

REPORT TITLE	Material Change of Use – Impact – Multiple Dwelling (Seven (7) x Two (2) Bedroom Units and One (1) x Three (3) Bedroom Unit) located at 31 Glenvale Road, NEWTOWN QLD 4350
AUTHOR	Consultant Planner (Luke Farrelly)
Application No.	MCUI/2026/1261

PURPOSE OF REPORT

To consider a Development Application for Material Change of Use – Impact – Multiple Dwelling (Seven (7) x Two (2) Bedroom Units and One (1) x Three (3) Bedroom Unit) located at 31 Glenvale Road, NEWTOWN QLD 4350.

EXECUTIVE SUMMARY

This report considers a Development Application for a Material Change of Use – Multiple Dwelling (Seven (7) x Two (2) Bedroom Units and One (1) x Three (3) bedroom unit) at 31 Glenvale Road, Newtown, formally described as Lot 19 and Lot 20 on RP63458. The site is mapped under the Low Density Residential Zone of the Clifford Park Stables Precinct under the Toowoomba Regional Planning Scheme (Version 28) (the Planning Scheme).

The development seeks to construct seven (7) detached two bedroom units. The existing three bedroom dwelling house will be retained as unit 8. The site is connected to all urban infrastructure including reticulated water, wastewater, electricity, and telecommunications networks. The units are proposed to be accessed via a new driveway crossover in the middle of the frontage to service all units including the existing dwelling (unit 8).

The proposed development is subject to Impact assessment under the Planning Scheme. As such, the application underwent Public Notification. One properly made submission was received during the public notification period, which raised issues with the capability of the development with intent of the Clifford Park Stables Precinct. The submission has been addressed in detail in the assessment below.

The proposed development is considered to comply with, or can be conditioned to comply with, the Toowoomba Regional Planning Scheme and relevant assessment benchmarks. Accordingly, the application is recommended for approval subject to reasonable and relevant conditions, including amended plans and operational requirements.

RECOMMENDATION

APPROVED - Application No. MCUI/2026/1261 for a Development Application for Material Change of Use – Impact – Multiple Dwelling (Seven (7) x Two (2) Bedroom Units and One (1) x Three (3) Bedroom Unit), pursuant to the provisions of Section 60 of the *Planning Act 2016* and subject to the conditions listed below.

ASSESSMENT MANAGER CONDITIONS

PLANNING

APPROVED USE

1. This Development Approval is for a Material Change of Use for a Multiple Dwelling (Seven (7) x Two (2) Bedroom Units and One (1) x Three (3) Bedroom Unit).

CARRY OUT & MAINTAIN DEVELOPMENT

2. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they are not varied by this Development Approval.
3. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.

4. Complete all building work associated with this Development Approval, including work required by any of the conditions of this Development Approval prior to the commencement of use. Such building work is to be carried out generally in accordance with the Approved Plans and Documents and, where the building work is assessable development, in accordance with a current Building Work approval.
5. 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

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

Plan No: P0063307, Revision C

Description: Glenvale Road Site Plan Concept, prepared by Urbis, dated 13 August 2026.

Amendments: Council's markup in red.

Plan No: A-1

Description: Floor Plan, prepared by The Concept Group and dated 30 January 2026, received by Council 16 February 2026

Amendments: Nil.

Plan No: A-13

Description: Elevation (Front Elevation, Left Side Elevation, Rear Elevation, and Right Side Elevation), prepared by The Concept Group and dated 30 January 2026, received by Council 16 February 2026

Amendments: Nil.

Plan No: Project No. 26.038, Drawing No. 01, Issue 1

Description: Site Plan (Existing Residence), prepared by Draftit Building Design and dated 4 August 2026

Amendments: Markup in red to identify existing structures to be removed in accordance with Condition 12.

Plan No: Project No. 26.038, Drawing No. 02, Issue 1

Description: Existing Floor Plan, prepared by Draftit Building Design and dated 4 August 2026

Amendments: Nil.

Plan No: Project No. 26.038, Drawing No. 03, Issue 1

Description: Elevations, prepared by Draftit Building Design and dated 4 August 2026

Amendments: Nil.

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 Driveway Crossover (if required);
 - 7.2 Stormwater Infrastructure;
 - 7.3 Bulk Earthwork (if required); and
 - 7.4 Pedestrian footpath.

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS (FOR ENDORSEMENT)

8. Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:
 - 8.1 Landscape Plan.

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 earthworks and construction.

DEDICATIONS, AGREEMENTS & CONTRIBUTIONS

AMALGAMATION OF LOTS

10. The subject land must be amalgamated to form a single allotment.
11. The Plan of Survey for amalgamation must be registered, and proof of registration provided to Council prior to commencement of the use.

DEVELOPMENT CONSTRAINTS

REMOVAL OF EXISTING BUILDINGS & STRUCTURES

12. Remove all existing structures identified for removal as shown on the Approved Plans listed within this Development Approval.

WORKS

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

13. Plans and specifications for all works associated with the stormwater infrastructure, earthworks (if required), and pedestrian footpath, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
14. A RPEQ must submit to Council a copy of the:
 - 14.1 Design Certificate prior to commencement of the works; and
 - 14.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
15. Any works that have been certified by an RPEQ must be carried out under the supervision of an RPEQ with all executed works being detailed on a Construction Supervision Certificate.
16. Where any condition refers to or requires an Engineer to perform a task or function, the Engineer must hold professional indemnity insurance to the value of \$2,000,000. A Certificate of Currency must be submitted to Council with any Design Certificate or Construction Supervision Certificate.

STORMWATER DRAINAGE

17. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.
18. 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.

19. 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.
20. As part of a Development Application for a Development Permit for Operational Work submit to Council for approval, 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:

- 20.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval;
- 20.2 No increase in peak flow rates downstream from the subject land for storm events as nominated in PSP 6.2 Table SC6.2.7. Major events exceeding ARI of 100 years must be considered in accordance with the requirements of the Queensland Urban Drainage Manual;
- 20.3 No increase in flood levels external to the subject land; and
- 20.4 No increase in duration of inundation external to the subject land that could cause loss or damage.

STORMWATER DISCHARGE

- 21. Stormwater from the new roofed and sealed areas must be picked up and discharged by way of sealed underground pipe to the Glenvale Road kerb and channel. The works must be constructed in accordance with the current version of the Institute of Public Works Engineering Australasia standard drawing titled *Kerb and Channel Residential Drainage Connections, drawing number RS-081*.

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

- 22. 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*.

AIR QUALITY IMPACT MITIGATION

- 23. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the *Air Quality Objectives* listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive place or commercial place must not be released to the atmosphere during building and operational work.
- 24. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during building works do not exceed the following levels when measured at any sensitive place or commercial place:
 - 25.1 Dust deposition of 133 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method*.

VIBRATION IMPACT

- 25. Construction activities and equipment that produce vibrations must not impact upon the amenity of adjacent commercial and residential receptors or cause impacts to the structural integrity of the existing buildings/improvements, including foundations, on surrounding properties.
- 26. Where considered warranted by Council and when requested in writing to do so, a vibration impact investigation must be undertaken to determine extent of any impacts. In such circumstances, a suitably qualified person must monitor, interpret and record all parameters in order to determine whether or not vibration impacts are below those stated in Table 1. The results of the investigation must be provided to Council within 14 days of the request or a longer period if specified in any such request.

Table 01 - Human comfort vibration limits to minimise nuisance

Building	Work Period	Resultant PPV (mm/s)	
		Lower Limit	Upper Limit
Dwellings	Standard Hours	1.0	2.0
	Non-standard hours – evening (6pm to 10pm)	0.3	1.0
	Non-standard hours – night (10pm to 7am)		

Medical / health buildings (wards, surgeries, operating theatres, consulting rooms)	All		
Educational facilities (rooms designed for teaching purposes)	While in use	0.3	1.0
Court of Law (Court Rooms)			
Court of Law (Court reporting and transcription areas, Judges' chambers)			
Community Buildings (libraries, places of worship)	While in use	1.0	2.0
Commercial (offices) and retail areas			

Source: Table 3.3.1.1(a) of TMR Transport Noise Management Code of Practice Volume 2 – Construction Noise and Vibration (Code of Practice – Construction)

CONSTRUCTION WASTE MANAGEMENT & STORAGE

27. Waste generated during demolition, excavation and construction must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.
28. The on-site storage and disposal of demolition, excavation and construction waste (including the storage and disposal of night soil) must comply with the *Environmental Protection Regulation 2019*.
29. Fires are not to be lit to dispose of demolition or construction waste.
30. No demolition, excavation or construction waste is to be used as fill or buried on-site (with the exception of cut material recycled from the subject land and used on the subject land), or be used as fill or buried elsewhere, unless otherwise permitted:
 - 30.1 Elsewhere within this Development Approval;
 - 30.2 In accordance with an associated Development Permit for Operational Work;
 - 30.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 30.4 In accordance with either a general or specific approval of a resource for beneficial use (otherwise known as a beneficial use approval) issued under the *Waste Reduction and Recycling Act 2011*; or
 - 30.5 In accordance with a written approval issued by Council under the *Environmental Protection Regulation 2019* relating to the depositing or disposal of general waste from a premises not serviced by Council.
31. Demolition, excavation and construction waste (including night soil) must not be placed or stored within the road reserve at any time.

BULK EARTHWORKS

32. Where earthworks are not assessed as part of a Development Application for a Development Permit for Building Work, prior to the commencement of any earthworks on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council.

CONSTRUCTION NOISE IMPACT MITIGATION

33. Building work (as per the definition of the *Environmental Protection Act 1994*) that creates audible noise must be confined to the hours of 6:30 am and 6:30 pm Monday to Saturday (excluding Public Holidays) unless otherwise approved by Council in an endorsed Construction Environmental Management Plan.

EROSION & SEDIMENT CONTROL

34. 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.
35. 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.
36. 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.
37. All disturbed areas must be mulched or turfed as soon as possible during construction.
38. Measures such as vehicle baths, wash-down and construction matting together with dust suppressants and wraps, exposed ground and stockpile sprinkling must be put in place to minimise site vehicles tracking sediment onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction and, where applicable the ensuing 'on-maintenance' period.

DAMAGE TO SERVICES & ASSETS

39. Protect Council and public utility services and assets during construction of the development.
40. 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:
 - 40.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 40.2 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.
41. 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.
42. 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

BUILDING OVER OR NEAR COUNCIL SERVICES & ASSETS

43. Any construction carried out near or over existing Council services must be in accordance with the Queensland Development Code QDC MP1.4 - Building Over or Near Relevant Infrastructure, and be carried out at no cost to Council in accordance with the following requirements:
 - 43.1 Any Council wastewater infrastructure that passes through the subject land must be replaced following removal of any existing infrastructures, but prior to the commencement of any new building works on the subject land;

Note: A 'Building Over or Near Water - Sewer - Stormwater Services Application', (Sewer Siting) application will be required to be submitted where building over or near the existing Council sewer infrastructure. Also, to arrange for a private works quotation for the required works, contact Council's Water & Wastewater Department on Ph 131 872.

 - 43.2 All drainage connection points must be located or relocated a minimum distance of 1.0m clear of the proposed structure(s);

- 43.3 Any works on Council's existing 'live' wastewater infrastructure must be carried out by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council;
- 43.4 Council wastewater and any inter-allotment stormwater drainage are to be located accurately prior to the commencement of building works and all piers or foundations for all new structures positioned in accordance with the *Queensland Development Code QDC MP1.4 - Building Over or Near Relevant Infrastructure*;
- 43.5 Where it is proposed to build over or near an existing Council infrastructure, structural protection must be provided in accordance with relevant Council Policies and a design certified by a Registered Professional Engineer of Queensland (RPEQ) must be submitted to and be approved by Council prior to commencement of the works;
- 43.6 Any alterations or adjustments required to existing wastewater or stormwater maintenance holes to comply with the finished levels for the development must be carried out by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council;
- 43.7 A minimum of 900mm of cover is to be maintained to the top of the Council's wastewater infrastructure upon completion of the development.

WASTEWATER INFRASTRUCTURE (GENERAL)

44. The development must be connected to Council's existing wastewater reticulation system at no cost to Council. This includes augmentation works external to the development as required to adequately service the development and connect with the existing wastewater reticulation system.
- Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*
45. The design and construction of the works must be in accordance with Council's *Wastewater Infrastructure Policy 2.04*.
- Note: A Development Application for a Development Permit for Operational Work may be required to be lodged.*
46. Any compensation or costs associated with obtaining agreement from owners or trustees of properties affected by the construction of the works must be at no cost to Council.
47. Any connection to or modification of Council's live wastewater infrastructure must be undertaken by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.
- Note: Any new connection or reconnection to a Council wastewater system requires a Form 1 Plumbing approval prior to house drainage being installed.*
- Note: To arrange for a private works quotation for the required works contact Council's Water & Wastewater Department on Ph 131 872.*
48. Maintenance hole (MH) lids located in driveways must be upgraded to a heavy duty trafficable system. This may include replacement of the MH (or part of) structure. Any such works must be undertaken by Council at no cost to Council.
49. All wastewater house drainage connection points located in driveways will require the vertical shaft to be capped with a heavy duty, trafficable system finished flush with the finished surface level of the driveway.
50. Maintenance Holes (MH) are to be fully protected during the full construction period of the development. Protection must include spanning slabs or beams and matting to ensure direct loads from all heavy plant during construction are not transmitted onto the MH structure.

51. Structural protection for Council's wastewater infrastructure and clearance around maintenance holes must be incorporated for all designs in accordance with *the Queensland Development Code, Mandatory Policy 1.4 - Building Over or Near Relevant Infrastructure*.

Note: A Development Application for a Development Permit for Building Work will require referral to Council as a Concurrence Agency under the Planning Regulation 2017. RPEQ certified design plans for the structural protection for the wastewater system must be submitted to Council for approval as part of a Building Over or Near Water/Sewer/Stormwater Services application prior to the commencement of works for the development.

52. If the development cannot be compliantly drained to the existing wastewater connection point but can be drained to the existing wastewater system, a new connection point must be installed. The new location must be as determined and agreed by Council's Coordinator Plumbing and Drainage and Council's Coordinator Water and Sewer Maintenance
53. All works requiring alteration or extension of infrastructure to be undertaken by Council must be completed under a private works agreement with Council and at no cost to Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.

WATER SUPPLY

54. The development must be connected to Council's reticulated water supply in accordance with Council's *Water Infrastructure Policy 2.03* at no cost to Council.

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

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

55. 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.
56. Any works on Council's 'live' water supply must be carried out by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.
57. Each individual tenancy or residence must be provided with a separate system for the metering of water consumption in accordance with Council's *Water Infrastructure Policy 2.03 Sub metering Guidelines and Specifications*.

TELECOMMUNICATION

58. Install telecommunications infrastructure to service the development which complies with the following:

58.1 The requirements of the *Telecommunications Act 1997* (Cth);

58.2 For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and

58.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.

59. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.
60. Provide to Council written evidence from all relevant service providers that the telecommunications infrastructure is installed in accordance with the conditions of this Development Approval and all applicable legislation at the time of construction.

Note: The Telecommunications Act 1997 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required. For further information visit www.infrastructure.gov.au/tind.

Note: For telecommunication services, written evidence must be in the form of either a "Telecommunications Infrastructure Provisioning Confirmation" where such services are provided by Telstra, or a "Notice of Practical Completion", "Confirmation of Payment" or "Post Execution of Development" Letter where such services are provided by NBN Co.

ELECTRICITY

61. An electricity supply must be made available to service the development. This supply must be in accordance with the relevant standards of the electricity distributor.

AMENITY

VISUAL AMENITY

62. Any graffiti deterrent building design elements and surface treatments are to be maintained at all times.
63. All buildings, structures and fences as well as the subject land must be maintained in a clean and tidy manner at all times.
64. All fixed mechanical plant must be contained within the building or visually screened to all street frontages, public viewing locations and adjoining premises.
65. Bin storage areas must be screened from view from all street frontages and public places.

FENCING & WALLS (GENERAL)

66. Any existing fence or wall not meeting the requirements of this Development Approval must be removed and replaced with a fence or wall that meets the requirements of this Development Approval.
67. Boundary fences or walls must not be erected in a parallel arrangement with any existing fence or wall erected along the same boundary. The existing fence or wall is to be completely removed and replaced.
68. The required height of a fence or wall is measured from the highest adjacent finished ground level.
69. Where there is a change in level between adjoining properties at the boundary that exceeds 1m, the overall total height of any combination of fence and wall must not exceed 3m from the lowest adjacent finished ground level.
70. Side boundary fences must taper on an angle from the front building line to the front boundary to a maximum height of 1.2m or to the height of the highest existing or approved fences adjoining the front boundary.

Note: An existing fence may be replaced with a new fence at the same height.

71. Fences and walls must be maintained in a good state of repair to ensure that their intended function (i.e. privacy, security, safety, acoustic, livestock, pest exclusion etc.) is maintained.
72. All costs associated with meeting the fencing requirements listed within this Development Approval must be borne by the developer.
73. A minimum 1.8m high solid screen fence, which may be a 'butt-jointed' timber paling fence, must be erected along the full length of the side and rear boundary except where reduced in height to taper towards the frontage in accordance with Condition 70.

FENCING & WALLS - INTERFACE TO PUBLIC REALM

74. Fences and walls provided adjacent to public places (streets, laneways, public walkways and public open space areas) must be constructed generally in accordance with the Approved Plans listed within this Development Approval and in particular:

- 74.1 Maintain Safe Intersection Sight Distance (SISD) in accordance with the requirements of Austroads most recent version of its *Guide to Road Design Part 4A: Unsignalised and Signalised Intersections (AGRD04A-09)*; and
- 74.2 Where the fence has panels, palings or the like on one face and framing on the other, framing must be located on the side of the fence that faces away from the public place; and
- 74.3 Unless otherwise approved and erected for the purpose of acoustic attenuation, must not exceed a maximum height of 1.2m if solid or 1.8m where any part above 1.2 m is at least 50% transparent.

FENCING & WALLS - PRIVATE OPEN SPACE

- 75. A 1.8m high solid screen fence or wall which contains no gaps with the exception of a maximum 50mm drainage gap at the bottom, must be provided between and around all private open space areas provided for the development, except for that part of the fence or wall adjacent to public places (streets, laneways, public walkways and public open space areas if approved by the conditions of this Development Approval).

STREET IDENTIFICATION

- 76. The street number of all buildings must be clearly identifiable and located in a prominent position near the site entry, either on the kerb or a letterbox, or viewable from the site entry and located by signage on buildings or the subject land.
- 77. The unit number of each dwelling must be displayed on or adjacent to the entry to the unit, in such a way that they are clearly legible.

LETTERBOX

- 78. A private letterbox for each dwelling which complies with the requirements of Australia Post must be provided adjacent to the road frontage.

TRANSPORT, VEHICULAR ACCESS & PARKING

EXTERNAL PEDESTRIAN FOOTPATH

- 79. The following works must be constructed in accordance with *Planning Scheme Policy No. 2 - Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)*:
 - 79.1 Construct a 1.5m wide concrete pedestrian footpath along the development frontage of Glenvale Road and extend along the frontage of Lot 1 AG4297 to connect to the existing footpath / edge of the existing driveway;
- Note: Ensure a smooth transition to the existing driveway on the western side of Lot 1 AG4297.*
- 79.2 The sealing of the footpath must be carried out following completion of all development works on the subject land, but prior to the commencement of the proposed use;
- 79.3 The required work includes any surface earthworks, grinding or saw cutting to ensure the footpath finishes flush with all existing service covers and the like, or alternatively these services are raised or altered, so as not to create a pedestrian safety hazard; and
- 79.4 Any concrete footpath or cycleway must comply with SEQ RS-065. Where necessary, reprofiling of the verge area must be undertaken to enable the construction of concrete pathways with a maximum cross fall of 2.5%.

Note: This condition is imposed pursuant to Section 128 of the Planning Act 2016.

- 80. 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 construction of the concrete footpath in accordance with the approved plans and documents of this Development Approval. The design and the construction of the works must be certified by a RPEQ – Civil.

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

81. All works carried out on or near roadways must be adequately signed in accordance with the *Manual for Uniform Traffic Control Devices – Part 3, Works on Roads*.

Note: Road or lane closures require approval from Council's Principal Engineer Road Operations, and all conditions of that approval complied with during construction of the works.

82. 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.

PROVISION OF VEHICULAR ACCESS

83. The vehicle access from the subject land to Glenvale Road must be sealed from the kerb and channel to the property boundary. The access must be designed by a Registered Professional Engineer Queensland (RPEQ) – Civil and must include the provision of adequate access width and flares to suit the proposed entry and exit manoeuvres. Such works must be constructed generally in accordance with any requirements identified within this Development Approval, or as specifically required below:

83.1 The vehicle access must be consolidated and located as shown on the Approved Plans listed within this Development Approval;

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

83.4 The vehicle access (crossing of the verge) must align neatly on both sides with the pedestrian footpath and verge with a maximum cross fall of 2.5%. Where there is an existing pedestrian path, the existing footpath in the vicinity of the driveway must be saw cut, removed and replaced by the driveway crossover. The driveway is to be graded at not steeper than 2.5% for the width of the footpath;

83.5 The relocation of all existing services must be clear of the access that will serve the subject land;

83.6 The relevant service authorities must be contacted and their requirements complied with;

83.7 The vehicle access must be constructed to a minimum width of 5 m extending into the subject land generally in accordance with the Approved Plans listed within this Development Approval.

84. The final design and layout of the vehicle accesses, or any modification of existing property accesses, must be assessed and approved in an Operational Works approval for driveway crossover/s unless in accordance with the accepted development assessment benchmarks in the Works and Services Code in the *Toowoomba Regional Planning Scheme 2012* prior to any construction works within the road reserve.

REMOVAL OF UNNECESSARY VEHICLE ACCESS

85. Remove the existing redundant vehicle access to Glenvale Road. The works must include, but are not limited to:

85.1 Removal of the existing vehicle access and reinstatement of the concrete kerb to match the existing concrete kerb; and

85.2 Reinstatement of turfing to match the required verge profile.

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

ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING

86. The premises must be provided with a minimum of 18 on-site car parking spaces inclusive of two (2) visitor car parking spaces. Car parking and manoeuvring areas must be:
- 86.1 Constructed generally as shown on the Approved Plans listed within this Development Approval;
 - 86.2 Provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in the *Toowoomba Regional Planning Scheme 2012 and Australian Standard AS2890 - Parking Facilities*;
 - 86.3 Designed and constructed in accordance with the requirements of AS2890;
 - 86.4 Visitor parking must be provided with pavement markings that indicate 'visitor parking only';
 - 86.5 Designed to enable all vehicles to enter and leave the subject land in a forward gear; and
 - 86.6 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring.

ENVIRONMENT & WASTE**ACOUSTIC AMENITY - GENERAL**

87. Drainage grating over trafficable areas must be well secured and maintained to prevent rattling.
88. Driveway areas are to be finished with a surface which prevent tyre squeal. An uncoated surface is acceptable.

WASTE MANAGEMENT (GENERAL)

89. All waste generated on the subject land must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

WASTE MANAGEMENT (BIN PROVISION & STORAGE)

90. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
- 90.1 Provision of 1 x 240L wheelie bin for general waste and 1 x 240L wheelie bin for recyclable waste for each unit;
 - 90.2 Provision of a constructed communal bin store with an impervious hardstand base for the permanent storage location of all wheelie bins, each having minimum dimensions of 1m² per bin, located no closer than 2m to any fresh air intake of a habitable room;
 - 90.3 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built structure, enclosure or solid screen fencing; and
 - 90.4 Bins must be kept in a clean state and in good repair and fitted with tight-fitting lid assemblies designed to prevent ingress of pests and water.

WASTE MANAGEMENT (REMOVAL)

91. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
- 91.1 Collection by a refuse vehicle from the kerbside;
 - 91.2 General waste must be collected and removed at periods not exceeding seven days; and

- 91.3 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal.

LANDSCAPING

REMOVAL OR MODIFICATION OF EXISTING COUNCIL CONTROLLED TREE

92. The removal, modification or interference (including disturbance within the Notional Root Zone (NRZ) or Structural Root Zone (SRZ)) of a Street Tree must not be undertaken unless approved in writing by Council and in accordance with any conditions of this Development Approval.

PROTECTION OF COUNCIL CONTROLLED TREES

93. Street Trees affected by works within the Notional Root Zone (NRZ), as determined in accordance with AS4970-2009 *Protection of Trees on Development Sites*, must be protected for the duration of construction. All works must be carried out in accordance with the relevant standards in *Planning Scheme Policy No.8 - Street Trees* and AS4970-2009 *Protection of Trees on Development Sites*, and must include in particular:
- 93.1 Establishment of a work exclusion area around the Street Tree to be retained prior to commencement of construction to avoid damage and soil compaction from plant and machinery;
 - 93.2 Providing Council with one weeks' notice of any excavation works affecting Notional Root Zone of a Street Tree so that a Council Arborist may be present during excavation works;
 - 93.3 During excavation works, where roots greater than 50mm diameter are uncovered that need to be severed, obtain approval from a Council Arborist to sever the root, and if granted, do so with a cutting device and not a ripping device; and
 - 93.4 Tree protection measures are to be maintained until works are completed or accepted on maintenance.
94. No new infrastructure is permitted to be constructed within 1.5 metres of the trunk of the existing Council controlled street trees.

LANDSCAPE PLAN

95. Prior to the commencement of any works on site or the issue of a Development Permit for Operational Work or Building Work (whichever occurs first), submit to Council for endorsement a Landscape Plan prepared by a suitably qualified person (Landscape Architect or Landscape Designer). The plan is to be prepared generally in accordance with *Toowoomba Regional Council's Landscape Work Information Sheet 006* and the conditions of this Development Approval, including the landscaping shown on all Approved Plans listed in this Development Approval, that details in particular:
- 95.1 A detailed Planting Plan and Schedule including stock sizes, quantities and location that includes species which are characteristic of the local area and climate, and provide seasonal variation, colour and texture;
 - 95.2 The typical planting details including soil preparation, backfill, staking, mulching, irrigation, drainage and maintenance;
 - 95.3 All landscape planting must be contained within the property boundary;
 - 95.4 Location, height and finish of fencing fronting public land, verges and open space; and screening of communal bin stores including vegetative screening or landscape buffer planting where required;
 - 95.5 Construction details of proposed surfaces, surface level changes and structures must be wholly contained within the property boundary;
 - 95.6 Provision of an irrigation or water source to all planted areas;
 - 95.7 Trees provided generally in accordance with layout provided in approved site plans;

- 95.8 A variation in pavement colours and/or materials to the pedestrian movement zone(s) to define legible safe pedestrian access egress (if applicable); and
- 95.9 All plan pages must include a legend or title block that includes: north point, scale, title and drawing number.

Note: Fees and charges are associated with lodging Landscape Plan(s) for endorsement and must be paid prior to Council undertaking assessment of the plans.

96. The Landscape Plans must receive endorsement by Council prior to lodgement of any Development Application for a Development Permit for Operational Work or commencement of any site works or earthworks or issue of any Development Permit for Building Work.

LANDSCAPING WORKS

97. Carry out the landscape work in accordance with the endorsed landscape plan required by conditions of this development approval.
98. All landscape works must be installed and established by a suitably qualified person (Landscape, Horticulturalist or equivalent) that ensures healthy, sustained and vigorous plant growth. Where required, plant material should be replaced or enhanced to ensure growth to full form and coverage of all dedicated landscape areas.
99. Landscape planting is to be retained and maintained for the life of the development in accordance with the conditions of this Development Approval.
100. Certification must be submitted to Council from a suitably qualified person (Landscape Architect or Landscape Designer) that certifies landscaping works comply with the requirements of this Development Approval.

GENERAL ADVICES

INFRASTRUCTURE CHARGES

- 1) Infrastructure charges are 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) Carrying out works on a road or interfering with the road or its operation will require a permit under *Subordinate Local Law No. 1.15 (2020)*. The application form can be found on Council's website at www.tr.qld.gov.au. For further information contact the Road Operations Branch through Council's Customer Service Centre on 131 872.
- 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.

EQUITABLE ACCESS & FACILITIES

- 8) The plans for the proposed building work have NOT been assessed for compliance with the requirements of the *National Construction Code - Building Code of Australia (Volume 1)* as they relate to people with disabilities.

In addition to the requirements of the National Construction Code as they relate to people with disabilities, one or more of the following may impact on the proposed building work:

- 8.1 The *Disability Discrimination Act 1992* (Cth);
- 8.2 The *Anti-Discrimination Act 1991* (Qld); and
- 8.3 The *Disability (Access to Premises - Buildings) Standards*.

ENVIRONMENTAL HARM

- 9) The *Environmental Protection Act 1994* (EP Act) states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.

Environmental harm includes environmental nuisance. In this regard persons and entities involved in the civil, earthworks, construction and operational phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.

Environmental harm is defined by the EP Act as any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Administering Authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

STREET TREE DISTURBANCE & REMOVAL APPROVAL

- 10) This Development Approval does not give approval to the owners or occupiers of the subject land to disturb or remove street trees. A separate Street Tree Disturbance or Removal Approval is required where a street tree is expected to be disturbed or removed. Please contact Council's Parks and Recreation Services Branch via Council's Customer Service Centre for further information in respect of street trees.

WATER POLLUTION

- 11) In accordance with the *Environmental Protection Act 1994*, all sand, silt, mud, paint, cement, concrete, construction material and demolition material, and other such waste material must not be deposited or placed where it could reasonably be expected to travel into a roadside gutter, stormwater drain or watercourse. On the spot fines apply for such offences.

FIRE ANTS

- 12) The State of Queensland has been declared a quarantine area for the Red Imported Fire Ant. Should this approval involve the movement of restricted items from areas of known infestation the provisions of the *Biosecurity Act 2014* apply, compliance with statutory provisions must be achieved.

BUILDING OVER, OR NEAR, COUNCIL INFRASTRUCTURE

- 13) Any construction carried out near or over existing Council services should be in accordance with Council's adopted Policy (Queensland Development Code NMP 1.4 – Excavation and Piling Near Sewers, Stormwater Drains and Water Mains) and Council's Planning Scheme Policy SC6.3 PSP No. 3– Water and Wastewater Infrastructure. A Concurrence Agency referral of the Building Work Application to Council's Water and Wastewater Services Branch may be required.

SUITABLY QUALIFIED PERSON

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

REASONS FOR RECOMMENDATION

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

DELEGATE'S DECISION:

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



Emily Hinchliffe
Lead Senior Planner, Planning Branch

Decision Date: 11 September 2026

BACKGROUND

SITE DETAILS				
Site Address		31 Glenvale Road, NEWTOWN QLD 4350		
Real Description	Property	Lots 19 and 20 RP63458		
Site Area		2,458m ²		
Owner		Jai Anthony Phillips and Damon Anthony Phillips		
SITE CHARACTERISTICS				
Current Land Use		Single detached dwelling, sheds and outbuildings (some formerly used as stables)		
Site Frontage/s		Glenvale Road		
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Glenvale Road	Distributor Road	20m	10m	Asphalt
Easements		Nil (but a sewer main is present)		
Existing Structures		Single detached dwelling, sheds and outbuildings (some formerly used as stables)		
Infrastructure		Council's reticulated sewer infrastructure traverses in an east west direction through the site. A sewer manhole is located on the adjacent site to the east. Sewer and water infrastructure is also available to the subject site within Glenvale Road.		
Topography		The site slopes gently (approximately 3.8%), towards the road, from the north-west to the south-east.		
Street Trees		There are two existing street trees		
Other Features		Site is in the Clifford Park Stables Precint, there is evidence sheds and outbuildings onsite (some formerly used as stables). There is not evidence of horse/ stable activity since 2020.		
PLANNING SCHEME SITE DATA				
Current Planning Scheme		Toowoomba Regional Planning Scheme 2012 (Version 28)		Adopted: 28/11/2022
Zone		Low Density Residential		
Precinct		Clifford Park Stables Precinct		
Overlays		Airport Environs - Lighting Area Buffer Zone (6km) - Wildlife Hazard buffer Zone (3km)		
Infrastructure Charges Resolution		Charges Resolution No. 7		Adopted: 19/08/2025
SURROUNDS:				
Direction	Land Use		Zone/Precinct	
North	Single detached dwellings + existing stables at 18 Rob Street		Low Density Residential/ Clifford Street Stables Precinct	
East	Single detached dwellings		Low Density Residential/ Clifford Street Stables Precinct	
South	Single detached dwellings		Low/medium density residential/ urban residential precinct	
West	Single detached dwellings		Low Density Residential/ Clifford Street Stables Precinct	
Other Features		Nothing to note		
APPLICATION HISTORY				
Application No.	Description		Decision Date	Decision
RAL/2007/86	2 Lot into 2 lot Boundary Realignment		10/4/2007	Refused
Other	Nil			

PROPOSED DEVELOPMENT		
Name of Applicant	Jai Anthony Phillips and Damon Anthony Phillips	
Type of Application	Material Change of Use	
Proposed Development	Multiple Dwelling (Seven (7) x Two (2) Bedroom Units and One (1) x Three (3) bedroom unit)	
Variations Sought	Not Applicable	
Level of Assessment	Impact Assessable	
Gross Floor Area	~ 650–675m ²	
Impervious Area	~ 1,450–1,550 m ² / 60–63%	
Site Cover	~36%	
Car Parking Spaces	18 spaces (inclusive of two (2) visitor carpark)	
Service Vehicle Provision	N/A	
Submissions Received	Objection:	One (1)
	Support:	Nil (0)
Decision Making Period Ends	11 September 2026	

CONSULTATION UNDERTAKEN

Referral Agency

Not Applicable

Internal Referrals

Internal Partner	Referral	Referral / Response
Development Engineering and Plumbing		Reviewed the application and provided draft conditions.
Place Environmental		Reviewed the application and provided draft conditions.
Water and Waste		Reviewed the application and provided draft conditions.
Parks and Recreation		Reviewed the application and provided draft conditions.
Place – Landscape		Reviewed application, made IR and did not provide draft conditions.
Infrastructure Charges Unit		To prepare an Infrastructure Charges Notice in accordance <i>with Charges Resolution No. 7</i> .

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 Tuesday, 26 May 2026;
- Placing a notice on the land from Tuesday 26 May 2026 until Thursday 18 June 2026; and
- Notifying owners of all land adjoining the site on Tuesday, 26 May 2026.

Only One (1) submission was received during the notification period. The submission was opposing the development..

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

Issue	How matter was dealt with
Clifford Park Stables Precinct	The proposal has been assessed against the Clifford Park Stables Precinct provisions of the Low Density Residential Zone Code, including the precinct outcome seeking to ensure residential development is not intensified in a manner that would increase the potential for land use conflict between stabling activities and residential uses. The development is for detached, low-rise dwellings within an established residential context and has been assessed against the Low Density Residential Zone Code and other relevant assessment benchmarks. On balance, the development is considered to achieve the relevant Overall Outcomes of the Low Density Residential Zone Code and is not expected to result in unacceptable land use conflict or reverse amenity impacts on future or existing stabling activities within the precinct. See the “Low Density Residential Zone Code” of the “Issues, Risks and Responses – Assessment” section of this report for further details on the assessment of the development against the Low Density Residential Zone Code.
Traffic impacts	A Traffic Impact Assessment prepared by an RPEQ Engineer was included in the submitted material in support of the application and reviewed by Council. The assessment concluded that the surrounding road network is capable of accommodating the additional traffic generated by the development.
Waste collection	The submitted plans identified that the site has sufficient frontage to accommodate the number of wheelie bins required to service the Multiple Dwelling. The proposed waste storage and collection arrangements have been assessed by Council's Environmental Officers and are consistent with Council's Technical Guidelines for New Developments Waste Storage and Collection Requirements. As such, the proposal is considered to comply with Performance Outcome PO ₂₈ of the Environmental Standards Code.
Precedent for future development	The determination of this application does not alter the planning scheme or establish a precedent for future development proposals within the precinct.

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, the proposal seeks to establish a Multiple dwelling being an urban use within the bounds of the urban footprint.

<i>Darling Downs Regional Plan October 2013</i>	Not applicable
---	----------------

STATE PLANNING POLICY (SPP) <i>July 2017</i>	
Interests	Assessment Comments
Housing Supply and Diversity	No applicable assessment benchmarks
Livable Communities	
Agriculture	
Development and Construction	
Mining and Extractive Resources	
Tourism	
Biodiversity	
Cultural Heritage	
Water Quality	
Emissions and Hazardous Activities	
Natural Hazards, Risk and Resilience	The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property being mapped in the Flood hazard area – Local Government flood mapping area. However, the <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28) states that SPP July 2017 State interest – natural hazards, risk and resilience is reflected in the planning scheme as relates to flooding. The Toowoomba Regional Planning Scheme 2012 (Version 28) does not identify flood hazard mapping applicable to the subject site. As such, the assessment benchmarks identified in Part E of the SPP do not apply to the proposed development.
Energy and Water Supply	No applicable assessment benchmarks
Infrastructure Integration	
Transport Infrastructure	
Strategic Airports and Aviation Facilities	The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping which accompanies the SPP identifies that this interest is applicable to the subject property, being wildlife hazard buffer zone. Given that the proposed development involves multiple dwelling units it is considered that the development will not attract wildlife that could pose a hazard to aircraft. As such, the proposed development is considered to comply with the requirements of the State Planning Policy.

Local Categorising Instrument – *Toowoomba Regional Planning Scheme 2012*:

The proposed development was assessed against the following assessment benchmarks:

- Strategic Framework
- Airport Environs Overlay Code
- Low Density Residential Zone Code
- Medium Density Residential Code
- Environmental Standards Code
- Integrated Water Cycle Management Code
- Landscaping Code
- Transport, Access and Parking Code
- Works and Services 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	The subject site being, located within the “Urban Extent” of the Settlement Pattern and within the Low Density Residential Zone is considered part of a “Suburban Neighbourhood”. Element 3.3.4 – Suburban Neighbourhoods requires Suburban Neighbourhoods to provide the bulk of residential housing within the Toowoomba Regional Council area. Specifically, 3.3.4.1 Specific Outcomes (2) and (3) require: (2) Suburban neighbourhoods are generally low in scale, with a sense of low rise buildings within a treed setting. (3) Suburban neighbourhoods have a feeling of openness at the street level and are characterised by street trees, which provide shade and character. Streets are shared by cars, bikes and walkers. They are often grid-based and connected up in a way that makes it easy to find your way around. The proposed Multiple Dwelling provides for residential housing within the Toowoomba Regional Council Area. The proposed development generally complies with the built form and scale intended for the Low Density Residential Zone (see responses to the Low Density Residential Zone Code below for further details). Similarly, the Multiple Dwelling provides significant landscape areas which will consist of several trees. Noting that the proposal provides front setbacks of 6m consistent with existing setbacks within the locality and landscaping along the frontage of the site, the development is considered to maintain the feeling of openness at street level. Accordingly, it is considered that the proposed Multiple Dwelling is consistent with the strategic intent for Suburban Neighbourhoods.
Natural Environment	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Community Identity and Diversity	
Natural Resources and Landscaping	
Access and Mobility	
Infrastructure and Services	
Economic Development	

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

LOW DENSITY RESIDENTIAL ZONE CODE:

Table 6.2.1:3 – Low Density Residential Zone Code – assessment benchmarks for assessable development.

Assessment Criteria	Assessment Comments
Overall Outcomes <i>The overall outcomes sought for the zone code are as follows:</i> (a) <i>the provision of detached dwelling houses as the primary form of housing within the zone and dual occupancy as a secondary form of housing, on a range of lot sizes greater than 500m²;</i>	Despite the noncompliance with Performance Outcome PO₂ and Overall Outcome (c) of the Clifford Parks Stables Precinct, it is considered that the proposed development generally complies with the relevant overall outcomes of the zone code for following reasons: While a multiple dwelling is not identified as a primary or secondary form of housing within the zone, the proposed units are detached and present

(b) <i>medium density forms of residential development are supported within greenfield areas in this zone where within walking distance of a local, district or major centre providing a wide range of goods, services and facilities, including provision of goods and services to meet daily convenience needs or where adjacent or opposite a district or regional park offering a high level of residential amenity.</i> ... (g) <i>development provides for an efficient land-use pattern and is well connected to other parts of the local government area;</i> (h) <i>development is designed to provide safe and walkable neighbourhoods that connect residents to desirable destinations including schools, parks, shops and community facilities;</i> ... (j) <i>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;</i> (k) <i>development reflects and enhances the existing low density scale and character of the area, and is no more than 2 storeys above ground level;</i> ... (m) <i>development is supported by necessary community facilities, open space and recreational areas and appropriate infrastructure including utility installations to support the needs of the local community;</i> ...	in a built form similar to a dwelling house. Two units will address the street frontage, with a scale and appearance consistent with surrounding dwelling houses. • The proposed development is not located within the greenfield areas of the zone. However, the subject site is situated within walking distance, being less than 500 metres of Clifford Gardens Shopping Centre and is located on the edge of the Clifford Park Stables Precinct. A range of other services and facilities that support daily convenience needs are also available within walking distance, including a childcare centre, places of worship and public parks. • The proposed multiple dwelling is considered to provide for an efficient land-use pattern and has direct and easy access to services nearby including bus services at the Clifford Gardens Shopping Centre. • The development has proposed a footpath to be delivered along the road frontage contributing to the creation of a walkable neighbourhood. The Multiple Dwelling is located within close access to schools, parks, shops and community facilities. • It is considered that the proposed multiple dwelling will not introduce adverse impacts including excessive traffic, noise, dust, odour, and lighting • The proposed detached units are of a scale and built form that is generally consistent with the low-scale residential character of the surrounding neighbourhood, which is predominantly characterised by single-storey detached dwellings. Therefore, it is considered that the proposed development is generally consistent with the Overall Outcomes of the Low Density Residential Zone Code.
Clifford Park Stables Precinct (3) <i>The overall outcomes of the Clifford Park stables precinct within the Low Density Residential zone are:</i> (a) <i>animal keeping in the form of commercial stables is established in conjunction with a dwelling house on the same site, which provides for on site management of the stables;</i> (b) <i>while acknowledging that the precinct will experience noise and odour associated with well managed training stables, the potential for excessive impact on residential amenity is minimised in new development;</i> (c) <i>residential development in the Clifford Park stables precinct is not intensified by way of dual occupancies, multiple dwellings or creation of lots less than 1,200m², in order to limit conflict between stable development and neighbouring residential uses and</i>	The proposal does not comply with Overall Outcome (c) of the Clifford Park Stables Precinct, as it introduces a multiple dwelling that increases residential density and is not associated with the management of stables. Despite this non-compliance, the subject site is located on the edge of the Clifford Park Stables Precinct and is located closer to (within walking distance of) the existing Clifford Gardens Shopping Centre, a childcare centre, places of worship and public parks than to the racecourse. The proposed units are designed to be easily relocatable and are not considered to compromise opportunities for commercial stables to establish within the precinct as intended. On balance, the development is considered to achieve the Overall Outcomes of the Zone. Refer to further assessment above under Overall Outcome of Low Density Residential Zone Code.

<i>to maximise opportunities for stables to establish in proximity to the racecourse.</i>	
Performance Outcome	Acceptable Outcome
PO₁ <i>The zone accommodates predominantly dwelling houses and other housing forms at a low density scale and intensity.</i>	AO_{1.1} <i>Uses which are consistent with the intent of the zone include:</i> <i>(a) dwelling house; and</i> <i>(b) dual occupancy, except where located in the Clifford Park Stables and Park Residential Precincts</i>
Alternate Outcome	
The applicant submits: <i>Complies with PO1 - The predominant uses within the zone will remain low density dwelling houses. The proposed development involves 7 new townhouses and will not change the predominant land uses within the Low Density Residential Zone.</i>	
Officer Comment	
The proposal is considered to satisfy Performance Outcome PO₁. The existing dwelling house is proposed to be retained as Unit 8. Only one (1) new detached dwelling will be visible from the street frontage, located on the western side of the proposed crossover. Further all proposed units are single storey and are provided with front and rear boundary setbacks, site coverage and landscaping areas consistent with the Acceptable Outcomes of the Low Density Residential Zone Code. Further, the development minimises the visual appearance of hardstand from the streetscape particularly noting the significant areas of proposed landscaping and provides side boundary setbacks consistent with the surrounding locality. As such, it is considered that the proposed Multiple Dwelling provides a form of housing that is consistent with the scale and intensity of the surrounding area and the intent of the Low Density Residential Zone.	
Performance Outcome	Acceptable Outcome
PO₂ <i>The density of accommodation activities in the Clifford Park Stables Precinct is not increased, other than where directly associated with the management of stables on the same site.</i>	<i>No acceptable outcome is nominated</i>
Alternate Outcome	
The applicant submits: <i>"Density - The proposed development has been assessed against Performance Outcome PO2 of the Low Density Residential Zone Code, which seeks to ensure that the density of accommodation activities within the Clifford Park Stables Precinct is not increased, except where directly associated with the management of stables on the same site.</i> <i>The proposal does result in an increase in residential density within the Clifford Park Stables Precinct and therefore does not strictly comply with PO2. However, when assessed against the Overall Outcomes of the Low Density Residential Zone Code, the development is considered to achieve the broader planning intent of the Zone.</i> <i>In particular, the proposal is consistent with the Overall Outcome g. that development provides for an efficient land-use pattern and is well connected to other parts of the local government area, noting the site's proximity to established road infrastructure, services, and surrounding urban areas.</i> <i>The development also aligns with the Overall Outcome k. that development reflects and enhances the existing low-density scale and character of the area, through a low-rise built form that is limited to no more than two storeys above ground level. The scale, height, and presentation of the buildings have been carefully designed to integrate with the surrounding residential context and to avoid adverse amenity impacts.</i> <i>Accordingly, while the proposal represents a departure from the strict wording of PO2, it satisfies the relevant Overall Outcomes of the Zone Code and achieves a development outcome that is compatible with the intended low-density character of the precinct. Further justification for the proposal, including broader housing supply and affordability considerations, is addressed under Relevant Matters in Section 7."</i>	
Officer Comment	
The proposal does not comply with Performance Outcome PO₂, as it increases residential density within the Clifford Park Stables Precinct and is not associated with the management of stables.	

Notwithstanding, the site is located on the periphery of the precinct, in closer proximity to (within walking distance of) centres, services and other urban activities than to the racecourse. The proposed multiple dwelling is of a scale and form that is compatible with the low density residential character anticipated by the zone and has been designed to minimise the potential for conflict with existing or future stable activities on adjoining land. As such, the development is not expected to constrain opportunities for commercial stables within the precinct.

Despite the above inconsistencies with PO₂, on balance, the development is considered to comply with the Overall Outcomes sought for the Low Density Residential Zone.

Performance Outcome	Acceptable Outcome
<i>PO₄</i> <i>Higher density forms of Accommodation activities (i.e. other than caretaker's accommodation, community residence, dwelling house and dual occupancy) are designed to reflect the residential scale and density of the surrounding area.</i>	<i>AO_{4.1}</i> <i>The number of dwellings on the site does not exceed one per 500m².</i>
Alternate Outcome	
The applicant submits: <i>"Density - The proposed development has been assessed against Performance Outcome PO2 of the Low Density Residential Zone Code, which seeks to ensure that the density of accommodation activities within the Clifford Park Stables Precinct is not increased, except where directly associated with the management of stables on the same site.</i> <i>The proposal does result in an increase in residential density within the Clifford Park Stables Precinct and therefore does not strictly comply with PO2. However, when assessed against the Overall Outcomes of the Low Density Residential Zone Code, the development is considered to achieve the broader planning intent of the Zone.</i> <i>In particular, the proposal is consistent with the Overall Outcome g. that development provides for an efficient land-use pattern and is well connected to other parts of the local government area, noting the site's proximity to established road infrastructure, services, and surrounding urban areas.</i> <i>The development also aligns with the Overall Outcome k. that development reflects and enhances the existing low-density scale and character of the area, through a low-rise built form that is limited to no more than two storeys above ground level. The scale, height, and presentation of the buildings have been carefully designed to integrate with the surrounding residential context and to avoid adverse amenity impacts.</i> <i>Accordingly, while the proposal represents a departure from the strict wording of PO2, it satisfies the relevant Overall Outcomes of the Zone Code and achieves a development outcome that is compatible with the intended low-density character of the precinct. Further justification for the proposal, including broader housing supply and affordability considerations, is addressed under Relevant Matters in Section 7."</i>	
Officer Comment	
The proposal does not comply with Acceptable Outcome AO_{4.1}, with eight dwellings proposed over the 2,548m² site, equating to approximately one dwelling per 319m² rather than one dwelling per 500m². The proposed density is nevertheless considered acceptable against Performance Outcome PO₄ having regard to the low-rise built form, retention of the existing dwelling to Glenvale Road and the established and transitioning residential character of the surrounding locality. The proposed density is therefore considered to appropriately reflect the residential scale and density of the surrounding area.	

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 within Council's identified Priority Infrastructure Area. No future priority infrastructure is mapped on or adjoining the subject site under Council's LGIP mapping or schedule of works.

Other Relevant Matters

Not Applicable

FINANCIAL / RESOURCE IMPLICATIONS

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

Human Rights Act 2019 CONSIDERATIONS

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

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

Section 15 – Recognition and equality before the law
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 benchmarks as identified within this report and the attached Statement of Reasons (refer to Schedule 1). The proposed development generally complies with the assessment benchmarks or it can be conditioned to comply. Where the applicant has not provided sufficient information, conditions have been imposed to ensure compliance. It is therefore recommended that the development application be approved subject to the conditions identified above.

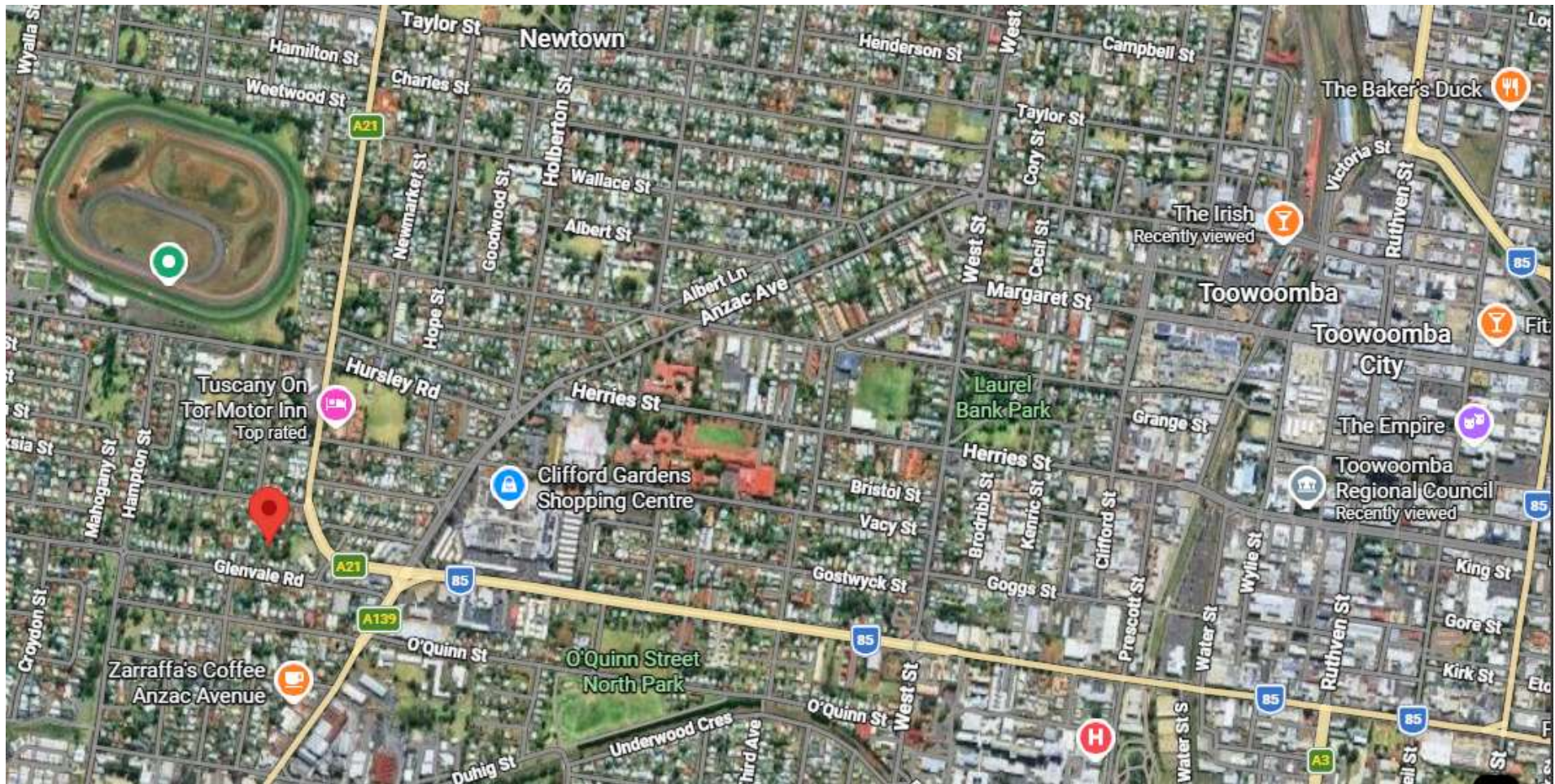
ATTACHMENT/S

Attachment	1	of	5	Site location context
Attachment	2	of	5	Aerial Image of Site
Attachment	3	of	5	Zoning Map
Attachment	4	of	5	Proposal Plans
Attachment	5	of	5	Streetview

SCHEDULES

Schedule 1 Statement of Reasons

ATTACHMENTS



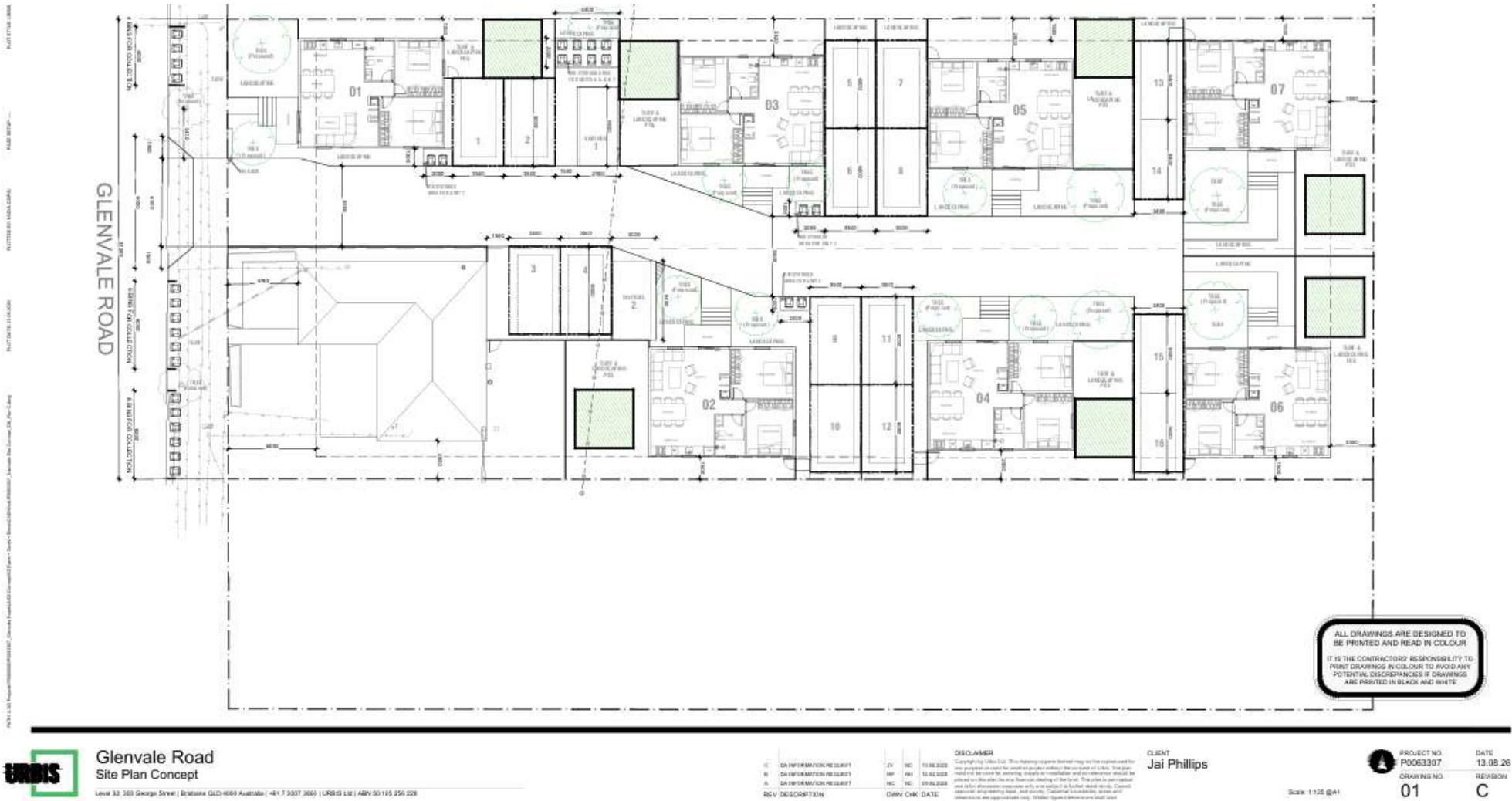
Attachment 1 - Site location context



Attachment 2 - Aerial Image of Site



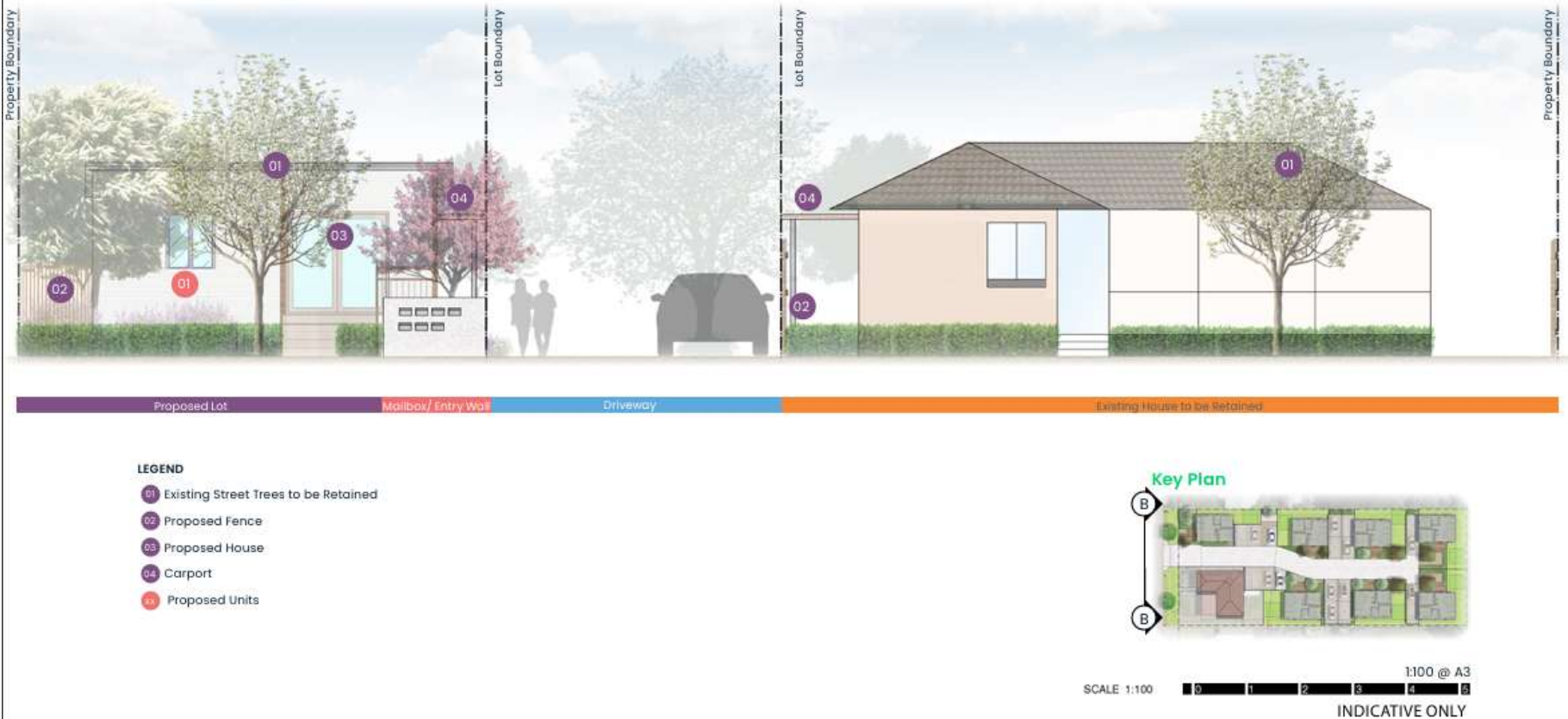
Attachment 3 - Zoning Map



Attachment 4 - Proposed Plans



Landscape Plan



Elevation Plan



Attachment 5 - Streetview September 2020



Streetview May 2026

SCHEDULE 1

Statement of Reasons

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

SITE DETAILS	
Site Address	31 Glenvale Road, NEWTOWN QLD 4350
Real Property Description	Lot 19-20 RP63458
Site Area	2,458m ²
Owner	Jai Anthony Phillips and Damon Anthony Phillips

PROPOSED DEVELOPMENT		
Name of Applicant	Jai Anthony Phillips and Damon Anthony Phillips	
Type of Application	Material Change of Use - Impact	
Proposed Development	Multiple Dwelling (Seven (7) x Two (2) Bedroom Units and One (1) x Three (3) bedroom unit)	
Variations Sought	Not Applicable	
Level of Assessment	Impact Assessable	
Gross Floor Area	~ 650–675m ²	
Impervious Area	~63%	
Site Cover	~36%	
Car Parking Spaces	Sixteen (18) spaces	
Submissions Received	Objection:	1
	Support:	0
Decision Making Period Ends	11 September 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); • <i>South-east Queensland Regional Plan Shaping SEQ 2023</i> (as relevant); • The Local Government Infrastructure Plan; and • <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28) ▪ Strategic Framework ▪ Low Density Residential Zone Code ▪ Medium Density Residential Code ▪ Environmental Standards Code ▪ Integrated Water Cycle Management Code ▪ Landscaping Code ▪ Transport, Access and Parking Code ▪ Work and Services Code	
Matters raised in submissions	Issue	How matter was dealt with
	Clifford Park Stables Precinct	The proposal has been assessed against the Clifford Park Stables Precinct provisions of the Low Density Residential Zone Code, including the precinct outcome seeking to ensure residential development is not intensified in a manner that would increase the potential for land use conflict between stabling activities and residential uses. The development is for detached, low-rise dwellings within an established residential context and has been

		assessed against the Low Density Residential Zone Code and other relevant assessment benchmarks. On balance, the development is considered to achieve the relevant Overall Outcomes of the Low Density Residential Zone Code and is not expected to result in unacceptable land use conflict or reverse amenity impacts on future or existing stabling activities within the precinct. See the “Reasons for the approval despite non-compliance with benchmark” section of this Statement of Reasons for further details on the assessment of the development against the Low Density Residential Zone Code.
	Traffic impacts	A Traffic Impact Assessment prepared by an RPEQ Engineer was included in the submitted material in support of the application and reviewed by Council. The assessment concluded that the surrounding road network is capable of accommodating the additional traffic generated by the development.
	Waste collection	The submitted plans identified that the site has sufficient frontage to accommodate the number of wheelie bins required to service the Multiple Dwelling. The proposed waste storage and collection arrangements have been assessed by Council's Environmental Officers and are consistent with Council's Technical Guidelines for New Developments Waste Storage and Collection Requirements. As such, the proposal is considered to comply with Performance Outcome PO ₂₈ of the Environmental Standards Code.
	Precedent for future development	The determination of this application does not alter the planning scheme or establish a precedent for future development proposals within the precinct.
Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception listed below.	
	Assessment benchmark	Reasons for the approval despite non-compliance with benchmark
	Overall Outcome (c) of the Clifford Parks Stables Precinct and Performance Outcome PO2 of the Low Density Residential Zone Code	Despite the noncompliance with Performance Outcome PO₂ and Overall Outcome (c) of the Clifford Parks Stables Precinct, it is considered that the proposed development generally complies with the relevant Overall Outcomes of the zone code for following reasons: <u>Overall Outcomes (2)(a) and (b)</u> While a multiple dwelling is not identified as a primary or secondary form of housing within the zone, the proposed units are detached and present in a built form similar to a dwelling house. Two units will address the street frontage, with a scale and appearance consistent with surrounding dwelling houses.

		- The proposed development is not located within the greenfield area of the zone. However, the subject site is situated within walking distance, being less than 500 metres of Clifford Gardens Shopping Centre and is located on the edge of the Clifford Park Stables Precinct. A range of other services and facilities that support daily convenience needs are also available within walking distance, including a childcare centre, places of worship and public parks. <u>Overall Outcome (2)(g), (h) and (m)</u> - The proposed multiple dwelling is considered to provide for an efficient land-use pattern and has direct and easy access to services nearby including bus services at the Clifford Gardens Shopping Centre. - The development has proposed a footpath to be delivered along the road frontage contributing to the creation of a walkable neighbourhood. The Multiple Dwelling is located within close access to schools, parks, shops and community facilities. <u>Overall Outcome (2)(j)</u> - It is considered that the proposed multiple dwelling will not introduce adverse impacts including excessive traffic, noise, dust, odour, and lighting <u>Overall Outcome (2)(k)</u> - The proposed detached units are of a scale and built form that is generally consistent with the low-scale residential character of the surrounding neighbourhood, which is predominantly characterised by single-storey detached dwellings.
--	--	--

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/2026/1261