

ATTACHMENT 1

Information Request

Issued by:

Toowoomba Regional Council

Our Reference: MCUI/2026/3870 &
RAL/2026/3871
CS Portal Reference: N/A
Contact Officer: Sophie Spencer
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INFORMATION REQUEST
Planning Act 2016 Section 68(1)
Development Assessment Rules Part 3

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1 June 2026

Dear Sir/Madam

Development Application for: Material Change of Use - Medium Impact Industry, Outdoor Sales, Warehouse and Caretakers Accommodation, and Reconfiguring a Lot - Reconfigure 2 into 3 Lots and Access Easement

Location: 39 and 53 Foundation Street, WELLCAMP QLD 4350

Property Description: Lot 14 SP329688, Emt V SP329688, Emt A SP285240, Lot 19 SP329688, Emt B SP285241, Emt A SP268936

Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012 V28*

Upon review of the abovementioned Development Application and supporting information, Council requires further information which demonstrates compliance with the Planning Scheme. Please provide the information requested below:-

1. CONFLICT WITH EXISTING PRELIMINARY APPROVAL

	Issue:
1.1	There is a Preliminary Approval MCUI/2021/7376 for Variation Approval on the south-east corner of the subject premises. This Variation Approval effectively swapped the location of the Local Centre Zone from south of Foundation Street, to a new designation north of Foundation Street. See figures below. Stage 3 is for Medium Impact Industry and Outdoor Sales, and would be located on the relocated Local Centre designation. These uses are listed as inconsistent uses with a Local Centre under AO1.2 of the Local Centre Zone Code. Furthermore, the uses are not consistent with the purpose of the Commercial Centre Precinct of the Charlton Wellcamp Enterprise Area Local Plan Code. While a description of Stage 3 operation has not been provided, it appears the development relates to large scale machinery repairs or machining and may involve the outdoor display of large machinery or vehicles. These land uses are not consistent with the purpose of the Local

Centre Zone nor the Local Plan's Commercial Centre Precinct.

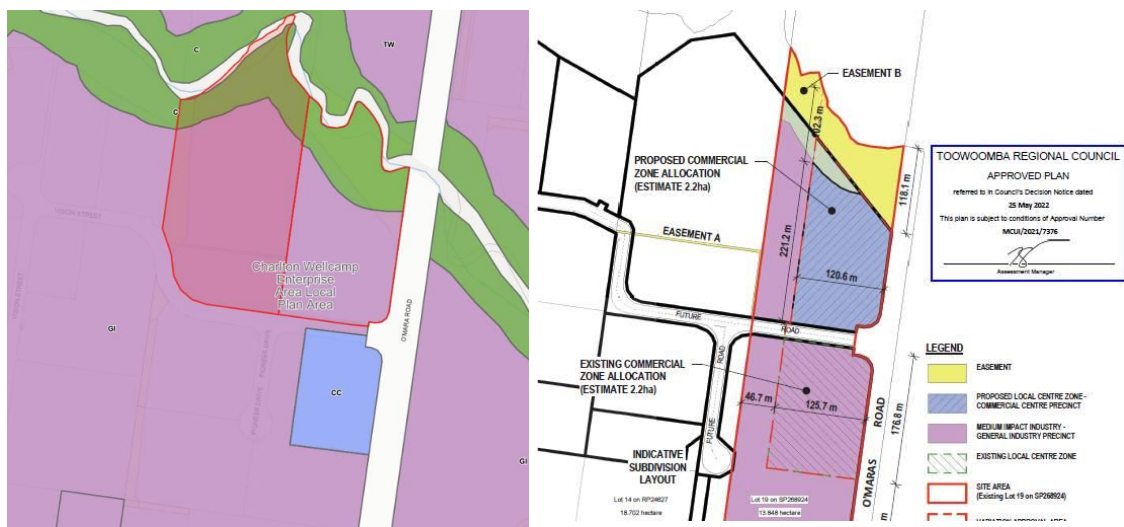
As such, there is a fundamental conflict between the proposed development and the current Preliminary Approval, more specifically:

- There is no material demonstrating no economic, planning and community need for a Local Centre, having regard to need for a local centre in the future as the industrial precinct develops; and
- The current application is seeking to override the Preliminary Approval without an appropriate planning mechanism e.g. Variation Request.

Two approvals that facilitate two fundamentally different developments, cannot coincide. Consequently, this conflict must be resolved prior to deciding the current development application.

It is recommended the existing preliminary approval is cancelled, meaning that the local centre returns as per the current zoning under the Planning Scheme. This will mean proposed Stage 3 will be on Medium Impact Industry Zoned land, and the conflict with the underlying zoning/designation will be removed.

Advice Note: Even if both approvals existed, it is unlikely the proposed development would be acting on / completing the Preliminary Approval MCUI/2021/7376 given the substantial differences. As such, the Preliminary Approval would lapse at the end of the 5 year currency period, and the zoning be returned into effect. If this Preliminary Approval is not being pursued, it brings to question any reason to hold onto the approval.



Information Required:

Conflict between the proposed development and the Preliminary Approval MCUI/2021/7376 as described above must be resolved, ensuring the proposed development would not compromise a local centre from being delivered to service the needs of workers in the surrounding area. It is recommended the existing preliminary approval is cancelled.

2. PLAN DETAILS & UNDERLYING SUBDIVISION APPROVAL

Issue:

Amended and additional plans are required:

2.1

Material Change of Use & Reconfiguring a Lot Plans:

- **Zoning & Local Centre Area:** The site is subject to the Medium Impact Industry Zone and Open Space Zone, and a Local Centre Area authorised under Preliminary Approval MCUI/2021/7376. No MCU or RAL plan overlays the proposed development against the underlying zoning and Local Centre Area.

- **Proposed Drainage Reserve:** The development application seeks to resolve the extent of the drainage reserve, however does clearly label or otherwise identify key information e.g. Q100 flood line, 10m buffer, 70m buffer from creek centreline, and the existing drainage easement. Refer to Item 3.1 below for Council's requirement about the drainage corridor.
- **Easements:** The plans do not show all existing easements which affect the premises, including the sewer rising main easement and drainage easement, and doesn't distinguish between existing and proposed easements. *Advice note: Where the sewer rising main re-routing confirmed, extinguishing the easement will be required prior to building over the previous alignment.*
- **Proposed Access Easements:** The proposed access easements do not appear to include the turn manoeuvre at the corner of proposed Lots 1 and 3. Ensure the proposed access easements cover the entirety of shared driveway space, by providing swept path diagrams of service vehicles for each proposed Lot.

Material Change of Use Plans:

- **Staging Plans:** The MCU development is proposed in stages. Plans of each stage must be provided which shows the extent of development and infrastructure to be delivered at each stage, including shared driveways and manoeuvring spaces, storage areas, and the like. Amend plans to label stages 4a to 4d.
- **Waste:** The Combined Site Plan does not show any waste storage areas and collection. PO23/AO23.1 Works and Services Code requires waste storage on an imperviously sealed pad.
- **Landscaping:** No conceptual landscape plan has been provided, and landscaping is not dimensioned on the Combined Site Plan. Having regard to the scale of the development, a Conceptual Landscape Plan must be provided which incorporate the landscaping requirements of the Planning Scheme including: a minimum 3m width landscape strip along all road frontages, 1 shade tree per 3 car spaces, 2m high and wide screen landscaping of outdoor storage/hardstand areas so as not dominate streetscapes, and minimum 5% landscaped site area. Refer to the Local Plan Code PO25/AO25.1 - PO26/AO26.1-26.5 and Medium Impact Industry Zone Code PO15/AO15.3. Consider screen landscaping behind 'outdoor display / outdoor sales' area, to visually screen large hardstand areas.
- **Plan legibility:** It is unclear what the yellow shaded area and red cross-hatching on the Combined Site Plan represents.
- **Earthworks and Retaining:** The Combined Site Plan (Dwg No. 2570.001 Issue B) shows earthwork batters within the shared internal driveway and carparking, and the Foundation Street/O'Mara Road intersection. No conceptual earthworks and retaining plans and sections have been provided.
- **Surfacing of vehicle areas:** The majority of the external use areas are proposed as gravel. Areas frequently used by vehicles must be sealed under PO20/AO20.1 Environmental Standards Code and PO19/AO19.1 Transport Access and Parking Code. Furthermore, Vehicle Manoeuvring Layout Sheet 7 shows an incomplete vehicle swept path. Show the complete swept path of vehicles entering and leaving in forward gear, including turnarounds on-site, and leaving and exiting workshop bays, wash bays, and loading zones etc. Show frequently used areas with a sealed surface, and show the surface of the 'outdoor sales' area. It is unclear why carparking is covered and yet gravel surfaced. All car parks and manoeuvring areas must be sealed. *Advice note: Gravel surfacing is acceptable on longer-term laydown areas/external storage.*
- **External use areas:** The intended use of the 'hardstand gravel' is not identified. Provide amended plans showing the activity/use of external areas e.g. external storage/laydown, vehicle manoeuvring, parking, loading, landscaping, and stormwater infrastructure. Further, the development does not achieve the minimum 5% landscaped site cover, for example, proposed Stage 2 on proposed Lot 1 has a 1.5% landscaped site cover. As such, minimise gravel hardstand to allow stormwater infiltration and meet the minimum 5% landscaped site cover.
- **GFA and Plans:** The GFA schedule identifies a 'Covered Outdoor Area' in Stages 3 and 4, however are not shown on floor plans. GFA calculations particularly for Office spaces do not appear to align with the GFA schedule. Provide floor plans showing

	dimensioned covered outdoor areas, and a plan confirming GFA and impervious calculations and shading areas used in the calculation. • Caretakers Accommodation: The caretakers accommodation unit appears to be on the upper level/mezzanine over the Stage 4a Office, however this is not legible on the site plans. Provide amended plans clearly outlining the location of the caretakers accommodation (on upper level) on the site plan. <u>Reconfiguring a Lot Plan:</u> • Bore and access strip: Dimensions of the access strip to the bore is not shown. Show dimensions as required under Item 3.1 below. • Plan Details: Dimensions and areas of the proposed Lots, proposed easements, and Drainage Reserve is required.
	Information Required:
	Provide amended plans addressing the above.
2.2	Advice Only: <i>Advice Only: Relationship with Underlying Subdivision</i> <i>The proposed reconfiguration of 2 into 3 lots and access easements conflicts with Stage 3 of the underlying RAL Approval (change application RAL/2022/2513/D currently under assessment). It is expected that both the subject application and the change application RAL/2022/2513/D may be decided concurrently, and ultimately only one of the approvals could be carried out.</i>

3. STORMWATER DRAINAGE RESERVE

	Issue: The submitted plans appear to show the proposed north-eastern boundaries for proposed Lots 1 and 2 within the drainage reserve to be dedicated to Council. A drainage reserve, is required under the Charlton Wellcamp Enterprise Area Local Plan Code, PO4/AO4.2 as the greater of a 10m buffer to the Q100 flood line or 70m buffer from the Dry Creek centreline. This is also required in accordance with Condition 13A of Decision Notice (Ref RAL/2022/2513/C) dated 17 July 2023 over the same property, stating: <i>13A. The land area defined as drainage reserve adjacent to Dry Creek must be dedicated as drainage reserve in accordance with the requirements of the Department of Resources. Unless otherwise agreed by Council, the extent of the drainage reserve must include the greater of the 10m buffer to the Q100 flood line or the 70m buffer to the Dry Creek centreline.</i> <i>Note: The existing stormwater easement on existing Lot 19 SP268924 will be relinquished upon dedication of the drainage reserve.</i>
3.1	A reduced corridor will compromise Council's plan for flood mitigation and upgrade works by Council. There are no annotations on submitted Site Plan number 2570.001 issue B to indicate the Creek centre line, the Q100 flood line, Q100 plus 10m buffer line and 70m buffer to the Dry Creek centreline. <i>Advice note: Consider overlaying an aerial image behind the Site Plan to demonstrate that the Dry Creek centreline and 70m buffer is accurately drawn on the plans.</i> Council acknowledges that the landowner has existing infrastructure within this area of concern, and further acknowledges the Further Advice letter dated 5 December 2024 in relation to change application RAL/2022/2513/D. The site plan and reconfiguration plan is not dimensioned, and there is concern the access and easement arrangement is not as per Council's Further Advice (which is reiterated in the information request below). It is further acknowledged that the drainage reserve dedication may require correction of previous earthworks and retaining.

	Information Required: Submit amended plans to: (a) Include annotations that show the location of the Dry Creek centreline, the Q100 line, the Q100 plus 10m buffer, and the 70m buffer from the Dry Creek centreline. Consider including an aerial image layer to demonstrate the accuracy of the Dry Creek centreline; and (b) Demonstrate that the land to be dedicated to Council as Freehold Trust for Drainage purposes will include the greater of Q100 + 10m or a 70m buffer from the Dry Creek Centreline, with the exception of a 6m wide access strip aligned parallel to O'Mara Road to access, include and end at the existing bore. Show dimensions and areas (m²). An easement no more than a 15m x 15m square over the existing bore must be demonstrated benefitting the lot associated with the water license for the purpose of access and maintenance of the existing bore and burdening the new Council Freehold Trust land for Drainage purposes. An easement for drainage purposes benefitting Council and burdening the lot associated with the water license must be demonstrated to the extent of the greater of Q100 + 10m or a 70m buffer from the Dry Creek Centreline. (c) Reflect changes necessitated to earthworks, retaining, and outdoor use areas (e.g. laydown, external storage), to be contained within the proposed industrial lots.
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4. STORMWATER INFRASTRUCTURE

4.1	Issue:
	The Concept Stormwater Management Plan (CSWMP) report submitted does not satisfactorily address the requirements of the <i>Toowoomba Regional Planning Scheme 2012, Schedule 6 Planning Scheme Policy (PSP), SC6.2 PSP No. 2 – Engineering Standards – Roads and Drainage Infrastructure</i>. In particular, the following issues are of concern: - The hydrology section of the report states that no on-site detention storage is proposed and that each of the three proposed Lots will be provided with a new connection manhole, discharge pipe and headwall to discharge stormwater into the adjacent stormwater channel (west of proposed Lot 1 and 3) or directly to the Dry Creek drainage reserve. Although no detention storage was approved as part of the original industrial subdivision (TRC Ref RAL/2022/2513), no runoff calculations have been provided in the submitted stormwater management plan report to demonstrate what the discharge flow rate will be for different storm events. - Also, no information has been provided to demonstrate what the discharge pipe size are for each Lot, the extent of scour protection that will be required to prevent any scour from occurring in the drainage channel and Dry Creek drainage reserve. - It has not been demonstrated that the proposed development will not cause any actionable nuisance flows, worsening effects, or quantifiable loss to downstream properties or the discharge location.
	Information Required: Amend the CSWMP report to include stormwater quantity calculations to a concept design level and demonstrate what the pre- and post-development stormwater runoff is estimated to be for each of the proposed Lawful Points of Discharge (LPD) from the subject site. Stormwater pipe sizes, discharge headwall locations and scour protection areas must be included on the plans and it must be demonstrated that each of the proposed Lots would be able to drain to the proposed LPD. The extent of internal and external stormwater works must be demonstrated to a concept level to show what the works footprint will be when considering headwall setback, discharge channel from the headwall apron, the required energy dissipators and scour protection works. Include

	a longitudinal section for each on-site drainage pipe to demonstrate that the concept design offers a workable solution for allotment drainage. The concept design must demonstrate that there will be no actionable nuisance flows, worsening effects, or quantifiable loss to downstream properties or the discharge location.
4.2	Issue: The CSWMP report propose that Council accepts a monetary contribution from the Applicant for stormwater quality works to be undertaken elsewhere. The stormwater management plan submitted with the original 7 Lot subdivision (TRC Ref RAL/2022/2513) indicated that each of the proposed Lots will be providing on-site stormwater quality improvement devices. Since the proposed Lots are located adjacent to Dry Creek and on the outskirts of the urban area, there is no opportunity for Council to undertake stormwater quality works within this stormwater catchment. As such, Council will require on-site stormwater quality improvement works on each of the proposed Lots. Information Required: Amend the CSWMP report to include on-site stormwater quality works that will achieve the pollutant reduction targets as required by the State Planning Policy (SPP) July 2017. Show the stormwater quality works on the engineering plans.

5. VEHICULAR ACCESS & PARKING

5.1	Issue: Some of the shared driveway pavement near the edge return radius at the corner of proposed Lots 1 and 3 are not included in the proposed easement area. The proposed easements on the RAL configuration plan number 2570.002 Issue B are not dimensioned. Information Required: Amend the access easement for all of the shared driveway pavement to be included within the easement. Also update the RAL configuration plan number 2570.002 Issue B with dimensions for all proposed easements and annotate easement numbers as described in the planning report.
5.2	Issue: The submitted plans do not include a dimensioned carpark and driveway plan that demonstrates how the proposed car parking and circulation roadways design comply with all the AS 2890 requirements. Swept path diagrams do not satisfactorily demonstrate that the design vehicle's access to service bays and turnaround area within the site. Information Required: Provide a car park and driveway layout plan for each of the proposed Lots to demonstrate how the proposed development complies with AS 2890 requirements, and swept paths for design vehicles demonstrating access to service bays (entry and exit) and turnaround areas. Templates are to be drawn using recognised industry standard software. Include all stage boundaries on the plans and vehicle control measures such as signage and pavement marking to safely manage vehicle movements within shared driveway and circulation roadways.
5.3	Issue: Parking for people with disabilities is not designed in accordance with AS 2890.6:2009 Parking facilities – Off-street parking for people with disabilities. The submitted plans do not show a PWD parking space for each development on each lot. Information Required: Revise the plans to provide parking for people with disabilities in accordance with AS 2890.6:2009 Parking facilities – Off-street parking for people with disabilities. A minimum of one PWD parking space must be provided for each development on each lot. The revised plans must also show: - shared space(s) to be provided; - PWD space(s) must be located as close as practicable to the building's main entrance; - A compliant path of travel must be provided between the PWD space(s) and the main entrance.
5.4	Issue:

	There are no shade trees within the car parking areas.
	Information Required:
	Provide a revised plan showing shade trees within the car park as required in PO26/AO26.1-26.5 of the Charlton Wellcamp Enterprise Area Local Plan Code.
5.5	Issue: The submitted plans show the proposed Lot 2 northern boundary includes an access area to the existing bore which is located in the drainage reserve. No information has been provided to inform TRC of what infrastructure will be constructed within the access easement. The access to the bore is located within the Dry Creek drainage reserve and any infrastructure that is constructed within the access easement must be able to withstand impacts due to flood waters and/or debris in the floodwaters. Furthermore, the civil infrastructure to be constructed within this access easement must not prevent Council from obtaining access to the Dry Creek drainage reserve, even during flood situations. The submitted plans also do not show how Council's existing vehicle access to the Dry Creek drainage reserve from O'Mara Road will be maintained, it appears that the access will be removed by the proposed outdoor sales area within proposed Lot 2. Information Required: Provide a concept design plan that shows the proposed civil infrastructure within the access easement to the existing bore within proposed Lot 2. Also demonstrate on this same plan how Council will be provided with a vehicle access into the Dry Creek drainage reserve from O'Mara Road.

6. WASTEWATER INFRASTRUCTURE

	Issue:
6.1	The proposed development is required to meet the requirements outlined in the Toowoomba Regional Planning Scheme 2012, Schedule 6 Planning Scheme Policies (PSP), SC6.3 PSP No. 3 – Engineering Standards – Water and Waste Water Infrastructure. In particular, the following issue is of concern: As per Council policy, a minimum of 80% of the served property must be drained to the service point. However, the proposed Lots 1 & 2 does not meet this requirement. Information Required: Demonstrate that proposed Lots 1 & 2 can be connected and effectively serviced minimum 80% of land area through the existing sewer reticulation in accordance with Council wastewater policy.

7. ENVIRONMENT

	Issue:
	<u>Waste Storage and Collection</u> The proposed use will require waste storage and collection services for a variety of activities proposed across the development site. The Planning Report provides only a high-level response regarding waste storage and collection, confirming that space is available on-site and that waste collection can be undertaken by appropriate vehicles. However, it does not provide sufficient detail to demonstrate compliance with PO28 of the Environmental Standards Code. Information Required:
7.1	Provide a Detailed Waste Management Plan demonstrating compliance against Performance Outcome PO₂₈ of the <i>Environmental Standards Code</i> that includes the following information: • Calculate waste generation rates for each proposed use, split into quantifiable streams; • Specify the location and size of refuse storage areas; • Define the size, mix and capacity of any bins that are needed to accommodate the type and quantity of waste likely to be generated from the development; • Specify the frequency of collection and location of the collection point/s; and • Provide swept path diagrams for an appropriate waste collection vehicle for both

	- traversing the site and for side or front lift collection arm movements. - Clearance heights for front lift or side lift waste collection vehicles; and - Ingress and egress from the property. For further advice, please refer to Council's <i>Technical Guidelines for New Developments Waste Storage and Collection Requirements</i>.
7.2	Issue: <u>Environmental Management Plan</u> The Planning Report identifies the proposed uses broadly (Medium Impact Industry, Warehouse, Outdoor Sales), but does not specify the detailed nature of all future industrial activities. While generic commitments are made regarding compliance with environmental policies (noise, air quality, odour, stormwater, etc.), these rely on standard conditions and do not provide a site-specific, whole-of-development management framework. The Planning Report outlines a staged industrial development comprising a range of uses including: - Industrial processing and material handling (AUSCOIL blending, storage and laboratory activities) - Workshops and washdown (including wash bays and servicing areas) - Outdoor sales, storage and display of equipment and machinery - Warehousing, distribution and logistics operations (including heavy vehicle movements and B-double access) - Proposed 24-hour operations The following is noted: - The diverse mix of industrial, storage, processing and outdoor activities proposed across multiple stages - The inclusion of wash bays, blending/storage of materials, and outdoor sales areas - Ongoing heavy vehicle movements, servicing and loading operations - The potential for future tenants to undertake a broad range of Medium Impact Industry activities within approved land use definitions - The scale of the development (12.4ha multi-lot industrial estate) Having regard to the above, there is insufficient detail to demonstrate that all likely site activities (current and future) can be appropriately managed without adverse environmental impacts. A detailed description of the activities is also required to inform conditions should the development be approved. Information Required: Provide a site-specific Environmental Management Plan (EMP) that applies across all stages and is capable of being applied to current and future tenants undertaking: - Medium Impact Industry (including processing, blending, storage and workshop uses) - Warehouse and distribution - Outdoor sales, storage and servicing The EMP must clearly demonstrate how environmental impacts associated with the actual and anticipated industrial activities on site will be avoided or appropriately managed. The EMP is to address, at a minimum: Activity-specific environmental controls: - Industrial processes and material handling (including blending operations, storage of raw and finished products, and laboratory activities) - Workshop and washdown operations, including containment and treatment of wash water and contaminants - Outdoor storage and sales areas, including management of exposed materials, runoff and visual amenity

	- Heavy vehicle movements, loading/unloading and internal circulation, including noise, dust and tracking of sediments Environmental impact management: - Noise emissions, including 24-hour operations, plant, loading/unloading, and vehicle movements, demonstrating compliance with the <i>Environmental Protection (Noise) Policy 2008</i> - Air quality and dust, including emissions from material storage, vehicle movements and outdoor areas - Odour, including storage, processing and waste handling activities - Waste management, including industrial, commercial and liquid wastes, and wash bay residues - Hazardous substances, including storage, bunding, spill containment and emergency response - Stormwater quality, including treatment of runoff from hardstand, washdown and storage areas, and protection of downstream receiving environments - External lighting, particularly for 24-hour operations, including spill and glare impacts Management framework: - Site-wide environmental management procedures applicable to all tenants - Monitoring and reporting regime (e.g., noise, dust, water quality where relevant) - Incident and complaint management procedures - Tenant induction and compliance requirements to ensure consistent environmental performance across the estate
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8. LANDSCAPING

	Issue: Insufficient information has been provided on plans to demonstrate landscaping outcomes for the site. Landscaping is required to site frontages and to provide shade to carparking areas. The plans provided appear that some allowance may have been made, but this is not clear.
8.1	Information Required: Provide updated plans including dimensions for all planting areas which demonstrate the following landscape outcomes: (a) Shade tree planting to all carparking areas to address Landscaping Code PO6 and Charlton Wellcamp Enterprise Area Local Plan Code PO26/AO26.5; (b) Minimum 3m wide landscape strip to both the O'Mara Rd site frontage and Foundation St site frontage to address Charlton Wellcamp Enterprise Area Local Plan Code PO25/AO25.1; and (c) Landscaping screening a minimum width and height of 2m to screen outdoor storage areas to address Charlton Wellcamp Enterprise Area Local Plan Code PO25/AO25.1(c). Consider screen landscaping behind 'outdoor display / outdoor sales' area, to visually screen large hardstand areas.
8.2	Issue: A landscape plan has not been provided. For Council to undertake an assessment and provide advice the applicant is required to submit a landscape concept plan for review. A landscape plan will ensure resolution of landscaping requirements and demonstrate how the application complies with the applicable codes. Where a detailed landscape plan is provided through the development application process which addresses the code requirements, it forms part of the approved plans and no post-approval endorsement process or fee is then required. Information Required: Submit a landscape plan that demonstrates how the application complies with the codes. Refer Toowoomba Regional Council's <i>Landscaping Codes</i> and Landscape plans Toowoomba Regional Council for landscape plan requirements.

Note on Alternative Solutions

Where an alternative solution to the Acceptable Outcome is proposed, justification demonstrating how the correlating Performance Outcome has been met must be provided. Requesting an alternative solution without demonstrating how the Performance Outcome has been satisfied, does not oblige Council to favourably consider the alternative solution.

Options Available in Response to this Information Request

In accordance with section 13.2 of the *Development Assessment Rules*, you may respond to this request for information by providing Council with:

- 1) all of the information requested; or
- 2) part of the information requested; or
- 3) a notice stating that none of the information will be provided.

In your response, advise Council which option you are supplying. If you choose 2) or 3), you may also advise Council to proceed with its assessment of the application.

Provide one electronic copy of the response to Council, including any plans or supporting information.

In accordance with section 13.1 of the *Development Assessment Rules*, you must respond to this information request within **three months** of the date the information request was made, or a further period agreed between the applicant and Council. If there is no response to the information request within the period described, Council will proceed with the assessment of the application based on the information currently available.

Yours faithfully



Matthew Coleman
Principal Planner, Planning Branch

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