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**TOOWOOMBA
REGIONAL COUNCIL**

**Toowoomba
Regional Council
Planning Scheme
Assessment
Report**

**Glenvale
Willows Estate,
Glenvale 4350**

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1.0 Executive Summary

Property Details	
Site Address:	Lot 43, Glenvale Willows Estate, Glenvale 4350
Real Property Description:	Lot 43, Glenvale Willows Estate, Glenvale 4350
Site Area:	569m ²
Small Lot:	No
Landowner:	TUNNEY INVESTMENTS PTY LTD A.C.N. 009 668 026

Planning Framework	
Planning Scheme:	Toowoomba Regional Council Planning Scheme
Zone:	Low-Medium Density Residential Zone (due to preliminary approval)
Overlays:	<ul style="list-style-type: none"> • Environmental Significance • Flood Hazard
Assessment Benchmarks:	<ul style="list-style-type: none"> • Environmental Significance Overlay Code • Environmental Standards Code • Integrated Water Cycle Management Code • Landscaping Code • Low-Medium Density Residential Zone Code • Medium Density Residential Code • Transport, Access and Parking Code • Works and Services Code
Referral Triggers:	None

Application Details	
Type of Application:	Development Permit - Material Change of Use
Current Use of Site:	Vacant land
Proposed Use:	Dual Occupancy
Site Cover:	44.52%
Gross Floor Area:	259.95m ²
Storeys:	1
Description of Development:	Dual Occupancy
Category of Assessment:	Code Assessable

Applicant Details	
Applicant:	TUNNEY INVESTMENTS PTY LTD A.C.N. 009 668 026 c/- Buildable Approvals - Town Planning
Contact Person:	Joe Sevillano
Email:	townplanning@buildable.com.au

2.0 Introduction

This Toowoomba Regional Council Planning Scheme Assessment Report has been prepared by Buildable Approvals - Town Planning on behalf of TUNNEY INVESTMENTS PTY LTD A.C.N. 009 668 026, the owner of the property described above. This report supports the application for a Development Permit - Material Change of Use for a Dual Occupancy.

In support of the application, the following documents are submitted for consideration by the Assessment Manager:

- DA Form 1
- Proposed Plans
- Landowners Consent
- Title Search
- Assessment Report including Appendix A – Code Assessment

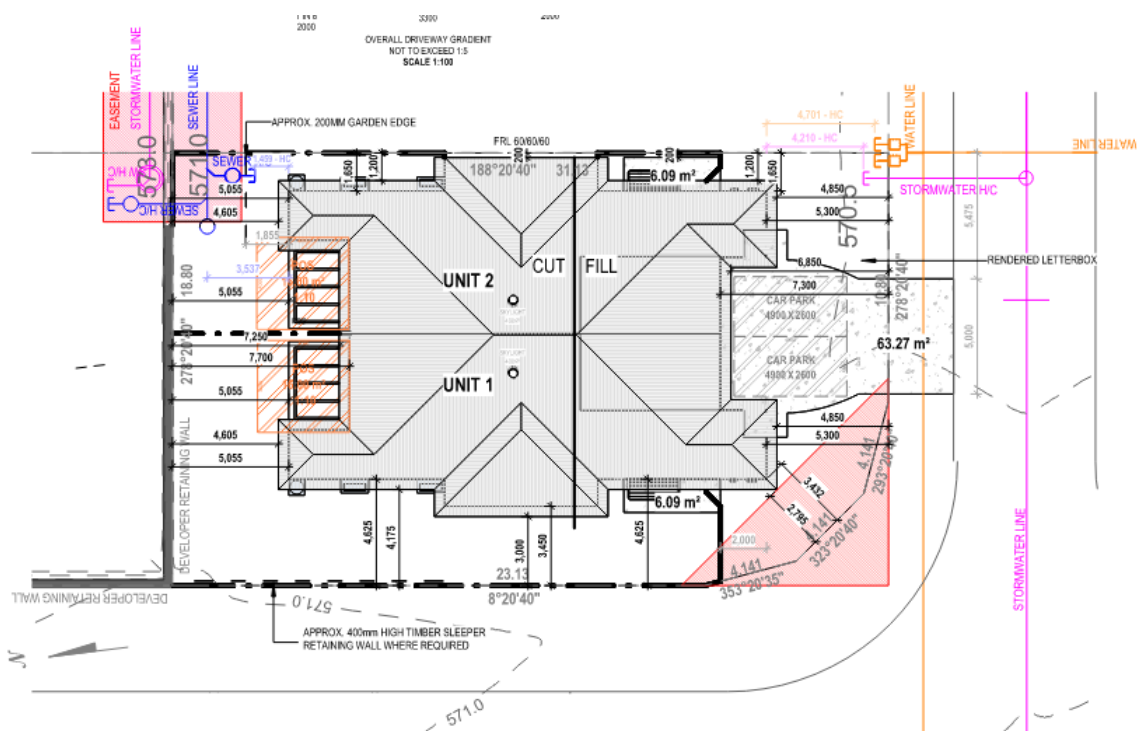
3.0 The Proposal

This application is for a Development Permit - Material Change of Use for a Dual Occupancy. The subject site is Lot 43, Glenvale Willows Estate, Glenvale 4350. The provisions of the Low-Medium Density Residential zone are applicable, and the site has a total area of 569m².

The proposed dual occupancy seeks to construct two three-bedroom dwellings on the site. The floorplates are effectively a mirror of each other, and the design features a single garage for each dwelling in the middle of the frontage, with a front door and study alongside. A single, central driveway is proposed to provide vehicular access.

A development application is required as the proposed development will not comply with all of the Acceptable Outcomes of the Glenvale Willows Dual Occupancy Code, namely:

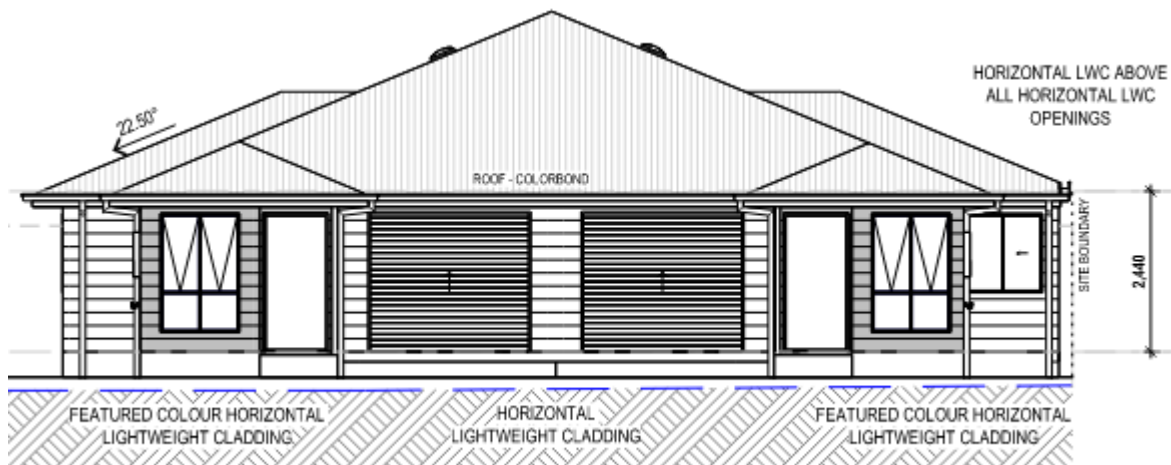
- AO8.3 – Road setback.



Site plan extract



Floor plans



Front elevation

Glenvale Willows Estate – Aerial Image



5.0 Town Planning Assessment Framework

5.1 State Legislation

5.1.1 Planning Act 2016

The Planning Act 2016 identifies that a development approval is required for development categorised as assessable development by a categorising instrument under the Act (Chapter 3, Part 1, section 43 - 44).

The development application is subject to code assessment, and therefore the assessment benchmarks, and matters that the assessment manager must have regard to, are those identified in section 45(3) of the Planning Act 2016 and sections 26 and 27 of the Planning Regulation 2017.

In accordance with the Planning Act 2016, an application must be assessed against the following assessment benchmarks:

- State Planning Policy;
- Regional Plan;
- Planning Scheme;
- Temporary Local Planning Instrument;
- Planning Scheme Policy.

The proposal will be assessed in accordance with the Development Assessment Rules under section 68(1) of the Planning Act 2016.

5.1.2 State Planning Policy (SPP)

The State Planning Policy provides a comprehensive set of State interest statements and assessment benchmarks in order to guide land use planning for both Local and State Government.

The State Planning Policy includes sixteen state interests that are arranged under five broad themes:

- Liveable Communities and Housing;
- Economic Growth;
- Environment and Heritage;
- Safety and Resilience to Hazards; and
- Infrastructure

An assessment of the proposed development has been carried out and it has been determined that the proposed development does not require further assessment against the State Planning Policy.

5.1.3 South East Queensland Regional Plan 2017

The subject site is located within the South East Queensland Regional Plan 2017. The site is included in the Urban Footprint of the South East Queensland Regional Plan. The intent of the Urban Footprint is to accommodate the region's urban growth needs and includes a range of urban uses such as housing, industry, businesses, infrastructure, community facilities and urban open space.

The Assessment Manager must refer to the Regional Plan if it is identified as being inadequately reflected in the Planning Scheme. The South East Regional Plan is adequately reflected within the Strategic Framework of the Planning Scheme.

5.1.4 State Development Assessment Provisions (SDAP)

State Interest Mapping has been reviewed in accordance with the relevant requirements of the Planning Act 2016. This review has confirmed that the proposed development does not require referral to any referral, advice or concurrence agencies.

5.2 Local Government Legislation

5.2.1 Toowoomba Regional Council Planning Scheme Provisions

The development application requires code assessment under the Toowoomba Regional Council Planning Scheme Planning Scheme. The table below details how the category of assessment and assessment benchmarks have been determined. A summary of the assessment is provided together with references to additional supporting information provided with this development application.

Toowoomba Regional Council Planning Scheme Section	Category of Assessment	Assessment Benchmarks	Assessment/Notes
5.4 Prescribed Level of Assessment	NA	NA	No prescribed category of assessment is applicable.
5.5 MCU	Code	Medium Density Residential Code Other development codes as detailed below	A code assessable development application is required.
5.6 ROL	NA	NA	No ROL is proposed.
5.7 BW	NA	NA	No BW is proposed.
5.8 OPW	NA	NA	No OPW is proposed.
5.10 Overlays	The site is affected by the following overlays:		
Environmental Significance	No change	Environmental Significance Overlay Code	The Variation approval document specifies that assessable development must be assessed against this code.
Flood Hazard	NA	NA	The Variation approval document does not have a Table of assessment associated with this overlay.

5.2.2 Planning Assessment

The proposed development is assessable against several planning scheme codes. These codes and a response are provided below:

Planning Scheme Code	Response
Environmental Significance Overlay Code	The purpose of the Environmental Significance Overlay Code is to avoid or minimise the impacts of development on: <ul style="list-style-type: none"> a) the biodiversity values of ecosystems, ecological processes, areas of ecological significance and biodiversity corridors; and

	<p>b) the ecological, hydrological and water quality values of natural waterways and wetlands.</p> <p>The proposed development will occur on an already cleared and levelled site that has been subject to bulk earthworks and other subdivisional works associated with creation of lots. There is no vegetation of environmental value left on site and accordingly, the proposed development will have no impact on the above environmental values.</p>
Environmental Standards Code	<p>The purpose of the Environmental Standards Code is to appropriately manage the environmental impacts of development in relation to outdoor lighting, odour, noise, dust, waste management and general air emissions.</p> <p>The proposed development is fully consistent with this code. The proposal will result in construction occurring on a newly created lot that has been subject to operational works by the developer to prepare it for development of the nature proposed. The residential nature of the use will ensure there are no significant or unreasonable amenity impacts to the surrounding area. If required, conditions of approval can ensure that any temporary environmental impacts during construction are managed to minimise impact to the surrounding area.</p>
Integrated Water Cycle Management Code	<p>The purpose of the Integrated Water Cycle Management Code is to ensure water and related infrastructure are sustainably managed on a total water cycle basis to maintain the wellbeing of the community and the environment.</p> <p>The proposed development is entirely consistent with this code. The development will not disturb wetlands, watercourses, natural land forms or riparian zones. Stormwater collected by the development will be discharged to a legal point of discharge, noting that the estate has had stormwater infrastructure built as part of operational works to prepare the site for residential development.</p>
Landscaping Code	<p>The purpose of the Landscaping Code is to facilitate landscaping which is an integral</p>

	<p>component of urban design, contributing to the creation or enhancement of quality places and spaces.</p> <p>The proposed development has ample room for landscaping at the front, sides and rear of the development. A landscape plan has been submitted which complies with the landscaping requirements of the Medium Density Residential Code.</p>
Low-Medium Density Residential Zone Code	<p>The purpose of the Low-medium Density Residential Zone Code is to provide for a range and mix of dwelling types including dwelling houses and multiple dwellings and community uses and small-scale services, facilities and infrastructure that cater for local residents.</p> <p>The proposed development is entirely consistent with this code. The site is a designated dual occupancy site within the Glenvale Willows Estate, and therefore the typology and intensity of the proposed development is entirely consistent with the anticipated level of development for the site.</p>
Medium Density Residential Code	<p>The proposed development is compliant with the acceptable outcomes of this code with the exception of the following:</p> <ul style="list-style-type: none"> • AO7.1 – Front building setback • AO12.1 – Garage width <p>The proposed development is entirely consistent with the relevant performance outcomes. Please see Appendix A – Code Assessment for details.</p>
State Planning Policy (July 2017) - Appendix 2 – Stormwater management design objectives	<p>The proposed development will direct stormwater runoff to a legal point of discharge. Given the minor nature of the development and that the estate has already had bulk earthworks and the construction of a stormwater drainage system undertaken, it is not anticipated that the proposed development will cause any excessive or unreasonable reduction in stormwater runoff quality.</p> <p>If required, conditions of approval can require that sediment control measures be implemented during construction.</p>
Transport, Access and Parking Code	<p>The purpose of the Transport, Access and Parking Code is to ensure development makes appropriate provision for transport,</p>

	<p>access, parking, servicing and end of trip facilities to meet the needs of development and facilitate, as far as practicable, an environmentally sustainable transport network.</p> <p>Two car spaces for each dwelling are required under this code.</p> <p>The proposed development has been designed to fully comply with AS2890.1:2004, including driveway width, design, gradient, manoeuvrability and design of car parking space. 2 car spaces in a tandem configuration are proposed for each dwelling.</p> <p>The proposed development is entirely consistent with this code.</p>
Works and Services Code	<p>The purpose of the Works and Services Code is to ensure development is provided with a level of infrastructure which supports the achievement of ecological sustainability and maintains or enhances community health, safety and amenity.</p> <p>Infrastructure has been provided to the estate in accordance with the development approval. The proposed development will be connected to all reticulated services. The proposed development is entirely consistent with this code.</p>

6.0 Conclusion and Recommendations

The proposal seeks Development Permit - Material Change of Use for a Dual Occupancy.

In support of the application, this Toowoomba Regional Council Planning Scheme Assessment Report and the associated information has demonstrated that the proposed development complies with all relevant assessment benchmarks (codes) of the Toowoomba Regional Council Planning Scheme, including the:

- Environmental Significance Overlay Code
- Environmental Standards Code
- Integrated Water Cycle Management Code
- Landscaping Code
- Low-Medium Density Residential Zone Code
- Medium Density Residential Code
- Transport, Access and Parking Code
- Works and Services Code

As the proposal complies with the assessment benchmarks, applicable under the Toowoomba Regional Council Planning Scheme, it is considered appropriate that this application be approved subject to reasonable and relevant conditions for the Development Permit.

We look forward to receiving Council's decision in relation to this application at your earliest convenience.

Should you have any questions, please do not hesitate to contact this office.

Thank you in advance for your assessment of this application.

Yours Sincerely,

Joe Sevillano

Appendix A – Code Assessment

Environmental Significance Overlay Code

Environmental Standards Code

Integrated Water Cycle Management Code

Landscaping Code

Low-Medium Density Residential Zone Code

Medium Density Residential Code

Transport, Access and Parking Code

Works and Services Code

Appendix A – Code Assessment

9.3.7 Medium Density Residential Code

9.3.7.1 Medium Density Residential Code – Requirements for accepted development and assessment benchmarks for assessable development

Performance Outcomes	Acceptable Outcomes	Response										
Where a Dual Occupancy												
<p>PO7 The front building setback is consistent with the prevailing front setbacks of other residential buildings in the street.</p> <p>Note: The prevailing setback of the street is determined by the setbacks of the residential buildings on any lot along the road within 100m of the site.</p>	<p>AO7.1 Buildings are setback from the road frontage: (a) within 10% of the average front setback of existing residential buildings within 100m of the site; or (b) where there is no adjoining buildings the front setback is provided in accordance with Table 4.</p> <table border="1" data-bbox="824 858 1413 1262"> <thead> <tr> <th colspan="2" data-bbox="824 858 1413 893">Table 4</th> </tr> <tr> <th data-bbox="824 893 1117 928">Building element</th> <th data-bbox="1117 893 1413 928">Minimum setback</th> </tr> </thead> <tbody> <tr> <td data-bbox="824 928 1117 1007">Solid building wall (other than a garage)</td> <td data-bbox="1117 928 1413 1007">4.0m</td> </tr> <tr> <td data-bbox="824 1007 1117 1082">Solid building wall (where for a garage)</td> <td data-bbox="1117 1007 1413 1082">5.5m</td> </tr> <tr> <td data-bbox="824 1082 1117 1262">Permeable or non-enclosed elements (e.g. porch, verandah, balcony or carport)</td> <td data-bbox="1117 1082 1413 1262">3.5m (or 3m where secondary road frontage)</td> </tr> </tbody> </table>	Table 4		Building element	Minimum setback	Solid building wall (other than a garage)	4.0m	Solid building wall (where for a garage)	5.5m	Permeable or non-enclosed elements (e.g. porch, verandah, balcony or carport)	3.5m (or 3m where secondary road frontage)	<p>Performance outcome. The proposed development will have a minimum 2.795m setback to the closest road frontage, in this case being the splay, as well as a setback of 3m to the secondary street.</p> <p>These setbacks are considered to be appropriate as the non-compliance is minor, being limited to the corner splay and a partial wall. The site is identified as a designated dual occupancy site within the estate, and the siting of a dual occupancy compliant with these setbacks would result in compromised amenity and/or lack of open space as built form would be forced to occupy much of the rear private open space to compensate for increased setbacks along the corner splay and secondary road frontage.</p> <p>Given the minor extent of the non-compliance, the proposed development will be consistent with the prevailing front setbacks of other residential buildings in the street (as they are built).</p>
Table 4												
Building element	Minimum setback											
Solid building wall (other than a garage)	4.0m											
Solid building wall (where for a garage)	5.5m											
Permeable or non-enclosed elements (e.g. porch, verandah, balcony or carport)	3.5m (or 3m where secondary road frontage)											

<p>PO12 Garages and carports (except those with frontage to a rear lane) do not dominate the street frontage.</p>	<p>AO12.1 Garages and/or carports facing a street make up no more than 30% of the width of the site.</p> <p>AO12.2 Garages and/or carports facing a street are setback a minimum of 1 metre behind the main face of the dwelling.</p> <p>Note: See Figures 9 and 10.</p>	<p>Performance Outcome. The site has a width of 18.8m and the garages will have a combined width of 6.64m, resulting in garages facing the street making up 35.3% of the site width. The proposed garage design features roller doors in a different finish to the front walls. Together with porches and front façade cladding, there will be an appropriate mix of colours and finishes to ensure the garages do not dominate the street frontage. Note that only a single garage is proposed for each dwelling, and together the two garages resemble a conventional double garage.</p> <p>Complies. The proposed garages will be recessed approximately 2m behind the main face of each dwelling.</p>
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