

Date: 22 May 2026  
Our Reference: J001662  
Your Reference: RAL/2025/5915

Attn: Sophie Spencer – Lead Senior Planner

Toowoomba Regional Council  
PO Box 3021  
TOOWOOMBA QLD 4350

**RECEIVED**  
25/05/2026  
**TOOWOOMBA**  
**REGIONAL COUNCIL**

Dear Sophie,

<b>Site Address:</b>	2A and 2B Rifle Range Road, MOUNT LOFTY QLD 4350
<b>Property Description:</b>	Lot 1 and 2 on RP177105
<b>Method of Distribution:</b>	Email [Sophie.Spencer@tr.qld.gov.au / development@tr.qld.gov.au]
<b>Correspondence Subject:</b>	Response to Further Advice Letter Pursuant to s.35 (Chapter 1) of the Development Assessment Rules

We write on behalf of *CPLK Property Pty Ltd* ("the Applicant") regarding the abovementioned development application.

On 25 February 2026, a further advice letter was issued by *Toowoomba Regional Council* ("Council"), as assessment manager. Pursuant to s.35 of the *Development Assessment Rules*, please refer below for the applicant's response to this request for further information. On 8 May 2026, Council extended the decision period for the development application to 30 June, 2026.

This response is to be considered in conjunction with the following detailed attachments:

- Attachment 1 – Further Advice Letter
- Attachment 2 – Applicant Response Table
- Attachment 3 – Geotechnical Report
- Attachment 4 – Amended Proposal Plan
- Attachment 5 – Amended Stormwater Catchment Plan
- Attachment 6 – Amended Bushfire Management Plan
- Attachment 7 – Amended Ecological Assessment Report
- Attachment 8 – Amended DA Form 1

Under s.35 of the *Development Assessment Rules*, we request that the assessment manager proceed with assessment of this application.

## RESPONSE OVERVIEW

Separate to this response to Council's Further Advice Letter, a response to submissions received during the public notification period will be submitted to Council under separate cover. Whilst we acknowledge that a substantial volume of submissions was received during the public notification period, we maintain our recommendation that the development application should be approved by Council, subject to reasonable and relevant conditions. The key matters that support approving the development application include:-

- It is consistent with the intent of the planning scheme and the reasonable community expectations. Under the historic *Toowoomba Planning Scheme 2003*, the land was mapped within the Neighbourhood Residential Zone (Escarpment Residential Precinct) and Park Residential Zone (Bushland Residential Precinct). These provisions contemplated a minimum lot size of 1,000sqm and 4,000sqm, respectively. Under the current planning scheme, which commenced in 2012, the land is mapped within the Low Density Residential Zone – General Precinct and the Rural Residential Zone – 4,000sqm Precinct. These provisions contemplate a minimum lot size of 500sqm and 4,000sqm, respectively. As such, for over twenty (20) years, the historic and now current planning scheme provisions have contemplated residential development on the site and, therefore, this development application delivers an outcome that is consistent with the expectation of the planning scheme.
- The development application proposes a site responsive design, with the residential lot sizes and the lot layout responding to the local topography, mapped ecological values and potential bushfire risk. With respect to lot sizes specifically, the development proposes an average lot size of 2,103sqm (including Lot 47) and 1,569sqm excluding Lot 47. To this end, the development application proposes a lot size that is consistent with or larger than the average lots sizes of surrounding residential development.
- To the extent practicable, the design has avoided, minimised or mitigated its impact on mapped ecological values and represents a sensible development outcome that delivers a net increase in native vegetation, whilst also delivering the planning scheme intent to deliver residential housing. With respect to vegetation matters, it is noted that:-
  - 107 native trees are to be retained on-site, including 89 non-juvenile koala habitat trees (NJKHTs) within the mapped koala habitat area;
  - 258 trees are proposed to be removed on-site however, of these, only 47 trees to be removed are within an area that is mapped by the State or Council as being of ecological importance;
  - a perpetual environmental covenant, with an area of 2.20 hectares, will be created. This covenant area will be subject to weed management and be planted with 460 native trees (koala suitable);
  - 150 street trees will be planted within road reserve areas (assuming a ~15m spacing);
  - A net gain of 347 native trees across the site and road reserve areas will be delivered because of the development.
- The land is included within the Priority Infrastructure Area (PIA) and, under the historic and current planning schemes, is intended to be developed for residential housing. As such, expectedly, the civil engineering documentation provided in support of the development application has demonstrated that the development can be connected to all required urban services.

## PROPOSED CHANGES IN RESPONSE TO FURTHER ADVICE LETTER

In response to the request for further advice, the Applicant provides notice to Council in accordance with s.52 of the *Planning Act 2016* ("PA") to make a minor change to the development application. More specifically, the changes are presented in the *Amended Proposal Plan* provided at **Attachment 4** and discussed in the responses to the further advice below. The key changes include:-

- Reducing the proposed number of lots from 51 to 50 residential lots;
- Amending the common boundary between Lots 46 and 47 (previously Lots 47 and 48) to retain additional established vegetation;
- Amending the common boundary between Lot 47 and Lots 48 - 50 (previously Lots 49 - 51) so the proposed swale drain and environmental covenant area is contained with Lot 47.
- Consequential amendments to the size of Lots 46 - 50 (previously Lots 47 to 51).

In our view, the proposed changes are minor changes because they do not:-

- Result in substantially different development;
- Change the referral or public notification requirements;
- Result in the application applying to a new parcel of land;
- Dramatically change the built form in terms of scale, bulk, and appearance;
- Change the ability of the proposed development to operate as intended;
- Remove a component integral to the operation of the development;
- Significantly impact on traffic flow and the transport network;
- Introduce new impacts or increase the severity of known impacts;
- Trigger social impact assessment;
- Remove an incentive or offset component that would have otherwise balanced a negative impact of the development; and
- Impact on infrastructure provisions.

In providing notice of the changed development application, we provide an updated DA Form 1 at **Attachment 8**.

## ASSESSMENT PROCESS

In accordance with s.52(3) of the PA, a minor change does not affect the development assessment process.

Despite this, if Council is not satisfied the changes were minor, s.26.1(c) of the Development Assessment Rules ("DA Rules") states that the development assessment process does not stop where changes are made in direct response to the Assessment Manager's request for further advice. In this regard, we note that all amendments are made in response to Council's Further Advice Letter.

Based on the above, we request that the Assessment Manager now proceed to:-

- give notice to the referral agency and advise the referral agency that the development assessment process will not stop following notice of the changed application under s25.1(b) of the DA Rules; and
- finalise its assessment of the development application and resolve to approve the development application, subject to reasonable and relevant conditions.

## ASSESSMENT FEES

In accordance with Council's 2025-26 Register of Fees and Charges, *Item 1, Section - Miscellaneous - Application / Request*, no charge applies where the change does not affect the development assessment process.

## SUMMARY

In accordance with s.35 of the *Development Assessment Rules*, this correspondence represents a response to the Further Advice letter and we hereby request that the assessment of this development application now continues.

Whilst we trust this information is sufficient to enable you to progress with the assessment of this development application, should you have any queries, please do not hesitate to contact the undersigned on (07) 4632 0516.

Yours faithfully,  
Property Projects Australia Pty Ltd



James Juhasz  
Director

Enc. As Above.

# ATTACHMENT 1

## Further Advice Letter

Prepared by:

**Assessment Manager**

Our Reference: RAL/2025/5915  
 CS Portal Reference: N/A  
 Contact Officer: Sophie Spencer  
 Contact: (07) 4688 6808  
 Email: [development@tr.qld.gov.au](mailto:development@tr.qld.gov.au)

**FURTHER ADVICE**  
*Planning Act 2016 Section 68*  
*Development Assessment Rules Chapter 1 Section 35*

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 C/- Property Projects Australia  
 PO Box 3686  
 TOOWOOMBA QLD 4350

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[alistair@propertyprojectsaustralia.com.au](mailto:alistair@propertyprojectsaustralia.com.au)

25 February 2026

Dear Sir/Madam,

**Application for:** Reconfiguring a Lot - Reconfigure 2 into 51 Lots  
**Location:** 2A & 2B Rifle Range Road, MOUNT LOFTY QLD 4350  
**Property Description:** Lot 1 RP177105, Lot 2 RP177105

The further information provided by you in response to Council's Information Request dated 10 September 2025 was received in full by 3 December 2025 and has been reviewed.

Council provides the following further advice in relation to certain aspects of your proposal that require additional clarification/information in order to enable proper consideration and determination of your application:

**1. GEOTECHNICAL REPORT AND LANDSLIDE HAZARD**

<b>1.1</b>	<b>Aspect of Development:</b>
	Application material outlines that the site has an average gradient of approximately 12%. Furthermore only a minor portion of the site is affected by Council's Landslide Hazard Overlay.  However, submissions received during the notification period have raised soil stability / landslide as an issue. Measurements show the existing contours of future lots are approximately 18% and over, triggering the landslide assessment benchmark of <i>State Planning Policy July 2017</i> .  As such, the proposed development must consider the risk that landslide poses to people and property on the site and demonstrate that the risk can be mitigated to an acceptable or tolerable level. The submitted information has not demonstrated that these requirements have been met. In particular, no Geotechnical Report has been provided.
	<b>Further Advice</b>
	Provide a Geotechnical Report prepared by an RPEQ which assesses land stability for the proposed development. The Geotechnical Report must address the requirements for Geotechnical Reports as outlined in <i>Planning Scheme Policy SC6.1 PSP No. 1 – Development</i>

	<p><i>Application Requirements SC6.1.6 Additional Information Required by Development and Overlay Codes</i> and include but not be limited to the following information:</p> <ul style="list-style-type: none"> <li>• Proposed Earthworks (excavation and filling) and retaining walls;</li> <li>• An assessment of the current site stability;</li> <li>• An assessment of the impacts the proposed development would have on the stability of the site and adjacent land; and</li> <li>• Any requirements that must be incorporated into the development to reduce the level of risk to people and property to an acceptable or tolerable level.</li> </ul>
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## 2. STORMWATER

	<p><b>Aspect of Development:</b></p> <p>Council's Information Request item 6.1 indicated that stormwater overland flow channels must usually be designed for an 1% AEP storm event and must not be directed through allotments unless it was demonstrated to be safe. The revised development plans that were submitted in response to Council's information request still provide an overland flow channel in an easement through proposed Lots 46 to 51.</p> <p>No information has been provided in response to item 6.1 to demonstrate what channel cross sectional profile is proposed, what the required stormwater conveyance capacity is, the design flowrates, velocities and depth*velocity product, the flow depths for the difference sections that are alignment through private property.</p> <p>As outlined in Council's PSP SC6.2.5.12 it is desirable that fencing not be erected inside any drainage easement or overland flow path. Directing stormwater from upstream catchments through the proposed allotments in an open channel does not comply with Council standards. Major overland flow paths must not be located within residential allotments for safety reasons.</p>
2.1	<p>This channel needs to be maintained to stay an effective drainage route, which when located in the back yards will most likely contain blockage causes by fences, garden beds and the like.</p>
	<p><b>Further Advice</b></p> <p>Provide the following further information and layout amendments in relation to stormwater drainage:</p> <ol style="list-style-type: none"> <li>(a) Adjust the lot boundaries for Lots 49 to 51 to locate the major drainage flow path and stormwater channel inside the larger lot (i.e. proposed Lot 48); and</li> <li>(b) Provide the drainage catchment with flowrates, flow depths, velocities and depth*velocity product for the different storm events that would be captured by the channel that is currently aligned through Lots 46 to 48. Demonstrate how this major catchment runoff could be safely conveyed through the back yards and what mitigation measures is proposed to avoid obstructions in the channel, how Council will be allowed access at all times, and what measures will be put in place to avoid flow diversions and nuisance to adjacent properties from occurring. Alternatively, assess aligning the channel within the Rifle Range Road reserve.</li> </ol>

## 3. BUSHFIRE

	<p><b>Aspect of Development:</b></p> <p>The Bushfire Management Plan was submitted with the development application and related to the original development layout. In response to Council and SARA Information Requests, the development was changed.</p>
3.1	<p>The amended development layout shows a 19.6m separation consistent with the Bushfire Management Plan, however the Bushfire Management Plan is inconsistent with the amended layout. Furthermore the report includes recommendations that are no longer relevant e.g. access handles for rear lots.</p>

	<b>Further Advice</b>
	Provide an updated Bushfire Management Plan that reflects the amended development layout. In particular, update Figure 6.1 showing Bushfire Management Zones in relation to amended development.

#### 4. NATIVE VEGETATION / ECOLOGY

	<b>Aspect of Development:</b>
4.1	Figures 12 and 13 of the Ecological Assessment Report (dated 3/12/2025) shows the removal of Non-Juvenile Koala Habitat Trees within the State mapped Koala Habitat Area. While the majority of tree clearing is outside of Council's mapped Environmental Significance Overlay, Council officers' assessment of this development also has regard to native vegetation broadly across the site as a relevant matter.
	<b>Further Advice</b>
	Provide amended plans to realign allotments in order to minimise and avoid clearing native trees.

#### Responding to the Further Advice

Please advise within two (2) business days of the receipt of this letter whether you intend to respond to Council's further advice and if so, a proposed timeframe for your response to Council.

You may wish to consider stopping a current period in the development assessment process in accordance with Chapter 1 Section 32 of the *Development Assessment Rules* if you require additional time to consider this letter and any actions you may wish to take in response.

Should you not agree to respond to the further advice contained in this letter, Council will proceed to determine the application in accordance with the original decision making period on the basis of the information supplied.

If you require clarification of any of the above and in particular specific details of the further advice, please contact Council's Lead Senior Planner, Sophie Spencer on the above number.

Yours faithfully



Matthew Coleman  
Principal Planner, Planning Branch

C/C CPL Pastoral Company Pty Ltd and CPLK Property Pty Ltd  
As Trustee  
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TOOWOOMBA QLD 4350