

10 September 2026

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

RECEIVED
10/09/2026
TOOWOOMBA
REGIONAL COUNCIL

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

Dear James,

RESPONSE TO INFORMATION REQUEST – SECTION 68, PLANNING ACT 2016 & CHAPTER 1, PART 3, SECTION 13, DEVELOPMENT ASSESSMENT RULES – DEVELOPMENT APPLICATION - RECONFIGURING A LOT - 2 INTO 2 BOUNDARY REALIGNMENT - 1401 PIERCES CREEK ROAD, PIERCES CREEK – LOTS 8 AND 9 ON RP861104 (Council Ref: RAL/2026/4503)

I act on behalf of the applicant, Darran Hutchings, in respect of the above matter.

I refer to Toowoomba Regional Council's (**Council**) Information Request, dated date, in respect of a Development Application for Reconfiguring a Lot – 2 into 2 lots boundary realignment on land at 1401 Pierces Creek Road Pierces Creek, being that land described as Lots 8 and 9 on RP861104.

The following advice provides a response to the matters raised in Council's Information Request. For ease of comprehension, each item raised in the Information Request has been reproduced in bold print followed by the associated response.

ISSUES AND RESPONSES

1. LOT SIZES

1.1. Issue:

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

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

- **Specific Outcome 3.3.9.1(2) and (3) seeks to ensure that agricultural land is conserved for current and future agricultural purposes and the potential for conflict between farming activities and residential development is avoided. The proposal creates a rural lifestyle allotment that does not provide for long term agricultural use.**

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

- Overall Outcome 2(a) states that “areas used or suitable for primary production are conserved and are not further fragmented.”; and
- Overall Outcome 3 seeks to ensure development within the 100 Hectare Precinct ensures that “the productive, natural and landscape values of highly fragmented rural land are preserved by the prevention of further fragmentation by reconfiguring a lot creating inappropriate lot sizes that do not support these outcomes” and this is supported by Performance Outcome PO13 (Table 6.6.6:2).

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

- The purpose of the Reconfiguring a Lot Code (1)(a) requires development to “provide for good neighbourhood design, consistent with the character and environmental values of the overlay, zone and precinct, and local plan area in which the land is located”. This is supported by Overall Outcomes (2)(a) and (h). The proposed layout does not result in good neighbourhood design and is not in keeping with the intended character of land in the Rural Zone, 100ha Precinct.

The submitted justification relates to the consolidation of land in Proposed Lot 8 without addressing the creation of a proposed rural lifestyle lot (Proposed Lot 9). The applicant has failed to provide sufficient justification for Council to support the proposal. Specific Outcome 3.6.4.1(3) specifically seeks to amalgamate titles to facilitate viable farming units. This is supported by Performance Outcome PO1 (Table 9.4.5:1) of the Reconfiguring a Lot Code which states that realignment of boundaries does not contribute to the proliferation of land fragmentation.

The proposed layout is inconsistent with the Overall Outcomes of the Rural Zone Code and Reconfiguring a Lot Code as it is considered to increase fragmentation and introduce potential for land use conflicts. The identified minimum lot size for the precinct intends to encourage larger lots to facilitate viable agricultural activities.

Further justification and assessment is required against the Purpose and Overall Outcomes of the Rural Zone Code, and Reconfiguring a Lot Code amongst others, as well as an assessment against the Strategic Framework of the Planning Scheme to justify the creation of an undersized lot within the 100ha Precinct.

Information Required:

Provide a detailed assessment against the Purpose and Overall Outcomes of the Rural Zone Code and Reconfiguring a Lot Code, as well as an assessment against the Strategic Framework of the Planning Scheme, justifying the proposal to create a rural lifestyle allotment that is inconsistent with the intended character of the zone.

Response

In response to the above item, reference is made to the reasons for the proposed boundary realignment in section 3.1 of the Planning Report submitted with the original application. In this regard, the report confirmed that due to topographical features of the subject land, if the existing allotments were owned by different land holders, it would not be possible to access certain parts of the site without requiring access through one of the lots. Most notably, the portion of Lot 9 which is utilised for grazing purposes is inaccessible without traversing Lot 8 due to the notable ridgeline towards the front of the allotment. This represents an undesirable titling arrangement and significantly impacts the overall productive capacity of the land if the lots were to be sold separately further fragmenting that part of the site used for grazing purposes due to current cadastral boundaries.

Accordingly, the proposed development seeks to realign the boundaries of the site such that the most productive portion of the subject land is wholly located within a single lot (i.e. Proposed Lot 8). This enhances the overall productive capacity of the land and resolves the existing fragmentation of grazing land by ensuring it is retained within a single lot which satisfies the Overall Outcomes of the Rural Zone Code. Furthermore, Proposed Lot 9, whilst having a reduced holding compared to the current arrangement, maintains the only accessible parts of the allotment that can directly access a formed road without requiring access through Lot 8. Furthermore, Proposed Lot 9 encompasses that part of the site which has the lowest productive capacity due to site topography and soil type i.e. steep and rocky terrain. This is reinforced by the Planning Scheme's Agricultural Land Overlay mapping which shows Proposed Lot 8 mapped as agricultural land and Proposed Lot 9 outside the mapped overlay area.

With respect to the configuration and site area of Proposed Lot 9, it is noted this is not outside the character of allotments in this rural locality with smaller lots located along Pierces Creek Road and Fitch Road in the vicinity of the site including land at 1211 Pierces Creek Road (Lot 12 on SP134797) which has a site area of 3.336 hectares and is generally consistent with the site area of Proposed Lot 9.

On this basis, the proposed development resolves the existing fragmentation of viable rural land by consolidating the most productive portion of the site (i.e. the central grazing area) within a single allotment that retains direct access to a formed road, whilst ensuring the smaller lot does not contain land that is suitable for viable rural pursuits. In addition, the site area and configuration of smaller lot accords with the site area of existing smaller rural allotments in the vicinity of the site. Subsequently, the applicant maintains that the development demonstrates compliance with the overall outcomes of the Rural Zone Code and Reconfiguring a Lot Code.

2. ENVIRONMENTAL SIGNIFICANCE OVERLAY

2.1. Issue:

The proposed development is identified within Council's Environmental Significance Overlay. The applicant has submitted an Ecological Assessment Report, version 1, prepared by Range Environmental and dated 28 April 2026. Within Section 10.2 of the report, the applicant has suggested the proponent enter an Environmental Covenant with Council in accordance with Figure 2 of the report. Council notes that Figure 2 of the report does not clearly indicate the proposed covenant area, but rather only pertains to indicating the existing dwelling and proposed development envelope locations. An amended figure is required which demonstrates the area proposed for Environmental Covenant under Section 10.2, and provides additional information.

The applicant has also stated within Section 10.3 of the report that upon OP works for the driveway crossover, and Arborist Report is to be submitted to Council for review. The applicant will be required to address the removal of this vegetation within this RAL approval, and the relevant figures should be amended to incorporate tree removal/retention.

Figures 10, 11, and 13 of the report provide an indication of areas to be cleared on site as a part of this development. However, it is unclear the extent of vegetation to be removed due to this lot reconfiguration. These figures indicate only a general area of the proposed new lot to be cleared, and do not indicate the location of proposed building envelopes, effluent disposal areas, ancillary structures, and driveway crossovers. The full extent of vegetation to be disturbed or removed is not clearly indicated within this report and must be shown.

Further information is required to demonstrate compliance against Performance Outcome PO₁ (Table 8.5.1:1) of the Environmental Significance Overlay Code.

Note: *Effluent disposal areas should be contained to areas outside of the Environmental Significance Overlay, or within areas devoid of vegetation.*

Information Required:

Provide an amended Ecological Assessment Report which addresses the issues raised above.

Response

In response to the above item, reference is made to the Ecological Advice Letter, prepared by Range Environmental Consultants, attached at **Appendix A** which includes a detailed response to this item.

This advice confirms the provision of a vegetation covenant is no longer considered appropriate and instead, the provision of a development envelope achieves a similar outcome in that it limits the extent of where future development can be located within the proposed lot.

Additionally, the advice includes a figure which illustrates the indicative locations of future development within the proposed development envelope. It is noted this figure shows an indicative driveway location within the exempt clearing area and accordingly, demonstrates future development can be designed to reduce the overall extent of vegetation clearing required on the premises.

3. BUSHFIRE HAZARD OVERLAY

3.1. Issue:

The development site is covered by Medium Risk and High Risk areas of Council's Bushfire Hazard Overlay. The applicant has provided a Bushfire Management Report, version 1, prepared by Range Environmental and dated 24 April 2026. Proposed Lot 8 is to retain the existing dwelling on site and will not require further assessment.

Section 6.1 of the submitted Bushfire Management Report provides a list of recommendations to be followed as a part of this lot reconfiguration. The document is generally accepted. However, within Section 6.1, one of the recommendation points states that vegetation within the building envelope is to be managed at a fuel load no greater than 8t/ha. Given the issues raised in relation to the Environmental Significance Overlay, it is unclear the extent of vegetation clearing that is required for building envelopes, effluent disposal, ancillary structures, and driveway crossovers. Council's position where the outcomes of the Bushfire Hazard and Ecological Significance Overlays conflict, is that retention of vegetation of ecological significance should take precedence. Evidence of consideration of both issues should be provided and not conflict.

Information Required:

Provide an amended Bushfire Management Report to clearly delineate the Asset Protection zones proposed and provide a figure with indicative building envelopes, effluent disposal areas, ancillary structures, and driveway crossovers. The amendments made to the Bushfire Management Report, should be aligned with the Ecological Impact Assessment

Response

In response to the above item, reference is made to the Ecological Advice Letter, prepared by Range Environmental Consultants, attached at **Appendix A** which includes a detailed response to this item.

The advice confirms the extent of vegetation clearing required to enable the establishment of a suitable asset protection zone (i.e. fire break) would be minimal when compared with the percentage of the site mapped as containing matters of environmental significance.

4. ACCESS AND DRIVEWAY CROSSOVERS

4.1. Issue:

The submitted plans and supporting information have not provided any details on how proposed Lot 9 will be provided with access to Pierces Creek Road. As a result Council is unable to determine if the required driveway crossover for proposed lot 9 will affect the function, vehicle speeds, safety, efficiency, and capacity of Pierces Creek Road.

No information has been provided to demonstrate Safe Intersection Sight Distance (SISD) is available from the development access to Pierces Creek Road for Lot 9. The available sight distance is likely to be insufficient due to the road geometry, which may impact the safety and suitability of the proposed driveway access.

Information Required:

Provide amended plans and supporting information which:

- *Identify a proposed driveway crossover location for proposed Lot 9;*
- *Demonstrate Safe Intersection Sight Distance (SISD) is available from the proposed driveway crossover for proposed Lot 9 to Pierces Creek Road in accordance with Austroads Guide to Road Design Part 4A;*
- *Provide a road safety and risk assessment prepared and certified by a Registered Professional Engineer of Queensland (RPEQ) to confirm the safety and suitability of the proposed driveway access for proposed Lot 9, including any required mitigation measures.*

Response

In response to the above item, reference is made to the Road Safety and Risk Assessment prepared by Downs Roadside Engineering attached at **Appendix B**. This assessment considers the site safety distances for the frontage of Proposed Lot 9 and outlines a suitable location for a future driveway crossover based on the findings of the assessment. The assessment confirms that the location of the proposed access will not result in unacceptable safety impacts for users of the road or access when taking into consideration the practical speed environment for this portion of Pierces Creek Road.

SUMMARY

Pursuant to Section 68(1) of the *Planning Act 2016* and Chapter 1, Part 3, Section 13 of the *Development Assessment Rules*, we hereby confirm that this response provides a response to all of the items included in the Information Request. Having regard to the information provided, we request that Council proceed with the assessment of the application.

Should you require any additional information or clarification please do not hesitate to contact the undersigned on phone 07 4632 2535, mobile 0490 711 409 or by email at bayley@precinctplan.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Bayley Moore".

Bayley Moore
Precinct Urban Planning

APPENDIX A – ECOLOGICAL ADVICE LETTER

Range Environmental Consultants

APPENDIX B – ROAD SAFETY AND RISK ASSESSMENT

Downs Roadside Engineering