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|-----------------|------------------------------------------------------------------------------------------------------------------------------------|
| REPORT TITLE    | Reconfiguring a Lot – Impact – Reconfigure One (1) lot into Three (3) lots located at 14-18 Guyana Court, DARLING HEIGHTS QLD 4350 |
| AUTHOR          | Consultant Planner (Luke Farrelly)                                                                                                 |
| Application No. | RAL/2026/2354                                                                                                                      |

## PURPOSE OF REPORT

To consider a Development Application for Reconfiguring a Lot – Impact – Reconfigure One (1) lot into Three (3) lots located at 14-18 Guyana Court, DARLING HEIGHTS QLD 4350.

## EXECUTIVE SUMMARY

This report considers a Development Application for Reconfiguring a Lot – Impact – Reconfigure One (1) lot into Three (3) lots at 14–18 Guyana Court, Darling Heights, formally described as Lot 1 on SP346979.

The site has an area of 1,966m<sup>2</sup> and is split-zoned in the Low-medium density residential zone and the Rural residential zone under the Toowoomba Regional Planning Scheme 2012 (Version 28). The site is currently a vacant lot in an established residential subdivision (RAL/2020/4847/A and RAL/2024/200). The proposal seeks to create three residential lots, each capable of accommodating a dwelling house.

The proposed subdivision comprises:

- Proposed Lot 1 - 689m<sup>2</sup>;
- Proposed Lot 2 - 644m<sup>2</sup>; and
- Proposed Lot 3 - 632m<sup>2</sup>.

Under the *Toowoomba Regional Planning Scheme 2012* (Version 28), the proposed subdivision is subject to Impact Assessment. As such the application underwent public notification. Two (2) properly made submissions were received, raising concerns relating to the potential future dual occupancies, residential density, neighbourhood character, traffic, privacy and infrastructure. The matters raised have been considered during the assessment of the application and are addressed within this report.

The proposed development has been assessed with regard to the applicable assessment benchmarks and having regard to all relevant matters as identified within this report and the attached Statement of Reasons (refer to Schedule 1). The proposal is considered to comply with the relevant Planning Scheme provisions or, to the extent of non-compliance, is considered capable of being conditioned to comply. The proposed development is considered to be acceptable having regard to all relevant matters. Therefore, the development application is recommended for approval subject to relevant and reasonable conditions.

## RECOMMENDATION

**APPROVED** - Application No. RAL/2026/2354 for a Development Permit for Reconfiguring a Lot – Impact – Reconfigure One (1) lot into Three (3) lots, 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 Three (3) Lots.

#### CARRY OUT AND 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 have not been varied by this Development Approval.
3. Unless otherwise stated, all conditions must be complied with prior to Council's approval of the Plan of Subdivision.

4. 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**

5. 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:** P-P0101, Issue A

**Description:** Proposed Plan – Lot Dimensions, prepared by RMA Engineers and dated 17 March 2026.

**Amendments:** Nil.

#### **LOT NUMBERING**

6. The numbering of all approved lots must remain as indicated on the Approved Plan/s (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 Bulk Earthworks and retaining walls.

#### **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 (4) of Schedule 18, the stated date by which the request must be made is 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**

#### **FEES AND CHARGES**

10. 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**

#### **ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS**

11. Plans and specifications for all works associated with vehicular access, stormwater drainage, wastewater, earthworks, or any other works that are required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
12. A RPEQ must submit to Council a copy of the:
  - 12.1 Design Certificate prior to commencement of the works; and
  - 12.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
13. 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.

14. 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.

#### **BULK EARTHWORKS OVER 50 M<sup>3</sup> OR OVER 1M CUT OR FILL**

15. All cut, fill and associated batters must be undertaken in accordance with a Development Permit for Operational Work and contained entirely within the subject land.

#### **STORMWATER DRAINAGE**

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

#### **STORMWATER DISCHARGE**

17. Stormwater from the new roofed and sealed areas must be picked up and discharged by way of sealed underground pipe to the street 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.*

18. 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 frontages so as not to concentrate the discharge to any one location.
19. 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**

20. 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 works.
21. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during site works do not exceed the following levels when measured at any sensitive place or commercial place:
  - 21.1 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*.

#### **CONSTRUCTION WASTE MANAGEMENT & STORAGE**

22. 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*.
23. 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*.
24. Fires are not to be lit to dispose of demolition or construction waste.
25. 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:
  - 25.1 Elsewhere within this Development Approval;
  - 25.2 In accordance with an associated Development Permit for Operational Work;

- 25.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;

### **CONSTRUCTION NOISE IMPACT MITIGATION**

26. 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**

27. 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.
28. 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.
29. 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.
30. All disturbed areas must be mulched or turfed as soon as possible during construction.

### **DAMAGE TO SERVICES & ASSETS**

31. Protect Council and public utility services and assets during construction of the development.
32. 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:
- 32.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
- 32.2 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.
33. 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.
34. 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)**

35. All proposed lots must be connected to Council's existing wastewater reticulation system in accordance with Council *Wastewater Infrastructure Policy 2.04* at no cost to Council.

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

36. Any works on Council's '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.



## WATER SUPPLY

37. The subdivision must be connected to Council's existing water supply reticulation 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.*

38. All live connections to the existing water supply networks and water meter installations must be carried out by Council at no cost to Council.

*Note: For a private works quotation for the required works Council's Water & Wastewater Department can be contacted on ph 131 872. Subject to payment of the quotation, a suitable time for this work to be carried out must be agreed with Council.*

39. Unless able to be used as part of the development, any existing connection must be compliantly disconnected and meters recovered by Council at no cost to Council.
40. Any existing water supply connection traversing more than one approved lot must be compliantly disconnected and removed.
41. Certification must be provided to Council by Licensed Plumber that any necessary disconnections have been carried out.
42. 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.

## TELECOMMUNICATION

43. Install telecommunications infrastructure to service each approved lot which complies with the following:

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

43.2 For a fibre ready facility, the standard specifications current at the time of installation for a carrier under the *Telecommunications Act 1997*; and

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

44. 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.

45. 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](http://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

46. 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.

47. 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**

48. 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.*

49. 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.*

## **GENERAL ADVICES**

### **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](http://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 50m<sup>3</sup> 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 50m<sup>3</sup> or more of fill is deposited on, or 50m<sup>3</sup> 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.

### ACCESS REQUIREMENTS FOR FUTURE DWELLINGS

- 8) All future dwellings on the subject land must be provided with driveway crossovers/accesses in accordance with *Planning Scheme Policy No. 2 Engineering Standards Road and Drainage Infrastructure* of the *Toowoomba Regional Planning Scheme 2012*.

### 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 infer or 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.

### ABORIGINAL CULTURAL HERITAGE ACT 2003

- 12) There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003* ("ACH Act").

The ACH Act establishes a cultural heritage duty of care which provides that: "*A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.*" It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the ACH Act may also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) Cultural Heritage Unit on 07 3247 6212 to discuss any obligations under the ACH Act.

### FIRE ANTS

- 13) 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.

### 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 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: 27 July 2026

## BACKGROUND

| SITE DETAILS                      |                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                  |                     |
|-----------------------------------|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|---------------------|
| Site Address                      |                                       | 14-18 Guyana Court, DARLING HEIGHTS QLD 4350                                                                                                                                                                                                                                                                                                                                                                                        |                                                  |                     |
| Real Property Description         |                                       | Lot 1 SP346979                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                  |                     |
| Site Area                         |                                       | 1,966m <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                  |                     |
| Owner                             |                                       | Gerardus Maria Van Erp and Ansmarie Van Erp                                                                                                                                                                                                                                                                                                                                                                                         |                                                  |                     |
| SITE CHARACTERISTICS              |                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                  |                     |
| Current Land Use                  |                                       | Vacant                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                  |                     |
| Site Frontage/s                   |                                       | Guyana Court ~ 47.5m.<br>Regina Street ~ 40m.                                                                                                                                                                                                                                                                                                                                                                                       |                                                  |                     |
| Road/s                            | Order of Road                         | Width of Road Reserve                                                                                                                                                                                                                                                                                                                                                                                                               | Width of Pavement                                | Road Material       |
| Guyana Court                      | Local Road                            | ~ 18m                                                                                                                                                                                                                                                                                                                                                                                                                               | ~ 7m                                             | Asphalt             |
| Regina Street                     | Local Road                            | ~ 18m                                                                                                                                                                                                                                                                                                                                                                                                                               | ~ 7m                                             | Asphalt             |
| Easements                         |                                       | Nil                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                  |                     |
| Existing Structures               |                                       | Nil                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                  |                     |
| Infrastructure                    |                                       | The site has access to all existing urban infrastructure.                                                                                                                                                                                                                                                                                                                                                                           |                                                  |                     |
| Topography                        |                                       | The site has a moderate fall across the allotment and requires earthworks and retaining walls to facilitate the proposed subdivision.                                                                                                                                                                                                                                                                                               |                                                  |                     |
| Street Trees                      |                                       | Nil.                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                  |                     |
| Other Features                    |                                       | Nothing to note                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                  |                     |
| PLANNING SCHEME SITE DATA         |                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                  |                     |
| Current Planning Scheme           |                                       | Toowoomba Regional Planning Scheme 2012 (Version 28)                                                                                                                                                                                                                                                                                                                                                                                |                                                  | Adopted: 28/11/2025 |
| Zone                              |                                       | Low Density Residential Zone<br>Rural Residential Zone                                                                                                                                                                                                                                                                                                                                                                              |                                                  |                     |
| Precinct                          |                                       | Urban Residential Precinct (Greenfield Area)                                                                                                                                                                                                                                                                                                                                                                                        |                                                  |                     |
| Overlays                          |                                       | <ul style="list-style-type: none"><li>Airport Environs Overlay<ul style="list-style-type: none"><li>8 km Wildlife Hazard Buffer Zone</li></ul></li><li>Environmental Significance Overlay<ul style="list-style-type: none"><li>Areas of Ecological Significance</li><li>Areas of Ecological Significance Buffer</li></ul></li><li>Bushfire Hazard Overlay<ul style="list-style-type: none"><li>Medium Fire Risk</li></ul></li></ul> |                                                  |                     |
| Infrastructure Charges Resolution |                                       | Charges Resolution No. 7                                                                                                                                                                                                                                                                                                                                                                                                            |                                                  | Adopted: 19/8/2025  |
| SURROUNDS:                        |                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                  |                     |
| Direction                         | Land Use                              |                                                                                                                                                                                                                                                                                                                                                                                                                                     | Zone/Precinct                                    |                     |
| North                             | Rural Residential                     |                                                                                                                                                                                                                                                                                                                                                                                                                                     | Rural Residential/4,000m <sup>2</sup> Minimum    |                     |
| East                              | Residential (The Grove accommodation) |                                                                                                                                                                                                                                                                                                                                                                                                                                     | Low-medium density residential/Urban Residential |                     |
| South                             | Residential (~600m <sup>2</sup> lots) |                                                                                                                                                                                                                                                                                                                                                                                                                                     | Low-medium density residential/Urban Residential |                     |
| West                              | Residential (~600m <sup>2</sup> lots) |                                                                                                                                                                                                                                                                                                                                                                                                                                     | Low-medium density residential/Urban Residential |                     |
| Other Features                    |                                       | <600m from University of Southern Queensland                                                                                                                                                                                                                                                                                                                                                                                        |                                                  |                     |

| APPLICATION HISTORY |                                                                        |               |          |
|---------------------|------------------------------------------------------------------------|---------------|----------|
| Application No.     | Description                                                            | Decision Date | Decision |
| RAL/2024/200        | Development Permit for Reconfiguring a Lot - Reconfigure 1 into 2 Lots | 8 May 2024    | Approved |

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| RAL/2020/4847/A | Request for Negotiated Decision Notice for Development Permit for Reconfiguring a Lot – Reconfigure 3 Lots into 27 Lots | 19 July 2021    | Approved |
| RAL/2020/4847   | Development Permit for Reconfiguring a Lot – Reconfigure 3 Lots into 27 Lots                                            | 17 June 2021    | Approved |
| RAL/2018/5324   | Development Permit for Reconfiguring a Lot – Reconfigure 2 Lot into 4 Lots                                              | 8 January 2019  | Approved |
| OW/2021/5275    | Road Work Stormwater Earthworks Water Infrastructure Sewage infrastructure Linemarking and Retaining Walls              | 6 December 2021 | Approved |

| PROPOSED DEVELOPMENT               |                                             |         |
|------------------------------------|---------------------------------------------|---------|
| <b>Name of Applicant</b>           | Gerardus Maria Van Erp and Ansmarie Van Erp |         |
| <b>Type of Application</b>         | Reconfiguring a Lot                         |         |
| <b>Proposed Development</b>        | Reconfigure One (1) into Three (3) Lots     |         |
| <b>Variations Sought</b>           | Not Applicable                              |         |
| <b>Level of Assessment</b>         | Impact Assessable                           |         |
| <b>Submissions Received</b>        | Objection:                                  | Two (2) |
|                                    | Support:                                    | Nil     |
| <b>Decision Making Period Ends</b> | 27 July 2026                                |         |

## CONSULTATION UNDERTAKEN

### Internal Referrals

| Internal Partner                  | Referral | Referral / Response                                                                                                                                                                                                                                                                                                                                         |
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| Development Infrastructure Growth | and      | Reviewed application and recommended draft conditions.                                                                                                                                                                                                                                                                                                      |
| Water and Waste                   |          | Reviewed application and recommended draft conditions.                                                                                                                                                                                                                                                                                                      |
| Place Environmental               |          | Reviewed application and has no requirement.                                                                                                                                                                                                                                                                                                                |
| Parks and Recreation              |          | Street trees requirements have been raised however it has been confirmed that Street trees were required and planted as part of parent approval RAL/2020/4847/A. Council has since removed the planted street trees as part of sewer installation works along the frontage of the subject site. As such, no further street trees requirements are required. |
| Infrastructure Charges Unit       |          | Preparing 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 25 May 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 25 May 2026,
- Placing a notice on the land from 29 April 2026 until 22 May 2026; and
- Notifying owners of all land adjoining the site on 24 April 2026.

Two (2) submissions were received in total 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                                                                                                                                       |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Residential density, neighbourhood | The proposed lot sizes are considered to be consistent with the intent of the Low-medium density residential zone and the surrounding locality, which comprises |

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|------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| character and future development potential (i.e dual occupancy). | lots of a similar size within Guyana Court and adjoining streets. The portion of the site within the Rural residential zone has also been considered as part of the assessment of the Rural Residential Zone Code below and is not considered to result in an unacceptable planning outcome. Future development of the lots will be subject to separate assessment where required.                                                                                                                                                                                                                                                                                                                                                 |
| Traffic, parking and infrastructure capacity.                    | <p>While future dwellings are not proposed as part of this application, the Planning Scheme includes requirements relating to matters such as parking. Where future development does not trigger development assessment, the Queensland Development Code (QDC) provides relevant requirements to ensure development is appropriately serviced and does not create unreasonable nuisance for adjoining neighbours.</p> <p>Infrastructure capacity including sewer and water has been considered and assessed as part of this application, the submitted material has been assessed by Council's Engineers and is considered to be able to be serviced appropriately in accordance with the requirements of the Planning Scheme.</p> |
| Privacy and residential amenity.                                 | Consistent with the comments above, the Planning Scheme and QDC include requirements relating to setbacks, privacy and residential amenity. Any future development of the lots will be required to comply with those requirements to ensure appropriate privacy and amenity outcomes are achieved.                                                                                                                                                                                                                                                                                                                                                                                                                                 |

## 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>     | <p>Schedules 9 and 10 categorises particular development and details the relevant assessment benchmarks for development as relevant.</p> <p>The proposed development is not for Reconfiguring a Lot as defined in Part 1 of Schedule 12A of the Regulation.</p> |

| REGIONAL PLANS                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Shaping SEQ – South East Queensland Regional Plan 2023</i> | <p>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.</p> <p>The development application is consistent with the land use intent for the Urban Footprint as it proposes an urban use within the bounds of the urban footprint.</p> |
| <i>Darling Downs Regional Plan October 2013</i>               | <p>The <i>Darling Downs Regional Plan 2013</i> (DDRP) is a statutory regional plan that is intended to provide planning policy to address planning matters that are of State interest and specific to the Darling Downs region.</p> <p>The DDRP identifies that the subject site is mapped within Restricted Area (RA) 384 under Appendix 2 of the Regional Plan, reflecting the boundaries of the SEQ Regional Plan. Therefore, the DDRP is not applicable in this instance.</p>              |

| STATE PLANNING POLICY (SPP)<br><i>July 2017</i>                      |                     |
|----------------------------------------------------------------------|---------------------|
| Interests                                                            | Assessment Comments |
| The proposal is considered to meet the relevant outcomes of the SPP. |                     |

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

The proposed development was assessed against the following relevant assessment benchmarks:

- Strategic Framework;
- Low-medium Density Residential Zone Code;
- Rural Residential Zone Code;
- Airport Environs Overlay Code;
- Environmental Significance Overlay Code;
- Bushfire Hazard Overlay Code; and
- Reconfiguring a Lot Code.

The development was assessed against all of the assessment benchmarks listed above and is considered to comply without exception as follows:

#### STRATEGIC FRAMEWORK:

| Theme                             | Assessment Comments                                                                                                                                                                                                                                                                        |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Settlement Pattern                | The proposed development is consistent with the relevant outcomes of the Strategic Framework. The subdivision facilitates orderly residential development within an established urban area and does not conflict with the strategic intent of the Toowoomba Regional Planning Scheme 2012. |
| Natural Environment               |                                                                                                                                                                                                                                                                                            |
| Community Identity and Diversity  |                                                                                                                                                                                                                                                                                            |
| Natural Resources and Landscaping |                                                                                                                                                                                                                                                                                            |
| Access and Mobility               |                                                                                                                                                                                                                                                                                            |
| Infrastructure and Services       |                                                                                                                                                                                                                                                                                            |
| Economic Development              |                                                                                                                                                                                                                                                                                            |

#### DEVELOPMENT, ZONE AND OVERLAY CODES:

The proposed development has been assessed against the relevant assessment benchmarks of the Strategic Framework, Low Density Residential Zone Code, Airport Environs Overlay Code, Bushfire Hazard Overlay Code and Reconfiguring a Lot Code. The proposal is considered to comply with, or can be conditioned to comply with, the applicable assessment benchmarks.

#### RURAL RESIDENTIAL ZONE CODE:

| Assessment Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Assessment Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) <i>The purpose of the zone is to provide for residential development on large lots where Local Government infrastructure and services may not be provided and where the intensity of residential development is generally dispersed. Development for large residential lots provides for a range of residential housing styles to meet the needs of the community. Development maintains a semi-rural landscape character and expansion of these localities does not occur.</i> | <p>(1) <i>The overall outcomes sought for the zone code are as follows:</i></p> <ul style="list-style-type: none"> <li>(a) <i>the development of large residential lots with limited provision of infrastructure and services is facilitated within this zone only;</i></li> <li>(b) <i>development within the zone preserves the environmental and topographical features of the land by integrating an appropriate scale of residential activities amongst these features;</i></li> <li>(c) <i>development avoids areas of ecological significance;</i></li> <li>(d) <i>development is designed to incorporate sustainable practices including maximising energy efficiency and encouraging sustainable transport use;</i></li> <li>(e) <i>natural features such as creeks, gullies, waterways, wetlands and vegetation and bushland are retained, enhanced and buffered from the impacts of development. Any unavoidable impacts are minimised through location, design, operation and management of the development;</i></li> </ul> |



|                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>(f) development provides a high level of residential amenity;</li> <li>(g) non-residential uses may be appropriate where such uses meet the day to day convenience needs of the residential catchment in the zone or have a direct relationship and rely on the endemic characteristics of the land in which they are located. Non-residential uses are compatible with the semi-rural and low intensity residential character of the zone and are consistent with the following outcomes; <ul style="list-style-type: none"> <li>(i) non-residential uses are not located in areas with limited infrastructure and services necessary to meet the needs of the development;</li> <li>(ii) low-impact activities such as small-scale eco-tourism and outdoor recreation are encouraged within the zone where the impacts of such uses can be minimised;</li> <li>(iii) uses such as a shop, community use, health care services and veterinary services may be appropriate where the building form is of a scale consistent with the surrounding rural residential locality, and the use does not undermine the viability of other centres or services/facilities within the rural residential catchment of the use;</li> <li>(iv) low intensity rural activities are appropriate where they do not adversely impact on the amenity of the surrounding locality and are consistent with the intended character of the zone; and 119 Amended on 3 November 2014 Toowoomba Regional Planning Scheme Part 6 – Zones0F, 1F 6.6 – Other Zones Category 25 Feb 2022 – v27.0 – Toowoomba Regional Planning Scheme 207 6.6 – Other Zones Category u 6.6.7 – Rural Residential Zone Code118F</li> <li>(v) adverse impacts of land use, both on-site and from adjoining areas, are avoided and any unavoidable impacts are minimised through location, design, operation and management;</li> </ul> </li> <li>(h) development has access to development infrastructure including utility installations and essential services.</li> </ul> |
| Precinct Intent                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>(3) The overall outcomes for this precinct are: <ul style="list-style-type: none"> <li>(a) provide for a very low density residential character located accessible and near to urban areas; and</li> <li>(b) facilitate lots with a minimum lot size of 4,000m<sup>2</sup>.</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Performance Outcome</b>                                                                                                                                                                                                                                                     | <b>Acceptable Outcome</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>PO<sub>6</sub></p> <p>Development in the 4,000m<sup>2</sup> precinct:</p> <ul style="list-style-type: none"> <li>(a) does not require the creation of lots smaller than 4,000m<sup>2</sup>; and</li> <li>(b) maintains a very low density residential character.</li> </ul> | No acceptable outcome is nominated.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Alternate Outcome</b>                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| The applicant submits:                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

*“Performance Solution: It is noted that the majority of the site is located in the Low-medium Density Residential Zone (Urban Residential Precinct) with only a small portion of the site located in the Rural Residential Zone (RR1 [4000m<sup>2</sup>] Precinct). The proposed residential lots have site areas consistent with surrounding residential lots which ensures the development is a logical extension of the balance of the Guyana Court estate which is located in the Low-medium Density Residential Zone (Urban Residential Precinct).”*

#### **Officer Comment**

Noting the existing lot size is 1,966m<sup>2</sup>, the proposal creates three lots ranging from 632m<sup>2</sup> to 689m<sup>2</sup>. A small portion of the site is within the Rural Residential Zone and as such, is considered that the proposal does not meet the 4,000m<sup>2</sup> minimum lot size under PO<sub>6</sub>.

Notwithstanding the above, the non-compliance is considered acceptable in this instance when assessing against the Purpose and Overall Outcome of the Rural Residential Code outlined above. As the site is within an established urban residential locality, it has access to urban infrastructure and services and is located within the Priority Infrastructure Area. The land proposed to be subdivided does not contain mapped ecological values, waterways, wetlands or protected vegetation that would be affected by the proposal.

Further, the proposed lot sizes are consistent with the surrounding subdivision pattern, particularly lots to the south and west, which are generally around 600m<sup>2</sup>. The proposal also provides an appropriate transition between the Low-medium density residential zoned land and larger Rural Residential zoned land to the north.

Each lot has sufficient area and dimensions to accommodate a future dwelling with appropriate access, servicing, setbacks and amenity outcomes. On this basis, the proposal is considered to achieve the purpose and relevant overall outcomes of the Rural Residential Zone Code despite the non-compliance with PO<sub>6</sub>.

The subject site is mapped within both the Rural Residential Zone and the Low Density Residential Zone. The proposed lot sizes are generally consistent with the minimum lot size requirements of the Low Density Residential Zone. Each lot is capable of being serviced by Council's reticulated water and wastewater networks and has direct frontage to Guyana Court, enabling lawful access and connection to existing infrastructure networks. The proposed lots provide appropriate area, frontage and dimensions to accommodate future residential development consistent with the Low Density Residential Zone.

The site is affected by the Airport Environs Overlay and Bushfire Hazard Overlay mapping. The Airport Environs Overlay does not impose any constraints that would prevent the proposed subdivision. The Bushfire Hazard Overlay was addressed through the parent subdivision, which established the road network, servicing and subdivision pattern for the locality. The proposed subdivision is consistent with the established settlement pattern and does not increase bushfire risk or require additional mitigation measures.

No environmental or other overlay constraints are identified that would materially affect the proposed development. Accordingly, the proposal is considered to achieve the relevant outcomes of the applicable assessment benchmarks.

#### **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 subject site is located within the Priority Infrastructure Area (PIA).

#### **Other Relevant Matters**

No further relevant matters considered in the assessment of this application.

## 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*:

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 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 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 | Aerial Imagery                                      |
| Attachment | 2 | of | 5 | Zoning Map                                          |
| Attachment | 3 | of | 5 | Overlay Map                                         |
| Attachment | 4 | of | 5 | Proposed Plan                                       |
| Attachment | 5 | of | 5 | Parent Approvals (RAL/2020/4847/A and RAL/2024/200) |

## SCHEDULES

|          |   |                      |
|----------|---|----------------------|
| Schedule | 1 | Statement of Reasons |
|----------|---|----------------------|

ATTACHMENT 1 OF 5 – AERIAL IMAGERY





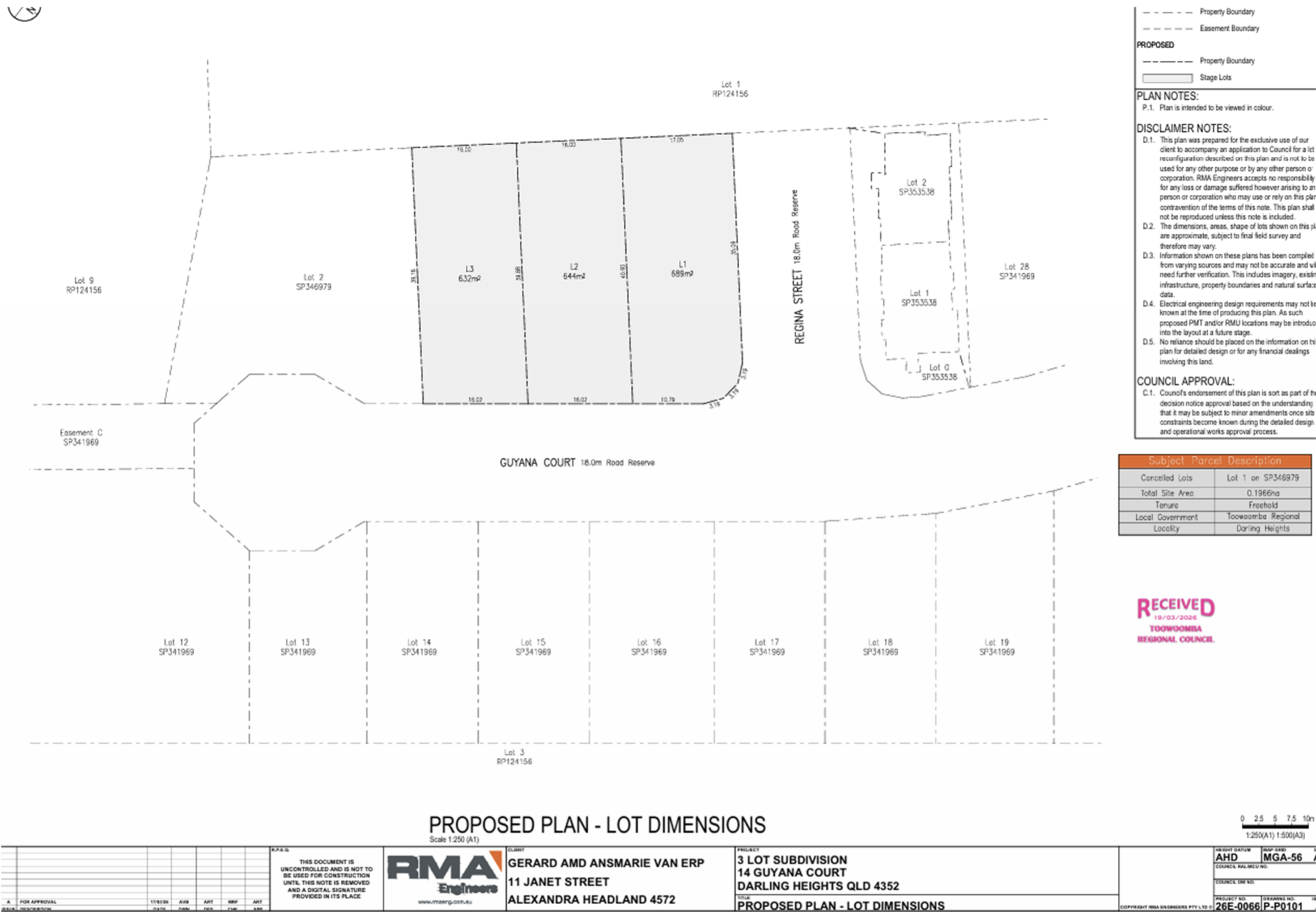
## ATTACHMENT 2 OF 5 – ZONING MAP



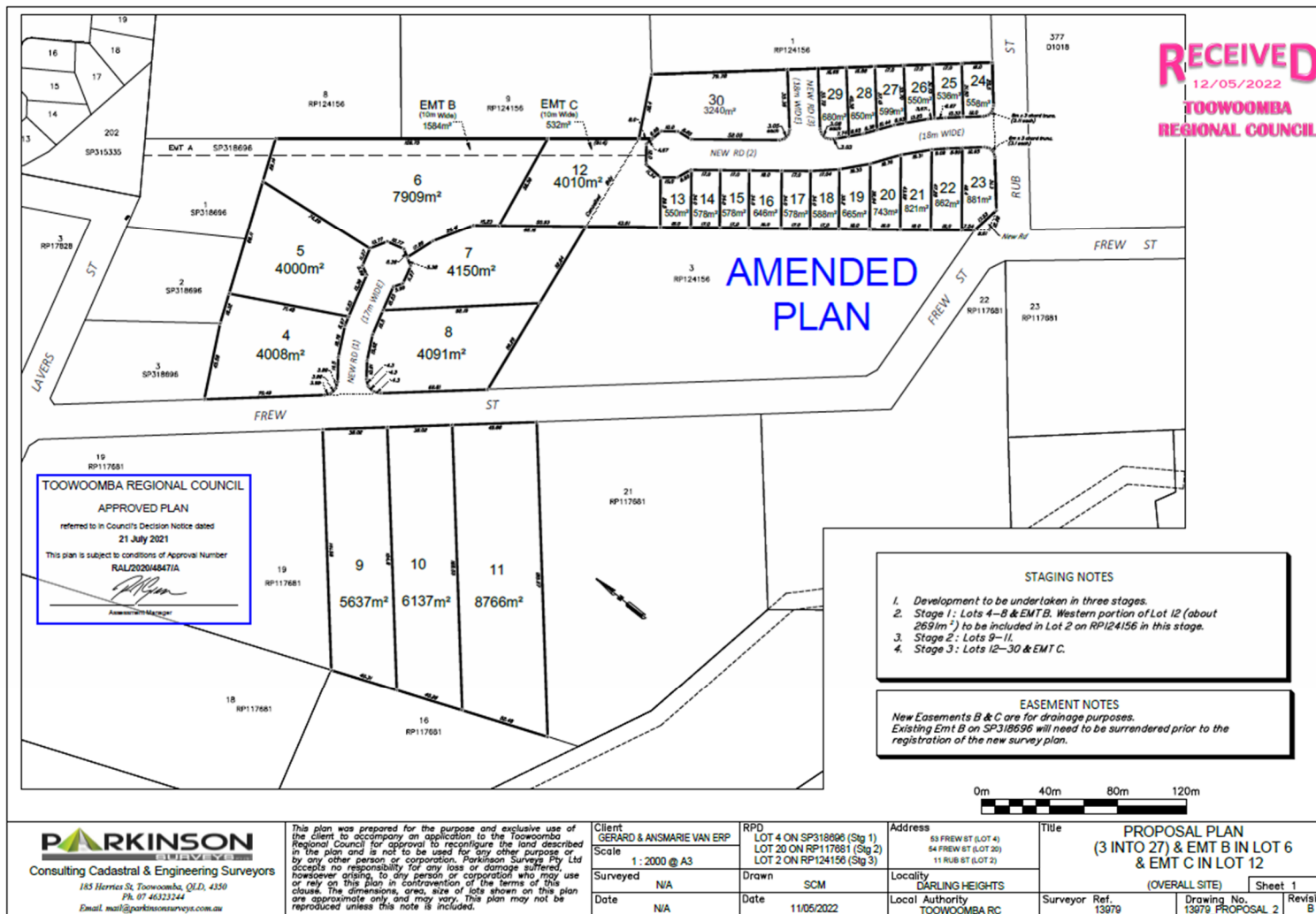
**ATTACHMENT 3 OF 5 – OVERLAY MAP**



ATTACHMENT 4 OF 5 – PROPOSED PLAN

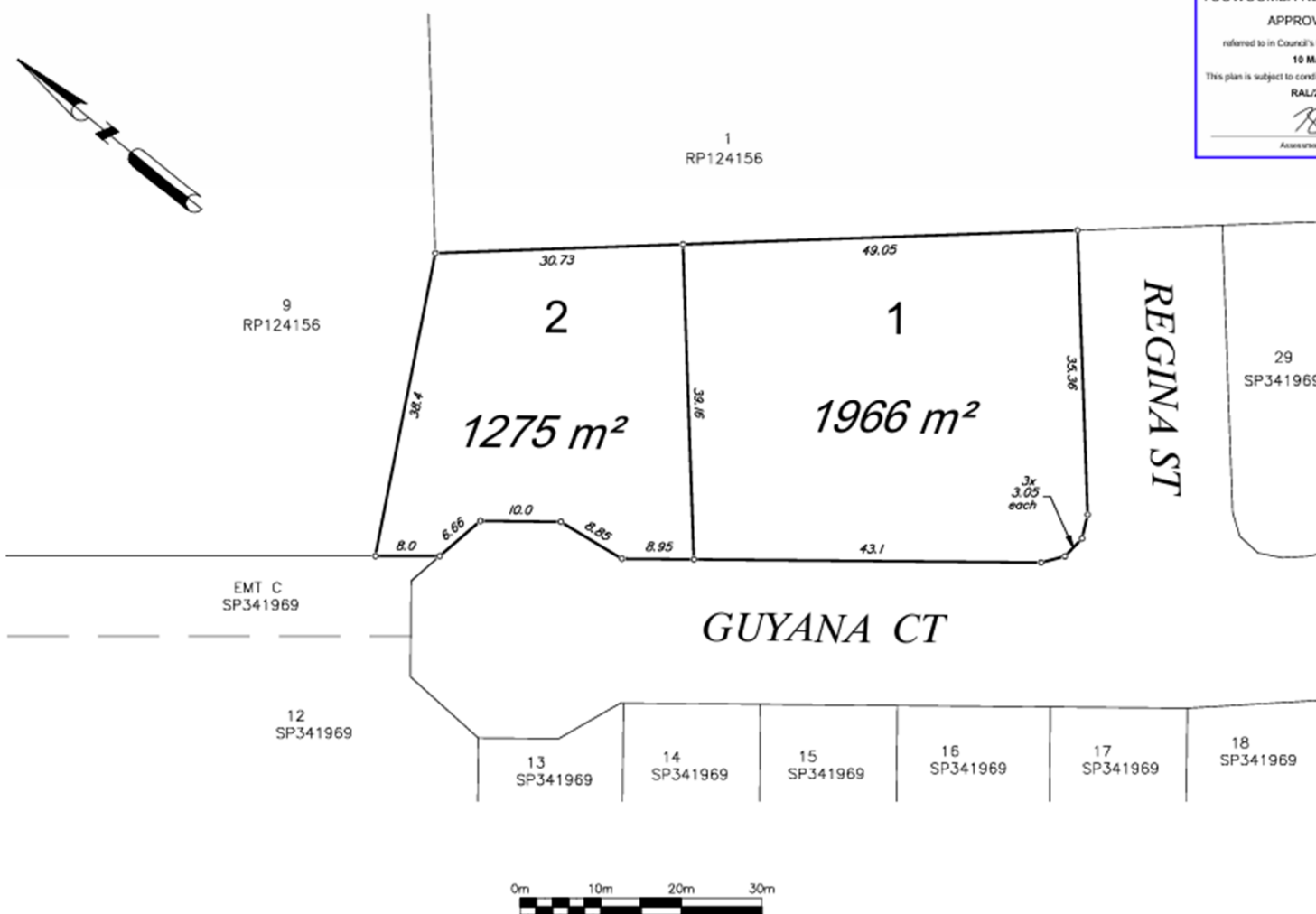


## ATTACHMENT 5 OF 5 – PARENT APPROVAL (RAL/2020/4847/A)





## PARENT APPROVAL (RAL/2024/200)



TOOWOOMBA REGIONAL COUNCIL  
APPROVED PLAN  
referred to in Council's Decision Notice dated  
10 May 2024  
This plan is subject to conditions of Approval Number  
RAL/2024/200  
*[Signature]*  
Assessment Manager

**PARKINSON**  
Consulting Cadastral & Engineering Surveyors  
185 Herries St, Toowoomba, QLD, 4350  
Ph. 07 46121244  
Email: mail@parkinsonsurveyors.com.au

This plan was prepared for the purpose and exclusive use of the client to accompany an application to the Toowoomba Regional Council for approval to reconfigure the land described in the plan and is not to be used for any other purpose or by any other person or corporation. Parkinson Surveyors Pty Ltd accepts no responsibility for any loss or damage suffered, however arising, to any person or corporation who may use or rely on this plan in contravention of the terms of this clause. The dimensions, area, size of lots shown on this plan are approximate only and may vary. This plan may not be reproduced unless this note is included.

|                                     |                           |                                 |                                                    |
|-------------------------------------|---------------------------|---------------------------------|----------------------------------------------------|
| Client<br>GERARD & ANSMARIE VAN ERP | RPD<br>LOT 30 on SP341969 | Address<br>GUYANA CT            | Title<br>PROPOSAL PLAN<br>LOTS 1 & 2<br>(1 into 2) |
| Scale<br>1:500 @ A3                 | Drawn<br>SCM              | Locality<br>DARLING HEIGHTS     | Sheet 1                                            |
| Surveyed<br>N/A                     | Date<br>13/12/2023        | Local Authority<br>TOOWOOMBA RC | Surveyor Ref.<br>13979                             |
|                                     |                           |                                 | Drawing No.<br>13979 PROPOSAL 4A                   |
|                                     |                           |                                 | Revision<br>A                                      |

## **SCHEDULE 1**

### **Statement of Reasons**

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

| SITE DETAILS              |                                              |
|---------------------------|----------------------------------------------|
| Site Address              | 14-18 Guyana Court, DARLING HEIGHTS QLD 4350 |
| Real Property Description | Lot 1 SP346979                               |
| Site Area                 | 1,966m <sup>2</sup>                          |
| Owner                     | Gerardus Maria Van Erp and Ansmarie Van Erp  |

| PROPOSED DEVELOPMENT        |                                             |         |
|-----------------------------|---------------------------------------------|---------|
| Name of Applicant           | Gerardus Maria Van Erp and Ansmarie Van Erp |         |
| Type of Application         | Reconfiguring a Lot                         |         |
| Proposed Development        | Reconfigure one (1) into three (3) Lots     |         |
| Variations Sought           | Not Applicable                              |         |
| Level of Assessment         | Impact Assessable                           |         |
| Submissions Received        | Objection:                                  | Two (2) |
|                             | Support:                                    | Nil     |
| Decision Making Period Ends | 27 July 2026                                |         |

| ASSESSMENT MATTERS            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Assessment benchmarks         | <p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Schedules 9 and 10 of the <i>Planning Regulation 2017</i>;</li> <li>• <i>State Planning Policy July 2017</i>;</li> <li>• ShapingSEQ 2023/Darling Downs Regional Plan;</li> <li>• The Local Government Infrastructure Plan; and</li> <li>• <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28) <ul style="list-style-type: none"> <li>○ Strategic Framework</li> <li>○ Low-medium Density Residential Zone Code</li> <li>○ Rural Residential Zone Code</li> <li>○ Airport Environs Overlay Code</li> <li>○ Environmental Significance Overlay Code</li> <li>○ Bushfire Hazard Overlay Code</li> <li>○ Reconfiguring a Lot Code</li> </ul> </li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Matters raised in submissions | Issue                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | How matter was dealt with                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|                               | Residential density and future development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | The proposed lot sizes are considered to be consistent with the intent of the Low-medium density residential zone and the surrounding locality, which comprises lots of a similar size within Guyana Court and adjoining streets. The portion of the site within the Rural residential zone has also been considered as part of the assessment of the Rural Residential Zone Code below and is not considered to result in an unacceptable planning outcome. Future development of the lots will be subject to separate assessment where required. |
|                               | Traffic and infrastructure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | While future dwellings are not proposed as part of this application, the Planning Scheme includes requirements relating to matters such as parking. Where future development does not trigger development assessment, the Queensland Development Code (QDC) provides relevant requirements to ensure development is appropriately serviced and does not create unreasonable nuisance for adjoining neighbours.                                                                                                                                     |

|                             |                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                       |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             |                                                                                                                                                                        | Infrastructure capacity including sewer and water has been considered and assessed as part of this application, the submitted material has been assessed by Council's Engineers and is considered to be able to be serviced appropriately in accordance with the requirements of the Planning Scheme. |
|                             | Privacy and amenity                                                                                                                                                    | Consistent with the comments above, the Planning Scheme and QDC include requirements relating to setbacks, privacy and residential amenity. Any future development of the lots will be required to comply with those requirements to ensure appropriate privacy and amenity outcomes are achieved.    |
| <b>Reasons for decision</b> | The development was assessed against all of the assessment benchmarks listed above and complies, or can be conditioned to comply, with all of these without exception. |                                                                                                                                                                                                                                                                                                       |

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/2026/2354