ALPHA PLANNING APPLICATIONS
ABN 14 606 241 472
m 0439 373 414
e andrew@alphaplanning.com.au
a PO Box 764, Toowoomba QLD 4350
w www.alphaplanning.com.au
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20 October 2026

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21/10/2026
TOOWOOMBA
REGIONAL COUNCIL

Chief Executive Officer
Toowoomba Regional Council
PO Box 3021
Toowoomba QLD 4350
Email: development@tr.qld.gov.au

Attn: James Leader – Development Assessment

Dear James,

Information Request Response for Development Application for Reconfiguring a Lot for reconfiguring One (1) Lot into Two (2) Lots – Impact Assessable – at 40 Underwood Crescent, HARRISTOWN QLD 4350 (described as Lot 124 on RP42476) – RAL/2026/4838.

In accordance with the *Planning Act 2016* and on behalf of the applicant, Paul Christian Adams, we hereby respond to Council's Information Request, dated 29 June 2026, in its entirety and request Council to proceed with its assessment of the application. The responses provided herein address all issues raised within Council's Information Request and provide all requested information as relevant/required.

RESPONSE TO INFORMATION REQUEST

1. SETBACKS

1.1 – Issue: Lot 1 setbacks

The proposed lot layout involves a side boundary setback from proposed Lot 2's access handle to the existing dwelling on proposed Lot 1 of approximately 0.01m.

- *Performance Outcome PO4 (Table 9.4.5:1) of the Reconfiguring a Lot Code requires that all new lots provide sufficient area, frontage, and road access for lots to achieve the relevant outcomes of the zone and use code in relation to dwellings, setbacks, and other design criteria.*
- *Performance Outcome PO48 (Table 9.4.5:2) of the Reconfiguring a Lot Code requires that the configuration of hatchet lots maintain the ability of existing buildings and structures to provide adequate daylight and ventilation to habitable rooms, and does not adversely impact on the amenity or privacy of adjoining residents.*

A 1cm boundary setback for the existing dwelling adjoining the access handle of proposed Lot 2, is not considered to meet the requirements of Performance Outcome PO4 (Table 9.4.5:1) or Performance Outcome PO48 (Table 9.4.5:2) of the Reconfiguring a Lot Code, as the setback does not comply with the requirements of the Low-Medium Density Residential Zone, the Queensland Development Code, nor does it comply with building regulations for fire separation.

1.1 - Information Required:

Provide an amended plan demonstrating an increased side boundary setback to the existing dwelling house on proposed Lot 1.

Alternatively, demonstrate that all relevant fire separation requirements can be met for the existing dwelling, and that the 1cm side boundary setback for proposed Lot 1 can provide adequate access to sunlight and ventilation for habitable rooms in the existing dwelling.

RESPONSE

Despite the reduced 0.01m side boundary setback to the existing dwelling on proposed Lot 1, the proposed subdivision layout is considered to achieve the intent of Performance Outcomes PO4 and PO48 of the Reconfiguring a Lot Code, and that amendment of the proposed layout is not warranted.

The affected boundary directly adjoins the access handle serving proposed Lot 2, rather than be a 'developable portion' (i.e. building envelope) of the rear lot. The proposed access handle will remain as an unobstructed, 4 metre wide open corridor providing vehicle access to the rear lot only, and cannot accommodate any dwellings or other buildings that could impede sunlight or natural ventilation to the existing dwelling on proposed Lot 1; and the proposed subdivision will not result in built form development being located immediately adjacent to the dwelling -meaning it will not result in a 'fire source' that would require 'fire separation' (as per the Building Code of Australia). The existing dwelling will maintain a rear setback of 2.5 metres, which is in excess of the minimum requirements of the Low-Medium Density Residential Zone Code (and QDC etc), thus ensuring that any future dwelling on the rear lot can be appropriately separated from the existing dwelling. As such, the proposed boundary location cannot reasonably be considered to adversely affect the ability of the existing dwelling on proposed Lot 1 or future dwelling on proposed Lot 2 to receive sunlight or ventilation, and therefore the intent of PO48 is maintained.

In relation to fire separation requirements, and as emphasized above, the 0.01 metre setback occurs only where the existing dwelling adjoins the proposed access handle where no future building can be constructed. As such, the proposed reconfiguration does not result in any possibility for the existing dwelling to be located in close proximity to another dwelling or structure ('fire source') such that fire separation between buildings would be required or be considered to be a valid issue for consideration in Council's assessment. It is further noted that applicable building and fire separation requirements are addressed through the relevant building approval process and any future building work on either lot would remain subject to the applicable building legislation and approval requirements at that time.

Notwithstanding the above, should Council consider that additional separation from the boundary is desirable, this can readily be achieved through a condition of approval requiring a minor reduction in the width of the access handle, provided the resulting access arrangement remains compliant with applicable access and servicing requirements. For example, a reduction in the access handle's width from approximately 4 metres to 3.6 metres would provide an increased setback of approximately 0.4 metres whilst still maintaining a practical and functional access arrangement to the rear lot and any associated service infrastructure can be accommodated within the 300mm strips on either side of the 3m wide sealed driveway or beneath the access handle, if required. Noting that advice from a local consultant engineer confirms that there is no legitimate reason why infrastructure (e.g. electricity or water supply) for the rear lot cannot be located under the sealed driveway if necessary – noting these 'infrastructure assets' would not be 'Council owned' and as such would not present a potential financial risk or burden to the public.

Finally it is also note that the Planning Scheme does not regulate or prescribe separation distances as relates to 'fire separation' and the *QDC* and *Building Codes of Australia* do not apply to the assessment of a Reconfiguring a Lot under the *Toowoomba Regional Planning Scheme 2012*.

For the reasons outlined above, it is considered that the proposed lot configuration satisfies the intent of PO4 and PO48 of the Reconfiguring a Lot Code. The proposed access handle does not adversely impact upon sunlight access, ventilation, privacy or residential amenity, and the subdivision provides lots capable of accommodating residential development consistent with the Planning Scheme. Accordingly, the concerns raised by Council have been adequately addressed and no amendment to the proposed lot layout is necessary.

2. DRIVEWAY/ACCESS HANDLE

2.1 – Issue: Access Handle

The proposed development is subject to the requirements for hatchet lots in the Reconfiguring a Lot Code of the Toowoomba Regional Planning Scheme 2012. The information provided has not satisfactorily demonstrated that these requirements will be achieved. In particular, the following issues are of concern:

- *Performance Outcome PO49 (Table 9.4.5:2) of the Reconfiguring a Lot Code requires that access handles for a hatchet lot have a minimum width of 6 metres for its full length.*

The access handle serving proposed Lot 2 is approximately 4 × P Z LGH. Council has concerns that the proposed access handle width is not sufficient to accommodate services such as stormwater, water, bin storage, and electricity infrastructure with appropriate separation distances from lot boundaries and the existing dwelling.

As such, further information is required to demonstrate that the proposed Lot 2 can accommodate the required, water, stormwater, bin storage, and electricity infrastructure with associated separation distances within the proposed access handle.

2.1 – Information Required:

Provide amended plans demonstrating a 6m wide access handle for proposed Lot 2. Alternatively, provide amended plans and information demonstrating a 4m wide access handle can comply with the overall outcomes of the Reconfiguring a Lot Code and the below requirements:

- Demonstrate all the required services including stormwater, water, communication, bin storage, and electricity infrastructure can be accommodated within the proposed access handle.

RESPONSE

It is respectfully submitted that the proposed access handle is capable of accommodating the necessary servicing infrastructure for proposed Lot 2 and that a 6 metre wide access handle is not necessary to achieve the intended outcomes of the Reconfiguring a Lot Code.

The proposed access handle will provide a 4 metre wide vehicle access corridor to proposed Lot 2, which widens to 6 metres at the property boundary; and with only a 3m wide sealed driveway required within the access handle there would be 500mm either side of the driveway in which to locate required infrastructure. The access arrangement will have sufficient area for the provision of service infrastructure, with underground services able to be appropriately located alongside the driveway or, where necessary, constructed beneath the sealed driveway pavement. The proximity of the existing dwelling will not prevent the necessary servicing infrastructure from being compliantly constructed within the access handle. The location of individual services can be coordinated within the 4 metre wide access handle to ensure that the required separation distances from the existing dwelling are maintained. Where a service cannot be constructed alongside the driveway, it can be accommodated beneath the sealed pavement, subject to the standards of the relevant service authority and applicable separation requirements.

With respect to bin storage, wheelie bins can be stored within the developable portion of proposed Lot 2 and wheeled to the road for kerbside collection as required. The access handle is relatively flat with a gentle slope towards the frontage and is approximately only 28 metres in length. As such, the movement of bins between the future dwelling and the road is considered entirely practical and consistent with many residential battle-axe lot arrangements. Noting also that if Council is concerned with bin storage for collection that two (2) bins per lot can readily be accommodated within the site's overall frontage; and if necessary the driveway crossover be conditioned to be only 3 metres wide so that two (2) bins can fit within Lot 2's frontage. Noting that as the rear lot will only accommodate a "Dwelling House" use and Underwood Crescent is a 'low order road' that is not heavily trafficked that a 3 metre wide driveway crossover will be able to ensure traffic safety for Lot 2 and the uses of Underwood Crescent.

It is further noted that Council has previously approved a comparable hatchet lot subdivisions, including but not limited to the Development Approval for a 1 into 2 Lot Subdivision (RAL/2023/3415) at 26 Stehn Street, Harristown. That approval involved a very similar access arrangement, including a 6 metre frontage and a reduced 4 metre wide access handle, and was conditioned to require underground service conduits for water supply, electricity, drainage and other services to be provided within the access driveway arrangement; and allowed for the storage of refuse bins within the overall site frontage of the existing site for both lots This demonstrates that Council has previously accepted that servicing infrastructure can be readily accommodated within a similar access handle configuration.

There is no evidence to suggest the proposed subdivision layout would prevent the provision of the required services to proposed Lot 2. The 4 metre wide access handle provides sufficient area to accommodate the necessary servicing infrastructure and driveway whilst maintaining appropriate separation/buffer distances to boundary lines for complaint vehicle maneuvering and service provision. The proposed reconfiguration therefore achieves the overall outcomes of the Reconfiguring a Lot Code and amendment of the access handle is not considered to be warranted.

Conclusion

It is considered that the applicant has now adequately responded to all of the issues raised within Council's Information Request and has demonstrated that the proposal addresses all relevant issues and achieves compliance with the Planning Scheme's requirements.

It is trusted that the information provided in this information request response is considered sufficient and we hereby respectfully request that Council now proceeds to issue its Decision Notice (Approval) as soon as is possible after the applicant's compliant completion of the required Public Notification process.

If Council does not agree to any of the responses provided herein, it is respectfully requested that Council advises us in writing (email is sufficient) as soon as possible with a view to arranging a meeting between Council and the applicant to discuss the matter/s further.

If any additional information is required, or if you have any questions, please don't hesitate to contact me on 0439 373 414 or by email at andrew@alphaplanning.com.au.

Yours faithfully



Andrew Hill
Managing Director
Bachelor of Business – RMIT University
Graduate Diploma in Urban and Regional Planning – UNE

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