

REPORT TITLE	Reconfiguring a Lot – Impact – Boundary Realignment Two (2) Lots into Two (2) Lots located at 4 & 6 Fairholme Street, MOUNT LOFTY QLD 4350
AUTHOR	Planning Officer (Cassidy Pugh)
Application No.	RAL/2026/4147

PURPOSE OF REPORT

To consider a Development Application for Reconfiguring a Lot – Impact – Boundary Realignment Two (2) Lots into Two (2) Lots located at 4 & 6 Fairholme Street, MOUNT LOFTY QLD 4350

EXECUTIVE SUMMARY

This report considers a Development Application for a Boundary Realignment for two (2) lots into two (2) lots on land at 4 and 6 Fairholme Street, formally described as Lot 5 RP169406 and Lot 3 RP143424, respectively. The subject land has a combined area of 3,012m² and comprises Lot 5 (existing hatchet lot), which has an area of 2,003m², and Lot 3, which has an area of 1,009m² and is a standard configuration. Both lots are each improved with a Dwelling House and ancillary structures, and gain vehicle access from Fairholme Street.

The proposal seeks to relocate the common boundary of the lots approximately 8m further east to increase the setback between the Dwelling House on Lot 3 and the common boundary. Accordingly, Lot 3 (proposed Lot 1) will increase slightly in area from 1,009m² to 1,190m² and Lot 5 (proposed Lot 2) will slightly decrease in size from 2,003m² to 1,821m². The boundary realignment does not propose any changes to the existing access arrangements.

The site is located within the General Precinct of the Low Density Residential Zone under the *Toowoomba Regional Planning Scheme 2012* (Version 28) (the Planning Scheme). The site is also mapped as being affected by the Airport Environs Overlay, Environmental Significance Overlay and Bushfire Hazard Overlay. In accordance with Table 5.6:1 of the Planning Scheme, the proposed development is subject to Impact Assessment due to proposed Lot 3 being a hatchet lot within the Low Density Residential Zone.

As the proposed development was Impact Assessable, the application underwent public notification. No submissions regarding the proposed development were received by Council.

The proposed development has been assessed against the applicable assessment benchmarks and having regard to all relevant matters as outlined within the report. The proposed development is considered to achieve compliance with the applicable assessment benchmarks or, to the extent of non-compliance, is considered capable of being conditioned to comply. The proposed development is considered to be acceptable having regard to all relevant matters. On this basis, the proposed development is recommended for approval subject to the conditions in the recommendation.

RECOMMENDATION

APPROVED - Application No. RAL/2026/4147 for a Development Permit for Reconfiguring a Lot – Impact – Boundary Realignment Two (2) Lots into Two (2) Lots, pursuant to the provisions of Section 60 of the *Planning Act 2016* and subject to the conditions listed below.

ASSESSMENT MANAGER CONDITIONS

PLANNING

APPROVED DEVELOPMENT

1. This Development Approval is for Reconfiguring a Lot, being for a Boundary Realignment of Two (2) Lots into Two (2) Lots.

CARRY OUT AND MAINTAIN DEVELOPMENT

2. Unless otherwise stated, all conditions must be complied with prior to Council's approval of the Plan of Subdivision and at all times thereafter.

3. 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

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

Plan No: 26066 5001 001-B, Sheet 2 of 3, Revision B

Description: Proposal Plans – Proposed Configuration, prepared by Sunrise Surveying and dated 10 April 2026

Amendments: Nil

LOT NUMBERING

5. The numbering of all approved lots must remain as indicated on the Approved Plan/s (unless otherwise amended/approved by Council).

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS

6. Prepare and submit for Council's approval a Plan of Subdivision in accordance with Schedule 18 of the *Planning Regulation 2017*. For the purposes of Section 1(4) of Schedule 18, the stated date by which the request must be made is the last date of the currency period of this approval.

DEDICATIONS, AGREEMENT AND CONTRIBUTIONS

FEES AND CHARGES

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

WORKS

STORMWATER DRAINAGE

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

GENERAL ADVICES:

INFRASTRUCTURE CHARGES

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

OTHER LAWS & REQUIREMENTS

- 2) This Development Approval relates to development requiring approval under the *Planning Act 2016* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
- 3) Any works impacting outside the property boundary will require a permit under Subordinate Local Law No. 1.15 (2020) (Carrying Out Works on a Road or Interfering with a Road or its Operation). Please contact Council's Road Operations Branch through our Customer Service Centre on 131 872. The application can be found on Council's website at www.tr.qld.gov.au.
- 4) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme 2012*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or the *Queensland Development Code*.

WHEN APPROVAL STARTS TO HAVE EFFECT

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

WHEN APPROVAL LAPSES

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

ENVIRONMENTAL HARM

- 7) 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.

FIRE ANTS

- 8) 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.

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.



Emily Hinchliffe, Lead Senior Planner
Planning Branch

Decision Date: 17 August 2026

BACKGROUND

SITE DETAILS				
Site Address	4 & 6 Fairholme Street, MOUNT LOFTY QLD 4350			
Real Property Description	Lot 5 RP169406 and Lot 3 RP143424			
Site Area	3012.00m ² total, comprising: Lot 3: 1009m ² Lot 5: 2003m ²			
Owner	Tiffany Katrina Wicks, Damian Mark Mills and Joanne Patricia Killick			
SITE CHARACTERISTICS				
Current Land Use	Dwelling (each lot contains a dwelling)			
Site Frontage/s	Lot 3: 20m frontage to Fairholme Street Lot 5: 6m frontage to Fairholme Street			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Fairholme Street	Local	20m	6.5m	Asphalt
Easements	Emt A RP16906 located on Lot 5 RP169406 for stormwater drainage.			
Existing Structures	Dwelling House (each lot contains one (1) Dwelling House) and ancillary structures.			
Infrastructure	Council water main, sewer main, stormwater pipes within the road reserve.			
	Stormwater pit located within road reserve along Lot 5's road frontage. A stormwater pipe extends north east from this pipe, partially traversing Lot 5's access handle.			
	A Council sewer main traverses both lots in a north–south direction, running across the eastern side of the access handle of Lot 5 and approximately 4 metres from the eastern boundary of Lot 3.			
Topography	The site falls in a south to north direction from 624.5m AHD to 616.5m AHD.			
Street Trees	One (1) street tree			
Other Features	Nil			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 28)			Adopted: 28 Nov 2022
Zone	Low Density Residential Zone			
Precinct	General Precinct			
Overlays	Airport Environs Overlay			
	• OLS Extent • 8km Wildlife Hazard Buffer Zone Environmental Significance Overlay • Areas of Ecological Significance Buffer • Biodiversity Corridors Bushfire Hazard Overlay • Medium Fire Risk			
Infrastructure Charges Resolution	Charges Resolution No. 7			Adopted: 19 August 2025
SURROUNDS:				
Direction	Land Use		Zone/Precinct	
North	Dwelling		Low Density Residential Zone/ General Precinct	
East	Reserve for Parks & Recreation (Jubilee Park)		Open Space/No Precinct	
South	Dwelling		Low Density Residential Zone/ General Precinct	

West	Dwelling	Low Density Residential Zone/ General Precinct
Other Features	Nothing to note	

PROPOSED DEVELOPMENT		
Name of Applicant	Damian Mark Mills	
Type of Application	Reconfiguring a Lot	
Proposed Development	Boundary Realignment Two (2) Lots into Two (2) Lots	
Variations Sought	Not Applicable	
Level of Assessment	Impact Assessable	
Submissions Received	Objection:	Nil
	Support:	Nil
Decision Making Period Ends	17 August 2026	

CONSULTATION UNDERTAKEN

Referral Agency/ies

Not Applicable.

Internal Referrals

Internal Referral Partner	Referral / Response
Development Engineering	Recommended conditions of approval
Water and Waste	Recommended conditions of approval
Infrastructure Charges Unit	Preparing an Infrastructure Charges Notice in accordance with <i>Charges Resolution No. 7</i>

Public Notification

The Notice of Compliance was received by Council on 29 June 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 4 June 2026;
- Placing a notice on the land from 4 June 2026 until 26 June 2026; and
- Notifying owners of all land adjoining the site on 2 June 2026.

No properly made submissions were received by council regarding the proposed development.

ISSUES, RISKS AND RESPONSES – ASSESSMENT

Categorising Instrument – *Planning Regulation 2017*:

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

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>	The <i>Darling Downs Regional Plan 2013</i> (DDRP) is a statutory regional plan that is intended to provide planning policy to address planning matters that are of State interest and specific to the Darling Downs region. The subject site is located within the Restricted Area 384 of the DDRP as it is located within the SEQRP and accordingly the DDRP has no requirements.

STATE PLANNING POLICY (SPP) July 2017	
Interests	Assessment Comments
Housing Supply and Diversity	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	The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property, being mapped as water resource catchments. However, the assessment benchmarks identified in Part E of the SPP do not apply to the proposed development.
Emissions and Hazardous Activities	No applicable assessment benchmarks
Natural Hazards, Risk and Resilience	The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property. <u>Bushfire prone area:</u> The site contains some areas mapped as bushfire-prone. However, the proposed development involves only the rearrangement of existing shared boundaries, with both resulting lots maintaining road frontage. As such, the proposal is not considered to increase risk to people or the environment. As such, it is considered that the state interest policies identified in Part E of the SPP are considered to have been satisfied. <u>Flood hazard area:</u> The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property being mapped in the Flood hazard area – Local Government flood mapping area. The Minister has identified that the SPP as it relates to flooding has been appropriately reflected within the <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28). As the Planning Scheme identifies that the subject site is not impacted by flood hazard, the assessment benchmarks identified in Part E of the SPP do not apply to the proposed development.
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
- Airport Environs Overlay Code
- Environmental Significance Overlay Code
- Bushfire Hazard Overlay Code
- Low Density Residential Zone Code
- Reconfiguring a Lot Code

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

STRATEGIC FRAMEWORK:

Theme	Assessment Comments
Settlement Pattern	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Natural Environment	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Community Identity and Diversity	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Natural Resources and Landscaping	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Access and Mobility	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Infrastructure and Services	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Economic Development	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.

DEVELOPMENT CODES:

RECONFIGURING A LOT CODE	
Table 9.4.5:1	
Performance Outcome	Acceptable Outcome
PO₄ <i>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:</i> (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:	AO_{4.1} <i>All lots are rectangular and have minimum width to depth ratios, areas, dimensions and frontages as prescribed in Table 9.4.5:4.</i>

i. <i>Setback considerations include solar access, privacy and amenity of residents and adjoining neighbours, on-site effluent disposal.</i> ii. <i>A building envelope may demonstrate suitability to accommodate future development.</i>	
Alternate Outcome	
The applicant submits: <i>“Performance Solution: The proposed lots have been designed to ensure that they provide sufficient area, frontage and dimensions, and road access to facilitate their continued use for low density residential purposes. It is noted that the site comprises an existing hatchet lot improved by an existing Dwelling House. Accordingly, the proposed development does not involve the creation of any new hatchet lots.”</i>	
Officer Comment	
While proposed Lot 2 does not meet the 15m frontage width or depth ratio, its configuration is consistent with the existing lot shape. It is noted that no new or additional hatchet lots are proposed by this application. Both proposed lots provide sufficient area to accommodate the existing dwellings, ancillary buildings and access arrangements of each lot. Accordingly, the development complies with Performance Outcome PO4.	

Local Categorising Instrument – Variation Approval:

Not Applicable

Local Categorising Instrument – Temporary Local Planning Instrument:

Not Applicable

Local Categorising Instrument – Preliminary Approval:

Not Applicable

Local Categorising Instrument – Local Government Infrastructure Plan:

The subject site is located within the Priority Infrastructure Area.

Other Relevant Matters

No further relevant matters considered in the assessment of this application.

FINANCIAL / RESOURCE IMPLICATIONS

Infrastructure charges will be applied in accordance with Council's *Charges Resolution No.7*.

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 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 benchmark 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 Imagery
Attachment	2	of	4	Zoning Map
Attachment	3	of	4	Overlay Map
Attachment	4	of	4	Proposed Plan

SCHEDULES

Schedule	1	Statement of Reasons
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ATTACHMENTS



Attachment 1 of 4 Aerial Imagery



Attachment 2 of 4 Zoning Map



Attachment 3 of 4 Overlay Map



Attachment 4 of 4 Proposed Plan

SCHEDULE 1

Statement of Reasons

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

SITE DETAILS	
Site Address	4 & 6 Fairholme Street, MOUNT LOFTY QLD 4350
Real Property Description	Lot 5 RP169406 and Lot 3 RP143424
Site Area	3012.00m ² total, comprising: Lot 3: 1009m ² Lot 5: 2003m ²
Owner	Tiffany Katrina Wicks and Damian Mark Mills and Joanne Patricia Killick

PROPOSED DEVELOPMENT	
Name of Applicant	Damian Mark Mills
Type of Application	Reconfiguring a Lot
Proposed Development	Boundary Realignment (Two) 2 Lots into Two (2) Lots
Level of Assessment	Impact Assessable
Submissions Received	Objection: Nil
	Support: Nil
Decision	Approval
Decision Date	17 August 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/Darling Downs Regional Plan (as relevant); • The Local Government Infrastructure Plan; and • <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28) ○ Strategic Framework ○ Airport Environs Overlay Code ○ Environmental Significance Overlay Code ○ Bushfire Hazard Overlay Code ○ Low Density Residential Zone Code ○ Reconfiguring a Lot Code
Relevant matters	No further relevant matters considered in the assessment of this application.
Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and complies with, or 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: [RAL/2026/4147](#)