

REPORT TITLE	Material Change of Use - Impact - Multiple Dwelling (2 x 2 Bedroom units and 1 x 4 Bedroom unit) located at 9 & 1-2/9 Benjamin Street, MOUNT LOFTY QLD 4350
AUTHOR	Planning Officer (Jun Ong)
Application No.	MCUI/2026/2933

PURPOSE OF REPORT

To consider a Development Application for a Material Change of Use - Impact – Multiple Dwelling (2 x 2 Bedroom units and 1 x 4 Bedroom unit) located at 9 & 1-2/9 Benjamin Street, MOUNT LOFTY QLD 4350.

EXECUTIVE SUMMARY

The report considers a Development Application for a Material Change of Use - Impact – Multiple Dwelling (2 x 2 Bedroom units and 1 x 4 Bedroom unit) located at 9 & 1-2/9 Benjamin Street, Mount Lofty, formally known as Lots 0, 1 and 2 BUP101164. The subject site is a regular lot of 1,023m² in area identified within the Low Density Residential Zone (General precinct) of the *Toowoomba Regional Planning Scheme 2012* (Planning Scheme), with direct road frontage to Benjamin Street. The land falls away from the street, towards the north-western boundary.

The land is currently improved by two (2) x 2 bedroom units and three (3) car parking spaces which benefitted from an historical Town Planning Consent - B46/1944 (Council ref: MCUI/1992/109) for a Duplex. The existing use is connected to Council's infrastructure network reticulated water, wastewater, telecommunications and electricity.

The proposal for a Multiple Dwelling seeks to include a single storey four (4) bedroom unit (Proposed Unit 3) behind the existing duplex. Proposed Unit 3 will have an attached single-sized garage beneath the deck and shares the existing vehicular access to Benjamin Street. Two (2) car parking spaces are proposed. Due to site topography, the western portion of Unit 3 will reach a maximum height of 7.4m. The dwelling is accessed via three (3) stairways; each of which are located at the front porch, the deck and the laundry room. Private Open Space is provided at the rear.

The proposal is Impact Assessable under the Planning Scheme and requires public notification. No properly made submissions were received during the public notification period. The proposed development has been assessed with regard to relevant assessment matters and against the relevant assessment benchmarks and and complies or can be conditioned to comply. Therefore, the proposed development is recommended for approval subject to reasonable and relevant conditions.

RECOMMENDATION

APPROVED - Application No. MCUI/2026/2933 for a Development Permit for a Material Change of Use - Impact - Multiple Dwelling (2 x 2 Bedroom units and 1 x 4 Bedroom unit), pursuant to the provisions of Section 60 of the *Planning Act 2016* and subject to the conditions listed below.

ASSESSMENT MANAGER CONDITIONS

APPROVED USE

1. This Development Approval is for a Material Change of Use for Multiple Dwelling (2 x 2-Bedroom units and 1 x 4-Bedroom unit).

CARRY OUT & MAINTAIN DEVELOPMENT

2. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they are not varied by this Development Approval.
3. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.

4. Complete all building work associated with this Development Approval, including work required by any of the conditions of this Development Approval prior to the commencement of use. Such building work is to be carried out generally in accordance with the Approved Plans and Documents and, where the building work is assessable development, in accordance with a current Building Work approval.
5. The development must be maintained generally in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.

APPROVED PLANS

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

Plan No: 250902, Sheet 1.01, Revision C
Description: Site Plan, prepared by SP Building Design Pty Ltd and dated 26 June 2026
Amendments: Note amendments in RED.

Plan No: 250902, Sheet 2.02, Revision C
Description: Proposed Floor Plan, prepared by SP Building Design Pty Ltd and dated 26 June 2026
Amendments: Nil

Plan No: 250902, Sheet 3.01, Revision C
Description: Elevations, prepared by SP Building Design Pty Ltd and dated 26 June 2026
Amendments: Nil

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

7. Prepare and submit applications to Council and obtain a Development Permit for Operational Work for the following:
 - 7.1 Stormwater Infrastructure.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

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

WORKS

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

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

STORMWATER DRAINAGE

13. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.
14. All stormwater infrastructure necessary to convey run-off from roof and developed surface areas, and any run-off onto the subject land from adjacent areas, must convey stormwater to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval.
15. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the internal and any external stormwater infrastructure. The design and the construction of the works must be certified by a RPEQ – Civil.

STORMWATER DISCHARGE

16. Stormwater from the new roofed and sealed areas must be picked up and discharged by way of sealed underground pipe to the kerb and channel at Beck Street through the easement “A” from Lot 32 RP106237.

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

17. Outlets to the street channel must be limited to a maximum discharge of 50 litres per second at any one point of discharge, and where practical, spread across the street frontage so as not to concentrate the discharge to any one location.
18. Design and construction of all internal stormwater drainage works must comply with applicable section of *Australian and New Zealand Standard AS/NZS 3500 - Plumbing and Drainage Code* and the *Queensland Urban Drainage Manual*.

EROSION & SEDIMENT CONTROL

19. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths and not within the road reserve at any time.
20. Measures such as sediment fences, earth berms, temporary drainage, temporary sediment basins, dewatering or stormwater filtering devices to prevent eroded material, sediment or sediment laden water from being transported to adjoining properties, roads or stormwater drainage systems must be provided.
21. Where erosion and sediment control measures have been damaged, fail or are inadequate and erosion or the release of sediment or sediment laden stormwater has occurred from the subject land or associated works, any resultant property or environmental damage or interference caused must be repaired or cleaned up within 24 hours or upon the direction of Council, at no cost to the affected parties.
22. All disturbed areas must be mulched or turfed as soon as possible during construction.

AIR QUALITY IMPACT MITIGATION

23. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the *Air Quality Objectives* listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive place or commercial place must not be released to the atmosphere during building and operational work.
24. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during building works do not exceed the following levels when measured at any sensitive place or commercial place:
 - 24.1 Dust deposition of 133 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method*.

CONSTRUCTION WASTE MANAGEMENT & STORAGE

25. Waste generated during demolition, excavation and construction must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.
26. The on-site storage and disposal of demolition, excavation and construction waste (including the storage and disposal of night soil) must comply with the *Environmental Protection Regulation 2019*.
27. Fires are not to be lit to dispose of demolition or construction waste.
28. No demolition, excavation or construction waste is to be used as fill or buried on-site (with the exception of cut material recycled from the subject land and used on the subject land), or be used as fill or buried elsewhere, unless otherwise permitted:
 - 28.1 Elsewhere within this Development Approval;
 - 28.2 In accordance with an associated Development Permit for Operational Work;
 - 28.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 28.4 In accordance with either a general or specific approval of a resource for beneficial use (otherwise known as a beneficial use approval) issued under the *Waste Reduction and Recycling Act 2011*; or
 - 28.5 In accordance with a written approval issued by Council under the *Environmental Protection Regulation 2019* relating to the depositing or disposal of general waste from a premises not serviced by Council.
29. Demolition, excavation and construction waste (including night soil) must not be placed or stored within the road reserve at any time.

CONSTRUCTION NOISE IMPACT MITIGATION

30. Building work (as per the definition of the *Environmental Protection Act 1994*) that creates audible noise must be confined to the hours of 6:30 am and 6:30 pm Monday to Saturday (excluding Public Holidays) unless otherwise approved by Council in an endorsed Construction Environmental Management Plan.

DAMAGE TO SERVICES & ASSETS

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

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

SERVICES & UTILITIES

WASTEWATER INFRASTRUCTURE (GENERAL)

35. The development must be connected to Council's existing wastewater reticulation system in accordance with Council's *Wastewater Infrastructure Policy 2.04* at no cost to Council.

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

36. If the development cannot be compliantly drained to the existing wastewater connection point but can be drained to the existing wastewater system, a new connection point must be installed. The new location must be determined and agreed by Council's Coordinator Plumbing and Drainage and Council's Coordinator Water and Sewer Maintenance.

37. Any connection to or modification of Council's live wastewater infrastructure must be undertaken by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.

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

38. Any wastewater house drainage connection points located in trafficable areas will require the vertical shaft to be capped with a heavy duty trafficable system finished flush with the finished surface level

39. Maintenance Holes (MH) are to be fully protected during the full construction period of the development. Protection must include spanning slabs or beams and matting to ensure direct loads from all heavy plant during construction are not transmitted onto the MH structure.

Note: The mid lot maintenance hole cover does not appear to be a formally rated trafficable type.

WATER SUPPLY

40. The development must be connected to Council's reticulated water supply in accordance with Council's *Water Infrastructure Policy 2.03* at no cost to Council.

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

41. Each individual tenancy or residence must be provided with a separate system for the metering of water consumption in accordance with Council's *Water Infrastructure Policy 2.03 Sub metering Guidelines and Specifications*.

TELECOMMUNICATION

42. Install telecommunications infrastructure to service the development which complies with the following:

42.1 The requirements of the *Telecommunications Act 1997* (Cth);

42.2 For a fibre ready facility, the standard specifications current at the time of installation for a carrier under the *Telecommunications Act 1997*; and

42.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.

43. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

ELECTRICITY

44. An electricity supply must be made available to service the development. This supply must be in accordance with the relevant standards of the electricity distributor.

AMENITY & OPERATION OF USE

VISUAL AMENITY

45. All buildings, structures and fences as well as the subject land must be maintained in a clean and tidy manner at all times.

PROTECTION OF PRIVACY

46. The balcony (deck) located on the western building face of Proposed New Unit 3 must include either balcony planter boxes, balustrading or fixed external privacy screens, positioned in such a way to obscure direct views into the habitable room windows or private open space areas of nearby accommodation activities.

FENCING & WALLS (GENERAL)

47. Any existing fence or wall not meeting the requirements of this Development Approval must be removed and replaced with a fence or wall that meets the requirements of this Development Approval.
48. Unless otherwise approved in writing by Council, boundary fences or walls must not be erected in a parallel arrangement with any existing fence or wall erected along the same boundary. The existing fence or wall is to be completely removed and replaced.
49. Unless otherwise specified elsewhere within this Development Approval, the required height of a fence or wall is measured from the highest adjacent finished ground level.
50. Where there is a change in level between adjoining properties at the boundary that exceeds 1m, the overall total height of any combination of fence and wall must not exceed 3m from the lowest adjacent finished ground level.
51. Side boundary fences must taper on an angle from the front building line to the front boundary to a maximum height of 1.2m or to the height of the highest existing or approved fences adjoining the front or side boundary.
52. Fences and walls must be maintained in a good state of repair to ensure that their intended function (i.e. privacy, security, safety, acoustic, livestock, pest exclusion etc.) is maintained.
53. All costs associated with meeting the fencing requirements listed within this Development Approval must be borne by the developer.
54. A minimum 1.8m high solid screen fence, which may be a 'butt-jointed' timber paling fence, must be erected along the full length of the north-eastern, south-western and south-eastern boundaries of the subject land, unless otherwise varied by Condition 48.

FENCING & WALLS - PRIVATE OPEN SPACE

55. A 1.8m high solid screen fence or wall which contains no gaps with the exception of a maximum 50mm drainage gap at the bottom, must be provided between and around all private open space areas provided for the development, except for that part of the fence or wall adjacent to public places.

STREET IDENTIFICATION

56. The street number of all buildings must be clearly identifiable and located in a prominent position near the site entry, either on the kerb or a letterbox, or viewable from the site entry and located by signage on buildings or the subject land.

LETTERBOX

57. A private letterbox for each dwelling which complies with the requirements of Australia Post must be provided adjacent to the road frontage.

TRANSPORT, VEHICULAR ACCESS & PARKING

ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING

58. The premises must be provided with a minimum of six (6) on-site car parking spaces, together with standing and manoeuvring areas. Car parking and vehicle manoeuvring areas must be:

- 58.1 Constructed generally as shown on the Approved Plans listed within this Development Approval; and
- 58.2 Provided with a sealed surface to the minimum dimensions detailed in the *Toowoomba Regional Planning Scheme 2012* and *Australian Standard AS2890 - Parking Facilities*;
- 58.3 Designed and constructed in accordance with the requirements of *AS2890*;
- 58.4 Visitor parking to be provided with pavement markings that indicate 'visitor parking only'; and
- 58.5 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring.

ENVIRONMENT & WASTE

WASTE MANAGEMENT (BIN PROVISION & STORAGE)

- 59. Refuse storage must be provided generally in accordance with the Approved Plans listed within this Development Approval and the provision of 1 x 240L wheelie bin for general waste and 1 x 240L wheelie bin for recyclable waste for each Multiple Dwelling unit.

WASTE MANAGEMENT (REMOVAL)

- 60. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
 - 60.1 Collection by a refuse vehicle from the kerbside;
 - 60.2 Bins must be located in a manner that allows the refuse vehicle to pick them up automatically without the driver or any other person having to relocate them; and
 - 60.3 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal.

LANDSCAPING

LANDSCAPING WORKS

- 61. The development must maintain and retain existing landscaped areas and include the following:
 - 61.4 Plant and maintain minimum one (1) canopy tree capable of achieving a height of at least five (5) metres and canopy spread of at least six (6) metres at maturity.
- 62. All landscape works must be installed and established by a suitably qualified person (Landscape, Horticulturalist or equivalent) that ensures healthy, sustained and vigorous plant growth.
- 63. Landscape planting is to be retained and maintained for the life of the development in accordance with the conditions of this Development Approval.

GENERAL ADVICES

INFRASTRUCTURE CHARGES

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

OTHER LAWS & REQUIREMENTS

- 2) This Development Approval relates to development requiring approval under the *Planning Act 2016* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found

on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.

- 3) Carrying out works on a road or interfering with the road or its operation will require a permit under *Subordinate Local Law No. 1.15 (2020)*. The application form can be found on Council's website at www.tr.qld.gov.au. For further information contact the Road Operations Branch through Council's Customer Service Centre on 131 872.
- 4) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme 2012*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or the *Queensland Development Code*.

WHEN APPROVAL STARTS TO HAVE EFFECT

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

WHEN APPROVAL LAPSES

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

EXCAVATION & FILLING

- 7) The *Toowoomba Regional Planning Scheme 2012* (TRPS) declares excavation and filling activity involving less than 50m³ of material and excavation and filling activity to a depth or height lower than 1m to be accepted development. Any combination of excavation or filling where 50m³ or more of fill is deposited on, or 50m³ or more of excavated material is removed from the premises and excavation or filling is not associated with 'Building Work' as defined under the *Planning Act 2016*, must obtain an Operational Work approval from Council before commencing site works.

ENVIRONMENTAL HARM

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

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

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

WATER POLLUTION

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

FIRE ANTS

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

BUILDING APPROVAL REQUIRED FOR CERTAIN FENCES & RETAINING WALLS

- 11) A Development Approval for Building Work is required for the following:
- 11.1 Fences where:
 - The fence is part of a pool fence; or
 - The fence is over 2m in height (from natural ground level); or
 - The fence is attached to a retaining wall and the combined mean height is over 2.4m in height from natural ground level;
 - 11.2 Retaining walls where:
 - The wall is retaining fill having a height greater than 1m in height above the wall's natural ground surface; or
 - The wall is located within 1.5m of a building or another retaining wall; or
 - There is a load or surcharge imposed above the retaining wall (i.e. driveway, batter, building or the like); and
 - 11.3 Retaining walls and/or fences are sited within 1.5m of a property boundary line and the combined height of the structures exceeds 2m (including where the retaining wall is less than 1m).
- 12) A siting discretion may be required from Council where a fence is proposed to be built atop the retaining wall and the combined height of the structure exceeds 2m above natural ground level.

BUILDING OVER, OR NEAR, COUNCIL INFRASTRUCTURE

- 13) Any construction carried out near or over existing Council services should be in accordance with Council's adopted Policy (*Queensland Development Code NMP 1.4 – Excavation and Piling Near Sewers, Stormwater Drains and Water Mains*) and Council's Planning Scheme Policy SC6.3 PSP No. 3– *Water and Wastewater Infrastructure*. A Concurrence Agency referral of the Building Work Application to Council's Water and Wastewater Services Branch may be required.

MANDATORY RAINWATER TANKS

- 14) Toowoomba Regional Council requires mandatory rainwater tanks and water saving measures on new dwellings and commercial buildings. Queensland Development Code (QDC) 4.2 is now applicable to any new class 1 (a)(i) buildings (single detached dwellings) on blocks greater than 250m². Dwellings on lots less than 250m² are exempt. Queensland Development Code 4.3 is applicable for any new commercial buildings (class 5 to 9).

REASONS FOR RECOMMENDATION

The proposed development has been assessed with regard to the applicable assessment benchmarks as identified within this report and the attached Statement of Reasons (refer to Schedule 1). The proposed development generally complies with the assessment benchmarks or it can be conditioned to comply. Where the applicant has not provided sufficient information, conditions have been imposed to ensure compliance.

DELEGATE'S DECISION:

I have reviewed the report for this application in accordance with the Relevant Instruments, Statutory and Non-Statutory Provisions and in accordance with Council's process and procedures. I agree with the responsible officer's recommendation that the application be approved subject to the conditions contained in the recommendation. I exercise delegation in accordance with the delegations adopted by the Toowoomba Regional Council.



Krys den Hertog
Principal Planner, Planning Branch

Decision Date: 11 September 2026

BACKGROUND

SITE DETAILS				
Site Address	9 & 1-2/9 Benjamin Street, MOUNT LOFTY QLD 4350			
Real Property Description	Lots 0, 1 and 2 BUP101164			
Site Area	1,023m ²			
Owner	Huntham Close BUP (Body Corporate); Dung Thi Le			
SITE CHARACTERISTICS				
Current Land Use	Historical Use (Duplex)			
Site Frontage/s	Benjamin Street: 20.7m			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Benjamin Street	Local Road	20m	12m (2x6m)	Bitumen
Easements	Nil.			
Existing Structures	Existing residential buildings - Duplex			
Infrastructure	Council's sewer pipe extends from Benjamin Street and traverses along the north-western boundary and onto the adjoining lot			
Topography	Land below existing building is generally flat. Land to the rear slopes in a north-west direction with a gradient of 11%, concentrating into a steep drop along the north-western boundary.			
Street Trees	No street trees			
Other Features	The subject land is serviced by a private drainage easement traversing adjoining lot – 2 Beck Street.			
PLANNING SCHEME SITE DATA				
Applicable Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 28)			Adopted: 28/11/2022
Current Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 29)			Adopted: 21/07/2026
Zone	Low Density Residential Zone			
Precinct	General Precinct			
Overlays	Airport Environs Overlay 8km Wildlife Hazard Buffer Zones - Lighting Area Buffer (6 km)			
Infrastructure Charges Resolution	Charges Resolution No. 8			Adopted: 18/08/2026
SURROUNDS:				
Direction	Land Use	Zone/Precinct		
North	Multiple Dwelling	Low Density Residential Zone / General Precinct		
East	Dwelling House	Low Density Residential Zone / General Precinct		
South	Dwelling House	Low Density Residential Zone / General Precinct		
West	Dwelling House	Low Density Residential Zone / General Precinct		
Other Features	Nothing to note.			

APPLICATION HISTORY			
Application No.	Description	Decision Date	Decision
MCUI/1992/109 (B46/1944)	Town Planning Consent - Duplex	25/09/1992	Approved
OW/1994/5760	Construct Concrete Slab Footpath Crossing	5/07/1994	Approved
Other	The existing duplex is managed under a Body Corporate over the site (MISC/1994/30 or B46/1964)		

PROPOSED DEVELOPMENT		
Name of Applicant	Dung Le c/- Precinct Urban Planning	
Type of Application	Material Change of Use - Impact	
Proposed Development	Multiple Dwelling (Two (2) x Two (2) Bedroom units and One (1) x Four (4) Bedroom unit)	
Variations Sought	Not Applicable	
Level of Assessment	Impact	
Gross Floor Area	154.9m ² (Unit 3) / 359.2m ² (total)	
Impervious Area	762.8m ²	
Site Cover	35.1%	
Car Parking Spaces	Five (5) carparking spaces, including one (1) visitor car parking space	
Submissions Received	Objection:	Nil
	Support:	Nil
Decision Making Period Ends	11 September 2026	

CONSULTATION UNDERTAKEN

Referral Agencies

Not Applicable.

Internal Referrals

Internal Referral Partner	Referral / Response
Development Engineering and Plumbing	Reviewed and recommended conditions of approval.
Water and Waste	Reviewed and recommended conditions of approval.
Infrastructure Charges Unit	To prepare an Infrastructure Charges Notice in accordance with <i>Charges Resolution No. 8</i> to accompany an approval of the development.

Public Notification

The Notice of Compliance was received by Council on 3 August 2026. The information attached to the notice confirms that the public notification of the application was undertaken in accordance with the requirements of Part 4 of the *Planning Act 2016*. The Notice of Compliance states the public notification included:

- Publishing a notice in the Chronicle on 9 July 2026;
- Placing a notice on the land from 10 July 2026 until 31 July 2026; and
- Notifying owners of all land adjoining the site on 7 July 2026.

No properly made submissions were received during the public notification period.

ISSUES, RISKS AND RESPONSES – ASSESSMENT

Categorising Instrument – *Planning Regulation 2017*:

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

	Schedules 9 and 10 do not have relevant assessment benchmarks for the proposed development.
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REGIONAL PLANS	
<i>Shaping SEQ – South East Queensland Regional Plan 2023</i>	The subject site is mapped within the bounds of the <i>Shaping SEQ – South East Queensland Regional Plan 2023</i> (ShapingSEQ). ShapingSEQ identifies that the subject site is within the Urban Footprint, which is intended to identify the land required for the region's urban development needs up to 2046. The development application is consistent with the land use intent for the Urban Footprint as it proposes an urban use within the bounds of the urban footprint.
<i>Darling Downs Regional Plan October 2013</i>	Not applicable.

STATE PLANNING POLICY (SPP) July 2017	
Interests	Assessment Comments
Housing Supply and Diversity	No applicable assessment benchmarks.
Livable Communities	No applicable assessment benchmarks.
Agriculture	No applicable assessment benchmarks.
Development and Construction	No applicable assessment benchmarks.
Mining and Extractive Resources	No applicable assessment benchmarks.
Tourism	No applicable assessment benchmarks.
Biodiversity	No applicable assessment benchmarks.
Cultural Heritage	No applicable assessment benchmarks.
Water Quality	No applicable assessment benchmarks.
Emissions and Hazardous Activities	No applicable assessment benchmarks.
Natural Hazards, Risk and Resilience	No applicable assessment benchmarks.
Energy and Water Supply	No applicable assessment benchmarks.
Infrastructure Integration	No applicable assessment benchmarks.
Transport Infrastructure	No applicable assessment benchmarks.
Strategic Airports and Aviation Facilities	No applicable assessment benchmarks.

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

The proposed development was assessed against the following assessment benchmarks:

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

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

LOW DENSITY RESIDENTIAL ZONE CODE:

Performance Outcome	Acceptable Outcome
PO₄ Higher density forms of Accommodation activities (i.e. other than caretaker's accommodation, community residence, dwelling house and dual occupancy) are designed to reflect the residential scale and density of the surrounding area.	AO_{4.1} The number of dwellings on the site does not exceed one per 500m ² . AO_{4.2} The site has a minimum frontage of 12m.
Alternate Outcome The applicant submits: "Performance Solution. <i>The site has a 21m frontage and a proposed dwelling density of one dwelling per 341m² which is higher than what is sought by AO4.1 but reflects the modest nature/size of the existing and proposed units and the site's proximity to services and public transport, and thus suitability to accommodate additional density. The site has been designed to reflect the character and scale of the surrounding locality by utilising single storey design and locating the additional unit at the rear of the site where it is hidden from the street."</i>	
Officer Recommendation The proposal for a Four (4) Bedroom Unit (Unit 3) behind the existing residential building increases the density of the land to 1.47 dwellings per 500m ² which does not comply with AO _{4.1} and requires assessment against PO ₄ . The proposed Multiple Dwelling incorporates a higher density form of accommodation in the locality. An existing Multiple Dwelling development of 39 units is identified across Benjamin Street. The proposed Four (4) Bedroom Unit is located behind the existing residential building comprising of Two (2) Bedroom Units and more than 30m from the front boundary. The addition of Unit 3 at the rear largely retains the existing residential scale when viewed from the street and does not result in a significantly higher density. As such, the proposed development generally reflects the residential scale and density of the surrounding area and considered to comply with PO ₄ .	

Local Categorising Instrument – Variation Approval:

Not Applicable.

Local Categorising Instrument – Temporary Local Planning Instrument:

Not Applicable.

Local Categorising Instrument – Preliminary Approval:

Not Applicable.

Local Categorising Instrument – Local Government Infrastructure Plan:

The subject site is within Council's Priority Infrastructure Area and is currently connected to Council's reticulated infrastructure network.

Other Relevant Matters

Not Applicable.

FINANCIAL / RESOURCE IMPLICATIONS

Infrastructure charges will be applied in accordance with Council's *Charges Resolution No. 8*.

Human Rights Act 2019 CONSIDERATIONS

The *Human Rights Act 2019* provides that it is unlawful for a public agency to act or make a decision in a way that is not compatible with human rights, or to fail to give proper consideration to a human right. This necessitates understanding the human rights that are protected. When making decisions or taking actions, consideration needs to be given to how that may impact on a person's human rights. Where there is a

restriction on a person's human rights the restriction must be no greater than is justifiable to protect the rights of others or the community at large.

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

Section 15 – Recognition and equality before the law

Section 24 – Property rights

Section 25 – Privacy and reputation

It is the opinion of the decision maker that no human rights have been limited.

CONCLUSION

The development has been assessed with regard to the applicable assessment benchmarks as identified within this report and the attached Statement of Reasons (refer to Schedule 1). The proposed development generally complies with the assessment benchmarks or it can be conditioned to comply. Where the applicant has not provided sufficient information, conditions have been imposed to ensure compliance. It is therefore recommended that the development application be approved subject to the conditions identified above.

ATTACHMENT/S

Attachment	1	of	4	Aerial Map
Attachment	2	of	4	Zone Map
Attachment	3	of	4	Infrastructure and Overlay Map
Attachment	4	of	4	Proposed Development

SCHEDULES

Schedule	1	Statement of Reasons
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ATTACHMENTS

Attachment 1 of 4 Aerial Map

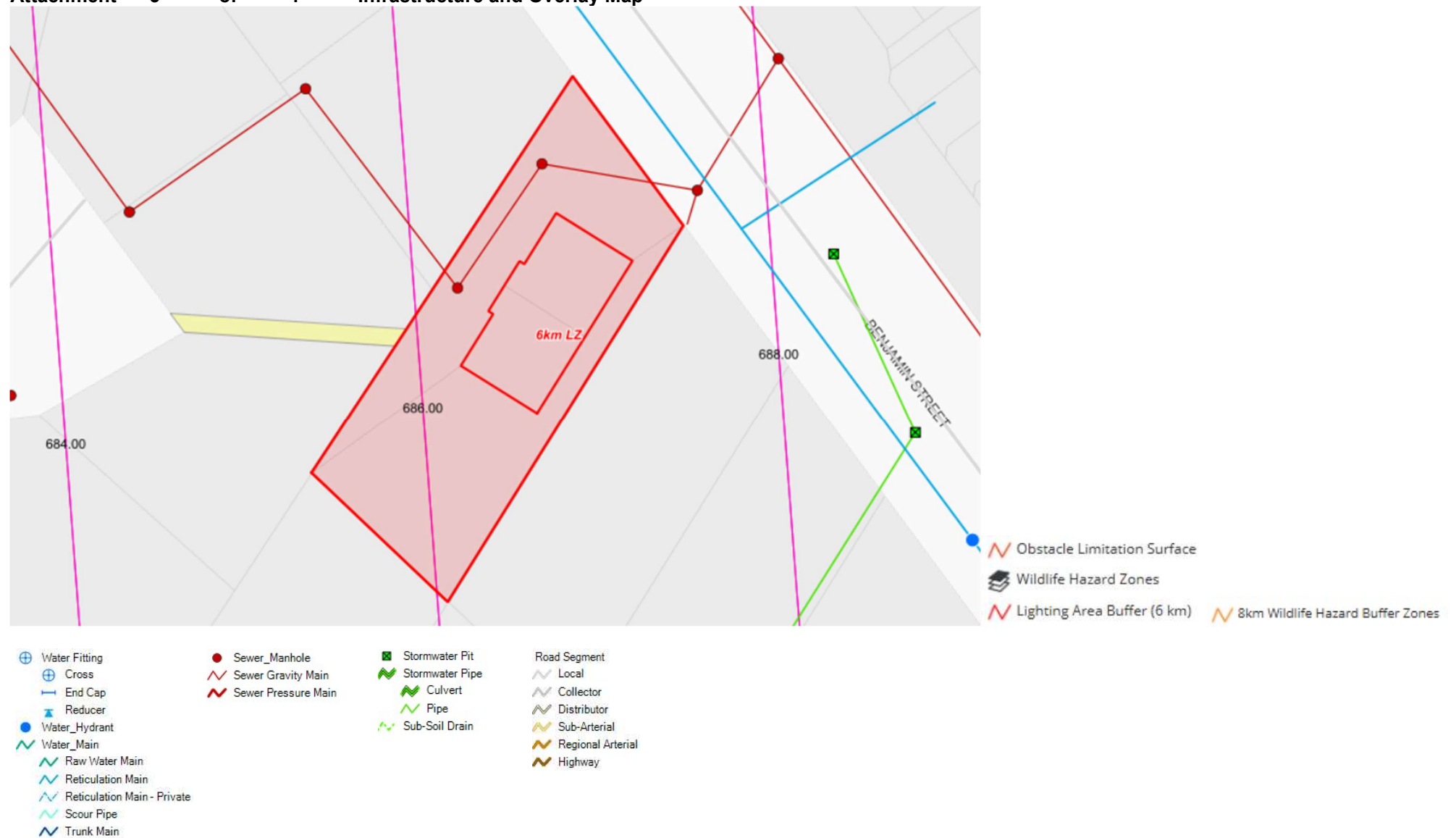


Attachment 2 of 4 Zone Map



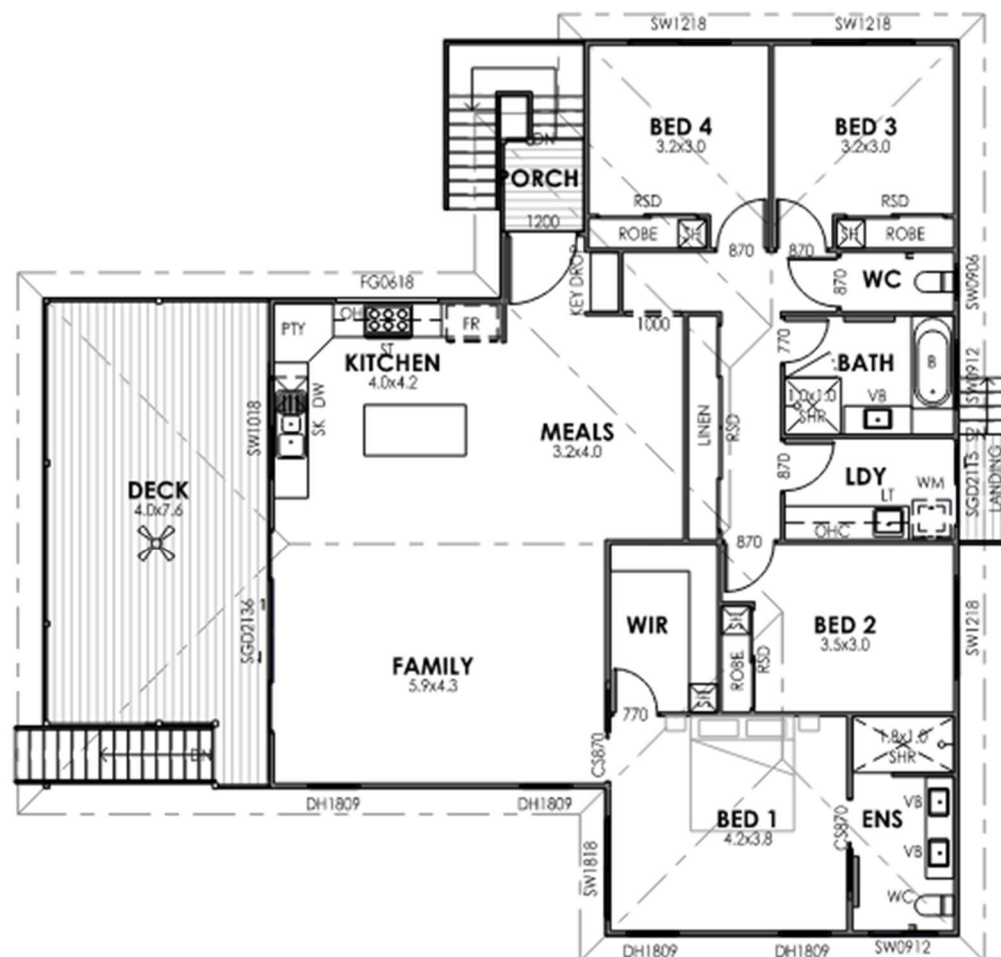


Attachment 3 of 4 Infrastructure and Overlay Map



The site plan illustrates the proposed development at 1500 Benjamin Street. The plan includes the following details:

- Benjamin Street:** Located at the top of the plan, with a width of 20.720 m and a bearing of 134° 31' 40".
- Existing Units:**
 - EXISTING UNIT 1:** Located in the upper right, with an area of 19.8m².
 - EXISTING UNIT 2:** Located below Unit 1, with an area of 19.8m².
- Proposed Unit:**
 - NEW UNIT 3:** A new unit located in the lower right, with an area of 42.3m².
- Parking and Outdoor Spaces:**
 - CARPARKING SPACE:** Multiple spaces are shown, including one labeled "EX CARPARKING SPACE" and another labeled "CARPARKING SPACE".
 - EX PRIVATE OUTDOOR SPACE:** Two outdoor spaces, each 19.8m², are located adjacent to Existing Unit 1 and Existing Unit 2.
 - PRIVATE OUTDOOR SPACE:** A new outdoor space of 42.3m² is located adjacent to New Unit 3.
- Landscaping and Fencing:**
 - 1800H TIMBER PALING FENCE:** A fence line runs along the bottom and right sides of the site.
 - LANDSCAPING:** Areas of landscaping are indicated, particularly around the new unit and along the fence line.
- Other Features:**
 - CONC DRIVEWAY AND MANEUVERING:** A concrete driveway and maneuvering area are shown.
 - SWGP:** A small square feature labeled "SWGP" is located near the bottom left.
 - SMH:** Several "SMH" (Survey Marking Hole) locations are marked with red circles and labels.
 - RP106237:** Reference points are marked with red circles and labels.
 - Dimensions:** Various dimensions are provided, including 52.970 m, 24° 25' 20", 20.925 m, 304° 35' 00", and 181.80.



NOT FOR CONSTRUCTION



BUILDING DESIGN

spbuildingdesign.com.au
0473 352 714

QBCC 15263359

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ABN 70 650 433 757

Designers shall not be responsible for
the structural design of the building.
Do not scale this drawing. Verify all
dimensions, details and notations
prior to construction.

DESIGNER:

A. Cooper

REVISION SCHEDULE

A	CONCEPT DWGS	08.09.25
B	DA ISSUE	23.06.26
C	DA ISSUE	26.06.26



EAST ELEVATION

1 : 100



NORTH ELEVATION

1 : 100



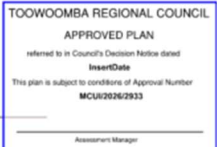
WEST ELEVATION

1 : 100



SOUTH ELEVATION

1 : 100



SIGNATURES	
OWNER/S	_____
BUILDER	_____

LEGEND

AJ ARTICULATION JOINT
RTW RETAINING WALL
WH WINDOW HOOD

OGS OBSCURE GLASS
x SLIDING PANEL
+ FIXED PANEL

PROJECT DETAILS

NEW RESIDENCE

9 BENJAMIN ST.
MT LOFTY

LOT 0 ON BUP101164

PROJECT NUMBER : 250902

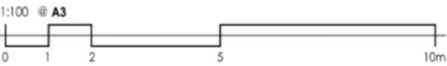
SCALE : 1 : 100

SHEET SIZE : A3

WIND CATEGORY :

3.01 - C

NOTES
F.F.L. DENOTES FINISHED FLOOR LEVEL
F.C.L. DENOTES FINISHED CEILING LEVEL



ELEVATIONS

SCHEDULE 1

Statement of Reasons

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

SITE DETAILS	
Site Address	9 & 1-2/9 Benjamin Street, MOUNT LOFTY QLD 4350
Real Property Description	Lots 0, 1 and 2 BUP101164
Site Area	1,023m ²
Owner	Huntham Close BUP (Body Corporate); Dung Thi Le

PROPOSED DEVELOPMENT		
Name of Applicant	Dung Le c/- Precinct Urban Planning	
Type of Application	Material Change of Use - Impact	
Proposed Development	Multiple Dwelling (Two (2) x Two (2) Bedroom units and One (1) x Four (4) Bedroom unit)	
Level of Assessment	Impact	
Gross Floor Area	154.9m ² (Unit 3) / 359.2m ² (total)	
Impervious Area	762.8m ²	
Site Cover	35.1%	
Car Parking Spaces	Five (5) carparking spaces, including one (1) visitor car parking space	
Submissions Received	Objection:	Nil.
	Support:	Nil.
Decision	Approval	
Decision Date	11 September 2026	

ASSESSMENT MATTERS	
Assessment benchmarks	The proposed development was assessed against the following assessment benchmarks: • Schedules 9 and 10 of the <i>Planning Regulation 2017</i> (as relevant); • <i>State Planning Policy July 2017</i> (as relevant); • South-east Queensland Regional Plan ShapingSEQ 2023 (as relevant); • The Local Government Infrastructure Plan; and • <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28) ○ Strategic Framework ○ Low Density Residential Zone Code ○ Airport Environs Overlay Code ○ Medium Density Residential Code ○ Environmental Standards Code ○ Integrated Water Cycle Management Code ○ Landscaping Code ○ Transport, Access and Parking Code ○ Works and Services Code
Relevant matters	The proposed development was not assessed against any relevant matters.
Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and can be conditioned to comply with all of these without exception.

For further details on the assessment of this development application, please see the Delegated Report available for public viewing on the Toowoomba Regional Council Planning and Development Online website at: <https://developmenti.tr.qld.gov.au/>. When accessing Council's website please use the following Application Number: MCUI/2026/2933.