

REPORT TITLE	Reconfiguring a Lot – Impact – Reconfigure One (1) Lot into Two (2) Lots and Access Easement located at 10609 New England Highway, HIGHFIELDS QLD 4352
AUTHOR	Planning Officer (Jun Ong)
Application No.	RAL/2026/2732

PURPOSE OF REPORT

To consider a Development Application for Reconfiguring a Lot – Impact – Reconfigure One (1) Lot into Two (2) Lots and Access Easement located at 10609 New England Highway, HIGHFIELDS QLD 4352

EXECUTIVE SUMMARY

The report considers a Development Application for Reconfiguring a Lot – Impact – Reconfigure One (1) Lot into Two (2) Lots and Access Easement located at 10609 New England Highway, Highfields, formally known as Lot 3 RP161523. Easement D RP162066 traverses the rear of the subject site. The subject site is a trapezium-shaped lot of 7,869m² in size with road frontage to State-controlled New England Highway, identified within the Low Density Residential Zone (Park Residential Precinct). Existing land uses consist of a Food and Drink Outlet (Bakery) and a Swim School operating under Land-lease agreements.

The subject land has access to telecommunications, electricity and reticulated water. On-site wastewater is managed using a holding tank and pump-out system for the Bakery and an existing on-site effluent disposal system for the Swim School.

The proposal seeks to subdivide the parent lot into two (2) Lots, with an access easement to facilitate direct vehicle access from Proposed Lot 2 to New England Highway. Proposed lots are reflective of existing land-leases and are subdivided accordingly:

- Proposed Lot 1 of 2,375m², will fully contain the existing bakery in the front half of the land, which was damaged by fire and will be demolished. The proposed lot boundaries reflect the extent of a recent Development Approval for a Material Change of Use (MCUI/2025/4697) for a Food and Drink Outlet with a Drive-through Facility;
- Proposed Lot 2 of 5,498m², will fully contain the swim school in the rear half of the land including the land application area associated with the on-site effluent disposal system servicing the swim school; and
- Proposed access easement of 384m², benefitting Proposed Lot 2 and burdening Proposed Lot 1 facilitates direct access from the Swim School to New England Highway. The proposed easement area and dimensions do not conflict with the Development Approval MCUI/2025/4697, which is active at the time of writing.

Proposed Lot 2 fits the Planning Scheme's definition of a hatchet lot, which creates a lot reconfiguration pattern that is not anticipated within the Low Density Residential Zone. The proposed development creating a hatchet lot is subject to Impact Assessment against the *Toowoomba Regional Planning Scheme 2012* (v.28). Public notification was undertaken for the Impact Assessable development application, during which no properly made submissions were received by Council. A referral was required to the Department of Transport and Main Roads for nominated access to a State-controlled Road. A Concurrence Referral Agency Response with no requirements was received and is attached in Schedule 1.

The proposed development is assessed against the Strategic Framework and the Highfields, Meringandan and Meringandan West Local Plan in addition to the Zone Code and relevant development codes. The subject land while located on the eastern side of the New England Highway and outside of the town centre, benefits from existing non-residential land uses. The proposed development is considered to formalize existing site operations of non-residential uses within the respective land-leases through the creation of Proposed Lots 1 and 2.

No new non-residential uses are proposed as part of this application. The proposal does not create or introduce new commercial lots outside of the Highfields Town Centre. Proposed lot dimensions retain the existing scale, density and intensity of existing non-residential uses which does not conflict with the Purpose of the Low Density Residential Code.

The proposed development is considered to align with the Strategic Framework of the Planning Scheme, has been assessed having regard to all relevant matters and complies or can be conditioned to comply with the

relevant assessment benchmarks of the Planning Scheme, as demonstrated in the above summary of the holistic assessment undertaken for the report. The proposal is recommended for approval subject to reasonable and relevant conditions. Conditions relating to infrastructure and the access easement are recommended to ensure each proposed lot can function and be serviced independently from the other.

RECOMMENDATION

APPROVED - Application No. RAL/2026/2732 for a Development Permit for Reconfiguring a Lot – Impact - Reconfigure One (1) Lot into Two (2) Lots and Access Easement, 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 One (1) Lot into Two (2) Lots and an easement for access purposes burdening Proposed Lot 1 and benefiting Proposed Lot 2.

CARRY OUT AND MAINTAIN DEVELOPMENT

2. Unless otherwise stated, all conditions must be complied with prior to Council's approval of the Plan of Subdivision and at all times thereafter.
3. 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

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

Plan No: 2421, Drawing No. 1004, Revision P2

Description: Proposed Subdivision Boundaries, prepared by Bones Studio Architecture Pty Ltd and dated 12 May 2026.

Amendments: Nil.

LOT NUMBERING

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

EASEMENT IDENTIFICATION

6. The identification of approved easements must remain as indicated on the Approved Plans (unless otherwise amended/approved by Council).

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

7. Prepare and submit applications to Council and obtain a Development Permit for Operational Work for the following:
 - 7.1 Water Infrastructure;
 - 7.2 Stormwater Infrastructure; and
 - 7.3 Driveway access (if required).

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS

8. Prepare and submit for Council's approval a Plan of Subdivision in accordance with Schedule 18 of the *Planning Regulation 2017*. For the purposes of Section 1(4) of Schedule 18, the stated date by which the request must be made is the last date of the currency period of this approval.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

9. 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

10. An easement for access purposes must be registered in favour of Proposed Lot 2 against Proposed Lot 1. The easement must be a minimum 384.24 m² area and must be located over the proposed easement identified on the Approved Plans and included on the Plan of Subdivision for Council's approval.
11. Easement documentation must be prepared and submitted to Council, at no cost to Council, for review against conditions of approval.
12. 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

13. 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.

WORKS

STORMWATER DRAINAGE

14. All stormwater drainage works carried out under this Development Approval must comply with *Planning Scheme Policy PSP No. 2 - Engineering Standards – Roads and Drainage Infrastructure*.
15. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.
16. 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.

17. 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 any external stormwater infrastructure. The design and the construction of the works must be certified by a RPEQ – Civil.
18. Submit to Council for approval, as part of the Development Application for a Development Permit for Operational Work, a Detailed Stormwater Management Plan prepared by a Registered Professional Engineer Queensland - Civil (RPEQ) in accordance with the relevant standards in *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure* (PSP No.2) demonstrating the following:

- 19.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval;

STORMWATER DISCHARGE

19. Stormwater from the new roofed and sealed areas from Proposed Lots 1 & 2 must be picked up and discharged by way of sealed underground pipe to a lawful point of discharge.

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

20. 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.
21. 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*.

STORMWATER – CONVEYANCE OF STORMWATER VIA DRAINAGE EASEMENT

22. Drainage easements must be registered over all drainage structures and concentrated flow paths on private land, including on adjoining land where required to connect to a lawful point of discharge, in accordance with the relevant requirements in *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure*.

EROSION & SEDIMENT CONTROL

23. 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.
24. 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.
25. 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.
26. All disturbed areas must be mulched or turfed as soon as possible during construction.

DAMAGE TO SERVICES & ASSETS

27. Protect Council and public utility services and assets during construction of the development.
28. 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:
 - 28.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 28.2 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.
29. 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.
30. 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 Ph: 131 872.

SERVICES & UTILITIES

WASTEWATER INFRASTRUCTURE (GENERAL)

31. The existing onsite wastewater treatment and effluent disposal system for the swim school located on proposed Lot 2 must be contained entirely within the bounds of proposed Lot 2.

Note: Proposed Lot 1 site operations and on-site wastewater servicing are relevant to Development Approval MCUI/2025/4697.

32. Where an existing on-site wastewater treatment and effluent disposal system is not contained within the bounds of each proposed lot or where not meeting minimum boundary separation distances under the *Queensland Plumbing and Wastewater Code 2019*, the existing system must be upgraded or a new system must be installed that complies with *Australian Standard AS3500.2 – National Plumbing and Drainage – Sanitary Plumbing and Drainage* and *Australian Standard AS1547:2012 – On Site Domestic-Wastewater Management* where system size is not exceeded (ref. Part 1.2.1.2 of AS1547:2012).
33. All reasonable and practicable measures must be undertaken to prevent treated wastewater and effluent from overflowing or seeping onto adjoining properties.

WATER SUPPLY

34. The subdivision must be provided with a water supply system capable of servicing each proposed 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 the new service connection is to be determined during Plumbing approval.

35. Unless able to be used as part of the development, any existing connection must be disconnected at no cost to Council.
36. Any existing water supply connection traversing more than one approved lot must be disconnected and removed.
37. Certification must be provided to Council by a Licensed Plumber that any necessary disconnections have been carried out.
38. Where works have been carried out to disconnect or remove traversing pipes, certification must state that a separate water supply has been provided for all lots containing buildings which previously had a metered water supply, and that new water meters have been provided where necessary.
39. All water main fittings, services and meters must be located 1.0m clear of the driveway footpath crossover unless otherwise approved in writing by Council. Any relocation of fittings clear of driveways must be undertaken by Council at no cost to Council.
40. Where property service connections are required to cross New England Highway, enveloping conduits must be installed fully extending from the water main across to the opposing front property boundary without any bends. The enveloping conduit installation must be installed by the Contractor in accordance with Council's *Standard Drawing Number 101214-001*. The service connection shall be undertaken by Council at no cost to Council.
41. The Applicant shall undertake potholing and, where necessary, additional investigations to verify the location, size, condition and suitability of the existing conduit for the proposed service upgrade at no cost to the council. Council's Water Infrastructure Services does not warrant or guarantee that the existing conduit is suitable for accommodating service connections to supply two properties. Should the Applicant be unable to satisfactorily demonstrate the suitability of the existing conduit, a new conduit and service connections shall be installed via underboring beneath New England Highway.
42. The Applicant shall obtain all necessary approvals from the Department of Transport and Main Roads (TMR) and bear all costs associated with investigations, approvals, underboring works, traffic management, conduit installation and associated service connections. All works shall be undertaken at the Applicant's sole expense and at no cost to Council.
43. Prior to the commencement of any development works on the subject land, an Operational Works application must be submitted and be approved by Council for water reticulation works. The

Operational Works application shall be in accordance with the approved plans and documents of this Development Approval.

ELECTRICITY

44. 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.
45. 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

46. 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 (DRIVEWAYS)

47. A suitable sealed driveway must be constructed for Proposed Lot 2 in accordance with the following requirements:
 - 48.1 A sealed driveway must be constructed for the full extent of the access easement and must be a minimum width of 6 metres;
 - 48.2 The driveway surfacing must consist of an approved hot mixed asphaltic concrete, segmental clay/concrete pavers or patterned/plain concrete;
 - 48.3 The driveway must be constructed so as not to concentrate stormwater runoff onto neighbouring properties;
 - 48.4 Underground service conduits for water supply, electricity, house drainage and any other services must be provided as part of the access driveway; and
 - 48.5 Where used for parking, the longitudinal gradient and crossfall of all driveways must comply with the requirements of AS2890.1.

GENERAL ADVICE

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.

ENVIRONMENTAL HARM

- 8) 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.

WATER POLLUTION

- 9) 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

- 10) 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.

WASTEWATER TREATMENT & DISPOSAL SYSTEM

- 11) The establishment of a wastewater treatment and disposal system for the site requires a Compliance Permit to be obtained from Council under the *Plumbing and Drainage Act 2018*. The system must be designed in accordance with the *Queensland Plumbing and Wastewater Code* (Department of

State Development and Infrastructure & Planning, 2007) and the *Australian & New Zealand Standard AS/NZS1547 On-site Domestic Wastewater Management*.

Please contact Council's Plumbing and Drainage team via the Customer Service Centre for further information in respect of a Compliance Permit. Where a development exceeds the accommodation or use of 21 or more equivalent persons an Environmental Authority from the Department of Environment & Science will also be required.

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 2). 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.



Emily Hinchliffe, A/Principal Planner
Planning Branch

Decision Date: 28 July 2026

BACKGROUND

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			
SITE CHARACTERISTICS				
Current Land Use	Food and Drink Outlet; and Non-residential use (Swim School)			
Site Frontage/s	New England Highway: ~40m			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
New England Highway	Regional Arterial	40m	~23m	Bitumen
Easements	Easement D RP162066			
Existing Structures	Bakery with attached Caretaker's Accommodation and Swim School buildings (large shed at rear of site)			
Infrastructure	Raw Water Main at the rear of the subject site (Emt D RP162066)			
Topography	Gentle slope of ~2m fall from the eastern corner of the subject site to the west and southern boundaries			
Street Trees	No street trees			
Other Features	N/A			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 28)			Adopted: 28/11/2022
Zone	Low Density Residential Zone			
Precinct	Park Residential Precinct			
Local Plan	Highfields, Meringandan and Meringandan West Local Plan Area			
Overlays	Airport Environs Overlay 13km Wildlife Hazard Buffer Zones Water Resource Catchment Overlay			
Infrastructure Charges Resolution	Charges Resolution No. 7			Adopted: 19/08/2025
SURROUNDS:				
Direction	Land Use	Zone/Precinct		
North	Dwelling House, Shop, Veterinary Service, Telecommunications Facility	Low Density Residential Zone / Park Residential Precinct		
East	Dwelling House	Rural Residential Zone / 4000m ² minimum Precinct		
South	Dwelling House	Low Density Residential Zone / Park Residential Precinct		
West	Dwelling House	Low Density Residential Zone / Park Residential Precinct		
Other Features	Nothing to note			

APPLICATION HISTORY			
Application No.	Description	Decision Date	Decision
MCUI/2025/4697	Food and Drink Outlet with Drive-through Facility	17 December 2025	Approved
MCUI/2003/231	Swimming School Facility	17 October 2003	Approved
MCUI/2024/8503	Food and Drink Outlet (change from Warehouse - Self-storage Facility)	9 July 2025	Withdrawn

Other	The extent of MCUI/2025/4697 development approval will be relevant to Proposed Lot 1 and proposed access & services easement.
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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	
Variations Sought	Not Applicable	
Level of Assessment	Impact	
Submissions Received	Objection:	Nil.
	Support:	Nil.
Decision Making Period Ends	28 July 2026	

CONSULTATION UNDERTAKEN

Referral Agency

Referral Agency (Technical Agency)	Referral Role	Aspect of Development Requiring Referral	Response
State Assessment and Referral Agency (Department of Transport and Main Roads)	Concurrence Referral Agency	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1	Referral agency response with No Requirements was received by Council on 22 April 2026. An amended Referral agency response with No Requirements was received by Council on 23 April 2026.

Internal Referrals

Internal Referral Partner	Referral / Response
Development Engineering and Plumbing	Reviewed and recommended conditions of approval.
Place Environmental	Reviewed and recommended conditions of approval.
Water and Waste	Reviewed and recommended conditions of approval.
Place – Landscape	Reviewed with no further requirements.
Infrastructure Charges Unit	To prepare an Infrastructure Charges Notice in accordance with <i>Charges Resolution No. 7</i> to accompany an approval of the development.

Public Notification

The Notice of Compliance was received by Council on 19 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 27 May 2026;
- Placing a notice on the land from 27 May 2026 until 18 June 2026; and
- Notifying owners of all land adjoining the site on 26 May 2026.

No properly made submissions were received during the public notice.

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 a subdivision that is consistent with existing and recently approved non-residential urban uses within the bounds of the urban footprint.
<i>Darling Downs Regional Plan October 2013</i>	Not applicable.

STATE PLANNING POLICY (SPP) July 2017	
Interests	Assessment Comments
Housing Supply and Diversity	No applicable assessment benchmarks.
Livable Communities	No applicable assessment benchmarks.
Agriculture	No applicable assessment benchmarks.
Development and Construction	No applicable assessment benchmarks.
Mining and Extractive Resources	No applicable assessment benchmarks.
Tourism	No applicable assessment benchmarks.
Biodiversity	No applicable assessment benchmarks.
Cultural Heritage	No applicable assessment benchmarks.
Water Quality	No applicable assessment benchmarks.
Emissions and Hazardous Activities	No applicable assessment benchmarks.
Natural Hazards, Risk and Resilience	No applicable assessment benchmarks.
Energy and Water Supply	No applicable assessment benchmarks.
Infrastructure Integration	No applicable assessment benchmarks.
Transport Infrastructure	No applicable assessment benchmarks.
Strategic Airports and Aviation Facilities	No applicable assessment benchmarks.

Local Categorising Instrument – Toowoomba Regional Planning Scheme 2012:

The proposed development was assessed against the following assessment benchmarks:

- 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

The development was assessed against all of the assessment benchmarks listed above and is considered to comply except as follows:

STRATEGIC FRAMEWORK:

Theme	Assessment Comments
Settlement Pattern Strategic Outcome 3.3.1.4	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 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:

Assessment Criteria	Assessment Comments
Overall Outcome 3(i): Development is predominantly located on the western side of the New England Highway to avoid fragmentation. New commercial and retail development is concentrated in the Highfields town centre or identified centres that service local catchment needs. Tourist related activities that do not adversely affect residential amenity or undermine the centres policy may be considered where adjacent to existing non-residential uses;	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. As such, 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 does not introduce new non-residential uses or tourist related activities that adversely affect residential amenity or undermine the centres policy. On balance, the proposed subdivision is consistent with existing site operations of non-residential uses within respective land-leases and does not conflict with the overall intent of Overall Outcome 3(i) of the Highfields, Meringandan And Meringandan West Local Plan Code.

LOW DENSITY RESIDENTIAL ZONE CODE:

Purpose
The purpose of the Low Density Residential Zone code is to provide for a variety of low density dwelling types, including dwelling houses and community uses and small scale services, facilities and infrastructure that cater for local residents.

The amenity and lifestyle of residents in the Low Density Residential Zone is conserved while providing mechanisms to promote and implement a mix of housing forms at a density appropriate to each locality. Non-residential uses are small scale and low intensity uses that service the day to day needs of the immediate local residential community and do not undermine the viability of a nearby centre.	
Assessment Criteria	Assessment Comments
Overall Outcome (f), new hatchet lots are not created within this zone and existing hatchet lots are occupied by a single dwelling house only.	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.
Overall Outcome (j), development maintains a high level of residential amenity avoiding uses that introduce adverse impacts such as excessive traffic, noise, dust, odour, lighting and other locally specific impacts.	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 to 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.
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.

DEVELOPMENT CODES:

RECONFIGURING A LOT CODE	
Assessment Criteria	Assessment Comments
Overall Outcome (a), Lot reconfiguration facilitates the creation of safe, convenient, functionally efficient and attractive environments, consistent with the desired character of the zone or precinct in which the site is situated; Overall Outcome (g) lot reconfiguration facilitates compatible relationships between different land uses and activities; and Overall Outcome (h) lot design and sizes are suited to the intended use of the land	Overall Outcomes (a), (g), and (h) 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. Refer to the earlier assessment for further details.

Performance Outcome	Acceptable Outcome
PO46 <i>Lot reconfigurations only create hatchet lots as a means of increasing residential densities in within:</i> (a) <i>Walking catchments around centres offering a broad range of goods, facilities and services (being 800m around Major and 400m around District centres and designated Local centres within the centre hierarchy);</i> (b) <i>Land that benefits visually from high quality parkland;</i> (c) <i>Walking catchments around major non industrial employment areas (land within 800m walk of 1000 or more non industrial jobs);</i> (d) <i>A central transport corridor bounded by Nelson, West, Jellicoe and Hume street, and</i> (e) <i>An 800m walking catchment of the University of Southern Queensland (Toowoomba campus).</i>	AO46.1 <i>Lot reconfigurations only create hatchet lots in the Low-medium Density Residential Zone.</i>
Alternate Outcome	
The applicant submits: <i>"Not Applicable (PO46). The proposed development does not involve lots that are intended for accommodation activities or sensitive land uses."</i>	
Officer Comment	
The proposed subdivision creates Proposed Lot 2 which meets the definition for a hatchet lot per SC1.2 of the Planning Scheme and is unable to comply with AO46.1 and PO46. Additionally, Table 9.4.5:4 specifically prescribes that Hatchet lots do not occur within the Low Density Residential Zone. Further assessment is required against the Overall Outcomes of the Reconfiguring a Lot Code following the hierarchy of assessment. 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. Refer to the earlier assessment for further details.	

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 site is located outside of Council's Priority Infrastructure Area.

Other Relevant Matters

Relevant Matters	Assessment Comments
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Development Approval MCUI/2025/4697	The extent of Development Approval MCUI/2025/4697 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.
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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 15 – Recognition and equality before the law
 Section 21 – Freedom of expression
 Section 24 – Property rights

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 2). 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.

ATTACHMENTS

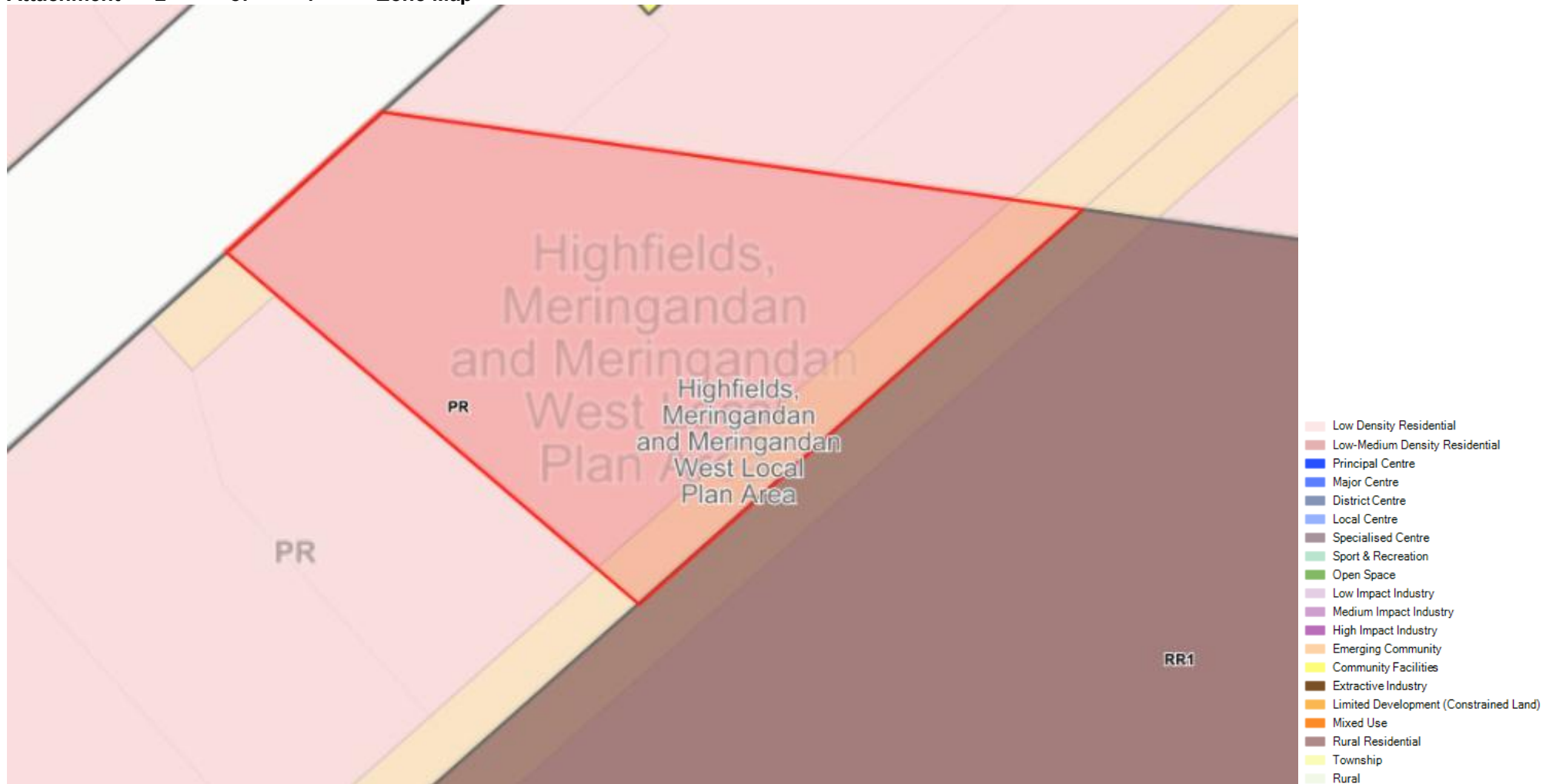
Attachment	1	of	4	Aerial Map
Attachment	2	of	4	Zone Map
Attachment	3	of	4	Infrastructure and Overlay Map
Attachment	4	of	4	Proposed Development

SCHEDULES

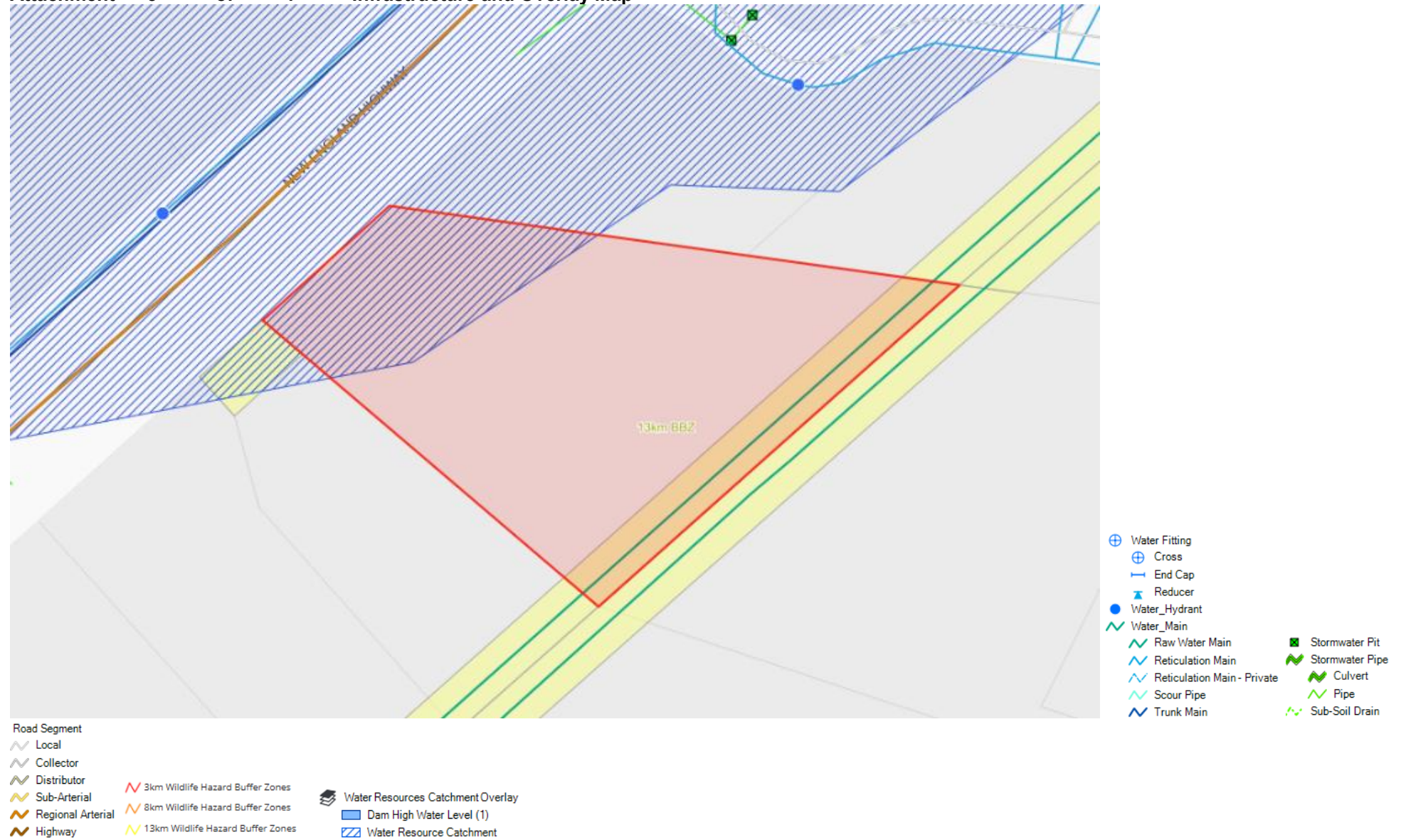
Schedule	1	Concurrence Referral Agency Response
Schedule	2	Statement of Reasons

ATTACHMENTS**Attachment 1 of 4 Aerial Map**

Attachment 2 of 4 Zone Map

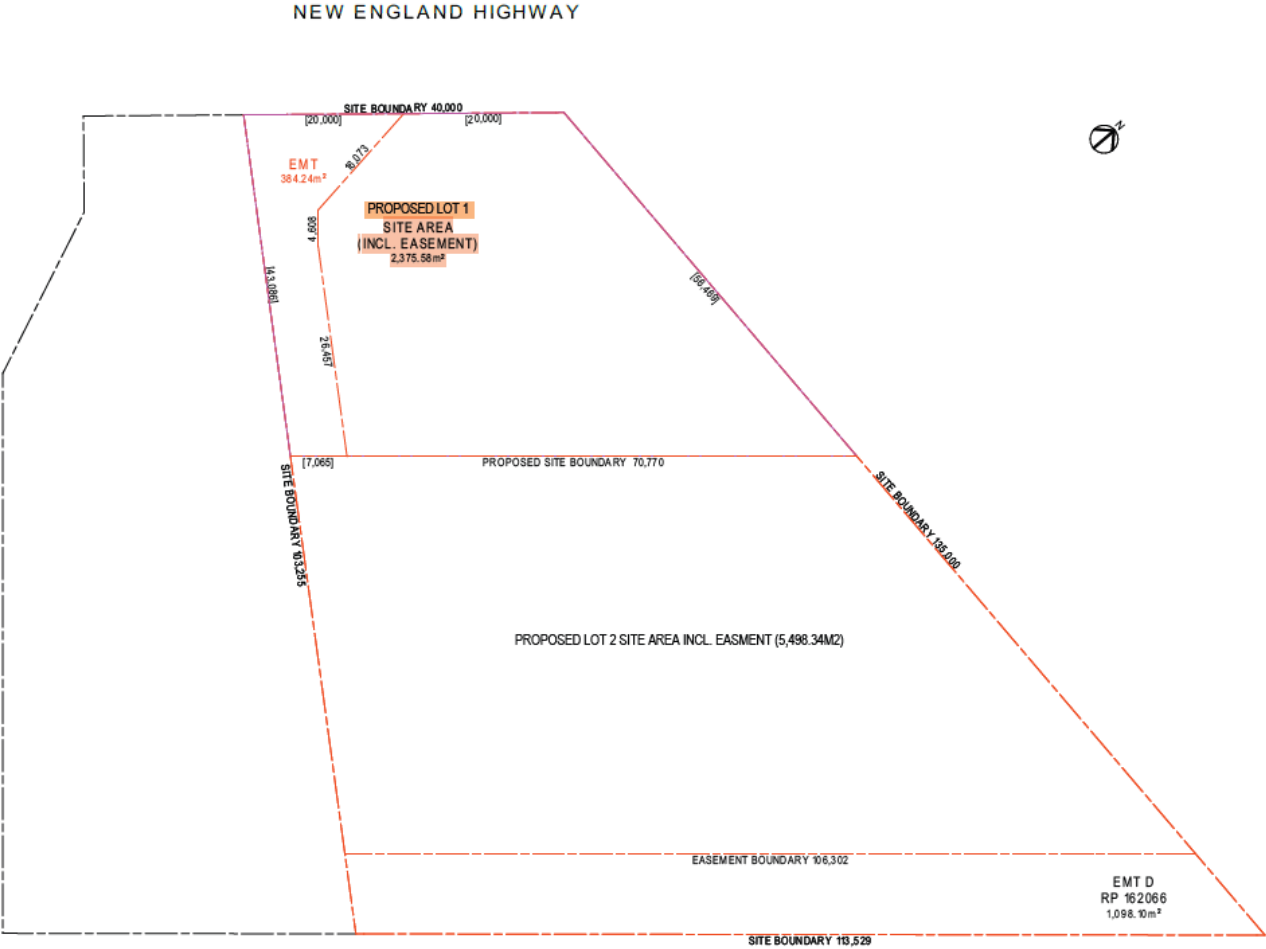


Attachment 3 of 4 Infrastructure and Overlay Map



Attachment 4 of 4 Proposed Development

B



part of Bones Studio distribution system. This
is not a final distribution system. It is not
intended for use in any other way. Use only as
intended.

Address: 211 (B100) 1000
(1000) 1000 (1000) 1000



Bones Studio
Brisbane +61 402 295 425
Sydney +61 421 756 393
bonesstudio.co

Project
10809 NEW ENGLAND HIGHWAY,
HIGHLANDS
Client CLOUSTRUCT PTY LTD

Drawing Name
PROPOSED SUBDIVISION
BOUNDARIES

P2	12/05/26	BRI Response
P1	20/03/26	Revised for Client
Rev	Date	Issue

Job No. 2421
Stage SD
Drawing No. 1004

Scale 1:500@A3
Drawn AC
Revision P2

[illegible]

SITE ADDRESS:
Lot 3 RP161523
10609 New England Highway, Highfields
PROPOSED USE:
Drive-Thru Food Premises

~~SITE AREA A: 2,375.58 m²~~
~~(INCLUDES PROPOSED REAR ACCESS DRIVE)~~

~~CARPARKS: 15 (incl. 1 PWD)~~

~~LANDSCAPE: 514.83m²
(21.67%)~~

FOR COUNCIL INFORMATION
ONLY - PROPOSED EASEMENT
BOUNDARIES OVERLAID

P5	11/08/25	Council RFI
P4	07/07/25	Issued for OA
P3	12/06/25	Issued for OA
P2	29/05/25	Issued for Coordination
P1	21/05/25	Preliminary OA Issue

SCHEDULE 1

Concurrence Referral Agency Response

RA9-N
SARA reference: 2604-51791 SRA
Council reference: RAL/2026/2732
Applicant reference: J002593

RECEIVED
23/04/2026
**TOOWOOMBA
REGIONAL COUNCIL**

23 April 2026

Chief Executive Officer
Toowoomba Regional Council
PO Box 3021
TOOWOOMBA QLD 4350
development@tr.qld.gov.au

Attention: Jun Ong

Dear Mr Ong

Amended SARA referral agency response—10609 New England Highway, Highfields

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 20 April 2026.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the Planning Act 2016, SARA advises it has no requirements relating to the application.
Date of response:	###Secondary1###
Advice:	Advice to the applicant is in Attachment 1
Reasons:	The reasons for the referral agency response are in Attachment 2

Development details

Description:	Development permit	Reconfiguring a Lot for One (1) into Two (2) Lots and Access Easement
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (10.9.4.2.1.1) (Planning Regulation 2017) - Reconfiguring a lot near a state transport corridor	
SARA reference:	2604-51791 SRA	

Assessment manager: Toowoomba Regional Council
Street address: 10609 New England Highway, Highfields
Real property description: Lot 3 on RP161523
Applicant name: Highfields Sheds Pty Ltd C/- Property Projects Australia
Applicant contact details: Level 1
618 Brunswick Street
NEW FARM QLD 4005
ollie@propertyprojectsaustralia.com.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the Human Rights Act 2019 has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s. 30 Development Assessment Rules).

Copies of the relevant provisions are in **Attachment 3**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Zinal Chand, Planning Officer, on (07) 3432 2410 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Paul Gleeson
Manager

cc Highfields Sheds Pty Ltd C/- Property Projects Australia , ollie@propertyprojectsaustralia.com.au

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations about a referral agency response provisions

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP), (version 3.5). If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for SARA's decision are:

- SARA assessed the development against State code 1: Development in a state-controlled road environment (State code 1) of the State Development Assessment Provisions (SDAP), version 3.5:
- The development complies with the assessment benchmarks of State code 1 of SDAP in that the development:
 - does not create a safety hazard for users of the State-controlled road,
 - does not compromise the structural integrity of State-controlled roads, road transport infrastructure or road works, and
 - does not result in a worsening of the physical condition or operating performance of State-controlled roads and the surrounding road network.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP, version 3.5, as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- Section 58 of the *Human Rights Act 2019*

Attachment 3— Representations about a referral agency response provisions

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SCHEDULE 2

Statement of Reasons

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