

Our Reference: RAL/2026/2378
CS Portal Reference: N/A
Officer: Shen Liu
Contact: 07 4688 9593
Email: development@tr.qld.gov.au

Development Application Decision Notice
APPROVAL
Planning Act 2016 Section 63

F K Gardner and Sons Pty Ltd
C/- Property Projects Australia Pty Ltd
PO Box 1264
NEW FARM QLD 4005

Email: marcus@propertyprojectsaustralia.com.au
james@propertyprojectsaustralia.com.au

16 July 2026

Dear Sir/Madam

Location: 44 & 56 Witmack Road, WELLCAMP QLD 4350
Property Description: Lot 2 RP155271, Lot 100 SP329858, Emt A SP329858
Relevant Planning Scheme: Toowoomba Regional Planning Scheme 2012

The Development Application for Reconfiguring a Lot - Boundary Realignment 2 into 2 Lots, for the abovementioned property has been assessed and approved in full with Conditions. It is considered that the approved development generally complies with the relevant assessment benchmarks or can be conditioned to comply. The decision was made on 14 July 2026. The following provides all the relevant details:

Details of Approval

Development Permit – Reconfiguring a Lot - Boundary Realignment 2 into 2 Lots

Referral Agencies

Concurrence Agencies Name & Address: N/A
Advice Agencies Name & Address: Ergon Energy,
PO Box 1090,
TOWNSVILLE QLD 4810

Conditions and Advices

Assessment Manager's Conditions: As per attached Schedule 1
Referral Agency Response: As per attached Schedule 2

Currency Period

In accordance with section 85(1)(b)(ii) of the *Planning Act 2016* (Qld), this Development Approval lapses if a plan for the reconfiguration is not given to Council in accordance with the *Land Title Act 1994* (Qld) within four (4) years of this Development Approval starting to have effect.

Submissions

There were no properly made submissions for this application.

Rights of Appeal

Attached is an extract from the *Planning Act 2016* which details your appeal rights regarding this decision.

The *Planning Act 2016* is available on the Office of the Queensland Parliamentary Counsel website via:

<https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2016-025>.

Yours faithfully



Sophie Spencer,
Lead Senior Planner, Planning Branch

SCHEDULE 1

DEVELOPMENT PERMIT FOR RECONFIGURING A LOT

APPLICATION NUMBER:	RAL/2026/2378
APPLICANT:	F K Gardner and Sons Pty Ltd
LOCATION:	44 & 56 Witmack Road, WELLCAMP QLD 4350
PROPERTY DESCRIPTION:	Lot 2 RP155271, Lot 100 SP329858, Emt A SP329858
APPROVED DEVELOPMENT:	Boundary Realignment 2 into 2 Lots
ZONING / PRECINCT:	Medium Impact Industry / General Industry Precinct

A. ASSESSMENT MANAGER'S 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 two (2) into two (2) lots, and an easement for access purposes burdening Approved Lot 100 and benefiting Approved Lot 2 and Lot 101 SP329858.	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 and the amendments listed below: Plan No: SP353534 Description: Site Plan, Plan of Lots 2 & 100, Sheet 1 of 2, prepared by Byrne Surveyors Pty Ltd, dated 3 January 2026. Amendments: Nil.	At all times.
LOT NUMBERING		
3.	The numbering of all approved lots must remain as indicated on the Approved Plan (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 (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	As part of a plan sealing application.

	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.	
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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 2 and Lot 101 SP329858 against the title of Approved Lot 100. The easement must be a minimum 9 metres wide and must be located over the proposed easement identified on the Approved Plan and included on the Plan of Subdivision for Council's approval. <i>Note: The existing easement A SP329858 under SEAL/2022/3820 is considered to comply with this condition.</i>	Prior to or at the same time as the registration of the survey plan.
8.	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 WORKS		
9.	All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development.	For the life of the development.
DAMAGE TO SERVICES & ASSETS		
10.	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: 10.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or 10.2 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 10.3 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.	At all times during site works.
11.	Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with Planning Scheme Policy PSP No.2 at no cost to Council. <i>Note: Council must be notified of any damage to water and sewer immediately on Ph: 131 872.</i>	At all times.

SERVICES AND UTILITIES

WATER SUPPLY		
12.	The subdivision must be provided with a water supply system capable of servicing each lot in accordance with Council's <i>Water Infrastructure Policy 2.03</i> at no cost to Council. <i>Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.</i>	Prior to Council's endorsement of a plan sealing application.

	<i>Note: The size of any new service connection is to be determined during Plumbing approval</i>	
13.	All live connections to the existing water supply networks and water meter installations must be carried out by Council at no cost to Council. <i>Note: For a private works quotation for the required works Council's Water & Wastewater Department can be contacted on ph 131 872. Subject to payment of the quotation, a suitable time for this work to be carried out must be agreed with Council.</i>	Prior to Council's endorsement of a plan sealing application.
14.	Unless able to be used as part of the development, any existing connection must be disconnected at no cost to Council.	Prior to Council's endorsement of a plan sealing application.
15.	Any existing water supply connection traversing more than one approved lot must be disconnected and removed.	Prior to Council's endorsement of a plan sealing application.
16.	Certification must be provided to Council by Licensed Plumber that the disconnection has been carried out.	Prior to Council's endorsement of a plan sealing application.
17.	Where works have been carried out to disconnect or remove traversing pipes, certification must state that a separate water supply has been provided for all lots containing buildings which previously had a metered water supply, and that new water meters have been provided where necessary.	Prior to Council's endorsement of a plan sealing application.

B. ADVICES:

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.
EXCAVATION & FILLING	
8.	The <i>Toowoomba Regional Planning Scheme 2012 (TRPS)</i> declares excavation and filling activity involving less than 50m ³ of material and excavation and filling activity to a depth or height lower than

	1m to be accepted development. Any combination of excavation or filling where 50m ³ or more of fill is deposited on, or 50m ³ or more of excavated material is removed from the premises and excavation or filling is not associated with 'Building Work' as defined under the <i>Planning Act 2016</i> , must obtain an Operational Work approval from Council before commencing site works.
ENVIRONMENTAL HARM	
9.	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. 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. 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.
WATER POLLUTION	
10.	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.
FIRE ANTS	
11.	11.1 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. 11.2 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. 11.3 Penalties may apply for committing any offense relating to illegal movement of materials or failure to meet the GBO. 11.4 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/. 11.5 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. 11.6 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.

C. ATTACHMENTS:

- Referral Agency Response Schedule 2
- Approved Development Plans
- Appeal provisions pursuant to the *Planning Act 2016*.

SCHEDULE 2

REFERRAL AGENCY RESPONSE

ERGON ENERGY



420 Flinders Street, Townsville QLD 4810
PO Box 1090, Townsville QLD 4810
ergon.com.au

09 April 2026

RECEIVED
09/04/2026
TOOWOOMBA
REGIONAL COUNCIL

Chief Executive Officer
Toowoomba Regional Council

Attention: Shen Liu

Via email: development@tr.qld.gov.au

cc F K Gardner and Sons Pty Ltd
c/- Property Projects Australia
Attention: Marcus McNee / James Juhasz
Via email: marcus@propertyprojectsaustralia.com.au /
james@propertyprojectsaustralia.com.au

Dear Sir/Madam,

Ergon Advice Agency Response
Council Ref: RAL/2026/2378
Applicant Ref: Q003787
Our Ref: ECM 39680277-39679983

This Referral Agency response is given under section 56 of the *Planning Act 2016*.

Response	
Outcome	Approved in full - subject to conditions
Referral assessment capacity	Advice
Matters referral assessment made against (S55(2))	The purpose of the <i>Electricity Act 1994</i> and <i>Electricity Safety Act 2002</i>
Reasons for decision (S56(7)(b))	The works do not conflict with: - the objectives set out within Part 2, Section 3 of the <i>Electricity Act 1994</i> - the purpose of the <i>Electricity Safety Act 2002</i> as set out within Part 1 Division 2 Section 4 & 5.

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website
www.ergon.com.au/referralagency

The works do not adversely impact on the safe, efficient, and economically viable operation of the supply network.

Development Details	
Applicant	F K Gardner and Sons Pty Ltd
Assessment Manager	Toowoomba Regional Council
Council Application No.	RAL/2026/2378
Street Address	44 & 56 Witmack Road, WELLCAMP
RPD	Lot 2 RP155271, Lot 100 SP329858, Emt A SP329858
Development Type	Reconfiguring a Lot - Boundary Realignment 2 into 2 Lots
Referral Trigger	☐ Schedule 10, Part 9, Division 2, Table 1, Item 1 (10.9.2.1.1) – Reconfiguring a lot subject to an easement for the benefit of a distribution entity under the Electricity Act for a supply network; or part of the lot is within 100m of a substation site
Impacted Electrical Infrastructure	Easement B on SP356768

Ergon provides the following response to the application in accordance with Section 56(1) of the *Planning Act 2016*:

Component of Development	Advice Agency direction
ROL	☐ S56(1)(b)(i) – approval subject to stated development conditions

In accordance with Section 56(1) should the Assessment Manager decide to approve the proposed Development Application, as an Advice Agency, Ergon requires that the assessment manager impose the below conditions. These conditions have been imposed in response to the matters prescribed under Section 55 (2) of the *Planning Act 2016*.

Table 1			
<i>Plans forming part of this Approval</i>			
<i>Title</i>	<i>Plan No.</i>	<i>Issue</i>	<i>Date</i>
<i>Survey Plan - Plan of Lots 2 & 100 Cancelling Lot 2 on RP155271 &</i>	<i>SP353534 (Sheet 1 of 2)</i>	<i>-</i>	<i>3 January 2026</i>

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website www.ergon.com.au/referralagency

Lot 100 on SP329858			
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Table 2			
Condition		Timing	Purpose/Reason
1	Carry out the approved development generally in accordance with the approved plans and documents outlined within Table 1 of this approval and the following: ▪ The specifications, facts and circumstances as set out in the development application submitted to Ergon; and ▪ Where a discrepancy or conflict exists between the written conditions of the approval and the approved plans, the requirements of the written conditions prevail	At all times	To ensure the development is carried out generally in accordance with the plans of development submitted within the application
2	Any alterations to the plans and document(s) identified within Table 1 of this response are to be resubmitted to Ergon for comment	At all times	To ensure the development is carried out generally in accordance with the plans of development submitted within the application

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See the 'considerations when developing around electricity infrastructure' section of our website
www.ergon.com.au/referralagency

General Advice:

- Compliance with the Electrical Safety Act 2002, including any Code of Practice under the Act and the Electrical safety Regulation 2013 including any safety exclusion zones defined in the Regulation is mandatory

Should any doubt exist in maintaining the prescribed clearance to the overhead conductors and electrical infrastructure then the applicant is obliged under the Act to seek advice from Ergon.

- Any costs incurred by Ergon as a result of the works on the easement are to be met by the property Developer / owner.
- This response does not constitute an approval to commence any works within the easement. Consent to commence works relevant to the conditions of the easement is required. All works on easement (including but not limited to earthworks, drainage and detention basins, road construction, underground and overhead services installation) require detailed submissions, assessment, and consent (or otherwise) by Ergon.
- All works proposed to be undertaken in close proximity to overhead or underground electrical lines are to be undertaken in accordance with Ergon's Works Practice Manual WP1323. This document refers to various standards, guidelines, calculations, legal requirements, technical details, and other information relevant to working near high voltage infrastructure. A copy of WP1323 can be found online via Ergon's document library ([Document library | Ergon](#)).

Should you require any further information on the above matter, please contact Harriet Veal on 0427 293 604 or via email at townplanning@ergon.com.au.

Yours faithfully,

Harriet Veal

Harriet Veal
Town Planner

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website www.ergon.com.au/referralagency

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the **appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
 - (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note— See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under

schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and

- (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2) schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—

decision includes—

 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.