



DEVELOPMENT APPLICATION

Development Permit – Reconfiguring a Lot

Subdivision (1 into 2 Lots)

9921 New England Highway, Cabarlah

PLANNING REPORT

OCTOBER 2026

TOOWOOMBA | IPSWICH

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Project Reference: 2026-602
Date: 08 October 2026

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A handwritten signature in black ink, appearing to read "J Williams", is written over a thin horizontal line.

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EXECUTIVE SUMMARY

SITE DETAILS

Address of Site	9921 New England Highway, Cabarlah
Real Property Description	Lot 12 SP362872
Area of Site	7,982m ²
Road Frontage(s)	Primary: New England Highway Secondary: Evans Road
Easements	Nil
Registered Owners	Patrick Joseph Brosnan & Barbara Mildred Brosnan

PLANNING INSTRUMENTS

Regional Plan	South East Queensland and Darling Downs Regional Plans
Regional Plan Designation	Urban Footprint
Planning Scheme	<i>Toowoomba Regional Planning Scheme 2012</i>
Zone	Rural Residential Zone
Zone Precinct	4,000m ² Precinct
Overlays	• Bushfire Hazard Overlay • Environmental Significance Overlay • Water Resources Catchment Overlay
Vegetation	• Category C (approx. 3m²) • Essential Habitat (approx. 3m²) • Non-Coastal Bioregion • Category X
Existing Use	Vacant
Current Approvals	Nil (as available on Council's Development.i)

APPLICATION OVERVIEW

Application	Development Application
Approval Sought	Development Permit
Development Type	Reconfiguring a Lot
Development Description	Subdivision (1 into 2 Lots)
Level of Assessment	Impact Assessable
Relevant Referral/Technical Agencies	- State Assessment and Referral Agency - Department of Transport and Main Roads

PROPOSED DEVELOPMENT

Existing Number of Lots	1
Proposed Number of Lots	2
Lot Sizes	Smallest: 3,980m ² Largest: 4,002m ²
Average Lot Size	3,991m ²
Lot Frontage	Smallest: 39.4m (Lot 15 to Evans Road) Largest: 36.968m (Lot 12 to New England Highway)
Vehicular Access	Lot 15: Evans Road Lot 12: New England Highway

APPLICANT DETAILS

Applicant	Patrick Brosnan c/- Precinct Urban Planning PO Box 3038 TOOWOOMBA QLD 4350
Contact Person	James Williams Phone: 07 4632 2535 Mobile: 0481 127 412 Email: james@precinctplan.com.au
Our Reference	2026-602

1.0 INTRODUCTION

This report has been prepared in support of a Development Application for a Development Permit for Reconfiguring a Lot for Subdivision (1 into 2 Lots) on land at 9921 New England Highway, Cabarlah, described as Lot 12 SP362872 (**the site**). The proposed development involves creating lots by subdividing another lot and accordingly comprises Reconfiguring a Lot under Schedule 2 of the *Planning Act 2016* (**the Act**).

This town planning report addresses the merits of the development having regard to the provisions of the *Planning Act 2016* and the *Toowoomba Regional Planning Scheme 2012*. This planning report has been prepared on behalf of the applicant, Patrick Brosnan.

This Development Application for a Development Permit for Reconfiguring a Lot is Impact Assessable development under the *Toowoomba Regional Planning Scheme 2012*. The following report demonstrates the suitability of the proposal within the locality and its compliance with the relevant provisions of the *Toowoomba Regional Planning Scheme 2012*.

2.0 SITE AND LOCALITY

2.1 SITE

The site is located at 9921 New England Highway, Cabarlah, described as Lot 12 SP362872 (**the site**). The site is located within the township of Cabarlah and is approximately 14.7km north of the Toowoomba CBD and approximately 5.1km north-east of the Highfields Town Centre. The location of the site in respect of the surrounding locality is illustrated in **Figure 1**.

The site is of irregular configuration comprising a single title with a total site area of 7,982m²; refer to the Signed Survey Plan attached at **Appendix D**. The site has primary frontage to the New England Highway and secondary frontage to Evans Road. The configuration of the site is illustrated in **Figure 2**.

FIGURE 1 - LOCALITY PLAN

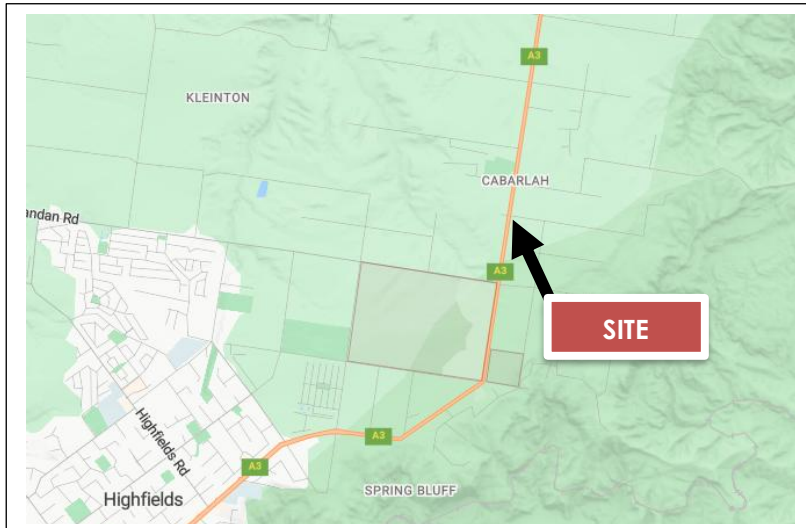
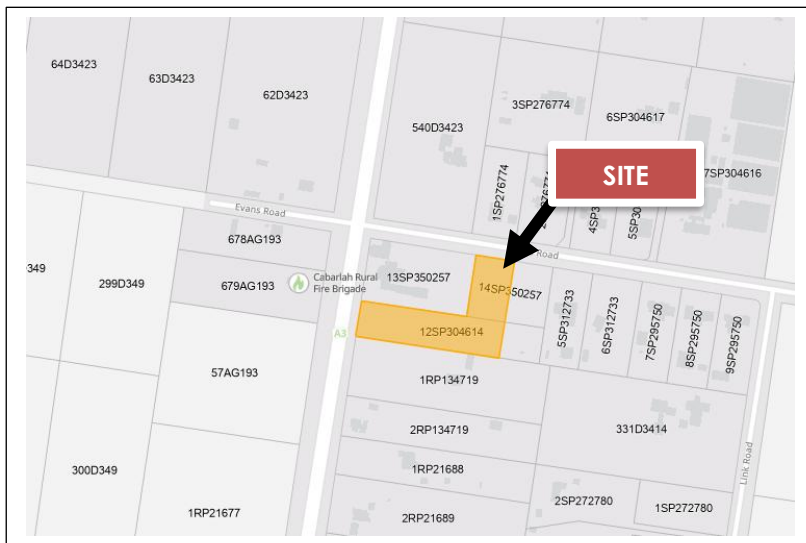


FIGURE 2 - CADASTRAL PLAN



The site is currently vacant and does not contain any notable improvements. The features of the site and surrounding land uses are illustrated in **Figure 3**.

FIGURE 3 - AERIAL IMAGERY



2.2 SITE CHARACTERISTICS

The site is characterised by the following features:

- The site has primary frontage to the New England Highway and secondary frontage to Evans Road.
 - The New England Highway consists of a two (2) lane bitumen sealed carriageway with painted centre median and right turning lane adjacent to the site frontage. The road reserve also consists of informal on-street carparking areas and overhead electricity infrastructure on the western side of the roadway. The New England Highway is a State-controlled Road, forming part of National Route A3.
 - Evans Road consists of a two-lane bitumen sealed carriageway with grass drainage swales either side of the roadway. The road reserve also consists of overhead electricity infrastructure along the northern side of the roadway and street trees along the southern side. Evans Road is identified as a "Local" road on Council's road hierarchy mapping.
- The site experiences a negligible decline in land elevation between the south-east corner the two (2) road frontages; refer to **Figure 4**. The highest point of the site is located in the south-east corner at approximately 640m AHD, with the lowest points of the site located adjacent to each road frontage approximately 638m AHD. This translates to a fall in natural ground level of approximately 2m across the site.

- The site is predominately clear of mature vegetation. It is noted that approximately 3m² of the site, in the south-eastern corner is identified as remnant vegetation.
- The site is not burdened by, nor does it benefit from any existing easements.
- The site is serviced by Council's reticulated water supply and stormwater drainage infrastructure; refer to **Figure 4**. The site is also serviced by reticulated electricity and telecommunications supply networks. Any future dwellings will be provided with on-site effluent disposal infrastructure.

FIGURE 4 - CONTOUR AND INFRASTRUCTURE MAPPING

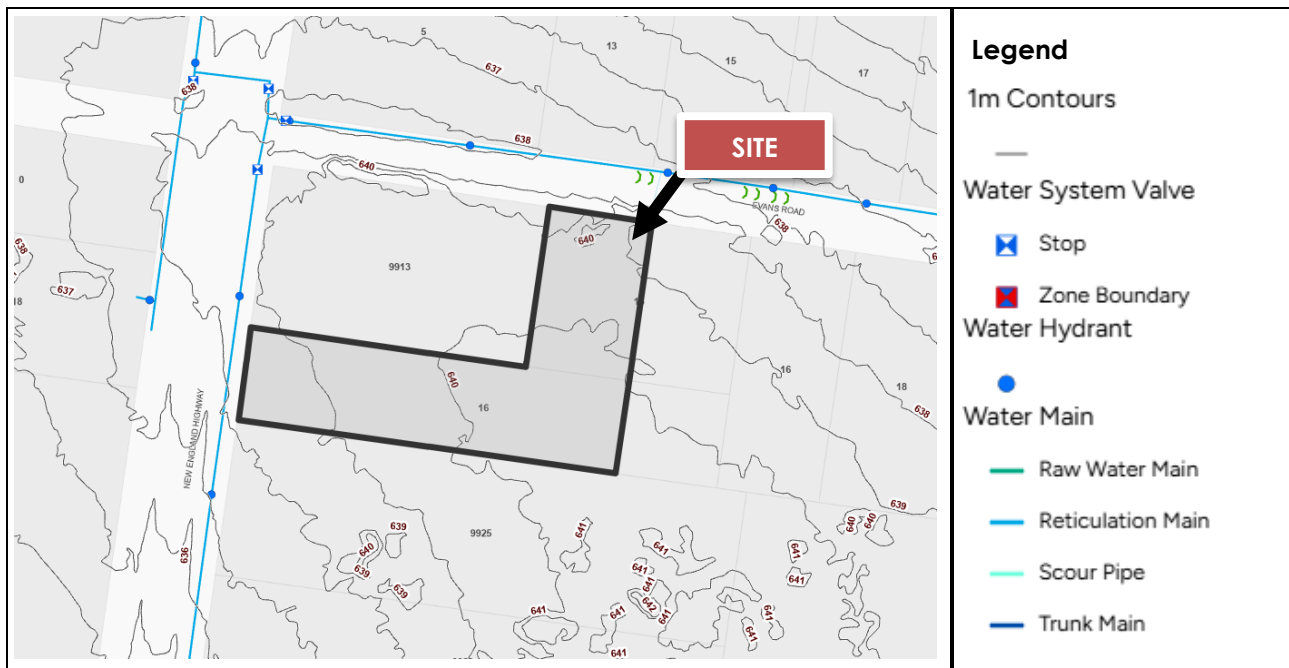


Figure 4 confirms that the site experiences a decline in land elevation between the south-eastern corner and the road frontages. The figure also illustrates the locations of Council's reticulated water network in relation to the site.

The features of the site are illustrated in **Photographs 1-2**.



PHOTOGRAPH 1 - View of the site from the New England Highway



PHOTOGRAPH 2 - View of the site from Evans Road.

2.3 SURROUNDING LAND USE

2.3.1 SURROUNDING LOCALITY

The site is situated in a locality that is characterised by a mix of commercial and residential land uses. The scale and character of the built form in the locality is of a predominately rural residential character.

2.3.2 ADJOINING PROPERTIES

The nature and character of land use on surrounding properties may be summarised as follows:

- Land to the **north** of the site, on the opposite side Evans Road, comprises a residential premises containing a Dwelling House and ancillary structures.



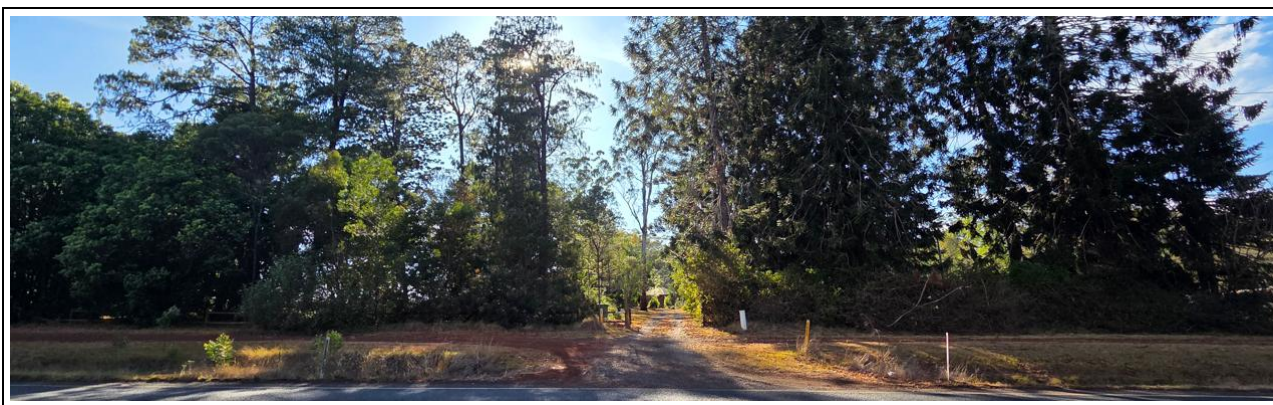
PHOTOGRAPH 3 - View of the residential premises to the north of the site from Evans Road.

- Land to the **east** of the site, located at 16 Evans Road, comprises a residential premises containing a Dwelling House and ancillary structures.



PHOTOGRAPH 4 - View of the residential premises to the east of the site from Evans Road.

- Land to the **south** of the site, located at 9925 New England Highway, comprises a residential premises containing a Dwelling House and ancillary structures.



PHOTOGRAPH 5 - View of the residential premises to the south of the site from the New England Highway.

- Land to the **west** of the site, on the opposite side of the New England Highway, comprises a the Cabarlah Rural Fire Brigade.

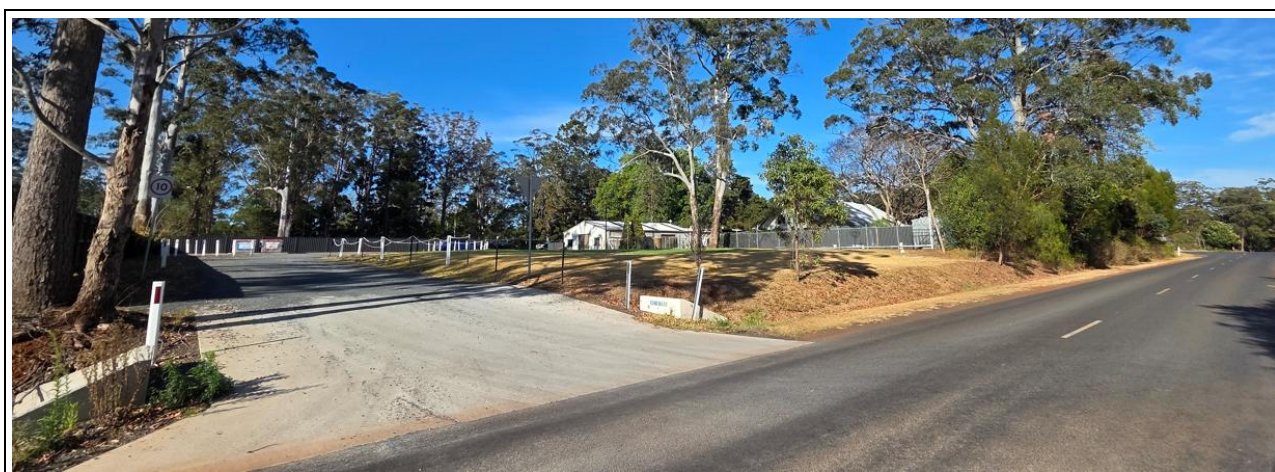


PHOTOGRAPH 6 - View of the Rural Fire Brigade to the west of the site from the New England Highway.

- Land to the **north-west** of the site, on the corner of the New England Highway and Evans Road, comprises a commercial premises containing the Clock & Bull Tavern and a café.



PHOTOGRAPH 7 - View of the commercial premises to the north-west of the site from the New England Highway



PHOTOGRAPH 8 - View of the commercial premises to the north-west of the site from Evans Road.

2.4 CURRENT DEVELOPMENT APPROVALS

The site does not currently benefit for any existing Development Permits as publicly available on Council's website.

It is noted that the site (previously Lot 12 SP304614 & Lot 14 SP350257) was previously subdivided under Development Permit RAL/2026/1844. It is noted that this Survey Plan was registered in June 2026 and subsequently created the subject site (Lot 12 SP362872). Reference is made to the signed Survey Plan attached at **Appendix D**.

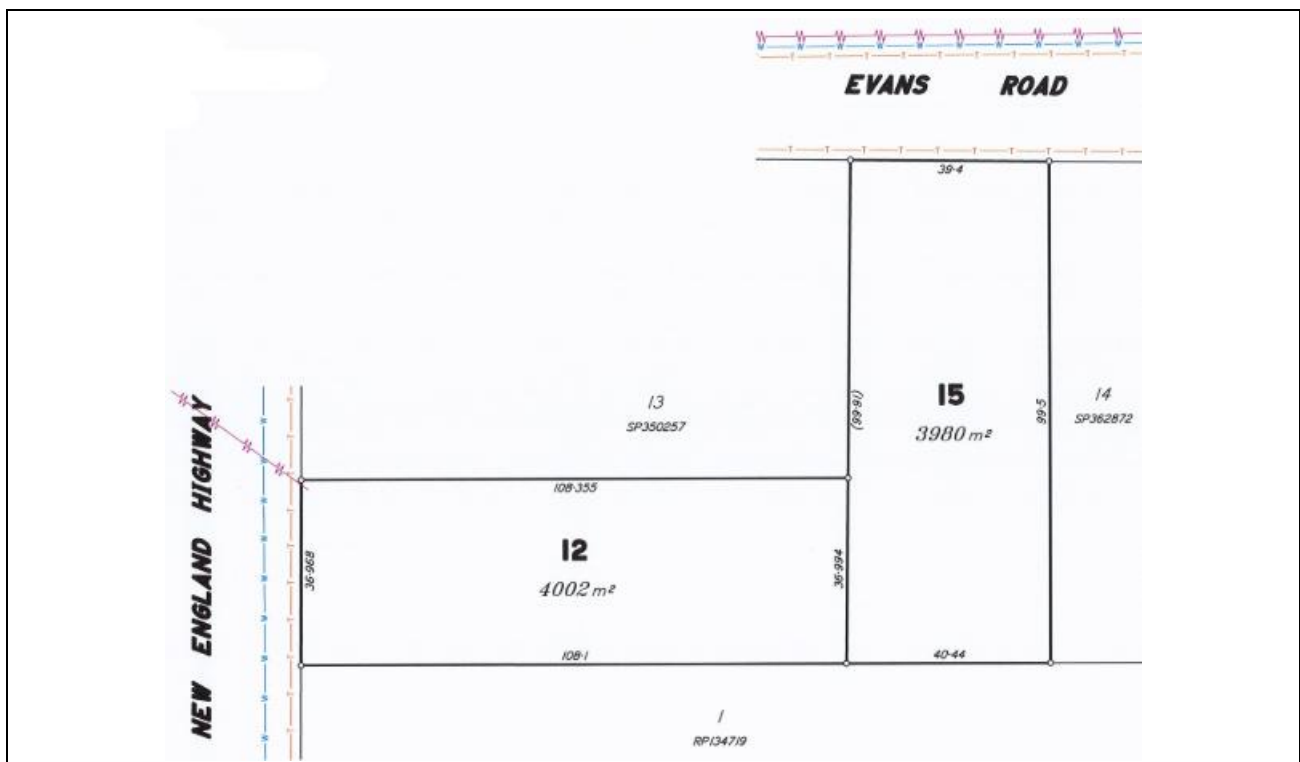
3.0 PROPOSAL

This Development Application seeks approval for a Development Permit for Reconfiguring a Lot - Subdivision (1 into 2 Lots) on the site. The site currently has an "L" shape configuration with frontages to both the New England Highway and Evans Road. The proposed development seeks to subdivide the site into two (2) rectangular lots, with one (1) lot fronting each road.

Proposed Lot 12 will front the New England Highway and will have a site area of approximately 4,002m². Proposed Lot 15 will front Evans Road and will have a site area of 3,980m². The proposed lot configuration has been designed to align with surrounding lots, namely Lot 13 SP330257, to ensure there are no off-set boundaries. Despite proposed Lot 15 being less than the minimum lot size for the Rural Residential Zone (4,000m² Precinct), the development will maintain the existing frontage to Evans Road and accordingly maintains the existing amenity and character of the area. The proposed lots have been designed to ensure they are of a sufficient size and shape to cater for a future Dwelling House and ancillary structures and infrastructure.

The proposed lot configuration and dimensions will be generally in accordance with the Proposal Plan, File Ref: K4836, Sheet 2 of 3, Version A, prepared by KJ Wilson Cadastral Surveyor, attached at **Appendix E** and reproduced as **Figure 5**.

FIGURE 5 - PROPOSED SITE PLAN



Proposed Lot 12 will obtain access via a new crossover to the New England Highway, located adjacent to the northern boundary. Proposed Lot 15 will obtain access via a new crossover to Evans Road. The proposed crossovers will be designed and constructed as part of any future Dwelling House.

The proposed lots will be connected to reticulated water supply and electricity infrastructure and wireless telecommunications networks. The proposed lots have been designed to ensure that any future Dwelling House can be appropriately serviced by on-site effluent disposal infrastructure.

4.0 PLANNING FRAMEWORK

4.1 THE PLANNING ACT 2016

The purpose of the *Planning Act 2016* (PA) is to establish an efficient, effective, transparent, integrated, coordinated, and accountable system of land use planning (planning), development assessment and related matters that facilitates the achievement of ecological sustainability.

The proposed development involves creating lots by subdividing another lot and accordingly comprises Reconfiguring a Lot under Schedule 2 of the *Planning Act 2016 (the Act)*. A Development Permit for Reconfiguring a Lot must be obtained prior to the endorsement and registration of the plan of survey. Assessment against the *Toowoomba Regional Planning Scheme 2012* indicates that this development application is Impact Assessable in accordance with Section 45(5) of the Act.

4.2 STATE PLANNING POLICY

Pursuant to the provisions of section 45(5) of the *Planning Act 2016*, the Assessment Manager, in considering an Impact Assessable Development Application, must assess the application in respect of the State Planning Policy.

The *State Planning Policy July 2017 (SPP)* commenced on 3 July 2017 and replaces *State Planning Policy April 2016*. The SPP expresses the state's interests in land use planning and development and promotes these interests through plan making and development decisions of state and local government. The SPP applies, to the extent relevant, when:

- making or amending a local planning instrument;
- designating premises for infrastructure;
- making or amending a regional plan;
- development assessment by local government, if its planning scheme has not yet appropriately integrated the relevant SPP state interests policies; and
- an assessment manager or referral agency other than local government is assessing a development application.

The SPP addresses seventeen (17) state interests categorised under the following themes:

- (i) Liveable communities and housing.
- (ii) Economic growth.
- (iii) Environment and heritage.
- (iv) Safety and Resilience to Hazards.
- (v) Infrastructure.

A state interest is defined under Schedule 2 of the *Planning Act 2016 (the Act)*:

- (a) *an interest that the Minister considers affects an economic or environmental interest of the State or a part of the State; or*
- (b) *an interest that the Minister considers affects the interest of ensuring this Act's purpose is achieved.*

The proposed development has been assessed against the state interests included under *Part E: State Interest Policies and Assessment Benchmarks* of the SPP as follows:

4.2.1 STATE INTEREST POLICIES AND ASSESSMENT BENCHMARKS

Part E of the SPP contains state interest policies and where relevant, the assessment benchmarks for each state interest. The assessment benchmarks for each relevant state interest are listed below. For each of these state interests, Part E of the SPP advises when the assessment benchmarks apply and if so, what matters the application must be assessed against, to the extent the SPP has not been identified in a local planning instrument as being appropriately integrated.

Part 2 of the *Toowoomba Regional Planning Scheme 2012* identifies the State interests under the State Planning Policy that have been integrated into the Planning Scheme. In this instance, the *Toowoomba Regional Planning Scheme 2012* confirms that some of the State interests relevant to the Toowoomba Regional Council region have been appropriately incorporated into the Planning Scheme.

The Planning Scheme incorporates the following State interests:

- Safety and Resilience to Hazards (Those parts relating to Flood Hazard)

Accordingly, where the proposed development achieves compliance with the assessment benchmarks of the Planning Scheme, the development is considered to comply with the provisions of the State Planning Policy as it relates to the above State interests. The development is therefore also required to be assessed against the assessment benchmarks under the State Planning Policy for the relevant State interests not integrated into the Planning Scheme. An assessment of each of the relevant State interests is provided below.

1. Liveable Communities

These provisions apply to a development application in an urban area involving premises that is, or will be, accessed by common private title, for a material change of use or reconfiguring a lot where the application involves buildings (attached or detached) that are not covered by other legislation or planning provisions mandating fire hydrants.

Where these circumstances apply, the development:

- (i) ensures fire hydrants are installed and located to enable fire services to access water safely, effectively and efficiently;
- (ii) road widths, and construction within the development, are adequate for fire emergency vehicles to gain access to a safe working area close to buildings and near water supplies whether or not on-street parking spaces are occupied; and
- (iii) fire hydrants are suitably identified so that fire services can locate them at all hours.

In this instance, the proposed development does not involve any of the above circumstances, and accordingly, these provisions are not relevant to the assessment of this application.

2. Mining and Extractive Resources

These provisions relate to the following developments:

- (1) Reconfiguring a Lot within a Key Resource Area (**KRA**);
- (2) A Material Change of Use within the resource/processing area of a KRA or the separation area for the resource/processing area of a KRA; or
- (3) A Material Change of Use within the transport route separation area of a KRA that will result in an increase in the number of people working or residing in the transport route separation area.

In this instance, the proposed development does not involve any of the above circumstances, and accordingly, these provisions are not relevant to the assessment of this application.

3. Water Quality

These provisions relate to the following matters of state interest:

- (1) Receiving waters - including development applications for:
 - (a) a material change of use for urban purposes that involves a land area of 2,500m² or greater that will result in:
 - (i) an impervious area greater than 25% of the net developable area; or
 - (ii) six or more dwellings; or
 - (b) reconfiguring a lot for urban purposes that involves a land area 2,500m² or greater and will result in six or more lots; or
 - (c) operational works for urban purposes that disturb 2,500m² or greater of land area.
- (2) For water supply buffer areas – a development application located wholly outside an urban area and relating to premises that is within, or partly within, a water supply buffer area, that involves: (i) material change of use activities listed in Part E of the SPP, or (ii) reconfiguring a lot to create five or more additional lots where one or more lots are less than 16ha and any of the created lots rely on on-site wastewater treatment.

In this instance the proposed development involves a Reconfiguring a Lot on land with an area greater than 2,500m², however, does not involve the creation of six (6) or more lots intended for urban purposes. Accordingly, the assessment provisions for this State interest are not relevant to the assessment of this application.

4. Natural Hazards, Risk and Resilience

These provisions relate to development applications for a material change of use, reconfiguring a lot or operational work on land within:

- (i) a flood hazard area;
- (ii) a bushfire hazard area;
- (iii) a landslide hazard area,
- (iv) storm tide inundation areas; and
- (v) erosion prone area.

In this instance, the site is identified as being impacted by natural hazards. In particular, the site is impacted by High and Medium Potential Bushfire Prone Areas and Potential Impact Buffer under the State Planning Policy mapping. The proposed development involves an infill subdivision and is separated from bushfire hazard areas to the north, east and west. It is considered that bushfire hazard from the south can be appropriately managed through the design and siting of any future Dwelling House, as would be expected if a dwelling was constructed on the current premises. Accordingly, the applicant contends that the proposed development will not result in an increased risk to the safety of people or property as a result of Bushfire Hazards and will not adversely affect matters associated with this State interest.

5. Strategic Airports and Aviation Facilities

These provisions relate to development applications that involve land located within a local government area that contains/impacted by a strategic airport identified in the SPP Part E, Table 2, or an aviation facility identified in Appendix 2 of the *strategic airports and aviation facilities guidance material* and involve:

- (i) a material change of use of premises that will result in work encroaching into the operational airspace of a strategic airport, or on land within the light restriction zone, lighting area buffer

- or the wildlife hazard buffer zone of a strategic airport, or results in work encroaching into the building restricted area of an aviation facility; or
- (ii) a material change of use or reconfiguring a lot where any part of the land is within the 20ANEF contour or greater, or the public safety area of a strategic airport; or
- (iii) building work not associated with a material change of use that will result in work intruding into the operational airspace of a strategic airport, or where any part of the premises is within the light restriction zone of lighting area buffer of a strategic airport, or results in work encroaching into the building restricted area of an aviation facility; or
- (iv) operational work not associated with a material change of use where any work or associated activity will intrude into the operational airspace of a strategic airport, or where any part of the premises is within the light restriction zone of lighting area buffer of a strategic airport, or results in work encroaching into the building restricted area of an aviation facility.

Where these circumstances apply, the development application is assessed against the strategic airports and aviation facilities assessment benchmarks listed under the SPP.

In this instance, the site is not impacted by a Strategic Airport. Accordingly, the assessment provisions for this State interest are not relevant to the assessment of this application.

The proposal has been assessed to comply with all applicable matters of state interest included in the State Planning Policy.

4.3 STATE REFERRAL AGENCIES

Section 54 of the *Planning Act 2016* and Section 22 and Schedule 10 of the *Planning Regulation 2017* (**the Regulation**) are of relevance for the purposes of determining applicable referral agencies and their jurisdiction in terms of being advice or concurrence agencies as well as the relevant assessment benchmarks that are to be addressed.

The State Assessment and Referral Agency (**SARA**), established under the auspices of the Department of State Development, Infrastructure and Planning (**DSDIP**) is the assessment manager or referral agency for development applications where the State has a jurisdiction pursuant to Schedule 8 or 10 of the Regulation. Schedule 10 regulates when applications are referable. In accordance with Schedule 8, DSDIP will not be the assessment manager for this development application. The SDAP components of the overall development will be addressed by DSDIP as part of the application referral process.

TABLE 1 - REFERRAL TRIGGER ASSESSMENT

Part	Application Involving	Applicable	Comment
Part 1	Airport land	No	The proposed development is not located on airport land.
Part 2A	Caboolture West Interim Structure Plan	No	The site is not located within the Caboolture West investigation or growth areas.
Part 3	Clearing native vegetation	No	The proposed development does not involve clearing native vegetation or give rise to accepted clearing.
Part 4	Contaminated land	No	The site is not identified as contaminated land.
Part 5	Environmentally relevant activities	No	An approval for an ERA is not sought.

Part	Application Involving	Applicable	Comment
Part 6	Fisheries	No	The proposed development is not associated with: • aquaculture; or • the removal, destruction or damage of marine plants; or • the constructing or raising of waterway barrier works; and • is not within a declared fish habitat area.
Part 7	Hazardous chemical facilities	No	The proposed development is not for a hazardous chemical facility.
Part 8	Heritage places	No	The proposed development is not associated with a locally listed place. In addition, the site is not associated with, nor does it adjoin a property on the Queensland heritage register.
Part 9	Infrastructure-related	Yes	The following relates to infrastructure-related referrals: • The proposed development does not exceed the thresholds identified at Schedule 20. • The site is not associated with a designated premises. • The site is located within 25m of a State transport corridor (New England Highway) and involves a new or changed access to the State transport corridor. • The site is not located adjacent to a local road (Evans Road) that intersects with a State controlled road (New England Highway), however, is not within 100m of a State-controlled intersection. • The site is not identified as a future State-controlled road. • The site is not subject to an easement for the benefit of an electricity distribution entity, or transmission entity and for a transmission grid or supply network. • The site is not located within 100m of an electricity substation. • The site is not associated with an easement for oil, gas or electricity infrastructure. • The site is not in proximity to a State controlled transport tunnel (both existing and/or future).
Part 10	Koala habitat area	No	The site is not mapped as containing koala habitat areas.
Part 11	Noise attenuation land	No	The site is not identified as being noise attenuation land and the site is not within proximity of an off-road motorcycle facility. The proposed development is not associated with prohibited development.
Part 12	Operational works for reconfiguring a lot	No	The proposed development does not involve Operational Works.
Part 13	Ports	No	The site is not associated with port land.
Part 14	Reconfiguring a lot under Land Title Act	No	The proposed development involves Reconfiguring a Lot, however, does not meet the requirements for assessable development under Schedules 12 or 12A. Accordingly, the development does not trigger referral in this respect.

Part	Application Involving	Applicable	Comment
Part 15	SEQ Development area	No	The site is not located within an SEQ development area.
Part 16	SEQ regional landscape and rural production area and SEQ rural living area	No	The site is not located within the SEQ regional landscape and rural production area or the SEQ rural living area.
Part 16AA	Solar Farms	No	The proposed development does not involve a solar farm.
Part 16A	Southport Spit	No	The site is not located in the Southport Spit.
Part 16B	SEQ Northern Inter-Urban Break	No	The site is not located within the identified SEQ Northern Inter-Urban Break area.
Part 17	Tidal works or work in a coastal management district	No	The proposed development does not involve tidal works or works within a coastal management district.
Part 18	Urban design	No	The proposed development does not involve an increase in GFA that is greater than 25,000m ² .
Part 19	Water-related development	No	The proposed development does not involve: - the taking or interfering of water; or - removing quarry material from a watercourse or lake; or - relates to a dam; or - the construction of a levee.
Part 20	Wetland protection area	No	The site is not identified as being within a wetland protection area.
Part 21	Wind farms	No	The proposed development does not involve a wind farm

The above assessment of the referral triggers under the *Planning Regulation 2017* confirms that the proposed development will trigger referral in this instance. Accordingly, the following referral triggers apply to this application.

TABLE 2 - REFERRAL TRIGGERS

Referral Trigger	Planning Regulation 2017	Agency Type	Technical Agency
Development application for Reconfiguring a Lot where all or part of the premises is located within 25m of a State transport corridor and the total number of lots is increased.	<i>Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Column 1, Item 1.</i>	Concurrence Agency	Department of Transport and Main Roads

4.4 STATE DEVELOPMENT ASSESSMENT PROVISIONS

The State Development Assessment Provisions (**SDAP**) provide assessment benchmarks for the assessment of development applications where the chief executive administering the *Planning Act 2016* (**the Act**) is the assessment manager or a referral agency. The chief executive through the State Assessment and Referral Agency (**SARA**) uses the SDAP to deliver a coordinated, whole-of-government approach to the state's assessment of development applications. The SDAP applies throughout the State and contains the matters of State interest the chief executive may have regard to when assessing/deciding a development application as either the assessment manager or referral agency.

The SDAP contains criteria for assessment within State Codes to clarify when the State is to be involved in the assessment of an application and the specific matters of State interest that apply. The SDAP is a specific assessment benchmark that a development must be assessed against as prescribed under the Regulation. In this instance, the proposed development triggers assessment against the following State Codes:

- **State Code 1** – Development is a State-Controlled Road Environment

An assessment of the proposed development against the applicable State Code is provided at **Appendix C**. This assessment confirms that the proposed development generally complies with the intent and outcomes sought under this State Code.

4.5 REGIONAL PLANS

The site is located within the Toowoomba Urban Extent and therefore the provisions of the South East Queensland and Darling Downs Regional Plans apply in accordance with the provisions of the *Planning Regulation 2017*. An assessment of the development against the regional plan provisions is provided below.

4.5.1 SOUTH-EAST QUEENSLAND REGIONAL PLAN

The *South-East Queensland Regional Plan 2023* (**ShapingSEQ 2023**) provides a regional framework for growth management, which sets the long-term planning direction for sustainable growth, a globally competitive economy, and high-quality living. *ShapingSEQ 2023* informs local planning across the region's twelve (12) local government areas and guides future infrastructure planning and investment to ensure regional growth is well-supported and contributes to a prosperous and liveable region.

ShapingSEQ 2023 seeks to set a clear direction for the region through a series of Regional Priorities. These priorities are implemented through identified outcomes and strategies and sub-regional directions. These Regional Priorities are:

- A sustainable growth pattern;
- More homes, faster – supply, diversity and affordability;
- More social and affordable homes;
- Well-designed communities;
- Integrating land use and infrastructure;
- New economic opportunities and jobs;
- A sufficient pipeline of industrial land;
- Incorporating Aboriginal and Torres Strait Islander knowledge, culture, traditions and aspirations;
- Regional approach to natural hazards; and

- Better biodiversity outcomes for growth areas.

ShapingSEQ defines the desired future settlement pattern that aims to use land more efficiently, while protecting the values important to the community. The regional growth pattern designates land in SEQ in one of three regional land use classifications:

- Urban Footprint;
- Rural Living Area; or
- Regional Landscape and Rural Production Area.

The SEQ regulatory provisions ensure that land use planning and development throughout the region support *ShapingSEQ 2023*'s desired regional growth pattern, goals, elements and strategies.

Under the settlement pattern identified in *ShapingSEQ 2023*, the site has been included within the **Urban Footprint**.

The Urban Footprint identifies land sufficient to provide for the region's urban development needs over the life of the plan. The area includes land intended to accommodate the full range of acceptable urban uses, such as housing, industry, business, infrastructure, community facilities and urban open space.

The proposed development involves Subdivision (1 into 2 Lots) in an area suitable for such purposes. Accordingly, the application complies with the provisions of *ShapingSEQ 2023*.

4.5.2 DARLING DOWNS REGIONAL PLAN

The Darling Downs Regional Plan was adopted on 14 October 2013 and covers the local authority areas of Balonne Shire Council and the Regional Councils of Goondiwindi, Maranoa, Southern Downs, Toowoomba and Western Downs.

The policies contained in the regional plan contribute towards the protection of strategic areas of priority agricultural land use from potentially incompatible resource activities and seek to maximise opportunities for co-existence of resources and agricultural land use.

The regional plan also safeguards areas required for the growth of towns in the regions through the establishment of Priority Living Areas while providing for resource activities to locate within these areas where it meets communities' expectations as determined by the relevant local government.

The site is located within the City of Toowoomba which is identified as Restricted Area (RA) 384 under Appendix 2 of the Regional Plan. This designation reflects the boundaries of the SEQ Regional Plan referred to under section 4.5.1 above. The development satisfies the requirements of the SEQ Regional Plan and accordingly will not compromise the outcomes sought under the Darling Downs Regional Plan.

4.6 TOOWOOMBA REGIONAL PLANNING SCHEME 2012

4.6.1 INTRODUCTION

Pursuant to the provisions of section 45(5) of the *Planning Act 2016*, an Impact Assessable Development Application must be assessed against the applicable assessment benchmarks of the applicable categorising instrument. The applicable categorising instrument in this instance is the *Toowoomba Regional Planning Scheme 2012*. A summary of the assessment of the proposal against the provisions of this instrument is outlined below.

4.6.2 ZONING

Under the *Toowoomba Regional Planning Scheme 2012*, the region is divided into twenty (20) land use zones. Certain zones are further divided into precincts for the purposes of conveying preferred land use intent or in order to assign assessment status to individual uses.

The site is predominately located within the **Rural Residential Zone (4,000m² Precinct)**. The zoning of the site and surrounding locality is illustrated in **Figure 6**.

FIGURE 6 - ZONING MAPPING



Under the assessment table for Reconfiguring a Lot at section 5.6:1 of the *Toowoomba Regional Planning Scheme 2012*, a Subdivision within the Rural Residential Zone (4,000m² Precinct) is identified as **Impact Assessable** development, where involving the creation of lots less than the minimum lot size.

4.6.3 OVERLAY MAPPING

The Planning Scheme includes overlay maps that identify land characterised by particular features or subject to physical constraints that are likely to influence the use and development potential of affected areas. Overlay maps also identify those lands subject to assessment against specific area codes. In this instance, the subject land is impacted the following three (3) overlays:

- Bushfire Hazard Overlay
- Environmental Significance Overlay
- Water Resources Catchment Overlay

The applicability of these overlays is illustrated in **Figures 7-9**.

FIGURE 7 - BUSHFIRE HAZARD OVERLAY MAPPING



Figure 7 confirms that the site is mapped as being subject to Medium Fire Risk under the Bushfire Hazard Overlay. Under the overlay assessment tables at section 5.10:1 of the *Toowoomba Regional Planning Scheme 2012*, the level of assessment for Reconfiguring a Lot does not change, however, triggers assessment against the Bushfire Hazard Overlay Code. An assessment of the proposed development against this code is considered at section 4.7.3.

FIGURE 8 - ENVIRONMENTAL SIGNIFICANCE OVERLAY MAPPING



Figure 8 confirms that the site is impacted by Areas of Ecological Significance under the Environmental Significance Overlay. Under the overlay assessment tables at section 5.10:1 of the *Toowoomba Regional Planning Scheme 2012*, the level of assessment for a Reconfiguring a Lot does not change, however, triggers assessment against the Environmental Significance Overlay Code. An assessment of the proposed development against this code is considered at section 4.7.3.

FIGURE 9 - WATER RESOURCES CATCHMENT OVERLAY MAPPING

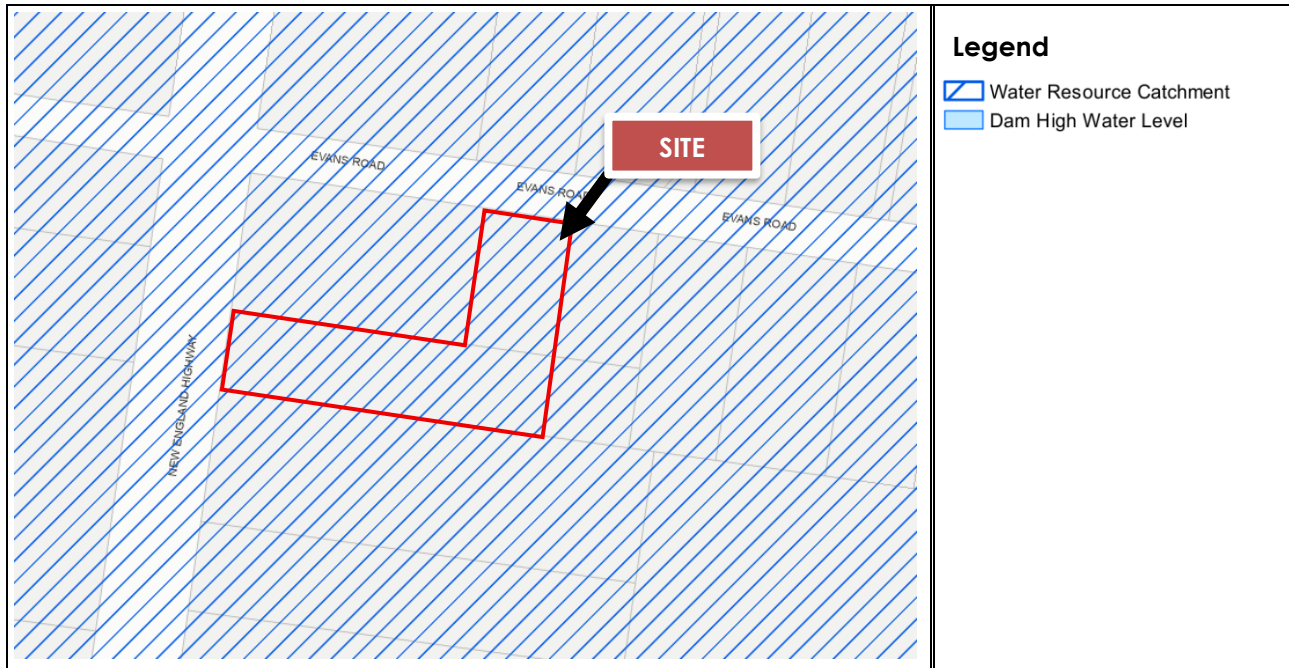


Figure 9 confirms that the site is located within a Water Resource Catchment Area under the Water Resources Catchment Overlay. Under the overlay assessment tables at section 5.10:1 of the *Toowoomba Regional Planning Scheme 2012*, the level of assessment for a Reconfiguring a Lot does not change, however, triggers assessment against the Water Resource Catchments Overlay Code. An assessment of the proposed development against this code is considered at section 4.7.3.

4.7 ASSESSMENT BENCHMARKS

As identified in section 4.7, this Development Application is subject to Impact Assessable, and therefore requires assessment against the following provisions of the *Toowoomba Regional Planning Scheme 2012*.

- Strategic Framework; refer to section 4.7.1
- Overall Outcomes – Rural Residential Zone; refer to section 4.7.2
- Applicable Codes; refer to section 4.7.3

4.7.1 STRATEGIC FRAMEWORK

Part 3 of the *Toowoomba Regional Planning Scheme 2012* provides the Strategic Framework that sets the policy direction for the planning scheme and forms the basis for ensuring development occurs at appropriate locations within the planning scheme area. The structure of the Strategic Framework comprises:

- seven (7) themes supported by strategic outcomes;
- elements that further refine the strategic outcomes sought; and
- specific outcomes and land use strategies for each of the elements.

The development has been assessed against the applicable provisions of the Strategic Framework and a summary of this assessment is provided in the table attached at **Appendix A**. An assessment of the proposal against the provisions of the Strategic Framework indicates the proposal complies with the integrated policy direction sought for the planning scheme area and will not compromise the relevant strategic outcomes/elements sought for the individual themes.

4.7.2 OVERALL OUTCOMES – RURAL RESIDENTIAL ZONE

Section 6.6.7.2 of the *Toowoomba Regional Planning Scheme 2012* outlines the general intent for development within the Rural Residential Zone through the collective identification of a series of overall outcomes for the zone. The proposed development generally complies with the intent of the Rural Residential Zone as detailed in **Table 3**.

TABLE 3 - ASSESSMENT OF OVERALL OUTCOMES

Overall Outcome	Response
(a) the development of large residential lots with limited provision of infrastructure and services is facilitated within this zone only;	Complies. The proposed development involves the creation of two (2) large residential lots with limited provision of infrastructure and services.
(b) development within the zone preserves the environmental and topographical features of the land by integrating an appropriate scale of residential activities amongst these features;	Complies. The proposed development has been designed to ensure it appropriately responds to the characteristics and physical features of the site.
(c) development avoids areas of ecological significance;	Complies. The site is predominately clear of mature vegetation and the proposed subdivision will not adversely impact on areas of environmental significance.
(d) development is designed to incorporate sustainable practices including maximising energy efficiency and encouraging sustainable transport use;	Not Applicable. The proposed development is for Reconfiguring a Lot. Notwithstanding this, the proposed lots are of a suitable size and configuration to ensure any future Dwelling Houses can appropriately incorporate sustainable practices.

Overall Outcome	Response
(e) natural features such as creeks, gullies, waterways, wetlands and vegetation and bushland are retained, enhanced and buffered from the impacts of development. Any unavoidable impacts are minimised through location, design, operation and management of the development;	Not Applicable. The site does not contain and is not in proximity to natural features which are required to be protected and enhanced.
(f) development provides a high level of residential amenity;	Complies. The proposed development has been designed to maintain the two (2) existing road frontages to the New England Highway and Evans Road. Accordingly, the development will maintain the existing character and amenity of the locality.
(g) non-residential uses may be appropriate where such uses meet the day to day convenience needs of the residential catchment in the zone or have a direct relationship and rely on the endemic characteristics of the land in which they are located. Non-residential uses are compatible with the semi-rural and low intensity residential character of the zone and are consistent with the following outcomes; i. non-residential uses are not located in areas with limited infrastructure and services necessary to meet the needs of the development; ii. low-impact activities such as small-scale eco-tourism and outdoor recreation are encouraged within the zone where the impacts of such uses can be minimised; iii. uses such as a shop, community use, health care services and veterinary services may be appropriate where the building form is of a scale consistent with the surrounding rural residential locality, and the use does not undermine the viability of other centres or services/facilities within the rural residential catchment of the use; iv. low intensity rural activities are appropriate where they do not adversely impact on the amenity of the surrounding locality and are consistent with the intended character of the zone; and v. adverse impacts of land use, both on-site and from adjoining areas, are avoided and any unavoidable impacts are minimised through location, design, operation and management;	Not Applicable. The proposed development is for Reconfiguring a Lot. Additionally, the proposed lots are not intended to be utilised for non-residential purposes.
(h) development has access to development infrastructure including utility installations and essential services.	Complies. The proposed lots will be connected to reticulated water supply and electricity infrastructure and wireless telecommunications networks. The proposed lots have also been designed to ensure any future Dwelling Houses can be appropriately serviced by on-site effluent disposal infrastructure.

Overall Outcome	Response
4,000m² Precinct	
(a) provide for a very low density residential character located accessible and near to urban areas; and	Complies. The proposed development assists in providing a very low residential character located assessable and near to urban areas, namely Cabarlah and Highfields.
(b) facilitate lots with a minimum lot size of 4,000m ² .	Performance Solution. The proposed development involves the creation of two (2) large residential lots. Proposed Lot 12 will have an area of approximately 4,002m ² , while proposed Lot 15 will have an area of approximately 3,980m ² . The site currently has an "L" shape configuration with frontages to both the New England Highway and Evans Road. The proposed development seeks to subdivide the site into two (2) rectangular lots, with one (1) lot fronting each road. Given that the proposed development will not increase the number of lots along either frontage or change the existing frontage widths, the applicant contends that the development will continue to maintain the existing rural residential amenity of the area. On this basis, despite proposed Lot 15 being less than the minimum lot size, the development is considered to be appropriate in this instance.
1 Hectare Precinct	
(a) provide for a semi-rural living environment, where development is subservient to and integrates with the natural or rural landscape; and	Not Applicable. The site is not located within the 1 Hectare Precinct.
(b) facilitate lots with a minimum lot size of 1 hectare.	Not Applicable. The site is not located within the 1 Hectare Precinct.
2 Hectare Precinct	
(a) provide for a generally rural amenity and character;	Not Applicable. The site is not located within the 2 Hectare Precinct.
(b) facilitate lots with a minimum lot size of 2 hectares; and	Not Applicable. The site is not located within the 2 Hectare Precinct.
(c) facilitate cropping and animal husbandry activities.	Not Applicable. The site is not located within the 2 Hectare Precinct.

The above assessment demonstrates that the proposed development generally satisfies the intent and outcomes sought for land included in the Rural Residential Zone.

4.7.3 APPLICABLE CODES

The codes applicable to the assessment of the proposed development are identified in **Table 4** followed by a summary of the assessment outcomes.

TABLE 4 - APPLICABLE CODES

Zone Code(s)
Rural Residential Zone Code An assessment of the proposed development against the Overall Outcomes of the Rural Residential Zone Code is provided at section 4.7.2. Additionally, an assessment against the Assessment Benchmarks of the code is provided at Appendix B. These assessments confirm that the proposal generally complies with the outcomes sought for development within this zone.
Overlay Codes
Bushfire Hazard Overlay Code An assessment of the proposed development against the Bushfire Hazard Overlay Code is provided at Appendix B. This assessment confirms that the development generally complies with the outcomes sought under this code. Environmental Significance Overlay Code The site is predominately clear of mature vegetation and accordingly no further clearing is required to facilitate the proposed development. Additionally, both proposed lots contain sufficient cleared areas to cater for a future Dwelling House and ancillary structures. Accordingly, the proposed development will not impact on areas of environmental significance and therefore a detailed assessment of the Ecological Significance Overlay Code is not pertinent to the assessment of this application. Water Resource Catchments Overlay Code The proposed development involves a one (1) into two (2) lot subdivision and does not itself result in any additional stormwater generation. The proposed lots are of sufficient size to ensure stormwater generated from any future Dwelling Houses can be appropriately managed and discharged in accordance with the relevant requirements. On this basis the applicant contends that the development will not result in adverse impacts on water quality and therefore a detailed assessment of the development against this code is not pertinent to the assessment of this application.
Development Codes
Reconfiguring a Lot Code An assessment of the proposed development against the Reconfiguring a Lot Code is provided at Appendix B. This assessment confirms that the development generally complies with the outcomes sought under this code.

5.0 CONSULTATION

5.1 STATUTORY NOTIFICATION

This Development Application is Impact Assessable and accordingly is required to be publicly notified under the provisions of the *Planning Act 2016* and its associated regulations. Public notification will be undertaken at the appropriate stage of the assessment process, as set out in the Development Assessment Rules prescribed under the *Planning Regulation 2017*.

5.2 PRE-LODGE MEETINGS

The proposed development was not the subject of pre-lodgement discussions.

6.0 CONCLUSION

This Development Application seeks approval for a Reconfiguring a Lot for Subdivision (1 into 2 Lots) on land at 9921 New England Highway, Cabarlah. The assessment that has been undertaken has demonstrated the following:

- The proposed development seeks to create two (2) large residential lots consistent with the intent of the Rural Residential Zone.
- The site currently has a "L" shape configuration, with the proposed development creating two (2) rectangular, each with a separate road frontage.
- The proposed development does not increase the number of lots fronting each roadway and does not reduce existing road frontages and accordingly will not impact on the existing rural residential character of the area.
- The proposed development has been designed to ensure it does not adversely impact on the surrounding environment or the safety of people and/or property as a result of natural hazards.
- The proposed development achieves compliance with the benchmarks within the relevant zone, overlay and development codes (as outlined in section 4.7).

Having regard to the matters and issues raised in this report it is recommended that Council support this Development Application for a Development Permit for Reconfiguring a Lot.

The proposal warrants approval subject to the imposition of reasonable and relevant conditions.

APPENDIX A - STRATEGIC FRAMEWORK

Toowoomba Regional Planning Scheme 2012

TOOWOOMBA REGIONAL PLANNING SCHEME 2012 – STRATEGIC FRAMEWORK

Theme/Element	Relevance Yes/No	Assessment
3.3 SETTLEMENT PATTERN		
3.3.1 Strategic Outcomes	Yes	The proposed development involves the creation of two (2) large residential lots. Proposed Lot 12 will have an area of approximately 4,002m ² , while proposed Lot 15 will have an area of approximately 3,980m ² . The site currently has an "L" shape configuration with frontages to both the New England Highway and Evans Road. The proposed development seeks to subdivide the site into two (2) rectangular lots, with one (1) lot fronting each road. Given that the proposed development will not increase the number of lots along either frontage or change the existing frontage widths, the applicant contends that the development will continue to maintain the rural residential amenity of the area. Therefore, the proposed lots are consistent with the community expectations for this locality. Accordingly, the development will not adversely impact on the settle pattern of the surrounding locality.
3.3.2 Element – network of towns	No	
3.3.3 Element – compact urban form	No	
3.3.4 Element – suburban neighbourhoods	Yes	The proposed development involves a subdivision and will result in rural residential lots consistent with the scale and character of the area.
3.3.5 Element – urban neighbourhoods	No	
3.3.6 Element – centres of activity	No	
3.3.7 Element – central business district (CBD)	No	
3.3.8 Element – sustainable urban development	Yes	Refer to the response to 3.3.1
3.3.9 Element – rural landscape	No	
3.3.10 Element – natural places	No	
3.3.11 Element – development constraints	Yes	The proposed subdivision has been designed to ensure it appropriately considers the development constraints on the site and ensures that it does not result in an increased risk to the safety of people or property.
3.3.12 Element – incompatible land uses	No	
3.4 NATURAL ENVIRONMENT		
3.4.1 Strategic Outcomes	No	
3.4.2 Element - protect ecosystems with biodiversity values	No	

TOOWOOMBA REGIONAL PLANNING SCHEME 2012 – STRATEGIC FRAMEWORK

Theme/Element	Relevance Yes/No	Assessment
3.4.3 Element – waterways, wetlands and aquifers	No	
3.4.4 Element - air quality	No	
3.4.5 Element – climate change	No	
3.4.6 Element – environmental offsets	No	
3.5 COMMUNITY IDENTITY AND DIVERSITY		
3.5.1 Strategic Outcomes	Yes	The development maintains the diversity of housing forms for a range of residents by providing additional lots which are consistent with the character and amenity of the area and facilitate the future development of Dwelling Houses.
3.5.2 Element – rural community identity	No	
3.5.3 Element – Toowoomba City identity	No	
3.5.4 Element – urban design	No	
3.5.5 Element – community facilities and services	No	
3.5.6 Element – sport and recreation	No	
3.5.7 Element – urban parks and public places	No	
3.5.8 Element – housing diversity and affordability	Yes	Refer to the response to 3.5.1.
3.5.9 Element – cultural diversity and heritage	No	
3.6 NATURAL RESOURCES AND LANDSCAPE		
3.6.1 Strategic Outcomes	No	
3.6.2 Element – scenic amenity	No	
3.6.3 Element – water resources	No	
3.6.4 Element – sustainable production	No	
3.6.5 Element – natural economic resources	No	
3.6.6 Element – stock routes	No	
3.7 ACCESS AND MOBILITY		
3.7.1 Strategic Outcomes	Yes	The proposed development involves the creation of two (2) lots which will each have a frontage to a separate roadway, and does not involve an increase in the number of lots

TOOWOOMBA REGIONAL PLANNING SCHEME 2012 – STRATEGIC FRAMEWORK

Theme/Element	Relevance Yes/No	Assessment
		along each road. Accordingly, the applicant contends that the development will not adversely impact on the safety and operation of the surrounding road network.
3.7.2 Element – integrated transport system	No	
3.7.3 Element – active transport	No	
3.7.4 Element – public transport	No	
3.7.5 Element – road network	Yes	Refer to the response to 3.7.1.
3.8 INFRASTRUCTURE AND SERVICES		
3.8.1 Strategic Outcomes	Yes	The proposed lots will be connected to reticulated water supply and electricity infrastructure and wireless telecommunications networks. The proposed lots have been designed to ensure that any future Dwelling House can be appropriately serviced by on-site effluent disposal infrastructure.
3.8.2 Element – coordinated infrastructure planning and delivery	No	
3.8.3 Element – integrating water management and infrastructure	No	
3.8.4 Element – waste water management infrastructure and services	Yes	Refer to the response to 3.8.1.
3.8.5 Element – utility infrastructure and services	Yes	Refer to the response to 3.8.1.
3.8.6 Element – waste management and recycling	No	
3.9 ECONOMIC DEVELOPMENT		
3.9.1 Strategic Outcomes	No	
3.9.2 Element - economic growth	No	
3.9.3 Element – activity centres and employment	No	
3.9.4 Element – creative and knowledge-based industries	No	
3.9.5 Element – tourism	No	

APPENDIX B - ASSESSMENT BENCHMARKS

Toowoomba Regional Planning Scheme 2012

Toowoomba Regional Planning Scheme 2012 (v29.0)

Rural Residential Zone Code – requirements for accepted development and assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
Animal husbandry and cropping uses		
PO ₁ Setbacks are provided to: (a) avoid potential nuisance to neighbours; (b) protect residential amenity; and (c) maintain the local streetscape or landscape character.	AO _{1.1} Non-residential buildings, animal enclosures, storage facilities and waste disposal areas are setback 50m from any dwelling on surrounding land.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a new use of premises.
PO ₂ Development does not adversely impact on the amenity and character of the locality, having regard to the scale and visibility of buildings and structures.	AO _{2.1} Building height does not exceed two (2) storeys or 8.5m in height above natural ground level.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a new use of premises.
PO ₃ Development does not adversely impact on the amenity and character of the locality, having regard to odour and other emissions.	AO _{3.1} Cropping does not involve chemical spraying unless a 40m vegetated buffer is provided between crops and adjoining land.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a new use of premises.
Dwelling House		
PO ₄ Dwellings have safe, all weather road access.	AO _{4.1} A formed access road is provided to the dwelling.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a new use of premises. Notwithstanding this, the proposed lots are intended to cater for future Dwelling Houses. In this respect, both lots have frontage to formed roads which are sufficient to provide access to future Dwelling Houses.
PO ₅ An adequate, safe and reliable supply of potable and general use water is provided.	AO _{5.1} The dwelling is connected to a rainwater tank with a capacity of at least 45,000 litres where not connected to a reticulated water supply.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a new use of premises. Notwithstanding this, the proposed lots are intended to cater for future Dwelling Houses. In this respect, the proposed lots are of a sufficient size to ensure any future dwelling can be provided with on-site rainwater tank/s.

Toowoomba Regional Planning Scheme 2012 (v29.0)

Rural Residential Zone Code – requirements for accepted development and assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
PO ₆ Wastewater generated on site is treated and disposed of in a sustainable manner.	AO _{6.1} Wastewater is treated and disposed of in accordance with the <i>Queensland Plumbing and Wastewater Code (QPW)</i> .	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a new use of premises. Notwithstanding this, the proposed lots are intended to cater for future Dwelling Houses. In this respect, the proposed lots are of a sufficient size to ensure any future dwellings can be provided with sufficient on-site effluent disposal infrastructure.
PO ₇ The location of any dwelling does not compromise the continued operation of an existing or approved intensive animal industry, extractive industry or other uses that are incompatible with residential development.	AO _{7.1} The dwelling is located at least 1,000m from an existing or approved intensive animal industry operation. AO _{7.2} The dwelling is separated from an extractive industry by at least: (a) 500m from a hard rock extractive industry; (b) 200m from a sand and gravel extractive industry; and (c) 100m from a haul route.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a new use of premises. Notwithstanding this, the proposed lots are intended to cater for future Dwelling Houses. In this respect, the proposed lots are sufficiently separated from incompatible uses in accordance with AO _{7.1} and AO _{7.2} .
Caretaker's accommodation		
PO ₈ Development provides for the accommodation of a caretaker, and their family members, involved in the running of a non-residential use, in a manner that: (a) does not compromise the productivity of the use; (b) is safe and comfortable for the amenity of residents; and (c) has regard to the landscape and private recreation needs of the residents.	AO _{8.1} A caretaker's accommodation is: (a) separated from significant levels of emissions (adverse to human health or amenity) generated by the use/s of the site by at least 6m; (b) provided with a private landscape and recreation area which: (i) is directly accessible from a habitable room; and (ii) if at ground level, has a minimum area of 16m ² with minimum dimensions of 4m; and	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a new use of premises.

Toowoomba Regional Planning Scheme 2012 (v29.0)

Rural Residential Zone Code – requirements for accepted development and assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
	(iii) if a balcony, a veranda or a deck, has a minimum area of 8m² with minimum dimensions of 2.4m. AO_{8.2} No more than one (1) caretaker's accommodation is established per non-residential use.	
Non-residential Uses – Scale of where involving an existing building		
PO ₉ The non-residential use is of a scale and intensity that: (a) is compatible with the character of the streetscape and the residential appearance of the locality; and (b) does not undermine the viability of other centres or services/facilities.	AO _{9.1} The use: (a) carried out in an existing building; (b) only increases the Gross Floor Area of the building by a maximum of 25m ² ; (c) is a single tenancy only; and (d) does not involve outdoor dining.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a new use of premises.
Non-residential Uses – Noise Amenity		
PO ₁₀ The non-residential use does not adversely impact on the amenity of the surrounding residential land uses and/or residential streetscape character.	AO _{10.1} New building plant or air-conditioning equipment is located central to the building and screened from view of the street or adjoining residential uses.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a new use of premises.
PO ₁₁ Hours of operation are controlled so that the non-residential use does not impact on the amenity or privacy of adjoining residential uses.	AO_{11.1} Where involving a shop or food and drink outlet, the use does not operate outside the hours of 6:00 am to 7:00 pm. AO_{11.2} Non-residential uses (except for shop and food outlet) do not create audible noise between the hours of 7:00 pm and 6:00 am.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a new use of premises.
Non-residential Uses – Privacy and Screening		
PO ₁₂ Non-residential uses provide adequate separation, buffering and screening from adjoining residential premises so that the	AO _{12.1} A 2m wide vegetated buffer is provided to any vehicle movement and parking areas that adjoin a residential boundary.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a new use of premises.

Toowoomba Regional Planning Scheme 2012 (v29.0)

Rural Residential Zone Code – requirements for accepted development and assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
privacy and amenity of residential premises is protected.	AO_{12.2} A 1.8m high solid screen fence and 1.5m wide strip of screen landscaping are provided along all boundaries shared with an adjoining residential use. AO_{12.3} Windows that have direct views into adjoining residential buildings are provided with fixed screening that is a maximum of 75% transparent to obscure views into the adjoining residential building and maintain privacy for those residents.	
PO ₁₃ Refuse storage areas screened from the streetscape and/or adjoining residential uses.	AO _{13.1} Refuse storage areas are located behind the front building line and are screened from view from the streetscape and/or adjoining residential uses by a 1.8m high solid screen fence.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a new use of premises.
Non-residential Uses – Outdoor Lighting		
PO ₁₄ Outdoor lighting for non-residential uses maintains the amenity of the surrounding residential area and does not adversely impact the safety for vehicles or pedestrians on the adjoining street as a result of light emissions, either directly or by reflection.	AO_{14.1} Outdoor lighting for non-residential uses is restricted to low level security lighting only. AO_{14.2} Outdoor lighting is designed, installed and maintained in accordance with the parameters and requirements of AS4282 – Control of the Obtrusive Effects of Outdoor Lighting.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a new use of premises.
Non-residential Uses – Impact on Road Network		
PO ₁₅ Non-residential uses are located on major roads and do not introduce non-residential traffic into local streets.	AO _{15.1} Non-residential uses have frontage and vehicle access to a Regional Arterial, Sub-Arterial or Distributor Road and vehicle access to the development does not occur from a local street.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a new use of premises.

Toowoomba Regional Planning Scheme 2012 (v29.0)

Rural Residential Zone Code – requirements for accepted development and assessment benchmarks for assessable development

Performance outcomes		Acceptable outcomes	Compliance summary
Building Work (not associated with a Material Change of Use)			
PO ₁₆	Provision is made for on-site vehicle parking to meet the demand likely to be generated by the development and to avoid on-street parking where that would adversely impact on the safety or capacity of the road network or unduly impact on local amenity.	PO _{16.1} Car parking is provided in accordance with the Transport, Access and Parking Code.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve Building Work.
PO ₁₇	Landscaping makes a positive contribution to the site and the amenity of the surrounding area and existing landscaping is not diminished.	PO _{17.1} No reduction of previously approved landscaping areas is to occur.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve Building Work.
PO ₁₈	Stormwater resulting from roofed areas is collected and discharged in a manner that does not adversely affect the stability of buildings or the use of adjacent land.	PO _{18.1} Roof water is collected and discharged in accordance with SC6.2 PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve Building Work.
PO ₁₉	Wastewater treatment and disposal is provided that is appropriate for the level of demand generated, protects public health and avoids environmental harm.	PO _{19.1} Where within a wastewater area, the development is connected to the Council's reticulated wastewater system in accordance with SC6.3 PSP No.3 Engineering Standards – Water and Wastewater Infrastructure. OR PO _{19.2} Waste water systems and connections are designed and constructed in accordance with SC6.3 PSP No.3 Engineering Standards - Water and Wastewater Infrastructure.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve Building Work.

Toowoomba Regional Planning Scheme 2012 (v29.0)

Rural Residential Zone Code – assessment benchmarks for assessable development

Performance outcomes		Acceptable outcomes	
Uses			
PO ₁	The zone accommodates very low density forms of housing and other small-scale uses that service the day to day needs of local residents.	AO_{1.1} Uses which are consistent with the intent of the zone include: (a) animal husbandry; (b) child care centre; (c) community residence; (d) cropping; (e) dwelling house; (f) emergency services; (g) health care services; (h) home based business; (i) major electricity infrastructure; (j) roadside stall; (k) rural works' accommodation; (l) shop; (m) substation; (n) veterinary services; and (o) recreation activities where for small scale outdoor sport and recreation uses. AO_{1.2} Uses which are inconsistent with the intent of the zone include: (a) business activities (other than those listed in AO_{1.1}); (b) rural activities (other than animal husbandry, cropping and roadside stalls); (c) entertainment activities; (d) industry activities; and (e) recreation activities (other than small scale outdoor sport and recreation).	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a new use of premises. Notwithstanding this, the proposed lots are intended to cater for future Dwelling Houses which is identified as a consistent use.

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Rural Residential Zone Code – assessment benchmarks for assessable development

Performance outcomes		Acceptable outcomes	
PO ₂	Non-residential uses: (a) provide for the day to day needs of the immediate rural residential community and do not undermine the viability of nearby centres; (b) have access to all necessary infrastructure and services; (c) are of a nature that is compatible with the semi-rural and low intensity residential character of the zone; (d) are in buildings of a scale that is consistent with the surrounding rural residential area; and (e) do not unduly detract from the amenity of nearby residences.	No acceptable outcome is nominated.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a new use of premises.
Site Layout			
PO ₃	The site layout responds sensitively to on-site and surrounding topography, drainage patterns, utility services, access, vegetation and adjoining land use, such that: (a) any hazards to people or property are avoided; (b) any earthworks are minimised; (c) the retention of natural drainage lines is maximised; (d) the retention of existing vegetation is maximised; (e) damage or disruption to sewer, stormwater and water infrastructure is avoided; and (f) there is adequate buffering, screening or separation to adjoining development.	No acceptable outcome is nominated.	Complies. The proposed development has been designed to ensure it appropriately responds to the characteristics and physical features of the site.

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Rural Residential Zone Code – assessment benchmarks for assessable development

Performance outcomes		Acceptable outcomes	
Amenity			
PO ₄	Development maintains a high level of residential amenity within the site and for surrounding areas, having regard to noise, odour, lighting, access to sunlight, privacy and outlook.	No acceptable outcome is nominated.	Complies. The site currently has an “L” shape configuration with frontages to both the New England Highway and Evans Road. The proposed development seeks to subdivide the site into two (2) rectangular lots, with one (1) lot fronting each road. Given that the proposed development will not increase the number of lots along either frontage or change the existing frontage widths, the applicant contends that the development will continue to maintain the existing rural residential amenity of the area.
Stables			
PO ₅	Stables do not adversely affect the health and safety of residents of the site or adjoining premises and do not unduly impact on the amenity of the local area.	AO _{5.1} No horse is stabled closer than 15m to a residential building on an adjoining lot. AO _{5.2} Wastes are collected and disposed of daily. AO _{5.3} All food/waste holding areas and receptacles are contained and covered.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve stables.
Precincts			
PO ₆	Development in the 4,000m ² precinct: (a) does not require the creation of lots smaller than 4,000m ² ; and (b) maintains a very low density residential character.	No acceptable outcome is nominated.	Performance Solution. The proposed development involves the creation of two (2) large residential lots. Proposed Lot 12 will have an area of approximately 4,002m ² , while proposed Lot 15 will have an area of approximately 3,980m ² . The site currently has an “L” shape configuration with frontages to both the New England Highway and Evans Road. The proposed development seeks to subdivide the site into two (2) rectangular lots, with one (1) lot fronting each road.

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Rural Residential Zone Code – assessment benchmarks for assessable development

Performance outcomes		Acceptable outcomes	
			Given that the proposed development will not increase the number of lots along either frontage or change the existing frontage widths, the applicant contends that the development will continue to maintain the existing rural residential amenity of the area. On this basis, despite proposed Lot 15 being less than the minimum lot size, the development is considered to be appropriate in this instance.
PO ₇	Development in the 1 ha precinct: (a) does not require the creation of lots smaller than 1 ha; (b) maintains the semi-rural character; and (c) is subservient to and integrates with the natural or rural landscape.	No acceptable outcome is nominated.	Not Applicable. The site is not located within the 1 Hectare Precinct.
PO ₈	No acceptable outcome is nominated.	No acceptable outcome is nominated.	Not Applicable.
PO ₉	Effluent generated by a development is capable of being treated and disposed of on site.	No acceptable outcome is nominated.	Complies. The proposed lots have been designed to ensure that any future Dwelling House can be appropriately serviced by on-site effluent disposal infrastructure.

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Bushfire Hazard Overlay Code – requirements for accepted development and assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
PO ₁ Development is provided with an adequate water supply for fire fighting purposes that is safely located and freely accessible.	AO _{1.1} Development within a water supply area involving the creation of a new lot/s or involving proposed and existing buildings with a combined gross floor area greater than 50m ² , is connected to Council's reticulated water supply system. It will be readily available at all time for fire fighting vehicles and a water supply outlet located within the road reserve is within 40m ² of the following: (a) All of the land; or (b) A building envelope designated on each lot; or (c) The centre of each lot, excluding access handles (where no building envelope is designated); and (d) All existing and proposed buildings And Fire hydrants are designed and installed in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines, Unless otherwise specified by the relevant water entity	Complies. The proposed lots will be connected to Council's reticulated water supply infrastructure in accordance with the relevant requirements.
	AO _{1.2} Development outside a water supply area involving proposed or existing buildings with a combined gross floor area greater than 50m ² , are provided with a dedicated on site water storage system that permanently holds a minimum of 10,000 litres (e.g. dam, swimming pool or water tank) for fire fighting purposes.	Not Applicable. The site is not located outside a water supply area.
	AO _{1.3} A water tank is provided within 10m of each building (other than a class 10 building) which: (a) Is either below ground level or of non-flammable construction;	Not Applicable. The site is not located outside a water supply area.

Toowoomba Regional Planning Scheme 2012 (v29.0)

Bushfire Hazard Overlay Code – requirements for accepted development and assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
	(b) Has a take-off connection at a level that allows the following dedicated, static water supply to be left available for access by fire fighters: (i) 10,00 litres for residential buildings; (ii) For industrial, commercial; and other buildings, a volume specified in AS2304-2011 (c) Includes shielding of tanks and pumps in accordance with AS2304-2011 (d) Includes a hardstand area allowing medium rigid vehicle (15 tonne fire appliance) access within 6m of the tank (e) Is provided with rural fire brigade tank fittings if serviced by a rural fire brigade (i.e. 50mm ball valve and male camlock coupling and, if underground, an access hole of 200mm (minimum) to accommodate suction lines); and (f) Is clearly identified by directional signage at the street frontage	
PO ₂ Development provides for the safety of people and property by avoiding areas of High or Medium bushfire risk.	AO_{2.1} Development is not located on land that is subject to High or Medium bushfire risk. OR AO_{2.2} Where development is located in a High or Medium bushfire risk area (except for single dwellings on existing lots), it complies with a Bushfire Management Plan for the premises.	Performance Solution. The entire site and surrounding area is located within a Medium Bushfire Risk Area. The land to the north, east and west of the site has previously been developed and provide sufficient separation to hazardous vegetation. Land to the south of the site contains sporadic vegetation and accordingly, any future dwelling can be designed and sited to minimise risk to people and property.

Toowoomba Regional Planning Scheme 2012 (v29.0)

Bushfire Hazard Overlay Code – requirements for accepted development and assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
PO ₃ Development provides for the safety of people and property by mitigating the bushfire risk through the siting of buildings.	AO _{3.1} Buildings and structures: (a) are sited in locations of lowest hazard within the lot; and (b) achieve setbacks from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 m, whichever is the greater; and (c) are 10 m from any retained vegetation strips or small areas of vegetation; and (d) are sited so that elements of the development least susceptible to fire are sited closest to the bushfire hazard.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve new buildings or structures. Notwithstanding this, the proposed lots have been designed to ensure any future Dwelling House can be suitably located to minimise bushfire risk.

Toowoomba Regional Planning Scheme 2012 (v29.0)

Bushfire Hazard Overlay Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
For all development:		
PO ₁ Community infrastructure is only located in a bushfire medium and high risk area where the function and role of the infrastructure necessitates its location in the area and there are no suitable alternative sites in a low bushfire hazard area.	No acceptable outcome is nominated.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve Community Infrastructure.
PO ₂ Community infrastructure is able to function effectively during and immediately after bushfire events.	AO_{2.1} The community infrastructure is located on land that is not subject to High or Medium bushfire risk; or <i>Note for AO_{2.1}: A site-specific bushfire hazard assessment is necessary to demonstrate that although the proposed development site is within bushfire hazard area, the bushfire hazard is low on that site.</i> AO_{2.2} The community infrastructure will not involve any new building work other than a minor extension (<20 m² Gross Floor Area) to an existing building; or AO_{2.3} The community infrastructure development is located within a bushfire hazard area (as identified in the Bushfire Hazard Overlay Maps) but is designed to function effectively during and immediately after bushfire events. <i>Note for AO_{2.3}: The development application must include and comply with a comprehensive Bushfire Management Plan.</i>	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve Community Infrastructure.
Water Supply		
PO ₃ Development is provided with an adequate water supply for fire fighting purposes that is safely located and freely accessible.	AO _{3.1} Development within a water supply area involving the creation of a new lot/s or involving proposed and existing buildings with a combined gross floor area greater than	Complies. The proposed lots will be connected to Council's reticulated water supply infrastructure in accordance with the relevant requirements.

Toowoomba Regional Planning Scheme 2012 (v29.0)

Bushfire Hazard Overlay Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
	50m², is connected to Council's reticulated water supply system It will be readily available at all time for fire fighting vehicles and a water supply outlet located within the road reserve is within 40m² of the following: (f) All of the land; or (g) A building envelope designated on each lot; or (h) The centre of each lot, excluding access handles (where no building envelope is designated); and (i) All existing and proposed buildings And Fire hydrants are designed and installed in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines, Unless otherwise specified by the relevant water entity AO_{3.2} Development outside a water supply area involving proposed or existing buildings with a combined gross floor area greater than 50m², are provided with a dedicated on site water storage system that permanently holds a minimum of 10,000 litres (e.g. dam, swimming pool or water tank) for fire fighting purposes. AO_{3.3} A water tank is provided within 10m of each building (other than a class 10 building) which: (a) Is either below ground level or of non-flammable construction; (b) Has a take-off connection at a level that allows the following dedicated, static water supply to be left available for access by fire fighters:	Not Applicable. The site is not located outside a water supply area. Not Applicable. The site is not located outside a water supply area.

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Bushfire Hazard Overlay Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
	(i) 10,00 litres for residential buildings; (ii) For industrial, commercial; and other buildings, a volume specified in AS2304-2011 (c) Includes shielding of tanks and pumps in accordance with AS2304-2011 (d) Includes a hardstand area allowing medium rigid vehicle (15 tonne fire appliance) access within 6m of the tank (e) Is provided with rural fire brigade tank fittings if serviced by a rural fire brigade (i.e. 50mm ball valve and male camlock coupling and, if underground, an access hole of 200mm (minimum) to accommodate suction lines); and (f) Is clearly identified by directional signage at the street frontage	
Hazardous Materials		
PO ₄ Public safety and the environment are not adversely affected by the detrimental impacts of bushfire on the manufacture or storage of hazardous materials in bulk.	AO _{4.1} Development complies with a Bushfire Management Plan for the premises. Note: 'Hazardous materials in bulk' is defined in Section 9, Glossary of the SPP Guideline. Where the assessment manager has not previously approved a Bushfire Management Plan (see Note 1.7 above), the development proponent will be expected to prepare such a plan to the satisfaction of the assessment manager. See Appendix 8 for more information on bushfire management plans.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve the storage of hazardous materials.

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Bushfire Hazard Overlay Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
Reconfiguring a lot and Material Change of Use		
PO ₅ Lot design and the siting of buildings provide safe sites for habitable and non-habitable buildings.	AO _{5.1} All development enables buildings and structures to achieve setbacks from hazardous vegetation that are: (a) sited within the area of lowest hazard within the lot; and (b) provide for adequate setbacks from hazardous vegetation; and (c) 1.5 times the predominant mature canopy tree height or 10m, whichever is the greater; and (d) 10m from any retained vegetation strips or small areas of vegetation; and (e) sited so that elements of the development least susceptible to fire are sited closest to the bushfire hazard.	Complies. The land to the north, east and west of the site has previously been developed and provide sufficient separation to hazardous vegetation. Land to the south of the site contains sporadic vegetation and accordingly, any future dwelling can be designed and sited to minimise risk to people and property.
PO ₆ For development that will result in multiple buildings or lots, roads and access are designed to mitigate against bushfire hazard by ensuring adequate access for: (a) fire fighting and other emergency vehicles; and (b) the evacuation of people in the event of an emergency.	AO _{6.1} The road design is capable of providing access for fire fighting and other emergency vehicles, in accordance with the standards identified in SC6.2 PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure. AO _{6.2} The lot layout ensures that all roads are through roads. AO _{6.3} The lot layout does not include long narrow lots, long access ways or rear lots. AO _{6.4} The road has a maximum gradient of 1 in 8 (12.5%).	Not Applicable. The proposed development does not involve new or extended roads.
PO ₇ For development that will result in multiple buildings or lots, fire breaks are provided that: (a) adequately and effectively separate the development site from surrounding	AO _{7.1} The development incorporates a fire break provided by a perimeter road that: (a) separates the boundary of the lots and the adjacent bushland;	Not Applicable. The nature and scale of the development is such that a perimeter road is not required or proposed. The proposed lots are of a sufficient size to ensure any

Toowoomba Regional Planning Scheme 2012 (v29.0)

Bushfire Hazard Overlay Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
vegetation to mitigate against bushfire hazard; (b) have sufficient width to enable continuous access for fire fighting and other emergency vehicles, residents and equipment; and (c) are in secure tenure and are maintained.	(b) has a minimum cleared width of 20m; (c) has a formed road width of 6m; and (d) is constructed to an all weather standard. AO7.2 The development includes fire breaks which are located as close as possible to the boundaries of the lot(s) and the adjoining bushfire hazard and the fire breaks have: (a) a minimum cleared width of 6m; (b) a minimum formed width of 4m; (c) a maximum gradient of 1 in 8 (12.5%); (d) are constructed and maintained to prevent erosion, provide adequate drainage and provide continuous access for fire fighting vehicles; (e) provide passing bays and turning areas for fire-fighting appliances; and (f) are either located on public land, or within an access easement that is granted in favour of the Toowoomba Regional Council and the Queensland Fire and Rescue Service. AO7.3 Vehicular access is provided along and at each end of the fire break to existing fire maintenance trails or roads. AO7.4 The development includes sufficient cleared breaks of 6m minimum width in retained bushland within the development (e.g. creek corridors and retained vegetation) to allow burning of sections and access for bushfire response.	future dwellings can be appropriately designed and site to minimise risk to people and property.

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Reconfiguring a Lot Code – Requirements for accepted development and assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
PO ₁ The lots resulting from the rearrangement of boundaries does not contribute to: (a) the proliferation of lots of rural land fragmentation; or (b) the potential to introduce uses or activities which conflict with the intent of the applicable zone for all or part of the site.	AO _{1.1} No additional lots are created by the rearrangement of boundaries. AO _{1.2} The resulting lots from rearranging boundaries are contained entirely within a single zone.	Not Applicable. The proposed development does not involve a Boundary Realignment.
PO ₂ Lots resulting from rearrangement of boundaries do not require any new or additional infrastructure connections, or modification of existing connections.	AO _{2.1} All lots resulting from rearrangement of boundaries: (a) retain all existing connections to water, sewer, electricity and other infrastructure wholly within the lot they serve; (b) do not require additional infrastructure connections or augmentation of existing connections; (c) except where in the Rural Zone, have sealed vehicle crossovers; (d) have stormwater drainage for lots 4000m ² or less: (i) connected to adequately sized inter-allotment drainage; or (ii) that drains the entirety of each lot independently without fill to the kerb and channel or swale of the road frontage.	Not Applicable. The proposed development does not involve a Boundary Realignment.
PO ₃ Where in the rural zone, all lots resulting from rearrangement of boundaries are provided with all weather road access from the driveway crossover to the nearest formed road.	AO _{3.1} Where in the rural zone, all lots resulting from rearrangement of boundaries are provided with a formed gravel road from the driveway crossover to the nearest formed road in accordance with <i>SC6.2 PSP No.2 Engineering Standards – Roads and Drainage Infrastructure</i> .	Not Applicable. The site is not located within the Rural Zone.

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Reconfiguring a Lot Code – Requirements for accepted development and assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
Lot Sizes and Design		
PO₄ All new lots provide sufficient area, frontage and dimensions, and road access that enable their future development to achieve relevant outcomes in applicable Use, Zone, Overlay, and Other Development Codes in relation to: (a) dwellings, buildings and/or other structures (b) setbacks ; (c) landscaping; (d) on site car parking and vehicle access; (e) recreation areas (private open space); (f) cultural heritage and character streetscape values; (g) other design criteria. Editors note: i. Setback considerations include solar access, privacy and amenity of residents and adjoining neighbours, on-site effluent disposal. ii. A building envelope may demonstrate suitability to accommodate future development.	AO_{4.1} All lots are rectangular and have minimum width to depth ratios, areas, dimensions and frontages as prescribed in Table 9.4.5:4. AO_{4.2} Where in the Low Medium Density Residential Zone development for lots 450m² or less in area are capable of accommodating a rectangular building envelope with area and dimensions for: (a) a dwelling, including ancillary buildings and structures such as garages, covered carports and decks, that comply with the minimum setback requirements of the	Performance Solution. The proposed development involves the creation of two (2) large residential lots. Proposed Lot 12 will have an area of approximately 4,002m², while proposed Lot 15 will have an area of approximately 3,980m². The site currently has an "L" shape configuration with frontages to both the New England Highway and Evans Road. The proposed development seeks to subdivide the site into two (2) rectangular lots, with one (1) lot fronting each road. Given that the proposed development will not increase the number of lots along either frontage or change the existing frontage widths, the applicant contends that the development will continue to maintain the existing rural residential amenity of the area. On this basis, despite proposed Lot 15 being less than the minimum lot size, the development is considered to be appropriate in this instance. Table 9.4.5:4 does not identify a minimum frontage or width to depth ratio. Not Applicable. The site is not located within the Low-Medium Density Residential Zone and does not involve the creation of lots less than 450m².

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Reconfiguring a Lot Code – Requirements for accepted development and assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
	overlay or zone in which the land is located and building regulations; (b) private open space and recreation areas; (c) vehicle access and on-site car parking in accordance with the Transport, Access and Parking Code.	

Toowoomba Regional Planning Scheme 2012 (v29.0)

Reconfiguring a Lot Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
Master Planning		
PO₁ Except where in the Rural Zone (other than where in the Heinemann Road Transport Precinct) Limited Development (Constrained Land) Zone, Community Facilities Zone, Open Space Zone or Recreation Zone, development: (a) occurs in a logical pattern and sequence; (b) is of a scale and density that facilitates an efficient land use pattern and facilitates a mix of lot sizes that provide for a range of residential dwelling choices; (c) is designed to create compact and walkable neighbourhoods that are well connected to employment nodes, centres, open space and recreational areas, community services and educational opportunities; (d) creates a high quality streetscape and public open space network with connected public spaces and parks; (e) appropriately responds to constraints and natural values and mitigates any adverse impacts on areas of ecological significance; (f) is provided with all necessary infrastructure networks and is well serviced by community facilities; and (g) creates lots which are suitable for their intended use without requiring significant earthworks.	AO_{1.1} A Master Plan is prepared in accordance with SC6.4 PSP No. 4 Master Planning.	Not Applicable. The proposed development is for a one (1) into two (2) lot subdivision, creating lots at or below the minimum lot size. Accordingly, master planning is not required in this instance.

Toowoomba Regional Planning Scheme 2012 (v29.0)

Reconfiguring a Lot Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
General		
PO₂ The layout of streets, lots and infrastructure gives the locality a strong and positive identity by: (a) responding to site characteristics, settings, landmarks, places of cultural heritage significance and views; (b) creating legible and interconnected movement and open-space networks; (c) locating community, retail, commercial and public transport facilities at focal points within convenient, safe and direct walking distance for residents/users; and (d) providing connections to existing facilities, services and movement networks in the surrounding area.	Where included in a local plan: AO_{2.1} Neighbourhood design and lot layout is consistent with the requirements of any local plan. All other circumstances: No acceptable outcome provided.	Not Applicable. The site is not located within a Local Plan Area. Not Applicable. The proposed development is for a one (1) into two (2) lot subdivision and does not involve or require a range of lot size or the creation of roads, open space areas or public facilities.
PO₃ The layout of streets, lots and infrastructure responds appropriately to environmental features of the site or locality by: (a) following the natural topography; (b) protecting and promoting views of landscape features, significant ridgelines, mountains, hills, rocky outcrops or other geological formations; (c) minimising the need for earthworks; (d) minimising vegetation loss and/or fragmentation; (e) maintaining natural drainage features and floodways; (f) maintaining important wildlife corridors and habitat areas; (g) providing for adequate buffering of (d), (e) and (f);	<i>In partial fulfilment of the performance outcome:</i> AO_{3.1} A lot with an area of less than 450m² intended to be used for a dwelling house has a natural slope: (a) across the width of the lot not exceeding 10%; and (b) along the length of the lot not exceeding 5%.	Not Applicable. The proposed development does not involve lots less than 450m².

Toowoomba Regional Planning Scheme 2012 (v29.0)

Reconfiguring a Lot Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
(h) protecting and maintaining areas of indigenous cultural significance; and (i) connecting streets and open space to existing streets and open space on adjoining land as necessary for the orderly development of the precinct.		
PO₄ Street blocks and lot types are generally rectilinear and arranged to provide: (a) an efficient neighbourhood pattern, that supports walking cycling and public transport use; (b) the highest densities are located around open space, amenity features or other focal points; and (c) a mix of lot sizes which provide a wide choice in affordable and accessible housing and achieve streetscape variety.	<i>In partial fulfilment of the performance outcome</i> AO_{4.1} Subdivision involving the creation of lots for residential use ensures lots within the block are arranged so that: (a) there are between four (4) and six (6) adjoining attached (terrace or row) house lots in a group (to enable group housing construction and integrated streetscape solution); (b) there are no more than eight (8) narrow frontage (less than 15m) lots in a row; (c) there are no more than four (4) lots with a width of 7.5m or less in a row unless serviced by a rear lane; and (d) there are no minor mismatches (e.g. less than 1m) in the rear corner lot boundaries of adjoining lots (to minimise the risk of set out error); AO_{4.2} Subdivision involving the creation of lots for residential use ensures lots with access to a laneway intended to accommodate more than one dwelling have a: (a) minimum width of 7.5m; and (b) minimum depth of 30m. AO_{4.3} Street blocks fronting local streets do not exceed 100m in length.	Not Applicable. The proposed development is for a one (1) into two (2) lot subdivision and does not involve the creation of street blocks.

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Reconfiguring a Lot Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
PO ₅ Reconfiguration avoids risk to human safety and the environment from natural hazards and contaminated land.	<i>In partial fulfilment of the performance outcome</i> AO _{5.1} Where contamination is suspected (e.g. former dips, industrial sites), provide a preliminary contamination report for Residential or Rural Residential subdivisions.	Not Applicable. The site is not suspected of being contaminated.
PO ₆ The development is integrated with the surrounding urban or rural environment, having regard to: (a) the layout and dimensions of streets and lots; (b) connections to surrounding streets and pedestrian and cycle networks and other infrastructure networks; (c) provision for shared use of public facilities; (d) open space networks, retained habitat areas or corridors, landscape features and views and vistas; and (e) connections to centres.	No acceptable solution is nominated.	Not Applicable. The proposed development does not involve new or extended roads, public facilities or open space areas.
PO ₇ In a reconfiguration that involves the creation of a new street (other than in a Rural Zone or the Rural Residential Zone) streetscape and landscape treatments are provided that: (a) create an attractive and legible environment with a clear character and identity; (b) use and highlight features of the site such as views, vistas, existing vegetation, landmarks and places of cultural heritage significance; (c) enhance safety and comfort, and meet user needs;	No acceptable solution is nominated.	Not Applicable. The proposed development does not involve new or extended roads.

Toowoomba Regional Planning Scheme 2012 (v29.0)

Reconfiguring a Lot Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
(d) complement the function of the street in which they are located by reinforcing desired traffic speed and behaviour; (e) assist integration with the surrounding environment; (f) maximise infiltration of stormwater runoff; and (g) minimise maintenance costs through: (i) street pavement, parking bays and speed control devices; (ii) street furniture, shading, lighting and utility installations; (iii) retention of existing vegetation; and (iv) on street planting.		
PO ₈ Neighbourhood design and lot mix provides sufficient opportunities for community, retail, commercial and other uses to meet community needs, where this is consistent with the intended character of the zone or precinct in which the land is located and appropriate to the size of development.	No acceptable outcome is nominated.	Not Applicable. The nature of the locality is such that the proposed lots are not intended to facilitate a mix of land uses.
PO ₉ Reconfigurations within the Low-medium Density Residential Zone and the Emerging Community Zone contribute to housing diversity and different levels of affordability to meet community needs by incorporating a mix of residential lot sizes drawing from the following lot types: (a) Traditional: A traditional lot caters for large dwelling houses, typically on lots with a frontage of up to 20m and depth of 30m to	AO _{9.1} Reconfigurations incorporate the lot types identified in the performance outcome as follows: (a) reconfigurations creating between 10 and 50 additional lots incorporate a mix of at least two (2) different lot types; and (b) reconfigurations creating more than 50 additional lots incorporate a mix of at least three (3) different lot types.	Not Applicable. The site is located within the Rural Residential Zone.

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Reconfiguring a Lot Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
32m for single storey dwelling houses and 25m for two (2) storey dwelling houses. (b) Multi-family: A multi-family lot allows for small multiple dwellings (typically four (4) to six (6) dwellings). Multiple dwellings on multi-family lots contribute significantly to diversity within a neighbourhood. Multi-family lots will typically be provided on-street corners to reduce the negative impact of rows of garage doors. (c) Courtyard: A courtyard lot has an area between 375m² and 480m² and comfortably accommodates a smaller detached dwelling house on a lot with a frontage of approximately 15m. (d) Villa: A villa lot has an area between 250m² and 320m² and accommodates a smaller dwelling house on a lot with a frontage of approximately 10m. It is suited to the housing needs of an increasing number of one and two person households. A dwelling house on a villa lot is detached but usually built to one side boundary of the lot.		
PO ₁₀ Reconfigurations within the Low-medium Density Residential Zone achieve a residential density that makes efficient use of the land and associated physical infrastructure.	AO _{10.1} Reconfigurations in the Low-medium Density Residential Zone facilitate a minimum residential density of 30 dwellings per hectare.	Not Applicable. The site is located within the Rural Residential Zone.
PO ₁₁ Reconfigurations within the Principal Centre Zone, Major Centre Zone, District Centre Zone or Local Centre Zone ensure an integrated, orderly and efficient development outcome is achieved across all lots in respect to access to	No acceptable outcome is nominated.	Not Applicable. The site is located within the Rural Residential Zone.

Toowoomba Regional Planning Scheme 2012 (v29.0)

Reconfiguring a Lot Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
the external road network, pedestrian and vehicle movement within the site and built form and function.		
Lot Sizes and Design		
PO ₁₂ Lot size in the Emerging Community Zone does not compromise the future development potential of the area for urban purposes.	AO _{12.1} Lots in the Emerging Community Zone have the minimum area and frontage as shown in Table 9.4.5:4.	Not Applicable. The site is not located within the Emerging Community Zone.
PO ₁₃ In the Rural Zone, the productive capacity of rural land resources is protected from the reconfiguration of lots that facilitates inappropriate intensification of development in the zone.	AO _{13.1} Lots have a minimum area as shown in Table 9.4.5:4.	Not Applicable. The site is not located within the Rural Zone.
Movement network design		
PO ₁₄ 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; (b) on street parking; (c) sight distance; (d) provision for public transport routes and stops; (e) provision for pedestrian and cyclist movement, prioritising these where appropriate; (f) provision for waste collection and emergency vehicles; (g) lot access; (h) convenience; (i) public safety;	AO _{14.1} The street and road network is consistent with SC6.2 PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure.	Not Applicable. The proposed development does not involve new or extended roads.

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Performance outcomes	Acceptable outcomes	Compliance summary
(j) amenity; (k) the incorporation of public utilities and drainage; and (l) landscaping and street furniture.		
PO ₁₅ The road network provides for convenient and safe movement between local streets and higher order roads.	AO _{15.1} The proposed road network complies with SC6.2 PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure.	Not Applicable. The proposed development does not involve new or extended roads.
PO ₁₆ Local streets do not operate as through traffic routes for externally generated traffic (other than for pedestrians, cyclists and public transport).	No acceptable outcome is nominated.	Not Applicable. The proposed development does not involve new or extended roads.
PO ₁₇ Safe, convenient and efficient intersections are provided for vehicles, pedestrians, cyclists and public transport.	AO _{17.1} Intersections and pedestrian and cyclist crossings are provided in accordance with SC6.2 PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure.	Not Applicable. The proposed development does not involve new or extended roads or pedestrian or cyclist infrastructure.
PO ₁₈ Access arrangements for lots do not affect the function, vehicle speeds, safety, efficiency and capacity of streets and roads.	AO _{18.1} Access arrangements are consistent with the characteristics intended for the particular type of road or street specified in SC6.2 PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure.	Complies. The proposed development will utilise an upgraded crossover to the New England Highway and a new crossover to Evans Road which are suitable to ensure the development does not impact on the safety or operation of the road network.
PO ₁₉ On-road car parking is provided according to projected needs taking into account: (a) total parking demand; (b) car parking opportunities on lots; and (c) non-residential and external parking generators.	AO _{19.1} On-street parking is provided in accordance with the Transport, Access and Parking Code.	Not Applicable. The proposed development does not involve on-street carparking.
PO ₂₀ The movement network facilitates efficient and cost-effective provision and maintenance of infrastructure.	AO _{20.1} Infrastructure is provided in accordance with SC6.2 PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure.	Not Applicable. The proposed development does not involve new or extended roads.

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Performance outcomes	Acceptable outcomes	Compliance summary
PO₂₁ Rear lanes are designed to: (a) provide enough width to enable safe and efficient vehicle movement, including service vehicles; (b) have either a straight or T configuration and not be dead ends or cul-de-sacs; (c) enable easy and safe access into and out of garages without using doors that open into the lane; (d) not create a more direct through-route alternative for vehicles than the adjoining street network; (e) ensure rear yards of properties can be fenced for security; (f) ensure any rear boundary treatment or tree planting does not create concealed recesses or provide uninvited access opportunities into rear yards; and (g) not provide for visitor parking within the lane unless in specifically designated areas.	AO_{21.1} Rear lanes are designed in accordance with SC6.2 PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure.	Not Applicable. The proposed development does not involve new or extended roads.
PO₂₂ Development does not compromise the delivery of existing or future public transport routes and encourages a highly connected local street network that enables public transport to efficiently service the area without the need to 'repeat a part of a route as part of the one trip'.	AO_{22.1} Street networks in new developments are designed to accommodate the movements of a 14.5m long bus.	Not Applicable. The proposed development does not involve new or extended roads.
Road design		
PO₂₃ The geometric design features of each type of road: (a) convey its primary function for all relevant design vehicle types;	AO_{23.1} Design of the roads comply with the SC6.2 PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure.	Not Applicable. The proposed development does not involve new or extended roads.

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Reconfiguring a Lot Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
(b) have an adequate horizontal and vertical alignment that is not conducive to excessive speeds; (c) encourage traffic speeds and volumes to levels commensurate with road hierarchy function; and (d) ensure unhindered access by emergency vehicles.		
Pedestrian and cyclist facilities		
PO₂₄ A network of pedestrian and cycle ways is provided having regard to: (a) opportunities to link open space networks, and community facilities, including public transport stops, local activity centres and schools; (b) likely trip purpose; (c) topography; (d) cyclist and pedestrian safety; (e) cost effectiveness; (f) likely user volumes and types; (g) convenience; and (h) accessibility.	AO_{24.1} In partial fulfilment of the performance criterion, pedestrian and cycle ways are provided in accordance with SC6.2 PSP No. 2 – <i>Engineering Standards – Roads and Drainage Infrastructure</i>. AO_{24.2} Footpaths and bikeways are provided in accordance with the <i>Austroads Guide to Road Design – Part 6A: Pedestrian and Cyclist Paths (Austroads 2009m)</i>.	Not Applicable. The scale and location of the development is such that the development does not involve pedestrian footpaths or cycleways.
PO₂₅ The alignment of pedestrian paths and cycleways is designed so that they: (a) allow for the retention of trees and other significant features; (b) maximise the visual interest provided by views and landmarks where they exist; (c) do not compromise the operation of or access to other infrastructure services;	No acceptable outcome is nominated.	Not Applicable. The scale and location of the development is such that the development does not involve pedestrian footpaths or cycleways.

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Reconfiguring a Lot Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
(d) are widened at potential conflict points; and (e) consider CPTED principles and disability access requirements.		
PO ₂₆ Safe street crossings are provided for pedestrians and cyclists across major roads.	AO _{26.1} Crossings and intersections are provided in accordance with SC6.3 PSP No 2 –Engineering Standards – Roads and Drainage Infrastructure and Austroads Guide to Road Design Part 4: Intersections and Crossings: General.	Not Applicable. The proposed development does not involve new or extended roads.
Public transport		
PO ₂₇ The movement network caters for the extension of existing or future public transport routes to provide services that are convenient and accessible to the community.	No acceptable outcome is nominated.	Not Applicable. The proposed development does not involve new or extended roads.
PO ₂₈ Reconfiguration caters for the extension of public transport routes by locating the highest likely public transport 'trip generating' land uses in the vicinity of existing or potential public transport routes, where this is consistent with the intended character of the zone or precinct in which the land is located.	AO _{28.1} Except in the rural zone and the rural residential zone, at least 90% of proposed lots are within 400m safe walking distance from an existing or potential bus route or 500m walking distance of an identified bus stop.	Not Applicable. The site is located within the Rural Residential Zone.
PO ₂₉ Residential densities within walking distance of existing and potential public transport stations and routes are at levels that take advantage of the infrastructure where this is consistent with the intended character of the zone or precinct in which the land is located.	No acceptable outcome is nominated.	Complies. The proposed development involves an additional residential premises within proximity of existing public transport infrastructure along the New England Highway.

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Reconfiguring a Lot Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
Open Space Network		
PO₃₀ Neighbourhood design and lot layout provides a balanced variety of park types, including: (a) small local parks, which are designed to: (i) provide a small open space setting for adjoining dwellings; (ii) incorporate and retain existing natural features; (iii) incorporate landscaping to assist in creating neighbourhood identity and way-finding; (b) neighbourhood parks, which are designed to: (i) be centrally located; (ii) support the local community's recreational needs; (iii) provide opportunities for community and special events; (c) lineal or corridor parks, which are designed to: (i) connect with existing or planned open space in the locality; (ii) incorporate pedestrian and cycle paths; (iii) protect significant natural features; (iv) convey stormwater; (v) provide for other recreational needs when not flooded; and (d) natural parkland areas which: (i) retain locally significant wetlands, remnant vegetation and habitat for fauna;	AO_{30.1} The lot reconfiguration makes provisions for the establishment of public parks in accordance with Part 4 Local Government Infrastructure Plan.	Not Applicable. The proposed development involves a one (1) into two (2) lot subdivision and accordingly, does not propose or require parkland or open space areas.

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Reconfiguring a Lot Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
(ii) continue ecological corridors and linkages to areas outside of the neighbourhood; (iii) maintain important landscape and visual quality values.		
PO₃₁ Where provision for a public park is required in Part 4 – Local Government Infrastructure Plan the design and lot layout provides for safe and secure, well distributed and located parkland that: (a) has passive surveillance by surrounding development; (b) is of a suitable size, shape and topography for its function; (c) is located on a suitable road; (d) is highly accessible to local communities; and (e) achieves an acceptable standard of flood immunity.	AO_{31.1} The public park meets the requirements of section 4.5.5 of the planning scheme. AO_{31.1} The public park meets the standards identified in Table 9.4.5:3.	Not Applicable. The proposed development involves a one (1) into two (2) lot subdivision and accordingly, does not propose or require parkland or open space areas.
PO₃₂ Neighbourhood design and lot layout provides for safe and secure, well distributed and located parkland that: (a) provides a clear relationship between the public realm and adjoining land uses through treatment including alignment, fencing and landscaping; (b) enhances the area's local identity and landscape amenity; (c) provides for a range of recreational opportunities to meet community needs; (d) forms a linkage to existing parkland or habitats;	No acceptable outcome is nominated.	Not Applicable. The proposed development involves a one (1) into two (2) lot subdivision and accordingly, does not propose or require parkland or open space areas.

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Reconfiguring a Lot Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
(e) respects and retains existing natural elements; and (f) protects biodiversity values and features.		
Amenity		
PO ₃₃ Reconfiguration provides for sufficient buffering to minimise impacts on accommodation activities and other sensitive land uses from nearby incompatible uses.	No acceptable outcome is nominated.	Complies. The proposed lots are sufficient separated from incompatible land uses. It is noted that the adjacent commercial premises has been designed to ensure it does not result in adverse impacts on the site.
PO ₃₄ The layout of lots created for industrial or commercial purposes facilitates the siting and design of development in a manner that ensures the amenity of accommodation activities and sensitive land uses is protected.	No acceptable outcome is nominated.	Not Applicable. The proposed lots are intended to be developed for Dwelling Houses.
PO ₃₅ Where reconfiguring a lot on land in the Low-medium Density Residential Zone, Low Density Residential Zone or Rural Residential Zone that is within 250m of land within the Medium Impact Industry Zone or 500m of land within the High Impact Industry Zone it must not result in future sensitive uses within the site being exposed to industrial air, noise or odour emissions that impact on human health, amenity and wellbeing.	AO _{35.1} Where reconfiguring a lot on land in the Low-medium Density Residential Zone, Low Density Residential Zone or Rural Residential Zone that is within 250m of land within the Medium Impact Industry Zone or 500m of land within the High Impact Industry Zone, it is demonstrated that a future sensitive use on proposed lots can meet: (a) the indoor noise objectives set out in the <i>Environmental Projection (Noise) Policy 2008</i> are met; and (b) the air quality objectives in the <i>Environmental Protection (Air) Policy 2008</i>, are met through the use of measures such as: (i) landscaping and open space; (ii) setbacks;	Not Applicable. The site is not located within 250m of land within the Medium Impact Industry Zone or 500m of land within the High Impact Industry Zone.

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Reconfiguring a Lot Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
	(iii) the orientation of lots away from the industrial area; (iv) barriers, mounds and fencing; and/or (v) screening.	
Safety and security		
PO ₃₆ The reconfiguration discourages crime, vandalism and anti-social behaviour and facilitates: (a) personal and property security; (b) casual surveillance of footpaths and parkland; and (c) activity and interaction within public spaces and movement networks.	AO _{36.1} The reconfiguration is designed in accordance with <i>Crime Prevention Through Environmental Design (CPTED) Guidelines for Queensland</i> .	Complies. The proposed development has been designed to consider the CPTED principles where possible.
Natural values		
PO ₃₇ Development is provided with an adequate water supply for firefighting purposes that is safely located and freely accessible.	AO _{37.1} Development within a water supply area involving the creation of new lot/s is connected to council's reticulated water supply system and a water supply outlet located within a road reserve is within 40M of the following: (a) all of the land; or (b) a building envelope designated on each lot; or (c) the centre of each lot, excluding access handles (where no building envelope is designated); and (d) all existing or proposed buildings.	Complies. The proposed lots will be connected to Council's reticulated water supply infrastructure in accordance with the relevant requirements.
PO ₃₈ The reconfiguration provides for lot sizes and titling arrangements that ensure areas of ecological significance remain intact as part of common property or within large lots.	No acceptable outcome is nominated.	Not Applicable. The site does not contain any areas of environmental significance.

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Reconfiguring a Lot Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
PO ₃₉ The layout of roads, driveways and other infrastructure avoids crossing or otherwise fragmenting waterways, wetlands, habitat areas or ecological corridors.	No acceptable outcome is nominated.	Not Applicable. The site does not contain any waterways, wetlands, habitat areas or ecological corridors.
Climatic response		
PO ₄₀ The street, lot orientation and lot size facilitate buildings that conserve non-renewable energy sources through climate-responsive siting and design.	<i>In partial compliance with the performance outcome:</i> AO_{40.1} Neighbourhoods are generally designed so that: (a) the long axis of roads runs east-west; (b) the number of wide lots (lots with a width greater than 15m) is minimised on streets running north-south; and (c) lots are generally rectangular in shape and not played. AO_{40.2} Where they are proposed, built-to-boundary walls are located on the west-southwest boundary of lots except where these boundaries are on the higher side of a sloping lot.	Not Applicable. The proposed development involves a 1 into 2 lot subdivision and does not involve the creation of a 'neighbourhood'. Notwithstanding this, the proposed lots are of a suitable size and configuration to ensure any future Dwelling Houses can appropriately incorporate climate-responsive designs.
Services		
PO ₄₁ Services, including water supply, stormwater management, sewage disposal, waste disposal, drainage, electricity and telecommunications, are provided in a manner that:	No acceptable outcome is nominated.	Complies. The proposed development will be connected to reticulated water supply and electricity infrastructure, wireless telecommunications networks and on-site effluent disposal in accordance with the relevant requirements.

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Reconfiguring a Lot Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
Noise Impacts		
PO ₄₂ Lots are of a suitable size and dimensions to facilitate adequate noise management.	AO _{42.1} Lots near a rail corridor or a regional arterial, sub-arterial or distributor roads are of sufficient size and depth to ensure that future dwellings are not exposed to road or rail noise greater than 63dB $L_{A10}(18hr)$. AO _{42.2} Where it is not practical to achieve the required noise levels through lot layout and design, noise attenuation barriers are utilised to achieve the required noise levels.	Not Applicable. The site is not in proximity to a rail corridor or a regional arterial, sub-arterial or distributor roads.
PO ₄₃ Noise attenuation measures: (a) are compatible with the local streetscape; (b) minimise whole of life cycle costs where they are to be located on or adjacent to public land or common property; and (c) are designed to discourage crime and anti-social behaviour, having regard to: (i) aesthetic quality and compatibility with streetscape; (ii) physical accessibility; (iii) provision of casual surveillance of public open space and movement networks; (iv) opportunities for concealments or vandalism; and (v) easy and economic maintenance.	No acceptable outcome is nominated.	Not Applicable. The proposed development does not propose or require noise attenuation measures.
Air Quality		
PO ₄₄ Reconfiguration does not result in lots intended for accommodation activities or sensitive land uses being subject to adverse air quality or impacts.	No acceptable outcome is nominated.	Complies. The site is appropriately separated from any incompatible land uses and accordingly, the

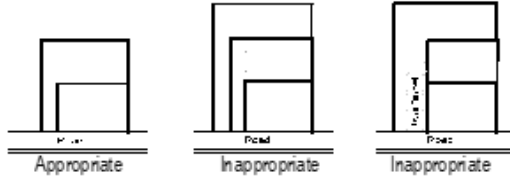
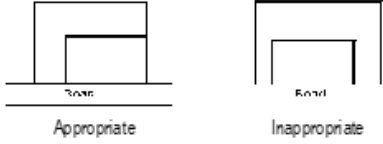
Toowoomba Regional Planning Scheme 2012 (v29.0)

Reconfiguring a Lot Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
		proposed subdivision will not result in new residential lots being subject to adverse air quality impacts.
Additional requirements for volumetric subdivision		
PO ₄₅ The reconfiguration of the space above or below the surface of the land facilitates appropriate development in accordance with the intent of the zone or precinct in which the land is located or is consistent with a lawful approval that has not lapsed.	No acceptable outcome is nominated.	Not Applicable. The proposed development does not involve a volumetric subdivision.
Hatchet Lots		
PO ₄₆ Lot reconfigurations only create hatchet lots as a means of increasing residential densities in within: (a) Walking catchments around centres offering a broad range of goods, facilities and services (being 800m around Major and 400m around District centres and designated Local centres within the centre hierarchy); (b) Land that benefits visually from high quality parkland; (c) Walking catchments around major non-industrial employment areas (land within 800m walk of 1000 or more non-industrial jobs); (d) A central transport corridor bounded by Nelson, West, Jellicoe and Hume street, and (e) An 800m walking catchment of the University of Southern Queensland (Toowoomba campus).	AO _{46.1} Lot reconfigurations only create hatchet lots in the Low-medium Density Residential Zone.	Not Applicable. The proposed development does not involve the creation of a hatchet lot.

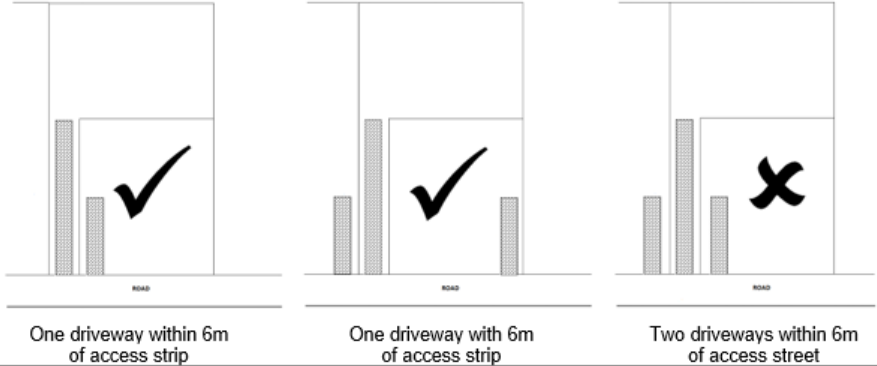
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Reconfiguring a Lot Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
PO₄₇ The location and configuration of the access strip/easement and main body does not compromise: (a) the streetscape qualities of the area; (b) the residential amenity of the area; or (c) the Street System.	AO_{47.1} Only 1 Hatchet Lot is created behind any full frontage lot as shown in Figure 1 below. Figure 1  AO_{47.2} The access strip/easement to the Hatchet Lot is located on only 1 side of the lot with direct frontage to the street as illustrated in Figure 2 below. Figure 2 	Not Applicable. The proposed development does not involve the creation of a hatchet lot.
PO₄₈ The configuration of hatchet lots maintain the ability of existing buildings and structures to – (a) provide adequate daylight and ventilation to habitable rooms; (b) allow adequate light and ventilation to habitable rooms of buildings on adjoining lots; and (c) not adversely impact on the amenity and privacy of residents on adjoining lots.	AO_{48.1} Where the lot reconfiguration creates a hatchet lots the new lot boundaries create setbacks to existing dwellings that comply with the minimum distances in the Queensland Development Code or relevant planning scheme code.	Not Applicable. The proposed development does not involve the creation of a hatchet lot.

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Performance outcomes	Acceptable outcomes	Compliance summary
PO₄₉ The access strip/easement: (a) has a minimum width of 6 metres for its full length; (b) is located on the southern or western side of the lot; (c) has a maximum length of 30 metres; (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).	No acceptable outcome is nominated.	Not Applicable. The proposed development does not involve the creation of a hatchet lot.
Figure 3  One driveway within 6m of access strip One driveway with 6m of access strip Two driveways within 6m of access street		
PO₅₀ Stormwater is discharged from the site to a lawful point of discharge, as defined in the Queensland Urban Drainage Manual (QUDM), without the use of pumped or charged pipe systems, and not to private land other than to an easement for stormwater purposes befitting the	AO_{50.1} The site: (a) has a natural surface with an elevation that is higher than the abutting road and enables stormwater to drain gravitationally to the abutting road via subsurface pipes; or	Not Applicable. The proposed development does not involve the creation of a hatchet lot.

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Performance outcomes	Acceptable outcomes	Compliance summary
site and allowing discharge to a lawful point of discharge in land over which Council has tenure or control. Note: Land over which Council has tenure or control does not include Council's open space network.	(b) has a natural surface with an elevation that is higher than Council's stormwater drainage network in the abutting road and enables stormwater to drain gravitationally to the stormwater drainage network in the abutting road via subsurface pipes; or (c) has lawful access to an inter allotment drainage network with available capacity to meet the requirements of the development.	
Reconfigurations creating lots less than 450m² in area in a residential zone		
PO₅₁ Lot reconfigurations creating lots less than 450m² and at least 20 new lots, facilitate the orderly, neighbourly, integrated and timely development of those lots through a Plan of Development. Note: <i>Orderly</i> neatly and methodically arranged. <i>Neighbourly</i> exhibiting the qualities expected in a friendly neighbour. <i>Integrated</i> combining or coordinating separate elements so as to provide a harmonious, interrelated whole <i>Timely</i> done or occurring at a favourable or useful time.	AO_{51.1} Lot reconfigurations creating lots less than 450m² incorporate an Approved Plan of Development prepared by a suitably qualified professional(s) that sets development standards that comply with the performance outcomes within the Small Lot Housing Design Code and which includes, but is not limited to, the location of the following: (a) the lot layout and streets, including lot numbers, lot areas, street reserve widths, street or road carriageways (may include bus stops, taxi ranks, loading zones and similar service areas where proposed), and location and width of footpaths; (b) land slope and major infrastructure items; (c) primary and secondary street frontages (if necessary); (d) public open space areas, including lot number and area; (e) built-to-boundary wall locations (including mandatory built-to-boundary situations);	Not Applicable. The proposed development does not involve the creation of lots less than 450m².

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Reconfiguring a Lot Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary										
	(f) where privacy fencing is required at an interface with a street or park; fencing and, if sloping land, retaining wall details; (g) for lots under 450m²: (i) location, areas and dimensions of private open space; (ii) building envelopes indicating minimum setbacks, access points, and heights; and (iii) driveway crossovers											
PO ₅₂ The lots are located on a road that is appropriate to accommodate small lots.	AO_{52.1} Small lots are located in accordance with the following table: <table><tr><th>Proposed lot width</th><th>Vehicle Access Location</th></tr><tr><td>Lot width <10m</td><td>Laneway, Local or collector roads only</td></tr><tr><td>Lot width 10 – 12.4m</td><td>Laneway, Local or collector roads only</td></tr><tr><td>Lot width 12.5 – 14.9m</td><td>Laneway, Local, collector or distributor roads only</td></tr><tr><td>Lot width >15m</td><td>Laneway, Local, collector, distributor or sub-arterial roads only</td></tr></table> Note: Direct access is not typically available to sub-arterial roads and limited to distributor roads (see PSP No.2 Sc6.2.2.2).	Proposed lot width	Vehicle Access Location	Lot width <10m	Laneway, Local or collector roads only	Lot width 10 – 12.4m	Laneway, Local or collector roads only	Lot width 12.5 – 14.9m	Laneway, Local, collector or distributor roads only	Lot width >15m	Laneway, Local, collector, distributor or sub-arterial roads only	Not Applicable. The proposed development does not involve the creation of lots less than 450m².
Proposed lot width	Vehicle Access Location											
Lot width <10m	Laneway, Local or collector roads only											
Lot width 10 – 12.4m	Laneway, Local or collector roads only											
Lot width 12.5 – 14.9m	Laneway, Local, collector or distributor roads only											
Lot width >15m	Laneway, Local, collector, distributor or sub-arterial roads only											
PO ₅₃ Small lots are located so as to minimise the need to cut and fill the land.	AO_{53.1} Small lots are located on land with a pre-development gradient of less than 10%;	Not Applicable. The proposed development does not involve the creation of lots less than 450m².										

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Reconfiguring a Lot Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
PO ₅₄ Development provides a frequency of standard and small lots which are varied to facilitate housing variety.	AO _{54.1} There are no more than six (6) contiguous small lots along a street frontage, with groups of two (2) or more small lots separated by at least two (2) standard lots.	Not Applicable. The proposed development does not involve the creation of lots less than 450m ² .

Reconfigurations facilitating Dual Occupancy development

PO ₅₅ Lot reconfigurations within the Low Density Residential Zone, Low-medium Density Residential Zone, Emerging Community Zone and Township Zone facilitate the integration of Dual Occupancy development into residential neighbourhoods in a manner that is dispersed and does not result in Dual Occupancy becoming the dominant form of housing within a street.	AO _{55.1} Lot reconfigurations designate lots for Dual Occupancy development; AO _{55.2} No more than 20 percent of the properties within a street block are designated for Dual Occupancy development. AO _{55.3} No more than three (3) adjoining properties within a street block are designated for Dual Occupancy development. AO _{55.4} Hatchet lots are not designated as Dual Occupancy lots. See Figure 4	Not Applicable. The proposed lots are not intended for Dual Occupancy development.
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Reconfiguring a Lot Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
	 Each red line in this figure is an example of the extent of a street block. No more than 20 percent of properties within the street block are designated for dual occupancy development. Figure 4	
PO ₅₆ Lots designated for Dual Occupancy development by lot reconfigurations within the Low Density Residential Zone, Low-medium Density Residential Zone, Emerging Community Zone and Township Zone have an area, shape and dimensions suitable to accommodate their intended use.	AO _{56.1} Lots designated for Dual Occupancy development: (a) have a minimum area of 500m² where in the Low-medium Density Residential Zone; or (b) have a minimum area of 700m² where in the Low Density Residential Zone,	Not Applicable. The proposed lots are not intended for Dual Occupancy development.

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Reconfiguring a Lot Code – assessment benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Compliance summary
	Emerging Community Zone or Township Zone; and (c) are rectilinear in shape; and (d) have a frontage that is consistent with the minimum frontage required for the applicable zone.	

APPENDIX C - STATE CODE 1

State Development Assessment Provisions

State code 1: Development in a state-controlled road environment

State Development Assessment Provisions guideline - State Code 1: Development in a state-controlled road environment. This guideline provides direction on how to address State Code 1.

Table 1.1 Development in general

Performance outcomes	Acceptable outcomes	Response
Buildings, structures, infrastructure, services and utilities		
PO1 The location of the development does not create a safety hazard for users of the state-controlled road .	AO1.1 Development is not located in a state-controlled road . AND AO1.2 Development can be maintained without requiring access to a state-controlled road .	Complies. The proposed development is not located in a State-controlled road (SCR). Complies. The proposed development can be maintained without requiring access to a SCR.
PO2 The design and construction of the development does not adversely impact the structural integrity or physical condition of the state-controlled road or road transport infrastructure .	No acceptable outcome is prescribed.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve any construction works which could impact the structural integrity or physical condition of the SCR or road transport infrastructure.
PO3 The location of the development does not obstruct road transport infrastructure or adversely impact the operating performance of the state-controlled road .	No acceptable outcome is prescribed.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve any buildings or structures which could obstruct road transport infrastructure or impact on the operating performance of the SCR.

Performance outcomes	Acceptable outcomes	Response
PO4 The location, placement, design and operation of advertising devices, visible from the state-controlled road , do not create a safety hazard for users of the state-controlled road .	No acceptable outcome is prescribed.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve any advertising devices.
PO5 The design and construction of buildings and structures does not create a safety hazard by distracting users of the state-controlled road .	AO5.1 Facades of buildings and structures fronting the state-controlled road are made of non-reflective materials. AND AO5.2 Facades of buildings and structures do not direct or reflect point light sources into the face of oncoming traffic on the state-controlled road. AND AO5.3 External lighting of buildings and structures is not directed into the face of oncoming traffic on the state-controlled road. AND AO5.4 External lighting of buildings and structures does not involve flashing or laser lights.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve any buildings or structures.
PO6 Road, pedestrian and bikeway bridges over a state-controlled road are designed and constructed to prevent projectiles from being thrown onto the state-controlled road .	AO6.1 Road, pedestrian and bikeway bridges over the state-controlled road include throw protection screens in accordance with section 4.11 of the Design Criteria for Bridges and Other Structures Manual, Department of Transport and Main Roads, 2020.	Not Applicable. The proposed development does not involve road, pedestrian or bikeway bridges over the SCR.

Performance outcomes	Acceptable outcomes	Response
Landscaping		
PO7 The location of landscaping does not create a safety hazard for users of the state-controlled road .	AO7.1 Landscaping is not located in a state-controlled road. AND AO7.2 Landscaping can be maintained without requiring access to a state-controlled road. AND AO7.3 Landscaping does not block or obscure the sight lines for vehicular access to a state-controlled road.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve new or additional landscaping.
Stormwater and overland flow		
PO8 Stormwater run-off or overland flow from the development site does not create or exacerbate a safety hazard for users of the state-controlled road .	No acceptable outcome is prescribed.	Not Applicable. The proposed development involves a one (1) into two (2) lot subdivision and does not result in additional stormwater generation. Any future Dwelling House will be designed to ensure stormwater is managed in accordance with the relevant requirements and will not impact on the SCR.
PO9 Stormwater run-off or overland flow from the development site does not result in a material worsening of the operating performance of the state-controlled road or road transport infrastructure .	No acceptable outcome is prescribed.	Not Applicable. The proposed development involves a one (1) into two (2) lot subdivision and does not result in additional stormwater generation. Any future Dwelling House will be designed to ensure stormwater is managed in accordance with the relevant requirements and will not impact on the SCR.
PO10 Stormwater run-off or overland flow from the development site does not adversely impact the structural integrity or physical condition of the state-controlled road or road transport infrastructure .	No acceptable outcome is prescribed.	Not Applicable. The proposed development involves a one (1) into two (2) lot subdivision and does not result in additional stormwater generation. Any future Dwelling House will be designed to ensure stormwater is managed in

Performance outcomes	Acceptable outcomes	Response
		accordance with the relevant requirements and will not impact on the SCR.
PO11 Development ensures that stormwater is lawfully discharged.	AO11.1 Development does not create any new points of discharge to a state-controlled road. AND AO11.2 Development does not concentrate flows to a state-controlled road. AND AO11.3 Stormwater run-off is discharged to a lawful point of discharge. AND AO11.4 Development does not worsen the condition of an existing lawful point of discharge to the state-controlled road.	Not Applicable. The proposed development involves a one (1) into two (2) lot subdivision and does not result in additional stormwater generation. Any future Dwelling House will be designed to ensure stormwater is managed in accordance with the relevant requirements and will not impact on the SCR.
Flooding		
PO12 Development does not result in a material worsening of flooding impacts within a state-controlled road .	AO12.1 For all flood events up to 1% annual exceedance probability, development results in negligible impacts (within +/- 10mm) to existing flood levels within a state-controlled road. AND AO12.2 For all flood events up to 1% annual exceedance probability, development results in negligible impacts (up to a 10% increase) to	Not Applicable. The site and surrounding locality is not subject to flooding. Accordingly, the development will not result in increased flood impacts on the SCR.

Performance outcomes	Acceptable outcomes	Response
	existing peak velocities within a state-controlled road. AND AO12.3 For all flood events up to 1% annual exceedance probability, development results in negligible impacts (up to a 10% increase) to existing time of submergence of a state-controlled road.	
Drainage Infrastructure		
PO13 Drainage infrastructure does not create a safety hazard for users in the state-controlled road .	AO13.1 Drainage infrastructure is wholly contained within the development site, except at the lawful point of discharge. AND AO13.2 Drainage infrastructure can be maintained without requiring access to a state-controlled road.	Not Applicable. The proposed development does not involve new drainage infrastructure.
PO14 Drainage infrastructure associated with, or within, a state-controlled road is constructed, and designed to ensure the structural integrity and physical condition of existing drainage infrastructure and the surrounding drainage network.	No acceptable outcome is prescribed.	Not Applicable. The proposed development does not involve new drainage infrastructure.

Table 1.2 Vehicular access, road layout and local roads

Performance outcomes	Acceptable outcomes	Response
Vehicular access to a state-controlled road or within 100 metres of a state-controlled road intersection		
PO15 The location, design and operation of a new or changed access to a state-controlled road does not compromise the safety of users of the state-controlled road .	No acceptable outcome is prescribed.	Complies. The proposed development will seek to upgrade and formalise existing access from the New England Highway. The proposed crossover will retain its existing location and will not impact on the safety or operation of the SCR.
PO16 The location, design and operation of a new or changed access does not adversely impact the functional requirements of the state-controlled road .	No acceptable outcome is prescribed.	Complies. The proposed development will seek to upgrade and formalise existing access from the New England Highway. The proposed crossover will retain its existing location and will not impact on the safety or operation of the SCR.
PO17 The location, design and operation of a new or changed access is consistent with the future intent of the state-controlled road .	No acceptable outcome is prescribed.	Complies. The proposed development will seek to upgrade and formalise existing access from the New England Highway. The proposed crossover will retain its existing location and will not impact on the future intent of the SCR.
PO18 New or changed access is consistent with the access for the relevant limited access road policy : 1. LAR 1 where direct access is prohibited; or 2. LAR 2 where access may be permitted, subject to assessment.	No acceptable outcome is prescribed.	Not Applicable. The site is not located adjacent to a limited access road.
PO19 New or changed access to a local road within 100 metres of an intersection with a state-controlled road does not compromise the safety of users of the state-controlled road .	No acceptable outcome is prescribed.	Not Applicable. The frontage of the site to Evans Road is not located within 100m of the intersection with the New England Highway.

Performance outcomes	Acceptable outcomes	Response
PO20 New or changed access to a local road within 100 metres of an intersection with a state-controlled road does not adversely impact on the operating performance of the intersection.	No acceptable outcome is prescribed.	Not Applicable. The frontage of the site to Evans Road is not located within 100m of the intersection with the New England Highway.
Public passenger transport and active transport		
PO21 Development does not compromise the safety of users of public passenger transport infrastructure, public passenger services and active transport infrastructure .	No acceptable outcome is prescribed.	Not Applicable. The proposed development will not compromise the safety or operation of public passenger transport infrastructure or services or active transport infrastructure.
PO22 Development maintains the ability for people to access public passenger transport infrastructure, public passenger services and active transport infrastructure .	No acceptable outcome is prescribed.	Not Applicable. The proposed development will not compromise the safety or operation of public passenger transport infrastructure or services or active transport infrastructure.
PO23 Development does not adversely impact the operating performance of public passenger transport infrastructure, public passenger services and active transport infrastructure .	No acceptable outcome is prescribed.	Not Applicable. The proposed development will not compromise the safety or operation of public passenger transport infrastructure or services or active transport infrastructure.
PO24 Development does not adversely impact the structural integrity or physical condition of public passenger transport infrastructure and active transport infrastructure .	No acceptable outcome is prescribed.	Not Applicable. The proposed development will not compromise the safety or operation of public passenger transport infrastructure or services or active transport infrastructure.

Table 1.3 Network impacts

Performance outcomes	Acceptable outcomes	Response
PO25 Development does not compromise the safety of users of the state-controlled road network.	No acceptable outcome is prescribed.	Complies. The proposed development does not involve additional lots adjacent to the SCR and accordingly will not compromise the safety of the SCR.
PO26 Development ensures no net worsening of the operating performance of the state-controlled road network.	No acceptable outcome is prescribed.	Complies. The proposed development does not involve additional lots adjacent to the SCR and accordingly will not resulting a worsening of the operating performance of the SCR.
PO27 Traffic movements are not directed onto a state-controlled road where they can be accommodated on the local road network.	No acceptable outcome is prescribed.	Not Applicable. The proposed development cannot direct all traffic movements onto the local road network. The development will formalise the existing access arrangements and accordingly does not increase the number of vehicles utilising the access.
PO28 Development involving haulage exceeding 10,000 tonnes per year does not adversely impact the pavement of a state-controlled road .	No acceptable outcome is prescribed.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve haulage activities.
PO29 Development does not impede delivery of planned upgrades of state-controlled roads .	No acceptable outcome is prescribed.	Complies. The proposed development will not impede the delivery of planned upgrades.
PO30 Development does not impede delivery of corridor improvements located entirely within the state-controlled road corridor .	No acceptable outcome is prescribed.	Complies. The proposed development will not impede the delivery of corridor improvements.

Table 1.4 Filling, excavation, building foundations and retaining structures

Performance outcomes	Acceptable outcomes	Response
PO31 Development does not create a safety hazard for users of the state-controlled road or road transport infrastructure .	No acceptable outcome is prescribed.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve filling, excavation, building foundations or retaining structures.
PO32 Development does not adversely impact the operating performance of the state-controlled road .	No acceptable outcome is prescribed.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve filling, excavation, building foundations or retaining structures.
PO33 Development does not undermine, damage or cause subsidence of a state-controlled road .	No acceptable outcome is prescribed.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve filling, excavation, building foundations or retaining structures.
PO34 Development does not cause ground water disturbance in a state-controlled road .	No acceptable outcome is prescribed.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve filling, excavation, building foundations or retaining structures.
PO35 Excavation, boring, piling, blasting and fill compaction do not adversely impact the physical condition or structural integrity of a state-controlled road or road transport infrastructure .	No acceptable outcome is prescribed.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve filling, excavation, building foundations or retaining structures.
PO36 Filling and excavation associated with the construction of new or changed access do not compromise the operation or capacity of existing drainage infrastructure for a state-controlled road .	No acceptable outcome is prescribed.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve filling, excavation, building foundations or retaining structures.

Table 1.5 Environmental emissions

Statutory note: Where a **state-controlled road** is co-located in the same transport corridor as a railway, the development should instead comply with Environmental emissions in State code 2: Development in a railway environment.

Performance outcomes	Acceptable outcomes	Response
Reconfiguring a lot		
Involving the creation of 5 or fewer new residential lots adjacent to a state-controlled road or type 1 multi-modal corridor		
PO37 Development minimises free field noise intrusion from a state-controlled road .	AO37.1 Development provides a noise barrier or earth mound which is designed, sited and constructed: 1. to achieve the maximum free field acoustic levels in reference table 2 (item 2.1); 2. in accordance with: a. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020. OR AO37.2 Development achieves the maximum free field acoustic levels in reference table 2 (item 2.1) by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound. OR	Performance Solution. The proposed development has been designed to ensure that the proposed lots are of a suitable size and configuration so that any future dwellings can be appropriately separated from the SCR and designed to minimise noise intrusion. Accordingly, the applicant contends that acoustic barriers or attenuation measures are not required in this instance.

Performance outcomes	Acceptable outcomes	Response
	AO37.3 Development provides a solid gap-free fence or other solid gap-free structure along the full extent of the boundary closest to the state-controlled road .	
Involving the creation of 6 or more new residential lots adjacent to a state-controlled road or type 1 multi-modal corridor		
PO38 Reconfiguring a lot minimises free field noise intrusion from a state-controlled road .	AO38.1 Development provides noise barrier or earth mound which is designed, sited and constructed: 1. to achieve the maximum free field acoustic levels in reference table 2 (item 2.1); 2. in accordance with: a. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020. OR AO38.2 Development achieves the maximum free field acoustic levels in reference table 2 (item 2.1) by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound.	Not Applicable. The proposed development does not involve the creation of six (6) or more lots.
Material change of use (accommodation activity)		

Performance outcomes	Acceptable outcomes	Response
Ground floor level requirements adjacent to a state-controlled road or type 1 multi-modal corridor		
PO39 Development minimises noise intrusion from a state-controlled road in private open space .	AO39.1 Development provides a noise barrier or earth mound which is designed, sited and constructed: 1. to achieve the maximum free field acoustic levels in reference table 2 (item 2.2) for private open space at the ground floor level; 2. in accordance with: a. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020. OR AO39.2 Development achieves the maximum free field acoustic level in reference table 2 (item 2.2) for private open space by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a Material Change of Use.
PO40 Development (excluding a relevant residential building or relocated building) minimises noise intrusion from a state-controlled road in habitable rooms at the facade.	AO40.1 Development (excluding a relevant residential building or relocated building) provides a noise barrier or earth mound which is designed, sited and constructed:	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a Material Change of Use.

Performance outcomes	Acceptable outcomes	Response
	- to achieve the maximum building façade acoustic level in reference table 1 (item 1.1) for habitable rooms; - in accordance with: - Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; - Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; - Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020. OR AO40.2 Development (excluding a relevant residential building or relocated building) achieves the maximum building façade acoustic level in reference table 1 (item 1.1) for habitable rooms by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound.	
PO41 Habitable rooms (excluding a relevant residential building or relocated building) are designed and constructed using materials to achieve the maximum internal acoustic level in reference table 3 (item 3.1).	No acceptable outcome is provided.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a Material Change of Use.
Above ground floor level requirements (accommodation activity) adjacent to a state-controlled road or type 1 multi-modal corridor		
PO42 Balconies, podiums, and roof decks include: 1. a continuous solid gap-free structure or balustrade (excluding gaps required for	No acceptable outcome is provided.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a Material Change of Use.

Performance outcomes	Acceptable outcomes	Response
drainage purposes to comply with the Building Code of Australia); 2. highly acoustically absorbent material treatment for the total area of the soffit above balconies, podiums, and roof decks.		
PO43 Habitable rooms (excluding a relevant residential building or relocated building) are designed and constructed using materials to achieve the maximum internal acoustic level in reference table 3 (item 3.1).	No acceptable outcome is provided.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a Material Change of Use.
Material change of use (other uses)		
Ground floor level requirements (childcare centre, educational establishment, hospital) adjacent to a state-controlled road or type 1 multi-modal corridor		
PO44 Development: 1. provides a noise barrier or earth mound that is designed, sited and constructed: a. to achieve the maximum free field acoustic level in reference table 2 (item 2.3) for all outdoor education areas and outdoor play areas ; b. in accordance with: i. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; ii. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; iii. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020; or	No acceptable outcome is provided.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a Material Change of Use.

Performance outcomes	Acceptable outcomes	Response
2. achieves the maximum free field acoustic level in reference table 2 (item 2.3) for all outdoor education areas and outdoor play areas by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound.		
PO45 Development involving a childcare centre or educational establishment : 1. provides a noise barrier or earth mound that is designed, sited and constructed; 2. to achieve the maximum building facade acoustic level in reference table 1 (item 1.2); 3. in accordance with: a. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020; or 4. achieves the maximum building facade acoustic level in reference table 1 (item 1.2) by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound.	No acceptable outcome is provided.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a Material Change of Use.
PO46 Development involving: 1. indoor education areas and indoor play areas ; or	No acceptable outcome is provided.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a Material Change of Use.

Performance outcomes	Acceptable outcomes	Response
2. sleeping rooms in a childcare centre ; or 3. patient care areas in a hospital achieves the maximum internal acoustic level in reference table 3 (items 3.2-3.4).		
Above ground floor level requirements (childcare centre, educational establishment, hospital) adjacent to a state-controlled road or type 1 multi-modal corridor		
PO47 Development involving a childcare centre or educational establishment which have balconies, podiums or elevated outdoor play areas predicted to exceed the maximum free field acoustic level in reference table 2 (item 2.3) due to noise from a state-controlled road are provided with: 1. a continuous solid gap-free structure or balustrade (excluding gaps required for drainage purposes to comply with the Building Code of Australia); 2. highly acoustically absorbent material treatment for the total area of the soffit above balconies or elevated outdoor play areas.	No acceptable outcome is provided.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a Material Change of Use.
PO48 Development including: 1. indoor education areas and indoor play areas in a childcare centre or educational establishment; or 2. sleeping rooms in a childcare centre; or 3. patient care areas in a hospital located above ground level, is designed and constructed to achieve the maximum internal acoustic level in reference table 3 (items 3.2-3.4).	No acceptable outcome is provided.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a Material Change of Use.
Air, light and vibration		

Performance outcomes	Acceptable outcomes	Response
PO49 Private open space, outdoor education areas and outdoor play areas are protected from air quality impacts from a state-controlled road .	AO49.1 Each dwelling or unit has access to a private open space which is shielded from a state-controlled road by a building, solid gap-free fence, or other solid gap-free structure. OR AO49.2 Each outdoor education area and outdoor play area is shielded from a state-controlled road by a building, solid gap-free fence, or other solid gap-free structure.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a Material Change of Use.
PO50 Patient care areas within hospitals are protected from vibration impacts from a state-controlled road or type 1 multi-modal corridor .	AO50.1 Hospitals are designed and constructed to ensure vibration in the patient treatment area does not exceed a vibration dose value of $0.1\text{m/s}^{1.75}$. AND AO50.2 Hospitals are designed and constructed to ensure vibration in the ward of a patient care area does not exceed a vibration dose value of $0.4\text{m/s}^{1.75}$.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a Material Change of Use.
PO51 Development is designed and sited to ensure light from infrastructure within, and from users of, a state-controlled road or type 1 multi-modal corridor, does not: 1. intrude into buildings during night hours (10pm to 6am); 2. create unreasonable disturbance during evening hours (6pm to 10pm).	No acceptable outcomes are prescribed.	Not Applicable. The proposed development is for Reconfiguring a Lot and does not involve a Material Change of Use.

Table 1.6: Development in a future state-controlled road environment

Performance outcomes	Acceptable outcomes	Response
PO52 Development does not impede delivery of a future state-controlled road .	AO52.1 Development is not located in a future state-controlled road. OR ALL OF THE FOLLOWING APPLY: AO52.2 Development does not involve filling and excavation of, or material changes to, a future state-controlled road. AND AO52.3 The intensification of lots does not occur within a future state-controlled road. AND AO52.4 Development does not result in the landlocking of parcels once a future state-controlled road is delivered.	Not Applicable. The site is not located within or in proximity to an identified future SCR.
PO53 The location and design of new or changed access does not create a safety hazard for users of a future state-controlled road .	AO53.1 Development does not include new or changed access to a future state-controlled road .	Not Applicable. The site is not located within or in proximity to an identified future SCR.
PO54 Filling, excavation, building foundations and retaining structures do not undermine, damage or cause subsidence of a future state-controlled road .	No acceptable outcome is prescribed.	Not Applicable. The site is not located within or in proximity to an identified future SCR.
PO55 Development does not result in a material worsening of stormwater, flooding, overland flow or drainage impacts in a future state-controlled road or road transport infrastructure .	No acceptable outcome is prescribed.	Not Applicable. The site is not located within or in proximity to an identified future SCR.

Performance outcomes	Acceptable outcomes	Response
PO56 Development ensures that stormwater is lawfully discharged.	AO56.1 Development does not create any new points of discharge to a future state-controlled road. AND AO56.2 Development does not concentrate flows to a future state-controlled road. AND AO56.3 Stormwater run-off is discharged to a lawful point of discharge. AND AO56.4 Development does not worsen the condition of an existing lawful point of discharge to the future state-controlled road.	Not Applicable. The site is not located within or in proximity to an identified future SCR.