan/s (unless otherwise amended/approved by Council).

#### **COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS (OPERATIONAL WORK)**

9. Prepare and submit applications to Council and obtain a Development Permit for Operational Work for the following:
- 9.1 Roadworks;
  - 9.2 Bulk Earthworks;
  - 9.3 Stormwater
  - 9.3 Wastewater Infrastructure; and
  - 9.4 Water Infrastructure.

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

10. Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:
- 10.1 Construction Environmental Management Plan;
  - 10.2 Detailed Stormwater Management Plan; and
  - 10.3 Landscape Plan.

#### **COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS**

11. Prepare and submit for Council's approval a Plan of Subdivision in accordance with Schedule 18 of the *Planning Regulation 2017*. For the purposes of Section 1(4) of Schedule 18, the stated date by which the request must be made is the last date of the currency period of this approval.

#### **STAGED DEVELOPMENT**

12. Staging of the development is to occur in accordance with the staging indicated on MP-01, Revision B, prepared by prepared by AM Civil Design Pty Ltd, dated 22 May 2025 and Received by Council 10 September 2025 subject to and modified by any conditions of this Development Approval.
13. Stages must be completed in sequential order (i.e. Stage 1 must be completed before Stage 2) as identified on MP-01, Revision B, prepared by prepared by AM Civil Design Pty Ltd, dated 22 May 2025 and Received by Council 10 September 2025, or may be combined and carried out at one time, subject to all conditions applicable to the relevant stages being complied with.

#### **AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS**

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

## DEDICATIONS, AGREEMENT AND CONTRIBUTIONS

### EASEMENTS

15. An easement for stormwater drainage purposes must be registered in favour of Council against the title of all proposed lots (Lot 1-14), which conveys stormwater from Lot 15 to 24 on RP195307 to the lawful point of discharge being Talisker Road. The easement must be of sufficient width to accommodate Q100 flow width and must be defined through Operational Work Approval.
16. An easement for stormwater drainage purposes must be registered in favour of Council against the title of all proposed lots (Lot 14-19), which conveys stormwater from Lot 34 to 38 on RP199369 to the lawful point of discharge being Talisker Road. The easement must be of sufficient width to accommodate Q100 flow width and must be defined through Operational Work Approval.
17. An easement for sewerage purposes must be registered in favour of Council against the title of all proposed lots (Lots 32, 33 and 34). The easement must be a minimum 3 metres wide and must be located over the proposed sewer infrastructure on proposed Lots 32, 33 and 34 on the subject land and included on the Plan of Subdivision for Council's approval.
18. Where the Grantee is Council or a service authority, the easement documentation must be in accordance with the Grantee's standard easement terms and documents or any other terms and conditions as deemed necessary to fulfil the purpose of the easement.
19. Easement documentation must be prepared and submitted to Council, at no cost to Council, for endorsement where Council is the Grantee or review against conditions of approval otherwise.
20. Unless consistent with the terms of the easement and authorised under this Development Approval, any permanent works or structures must be kept clear of any existing or proposed easements on the subject land.

### DEDICATION OF LAND

21. The land area identified as New Road 1, 2, 3 & pedestrian path on the Approved Plans must be dedicated as road reserve in accordance with the requirements of the Department of Resources.  
*Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*
22. The transfer of land dedicated to Council must be at no cost to Council. All transfer documentation is to be prepared and submitted to Council, at no cost to Council.
23. All land dedicated for road reserve must not be encumbered by permanent structures, services such as pump stations, services easements or similar operational uses, unless otherwise approved by the conditions of this Development Approval.
24. All land dedicated for road reserve must not be financially encumbered (e.g. mortgaged) unless otherwise approved by the conditions of this Development Approval.

## WORKS

### STREET NAMING

25. Forward a letter of Request for Street Naming to Council providing three alternative names for each new street.  
*Note: Street names must be in accordance with AS4819:2011 - Rural and Urban Addressing, and are subject to Council's requirements and payment of the applicable fees in accordance the Fees and Charges Schedule.*

### PERMANENT SURVEY MARKS

26. A total of two (2) Permanent Survey Marks (PSMs) must be supplied and connected to Australian Height Datum and provided in the following locations:
  - 26.1 frontage of Northwest corner of Lot 37

26.2 Frontage of Northeast corner of Lot 92

27. Documentation detailing placement of the PSMs must be lodged with Council at the time of lodgement of the Plan of Subdivision.

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

28. Plans and specifications for all works associated with vehicular access, stormwater drainage, wastewater, earthworks, roadworks and water infrastructure, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
29. A RPEQ must submit to Council a copy of the:
- 29.1 Design Certificate prior to commencement of the works; and
  - 29.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
30. Any works that have been certified by an RPEQ must be carried out under the supervision of an RPEQ with all executed works being detailed on a Construction Supervision Certificate.
31. Where any condition refers to, or requires, an Engineer to perform a task or function, the Engineer must hold professional indemnity insurance to the value of \$2,000,000. A Certificate of Currency must be submitted to Council with any Design Certificate or Construction Supervision Certificate.

#### **STORMWATER DRAINAGE**

32. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.
33. All stormwater infrastructure necessary to convey run-off from roof and developed surface areas, and any run-off onto the subject land from adjacent areas, must be provided in accordance with a Development Permit for Operational Work;

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

34. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the internal and any external stormwater infrastructure. The design and the construction of the works must be certified by a RPEQ – Civil.
35. Submit to Council for approval, as part of the Development Application for a Development Permit for Operational Work, a Detailed Stormwater Management Plan prepared by a Registered Professional Engineer Queensland - Civil (RPEQ) in accordance with the relevant standards in *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure* (PSP No.2 and *State Planning Policy July 2017* demonstrating the following:
- 35.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval;
  - 35.2 No increase in peak flow rates downstream from the subject land for storm events as nominated in PSP 6.2 Table SC6.2.7. Major events exceeding ARI of 100 years must be considered in accordance with the requirements of the Queensland Urban Drainage Manual;
  - 35.3 No increase in flood levels external to the subject land; and
  - 35.4 No increase in duration of inundation external to the subject land that could cause loss or damage.

#### **STORMWATER DISCHARGE**

36. Stormwater from the new roofed and sealed areas must be picked up and discharged by way of sealed underground pipe in accordance with an operational work approval.

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

37. 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*.

### STORMWATER – CONVEYANCE OF STORMWATER VIA DRAINAGE EASEMENT

38. Drainage easements must be registered over all drainage structures and concentrated flow paths on private land, including on adjoining land where required to connect to a lawful point of discharge, in accordance with the relevant requirements in *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure*.

### AIR QUALITY IMPACT MITIGATION

39. 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 works.
40. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during site works do not exceed the following levels when measured at any sensitive place or commercial place:
- 40.1 Dust deposition of 133 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method*.

### VIBRATION IMPACT

41. Construction activities and equipment that produce vibrations must not impact upon the amenity of commercial and residential receptors or cause impacts to the structural integrity of the existing buildings/improvements, including foundations, on adjoining or nearby properties.
42. The resulting Peak Particle Velocity (PPV) from construction activities must not exceed the upper limits for the building/activity and during the timeframes listed in Table 1.

Table 1 - Human comfort vibration limits to minimise nuisance

Building/Activity	Work Period	Resultant PPV (mm/s)	
		Lower Limit	Upper Limit
Dwellings	Standard Hours	1.0	2.0
	Non-standard hours – evening (6pm to 10pm)	0.3	1.0
	Non-standard hours – night (10pm to 7am)		
Medical / health buildings (wards, surgeries, operating theatres, consulting rooms)	All	0.3	1.0
Educational facilities (rooms designed for teaching purposes)	While in use		
Court of Law (Court Rooms)			
Court of Law (Court reporting and transcription areas, Judges' chambers)			
Community Buildings (libraries, places of worship)	While in use	1.0	2.0
Commercial (offices) and retail areas			

Source: Table 3.3.1.1(a) of TMR Transport Noise Management Code of Practice Volume 2 – Construction Noise and Vibration (Code of Practice – Construction)

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

### **CONSTRUCTION WASTE MANAGEMENT & STORAGE**

44. 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*.
45. 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*.
46. Fires are not to be lit to dispose of demolition or construction waste.
47. 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:
- 47.1 Elsewhere within this Development Approval;
  - 47.2 In accordance with an associated Development Permit for Operational Work;
  - 47.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
  - 47.4 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
  - 47.5 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.
48. 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**

49. 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**

50. 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.
51. 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.
52. 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.

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

#### **EROSION & SEDIMENT CONTROL PLAN**

55. An Erosion and Sediment Control Plan is to be prepared by a qualified person and submitted to Council for endorsement prior to construction commencing. This document is to include:
  - 55.1 site analysis of soils, slopes, wind and rainfall;
  - 55.2 plans showing the diversion of clean offsite water around the development and direction of site dirty water to retention dams or sedimentation ponds;
  - 55.3 Clearly defined water quality release parameters from retention ponds;
  - 55.4 Calculations for the appropriate sizing of retention or sedimentation ponds such that water quality release parameters can be met;
  - 55.5 Overflow and release points for new or existing structures with suitable erosion control measures and devices that limit scouring and transport of sediment.
  - 55.6 Clearly defined erosion and sediment control measures suitable for the soil type, wind and rainfall characteristics found on site throughout all stages of development.
56. The Erosion and Sediment Control Plan must receive endorsement by Council prior to issue of any Development Permit for Building Work or Development Permit for Operational Work.
57. The Erosion and Sediment Control Plan must address both the internal works for the development and any associated external works.
58. The endorsed Erosion and Sediment Control Plan must be implemented and, maintained where necessary to maintain compliance with the requirements of this Development Approval.

#### **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

59. Prior to commencement of site works and any pre-start meeting for operational works, submit to Council for endorsement a Construction Environmental Management Plan prepared by a qualified person that at a minimum includes the following:
  - 59.1 Location of the site, including physical address, lot on plan and relevant scaled maps;
  - 59.2 Description of the site including infrastructure and features on or near the site and those areas requiring protection or avoidance;
  - 59.3 Contact details and responsibilities for site representatives;
  - 59.4 Description of construction activities to be conducted on site;
    - Location of construction areas and adjacent operational / residential areas;
    - Construction staff and vehicle numbers;
    - Construction hours;
    - Amenities; and
    - When relevant, prohibited activities and prohibited areas where no work should be permitted.

- 59.5 Site Plans clearly showing where proposed activities will occur, including sensitive receptors and areas where impacts on the environment may occur.
- 59.6 Strategies to manage the following environmental impacts;
- Air quality and dust management;
  - Noise and vibration management;
  - Stormwater quality management;
  - Erosion and sediment control;
  - Waste management, storage and collection; and
  - Complaint management procedures.
60. The Construction Environmental Management Plan must receive endorsement by Council prior to issue of any Development Permit for Operational Work.
61. The Construction Environmental Management Plan must address both the internal works for the development and any associated external works.
62. The endorsed Construction Environmental Management Plan must be implemented and, maintained where necessary to maintain compliance with the requirements of this Development Approval.

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

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

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

### **BOLLARDS**

67. Hardwood bollards (IPWEAQ GS-042 F14 treated to H5 and appearance grade hardwood) must be installed along the boundary for the length of all road reserves fronting Rosalie Walk Park.

## **SERVICES & UTILITIES**

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

68. The subdivision must be connected to Council's existing wastewater reticulation system in accordance with Council's *Wastewater Infrastructure Policy 2.04* at no cost to Council. This includes augmentation works external to the development as required to adequately service the development.

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

*Note: The subdivision will be connected to Council's existing sewer reticulation at two locations: one connection will be made to the existing sewer manhole 59558M04, and the other via a new manhole to be constructed over the existing DN150 sewer, located just south of the subject site. New DN150 PVC sewer mains will be extended throughout the development*

*site, with associated manholes and connection stubs installed in accordance with current TRC policies and WSAA standards*

69. The design and construction of the wastewater works must be in accordance with Council's *Waste Water Infrastructure Policy 2.04*.
70. 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.
71. Any works on Council's 'live' wastewater infrastructure must be carried out by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.
72. Prior to the commencement of any development works on the subject land, an Operational Works application must be submitted and be approved by Council for internal and external wastewater reticulation works. The Operational Works application shall be in accordance with the approved plans and documents of this Development Approval.

## **WATER SUPPLY**

73. The subdivision must be connected to Council's existing reticulation system in accordance with Council's *Water Infrastructure Policy 2.03* at no cost to Council.

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

*Note: The development will be connected to Council's existing reticulation system via three connection points; the DN100 water mains in Queens Street, George Street and Rosale Street at the Talisker Street frontage.*

74. Council's existing reticulation main must be extended in accordance with the following:
  - 74.1 DN100 water main extensions must be constructed from the above proposed connection points, along the road reserves of the proposed new roads. Associated fire hydrants and valves are to be installed in accordance with current TRC policies and WSSA standards.
75. 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.
76. Prior to the commencement of any works on the subject land, an Operational Works application must be submitted and be approved by Council. This relates to both internal and external water supply works and in accordance with the approved plans and documents of this Development Approval.

## **TELECOMMUNICATION**

77. Install telecommunications infrastructure to service each approved lot which complies with the following:
  - 77.1 The requirements of the *Telecommunications Act 1997* (Cth);
  - 77.2 For a fibre ready facility, the standard specifications current at the time of installation for a carrier under the *Telecommunications Act 1997*; and
  - 77.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.
78. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.
79. Provide to Council written evidence from all relevant service providers that the telecommunications infrastructure is installed in accordance with the conditions of this Development Approval and all applicable legislation at the time of construction.

*Note: The Telecommunications Act 1997 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required. For further information visit [www.infrastructure.gov.au/tind](http://www.infrastructure.gov.au/tind).*

*Note: For telecommunication services, written evidence must be in the form of either a "Telecommunications Infrastructure Provisioning Confirmation" where such services are provided by Telstra, or a "Notice of Practical Completion", "Confirmation of Payment" or "Post Execution of Development" Letter where such services are provided by NBN Co.*

## ELECTRICITY

80. An electricity supply must be made available to service each approved lot within the subdivision. This supply must be in accordance with the relevant standards of the electricity distributor.

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

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

## TRANSPORT & ACCESS

### ROADWORKS (EXTERNAL TO SUBDIVISION)

82. Existing roads must be constructed or widened for, as follows:

**Street:** Talisker Street

**Classification:** Local Street

**Construction Standard:** Talisker Street must be widened/constructed to achieve the local street standard with a 7m carriageway width with kerb & Channel on development frontage extending to the existing kerb on Gowrie Street and staged as below;

- From the Gowrie Street intersection to the northern boundary of proposed Lot 46 in Stage 1; and
- From the northern boundary of proposed Lot 46 to the proposed Access Road 3 intersection in Stage 2.

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

83. Where roadworks is identified as being required within Condition 6 (Amended Traffic Impact Assessment), the works must be carried out prior to the commencement of any work on the subject land and the commencement of the use.

84. The design and construction of the road must comply with *Planning Scheme Policy No. 2 - Engineering Standards - Roads and Drainage Infrastructure* (PSP No.2) and must include in particular:

84.1 Concrete kerbing and channelling;

84.2 Temporary asphalt kerbing to tapers;

84.3 Underground stormwater drainage;

84.4 Table drain works;

84.5 Relocation of utility and Council services; and

84.6 Street lighting.

85. Any pavement widening 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 in accordance with PSP No. 2 to allow for the above.
86. All street surfacing must be in accordance with the pavement construction standards in PSP No. 2.
87. Verge widths, street reserve widths, intersection treatment, provision of parking and speed control devices must comply with Council's requirements in PSP No. 2.
88. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and approved by Council for the road works external to the subject land and in accordance with the approved plans and documents of this Development Approval. All approved road works must be completed and accepted on-maintenance prior to the endorsement of any Plan of Subdivision.
89. The design and construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil.

### **ROADWORKS (INTERNAL TO SUBDIVISION)**

90. Internal roads must generally be constructed as shown on the Approved Plans listed within this Development Approval.
91. The internal roads must be constructed to a sealed standard, including kerb and channel on both sides of the new roads. Such kerb and channelling must be an approved residential kerb and channel. The internal roads must be as follows:
  - 91.1 Road 01 & 03 from Talisker Street intersection to Road 2 intersection must have a 19 m road reserve width with 7 m carriageway width measured between channel inverts;
  - 91.2 Roads 01,02 and 03 must have an 18 m road reserve width with 7 m carriageway width measured between channel inverts; and

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

92. All street surfacing must consist of an approved asphaltic concrete. Segmental clay, concrete pavers or patterned reinforced concrete is only to be used on feature areas of internal streets.
93. Verge widths, street reserve widths, intersection treatment, provision of parking, footpaths and speed control devices must comply with Council's requirements, as set out in *Planning Scheme Policy No. 2 - Engineering Standards - Roads and Drainage Infrastructure (PSP No.2)*.
94. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the road works and in accordance with the approved plans and documents of this Development Approval. All approved road works must be completed and accepted on-maintenance prior to Council's approval of the Plan of Subdivision.
95. Where temporary dead ends are provided at stage boundaries, with a length greater than a single lot frontage, a temporary gravel surfaced turnaround area must be constructed to the geometry of Council's standard cul-de-sac turning areas.
96. The design and the construction of the works must be certified by a RPEQ – Civil.

### **EXTERNAL PEDESTRIAN & CYCLE PATHS**

97. The following works must be constructed in accordance with *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)* and any current pedestrian and cycleway plans:
  - 97.1 A 1.5m wide concrete pedestrian path for Talisker Street development frontage

- 97.2 Provision must be made for wheelchair and pram access at all kerb crossings associated with pathways, in accordance with *IPWEA Standard Drawing RS-090 – Ramped Pedestrian Crossings*;
- 97.3 The required work includes any surface earthworks, grinding or saw cutting to ensure the footpath finishes flush with all existing service covers and the like, or alternatively these services are raised or altered, so as not to create a pedestrian safety hazard; and
- 97.4 Any concrete footpath or cycleway must comply with *IPWEA Standard Drawing RS-065 – Concrete Pathway*. Where necessary, reprofiling of the verge area must be undertaken to enable the construction of concrete pathways with a maximum cross fall of 2.5%.

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

98. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the construction of the concrete footpaths in accordance with the approved plans and documents of this Development Approval. The design and the construction of the works must be certified by a RPEQ – Civil.

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

99. All works carried out on or near roadways must be adequately signed in accordance with the *Manual for Uniform Traffic Control Devices – Part 3, Works on Roads*.

*Note: Road or lane closures require approval from Council's Principal Engineer Road Operations, and all conditions of that approval complied with during construction of the works.*

100. Safe pedestrian access along Council's footpaths must be maintained at all times.

*Note: Should access to footpaths need to be restricted, a separate 'Temporary road or footpath closure' must be obtained from Council's Principal Engineer Road Operations, prior to the commencement of the works.*

### **STREET LIGHTING**

101. Provide street lighting in accordance with *PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure* and *Australian Standard AS/NZS 1158 - Lighting for roads and public spaces*.

### **REMOVAL OR MODIFICATION OF COUNCIL TRAFFIC SIGNS OR PARKING BAYS**

102. Obtain the written approval of Council's Coordinator Traffic Management for any works involving the removal or modification of existing Council traffic signs or parking bays prior to the works commencing. Where approved by Council such works are to be undertaken at no cost to Council.

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

### **ACCESS (FOOTPATH CROSSOVERS AND DRIVEWAYS)**

104. A vehicle crossover (crossing of the verge) from the kerb and channel to the property must be constructed for Lot(s) 13-14, 19-21, & 33-36 in accordance with the following requirements:

104.1 The Institute of Public Works Engineering Australasia *Drawings RS-049 Residential Driveways Plan 1 of 2* and *RS-050 Residential Driveways Plan 2 of 2*, and in accordance with *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*;

104.2 Council's standards;

104.3 For shared driveways, the sealed driveway must be constructed for the full extent of the access corridor and must be a width of 5 metres;

- 104.4 The driveway surfacing must consist of an approved hot mixed asphaltic concrete, segmental clay/concrete pavers or patterned/plain concrete;
- 104.5 The driveway must be constructed so as not to concentrate stormwater runoff onto neighbouring properties;
- 104.6 Underground service conduits for water supply, electricity, house drainage and any other services must be provided as part of the access driveway; and
- 104.7 Where used for parking, the longitudinal gradient and crossfall of all driveways must comply with the requirements of AS2890.1.
- 104.8 The existing concrete footpath in the vicinity of the vehicle crossover (crossing of the verge) must be saw cut, removed and replaced by the vehicle crossover (crossing of the verge). The vehicle crossover is to be graded at not steeper than 2.5% for the width of the footpath.

## PARK ACCESS

105. Approval for park access must be sought from Council's Park and Recreation Services Branch via Council's Customer Service Centre prior to any works should the applicant wish to access Rosalie Walk Park for any reason associated with the development.

*Note: Should Parks and Recreation Services Branch be agreeable to park access, there will be a daily access fee and the requirement of a bond in accordance with Council's adopted fees and charges. There will also be conditions specific to the proposed works including but not limited to timing of works (to ensure minimal impact on park users) and the provision of public liability insurance for all contractors.*

## LANDSCAPE & ECOLOGY

### LANDSCAPE PLAN

106. Prior to the commencement of any works on site or the issue of a Development Permit for Operational Work or Building Work (whichever occurs first), submit to Council for endorsement a Landscape Plan prepared by a suitably qualified person (Landscape Architect or Landscape Designer) prepared generally in accordance with *Toowoomba Regional Council's Landscape Work Information Sheet 006* and the conditions of this Development Approval, including the landscaping shown on all Approved Plans listed in this Development Approval, that details in particular:
  - 106.1 Location and species of existing site vegetation to be removed and/or retained in accordance with this Development Approval, including adjacent street trees to be retained and/or removed;
  - 106.2 A detailed Planting Plan and Schedule that include species, stock sizes and quantities and the location;
  - 106.3 The typical planting detail including soil preparation, backfill, staking, mulching, irrigation, drainage and maintenance;
  - 106.4 Dimensions of all planting areas, type and location, taking into account orientation, shading and wind direction;
  - 106.5 Sightlines at entrance points (pedestrian and vehicle) must be maintained using tree stock with a minimum 1.8 metre high clean trunk.
  - 106.6 Construction details of proposed surfaces, surface level changes and structures, must be wholly contained within the property boundary;
  - 106.7 Where street tree(s) are proposed or required as a condition of this Development Approval, the Landscape Plan must include the following additional information:
    - i) A detailed planting schedule indicating quantities, species and proposed location(s) of street tree(s);

- ii) Typical cross section through each street typology indicating clearance of street trees from underground and overhead services (eg, back of kerb (BOK), footpaths, powerlines, street lighting, etc);
- iii) Large spreading canopy tree species within verges

*Note: Street tree(s) must be supplied in minimum 45 litre containers or as approved by Council.*

*Note: Street tree(s) provisions must be in accordance with the requirements of the Planning Scheme Policy No.8 – Council Controlled Trees, 2.68 Council Controlled Tree Management Policy, Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure.*

## LANDSCAPING WORKS (PROVISION OF STREET TREES)

- 107. Unless otherwise agreed by Council **OR** varied in an approved landscape plan plant and maintain for a period of 12 months, 1 street tree for every 15 meters of road frontage within the road reserve of Talisker Street fronting the development site, and for all newly created road reserve..
- 108. The selection and planting of any street tree, including any tree removal and replacement, must be in accordance with the requirements of the *Planning Scheme Policy No.8 – Council Controlled Trees, 2.68 Council Controlled Tree Management Policy, Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* and the approved Landscape Plan.
- 109. All tree stock to be supplied in 45 litre or larger containers and be a minimum height of 1.5 metres.

## REMOVAL OR MODIFICATION OF EXISTING STREET TREES

- 110. The removal or interference (including disturbance within the tree protection zone (TPZ) or structural root zone (SRZ)) of a street tree must not be undertaken unless approved in writing by Council and in accordance with any conditions of this Development Approval.
- 111. Obtain the written approval of Parks and Recreation Services Branch for removal of the existing street trees in Talisker Street, prior to the issuing of any associated Operational Works Permits or commencement of onsite works. Where approval by Council is granted, all conditions of the written approval must be adhered to.

*Note: Approval for removal of the existing street trees on Talisker Street can be sought from Parks and Recreation Services Branch through Council's Customer Service Centre. The request must be received on the appropriate application form, will incur a fee and compensatory plantings may be required if approval is granted.*

## GENERAL ADVICES

### RESUBMISSION OF DOCUMENTS REQUIRING AMENDMENT

- 1) The conditions of this Development Approval require resubmission of documents to Council with amendments. Please address the amended documents to Council's Planning Branch with the Reference No. RAL/2024/5769 and send to [development@tr.qld.gov.au](mailto:development@tr.qld.gov.au).

### INFRASTRUCTURE CHARGES

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

### OTHER LAWS & REQUIREMENTS

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

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

#### **WHEN APPROVAL STARTS TO HAVE EFFECT**

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

#### **WHEN APPROVAL LAPSES**

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

#### **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.

#### **DEMOLITION OF BUILDING**

- 9) Any structures located on the subject land that are to be removed require the obtaining of any necessary building approvals, and certification by a Building Certifier that the resulting setbacks and/or fire rating of any remaining buildings comply with the Standard Building Regulations.

#### **ENVIRONMENTAL HARM**

- 10) 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**

- 11) 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**

- 12) 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.

### 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.



Alison Clark  
Lead Senior Planner, Planning Branch

Decision Date: 10 October 2025

**BACKGROUND**

SITE DETAILS				
<b>Site Address</b>	30 Talisker Street, KINGSTHORPE QLD 4400			
<b>Real Property Description</b>	Lots 1 and 2 RP114715, and Lot 72 RP199369			
<b>Site Area</b>	1,781m <sup>2</sup> - Lot 1 RP114715 5,446m <sup>2</sup> - Lot 2 RP114715, and 7.979ha - Lot 72 RP199369			
<b>Owner</b>	Talisker Kingsthorpe Pty Ltd			
SITE CHARACTERISTICS				
<b>Current Land Use</b>	Dwelling House			
<b>Site Frontage/s</b>	Talisker Street (≈43m + ≈184m)			
<b>Road/s</b>	<b>Order of Road</b>	<b>Width of Road Reserve</b>	<b>Width of Pavement</b>	<b>Road Material</b>
Talisker Street	Local	~20m	~3.8m from George Street Southward to Southern boundary of Lot 72 RP199369	Bitumen
			Unconstructed road from George Street northward to northern boundary of Lot 72 RP199369	Unconstructed
<b>Easements</b>	Nil.			
<b>Existing Structures</b>	Dwelling House located on Lot 1 RP114715 and Lot 72 RP199369, a number of sheds and ancillary structures are located on all lots.			
<b>Infrastructure</b>	Council's Reticulated Sewer Infrastructure traverses along the North boundary of Lot 72 RP199369 inclusive of four (4) manholes.			
<b>Topography</b>	The subject site features slopes of between 2% and 6-8% with a drainage pattern dispersing generally in north-westerly and south-westerly directions.			
<b>Street Trees</b>	Not applicable.			
<b>Other Features</b>	Not applicable.			
PLANNING SCHEME SITE DATA				
<b>Current Planning Scheme</b>	Toowoomba Regional Planning Scheme 2012 (Version 28)			Adopted: 28/11/2022
<b>Zone</b>	Township			
<b>Precinct</b>	Not Applicable			
<b>Overlays</b>	Airport Environs Overlay <ul style="list-style-type: none"> <li>13km Wildlife Hazard Buffer Zone</li> <li>Obstacle Height Restriction Zone – All Structures &gt;45m</li> </ul>			
<b>Infrastructure Charges Resolution</b>	Charges Resolution No. 7			Adopted: 19/08/2025

SURROUNDS:		
<b>Direction</b>	<b>Land Use</b>	<b>Zone/Precinct</b>
<b>North</b>	Open Space	Open Space
<b>East</b>	Dwelling Houses	Township
<b>South</b>		
<b>West</b>		
<b>Other Features</b>	Nothing to note	

PROPOSED DEVELOPMENT	
Name of Applicant	Talisker Kingsthorpe Pty Ltd
Type of Application	Reconfiguring a Lot
Proposed Development	Three (3) Lots into Ninety-six (96) Lots
Level of Assessment	Code Assessable
Decision Making Period Ends	11 October 2025

## CONSULTATION UNDERTAKEN

### Referral Agency/ies

Referral Agency (Technical Agency)	Referral Role	Aspect of Development Requiring Referral	Response
Department of State Development, Manufacturing, Infrastructure and Planning	Concurrence	Planning Regulation 2017  Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 - Development impacting on state transport infrastructure	Referral agency response provided 30 October 2024, advising of no requirements.

### Internal Referrals

Internal Referral Partner	Referral / Response
Development Infrastructure and Growth	Reviewed application and provided draft conditions.
Place Environmental	Reviewed application and provided draft conditions.
Water and Waste	Reviewed application and provided draft conditions.
Parks and Recreation	Reviewed application and provided draft conditions.
Place Landscape	Reviewed application and provided draft conditions.
Infrastructure Charges Unit	Prepared an Infrastructure Charges Notice in accordance <i>with Charges Resolution No. 7.</i>

## 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..  Schedule 10, Part 14 of the <i>Planning Regulation 2017</i> prescribes that Reconfiguring a Lot as defined in Part 1 of Schedule 12A (Walkable Neighbourhoods) of the Regulation is assessable development and must be assessed against the Assessment Benchmarks prescribed in Part 2 of Schedule 12A. The proposed development has been assessed against the relevant Assessment Benchmarks. The proposed Reconfiguring a Lot is considered to comply with the relevant Assessment Benchmarks.

REGIONAL PLANS	
<i>Shaping SEQ – South East Queensland Regional Plan 2017</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 / Priority Living Area (PLA), 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 as it proposes to provide additional residential lots for urban uses.
<i>Darling Downs Regional Plan October 2013</i>	Not applicable

<b>STATE PLANNING POLICY (SPP) July 2017</b>	
<b>Interests</b>	<b>Assessment Comments</b>
Agriculture	<p>The interactive mapping which accompanies the SPP identifies that this interest is applicable to the subject property.</p> <p>The subject site is mapped as containing Important Agricultural Areas and Agricultural Land Classification (Class A and B).</p> <p>The proposed development seeks to reconfigure Three (3) Lots into Ninety-Six (96) Lots. The surrounding locality is formed of existing housing developments. It is considered that viability of agricultural production of the land is not adequate to support agricultural uses.</p>
Natural Hazards, Risk and Resilience	The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property. However, Flood hazard has been incorporated into the local planning scheme therefore, the assessment benchmarks identified in Part E of the SPP do not apply to the proposed development.
Strategic Airports and Aviation Facilities	The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping which accompanies the SPP identifies that this interest is applicable to the subject property. However, the proposed development is for a reconfiguring a lot, no built form is proposed as part of the application therefore, the assessment benchmarks identified in Part E of the SPP do not apply to the proposed development.

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

The proposed development was assessed against the following assessment benchmarks:

- 6.6.9 - Township Zone Code
- 8.2.1 - Airport Environs Code
- 9.4.5 - Reconfiguring a Lot Code

The development was assessed against all of the assessment benchmarks listed above and is considered to comply with particular note of the following:

**TOWNSHIP ZONE CODE:**

**Table 6.6.9:2 – Township Zone Code – Assessment benchmarks for assessable development**

<b>Performance Outcome</b>	<b>Acceptable Outcome</b>
<p>PO<sub>9</sub> The site layout responds sensitively to on-site and surrounding topography, drainage patterns, utility services, access, vegetation and adjoining land use, such that:</p> <ul style="list-style-type: none"> <li>(a) any hazards to people or property are avoided;</li> <li>(b) any earthworks are minimised;</li> <li>(c) the retention of natural drainage lines is maximised;</li> <li>(d) the retention of existing vegetation is maximised;</li> <li>(e) damage or disruption to sewer, stormwater and water infrastructure is avoided; and</li> </ul>	No acceptable outcome is nominated

(f) there is adequate buffering, screening or separation to adjoining development.
<b>Alternate Outcome</b>
The applicant submits:  <i>“Complies The subdivision layout accords with all the points referenced in PO9.”</i>
<b>Officer Comment</b>
The proposed subdivision layout responds sensitively to on-site features. Topographically, the subject site features slopes of between 2% and 6-8% with a drainage pattern dispersing generally in north-westerly and south-westerly directions. Retaining walls are proposed to provide flat lots to ensure future residential development can be established. Lots 34-38 incorporate tiered internal retaining walls to reduce retaining walls on the southern shared boundary. This provides a positive amenity outcome for the proposed lots and the adjoining lots to the south.  Stormwater, sewer and water infrastructure is proposed to ensure all future lots are connected to required services. Electrical and telecommunication services will also be provided.  The appearance of the development will be enhanced through vegetated verges and planting of street trees at regular intervals throughout the subdivision.  The proposed development achieves consistency with the intent Performance Outcome PO9 of the Township Zone, whilst being compatible with the residential amenity of the surrounding areas of Kingsthorpe.

**DEVELOPMENT CODES:**

**Table 9.4.5:1 – Reconfiguring a Lot Code** – Requirements for accepted development and assessment benchmarks for assessable development

<b>Performance Outcome</b>	<b>Acceptable Outcome</b>
<p>PO<sub>4</sub> All new lots provide sufficient area, frontage and dimensions, and road access that enable their future development to achieve relevant outcomes in applicable Use, Zone, Overlay, and Other Development Codes in relation to:</p> <ul style="list-style-type: none"> <li>(a) dwellings, buildings and/or other structures</li> <li>(b) setbacks;</li> <li>(c) landscaping;</li> <li>(d) on site car parking and vehicle access;</li> <li>(e) recreation areas (private open space);</li> <li>(f) cultural heritage and character streetscape values;</li> <li>(g) other design criteria.</li> </ul>	<p>AO<sub>4.1</sub> All lots are rectangular and have minimum width to depth ratios, areas, dimensions and frontages as prescribed in Table 9.4.5:4.</p>
<b>Alternate Outcome</b>	
<p>The applicant submits:  <i>“Not All Lots Comply given the limits and constraints associated with the overall shape of the existing parent allotment and it topographical features on its southern portion.  But it fully accords with the outcomes set out in PO4. The few rhomboidal shaped lots all fit the minimum rectangles within their boundaries.”</i></p>	
<b>Officer Comment</b>	
<p>The proposed lot designs and subdivision layout provides sufficient area, frontage and dimensions, and road access that enable future development to achieve relevant outcomes in applicable Use, Zone, Overlay, and Other Development Codes. All proposed lots have an area which significantly exceeds the minimum lot size requirement, allowing for adequately sized lots suitable to accommodate future development, buildings and/or other structures. The proposed lots are considered to provided sufficient area for landscaping, on site car parking and vehicle access and recreation areas (private open space).  It is considered that the proposed development satisfies Performance Outcome PO<sub>4</sub>. The proposed development provides sufficient area and lot frontage to adequately accommodate future development.</p>	

**Local Categorising Instrument – Variation Approval:**

Not Applicable

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

Not Applicable

**Local Categorising Instrument – Preliminary Approval:**

Not Applicable

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

The site is located inside of Council's identified Priority Infrastructure Area however, no future priority infrastructure is mapped on or adjoining the subject site under Council's LGIP mapping or schedule of works.

**Other Relevant Matters**

Not Applicable

**FINANCIAL / RESOURCE IMPLICATIONS**

Infrastructure charges will be applied in accordance with Council's *Charges Resolution No.7*.

**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 24 – Property rights

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 benchmark 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	Aerial Imagery of Subject Site
Attachment	2	of	Zoning, Infrastructure and Terrain
Attachment	3	of	Plan of Subdivision

**SCHEDULES**

Schedule	1	Concurrence Agency Response
Schedule	2	Statement of Reasons

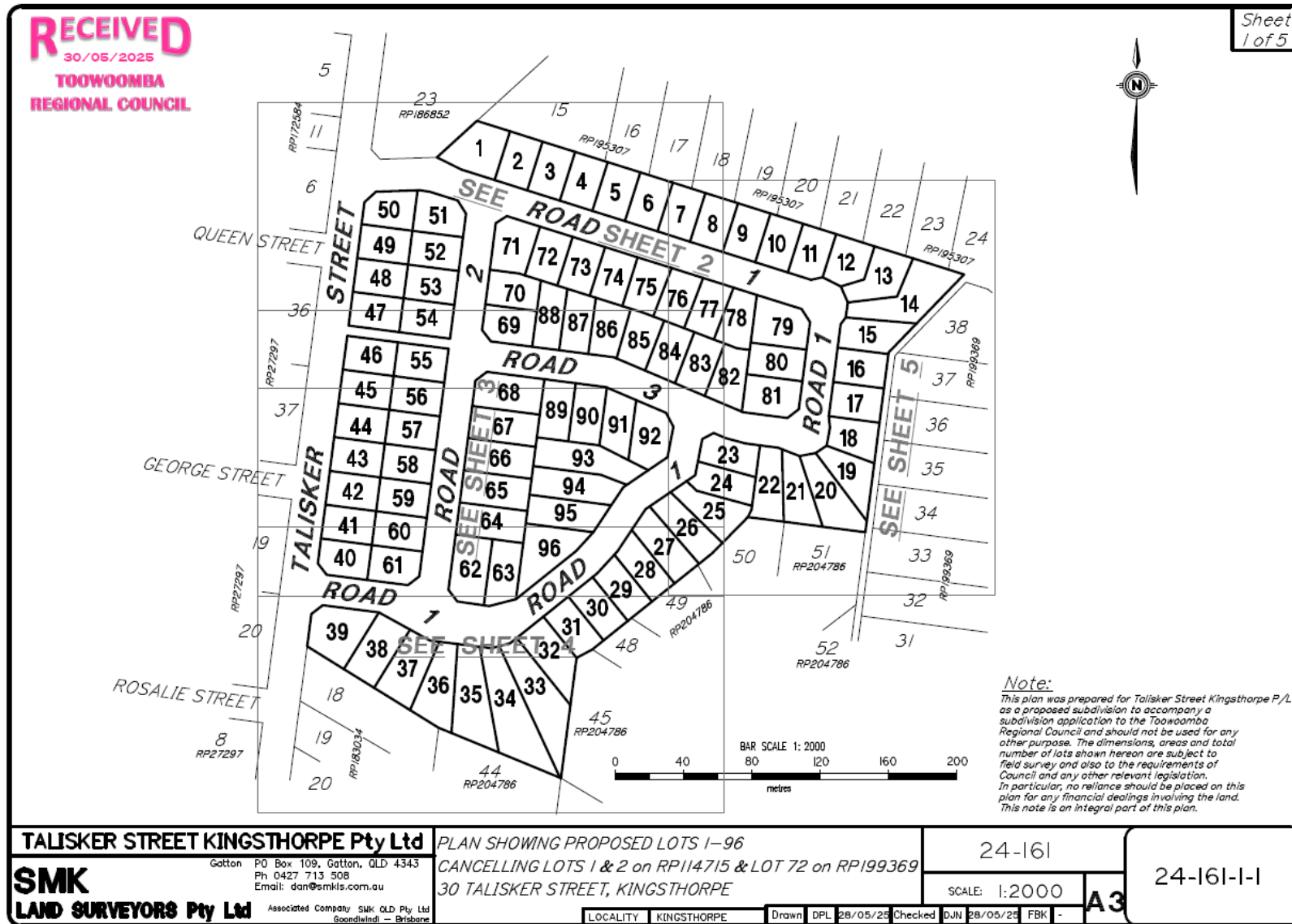
**ATTACHMENTS**



Attachment 1 of Aerial Imagery of Subject Site



Attachment 2 of Zoning, Infrastructure and Terrain



**SCHEDULE 1**

**Concurrence Agency Response/s**

SARA reference: 2409-42597 SRA  
Council reference: RAL/2024/5769

30 October 2024

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

Attention: Elliott Barber

Dear Mr Barber

## SARA referral agency response— 30 Talisker Street, Kingsthorpe

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 26 September 2024.

### Response

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Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application  Under section 56(2)(c) of the <i>Planning Act 2016</i> , SARA requires the assessment manager to refuse the variation request
Date of response:	30 October 2024
Advice:	Advice to the applicant is in <b>Attachment 1</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 2</b>

### Development details

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Description:	Development permit	Reconfiguring a Lot – Reconfigure Three (3) Lots into Ninety-Six (96) Lots
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (Planning Regulation 2017) - Development impacting on state transport infrastructure	

SARA reference: 2409-42597 SRA  
Assessment manager: Toowoomba Regional Council  
Street address: 30 Talisker Street, Kingsthorpe  
Real property description: Lots 1 and 2 on RP114715 and Lot 72 on RP199369  
Applicant name: Talisker Kingsthorpe Pty Ltd  
Applicant contact details: C/ Nexus Urban Consulting  
219 Geddes Street  
South Toowoomba QLD 4350  
nexusconnections@hotmail.com

*Human Rights Act 2019* considerations: Consideration was given to the 23 fundamental human rights under section 58 of the *Human Rights Act 2019*. It was determined that this decision does not unjustifiably limit these human rights

## Representations

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

Copies of the relevant provisions are in **Attachment 3**.

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

For further information please contact Rodney O'Brien, Principal Planning Officer, on 07 4616 7304 or via email [ToowoombaSARA@dssilgp.qld.gov.au](mailto:ToowoombaSARA@dssilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Paul Gleeson  
A/Manager

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

cc Talisker Kingsthorpe Pty Ltd C/ Nexus Urban Consulting, [nexusconnections@hotmail.com](mailto:nexusconnections@hotmail.com)

## Attachment 1—Advice to the applicant

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

## **Attachment 2—Reasons for referral agency response**

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

### **The reasons for SARA's decision are:**

The development complies with State code 6: Protection of state transport networks. Specifically, the development does not:

- compromise existing safe and direct access to public passenger transport infrastructure, including access by cycling and walking
- create a safety hazard for users of a state-controlled road or railway
- result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- result in a worsening of the physical condition or operating performance of railways and the rail network.

### **Material used in the assessment of the application:**

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP, version 3.0, as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- Section 58 of the *Human Rights Act 2019*.

## **Attachment 3— Representations about a referral agency response provisions**

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# Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding **representations about a referral agency response**

## Part 6: Changes to the application and referral agency responses

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### 28 Concurrence agency changes its response or gives a late response

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

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

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

## **Part 7: Miscellaneous**

### **30 Representations about a referral agency response**

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

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

## **SCHEDULE 2**

### **Statement of Reasons**

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

SITE DETAILS	
<b>Site Address</b>	30 Talisker Street, KINGSTHORPE QLD 4400
<b>Real Property Description</b>	Lots 1 and 2 RP114715, and Lot 72 RP199369
<b>Site Area</b>	1,781m <sup>2</sup> - Lot 1 RP114715 5,446m <sup>2</sup> - Lot 2 RP114715, and 7.979ha - Lot 72 RP199369
<b>Owner</b>	Talisker Kingsthorpe Pty Ltd

PROPOSED DEVELOPMENT	
<b>Name of Applicant</b>	Talisker Kingsthorpe Pty Ltd
<b>Type of Application</b>	Reconfiguring a Lot
<b>Proposed Development</b>	Three (3) Lots into Ninety-six (96) Lots
<b>Level of Assessment</b>	Code Assessable
<b>Decision</b>	Approval
<b>Decision Date</b>	10 October 2025

ASSESSMENT MATTERS	
<b>Assessment benchmarks</b>	The proposed development was assessed against the following assessment benchmarks: <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 (as relevant);</li> <li>• The Local Government Infrastructure Plan; and</li> <li>• <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28) <ul style="list-style-type: none"> <li>○ 6.6.9 - Township Zone Code</li> <li>○ 8.2.1 - Airport Environs Code</li> <li>○ 9.4.5 - Reconfiguring a Lot Code</li> </ul> </li> </ul>
<b>Reasons for decision</b>	The development was assessed against all of the assessment benchmarks listed above and complies or has been conditioned to comply..

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: RAL/2024/5769