

INFO@PROPERTYPROJECTSAUSTRALIA.COM.AU
PROPERTYPROJECTSAUSTRALIA.COM.AU
ABN 13 167 478 766

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Date: 5 May 2026
Our Reference: J002604
Your Reference: RAL/2026/2378

Attention: Shen Liu

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

Toowoomba Regional Council
GPO Box 3021
Toowoomba QLD 4350

Dear Shen,

Site Address:	44 and 56 Witmack Road, Wellcamp QLD 4350
Property Description:	Lot 2 on RP155271, Lot 100 on SP329858 & EMT A on SP329858
Method of Distribution:	Email [shen.liu@tr.qld.gov.au / development@tr.qld.gov.au]
Correspondence Subject:	Response to Information Request Pursuant to s.13 (Chapter 1) of the Development Assessment Rules (Version 3.0)

We write on behalf of *F K Gardner and Sons Pty Ltd* ("the Applicant") regarding the abovementioned development application.

On 17 April 2026, an information request was issued by *Toowoomba Regional Council*, as assessment manager. Pursuant to s.13.2(b) of the Development Assessment Rules (Version 3.0), please refer below for the applicant response to the information request.

This information request response is to be considered in conjunction with the following attachment:

- **Attachment 1** - Information Request issued by Toowoomba Regional Council

With this response provided, the Applicant will proceed to Part 4: Public Notification of the Development Assessment Rules (Version 3.0).

BRISBANE OFFICE

OFFICE 1 / 618-626 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, 239 NICHOLSON STREET
CARLTON VIC 2218 AUSTRALIA
P +61 3 7037 0432

INFORMATION REQUEST RESPONSE

Lot Layout and Relationship with Existing Approvals

Issue:

The planning purpose and necessity of the proposed boundary realignment is unclear, particularly when noting that Lot 100 SP329858 benefits from a Development Permit for Material Change of Use for Medium Impact Industry (Council Reference: MCUC/2021/4249/A) and Lot 2 RP155271 benefits from a Development Permit for Material Change of Use for Warehouse (Council Reference: MCUC/2024/74/A). The proposal results in an irregular, non-rectangular lot configuration that creates a lot below the minimum lot size contemplated under P04 of the Reconfiguring a Lot Code and conflicts with approved Gravel Hardstand Storage area of MCUC/2021/4249/A. No clear planning outcome or operational requirement for the boundary realignment has been identified to justify this outcome.

Information Required:

Provide a detailed justification that clearly explains:

- The purpose and necessity of the proposed boundary realignment
- Why a non-rectangular and irregular lot configuration is required; and
- How the proposal achieves P04 of the Reconfiguring a Lot Code compared to the existing lot layout.

Note: Changes will be required to the existing Development Approvals over the subject site should the applicant seek to alter the layouts of the Medium Impact Industry and Warehouse to reflect the proposed boundary re-alignment. These changes, particularly with regard to the Gravel Hardstand Storage area, would need to be completed prior to a decision being made on the proposed boundary re-alignment.

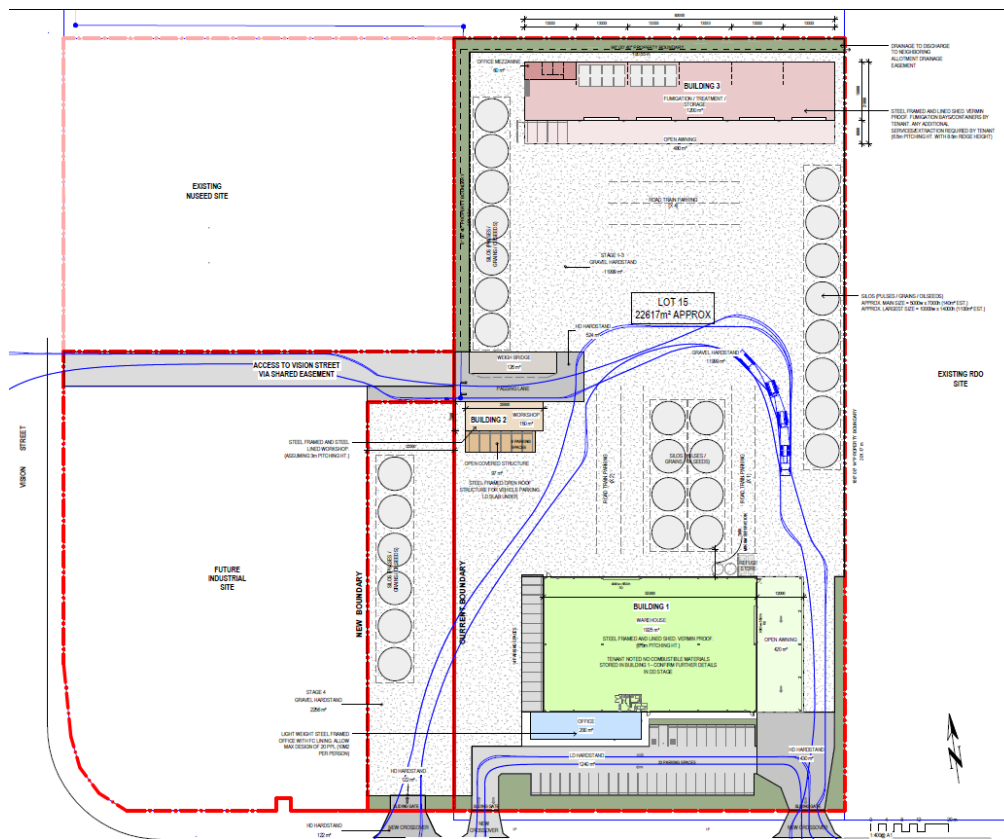
Note: It is unclear whether alternative mechanisms to achieve the intended functional or operational outcomes have been considering noting the availability of subdivision by lease provisions under the planning framework. A subdivision by lease may remove the need for a development application, avoid the creation of smaller irregular shaped lots and prevent conflicts with existing approvals.

Applicant Response

In response to the information request, the following is noted:

Purpose and Necessity of Boundary Realignment

- The proposed boundary realignment is required to facilitate a more efficient use of land by transferring an underutilised portion of Lot 100 (56 Witmack Road) to Lot 2 (44 Witmack Road). The transfer of land will enable the logical expansion of the approved warehouse use on Lot 2 (MCUC/2024/74/A). Whilst not forming part of this application, **Extract 1** provides an indicative site layout for Lot 2 which utilises the land to be transferred.



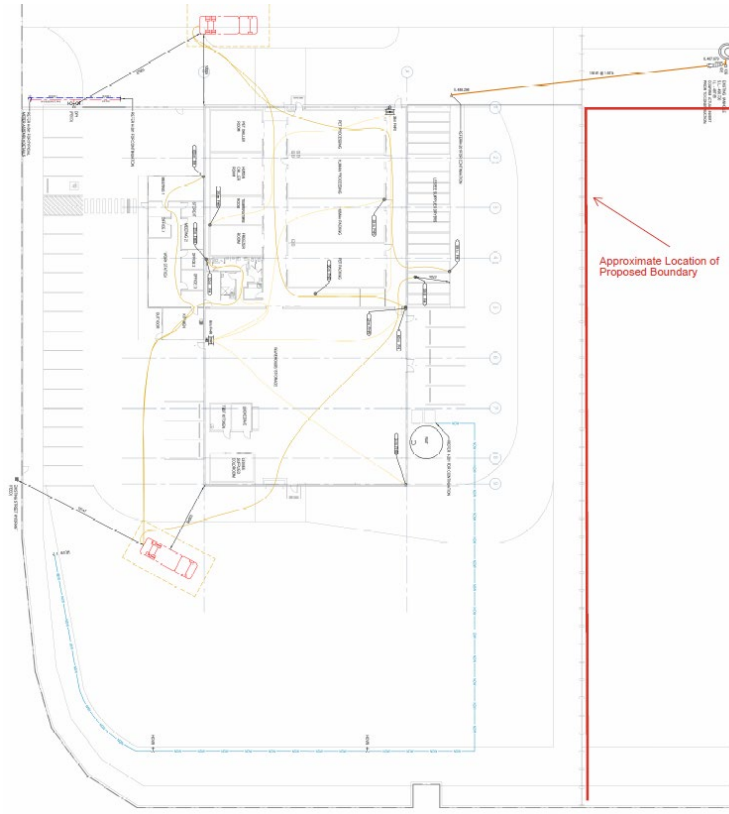
Extract 1 - Lot 2 - Indicative Site Plan (For Information Purposes Only)

Source - FKG

- The existing lot configuration includes a portion of Lot 100 that is not required for the approved Medium Impact Industry use and is better suited to be incorporated into Lot 2 to support the future development that will be established.

Justification for Irregular Lot Configuration

- Whilst the proposed boundary realignment results in an irregular, non-rectangular lot configuration, this outcome is a direct consequence of responding to the existing and approved development footprints, operational requirements, and the location of infrastructure on both sites.
- The irregular configuration is necessary due to the following:
 - The revised boundary aligns with the functional extent of the existing and intended uses;
 - The revised boundary avoids the isolation of land that would otherwise be underutilised;
 - The revised boundary maintains the operational efficiency of Lot 100 and improves the operational efficiency of future development on Lot 2; and
 - The revised boundary avoids the existing sewer infrastructure within the north eastern corner of Lot 100. As illustrated within **Extract 2**, there is a sewer property connection between the existing building and the sewer manhole (Asset Id: S10362M05) (**Extract 3**).



Extract 2 - As-constructed Sewer Plan (For Information Purposes Only)
Source - D & K Lawson Plumbing



Extract 3 - Location of Sewer Manhole
Source - Toowoomba Regional Council

Reconfiguring a Lot Code

For clarity, performance outcome P04 of the Reconfiguring a Lot Code requires the following:

- **P04** – *All new lots provide sufficient area, frontage and dimensions, and road access that enable their future development to achieve relevant outcomes in applicable Use, Zone, Overlay, and Other Development Codes in relation to:*
 - a. *dwellings, buildings and/or other structures;*
 - b. *setbacks;*
 - c. *landscaping;*
 - d. *on site car parking and vehicle access;*
 - e. *recreation areas (private open space);*
 - f. *cultural heritage and character streetscape values;*
 - g. *other design criteria.*

The proposed development complies with performance outcome P04 of the Reconfiguring a Lot Code due to the following:

- Each lot will retain sufficient area and dimensions to accommodate the existing and approved land uses. This is evidenced by the relationship between:
 - The revised boundary and the existing development footprint on Lot 100; and
 - The revised boundary and the development footprint that will be established on Lot 2.
- The reconfigured boundaries reflect the functional layout of the sites, ensuring that buildings, hardstand areas, and operational components are contained within appropriate lot boundaries.
- The proposal results in a more logical and efficient land use outcome compared to the existing configuration.
- Whilst Lot 100 will be reduced in size, it will continue to support the approved Medium Impact Industry use without compromising its functionality.
- The proposed boundary realignment will have no adverse impact from a boundary setback, landscaping, car parking, vehicle access, recreation area, cultural heritage or streetscape value perspective.

As outlined above, the proposed development complies with performance outcome P04 of the Reconfiguring a Lot Code.

Subdivision by Lease

Council has raised subdivision by lease as an alternative mechanism instead of a boundary realignment. In this regard, it is noted that subdivision by lease would not achieve the same planning outcome as the proposed boundary realignment. Specifically, the following is highlighted:

- The intent of the proposed development is to permanently rationalise land ownership and boundaries to align with existing and approved future land uses;
- Subdivision by lease would introduce additional tenure complexity and would not provide the same level of certainty for long-term operational use and long-term ownership; and

- The proposed boundary realignment represents the most appropriate and efficient planning mechanism to achieve the intended outcome.

Relationship with Existing Approvals

- **Lot 2 (44 Witmack Road - MCUC/2024/74/A)** - The land area incorporated from Lot 100 will be utilised as part of the approved warehouse use. The applicant acknowledges that a minor change application will be required to incorporate this additional land into the existing approval.
- **Lot 100 (56 Witmack Road - MCUC/2021/4249/A)** - Whilst the site area of Lot 100 will be reduced, the approved development has already been enacted and will continue to operate with minimal modification. The reduced lot area does not compromise the ability of the site to function as the land that will be transferred is an underutilised portion which will enable the logical expansion of the approved warehouse use on Lot 2 (MCUC/2024/74/A).

SUMMARY

In accordance with s.13.2(a) of the Development Assessment Rules (Version 3.0), this correspondence represents all of the information requested by the assessment manager 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 James Juhasz or the undersigned on (07) 3254 1566.

Yours faithfully,

Property Projects Australia Pty Ltd



Marcus McNee

Senior Town Planner

Enc. **Attachment 1** - Information Request