

REPORT TITLE	Reconfiguring a Lot - Reconfigure 1 into 2 Lots located at 787 Lindenmayer Road, YANDILLA QLD 4352
AUTHOR	Lead Senior Planner (Sophie Spencer)
Application No.	RAL/2024/5624

PURPOSE OF REPORT

To consider a Development Application for Reconfiguring a Lot - Reconfigure 1 into 2 Lots located at 787 Lindenmayer Road, YANDILLA QLD 4352

EXECUTIVE SUMMARY

This report is to consider a Development Application for Reconfiguring a Lot - Reconfigure 1 into 2 Lots on land at 787 Lindenmayer Road, Yandilla described as Lot 10 SP342301.

The site is located in the Rural Zone (100ha and 200ha minimum Precincts) and is affected by the Agricultural Land Overlay, Environmental Significance Overlay and Flood Hazard Overlay – Balanced under the *Toowoomba Regional Planning Scheme 2012 (Version 28)*. Refer to **Attachments 1 and 2**.

The site benefits from multiple historic building approvals for piggery and poultry rearing sheds. Rural Workers Accommodation has also been received approved in relation to the site under Development Approval MCUC/2023/5203, and there is a current development application to duplicate the Rural Workers Accommodation (application reference MCUC/2024/5632).

The proposal seeks to subdivide the lot into two lots: proposed Lot 12 (374.8ha) and proposed Lot 13 (133.7ha). Both lots have frontage to Lindenmayer Road and have an existing vehicle access to the road. Proposed Lot 13 is partly within the 100ha minimum Precinct and partly within the 200ha minimum Precinct, and does not meet the 200ha minimum lot size.

As the development will create a lot less than the minimum lot size, the application is subject to Impact Assessment and requires public notification. No submissions were received during the notification period.

Despite that proposed Lot 13 does not comply with the minimum lot size, the lot will contain the existing piggery, dwelling house and associated cropping land. As such, the proposed lot can accommodate a rural activity, and does not compromise the potential productive capacity of the land.

It is noted that the approved and proposed Rural Workers Accommodations will be contained within proposed Lot 12, along with cropping land.

The development application was referred to the State Assessment Referral Agency (SARA) (Transport and Main Roads) in relation to the State-controlled Gore Highway. A Referral Agency response with no requirements was received by Council (refer to **Schedule 1**).

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.

RECOMMENDATION

APPROVED - Application No. RAL/2024/5624 for a Development Permit for Reconfiguring a Lot - Reconfigure 1 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 the subdivision of one (1) lot into two (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.
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: SP348356

Description: Plan of Lots 12 & 13 cancelling Lot 10 on SP342301, prepared by Vision Surveys (Qld) Pty Ltd and dated 19/08/24

Amendments: Nil

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 Currency period of this approval.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

8. A legible copy of the Development Approval, including the Approved and Amended Plans and Documents bearing Council's approved stamp must be available on the subject land for inspection at all times during subdivision earthworks and construction.

DEDICATIONS, AGREEMENT AND CONTRIBUTIONS

FEES AND CHARGES

9. 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

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

EROSION & SEDIMENT CONTROL

11. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths and not within the road reserve at any time.

12. Measures such as sediment fences, earth berms, temporary drainage, temporary sediment basins, dewatering or stormwater filtering devices to prevent eroded material, sediment or sediment laden water from being transported to adjoining properties, roads or stormwater drainage systems must be provided.
13. Where erosion and sediment control measures have been damaged, fail or are inadequate and erosion or the release of sediment or sediment laden stormwater has occurred from the subject land or associated works, any resultant property or environmental damage or interference caused must be repaired or cleaned up within 24 hours or upon the direction of Council, at no cost to the affected parties.
14. All disturbed areas must be mulched or turfed as soon as possible during construction.

DAMAGE TO SERVICES & ASSETS

15. Protect Council and public utility services and assets during construction of the development.
16. 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:
 - 16.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 16.2 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.
17. 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.
18. 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 on Ph: 131 872.

SERVICES & UTILITIES

ELECTRICITY

19. An electricity supply must be made available to service each approved lot within the subdivision. This supply must be in accordance with the relevant standards of the electricity distributor.
20. Written evidence must be submitted to Council from the electricity distributor advising that provision has been made for connection of reticulated electricity service for each approved lot in accordance with all applicable legislation at the time of construction.

Note: In relation to reticulated electricity, written evidence must be in the form of a "Certificate of Supply" or "Supply is Available" supplied by the relevant service provider.

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.

ENVIRONMENTAL HARM

- 7) 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.

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 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.



Matthew Coleman, A/Manager
Planning Branch

Decision Date: 13 December 2024

BACKGROUND

SITE DETAILS			
Site Address	787 Lindenmayer Road, YANDILLA QLD 4352		
Real Property Description	Lot 10 SP342301		
Site Area	508.5499ha		
Owner	Doug Hall Poultry Pty Ltd		
SITE CHARACTERISTICS			
Current Land Use	Intensive Animal Industry (Poultry Farm and Piggery) and two dwellings / Caretaker's Accommodation		
Site Frontage/s	Unnamed Road Lindenmayer Road		
Easements	<p>There are a number of easements for services and an access easement benefitting Lot 11 on SP342301.</p> <p>The existing access easement providing access from Lindenmayer Road to Lot 11 on SP342301 located on the northern boundary of Proposed Lot 12 will be retained. The purpose of this access easement is to enable the existing access for the Dwelling House located on Lot 11 on SP342301 to continue to be utilised for this purpose. No change to the access arrangement to Lindenmayer Road is proposed.</p>		
Existing Structures	Two dwellings, and buildings and structures associated with the Poultry Farm		
Infrastructure	Not applicable.		
Topography	Gently slope to the north		
Street Trees	N/A		
Other Features	Nil		
PLANNING SCHEME SITE DATA			
Current Planning Scheme	<i>Toowoomba Regional Planning Scheme 2012 (Version 28)</i>	Adopted: 28/11/2022	
Zone	Rural Zone		
Precinct	100ha minimum Precinct 200ha minimum Precinct		
Overlays	Agricultural Land Overlay Flood Hazard Overlay – Balanced		
Infrastructure Charges Resolution	Charges Resolution No. 5	Adopted: 01/03/2022	
SURROUNDS:			
Direction	Land Use	Zone/Precinct	
North	Railway and Rural	Community Facilities & Rural Zone	
East	Rural	Rural Zone	
South	Rural	Rural Zone	
West	Rural	Rural Zone	
Other Features	Nil.		
APPLICATION HISTORY			
Application No.	Description	Decision Date	Decision
MCUC/2024/5632	Rural Workers Accommodation	-	<i>Under assessment</i>
MCUC/2023/5203	Rural Workers Accommodation	22/02/2024	Approved
RAL/2023/2509	Boundary Realignment and Access Easement	17/07/2023	Approved

Other	The site benefits from multiple historic building approvals for piggery and poultry rearing sheds. The premises was recently reconfigured as per Approval RAL/2023/2509.
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PROPOSED DEVELOPMENT	
Name of Applicant	Doug Hall Poultry Pty Ltd
Type of Application	Reconfiguring a Lot
Proposed Development	Reconfigure 1 into 2 Lots
Level of Assessment	Impact Assessable
Submissions Received	Objection: Nil
	Support: Nil
Decision Making Period Ends	24 December 2024

CONSULTATION UNDERTAKEN

Referral Agency/ies

Referral Agency (Technical Agency)	Referral Role	Aspect of Development Requiring Referral	Response
SARA (Transport and Main Roads)	Concurrence	State controlled road	Referral Agency response with no requirements dated 11/11/24 (refer to Attachment 1)

Internal Referrals

Internal Referral Partner	Referral / Response
Development Infrastructure and Growth	Recommended approval subject to conditions.
Infrastructure Charges Unit	Will prepare an Infrastructure Charges Notice in accordance with <i>Charges Resolution No. 5</i> to accompany an approval of the development.

Public Notification

The Notice of Compliance was received by Council on 19 November 2024. 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 Chronicle on 25 October 2024;
- Placing a notice on the land from 26 October 2024; and
- Notifying owners of all land adjoining the site on 25 October 2024.

No submissions were received opposing or supporting 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>	Not applicable.

REGIONAL PLANS	
<i>Shaping SEQ – South East Queensland Regional Plan 2017</i>	Not applicable.
<i>Darling Downs Regional Plan October 2013</i>	<p>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.</p> <p>The DDRP identifies that the subject site is mapped within a Priority Agricultural Area (PAA). However, the development application does not conflict with the intent for a PAA because the purpose of the development is directly related to rural activities. As such the development application is consistent with the regional policies included within the DDRP.</p>

STATE PLANNING POLICY (SPP) July 2017	
Interests	Assessment Comments
Housing Supply and Diversity	Not applicable.
Livable Communities	Not applicable.
Agriculture	<p>The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property.</p> <p>The subject site is mapped as containing Important Agricultural Areas and Agricultural Land Classification (Class A and B).</p> <p>The proposed lots will contain the existing rural activities, and proposed boundaries are aligned with the existing cropping fields. The development will not fragment Class A and B agricultural land, and does not compromise the use of the land for agriculture.</p>
Development and Construction	Not applicable.
Mining and Extractive Resources	Not applicable.
Tourism	Not applicable.
Biodiversity	The development complies with this State interest.
Cultural Heritage	Not applicable.
Water Quality	The development complies with this State interest.
Emissions and Hazardous Activities	Not applicable.
Natural Hazards, Risk and Resilience	The development complies with this State interest.
Energy and Water Supply	Not applicable.
Infrastructure Integration	Not applicable
Transport Infrastructure	The development complies with this State interest.
Strategic Airports and Aviation Facilities	Not applicable

Local Categorising Instrument – Toowoomba Regional Planning Scheme 2012:

The proposed development was assessed against the following assessment benchmarks:

- Strategic Framework
- Rural Zone Code
- Agricultural Land Overlay Code

- Flood Hazard Overlay Code
- Environmental Significance Overlay Code
- Transport, Access and Parking Code
- Works and Services Code

The development was assessed against all of the assessment benchmarks listed above and where conditioned is considered to comply without exception, with particular note to the following:

ISSUE – MINIMUM LOT SIZE

Agricultural Land Overlay Code								
Performance Outcome			Acceptable Outcome					
PO1 Development does not reduce the productive capacity of the land or result in conflict with nearby rural uses			No acceptable outcome is nominated.					
Reconfiguring a Lot Code								
Performance Outcome			Acceptable Outcome					
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.					
			Rural	Regular and Corner	100 hectare	100 ha.	125 m.	No Acceptable Measure Prescribed
					200 hectare	200 ha.	250 m.	No Acceptable Measure Prescribed
			Hatchet	Hatchet lots do not occur within Rural Zone				
Rural Zone Code								
Performance Outcome			Acceptable Outcome					
PO14 Development in the 200ha Precinct: (a) does not involve the creation of additional lots smaller than 200ha; (b) maintains the productive capacity of the land; and (c) maintains the natural and landscape values of the land.			No acceptable outcome is nominated.					
Alternate Outcome								
The applicant submits:								
<p>“Proposed Lot 1, having the proposed area of 133.7ha, will be partially located within both precincts. As such, this lot does not comply with the minimum 200ha required to comply with P014 of the Rural Zone Code and A013.1 of the Reconfiguring a Lot Code. Notwithstanding this, the proposed configuration of Proposed Lot 1 aligns with the purpose and overall outcomes of the Rural Zone Code and the corresponding Performance Outcome P013 of the Reconfiguring a Lot Code. A discussion demonstrating this is provided below.”</p> <p>“Where the proposal will create lots that align with boundaries of existing lease areas and onsite operations, there will be no impact on productive capacity, and therefore compliance is achieved with (b) [of PO14 of the Rural Zone Code]...”</p> <p>“The proposed subdivision does not, by creating a lot partially within the 200ha precinct that is below 200ha in area result in a situation where the subject site may be subdivided into a greater number of lots (this is detailed in Section 4.1.2 below). The proposed lot configuration aligns with the existing operations and boundaries on the site and will not impact on productive, natural, or landscape values of the site.”</p>								
Officer Comment								
Proposed Lot 13 (133.7ha) is located within both 100ha and 200ha minimum Precincts. While the proposed lot meets the lower minimum lot size, it does not comply with the 200ha minimum lot size.								
Despite that the size of proposed Lot 13 does not meeting the minimum lot size, the lot will contain the existing piggery, dwelling house and associated cropping land. As such, the proposed lot can accommodate a rural activity, and does not compromise the potential productive capacity of the land.								

No works are necessary for the reconfiguration, and as such the natural and rural landscape of the land will be unaffected by the development.

It is noted the boundary between the 100ha and 200ha minimum Precincts aligned with a historic lot configuration now superseded by the recent boundary realignment under Development Approval RAL/2023/2509. It is noted if the proposed subdivision were aligned as per the Precinct boundary, this would fragment cropping land and would not result in a lot configuration maintaining the rural capacity of the land. It is considered the alignment of the Precincts has been overtaken by events.

On balance, having regard to the above, it is considered the proposed development achieves the relevant Performance Outcomes listed above.

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

As noted above, the boundary between the 100ha and 200ha minimum Precincts aligned with a historic lot configuration now superseded by the recent boundary realignment under Development Approval RAL/2023/2509. It is noted if the proposed subdivision were aligned as per the Precinct boundary, this would fragment cropping land and would not result in a lot configuration maintaining the rural capacity of the land.

As such, it is considered the alignment of the Precincts has been overtaken by events.

On balance, the proposed development is a logical configuration of the land, aligned with the existing rural activities on the premises, and will maintain the rural productive capacity of the land.

FINANCIAL / RESOURCE IMPLICATIONS

Infrastructure charges will be applied in accordance with Council's *Charges Resolution No. 5*.

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 section/s 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 benchmark 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 Image
Attachment	2	of	4	Zoning Map
Attachment	3	of	4	Proposal Plan
Attachment	4	of	4	Approved Reconfiguration

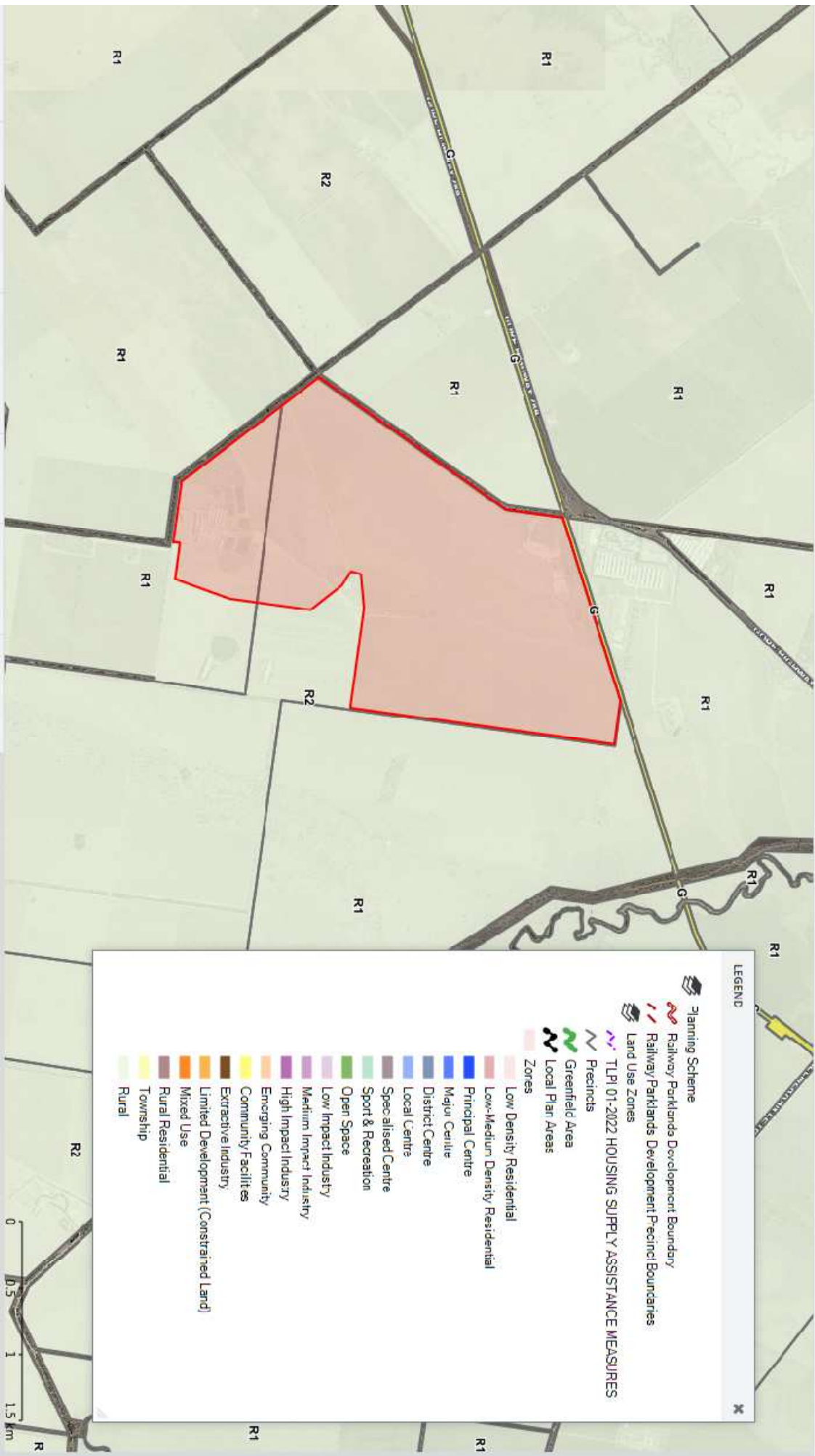
SCHEDULES

Schedule	1	Concurrence Agency Response
Schedule	2	Statement of Reasons

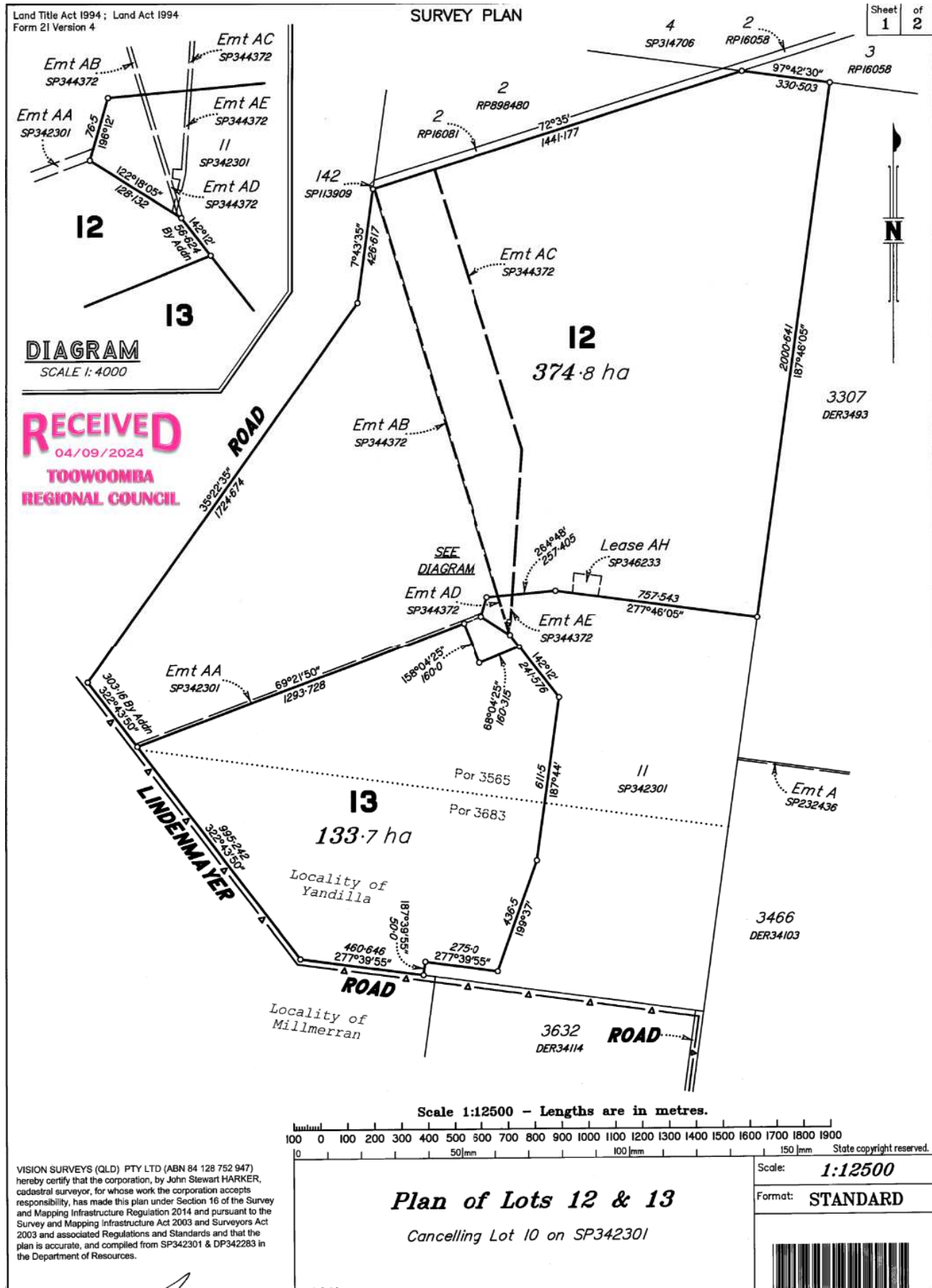
ATTACHMENTS



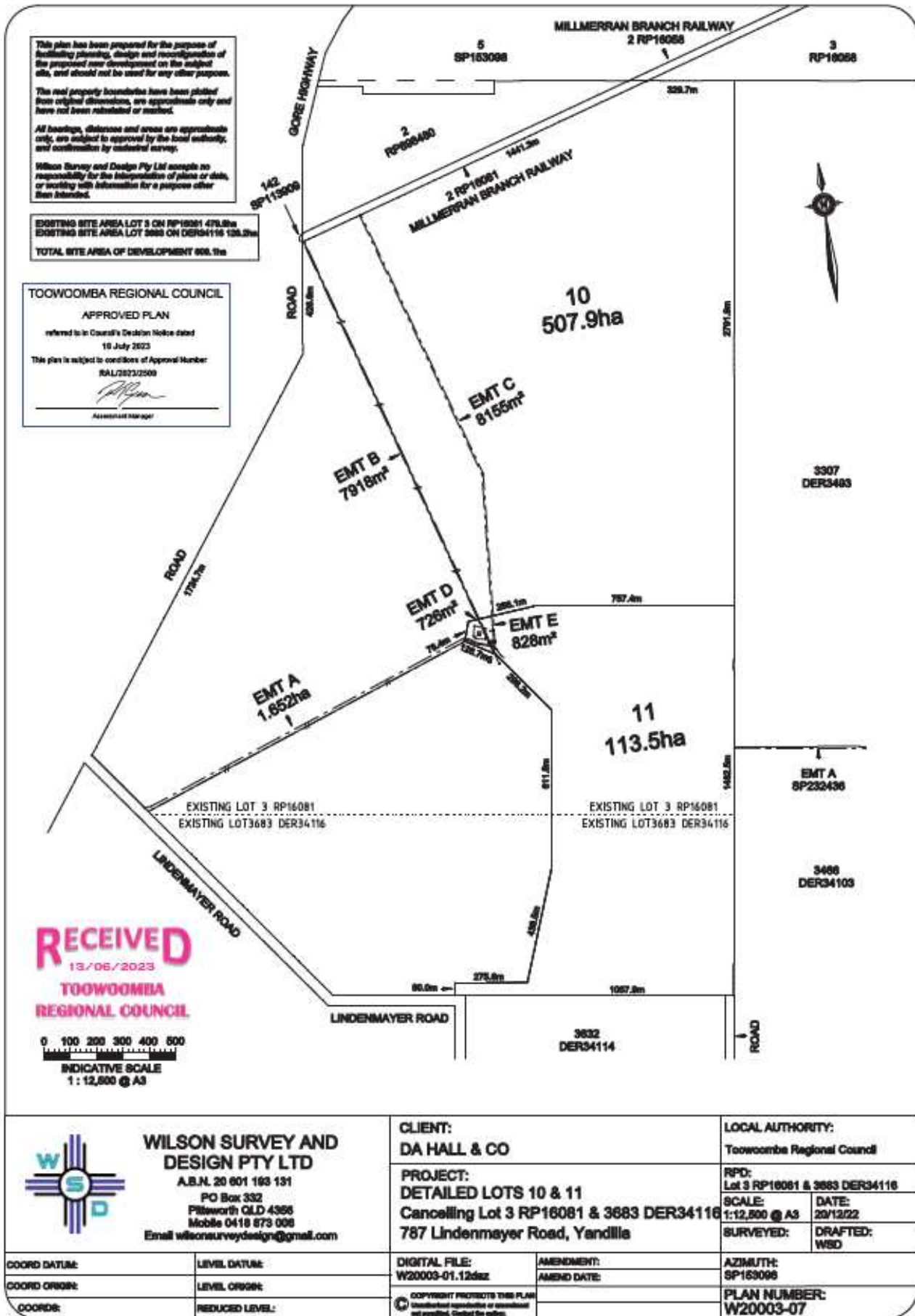
Attachment 1 – Aerial Imagery



Attachment 2 – Zoning Map



Attachment 3 – Proposal Plan (Source: Applicant)



Attachment 4 – Approved Reconfiguration (Source: Approval RAL/2032/2509)

SCHEDULE 1

Concurrence Agency Response/s



SARA reference: 2409-42651 SRA
 Council reference: RAL/2024/5624
 Applicant reference: J000993

11 November 2024

Chief Executive Officer
 Toowoomba Regional Council
 PO Box 3021
 TOOWOOMBA QLD 4350
 development@tr.qld.gov.au

Attention: Sophie Spencer

Dear Sophie

SARA referral agency response—787 Lindenmayer Road, Yandilla

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 4 October 2024.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	11 November 2024
Advice:	Advice to the applicant is in Attachment 1
Reasons:	The reasons for the referral agency response are in Attachment 2

Development details

Description:	Development permit	Reconfiguring a Lot - Reconfigure 1 into 2 Lots
SARA role:	Referral agency	
SARA trigger:	Schedule 10, part 9, division 4, subdivision 2, table 1, item 1 (Planning Regulation 2017) Reconfiguring a lot near a state transport corridor.	
SARA reference:	2409-42651 SRA	

Assessment manager: Toowoomba Regional Council
Street address: 787 Lindenmayer Road, Yandilla
Real property description: Lot 10 on SP342301
Applicant name: Doug Hall Poultry Pty Ltd C/- Property Projects Australia
Applicant contact details: PO Box 3686
TOOWOOMBA QLD 4350
blake@propertyprojectsaustralia.com.au,
victoria@propertyprojectsaustralia.com.au

Human Rights Act 2019 considerations: Consideration of the *Human Rights Act 2019* sections 15 to 35 has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s. 30 Development Assessment Rules).

Copies of the relevant provisions are in **Attachment 3**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Brittany Hughes, Senior Planning Officer, on (07) 4616 7332 or via email ToowoombaSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Paul Gleeson
A/Manager

cc Doug Hall Poultry Pty Ltd C/- Property Projects Australia, blake@propertyprojectsaustralia.com.au,
victoria@propertyprojectsaustralia.com.au

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations about a referral agency response provisions

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP), (version 3.0). If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for SARA's decision are:

- The development complies with the assessment benchmarks of State code 2: Development in a railway environment of the SDAP (version 3.0) in that the development:
 - o does not result in an increase in the likelihood or frequency of accidents, fatalities or serious injury for users of a railway
 - o does not adversely impact the structural integrity or physical condition of railways, rail transport infrastructure or other rail infrastructure within a railway corridor
 - o does not compromise the operating performance of railway corridors
 - o does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate railway corridors, future railway corridors and associated rail transport infrastructure or other rail infrastructure.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP, version (3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- Section 58 of the *Human Rights Act 2019*

Attachment 3— Representations about a referral agency response provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

SCHEDULE 2

Statement of Reasons

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

SITE DETAILS	
Site Address	787 Lindenmayer Road, YANDILLA QLD 4352
Real Property Description	Lot 10 SP342301
Site Area	508.5499ha
Owner	Doug Hall Poultry Pty Ltd

PROPOSED DEVELOPMENT	
Name of Applicant	Doug Hall Poultry Pty Ltd
Type of Application	Reconfiguring a Lot
Proposed Development	Reconfigure 1 into 2 Lots
Level of Assessment	Impact Assessment
Submissions Received	Objection: Nil
	Support: Nil
Decision	Approval
Decision Date	13 December 2024

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); • Darling Downs Regional Plan (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 ○ Agricultural Land Overlay Code ○ Flood Hazard Overlay Code ○ Environmental Significance Overlay Code ○ Transport, Access and Parking Code ○ Works and Services Code
Relevant matters	<p>The proposed development was assessed against the following relevant matter/s:</p> <ul style="list-style-type: none"> • The boundary between the 100ha and 200ha minimum Precincts aligned with a historic lot configuration now superseded by the recent boundary realignment under Development Approval RAL/2023/2509. It is noted if the proposed subdivision were aligned as per the Precinct boundary, this would fragment cropping land and would not result in a lot configuration maintaining the rural capacity of the land. <p>As such, it is considered the alignment of the Precincts has been overtaken by events.</p> <p>On balance, the proposed development is a logical configuration of the land, aligned with the existing rural activities on the premises, and will maintain the rural productive capacity of the land.</p>
Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and where conditioned complies with all of these.

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/2024/5624