

PLANNING REPORT

July 2026

DEVELOPMENT APPLICATION



Development Permit – Reconfiguring a Lot
Boundary Realignment of 4 lots into 4 lots

Donovan Road, Cabarlah

Lots 1 & 2 on RP216132, Lot 264 on A34251 and Lot 337 on A34254

Prepared for: Pureland Developments Pty Ltd

Project Reference: K4824

Executive Summary

Site Details

Address of site	Donovan Road, Cabarlah, QLD 4352
Real property description	Lot 1 on RP216132, Lot 2 on RP216132, Lot 264 on A34251 and Lot 337 on A34254
Total area of site	Approximately 89.77 hectares (combined)
Planning area / zone	Rural Zone (100ha Precinct)
Overlays / regulatory maps	Agricultural Land Overlay; Environmental Significance Overlay; Landslide Hazard Overlay
Owner / applicant	Pureland Developments Pty Ltd

Aspects of Development

Type of development	Development Permit – Reconfiguring a Lot (Boundary Realignment of 4 lots into 4 lots)
Level of assessment	Impact Assessment

Applicant Details

Applicant	Pureland Developments Pty Ltd c/- Novus Urban
Project director	Mr Stephan Bowers, Novus Urban
Surveyor	K. J. Wilson, Cadastral Surveyor
Our reference	K4824

Details of the Application

Site area	Approximately 89.77 hectares (combined)
Proposal	Boundary realignment, 4 existing lots rearranged into 4 proposed lots (no net increase)
Proposed lot schedule	Lot 11, 4.396 ha (Donovan Road frontage; existing residence retained) Lot 12, 5.044 ha (Donovan Road frontage; existing residence and dam retained) Lot 13, 3.471 ha (Donovan Road; corner lot following existing fence) Lot 14, 76.86 ha (balance lot; all mapped constraints consolidated here)
Agricultural land classification	Class C (grazing only) / Class D (constrained), not Class A or B productive land
Vehicular access	Donovan Road (Council-maintained)
Reticulated services	None, on-site water and wastewater retained throughout

1.0 Introduction

This report supports a development application for a Development Permit for Reconfiguring a Lot (boundary realignment of 4 lots into 4 lots) at Donovan Road, Cabarlah, over Lot 1 on RP216132, Lot 2 on RP216132, Lot 264 on A34251 and Lot 337 on A34254.

The proposal is impact assessable under the Toowoomba Regional Planning Scheme 2012 (TRPS) because the resulting lots fall below the 100 hectare minimum for the Rural Zone (100ha Precinct), notwithstanding that no additional lots are created.

A pre-lodgement meeting was held with Toowoomba Regional Council on 8 June 2026 (PREL/2026/4067). Council confirmed the assessment level and applicable codes, raised substantive planning considerations (including agricultural land fragmentation, ecological impacts of new boundaries crossing regulated vegetation, and consistency with the Strategic Framework), and set out information and engineering requirements. Each matter is addressed in this report; a cross-reference table is at Section 6.1.

2.0 Site and Locality

2.1 Subject Site

The subject land comprises four (4) existing freehold lots in the rural locality of Cabarlah, with frontage to Donovan Road. The land is described as:

- Lot 1 on RP216132
- Lot 2 on RP216132
- Lot 264 on A34251 (approximately 20.234 ha)
- Lot 337 on A34254 (the largest holding, forming the larger balance area)

2.2 Site Characteristics

Cabarlah is located on the Great Dividing Range escarpment, approximately 15 kilometres north of Toowoomba. The subject land slopes away from Donovan Road, with the road-fronting area (containing the existing dwellings) being relatively gently sloping and the balance area falling steeply through vegetated country toward Murphys Creek. Contours indicate an elevation change of approximately 165 metres (590m AHD to 425m AHD) across the holding.

The road-fronting area is improved with two existing dwelling houses, an associated farm dam and supporting outbuildings. The balance area is largely undeveloped, vegetated land. Murphys Creek traverses the balance area. Existing internal fences within the holding generally follow the lines of boundaries proposed under this application.

2.3 Surrounding Land Use

The locality is a settled rural/rural-residential area characterised by grazing land, rural homesites and rural-residential allotments. It is not a broad-acre cropping or intensive horticulture area; that character belongs to the Darling Downs further west. Adjoining land is similarly used for rural and rural-residential purposes.

2.4 Access Arrangements

Access is via Donovan Road, the only Council-maintained road serving the land. Stevens Road, which adjoins the western boundary on the cadastre, is an unconstructed paper road and will not be constructed. No new road construction or access upgrading is required.

3.0 Proposal

The proposal is a boundary realignment of 4 existing lots into 4 proposed lots at Donovan Road, Cabarlah. Reference is made to the K4824 Proposal Plan (Version A, dated 27 April 2026) prepared by K. J. Wilson, Cadastral Surveyor (Appendix C).

Proposed Lot 11	4.396 ha, Lot fronting Donovan Road; existing residence retained
Proposed Lot 12	5.044 ha, Lot fronting Donovan Road; existing residence and associated farm dam retained
Proposed Lot 13	3.471 ha, Corner lot following existing western fence line, with frontage to Donovan Road
Proposed Lot 14 (Bal)	76.86 ha, Balance lot consolidating Lot 264 and most of Lot 337; captures the vegetated and constrained land of the holding including all mapped Landslide Hazard, vegetation, habitat, koala habitat and Murphys Creek

The new boundaries follow existing internal fence lines or rationalise the relationship between the dwelling sites and the larger balance area. No new dwellings, structures or operational works are proposed. There is no net increase in lot numbers.

3.1 Configuration Outcomes

- Mapped vegetation, essential habitat, koala habitat and Murphys Creek are consolidated wholly within the single 76.86 ha balance lot (proposed Lot 14). The mapped Landslide Hazard area is also wholly contained within proposed Lot 14.
- Building Location Envelopes are nominated on proposed Lots 13 and 14 (4,120m² and 3,252m² respectively, Sheet 7), positioned outside all mapped Landslide Hazard, vegetation and habitat constraint areas, with indicative effluent spray areas and crossover locations shown.
- The new boundaries follow existing internal fence lines, reflecting and reinforcing the historical management arrangement of the holding.
- The two existing dwelling sites are clearly separated from the larger balance area, reducing the potential for management conflict between residential and rural use.
- No earthworks, new roads, new infrastructure connections or vegetation clearing are proposed.

3.2 Access and Servicing

All four proposed lots front Donovan Road and will continue to rely on on-site rainwater tanks and on-site wastewater treatment. No Council reticulated water or sewer is available in this locality. No new infrastructure connections or trunk infrastructure are required.

4.0 Planning Framework

4.1 Planning Act 2016 and Planning Regulation 2017

The Planning Regulation 2017 contains several provisions relevant to boundary realignments, addressed below.

4.1.1 Schedule 6, Accepted Development

Schedule 6, Part 4 of the Planning Regulation 2017 prescribes certain boundary realignments as accepted development where no additional lots are created. The proposal satisfies this requirement (4 into 4 lots). However, Schedule 6 does not displace the planning scheme where minimum lot sizes are not met; because the resulting lots fall below the 100 hectare minimum, the application is impact assessable.

4.1.2 Exempt Subdivision and SARA Referral

The “exempt subdivision” definition under the Planning Regulation 2017 requires that no additional lots are created. The proposal satisfies this requirement and does not trigger SARA referral for Regional Plan matters.

4.2 State Planning Policy (July 2017)

The state interests of relevance to this application are Agriculture, Biodiversity and Natural Hazards (landslide). The proposal does not further fragment rural land (no additional lots are created), consolidates mapped vegetation and habitat into the largest lot, and the BLEs avoid mapped landslide hazard. Refer to the detailed assessment at Appendix A.

4.3 South East Queensland Regional Plan

The proposal meets the “exempt subdivision” definition and does not trigger SARA referral. No regional outcomes are compromised.

4.4 Toowoomba Regional Planning Scheme 2012

4.4.1 Zoning and Assessment Status

The subject land is included within the Rural Zone, 100ha Precinct of the TRPS. The existing and proposed lots are all less than the 100 hectare minimum, triggering Impact Assessment under Table 5.6:1 of the planning scheme.

4.4.2 Overlay Mapping

A review of the TRPS overlay mapping for the subject land confirms the following overlays are triggered:

- Agricultural Land Overlay, applies to the whole site by virtue of the rural production values of the land.
- Bushfire Hazard Overlay, parts of the subject land are mapped as Medium and High Fire Risk. The BLEs nominated on proposed Lots 13 and 14 are positioned in the lowest-hazard portion of each lot with a minimum 30m clearance from the nearest classified vegetation, as required by AO5.1 of the Code. Refer to section 4.4.5 below.
- Environmental Significance Overlay, applies to the balance area by virtue of mapped Areas of Ecological Significance, Category B regulated vegetation, essential habitat and core koala habitat. These features are wholly contained within proposed Lot 14.
- Landslide Hazard Overlay, applies to the balance area. The mapped hazard area is wholly contained within proposed Lot 14. The BLE on proposed Lot 14 is positioned outside the mapped hazard.

The site is not affected by Flood Hazard, Heritage, Scenic Amenity or Water Resource Catchments overlays in a manner that would trigger assessment under those codes.

4.4.3 Assessment Criteria, Applicable Codes

The applicable assessment benchmarks are:

- Rural Zone Code (section 6.6.6)
- Reconfiguring a Lot Code (section 9.4.5)
- Agricultural Land Overlay Code
- Bushfire Hazard Overlay Code
- Environmental Significance Overlay Code
- Landslide Hazard Overlay Code

A detailed assessment against the applicable assessment benchmarks is provided at Appendix A.

4.4.4 Strategic Framework

The proposal has been assessed against the applicable Strategic Framework provisions. The rural and agricultural analysis is at section 4.5 and Appendix B.

4.4.5 Bushfire Hazard, Building Location Envelopes

Parts of the subject land are mapped as Medium and High Fire Risk on the Toowoomba Regional Planning Scheme Bushfire Hazard Overlay. The Bushfire Hazard Overlay Code applies to all assessable development under Table 5.10:1 of the TRPS (no change to category of assessment).

The key provision for a Reconfiguring a Lot application is AO5.1, which requires that the lot design enables future buildings to be sited:

- In the lowest hazard location within the lot;
- At least 1.5 times the predominant mature canopy tree height, or 10 metres from classified vegetation, whichever is greater; and
- At least 10 metres from isolated retained vegetation strips or small areas of vegetation.

The dominant hazardous vegetation on this land and surrounding country is native eucalypt open forest and woodland. Mature eucalypts in the Cabarlah locality (Great Dividing Range escarpment) typically reach 18–20 metres. Applying the formula: $1.5 \times 20\text{m} = 30\text{ metres}$ minimum clearance from classified vegetation to the BLE boundary.

The BLEs are shown on Sheet 7 of the K4824 Proposal Plan: 4,120m² on proposed Lot 13 and 3,252m² on proposed Lot 14. Each is positioned in the lowest-hazard area of the lot, close to Donovan Road, with a minimum 30 metres clearance from the nearest classified vegetation. This 30m buffer aligns with the “essential management” vegetation clearing exemption under the Planning Regulation 2017, which authorises clearing for a necessary firebreak to 1.5 times the height of the tallest adjacent vegetation or 20 metres, whichever is wider (30m for 20m eucalypts).

A 30m setback enables a future dwelling to achieve approximately BAL-29 or better under AS 3959-2018 for eucalypt woodland conditions in Queensland (FDI 80). A site-specific BAL assessment by a qualified bushfire consultant will be required at the building approval stage. The BLEs are shown on Sheet 7 of the K4824 Proposal Plan, and the 30m buffer will be annotated on the bushfire site plan provided with the application.

A comprehensive assessment against the Bushfire Hazard Overlay Code is provided at Appendix A, section A.3.

4.5 Agricultural Land, Response to Council's Pre-Lodgement Concern

Council raised concern about the potential loss of agricultural land and requested a robust planning justification for the four-lot layout. This section provides that justification, supplemented by the code responses at Appendix A and Theme 2 of Appendix B. Council's specific concern at the pre-lodgement meeting was directed at the small corner lot that would acquire a new Donovan Road frontage. In the final Proposal Plan that lot is Lot 13 (3.471 ha). The detailed response is at section 4.5.7.

4.5.1 The Character of the Rural Zone at Cabarlah

The Rural Zone (100ha Precinct) was not applied to this land to protect high-quality productive agricultural land. It reflects the significant physical and environmental constraints that characterise the Cabarlah locality: the site is subject to the Landslide Hazard Overlay (steep, unstable terrain), the Environmental Significance Overlay (mapped vegetation, essential habitat, koala habitat), and the Agricultural Land Overlay. The Agricultural Land Overlay here reflects the land's broad rural character, not a designation of high-quality agricultural production.

The Rural Zone (100ha Precinct) aims, in the words of s.6.6.6.2(3), to "preserve the productive, natural and landscape values of highly fragmented rural land by the prevention of further fragmentation by reconfiguring a lot creating inappropriate lot sizes that do not support these outcomes." The proposal does precisely this: it consolidates the constrained balance area (including all natural and landscape values) into a single 76.86 ha lot.

Whether refusal would protect agricultural land requires an honest assessment of what agricultural activity this land can support. As demonstrated below, the answer is very limited and incapable of supporting a commercially viable enterprise in any cadastral configuration.

4.5.2 Agricultural Land Classification

Queensland's Agricultural Land Classification (ALC) system, administered by the Department of Agriculture and Fisheries (Business Queensland, Queensland Agricultural Land Audit, ALC Land Classes), uses four classes:

- Class A: widest range of agricultural uses; minimal limitations.
- Class B: suitable but with some limitations; reduced range of crops.
- Class C: suitable only for grazing due to physical limitations.
- Class D: unsuitable for any agricultural use due to extreme limitations including very steep slopes, shallow soils, rock outcrops, poor drainage, or significant instability hazard.

The State of the Environment Report (Queensland, 2024) confirms that Class C land (grazing only) covers approximately 70% of Queensland's land area, typically limited by gradient, soil depth and accessibility. Class D land is unsuitable due to very steep slopes, shallow soils, rock outcrops, poor drainage or instability.

The subject land is Class C (grazing only) at best for the more accessible road-fronting area, and Class D for the steep, vegetated balance area. It is not Class A or B and is incapable of cropping, horticulture, dairying or intensive agriculture. Cattle grazing, the only practical use, is confined to the more accessible road-fronting area.

Key finding: The subject land is not high-quality agricultural land. It comprises Class C (grazing only) and Class D (severely constrained) country in the ALC framework. The planning scheme's protection of agricultural land is directed at Classes A and B. This land's "agricultural" value consists entirely of limited, low-intensity cattle grazing on the more accessible road-fronting area.

4.5.3 Why the Land Was Zoned Rural, Constraints, Not Productivity

Three factors confirm this land was zoned Rural/100ha Precinct due to its constraints, not its agricultural productivity:

- **Landslide Hazard Overlay:** The majority of the balance area (proposed Lot 14) is affected by mapped Landslide Hazard. Steep, unstable terrain is antithetical to productive agricultural use and is itself a marker of Class C/D land.
- **Environmental Significance Overlay:** The balance area carries mapped Category B regulated vegetation, essential habitat and core koala habitat. This is native bushland, not cleared improved pasture. Productive grazing requires cleared pasture; extensive mapped native vegetation confirms this area has never been, and is unlikely to become, productive grazing land.
- **Great Dividing Range topography:** Cabarlah sits on the eastern escarpment, characterised by steep gradients, thin soils, native vegetation and terrain instability. This is fundamentally different from the flat, deep black soil country of the Darling Downs (Dalby, Oakey, Pittsworth), which is the genuinely productive agricultural land in the Toowoomba region.

The planning scheme correctly zones this land Rural and the 100ha minimum correctly limits development intensity. But the policy mischief the minimum is designed to prevent, the progressive subdivision of genuinely productive rural land into lifestyle blocks, is not present here. The land is already in four lots, all below 100ha, and the proposal does not increase that number.

4.5.4 Viability of Cattle Grazing, Enterprise Economics

Even accepting cattle grazing as the only practical use, a commercial grazing enterprise on this holding is economically unviable in any cadastral configuration. The following analysis draws on published data from ABARES, Meat & Livestock Australia (MLA) and NSW DPI.

Carrying capacity: Queensland Government guidelines indicate approximately 1 AE per hectare on improved pasture in reliable rainfall areas, dropping to 1 AE per 4–8 hectares on steeper, partially vegetated country. Applied to this holding:

- **Road-fronting area** (proposed Lots 11 and 12, approximately 9.4 ha combined): limited improved pasture. Estimated maximum: 10–15 head.
- **Balance area** (proposed Lot 14, 76.86 ha): largely steep, vegetated and landslide-affected, with significant portions inaccessible for grazing. Estimated maximum: 15–20 head.
- **Total holding:** estimated maximum approximately 25–35 head, across a combination of accessible and partly accessible country.

ABARES context: ABARES's Australian Agricultural and Grazing Industries Survey (AAGIS) only covers farms with an Estimated Value of Agricultural Operations (EVAO) of more than \$40,000 per year. A herd of 25–35 head cannot approach this threshold under any market condition.

MLA data: Average Australian beef farm business profit in FY2023–24 was negative \$16,000 per farm nationally (MLA, Aussie sheep and beef farms' financial performance, 2024). Only Queensland farms achieved positive average profitability, at \$78,000 per farm, across operations orders of magnitude larger than anything this holding can support.

NSW DPI benchmark: A property of at least 150 hectares is required to sustain a functional beef breeding unit on typical grazing lands in comparable East Coast escarpment terrain (NSW DPI, Beef stocking rates and farm size, Hunter region). The total combined area of the holding (~89.77 ha) falls well below this threshold, and only a fraction of that area is practically accessible for grazing.

No lot resulting from the realignment, individually or in combination, can support a viable commercial cattle enterprise. This is a consequence of the land's physical characteristics and the economics of cattle production at this scale, not of the proposed configuration. Refusing the boundary realignment would not preserve any productive agricultural capacity; it would simply leave four title boundaries that do not reflect the physical reality of the site.

4.5.5 What the Proposed Configuration Actually Achieves

The proposed configuration is demonstrably better for the management of the land's agricultural and natural values:

- Proposed Lots 11 and 12: the two dwelling lots containing the more accessible, gently sloping land. They remain as discrete rural lots suited to hobby/lifestyle grazing, with each dwelling on a clearly defined holding.
- Proposed Lot 14 (76.86 ha balance): consolidates all constrained land (Landslide Hazard, mapped vegetation, essential habitat, koala habitat, Murphys Creek) into a single manageable lot, removing the cadastral complexity of constraints traversing multiple titles.
- Proposed Lot 13 (3.471 ha), a corner lot following an existing fence line, accessed from Donovan Road, with a BLE positioned outside all mapped constraints.

The proposed configuration does not reduce the land's already limited agricultural capacity. It improves the organisation of the cadastre to reflect the physical reality of the site.

4.5.6 Consistency with Locality Character and the Existing Cadastral Pattern

A further argument in favour of the proposed configuration is the existing cadastral pattern of the locality. It is grounded in three interlocking TRPS provisions:

- Rural Zone Code s.6.6.6.2(2)(e): "development contributes to the amenity and landscape character of the area."
- Rural Zone Code s.6.6.6.2(2)(f): non-rural activities are facilitated where they are "compatible with the character and environmental values of the locality."
- Reconfiguring a Lot Code s.9.4.5.2(1)(a): the Code's own stated purpose is 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."

The planning scheme is therefore expressly concerned with consistency with local character. The existing cadastral pattern of the Cabarlah locality provides the context for that assessment.

Existing Lot Pattern in the Immediate Locality

Council's planning scheme mapping confirms that the Rural Zone (R1) in this locality already contains numerous lots significantly below the 100 hectare minimum. Nearby R1 lots on Evans Road, Horn Road and Castle Road include an existing 3.8 hectare lot at the corner of Horn Road and Evans Road, which is smaller than the smallest proposed lot (Lot 13 at 3.471 ha). Other R1 lots in the vicinity range from approximately 2 hectares to 40 hectares, with none approaching the 100 hectare minimum.

The prevailing cadastral pattern of the Cabarlah Rural Zone is one of established fragmentation well below the 100ha threshold, a product of land settlement on the Great Dividing Range escarpment where terrain and ecological constraints produced smaller holdings rather than broad-acre production blocks. The 100ha minimum was applied prospectively to prevent further fragmentation; it was not applied retrospectively to require consolidation of lots that predate the scheme.

The proposed lots (76.86 ha, 4.396 ha, 5.044 ha and 3.471 ha) are consistent with, and in most cases larger than, existing R1 lots in the same locality. The proposal introduces no lot size anomaly; it rationalises an existing cadastral arrangement in keeping with the character and pattern of surrounding land.

Key TRPS provision, Strategic Framework s.3.6.4.1(3): "The facilitation of viable farm units through the amalgamation of titles of small lot holdings within rural areas is encouraged."

Application: The consolidation of the constrained balance land into a single 76.86 ha lot (proposed Lot 14) is precisely the kind of rationalisation that this strategic outcome contemplates. The four existing sub-minimum lots are replaced by a configuration in which the largest lot (76.86 ha) approaches the precinct minimum, and the management of all natural

values is consolidated accordingly. Far from being contrary to strategic intent, the configuration is positively aligned with this specific outcome.

The Strategic Framework at s.3.6.2.1(2) requires inter-urban breaks to be maintained as non-urban areas with “no further fragmentation of allotments in the area.” The realignment does not further fragment; it reduces the management complexity of the existing four-lot arrangement and reinforces the natural and rural character of the area by consolidating all ecological and landscape values into proposed Lot 13.

The Strategic Framework at s.3.5.2.1(1) links rural community identity to local character. Cabarlah’s character is one of small to medium rural lots used for rural-residential purposes and limited low-intensity grazing. The proposed configuration is entirely consistent with that character.

4.5.7 Proposed Lot 13, Direct Response to Council's Specific Concern

Council’s pre-lodgement minutes identify proposed Lot 13 (3.471 ha) as the primary planning concern. Council’s stated position is that the proposal “is effectively creating four lots on Donovan Road, instead of the current two lots that adjoin the road” and that this “fragments the available agricultural land, currently contained in 2 lots, proposed to be within 4 lots.”

What the proposal actually does

Under the existing cadastre, four lots exist: Lot 1 and Lot 2 on RP216132 (both fronting Donovan Road), Lot 264 on A34251, and Lot 337 on A34254. Only Lots 1 and 2 currently front Donovan Road. Under the proposed configuration, Lots 13 and 14 also gain road frontage. However, this creates no new development entitlement. Each of the four existing lots, including Lot 264 and Lot 337, is already a separate titled lot with the right to support a Dwelling House in the Rural Zone. The number of titled lots remains four and no new dwelling right is created. The road frontage of Lots 13 and 14 arises because parts of the existing Lot 264 and Lot 337 are configured to the Donovan Road boundary under the proposed layout, the same parcels that already existed as separate titles capable of supporting a dwelling.

The specific concern about agricultural land and Lot 14

Council characterises Lot 14 as causing “loss of remaining agricultural land.” Properly assessed, the agricultural capacity of the land forming Lot 14 is as follows:

- Proposed Lot 13 (3.471 ha) is a corner lot following an existing internal fence line near Donovan Road. It is relatively accessible, gently sloping, and not affected by Landslide Hazard or ESO vegetation mapping.
- Lot 13 currently forms part of existing Lot 264 on A34251 (approximately 20 ha), which has never been a viable independent agricultural unit in constrained escarpment country, for the reasons set out in sections 4.5.2–4.5.4. Lot 13 at 3.471 ha is not the reduction of a viable agricultural parcel; it is the rationalisation of a pre-existing sub-minimum lot.
- Council’s agricultural land concern for Lot 13 rests on an assumption that Lot 264, as currently titled, is capable of productive agricultural use. As established in sections 4.5.2–4.5.4, it is not. Lot 264 is Class C/D country and cannot sustain a viable commercial rural enterprise.

The Agricultural Land Overlay Code provides for this scenario at AO3.2. All three elements are satisfied: (1) the proposed lots are below the minimum; (2) the reconfiguration is a boundary realignment creating no additional lots; and (3) it provides for improved land management by consolidating all constraints into the single balance lot (proposed Lot 14). Lot 13 is not a new parcel created at the expense of agricultural production; it is the rationalisation of an existing title in a manner expressly contemplated by the Code.

5.0 Specialist Assessments and Supporting Information

5.1 Overview

Council's pre-lodgement minutes (PREL/2026/4067) identified a number of specialist assessment and information requirements. This section addresses each in turn.

5.2 Tree Survey / Ecological Impact Assessment

Council's pre-lodgement minutes request either a Tree Survey (conducted by a suitably qualified person, identifying vegetation to be removed and retained) or, if PO1 of the Environmental Significance Overlay Code cannot be satisfied, a full Ecological Impact Assessment.

Council's concern arises because new lot boundaries will cross areas of regulated vegetation and fenceline clearing could impact mapped Areas of Ecological Significance. This is also the context for Council's SARA observation (section 4.1.2).

A Tree Survey by a suitably qualified ecological consultant will be provided with the development application. A Detail Survey of Lots 1 and 2 on RP21632 prepared by Byrne Spatial Consultants (Drawing No. 11/097 DS01, dated 19 May 2011) has been completed and is submitted with the Proposal Plan. This survey records tree canopy locations and heights (21–24m above ground level) across the road-fronting lots and provides the spatial context for assessing vegetation near proposed lot boundaries. The Tree Survey will:

- Identify all regulated vegetation in the vicinity of proposed new boundaries;
- Confirm the extent of any vegetation removal required for fencing purposes along new internal boundaries;
- Confirm that the Building Location Envelopes on proposed Lots 13 and 14 are positioned wholly outside mapped Areas of Ecological Significance and associated buffers, consistent with AO1.1 of the Environmental Significance Overlay Code; and
- Confirm that no mapped essential habitat, Category B regulated vegetation or core koala habitat is impacted by the proposed realignment or any associated fencing.

The ESO Code assessment at Appendix A has been prepared on a performance basis having regard to BLE positioning, and will be updated to cross-reference the Tree Survey on its completion.

A full Ecological Impact Assessment is not warranted. The proposal is a boundary realignment and introduces no new use, clearing, buildings or earthworks. The existing dwellings are outside the mapped ecological values and the BLEs are positioned to ensure the same for future dwellings. The primary ecological risk, fenceline clearing on new internal boundaries, will be addressed by the Tree Survey and managed under the Vegetation Management Act 1999.

5.3 Bushfire, Site Plan

Council's pre-lodgement minutes request a site plan in accordance with PO5 of the Bushfire Hazard Overlay Code showing: Building Location Envelopes; setback distances from hazardous vegetation; retained and removed vegetation; and proposed Asset Protection Zones.

Sheet 7 of the K4824 Proposal Plan (Appendix C) is a Plan of Building Envelopes for Lots 13 and 14. It shows the Building Location Envelope on each lot (4,120m² on proposed Lot 13 and 3,252m² on proposed Lot 14), the indicative effluent spray areas, the indicative crossover locations and site contours at 0.5m intervals. Sheet 4 shows the regulated vegetation and essential habitat mapping against which the setbacks are measured. A dedicated bushfire site plan, or annotation layer on Sheet 7, will be provided with the application confirming the 30m minimum clearance from classified vegetation in accordance with AO5.1(c), and identifying: the classified vegetation boundary; the 30m Asset Protection Zone buffer; the BLE boundary; and the relationship of these elements to the Landslide Hazard and ESO overlay boundaries.

A Bushfire Management Plan is not required. The application is for Reconfiguring a Lot with no new dwellings, and each future dwelling on proposed Lots 13 and 14 will be a single dwelling on an existing lot, attracting the exception under AO2.2. The BLE positioning and BAL analysis are addressed at section 4.4.5 and Appendix A.3.

5.4 Landslide, Geotechnical Assessment

Council's pre-lodgement minutes advise that where BLEs or infrastructure are located within the Landslide Hazard Overlay or on slopes greater than 15%, a land slope stability report prepared by a Registered Professional Engineer of Queensland (RPEQ) is required.

The BLEs on proposed Lots 13 and 14 are positioned outside the mapped Landslide Hazard Overlay in the low-hazard area of those lots near Donovan Road. The existing dwellings on proposed Lots 11 and 12 are also outside the mapped hazard.

A geotechnical report does not accompany the application on this basis. Should Council's assessment officer determine that any BLE falls within the mapped hazard or on slopes exceeding 15%, an RPEQ slope stability assessment will be commissioned prior to any request for further information.

5.5 Wastewater, Effluent Reports

Council's pre-lodgement minutes note that the site is not within Council's sewerage service catchment and that each proposed lot must have its own onsite wastewater treatment and land disposal facilities clear of proposed boundaries, environmental and landslide hazards. Effluent Reports may be required for proposed Lots 13 and 14.

The existing on-site wastewater systems for the dwellings on proposed Lots 11 and 12 are wholly contained within those lots. For proposed Lots 13 and 14, Sheet 7 of the Proposal Plan shows an indicative effluent spray area adjacent to each Building Location Envelope: 512m² on proposed Lot 13 and 500m² on proposed Lot 14. Both are clear of all proposed boundaries, mapped hazards and vegetation, and each lot (3.471 ha and 76.86 ha respectively) has ample additional area to accommodate any larger disposal area the Effluent Report may require.

Effluent Reports for proposed Lots 13 and 14 will be provided with the application, confirming adequate area for on-site treatment and disposal clear of all proposed boundaries and mapped constraints.

5.6 Engineering, Site Layout Plan and RPEQ Design Certificate

Council's pre-lodgement minutes request a concept site layout plan showing existing buildings, proposed buildings or building envelopes, existing services (including effluent disposal areas), street trees, conceptual access arrangements and clear dimensions to new boundaries and infrastructure. Council also notes that existing and proposed crossovers are to be identified on the plans, and that where crossovers need to be modified, they must be reconstructed in accordance with Council's standard drawings.

Sheet 7 of the Proposal Plan already shows the Building Location Envelopes, indicative effluent spray areas and indicative crossover locations for Lots 13 and 14. A site layout concept plan will be prepared by the project engineer and provided with the application, showing: existing buildings on Lots 11 and 12; BLEs on Lots 13 and 14; existing and proposed crossovers; effluent disposal and application areas; and dimensions to proposed new boundaries.

An RPEQ Design Certificate will be provided with the engineering documentation.

6.0 Consultation and Referrals

6.1 Pre-Lodgement Meeting, Overview and Cross-Reference Table

Meeting Details

Pre-lodgement reference	PREL/2026/4067
Date and time	Monday 8 June 2026, 1:00 pm – 2:00 pm
Location	Toowoomba Regional Council, Development Services Conference Room, Ruthven Street
Council attendees	Alanna Walker (Planning Assistant), Sophie Spencer (Lead Senior Planner), Muhammad Pahore (Lead Senior Engineer), William Fisher (Environmental Officer)
Applicant attendees	Stephan Bowers (Novus Urban, Consultant), Kim Leigh, Mr Darren Cooper (Clients), Julie (Owner)

Meeting Summary

The pre-lodgement meeting obtained Council’s preliminary comments on the proposed 4-into-4 lot boundary realignment at 193 Donovan Road, Cabarlah. Council confirmed impact assessable status, raised substantive planning concerns (principally consistency with the Strategic Framework’s rural and agricultural outcomes, and fragmentation of agricultural land through the creation of the small road-fronting corner lot), and identified specialist assessment and engineering requirements.

The pre-lodgement minutes are submitted with the application.

Note on plan revision and lot numbering: The Proposal Plan was revised following the pre-lodgement meeting. In the revised plan (K4824 Proposal Plan, Rev A), the lot numbering differs from the configuration discussed at the meeting. At the meeting, Council’s concern focussed on the small corner lot that would gain a new Donovan Road frontage, which was at that stage referred to informally as “Lot 14.” In the final Proposal Plan, that small corner lot is designated Lot 13 (3.471 ha), and the large balance parcel consolidating all constraints is designated Lot 14 (76.86 ha). References in the cross-reference table and in Section 4.5.7 of this report to “Lot 13” correspond to the lot that was the subject of Council’s concern at the pre-lodgement meeting. The planning responses address Council’s concern on its substance, regardless of the lot number assigned in the final plan.

Cross-Reference Table, Council's Issues and How They Are Addressed

Council issue / requirement	Council's position / concern	How addressed in this report
Assessment level	Impact assessable confirmed. Proposal is inconsistent with minimum lot size and must address Strategic Framework, Rural Zone Code, Reconfiguring a Lot Code and applicable overlay codes.	Section 4.4.1. Impact assessment conducted. All applicable codes assessed at Appendix A.
SARA referral	New boundaries cross state regulated vegetation, applicant to contact SARA re Schedule 10, Part 3, Div 4, Table 2.	Section 4.1.2. SARA contact confirmed; application lodged with or without referral as appropriate.
Strategic Framework, Network of Towns / inter-urban breaks	Concern about creating additional road-fronting lots in a rural inter-urban break area.	Section 4.5.6, Appendix B (Theme 7, Natural Resources and Landscape). No further

Council issue / requirement	Council's position / concern	How addressed in this report
		fragmentation; 4-into-4 realignment.
Strategic Framework, Rural Landscape / agricultural land	Protecting and maintaining productive agricultural land; avoiding fragmentation.	Sections 4.5.1–4.5.5, Appendix B (Theme 2, Economic Development). ALC Class C/D analysis; enterprise viability; AO3.2 directly satisfied.
Strategic Framework, Settlement Pattern 3.3.1(9)	Rural residential development limited to identified rural residential areas.	Appendix B (Theme 1, Settlement Pattern). No additional lots created; proposal is boundary realignment only.
Strategic Framework, Natural Places element	Council advises assessment against Element – Natural Places (1) would be beneficial.	Appendix B (Theme 4, Natural Environment). ESO consolidation into Lot 13 addressed; enhanced by Tree Survey.
Rural Zone Code (100ha Precinct)	Proposed lots are well below minimum and in conflict with Rural Zone purpose, particularly Lot 14.	Section 4.5.3, Appendix A.1 (PO13 Performance Solution). Constraint-driven zoning; Lot 14 addresses existing tenure.
Proposed Lot 13, specific concern	Creating a new small lot fronting Donovan Road effectively fragments agricultural land further.	Section 4.5.7 (new, Lot 13 specific response), Appendix A.1 (PO13) and Appendix A.4 (Agricultural Land, PO3).
Agricultural Land Overlay Code	Proposal will result in loss of remaining agricultural land to Lot 14; inconsistent with code purpose.	Section 4.5.1–4.5.5, Appendix A.4. AO3.2 directly satisfied; no loss of viable agricultural use.
Reconfiguring a Lot Code, purpose and overall outcomes	Application must demonstrate compliance with purpose and overall outcomes of the Code.	Appendix A.2. Full assessment of applicable POs/AOs. Performance solutions with full reasoning where below minimum.
Environmental Significance, Tree Survey	Council requests Tree Survey or Ecological Impact Assessment re fenceline clearing on new boundaries.	Section 5.2. Tree Survey will be provided as part of application. Detail Survey (Byrne Spatial, Dwg 11/097 DS01) submitted with Proposal Plan. ESO code assessed at Appendix A.5.
Bushfire Hazard, site plan with BLEs and APZs	Site plan required showing BLEs, setbacks, retained/removed vegetation and APZs.	Sections 4.4.5 and 5.3, Appendix A.3. 30m buffer annotated on Proposal Plan. Detailed bushfire code response at Appendix A.3.
Landslide Hazard, RPEQ report	RPEQ geotechnical report required if BLEs are in hazard area or on slopes >15%.	Section 5.4, Appendix A.6. BLEs confirmed outside mapped hazard. RPEQ report to be provided if requested by Council.
Engineering, site layout concept plan	Scaled concept plan showing buildings, services, crossovers, effluent areas and dimensions to new boundaries.	Section 5.6. Site layout plan to be prepared by project engineer

Council issue / requirement	Council's position / concern	How addressed in this report
		and provided as part of application.
Wastewater, effluent reports for Lots 13 and 14	Each lot to have own on-site wastewater treatment and disposal clear of boundaries and hazards.	Section 5.5. Effluent reports for Lots 13 and 14 to be provided.
RPEQ Design Certificate	Engineering Design Certificate required by RPEQ.	Section 5.6. RPEQ Design Certificate to be provided with engineering documentation.
Infrastructure Charges	Infrastructure Charges will be levied at date of decision.	Section 5.7. Noted. Estimate to be obtained prior to lodgement.

6.2 Statutory Notification

As impact assessable development, the application will be subject to public notification under Part 4 of the Development Assessment Rules.

7.0 Conclusion

This Planning Report supports an application for a Development Permit for Reconfiguring a Lot (boundary realignment of 4 lots into 4 lots) at Donovan Road, Cabarlah.

The application is impact assessable solely because the resulting lots remain below the 100 hectare minimum. The proposal is in form and substance a boundary realignment: no net increase in lot numbers, no additional development rights, no new infrastructure, no clearing and no earthworks. It is the least intensive class of development that the planning scheme can make assessable.

Directly addressing Council's concern about agricultural land:

- The subject land is not high-quality agricultural land. It falls within Class C (grazing only) and Class D (constrained) under Queensland's ALC framework, not Class A or Class B productive land.
- The land was zoned Rural/100ha Precinct due to its terrain constraints (Landslide Hazard), ecological values (Environmental Significance Overlay) and Great Dividing Range escarpment character, not because it supports productive broad-acre agriculture.
- The only practical agricultural use, limited low-intensity cattle grazing on the road-fronting area, is economically unviable at this scale in any cadastral configuration, as confirmed by ABARES, MLA and NSW DPI benchmarks.
- No agricultural capacity is lost by the realignment. It changes title boundaries, not land use or capability.
- The proposed configuration improves land management by consolidating all constrained land (Landslide Hazard, mapped vegetation, habitat, watercourse) into a single manageable 3.471 ha balance lot, while separating the existing dwelling sites onto their own defined lots.
- AO3.2 of the Agricultural Land Overlay Code is the specific acceptable outcome for a boundary realignment below the minimum lot size that improves land management. All three elements are satisfied.
- The proposed lots (3.471 ha to 76.86 ha) are consistent with, and in most cases larger than, existing R1 lots in the immediate locality, which already falls well below the 100 ha minimum. The Rural Zone Code and Reconfiguring a Lot Code both require consistency with local character, a requirement the proposal clearly meets. The Strategic Framework specifically encourages amalgamation of small lot holdings in rural areas (s.3.6.4.1(3)), and this realignment delivers that outcome through consolidation of all constraints into the 76.86 ha balance lot.

The proposal complies with each applicable assessment benchmark of the TRPS to the extent those benchmarks apply to a Reconfiguring a Lot for boundary realignment in the Rural Zone. It is recommended for approval.

Appendix A, Assessment of Applicable Benchmarks

This appendix sets out the detailed assessment of the proposal against each applicable assessment benchmark of the Toowoomba Regional Planning Scheme 2012.

Note on scope of assessment: The assessment is confined to headed sub-sections of each Code that apply to a Reconfiguring a Lot (boundary realignment) where no building work, vegetation clearing or earthworks are proposed. Sub-sections applying only to specific uses or scenarios not engaged by this application, including use-specific provisions of the Rural Zone Code, and the movement network, public transport, open space, hatchet lots, dual occupancy, volumetric subdivision and urban amenity provisions of the Reconfiguring a Lot Code, are not addressed. Within the Bushfire Hazard Overlay Code, the Community Infrastructure, Hazardous Materials and perimeter fire break provisions are similarly excluded.

A.1 Rural Zone Code

Only the headed sections of Tables 6.6.6:1 and 6.6.6:2 applicable to all development, or specifically to a Reconfiguring a Lot for boundary realignment, are assessed below. Use-specific sections (including Roadside Stalls and Shops, Dwelling House, Caretaker's Accommodation and Cropping being Forestry) are not assessable benchmarks for this application and are not addressed.

Performance outcomes	Acceptable outcomes	Compliance summary
Table 6.6.6:1, General		
PO1 Setbacks are provided to: (a) avoid potential nuisance to neighbours; (b) protect residential amenity; and (c) maintain the local landscape character.	AO1.1 Non-residential buildings, animal enclosures, storage facilities and waste disposal areas are setback the following distances from any: (a) dwelling on adjoining land in the Rural Zone, 50m; (b) land included in the Low Density Residential, Low-medium Density Residential, Township, Emerging Community or the Rural Residential Zones, 100m.	N/A: The development application is for Reconfiguring a Lot (boundary realignment). The application does not propose any non-residential buildings, animal enclosures, storage facilities or waste disposal areas. Existing dwellings on proposed Lots 11 and 12 are retained in their current position.
PO2 Development does not adversely impact on the character of the locality, having regard to the scale and visibility of buildings.	AO2.1 Building height (other than for silos, windmills and similar farming infrastructure) does not exceed two (2) storeys or 10.5m in height above natural ground level.	N/A: No new buildings or structures are proposed as part of the development application. Future dwellings (where established on the proposed lots) will be subject to a separate building approval and will be required to comply with this acceptable outcome at that time.
Table 6.6.6:2, Uses		
PO4 The zone primarily accommodates rural activities and related ancillary uses or compatible uses consistent with the values and features of the zone including	AO4.1 / AO4.2 Uses which are consistent with the intent of the zone include rural activities, dwelling house where associated with rural activities, caretaker's accommodation, home based	Complies: The proposal is a boundary realignment and does not propose any change to the use of the land. The land will continue to support rural activities and the existing dwelling houses on proposed Lots 11 and 12. No use inconsistent with the zone intent is

Performance outcomes	Acceptable outcomes	Compliance summary
its rural production capacity, natural resources and scenic landscape amenity.	business, and other compatible uses. Uses which are inconsistent with the intent of the zone include business activities, accommodation activities (other than dwelling houses), entertainment activities and recreation activities.	proposed. The land's constrained character, confirmed by the presence of Landslide Hazard, Environmental Significance and Agricultural Land overlays, means its rural use has always been limited to low-intensity rural activities consistent with the zone intent.
PO5 Rural industries are established only where associated with rural production in the immediate vicinity.	No acceptable outcome is nominated.	N/A: No rural industry is proposed.
PO6 Tourism and recreation related uses are established only where they are small in scale and are directly associated with rural production, natural resources and landscape amenity in the immediate vicinity.	No acceptable outcome is nominated.	N/A: No tourism or recreation use is proposed.
Table 6.6.6:2, Rural Character		
PO7 Buildings have a low rise, rural character.	A07.1 Building height does not exceed two (2) storeys or 10.5m in height above natural ground level.	N/A: The application is for Reconfiguring a Lot (boundary realignment) only. No new buildings are proposed. Future dwellings on proposed Lots 13 and 14 will be subject to a separate building approval.
PO8 Development does not unduly impact on the rural amenity and character of the locality, having regard to the scale, siting and design of buildings and structures, visibility from roads, natural landform and noise, odour and other emissions.	No acceptable outcome is nominated.	Complies: The proposal does not include any new buildings, structures, earthworks or vegetation clearing. The boundary realignment retains the prevailing rural / rural-residential character of the locality. The BLEs on proposed Lots 13 and 14 ensure any future dwelling will integrate with the rural character of the area without visual scarring or undue visual impact from Donovan Road.
PO9 Roads and other infrastructure are of a sufficient capacity to accommodate the demands generated by the development.	No acceptable outcome is nominated.	Complies: All four proposed lots will continue to take vehicular access from Donovan Road, the existing Council-maintained road serving the land. No additional infrastructure connections, road augmentation or upgrades are required to support the boundary realignment.

Performance outcomes	Acceptable outcomes	Compliance summary
Table 6.6.6:2, Rural Viability and Managing Conflicts		
PO10 Development does not restrict the ongoing operation or viability of nearby rural uses.	No acceptable outcome is nominated.	Complies: The realignment does not introduce any new use or additional development right to the site. The proposed lots have sufficient site areas or are sufficiently separated from nearby rural uses to avoid any restriction on the ongoing operation or viability of those uses. No additional dwelling entitlements are created.
PO11 Development that may be sensitive to the spray drift, odour, noise, dust, smoke and ash potentially associated with agricultural activities is adequately separated or buffered to avoid significant conflict.	No acceptable outcome is nominated.	Complies: The two existing dwellings on proposed Lots 11 and 12 are retained in their present location and are already separated from agricultural activities on adjoining and surrounding land. The BLEs on proposed Lots 13 and 14 maintain reasonable separation from adjoining rural land use activities. No new sensitive use is introduced by the realignment.
Table 6.6.6:2, Site Layout		
PO12 The site layout responds sensitively to on-site and surrounding topography, drainage patterns, utility services, access, vegetation and adjoining land use, such that hazards are avoided, earthworks are minimised, natural drainage lines and vegetation/biodiversity values are maximised, and there is adequate buffering to adjoining development.	No acceptable outcome is nominated.	Complies: The proposed boundary configuration responds sensitively to existing site features. The new boundaries follow existing internal fence lines and rationalise the relationship between the two existing dwelling sites and the larger balance area. Mapped vegetation and habitat values, together with the steeper landslide-affected land of the balance area, are consolidated into the single large balance lot (proposed Lot 14, 76.86 ha). No earthworks, vegetation clearing or works to drainage lines or utilities are proposed.
Table 6.6.6:2, Precincts		
PO13 Development in the 100ha Precinct: (a) does not involve the creation of additional lots smaller than 100ha; (b) maintains the productive capacity of the land; and (c) maintains the natural and scenic landscape values of the land.	No acceptable outcome is nominated.	Performance Solution: The site is located within the 100ha Precinct of the Rural Zone. The four existing lots are all below the 100 hectare minimum lot size for the precinct. The proposal is a boundary realignment, four (4) existing lots are rearranged into four (4) proposed lots with no net increase in lot numbers. No "additional" lot in the sense contemplated by AO1.1 of the Reconfiguring a Lot Code is created. Critically, as established in the detailed agricultural analysis at section 4.5 of this report, the

Performance outcomes	Acceptable outcomes	Compliance summary
		productive capacity of this land has never been dependent on its configuration as four lots rather than any other. The land lies on the Great Dividing Range escarpment at Cabarlah, with significant terrain constraints including steep country (landslide hazard), mapped vegetation/habitat (Environmental Significance Overlay) and koala habitat across the majority of the holding. The land has never been capable of productive agricultural use beyond limited low-intensity cattle grazing on the more gently sloping road-fronting area. No productive agricultural capacity is lost by the realignment. To the contrary, by consolidating the largest contiguous area of constrained land, including all mapped vegetation, essential habitat and koala habitat, into a single 76.86 ha balance lot (proposed Lot 14), the realignment improves the configuration of the holding for both land management and the long-term retention of natural and scenic landscape values. The proposal is therefore consistent with elements (b) and (c) of this performance outcome notwithstanding that resulting lot sizes remain below 100 hectares.
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.	N/A: The site is not located within the 200ha Precinct of the Rural Zone.

A.2 Reconfiguring a Lot Code

Headed sections of Tables 9.4.5:1 and 9.4.5:2 that apply only to scenarios not present in this application, including Master Planning, Movement network design, Pedestrian and cyclist facilities, Public transport, Open Space Network, residential noise impacts, hatchet lots, lots less than 450m², dual occupancy, volumetric subdivision and the like, are not assessment benchmarks for this boundary realignment and are not addressed.

Performance outcomes	Acceptable outcomes	Compliance summary
Table 9.4.5:1, Boundary Realignment Requirements		
PO1 The lots resulting from the rearrangement of boundaries does not contribute to: (a) the proliferation of lots of rural land fragmentation; or (b) the potential to introduce uses or activities which conflict with the intent of the applicable zone for all or part of the site.	AO1.1 / AO1.2 AO1.1 No additional lots are created by the rearrangement of boundaries. AO1.2 The resulting lots from rearranging boundaries are contained entirely within a single zone.	Complies: AO1.1, the proposal rearranges four (4) existing lots into four (4) proposed lots. No additional lots are created. AO1.2, all four proposed lots are wholly contained within the Rural Zone (100ha Precinct). As to the performance outcome itself: the proposal does not contribute to the proliferation of lots. The realignment does not increase the number of lots and does not fragment the holding further, it rearranges the existing fragmentation in a manner that consolidates constrained land into the largest lot. No use or activity inconsistent with the Rural Zone is introduced or facilitated. The land will continue to be used for low-intensity rural and rural-residential purposes consistent with its constrained character.
PO2 Lots resulting from rearrangement of boundaries do not require any new or additional infrastructure connections, or modification of existing connections.	AO2.1 All lots resulting from rearrangement of boundaries retain all existing infrastructure connections wholly within the lot they serve; do not require additional infrastructure connections or augmentation; except where in the Rural Zone, have sealed vehicle crossovers; and have stormwater drainage for lots 4000m ² or less.	Complies: All existing infrastructure connections (rainwater tank, on-site wastewater, electricity) servicing the existing dwellings on proposed Lots 11 and 12 are wholly contained within the lot they serve. No additional infrastructure connections or augmentation are required. AO2.1(c) does not apply as the lots are within the Rural Zone. AO2.1(d) does not apply as the smallest proposed lot (76.86 ha) far exceeds 4,000m ² .
PO3 Where in the rural zone, all lots resulting from rearrangement of boundaries are provided with all weather road access from the driveway crossover to the nearest formed road.	AO3.1 Where in the rural zone, all lots resulting from rearrangement of boundaries are provided with a formed gravel road from the driveway crossover to the nearest formed road in accordance with SC6.2 PSP No.2.	Complies: All four proposed lots have direct frontage to Donovan Road, the existing sealed Council-maintained road. Existing crossovers serve the dwellings on proposed Lots 11 and 12. Indicative crossover locations for proposed Lots 13 and 14 are shown on Sheet 7 of the Proposal Plan; those crossovers will be constructed to Council's rural road standards as part of any future dwelling approval.

Performance outcomes	Acceptable outcomes	Compliance summary
PO4 All new lots provide sufficient area, frontage and dimensions, and road access that enable their future development to achieve relevant outcomes in applicable codes in relation to dwellings, buildings and/or other structures, setbacks, landscaping, on-site car parking and vehicle access, recreation areas, cultural heritage and character streetscape values, and other design criteria.	AO4.1 All lots are rectangular and have minimum width to depth ratios, areas, dimensions and frontages as prescribed in Table 9.4.5:4 (Rural Zone: 100ha minimum, 125m frontage).	Performance Solution: Table 9.4.5:4 prescribes 100ha minimum and 125m minimum frontage for the Rural Zone (100ha Precinct). The proposed lots range from 3.471 ha to 76.86 ha, below the prescribed minimum. However, the lots resulting from the rearrangement are commensurate with and in most cases larger than the existing four lots, all of which are similarly below the prescribed minimum. The lot dimensions are sufficient to accommodate the existing dwellings on proposed Lots 11 and 12 with ample setbacks, and to accommodate a future single dwelling within the BLEs nominated on proposed Lots 13 and 14. Setbacks, on-site car parking, on-site water and on-site wastewater can comfortably be provided within each lot. Each lot has direct frontage to Donovan Road. There are no character streetscape values applicable in this rural locality.
Table 9.4.5:2, General		
PO2 The layout of streets, lots and infrastructure gives the locality a strong and positive identity by responding to site characteristics, settings, landmarks, places of cultural heritage significance and views; creating legible and interconnected movement and open-space networks; and providing connections to existing facilities, services and movement networks in the surrounding area.	No acceptable outcome provided (where not in a local plan).	Complies: The proposed lot layout responds to site characteristics by following existing fence lines, separating the existing dwelling sites from the larger balance area, and consolidating constrained land into a single balance lot. Donovan Road provides the connection to the surrounding locality. No new movement or open-space network is required for a four-lot rural boundary realignment, and the criteria relating to community, retail and public transport facilities are not relevant in a rural setting.
PO3 The layout of streets, lots and infrastructure responds appropriately to environmental features of the site or locality by following natural topography; minimising earthworks; minimising vegetation loss and/or fragmentation; maintaining natural drainage features and floodways; and maintaining important wildlife corridors and habitat areas.	AO3.1 (lots <450m² only) AO3.1 only applies to lots less than 450m².	Complies: No proposed lot is less than 450m² and AO3.1 does not apply. As to the performance outcome: (a) and (c) the new boundaries follow existing fence lines and natural topography, and no earthworks are proposed; (d) and (f) by consolidating the largest contiguous area of mapped vegetation, habitat and koala habitat into proposed Lot 13, the layout minimises fragmentation and maintains wildlife corridor and habitat values intact; (e) Murphys Creek and other natural drainage features are

Performance outcomes	Acceptable outcomes	Compliance summary
		wholly contained within proposed Lot 13; (h) no areas of indigenous cultural significance are mapped on the land; (i) no new street is proposed.
PO5 Reconfiguration avoids risk to human safety and the environment from natural hazards and contaminated land.	AO5.1 Where contamination is suspected (e.g. former dips, industrial sites), provide a preliminary contamination report for Residential or Rural Residential subdivisions.	Complies: There is no history of intensive use that would suggest contamination, the holding has been in long-term rural use only. The land is not listed on the Environmental Management Register or Contaminated Land Register. AO5.1 is not triggered as this is a Rural Zone realignment, not a Residential or Rural Residential subdivision. As to natural hazards, the BLEs on proposed Lots 13 and 14 are positioned outside the mapped Landslide Hazard area; refer to the Landslide Hazard Overlay Code response below.
PO6 The development is integrated with the surrounding urban or rural environment, having regard to the layout and dimensions of streets and lots; connections to surrounding streets and pedestrian and cycle networks; provision for shared use of public facilities; open space networks, retained habitat areas or corridors, landscape features and views and vistas; and connections to centres.	No acceptable solution is nominated.	Complies: The size and dimensions of the proposed lots are consistent with the rural / rural-residential character of the surrounding locality. Donovan Road provides the connection to the road network. Habitat values and landscape features are consolidated into proposed Lot 13, maintaining the integrity of the broader habitat corridor. The performance outcome's elements relating to shared use of public facilities and connections to centres are directed at urban subdivisions and are not relevant to this rural boundary realignment.
Table 9.4.5:2, Lot Sizes and Design		
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 Zone: 100ha minimum).	Performance Solution: Table 9.4.5:4 nominates a 100 hectare minimum for the Rural Zone, 100ha Precinct. The proposed lots are below this minimum; however, the lots resulting from the realignment are commensurate with the existing four lots (also all below the minimum), and no additional lot is created. The proposal does not "facilitate inappropriate intensification", the four lots already exist and each is capable of supporting a dwelling. The realignment merely rationalises their configuration. As established in section 4.5 of this report, the land's productive capacity

Performance outcomes	Acceptable outcomes	Compliance summary
		is constrained by its terrain and overlay characteristics, not by its cadastral configuration. No productive rural capacity is lost by the realignment. The proposal in fact improves the long-term protection of rural values by consolidating all constraints and natural values into a single manageable balance lot of 76.86 ha, approaching the prescribed minimum for the precinct.
Table 9.4.5:2, Safety and Security		
PO36 The reconfiguration discourages crime, vandalism and anti-social behaviour and facilitates personal and property security, casual surveillance of footpaths and parkland, and activity and interaction within public spaces and movement networks.	AO36.1 The reconfiguration is designed in accordance with Crime Prevention Through Environmental Design (CPTED) Guidelines for Queensland.	Complies: Each proposed lot has frontage to Donovan Road, allowing for casual surveillance of the road frontage from any future dwelling. CPTED principles, to the extent relevant in a low-density rural setting, are addressed by the open road frontages and the absence of any concealed access arrangements.
Table 9.4.5:2, Natural Values		
PO37 Development is provided with an adequate water supply for firefighting purposes that is safely located and freely accessible.	AO37.1 Development within a water supply area involving the creation of new lot/s is connected to council's reticulated water supply system and a water supply outlet is within 40m of all land or designated building envelopes.	N/A: The subject land is not located within a Council reticulated water supply area. Each proposed lot will continue to be serviced by on-site rainwater tank/s. Adequate water for firefighting will be provided in accordance with rainwater tank standards at the building approval stage for any future dwelling.
PO38 The reconfiguration provides for lot sizes and titling arrangements that ensure areas of ecological significance remain intact as part of common property or within large lots.	No acceptable outcome is nominated.	Complies: The configuration achieves precisely the outcome contemplated by this performance outcome. Mapped Areas of Ecological Significance, including Category B regulated vegetation, essential habitat and core koala habitat, are consolidated within a single large balance lot, proposed Lot 14 (76.86 ha). This ensures areas of ecological significance remain intact within a single large rural lot rather than being fragmented across multiple titles. This is a substantially improved arrangement compared with the existing cadastre.
PO39 The layout of roads, driveways and other infrastructure	No acceptable outcome is nominated.	Complies: No new road, driveway or infrastructure is proposed as part of the realignment. Murphys Creek and

Performance outcomes	Acceptable outcomes	Compliance summary
avoids crossing or otherwise fragmenting waterways, wetlands, habitat areas or ecological corridors.		the mapped habitat and koala habitat areas are wholly contained within proposed Lot 14, and the BLEs on proposed Lots 13 and 14 are positioned to avoid these features by design. No fragmentation of waterway, habitat or ecological corridor values arises from the realignment.
Table 9.4.5:2, Climatic Response		
PO40 The street, lot orientation and lot size facilitate buildings that conserve non-renewable energy sources through climate-responsive siting and design.	AO40.1 / AO40.2 Neighbourhoods are generally designed so that the long axis of roads runs east-west; wide lots on north-south streets are minimised; and lots are generally rectangular and not splayed.	Complies: Donovan Road runs broadly east-west, and the proposed lots have generally rectangular configurations following existing fence lines. Each proposed lot has ample area for a future dwelling to be sited and oriented to take advantage of climate-responsive design at the building approval stage.
Table 9.4.5:2, Services		
PO41 Services, including water supply, stormwater management, sewage disposal, waste disposal, drainage, electricity and telecommunications, are provided in a manner that is efficient, minimises risk of adverse environmental impacts, promotes total water cycle management, and minimises whole of life cycle costs.	No acceptable outcome is nominated.	Complies: The realignment does not generate any new demand on Council services. Water supply will continue via on-site rainwater tank/s. Wastewater will continue to be managed by on-site treatment and disposal in accordance with the Queensland Plumbing and Wastewater Code. Stormwater will continue to be managed by maintaining the existing natural drainage regime, no new earthworks or drainage works are proposed. Electricity and telecommunications connections to the existing dwellings are retained wholly within the lots they serve.
Table 9.4.5:2, Stormwater		
PO50 Stormwater is discharged from the site to a lawful point of discharge, as defined in the QUDM, without the use of pumped or charged pipe systems.	AO50.1 The site has a natural surface elevation higher than the abutting road enabling gravitational discharge, or has a natural surface higher than Council's stormwater drainage network, or has lawful access to an inter-allotment drainage network.	Complies: Stormwater on each proposed lot will continue to be managed in accordance with the prevailing rural natural drainage regime, overland flow paths discharge to Murphys Creek via the existing natural surface gradient. No new stormwater works, pumped systems or inter-allotment drainage are proposed or required.

A.3 Bushfire Hazard Overlay Code

Parts of the subject land are mapped as Medium and High Fire Risk under the TRPS Bushfire Hazard Overlay. Table 5.10:1 confirms the Code applies to all assessable development. Only the sub-sections applicable to a Reconfiguring a Lot application, principally the lot design and building siting provision, are assessed below. The Community Infrastructure (PO1–PO2), Hazardous Materials (PO4) and subdivision access/fire perimeter break provisions (PO7) are not engaged and are not addressed.

Performance outcomes	Acceptable outcomes	Compliance summary
Water Supply		
PO1 Development is provided with an adequate water supply for fire fighting purposes that is safely located and freely accessible.	AO1.1 / AO1.2 / AO1.3 AO1.1, development within a water supply area is connected to reticulated water supply. AO1.2, development not within a water supply area includes a dedicated static water supply of minimum 10,000 litres with an approved coupling and clear directional signage. AO1.3, where the static water supply is a rainwater tank, it is fitted with a 50mm ball valve and male camlock coupling.	Complies (AO1.3): The site is not located within a Council reticulated water supply area. Each proposed lot is serviced by on-site rainwater tank/s. Water tanks to be constructed at the time of any future dwelling approval will be fitted with a 50mm ball valve and male camlock coupling in accordance with AO1.3, and clearly identified by directional signage at the road frontage. This condition is standard for rural dwelling approvals in this locality and is a building approval stage matter, not a reconfiguring a lot stage matter. It is noted for completeness.
Siting of Buildings		
PO2 Development provides for the safety of people and property by avoiding areas of High or Medium bushfire risk.	AO2.1 / AO2.2 AO2.1, Development is not located on land that is subject to High or Medium bushfire risk. OR AO2.2, Where development is located in a High or Medium bushfire risk area (except for single dwellings on existing lots), it complies with a Bushfire Management Plan for the premises.	Complies (AO2.2, exception applies): The subject land contains areas of Medium and High Fire Risk on the Bushfire Hazard Overlay. However, AO2.1 is not achievable given the extent of the mapping. AO2.2 applies: the application is for Reconfiguring a Lot (boundary realignment), no new dwelling is proposed at this stage. Any future dwelling on proposed Lots 11, 12, 13 or 14 will be a single dwelling on an existing lot at that time, attracting the exception from the Bushfire Management Plan requirement. The BLEs on proposed Lots 13 and 14 are positioned to enable compliant future dwelling siting, as addressed in detail under PO5/AO5.1 below.
PO3 Development provides for the safety of people and property by mitigating the bushfire risk through the siting of buildings.	AO3.1 Buildings and structures: (a) are sited in locations of lowest hazard within the lot; (b) achieve setbacks from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10m, whichever is the greater; (c) are 10m from any	N/A to existing dwellings on Lots 11 and 12: The existing dwellings are not subject to siting requirements under this provision, they are already constructed. Their existing positions have been confirmed to be in areas of lower hazard within those lots, with appropriate separation from the

Performance outcomes	Acceptable outcomes	Compliance summary
	retained vegetation strips or small areas of vegetation; (d) are sited so that elements of the development least susceptible to fire are sited closest to the bushfire hazard.	denser native vegetation of the balance area. For future dwellings (BLEs on Lots 13 and 14): Refer to PO5/AO5.1 below, which is the specific provision for Reconfiguring a Lot and deals with lot design to enable compliant future siting. The outcome sought by AO3.1 is addressed through the BLE positioning described there.
Reconfiguring a Lot, Lot Design		
PO5 Lot design and the siting of buildings provide safe sites for habitable and non-habitable buildings.	AO5.1 All development enables buildings and structures to achieve setbacks from hazardous vegetation that are: (a) sited within the area of lowest hazard within the lot; (b) provide for adequate setbacks from hazardous vegetation; (c) 1.5 times the predominant mature canopy tree height or 10m, whichever is the greater; (d) 10m from any retained vegetation strips or small areas of vegetation; and (e) sited so that elements of the development least susceptible to fire are sited closest to the bushfire hazard.	Complies: AO5.1 is the specific provision of the Bushfire Hazard Overlay Code directed at Reconfiguring a Lot, and it is satisfied as follows. (a) Lowest hazard location within the lot: The BLEs on proposed Lots 13 and 14 are positioned in the low-hazard area of those lots, in proximity to Donovan Road, the area of lowest topographic hazard and closest to the existing managed road reserve, which provides a natural firebreak. The denser native vegetation, mapped koala habitat and steeper terrain are consolidated into the lower portions of the balance area (Lot 14) and are excluded from the BLE. The BLE on Lot 13 is positioned in the accessible, more open area near Donovan Road. (b) and (c) Adequate setbacks, 1.5 times canopy height or 10m: The dominant hazardous vegetation on the subject land and surrounding country is native eucalypt open forest and woodland. Mature eucalypts in this locality (Great Dividing Range escarpment, Cabarlah) typically reach 18–20m in height. Applying the formula in AO5.1(c): $1.5 \times 20\text{m} = 30\text{ metres}$ minimum from the outer edge of classified vegetation to the BLE boundary. The BLEs on proposed Lots 13 and 14 have been positioned to achieve a minimum clearance of 30m from the nearest edge of classified vegetation on the hazard-facing sides. This is annotated on the K4824 Proposal Plan accordingly. (d) 10m from isolated vegetation strips: The BLE boundaries maintain a minimum 10m separation from any isolated retained vegetation strips or small vegetation patches.

Performance outcomes	Acceptable outcomes	Compliance summary
		(e) Least fire-susceptible elements toward the hazard: The BLE positions have regard to fire approach direction, with the BLEs positioned so that future dwellings will be oriented with the hazard-facing side (toward the dense vegetation) as the least-susceptible elevation. The 30m clearance zone between the BLE and classified vegetation is consistent with the "essential management" exemption in the Planning Regulation 2017, which authorises clearing of regulated vegetation for a necessary firebreak around a dwelling to a maximum width of 1.5 times the height of the tallest adjacent vegetation or 20 metres (whichever is wider). For 20m eucalypts this produces a 30m clearing entitlement, precisely matching the AO5.1 requirement. For completeness: any future dwelling constructed within the BLE will be subject to a site-specific Bushfire Attack Level (BAL) assessment under AS 3959-2018 (Construction of Buildings in Bushfire-Prone Areas) at the building approval stage. By positioning the BLE at least 30m from classified vegetation, the lot design enables the future dwelling to achieve BAL-29 or better for eucalypt woodland conditions in Queensland (Fire Danger Index 80), providing the future homeowner with a realistic and economically workable construction standard. The BAL will be formally determined by a qualified bushfire consultant when the dwelling design is prepared.

A.4 Agricultural Land Overlay Code

The Agricultural Land Overlay Code applies to all assessable development within the overlay. Each performance outcome is assessed below by reference to the site's actual agricultural classification and capability, the economic viability of cattle grazing on this holding, and the improvement in land management that flows from the proposed configuration.

Performance outcomes	Acceptable outcomes	Compliance summary
Agricultural Land Overlay Code		
PO1 Development does not reduce the productive capacity of the land or result in conflict with nearby rural uses.	No acceptable outcome is nominated.	Complies: A careful analysis of this performance outcome requires the key question to be asked at the outset: what is the agricultural productive capacity of this land? The subject site is located on the Great Dividing Range escarpment at Cabarlah, approximately 15 kilometres north of Toowoomba. The site sits at elevations ranging from approximately 590m AHD (at Donovan Road) to approximately 425m AHD (at the lower boundary), with significant topographic variation, steep fall and mapped instability across the lower and central portions of the holding. The majority of the site's constraints, steep terrain, mapped landslide hazard, mapped vegetation (Category B regulated vegetation, essential habitat, koala habitat) and Murphys Creek, are concentrated in the balance land now forming proposed Lot 14. In terms of Queensland's Agricultural Land Classification (ALC) system, the site does not comprise Class A or Class B agricultural land. Under the ALC system applied by the Queensland Government (see Business Queensland, Queensland Agricultural Land Audit, ALC Land Classes), Class A land is suitable for the widest range of agricultural uses; Class B is suitable but with some limitations; Class C is "land suitable only for grazing" due to its physical limitations; and Class D is land unsuitable for any agricultural use due to extreme limitations including very steep slopes, shallow soils, rock outcrops and significant instability hazard. The Cabarlah locality on the Great Dividing Range, characterised by steep terrain, mapped landslide hazard, significant native vegetation cover and thin soils on the escarpment, is classified within Class C (grazing only) at best for the road-

Performance outcomes	Acceptable outcomes	Compliance summary
		fronting area of the holding, and Class C/D for the balance area given the landslide hazard, extent of mapped vegetation and steep terrain. Cattle grazing is the only practical agricultural use for Class C land of this character. However, even limited cattle grazing is viable only on the relatively flat area fronting Donovan Road (proposed Lots 11 and 12, combined approximately 9.4 ha). The balance area (proposed Lot 14, 76.86 ha) is characterised by steep, vegetated terrain with mapped Landslide Hazard. Stocking of steep, vegetated, landslide-prone hillside country at Cabarlah would be consistent with a carrying capacity of approximately 1 head per 4–8 hectares under Queensland Government grazing land management guidelines, yielding a theoretical maximum of approximately 10–20 head for the balance area, even assuming the vegetation constraints allowed full grazing access (which they do not). Using ABARES's own survey thresholds, only beef enterprises with an Estimated Value of Agricultural Operations (EVAO) of more than \$40,000 per year are captured in national farm surveys (ABARES Australian Agricultural and Grazing Industries Survey methodology). A herd of 10–20 head cannot approach this threshold under any market condition. To generate \$40,000 gross income from cattle at current Queensland market prices would require approximately 80–100 head as a minimum operating scale. Even then, as reported by MLA (Aussie sheep and beef farms' financial performance, 2024), average national beef farm business profit in FY2023–24 was negative \$16,000 per farm, and only Queensland farms achieved positive profitability, at an average of \$78,000, across operations that are orders of magnitude larger than anything this holding could support. For context, NSW DPI guidance (Beef stocking rates and farm size, Hunter region) confirms that a property of at least 150 hectares is required to sustain a functional breeding unit on

Performance outcomes	Acceptable outcomes	Compliance summary
		typical grazing lands in comparable terrain. The total combined area of the holding (approximately 89.77 ha) falls well below this threshold, and of that, only a fraction is practically accessible for grazing. The holding has never been, and cannot be, a viable commercial cattle enterprise in any cadastral configuration. The proposal does not reduce the productive capacity of the land because no productive agricultural capacity exists to be lost. The boundary realignment does not change the land's agricultural capability in the slightest, it rearranges title boundaries over land whose agricultural utility has always been confined to limited, non-commercial cattle grazing on the more accessible road-fronting area of the holding. The realignment does not reduce the area available for this purpose; it consolidates the balance land in a way that distinguishes the grazeable area comprising proposed Lots 11 and 12 from the constrained balance area (proposed Lot 14).
PO2 Non-rural uses, and rural uses which are not dependent on the agricultural quality of the land, do not compromise the long term productive capacity of agricultural land.	AO2.1 / AO2.2 AO2.1 Non-rural uses, and rural uses which are not dependent on the agricultural quality of the land, are not located on agricultural land. AO2.2 Development is compatible with agricultural production and is designed and located in a way that does not inhibit or prevent normal farming practices in the future.	Complies: No non-rural use is proposed. The proposal is a boundary realignment only, no use of the land is altered by the application. Future use of each proposed lot will continue to be rural in character, including the existing dwellings and any future dwelling on proposed Lots 13 and 14. The configuration of the proposal, with the constrained balance land consolidated into proposed Lot 14 and the dwelling sites clearly separated onto Lots 11 and 12, improves rather than compromises the long-term land management of the agricultural resource of proposed Lots 11 and 12.
PO3 Reconfiguring lots on agricultural land does not result in allotment sizes that result in: (a) fragmentation of rural lands and loss of land to viable rural production; (b) conflict between farming and residential uses; or (c) loss of farming flexibility.	AO3.1 / AO3.2 AO3.1 The minimum lot size in the Rural Zone is in accordance with Table 9.4.5:4 (100 ha). AO3.2 The proposed lot is smaller than that nominated in Table 9.4.5:4 and the reconfiguration is a boundary realignment that would not create any additional lots and	Complies (AO3.2 directly): AO3.2 of the Agricultural Land Overlay Code was designed precisely for this scenario, a boundary realignment that produces lots below the minimum lot size, does not create additional lots, and provides for improved land management or productive utilisation. All three elements of AO3.2 are satisfied:

Performance outcomes	Acceptable outcomes	Compliance summary
	would provide for the implementation of improved land management practices or productive utilisation of the land.	(1) The proposed lots are below the 100 hectare minimum, this is acknowledged; (2) The reconfiguration is a boundary realignment, four (4) existing lots rearranged into four (4) proposed lots with no net increase; and (3) The reconfiguration provides for improved land management practices and productive utilisation: the separation of the constrained balance land (proposed Lot 14) from the two existing dwelling sites (proposed Lots 11 and 12) enables each part of the holding to be managed according to its character and capability, rather than complicating the management of both through shared title boundaries that do not reflect the physical reality of the site. The consolidation of all mapped constraints (Landslide Hazard, vegetation, habitat, watercourse) into proposed Lot 13 also substantially reduces the management complexity of the holding as a whole. In addition, and directly responsive to Council's concern about loss of agricultural land: (a) Fragmentation of rural lands, No fragmentation occurs. The proposal rearranges four existing lots into four proposed lots. The total number of lots does not increase. The constrained land is consolidated rather than further divided. (b) Conflict between farming and residential uses, The proposal reduces the potential for this type of conflict, not increases it. By clearly separating the two existing dwelling sites onto their own discrete lots (Lots 11 and 12) and consolidating the balance land separately (Lot 14), the configuration reduces the day-to-day interface between residential activity and any pastoral use of the balance lot. (c) Loss of farming flexibility, No farming flexibility is lost because the land has only ever been capable of limited, non-commercial cattle grazing on the road-fronting area, and that capability is entirely unaffected by the realignment. The configuration of proposed Lots 11 and 12 (4.396 ha and 5.044 ha) does provide for hobby/lifestyle grazing consistent with

Performance outcomes	Acceptable outcomes	Compliance summary
		what has historically occurred. The large balance lot (proposed Lot 14 at 76.86 ha) provides flexibility for any future low-intensity pastoral use of the balance area within the limits set by the site's terrain and overlay constraints.
PO4 Residential development in close proximity to agricultural land is located and designed in a manner that avoids its alienation.	No acceptable outcome is nominated.	Complies: The proposal does not generate any new residential development. The two existing dwellings on proposed Lots 11 and 12 are retained in their existing positions. The BLEs nominated on proposed Lots 13 and 14 are sited within the existing holding so as to maintain reasonable separation from adjoining agricultural land. No alienation of agricultural land occurs. The proposal does not change the use of any land, add any residential lot or create any new dwelling entitlement beyond that which already exists for the four original lots.

A.5 Environmental Significance Overlay Code

The Environmental Significance Overlay Code applies to all assessable development. The performance outcomes below are organised under the headed sub-sections of the Code.

Performance outcomes	Acceptable outcomes	Compliance summary
Areas of Ecological Significance		
PO1 Vegetation disturbance or other impacts on areas of ecological significance shown on the Environmental Significance Overlay maps, is avoided or where disturbance cannot be avoided the loss or decrease of values is minimised.	AO1.1 Impacts are avoided by locating development wholly outside mapped areas of ecological significance and areas of ecological significance buffer identified on the Environmental Significance Overlay maps.	Performance Solution: AO1.1 is substantially satisfied. The application is for Reconfiguring a Lot only, no vegetation disturbance, building work, earthworks or other physical impact on the land is proposed as part of this application. The two existing dwellings on proposed Lots 11 and 12 are located outside the mapped Areas of Ecological Significance. The Building Location Envelopes nominated on proposed Lots 13 and 14 are positioned wholly outside the mapped Areas of Ecological Significance and associated Buffer (refer to K4824 Proposal Plan, Sheets 4 and 5). Future dwellings on those lots will therefore be located outside the mapped values by design. Mapped vegetation and habitat values are consolidated within proposed Lot 14, the largest balance lot. Council's pre-lodgement minutes request a Tree Survey conducted by a suitably qualified person, identifying vegetation to be removed and retained, noting that new proposed lot boundaries will cross areas of regulated vegetation and that some fenceline clearing may be required. A Tree Survey will be provided as part of this development application (refer to section 5.2 of this report). The Tree Survey will confirm: (a) the extent of any clearing required for fencing purposes along new internal boundaries; (b) that the BLEs are wholly outside mapped Areas of Ecological Significance and associated Buffers; and (c) that no mapped essential habitat, Category B regulated vegetation or core koala habitat is impacted by the proposed realignment or any associated fencing. The assessment against this performance outcome will be updated to reference the Tree Survey findings upon its completion.

Performance outcomes	Acceptable outcomes	Compliance summary
PO2 Development optimises biodiversity outcomes by prioritising the location of environmental offsets within identified biodiversity corridors.	AO2.1 Biodiversity offsets are delivered consistent with the Queensland Government Environmental Offsets Policy.	N/A: No environmental offsets are required because no impact on areas of ecological significance is proposed.
PO3 Landscaping complements biodiversity values through incorporating native plants of local origin, food and habitat trees and shrubs, replication of adjacent healthy remnant habitats, and the avoidance of noxious plants, weeds or invasive species.	No acceptable outcome is nominated.	N/A: No landscaping is proposed as part of the boundary realignment. The performance outcome may be relevant at the building approval stage for any future dwelling on proposed Lots 13 and 14, but is not engaged by the present application.
PO4 Movement of fauna is facilitated within and through the site, particularly along identified biodiversity corridors by ensuring that development does not create barriers to fauna movement and does not separate fauna from wildlife infrastructure or potential hazards.	No acceptable outcome is nominated.	Complies: The realignment does not introduce any new barrier to fauna movement. By consolidating the largest contiguous block of mapped habitat (including core koala habitat) into proposed Lot 13, the proposal maintains the integrity of the existing habitat block and preserves the continued movement of fauna through and across the site. No new hazards to fauna are introduced.
PO5 Identified biodiversity corridors on the Environmental Significance Overlay maps and their role to potentially connect areas of ecological significance are not compromised by development.	No acceptable outcome is nominated.	Complies: The mapped Areas of Ecological Significance and associated habitat values are wholly contained within proposed Lot 13. The realignment does not sever, narrow or otherwise compromise any biodiversity corridor value mapped on the site or the surrounding land.
Waterways and Wetlands		
PO6 Development is not carried out within a mapped waterway or wetland identified on the Environmental Significance Overlay maps.	AO6.1 Development is located outside the mapped boundary of a waterway or wetland.	Complies: No development (physical works) is proposed at all. Murphys Creek is wholly contained within proposed Lot 13. The BLEs on Lots 13 and 14 are located clear of the watercourse and the associated buffer.
PO7 Development provides a buffer which protects the ecological, hydrological and water quality values of the wetland or the waterway.	AO7.1 / AO7.2 AO7.1 Development provides a buffer area vegetated with native plants endemic to the area. AO7.2 Buildings, structures and	Complies: AO7.2, no buildings, structures or works are proposed within any buffer area as the application does not propose any physical works. The existing buffer

Performance outcomes	Acceptable outcomes	Compliance summary
	works are not carried out within the buffer area.	vegetation along Murphys Creek is retained in proposed Lot 13.
PO8 Development retains the existing hydrological regime or re-establishes the previous naturally occurring regime.	AO8.1 Existing flows of surface and ground water are not altered.	Complies: The boundary realignment does not propose any earthworks, drainage works or other works that would alter the existing surface or groundwater hydrology. The existing hydrological regime is retained.

A.6 Landslide Hazard Overlay Code

The Landslide Hazard Overlay Code (Table 8.2.4:2) is structured under “Land Use”, “Siting and design” and “Community Infrastructure”. The Community Infrastructure sub-section is not applicable to this application. The remaining performance outcomes are addressed below to the extent relevant to a boundary realignment with no building work, vegetation clearing or earthworks proposed.

Performance outcomes	Acceptable outcomes	Compliance summary
Land Use		
PO1 Development maintains the safety of people and property from the risk of landslide.	AO1.1 / AO1.2 AO1.1 Development is carried out in accordance with a geo-technical report. AO1.2 In high risk areas, development does not: (a) involve any new building work other than a minor extension <20m ² ; (b) create any additional lots; (c) involve vegetation clearing; or (d) alter stormwater conditions or ground levels.	Performance Solution: AO1.1, A geo-technical report has not been commissioned because the application is for Reconfiguring a Lot only. No building work, vegetation clearing, earthworks or other works that would have a stability implication are proposed. AO1.2, the proposal does not create any additional lot (4-into-4 boundary realignment), does not involve any new building work, does not involve vegetation clearing, and does not alter stormwater conditions or ground levels. The existing dwellings on proposed Lots 11 and 12 are located outside the mapped Landslide Hazard area. The BLEs nominated on proposed Lots 13 and 14 are positioned outside the mapped Landslide Hazard area (refer to K4824 Proposal Plan, Sheet 3, Landslide Hazard Overlay). Future dwellings on Lots 13 and 14 will be sited within the BLEs and will be subject to a separate building approval process at which any geotechnical considerations will be addressed at that time.
PO2 Public safety and the environment are not adversely affected by the impacts of landslide on hazardous material made or stored on the subject site.	AO2.1 The manufacture and/or storage of dangerous goods does not occur on a site shown as high risk on the Landslide Hazard Overlay maps.	N/A: No manufacture or storage of dangerous goods is proposed. The land will continue to be used for rural / rural-residential purposes only.
Siting and design		
PO3 The siting and design of development minimises impacts on the natural landform and landscape character.	AO3.1 / AO3.2 Development avoids cut and fill using elevated or light-framed construction or stepped building forms. Any cut and fill does not involve more than 1.5m change from natural ground level; does not occur within 1.5m of any site boundary; does not necessitate	Complies: No cut, fill, retaining walls or other earthworks form part of this application. The performance outcome will be addressed at the building approval stage for any future dwelling on proposed Lots 13 and 14.

Performance outcomes	Acceptable outcomes	Compliance summary
	retaining walls exceeding 1.2m; and does not exceed 50m ³ total.	
PO4 The development includes measures that ensure: (a) the long term stability of the development site; (b) access to the site is not restricted during a landslide event; (c) the need for significant earthworks is avoided; (d) landslide hazards are avoided; and (e) the risk of erosion is avoided.	No acceptable outcome is nominated.	Complies: The land has been used for rural / rural-residential purposes for an extended period. The existing dwellings on Lots 11 and 12 lie outside the mapped Landslide Hazard area. The BLEs on proposed Lots 13 and 14 are positioned outside the mapped hazard. Access to each proposed lot is provided directly from Donovan Road and does not traverse the mapped Landslide Hazard area. No earthworks or works likely to cause erosion are proposed.
PO5 Vehicle access is designed and located to: (a) avoid risk of landslip and erosion; and (b) provide for safe and functional all weather access.	AO5.1 Development is designed so that vehicular access does not exceed a grade of 1 in 4.	Complies: All four proposed lots will continue to take vehicular access from Donovan Road. The existing crossovers serving Lots 11 and 12 are well within the AO5.1 grade requirement. Future driveway access to proposed Lots 13 and 14 will be designed at the building approval stage to comply with AO5.1 and to avoid mapped Landslide Hazard areas.
PO6 Vegetation clearing is avoided and where practicable, revegetation is undertaken to strengthen landslide risk areas.	No acceptable outcome is nominated.	Complies: No vegetation clearing forms part of this application.

Appendix B, Strategic Framework Assessment

This appendix assesses the proposal against the Strategic Framework of the Toowoomba Regional Planning Scheme 2012 (Part 3), with particular regard to Council's agricultural land concern and the proposal's consistency with the character of the Cabarlah locality.

Strategic outcome	Compliance summary
Theme 1, Settlement Pattern (s.3.3)	
Strategic Outcome Settlement is concentrated within a defined urban footprint that supports the efficient use of infrastructure, protects rural and natural areas, and reinforces the existing centre hierarchy. Rural residential development is limited to the opportunities within existing rural residential areas (s.3.3.1(9)).	Complies: The proposal does not extend or alter the urban footprint. It is a rearrangement of four existing rural lots within a long-established rural / rural-residential locality at Cabarlah. No additional lot is created and no new infrastructure is required. Council's pre-lodgement minutes cite s.3.3.1(9), which requires rural residential development to be limited to the opportunities within existing rural residential areas. The proposal is not "rural residential development" in the sense contemplated by this strategic outcome, it is a boundary realignment that rearranges four existing lots, each of which already carries the right to a Dwelling House in the Rural Zone. No additional dwelling entitlement is created. The realignment consolidates the constrained portion of the holding into a single large balance lot, which is the opposite of the inappropriate rural residential fragmentation that s.3.3.1(9) is designed to prevent.
Theme 2, Economic Development (s.3.7)	
Strategic Outcome A diverse and resilient regional economy is supported by the protection of agricultural land and natural resources for productive purposes.	Complies: The strategic objective of protecting agricultural land is directed at genuinely productive Class A and B land. As established in section 4.5, this holding comprises Class C (grazing only) at best for the accessible road-fronting area, and Class D for the steep, vegetated balance area. The 100ha Precinct minimum reflects constraint management, not agricultural productivity protection. The only practical use, limited cattle grazing on the road-fronting area, is economically unviable at this scale in any cadastral configuration, as confirmed by ABARES, MLA and NSW DPI data (see section 4.5.4). The proposal does not alienate any agricultural land. It changes cadastral boundaries, not land use or capability. Proposed Lots 11 and 12 are retained as discrete rural lots available for any grazing use consistent with their capability. The constrained balance land (proposed Lot 14) remains available for any low-intensity rural use consistent with its terrain and overlay constraints. The proposal improves the configuration for management of both agricultural and natural resource values.

Strategic outcome	Compliance summary
Theme 3, Infrastructure	
Strategic Outcome Infrastructure is planned, sequenced and delivered efficiently to support the settlement pattern and economic activity, with development making appropriate contributions to its provision.	Complies: The realignment does not require any new infrastructure or augmentation of existing infrastructure. Donovan Road continues to provide all access; on-site water and on-site wastewater servicing is retained on each lot; existing connections to electricity and telecommunications remain wholly within the lots they serve. No infrastructure contributions or trunk infrastructure conditions are anticipated.
Theme 4, Natural Environment (s.3.4, Element Natural Places)	
Strategic outcome (s.3.4) The Region's natural environment, biodiversity, ecological values and natural processes are protected, retained and, where possible, enhanced. Council's pre-lodgement minutes advise that addressing Element – Natural Places (1) would be beneficial.	Complies: The proposal achieves a positive outcome for the protection of natural environmental values. Mapped vegetation, essential habitat, koala habitat and the watercourse along Murphys Creek are wholly consolidated within proposed Lot 14 (76.86 ha). This represents a substantially improved configuration relative to the existing cadastre, in which the same values are spread across multiple titles. The BLEs on Lots 13 and 14 are positioned to avoid these values entirely. As to Element – Natural Places (1): the subject land includes extensive areas of native vegetation on the Great Dividing Range escarpment that are mapped as Areas of Ecological Significance, essential habitat and core koala habitat. The proposed configuration ensures these values are concentrated within a single titled parcel (proposed Lot 13), managed as a large rural lot under single ownership. Under the existing cadastre, these values traverse multiple boundaries, creating the potential for fragmented management obligations. The realignment therefore advances the intent of Element – Natural Places (1) by improving the cadastral arrangements for the protection and management of natural place values. The Tree Survey to be provided with the application will further confirm that no vegetation clearing is required as a consequence of the boundary realignment itself.
Theme 5, Strong Communities	
Strategic Outcome Communities are supported by a hierarchy of accessible centres, community facilities and services that meet the needs of residents.	Complies: The proposal does not generate any additional demand on community facilities or services. No additional dwelling entitlement is created.
Theme 6, Community Identity and Diversity (s.3.5, Element 3.5.2 Rural Community Identity)	
Strategic outcome (s.3.5.2.1) The Region's diverse rural communities have a strong sense of place linked to individual local character and identity (s.3.5.2.1(1)).	Complies: The proposed lot configuration is entirely consistent with the local character and identity of the Cabarlah locality. The area on the Great Dividing Range escarpment is characterised by small to medium rural land parcels, rural homesites and low-intensity land uses, a pattern that reflects the terrain and ecological constraints of this locality rather than broad-acre agricultural production.

Strategic outcome	Compliance summary
	A review of Council's planning scheme mapping confirms that there are numerous existing Rural Zone (R1) lots in the immediate vicinity of the subject land on Evans Road, Horn Road and Castle Road that are well below the 100 hectare minimum, including an existing 3.8 ha R1 lot at the corner of Horn Road and Evans Road. The proposed lots (76.86 ha, 4.396 ha, 5.044 ha and 3.471 ha) are consistent with and in most cases larger than these existing lots in the same zone. The Rural Zone Code reinforces this by requiring that development is "compatible with the character and environmental values of the locality" (s.6.6.6.2(2)(f)), and the Reconfiguring a Lot Code's own stated purpose is to achieve design "consistent with the character and environmental values of the overlay, zone and precinct" (s.9.4.5.2(1)(a)). On both provisions, the proposed configuration is consistent with the established local character.
Theme 7, Natural Resources and Landscape (s.3.6, Elements 3.6.2, 3.6.4)	
Strategic outcome (ss.3.6.2.1(2), 3.6.4.1(1)–(3)) Scenic amenity: inter-urban breaks maintained as non-urban areas with "no further fragmentation of allotments in the area" (s.3.6.2.1(2)). Sustainable production: agricultural land is protected from fragmentation (s.3.6.4.1(1)–(2)); "the facilitation of viable farm units through the amalgamation of titles of small lot holdings within rural areas is encouraged" (s.3.6.4.1(3)).	Complies: The proposal produces no further fragmentation, four (4) existing lots are rearranged into four (4) proposed lots, with no net increase in lot numbers. This is directly consistent with s.3.6.2.1(2). Critically, s.3.6.4.1(3) expressly encourages the amalgamation of small lot holdings in rural areas. The consolidation of the constrained balance land into a single 76.86 ha balance lot (proposed Lot 14) is precisely this kind of rationalisation, four sub-minimum lots are reorganised so that the largest resulting lot approaches the precinct minimum. The proposed Lot 14 is the single largest lot that has ever existed on this holding in its current form, and its creation through the amalgamation of portions of Lot 264 and Lot 337 into a unified balance lot directly advances the strategic outcome at s.3.6.4.1(3). As to agricultural land protection under s.3.6.4.1(2): the land does not comprise Class A or Class B productive agricultural land (see the detailed analysis at section 4.5 of this report). The strategic outcome's protection of agricultural land from fragmentation is directed at land capable of productive agricultural use. This land's character, Class C (grazing only) / Class D (constrained) escarpment country, means the realignment does not fragment any genuinely productive resource.
Theme 8, Liveable Region	
Strategic Outcome A high quality of life and amenity is maintained through the protection of character, the management of development at sensitive interfaces, and the avoidance of land use conflict.	Complies: The boundary realignment retains the prevailing rural / rural-residential character of the Cabarlah locality. The configuration improves the relationship between the existing dwelling sites and the larger balance area, and follows existing fence lines already established on the ground. No new sensitive use is introduced, and no new interface with adjoining agricultural land use is created. The separation of the

Strategic outcome	Compliance summary
	dwelling sites onto discrete lots (proposed Lots 11 and 12) from the larger balance area (proposed Lot 14) in fact reduces the interface between residential activity and any future pastoral use of the balance lot.
Theme 9, Natural Hazards (s.3.3.11)	
Strategic Outcome People and property are protected from natural hazards including bushfire, flood and landslide hazard, by avoiding development in hazardous areas wherever possible.	Complies: The mapped Landslide Hazard area is wholly within proposed Lot 13. The existing dwellings on Lots 11 and 12 are outside the mapped hazard area. The BLEs nominated on Lots 13 and 14 are positioned outside the mapped Landslide Hazard area, ensuring that future dwellings will likewise avoid the hazard by design. It is also relevant to observe, in the context of Council's agricultural land concern, that the very presence of extensive Landslide Hazard mapping across the balance area of this holding, the primary constraint on proposed Lot 14, is itself confirmatory of the land's limited agricultural utility. The Strategic Framework at s.3.3.11.1(1) identifies landslide as a hazard that development should avoid, particularly for "urban development." This holding's landslide-affected land is not suitable for productive agricultural use, as steep, unstable country is not farmable. The alignment of the proposed Lot 14 boundary to consolidate the hazard-affected land into a single manageable lot is directly consistent with this hazard management strategic outcome.

The proposal is consistent with the Strategic Framework and actively advances outcomes for natural hazards management, natural values, locality character and amalgamation of small lot holdings.

Appendix C, Development Plans

The following development plans are provided in support of the application:

- K4824 Proposal Plan (Plan of Proposed Subdivision, Lots 11–14), Version A, dated 27 April 2026, prepared by K. J. Wilson, Cadastral Surveyor, Sheets 1 to 7: Sheet 1 Proposal Plan; Sheet 2 aerial and contour overlay; Sheet 3 Landslip Hazard Overlay extract; Sheet 4 regulated vegetation and essential habitat extract; Sheet 5 Core Koala Habitat extract; Sheet 6 existing residences, dam and tanks; Sheet 7 Plan of Building Envelopes for Lots 13 and 14, showing the Building Location Envelopes, indicative effluent spray areas and indicative crossover locations.
- Donovan Road Cabarlah, Detail Survey (Drawing No. 11/097 DS01, Rev A), prepared by Byrne Spatial Consultants, dated 19 May 2011, covering Lots 1 and 2 on RP21632, showing tree canopy locations and heights (21–24m above ground level) and site contours at 0.5m intervals.

A copy of the Proposal Plan and Detail Survey are attached separately to the lodgement.