

REPORT TITLE	Reconfiguring a Lot – Code – Subdivide Four (4) Lots into 42 Lots located at 55 & 68-76 Lynch Street & 71 & 89-99 Cambooya Street, DRAYTON QLD 4350
AUTHOR	Planning Officer (Emily Hinchliffe)
Application No.	RAL/2022/3905

PURPOSE OF REPORT

To consider a Development Application for Reconfiguring a Lot – Code – Subdivide Four (4) Lots into 42 Lots located at 55 & 68-76 Lynch Street & 71 & 89-99 Cambooya Street, DRAYTON QLD 4350

EXECUTIVE SUMMARY

The report considers a Development Application (Development Permit) for Reconfiguring a Lot for the subdivision of Four (4) Lots into Forty-two (42) Lots. The site is located at 55 and 68-76 Lynch Street and 71 and 89-99 Cambooya Street, Drayton and is described as Lot 11 D133637, Lot 2 D1064, Lot 30 SP318804 and Lot 4 D1064. The site is located in Low-medium Density Residential Zone (Urban Residential Precinct) under the *Toowoomba Regional Planning Scheme 2012 (Version 27)*. The subject site currently comprises of several dwelling houses and associated structures.

The subject site is also located within the Airport Environs Overlay (8km Wildlife Hazard Buffer Zone, Lighting Area Buffer (6km)) and the Flood Hazard Overlay (Overland Flow (Low), Overland Flow (High), Vulnerable Uses Restriction Area). It is noted that the extent of the site located within the Overland Flow (High), Vulnerable Uses Restriction Area areas of the Flood Hazard Overlay is limited.

The proposed subdivision will occur in four (4) stages in accordance with the following:

- Stage 1: 12 Lots
- Stage 2A: 9 Lots and Road 1;
- Stage 2B: 7 Lots; and
- Stage 3: 14 Lots and Road 2.

All lots proposed meet the minimum lots sizes required within the Low-medium Density Residential Zone. Accordingly, under *Toowoomba Regional Planning Scheme 2012 (Version 27)*, the proposed Reconfiguring a Lot is subject to Code Assessment. The proposal is considered to comply with relevant Planning Scheme provisions or, to the extent of non-compliance, is considered capable of being conditioned to comply. Therefore, the development application is recommended for approval subject to relevant and reasonable conditions.

RECOMMENDATION

APPROVED - Application No. RAL/2022/3905 for a Development Permit for Reconfiguring a Lot – Code – Subdivide Four (4) Lots into 42 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 Four (4) Lots into Forty-two (42) Lots in four (4) stages as follows:
 - 1.1 Stage 1: Two (2) Lots into 12 Lots and Balance Lot
 - 1.2 Stage 2A: Two (2) Lots into Nine (9) Lots, Balance Lot and Road 1;
 - 1.3 Stage 2B: One (1) Lot into Seven (7) Lots; and
 - 1.4 Stage 3: One (1) Lot into 14 Lots and Road 2

- 1.5 This development approval includes designated Dual Occupancy Lots as defined by the *Toowoomba Regional Planning Scheme (Version 27)*;
- 1.6 The Designated Dual Occupancy lots as those noted on the Approved Plan/s as Designated Dual Occupancy 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: MP-01, Revision B

Description: Master Plan, Job No. 384, prepared by AM Civil Consulting Engineers and dated 15 September 2022

Amendments: As amended in red to correct lot numbers where acoustic fencing is to be provided.

Plan No: MP-02, Revision B

Description: Lot Layout Plan, Job No. 384, prepared by AM Civil Consulting Engineers and dated 15 September 2022

Amendments: Amended in red to indicate that roads must be provided in accordance with Conditions 76 – 89

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 Roadworks;
 - 7.2 Stormwater Works;
 - 7.3 Bulk Earthworks;
 - 7.4 Retaining Wall Works;
 - 7.5 Wastewater Infrastructure;
 - 7.6 Water Infrastructure; and
 - 7.7 Vehicle access

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

8. Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:
 - 8.1 Landscape Plan

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS

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

COMPLETION PERIOD

10. In accordance with section 88(1) of the *Planning Act 2016* (Qld), this Development Approval lapses, to the extent the development is not completed, if plans of subdivision for all stages of the development have not been registered within eight (8) years of this Development Approval starting to have effect.

Note: A relevant Extension Notice under the Planning Act 2016 may offer additional time in which to undertake the development.

STAGED DEVELOPMENT

11. Staging of the development is to occur in accordance with the staging indicated on the Approved Plans subject to and modified by any conditions of this Development Approval.
12. Stages must be completed in sequential order (i.e. Stage 1 must be completed before Stage 2) as identified on the Approved Plans, 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

13. 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

14. The land area identified as Road 1 and Road 2 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.

15. 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.

FEES AND CHARGES

16. 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 for each stage as relevant.

DEVELOPMENT CONSTRAINTS

AIRPORT ENVIRONS

17. Landscaping does not include species that attract wildlife or increase wildlife hazards within a wildlife hazard buffer zone which could cause or contribute to bird-strike hazard.
18. Any outdoor lighting, including street lighting must comply with the requirements of Chapter 9 of the *CASA Manual of Standards Part 139 – Aerodromes*.

REMOVAL OF EXISTING BUILDINGS & STRUCTURES

19. Demolish or relocate all buildings and structures on the subject land shown to be demolished on the Approved Plans prior to Council's approval of the Plan of Subdivision for each stage as relevant.

WORKS

STREET NAMING

20. Forward a letter of Request for Street Naming to Council providing three alternative names for each new street where new road is to be provided with the stage.

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

PERMANENT SURVEY MARKS

21. A total of one (1) Permanent Survey Marks (PSMs) must be supplied and connected to Australian Height Datum and provided in the following locations:

21.1 Intersection of Road 2 and Lynch Street.

22. Documentation detailing placement of the PSMs must be lodged with Council at the time of lodgement of the Plan of Subdivision for the relevant stage.

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

23. Plans and specifications for all works associated with vehicular access, stormwater drainage, wastewater, earthworks, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).

24. A RPEQ must submit to Council a copy of the:

24.1 Design Certificate prior to commencement of the works; and

24.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.

25. 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.

26. 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

27. 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.

28. 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.

29. 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:

29.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval;

- 29.2 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;
- 29.3 No increase in flood levels external to the subject land;
- 29.4 No increase in duration of inundation external to the subject land that could cause loss or damage;
- 29.5 Appropriate inspection and maintenance of stormwater quality control infrastructure in accordance with a program; and
- 29.6 The achievement of Water Sensitive Urban Design objectives listed in PSP No. 2 and *State Planning Policy – July 2017*.

Note: Council will consider entering into an Infrastructure Agreement for contribution in lieu of constructing the required stormwater quality works. This will require a separate request to be made to Council.

STORMWATER DISCHARGE

- 30. Design and construction of all internal, and external, stormwater drainage works must comply with the relevant sections of *Planning Scheme Policy No. 2 - Engineering Standards - Roads and Drainage Infrastructure* (PSP No.2), each applicable section of *Australian and New Zealand Standard AS/NZS 3500 - Plumbing and Drainage Code* and the *Queensland Urban Drainage Manual*.
- 31. Stormwater from the new roofed and sealed areas must be picked up and discharged by way of sealed underground pipe to the street channel, using an approved galvanised metal kerb adaptor that suits the profile of the existing kerb. A minimum of 1.8m head must be provided.

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

- 32. Outlets to the street channel must be limited to a maximum discharge of 50 litres per second at any one point of discharge, and where practical, spread across the street frontage(s) so as not to concentrate the discharge to any one location.

BULK EARTHWORKS OVER 50 M³ 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 (where assessable development) and contained entirely within the subject land.

Note: An Operational Works Permit may be required for fill transported to or from a site that is not the development site.

AIR QUALITY IMPACT MITIGATION

- 34. 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 site works and throughout the life of this Development Approval.
- 35. 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:
 - 35.1 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*.

VIBRATION IMPACT

36. Construction activities and equipment that produce vibrations must not impact upon the amenity of adjacent commercial and residential receptors or cause impacts to the structural integrity of the existing buildings/improvements, including foundations, on adjoining properties.
37. Where considered warranted by Council and when requested in writing to do so, 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 are below those stated in Table 01. 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.

Table 01 - Human comfort vibration limits to minimize nuisance

Building	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

CONSTRUCTION WASTE MANAGEMENT & STORAGE

38. 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*.
39. 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*.
40. Fires are not to be lit to dispose of demolition or construction waste.
41. 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:
- 41.1 Elsewhere within this Development Approval;
 - 41.2 In accordance with an associated Development Permit for Operational Work;
 - 41.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 41.4 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

41.5 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.

42. 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

43. 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

44. 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.

45. 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.

46. 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.

47. All disturbed areas must be mulched or turfed as soon as possible during construction.

47.1 Where grass seeding is undertaken, appropriate measures must be in place until the establishment of suitable ground cover.

48. 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.

REMOVAL OF EXISTING STREET TREES

49. The removal or modification (including any disturbance of the root system within the drip line) of a street tree must not be undertaken unless otherwise approved in writing by Council and in accordance with any conditions of this Development Approval.

PROTECTION OF STREET TREES

50. Street trees affected by works within the 'Precautionary Area', must be protected for the duration of construction. All works must be carried out in accordance with the relevant standards in *Planning Scheme Policy No.8 - Street Trees* and must include in particular:

50.1 Establishment of a work exclusion area around the street tree to be retained prior to commencement of construction to avoid damage and soil compaction from plant and machinery;

50.2 Provision of one weeks' notice to Council of any excavation works affecting the 'Precautionary Area' of a street tree so that a Council Arborist may be present during excavation works;

- 50.3 During excavation works, where roots greater than 50mm diameter are uncovered that need to be severed, obtaining approval from a Council Arborist to sever the root, and if granted, to do so with a cutting device and not a ripping device; and
- 50.4 Maintenance of street tree protection until works are completed or accepted on-maintenance.

DAMAGE TO SERVICES & ASSETS

- 51. Protect Council and public utility services and assets during construction of the development.
- 52. 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:
 - 52.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 52.2 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.
- 53. 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.
- 54. Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with Council's relevant policies and requirements at no cost to Council.

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

SERVICES & UTILITIES

WASTEWATER INFRASTRUCTURE (GENERAL)

- 55. The subdivision must be connected to Council's existing wastewater reticulation system in accordance with Council's *Waste Water Infrastructure Policy 2.04* at no cost to Council.

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

- 56. New sewer connections must be provided to existing dwellings in Lot 22 and Lot 41 at no cost to Council.
- 57. House drainages of the dwellings in Lot 22 and Lot 41 must be connected to new sewer connections by a licenced Plumber at no cost to Council. Old connections must be capped off by a licenced plumber at no cost to Council.

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

- 58. Any earthworks must not result in the cover of existing sewers to exceed a depth of 4.0m or become shallower than 900mm from the ground surface.
- 59. Easements must be registered in favour of Toowoomba Regional Council against the title of all lots which are less than 450m² and have a sewer manhole. The easement must be a minimum three (3.0) metres wide and must be provided from the nearest public road to access the sewer manhole along the side property boundary.

Note: The easement layout will be determined during Operational Works stage depending on the sewer layout.

- 60. 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.

61. 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.
62. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted and be approved by Council for internal and external wastewater reticulation works and in accordance with the approved plans and documents of this Development Approval.

WASTEWATER INFRASTRUCTURE (APPROVAL OF LAND OWNER)

63. Where it is necessary for any proposed wastewater infrastructure to be constructed through land not part of the development, obtain the written approval of the owner of that land and provide evidence of such written approval to Council prior to endorsement of engineering plans and specifications for the works or prior to any request for Council to prepare a quotation for works.

WATER SUPPLY

64. The subdivision must be provided with a water supply system capable of servicing each lot 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.

65. If cover of the existing water mains do not comply with the requirements of Council's *Water Infrastructure Policy 2.03* due to any earth works associated with the approved development, the water mains must be relocated as part of any subsequent Development Application for Operational Works approval.

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

66. Unless able to be used as part of the development, any existing connection must be disconnected at no cost to Council.
67. Any existing water supply connection traversing more than one approved lot must be disconnected and removed.
68. Written confirmation must be provided to Council by Licensed Plumber that the disconnection has been carried out.
69. Where works have been carried out to disconnect or remove traversing pipes, written confirmation must state that a separate water supply has been provided for all lots containing buildings which previously had a metered water supply, and that new water meters have been provided where necessary.
70. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted and be approved by Council for internal and external water supply works and in accordance with the approved plans and documents of this Development Approval.

TELECOMMUNICATION

71. Install telecommunications infrastructure to service each approved lot which complies with the following:
 - 71.1 The requirements of the *Telecommunications Act 1997* (Cth);
 - 71.2 For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - 71.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.

72. 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.
73. 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.

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

74. 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.
75. 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)

76. Existing roads must be widened for the frontage of proposed Lots 1,2 and 3, as follows:

Street: Cambooya Street

Classification: Local Access

Construction Standard: A local Access standard to construct a kerb and channel and typical verge profile in accordance with *Planning Scheme Policy No. 2 - Engineering Standards - Roads and Drainage Infrastructure (PSP No.2)*

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

77. Existing roads must be constructed for the development frontage, as follows:

Street: Lynch Street

Classification: Local Access

Construction Standard: Local access standard on development frontage to achieve 7m Carriage lanes and an end of road cul-de-sac treatment to maintain access for existing driveways at 446-448 Anzac Avenue.

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

78. 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.
79. All street surfacing must be in accordance with the pavement construction standards in PSP No. 2.

80. Verge widths, street reserve widths, intersection treatment, provision of parking and speed control devices must comply with Council's requirements in PSP No. 2.
81. 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 for each stage as relevant.
82. The design and construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil.

ROADWORKS (INTERNAL TO SUBDIVISION)

83. Internal roads must generally be constructed in accordance with *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)*.
84. The internal roads must be constructed to a sealed standard, including kerb and channel on both sides of the new roads. Such kerb and channeling must be an approved residential kerb and channel. The internal roads must be as follows:
 - 84.1 Road 1 and 2 must have an 17m road reserve width with 6m carriageway width measured between channel inverts; and
 - 84.2 The cul-de-sac heads of Roads 1 and 2 must have a 10m head radius (20m diameter from kerb to kerb) unencumbered in accordance with AM Civil Consulting Engineers Drawing No. C-01, Revision B dated 15 September 2022 at Appendix D of the Stormwater Management Plan to enable a waste service vehicle to make a single turning manoeuvre.

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

85. All street surfacing must consist of an approved asphaltic concrete.
86. 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)*.
87. 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.
88. 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.
89. The design and the construction of the works must be certified by a RPEQ – Civil.

EXTERNAL PEDESTRIAN & CYCLE PATHS

90. The following works must be constructed in accordance with *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)*:
 - 90.1 A 1.5m wide concrete pedestrian path for Cambooya Street, Lynch street, Road 1 and Road 2 for each stage as relevant;
 - 90.2 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*;
 - 90.3 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.

91. 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

92. 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.

93. 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

94. 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

95. 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.
96. 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)

97. A vehicle crossover (crossing of the verge) must be constructed from the kerb and channel to the property boundary, for Lots 3, 26, 27, 28 and 29 in accordance with the following requirements:
- 97.1 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)*;
 - 97.2 For hatchet lots, the sealed driveway must be constructed for the full extent of the access corridor and must be a minimum width of 3 metres;
 - 97.3 The driveway surfacing must consist of an approved hot mixed asphaltic concrete, segmental clay/concrete pavers or patterned/plain concrete;
 - 97.4 The driveway must be constructed so as not to concentrate stormwater runoff onto neighbouring properties;
 - 97.5 Underground service conduits for water supply, electricity, house drainage and any other services must be provided as part of the access driveway; and
 - 97.6 Where used for parking, the longitudinal gradient and crossfall of all driveways must comply with the requirements of AS2890.1.

- 97.7 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.

PROPERTY ACCESS

98. Direct access to Anzac Avenue is not permitted from Lots 29 – 34 at any time.

PREMISES IDENTIFICATION

99. Prior to off maintenance, reflective street numbers must be affixed to the kerb in front of each lot.

ENVIRONMENT & WASTE

ACOUSTIC AMENITY - ACOUSTIC BARRIER(S)

100. An acoustic barrier must be constructed on the subject land for noise attenuation as per the Approved Master Plan. The barrier must be constructed in accordance with the following requirements:
- 100.1 The barrier must be erected within the subject land, along the north western boundary of lots 29 – 34; and
- 100.2 Must be constructed to a height of 1.8m above the finished ground level for each adjacent residential lot.

LANDSCAPE & ECOLOGY

LANDSCAPE PLAN

101. Prior to the commencement of any works on site or the issue of a Development Permit for Operational Works or Building Work (whichever occurs first) submit to Council for endorsement, a Landscape Plan prepared by a suitably qualified person that details in particular for the street trees:
- 101.1 The species to be planted and their location;
- 101.2 The number and container size of plants;
- 101.3 Typical cross section through each street typology indicating clearance of street trees from underground services, kerbs and footpaths in accordance with *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure*;
- 101.4 The typical planting detail including preparation, backfill, staking and mulching; and
- 101.5 North point, scale and drawing number.

Note: Street trees required to be supplied as a condition if this Development Approval must be supplied in 45L containers or as otherwise specified. Proposed street trees, if approved, are expected to be supplied in 45L containers.

LANDSCAPING WORKS (PROVISION OF STREET TREES)

102. Plant and maintain for a period of 12 months, one (1) street tree within the road reserve for all newly created roads and roads to be upgraded for every 15 metres of road frontage, capable of reaching 10-12 metres in height at maturity. An increase in the number and/or variation to the location of street trees may be agreed by Council in an approved landscape plan.
103. The selection and planting of any street tree, including any street tree required to replace a removed street tree must be in accordance with the requirements of Planning Scheme Policy No.8 - Street Trees, Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure, the Toowoomba Regional Council Street Tree Master Plan, and the approved Landscape Plan.

104. All landscape works must be established by a suitably qualified person and maintained in accordance with the conditions of this Development Approval until the works are accepted by Council as off maintenance.

ADVICES

INFRASTRUCTURE CHARGES

- 1) 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

- 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) 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.
- 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 50m³ 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 50m³ or more of fill is deposited on, or 50m³ 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

- 8) 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

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

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

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

WATER POLLUTION

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

FIRE ANTS

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

QUALIFIED PERSON

- 12) For the purpose of preparing a Landscape Plan, a suitably qualified person is considered to be a Registered Landscape Architect or Landscape Designer with a minimum of 3 years current experience in the field of landscape design.

TRANSPORT NOISE CORRIDOR

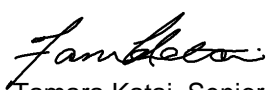
- 13) Lot 2 on D1064 is identified in the "Transport Noise Corridor" under the *Toowoomba Regional Planning Scheme 2012*. Any construction of sensitive land uses carried out within the Transport Noise Corridor should be in accordance with *Queensland Development Code Mandatory Part (MP) 4.4 'Buildings in a Transport Noise Corridor'* for all habitable rooms adjoining the corridor.

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 2). 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 RECOMMENDATION:

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.



Tamara Katai, Senior Planner
Development Services

Decision Date: 10 November 2022

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	55 and 68-76 Lynch Street and 71 and 89-99 Cambooya Street, DRAYTON QLD 4350			
Real Property Description	Lot 11 D133637, Lot 2 D1064, Lot 30 SP318804 and Lot 4 D1064			
Site Area	3.1533ha			
Owner	Linda Beatrice Barton and James Michael Barton and Reuben James Hugo Barton			
SITE CHARACTERISTICS				
Current Land Use	Residential			
Site Frontage/s	Anzac Avenue – 100m Lynch Street – 200m Cambooya Street – 140m Darling Street – 100m			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Anzac Avenue	Regional Arterial	60m	13 – 14m (Service Road – 7 – 8.5m)	Asphalt
Lynch Street	Local	30m	6m	Gravel
Cambooya Street	Local	30m	7m	Asphalt
Darling Street	Local	30 – 36m	5m	Asphalt
Easements	Easement A SP265069 Easement B SP318804			
Existing Structures	Dwelling Houses and associated structures.			
Infrastructure	The subject site has access to water infrastructure from Anzac Avenue and Lynch and Cambooya Street. Sewer infrastructure is also available form Lynch Street and traverses the subject site along the south-eastern boundary of Lot 30 SP318804. The site is not serviced by Stormwater Infrastructure.			
Topography	The subject site predominately falls to the north east, however Lot 4 D1064 falls to the south west towards Darling Street.			
Street Trees	There are several street trees located within the Cambooya Street, Darling Street and Anzac Avenue road reserves fronting the subject site.			
Other Features	The subject site is located within the Greenfield Area.			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 27)			Adopted: 25/02/22
Zone	Low-Medium Density Residential			
Precinct	Urban Residential			
Overlays	Airport Environs Overlay <ul style="list-style-type: none"> - 8km Wildlife Hazard Buffer Zone - Lighting Area Buffer (6km) Flood Hazard Overlay <ul style="list-style-type: none"> - Overland Flow (Low) - Overland Flow (High) - Vulnerable Uses Restriction Area 			
Infrastructure Charges Resolution	Charges Resolution No. 5			Adopted: 01/03/22

SURROUNDS:		
Direction	Land Use	Zone/Precinct
North	Residential Transport Depot	Rural Residential / 4,000m ² Minimum
East	Residential Transport Depot	Low-Medium Density Residential / Urban Residential
South	Vacant Residential Anglicare	Open Space Low-Medium Density Residential / Urban Residential
West	Residential Vacant	Low-Medium Density Residential / Urban Residential Open Space
Other Features	Nothing to note	

APPLICATION HISTORY			
Application No.	Description	Decision Date	Decision
Nil.			
PREL/2015/5688	Meeting held 20 October 2015		
PREL/2018/4808	Meeting held 12 October 2018		
Other	Nothing of Note.		

PROPOSED DEVELOPMENT	
Name of Applicant	The Finnie Group
Type of Application	Reconfiguring a Lot
Proposed Development	Four (4) Lots into 42 Lots
Variations Sought	Not Applicable
Level of Assessment	Code
Decision Making Period Ends	4 November 2022

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	<p>Schedule 10, Part 9, Division 4 Subdivision 1, Table 1 —Item 1</p> <p>Development exceeds the prescribed total site area threshold for development in local government area 2.</p> <p>Schedule 10, Part 9, Division 4 Subdivision 2, Table 1 —Item 1</p> <p>Development is within 25m of a State Transport Corridor and increases total number of lots.</p>	Concurrence Agency (SARA) advised by Response dated 15 September 2022 conditions to be attached to any approval.

Internal Referrals

Internal Referral Partner	Referral / Response
Development	Reviewed application and recommended conditions for approval.

Engineering and Plumbing	
Development Services Environmental	Reviewed application and recommended conditions for approval.
Parks	Reviewed application and recommended conditions for approval.
Waste Collection	Reviewed application and recommended conditions for approval.
Infrastructure Charges Unit	Preparing an Infrastructure Charges Notice in accordance with <i>Charges Resolution No. 5</i> to accompany an approval of the development.

ISSUES, RISKS AND RESPONSES – ASSESSMENT

Categorising Instrument – *Planning Regulation 2017*:

PLANNING REGULATION 2017	
<i>Prohibited Development</i>	The proposed development is not prohibited development in accordance with the <i>Planning Regulation 2017</i> .
<i>Infrastructure Charges</i>	The <i>Planning Regulation 2017</i> provides for the levying of infrastructure charges on development approvals.
<i>Schedules 9 and 10</i>	<p>Schedules 9 and 10 categorises particular development and details the relevant assessment benchmarks for development as relevant.</p> <p>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.</p> <p>The proposed development is a Reconfiguring a Lot as defined in Schedule 12A of the Regulation and has been assessed against the relevant Assessment Benchmarks. The proposed reconfiguring a Lot is considered to comply with the relevant Assessment Benchmarks.</p> <p>Further, the proposed development was referred to State for assessment in accordance with Schedule 10.</p>

REGIONAL PLANS	
<i>Shaping SEQ – South East Queensland Regional Plan 2017</i>	<p>The subject site is mapped within the bounds of the <i>Shaping SEQ – 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 land use intent for the Urban Footprint as it proposes additional lots that may be used for an urban use within the bounds of the urban footprint.</p>
<i>Darling Downs Regional Plan October 2013</i>	The <i>Darling Downs Regional Plan 2013</i> (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. The subject site is located within the Restricted Area 384 of the DDRP as it is located within the SEQRP and accordingly the DDRP has no requirements.

STATE PLANNING POLICY (SPP) July 2017	
Interests	Assessment Comments
Housing Supply and Diversity	<p>The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP does not include mapping associated with this State Interest.</p> <p>However, the policies identified for this interest in Part E of the SPP generally apply to development proposing the establishment of land for residential development, particularly large subdivisions.</p>

	<p>Given, that the proposal involves creating residential lots the policies identified in Part E of the SPP for this interest apply to the proposed development.</p> <p>It is considered that the proposed development achieves the policies of this state interest, given the development provides a variety of lot sizes leading to housing options, and is connected to infrastructure as necessary, though it is noted that there are no assessment benchmarks for this code assessable application.</p>
Livable Communities	No applicable assessment benchmarks.
Agriculture	No applicable assessment benchmarks.
Development and Construction	No applicable assessment benchmarks.
Mining and Extractive Resources	No applicable assessment benchmarks.
Tourism	No applicable assessment benchmarks.
Biodiversity	No applicable assessment benchmarks.
Cultural Heritage	No applicable assessment benchmarks.
Water Quality	No applicable assessment benchmarks.
Emissions and Hazardous Activities	No applicable assessment benchmarks.
Natural Hazards, Risk and Resilience	No applicable assessment benchmarks.
Energy and Water Supply	No applicable assessment benchmarks.
Infrastructure Integration	No applicable assessment benchmarks.
Transport Infrastructure	No applicable assessment benchmarks.
Strategic Airports and Aviation Facilities	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 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:

- Airport Environs Overlay Code;
- Flood Hazard Overlay Code;
- Low-Medium Density Zone Code; and
- Reconfiguring a Lot Code

The development was assessed against all of the assessment benchmarks listed above and is considered to comply without exception as follows:

DEVELOPMENT CODES:

RECONFIGURING A LOT CODE	
Purpose	Overall Outcomes
<p><i>The purpose of the Reconfiguring a Lot Code is to:</i></p> <p>(a) <i>provide for good neighbourhood design, consistent with the character and environmental values of the overlay, zone and precinct, and local plan area in which the land is located⁶⁰;</i></p> <p>(b) <i>ensure the creation of a sense of place and distinctive identity;</i></p> <p>(c) <i>protect important natural features and</i></p>	<p><i>The purpose of the code will be achieved through the following overall outcomes:</i></p> <p>(a) <i>lot reconfiguration facilitates the creation of safe, convenient, functionally efficient and attractive environments, consistent with the desired character of the zone or precinct in which the site is situated;</i></p> <p>(b) <i>lot reconfiguration meets the diverse needs of the community for a range of affordable housing types, accessible commercial and community facilities and local employment opportunities;</i></p>

<p>values, economic resources and places of cultural heritage significance;</p> <p>(d) ensure lot reconfiguration provides for an efficient and well integrated urban form, and in rural areas provides for sustainable use of land and agricultural resources;</p> <p>(e) ensure lot reconfiguration facilitates safe and efficient provision of, and equitable access to, infrastructure and services;</p> <p>(f) ensure transport networks provide for appropriate levels of accessibility and accommodate a wide range of travel modes including walking, cycling and the use of public transport;</p> <p>(g) encourage development to be resource efficient; and</p> <p>(h) Provide for neighbourhood design that suits safe and practical connectivity with adjoining similar uses in terms of roads, open space and stormwater drainage layout.⁶¹</p>	<p>(c) Lot reconfigurations facilitate the achievement of dwelling yields in the order of:</p> <p>(i) 15 dwellings per hectare net in the Low Density Residential Zone; and</p> <p>(ii) 30 dwellings per hectare net in the Low-medium Density Residential Zone.⁶²</p> <p>(d) lot reconfiguration is responsive to the local environment, including its topography, natural drainage systems, vegetation and habitat, cultural heritage features, streetscape character, landmarks, views and vistas;</p> <p>(e) lot reconfiguration facilitates the protection and sustainable use of rural land resources;</p> <p>(f) areas containing important ecological values and cultural values are protected from development and the associated impacts caused by development;</p> <p>(g) lot reconfiguration facilitates compatible relationships between different land uses and activities;</p> <p>(h) lot design and sizes are suited to the intended use of the land;</p> <p>(i) lot orientation facilitates the conservation of non-renewable energy sources and the design of buildings that are appropriate for the local climatic conditions;</p>
<p>Performance Outcome</p>	<p>Acceptable Outcome</p>
<p>PO₄₉ The access strip/easement:</p> <p>(a) has a minimum width of 6 metres for its full length;</p> <p>(b) is located on the southern or western side of the lot;</p> <p>(c) has a maximum length of 30 metres;</p> <p>(d) is located so that there is no more than one driveway serving an adjoining property within 6 metres of the access strip/easement boundary (see figure 3 below).</p>	<p>No acceptable outcome is nominated.</p>
<p>Alternate Outcome</p>	
<p>The applicant submits:</p> <p><i>“The access handles of the hatchet lots is located on the northern side of the lots. However, the size and developable area of the hatchet lots is such that access to sunlight and ventilation for these lots is not compromised.</i></p> <p><i>It is considered the proposed development generally complies with the Performance Outcome.”</i></p>	
<p>Officer Comment</p>	
<p>The proposed reconfiguring a lot application will result in two (2) hatchet lots that provide access strips on the northern (Lot 27) and eastern (Lot 29) sides of the lot and accordingly do not meet the requirements of PO₄₉ (b). Notwithstanding, it is considered that the orientation and dimension of proposed Lots 27 and 29 will allow for adequate daylight to be reached by future development on the sites, particularly noting that the long axis of each lot runs east to west. Noting that the proposed development is infill development, the proposed layout of Lots 27 and 29 allow for an increase in density within the Low-Medium Residential Road, contributing to an overall net density of 30 Dwellings per net hectare. It is therefore considered that on balance, the proposed development complies with the Purpose and Overall Outcomes of the Reconfiguring a Lot Code without compromising the future amenity of dwelling house on the subject site.</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 subject site is located within the Priority Infrastructure Area (PIA).

Other Relevant Matters

Not Applicable

FINANCIAL / RESOURCE IMPLICATIONS

Infrastructure charges will be applied in accordance with Council's *Charges Resolution No.5*.

Human Rights Act 2019 CONSIDERATIONS

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

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

Section 15 – Recognition and equality before the law
Section 24 – Property rights

It is the opinion of the decision maker that no human rights have been limited except those necessary to ensure compliance with the Queensland planning framework.

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 2). 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	4	Aerial Image
Attachment	2	of	4	Zoning Map
Attachment	3	of	4	Master Plan
Attachment	4	of	4	Lot Layout

SCHEDULES

Schedule	1	Concurrence Agency Response
Schedule	2	Statement of Reasons

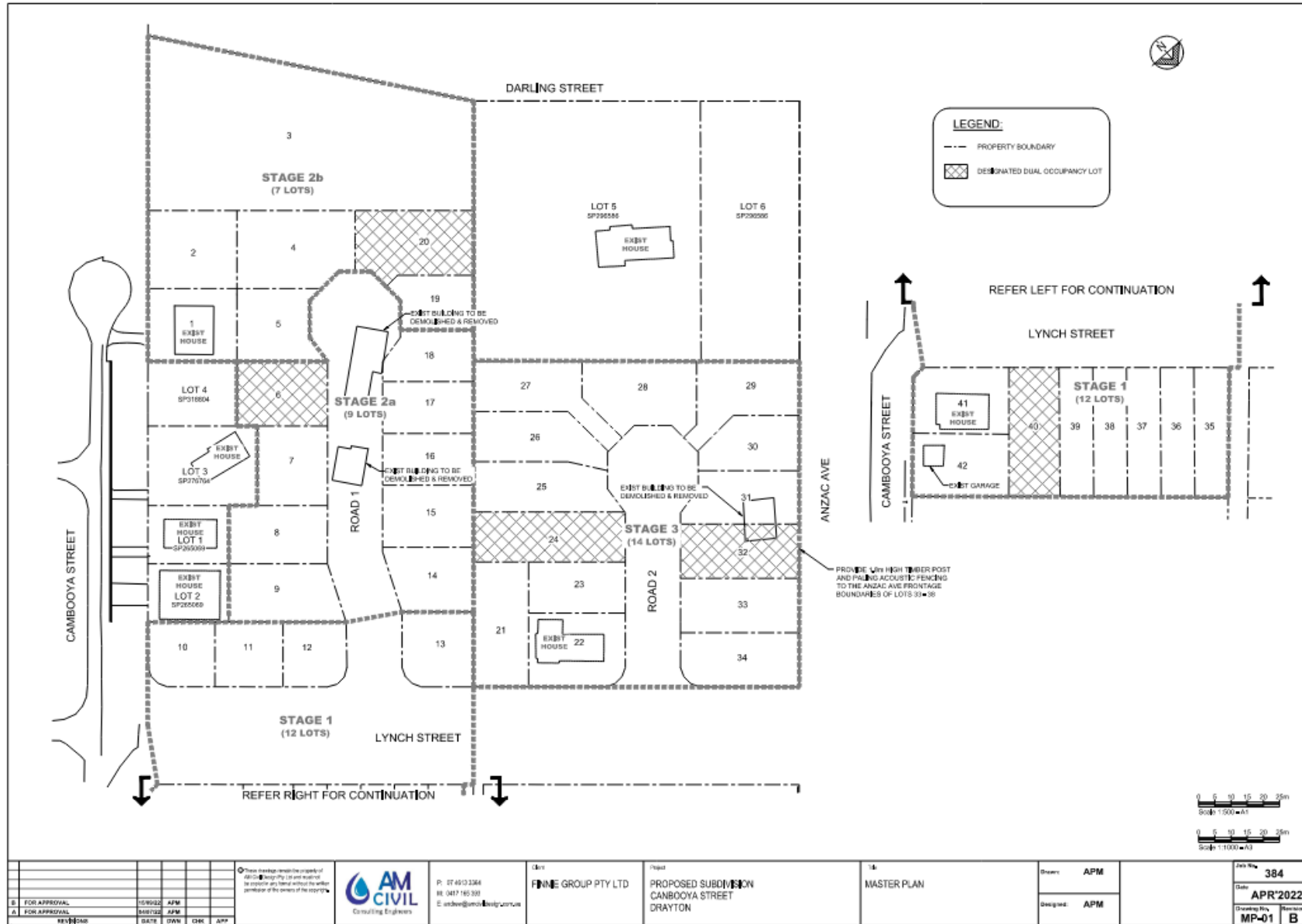
ATTACHMENTS



Attachment 1 – Aerial Image (Source: IntraMaps 2022)



Attachment 2 – Zoning Map (Source: IntraMaps 2022)



Attachment 3 – Master Plan (Source: Applicant)

SCHEDULE 1

Concurrence Agency Response



SARA Reference: 2208-30423 SRA
Council Reference: RAL/2022/3905



15 September 2022

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

Attention: Emily Hinchcliffe

Dear Ms Hinchcliffe

SARA Response—55 and 68-76 Lynch Street and 85 and 89-99 Cambooya Street, Drayton

(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 on 15 August 2022.

Response

Outcome:	Referral Agency Response – with Conditions
Date of Response:	15 September 2022
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development Details

Description:	Development Permit	Reconfiguring a Lot – Subdivide Four (4) Lots into 42 Lots
SARA Role:	Referral Agency	
SARA Trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 of the Planning Regulation 2017 (10.9.4.2.1.1)—Reconfiguring a lot within 25 metres of a state-controlled road	
SARA Reference:	2208-30423 SRA	

Assessment Manager: Toowoomba Regional Council
Street Address: 55 and 68-76 Lynch Street and 85 and 89-99 Cambooya Street,
Drayton
Real Property Description: Lots 2 and 4 on D1064, Lot 11 on D133637 and Lot 30 on SP318804
Applicant Name: The Finnie Group
Applicant Contact Details: c/- Revolution Town Planning
PO Box 1978
TOOWOOMBA CITY QLD 4350
peter@revolutiontp.com.au

Representations

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 (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Cavannah Deller, A/ Senior Planning Officer, on 07 3244 9343 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



David Hooper
Manager

cc The Finnie Group, c/- Revolution Town Planning, peter@revolutiontp.com.au

enc **Attachment 1** – Referral Agency Conditions
Attachment 2 – Advice to the Applicant
Attachment 3 – Reasons for Referral Agency Response
Attachment 4 – Representations about a Referral Agency Response Provisions

Attachment 1—Referral Agency Conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions	Condition Timing
10.9.4.2.1.1—Reconfiguring a lot within 25 metres of a state-controlled road—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	Direct access is not permitted between Anzac Avenue (Toowoomba-Athol Road) and the subject site.	At all times

Attachment 2—Advice to the Applicant

General Advice	
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 3—Reasons for Referral Agency Response

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

The reasons for SARA's decision are:

The proposed development complies with State code 1: Development in a state-controlled road environment of SDAP. Specifically, the development:

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road
- does not adversely impact the structural integrity or physical condition of state-controlled roads or road transport infrastructure
- does not adversely impact the function and efficiency of state-controlled roads or future state-controlled roads
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure
- does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure
- protects community amenity from significant adverse impacts of environmental emissions generated by road transport infrastructure or vehicles using state-controlled roads.

Material used in the assessment of the application:

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

Attachment 4—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 Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

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.²
- 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.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² 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.³

³ 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	
Site Address	55 and 68-76 Lynch Street and 71 and 89-99 Cambooya Street, DRAYTON QLD 4350
Real Property Description	Lot 11 D133637, Lot 2 D1064, Lot 30 SP318804 and Lot 4 D1064
Site Area	3.1533ha
Owner	Linda Beatrice Barton and James Michael Barton and Reuben James Hugo Barton

PROPOSED DEVELOPMENT	
Name of Applicant	The Finnie Group
Type of Application	Reconfiguring a Lot
Proposed Development	Four (4) Lots into 42 Lots
Level of Assessment	Code
Decision	Approval
Decision Date	10 November 2022

ASSESSMENT MATTERS	
Assessment benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Schedules 9 and 10 of the <i>Planning Regulation 2017</i> (as relevant); • <i>State Planning Policy July 2017</i> (as relevant); • South-east Queensland Regional Plan/Darling Downs Regional Plan (as relevant); • The Local Government Infrastructure Plan; and • <i>Toowoomba Regional Planning Scheme 2012</i> (Version 27) <ul style="list-style-type: none"> ○ Airport Environs Overlay Code; ○ Flood Hazard Overlay Code; ○ Low-Medium Density Zone Code; and ○ Reconfiguring a Lot Code
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/2022/3905