

REPORT TITLE	Material Change of Use - Impact - Multiple Dwelling 3x3 Bedroom Units located at 4 Wonderley Street, MOUNT LOFTY QLD 4350
AUTHOR	Planning Officer (James Collie)
Application No.	MCUI/2024/291

**PURPOSE OF REPORT**

To consider a Development Application for Material Change of Use - Impact - Multiple Dwelling 3x3 Bedroom Units located at 4 Wonderley Street, MOUNT LOFTY QLD 4350.

**EXECUTIVE SUMMARY**

The report considers a Development Application for a Material Change of Use for a Multiple Dwelling (Three (3) x Three (3) bedroom units) at 4 Wonderley Street, Mount Lofty, otherwise known as Lot 14 RP17782. The site is 1012m<sup>2</sup> in area and is currently improved by a Dwelling House.

The proposal seeks to establish a Multiple Dwelling on the site, comprising of three (3) x three (3) bedroom detached units. The existing Dwelling House will be removed to facilitate the new development. One (1) of the units (Unit 1) will be single storey and situated closest to the road frontage with Units 2 and 3 being double storey and to the rear of Unit 1. The dwellings will each have a double garage with a total of six (6) resident parking spaces to service the development. All dwellings will take pedestrian and vehicular access via its sole road frontage at Wonderley Street with an upgraded driveway crossover in the southern part of the site where the existing driveway crossover is situated.

The site is in the Low Density Residential Zone (General Precinct) under the *Toowoomba Regional Planning Scheme 2012 (Version 28)* (the Planning Scheme). The site is also in the Airport Environs Overlay (8km Wildlife Hazard Buffer Zone, Lightning Area Buffer (6km)). Given the nature of the proposal, it is considered that the proposed development will not have any adverse impact on the operation of the Toowoomba Airport.

Under the Planning Scheme, the proposed Material Change of Use is subject to Impact Assessment.

Two (2) properly made submissions were received in relation to the proposed development during the Public Notification Period. These submissions opposed the development citing privacy and amenity concerns, loss of green space and increased risk of traffic incidents at the Wonderley and Bridge Street intersection. Given the residential nature of the use, it is considered that the development will not adversely affect the existing road network. Privacy and amenity concerns and green space concerns can be mitigated through relevant and reasonable conditions.

The proposed development has been assessed against and with regard to the applicable assessment matters as identified in this report and the attached Statement of Reasons (refer to Schedule 1). The proposal is considered to comply with the relevant Planning Scheme provisions or to the extent of non-compliance is considered capable of being conditioned to comply. Therefore, the development application is recommended for approval subject to relevant and reasonable conditions.

**RECOMMENDATION**

**APPROVED** – Application No. MCUI/2024/291 for a Development Permit for Material Change of Use – Impact – Multiple Dwelling 3x3 Bedroom Units, 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 a Multiple Dwelling (Three (3) x Three (3) bedroom units).

**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:** 23.003, issue WD 1

**Description:** Site Plan, sheet 1 of 7 prepared by Big House Little House and dated 18 December 2023

**Amendments:** Nil

**Plan No:** 23.003, issue WD 1

**Description:** Ground Floor Plan, sheet 2 of 7 prepared by Big House Little House and dated 18 December 2023

**Amendments:** Nil

**Plan No:** 23.003, issue WD 1

**Description:** First Floor Plan, sheet 3 of 7 prepared by Big House Little House and dated 18 December 2023

**Amendments:** Nil

**Plan No:** 23.003, issue WD 1

**Description:** South Elevation, sheet 4 of 7 prepared by Big House Little House and dated 18 December 2023

**Amendments:** Nil

**Plan No:** 23.003, issue WD 1

**Description:** North Elevation, sheet 5 of 7 prepared by Big House Little House and dated 18 December 2023

**Amendments:** Nil

**Plan No:** 23.003, issue WD 1

**Description:** East Elevation, sheet 6 of 7 prepared by Big House Little House and dated 18 December 2023

**Amendments:** Nil

**Plan No:** 23.003, issue WD 1

**Description:** West Elevation, sheet 7 of 7 prepared by Big House Little House and dated 18 December 2023

**Amendments:** Nil

**Plan No:** LP-001, issue A

**Description:** Landscape Plan prepared by Super Natural Landscapes and dated 7 February 2024

**Amendments:** Nil

**Plan No:** LP-001, issue A

**Description:** Plant Schedule prepared by Super Natural Landscapes and dated 7 February 2024  
**Amendments:** Nil

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

7. Prepare and submit applications to Council and obtain a Development Permit for Operational Work for the following:
  - 7.1 Stormwater Infrastructure;
  - 7.2 Driveway Crossover; and
  - 7.3 Earthworks.

### **COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS (FOR ENDORSEMENT)**

8. Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:
  - 8.1 Arborist's Report.

### **AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS**

9. 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**

10. Plans and specifications for all works associated with vehicular access, stormwater, earthworks, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
11. A RPEQ must submit to Council a copy of the:
  - 11.1 Design Certificate prior to commencement of the works; and
  - 11.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
12. 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.
13. 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**

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 any external stormwater infrastructure. The design and the construction of the works must be certified by a RPEQ – Civil.
16. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.

### **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.*

*Note: Council will not take or purchase land in accordance with section 263 of the Planning Act 2016 in order to allow the construction of drainage infrastructure on adjoining land to facilitate the development.*

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 frontage 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 assessable 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.

## **AIR QUALITY IMPACT MITIGATION**

21. 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.
22. 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:
  - 22.1 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**

23. 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*.
24. 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*.
25. Fires are not to be lit to dispose of demolition or construction waste.
26. 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:
  - 26.1 Elsewhere within this Development Approval;
  - 26.2 In accordance with an associated Development Permit for Operational Work;
  - 26.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;

- 26.4 In accordance with either a general or specific approval of a resource for beneficial use (otherwise known as a beneficial use approval) issued under the *Waste Reduction and Recycling Act 2011*; or
- 26.5 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.
27. Demolition, excavation and construction waste (including night soil) must not be placed or stored within the road reserve at any time.

### **EROSION & SEDIMENT CONTROL**

28. 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.
29. 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.
30. 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.
31. All disturbed areas must be mulched or turfed as soon as possible during construction.

### **DAMAGE TO SERVICES & ASSETS**

32. Protect Council and public utility services and assets during construction of the development.
33. 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:
- 33.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
- 33.2 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.
34. 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.
35. Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with Council's relevant policies and requirements at no cost to Council.

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

## **SERVICES & UTILITIES**

### **BUILDING OVER OR NEAR COUNCIL SERVICES & ASSETS**

36. Any construction carried out near, or over existing Council services must be in accordance with the *Queensland Development Code QDC MP1.4 - Building Over or Near Relevant Infrastructure*, be carried out at no cost to Council and in accordance with the following requirements:
- 36.1 Any Council wastewater infrastructure that passes through the subject land must be relined following removal of any existing structures, but prior to the commencement of any new building works on the subject land.

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

- 36.2 All drainage connection points must be located or relocated a minimum distance of one metre (1.0m) clear of the proposed structure(s);
- 36.3 Any works on Council's existing 'live' wastewater infrastructure must be carried out by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.
- 36.4 Council wastewater and any inter-allotment stormwater drainage is to be located accurately prior to the commencement of building works and all piers or foundations for all new structures positioned in accordance with the *Queensland Development Code QDC MP1.4 - Building Over or Near Relevant Infrastructure*;
- 36.5 Where it is proposed to build over or near an existing Council infrastructure, structural protection must be provided in accordance with relevant Council Policies and a design certified by a Registered Professional Engineer of Queensland (RPEQ) must be submitted to and be approved by Council prior to commencement of the works.
- 36.6 Any alterations or adjustments required to wastewater or stormwater maintenance holes to comply with the finished levels for the development must be carried out by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council; and
- 36.7 A minimum of 900mm of cover is to be maintained to the top of the Council's wastewater upon completion of the development.

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

37. The development must be connected to Council's existing wastewater reticulation system at no cost to Council.

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

38. 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.
39. Any connection to or modification of Council's live wastewater infrastructure must be undertaken by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.

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

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

40. All wastewater house drainage connection points located in driveways will require the vertical shaft to be capped with a heavy duty, trafficable system finished flush with the finished surface level of the driveway.
41. Structural protection for Council's wastewater infrastructure and clearance around maintenance holes must be incorporated for all designs in accordance with *the Queensland Development Code, Mandatory Policy 1.4 - Building Over or Near Relevant Infrastructure*.

*Note: A Development Application for a Development Permit for Building Work will require referral to Council as a Concurrence Agency under the Planning Regulation 2017. RPEQ certified design plans for the structural protection for the wastewater system must be submitted to Council for approval as part of a Building Over or Near Water/Sewer/Stormwater Services application prior to the commencement of works for the development.*

42. If the development cannot be compliantly drained to the existing wastewater connection point but can be drained to the existing wastewater system, a new connection point must be installed. The

new location must be as determined and agreed by Council's Coordinator Plumbing and Drainage and Council's Coordinator Water and Sewer Maintenance.

## **WATER SUPPLY**

43. 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.*

44. All water main fittings, services and meters must be located 1m clear of the proposed driveway crossover. Any relocation of fittings clear of driveways must be undertaken by Council.
45. Any works on Council's 'live' water supply must be carried out by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.
46. Each individual 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**

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

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

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

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

48. 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.

49. 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**

50. 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**

### **PROTECTION OF PRIVACY**

51. Ensure privacy is protected by obscuring direct views into the habitable room windows or private open space areas of nearby accommodation activities. The upper level windows located on the northern building faces of Units 1, 2 and 3 and the eastern building face of Unit 3 must either:

- 51.1 Have a minimum window sill height of 1.5 metres above floor level; or
  - 51.2 Be fitted with translucent glazing below 1.5 metres above floor level; or
  - 51.3 Be fitted with a fixed external privacy screen of no more than 50 % transparency.
52. Any clothes drying facilities must not be visible from the street or other public viewing locations.

### **FENCING & WALLS (GENERAL)**

- 53. 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.
- 54. 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.
- 55. 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.
- 56. 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.
- 57. Side boundary fences must taper on an angle from the front building line of Unit 1 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.
- 58. 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.
- 59. All costs associated with meeting the fencing requirements listed within this Development Approval must be borne by the developer.
- 60. Unless there is an existing fence which meets this requirement, 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 northern, eastern and southern boundaries of the subject land except where the fence tapers in accordance with Condition 56.

### **FENCING & WALLS - INTERFACE TO PUBLIC REALM**

- 61. 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.

### **FENCING & WALLS - PRIVATE OPEN SPACE**

- 62. 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**

- 63. 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.
- 64. 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**

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

### **SATELLITE DISHES**

66. A maximum of one (1) satellite dish per dwelling may be provided on the subject land. The diameter of any satellite dish must not exceed one (1) metre.

*Note: The installation of a satellite dish with a diameter greater than 900mm is assessable development under the Building Regulation 2021 and requires an approval from a private building certifier.*

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

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

67. 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.*

68. 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**

69. The vehicle access from the subject land to Wonderley 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:

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

69.2 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)*;

69.3 The vehicle access (crossing of the verge) must align neatly on both sides with the pedestrian footpath and verge with a maximum cross fall of 2.5%;

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

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

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

70. 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 vehicle access. The design and the construction of the works must be certified by a RPEQ – Civil.

### **ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING**

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

- 71.1 Constructed generally as shown on the Approved Plans listed within this Development Approval;
- 71.2 Provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in the *Toowoomba Regional Planning Scheme 2012 and Australian Standard AS2890 - Parking Facilities*;
- 71.3 Designed and constructed in accordance with the requirements of AS2890;
- 71.4 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring;
- 71.5 Designed to enable all vehicles to enter and leave the subject land in a forward gear; and
- 71.6 Designed to enable all vehicles to enter and leave the subject land in a forward gear.

## ENVIRONMENT & WASTE

### ACOUSTIC AMENITY - GENERAL

- 72. Drainage grating over trafficable areas must be well secured and maintained to prevent rattling.
- 73. Driveway areas are to be finished with a surface which prevent tyre squeal. An uncoated surface is acceptable.

### OUTDOOR LIGHTING IMPACT MITIGATION

- 74. Outdoor lighting associated with the common areas of the site must be designed, sited, and installed to comply with the relevant parameters of *Australian Standard AS4282-2019 Control of the obtrusive effects of outdoor lighting*.
- 75. All flood lighting associated with the common areas of the site must be of a type that gives no upward component of light when mounted horizontally (i.e. a full cut off luminaire).
- 76. Where considered warranted by Council and when requested in writing to do so, a lighting impact investigation must be undertaken to investigate a complaint of light nuisance. In such circumstances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the lighting levels listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

### WASTE MANAGEMENT (BIN PROVISION & STORAGE)

- 77. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
  - 77.1 Provision of 1 x 240L wheelie bin for general waste and 1 x 240L wheelie bin for recyclable waste for each dwelling.
  - 77.2 Provision of a hardstand impervious area within the curtilage of each dwelling for the permanent storage location of wheelie bins, having minimum dimensions of 0.36m<sup>2</sup> (600mm x 600mm) per wheelie bin and located no closer than 2m to any fresh air intake of a habitable room;
  - 77.3 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built structure, enclosure or solid screen fencing;
  - 77.4 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
  - 77.5 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)

78. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
- 78.1 Collection by a refuse vehicle from the kerbside.
  - 78.2 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;
  - 78.3 General waste must be collected and removed at periods not exceeding seven days;
  - 78.4 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal; and
  - 78.5 The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.

## LANDSCAPING AND TREE PROTECTION

### PROTECTION OF PRIVATE TREES

79. Prior to obtaining a development approval for Operational Work or Building Work for new structures (whichever occurs first), submit to Council for endorsement, and have endorsed, an Arborist's Report prepared by a suitably qualified person that, at minimum, includes the following for trees entirely or partly on adjoining private land:
- 79.1 Development Site address;
  - 79.2 Site address/es of adjoining site/s;
  - 79.3 Tree location/s of all trees (entirely or partly on adjoining private land) which may be adversely affected by development works;
  - 79.4 Inspection methodology (e.g. aerial inspection, visual tree assessment, other);
  - 79.5 Tree species, height, crown spread and trunk diameter;
  - 79.6 Tree health and structural condition;
  - 79.7 Details of the construction activities and their likely impact;
  - 79.8 Tree protection measures to ensure the health of tree/s to be retained; and
  - 79.9 Identification of trees (entirely or partly on adjoining private land) unable to be safely retained.
- Note: An application for Building Work being only for demolition may be obtained before complying with this condition.*
80. All works must be carried out in accordance with the Approved Arborist's Report listed within this Development Approval.

### PROTECTION OF STREET TREES

81. Street trees affected by works within the 'Precautionary Area', must be protected for the duration of construction. All works must be carried out in accordance with the relevant standards in *Planning Scheme Policy No.8 - Street Trees* and must include in particular:
- 81.1 Establishment of a work exclusion area around the street tree to be retained prior to commencement of construction to avoid damage and soil compaction from plant and machinery;

- 81.2 Provision of one weeks' notice to Council of any excavation works affecting the 'Precautionary Area' of a street tree so that a Council Arborist may be present during excavation works;
- 81.3 During excavation works, where roots greater than 50mm diameter are uncovered that need to be severed, obtaining approval from a Council Arborist to sever the root, and if granted, to do so with a cutting device and not a ripping device; and
- 81.4 Maintenance of street tree protection until works are completed or accepted on-maintenance.

## LANDSCAPE PLAN

- 82. The development site must be landscaped and maintained in accordance with works shown on the approved Landscape Plan listed within this Development Approval with the following specific requirements:
  - 82.1 All trees must be supplied in the following minimum container sizes:
    - (a) 25 litre (minimum size 1.2m) for trees in private land; and
    - (b) 45 litre (minimum size 1.5m) or larger containers for trees in public land, including street trees;
  - 82.2 Root barrier devices must be installed where tree plantings are sited within two (2) metres of any services and or structures unless varied within the approved Landscape Plan. Barriers must be fit for purpose and installed in accordance with the manufacturer's specification;
  - 82.3 All other plant material must be supplied in 140mm or larger containers;
  - 82.4 Planting areas must be a friable, organic topsoil, cultivated to minimum 450mm depth and be clear of any rubbish, rocks or building rubble;
  - 82.5 All planting areas and individual trees must be mulched with minimum 100mm depth organic mulch;
  - 82.6 An irrigation system or watering points must be provided to all planting areas; and
  - 82.7 Sight lines at pedestrian and vehicle entrance points must be maintained through the use of trees with a clean trunk to 1.8m height and shrubs to a maximum height of 0.75m.

## LANDSCAPING WORKS

- 83. The development must be landscaped in accordance with the conditions of this Development Approval and the requirements listed in the Landscape Code contained within the *Toowoomba Regional Planning Scheme 2012* in a manner that:
  - 83.1 Maximises the retention of existing site vegetation which contributes to the site character;
  - 83.2 Maintains or increases tree canopy cover;
  - 83.3 Maximises the extent of new site vegetation to define boundaries, create shade and contribute to the site character;
  - 83.4 Designates variation in pavement colours and/or materials to define safe pedestrian movement areas;
  - 83.5 Utilises plant species which are characteristic of the local area and provides seasonal variation, colour and texture;
  - 83.6 Provides irrigation to all planted areas; and

- 83.7 Where planting areas are intended to serve a stormwater function, sub soil drainage is installed and connected to the main system and soils and plant species are suited to the purpose.
84. All landscape works must be established by a suitably qualified person and maintained in accordance with the conditions of this Development Approval for the life of the development, and in a manner that ensures healthy, sustained and vigorous plant growth. All plant material must be allowed to grow to full form and be replaced when its life expectancy is reached.
85. Certification must be submitted to Council from a suitably qualified person who verifies that landscaping established complies with the requirements of this Development Approval.

## GENERAL ADVICE

### SUBMISSION OF DOCUMENTS FOR ENDORSEMENT

- 1) The conditions of this Development Approval require submission of documents to Council for endorsement. Please address the documents for endorsement to Council's Planning Branch with the Reference No. MCUI/2024/291 and send to [development@tr.qld.gov.au](mailto:development@tr.qld.gov.au).

### INFRASTRUCTURE CHARGES

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

### OTHER LAWS & REQUIREMENTS

- 3) 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.
- 4) 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.
- 5) 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

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

### WHEN APPROVAL LAPSES

- 7) 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

- 8) 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

- 9) 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.

### **STREET TREE DISTURBANCE & REMOVAL APPROVAL**

- 10) This Development Approval does not infer or give approval to the owners or occupiers of the subject land to disturb or remove street trees. A separate Street Tree Disturbance or Removal Approval is required where a street tree is expected to be disturbed or removed. Please contact Council's Parks and Recreation Services Branch via Council's Customer Service Centre for further information in respect of street trees.

### **WATER POLLUTION**

- 11) 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**

- 12) 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**

- 13) A Development Approval for Building Work is required for the following:

13.1 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;

13.2 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

- 13.3 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).

### **BUILDING OVER, OR NEAR, COUNCIL INFRASTRUCTURE**

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

#### **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 RECOMMENDATION:**

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



Krys den Hertog  
Principal Planner, Planning Branch

Decision Date: 8 August 2024

**BACKGROUND**

SITE DETAILS				
Site Address	4 Wonderley Street, MOUNT LOFTY QLD 4350			
Real Property Description	Lot 14 RP17782			
Site Area	1012m <sup>2</sup>			
Owner	Kellie Maree Weston and Jason Ronald Weston			
SITE CHARACTERISTICS				
Current Land Use	Dwelling House			
Site Frontage	Wonderley Street (16.8m)			
Road	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Wonderley Street	Local	21m	8m	Bitumen
Easements	Nil			
Existing Structures	Dwelling House, domestic outbuilding			
Infrastructure	Sewer traversing site to rear of existing dwelling from north to south. Site serviced by all urban utilities.			
Topography	Site falls south west at approx. 4.88% gradient.			
Street Trees	One (1) in front of subject premises.			
Other Features	Nil			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 28)			Adopted 28/11/22
Zone	Low Density Residential			
Precinct	General			
Overlays	Airport Environs Overlay (a) 8km Wildlife Hazard Buffer Zones (b) Lightning Area Buffer (6km)			
Infrastructure Charges Resolution	Charges Resolution No. 5			Adopted 01/03/22
SURROUNDS:				
Direction	Land Use	Zone/Precinct		
North	Dwelling House	Low Density Residential / General		
East	Dwelling Houses	Low Density Residential / General		
South	Dwelling House	Low Density Residential / General		
West	Dwelling Hosues	Low Density Residential / General		
Other Features	Nothing to note			
PROPOSED DEVELOPMENT				
Name of Applicant	Kellie Maree and Jason Ronald Weston C/- Revolution Town Planning			
Type of Application	Material Change of Use			
Proposed Development	Multiple Dwelling 3x3 Bedroom Units			
Variations Sought	Not Applicable			
Level of Assessment	Impact			
Gross Floor Area	~405.6m <sup>2</sup>			
Impervious Area	73.6%			
Site Cover	46.7%			

<b>Car Parking Spaces</b>	Six (6) covered spaces, two (2) for each dwelling	
<b>Service Vehicle Provision</b>	N/A	
<b>Submissions Received</b>	Objection:	Two (2)
	Support:	Nil
<b>Decision Making Period Ends</b>	17 September 2024	

## CONSULTATION UNDERTAKEN

### Referral Agencies

Not Applicable.

### Internal Referrals

Internal Referral Partner	Referral / Response
Development Engineering and Plumbing	Recommended conditions of approval
Place Environmental	Recommended conditions of approval
Water and Waste	Recommended conditions of approval
Place – Landscape	Recommended conditions of approval
Place – Architecture	Recommended conditions of approval
Infrastructure Charges Unit	Prepared an Infrastructure Charges Notice in accordance <i>with Charges Resolution No. 5</i> to accompany an approval of the development.

### Public Notification

A notice stated to be a Notice of Compliance was received by Council on 30 April 2024. The information attached to the notice confirmed that public notification of the application was not undertaken in accordance with the requirements of Part 4 of the Development Assessment Rules under the *Planning Act 2016*. The Notice of Compliance states the public notification included:

- Publishing a notice in the Chronicle on 2 April 2024;
- Placing a notice on the land from 2 April 2024 until 26 April 2024; and
- Notifying owners of all land adjoining the site on 28 March 2024.

Council officers advised the applicant that public notification had not been undertaken in accordance with the requirements of Section 53 of the *Planning Act 2016*. The applicant then undertook public notification again. A subsequent Notice of Compliance was received by Council on 2 July 2024. The information attached to the notice confirmed that the public notification of the application was undertaken in accordance with the requirements of Part 4 of the Development Assessment Rules under the *Planning Act 2016*. The Notice of Compliance states the public notification included:

- Publishing a notice in the Chronicle on 31 May 2024;
- Placing a notice on the land from 30 May 2024 until 25 June 2024; and
- Notifying owners of all land adjoining the site on 29 May 2024.

During both public notification periods a combined total of two (2) submissions were received opposing the development.

No submissions were received supporting the development.

A summary of the matters raised in the submissions and Council officer responses are outlined in the Table below:

Issue	How matter was dealt with
Northern side boundary setback of	Standard conditions imposed to ensure that minimum 1.8m high fence is provided to screen adjoining development which would provide sufficient screening of

1.5m impacting on privacy of adjoining owner.	windows at the ground level. Additional relevant comment is also provided for the next item below.
Privacy concerns raised in relation to the first floor of Unit 2 to its northern neighbour.	Acceptable Outcome AO <sub>12.2</sub> of Table 9.3.7.3 of the Medium Density Residential Code requires screening or treatments of windows where there is a direct view within 9m into a habitable room or private open space of another dwelling on the same or an adjoining site. Despite the first floor side setbacks being in excess of those required under Acceptable Outcome AO <sub>7.2(a)(ii)</sub> , the direct views into the northern dwelling and private open space areas do not provide the level of protection of privacy expected under Performance Outcome PO <sub>12</sub> unless conditioned. Conditions have been imposed to ensure a level of screening of first floor windows that provide a sufficient level of privacy for neighbouring residents.
Risk of damage to trees on adjoining property to north.	Conditions have been recommended to minimise adverse impacts on trees on adjoining land. An Arborist's Report has been conditioned to confirm the extent of adjacent trees' roots over the subject premises and the measures to be undertaken to not adversely affect the health of neighbouring trees.
Additional dwellings results in a loss of green space. Submitter recommends that a Dual Occupancy with larger green spaces are proposed instead of a Multiple Dwelling.	<p>Each proposed dwelling provides private open space and landscaping that satisfies the relevant Planning Scheme provisions or conditions can be imposed to ensure compliance. Provision of large backyards or non-impervious areas is not a relevant Planning Scheme assessment benchmark nor is it a relevant matter under the <i>Planning Act 2016</i>.</p> <p>Conditions have also been recommended to minimise adverse impacts on trees on adjoining land.</p>
Metal fencing burning plants on its northern neighbour.	The Applicant proposes to replace the metal fence with a timber fence so the new fence will satisfy the submitter's preference of a timber fence.
Loss of Toowoomba 'cottage look'.	The development provides a built form and design that satisfies other relevant design criteria in relation to articulation, variation in building materials etc. outlined in the Medium Density Residential Code that will enhance the local streetscape character. The subject premises and adjoining premises are not affected by the Neighbourhood Character Overlay and Neighbourhood Character Place designation so any Planning Scheme benchmarks in relation to protection of a traditional design theme are not relevant to the proposed development.
Lack of privacy and increased noise to its eastern neighbour.	<p>Windows to the east from Unit 3 have high sill heights and are for a toilet and bathroom. Unit 3's private open space is situated to the east and ample turfed area separates Unit 3 from its eastern neighbour. Conditions have been imposed to ensure that a 1.8m high fence is constructed to ensure the privacy and amenity of its eastern neighbour at the ground level.</p> <p>Acceptable Outcome AO<sub>12.2</sub> of Table 9.3.7.3 of the Medium Density Residential Code requires screening or treatments of windows where there is a direct view within 9m into a habitable room or private open space of another dwelling on the same or an adjoining site. Despite the first floor side setbacks being in excess of those required under Acceptable Outcome AO<sub>7.2(a)(ii)</sub>, the direct views into the eastern dwelling and private open space areas do not provide the level of protection of privacy expected under Performance Outcome PO<sub>12</sub> unless conditioned. Conditions have been imposed to ensure a level of screening of first floor windows that provide a sufficient level of privacy for neighbouring residents.</p> <p>Given the residential nature of the use, it is not considered that the proposed development will generate limited noise nuisances to surrounding premises. As such, it is considered that the proposed development will not require acoustic mitigation treatments. Notwithstanding, conditions of approval have been recommended to ensure that the driveway is finished in a surface that prevents tyre squeal.</p>
Lack of solar access created by Unit 3 to its eastern neighbour increases risk of mould growth and maintenance costs.	The development, particularly at the first floor, provides setbacks in excess of the requirements in the Medium Density Residential Code and will create limited adverse impacts on sunlight to its eastern neighbour. It is noted that significant shading to that site is created by trees on the neighbouring property to its north. Protection or removal of neighbour's trees are a civil matter that it not a relevant consideration under the Planning Scheme and the <i>Planning Act 2016</i> .

Adverse lighting impacts created by vehicles and pedestrians entering and exiting the site during the evening.	The driveway is setback more than eight (8) metres from its eastern neighbour and is screened by landscaping that is approximately 500mm in width. With the 1.8m high timber paling fence being proposed along the northern, eastern and southern boundaries of the subject premises, the adverse impacts posed by car light shining into 15A Trevethan Street will be negligible.
Increased risk of traffic incidents at Wonderley and Bridge Street intersection.	SC6.2 Engineering Standards specifies that a local access road can service up to 175 dwellings. Currently, Wonderley and Lochel Streets service well below this number of dwellings and the development meets higher order roads (i.e. of a higher standard than a local access street) at the intersections of Wonderley and Bridge Streets to the south and Lochel and Stuart Streets to the north west. The development does not propose any changes to Council's road network nor are any new roads being proposed. As only two (2) additional dwellings are being proposed, this development is not considered to have a substantial impact on traffic..

## 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>	Not applicable

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 urban development within the bounds of the urban footprint.</p>
<i>Darling Downs Regional Plan October 2013</i>	<p>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.</p> <p>The DDRP does not apply to the development.</p>

STATE PLANNING POLICY (SPP) <i>July 2017</i>	
Interests	Assessment Comments
Housing Supply and Diversity	<p>The interactive mapping (DAMS) which accompanies the SPP does not include mapping associated with this State Interest.</p> <p>However, the policies identified for this interest in Part E of the SPP generally apply to development proposing the establishment of land for residential development, particularly large subdivisions.</p> <p>Given, that the proposal involves a Material Change of Use on an established lot, the policies identified in Part E of the SPP for this interest are considered to not apply to the proposed development.</p>
Livable Communities	The interactive mapping (DAMS) which accompanies the SPP does not identify that this interest is applicable to the subject property. The assessment benchmarks identified in Part E of the SPP for this interest do not apply to the proposed development.
Agriculture	The interactive mapping (DAMS) which accompanies the SPP identifies that

	this interest is not applicable to the subject property.
Development and Construction	The interactive (DAMS) mapping which accompanies the SPP does not specifically identify that this interest is applicable to the subject property or identifies the subject property as being located with a Priority Development Area.
Mining and Extractive Resources	The interactive mapping (DAMS) which accompanies the SPP does not identify that this interest is applicable to the subject property. The assessment benchmarks identified in Part E of the SPP do not apply to the proposed development.
Tourism	<p>The interactive mapping (DAMS) which accompanies the SPP does not include mapping associated with this State Interest.</p> <p>However, the policies identified for this interest in Part E of the SPP generally apply to development that supports and/or facilitates tourism opportunities.</p> <p>Given, that the proposal involves a Material Change of Use for a Multiple Dwelling, the policies identified in Part E of the SPP for this interest do not apply to the proposed development.</p>
Biodiversity	The interactive mapping (DAMS) which accompanies the SPP does not identify that this interest is applicable to the subject property. The state interest policies identified in Part E of the SPP are not considered to be relevant to the proposed development.
Cultural Heritage	The interactive mapping (DAMS) which accompanies the SPP identifies that this interest is not applicable to the subject property.
Water Quality	The interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property. However, the assessment benchmarks identified in Part E of the SPP do not apply to the proposed development.
Emissions and Hazardous Activities	The interactive mapping (DAMS) which accompanies the SPP does not identify that this interest is applicable to the subject property. The state interest policies identified in Part E of the SPP are not considered to be relevant to the proposed development.
Natural Hazards, Risk and Resilience	The interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property. However, the assessment benchmarks identified in Part E of the SPP do not apply to the proposed development.
Energy and Water Supply	The interactive mapping (DAMS) which accompanies the SPP identifies that this interest is not applicable to the subject property.
Infrastructure Integration	<p>The interactive mapping (DAMS) which accompanies the SPP does not include mapping associated with this State Interest.</p> <p>However, the policies identified for this interest in Part E of the SPP generally apply to development that relates to or impacts on the establishment and integration of infrastructure.</p> <p>Given, that the proposal involves a Material Change of Use on an established lot, the policies identified in Part E of the SPP for this interest do not apply to the proposed development.</p>
Transport Infrastructure	The interactive mapping (DAMS) which accompanies the SPP does not identify that this interest is applicable to the subject property. The state interest policies identified in Part E of the SPP are not considered to be relevant to the proposed development.
Strategic Airports and Aviation Facilities	The interactive mapping (DAMS) which accompanies the SPP does not identify that this interest is applicable to the subject property. The assessment benchmarks identified in Part E of the SPP are not considered to be relevant to the proposed development.

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

The proposed development was assessed against the following assessment benchmarks:

- Strategic Framework

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

The development was assessed against all of the assessment benchmarks listed above and is considered to comply except as follows:

**STRATEGIC FRAMEWORK:**

Theme	Assessment Comments
Settlement Pattern	<p>The subject site being in the “Urban Extent” of the Settlement Pattern and in the Low Density Residential Zone is considered part of a “Suburban Neighbourhood”.</p> <p>3.3.1 Strategic Outcome (4)(a)(viii) is not fully satisfied as the subject premises is not:</p> <ul style="list-style-type: none"> <li>- benefitting visually from high quality parkland;</li> <li>- within a central transport corridor bounded by Nelson, West, Jellicoe and Hume Street;</li> <li>- within an 800m walking catchment of the University of Southern Queensland (Toowoomba campus).</li> <li>- The development does not propose detached dwellings on standard lots and dual occupancy.</li> </ul> <p>Further to the above Strategic Outcome, the development</p> <ul style="list-style-type: none"> <li>- is within a walking catchment (less than 400m) of local centres fronting Bridge and Mary Streets.</li> <li>- is less than 100 metres from the TAFE Queensland Toowoomba Campus, a major non-industrial employer and within a walkable catchment of various non-industrial employers.</li> <li>- is less than 500 metres from the Cobb &amp; Co Museum.</li> <li>- is approximately 554 metres from Queens Park.</li> <li>- although there are three (3) dwellings being proposed on one (1) lot, each dwelling is detached and proposes a built form that is sympathetic to the local character.</li> </ul> <p>Despite non-compliance with the above Strategic Outcome, the following elements relate to the proposed development:</p> <p>Element 3.3.4 – suburban neighbourhoods requires Suburban neighbourhoods to provide the bulk of residential housing within the Toowoomba Regional Council area. Specifically, 3.3.4.1 Specific Outcomes (2) and (3) require:</p> <ul style="list-style-type: none"> <li>(2) Suburban neighbourhoods are generally low in scale, with a sense of low rise buildings within a treed setting.</li> <li>(3) Suburban neighbourhoods have a feeling of openness at the street level and are characterised by street trees, which provide shade and character. Streets are shared by cars, bikes and walkers. They are often grid-based and connected up in a way that makes it easy to find your way around.</li> </ul> <p>The proposed Multiple Dwelling provides for residential housing in the Toowoomba Regional Council area. The design of the Multiple Dwelling is generally considered to be of a low rise scale in detached buildings of a similar size to other dwellings in the area. It is worth noting that the existing street tree in front of the site will be retained. The development proposes a mix of single and double storey dwellings which is sympathetic to the predominant built form in the area in relation to setbacks, building height, site cover, private open space, landscaping and areas of hardstand (see</p>

	<p>responses to the below zone and development codes for further details). Similarly, the development provides for opportunities for high quality landscaping.</p> <p>Like the existing dwelling, the proposed dwelling closest to the street frontage (Unit 1) will be single storey so there will be minimal change to the level of openness at the street level, particularly as the street tree will be retained and there are limited differences in the width of the existing and proposed driveway crossover.</p> <p>To ensure the retention of the “treed setting” sought in Suburban Neighbourhoods, conditions were recommended to ensure that trees on adjoining premises are not adversely affected by construction works through the request of an Arborist Report for endorsement and any construction works to be undertaken in accordance with this report.</p> <p>3.3.4.2(1) Land Use Strategies states that Detached dwellings and dual occupancies are the only residential development form supported within suburban neighbourhoods. Despite this statement not being satisfied, the development provides for increased residential densities within a walkable catchment of a designated local centre and major non-industrial employment areas (3.3.1(4)(a)(vii)).</p> <p>Accordingly, it is considered that the proposed Multiple Dwelling is consistent with the strategic intent for Suburban Neighbourhoods.</p>
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.

#### LOW DENSITY RESIDENTIAL ZONE CODE:

<b>Applicant's Response to Purpose and Overall Outcomes of the Code</b>
<p><i>“The proposed development is not a Dwelling House or Dual Occupancy, however, that does preclude the proposed multiple dwelling from providing dwellings of a scale, form and density that may be expected in the Low Density Residential Zone and generally satisfying the purpose of the Low-Density Residential Zone Code.</i></p> <p><i>In this respect the proposed development:</i></p> <ul style="list-style-type: none"> <li>• <i>satisfies the minimum boundary setbacks for development in the zone. Whilst the rear boundary setback distance of 3 metres has not been achieved, the encroachment within the prescribed setback equates to approximately 16.6% of the required setback and a setback of greater than 2.5m is maintained to the Ground Floor. The first floor level of Unit 3 achieves a setback of 4.879 metres to the rear boundary. The feeling of openness within a garden setting sought for the zone is not compromised;</i></li> <li>• <i>is no more than two (2) storeys;</i></li> <li>• <i>achieves a site coverage of less than 50% (46.7%);</i></li> <li>• <i>includes detached dwellings with the area between dwellings providing opportunities for deep planting and the establishment of small trees;</i></li> <li>• <i>Results in a similar residential density to a Dual Occupancy that is Accepted Development subject to requirements (lot &lt; 700m<sup>2</sup>) and a lesser real density where such a Dual Occupancy is located on a corner lot where setbacks to the corner are required to be provided (encouraged by the medium density residential code);</i></li> <li>• <i>Provides two-storey elements set well back from the site frontage;</i></li> <li>• <i>Is located within walking distance of a local centre, community facilities, services, convenience</i></li> </ul>

*retailing and high amenity parkland providing for an efficient land use pattern and efficient use of infrastructure;*

- *provides a front building setback that is commensurate with the properties to the north and south and opportunities to establish a garden.*

*As such the amenity and character of the locality will not be unduly affected by the development.*

*It is considered that the development generally satisfies the purpose and overall outcomes of the Low Density Residential Zone Code.”*

#### **Officer’s Response to the Purpose and Overall Outcomes of the Code**

The proposed development was considered to not satisfy the following statements in the Purpose and Overall Outcomes of the Low Density Residential Zone Code:

**6.2.1.2(1)** – *The amenity and lifestyle of residents in the Low Density Residential Zone is conserved.*

**6.2.1.2(2)(b)** – *medium density forms of residential development are supported ... where adjacent or opposite a district or regional park offering a high level of residential amenity.*

**6.2.1.2(2)(j)** – *development maintains a high level of residential amenity avoiding uses that introduce adverse impacts such as ... other locally specific impacts.*

Areas in the Low Density Residential Zone are considered Suburban Neighbourhoods under the Strategic Framework and the scale and intensity is generally low in scale with a sense of low rise buildings within a treed setting. This setting is a key characteristic of low density residential living in Toowoomba. Any impacts resulting from the proposed development that may adversely impact upon the residential setting in the locality ought to be avoided or mitigated. A key characteristic of low density residential living in the locality that is appreciated by residents is the presence of mature trees spread throughout many residential premises.

Although measures to protect adjoining trees is not explicitly required under any Acceptable/Performance Outcomes, the construction including earthworks may result in potential damage roots of established trees planted on adjoining premises. Damage to roots may adversely affect the life and structural integrity of the tree and increase the risk to people and property. To reduce risk and mitigate any adverse impacts, conditions were imposed to ensure that any construction works and protection of trees are done in accordance with an Arborist’s Report.

<b>Performance Outcome</b>	<b>Acceptable Outcome</b>
PO <sub>1</sub> The zone accommodates predominantly dwelling houses and other housing forms at a low density scale and intensity.	AO <sub>1.1</sub> Uses which are consistent with the intent of the zone include: <ul style="list-style-type: none"> <li>(a) dwelling house; and</li> <li>(b) dual occupancy, except where located in the Clifford Park Stables and Park Residential Precincts</li> </ul>
<b>Alternate Outcome</b>	
The applicant did not directly respond to this Performance Outcome.	
<b>Officer Comment</b>	
Although the development proposes a Multiple Dwelling, which does not satisfy Acceptable Outcome AO <sub>1.1</sub> , the corresponding Performance Outcome PO <sub>1</sub> is satisfied as the locality is dominated by Dwelling Houses at a lower density than what is sought under the current Planning Scheme provisions and the proposed development acts as a transition from the prevailing density observed in the area by the introduction of an “other housing form” to the area. It is also noted that the proposed net density is greater than a Dual Occupancy on a 500m <sup>2</sup> lot in the same zone, which is Code Assessable under the current Planning Scheme. Therefore, the proposed net density is one that is appropriate for its zone, precinct and locality particularly given the limited presence of multi dwelling residential development in the area.	
<b>Performance Outcome</b>	<b>Acceptable Outcome</b>
PO <sub>4</sub> Higher density forms of Accommodation activities (i.e. other than caretaker’s accommodation, community residence, dwelling house and dual occupancy) are designed to reflect the residential scale and density of the surrounding area.	AO <sub>4.1</sub> The number of dwellings on the site does not exceed one per 500m <sup>2</sup> .
<b>Alternate Outcome</b>	
The applicant did not directly respond to this Performance Outcome.	

<b>Officer Comment</b>	
<p>The proposed net density will exceed one (1) dwelling per 500m<sup>2</sup> so Acceptable Outcome AO<sub>4.1</sub> of this Code is not satisfied. The corresponding Performance Outcome PO<sub>4</sub> is satisfied as the development is designed in a way that reflects and respects the prevailing residential scale and density in the area with sufficient areas for hardstand, private open space and landscaping with expanses of turfed area that is characteristic of a low density residential environment.</p>	
<b>Performance Outcome</b>	<b>Acceptable Outcome</b>
<p>PO<sub>8</sub> Impervious site coverage:</p> <ul style="list-style-type: none"> <li>(a) ensures development maximizes on-site infiltration and minimizes the additional burden on drainage infrastructure;</li> <li>(b) reduces the visual impact of additional hardstand;</li> <li>(c) respects the existing or preferred neighbourhood character and responds to the features of the site; and</li> <li>(d) allows for the provision of an appropriate supply of landscaping and open space.</li> </ul>	<p>AO<sub>8.1</sub> Impervious areas of the site do not exceed 60% of the site area.</p>
<b>Alternate Outcome</b>	
<p>The applicant did not directly respond to this Performance Outcome.</p>	
<b>Officer Comment</b>	
<p>The proposed impervious areas of 73.6% will exceed the 60% required under Acceptable Outcome AO<sub>8.1</sub>. Despite this, the proposed impervious site coverage will allow for effective on-site infiltration of stormwater and effective drainage that will not create adverse impacts on drainage infrastructure and adjoining properties and this was confirmed through a Stormwater Management Plan. Adverse visual impacts are mitigated through the use of various colours and surface treatments. The proposed impervious coverage respects the existing and preferred neighbourhood character in the area and appropriately responds to the physical features of the site and allows for the provision of ample landscaping and open space for its occupants. Therefore, it is considered that the corresponding Performance Outcome PO<sub>8</sub> is satisfied.</p>	
<b>Performance Outcome</b>	<b>Acceptable Outcome</b>
<p>PO<sub>10</sub> Side and rear building setbacks:</p> <ul style="list-style-type: none"> <li>(a) enhance the appearance and character of streets and buildings;</li> <li>(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;</li> <li>(c) provide for adequate daylight for habitable rooms and open space areas on and adjoining the site;</li> <li>(d) are sufficient to minimise overshadowing and overlooking of adjoining premises;</li> <li>(e) provide adequate separation and buffering between residential and non-residential premises; and</li> <li>(f) maximise opportunities for landscaping.</li> </ul>	<p>AO<sub>10.1</sub> Buildings are set back from a side boundary:</p> <ul style="list-style-type: none"> <li>(a) Ground Floor (up to 3.5m high) – 1.5m; and</li> <li>(b) First floor (up to 7.5m high) – 2m;</li> <li>(c) Above 7.5m – 3m; or</li> <li>(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.</li> </ul> <p>AO<sub>10.2</sub> Buildings are set back:</p> <ul style="list-style-type: none"> <li>(a) a minimum of 3m from a rear boundary; or</li> <li>(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.</li> </ul>

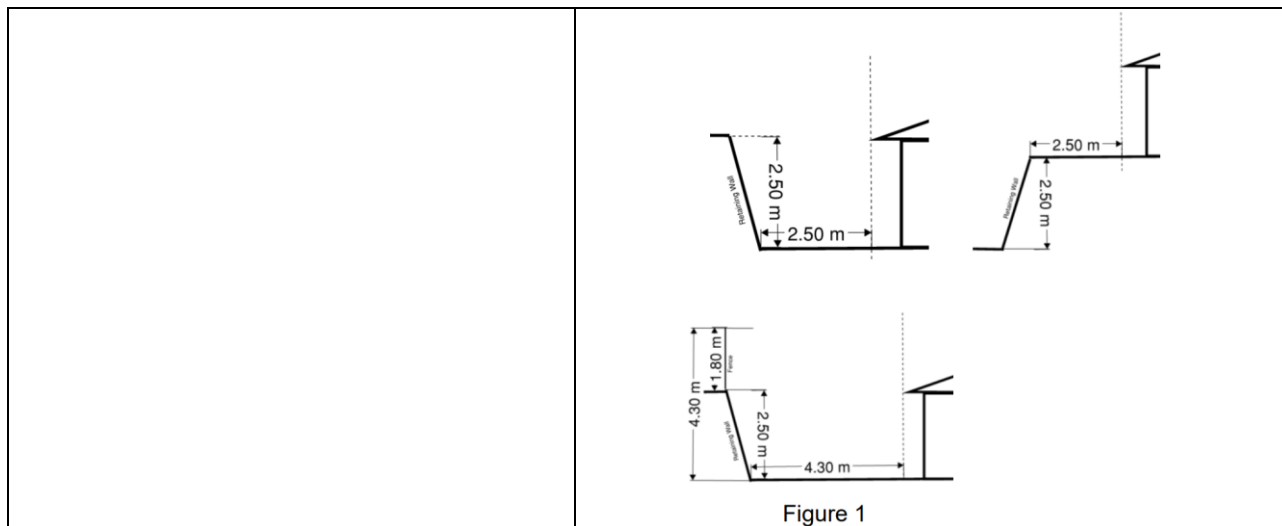


Figure 1

**Alternate Outcome**

The applicant did not directly respond to this Performance Outcome.

**Officer Comment**

The proposed side and rear boundary setbacks do not fully comply with those required under Acceptable Outcomes AO<sub>10.1</sub> and AO<sub>10.2</sub>. Despite this, the proposed development provides side and rear setbacks that allow for an enhanced appearance of the proposed development with quality design treatments including articulation and provision for sufficient open space areas for each dwelling. This is considered to be appropriate for the scale of the proposed development and the intended character of its zone and precinct. The proposed setbacks allow for adequate daylight to be provided to all habitable rooms. As the floor level of the dwellings is lower than the nearest adjoining dwelling and are to its south, there will be minimal adverse impacts on the overshadowing and overlooking of adjoining premises. Ample opportunities for high quality landscaping will exist on the site as demonstrated on the Landscape Plan. Therefore, it is considered that Performance Outcome PO<sub>10</sub> of this Code is satisfied.

**Performance Outcome**

PO<sub>11</sub>  
 The development is designed to a high aesthetic standard and to integrate with and enhance the locality, having regard to the following:  
 (a) built form;  
 (b) open space;  
 (c) landscaping;  
 (d) the public realm;  
 (e) parking and access;  
 (f) solar access;  
 (g) views and outlook;  
 (h) setbacks;  
 (i) height;  
 (j) scale and bulk; and  
 (k) provision of services

**Acceptable Outcome**

AO<sub>11.1</sub>  
 A minimum 1m wide landscaping strip is provided for the full length of the driveway and parking areas where parallel to a boundary common with a residential premises.  
*Note: Such landscaping areas must not be compromised by the maneuvering areas required for the vehicle.*

**Alternate Outcome**

The applicant did not directly respond to this Performance Outcome.

**Officer Comment**

The width of the subject premises limits the ability to provide a landscape buffer on its southern boundary that complies with Acceptable Outcome AO<sub>11.1</sub> whilst providing for sufficient vehicle manoeuvring on site. Despite not meeting this Acceptable Outcome, the corresponding Performance Outcome PO<sub>11</sub> is satisfied as the proposed development is designed to a high aesthetic standard in relation to its built form, open space, landscaping, access and parking, solar access, views, setbacks, height, bulk and scale and the provision of services and visual amenity to adjoining premises is limited.

**Performance Outcome**

PO<sub>14</sub>  
 The site layout responds sensitively to adjoining land uses as well as on-site and surrounding topography, drainage patterns, utility services, access, built forms and

**Acceptable Outcome**

No acceptable outcome is nominated.

vegetation such that: (a) any hazards or nuisance to people or property on the site or offsite are avoided; (b) any earthworks are minimised and design alternatives are prioritised over earthworks; (c) natural drainage lines are retained; (d) existing vegetation is retained or replaced; (e) damage or disruption to sewer, stormwater and water infrastructure is avoided; and (f) there is adequate buffering, screening a separation to adjoining development.	
--	--

**Alternate Outcome**  
 The applicant did not directly respond to this Performance Outcome.

**Officer Comment**  
 Although the development responds well to the natural features on the subject premises, limited consideration was given to the natural features of adjoining premises, particularly as the subject premises is surrounded by some established trees where their roots may be within the subject premises. Limited information was provided by the Applicant to confirm the extent of roots from adjoining trees and protection measures to be applied during construction. Further assessment has been conducted in relation to the Purpose and Overall Outcomes of the Low Density Residential Zone Code and Strategic Framework which the development is capable of satisfying. Such adverse impacts are able to be mitigated through provision of an Arborist’s Report which has been conditioned as part of this approval.

Performance Outcome	Acceptable Outcome
PO <sub>16</sub> Site layout, building design and landscaping facilitates the security of people and property having regard to: (a) opportunities for casual surveillance of and sightlines to publicly accessible areas such as car parks, pathways, public toilets and communal areas; (b) exterior building design and orientation which promote safety; (c) adequate definition of uses and public and private ownership; (d) adequate lighting; (e) appropriate way-finding mechanisms (e.g. signage); (f) minimisation of entrapment locations; and (g) building entrances, loading and storage areas being well lit and lockable after hours.	AO <sub>16.1</sub> Setbacks are provided from all boundaries in accordance with acceptable outcome AO <sub>10.2</sub> ;

**Alternate Outcome**  
 The applicant did not directly respond to this Performance Outcome.

**Officer Comment**  
 The proposed side and rear boundary setbacks do not fully comply with those required under Acceptable Outcomes AO<sub>10.1</sub> and AO<sub>10.2</sub>. On this basis, Acceptable Outcome AO<sub>16.1</sub> is not satisfied. Despite this, the development is designed in a way that provides for effective casual surveillance of nearby premises and the road. The entrances of the dwellings are designed in a way that promotes safety and effectively defines areas of private ownership. Adequate lighting of entrances and the development is able to be provided as is appropriate way-finding mechanisms Therefore, it is considered that Performance Outcome PO<sub>16</sub> of this Code is satisfied where it relates to the proposed residential development.

**DEVELOPMENT CODES:**

Medium Density Residential Code													
Performance Outcome	Acceptable Outcome												
<p>PO<sub>4</sub> Development:</p> <ul style="list-style-type: none"> <li>(a) provides for the on-site infiltration of stormwater and minimises the additional burden on drainage infrastructure;</li> <li>(b) minimises the visual impact of hard surface areas; and</li> <li>(c) respects the existing or preferred neighbourhood character and responds to the features of the site.</li> </ul>	<p>AO<sub>4.1</sub> The impervious site cover does not exceed Table 1:</p> <table border="1"> <thead> <tr> <th colspan="2">Table 1</th> </tr> <tr> <th>Average building height</th> <th>Maximum impervious site cover</th> </tr> </thead> <tbody> <tr> <td>If more than 50% of the proposed dwellings are 2 storeys</td> <td>65%</td> </tr> </tbody> </table> <p>AO<sub>4.3</sub> Site cover does not exceed rates specified in Table 2.</p> <table border="1"> <thead> <tr> <th colspan="2">Table 2</th> </tr> <tr> <th>Dwelling height</th> <th>Maximum site cover</th> </tr> </thead> <tbody> <tr> <td>If more than 50% of proposed dwellings are 2 storeys</td> <td>45%</td> </tr> </tbody> </table>	Table 1		Average building height	Maximum impervious site cover	If more than 50% of the proposed dwellings are 2 storeys	65%	Table 2		Dwelling height	Maximum site cover	If more than 50% of proposed dwellings are 2 storeys	45%
	Table 1												
	Average building height	Maximum impervious site cover											
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Table 2													
Dwelling height	Maximum site cover												
If more than 50% of proposed dwellings are 2 storeys	45%												
<b>Alternate Outcome</b>													
The applicant did not directly respond to this Performance Outcome.													
<b>Officer Comment</b>													
The proposed impervious area of 73.6% and site cover of 46.7% will exceed the 65% and 45% required under Acceptable Outcomes AO <sub>4.1</sub> and AO <sub>4.3</sub> , respectively. Despite this, the proposed impervious site coverage will allow for effective on-site infiltration of stormwater and effective drainage that will not create adverse impacts on drainage infrastructure and adjoining properties and this was confirmed through a Stormwater Management Plan. Adverse visual impacts are mitigated through the use of various colours and surface treatments. The proposed impervious coverage respects the existing and preferred neighbourhood character in the area and appropriately responds to the physical features of the site. Therefore, it is considered that the corresponding Performance Outcome PO <sub>4</sub> is satisfied.													
Performance Outcome	Acceptable Outcome												
<p>PO<sub>9</sub> 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> <ul style="list-style-type: none"> <li>(a) is clearly identifiable and of adequate dimensions;</li> <li>(b) incorporates adequate manoeuvring area to parking spaces (including carports and garages); and</li> <li>(c) incorporates a clear, safe and effective circulation system.</li> </ul>	<p>AO<sub>9.3</sub> Each parking space has minimum dimensions as per Table 7:</p> <table border="1"> <thead> <tr> <th colspan="2">Table 7</th> </tr> <tr> <th>Parking Space</th> <th>Minimum Dimensions</th> </tr> </thead> <tbody> <tr> <td>Double garage</td> <td>6.4 metres by 6.4 metres wide internally</td> </tr> </tbody> </table>	Table 7		Parking Space	Minimum Dimensions	Double garage	6.4 metres by 6.4 metres wide internally						
	Table 7												
	Parking Space	Minimum Dimensions											
	Double garage	6.4 metres by 6.4 metres wide internally											
<b>Alternate Outcome</b>													
The applicant did not directly respond to this Performance Outcome.													
<b>Officer Comment</b>													
The proposed double garages have dimensions that are less than the minimum prescribed under Acceptable Outcome AO <sub>9.3</sub> . Despite this, the development provides for ample depth in front of all garages for safe manoeuvring of vehicles within the site and outside of the garages. Each garage is able to accommodate two (2) design vehicles at the same time. Therefore, it is considered that Performance Outcome PO <sub>9</sub> of this Code is satisfied.													
Performance Outcome	Acceptable Outcome												
<p>PO<sub>11</sub> Safe and equitable access for both pedestrians and vehicles is provided, to and from buildings and the street whilst minimising the extent and number of driveways.</p>	<p>AO<sub>11.1</sub> Vehicular access from the street is provided via a single shared driveway with a maximum crossover width of 5m.</p>												
	<b>Alternate Outcome</b>												
The applicant did not directly respond to this Performance Outcome.													
<b>Officer Comment</b>													
The Applicant proposes a single 5.5m wide driveway crossover at its road frontage so the maximum													

stated in Acceptable Outcome AO<sub>11.1</sub> is being exceeded. The extra width is able to facilitate safe two way access of vehicles from the site and is appropriate for the traffic demand associated with this development. This extra width is also able to facilitate safe and equitable pedestrian access to the site considering the scale and intensity of the development. This crossover will not be much wider than the existing crossover it will replace. Therefore, it is considered that Performance Outcome PO<sub>11</sub> of this Code is satisfied.

#### Landscaping Code

Performance Outcome	Acceptable Outcome
PO <sub>3</sub> Landscape design reflects the local context and incorporates cohesive and desirable aspects of the prevailing landscape character. (Desirable aspects are those considered necessary to maintain and enhance the character, setting and/or ambience, and ecological values of the location.)	AO <sub>3.3</sub> Existing site trees are integrated into the development.

#### Alternate Outcome

The applicant did not directly respond to this Performance Outcome.

#### Officer Comment

The Applicant proposes to remove all existing trees and vegetation on the subject premises to facilitate the new buildings so Acceptable Outcome AO<sub>3.3</sub> is not satisfied. Despite this, the proposed landscape design is reflective of the local context and incorporates cohesive and desirable aspects of the prevailing landscape character. Therefore, it is considered that Performance Outcome PO<sub>3</sub> is satisfied.

#### Transport, Access and Parking Code

Performance Outcome	Acceptable Outcome
PO <sub>1</sub> <i>Vehicular access arrangements, including driveway crossovers:</i> <ol style="list-style-type: none"> <li>(a) <i>are appropriate for:</i> <ol style="list-style-type: none"> <li>(i) <i>the capacity of the parking area;</i></li> <li>(ii) <i>the volume, frequency and type of vehicle useage; and</i></li> <li>(iii) <i>the function and configuration of the access road;</i></li> </ol> </li> <li>(b) <i>minimise any potentially adverse impact on:</i> <ol style="list-style-type: none"> <li>(i) <i>the safety and efficiency of the road and pedestrian/cycle paths;</i></li> <li>(ii) <i>the safety and efficiency of the road and footpath users;</i></li> <li>(iii) <i>the integrity of any infrastructure within the road reserve; and</i></li> <li>(iv) <i>the safety of access to adjacent properties.</i></li> </ol> </li> <li>(c) <i>protect the amenity of premises in the vicinity by:</i> <ol style="list-style-type: none"> <li>(i) <i>maintaining the predominant vehicular access pattern in the street, including consistent width, grade and location;</i></li> <li>(ii) <i>preserving the residential amenity of the streetscape, including noise and visual impact, and consideration of existing landscaping by considering:</i> <ol style="list-style-type: none"> <li>(A) <i>use of materials which integrate with the streetscape (e.g. existing crossovers and driveways, etc);</i></li> <li>(B) <i>minimising the width and grade of the access;</i></li> <li>(C) <i>minimising impacts on the</i></li> </ol> </li> </ol> </li> </ol>	AO <sub>1.1</sub> <i>Vehicular access and driveway crossovers are not:</i> <ol style="list-style-type: none"> <li>(f) <i>within 1m of any infrastructure, including street signage, power poles, street lights, manholes, stormwater gully pits, or other Council/public utility asset;</i></li> <li>(i) <i>greater than 4m in width when for a lot with a frontage / width of more than 10m but less than 20m.</i></li> </ol>

<p><i>appearance of the streetscape by retaining existing vegetation, including approved landscaping; and</i></p> <p><i>(D) locating the access to minimise the impact of vehicle noise on neighbouring/adjoining properties.</i></p>	
<p><b>Alternate Outcome</b></p>	
<p>The applicant did not directly respond to this Performance Outcome.</p>	
<p><b>Officer Comment</b></p>	
<p>The proposed driveway crossover will be 5.5m wide and within 1m of the existing water hydrant to the north. Therefore, Acceptable Outcomes AO<sub>1.1</sub>(f) and (i) are not satisfied. Despite this, the proposed crossover is appropriate for the anticipated pedestrian and vehicular traffic to be generated by this development and for the wider road network, noting that Wonderley Street is a local access road with limited traffic volumes. The proposed vehicular access arrangements will minimise any adverse impacts on the safety of pedestrian and vehicular traffic and the integrity of Council infrastructure. The crossover will replace an existing crossover with minimal additional width that would not create adverse impacts on existing available on-street parking. Therefore, it is considered that the proposed driveway crossover is able to satisfy Performance Outcome PO<sub>1</sub>.</p>	
<p><b>Works and Services Code</b></p>	
<p><b>Performance Outcome</b></p>	<p><b>Acceptable Outcome</b></p>
<p>PO<sub>14</sub>  <i>Residential vehicular access arrangements, including driveway crossovers:</i></p> <p><i>(a) are appropriate for:</i></p> <p><i>(i) the capacity of the parking area;</i></p> <p><i>(ii) the volume, frequency and type of vehicle useage; and</i></p> <p><i>(iii) the function and configuration of the access road.</i></p> <p><i>(b) minimise any potentially adverse impact on:</i></p> <p><i>(i) the safety and efficiency of the road and pedestrian/cycle paths;</i></p> <p><i>(ii) the safety and efficiency of the road and footpath users;</i></p> <p><i>(iii) the integrity of any infrastructure within the road reserve; and</i></p> <p><i>(iv) the safety of access to adjacent properties.</i></p> <p><i>(c) protect the amenity of premises in the vicinity by:</i></p> <p><i>(i) maintaining the predominant vehicular access pattern in the street, including consistent width, grade and location;</i></p> <p><i>(ii) preserving the residential amenity of the streetscape, including noise and visual impact, and consideration of existing landscaping by considering:</i></p> <p><i>(A) use of materials which integrate with the streetscape (e.g. existing crossovers and driveways, etc);</i></p> <p><i>(B) minimising the width and grade of the access;</i></p> <p><i>(C) minimising impacts on the appearance of the streetscape by retaining existing vegetation, including approved landscaping; and</i></p> <p><i>(D) locating the access to minimise</i></p>	<p>AO<sub>14.1</sub>  <i>Residential vehicular access and driveway crossovers are not:</i></p> <p><i>(f) within 1m of any infrastructure, including street signage, power poles, street lights, manholes, stormwater gully pits, or other Council/public utility asset;</i></p> <p><i>(i) greater than 4m in width when for a lot with a frontage/width of more than 10m but less than 20m.</i></p>

<i>the impact of vehicle noise on neighbouring/adjoining properties.</i>	
<b>Alternate Outcome</b>	
The applicant did not directly respond to this Performance Outcome.	
<b>Officer Comment</b>	
The proposed driveway crossover will be 5.5m wide and within 1m of the existing water hydrant to the north. Therefore, Acceptable Outcomes AO <sub>14.1</sub> (f) and (i) are not satisfied. Despite this, the proposed crossover is appropriate for the anticipated pedestrian and vehicular traffic to be generated by this development and for the wider road network, noting that Wonderley Street is a local access road with limited traffic volumes. The proposed vehicular access arrangements will minimise any adverse impacts on the safety of pedestrian and vehicular traffic and the integrity of Council infrastructure. The crossover will replace an existing crossover with minimal additional width that would not create adverse impacts on existing available on-street parking. As the proposed driveway crossover does not satisfy one (1) or more Acceptable Outcomes of the Works and Services Code, a separate Development Application for Operational Work (Driveway Crossover) will need to be assessed and approved by Council's Development Engineers. This has been conditioned accordingly. Subject to assessment and approval of this Operational Work Permit, the driveway crossover is capable of satisfying Performance Outcome PO <sub>14</sub> of this Code.	

**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 proposal is considered to satisfy the relevant parts of the Local Government Infrastructure Plan.

**Other Relevant Matters**

Not Applicable

**FINANCIAL / RESOURCE IMPLICATIONS**

Infrastructure charges will be applied in accordance with Council's *Charges Resolution No.5*.

**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.

## ATTACHMENTS

Attachment	1	of	4	Aerial Imagery
Attachment	2	of	4	Zoning Map
Attachment	3	of	4	Overlay and Infrastructure Map
Attachment	4	of	4	Approved Plans

## SCHEDULES

Schedule	1	Statement of Reasons
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**ATTACHMENTS**

**Attachment 1 of 4 – Aerial Imagery**



**Attachment 2 of 4 – Zoning Map**



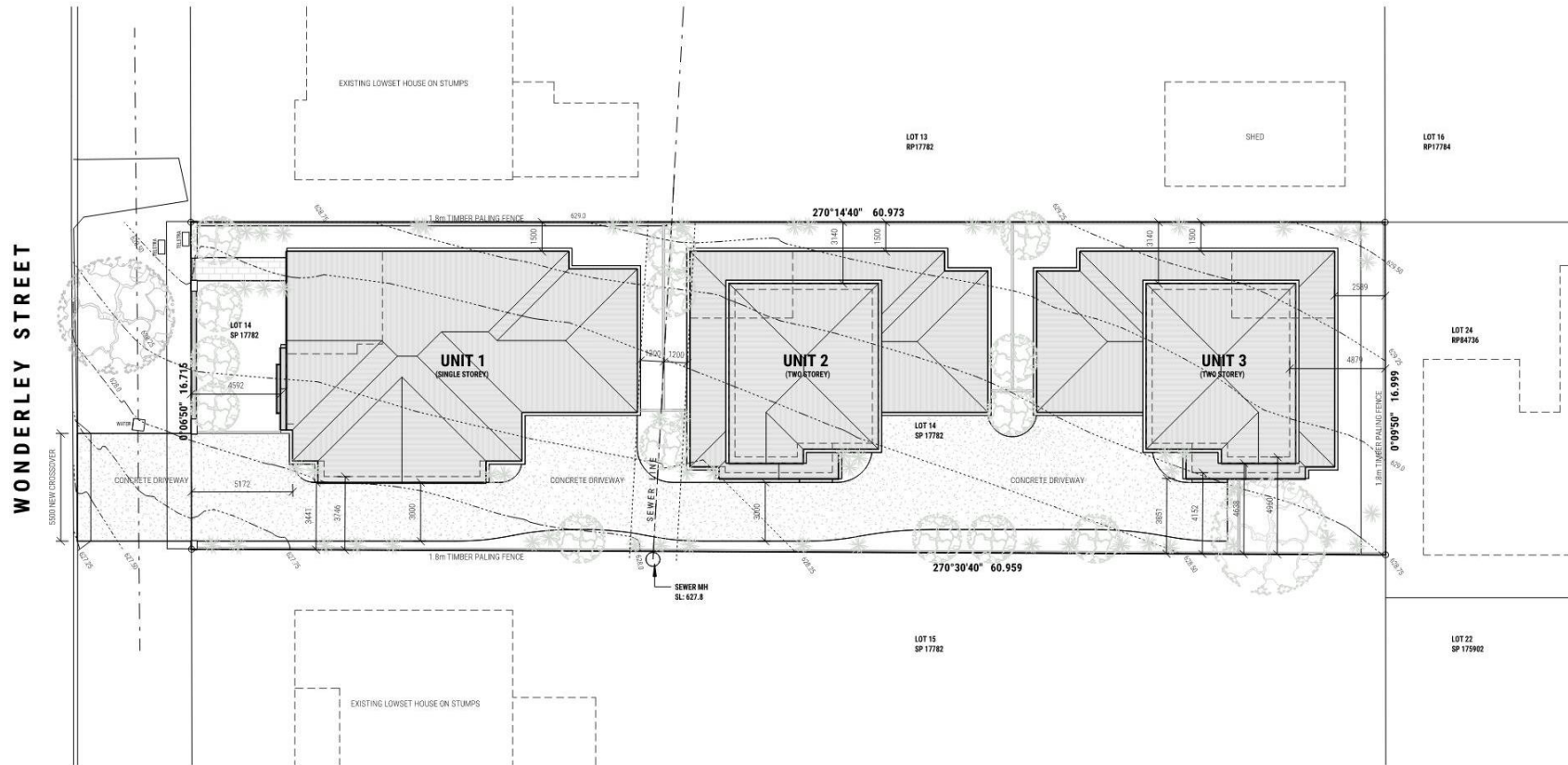
Attachment 3 of 4 – Overlay and Infrastructure Map



Attachment 4 of 4 – Approved Plans

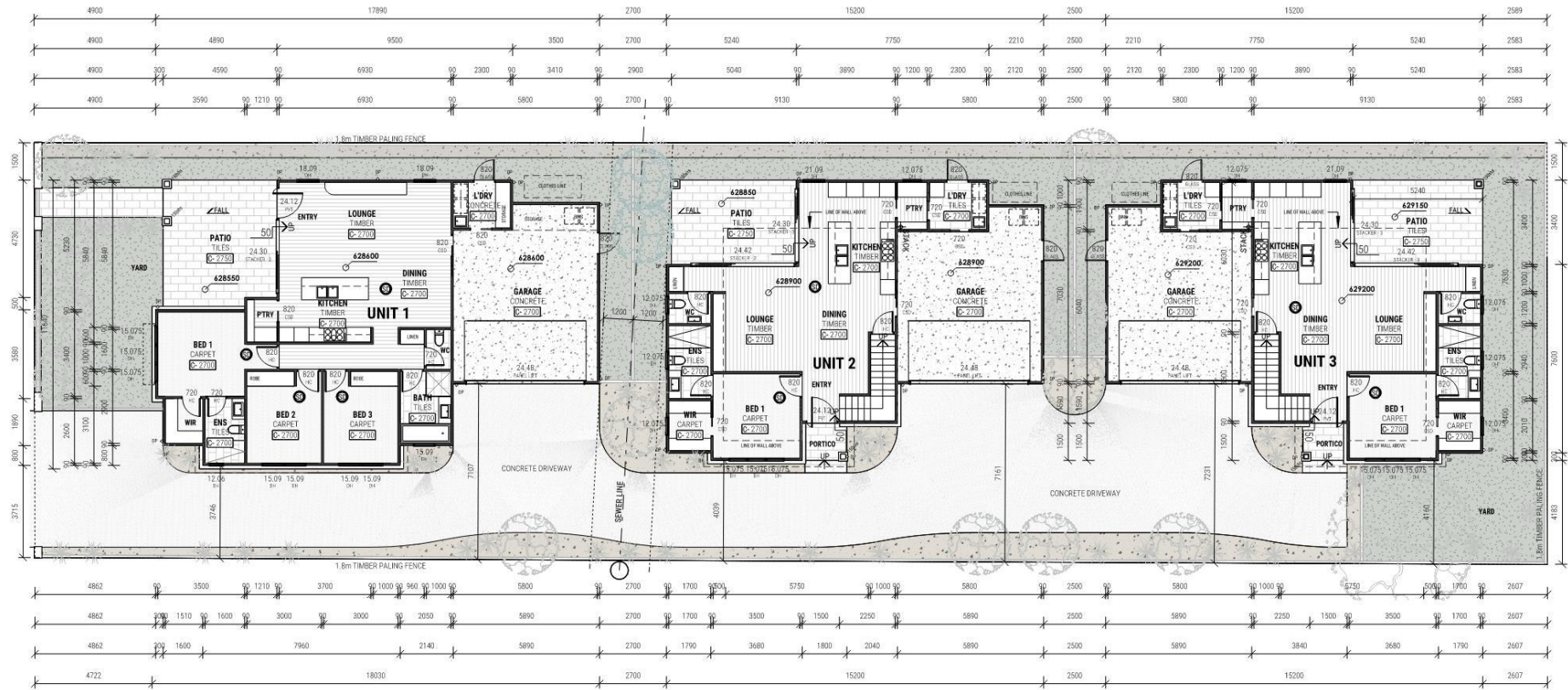


PROPERTY DESCRIPTION	
SITE AREA	1012 SQM
SITE COVER	472.7 SQM
SITE COVER	46.7 %
LOT #	14
PLAN #	RP17782



PROPOSED - SITE PLAN 1:200

DESIGNED BY <b>C BRUMBY</b>	LOT / PLAN <b>14 RP17782</b>	JOB NUMBER <b>23.003</b>	ISSUE <b>WD 1</b>	CLIENT	PROJECT TYPE	PROJECT ADDRESS	PAGE
DRAWN BY <b>C BRUMBY</b>	AUTHORITY <b>TRC</b>	SCALE <b>1:100 @ A3</b>	DATE <b>18.12.23</b>	<b>JKCL Pty Ltd</b>	<b>3 X NEW DWELLINGS</b>	<b>4 WONDERLEY STREET, TOWOOMBA</b>	<b>01</b>
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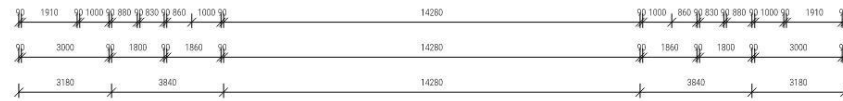
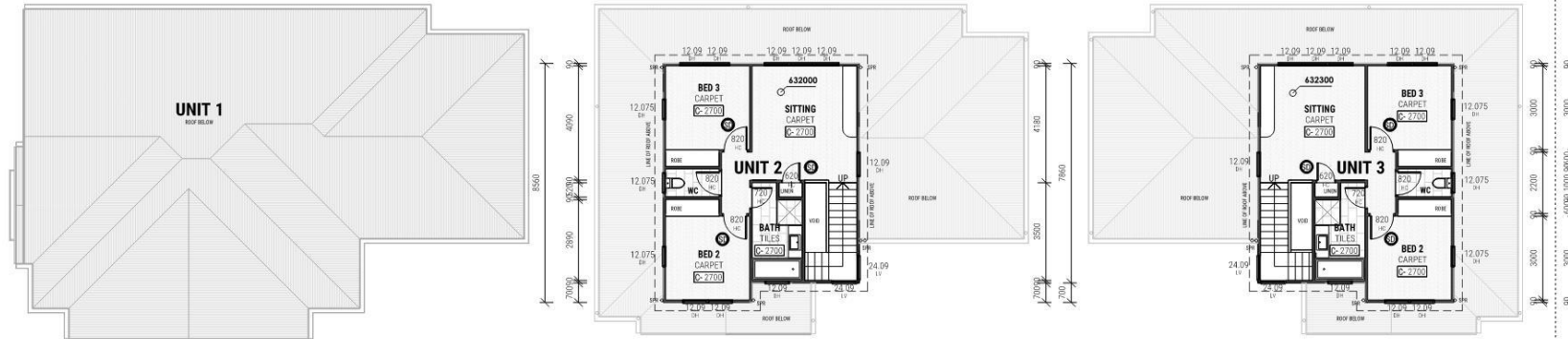


GROUND FLOOR PLAN 1:150

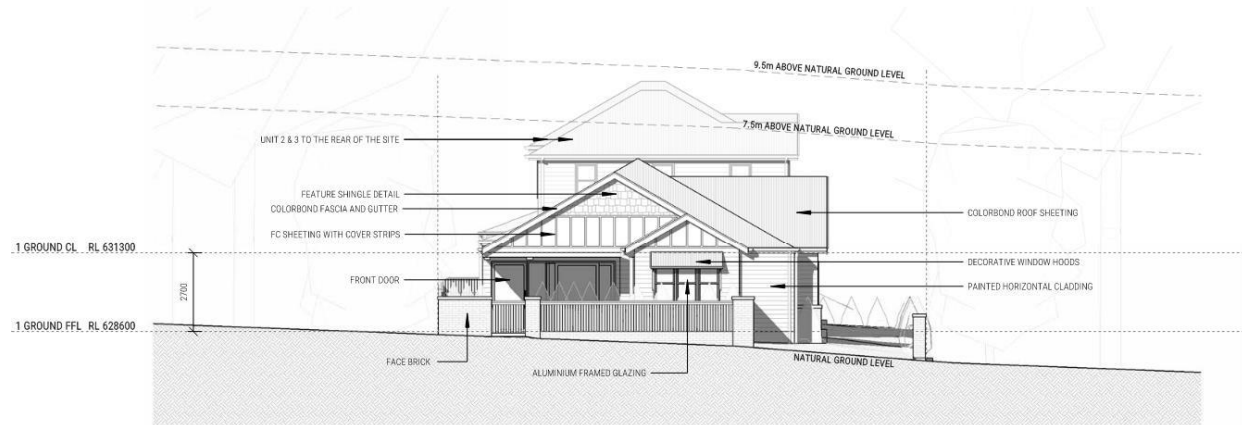
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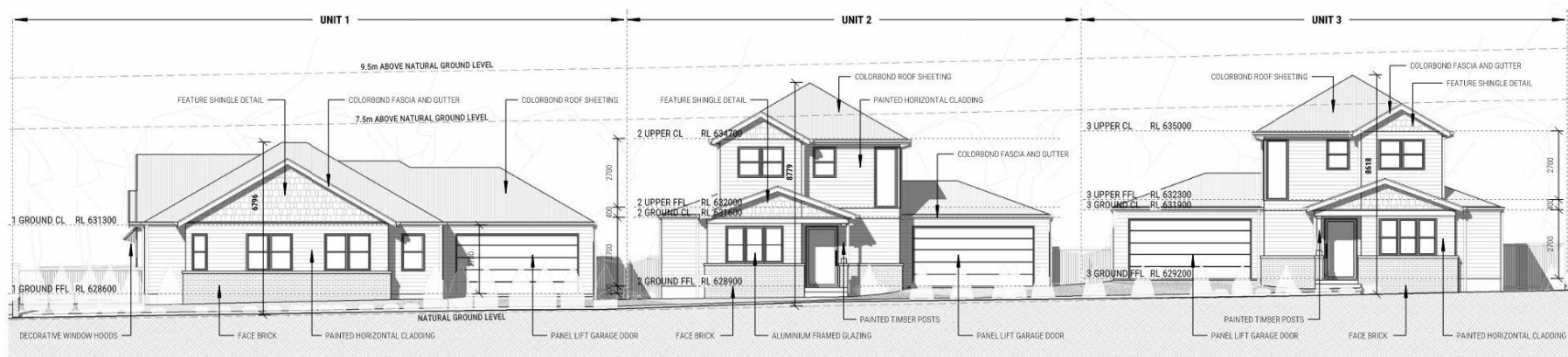
UNIT 1	(SQM)	UNIT 2	(SQM)	UNIT 2	(SQM)
GROUND FLOOR	114.2	GROUND FLOOR	88.3	GROUND FLOOR	88.3
PATIO	23.3	UPPER FLOOR	57.4	UPPER FLOOR	57.4
GARAGE	40.8	PATIO	17.8	PATIO	17.8
		GARAGE	38.4	GARAGE	38.4
		PORTICO	2.7	PORTICO	2.7
<b>TOTAL</b>	<b>178.3</b>	<b>TOTAL</b>	<b>204.6</b>	<b>TOTAL</b>	<b>204.6</b>
<b>BUILDING AREA</b>		<b>GRAND TOTAL</b>		<b>587.5</b>	



FIRST FLOOR PLAN 1:150



WEST ELEVATION 1:150



SOUTH ELEVATION 1:150

DESIGNED BY <b>C BRUMBY</b>	LOT / PLAN <b>14 RP17782</b>	JOB NUMBER <b>23.003</b>	ISSUE <b>WD 1</b>	CLIENT	PROJECT TYPE	PROJECT ADDRESS	PAGE
DRAWN BY <b>C BRUMBY</b>	AUTHORITY <b>TRC</b>	SCALE <b>1:100 @ A3</b>	DATE <b>18.12.23</b>	<b>JKCL Pty Ltd</b>	<b>3 X NEW DWELLINGS</b>	<b>4 WONDERLEY STREET, TOOWOOMBA</b>	<b>04</b>
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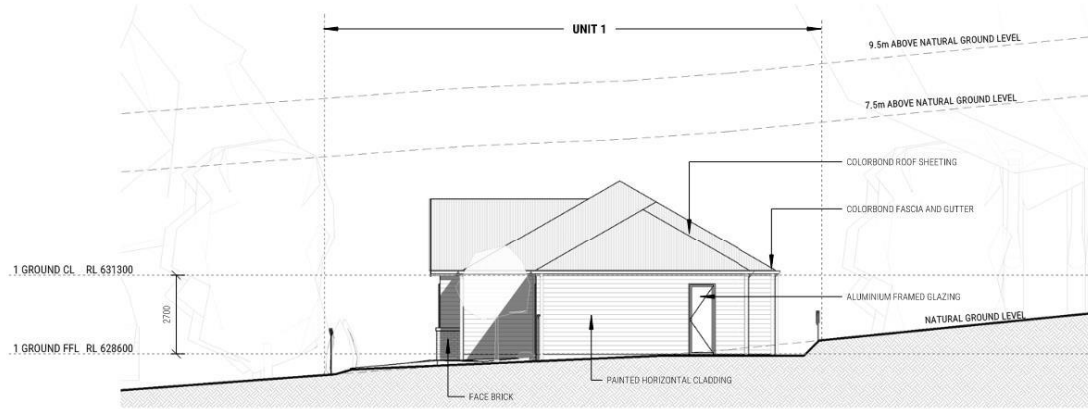


EAST ELEVATION 1:150

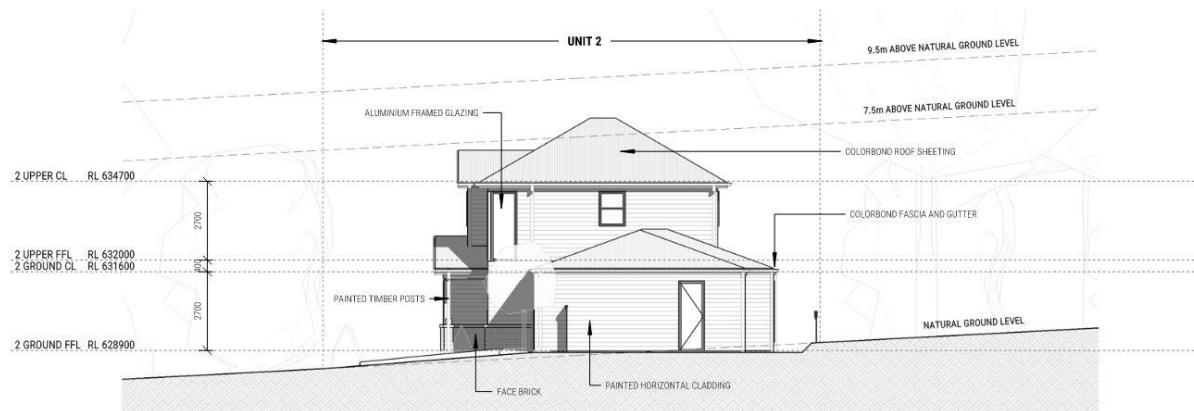


NORTH ELEVATION 1:150

DESIGNED BY <b>C BRUMBY</b>	LOT / PLAN <b>14 RP17782</b>	JOB NUMBER <b>23.003</b>	ISSUE <b>WD 1</b>	CLIENT	PROJECT TYPE	PROJECT ADDRESS	PAGE
DRAWN BY <b>C BRUMBY</b>	AUTHORITY <b>TRC</b>	SCALE <b>1:100 @ A3</b>	DATE <b>18.12.23</b>	<b>JKCL Pty Ltd</b>	<b>3 X NEW DWELLINGS</b>	<b>4 WONDERLEY STREET, TOOWOOMBA</b>	<b>05</b>
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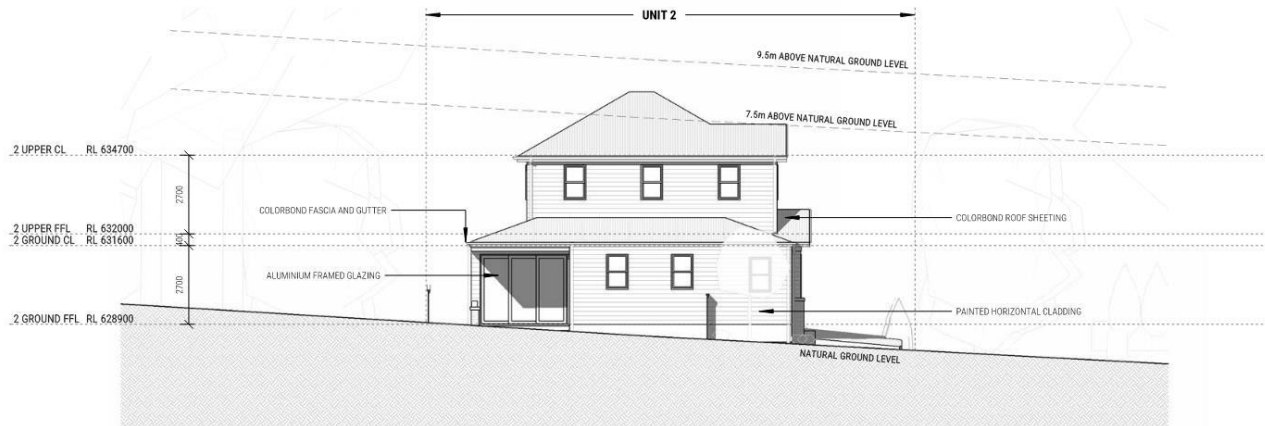


EAST ELEVATION 1:150

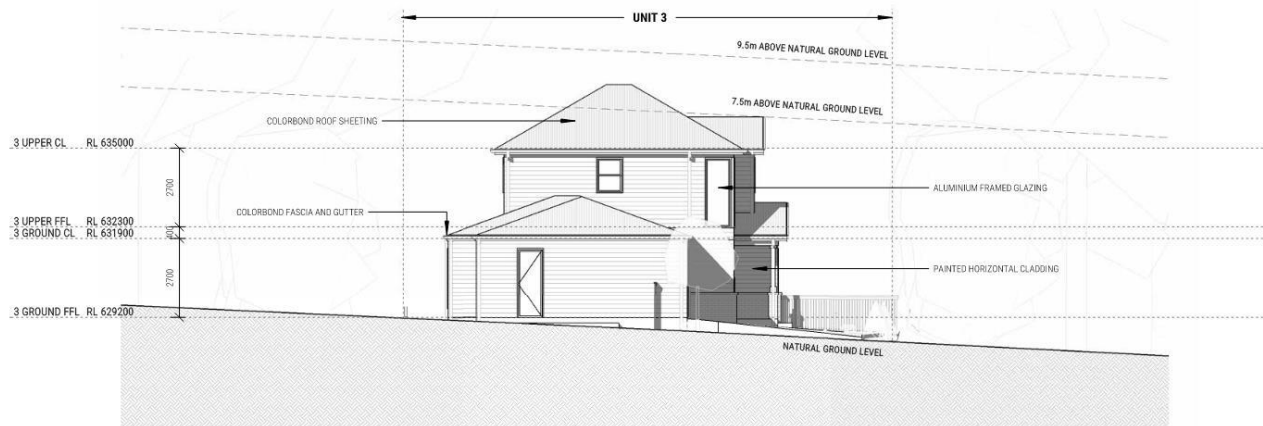


EAST ELEVATION 1:150

DESIGNED BY <b>C BRUMBY</b>	LOT / PLAN <b>14 RP17782</b>	JOB NUMBER <b>23.003</b>	ISSUE <b>WD 1</b>	CLIENT	PROJECT TYPE	PROJECT ADDRESS	PAGE
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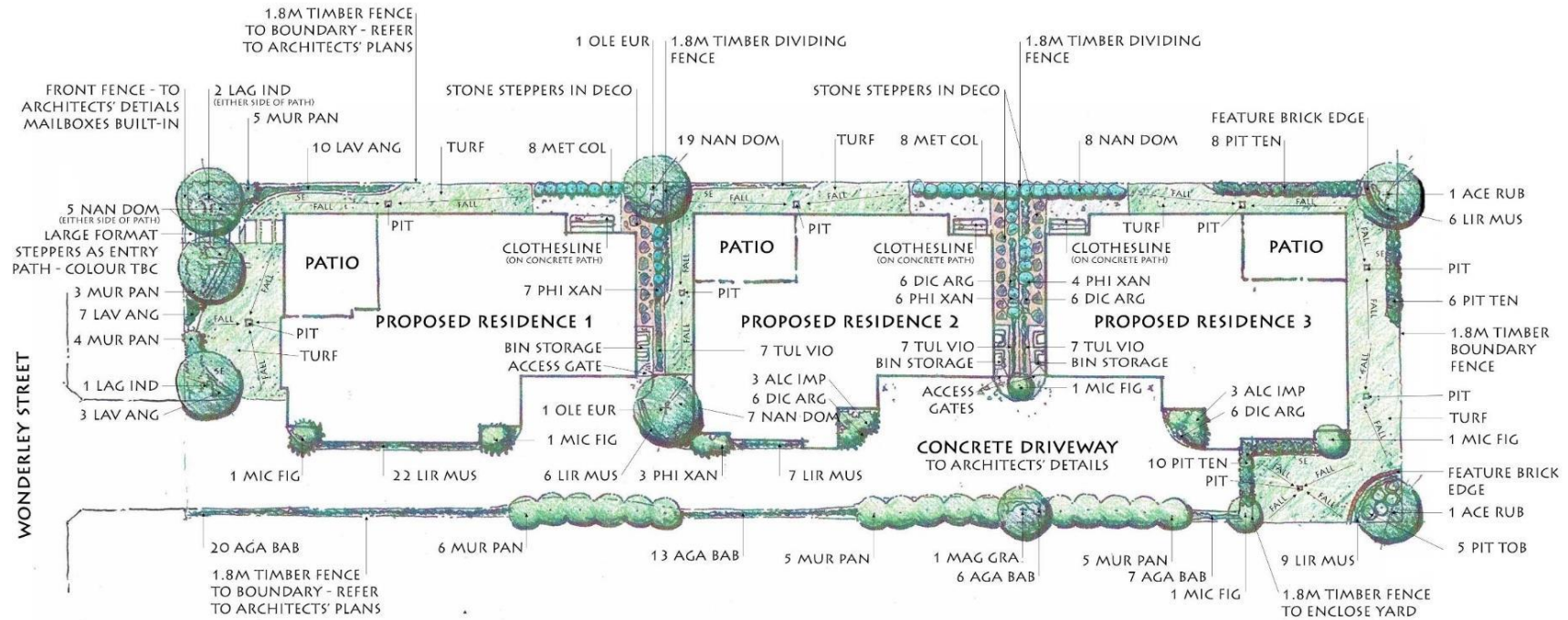


WEST ELEVATION 1:150



WEST ELEVATION 1:150

DESIGNED BY <b>C BRUMBY</b>	LOT / PLAN <b>14 RP17782</b>	JOB NUMBER <b>23.003</b>	ISSUE <b>WD 1</b>	CLIENT	PROJECT TYPE	PROJECT ADDRESS	PAGE
DRAWN BY <b>C BRUMBY</b>	AUTHORITY <b>TRC</b>	SCALE <b>1:100 @ A3</b>	DATE <b>18.12.23</b>	<b>JKCL Pty Ltd</b>	<b>3 X NEW DWELLINGS</b>	<b>4 WONDERLEY STREET, TOOWOOMBA</b>	<b>07</b>
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● **SUPER NATURAL LANDSCAPES** ●  
 DRAWN BY - BARRY SWEET  
 GRADIP'L'SCAPEARCH  
 MOB: 0439726638  
 EMAIL - SNLANDSCAPES@OUTLOOK.COM

**WESTON BUILDING GROUP**  
 PROPOSED 3 DWELLING DEVELOPMENT  
 4 WONDERLEY ST  
 TOOWOOMBA, QLD

**LANDSCAPE PLAN - LP-001**  
 FOR - DEVELOPMENT APPROVAL  
 ISSUE - A  
 7TH FEBRUARY 2024



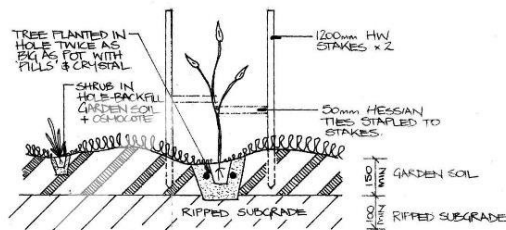
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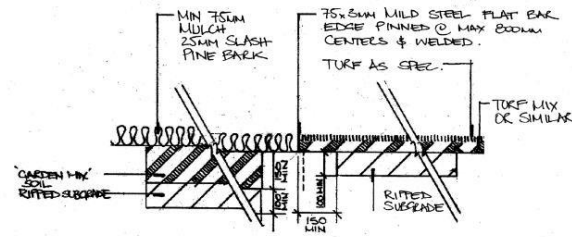
Plant Schedule						
Type	Botanical Name	Code	Common Name	Native	Pot Size	Number
Trees	Acer rubrum 'October Glory'	Ace rub	Lipstick Maple	N	25L	2
	Lagerstroemia indica 'sioux'	Lag ind	Crepe Myrtle	N	25L	3
	Magnolia grandiflora 'Little Gem'	Mag gra	Little Gem	N	300mm	1
	Olea europaea	Ole eur	Olive	N	25L	2
Shrubs	Alcantarea imperialis 'Silver Plum'	Alc imp	Imperial Bromeliad	N	300mm	6
	Metrosideros collina 'Little Dougald'	Met col	New Zealand Christmas Bush	N	200mm	16
	Michelia figo	Mic fig	Port Wine Magnolia	N	300mm	5
	Murraya paniculata 'min-a-min'	Mur pan	Dwarf mock orange	N	200mm	28
	Nandina domestica 'Lemon Lime'	Nan dom	Lemon Lime	N	200mm	39
	Philodendron xanadu	Phi Xan	Xanadu	N	140mm	20
	Pittosporum tenuifolium 'silver sheen'	Pit ten	Silver Pittosporum	N	140mm	24
	Pittosporum tobira 'Miss Muffet'	Pit tob	Dwarf Pittosporum	N	200mm	5
Groundcovers	Agapanthus 'Baby Pete'	Aga bab	Dwarf Agapanthus	N	140mm	46
	Dichondra argentea	Silver falls	Silver falls	N	140mm	24
	Lavandula angustifolia	Lav ang	Lavender	N	140mm	20
	Liriope muscari	Lir mus	Evergreen giant	N	140mm	50
	Tulbaghia violacea	Tul vio	Society Garlic	N	140mm	21

**NOTES**

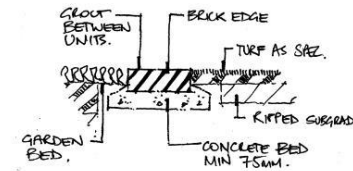
- Use a non-residual glyphosate to manufactures' specification to eradicate all weeds prior to commencement of Landscape works
- Use site topsoil to establish desired heights in turf and garden areas where possible
- All garden areas are to be mulched with 25mm slash pine bark @ min 75mm thick - Unless noted - Refer to details 1, 2 & 3. Ensure mulch is clear of trunk as detailed.
- All edging "SE" to be 75mm mild steel flat bar pinned with 12mm round bar - min 300mm long - and welded @ max 800mm centers - Refer to Detail 2
- All 'turf' areas to fall to designated pits or to the street where possible and be prepared with suitable 'turf mix' soil. Refer to Detail 2. Water immediately after laying and keep moist
- Species - Wintergreen couch
- Steppers in deco areas shall be prepared to ensure adequate falls to installed pits and away from structures - i.e Buildings/Retaining walls/Fences
- Paver colour, size & brand to be confirmed with builder/owners prior to installation.
- Fences - Refer to Architects' Details/Specs.
- Side returns and/or access gates are to be located to allow access to electricity meter. Height/materials/colour to be confirmed with builder/contractor/owners prior to install.
- If plant species/sizes are not practically available when time comes to install, the landscape contractor shall notify the designer and a list of acceptable substitutes shall be supplied
- Planting - Stake mature specimens if necessary - Refer to Detail 1.
- All concrete areas - driveways/Paths/Patios/etc - Refer to Architects' Details/Specs.



1. Typical Planting Detail



2. Garden Bed/Steel Edge/Turf – Typical Detail



3. Brick Garden Edge/Stepper – Typical Detail

**SCHEDULE 1**

**Statement of Reasons**

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

SITE DETAILS	
Site Address	4 Wonderley Street, MOUNT LOFTY QLD 4350
Real Property Description	Lot 14 RP17782
Site Area	1012m <sup>2</sup>
Owner	Kellie Maree Weston and Jason Ronald Weston

PROPOSED DEVELOPMENT	
Name of Applicant	Kellie Maree and Jason Ronald Weston C/- Revolution Town Planning
Type of Application	Material Change of Use
Proposed Development	Multiple Dwelling 3x3 Bedroom Units
Level of Assessment	Impact
Gross Floor Area	~405.6m <sup>2</sup>
Impervious Area	73.6%
Site Cover	46.7%
Car Parking Spaces	Six (6) covered spaces, two (2) for each dwelling
Service Vehicle Provision	N/A
Submissions Received	Objection: Two (2)
	Support: Nil
Decision	Approval
Decision Date	8 August 2024

ASSESSMENT MATTERS							
Assessment benchmarks	<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 (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>○ 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> <li>○ Airport Environs Overlay Code</li> </ul> </li> </ul>						
Relevant matters	No further relevant matters were considered in the assessment.						
Matters raised in submissions	<table border="1"> <thead> <tr> <th>Issue</th> <th>How matter was dealt with</th> </tr> </thead> <tbody> <tr> <td>Northern side boundary setback of 1.5m impacting on privacy of adjoining owner.</td> <td>Standard conditions imposed to ensure that minimum 1.8m high fence is provided to screen adjoining development which would provide sufficient screening of windows at the ground level. Additional relevant comment is also provided for the next item below.</td> </tr> <tr> <td>Privacy concerns</td> <td>Acceptable Outcome AO<sub>12.2</sub> of Table 9.3.7.3 of</td> </tr> </tbody> </table>	Issue	How matter was dealt with	Northern side boundary setback of 1.5m impacting on privacy of adjoining owner.	Standard conditions imposed to ensure that minimum 1.8m high fence is provided to screen adjoining development which would provide sufficient screening of windows at the ground level. Additional relevant comment is also provided for the next item below.	Privacy concerns	Acceptable Outcome AO <sub>12.2</sub> of Table 9.3.7.3 of
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Privacy concerns	Acceptable Outcome AO <sub>12.2</sub> of Table 9.3.7.3 of						

	<p>raised in relation to the first floor of Unit 2 to its northern neighbour.</p>	<p>the Medium Density Residential Code requires screening or treatments of windows where there is a direct view within 9m into a habitable room or private open space of another dwelling on the same or an adjoining site. Despite the first floor side setbacks being in excess of those required under Acceptable Outcome AO<sub>7.2(a)(ii)</sub>, the direct views into the northern dwelling and private open space areas do not provide the level of protection of privacy expected under Performance Outcome PO<sub>12</sub> unless conditioned. Conditions have been imposed to ensure a level of screening of first floor windows that provide a sufficient level of privacy for neighbouring residents.</p>
	<p>Risk of damage to trees on adjoining property to north.</p>	<p>Conditions have been recommended to minimise adverse impacts on trees on adjoining land. An Arborist's Report has been conditioned to confirm the extent of adjacent trees' roots over the subject premises and the measures to be undertaken to not adversely affect the health of neighbouring trees.</p>
	<p>Additional dwellings results in a loss of green space. Submitter recommends that a Dual Occupancy with larger green spaces are proposed instead of a Multiple Dwelling.</p>	<p>Each proposed dwelling provides private open space and landscaping that satisfies the relevant Planning Scheme provisions or conditions can be imposed to ensure compliance. Provision of large backyards or non-impervious areas is not a relevant Planning Scheme assessment benchmark nor is it a relevant matter under the <i>Planning Act 2016</i>.</p> <p>Conditions have also been recommended to minimise adverse impacts on trees on adjoining land.</p>
	<p>Metal fencing burning plants on its northern neighbour.</p>	<p>The Applicant proposes to replace the metal fence with a timber fence so the new fence will satisfy the submitter's preference of a timber fence.</p>
	<p>Loss of Toowoomba 'cottage look'.</p>	<p>The development provides a built form and design that satisfies other relevant design criteria in relation to articulation, variation in building materials etc. outlined in the Medium Density Residential Code that will enhance the local streetscape character. The subject premises and adjoining premises are not affected by the Neighbourhood Character Overlay and Neighbourhood Character Place designation so any Planning Scheme benchmarks in relation to protection of a traditional design theme are not relevant to the proposed development.</p>
	<p>Lack of privacy and increased noise to its eastern neighbour.</p>	<p>Windows to the east from Unit 3 have high sill heights and are for a toilet and bathroom. Unit 3's private open space is situated to the east and ample turfed area separates Unit 3 from its eastern neighbour. Conditions have been imposed to ensure that a 1.8m high fence is constructed to ensure the privacy and amenity of its eastern neighbour at the ground level.</p> <p>Acceptable Outcome AO<sub>12.2</sub> of Table 9.3.7.3 of the Medium Density Residential Code requires screening or treatments of windows where there is a direct view within 9m into a habitable room or</p>

		<p>private open space of another dwelling on the same or an adjoining site. Despite the first floor side setbacks being in excess of those required under Acceptable Outcome AO<sub>7.2(a)(ii)</sub>, the direct views into the eastern dwelling and private open space areas do not provide the level of protection of privacy expected under Performance Outcome PO<sub>12</sub> unless conditioned. Conditions have been imposed to ensure a level of screening of first floor windows that provide a sufficient level of privacy for neighbouring residents.</p> <p>Given the residential nature of the use, it is not considered that the proposed development will generate limited noise nuisances to surrounding premises. As such, it is considered that the proposed development will not require acoustic mitigation treatments. Notwithstanding, conditions of approval have been recommended to ensure that the driveway is finished in a surface that prevents tyre squeal.</p>
	Lack of solar access created by Unit 3 to its eastern neighbour increases risk of mould growth and maintenance costs.	The development, particularly at the first floor, provides setbacks in excess of the requirements in the Medium Density Residential Code and will create limited adverse impacts on sunlight to its eastern neighbour. It is noted that significant shading to that site is created by trees on the neighbouring property to its north. Protection or removal of neighbour's trees are a civil matter that it not a relevant consideration under the Planning Scheme and the <i>Planning Act 2016</i> .
	Adverse lighting impacts created by vehicles and pedestrians entering and exiting the site during the evening.	The driveway is setback more than eight (8) metres from its eastern neighbour and is screened by landscaping that is approximately 500mm in width. With the 1.8m high timber paling fence being proposed along the northern, eastern and southern boundaries of the subject premises, the adverse impacts posed by car light shining into 15A Trevethan Street will be negligible.
	Increased risk of traffic incidents at Wonderley and Bridge Street intersection.	SC6.2 Engineering Standards specifies that a local access road can service up to 175 dwellings. Currently, Wonderley and Lochel Streets service well below this number of dwellings and the development meets higher order roads (i.e. of a higher standard than a local access street) at the intersections of Wonderley and Bridge Streets to the south and Lochel and Stuart Streets to the north west. The development does not propose any changes to Council's road network nor are any new roads being proposed. As only two (2) additional dwellings are being proposed, this development is not considered to have a substantial impact on traffic..
<b>Reasons for decision</b>	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception listed below.	
	<b>Assessment benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
	<b>Strategic Framework</b> Part 3.3.4.1(2) – Suburban neighbourhoods are generally low in scale,	The proposed Multiple Dwelling provides for residential housing in the Toowoomba Regional Council area. The design of the Multiple Dwelling is generally considered to be of a low rise scale in detached buildings of a

	<p>with a sense of low rise buildings within a treed setting.</p> <p>Part 3.3.8.1(1) – The amenity and sense of place of ... new development and redevelopment in established urban areas respects, reinforces and strengthens the distinctive character of the locality.</p> <p>Part 3.3.8.1(2) – The ... planted vegetation that contribute[s] to the uniqueness of individual communities and create their individual sense of place are retained and promoted.</p> <p>Part 3.3.12(1) – The impacts of uses are contained within the site.</p> <p>Part 3.3.12(2) – Land to accommodate population growth is identified and potential impacts ... associated with ... visual amenity are mitigated or avoided.</p> <p><b>Low Density Residential Zone Code</b></p> <p>6.2.1.2(1) – The amenity and lifestyle of residents in the Low Density Residential Zone is conserved.</p> <p>6.2.1.2(2)(j) – development maintains a high level of residential amenity avoiding uses that introduce adverse impacts such as ... other locally specific impacts.</p> <p>Performance Outcome PO<sub>14</sub> – The site layout responds sensitively to adjoining land uses as well as on-site and surrounding ... vegetation such that:</p> <p>(a) any hazards or nuisance to people or property on the site or offsite are</p>	<p>similar size to other dwellings in the area. It is worth noting that the existing street tree in front of the site will be retained. The development proposes a mix of single and double storey dwellings which is sympathetic to the predominant built form in the area in relation to setbacks, building height, site cover, private open space, landscaping and areas of hardstand (see responses to the below zone and development codes for further details). Similarly, the development provides for opportunities for high quality landscaping.</p> <p>Like the existing dwelling, the proposed dwelling closest to the street frontage (Unit 1) will be single storey so there will be minimal change to the level of openness at the street level, particularly as the street tree will be retained and there are limited differences in the width of the existing and proposed driveway crossover.</p> <p>To ensure the retention of the “treed setting” sought in Suburban Neighbourhoods, conditions were recommended to ensure that trees on adjoining premises are not adversely affected by construction works through the request of an Arborist Report for endorsement and any construction works to be undertaken in accordance with this report.</p> <p>3.3.4.2(1) Land Use Strategies states that Detached dwellings and dual occupancies are the only residential development form supported within suburban neighbourhoods. Despite this statement not being satisfied, the development provides for increased residential densities within a walkable catchment of a designated local centre and major non-industrial employment areas (3.3.1(4)(a)(vii)).</p> <p>Areas in the Low Density Residential Zone are considered Suburban Neighbourhoods under the Strategic Framework and the scale and intensity is generally low in scale with a sense of low rise buildings within a treed setting. This setting is a key characteristic of low density residential living in Toowoomba. Any impacts resulting from the proposed development that may adversely impact upon the residential setting in the locality ought to be avoided or mitigated. A key characteristic of low density residential living in the locality that is appreciated by residents is the presence of mature trees spread throughout many residential premises.</p> <p>Although measures to protect adjoining trees is not explicitly required under any Acceptable/Performance Outcomes, the construction including earthworks may result in potential damage roots of established trees</p>
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	avoided; (d) existing vegetation is retained or replaced.	planted on adjoining premises. Damage to roots may adversely affect the life and structural integrity of the tree and increase the risk to people and property. To reduce risk and mitigate any adverse impacts, conditions were imposed to ensure that any construction works and protection of trees are done in accordance with an Arborist's Report.
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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/2024/291.