

Toowoomba Railway Parklands

Priority Development Area

# Interim Land Use Plan

December 2014



**Queensland**  
Government

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# 1.0 Preliminary

## 1.1 Introduction

The Toowoomba Railway Parklands Priority Development Area (PDA) Interim Land Use Plan (ILUP) has been prepared pursuant to Section 38 of the *Economic Development Act 2012* (the ED Act) and applies only to land within the declared Railway Parklands PDA boundary identified in **Map 1**.

This ILUP commences on declaration.

## 1.2 Economic Development Act

The ED Act provides for particular parts of the State to be declared as areas called Priority Development Areas.

The main purpose of the ED Act is to establish the Minister for Economic Development Queensland (MEDQ) to plan, carry out, promote or coordinate activities to facilitate economic development and development for community purposes in declared PDAs in Queensland.

The MEDQ has delegated responsibility for development assessment within the PDA to Toowoomba Regional Council (TRC).

## 1.3 The elements of the ILUP

This ILUP contains:

- A strategic vision for the PDA;
- Development principles;
- Precinct intents;
- Development requirements; and
- Development assessment procedures.

The vision and development principles identify the broad planning outcomes for the PDA. The principles contained in the vision seek to achieve for the PDA, the purposes of the ED Act and are the basis for the development requirements and precinct intents. These requirements apply to all PDA assessable and self-assessable development in the PDA. To the extent a requirement is relevant, it must be taken into account in the preparation of a PDA development application and the assessment of the application.

# Map 1: Toowoomba Railway Parklands PDA Boundary and Precincts



## Map 2: Toowoomba Railway Parklands Structural Elements Plan



# 2.0 Strategic context

## 2.1 Location

The Toowoomba Railway Parklands PDA covers land centred on and around the Toowoomba Railyards which extends north to Bridge Street and south to Russell Street, and is bounded by Mort Street to the west and Ruthven – Neil Streets in the east.

The PDA is situated north of Toowoomba’s Central Business District (CBD), within the city centre frame. The PDA is focussed around a central parkland on an operational railyard site and Gowrie Creek, surrounded by a mixture of commercial, industrial, retail and residential land uses. The PDA also incorporates a number of places of state and local heritage significance that are representative of the historical composition of land uses within the locality.

## 2.2 Background

The Toowoomba Railway Parklands PDA was declared by regulation on 12 December 2014.

The PDA covers a total area of approximately 50 hectares.

## 2.3 PDA Vision

The Toowoomba Railway Parklands PDA will develop as an active, high quality mixed density urban village which will reinforce and frame the Toowoomba CBD core retail area. It will embrace its geographic location to bridge industrial, heritage, residential choices and valuable urban parklands through efficiently connected movement corridors providing unique civic and social functions.

The PDA will support and activate a cohesive city centre for Toowoomba and strengthen its future as a primary regional city for the Darling Downs and Queensland.

The PDA will achieve this vision through the development requirements, development principles and precinct intents.



# 3.0 Development principles and precinct intents

Development in the PDA should be generally in accordance with the structural elements identified in **Map 2**.

## 3.1 Development Principles

Development principles for the Railway Parklands PDA have been identified under four core themes, being:

- Land use;
- Integrated movement;
- Urban parkland; and
- Placemaking.

### 3.1.1 Land use

- 1) The PDA provides a vibrant mixed use urban village that is integrated with quality urban parkland, comprised of a series of urban park links connecting with a multi-use central parkland alongside Gowrie Creek.
- 2) Development creates opportunity for a diversity of housing choices, including a range of medium density housing types and mixed use development.
- 3) Development interfaces with neighbourhood character areas and provides buildings at a sympathetic scale.
- 4) Taller buildings are integrated with urban parklands on sites adjoining the central parklands, with mixed uses incorporating commercial uses commensurate with demonstrated demand.
- 5) Development incorporates buildings of a scale, form and height supported by market demand and take up.
- 6) Development along Bridge Street, Russell Street, Ruthven Street (and new entry roads connecting to the central parkland) incorporates land uses that promote activity and circulation.
- 7) Development minimises impacts on the environmental values of Gowrie Creek.<sup>1</sup>
- 8) Development supports the wider CBD function.

### 3.1.2 Integrated Movement

- 1) The PDA supports a permeable road network within the CBD frame that facilitates access to key land uses, parkland and community facilities.
- 2) Pedestrian and cycle movement within urban parklands is facilitated by establishing efficient, legible and safe networks, allowing for the easy crossing of the Outer Circulating Road, Gowrie Creek and rail corridors.
- 3) Walking and cycling is promoted as a preferred mode of movement by providing a network of designated cycle lanes and multi-use paths.
- 4) Development provides at-grade and pedestrian prioritised links from urban parkland to the existing movement networks along Bridge, Railway, Russell and Ruthven Streets, through comfortable and direct paths activated by commercial and residential uses that connect to the CBD core.

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<sup>1</sup> For guidance refer to <https://www.daff.qld.gov.au/fisheries/habitats/fisheries-development/self-assessable-codes>

- 5) Development provides for landscape planting, wide, shaded and covered pedestrian footpaths within each road reserve.
- 6) Development does not adversely impact on the safety, efficiency and operational integrity of the road network and railway.
- 7) Development addresses any adverse amenity impacts generated by transport infrastructure<sup>2</sup>.

### 3.1.3 Urban Parkland

- 1) The PDA provides high quality, safe and enjoyable urban parklands incorporating a central parkland, waterways, and urban park links that are connected to and enhanced by the orientation and placement of surrounding land uses and buildings.
- 2) The PDA provides for a central parkland, urban park links, key active movement links and supporting elements generally in accordance with **Map 2**. These areas should complement Queens Park and communicate the site's history and significance to Toowoomba.
- 3) Development will incorporate urban park links generally within the areas shown on **Map 2**, to function as an extension of the central parkland, providing active connections and publicly accessible plazas, around arrival points from the existing road and access networks.
- 4) The PDA provides for a wide range of unique activities, treatments, play and exercise spaces within the central parkland and within walking distance of the CBD.
- 5) Development integrates urban park links to enhance amenity, outlook and interfaces for adjacent commercial, residential and retail uses.
- 6) Development contributes to a highly functional, permeable urban parkland between the CBD, the central parklands, and Bellevue and Mort streetscapes.

### 3.1.4 Placemaking

- 1) The PDA supports opportunities to integrate authentic placemaking elements defined by the area's strong relationship to its historical land use and built form; natural features; central parklands; and urban park links that connect with new mixed use and residential development.
- 2) Development seeks to retain PDA significant heritage places and industrial features providing the PDA with a post-industrial character and identity that may also be reflected in architectural features, landscape design and public art.
- 3) Development seeks to undertake the adaptive reuse of heritage buildings and features, in particular PDA significant heritage places shown indicatively on **Map 2**<sup>3</sup> in a way which enhances the vibrancy of the PDA.
- 4) Development protects the residential character in existing low density residential streetscapes.
- 5) Development provides for fine grain, active uses along urban park links and at the central parkland arrival points.
- 6) Buildings are oriented and incorporate built form elements that provide strong physical connections, including access towards the parklands and Gowrie Creek.
- 7) Development minimises visual impacts by screening car parking from public areas or providing basement car parking.

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<sup>2</sup> Development should demonstrate consideration of the areas affected and the requirements standards and guidance identified in the SPP and DA Mapping, as well as the Transport and Main Roads Traffic Noise Management: Code of Practice with respect to external road traffic noise levels, and the Queensland Development Code, Section MP 4.4 buildings in a transport noise corridor

<sup>3</sup> For guidance refer to <http://www.ehp.qld.gov.au/assets/documents/land/heritage/gl-heritage-development.pdf>



- 8) Development provides high quality design to interface with the public realm, including parklands, community facilities and through activation of entry roads to the central parkland, Bridge, Railway, Russell and Ruthven Streets.

## **3.2 Precinct Intents**

### **3.2.1 Precinct 1 – Central Parkland**

- 1) This precinct provides a central parkland: a regionally significant, all inclusive community asset.
- 2) Preferred land uses within this precinct includes community uses, clubs, indoor and outdoor sport and recreation, and markets.
- 3) Ancillary development and land uses within this precinct should include food and drink outlets, shops and offices.
- 4) The central parkland should complement Queens Park, connect with the overall parkland network and function as a city asset that attracts investment and development to the PDA.
- 5) Development provides for a major community node through the adaptive reuse of the Toowoomba Goods Shed building for a range of community uses and events.

### **3.2.2 Precinct 2 – City Link**

- 1) This precinct provides an important link between the PDA and the CBD and should provide an active mix of land uses and built form and streetscape treatments that deliver connectivity and integration with the CBD core.
- 2) Preferred land uses within this precinct should provide mixed use activities, with a particular emphasis on low to medium density residential and business and retail that supports the nearby residential community and its proximity to the CBD core.
- 3) Interfaces between the urban land uses and the Outer Circulating Road in Precinct 2 should provide appropriate orientation and activity to help link the precinct with the central parkland.
- 4) The adaptive reuse of PDA significant heritage places is encouraged.

### **3.2.3 Precinct 3 – Ruthven Street**

- 1) This precinct incorporates large consolidated land holdings for redevelopment and opportunities to provide important urban park links between Ruthven Street and the central parkland.
- 2) Preferred land uses within this precinct should provide mixed use activities, with a particular emphasis on medium density residential, business and retail that do not undermine the function of the CBD core, or other precincts.
- 3) This precinct provides key active movement links and urban park links (refer to Map 2) from Ruthven Street through to the central parkland. In particular visual and physical east west connections from the parkland through to Campbell and Evelyn Streets are desirable.
- 4) Future development should be sympathetic to the Toowoomba Foundry and Defiance Flour Mill which are two PDA significant heritage places. Where practical these buildings should be adaptively reused<sup>4</sup>.

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<sup>4</sup> For guidance refer to <http://www.ehp.qld.gov.au/assets/documents/land/heritage/gl-heritage-development.pdf>

### **3.2.4 Precinct 4 – Mort Street**

- 1) This precinct maintains a strong neighbourhood character, with attractive streets and PDA significant heritage places being prioritised for sensitive, adaptive reuse.
- 2) This precinct also offers significant opportunities for new development and renewal particularly in relation to accommodating a variety of residential densities and development types. The precinct also continues to provide a defined node of business, cultural, retail and some entertainment activities along Railway Street.
- 3) This precinct provides key active movement links and urban park links (refer to Map 2) from precinct streets through to the central parkland.

# 4.0 Development requirements

Unless otherwise varied by this ILUP, the development requirements are the applicable provisions of the Toowoomba Regional Planning Scheme 2012 (the planning scheme) and apply to all PDA Assessable and Self-assessable development as identified in section 5.0 Development assessment procedures.

# 5.0 Development assessment procedures

## 5.1 Operation of the ILUP

### 5.1.1 Purpose of the ILUP

The purpose of this ILUP is to guide development of the PDA until the development scheme takes effect.

### 5.1.2 Levels of assessment

Table 1 identifies whether development within the PDA is:

- PDA Exempt development - Column 1;
- PDA Self-assessable development - Column 2;
- PDA Assessable development (Permissible) - Column 3A (Permissible development); and
- PDA Assessable development (Prohibited) - Column 3B (Prohibited development).

#### *PDA Exempt Development*

Development identified as PDA Exempt development means that a PDA development approval is not necessary prior to carrying out the use or works.

#### *PDA Self-Assessable Development*

A PDA development application is not necessary for PDA Self-assessable development complying with the development requirements specified in this ILUP.

#### *PDA Assessable Development (Permissible)*

Permissible development requires a PDA development application to be lodged with the TRC for assessment and decision. Approval is required for permissible development to be undertaken.

Identification of development as permissible development does not mean that a PDA development approval (with or without conditions) will be granted.

#### *PDA Assessable Development (Prohibited)*

Development mentioned in Table 1 Column 3B is PDA Assessable development (Prohibited) and may not be carried out in the PDA.

### 5.1.3 Schedules

Schedule 1 identifies development that is exempt for the whole PDA.

Schedule 2 provides the use and administrative definitions required to interpret and apply the ILUP.

Schedule 3 provides a list of PDA Significant Heritage Sites shown indicatively on **Map 2**.

## 5.2 Development assessment

### 5.2.1 Development consistent with the ILUP

Permissible development is consistent with the ILUP if:

1. The development complies with the PDA vision, development principles, relevant precinct intent and applicable development requirements; or
2. The development complies with the PDA vision and development principles but does not comply with the relevant precinct intent and applicable development requirements, however there are sufficient grounds to justify the approval of the development despite the non-compliance.

In this section 'grounds' means matters of public interest which include the matters specified as the main purposes of the Act as well as:

- Superior design outcomes; or
- Overwhelming community need.

'Grounds' does not include the personal circumstances of an applicant, owner or interested third party.

### 5.2.2 Development approval

Identification of development as PDA assessable development does not mean that a PDA development approval (with or without conditions) will be granted.

PDA assessable development requires a PDA development application. Approval is required before PDA assessable development can be undertaken<sup>5</sup>.

### 5.2.3 Plan of development

A Plan of Development (PoD) may accompany an application for a material change of use or reconfiguring a lot. A PoD may include maps, graphics and text that collectively demonstrate how proposed uses, works and lots will contribute towards the achievement of the vision and will be consistent with the relevant PDA development requirements.<sup>6</sup>

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<sup>5</sup> The MEDQ has delegated responsibility for development assessment in the Railways Parklands PDA to TRC. All PDA development applications should be lodged with TRC.

<sup>6</sup> For further advice on preparing a PoD refer to the applicable practice note available on the EDQ website <http://www.dsdip.qld.gov.au/resources/priority-development-areas-guidelines-and-practice-notes.html>

The PoD cannot include land beyond the boundary of the land which is the subject of the application, but may cover only part of the land the subject of the application. Under Table 1: Levels of assessment, development approved in accordance with a PoD is exempt development and requires no further development approval under the scheme.

#### **5.2.4 Interim uses**

An interim use may be approved if it can be demonstrated that the interim use will not preclude or delay an appropriate long term use or intensity of development.

Information to support an application for an interim use should include plans showing how the development could transition from the proposed interim use to an appropriate longer term use.

A condition of approval may be imposed that limits the duration of an interim use. Interim uses will only be approved if it can be demonstrated that the use will not prejudice the achievement of the PDA Vision and development principles.

#### **5.2.5 Notification requirements**

A PDA development application must require public notification if the application:

1. Would require public notification under the Toowoomba Regional Planning Scheme 2012 (the planning scheme); or
2. Is for a use, or of a size or nature which, in the opinion of TRC warrants public notification.

#### **5.2.6 Relationship with other legislation**

In addition to assessment against the ILUP, development may require assessment against other legislation for example the *Plumbing and Drainage Act 2002*, *Transport Infrastructure Act 1994* and the *Sustainable Planning Act 2009*.

#### **5.2.7 State interests**

Relevant matters of state interest will be considered as part of the assessment of an application<sup>7</sup>.

#### **5.2.8 Relationship with other planning instruments**

The ILUP adopts the provisions of the planning scheme with the following exceptions:

- References in the planning scheme to:
  - Exempt development are taken to be references to PDA Exempt development;
  - Self-assessable development are taken to be references to PDA Self-assessable development;
  - Assessable development are taken to be references to PDA Assessable development;
  - Development application is taken to be a reference to a PDA Development application;

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<sup>7</sup> In accordance with Section 87(1)(b) of the *Economic Development Act 2012*, assessment of the application must consider any interest that, in the MEDQ's opinion affects economic, community or environmental interests of the State or region. For the purposes of addressing state interests in development assessment the single SPP and DA online mapping provide guidance in identifying if a state interest is relevant to the assessment of a PDA development application (Refer to: <http://www.dsdip.qld.gov.au/about-planning/da-mapping-system.html>). Where the MEDQ delegates development assessment functions and powers, applicants and the delegate should also refer to <http://www.dsdip.qld.gov.au/resources/guideline/pda/practice-note-14-state-interests.pdf>



- Code assessable development (or Code assessable) is taken to be a reference to PDA Assessable development (Permissible);
- Impact assessable development (or Impact assessable) is taken to be a reference to PDA Assessable development (Permissible); and
- Development approvals are taken to be references to PDA Development approvals.

This ILUP prevails to the extent of an inconsistency with any of the following instruments:

- A planning instrument; or
- A plan, policy or code made under the *Sustainable Planning Act 2009 (SPA)* or another Act.

Unless this ILUP specifically applies a provision of a planning scheme, or a plan, policy or code made under SPA or another Act, the ILUP is inconsistent with the provisions of the planning scheme, plan, policy or code.

## 5.2.9 Levels of assessment

Table 1 establishes the applicable levels of assessment within the PDA.

**Table 1: Levels of Assessment**

Column 1 PDA Exempt development	Column 2 PDA self assessable development	Column 3 – PDA assessable development	
		Column 3A Permissible development	Column 3B Prohibited development
1. Included in the Exempt development category in a relevant table of assessment in the planning scheme; or 2. If the land is not on the Environmental Management Register, included in Schedule 1: Exempt development.	Development, except for development mentioned in Column 1, included in the Self assessable category of a relevant table of assessment in the planning scheme.	Development, except for development mentioned in Column 1 and 2, included in the Code or Impact assessable category of a relevant table of assessment the planning scheme.* <i>*This includes material change of use within 25m of the railway and operational work identified in the Sustainable Planning Regulation 2009, Schedule 7, Table 3, 15B</i>	Nil

# 6.0 Infrastructure Contributions

Infrastructure requirements to achieve the vision of the PDA will be determined through the development assessment process, conditioned as part of a PDA development approval for development and delivered as part of the building and operational works on the site.

Infrastructure charges will be based on Toowoomba Regional Council's infrastructure charging regime in force at the time of lodgment of the development application or an infrastructure agreement. Infrastructure delivered as part of the development may be offset against the infrastructure charges that would otherwise apply in accordance with Council policy.

State infrastructure funding will be sought under the normal budgetary processes and will be part of an approved State agency capital program.

## Schedule 1: Exempt development

<b>General</b>
Development prescribed in Schedule 4 of the <i>Sustainable Planning Regulation 2009</i> , other than Table 2, item 2 and Table 5, item 5.
<b>Building work</b>
Minor building and demolition work, where not involving a heritage place.
Carrying out building work associated with a material change of use that is PDA exempt or self assessable development.
Carrying out building work and demolition work where: a) associated with an approved material change of use; and b) not involving a heritage place.
<b>Reconfiguring a lot</b>
Subdivision involving road widening and truncations required as a condition of a PDA development approval.
<b>Operational work</b>
Erecting no more than one (1) satellite dish on premises, where the satellite dish has no dimension greater than 1.8 meters.
Excavating or filling where: a) any level or part of the site would change by less than 1m; and b) not exceeding 50m <sup>3</sup> of volume.
Where carried out by or on behalf of TRC or a public sector entity for: a) clearing vegetation; or b) the decontamination of land; or c) waterway barrier works.
<b>Plumbing or drainage work</b>
Carrying out plumbing or drainage work.
<b>All aspects of development</b>
Development consistent with an approved Plan of Development (excluding operational works not listed in schedule 1). Development consistent with the General Exemption Certificate issued under s75 of the <i>Queensland Heritage Act 1992</i>

## **Schedule 2: Definitions**

The planning scheme definitions apply except to the extent they are modified as described in the section 5.2.8 Relationship with other planning instruments.

### Schedule 3: PDA Significant Heritage Sites

Map 2 Reference	PDA Significant Heritage Site	State heritage citation or TRC Planning Scheme Policy
1.	Toowoomba Railway Station, Russell Street	State heritage – 600872 Part of Local Heritage - 2/TOO/0145
2.	Toowoomba Goods Shed, Russell Street	State heritage – 600872 Part of Local Heritage - 2/TOO/0145
3.	Toowoomba Foundry, 251–267 Ruthven Street	State heritage – 601300 Local Heritage - 1/TOO/0180
4.	Defiance Flour Mill, 269-291 Ruthven Street	State heritage – 601306 Part of Local Heritage - 1/TOO/0181
5.	The Spotted Cow, 140 Campbell Street	Local heritage - 1/TOO/0033
6.	Knights Laundry, 6 Ann Street	Local heritage - 1/TOO/0001
7.	Cathro Park/ East Creek One, 5 Neil Street	Local heritage - 1/TOO/0118
8.	8 Hodgson Street	Local heritage - 1/TOO/0056
9.	21 Bowen Street	Local heritage - 1/TOO/0014
10.	10.1 2 Bowen Street	Local heritage - 1/TOO/0013
	10.2 7 Neil Street	Local heritage - 1/TOO/0119
11.	11.1 Toowoomba Trade Hall, 19A Russell Street	State heritage- 602768 Local heritage - 1/TOO/0150
	11.2 Olcott Hall, 19 Russell Street	Local heritage - 1/TOO/149
	11.3 Caledonian Society and Burns Club, 13-17 Russell Street	Local heritage - 1/TOO/0147
12.	12.1 348-350 Ruthven Street	Local heritage - 1/TOO/0186
	12.2 352-360 Ruthven Street	Local heritage - 1/TOO/0187
13.	13.1 325 Ruthven Street	Local heritage - 1/TOO/0183
	13.2 339 Ruthven Street	Local heritage - 1/TOO/0184
14.	343-347 Ruthven Street & 1A Scholefield Street	Local heritage - 1/TOO/0185

Map 2 Reference	PDA Significant Heritage Site	State heritage citation or TRC Planning Scheme Policy
15.	15.1 37-39 Russell Street 15.2 41 Russell Street 15.3 41A Russell Street 15.4 43A Russell Street 15.5 51 Russell Street 15.6 53 Russell Street 15.7 55-63 Russell Street 15.8 65 Russell Street 15.9 67-71 Russell Street	Local heritage - 1/TOO/0153 Local heritage - 1/TOO/0154 Local heritage - 1/TOO/0155 Local heritage - 1/TOO/0156 Local heritage - 1/TOO/0157 Local heritage - 1/TOO/0158 Local heritage - 1/TOO/0159 Local heritage - 1/TOO/0160 Local heritage - 1/TOO/0161
16.	103-107 Russell Street	Local heritage - 1/TOO/0167
17.	Carlton House, 3 Mill Street	State heritage - 601308 Local heritage - 1/TOO/0110



## **Contact Department of State Development Infrastructure and Planning**

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