

REPORT TITLE	Reconfiguring a Lot – Code – One (1) Lot into Five (5) Lots located at 84-100 Fraser Street, DARLING HEIGHTS QLD 4350
AUTHOR	Planning Officer (Jayden Forbes-Mitchell)
Application No.	RAL/2021/1938

**PURPOSE OF REPORT**

To consider a Development Application for Reconfiguring a Lot – Code – One (1) Lot into Five (5) Lots located at 84-100 Fraser Street, DARLING HEIGHTS QLD 4350

**EXECUTIVE SUMMARY**

The application seeks a development permit for Reconfiguring a Lot – Code – One (1) Lot into Five (5) Lots over land located at 84-100 Fraser Street, Darling Heights. The site (2.432 hectares in area) is located within the Rural Residential Zone (RR1 – 4,000m<sup>2</sup> minimum) Precinct and is improved by a single detached Dwelling House. The premises has frontage to Fraser Street and Hayden Street, both classed as Distributor Roads in Council’s Road Hierarchy.

The proposal seeks to reconfigure the subject land into five (5) Rural Residential lots. Proposed Lot 1, located on the corner of Fraser and Hayden Streets, will retain the existing Dwelling House entirely within the bounds of the lot. The area of proposed Lot 1 is 4,873m<sup>2</sup>, with frontage of 131.6 metres to Hayden Street and 30 metres to Fraser Street. Vehicular access is proposed via Hayden Street only. Proposed Lots 2-5 are all 4,700m<sup>2</sup> in area and have frontage to Fraser Street only (approximately 35.3 metres). All proposed lots have a depth of approximately 133 metres.

An area of land totalling 649m<sup>2</sup> is proposed to be dedicated to Council as road reserve, being 2.5m of dedication along the Fraser Street frontage, 1.5m of dedication along the Hayden Street frontage and a truncation at the intersection of Fraser and Hayden Streets.

Stormwater for proposed Lots 2-5 is proposed to be managed via bunds at the downstream boundary of each new lot. Stormwater is proposed to be redirected to Fraser Street into a new swale drain within the 2.5m resumption area along the frontage of the site. Stormwater flows will continue through the neighbouring property to the north (Lot 36 D133638) within an easement to the sag point.

As the subject premises is located outside of Council’s water and sewer service catchments, all proposed lots will rely on on-site rainwater collection and wastewater management.

In accordance with Table 5.6 of the Planning Scheme the proposed development is subject to Code Assessment and has been assessed against all applicable assessment benchmarks as outlined in the report. Non-compliance with the applicable assessment benchmarks has been identified with respect to the inadequacy of the current constructed standard of Fraser and Hayden Streets to safely service the proposed development. Conditions of approval are recommended to require the dedication of land for road reserve and upgrading of these roads to a suitable standard for forecast traffic volumes. Further detail is provided within the report.

The proposed development complies with, or can be conditioned to comply with, the relevant assessment benchmarks. On this basis, the proposed development is recommended for approval subject to the conditions in the recommendation.

**RECOMMENDATION**

**APPROVED** – Application No. RAL/2021/1938 for a Development Permit for Reconfiguring a Lot – Code – One (1) Lot into Five (5) 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 One (1) Lot into Five (5) 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 prior to registration with the Department of Resources.
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:** 000968\_PSLP, Revision B

**Description:** Proposed Subdivision Layout Plan, prepared by Bplanned & Surveyed, dated 30 June 2021 and received by Council 14 September 2021

**Amendments:** Nil

#### LOT NUMBERING

6. 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)

7. Prepare and submit applications to Council and obtain a Development Permit for Operational Work for the following:
  - 7.1 Stormwater (including stormwater associated earthworks);
  - 7.2 Driveway Crossovers (Proposed Lot 2, Lot 36 D133638); and
  - 7.3 Roadworks.

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

8. Prepare and submit for Council's approval a Plan of Subdivision in accordance with Schedule 18 of the *Planning Regulation 2017*.

#### AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

9. 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

### DEDICATION OF LAND

10. The land area identified as 'NEW ROAD' on the Approved Plans listed within this Development Approval, being a 2.5m wide strip along the Fraser Street frontage of the subject land, a 1.5m

wide strip along the Hayden Street frontage of the subject land and a 3m x 3 chord truncation at the south-west corner of the subject land, 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.*

11. 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.
12. All land dedicated as 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.
13. All land dedicated as road reserve must not be financially encumbered (e.g. mortgaged) unless otherwise approved by the conditions of this Development Approval.

## **EASEMENTS**

14. An easement for stormwater drainage purposes must be registered in favour of Council against the title of Lot 36 D133638. The easement must be a minimum 2.5 metres wide and extend along the full frontage of Lot 36 D133638 and be included on the Plan of Subdivision for Council's approval.
15. 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.
16. 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.
17. 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.

## **FEES AND CHARGES**

18. All current and outstanding fees, rates, interest and other charges levied on the property, must be paid in accordance with the rate at the time of payment prior to Council's approval of the Plan of Subdivision.

## **DEVELOPMENT CONSTRAINTS**

### **REMOVAL OF EXISTING BUILDINGS & STRUCTURES**

19. Demolish or relocate all existing structures on the subject land that traverse proposed lot boundaries, or sections of existing structures that traverse proposed lot boundaries (where portions of the remaining structures can be retained), prior to Council's approval of the Plan of Subdivision.

## **WORKS**

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

20. Plans and specifications for all works associated with vehicular access, stormwater drainage, roadworks, earthworks, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
21. A RPEQ must submit to Council a copy of the:
  - 21.1 Design Certificate prior to commencement of the works; and
  - 21.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
22. 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.

23. 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**

24. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.
25. 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.*

26. 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.
27. 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) demonstrating the following:
- 27.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval.

### **STORMWATER DISCHARGE**

28. Stormwater from new roofed areas (including overflow pipes from rainwater tanks) is permitted to be discharged within the subject land, a minimum of 3 metres clear of any building foundations and any adjoining property boundary.
29. The act of on-site stormwater discharge must not cause erosion and scouring and must utilise appropriate control devices at outlets to prevent such erosion and scouring.
30. Stormwater must be dispersed as sheet flow.
31. Design and construction of all internal stormwater drainage works must comply with each 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**

32. 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*.

### **BULK EARTHWORKS OVER 50 M<sup>3</sup> OR OVER 1M CUT OR FILL**

33. All cut, fill and associated batters must be undertaken in accordance with a Development Permit for Operational Work and contained entirely within the subject land.

### **AIR QUALITY IMPACT MITIGATION**

34. 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:
- 34.1 Dust deposition of 120 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.*

## **EROSION & SEDIMENT CONTROL**

35. 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.
36. 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.
37. 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.
38. All disturbed areas must be mulched or turfed as soon as possible during construction.
  - 38.1 Where grass seeding is undertaken, appropriate measures must be in place until the establishment of suitable ground cover.
39. 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.

## **DAMAGE TO SERVICES & ASSETS**

40. Protect Council and public utility services and assets during construction of the development.
41. 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:
  - 41.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
  - 41.2 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.
42. 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.
43. 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**

### **ON-SITE WASTE WATER TREATMENT & DISPOSAL**

44. The existing Dwelling House on proposed Lot 1 must be provided with an on-site waste water treatment and effluent disposal system having a capacity and land application area sufficient for the use and contained entirely within the bounds of proposed Lot 1.
45. Where an existing on-site waste water treatment and effluent disposal system is not contained within the bounds of proposed Lot 1 or where not meeting minimum boundary separation distances under the *Queensland Plumbing and Wastewater Code 2019*, the existing system must be upgraded or a new system must be installed that complies with *Australian Standard AS3500.2* –

*National Plumbing and Drainage – Sanitary Plumbing and Drainage and Australian Standard AS1547:2012 – On Site Domestic-Wastewater Management where system size is not exceeded (ref. Part 1.2.1.2 of AS1547:2012).*

46. Any existing wastewater pipes, effluent disposal systems, trenches or land application areas traversing more than one approved lot must be disconnected and removed.
47. Where any alterations to the on-site treatment and disposal system are required, a separate plumbing permit must be obtained from Council and the Compliance Certificate submitted to Council prior to Council's approval of the Plan of Subdivision.
48. Certification must be provided to Council by a Licensed Plumber that any required disconnection has been carried out and that the effluent disposal system and land application area for proposed Lot 1 are fully contained within the proposed Lot. Certification must state that the effluent disposal system for Lot 1 complies with Conditions 44-47.
49. All reasonable and practicable measures must be undertaken to prevent treated waste water and effluent from overflowing or seeping onto adjoining properties.

## ELECTRICITY

50. 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.
51. 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)

52. Existing roads must be widened for the full frontage of the subject land, as follows:

<b>Street:</b>	Fraser Street
<b>Classification:</b>	Rural Collector
<b>Construction Standard:</b>	Fraser Street to be widened to achieve a minimum sealed pavement width of 7m for the full length of the development frontage, together with tapering around the corner at the intersection of Fraser and Hayden Streets to match the existing width at the tangent point where the corner meets Hayden Street, as well as any required tapering north of the development frontage.

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

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

- 53.1 Table drain works on the same side as the widening, as required to suit the new widening;
- 53.2 Any required relocation of utility and Council services; and
- 53.3 Any required modifications to existing driveway crossovers to suit the new widening and match the condition of the existing driveway crossovers.

*Note: To avoid conflicts with services, widening of the sealed pavement on the western side of Fraser Street is recommended.*

54. 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.
55. All street surfacing must be in accordance with the pavement construction standards in PSP No. 2.
56. Intersection treatment, and speed control devices must comply with Council's requirements in PSP No. 2.
57. 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 Council's approval of the Plan of Subdivision:
58. The design and construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil.

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

59. 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.*

60. 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.*

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

61. 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.
62. 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)**

63. A vehicle crossover (crossing of the verge) and a suitable sealed driveway must be constructed from the kerb and channel to the property boundary, for proposed Lot 2 in accordance with the following requirements:
  - 63.1 The Institute of Public Works Engineering Australasia *Drawing RS-056 Rural Driveways*, and in accordance with *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*;
  - 63.2 Council's standards;
  - 63.3 The driveway surfacing must consist of an approved hot mixed asphaltic concrete, segmental clay/concrete pavers or patterned/plain concrete;
  - 63.4 The driveway must be constructed so as not to concentrate stormwater runoff onto neighbouring properties;
  - 63.5 The vehicle access (crossing of the verge) must be located generally in accordance with Figure 3-1 in the submitted Traffic Impact Assessment, Revision B, prepared by Lambert & Rehbein and dated 10 March 2021;

- 63.6 The vehicle access (crossing of the verge) must be located a minimum 1 metre clear of existing maintenance holes, fire hydrants, power poles, streetlights, or signage (unless otherwise approved herein); and
- 63.7 Undertake any necessary relocation of all existing services clear of the access (crossing of the verge) that will serve the subject land and contact all relevant service authorities and comply with their requirements in relation to these works.
64. A vehicle crossover (crossing of the verge) must be constructed from the kerb and channel to the property boundary, for Lot 36 D133638 in accordance with the following requirements:
- 64.1 The Institute of Public Works Engineering Australasia *Drawing RS-056 Rural Driveways*, and in accordance with *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*;
- 64.2 Council's standards;
- 64.3 The vehicle access (crossing of the verge) must consist of a dust-suppressing, hardstand surface;
- 64.4 The vehicle access (crossing of the verge) must be located generally in accordance with Drawing No. B20453-CSK01, Conceptual Stormwater Layout Plan, Revision P1, prepared by Lambert & Rehbein and dated 28 July 2021;
- 64.5 The vehicle access (crossing of the verge) must be located a minimum 1 metre clear of existing maintenance holes, fire hydrants, power poles, streetlights, or signage (unless otherwise approved herein); and
- 64.6 Undertake any necessary relocation of all existing services clear of the access (crossing of the verge) that will serve the subject land and contact all relevant service authorities and comply with their requirements in relation to these works.
65. A Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the vehicular accesses (Driveway Crossovers) required under Conditions 63 and 64 of this Development Approval, prior to Council's approval of the Plan of Subdivision.

## PROPERTY ACCESS

66. Direct access to Fraser Street is not permitted from proposed Lot 1 at any time.

## PREMISES IDENTIFICATION

67. Reflective street numbers must be provided on posts in front of each lot.

## GENERAL ADVICES

## INFRASTRUCTURE CHARGES

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

## OTHER LAWS & REQUIREMENTS

- 2) 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.
- 3) Carrying out works on a road or interfering with the road or its operation will require a permit under *Subordinate Local Law 1.15 (2011)*. 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.

- 4) 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**

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

#### **WHEN APPROVAL LAPSES**

- 6) 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**

- 7) 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.

#### **BUSHFIRE BUILDING STANDARD**

- 8) This Development Approval has not considered any building assessment provisions under the *Building Code of Australia*. Lot 2 RP130379 is identified in the *Toowoomba Regional Planning Scheme 2012* as bushfire prone and the bushfire provisions of the *Building Code of Australia* will need to be considered for any building work being undertaken the subject land.

#### **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, waste water, 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.

**WASTE WATER TREATMENT & DISPOSAL SYSTEM**

- 13) The establishment of a waste water treatment and disposal system for the site requires a Compliance Permit to be obtained from Council under the *Plumbing and Drainage Act 2002*. The system must be designed in accordance with the *Queensland Plumbing and Wastewater Code* (Department of State Development and Infrastructure & Planning, 2007) and the Australian & New Zealand Standard AS/NZS1547 On-site Domestic Wastewater Management.

Please contact Council's Plumbing and Drainage team via the Customer Service Centre for further information in respect of a Compliance Permit. Where a development exceeds the accommodation or use of 21 or more equivalent persons an Environmental Authority from the Department of Environment & Science will also 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.



Rodney O'Brien  
Senior Planner, Development Services

Decision Date: 29 October 2021

**CORPORATE PLAN REFERENCE**

**Strategic Action 2.3.3** Ensure development aligns with community sentiment, through effective and efficient assessment, with the planning scheme, planning instruments, codes and legislation.

**BACKGROUND**

SITE DETAILS				
Site Address	84-100 Fraser Street, DARLING HEIGHTS QLD 4350			
Real Property Description	Lot 2 RP130379			
Site Area	2.432 hectares			
Owner	David William Robertson			
SITE CHARACTERISTICS				
Current Land Use	Dwelling House / low intensity Rural Activities			
Site Frontage/s	175.3 metres to Fraser Street, 131.6 metres to Hayden Street			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Fraser Street	Distributor	20 metres	6-7 metres	Asphalt
Hayden Street	Distributor	22 metres	5.5 metres	Asphalt
Easements	Nil.			
Existing Structures	Pre-war Dwelling House and ancillary outbuildings near to Hayden Street frontage.			
Infrastructure	No access to reticulated water/sewer. Electricity via overhead wires along Fraser Street frontage. High voltage powerlines are located along the Hayden Street frontage. No kerb and channel in proximity to the site.			
Topography	Site falls to the north-west from a height of 626m at the south-east corner to a height of 615m at the north-west corner.			
Street Trees	Nil.			
Other Features	Site is largely cleared of vegetation. Cluster of mature eucalypt trees at south-west corner of site. Existing vehicular access is via Hayden Street (dual gravel crossover).			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 25)			Adopted: 22/01/2021
Zone	Rural Residential Zone			
Precinct	RR1 (4,000m <sup>2</sup> minimum) Precinct			
Overlays	Airport Environs Overlay (13km Wildlife Hazzard Buffer Zone) Bushfire Hazard Overlay (Medium Fire Risk) Environmental Significance Overlay (Areas of Ecological Significance, Areas of Ecological Significance Buffer)			
Infrastructure Charges Resolution	Charges Resolution No. 4			Adopted: 25/08/2020
SURROUNDS:				
Direction	Land Use	Zone/Precinct		
North	Dwelling House / low intensity Rural Activities	Rural Residential Zone / RR1 (4,000m <sup>2</sup> minimum) Precinct		
East	Dwelling House / low intensity Rural Activities (Animal Keeping)	Rural Residential Zone / RR1 (4,000m <sup>2</sup> minimum) Precinct		
South	Dwelling Houses / low intensity Rural Activities	Rural Zone / 100 ha minimum Precinct		
West	Dwelling House / low intensity Rural Activities	Rural Residential Zone / RR1 (4,000m <sup>2</sup> minimum) Precinct		

<b>Other Features</b>	Nothing to note.
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APPLICATION HISTORY	
PREL/2020/4006	Advice provided 7 October 2020.
<b>Other</b>	No further relevant details.

PROPOSED DEVELOPMENT	
<b>Name of Applicant</b>	David Robertson C/- Bplanned & Surveyed Pty Ltd
<b>Type of Application</b>	Development Permit for Reconfiguring a Lot
<b>Proposed Development</b>	One (1) into Five (5) Lots
<b>Variations Sought</b>	Not Applicable
<b>Level of Assessment</b>	Code Assessment
<b>Gross Floor Area</b>	N/A
<b>Impervious Area</b>	N/A
<b>Site Cover</b>	N/A
<b>Car Parking Spaces</b>	N/A
<b>Service Vehicle Provision</b>	N/A
<b>Submissions Received</b>	Objection: N/A
	Support: N/A
<b>Decision Making Period Ends</b>	29 October 2021

## CONSULTATION UNDERTAKEN

### Referral Agency/ies

Not Applicable.

### Internal Referrals

Internal Referral Partner	Referral / Response
Development Engineering and Plumbing	Provided input for an Information Request. Provided advice regarding conditions of approval.
Transport and Drainage	Provided advice.
Development Services Environmental	Provided advice regarding conditions of approval.
Water and Waste	No comments or requirements.
Infrastructure Charges Unit	Prepared an Infrastructure Charges Notice in accordance with <i>Charges Resolution No. 4</i> to accompany an approval of the development.

## ISSUES, RISKS AND RESPONSES – ASSESSMENT

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

PLANNING REGULATION 2017	
Prohibited Development	The proposed development is not prohibited development in accordance with the <i>Planning Regulation 2017</i> .
Infrastructure Charges	The <i>Planning Regulation 2017</i> provides for the levying of infrastructure charges on development approvals.
Schedules 9 and 10	Schedules 9 and 10 categorises particular development and details the relevant assessment benchmarks for development as relevant.

	The proposed development is not for Reconfiguring a Lot as defined in Part 1 of Schedule 12A of the Regulation.
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### REGIONAL PLANS

<i>Shaping SEQ – South East Queensland Regional Plan 2017</i>	<p>The subject site is mapped within the bounds of the <i>South East Queensland Regional Plan 2017</i> (SEQRP). The SEQRP identifies that the subject site is within the Urban Footprint, which is intended to identify the land required for the region's urban development needs up to 2041.</p> <p>The development application is consistent with the intent for the Urban Footprint as it promotes a compact settlement pattern and consolidates urban development within established communities.</p>
<i>Darling Downs Regional Plan October 2013</i>	<p>The Darling Downs Regional Plan (DDRP) is a statutory regional plan that is intended to provide planning policy to address planning matters that are of State interest and specific to the Darling Downs region.</p> <p>The DDRP identifies that the subject site is mapped within Restricted Area (RA) 384 under Appendix 2 of the Regional Plan, reflecting the boundaries of the SEQ Regional Plan. Therefore, the DDRP is not applicable in this instance.</p>

### STATE PLANNING POLICY (SPP)

*July 2017*

Interests	Assessment Comments
Housing Supply and Diversity	Complies – the proposed development provides for additional land for housing in an area that is accessible and well-connected to services, employment and infrastructure. The proposed subdivision provides for an appropriate mix of lot sizes consistent with the zoning of the land.
Livable Communities	<p>While the assessment benchmarks are not applicable, the State interest policies identified in Part E of the SPP are considered to be relevant to the proposed development. Therefore, the policies have been given due regard as follows:</p> <p>Complies – the proposed development consolidates urban development in and around existing settlements and represents the efficient use of established infrastructure and services.</p>
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)'. However, the State interest policies identified in Part E of the SPP are not considered to be relevant or applicable as the proposed development is on land that is not currently used for agricultural purposes and it is not considered that the site would support agricultural pursuits into the future due to its location within the urban extent of Toowoomba and likely future growth of residential development in the area.</p> <p>These constraints on the use of the land for agricultural purposes are further reflected in the zoning of the land by Council as Rural Residential and inclusion of the land within the 'Urban Footprint' under the <i>South East Queensland Regional Plan 2017</i> (SEQRP).</p>
Development and Construction	Complies – the proposed development contributes to a sufficient supply of suitable land for residential development on appropriately zoned land that considers the physical constraints of the land and availability of and proximity to existing essential infrastructure.
Mining and Extractive Resources	No applicable assessment benchmarks or State interest policies.
Tourism	No applicable assessment benchmarks or State interest policies.
Biodiversity	No applicable assessment benchmarks or State interest policies.
Cultural Heritage	No applicable assessment benchmarks or State interest policies.
Water Quality	No applicable assessment benchmarks. Complies with State interest

	policies.
Emissions and Hazardous Activities	No applicable assessment benchmarks or State interest policies.
Natural Hazards, Risk and Resilience	No applicable assessment benchmarks or State interest policies.
Energy and Water Supply	<p>The interactive mapping which accompanies the SPP identifies that this interest is applicable to the subject property. A thin area of land along the Hayden Street frontage of the subject site is mapped as containing 'Major Electricity Infrastructure (Powerlink)'.</p> <p>Complies with the State interest policies – the proposed development will not impact upon or increase the number or proximity of sensitive receptors to existing infrastructure (high-voltage power lines). An area of road dedication proposed along the Hayden Street frontage will ensure the mapped State interest will be located entirely clear of the premises upon the creation of these lots.</p>
Infrastructure Integration	No applicable assessment benchmarks. Complies with all relevant State interest policies.
Transport Infrastructure	No applicable assessment benchmarks. Complies with all relevant State interest policies.
Strategic Airports and Aviation Facilities	<p>The interactive mapping which accompanies the SPP identifies that this interest is applicable to the subject property ('Wildlife hazard buffer zone').</p> <p>Further, this State interest applies to all local government areas that contain or are impacted by a strategic airport in Table 2: strategic airports and therefore the State interest policies and assessment benchmarks identified in Part E of the SPP are considered to be relevant to the proposed development.</p> <p>The proposed development is considered to comply with, or relevant conditions have been recommended to ensure compliance with the assessment benchmarks in Part E of the SPP.</p>

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

The proposed development was assessed against the following assessment benchmarks:

- 6.6.7 Rural Residential Zone Code
- 8.2.1 Airport Environs Overlay Code
- 8.2.2 Bushfire Hazard Overlay Code
- 8.5.1 Environmental Significance Overlay 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 except as follows:

#### OVERLAY CODE/S:

**Note:** *The bushfire risk to all proposed lots has been assessed by Council to be negligible, based on simple modelling of Bushfire Attack Level (BAL). A thorough assessment against the relevant AO's and PO's within the Bushfire Hazard Overlay Code has not been carried out accordingly.*

#### DEVELOPMENT CODES:

RECONFIGURING A LOT CODE	
Performance Outcome	Acceptable Outcome
PO <sub>14</sub> The street and road network has a clear structure, with roads that conform to their function in the network, having regard to: (a) traffic volumes, vehicle speeds and driver behaviour;	AO <sub>14.1</sub> The street and road network is consistent with SC6.2 PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure.

<ul style="list-style-type: none"> <li>(b) on street parking;</li> <li>(c) sight distance;</li> <li>(d) provision for public transport routes and stops;</li> <li>(e) provision for pedestrian and cyclist movement, prioritising these where appropriate;</li> <li>(f) provision for waste collection and emergency vehicles;</li> <li>(g) lot access;</li> <li>(h) convenience;</li> <li>(i) public safety;</li> <li>(j) amenity;</li> <li>(k) the incorporation of public utilities and drainage; and</li> <li>(l) landscaping and street furniture.</li> </ul>	
<b>Alternate Outcome</b>	
<p>The applicant submits:</p> <p><i>“AO<sub>14.1</sub></i>  <i>There is no change to the existing street and road network. No new street or road network is proposed.”</i></p> <p>In response to Council’s Information Request, the applicant provided the following further representations:</p> <p><i>“As demonstrated road widening is deemed unreasonable. Providing land dedication for future corridor trunk works is a suitable condition for a development of this scale, noting the recent conditions of 44 -62 Fraser Street (RAL/2017/6685) and 44-58 Fraser Street (RAL/2020/3521).</i></p> <p><i>Issues raised regarding SISD for proposed Lot 2 have also been addressed and a SISD assessment of Lot 2’s access points has been completed. The assessment found that due to the existing topography and longitudinal grades 67.3m of SISD to the south can be achieved from the proposed site access. Therefore, the proposed location of Lot 2’s access is suitable for a single dwelling.</i></p> <p><i>In relation to SSD, as stated within Letter the proposed development is unlikely to increase traffic on Hayden Street and therefore increase traffic travelling around the existing Hayden Street / Fraser Street corner. It is further noted that the cost to address any sight distance issue, due to existing topography and longitudinal grades, is considered unreasonable on a single development that does not increase traffic around this corner. Based on this, SSD will be adequately addressed by providing a 3 metre x 3 chord truncation land dedication for future corridor trunk works.”</i></p>	
<b>Officer Comment</b>	
<p>The existing road network from which the proposed lots gain access does not comply with <i>SC6.2 PSP No. 2 – Engineering Standards –Roads and Drainage Infrastructure (AO<sub>14.1</sub>)</i>. Furthermore, the existing road network does not satisfy criteria (a) – (l) listed under corresponding Performance Outcome PO<sub>14</sub>.</p> <p>The sealed width and geometry of these roads are currently unfit for existing traffic volumes. Although additional traffic generation from future development associated with the proposed reconfiguration is anticipated to be low, the current constructed standard of this road requires upgrading to meet the minimum requirements of a ‘Rural Collector’ standard (7m sealed pavement width for the full length of the development frontage), to service the anticipated future development on the proposed lots. Dedication of land to Council as road reserve is proposed by the applicant along both road frontages and will be conditioned by Council accordingly.</p> <p>Fraser Street and Hayden Street are both identified as Distributor Roads in Council’s road hierarchy, however neither of these roads currently conform to this function or require upgrading to a Distributor standard based on short-medium term traffic projects for the locality. The roadworks recommended to be conditioned are considered appropriate based on the nature and scale of the proposed subdivision.</p> <p>The proposed roadworks conditioned have been identified as non-trunk works (imposed pursuant to Section 145 of the <i>Planning Act 2016</i>).</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 within Council's identified Priority Infrastructure Area. No future priority infrastructure is mapped on or adjacent to 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. 4*.

**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	6	Aerial Imagery of Site Context
Attachment	2	of	6	Zoning, Infrastructure and Terrain Map
Attachment	3	of	6	Aerial Imagery of Subject Site
Attachment	4	of	6	Imagery of Site Frontages
Attachment	5	of	6	Proposed Subdivision
Attachment	6	of	6	Proposed Stormwater Works

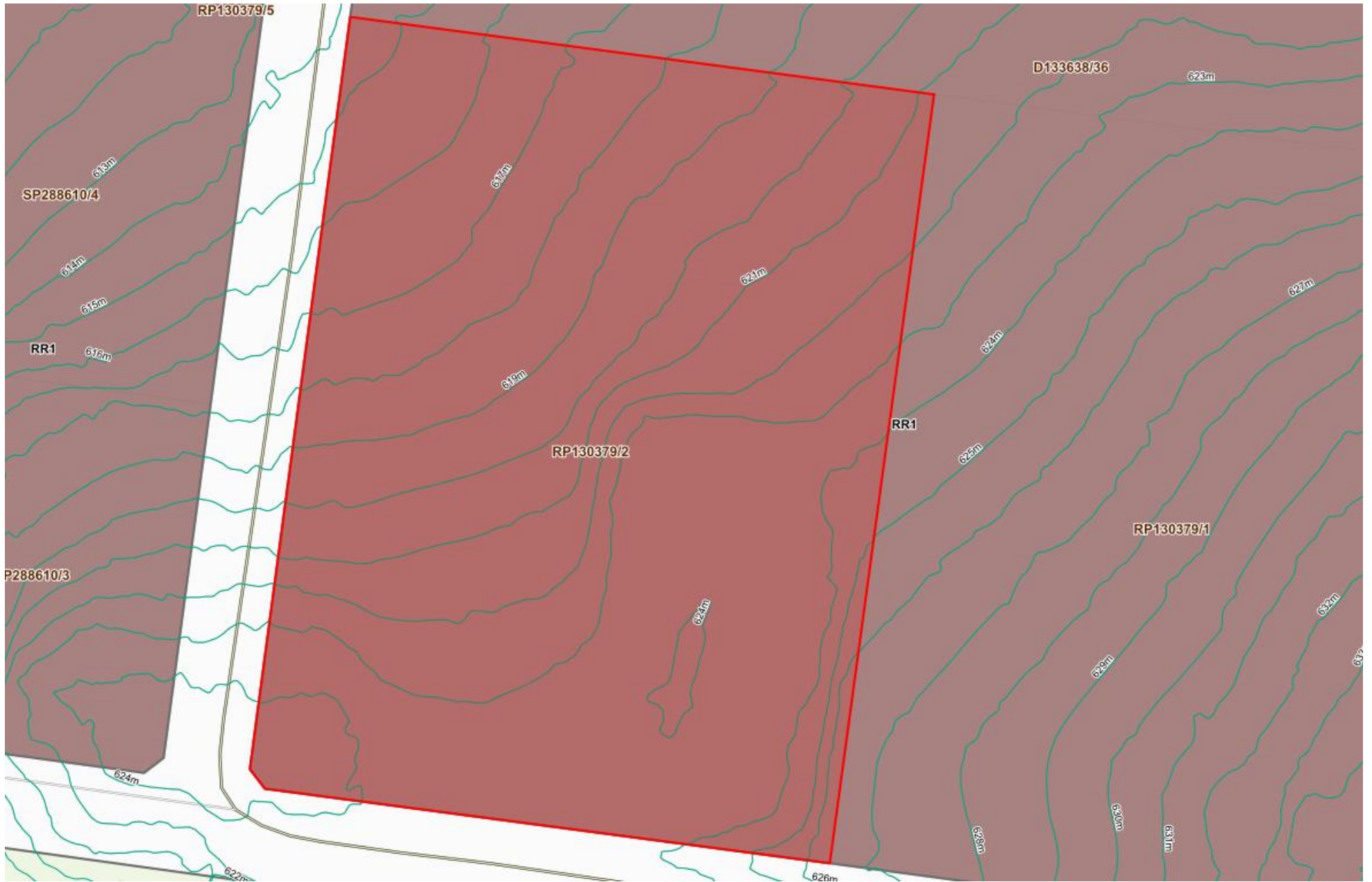
**SCHEDULES**

Schedule	1	Statement of Reasons
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**ATTACHMENTS**



Attachment 1 of 6 Aerial Imagery of Site Context



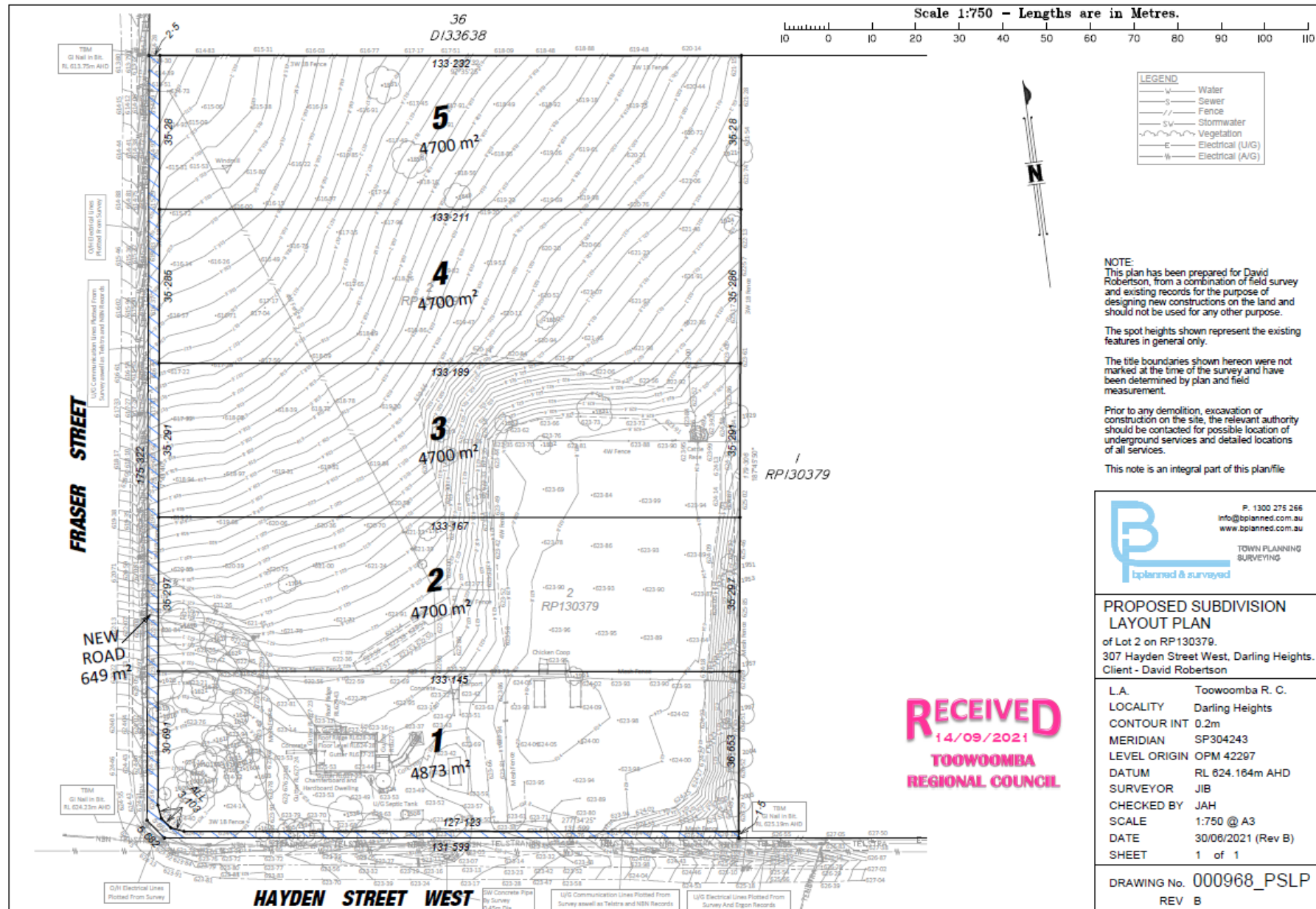
Attachment 2 of 6 Zoning, Infrastructure and Terrain Map



Attachment 3 of 6 Aerial Imagery of Subject Site



Attachment 4 of 6 Imagery of Site Frontages




**NOTE:**  
 This plan has been prepared for David Robertson, from a combination of field survey and existing records for the purpose of designing new constructions on the land and should not be used for any other purpose.

The spot heights shown represent the existing features in general only.

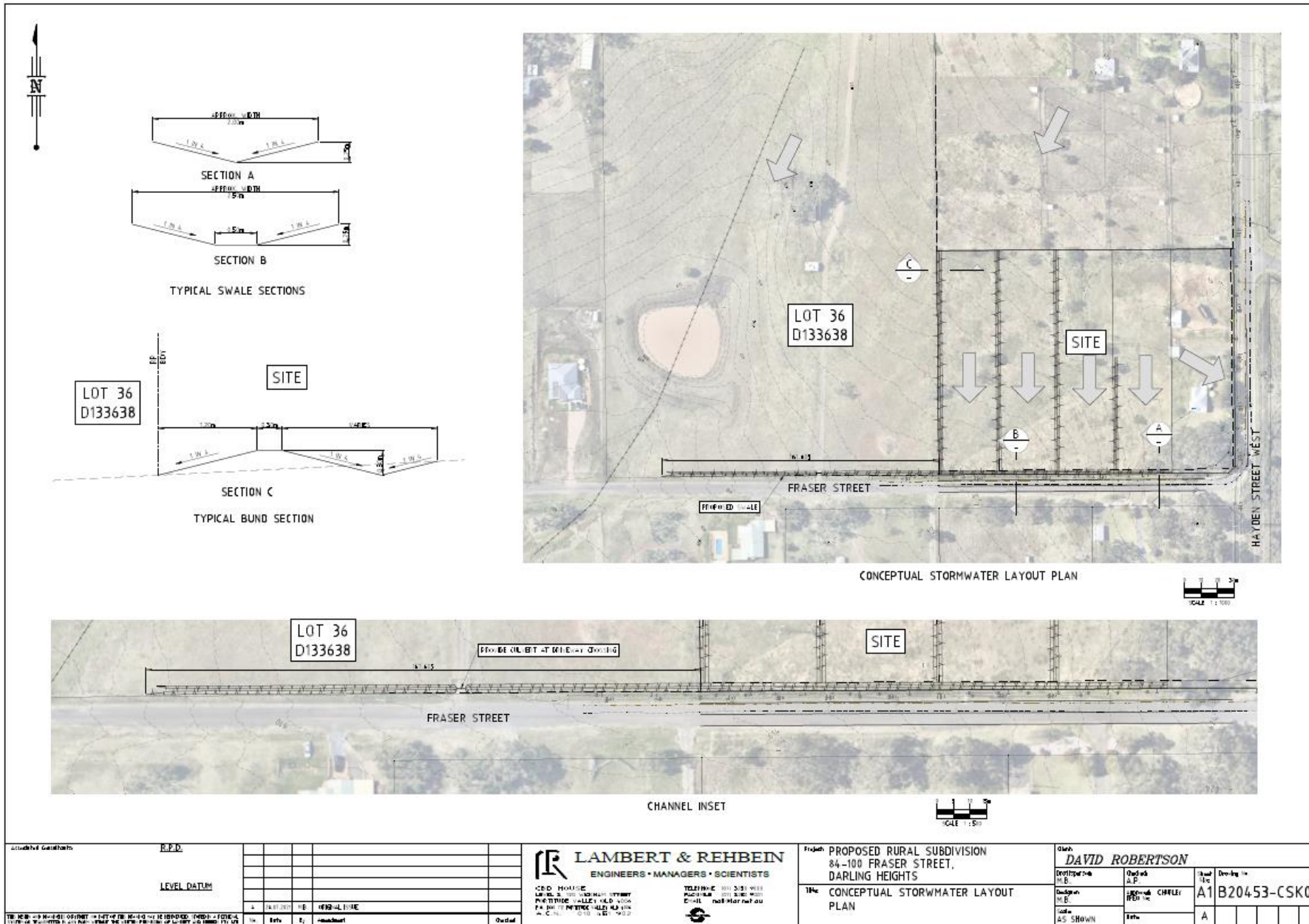
The title boundaries shown here were not marked at the time of the survey and have been determined by plan and field measurement.

Prior to any demolition, excavation or construction on the site, the relevant authority should be contacted for possible location of underground services and detailed locations of all services.

This note is an integral part of this planfile

	P. 1300 275 266 info@bplanned.com.au www.bplanned.com.au
	TOWN PLANNING SURVEYING
<b>PROPOSED SUBDIVISION LAYOUT PLAN</b> of Lot 2 on RP130379. 307 Hayden Street West, Darling Heights. Client - David Robertson	
L.A. Toowoomba R. C. LOCALITY Darling Heights CONTOUR INT 0.2m MERIDIAN SP304243 LEVEL ORIGIN OPM 42297 DATUM RL 824.164m AHD SURVEYOR JIB CHECKED BY JAH SCALE 1:750 @ A3 DATE 30/08/2021 (Rev B) SHEET 1 of 1	TSM G Nail in Site RL 825.19m AHD
DRAWING No. 000968_PSLP REV B	

Attachment 5 of 6 Proposed Subdivision



**SCHEDULE 1**

**Statement of Reasons**

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

SITE DETAILS	
Site Address	84-100 Fraser Street, DARLING HEIGHTS QLD 4350
Real Property Description	Lot 2 RP130379
Site Area	2.432 hectares
Owner	David William Robertson

PROPOSED DEVELOPMENT	
Name of Applicant	David Robertson C/- Bplanned & Surveyed Pty Ltd
Type of Application	Development Permit for Reconfiguring a Lot
Proposed Development	One (1) into Five (5) Lots
Level of Assessment	Code Assessment
Gross Floor Area	N/A
Impervious Area	N/A
Site Cover	N/A
Car Parking Spaces	N/A
Service Vehicle Provision	N/A
Submissions Received	Objection: N/A
	Support: N/A
Decision	Approval
Decision Date	29 October 2021

ASSESSMENT MATTERS	
Assessment benchmarks	<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>• <i>South-east Queensland Regional Plan 2017</i>;</li> <li>• The Local Government Infrastructure Plan (LGIP); and</li> <li>• <i>Toowoomba Regional Planning Scheme 2012 (Version 25)</i>: <ul style="list-style-type: none"> <li>▪ 6.6.7 Rural Residential Zone Code</li> <li>▪ 8.2.1 Airport Environs Overlay Code</li> <li>▪ 8.2.2 Bushfire Hazard Overlay Code</li> <li>▪ 8.5.1 Environmental Significance Overlay Code</li> <li>▪ 9.4.5 Reconfiguring a Lot 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 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: <http://www.tr.qld.gov.au/payments-self-service-laws/web-apps/pdonline/8892-planning-and-development-online>. When accessing Council's website please use the following Application Number: RAL/2021/1938.