

REPORT TITLE	Reconfiguring a Lot – Impact – Boundary Realignment (2 Lots into 2 Lots) located at Lot 20 and Lot 21 SP155369 255 Old Goombungee Road, BIRNAM QLD 4352
AUTHOR	Planning Officer (James Leader)
Application No.	RAL/2025/9324

PURPOSE OF REPORT

To consider a Development Application for Reconfiguring a Lot – Impact – Boundary Realignment (2 Lots into 2 Lots) located at Lot 20 and Lot 21 SP155369 255 Old Goombungee Road, BIRNAM QLD 4352

EXECUTIVE SUMMARY

This report considers a Development Application for Reconfiguring a Lot – Impact – Boundary Realignment (2 Lots into 2 Lots) located at Lot 20 and Lot 21 SP155369 255 Old Goombungee Road, Birnam, described as Lot 20 and Lot 21 SP155369.

Both the existing lots are located within the Rural Zone (100 ha minimum Precinct) and feature lot sizes of 19.0249ha and 0.4ha. The proposed development seeks to realign the common boundaries of the existing lots to provide an improved lot layout that increases the productive capacity and management of each lot, allowing both lots to be utilised for agricultural purposes. The proposed lots have been designed to allow for maintaining the ongoing use of the land for agricultural purposes on both sites, as currently the existing Lot 21 is not of sufficient size to allow for agricultural activities to be undertaken. Furthermore, the realignment has been designed to ensure that there is suitable area available for a future dwelling house on each lot. Proposed lots 20 and 21 will maintain their existing access to Old Goombungee Road.

The boundary realignment proposes to rearrange the existing lot boundaries to provide two (2) lots of the following sizes:

- Proposed Lot 20: 5.111ha; and
- Proposed Lot 21: 14.3139ha.

The site is located within the 100 hectare minimum precinct within the Rural Zone under the *Toowoomba Regional Planning Scheme 2012 (Version 28)* (the Planning Scheme). In accordance with Tables 5.6:1 of the Planning Scheme, the proposed development is subject to Impact Assessment due to non-compliance with the 100 hectare lot size minimum for the Rural Zone. The combined area of both lots is 19.4249ha, which is well below the 100 hectare minimum lot size and as such, there is no possible way that the proposed reconfiguration can achieve the minimum lot size requirement. Further, the realignment does not create any new lots, rather realigns the common boundary to achieve more functional lots for the purpose of rural activities, including cropping and grazing.

The subject site is mapped as being affected by the Airport Environs Overlay, Environmental Significance Overlay, Bushfire Hazard Overlay, Agricultural Land Overlay, and Flood Hazard Overlay. It is considered that the proposed development will not have any adverse impacts on any significant vegetation or bushfire or flood risks in the area.

As the proposed development was Impact Assessable, the application was subject to public notification. No submissions regarding the proposed development were received by Council.

The proposed development has been assessed against the applicable assessment benchmarks as outlined within the report. The proposed development is considered to achieve compliance with the applicable assessment benchmarks. On this basis, the proposed development is recommended for approval subject to the conditions in the recommendation.

RECOMMENDATION

APPROVED – Application No. RAL/2025/9324 for a Development Permit for Reconfiguring a Lot – Impact – Boundary Realignment (2 Lots into 2 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 a Boundary Realignment (2 Lots into 2 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 Plan listed below, subject to the conditions of this Development Approval:

Plan No: 9243-22323, Version A

Description: Plan of Proposed Lots 20 and 21, sheet 1 of 2, prepared by K.J Wilson and dated 11 September 2025

Amendments: As amended in red as follows:

- Road name amended to "Old Goombungee Road"

LOT NUMBERING

6. The numbering of all approved lots must remain as indicated on the Approved Plan/s (unless otherwise amended/ approved by Council).

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS

7. 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

FEES AND CHARGES

8. 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.

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.

EXCAVATION & FILLING

- 7) 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

- 8) 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

- 9) 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

- 10) 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

- 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 2). 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.



Richard Green
Lead Senior Planner, Planning Branch

Decision Date: 18 March 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	Lot 20 and Lot 21 SP155369 255 Old Goombungee Road, BIRNAM QLD 4352			
Real Property Description	Lot 21 SP155369, Lot 20 SP155369			
Site Area	19.4249ha			
Owner	Cheryl Beverley Anderson and John William Edwards and Mark Leslie Anderson and Beverley Everlyn Edwards and Robert Bernard Edwards			
SITE CHARACTERISTICS				
Current Land Use	Agriculture and Residential			
Site Frontage/s	Old Goombungee Road, Timothy Road			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Old Goombungee Road	Regional Arterial	21m	6m	Bitumen
Timothy Road	Regional Arterial	30m	Unconstructed	Unconstructed
Easements	Emt E on SP162745			
Existing Structures	Existing Dwelling House and outbuildings, and existing rural sheds			
Infrastructure	The subject site does not feature any connections to Council's Reticulated networks.			
Topography	The site features a slight fall from north to south across the site.			
Street Trees	The proposed development does not interfere with any street trees.			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 28)		Adopted: 28 November 2022	
Zone	Rural Zone			
Precinct	100ha Minimum Precinct			
Overlays	Airport Environs Overlay <ul style="list-style-type: none"> - OLS Extent - 8km Wildlife Hazard Buffer Zone - Lighting Area Buffer (6km) Environmental Significance Overlay <ul style="list-style-type: none"> - Waterways and Wetlands Buffer Bushfire Hazard Overlay <ul style="list-style-type: none"> - Medium Fire Risk Agricultural Land Overlay <ul style="list-style-type: none"> - Agricultural Land Flood Hazard Overlay <ul style="list-style-type: none"> - Extreme Flood Risk - High Flood Risk - Medium Fire Risk - Low Flood Risk - Vulnerable Uses Restriction Area - Flood Plain Area 			
Infrastructure Charges Resolution	Charges Resolution No. 7		Adopted: 19 August 2025	
SURROUNDS:				
Direction	Land Use	Zone/Precinct		

North	Rural Residential	Rural Zone
East	Rural Residential	Rural Zone
South	Rural Residential	Rural Zone
West	Rural Residential and Residential	Township Zone and Rural Zone

PROPOSED DEVELOPMENT		
Name of Applicant	Mark Leslie Anderson and Cheryl Beverley Anderson	
Type of Application	Reconfiguring a Lot	
Proposed Development	Boundary Realignment (2 Lots into 2 Lots)	
Variations Sought	Not Applicable	
Level of Assessment	Impact	
Submissions Received	Objection:	Nil
	Support:	Nil
Decision Making Period Ends	24 March 2026	

CONSULTATION UNDERTAKEN

Referral Agency

Referral Agency (Technical Agency)	Referral Role	Aspect of Development Requiring Referral	Response
Ergon Energy	Advice Agency	Schedule 10, Part 9, Division 2, Table 1, Item 1 (10.9.2.1.1) – Reconfiguring a lot subject to an easement for the benefit of a distribution entity under the Electricity Act for a supply network; or part of the lot is within 100m of a substation site	Advice Agency Response Received 9 January 2026. The Advice Agency had no objections to the development and recommended Conditions of Approval.

Internal Referrals

Internal Referral Partner	Referral / Response
Development Engineering and Plumbing	Recommended approval subject to conditions.
Place Environmental	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 17 February 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 22 January 2026;
- Placing a notice on the land from 22 January until 16 February 2026; and
- Notifying owners of all land adjoining the site on 19 February 2026.

No Submissions were received supporting or opposing 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>	The proposed development is not for Reconfiguring a Lot as defined in Part 1 of Schedule 12A of the Regulation.

REGIONAL PLANS	
<i>Shaping SEQ – South East Queensland Regional Plan 2017</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 Regional Landscape and Rural Production Area (RLRPA) which is intended to identify to protect natural and cultural assets, and to support the development and growth of rural communities.</p> <p>The development application is consistent with the land use intent for the Regional Landscape and Rural Production Area (RLRPA) as it proposes no new lots, and does not impact upon the natural assets of the property.</p>
<i>Darling Downs Regional Plan October 2013</i>	The subject site is mapped within the Existing SEQ restricted area (RA384) and the Darling Downs Regional Plan does not apply.

STATE PLANNING POLICY (SPP) July 2017
The proposed development is considered to meet all identified benchmarks of the SPP.

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

The proposed development was assessed against the following assessment benchmarks:

- Strategic Framework
- Rural Zone Code
- Reconfiguring a Lot Code
- Airport Environs Overlay Code
- Environmental Significance Overlay Code
- Bushfire Hazard Overlay Code
- Agricultural Land Overlay Code
- Flood Hazard Overlay 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 made with regard to the following assessment benchmarks:

STRATEGIC FRAMEWORK:

Theme	Assessment Comments
Settlement Pattern	The proposed development is seen to achieve the relevant outcomes of this strategic framework theme.
Natural Environment	The proposed development is seen to achieve the relevant outcomes of this strategic framework theme.
Community Identity and Diversity	The proposed development is seen to achieve the relevant outcomes of this strategic framework theme.
Natural Resources and Landscaping	The proposed development is seen to achieve the relevant outcomes of this strategic framework theme.
Access and Mobility	The proposed development is seen to achieve the relevant outcomes of this strategic framework theme.
Infrastructure and Services	The proposed development is seen to achieve the relevant outcomes of this strategic framework theme.

Economic Development	The proposed development is seen to achieve the relevant outcomes of this strategic framework theme.
----------------------	--

ZONE CODE:

Rural Zone Code	
Precinct Intent	Officer Comments
<p><u>100 Hectare Precinct</u></p> <p>The overall outcome of the 100 Hectare Precinct within the Rural Zone is that the productive, natural and landscape values of highly fragmented rural land are preserved by the prevention of further fragmentation by reconfiguring a lot creating inappropriate lot sizes that do not support these outcomes.</p>	<p>The subject site is within the 100 hectare minimum Precinct of the Rural Zone and the proposed reconfiguration results in lots less than 100 hectares in size. Notwithstanding, the existing combined area of both lots 20 and 21 SP155369 is 19.4249 hectares, which is significantly less than the minimum lot size of 100 hectares. Accordingly, it is not possible to achieve the minimum lot size. Further, the realignment does not create any new lots, rather realigns the common boundary to achieve more functional lots for the purpose of rural activities, including cropping and grazing. Accordingly, it is considered that the proposed subdivision will continue to maintain the existing productive capacity of the land for rural purposes, which aligns with the Precinct intent of the Rural Zone Code.</p>
Table 6.6.6:2	
Performance Outcome	Acceptable Outcome
<p><i>PO₁₃</i> <i>Development in the 100 ha Precinct:</i></p> <ul style="list-style-type: none"> <i>a) Does not involve the creation of additional lots smaller than 100ha;</i> <i>b) Maintains the productive capacity of the land; and</i> <i>c) Maintains the natural and scenic landscape values of the land.</i> 	<p><i>No acceptable outcome is nominated.</i></p>
Officer Comment	
Refer to officer comments above.	

DEVELOPMENT CODES:

RECONFIGURING A LOT CODE	
Performance Outcome	Acceptable Outcome
<p><i>PO4</i> <i>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:</i></p> <ul style="list-style-type: none"> <i>(a) dwellings, buildings and/or other structures</i> <i>(b) setbacks ;</i> <i>(c) landscaping;</i> <i>(d) on site car parking and vehicle access;</i> <i>(e) recreation areas (private open space);</i> <i>(f) cultural heritage and character streetscape values;</i> <i>(g) other design criteria.</i> <p><i>Editors note:</i></p> <ul style="list-style-type: none"> <i>i. Setback considerations include solar access, privacy and amenity of residents and adjoining neighbours, on-site effluent disposal.</i> 	<p><i>AO4.1</i> <i>All lots are rectangular and have minimum width to depth ratios, areas, dimensions and frontages as prescribed in Table 9.4.5:4.</i></p> <p><i>AO4.2</i> <i>Where in the Low Medium Density Residential Zone development for lots 450m² or less in area are capable of accommodating a rectangular building envelope with area and dimensions for:</i></p> <ul style="list-style-type: none"> <i>(a) a dwelling, including ancillary buildings and structures such as garages, covered carports and decks, that comply with the minimum setback requirements of the overlay or zone in which the land is located and building regulations;</i> <i>(b) private open space and recreation areas;</i> <i>(c) vehicle access and on-site car parking in accordance with the Transport, Access and Parking Code.</i>

ii. <i>A building envelope may demonstrate suitability to accommodate future development.</i>	
Alternate Outcome	
The applicant submits: <i>“The proposed development involves existing lots significantly 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 subject site is currently not of a sufficient size to support commercial productivity, but will continue to maintain small-scale rural uses.”</i>	
Officer Comment	
The proposed development features lots that do not achieve the 100ha minimum lot size for the 100ha precinct of the Rural Zone. The proposed boundary realignment does however provide sufficient area, frontage, and dimensions that enable the lots to achieve the relevant outcomes of the Rural Zone, namely the preservation of land for ongoing rural purposes. The proposed boundary realignment allows both lots to be used for agricultural purposes, and complies with the purpose of the Rural Zone. It is noted that the combined area of both lots does not meet the minimum lot size of the 100ha Precinct of the Rural Zone.	
Performance Outcome	Acceptable Outcome
PO13 <i>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.</i>	AO13.1 <i>Lots have a minimum area as shown in Table 9.4.5:4.</i>
Alternate Outcome	
The applicant submits: <i>“The proposed development involves existing lots significantly smaller than the minimum lot size for the Rural Zone. The subject site is currently not of a sufficient size to support commercial productivity, but will continue to maintain small-scale rural uses. The proposed development will not result in introduction of inappropriate uses.”</i>	
Officer Comment	
As submitted by the applicant, the proposed development involves lots that are much smaller than the minimum lot size for the Rural Zone, and as such none of the proposed lots could achieve the 100ha minimum of the precinct. The lots are too small to be commercially viable for large scale agricultural purposes, however will continue to be used for small scale rural and agricultural purposes, which achieves the outcomes sought for the Rural Zone.	

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 proposal is considered to satisfy the relevant parts of the Local Government Infrastructure Plan.

Other Relevant Matters

Not Applicable

FINANCIAL / RESOURCE IMPLICATIONSInfrastructure 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 2). 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 Imagery
Attachment	2	of	4	Zoning Map
Attachment	3	of	4	Overlay Map
Attachment	4	of	4	Approved Plan

SCHEDULES

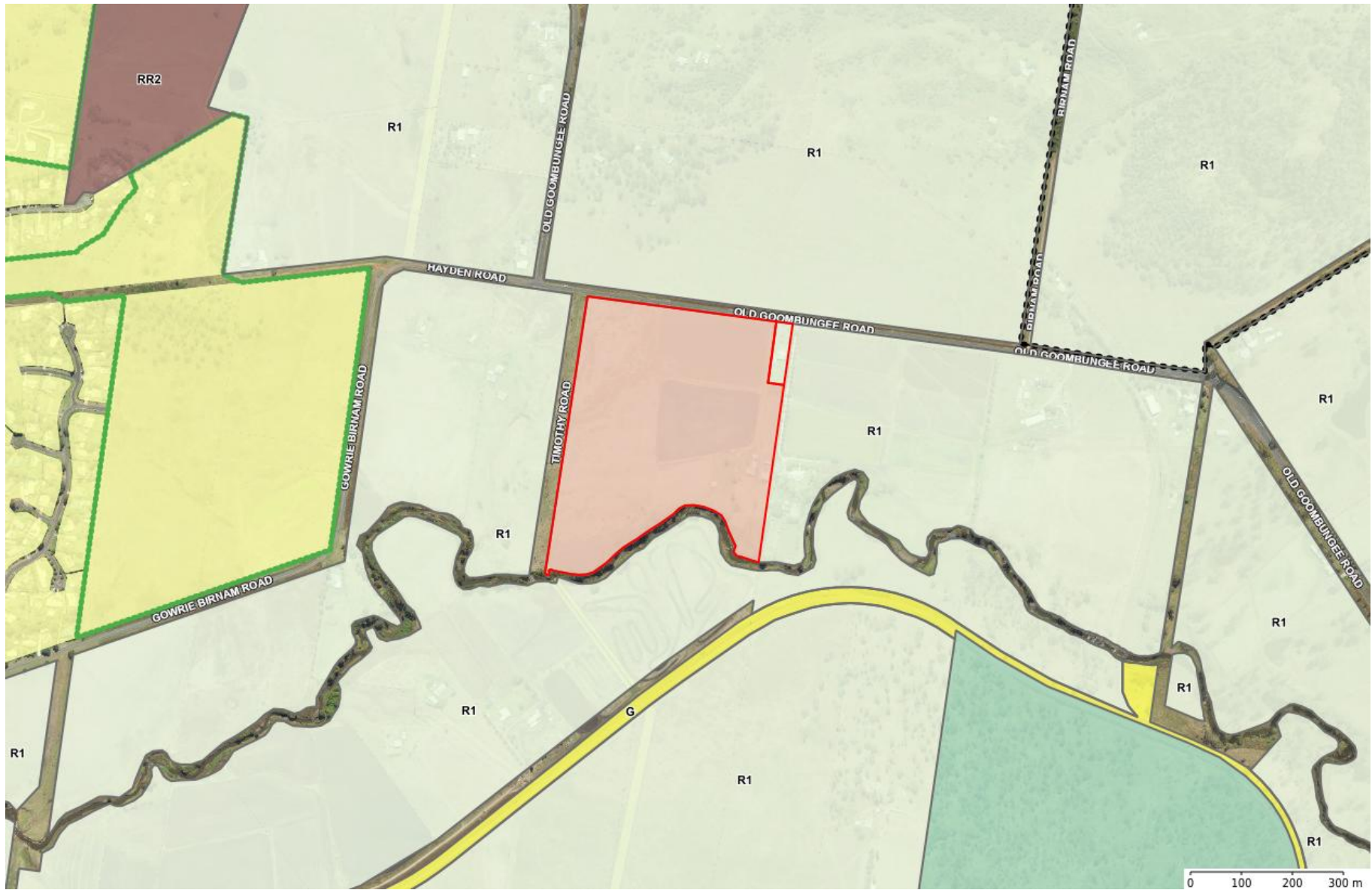
Schedule	1	Advice Agency Response
Schedule	2	Statement of Reasons

ATTACHMENTS

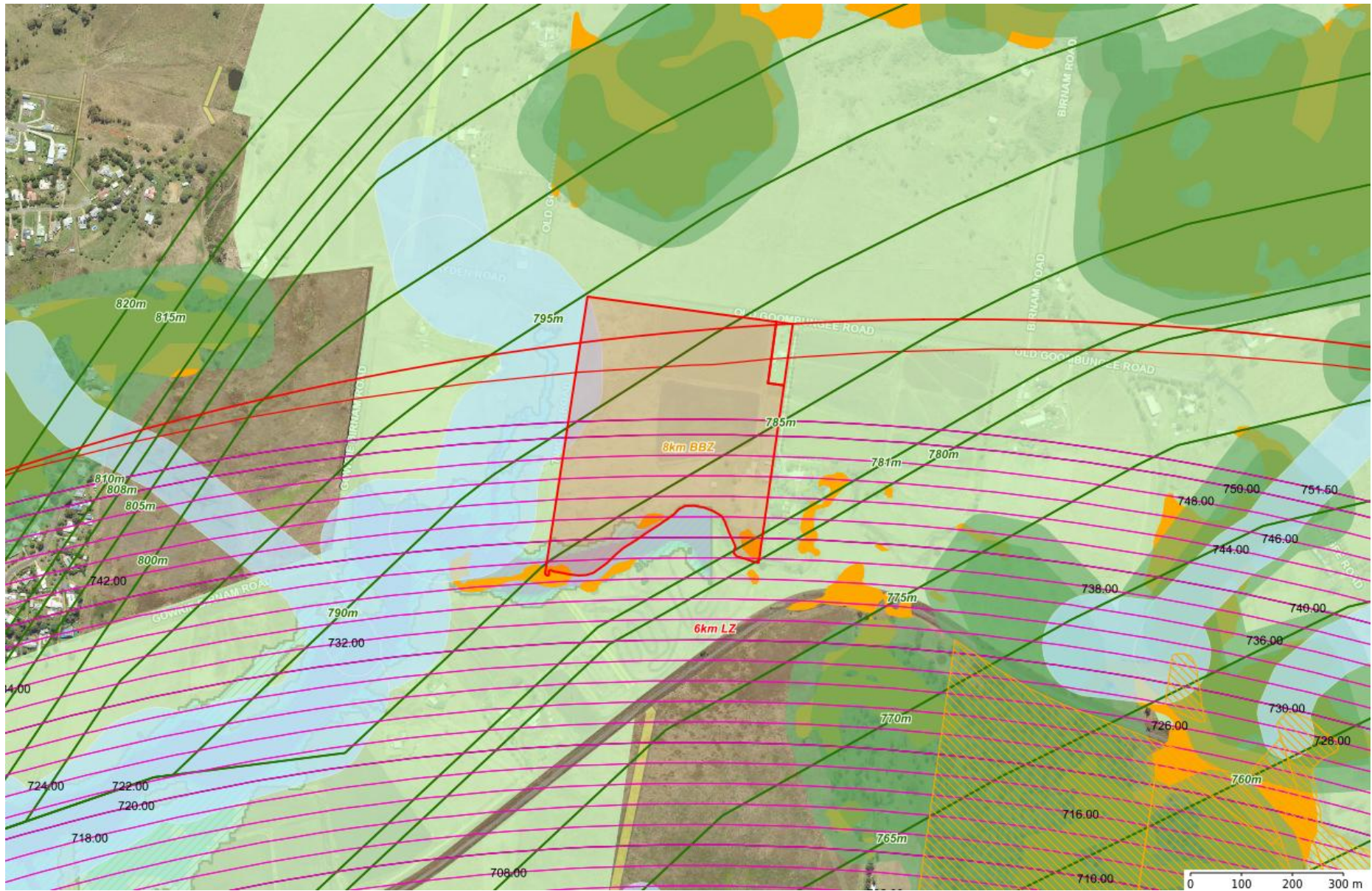
Attachment 1 of 4 — Aerial Imagery



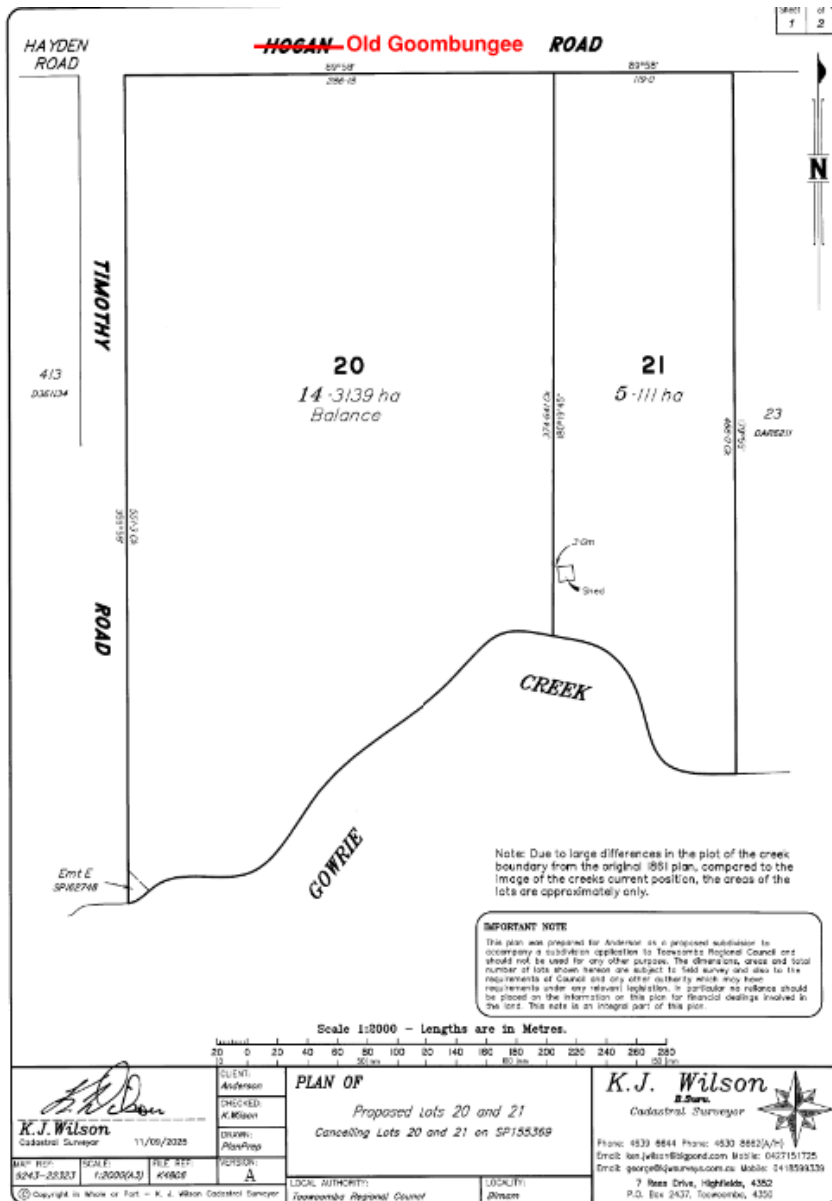
Attachment 2 of 4 — Zoning Map



Attachment 3 of 4 — Overlay Map



Attachment 4 of 4 — Approved Plan



SCHEDULE 1

Advice Agency Response/s



420 Flinders Street, Townsville QLD 4810
PO Box 1090, Townsville QLD 4810
ergon.com.au

RECEIVED
09/01/2026
TOOWOOMBA
REGIONAL COUNCIL

09 January 2026

Chief Executive Officer
Toowoomba Regional Council

Attention: James Leader
Via email: development@tr.qld.gov.au

cc Mark and Cheryl Anderson
c/- Precinct Urban Planning Pty Ltd
Attention: Kim Reeve / Sarah Fuller
Via email: kim@precinctplan.com.au ,
sarah@precinctplan.com.au

Dear Sir/Madam,

Ergon Advice Agency Response
Council Ref: RAL/2025/9324
Applicant Ref: 2025-426
Our Ref: ECM 36852660-36853848

This Referral Agency response is given under section 56 of the *Planning Act 2016*.

Response	
Outcome	Approved in full - subject to conditions
Referral assessment capacity	Advice
Matters referral assessment made against (S55(2))	The purpose of the <i>Electricity Act 1994</i> and <i>Electricity Safety Act 2002</i>
Reasons for decision (S56(7)(b))	The works do not conflict with: <ul style="list-style-type: none">the objectives set out within Part 2, Section 3 of the <i>Electricity Act 1994</i>the purpose of the <i>Electricity Safety Act 2002</i> as set out within Part 1 Division 2 Section 4 & 5.

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website
www.ergon.com.au/referralagency

The works do not adversely impact on the safe, efficient, and economically viable operation of the supply network.

Development Details

Applicant	Mark and Cheryl Anderson
Assessment Manager	Toowoomba Regional Council
Council Application No.	RAL/2025/9324
Street Address	255 Old Goombungee Road, BIRNAM
RPD	Lot 21 SP155369 and Lot 20 SP155369
Development Type	Reconfiguring a Lot – Impact – Boundary Realignment (2 Lots into 2 Lots)
Referral Trigger	<input type="checkbox"/> Schedule 10, Part 9, Division 2, Table 1, Item 1 (10.9.2.1.1) – Reconfiguring a lot subject to an easement for the benefit of a distribution entity under the Electricity Act for a supply network; or part of the lot is within 100m of a substation site
Impacted Electrical Infrastructure	Easement E on SP162745 – O/H 33kV F4132

Ergon provides the following response to the application in accordance with Section 56(1) of the *Planning Act 2016*:

Component of Development	Advice Agency direction
ROL	<input type="checkbox"/> S56(1)(b)(i) – approval subject to stated development conditions

In accordance with Section 56(1) should the Assessment Manager decide to approve the proposed Development Application, as an Advice Agency, Ergon requires that the assessment manager impose the below conditions. These conditions have been imposed in response to the matters prescribed under Section 55 (2) of the *Planning Act 2016*.

Table 1			
Plans forming part of this Approval			
<i>Title</i>	<i>Plan No.</i>	<i>Issue</i>	<i>Date</i>
<i>Plan of Proposed Lots 20 and 21 Cancelling Lots 20 and 21 on SP155369 (Sheet 1 of 2)</i>	<i>9243-22323</i>	<i>A</i>	<i>11/09/2025</i>

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website www.ergon.com.au/referralagency

Plan of Proposed Lots 20 and 21 Cancelling Lots 20 and 21 on SP155369 (Sheet 2 of 2)	9243-22323	A	11/09/2025
--	------------	---	------------

Table 2			
Condition		Timing	Purpose/Reason
1	<p>Carry out the approved development generally in accordance with the approved plans and documents outlined within Table 1 of this approval and the following:</p> <ul style="list-style-type: none"> ▪ The specifications, facts and circumstances as set out in the development application submitted to Ergon; and ▪ Where a discrepancy or conflict exists between the written conditions of the approval and the approved plans, the requirements of the written conditions prevail 	At all times	To ensure the development is carried out generally in accordance with the plans of development submitted within the application
2	Any alterations to the plans and document(s) identified within Table 1 of this response are to be resubmitted to Ergon for comment	At all times	To ensure the development is carried out generally in accordance with the plans of development submitted within the application

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website www.ergon.com.au/referralagency

General Advice:

- Compliance with the Electrical Safety Act 2002, including any Code of Practice under the Act and the Electrical safety Regulation 2013 including any safety exclusion zones defined in the Regulation is mandatory

Should any doubt exist in maintaining the prescribed clearance to the overhead conductors and electrical infrastructure then the applicant is obliged under the Act to seek advice from Ergon.

- Any costs incurred by Ergon as a result of the works on the easement are to be met by the property Developer / owner.
- This response does not constitute an approval to commence any works within the easement. Consent to commence works relevant to the conditions of the easement is required. All works on easement (including but not limited to earthworks, drainage and detention basins, road construction, underground and overhead services installation) require detailed submissions, assessment, and consent (or otherwise) by Ergon.
- All works proposed to be undertaken in close proximity to overhead or underground electrical lines are to be undertaken in accordance with Ergon's Works Practice Manual WP1323. This document refers to various standards, guidelines, calculations, legal requirements, technical details, and other information relevant to working near high voltage infrastructure. A copy of WP1323 can be found online via Ergon's document library ([Document library | Ergon](#)).

Should you require any further information on the above matter, please contact Harriet Veal on 0427 293 604 or via email at townplanning@ergon.com.au.

Yours faithfully,

Harriet Veal

Harriet Veal
Town Planner

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website www.ergon.com.au/referralagency

SCHEDULE 2

Statement of Reasons

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

SITE DETAILS	
Site Address	Lot 20 and Lot 21 SP155369 255 Old Goombungee Road, BIRNAM QLD 4352
Real Property Description	Lot 21 SP155369, Lot 20 SP155369
Site Area	19.4249ha.
Owner	Cheryl Beverley Anderson and John William Edwards and Mark Leslie Anderson and Beverley Everlyn Edwards and Robert Bernard Edwards

PROPOSED DEVELOPMENT	
Name of Applicant	Mark Leslie Anderson and Cheryl Beverley Anderson
Type of Application	Reconfiguring a Lot
Proposed Development	Boundary Realignment (2 Lots into 2 Lots)
Level of Assessment	Impact
Submissions Received	Objection: Nil
	Support: Nil
Decision	Approval
Decision Date	18 March 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 (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 ○ Rural Zone Code ○ Reconfiguring a Lot Code ○ Airport Environs Overlay Code ○ Environmental Significance Overlay Code ○ Bushfire Hazard Overlay Code ○ Agricultural Land Overlay Code ○ Flood Hazard Overlay Code 			
Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception listed below.			
	<table border="1"> <thead> <tr> <th>Assessment benchmark</th> <th>Reasons for the approval despite non-compliance with benchmark</th> </tr> </thead> <tbody> <tr> <td>Rural Zone Code (Table 6.6.6:2) Performance Outcome PO₁₃</td> <td>The subject site is within the 100 hectare minimum Precinct of the Rural Zone and the proposed reconfiguration results in lots less than 100 hectares in size. Notwithstanding, the existing combined area of both lots 20 and 21 SP155369 is 19.4249 hectares, which is significantly less than the minimum lot size of 100 hectares. Accordingly, it is not possible to achieve the minimum lot size. Further, the realignment does not create any new lots, rather realigns the common boundary to achieve more functional lots for the purpose of rural activities, including cropping and grazing. Accordingly, it is considered that the proposed subdivision will</td> </tr> </tbody> </table>	Assessment benchmark	Reasons for the approval despite non-compliance with benchmark	Rural Zone Code (Table 6.6.6:2) Performance Outcome PO ₁₃
Assessment benchmark	Reasons for the approval despite non-compliance with benchmark			
Rural Zone Code (Table 6.6.6:2) Performance Outcome PO ₁₃	The subject site is within the 100 hectare minimum Precinct of the Rural Zone and the proposed reconfiguration results in lots less than 100 hectares in size. Notwithstanding, the existing combined area of both lots 20 and 21 SP155369 is 19.4249 hectares, which is significantly less than the minimum lot size of 100 hectares. Accordingly, it is not possible to achieve the minimum lot size. Further, the realignment does not create any new lots, rather realigns the common boundary to achieve more functional lots for the purpose of rural activities, including cropping and grazing. Accordingly, it is considered that the proposed subdivision will			

		continue to maintain the existing productive capacity of the land for rural purposes, which aligns with the Precinct intent of the Rural Zone Code.
--	--	---

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/2025/9324