

REPORT TITLE	Reconfiguring a Lot – Impact – Boundary Realignment (Three (3) into Three (3) Lots) located at Lot 1 SP141761, Lot 2 SP272159 and Lot 88 SP272159, 448 Groomsville Road, GROOMSVILLE QLD 4355
AUTHOR	Planning Officer (Cassidy Pugh)
Application No.	RAL/2025/9075

PURPOSE OF REPORT

To consider a Development Application for Reconfiguring a Lot – Impact – Boundary Realignment (Three (3) into Three (3) Lots) located at Lot 1 SP141761, Lot 2 SP272159 and Lot 88 SP272159, 448 Groomsville Road, GROOMSVILLE QLD 4355

EXECUTIVE SUMMARY

This report considers a Development Application for a Boundary Realignment for three (3) into three (3) lots on land at 448 Groomsville Road, Groomsville, formally described as Lot 1 SP141761, Lot 2 SP272159 and Lot 88 SP272159. The land has a total area of 45.45 hectares, with existing Lots 1 and 2 each currently improved by a dwelling house, and existing Lot 88 currently improved by a dwelling house and sheds and ancillary structures which support ongoing cattle grazing. Existing Lots 1, 2 and 88 have frontage to Reushle Road (constructed road). Lot 88 also has additional frontage to Cronin Road (unconstructed road) and Adams Road (constructed road).

The proposal seeks to rearrange the common boundaries of the lots to formalise the existing land use arrangements. The current use of the land is already delineated by long-standing fence lines, which correspond directly with the proposed new boundaries. Existing Lot 1 (proposed Lot 87) will increase in size from 2.354ha to 13.861ha and will have frontage to Reushle and Cronin Road. Existing Lot 2 (proposed Lot 88) will also increase in size from 2.329ha to 15.348ha and will maintain frontage to Reushle Road. Existing Lot 88 (proposed Lot 86) will decrease in size from 40.77ha to 16.244ha and will have frontage to Cronin and Adams Road.

The site is located within the 100 hectare minimum Precinct within the Rural Zone under the *Toowoomba Regional Planning Scheme 2012 (Version 28)* (the Planning Scheme). In accordance with Table 5.6:1 of the Planning Scheme, the proposed development is subject to Impact Assessment as the proposed lots are smaller than the minimum 100 hectare lot size for the Rural Zone.

The subject site is mapped as being affected by the Environmental Significance Overlay, Bushfire Hazard Overlay, Agricultural Land Overlay, Flood Hazard Overlay and Water Resource Catchments Overlay. It is considered that the proposed development will not have any adverse impacts on any significant vegetation or bushfire or flood risks in the area. The proposed boundary realignment will not increase the number of lots within the Agricultural Land Overlay. It is considered that the proposed development is compatible with agricultural uses within the Agricultural Land Overlay and is consistent with the intent of the Rural Zone.

As the proposed development was Impact Assessable, the application underwent public notification. No submissions regarding the proposed development were received by Council.

The proposed development has been assessed against the applicable assessment benchmarks and having regard to all relevant matters as outlined within the report. The proposed development is considered to achieve compliance with the applicable assessment benchmarks or, to the extent of non-compliance, is considered capable of being conditioned to comply. The proposed development is considered to be acceptable having regard to all relevant matters. On this basis, the proposed development is recommended for approval subject to the conditions in the recommendation.

RECOMMENDATION

APPROVED - Application No. RAL/2025/9075 for a Development Permit for Reconfiguring a Lot – Impact – Boundary Realignment (Three (3) into Three (3) Lots) pursuant to the provisions of Section 60 of the *Planning Act 2016* and subject to the conditions listed below.

ASSESSMENT MANAGER CONDITIONS

PLANNING

APPROVED DEVELOPMENT

1. This Development Approval is for Reconfiguring a Lot, being for a Boundary Realignment of Three (3) Lots into Three (3) Lots.

CARRY OUT AND MAINTAIN DEVELOPMENT

2. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by this Development Approval.
3. Unless otherwise stated, all conditions must be complied with prior to Council's approval of the Plan of Subdivision and at all times thereafter.
4. The development must be maintained generally in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.

APPROVED PLANS

5. The development must be carried out generally in accordance with the Approved Plan listed below, subject to the conditions of this Development Approval:

Plan No: K4809, Version A

Description: Plan of Proposed Lots 86-88 Cancelling Lot 1 on SP141761 and Lots 2 & 88 on SP272159, Sheet 1 3, prepared by K J Wilson and dated 20 October 2025

Amendments: Nil

LOT NUMBERING

6. The numbering of all approved lots must remain as indicated on the Approved Plan/s (unless otherwise amended/approved by Council).

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS

7. Prepare and submit for Council's approval a Plan of Subdivision in accordance with Schedule 18 of the *Planning Regulation 2017*. For the purposes of Section 1(4) of Schedule 18, the stated date by which the request must be made is the last date of the currency period of this approval.

DEDICATIONS, AGREEMENT AND CONTRIBUTIONS

FEES AND CHARGES

8. All current and outstanding fees, rates, interest and other charges levied on the property, must be paid in accordance with the rate at the time of payment prior to Council's approval of the Plan of Subdivision.

WORKS

STORMWATER DRAINAGE

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

GENERAL ADVICES:

INFRASTRUCTURE CHARGES

- 1) Infrastructure charges are now levied by way of an Infrastructure Charges Notice, issued pursuant to Section 119 of the *Planning Act 2016*.

OTHER LAWS & REQUIREMENTS

- 2) This Development Approval relates to development requiring approval under the *Planning Act 2016* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
- 3) Any works impacting outside the property boundary will require a permit under Subordinate Local Law No. 1.15 (2020) (Carrying Out Works on a Road or Interfering with a Road or its Operation). Please contact Council's Road Operations Branch through our Customer Service Centre on 131 872. The application can be found on Council's website at www.tr.qld.gov.au.
- 4) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme 2012*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or the *Queensland Development Code*.

WHEN APPROVAL STARTS TO HAVE EFFECT

- 5) This Development Approval starts to have effect in accordance with the provisions of Section 71 of the *Planning Act 2016*.

WHEN APPROVAL LAPSES

- 6) This Development Approval will lapse in accordance with the provisions contained in Sections 85 and 88 of the *Planning Act 2016*, unless otherwise stated elsewhere within this Development Approval.

ENVIRONMENTAL HARM

- 7) The *Environmental Protection Act 1994* (EP Act) states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.

Environmental harm includes environmental nuisance. In this regard persons and entities involved in the civil, earthworks, construction and operational phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the EP Act as any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value and includes environmental nuisance.

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Administering Authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

FIRE ANTS

- 8) The State of Queensland has been declared a quarantine area for the Red Imported Fire Ant. Should this approval involve the movement of restricted items from areas of known infestation the provisions of the *Biosecurity Act 2014* apply, compliance with statutory provisions must be achieved.

REASONS FOR RECOMMENDATION

The proposed development has been assessed with regard to the applicable assessment benchmarks as identified within this report and the attached Statement of Reasons (refer to Schedule 1). The proposed development generally complies with the assessment benchmarks or it can be conditioned to comply. Where the applicant has not provided sufficient information, conditions have been imposed to ensure compliance.

DELEGATE'S DECISION:

I have reviewed the report for this application in accordance with the Relevant Instruments, Statutory and Non-Statutory Provisions and in accordance with Council's process and procedures. I agree with the responsible officer's recommendation that the application be Approved subject to the conditions contained in the recommendation. I exercise delegation in accordance with the delegations adopted by the Toowoomba Regional Council.



Emily Hinchliffe, Lead Senior Planner
Planning Branch

Decision Date: 11 June 2026

BACKGROUND

SITE DETAILS				
Site Address	448 Groomsville Road, GROOMSVILLE QLD 4355			
Real Property Description	Lot 1 SP141761, Lot 2 SP272159, Lot 88 SP272159			
Site Area	45.453 ha.			
Owner	James Bernard McEvoy			
SITE CHARACTERISTICS				
Current Land Use	Lot 1 SP141761: rural dwelling Lot 2 SP272159: rural dwelling Lot 88 SP272159: cattle grazing			
Site Frontage/s	620m frontage to Reushle Road 810m frontage to Cronin Road 400m frontage to Adams Road			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Reushle Road	Local	20m	6m	Gravel
Cronin Road	Local	23m	Not Applicable	Unformed
Adams Road	Local	20m	4m	Gravel
Easements	Nil			
Existing Structures	Lot 1 SP141761: dwelling Lot 2 SP272159: dwelling Lot 88 SP272159: dwelling, sheds and ancillary structures associated with cattle grazing			
Infrastructure	Council water main runs along Adams Road reserve			
Topography	The site has a general fall from west to east, from 580-600m AHD to 574m AHD.			
Street Trees	Reushle, Cronin and Adams Roads road reserves are vegetated.			
Other Features	Nil			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	<i>Toowoomba Regional Planning Scheme 2012</i> (Version 28)		Adopted: 28 November 2022	
Zone	Rural			
Precinct	100ha minimum Precinct			
Overlays	Environmental Significance Overlay <ul style="list-style-type: none"> • Areas of Ecological Significance • Areas of Ecological Significance Buffer Bushfire Hazard Overlay <ul style="list-style-type: none"> • High Fire Risk • Medium Fire Risk Flood Hazard Overlay <ul style="list-style-type: none"> • Extreme Flood Risk • High Flood Risk • Medium Flood Risk • Low Flood Risk <ul style="list-style-type: none"> • Vulnerable Uses Restriction Area • Flood Plain Area • Balance Mixed Agricultural Land Overlay <ul style="list-style-type: none"> • Agricultural Land Water Resource Catchment Overlay <ul style="list-style-type: none"> • Water Resources Catchment 			
Infrastructure Charges Resolution	<i>Charges Resolution No. 7</i>		Adopted: 19 August 2025	

SURROUNDS:		
<i>Direction</i>	<i>Land Use</i>	<i>Zone/Precinct</i>
North	Large Home Sites, Dwelling, Cattle Grazing Breeding and Fattening	Rural/100ha minimum Precinct
East	Rural Land Dwelling, Rural Uses	Rural/100ha minimum Precinct
South	Farming and Grazing, with Rural Outbuildings, vacant vegetated land	Rural/100ha minimum Precinct
West	Rural Land Dwelling (Heavily vegetated)	Rural/100ha minimum Precinct
Other Features	Nothing to note	

PROPOSED DEVELOPMENT		
Name of Applicant	James Bernard McEvoy	
Type of Application	Reconfiguring a Lot	
Proposed Development	Boundary Realignment (Three (3) into Three (3) Lots)	
Variations Sought	Not Applicable	
Level of Assessment	Impact Assessable	
Submissions Received	Objection:	Nil
	Support:	Nil
Decision Making Period Ends	11 June 2026	

CONSULTATION UNDERTAKEN

Referral Agency/ies

Not Applicable.

Internal Referrals

Internal Referral Partner	Referral / Response
Development Engineering and Plumbing	Recommended conditions of approval.
Water and Waste	Recommended conditions of approval.
Infrastructure Charges Unit	Will prepare an Infrastructure Charges Notice in accordance <i>with Charges Resolution No.7</i> to accompany an approval of the development.

Public Notification

The Notice of Compliance was received by Council on 29 April 2026. The information attached to the notice confirms that the public notification of the application was undertaken in accordance with the requirements of Part 4 of the *Planning Act 2016*. The Notice of Compliance states the public notification included:

- Publishing a notice in the Chronicle on 7 April 2026;
- Placing a notice on the land from 6 April 2026 until 29 April 2026; and
- Notifying owners of all land adjoining the site on 2 April 2026.

No submissions were received by Council regarding the proposed development.

ISSUES, RISKS AND RESPONSES – ASSESSMENT

Categorising Instrument – *Planning Regulation 2017*:

PLANNING REGULATION 2017	
<i>Prohibited Development</i>	The proposed development is not prohibited development in accordance with the <i>Planning Regulation 2017</i> .
<i>Infrastructure Charges</i>	The <i>Planning Regulation 2017</i> provides for the levying of infrastructure charges on development approvals.
<i>Schedules 9 and 10</i>	Schedules 9 and 10 categorises particular development and details the relevant assessment benchmarks for development as relevant. The proposed development is not development categorised by Schedule 9 or 10 and no Assessment Benchmarks are relevant.

REGIONAL PLANS	
<i>Shaping SEQ – South East Queensland Regional Plan 2023</i>	<p>The subject site is mapped within the bounds of the <i>Shaping SEQ – South East Queensland Regional Plan 2023</i> (ShapingSEQ). ShapingSEQ identifies that the subject site is within the Regional Landscape and Rural Production Area (RLRPA) which is intended to support important values that help sustain the region, socially, economically and environmentally.</p> <p>The development application is consistent with the land use intent for the Regional Landscape and Rural Production Area (RLRPA) as it proposes a boundary realignment the reflects existing rural land uses and established fencelines, resulting in no fragmentation of rural land.</p>
<i>Darling Downs Regional Plan October 2013</i>	The <i>Darling Downs Regional Plan 2013</i> (DDRP) is a statutory regional plan that is intended to provide planning policy to address planning matters that are of State interest and specific to the Darling Downs region. The subject site is located within the Restricted Area 384 of the DDRP as it is located within the SEQRP and accordingly the DDRP has no requirements.

STATE PLANNING POLICY (SPP) July 2017	
Interests	Assessment Comments
Housing Supply and Diversity	No applicable assessment benchmarks
Livable Communities	No applicable assessment benchmarks
Agriculture	<p>The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property.</p> <p>The subject site is mapped as containing Important Agricultural Areas and Agricultural Land Classification (Class A and B).</p> <p>The proposed development is for the rearrangement of shared boundaries between three (3) existing rural lots. The resulting lot reconfiguration will not result in further fragmentation of established rural pastures noting that the development will formalise the existing land use arrangements. The current use of the land is already delineated by long-standing fence lines, which correspond directly with the proposed new boundaries. Therefore, the state interest policies are considered to have been satisfied.</p>
Development and Construction	No applicable assessment benchmarks
Mining and Extractive Resources	No applicable assessment benchmarks
Tourism	No applicable assessment benchmarks
Biodiversity	<p>The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property.</p> <p>As the development is for the rearrangement of shared boundaries and avoids impacts to areas of environmental significance, the state interest policies identified in Part E of the SPP are considered to have been satisfied.</p>

Cultural Heritage	No applicable assessment benchmarks
Water Quality	No applicable assessment benchmarks
Emissions and Hazardous Activities	No applicable assessment benchmarks
Natural Hazards, Risk and Resilience	<p>The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property.</p> <p><u>Bushfire prone area:</u> As the development is for the rearrangement of shared boundaries and the proposed lots allow for future development that avoids areas of bushfire, the state interest policies identified in Part E of the SPP are considered to have been satisfied.</p> <p><u>Flood hazard area:</u> The SPP identifies that this State interest is applicable to the subject property being mapped in the Flood hazard area – Local Government flood mapping area. However, the <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28) states that SPP July 2017 State interest – natural hazards, risk and resilience is reflected in the planning scheme as relates to flooding.</p> <p>The subject site is mapped to contain areas of the Flood Hazard Overlay by the <i>Toowoomba Regional Planning Scheme 2012</i>. The proposal was assessed against the Flood Hazard Overlay Code and demonstrated compliance.</p>
Energy and Water Supply	No applicable assessment benchmarks
Infrastructure Integration	No applicable assessment benchmarks
Transport Infrastructure	No applicable assessment benchmarks
Strategic Airports and Aviation Facilities	No applicable assessment benchmarks

Local Categorising Instrument – *Toowoomba Regional Planning Scheme 2012*:

The proposed development was assessed against the following assessment benchmarks:

- Strategic Framework
- Environmental Significance Overlay Code
- Bushfire Hazard Overlay Code
- Agricultural Land Overlay Code
- Flood Hazard Overlay Code
- Water Resource Catchment Overlay Code
- Reconfiguring a Lot Code
- Rural Zone Code

The development was assessed against all of the assessment benchmarks listed above and is considered to comply without exception as follows:

STRATEGIC FRAMEWORK:

Theme	Assessment Comments
Settlement Pattern	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Natural Environment	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Community Identity and Diversity	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Natural Resources and Landscaping	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Access and Mobility	This element is not directly relevant to the proposed development.

Infrastructure and Services	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Economic Development	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.

OVERLAY CODE/S:

ENVIRONMENTAL SIGNIFICANCE OVERLAY CODE	
Performance Outcome	Acceptable Outcome
<p><i>PO₁</i> <i>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 reduction of ecological values is minimised.</i></p>	<p><i>AO_{1.1}</i> <i>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.</i></p> <p>OR</p> <p><i>Where impacts on areas of ecological significance shown on the Environmental Significance Overlay Maps cannot be avoided, they are minimised by:</i></p> <p>(a) <i>minimising the total footprint within which activities, buildings, structures, driveways and other works or activities are contained;</i></p> <p>(b) <i>avoiding further fragmentation of areas of ecological significance and strengthening linkages where possible;</i></p> <p>(c) <i>utilising areas of lesser importance in terms of biodiversity values so that areas of higher value are conserved to the greatest extent practicable; and</i></p> <p>(d) <i>maintaining areas of ecological significance in patches of greatest possible size and with the smallest possible edge to area ratio.</i></p>
Alternate Outcome	
<p>The applicant submits:</p> <p><i>“The proposed new boundaries will align with existing fence lines. They do in part, traverse through treed areas mapped as Ecological Significance. As these new boundaries are already fenced (have been for years), no clearing of trees or the disturbance of the ground will be required.”</i></p>	
Officer Comment	
<p>Acknowledgement of compliancy with Acceptable Outcome:</p> <p>The boundaries of the proposed lots will align with existing fencing on the site. As such, the proposed boundary realignment does not propose any clearing of areas of environmental significance.</p>	
AGRICULTURAL LAND OVERLAY CODE	
Performance Outcome	Acceptable Outcome
<p><i>PO₃</i> <i>Reconfiguring lots on agricultural land does not result in allotment sizes that result in:</i></p> <p>(a) <i>fragmentation of rural lands and loss of land to viable rural production;</i></p> <p>(b) <i>conflict between farming and residential uses; or</i></p> <p>(c) <i>loss of farming flexibility.</i></p>	<p><i>AO_{3.1}</i> <i>The minimum lot size in the Rural Zone is in accordance with Table 9.3.3:2 of Part 9.3.3, Reconfiguring a Lot Code.</i></p> <p>OR</p> <p><i>AO_{3.2}</i> <i>The proposed lot is smaller than that nominated in Table 9.3.3:2 of Part 9.3.3, Reconfiguring a Lot Code and the reconfiguration is a boundary realignment that would not create any additional lots and would provide for the implementation of improved land management practices or productive utilisation of the land.</i></p>
Alternate Outcome	
<p>The applicant submits:</p>	

“The boundary realignment makes two small lots larger, making them more appealing and closed to the intent of the original 1863 survey. This will return the lots to about the average in the area. The land is no longer agriculturally productive.”

Officer Comment

The proposed development does not comply with Acceptable Outcome AO_{3.1} as the proposed lots do not meet the minimum lot area for the Rural Zone. However, the development does comply with AO_{3.2} as the proposed development does not create any additional lots and provides for the implementation of improved land management practices and productive utilisation of the land. The area mapped as agricultural land will not be further fragmented as it will remain within one single lot holding (proposed Lot 86).

Furthermore, the proposed boundary realignment formalises the existing land use arrangements and reflects the established on-ground management practices. The current use of the land is already delineated by long-standing fence lines, which correspond directly with the proposed new boundaries. These fence lines define the operational extent of grazing activities, with cattle currently grazing in a paddock on existing Lot 88 which will be wholly contained within proposed Lot 86.

RURAL ZONE CODE:

Performance Outcome	Acceptable Outcome
<p>PO₁₃ <i>Development in the 100ha Precinct:</i> (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.</p>	<p>No acceptable outcome is nominated.</p>
<h4>Alternate Outcome</h4> <p>The applicant provided no comment.</p>	
<h4>Officer Comment</h4> <p>Acknowledgement of compliance with Performance Outcome PO₁₃:</p> <p>As the proposed development is a boundary realignment of lots with areas already under 100ha, it does not involve the creation of additional lots smaller than 100ha. As such, compliancy with PO₁₃ (a) is achieved.</p> <p>The proposed boundary realignment will result in increased lot sizes for proposed Lots 87 and 88, thereby enhancing their capacity for productive rural use and improving their overall viability for ongoing rural activities. While proposed Lot 86 will be reduced in size, the overall productive capacity and functionality of the landholding is maintained. This is because the land is already being utilised in a manner consistent with the existing fence lines that align with the proposed boundaries. Cattle grazing is currently occurring on a paddock within existing Lot 88 which will be wholly contained in proposed Lot 86, while the existing rural residential dwellings will each be located on proposed Lots 87 and Lot 88.</p> <p>The proposed realignment effectively formalises alignment of the cadastral boundaries with the existing pattern of land use and management. This results in a more logical and efficient land configuration, supporting continued agricultural productivity without adverse impact. On this basis, the development maintains the productive use of the land and is consistent with the intent of PO₁₃(b).</p> <p>As the proposed development proposes no physical changes to the elements of the land, the natural and scenic landscape value is maintained. Compliancy with PO₁₃ (c) is achieved.</p>	

DEVELOPMENT CODES:

RECONFIGURING A LOT CODE	
Performance Outcome	Acceptable Outcome
<p>PO₄ <i>All new lots provide sufficient area, frontage and dimensions, and road access that enable their future development to achieve relevant outcomes in applicable Use, Zone,</i></p>	<p>AO_{4.1} <i>All lots are rectangular and have minimum width to depth ratios, areas, dimensions and frontages as prescribed in Table 9.4.5:4.</i></p>

<p><i>Overlay, and Other Development Codes in relation to:</i></p> <ul style="list-style-type: none"> <i>(a) dwellings, buildings and/or other structures</i> <i>(b) setbacks ;</i> <i>(c) landscaping;</i> <i>(d) on site car parking and vehicle access;</i> <i>(e) recreation areas (private open space);</i> <i>(f) cultural heritage and character streetscape values;</i> <i>(g) other design criteria.</i> <p>Editors note:</p> <ul style="list-style-type: none"> <i>i. Setback considerations include solar access, privacy and amenity of residents and adjoining neighbours, on-site effluent disposal.</i> <p><i>A building envelope may demonstrate suitability to accommodate future development.</i></p>	
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Alternate Outcome

The applicant submits:

“The proposed rural lots are irregular in shape due to previous small lot subdivisions and are below the minimum area, as prescribed by Table 9.4.5.4. With the existing dwellings being where they are, the proposed lots will again be irregular in shape. Two of the small lot boundaries will need to be maintained. The proposed new lots will have approximately the area areas as the original lots surveyed in 1863. All three lots have electricity provided. Both existing dwellings could have filtered solar access. The area where a future dwelling could be built on Lot 86 would have full access to solar.”

Officer Comment

The proposed development does not comply with Acceptable Outcome AO_{4.1} as the proposed lots do not meet the minimum lot area and proposed Lots 87 and 88 are not rectangular.

Performance Outcome PO₄ states that lots provide sufficient area, frontage and dimensions, and road access that enable their future development to achieve relevant outcomes in the applicable Use, Zone, Overlay and other Development Codes.

It is acknowledged that the existing lot areas are under the 100ha minimum. The proposed boundary realignment seeks to formalise the alignment of the cadastral boundaries with the existing pattern of land use. The reconfigured lots will retain sufficient area and dimensions to support their existing rural uses.

All lots retain vehicle access arrangements to a constructed road.

The proposed development enables the existing development (as well as future development) to achieve the relevant outcomes in the Rural Zone and Agricultural Land Overlay.

Due to the above, it is considered that the proposed development complies with Performance Outcome PO₄.

Performance Outcome	Acceptable Outcome
<p>PO₁₃</p> <p><i>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.</i></p>	<p>AO_{13.1}</p> <p><i>Lots have a minimum area as shown in Table 9.4.5:4.</i></p>

Alternate Outcome

The applicant submits:

“The existing and proposed lots are below the minimum area requirement. The area of the three lots will be approximately the same. There is no rural productive in the immediate area. No new lots are being created, so there will no increase in the density of possible housing.”

Officer Comment

The proposed development does not comply with Acceptable Outcome AO_{13.1} as both proposed lots do not meet the minimum area as shown in Table 9.4.5:4.

Notwithstanding, the development is to rearrange the boundary of three lots and does not seek to create any additional lots. It is also noted that the current lot sizes are already below the minimum lot sizes for the Rural Zone. As such the proposed development does not pose intensification of development in the Rural zone.

It is also noted that the proposed lot sizes are consistent with the prevailing surrounding existing rural lot sizes, being approximately 16 hectares.

As discussed above in response to PO₃ of the Agricultural Land Overlay Code and PO₁₃ of the Rural Zone Code, it is considered that the proposed development maintains the productive capacity of the land.

As such, compliance with Performance Outcome PO₁₃ is achieved.

Local Categorising Instrument – Variation Approval:

Not Applicable

Local Categorising Instrument – Temporary Local Planning Instrument:

Not Applicable

Local Categorising Instrument – Preliminary Approval:

Not Applicable

Local Categorising Instrument – Local Government Infrastructure Plan:

The subject site is located outside Council's Priority Infrastructure Area (PIA).

Other Relevant Matters

Original Lot Configuration and Local Context

While it is acknowledged that the proposed boundary realignment would result in a reduction in the size of existing Lot 88, the revised lot configuration and sizes effectively reinstate lot sizes consistent with the original subdivision layout, being previous Lots 86, 87 and 88 on DAR6214.

Importantly, these original lot configurations are characteristic of the surrounding area, with properties of similar size and arrangement located to the north, east and west of the site. The proposal therefore represents a logical return to a configuration that reflects the historical subdivision pattern and aligns with the established lot sizes of the locality.

FINANCIAL / RESOURCE IMPLICATIONS

Infrastructure charges will be applied in accordance with Council's *Charges Resolution No.7*.

Human Rights Act 2019 CONSIDERATIONS

The *Human Rights Act 2019* provides that it is unlawful for a public agency to act or make a decision in a way that is not compatible with human rights, or to fail to give proper consideration to a human right. This necessitates understanding the human rights that are protected. When making decisions or taking actions, consideration needs to be given to how that may impact on a person's human rights. Where there is a restriction on a person's human rights the restriction must be no greater than is justifiable to protect the rights of others or the community at large.

In assessing this application consideration has been given to the following sections of the *Human Rights Act 2019*:

Section 15 – Recognition and equality before the law
Section 24 – Property rights

It is the opinion of the decision maker that no human rights have been limited.

CONCLUSION

The development has been assessed with regard to the applicable assessment benchmark as identified within this report and the attached Statement of Reasons (refer to Schedule 1). The proposed development generally complies with the assessment benchmarks or it can be conditioned to comply. Where the applicant has not provided sufficient information, conditions have been imposed to ensure compliance. It is therefore recommended that the development application be approved subject to the conditions identified above.

ATTACHMENT/S

Attachment	1	of	4	Aerial Map
Attachment	2	of	4	Zoning Map
Attachment	3	of	4	Overlay Map
Attachment	4	of	4	Proposed Plan

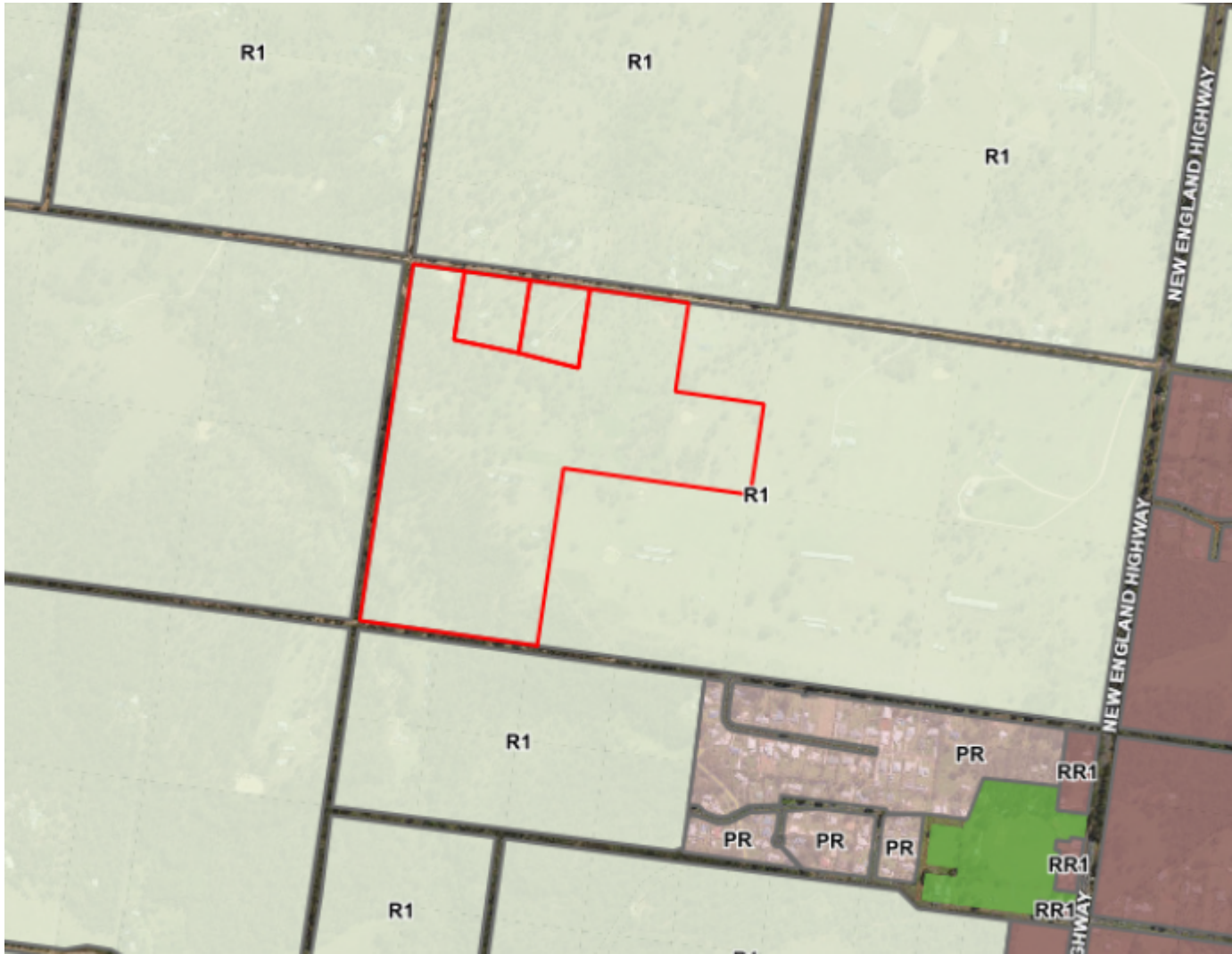
SCHEDULES

Schedule	1	Statement of Reasons
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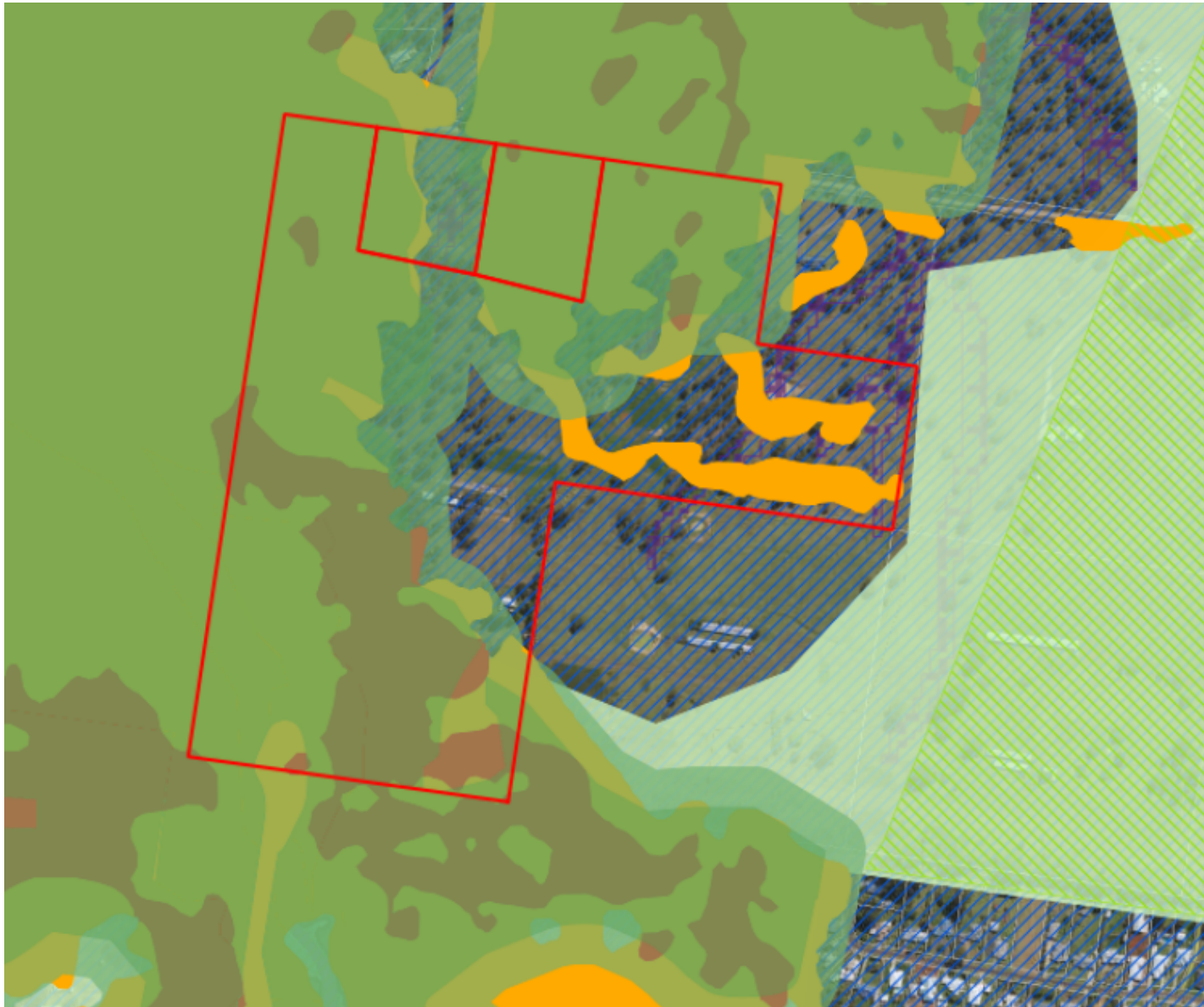
ATTACHMENTS



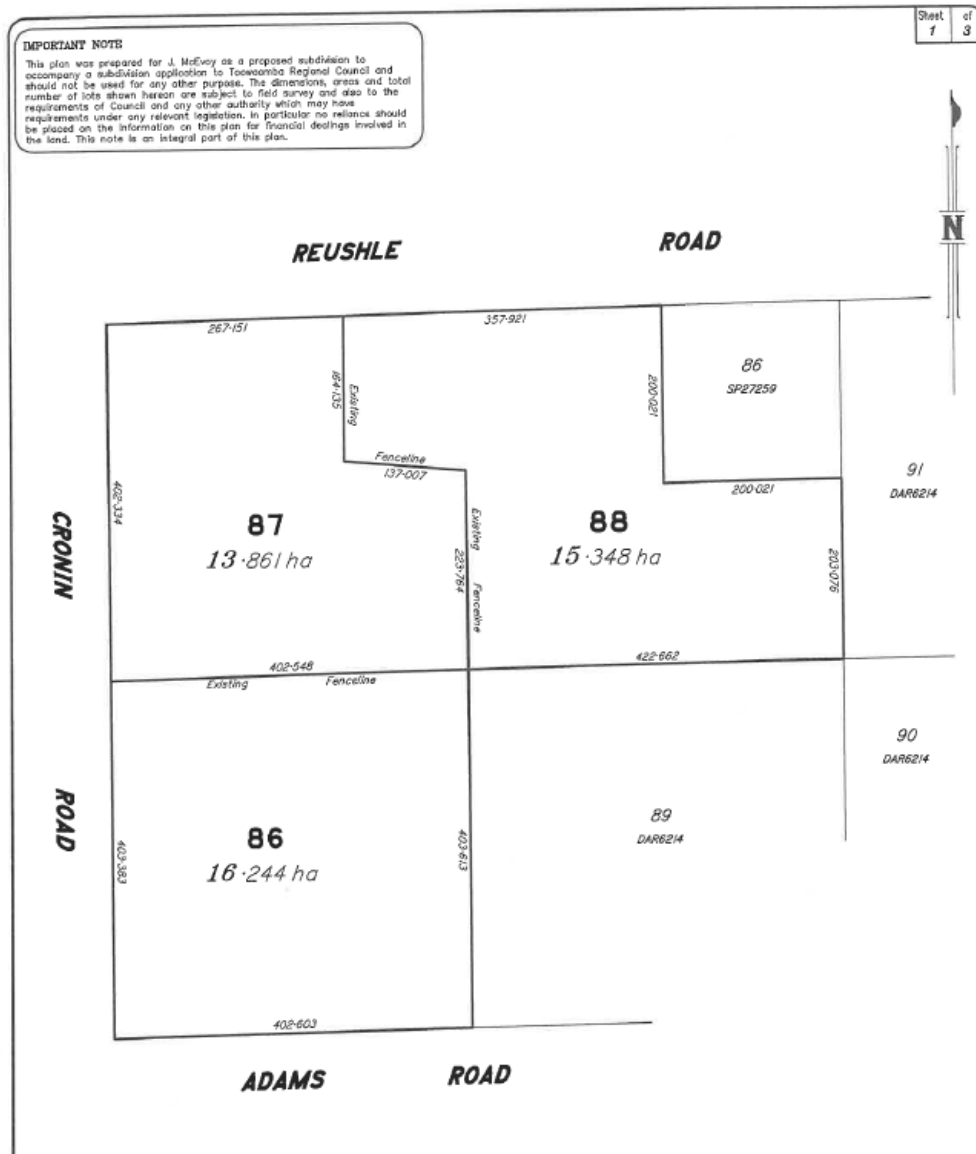
Attachment 1 of 4 Aerial Map



Attachment 2 of 4 Zoning Map



Attachment 3 of 4 Overlay Map



Attachment 4 of 4 Proposed Plan

SCHEDULE 1

Statement of Reasons

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

SITE DETAILS	
Site Address	448 Groomsville Road, GROOMSVILLE QLD 4355
Real Property Description	Lot 1 SP141761 Lot 2 SP272159 and Lot 88 SP272159
Site Area	45.45ha
Owner	James Bernard McEvoy

PROPOSED DEVELOPMENT	
Name of Applicant	James Bernard McEvoy
Type of Application	Reconfiguring a Lot
Proposed Development	Boundary Realignment (Three (3) into Three (3) Lots)
Level of Assessment	Impact Assessable
Submissions Received	Objection: Nil
	Support: Nil
Decision	Approval
Decision Date	11 June 2026

ASSESSMENT MATTERS	
Assessment benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Schedules 9 and 10 of the <i>Planning Regulation 2017</i> (as relevant); • <i>State Planning Policy July 2017</i> (as relevant); • South-east Queensland Regional Plan ShapingSEQ 2023/Darling Downs Regional Plan (as relevant); • The Local Government Infrastructure Plan; and • <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28) <ul style="list-style-type: none"> ○ Strategic Framework ○ Environmental Significance Overlay Code ○ Bushfire Hazard Overlay Code ○ Agricultural Land Overlay Code ○ Flood Hazard Overlay Code ○ Water Resource Catchment Overlay Code ○ Rural Zone Code ○ Reconfiguring a Lot Code
Relevant matters	<p>The proposed development was assessed against the following relevant matter/s:</p> <ul style="list-style-type: none"> • Original Lot Configuration and Local Context <p>While it is acknowledged that the proposed boundary realignment would result in a reduction in the size of existing Lot 88, the revised lot configuration and sizes effectively reinstate lot sizes consistent with the original subdivision layout, being previous Lots 86, 87 and 88 on DAR6214.</p> <p>Importantly, these original lot configurations are characteristic of the surrounding area, with properties of similar size and arrangement located to the north, east and west of the site. The proposal therefore represents a logical return to a configuration that reflects the historical subdivision pattern and aligns with the established lot sizes of the locality.</p>

Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and complies, or can be conditioned to comply with all of these without exception.
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For further details on the assessment of this development application, please see the Delegated Report available for public viewing on the Toowoomba Regional Council Planning and Development Online website at: <https://developmenti.tr.qld.gov.au/>. When accessing Council's website please use the following Application Number: [RAL/2025/9075](#)