

SCHEDULE 1

Statement of Reasons

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

SITE DETAILS	
Site Address	4 Wonderley Street, MOUNT LOFTY QLD 4350
Real Property Description	Lot 14 RP17782
Site Area	1012m <sup>2</sup>
Owner	Kellie Maree Weston and Jason Ronald Weston

PROPOSED DEVELOPMENT		
Name of Applicant	Kellie Maree and Jason Ronald Weston C/- Revolution Town Planning	
Type of Application	Material Change of Use	
Proposed Development	Multiple Dwelling 3x3 Bedroom Units	
Level of Assessment	Impact	
Gross Floor Area	~405.6m <sup>2</sup>	
Impervious Area	73.6%	
Site Cover	46.7%	
Car Parking Spaces	Six (6) covered spaces, two (2) for each dwelling	
Service Vehicle Provision	N/A	
Submissions Received	Objection:	Two (2)
	Support:	Nil
Decision	Approval	
Decision Date	8 August 2024	

ASSESSMENT MATTERS							
Assessment benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Schedules 9 and 10 of the <i>Planning Regulation 2017</i> (as relevant);</li> <li>• <i>State Planning Policy July 2017</i> (as relevant);</li> <li>• South-east Queensland Regional Plan ShapingSEQ 2023 (as relevant);</li> <li>• The Local Government Infrastructure Plan; and</li> <li>• <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28) <ul style="list-style-type: none"> <li>○ Strategic Framework</li> <li>○ Low Density Residential Zone Code</li> <li>○ Medium Density Residential Code</li> <li>○ Environmental Standards Code</li> <li>○ Integrated Water Cycle Management Code</li> <li>○ Landscaping Code</li> <li>○ Transport, Access and Parking Code</li> <li>○ Works and Services Code</li> <li>○ Airport Environs Overlay Code</li> </ul> </li> </ul>						
Relevant matters	No further relevant matters were considered in the assessment.						
Matters raised in submissions	<table border="1"> <thead> <tr> <th>Issue</th> <th>How matter was dealt with</th> </tr> </thead> <tbody> <tr> <td>Northern side boundary setback of 1.5m impacting on privacy of adjoining owner.</td> <td>Standard conditions imposed to ensure that minimum 1.8m high fence is provided to screen adjoining development which would provide sufficient screening of windows at the ground level. Additional relevant comment is also provided for the next item below.</td> </tr> <tr> <td>Privacy concerns</td> <td>Acceptable Outcome AO<sub>12.2</sub> of Table 9.3.7.3 of</td> </tr> </tbody> </table>	Issue	How matter was dealt with	Northern side boundary setback of 1.5m impacting on privacy of adjoining owner.	Standard conditions imposed to ensure that minimum 1.8m high fence is provided to screen adjoining development which would provide sufficient screening of windows at the ground level. Additional relevant comment is also provided for the next item below.	Privacy concerns	Acceptable Outcome AO <sub>12.2</sub> of Table 9.3.7.3 of
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	<p>raised in relation to the first floor of Unit 2 to its northern neighbour.</p>	<p>the Medium Density Residential Code requires screening or treatments of windows where there is a direct view within 9m into a habitable room or private open space of another dwelling on the same or an adjoining site. Despite the first floor side setbacks being in excess of those required under Acceptable Outcome AO<sub>7.2(a)(ii)</sub>, the direct views into the northern dwelling and private open space areas do not provide the level of protection of privacy expected under Performance Outcome PO<sub>12</sub> unless conditioned. Conditions have been imposed to ensure a level of screening of first floor windows that provide a sufficient level of privacy for neighbouring residents.</p>
	<p>Risk of damage to trees on adjoining property to north.</p>	<p>Conditions have been recommended to minimise adverse impacts on trees on adjoining land. An Arborist's Report has been conditioned to confirm the extent of adjacent trees' roots over the subject premises and the measures to be undertaken to not adversely affect the health of neighbouring trees.</p>
	<p>Additional dwellings results in a loss of green space. Submitter recommends that a Dual Occupancy with larger green spaces are proposed instead of a Multiple Dwelling.</p>	<p>Each proposed dwelling provides private open space and landscaping that satisfies the relevant Planning Scheme provisions or conditions can be imposed to ensure compliance. Provision of large backyards or non-impervious areas is not a relevant Planning Scheme assessment benchmark nor is it a relevant matter under the <i>Planning Act 2016</i>.</p> <p>Conditions have also been recommended to minimise adverse impacts on trees on adjoining land.</p>
	<p>Metal fencing burning plants on its northern neighbour.</p>	<p>The Applicant proposes to replace the metal fence with a timber fence so the new fence will satisfy the submitter's preference of a timber fence.</p>
	<p>Loss of Toowoomba 'cottage look'.</p>	<p>The development provides a built form and design that satisfies other relevant design criteria in relation to articulation, variation in building materials etc. outlined in the Medium Density Residential Code that will enhance the local streetscape character. The subject premises and adjoining premises are not affected by the Neighbourhood Character Overlay and Neighbourhood Character Place designation so any Planning Scheme benchmarks in relation to protection of a traditional design theme are not relevant to the proposed development.</p>
	<p>Lack of privacy and increased noise to its eastern neighbour.</p>	<p>Windows to the east from Unit 3 have high sill heights and are for a toilet and bathroom. Unit 3's private open space is situated to the east and ample turfed area separates Unit 3 from its eastern neighbour. Conditions have been imposed to ensure that a 1.8m high fence is constructed to ensure the privacy and amenity of its eastern neighbour at the ground level.</p> <p>Acceptable Outcome AO<sub>12.2</sub> of Table 9.3.7.3 of the Medium Density Residential Code requires screening or treatments of windows where there is a direct view within 9m into a habitable room or</p>

		<p>private open space of another dwelling on the same or an adjoining site. Despite the first floor side setbacks being in excess of those required under Acceptable Outcome AO<sub>7.2(a)(ii)</sub>, the direct views into the eastern dwelling and private open space areas do not provide the level of protection of privacy expected under Performance Outcome PO<sub>12</sub> unless conditioned. Conditions have been imposed to ensure a level of screening of first floor windows that provide a sufficient level of privacy for neighbouring residents.</p> <p>Given the residential nature of the use, it is not considered that the proposed development will generate limited noise nuisances to surrounding premises. As such, it is considered that the proposed development will not require acoustic mitigation treatments. Notwithstanding, conditions of approval have been recommended to ensure that the driveway is finished in a surface that prevents tyre squeal.</p>
	Lack of solar access created by Unit 3 to its eastern neighbour increases risk of mould growth and maintenance costs.	The development, particularly at the first floor, provides setbacks in excess of the requirements in the Medium Density Residential Code and will create limited adverse impacts on sunlight to its eastern neighbour. It is noted that significant shading to that site is created by trees on the neighbouring property to its north. Protection or removal of neighbour's trees are a civil matter that it not a relevant consideration under the Planning Scheme and the <i>Planning Act 2016</i> .
	Adverse lighting impacts created by vehicles and pedestrians entering and exiting the site during the evening.	The driveway is setback more than eight (8) metres from its eastern neighbour and is screened by landscaping that is approximately 500mm in width. With the 1.8m high timber paling fence being proposed along the northern, eastern and southern boundaries of the subject premises, the adverse impacts posed by car light shining into 15A Trevethan Street will be negligible.
	Increased risk of traffic incidents at Wonderley and Bridge Street intersection.	SC6.2 Engineering Standards specifies that a local access road can service up to 175 dwellings. Currently, Wonderley and Lochel Streets service well below this number of dwellings and the development meets higher order roads (i.e. of a higher standard than a local access street) at the intersections of Wonderley and Bridge Streets to the south and Lochel and Stuart Streets to the north west. The development does not propose any changes to Council's road network nor are any new roads being proposed. As only two (2) additional dwellings are being proposed, this development is not considered to have a substantial impact on traffic..
<b>Reasons for decision</b>	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception listed below.	
	<b>Assessment benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
	<b>Strategic Framework</b> Part 3.3.4.1(2) – Suburban neighbourhoods are generally low in scale,	The proposed Multiple Dwelling provides for residential housing in the Toowoomba Regional Council area. The design of the Multiple Dwelling is generally considered to be of a low rise scale in detached buildings of a

	<p>with a sense of low rise buildings within a treed setting.</p> <p>Part 3.3.8.1(1) – The amenity and sense of place of ... new development and redevelopment in established urban areas respects, reinforces and strengthens the distinctive character of the locality.</p> <p>Part 3.3.8.1(2) – The ... planted vegetation that contribute[s] to the uniqueness of individual communities and create their individual sense of place are retained and promoted.</p> <p>Part 3.3.12(1) – The impacts of uses are contained within the site.</p> <p>Part 3.3.12(2) – Land to accommodate population growth is identified and potential impacts ... associated with ... visual amenity are mitigated or avoided.</p> <p><b>Low Density Residential Zone Code</b></p> <p>6.2.1.2(1) – The amenity and lifestyle of residents in the Low Density Residential Zone is conserved.</p> <p>6.2.1.2(2)(j) – development maintains a high level of residential amenity avoiding uses that introduce adverse impacts such as ... other locally specific impacts.</p> <p>Performance Outcome PO<sub>14</sub> – The site layout responds sensitively to adjoining land uses as well as on-site and surrounding ... vegetation such that:</p> <p>(a) any hazards or nuisance to people or property on the site or offsite are</p>	<p>similar size to other dwellings in the area. It is worth noting that the existing street tree in front of the site will be retained. The development proposes a mix of single and double storey dwellings which is sympathetic to the predominant built form in the area in relation to setbacks, building height, site cover, private open space, landscaping and areas of hardstand (see responses to the below zone and development codes for further details). Similarly, the development provides for opportunities for high quality landscaping.</p> <p>Like the existing dwelling, the proposed dwelling closest to the street frontage (Unit 1) will be single storey so there will be minimal change to the level of openness at the street level, particularly as the street tree will be retained and there are limited differences in the width of the existing and proposed driveway crossover.</p> <p>To ensure the retention of the “treed setting” sought in Suburban Neighbourhoods, conditions were recommended to ensure that trees on adjoining premises are not adversely affected by construction works through the request of an Arborist Report for endorsement and any construction works to be undertaken in accordance with this report.</p> <p>3.3.4.2(1) Land Use Strategies states that Detached dwellings and dual occupancies are the only residential development form supported within suburban neighbourhoods. Despite this statement not being satisfied, the development provides for increased residential densities within a walkable catchment of a designated local centre and major non-industrial employment areas (3.3.1(4)(a)(vii)).</p> <p>Areas in the Low Density Residential Zone are considered Suburban Neighbourhoods under the Strategic Framework and the scale and intensity is generally low in scale with a sense of low rise buildings within a treed setting. This setting is a key characteristic of low density residential living in Toowoomba. Any impacts resulting from the proposed development that may adversely impact upon the residential setting in the locality ought to be avoided or mitigated. A key characteristic of low density residential living in the locality that is appreciated by residents is the presence of mature trees spread throughout many residential premises.</p> <p>Although measures to protect adjoining trees is not explicitly required under any Acceptable/Performance Outcomes, the construction including earthworks may result in potential damage roots of established trees</p>
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	avoided; (d) existing vegetation is retained or replaced.	planted on adjoining premises. Damage to roots may adversely affect the life and structural integrity of the tree and increase the risk to people and property. To reduce risk and mitigate any adverse impacts, conditions were imposed to ensure that any construction works and protection of trees are done in accordance with an Arborist's Report.
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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: MCUI/2024/291.