

Our Reference: MCUI/2026/4878
 CS Portal Reference: N/A
 Contact Officer: Richard Green
 Contact: (07) 4688 6710
 Email: development@tr.qld.gov.au

INFORMATION REQUEST
Planning Act 2016 Section 68(1)
Development Assessment Rules Chapter 1 Part 3

Precinct Urban Planning Pty Ltd
 PO Box 3038
 TOOWOOMBA QLD 4350

Email: andrew@precinctplan.com.au

9 July 2026

Dear Sir/Madam

Development Application for: Preliminary Approval for Material Change of Use for Dwelling Houses (including a Variation Request)
Location: 114-122 Gorman Street, DARLING HEIGHTS QLD 4350
Property Description: Lot 1 RP216294
Relevant Planning Scheme: Toowoomba Regional Planning Scheme 2012 (Version 28)

Upon review of the abovementioned Development Application and supporting information, Council requires further information which demonstrates compliance with the Planning Scheme. Please provide the information requested below:

1. Application and Supporting Material

	<i>Issue: Application and Supporting Material</i> The current description of the proposal provided under Part 3 – Development Details of DA Form 1 seeks a Preliminary Approval for Material Change of Use for Dwelling Houses (including a Variation Request). Accordingly, the extent of the changes to the current provisions of the <i>Toowoomba Regional Planning Scheme 2012 (Version 28)</i> is restricted to varying the current assessment provisions applying to Dwelling Houses only. However, the Variation Scheme Document (VSD) submitted with the application provides for a much broader suite of variations, including changes to the assessment level of multiple uses (residential, community and commercial), assessment categories, assessment benchmarks and minimum lot size. <i>Information Required:</i> The development application is required to be amended to address one of the following options: 1. Amend the application material, including the VSD, to only vary the assessment provisions applying to Dwellings Houses. All other assessment categories, assessment benchmarks and provisions of the of the <i>Toowoomba Regional Planning Scheme 2012 (Version 28)</i> must not be varied; <i>Note:</i> Under the current provisions of the <i>Emerging Community Zone</i>, a <i>Dwelling House</i> is <i>Accepted Development</i>. 2. Amend the current description of the proposal provided under Part 3 – Development Details of DA Form 1, to apply for the suite of uses and variations to assessment categories and assessment benchmarks as outlined in the VSD; or
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	<u>Note:</u> The suite of variations contained within the current version of the VSD (Version 3) require further detail to support the changes (Refer to Items 2-4 of this Information Request). <u>Note:</u> Changes made the application may require payment of an additional application fee in accordance with Council's 2026/2027 Register of Fees and Charges. 3. Amend the current description of the proposal provided under Part 3 – Development Details of DA Form 1, and the application material, to be commensurate with the purpose, intent, assessment categories and assessment benchmarks of the Low-Medium Density Residential Zone, including the minimum lot size. A VSD would not be required if this option is selected. <u>Note:</u> Changes made the application may require payment of an additional application fee in accordance with Council's 2026/2027 Register of Fees and Charges.
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2. Variation Scheme Document (VSD)

	Issue: Introduction of Community and Business Land Uses The VSD has been assessed in relation to the proposed changes to the levels of assessment and assessment criteria. It is noted that the underlying zone (Emerging Community Zone) and the land use designation of allotments in immediate proximity to the site (Low-Medium Density Residential Zone, Urban Residential Precinct) have been adopted as key contextual aspects when examining the merits of the subject proposal. The VSD seeks to change the level of assessment for the following land uses, which would result in these uses being subject to Code Assessment (rather than Impact Assessment): • Child Care Centre • Food and Drink Outlet • Office Based on the request for these land uses to be subject to Code Assessment (i.e. a bounded assessment), further information is required to better understand potential economic, social, traffic and amenity impacts that may be created by such proposals.
2.1	Information Required: To enable proper consideration of the proposed changes to the level of assessment for the nominated community and business land uses, as a minimum, the following further information is sought to be provided: (a) Economic Need Further information is required to justify the contents of the VSD, particularly relating to the proposed changes in the levels of assessment for the nominated community and business land uses. Reference is to be made to the requirements of the Strategic Framework and the Low-medium Density Residential Zone Code. (b) Traffic Impact Assessment Further information is required to be included within an updated version of the submitted Traffic Impact Assessment that accounts for the traffic flows, network and localised impacts and mitigation treatments associated with the potential development of nominated community and business land uses. Further, detailed assessment is to be examined surrounding the status of active transport infrastructure in proximity to the site. Reference is to be made to the requirements of the Transport, Access and Parking Code and Works and Services Code. (c) Assessment of general amenity considerations

	Further information is required on general amenity considerations associated with the nominated community and business land uses, including matters such as after-hours operations, light spillage, waste collection, loading/unloading activities etc. Reference is to be made to the requirements of the Environmental Standards Code. <i>Note: It is noted that the broader development application submission (i.e. town planning report, code compliance tables, proposal plans, civil engineering reporting) need to be reviewed in light of the requirement to amend plans and technical reports to respond to this information request item.</i>
2.2	Issue: Built Form Controls Associated with the Proposed Uses The VSD seeks to adjust particular siting and built form requirements as specified in the Low-medium Density Residential Zone Code in the <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28). Acknowledging these requested changes include revised requirements relating to boundary clearances, site coverage, building height, private open space and built to boundary walls, further information is required to better understand the potential built outcomes in the context of the setting of the subject site and surrounds. Where varying from the assessment benchmarks of the Low-medium Density Residential Zone Code, it must be demonstrated that any changes to the built form would not detrimentally impact the low-medium density residential amenity of the locality. Higher density forms of residential development (e.g. increased building height, reduced building setbacks, reduced private open space, etc.) are typically only considered appropriate where located within proximity to established activity centres (e.g. district centres or higher), with access to areas of public open space and public transport networks. Information Required: To enable proper consideration of the proposed changes to the built form controls as detailed within the VSD, further information is sought to support the proposed revised requirements relating to boundary clearances, site coverage, building height, private open space and built to boundary walls. Please note, it is preferred that VSDs are simple and refer to equivalent zones/precincts of the current <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28). A VSD Code is not always required, and should only be prepared to address site specific issues. Furthermore, where a code introduces alternate siting provisions under the QDC for Dwelling Houses, this will not negate the requirement to obtain a concurrence / pre-referral response for any subsequent Building Work application made for a Dwelling House.

3. Infrastructure Assessment

	Issue: Infrastructure Assessment The VSD includes an overall outcome that states: <i>Development contributes to the creation of new communities by providing a mix of lot sizes that facilitates a range of residential choices achieving a density of between 15 and 60 dwellings per hectare.</i>
3.1	The technical reports (Traffic Impact Assessment, Stormwater Management Plan and Preliminary Engineering Report) that accompany the application are based on 30 lots with 5 proposed as dual occupancy resulting in a density of 15 dwellings per hectare which is at the lower limit of the density range. The Preliminary Engineering Report identifies the equivalent person (EP) demand required for water and sewerage but no assessment of the adequacy of infrastructure to cater for that demand. Information Required: Please amend Figure 2 of the VSD by removing the reconfiguration layout.

	Update the Traffic Impact Assessment and Stormwater Management Plan to include a sensitivity analysis for development at 60 dwellings per hectare including mitigation of infrastructure impacts. Note: <i>Stormwater quality treatment will need to be provided on-site. Council will not accept a voluntary contribution in this instance.</i> Provide a Water Supply Assessment demonstrating that a compliant water supply system can be achieved to service the subject site (for up to 60 dwellings per hectare) for all the planning horizons identified in the Platz Zone Water Supply Study. The report is to demonstrate, as a minimum, modelling hydraulic results demonstrating pressure and flows and any external augmentations required to service the development. Provide a Sewerage Assessment demonstrating that a compliant sewerage system (for up to 60 dwellings per hectare) can be provided to service the subject site for all the planning horizons identified in the West Creek Sewerage Catchment Study. Note: <i>Council has assumed 70EP for the entirety of subject site (being land within the Emerging Community Zone) when undertaking water and sewerage network planning.</i>
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4. State Referral and Vegetation

	Issue: Referral Referral to SARA is based on: • Mapped matters of State Environmental Significance (MSES) or regulated features—not just the current on-ground condition; • Key Habitat Area (KHA) mapping remains in effect until it is formally amended by the State; and • Clearing of vegetation does not invalidate the mapping or the State interest. The Ecological Assessment Report is intended to support the development application that will retrospectively seek SARA assessment and approval for impacts to the mapped Koala Habitat Values that were also the subject of the enforcement notice.
4.1	It is noted from section 5.2 of the submitted Ecological Impact Assessment that the applicant is seeking to remove the mapped KHA area off this site. Mapping changes to a Koala Habitat Area should not be pursued through a development application, as the statutory framework requires assessment to be based on the current State mapping, which must be applied in determining referral triggers and assessment benchmarks. The development assessment process does not provide a mechanism to amend or disregard this mapping, with any changes required to be made through the State's separate map amendment process supported by appropriate technical justification. Accordingly, decision-makers must assess the application against the mapping as it stands and cannot vary it as part of the development application. Information Required: Provide confirmation from DETSI that the KHA mapping has changed and is no longer over the site. Alternatively, if revegetation is required on site, then amend site plans to show where this revegetation will occur and update the VSD to reflect this obligation.
4.2	Issue: Rehabilitation Plan Section 3.4 of the Ecological Assessment Report notes that “A rehabilitation plan has also been prepared as a consequence of the previous Enforcement Notice (DETSI ref. ECR2223-2791, refer to Appendix B).” A copy of this plan was not included with the supporting material. Section 6 of this report notes that “the trees within the rehabilitation area have not yet reached non-juvenile status”. It is not clear if this means rehabilitation has already commenced, or if the landowner is allowing natural revegetation to occur. It is unclear if rehabilitation works on site will change the assumptions of the proposed density of up to 60 dwellings per hectare.

	Information Required: The applicant is requested to confirm on site rehabilitation requirements as directed by DETSI through SARA. The final density assumptions should not be presented until this requirement is confirmed.
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Note on Alternative Solutions

Where an alternative solution to the Acceptable Outcome is proposed, justification demonstrating how the correlating Performance Outcome has been met must be provided. Requesting an alternative solution without demonstrating how the Performance Outcome has been satisfied, does not oblige Council to favourably consider the alternative solution.

Options Available in Response to this Information Request

In accordance with section 13.2 of the *Development Assessment Rules*, you may respond to this request for information by providing Council with:

- 1) all of the information requested; or
- 2) part of the information requested; or
- 3) a notice stating that none of the information will be provided.

In your response, advise Council which option you are supplying. If you choose 2) or 3), you may also advise Council to proceed with its assessment of the application.

Provide one electronic copy of the response to Council, including any plans or supporting information.

In accordance with section 13.1 of the *Development Assessment Rules*, you must respond to this information request within **three months** of the date the information request was made, or a further period agreed between the applicant and Council. If there is no response to the information request within the period described, Council will proceed with the assessment of the application based on the information currently available.

Yours faithfully



Matthew Coleman
Principal Planner, Planning Branch