

REPORT TITLE	Reconfiguring a Lot - Boundary Realignment 2 into 2 Lots and 1x Access Easement located at 47 Gerald Lane and Lot 1 and Lot 4 RP23127 Stenzel Road, GREENMOUNT QLD 4359
AUTHOR	Planning Officer (Alanna Walker)
Application No.	RAL/2026/1681

PURPOSE OF REPORT

To consider a Development Application for Reconfiguring a Lot - Boundary Realignment 2 into 2 Lots and 1x Access Easement located at 47 Gerald Lane and Lot 1 and Lot 4 RP23127 Stenzel Road, GREENMOUNT QLD 4359

EXECUTIVE SUMMARY

This report considers a Development Application for Reconfiguring a Lot – Boundary Realignment 2 into 2 Lots and a Access Easement at 47 Gerald Lane and Lot 1 and Lot 4 RP23127 Stenzel Road, Greenmount.

The subject site is located in the Rural Zone (100ha min Precinct) under the *Toowoomba Regional Planning Scheme 2012* (Version 28) (the Planning Scheme) and is affected by Environmental Significance Overlay (Areas of Ecological Significance, Areas of Ecological Significance Buffer, Biodiversity Corridors, Waterways and Wetlands Buffer), Bushfire Hazard Overlay (Medium Fire Risk), Landslide Hazard Overlay, Flood Hazard Overlay (Balanced Mixed) and Agricultural Land Overlay.

The proposed development seeks to realign the common boundary to align with the agricultural usage of the land and proposed expansion of the existing horse adjustment, and establish an access easement from Stenzel Road benefiting Proposed Lot 2 and burdening Lot 1 RP23127. The boundary realignment will result in the lot sizes of:

- Proposed Lot 1: 10.55ha
- Proposed Lot 2: 80.39ha

As the proposed lots do not meet the minimum lot size of 100 ha for the Rural Zone, the proposed boundary realignment is subject to Impact Assessment. No submissions were received.

The proposed development has been assessed against the applicable assessment benchmarks as identified in this report and the attached Statement of Reasons (refer to Schedule 1). The proposed development does not comply with all assessment benchmarks. However despite the non-compliance the development is supported with relevant and reasonable conditions.

RECOMMENDATION

APPROVED - Application No. RAL/2026/1681 for a Development Permit for Reconfiguring a Lot - Boundary Realignment 2 into 2 Lots and 1x Access Easement, 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 a Boundary Realignment for two (2) lot into two (2) lots and an Access Easement.

CARRY OUT AND MAINTAIN DEVELOPMENT

2. Unless otherwise stated, all conditions must be complied with prior to Council's approval of the Plan of Subdivision and at all times thereafter.
3. 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

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

Plan No: 26003 5003 001-C, Revision C

Description: Proposed Reconfiguration plan, sheet 2 of 3, prepared by Sunrise Surveying and dated 3 February 2026

Amendments: Nil

Plan No: 26003 5003 001-C, Revision C

Description: Proposed Reconfiguration plan with Imagery, sheet 3 of 3, prepared by Sunrise Surveying and dated 3 February 2026

Amendments: Nil

LOT NUMBERING

5. 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

6. 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.

DEDICATIONS, AGREEMENT AND CONTRIBUTIONS

EASEMENTS

7. An easement for access purposes must be registered in favour of proposed Lot 2 against the title of Lot 1 RP23127. The easement must be a minimum 10 metres wide and must be located over the proposed easement identified on the Approved Plans and included on the Plan of Subdivision for Council's approval.
8. Where the Grantee is Council or a service authority, the easement documentation must be in accordance with the Grantee's standard easement terms and documents or any other terms and conditions as deemed necessary to fulfil the purpose of the easement.
9. Easement documentation must be prepared and submitted to Council, at no cost to Council, for endorsement where Council is the Grantee or review against conditions of approval otherwise.
10. Unless consistent with the terms of the easement and authorised under this Development Approval, any permanent works or structures must be kept clear of any existing or proposed easements on the subject land.

FEES AND CHARGES

11. All current and outstanding fees, rates, interest and other charges levied on the property, must be paid in accordance with the rate at the time of payment prior to Council's approval of the Plan of Subdivision.

WORKS

STORMWATER DRAINAGE

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

DAMAGE TO SERVICES & ASSETS

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

14. 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:
 - 14.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 14.2 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.
15. 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.
16. 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 131 872

GENERAL ADVICES

INFRASTRUCTURE CHARGES

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

OTHER LAWS & REQUIREMENTS

- 2) This Development Approval relates to development requiring approval under the *Planning Act 2016* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
- 3) Any works impacting outside the property boundary will require a permit under Subordinate Local Law No. 1.15 (2020) (Carrying Out Works on a Road or Interfering with a Road or its Operation). Please contact Council's Road Operations Branch through our Customer Service Centre on 131 872. The application can be found on Council's website at www.tr.qld.gov.au.
- 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* (VM Act). The clearing of regulated vegetation can only be undertaken where associated with exempt clearing activities established under the VM Act. For further information regarding exempt clearing activities please contact your local office of the Department of Resources.

ACCESS REQUIREMENTS FOR FUTURE DWELLINGS

- 8) All future dwellings on the subject land must be provided with appropriate formed road access in accordance with AO4.1 of the Rural Zone Code in the *Toowoomba Regional Planning Scheme 2012* and *Council Policy 2.21 Road Network Extensions and Upgrades*.

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.

WORKS WITHIN A WATERCOURSE

- 10) The development may involve works within a watercourse which will require referral to the Department of Resources under the *Water Act 2000* and *Planning Act 2016* at the time of making an application for Operational Work.

FIRE ANTS

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

REASONS FOR RECOMMENDATION

The proposed development has been assessed with regard to the applicable assessment benchmarks as identified within this report and the attached Statement of Reasons (refer to Schedule 1). 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 RECOMMENDATION:

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.



Sophie Spencer, Lead Senior Planner
Planning Branch

Decision Date: 8 July 2026

BACKGROUND

SITE DETAILS				
Site Address	47 Gerald Lane and Lot 1 and Lot 4 RP23127 Stenzel Road, GREENMOUNT QLD 4359			
Real Property Description	Lot 50 A341046, Lot 1 RP23127, Lot 4 RP23127			
Site Area	167.35ha			
Owner	Adrian John Halton and Glen Vincent Stenzel and Kelly Anne Stenzel			
SITE CHARACTERISTICS				
Current Land Use	Dwelling houses, cropping land and horse keeping.			
Site Frontage/s	Gerald Lane: Approx. 237m Stenzel Road: 207m Campbell Road: 1313m Willmington Road: 506m			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Gerald Lane	Local	20m	4m	Gravel
Stenzel Road	Local	18m	-	Unformed
Campbell Road	Local	19-40m	-	Unformed
Willmington Road	Local	20m	-	Unformed
Easements	Emt A RP23127; access easement located in the southern portion of Lot 4 and Lot 50, benefiting Lot 1			
Existing Structures	Existing dwelling houses and associated structures on Lot 4 and Lot 50			
Infrastructure	Site is not serviced by Council's water and sewer infrastructure.			
Topography	The site's highest point is in the north-west corner of Lot 4, which falls away with significant terrain located on Lot 4. The subject sites then gradually steps away. See Terrain Mapping in Attachment 2.			
Street Trees	Nil			
Other Features	Nothing to Note			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 28)			Adopted: 28 Nov 2022
Zone	Rural Zone			
Precinct	100ha min Precinct			
Overlays	Environmental Significance Overlay - Areas of Ecological Significance - Areas of Ecological Significance Buffer - Biodiversity Corridors - Waterways and Wetlands Buffer Bushfire Hazard Overlay - Medium Fire Risk Landslide Hazard Overlay - High Landslide Hazard Flood Hazard - Balanced Mixed Agricultural Land Overlay Code			
Infrastructure Charges Resolution	Charges Resolution No. 7			Adopted: 19 Aug 2025
SURROUNDS:				
Direction	Land Use	Zone/Precinct		
North	Cropping Land	Rural Zone (100ha Precinct)		
East	Cropping Land	Rural Zone (100ha Precinct)		

South	Cropping Land	Rural Zone (100ha Precinct)
West	Rural lots with dwelling houses	Rural Zone (100ha Precinct), Township Zone
Other Features	Nothing to note	

APPLICATION HISTORY

Nil

PROPOSED DEVELOPMENT

Name of Applicant	Adrian John Halton and Jody Gropler
Type of Application	Reconfiguring a Lot
Proposed Development	Boundary Realignment 2 into 2 Lots and 1x Access Easement
Variations Sought	Not Applicable
Level of Assessment	Impact
Decision Making Period Ends	9 June 2026

CONSULTATION UNDERTAKEN**Referral Agency**

Not Applicable.

Internal Referrals

Internal Referral Partner	Referral / Response
Development, Infrastructure and Growth	Reviewed and provided draft conditions.
Infrastructure Charges Unit	Will prepare 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 5 May 2026. The information attached to the notice confirms that the public notification of the application was undertaken in accordance with the requirements of Part 4 of the *Planning Act 2016*. The Notice of Compliance states the public notification included:

- Publishing a notice in the On Our Selection News on 9 April 2026;
- Placing a notice on the land from 9 April 2026 until 1 May 2026; and
- Notifying owners of all land adjoining the site on 2 April 2026.

No Submissions were received for the development.

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. 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. 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.
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REGIONAL PLANS	
<i>Shaping SEQ – South East Queensland Regional Plan 2017</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), Priority Living Area (PLA) and Strategic Cropping Area (SCA). The proposed development will facilitate rural agricultural uses and therefore is considered to not conflict with the intent of the area is consistent with the regional policies included within the DDRP.

STATE PLANNING POLICY (SPP) July 2017	
Interests	Assessment Comments
Agriculture	The State mapping which accompanies the SPP identifies that this interest is applicable to the subject property. The subject site is mapped as containing Important Agricultural Areas and Agricultural Land Classification (Class A and B). However, the proposed boundary realignment facilitates the agricultural use of the land, and it is considered that it is consistent with state's interest. See Officer Comments below for further detail.
Biodiversity	The State mapping which accompanies the SPP identifies that this interest is applicable to the subject property. There is Regulated vegetation (intersecting a watercourse) and MSES – Wildlife habitat (endangered or vulnerable) mapped on the subject site. Both state interests will remain entirely within Lot 4, with the proposed boundary realignment and access easement having little to no impacts on these areas. As such, it is considered the state interest policies identified in Part E of the SPP are not considered to be relevant to the proposed development.
Natural Hazards, Risk and Resilience	The State mapping which accompanies the SPP identifies that this interest is applicable to the subject property. However, the assessment benchmarks identified in Part E of the SPP do not apply to the proposed boundary realignment.

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

The proposed development was assessed against the following assessment benchmarks:

- Strategic Framework
- Reconfiguring a Lot Code
- Rural Zone Code
- Environmental Significance Overlay Code
- Bushfire Hazard Overlay Code
- Landslide Hazard Overlay Code
- Flood Hazard Overlay Code
- Agricultural Land Overlay Code

The development was assessed against all of the assessment benchmarks listed above and is considered to comply with particular note to the following:

STRATEGIC FRAMEWORK:

Theme	Assessment Comments
Settlement Pattern	• 3.3.9 Element – Rural Landscape <i>(1) The rural landscapes of the Toowoomba Region are a valued visual and economic asset which are managed through best practice in agricultural and conservation techniques.</i> The boundary realignment will preserve the economic value and the agricultural use of the site by realigning the boundaries to expand agricultural activities currently undertaken on site which is consistent with the zone. As such, it is considered the realignment of boundaries will not adversely compromise the long-term viability of this agricultural land and more broadly the rural landscape. • 3.3.9.1 – Specific outcomes <i>(1) The integrity, viability and productivity of agricultural land and the rural landscape are protected and maintained for agricultural purposes.</i> <i>(2) agricultural land:</i> <i>(a) that is outside of areas designated for urban development is conserved for current and future agricultural purposes (refer Strategic Framework Map SF4 – Natural Resources and Landscape); and</i> <i>(b) is not degraded, alienated or fragmented, providing for its long-term and sustainable agricultural use.</i> <i>(3) Potential for conflict between farming activities and residential development is avoided.</i> The configuration of the new boundaries maintains the viability of the agricultural allotment by providing a larger proposed Lot 1 to contain the expanded animal keeping, consistent with the Rural Zone. The reduction on productive capacity on Proposed Lot 2 does not impose potential land use conflicts, and would not compromise the long term viability of the land for cropping purposes. The visual and functional rural character of the locality will be maintained, with no encroachment of non-rural uses. As such, it is considered these lots will maintain a size necessary to support the continued agricultural operations of the site.
Natural Resources and Landscaping	• 3.6.4 Element – Sustainable Production <i>(2) Ensure agricultural land is protected from development that leads to its alienation or diminished productivity.</i> The expansion of the horse keeping business is a supported agricultural use within the Rural Zone. As described in the report below, it is not considered the development will result in alienation or diminished productivity of this agricultural land. • 3.6.4.1 – Specific outcomes <i>(1) The integrity, viability and productivity of agricultural land and the rural landscape are protected and maintained for agricultural purposes.</i> Refer to response to 3.3.9.1 Specific Outcomes above.

Rural Zone Code

Performance Outcome		Acceptable Outcome
PO13 Development in the 100ha Precinct: (a) does not involve the creation of additional lots smaller than 100ha; (b) maintains the productive capacity of the land; and (c) maintains the natural and scenic landscape values of the land.		No acceptable outcome is nominated.
Alternate Outcome		
The applicant submits: <i>"The proposed development is for a boundary realignment and does not create any additional lots. The proposal seeks to increase the size of Lot 50 to improve agricultural pursuits on this site. The proposed development does not involve any earthworks, vegetation removal or other works that would impact the natural and scenic landscape values of the land."</i>		
Agricultural Land Overlay		
Performance Outcome		Acceptable Outcome
PO3 Reconfiguring lots on agricultural land does not result in allotment sizes that result in: (a) fragmentation of rural lands and loss of land to viable rural production; (b) conflict between farming and residential uses; or (c) loss of farming flexibility.		AO3.1 The minimum lot size in the Rural Zone is in accordance with Table 9.3.3:2 of Part 9.3.3, Reconfiguring a Lot Code. OR AO3.2 The proposed lot is smaller than that nominated in Table 9.3.3:2 of Part 9.3.3, Reconfiguring a Lot Code and the reconfiguration is a boundary realignment that would not create any additional lots and would provide for the implementation of improved land management practices or productive utilisation of the land.
Alternate Outcome		
The applicant submits: <i>"The proposed development is for a boundary realignment and does not create any additional lots. The proposed development seeks to increase the size of Lot 50 to improve the agricultural potential of this portion of the site. The proposed new common boundary has also been strategically located to reflect existing natural features of the site and minimise impacts on the agricultural potential of Lot 4."</i>		
Reconfiguring a Lot Code		
Performance Outcome		Acceptable Outcome
PO4 All new lots provide sufficient area, frontage and dimensions, and road access that enable their future development to achieve relevant outcomes in applicable Use, Zone, Overlay, and Other Development Codes in relation to: (a) dwellings, buildings and/or other structures (b) setbacks ; (c) landscaping; (d) on site car parking and vehicle access; (e) recreation areas (private open space); (f) cultural heritage and character streetscape		AO4.1 All lots are rectangular and have minimum width to depth ratios, areas, dimensions and frontages as prescribed in Table 9.4.5:4.

values; (g) other design criteria.	
PO13 In the Rural Zone, the productive capacity of rural land resources is protected from the reconfiguration of lots that facilitates inappropriate intensification of development in the zone.	AO13.1 Lots have a minimum area as shown in Table 9.4.5:4.
Alternate Outcome	
The applicant submits: <i>"The proposed development involves existing lots smaller than the minimum lot size for the Rural Zone. The proposed development is for a boundary realignment and does not create any additional lots. The proposed development seeks to increase the size of Lot 50 to improve the agricultural potential of this portion of the site. The proposed new common boundary has also been strategically located to reflect existing natural features of the site and minimise impacts on the agricultural potential of Lot 4. Accordingly, the proposed development is considered appropriate in this instance."</i>	
Officer Comment	
The proposed lots will not meet the minimum lot size for the Rural Zone (100ha Precinct) as described in Table 9.4.5:4. The proposed boundary realignment will result in Lot 50 (proposed Lot 1) increasing in area to 10.55ha, but as a result proposed Lot 1 (proposed Lot 2) will reduce in area to 80.39ha (Refer to Attachment 5 and 6). This would result in an reduced productive capacity for Proposed Lot 2. Therefore, the proposed development does not comply with PO13 of the Rural Zone Code, AO3.1 and AO3.2 of the Agricultural Overlay Code and AO4.1 and AO13.1 of the Reconfiguring a Lot Code. Despite this, it is considered to comply with the Overall Outcomes of the Rural Zone Code, PO3 of the Agricultural Overlay Code and PO4 and PO13 of the Reconfiguring a Lot Code in that: - Lot 50 (proposed Lot 1) contains an existing Animal Keeping (horse keeping) use which is a support use within the Rural Zone. This lot is currently 4.17ha and has limited space for expansion of the horse keeping business; - By utilising the constrained cropping field to expand the adjoining existing horse keeping use on Lot 50 (proposed Lot 1) it maintains the viability of the agricultural allotment by providing a larger proposed Lot 1 to contain the expanded animal keeping; - Both existing lots are lower than the minimum lot size currently, and the development will not result in any additional lots being created; - The change in boundary location will not have any impacts on the natural and scenic landscape values of the land, and there is no encroachment of non-rural uses into the rural land; - The proposed boundary would align with the boundary of a smaller cropping field and the natural constraints of the land; and - Each lot will maintain their existing access arrangements, with the proposed access easement formalising the access for Proposed Lot 2 to Stenzel Road. Additionally, each block will maintain the existing dwellings, outbuildings, car accommodation, recreational areas, and can accommodate required setbacks (where not an existing dwelling).	

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:

Not Applicable

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 24 – Property rights
Section 25 – Privacy and reputation

It is the opinion of the decision maker that no human rights have been limited.

CONCLUSION

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 proposal is considered to comply with relevant assessment provisions and, to the extent of non-compliance, the development is supported with relevant and reasonable conditions.

ATTACHMENT/S

Attachment	1	of	6	Aerial Imagery
Attachment	2	of	6	Terrain Mapping
Attachment	3	of	6	Zoning Map
Attachment	4	of	6	Overlay Maps
Attachment	5	of	6	Current Lot Layout and Areas
Attachment	6	of	6	Proposed Development

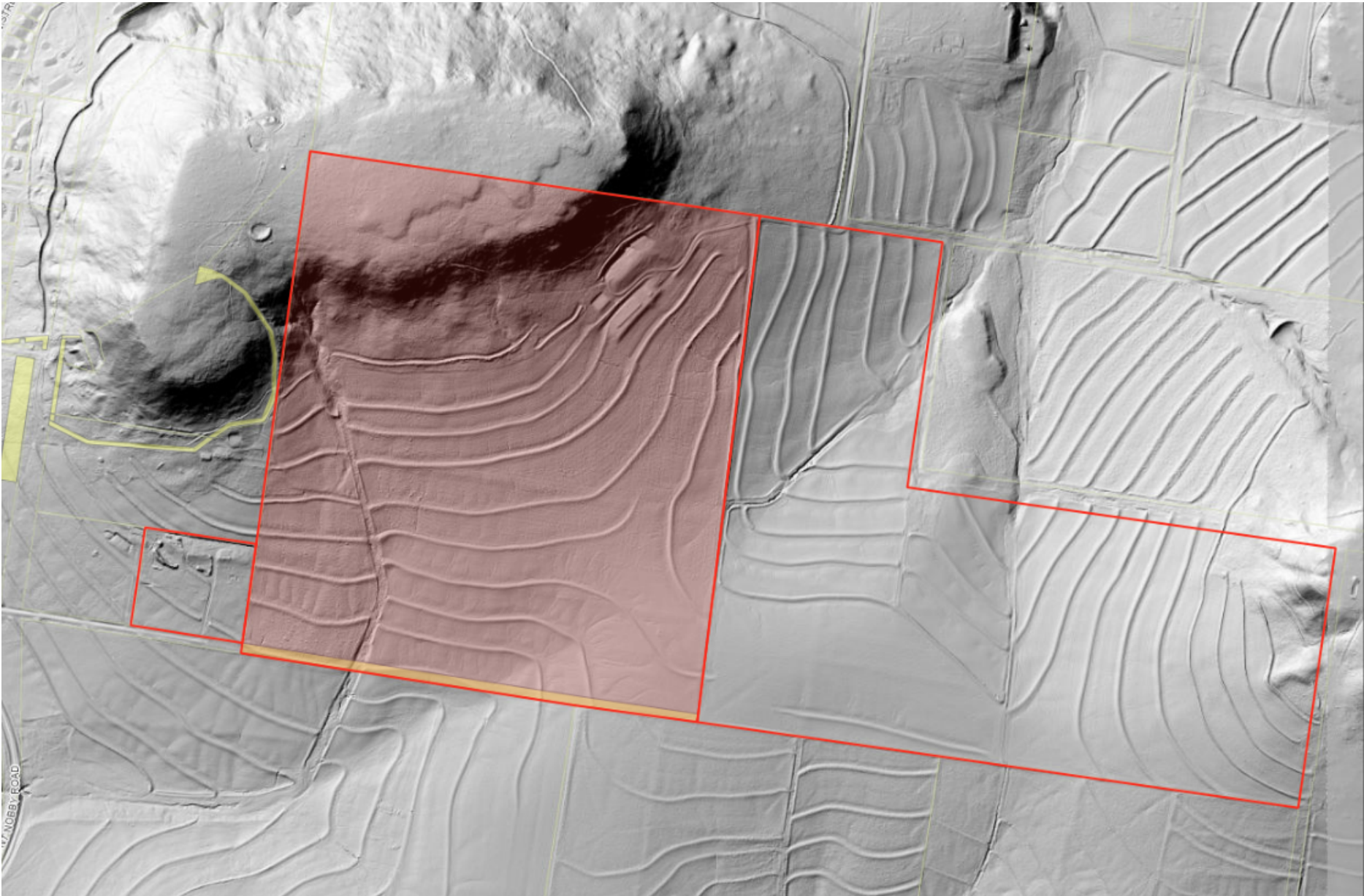
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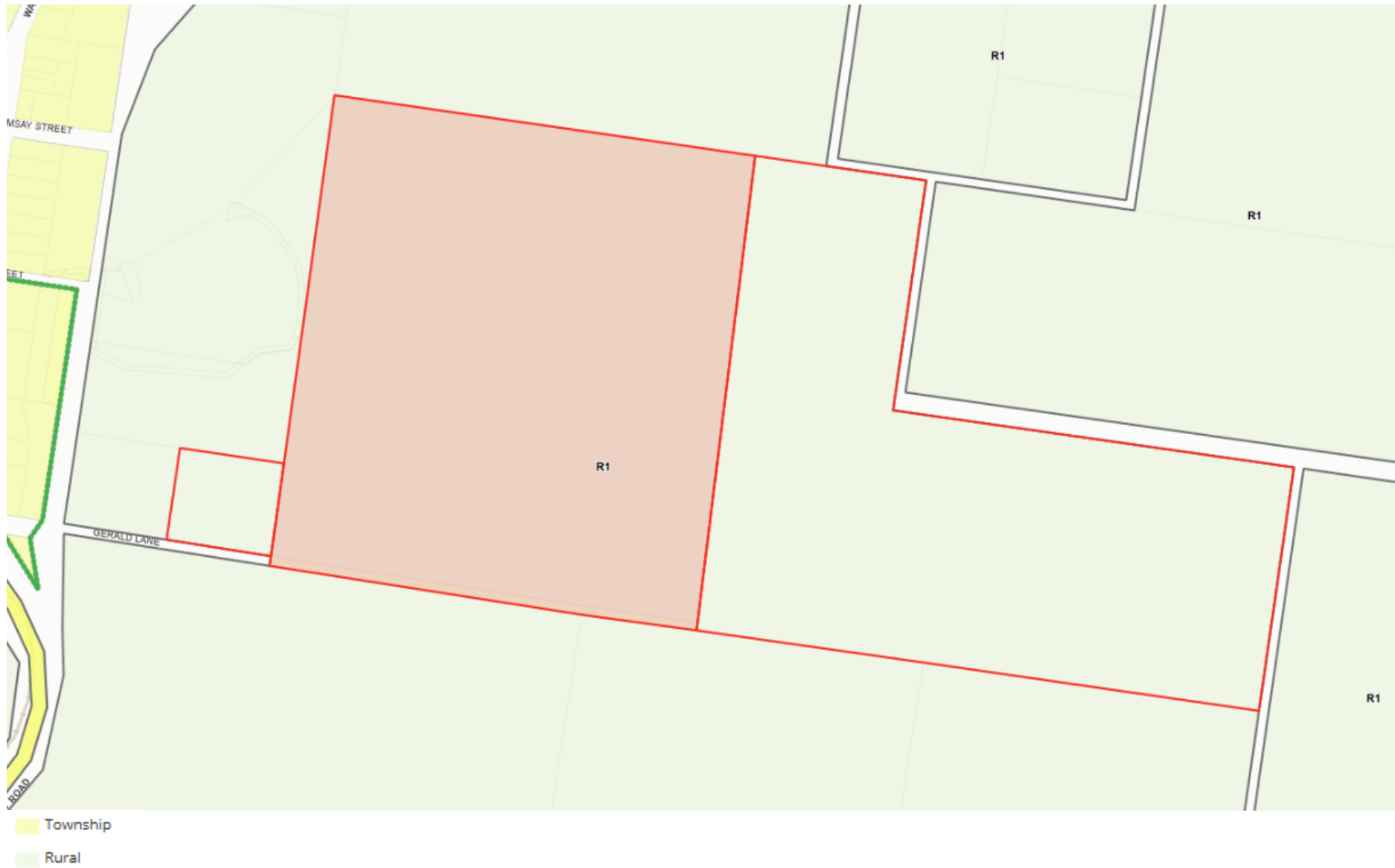
Schedule 1 Statement of Reasons

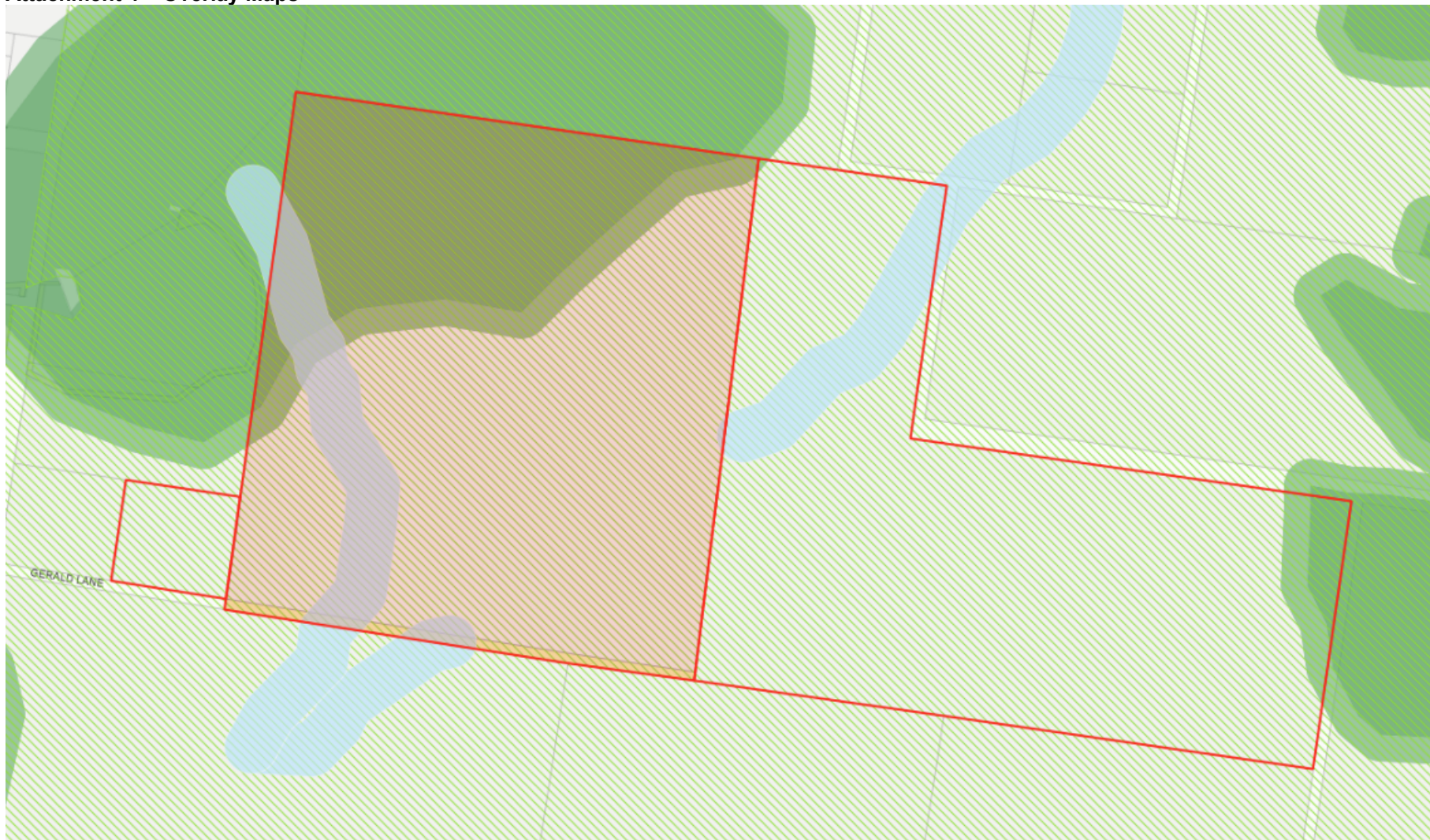
ATTACHMENTS

Attachment 1 – Aerial Image

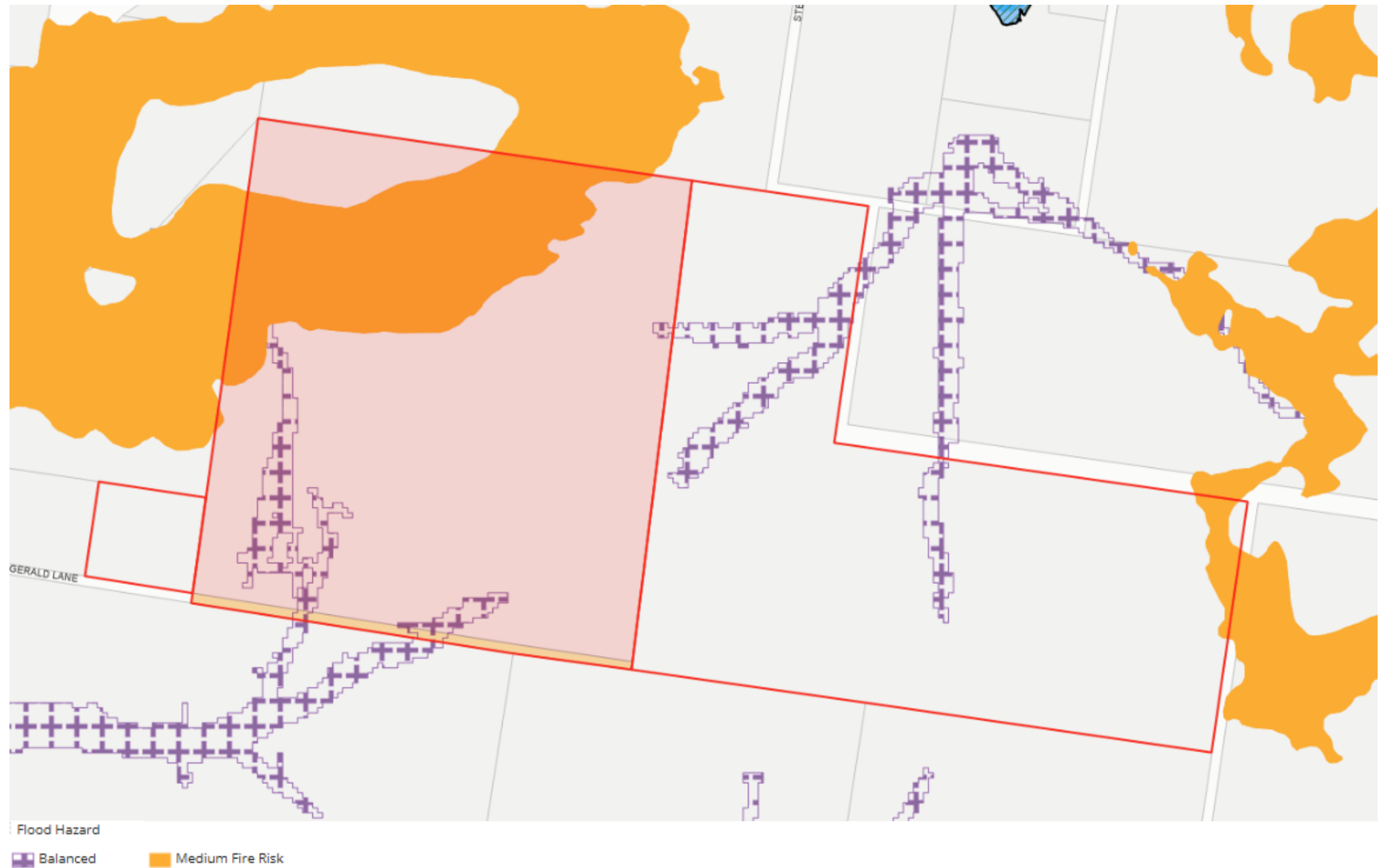


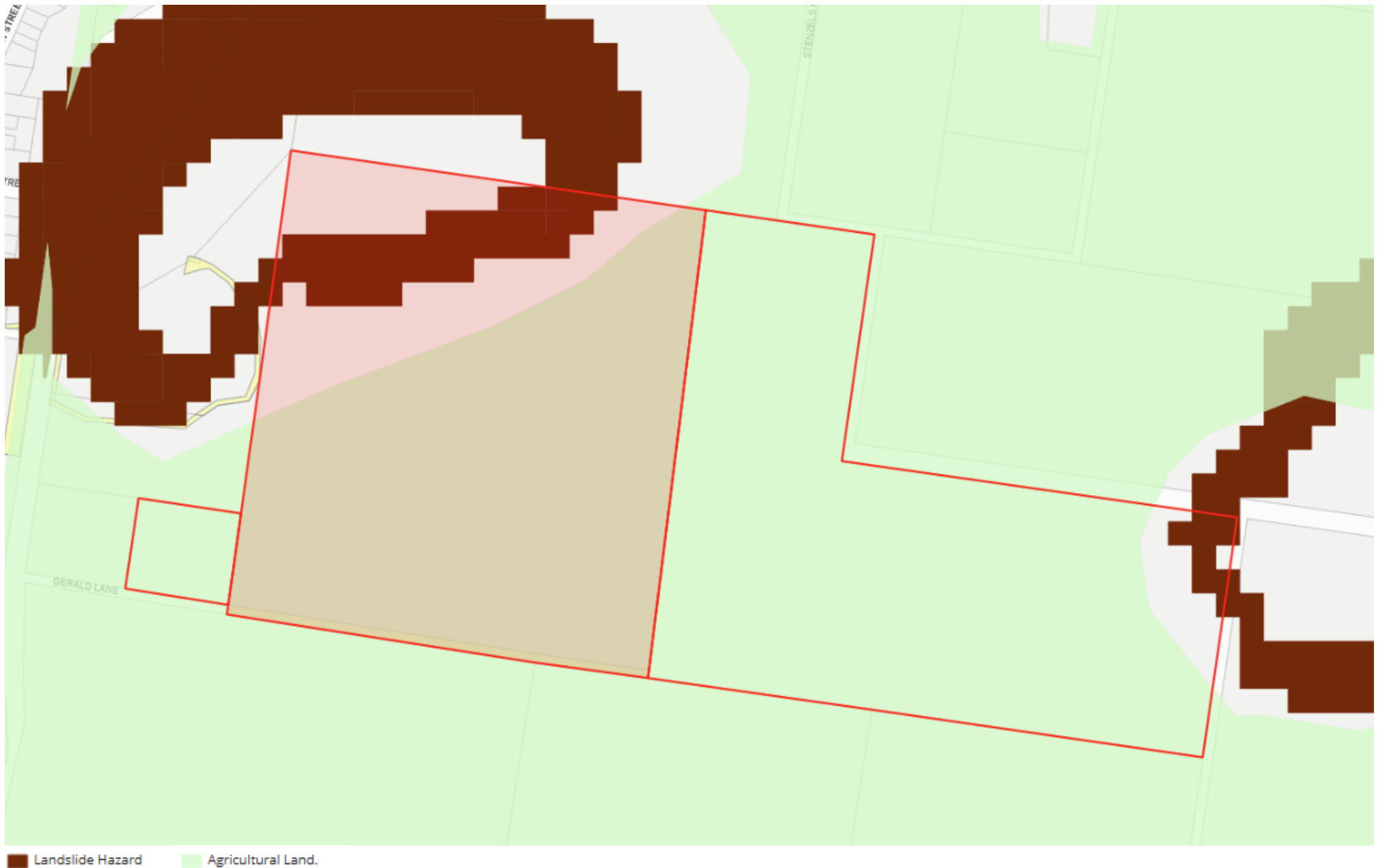
Attachment 2 – Terrain Mapping

Attachment 3 – Zoning Map

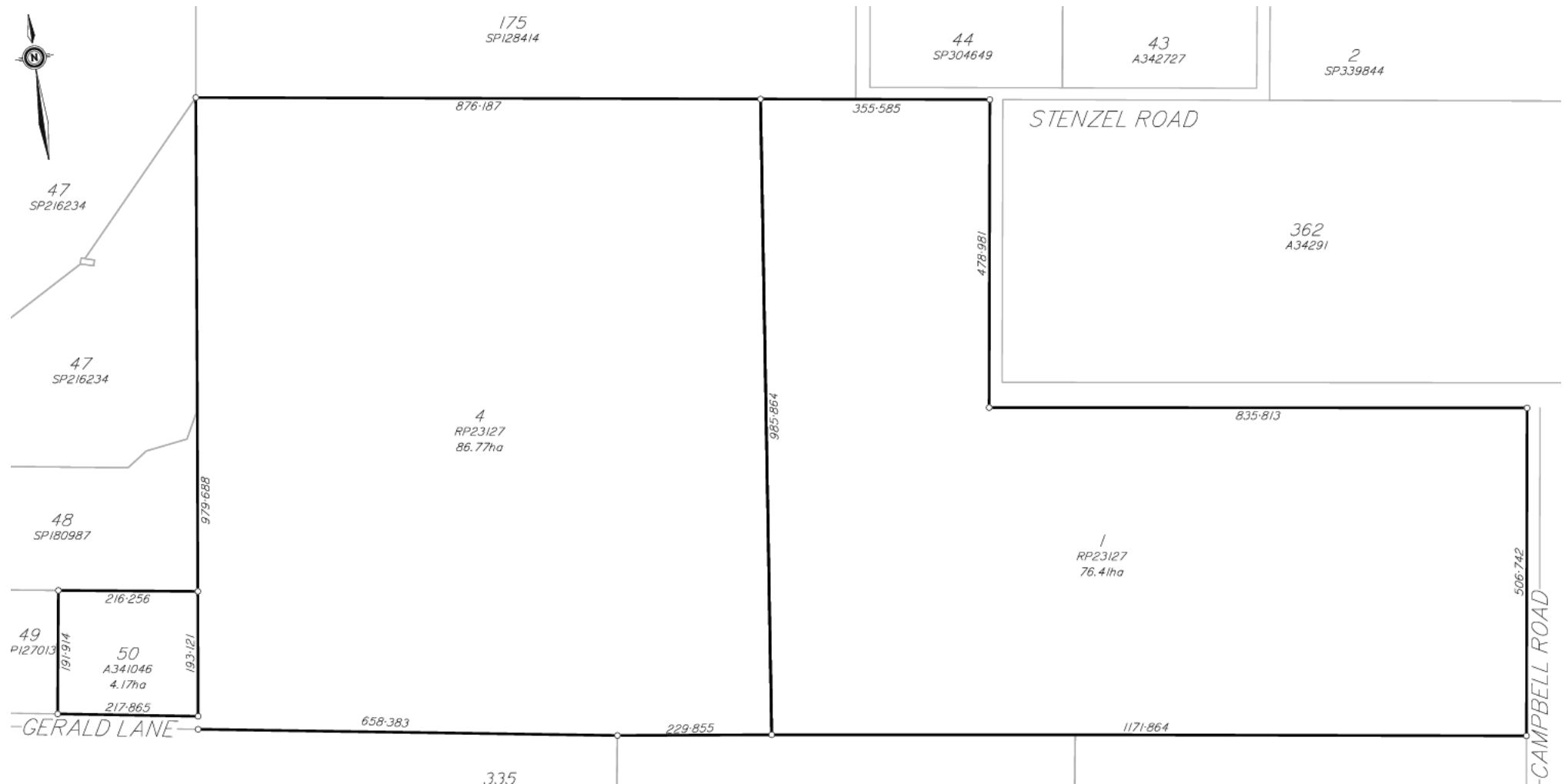
Attachment 4 – Overlay Maps

-  Biodiversity Corridors
-  Areas of Ecological Significance.
-  Areas of Ecological Significance Buffer
-  Waterways and Wetlands Buffer





Attachment 5 – Current Lot Layout and Areas



Attachment 6 – Proposed Development



SCHEDULE 1

Statement of Reasons

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

SITE DETAILS	
Site Address	47 Gerald Lane and Lot 1 and Lot 4 RP23127 Stenzel Road, GREENMOUNT QLD 4359
Real Property Description	Lot 50 A341046, Lot 1 RP23127, Lot 4 RP23127
Site Area	167.35ha
Owner	Adrian John Halton and Glen Vincent Stenzel and Kelly Anne Stenzel

PROPOSED DEVELOPMENT	
Name of Applicant	Adrian John Halton and Jody Gropler
Type of Application	Reconfiguring a Lot
Proposed Development	Boundary Realignment 2 into 2 Lots and 1x Access Easement
Level of Assessment	Impact
Decision	Approval
Decision Date	8 July 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); • 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) ○ Strategic Framework ○ Reconfiguring a Lot Code ○ Rural Zone Code ○ Environmental Significance Overlay Code ○ Bushfire Hazard Overlay Code ○ Landslide Hazard Overlay Code ○ Flood Hazard Overlay Code ○ Agricultural Land Overlay Code	
Relevant matters	No relevant matters assessed.	
Matters raised in submissions	No Submissions received	
Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and complies with all of these except as follows;	
	Assessment benchmark	Reasons for approval
	Rural Zone Code <i>PO13 Development in the 100ha Precinct:</i> (a) <i>does not involve the creation of additional lots smaller than 100ha;</i> (b) <i>maintains the productive capacity</i>	The boundary realignment does not comply with PO13 (b) of the Rural Zone Code. However, it is considered the configuration of the new boundaries maintains the viability of the agricultural allotment by providing a larger proposed Lot 1 to contain the expanded animal keeping, which is consistent with the Rural Zone. The reduction of productive capacity on Proposed Lot 2 does not impose potential land use conflicts, and would not compromise

	(c) <i>of the land; and maintains the natural and scenic landscape values of the land.</i>	the long term viability of the land for cropping purposes. The visual and functional rural character of the locality will be maintained, with no encroachment of non-rural uses. As such, it is considered these lots will maintain a size necessary to support the continued agricultural operations of the site.
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For further details on the assessment of this development application, please see the Delegated Report available for public viewing on the Toowoomba Regional Council Planning and Development Online website at: <https://developmenti.tr.qld.gov.au/>. When accessing Council's website please use the following Application Number: RAL/2026/1681