

REPORT TITLE	Reconfiguring a Lot – Impact – Five (5) Lots into 71 Lots located at 37-59 Harrow Street and 2-22 Devonshire Street, DRAYTON QLD 4350
AUTHOR	Planning Officer (James Leader)
Application No.	RAL/2025/4731

PURPOSE OF REPORT

To consider a Development Application for Reconfiguring a Lot – Impact – Five (5) into 71 Lots located at 37-59 Harrow Street and 2-22 Devonshire Street, DRAYTON QLD 4350.

EXECUTIVE SUMMARY

This report considers a Development Application for Reconfiguring a Lot – Impact – Five (5) Lots into 71 Lots at 37-59 Harrow and 2-22 Devonshire Street, Drayton, formally described as Lot 2 RP118570, Lot 4 RP118570, Lot 2 RP56826, Lot 3 RP56826 and Lot 1 RP51147. The site is 4.0477 hectares in area and located in the Emerging Community Zone under the *Toowoomba Regional Planning Scheme 2012 (Version 28)* (the Planning Scheme). The site currently features an existing Dwelling House and outbuildings, with an existing access to Devonshire Street.

The proposed subdivision will create 71 lots between 375m² and 678m² in area over two (2) stages and will involve two (2) new internal roads, as well as the construction of Harrow Street and Devonshire Street. Existing outbuildings on the subject site will be removed as part of the development.

The stages of development are as follows:

- Stage 1: Proposed Lots 1-35; and
- Stage 2: Proposed Lots 36-71.

Vehicular access to Stage 1 of the development will be provided via Glennie Street and a new 18m wide internal road connecting from Devonshire Street to a temporary turnaround area. Access to Stage 2 of the development will be provided via a new 18m wide internal road connecting to the external road network via new intersections with Harrow and Devonshire Streets. Stage 2 will also connect the internal road that forms part of Stage 1 to Harrow Street.

All proposed lots will be connected to Council’s reticulated water supply network as well as electricity and telecommunications networks servicing the area.

Stage 1 will connect to Council’s existing TOPS8 Wastewater Infrastructure Network, however there is not sufficient capacity in the network to also service Stage 2. As such, Stage 2 is required to provide a new Sewer Pump Station, Gravity Sewer Main, and Rising Sewer Main as identified by Council’s LGIP in order to service the proposed development. The new sewer pump station and infrastructure will serve to service Stage 2, as well as surrounding development within the area. Conditions of approval have been imposed that require the associated wastewater infrastructure to be provided in accordance with the requirements of the LGIP and Council’s *Wastewater Policy 2.04*.

Stage 2 of the development also features earthworks and retaining walls that result in a terraced interface between the south-eastern boundary of the site and adjoining land. Conditions of approval have been imposed that require minimum horizontal separation distances between each retaining wall in order to ensure that the amenity outcome of the proposed retaining wall and earthworks solution is acceptable.

Under the Planning Scheme, the Reconfiguring a Lot requires Impact Assessment. 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. Therefore, the development application is recommended for approval subject to relevant and reasonable conditions.

RECOMMENDATION

APPROVED Application No. RAL/2025/4731 for a Development Permit for Reconfiguring a Lot – Impact – Five (5) into 71 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 land for Five (5) Lots into 71 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 and at all times thereafter.
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 Plans listed below, subject to the conditions of this Development Approval and the amendments listed below

Plan No: 29701 – 109, Revision A

Description: Proposed ROL – Overall, prepared by Development Directive and received by Council 6 January 2026.

Amendments: As amended in red as follows:

- Provide a 6m, 3 chord truncation at the northern corner of proposed Lot 57 to mirror the truncation shown for proposed Lot 56;
- Provide 6m, 3 chord truncation at the western corner of proposed Lot 71 to mirror the truncation shown for proposed Lot 43;
- Identify the land dedication areas required in accordance with Condition 16 of this Development Approval; and
- Identify Sewer Access Easements in accordance with Condition 65 of this Development Approval.

Plan No: 29701 – 110, Revision A

Description: Proposed ROL – Stage 1, prepared by Development Directive and received by Council 6 January 2026.

Amendments: As amended in red as follows:

- Provision of a temporary turnaround at the terminus of '18m Wide New Access Street.

Plan No: 29701 – 111, Revision A

Description: Proposed ROL – Stage 2, prepared by Development Directive and received by Council 6 January 2026.

Amendments: As amended in red as follows:

- Provide a 6m, 3 chord truncation at the northern corner of proposed Lot 57 to mirror the truncation shown for proposed Lot 56;
- Provide 6m, 3 chord truncation at the western corner of proposed Lot 71 to mirror the truncation shown for proposed Lot 43;
- Identify the land dedication areas required in accordance with Condition 16 of this Development Approval; and
- Identify Sewer Access Easements in accordance with Condition 65 of this Development Approval.

Plan No: 24E-0224, P-P0901, Issue B

Description: Concept Plan – Combined Services, prepared by RMA Engineers and dated 5 September 2025.

Amendments: As amended in red as follows:

- This plan only approves the location and layout of wastewater services, and does NOT approve or endorse in any way, earthworks, retaining walls, or anything not related to wastewater infrastructure.
6. Plans to be amended must only incorporate the amendment(s) listed within this Development Approval and must be resubmitted to Council for approval prior to the issue of any Development Permit for Operational Work, Development Permit for Building Work, Development Permit for Plumbing and Drainage Work, or prior to Council's approval of the Plan of Subdivision, whichever occurs first.

LOT NUMBERING

7. 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)

8. Prepare and submit applications to Council and obtain a Development Permit for Operational Work for the following:
- 8.1 Stormwater Infrastructure;
 - 8.2 Bulk Earthworks (including retaining walls);
 - 8.3 Wastewater Infrastructure;
 - 8.4 Water Infrastructure; and
 - 8.5 Roadworks.

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

9. Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:
- 9.1 Landscape Plan; and
 - 9.2 Sewer Access Plan.

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS

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

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

11. 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.

STAGED DEVELOPMENT

12. Staging of the development is to occur in accordance with the staging indicated on the Approved Plans listed within this Development Approval, subject to and modified by any conditions of this Development Approval.
13. Stages must be completed in sequential order (i.e. Stage 1 must be completed before Stage 2) as identified on the Approved Plans listed within this Development Approval, or may be combined and carried out at one time, subject to all conditions applicable to the relevant stages being complied with.
14. The development must be carried out in accordance with those conditions applicable to one or more of the stages of development as follows:

- 14.1 Conditions Applicable to all Stages of development:
1-14, 17, 18, 21-25, 28-55, 60-70, 86-94 and 96-124.
- 14.2 Additional Conditions Applicable to Stage 1 of development:
15, 26, 27, 56 and 125.
- 14.3 Additional Conditions Applicable to Stage 2 of development:
16, 19, 20, 57-59, 71-85 and 95.

DEDICATIONS, AGREEMENT AND CONTRIBUTIONS

DEDICATION OF LAND

15. The 6m, 3 chord truncations on the corners of Glennie Street and Devonshire Street, and Glennie Street and Harrow Street as identified on the Approved Plans must be dedicated as road reserve to Council in accordance with the requirements of the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development.
- Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*
16. The land area to the extent of the 1% AEP + 6m located at the eastern corner of the subject land, and 1% AEP + 9.1m located at the southern corner of the subject lot must be dedicated to Council in fee simple on trust for drainage purposes.
- Note: This condition is imposed pursuant to Section 128 of the Planning Act 2016.*
17. The land area identified as '18m wide new access street' for Stage 1 and Stage 2 on the Approved Plans must be dedicated as road reserve to Council for each stage in accordance with the staging shown on the approved plans and in accordance with the requirements of the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development.
- Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*
18. The transfer of land dedicated to Council must be at no cost to Council. All transfer documentation is to be prepared and submitted to Council, at no cost to Council.
19. With the exception of land to be dedicated as road reserve, obtain a valuation of the land from a registered land property valuer to determine payment of any applicable stamp duty payable upon registration of the transfer of the land to Council.
20. With the exception of land to be dedicated as road reserve, the land to be dedicated to Council must be identified as a lot on survey plan and must be submitted to Council with one original signed and 'stamped' Queensland Land Registry Transfer of Ownership and relevant forms for each lot dedicated, together with a copy of the land valuation. No other annotation of the purpose of the lot is to be made on the original survey plan submitted to Council for approval.
21. All land dedicated for road reserve and drainage purpose must not be encumbered by permanent structures, services such as pump stations, services easements, or similar operational uses, unless otherwise approved by the conditions of this Development Approval.
22. All land dedicated for road reserve and drainage purpose must not be financially encumbered (e.g. mortgaged) unless otherwise approved by the conditions of this Development Approval.

FEES AND CHARGES

23. 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.

REMOVAL OF EXISTING BUILDINGS & STRUCTURES

24. Demolish or relocate all buildings and structures on the subject land prior to Council's approval of the Plan of Subdivision.

WORKS

STREET NAMING

25. Forward a letter of Request for Street Naming to Council providing three alternative names for each new street.

Note: Street names must be in accordance with AS4819:2011 – Rural and Urban Addressing, and are subject to Council's requirements and payment of the applicable fees in accordance the Fees and Charges Schedule.

PERMANENT SURVEY MARKS

26. A Permanent Survey Mark (PSM) must be supplied and connected to Australian Height Datum and provided in the following location:
 - 26.1 At the corner of Devonshire Street and the new internal access road intersection fronting proposed Lot 26.
27. Documentation detailing placement of the PSM must be lodged with Council at the time of lodgement of the Plan of Subdivision.

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

28. Plans and specifications for all works associated with stormwater drainage, wastewater, earthworks water, roadworks or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland – Civil (RPEQ).
29. A RPEQ must submit to Council a copy of the:
 - 29.1 Design Certificate prior to commencement of the works; and
 - 29.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
30. 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.
31. Where any condition refers to, or requires, an Engineer to perform a task or function, the Engineer must hold professional indemnity insurance to the value of \$2,000,000. A Certificate of Currency must be submitted to Council with any Design Certificate or Construction Supervision Certificate.

STORMWATER DRAINAGE

32. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.
33. All stormwater infrastructure necessary to convey run-off from roof and developed surface areas, and any run-off onto the subject land from adjacent areas, must be provided in accordance with a Development Permit for Operational Work.

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

34. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the internal and any external stormwater infrastructure. The design and the construction of the works must be certified by a RPEQ – Civil.
35. Submit to Council for approval, as part of the Development Application for a Development Permit for Operational Work, a Detailed Stormwater Management Plan prepared by a Registered Professional Engineer Queensland – Civil (RPEQ) in accordance with the relevant standards in

Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure (PSP No.2) and State Planning Policy July 2017 demonstrating the following:

- 35.1 Stormwater is conveyed to a lawful point of discharge in accordance with the stormwater discharge conditions of this Development Approval;
- 35.2 Appropriate inspection and maintenance of stormwater quality control infrastructure in accordance with a program; and
- 35.3 The achievement of Water Sensitive Urban Design objectives listed in PSP No. 2 and *State Planning Policy July 2017*.

Note: *Council will consider entering into an Infrastructure Agreement for contribution in lieu of constructing the required stormwater quality works. This will require a separate request to be made to Council.*

BULK EARTHWORKS OVER 50 M³ OR OVER 1M CUT OR FILL

- 36. 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.

AIR QUALITY IMPACT MITIGATION

- 37. 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.
- 38. 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:
 - 38.1 Dust deposition of 133 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air – Determination of particulate matter – Deposited matter – Gravimetric method*.

VIBRATION IMPACT

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

Table 1 - Human comfort vibration limits to minimise nuisance

Building	Work Period	Resultant PPV (mm/s)	
		Lower Limit	Upper Limit
Dwellings	Standard Hours	1.0	2.0
	Non-standard hours – evening (6pm to 10pm)	0.3	1.0
	Non-standard hours – night (10pm to 7am)		
Medical / health buildings (wards, surgeries, operating theatres, consulting rooms)	All	0.3	1.0
Educational facilities (rooms designed for teaching purposes)	While in use		

Court of Law (Court Rooms)			
Court of Law (Court reporting and transcription areas, Judges' chambers)			
Community Buildings (libraries, places of worship)	While in use	1.0	2.0
Commercial (offices) and retail areas			

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

CONSTRUCTION WASTE MANAGEMENT & STORAGE

41. 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*.
42. 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*.
43. Fires are not to be lit to dispose of demolition or construction waste.
44. 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:
 - 44.1 Elsewhere within this Development Approval;
 - 44.2 In accordance with an associated Development Permit for Operational Work;
 - 44.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 44.4 In accordance with either a general or specific approval of a resource for beneficial use (otherwise known as a beneficial use approval) issued under the *Waste Reduction and Recycling Act 2011*; or
 - 44.5 In accordance with a written approval issued by Council under the *Environmental Protection Regulation 2019* relating to the depositing or disposal of general waste from a premises not serviced by Council.
45. Demolition, excavation and construction waste (including night soil) must not be placed or stored within the road reserve at any time.

CONSTRUCTION NOISE IMPACT MITIGATION

46. 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

47. 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.
48. 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.
49. 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.

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

DAMAGE TO SERVICES & ASSETS

52. Protect Council and public utility services and assets during construction of the development.
53. 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:
- 53.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
- 53.2 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.
54. 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.
55. 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

56. Stage 1 (35 lots) of the proposed development must connect into existing Council sewer pump station TOPS08. An internal sewer network must be constructed to service all lots within Stage 1 of the development and connected to the TOPS08 catchment in accordance with Council's *Waste Water Infrastructure Policy 2.04* at no cost to Council.

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

57. Stage 2 (36 Lots) of the proposed development must be connected generally in accordance with Approved Plan no. 24E-0224 - P-P0901, Issue B (*Concept Plan – Combined Services* prepared by RMA Engineers) to the proposed new trunk gravity sewer main (GS10066) discharging to the proposed new Tristania Street Sewer Pump Station (SPS) SPS10029, in accordance with the Desired Standard of Service (DSS) of Council's *Local Government Infrastructure Plan (LGIP)*, Council's *Waste Water Infrastructure Policy 2.04*, and the requirements of Council's *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)*.

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

58. The Plan of Survey for Stage 2 of the development must not be signed until the following infrastructure is constructed and commissioned:
1. Tristania Street Sewer Pump Station (SPS10029);
 2. TOPS08 SPS to Tristania Street SPS Gravity Sewer Main (GS10066); and
 3. Tristania Street Rising Sewer Main (PM10020).

Note: Council will consider entering into an agreement for the delivery of an alternate sewer servicing strategy for the development through an Infrastructure Agreement for a Sewer Pump Station and associated rising and gravity mains at Cambooya Street, Drayton. A suitably worded agreement would be deemed to satisfy the trunk wastewater infrastructure

conditions of this development in favour of an alternate infrastructure arrangement. Please liaise with Council's Development Infrastructure and Growth (DIG) branch regarding any proposed Infrastructure Agreements with Council.

59. The design and construction of the wastewater works required under Condition 58 of this Development Approval must be in accordance with Council's *Waste Water Infrastructure Policy 2.04*, the Desired Standard of Service (DSS) of Council's *Local Government Infrastructure Plan (LGIP)* and Council's *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)*.
60. Any compensation or costs associated with obtaining agreement from owners or trustees of properties affected by the construction of the works must be at no cost to Council, unless agreed by Council.
61. 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.
62. Prior to the commencement of any development works on the subject land, an Operational Works application must be submitted and be approved by Council for wastewater reticulation works. The Operational Works application shall be in accordance with the approved plans and documents of this Development Approval.
63. Where it is necessary for any proposed wastewater infrastructure to be constructed through land not part of the development, obtain the written approval of the owner of that land and provide evidence of such written approval to Council prior to endorsement of engineering plans and specifications for the works or prior to any request for Council to prepare a quotation for works.
64. Any gravity sewer main greater than DN225, which traverses through a private property must be provided with minimum 4.0m wide easement in favour of Toowoomba Regional Council.

SEWER EASEMENT/S

65. Prior to the issue of any Operational Works approval, the applicant must submit to Council for endorsement a Sewer Access Plan identifying all required sewer access easements on the detailed design drawings. The easements must:
 - 65.1 be located on all proposed lots equal to or less than 450m² in area and where sewer maintenance holes are constructed in the rear or side boundaries of the proposed lot(s);
 - 65.2 be a minimum of 2 metres in width; and
 - 65.3 provide access from public land (i.e. a road or park etc.) to the sewer maintenance hole.
66. The easements must be registered in favour of Council, at no cost to Council and must be in accordance with the endorsed Sewer Access Plan.
67. The easement documentation must be in accordance with Council's standard easement terms and documents or any other terms and conditions as deemed necessary to fulfil the purpose of the easement.
68. Easement documentation must be prepared and submitted to Council, at no cost to Council, for review against conditions of approval prior to the lodgement of the Plan of Subdivision.
69. The easement and documentation must be registered with the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development at the time of lodgement of the plan of subdivision for registration with Council.
70. Unless consistent with the terms of the easement and authorised under this Development Approval, any permanent works, structures, or substantial landscaping must be kept clear of any existing or proposed easements on the subject land.

WASTEWATER INFRASTRUCTURE (PUMP STATION & TELEMETRY EQUIPMENT)

71. Construct a wastewater pump station (Tristania Street SPS10029 identified in the LGIP) generally in accordance with Council's Network Planning and LGIP. The pump station must provide adequate wet-well capacity to accommodate the ultimate development loading from the planned catchment and unless otherwise agreed by Council, must be located in a minimum 25m x 25m standalone lot. The proposed wastewater pump station must be designed and constructed in accordance with Council's *Waste Water Infrastructure Policy 2.04*, the Desired Standard of Service (DSS) of Council's *Local Government Infrastructure Plan (LGIP)*, Council's *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)*, and the requirements of the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development.

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

72. An Operational Works application must be submitted to and be approved by Council for the wastewater pump station and associated works.
73. A separate water connection fitted with backflow prevention devices must be provided for the wastewater pump station.
74. All telemetry and electrical equipment must be installed for the wastewater pump station in accordance with Council's Specifications.

Note: A quotation may be requested from Council for the supply and installation of telemetry equipment.

75. All weather access track for a Medium Rigid Vehicle (MRV) must be provided to the sewer pump station from nearest sealed public road.

WASTEWATER INFRASTRUCTURE (RISING MAIN)

76. Any wastewater rising main (PM10020) that may be required in carrying out the conditions of this Development Approval must be:
- 76.1 Located within an easement in Council's favour or alternatively, be constructed within a road reserve on an approved alignment; and
- 76.2 Connected to the reticulated gravity wastewater system at a point of connection nominated by Council. The point of connection and any required receiving maintenance hole details must be agreed to by Council as part of the detailed engineering design process; and
- 76.3 Carried out in accordance with the relevant *LGIP* item and its *DSS*, Council's *Waste Water Infrastructure Policy 2.04*, and the requirements of Council's *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)*.

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

77. Rising mains constructed through private properties must have 4.0m wide easement(s) registered in favour of Council.
78. The rising main road crossing must be sewer DICL material extending either side at a minimum distance of 1.0m past the back of concrete kerbs.
79. The rising main discharge maintenance hole must incorporate adequate venting and odour management and address hydrogen sulphide (H₂S) gas concentrations within the maintenance hole.

WASTEWATER INFRASTRUCTURE (GRAVITY MAIN)

80. A new sewer gravity main (GS10066) must be constructed from TOPS08 Sewer Pump Station (existing) to the proposed new Tristania Street Sewer Pump Station (SPS10029) in accordance with Council's *Waste Water Infrastructure Policy 2.04* and the *DSS* of the *LGIP*. The new sewer gravity main must be located within an easement in Council's favour or alternatively, be constructed within a road reserve on an approved alignment.

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

81. The design and construction of the wastewater works must be in accordance with Council's *Waste Water Infrastructure Policy 2.04*, the *DSS of the LGIP* and Council's *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* (PSP No.2).
82. 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.
83. An Operational Works application must be submitted to and be approved by Council for the wastewater gravity main and associated works.
84. Where it is necessary for any proposed wastewater infrastructure to be constructed through land not part of the development, obtain the written approval of the owner of that land and provide evidence of such written approval to Council prior to endorsement of engineering plans and specifications for the works or prior to any request for Council to prepare a quotation for works.
85. Any gravity sewer main greater than DN225, which traverses through a private property must be provided with minimum 4.0m wide easement in favour of Toowoomba Regional Council.

WATER SUPPLY

86. 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.
87. Enveloper pipes must be installed under Devonshire Street for water service connections at no cost to Council.
88. Any works on Council's 'live' water supply must be carried out by Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.
89. Prior to the commencement of any works on the subject land, an Operational Works application must be submitted and be approved by Council. This relates to both internal and external water supply works and in accordance with the approved plans and documents of this Development Approval.

TELECOMMUNICATION

90. Install telecommunications infrastructure to service each approved lot which complies with the following:
 - 90.1 The requirements of the *Telecommunications Act 1997* (Cth);
 - 90.2 For a fibre ready facility, the standard specifications current at the time of installation for a carrier under the *Telecommunications Act 1997*; and
 - 90.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.
91. 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.
92. Provide to Council written evidence from all relevant service providers that the telecommunications infrastructure is installed in accordance with the conditions of this Development Approval and all applicable legislation at the time of construction.

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

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

ELECTRICITY

93. 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.
94. 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.

AMENITY & OPERATION OF USE

FENCING & WALLS - INTERFACE TO PUBLIC REALM

95. All retaining walls (including footings) along the south-eastern boundaries of proposed lots 57-71 must be fully contained within private property and must not exceed a maximum height of 1.5 m per retaining wall. Where tiered retaining walls are proposed, a minimum horizontal separation of 4m must be provided between each tier.

Retaining walls on proposed lots 57 and 71 where interfacing with Devonshire Street and Harrow Street and where tiered, may feature a minimum horizontal separation of 2 m between each tier.

TRANSPORT & ACCESS

ROADWORKS (EXTERNAL TO SUBDIVISION)

96. Unless otherwise varied by a development permit for Operational works, existing roads must be constructed as follows:

Street: Glennie Street

Classification: Local Street

Construction Standard: Works to be completed as part of Stage 1:

- Road widening is required to achieve a 3.5m pavement width from the nominal centreline, along with kerb and channel for the full frontage of the subject site. A minimum total pavement seal width of 7m must be achieved; and
- Road widening from the northern corner of proposed Lot 1, extending to meet the existing kerb and channel at the intersection of Kaytons Street and Glennie Street. The existing pavement must be widened to achieve a minimum pavement width of 6 m on a 7m formation.

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

Street: Harrow Street

Classification: Local Street

Construction Standard: Works to be completed as part of Stage 2:

- Road construction is required to achieve a 7m total pavement width along with kerb and channel for the full frontage of the subject site from Glennie Street until the western corner of proposed Lot 71; and
- Works must include construction of a complete T-intersection between ‘18m wide new access street’, adjoining proposed lots 38 and 40, and Harrow Street.

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

Street: Devonshire Street

Classification: Local Street**Construction Standard:** Works to be completed as part of Stage 1:

- Road construction is required to achieve a 7m total pavement width along with kerb and channel for the full frontage of the subject site from Glennie Street until the northern corner of proposed Lot 54; and
- Works must include construction of a complete T-intersection between '18m wide new access street', adjoining proposed lots 25 and 26, and Devonshire Street.

Works to be completed as part of Stage 2:

- Road construction is required to achieve a 7m total pavement width along with kerb and channel for the full frontage of the subject site from the northern corner of proposed Lot 54 until the northern corner of proposed Lot 57.

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

97. The design and construction of all roads must comply with *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* (PSP No.2) and must include in particular:
- 97.1 Concrete kerbing and channelling;
 - 97.2 Temporary asphalt kerbing to tapers;
 - 97.3 Underground stormwater drainage;
 - 97.4 Table drain works;
 - 97.5 Relocation of utility and Council services; and
 - 97.6 Street lighting.
98. Any pavement widening must join neatly to the existing pavement so that there are no specific irregularities in line or level resulting at or adjacent to the join for the length of the construction. Where necessary the existing pavement must be brought to a satisfactory standard in accordance with PSP No. 2 to allow for the above.
99. All street surfacing must be in accordance with the pavement construction standards in PSP No. 2.
100. Verge widths, street reserve widths, intersection treatment, provision of parking and speed control devices must comply with Council's requirements in PSP No. 2.
101. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and approved by Council for the road works external to the subject land and in accordance with the approved plans and documents of this Development Approval. All approved road works must be completed and accepted on-maintenance prior to the endorsement of any Plan of Subdivision.
102. The design and construction of the works must be certified by a Registered Professional Engineer Queensland (RPEQ) – Civil.

ROADWORKS (INTERNAL TO SUBDIVISION)

103. The internal roads must be constructed to a sealed standard, including kerb and channel on both sides of the new roads. Such kerb and channelling must be an approved residential kerb and channel. The internal roads must be as follows:
- 103.1 The new internal streets proposed as part of Stage 1 and Stage 2 must have an 18m road reserve width with 7m carriageway width measured between channel inverts.

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

104. All street surfacing must consist of an approved asphaltic concrete. Where approved, segmental clay, concrete pavers or patterned reinforced concrete is only to be used on feature areas of internal streets.
105. Verge widths, street reserve widths, intersection treatment, provision of parking, footpaths and speed control devices must comply with Council's requirements, as set out in *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)*.
106. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the road works and in accordance with the approved plans and documents of this Development Approval. All approved road works must be completed and accepted on-maintenance prior to Council's approval of the Plan of Subdivision.
107. Where temporary dead ends are provided at stage boundaries, with a length greater than a single lot frontage, a temporary gravel surfaced turnaround area must be constructed to the geometry of Council's standard cul-de-sac turning areas.
108. The design and the construction of the works must be certified by a RPEQ – Civil.

EXTERNAL PEDESTRIAN & CYCLE PATHS

109. The following works must be constructed in accordance with *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)* and any current pedestrian and cycleway plans:
 - 109.1 A 1.5m wide concrete pedestrian path for Glennie Street must be provided for the full frontage of the subject site;
 - 109.2 A 1.5m wide asphalt pedestrian path on Glennie Street must be provided connecting the conditioned concrete footpath located on the intersection of Devonshire and Glennie Streets to the existing concrete footpath on Glennie Street to the north-east where it intersects with Kaytons Street;
 - 109.3 A 1.5m wide concrete pedestrian path for Devonshire Street must be provided for the full frontage of the subject site as follows:
 - 109.3.1 Stage 1: Between Glennie Street footpath and the northern corner of proposed Lot 54; and
 - 109.3.2 Stage 2: Between the northern corner of proposed Lot 54 and '18m wide new access street' delivered as part of Stage 2;
 - 109.4 A 1.5m wide concrete pedestrian path for Harrow Street must be provided for the frontage of the subject site as follows:
 - 109.4.1 Stage 2: Between Glennie Street footpath and '18m wide new access street' adjoining proposed Lot 71;
 - 109.5 Provision must be made for wheelchair and pram access at all kerb crossings associated with pathways, in accordance with *IPWEA Standard Drawing RS-090 – Ramped Pedestrian Crossings*;
 - 109.6 The required work includes any surface earthworks, grinding or saw cutting to ensure the footpath finishes flush with all existing service covers and the like, or alternatively these services are raised or altered, so as not to create a pedestrian safety hazard; and
 - 109.7 Any concrete footpath or cycleway must comply with *IPWEA Standard Drawing RS-065 – Concrete Pathway*. Where necessary, reprofiling of the verge area must be undertaken to enable the construction of concrete pathways with a maximum cross fall of 2.5%.

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

110. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the

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

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

111. 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.

112. 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.

STREET LIGHTING

113. Provide street lighting in accordance with *PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure* and *Australian Standard AS/NZS 1158 – Lighting for roads and public spaces*.

REMOVAL OR MODIFICATION OF COUNCIL TRAFFIC SIGNS OR PARKING BAYS

114. Obtain the written approval of Council's Coordinator Traffic Management for any works involving the removal or modification of existing Council traffic signs or parking bays prior to the works commencing. Where approved by Council such works are to be undertaken at no cost to Council.
115. The installation or modification of any street signs or line marking must be in accordance with the *Manual of Uniform Traffic Control Device (MUTCD)*.

LANDSCAPE & ECOLOGY

LANDSCAPE PLAN

116. Prior to the commencement of any works on site or the issue of a Development Permit for Operational Work or Building Work (whichever occurs first), submit to Council for endorsement a Landscape Plan prepared by a suitably qualified person (Landscape Architect or Landscape Designer) prepared generally in accordance with *Toowoomba Regional Council's Landscape Work Information Sheet 006* and the conditions of this Development Approval, including the landscaping shown on all Approved Plans listed in this Development Approval, that details in particular:
- 116.1 Location and species of existing site vegetation to be removed and/or retained in accordance with this Development Approval, including adjacent street trees to be retained and/or removed;
- 116.2 A detailed Planting Plan and Schedule that include species, stock sizes and quantities and the location;
- 116.3 The typical planting detail including soil preparation, backfill, staking, mulching, irrigation, drainage and maintenance;
- 116.4 Dimensions of all planting areas, type and location, taking into account orientation, shading and wind direction;
- 116.5 Planting to the terraced retaining walls of proposed lots 57-71. Planting to be provided with species and densities capable of screening a minimum 80% of the retaining walls (excluding the first wall located directly adjacent to the open space zoned land) within two (2) years of planting. All planting is to be located within the proposed lot boundaries;
- 116.6 Provide steps for maintenance access to all sections of terraced retaining walls of proposed lots 57-71 to allow safe and compliant access from within the lots. Steps are to have

maximum 300mm risers and be designed to facilitate safe access for maintenance of landscaping to the terraces;

116.7 Fencing to all boundaries adjoining public land for proposed lots 57-71 are required to be a minimum 30% transparent;

116.8 Where street trees are proposed or required as a condition of this Development Approval, the Landscape Plan must include the following additional information:

- i) A detailed planting schedule indicating quantities, species and proposed location(s) of street tree(s);
- ii) Typical cross section through each street typology indicating clearance of street trees from underground and overhead services (eg, back of kerb), footpaths, powerlines, street lighting, etc); and
- iii) Large spreading canopy tree species within verges;

Note: Street tree(s) must be supplied in minimum 45 litre containers or as approved by Council.

Note: Street tree(s) provisions must be in accordance with the requirements of the Planning Scheme Policy No. 8 – Council Controlled Trees, 2.68 Council Controlled Tree Management Policy, Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure.

116.9 All plan pages must include a legend or title block that includes: north point, scale, title and drawing number; and

116.10 Where relevant landscaping associated with a multi-stage development must detail a staging plan of works.

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

117. The Landscape Plan(s) must receive endorsement by Council prior to commencement of any site works or earthworks.

LANDSCAPING WORKS

118. Carry out the landscape work in accordance with the above endorsed detailed Landscape Plan.

119. All landscape works must be installed and established by a suitably qualified person (Landscape Architect, Horticulturalist or equivalent) that ensures healthy, sustained and vigorous plant growth. Where required, plant material should be replaced or enhanced to ensure growth to full form and coverage of all dedicated landscape areas.

120. Landscape planting, within proposed Lots 57-71, is to be retained and maintained for the life of the development in accordance with the conditions of this Development Approval.

121. Certification must be submitted to Council from a suitably qualified person (Landscape Architect or Landscape Designer) that certifies landscaping works comply with the requirements of this Development Approval.

LANDSCAPING WORKS (PROVISION OF STREET TREES)

122. Unless otherwise agreed by Council or varied in an approved landscape plan, plant and maintain for a period of 12 months, one (1) street tree within the verge of all new roads, including roads required to be upgraded, as part of this development approval for every 15 metres of road frontage.

123. The selection and planting of any street tree, including any tree removal and replacement, must be in accordance with the requirements of the *Planning Scheme Policy No. 8 – Council Controlled Trees, 2.68 Council Controlled Tree Management Policy, Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* and the approved Landscape Plan.

124. All tree stock to be supplied in 45 litre or larger containers and be a minimum height of 1.5 metres.

ENVIRONMENT & WASTE

WASTE COLLECTION - TEMPORARY TURNAROUND

125. At the completion of site works for Stage 1, a temporary turnaround within the '18m Wide New Access Street', as shown on the Approved Plans must be provided at the interface of Stage 1 and Stage 2 to facilitate the turnaround of a waste collection vehicle prior to the construction of Stage 2 commencing. The turning diameter is to be a minimum 22 meters.

GENERAL ADVICES

SUBMISSION OF PLANS FOR ENDORSEMENT

- 1) The conditions of this Development Approval require submission of plans to Council for endorsement. Please address the plans for endorsement to Council's Development Services Branch with the Reference No. RAL/2025/4731, and send to development@tr.qld.gov.au.

INFRASTRUCTURE CHARGES

- 2) 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

- 3) 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.
- 4) 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.
- 5) 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

- 6) This Development Approval starts to have effect in accordance with the provisions of Section 71 of the *Planning Act 2016*.

WHEN APPROVAL LAPSES

- 7) 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

- 8) The *Toowoomba Regional Planning Scheme 2012* (TRPS) declares excavation and filling activity involving less than 50m³ of material and excavation and filling activity to a depth or height lower than 1m to be accepted development. Any combination of excavation or filling where 50m³ or more of fill is deposited on, or 50m³ or more of excavated material is removed from the premises and excavation or filling is not associated with 'Building Work' as defined under the *Planning Act 2016*, must obtain an Operational Work approval from Council before commencing site works.

ENVIRONMENTAL HARM

- 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.

WATER POLLUTION

- 10) 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

- 11) 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

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

QUALIFIED PERSON

- 13) For the purpose of preparing a Landscape Plan, a suitably qualified person is considered to be a Registered Landscape Architect or Landscape Designer with a minimum of three (3) years current experience in the field of landscape design.

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). While it is noted that the proposed development does not comply with all the relevant assessment benchmarks, it is considered that there exists sufficient reason to approve the development despite the conflict as discussed in the Statement of Reasons.

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.



Richard Green
Lead Senior Planner, Planning Branch

Decision Date: 5 February 2026

CORPORATE PLAN REFERENCE

Strategic Action 2.3.3 Ensure development aligns with community sentiment, through effective and efficient assessment, with the planning scheme, planning instruments, codes and legislation.

BACKGROUND

SITE DETAILS				
Site Address	37-59 Harrow Street and 2-22 Devonshire Street, DRAYTON QLD 4350			
Real Property Description	Lot 2 RP118570, Lot 4 RP118570, Lot 2 RP56826, Lot 3 RP56826 & Lot 1 RP51147			
Site Area	4.0477 ha.			
Owner	Sologne Pty Ltd and Chemille Pty Ltd			
SITE CHARACTERISTICS				
Current Land Use	Vacant			
Site Frontage/s	Glennie Street, Harrow Street, Devonshire Street, Unnamed Road 801906			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Glennie Street	Local	30m	3.5m	Bitumen
Harrow Street	Local	30m	-	Unconstructed
Devonshire Street	Local	30m	4m	Bitumen
Unnamed Road 801906	Local	~30-70m	-	Unconstructed
Easements	Nil.			
Existing Structures	Existing dwelling and outbuildings			
Infrastructure	The site features existing connections to Council's reticulated water network. There is some existing capacity within the existing sewer network in the locality, however there is only capacity for a small number of lots within the existing system.			
Topography	The site slopes from north-west to south-east, with a steep fall towards the south-east of the site.			
Street Trees	The proposed development will not interfere with any existing street trees.			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	<i>Toowoomba Regional Planning Scheme 2012</i> (Version 28)		Adopted: 28 November 2022	
Zone	Emerging Community Zone and Open Space Zone			
Precinct	Nil			
Overlays	Airport Environs Overlay - 8km Wildlife Hazard Buffer Zone Flood Hazard Overlay - Low Flood Risk - Vulnerable Uses Restriction Area - Flood Plain Area			
Infrastructure Charges Resolution	<i>Charges Resolution No. 7</i>		Adopted: 19 August 2025	
SURROUNDS:				
Direction	Land Use	Zone/Precinct		
North	Residential	Emerging Community Zone		
East	Residential/ Utility Installation	Emerging Community Zone/Community Facilities		
South	Residential/ Open Space	Emerging Community Zone/ Open Space Zone		

West	Residential	Emerging Community Zone
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APPLICATION HISTORY			
Application No.	Description	Decision Date	Decision
RAL/2015/4008 & MCUI/2015/4007	Combined MCU S242 Preliminary Approval to Vary the Effect of the Toowoomba Regional Planning Scheme and RAL Reconfigure 3 Lots into 43 Lots	14/06/2016	Approved
MCUI/2015/4007/B & RAL/2015/4008/B	Request for Negotiated ICN Combined MCU S242 Preliminary Approval to Vary the Effect of the Toowoomba Regional Planning Scheme and RAL Reconfigure 3 Lots into 43 Lots	9/08/2016	Lapsed
RAL/2015/4008/A & MCUI/2015/4007/A	Request for Negotiated Decision Combined MCU S242 Preliminary Approval to Vary the Effect of the Toowoomba Regional Planning Scheme and RAL Reconfigure 3 Lots into 43 Lots	11/10/2016	Approved
RAL/2015/4008/C	Request to Change Approval S242 Preliminary Approval to Vary the Effect of the Local Planning Instrument and Reconfigure a Lot 3 Lots into 45 Lots	14/09/2017	Approved
PREL/2024/4777	Meeting held 20 August 2024.		

PROPOSED DEVELOPMENT		
Name of Applicant	Glennie Street (Qld) Pty Ltd	
Type of Application	Reconfiguring a Lot	
Proposed Development	Five (5) Lots into 71 Lots	
Variations Sought	Not Applicable	
Level of Assessment	Impact	
Submissions Received	Objection:	Two (2)
	Support:	Nil
Decision Making Period Ends	6 February 2026	

CONSULTATION UNDERTAKEN

Referral Agency/ies

Referral Agency (Technical Agency)	Referral Role	Aspect of Development Requiring Referral	Response
Department of State Development, Infrastructure, and Planning	Referral Agency	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 - Development impacting on state transport infrastructure (Planning Regulation 2017)	Response received 2 September 2025. Referral Agency provided no requirements.

Internal Referrals

Internal Referral Partner	Referral / Response
Development Engineering and Plumbing	Recommended approval subject to conditions.
Transport & Drainage – Drainage	Recommended approval subject to conditions. Drainage had requested that land be dedicated as drainage reserve to the extent of the Open Space Zone mapped on site, however upon review of these

	requested conditions, it has been deemed that this extent of dedication is not relevant or required for the proposed development. As such, the extent of land dedication required for drainage reserve has been conditioned at the 1%AEP +6m for the eastern boundary and 1% AEP +9.1m for the southern boundary.
Place Environmental	Recommended approval subject to conditions.
Parks and Recreation	Recommended approval subject to conditions.
Place – Landscape	Recommended approval subject to conditions.
Infrastructure Charges Unit	Prepared an Infrastructure Charges Notice in accordance with <i>Charges Resolution No. 7</i> to accompany any approval of the development.

Public Notification

The Notice of Compliance was received by Council on 8 October 2025. 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 12 September 2025; and
- Placing a notice on the land from 12 September 2025 until 8 October 2025.

It is noted the site is surrounded by road reserve and accordingly, there are no adjoining neighbouring properties to send a notice by mail.

Two (2) submissions were received opposing the development. No submissions were received supporting 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
Traffic & Roads	<p>One of the submitters questioned if the local roads can safely handle the additional traffic from 71 new households, and what measures will be taken to accommodate the increased traffic. Another submitter raised concerns surrounding the information contained within the applicants submitted Traffic Impact Assessment (TIA), particularly that the TIA did not address pedestrian and cyclist traffic satisfactorily.</p> <p>The proposed development involves the creation of 71 new residential lots. The development requires the construction of two (2) new internal roads, in addition to the construction of Harrow Street, Devonshire Street, and Glennie Street to achieve the relevant construction standards for a Local Access Street in accordance with PSP2 of the Planning Scheme. The submitted TIA has demonstrated that the proposed new roads and upgrades to existing streets will be able to accommodate the demand created by the proposed development. Further, an Operational Works application is required which will address specifics regarding the design and construction of the proposed new and upgraded roads, including intersection design, to ensure they will be adequate to support the proposed development and still serve the greater road network.</p> <p>The submitted TIA has not been included as an approved document, however will required to be approved as part of the required future Operational Works application. The submitted TIA demonstrates that the proposed new and upgraded roads are sufficient to service the traffic generated by the development. Whilst not satisfactorily addressed by the submitted TIA, conditions of approval have been imposed that require pedestrian footpaths for all new internal roads and upgraded streets, as well as new footpaths that connect to the existing footpath network in Drayton to the north-east of the site along Glennie Street.</p>
Infrastructure & Services	<p>One of the submitters questioned if the existing water, sewer, stormwater and other reticulated networks in the area have enough capacity to service the proposed development.</p> <p>The proposed development consists of two (2) stages, with Stage 1 able to</p>

	<p>connect to the existing TOPS8 sewer network (servicing the proposed 35 lots). Stage 1 will also be connected to the existing water supply infrastructure, and discharge stormwater to Westbrook Creek.</p> <p>Stage 2 of the development is not able to be serviced by the existing sewer network as it does not feature enough capacity for Stage 2. As such, a new Sewer Pump Station, along with gravity and rising mains has been conditioned to be provided in order to service stage 2 of the development. As such, when the new Sewer Pump Station is constructed, Stage 2 will feature connection to a reticulated sewer network. The existing water supply infrastructure is able to service Stage 1 in addition to Stage 2. Accordingly, each of the proposed lots can be connected to all required reticulated services.</p>
Stormwater & Flooding	<p>One of the submitters questioned how drainage will be managed to prevent flooding or runoff to adjoining properties.</p> <p>Council's engineers have assessed the proposed development and determined that the development will not result in flooding or an increase of water discharged to adjoining properties. Stormwater generated by the development will be concentrated and discharged to the road reserve surrounding Westbrook Creek, which has more than sufficient capacity to accommodate the developments flows. Adjoining properties, particularly those to the north and north-east of the site will not be impacted by stormwater or flooding from the proposed development.</p>
Environmental Impact	<p>One of the submitters has raised concerns surrounding the protection of trees, animals, habitats, and open space on the site and has concerns over if any parkland or open space is being provided as part of the development.</p> <p>The subject site is not mapped within any state overlays regarding vegetation or koala habitat, and is not identified within Council's Environmental Significance Overlay. The site itself is highly disturbed and contains little to no remaining vegetation. There are small pockets of vegetation within road reserve surrounding the proposed development, however none of this vegetation will be disturbed by the proposed development. The development does not involve the provision of parkland or open space, however the Toowoomba Region Open Space Strategy identifies that Westbrook Creek which adjoins the development, will be a District Linear Corridor Park, which will provide more than adequate park provision for the larger catchment. As such the development has been designed to provide an interface to the future park corridor that will not detract from the operations or amenity of any future parkland.</p>
Construction Impacts	<p>One of the submitters has raised concerns surrounding the timing and staging of the development and the impacts of construction on adjoining properties, as well as the road disruptions during construction.</p> <p>Multiple conditions have been imposed on the development which ensure that during construction, adjoining properties are not impacted. Conditions regarding air quality, vibrations, construction waste management and storage, construction noise, and erosion and sediment control have been imposed in order to ensure the development results in acceptable impacts to adjoining properties. These conditions seek to reduce the impact of construction to neighbouring properties and seek to control the impacts of construction to the surrounding area. Further Operational Works permits will further assess the construction standard and methods for roads, earthworks and infrastructure and will impose additional requirements and conditions on the construction of the development, including road traffic diversions and controls.</p>
Design and Density	<p>One of the submitters has raised concerns regarding the size of the proposed lots and their compatibility with the surrounding locality. The submitter has concerns regarding the amenity outcome of future dwellings on these small lots.</p> <p>The proposed development is purely for the creation of the lots and cannot assess the design or future outcomes of dwellings on these lots. As part of any future development for a dwelling on these lots however, where the lot size is under 450m², it will require assessment against the Small Lot Housing Design Code which will assess the design, amenity, and impacts of dwellings on these smaller lots. The subject site is located within the Emerging Community Zone</p>

	<p>which is intended to allow for the timely conversion of non-urban land to urban purposes where detailed planning is provided that demonstrates development occurs in a logical pattern and facilitates the timely and cost effective provision of infrastructure. The proposed development includes lots that range in size from 375m² to 678m², with most lots being between 375m² and 480m². The proposed development is seen to provide a logical pattern that provides for residential land that is well planned and effectively serviced. The density of the development is also consistent with that anticipated for the Emerging Community Zone and will not result in an overdevelopment of the land. Future housing will be controlled by not only the Small Lot Housing Design Code of the planning scheme, but by the Queensland Development Codes and their requirements for siting, setbacks and height.</p>
Community Facilities	<p>One of the submitters has raised concerns surrounding the provision of footpaths, cycleways, parks or other community facilities as part of the development. The submitter has concerns that the proposed development has not made provision for parkland or community facilities to accommodate the increased population.</p> <p>The proposed development results in footpaths being provided along every street and upgraded road of the development, and also provides a footpath that connects to the greater footpath network of Drayton. The development was not required to provide parkland, with the adjacent land surrounding Westbrook creek is planned to be part of a future District Linear Corridor Park, which will provide for ample open space and community facilities for the entire Drayton region.</p> <p>Whilst not providing parkland, the development has provided a design that features opportunities for connectivity to the future District Linear Corridor Park, and an amenity outcome facing the future park corridor that does not impact on the ability for future infrastructure to be provided and provides a good interface to the future park land.</p>
Maintenance and Responsibility	<p>One of the submitters has raised the issue of who is responsible for maintaining new roads, drainage and green spaces to support the proposed development. The submitter has concerns on how Council will ensure the promised infrastructure is delivered.</p> <p>The construction of new infrastructure and roads will be conducted by the developer, which after an on-maintenance period, ownership will be transferred to Council for maintenance. The maintenance of infrastructure, roads and green spaces falls to Council, who ensures that sufficient operational budget is allocated to maintain assets. Council will ensure that infrastructure that is conditioned is delivered by not allowing each stage to be sealed before infrastructure and roads are constructed and assessed by Councils engineers.</p>
Alignment with TRC Planning Scheme	<p>One of the submitters has raised concerns surrounding the proposed developments alignment with certain aspects of the <i>Toowoomba Regional Planning Scheme 2012</i>, specifically in regard to the creation of neighbourhoods where residents can walk/ cycle to work, school, shops, and services and parks in accordance with the Planning Schemes Citation and Commencement Section.</p> <p>The proposed development is located an 800m walk away from the Drayton Woolworths development and features connections to pedestrian infrastructure that services the greater Dayton area. A footpath is required to be constructed along Glennie Street to connect to the existing footpaths which provide walkability to the nearby school, shops, and other residential areas. Connectivity and pedestrian and cyclist infrastructure have been considered and implemented where reasonable within the proposed green field development.</p>
Alignment with TRC Strategies	<p>One of the submitters has raised concerns surrounding the proposed development alignments with the outcomes of the Toowoomba Region Sustainable Transport Strategy, and Toowoomba Region Road Safety Strategy.</p> <p>Drayton is an area which is still developing and most of the anticipated cyclist and pedestrian infrastructure is still being designed and planned for the larger Drayton area. Council policies and strategies such as the Toowoomba Regional Open Space Strategy identify areas and networks of pedestrian and cyclist</p>

	<p>infrastructure that will be implemented in Drayton once detailed design work and planning has been achieved. The development provides footpaths and linkages to the greater Drayton area, but is not required to specifically plan for trunk active transport networks throughout the Drayton area. The development allows for future active transport infrastructure through the Open Space Corridor of Westbrook creek which the development addresses and allows for connectivity to.</p> <p>The proposed development has demonstrated that the design provided provides for accessible and safe transport options for the community that allow for walking and cycling on the proposed footpaths and roadside infrastructure.</p>
Issues with Submitted Town Planning Assessment Report	<p>The submitter has raised concerns with the submitted Town Planning Assessment Report, stating that it has not adequately addressed the relevant performance outcomes and acceptable outcomes of the planning scheme which relate to public and active transport, road networks, connectivity to centres and employment nodes, and connectivity to the surrounding area.</p> <p>The applicant has provided responses to the required acceptable and performance outcomes of the scheme and specifically those that relate to the provision of pedestrian and active transport infrastructure. The Planning Scheme features requirements for active transport infrastructure to be provided for new roads, which has been conditioned, and for active transport infrastructure to connect with the greater network. As such, and in accordance with the recommendations of the applicants submitted TIA, conditions of approval have been imposed that require the development provide a 1.5m wide footpath to connect to the existing footpath network at the intersection of Kaytons Street and Glennie Street. The development has provided appropriate pedestrian and active transport infrastructure as required by the provisions of the Planning Scheme.</p>

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>Schedule 10, Part 14 of the <i>Planning Regulation 2017</i> prescribes that Reconfiguring a Lot as defined in Part 1 of Schedule 12A (Walkable Neighbourhoods) of the Regulation is assessable development and must be assessed against the Assessment Benchmarks prescribed in Part 2 of Schedule 12A.</p> <p>The proposed development is a Reconfiguring a Lot as defined in Schedule 12A of the Regulation and has been assessed against the relevant Assessment Benchmarks. The proposed reconfiguring a Lot is considered to comply with the relevant Assessment Benchmarks.</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>	The Darling Downs Regional Plan 2013 (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. The subject site is located within the Restricted Area 384 of the DDRP as it is located within the SEQRP and accordingly the DDRP has no requirements.
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STATE PLANNING POLICY (SPP)
July 2017

The proposal is considered to comply with all relevant elements of the SPP

Local Categorising Instrument – Toowoomba Regional Planning Scheme 2012:

The proposed development was assessed against the following assessment benchmarks:

- Strategic Framework
- Emerging Community Zone Code
- Open Space Zone Code
- Reconfiguring a Lot Code
- Airport Environs Overlay Code
- Flood Hazard Overlay Code
- Environmental Standards Code
- Integrated Water Cycle Management Code
- Landscaping Code
- Transport, Access and Parking Code
- Works and Services Code

The development was assessed against all of the assessment benchmarks listed above and is considered to comply, or can be conditioned to comply. Further comment is provided as follows:

STRATEGIC FRAMEWORK:

Theme	Assessment Comments
Settlement Pattern	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Natural Environment	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Community Identity and Diversity	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Natural Resources and Landscaping	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Access and Mobility	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Infrastructure and Services	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Economic Development	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.

OVERLAY CODE:

FLOOD HAZARD OVERLAY	
Performance Outcome	Acceptable Outcome
<p><i>PO5</i> <i>Development siting and layout in a flood risk area responds to flooding potential and maintains personal safety at all times, such that:</i></p> <p>(a) <i>subdivision of land occurs consistent with the overall outcomes of any applicable Flood Management Precinct;</i></p> <p>(b) <i>lots for urban purposes provide a ground level above the Defined</i></p>	<p><i>AO5.1</i> <i>Development is avoided on that part of any land within the FR4, FR3 or FR2 flood risk areas, or otherwise as specified in the overall outcomes of a Flood Management Precinct20.</i></p> <p><i>AO5.2</i> <i>Development complies with the filling requirements of table 8.2.3.5.</i></p> <p><i>AO5.3</i></p>

<p><i>Flood Event19;</i></p> <p>(c) <i>rural and rural residential lots provide sufficient area outside the Defined Flood Event to accommodate the required minimum lot size;</i></p> <p>(d) <i>lots (excluding balance or common property lots) on a building format plan under the Land Title Act 1994 which is subject to a community titles scheme under the Body Corporate and Community Management Act 1997 and associated with a material change of use are located above the Defined Flood Event.</i></p>	<p><i>Development in a greenfield area protects a flood conveyance area by providing an easement or reserve over the area of the premises up to the Defined Flood Event to be retained for the purposes of reserve or Park.</i></p>
<p>Alternate Outcome</p>	
<p>The applicant made no representations regarding this benchmark.</p>	
<p>Officer Comment</p>	
<p>The subject site is partially located within an FR1 flood risk area, however conditions of approval have been imposed that require land dedication to the extent of the 1% AEP+6m for the eastern boundary, and 1%AEP+9.1m for the southern boundary. This dedication ensures that the proposed development is located outside of areas subject to flood events.</p>	

EMERGING COMMUNITY ZONE CODE:

<p>Performance Outcome</p>	<p>Acceptable Outcome</p>
<p><i>PO1</i></p> <p><i>New communities comply with a master plan for the locality based on detailed site investigations which provides a context and ensures development:</i></p> <p>(a) <i>contributes to a logical pattern and sequence of development and infrastructure;</i></p> <p>(b) <i>facilitates efficient use of land and infrastructure;</i></p> <p>(c) <i>complies with the relevant Local Plan where located in a local plan area;</i></p> <p>(d) <i>facilitates integration with existing and future urban development, having regard to movement networks, open space networks and accessibility to community infrastructure;</i></p> <p>(e) <i>responds to constraints and natural values on the site and mitigates any impacts on areas of ecological significance;</i></p> <p>(f) <i>provides for a range of lots that enables a variety and diversity of housing types, which achieve a dwelling yield of 15 dwellings per hectare net;</i></p> <p>(g) <i>establishes movement networks that support and promote walking, cycling and public transport.</i></p>	<p><i>AO1.1</i></p> <p><i>A Master Plan is prepared in accordance with SC6.4 PSP No. 4 Master Planning.4</i></p>
<p>Alternate Outcome</p>	
<p>The applicant submits:</p> <p><i>“The subject site sits uniquely within the planned Emerging Community Zone of Drayton. Having reviewed the provisions for preparation of a Master Plan in accordance with SC6.4 PSP No. 4 Master Planning, there is limited need for master planning when considering the site characteristics and surrounding context outlined in Figure 13. The development can be enacted under a development permit for reconfiguring a lot and there is no cause for inclusion of a preliminary approval and associated variation request.</i></p>	

This is reinforced through the contextual considerations associated with the subject site. In particular, the following key items are identified:

1. *The subject site fits neatly within an existing road network, which allows for subdivision with two new roads which will form a grid pattern, linking the surrounding roads. Please refer to Appendix 7 for detailed discussion in relation to the surrounding road network.*
2. *The subject site can connect to the existing sewer network. Stage 1 will feed to the TOPS08 Sewer Pump Station and Stage 2 will rely on future trunk network upgrades.*
3. *The subject site can readily discharge to Westbrook Creek.*
4. *The subject site gains connection from existing water supply in Glennie Street.*
5. *The subject site adjoins Westbrook Creek but is not identified as being required for park and recreation facilities under the Local Government Infrastructure Plan. The siting of greater density is encouraged where adjacent to open space.*
6. *The lot design, pattern and density are dictated by the existing road network. The resultant layout is an efficient and orderly grid pattern of lots which achieve a density in excess of the 15 dwelling per hectare minimum. The density is approximately 17 dwellings per hectare.*
7. *re.*
8. *The development design incorporates a high quality streetscape which will present to Glennie Street with large subtropical shade trees, reinforcing the boulevard style streets of Toowoomba.*
9. *The subject site is within 400m of existing public transport and parks.*
10. *The subject site is readily accessible from existing commercial centre on Brisbane Street. Given the site sits on the fringe of the emerging community area and benefits from the above listed characteristics and contextual considerations, the development can occur without the need for broader structure planning of the locality. The development does not unduly prejudice the ability for future developments in the locality to logically plan*
11. *a sequential and orderly development.”*

Officer Comment

Whilst not providing a master plan, the development demonstrates that the proposed layout contributes to a logical pattern and sequence of development that is well integrated into the surrounding area. The proposed development also provides opportunities for future connectivity of roads and streets in a logical and reasonable manner that allows for connectivity with future development opportunities.

Performance Outcome

*PO4
Development does not unduly impact on the amenity, character or other values of the locality, having regard to:*

- (a) the scale, siting and design of buildings and structures;*
- (b) visibility from roads and other public view points, screening vegetation and landscaping;*
- (c) the natural landform and avoidance of visual scarring; and*
- (d) noise, odour and other emissions.*

Acceptable Outcome

No acceptable outcome is nominated.

Alternate Outcome

The applicant submits:

“The proposed development does not unduly impact on the amenity, character or other values of the locality. This has been considered in the context of the ultimate intent for the Emerging Community Zone, which envisages a dwelling density of minimum 15 dwellings per hectare and a mix of lot sizes. The proposal includes four different lot types and achieves 17 dwellings per hectare. The development fits neatly within an established road grid and is able to deliver a functional and efficient layout. The site is unaffected by nature land form and public view points.”

Officer Comment

The surrounding area contains a number of infill subdivisions and developments at a scale and density similar to that of the proposed developments. The proposed development provides for residential lots with a logical pattern of development and provides an amenity and design outcome that is consistent with the prevailing character of development in the locality. Further the development results in a retaining and earthworks outcome on its south-eastern boundary that follows the natural topography of the land and provides an amenity outcome that does not unduly impact on the amenity or character of the surrounding area.

Performance Outcome

PO5

Acceptable Outcome

No acceptable outcome is nominated.

<p><i>The site layout responds sensitively to on-site and surrounding topography, drainage patterns, utility services, access, vegetation and adjoining land uses, such that:</i></p> <ul style="list-style-type: none"> <i>(a) any hazards to people or property are avoided;</i> <i>(b) any earthworks are minimised;</i> <i>(c) the retention of natural drainage lines is maximised;</i> <i>(d) the retention of existing vegetation is maximised;</i> <i>(e) damage or disruption to sewer, stormwater and water infrastructure is avoided; and</i> <i>(f) there is adequate buffering, screening or separation to adjoining development.</i> 	
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Alternate Outcome

<p>The applicant submits:</p> <p><i>“The development has been designed in response to on-site and surrounding topography, drainage patterns, utility services, access, vegetation and adjoining land uses. This is achieved by:</i></p> <ul style="list-style-type: none"> <i>a. The land is not nearby to hazardous land uses or for a hazardous land use.</i> <i>b. The development incorporates a concept bulk earthworks design to ensure that the proposed development can be appropriately serviced by sewer, and stormwater. The proposal includes earthworks in order to ensure efficient use of the premises. The earthworks are minimised to the greatest extent possible when considering the function that these earthworks provide. I.e. that the earthworks provide for residential dwellings. It is noted that the area of earthworks, where interfacing with Westbrook Creek, does not have any attributes (overlays or physical features) which warrant avoidance.</i> <i>c. The land drains to the adjacent Westbrook Creek which is maintained.</i> <i>d. There is no existing vegetation onsite identified for retention. New planting will be provided as part of the streetscape design.</i> <i>e. The development has been carefully designed to tie into existing sewer, water and stormwater. The development includes a staged approach to ensure the loading on surrounding infrastructure does not damage or disrupt these services.</i> <i>f. There is no need for buffering or separation from adjoining development.”</i>
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Officer Comment

<p>The majority of the development is well integrated with other developments within the surrounding area. The site however features a natural slope from north-west to south-east and as a result requires retaining works for the site. The proposed development provides for retaining and earthworks along its south-eastern boundary adjoining Westbrook Creek. The retaining wall and earthworks outcome provided features terraced retaining walls with 4m horizontal separations between tiers and steps for maintenance purposes. This earthworks outcome follows the natural slope of the site and allows for development to occur whilst providing an amenity outcome that does not detract from the natural features of the site and surrounding land.</p>
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Performance Outcome	Acceptable Outcome
<p><i>PO6</i> <i>Roads and other infrastructure are of a sufficient capacity to accommodate the demands generated by the development.</i></p>	<p><i>No acceptable outcome is nominated.</i></p>

Alternate Outcome

<p>The applicant submits:</p> <p><i>“The existing roads and infrastructure are capable of catering to the proposed development. In particular, Stage 1 will integrate into the existing transport and utilities network. Stage 2 also integrates into the existing transport network, as well as stormwater and water supply networks. It is noted that Stage 2 cannot commence until the trunk sewer network is extended to Tristania Street. It is anticipated that a condition will be applied to any approval which requires the design and construction of the trunk sewer network.”</i></p>

Officer Comment

<p>Internal roads have been provided for the development that comply with Council’s PSP2 and are sufficient to accommodate the demand anticipated to be generated by the development. Upgrades and widening have also been required to Devonshire Street, Harrow Street, and Glennie Street in order to provide for</p>

roads that are able to adequately service the development.

The development is able to be serviced by existing water and stormwater networks.

Stage 1 of the development will be connected to Council’s existing TOPS8 sewer pump station which contains sufficient capacity to service Stage 1 of the development. The existing sewer network however does not contain adequate capacity to service Stage 2. As such, the Tristania Street Sewer Pump Station and associated Gravity Sewer Main and Rising Main have been conditioned to be provided in accordance with Council’s LGIP to service the proposed development. This infrastructure has been conditioned to be provided in accordance with the DSS of the LGIP, and *Council’s Wastewater Policy 2.04*.

OPEN SPACE ZONE CODE:

Officer Comment

It is noted that the development site is partially located within the Open Space Zone, with part of the southern and eastern corners of the lot identified within the Open Space Zone. The purpose of the Open Space Zone is to identify land for the provision of future parkland.

The area of the site identified within the Open Space Zone was originally zoned in order to accommodate future planning for a planned District Linear Corridor Park that runs along Westbrook Creek, however detailed design work has revealed that the topography of the site results in the Open Space zoned land no longer being viable for park or connection purposes.

The proposed development seeks to locate a number of retaining walls and associated earthworks within the land zoned Open Space. Council’s Parks branch has provided comments stating that they do not intend to use or take the land zoned Open Space on the site for park purposes due to the terrain and the limited viability for future pedestrian and active transport infrastructure. As such the proposed works for retaining walls and earthworks will occur within land zoned Open Space, but will not conflict with the purpose of the zone given that development for a park is no longer desirable.

Council still has the ability at a future date to obtain land zoned Open Space for the purposes of park provision should priorities change in the future.

DEVELOPMENT CODES:

RECONFIGURING A LOT CODE

Performance Outcome	Acceptable Outcome
<p><i>PO3</i> <i>The layout of streets, lots and infrastructure responds appropriately to environmental features of the site or locality by:</i></p> <ul style="list-style-type: none"> <i>(a) following the natural topography;</i> <i>(b) protecting and promoting views of landscape features, significant ridgelines, mountains, hills, rocky outcrops or other geological formations;</i> <i>(c) minimising the need for earthworks;</i> <i>(d) minimising vegetation loss and/or fragmentation;</i> <i>(e) maintaining natural drainage features and floodways;</i> <i>(f) maintaining important wildlife corridors and habitat areas;</i> <i>(g) providing for adequate buffering of (d), (e) and (f);</i> <i>(h) protecting and maintaining areas of indigenous cultural significance; and</i> <i>(i) connecting streets and open space to existing streets and open space on adjoining land as necessary for the orderly development of the precinct.</i> 	<p><i>In partial fulfilment of the performance outcome:</i></p> <p><i>AO3.1</i> <i>A lot with an area of less than 450m2 intended to be used for a dwelling house has a natural slope:</i></p> <ul style="list-style-type: none"> <i>(a) across the width of the lot not exceeding 10%; and</i> <i>(b) along the length of the lot not exceeding 5%.</i>
<p>Alternate Outcome</p>	

<p>The applicant submits:</p> <p><i>“The subject site is relatively level, and undulates to Westbrook Creek on the south-eastern boundary. Where interfacing with Westbrook Creek, the development has been designed to site larger blocks on that part of the site affected by steeper slope. This ensures that there is sufficient depth to the lots to allow for a useable and functional use.</i></p> <p><i>The subject site has no identifiable important views or vistas and the proposed subdivision ties in with the established gradient. The majority of lots (including lots less than 450m²) are situated on land with a gentle slope. The subject site has marginal flood overlay impacts along the Westbrook Creek boundary, however these relate to vulnerable uses and do not materially impact the subject site. There is no cause for the design to respond to flood overlays. The subject site uses the natural topography to drain to Westbrook Creek. The subject site is unaffected by ecological matters, protected vegetation and areas of cultural significance.”</i></p>	
<p>Officer Comment</p> <p>The layout of the proposed development allows for streets that require minimal earthworks and provide opportunities for future connectivity to adjoining lots. The topography of the site particularly at the south-eastern boundary of the property features significant slope and requires earthworks in order to achieve residential lots. As such, the proposed earthworks and retaining solution provided by the proposed development results in minimal earthworks when considering the slope, and allows for a natural progression and fall of land that follows the natural topography of the area through large horizontal setbacks between tiered retaining walls. The proposed development, and particularly its earthworks and retaining wall outcome, appropriately responds to the natural features of the site and surrounding environment and does not detract from the amenity of the surrounding area.</p>	
<p>Performance Outcome</p> <p>PO6 <i>The development is integrated with the surrounding urban or rural environment, having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the layout and dimensions of streets and lots;</i> <i>(b) connections to surrounding streets and pedestrian and cycle networks and other infrastructure networks;</i> <i>(c) provision for shared use of public facilities;</i> <i>(d) open space networks, retained habitat areas or corridors, landscape features and views and vistas; and</i> <i>(e) connections to centres.</i> 	<p>Acceptable Outcome</p> <p><i>No acceptable solution is nominated.</i></p>
<p>Alternate Outcome</p> <p>The applicant submits:</p> <p><i>“The development seeks to integrate with the existing road network which surrounds the subject site. The subject site sits within an established growth area which represents the anticipated transition to urban development. The subject site is effectively a square shape and bound by Devonshire Street, Harrow Street and Glennie Street. The site also fronts Westbrook Creek. Through appropriate spacing of intersections, the development has managed to ensure an efficient design which connects the existing road network through a grid pattern with loading of lots on both street frontages. This aspect of design is important to ensure the efficient use of land which is otherwise largely unencumbered. By connecting to the existing transport network, and providing new streets in accordance with the PSPs, the development facilitates the desired level of connect. It is noted that the site does not relate to any important views or vistas.”</i></p>	
<p>Officer Comment</p> <p>The proposed development is appropriately integrated into the surrounding urban area through the layout of its streets and lots which front Glennie Street, and provide a density and bulk that matches that of other developments within the surrounding locality. Opportunities for future connectivity to adjoining lots through roads and pedestrian and active transport networks have been provided and ensure that the development will be able to accommodate and provide an acceptable interface to any future adjoining development.</p>	
<p>Performance Outcome</p> <p>PO12 <i>Lot size in the Emerging Community Zone does not compromise the future development</i></p>	<p>Acceptable Outcome</p> <p>AO12.1 <i>Lots in the Emerging Community Zone have the minimum area and frontage as shown in Table 9.4.5:4.</i></p>

<i>potential of the area for urban purposes.</i>	
Alternate Outcome	
The applicant submits: <i>“The proposed development represents the highest and best use for the Emerging Community Zone. The provisions of Table 9.4.5 are not relevant.”</i>	
Officer Comment	
The proposed development features lot sizes ranging from 375m ² to 678m ² and is not seen to compromise the future development potential of the area for urban purposes. The lots provided by the development allow for predominately single dwellings and result in a density consistent with those intended for the Emerging Community Zone.	
Performance Outcome	Acceptable Outcome
<p>PO32 Neighbourhood design and lot layout provides for safe and secure, well distributed and located parkland that:</p> <ul style="list-style-type: none"> (a) provides a clear relationship between the public realm and adjoining land uses through treatment including alignment, fencing and landscaping; (b) enhances the area’s local identity and landscape amenity; (c) provides for a range of recreational opportunities to meet community needs; (d) forms a linkage to existing parkland or habitats; (e) respects and retains existing natural elements; and (f) protects biodiversity values and features. 	No acceptable outcome is nominated.
Alternate Outcome	
The applicant submits: <i>“The proposed lot layout integrates with the adjacent Westbrook Creek which offers a clear delineation between the subject site and the open space areas. It is anticipated that Westbrook Creek and existing park at Tristania St will create opportunity for enhancement of the local identity and provide ample open space to cater to the locality. This will be achieved by others once adopted into the Local Government Infrastructure Plan. Parkland along Westbrook Creek, will be accessible from existing adjacent road reserve in Harrow St and Devonshire St.”</i>	
Officer Comment	
The subject site features a small portion of land zoned Open Space on the southern and eastern corners of the property. As detailed in the response to the Open Space Zone Code above, the Open Space zoned land on the site is not conducive to parkland and features a topography that results in future parkland or active transport paths not being viable on the site. Council’s Parks team has provided comment stating they have no objection to the Open Space Zoned land containing earthworks and retaining structures that serve the development.	
Council retains the ability to obtain the land zoned Open Space for the purposes of parkland at a future date.	
Performance Outcome	Acceptable Outcome
<p>PO51 Lot reconfigurations creating lots less than 450m² and at least 20 new lots, facilitate the orderly, neighbourly, integrated and timely development of those lots through a Plan of Development.</p> <p>Note: Orderly neatly and methodically arranged. Neighbourly exhibiting the qualities expected in a friendly neighbour. Integrated combining or</p>	<p>AO51.1 Lot reconfigurations creating lots less than 450m² incorporate an Approved Plan of Development prepared by a suitably qualified professional(s) that sets development standards that comply with the performance outcomes within the Small Lot Housing Design Code and which includes, but is not limited to, the location of the following:</p> <ul style="list-style-type: none"> (a) the lot layout and streets, including lot numbers, lot areas, street reserve widths, street or road carriageways (may include bus stops, taxi ranks,

<p><i>coordinating separate elements so as to provide a harmonious, interrelated whole Timely done or occurring at a favourable or useful time.</i></p>	<p><i>loading zones and similar service areas where proposed), and location and width of footpaths;</i> <i>(b) land slope and major infrastructure items;</i> <i>(c) primary and secondary street frontages (if necessary);</i> <i>(d) public open space areas, including lot number and area;</i> <i>(e) built-to-boundary wall locations (including mandatory built-to-boundary situations);</i> <i>(f) where privacy fencing is required at an interface with a street or park; fencing and, if sloping land, retaining wall details;</i> <i>(g) for lots under 450m²:</i> <i>i. location, areas and dimensions of private open space;</i> <i>ii. building envelopes indicating minimum setbacks, access points, and heights; and</i> <i>iii. driveway crossovers</i></p>
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Alternate Outcome

The applicant submits:

“The proposed development integrates small lot product into the development design. It is noted that, all lots maintain a minimum width of 12.5m. A dwelling house in the Emerging community zone is maintained as Accepted Development under part 5 of the planning scheme. Any future assessment of a dwelling house will be subject to the requirements of the Queensland Development Code (QDC). The applicant does not seek to vary the effect of the QDC on the basis that all development is designed to align with the provisions of the QDC, in particular through the provision of lots within a minimum width of 12.5m. Whereby there is no mandatory provision for a built to boundary wall and where built to boundary walls are proposed, the QDC will govern the implementation of requisite design standards. The proposed subdivision concept ensures that the lot layout is a logical and efficient arrangement with appropriately sized local access ways, connection to external transport network and new internal footpaths. In this instance, PO51 is met without the provision of a Plan of Development, beyond the Urban Design Package provided under Appendix 4.”

Officer Comment

The proposed development results in more than 20 lots under 450m² in area and allows for development to occur on these small lots in a logical and efficient manner. The proposed development features lots with a minimum frontage width of 12.5m with the majority of lots featuring a frontage width of 14m or greater. All development on lots less than 450m² in area will be subject to assessment against the requirements of the Queensland Development Code (QDC) MP1.1 at the Building Works Stage. The requirements of the QDC relate to front and side boundary setbacks, overall height, and privacy and overlooking of adjoining lots, and provides sufficient means to require development to be undertaken in an orderly and integrated manner with the rest of the development.

A POD is not considered warranted for this development given it achieves a density and scale that is consistent with the intent of the Emerging Community Zone, and can be seen throughout the surrounding locality.

TRANSPORT, ACCESS AND PARKING CODE

Performance Outcome	Acceptable Outcome
<p><i>PO1</i> <i>The development is located on roads that are appropriate for the nature of traffic generated, having regard to the safety and efficiency of the transport network, and the functions and characteristics identified in the transport network hierarchy contained in SC 6.2 PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure.</i></p>	<p><i>No acceptable outcome is nominated.</i></p>

Alternate Outcome

The applicant made no representations regarding this benchmark

Officer Comment

The provision of new internal roads, and the delivery and upgrading of external roads have been imposed as conditions of development in order to ensure that the development is provided with roads that not only

achieve the required standards for Local Access Roads under PSP2, but are sufficient to accommodate the demand generated by the development. Further upgrades to the larger road network such as the widening of Glennie Street from the intersection of Devonshire Street to the existing kerb and channelling at the intersection of Kaytons Street and Glennie Street, ensure that the larger road network is of a standard that is appropriate for the demand generated by the development.

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 proposed development involves the provision of sewer infrastructure identified within the LGIP. Conditions of approval have been provided to ensure that development achieves the required DSS and outcomes identified within the LGIP.

Other Relevant Matters

Not Applicable

FINANCIAL / RESOURCE IMPLICATIONS

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

Human Rights Act 2019 CONSIDERATIONS

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

In assessing this application consideration has been given to the following 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 benchmarks as identified within this report and the attached Statement of Reasons (refer to Schedule 1). 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 in part subject to the conditions identified above.

ATTACHMENT/S

Attachment	1	of	4	Aerial Imagery
Attachment	2	of	4	Zoning Map
Attachment	3	of	4	Overlay Map
Attachment	4	of	4	Approved Plans

SCHEDULES

Schedule	1	Referral Agency Response
Schedule	2	Statement of Reasons

ATTACHMENTS

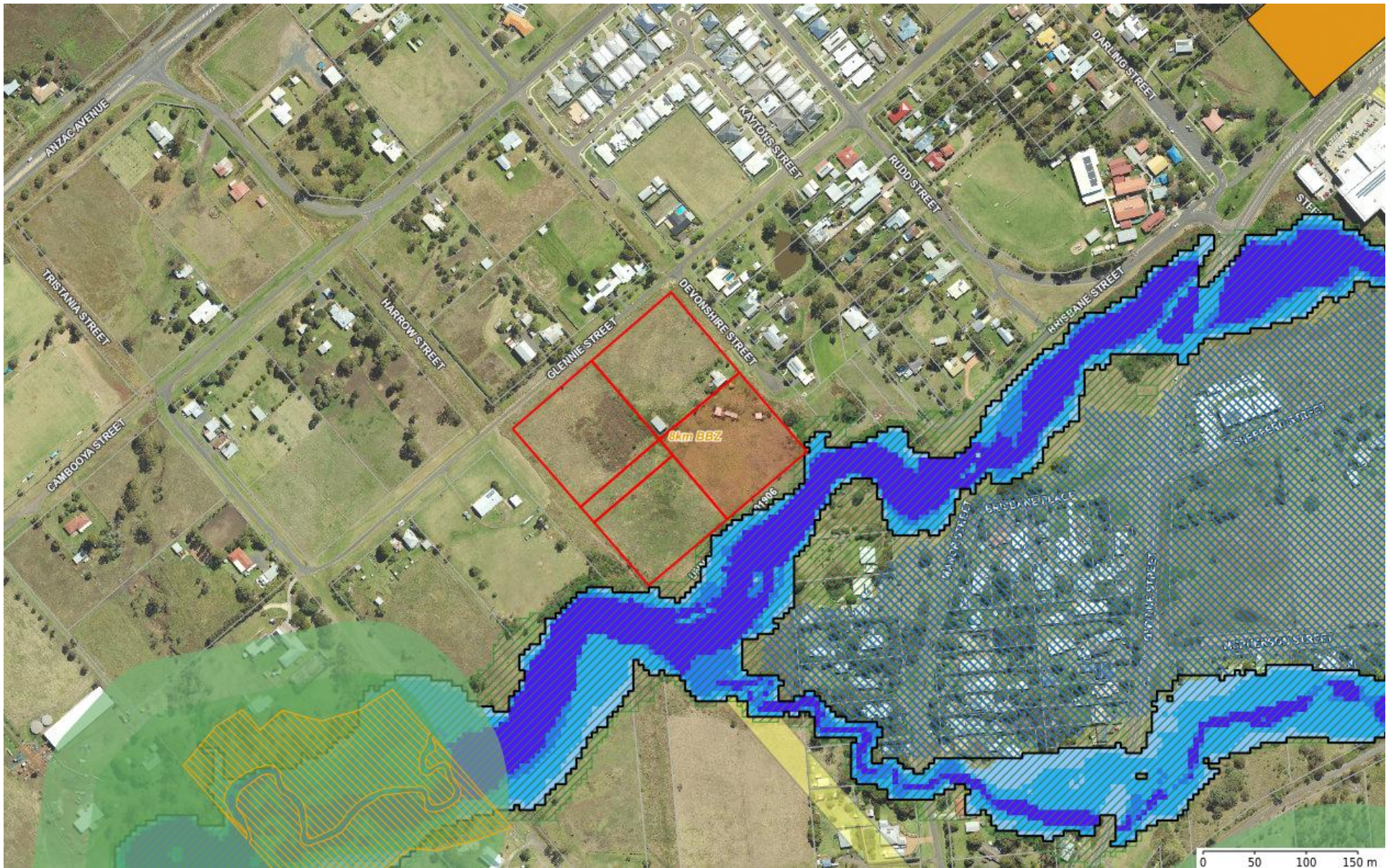
Attachment 1 of 4 — Aerial Imagery



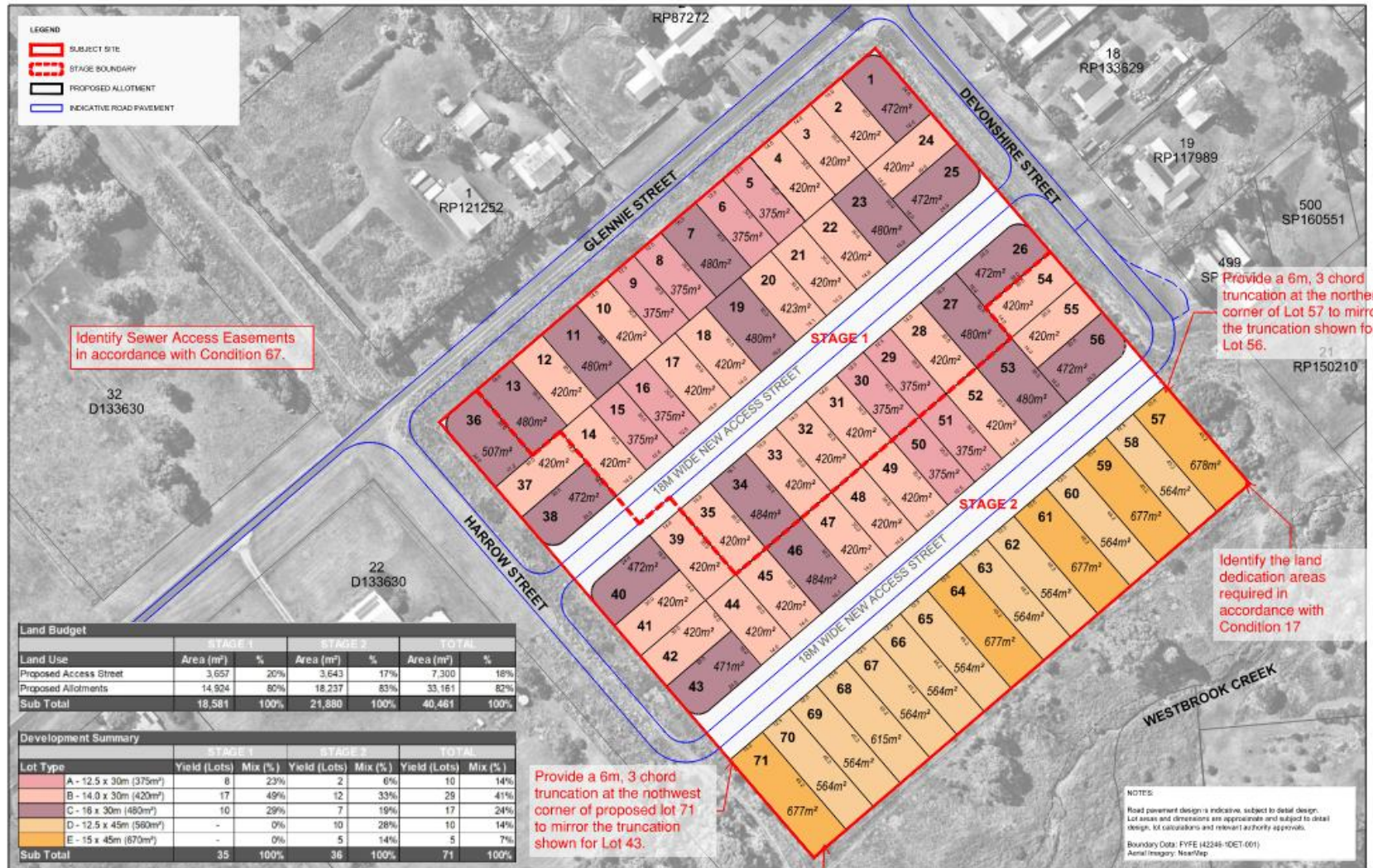
Attachment 2 of 4 — Zoning Map



Attachment 3 of 4 — Overlay Map



Attachment 4 of 4 — Approved Plans



Identify Sewer Access Easements in accordance with Condition 67.

Provide a 6m, 3 chord truncation at the northern corner of Lot 57 to mirror the truncation shown for Lot 56.

Identify the land dedication areas required in accordance with Condition 17

Provide a 6m, 3 chord truncation at the northwest corner of proposed lot 71 to mirror the truncation shown for Lot 43.

Identify the land dedication areas required in accordance with Condition 17





Land Budget		
	STAGE 1	
Land Use	Area (m ²)	%
Proposed Access Street	3,657	20%
Proposed Allotments	14,924	80%
Sub Total	18,581	100%

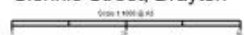
Development Summary		
	STAGE 1	
Lot Type	Yield (Lots)	Mix (%)
A - 12.5 x 30m (375m ²)	8	23%
B - 14.0 x 30m (420m ²)	17	48%
C - 18 x 30m (480m ²)	10	29%
D - 12.5 x 45m (560m ²)	-	0%
E - 15 x 45m (670m ²)	-	0%
Sub Total	35	100%

NOTES:
 Pavement design is indicative, subject to detail design.
 Lot sizes and dimensions are approximate and subject to detail design, lot calculations and relevant authority approvals.
 Boundary Data: EYFE (42248-10ET-001)
 Aerial Imagery: Neatmap

PROPOSED ROL - STAGE 1

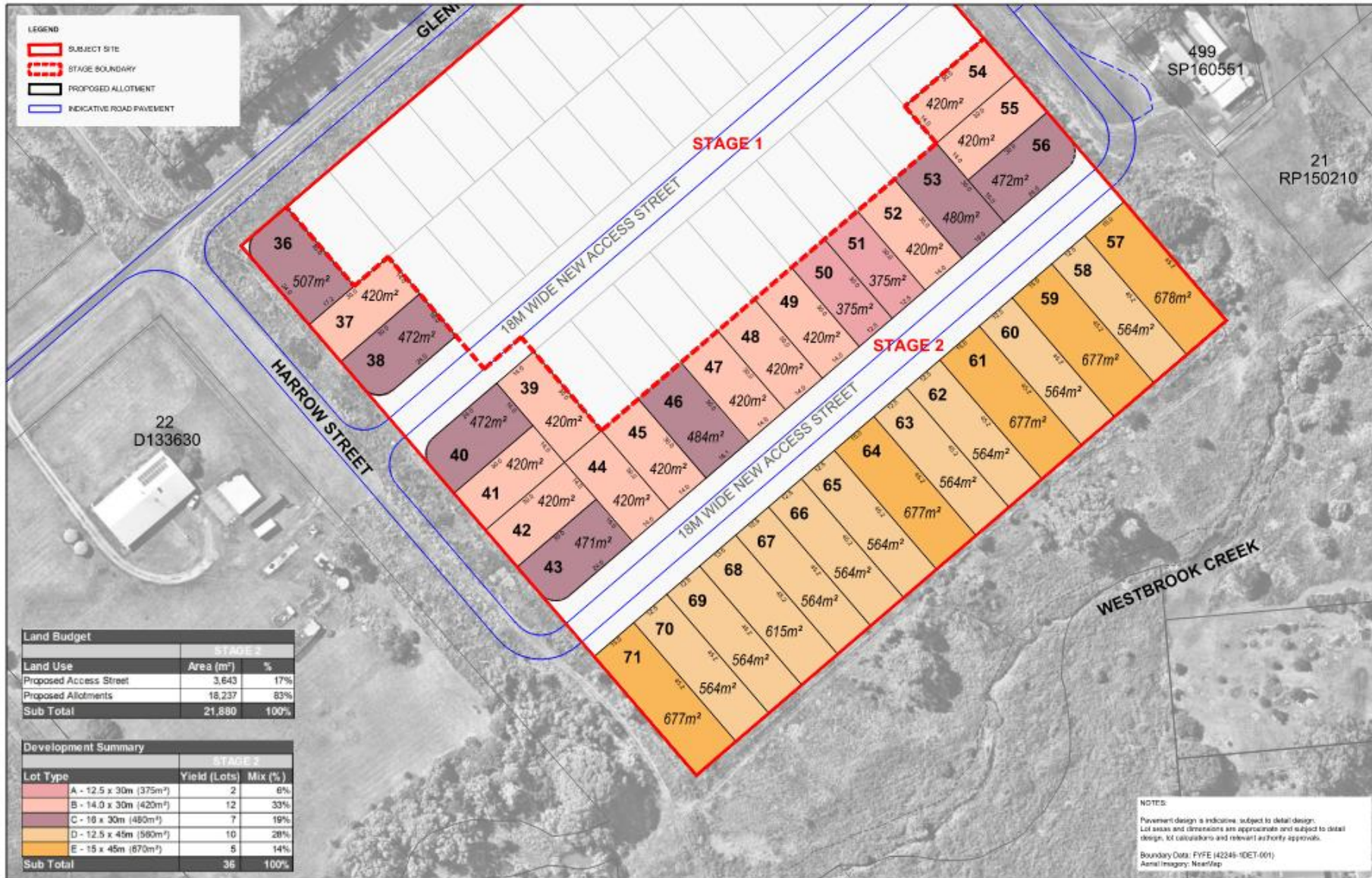
LOT 2 & 3 ON RP56826, LOT 2 & 4 ON RP118570 & LOT 1 RP51147

Glennie Street, Drayton



Project No.: 29701
 Plan No.: 110
 Rev: A
 Date: 20/06/2025





PROPOSED ROL - STAGE 2

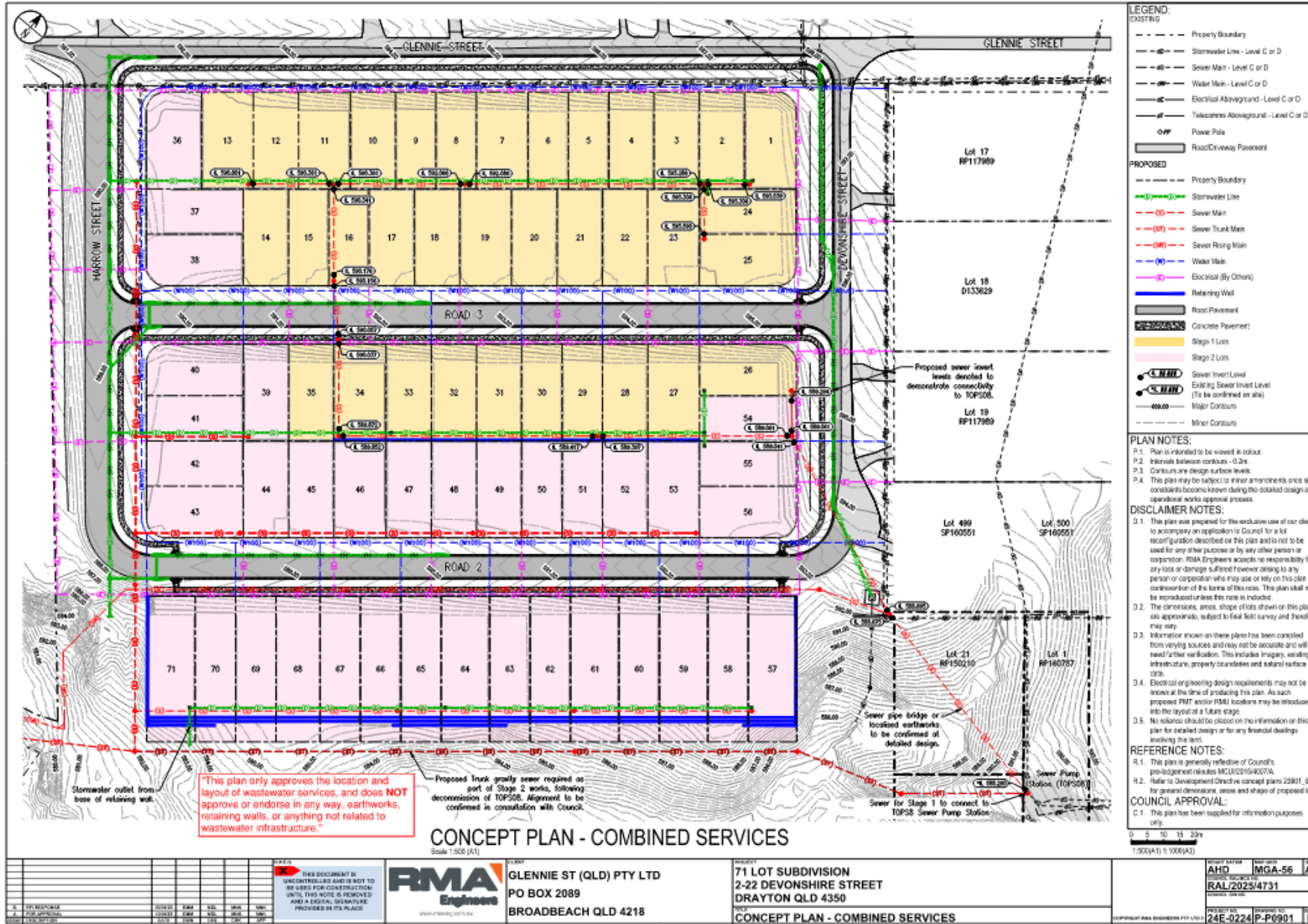
LOT 2 & 3 ON RP56826, LOT 2 & 4 ON RP118570 & LOT 1 RP51147

Glennie Street, Drayton



Project No.: 29701
 Plan No.: 111
 Rev: A
 Date: 20/06/2025





SCHEDULE 1

Concurrence Agency Response/s

SARA reference: 2507-47395 SRA
Council reference: RAL/2025/4731

2 September 2025

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

Attention: James Leader

RECEIVED
02/09/2025
TOOWOOMBA
REGIONAL COUNCIL

Dear Mr Leader

SARA referral agency response—37-59 Harrow Street and 2-22 Devonshire Street, Drayton

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 30 July 2025.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	2 September 2025
Advice:	Advice to the applicant is in Attachment 1
Reasons:	The reasons for the referral agency response are in Attachment 2

Development details

Description:	Development permit	Reconfiguring a Lot – Five (5) Lots into 71 Lots
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 - Development impacting on state transport infrastructure (Planning Regulation 2017)	
SARA reference:	2507-47395 SRA	
Assessment manager:	Toowoomba Regional Council	
Street address:	37-59 Harrow Street and 2-22 Devonshire Street, Drayton	
Real property	Lot 2 RP118570, Lot 4 RP118570, Lot 2 RP56826, Lot 3 RP56826	

description: and Lot 1 RP51147
Applicant name: Glennie Street (Qld) Pty Ltd
Applicant contact details: C/- Development Directive
884 Logan Road
Holland Park West QLD 4121
townplanning@developmentdirective.com.au

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

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s. 30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 3**.

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

For further information please contact Danica Clark, Senior Planner, on 4616 7307 or via email ToowoombaSARA@dsgi.qld.gov.au who will be pleased to assist.

Yours sincerely



Paul Gleeson
A/Manager

cc Glennie Street (Qld) Pty Ltd C/- Development Directive, townplanning@developmentdirective.com.au

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

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP), (version 3.2). If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

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

The reasons for SARA's decision are:

The development complies with the assessment benchmarks of State code 6 of SDAP in that the development:

- does not create a safety hazard for users of a state-controlled road
- does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP, version 3.2, as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- Section 58 of the *Human Rights Act 2019*

Attachment 3—Representations about a referral agency response provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

SCHEDULE 2

Statement of Reasons

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

SITE DETAILS	
Site Address	37-59 Harrow Street and 2-22 Devonshire Street, DRAYTON QLD 4350
Real Property Description	Lot 2 RP118570, Lot 4 RP118570, Lot 2 RP56826, Lot 3 RP56826 and Lot 1 RP51147
Site Area	4.0477 ha
Owner	Sologne Pty Ltd and Chemille Pty Ltd

PROPOSED DEVELOPMENT	
Name of Applicant	Glennie Street (Qld) Pty Ltd
Type of Application	Reconfiguring a Lot
Proposed Development	Five (5) Lots into 71 Lots
Level of Assessment	Impact
Submissions Received	Objection: Two (2)
	Support: Nil
Decision	Approval
Decision Date	5 February 2026

ASSESSMENT MATTERS					
Assessment benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Schedules 9 and 10 of the <i>Planning Regulation 2017</i> (as relevant); • <i>State Planning Policy July 2017</i> (as relevant); • South-east Queensland Regional Plan ShapingSEQ 2023/Darling Downs Regional Plan (as relevant); • The Local Government Infrastructure Plan; and • <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28): <ul style="list-style-type: none"> ○ Strategic Framework ○ Emerging Community Zone Code ○ Open Space Zone Code ○ Reconfiguring a Lot Code ○ Airport Environs Overlay Code ○ Flood Hazard Overlay Code ○ Environmental Standards Code ○ Integrated Water Cycle Management Code ○ Landscaping Code ○ Transport, Access and Parking Code ○ Works and Services Code 				
Matters raised in submissions	<table border="1"> <thead> <tr> <th>Issue</th> <th>How matter was dealt with</th> </tr> </thead> <tbody> <tr> <td>Traffic & Roads</td> <td> <p>One of the submitters questioned if the local roads can safely handle the additional traffic from 71 new households, and what measures will be taken to accommodate the increased traffic. Another submitter raised concerns surrounding the information contained within the applicants submitted Traffic Impact Assessment (TIA), particularly that the TIA did not address pedestrian and cyclist traffic satisfactorily.</p> <p>The proposed development involves the creation of 71 new residential lots. The development requires the construction of two (2) new internal roads, in addition to the construction of Harrow Street, Devonshire Street, and Glennie Street to achieve the relevant</p> </td> </tr> </tbody> </table>	Issue	How matter was dealt with	Traffic & Roads	<p>One of the submitters questioned if the local roads can safely handle the additional traffic from 71 new households, and what measures will be taken to accommodate the increased traffic. Another submitter raised concerns surrounding the information contained within the applicants submitted Traffic Impact Assessment (TIA), particularly that the TIA did not address pedestrian and cyclist traffic satisfactorily.</p> <p>The proposed development involves the creation of 71 new residential lots. The development requires the construction of two (2) new internal roads, in addition to the construction of Harrow Street, Devonshire Street, and Glennie Street to achieve the relevant</p>
Issue	How matter was dealt with				
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		<p>construction standards for a Local Access Street in accordance with PSP2 of the Planning Scheme. The submitted TIA has demonstrated that the proposed new roads and upgrades to existing streets will be able to accommodate the demand created by the proposed development. Further, an Operational Works application is required which will address specifics regarding the design and construction of the proposed new and upgraded roads, including intersection design, to ensure they will be adequate to support the proposed development and still serve the greater road network.</p> <p>The submitted TIA has not been included as an approved document, however will required to be approved as part of the required future Operational Works application. The submitted TIA demonstrates that the proposed new and upgraded roads are sufficient to service the traffic generated by the development. Whilst not satisfactorily addressed by the submitted TIA, conditions of approval have been imposed that require pedestrian footpaths for all new internal roads and upgraded streets, as well as new footpaths that connect to the existing footpath network in Drayton to the north-east of the site along Glennie Street.</p>
	<p>Infrastructure & Services</p>	<p>One of the submitters questioned if the existing water, sewer, stormwater and other reticulated networks in the area have enough capacity to service the proposed development.</p> <p>The proposed development consists of two (2) stages, with Stage 1 able to connect to the existing TOPS8 sewer network (servicing the proposed 35 lots). Stage 1 will also be connected to the existing water supply infrastructure, and discharge stormwater to Westbrook Creek.</p> <p>Stage 2 of the development is not able to be serviced by the existing sewer network as it does not feature enough capacity for Stage 2. As such, a new Sewer Pump Station, along with gravity and rising mains has been conditioned to be provided in order to service stage 2 of the development. As such, when the new Sewer Pump Station is constructed, Stage 2 will feature connection to a reticulated sewer network. The existing water supply infrastructure is able to service Stage 1 in addition to Stage 2. Accordingly, each of the proposed lots can be connected to all required reticulated services.</p>
	<p>Stormwater & Flooding</p>	<p>One of the submitters questioned how drainage will be managed to prevent flooding or runoff to adjoining properties.</p> <p>Council's engineers have assessed the proposed development and determined that the development will not result in flooding or an increase of water discharged to adjoining properties. Stormwater generated by the development will be concentrated and discharged to the road reserve surrounding Westbrook Creek, which has more than sufficient capacity to accommodate the developments flows.</p>

		<p>Adjoining properties, particularly those to the north and north-east of the site will not be impacted by stormwater or flooding from the proposed development.</p>
	<p>Environmental Impact</p>	<p>One of the submitters has raised concerns surrounding the protection of trees, animals, habitats, and open space on the site and has concerns over if any parkland or open space is being provided as part of the development.</p> <p>The subject site is not mapped within any state overlays regarding vegetation or koala habitat, and is not identified within Council's Environmental Significance Overlay. The site itself is highly disturbed and contains little to no remaining vegetation. There are small pockets of vegetation within road reserve surrounding the proposed development, however none of this vegetation will be disturbed by the proposed development. The development does not involve the provision of parkland or open space, however the Toowoomba Region Open Space Strategy identifies that Westbrook Creek which adjoins the development, will be a District Linear Corridor Park, which will provide more than adequate park provision for the larger catchment. As such the development has been designed to provide an interface to the future park corridor that will not detract from the operations or amenity of any future parkland.</p>
	<p>Construction Impacts</p>	<p>One of the submitters has raised concerns surrounding the timing and staging of the development and the impacts of construction on adjoining properties, as well as the road disruptions during construction.</p> <p>Multiple conditions have been imposed on the development which ensure that during construction, adjoining properties are not impacted. Conditions regarding air quality, vibrations, construction waste management and storage, construction noise, and erosion and sediment control have been imposed in order to ensure the development results in acceptable impacts to adjoining properties. These conditions seek to reduce the impact of construction to neighbouring properties and seek to control the impacts of construction to the surrounding area. Further Operational Works permits will further assess the construction standard and methods for roads, earthworks and infrastructure and will impose additional requirements and conditions on the construction of the development, including road traffic diversions and controls.</p>
<p>Design and Density</p>	<p>One of the submitters has raised concerns regarding the size of the proposed lots and their compatibility with the surrounding locality. The submitter has concerns regarding the amenity outcome of future dwellings on these small lots.</p> <p>The proposed development is purely for the creation of the lots and cannot assess the design or future outcomes of dwellings on these lots. As part of any future development for a dwelling on these lots however, where the lot size is under 450m², it will require assessment against the Small Lot Housing</p>	

		<p>Design Code which will assess the design, amenity, and impacts of dwellings on these smaller lots. The subject site is located within the Emerging Community Zone which is intended to allow for the timely conversion of non-urban land to urban purposes where detailed planning is provided that demonstrates development occurs in a logical pattern and facilitates the timely and cost effective provision of infrastructure. The proposed development includes lots that range in size from 375m² to 678m², with most lots being between 375m² and 480m². The proposed development is seen to provide a logical pattern that provides for residential land that is well planned and effectively serviced. The density of the development is also consistent with that anticipated for the Emerging Community Zone and will not result in an overdevelopment of the land. Future housing will be controlled by not only the Small Lot Housing Design Code of the planning scheme, but by the Queensland Development Codes and their requirements for siting, setbacks and height.</p>
	Community Facilities	<p>One of the submitters has raised concerns surrounding the provision of footpaths, cycleways, parks or other community facilities as part of the development. The submitter has concerns that the proposed development has not made provision for parkland or community facilities to accommodate the increased population.</p> <p>The proposed development results in footpaths being provided along every street and upgraded road of the development, and also provides a footpath that connects to the greater footpath network of Drayton. The development was not required to provide parkland, with the adjacent land surrounding Westbrook creek is planned to be part of a future District Linear Corridor Park, which will provide for ample open space and community facilities for the entire Drayton region.</p> <p>Whilst not providing parkland, the development has provided a design that features opportunities for connectivity to the future District Linear Corridor Park, and an amenity outcome facing the future park corridor that does not impact on the ability for future infrastructure to be provided and provides a good interface to the future park land.</p>
	Maintenance and Responsibility	<p>One of the submitters has raised the issue of who is responsible for maintaining new roads, drainage and green spaces to support the proposed development. The submitter has concerns on how Council will ensure the promised infrastructure is delivered.</p> <p>The construction of new infrastructure and roads will be conducted by the developer, which after an on-maintenance period, ownership will be transferred to Council for maintenance. The maintenance of infrastructure, roads and green spaces falls to Council, who ensures that sufficient operational budget is allocated to maintain assets. Council will ensure that infrastructure that is conditioned is delivered by not allowing each stage to be sealed before infrastructure and roads are constructed and assessed by Councils</p>

	Alignment with TRC Planning Scheme	<p>engineers.</p> <p>One of the submitters has raised concerns surrounding the proposed developments alignment with certain aspects of the <i>Toowoomba Regional Planning Scheme 2012</i>, specifically in regard to the creation of neighbourhoods where residents can walk/ cycle to work, school, shops, and services and parks in accordance with the Planning Schemes Citation and Commencement Section.</p> <p>The proposed development is located an 800m walk away from the Drayton Woolworths development and features connections to pedestrian infrastructure that services the greater Drayton area. A footpath is required to be constructed along Glennie Street to connect to the existing footpaths which provide walkability to the nearby school, shops, and other residential areas. Connectivity and pedestrian and cyclist infrastructure have been considered and implemented where reasonable within the proposed green field development.</p>
	Alignment with TRC Strategies	<p>One of the submitters has raised concerns surrounding the proposed development alignments with the outcomes of the Toowoomba Region Sustainable Transport Strategy, and Toowoomba Region Road Safety Strategy.</p> <p>Drayton is an area which is still developing and most of the anticipated cyclist and pedestrian infrastructure is still being designed and planned for the larger Drayton area. Council policies and strategies such as the Toowoomba Regional Open Space Strategy identify areas and networks of pedestrian and cyclist infrastructure that will be implemented in Drayton once detailed design work and planning has been achieved. The development provides footpaths and linkages to the greater Drayton area, but is not required to specifically plan for trunk active transport networks throughout the Drayton area. The development allows for future active transport infrastructure through the Open Space Corridor of Westbrook creek which the development addresses and allows for connectivity to.</p> <p>The proposed development has demonstrated that the design provided provides for accessible and safe transport options for the community that allow for walking and cycling on the proposed footpaths and roadside infrastructure.</p>
	Issues with Submitted Town Planning Assessment Report	<p>The submitter has raised concerns with the submitted Town Planning Assessment Report, stating that it has not adequately addressed the relevant performance outcomes and acceptable outcomes of the planning scheme which relate to public and active transport, road networks, connectivity to centres and employment nodes, and connectivity to the surrounding area.</p> <p>The applicant has provided responses to the required acceptable and performance outcomes of the scheme and specifically those that relate to the provision of pedestrian and active transport infrastructure. The Planning Scheme features requirements for active transport infrastructure to be provided for new roads,</p>

		<p>which has been conditioned, and for active transport infrastructure to connect with the greater network. As such, and in accordance with the recommendations of the applicants submitted TIA, conditions of approval have been imposed that require the development provide a 1.5m wide footpath to connect to the existing footpath network at the intersection of Kaytons Street and Glennie Street. The development has provided appropriate pedestrian and active transport infrastructure as required by the provisions of the Planning Scheme.</p>
Reasons for decision	<p>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.</p>	

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/2025/4731.