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3 June 2026

The Assessment Manager  
Toowoomba Regional Council  
PO Box 3038  
**TOOWOOMBA QLD 4350**

**Attention: Jun Ong**  
**By Email: [jun.ong@tr.qld.gov.au](mailto:jun.ong@tr.qld.gov.au)**

Dear Jun

**RESPONSE TO INFORMATION REQUEST – SECTION 68, PLANNING ACT 2016 & CHAPTER 1, PART 3, SECTION 13, DEVELOPMENT ASSESSMENT RULES – DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE - DWELLING HOUSE - 83 ZELLER ROAD, MOUNT LUKE – LOT 1 RP21723** (Council Ref: MCUI/2026/2617) (Our Ref: 2025-557)

I act on behalf of the applicant, Aaron Stalling, in respect of the above matter.

I refer to Toowoomba Regional Council's (**Council**) Information Request, dated 27 April 2026, in respect of a Development Application for Material Change of Use – Dwelling House on land at 83 Zeller Road, Mount Luke, being that land described as Lot 1 RP21723.

The following advice provides a response to the matters raised in Council's Information Request. For ease of comprehension, each item raised in the Information Request has been reproduced in bold print followed by the associated response.

## **ISSUES AND RESPONSES**

### **1. ECOLOGICAL IMPACT ASSESSMENT**

#### **1.1. Issue:**

***The development site is located under Council's Environmental Significance Overlay. Adjacent land includes Geham National Park, Geham State Forest and rural residential blocks with contiguous, high value vegetation. Vegetation on site and on surrounding land includes endangered state regional ecosystem which is significant and rare from a state and regional perspective. The vegetation type is known to support koalas, among other wildlife.***

***PO1 of the Environmental Significance Overlay requires disturbance to areas of ecological significance shown on the Environmental Significance Overlay maps be avoided or where disturbance cannot be avoided the loss or reduction of ecological values is minimised. While some vegetation on site is already cleared, the proposed bushfire management strategy would see complete degradation of the ecological values on site through the complete removal of ground, low and mid storey species and the further removal of canopy tree species. PO1 is not met and balance between clearing for bushfire management with retention of vegetation on site has not been achieved.***

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URBAN PLANNING Pty Ltd

**TOOWOOMBA** 14-16 Hill Street, Toowoomba City  
**POST** PO Box 3038, Toowoomba QLD 4350  
**P** 07 4632 2535 **E** [info@precinctplan.com.au](mailto:info@precinctplan.com.au)

**IPSWICH** 3/180 Brisbane Street, Ipswich  
**POST** PO Box 2251, North Ipswich QLD 4305  
**P** 07 3447 0466 **E** [info@precinctplan.com.au](mailto:info@precinctplan.com.au)

*Precinct Urban Planning Pty Ltd / ACN 639 546 688 / ABN 81 639 546 688*

**Council notes that the lot to the east includes a desirable outcome for cleared vs retained vegetation. Similar principles should be adopted when siting the proposed dwelling and when planning for associated clearing activities.**

**Information Required:**

**To demonstrate compliance against PO1 of the Environmental Significance Overlay Code, prepare and submit an Ecological Impact Assessment that includes but is not limited to:**

- **Desktop assessment from relevant flora and fauna databases;**
- **Site investigations for areas of remnant vegetation, essential habitat for fauna and protected plant found either on site or believed to occur on site;**
- **Confirm footprint of all areas required to be cleared, areas to be retained and areas to be rehabilitated;**
- **Include a tree survey plan, showing trees to be retained and trees to be cleared;**
- **Discussion of the implications and requirements under State and federal legislation, including the Vegetation Management Act 1999, Nature Conservation Act 1992, Water Act 2000, and EPBC Act 1999.**
- **Discussion of matters of local environmental significance including how the development will:**
  - **Avoid impacts on the biodiversity values of ecosystems, areas of ecological significance and biodiversity corridors,**
  - **Maintain ecological processes and the ecosystem services provided by areas of ecological significance;**
  - **Retain connection of habitat areas and biodiversity corridors;**
  - **Restore and rehabilitate any degraded ecosystems, habitats and corridors;**
  - **Protect ecological values and processes of waterways and wetlands;**
  - **Protect water quality and riparian habitat of waterways on site or those receiving runoff from site.**

**The report must consider impacts based on clearing required for the dwelling, effluent disposal, driveways and other supporting or built infrastructure. The location of such infrastructure should optimise the use of previously cleared areas first, then areas of lower environmental values.**

**Please note that where both Bushfire mitigation and retention of areas of Ecological Significance are required, retention of vegetation of Ecological Significance should take precedence. Evidence of the consideration of both issues should be provided and not conflict with each other.**

**Response**

In response to the above item, reference is made to the Amended Bushfire Management Report, dated 1 June 2026, prepared by Range Environmental Consultants and attached at **Appendix A**. The proposed bushfire mitigation management measures have been revised to confine vegetation clearing and a maintained low fuel load state exclusively within the Asset Protection Zone (APZ). Reference is also made to the email from Council's Planner on 20 May 2026 indicating that Council are generally supportive of the concept of an Amended Bushfire Management Report with a revised APZ that shows consideration of retaining vegetation connections to form a balance between ecological values and bushfire management.

The proposed development has been designed to locate the house and APZ in the largest area of previously cleared vegetation. The APZ also has sufficient space for the dwelling, on-site effluent and vehicle parking. The driveway will be located predominately along the northern boundary, where previous clearing has occurred to facilitate overhead electrical infrastructure. The revised bushfire mitigation management measures have been designed to retain all vegetation and ground cover outside of the APZ, maintaining vegetation corridors to the east, south and west. Accordingly, it is our

view that compliance with PO<sub>1</sub> of the Environmental Significance Overlay code and a balance of bushfire management and retention of vegetation has been achieved.

## 2. BUSHFIRE HAZARD

### 2.1. Issue:

*The applicant submitted a Bushfire Management Plan, V 1, prepared by Range Environmental and dated 21/10/2025. Figures 1 to 7 include a nominal building envelope with Figure 7 stating boundary separation distance. Figure 7 also include a note and modelled assumption that the area highlighted yellow is to be maintained in "a low-fuel load state". The bushfire modelling (Appendix A) and mitigation measures in s5.1 therefore presumes that all vegetation on site poses low bushfire risk and all vegetative structure on site is removed, other than sporadically located canopy trees. It is noted that the area proposed for the dwelling and effluent disposal is approximately 3100m<sup>2</sup> (calculated from Figure 7). Such areas are typically large enough for future dwellings to contain an Asset Protection Zones (APZ) while allowing for the remainder of the site to include retention of vegetation. This approach is contradictory to the outcomes required against the Environmental Significance Overlay Code.*

### Information Required:

*Item 1.1 of the Information Request requires the applicant to submit an Ecological Impact Assessment and plan for retention of vegetation on site to meet PO1 of the Environmental Significance Overlay Code. Retained vegetation on site will alter the assumptions of the bushfire attack levels and APZ.*

*Provide an amended Bushfire Management Plan in concert with the Ecological Impact Assessment. Where both Bushfire mitigation and retention of areas of Ecological Significance are required, retention of vegetation of Ecological Significance should take precedence.*

### Response

In response to the above item, reference is made to the Amended Bushfire Management Report, dated 1 June 2026, prepared by Range Environmental Consultants and attached at **Appendix A**. The report has been amended to reflect an updated BAL rating of -19 and a smaller Asset Protection Zone (APZ). The proposed bushfire mitigation management measures have also been revised to confine vegetation clearing and a maintained low fuel load state exclusively within the APZ. Accordingly, it is our view that a balance of bushfire management and retention of vegetation has been achieved.

## SUMMARY

Pursuant to Section 68(1) of the *Planning Act 2016* and Chapter 1, Part 3, Section 13 of the *Development Assessment Rules*, we hereby confirm that this response provides a response to all of the items included in the Information Request. Having regard to the information provided, we request that Council proceed with the assessment of the application.

Should you require any additional information or clarification please do not hesitate to contact Assistant Planner, Sarah Fuller, or the undersigned on phone 07 4632 2535 or by email at [sarah@precinctplan.com.au](mailto:sarah@precinctplan.com.au) and [kim@precinctplan.com.au](mailto:kim@precinctplan.com.au).

Yours sincerely

A handwritten signature in black ink, appearing to read "Kim Reeve".

**Kim Reeve**  
**Precinct Urban Planning**