

REPORT TITLE	Material Change of Use – Impact – Dual Occupancy located at 4 Dutton Street, SOUTH TOOWOOMBA QLD 4350
AUTHOR	Planning Officer (Cassidy Pugh)
Application No.	MCUI/2025/7862

**PURPOSE OF REPORT**

To consider a Development Application for Material Change of Use - Impact - Dual Occupancy located at 4 Dutton Street, SOUTH TOOWOOMBA QLD 4350

**EXECUTIVE SUMMARY**

This report considers a Development Application for a Material Change of Use for a Dual Occupancy located at 4 Dutton Street, South Toowoomba, formally described as Lot 1 SP225607. The site is 601m<sup>2</sup> in area, has dual frontage to Dutton Street and Norman Street and is currently vacant.

The proposed development seeks to establish a Dual Occupancy, consisting of two (2) single storey units, each with three (3) bedrooms, kitchen, living area, dining area, bathroom, ensuite, laundry, double garage and outdoor living area. Unit 1 is proposed to have a Gross Floor Area (GFA) of 139.9m<sup>2</sup>, and Unit 2 will have a GFA of 134m<sup>2</sup>. Unit 1 is proposed to front, and take vehicle access from, Dutton Street. Unit 2 will have dual frontage to Dutton Street and Norman Street, with the front door oriented to Norman Street and vehicle access also taken from Norman Street.

The site is located within the General Precinct of the Low Density Residential Zone and is mapped as being affected by the Airport Environs Overlay and Neighbourhood Character Overlay (not a listed Neighbourhood Character Place in Schedule 6.7) under the *Toowoomba Regional Planning Scheme 2012* (Version 28) (the Planning Scheme). Under Table 5.5:1 and 5.10:1 of the Planning Scheme, the proposed development is subject to Impact Assessment.

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

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

**RECOMMENDATION**

**APPROVED** - Application No. MCUI/2025/7862 for a Development Permit for Material Change of Use – Impact – Dual Occupancy, pursuant to the provisions of Section 60 of the *Planning Act 2016* and subject to the conditions listed below.

**ASSESSMENT MANAGER CONDITIONS**

**PLANNING**

**APPROVED USE**

1. This Development Approval is for a Material Change of Use for Dual Occupancy.

**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:

**Plan No:** 250401.01, Revision 7

**Description:** Site Plan, prepared by Alisco Designs Pty Ltd and dated 19 November 2025

**Amendments:** Nil

**Plan No:** 250401.03, Revision 7

**Description:** Floor Plan, prepared by Alisco Designs Pty Ltd and dated 19 November 2025

**Amendments:** Nil

**Plan No:** 250401.04, Revision 7

**Description:** Elevations (North and East), prepared by Alisco Designs Pty Ltd and dated 19 November 2025

**Amendments:** Nil

**Plan No:** 250401.05, Revision 7

**Description:** Elevations (West and South), prepared by Alisco Designs Pty Ltd and dated 19 November 2025

**Amendments:** Nil

**Plan No:** LP-001, Issue A, Page 1 of 2

**Description:** Landscape Plan, prepared by Super Natural Landscapes and dated 27 October 2025

**Amendments:** Nil

**Plan No:** LP-001, Issue A, Page 2 of 2

**Description:** Plant Schedule and Landscape Notes, prepared by Super Natural Landscapes and dated 27 October 2025

**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 Driveway Crossovers;
  - 7.2 Stormwater Works; and
  - 7.3 Bulk Earthworks (if required).

#### **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 driveway crossover, stormwater works and, 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 be provided in accordance with a Development Permit for Operational Work.
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 external stormwater infrastructure. The design and the construction of the works must be certified by a RPEQ – Civil.
16. As part of a Development Application for a Development Permit for Operational Work submit to Council for approval, a Detailed Stormwater Management Plan prepared by a Registered Professional Engineer Queensland - Civil (RPEQ) in accordance with the relevant standards in *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure* (PSP No.2) demonstrating the following:
  - 16.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval;

### **STORMWATER DISCHARGE**

17. Stormwater from the new roofed and sealed areas must be picked up and discharged by way of sealed underground pipe to the street channel. The works must be constructed in accordance with the current version of the Institute of Public Works Engineering Australasia standard drawing titled *Kerb and Channel Residential Drainage Connections, drawing number RS-081*.

*Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*
18. 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 frontages so as not to concentrate the discharge to any one location.
19. 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*.

### **BULK EARTHWORKS**

20. Where earthworks are not assessed as part of a Development Application for a Development Permit for Building Work, prior to the commencement of any earthworks on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council.

## EROSION & SEDIMENT CONTROL

21. 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.
22. 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.
23. 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.
24. All disturbed areas must be mulched or turfed as soon as possible during construction.

## DAMAGE TO SERVICES & ASSETS

25. Protect Council and public utility services and assets during construction of the development.
26. 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:
  - 26.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
  - 26.2 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.
27. 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.
28. 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.*

## AIR QUALITY IMPACT MITIGATION

29. 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.
30. 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:
  - 30.1 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

31. 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*.

32. 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*.
33. Fires are not to be lit to dispose of demolition or construction waste.
34. 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:
  - 34.1 Elsewhere within this Development Approval;
  - 34.2 In accordance with an associated Development Permit for Operational Work;
  - 34.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
  - 34.4 In accordance with either a general or specific approval of a resource for recycling (in accordance with the End of Waste Codes) issued under the *Waste Reduction and Recycling Act 2011*; or
  - 34.5 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.
35. 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**

36. 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.

#### **SERVICES & UTILITIES**

##### **WASTEWATER INFRASTRUCTURE (GENERAL)**

37. The development must be connected to Council's existing wastewater reticulation system at no cost to Council. This includes augmentation works external to the development as required to adequately service the development and connect with the existing wastewater reticulation system.

*Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*
38. The design and construction of the wastewater works must be in accordance with Council's *Wastewater Infrastructure Policy 2.04*.
39. Any compensation or costs associated with obtaining agreement from owners or trustees of properties affected by the construction of the works must be at no cost to Council.
40. Any new 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: Please note any new connection or reconnection to a Council wastewater system requires a Form 1 Plumbing approval prior to house drainage being installed.*

*Note: To arrange for a private works quotation for the required works contact Council's Water & Wastewater Department on Ph 131 872.*
41. 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.

## WATER SUPPLY

42. 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.*

43. All live connections to the existing water supply networks and water meter installations must be carried out by Council at no cost to Council.

*Note: For a private works quotation for the required works Council's Water & Wastewater Department can be contacted on ph 131 872. Subject to payment of the quotation, a suitable time for this work to be carried out must be agreed with Council.*

44. All water main fittings, services and meters must be located 1.0m clear of the driveway footpath crossover unless otherwise approved in writing by Council. Any relocation of fittings clear of driveways must be undertaken by Council at no cost to Council.

45. Any unnecessary water service connections must be compliantly disconnected, and meters recovered by Council at no cost to Council.

46. Certification must be provided to Council by a Licensed Plumber that the disconnection has been carried out.

47. 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

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

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

48.2 For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and

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

49. 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.

50. Provide to Council written evidence from all relevant service providers that the telecommunications infrastructure is installed in accordance with the conditions of this Development Approval and all applicable legislation at the time of construction.

*Note: The Telecommunications Act 1997 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required. For further information visit [www.infrastructure.gov.au/tind](http://www.infrastructure.gov.au/tind).*

*Note: For telecommunication services, written evidence must be in the form of either a "Telecommunications Infrastructure Provisioning Confirmation" where such services are provided by Telstra, or a "Notice of Practical Completion", "Confirmation of Payment" or "Post Execution of Development" Letter where such services are provided by NBN Co.*

## ELECTRICITY

51. 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

## FENCING & WALLS (GENERAL)

52. 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.
53. 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.
54. 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.
55. 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.
56. The southern and eastern 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 boundary.
57. 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.
58. All costs associated with meeting the fencing requirements listed within this Development Approval must be borne by the developer.
59. 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 southern and eastern boundaries of the subject land except where reduced in height in accordance with Condition 56 of this Development Approval.

## FENCING & WALLS - INTERFACE TO PUBLIC REALM

60. Fences and walls provided adjacent to public places (streets, laneways, public walkways and public open space areas) must be constructed generally in accordance with the Approved Plans listed within this Development Approval and in particular:
  - 60.1 Unless otherwise approved and erected for the purpose of acoustic attenuation, must not exceed a maximum height of 1.2m if solid or 1.8m where any part above 1.2 m is at least 50% transparent.
  - 60.2 Maintain Safe Intersection Sight Distance (SISD) in accordance with the requirements of Austroads most recent version of its *Guide to Road Design Part 4A: Unsignalised and Signalised Intersections (AGRD04A-09)*.
  - 60.3 Where the fence has panels, palings or the like on one face and framing on the other, framing must be located on the side of the fence that faces away from the public place.

## FENCING & WALLS - PRIVATE OPEN SPACE

61. 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 (streets, laneways, public walkways and public open space areas if approved by the conditions of this Development Approval).

## STREET IDENTIFICATION

62. 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.

63. The unit number of each dwelling must be displayed on or adjacent to the entry to the unit, in such a way that they are clearly legible.

#### **LETTERBOX**

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

### **TRANSPORT, VEHICULAR ACCESS & PARKING**

#### **ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY**

65. All works carried out on or near roadways must be adequately signed in accordance with the *Manual for Uniform Traffic Control Devices – Part 3, Works on Roads*.

*Note: Road or lane closures require approval from Council's Principal Engineer Road Operations, and all conditions of that approval complied with during construction of the works.*

66. Safe pedestrian access along Council's footpaths must be maintained at all times.

*Note: Should access to footpaths need to be restricted, a separate 'Temporary road or footpath closure' must be obtained from Council's Principal Engineer Road Operations, prior to the commencement of the works.*

#### **PROVISION OF VEHICULAR ACCESS**

67. The vehicle accesses from the subject land to Norman Street and Dutton Street must be sealed from the kerb and channel to the property boundary. The access must be designed by a Registered Professional Engineer Queensland (RPEQ) – Civil and must include the provision of adequate access width and flares to suit the proposed entry and exit manoeuvres. Such works must be constructed as specifically required below:

67.1 The vehicle accesses must be located as shown on the Approved Plans listed within this Development Approval;

67.2 The vehicle access (crossing the verge) must be constructed generally in accordance with the Institute of Public Works Engineering Australasia *Drawings RS-049 Residential Driveways Plan 1 of 2 and RS-050 Residential Driveways Plan 2 of 2*, and in accordance with *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*;

67.3 The vehicle access (crossing of the verge) must align neatly on both sides with the verge with a maximum cross fall of 2.5%.

67.4 The vehicle accesses (crossing of the verge) must be located a minimum of one (1) metre clear of existing power poles, streetlights or any signage;

67.5 The relocation of all existing services must be clear of the access that will serve the subject land; and

67.6 The relevant service authorities must be contacted and their requirements complied with.

68. 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 Driveway Crossover.

#### **ON-SITE CAR PARKING**

69. The premises must be provided with a minimum of four (4) on-site car parking spaces. Car parking and manoeuvring areas must be:

69.1 Constructed generally as shown on the Approved Plans listed within this Development Approval;

69.2 Designed and constructed in accordance with the requirements of AS2890;

- 69.3 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring.

## **ENVIRONMENT & WASTE**

### **WASTE MANAGEMENT (GENERAL)**

70. All waste generated on the subject land must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

### **WASTE MANAGEMENT (BIN PROVISION & STORAGE)**

71. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
- 71.1 Provision of 1 x 240L wheelie bin for general waste and 1 x 240L wheelie bin for recyclable waste for each unit;
  - 71.2 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built structure, enclosure or solid screen fencing and located no closer than 2m to any fresh air intake of a habitable room;
  - 71.3 Wheelie bin carting routes must allow bins to be easily manoeuvred, devoid of steps and steep rises and not extend through any habitable room or other room of a building other than a garage; and
  - 71.4 Bins must be kept in a clean state and in good repair and fitted with tight-fitting lid assemblies designed to prevent ingress of pests and water.

### **WASTE MANAGEMENT (REMOVAL)**

72. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
- 72.1 Collection by a refuse vehicle from the kerbside;
  - 72.2 Provision of a level area at the kerbside for the temporary storage of wheelie bins on collection days having minimum dimensions of 1m<sup>2</sup> (1,000mm x 1,000mm) per wheelie bin; and
  - 72.3 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal.

## **LANDSCAPING**

### **LANDSCAPE PLAN**

73. The development site must be landscaped and maintained in accordance with works shown on the approved Landscape Plan listed within this Development Approval and the following:
- 73.1 Planting areas must be friable, organic topsoil, cultivated to minimum 450mm depth and be clear of any rubbish, rocks or building rubble;
  - 73.2 All planting areas and individual trees must be mulched with minimum 100mm depth organic mulch;
  - 73.3 An irrigation system or watering points must be provided to all planting areas; and
  - 73.4 Where required, root barrier devices must be installed where tree plantings are sited within 2 metres of any services and or structures. Barriers must be fit for purpose and installed in accordance with the manufacturer's specification;

## LANDSCAPING WORKS

74. Carry out the landscape work in accordance with the above endorsed detailed Landscape Plan.
75. 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. Where required, plant material should be replaced or enhanced to ensure growth to full form and coverage of all dedicated landscape areas.
76. Landscape planting is to be retained and maintained for the life of the development in accordance with the conditions of this Development Approval.
77. Certification must be submitted to Council from a suitably qualified person (Landscape Architect or Landscape Designer) that certifies landscaping works comply with the requirements 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](http://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 50m<sup>3</sup> 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 50m<sup>3</sup> or more of fill is deposited on, or 50m<sup>3</sup> 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.

## **MANDATORY RAINWATER TANKS**

- 13) 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 250m<sup>2</sup>. Dwellings on lots less than 250m<sup>2</sup> are exempt. Queensland Development Code 4.3 is applicable for any new commercial buildings (class 5 to 9). Please note that Multiple Dwellings are exempt. Further information can be found at:

<https://www.tr.qld.gov.au/environment-water-waste/water-supply-dams/water-restrictions-conservation/13320-rainwater-tanks>

## 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, A/Principal Planner  
Planning Branch

Decision Date: 12 March 2026

**BACKGROUND**

<b>SITE DETAILS</b>				
<b>Site Address</b>	4 Dutton Street, SOUTH TOOWOOMBA QLD 4350			
<b>Real Property Description</b>	Lot 1 SP225607			
<b>Site Area</b>	601m <sup>2</sup>			
<b>Owner</b>	Samuel James Marsden and Nicole Patrice Marsden			
<b>SITE CHARACTERISTICS</b>				
<b>Current Land Use</b>	Vacant urban land			
<b>Site Frontage/s</b>	36m frontage to Dutton Street 14m frontage to Norman Street			
<b>Road/s</b>	<b>Order of Road</b>	<b>Width of Road Reserve</b>	<b>Width of Pavement</b>	<b>Road Material</b>
Dutton Street	Local	15.5-23m (at corner)	7m	Asphalt
Norman Street	Local	14m	7.5m	Asphalt
<b>Easements</b>	Nil			
<b>Existing Structures</b>	Nil			
<b>Infrastructure</b>	Council water main within Dutton and Norman Streets road reserve. Water hydrant within Norman Street road reserve.  A Council sewer main runs south–north along the adjoining eastern lot, branching into the sewer main within the Dutton Street road reserve.			
<b>Topography</b>	The site falls in a south-western to north-eastern direction from 623.5m AHD to 622.5m AHD.			
<b>Street Trees</b>	Nil			
<b>Other Features</b>	Nil			
<b>PLANNING SCHEME SITE DATA</b>				
<b>Current Planning Scheme</b>	<i>Toowoomba Regional Planning Scheme 2012 (Version 28)</i>			Adopted: 28 Nov 2022
<b>Zone</b>	Low Density Residential			
<b>Precinct</b>	General Precinct			
<b>Overlays</b>	Airport Environs Overlay • 8km Wildlife Hazard Buffer Zone • Lighting Area Buffer (6 km) Neighbourhood Character Overlay • Neighbourhood Character			
<b>Infrastructure Charges Resolution</b>	<i>Charges Resolution No. 7</i>			Adopted: 19 August 2025
<b>SURROUNDS:</b>				
<b>Direction</b>	<b>Land Use</b>	<b>Zone/Precinct</b>		
<b>North</b>	Professional Offices, Dwelling Houses	Low-Medium Density Residential/Office Residential Precinct		
<b>East</b>	Dual Occupancy	Low Density Residential/ General Precinct		
<b>South</b>	Dwelling House	Low Density Residential/ General Precinct		
<b>West</b>	Dwelling House	Low-Medium Density Residential/Office Residential Precinct		
<b>Other Features</b>	The surrounding area is located within the Neighbourhood Character Overlay.			
<b>PROPOSED DEVELOPMENT</b>				
<b>Name of Applicant</b>	Nexus Urban Consultants			

<b>Type of Application</b>	Material Change of Use	
<b>Proposed Development</b>	Dual Occupancy	
<b>Variations Sought</b>	Not Applicable	
<b>Level of Assessment</b>	Impact Assessable	
<b>Gross Floor Area</b>	Unit 1: 139.9m <sup>2</sup> Unit 2: 134 m <sup>2</sup>	
<b>Impervious Area</b>	361.5m <sup>2</sup>	
<b>Site Cover</b>	60.1%	
<b>Car Parking Spaces</b>	Four (4) car parking spaces in total, being two (2) space per unit.	
<b>Submissions Received</b>	Objection:	Nil
	Support:	Nil
<b>Decision Making Period Ends</b>	17 March 2026	

## CONSULTATION UNDERTAKEN

### Referral Agency/ies

Not Applicable.

### Internal Referrals

Internal Referral Partner	Referral / Response
Development Engineering and Plumbing	Reviewed the application and provided conditions.
Water and Waste	Reviewed the application and provided conditions.
Place – Landscape	Reviewed the application and provided conditions.
Place – Heritage	Reviewed the application and raised no concerns with the proposal.
Infrastructure Charges Unit	Will prepare an Infrastructure Charges Notice in accordance <i>with Charges Resolution No.7</i> to accompany an approval of the development.

### Public Notification

The Notice of Compliance was received by Council on 10 February 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 19 January 2026;
- Placing a notice on the land from 16 January 2026 until 9 February 2026; and
- Notifying owners of all land adjoining the site on 14 January 2026.

No 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 is not development categorised by Schedule 9 or 10 and no Assessment Benchmarks are relevant.
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REGIONAL PLANS	
<i>Shaping SEQ – South East Queensland Regional Plan 2023</i>	<p>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.</p> <p>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.</p>
<i>Darling Downs Regional Plan October 2013</i>	The <i>Darling Downs Regional Plan 2013</i> (DDRP) is a statutory regional plan that is intended to provide planning policy to address planning matters that are of State interest and specific to the Darling Downs region. The subject site is located within the Restricted Area 384 of the DDRP as it is located within the SEQRP and accordingly the DDRP has no requirements.

STATE PLANNING POLICY (SPP) July 2017	
Interests	Assessment Comments
Housing Supply and Diversity	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	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
- Neighbourhood Character Overlay Code

- Low Density Residential Zone 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:

#### 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	This element is not directly relevant to the proposed development.
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.

#### OVERLAY CODE/S:

NEIGHBOURHOOD CHARACTER OVERLAY CODE	
Performance Outcome	Acceptable Outcome
<p><i>PO<sub>6</sub></i>  <i>The form, scale and design of the development are consistent with, and sympathetic to the local streetscape and character of the surrounding area, having regard to:</i></p> <p><i>(a) bulk and scale;</i>  <i>(b) height;</i>  <i>(c) setbacks, siting and landscaping;</i>  <i>(d) horizontal and vertical articulation;</i>  <i>(e) roof lines;</i>  <i>(f) building openings;</i>  <i>(g) orientation;</i>  <i>(h) materials and architectural detailing;</i>  <i>(i) eaves and awnings; and</i>  <i>(j) access and on-site parking.</i></p> <p><i>Note: See the Neighbourhood Character Assessment within Appendix 2 of Planning Scheme Policy No.1 – Development Application Requirements for further guidance.</i></p>	<p><i>No acceptable outcome is nominated.</i></p>
Alternate Outcome	
<p>The applicant submits:</p> <p><i>“Complies</i>  <i>The form, scale and design of the two dwellings are consistent with those residential elements in the vicinity (beside and behind) although some of the older buildings on the northern side of Dutton Street are considerably greater in height than proposed on the subject site.”</i></p>	

**Officer Comment**

Acknowledgement of compliancy with Performance Outcome PO<sub>6</sub>:

Dutton Street exhibits the character of a secondary or service street. With the exception of the existing Dual Occupancy on the adjoining eastern lot, no other dwellings front Dutton Street. Instead, the dwellings and offices on these lots address James Street, with Dutton Street serving primarily as access to rear yards, garages and car parking areas. This is also the case for the corner lot at Geddes and Dutton Streets. As a result, despite the presence of the Neighbourhood Character Overlay, and some properties being identified as Neighbourhood Character Places, the street does not present a clearly defined or cohesive character.

Norman Street, by contrast, has a more established residential character, comprised predominantly of single-storey timber and brick dwellings. Some houses are elevated on stumps, while others are constructed on brick foundations. The street includes a mix of housing forms, including single dwellings, dual occupancies, and multiple dwellings, many of which are slab-on-ground brick constructions. Car accommodation varies, with some garages positioned behind the building line and carports located forward of the dwelling façade. The southern adjoining property is not considered representative of the prevailing character due to its design elements and carport built to the boundary.

Given this context, the proposed Dual Occupancy is considered consistent with and sympathetic to the established character of both street frontages, with particular regard to Norman Street where a more defined residential character is present. The Unit 2 frontage to Norman Street presents as a single, single storey dwelling, which aligns with the more desirable elements of the surrounding built form. The use of weatherboard cladding further reinforces compatibility by reflecting and complementing the materials commonly found in existing dwellings along Norman Street. The dwellings that face James Street but back onto Dutton Street also share similar characteristics with the dwellings in Norman Street, and for this reason the proposed design is considered appropriate for Dutton Street as well.

The development enhances and contributes positively to the original and intended character of the area, rather than reinforcing less consistent or lower-quality built-form examples that exist in the street. While a double garage is proposed to front Norman Street, similar examples of forward car accommodation already exist in the street. In this case, the garage is set back behind the primary building line and is therefore not considered to dominate the frontage (refer to Officer Comments regarding PO<sub>12</sub> of the Medium Density Residential Code). As addressed below under PO<sub>10</sub> of the Low Density Residential Zone Code, the proposed setbacks are also consistent with the established pattern.

Council’s Principal Heritage Architect has reviewed the proposal and raised no concerns or requirements regarding the architectural form or design response.

Based on the above, the proposed development is considered to be both consistent with, and sympathetic to, the surrounding streetscape character, having regard to building bulk and scale, setbacks, landscaping, materials, access arrangements, and overall detailing.

<b>Performance Outcome</b>	<b>Acceptable Outcome</b>
<p><i>PO<sub>7</sub></i>  <i>The form, bulk, scale, roof lines, setbacks, height, orientation, materials, articulation, fenestration, finishes and detailing of the development:</i></p> <p><i>(a) where they relate to the development of premises containing or adjacent to a Neighbourhood Character Place as listed in Schedule 6 Planning scheme policies, SC6.7.2, are sympathetic to and respectful of:</i></p> <p><i>(i) the significance of the place; and</i>  <i>(ii) the contribution of the place to the Local Streetscape and heritage of the surrounding area.</i></p> <p><i>(b) where the circumstances in (a) do not apply:</i></p> <p><i>(i) are sympathetic to and respectful of the Local Streetscape; and</i>  <i>(ii) do not detract from the</i></p>	<p><i>No acceptable outcome is nominated.</i></p>

<i>appearance of retained existing buildings on the premises when viewed from a public place.</i>	
<b>Alternate Outcome</b>	
The applicant submits:  <i>“Complies with PO<sub>7</sub>”</i>	
<b>Officer Comment</b>	
Acknowledgement of compliancy with Performance Outcome PO <sub>7</sub> :  As outlined in the Officer Comment above, while there are Neighbourhood Character Places located along Dutton Street, several of these properties, including those adjacent to the subject site, present their primary frontage to James Street. As these dwellings address James Street, they do not contribute character elements to Dutton Street.  The proposed development has been designed to respond positively to the surrounding streetscape, with a particular emphasis on Norman Street, which exhibits a more defined and coherent residential character. This design approach also results in an appropriate presentation to Dutton Street, as the dwellings that face James Street but back onto Dutton Street share similar architectural and material characteristics with those found in Norman Street.  Although the Neighbourhood Character Places do not significantly influence the character of Dutton Street, the proposed development has nevertheless been designed to remain consistent with and sympathetic to the broader neighbourhood character.	
<b>Performance Outcome</b>	<b>Acceptable Outcome</b>
PO <sub>8</sub> <i>Particular consideration must be given to:</i> <i>(a) the compatibility of the character, appearance, location, height and bulk of the development with those aspects of existing premises on the site and/or in the Local Streetscape;</i> <i>(b) preventing irreversible damage to the significance, including character, of the place and the Local Streetscape;</i> <i>(c) the incorporation of materials and features, such as windows and doors, that are compatible with the style of the majority of buildings in the Local Streetscape; and</i> <i>(d) the retention of special features of the place.</i>	<i>No acceptable outcome is nominated.</i>
<b>Alternate Outcome</b>	
The applicant submits:  <i>“Complies.</i> <i>The proposed dual occupancy will not detract from the appearance, location, height, bulk of the existing premises, or from the streetscape. It will not irreversibly damage the significance or character of the premises or streetscape; especially those in James Street.”</i>	
<b>Officer Comment</b>	
Acknowledgement of Performance Outcome PO <sub>8</sub> :  As discussed in the preceding Officer Comments, the proposed development is considered compatible with the character of the local streetscape. It does not impose any irreversible impact on existing character values and incorporates design elements and materials that reflect those already present within the surrounding area.	

**LOW DENSITY RESIDENTIAL ZONE CODE:**

<b>Table 6.2.1:3</b>	
<b>Performance Outcome</b>	<b>Acceptable Outcome</b>
PO <sub>4</sub>	AO <sub>4.1</sub>

<p><i>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.</i></p>	<p><i>The number of dwellings on the site does not exceed one per 500m<sup>2</sup>.</i></p> <p><i>AO<sub>4.2</sub></i></p> <p><i>The site has a minimum frontage of 12m.</i></p>
<p><b>Alternate Outcome</b></p>	
<p>The applicant submits:</p> <p><i>"The proposal achieves a density of one dwelling per 300m<sup>2</sup> which is considered low density residential development in areas as well serviced as this locality.</i></p> <p><i>The site has a frontage to Norman Street of 19 m and a side road abutment to Dutton Street of 35.3 m."</i></p>	
<p><b>Officer Comment</b></p>	
<p>The proposed development does not comply with Acceptable Outcome AO<sub>4.1</sub>, as the number of dwellings exceeds the rate of one dwelling per 500m<sup>2</sup>. The proposal achieves a density of one dwelling per 300m<sup>2</sup>.</p> <p>Notwithstanding this, the proposed Dual Occupancy is considered consistent with the established residential scale, intensity, and density of the surrounding area, particularly noting that an existing Dual Occupancy is located on the adjoining eastern lot.</p> <p>The proposed setbacks to Dutton Street and Norman Street are consistent with the front and side setbacks of neighbouring properties to the south, including 2B Norman Street, 2 Dutton Street, and 171 Geddes Street. These comparable setbacks ensure the development remains compatible with the surrounding residential character. Properties to the north along Dutton Street do not present a frontage to Dutton Street, as they address James Street; therefore, the proposed setbacks maintain consistency with the actual streetscape context.</p> <p>Each proposed unit is single storey, aligning with the existing built form in the area. Both units are oriented to address their respective street frontages, and with each unit gaining access from a different street, the development maintains the appearance of individual dwellings from each frontage. This design approach supports the preservation of residential character and contributes positively to neighbourhood amenity.</p> <p>Given the above considerations, the proposed development is considered to achieve compliance with the relevant Performance Outcome</p>	
<p><b>Performance Outcome</b></p>	<p><b>Acceptable Outcome</b></p>
<p><i>PO<sub>8</sub></i></p> <p><i>Impervious site coverage:</i></p> <p><i>(a) ensures development maximizes on-site infiltration and minimizes the additional burden on drainage infrastructure;</i></p> <p><i>(b) reduces the visual impact of additional hardstand;</i></p> <p><i>(c) respects the existing or preferred neighbourhood character and responds to the features of the site; and</i></p> <p><i>(d) allows for the provision of an appropriate supply of landscaping and open space.</i></p>	<p><i>AO<sub>8.1</sub></i></p> <p><i>Impervious areas of the site do not exceed 60% of the site area.</i></p>
<p><b>Alternate Outcome</b></p>	
<p>The applicant submits:</p> <p><i>"Impervious area is 58.5 %, below the maximum specified of 60%."</i></p>	
<p><b>Officer Comment</b></p>	
<p>The proposed development does not comply with Acceptable Outcome AO<sub>8.1</sub> as more than 60% of the site area is impervious.</p> <p>The impervious area (361.5m<sup>2</sup>) is proposed to cover 60.15% of the site area. This exceedance can be considered as negligible and unrecognisable to the eye. As such, the impervious site coverage is considered to not place additional burden on drainage infrastructure. The development has been designed so that there is sufficient area along both street frontages for landscaping spaces that surround the driveways, paths and porches. This results in reduced visual impacts of hardstand and respects the character of the street and features of the site.</p>	

Due to the above, it is considered that the proposed development complies with the Performance Outcome.	
<b>Performance Outcome</b>	<b>Acceptable Outcome</b>
<p><i>PO<sub>10</sub></i>  <i>Side and rear building setbacks:</i></p> <ul style="list-style-type: none"> <li><i>(a) enhance the appearance and character of streets and buildings;</i></li> <li><i>(b) are appropriate to the scale of the development and the intended low density character of the zone or precinct in which the site is located;</i></li> <li><i>(c) provide for adequate daylight for habitable rooms and open space areas on and adjoining the site;</i></li> <li><i>(d) are sufficient to minimise overshadowing and overlooking of adjoining premises;</i></li> <li><i>(e) provide adequate separation and buffering between residential and non-residential premises; and</i></li> <li><i>(f) maximise opportunities for landscaping.</i></li> </ul>	<p><i>AO<sub>10.1</sub></i>  <i>Buildings are set back from a side boundary:</i></p> <ul style="list-style-type: none"> <li><i>(a) Ground Floor (up to 3.5m high) – 1.5m; and</i></li> <li><i>(b) First floor (up to 7.5m high) – 2m;</i></li> <li><i>(c) Above 7.5m – 3m; or</i></li> <li><i>(d) the distance of the height of the retaining wall on the side boundary or combination of the height of the retaining wall and a fence, whichever is greater (Figure 1). Where the retaining wall extends into the site, the setback is measured from the base or top of the retaining wall.</i></li> </ul> <p><i>AO<sub>10.2</sub></i>  <i>Buildings are set back:</i></p> <ul style="list-style-type: none"> <li><i>(a) a minimum of 3m from a rear boundary; or</i></li> <li><i>(b) the distance equivalent to of the cumulative height of the retaining wall and fence on the rear boundary (Figure 1). Where the retaining wall extends into the site, the setback is measured from the base or top of the retaining wall.</i></li> </ul>
<b>Alternate Outcome</b>	
<p>The applicant submits:</p> <p><i>“Side setback – 3.8 metres</i></p> <p><i>Rear setback- 3.0 metres</i></p> <p><i>N/A”</i></p>	
<b>Officer Comment</b>	
<p>The proposed development does not comply with Acceptable Outcome AO<sub>10.1</sub>, as the minimum 1.5m side setback is not achieved for Unit 1’s eastern side boundary setback or Unit 2’s southern side boundary setback. In addition, compliance with AO<sub>10.2</sub> is not achieved, as Unit 1’s rear setback to the southern boundary does not meet the minimum 3m requirement.</p> <p>Unit 1’s setback to the eastern boundary is approximately 1.3m; however, the encroachment relates only to the outdoor living area. All habitable room windows associated with Unit 1 are set back a minimum of 2.13m from the eastern boundary, thereby reducing any potential impacts on privacy and amenity.</p> <p>For Unit 2, the garage intrudes into the required 1.5m southern side setback. As this portion of the building is non-habitable, the reduced setback is considered minor and acceptable. Only Bedroom 3 encroaches into the required setback by approximately 0.3m. The adjoining dwelling to the south is set back 2.65m from the shared boundary, ensuring adequate separation between buildings and limiting any amenity impacts.</p> <p>Unit 1’s setback to the southern boundary functions as its rear boundary and would ordinarily require a 3m setback. However, given that Unit 2’s setback to this shared boundary has been assessed as acceptable, and considering that Unit 1 includes elements that are set back between 1.2m and 1.8m, the overall impact is considered comparable and reasonable within the site context.</p> <p>Given the above, and noting that both proposed dwellings are single storey, the reduced setbacks are appropriate to the scale of development and consistent with the intended low-density residential character. The single-storey built form ensures the development will not result in unreasonable overshadowing or overlooking of adjoining premises. Conditions of approval also require a 1.8m screen fence along shared boundaries to further protect privacy between habitable rooms and adjoining properties.</p> <p>The submitted plans also demonstrate that adequate landscaping is provided within the setback area, which will assist in softening the built form and enhancing the streetscape.</p> <p>Due to the above, it is considered that the proposed development enhances the appearance and character of the streets and buildings and therefore is considered to comply with the Performance</p>	

Outcome.

**DEVELOPMENT CODES:**

**MEDIUM DENSITY RESIDENTIAL ZONE CODE**

**Table 9.3.7:1**

<b>Performance Outcome</b>	<b>Acceptable Outcome</b>
<p><i>PO<sub>12</sub></i>  <i>Garages and carports (except those with frontage to a rear lane) do not dominate the street frontage.</i></p>	<p><i>AO<sub>12.1</sub></i>  <i>Garages and/or carports facing a street make up no more than 30% of the width of the site.</i></p> <p><i>AO<sub>12.2</sub></i>  <i>Garages and/or carports facing a street are setback a minimum of 1 metre behind the main face of the dwelling.</i></p>

**Alternate Outcome**

The applicant submits:

*“Complies  
 Complies”*

**Officer Comment**

The proposed development does not comply with Acceptable Outcome AO<sub>12.1</sub> or AO<sub>12.2</sub> as the garage for Unit 2 makes up more than 30% of the width of the site frontage to Norman Street and the garage for Unit 1 is not setback 1 metre behind the main face of the dwelling.

However, the design of both garages are integrated with the overall built form and do not visually dominate either frontage. The gabled roof form incorporates the garage into the main building mass, contributing to a cohesive and balanced appearance. This reduces the visual prominence of the garages and ensures they read as integrated elements rather than standalone projecting structures.

Unit 1’s garage is positioned along the longer Dutton Street frontage. Due to the extended frontage length, there is substantial built form addressing Dutton Street. In combination with the proposed landscaping, this ensures that Unit 1 garage does not visually dominate the streetscape.

Unit 2 presents its front door to Norman Street, with Bedroom 1 set more than 1 metre forward of the garage’s building line. The ensuite also extends further north, creating additional articulation that is clearly visible from Norman Street. These stepped building elements, together with the proposed landscaping, ensure that Unit 2’s garage does not dominate the Norman Street frontage.

Due to the above, it is considered that the proposed development complies with the Performance Outcome.

**Table 9.3.7:2**

<b>Performance Outcome</b>	<b>Acceptable Outcome</b>
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<p><b>PO<sub>9</sub></b>                  All car parking is designed to accommodate a standard car (B85 vehicle for occupant car parking and B99 vehicle for visitor car parking) and:</p> <p>(a) is clearly identifiable and of adequate dimensions;</p> <p>(b) incorporates adequate manoeuvring area to parking spaces (including carports and garages); and</p> <p>(c) incorporates a clear, safe and effective circulation system.</p>	<p><b>AO<sub>9.3</sub></b>                  Each parking space has minimum dimensions as per Table 7:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;"><b>Table 7</b></th> </tr> <tr> <th style="text-align: center;"><b>Parking Space</b></th> <th style="text-align: center;"><b>Minimum Dimensions</b></th> </tr> </thead> <tbody> <tr> <td>Single uncovered parking space (with at least 400mm clearance between either side of the parking space and the nearest wall.)</td> <td>5.4 metres long by 2.6 metres wide</td> </tr> <tr> <td>Single uncovered parking space (with less than 400mm clearance between either side of the parking space and the nearest wall.)</td> <td>5.4 metres long by 3 metres wide</td> </tr> <tr> <td>Single carport</td> <td>5.4 metres long by 3 metres wide</td> </tr> <tr> <td>Double carport</td> <td>5.4 metres long by 5.8 metres wide</td> </tr> <tr> <td>Single garage</td> <td>6.4 metres long by 3 metres wide internally</td> </tr> <tr> <td>Double garage</td> <td>6.4 metres by 6.4 metres wide internally</td> </tr> </tbody> </table>	<b>Table 7</b>		<b>Parking Space</b>	<b>Minimum Dimensions</b>	Single uncovered parking space (with at least 400mm clearance between either side of the parking space and the nearest wall.)	5.4 metres long by 2.6 metres wide	Single uncovered parking space (with less than 400mm clearance between either side of the parking space and the nearest wall.)	5.4 metres long by 3 metres wide	Single carport	5.4 metres long by 3 metres wide	Double carport	5.4 metres long by 5.8 metres wide	Single garage	6.4 metres long by 3 metres wide internally	Double garage	6.4 metres by 6.4 metres wide internally
<b>Table 7</b>																	
<b>Parking Space</b>	<b>Minimum Dimensions</b>																
Single uncovered parking space (with at least 400mm clearance between either side of the parking space and the nearest wall.)	5.4 metres long by 2.6 metres wide																
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Single carport	5.4 metres long by 3 metres wide																
Double carport	5.4 metres long by 5.8 metres wide																
Single garage	6.4 metres long by 3 metres wide internally																
Double garage	6.4 metres by 6.4 metres wide internally																

**Alternate Outcome**

The applicant provided no comment.

**Officer Comment**

The proposed development does not comply with Acceptable Outcome AO<sub>9.3</sub> as the internal spaces for the units do not meet the minimum 6.4m x 6.4m requirement.

The proposed garages measure 5.8m x 5.8m.

To support the application, vehicle manoeuvring diagrams have been provided demonstrating that each garage can accommodate two (2) standard B85 vehicles and that the development includes adequate manoeuvring areas.

Council's assessing Engineer has reviewed the submitted diagrams and raised no concerns.

As such, it is considered that the proposed development complies with Performance Outcome PO<sub>9</sub>.

**TRANSPORT, ACCESS AND PARKING CODE**

**Table 9.4.6:1**

<b>Performance Outcome</b>	<b>Acceptable Outcome</b>
<p><b>PO<sub>1</sub></b>                  Vehicular access arrangements, including driveway crossovers:</p> <p>(a) are appropriate for:</p> <p style="margin-left: 20px;">(i) the capacity of the parking area;</p> <p style="margin-left: 20px;">(ii) the volume, frequency and type of vehicle useage; and</p> <p style="margin-left: 20px;">(iii) the function and configuration of the access road;</p> <p>(b) minimise any potentially adverse impact on:</p> <p style="margin-left: 20px;">(i) the safety and efficiency of the</p>	<p><b>AO<sub>1.1</sub></b>                  Vehicular access and driveway crossovers are not:</p> <p>(a) an additional site/property access;</p> <p>(b) to a State-controlled Road or a road with bluestone kerbing;</p> <p>(c) within 25 m of a signalised road intersection;</p> <p>(d) within 20m of an unsignalised road intersection in a Commercial or Industrial Area;</p> <p>(e) within 10m of an unsignalised road intersection in a Community, Residential, Rural or Other Area;</p> <p>(f) within 1m of any infrastructure, including street signage, power poles, street lights, manholes,</p>

<p>road and pedestrian/cycle paths;</p> <p>(ii) the safety and efficiency of the road and footpath users;</p> <p>(iii) the integrity of any infrastructure within the road reserve; and</p> <p>(iv) the safety of access to adjacent properties.</p> <p>(c) protect the amenity of premises in the vicinity by:</p> <p>(i) maintaining the predominant vehicular access pattern in the street, including consistent width, grade and location;</p> <p>(ii) preserving the residential amenity of the streetscape, including noise and visual impact, and consideration of existing landscaping by considering:</p> <p>(A) use of materials which integrate with the streetscape (e.g. existing crossovers and driveways, etc);</p> <p>(B) minimising the width and grade of the access;</p> <p>(C) minimising impacts on the appearance of the streetscape by retaining existing vegetation, including approved landscaping; and</p> <p>(D) locating the access to minimise the impact of vehicle noise on neighbouring/adjoining properties.</p>	<p>stormwater gully pits, or other Council/public utility asset;</p> <p>(g) within the Tree Protection Zone, as defined by Australian Standard 4970-2009;</p> <p>(h) for a lot with a frontage of 10m or less;</p> <p>(i) greater than 4m in width when for a lot with a frontage / width of more than 10m but less than 20m; and</p> <p>(j) greater than 6m in width when for a lot with a frontage / width of greater than 20m.</p> <p>Note: An additional site access is considered to be more than one site access.</p>
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**Alternate Outcome**

The applicant submits:

*“Complies  
Complies”*

**Officer Comment**

The proposed development does not comply with Acceptable Outcome AO1.1(a), as it includes two separate vehicle access points.

However, individual vehicle access for each dwelling is considered appropriate given the nature of the development comprising two dwelling units, each with provision for two car parking spaces. Unit 1 fronts Dutton Street, while Unit 2 fronts Norman Street. Accordingly, separate access from each road, positioned at a suitable distance from the Dutton and Norman Street’s bend, is considered appropriate for the intended use and the configuration of the surrounding road network.

Both access points are adequately separated and incorporate landscaping areas, ensuring no adverse impacts on road safety, pedestrian movement, or the amenity of adjacent properties. The proposed access locations also maintain appropriate clearances from power poles within the road reserve.

This access arrangement reflects the prevailing pattern in the surrounding area, where separate driveways for individual dwellings are common. By accessing each unit from a different street, the development maintains the appearance of single dwellings from each frontage, thereby preserving residential character and amenity.

The proposed access points are not expected to negatively impact adjoining properties.

Due to the above, it is considered that the proposed development complies with the Performance Outcome.

**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 site is located within Council's identified Priority Infrastructure Area. No future priority infrastructure is mapped on the subject site under Council's LGIP mapping or schedule of works.

**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	7	Aerial Imagery
Attachment	2	of	7	Zoning Map
Attachment	3	of	7	Overlay Map
Attachment	4	of	7	Proposed Site Plan
Attachment	5	of	7	Proposed Floor Plan
Attachment	6	of	7	Proposed Elevations (North and East)
Attachment	7	of	7	Proposed Elevations (South and West)

**SCHEDULES**

Schedule 1 Statement of Reasons





Attachment 2 of 7 Zoning Map



Attachment 3 of 7 Overlay Map

**Real Property Description**

Lot 1 SP 225607  
 Toowoomba Regional Council  
 Parish of Drayton  
 County of Aubigny  
 TOTAL SITE AREA - 601m<sup>2</sup>



**Notes!**

Site Area - 601m<sup>2</sup>

**Unit Footprint Area:** 300.5m<sup>2</sup>  
 (Incl. Garages, O/Living & Porches)  
**Site Coverage:** 50% (50% Max.)  
 (Incl. Garages, O/Living & Porches)

**Impervious Area:** 361.5m<sup>2</sup>  
 (Incl. Building Footprint, Paths, Driveways & O/Living)  
**Site Coverage:** 60.1% (70% Max.)  
 (Incl. Building Footprint, Paths, Driveways & O/Living)

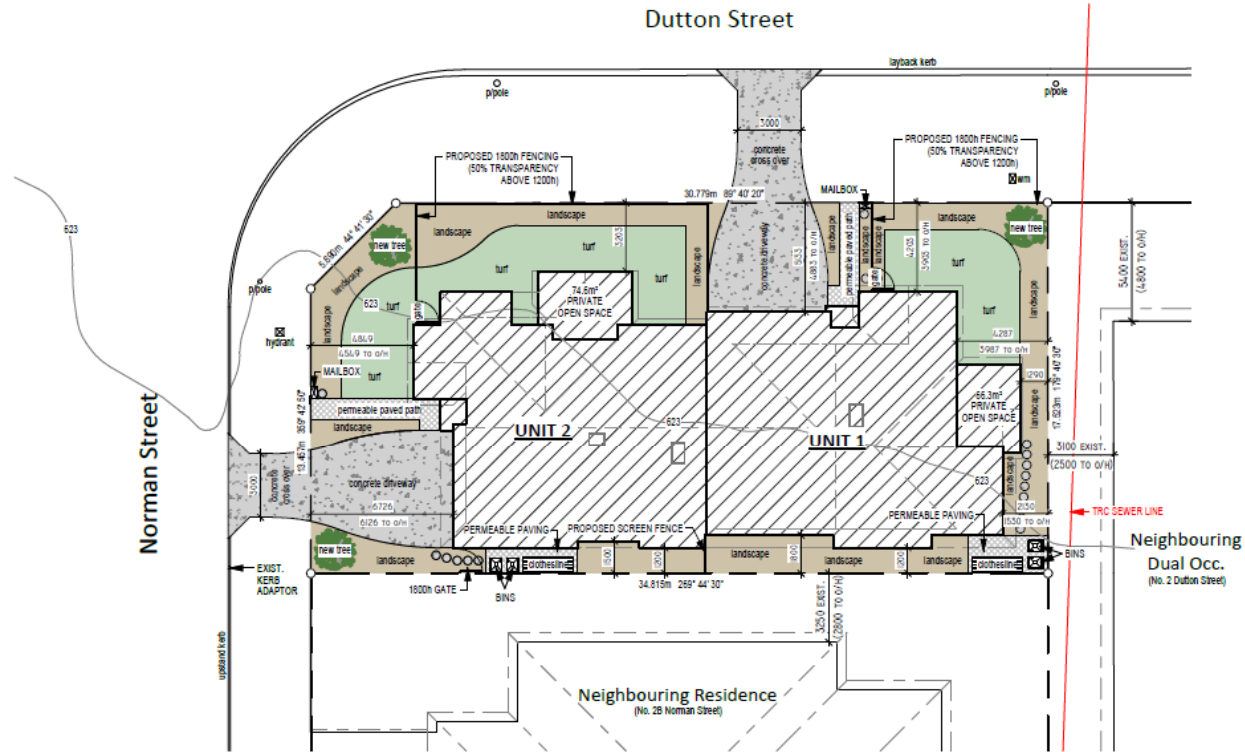
**Landscape Area:** 239.5m<sup>2</sup>  
**Site Coverage:** 39.9% (15% Min.)  
 (=80% of Front Setback)

**Private Open Space:** 66.3m<sup>2</sup> Unit 1  
 74.6m<sup>2</sup> Unit 2  
 (16m<sup>2</sup> Min. Required/Unit, 4m Min. Width)

**Carparking:** - 2 Covered Spaces Per Unit  
 - 4 Total Provided

**Colour Plan Note!**

This Plan Includes Colour Lines, Halftones, and Shading and **MUST** be Printed in Full Colour.



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**Site Plan**

CLIENT	PROJECT	ADDRESS	PROJECT No.	REVISION	DATE	BY
Samuel & Nicole Marsden	Proposed Dual Occupancy	4 Dutton Street, South Toowoomba	250401.01	7	19/11/2025	S.R.B
DRAWING TITLE	SCALE	DRAWN	DESIGNED	CHECKED	REVISION DESCRIPTION	
Site Plan	1 : 200 @ A3	S.R. Bonell	S.I. Keane	S. I. Keane	Issue for Comment	



**Unit 1 Floor Area**

Living Area	139.3m <sup>2</sup>
Outdoor Area	12.2m <sup>2</sup>
Porch Area	1.4m <sup>2</sup>
<b>Total Floor Area</b>	<b>153.3m<sup>2</sup></b>

**Unit 2 Floor Area**

Living Area	134m <sup>2</sup>
Outdoor Area	12.2m <sup>2</sup>
Porch Area	1.2m <sup>2</sup>
<b>Total Floor Area</b>	<b>147.2m<sup>2</sup></b>

**Legend**

- Denotes Location of Exhaust Fan(s) to be Discharged to Outside Air in Accordance with Clause 3.8.8. of the NCC - to be Confirmed on Site
- Denotes Location of Ceiling Fan(s), 1200mm Ø Min. Internally 900mm Ø Min. Externally - to be Confirmed on Site
- Denotes Location of Electrical Distribution Board(s) - to be Confirmed on Site
- Denotes Location of Gas Hot Water System(s) - to be Confirmed Prior to Construction
- Denotes Location of Towel Rack(s) - to be Confirmed on Site
- Denotes Location of Towel Rail Holder(s) - to be Confirmed on Site

**Wall Legend**

- 240mm Sinalt Shattler Fire Rated Wall System:
  - 70mm Timber Stud
  - 25mm Cavity
  - 50mm Sinalt Shattler Fire Wall Panel
  - 25mm Cavity
  - 70mm Timber Stud
 Refer to Manufacturers Details
- 70mm Timber Frame:
  - 70mm Timber Stud
- 50mm Timber Frame:
  - 50mm Timber Stud

*Note!*  
Wall Sheeting Not Shown on Plans

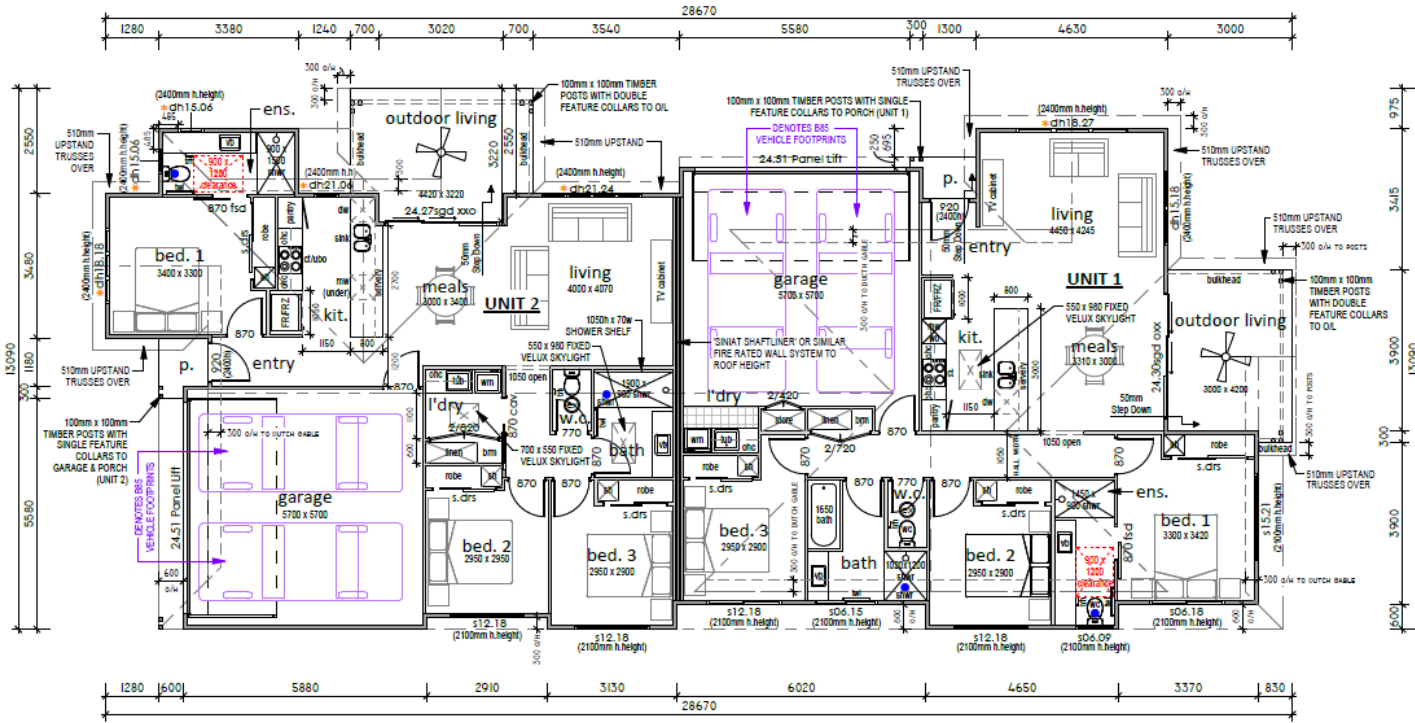
**Wet Area Notes!**

Waterproofing to Part H4D2 of the NCC 2022.

- Floor Waste to be Installed to Bathroom Floor is to be Graded Between 1:80 to 1:100 to the Waste.
- Provide Flood Stop Safety Valves to All Flexible Hose Assemblies & All Vessels to Have In-built Overflow Protection for Ensuite.
- Falls, Step Downs, Material Penetrations & Drainage to Wet Areas to Either AS3740-21 & Clause 10.2.12 of the ABCS Housing Provisions, or Part 10.2.7 to 10.2.32 of the ABCS Housing Provisions.

**Livable Housing Design Note!**

- Denotes Sanitary Compartment to Comply with Part 4 & Part 6 of the ABCS Standard for Livable Housing Design.
- Denotes Shower to Comply with Part 5 & Part 6 of the ABCS Standard for Livable Housing Design.



**Note!**

Denotes Windows with Glazing Treatments - Refer to Elevations for Style and Location.

**Colour Plan Note!**

This Plan Includes Colour Lines, Hatches, and Shading and **MUST** be Printed in Full Colour.

**Firewall Note!**

Under No Circumstances Shall any Penetrations be Made to the Firewalls Either During or After Construction

**Slip-Resistance Note!**

Slip-Resistance Treatments to all Stair Treads, Ramps, & Landings are to Comply with Clause 3.5.1.4 of the NCC

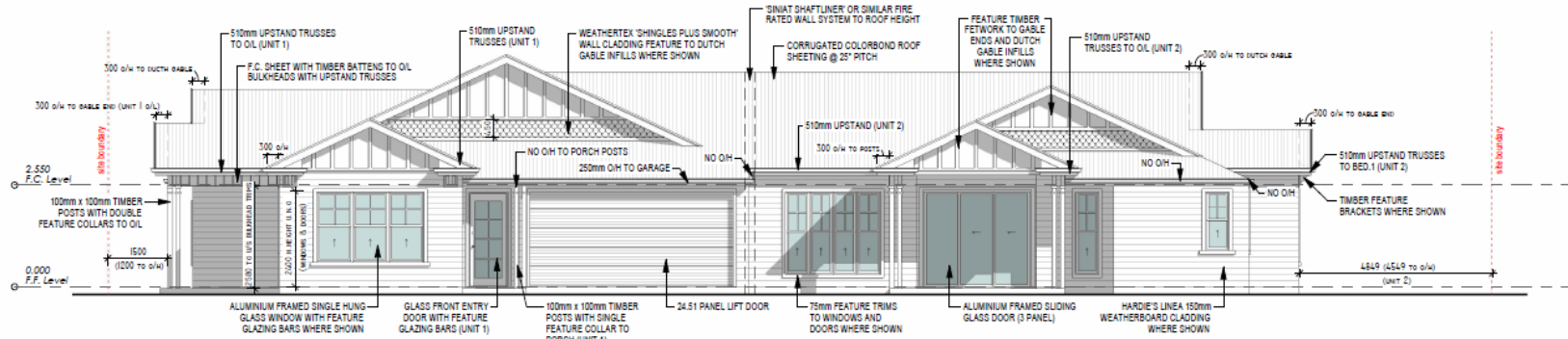
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**Floor Plan**

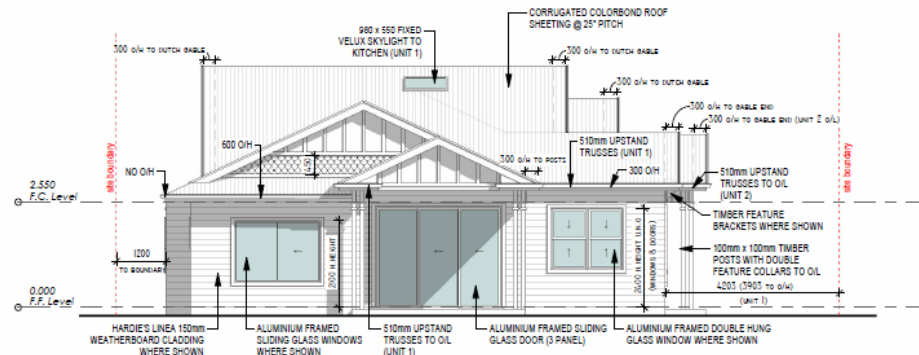


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CLIENT <b>Samuel &amp; Nicole Marsden</b>	PROJ. TITL <b>Proposed Dual Occupancy</b>	ADDRESS <b>4 Dutton Street, South Toowoomba</b>	PROJECT NO. <b>250401_03</b>	REVISION <b>7</b>	DATE <b>19/11/2025</b>	BY <b>S.R.B</b>
DRAWING TITLE <b>Floor Plan</b>	SCALE <b>1 : 100 @ A3</b>	DRAWN <b>S.R.Bonell</b>	DESIGNED <b>S.I.Keane</b>	CHECKED <b>S. I. Keane</b>	REVISION DESCRIPTION <b>Issue for Comment</b>	



North (Front) U1 & U2 Elevation - Dutton Street



East Elevation

**Colour Plan Note!**

This Plan Includes Colour Lines, Hatches, and Shading and **MUST** be Printed in Full Colour.

**Firewall Note!**

Under No Circumstances Shall any Penetrations be Made to the Firewalls Either During or After Construction

**Slip-Resistance Note!**

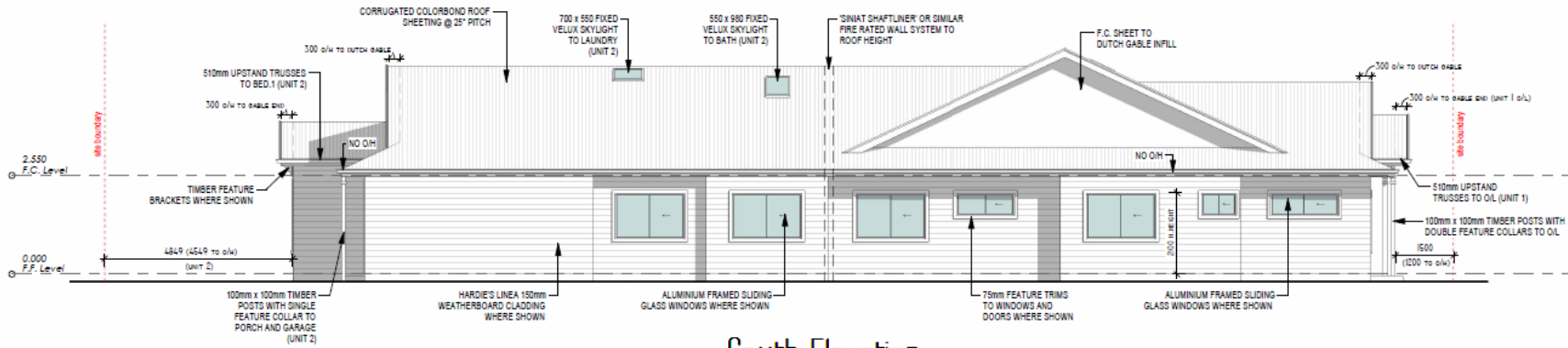
Slip-Resistance Treatments to all Stair Treads, Ramps, & Landings are to Comply with Clause 3.5.1.4 of the NCC

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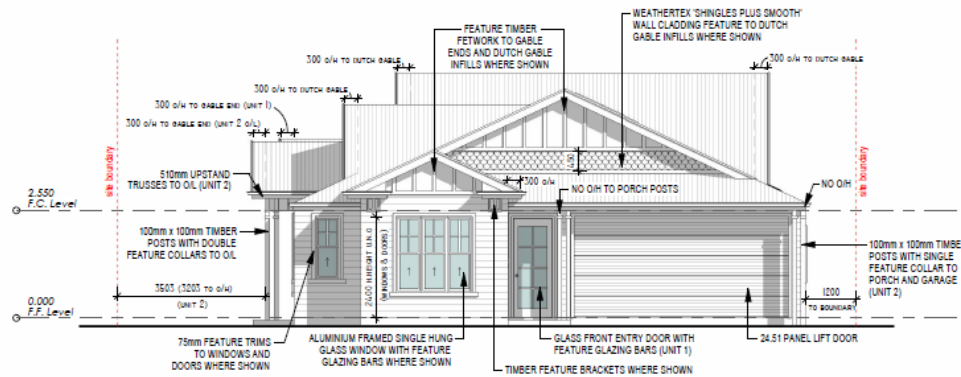


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CLIENT	PROJ.ECT	ADDRESS	PROJECT No.	REVISION	DATE	BY
Samuel & Nicole Marsden	Proposed Dual Occupancy	4 Dutton Street, South Toowoomba	250401_04	7	19/11/2025	S.R.B
DRAWING TITLE	SCALE	DRAWN	DESIGNED	CHECKED	REVISION DESCRIPTION	
Elevations	1 : 100 @ A3	S.R.Bonell	S.I.Keane	S. I. Keane	Issue for Comment	



South Elevation



West (Front) U2 Elevation - Norman Street

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**Colour Plan Note!**  
This Plan Includes Colour Lines, Hatches, and Shading and **MUST** be Printed in Full Colour.

**Firewall Note!**  
Under No Circumstances Shall any Penetrations be Made to the Firewalls Either During or After Construction

**Slip-Resistance Note!**  
Slip-Resistance Treatments to all Stair Treads, Ramps, & Landings are to Comply with Clause 3.5.1.4 of the NCC

CLIENT	PROJECT	ADDRESS	PROJECT No	REVISION	DATE	BY
Samuel & Nicole Marsden	Proposed Dual Occupancy	4 Dutton Street, South Toowoomba	250401 .05	7	19/11/2025	S.R.B
DRAWING TITLE	SCALE	DRAWN	DESIGNED	CHECKED	REVISION DESCRIPTION	
Elevations	1 : 100 @ A3	S.R.Bonell	S.I.Keane	S. I. Keane	Issue for Comment	

**SCHEDULE 1**

**Statement of Reasons**

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

SITE DETAILS	
<b>Site Address</b>	4 Dutton Street, SOUTH TOOWOOMBA QLD 4350
<b>Real Property Description</b>	Lot 1 SP225607
<b>Site Area</b>	601m <sup>2</sup>
<b>Owner</b>	Samuel James Marsden and Nicole Patrice Marsden

PROPOSED DEVELOPMENT	
<b>Name of Applicant</b>	Nexus Urban Consultants
<b>Type of Application</b>	Material Change of Use
<b>Proposed Development</b>	Dual Occupancy
<b>Level of Assessment</b>	Impact Assessable
<b>Gross Floor Area</b>	Unit 1: 139.9m <sup>2</sup> Unit 2: 134 m <sup>2</sup>
<b>Impervious Area</b>	361.5m <sup>2</sup>
<b>Site Cover</b>	60.1%
<b>Car Parking Spaces</b>	Four (4) car parking spaces in total, being two (2) space per unit, comprising a double garage.
<b>Submissions Received</b>	Objection: Nil
	Support: Nil
<b>Decision</b>	Approval
<b>Decision Date</b>	12 March 2026

ASSESSMENT MATTERS	
<b>Assessment benchmarks</b>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Schedules 9 and 10 of the <i>Planning Regulation 2017</i> (as relevant);</li> <li>• <i>State Planning Policy July 2017</i> (as relevant);</li> <li>• South-east Queensland Regional Plan ShapingSEQ 2023/Darling Downs Regional Plan (as relevant);</li> <li>• The Local Government Infrastructure Plan; and</li> <li>• <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28) <ul style="list-style-type: none"> <li>○ Strategic Framework</li> <li>○ Airport Environs Overlay Code</li> <li>○ Neighbourhood Character Overlay Code</li> <li>○ Low Density Residential Zone Code</li> <li>○ Medium Density Residential Code</li> <li>○ Environmental Standards Code</li> <li>○ Integrated Water Cycle Management Code</li> <li>○ Landscaping Code</li> <li>○ Transport, Access and Parking Code</li> <li>○ Works and Services Code</li> </ul> </li> </ul>
<b>Relevant matters</b>	No further relevant matters considered in the assessment of this application.
<b>Reasons for decision</b>	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: [MCUI/2025/7862](#)