

Our Reference: PSW/2026/4855
CS Portal Reference: N/A
Contact Officer: Sophie Spencer
Contact: (07) 4688 6808
Email: development@tr.qld.gov.au

ACTION NOTICE

*Planning Act 2016 Section 51
Development Assessment Rules Part 1*

LJM Constructions Pty Ltd
C/- Property Projects Australia Pty Ltd
PO Box 3686
TOOWOOMBA QLD 4350

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15 June 2026

Dear Sir/Madam,

Development Application for: Building Works Assessable under the Planning Scheme -
Demolition of a Neighbourhood Character Place
Location: 2 Fogarty Street, EAST TOOWOOMBA QLD 4350
Property Description: Lot 12 RP16707, Lot 13 RP16707, Lot 14 RP16707

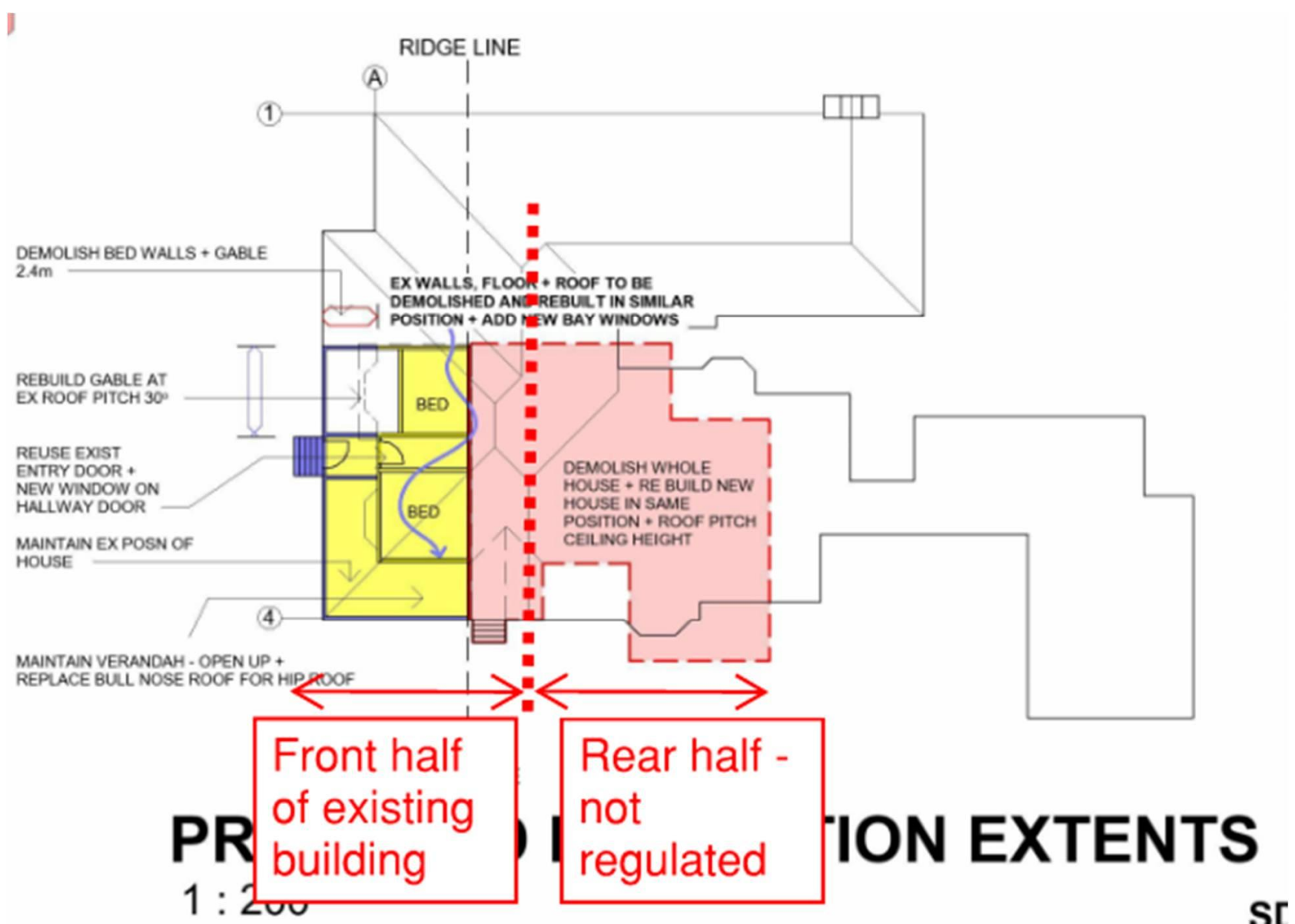
I refer to the abovementioned application received on 1 June 2026. Council is unable to accept your application as properly made, as it does not contain the mandatory information requirements for Council to accept the development application as a properly made application under Section 51 (5) of the *Planning Act 2016*.

Actions Required to Make Application Properly Made

Council cannot accept your application as properly made, as the following matters are outstanding:-

- Incomplete Application -
 - The current application relies upon authorised works under Exemption Certificate EXEM/2024/7663 (for demolition) and Preliminary Approval for Building Works PSW/2024/5440 (for additions / extensions).
 - However, there is ambiguity of what demolition / removal works are authorised under EXEM/2024/7663, given red lines are used contrary to notations indicating some walls and parts of the roof are to be retained.
 - There also appear to be inconsistencies between the current proposed works and the Approved PSW/2024/5440, including a basement cellar within the front half of the neighbourhood character place, and a window on the front façade to be converted to a door (reuse of original front door).
 - The current application relies upon the reconstruction of part of the existing dwelling and a rebuild including traditional character elements, however does not incorporate Building Works - Additions / Extensions into the application.

- Given the above, the current application is required to consolidate the previous authorised works along with new proposed works into a single development application. This can also resolve the inconsistencies between the proposed works and approved works under PSW/2024/5440.
- Application Forms, and Application Fee-
 - An amended version of the DA appl (Question 16) is required, along with the Application Fee to reflect the above. A fee of (Building Works assessable against the planning scheme) is owing. Please return the attached payment form when making payment.
- Supporting Information/Plans –
 - Demolition / Removal:
 - Provide demolition floor plans, roof plan and elevations of the existing neighbourhood character place, that clearly indicates, in red lines and notations, the aspects the dwelling for removal. Black lines and notations are to indicate aspects retained. Do not overlay the new building addition / extensions to the demolition plans.
 - The Planning Scheme regulates work within the front half of the existing building. The submitted plans show the red area as the rear half of the existing building aligning with a ridge line. This does not appear to correctly align with the 'half-way line' of the existing building. See marked-up figure below.
 - Additions / Extensions:
 - Provide plans and elevations of the new building addition / extension, with an outline of the existing neighbourhood character place and the 'half-way line' of the existing building (given additions/extensions behind the 'half-way line' is not regulated).



The above requirements must be lodged with Council for the application to be further processed. If the above requirements are not received by Council within twenty (20) business days of receipt of this notice, the application is taken to have not been made. If you have any enquiries in relation to this matter please contact Council's Lead Senior Planner, Sophie Spencer on the above number.

Yours faithfully

A handwritten signature in black ink, appearing to read 'K McKillop', written in a cursive style.

Kasey McKillop
Lead Senior Planner, Planning Branch