

REPORT TITLE	Reconfiguring a Lot - Boundary Realignment 4 into 4 Lots and Access Easement located at Lot 2884 A341384, Lot 4064 A341849, Lot 1 RP23232 and Lot 2 RP59169 2389 Toowoomba-Karara Road, FELTON QLD 4358
AUTHOR	Lead Senior Planner (Kasey McKillop)
Application No.	RAL/2026/1299

PURPOSE OF REPORT

To consider a Development Application for Reconfiguring a Lot - Boundary Realignment 4 into 4 Lots and Access Easement located at 2389 Toowoomba-Karara Road, FELTON QLD 4358, formally described as Lot 4064 A341849, Lot 2884 A341849, Lot 1 RP23232 and Lot 2 RP59169.

EXECUTIVE SUMMARY

The subject site is identified within the Rural Zone (100ha precinct) under the *Toowoomba Regional Planning Scheme 2012* (Version 28) has a combined total area of 134ha. Lot 2884 A341384 and Lot 2 RP59169 currently contain a dwelling house and ancillary outbuildings and structures, with all subject lots being utilised for agricultural purposes. Access to the site is via Toowoomba Karara Road through Lot 4064 A341849.

The proposed development seeks to reconfigure the site resulting in four lots of the following sizes:

- Proposed Lot 1: 9.83ha;
- Proposed Lot 2: 48.66ha;
- Proposed Lot 3: 23.67ha; and
- Proposed Lot 4: 19.87ha.

The existing dwelling and ancillary outbuildings will be wholly contained within proposed Lot 2, with the existing driveway crossover, onsite water supply, onsite waste disposal system, electricity and telecommunications maintained to service the existing dwelling. Proposed Lots 1, 3 and 4 are of a sufficient size to cater for the required on-site services to service future development intended within the zone outside of any mapped hazard or vegetated areas. The existing access off Toowoomba Karara Road will be retained and service Proposed Lot 2.

Additionally, existing Lot 2884 / proposed Lot 3 is an existing rear landlocked parcel with no formal road access. The proposal seeks to establish a 20m wide access easement provided access to the rear lot off Nunkulla Road. The access easement is an improvement to the existing layout and releases a landlocked parcel for use.

The original development application proposed Lot 2 & 3 property boundaries traversing vegetated areas onsite, triggering referrals to the State Assessment and Referral Agency (SARA) relating to Regulated Vegetation onsite. As part of the non-minor change during the assessment process, a new lot layout was proposed which the applicant confirmed removed the requirement for referral and avoided removal of vegetation or property boundaries intersecting vegetated areas. As a result, the boundaries of proposed Lots 2 & 3 follow the vegetation line resulting in irregular shaped allotments. Despite this, the outcome ensures the realignment does not result in fragmentation of the mapped hazard or vegetated areas across the site.

The proposed lots provide sufficient area, frontage and dimensions, and road access that enable the continuation of the existing lawful uses, as well as any future development on proposed Lots 1, 3 & 4.

Under the *Toowoomba Regional Planning Scheme 2012* (Version 28) the proposed reconfiguration requires impact assessment against the relevant codes of the Planning Scheme. Public notification was undertaken between 18 May 2026 and 9 June 2026, where no submission were received.

The proposal has been assessed against the applicable codes in the Planning Scheme as outlined in this report and is considered to comply or be able to be conditioned to comply will all relevant assessment benchmarks. Therefore, the development application is recommended for approval subject to the recommended reasonable and relevant conditions.

RECOMMENDATION

APPROVED - Application No. RAL/2026/1299 for a Development Permit for Reconfiguring a Lot - Boundary Realignment 4 into 4 Lots and Access Easement, pursuant to the provisions of Section 60 of the *Planning Act 2016* and subject to the conditions listed below.

ASSESSMENT MANAGER CONDITIONS

Assessment Manager's Conditions		
No.	Condition	The time by which the condition must be met, implemented or complied with

GENERAL

APPROVED DEVELOPMENT		
1.	This Development Approval is for Reconfiguring a Lot, being a Boundary Realignment of four (4) into four (4) lots and 1 x Access Easement.	At all times.
APPROVED PLANS		
2.	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: 26011-I Description: Proposal Plan for ROL Boundary Realignment Application 4 Lots into 4 Lots on 2389-2423 Toowoomba Karara Rd, prepared by SMK QLD and dated 9/04/2026. Amendments: Nil	At all times.
LOT NUMBERING		
3.	The numbering of all approved lots must remain as indicated on the Approved Plan/s (unless otherwise amended/approved by Council).	At all times following the registration of the survey plan.
EASEMENT IDENTIFICATION		
4.	The identification of approved easements must remain as indicated on the Approved Plan/s (unless otherwise amended/approved by Council).	At all times following the registration of the easement documentation.
COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS		
5.	Prepare and submit for Council's approval a Plan of Subdivision in accordance with Schedule 18 of the <i>Planning Regulation 2017</i> . 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.	As part of a plan sealing application.

DEDICATIONS, AGREEMENT AND CONTRIBUTIONS

FEES AND CHARGES		
6.	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.	Prior to or at the same time as lodgement of a plan sealing application.
EASEMENTS		
7.	An easement for access purposes must be registered in favour of approved Lot 3 against the title of approved Lot 4. The easement must be a minimum 20 metres wide and must be the proposed easement identified on the Approved Plans and included on the Plan of Subdivision for Council's approval.	Prior to or at the same time as the registration of the survey plan.
8.	Where the Grantee is Council or a service authority, the easement	Prior to or at the

	documentation must be in accordance with the Grantee's standard easement terms and documents or any other terms and conditions as deemed necessary to fulfil the purpose of the easement.	same time as lodgement of a plan sealing application.
9.	Easement documentation must be prepared and submitted to Council, at no cost to Council, for endorsement where Council is the Grantee or review against conditions of approval otherwise.	Prior to the registration of the easement.
10.	Unless consistent with the terms of the easement and authorised under this Development Approval, any permanent works or structures must be kept clear of any existing or proposed easements on the subject land.	Prior to the registration of the easement.

WORKS

STORMWATER DRAINAGE		
11.	All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development.	Prior to the lodgement of a plan sealing application and maintained at all times thereafter.
AIR QUALITY IMPACT MITIGATION		
12.	Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the <i>Air Quality Objectives</i> listed in the <i>Environmental Protection (Air) Policy 2019</i> as measured at any sensitive place or commercial place must not be released to the atmosphere during building and operational works.	At all times during all site works.
13.	All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during site works do not exceed the following levels when measured at any sensitive place or commercial place: 13.1 Dust deposition of 133 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of <i>Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method</i> .	At all times during all site works.
CONSTRUCTION WASTE MANAGEMENT & STORAGE		
14.	Waste generated during demolition, excavation and construction must be managed in accordance with the waste management hierarchy as detailed in the <i>Waste Reduction and Recycling Act 2011</i> .	At all times during all site works.
15.	The on-site storage and disposal of demolition, excavation and construction waste (including the storage and disposal of night soil) must comply with the <i>Environmental Protection Regulation 2019</i> .	At all times during all site works.
16.	Fires are not to be lit to dispose of demolition or construction waste.	At all times during all site works.
17.	No demolition, excavation or construction waste is to be used as fill or buried on-site (with the exception of cut material recycled from the subject land and used on the subject land), or be used as fill or buried elsewhere, unless otherwise permitted: 17.1 Elsewhere within this Development Approval; 17.2 In accordance with an associated Development Permit for Operational Work; 17.3 In association with and in accordance with an Environmental Authority issued under the <i>Environmental Protection Act 1994</i> ; 17.4 In accordance with either a general or specific approval of a resource for recycling (in accordance with the End of Waste Codes) issued under the <i>Waste Reduction and Recycling Act 2011</i> ; or 17.5 In accordance with a written approval issued by Council under the <i>Environmental Protection Regulation 2019</i> relating to the depositing	At all times during all site works.

	or disposal of general waste from a premises not serviced by Council.	
18.	Demolition, excavation and construction waste (including night soil) must not be placed or stored within the road reserve at any time.	At all times.
CONSTRUCTION NOISE IMPACT MITIGATION		
19.	Building work (as per the definition of the <i>Environmental Protection Act 1994</i>) that creates audible noise must be confined to the hours of 6:30 am and 6:30 pm Monday to Saturday (excluding Public Holidays) unless otherwise approved by Council in an endorsed Construction Environmental Management Plan.	At all times during all site works.
EROSION & SEDIMENT CONTROL		
20.	Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths and not within the road reserve at any time.	At all times during all site works.
21.	Measures such as sediment fences, earth berms, temporary drainage, temporary sediment basins, dewatering or stormwater filtering devices to prevent eroded material, sediment or sediment laden water from being transported to adjoining properties, roads or stormwater drainage systems must be provided.	At all times during all site works.
22.	Where erosion and sediment control measures have been damaged, fail or are inadequate and erosion or the release of sediment or sediment laden stormwater has occurred from the subject land or associated works, any resultant property or environmental damage or interference caused must be repaired or cleaned up within 24 hours or upon the direction of Council, at no cost to the affected parties.	At all times during all site works.
DAMAGE TO SERVICES & ASSETS		
23.	<p>Protect Council and public utility services and assets. Where any damage is caused to existing services and assets as a result of the development works must be repaired at no cost to the asset owner in accordance with the following timing:</p> <p>23.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or</p> <p>23.2 Where otherwise, as soon as reasonably possible, but no later than completion of the works associated with the development or prior to the commencement of use, whichever is the earlier; and</p> <p>23.3 Any repair work which includes alteration to the alignment or the level of existing services and assets must first be referred to the relevant service authority for approval.</p>	At all times during site works.
24.	<p>Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with Planning Scheme Policy PSP No.2 at no cost to Council.</p> <p><i>Note: Council must be notified of any damage to water and sewer immediately on Ph: 131 872.</i></p>	At all times.

TRANSPORT & ACCESS

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY		
25.	<p>All works carried out on or near roadways must be adequately signed in accordance with the <i>Manual for Uniform Traffic Control Devices – Part 3, Works on Roads</i>.</p> <p><i>Note: Road or lane closures require approval from Council's Principal Engineer Road Operations, and all conditions of that approval complied with during construction of the works.</i></p>	At all times.
26.	<p>Safe pedestrian access along Council's footpaths must be maintained.</p> <p><i>Note: Should access to footpaths need to be restricted, a separate 'Temporary road or footpath closure' must be obtained from Council's Principal Engineer Road Operations, prior to the</i></p>	At all times.

<i>commencement of the works.</i>		
ACCESS (FOOTPATH CROSSOVERS AND DRIVEWAYS)		
27.	<p>A driveway crossover (crossing of the verge) and an all-weather driveway from the Nunkulla Road edge to the property boundary must be constructed for Lot 3 for the full extent of the access easement in accordance with the following requirements:</p> <p>27.1 The <i>Department of Transport and Main Roads standard drawing 1807 (drawing 1 and 2)</i>, and in accordance with <i>Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)</i>;</p> <p>27.2 The driveway crossover (crossing of the verge) must align neatly on both sides with the pedestrian footpath and verge with a maximum cross fall of 2.5%;</p> <p>27.3 The driveway crossover (crossing of the verge) must be located a minimum of one (1) metre clear of existing power poles, streetlights or any signage;</p> <p>27.4 An all-weather driveway must be constructed for the full extent of the access easement and must be a minimum width of 3 metres; and</p> <p>27.5 The driveway must be constructed so as not to concentrate stormwater runoff onto neighboring properties.</p>	Prior to the lodgement of a plan sealing application.

ECOLOGY

REMOVAL OF EXISTING TREES AND VEGETATION		
28.	<p>Clearing, including felling, pushing, lopping and grubbing of existing trees and vegetation not identified for retention must be undertaken by a suitably qualified person and must include:</p> <p>28.1 Stump grinding to below finished surface level;</p> <p>28.2 Rectification to the finished surface levels and materials;</p> <p>28.3 No damage to other vegetation to be retained; and</p> <p>28.4 No burning of removed vegetation and debris; and</p> <p>28.5 Conclude with the area being stabilised against erosion rehabilitated and vegetated.</p> <p><i>Note: Any processing of trees or vegetation must be carried out in a safe manner and without exceeding the noise and air emission levels listed or prescribed in this Development Approval.</i></p>	At all times during site works.
FAUNA MANAGEMENT DURING REMOVAL OF EXISTING TREES AND VEGETATION		
29.	<p>A legislative compliant Fauna Spotter Catcher must be engaged to manage fauna prior and during clearing to</p> <p>29.1 Ensure works are carried out in accordance with the <i>Nature Conservation Act 1992</i>.</p> <p>29.2 Undertake pre-clearing inspections including fauna relocation and removal or blocking of all vacant hollows;</p> <p>29.3 Ensure clearing works avoids nesting times of animals and birds;</p> <p>29.4 Co-ordinate staging and sequence of clearing with fauna protection;</p> <p>29.5 Protect and recover fauna during clearing operations (not previously</p>	At all times during site works.

	removed); and	
	29.6 Manage the translocation of animals and recovery procedures in accordance with relevant legislation.	
BUSHFIRE MANAGEMENT - FUTURE DWELLING REQUIREMENTS		
30.	All future dwellings on bushfire prone approved Lot 3 must be provided with a water storage reservoir having a minimum 10,000 litres of water for emergency firefighting purposes. Such storage must be provided in addition to the water supply capacity required for domestic use and must be provided in the form of either a dam, swimming pool, or rainwater tank located within 40m of the dwelling.	At all times.
31.	Where water storage is provided by way of rainwater tank, separate water storage for firefighting purposes must be provided either in a separate rainwater tank or a reserve section in the main water supply tank on which: 31.1 the domestic take off from the tank is at or above the 10,000 litre point; and 31.2 standard rural fire brigade fittings (a 50mm male camlock coupling and ball valve) are fitted to the tank outlet for access by four wheel drive rural services vehicles.	At all times.
32.	The water storage reservoir must be provided with a water delivery mechanism that will function during an emergency event (such as an electric pump with auxiliary power supply or a petrol driven firefighting pump) and hose of sufficient length to easily reach around to all sides of the dwelling.	At all times.
33.	A hard stand area within 6m of the water storage reservoir must be provided to ensure accessibility for fire fighting vehicles.	At all times.

No.	General Advice
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INFRASTRUCTURE CHARGES	
1.	Infrastructure charges are levied by way of an Infrastructure Charges Notice, issued pursuant to Section 119 of the <i>Planning Act 2016</i> .
OTHER LAWS & REQUIREMENTS	
2.	This Development Approval relates to development requiring approval under the <i>Planning Act 2016</i> 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.	Carrying out works on a road or interfering with the road or its operation will require a permit under <i>Subordinate Local Law No. 1.15 (2020)</i> . The application form can be found on Council's website at www.tr.qld.gov.au . For further information contact the Road Operations Branch through Council's Customer Service Centre on 131 872.
4.	The development has only been assessed in accordance with the provisions of the <i>Toowoomba Regional Planning Scheme 2012</i> . No assessment has been made in respect of the provisions of the <i>Building Code of Australia</i> and/or the <i>Queensland Development Code</i> .
WHEN APPROVAL STARTS TO HAVE EFFECT	
5.	This Development Approval starts to have effect in accordance with the provisions of Section 71 of the <i>Planning Act 2016</i> .
S73 PLANNING ACT 2016	
6.	Pursuant to <i>Section 73 of the Planning Act 2016</i> , a development approval including any conditions of approval is binding on the owner, the owner's successor in title and any occupier of the land.
WHEN APPROVAL LAPSES	
7.	This Development Approval will lapse in accordance with the provisions contained in Sections 85 and 88 of the <i>Planning Act 2016</i> , unless otherwise stated elsewhere within this Development Approval.
ENVIRONMENTAL HARM	
8.	The <i>Environmental Protection Act 1994</i> (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.

	<p>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.</p> <p>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.</p>
ENVIRONMENT PROTECTION & BIODIVERSITY CONSERVATION ACT 1999	
9.	<p>An additional approval from the Commonwealth Government under the <i>Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)</i> may be required in relation to the approved development. The EPBC Act relates to actions that may have a significant impact on matters of national environmental significance (NES) or the environment generally if on Commonwealth land. These matters of NES include nationally listed threatened and migratory species, Ramsar wetlands, World Heritage, Commonwealth marine and nuclear actions.</p> <p>The EPBC Act provides that a person must not take an action that has, will have or is likely to have a significant impact on matters of NES, without the approval of the Commonwealth Environment Minister. Such actions should be referred to the Minister for a decision on whether or not approval is required under the EPBC Act.</p> <p>Contact the Australian Government Department of Agriculture, Water and the Environment to discuss any obligations under the EPBC Act.</p>
DISPLACEMENT OF FAUNA SPECIES	
10.	<p>The subject land may support native fauna species and other animals. Development activities must ensure negligent or wilful harm to fauna does not occur. A site walk through prior to ground disturbance and tree clearing is advised to check for resident fauna species. Liaison with officers from the Queensland Parks and Forest Service should be undertaken if native species are found on site. Consideration should also be given to the animal welfare provisions of the <i>Animal Care and Protection Act 2001</i>.</p>
WATER POLLUTION	
11.	<p>In accordance with the <i>Environmental Protection Act 1994</i>, all sand, silt, mud, paint, cement, concrete, construction material and demolition material, and other such waste material must not be deposited or placed where it could reasonably be expected to travel into a roadside gutter, stormwater drain or watercourse. On the spot fines apply for such offences.</p>
WORKS WITHIN A WATERCOURSE	
12.	<p>The development may involve works within a watercourse which will require referral to the Department of Resources under the <i>Water Act 2000</i> and <i>Planning Act 2016</i> at the time of making an application for Operational Work.</p>
ABORIGINAL CULTURAL HERITAGE ACT 2003	
13.	<p>There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the <i>Aboriginal Cultural Heritage Act 2003</i> ("ACH Act").</p> <p>The ACH Act establishes a cultural heritage duty of care which provides that: "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage." It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the ACH Act may also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.</p> <p>You should contact the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) Cultural Heritage Unit on 07 3247 6212 to discuss any obligations under the ACH Act.</p>
FIRE ANTS	
14.	<p>14.1 Please be aware that the Red Imported Fire Ant (<i>Solenopsis Invicta</i>) (RIFA) is listed under Schedule 1A of the <i>Biosecurity Regulation 2016</i> as Category 1 Restricted Matter and may affect stages of your proposed development.</p>

14.2	Areas within, or within the proximity of this LGA have been identified as having an infestation of the RIFA. Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Biosecurity Zone prior to commencing earthworks. It should be noted that works involving the movement of soil or other fire ant carrier material may be subject to a Biosecurity Instrument Permit, and failure to obtain any necessary approvals from Biosecurity Queensland is an offence. It is part of the General Biosecurity Obligation (GBO) to report any sighting or suspicion of Fire Ants within 24 hours to Biosecurity Queensland on 13 22 68.
14.3	Penalties may apply for committing any offense relating to illegal movement of materials or failure to meet the GBO.
14.4	The Fire Ant Restricted Area, Biosecurity zones, and other general information can be viewed on the National Fire Ant Eradication Program (NFAEP) website https://www.fireants.org.au/ .
14.5	If you think your development or associated works may have a significant impact on a matter of biosecurity related significance, or if you are unsure, please contact the Biosecurity Queensland on 13 22 68 or via https://www.dpi.qld.gov.au/contact/report-a-biosecurity-pest-or-disease .
14.6	Training relating to the identification and treatment of RIFA, as well as handling of carrier materials for business and individuals is recommended for all staff that may deal with recognised RIFA carriers. Training can be found via https://www.fireants.org.au/tools/training .

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 RECOMMENDATION:

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



Matthew Coleman, Principal Planner
Planning Branch

Decision Date: 25 June 2026

CORPORATE PLAN REFERENCE

Strategic Action 2.3.3 Ensure development aligns with community sentiment, through effective and efficient assessment, with the planning scheme, planning instruments, codes and legislation.

BACKGROUND

SITE DETAILS				
Site Address	2389 Toowoomba-Karara Road, FELTON QLD 4358			
Real Property Description	Lot 2884 A341384, Lot 3677 A341849, Lot 1 RP23232, Lot 2 RP59169			
Site Area	134.354ha			
Owner	Helen Louise Barkla			
SITE CHARACTERISTICS				
Current Land Use	Agricultural Activities / Grazing			
Site Frontage/s	Toowoomba Karara Road – 1.1km Nunkulla Road – 1km			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Toowoomba Karara Road	Regional Arterial	40m	8m	Asphalt
Nunkulla Road	Distributor	30m	5m	Asphalt
Easements	Nil.			
Existing Structures	Dwelling house and ancillary outbuildings (3)			
Infrastructure	Nil.			
Topography	Site falls towards road North-eastern corner 455m AHD – South-western Corner 550m AHD.			
Street Trees	Nil.			
Other Features	Regulated Vegetation located in north-eastern corner of site. Toowoomba Karara Road is a State Transport Corridor			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	Toowoomba Regional Planning Scheme 2012 Version 28			Adopted: 28/11/2022
Zone	Rural Zone			
Precinct	R1 – 100ha Precinct			
Overlays	<ul style="list-style-type: none"> Bushfire Hazard – Medium Risk Environmental Significance - Areas of Ecological Significance & Buffer Agricultural Land Flood Hazard Overlay Code – Balanced Area 			
Infrastructure Charges Resolution	Charges Resolution No.7			Adopted: 10/12/2024
SURROUNDS:				
Direction	Land Use	Zone/Precinct		
North	Dwelling / Agricultural Activities	Rural Residential Zone Code / R1		
East	Dwelling / Agricultural Activities	Rural Residential Zone Code / R1		
South	Dwelling / Agricultural Activities	Rural Residential Zone Code / R1		
West	Dwelling / Agricultural Activities	Rural Residential Zone Code / R1		
Other Features	Nil			

PROPOSED DEVELOPMENT	
Name of Applicant	Jamie Barkla C/ SMK QLD PTY LTD
Type of Application	Reconfiguring a Lot
Proposed Development	Boundary Realignment 4 into 4 Lots and Access Easement
Variations Sought	Not Applicable
Level of Assessment	Impact Assessable
Submissions Received	Objection: 0
	Support: 0
Decision Making Period Ends	17 July 2026

CONSULTATION UNDERTAKEN

Referral Agency/ies

Not Applicable.

Note: The original development application did trigger referrals to the State Assessment and Referral Agency (SARA) relating to access near a State Controlled Road and Intersection, and Regulated Vegetation onsite. As part of the non-minor change during the assessment process, a new lot layout was proposed which the applicant confirmed removed the requirement for referral.

Internal Referrals

Internal Referral Partner	Referral / Response
Development Engineering and Plumbing	Reviewed the application and provided draft conditions.
Place Environmental	Reviewed the application and provided draft conditions.
Water and Waste	Reviewed the application and provided draft conditions.
Infrastructure Charges Unit	Preparing 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 12 June 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 15 May 2026;
- Placing a notice on the land from 18 May 2026 until 9 June 2026 and
- Notifying owners of all land adjoining the site on 15 May 2026.

No submissions were received in support or against 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.

	<p>Schedule 10, Part 14 of the <i>Planning Regulation 2017</i> prescribes that Reconfiguring a Lot as defined in Part 1 of Schedule 12A (Walkable Neighbourhoods) of the Regulation is assessable development and must be assessed against the Assessment Benchmarks prescribed in Part 2 of Schedule 12A.</p> <p>The proposed development is not for Reconfiguring a Lot as defined in Part 1 of Schedule 12A of the Regulation.</p>
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REGIONAL PLANS	
<i>Shaping SEQ – South East Queensland Regional Plan 2017</i>	Not applicable
<i>Darling Downs Regional Plan October 2013</i>	<p>The <i>Darling Downs Regional Plan 2013</i> (DDRP) is a statutory regional plan that is intended to provide planning policy to address planning matters that are of State interest and specific to the Darling Downs region.</p> <p>The DDRP identifies that the subject site is mapped within a Priority Agricultural Area (PAA) and Strategic Cropping Area (SCA).</p> <p>However, the development application does not conflict with the intent for a PAA or SCA because the development results in the re-alignment of boundaries resulting in 4 land parcels capable of continue the current agricultural uses onsite. Therefore, it is considered that the development application is consistent with the regional policies included within the DDRP.</p>

STATE PLANNING POLICY (SPP) <i>July 2017</i>	
Interests	Assessment Comments
Housing Supply and Diversity	No applicable assessment benchmarks or State interest policies.
Livable Communities	No applicable assessment benchmarks or State interest policies.
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). Toowoomba Karara Road is also identified as a Stock Route Network.</p> <p>The proposed boundary realignment does not result in any additional development including built form onsite. All existing services, including accesses are proposed to be retained, with the current agriculture activities continuing.</p> <p>The proposed development will maintain land conditions and the biophysical resources underpinning ALC Class A and Class B land. Accordingly, the proposed development is considered to comply with the requirements of the State Planning Policy.</p>
Development and Construction	No applicable assessment benchmarks or State interest policies.
Mining and Extractive Resources	No applicable assessment benchmarks or State interest policies.
Tourism	No applicable assessment benchmarks or State interest policies.
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. Specifically, the subject site is identified as including the following:</p> <ul style="list-style-type: none"> MSES - Regulated vegetation (intersecting a watercourse)

	<ul style="list-style-type: none"> • MSES - Wildlife habitat (special least concern animal) • Regulated vegetation management map (Category A and B extract) • Vegetation management regional ecosystem map <p>The development does not result in the removal of any existing vegetation.</p> <p>The original development application did trigger referrals to the State Assessment and Referral Agency (SARA) relating to access near a State Controlled Road and Intersection, and Regulated Vegetation onsite. As part of the non-minor change during the assessment process, a new lot layout was proposed which the applicant confirmed removed the requirement for referral. The proposed lot layout avoids new lot boundaries traversing mapped areas. Each lot also contains sufficient area for future built form which will not interfere with mapped areas of importance. As such, the development complies with the State Interest Policy.</p>
Cultural Heritage	No applicable assessment benchmarks or State interest policies.
Water Quality	No applicable assessment benchmarks or State interest policies.
Emissions and Hazardous Activities	No applicable assessment benchmarks or State interest policies.
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. Specifically, the subject site is located within the Medium, High and Very High Potential Bushfire Intensity and Potential Impact Buffer of the identified Bushfire Prone Areas. Refer to Attachments 3 & 4.</p> <p>Accordingly, the following assessment benchmarks are applicable to the proposed development:</p> <ol style="list-style-type: none"> (3) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level. (4) Development supports and does not hinder disaster management response or recovery capacity and capabilities. (5) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties. (6) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided. (7) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced. <p>The proposed boundary realignment does not result in development including built form being located within the extent of the mapped Medium Potential Bushfire Intensity area. The existing dwelling being retained is already serviced by private onsite water supply. It is further noted that each lot has sufficient area for future built form located outside of the mapped Bushfire Hazard Overlay of the <i>Toowoomba Regional Council Planning Scheme 2012 (Version 28)</i>. Accordingly, the proposed development is considered to comply with the requirements of the State Planning Policy.</p>
Energy and Water Supply	No applicable assessment benchmarks or State interest policies.
Infrastructure Integration	No applicable assessment benchmarks or State interest policies.
Transport Infrastructure	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>However, the state interest policies identified in Part E of the SPP are not considered to be relevant to the proposed development.</p> <p>Toowoomba Karara Road is a State Transport Corridor. The development does not alter existing accesses or proposed new access to the state-controlled road. Further, the development does not result in any additional lots. As such, the development complies with the State Interest Policy.</p>
Strategic Airports and Aviation Facilities	No applicable assessment benchmarks or State interest policies.

Local Categorising Instrument – Toowoomba Regional Planning Scheme 2012:

The proposed development was assessed against the following assessment benchmarks:

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

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

RURAL ZONE CODE:

Performance Outcome	Acceptable Outcome
<p><i>PO₁₃ Development in the 100ha Precinct:</i></p> <p>(a) <i>does not involve the creation of additional lots smaller than 100ha;</i></p> <p>(b) <i>maintains the productive capacity of the land; and</i></p> <p>(c) <i>maintains the natural and scenic landscape values of the land.</i></p>	<p><i>No acceptable outcome is nominated.</i></p>
<p>Alternate Outcome</p> <p>The applicant submits:</p> <p><i>“The proposed reconfiguring of a lot does not create any new lots; the proposal will allow for existing infrastructure and services such as the existing dwelling and existing on-site road network to be wholly located within proposed lot 2. As a result of this proposal the four (4) new lots will not create further fragmentation and will allow for the continued use of the existing site for agriculture purposes, mainly for cropping, there will be no change of use as a result of this proposal.”</i></p>	
<p>Officer Comment</p> <p>The existing lots (4) range from 16-33.5ha in size, totalling 134ha. The proposed development seeks to reconfigure the site boundaries resulting in four lots of the following sizes:</p> <ul style="list-style-type: none"> • Proposed Lot 1: 9.83ha; • Proposed Lot 2: 48.66; • Proposed Lot 3: 23.67ha; and • Proposed Lot 4: 19.87ha. <p>Whilst located within the 100ha Precinct, the locale of Felton East is generally characterised by existing rural lots less than 100ha in keeping with the existing and proposed lots sizes subject to assessment.</p> <p>The development does not result in the creation of additional land parcels less than 100ha. The proposed new boundary alignment seeks to maintain the productive capacity of the site with all proposed lots of sufficient size to continue the current agricultural and grazing activities, whilst protecting the landscape and ecological values of the site. The realignment does not result in fragmentation of the mapped hazard or vegetated areas across the site in keeping with the intent of the Rural Zone Code. Further, the access easement is an improvement to the existing layout and releases a landlocked parcel for use. Therefore,</p>	

the proposed development is considered to comply with Performance Outcomes PO₁₃ of the Reconfiguring a Lot Code and Rural Zone Code.

DEVELOPMENT CODES:

Reconfiguring a Lot Code	
Performance Outcome	Acceptable Outcome
<p><i>PO₄ 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, 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><i>AO_{4.1} 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>
Alternate Outcome	
<p>The applicant submits:</p> <p><i>“The proposed lots are regular in shape and follow the topography of the land, the proposal allows for the proposed boundary realignment to not create adverse impacts and allow for the continued use of the land for rural purposes. The proposed new boundaries are designed to allow for the existing dwelling, sheds and road to all be located within proposed lot 2.”</i></p>	
Officer Comment	
<p>The proposed development does not comply with Acceptable Outcome AO_{4.1} as the proposed lots are not rectangular, specifically proposed Lots 2 and 3 are irregular shapes. Therefore, assessment against the correspondence Performance Outcome PO₄ has been undertaken below</p> <p>Additionally, existing Lot 2884 / proposed Lot 3 is an existing rear landlocked parcel with no formal road access. The proposal seeks to establish a 20m wide access easement provided access to the rear lot off Nunkulla Road. The access easement is an improvement to the existing layout and releases a landlocked parcel for use.</p> <p>The original development application proposed Lot 2 & 3 property boundaries traversing vegetated areas onsite, triggering referrals to the State Assessment and Referral Agency (SARA) relating to Regulated Vegetation onsite. As part of the non-minor change during the assessment process, a new lot layout was proposed which the applicant confirmed removed the requirement for referral and avoided removal of vegetation or property boundaries intersecting vegetated areas. As a result, the boundaries of proposed Lots 2 & 3 follow the vegetation line resulting in irregular shaped allotments. Despite this, the outcome ensures the realignment does not result in fragmentation of the mapped hazard or vegetated areas across the site.</p> <p>The proposed lots provide sufficient area, frontage and dimensions, and road access that enable the continuation of the existing lawful uses, as well as any future development on proposed Lots 1, 3 & 4 to achieve the relevant outcomes in applicable Use, Zone, Overlay, and Other Development Codes in relation to the criteria listed under Performance Outcome PO₄. Therefore, the proposed development is considered to comply with Performance Outcome PO₄ of the Reconfiguring a Lot Code.</p>	
Performance Outcome	Acceptable Outcome
<p><i>PO₁₃ In the Rural Zone, the productive capacity of rural land resources is</i></p>	<p><i>AO_{13.1} Lots have a minimum area as shown in Table 9.4.5:4.</i></p>

<i>protected from the reconfiguration of lots that facilitates inappropriate intensification of development in the zone.</i>	
Alternate Outcome	
The applicant submits: <i>“The proposal occurs in the Rural zone, all of the proposed lots are below the minimum lot size requirements, as a result of this proposal there are no new lots created and there will not be an inappropriate intensification of development as a result of the proposed new boundaries.”</i>	
Officer Comment	
Refer to Assessment against Performance Outcome PO ₁₃ of the Rural Zone Code above. Therefore, the proposed development is considered to comply with Performance Outcome PO ₁₃ of the Reconfiguring a Lot Code.	

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 not located in the Priority Infrastructure Area (PIA).

Other Relevant Matters

Not Applicable

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

Section 25 – Privacy and reputation

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.

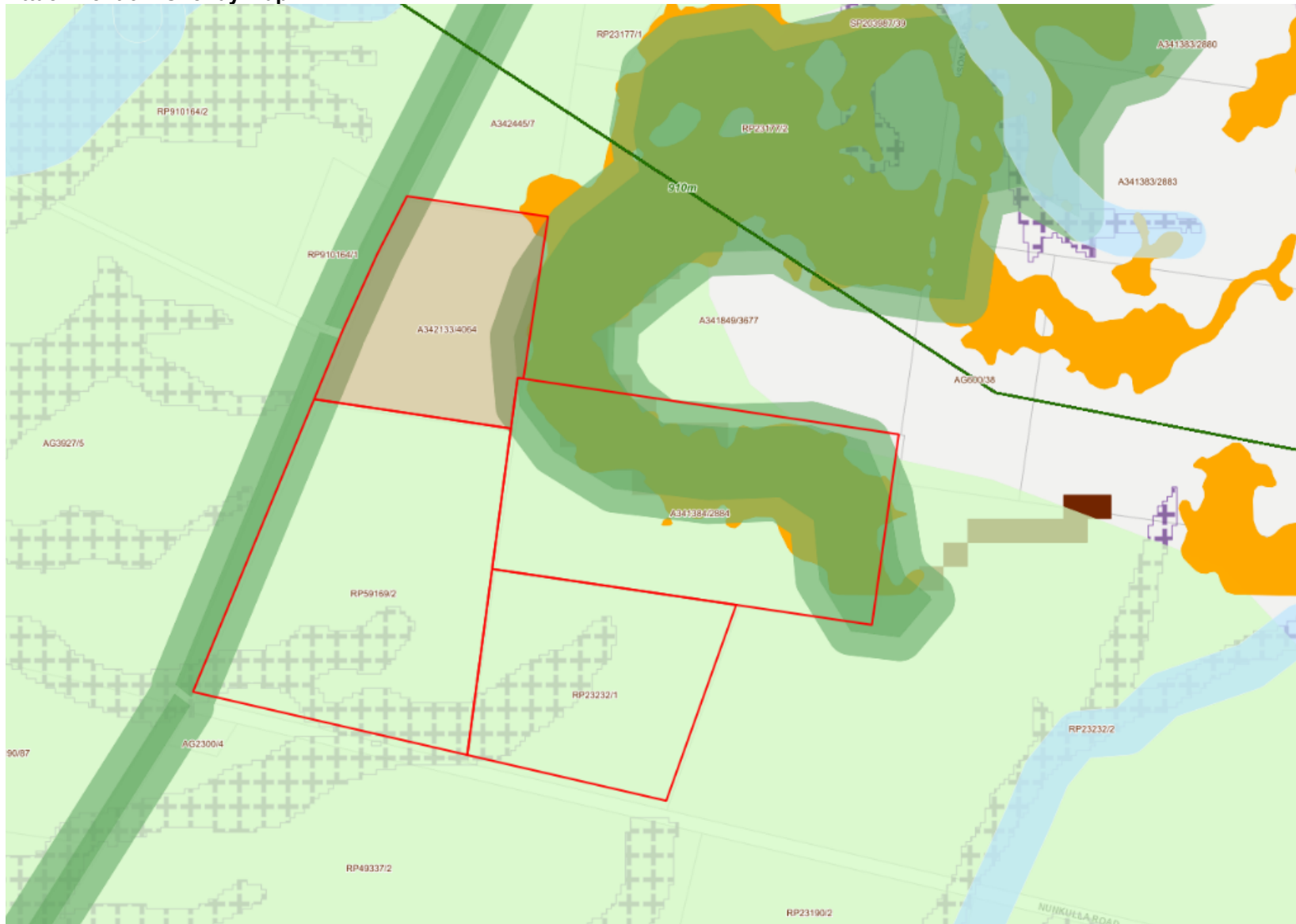
ATTACHMENT/S

Attachment	1	of	5	Ariel Map
Attachment	2	of	5	Zoning Map
Attachment	3	of	5	Overlay Map
Attachment	4	of	5	SPP Mapping
Attachment	5	of	5	Proposed RAL Plan

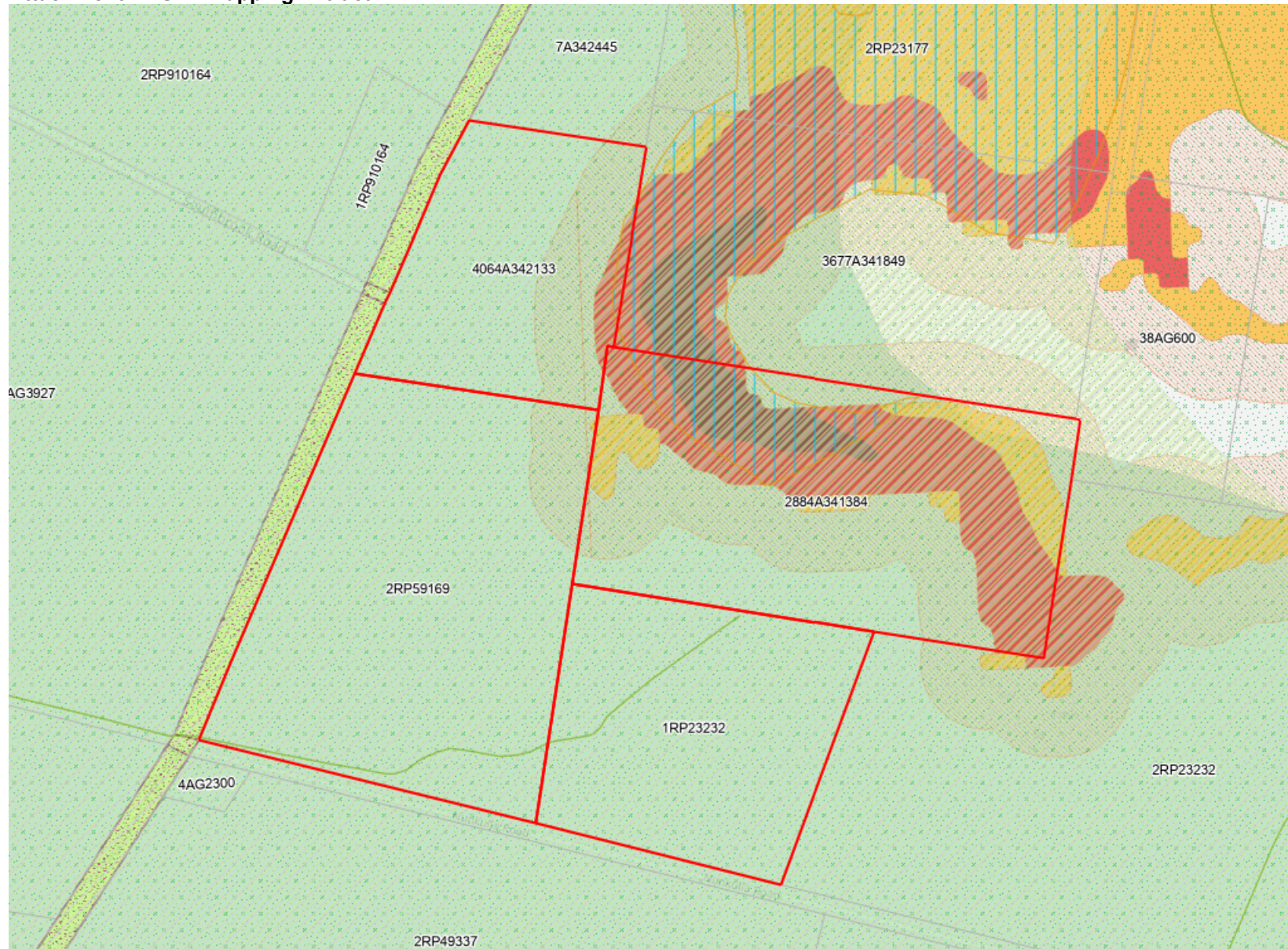
SCHEDULES

Schedule	1	Statement of Reasons
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Attachment 3 – Overlay Map



Attachment 4 - SPP Mapping Extract



SCHEDULE 1

Statement of Reasons

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

SITE DETAILS	
Site Address	2389 Toowoomba-Karara Road, FELTON QLD 4358
Real Property Description	Lot 4064 A341849, Lot 2884 A341849, Lot 1 RP23232 and Lot 2 RP59169.
Site Area	134ha.
Owner	Helen Louise Barkla

PROPOSED DEVELOPMENT	
Name of Applicant	Jamie Barkla C/ SMK QLD PTY LTD
Type of Application	Reconfiguring a Lot
Proposed Development	Boundary Realignment 4 into 4 Lots and Access Easement
Level of Assessment	Impact
Submissions Received	Objection: 0
	Support: 0
Decision	Approval
Decision Date	25 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 (as relevant); • The Local Government Infrastructure Plan; and • <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28) <ul style="list-style-type: none"> ▪ Strategic Framework ▪ Rural Zone Code ▪ Reconfiguring a Lot Code ▪ Flood Hazard Overlay ▪ Agricultural Land Overlay ▪ Bushfire Hazard Overlay Code ▪ Environmental Significance Overlay
Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and complies with all of these without exception.

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/2026/1299.