

REPORT TITLE	Reconfiguring a Lot - Boundary Realignment 2 into 2 Lots and 1x Access Easement located at 44 & 56 Witmack Road, WELLCAMP QLD 4350
AUTHOR	Planning Officer (Shen Liu)
Application No.	RAL/2026/2378

PURPOSE OF REPORT

To consider a Development Application for Reconfiguring a Lot - Boundary Realignment 2 into 2 Lots and 1x Access Easement located at 44 & 56 Witmack Road, WELLCAMP QLD 4350

EXECUTIVE SUMMARY

This report considers a Development Application for Reconfiguring a Lot – Boundary Realignment - 2 into 2 Lots and 1x access easement at 44 and 56 Witmack Road, Wellcamp, described as Lot 2 RP155271, Lot 100 SP329858, and Easement A SP329858.

The site is located within the Medium Impact Industry Zone (General Industry Precinct) and the Charlton Wellcamp Enterprise Area Local Plan under the *Toowoomba Regional Planning Scheme 2012* (Version 28) (the Planning Scheme). The land is also affected by the Airport Environs Overlay (8km Wildlife Hazard Buffer Zone, and Obstacle Height Restriction Zone – All Structures >90m) (**refer Attachment 2 and 3**). The site has frontage to both Witmack Road and Vision Street.

The subject land has a combined area of approximately 31,950m² and is generally flat, with a gentle fall from the south towards the north-west. The site is serviced by all relevant infrastructure. An existing sewer pipeline traverses the land from north to south, with two sewer manholes located at the eastern end of Easement A SP329858, within Lot 2 RP155271 and Lot 100 SP329858 respectively. The land is predominantly used for industrial purposes and benefits from an existing approval for Medium Impact Industry on Lot 100 SP329858 (MCUC/2024/74/A) and an approval for a Warehouse on Lot 2 RP155271 (MCUC/2021/4249/A).

The existing land parcel configuration comprises:

- Lot 2 RP155271 – 20,230m²;
- Lot 100 SP329858 – 11,720m²; and
- Easement A SP329858, registered over Lot 100 SP329858 for the benefit of Lot 2 RP155271 and Lot 101 SP329858 for access purposes.

Note: Lot 2 on RP155271 obtains access to Vision Street via an access easement (Easement A on SP329858) which is established under the Plan Sealing approval (Council Reference SEAL/2022/3820), however the associated development approval (Council Reference RAL/2022/215) does not approve that Lot 2 on RP155271 can benefit from the access easement.

The proposed reconfiguration involves a boundary realignment to create:

- Proposed Lot 2 – 22,210m²;
- Proposed Lot 100 – 9,493m²; and
- Easement A SP329858, registered over Lot 100 SP329858 for the benefit of Lot 2 RP155271 and Lot 101 SP329858 for access purposes.

Proposed Lot 2 is intended to accommodate the approved warehouse development, while Proposed Lot 100 will continue to support medium impact industrial activities.

The change application also seeks to correct a procedural error, seeking approval for Easement A SP329858 to also provide access for proposed Lot 2 to Vision Street.

The application was referred to Ergon Energy as a result of the proposed reconfiguration involving land affected by an easement. Ergon Energy issued a referral agency response containing advices (**refer Schedule 1**).

The proposed boundary realignment would conflict with the underlying material change of use approvals MCUC/2024/74/A and MCUC/2021/4249/A. The applicant concurrently lodged change applications for both approvals, being MCUC/2021/4249/C and MCUC/2024/74/C, which are currently under assessment and is aligned with this application.

Under the Planning Scheme, the proposal is subject to Impact Assessment because Proposed Lot 100 does not achieve the minimum lot size requirement of 2 hectares within the General Industry Precinct of the Medium Impact Industry Zone.

The application was publicly notified in accordance with the *Planning Act 2016*, and no properly made submissions were received during the notification period.

The proposed development has been assessed against the applicable assessment benchmarks identified within this report and the attached Statement of Reasons (**Refer Schedule 2**). The proposal is considered to comply with the relevant provisions of the Planning Scheme or, where non-compliance exists, can be appropriately conditioned to achieve acceptable planning outcomes. Accordingly, the application is recommended for approval, subject to relevant and reasonable conditions.

RECOMMENDATION

APPROVED - Application No. RAL/2026/2378 for a Development Permit for Reconfiguring a Lot - Boundary Realignment 2 into 2 Lots and 1x Access Easement, pursuant to the provisions of Section 60 of the *Planning Act 2016* and subject to the conditions listed below.

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 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.	As part of a plan sealing application.

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> <i>Note: The size of any new service connection is to be determined during Plumbing approval</i>	Prior to Council's endorsement of a plan sealing application.
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</i>	Prior to Council's endorsement of a plan sealing application.

	<i>to payment of the quotation, a suitable time for this work to be carried out must be agreed with Council.</i>	
1.	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.
2.	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.
3.	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.
4.	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.

No.	General Advice
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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</i> (TRPS) 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

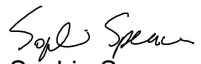
	their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the EP Act as any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes 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.

REASONS FOR RECOMMENDATION

The proposed development has been assessed with regard to the applicable assessment benchmarks as identified within this report and the attached Statement of Reasons (refer to Schedule 1). The proposed development generally complies with the assessment benchmarks or it can be conditioned to comply. Where the applicant has not provided sufficient information, conditions have been imposed to ensure compliance.

DELEGATE'S RECOMMENDATION:

I have reviewed the report for this application in accordance with the Relevant Instruments, Statutory and Non-Statutory Provisions and in accordance with Council's process and procedures. I agree with the responsible officer's recommendation that the application be Approved subject to the conditions contained in the recommendation. I exercise delegation in accordance with the delegations adopted by the Toowoomba Regional Council.



Sophie Spencer
Lead Senior Planner, Planning Branch

Decision Date: 14 July 2026

BACKGROUND

SITE DETAILS				
Site Address	44 & 56 Witmack Road, WELLCAMP QLD 4350			
Real Property Description	Lot 2 RP155271, Lot 100 SP329858, Emt A SP329858			
Site Area	31950m ²			
Owner	Witmac Farm Pty Ltd and Bendall Pty Ltd			
SITE CHARACTERISTICS				
Current Land Use	Warehouse Medium Impact Industry			
Site Frontage/s	Witmack Road ~227m Vision Street ~116m			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Witmack Road	Distributor	~25.5 metres	~14.5 metres	Bitumen
Vision Street	Local	22m	14m	Asphalt
Easements	Emt A SP329858			
Existing Structures	Warehouse Medium Impact Industry			
Infrastructure	The subject site is serviced by all relevant infrastructure. An existing sewer pipeline traverses the site from north to south. Two existing sewer manholes are located at the east end of easement A (SP329858), within Lot 2 RP155271 and Lot 100 SP329858, respectively.			
Topography	Generally flat, falls from south 493m AHD towards northwest 489m AHD.			
Street Trees	Nil.			
Other Features	The site is within the Charlton Wellcamp Enterprise Area Local Plan Area.			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 28)			Adopted: 28/11/2024
Zone	Medium Impact Industry			
Precinct	General Industry Precinct			
Local Plan	Charlton Wellcamp Enterprise Area Local Plan			
Overlays	Airport Environs Overlay 8km Wildlife Hazard Buffer Zone - Obstacle Height Restriction Zone – All Structures > 90m			
Infrastructure Charges Resolution	Charges Resolution No. 7			Adopted: 19/08/2025
SURROUNDS:				
Direction	Land Use	Zone/Precinct		
North	Industrial	Medium Impact Industry Zone (General Industry Precinct)		
East	Industrial	Medium Impact Industry Zone (General Industry Precinct)		
South	Industrial	Medium Impact Industry Zone (General Industry Precinct)		
West	Industrial	Medium Impact Industry Zone (General Industry Precinct)		
Other Features	Nothing to note			

MCUC/2021/4249/C	Request to Change Approval – Material Change of Use - Medium Impact Industry	Nil.	Under Assessment
MCUC/2024/74/C	Request to Change Approval – Material Change of Use - Medium Impact Industry	Nil.	Under Assessment
MCUC/2024/74/A	Request for Negotiated Decision Notice – Material Change of Use - Medium Impact Industry	26 August 2024	Approved
RAL/2022/215	Reconfiguring a Lot - Reconfigure 1 Into 3 Lots and Access Easement	12 July 2022	Approved
MCUC/2021/4249/A	Request for Negotiated Decision Notice – Material Change of Use - Warehouse	4 May 2022	Approved
Other	MCUC/2021/4249/A - A Generally in Accordance request (email) was made to Council on 05 November 2024 with an updated site plan endorsed by Council as Generally in Accordance on 26 November 2024.		

PROPOSED DEVELOPMENT		
Name of Applicant	F K Gardner and Sons Pty Ltd	
Type of Application	Reconfiguring a Lot	
Proposed Development	Boundary Realignment 2 into 2 Lots and 1x Access Easement	
Variations Sought	Not Applicable	
Level of Assessment	Impact	
Submissions Received	Objection:	0
	Support:	0
Decision Making Period Ends	14 July 2026	

CONSULTATION UNDERTAKEN

Referral Agency/ies

Referral Agency (Technical Agency)	Referral Role	Aspect of Development Requiring Referral	Response
Ergon Energy	Advice	Schedule 10, Part 9, Division 2, Table 1—Item 1	Advice from the referral agency was received on 9 April 2026. Following the issue of a Notice of Change on 16 June 2026 regarding the inclusion of Easement A on SP329858, the referral agency confirmed on 18 June 2026 that no changes to its response were required.

Internal Referrals

Internal Referral Partner	Referral / Response
Development Infrastructure and Growth	Recommended approval subject to conditions.
Infrastructure Charges Unit	Will prepare an Infrastructure Charges Notice in accordance <i>with Charges Resolution No. 7</i> to accompany an approval of the development.

Public Notification

The Notice of Compliance was received by Council on 29 May 2026. The information attached to the notice confirms that the public notification of the application was undertaken in accordance with the requirements of Part 4 of the *Planning Act 2016*. The Notice of Compliance states the public notification included:

- Publishing a notice in the Chronicle on 6 May 2026;
- Placing a notice on the land from 6 May 2026 until 28 May 2026; and
- Notifying owners of all land adjoining the site on 6 May 2026.

No submission was received opposing or supporting the development.

ISSUES, RISKS AND RESPONSES – ASSESSMENT

Categorising Instrument – *Planning Regulation 2017*:

PLANNING REGULATION 2017	
<i>Prohibited Development</i>	The proposed development is not prohibited development in accordance with the <i>Planning Regulation 2017</i> .
<i>Infrastructure Charges</i>	The <i>Planning Regulation 2017</i> provides for the levying of infrastructure charges on development approvals.
<i>Schedules 9 and 10</i>	Schedules 9 and 10 categorises particular development and details the relevant assessment benchmarks for development as relevant. Schedule 10, Part 14 of the <i>Planning Regulation 2017</i> prescribes that Reconfiguring a Lot as defined in Part 1 of Schedule 12A (Walkable Neighbourhoods) of the Regulation is assessable development and must be assessed against the Assessment Benchmarks prescribed in Part 2 of Schedule 12A. The proposed development is a Reconfiguring a Lot as defined in Schedule 12A of the Regulation and has been assessed against the relevant Assessment Benchmarks. The proposed reconfiguring a Lot is considered to comply with the relevant Assessment Benchmarks.

REGIONAL PLANS	
<i>Shaping SEQ – South East Queensland Regional Plan 2017</i>	The subject site is mapped within the bounds of the <i>Shaping SEQ – South East Queensland Regional Plan 2023</i> (ShapingSEQ). ShapingSEQ identifies that the subject site is within the Urban Footprint, which is intended to identify the land required for the region's urban development needs up to 2046. The development application is consistent with the land use intent for the Urban Footprint as it proposes an urban use within the bounds of the urban footprint.
<i>Darling Downs Regional Plan October 2013</i>	Not applicable

STATE PLANNING POLICY (SPP) <i>July 2017</i>
The development was assessed against all the relevant benchmarks and is considered to comply.

Local Categorising Instrument – *Toowoomba Regional Planning Scheme 2012*:

The proposed development was assessed against the following assessment benchmarks:

- Strategic Framework
- Medium Impact Industry Zone Code
- Charlton Wellcamp Enterprise Area Local Plan Code
- Airport Environs Overlay Code
- Reconfiguring a Lot Code

The development was assessed against all of the assessment benchmarks listed above and is considered to comply except as follows:

DEVELOPMENT CODES:

Reconfiguring a Lot Code	
Performance Outcome	Acceptable Outcome
PO1 The lots resulting from the rearrangement of boundaries does not contribute to: - the proliferation of lots of rural land fragmentation; or - the potential to introduce uses or activities which conflict with the intent of the applicable zone for all or part of the site.	AO1.1 No additional lots are created by the rearrangement of boundaries. AO1.2 The resulting lots from rearranging boundaries are contained entirely within a single zone.
PO2 Lots resulting from rearrangement of boundaries do not require any new or additional infrastructure connections, or modification of existing connections.	AO2.1 All lots resulting from rearrangement of boundaries: - retain all existing connections to water, sewer, electricity and other infrastructure wholly within the lot they serve; - do not require additional infrastructure connections or augmentation of existing connections; - except where in the Rural Zone, have sealed vehicle crossovers; - have stormwater drainage for lots 4000m² or less: - connected to adequately sized inter-allotment drainage; or - that drains the entirety of each lot independently without fill to the kerb and channel or swale of the road frontage.
PO4 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: - dwellings, buildings and/or other structures - setbacks; - landscaping; - on site car parking and vehicle access; - recreation areas (private open space); - cultural heritage and character streetscape values; - other design criteria.	AO4.1 All lots are rectangular and have minimum width to depth ratios, areas, dimensions and frontages as prescribed in Table 9.4.5:4. AO4.2 Where in the Low Medium Density Residential Zone development for lots 450m² or less in area are capable of accommodating a rectangular building envelope with area and dimensions for: - a dwelling, including ancillary buildings and structures such as garages, covered carports and decks, that comply with the minimum setback requirements of the overlay or zone in which the land is located and building regulations; - private open space and recreation areas; - vehicle access and on-site car parking in accordance with the Transport, Access and Parking Code.
Alternate Outcome	
The applicant submits: <i>"The proposed development seeks to realign the boundaries of the existing two (2) lots to create Proposed Lot 100 (9,493m²) and Proposed Lot 2 (22,210m²). Extract 2 and Table 3 provide an overview of the proposed lot arrangement.</i> <i>The proposed development triggers impact assessable development under Table 5.6:1 of the planning scheme where Proposed Lot 100 (9,493m²) is less than the minimum lot size nominated for land within the General Industry Precinct of the Medium Impact Industry Zone, being two (2) hectares.</i> <i>Importantly, the development application results in two (2) lots which are appropriate, due to the following:</i> <i>The existing development on Proposed Lot 100 will retain all existing service connections and any future development on Proposed Lot 2 can be connected to all required services (Extract 3).</i>	

- Both proposed lots have been designed to provide sufficient site area, frontage widths and dimensions to accommodate the existing development (Proposed Lot 100) and future development (Proposed Lot 2).
- Each lot can accommodate an industrial land use and associated buildings / structures while incorporating appropriate building setbacks consistent with the applicable planning controls.
- The resulting lot configuration does not require any changes to the existing access easement (Easement A on SP329858).
- The resulting lot configuration accounts for the required land dedication (307m²) along Witmack Road.

Notwithstanding the numerical non-compliance with the minimum lot size (Proposed Lot 100), the boundary realignment does not result in an adverse planning outcome. The lot will continue to accommodate an existing, lawful industrial use with established buildings, access arrangements and servicing infrastructure already in place. The proposal does not introduce additional development potential, intensification, or fragmentation of the land that would compromise its ongoing functionality or future development outcomes. Accordingly, the reduced lot size remains appropriate in a planning context, as the lot retains its utility, servicing capacity and operational viability consistent with the intent of the planning scheme."

Officer Comment

Proposed Lot 100 is below the minimum lot size of 2 hectares specified for land within the General Industry Precinct of the Medium Impact Industry Zone. Revised plans submitted during the assessment process addressed matters relating to the lot configuration and access arrangements.

The reconfiguration does not create any additional lots and both resulting lots remain wholly within a single zone, consistent with AO1.1 and AO1.2. The proposal retains existing service connections and does not require additional infrastructure connections or modifications to existing infrastructure, consistent with AO2.1.

The resulting lot configuration maintains an existing lawful industrial use on Proposed Lot 100 and provides a separate lot for future approved industrial development on Proposed Lot 2. The proposal does not increase development yield, intensification or fragmentation of land, and existing access, servicing arrangements and easements are retained.

While Proposed Lot 100 does not achieve the minimum lot size nominated within the planning scheme, the reconfiguration does not alter the function or operational capacity of the existing industrial use on that lot. The resulting lots continue to provide sufficient area, frontage and access arrangements to support the existing and intended industrial land uses.

Having regard to the nature of the proposal, the retention of existing infrastructure connections, the absence of additional development potential, and the continued suitability of the resulting lots for industrial purposes, the outcome is considered to achieve PO1, PO2 and PO4 of the Reconfiguring a Lot Code.

Local Categorising Instrument – Variation Approval:

Not Applicable

Local Categorising Instrument – Temporary Local Planning Instrument:

Not Applicable

Local Categorising Instrument – Preliminary Approval:

Not Applicable

Local Categorising Instrument – Local Government Infrastructure Plan:

The subject site is within the Priority Infrastructure Area (PIA).

Other Relevant Matters

Not Applicable

FINANCIAL / RESOURCE IMPLICATIONS

Infrastructure charges will be applied in accordance with Council's *Charges Resolution No.7*.

Human Rights Act 2019 CONSIDERATIONS

The *Human Rights Act 2019* provides that it is unlawful for a public agency to act or make a decision in a way that is not compatible with human rights, or to fail to give proper consideration to a human right. This necessitates understanding the human rights that are protected. When making decisions or taking actions, consideration needs to be given to how that may impact on a person's human rights. Where there is a restriction on a person's human rights the restriction must be no greater than is justifiable to protect the rights of others or the community at large.

In assessing this application consideration has been given to the following sections of the *Human Rights Act 2019*:

Section 15 – Recognition and equality before the law

Section 24 – Property rights

It is the opinion of the decision maker that no human rights have been limited.

CONCLUSION

The development has been assessed with regard to the applicable assessment benchmark as identified within this report and the attached Statement of Reasons (refer to Schedule 1). The proposed development generally complies with the assessment benchmarks or it can be conditioned to comply. Where the applicant has not provided sufficient information, conditions have been imposed to ensure compliance. It is therefore recommended that the development application be approved subject to the conditions identified above.

ATTACHMENT/S

Attachment	1	of	4	Aerial Image
Attachment	2	of	4	Zoning Map
Attachment	3	of	4	Overlay Map
Attachment	4	of	4	Site Plan

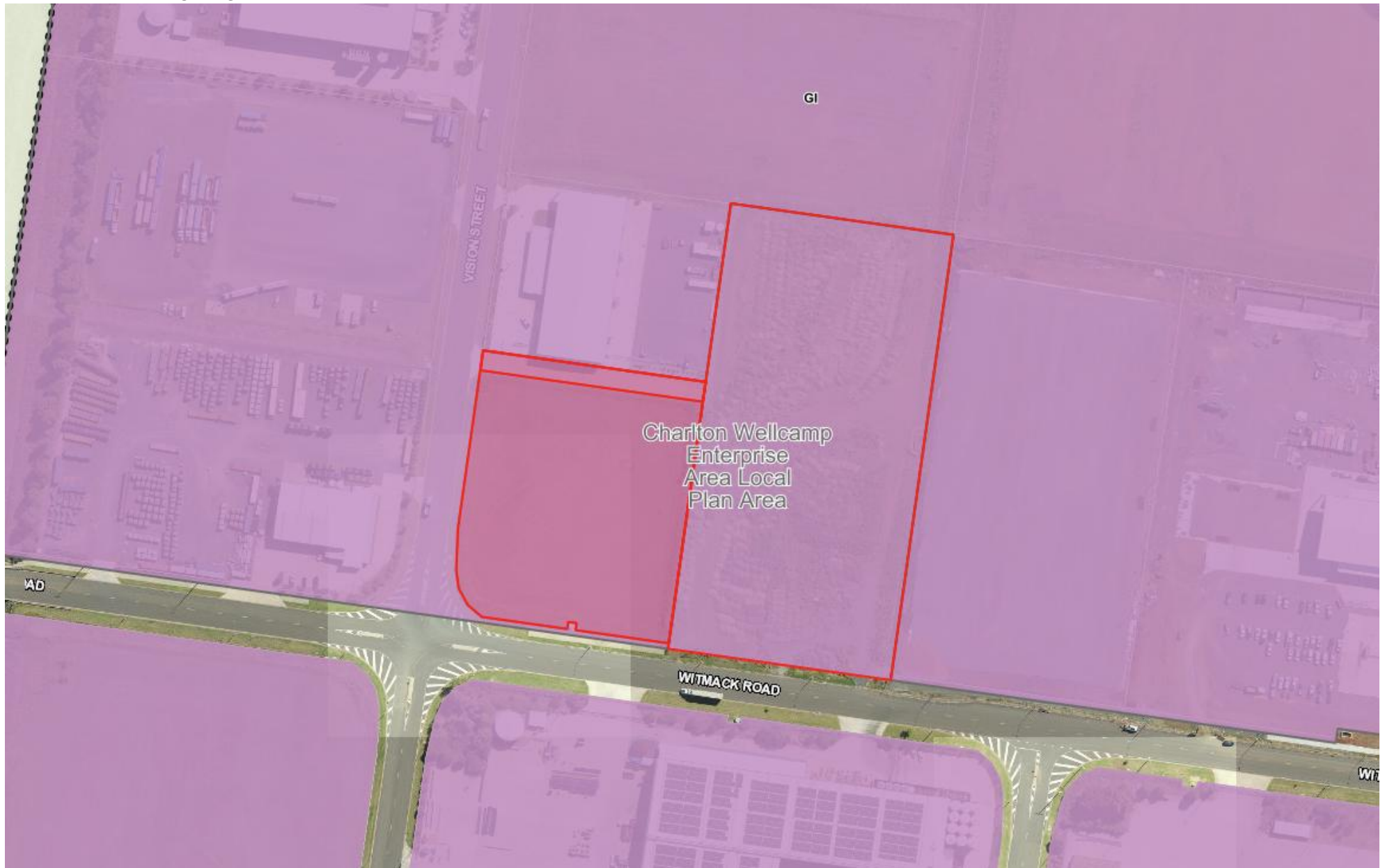
SCHEDULES

Schedule	1	Referral Agency Response
Schedule	2	Statement of Reasons

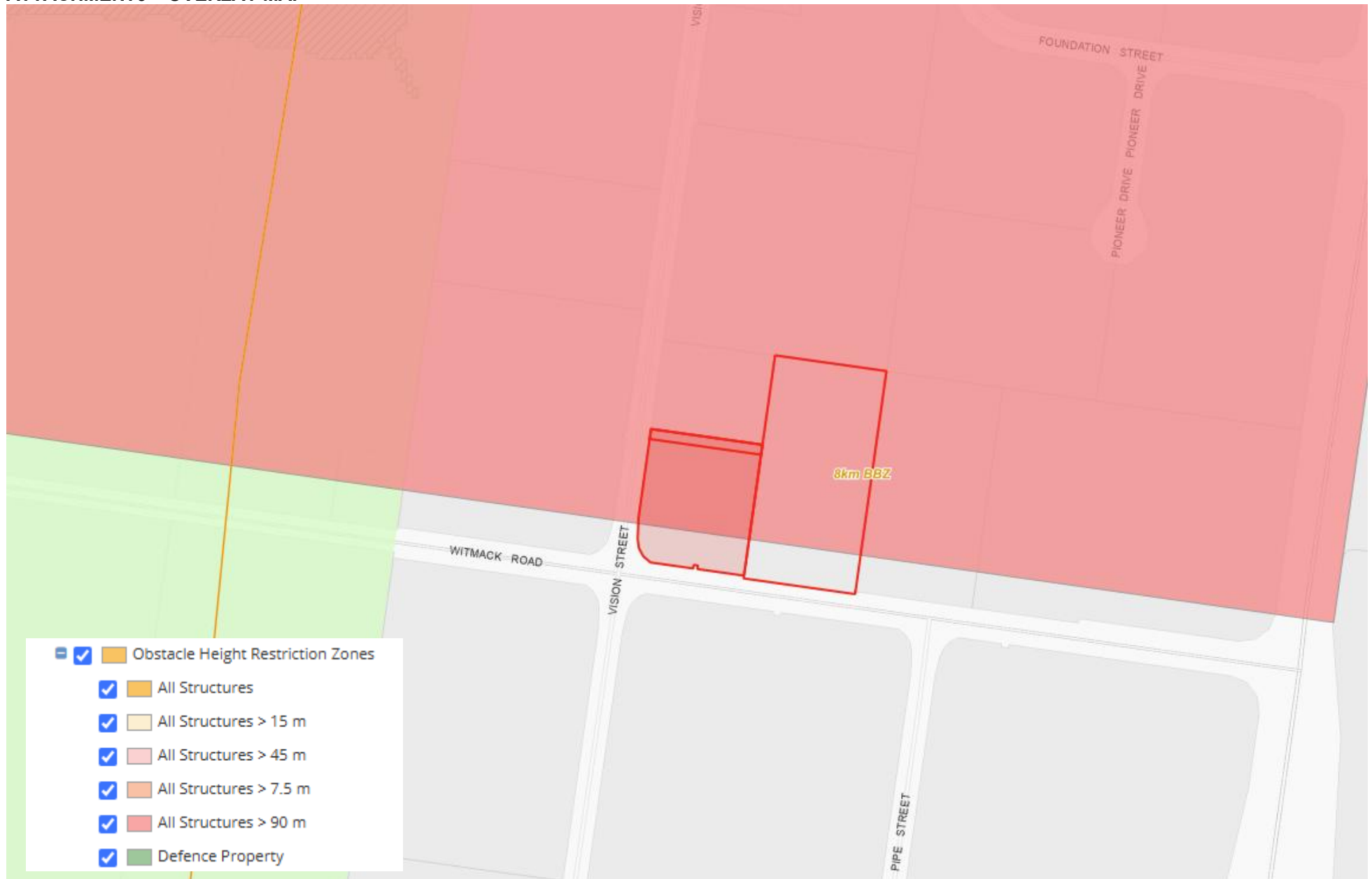
ATTACHMENT1 – AERIAL IMAGE



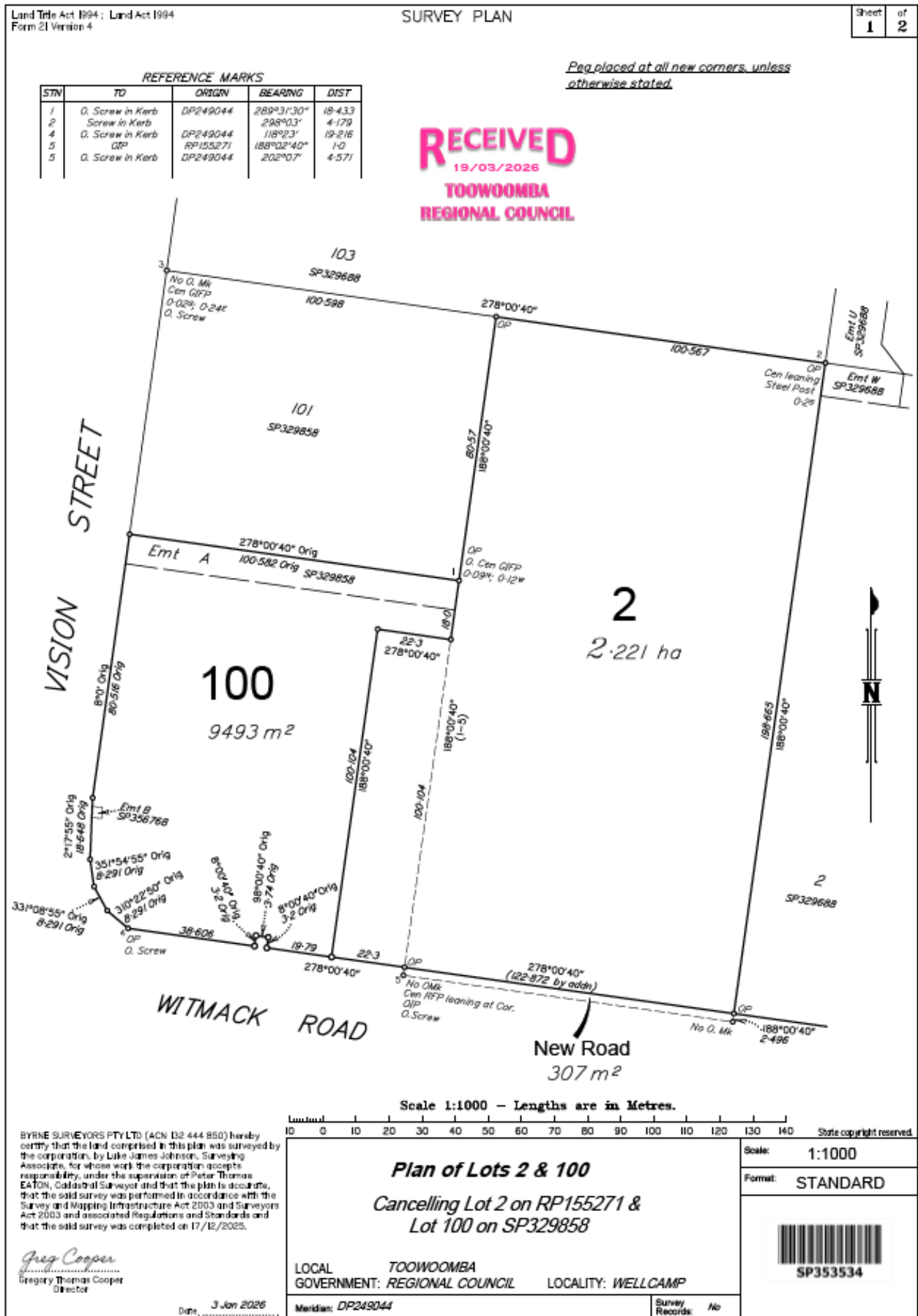
ATTACHMENT2 – ZONING MAP



ATTACHMENT3 – OVERLAY MAP



ATTACHMENT4 – SITE PLAN



SCHEDULE 1

Referral Agency Response



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.

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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>

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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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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

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SCHEDULE 2

Statement of Reasons

Statement of Reasons
Section 63(4) and (5) of the *Planning Act 2016*

SITE DETAILS	
Site Address	44 & 56 Witmack Road, WELLCAMP QLD 4350
Real Property Description	Lot 2 RP155271, Lot 100 SP329858, Emt A SP329858
Site Area	31950m ²
Owner	Witmac Farm Pty Ltd and Bendall Pty Ltd

PROPOSED DEVELOPMENT		
Name of Applicant	F K Gardner and Sons Pty Ltd	
Type of Application	Reconfiguring a Lot	
Proposed Development	Boundary Realignment 2 into 2 Lots and 1x Access Easement	
Level of Assessment	Impact	
Submissions Received	Objection:	0
	Support:	0
Decision	Approval	
Decision Date	14 July 2026	

ASSESSMENT MATTERS	
Assessment benchmarks	The proposed development was assessed against the following assessment benchmarks: • Schedules 9 and 10 of the <i>Planning Regulation 2017</i> (as relevant); • <i>State Planning Policy July 2017</i> (as relevant); • South-east Queensland Regional Plan ShapingSEQ 2023 (as relevant); • The Local Government Infrastructure Plan; and • <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28) ○ Strategic Framework ○ Medium Impact Industry Zone Code ○ Charlton Wellcamp Enterprise Area Local Plan Code ○ Airport Environs Overlay Code ○ Reconfiguring a Lot Code
Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and complies with all of these without exception.

For further details on the assessment of this development application, please see the Delegated Report available for public viewing on the Toowoomba Regional Council Planning and Development Online website at: <https://developmenti.tr.qld.gov.au/>. When accessing Council's website please use the following Application Number: RAL/2026/2378