

21 April 2026

The Chief Executive Officer  
Toowoomba Regional Council  
PO Box 3021  
TOOWOOMBA QLD 4350

**RECEIVED**  
21/04/2026  
**TOOWOOMBA**  
**REGIONAL COUNCIL**

**Attention:** Mr Elliott Barber  
**By Email:** [elliott.barber@tr.qld.gov.au](mailto:elliott.barber@tr.qld.gov.au)

Dear Elliott,

**RESPONSE TO ACTION NOTICE – DEVELOPMENT APPLICATION – DEVELOPMENT PERMIT – MATERIAL CHANGE OF USE – MULTIPLE DWELLING – 9 BENJAMIN STREET, MOUNT LOFTY – LOTS 0-2 BUP101164**  
(Council Ref: MCUI/2026/2933; Our Ref: 2024-361)

I act on behalf of the applicant, Dung Le, in respect of the above matter.

I refer to Council's Action Notice dated 21 April 2026 issued with respect to a Development Application for a Development Permit for Material Change of Use – Multiple Dwelling on land at 9 Benjamin Street, Mount Lofty, described as Lots 0-2 BUP1011464.

At the outset the applicant wishes to confirm that the proposed development involves the retention of the existing two (2) 2-bedroom attached units within the front portion of the site. The proposal involves the construction of one (1) new dwelling at the rear of the site, which is the trigger for a Multiple Dwelling Use. The proposed development does not involve any changes to the existing units on the site.

The following advice provides a response to the matters raised in Council's Action Notice. For ease of comprehension, each item raised in the notice has been reproduced below in bold print followed by the associated response.

#### **ACTIONS REQUIRED TO MAKE APPLICATION PROPERLY MADE**

- *SC6.1.3 Mandatory Requirements for Material Change of Use Applications:*
  - *In accordance with the Planning Act 2016 Section 51(1)(b)(i), DA Form 1 and SC6.1 PSP No. 1 in the Planning Scheme, all development applications for Material Change of Use assessable against the Planning Scheme must be accompanied by (as relevant to this application):*
    - (a) *Site plan with dimensions for the development, clearly showing the following:*
      - Existing sewer infrastructure traversing the site,
      - Individual units clearly identified with confirmation of its floor plans,
      - Dimension of driveway crossovers and setbacks from existing street trees,
      - All proposed carports, and
      - Waste storage area.

- (f) Plan/s of existing dwelling house showing the size, location, existing floor area, existing site cover, existing maximum number of storeys and existing maximum height above natural ground level of the buildings to be reused.

## RESPONSE

Responses to each of the items raised above are provided below in red:

- (a) Site plan with dimensions for the development, clearly showing the following:

- Existing sewer infrastructure traversing the site,

Reference is made to the submitted Development Plans, prepared by SP Building Design, and Engineering Plans, prepared by Baker Rossow Consulting Engineers. Both sets of plans illustrate the existing location of the sewer infrastructure within and in close proximity to the site.

- Individual units clearly identified with confirmation of its floor plans,

Reference is made to the marked-up Site Plan attached at **Appendix A** which labels each of the three (3) units. Reference is also made to the Existing Unit Floor Plan, prepared by Precinct Urban Planning, dated 21 April 2026 and attached at **Appendix B**.

- Dimension of driveway crossovers and setbacks from existing street trees,

The proposed development does not involve any changes to the existing driveway crossover. Reference is made to the submitted Engineering Plans, prepared by Baker Rossow Consulting Engineers, which demonstrate that the existing driveway and access arrangements are suitable to cater for the movements of a B99 vehicle to the proposed new dwelling. Noting that the existing units are existing, it is considered that the existing access arrangements are suitable.

- All proposed carports, and

The proposed development does not involve any carports. The existing two (2) units contain a single garage, with a single garage also proposed as part of the new dwelling. The new dwelling also proposes to utilise the visitor carparking space at the front of the site, however there are no plans for a carport at this location.

- Waste storage area.

Reference is made to the marked-up Site Plan attached at **Appendix A**, which includes the locations of the existing and proposed waste storage areas.

- (f) Plan/s of existing dwelling house showing the size, location, existing floor area, existing site cover, existing maximum number of storeys and existing maximum height above natural ground level of the buildings to be reused.

Reference is made to the Existing Unit Floor Plan, prepared by Precinct Urban Planning, dated 21 April 2026 and attached at **Appendix B**. This plan confirms the internal layout of the existing units and total number of bedrooms (i.e. 2). The proposed development does not involve any changes to the existing building/units and accordingly, it is not considered that elevation plans are required in this instance. Reference is made to the submitted Planning Report which includes a photograph of the existing units from the road which is considered sufficient for Council's assessment. The existing size, location and site cover is illustrated and confirmed within the documentation submitted as part of the application material.

Should the above information not be sufficient for Council to progress their assessment of the application, the applicant would request a meeting with Council's Planning Manager.

Should you require any additional information or clarification, please do not hesitate to contact the undersigned on (07) 4632 2535.

Yours sincerely,



**James Williams**  
**Precinct Urban Planning**