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REGIONAL COUNCIL

21 October 2026

The Assessment Manager
Toowoomba Regional Council
PO Box 3021
TOOWOOMBA QLD 4350

Attention: Mr James Leader
By Email: james.leader@tr.qld.gov.au; development@tr.qld.gov.au

Dear James,

RESPONSE TO INFORMATION REQUEST – SECTION 68, PLANNING ACT 2016 & CHAPTER 1, PART 3, SECTION 13, DEVELOPMENT ASSESSMENT RULES – DEVELOPMENT APPLICATION - 2 INTO 2 LOTS - 1921 TOOWOOMBA KARARA ROAD, CAMBOOYA – LOT 58 RP13830 AND LOT 4 RP857761 (Council Ref: RAL/2026/4480, Our Ref: 2025-700)

I act on behalf of the applicant, Marinya Farming, in respect of the above matter.

I refer to Toowoomba Regional Council's (**Council**) Information Request, dated 18 June 2026, in respect of a Development Application for Reconfiguring a Lot – 2 into 2 boundary realignment on land at 1921 Toowoomba Karara Road Cambooya, being that land described as Lot 58 RP13830 and Lot 4 RP857761.

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. LOT SIZE

1.1. Issue:

The proposed lot layout and sizes are inconsistent with the intended character of the Zone and Precinct in which the land is located. The development is not consistent with the intent of the Rural Zone, Reconfiguring a Lot Code, or Strategic Framework of the Toowoomba Regional Planning Scheme 2012.

The Strategic Framework of the Toowoomba Regional Planning Scheme 2012 includes the following sections:

- **Specific Outcome 3.3.9.1(1) states that "the integrity, viability and productivity of agricultural land and the rural landscape are protected and maintained for agricultural purposes.";**
- **Specific Outcome 3.3.9.1(2) seeks to ensure that "agricultural land that is outside of areas designated for urban development is conserved for current and future agricultural purposes" and "is not degraded, alienated or fragmented, providing for its long-term and sustainable agricultural use."; and**

- **Element 3.6.4(2) seeks to "ensure agricultural land is protected from development that leads to its alienation or diminished productivity" and is supported by Specific Outcomes 3.6.4.1 (1) and (2).**

The Rural Zone Code of the *Toowoomba Regional Planning Scheme 2012* includes the following sections:

- **Overall Outcome 2(a) states that "areas used or suitable for primary production are conserved and are not further fragmented."; and**
- **Overall Outcome 3 seeks requires that development within the 100 Hectare Precinct ensures 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", which is further supported by Performance Outcome PO13 (Table 6.6.6:2) of the Rural Zone Code.**

The Reconfiguring a Lot Code of the Toowoomba Regional Council Planning Scheme 2012 includes the following sections:

- **The purpose of the Reconfiguring a Lot Code (1)(a) requires development to "provide for good neighbourhood design, consistent with the character and environmental values of the overlay, zone and precinct, and local plan area in which the land is located".**
- **Overall Outcomes (2)(e) and (h) seek to protect the sustainable use of rural land resources and ensure lot size is suited to the intended use of land. The development fails to demonstrate that Proposed Lot 58 is a sustainable use of rural land and that the lot sizes are suited to the intended rural use of the land.**

While it is acknowledged the proposal generally retains existing lot sizes, this is not sufficient justification for Council to support the proposed development. Specific Outcome 3.6.4.1(3) of the Strategic Framework specifically seeks to amalgamate titles to facilitate viable faming units. This is supported by Performance Outcome PO1 (Table 9.4.5:1) of the Reconfiguring a Lot Code which states that realignment of boundaries does not contribute to the proliferation of land fragmentation.

Further, the submitted justification relates to the consolidation of constructed irrigation infrastructure in existing Lot 58 but fails to address the impacts of productive areas of Proposed Lot 58 being alienated from the larger rural parcel.

The proposed layout remains inconsistent with the Overall Outcomes of the Rural Zone Code and Reconfiguring a Lot Code as it contributes to further fragmentation of agricultural land. The identified minimum lot size for the precinct intends to encourage larger lots to facilitate viable agricultural activities. No information has been provided to demonstrate that Proposed Lot 58 is a productive land parcel, noting the proposed new boundary intersects with established contour banks and productive areas of the site.

Information Required:

Provide an amended lot layout and configuration which results in both lots complying with the minimum lot size requirements of the Rural Zone 100ha Minimum Precinct.

Alternatively, demonstrate that Proposed Lot 58 is also a productive land parcel that is consistent with the character of the zone, and will not be impacted by the proposed new lot boundaries.

Response

In response to the above item, please find attached the revised proposal plan at **Appendix A**. During the meeting held with Council on 12 October 2026, it was established that Council's primary concern was ensuring that the realignment was not going to result in good quality agricultural land within proposed Lot 58 being alienated or occupied (now or in the future) by non-agricultural improvements and activities.

Information presented during the meeting (and formalised in this written response), demonstrates that the 'relocation' of Lot 58 clear of the irrigation infrastructure will not diminish the '*integrity, viability and productivity of agricultural land*', but will instead achieve the opposite. The proposed consolidation of farm infrastructure including water storage and irrigation infrastructure is a logical and required step to ensure the ongoing viability of the horticultural enterprise primarily undertaken on Lot 4. Legal advice has confirmed that it is a major business risk to have water storage and irrigation bores located on a separate lot (i.e. existing Lot 58) to the agricultural activities they sustain.

To address Council's concerns regarding 'the impacts of productive areas of Proposed Lot 58 being alienated from the larger rural parcel', additional information has been obtained to confirm the utility of the uncultivated area on the southern side of proposed Lot 58. The soil conservation plan at **Appendix B** confirms that this area is 'shallow purrawunda' soil type which can be as shallow as 15cm deep and typically contains stones and gravel throughout the soil profile, making it difficult and undesirable for cultivation. This is consistent with the applicant's explanation for why this area has historically not been improved and included within the adjacent cropping land. The revised proposal plan includes a 'habitable structure envelope' which indicates that 'if' a dwelling is proposed in the future, it must be located within this three (3) hectare area rather than within the area utilised for cropping activities.

Accordingly, the submission of the revised proposal plan at **Appendix A** and additional soil conservation information at **Appendix B**, will ensure compliance with the Strategic Framework's Specific Outcomes 3.3.9.1(1) and (2), and Element 3.6.4(2), as well as the Rural Zone Code's overall outcomes.

We have also provided a sketch below which indicates that Proposed Lot 58 is not able to be logically enlarged to achieve a minimum lot area of 100ha. The central knoll and associated infrastructure within the subject land provides a logical east-west divide and even if the common boundary was located at the toe of the hill, the maximum lot size which could be achieved is approximately 89ha, as per the sketch in **Figure 1** below. Moving the boundary any further west (to achieve 100ha) impinges on the irrigation infrastructure and/or proposes a boundary which does not align with topographical features and/or existing improvements on the land. It is noted that the proposal below does not suit the agricultural or business needs of the applicant and is only provided for illustration purposes in response to Council's verbal request.

Figure 1 – Illustrative Larger Lot



2. SOIL CONSERVATION

2.1. Issue:

The purpose of the Rural Zone Code is to protect the productive capacity of all rural land for rural use (1)(a), supported by Performance Outcome PO12 (Table 6.6.6:2) of the Rural Zone Code which states:

> ***"The site layout responds sensitively to onsite and surrounding topography, drainage patterns, utility services, access, vegetation and adjoining land use…"***

Further, Overall Outcome 2(d) of the Reconfiguring a Lot Code states that lot reconfiguration is responsive to the local environment, including its topography and natural drainage systems.

The subject site is located within a Soil Conservation plan (SC305043). Soil Conservation Plans are used to coordinate runoff flow between adjoining properties to protect the productive capacity of land. As stated in the Soil Conservation Guidelines, the location of infrastructure such as access tracks and fences can have a significant effect on run-off patterns.

Information Required:

Please provide information in relation to how the proposed development will affect the approved flow characteristics within the Soil Conservation Plan, including any future accepted development that may occur.

Response

In response to the above item, advice was sought from the Lands Division within the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development, regarding the impact of the proposed boundary realignment on the existing Soil Conversation Plan. Please find attached their response at **Appendix C** which confirms that they have no concerns with the impacts of the proposed cadastral boundaries and they advised that '*there is no indication that the proposal would affect the operation or function of existing soil conservation works*'.

The applicant has no intention to install boundary fencing or change agricultural improvements and will continue to farm the proposed Lot 58 in conjunction with proposed Lot 4. Accordingly, the productive areas of Proposed Lot 58 will not be alienated from the larger rural parcel.

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 the undersigned on phone 07 4632 2535, mobile 0413 276 552 or by email at jess@precinctplan.com.au.

Yours sincerely



Jess Garratt
Precinct Urban Planning