

Date: 29 September 2026
Our Reference: J002627
Council Reference: MCUI/2021/7376

Toowoomba Regional Council
PO Box 3021
TOOWOOMBA QLD 4350

Dear Sir or Madam,

Site Address:	53 and 54 Foundation Street and 28 Witmack Road, Wellcamp
Property Description:	Lot 19 on SP329688, Lot 5 on SP329688 and Lot 1 on SP329688
Method of Distribution:	Email [development@tr.qld.gov.au]
Correspondence Subject:	Impact Assessable Change Application (Other Change) Preliminary Approval including Variation Approval (MCUI/2021/7376)

We write on behalf of F K Gardner and Sons Pty Ltd ("the Applicant") to lodge a change application for an other change to the Preliminary Approval (MCUI/2021/7376) approved by Toowoomba Regional Council on 19 May 2022 ("Existing Approval").

The application is made pursuant to Section 78 and Section 82 of the Planning Act 2016 ("the Act"). It seeks to amend the Existing Approval so that the land presently subject to the planning provisions applicable to the Local Centre Zone (Commercial / Centre Precinct) is instead subject to the planning provisions applicable to the Medium Impact Industry Zone.

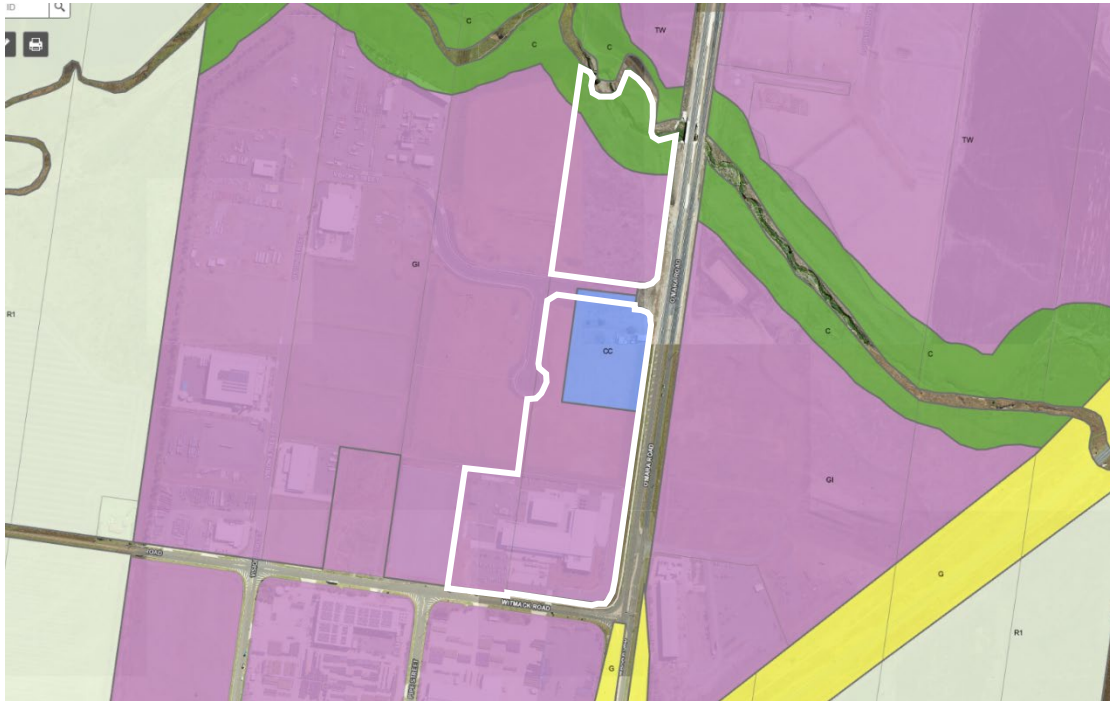
As the original development application was subject to impact assessment, the other change application is also subject to impact assessment and will proceed in accordance with the applicable development assessment process, including public notification.

In support of this application, please find attached the following supporting documentation:

- **Attachment 1** - Application Documentation prepared by Property Projects Australia
- **Attachment 2** - Existing Approval (MCUI/2021/7376) issued by Toowoomba Regional Council
- **Attachment 3** - Proposal Plan prepared by Property Projects Australia
- **Attachment 4** - Local Centre Need Assessment prepared by Colliers

Further details regarding the application are provided below.

BRISBANE OFFICE LOWER GROUND / 618 BRUNSWICK ST NEW FARM QLD 4005 AUSTRALIA P +61 7 3254 1566	TOOWOOMBA OFFICE 123 MARGARET ST TOOWOOMBA QLD 4350 AUSTRALIA P +61 7 4632 0516	MELBOURNE OFFICE LEVEL 1, 55 COLLINS ST VIC 3000 AUSTRALIA P +61 3 7037 0432	GEELONG OFFICE 10-14 BROUGHAM ST GEELONG VIC 3220 AUSTRALIA P +61 3 7037 0432
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Extract 2 – Current Planning Scheme Zoning

Source – Toowoomba Regional Council

Under the South East Queensland Regional Plan (“ShapingSEQ”), the site is located within the Urban Footprint and the SEQ Major Enterprise and Industrial Area. In addition, the site is located within the Priority Living Area of the Darling Downs Regional Plan.

Table 1 provides a summary of the relevant site details which apply to the site under the Toowoomba Regional Council Planning Scheme (“the planning scheme”) and the state planning framework.

Table 1 – Site Details

Applicant:	F K Gardner and Sons Pty Ltd C/- Property Projects Australia
Site Address:	53 and 54 Foundation Street and 28 Witmack Road, Wellcamp
Property Description:	Lot 19 on SP329688, Lot 5 on SP329688 and Lot 1 on SP329688
Land Owner:	■ Lot 19 on SP329688 – Concrete Developments Farm Pty Ltd A.C.N. 632 698 947; ■ Lot 5 on SP329688 – Yates Family Holdings No 2 Pty Limited A.C.N. 680 182 110; and ■ Lot 1 on SP329688 – RDO Australia Property Holdings No 2 Pty Ltd A.C.N. 633 633 753.
Site Area:	Total Site Area – 157,810m² (15.781 ha) ■ Lot 19 on SP329688 – 52,840m² ■ Lot 5 on SP329688 – 52,360m² ■ Lot 1 on SP329688 – 52,610m²

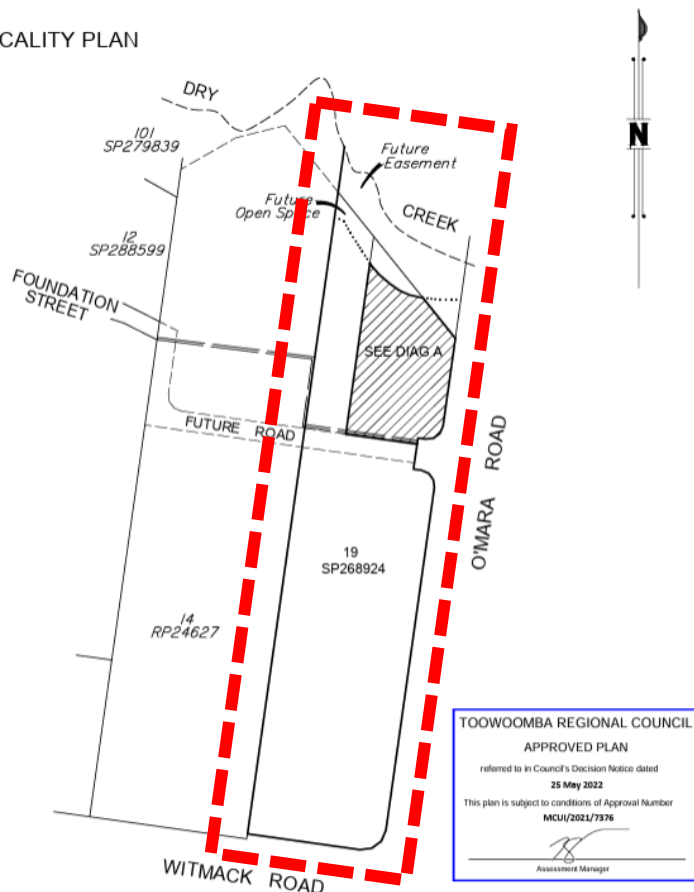
Easements:	The site is burdened and benefited by several easements, however, none of the easements adversely impact the subject application.
Local Government Area:	Toowoomba Regional Council
Current Planning Scheme:	Toowoomba Regional Council Planning Scheme – Version 29
Zone and Precinct:	■ Lot 19 on SP329688 – Medium Impact Industry Zone ■ Lot 5 on SP329688 – Medium Impact Industry Zone / Local Centre Zone (Commercial / Centre Precinct) ■ Lot 1 on SP329688 – Medium Impact Industry Zone
Local Plan:	Charlton Wellcamp Enterprise Area Local Plan Area
Local Plan Precinct:	General Industry Precinct
Overlays:	The site is mapped to be affected by the following overlays: ■ Airport Environs Overlay ○ 8km Wildlife Hazard Buffer Zone ○ Obstacle Height Restriction Zone (Area E – 90m) ■ Flood Hazard Overlay ○ Extreme Flood Risk ○ High Flood Risk ○ Medium Flood Risk ○ Low Flood Risk ○ Vulnerable Uses Restriction Area ○ Flood Plain Area
State Development Assessment Mapping System:	The site is mapped to be within the following matters of interest: ■ Urban Footprint ■ SEQ Major Enterprise and Industrial Area (MEIA) ■ Fish Habitat Areas ○ Queensland waterways for waterway barrier works ■ Water Resources ○ Water resource planning area boundaries ○ Great artesian water resource plan area
State Planning Policy Interactive Mapping System:	The site is mapped as being affected by the following interests under the State Planning Policy Interactive Mapping System (SPP): ■ Agriculture ○ Agricultural Land Classification – Class A And B ○ Important Agricultural Areas ■ Biodiversity ○ MSES – Regulated Vegetation (Intersecting a Watercourse) ■ Natural Hazards Risk and Resilience ○ Flood Hazard Area – Local Government Flood Mapping Area ■ Strategic Airports and Aviation Facilities ○ Obstacle Limitation Surface Area

	○ Obstacle Limitation Surface Contours ○ Lighting Area Buffer 6km ○ Wildlife Hazard Buffer Zone ○ Height Restriction Zone 90m
Category of Assessment:	Impact Assessment
Assessment Manager:	Toowoomba Regional Council
Referral Agency:	The change application development triggers assessable development and referral to the State Assessment and Referral Agency ("SARA") under the following provision of the Planning Regulation 2017 ("the Regulation"): ■ Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 - Aspect of development stated in Schedule 20.

1.2. Existing Approval

The original development application (MCUI/2021/7376) was lodged over land that was previously described as Lot 19 on SP268924 (**Extract 3**).

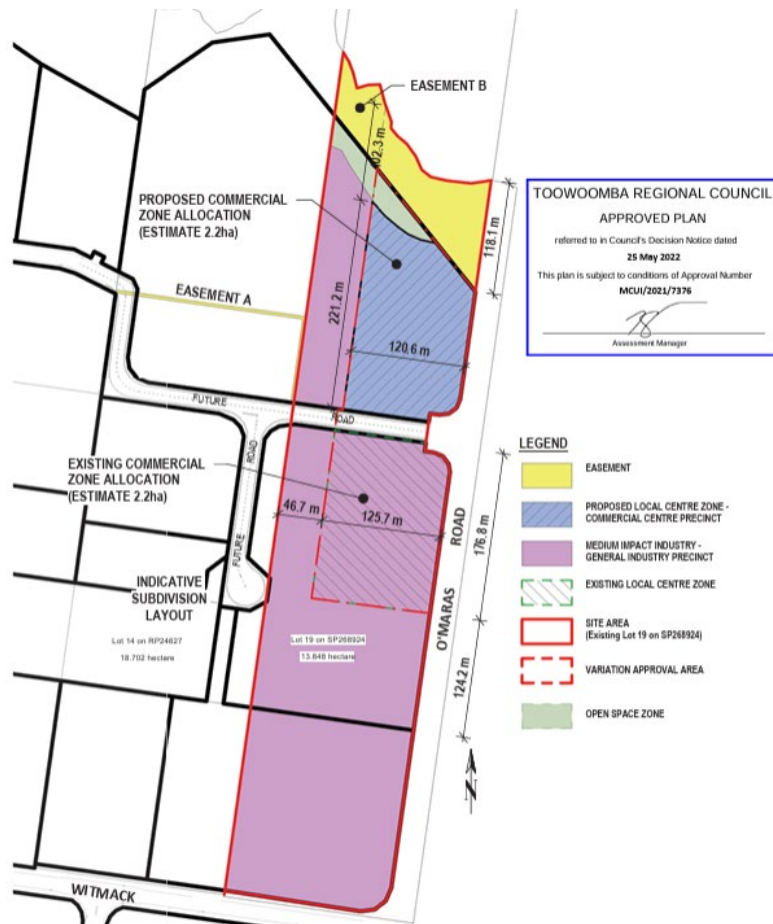
LOCALITY PLAN



Extract 3 - Lot 19 on SP268924
Source - Existing Approval (MCUI/2021/7376)

The application sought a Preliminary Approval to vary the effect of the Toowoomba Regional Planning Scheme 2012 by relocating approximately 2.2 ha of Local Centre zoned land from the southern side (**Extract 2**) of Foundation Street to the northern side (**Extract 4**) of Foundation Street.

As illustrated within **Extract 4**, the portion of land located on the southern side of Foundation Street was effectively rezoned to Medium Impact Industry. Notably, the Existing Approval did not otherwise change the content of the planning scheme provisions or the application of the relevant overlay mapping.



Extract 4 - Approved Plan
Source - Existing Approval (MCUI/2021/7376)

The application was subject to impact assessment and was subsequently approved on 19 May 2022. The approval did not approve a particular centre development or establish a development permit for a specific material change of use.

A copy of the Existing Approval (MCUI/2021/7376) is provided within **Attachment 2**.

1.3. Subsequent Subdivision

Since the Existing Approval was granted in 2022, the land to which it relates has been subdivided. Accordingly, the original premises, described at the time of the application as Lot 19 on SP268924, no longer reflect the current cadastral configuration.

The land relevant to this change application is now described as Lot 19 on SP329688, Lot 5 on SP329688 and Lot 1 on SP329688 (**Extract 1**).

The subdivision does not displace the Existing Approval. The Existing Approval continues to apply to the relevant land in accordance with Section 73 of the Act. This application therefore identifies the current lots and seeks to amend the operation of the Variation Approval by reference to the current cadastral configuration.

1.4. Related Development Application

Council is presently assessing a development application (MCUI/2026/3870 and RAL/2026/3871) that was lodged over 39 and 53 Foundation Street, Wellcamp (Lot 14 on SP329688 and Lot 19 on SP329688).

That development application seeks development approvals for:

- Development Permit for Reconfiguring a Lot (Subdivision – two (2) lots into three (3) lots with Access Easements); and
- Development Permit for Material Change of Use (Medium Impact Industry, Outdoor Sales, Warehouse and Caretaker's Accommodation).

During its assessment of that application, Council identified a conflict between the proposed industrial development and the Local Centre allocation established by the Existing Approval (MCUI/2021/7376).

In response, the Applicant submitted an independent Local Centre Need Assessment addressing whether a second local centre is necessary within the Charlton Wellcamp Enterprise Area.

Council subsequently confirmed that the economic need issue had been resolved and agreed that, should the current development application be approved, a change to the Existing Approval should be pursued while the economic reporting remains current. This forms the basis for this application, as described in **Section 3** below.

2. PROPOSED CHANGE

2.1. Overview

The proposed change seeks to remove the relocated Local Centre allocation established by the Existing Approval on the northern side of Foundation Street. It will amend the Existing Approval so that the land identified on the Proposed Zoning Allocation Plan (DA02 – Revision A) is subject to the planning provisions applicable to the Medium Impact Industry Zone and General Industry Precinct. The change does not amend the underlying planning scheme zoning map.

The Proposal Plan prepared by Property Projects Australia (**Attachment 3**) illustrates the proposed arrangement (**Extract 5**).



Extract 5 – Proposed Zoning Allocation Plan (DA02 – Revision A)

Source – Property Projects Australia

The proposed change will result in the relevant land being treated consistently with its underlying industrial designation and the established industrial character of the locality. No physical development, operational change, additional gross floor area, access alteration or infrastructure work is proposed by this application. Any future development will remain subject to the applicable development assessment requirements.

2.2. Changes to Approved Drawings and Documents

The proposed change requires amendments to the list of approved drawings and documents, as identified in Table 2 below.

The approved drawings and documents to be removed have been struck out and the amended drawings and documents to be included are shown in bold. Where not listed in Table 2 below, the drawings or documents will remain as documented in the Existing Approval.

Table 2 – Approved Drawings and Documents

Drawing or Document	Number	Plan Date
Commercial Zone Allocation Plan	1829-SK030	16 December 2021 (Received)
Proposed Zoning Allocation Plan	DA02 – Revision A	28 September 2026
Metes and Bounds Plan	21/218PP30 – Revision A	04 April 2022 (Received)
New Plan		
Existing Zoning Allocation Plan	DA01 – Revision A	28 September 2026

2.3. Changes to Conditions

In addition to the amendments outlined above, the proposed changes will require alterations to the approved conditions. The amendments are listed in Table 3.

Table 3 – Conditions

Existing Condition	Proposed Condition
Condition 2.1 (2.1) Adopting the levels of assessment and applicable codes for land within the ‘Proposed Commercial Zone Allocation’ area (as shown on approved plans referenced 1829-SK030 and 21/218PP30 listed within Condition 1 of this Preliminary Approval) as follows: (2.1.1) Zone: Local Centre Zone, No Precinct (Toowoomba Regional Planning Scheme 2012 - Version 26); and (2.1.2) Local Plan: Charlton Wellcamp Enterprise Area Local Area Plan – Commercial Centre Precinct (Toowoomba Regional Planning Scheme 2012 - Version 26); and	Condition 2.1 (2.1) Adopting the levels of assessment and applicable codes for land within the <u>‘Proposed Commercial Zone Allocation’ area (as shown on approved plans referenced 1829-SK030 and 21/218PP30 ‘Medium Impact Industry Zone’ as shown on the Proposed Zoning Allocation Plan (DA02 – Revision A))</u> listed within Condition 1 of this Preliminary Approval) as follows: (2.1.1) Zone: Local Centre Zone, No Precinct Medium Impact Industry Zone, No Precinct (Toowoomba Regional Planning Scheme 2012 - Version 26); and (2.1.2) Local Plan: Charlton Wellcamp Enterprise Area Local Area Plan – Commercial Centre Precinct General Industry Precinct (Toowoomba Regional Planning Scheme 2012 - Version 26); and

Condition 2.2 (2.2) Adopting the levels of assessment and applicable codes for land within the 'Existing Commercial Zone Allocation' area (as shown on approved plan referenced 1829-SK030 listed within Condition 1 of this Preliminary Approval) as follows: (2.2.1) Zone: Medium Impact Industry Zone, No Precinct (Toowoomba Regional Planning Scheme 2012 - Version 26); and (2.2.2) Local Plan: Charlton Wellcamp Enterprise Area Local Area Plan - General Industry Precinct, and Transport and Warehousing Precinct (Toowoomba Regional Planning Scheme 2012 - Version 26).	Condition 2.2 (2.2) Adopting the levels of assessment and applicable codes for land within the 'Existing Commercial Zone Allocation' area (as shown on approved plan referenced 1829-SK030 listed within Condition 1 of this Preliminary Approval) as follows: (2.2.1) Zone: Medium Impact Industry Zone, No Precinct (Toowoomba Regional Planning Scheme 2012 - Version 26); and (2.2.2) Local Plan: Charlton Wellcamp Enterprise Area Local Area Plan - General Industry Precinct, and Transport and Warehousing Precinct (Toowoomba Regional Planning Scheme 2012 - Version 26).
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The changes to the conditions are required due to the following:

- **Condition 2.1:** This condition needs to be updated to include both 'Industrial Zone Allocation' areas as illustrated on the Zoning Allocation Plan (DA01 - Revision A); and
- **Condition 2.2:** This condition is not required as there is no longer an 'Existing Commercial Zone Allocation' area.

3. LEGISLATIVE ASSESSMENT

The application is made under Section 78 of the Act and seeks an other change to the Existing Approval. The application is therefore to be assessed under Section 82 of the Act as if the proposed change formed part of the original development application.

Toowoomba Regional Council is the responsible entity and assessment manager for the subject application.

In accordance with Section 82(4) of the Act, the responsible entity must assess and decide the change application having regard to the matters the assessment manager would have considered if the proposed change had formed part of the original development application.

As the original application was subject to impact assessment, the application is assessed against the applicable assessment benchmarks and having regard to any other relevant matter in accordance with Section 45(5) of the Act. The proposed change is also subject to the applicable referral and public notification requirements.

4. LOCAL PLANNING ASSESSMENT

4.1. Strategic Framework

The proposed change advances the strategic role of the Charlton Wellcamp Enterprise Area as a regionally significant employment and industrial area. The proposed change will direct future centre activity towards the more suitably located Charlton North commercial centre while enabling strategically located industrial land to be used for industrial activities.

The proposed change will not diminish the planned centre hierarchy. The Local Centre Need Assessment identifies adequate existing and approved capacity within Charlton North and concludes that the Local Centre allocation over the site is not required to meet demand over the relevant planning horizon.

Having regard to the limited nature of the proposed change, a detailed assessment against every element of the strategic framework is not considered necessary. The application does not authorise physical development and is limited to removing the Local Centre allocation and applying an industrial planning framework consistent with the established character and strategic role of the Charlton Wellcamp Enterprise Area. The relevant strategic considerations are addressed above and through the supporting Local Centre Need Assessment (Attachment 4).

4.2. Charlton Wellcamp Enterprise Area Local Plan

The proposed change is consistent with the purpose and relevant overall outcomes of the Charlton Wellcamp Enterprise Area Local Plan Code.

In particular, the proposed change:

- supports the efficient use of land within the enterprise area;
- reinforces the intended role of the General Industry Precinct;
- capitalises on the site's proximity to the Warrego Highway, Toowoomba Bypass and other major freight routes;
- supports industrial and employment-generating development within an established industrial locality; and
- avoids retaining a commercially unnecessary centre allocation within an industrial setting.

A detailed response against every provision of the Charlton Wellcamp Enterprise Area Local Plan Code is not considered necessary because the application does not propose a particular land use, building or operational outcome. The assessment is appropriately focused on whether the proposed industrial allocation is consistent with the purpose and relevant overall outcomes of the Charlton Wellcamp Enterprise Area Local Plan Code. Any future development will remain subject to assessment against the applicable provisions of the Charlton Wellcamp Enterprise Area Local Plan Code.

4.3. Medium Impact Industry Zone

The Medium Impact Industry Zone provides the most appropriate planning framework for the subject land. The purpose of the Zone Code is to provide for medium impact industry uses and to protect land for long-term industrial purposes, while allowing supporting uses that do not compromise that purpose.

The site is located within an established and expanding industrial precinct and is suitable for industrial development having regard to its:

- area and configuration;
- access to the surrounding road network;
- proximity to the Warrego Highway and Toowoomba Bypass;
- infrastructure and servicing context; and
- relationship with existing and approved industrial development.

Applying the Medium Impact Industry Zone framework will also resolve the inconsistency identified by Council between the Existing Approval and the industrial development associated with the related development application (MCUI/2026/3870 and RAL/2026/3871).

A detailed response against every provision of the Medium Impact Industry Zone Code is not considered necessary because the application does not seek approval for a particular industrial use or physical development. The relevant issue is whether the Medium Impact Industry Zone provides an appropriate planning framework for the land. Any future development will remain subject to assessment against the applicable provisions of the Zone Code.

4.4. Local Centre Need

The Local Centre Need Assessment prepared by Colliers at **Attachment 4** provides the primary economic basis for the proposed change. The assessment concludes that:

- there is some limited demand for supermarket, specialty retail, food and drink, medical and gym facilities, but only sufficient demand to support one local centre;
- the Charlton North commercial centre is better located to serve residents, workers and passing traffic;
- Charlton North benefits from exposure and access to the Warrego Highway;
- Charlton North is already approved for a significant provision of local centre facilities;
- significant vacant and underutilised land remains within the Charlton North commercial centre; and
- the Local Centre designation over the site is not required to meet demand through to 2046 and beyond.

The Charlton South Local Centre is internalised within an industrial area approximately one (1) kilometre south of the Charlton North commercial centre.

The economic findings therefore demonstrate that retaining the relocated Local Centre allocation would not deliver a more orderly, efficient or commercially viable planning outcome.

Council has also confirmed that the economic need issue raised during its assessment of MCUI/2026/3870 and RAL/2026/3871 has been resolved.

4.5. Other relevant matters

Section 45(5)(b) of the Act provides that impact assessment may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise. The following matters are relevant to Council's assessment of the application:

- There is adequate existing and approved capacity to accommodate anticipated centre demand within Charlton North.
- The Charlton North commercial centre is better located to serve the broader resident, worker and passing-traffic catchments.
- The site is located within an established industrial precinct and is strategically suited to industrial development.

- The continued application of the Local Centre designation would constrain the orderly development of industrial land without serving a demonstrated economic or community need.
- The proposed change will resolve the conflict identified by Council in its assessment of MCUI/2026/3870 and RAL/2026/3871.
- The proposed change does not itself authorise physical development, with all future development remaining subject to the applicable development assessment framework.

5. PUBLIC NOTIFICATION

The change application is subject to impact assessment. Following the issue of the confirmation notice and satisfaction of any applicable referral requirements, the Applicant will undertake public notification in accordance with the Act and the Development Assessment Rules.

The public notification material will identify the current lots and clearly describe the proposed removal of the relocated Local Centre allocation.

6. STATE PLANNING ASSESSMENT

6.1. State Planning Assessment

A response to the state legislative framework is provided at **Table 4**. The response demonstrates that the application complies with all applicable matters.

Table 4 – Response to State Assessment Matters

Matter	Response
Prohibited Development:	The application does not include prohibited development, as established giving consideration to all relevant instruments which can provide prohibitions under the Act and the Regulation. Therefore, the Applicant has the right to make a development application under Section 50 of the Act.
Schedule 9 and Schedule 10:	A review of Schedule 9 and Schedule 10 of the Regulation confirms the application triggers assessable development and referral to the SARA as follows: ■ Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 – Aspect of development stated in Schedule 20. A separate response to State Code 6 (Protection of state transport networks) is not considered necessary. The proposed change is limited to amending the planning framework applying to the land and does not directly authorise physical development or alter the existing access arrangements. Any future development facilitated by the proposed planning framework will remain subject to the applicable development assessment and referral requirements, including assessment of potential impacts on the state transport network.
Regional Plan (ShapingSEQ 2023):	The site is located within the Urban Footprint of the South East Queensland Regional Plan 2023 (ShapingSEQ). As identified at Section 2.2 of the planning scheme, the South East Queensland Regional Plan 2023 (ShapingSEQ) is

	appropriately integrated into the planning scheme and, therefore, a detailed assessment is not required.
Regional Plan (Darling Downs Regional Plan):	The site is located within the Priority Living Area of the Darling Downs Regional Plan. As identified at Section 2.2 of the planning scheme, the Darling Downs Regional Plan is appropriately integrated into the planning scheme and, therefore, a detailed assessment is not required.
State Planning Policy:	The site is mapped as being affected by the following interests under the State Planning Policy Interactive Mapping System (SPP): ■ Agriculture ○ Agricultural Land Classification - Class A And B ○ Important Agricultural Areas ■ Biodiversity ○ MSES - Regulated Vegetation (Intersecting a Watercourse) ■ Natural Hazards Risk and Resilience ○ Flood Hazard Area - Local Government Flood Mapping Area ■ Strategic Airports and Aviation Facilities ○ Obstacle Limitation Surface Area ○ Obstacle Limitation Surface Contours ○ Lighting Area Buffer 6km ○ Wildlife Hazard Buffer Zone ○ Height Restriction Zone 90m As identified at Section 2.1 of the planning scheme, the relevant State Planning Policy interests are not fully integrated into the planning scheme. The implications of the proposed change for those interests are addressed below: ■ Agriculture ○ The proposed change does not involve physical development, vegetation clearing or the expansion of development into agricultural land. It changes the planning framework applying to land already affected by the Existing Approval and located within the Urban Footprint and the SEQ Major Enterprise and Industrial Area. The proposed change will therefore not adversely affect the long-term viability or growth of the agricultural sector. ■ Biodiversity ○ The proposed change does not authorise clearing or physical works within the area mapped as containing regulated vegetation intersecting a watercourse. Any future development affecting mapped biodiversity values will remain subject to the applicable development assessment requirements. ■ Natural Hazards Risk and Resilience ○ The proposed change does not authorise buildings, earthworks or other physical development within the mapped flood hazard area. Any future development will remain subject to assessment against the applicable flood hazard provisions. ■ Strategic Airports and Aviation Facilities

	○ The proposed change does not authorise buildings, structures, lighting or activities capable of affecting the safety or operation of the Toowoomba Wellcamp Airport. Any future development will remain subject to assessment against the applicable airport environs and State planning requirements.
Temporary State Planning Policy	The change application is not currently affected by a Temporary State Planning Policy.
Designated Premises:	The site is not the subject of an infrastructure designation.
Lawful Use of Premises or Adjacent Premises:	The change application does not affect the lawfulness of the premises or adjacent premises.
Common Material:	With respect to the definition of common material provided in the Regulation, the material provided as part of this application is considered to be sufficient to allow the assessment manager to assess and decide the application. The application involves assessable development subject to impact assessment and, therefore, a properly made submission may be made to the assessment manager during the public notification period. Any submissions will be considered at the end of the public notification period. We note that no infrastructure agreement applies to the premises.

7. SUMMARY

This town planning report has been prepared by Property Projects Australia Pty Ltd on behalf of F K Gardner and Sons Pty Ltd ("the Applicant") in support of an application over land located at 53 and 54 Foundation Street and 28 Witmack Road, Wellcamp, formally described as Lot 19 on SP329688, Lot 5 on SP329688 and Lot 1 on SP329688.

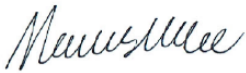
The application seeks an other change to the Existing Approval (MCUI/2021/7376) so that approximately 2.2 ha of land currently subject to the planning provisions applicable to the Local Centre Zone (Commercial / Centre Precinct) is instead subject to the planning provisions applicable to the Medium Impact Industry Zone.

The proposed change does not authorise a particular land use or physical development. Any future development will remain subject to the applicable development assessment, referral and infrastructure requirements.

This town planning report demonstrates that the proposed change is consistent with the relevant assessment benchmarks and is supported by the other relevant matters identified herein. Accordingly, the application is recommended for approval pursuant to Section 60 of the Planning Act 2016, subject to reasonable and relevant conditions and the issue of an amended decision notice and approved plan reflecting the proposed change.

Whilst we trust the abovementioned and attached is sufficient, if you would like to discuss any aspect of this application further, please do not hesitate to contact James Juhasz or the undersigned on (07) 3254 1566.

Yours faithfully,
Property Projects Australia



MARCUS MCNEE
Senior Town Planner

Enc. As above.