

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

SITE DETAILS	
Site Address	10609 New England Highway, HIGHFIELDS QLD 4352
Real Property Description	Lot 3 RP161523, Emt D RP162066
Site Area	7,869m ²
Owner	Highfields Sheds Pty Ltd

PROPOSED DEVELOPMENT		
Name of Applicant	Highfields Sheds Pty Ltd	
Type of Application	Reconfiguring a Lot	
Proposed Development	Reconfigure One (1) Lot into Two (2) Lots and Access Easement	
Level of Assessment	Impact	
Submissions Received	Objection:	Nil.
	Support:	Nil.
Decision	Approval	
Decision Date	28 July 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 (as relevant); - The Local Government Infrastructure Plan; and <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28) - Strategic Framework - Airport Environs Overlay Code - Water Resources Catchments Overlay Code - Low Density Residential Zone Code - Highfields Meringandan and Meringandan West Local Plan Area Code - Reconfiguring a Lot Code	
Relevant matters	The proposed development was assessed against the following relevant matters: Development Approval MCUI/2025/4697 The extent of Development Approval MCUI/2025/469717 approved on 17 December 2025 for a new Food and Drink Outlet with a drive-through facility, which had the benefit of existing use rights for a non-residential use of a similar nature (Food and Drink Outlet for a bakery), and the existing non-residential land uses within the subject land were taken into consideration in the assessment against the Zone Code and Strategic Framework of the Planning Scheme.	
Matters raised in submissions	Issue	How matter was dealt with
	N/A. No properly made submissions were received during Public Notification.	
Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
	Assessment benchmark	Reasons for the approval despite non-compliance with benchmark
	Settlement Pattern –	The location of the subject land is naturally unable to comply with Strategic Outcome 3.3.1.4(d)(iii) which anticipates for future development to be located on the

	Strategic Outcome 3.3.1.4	western side of the New England Highway to avoid fragmentation of development, to capitalise on urban infrastructure and to maintain efficiency of highway functions as land to the east of the highway is constrained by the escarpment. Despite being located on the eastern side of the New England Highway and outside of the town centre, the subject land benefits from existing non-residential land uses. The proposed subdivision lot dimensions do not further fragment the land as they retain the existing small scale, density and intensity non-residential uses on the land. The proposed subdivision is consistent with the existing site operations of non-residential uses within the respective land-leases through the creation of Proposed Lots 1 and 2. Further, the proposal does not create or introduce new commercial development outside of the Highfields Town Centre. In conjunction with a holistic assessment against the Local Plan Code and the Zone code, the proposed development is therefore considered to align with the overall intent of Strategic Outcome 3.3.1.4(d) for development within Highfields.
	Highfields, Meringandan and Meringandan West Local Plan Code – Overall Outcome 3(i)	The proposed development on land east of the New England Highway does not strictly comply with Overall Outcome 3(i). The proposed lot dimensions do not further fragment the land as they retain the existing small scale, density and intensity non-residential uses on the subject site. The proposal does not facilitate the creation of new lot sizes that introduce new commercial development outside of the Highfields Town Centre. In addition, the subject site adjoins and forms part of a cluster of existing non-residential uses (Vet Clinic, Shop and Telecommunications Facility) along the eastern side of New England Highway. The proposed development is therefore not considered to adversely affect residential amenity or undermine the centres policy and aligns with the overall intent of Overall Outcome 3(i) of the Highfields, Meringandan And Meringandan West Local Plan Code.
	Low Density Residential Zone Code – Overall Outcome (f)	Proposed Lot 2 meets the definition for a hatchet lot per SC1.2 of the Planning Scheme which conflicts with Overall Outcome (f) and requires further assessment against the Purpose of the Low Density Residential Code. Existing land uses on parent lot (Lot 3 RP161523) operate by way of leasehold lots, being Lease A, B, C and E SP318591. This is further identified by the existing Food and Drink Outlet operating within Lease Area A and the existing Swim School operating within Lease Area B with shared services identified on Lease Areas C and E. The subject site also forms part of a cluster of existing non-residential uses (Vet Clinic, Shop and Telecommunications Facility) along the eastern side of New England Highway, forming part of a localised

		vehicular-oriented commercial area alongside a State-controlled Regional Arterial Road. The proposed subdivision seeks to create lot parcels in accordance with existing site operations within each land-lease lot and does not propose any change to lot dimensions that differ from existing site operations. This is evidenced by: - Proposed Lot 1 wholly containing the existing Food and Drink Outlet, and will not conflict with the extent of approval relating to a recent Development Approval MCUI/2025/4697 for a Food and Drink Outlet with a drive-through facility; - Proposed Lot 2 wholly containing an existing non-residential land use for a swim school with sufficient space for existing on-site effluent infrastructure; and - The proposed access easement to facilitate existing access arrangement where both lots have direct vehicular access to New England Highway. The proposed impact assessable development has also undergone public notice and no submissions have been received during public notification. On balance, the proposed subdivision is considered to formalize existing site operations of non-residential uses within respective land-leases through the creation of Proposed Lots 1 and 2. The proposed lot dimensions do not further fragment the land as they retain the small scale, density and intensity of existing non-residential uses which reflects the anticipated development mix in the Purpose of the Low Density Residential Code and aligns with the Strategic Framework of the Planning Scheme. Reasonable and relevant conditions are recommended to ensure Proposed Lot 2 can function independently and be adequately serviced without impacting or relying on Proposed Lot 1.
	Low Density Residential Zone Code – Overall Outcome (j)	In conjunction with the above assessment against Overall Outcome (f), there is no proposed intensification of uses on proposed lots that will increase environmental impacts on the existing residential amenity of adjoining lots. Were the proposed subdivision on a vacant lot with no existing land uses, a reverse noise amenity assessment will be required as a Dwelling House in a residential zone other than a medium density residential zone or high density residential zone is prohibited from stating as assessable development due tot Schedule 6 of the <i>Planning Regulations 2017</i>. However in this instance, nearby non-residential uses and having direct frontage to a State-controlled Highway have compromised the residential amenity of the subject land. The possibility for demolition of the existing non-residential use (swim school) for the construction of a residential use being a dwelling house as

		acknowledged above is unlikely. It is further noted that should a higher intensity of residential development, such as a Dual Occupancy use be proposed on Proposed Lot 2, it will be subject to code assessable development due to being a hatchet lot. On the basis of a holistic assessment of the proposed subdivision over the subject site context and locality, the proposed development is not considered to conflict with Overall Outcome (j) and the Purpose of the Low Density Residential Code. This is also consistent with the Purpose of the Low Density Residential Code which seeks to provide mechanisms to sensitively integrate small scale, low intensity non-residential uses to service the immediate local residential community without conflicting with the existing residential amenity and the viability of a nearby centre.
	Low Density Residential Zone Code, Park Residential Precinct – Overall Outcome 4(c)	Overall Outcome 4(c) anticipates that non-residential uses are not located within this precinct. The proposed subdivision does not involve or introduces a new non-residential use. Rather, the proposed development benefits from existing non-residential uses on the subject land which forms part of a cluster of existing non-residential uses east of New England Highway. The indirect conflict with Overall Outcome 4(c) arises due to existing uses and not as a result of the proposed development. The proposed development is assessed and considered to align with the Purpose of the Zone Code and the Strategic Framework of the Planning Scheme. As such, the assessment does not consider the indirect conflict with Overall Outcome 4(c) to be a detrimental conflict with the Planning Scheme.
	Reconfiguring a Lot Code - PO46	Overall Outcomes (a), (g), and (h) of the Reconfiguring a Lot Code seek to facilitate a compatible integration of land uses and lot configurations that are appropriate to the desired character and intent of the zone relative to the proposed development. The subject site land identified within the Low Density Residential Zone is not intended for a hatchet lot reconfiguration in accordance with Table 9.4.5:4 of the Reconfiguring a Lot Code. Further assessment against the Low Density Residential Zone Code is required to demonstrate compliance with the Reconfiguring a Lot Code. In this instance, a holistic assessment of the proposed development against the Overall Outcomes and Purpose of the Zone Code, as well as the Strategic Framework of the Planning Scheme, supports a recommendation for approval of the proposed hatchet lot despite non-compliance with elements of the Reconfiguring a Lot Code.

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/2026/2732