

REPORT TITLE	Reconfiguring a Lot – Impact – Reconfigure One (1) into Two (2) Lots located at 15 Vacy Street, NEWTOWN QLD 4350
AUTHOR	Planning Officer (Alice Ssu-Chieh Pai)
Application No.	RAL/2026/3605

PURPOSE OF REPORT

To consider a Development Application for Reconfiguring a Lot – Impact – Reconfigure One (1) into Two (2) Lots located at 15 Vacy Street located at 15 Vacy Street, NEWTOWN QLD 4350.

EXECUTIVE SUMMARY

This report considers a Development Application for an Impact assessable Reconfiguring a lot which seeks to Reconfigure One (1) Lot into Two (2) Lots at 15 Vacy Street, Newtown, formally described as Lot 4 RP16931. The site is currently improved by a dwelling house and carport.

The proposed reconfiguration will result in the following lots:

- Proposed Lot 14: 486m²; and
- Proposed Lot 15: 425m² (containing existing house).

A new driveway crossover is proposed to provide access to Vacy Street for proposed Lot 15, whilst proposed Lot 14 retains the existing crossover. Each lot will have access to all urban infrastructure. The existing dwelling house on-site is proposed to be retained with the carport being removed to facilitate the new boundary.

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

Under the *Toowoomba Regional Planning Scheme 2012* (Version 28), the proposed subdivision is subject to Impact Assessment due to the Neighbourhood Character Overlay. Public Notification was undertaken and One (1) submission was received against the development.

The proposed development has been assessed with regard to the applicable assessment benchmarks and having regard to all relevant matters as identified within 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. The proposed development is considered to be acceptable having regard to all relevant matters. Therefore, the development application is recommended for approval subject to relevant and reasonable conditions.

RECOMMENDATION

APPROVED - Application No. RAL/2026/3605 for a Development Permit for Reconfiguring a Lot – Impact – Reconfigure One (1) into Two (2) Lots located at 15 Vacy Street, pursuant to the provisions of Section 60 of the *Planning Act 2016* and subject to the conditions listed below.

ASSESSMENT MANAGER CONDITIONS

PLANNING

APPROVED DEVELOPMENT

1. This Development Approval is for Reconfiguring a Lot, being the subdivision of land for One (1) Lot into Two (2) lots.

CARRY OUT AND 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 have not been varied by this Development Approval.
3. Unless otherwise stated, all conditions must be complied with prior to Council's approval of the Plan of Subdivision prior to registration with the Department of Natural Resources and Mines.
4. 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

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

Plan No: 17/187 PP01, Revision B

Description: Proposal Plan – Site Dimensions, prepared by Byrne Surveyors and dated 20 June 2026

Amendments: Nil

LOT NUMBERING

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

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS (OPERATIONAL WORKS)

7. Prepare and submit applications to Council and obtain Operational Works approval for the following:

7.1 Roadworks (driveway crossover); and

7.2 Stormwater Infrastructure.

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 Landscape Plan.

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS

9. Prepare and submit for Council's approval a Plan of Subdivision in accordance with Schedule 18 of the *Planning Regulation 2017*.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

10. 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 subdivision earthworks and construction.

DEDICATIONS, AGREEMENT AND CONTRIBUTIONS

EASEMENTS

11. An easement for Stormwater purposes must be registered in favour of Proposed Lot 14 against the title of Proposed Lot 15. The easement must be a minimum 1.5 metres wide and must be located over the proposed easement identified on the Approved Plans and included on the Plan of Subdivision for Council's approval.
12. Easement documentation must be prepared and submitted to Council, at no cost to Council, for review against conditions of approval.

13. Unless consistent with the terms of the easement and authorised under this Development Approval, any permanent works or structures must be kept clear of any existing or proposed easements on the subject land.

FEES AND CHARGES

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

DEVELOPMENT CONSTRAINTS

REMOVAL OF EXISTING BUILDINGS & STRUCTURES

15. Demolish or relocate all buildings and structures identified on the Approved Plans to be demolished prior to Council's approval of the Plan of Subdivision.

WORKS

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

16. Plans and specifications for all works associated with stormwater works, and driveway crossover, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
17. A RPEQ must submit to Council a copy of the:
 - 17.1 Design Certificate prior to commencement of the works; and
 - 17.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
18. 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.
19. 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

20. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.
21. 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;

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

22. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the internal and external stormwater infrastructure. The design and the construction of the works must be certified by a RPEQ – Civil.

STORMWATER DISCHARGE

23. Stormwater from the new roofed and sealed areas must be picked up and discharged by way of sealed underground pipe to the Vacy 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 RSD-102.

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

24. 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.
25. 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*.

EROSION & SEDIMENT CONTROL

26. 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.
27. 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.
28. 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.
29. All disturbed areas must be mulched or turfed as soon as possible during construction.

DAMAGE TO SERVICES & ASSETS

30. Protect Council and public utility services and assets during construction of the development.
31. 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:
 - 31.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 31.2 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.
32. 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.
33. 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 131 872.

SERVICES & UTILITIES

WASTEWATER INFRASTRUCTURE (GENERAL)

34. All proposed lots 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.
35. 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.
36. Any works on Council's 'live' wastewater 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.

37. All existing internal wastewater pipework for proposed Lot 15 must fall entirely within the boundaries of the lot as proposed. Any existing connections between proposed Lot 15 and proposed Lot 14 must be disconnected.
38. Where works have been carried out to disconnect any interconnecting wastewater pipework, certification must be provided to Council by a Licensed Plumber that the disconnection has been carried out.

WATER SUPPLY

39. The subdivision must be provided with a water supply system capable of servicing each lot 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.

Note: The size of any new service connection is to be determined during Plumbing approval.

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

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

ELECTRICITY

41. An electricity supply must be made available to service each approved lot within the subdivision. This supply must be in accordance with the relevant standards of the electricity distributor.
42. Written evidence must be submitted to Council from the electricity distributor advising that provision has been made for connection of reticulated electricity service for each approved lot in accordance with all applicable legislation at the time of construction.

Note: In relation to reticulated electricity, written evidence must be in the form of a "Certificate of Supply" or "Supply is Available" supplied by the relevant service provider.

TRANSPORT & ACCESS

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

43. 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.

44. 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.

ACCESS (FOOTPATH CROSSOVERS AND DRIVEWAYS)

45. A vehicle crossover (crossing of the verge) and a suitable sealed driveway must be constructed from the kerb and channel to the property boundary, for Lot 15. The following requirements apply:

45.1 The proposed vehicle access (crossing of the verge) must be constructed generally in accordance with the Institute of Public Works Engineering Australasia Drawings *RSD-100 Residential Driveways Plan 1 of 2* and *RSD-101 Residential Driveways Plan 2 of 2*, and *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*;

45.2 The driveway surfacing must consist of an approved hot mixed asphaltic concrete, segmental clay/concrete pavers or patterned/plain concrete;

- 45.3 The driveway must be constructed so as not to concentrate stormwater runoff onto neighbouring properties; and
- 45.4 The existing concrete footpath in the vicinity of the vehicle crossover (crossing of the verge) must be saw cut, removed and replaced by the vehicle crossover (crossing of the verge). The vehicle crossover (crossing of the verge) is to be graded at not steeper than 2.5% for the width of the footpath.
- 46. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the driveway crossover generally in accordance with the approved plans and documents of this Development Approval.

LANDSCAPING

LANDSCAPING PLAN

- 47. Submit to Council for endorsement, a Landscape Plan for Street Trees prepared by a suitably qualified person that details in particular
 - 47.1 The species to be planted and their location;
 - 47.2 The number and container size of plants;
 - 47.3 The typical planting detail including preparation, backfill, staking and mulching;
 - 47.4 Location and species of existing site vegetation including adjacent street trees; and
 - 47.5 North point, scale and drawing number.

LANDSCAPING WORKS (PROVISION OF STREET TREES)

- 48. Unless otherwise agreed by Council OR varied in an approved landscape plan plant and maintain for a period of 12 months, One (1) street tree within the Vacy Street verge road frontage.
- 49. The selection and planting of any street tree, including any tree removal and replacement, must be in accordance with the requirements of the *Planning Scheme Policy No.8 – Council Controlled Trees*, *2.68 Council Controlled Tree Management Policy*, *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* and the approved Landscape Plan.
- 50. All tree stock to be supplied in 45 litre or larger containers and be a minimum height of 1.5 metres.

ADVICES

INFRASTRUCTURE CHARGES

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

OTHER LAWS & REQUIREMENTS

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

- 4) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme 2012*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or the *Queensland Development Code*.

WHEN APPROVAL STARTS TO HAVE EFFECT

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

WHEN APPROVAL LAPSES

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

EXCAVATION & FILLING

- 7) The *Toowoomba Regional Planning Scheme 2012* (TRPS) declares excavation and filling activity involving less than 50m³ 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 50m³ or more of fill is deposited on, or 50m³ 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.

DEMOLITION OF BUILDING

- 8) Any structures located on the subject land that are to be removed require the obtaining of any necessary building approvals, and certification by a Building Certifier that the resulting setbacks and/or fire rating of any remaining buildings comply with the Standard Building Regulations.

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.

LANDSCAPING IN A NEIGHBOURHOOD CHARACTER AREA OR AT A CHARACTER PLACE

- 13) For further information on preparation of Landscape Plans please refer to *Council's Planning Information Sheet INFO 006* and *Heritage Advisory Note - Gardens* available on Council's website.

SUITABLY QUALIFIED PERSON

- 14) For the purpose of preparing a Landscape Plan, a suitably qualified person is considered to be a registered landscape architect or landscape designer with a minimum of 5 years current experience in the field of landscape design.

REASONS FOR RECOMMENDATION

The proposed development has been assessed with regard to the applicable assessment benchmarks as identified within this report and the attached Statement of Reasons (refer to Schedule 1). The proposed development generally complies with the assessment benchmarks or it can be conditioned to comply. Where the applicant has not provided sufficient information, conditions have been imposed to ensure compliance.

DELEGATE'S DECISION:

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



Krys den Hertog
Principal Planner, Planning Branch

Decision Date: 14 August 2026

BACKGROUND

SITE DETAILS				
Site Address	15 Vacy Street, NEWTOWN QLD 4350			
Real Property Description	Lot 4 RP16931			
Site Area	911m ²			
Owner	One Five Six V Pty Ltd			
SITE CHARACTERISTICS				
Current Land Use	Dwelling House			
Site Frontage/s	Vacy Street 15m, Bristol Street 15m			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Bristol Street	Local	15m	6.5m	Asphalt
Vacy Street	Local	20m	11.5	Asphalt
Easements	Nil.			
Existing Structures	Existing Dwelling House and ancillary outbuildings.			
Infrastructure	The site has connections to all urban infrastructure are available including reticulated sewer, water, telecommunications and electricity.			
Topography	Moderate slope north-west to south-east with a fall of approximately 2m across the site.			
Street Trees	One (1)			
Other Features	Nil			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 28)			Adopted: 28/11/2022
Zone	Low-medium Density Residential Zone			
Precinct	Urban Consolidation Precinct			
Overlays	Airport Environs Overlay 8km Wildlife Hazard Buffer Zone - Lighting Area Buffer (6km) Neighbourhood Character Overlay			
Infrastructure Charges Resolution	Charges Resolution No. 7			Adopted: 19/08/2025
SURROUNDS:				
Direction	Land Use	Zone/Precinct		
North	Dwelling House (opposite side of Bristol Street)	Low-medium Density Residential Zone/ Urban Consolidation Precinct		
East	Dwelling House	Low-medium Density Residential Zone/ Urban Consolidation Precinct		
South	Dwelling House (opposite side of Vacy Street)	Low-medium Density Residential Zone/ Urban Consolidation Precinct		
West	Dwelling House	Low-medium Density Residential Zone/ Urban Consolidation Precinct		
Other Features	Nil			
APPLICATION HISTORY				
Application No.	Description	Decision Date	Decision	
RAL/2017/6258	Development Permit for Reconfiguring a Lot – Reconfigure One (1) into Two (2) Lots	14/12/2017	Lapsed	

PROPOSED DEVELOPMENT		
Name of Applicant	One Five Six V Pty Ltd	
Type of Application	Reconfiguring a Lot	
Proposed Development	Reconfigure One (1) into Two (2) Lots	
Variations Sought	Not Applicable	
Level of Assessment	Impact	
Submissions Received	Objection:	1
	Support:	0
Decision Making Period Ends	14 August 2026	

CONSULTATION UNDERTAKEN

Referral Agency

Not Applicable.

Internal Referrals

Internal Referral Partner	Referral / Response
Development Infrastructure and Growth	Reviewed the application and recommended draft conditions.
Water and Waste	Reviewed the application and recommended draft conditions.
Place –Design and Development	Reviewed the application and have no requirements.
Infrastructure Charges Unit	Prepared an Infrastructure Charges Notice in accordance <i>with Charges Resolution No. 7</i> to accompany an approval of the development.

Public Notification

The Notice of Compliance was received by Council on 26 June 2026. The information attached to the notice confirms that the public notification of the application was undertaken in accordance with the requirements of Part 4 of the *Planning Act 2016*. The Notice of Compliance states the public notification included:

- Publishing a notice in the Chronicle on 3 June 2026;
- Placing a notice on the land from 4 June 2026 until 25 June 2026; and
- Notifying owners of all land adjoining the site on 2 June 2026.

One (1) submission was received opposing the development.

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

Issue	How matter was dealt with
Privacy	Both proposed lots meet the minimum lot size requirements within the Low-medium Density Residential Zone. The proposed lot sizes provide sufficient area to accommodate the required setbacks, private open space and on-site vehicle manoeuvring associated with future development anticipated within the zone. Any future development that does not trigger development assessment will still be required to comply with the relevant Queensland Development Code requirements. On this basis, the proposed development is not expected to adversely impact the amenity of future occupants or adjoining landowners.

ISSUES, RISKS AND RESPONSES – ASSESSMENT

Categorising Instrument – *Planning Regulation 2017*:

PLANNING REGULATION 2017	
<i>Prohibited Development</i>	The proposed development is not prohibited development in accordance with the <i>Planning Regulation 2017</i> .
<i>Infrastructure Charges</i>	The <i>Planning Regulation 2017</i> provides for the levying of infrastructure charges on development approvals.
<i>Schedules 9 and 10</i>	Schedules 9 and 10 categorises particular development and details the relevant assessment benchmarks for development as relevant. The proposed development is not for Reconfiguring a Lot as defined in Part 1 of Schedule 12A of the Regulation.

REGIONAL PLANS	
<i>Shaping SEQ – South East Queensland Regional Plan 2023</i>	The subject site is mapped within the bounds of the <i>Shaping SEQ – South East Queensland Regional Plan 2023</i> (ShapingSEQ). ShapingSEQ identifies that the subject site is within the Urban Footprint, which is intended to identify the land required for the region's urban development needs up to 2046. The development application is consistent with the land use intent for the Urban Footprint as it proposes additional lots that may be used for an urban use within the bounds of the urban footprint.
<i>Darling Downs Regional Plan October 2013</i>	The <i>Darling Downs Regional Plan 2013</i> (DDRP) is a statutory regional plan that is intended to provide planning policy to address planning matters that are of State interest and specific to the Darling Downs region. The subject site is located within the Restricted Area 384 of the DDRP as it is located within the SEQRP and accordingly the DDRP has no requirements.

STATE PLANNING POLICY (SPP) July 2017	
Interests	Assessment Comments
Natural Hazards, Risk and Resilience	The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property. The subject site is mapped under the Flood hazard area – local government flood mapping area. However, the area is not mapped under the local flood hazard mapping in accordance with the Planning Scheme, as such, assessment benchmarks identified in Part E of the SPP do not apply 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-medium Density Residential Zone Code;
- Airport Environs Overlay Code;
- Neighbourhood Character Overlay Code; and
- Reconfiguring a Lot Code.

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

STRATEGIC FRAMEWORK:

Theme	Assessment Comments
Settlement Pattern	The proposed subdivision is considered to generally comply with the applicable strategic and specific outcomes of the relevant elements.
Natural Environment	
Community Identity and Diversity	
Natural Resources and Landscaping	
Access and Mobility	

Infrastructure and Services	
Economic Development	

The proposed development would ordinarily be code assessable, as the proposed lot sizes meet the minimum lot size requirements for the Low-medium Density Residential Zone. However, the site is mapped within the Neighbourhood Character Overlay and, as such, the level of assessment is triggered as impact assessable development.

The proposed lot sizes are considered sufficient to support future development anticipated within the zone. In addition, the proposed lot layout is considered capable of facilitating future development that generally achieves the expected amenity outcomes sought by the Neighbourhood Character Overlay 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 subject site is located within the Priority Infrastructure Area (PIA).

Other Relevant Matters

Not Applicable

FINANCIAL / RESOURCE IMPLICATIONS

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

Human Rights Act 2019 CONSIDERATIONS

The *Human Rights Act 2019* provides that it is unlawful for a public agency to act or make a decision in a way that is not compatible with human rights, or to fail to give proper consideration to a human right. This necessitates understanding the human rights that are protected. When making decisions or taking actions, consideration needs to be given to how that may impact on a person's human rights. Where there is a restriction on a person's human rights the restriction must be no greater than is justifiable to protect the rights of others or the community at large.

In assessing this application consideration has been given to the following sections of the *Human Rights Act 2019*:

Section 24 – Property rights
Section 25 – Privacy and reputation

It is the opinion of the decision maker that no human rights have been limited.

CONCLUSION

The development has been assessed with regard to the applicable assessment benchmark as identified within this report and the attached Statement of Reasons (refer to Schedule 1). The proposed development generally complies with the assessment benchmarks or it can be conditioned to comply. Where the applicant has not provided sufficient information, conditions have been imposed to ensure compliance. It is therefore recommended that the development application be approved subject to the conditions identified above.

ATTACHMENT/S

Attachment	1	of	3	Aerial Image of Site
Attachment	2	of	3	Zoning Map
Attachment	3	of	3	Proposed Plan

SCHEDULES

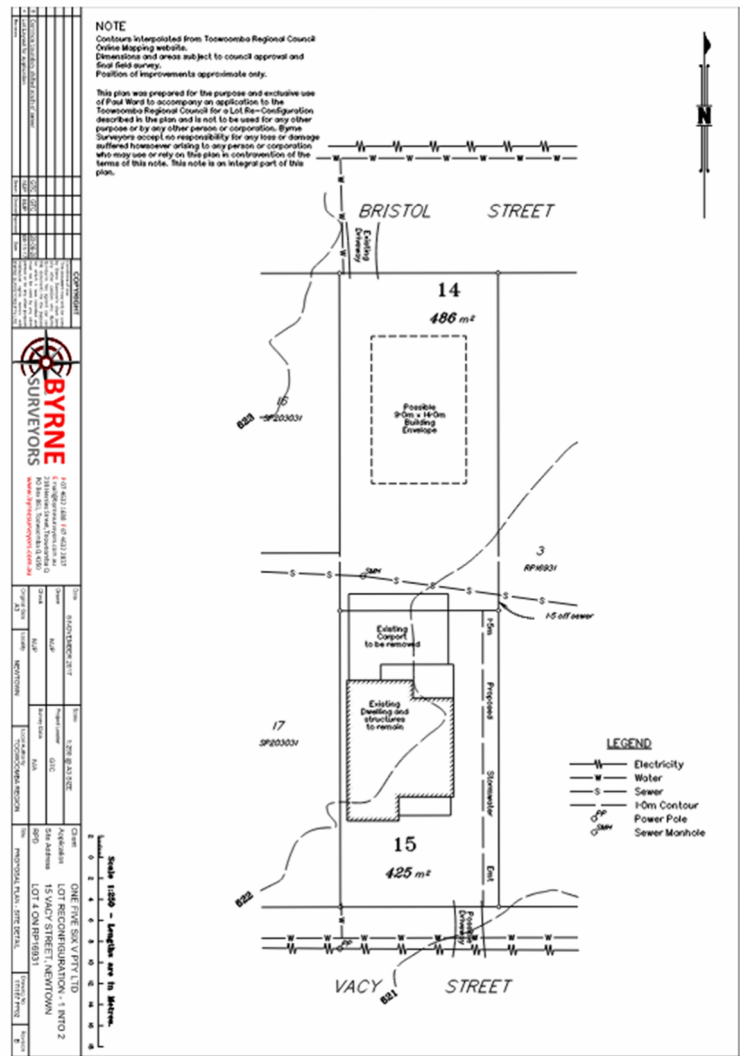
Schedule	1	Insert name of Schedule
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ATTACHMENTS**Attachment 1 Aerial Image of Site**

Attachment 2 Zoning Map



Attachment 3 Proposed Plan



SCHEDULE 1

Statement of Reasons

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

SITE DETAILS	
Site Address	15 Vacy Street, NEWTOWN QLD 4350
Real Property Description	Lot 4 RP16931
Site Area	911m ²
Owner	One Five Six V Pty Ltd

PROPOSED DEVELOPMENT		
Name of Applicant	One Five Six V Pty Ltd	
Type of Application	Reconfiguring a Lot	
Proposed Development	Reconfigure One (1) into Two (2) Lots	
Level of Assessment	Impact	
Submissions Received	Objection:	1
	Support:	0
Decision	Approval	
Decision Date	14 August 2026	

ASSESSMENT MATTERS		
Assessment benchmarks	The proposed development was assessed against the following assessment benchmarks: • Schedules 9 and 10 of the <i>Planning Regulation 2017</i> (as relevant); • <i>State Planning Policy July 2017</i> (as relevant); • South-east Queensland Regional Plan ShapingSEQ 2023; • The Local Government Infrastructure Plan; and • <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28) ○ Strategic Framework; ○ Low-medium Density Residential Zone Code; ○ Airport Environs Overlay Code; ○ Neighbourhood Character Overlay Code; and ○ Reconfiguring a Lot Code.	
Matters raised in submissions	Issue	How matter was dealt with
	Privacy	Both proposed lots meet the minimum lot size requirements within the Low-medium Density Residential Zone. The proposed lot sizes provide sufficient area to accommodate the required setbacks, private open space and on-site vehicle manoeuvring associated with future development anticipated within the zone. Any future development that does not trigger development assessment will still be required to comply with the relevant Queensland Development Code requirements. On this basis, the proposed development is not expected to unreasonably adversely impact the amenity of future occupants or adjoining landowners.
Reasons for decision	The development was assessed with the relevant Planning Scheme provisions or, to the extent of non-compliance, is considered capable of being conditioned to comply. The proposed development is considered to be acceptable having regard to all relevant matters	

For further details on the assessment of this development application, please see the Delegated Report available for public viewing on the Toowoomba Regional Council Planning and Development Online website at: <https://developmenti.tr.qld.gov.au/>. When accessing Council's website please use the following Application Number: RAL/2026/3605.