

REPORT TITLE	Material Change of Use - Impact - Dwelling House located at 83 Zeller Road, MOUNT LUKE QLD 4352
AUTHOR	Planning Officer (Jun Ong)
Application No.	MCUI/2026/2617

PURPOSE OF REPORT

To consider a Development Application for a Material Change of Use - Impact - Dwelling House located at 83 Zeller Road, MOUNT LUKE QLD 4352.

EXECUTIVE SUMMARY

This report considers a Development Application for a Material Change of use for a Dwelling House located at 83 Zeller Road, Mount Luke. The uniquely shaped lot is approximately 3.387ha. in size and is identified within the Limited Development (Constrained Land) Zone subject to the Bushfire Hazard Overlay, Flood Hazard Overlay, Environmental Significance Overlay, and Water Resources Catchments Overlay. The subject site is outside of Council's Priority Infrastructure Area.

The proposed development is for a Dwelling House of 82m² within an existing cleared land, with vehicular access taken to Zeller Road which is a Local Road constructed in gravel. The proposed development maintains more than 50m setback from the front, rear and side boundaries. On-site water supply and effluent disposal is proposed to service the site.

The subject site is wholly contained within the Bushfire Hazard Overlay – Medium Fire Risk. A submitted bushfire management report demonstrates that bushfire risk is acceptable. Conditions for water supply tanks are recommended to ensure adequate water supply for bushfire mitigation in addition to servicing the development.

The proposed development has been assessed against the applicable assessment benchmarks within the *Toowoomba Regional Planning Scheme 2012* (v.28) as identified within this report. The proposed development generally complies with, or can be conditioned to comply with, the relevant assessment benchmarks. Therefore the proposed development is recommended for approval subject to reasonable and relevant conditions.

RECOMMENDATION

APPROVED - Application No. MCUI/2026/2617 for a Development Permit for a Material Change of Use - Impact - Dwelling House, pursuant to the provisions of Section 60 of the *Planning Act 2016* and subject to the conditions listed below.

ASSESSMENT MANAGER CONDITIONS

APPROVED USE

1. This Development Approval is for a Material Change of Use for a Dwelling House.

CARRY OUT & MAINTAIN DEVELOPMENT

2. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
3. Complete all building work associated with this Development Approval, including work required by any of the conditions of this Development Approval prior to the commencement of use. Such building work is to be carried out generally in accordance with the Approved Plans and Documents and, where the building work is assessable development, in accordance with a current Building Work approval.
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: 34444, Sheet 1 of 5, Revision D
Description: Site Plan, prepared by Neo Living and dated 12 March 2026.
Amendments: Nil

Plan No: 34444, Sheet 3 of 5, Revision D
Description: Floor Plan, prepared by Neo Living and dated 12 March 2026.
Amendments: Nil

Plan No: 34444, Sheet 4 of 5, Revision D
Description: Elevation, prepared by Neo Living and dated 12 March 2026.
Amendments: Nil

Plan No: 34444, Sheet 5 of 5, Revision D
Description: Elevation, prepared by Neo Living and dated 12 March 2026.
Amendments: Nil

APPROVED DOCUMENTS

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

Document: Final Report J002898, Version 2
Description: Bushfire Management Report - Lot 1 Zeller Road, Mount Luke, prepared by Range Environmental Consultants and dated 1 June 2026.
Amendments: Nil

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

7. A legible copy of the Development Approval, including the Approved and Amended Plans and Documents bearing Council's approved stamp must be available on the subject land for inspection at all times during earthworks and construction.

DEVELOPMENT CONSTRAINTS

BUSHFIRE MANAGEMENT - GENERAL

8. The development must be carried out in accordance with Sections 5, 6 and 7 of the Bushfire Management Report listed within this Development Approval.

BUSHFIRE MANAGEMENT - SUPPLY OF WATER

9. The development must be provided with a water storage reservoir having a minimum 10,000 litres of water for emergency firefighting purposes. Such storage must be provided in addition to the water supply capacity required for any domestic use and must be provided in the form of either a dam, swimming pool, or rainwater tank located within 40m of a building.
10. Where water storage is provided by way of rainwater tank, separate water storage for firefighting purposes must be provided either in a separate rainwater tank or a reserve section in the main water supply tank on which:
- 10.1 The domestic take off from the tank is at or above the 10,000 litre point; and
- 10.2 Standard rural fire brigade fittings (a 50mm male camlock coupling and ball valve) are fitted to the tank outlet for access by four wheel drive rural services vehicles.
11. The water storage reservoir must be provided with a water delivery mechanism that will function during an emergency event (such as an electric pump with auxiliary power supply or a petrol driven firefighting pump) and hose of sufficient length to easily reach around to all sides of the dwelling.

12. A hard stand area within 6m of the water storage reservoir must be provided to ensure accessibility for fire fighting vehicles.

BUSHFIRE MANAGEMENT - ASSET PROTECTION ZONE

13. An Asset Protection Zone must be implemented and maintained generally in accordance with Figure 7 and Section 5.1 respectively, of the approved Bushfire Management Report listed within this development approval.

BUSHFIRE MANAGEMENT - CERTIFICATION

14. Certification must be submitted to Council from a qualified person who verifies that the development has been constructed in accordance with the bushfire management conditions of this Development Approval.

WORKS

STORMWATER DRAINAGE

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

STORMWATER DISCHARGE

16. Stormwater from new roofed areas (including overflow pipes from rainwater tanks) is permitted to be discharged within the subject land, a minimum of 3 metres clear of any building foundations and any adjoining property boundary.
17. The act of on-site stormwater discharge must not cause erosion and scouring and must utilise appropriate control devices at outlets to prevent such erosion and scouring.
18. Stormwater must be dispersed as sheet flow.
19. Design and construction of all internal stormwater drainage works must comply with each applicable section of *Australian and New Zealand Standard AS/NZS 3500 - Plumbing and Drainage Code* and the *Queensland Urban Drainage Manual*.

CONSTRUCTION WASTE MANAGEMENT & STORAGE

20. 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*.
21. 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*.
22. Fires are not to be lit to dispose of demolition or construction waste.
23. 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:
 - 23.1 Elsewhere within this Development Approval;
 - 23.2 In accordance with an associated Development Permit for Operational Work;
 - 23.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 23.4 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

23.5 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.

24. 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

25. 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

26. 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.

27. 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.

28. 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.

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

DAMAGE TO SERVICES & ASSETS

30. Protect Council and public utility services and assets during construction of the development.

31. 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:

31.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or

31.2 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.

32. 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.

33. Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with Council's relevant policies and requirements at no cost to Council.

SERVICES & UTILITIES

ON-SITE WASTEWATER TREATMENT & DISPOSAL

34. The development must be provided with an on-site wastewater treatment and effluent disposal system having a capacity and land application area sufficient for the use. The area nominated for the wastewater treatment and effluent disposal, including irrigation areas, must be maintained for this purpose for the life of the approval.

35. The wastewater treatment and effluent disposal system must comply with *Australian Standard AS3500.2 – National Plumbing and Drainage - Sanitary Plumbing and Drainage*; and *Australian*

Standard AS1547:2012 - On Site Domestic-Wastewater Management where system size is not exceeded (ref. Part 1.2.1.2 of AS1547:2012).

36. All reasonable and practicable measures must be undertaken to prevent treated wastewater and effluent from overflowing or seeping onto adjoining properties

WATER SUPPLY

37. The development must be provided with rainwater tank of capacity at least 45,000 liters for firefighting and potable water supply that complies with the *Australian Drinking Water Guidelines* (NHMRC, 2011).

ELECTRICITY

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

TRANSPORT, VEHICULAR ACCESS & PARKING

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

39. 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.

PROVISION OF VEHICULAR ACCESS

40. The vehicle access from the subject land to Zeller Road must be constructed generally in accordance as shown on the Approved Plans listed within this Development Approval with a suitable, all weather access from road edge to property boundary. Such works must be constructed as specifically required below:

- 40.1 The vehicle access (crossing the verge) must be constructed generally in accordance with the Institute of Public Works Engineering Australasia *Drawing RS-056 Rural Driveways*, and in accordance with *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*;
- 40.2 The vehicle access (crossing of the verge) must be located a minimum of one (1) metre clear of existing power poles, streetlights or any signage; and
- 40.3 Any relocation of existing services must be clear of the access that will serve the subject land. The relevant service authorities must be contacted and their requirements complied with.

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

ENVIRONMENT & WASTE

WASTE MANAGEMENT (GENERAL)

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

ECOLOGICAL PRESERVATION & MANAGEMENT

REMOVAL OF EXISTING VEGETATION

42. Clearing, including felling, pushing, lopping and grubbing of existing trees and vegetation not identified for retention must be undertaken by a suitably qualified person and must include:
- 42.1 Stump grinding to below finished surface level;

- 42.2 Rectification to the finished surface levels and materials;
- 42.3 No damage to other vegetation for retention;
- 42.4 Legal disposal of all removed vegetation and debris; and
- 42.5 Conclude with the area being stabilised against erosion and rehabilitated and vegetated.

FAUNA MANAGEMENT DURING REMOVAL OF EXISTING VEGETATION

- 43. Prior to vegetation clearing works, all trees to be removed are to be inspected for wildlife (i.e. koalas, possums, birds nests etc.). If wildlife is present, the tree must not be felled or pruned until the wildlife has left the tree or has been removed by a legislative compliant Fauna Spotter Catcher.

GENERAL ADVICES

INFRASTRUCTURE CHARGES

- 1) Infrastructure charges are levied by way of an Infrastructure Charges Notice, issued pursuant to Section 119 of the *Planning Act 2016*.

OTHER LAWS & REQUIREMENTS

- 2) This Development Approval relates to development requiring approval under the *Planning Act 2016* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
- 3) Carrying out works on a road or interfering with the road or its operation will require a permit under *Subordinate Local Law No. 1.15 (2020)*. The application form can be found on Council's website at www.tr.qld.gov.au. For further information contact the Road Operations Branch through Council's Customer Service Centre on 131 872.
- 4) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme 2012*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or the *Queensland Development Code*.

WHEN APPROVAL STARTS TO HAVE EFFECT

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

WHEN APPROVAL LAPSES

- 6) This Development Approval will lapse in accordance with the provisions contained in Sections 85 and 88 of the *Planning Act 2016*, unless otherwise stated elsewhere within this Development Approval.

CLEARING OF NATIVE VEGETATION

- 7) The subject land supports regulated vegetation under the *Vegetation Management Act 1999 (VMA)*. The clearing of regulated vegetation can only be undertaken where associated with exempt clearing activities established under the VMA. For further information regarding exempt clearing activities please contact your local office of the Department of Resources.

CLEARING OF PROTECTED PLANTS

- 8) In accordance with *Nature Conservation (Animals) Regulation 2020* you must check the flora survey trigger map, prior to the clearing of any native plants found on the subject land to determine

if a flora survey must be undertaken and if a clearing permit for clearing endangered, vulnerable and near threatened plants ('EVNT plants') and their supporting habitat is required.

Under the Regulation, if a flora survey identifies that EVNT plants are not present or can be avoided by 100m, the clearing activity may be exempt from a permit, however an exempt clearing notification form must be submitted to the Department of Environment and Science. In an area other than a high risk area, a clearing permit is only required where a person is, or becomes, aware that EVNT plants are present, though a range of exemptions do apply. Clearing of least concern plants is generally exempt from requiring a clearing permit. For further information associated with the clearing of protected plants and to obtain flora survey trigger map for your site please refer to the Departmental website.

EXCAVATION & FILLING

- 9) 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.

WASTEWATER TREATMENT & DISPOSAL SYSTEM

- 10) The establishment of a wastewater treatment and disposal system for the subject land requires a Compliance Permit to be obtained from Council under the *Plumbing and Drainage Act 2018*. The system must be designed in accordance with the *Queensland Plumbing and Wastewater Code* (Department of State Development and Infrastructure & Planning, 2007) and the *Australian & New Zealand Standard AS/NZS1547 On-site domestic wastewater management*.

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

ENVIRONMENTAL HARM

- 11) 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

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

FIRE ANTS

- 13) The State of Queensland has been declared a quarantine area for the Red Imported Fire Ant. Should this approval involve the movement of restricted items from areas of known infestation the

provisions of the *Biosecurity Act 2014* apply, compliance with statutory provisions must be achieved.

BUILDING APPROVAL REQUIRED FOR CERTAIN FENCES & RETAINING WALLS

14) A Development Approval for Building Work is required for the following:

14.1 Fences where:

- The fence is part of a pool fence; or
- The fence is over 2m in height (from natural ground level); or
- The fence is attached to a retaining wall and the combined mean height is over 2.4m in height from natural ground level;

14.2 Retaining walls where:

- The wall is retaining fill having a height greater than 1m in height above the wall's natural ground surface; or
- The wall is located within 1.5m of a building or another retaining wall; or
- There is a load or surcharge imposed above the retaining wall (i.e. driveway, batter, building or the like); and

14.3 Retaining walls and/or fences are sited within 1.5m of a property boundary line and the combined height of the structures exceeds 2m (including where the retaining wall is less than 1m).

MANDATORY RAINWATER TANKS

15) Toowoomba Regional Council requires mandatory rainwater tanks and water saving measures on new dwellings and commercial buildings. Queensland Development Code (QDC) 4.2 is now applicable to any new class 1 (a)(i) buildings (single detached dwellings) on blocks greater than 250m². Dwellings on lots less than 250m² are exempt. Queensland Development Code 4.3 is applicable for any new commercial buildings (class 5 to 9). Please note that Multiple Dwellings are exempt.

SUITABLY QUALIFIED PERSON

16) For the purpose of preparing a Bushfire Management Plan, and for certifying compliance with the bushfire management conditions, a suitably qualified person is considered to be a person who:

16.1 Is a Bushfire Planning and Design Accredited Practitioner (FPA Australia), or

16.2 Has formal qualifications relating to bushfire planning and design, ecology or fire safety engineering, with a minimum of 5 years current experience in the field of bushfire assessment and management.

REASONS FOR RECOMMENDATION

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

DELEGATE'S DECISION:

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

Krys den Hertog
Principal Planner, Planning Branch

Decision Date: 17 August 2026

BACKGROUND

SITE DETAILS				
Site Address	83 Zeller Road, MOUNT LUKE QLD 4352			
Real Property Description	Lot 1 RP21723			
Site Area	3.387ha			
Owner	Aaron Brett Stalling and Alexandria Lee Stalling			
SITE CHARACTERISTICS				
Current Land Use	Vacant Land			
Site Frontage/s	Zeller Road: 235m			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Zeller Road	Local Road	~30m	~5.5m	Gravel
Easements	Nil			
Existing Structures	Nil			
Infrastructure	No Council infrastructure intersects the site			
Topography	Subject land consistently falls in a south-west direction with an average 4% slope gradient			
Street Trees	No formal street trees			
Other Features	High Voltage overhead power lines (Ergon) intersects the subject site, from the north-eastern boundary to the north-western boundary			
PLANNING SCHEME SITE DATA				
Applicable Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 28)			Adopted: 28/11/2022
Current Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 29)			Adopted: 21/07/2026
Zone	Limited Development (Constrained Land) Zone			
Precinct	NA			
Overlays	Bushfire Hazard Overlay • Medium Fire Risk Flood Hazard Overlay • Balanced-mixed flood risk Environmental Significance Overlay • Biodiversity Corridors • Areas of Ecological Significance • Areas of Ecological Significance buffer Water Resources Catchments Overlay • Water Resource Catchment			
Infrastructure Charges Resolution	Charges Resolution No. 7			Adopted: 19/08/2025
SURROUNDS:				
Direction	Land Use	Zone/Precinct		
North	Vacant Land	Limited Development (Constrained Land) Zone / N.A.		
East	Dwelling House	Limited Development (Constrained Land) Zone / N.A.		
South	Dwelling House	Limited Development (Constrained Land) Zone / N.A.		
West	Forestry Reserve	Open Space Zone / State Govt Conservation and Forestry Precinct		
Other Features	Nothing to note			

APPLICATION HISTORY

No relevant details

PROPOSED DEVELOPMENT

Name of Applicant	Aaron Brett Stalling	
Type of Application	Material Change of Use - Impact	
Proposed Development	Dwelling House	
Variations Sought	Not Applicable	
Level of Assessment	Impact	
Gross Floor Area	81.76m ²	
Site Cover	0.72%	
Submissions Received	Objection:	Nil
	Support:	Nil
Decision Making Period Ends	17 August 2026	

CONSULTATION UNDERTAKEN

Referral Agencies

Not Applicable.

Internal Referrals

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

Public Notification

The Notice of Compliance was received by Council on 6 July 2026. The information attached to the notice confirms that the public notification of the application was undertaken in accordance with the requirements of Part 4 of the *Planning Act 2016*. The Notice of Compliance states the public notification included:

- Publishing a notice in the Western Downs & Darling Downs Town & Country newspaper on 11 June 2026;
- Placing a notice on the land from 11 June 2026 until 3 July 2026; and
- Notifying owners of all land adjoining the site on 9 June 2026.

No properly made submissions were received during the duration of the public notice.

ISSUES, RISKS AND RESPONSES – ASSESSMENT

Categorising Instrument – *Planning Regulation 2017*:

PLANNING REGULATION 2017	
<i>Prohibited Development</i>	The proposed development is not prohibited development in accordance with the <i>Planning Regulation 2017</i> .
<i>Infrastructure Charges</i>	The <i>Planning Regulation 2017</i> provides for the levying of infrastructure charges on development approvals.

<i>Schedules 9 and 10</i>	Schedules 9 and 10 categorises particular development and details the relevant assessment benchmarks for development as relevant. Schedules 9 and 10 do not have relevant assessment benchmarks applicable on the proposed development.
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REGIONAL PLANS	
<i>Shaping SEQ – South East Queensland Regional Plan 2023</i>	Not applicable.
<i>Darling Downs Regional Plan October 2013</i>	The <i>Darling Downs Regional Plan 2013</i> (DDRP) is a statutory regional plan that is intended to provide planning policy to address planning matters that are of State interest and specific to the Darling Downs region. The DDRP identifies that the subject site is mapped within a Priority Agricultural Area (PAA). The site does not currently support agricultural land uses and is almost entirely covered by regulated vegetation categories A, B and C. Due to the size of the subject premises, it is also considered that the site would be unlikely to support productive agricultural production. Therefore, the development application for a Dwelling House does not conflict with the intent for a PAA and the regional policies included within the DDRP.

STATE PLANNING POLICY (SPP) July 2017	
Interests	Assessment Comments
Housing Supply and Diversity	No applicable assessment benchmarks.
Livable Communities	No applicable assessment benchmarks.
Agriculture	The DAMS interactive mapping which accompanies the SPP identifies that this interest is applicable to the subject property. The subject site is mapped as containing Agricultural Land Classification (Class A and B). The site does not currently support agricultural land uses and is almost entirely covered by regulated vegetation categories A, B and C. Due to the size of the subject premises, it is also considered that the site would be unlikely to support productive agricultural production. The proposed Dwelling House does not conflict with the state interest policies identified in Part E of the SPP.
Development and Construction	No applicable assessment benchmarks.
Mining and Extractive Resources	No applicable assessment benchmarks.
Tourism	No applicable assessment benchmarks.
Biodiversity	The DAMS interactive mapping which accompanies the SPP identifies that this interest is applicable to the subject property, specifically MSES - Regulated vegetation (Categories B and C). The proposed Dwelling House is located within an existing cleared area on the subject site. The small scale and intensity of a Dwelling House does not conflict with the state interest policies identified in Part E of the SPP.
Cultural Heritage	No applicable assessment benchmarks.
Water Quality	No applicable assessment benchmarks.
Emissions and Hazardous Activities	No applicable assessment benchmarks.
Natural Hazards, Risk and Resilience	The DAMS interactive mapping which accompanies the SPP identifies the subject site as Bushfire Prone Area – Very High Potential Bushfire Intensity and Flood hazard area - local government flood mapping area as interests

	applicable to the subject property. A Bushfire Management Report has been submitted to address the bushfire risks over the proposed development and is not considered to conflict with the relevant assessment benchmarks identified in Part E of the SPP. Table 2.1:2 of the <i>Toowoomba Regional Planning Scheme 2012</i> indicates that the Minister has identified the State interest – natural hazards, risk and resilience (those parts related to flooding) to be appropriately reflected in the Planning Scheme. As such, the proposed dwelling house is not located within the Balance-mixed Flood Risk overlay mapped areas and does not conflict with the state interest policy.
Energy and Water Supply	No applicable assessment benchmarks.
Infrastructure Integration	No applicable assessment benchmarks.
Transport Infrastructure	No applicable assessment benchmarks.
Strategic Airports and Aviation Facilities	No applicable assessment benchmarks.

Local Categorising Instrument – Toowoomba Regional Planning Scheme 2012:

The proposed development was assessed against the following assessment benchmarks:

- Strategic Framework
- Limited Development (Constrained Land) Zone Code
- Bushfire Hazard Overlay Code
- Flood Hazard Overlay Code
- Environmental Significance Overlay Code
- Water Resources Catchments Overlay Code

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

LIMITED DEVELOPMENT (CONSTRAINED LAND) ZONE CODE:

Performance Outcome	Acceptable Outcome
<i>PO₄</i> The zone primarily accommodates a limited range of rural activities and other non urban and low intensity activities.	<i>AO_{4.2}</i> Uses which are inconsistent with the intent of the zone include: (a) accommodation activities; (b) business activities; (c) entertainment activities; (d) industry activities; (e) rural activities (other than those listed in AO4.1); - and (f) recreation activities.
Alternate Outcome	
The applicant submits: “Performance Solution: The proposed development involves a Dwelling House within a historic subdivision with identified environmental and bushfire constraints. Despite accommodation activities being identified as an inconsistent use, the proposed development is of a low scale and intensity and will be serviced by all required infrastructure including an all-weather public road, reticulated electricity, and on-site water storage and effluent disposal. The proposed development will be undertaken in accordance with the recommendations of the Bushfire Management Report to mitigate risk from natural hazards; refer to Appendix D. Accordingly, the proposed development is a low intensity activity that can be suitably serviced.	
Officer Comment	
The proposed development for a dwelling house conflicts with AO_{4.2} and is assessed against PO₄. A Dwelling House generally accommodates a low intensity residential use. As the subject site is located outside the Priority Infrastructure Area, on-site water and wastewater services are conditioned to service	

the Dwelling House outside of an urban area. Notably, the subject site is entirely identified within the Bushfire Hazard Overlay. The development is proposed to be carried out in accordance with the submitted bushfire management report to ensure bushfire risk is addressed to an acceptable level. Therefore, the proposed development for a non-urban, low intensity Dwelling House is acceptable at the site and does not conflict with PO₄.

Performance Outcome	Acceptable Outcome
PO ₅ <i>Development is small scale and low intensity.</i>	<i>No acceptable outcome is nominated.</i>
PO ₆ <i>Development is compatible with the area's constraints and values.</i>	<i>No acceptable outcome is nominated.</i>
Alternate Outcome	
The applicant submits:	
<i>"Complies: The proposed development involves a Dwelling House at a low scale and intensity, with approximately 0.72% site coverage, and that will not result in inappropriate intensification of land use in the area."</i>	
<i>"Complies: The proposed development has been designed to locate the dwelling, outbuildings and internal driveways within areas already cleared of vegetation to minimise impacts to on-site environmental values. The proposed development will be undertaken in accordance with the recommendations of the Bushfire Management Report to mitigate risk from natural hazards; refer to Appendix D."</i>	
Officer Comment	
The proposed development for a four (4)-bedroom dwelling house of 82m ² with outdoor decks, is considered as a small-scale, low-intensity residential development which can be serviced appropriately by on-site infrastructure for water supply and on-site effluent disposal.	
The subject site is constrained by the Bushfire Hazard Overlay, Flood Hazard Overlay Code, Environmental Significance Overlay Code and the Water Resources Catchments Overlay. In response, the applicant's submitted bushfire management report has addressed the potential bushfire risk to an acceptable level. The building envelope is located in an existing cleared area and no clearing is proposed to conflict with the Environmental Significance Overlay. The proposed development is located outside the extent of the Balanced-mixed Flood Risk and is not considered to conflict with the Flood Hazard Overlay and Water Resources Catchment Overlay. The proposed development is also consistent with the locality values which predominantly consist of Development Approvals for Dwelling Houses on adjoining lots.	
On that basis, the proposed development does not conflict with Performance Outcomes PO ₅ and PO ₆ .	
Performance Outcome	Acceptable Outcome
PO ₉ <i>Roads and other infrastructure are of a sufficient capacity to accommodate the demands generated by the development.</i>	<i>No acceptable outcome is nominated.</i>
Alternate Outcome	
The applicant submits:	
<i>"Complies: The proposed dwelling involves a single dwelling house at a low scale and intensity. The proposed development will utilise the existing allweather public road, which is suitable for the scale of the use. The proposed development will be appropriately serviced by infrastructure including reticulated electricity, on-site water storage and effluent disposal."</i>	
Officer Comment	
The proposed development takes access from Zeller Road, which is a Local Road constructed in gravel. Existing road infrastructure is considered appropriate to accommodate the proposed Dwelling House use within the locality. The proposed development benefits from the existing road infrastructure, can be connected to existing electrical infrastructure in the vicinity and therefore, complies with PO ₉ .	

Local Categorising Instrument – Variation Approval:

Not Applicable.

Local Categorising Instrument – Temporary Local Planning Instrument:

Not Applicable.

Local Categorising Instrument – Preliminary Approval:

Not Applicable.

Local Categorising Instrument – Local Government Infrastructure Plan:

The subject land is not identified within Council's Priority Infrastructure Area.

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). The proposed development generally complies with the assessment benchmarks or it can be conditioned to comply. Where the applicant has not provided sufficient information, conditions have been imposed to ensure compliance. It is therefore recommended that the development application be approved subject to the conditions identified above.

ATTACHMENT/S

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

SCHEDULES

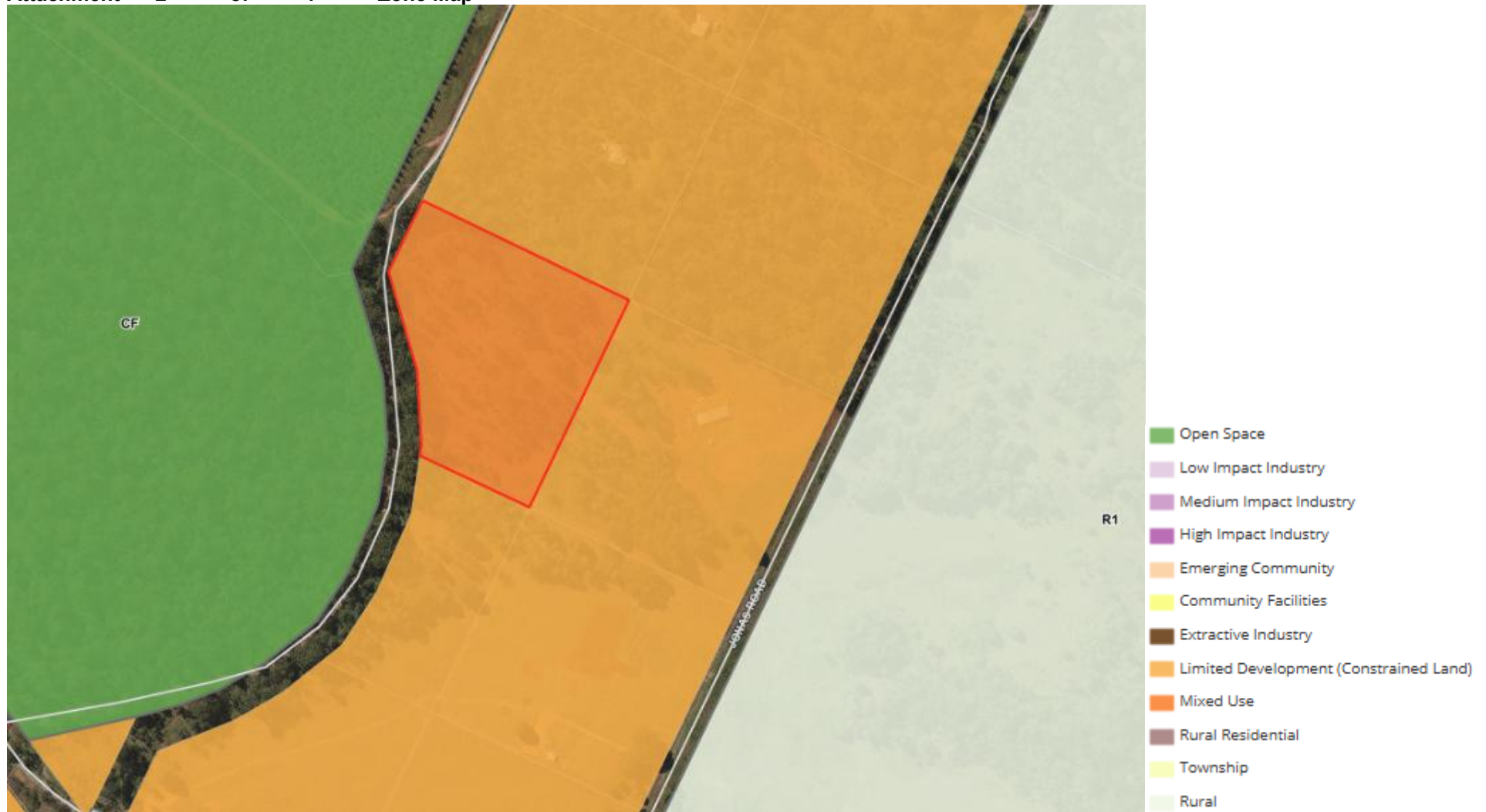
Schedule 1 Statement of Reasons

ATTACHMENTS

Attachment 1 of 4 Aerial Map



Attachment 2 of 4 Zone Map



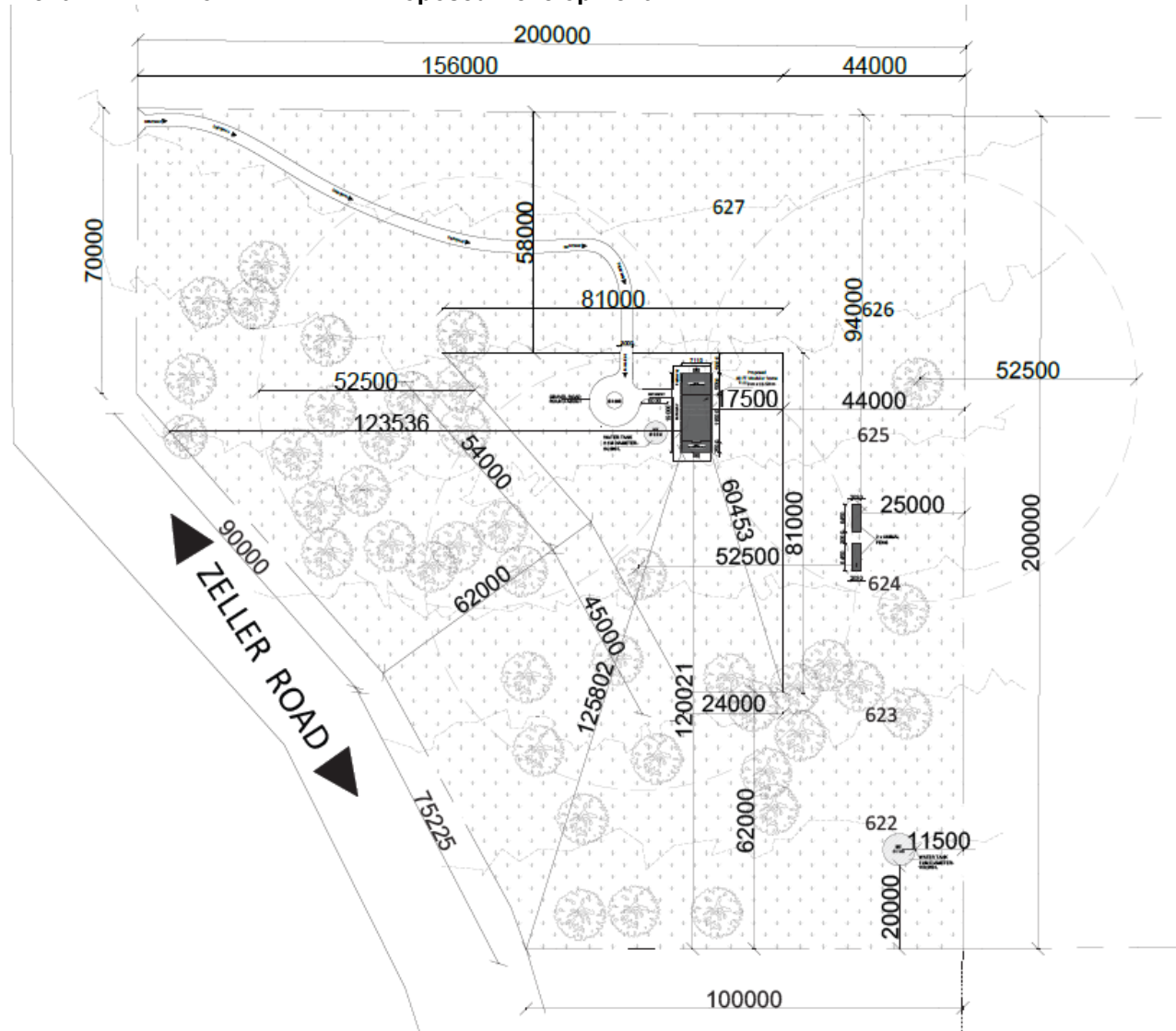
Attachment 3 of 4 Infrastructure and Overlay Map

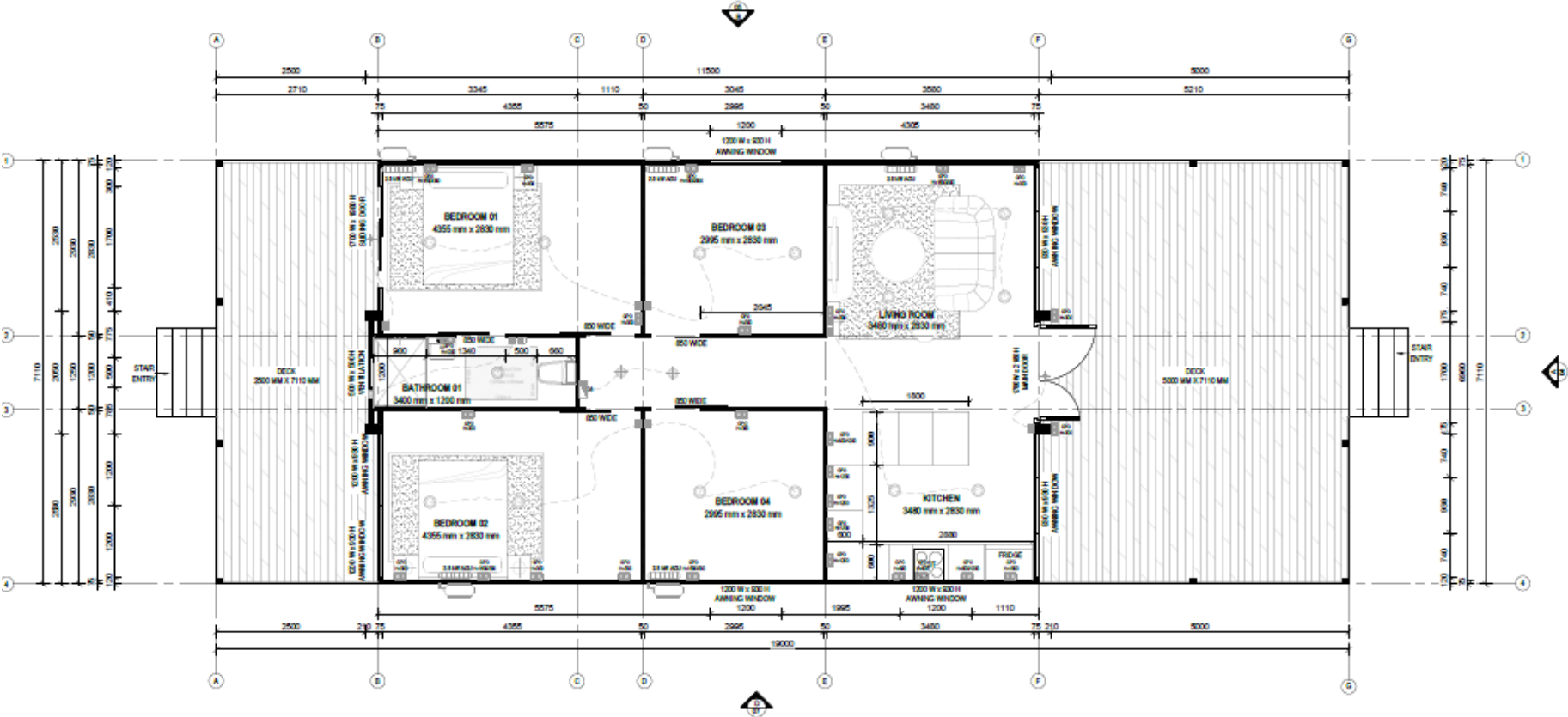


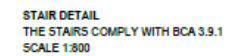




Attachment 4 of 4 Proposed Development

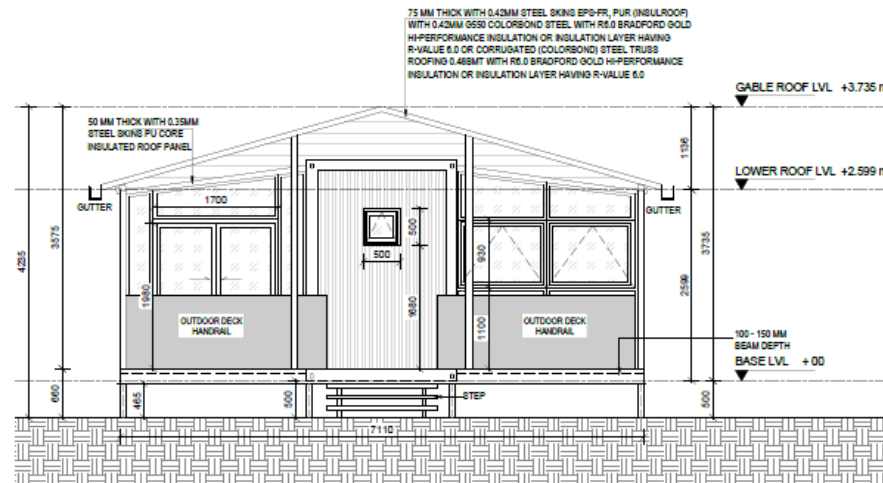






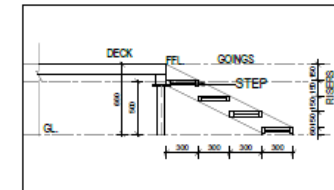
4 ELEVATION - A (FRONT)
SCALE : 1:1150





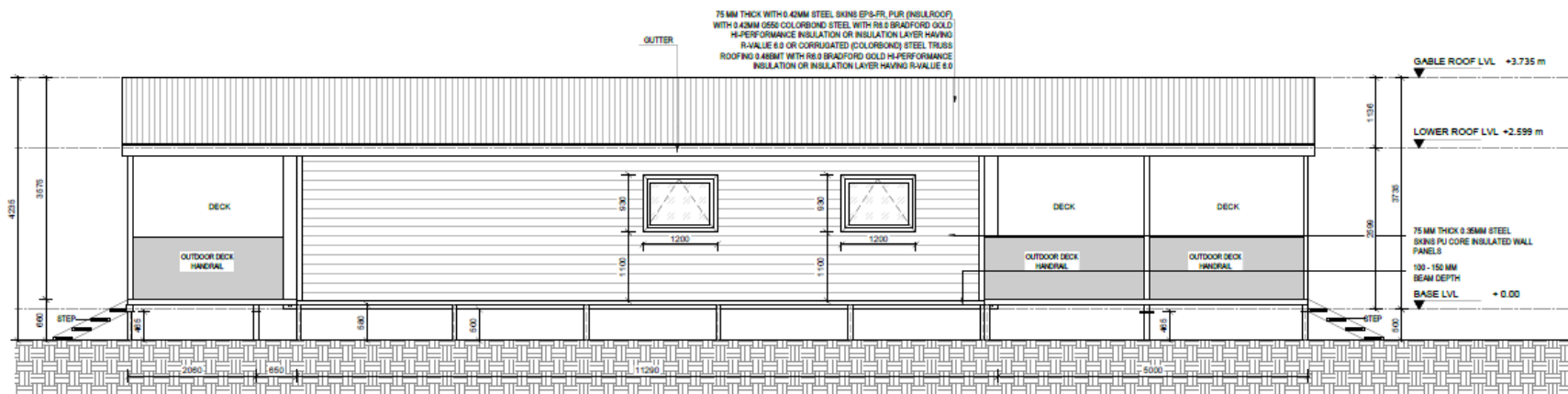
NOTES:

1. GABLE ROOF : 75MM THICK 0.42MM STEEL SKINS EPS-FR, PUR (INSULROOF) WITH 0.42MM G550 COLORBOND STEEL WITH R6.0 BRADFORD GOLD HI-PERFORMANCE INSULATION OR INSULATION LAYER HAVING R-VALUE 6.0 OR CORRUGATED (COLORBOND) STEEL TRUSS ROOFING 0.488MT WITH R6.0 BRADFORD GOLD HI-PERFORMANCE INSULATION OR INSULATION LAYER HAVING R-VALUE 6.0 FOR GABLE ROOF.
2. PANEL THICKNESS OR INSULATION CAN VARY BASED ON ENERGY ASSESSMENT.
3. FOR SKID DETAILS, COLUMN DETAILS AND GABLE ROOF DETAILS, REFER ENGINEERING DRAWINGS.



STAIR DETAIL
THE STAIRS COMPLY WITH BCA 3.9.1
SCALE 1:800

6 ELEVATION - C (REAR)
SCALE : 1:1150



SCHEDULE 1

Statement of Reasons

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

SITE DETAILS	
Site Address	83 Zeller Road, MOUNT LUKE QLD 4352
Real Property Description	Lot 1 RP21723
Site Area	3.387ha.
Owner	Aaron Brett Stalling and Alexandria Lee Stalling

PROPOSED DEVELOPMENT		
Name of Applicant	Aaron Brett Stalling	
Type of Application	Material Change of Use - Impact	
Proposed Development	Dwelling House	
Level of Assessment	Not Applicable	
Gross Floor Area	Impact	
Impervious Area	81.76m ²	
Site Cover	0.72%	
Submissions Received	Objection:	Nil
	Support:	Nil
Decision	Approval	
Decision Date	17 August 2026	

ASSESSMENT MATTERS	
Assessment benchmarks	The proposed development was assessed against the following assessment benchmarks: • Schedules 9 and 10 of the <i>Planning Regulation 2017</i> (as relevant); • <i>State Planning Policy July 2017</i> (as relevant); • Darling Downs Regional Plan (as relevant); • The Local Government Infrastructure Plan; and • <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28) ○ Strategic Framework ○ Limited Development (Constrained Land) Zone Code ○ Bushfire Hazard Overlay Code ○ Flood Hazard Overlay Code ○ Environmental Significance Overlay Code ○ Water Resources Catchments Overlay Code
Relevant matters	No relevant matters were assessed against the proposed development.
Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and complies without exception.

For further details on the assessment of this development application, please see the Delegated Report available for public viewing on the Toowoomba Regional Council Planning and Development Online website at: <https://developmenti.tr.qld.gov.au/>. When accessing Council's website please use the following Application Number: MCUI/2026/2617.