

Mr Sal Petrocitto OAM

Chief Executive Officer

Toowoomba Regional Council

BY EMAIL: development@tr.qld.gov.au



13 July 2026

To the Assessment Manager,

Re: Reconfiguring a Lot – Impact – Reconfigure Two (2) Lots into 199 Lots and Two (2) Balance Lots in Five (5) Stages (“Proposed Development”) Lot 3 AG4138, Lot 1 RP27298 Meringandan Road, MERINGANDAN QLD 4352 (“the Land”)

This letter is a submission about the Proposed Development (“this submission”) for the purposes of the *Planning Act 2016* (Qld). The Proposed Development is opposed on the following grounds.

Background

The Land the subject of the Development Application;

1. is comprised of two lots being Lot 3 on AG4138 being 18.74ha (“Lot 3”) and Lot 1 on RP27298 being 17.98ha (“Lot 1”);
2. is freehold land;
3. is within the Emerging Community Zone of the *Toowoomba Regional Council Planning Scheme* (v 28) (“Planning Scheme”);
4. is within the Highfields, Meringandan and Meringandan West Local Plan Area of the Planning Scheme (“Local Plan”);
5. is within the Greenfield Area of the Planning Scheme;
6. is affected by the Airport Environs Overlay, Environmental Significance Overlay, Bushfire Hazard Overlay, Agricultural Land Overlay, and Flood Hazard Overlay;
7. Lot 3 has a frontage to Main Street;
8. Lot 1, being a corner block, has frontages to Heushle Road and Wuersching Road;
9. has been used for rural purposes;
10. is within the Urban Footprint of the SEQ Regional Plan land use categories;
11. is:

- a. within the Important Agricultural Area of the Agricultural Land Audit;
 - b. classed A, B, C, D Agricultural Land;
- 12. Lot 1 is predominantly classified as strategic cropping land;
- 13. Lot 3 includes an area of approximately 62,500m² which is:
 - a. Category B on the regulated vegetation management map; and
 - b. Core koala habitat area.

The Development Application:

- 1. is for a development permit for the reconfiguration of lot (2 lots into 199 in stages, New Road, Pedestrian Link and Balance Lots);
- 2. required referral to the State Assessment and Referral Agency due to impact on state transport infrastructure;
- 3. was accepted as properly made on 15 September 2025;
- 4. requires impact assessment; and
- 5. was lodged by KDL Property Group Pty Ltd (“the Developer”).

Non-compliance with assessment benchmarks

The Proposed Development does not comply with relevant assessment benchmarks including higher order provisions of the Strategic Framework, on a proper construction of those provisions, including:

- 1. the Agricultural Land Overlay Code PO1, PO2, and PO4;
- 2. Strategic Framework 3.3.9 and 3.6.4;
- 3. the Reconfiguring a Lot Code PO4, PO12, and PO54;
- 4. the Small Lot Housing Design Code PO1, PO4, PO5;
- 5. Local Plan 7.2.1.2(1), page 5 item Meringandan (b), page 7 items (1) and (2); and
- 6. the Emerging Community Zone Code 6.6.2.2(4)(a).

The non-compliance of the Proposed Development with the assessment benchmarks cannot be cured by the imposition of conditions, and warrants refusal.

Relevant Matters

There are no relevant matters that favour approval of the Proposed Development while there are relevant matters that favour refusal of the Proposed Development including:

1. the Proposed Development is not supported by a Need Assessment, whether economic or otherwise;
2. the Proposed Development is not supported by a Land Resource Assessment prepared in accordance with SPP1/92 contrary to Planning Scheme Policy No.1 – Proposed Development Requirements SC6.1.6;
3. the 6 duplexes included in the Proposed Development are located within a Greenfield Area but the Land is not designated as a dual occupancy lot within a Greenfield Area which renders the Material Change of Use component of the Proposed Development impact assessable in accordance with Table 5.5:14 because it does not meet the description listed in the categories of development and assessment column for accepted development subject to requirements;¹
4. the Agricultural Land Overlay Code takes priority over the Emerging Community Zone and the Local Plan;²
5. the Planning and Environment Court has held that the inclusion of land as being within the “Urban Footprint” under the SEQ Regional Plan, ‘does not override, or require to be ignored, the controls of a local planning scheme’;³
6. the Land is not designated as a ‘SEQ Development area’ under the SEQ Regional Plan;
7. the small lot sizes proposed in the Proposed Development are not responsive to relevant constraints found in the Meringandan area;
8. the small lot sizes proposed in the Proposed Development are not responsive to an overwhelming public need or community benefit (whether town planning, economic or otherwise);

¹ Emerging Community Zone Code Table 6.6.2:1 – PO1.

² Planning Scheme 1.5 Hierarchy of assessment benchmarks.

³ *GTH Project No. 4 Pty Ltd v Noosa Shire Council & Ors* [2024] QPEC 26 at [483] citing *Silk Properties Australia Pty Ltd v Sunshine Coast Regional Council & Anor* [2020] QPEC 38 at [42].

9. the small lot sizes proposed in the Proposed Development serve only to provide a private economic gain to the Developer;
10. the proposed 15.86 dwellings per hectare density says nothing as to the effect or otherwise on the local amenity or character at a micro level, or community expectations;
11. should the Proposed Development be approved, it will mark a significant departure from important assessment benchmarks and higher order strategic framework provisions, with a commensurate decline in confidence in the Planning Scheme;
12. the Planning Scheme focuses on the conservation of the Land for future development under a new scheme rather than its development within the lifetime of the existing Planning Scheme. Presumably, that new scheme would facilitate the development of the Land by (after undertaking a land resource assessment, ensuring there is adequate need and infrastructure to service such a development, and appropriate community consultation):
 - a. providing minimum lot sizes for the Land in relation to the development of new communities, together with other relevant qualitative and quantitative outcomes for such development;
 - b. changing the zoning of the Land under the Strategic Plan from Agricultural Land to Urban; and
 - c. exclusion of the Land from the Agricultural Land Overlay;
13. justifying the Proposed Development by stating that the Local Plan is outdated, or that agricultural pursuits are not prioritised, and that relevant minimum lot sizes are not applicable only illustrates that the above process is overdue, contrary to the Guiding Principles of the State Planning Policy, and decided principle; and
14. attempts to apply a Planning Scheme that is not fit-for-purpose can only result in poor planning outcomes.

I am particularly concerned that the Proposed Development will result in the destruction of core Koala habitat and the delicate ecosystems of other species in the area which we must preserve for future generations. Unfortunately, these environmental values are not adequately reflected or prioritised.

Yours faithfully,

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